



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 24, 2009

COUNCIL DISTRICT: 3
SNI AREA: N/A

SUBJECT: C09-009. CONVENTIONAL REZONING FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO DC DOWNTOWN COMMERCIAL ZONING DISTRICT, LOCATED ON THE SOUTHEAST CORNER OF E. ST. JOHN STREET AND N. FOURTH STREET.

RECOMMENDATION

The Planning Commission voted (5-0-2: Cahan and Platten absent) to recommend that the City Council approve the conventional rezoning from the CG Commercial General Zoning District to the DC Downtown Commercial Zoning District.

OUTCOME

Should the City Council approve the Rezoning, the subject 0.43 gross acre site can be developed with a 156 unit mixed-use affordable housing project on file for the site, in a manner consistent with the development standards for the subject rezoning.

BACKGROUND

The applicant, Affirmed Housing Group, is requesting a conventional rezoning from the CG Commercial General Zoning District to the DC Downtown Commercial Zoning District.

The 0.43 gross-acre site is currently developed with a severely fire-damaged circa 1918 two-story multi-family residential building and the vacant site of the Donner-Houghton house City Landmark, destroyed by fire in 2007. The subject site is within the boundary identified in the Zoning Ordinance as an area that may be rezoned to DC Downtown Commercial.

On August 12, 2009, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning. There were no members of the community present to speak on the project.

ANALYSIS

General Plan Conformance

The subject site is designated Residential Support for the Core Area (25 DU+/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. As the DC Downtown Commercial Zoning District allows high-density mixed-use development as well as a variety of commercial and office uses, it furthers the intent of this existing Land Use/Transportation Diagram designation.

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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 Commercial Zoning District encourages densification.

Environmental Review

The environmental impacts of this project were addressed by a Final Environmental Impact Report (EIR) entitled, "Downtown Strategy 2000," Resolution Number 72767. 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 has been determined that no new significant impacts will occur from this proposed project, and (3) no new mitigation measures are required beyond those contained in the General Plan and Final EIR pursuant to CEQA Guidelines 15162.

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)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. An on-site sign notifying of the proposed development has been located on the property. On June 11th, 2009, the project was presented at the Horace Mann Neighborhood Association meeting. On June 18th, 2009, the project was presented at the 13th Street Neighborhood Advisory Committee meeting. 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. The rezoning was also published in a local newspaper, the Post Record. The Planning Commission staff report and Council Memorandum are also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the City Attorney.


JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Sally Zarnowitz at 408-535-7834