



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

**SUBJECT: PRELIMINARY ALUM ROCK FORM
BASED ZONING DESIGN
STANDARDS AND GUIDELINES**

DATE: June 3, 2009

Approved Paul Kuntz Date 6/9/09

COUNCIL DISTRICT: 5
SNI AREAS: Mayfair and
Gateway East

RECOMMENDATION

Staff recommends that the City Council review the Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines, and direct staff to:

1. Develop, in coordination with the City Attorney's Office, an amendment to the Zoning Code to establish a new Alum Rock Form Based Zoning District based on these preliminary standards and
2. Conduct additional public outreach regarding the proposed Zoning Code amendment.

OUTCOME

Based on direction from the Council, staff would proceed to develop an ordinance amending the Zoning Code to establish a new Alum Rock Form Based Zoning District.

EXECUTIVE SUMMARY

The Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines (see attached) have been prepared to serve as the basis for development of a proposed Alum Rock Form Based Zoning District. Form based zoning is proposed for the Alum Rock Neighborhood Business District (NBD) between King Road and Interstate 680 to streamline the development approval

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process and promote development patterns along Alum Rock Avenue that will support transit, improve the pedestrian environment, retain the unique businesses in the area, enhance the surrounding neighborhoods, and contribute to the economic vitality of the NBD.

The study area for the proposed Alum Rock Form Based Zoning currently includes a variety of commercial, industrial and residential zoning districts that as a whole do not effectively promote the City's goals for a pedestrian and transit-oriented NBD. The Alum Rock Form Based Zoning is proposed to provide development standards and use requirements that are specifically tailored to the study area.

Street design is the starting point for the proposed form based zoning. Competing demands for use of the street area devoted to automobiles (i.e. the curb to curb dimension) present challenges in achieving all of the desirable characteristics of a pedestrian-oriented street. City of San Jose Department of Transportation (DOT) staff currently are working with the Valley Transportation Agency to determine the best means of retaining or replacing on-street parking affected by the Bus Rapid Transit project (which is described below) and maintaining acceptable sidewalk dimensions. Planning and Redevelopment Agency staff recognize the importance of street trees and ample pedestrian sidewalks and will be working with DOT to achieve a positive pedestrian environment along Alum Rock Avenue. The Redevelopment Agency has invested significant time and funds in making improvements in the public right-of-way.

The Alum Rock Form Based Zoning Design Standards and Guidelines have been structured to achieve a wide pedestrian sidewalk area along either side of Alum Rock Avenue bordered by buildings with clear glass storefronts at the ground level designed for retail and other active commercial uses. These standards are intended to ensure that buildings are designed in a manner that will support successful retail uses at the ground level.

The role of housing in the future development of the Alum Rock NBD has been a key issue for the proposed form based zoning. The use recommendations for the proposed form based zoning attempt to balance the City's strong commitment to retaining commercially-designated land for future employment and revenue-generating uses, with the importance of housing in providing the intensity of development needed to support the BRT and in expanding the customer base for neighborhood-serving businesses. The proposed solution allows housing throughout most of the study area in a vertical mixed use configuration with commercial uses at the ground level, subject to approval of a Conditional Use Permit. In order to ensure that adequate traffic capacity is available to support the additional housing development, the form based zoning will propose to limit residential development in the area to 550 dwelling units.

The Alum Rock Form Based Zoning Design Standards and Guidelines provide an appropriate starting point for establishment of a new Alum Rock Form Base Zoning District that will support the City goals for a vital transit and pedestrian-oriented shopping street in this area of Alum Rock Avenue.

BACKGROUND

The Alum Rock Neighborhood Business District (NBD) is a 2.25 mile long commercial corridor stretching from Highway 101 on the west to Manning Avenue on the east and bordered on the north and south by residential neighborhoods consisting of one and two-story homes. Over the past two decades, the area has been the focus of significant revitalization efforts. The City's General Plan has designated the Alum Rock corridor as a Neighborhood Business District since the early 1980's. In 1988, the Redevelopment Agency Board designated the corridor as a Redevelopment Project Area. Since that time, the City and Redevelopment Agency have undertaken a variety of planning efforts and focused significant public investment in street improvements, public projects, and public/private developments within the Alum Rock Neighborhood Business District intended to remove blight, stimulate new development and revitalize the area as a center of commercial activity and community focus.

