



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** October 25, 2012

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**SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE BY AMENDING SECTION 20.20.200 OF CHAPTER 20.20, SECTION 20.30.200 OF CHAPTER 20.30, SECTION 20.40.200 OF CHAPTER 20.40, SECTION 20.50.200 OF CHAPTER 20.50, AND SECTIONS 20.85.010, 20.85.020 AND 20.85.030 OF CHAPTER 20.85, ALL TO AMEND THE HEIGHT LIMITATIONS IN AIRPORT INFLUENCE AREAS, TO FURTHER IMPLEMENT THE HEIGHT POLICIES SET FORTH WITHIN THE ENVISION SAN JOSÉ 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NONSUBSTANTIVE OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20.**

## **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Kamkar Absent) to recommend to the City Council the approval of an ordinance amending Title 20 of the San José Municipal Code to change the height limitations in Airport Influence Areas, to further implement the height policies set forth within the Envision San José 2040 General Plan, and to make other technical, non-substantive, or formatting changes within those sections of Title 20.

## **OUTCOME**

The proposed ordinance would increase maximum allowable heights for all types of development within specific areas in the City of San José consistent with the County of Santa Clara's Airport Influence Areas for Norman Y. Mineta San José International and Reid-Hillview Airports. The primary purpose of these changes is to better align height limits in Title 20 (the Zoning Ordinance) with those that are already established in the Envision San José 2040 General Plan to provide more flexibility for development in the City of San José.

## **BACKGROUND**

On October 24, 2012, the Planning Commission conducted a public hearing on the proposed ordinance. See the attached Staff Report and Supplemental Memo to the Planning Commission for the full analysis, description of the public outreach, and coordination conducted on the proposed amendments to Title 20 (the Zoning Ordinance).

## **ANALYSIS**

Staff made a brief presentation, summarizing the proposed ordinance, providing some additional clarification to address the revised scope of the proposed amendment, and responding to questions that had been raised by community members, as follows:

1. The intent for the ordinance is to incorporate height exceptions into the Zoning Ordinance for specific geographic areas and specific types of development (e.g., utility structures) within San Jose. Additionally, the ordinance proposes an increase in maximum allowable height from 45 feet to 50 feet for development in Industrial Zoning Districts.
2. These height exceptions were already incorporated into the Zoning Ordinance in December 2012 as part of the Envision General Plan update comprehensive Zoning Ordinance except that areas within an Airport Influence Area (AIA), subject to referral to the Airport Land Use Commission (ALUC) were excluded so that the ALUC referral could take place at a later time.
3. In April 2012 staff drafted the proposed Zoning Ordinance amendment to remove the text excluding the AIA locations from the height exceptions and referred the amendment to the ALUC. With minor edits the ALUC approved the proposed amendment.
4. Following additional public outreach, staff reduced the scope of the proposed amendment to not address the Downtown Area (e.g., the Downtown Area will continue to be excluded from the height exceptions included within the Zoning Ordinance).
5. The proposed ordinance continues to include clarifying, non-substantive edits to the description of allowable heights within the Downtown.
6. The majority of the Diridon station area is included within the Downtown and Downtown Frame areas per the Zoning Ordinance definitions. Height provisions specific to the Downtown and Downtown Frame areas would apply to this area.
7. The Zoning Ordinance establishes a hierarchy for height exceptions so that if a property is within multiple overlapping specific geographic areas (e.g., a property that is both within 2,000 feet of transit and within the Downtown), the most generous of the height exceptions applies (based upon implementation of the City's discretionary review process which takes into consideration urban design and other policies); provided, however, that

where the maximum building height limit would exceed the airspace requirements defined by the Federal Aviation Administration, the airspace requirements defined by the Federal Aviation Administration shall control. In other words, the taller height allowances would generally prevail unless they exceeded the height limitations established by the FAA or other City policies.

8. To support economic development within North San Jose, the proposed amendment includes an increase in the allowable height to 200 feet for properties north of Montague Expressway. This location is outside of an Airport Influence Area.

No members of the public spoke regarding the proposed Ordinance.

In response to questions from the Planning Commission, staff clarified that:

9. The City's Zoning Ordinance generally does not establish Floor Area Ratio (FAR) density caps, but rather regulates potential density through height and setback requirements, as well as other policies or design guidelines that address the form of new development.
10. The proposed amendment includes clarifying text for the Downtown that would delete reference to a height limit of 315 feet as an example of what the Federal Aviation Administration (FAA) would allow.
11. Language included in the proposed amendment refers to height limitations identified through the FAA referral procedures for properties located in proximity to the Norman Y. Mineta San José International Airport and does not refer to height limits imposed by the City's Airport staff through a City process.
12. Section 20.85.030 of the proposed ordinance would support potential collocation of antennae on most utility structures.

Commissioner Kline commented that height constraints due to the proximity of the Norman Y. Mineta San Jose International Airport to the Downtown have a negative impact upon the development of San Jose's Downtown.

The Planning Commission then voted unanimously to recommend to the City Council approval of the proposed amendment as recommended by staff.

### **EVALUATION AND FOLLOW-UP**

If City Council votes to approve this ordinance amendment, it would become final following a second reading at a subsequent City Council hearing and effective 30 days following that second reading. If the zoning amendment is approved, Title 20 of the City's Municipal Code will be updated and future development applicants will be reviewed for consistency with the updated Code.

HONORABLE MAYOR AND CITY COUNCIL

October 25, 2012

**Subject: Proposed Zoning Code Amendment for Height Limitations**

Page 4

**CEQA**

Envision San Jose 2040 Final Program Environmental Impact Report (File No.PP09-011), Resolution No. 76041.

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, “Envision San José 2040 General Plan,” for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File No. PP09-011.

/s/

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions, please contact Andrew Crabtree at 408-535-7893.

Attachments:

Supplemental Memo to the Planning Commission  
Planning Commission Staff Report



# Memorandum

**TO:** Planning Commission

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** October 22, 2012

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

**SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE BY AMENDING SECTION 20.20.200 OF CHAPTER 20.20, SECTION 20.30.200 OF CHAPTER 20.30, SECTION 20.40.200 OF CHAPTER 20.40, SECTION 20.50.200 OF CHAPTER 20.50, AND SECTIONS 20.85.010, 20.85.020 AND 20.85.030 OF CHAPTER 20.85, ALL TO AMEND THE HEIGHT LIMITATIONS IN AIRPORT INFLUENCE AREAS, TO FURTHER IMPLEMENT THE HEIGHT POLICIES SET FORTH WITHIN THE ENVISION SAN JOSÉ 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NONSUBSTANTIVE OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20.**

### REASON FOR SUPPLEMENTAL

At this time, Planning staff proposes to maintain the existing Airport Influence Area height criteria for sites located in the Downtown Zoning Area and the Downtown Frame Area that are also within the Airport Influence Area for the Norman Y. Mineta San José International Airport. Staff intends to do additional analysis and public outreach prior to re-agendizing proposed ordinance changes to heights specifically in the Downtown area portions of the Norman Y. Mineta San José International Airport Influence Area. The remainder of the proposed ordinance addresses other areas of San Jose and is ready to move forward. Accordingly, staff has revised the draft language of the proposed ordinance to read as follows:

#### **20.85.010**

- C. 5. For properties or structures not otherwise regulated by the provisions of Section 20.85.010.C.1, 2, 3 or 4, ~~or~~ and for properties located within an Airport Influence Area overlay as identified in the General Plan that are also within the Downtown Zoning Area or within the Downtown Frame, the height restrictions established for the zoning district in which the property or structure is located or is to be located shall govern and control the maximum heights allowed on those properties or of those structures.

**20.85.020**

- A. **Downtown.** For the Downtown Zoning Area defined in Subsection 20.70.010, the maximum allowable height for new buildings and structures shall be ~~as determined through the regulations of the federal aviation administration defined by the airspace requirements of the Norman Y. Mineta San Jose International Airport as determined by the Federal Aviation Administration. under which maximum allowable height varies from approximately one hundred twenty feet (10± stories) to approximately three hundred (315) feet (23± stories) necessary to maintain obstruction free air space around Norman Y. Mineta San Jose International Airport.~~
- B. **Downtown Frame.** In the Downtown Frame area, consisting of the area adjacent to the Downtown and bounded by Taylor Street, 11<sup>th</sup> Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning Area, the maximum allowable building height is ~~up to~~ one hundred twenty (120) feet in any event.

After distribution of the original staff report, Planning staff received the County of Santa Clara Airport Land Use Commission (ALUC) Minutes for June 27, 2012 and public correspondence, which are attached for your reference.

For   
JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For more information please call Andrew Crabtree at (408) 535-7893.

Attachments: ALUC Minutes for June 27, 2012  
Public Correspondence

County of Santa Clara  
Airport Land Use Commission

County Government Center  
70 W. Hedding Street  
San Jose, California 95110 Phone (408) 299-6714 Fax (408) 288-9198

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DATE: June 27, 2012

TIME: 6:00 P.M.

PLACE: Room 157

MINUTES  
Regular Meeting

1. Call to Order/Roll Call.

The meeting convened at 6:00 p.m. with Chairperson Britton, and Commissioners Blake, Knopf, Simpson, van Wyk, and Windus in attendance. Commissioner Clifford was absent. Also present were Nash Gonzales, Director, Department of Planning and Development; Mark Connolly, staff; Elizabeth Pianca, Deputy County Counsel; Michele Napier, Recording Secretary; and, ex-officio member Cary Greene.

2. Public Presentations

There were no public presentations.

3. Approve minutes of May 23, 2012

On motion of Commissioner Windus, seconded by Commissioner Knopf, the Commission voted favorably to approve the minutes of May 23, 2012, as submitted.

The vote was as follows:

AYES: Britton, Blake, Knopf, Simpson, van Wyk, and Windus

ABSENT: Clifford

4. Consider City of San Jose Title 20 (Zoning Code) Amendment related to the Envision San Jose 2040 General Plan referral. The Zoning Amendment would add height restrictions for geographic areas within the AIA of two public-use airports within the City of San Jose; (San Jose International Airport and Reid Hillview Airport).

Mark Connolly, Department of Planning and Development, staff to the Airport Land Use Commission (ALUC), provided an overview of the staff report and distributed four color maps for Commission consideration; 1) Zoning Map Color Legend; 2) Specific Height Color Legend; 3) Specific Height Color Legend w/Part 77 Surfaces; and 4) Part 3 Development Regulations.

On motion of Commissioner Windus, seconded by Commissioner Simpson, the Commission voted favorably to find the Zoning Amendment consistent with the San Jose International and/or Reid Hillview Comprehensive Land Use Plan respectively, and where the maximum building height shall be defined by the air space requirements by the Norman Y. Mineta San Jose International Airport as determined by the Federal Aviation Administration but not to exceed specific stated allowances in each zoning area.

On motion of Commissioner Windus, seconded by Commissioner Knopf, the Commission voted favorably to approve the minutes of May 23, 2012, as submitted.

The vote was as follows:

AYES: Britton, Blake, Knopf, Simpson, van Wyk, and Windus

ABSENT: Clifford

5. Accept update on State Legislation SB957 affecting ALUC statewide

Mr. Connolly updated the Commission regarding State Legislation SB957 affecting ALUC statewide. On consensus, the Commission accepted the report.

6. Accept update on Moffett Field Comprehensive Land Use Plan (CLUP)

Commissioner Windus provided an update to the Commission wherein he noted no change pending the release of the Initial Study.

Mr. Connolly noted the goal of staff was to release the Initial Study in August 2012, however, he noted the release was the pending scheduling of the public comment period, which he noted, the comment period was scheduled for July 2012.

On general consensus, the Commission accepted the report.

7. Accept Reports from Ex-Officio Commissioners

- a) Airport Planner, San Jose International Airport, Cary Green, provided an update regarding 1) a Request for Proposal for development on the Westside of the airport; and, 2) an update on proposed phases under consideration for construction of taxiways/runway 11-29.
- b) Director of County Airports Carl Honaker was not present at the meeting.

On general consensus, the Commission accepted the report.

8. Accept Chairperson's report

Chairperson Britton reported on increased activities at the Palo Alto Airport.

9. Announcements and correspondence

- a) Chairperson's announcements – There were no announcements.
- b) Commissioner's announcements – Commissioner Blake reported on behalf of Carl Honaker related to skydiving at the South County airport. He noted that the Federal Aviation Agency (FAA) had extended the deadline to September 28, 2012.

On general consensus, the Commission accepted the report.

10. Propose future agenda items

Mr. Connolly noted the Environmental Impact Report for Master Plan at Reid Hillview was in the public review period and will be a referral in July to the ALUC from the airport related to the project's consistency with the Comprehensive Land Use Plan (CLUP).

11. Receipt and File of Documents received at the meeting

For Item 4 on this agenda, i) Zoning Map Color Legend; ii) Specific Height Color Legend; iii) specific Height Color Legend w/Part 77 Surfaces; and, iv) Part 3, Development Regulations.

12. Adjourn

On motion of Commissioner Windus, seconded by Commissioner van Wyk, the Commission voted favorably to adjourn the meeting at 7:05 p.m. to the next scheduled ALUC meeting on Wednesday, July 25, 2012 at 6:00 p.m. in Room 157, County Government Center, 70 West Hedding, San Jose.

**Nusbaum, Jenny**

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**From:** johorwedel@aol.com  
**Sent:** Saturday, October 20, 2012 6:17 PM  
**To:** Knies, Scott; Horwedel, Joseph; Nusbaum, Jenny; Crabtree, Andrew; Prevetti, Laurel  
**Subject:** Re: airport height limitations

Jenny will be putting out a revised memo for the commission on Monday to drop for the time being the downtown and frame areas. We will do some more analysis and then do some work on outreach before we agendaize this again.

Thanks again for your tracking the heights issues downtown.

Joe

Sent from my HTC Inspire™ 4G on AT&T

----- Reply message -----

**From:** "Scott Knies" <sknies@sjdowntown.com>  
**To:** "Horwedel, Joseph" <Joseph.Horwedel@sanjoseca.gov>  
**Subject:** airport height limitations  
**Date:** Fri, Oct 19, 2012 6:07 pm

Joe, I appreciated our conversation this afternoon about the zoning proposal on airport height limitations going to Planning Commission next week (memo attached). It is my understanding that you are dropping the two downtown sections out of this recommendation, (#1 and 2) as well as the west corridor (Diridon area) in section #4 "Transit Areas." Please confirm. thanks,  
Scott

**Nusbaum, Jenny**

**From:** Scott Knies [sknies@sjdowntown.com]  
**Sent:** Friday, October 19, 2012 9:03 AM  
**To:** Nusbaum, Jenny  
**Cc:** Horwedel, Joseph  
**Subject:** Re: airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Jenny, knowing the downtown community's keen interest and my earlier communications with you on this matter, it would be helpful if you would share the same information with us. Can you please send the staff report and map attachments you mention in the responses to Terri.

We are blown away that staff is recommending a 315 foot height limit in the downtown core when we have existing buildings that surpass this height. It is beyond comprehension that such a critical land use policy recommendation would be forwarded to the Planning Commission without a SINGLE community meeting downtown, especially given our multiple year effort in collaboration with the city on OEI. Scott

**From:** Nusbaum, Jenny [[Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov)]  
**Sent:** Thursday, October 18, 2012 1:19 PM  
**To:** Terri Balandra  
**Cc:** Chundur, Dipa  
**Subject:** RE: airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Hello Terri,

Here are the answers to your questions.

