

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW A CHURCH/RELIGIOUS ASSEMBLY USE ON AN APPROXIMATELY 3.89-GROSS-ACRE SITE, LOCATED ON THE SOUTH SIDE OF MURPHY AVENUE APPROXIMATELY 500 FEET EAST OF OAKLAND ROAD (1180 MURPHY AVENUE) (APN 241-17-009)

FILE NO. CP24-013

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on April 26, 2024, Hannah Chow, on behalf of Cheryl McKeel of Echo Church (“Permittee”), filed an application (File No. CP24-013) with the City of San José (“City”) for a Conditional Use Permit to allow a Church/Religious Assembly Use in an existing approximately 53,010 square-foot building (“Project”) on an approximately 3.89-gross-acre site on that certain real property situated in the CIC Combined Industrial/Commercial Zoning District and located on the south side of Murphy Avenue approximately 500 feet east of Oakland Road (1180 Murphy Avenue, APN: 241-17-009) (the “subject property”); and

WHEREAS, a legal description is attached as Exhibit "A," entitled “Legal Description,” and depicted in Exhibit "B," entitled “Plat Map,” and incorporated by reference; and

WHEREAS, at a duly noticed public hearing on February 25, 2025, this City Council heard and considered the reports and recommendations of the City’s Director of Planning, Building and Code Enforcement and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing, this City Council received in evidence a plan for the subject property entitled, “Echo Church CUP Planning Permit,” dated August 15, 2024; said plan is on file in the Department of Planning, Building and Code Enforcement, available for inspection, and incorporated by reference; and

WHEREAS, this City Council has heard and considered the testimony presented to it at the public hearing, and has further considered written materials submitted on behalf of the Project applicant, City staff, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE THAT:

The foregoing recitals are hereby incorporated by reference, and, after considering evidence presented at the public hearing, the City Council finds that the following are the relevant facts and findings regarding this proposed Project:

1. **Site Description and Surrounding Uses.** The subject property consists of an approximately 3.89-gross-acre parcel located on the south side of Murphy Avenue, approximately 500 feet east of the intersection of Oakland Road and Murphy Avenue (1180 Murphy Avenue; APN: 241-17-009). A two-story, 53,000-square foot multitenant building currently occupies the site. The site currently hosts Church/Religious Assembly, incidental daycare to the Church/Religious Assembly use, Office, and warehouse/R&D spaces. The existing Church/Religious Assembly and incidental childcare uses occupy approximately 22,000 square feet of the 53,000-square foot building. Of the 22,000 square feet approximately 4,400 of that is dedicated to worship space at 612 total seats available. Both the existing Church/Religious Assembly and incidental childcare uses operate Monday through Sunday from 8:00 A.M. to 9:00 P.M. with some services being closed on Saturday and Sunday. There are a total of 150 parking spaces available to meet the need of all uses on site. Both the existing Church/Religious Assembly and incidental childcare require 147 parking spaces at their peak operating and worship hours during the weekend. The applicant has had a lease agreement with adjacent properties to utilize up to an additional 150 parking spaces during peak worship hours. The site is bounded by residential single-family homes on the north and east sides, a golf course on the south side, and similar office buildings to the west. The site is accessed by one shared driveway along Murphy Avenue, and two shared driveways along Oakland Road.
2. **Project Description.** The Project is a conditional use permit to remedy an existing Code Case involving the expansion of an existing Church/Religious Assembly use

within an approximately 53,000-square-foot building on site. The subject expansion is interior, seeking to replace the approximately 10,000-square-foot warehouse use with incidental venue space related to the Church/Religious Assembly. In addition, the expansion includes converting an interior mezzanine, previously used for storage, to Church/Religious Assembly use, totaling approximately 2,700 square feet and seating a maximum of 137 persons, bringing the total seating capacity to 749 per the Operations Plan. The expansion also includes new incidental office/storage space both within the child-care portion of the site approved previously (File No. PD08-044) and along the mezzanine. In total, including the converted area, the Church/Religious Assembly use would occupy approximately 41,700 square feet, with minor alterations to the exterior for ingress/egress doors.

