

EXCERPTS FROM ENVISION SAN JOSE 2040 GENERAL PLAN REFERENCING THE ZONING ORDINANCE



The following document is an initial compilation of references to Zoning Code regulations and process currently found in the Draft Envision San Jose 2040 General Plan to help identify potential changes that do or may require amendments to the Zoning Ordinance. Other changes to the Zoning Ordinance may be required to incorporate or better promote important concepts, goals and polices in the Draft Envision Plan

CHAPTER 1 – ENVISION SAN JOSE 2040

Complete Streets, Grand Boulevards and Main Streets

.....As part of the Complete Street concept, appropriate land uses, building heights, setback dimensions and other design elements related to the type and character of the street, are addressed through new zoning districts and other implementation tools adopted to advance the goals of the *Envision San José 2040* General Plan.

Village Planning

- **Building Heights and Densities:** Identify for specific properties within the Village Planning area minimum and maximum thresholds for building heights and densities. These standards should fall within the broader ranges established in the Land Use / Transportation Diagram and be consistent with the planned job and housing growth capacity for the Village area. These standards should be implemented through the Zoning process prior to the development of new residential or mixed-use, residential projects.

CHAPTER 2 - THRIVING COMMUNITY

Policies – Land Use and Employment

IE-1.12 When developing housing near to active industrial areas, provide sufficient buffer areas and use construction methods for the housing project so that current and future business operations are able to continue in compliance with the Zoning Code.

Policies – Fiscally Sustainable Land Use Framework

FS-3.4 Promote land use policy and implementation actions that improve our City’s fiscal sustainability. Maintain or enhance the City’s projected total net revenue through amendments made to this General Plan in each Annual Review process. Discourage proposed rezonings or other discretionary land use actions that could significantly diminish revenue to the City or significantly increase its service costs to the City without offsetting increases in revenue.

CHAPTER 3 – ENVIRONMENTAL LEADERSHIP

Policies – Energy Conservation and Renewable Energy Use

MS-2.1 Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources.

- MS-9.3 Consider General Plan and zoning changes to facilitate relocation and establishment of materials recovery and waste-to-energy industries.
- EC-1.13 Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.

CHAPTER 4 – QUALITY OF LIFE

Policies – Attractive City

- CD 1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

Actions - Compatibility

- CD-4.13 Review and revise height limitations in the Zoning Ordinance to provide appropriate height limitations for various locations within San Jose consistent with the land use objectives of this Plan.

Building Height

- CD-8.1 Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories expected for new development, however specific height limitations for buildings and structures in San José are not identified in the *Envision* General Plan. Specific height limits are established within the City’s Zoning Ordinance and applied through the zoning designation for properties throughout the City.
- CD-8.2 The General Plan Community Design Goals, Policies and Implementation Actions provide guidance for the appropriate regulation of building heights to be implemented through the Zoning Ordinance.
- CD-8.3 While the height of new development should be regulated to avoid long-term land use incompatibilities, proposed Zoning Ordinance changes should also establish adequate maximum building heights to allow full build-out of the planned job and housing growth capacity within each of the identified Growth Areas.

CHAPTER 5

INTERCONNECTED CITY – LAND USE AND TRANSPORTATION DIAGRAM

Implementation of Village Plans

The *Envision San José 2040* General Plan and Plan Land Use / Transportation Diagram supports the use of Village Plans as a critical tool for the implementation of the General Plan and Plan Diagram. Village Plans are prepared through the process established within the Implementation Chapter of this General Plan. Although Village Plans are not directly incorporated into the General Plan, they are critical to the implementation of General Plan goals and policies. Zoning and planning entitlement actions should be evaluated for their consistency with the pertaining Village Plan in order to determine General Plan consistency.

Urban Village

Density: 55* to 250 DU/AC; FAR Up to 10.0 (3 to 10 stories):

.....The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document.

Combined Industrial/Commercial

....While this designation potentially accommodates a wide variety of uses and building forms, more specific guidance should be provided through the application of the Zoning Ordinance in order to establish use and form standards that will promote the development of a cohesive employment area across multiple adjoining properties that share this designation.