Will this Airport Height Policy align with the Airport Land Use Committee's official guidelines? **Yes.**

\* Will the building height limit only be based on a "No Hazard Determination" by the FAA? - or will it be ALSO based on the Airport's current lowest Airline's OEI Policy? **The building height limit will be based on General Plan goals and policies, and the maximum height allowed in Airport Influence Areas as confirmed by the Airport Land Use Commission (ALUC) and consistent with the Compatible Land Use Plans for airports that are in the City of San Jose (Norman Mineta and Reid-Hillview).**

*Jenny, I still don't see any reference to OEI Policy. It was my understanding that Planning Staff would be sensitive to the "lowest OEI" Airline need, as to not discourage any Airline flights. Is that still the case? If so, how is the lowest Airline OEI "tracked" and at what point in the Planning Process, is it actually applied?* **The City of San Jose Planning staff can consider safety, land use compatibility, and aesthetics in reviewing building heights. The OEI Policy at this point in time is a Study, and not a Policy adopted by the City Council. Therefore, it is a reference document.**

\* How will the wording in your Zoning Ordinance address the OEI Policy, for the Airport's revention of heavy weight/ling haul flights that need a longer turning area, in order to return to the Airport, should one engine go out? **The wording in the Zoning Ordinance states maximum heights for all areas of the City of San Jose.**

*But does it ever reference OEI, specifically?* **No.**

\* Will a color coded AIA Map area be included in your Ordinance? **Maps are included as an attachment to the staff report (the ALUC staff report packet attachment). The ALUC's color-coded AIA Maps are available to the public from the ALUC's website. We have incorporated their maps into our GIS layers. Much of this information is available as text through [www.sjpermits.org](http://www.sjpermits.org) for individual parcels. The zoning ordinance changes that are proposed now are specific for subareas of the City of San Jose.**

\* How will this affect the heights of existing Projects in the City's Planning Pipeline? **This could potentially affect some development permit applications that are not yet approved; however, we stated in December 2011 in our staff report for the previous height ordinance that there would be additional ordinance changes to maximum heights in AIA areas after we received input from the ALUC. So everyone was put on notice at least as far back as fall 2011.**

\* Is the Planning Dept still concerned about Developer Lawsuits, - Developers being limited on the heights of their buildings - or, will the Building Height limit be strictly adhered to, by the Planning Dept? **The Planning Division cannot always predict who will sue the City or why. Because even lawsuits where the City prevails are time-consuming and costly, we don't look forward to lawsuits. Building height limits for individual sites are ultimately determined by General**

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Plan goals and policies and by FAA determination. Applicants have the right to request a Planned Development Zoning District to be approved by the City Council that could potentially include a customized maximum height. The Council would consider General Plan goals and policies, FAA determination, and AIA compatibility in deciding what height they determine is appropriate for a Planned Development Zoning District request for a specific site. Will the Council also consider OEI, and possible lost revenue to the Airport? I cannot predict what the Council will consider. However, Planning staff cannot consider potential economic impacts from potential lost revenue to the Airport from OEI at this time. As stated above, OEI is a Study, and not a City-adopted Policy right now.

\* What happens if Developers "challenge" the "height"? - Will the City of San Jose/taxpayers then accept the Public Safety consequences, should there be a disaster caused by the extra tall building? The primary purpose of the proposed ordinance is to establish maximum heights that are safe. That is why maximum heights in AIAs were referred to the ALUC and considered by the ALUC in their public hearing in June 2012. The proposed ordinance includes language that reflects input by the ALUC. But if the Council "caves in" - to a Developer challenge with height, and if the Council allows a "height exception", and "overrules with a 2/3 majority", is the Council then transferring the safety/liability risk to be covered by City Taxpayers, should a disaster ever occur? Not necessarily.

*Thanks, Jenny...*

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**From:** Terri Balandra [<mailto:tbalandra@apr.com>]  
**Sent:** Wednesday, October 17, 2012 7:41 PM  
**To:** Nusbaum, Jenny  
**Cc:** Chundur, Dipa  
**Subject:** airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

*Hi Jenny;*

*Please SEE BELOW: I have additional questions highlighted in yellow, italicized, and underlined, below your answers: Thanks for all your thoughtful clarification; Terri*

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**From:** Nusbaum, Jenny [[Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov)]  
**Sent:** Wednesday, October 17, 2012 11:10 AM  
**To:** Terri Balandra  
**Cc:** Chundur, Dipa  
**Subject:** RE: airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Hello Terri,

Here are the answers to your questions.

Will this Airport Height Policy align with the Airport Land Use Committee's official guidelines? **Yes.**

\* Will the building height limit only be based on a "No Hazard Determination" by the FAA? - or will it be ALSO based on the Airport's current lowest Airline's OEI Policy? The building height limit will be based on General Plan goals and policies, and the maximum height allowed in Airport Influence Areas as confirmed by the Airport Land Use Commission (ALUC) and consistent with the Compatible Land Use Plans for airports that are in the City of San Jose (Norman Mineta and Reid-Hillview).

Jenny, I still don't see any reference to OEI Policy. It was my understanding that Planning Staff would be sensitive to the "lowest OEI" Airline need, as to not discourage any Airline flights. Is that still the case? If so, how is the lowest Airline OEI "tracked" and at what point in the Planning Process, is it actually applied?

\* How will the wording in your Zoning Ordinance address the OEI Policy, for the Airport's revention of heavy weight/ling haul flights that need a longer turning area, in order to return to the Airport, should one engine go out? The wording in the Zoning Ordinance states maximum heights for all areas of the City of San Jose.

But does it ever reference OEI, specifically?

\* Will a color coded AIA Map area be included in your Ordinance? Maps are included as an attachment to the staff report (the ALUC staff report packet attachment). The ALUC's color-coded AIA Maps are available to the public from the ALUC's website. We have incorporated their maps into our GIS layers. Much of this information is available as text through [www.sjpermits.org](http://www.sjpermits.org) for individual parcels. The zoning ordinance changes that are proposed now are specific for subareas of the City of San Jose.

\* How will this affect the heights of existing Projects in the City's Planning Pipeline? This could potentially affect some development permit applications that are not yet approved; however, we stated in December 2011 in our staff report for the previous height ordinance that there would be additional ordinance changes to maximum heights in AIA areas after

10/22/2012

we received input from the ALUC. So everyone was put on notice at least as far back as fall 2011.

\* Is the Planning Dept still concerned about Developer Lawsuits, - Developers being limited on the heights of their buildings - or, will the Building Height limit be strictly adhered to, by the Planning Dept? The Planning Division cannot always predict who will sue the City or why. Because even lawsuits where the City prevails are time-consuming and costly, we don't look forward to lawsuits. Building height limits for individual sites are ultimately determined by General Plan goals and policies and by FAA determination. Applicants have the right to request a Planned Development Zoning District to be approved by the City Council that could potentially include a customized maximum height. The Council would consider General Plan goals and policies, FAA determination, and AIA compatibility in deciding what height they determine is appropriate for a Planned Development Zoning District request for a specific site. Will the Council also consider OEI, and possible lost revenue to the Airport?

\* What happens if Developers "challenge" the "height"? - Will the City of San Jose/taxpayers then accept the Public Safety consequences, should there be a disaster caused by the extra tall building? The primary purpose of the proposed ordinance is to establish maximum heights that are safe. That is why maximum heights in AIAs were referred to the ALUC and considered by the ALUC in their public hearing in June 2012. The proposed ordinance includes language that reflects input by the ALUC. But if the Council "caves in" - to a Developer challenge with height, and if the Council allows a "height exception", and "overrules with a 2/3 majority", is the Council then transferring the safety/liability risk to be covered by City Taxpayers, should a disaster ever occur?

Thanks, Jenny...

The staff report and draft ordinance with legal language will be posted by this afternoon on the Planning Commission Agenda for October 24, 2012. As the staff report states, the language for areas within the Airport Influence Areas was referred to the ALUC in April and considered at their public hearing in June 2012.

<http://www.sanjoseca.gov/planning/hearings/DefaultPC.asp>

Jenny Nusbaum  
 Planning Division  
 Planning, Building and Code Enforcement  
 City of San José  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 PHONE: (408) 535-7872  
 FAX: (408) 292-6055  
 e-mail: [jenny.nusbaum@sanjoseca.gov](mailto:jenny.nusbaum@sanjoseca.gov)

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**From:** Terri Balandra [<mailto:tbalandra@apr.com>]

**Sent:** Friday, October 12, 2012 12:11 PM

**To:** Chundur, Dipa

**Cc:** [ames@aol.com](mailto:ames@aol.com); Helen Chapman; [debarant@gmail.com](mailto:debarant@gmail.com); [SJ-D6NL@yahoogle.com](mailto:SJ-D6NL@yahoogle.com)

**Subject:** airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Dipa;

Thanks, for sending this Dipa... I will hopefully look forward to your answers, before the Staff Report.

\* Will this Airport Height Policy align with the Airport Land Use Committee's official guidelines?

\* Will the building height limit only be based on a "No Hazard Determination" by the FAA? - or will it be ALSO based on the Airport's current lowest Airline's OEI Policy?

\* How will the wording in your Zoning Ordinance address the OEI Policy, for the Airport's revention of heavy weight/ling haul flights that need a longer turning area, in order to return to the Airport, should one engine go out?

\* Will a color coded AIA Map area be included in your Ordinance?

\* How will this affect the heights of existing Projects in the City's Planning Pipeline?

\* Is the Planning Dept still concerned about Developer Lawsuits, - Developers being limited on the heights of their buildings - or, will the Building Height limit be strictly adhered to, by the Planning Dept?

\* What happens if Developers "challenge" the "height"? - Will the City of San Jose/taxpayers then accept the Public Safety consequences, should there be a disaster caused by the extra tall building?

Thanks again, Dipa!

Best;

Terri Balandra

10/22/2012

## Nusbaum, Jenny

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**From:** Michelle Fisk [Mfisk@cwdco.com]  
**Sent:** Thursday, October 18, 2012 7:38 AM  
**To:** Nusbaum, Jenny; Yakubu, Salifu  
**Cc:** Peter Smith; jjodoin@ktpropertiesinc.com; Mtersini@aol.com; Chundur, Dipa; Nathan Miller; Kevin Sauser  
**Subject:** RE: Notice of Proposed Zoning Ordinance Amendment

Jenny,  
Thanks for the info. We will look into it.  
Michelle Fisk

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**From:** Nusbaum, Jenny [mailto:Jenny.Nusbaum@sanjoseca.gov]  
**Sent:** Wednesday, October 17, 2012 10:31 AM  
**To:** Yakubu, Salifu; Michelle Fisk  
**Cc:** Peter Smith; jjodoin@ktpropertiesinc.com; Mtersini@aol.com; Chundur, Dipa  
**Subject:** RE: Notice of Proposed Zoning Ordinance Amendment

Hello,

The height regulations for this site were updated in February 2012, and are not changing now. They are at the link below.

[http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose\\_ca/title20zoning\\*1/chapter2085specificheightrestrictions?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanjose\\_ca\\$anc=JD\\_20.85.020](http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/title20zoning*1/chapter2085specificheightrestrictions?f=templates$fn=default.htm$3.0$vid=amlegal:sanjose_ca$anc=JD_20.85.020)

The staff report and draft ordinance with legal language will be posted by this afternoon on the Planning Commission Agenda for October 24, 2012. As the staff report states, the language for areas within the Airport Influence Areas was referred to the ALUC in April and considered at their public hearing in June 2012.

<http://www.sanjoseca.gov/planning/hearings/DefaultPC.asp>

Jenny Nusbaum  
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200 East Santa Clara Street  
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e-mail: [jenny.nusbaum@sanjoseca.gov](mailto:jenny.nusbaum@sanjoseca.gov)

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**From:** Yakubu, Salifu  
**Sent:** Friday, October 12, 2012 5:58 PM  
**To:** Michelle Fisk  
**Cc:** Peter Smith; jjodoin@ktpropertiesinc.com; Mark Tersini - KT Properties ([Mtersini@aol.com](mailto:Mtersini@aol.com)); Chundur, Dipa  
**Subject:** RE: Notice of Proposed Zoning Ordinance Amendment

Michelle,

By copying her I am asking Dipa to respond to your question.  
Dipa – Michelle's property is at Santa Clara and Market. I'm aware of the properties in North San Jose but wanted to be sure about the implications for downtown projects.

Thank you,

10/22/2012



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** October 17, 2012

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**COUNCIL DISTRICT:** Citywide

**SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE BY AMENDING SECTION 20.20.200 OF CHAPTER 20.20, SECTION 20.30.200 OF CHAPTER 20.30, SECTION 20.40.200 OF CHAPTER 20.40, SECTION 20.50.200 OF CHAPTER 20.50, AND SECTIONS 20.85.010, 20.85.020 AND 20.85.030 OF CHAPTER 20.85, ALL TO AMEND THE HEIGHT LIMITATIONS IN AIRPORT INFLUENCE AREAS, TO FURTHER IMPLEMENT THE HEIGHT POLICIES SET FORTH WITHIN THE ENVISION SAN JOSÉ 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NONSUBSTANTIVE OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20.**

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend to the City Council the approval of the ordinance changes outlined in this memorandum to amend Title 20 of the San José Municipal Code to change the height limitations in Airport Influence Areas, to further implement the height policies set forth within the Envision San José 2040 General Plan, and to make other technical, non-substantive, or formatting changes within those sections of Title 20.

## **OUTCOME**

The subject ordinance would increase maximum allowable heights for all types of development within specific areas in the City of San José consistent with the County of Santa Clara's Airport Influence Areas for Norman Y. Mineta San José International and Reid-Hillview Airports. The primary purpose of these changes is to better align height limits in Title 20 (the Zoning Ordinance) with those that are already established in the Envision San José 2040 General Plan to provide more flexibility for development in the City of San José.

## **BACKGROUND**

The City of San José comprehensively updated its General Plan through adoption of the *Envision San José 2040* General Plan on November 1, 2011. During this process, the Envision Task Force and Planning Commission reviewed a work program proposed by staff to amend the City's Zoning Ordinance (Title 20) to align it with the City's new General Plan. The first such Zoning Ordinance amendment was approved by the City Council in November 2011 and became effective on February 10, 2012.

As part of the General Plan comprehensive update, the City removed specific height limitations and exceptions from its General Plan with the intent of re-establishing these regulations in the City's Zoning Ordinance (Title 20 of the San José Municipal Code). The February 2012 Zoning Ordinance changes included adding a new chapter to incorporate height regulations previously established within the General Plan for specific geographic areas and specific types of development. (<http://www.sanjoseca.gov/planning/zoning/heightrestrictionordinance29012.pdf>) However, the previously approved ordinance change deliberately omitted application of these regulations to the geographic areas within the Norman Y. Mineta San José International Airport Influence Area (AIA) so that the City would have time to refer a separate subsequent Zoning Ordinance change (the subject of this memo) to the County of Santa Clara Airport Land Use Commission (ALUC).

## **ANALYSIS**

Staff is recommending amendments to the Zoning Ordinance to add height restrictions, comparable to those previously located in the City's General Plan, for geographic areas subject to ALUC review and to change maximum allowable heights for development for a range of land uses consistent with AIA policies. The proposed change would remove text that excludes areas potentially within the Norman Y. Mineta San José International Airport Influence Area from height exceptions that are otherwise available for specific geographic areas or specific types of development. This text had intentionally been added to the Zoning Ordinance as part of the previous February Envision Zoning Ordinance update so that referral to the ALUC could be deferred to a later time. Removing this text would increase, within ALUC referral areas, the maximum allowable height for development in Industrial Zoning Districts from 45 to 50 feet and apply height exceptions in the Zoning Ordinance Chapters 20.20, 20.30, 20.40, 20.50, and 20.85 to various zoning districts that are in areas subject to ALUC review. The following list identifies the height exceptions that affect areas that overlap the AIA boundaries or that potentially affect land uses that fall within the AIA boundaries.

1. Downtown – In the Downtown Area the maximum allowable height for new buildings and structures shall be as determined through the regulations of the Federal Aviation Administration upon building intensity (and associated employment density) through its height limitation which varies from approximately 120 feet (10± stories) to approximately 315 feet (23± stories) necessary to maintain obstruction-free air space

around Norman Y. Mineta San José International Airport.

