

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number
C.C. 04-18-06

11.1(b)

File Number
C 06-006

Application Type
Conforming Conventional Rezoning

Council District
4

Planning Area
Alviso

Assessor's Parcel Number
015-30-101

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Jeff Roche

Location: Southwesterly corner of Nortech Parkway and Fortran Drive (4435 Fortran Drive)

Gross Acreage: 4.76

Net Acreage: 4.76

Net Density: N/A

Existing Zoning: A (PD) Planned Development

Existing Use: Vacant Industrial Park building

Proposed Zoning IP – Industrial Park

Proposed Use: Industrial Park building

GENERAL PLAN

Land Use/Transportation Diagram Designation
Industrial Park with Mixed Industrial Overlay

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Public/ Quasi-Public and Industrial Park

A (PD) Planned Development Zoning District

East: Industrial Park

A (PD) Planned Development Zoning District

West: Industrial Park

A (PD) Planned Development Zoning District

South: Industrial Park

A (PD) Planned Development Zoning District

ENVIRONMENTAL STATUS

Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Alviso Consolidation

Date: March 12, 1968

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date: 3/30/06

Approved by: 
 Action
 Recommendation

OWNER/APPLICANT

Carlyle Fortran Trust
4675 MacArthur Court, # 500
Newport Beach, CA 92660

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Jeff Roche

Department of Public Works

See attached memorandum.

Fire

See attached memorandum.

OTHER CORRESPONDENCE

See attached memorandums from Municipal Water and the Environmental Services Departments.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owners, the Carlyle Fortran Trust, are requesting a conforming rezoning of the subject 4.76 gross-acre site from the A (PD) Planned Development Zoning District to the IP-Industrial Park Zoning District to allow industrial park uses. The site is currently developed with an industrial park building that was constructed under the current Planned Development Zoning (File PDC 82-031) approved in 1982.

That Zoning does not allow church or religious assembly uses. The applicant has indicated a desire to convert the existing industrial park building to a church/ religious assembly use. In order to convert the entire existing building to a church/religious assembly use, with up to 733 seats in the sanctuary, the applicant has also filed a Conditional Use Permit (CUP)(File No. CP 06-006).

ENVIRONMENTAL REVIEW

This project was found to be exempt from the requirements of the California Environmental Quality Act (CEQA).

GENERAL PLAN CONFORMANCE

The site is designated Industrial Park with a Mixed Industrial Overlay on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed IP-Industrial Park Zoning District allows industrial park uses consistent with the Industrial Park with a Mixed Industrial Overlay land use designation. Areas with this overlay designation contain or are surrounded by an existing mix of uses, so that additional non-industrial uses would not compromise the integrity of areas reserved exclusively for industrial uses.

ANALYSIS

The proposed IP-Industrial Park Zoning District will allow industrial park uses consistent with the Zoning Code and the existing neighborhood. The proposed rezoning to the IP-Industrial Park Zoning District will bring the zoning into conformance with the General Plan and will facilitate implementation

of re-development that is consistent with the General Plan Land Use/Transportation Diagram and compatible with surrounding uses.

The appropriateness of the proposed church will be analyzed specifically as part of the review of the pending CUP. Areas designated with the Mixed Industrial Overlay have been identified as being potentially suitable for non-industrial uses, including religious assembly.