- 3. General Plan Conformance.** The subject property has an Envision San José 2040 General Plan Land Use/ Transportation Diagram designation of CIC Combined Industrial/Commercial. This designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development within this designation is limited to a floor area ratio (FAR) of 12.0.

Analysis: The Project does not include construction of new floor area. The FAR on the site is approximately 3.2 which is under the maximum allowed and is therefore consistent with the FAR requirement of the CIC Combined Industrial/Commercial land use designation. The project under the Conditional Use Permit is for a Church/Religious Assembly use. The CIC Combined Industrial/Commercial land use designation allows assembly uses which includes private community gathering facilities and is therefore consistent with the use requirement of the CIC land use designation. The subject rezoning is the conforming zoning district to the General Plan land use designation of CIC Combined Industrial/Commercial. Therefore, the Project is consistent with the General Plan land use designation.

The Project is consistent with the following Envision San José 2040 General Plan Goals and Policies:

Private Community Gathering Facilities Goal VN-5: Private Community Gathering Facilities Provide for the development of Private Community Gathering Facilities at locations within or near residential, commercial, or mixed residential-commercial neighborhoods throughout the City to accommodate the social and cultural activities of the San José community.

Vibrant Neighborhoods Policy VN-1.2: Maintain existing and develop new community services and gathering spaces that allow for increased social interaction of neighbors,

(i.e., parks, community centers and gardens, libraries, schools, commercial areas, churches, and other gathering spaces).

Community Design Goal CD-2.9: Encourage adaptable space that can be used for multiple employment or public/quasi-public purposes (e.g., satellite office space, community meeting, and religious assembly uses accommodated in a single space).

Analysis: The project will legalize an interior expansion to an existing Church/Religious Assembly space, allowing the use to continue as a private community gathering facility which may offer community services and serve as a public gathering space, and would enable future modifications to the site consistent with the land use designation. In addition to the assembly use, the multi-tenant space not currently being used by the onsite church may still be utilized for both commercial and industrial uses under the CIC Combined Industrial/Commercial designation which encourages adaptable spaces. The proposed rezoning and expansion of the on-site Church/Religious Assembly use is therefore consistent with the CIC land use designation and furthers the General Plan policies listed above. Therefore, the resulting rezoning and use changes are consistent with the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.

4. Zoning Ordinance Compliance.

The Project site is in the CIC Combined Industrial/Commercial Zoning District, pursuant to Section 20.50.100 of the San José Municipal Code. Table 20-110 in Section 20.50.100 allows a Church/Religious Assembly use with a Conditional Use Permit.

Analysis: The Project is consistent with Section 20.50.100, Table 20-110 of the San José Municipal Code. The Project is expanding the existing Church/Religious Assembly use on-site into the adjoining tenant space, which is an existing warehouse use that requires a Conditional Use Permit.

Development Standards

Pursuant to Section 20.50.200, properties located in the CIC Combined Industrial/Commercial Zoning district shall be subject to height and setback limitations.

CIC Development Standards	
Minimum lot area (square feet)	6,000
Minimum unit size for non-residential condominiums	4,000
Maximum height (feet)	50, unless a different maximum is established in Chapter 20.85

Minimum street frontage (feet)	60
Parking	See Chapter 20.90
Front Minimum setback (feet)	
Building	15
Parking and circulation for passenger vehicles	20
Parking for trucks and buses	40
Loading docks	60 from property line, or 100 from residential district, whichever is greater
Side Minimum setback (feet)	
Building and structures	0 from property line, or 25 from residential district, whichever is greater
Parking and circulation for passenger vehicles	0 from property line, or 25 from residential district, whichever is greater
Parking for trucks and buses	0 from property line, or 25 from residential district, whichever is greater
Loading docks	0 from property line, or 100 from residential district, whichever is greater
Rear Minimum setback (feet)	
Building and structures	0 from property line or 25 from residential district, whichever is greater
Parking and circulation for passenger vehicles	0 from property line, or 25 from residential district, whichever is greater
Parking for trucks and buses	0 from property line, or 25 from residential district, whichever is greater

Loading docks	0 from property line, or 100 from residential district, whichever is greater
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Analysis: The Project is not proposing any exterior addition, new building, or other exterior alteration that warrants evaluation against the development standards of 20.50.200 and is therefore consistent with the Municipal Code.