2. Downtown Frame – In the Downtown Frame area, consisting of the area adjacent to the downtown and bounded by Taylor Street, 11<sup>th</sup> Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning area, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not exceed 120 feet in any event.
3. North San José Policy Employment Center – In the North San José Employment Center the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event.
4. Transit Areas – For properties wholly or partially located within a radius of 2,000 feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Montague Expressway, the maximum building height shall not exceed 200 feet. For properties wholly or partially located within a radius of 2,000 feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Downtown and south of Montague Expressway, or along the planned BART corridor (as shown on the General Plan Land Use / Transportation Diagram), the maximum building height shall not exceed 150 feet. For properties located wholly or partially within a radius of 2,000 feet of other existing or planned passenger rail stations (as shown on the General Plan Land Use / Transportation Diagram), the maximum building height shall not exceed 120 feet.
5. Rosemary Gardens Neighborhood – For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 97 and Interstate 880, the maximum building height is 35 feet.
6. North San José Policy Area (all other areas not addressed above) – The general allowable maximum building height is 120 feet within the North San José Policy area.
7. Airport West Area – For those properties within the City of San José bounded by Coleman Avenue, Interstate 880 and the Union Pacific Railroad line, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.
8. North First Street Urban Village – For the portion of the North First Street Urban Village bounded by Jackson Street, Hobson Street and East Hedding Street, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not exceed 200 feet in any event.

9. Rincon South Urban Village – For the Urban Village area bounded by Old Bayshore Highway, North First Street, Skyport Drive, Technology Drive and Airport Parkway, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 200 feet in any event, except that on the southeasterly corner of Airport Parkway and Old Bayshore Highway, the maximum building height limit shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not exceed 220 feet in any event.
  
10. Communication Towers and Other Structures – For communication towers, antennae and monopoles and other similar non-building structural uses, including structures on top of buildings, such as energy-saving devices, bell towers, wireless communication antennae, and associated structures, specific height limits may be established in the context of development project review; provided, however, the allowable height is up to 100 feet on sites with non-residential or non-urban land use designations, and up to 160 feet on sites with an existing PG&E substation or high tension line corridor exceeding 200 KV, or the maximum allowable building height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:
  - a) The site, structure and related use are located to minimize public visibility; and
  - b) The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related structures; and
  - c) The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater height and, in the case of cellular facilities, the increase height will result in a reduction in the number of existing or future freestanding monopoles.
  
11. Single Room Occupancy – For Single Room Occupancy buildings, wholly used as such or combined with commercial uses, the maximum building height is 60 feet.
  
12. Industrial Districts – The maximum height within the Industrial Zoning Districts (Combined Industrial Commercial, Industrial Park, Light Industrial and Heavy Industrial), unless otherwise established in provisions above, is 50 feet.

Attached to this staff report is a copy of the proposed Zoning Ordinance text. As noted above, the specific height regulations are based upon standards that were established within the City's prior *San José 2020 General Plan*, and that were generally transferred to the Zoning Ordinance at adoption of the *Envision San José 2040 General Plan*, along with a provision that they not apply within areas subject to the AIA pending completion of the ALUC referral process.

In addition, subsequent to the ALUC referral, the City has received a request for a greater maximum allowable building height for properties located within a portion of North San Jose,

north of Montague Expressway. The proposed Zoning Ordinance amendment would allow for maximum allowable building heights of up to 200 feet in this area, consistent with this request and consistent with the vision for intensification of this area set forth in the City's General Plan and the North San Jose Area Development Policy. Because this portion of North San Jose is not within the Norman Y. Mineta San José International Airport Influence Area, this portion of the proposed Zoning Ordinance amendment is not subject to ALUC referral.

### **PUBLIC OUTREACH**

Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public. A community meeting for this and other proposed amendments to the San José Municipal Code was held on June 4, 2012. The public in attendance was informed that the intent of the proposed height changes to the Zoning Ordinance was to align with height policies already in the Envision San José 2040 General Plan. No one from the public spoke in opposition to the proposal. In addition, the proposal was presented at a public hearing with the ALUC on June 27, 2012 and there were no public comments.

In response to the e-mail blast Planning staff sent out on October 12, staff received several e-mail questions from the public about the content in the draft ordinance prior to the draft ordinance and staff report being posted on the Planning Division webpage (see attached public correspondence). Staff has responded to each inquiry, and has provided links to the webpage where the staff report and ordinance are posted. All of the questions received so far are addressed in the draft ordinance (see attached ordinance). Any additional public correspondence received will be distributed to the Planning Commission prior to the Commission's public hearing of this item.

### **COORDINATION**

Preparation of the proposed ordinance and this staff report were coordinated with the City Attorney's Office and the ALUC. The proposal was referred to the ALUC on April 19, 2012, and the item was considered by the ALUC at a public hearing held on June 27, 2012. The ALUC packet with staff report and maps is included as an attachment to this Planning staff report. The ALUC made a determination of consistency for the proposed ordinance with the condition that the proposed ordinance be modified to reduce the maximum allowable height within portions of the Transit Areas (#4 above) and the Rincon South Urban Village area (#9 above). The modifications requested by the ALUC have been incorporated into the current draft of the proposed ordinance.

**CEQA**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, "Envision San José 2040 General Plan," for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File No. PP09-011.

A handwritten signature in blue ink, appearing to read "Joseph Horwedel", is written over the typed name and title.

JOSEPH HORWEDEL, Director

Department of Planning, Building and Code Enforcement

For more information please call Andrew Crabtree at (408) 535-7893.

Attachments: Draft Ordinance  
ALUC Correspondence including ALUC staff report with maps of affected areas  
Public Correspondence

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTION 20.20.200 OF CHAPTER 20.20, SECTION 20.30.200 OF CHAPTER 20.30, SECTION 20.40.200 OF CHAPTER 20.40, SECTION 20.50.200 OF CHAPTER 20.50, AND SECTIONS 20.85.010, 20.85.020 AND 20.85.030 OF CHAPTER 20.85, ALL TO AMEND THE HEIGHT LIMITATIONS IN AIRPORT INFLUENCE AREAS, TO FURTHER IMPLEMENT THE HEIGHT POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, NONSUBSTANTIVE OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City has certified that certain Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "Final EIR") and the City Council adopted its related Resolution No. 76041 in connection therewith; and

**WHEREAS**, more specifically pursuant to Section 15168 of the State CEQA Guidelines, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance and that adoption of this Ordinance is within the scope of and in furtherance of the Envision San José 2040 General Plan, taken together with the Final EIR and related Resolution No. 76041; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the Final EIR and related Resolution No. 76041 prior to taking any approval actions on this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Section 20.20.200 of Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.20.200 Development Standards**

All development in the OS Open Space and A Agricultural Districts shall conform to the development regulations set forth below in Table 20-40.

<b>Table 20-40 OS Open Space and A Agricultural District Development Standards</b>		
Regulations	Zoning District	
	OS	A
Minimum Lot	20 acres	20 acres
Setbacks (feet)		
From abutting streets and highways	50	50
From abutting property zoned or used for residential purposes	300	300
From abutting property zoned or used for other than residential purposes	50	50
Maximum Height <u>(Note 1)</u>	<u>35 or established in Chapter 20.85</u>	<u>35 or established in Chapter 20.85</u>
Maximum Floor Area Ratio	none	.80
Parking	See Chapter 20.90	See Chapter 20.90

**Notes:**

1. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.

**SECTION 2.** Section 20.30.200 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.200 Development Standards**

All development in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-60.

<b>Table 20-60 Residential Zoning Districts Development Standards</b>								
Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Minimum Lot Area (square feet or acreage)	5,445	8,000	20,000	43,560	5 acres	5,445	6,000	6,000
Minimum Setback (feet)								
Front	25	25	30	30	50	20	15	15
Side, Interior	5	5	15	20	20	5	5	5
Side, Corner	12.5	12.5	15	20	30	10	7.5	7.5
Rear, Interior	20	20	25	25	30	25	25	25
Rear, Corner	20	20	25	25	30	25	15	15
Minimum Driveway Length (feet)	23	23	23	23	23			
Maximum Height (feet) (Notes 1, 2 and 4)	35	35	35	35	35	35	45 or established in Chapter 20.85	45
Maximum Number of stories (Note 3)	2.5	2.5	2.5	2.5	2.5	2.5	3	3
Parking	See Chapter 20.90							
Floor Area Ratio	See Part 9 of Chapter 20.100 for Single Family House Permit criteria that may apply							

**Notes:**

1. Refer to Part 9 of Chapter 20.100 regarding Single Family House Permit requirements and Section 20.200.510 regarding the definition of "height".
2. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions in this Section.
3. Refer to Section 20.200.120 regarding the definition of "basement"; refer to Section 20.200.120 regarding the definition of "story; and refer to Section 20.200.1220 regarding the definition of "half story".
4. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.

**SECTION 3.** Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.40.200 Development Standards**

All development in the Commercial Zoning Districts shall conform to the development regulations set forth in Table 20-100.

<b>Table 20-100 Commercial Zoning Districts Development Standards</b>	
<b>Regulations</b>	<b>Zoning District</b>

	CO	CP	CN	CG
Minimum Lot Area (square feet or acreage)	6,000	6,000	6,000	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)
Minimum Setback (feet)				
Front	15	no minimum, 10 feet maximum	15	25
Side, Interior	5	None	none	none
Side, Corner	12.5	None	12.5	12.5
Rear, Interior	25	25	none	none
Rear, Corner	25	25	none	none
Maximum Height (feet) [Note 1]	35 <u>or established in Chapter 20.85</u>	50 <u>or established in Chapter 20.85</u>	50 <u>or established in Chapter 20.85</u>	65 <u>or established in Chapter 20.85</u>
Maximum Individual Occupant Square Footage (square feet) [see Note 2]		2,500/Personal service shop  5,000/Eating, drinking or entertainment establishment  15,000/all other uses [see Note 1]		
Parking	See Chapter 20.90			

**Notes Applicable to Commercial Development Standards:**

1. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.
2. In the CP Commercial Pedestrian District, lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the General Plan

Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

**SECTION 4.** Section 20.50.200 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.50.200 Development Standards**

All development in the Industrial Zoning Districts shall conform to the development regulations set forth below in Table 20-120.

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Minimum Lot Area (square feet)	6,000	10,000	10,000	6,000	
Minimum Unit Size for Non-residential Condominiums	4,000	Section 20.175.042	Section 20.175.042	Section 20.175.042	
Minimum Setback (feet)					
Front					Note 1
Building	15	15	15	15	
Parking and circulation for passenger vehicles	20	25	20	15	
Parking for trucks & buses	40	40	30	15	
Loading docks	60 or 100 from residential district	60 or 100 from residential district	60 or 100 from residential district	15 or 100 from residential district	
Side					Note 2

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Building and Structures	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	60 or 100 from residential district	100 from residential district	100 from residential district	
Rear					Note 3
Building and Structures	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	100 from residential district	100 from residential district	100 from residential district	

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Maximum Height (feet)	4550 or established in Chapter 20.85	Note 4			
Minimum street frontage (feet)	60	60	60	60	
Parking	See Chapter 20.90				

**Notes:**

1. "Front" refers to lot boundaries abutting streets, excluding freeways.
2. "Side" refers to lot boundaries not abutting streets or which abut freeways.
3. "Rear" refers to lot boundaries not abutting streets or which abut freeways.
4. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.

**SECTION 5.** Section 20.85.010 of Chapter 20.85 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.85.010 Specific Height Restrictions**

- A. This Chapter sets forth certain area-specific and use-specific height restrictions for development applicable to all Zoning Districts established by Section 20.10.060 and to Planned Development districts established by Section 20.10.070.
- B. The purpose of this Chapter is to provide for the public peace, health, safety, and welfare by identifying geographic locations within the City of San José and specific uses for which it is appropriate to establish more specific height restrictions than those provided within the general zoning district standards.

- C. The governing height restriction applicable to a particular site or structure shall be determined in accordance with the following rules and priorities:
1. For single-family or mobile-home residential structures located in a residential zoning district, the height restrictions set forth in Section 20.30.200 shall govern and control the maximum allowed height of those structures.
  2. For properties that are not governed by Subsection 20.85.010.C.1 but that are within a Specific Plan area, the height restrictions set forth within that Specific Plan document shall govern and control the maximum allowed heights on those properties.
  3. For properties that are not governed by Subsections 20.85.010.C.1 or 2 but that are within a certain geographic area that is described in Part 2 of this Chapter, the height restrictions set forth in said Part 2 shall govern and control the maximum allowed heights on those properties.
  4. For those structures that are listed and described in Part 3 of this Chapter that are not governed by Subsections 20.85.010.C.1, 2 or 3, the height restrictions set forth in said Part 3 shall govern and control the maximum allowed height of those structures.
  5. For properties or structures not otherwise regulated by the provisions of Section 20.85.010.C.1, 2, 3 or 4, or for properties located within an Airport Influence Area overlay as identified in the General Plan, the height restrictions established for the zoning district in which the property or structure is located or is to be located shall govern and control the maximum heights allowed on those properties or of those structures.

**SECTION 6.** Section 20.85.020 of Chapter 20.85 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.85.020 Geographic Area Height Limitations**

The following geographical areas shall be subject to specific height restrictions as described below:

- A. **Downtown.** For the Downtown Zoning Area defined in Subsection 20.70.010, the maximum allowable height for new buildings and structures shall be as

determined through the regulations of the Federal Aviation Administration upon building intensity (and associated employment density) through its height limitation which varies from approximately one hundred twenty (120) feet (10± stories) to approximately three hundred fifteen (315) feet (23± stories) necessary to maintain obstruction-free air space around Norman Y. Mineta San José International Airport.

- B. **Downtown Frame.** In the Downtown Frame area, consisting of the area adjacent to the downtown and bounded by Taylor Street, 11<sup>th</sup> Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning area, the maximum allowable building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not exceed one hundred twenty (120) feet in any event.
- C. **Employment Centers.** The following height restrictions consolidate and set forth those height restrictions applicable to certain geographic areas, as described, that were approved and adopted prior to the adoption of the Envision San Jose 2040 General Plan:
1. For the North San José area located to the north and west of Interstate 880, the allowable building height shall be as follows:
    - a. For the portion of North San José within the area bounded by Zanker Road, Montague Expressway, Orchard Drive, Orchard Parkway, the planned extension of Component Drive, the Guadalupe River, Highway 101, ~~Highway 101~~ and Zanker Road North-First Street, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not ~~to~~ exceed two hundred fifty (250) feet in any event; and
    - b. For the portion of North San José within the area bounded by North Fourth Street , Highway 101, North First Street and the planned extension of Skyport Drive Airport Parkway, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not ~~to~~ exceed three hundred ten (310) feet in any event; and

- c. For the portion of North San José bounded by Headquarters Drive, North First Street and Highway 237, the maximum allowable building height is ~~up-to~~ two hundred ten (210) feet; and
  - d. For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 9787 and Interstate 880, the maximum allowable building height is ~~up-to~~ thirty-five (35) feet; and
  - e. For the portion of North San José within the area not otherwise regulated by provisions in Sections 20.85.020.C.1.a., b., c., or d., or by provisions in Section 20.85.020.D, or by provisions in Section 20.85.020.E, the maximum allowable building height is ~~up-to~~ one hundred twenty (120) feet.
2. For the portion of the Old Edenvale area bounded by Great Oaks Boulevard, Highway 85, Miyuki Drive and Santa Teresa Boulevard, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not exceed to two hundred fifty (250) feet in any event.
  3. For properties in the portion of the Old Edenvale area bounded by Monterey Highway, Highway 85 and Cottle Road, the maximum building height is 120 feet.
  4. For other properties located within the New Edenvale area bounded by Silicon Valley Boulevard, Piercey Road, Hellyer Avenue, the Coyote Creek Trail, Silver Creek Valley Road, and Highway 101, maximum allowable building height is ~~up-to~~ one hundred twenty (120) feet.
  5. In the portion of Coyote Planning Area designated as Industrial Park on the General Plan Land Use / Transportation Diagram, the maximum allowable building height is ~~up-to~~ one hundred thirty five (135) feet.
  6. For those properties within the City of San José bounded by Coleman Avenue, Interstate 880 and the Union Pacific Railroad line, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.