New public investment in the corridor has included streetscape improvements, the Mexican Heritage Plaza, the Alum Rock Branch Library, and a number of new affordable housing projects constructed with the assistance of public funds. A focused planning effort for the segment of the Alum Rock NBD between King Road and Jackson Avenue resulted in the 1999 *Alum Rock Development Strategy* which called for improved transit service on Alum Rock Avenue, urban scale buildings along the street, high quality development that enhances the neighborhood, a balance between residential and commercial uses, and development of useable public open space. The Mayfair and Gateway East Strong Neighborhoods Initiative Plans approved by the City Council in 2002 and 2003, respectively, call for improved transit service on Alum Rock Avenue and support revitalization of neighborhood serving commercial uses along Alum Rock Avenue.

Alum Rock Avenue is also part of the Santa Clara/Alum Rock Transit Corridor. This corridor forms the backbone of the Valley Transportation Authority (VTA) bus network with bus service extending along the east-west length of Santa Clara County between Eastridge and Palo Alto carrying approximately 30,000 riders per day, or approximately 20% of VTA's total bus ridership. The VTA is now proposing to introduce Bus Rapid Transit (BRT) service along this corridor, including rail-like stations, real-time station display information, new higher-capacity vehicles, signal pre-emption for buses and exclusive bus lanes within the center lanes of the street. The proposed BRT service would extend from the Eastridge Transit Center along Capitol Expressway, Capitol Avenue, Alum Rock Avenue and Santa Clara Street, connecting with the Stevens Creek and El Camino BRT projects west of Downtown. BRT stations within the Alum Rock NBD are planned at King Road and Jackson Avenue with a potential future station at Sunset Avenue. The VTA's Final EIR for this proposal also considers Single-Car Light Rail (LRT) service as a future transit alternative for the corridor.

In furtherance of City and VTA objectives for the Santa Clara/Alum Rock Transit Corridor, form based zoning is proposed for the Alum Rock NBD between King Road and Interstate 680 to streamline the development approval process and promote development patterns along Alum Rock Avenue that:

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- support transit;
- improve the pedestrian environment;
- retain existing businesses;
- enhance the surrounding neighborhoods; and
- contribute to the economic vitality of the NBD.

The Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines (see attached) have been prepared with the assistance of ROMA Design Group to serve as the basis for development of the proposed Alum Rock Form Based Zoning District. Staff presented the Draft Standards and Guidelines to property owners, development interests and community residents in meetings held on April 27, 2009 (see Public Outreach section below). The Planning Commission was scheduled to consider the Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines on May 27, 2009, but the item was deferred to June 10, 2009 when the meeting ran past 11:00 p.m. Staff will provide a verbal report at the Council meeting on this item summarizing the Planning Commission's comments on the Standards and Guidelines.

Staff is now seeking input on the document and direction from the City Council before proceeding to develop an ordinance for City Council consideration. The Standards and Guidelines are identified as preliminary in recognition that some adjustment of the standards will likely be necessary as staff crafts specific zoning ordinance language and considers additional community input.

The following analysis clarifies the goals of the proposed form based zoning, provides an overview of the Draft Development Standards and Guidelines highlighting the primary issues and objectives that have shaped them, and clarifies their implications for future development along this important transit corridor.

ANALYSIS

Existing Zoning

The study area for the proposed Alum Rock Form Based Zoning currently includes a variety of commercial, industrial and residential zoning districts that as a whole do not effectively promote the City's goals for a pedestrian and transit-oriented NBD. The CG Commercial General District, which is predominant along this street frontage, requires a 25-foot front setback that does not allow buildings to be placed close to the street in a configuration most appropriate for pedestrian and transit-oriented commercial uses within a Transit Corridor and NBD. None of the existing commercial zoning districts (i.e., CG Commercial General, CP Commercial Pedestrian, CN Commercial Neighborhood and CO Commercial Office) provide ideal parameters for this section of Alum Rock Avenue. The CP Commercial Pedestrian District, which includes appropriate development standards for an NBD, does not allow many of the auto-related uses that bring economic vitality to this segment of Alum Rock Avenue. As a result, the recently proposed expansion and upgrade of the Calderon Tire site necessitated a Planned Development

rezoning process. The Coast Oil and other adjacent properties are currently zoned LI Light Industrial, a district that supports the existing industrial uses, but does not allow future commercial uses. These zoning challenges have meant that almost every new development approved in this study area over the past decade has required a rezoning process, which has significantly increased the time and cost for approval of new development. Unless this issue is addressed, existing zoning is likely to continue to serve as an impediment to desired new development in this study area.