PUBLIC OUTREACH

A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

COORDINATION

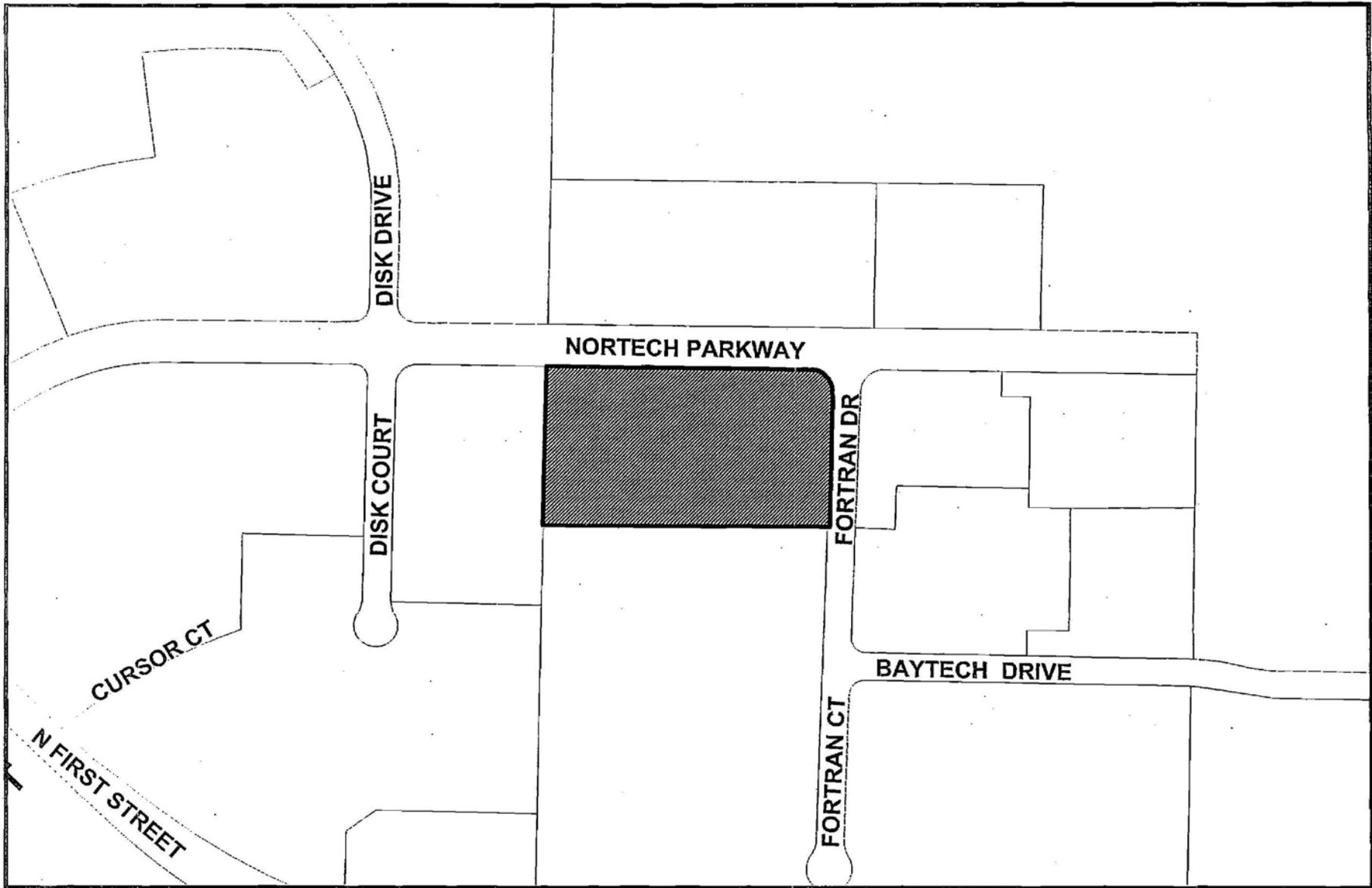
This project was coordinated with the Department of Public Works, Fire Department, Building Division, Environmental Services Department and the City Attorney.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Industrial Park with a Mixed Industrial Overlay.
2. The proposed rezoning will facilitate the re-development of this site with a use that is consistent with the General Plan and compatible with the surrounding uses.

cc: Paul Kim, Emmanuel Church, 2526 Homestead Road, Santa Clara, CA 95015
Eugene Sim, Sim Architects, Inc., 111 Sutter Street, Suite 100, San Francisco, CA 94104



Scale: 1"= 300'

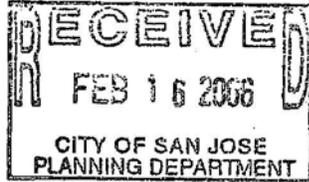
Map Created On: 01/27/2006

Noticing Radius: 500 feet

File No: C06-006

District: 4

Quad No: 35



Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO: Jeff Roche
Department of Planning,
Building, & Code Enforcement

FROM: Geoff Blair
Environmental Services Department

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
February 9, 2006

APPROVED: *Geoff Blair* **DATE:** 2-15-06

PLANNING NO. :	C06-006
LOCATION:	4435 Fortran Drive. Southwest corner of Fortran Drive and Nortech Parkway.
DESCRIPTION:	Conforming Rezoning from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District to allow religious assembly uses at an existing industrial office building on a 4.76 gross acre site.
APN:	01530101

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

San Jose/Santa Clara Water Pollution Control Plant

Proximity to the Plant

The proposed development is within close proximity of the Plant; therefore, odors should be looked at as a possible concern. Questions about potential odors can be addressed to Plant staff at (408) 945-5300.

