



CITY CLERK

# CITY OF SAN JOSÉ, CALIFORNIA

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

I, Patricia L. O'Hearn, City Clerk and Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 26320**" the original copy of which is attached hereto, was adopted on the **13<sup>th</sup> day of March, 2001**, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, DIQUISTO,  
REED, SHIRAKAWA, YEAGER, GONZALES

NOES: NONE

ABSENT: DANDO, LeZOTTE, WILLIAMS

DISQ: NONE

VACANT: NONE

Said ordinance is effective on **March 13, 2001**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **16<sup>th</sup> day of March, 2001**.

(SEAL)

  
PATRICIA L. O'HEARN  
CITY CLERK AND EX-OFFICIO  
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 26320

AN URGENCY ORDINANCE OF THE CITY OF SAN JOSÉ  
UPDATING AND EXTENDING THE MORATORIUM  
ADOPTED BY COUNCIL UNDER ORDINANCE NUMBER  
26277, ADOPTED ON DECEMBER 19, 2000, ON CERTAIN  
NEW GROUND FLOOR USES WITHIN A PORTION OF  
THE DOWNTOWN CORE BOUNDED BY ST. JOHN  
STREET, FOURTH STREET, SAN SALVADOR STREET,  
AND THE EAST SIDE OF ALMADEN BOULEVARD AND  
SETTING FORTH THE FACTS CONSTITUTING SUCH  
URGENCY AND REFERRING THIS ORDINANCE TO THE  
PLANNING COMMISSION FOR STUDY AND  
CONSIDERATION PURSUANT TO SECTION 20.120.210.

**WHEREAS** on December 19, 2000, the City Council adopted Urgency Ordinance No. 26277 which imposed a moratorium on certain ground floor uses within a portion of the Downtown Core in response to community, Redevelopment Agency and City Council concerns, and Urban Land Institute recommendations regarding the need to protect the character and quality of the Downtown Core; and

**WHEREAS** in February, 2001, Agency and City staff held public focus groups to receive input from tenants, property owners, and other interested citizens regarding the need for additional use regulations in a portion of the Downtown Core; and

**WHEREAS** the current supply of ground floor space in buildings in the Downtown Core is very limited and subject to an extremely active marketplace with a number of existing retailers being forced out of business; and

**WHEREAS** people are aware that the City is being encouraged to take action to preserve the active, street-level uses in the Downtown Core and are aware that the Council is poised to act; and

**WHEREAS** the moratorium passed under Ordinance Number 26277 expires March 19, 2001; and

**WHEREAS** the Redevelopment Agency staff is presenting a proposed ordinance to the Planning Commission on March 14, 2001 for consideration and recommendations to the City Council will presented within several weeks which propose changes to the Zoning Code to address the concerns regarding the Downtown ground floor uses: and

**WHEREAS** fairness to all citizens of San Jose dictates that the moratorium be extended for 60 days until the Council has made a decision on the proposed ordinance changes and they are in effect.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.**

This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are:

- A. The City of San Jose currently has no process for discretionary review of many uses in the Downtown Core
- B. Available space in the Downtown Core is limited and is rapidly being used up and there is concern that no space will be left for active street-level uses to support a vibrant and healthy downtown
- C. The Redevelopment Agency has proposed an ordinance in response to community and City Council concerns to protect the quality and character of the Downtown Core

- D. This urgency ordinance is necessary to ensure that all uses of ground floor space in the Designated Area of Downtown (as set forth in Ordinance Number 26277) are reviewed under the same standards and notify the community that certain uses may be prohibited or restricted when new permitted uses and review procedures are established under the Zoning Code.
- E. A proposed ordinance which would implement zoning changes to address the Downtown ground floor use issues will be presented to Council within several weeks.
- F. Fairness to all citizens dictates that the moratorium be extended until Council has made a decision on the proposed ordinance changes and the changes are in effect.

**SECTION 2.**

All provisions of the moratorium on new ground floor uses under Ordinance Number 26277 shall remain in effect according to the provisions of that ordinance.

**SECTION 3.**

It is acknowledged that a revised Zoning Code became effective in February 2001. Nonetheless, this moratorium shall remain in effect according to its terms and shall also apply to properties in the Designated Area zoned CG as of February 19, 2001.

**SECTION 4.**

This Ordinance shall become effective immediately upon its adoption pursuant to Section 605 of the Charter of the City of San Jose and shall remain effective for a period of sixty days from the adoption of this Ordinance or until the effective date of an

ordinance addressing ground floor uses in the Downtown area or the final determination not to adopt such an ordinance whichever comes first.

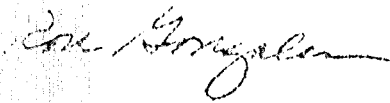
ADOPTED this 13th day of March 2001 by the following vote:

AYES CAMPOS, CHAVEZ, CORTESE, DIQUESTO,  
RIED, SHIRAKAWA, YEAGER, GONZALES

NOES NONE

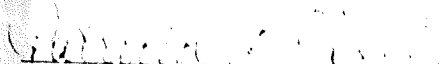
ABSENT DANDO, LOZOTTE, WILLIAMS

VACANT NONE



RON GONZALES  
Mayor

ATTEST

  
PATRICIA L O'HEARN  
City Clerk