Furthermore, existing and prior zoning districts in the study area have resulted in a development pattern along this segment of Alum Rock Avenue that is diverse rather than unified. The oldest buildings on the street are set close to the sidewalk with parking behind in a traditional business district pattern. Buildings constructed in the 70's and 80's reflect a more auto-oriented pattern with parking lots, and in some cases fences, separating commercial buildings from the street. Residential development from this period is also separated from Alum Rock Avenue by fencing and broad landscaped setbacks. More recent development, although more urban in form, has not yet established a consistent relationship of buildings to the street. Clearer zoning regulations would ensure that future development follows a consistent pattern of development that better supports the Bus Rapid Transit (BRT) project and fosters a more pedestrian-friendly neighborhood shopping street.

Proposed Form Based Zoning

The Alum Rock Form Based Zoning is proposed to provide development standards and use requirements that are specifically tailored to the study area. Form based zonings in general are intended to guide the physical form of development through development standards that emphasize the relationship of private buildings with public streets and open spaces. These standards determine the organization of the public realm, in this case Alum Rock Avenue, and regulate the orientation of buildings along the street to achieve a pattern of development that promotes a vibrant neighborhood commercial district and an engaging pedestrian and transit environment. They guide the form and height of buildings to ensure compatibility with adjacent neighborhoods as well as the critical mass and intensity necessary to encourage transit ridership. Although building form is the primary focus of form based zoning, form based codes also address allowed uses and can allow for a mix of uses that are suitable to the Alum Rock Form Based Zoning Study Area. Form based zoning involves an upfront investment in the creation of relatively detailed parameters for future development that serve to provide more certainty and an expedited development review process for the developer and a more predictable result for the community.

Street and Sidewalk Standards for Alum Rock Avenue

Street design is the starting point for the proposed form based zoning. The segment of Alum Rock Avenue between King Road and Interstate 680 has a predominant right-of-way dimension of 100 feet, with 82 feet dedicated to automobile movement and only 18 feet (9 feet on each side) to pedestrian sidewalks. This very wide street with narrow sidewalks results in an auto-dominated environment that is not hospitable to pedestrians or conducive to neighborhood

servicing retail uses. The introduction of BRT service (with stations at King Road and Jackson Avenue and a potential future station at Sunset Avenue) and the proposed form based zoning offer the opportunity to “rebalance” the street to make it more pedestrian and transit friendly and more compatible with a Neighborhood Business District. A wider sidewalk would provide a more comfortable pedestrian environment. This objective is proposed to be achieved through the form based zoning by specifying a minimum sidewalk width of 15 feet that is intended to be implemented over time as new development occurs along the street. Ten feet of the sidewalk is proposed to be within the public street right of way (ROW) and the remaining five feet will be a private property setback designed to look like the sidewalk, but also available for use for sidewalk dining and outdoor retail displays. Staff anticipates that this will probably be a long-term transition.

Competing demands for use of the street area devoted to automobiles (i.e. the curb to curb dimension) present challenges in achieving all of the desirable characteristics of a pedestrian oriented street. The current VTA BRT proposal, which retains the existing curb to curb dimension except at the proposed BRT stations, results in the loss of more than half of the existing on-street parking and narrows some sidewalks. Retention of on-street parking is a serious issue for an NBD that seeks to draw retail customers and achieve a comfortable environment for pedestrians. On-street parking serves as “teaser” parking, a very important factor in convincing passing motorists to stop and shop. It also provides a barrier at the street edge that separates pedestrians from the flow of automobile traffic and makes the pedestrian environment feel safer and more comfortable. This is particularly important on Alum Rock Avenue where traffic speeds and volumes in the past have been relatively high (accommodating approximately 30,000 vehicles per day).

