



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 24, 2008

COUNCIL DISTRICT: 6
SNI AREA: Burbank/Del Monte

SUBJECT: GP08-06-01. General Plan amendment request to change the land use designation from Medium High Density Residential (12-25 dwelling units per acre) to General Commercial on a 2.37-acre site located on the north side of Parkmoor Avenue, 1070 feet west of Meridian Avenue, on the rear lot (1555 Parkmoor Avenue).

RECOMMENDATION

The Planning Commission voted 6-0-0 to recommend that the City Council defer the proposed General Plan amendment request to the Spring 2009 General Plan Hearings as recommended by staff.

OUTCOME

If deferred, the proposed General Plan amendment will be heard by the City Council during the Spring 2009 General Plan Hearings.

BACKGROUND

On June 6, 2008, the City of San José Housing Department submitted the subject General Plan amendment request to change the land use designation from Medium High Density Residential (12-25 dwelling units per acre) to General Commercial on a 2.37-acre site located at 1555 Parkmoor Avenue to offset the future residential rezoning and redevelopment of the Ford and Monterey site. The General Plan amendment proposed on the Parkmoor site can partially offset the conversion of employment lands to residential uses on the 3.05-acre Ford and Monterey site.

According to the public records available to staff, the owners listed for the property included Hope Services and Chiechi Park West III. A single address was listed in the public records for correspondence with the property owners. On September 16, 2008, staff sent a letter by mail to the owner and address of record, Hope Services, to notify the owner of the proposal and offer the opportunity to meet with staff to address any questions or concerns. Staff also corresponded with Hope Services by phone.

After several weeks of correspondence with representatives of Hope Services, staff learned that Hope Services was the building owner and that Chiechi Park West III was the landowner. A representative of Hope Services indicated to staff that Mr. Marty Chiechi was the appropriate landowner contact.

Staff contacted the landowner, Mr. Marty Chiechi and met with him and the applicant's representative on November 5, 2008 and November 19, 2008 to discuss the proposal.

In the meeting on November 19, 2008, the landowner stated he would like additional time to explore other alternatives to the proposed General Commercial land use designation. Staff, the applicant, and Mr. Chiechi agreed to recommend to the Planning Commission that the proposal be deferred to the Spring 2009 General Plan Hearings to allow for additional time for staff and the property owner to explore and determine alternatives that may better meet the objectives of both the applicant and property owner.

On November 19, 2008, the Planning Commission held a public hearing to consider the proposed General Plan amendment. The Planning Commission voted 6-0-0 to recommend to the City Council deferral of the proposed General Plan amendment to the Spring 2009 General Plan hearings as recommended by staff.

ANALYSIS

Deferral of the proposed General Plan amendment will allow additional time for staff and the property owner to explore and determine alternatives that may better meet the objectives of both the applicant and property owner.

See original staff report for additional analysis of the proposed General Plan amendment.

EVALUATION AND FOLLOW-UP

Deferral of the proposed General Plan amendment allows staff to explore alternatives to the proposed General Plan land use designation that may better meet the objectives of the applicant and property owner.

Approval of the proposed General Plan amendment facilitates the implementation of the General Plan's Economic Development and Growth Management Major Strategies.

POLICY ALTERNATIVES

Alternative 1: Approval of the proposed General Plan amendment.

Pros: Approval facilitates the opportunity for redevelopment or intensification of commercial uses on-site, which could increase the City's economic base, provide jobs, and serve the surrounding community, aligns the existing CG-Commercial General Zoning District with the proposed underlying land use designation, and facilitates the opportunity for the land use change

on this property to provide a partial offset for the employment land lost to residential uses by the future rezoning of the Ford and Monterey site.

Cons: Approval now does not allow staff and the property owner to explore alternatives to the proposed General Plan land use designation that may better meet the objectives of the applicant and property owner.

Reason for not recommending: This alternative is not recommended because it would not allow staff and the property owner to explore alternatives to the proposed General Plan land use designation that may better meet the objectives of the applicant and property owner.

Alternative 2: Denial of the proposed General Plan amendment.

Pros: Denial retains the existing land use designation of Medium High Density Residential (12-25 DU/AC) on the 2.37-acre property.

Cons: Denial does not facilitate the opportunity for future economic development of commercial uses that could contribute to the economic base, provide jobs, and serve the surrounding community, does not align the existing CG-Commercial General Zoning District with the proposed underlying land use designation; and does not facilitate an opportunity for the land use change of the subject property to partially offset the employment land lost to residential uses by the future rezoning of the Ford and Monterey site.

