



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 28, 2008

COUNCIL DISTRICT: Citywide
SNI AREA: All

SUBJECT: GP08-T-03. STAFF-INITIATED GENERAL PLAN TEXT AMENDMENT
REQUEST TO AMEND THE *SAN JOSÉ 2020 GENERAL PLAN*
DISCRETIONARY ALTERNATE USE POLICIES:

**A) TO ALLOW ALTERNATE USES ON SITES THAT ARE TWO ACRES OR
SMALLER IN SIZE; AND**

**B) TO REVISE THE DENSITY BONUS FOR AFFORDABLE HOUSING FOR
PROJECTS THAT MEET SPECIFIC CRITERIA AS DESCRIBED BELOW.**

RECOMMENDATION

The Planning Commission voted 4-0-2-1 (Commissioners Campos and Zito absent, Commissioner Kamkar abstaining) to recommend approval of the proposed text for the Two Acre Rule (section A of the text amendment) as recommended by staff. In addition, the Planning Commission concurred with the staff recommendation that the proposed text change to the Density Bonus for Affordable Housing (section B of the text amendment described above) be considered during the Fall 2008 General Plan Review as a separate new text amendment in coordination with other policy changes for the Housing Element Update (2007-2014).

OUTCOME

If section A is approved as recommended by the Planning Commission and staff, the proposed General Plan text amendment will allow consideration of the following alternate uses on sites that are two acres or smaller in size:

1. Commercial uses on sites with an industrial land use designation;
2. Commercial uses on sites with a residential land use designation, if the site is in an existing commercial zoning district and if it is adjacent on two sides to sites zoned or developed commercially (a site that would otherwise abut the subject parcel if an adjacent right-of-way were not present may be deemed an adjacent site); and
3. Mixed commercial and residential uses or exclusively residential uses on sites with a commercial land use designation if the site is adjacent on at least two sides or by 50% to residentially

designated land ((a site that would otherwise be adjacent to the subject parcel if an adjacent right-of-way were not present may be deemed an adjacent site).

BACKGROUND

On April 21, 2008, the Planning Commission held a public hearing to consider the proposed General Plan text amendment to change the *San José 2020 General Plan* text of the Discretionary Alternate Use Policies as follows:

- A. Amend the Two Acre Rule to allow on sites that are two acres or smaller in size the following alternate uses: 1) commercial uses on sites with an industrial land use designation; 2) commercial uses on sites with a residential land use designation, if the site is in an existing commercial zoning district and if it is adjacent on two sides to sites zoned or developed commercially (a site that would otherwise be adjacent to the subject parcel if an adjacent right-of-way were not present may be deemed an adjacent site); 3) mixed commercial and residential uses or exclusively residential uses on sites with a commercial land use designation if the site is adjacent on at least two sides or by 50% to residentially designated land (a site that would otherwise be adjacent to the subject parcel if an adjacent right-of-way were not present may be deemed an adjacent site); and
- B. Amend the text of the Discretionary Alternate Use Policies, Density Bonus for Affordable Housing, to allow an increase in the density bonus for a development that provides units for Extremely- or Very-Low Income households.

The proposal was on the consent calendar portion of the agenda, and was pulled off the calendar for discussion by Commissioner Kinman to address the additional language recommended in the supplemental staff memo to the Planning Commission (see attachment). Commissioner Kamkar recused himself from the discussion of the item.

Commissioner Kinman discussed the possibility of deferring the item from consideration so that staff could conduct further outreach to neighborhood groups to inform them about the additional text that staff recommended. She stated that the additional language in the supplemental memo had not been presented to the public prior to the Planning Commission hearing, and that some members of the public may be concerned that the proposed text changes could negatively affect businesses. Staff stated that public outreach for the original text proposal had been done to both neighborhood and developer representatives, and that the proposed additional text is intended to clarify the proposed criteria for small-scale commercial uses in existing commercial zoning districts in response to a request received from a member of the public. Staff further stated that deferral of the item would require it to be scheduled for the Fall 2008 General Plan Review, because the hearing on April 21, 2008 is the final Planning Commission hearing of the Spring 2008 General Plan Review, with the City Council General Plan Review to begin the next evening on April 22, 2008.

Additionally, staff stated that the proposed text amendment is intended to respond to Council direction to revise the Discretionary Alternate Use Policies to create opportunities for mixed uses on small sites, as a way to further the intent of the Framework for the Preservation of Employment Lands that Council adopted last year (Framework).

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Commissioner Platten asked staff when the subject amendment request is scheduled to be considered by Council. Staff responded that it is agendaized for May 20, 2008. Commissioner Platten then made a motion to adopt staff recommendation with direction to staff to conduct additional outreach prior to the Council hearing on the subject item. Commissioner Kalra seconded the motion. Commissioner Kinman commented that if the additional outreach includes electronic distribution through the Neighborhood Development Center that she could support the motion. The motion passed (4-0-2-1).

ANALYSIS

See original staff report and supplemental memorandum to the Planning Commission dated April 21, 2008 for analysis of the proposed General Plan text amendment.

EVALUATION AND FOLLOW-UP

The Planning Commission requested staff to conduct additional outreach to neighborhood representatives through electronic distribution lists, including the Neighborhood Development Center, to notify the public about the additional clarifying text recommended by staff in the supplemental memo to the Planning Commission (see attachment).

POLICY ALTERNATIVES

Alternative 1: Denial of the proposed General Plan text amendment.

Pros: Potentially preserves employment lands for employment uses, including industrial lands for industrial uses.

Cons: Is inconsistent with Council direction provided on October 23, 2007 for implementation of the Framework to address mixed uses on small and remnant sites. Will still preclude commercial uses on sites that are two acres or smaller in size in commercial zoning districts that have residential land use designations.

Reason for not recommending: This alternative is not recommended because it does not facilitate the implementation of the Framework per Council direction.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy as discussed in the attached staff report. In addition, in response to direction

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from the Planning Commission, staff sent information regarding the additional proposed text by electronic distribution to neighborhoods via the Neighborhood Development Center. Public correspondence on the proposed text amendment, received through April 25, 2008, is included as an attachment to this memo.

COORDINATION

Preparation of the proposed General Plan text amendment was coordinated with the City Attorney's Office, the Department of Transportation, Public Works, Housing, the Office of Economic Development, the San José Redevelopment Agency, and the Santa Clara Airport Land Use Commission.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan goals and policies as further discussed in the staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

The proposed text amendment is covered by an Addendum to the San José 2020 General Plan Final Environmental Impact Report, certified by the City Council on August 16, 1994, Resolution No. 65459.


For JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Andrew Crabtree, Department of Planning, Building and Code Enforcement at 535-7893.

Attachments: 1. Supplemental staff memo to the Planning Commission with revised proposed text.
2. Public correspondence received subsequent to distribution and web posting of the Planning Commission Staff Report.
3. Staff Report to the Planning Commission.