



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 13, 2006

COUNCIL DISTRICT: Citywide
SNI AREAS: All

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTER 20.120 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, THE ZONING CODE, TO ALLOW DIRECTOR-INITIATED CONFORMING REZONINGS TO BE HEARD DIRECTLY BY THE CITY COUNCIL WITHOUT A PLANNING COMMISSION HEARING.

RECOMMENDATION

The Planning Commission voted 5-0-1 (Commissioner Platten absent, Commissioner James resigned) to recommend that the City Council adopt the proposed ordinance amending Title 20 of the San Jose Municipal Code, the Zoning Code, to allow Director-initiated conforming rezonings to be heard directly by the City Council without a Planning Commission hearing.

BACKGROUND

On April 12, 2006, the Planning Commission held a public hearing to consider the proposed ordinance, to amend Chapter 20.120 of Title 20, which would allow Director-initiated conforming rezonings to be heard by the City Council without first holding a Planning Commission hearing.

At the hearing, staff briefly explained the proposed amendment.

No one spoke in favor of or in opposition to the proposed ordinance amendment.

The public hearing was then closed.

The Commission asked for clarification on the process related to Director-initiated conforming rezonings. Staff explained that conforming rezonings, by definition, are zoning changes that conform to the General Plan, and under the Zoning Code can be processed without a Planning

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SUBJECT: Amendments to Title 20 to allow Director-initiated conforming rezonings to be heard directly by the City Council.

Commission hearing prior to a City Council hearing. Staff indicated that the proposed code change would allow for Director-initiated conforming rezonings to be processed in the same fashion as other conforming rezonings initiated either privately, or by the Council. Staff then explained that the City Council would remain the decision-maker, and conforming rezonings would be heard at evening Council meetings focusing on land use issues.

The Commission then voted to recommend approval of the proposed ordinance amendment.

OUTCOMES

The proposed ordinance amendment would allow Director-initiated conforming rezonings to be heard directly by the City Council, creating a more streamlined process for rezonings that are by definition routine in nature, and correcting an oversight in the Zoning Code itself.

COORDINATION

Preparation of the proposed ordinance has been coordinated with the City Attorney's Office. The draft ordinance language is being transmitted by the City Attorney's Office under separate cover.

PUBLIC OUTREACH

A public hearing notice for the proposed ordinance was published in the San Jose Post Record. This notice included the Planning Commission and City Council hearing dates for the proposed ordinance revision. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

CEQA

The proposed ordinance, PP06-041, was found to be exempt from CEQA per Section 15305, minor changes to land use limitations. The proposed ordinance amendment is purely procedural in nature, and does not in itself create any additional environmental impacts.


 JOSEPH HORWEDEL, SECRETARY
Planning Commission

Attachment



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 5, 2006

COUNCIL DISTRICT: Citywide
SNI AREAS: All

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTER 20.120 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, THE ZONING CODE, TO ALLOW DIRECTOR-INITIATED CONFORMING REZONINGS TO BE HEARD DIRECTLY BY THE CITY COUNCIL WITHOUT A PLANNING COMMISSION HEARING.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the proposed ordinance amending Title 20, the Zoning Code, of the San Jose Municipal Code to allow Director-initiated rezonings to be heard directly by the City Council without a Planning Commission hearing.

BACKGROUND

Rezonings of land using standard zoning districts generally fall into two categories, depending on the conformity of the proposed rezoning with the underlying General Plan land use designation. Rezonings that are determined to be in conformity with the underlying General Plan land use designation per Chapter 20.120 of the Zoning Code are considered conforming rezonings, where other rezonings using standard zoning districts are considered conventional rezonings. The proposed amendment would correct an oversight in the Code with regard to conforming rezonings initiated by the Director of Planning.

ANALYSIS

Chapter 20.120 of the Zoning Code deals with the rezoning process in the City of San Jose. Part Two of the Chapter deals with ordinances conforming to the General Plan, and provides for a streamlined process for both Council- and privately-initiated rezonings that conform to the

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General Plan, as defined in Section 20.120.110 of the Zoning Code. Those conforming rezonings can be sent directly to the City Council without having a hearing before the Planning Commission first. Director-initiated rezonings that conform to the General Plan were inadvertently not included in this section of the Zoning Code.