Reason for not recommending: This alternative is not recommended because it does not facilitate the implementation of the General Plan's Economic Development and Growth Management Major Strategies.

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 described in the attached staff report.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Department of Transportation, and the City Attorney.

HONORABLE MAYOR AND CITY COUNCIL
November 24, 2008
Subject: GP08-06-01
Page 4

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.

CEQA

Negative Declaration GP08-06-01.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Andrew Crabtree at 408-535-7893

**STAFF REPORT
 PLANNING COMMISSION**

FILE NO.: GP08-06-01

Submitted: 6/6/08

PROJECT DESCRIPTION: General Plan amendment request to change the land use designation from Medium High Density Residential (12-25 dwelling units per acre) to General Commercial on a 2.37-acre site.

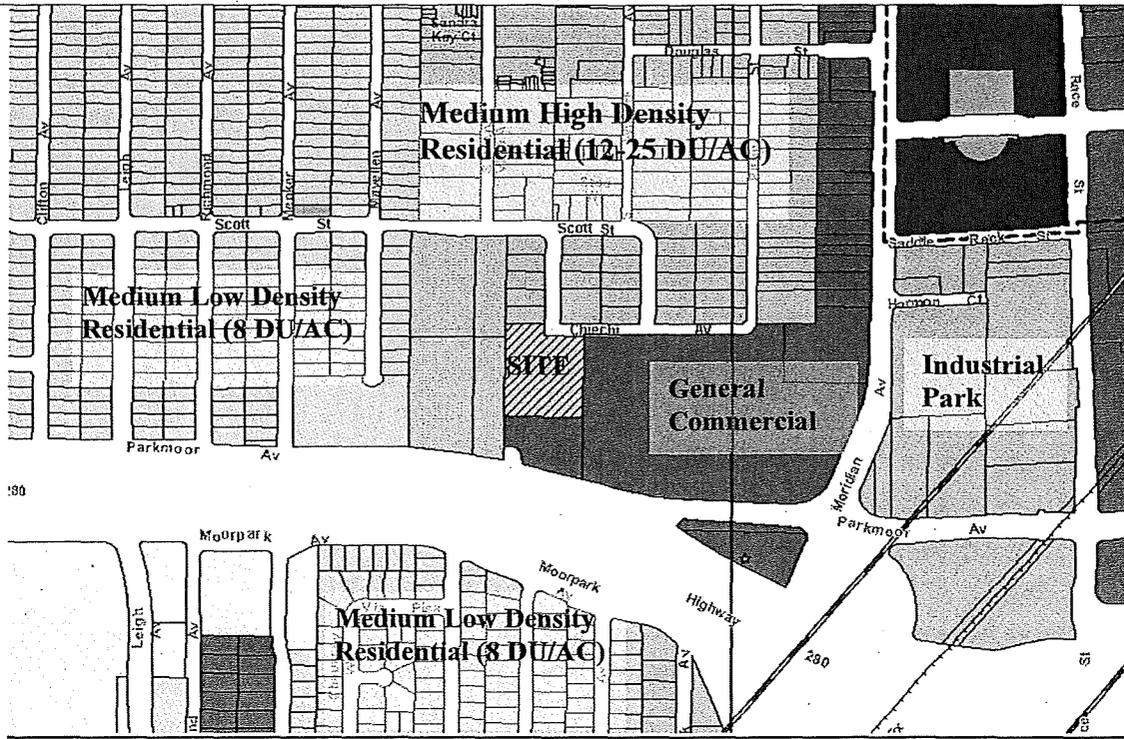
LOCATION: North side of Parkmoor Avenue, 1070 feet west of Meridian Avenue, on the rear lot (1555 Parkmoor Avenue).

