



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSÉ)

I, Toni J. Taber, City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 29348**, the original copy of which is attached hereto, was passed for publication of title on the **3rd day of December 2013**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **10th day of December 2013** by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KHAMIS,
LICCARDO, NGUYEN, OLIVERIO, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

ABSTAINED: NONE.

VACANT: NONE.

Said ordinance is effective as of **January 10, 2014**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **16th day of December 2013**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 29348

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.85.020 OF CHAPTER 20.85 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ADOPT MAXIMUM ALLOWABLE BUILDING HEIGHT RESTRICTIONS WITHIN GEOGRAPHICAL EMPLOYMENT CENTERS INCLUDING THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE OR FORMATTING CHANGES

WHEREAS, the environmental impacts of this Ordinance were disclosed, analyzed and evaluated as a part of that certain Final Environmental Impact Report for the Airport Master Plan Update, as supplemented by that certain Supplemental Environmental Impact Report for the Airport Master Plan and addended, together with an addendum to that EIR entitled "10th Addendum to the Environmental Impact Report", prepared by the Director of Planning, Building and Code Enforcement pursuant to CEQA (collectively, the "Project Environmental Clearance"), which Project Environmental Clearance was considered by the Planning Commission of the City of San Jose and was considered and approved by the City Council 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 20.85.020 of Chapter 20.85 of Title 20 of the San José Municipal Code is hereby adopted and amended to read as follows:

20.85.020 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 defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.

- B. 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 maximum allowable Building Height is 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:
 - 1. For the North San José area located to the north and west of Interstate 880, the maximum 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, and Zanker Road, 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 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, 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 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 two hundred ten (210) feet; and
 - d. For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 87 and Interstate 880, the maximum allowable Building Height is thirty-five (35) feet; and
 - e. For the portion of North San José within the area not otherwise regulated by provisions in Sections 20.85.020C.1.a., b., c., or d., or by provisions in Section 20.85.020D., or by provisions in Section 20.85.020E., the maximum allowable Building Height is 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 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 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 allowable Building Height is one hundred twenty (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 one hundred twenty (120) feet.

5. In the portion of the Coyote Planning Area designated as Industrial Park on the general plan land use/transportation diagram, the maximum allowable Building Height is 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 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.
 7. On the Norman Y. Mineta San José International Airport property within the jurisdiction of the City of San José that is bounded by Interstate 880, Highway 101, Route 87, Coleman Avenue, and the jurisdictional boundaries of the City of Santa Clara, which property is designated Public/Quasi-Public on the Envision San José 2040 General Plan Land Use/Transportation Diagram, 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.
- 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 allowable 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 allowable 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 shall not exceed one hundred twenty (120) feet. In instances where multiple specific Height restrictions would apply to a use described in this Section 20.85.020.D., other than uses located within an Airport Influence Area, the most permissive applicable regulation shall govern. For uses located within an Airport Influence Area, the most restrictive applicable regulations shall govern.

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 allowable 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 maximum 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 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 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 not to exceed two hundred (200) feet in any event, except that on the southeasterly corner of Airport Parkway and Old Bayshore Highway, 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 two hundred twenty (220) feet in any event.

PASSED FOR PUBLICATION of title this 3rd day of December, 2013, by the following vote:

AYES: CAMPOS, CHU, HERRERA, KALRA, KHAMIS, LICCARDO, NGUYEN, ROCHA; REED.

NOES: OLIVERIO.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk