



**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.:** C08-009

**Submitted:** 02/07/08

**PROJECT DESCRIPTION:** Rezoning from A(PD) Planned Development Zoning District to LI-Light Industrial Zoning District allow light industrial uses on a 0.78 gross acre site.

**LOCATION:** Eastside of Seaboard Avenue, approximately 300 feet southerly of Trimble Road (2586 Seaboard Avenue).

Zoning	A(PD) Planned Development Zoning District
General Plan	Industrial Park with Mixed Industrial Overlay
Council District	4
Annexation Date	02/10/1972
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	N/A

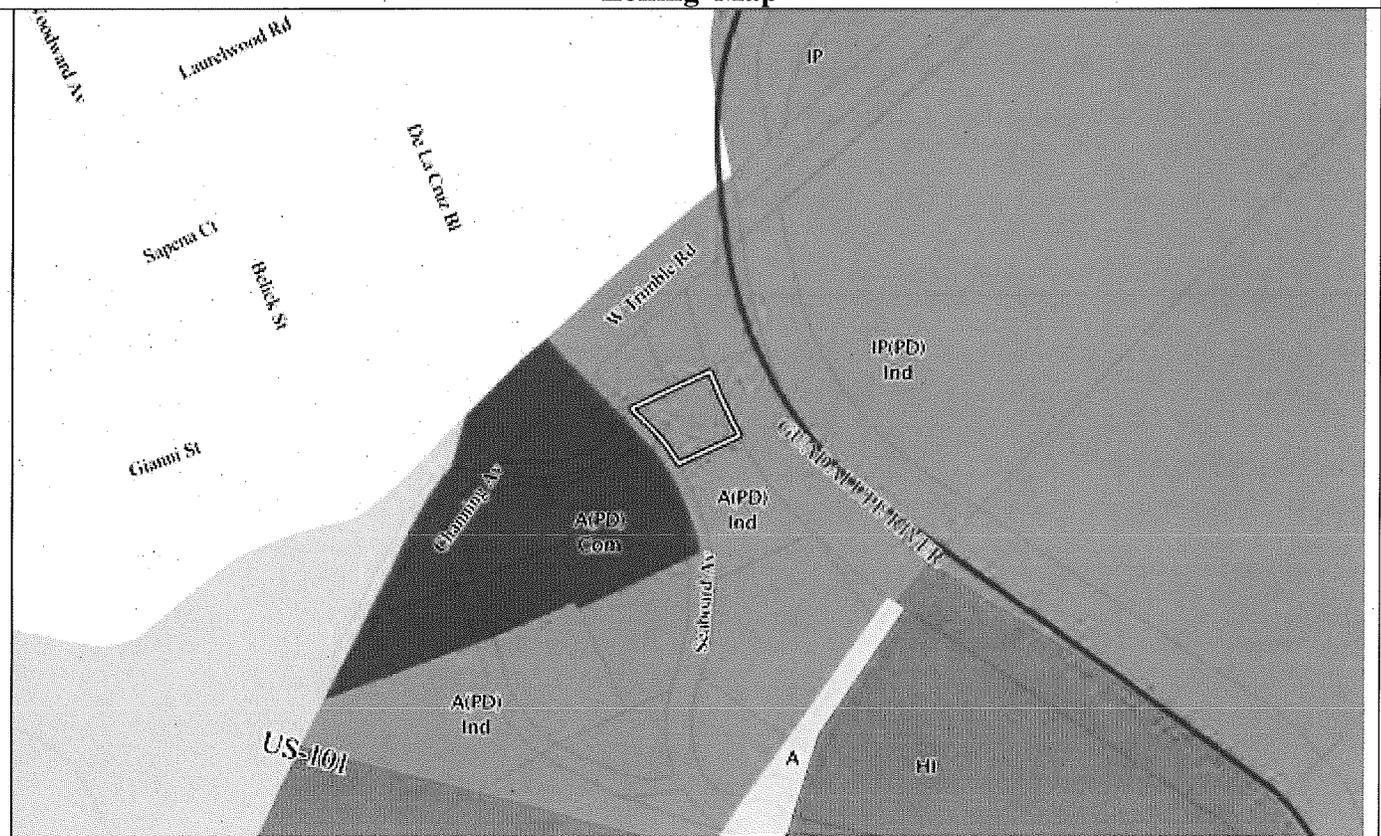
**Aerial Photo**



### General Plan Map



### Zoning Map



## **RECOMMENDATION**

The Planning staff recommends that the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning is in substantial 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 neighborhood.
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.

## **BACKGROUND**

On February 7, 2008, the applicants, Timothy and Hee Cho, proposed a rezoning of the subject 0.78 gross acre site from A(PD) Planned Development Zoning District to LI-Light Industrial Zoning District to allow light industrial uses and the potential for religious assembly uses. The site is currently developed with an industrial park building that was constructed under the current Planned Development Zoning District (File No. PDC71-169). This Planned Development contains Development Standards that do not allow church/religious assembly uses. The applicant has indicated a desire to potentially convert a portion of the existing industrial building to a church/religious assembly use and the remaining space to be used under the LI-Light Industrial uses. Currently, the site has a medium manufacturing machine shop business occupying approximately 12,000 square feet of the 16,300 square foot building which would conform to the LI Light Industrial Zoning District. In order to use the vacant portion of the existing building for community/religious assembly use for up to 50 people, the applicant has also filed a Conditional Use Permit (File No. CP08-013).

## **ENVIRONMENTAL REVIEW**

The Director of Planning has found the project to be exempt under Section 15301(a) of the Guidelines of the California Environmental Quality Act, which exempts existing facilities.