Existing Zoning	CG Commercial General
General Plan	Medium High Density Residential (12-25 DU/AC)
Proposed General Plan	General Commercial
Council District	6
Annexation Date	September 10, 1954
Historic Resource	N/A
Neighborhood Organization	Buena Vista Neighborhood Association
Redevelopment Area/SNI	Burbank/Del Monte
Specific Plan	N/A
CEQA	Negative Declaration

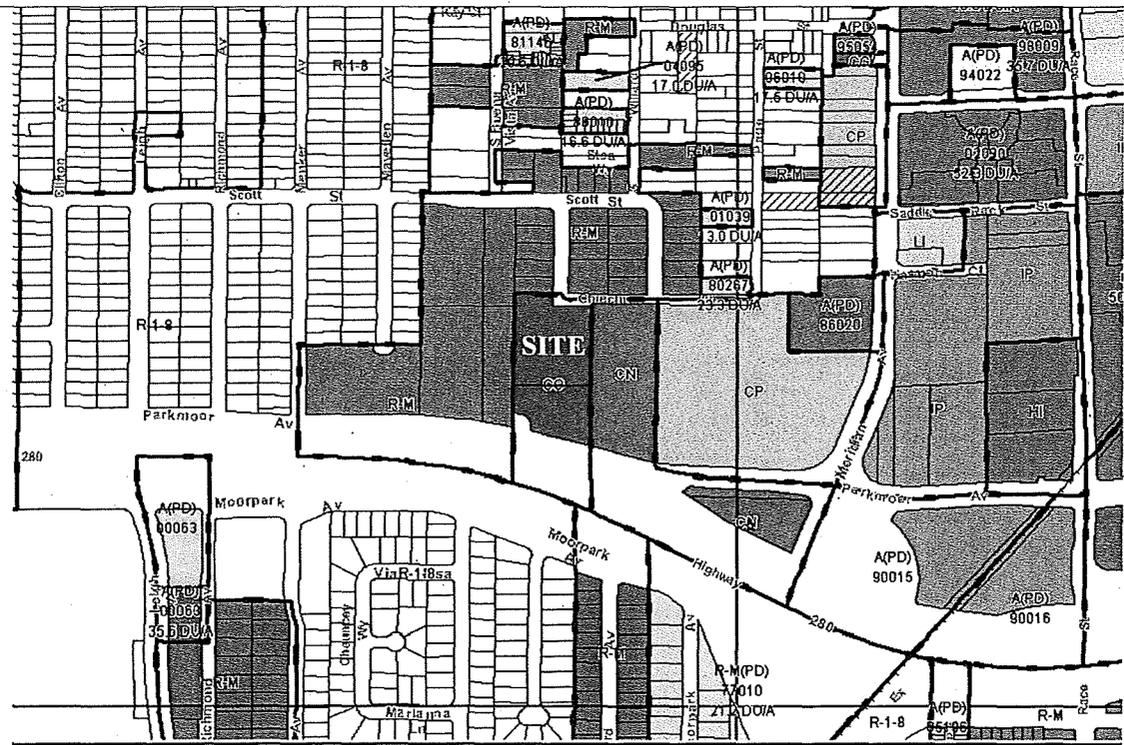
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed General Plan amendment for the following reasons:

1. The proposed General Plan amendment is consistent with the Economic Development and Growth Management Major Strategies in the San José 2020 General Plan.
2. The proposed General Plan amendment is consistent with the existing CG Commercial General Zoning District.
3. The proposed General Plan amendment is compatible with the existing uses on the site and in the surrounding area.
4. The proposed General Plan amendment conforms to the requirements of CEQA.

BACKGROUND

In April 2004, the City Council approved the *Framework as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses*. On May 15, 2007 the City Council unanimously approved strengthening the criteria to preserve employment lands and directed staff to propose a revised framework. In response, staff proposed a *Framework for Preservation of Employment Lands* (Framework) for Council consideration on October 23, 2007. The City Council approved the Framework with clarifications and changes that incorporated additional direction from the Council discussion and the recommendations from a Joint Mayor-Council Memo on the Framework (dated October 19, 2007). One key criterion of the new Framework is to maintain no net loss of total employment capacity in the City of San José when considering land use changes to the San José 2020 General Plan. Land use changes can occur through General Plan amendments or through application of the General Plan Discretionary Alternate Use Policies.

Prior to the Council's adoption of the Framework in 2007, the City of San José Housing Department purchased a site located on the north side of Ford Road, approximately 300 feet east of Monterey Road (Ford and Monterey site) as a future site for affordable housing. On April 4, 2008, the Housing Department distributed a Request for Proposals to develop the site for 100% affordable housing. Because the Ford and Monterey site has an existing land use designation of Office and residential development on the site will require use of a Discretionary Alternate Use Policy, pursuant to the Framework, an offsetting conversion that will increase employment capacity is required in order to maintain no net loss of employment lands within the City.