Performance Standards

Maximum Noise Level in Decibels at Property Line	
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Pursuant to Section 20.50.300, properties located in the CIC Combined Industrial/Commercial Zoning district shall be subject to performance standards.

Analysis: The Project is not proposing any exterior addition, new building, or other exterior alteration that effects the existing performance standards of 20.50.300 and is therefore consistent with the Municipal Code.

Vehicle Parking

Parking requirements are outlined in Table 20-190 of Section 20.90.060 of the San Jose Zoning Code. As of April 10, 2023, no minimum parking is required with the establishment of Transportation Demand Management requirements, if applicable.

Analysis: Transportation Demand Management requirements are outlined in Section 20.90.900 of the Municipal Code. A “Church/Religious Assembly” is considered a Visit End Use under this section, and no Transportation Demand Management plan is required for Visit End Uses under 100,000 square feet. Parking is available on site at 150 total vehicle parking spaces with lease agreements to expand this by an additional 150 parking spaces in the surrounding area. The proposed changes to the site will not reduce the total on-site parking. No additional parking is required.

Bicycle Parking

Section 20.90.020.A states that "Every building for which a building permit application for new square footage was submitted on or after January 1, 2011, shall provide the required bicycle parking spaces in compliance with the provisions of this chapter."

Analysis: The Project involves minor interior changes that require assessing the on-site Bicycle parking standards. The bike parking standards under Title 20 Part 20.90 require that the Project provide at least seven short-term and two long-term bicycle parking options based on the proposed changes. The site already offers eight short-term bicycle racks and will add one bicycle locker with two long-term parking racks. The addition of the bike locker will bring the Project into conformance with the bicycle parking requirements of the San José Municipal Code.

Two-Wheeled Motorized Vehicle Parking

Pursuant to Section 20.90.350, two-wheeled motorized vehicle parking shall be provided at a rate of 2.5 percent of vehicle parking provided.

Analysis: The Project is not proposing any exterior addition, new building, or other exterior alteration that that effects the two-wheeled motorized vehicle parking requirements. Parking is available on site and no proposed change to the site seeks to reduce the total on-site parking and is therefore consistent with the San José Municipal Code.

5. **City Council Policy 6-30: Public Outreach Policy for Pending Land Use Decisions.** Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the Project. On-site signs have been posted at the site frontage since June 27, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the Project site and posted on the City's website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.
6. **Environmental Review.** Under the provisions of Section 15301 for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this Project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Zoning Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the Project involves negligible or no expansion of an existing use.

Examples include, but are not limited to:

- a. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Analysis: The Project allows an existing Church/Religious Assembly Use to expand their tenant space. The Project does not include any major exterior modification or expansion to the footprint of the existing building. The Church/Religious Assembly Use will operate wholly inside the building. Therefore, the Project is categorically exempt pursuant to CEQA Section 15301 for Existing Facilities.

7. Conditional Use Permit Findings: Section 20.100.720 of the San José Municipal Code specifies the required findings for the approval of a Conditional Use Permit.

- a. The Conditional Use Permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans, and area development policies; and

Analysis: The Project, as discussed in the General Plan section above, is consistent with the CIC Combined Industrial/Commercial designation which allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including private community gathering facilities.

- b. The Conditional Use Permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the Project; and

Analysis: As discussed in the Zoning Conformance section above, the project is consistent with all required setbacks, heights, and parking requirements of the CIC Combined Industrial/Commercial Zoning District.

- c. The Conditional Use Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

Analysis: As discussed above, the Project meets all applicable requirements. Council Policy 6-30, the Public Outreach Policy, was implemented to inform the public of the Project. On-site signs have been posted at the site frontage since June 27, 2024. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the Project site and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public. To date, no comments have been received on this Project.

- d. The proposed use at the location requested will not:

- i. Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
- ii. Impair the utility or value of property of other persons located in the vicinity of the site; or
- iii. Be detrimental to public health, safety, or general welfare.

