

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: December 15, 2008

COUNCIL DISTRICT: 3
SNI AREA: 13th Street

SUBJECT: C08-058. CONVENTIONAL REZONING FROM THE A(PD) PLANNED DEVELOPMENT AND R-M MULTIPLE RESIDENCE ZONING DISTRICTS TO THE DC DOWNTOWN PRIMARY COMMERCIAL ZONING DISTRICT ON A 1.76 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 5-0-1 (Commissioner Zito absent) to recommend that the City Council approve a Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence zoning districts to the DC Downtown Primary Commercial zoning district on a 1.76 gross acre site.

OUTCOME

Should the City Council approve the subject Conventional Rezoning to DC Downtown Primary Commercial zoning district, it would enable mixed-use, high density residential, office, retail, or religious assembly development consistent with the DC Downtown Primary Commercial allowed uses and development standards.

BACKGROUND

On October 24, 2008, the applicant, First United Methodist Church at San Jose, filed a Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site, on the southern portion of the block generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street.

On December 10, 2008, the Planning Commission held a public hearing to consider the proposed conventional rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The proposed rezoning was adopted as part of the consent calendar and no separate discussion occurred on the project. No members of the public appeared to speak on the item. The Planning Commission voted 5-0-1 (Commissioner Zito absent) to recommend approval of the project as recommended by staff.

ANALYSIS

The San Jose 2020 General Plan outlines the Downtown Core and Frame areas as *Special Strategy Areas* for the future growth of the City. As indicated on Map 3 of the General Plan "Downtown Core and Frame Area Boundaries." The subject site is included within the boundaries of the Downtown Core area. As such, the goals and policies of the Downtown Core area apply to this site. Goals for the downtown area include revitalization of the office and retail centers, construction of new high-density housing, renovation of the existing housing stock, and advancement of civic and institutional space in the downtown. The DC Downtown Primary Commercial Zoning District provides more development flexibility than any other conventional zoning district (in terms of both development regulations and permitted uses) for furthering the aforementioned goals, therefore, the proposed rezoning is consistent with the goals outlined for the Downtown Core area.

The subject site is designated Public/Quasi-Public and General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. As the DC Downtown Primary Commercial Zoning District allows public and civic uses, as well as a variety of commercial and office uses, it furthers the intent of these two existing Land Use/Transportation Diagram designations.

The proposed rezoning also furthers the Downtown Revitalization Major Strategy, as it encourages the expansion of mixed urban uses close to City Hall. This rezoning furthers the vision of the General Plan Downtown Core Area map, as the flexibility provided by the DC Downtown Primary Commercial Zoning District encourages densification and revitalization of an underutilized parcel.

For further analysis of the project, please see attached Staff Report.

EVALUATION AND FOLLOW-UP

Should the proposed conventional rezoning be approved by the City Council, a Site Development Permit or Conditional Use Permit would likely be required depending on the development proposal specifics. A Historic Preservation Permit would also be required for any alterations to the Vintage Tower, since it is a City Landmark. A separate, project specific General Plan conformance and environmental review analysis will be completed in conjunction with a proposed project.

POLICY ALTERNATIVES

Denial of the subject rezoning would mean that the existing zoning districts, A(PD) Planned Development and R-M Multiple Residence, would remain on the site. There are two existing A(PD) Planned Development Zoning districts on the project site, one for the Vintage Towers site, and the other for the former First United Methodist Church site. These A(PD) Planned Development Zoning District do provide for dense development products. However, DC Downtown Primary Commercial offers more development flexibility in land use and building form.

PUBLIC OUTREACH/INTEREST



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

(Required: Website Posting)

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. **(Required: E-mail and Website Posting)**

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. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Consistent with the City Council Public Outreach Policy, a sign was posted on-site to notify neighbors of the proposed rezoning. On November 12, 2008, a community meeting was held to discuss the project. Notices of the meeting were sent to all individuals within a 1,000-foot radius of the site, and five members of the community were in attendance. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site. The project was also published in a local newspaper, and this staff report is posted on the City's Website. Staff has been available to respond to questions from the public.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Reuse of Downtown Strategy 200 EIR, Resolution #72767.

for 
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Darryl Boyd at 408-535-7800.