- D. **Transit Areas:** For properties wholly or partially located within a radius of two thousand (2,000) feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Montague Expressway, the maximum building height shall not exceed two hundred (200) feet. For properties wholly or partially located within a radius of two thousand (2,000) feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Downtown and south of Montague Expressway, or along the planned BART corridor (as shown on the General Plan Land Use / Transportation Diagram), the maximum building height shall not exceed one hundred fifty (150) feet. For properties located wholly or partially within a radius of two thousand (2,000) feet of other existing or planned passenger rail stations (as shown on the General Plan Land Use / Transportation Diagram), the maximum allowable building height is up to shall not exceed one hundred twenty (120) feet.
- E. **Urban Village Areas:** For properties identified on the General Plan Land Use / Transportation Diagram as being located wholly or partially within an Urban Village Area Boundary, and which have an Urban Village, Neighborhood Community Commercial, Regional Commercial or Public Quasi/Public Plan Land Use / Transportation Diagram designation, the maximum building height shall not exceed one hundred twenty (120) feet on the property, or portion thereof, located within the Urban Village Area Boundary. Notwithstanding the general height restriction applicable in an Urban Village Area Boundary, the allowable building height within the following specifically-identified Urban Village sub-areas shall be as follows:
1. North First Street Urban Village: For the portion of the North First Street Urban Village bounded by Jackson Street, Hobson Street and East Hedding Street, the maximum allowable building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but shall not exceed is-up-to two hundred (200) feet in any event.
  2. Rincon South Urban Village: For the Urban Village area bounded by Old Bayshore Highway, North First Street, Skyport Drive, Technology Drive and Airport Parkway, the maximum building height limit shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed two hundred twenty feet two hundred (200) feet in any event, except that on the southeasterly corner of Airport Parkway and Old Bayshore Highway, the maximum building height limit shall be defined by the airspace requirements of the Norman Y. Mineta San José International

Airport as determined by the Federal Aviation Administration, but shall not exceed two hundred twenty (220) feet in any event.

**SECTION 7.** Section 20.85.030 of Chapter 20.85 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.85.030 Specific Use Height Restrictions**

Subject to the provisions of Section 20.85.010.C., the following uses shall be subject to the following specific height restrictions when such uses are located in an area subject to this Chapter as referenced in Sections 20.30.200, 20.40.200 and 20.50.200. In instances where multiple specific height restrictions would apply to a use described in this Section 20.85.030, other than uses located within an airport influence area, the more permissive applicable regulation shall govern. For uses located within an airport influence area, the most restrictive applicable regulations shall govern.

- A. **Communication Towers and Other Structures:** For communication towers, antennae and monopoles and other similar non-building structural uses, including structures on top of buildings, such as energy-saving devices, bell towers, wireless communication antennae, and associated structures, specific height limits may be established in the context of development project review provided, however, that the maximum allowable height is up to one hundred (100) feet on sites with non-residential or non-urban land use designations, and up to one hundred sixty (160) feet on sites with an existing PG&E substation or high tension line corridor exceeding two hundred (200) KV, or the maximum allowable building height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:
1. The site, structure, and related use are located to minimize public visibility;
  2. The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related structures; and
  3. The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater height, and, in the case of cellular facilities, the increased height will result in a reduction in the number of existing or future freestanding monopoles.

- B. **Single Room Occupancy:** For Single Room Occupancy buildings, wholly used as such or combined with commercial uses, the maximum allowable building height is ~~up to~~ sixty (60) feet.

**PASSED FOR PUBLICATION** of title this            day of            2012 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
CHUCK REED  
Mayor

ATTEST:

\_\_\_\_\_  
DENNIS D. HAWKINS, CMC  
City Clerk

**County of Santa Clara**  
**Department of Planning and Development**  
Planning Office



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ALUC01 062712

Prepared by: Mark Connolly  
Planner III

DATE: June 27, 2012

TO: Airport Land Use Commission

FROM: 

Rob Eastwood  
Senior Planner

SUBJECT: City of San Jose Title 20 (Zoning Code) Amendment related to the Envision San Jose 2040 General Plan referral. The Zoning Amendment includes two public-use airports within the City of San Jose; (San Jose International Airport and Reid Hillview Airport).

**RECOMMENDED ACTION**

Consider City of San Jose Title 20 (Zoning Code) Amendment related to the Envision San Jose 2040 General Plan referral. The Zoning Amendment would add height restrictions for geographic areas within the AIA of two public-use airports within the City of San Jose; (San Jose International Airport and Reid Hillview Airport).

Possible action:

Find the Zoning Amendment consistent with the San Jose International and/or Reid Hillview Comprehensive Land Use Plan respectively, OR

Find the Zoning Amendment inconsistent with the San Jose International and/or Reid Hillview Comprehensive Land Use Plan respectively.

## **FISCAL IMPLICATIONS**

There will be no impacts to the General Fund as a result of an action taken on this application.

## **CONTRACT HISTORY**

Not Applicable

## **REASONS FOR RECOMMENDATION**

The subject referral is an update to the City's current City Zoning Code following the adoption of the Envision San Jose 2040 General Plan in November 2011. This referral related to specific geographic areas of the City of San Jose and includes areas within the Airport Influence Areas (AIA's) of San Jose International Airport and Reid Hillview Airport. For the areas located within AIA's, the Amendment is intended to address height inconsistencies with the ALUC CLUP's for San Jose International and Reid Hillview Airports.

Included with the adoption of the Envision San Jose 2040 General Plan in November of 2011, the City of San Jose also updated its Zoning Ordinance, with the exception of the areas surrounding Airports.

This Zoning update includes an additional chapter to incorporate height regulations that were previously established only within the city's General Plan. This Zoning Update does not introduce any new Zoning designations. However, the Envision San Jose 2040 General Plan introduced overlay districts to encourage "live where you work communities", where services and housing are encouraged in close proximity. In areas where the Envision San Jose 2040 General Plan identified Urban Village Overlay Districts, these are carried into the Zoning Amendment. However,

ALUC evaluation of the Zoning Amendment only applies to the areas within the Airport Influence Areas (AIA's) of San Jose International Airport and Reid Hillview Airport. The ALUC considered the Envision San Jose 2040 General Plan Update in November of 2011. The ALUC found the Envision San Jose 2040 General Plan consistent with the SJC CLUP and 2007 Reid Hillview CLUP, subject to specific language referencing CLUP polices that would allow the General Plan to be consistent with the CLUP.

The City proposed to adopt specific language within the Envision San Jose 2040 General Plan entitled "Safe-Airport" polices which were:

“General Plan Policy TR-14; for development in the Airport Influence Area (AIA) overlays, ensure that the land uses and development is compatible with the height, safety and noise policies identified in the Santa Clara County Airport land use Commission (ALUC) Comprehensive Land Use Plans for Mineta San Jose International and Reid Hillview Airports, or find by a 2/3 vote of the governing body, that the proposed action is consistent with the purposes of the Article 3.5 of Chapter 4 of the State Aeronautics Act, PUC section 21670 et seq.”

Although the purpose of the Zoning Amendment is to incorporate height regulations, the entire Zoning Amendment must be evaluated within the Airport AIA's for Safety, Noise, as well as Height, because the Zoning Amendment is a new Zoning Code for the areas within airport AIA's, Therefore, all of the applicable policies and regulations must be considered.

However, none of the Zoning Designations are changing and none of the existing Zoning Designations are incompatible, with the exception of the Light Industrial area within the Runway Protection Zone immediately south of Reid Hillview Airport, and north of Eastridge mall. This area is a no build zone. Previous applications have yielded Avigation Easements which preclude development in that area for anything other than a parking lot. The Zoning Amendment carries over the Urban Village Overlays included in the Envision San Jose, General Plan Amendment, which are overlay zones

In effect, only the CLUP policies relating to height are applicable to this Zoning Amendment.

The analysis below will focus on the consistency Zoning Amendment with respect to height contained within the San Jose International CLUP (adopted May 25, 2011) and the Reid Hillview CLUP (adopted October 24, 2007). The FAA, FAR Part 77 Surfaces Map, along with the applicable CLUP policies, will be used to evaluate the proposed height in the Zoning Amendment.

**Reid Hillview Airport CLUP Consistency, is as follows:**

Within the Reid Hillview AIA, there are six proposed Urban Villages under the Zoning Amendment. Only one has interface with a safety zone and none have interface with noise contours.

The Arcadia property immediately south of Quimby Avenue and west of Capital Expressway, is an Urban Village partially within the south Inner Safety Zone (ISZ) for Reid Hillview Airport. This property was identified with potential density and Part 77 surface conflicts during the ALUC review of the Envision San Jose 2040 General Plan Amendment in 2011. When the ALUC provided its consistency determination for the Envision General Plan Amendment, the “safe airport” policy was included for this property to ensure consistency with the CLUP policies.

The Zoning of the property is Low and Medium Density Residential and a small portion of Commercial Pedestrian. Although the "safe airport" policy is included in the General Plan, staff suggests that the policy be included in the Rezoning as well to make sure compatible development is also identified in the City Zoning Code:

“General Plan Policy TR-14; for development in the Airport Influence Area (AIA) overlays, ensure that the land uses and development is compatible with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) Comprehensive Land Use Plans for Mineta San Jose International and Reid Hillview Airports, or find by a 2/3 vote of the governing body, that the proposed action is consistent with the purposes of the Article 3.5 of Chapter 4 of the State Aeronautics Act, PUC section 21670 et seq.”

Regarding height, the City included the “safe airport” policies in the General Plan and they have limited the height in the Urban Villages to 120 feet tall above grade level. The elevation of the south end of the runways is 133 feet AMSL (above mean sea level). Given the close proximity of the site to the runways, one could safely assume grade and mean sea level are approximately equivalent, given the modest topography of the area. The site is mostly located within the 283 horizontal surface of the Part 77 surfaces. However, a small area along Quimby Avenue is within the transitional surface between 253 and 283 MSL.

Assuming that a development were proposed at the maximum allowed through the Rezoning at 120 feet tall, it would be  $133 + 120 = 253$  AMSL. This height would be at the 253 MSL surface, but not encroaching into it.

Overall, the height proposed in the Zoning Amendment would have no conflict with the Part 77 surfaces in this area.

There are two other Urban Villages with a maximum height of 120 feet tall proposed. One at Tully and King Roads and one on the west side of Capital Expressway between Ocala and Story Roads. Both of these sites are located within the 283 Horizontal Surface. The Tully and King Road Urban Village is topographically below the Airport and the Capital site is slightly higher, but roughly equivalent with the airport. The north end of the runway is 132 MSL. Therefore,  $132 + 120 = 253$ , which is below the 283 MSL horizontal surface.

Overall, the height proposed in these two areas would have no conflict with the part 77 surfaces.

The remaining three Urban Villages are further away from the Airport than the three sites analyzed above and would have no conflict with the part 77 surfaces.

**San Jose International Comprehensive Land Use Plan (CLUP), is as follows:**

There are 10 proposed height modifications to Zoning designations in the proposed Zoning Amendment that are within the AIA of San Jose International. None of these areas have interface with any safety zones or noise contours.

However, six of them have potential conflicts with the FAA Part 77 Surfaces. The ALUC uses the FAA Part 77 Surfaces as a height restriction boundary in all of its CLUP's. The following provides analysis of the potential conflicts and a summary recommendation from staff. (Note: For ease in understanding the height relationships below, one can assume the approximate elevation of the runways at SJC to be 50 MSL).

1. Employment Center north of Airport Blvd. and east of Highway 101 (blue on City map). The proposed Zoning Amendment prescribes that the maximum building height is defined by the airspace requirement of the FAA, but not to exceed 250 feet above grade in any event. This area lies beneath the 212 MSL horizontal surface, which would result in the necessity of significantly shorter buildings than 250 feet tall.

2. Rincon South Urban Village bounded between N. First Street, Airport Parkway and Skyport Drive (orange on City map). The proposed zoning for this area prescribes that the maximum building height is defined by the airspace requirement of the FAA, but not to exceed 220 feet in height. This area is within the 212 MSL horizontal surface, which would result in the necessity of significantly shorter buildings than 220 feet tall. In 2009 a portion of this site along N. First St. was subject to a rezoning and reviewed by the ALUC

for a hotel, where the proposed height was the primary factor in a finding of inconsistency by the ALUC. Following a determination of no hazard by the FAA, the City approved a rezoning on the site following an Overrule.

3. North First Street Urban Village, along N. First Street between Taylor and Hedding Streets (dark red on City map). The proposed zoning for this area prescribes that the maximum building height is up to 200 feet in height. This area lies beneath the 212 MSL horizontal surface, thus the proposed Zoning Amendment would result in the necessity of slightly shorter buildings than 200 feet tall.

4. Downtown Frame (Purple on City map) The proposed zoning would allow for 120 feet in this area. Portions of the downtown frame south of the Airport are located beneath the 112 MSL transitional surface, thus the proposed Zoning Amendment would have obvious conflicts with the surfaces.

5. Downtown Zoning (pink on City map). This area is the former “Downtown Core” area. The proposed zoning would allow for the height of structures to be determined by the FAA with a range of heights from 120 feet tall to 315, but maintaining obstruction free air space around SJC. This area is largely between the 212 and 312 MSL surfaces and there would be obvious conflicts with structures up to 315 feet tall.

6. Airport West (Former FMC site off Coleman Ave and Interstate 880). (light blue on City map). The proposed zoning prescribes that all height of structures for this area be defined by the FAA, with no City initiated cap. Much of the site is beneath the 112 MSL.

In general, the City defers to the FAA for maximum building height for the more obvious areas of potential height conflict with CLUP policies. However, there are also potential conflicts without the FAA requirement.

To maintain consistency in application of the CLUP policies and to ensure there are no conflicts with the Part 77 surfaces, Staff suggests using the same language as implemented and the Envision San Jose 2040 General Plan and as suggested for the Zoning Amendment for Reid Hillview:

“General Plan Policy TR-14; for development in the Airport Influence Area (AIA) overlays, ensure that the land uses and development is compatible with the height, safety and noise policies identified in the Santa Clara County Airport land use Commission (ALUC)

Comprehensive Land Use Plans for Mineta San Jose International and Reid Hillview Airports, or find by a 2/3 vote of the governing body, that the proposed action is consistent with the purposes of the Article 3.5 of Chapter 4 of the State Aeronautics Act, PUC section 21670 et seq.”

### **CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

### **BACKGROUND**

In October of 2011, the Envision 2040 General Plan was considered by the ALUC. At the meeting, the ALUC found the Envision 2040 General Plan consistent with the San Jose International CLUP and consistent with the Reid Hillview CLUP, because the FAA would have control over the Airport-owned property where potential conflicts could occur and language accepted by the ALUC implemented CLUP policy restricts future development proposals to ensure that inconsistent development cannot occur within AIA's.

### **CONSEQUENCES OF NEGATIVE ACTION**

If the subject application is found to be inconsistent with the respective CLUPs, the recommendation would be forwarded to the City of San Jose. The City of San Jose could then, either request changes to the project or pursue an Overrule with a 2/3 vote of the City Council.

### **ATTACHMENTS**

- Attachment 1 - ALUC Referral Ltr Envision2 Rezone
- Attachment 2 -Rezoning Language
- Attachment 3 - Rezoning Language2
- Attachment 4 - Reid Hillview Specific Height w/part 77 surface
- Attachment 5 - Reid Hillview Zoning Map
- Attachment 6 - San Jose International Specific Height
- Attachment 7 - San Jose International Zoning Map

- Attachment 8 - San Jose International Zoning w/part 77 surface

April 19, 2011

Mark J. Connolly  
Staff Coordinator  
Airport Land Use Commission  
County Government Center  
70 W. Hedding Street, 7<sup>th</sup> Floor  
San José, CA 95110

**RE: Proposed City of San Jose Title 20 (Zoning Code) Amendment related to the  
Envision San José 2040 General Plan**

Dear Mark:

In accordance with California Public Utilities Code Section 21676(b) the City of San José is referring a proposed amendment to Title 20 of the City's Municipal Code (Zoning Code) to you for a determination of the proposed amendment's consistency with the Santa Clara County's adopted Comprehensive Land Use Plans for Norman Y. Mineta San José International Airport and Reid-Hillview Airport.

