

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 WITH ASSOCIATED SITE IMPROVEMENTS ON AN APPROXIMATELY 5.02-GROSS-ACRE SITE, LOCATED ON THE NORTH SIDE OF RUE FERRARI APPROXIMATELY 450 FEET WEST OF SILICON VALLEY BOULEVARD (5891 RUE FERRARI) (APN 678-05-053)

FILE NO. CP25-022

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on September 12, 2025, Jonathan Shoemake filed an application (File No. CP25-022) on behalf of the property owner, First Pentecostal Church of San Jose (“Permittee”), with the City of San José (“City”) for a Conditional Use Permit to allow approximately 55,200 square feet of an existing approximately 72,904-square-foot office building to be converted to a church/religious assembly use with associated site improvements (“Project”) on an approximately 5.02-gross-acre site on that certain real property situated in the CIC Combined Industrial/Commercial Zoning District and located on the north side of Rue Ferrari approximately 450 feet west of Silicon Valley Boulevard (5891 Rue Ferrari, APN: 678-05-053) (the “subject property”); and

WHEREAS, a legal description of the subject property is attached as Exhibit "A" and depicted in the plat map attached as Exhibit "B," which are incorporated by reference; and

WHEREAS, at a duly noticed public hearing on August 11, 2026, 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, "First Church San Jose, 5891 Rue Ferrari, San Jose, CA 95138," dated last revised on April 27, 2026; said plan is on file in the Department of Planning, Building and Code Enforcement, is available for inspection, and is 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 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 5.02-gross-acre site is located on the north side of Rue Ferrari, approximately 450 feet west of Silicon Valley Boulevard (5891 Rue Ferrari; APN: 678-05-053). The site includes an existing approximately 76,200-square-foot office building surrounded on all four sides with surface parking spaces and perimeter mature landscaping. There are a total of 231 standard stall vehicle parking spaces, nine accessible stall parking spaces, three van parking spaces, six motorcycle parking spaces, and ten bicycle parking spaces available on site. The site is accessed via two ingress/egress driveways from Rue Ferrari. Surrounding land uses include a social service building to the north, a motel to the east, a post-secondary school to the west, HomeFirst homeless supportive housing across Rue Ferrari to the south, and single-family residences across the 101 Freeway to the south.
2. **Project Description.** The Project consists of a Conditional Use Permit to allow approximately 55,200 square feet of an existing 72,904-square-foot office building to be converted to church/religious assembly use and associated site improvements on an approximately 5.02-gross-acre site. The operation hours are proposed from 9:00 A.M. to 10:00 P.M. Monday through Sunday. The use includes ancillary classes for children for up to 25 students, which will be held on Sundays during the church's operating hours. The regular church worship hours are on Wednesday evenings and Sunday mornings. There will be four to six staff members working each day. The

church will hold approximately 12-14 church-related events per month and approximately 160 events per year. The congregation hall has a maximum total seating capacity to accommodate approximately 1,695 occupants during worship hours. However, on average, there are approximately 400-500 attendees on Sunday mornings and 300-400 attendees on Wednesday evenings. The site improvements include the replacement of a new trash enclosure, accessible pathways, and minor parking lot improvements.

3. Permit Findings.

- a. **Conditional Use Permit:** Section 20.100.720 of the San José Municipal Code specifies the required findings for the approval of a Conditional Use Permit.
 - i. 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

Envision San José 2040 General Plan Conformance

The subject site has an [Envision San José 2040](#) General Plan Land Use/Transportation Diagram land use designation of Combined Industrial/Commercial.

This category 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, particularly in areas on the boundary between commercial and industrial uses.

This designation also specifies that while the designation potentially accommodates a wide variety of uses, more specific guidance should be provided through the application of the Zoning Ordinance in order to establish use and form standards. The subject site is located in an area with a broad mix of industrial and commercial uses.

Analysis: The existing IP Industrial Park Zoning District does not allow church/religious assembly uses on site. The associated rezoning (File No. C25-039) will allow the operation of a church/religious assembly use, consistent with the Combined Industrial/Commercial land use designation, which includes private community gathering facilities. This Project does not include any modifications to the existing building.