## **GENERAL PLAN CONFORMANCE**

The site is designated Industrial Park with the Mixed Industrial Overlay on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed LI-Light Industrial Zoning District, along with Mixed Industrial Overlay designation would broaden the uses allowed on the site to potentially allow assembly uses, including religious assembly which can be considered in areas of the Mixed Industrial overlay. The proposed rezoning also most accurately describes the mix of uses likely to occur on the site, in that the one-story concrete tilt-up building, with existing roll-up doors, was developed to accommodate industrial uses called out in the Planned Development Zoning District approved in 1971, and is not as conducive to move industrial park/office uses.

**ANALYSIS**

The proposed LI-Light Industrial Zoning District will allow light industrial uses consistent with the Zoning Code and the existing surrounding land uses. The proposed rezoning to the LI-Light Industrial Zoning District will bring the zoning into conformance with the existing uses on the parcel, and will additionally potentially allow religious assembly uses given the site's Mixed Industrial overlay. The appropriateness of the proposed religious assembly use will be analyzed specifically as part of the review of the pending Conditional Use Permit. Areas designated with the Mixed Industrial overlay have been identified as being potentially suitable for non-industrial uses, including religious assembly.

**PUBLIC OUTREACH**

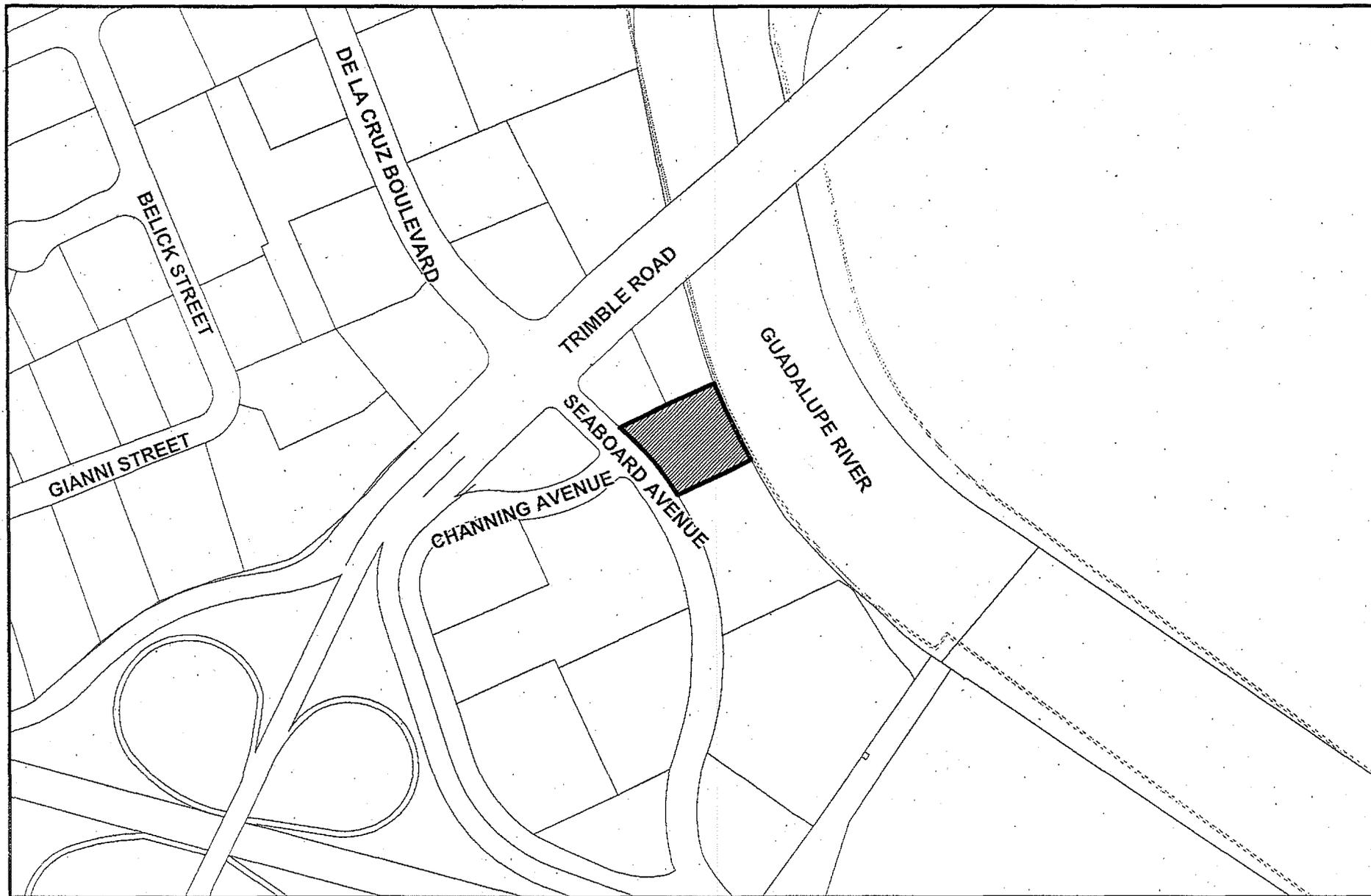
A notice of the public hearing was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

**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:** 07/09/2008

Owner:	Applicant	Attachments:
Timothy and Hee O Cho APN: 101-01-010 870 Pebblewood Court Fremont, CA 94539	Raymond Ong 19925 Stevens Creek Blvd Cupertino, CA 95014	Location Map



Approx. Scale: 1" = 300'  
Map Created On: 02/07/2008  
Noticing Radius: 500 feet

File No: C08-009, CP08-013

District: 4

Quad No: 50