The City comprehensively updated its General Plan with adoption of the *Envision San José 2040* General Plan on November 1, 2011. As part of this update, the City removed specific height limitations and exceptions from its General Plan with the intent of re-establishing these regulations within the City's Zoning Code. An initial Zoning Code amendment was adopted by the City in December 2011 to address the most critical changes needed to bring the Zoning Code into consistency with the updated General Plan. This Zoning Code amendment included the addition of a new chapter to incorporate height regulations that had previously been established within the General Plan for specific geographic areas and specific types of development. However, application of these regulations to the geographic areas subject to CLUP AIA review was delayed so that the City would have adequate time to refer the proposed Zoning Code amendment to the ALUC.

The City is making the current referral in order to move forward a Zoning Code amendment that would add height restrictions within the Zoning Code, comparable to those previously in the City's General Plan, for geographic areas subject to CLUP AIA review. Hearing dates have not yet been scheduled for the proposed Zoning Code amendment.

The proposed Zoning Code amendment, related to specific geographic areas of San Jose or specific types of development that are potentially within the Norman Y. Mineta San José International Airport Influence Area, would apply height exceptions (within the Zoning Code Chapter 20.50 and Chapter 20.85) to areas subject to CLUP AIA review. The following list

identifies the height exceptions that affect areas which overlap in some part the AIA boundaries or which potentially affect land uses which fall within the AIA boundaries.

1. Downtown (previously Downtown Core Area) – In the Downtown Core Area the maximum allowable height for new buildings and structures shall be as determined through the regulations of the federal aviation administration upon building intensity (and associated employment density) through its height limitation which varies from approximately one hundred twenty feet (ten± stories) to approximately three hundred fifteen feet (twenty-three± stories) necessary to maintain obstruction-free air space around Norman Y. Mineta San José International Airport.
2. Downtown Frame – In the downtown frame area, consisting of the area adjacent to the downtown and bounded by Taylor Street, 11th Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the downtown zoning area, the allowable building height is up to one hundred twenty feet.
3. North San Jose Policy Employment Center (Previously North San Jose Core Area) – In the North San Jose Employment Center the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event.
4. Rosemary Gardens Neighborhood – For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 97 and Interstate 880, the allowable building height is up to 35 feet.
5. North San Jose Policy Area (all other areas not addressed in #3 and #4 above) – The general allowable building height is up to 120 feet within the North San Jose Policy area.
6. Airport West Area – For those properties within the City of San Jose bounded by Coleman Avenue, Interstate 880 and the Union Pacific Railroad line, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.
7. Communication Towers and Other Structures - For communication towers, antennae and monopoles and other similar non-building structural uses, including structures on top of buildings, such as energy-saving devices, bell towers, wireless communication antennae, and associated structures, specific height limits may be established in the context of development project review; provided, however, the allowable height is up to 100 feet on sites with non-residential or non-urban land use designations, and up to 160 feet on sites with an existing PG&E substation or high tension line corridor exceeding 200 KV, or the maximum allowable building height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:
  - a) The site, structure and related use are located to minimize public visibility; and

April 19, 2012

**Subject: San Jose Zoning Code Amendment for the Envision San José 2040 General Plan**

Page 3

- b) The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related structures; and
  - c) The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater height and, in the case of cellular facilities, the increase height will result in a reduction in the number of existing or future freestanding monopoles.
8. Single Room Occupancy – For Single Room Occupancy buildings, wholly used as such or combined with commercial uses, the allowable building height is up to 60 feet.
9. Industrial Districts – The maximum allowed height within the Industrial Zoning Districts (Combined Industrial Commercial, Industrial Park, Light Industrial and Heavy Industrial), unless otherwise established in provisions #1 through #8 above, is up to 50 feet.

Attached for your reference is a copy of the proposed Zoning Code text, with edits indicated by underline for text inserts and ~~striethrough~~ for text deletions. As noted above, the specific height regulations are based upon standards that were established within the City's prior *San Jose 2020 General Plan*, and which were generally transferred to the Zoning Code at adoption of the *Envision San Jose 2040 General Plan*, along with a provision that they not apply within areas subject to the CLUP AIA pending completion of the ALUC referral process.

Also attached are maps that show the zoning designations within the Airport Influence Areas around the Norman Y. Mineta San José International and Reid Hillview Airports and the geographic areas which will have specific height limitations established within the Zoning Code. If it would be helpful for your review please let us know if we can provide you with the GIS files or other information related to this referral.

Please coordinate with myself (408) 535-7893 [Andrew.Crabtree@SanJoseCA.gov](mailto:Andrew.Crabtree@SanJoseCA.gov) or with Rich Buikema, Zoning Code Manager, (408) 535-7835 [Rich.Buikema@SanJoseCA.gov](mailto:Rich.Buikema@SanJoseCA.gov) to discuss any questions or comments you may have on the proposed Zoning Code change.

Thank you,

Andrew Crabtree  
Division Manager, Planning, Building and Code Enforcement

Attachments:

- Map –Land use zoning within the Norman Y. Mineta San José International Airport AIA Zone
- Map –Land use zoning within the Reid Hillview Airport AIA Zone
- Map – Proposed height limits for geographic areas within the Norman Y. Mineta San José International Airport AIA Zone
- Map – Proposed height limits for geographic areas within the Reid Hillview Airport AIA Zone
- Draft Proposed Zoning Code Text Amendment

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- C. A maximum of one parking space per 250 square feet of floor area shall be provided to serve the use; and
- D. The Planning Commission, or City Council on appeal, finds that the proposed warehouse retail use is compatible with the industrial character of the surrounding neighborhood and will not constrain the use of adjacent properties for industrial purposes or constrain future use of the site for industrial purposes.

### Part 3 Development Regulations

#### 20.50.200 Development Standards

All development in the Industrial Zoning Districts shall conform to the development regulations set forth below in Table 20-120.

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Minimum Lot Area (square feet)	6,000	10,000	10,000	6,000	
Minimum Unit Size for Non-residential Condominiums	4,000	Section 20.175.042	Section 20.175.042	Section 20.175.042	
Minimum Setback (feet)					
Front					Note 1
Building	15	15	15	15	
Parking and circulation for passenger vehicles	20	25	20	15	
Parking for trucks & buses	40	40	30	15	
Loading docks	60 or 100 from residential district	60 or 100 from residential district	60 or 100 from residential district	15 or 100 from residential district	
Side					Note 2
Building and Structures	0 or 25 from residential district				
Parking and circulation for passenger vehicles	0 or 25 from residential district				

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	<b>Zoning District</b>				
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	<b>Notes</b>
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	60 or 100 from residential district	100 from residential district	100 from residential district	
Rear					Note 3
Building and Structures	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	100 from residential district	100 from residential district	100 from residential district	
Maximum Height (feet)	<del>450</del> or established in Chapter 20.85	Note 4			
Minimum street frontage (feet)	60	60	60	60	
Parking	See Chapter 20.90				

**Notes:**

1. "Front" refers to lot boundaries abutting streets, excluding freeways.
2. "Side" refers to lot boundaries not abutting streets or which abut freeways.
3. "Rear" refers to lot boundaries not abutting streets or which abut freeways.
4. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.

**20.50.210 Outdoor Uses- IP District**

All uses or activities, except parking, Permitted in the IP District shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.

**20.50.220 Late Night Use and Activity**

## CHAPTER 20.85

### SPECIFIC HEIGHT RESTRICTIONS

#### Part 1 General Provisions

##### 20.85.010 Specific Height Restrictions

- A. This Chapter sets forth certain area-specific and use-specific height restrictions for development applicable to all Zoning Districts established by Section 20.10.060 and to Planned Development Districts established by Section 20.10.070.
- B. The purpose of this Chapter is to provide for the public peace, health, safety, and welfare by identifying geographic locations within the City of San Jose and specific uses for which it is appropriate to establish more specific height restrictions than those provided within the general zoning district standards.
- C. The governing height restriction applicable to a particular site or structure shall be determined in accordance with the following rules and priorities:
1. For single family residential structures located in a residential zoning district, the height restrictions set forth in Section 20.30.200 shall govern and control the maximum allowed height of those structures.
  2. For properties that are not governed by Subsection 20.85.010.C.1 but that are within a Specific Plan area, the height restrictions set forth within that Specific Plan document shall govern and control the maximum allowed heights on those properties.
  3. For properties that are not governed by Subsections 20.85.010.C.1 or 2 but that are within a certain geographic area that is described in Part 2 of this Chapter, the height restrictions set forth in said Part 2 shall govern and control the maximum allowed heights on those properties.
  4. For those structures that are listed and described in Part 3 of this Chapter that are not governed by Subsections 20.85.010.C.1, 2 or 3, the height restrictions set forth in said Part 3 shall govern and control the maximum allowed height of those structures.
  5. For properties or structures not otherwise regulated by the provisions of Subsections 20.85.100.C.1, 2, 3 or 4, ~~or for properties located within an Airport Influence Area overlay as identified in the General Plan,~~ the height restrictions

established for the Zoning District in which the property or structure is located or is to be located shall govern and control the maximum heights allowed on those properties or of those structures.

## Part 2 Geographic Area Specific Height Restrictions

### 20.85.20 Geographic Area Specific Height Restrictions

The following geographical areas shall be subject to specific height restrictions as described below:

- A. **Downtown:** For the Downtown Zoning Area defined in Subsection 20.70.010, the maximum allowable height for new buildings and structures shall be as determined through the regulations of the Federal Aviation Administration upon building intensity (and associated employment density) through its height limitation which varies from approximately 120 feet (10± stories) to approximately 315 feet (23± stories) necessary to maintain obstruction-free air space around Norman Y. Mineta San José International Airport.
- B. **Downtown Frame:** In the Downtown Frame Area, consisting of the area adjacent to the Downtown and bounded by Taylor Street, 11<sup>th</sup> Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning Area, the allowable building height is up to 120 feet.
- C. **Employment Centers:** The following height restrictions consolidate and set forth those height restrictions applicable to certain geographic areas, as described, that were approved and adopted prior to the adoption of the Envision San Jose 2040 General Plan
  1. For the North San José area located to the north and west of Interstate 880, the allowable building height shall be as follows:
    - a. For the portion of North San José within the area bounded by Zanker Road, Montague Expressway, Orchard Drive, Orchard Parkway, the planned extension of Component Drive, the Guadalupe River, Highway 101, ~~North First Street~~, and ~~Zanker Road Highway 101~~, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event; and
    - b. For the portion of North San José within the area bounded by North Fourth Street, Highway 101, North First Street and the planned extension of ~~Airport Parkway~~ Skyport Drive, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José

International Airport as determined by the Federal Aviation Administration, but not to exceed 310 feet in any event; and

- c. For the portion of North San José bounded by Headquarters Drive, North First Street and Highway 237, the allowable building height is up to 210 feet; and
  - d. For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 97-87 and Interstate 880, the allowable building height is up to 35 feet; and
  - e. For the portion of North San José within the area not otherwise regulated by provisions in Sections 20.850.20.C.1 (a), (b), (c), or (d), or by provisions in Section 20.850.20.D, or by provisions in Section 20.850.20.E, the allowable building height is up to 120 feet.
2. For the portion of the Old Edenvale area bounded by Great Oaks Boulevard, Highway 85, Miyuki Drive and Santa Teresa Boulevard, the maximum building height shall be defined by the airspace requirements of the San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event.
  3. For properties in the portion of the Old Edenvale area bounded by Monterey Highway, Highway 85 and Cottle Road, the allowable building height is up to 120 feet.
  4. For other properties located within the New Edenvale area bounded by Silicon Valley Boulevard, Piercey Road, Hellyer Avenue, the Coyote Creek Trail, Silver Creek Valley Road, and Highway 101, the allowable building height is up to 120 feet.
  5. In the portion of Coyote Planning Area designated as Industrial Park on the General Plan Land Use / Transportation Diagram, the allowable building height is up to 135 feet.
  6. For those properties within the City of San Jose bounded by Coleman Avenue, Interstate 880 and the Union Pacific Railroad line, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.

- D. **Transit Areas:** For properties wholly or partially located within within a radius of 2,000 feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Downtown or along the planned BART corridor (as shown on the General Plan Land Use / Transportation Diagram), the maximum building height shall not exceed 150 feet. For properties located wholly or partially within a radius of 2,000 feet of

other existing or planned passenger rail stations (as shown on the General Plan Land Use / Transportation Diagram), the allowable building height is up to 120 feet.

E. **Urban Village Areas:** For properties identified on the General Plan Land Use/Transportation Diagram as being located wholly or partially within an Urban Village Area Boundary, and which have an Urban Village, Neighborhood Community Commercial, Regional Commercial or Public Quasi/Public General Plan Land Use/Transportation Diagram designation, the maximum building height shall not exceed 120 feet on the property, or portion thereof, located within the Urban Village Area Boundary. Notwithstanding the general height restriction applicable in an Urban Village Area Boundary, the allowable building height within the following specifically-identified Urban Village sub-areas shall be as follows:

1. North First Street Urban Village: For the portion of the North First Street Urban Village bounded by Jackson Street, Hobson Street and East Hedding Street, the allowable building height is up to 200 feet.
2. Rincon South Urban Village: For the Urban Village area bounded by Old Bayshore Highway, North First Street, Skyport Drive, Technology Drive and Airport Parkway, the maximum building height limit shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed is 220 feet in any event.

### **Part 3**

## **Specific Use Height Restrictions**

### **20.85.30 Specific Use Height Restrictions**

Subject to the provisions of Section 20.85.010.C, the following uses shall be subject to the following specific height restrictions when such uses are located in an area subject to this Chapter as referenced in Subsections 20.30.200, 20.40.200 and 20.50.200. In instances where multiple specific height restrictions would apply to a use described in this Section 20.85.030, other than uses located within an Airport Influence Area, the more permissive regulation shall govern.