City of San Jose Department of Transportation (DOT) staff currently are working with the VTA to determine the best means of retaining or replacing on-street parking affected by the BRT project and maintaining acceptable sidewalk dimensions. The options for retention of parking include further widening of the street (which would involve acquisition of private property, removal of street trees and reconstruction of the curb and sidewalk), provision of public off-street parking lots strategically located along the street, or some combination of the two. Once the street design issues are resolved, the proposed form based zoning can clarify the design of the pedestrian portion of Alum Rock Avenue and establish the street edge as the starting point for regulations applicable to private property. Planning staff recognizes the importance of street trees and ample pedestrian sidewalks and will be working with DOT to achieve a positive pedestrian environment along Alum Rock Avenue.

Frontage Regulations for the Ground Level Commercial

The Alum Rock Form Based Zoning Design Standards and Guidelines have been structured to achieve a wide pedestrian sidewalk area along either side of Alum Rock Avenue bordered by buildings with clear glass storefronts at the ground level designed for retail and other active commercial uses. The proposed standards specify a minimum percentage of a parcel frontage along Alum Rock Avenue that must be devoted to active commercial building space (see Table 1, page 9 of the Standards and Guidelines). This requirement is intended to achieve active

commercial uses in a continuous pattern along the street and to limit the amount of frontage devoted to blank walls, elevator lobbies, service areas and utility facilities. Frontage requirements for King Road and Jackson Avenue and other streets that intersect Alum Rock Avenue within the study area are less stringent in recognition of the secondary role these streets play in the NBD. Based on an assessment of existing examples of pedestrian oriented commercial and mixed use development in San Jose, staff believes that these standards are feasible and of key importance in achieving a successful transit and pedestrian-oriented commercial street.

In addition to the frontage provisions, the Design Standards and Guidelines include storefront window glazing requirements and, for buildings with more than one story, they require minimum standards for floor-to-floor height and depth of commercial spaces. These standards are intended to ensure that buildings are designed in a manner that will support successful retail uses at the ground level. Over the past decade, as vertical mixed development has become increasingly prominent in San Jose, a number of projects have been constructed with ground floor retail tenant spaces with low floor to floor heights, shallow depths, or inadequate storefront window treatment that have significantly limited their potential for successful retail use. Mixed-use projects are typically constructed by housing developers seeking to meet the ground floor retail requirements of a commercial area, who are also faced with the challenges of finding room for the parking, open space and other facilities necessary to support the residential use. Given these multiple demands for ground floor space, the needs of the commercial component have often been compromised, resulting in poorly designed tenant spaces suitable for a relatively narrow range of uses that have been difficult to lease and that contribute little to an active pedestrian shopping district. The proposed standards set minimums to ensure that ground floor commercial space is designed to maximize the potential for successful commercial uses and that it is a priority component of future mixed-use development in this area of Alum Rock Avenue.

Staff has received comments from The Core Companies, First Community Housing and OJK Architecture and Planning (see attached) expressing concern that the proposed development standards for ground floor retail are too stringent and may render mixed use development infeasible. Staff has made minor adjustments in the frontage requirements in response to these concerns (see Table 1, page 9 of the Standards and Guidelines). Based on the City's economic development objectives for the Neighborhood Business Districts, staff believes that commercial uses should be the given priority in this NBD and that the standards, as revised, are very important in ensuring that mixed use projects retain the potential for viable commercial land uses in more than token amounts and that commercial building space is designed to accommodate successful businesses. If mixed use development is not feasible on every site in the near term, purely commercial development provides an alternative that retains employment and revenue potential until such time as mixed use development with a strong commercial component is feasible.

Commercial Uses

Appendix 1 of the proposed Alum Rock Form Based Zoning Design Standards and Guidelines (see attached) provides a detailed list of use requirements for the proposed Form Based Zoning.

With minor exceptions, the proposed commercial use provisions are similar to those of the existing CP Commercial Pedestrian Zoning District. The primary exception involves the proposed allowance for specific auto-related uses which are not permitted in the CP District. These include glass sales and installation, accessory installation, and servicing of passenger vehicles and pick up trucks (including tire, battery, lube, oil change, air conditioning and smog check). These provisions are intended to support and encourage the existing concentration of auto-related uses in the area. In all areas where commercial uses are required on the ground floor, such uses are allowed on upper floors as well.