Industrial Park

.....One primary difference between this use category and the "Light Industrial" category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses.

Transit Residential

Density: 50-250 DU/AC; FAR 2.0 to 12.0 (5 to 25 stories)

.....The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within a Village Plan or other policy document.

Urban Residential

Density: 30-95 DU/AC; FAR 1.0 to 4.0 (3 to 12 stories)

.... The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document.

Rural Residential

Properties with this designation that have existing zoning entitlements or traffic allocations in place may proceed with development of those entitlements, even if at a higher density than 2 DU/AC or existing land use pattern.

Open Space, Parklands and Habitat

.....Where appropriate and where it has not otherwise been identified for use as open space (through a zoning, for instance), privately owned land in this designation may be considered for low-intensity agricultural uses provided that such uses do not involve the addition of buildings or other structures or use of irrigation on significant portions of the site.

Urban Village Plan Areas

Alum Rock Avenue (between King Road and Highway 680) – The MS Main Street zoning district, developed specifically to apply to properties located along the portion of Alum Rock Avenue between King Road and Highway 680), provides sufficient land use policy direction to meet the intent of the Urban Village designation as it is applied to those properties.

(first page)... Land Use Policies in this chapter guide development types and uses for new and existing construction. They also establish a framework for constructing provisions in the **Zoning Ordinance** (Title 20 of the San José Municipal Code).

Actions – General Land Use

LU-1.9 **Review criteria in the Zoning Ordinance** and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.

Policies – High-Quality Living Environments

LU-9.15 New single-family flag lots may be appropriate on hillside properties but are discouraged within other parts of the City. Flag lot development in non-hillside areas should have a clear and visible relationship to the neighborhood and the street and **should be consistent with the applicable Zoning district** which can assure that relationship. To strengthen neighborhood preservation policies and objectives of this plan, the City Council has adopted a policy establishing criteria for the use of flag lots.

Policies – Efficient Use of Residential and Mixed-Use Lands

LU-10.6 **In identified growth areas, do not approve decreases in residential density through zoning change** or development entitlement applications or through General Plan amendments.

Actions – Residential Neighborhoods

LU-11.8 Rezone Residential Neighborhood areas with nonconforming zoning designations to align with the General Plan, taking existing uses into consideration. For areas where the Residential Neighborhood designation supports the development of duplexes or commercial uses, a corresponding residential zoning designation that supports duplexes and/or commercial uses is appropriate. For areas where the Residential Neighborhood designation supports the development of single-family residences, a corresponding residential zoning designation that supports single-family use is appropriate. Give priority for such rezoning actions to areas with an existing neighborhood or community plan that identifies rezoning as a community goal.

Actions – Urban Agriculture

LU-12.11 **Revise the Zoning Ordinance** to allow both community gardens and incidental gardening as a permitted use in appropriate zoning districts.

Actions – Landmarks and Districts

LU-13.21 Implement strategic General Plan and **zoning** changes as indicated by federal, state or municipal “historic” or “conservation area” designations, in order to maintain neighborhood vitality and character and to preserve the integrity of historic structures located within those neighborhoods. To preserve predominantly single-family historic neighborhoods, rezone residential structures located in these areas to a single-family zoning designation.

Action – Urban Growth Boundary (Open Hillside / Agriculture Lands)

LU-19.10 **Establish a program to create new zoning districts for hillside areas and rezone those lands outside of the Greenline/Urban Growth Boundary (UGB) under City jurisdiction to conform with the General Plan designations of these areas and to be consistent with the purposes of the UGB.**

Transportation Demand Management and Parking

Transportation Demand Management (TDM) refers to a set of strategies to reduce vehicle trips by promoting alternatives such as staggered or flexible work hours, public transit, carpooling, bicycling,

walking, and telecommuting. Many features that are incorporated into the Envision San José 2040 General Plan are part of the City’s current TDM strategy, including:

- A street typology system that assigns priority to alternate modes of travel, including the concept of complete streets
- Pedestrian and bicycle facilities, including Safe Routes to Schools
- Expanded and enhanced public transit service, including exclusive bus lanes
- Measures such as shuttle services, discounted transit passes, carpooling and car-sharing that reduce vehicle trips
- Compact land use pattern that reduces trip length and allows for “park once and walk” destinations
- Balanced housing and jobs

These measures are included in the plan for the City’s physical transportation infrastructure and are also implemented through zoning requirements and the City’s support for public transit operations.