A. **Communication Towers and Other Structures:** For communication towers, antennae and monopoles and other similar non-building structural uses, including structures on top of buildings, such as energy-saving devices, bell towers, wireless communication antennae, and associated structures, specific height limits may be established in the context of development project review; provided, however, the allowable height is up to 100 feet on sites with non-residential or non-urban land use designations, and up to 160 feet on sites with an existing PG&E substation or high tension line corridor exceeding 200 KV, or the maximum allowable building height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:

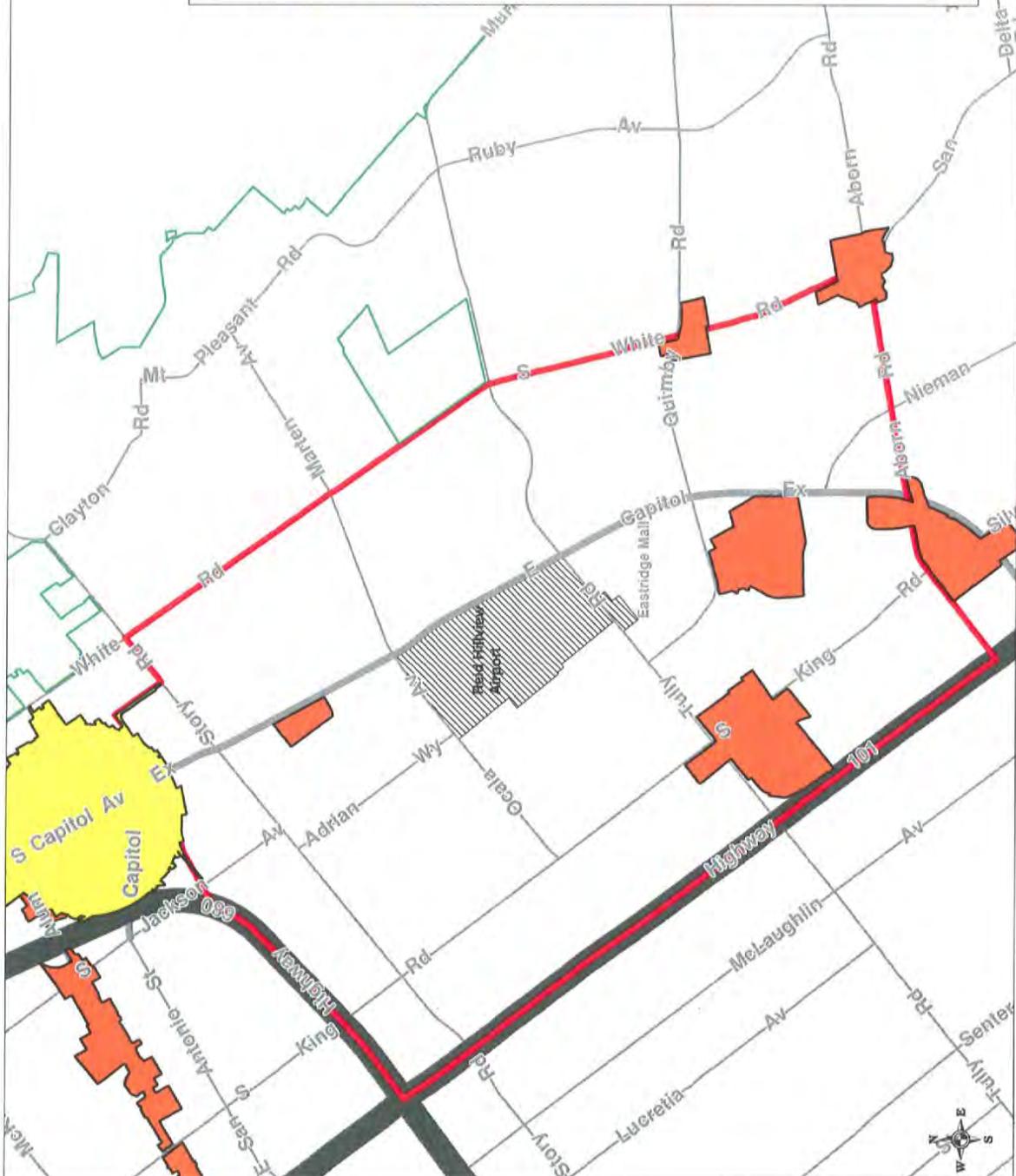
1. The site, structure and related use are located to minimize public visibility; and
2. The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related structures; and
3. The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater height and, in the case of cellular facilities, the increase height will result in a reduction in the number of existing or future freestanding monopoles.

B. **Single Room Occupancy:** For Single Room Occupancy buildings, wholly used as such or combined with commercial uses, the allowable building height is up to 60 feet.

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### Specific Height Color Legend

	LRT/ BART Transit Area - 150 Feet
	Employment Center (NSU) - 120 Feet
	Employment Center (NSU) - 250 Feet
	Employment Center (Holiday Inn Site) - 310 Feet
	Employment Center (Former FMC Site) Height Determined by FAA
	Rincon South Urban Village - 220 Feet
	Rosemary Gardens - 35 Feet
	North First Street Urban Village - 200 Feet
	Urban Village Areas - 120 Feet
	Downtown Frame Area - 120 Feet
	Downtown Zoning Area - 315 Feet
	LRT Transit Area - 120 Feet



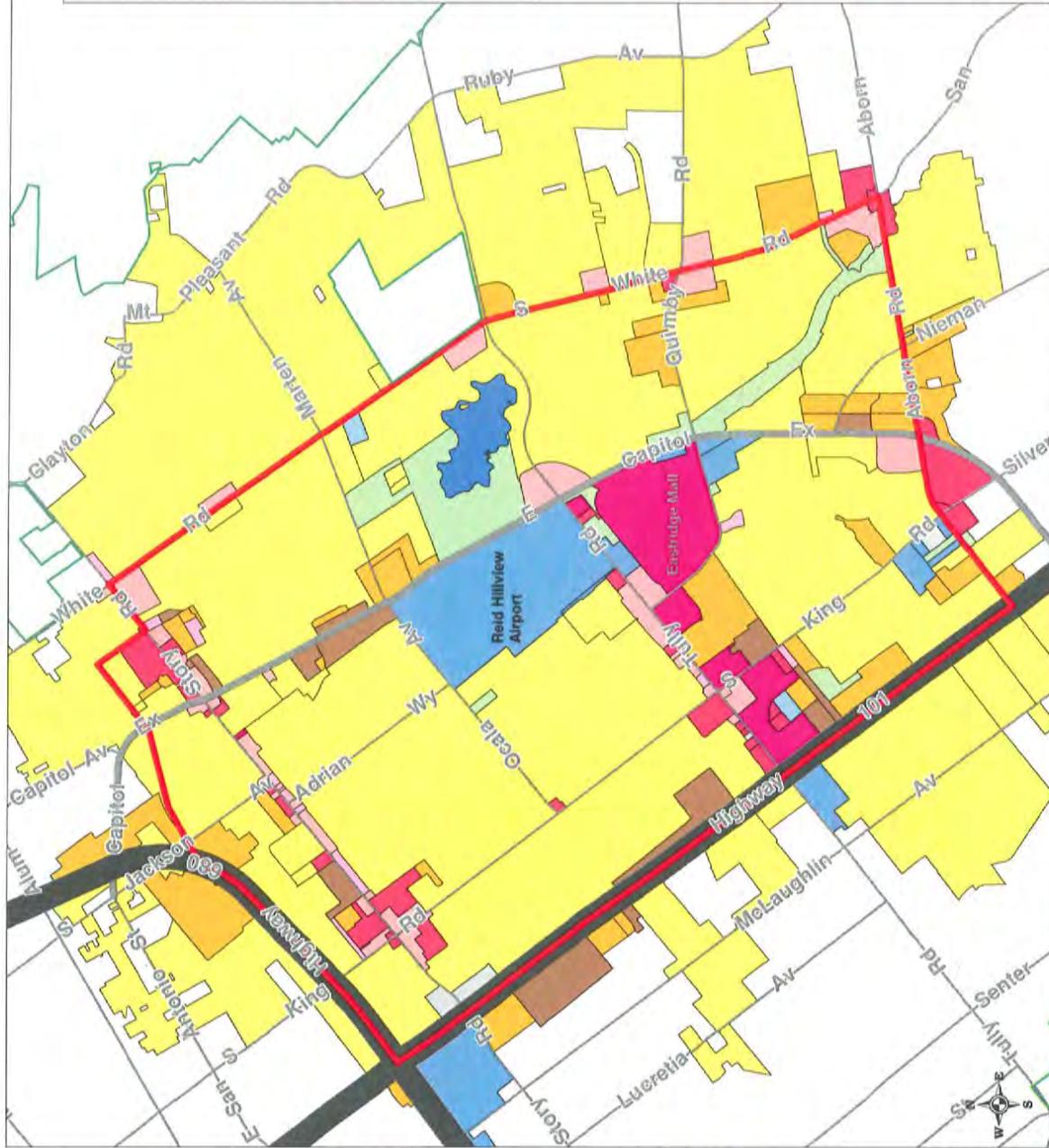
 Reid Hillview Airport Influence Area

 City Limits

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### Zoning Map Color Legend

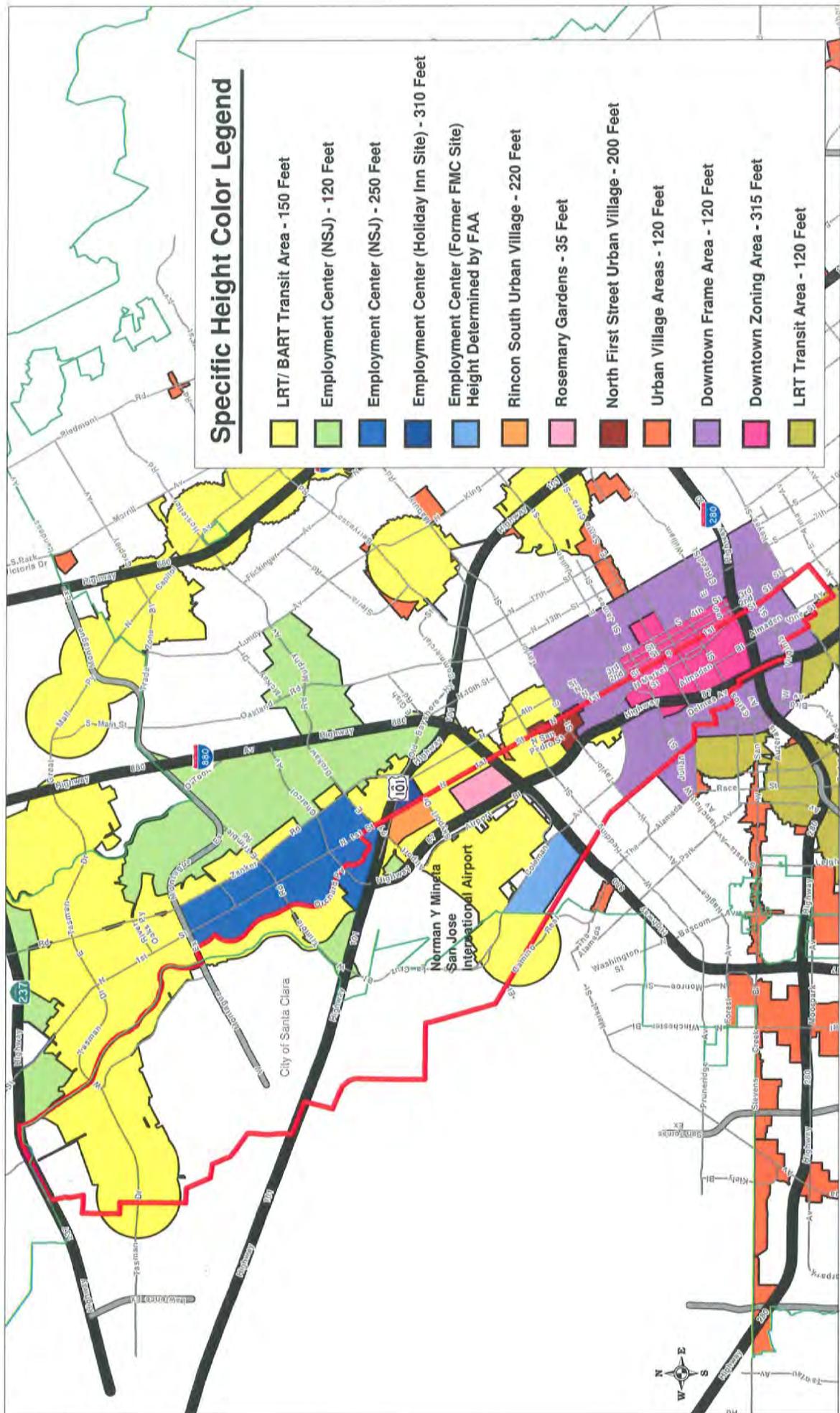
- Low to Medium Density Residential  
(Zoning Districts= R-1-8, R-1-5, R-1-2, R-1-1, R-1-RR, residential PD's with density up to 8.0 DU/Ac, and cluster permits (CL) with any of the aforementioned base zones)
- Medium to High Density Residential  
(Zoning Districts= R-2, R-MH, residential PD's with density= 8.1 to 25.0 DU/Ac, and cluster permits (CL) with either of the aforementioned base zones)
- High to Very High Density Residential  
(Zoning Districts= R-M, residential PD's with density over 25.0 DU/Ac, and cluster permits (CL) with an R-M base zone)
- Commercial Office  
(Zoning Districts= CO and commercial PD's with a CO base zone)
- Commercial Pedestrian  
(Zoning Districts= CP and commercial PD's with a CP base zone)
- Commercial Neighborhood  
(Zoning Districts= CN and commercial PD's with any base zone other than CO, CP, or CG)
- Commercial General  
(Zoning Districts= CG and commercial PD's with a CG base zone)
- Downtown Commercial  
(Zoning Districts= DC)
- Downtown Commercial Neighborhood Transition 1  
(Zoning Districts= DC-NT1)
- Combined Industrial/Commercial  
(Zoning Districts= CIC and industrial PD's with a CIC base zone)
- Industrial Park  
(Zoning Districts= IP and industrial PD's with any base zone other than LI or HI)
- Light Industrial  
(Zoning Districts= LI and industrial PD's with an LI base zone)
- Heavy Industrial  
(Zoning Districts= HI and industrial PD's with an HI base zone)
- Public/Quasi-Public  
(Zoning Districts= public/quasi-public PD's)
- Agriculture/Open Space  
(Zoning Districts= A, OS, and agriculture/open space PD's)
- Mixed Uses  
(Zoning Districts= all mixed use PD's with use areas stacked or otherwise difficult to distinguish)
- Water



Reid Hillview Airport Influence Area

City Limits

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### Specific Height Color Legend

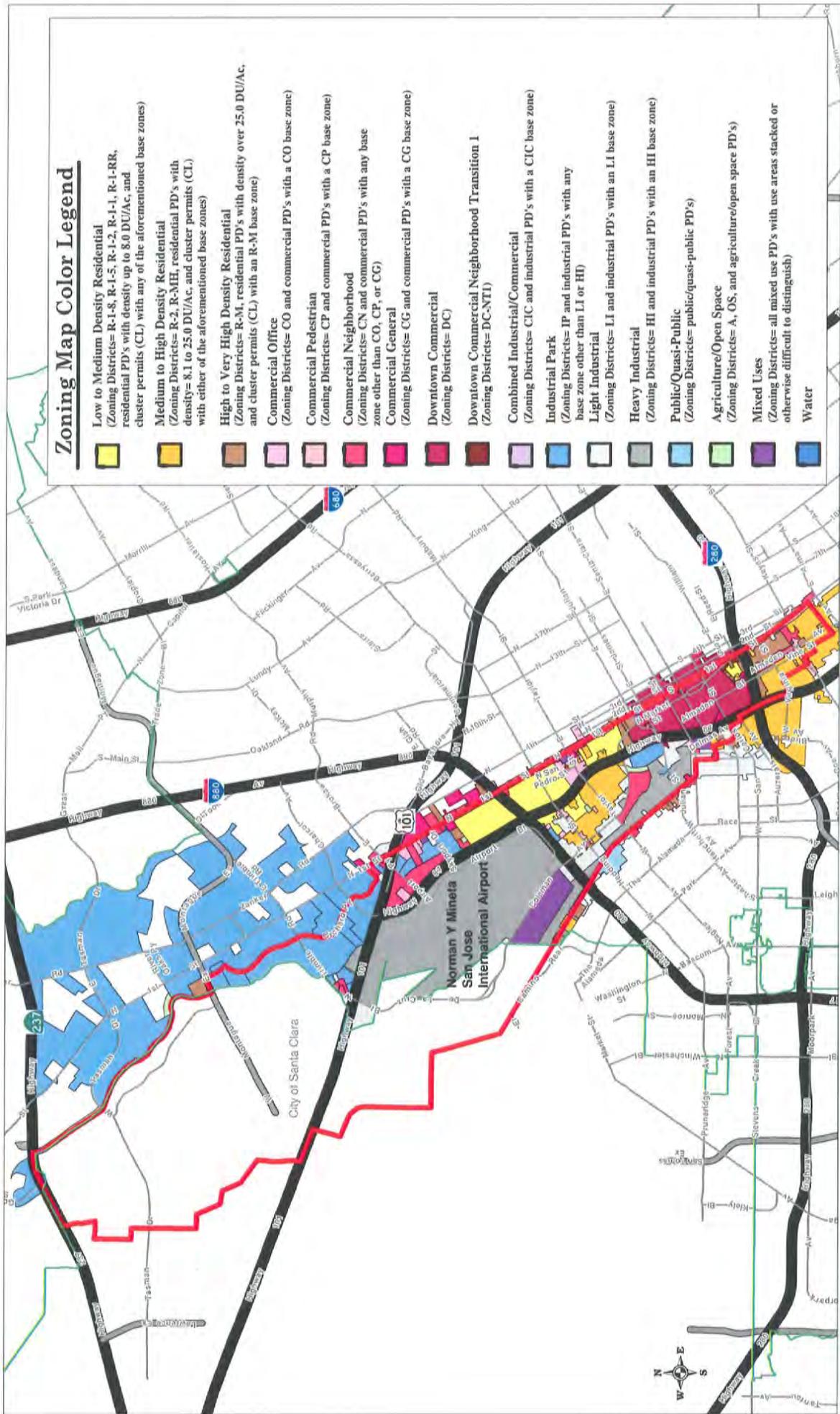
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span>	LRT/ BART Transit Area - 150 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span>	Employment Center (NSJ) - 120 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span>	Employment Center (NSJ) - 250 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span>	Employment Center (Holiday Inn Site) - 310 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span>	Employment Center (Former FMC Site) Height Determined by FAA
<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span>	Rincon South Urban Village - 220 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span>	Rosemary Gardens - 35 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span>	North First Street Urban Village - 200 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightorange; border: 1px solid black;"></span>	Urban Village Areas - 120 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span>	Downtown Frame Area - 120 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: magenta; border: 1px solid black;"></span>	Downtown Zoning Area - 315 Feet
<span style="display: inline-block; width: 15px; height: 15px; background-color: olive; border: 1px solid black;"></span>	LRT Transit Area - 120 Feet