On June 6, 2008, the City of San José Housing Department submitted the subject General Plan amendment request to change the land use designation from Medium High Density Residential (12-25 dwelling units per acre) to General Commercial on a 2.37-acre site located at 1555 Parkmoor Avenue to offset the future residential rezoning and redevelopment of the Ford and Monterey site. The General Plan amendment proposed on the Parkmoor site can partially offset the conversion of employment lands to residential uses on the 3.05-acre Ford and Monterey site. A previously approved City-initiated General Plan amendment, GP08-08-01, which changed the land use designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 1.45-acre site located at 3566 Stevens Creek Boulevard, is proposed by the Director of Planning, Building and Code Enforcement to be considered as a supplemental contribution to offset the remaining 0.68-acreage difference between the 2.37-acre site on Parkmoor Avenue and the 3.05-acre Ford and Monterey site.

Site and Surrounding Uses

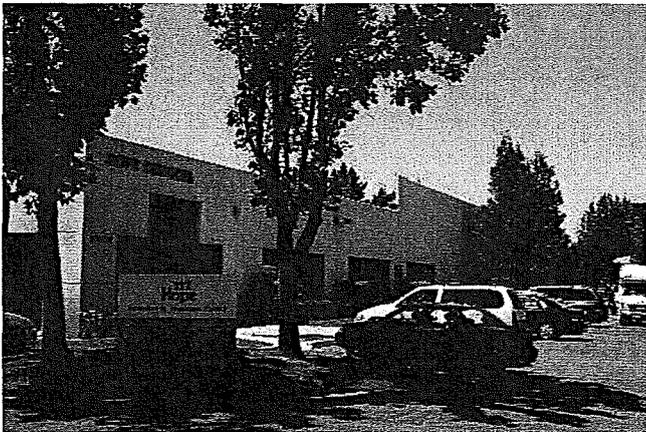
The subject site is located on the north side of Parkmoor Avenue, approximately 1,070 feet west of Meridian Avenue, and is developed with a single-story commercial facility owned and operated by Hope Services, which provides job-and-life skills training and educational services. Surrounding land uses include residential uses to the north and west and commercial uses to the south and east. A Light Rail Transit station is located at the northeast corner of Race Street and Parkmoor Avenue, which is approximately 2,000 feet east of the subject site. The site also lies within the Burbank/Del Monte Strong Neighborhoods Initiative Neighborhood Improvement Plan area (SNI NIP) and the Buena Vista Neighborhood.

The site has an existing land use designation of Medium High Density Residential (12-25 DU/AC). Two-story apartments and condominiums with surface parking typify development of this land use designation.

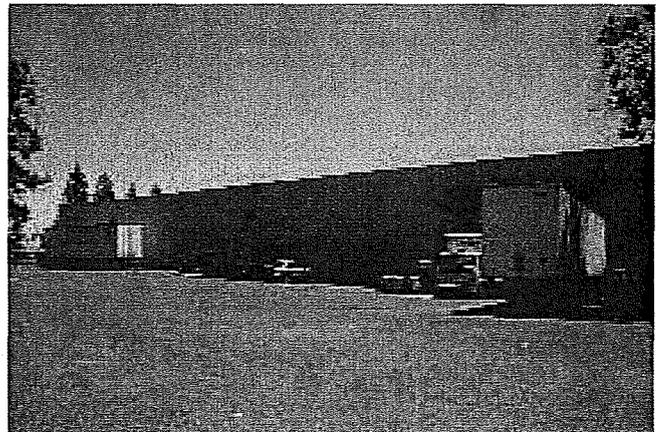
Site History

City records show that since at least 1990, the subject site has been zoned CG Commercial General and designated Medium High Density Residential (12-25 DU/AC). The existing commercial building for Hope Services was developed on the site in 1991.

Also in 1991, a General Plan amendment request (GP90-6-3), which was privately initiated by Urban and Environmental Planning Consultants on behalf of the Chiechi family, was approved to change the land use designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on the parcel immediately to the south of the subject site. In 1997, this southern parcel was developed with the existing Harley Davidson Commercial Building.



Site looking northwest



Site looking southeast

ANALYSIS

Zoning Consistency with the General Plan

As a charter city in the State of California, the City of San José is exempt from the statutory requirement that zoning be consistent with the General Plan. The CG Commercial General Zoning District, in which the site is located, allows a wide range of commercial uses that can be targeted to the local or regional market to serve the general commercial needs of the surrounding population. Although the existing land use on the subject site is a permitted use in the CG Commercial General Zoning District, this zoning district is not consistent with the existing Medium High Density Residential (12-25 DU/AC) land use designation on the site.

