



Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 4, 2005

COUNCIL DISTRICT: 3

SNI AREA: Market-Almaden

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTERS 20.70 AND 20.80 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO: STREAMLINE THE PERMITTING PROCESS FOR TEMPORARY OUTDOOR EVENTS IN THE DOWNTOWN CORE; ALLOW LIVE/WORK USES AS OF RIGHT IN THE DOWNTOWN CORE; AMEND THE BOUNDARIES OF THE DG DOWNTOWN GROUND-FLOOR SPACE OVERLAY AREA; AND AMEND THE DOWNTOWN OFF-STREET LOADING REQUIREMENTS.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation that the City Council adopt the proposed ordinance amending Chapters 20.70 and 20.80 of Title 20, the Zoning Code, of the San Jose Municipal Code to streamline the permitting process for temporary outdoor events in the downtown core, to permit live/work uses as of right in the DC Downtown Core zoning district, to amend the boundaries of the DG downtown ground-floor space overlay area, and to amend off-street loading requirements for residential uses.

BACKGROUND

Last year, the City Council approved a revamped zoning category for the Downtown Core area, which is a part of the City's Zoning Code (Title 20 of the San Jose Municipal Code).

The ordinance amendment included an overlay district, the DG downtown ground floor overlay district, which restricts the ground floor uses to those that are retail in character.

In a separate chapter, the Zoning Ordinance delineates the process for temporary events on private property.

The proposed amendment would make minor corrections to the DC zoning district, modify the DG Downtown Ground-floor overlay district, and streamline the permitting process for temporary events on private property in the downtown core.

ANALYSIS

Zoning Code Chapter 20.70 sets out the development standards, permitted uses, and parking ratios in the Downtown Core area.

The proposed ordinance amendment would allow live/work uses as of right in the DC Downtown Core district. In the DC Downtown Core district, both residential and commercial uses are allowed within the same building as of right. However, combining residential and commercial uses within the same tenant space requires a special use permit, approved by the Director of Planning. This change makes live/work uses subject to the same level of review as residential and commercial uses separately, and making the review of live/work uses more parallel to its component uses. Live/work uses will still be subject to specific use criteria, under Code Section 20.70.120.

The proposed ordinance amendment reworks the way that off-street loading spaces are calculated for residential uses in the DC Downtown Core district. Under the current Zoning Ordinance, the requirement for off-street loading spaces is calculated the same way as for hotels, by gross floor area of the building. This is inconsistent with the way that parking and loading for residential uses is normally calculated, as a ratio related to the number of units. The proposed ordinance amendment would change the way that off-street loading spaces are calculated for residential uses. The proposed ordinance change would not change the parking requirements for residential uses in the Downtown Core.

The proposed ordinance amendment also modifies the boundaries of the DG Downtown Ground-floor overlay district. The purpose of the overlay district is to restrict the types of uses in ground-floor tenant spaces to those uses that are fundamentally retail in character. The proposed ordinance change would reduce the overall area of the DC Downtown Core district subject to the ground-floor overlay district. The idea is to focus the restriction on those streets that are most amenable to retail uses, and to encourage retail along those corridors. Without the ground-floor overlay district, the other areas of downtown would be more able to respond to market demands. Figure 1 shows the current boundaries of the DG overlay, while Figure 2 shows the proposed boundaries.

Zoning Code Chapter 20.80 deals with specific use regulations, including provisions for permitting temporary outdoor uses on private property. One oversight in this section is that the DC Downtown Core district is not addressed.

Most special events held in the Downtown Core are held on public property, as opposed to private property. For events on public property, the Office of Cultural Affairs (OCA) handles permitting through the special event permit process. For private property events throughout the City, short-term events are also permitted by OCA. Longer events are permitted through the Planning Division, either through the Special Use Permit or the Conditional Use Permit process. In the Downtown Core, staff is proposing that OCA handle permitting for all events, regardless

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of length. This would create a streamlined process for events on public and private property in the Downtown Core eliminating potential duplicate permitting processes.

PUBLIC OUTREACH

On April 26, 2005, a hearing notice for the proposed ordinance change and for the hearings for the permanent ordinance change was sent to the San Jose Post-Record for publishing. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's pending ordinances web page.

COORDINATION

Preparation of the proposed ordinance has been coordinated with the City Attorney's Office.

CEQA

Exempt, PP05-088.

STEPHEN M. HAASE, DIRECTOR
Planning, Building, and Code Enforcement