The proposed development also falls within the Plant's emergency planning zone based on a computer model, worst-case release scenario of hazardous materials used at the Plant. Discussion of model results and other issues related to safety and chemical releases at the Plant can be found in the Plant's Risk Management Plan (RMP). Questions about possible releases and the RMP can also be addressed to Plant staff at (408) 945-5300.

Due to the proximity to the Plant, ESD requires the facility to prepare an Emergency Action Plan to protect the occupants in the event of a chemical release from the Plant. At a minimum the Emergency Action Plan should include a Communications Plan that provides the Plant with telephone contact information from key facility staff, Shelter-in-Place Procedures, Evacuation Procedures, Staff Training, Emergency Supplies and an Annual Review.



Memorandum

TO: Jeff Roche
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 02/09/06

PLANNING NO.: C06-006
DESCRIPTION: Conforming Rezoning from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District to allow religious assembly uses at an existing industrial office building on a 4.76 gross acre site
LOCATION: southwest corner of Fortran Drive and Nortech Parkway
P.W. NUMBER: 3-05536

Public Works received the subject project on 02/02/06 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Transportation:** The projected traffic for this project was reviewed and found to be minimal; therefore no further traffic analysis is required.

Please contact the Project Engineer, Andrew Turner, at (408) 535-6899, if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division



Memorandum

TO: Jeff Roche
Planning Department

FROM: Tim Town
Municipal Water System

SUBJECT: Muni. Water Comments
On Proposed Development

DATE: February 9, 2006

Muni Water has reviewed the proposed development C06-006 regarding a Conforming rezoning from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District to allow religious assembly uses at an existing industrial office building on a 4.76 gross acre site located at the southeast corner of Fortran Drive and Nortech Parkway, and has the following comments:

The following point is noted for the benefit of the Fire Department. The building in Parcel 1 shares a single fire service with the building in Parcel 2. The fire service was installed to the two buildings in 1984 when they were initially part of a single parcel. The parcel has since been split into two, with one building in each. There is a possibility of a dispute over which parcel would now be responsible for the cost and upkeep of the fire service.

There are existing water facilities serving the site. The developer is responsible for all costs associated with constructing any additional service facilities needed to serve the site.

If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

Timothy S. N. Town
Timothy S. N. Town
Associate Civil Engineer
Municipal Water System



RECEIVED
FEB 09 2006
CITY OF SAN JOSE
PLANNING DEPARTMENT

Memorandum

DATE: 02/03/06

TO: Jeff Roche
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: C06-006

DESCRIPTION: Conforming Rezoning from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District to allow religious assembly uses at an existing industrial office building on a 4.76 gross acre site

LOCATION: southwest corner of Fortran Drive and Nortech Parkway

ADDRESS: southwest corner of Fortran Drive and Nortech Parkway (4435 FORTRAN DR)

FOLDER #: 06 003616 ZN

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). **Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.**

This project has not been reviewed for code compliance for fire apparatus access and fire flow requirements, since all the buildings are existing, (no new construction).

The owner/tenant is responsible to insure that the Certificate of Occupancy matches the use of the space as defined in Chapter 3 and Table 3A of the 2001 California Building Code. The owner/tenant is responsible to post the Certificate of Occupancy in a conspicuous place in accordance with California Building Code 109.5.

Contact Captain Steve Padilla, San Jose Fire Department, at (408) 277-8781, to obtain Fire Department sign off **after the Certificate of Occupancy is issued.**

Planner to check with Hazardous Materials Division, , Michael Murtiff, for Environmental concerns.

Nadia Naum-Stoian, Fire Protection Engineer
Bureau of Fire Prevention, Fire Department
(408) 535-7699