STAFF REPORT
PLANNING COMMISSION

FILE NO.: C08-058

Submitted: 10/24/08

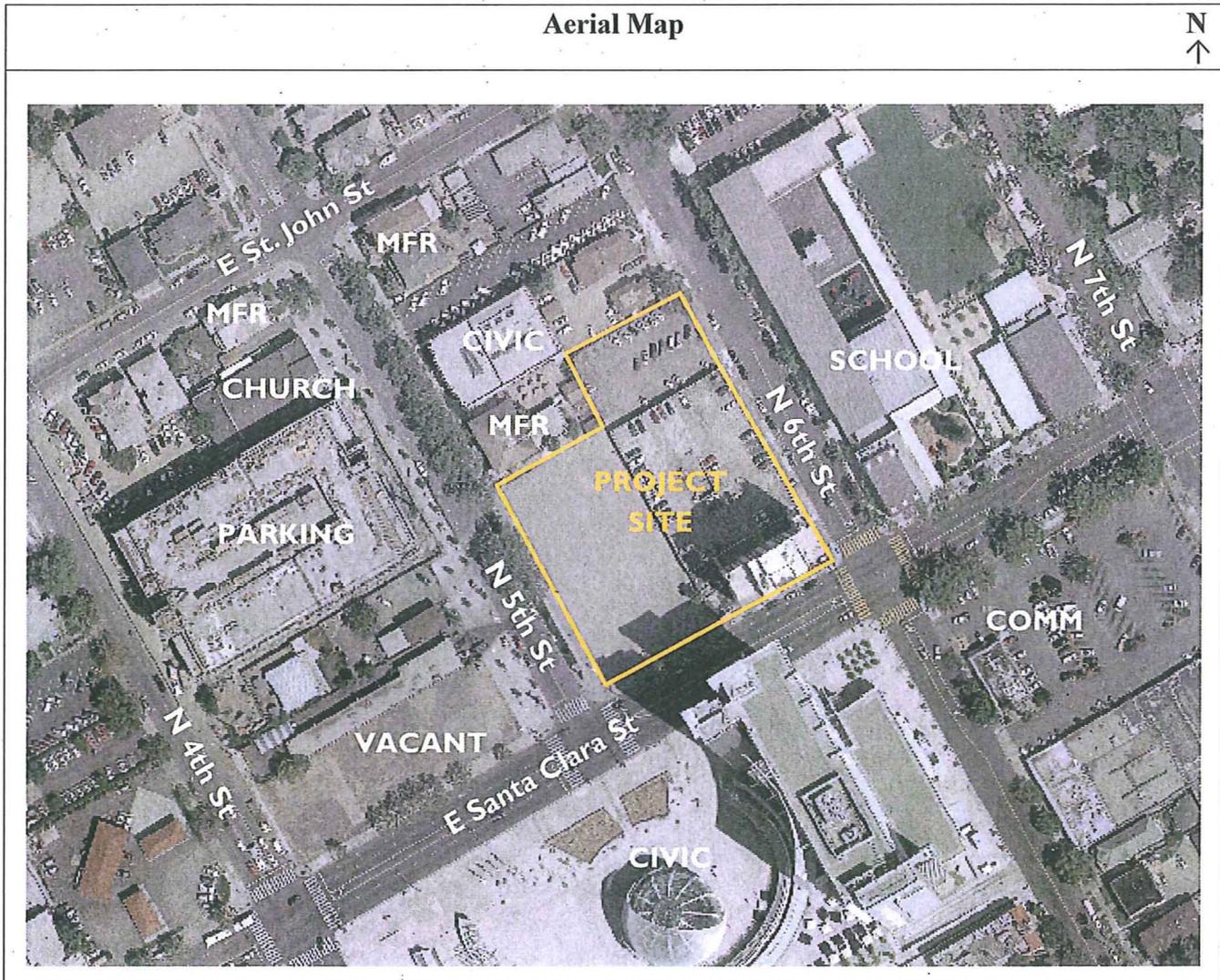
Project Manager: Licinia McMorrow

PROJECT DESCRIPTION: Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site.

