

STAFF REPORT
PLANNING COMMISSION

FILE NO.: C09-009

Submitted: February 11, 2009

PROJECT DESCRIPTION: Conventional Rezoning from the CG Commercial General Zoning District to the DC Downtown Commercial Zoning District on a 0.43 gross acre site.

Existing Zoning	CG Commercial General
Proposed Zoning	DC Downtown Commercial
General Plan	RS-C Residential Support for the Core Area (25 DU+/AC)
Council District	3
Annexation Date	Original City
SNI	13 th Street
Historic Resource	Yes
Redevelopment Area	Civic Plaza
Specific Plan	N/A

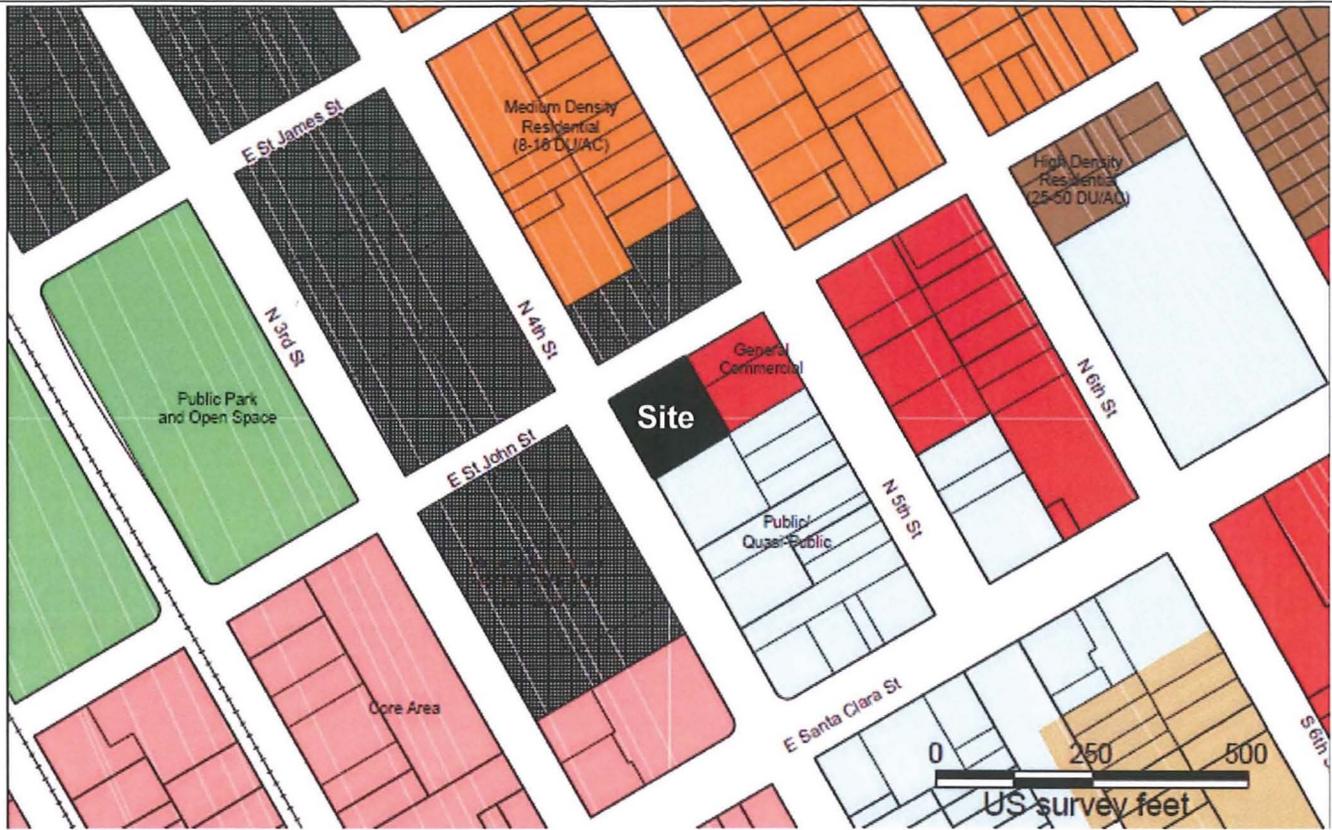
LOCATION: Southeast corner of E. St. John and N. Fourth Streets.

