

STAFF REPORT
CITY COUNCIL

FILE NO.: C08-039

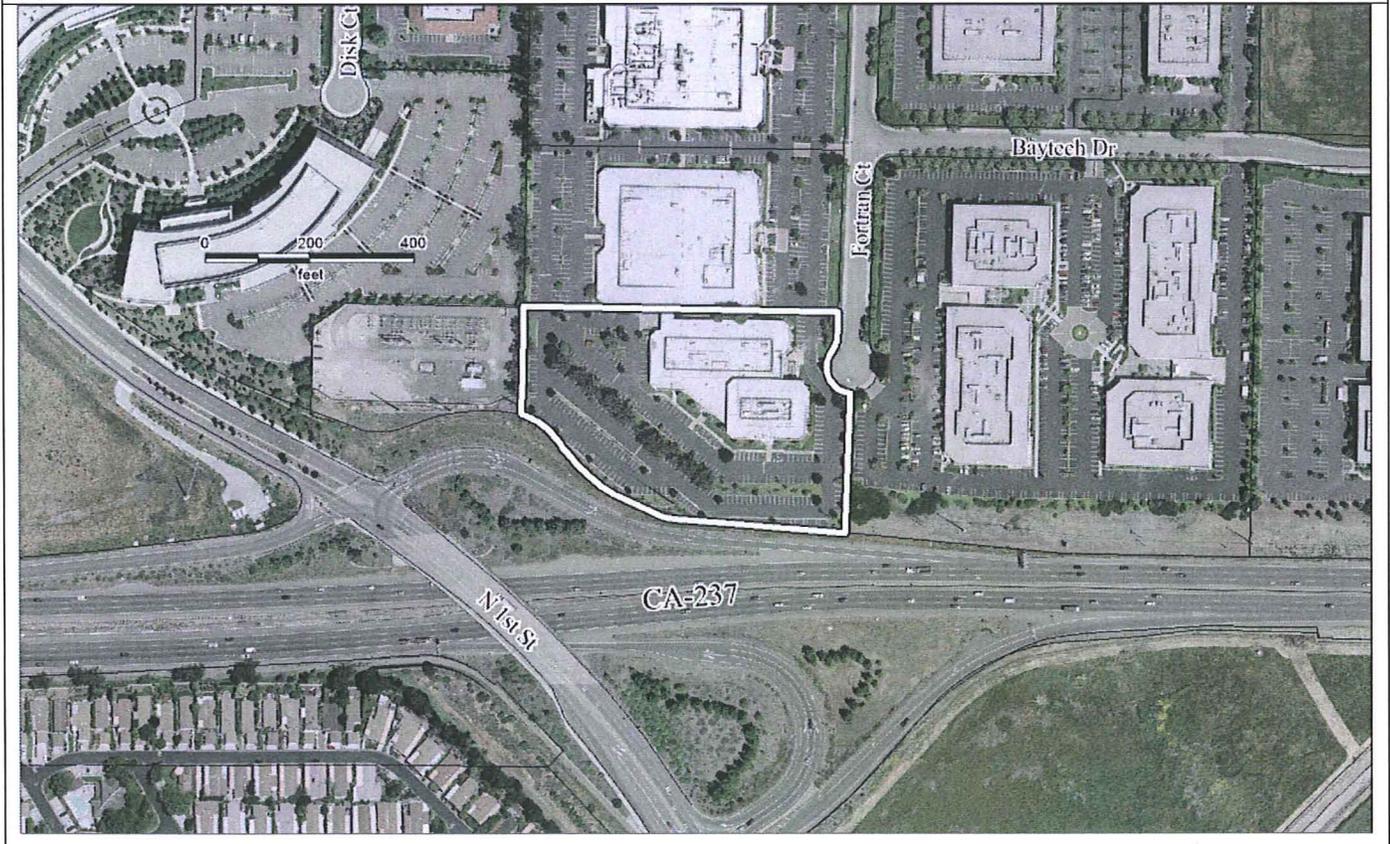
Submitted: 07/08/08

PROJECT DESCRIPTION: Conforming Rezoning from A (PD) Planned Development Zoning District to IP Industrial Park Zoning District to allow industrial park uses, including religious assembly, in a vacant building on a 5.15 gross acre site.