Analysis: The Project seeks to permit an interior expansion to an already existing use. The expansion of the Church/Religious Assembly use is interior only. Since the expansion is strictly interior and does not involve structural changes or exterior alterations, there is minimal to no disruption to the surrounding area. No construction noise, dust, or visible changes would negatively impact the local residents or workers in the area. The proposal does not affect vehicular parking but does affect the site's bicycle parking. The proposal includes two additional long-term bike parking stalls which are found to be consistent with requirements of the municipal code and will not impair the utility or value of the property to persons located in the vicinity. The work is confined to the interior and there are no expected risks associated with air quality, noise, or physical hazards to the surrounding public. Therefore, the establishment would not adversely affect the surrounding area.

- e. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

Analysis: The Project site is already developed with a two-story office building used as a Church/Religious Assembly use and will only require interior modifications and expansion. The interior expansion does not affect the site's size and shape and is therefore adequate to accommodate the proposed use and integrate said use in the surrounding area.

- f. The proposed site is adequately served:
 - i. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use will generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use will generate; and
 - ii. By other public or private service facilities as are required.

Analysis: The Project site is adequately served by both public transit and freeway access. The Project site is accessed by several bus stops within 1,000 feet, serving Santa Clara Valley Transportation Authority (VTA) Routes 60, 66, and 77. U.S. Highway 101 and Interstate 880 are approximately 0.5 mile from the subject site. The site is located in an urban area and is connected to all public and private utilities such as water, sewers, electricity and telecommunications. Therefore, the Project is adequately served.

- g. The environmental impacts of the Project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: Environmental impacts related to noise, vibration, dust, drainage, erosion, storm water runoff, and odor would be temporary and only occur during construction for interior tenant improvements. Construction hours are limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. A Construction Disturbance Coordinator shall be appointed to address any construction-related complaints. Therefore, the Project would not have an unacceptable negative effect on adjacent properties.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. This City Council expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per San José Municipal Code Section 20.100.290(B), should the Permittee fail to file a timely and valid appeal of this Conditional Use Permit (“Permit”) within the applicable appeal period, such inaction by the Permittee shall be deemed to constitute all of the following on behalf of the Permittee:
 - a. Acceptance of the Permit by the Permittee; and
 - b. Agreement by the Permittee to be bound by, to comply with, and to do all things required of or by the Permittee pursuant to all the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 of the San José Municipal Code applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, the use of the site has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the City Council. However, the Director of Planning, Building and Code Enforcement may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Use Authorization.** Subject to all conditions herein, this Permit allows a Church/Religious Assembly Use on an approximately 3.89-gross-acre site.
4. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Permit shall be deemed acceptance of all conditions specified in this Permit and the Permittee's agreement to fully comply with all of said

conditions. No change in the character of occupancy or change to a different group of occupancies as described in the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.

5. **Sewage Treatment Demand.** Pursuant to Chapter 15.12 of Title 15 of the San José Municipal Code, acceptance of this Permit by Permittee shall constitute acknowledgement of receipt of notice by Permittee that (1) no vested right to a Building Permit shall accrue as the result of the granting of this Permit when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José - Santa Clara Regional Wastewater Facility represented by approved land uses in the area served by said Facility will cause the total sewage treatment demand to meet or exceed the capacity of San José - Santa Clara Regional Wastewater Facility to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region; (2) substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority; (3) issuance of a Building Permit to implement this Permit may be suspended, conditioned or denied where the City Manager makes a determination that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region.
6. **Conformance to Plans.** The development of the site and all associated development and improvements shall conform to the approved Conditional Use Permit plans entitled, "Echo Church CUP Planning Permit" dated August 15, 2024, on file with the Department of Planning, Building and Code Enforcement as may be amended and approved by the Director of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24). The plans are referred to herein as the "approved plans" or the "Approved Plan Set."
7. **Operations Management Plan.** The project is bound to Exhibit A: Operations Plans attached to the Staff Report, labeled "Echo Church Operating Plan" dated 12/20/2024.
8. **Amplified Sound.** All amplified sound shall be contained within the buildings and the buildings shall be adequately insulated to prevent sound from emanating outside.
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of San José.
10. **Compliance with Local, State, and Federal Laws.** The subject use shall be conducted in full compliance with all local, state, and federal laws.