Aerial Map

N ↑



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 Land Use Transportation Diagram designation of Residential Support for the Downtown Core (25 DU+/AC).
2. The proposed rezoning would allow high-density residential uses with ground floor commercial uses in close proximity to central area jobs, consistent with the DC Downtown Primary Commercial Zoning District, thereby furthering General Plan Goals and Policies.

BACKGROUND & DESCRIPTION

On February 11, 2009, the applicant, Affirmed Housing Group, filed a Conventional Rezoning from the CG Commercial General Zoning District to the DC Downtown Commercial Zoning District on a 0.43 gross acre site, on the southeast corner of E. St. John and N. Fourth Streets.

The site is relatively flat and is currently developed with a vacant circa 1918 two-story multi-family residential building which was severally damaged by fire in 2007. The western portion is vacant and was the site of the relocated Donner-Houghton house City Landmark, destroyed by fire in 2007.

The existing surroundings of the site vary in mass and intensity of use. To the east of the site are two-story multi-family residential buildings. To the south of the site is the six-story municipal employee parking garage. Across N. Fourth Street to the west are a high-rise senior living residence, a vacant gas station and a one-story office building with parking lot. A parking lot and high-rise office building are located to the north across St. John Street.

In 2005, the City Council approved a General Plan Amendment (File No. GP05-03-01) 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 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 Commercial.

A Site Development Permit (File No. H09-004) is pending that would allow the construction of a 156 unit affordable housing project is currently on file for the site. A Historic Preservation Permit will also be required to include project measures to address the documentation and educational exhibit of the former Donner Houghton house, previously destroyed by fire on this designated City Landmark site, in order to promote awareness of San Jose's historic and architectural heritage.

ANALYSIS

The proposed Conventional Rezoning would allow uses consistent with the DC Zoning District. More specifically, it would facilitate a pending proposal by the developer to construct a high-density residential use with first floor commercial uses, which will expand the potential for residential development in close proximity to central area jobs and create new consumer markets in the Downtown area. The primary issues associated with the proposed rezoning 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 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. The proposed rezoning is therefore consistent with the goals outlined for the Downtown Core area.

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.

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.

The San José 2020 General Plan Sustainable City Major Strategy is a statement of the City's desire to become an environmentally and economically sustainable city. A "sustainable city" is designed, constructed, and operated to minimize waste, efficiently use natural resources and to manage and conserve them for the use of present and future generations. The proposed rezoning supports the implementation of this major strategy by facilitating an intensified urban development form in a downtown location that will help ensure that the City is able to maintain the infrastructure and services necessary to sustain San José's economy and quality of life. Any development project on this site will specifically address issues related to efficiency in resource consumption, such as Green Building and site design policies to improve energy and water efficiency.

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 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.

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.

PUBLIC OUTREACH

Consistent with the City Council Public Outreach Policy, a sign was posted on-site to notify neighbors of the proposed rezoning. On June 11th, 2009, a community meeting was held at the Horace Mann Neighborhood Association standing meeting to discuss the project. Community members were mostly concerned with parking on the site. Staff noted that parking regulations, including exceptions with specific findings, would be considered as part of the review process for the subsequent Site Development

Permit. The HMNA Board then voted to support the project. On June 18th, 2009, a community meeting was held at the 13th Street Neighborhood Advisory Committee standing meeting to discuss the project. Notices of the meetings were sent to all individuals within a 1,000-foot radius of the site.

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: Sally Zarnowitz **Approved by:**  **Date:** 8/05/09

Owner/Applicant: Anna Scott Affirmed Housing Group 13520 Evening Creek Dr. Suite 360 San Diego, CA 92128	Attachments: Legal Description
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COA-009

ORDER NO. : 0616003301-SR

EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Lot 2, Block 2, Range 5 North, as delineated upon that certain Map entitled "City of San Jose, copied from the original map drawn by Serman Day, Civil Engineer", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on in Book A of Maps, at Pages 72 and 73.

APN: 467-20-018