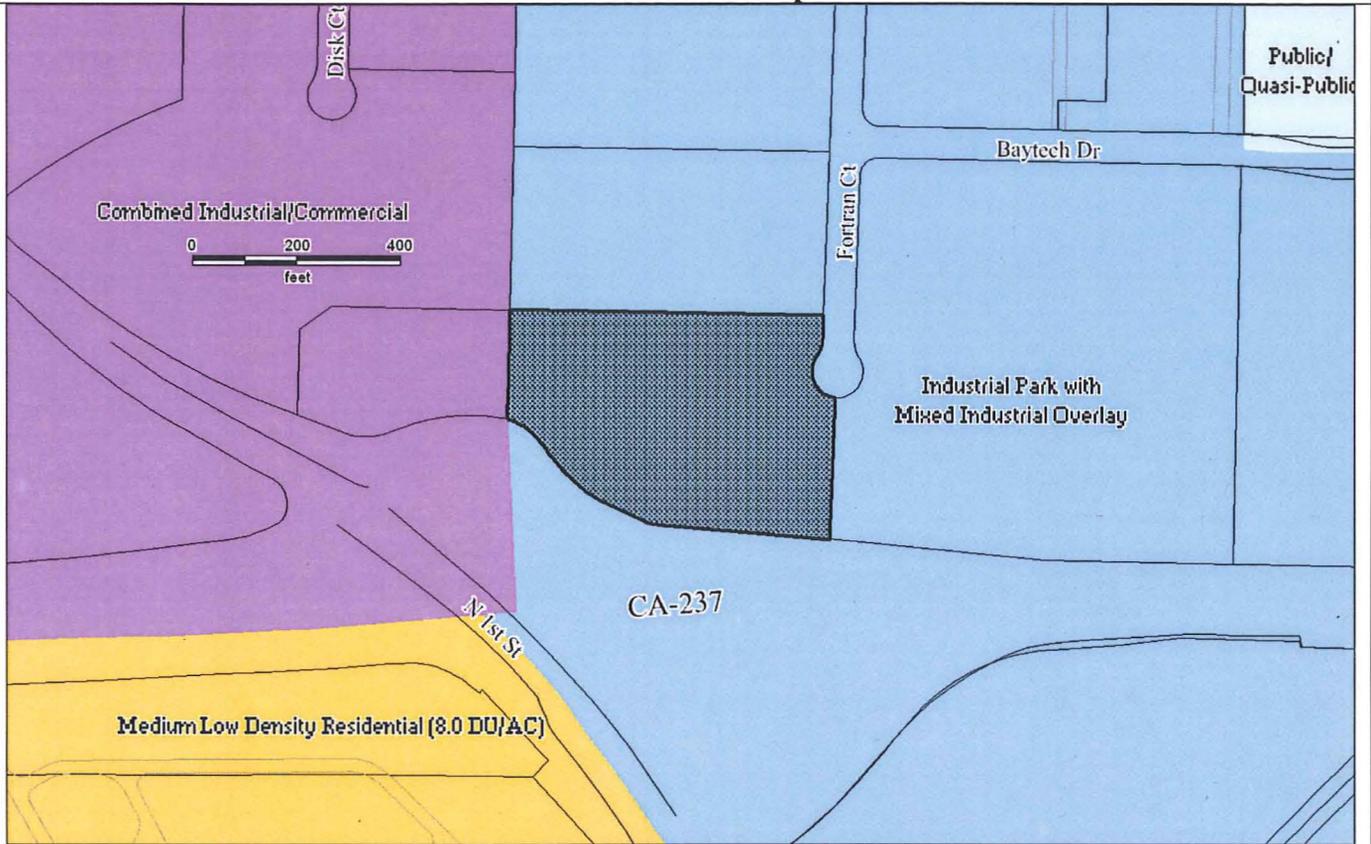
LOCATION: West side of Fortran Drive, approximately 850 feet southerly of Nortech Parkway (4405 FORTTRAN DRIVE). Southwest terminus of Fortran Court (4405 FORTTRAN DRIVE).

Zoning	A(PD) Planned Development Zoning District
General Plan	Industrial Park with Mixed Industrial Overlay
Council District	4
Annexation Date	03/12/1968
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	N/A