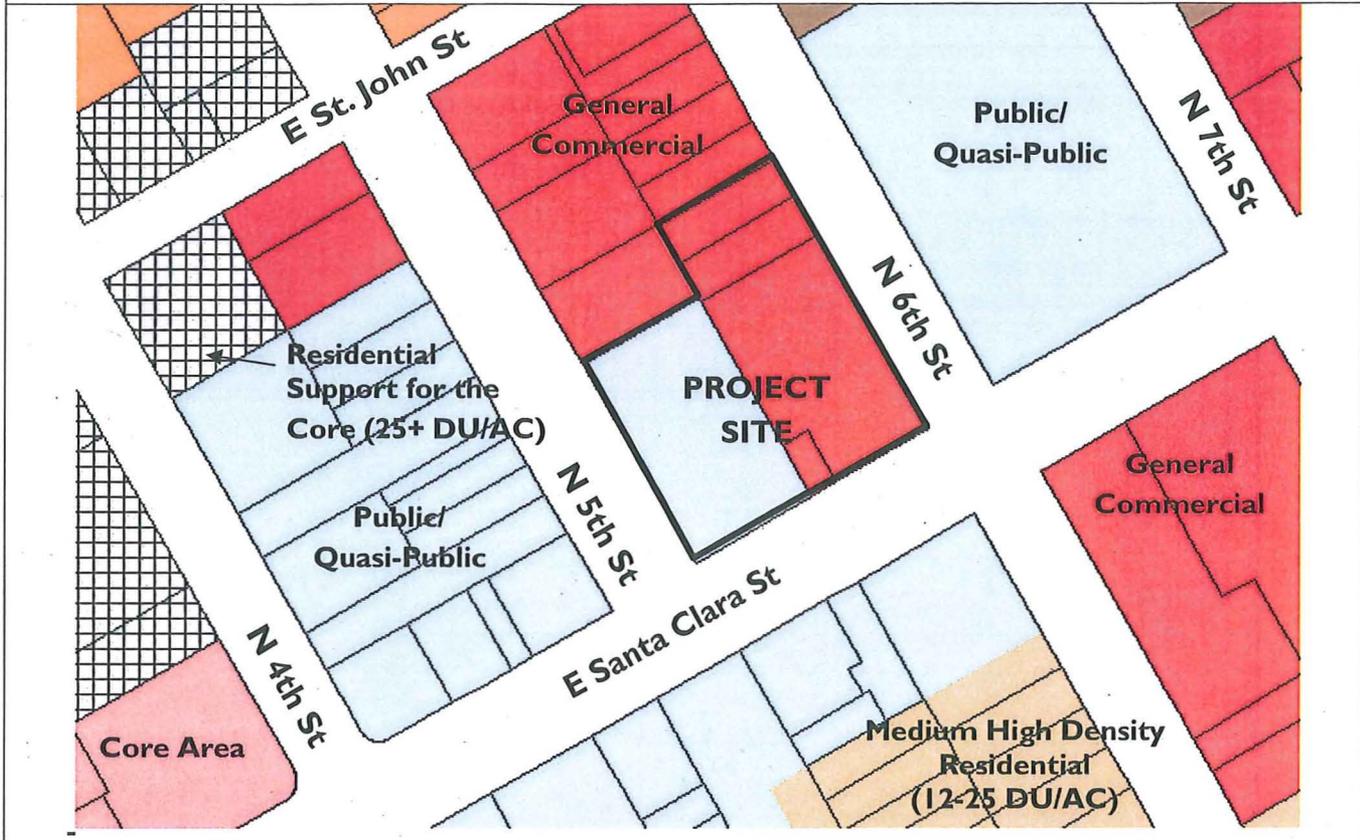
LOCATION: Southern portion of area generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street.