The Role of Housing

The role of housing in the future development of the Alum Rock NBD has been a key issue for the proposed form based zoning. In the past, decisions on the appropriate location and configuration of housing within this area of the Alum Rock NBD have been made on a case by case basis either through a General Plan Amendment and subsequent Planned Development (PD) Zoning or directly through the PD Zoning process based on consideration of a General Plan Discretionary Alternate Use Policy. The proposed form based zoning seeks to clarify how and where housing is allowed to give developers a clear understanding of the City's objectives for new development and to avoid the need for Planned Development Zonings. Page 19 and Figure 7 of the Standards and Guidelines provide a description and map of the proposed use subareas.

The use recommendations for the proposed form based zoning attempt to balance the City's strong commitment to retaining commercially-designated land for future employment and revenue-generating uses, with the importance of housing in providing the intensity of development needed to support the BRT and in expanding the customer base for neighborhood-serving businesses. The proposed solution allows housing throughout most of the study area in a vertically mixed use configuration with commercial uses at the ground level, subject to approval of a Conditional Use Permit.

Figure 7 of the Standards and Guidelines delineates the areas where residential uses are allowed only above the ground level. The proposed development standards applicable to commercial uses at the ground level ensure that mixed use projects retain the potential for job-generating land uses in more than token amounts and that tenant spaces are designed to accommodate the needs of commercial businesses. The ground floor retail requirement applies to most of the properties fronting onto Alum Rock Avenue with the exception of the Las Mariposas condominium development at the northeast corner of Alum Rock Avenue and Jose Figueres Avenue where future ground floor commercial uses are not required because this relatively recently-constructed, exclusively-residential condominium project is unlikely to redevelop for many years.

Housing is also proposed to be allowed as the sole use (including the ground level) on sites fronting on Shortridge Avenue and Plaza de Guadalupe that are 150 feet or more from Alum Rock Avenue. All of these properties are currently designated for residential use on the General Plan Land Use/Transportation Diagram; many are developed with residential uses, while some

are vacant or underutilized and have potential for new residential development at higher densities.

In order to ensure that adequate traffic capacity is available to support the additional housing development allowed under the proposed Transit Corridor Commercial General Plan designation, the form based zoning will propose to limit residential development in the area to 550 dwelling units. This limit will reduce the net trip generation associated with the proposed General Plan amendments to a level that does not require a traffic model analysis and will not result in a significant traffic impact. The proposed Conditional Use Permit requirement for residential or mixed use development within the proposed Alum Rock Form Based Zoning District would provide a mechanism allowing staff to monitor the number of new dwelling units to ensure that they do not exceed the traffic capacity identified though the Initial Study and Negative Declaration completed for this effort.

Compatibility with Adjacent Residences

Like other Commercial Zoning Districts, the proposed Alum Rock Form Based Zoning would be subject to existing Zoning Ordinance provisions designed to protect nearby residential uses from potential impacts associated with late night businesses, outdoor uses and outdoor loading facilities operating after midnight. In addition to these existing use provisions, the Standards and Guidelines propose setback requirements and height limitations for new development adjacent to single family and other residential uses to promote compatibility of scale. Figure 5 of the Standards and Guidelines illustrates the proposed setback and height requirements intended to ensure that new housing, mixed use, and commercial buildings are of appropriate scale adjacent to existing residential development. Staff has received comments regarding these provisions from First Community Housing, and OKJ Architecture and Planning (see attached) raising concern that the setback requirements are too stringent and may significantly constrain future development. Staff understands this concern, and if the City Council directs preparation of a form based zoning, staff will work to refine the setback and height requirements to ensure that they do not impose more stringent requirements on future development than necessary to adequately address land use compatibility issues.

Historic Preservation

The Coast Oil Company site at 2075 Alum Rock Avenue is currently listed on the City of San Jose Historic Resources Inventory as a Structure of Merit, which indicates it is not currently identified by the City as a significant historic resource; however, the Santa Clara-Alum Rock Transit Improvement Project Final Environmental Impact Report (2005) prepared by VTA identified the 2075 Alum Rock Avenue "Coast Oil Company" original 1948 buildings as eligible for the California Register of Historic Resources due to their association with Herbert Richards who established the first chain of self-service, mini-market gas stations in California. Based on the conclusions of the VTA analysis, the 1948 buildings are considered significant resources under CEQA and the loss of these buildings would constitute a significant impact. The proposed Alum Rock Form Based Zoning would allow these identified historic resources to remain on the site indefinitely. Any proposal to alter or demolish the buildings would require discretionary

review through a development permit and additional environmental review in conformance with the requirements of CEQA.