11. **Discretionary Review.** The City maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San José Municipal Code.
12. **Refuse.** All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.
13. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.
14. **Utilities.** All new on-site telephone, electrical, and other service facilities shall be placed underground.
15. **Anti-Graffiti.** All graffiti shall be removed from buildings, signs, and wall surfaces, including job sites for projects under construction, within 48 hours of defacement.
16. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts, and garbage.
17. **No Sign Approval.** Any signage shown on the Approved Plan Set are conceptual only. No signs are approved at this time. Any signs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement through a subsequent Permit Adjustment.
18. **Building and Property Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting, and landscaping.
19. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
20. **No Generators Approved.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators will require a separate administrative Backup/Standby Generator Facility Permit and shall conform to the regulations of Title 20 of the Municipal Code.
21. **No Extended Construction Hours.** This Permit does not allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
22. **Construction Disturbance Coordinator.** Rules and regulations pertaining to all construction activities and limitations identified in this Permit, along with the name and telephone number of a Permittee-appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.

23. Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, 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. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/devresources>.

- a. *Transportation.* This project meets the screening criteria of equivalent local-serving retail of 100,000 S.F. of gross floor area or less without drive-through operations for Vehicle Miles Traveled under Council Policy 5-1, which results in less-than-significant impacts for transportation. The projected traffic for the project was reviewed and found to be minimal. Therefore, no further transportation analysis is required.
- b. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to issuance of Public Works clearance.
- c. *Street Improvements.*
 - i. Provide monetary contribution for an in-lieu fee to the Class IV protected bike lane along the Murphy Ave project frontage per the CSJ Better Bike Plan 2025 (\$144 per LF).
 - ii. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - iii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

24. Building Division Clearance for Issuing Permits: Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This Permit File No. CP24-013 shall be printed on all construction plans submitted to the Building Division.
- b. *San Jose's Natural Gas Infrastructure Prohibition and Reach Code Ordinances.* The City's Natural Gas Infrastructure Prohibition and Reach Code Ordinances apply to this project and all requirements shall be met. For more information, please visit www.sjenvironment.org/reachcode.
- c. *Construction Plan Conformance.* A Project construction plan conformance review by the Planning Division is required. Planning Division review for Project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.

- d. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - e. *Other.* Such other requirements as may be specified by the Chief Building Official.
25. **Bureau of Fire Department Clearance for Issuing Permits:** Prior to the issuance of any Building Permit, the Project must comply with the California Fire Code as adopted by the City.
26. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the Project, including information on available haulers and processors.
27. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended, or modified by the City Council, at any time, regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Conditional Use Permit was not abated, corrected, or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected, or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

In accordance with the findings set forth above, a permit to use the subject property for said purpose specified above is hereby approved.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
REZONING
LANDS OF DHILLON
1172, 1180, 1188 MURPHY AVENUE, SAN JOSE, CA
APN 241-17-009

A REZONING OVER THAT CERTAIN REAL PROPERTY SITUATE IN THE INCORPORATED CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF PARCEL 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP", RECORDED ON OCTOBER, 1983, IN BOOK 527 OF MAPS AT PAGE 20, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID PARCEL 1, ALSO BEING THE POINT OF BEGINNING, THENCE ALONG SOUTHEASTERLY OF SAID PARCEL SOUTH 46°25'16" EAST 404.52 FEET;

THENCE LEAVING SAID LINE AND ALONG SOUTHWESTERLY OF PARCEL 1:

