



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 15, 2008

COUNCIL DISTRICT: 3
SNI AREA: 13th Street

SUBJECT AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 20.70, SECTION 20.70.010, OF TITLE 20 OF THE MUNICIPAL CODE TO EXPAND THE AREA TO WHICH THE DOWNTOWN ZONING REGULATIONS APPLY TO ADD THE AREA BOUNDED BY FOURTH STREET, ST. JOHN STREET, SEVENTH STREET, AND SAN FERNANDO STREET, AND MAKE OTHER RELATED CLARIFYING AND TECHNICAL CHANGES.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Kinman absent) to recommend that the City Council approve the proposed Ordinance to amend Chapter 20.70, Section 20.70.010 to expand the boundary to which the Downtown Zoning Regulations apply to include the area bounded by San Fernando Street, Fourth Street, St. John Street, and Seventh Street.

OUTCOME

Should the City Council approve the proposed Ordinance Amendment it would make properties within the area bounded by St. John Street, Seventh Street, San Fernando Street and Fourth Street, also know as Civic Center, subject to the Downtown Zoning Regulations. This would allow future rezoning of properties in this area to the Downtown Primary Commercial Zoning District, and allow development in accordance with its allowed uses and development standards of this district.

BACKGROUND

On May 14, 2008, the Planning Commission held a public hearing to consider the proposed Ordinance Amendment. One member of the community, Jim Crawford of First United Methodist Church, spoke in support of the project and described the impact upon the potential development of the church site that has resulted from of not being able to rezone the church's property in the Downtown to the Downtown Primary Commercial Zoning District.

Commissioner Kamkar asked staff if the proposed Ordinance Amendment would affect the City's revenue stream, and if this was the reason for not including the expansion west of Highway 87. In response staff explained that the consideration of the City's revenue stream is not an issue for the

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proposed Amendment because the area included for expansion was already designated as part of the Downtown Core in the General Plan, and the proposed amendment is consistent with this designation. Staff also indicated that there were other reasons as discussed in the staff report for omitting the area west of Highway 87.

The motion to recommend approval of the ordinance, as recommended by staff, passed 6-0-1.

ANALYSIS

The proposed ordinance would make the eastern boundary of the area in which the Downtown Zoning Regulations are applied correspond to the eastern edge of the Core Area as described in the 2020 San José General Plan. This change would allow property owners in the proposed expansion area to rezone their property to the DC Zoning District, the conventional zoning district which permits the full range of uses and development standards intended for the Downtown Core. Such rezonings are anticipated to be initiated by property owners when new development is proposed.

Currently, most new residential and mixed use development within the proposed expansion area requires a Planned Development (PD) Zoning and Planned Development (PD) Permit. Uses and development standards that conform to the General Plan are developed individually for each property through the PD Zoning process. The proposed ordinance would allow such development to occur subject to the regulations of the standard DC Zoning District through a Site Development Permit process, make them eligible for reduced parking requirements applicable to the DC District, and allow building heights limited only by Federal Aviation Administration height regulations (the current height limit is 120 feet). Development under the DC District would still need to conform to applicable General Plan land use designations and policies and the Downtown Design Guidelines, ensuring that new development is compatible with surrounding uses. Large development proposals, pursuant to the Downtown Zoning Regulations, would also be subject to design review by the Architectural Review Committee, further ensuring the appropriate design of new development.

Based on the above analysis, staff concludes that the proposed expansion of the boundary for the Downtown Zoning Regulations would further the goals of the General Plan and the Downtown Strategy Plan for development of the Downtown Core Area and facilitate a streamlined development review process for development within the proposed expansion area.

EVALUATION AND FOLLOW-UP

Staff will bring forward a future amendment to further expand the boundary applicable to the Downtown Zoning Regulations to the west of Highway 87 once planning work is completed to ensure coordination of the various land use plans applicable to this area.

POLICY ALTERNATIVES

Policy alternatives are discussed in the original Planning Commission staff report, dated April 14, 2008

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PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- **Criteria 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.
- Criteria 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.

A noticed Community Meeting was held May 8, 2008 at Horace Mann Elementary School. A notice of the public hearing was mailed to all property owners and tenants within the Civic Center, posted on the City website, and published in the Mercury News. In addition the notice was emailed to business and neighborhood associations. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the San Jose Redevelopment Agency and the City Attorney.

POLICY ALIGNMENT

This project is consistent with applicable General Plan policies

CEQA

CEQA: Final San José Downtown Strategy 2000 EIR, Resolution No.: 72767

Andrew Crabtree
For JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Ella Samonsky at 408-535-7892.

Attachments: Staff Report