The Conditional Use Permit is consistent with the following Envision San José 2040 General Plan goals and policies:

1. Private Community Gathering Facilities Goal VN-5: 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.

2. Vibrant Neighborhoods Policy VN-1.2: Maintain existence 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).
3. 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 allow a church/religious assembly space with an ancillary Sunday school, allowing them to continue as a private community gathering facility, which may offer community services and serve as a public gathering space. In addition to assembly use, the remainder of the multi-tenant space may still be utilized for both commercial and industrial uses under the Combined Industrial/Commercial designation, which encourages adaptable spaces. The proposed church/religious assembly use is therefore consistent with the CIC land use designation and furthers the General Plan policies listed above.

- ii. 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

Zoning Ordinance Conformance

The associated rezoning to the Combined Industrial/Commercial Zoning District conforms with Table 20-270 (Section 20.120.110) of the San José Municipal Code, which identifies the CIC Combined Industrial/Commercial Zoning District as a conforming district to the General Plan Land Use/Transportation Diagram land use designation of CIC Combined Industrial/Commercial.

Use Regulations

The CIC Combined Industrial/Commercial Zoning District allows the property to be used and developed under the allowable uses in Table 20-110 (Section 20.50.100). Pursuant to this section, the proposed use requires a Conditional Use Permit, as submitted.

Setbacks and Heights

Table 20-120 (Section 20.50.200) of the San José Municipal Code establishes the development standards for the CIC Combined Industrial/Commercial Zoning District as follows:

Development Standards CIC		
Setbacks	Required, Feet	Existing, Feet
Front (Rue Ferrari, south side)	15 feet minimum	124'-7"
Front parking setback	20 feet minimum	30'-5"
Side (East and West)	0 feet	65 feet (approximately)
Rear (north)	0 feet	60 feet (approximately)
Height	50 feet maximum	25 feet (approximately)

Analysis: There are no changes proposed to the existing building on-site, and the existing setbacks and height conform with the development standards under Table 20-120 and all other Municipal Code regulations.

Performance Standards (Section 20.50.300)

The Project is required to conform with the performance standards for noise, pursuant to Section 20.50.300 of the Zoning Ordinance. The maximum allowed noise level for an industrial use adjacent to a residential use is 55 decibels (dB), and the maximum allowed for an industrial use adjacent to a non-residential use is 60 dB, and the maximum allowed for an industrial use adjacent to an industrial use is 70 decibels.

Analysis: All activities related to the church/religious assembly use will take place indoors, and per the Operations Plan, there are no outdoor uses. Therefore, the proposed use will not exceed the maximum allowed noise standards.

Vehicle Parking (20.90.020)

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

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. The Project plans show the provision of 231 on-site parking spaces.

Bicycle Parking (Section 20.90.060)

Use	Bicycle Parking Requirement	Number of Spaces Required	Number Provided
Church/Religious Assembly	1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship. Minimum of 2 short-term and 1 long-term spaces.	8 Short Term 1 Long Term Total: 9	9 Short Term 1 Long Term Total: 10

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 eight short-term and one long-term bicycle parking options based on the proposed changes. The site will provide nine short-term bicycle racks and will add one bicycle locker with one long-term parking rack, in conformance with the bicycle parking requirements of the Municipal Code.

Two-wheeled Motorized Vehicle Parking (Section 20.90.350)

Two-wheeled motorized vehicle parking shall be provided at a rate of 2.5 percent of the vehicle parking provided.

Analysis: The Project is not proposing any exterior addition, new building, or other exterior alteration that affects the two-wheeled motorized vehicle parking requirements. Parking is available on-site, and there are no proposed changes to the site that would reduce the total on-site parking. The Project provides six motorcycle parking spaces, consistent with the Municipal Code.