Design Guidelines

The Alum Rock Form Based Zoning Design Standards and Guidelines include recommendations for development that are not proposed to be incorporated into the Zoning Code, but which will serve as a further guide for new development. The design guidelines are intended to promote high quality development within the Alum Rock corridor that achieves the vision of a vibrant and pedestrian and transit-friendly mixed-use district. They are not intended to dictate a particular architectural style, rather to promote buildings that are creative, well proportioned with durable and high quality materials, and that contribute to the area's identity and sense of place. Staff anticipates that these Guidelines will continue to be refined as staff moves forward to draft a form based zoning ordinance and conduct additional outreach to the development industry and the community as a whole.

Storm Water Treatment

The Alum Rock Form Based Zoning is not proposed to include unique standards for storm water treatment. Consistent with citywide standards, new development within the area of the proposed Alum Rock Form Based Zoning would be subject to the requirements of the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit and to the specific storm water treatment provisions of City Council Policy 6-29. This Policy encourages landscape-based treatment solutions. Public street design associated with new and redevelopment projects within the study area must also be consistent with the requirements of the NPDES permit, Council Policy 6-29, and approved City Standards. The City Departments with responsibility for storm water treatment are currently coordinating regarding proposed new storm water standards for public streets that are feasible and consistent with the City's operational and maintenance budget plan. Public street design associated with new and redevelopment projects within the study area will be subject to the standards in place at the time proposed project permit is processed.

Conclusion

The Alum Rock Form Based Zoning Design Standards and Guidelines provide an appropriate starting point for establishment of a new Alum Rock Form Base Zoning District that will support the City goals for a vital transit and pedestrian-oriented shopping street in this area of Alum Rock Avenue. Subject to direction received from the Council, staff will proceed to draft an ordinance incorporating these standards into a form based zoning and to conduct additional community outreach regarding the proposed zoning district and design guidelines.

EVALUATION AND FOLLOW-UP

Subject to direction by the Council, staff will coordinate with the Office of the City Attorney to prepare a draft ordinance establishing the Alum Rock Form Based Zoning District for consideration by the City Council in late 2009. At such time as an ordinance for the Alum Rock Form Based Zoning is brought forward to the Council, staff will include an update regarding the status of DOT's work with VTA in addressing City and Redevelopment Agency goals for the design of Alum Rock Avenue.

POLICY ALTERNATIVES

The following alternatives were considered in development of the proposed Alum Rock Form Based Zoning Design Standards and Guidelines.

Alternative #1: Leave the existing Zoning Districts in place and do not prepare an ordinance for a new form based zoning district for the portion of the Alum Rock Neighborhood Business District located between King Road and Interstate 680.

Pros: None.

Cons: The existing zoning of the area would continue to provide development standards that are not consistent with a pedestrian- and transit-oriented Neighborhood Business District, and the City's goals for development of this area would remain unclear. Most new development projects would continue to require lengthy rezoning processes.

Reason for not recommending: The existing zoning does not provide clear direction for new development consistent with the City's goals for a transit- and pedestrian oriented Neighborhood Business District and does not offer the streamlined development review process that would be achieved through the proposed Alum Rock Form Based Zoning District.

Alternative #2: Pursue a form based zoning district for the study area that allows both exclusively-residential development and mixed use development without any specific standards for ground-level commercial uses.

Pros: Eliminating the requirements for ground floor commercial would lessen the complexities facing residential developers, make it easier to develop new residential projects within the study area, and may provide increased ridership for the future BRT transit line.

Cons: This alternative would not provide the consistent pattern of high-quality, ground-level commercial development along the street needed to achieve a transit- and pedestrian-oriented shopping district and would not maximize the potential of this Neighborhood Business District for employment and revenue generating commercial uses.

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Reason for not recommending: The alternative would not achieve the City's goals for a transit- and pedestrian-oriented shopping street to the same degree as the proposed Alum Rock Form Based Zoning District.

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).