1. SOUTH 25°19'40" WEST 641.82 FEET;
2. NORTH 17°00'00" WEST 196.81 FEET TO A POINT AT THE MOST SOUTHERLY CORNER OF SAID PARCEL;
3. SOUTH 79°19'17" WEST 35.94 FEET;
4. ALONG THE CURVE TO THE RIGHT OF SAID PARCEL 1, WHOSE RADIUS OF 268.00 FEET, AN ARC LENGTH OF 154.91 FEET, A CENTRAL ANGLE OF 33°07'07", AND A CHORD DIRECTION OF NORTH 5°52'51" EAST;
5. THENCE ALONG THE CURVE TO THE LEFT OF SAID PARCEL 1, WHOSE RADIUS OF 353.50 FEET, AN ARC LENGTH OF 222.56 FEET, A CENTRAL ANGLE OF 36°04'25", AND A CHORD DIRECTION OF NORTH 4°24'12" EAST;
6. NORTH 13°38'00" WEST 282.87 FEET;

THENCE ALONG THE CURVE TO THE LEFT OF SAID PARCEL 1, WHOSE RADIUS OF 1130 FEET, AN ARC LENGTH OF 113.35 FEET, A CENTRAL ANGLE OF 5°44'50", AND A CHORD DIRECTION OF NORTH 73°25'51" EAST TO THE POINT OF BEGINNING.

CONTAINING 174,802 SQUARE FEET, MORE OR LESS.

END OF DESCRIPTION

BASIS OF BEARINGS: THE BEARING NORTH 52°44'01" EAST BEING THE CENTERLINE OF MURPHY AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO.8948", RECORDED IN BOOK 692 OF MAPS AT PAGE 28, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION.

SEE EXHIBIT "B" FOR THE ACCOMPANYING PLAT, ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED BY, OR UNDER THE SUPERVISION OF WAAN CHUI.

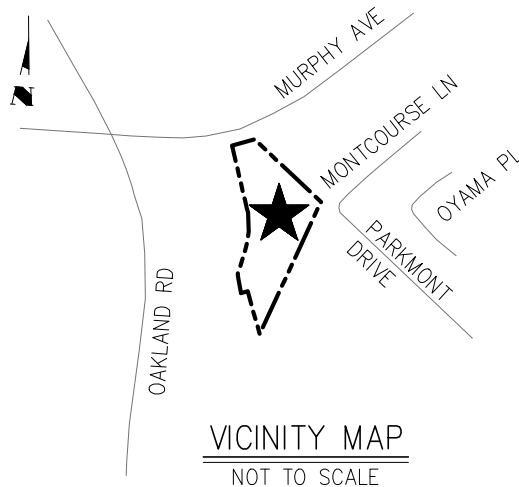
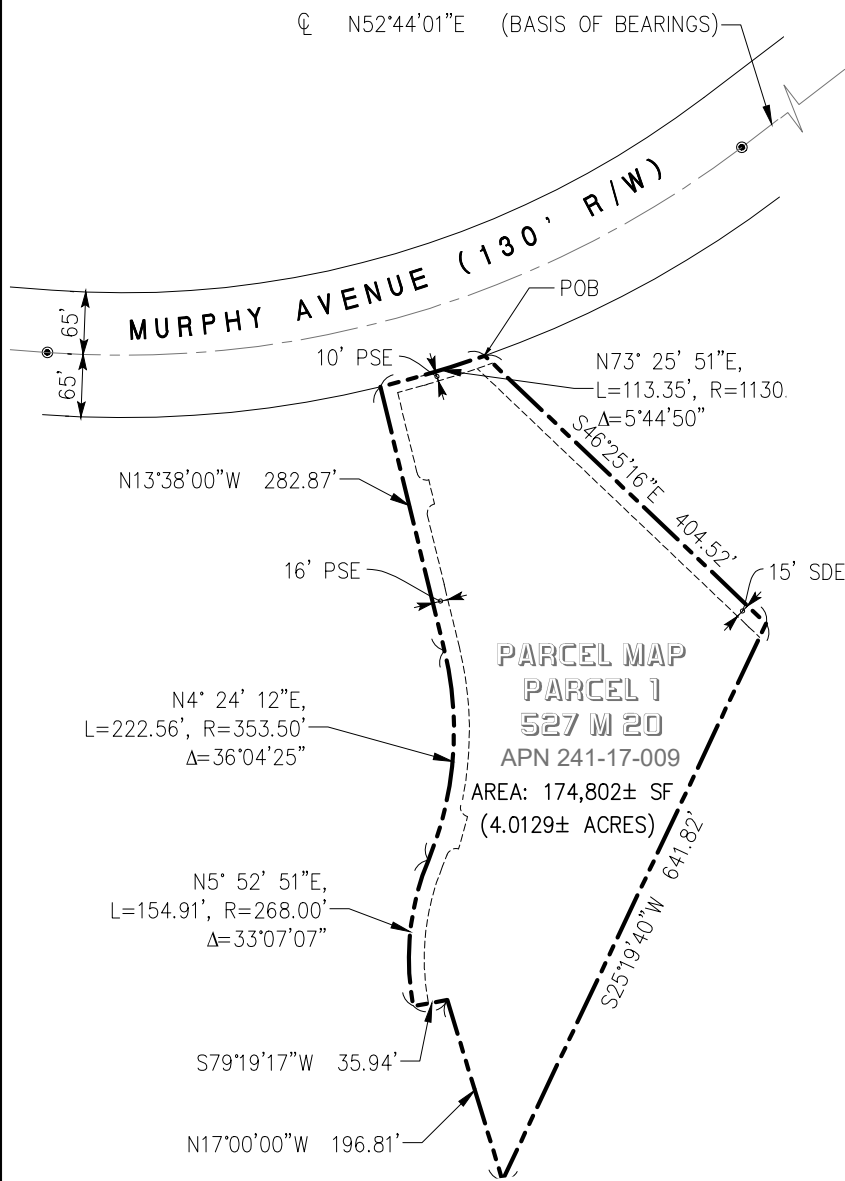
PREPARED ON SEPTEMBER 03, 2023
LC ENGINEERING