Actions – Tier II Vehicle Miles Traveled Reduction

TR-10.4 In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted toward meeting the zoning code’s parking space requirements.

TR-10.6 Working with members of the development and financial communities, and neighborhood residents, establish, in Tier II, citywide parking standards in the Zoning Code which establish maximum parking rates, or “parking caps” for new development.

CHAPTER 7 - IMPLEMENTATION

(1st Page) This chapter also addresses Village Planning, the Capital Improvement & Budget Program, and land use entitlements (including zoning and development permits)....

Land Use / Transportation Diagram

....The land uses shown on the Land Use/ Transportation Diagram do not, in all cases, reflect the existing zoning or use of individual properties. General Plan land use designations indicate the City’s intent for the appropriate future land use and development character for a designated area. As a charter city, San José is exempt from the statutory requirement that zoning be consistent with its General Plan, although zoning will become more consistent as the Plan is implemented over time.

Policies - Land Use / Transportation Diagram

IP-1.2 Consider multiple zoning districts to provide site-specific development guidance for individual parcels within a large area sharing a single Land Use designation as consistent with the General Plan, given that the Land Use / Transportation Diagram provides a more generalized description of the appropriate land uses and form of development for an area.

IP-1.4 Implementation of existing zonings and/or approved land use entitlements, which were previously found to be in conformance with the General Plan prior to its comprehensive update, may be considered as being in conformance with this General Plan provided that the implementation of such entitlements would generally support its goals and policies.

IP-1.5 Maintain a Zoning Ordinance and Subdivision Ordinance that aligns with and supports the Land Use / Transportation Diagram and General Plan goals and policies. Develop new Zoning Districts which enumerate uses and establish development standards, including heights, to achieve vital mixed-use complete communities and facilitate their implementation.

- IP-1.7 Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which can not be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.
- IP-1.8 Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or pre-zoning proposals.

Policies – Urban Village Planning

- IP-5.1 (1).....Identify suitable areas for residential development, capable of supporting the full amount of planned residential growth capacity. Apply corresponding Land Use / Transportation Diagram or zoning designations to support the proposed employment and residential density ranges.
(3) Building Heights and Densities: Identify for specific properties within the Village Planning area minimum and maximum thresholds for building heights and densities. These standards should fall within the broader ranges established in the Land Use / Transportation Diagram and be consistent with planned job and housing growth capacity for that Village area. Implement these standards through the Zoning process prior to development of new residential or mixed-use, residential projects.
- IP-5.4 Prepare and implement Urban Village Plans carefully, with sensitivity to concerns of the surrounding community, and property owners and developers who propose redevelopment of properties within the Urban Village areas. Proceed generally in the order of the following timeline, although some steps may be taken concurrently:
 - 3. The City or private property owners initiate rezoning for specific properties within the Urban Village as needed to implement the Urban Village Plan. Because most Urban Village sites initially have commercial zoning, rezoning will be necessary to provide for redevelopment and intensification with residential or residential mixed use projects on those sites.

Policies – Specific Plans

- IP-7.1 Specific plans may vary in detail ranging from a level of analysis consistent with General Plan review and policy direction to the planned Development zoning level which contains detailed development standards.
- IP-7.5 Implementation of specific plans is usually accomplished through the rezoning and site development entitlement processes.

Zoning

The zoning process consists of rezoning lands within the incorporated City limits or the pre-zoning of property proposed for annexation from one zoning district to another.

Goal IP-8 – Zoning

Use rezoning of property to directly implement the land use designations as shown on the Land Use/Transportation Diagram. By City Council policy, the rezoning of property should ordinarily conform to the General Plan.

