



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. 26505**", the original copy of which is attached hereto, was adopted on the **30<sup>th</sup> day of October, 2001**, by the following vote:

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

NOES: NONE

ABSENT: DANDO

DISQ: NONE

Said ordinance is effective on **October 30, 2001**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **6<sup>th</sup> day of November 2001**.

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

ORDINANCE NO. 26505

**AN URGENCY ORDINANCE OF THE CITY OF SAN JOSÉ  
AMENDING SECTION 20.30.700 OF CHAPTER 20.30 OF  
TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO  
CLARIFY THE NOISE PERFORMANCE STANDARDS IN  
RESIDENTIAL ZONING DISTRICTS AND SETTING  
FORTH THE STATEMENT OF THE FACTS  
CONSTITUTING SUCH URGENCY**

**WHEREAS**, a Negative Declaration was prepared for this project pursuant to Part 2 of Chapter 21.12 of Title 21 of the San Jose Municipal Code, under File No. PP01-07-125, and said Negative Declaration became final on August 7, 2001;

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

**SECTION 1.** Section 20.30.700 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.30.700 Performance Standards**

- A. In the R-1, R-2, R-M, and R-MH Residential Districts, no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
  2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor,

smoke, noise, dust vibration, radiation, or fumes; or

3. In a manner that creates a public or private nuisance.

B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the Residential Zoning Districts:

1. Air Pollution

Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.

2. Noise

The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-85 at any property line, except upon issuance and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

Table 20-85 Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Any residential or non-residential use	55

3. Vibration

There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

**SECTION 2.** 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 that: the revisions to Title 20 set forth herein were inadvertently not included in an ordinance setting forth similar performance standards

regulations in all other zoning districts and this ordinance will address this oversight and bring the performance standards in the residential districts into alignment with those similar regulations in the other zoning districts, and the adoption of this ordinance will allow the continued processing of pending development permit applications that are subject to these performance standards regulations.

**ADOPTED** this 30th day of October, 2001, by the following vote:

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

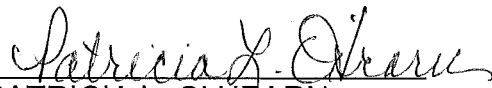
NOES: NONE

ABSENT: DANDO

DISQUALIFIED: NONE

  
\_\_\_\_\_  
RON GONZALES  
Mayor

ATTEST:

  
\_\_\_\_\_  
PATRICIA L. O' HEARN  
City Clerk