Conforming rezonings generally do not need review or recommendation from the Planning Commission as they are, by definition in the Zoning Code, conforming to the General Plan. In contrast, conventional rezonings not conforming to the General Plan require a hearing before the Planning Commission before going to the City Council, which allows both the Planning Commission and the public the opportunity to weigh in on issues relating to the rezoning, especially with respect to General Plan conformance.

This modification to streamline the Director-initiated conforming rezoning process will allow staff to bring these projects forward in a more timely and efficient manner. This change would also facilitate the rezoning process for parcels could be a part of a County pocket annexation program, which would be a significant benefit in terms of staff processing time and the Planning Commission's agenda workload.

The proposed change would not prevent the Director or the Council from referring conforming rezonings to the Planning Commission for a public hearing and comment where appropriate.

PUBLIC OUTREACH

A public hearing notice for the proposed ordinance was published in the San Jose Post Record. This notice included the Planning Commission and City Council hearing dates for the proposed ordinance revision. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

COORDINATION

Preparation of the proposed ordinance and this memorandum have been coordinated with the City Attorney's Office.

CEQA

The proposed ordinance, PP06-041, was found to be exempt from CEQA per Section 15305, minor changes to land use limitations. The proposed ordinance amendment would allow for a similar process for Director-initiated rezonings to those that already exist for Council-initiated

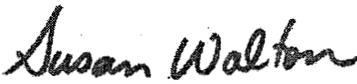
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and privately-initiated rezonings, and does not in itself create any additional environmental impacts.


 JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building, and Code Enforcement

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SMH:jed

**CITY OF SAN JOSÉ, CALIFORNIA
DEPARTMENT OF CITY PLANNING
STATEMENT OF EXEMPTION**

FILE NO. PP06-041

LOCATION OF PROPERTY Citywide

PROJECT DESCRIPTION An ordinance of the City of San José amending Chapter 20.120 of Title 20 of the San Jose Municipal Code, the Zoning Code, to allow Director-initiated conforming rezonings to be heard directly by the City Council without a Planning Commission hearing.

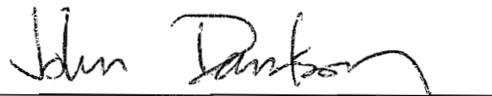
CERTIFICATION

Under the provisions of Section 15305 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 Code, implementing the California Environmental Quality Act of 1970, as amended.

15305. Minor Alterations in Land Use Limitations.

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The proposed ordinance is a minor change to land use limitations in that it is purely procedural in nature, and that it does not in and of itself have any environmental impacts.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement



Deputy

Date: 4/5/06

Project Manager: John Davidson
207-09/JED/

Conforming Rezoning Draft Code Changes

20.120.100 Ordinances Conforming to the General Plan

- A. If the Council determines, at the time it initiates the zoning or rezoning of property pursuant to Section 20.120.010, that the proposed zoning or rezoning conforms to the Land Use/Transportation Diagram of the General Plan, the Council may, in lieu of the Planning Commission Hearing, refer the ordinance to the Director for a report or recommendation. No Public Hearing will be required. The report or recommendation shall be submitted to the Council no later than thirty days from the date the ordinance was referred by the Council.

- B. If the Director determines, that a petition for zoning or rezoning filed pursuant to Section 20.120.020, conforms to the Land Use/Transportation Diagram of the General Plan, the Director may, in lieu of the Planning Commission Hearing, prepare a report or recommendation for the City Council. No Public Hearing will be required. Nothing shall prevent the Council from referring such petition to the Planning Commission for its report and recommendation when it receives the report or recommendation from the Director.

- C. If the Director determines, at the time the Director initiates the zoning or rezoning of property pursuant to Section 20.120.030, that the proposed zoning or rezoning conforms to the Land Use/Transportation Diagram of the General Plan, the Director may, in lieu of the Planning Commission Hearing, prepare a report or recommendation for the City Council. No Public Hearing will be required. Nothing shall prevent the Council from referring such petition to the Planning Commission for its report and recommendation when it receives the report or recommendation from the Director.