



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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San José, California 95110
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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & 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. 27441**", the original copy of which is attached hereto, was passed for publication of title on the **17th day of May, 2005**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **24th day of May, 2005**, by the following vote:

AYES: CAMPOS, CHIRCO, CORTESE, LeZOTTE,
 PYLE, REED, WILLIAMS, YEAGER, CHAVEZ

NOES: NONE

ABSENT: GONZALES

DISQUALIFIED: NONE

VACANT: DISTRICT 7

Said ordinance is effective as of **June 24, 2005**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **31st day of May, 2005**.

(SEAL)

LEE PRICE, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 27441

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS OF AND ADDING A SECTION TO CHAPTER 20.70 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, THE DOWNTOWN ZONING REGULATIONS, TO ALLOW LIVE/WORK UNITS AS A PERMITTED USE IN THE DOWNTOWN CORE, TO MODIFY THE DOWNTOWN OFF-STREET LOADING REQUIREMENTS, AND TO AMEND THE BOUNDARIES OF THE DOWNTOWN GROUND FLOOR SPACE OVERLAY AREA; AND AMENDING SECTION 20.80.1420 OF CHAPTER 20.80 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO STREAMLINE THE PERMITTING PROCESS FOR TEMPORARY OUTDOOR EVENTS IN THE DOWNTOWN CORE

WHEREAS, the provisions of this ordinance were found to be categorically exempt from the provisions of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15305 of the California State Guidelines for CEQA, under a Statement of Exemption issued by the Director of Planning, Building and Code Enforcement on May 3, 2005 under Public Project File No. PP-05-088.

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

SECTION 1. Section 20.70.100 of Chapter 20.70 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.70.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Conditional" uses are indicated by a "C" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

- C. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- F. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space ("DG Area"), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.
- G. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.
- H. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

| Table 20-140 Downtown Districts Land Use Regulations | | | | | |
|--|------------------|--------|--|--------------------|--------------------------------------|
| Use | Zoning Districts | | Applicable Notes & Sections | | |
| | DC | DC-NT1 | Additional Use Regulations for the DG Area | Parking | Applicable to All Downtown Districts |
| Offices and Financial Services | | | | | |
| Automatic Teller Machine | P | P | | No parking | Section 20.80.200 |
| Business Support | P | P | -, Note I | No parking | - |
| Financial institution | P | P | S, Note I | 1 per 360 sq. ft.* | |

| Table 20-140 Downtown Districts Land Use Regulations | | | | | |
|--|------------------|--------|--|---|--------------------------------------|
| Use | Zoning Districts | | Applicable Notes & Sections | | |
| | DC | DC-NT1 | Additional Use Regulations for the DG Area | Parking | Applicable to All Downtown Districts |
| Financial Services | P | P | S, Note n | No parking | |
| Offices, business and administrative | P | P | -, Note j | 1 per 360 sq. ft.* | Section 20.70.110 |
| Research and development | P | P | - | 1 per 360 sq. ft.* | Note 1 |
| General Retail | | | | | |
| Alcohol, off-site sales | C | C | | No parking | Section 20.80.900 |
| Auction | S | - | - | No parking | |
| Food, beverage, groceries | P | P | | No parking | |
| Open air sales establishments and areas | S | S | | No parking | |
| Outdoor vending | S | S | | No parking | Part 10, Chapter 20.80 |
| Pawn Shop, Pawn Broker | C | C | Note b | No parking | |
| Retail sales, goods and merchandise | P | P | Note a | No parking | |
| Seasonal sales | P | P | | No parking | Part 14, Chapter 20.80 |
| Education and Training | | | | | |
| Day care center | P | P | S, Note c | No parking | |
| Post-secondary School | P | P | - | 1 per 360 sq. ft. | |
| Trade School | P | P | - | 1 per 360 sq. ft. | |
| Personal enrichment, Instructional Art | P | P | -, Note d | 1 per 360 sq. ft. | |
| School, elementary (grades K-8) | C | C | - | 1 per teacher and employee | |
| High School (grades 9-12) | C | C | - | .75 per teacher and employee and 1 per each 10 students | |
| Entertainment and Recreation Related | | | | | |
| Amusement arcade | C | - | Note e | No parking | |
| Entertainment establishment | C | - | | No parking | |
| Movie Theater | P | P | | No parking | |
| Recreation Commercial/Indoor | P | P | | No parking | |
| Poolroom | S | - | | No parking | |
| Private club or lodge | P | P | - | 1 per 360 sq. ft. | |
| Food Services | | | | | |
| Banquet facility | P | P | Note f | No parking required | |