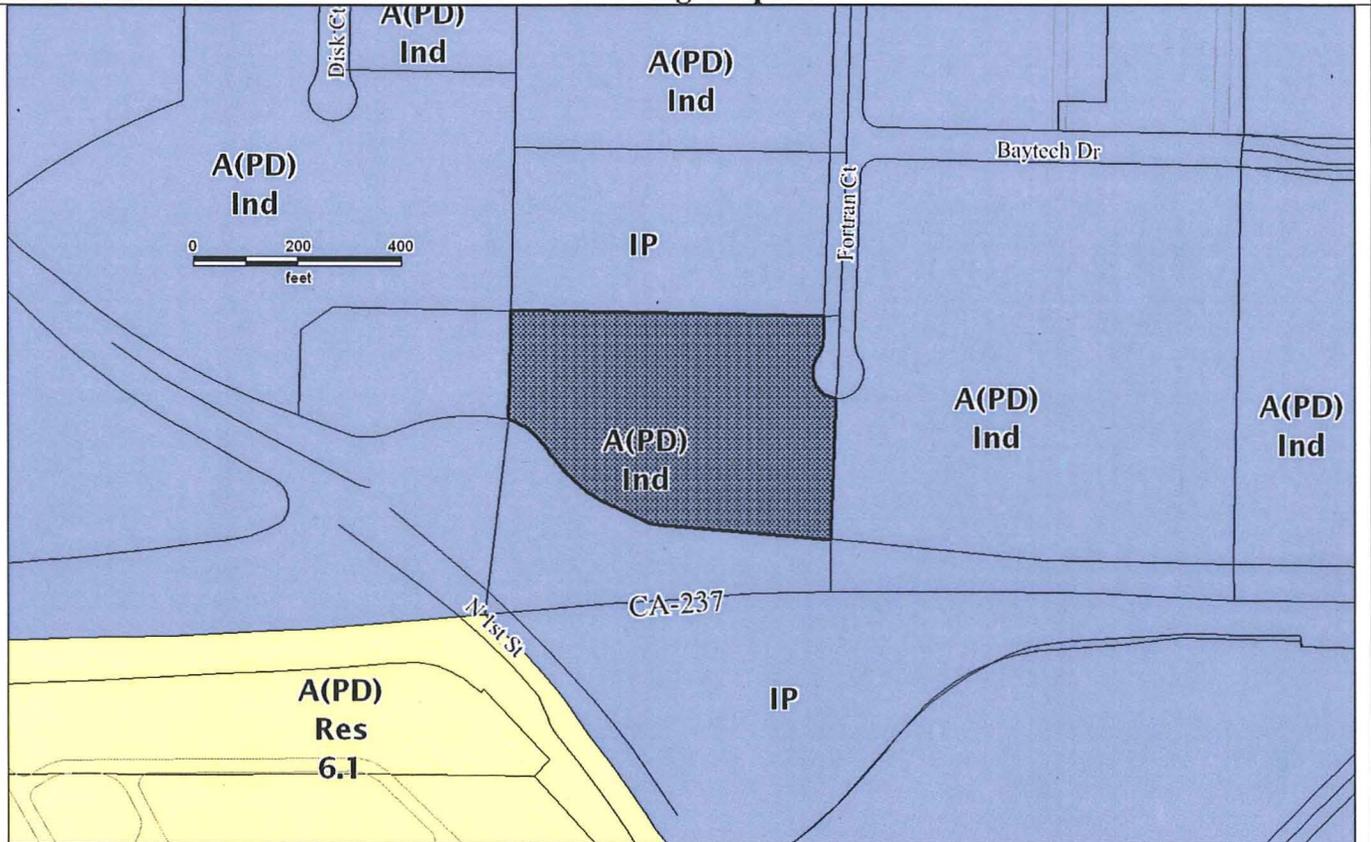
Aerial Photo



General Plan Map



Zoning Map



RECOMMENDATION

The Planning staff recommends approval of the proposed rezoning 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, given the building type and the mix of uses proposed for the building, and given the uses within the surrounding area.
2. The proposed rezoning will facilitate the re-use of this site with a use that is consistent with the General Plan and compatible with the surrounding uses.

BACKGROUND

The property owners, Fortran Court Investors, LLC, on behalf of Canaan Taiwanese Christian Church, are requesting a conforming rezoning of the subject 5.15 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 PDC82-031) approved in 1982.

The existing Planned Development Zoning does not allow church or religious assembly uses. The applicant has indicated a desire to use the existing industrial park building for a church/religious assembly use. To use the existing building for community/religious assembly use, for up to 300 people, the applicant has indicated that they are in the process of filing a Conditional Use Permit, as required by the Zoning Code.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a final EIR entitled, "San José 2020 General Plan EIR." On August 16, 1994, the City Council adopted Resolution Number 65459 making findings for adopted of the San José 2020 General Plan. The City of San José may take action on the proposed project as being within the scope of the General Plan and uses the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA guidelines 15162.

GENERAL PLAN CONFORMANCE

The site is designated Industrial Park with Mixed Industrial Overlay on the San José 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.

ANALYSIS

The proposed IP- Industrial Park Zoning District will allow industrial park uses consistent with the Zoning Code and the surrounding area. The proposed rezoning to the IP-Industrial Park Zoning will maintain conformance with the General Plan and will facilitate implementation of re-use of the building that is consistent with the General Plan land Use/Transportation Diagram and compatible with surrounding uses.