A handwritten signature in black ink that reads "Waan Chui".

H. W. CHUI RCE NO. 32912
EXPIRATION DATE 06/30/2024

EXHIBIT "B"



LEGEND

- EASEMENT
- - - CENTERLINE
- OTHER PROPERTY LINE
- PROPERTY LINE
- POB POINT OF BEGINNING
- PSE PUBLIC SERVICE EASEMENT
- SDE STORM DRAINAGE EASEMENT

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE CENTERLINE OF MURPHY AVENUE, AS SHOWN AS N52°44'01"E, RECORDED IN BOOK 692 OF MAPS, AT PAGES 28, SANTA CLARA COUNTY RECORDS.

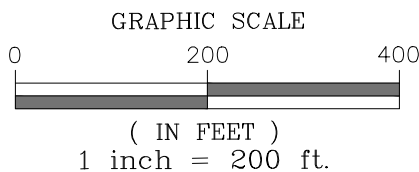


EXHIBIT "B"
 PLAT TO ACCOMPANY LEGAL DESCRIPTION
 FOR REZONING
 1172, 1180, 1188 MURPHY AVENUE
 APN 241-17-009

ENGINEERING
 598 E Santa Clara St #270
 San Jose, CA 95112
 Phone: (408) 806-7187
 Fax: (408) 583-4006