| Table 20-140 Downtown Districts Land Use Regulations | | | | | |
|--|------------------|--------|--|------------------------------------|--------------------------------------|
| Use | Zoning Districts | | Applicable Notes & Sections | | |
| | DC | DC-NT1 | Additional Use Regulations for the DG Area | Parking | Applicable to All Downtown Districts |
| Caterer | P | P | C,G999 Note f | No parking | |
| Drinking establishments | C | C | | No parking | |
| Entertainment as an incidental use to any General Retail or Food Services Use permitted in the Downtown Zoning Districts | P | P | | No parking | Note 7 |
| Public eating establishments | P | P | | No parking | |
| Health and Veterinary Services | | | | | |
| Animal grooming | S | S | - | No parking | Note 2 |
| Animal Boarding, indoor | P | P | - | No parking | |
| Emergency ambulance service | C | - | - | No parking | |
| Hospital/ in-patient medical facility | C | - | - | 1.5 per doctor | |
| Medical or Dental Clinic/Out-patient facility | P | P | - | 1.5 per doctor | |
| Veterinarian | P | P | - | 1.5 per doctor | |
| General Services | | | | | |
| Bed and breakfast | P | P | S, Note m | .35 per room | Part 2, Chapter 20.80 |
| Hotel/motel | P | P | -, Note m | .35 per room | |
| Maintenance and repair of household appliances | P | P | - | No parking | |
| Mortuary and funeral services | C | C | - | .75 per employee and vehicle | |
| Personal Services | P | P | Note g | No parking | - |
| Printing and Publishing | P | P | Note h | No parking | |
| Public, Quasi-Public and Assembly Uses | | | | | |
| Auditorium | C | - | - | No parking | |
| Cemetery | C | C | - | No parking | |
| Church/religious assembly | P | P | | No parking | |
| Information Center | P | P | | No parking | |
| Museums, libraries | P | - | P | No parking | |
| Parks, playgrounds, or community centers | P | P | Note k | No parking | |
| Residential | | | | | |
| Residential Shelter | C | - | - | 1 per 4 beds, 1 per 360 sq.ft.* | |
| Live/work | P | S | | 1 per unit | Section 20.70.120 |
| Residential multiple dwelling | P | P | - | 1 per unit | |