Existing Zoning	A(PD) Planned Development and R-M Multiple Residence
Proposed Zoning	DC Downtown Primary Commercial
General Plan	Public/Quasi-Public & General Commercial
Council District	3
Annexation Date	07/27/1981
SNI	13 th Street
Historic Resource	Yes
Redevelopment Area	Yes
Specific Plan	N/A
CEQA	Reuse of Certified EIR

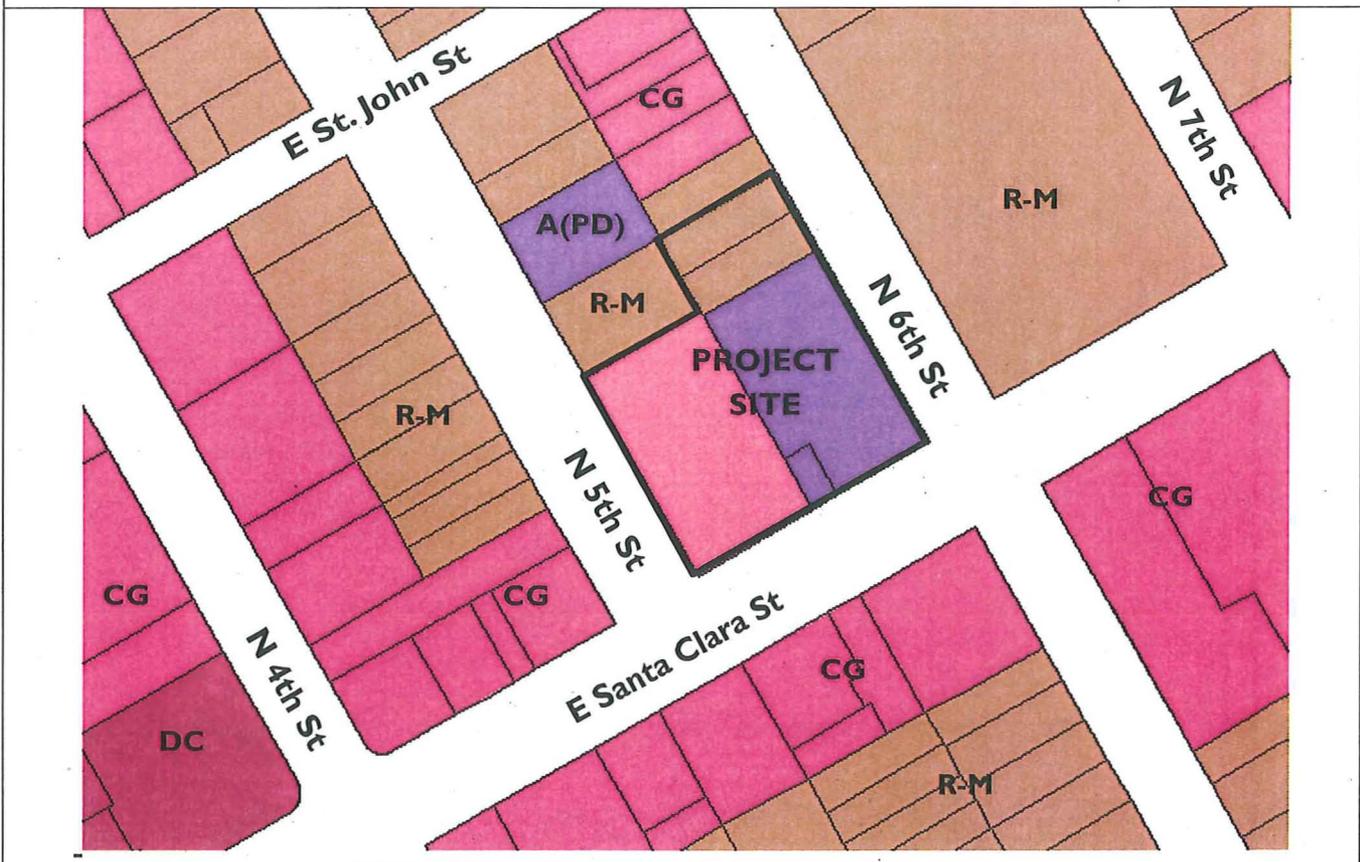
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation of approval of the proposed Conventional Rezoning to the City Council for the following reasons:

