



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: September 4, 2020

SUBJECT: FILE NO. PP20-011. AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO:

- (A) AMEND PART 4.5, ACCESSORY DWELLING UNITS, TO MAKE MINOR CLARIFYING TEXT ALTERATIONS WITHIN SECTIONS 20.30.460, 'SINGLE-FAMILY DWELLING' LOT, AND 20.30.480, 'TWO-FAMILY AND MULTI-FAMILY DWELLING LOTS;
- (B) AMEND PART 2.5 - TRANSIENT OCCUPANCY AS AN INCIDENTAL USE TO A RESIDENCE, TO MAKE MINOR CLARIFYING CHANGES TO SECTION 20.80.150, TO INCLUDE ACCESSORY DWELLING UNIT;
- (C) AMEND PART 9, HOME OCCUPATIONS, TO MAKE MINOR CLARIFYING CHANGES TO SECTION 20.80.700, TO INCLUDE ACCESSORY DWELLING UNIT;
- (D) INCORPORATE MINOR TEXT ALTERATIONS TO TABLE 20-210, AMENDING SECTIONS 20.30.100, 20.40.100, 20.50.100, AND 20.75.200 TO CHANGE PERMITTING REQUIREMENTS FOR DAY CARE CENTER USES FROM CONDITIONAL USE TO SPECIAL USE; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.

RECOMMENDATION

The Planning Commission voted 6-0-1(Commissioner Caballero absent) to recommend that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda

thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs; and

2. Adopt an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) amend Part 4.5, Accessory Dwelling Units, to make minor clarifying text alterations within Sections 20.30.460, 'Single-Family Dwelling' lot, and 20.30.480, 'Two-Family and Multi-Family dwelling lots; (b) amend Part 2.5 - Transient Occupancy as an Incidental Use to a Residence, to make minor clarifying changes to Section 20.80.150, to include Accessory Dwelling Unit; (c) amend Part 9, Home Occupations, to make minor clarifying changes to Section 20.80.700, to include Accessory Dwelling Unit; (d) incorporate minor text alterations to Table 20-210, amending Sections 20.30.100, 20.40.100, 20.50.100, and 20.75.200 to change permitting requirements for day care center uses from Conditional Use to Special Use; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

OUTCOME

Approval of the proposed Municipal Code amendments will amend Chapters 20.30, 20.40, 20.50, 20.75, 20.80, and 20.85, as described in the attached staff report.

BACKGROUND

On August 26, 2020, the Planning Commission conducted a public hearing on the proposed updates to the Zoning Code. The item was on the consent calendar. There were no comments from the public or discussion by the Commission.

Commissioner Pierluigi Oliviero made a motion to recommend approval of staff's recommendation. Commissioner Justin Lardinois seconded this motion.

The Commission voted 6-0-1 (Commissioner Caballero absent) to recommend approval of the item pursuant to staff's recommendation.

ANALYSIS

A complete analysis of the proposed quarterly updates to the Zoning Code is contained in the attached Planning Commission Staff Report that provides the analysis and coordination conducted on the item.

CONCLUSION

The Planning Commission voted to recommend that the City Council approve the proposed quarterly changes to the Zoning Code pursuant to staff's recommendation. These changes provide text clarifications and further compliance with State law for accessory dwelling units (ADUs), as well as reduce the permitting requirements for day care center uses in response to City Council Policy Priority #14 for Childcare and Early Education.

EVALUATION AND FOLLOW-UP

If the proposed Zoning Code quarterly update changes are approved by City Council, the new Ordinance will be effective 30 days after the second reading.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals as it increases the density of new development and facilitates job creation by streamlining development review process and supporting current trends.

PUBLIC OUTREACH/INTEREST

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 posted the hearing notice, staff report, and draft ordinance on the PBCE website. Staff has been available to discuss the proposal with interested members of the public.

COORDINATION

The preparation of the proposed ordinance and this memorandum were coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

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Subject: Title 20 Ordinance Amendment

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CEQA

Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto (SCH#2009072096). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

/s/

ROSALYNN HUGHEY, Secretary
Planning Commission

For questions, please contact Michael Brilliot, Deputy Director, Planning Division at Michael.brilliot@sanjoseca.gov.

Attachment: [Staff Report to Planning Commission](#)