| Table 20-140 Downtown Districts Land Use Regulations | | | | | |
|---|-------------------------|---------------|---|---|---|
| Use | Zoning Districts | | Applicable Notes & Sections | | |
| | DC | DC-NT1 | Additional Use Regulations for the DG Area | Parking | Applicable to All Downtown Districts |
| Residential Care Facility for 7 or more persons | C | C | - | .75 per employee | |
| Residential Services Facility for 7 or more persons | C | C | - | .75 per employee | |
| Single room occupancy living unit | S | S | - | .6 per room | Part 15, Chapter 20.80 |
| Single room occupancy hotel | S | S | - | .6 per room | Park 15, Chapter 20.80 |
| Residential Accessory Uses | | | | | |
| Accessory buildings and structures | P | P | - | No parking | |
| Recycling Uses | | | | | |
| Reverse vending | S | S | - | No parking | Note 4 |
| Small collection facility | S | S | - | No parking | Note 4 |
| Transportation and Communication | | | | | |
| Community television antenna systems | C | - | - | No parking | |
| Off-site and alternating use parking arrangements | P | P | - | N/A | Section 20.90.200 |
| Parking establishment, off-street | P | P | - | N/A | |
| Private Electrical Power Generation Facility | C | C | - | 1 for each vehicle used in the operation of such facility | |
| Standby Generators that do not exceed noise or air standards | S | S | - | N/A | |
| Short term parking lot for uses or events other than on-site | S | S | - | N/A | |
| Radio & Television Studios | S | - | C | No parking | |
| Wireless communication antenna | S | - | - | No parking | Section 20.80.1900 |
| Wireless communication antenna, building mounted | P | - | - | No parking | Section 20.80.1900 |
| Vehicle Related Uses | | | | | |
| Accessory installation for cars and passenger trucks | P | - | - | No parking | |
| Car wash, detailing | P | - | - | No parking | |
| Gas or charge station | P | - | - | No parking | Note 4 |
| Gas or charge station with incidental service and repair | P | - | - | No parking | Note 4 |
| Sale and lease, vehicles and equipment (less than one ton) | P | - | - | 1.5 per employee | Note 5 |

| Table 20-140 Downtown Districts Land Use Regulations | | | | | |
|---|------------------|--------|--|-------------------------------|--------------------------------------|
| Use | Zoning Districts | | Applicable Notes & Sections | | |
| | DC | DC-NT1 | Additional Use Regulations for the DG Area | Parking | Applicable to All Downtown Districts |
| Tires, batteries, accessories, lube, oil change, smog check station, air conditioning | P | - | - | 2 per bay or .75 per employee | Note 6 |
| Sale, vehicle parts, new | P | - | - | No parking required | |

Notes:

Notes applicable to the DG Area only:

- (a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
- (b) Only as a use incidental to a retail jewelry store, otherwise, not permitted.
- (c) Only as a use incidental to existing on-site office use, otherwise not permitted.
- (d) Culinary/Art School with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- (e) Allowed only as an incidental use to other allowed recreation uses.
- (f) Only as a use incidental to restaurant, grocery or bakery uses for primarily on site sales, otherwise not permitted.
- (g) Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
- (h) Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- (i) Only if dedicated primarily to on-site retail customer services, otherwise not permitted.
- (j) Exception for travel agencies and real estate agencies which are the only permitted uses.
- (k) Community centers are not allowed.
- (l) Exception for copy shops and mail centers which are the only permitted uses.
- (m) Use of ground floor to be primarily dedicated to customer-related public services.
- (n) Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use.

Notes applicable to Downtown Core (DC) Zoning District, including DG Area:

- (1) Excludes manufacturing uses.
- (2) Boarding not permitted.
- (3) No lot may be used solely for an accessory structure or building.
- (4) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting. No retail sale of food, grocery items or alcoholic beverages may be approved. See Section 20.80.550.
- (5) All activity must be conducted indoors.
- (6) Non-engine and exhaust related service and repair allowed as incidental use.
- (7) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.

* Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.6 spaces per 1,000 square feet

when the Downtown East Valley Light Rail Line is opened, and would be further reduced to 2.5 spaces per 1,000 square feet when BART is opened.

Fifteen percent (15%) of total parking requirement must be provided off-site.