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

Analysis: 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 on the site frontage since May 18, 2026. 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.

iv. The proposed use at the location requested will not:

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

Analysis: The Project will convert an existing office building to a church/religious assembly use with associated interior improvements and minor site modifications. No structural changes or exterior building alterations are proposed, resulting in minimal disruption to the surrounding area. The Project will maintain existing vehicular parking while adding bicycle parking, replacing the existing trash enclosure with a new roofed enclosure in the same location, and installing accessible pedestrian pathways and ADA-compliant parking improvements. Because the Project involves primarily interior modifications and limited site improvements, it is not expected to generate significant construction-related noise, dust, air quality impacts, or other hazards, nor will it impair the utility or value of nearby properties. Therefore, the Project will not adversely affect the surrounding neighborhood.

v. 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 an existing office building. The interior alterations do not affect the site's size and shape and are, therefore, adequate to accommodate the proposed use and integrate said use in the surrounding area.

vi. The proposed site is adequately served:

- a. 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
- b. By other public or private service facilities as are required.

Analysis: The Project site is adequately served by Rue Ferrari, a public street. The Project site is easily accessed by the 101/85 freeways, approximately 0.13 miles from the subject site. Therefore, the Project is adequately served.

- vii. 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 effect on adjacent property or properties.

Class 1 Categorical Exemption, pursuant to CEQA Guidelines Section 15301, 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: Based on the project description and the proposed scope of work, the Project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA). Specifically, the Project qualifies for a Class 1 Categorical Exemption under CEQA Guidelines Section 15301(a) (Existing Facilities), which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of existing or former use.

The Project consists of the conversion of approximately 55,200 square feet within an existing approximately 72,904-square-foot office building to a church/religious assembly use, along with associated interior tenant improvements and minor site improvements. The interior work includes modifications to the building layout and tenant improvements necessary to accommodate the new use. No structural modifications or exterior alterations to the building are proposed.

The Project also includes minor site improvements consisting of a new trash enclosure, accessible pedestrian pathways, and parking lot improvements. Construction activities associated with these improvements and the interior tenant improvements may result in temporary noise, vibration, dust, stormwater runoff, erosion, drainage, and odor impacts. However, these impacts would be short-term and limited to the construction period. Construction activities will be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and a Construction Disturbance Coordinator will be designated to respond to and resolve construction-related concerns. Accordingly, the Project will not result in significant environmental impacts or create unacceptable adverse effects on adjacent properties. Therefore, the Project qualifies for the Class 1 Categorical Exemption under CEQA Guidelines Section 15301(a).

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 provisions 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 with associated site improvements on an approximately 5.02-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, "First Church San Jose" 5891 Rue Ferrari, San Jose, CA 95138, dated last revised April 27, 2026, 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 City Council Staff Report from the Director of Planning, Building and Code Enforcement, labeled "Operations Plan for First Pentecostal Church San Jose". The Director of Planning, Building, and Code Enforcement, at their discretion, may allow modifications to the Operations Plan with the issuance of a Permit Adjustment or Permit Amendment.
8. **Amplified Sound.** All amplified sound shall be contained within the building, and the building shall be adequately insulated to prevent sound from emanating outside.
9. **Nuisance.** This use shall be operated in a manner that 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 the trash or refuse containers(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 Permittee will be required to have satisfied all of the following Public Works conditions. The Permittee 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:** The Project would not require a detailed CEQA transportation analysis because the Project is expected to result in less-than-significant VMT impacts based on Table 1 (Screening Criteria for CEQA Transportation Analysis for Development Projects) of the Transportation Analysis Handbook 2023, as equivalent local-serving retail of 100,000 square feet of gross floor area or less without drive-through operations. Additionally, the projected traffic for the Project was reviewed and found to be minimal. No additional transportation analysis is required.
- b. **Grading/Geology:**
 - i. A grading permit may be required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or that are being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under a Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains, and inlets. The Project shall provide storm drainage calculations that adhere to the latest California Plumbing Code as adopted under San José Municipal Code Section 24.04.100 or submit an engineered design for Public Works approval, designed to convey a 10-year storm event in accordance with the City of San José Design for Storm Drains design requirements.
 - iii. The Project site is within the State of California Seismic Hazard Zone. Based on the proposed scope of work, a geotechnical investigation report addressing the potential hazard of liquefaction is not required to be submitted to, reviewed, and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance.
- c. **Stormwater Runoff Pollution Control Measures:** This Project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which requires implementation of Best Management Practices (BMPs), which include site design measures and source controls to minimize stormwater pollutant discharges.
- d. **Stormwater Peak Flow Control Measures:** The Project is located in Hydromodification Management (HM). However, the Project will not create and/or replace one acre or more of impervious surface. The Project is not required to

comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).