Policies - Zoning

- IP-8.1 With participation by various City departments, conduct a review of zoning applications for consistency with City Council and General Plan policy as well as to identify specific public improvements and requirements such as streets, storm and sanitary sewers, fire hydrants and

street lights. Incorporate review by other public agencies in the zoning process.

- IP-8.2 Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the General Plan Land Use / Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.
- IP-8.3 For the review of privately or public initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the General Plan goals and policies as follows:
1. Align with General Plan Land Use / Transportation Diagram designations.
 2. Retain or expand existing employment capacity.
 3. Preserve existing retail activity.
 4. Avoid land use incompatibilities.
 5. Implement General Plan goals and policies including those for Urban Design.
 6. Support higher density land uses consistent with the City's transition to a more urban environment.
 7. Facilitate the intensification of Villages and other Growth Areas consistent with the goal of creating walkable, mixed-use communities.
 8. Address height limits, setbacks, land use interfaces and other design standards so as to provide for sensitive intensification of land uses adjacent to already developed areas.
- IP-8.4 Within Urban Village areas, review rezoning actions for consistency with applicable Urban Village Plans. Align the location, density and form of new residential or residential mixed-use development with standards established within the applicable Urban Village Plan or consistent with the requirements for Signature projects or ancillary residential development as provided for in the General Plan.
- IP-8.5 Use the Planned Development zoning process to tailor such regulations as allowed uses, site intensities and development standards to a particular site for which, because of unique circumstances, a Planned Development zoning process will better conform to General Plan goals and policies than may be practical through implementation of a conventional Zoning District. These development standards and other site design issues implement the design standards set forth in this General Plan and design guidelines adopted by the City Council. The second phase of this process, the Planned Development permit, is a combined site/architectural permit and conditional use permit which implements the approved Planned Development zoning on the property.

Action

- IP-8.6 Update the Zoning Ordinance to provide Zoning Districts that:
1. Provide a greater level of detail for the desirable physical form of a district, including building heights, setbacks, interfaces with adjoining uses, and streetscape treatment, thereby establishing a relationship between building form and land use with street typology.
 2. Further implement land use concepts and the goals and policies established within this General Plan, including those for Urban Design.
 3. Support higher density land uses consistent with the City's transition to a more urban environment.

4. Facilitate the intensification of Villages and other Growth Areas consistent with the goal of creating walkable, mixed-use communities.
5. Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.

IP-10.1 The Site Development permit process requires site and architectural review of all new development and redevelopment in the conventional zoning districts with the exception of single family residential uses.

IP-10.2 The Site Development permit process implements both the appropriate zoning district development restrictions as well as appropriate General Plan policies. Design guidelines (including for greenhouse gas reduction), adopted by the City Council, provide specific design standards for architectural and site review.

2007-2014 Housing Element Implementation Programs

The City has begun implementing various measures to mitigate identified constraints to development and housing production. These measures facilitate housing production by streamlining the permitting process, reducing costs, or providing a level of predictability in the development process. Some examples of these programs include:

- Transit-Oriented Development/Mid- and High-Rise Residential Design Guidelines
- Enhanced High-Rise Design Review Process
- 2007 California Standards Code Outreach and Training
- Live Telephone Customer Service
- Preliminary Review Application Process
- Housing Department Notice of Funding Availability (NOFA) Process and Underwriting Guidelines
- Improvements in the Building Division to facilitate streamlining of the permitting process
- Elimination of the Planned Development Zoning process requirement for certain Mixed-Use Development projects
- Option to Use Discretionary Alternate Use Policies through a Use Permit
- 2008 Zoning Ordinance Streamlining Amendments

In addition, implementation of the 2007-2014 Housing Element will require the City to update existing land use policies in the General Plan as well as adopt new ordinances and revisions to the Zoning Ordinance in order to comply with State law. These actions include adopting a Density Bonus Ordinance, establishing a higher-density multi-family residential zoning district, and revising several General Plan land use designations to establish a minimum density of 30 dwelling units per acre. Descriptions of these programs the relevant General Plan policies that guide their implementation are listed in Figure 23.