SECTION 2. Section 20.70.120 of Chapter 20.70 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.70.120 Live/work Units

All live-work uses in the Downtown Zoning Districts shall be subject to all of the following criteria:

- A. All Work activities shall be limited to the Permitted Uses of the Downtown Zoning Districts, specified in Table 20-140, unless otherwise noted in this Chapter.
- B. All work activities and storage shall take place in fully enclosed areas.
- C. Prohibited Uses:
 - 1. Any use not permitted within the Downtown Zoning Districts, as specified in Table 20-140 or under Section 20.80.720 for home occupation uses.
 - 2. Entertainment, Drinking and Public Eating Establishments.
 - 3. The sale of food and/or beverages.
 - 4. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale.
 - 5. Storage or recycling, except as incidental to and in support of a permitted use in the Downtown Zoning Districts.
 - 6. Activities involving biological or chemical substances that require a controlled environment or may pose a health hazard.
 - 7. Work activities that involve hazardous material or generate odors, vibration, glare, fumes, dust, electrical interference outside the dwelling or through vertical separation between living units, greater than those generated by routine household activities.
- D. Only occupants of the dwelling may be employees or unpaid volunteers of the business or commercial activity.

- E. All live/work units must fully comply with any and all Uniform Building Code requirements applicable to the collocation of uses at the particular site.

SECTION 3. Part 5 of Chapter 20.70 of Title 20 of the San Jose Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.70.435 Loading Spaces for Residential Uses

- A. Multiple dwelling residential uses of greater than fifty (50) units and less than two hundred (200) units shall provide at least one (1) off-street loading space.
- B. Multiple dwelling residential uses of two hundred (200) units or greater and less than five hundred (500) units shall provide at least two (2) off-street loading spaces.
- C. Multiple dwelling residential uses of five hundred (500) units or more shall provide at least three (3) off-street loading spaces.

SECTION 4. Section 20.70.440 of Chapter 20.70 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.70.440 Hotel and Other Uses

- A. Hotels and all other uses not addressed under Sections 20.70.430 or 20.70.435 of this Part of greater than one hundred thousand (100,000) GFA and less than two hundred thousand one (200,001) GFA shall provide at least one (1) off-street loading space.
- B. Hotels and all other uses not addressed under Sections 20.70.430 or 20.70.435 of greater than two hundred thousand (200,000) GFA and less than five hundred thousand one (500,001) GFA shall provide at least two (2) off-street loading spaces.
- C. Hotels and all other uses not addressed under Sections 20.70.430 or 20.70.435 of greater than five hundred thousand one (500,001) GFA shall provide at least two (2) off-street loading spaces plus at least one (1) additional off-street loading space for each four hundred thousand (400,000) GFA increment above the initial five hundred thousand one (500,001) GFA.

SECTION 5. Section 20.70.520 of Chapter 20.70 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.70.520 Definitions of DG Overlay Area

- A. "Downtown ground-floor space" ("DG") means any ground-floor, street frontage, building space that is located within any one of the areas described below:
- Both sides of Santa Clara Street, between San Pedro Street and Second Street;
 - Both sides of Fountain Alley, between First Street and Second Street;
 - Both sides of Post Street, between Lightson Street and First Street;
 - Both sides of San Fernando Street, between Market Street and Fourth Street;
 - Both sides of Park Avenue from Market Street, continuing westerly for 500 feet;
 - Both sides of Paseo de San Antonio, between Market Street and Fourth Street;
 - Both sides of San Carlos Street, between Market Street and Fourth Street;
 - Both sides of San Pedro Street, between St. John Street and Santa Clara Street;
 - Both sides of Market Street, between San Fernando and San Carlos Street;
 - Both sides of First Street, between Santa Clara Street and San Carlos Street;
 - Both sides of Second Street, between Santa Clara Street and San Carlos Street;
 - East side of Third Street, from 463 feet north of San Fernando Street to the north side of San Fernando Street;
 - Both sides of Third Street, from San Fernando Street to 270 feet south of San Fernando Street;
 - Both sides of Fourth Street, from 463 feet north of San Fernando Street to the north side of San Fernando Street; and
 - West side of Fourth Street, from the south side of San Fernando Street to 270 feet south of San Fernando Street.
- B. Tenant spaces in the DG overlay district area shall include ground-floor space that can be segregated from the street frontage portion of the space, in a manner consistent with all applicable codes (as is required by existing law and practice) and that leaves a viable store front space. The clear-height for the ground-floor uses and the available depth of such space shall be adequate to accommodate retail uses consistent with the predominant character of retail uses in the immediate vicinity, or to promote a theme or identity of the larger area in which it is located.