Under the existing CG Commercial General Zoning District and the Medium High Density Residential (12-25 DU/AC) land use designation, any future redevelopment proposal or expansion of the existing commercial use on the site requires a finding of General Plan conformance. A proposal for expansion or redevelopment of the site with a commercial use will likely require that the site have a commercial land use designation in order for the City to find conformance with the General Plan. The General Plan amendment request to change the existing residential land use designation on the site to a General Commercial land use designation supports such a finding of conformance and will facilitate and promote the ongoing and future commercial use of the site.

General Commercial Land Use Designation

The General Commercial land use designation is a non-specialized designation intended to permit a variety of commercial uses, such as strip commercial areas along major streets or freestanding commercial establishments. Business and professional office uses are also allowed within this category. The existing business/professional office land use and the CG Commercial General Zoning District on the site are consistent with the proposed land use designation of General Commercial. Therefore, the proposed General Plan amendment improves consistency between the existing zoning district and the General Plan Land Use/Transportation Diagram.

Land Use Compatibility

The subject site is developed with a one-story commercial facility occupied by Hope Services. The parcels immediately adjacent to the site to the south and east are designated General Commercial and developed with commercial uses. The parcels immediately adjacent to the north and west are designated Medium High Density Residential (12-25 DU/AC) and are developed predominantly with apartments and single-family residences. The Burbank/Del Monte SNI Neighborhood Improvement plan, which communicates the local community vision for this area, identifies the need for economic development and the importance of creating economically viable, mixed-use, neighborhood-serving commercial uses. The proposed land use designation of General Commercial for the site is compatible with the site's surrounding land uses, existing character of the area, and the Burbank/Del Monte SNI Neighborhood Improvement Plan.

Future Plans

The subject parcel is part of a larger 19-acre property extending to the northwest corner of Parkmoor Avenue and Meridian Avenue, which is designated General Commercial and owned by Chiechi Park West III. According to the property owner's representative, Mr. Marty Chiechi, the long-range plan envisioned for this larger 19-acre area is an integrated mixed-use development including ground floor retail, residential above the ground floor, and public open space uses. The proposed land use designation of General Commercial on the subject site is consistent with the vision described by Mr. Chiechi for future redevelopment of the larger 19-acre area.

Economic Development Major Strategy

The Economic Development Major Strategy in the General Plan states that economic development is a fundamental priority for future growth to improve the City's financial position and provide employment opportunities for San José's residents. The City recognizes the need to identify opportunities for expanding the community's economic base. The proposed General Plan amendment is consistent with the Economic Development Major Strategy in that it can facilitate future opportunities to redevelop or intensify the site with a commercial use that can provide job opportunities, increase revenue for the City, and reduce demands on City services.

Growth Management Major Strategy

The purpose of the Growth Management Major Strategy is to house and provide services to an increasing population in the most cost- and resource-efficient manner possible, thereby minimizing impacts upon the City's budget. The timing and location of growth can have major implications for City services and fiscal resources. Infill development within urbanized areas is identified as a desirable approach to controlling service costs because generally there is existing infrastructure to serve new development, and economies of scale can be achieved in providing services.

The proposed General Plan amendment furthers the intent of the Growth Management Major Strategy by facilitating opportunities for redevelopment or intensification of an infill site with a commercial use, consistent with the General Commercial land use designation, and in a location where urban facilities and services already exist, thereby minimizing the cost to the City of providing services while potentially increasing the City's revenue.

ENVIRONMENTAL REVIEW

A Negative Declaration (ND), which was circulated for public comment and review on October 28, 2008 and which will end circulation on November 17, 2008, states that the proposed General Plan amendment will not have a significant effect on the environment. The ND is available for review on the Planning web site at www.sanjoseca.gov/planning/eir/mnd.asp.

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. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. Notice of the Fall 2008 hearings on the General Plan was published in the San José Post-Record. The General Plan amendment was presented to the Developers Roundtable on September 12, 2008, and to the Neighborhood Roundtable on September 16, 2008; it was presented to the Housing and Community Development Advisory Commission on October 9, 2008. This staff report will be posted on the City website. Staff has also been available to respond to questions from the public.