The appropriateness of the proposed religious assembly uses will be analyzed specifically as part of the review of the Conditional Use Permit. Industrial Park areas designated with the Mixed Industrial Overlay have been identified as being potentially suitable for non-industrial uses, including religious assembly.

PUBLIC OUTREACH

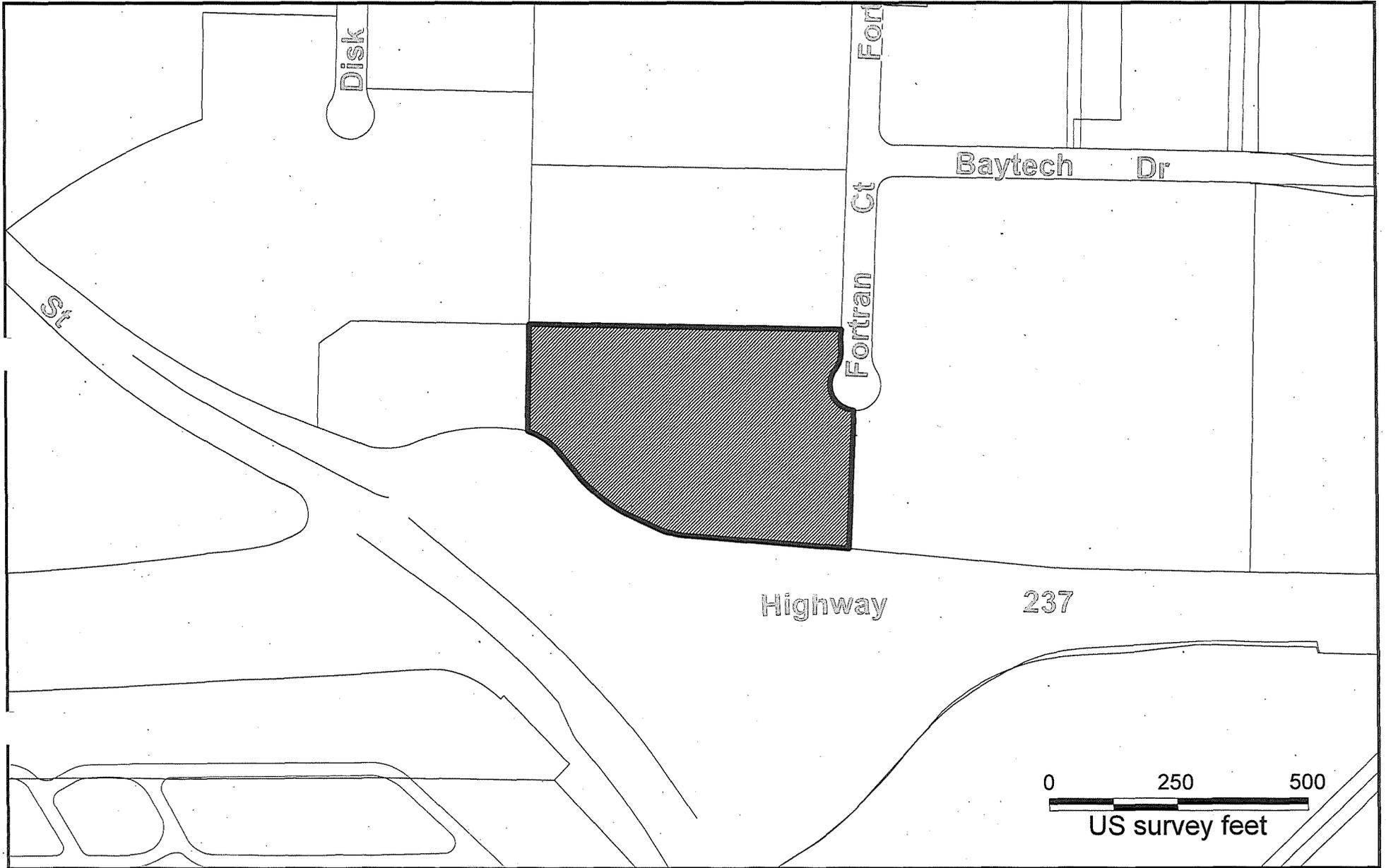
A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

COORDINATION

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

Project Manager: Suparna Saha **Approved by:** Susan Walton **Date:** 09/02/2008

Owner:	Applicant	Attachments:
Fortran Court Investors, LLC APN: 015-30-104 601 California Street, Suite 605 San Francisco, CA 94108	Nathan Hsiung 184 Farley Street, Mountain View, CA 94043	Location Map



07/09/2008

Noticing Radius: 500 feet

File No: C08-039

District: 4

Quad No: 35

