



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: April 28, 2005

Approved

Date

May 3, 2005

COUNCIL DISTRICT: Citywide
SNI AREAS: All

SUBJECT: A PROPOSED ORDINANCE AMENDING SECTION 20.100.140 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO ALLOW SUBDIVISIONS TO BE APPROVED WITH OTHER DEVELOPMENT PERMITS AND APPROVALS AS PART OF A SINGLE PROCESS.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council adopt the proposed ordinance amending Title 20, the Zoning Code, of the San Jose Municipal Code allowing subdivisions to be approved with other development permits and approvals as part of a single process.

BACKGROUND

On April 27, 2005, the Planning Commission held a public hearing to consider the proposed Zoning Code amendment to subdivisions to be heard with other development approvals as part of a single unified process.

At the hearing, staff briefly explained the proposed amendment. Commissioner Zito asked to see the proposed ordinance language. The City Attorney responded that proposed ordinance language was not always included as part of ordinance amendments, and that the Planning Commission's role was to focus on the policy decision as opposed to the explicit language. Commissioner Zito felt that the proposed ordinance language could be helpful, and asked staff to include proposed ordinance language in the future.

April 28, 2005

SUBJECT: Title 20 Ordinance amendment to allow subdivisions to be approved with other development permits and approval as part of a single process.

Commissioner Dhillon commended staff on finding another way to streamline the permit approval process, and encouraged staff to explore additional streamlining measures.

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

The public hearing was then closed.

OUTCOMES

The proposed ordinance amendment would allow for subdivisions to be heard along with other development approvals, resulting in a more streamlined permitting process.

COORDINATION

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

PUBLIC OUTREACH

On April 11, 2005, a hearing notice for the proposed ordinance change and for the hearings for the permanent ordinance change was sent to the San Jose Post-Record for publishing. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

CEQA

Not a project.


for STEPHEN M. HAASE, SECRETARY
Planning Commission

Attachment

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Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: April 18, 2005

COUNCIL DISTRICT: Citywide
SNI AREAS: All

SUBJECT: A PROPOSED ORDINANCE AMENDING SECTION 20.100.140 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO ALLOW SUBDIVISIONS TO BE APPROVED WITH OTHER DEVELOPMENT PERMITS AND APPROVALS AS PART OF A SINGLE PROCESS.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation that the City Council adopt the proposed ordinance amending Section 20.100.140 of Chapter 20.100 of Title 20, the Zoning Code, of the San Jose Municipal Code clarifying that subdivision maps may be approved through the concurrent filing and review process with other development approvals.

BACKGROUND

Last year, the City Council approved an amendment to the City's Zoning Code (Title 20 of the San Jose Municipal Code) that clarified the process for concurrent filing and review of Planned Development Zoning and Planned Development permit applications. The approved ordinance change allows zoning approvals and other development permits, along with tree removal permits, to be approved in a unified process.

However approval of subdivision maps, including tentative and parcel maps, were inadvertently not included in the revised language for the concurrent review process. These approvals are the principal methods of subdividing land, and are a standard part of the development approval process. These approvals were intended to be included, but were not caught due to subdivision regulations being contained in a separate title of the Municipal Code.

This amendment clarifies that for the same site, at the applicant's discretion, subdivisions and other development approvals can be acted upon by a single decision-making body in a unified process.

April 18, 2005

SUBJECT: Proposed ordinance to allow subdivisions to be approved with other development permits and approvals as part of a single process

ANALYSIS

Zoning Code Sections 20.100.130 and 20.100.140 deal with concurrent filing and review of zoning applications and development permits.

Zoning Code Section 20.100.130 explicitly states that a development permit may be filed and concurrently processed with a petition to rezone the property that is the subject of the application.

Zoning Code Section 20.100.140 states that development permits can be reviewed and acted on in a unified process by one decision-making body, and provides a hierarchy for the appropriate permit procedures to be used. The general rule is that the procedures for the highest-level permit or approval shall be used in processing multiple approvals concurrently.

The proposed code revision would recognize that tentative maps could be approved as part of a unified process.

Tentative maps cannot be approved until the final adoption of the rezoning ordinance, and do not become effective until the rezoning ordinance becomes effective. One benefit of concurrent processing is that a City Council decision on a tentative map would constitute a final decision of the City that could, in many cases, afford the applicant a more streamlined review of the development proposal.

PUBLIC OUTREACH

On April 11, 2005, a hearing notice for the proposed ordinance change and for the hearings for the permanent ordinance change was sent to the San Jose Post-Record for publishing. 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 has been coordinated with the City Attorney's Office.

April 18, 2005

**SUBJECT: Proposed ordinance to allow subdivisions to be approved with
other development permits and approvals as part of a single process**

CEQA

Not a project.


for STEPHEN M. HAASE, DIRECTOR
Planning, Building, and Code Enforcement

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