SECTION 6. Section 20.80.1420 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.80.1420 Permit Required

- A. No person shall operate or allow or suffer the operation of an Outdoor Private Property Special Event except in compliance with an Event Permit issued pursuant to this Part, or a Special Use Permit, or a Conditional Use Permit issued pursuant to Chapter 20.100 pursuant to the provisions of this part.
- B. Subject to the provisions of Subsection 20.80.1420.D below, an applicant for an Outdoor Private Property Special Event that will not exceed thirty (30) days but does not meet the requirements for an Event Permit may apply for and shall be required to first obtain a Special Use Permit issued pursuant to the provisions of Chapter 20.100.
- C. Subject to the provisions of Subsection 20.80.1420.D below, an applicant for an Outdoor Private Property Special Event that will exceed thirty (30) days but does not meet the requirements for an Event Permit may apply for and shall be required to first obtain a Conditional Use Permit issued pursuant to the provisions of Chapter 20.100.
- D. Notwithstanding the provisions of Subsections 20.80.1420.B and C above, an applicant for an Outdoor Private Property Special Event of any length within the Downtown Core Area may apply for and shall be required to first obtain an Event Permit issued pursuant to the provisions of this Part when the outdoor event also is authorized to use outdoor public property as an integral component of the outdoor event and any one (1) of the following permits for the outdoor event have been issued by the City:
 - 1. A Paseo/Plaza Use Permit pursuant to the provisions of Chapter 13.22 of Title 13 of this Code; or
 - 2. A Park Use Permit pursuant to the provisions of Chapter 13.44 of Title 13 of this Code; or
 - 3. A Street Closure Permit pursuant to the provisions of Chapter 13.16 of Title 13 of this Code; or
 - 4. A Parade Permit pursuant to the provisions of Chapter 13.12 of Title 13 of this Code.

PASSED FOR PUBLICATION of title this 17th day of May, 2005, by the following vote:

AYES: CAMPOS, CHIRCO, CORTESE, LeZOTTE, PYLE,
REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CHAVEZ

DISQUALIFIED: NONE

VACANT: DISTRICT 7



RON GONZALES
Mayor

ATTEST:



LEE PRICE, CMC
City Clerk

SAN JOSE POST-RECORD

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SAN JOSE CITY CLERK
801 N FIRST ST
SAN JOSE, CA - 95110

SJ#: 820575

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description: ORDINANCE #27441

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/20/2005

Executed on: 05/20/2005
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

NOTICE
ordinance no. 27441
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS OF AND ADDING A SECTION TO CHAPTER 20.70 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, THE DOWNTOWN ZONING REGULATIONS, TO ALLOW LIVE/WORK UNITS AS A PERMITTED USE IN THE DOWNTOWN CORE, TO MODIFY THE DOWNTOWN OFF-STREET LOADING REQUIREMENTS, AND TO AMEND THE BOUNDARIES OF THE DOWNTOWN GROUND FLOOR SPACE OVERLAY AREA; AND AMENDING SECTION 20.80.1420 OF CHAPTER 20.80 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO STREAMLINE THE PERMITTING PROCESS FOR TEMPORARY OUTDOOR EVENTS IN THE DOWNTOWN CORE
PASSED FOR PUBLICATION of title this 17th day of May, 2005, by the following vote:
AYES: CAMPOS, CHIRCO, CORTESE, LeZOTTE, PYLE, REED, WILLIAMS, YEAGER; GONZALES
NOES: NONE
ABSENT: CHAVEZ
DISQUALIFIED: NONE
VACANT: DISTRICT 7
RON GONZALES
Mayor
ATTEST:
LEE PRICE, CMC
City Clerk
05/20/2005

SJ-820575#