1. The proposed rezoning is in conformance with the General Plan downtown core area map.
2. The proposed rezoning would promote a mix of residential, commercial, institutional and office uses consistent with the DC Downtown Primary Commercial Zoning District, thereby furthering General Plan Goals and Policies.

BACKGROUND & DESCRIPTION

On October 24, 2008, the applicant, First United Methodist Church at San Jose, filed a Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site, on the southern portion of the area generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street.

The site is relatively flat and is currently developed with the Vintage Tower residential building, which is a City Landmark structure. Also on the subject site are a small commercial building on E. Santa Clara Street, a parking garage for the Vintage Tower, and a separate paved parking area accessed from N. 6th Street. The N 5th Street portion is vacant; this area was formerly developed with a church, but the church was destroyed by fire in 1992.

The existing surroundings of the site vary in mass and intensity of use. To the northwest of the site is a two-story apartment building and Le Petit Trianon theater. To the northeast is a residential care facility. To the east is Horace Mann Elementary School, an urban 3-story school. A suburban-style strip shopping center is located to the southeast, and San Jose City Hall is located directly to the south of the site. To the west of the site are an underutilized parcel containing a large vacant area, the Pacific Car Wash, an existing youth shelter, and a public parking garage.

In 2005, the City Council approved a General Plan Amendment (file no. GPT05-03-01) to expand the boundaries of the Downtown Core to include the subject site, among other properties. Subsequently, the City Council approved a revision to the text of the Zoning Ordinance to align the DC Downtown Primary Commercial Zoning District regulations with the expanded Downtown Core. The subject site is within the boundary identified in the Zoning Ordinance as an area that may be rezoned to DC Downtown Primary Commercial.

ANALYSIS

The proposed Conventional Rezoning would facilitate a mix of residential, commercial, institutional and office uses to facilitate a vibrant urban environment. The primary issues associated with the proposed project are conformance with the San José 2020 General Plan and compliance with the California Environmental Quality Act (CEQA).

General Plan Conformance

The San Jose 2020 General Plan outlines the Downtown Core and Frame areas as *Special Strategy Areas* for the future growth of the City. Map 3 of the General Plan depicts the Downtown Core and Frame Area boundaries. The subject site is included within the boundaries of the Downtown Core area. As such, the goals and policies of the Downtown Core area apply to this site. Goals for the downtown area include

revitalization of the office and retail centers, construction of new high-density housing, renovation of the existing housing stock, and advancement of civic and institutional space in the downtown. The DC Downtown Primary Commercial Zoning District provides more development flexibility than any other conventional zoning district (in terms of both development regulations and permitted uses) for furthering the aforementioned goals, therefore, the proposed rezoning is consistent with the goals outlined for the Downtown Core area.

The subject site is designated Public/Quasi-Public and General Commercial on the San Jose 2020 General Plan Land Use/Transportation Diagram. As the DC Downtown Primary Commercial Zoning District allows public and civic uses, as well as a variety of commercial and office uses, it furthers the intent of these two existing Land Use/Transportation Diagram designations.

The proposed rezoning also furthers the Downtown Revitalization Major Strategy, as it encourages the expansion of mixed urban uses close to City Hall. This rezoning furthers the vision of the General Plan Downtown Core Area map, as the flexibility provided by the DC Downtown Primary Commercial Zoning District encourages densification and revitalization of an underutilized parcel.

