

SUPPLEMENTAL



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

**SUBJECT: ORDINANCE ESTABLISHING
THE MAIN STREET ZONING
DISTRICTS**

DATE: November 19, 2010

Approved

Date 11/23/10

COUNCIL DISTRICT: Citywide
SNI AREA: All

S U P P L E M E N T A L M E M O

REASON FOR SUPPLEMENTAL

This memorandum provides a brief analysis of Planning Commission recommendations regarding the proposed ordinance and revised staff recommendations.

RECOMMENDATION

Staff recommends that the City Council approve the proposed ordinance amending Title 20 of the San Jose Municipal Code to add a new Chapter 20.75, Pedestrian Oriented Zoning Districts, establish the Main Street Districts within that Chapter, establish parking and loading requirements for Main Street Districts, make other related changes to Chapter 20.10, General Provisions and Zoning Districts; Chapter 20.40, Commercial Zoning Districts; Chapter 20.80, Specific Use Regulations; Chapter 20.175, Commercial and Industrial Common Interest Development Regulations; and 20.200, Definitions, to align with and further support the new Pedestrian Oriented Zoning Districts, and include the following revisions:

1. Revise Chapter 20.75, Pedestrian Oriented Zoning Districts, Section 20.75.20.A, to limit initial applicability of the Main Street Zoning Districts to the Alum Rock Neighborhood Business District.
2. Revise Chapter 20.75, Pedestrian Oriented Zoning Districts, Section 20.75.320, to add moveable outdoor retail displays in the front setback to the outdoor uses allowed within 150 feet of a residentially zoned property without the requirement of a Special

Use Permit. Revise Subsection 20.75.320.E, to allow outdoor dining to operate until 12:00 midnight subject to all other requirements of the Subsection.

3. Revise Chapter 20.90, Parking and Loading, to increase the bicycle parking requirements of Table 20-211, Multiple Dwellings in the Pedestrian Oriented Zoning Districts, to one per living unit as recommended by the Planning Commission.

ANALYSIS

Following is an analysis of each of the Planning Commission recommendations for revision of the proposed ordinance.

Planning Commission Recommendation No. 1: In Subsection 20.75.120.A.4, limit moveable partitions and planters that are allowed in the front setback to define an outdoor seating area to a height of three feet.

Staff Response: The moveable partitions and planters referenced in this recommendation require a Development Permit or Permit Adjustment. While staff agrees that partitions and planters used to define café seating along the pedestrian frontage of a commercial site should generally be kept low, this issue would more appropriately be addressed in the required permit, rather than legislating them as “one size fits all.” Staff is recommending that the provision not be included in the proposed ordinance and that partition/planter height be addressed on a site-specific basis at the permit stage.

Planning Commission Recommendation No. 2: In Section 20.75.320, add outdoor retail displays and food carts to the outdoor uses allowed within 150 feet of a residentially zoned property without the requirement of a Special Use Permit. Revise Subsection 20.75.320.E.3, to allow outdoor dining to operate until 12:00 midnight instead of 10:00 p.m.

Staff Response: Staff has revised the proposed ordinance to allow moveable retail displays in the front setback without a Special Use Permit. This streamlines the process for retailers seeking to place a retail display such as a clothes rack or bedding plants in front of a business that is located within 150 feet of a residentially zoned property. Staff does not recommend including food carts in the current exception, since such carts are subject to other permit requirements in Title 20, which requirements also include a 150-foot setback. Staff agrees that the existing food cart setback needs to be reexamined, but to avoid conflicting provisions in the Zoning Ordinance, staff recommends that this issue be placed on the list of future ordinances so that it can be addressed comprehensively.

The original staff proposal allowed outdoor dining by right subject to specific limitations that include a minimum 50-foot setback from residentially zoned property, a prohibition on use of equipment for amplified sound and a provision that precludes such outdoor dining from operating between 10:00 p.m. and 6:00 a.m. Based on the Planning Commission input that outdoor dining in the late evening should be encouraged in the Main Street Districts, staff has

revised the draft ordinance to preclude operation between 12 midnight and 6:00 a.m. The setback and amplified sound provisions have been retained to ensure an appropriate interface with proximate residentially zoned property.

Planning Commission Recommendation No. 3: Revise Table 20-190, Parking Spaces Required by Land Use, to add increased bicycle parking requirements for the Main Street Districts for the select uses presented in Table 1 below.

Table 1. Bicycle Parking Requirements, Adopted and Recommended

Use Category	Adopted Citywide Requirements	Planning Commission Recommended Requirements for Main Street Districts
Emergency Residential Shelter	1 per 5,000 square feet of floor area	1 per 4 beds
Guesthouse	1 per 10 guest rooms plus 1 per 10 full-time employees	1 per 5 guest rooms
Live/Work	1 per 5,000 square feet of floor area	1 per living unit
Living quarters, custodian, caretakers	1 per 10 living units	1 per living unit
One family dwelling	None	1 per living unit
Servants Quarters for one-family dwelling	1 per 10 full-time employees	1 per 3 full-time employees
Residential Care and Service Facilities	1 per 10 full-time employees	1 per 4 client beds
Travel Trailer Parks	1 per 10 full-time employees	1 per 5 employees
Duplex (1-2 bedroom)	None	1 per living unit
Duplex (3 bedrooms or more)	None	2 per living unit, plus 0.5 for each bedroom over 3
Multiple dwelling	1 per 4 living units	1 per living unit

Staff Response: Staff is recommending that increased bicycle parking for only multiple dwellings be included in the proposed ordinance. It makes sense that the Main Street Districts, which are intended to promote transit, bicycle, and pedestrian modes of travel, would include increased bicycle parking requirements; however, several of the uses proposed for such parking are not proposed to be allowed in the Main Street Districts, (including emergency residential shelters, one-family dwellings, duplexes, and travel trailer parks) and the remaining uses do not warrant specific unique regulations. Staff is recommending that the multiple dwelling parking requirements be increased to one space per unit as recommended by the Planning Commission and that bicycle parking for the other uses be subject to the recently adopted, citywide requirements.

Planning Commission Recommendation No. 4: Provide increased clean air vehicle parking requirements for the Main Street Districts as indicated in Table 2:

Table 2. Clean Air Vehicle Parking Requirements, Adopted and Recommended

Clean Air Vehicles		
<u>For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:</u>		
Total Number of Parking Spaces	Adopted Citywide Requirements	Planning Commission Recommended Requirements for Main Street Districts
0-9	0	1
10-25	1	2
26-50	3	3
51-75	6	6
76-100	8	10
101-150	11	12
151-200	16	16
201+	At least 8% of total	At least 10% of total

Staff Response: The recently-adopted clean air vehicle parking requirements become effective in early December and have not yet been tested. These requirements are intended to promote the use of clean air vehicles by providing more convenient parking for such vehicles. Air quality is a citywide concern and there does not appear to be a rationale for higher standards in the Main Street Districts; therefore, staff recommends that the recently adopted requirements apply to the Main Street Districts. Increases in the requirements should be considered only after these standards have been implemented for some period of time to provide an appropriate basis for evaluating the benefits of alternative requirements, and any such increases should be considered on a citywide basis.

Planning Commission Recommendation No. 5: Make a number of specific, detailed revisions to clarify ordinance language.

Staff Response: Staff has reviewed the recommended edits and has made revisions to the proposed ordinance as appropriate.

/s/

JOSEPH HORWEDEL, DIRECTOR
 Planning, Building, and Code Enforcement

For questions, please contact Carol Hamilton at 535-7837.