

City of San José, California

COUNCIL POLICY

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APPROVED BY COUNCIL ACTION		3/21/89-Item 8d

BACKGROUND

Rezoning and prezonings actions initiated by the City Council frequently propose A-Agricultural zoning for properties on which urban development is envisioned by the City's General Plan. In such cases, persons receiving notice of A-Agricultural zoning may be misled into believing that urban development is forever precluded and that only open space uses will ever be allowed.

PURPOSE

The purpose of this policy is to state that the intent of Council-initiated rezonings and prezonings to the A-Agricultural District is, except in those instances where urban development is not allowed by the General Plan, to establish a holding zone until such time a development proposal sponsored by the property owner can be filed, reviewed by the City and community, and considered for approval. The basic intent of such A-Agricultural zonings is to preclude development not in conformance with the General Plan.

POLICY

The City Council's intent in initiating and approving an A-Agricultural zoning is not to preclude subsequent filing of applications for urban development by the owner of the subject property. Nor is it the intent of the Council to preclude the approval of such subsequent development applications which conform to the City's General Plan. If and when such applications are filed, notice of public hearings at which they will be considered for approval will be provided to surrounding property owners.

The City Council-initiated proceedings to rezone and prezone property for a number of purposes, including:

1. Elimination of zoning not conforming to the General Plan which might otherwise permit development contrary to the community's goals.
2. Elimination of a Planned Development (PD) zoning on vacant property where the PD zoning would allow development which is not consistent with current standards for parking, site and architectural design, landscaping and the like.
3. Prezoning of properties included in a proposed annexation for which no other development application has been filed but whose annexation will contribute to the City's goal of eliminating County pockets within the Urban Service Area.

In many such cases, it is impractical to propose a zoning district allowing the nature and intensity of urban development envisioned by the City's General Plan. Some of the reasons for this are:

1. The City staff does not have the financial resources or technical expertise to prepare environmental studies and documents required by the California Environmental Quality Act.
2. The conventional zoning district which would conform to the General Plan has out-dated development standards, particularly in the case of the multi-family residential districts.

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3. Development of particular properties should be allowed only under Planned Development (PD) zoning, which provides the surrounding community with the developer's specific and detailed plan for his/her project.

For these reasons, it is the policy of the City Council to initiate a rezoning or prezoning to the A-Agricultural District as a holding action until such time as a subsequent application for development is approved.