

CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
801 North First Street, Room 116
San José, California 95110
Telephone (408) 277-4424
FAX (408) 277-3285

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. 26304**" the original copy of which is attached hereto, was adopted on the **27th day of February, 2001**, by the following vote:

AYES: CHAVEZ, CORTESE, DANDO, LeZOTTE, REED,
SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: DIQUISTO

DISQ: NONE

VACANT: DISTRICT 5

Said ordinance is effective on **February 27, 2001**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **5th day of March, 2001**.

(SEAL) Patricia L. O'Hearn
PATRICIA L. O'HEARN
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 26304

AN URGENCY ORDINANCE OF THE CITY OF SAN JOSÉ TO AMEND SECTION 20.50.100 OF CHAPTER 20.50 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO AMEND TABLE 20-110 TO CORRECT A TYPOGRAPHICAL ERROR AND CLARIFY THAT VEHICLE WRECKING USES ARE CONDITIONAL USES WITHIN THE HI HEAVY INDUSTRIAL ZONE AND TO PROVIDE AND CLARIFY THAT THE DEVELOPMENT REGULATIONS APPLICABLE TO PROPERTIES ZONED CG GENERAL COMMERCIAL AND WITHIN THE AREA BOUNDED BY ROUTE 87, JULIAN STREET, FOURTH STREET AND INTERSTATE 280 SHALL BE THOSE DEVELOPMENT REGULATIONS SET FORTH IN PART 12 OF CHAPTER 20.28 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE IN EFFECT ON FEBRUARY 18, 2001 AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, on December 19, 2000, the City Council adopted Ordinance No. 26248 which Ordinance constitutes an update of Title 20 of the San José Municipal Code; and

WHEREAS, the Council desires to immediately correct certain unintentional typographical errors identified and clarify the appropriate development regulations that shall be applicable to properties zoned CG Commercial General in the Downtown area.

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

SECTION 1. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

RD:RG:bt
2/27/01

20.50.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Conditional" uses are indicated by a "C" on Table 20-110. 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.

"Conditional" uses which may only be approved on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay are indicated by a "CM" on Table 20-110. 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 20-110. 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 a "A" on Table 20-110. 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 20-110. Land uses not listed on Table 20-110 are not Permitted.

RD:RG:bt
2/27/01

- F. When the right column of Table 20-110 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 Jose Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Industry				
Auction		C	C	
Industrial Services	-	P	P	
Laboratory, processing	-	P	P	
Manufacturing and Assembly				
Light	P	P	-	
Medium	-	P	P	
Heavy	-	-	P	
Research and Development	P	-	-	
Catalog and mail order	P	P	-	
Construction/Corporation yard	-	P	C	
Distribution facility	C	P	-	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	C	
Hazardous materials storage	-	C	C	
Hazardous waste facility	-	CM	C	
Junkyard	-	-	C	
Miniwarehouse/ministorage	-	P	P	
Outdoor uses or storage	-	C	P	Section 20.50.210
Private power generation	C	C	C	Note 1
Stockyard, including slaughter	-	-	C	
Warehouse	-	P	P	
Wholesale sale establishment	C	P	P	
Additional Uses				
Any use not set forth in Tables 20-30, 20.50, 20.90	-	-	C	
Commercial support	P	-	-	Section 20.50.110
General Retail				
Nursery, plant	-	-	CM	
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet	CM	CM	-	
Sales, office furniture, industrial equipment, machinery	-	C	-	