Burbank/Del Monte Neighborhood Advisory Committee (NAC) and the Buena Vista Neighborhood Association

Staff offered to make a presentation to the Burbank/Del Monte NAC and the Buena Vista Neighborhood Association or to provide a packet with information on the proposed General Plan amendment. The NAC requested a packet. In response, staff prepared a summary letter of the proposal and attachments including an aerial map of the site, a reference map, and a copy of the public hearing notice. These items were provided to the NAC and Buena Vista Neighborhood Association on November 5, 2008.

Outreach to the Property Owners

According to the public records accessible to staff, Chiechi Park West III and Hope Services are the property owners of the site. Planning staff contacted Mr. Joe Campbell, CEO of Hope Services, by a letter, which is dated September 16, 2008, and followed up by e-mail and phone calls to inform Mr. Campbell of the proposed General Plan amendment, and to offer to schedule a meeting with staff to address any questions or comments that Mr. Campbell might have. (Staff's correspondence with Mr. Campbell by e-mail and phone was conducted via his assistant, Ms. Corrie Britton). To date, Mr. Campbell has not contacted staff to schedule a meeting or express any comments on the proposal.

On October 29, 2008, staff contacted Ms. Rosemary Frazier, Facilities Manager of Hope Services, by phone for additional outreach on the proposal. Ms. Frazier informed staff that Mr. Marty Chiechi was the land-owner representative and the appropriate contact for the property. Planning staff contacted Mr. Marty Chiechi by phone on November 4, 2008. As an outcome of that conversation, staff confirmed that the land owner is Chiechi Park West III and the building owner is Hope Services. Hope Services has a long-term land lease with Chiechi Park West III.

On November 5, 2008, staff met with Mr. Chiechi to discuss the proposal. Mr. Chiechi discussed how the property is part of a larger 19-acre property that comprises the northwest corner of Parkmoor Avenue and Meridian Avenue, which has been owned by the Chiechi family for several generations, and that the family would like to retain the property for the next generation. Mr. Chiechi informed staff that he has a vision for the 19-acre site to be redeveloped in the future with mixed uses (ground floor retail and residential above) with public open space. Mr. Chiechi expressed a concern that the current timing of the proposed land use change limits the flexibility for land use of the site in the near-term, given the current economic situation. Mr. Chiechi stated that he believes that maintaining the current Medium High Density Residential (12-25 DU/AC) land use designation gives him the most flexibility in the short term and would increase his likelihood of retaining the site for the long term.

Mr. Chiechi's vision can be achieved under the proposed land use designation of General Commercial for the site. The 19-acre property, of which the subject site is a portion, is located on Meridian Avenue, designated in the General Plan as a Minor Arterial (with a right-of-way 80-106 feet in width). Under the General Plan Discretionary Alternate Use Policy for Residential Uses on Commercially Designated Parcels, the larger 19-acre property could, at the City's discretion, be redeveloped with a mix of commercial and residential uses. The Policy states that higher density residential development (minimum 17 dwelling units per acre) or mixed-use commercial/ residential development may be allowed under a Planned Development Zoning or use permit on properties that are located on major thoroughfares and designated with a Commercial land use category, provided the development meets certain criteria. As discussed above, use of a Discretionary Alternate Use Policy is subject to the Framework requirement for no net job loss. Approval of the proposed General Plan Amendment will increase the overall job capacity for the larger 19-acre parcel and so would increase the minimum employment component requirement if such a mixed-use project moves forward.

Project Manager: Rachel Roberts **Approved by:** Andrew Crabtree **Date:** 11/12/08

<p>Owner/Applicant: Chiechi Park West III, Owner City of San José Housing Department, Applicant</p>	<p>Attachments: -Fire Department Memo dated 6/11/08 -Public Works Memo dated 6/10/08 -Department of Transportation Memo dated 9/4/08 -General Plan Discretionary Alternate Use Policies, Residential Uses on Commercially Designated Parcels</p>
--	---



Memorandum

To: Rachel Roberts

From: Du Lam

SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 06/11/08

Re: Plan Review Comments

PLANNING NO: GP08-06-01

DESCRIPTION: General Plan Amendment to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/Ac) to General Commercial on a 2.37 gross acre site to partially offset a future GP amendment involving the conversion of employment lands to residential use on a 3.05 gross acre site. (GP08-01-01 is anticipated as the offset for the remaining acreage)