There is no specific development proposal on file for the site at this time. A Site Development Permit or Conditional Use Permit would likely be required depending on the development proposal specifics. A Historic Preservation Permit would also be required for any alterations to the Vintage Tower, since it is a City Landmark. A separate, project specific General Plan conformance and environmental review analysis will be completed in conjunction with a proposed project.

Environmental Review

The environmental impacts of this project were addressed by a Final Environmental Impact Report (EIR) entitled, "Downtown Strategy 2000." On June 21, 2005, the City Council adopted Resolution Number 72767 making findings for adoption of the Downtown Strategy 2000 EIR.

The City of San Jose may take action on the proposed project as being within the scope of the General Plan and uses of the Program EIR in that (1) the Final EIR is a Program EIR pursuant to CEQA and CEQA Guidelines Section 15168, (2) it is determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures would be required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

The subject rezoning would not create any new impacts, nor would it require any new mitigation measures beyond those analyzed in the "Downtown Strategy 2000" EIR. Any future development proposals would require separate CEQA analysis to determine if said project falls within the scope of the "Downtown Strategy 2000" EIR.

PUBLIC OUTREACH

Consistent with the City Council Public Outreach Policy, a sign was posted on-site to notify neighbors of the proposed rezoning. On November 12, 2008, a community meeting was held to discuss the project. Notices of the meeting were sent to all individuals within a 1,000-foot radius of the site, and five members of the community were in attendance. Community members were mostly concerned with future development possibilities on the site, as well as whether the subject rezoning would extend onto their properties. Staff clearly defined the boundaries of the rezoning, and the applicant discussed future development options on the site. No other questions were asked concerning the subject rezoning.

A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site. The project was also published in a local newspaper, and this staff report is posted on the City's Website. Staff has been available to respond to questions from the public.

Project Manager: Licinia McMorrow **Approved by:** Daryl Boyd **Date:** 12/2/08

Owner/Applicant:	Attachments:
First United Methodist Church at San Jose 24 N. 5 th Street San Jose, CA 95112	Reuse of Downtown Strategy 2000 EIR

**USE OF A FINAL EIR
FOR THE SAN JOSE DOWNTOWN STRATEGY 2000**

Pursuant to Section 15162 of the CEQA Guidelines, the City of San Jose has determined that the project described below is pursuant to or in furtherance of the Downtown Strategy Plan and does not involve new significant effects beyond those analyzed in the Final Environmental Impact Report (EIR) for the Downtown Strategy Plan in San Jose. Therefore, the City of San Jose can take action on the project as being within the scope of the Downtown Strategy Plan and the Final EIR.

PROJECT DESCRIPTION AND LOCATION

C08-058. Conventional Rezoning from the A(PD) Planned Development and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on a 1.76 gross acre site located on the southern portion of the area generally bounded by N. Fifth Street, E. Santa Clara Street, N. Sixth Street, and E. St. John Street.

Council District 3. Assessor's Parcel Numbers 467-19-060, -061, -073, -075, and 467-57-081, -082

The environmental impacts of this project were addressed by a Final EIR entitled, "San Jose Downtown Strategy 2000," and findings were adopted by City Council Resolution No. 72767 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Transportation and Circulation | |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Shade and Shadow |
| <input checked="" type="checkbox"/> Visual Resources | <input checked="" type="checkbox"/> Geology | <input checked="" type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Hazards | <input checked="" type="checkbox"/> Public Facilities and Services | |
| <input checked="" type="checkbox"/> Hydrology and Flooding | <input checked="" type="checkbox"/> Utilities and Infrastructure | <input checked="" type="checkbox"/> Energy |

No additional site-specific analysis has been completed for this project at this time. Future development project and permits will be required to analyze potential environmental impacts at a project level in conformance with the California Environmental Quality Act.

Licinia McMorrow
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

November 20, 2008
Date


Deputy