RD:RG:bt
2/27/01

Seasonal Sales	P	P	P	Part 4, Chapter 20.80
Education and Training				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, trade and vocational	-	CM	-	
Entertainment and Recreation Related				
Equestrian and riding club	-	CM	CM	
Health club, gymnasium	CM	CM	CM	
Performing arts production/rehearsal space	CM	CM	CM	
Swim and Tennis club	-	CM	CM	
Theatre, outdoor	-	-	CM	
Food Services				
Public eating establishments	CM	CM	CM	
Health and Veterinary Services				
Emergency ambulance service	CM	CM	CM	
Medical clinic/ out-patient facility	CM	-	-	
General Services				
Crematory	-	CM	C	
Hotel/motel	CM	-	-	
Personal services	CM	CM	CM	
Photo processing and developing	P	P	P	
Printing and publishing	P	P	P	
Social Service Agency	CM	CM	-	
Offices and Financial Services				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	CM	CM	CM	
Offices, business and administrative	P	-	-	
Public, Quasi-Public and Assembly Uses				
Cemetery	CM	CM	CM	
Church/Religious Assembly	CM	CM	CM	
Residential				
Emergency residential shelter	-	CM	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 2
Drive-Through Use				
Drive-through in conjunction with any use	CM	CM	CM	
Recycling Uses				
Recycling processing facility	C	S	S	
Recycling transfer facility	C	S	S	
Large collection facility	-	-	P	
Reverse vending	A	A	A	
Small collection facility	A	A	A	
Transportation and Communication				
Common carrier depot	C	C	C	Note 3
Community television antenna systems	C	C	C	
Communications service exchange	C	C	C	
Off-site, alternating and alternative use parking arrangements	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	
Parking establishment, off-street	C	C	C	

RD:RG:bt
2/27/01

Television, radio studio	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	
Wireless communication antenna	C	C	C	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1900
Vehicle Related Uses				
Gas or charge station	-	CM	CM	Note 4
Gas or charge station with incidental service and repair	-	CM	CM	Note 5
Repair and cleaning of vehicles	-	P	P	
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	-	C	-	
Vehicle wrecking, including sales of parts	-	-	C	

Notes:

- (1) Back up generators for emergency purposes with a maximum individual output rating less than fifty (50) horse power and which have received an exemption or a permit to operate by the Bay Area Air Quality Management District are a permitted use when operated in conjunction with any permitted or conditional use.
- (2) Site must be seven (7) acres or more.
- (3) Includes associated office.
- (4) No incidental repair or service. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
- (5) 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.

SECTION 2. The development regulations applicable to those properties located within the area bounded by Route 87, Julian Street, Fourth Street, and Interstate 280 (the "Downtown Area") that are zoned CG Commercial General shall be as follows:

- A. The development regulations set forth in Part 3 of Chapter 20.40 of Title 20 of the San José Municipal Code shall not apply to properties located within the Downtown Area; and
- B. The development regulations set forth in Part 12 of Chapter 20.28 of Title 20 of the San José Municipal Code, specifically those development regulations set forth in Sections 20.28.610 through 20.28.690, inclusive, in effect on February

RD:RG:bt
2/27/01

18, 2001 shall apply to properties located within the Downtown Area until such time as the City Council adopts different development regulations applicable to the Downtown Area.

SECTION 3. 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. Ordinance No. 26248 inadvertently contained a typographical error indicating that vehicle wrecking uses constitute a permitted use within the HI Heavy Industrial zoning district when those uses historically have been and were intended to continue to be a conditional use in such zoning districts; and
- B. The Planning Division of the Department of Planning, Building and Code Enforcement currently have conditional use permit applications pending pertaining to vehicle wrecking uses within HI Heavy Industrial zoning districts and it is imperative to set forth clearly the planning approvals required for those uses; and
- C. The development regulations set forth for the CG Commercial General zoning district were not intended to apply to the Downtown Area in the long term, the application of the CG Commercial General development regulations to the Downtown Area even in the short term would effectively result in a moratorium on development in the Downtown area due to the required minimum lot sizes and setbacks and the limited height requirements provided for that zoning district.

PD:RG:bt
2/27/01

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 until the effective date of a superseding ordinance.

ADOPTED this 27th day of February, 2001, by the following vote:

AYES: CHAVEZ, CORTESE, DANDO, LeZOTTE, REED,
SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

NOES: NONE

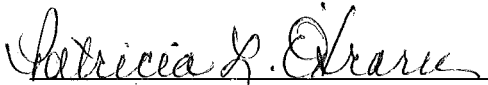
ABSENT: DIQUISTO

VACANT: DISTRICT 5



RON GONZALES
Mayor

ATTEST:



PATRICIA L. O' HEARN
City Clerk