LOCATION: N side Parkmoor Av 1070 ft W of Meridian Av, in rear of lot

ADDRESS: N side Parkmoor Av 1070 ft W of Meridian Av, in rear of lot (1555 PARKMOOR AV)

FOLDER #: 08 023449 AO

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Du Lam

Associate Engineer

Bureau of Fire Prevention

408-535-7711

Memorandum

TO: Rachel Roberts
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION

DATE: 06/10/08

PLANNING NO.: GP08-06-01

DESCRIPTION: General Plan Amendment to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/Ac) to General Commercial on a 2.37 gross acre site to partially offset a future GP amendment involving the conversion of employment lands to residential use on a 3.05 gross acre site. (GP08-01-01 is anticipated as the offset for the remaining acreage)

LOCATION: N side Parkmoor Av 1070 ft W of Meridian Av, in rear of lot

P.W. NUMBER: 3-06781

Public Works received the subject project on 06/09/08 and submits the following comments:

no Flood Zone

no Geological Hazard Zone

no State Landslide Zone

no State Liquefaction Zone

no Inadequate Sanitary capacity

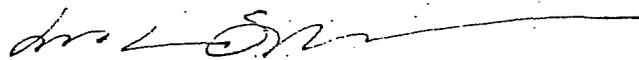
no Inadequate Storm capacity

no Major Access Constraints

no Near-Term Traffic Impact Analysis

Comments: Parkmoor becomes a one-way, westbound street. There is no storm main in Chiechi Avenue.

Please contact the Project Engineer, Norman Mascarinas at 535-6812 if you have any questions.



EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

ES:nm:gj

Memorandum

TO: Jenny Nusbaum
Planning, Building
and Code Enforcement

FROM: P. Paul Ma

SUBJECT: TRAFFIC IMPACT ANALYSIS
REQUIREMENTS FOR GPAs
SUBMITTED AUGUST 2008

DATE: 9-4-08

Approved

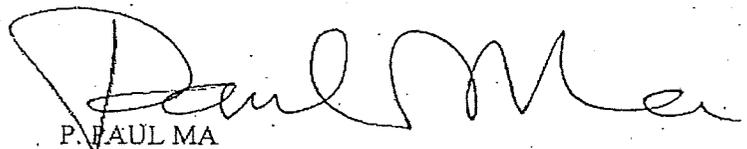
Date

This memorandum shall supersede the memorandum dated September 2, 2008, of the same subject.

We have reviewed the General Plan Amendments (GPAs) on file as of August 26, 2008. Based on the land use data provided, our comments with respect to traffic impact analysis requirements are shown on the attached table.

The Department of Transportation will issue a memorandum for each GPA for the project file. For the GPAs that require a model analysis, the memorandum will summarize the findings of the analysis:

Please contact Paul Ma at 975-3272 if you have any questions.



P. PAUL MA
Transportation Systems Planning Manager
Department of Transportation

PM
attachment

cc: Allen Tai
Bill Roth
Rachel Roberts
Ella Samonsky
Reena Mathew

ATTACHMENT

Traffic Impact Analysis Requirements for
General Plan Amendments Submitted
August 2008

<u>File Number</u>	<u>Comments</u>
GP07-04-03	Exempt
GP07-07-01	Exempt
GP07-07-01 (Alternative)	Exempt
GP07-10-02	Exempt
→ GP08-06-01	Exempt
GP08-08-02	Model Analysis Required
GP08-08-03	Model Analysis Required
GP08-08-03 (Alternative)	Model Analysis Required
GP08-08-04	Model Analysis Required
GP08-08-05	Exempt
GP08-04-01	Exempt
GP08-04-02	Model Analysis Required
GP08-05-01	Exempt
GP08-T-08 (Jackson/Taylor)	Model Analysis Required

V. LAND USE/TRANSPORTATION DIAGRAM

with a majority of the units affordable, and a significant portion of the affordable units eligible to Extremely Low-Income households. Development with a mix of commercial and residential uses with a preference for retention of employment capacity to the maximum extent feasible is strongly encouraged. The alternate land use allowed by this policy should be compatible with existing and planned uses on adjacent and neighboring properties. To use this policy, projects should exceed the minimum standards of the Zoning Ordinance and adopted design guidelines.

Surplus Public/Quasi-Public and Public Parks/Open Space Land

An alternate use of property designated for Public/Quasi-Public or Public Parks and Open Space use may be approved without an amendment to the Land Use/Transportation Diagram if such alternate use is compatible with existing and planned uses on neighboring properties and is consistent with applicable General Plan policies. The determination of such compatibility and consistency includes consideration of whether the site, in light of the overall planning for the surrounding area, would more appropriately be designated for uses of a public, quasi-public or recreational nature.