On July 15, 2008, staff discussed the proposed Form Based Zoning with the Neighborhood Roundtable, a group of neighborhood representatives who meet with staff on a monthly basis to discuss land use issues. Feedback from this group indicated strong support for improving the pedestrian environment along Alum Rock Avenue and included the suggestion that a travel lane be re-stripped to provide for on-street parking and bike lanes. On February 27, 2008, staff held two public meetings to present the objectives of the rezoning process and to elicit comments from area property owners and developers. A total of 16 people attended the meetings; feedback on the proposed zoning was generally positive. Two additional community outreach meetings were held on April 27, 2009 to present the proposed Alum Rock Form Based Zoning Design Standards and Guidelines and obtain feedback from residents, property owners and development interests. The response was generally positive, although concern was expressed that new development should not precede implementation of the BRT project, that development under the proposed zoning should respect the privacy of existing residences and that additional park and open space facilities were needed in the area.

Staff has posted this staff report and Alum Rock Form Based Zoning Design Standards and Guidelines on the City website (<http://www.sanjoseca.gov/planning/zoning/>). The Negative Declaration and public notices of the Planning Commission and City Council hearings have been mailed to property owners and tenants of property located in the study area and within 1000 feet of the study area boundary. Comments received from Core Companies, First Community Housing, OJK Architecture and Planning, HMM, community member Bonnie Mace, and Planning Commissioner Lisa Jensen are attached.

POLICY ALIGNMENT

The San Jose 2020 General Plan Land Use/Transportation Diagram designates the Alum Rock Avenue corridor within the proposed Alum Rock Form Based Zoning study area as a Transit-Oriented Development Corridor. Most of the study area is also designated as part of the Alum Rock NBD. The majority of properties located within the study area are designated on the Land Use/Transportation Diagram as General Commercial. Existing residential designations within the study area include Medium Low Density Residential (8 DU/AC), Medium High Density Residential (12-25 DU/AC) and Transit Corridor Residential. The proposal for residential development in a mixed-use configuration within the study area does not conform to the existing General Commercial designation.

In order to provide an appropriate policy basis for the proposed residential mixed-use development, staff has proposed amendments to the Land Use/ Transportation Diagram to change the designation of the majority of the study area to Transit Corridor Commercial. These amendments are scheduled to be considered by the City Council on June 16, 2009. Figure 6 of the Standards and Guidelines clarifies the proposed General Plan changes on a parcel-specific basis. The Transit Corridor Commercial designation is intended to allow the intensity of development necessary to support transit uses with primary focus on commercial development. The designation requires commercial uses at the ground level, but encourages either commercial or residential uses on upper floors. While parking and other residential support uses may be allowed on a limited basis at the ground level, commercial uses must occupy a majority of the ground-level of a parcel.

The boundary of the Alum Rock NBD within the study area is also proposed to be amended to coincide with the boundaries of the proposed form based zoning. Figure 1 of the Standards and Guidelines shows the existing and proposed boundaries. The proposed NBD boundary incorporates all properties fronting on Alum Rock Avenue, includes additional parcels that have development potential consistent with the goals of the NBD, and excludes properties with existing or planned residential uses that have no frontage on Alum Rock Avenue or no development potential in conjunction with properties with Alum Rock frontage.

The proposed General Plan Amendments would bring the residential mixed use development component and the boundaries of the proposed Alum Rock Form Based Zoning into better conformance with the General Plan. Overall, the uses and development standards proposed for the form based zoning support General Plan goals for development within this Transit Oriented Development Corridor and Neighborhood Business District.

COST SUMMARY/IMPLICATIONS

Not applicable.

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BUDGET REFERENCE

Not applicable.

CEQA

Negative Declaration (File No. PP09-012)

COORDINATION

This memo has been coordinated with the Redevelopment Agency, the Department of Transportation, the Housing Department, the Office of Economic Development and the City Attorney's Office.


JOSEPH HORWEDEL
Director, Department of Planning,
Building, and Code Enforcement

For questions please contact Carol Hamilton at 535-7837

Attachments:

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Letter from Paul Ring of The Core Companies, dated April 20, 2009

Email from Jeff Oberdorfer of First Community Housing, dated April 16, 2009

Email from Andy Whiting of OJK Architecture and Planning, dated April, 21, 2009

Email from Mike Campbell of HMM, dated April 14, 2009

Email from Bonnie Mace

Comments from Planning Commissioner Lisa Jensen