City of San Jose

Planning Building and Code Enforcement

Norman Y. Mineta San Jose International Airport - Influence Area
 
 City Limits

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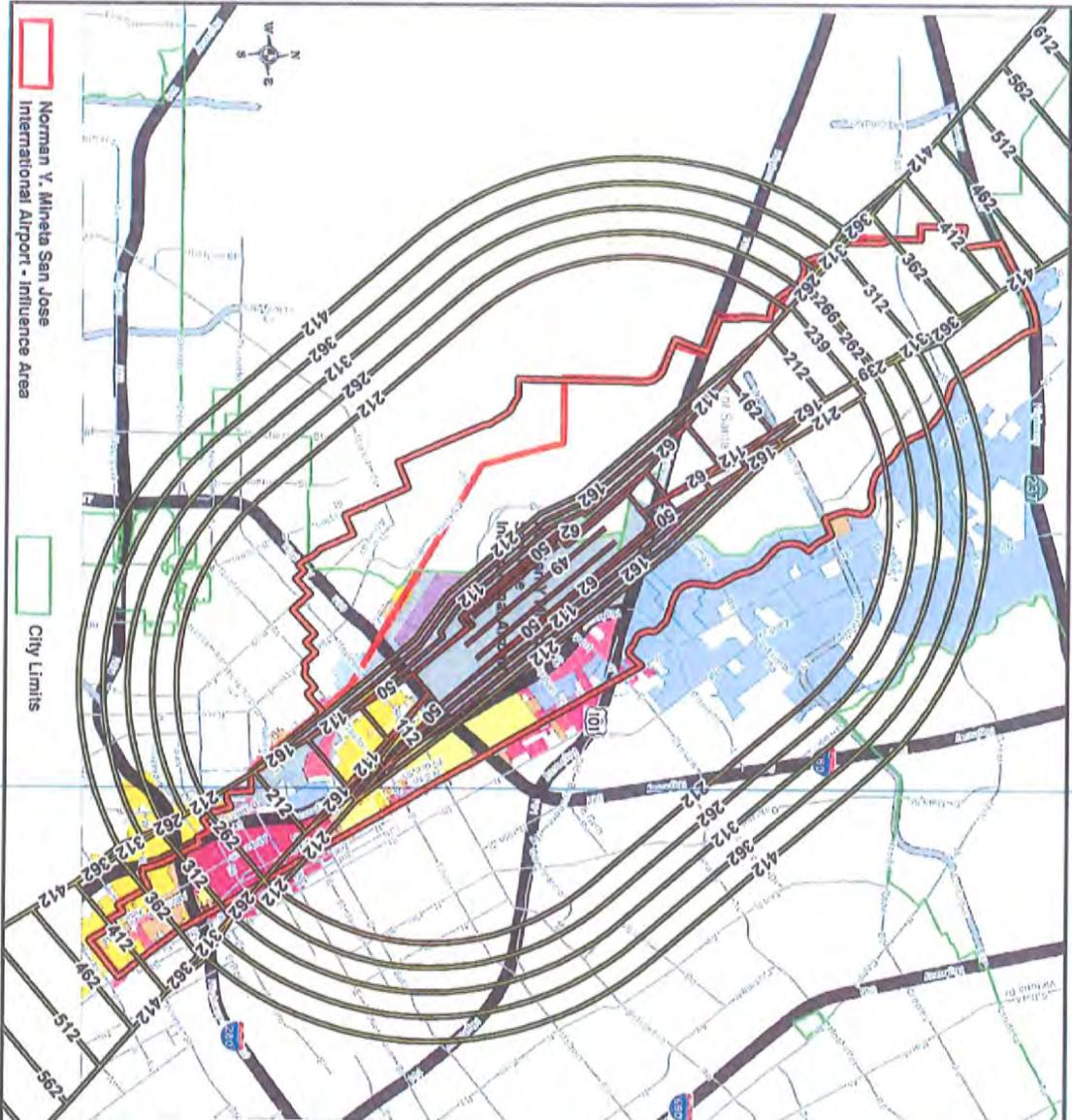
### Zoning Map Color Legend

- Low to Medium Density Residential  
(Zoning Districts= R-1-8, R-1-5, R-1-2, R-1-1, R-1-RR, residential PD's with density up to 8.0 DU/Ac, and cluster permits (CL) with any of the aforementioned base zones)
- Medium to High Density Residential  
(Zoning Districts= R-2, R-MH, residential PD's with density= 8.1 to 25.0 DU/Ac, and cluster permits (CL) with either of the aforementioned base zones)
- High to Very High Density Residential  
(Zoning Districts= R-M, residential PD's with density over 25.0 DU/Ac, and cluster permits (CL) with an R-M base zone)
- Commercial Office  
(Zoning Districts= CO and commercial PD's with a CO base zone)
- Commercial Pedestrian  
(Zoning Districts= CP and commercial PD's with a CP base zone)
- Commercial Neighborhood  
(Zoning Districts= CN and commercial PD's with any base zone other than CO, CP, or CG)
- Commercial General  
(Zoning Districts= CG and commercial PD's with a CG base zone)
- Downtown Commercial  
(Zoning Districts= DC)
- Downtown Commercial Neighborhood Transition 1  
(Zoning Districts= DC-NTI)
- Combined Industrial/Commercial  
(Zoning Districts= CIC and industrial PD's with a CIC base zone)
- Industrial Park  
(Zoning Districts= IP and industrial PD's with any base zone other than LI or HI)
- Light Industrial  
(Zoning Districts= LI and industrial PD's with an LI base zone)
- Heavy Industrial  
(Zoning Districts= HI and industrial PD's with an HI base zone)
- Public/Quasi-Public  
(Zoning Districts= public/quasi-public PD's)
- Agriculture/Open Space  
(Zoning Districts= A, OS, and agriculture/open space PD's)
- Mixed Uses  
(Zoning Districts= all mixed use PD's with use areas stacked or otherwise difficult to distinguish)
- Water

City Limits

Norman Y. Mineta San Jose International Airport - Influence Area

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### Zoning Map Color Legend

- Low to Medium Density Residential  
(Zoning Districts: R-1.5B, R-1.5, R-1.2, R-1.1, R-1.1R, residential PD's with density up to 5.0 DU/A, and master permits (TL) with any of the aforementioned base zones)
- Medium to High Density Residential  
(Zoning Districts: R-2, R-3, residential PD's with density: 8.1 to 25.0 DU/A, and master permits (TL) with either of the aforementioned base zones)
- High to Very High Density Residential  
(Zoning Districts: R-4I, residential PD's, and master permits (CI) with an R-4I base zone)
- Commercial Office  
(Zoning Districts: CO and commercial PD's with a CO base zone)
- Commercial Pedestrian  
(Zoning Districts: CP and commercial PD's with a CP base zone)
- Commercial Neighborhood  
(Zoning Districts: CN and commercial PD's with any base zone other than CO, CP, or CG)
- Commercial General  
(Zoning Districts: CG and commercial PD's with a CG base zone)
- Downtown Commercial  
(Zoning Districts: DC)
- Downtown Commercial Neighborhood Transition I  
(Zoning Districts: DC-NTI)
- Combined Industrial/Commercial  
(Zoning Districts: CII and industrial PD's with a CII base zone)
- Industrial Park  
(Zoning Districts: IP and industrial PD's with any base zone other than I1 or I1I)
- Light Industrial  
(Zoning Districts: LI and industrial PD's with an LI base zone)
- Heavy Industrial  
(Zoning Districts: HI and industrial PD's with an HI base zone)
- Public/Quasi-Public  
(Zoning Districts: public/quasi-public PD's)
- Agriculture/Open Space  
(Zoning Districts: A, OS, and agriculture/open space PD's)
- Mixed Uses  
(Zoning Districts: all mixed use PD's with use areas: stacked or otherwise difficult to distinguish)
- Water

City of San Jose  
Planning Building and Code Enforcement

**Nusbaum, Jenny**

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**From:** Peter Smith [Psmith@cwdco.com]  
**Sent:** Friday, October 12, 2012 11:15 AM  
**To:** Nusbaum, Jenny  
**Cc:** Mark Tersini - KT Properties (Mtersini@aol.com); Jennifer Jodoin - KT Properties (JJodoin@ktpropertiesinc.com)  
**Subject:** Zoning Ordinance Change

Jenny,

I just received a notice about an upcoming change to the Zoning Ordinance regarding airport height clearance and building heights throughout the city. Has there been any outreach to the development community about this? We are about to submit a SDP for a highrise project in downtown and are obviously very concerned with potential impacts to the project. We went to a lot of meetings with the Chamber of Commerce, airport staff, and downtown association on this topic several years ago, but have not heard anything since then until now.

**Peter Smith, PE**

**Charles W. Davidson Co.**

255 W. Julian St. Suite 200  
San Jose, CA 95110  
(408) 491-7709

**Nusbaum, Jenny**

**From:** Scott Knies [sknies@sjdowntown.com]  
**Sent:** Friday, October 12, 2012 2:14 PM  
**To:** Nusbaum, Jenny  
**Subject:** Re: Notice of Proposed Zoning Ordinance Amendment

Jenny, thanks for the prompt reply. We are specifically trying to figure out if this reduces heights in the downtown "straight ahead" core area and so-called west corridor (over HP Pavilion) below max FAA allowances, or if the zoning amendment does not address this issue and areas of the downtown. Scott

**From:** "Nusbaum, Jenny" <Jenny.Nusbaum@sanjoseca.gov>  
**Date:** Friday, October 12, 2012 1:48 PM  
**To:** Scott Knies <sknies@sjdowntown.com>  
**Subject:** RE: Notice of Proposed Zoning Ordinance Amendment

Yes. In February 2012, the City of San Jose approved height changes (mostly to increase maximum allowable heights) that applied throughout the City of San Jose with the exception of the Mineta Airport Influence Area.

<http://www.sanjoseca.gov/planning/zoning/heightrestrictionordinance29012.pdf>

We are now proposing to amend, and, in many subareas, increase maximum allowable heights consistent with the ALUC's input for the Mineta Airport Influence Area and consistent with the Envision San Jose 2040 General Plan. The staff report will be posted very soon. The primary author is Andrew Crabtree, and he is out of the office this week, but will be back Monday.

Jenny Nusbaum  
 Planning Division  
 Planning, Building and Code Enforcement  
 City of San José  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 PHONE: (408) 535-7872  
 FAX: (408) 292-6055  
 e-mail: [jenny.nusbaum@sanjoseca.gov](mailto:jenny.nusbaum@sanjoseca.gov)

**From:** Scott Knies[<mailto:sknies@sjdowntown.com>]  
**Sent:** Friday, October 12, 2012 12:14 PM  
**To:** Nusbaum, Jenny  
**Cc:** Horwedel, Joseph  
**Subject:** Re: Notice of Proposed Zoning Ordinance Amendment

Jenny, does this have anything to do with downtown? Obviously the heights downtown are of great interest, especially after the years of work we have done working out an OEI compromise. Sorry to bug you, but the staff report is not posted. Scott

--  
 Scott Knies  
 Executive Director  
 San Jose Downtown Association  
 28 N. First Street #1000  
 San Jose, CA 95113  
 (408) 279-1775, ext. 317  
 (408) 279-1904 fax  
[sknies@sjdowntown.com](mailto:sknies@sjdowntown.com)  
<http://www.sjdowntown.com>

Join us on Facebook <http://www.facebook.com/sjdowntown>

10/17/2012

**From:** Chundur, Dipa  
**Sent:** Friday, October 12, 2012 9:49 AM  
**To:** Chundur, Dipa  
**Subject:** Notice of Proposed Zoning Ordinance Amendment

Dear Interested Parties,

**Notice of Proposed Amendment to the Zoning Ordinance**

**Title 20 Zoning Ordinance:** An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code by amending Section 20.20.200 of Chapter 20.20, Section 20.30.200 of Chapter 20.30, Section 20.40.200 of Chapter 20.40, Section 20.50.200 of Chapter 20.50, and Sections 20.85.010, 20.85.020, and 20.85.030 of Chapter 20.85. to:

- a) Amend the height limitations in Airport Influence Areas;
- b) Further implement the height policies set forth within the Envision San Jose 2040 General Plan; and
- c) Make other modifications including technical, non-substantive, or formatting changes.

The proposed amendments potentially affect all City Council Districts (Citywide).

The proposed Ordinance is scheduled to be considered by the [Planning Commission](#) on Wednesday, October 24, 2012 (evening) and by the [City Council](#) on Tuesday, November 6, 2012 (afternoon). The Planning Commission will make a recommendation to the City Council on the proposed ordinance.

**Planning Commission Public Hearing** for the Proposed Amendments is scheduled for **October 24, 2012 at 6:30 P.M.**; and **City Council Public Hearing** for the Proposed Amendment is scheduled for **November 6, 2012 at 1:30 p.m.**, at City Council Chambers, San Jose City Hall (200 East Santa Clara Street).

The staff report will be available on the City’s website at:

<http://www.sanjoseca.gov/planning/hearings/DefaultPC.asp> approximately a week prior to the scheduled hearing.

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-3555 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Mike Tran ở số (408) 535-7759. Para información en Español acerca de esta solicitud, comuníquese con Tony Gonzales al (408) 535-7655.**

\*If you choose to challenge these land use decisions in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

Comments and questions are welcome and should be referred to, **Jenny Nusbaum**, Senior Planner at e-mail address: [Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov) in the Department of Planning, Building and Code Enforcement.