Structures of Historical or Architectural Merit

Land uses other than those designated on the Land Use/Transportation Diagram may be allowed on sites with structures of significant historical or architectural merit if to do so would enhance the likelihood that the historic/architectural qualities would be preserved, and the use would not otherwise be incompatible with the surrounding area. Such alternate use(s) should be allowed only

under Planned Development zoning or with a use permit, in conformance with the requirements of the City of San José Zoning Ordinance.

Live/Work Policy

This policy is intended to encourage mixed uses in appropriate non-residential or existing mixed use areas, to help achieve an incremental reduction in commute traffic, to facilitate the adaptive reuse of otherwise obsolete structures and to promote the growth of arts in the community. In furtherance of this objective, combined studio/workshop space and living quarters for artists, craftspersons, engineers, computer programmers, personal service providers, and others requiring a basic personal workspace and engaged in activities generally compatible with the quasi-residential nature of the project may be located in new buildings or existing buildings (particularly older commercial and industrial buildings) wholly or partially converted for this purpose. The residential facet of this use will be allowed only in combination with individual studio, office, or workshop space of the residents and is intended to provide an integrated working/living environment. Other uses -- such as galleries, antique shops, restaurants and the like -- may also be incorporated into these projects as deemed appropriate.

Residential Uses on Commercially Designated Parcels

Higher density residential development (minimum 17 dwelling units per acre) or mixed use commercial/residential development may be allowed under a Planned Development zoning or with a use permit, in conformance with the requirements of the City of San José Zoning Ordinance, on properties which are located on major thoroughfares and designated for

DISCRETIONARY ALTERNATE USE POLICIES

Density Bonuses for Rental Housing

Neighborhood/Community Commercial, Office, General Commercial, or Regional Commercial use if such development: (a) is designed to facilitate transit ridership and pedestrian activity; (b) is compatible, well integrated, and part of an appropriate residential or mixed use environment; and (c) the site and architectural design is of exceptional quality and exceeds the City's minimum design standards. The appropriate density for a given site should be determined based on compatibility with the surrounding land uses. Generally, the density of residential development allowed under this policy should not exceed 65 dwelling units per acre for properties on Major Arterial (115-130 ft. ROW) streets and 40 dwelling units per acre for properties on Minor Arterial (80-106 ft. ROW) or Major Collector (60-90 ft. ROW) streets.

Density Bonuses for Rental Housing

In order to encourage the production of rental housing, rental housing projects proposed on sites of greater than two acres may be approved within the next higher density range than that shown on the Land Use/Transportation Diagram. The alternate density allowed herein may be approved only in the context of a Planned Development zoning or with a use permit, in conformance with the requirements of the City of San José Zoning Ordinance, that precludes condominium, cooperative apartment or other ownership of individual units for a minimum period of twenty years.

Density Bonus for Affordable Housing

In order to encourage the production of housing units affordable to low- or moderate-income households, a density bonus may be provided under a Planned Development zoning or with a use permit, in

conformance with the requirements of the City of San José Zoning Ordinance. For a residentially-designated property, a density bonus is allowed for proposed housing projects of five units or more which will contain units affordable to households of extremely low-, very low-, low-, or moderate-income. The percentage of density bonus should not exceed the percentage of proposed units affordable to extremely low-, very low-, low- or moderate-income households except that a density bonus of 50% would be allowed for a project with at least 10% of its units affordable to households of extremely low- or very low-income or 20% affordable for households of low income.

Location of Projects Proposing 100% Affordable Housing

In order to encourage the production of housing units affordable to extremely low-, low- and moderate-income households, flexibility as to the use and density permitted may be provided. For properties designated for Residential, Commercial, Industrial with the Mixed Industrial Overlay, Mixed Use, or Public/Quasi-Public use on the Land Use/Transportation Diagram, development of housing at any density may be allowed under Planned Development zoning or with a use permit, in conformance with the requirements of the City of San José Zoning Ordinance, if such housing in its entirety is:

- Rental or ownership housing affordable to very low-, low- or moderate-income households-; and
- Proposed for a site and density compatible with surrounding land use designations-; and
- Located on a site consistent with the housing distribution policies of this Plan.