San Jose

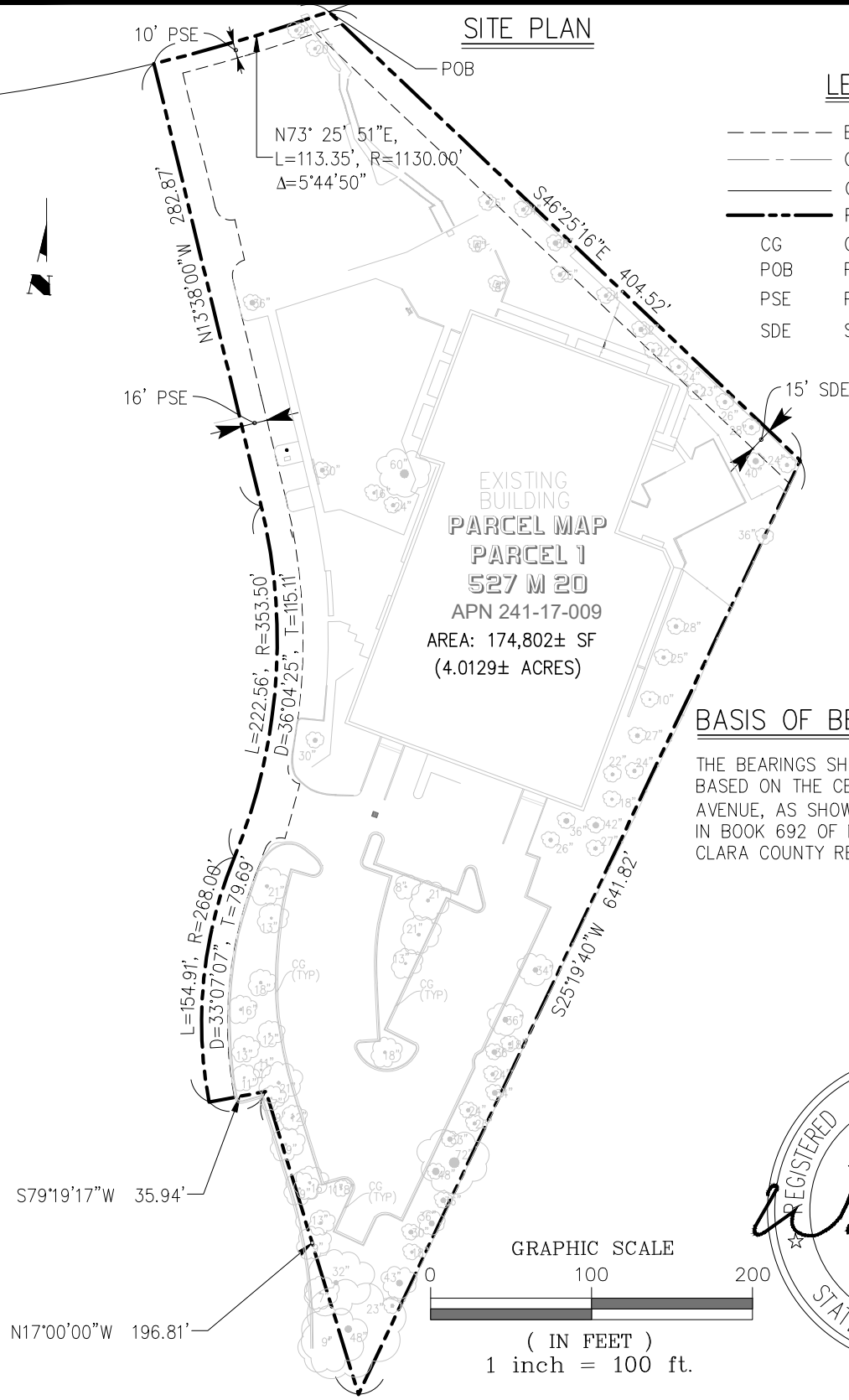
California

SCALE: AS SHOWN	DATE: 08/14/23	DRWG. NAME:	PROJECT NO.	SHEET 1 OF 1
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SITE PLAN

LEGEND

- EASEMENT
- - - CENTERLINE
- OTHER PROPERTY LINE
- PROPERTY LINE
- CG CURB AND GUTTER
- POB POINT OF BEGINNING
- PSE PUBLIC SERVICE EASEMENT
- SDE STORM DRAINAGE EASEMENT

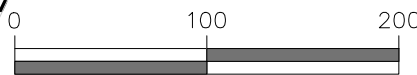


EXISTING BUILDING
 PARCEL MAP
 PARCEL 1
 527 M 20
 APN 241-17-009
 AREA: 174,802± SF
 (4.0129± ACRES)

BASIS OF BEARINGS

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GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.



EXHIBIT "B"
 SITE PLAN
 FOR REZONING
 1172, 1180, 1188 MURPHY AVENUE
 APN 241-17-009

ENGINEERING

598 E Santa Clara St #270
 San Jose, CA 95112
 Phone: (408) 806-7187
 Fax: (408) 583-4006

San Jose

California

SCALE: AS SHOWN	DATE: 09/04/23	DRWG. NAME:	PROJECT NO.	SHEET 1 OF 1
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