Thank You  
Dipa Chundur

\*\*\*\*\*

Dipa Chundur  
10/17/2012

Planning Services Division, City of San Jose

200 East Santa Clara Street, Tower 3, San José, CA 95113-1905

(408) 535-7688 [dipa.chundur@sanjoseca.gov](mailto:dipa.chundur@sanjoseca.gov)

Planning website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

Envision 2040 General Plan on Facebook

<http://www.facebook.com/pages/Envision-San-Jose-2040-General-Plan-Update/133588739300>

\*\*\*\*\*

**Nusbaum, Jenny**

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**From:** Terri Balandra [tbalandra@apr.com]  
**Sent:** Friday, October 12, 2012 12:11 PM  
**To:** Chundur, Dipa  
**Cc:** lames@aol.com; Helen Chapman; debarant@gmail.com; SJ-D6NL@yahoogroups.com  
**Subject:** airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Dipa;  
Thanks, for sending this Dipa... I will hopefully look forward to your answers, *before the Staff Report.*

- \* Will this Airport Height Policy align with the Airport Land Use Committee's official guidelines?
- \* Will the building height limit only be based on a "No Hazard Determination" by the FAA? - or will it be ALSO based on the Airport's current lowest Airline's OEI Policy?
- \* How will the wording in your Zoning Ordinance address the OEI Policy, for the Airport's revention of heavy weight/ling haul flights that need a longer turning area, in order to return to the Airport, should one engine go out?
- \* Will a color coded AIA Map area be included in your Ordinance?
- \* How will this affect the heights of existing Projects in the City's Planning Pipeline?
- \* Is the Planning Dept still concerned about Developer Lawsuits, - Developers being limited on the heights of their buildings - or, will the Building Height limit be strictly adhered to, by the Planning Dept?
- \* What happens if Developers "challenge" the "height"? - Will the City of San Jose/taxpayers then accept the Public Safety consequences, should there be a disaster caused by the extra tall building?

Thanks again, Dipa!  
Best;  
Terri Balandra  
District 6 and in the AIA area (I think)  
408.309.3711

---

**From:** LAmes@aol.com [LAmes@aol.com]  
**Sent:** Friday, October 12, 2012 10:45 AM  
**To:** SJ-D6NL@yahoogroups.com; Terri Balandra; 4chapmanfam@sbcglobal.net; debarant@gmail.com  
**Cc:** dipa.chundur@sanjoseca.gov  
**Subject:** Re: airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Hi, folks,

just want to make sure you got a copy of this email.

This hearing is about building heights and the impact of the airport. I wonder if it includes any mention of the One-Engine-Inoperative (OEI) policy...

~Larry

\*\*\*\*\*

In a message dated 10/12/2012 9:52:23 A.M. Pacific Daylight Time, Dipa.Chundur@sanjoseca.gov writes:

Dear Interested Parties,

**Notice of Proposed Amendment to the Zoning Ordinance**

**Title 20 Zoning Ordinance:** An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code by amending Section 20.20.200 of Chapter 20.20, Section 20.30.200 of Chapter 20.30, Section 20.40.200 of Chapter 20.40, Section 20.50.200 of Chapter 20.50, and Sections 20.85.010, 20.85.020, and 20.85.030 of Chapter 20.85. to:

- a) Amend the height limitations in Airport Influence Areas;

10/17/2012

- b) Further implement the height policies set forth within the Envision San Jose 2040 General Plan; and
- c) Make other modifications including technical, non-substantive, or formatting changes.

The proposed amendments potentially affect all City Council Districts (Citywide).

The proposed Ordinance is scheduled to be considered by the **Planning Commission** on Wednesday, October 24, 2012 (evening) and by the **City Council** on Tuesday, November 6, 2012 (afternoon). The Planning Commission will make a recommendation to the City Council on the proposed ordinance.

**Planning Commission Public Hearing** for the Proposed Amendments is scheduled for **October 24, 2012 at 6:30 P.M.**; and **City Council Public Hearing** for the Proposed Amendment is scheduled for **November 6, 2012 at 1:30 p.m.**, at City Council Chambers, San Jose City Hall (200 East Santa Clara Street).

The staff report will be available on the City's website at:

<http://www.sanjoseca.gov/planning/hearings/DefaultPC.asp> approximately a week prior to the scheduled hearing.

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-3555 or (408) 294-9337 (TTY) at least two business days before the meeting.

**Nusbaum, Jenny**

**From:** Terri Balandra [tbalandra@apr.com]  
**Sent:** Friday, October 12, 2012 3:47 PM  
**To:** Horwedel, Joseph  
**Cc:** Prevetti, Laurel; Enderby, Mike; Chundur, Dipa; Crabtree, Andrew; Brilliot, Michael; Walton, Susan; Nusbaum, Jenny; mark.sims@sanjoseca.gov; Shrubsole, Megan; SJ-D6NL@yahoo.com  
**Subject:** Community Participation Questions in the Planning Process...

**Hi Joe;**

**In the spirit of working together on the Neighborhood Villages concept, I thought it would be helpful to formulate some thoughtful Community Planning & Land Use Questions, from all my years of attending City & Project Meetings... I thought I'd share them with you & the group, so that eventually, the Community could get the answers, straight from you, the Planners:**

- 1) How is the Planning Dept handling the Public Outreach Process with Urban Villages and also how does that Process relate to new Signature Projects?
- 2) How is the new "streamlined" Process different than the PD Zoning & PD Permit Public Outreach Process?
- 3) How many Public Outreach meetings will there be for each project?
- 4) At what point in the Process will that Public Outreach Meeting be held - "after" or "before" the color renderings are drawn?
- 5) How will planners encapsulate all that was discussed at the Public Outreach meeting, & how will the Public see it in writing, implemented, and enforced?
- 6) Is it true that the Public needs to track the Director's Hearings now - and attend on a Wed morning at 9am, for input on a new development? If so, what "step" in the "old" Process has been bypassed?
- 7) When approving a project in an Urban Village, will the first developer to build in the Village, have Carte Blanche to set the tone? - or, will there be a "real" Design that a Developer must adhere to?
- 8) Will the Planning Dept "stick to its guns" and NOT allow a Developer to go against its design recommendations?
- 9) Will the Planning Dept finally "close the loop", and have an inspection after project completion, to be sure the developer has completed all Public Improvements that were "sold" to the community, when promoting the project?
- 10) Will there be a law, to prohibit developers to use renderings of Santana Row, to promote their much less expensive, slimmed down versions of Mixed Use Projects?
- 11) Is it true, that unless it's "in the Development Standards", it cannot be enforced? Enforced by Planning & Code Enforcement? What is the actual Penalty of non-compliance?
- 12) How can the community be assured that the Developer's assurances to the community, at Public Outreach meeting, are included in the Development Standards, for future enforcement?
- 13) Is it the Planning Dept who "enforces" the Development Standards to be sure there is follow-through with the Implementation part of the new 2040 Plan? What is the Penalty for non-compliance?
- 14) How is "Streamlining, at the Speed of Business" a benefit to the Community Outreach Process?
- 15) How will high-density along a Transit Corridor, deal with a "Transition Zone" to existing residential, when there are shallow lots - like on W. San Carlos St?
- 16) If regional BRT goes off the table because the regional adjoining cities cannot agree, then what other type of realistic regional Public Transit is there available, to realistically expect the "Urban Village" resident to use to travel to work, in a reasonable amount of time?
- 17) If the Regional BRT never comes to fruition, what other type of realistic efficient Transit is possible? - and how will the Planning Dept then "justify" the high-density project construction with diminished parking numbers and protected intersections? Will a Transit threshold need to be established - before construction begins?
- 18) Even if the "density" is there, and Federal & State Transit Grants are available, - if Regional BRT goes away, what other alternative regional Public Transit is there to pitch, (to justify an "Urban Village") - if light rail is not doable, and there is only local bus transit?
- 19) At what point will the available Transit be the trigger to establish - BEFORE a high-density Urban Village is approved, and allowed to start construction?
- 20) Without Regional BRT, will City Planners still call projects "Transit-Oriented" if there's only one old bus line that goes by?
- 21) What threshold of established Public Transit is required, before a high-density project is approved?
- 22) Will there be an Urban Village Design Committee, that is separate from the Planning Commission, that will need to approve the design, before it goes to the Planning Commission?

10/17/2012

- 23) Is there a "box" on the project application, that asks if the existing fence lines & Survey Lot Lines "match", and has the adjacent neighbors been notified? Does that change to a Higher Standard of Care if the City is a financing partner with a developer?
- 24) Is there different criteria, with a higher Standard of Care, for a taxpayer funded project - than with a private developer project?
- 25) At a Project's Community Outreach meeting, is the City Planner trained to encapsulate Developer/Community discussion in the Development Standards, so there is no hard feelings that the community's expectations were overlooked?
- 26) How will the Planning Dept deal with a Developer who challenges the Airport Influence Area Height Standard?
- 27) How is a Developer Code Violation handled, on an attempted toxic sludge removal, on City-owned property?
- 28) What happens if your Staff "misses" a toxic Environmental Hazard clean-up item, in an EIR or Negative Mitigation, on an old Planning Project in the Planning pipeline - on a piece of City-owned land?

**Looking forward to eventually hearing the answers... As these questions took *years* to formulate, over many, many project and community outreach meetings. Thanks for your assistance...**

**Terri Balandra  
408.309.3711  
District 6**

**Nusbaum, Jenny**

---

**From:** jeanann2@aol.com  
**Sent:** Saturday, October 13, 2012 1:34 AM  
**To:** Chundur, Dipa  
**Subject:** Re: Notice of Proposed Zoning Ordinance Amendment

Hello Dipa,

May I have a copy of the proposed ordinance changes now?

Surely, a draft has been prepared and vetted by the city attorney or you would not be announcing the hearing date.

Your staff report narrative is not what I am looking for. I am looking for the language of the proposed changes. Please send the legal language.

Have you shared the draft language with the Santa Clara County Airport Land Use Commission and/or their planner, Mark Connolly for their comment?

Thank-you,

Jean Dresden

-----Original Message-----

**From:** Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>  
**To:** Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>  
**Sent:** Fri, Oct 12, 2012 9:52 am  
**Subject:** Notice of Proposed Zoning Ordinance Amendment

Dear Interested Parties,

### **Notice of Proposed Amendment to the Zoning Ordinance**

**Title 20 Zoning Ordinance:** An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code by amending Section 20.20.200 of Chapter 20.20, Section 20.30.200 of Chapter 20.30, Section 20.40.200 of Chapter 20.40, Section 20.50.200 of Chapter 20.50, and Sections 20.85.010, 20.85.020, and 20.85.030 of Chapter 20.85. to:

- a) Amend the height limitations in Airport Influence Areas;
- b) Further implement the height policies set forth within the Envision San Jose 2040 General Plan; and
- c) Make other modifications including technical, non-substantive, or formatting changes.

The proposed amendments potentially affect all City Council Districts (Citywide).

The proposed Ordinance is scheduled to be considered by the **Planning Commission** on Wednesday, October 24, 2012 (evening) and by the **City Council** on Tuesday, November 6, 2012 (afternoon). The Planning Commission will make a recommendation to the City Council on the proposed ordinance.

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The staff report will be available on the City's website at:

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You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-3555 or (408) 294-9337 (TTY) at

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least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Mike Tran ở số (408) 535-7759. Para información en Español acerca de esta solicitud, comuníquese con Tony Gonzales al (408) 535-7655.**

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*Comments and questions are welcome and should be referred to, **Jenny Nusbaum**, Senior Planner at e-mail address: [Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov) in the Department of Planning, Building and Code Enforcement.*

Thank You  
Dipa Chundur

\*\*\*\*\*

**Dipa Chundur**  
Planning Services Division, City of San Jose  
200 East Santa Clara Street, Tower 3, San José, CA 95113-1905  
(408) 535-7688 [dipa.chundur@sanjoseca.gov](mailto:dipa.chundur@sanjoseca.gov)

Planning website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)  
Envision 2040 General Plan on Facebook  
<http://www.facebook.com/pages/Envision-San-Jose-2040-General-Plan-Update/133588739300>

\*\*\*\*\*

**Nusbaum, Jenny**

**From:** LAmes@aol.com  
**Sent:** Friday, October 12, 2012 10:45 AM  
**To:** SJ-D6NL@yahogroups.com; tbalandr@apr.com; 4chapmanfam@sbcglobal.net; debarant@gmail.com  
**Cc:** Chundur, Dipa  
**Subject:** Re: airport & bldg heights: Notice of Proposed Zoning Ordinance Amendment

Hi, folks,

just want to make sure you got a copy of this email.

This hearing is about building heights and the impact of the airport. I wonder if it includes any mention of the One-Engine-Inoperative (OEI) policy...

~Larry

\*\*\*\*\*

In a message dated 10/12/2012 9:52:23 A.M. Pacific Daylight Time, Dipa.Chundur@sanjoseca.gov writes:

Dear Interested Parties,

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**Title 20 Zoning Ordinance:** An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code by amending Section 20.20.200 of Chapter 20.20, Section 20.30.200 of Chapter 20.30, Section 20.40.200 of Chapter 20.40, Section 20.50.200 of Chapter 20.50, and Sections 20.85.010, 20.85.020, and 20.85.030 of Chapter 20.85. to:

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**Nusbaum, Jenny**

---

**From:** Yakubu, Salifu  
**Sent:** Friday, October 12, 2012 5:58 PM  
**To:** Michelle Fisk  
**Cc:** Peter Smith; jjodoin@ktpropertiesinc.com; Mark Tersini - KT Properties (Mtersini@aol.com); Chundur, Dipa  
**Subject:** RE: Notice of Proposed Zoning Ordinance Amendment

Michelle,

By copying her I am asking Dipa to respond to your question.  
Dipa – Michelle's property is at Santa Clara and Market. I'm aware of the properties in North San Jose but wanted to be sure about the implications for downtown projects.

Thank you,

**Salifu Yakubu, AICP**

*Certified Green Building Professional*

**Division Manager**

Department of Planning, Building and Code Enforcement

City of San Jose

200 East Santa Clara Street

San Jose, CA 95113-1905

website: [www.sanjoseca.gov](http://www.sanjoseca.gov)

Tel (408) 535-7911

Fax (408) 292-6055

email: [salifu.yakubu@sanjoseca.gov](mailto:salifu.yakubu@sanjoseca.gov)

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**From:** Michelle Fisk [mailto:Mfisk@cwdco.com]  
**Sent:** Friday, October 12, 2012 10:59 AM  
**To:** Yakubu, Salifu  
**Cc:** Peter Smith; jjodoin@ktpropertiesinc.com; Mark Tersini - KT Properties (Mtersini@aol.com)  
**Subject:** FW: Notice of Proposed Zoning Ordinance Amendment

Sal,  
It was great meeting with you yesterday. Thanks for all the help!  
Just got this notice. Obviously I have not seen the wording on this. Will this affect our project on 1 South Market?  
Michelle

---

**From:** Chundur, Dipa [mailto:Dipa.Chundur@sanjoseca.gov]  
**Sent:** Friday, October 12, 2012 9:49 AM  
**To:** Chundur, Dipa  
**Subject:** Notice of Proposed Zoning Ordinance Amendment

Dear Interested Parties,

### **Notice of Proposed Amendment to the Zoning Ordinance**

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10/17/2012

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Thank You  
Dipa Chundur

\*\*\*\*\*

**Dipa Chundur**  
Planning Services Division, City of San Jose  
200 East Santa Clara Street, Tower 3, San José, CA 95113-1905  
(408) 535-7688 [dipa.chundur@sanjoseca.gov](mailto:dipa.chundur@sanjoseca.gov)

Planning website: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)  
Envision 2040 General Plan on Facebook  
<http://www.facebook.com/pages/Envision-San-Jose-2040-General-Plan-Update/133588739300>

\*\*\*\*\*

**Nusbaum, Jenny**

**From:** Scott Soper and Teresa O'Kane [fosterkane@hotmail.com]  
**Sent:** Friday, October 12, 2012 1:49 PM  
**To:** Chundur, Dipa  
**Subject:** RE: Notice of Proposed Zoning Ordinance Amendment

Hello,

Several questions raised by the notice I hope you can answer;

This ordinance potentially impacts all council districts? Is that due to airport noise changes?

Does any of the ordinance have a bearing on the High Speed Rail?

Thanks,

Scott Soper

---

Subject: Notice of Proposed Zoning Ordinance Amendment  
Date: Fri, 12 Oct 2012 09:55:23 -0700  
From: Dipa.Chundur@sanjoseca.gov  
To: Dipa.Chundur@sanjoseca.gov

Dear Interested Parties,

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Thank You  
Dipa Chundur

\*\*\*\*\*

**Dipa Chundur**  
Planning Services Division, City of San Jose  
200 East Santa Clara Street, Tower 3, San José, CA 95113-1905  
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\*\*\*\*\*