- e. **Flood Zone D:** The Project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
 - f. **Sewage Fees:** In accordance with the San José Municipal Code Chapter 15.16, all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable prior to Public Works Clearance.
 - g. **Street Improvements:** Permittee shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the Project.
 - h. **Sanitary:** If proposed, the Project is required to submit a plan and profile of the sewer mains with lateral locations for final review and comment prior to construction.
24. **Building Division Clearance for Issuing Permits:** Before 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. CP25-022 shall be printed on all construction plans submitted to the Building Division.
 - b. *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.
 - c. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - d. *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 assist with 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 Conditional Use Permit to use the subject property for said purpose specified above is hereby approved.

ADOPTED this _____ day of _____, 2026, 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

All that certain real property situate entirely in the City of San Jose, County of Santa Clara, State of California, being all of Lot 3 as shown on that certain Parcel Map recorded in in Book 601 of Maps at Pages 36 and 37, Santa Clara County Records, and more particularly described as follows:

BEGINNING at the South corner of said Lot 3, said POINT OF BEGINNING also lying in the northerly right-of-way line of Rue Ferrari (53 feet wide); thence

from the POINT OF BEGINNING and along said northerly right-of-way line North 69° 52' 49" West 445.00 feet to a point; thence

leaving said northerly right-of-way line the following courses and distances:

North 20° 07' 11" East	488.63 feet to a point; thence
South 69° 55' 32" East	28.50 feet to a point; thence
South 70° 06' 42" East	416.50 feet to a point; thence
South 20° 07' 11" West	490.33 feet to the POINT OF BEGINNING.

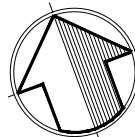
Containing 5.000 acres, more or less, of land.

As shown on Exhibit B, Plat to Accompany Description, attached hereto and made a part hereof.

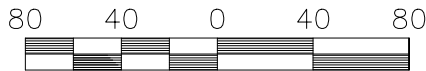
Prepared on JULY 28, 2025
Revised on March 24, 2026
by C. & D.C., INC.



NOTES:
 All bearings & distances shown are Record Data or as noted. Dimensions shown are in feet & decimals thereof.



SCALE: 1"=80'



GRAPHIC SCALE

LANDS OF GATEWAY CITY CHURCH
 A.P.N. 678-05-048
 PARCEL B
 (561 M 30-31)
 S69°55'32"E 28.50'

LANDS OF SAN JOSE BEHAVIORAL HEALTH
 A.P.N. 678-05-051
 LOT 2
 (601 M 36-37)

S70°06'42"E 416.50'

LEGEND:

- — — — — = PROPERTY LINE
- - - - - = ADJACENT PROPERTY LINE
- — — — — = EX. RIGHT OF WAY
- P.O.B. = POINT OF BEGINNING

LANDS OF CARRINGTON COLLEGE
 A.P.N. 678-05-050
 PARCEL A
 (561 M 30-31)
 N20°07'11"E 488.63'

A.P.N. 678-05-053
 LOT 3
 (601 M 36-37)
 5.000 Acres

S20°07'11" W 490.33'
 LANDS OF HOTEL SAN JOSE/ LA HACIENDA SAN JOSE SILICON VALLEY
 A.P.N. 678-05-052
 LOT 1
 (601 M 36-37)



Harry Babick

P.O.B.
 SOUTH CORNER OF LOT 3

RIGHT-OF-WAY

N69°52'49"W 445.00'

RUE FERRARI

RIGHT-OF-WAY

EXHIBIT 'B'



5901 Cadiz Drive
 San Jose, CA 95123
 (408) 966-0165

PLAT TO ACCOMPANY DESCRIPTION

SCALE: AS SHOWN	LANDS OF FIRST PENTECOSTAL CHURCH OF SAN JOSE	DRAWN BY: R.S.C.
DATE: MARCH 24, 2026		APPROVED BY: V.S. / H.B.
FOR: REZONING OF A.P.N. 678-05-053		

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

NUMBER
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