



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. 26705**", the original copy of which is attached hereto, was passed for publication of title on the **6th day of August, 2002**, 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 **20th day of August, 2002**, by the following vote:

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

NOES: NONE

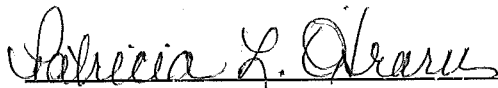
ABSENT: NONE

DISQ: NONE

VACANT: NONE

Said ordinance is effective as of **September 20, 2002**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **23rd day of August, 2002**.

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

ORDINANCE NO. 26705

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING SECTIONS 20.80.020 AND 20.80.030 OF
CHAPTER 20.80 OF TITLE 20 OF THE SAN JOSE
MUNICIPAL CODE TO MODIFY THE PROVISIONS
RELATED TO MASSAGE PARLORS AND
ASSOCIATED DISTANCE AND SEPARATION
REQUIREMENTS**

WHEREAS, on July 3, 2002, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP02-07-181.

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

SECTION 1. Section 20.80.020 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.020 Anti-Skid Row Regulations

- A. The purpose of this Part is to provide reasonable regulations to prevent the adverse effect of the concentration or clustering of certain uses of real property, specifically adult book/video stores, adult motion picture theaters, adult entertainment establishment, and massage parlors, and to prevent the location of such uses in the Downtown Core Area, which is the subject of an extensive revitalization process in order to counter the past trends of deterioration and economic decline.

- B. No lot or any structure thereon or any portion thereof shall be used for an adult book/video store, adult motion picture theater, adult entertainment establishment or massage parlor unless said lot, parcel, building or structure

RD:RG
8/6/02

is located in a CG Commercial District, or in a Planned Development district that allows uses of the CG Commercial District, and is located outside the Downtown Core area as that area is defined in the City's General Plan.

- C. Notwithstanding anything elsewhere in this Code to the contrary, no lot in any zoning district or any structure thereon or any portion thereof, shall be used for an adult book/video store, adult motion picture theater, adult entertainment establishment or massage parlor at a location closer than two hundred (200) feet to any other such use situated within or outside the City, except that a massage parlor meeting all of the following criteria may be located at a distance closer than two hundred (200) feet to another massage parlor that also meets all of the following criteria:
1. The massage parlor is located on a commercial site that is at least thirty-five (35) acres in size; and
 2. The commercial site has a General Plan designation of Regional Commercial; and
 3. The massage parlor is fully contained within a commercial center or facility, which center or facility has an aggregate square footage of at least two hundred fifty thousand (250,000) square feet.
- D. For purposes of this Section, a "commercial site" means an area comprising a group of contiguous parcels of land that was or is being developed under a single planning process and coordinated implementation, such as a single permit, that addresses uses and development on the entirety of the contiguous parcels within the area. Contiguous parcels does not include parcels separated by a public right-of-way.

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SECTION 2. Section 20.80.030 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.030 Prohibition of Certain Uses Within Two Hundred Feet of Residentially Zoned Property or Within Five Hundred Feet of Schools

- A. The purpose of this Section is to prevent the adverse effect of the location of certain uses of real property, specifically adult book/video stores, adult motion picture theaters, adult entertainment establishment, and massage parlors, in close proximity to residentially zoned property or schools.
- B. Notwithstanding anything elsewhere in this Code to the contrary, no lot or parcel of property in any zoning district or any building or structure thereon or any portion thereof, shall be used for an adult book/video store, adult motion picture theater, adult entertainment establishment or massage parlor at a location closer than two hundred (200) feet to any lot or parcel, within or outside the City, situated in a residential district or TM District, except that a massage parlor meeting all of the following criteria may be located at a distance closer than two hundred (200) feet to a lot or parcel, within or outside the City, situated in a residential district or TM District:
1. The massage parlor is located on a commercial site that is at least thirty-five (35) acres in size; and
 2. The commercial site has a General Plan designation of Regional Commercial; and
 3. The massage parlor is fully contained within a commercial center or facility, which center or facility has an aggregate square footage of at least two hundred fifty thousand (250,000) square feet.

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8/6/02

- C. Notwithstanding anything elsewhere in this Code to the contrary, no lot or parcel of property in any zoning district or any building or structure thereon or any portion thereof, shall be used for an adult book/video store, adult motion picture theater, adult entertainment establishment or massage parlor at a location closer than five hundred (500) feet from any school, college or university within or outside the City.

- D. For purposes of this Section, a "commercial site" means an area comprising a group of contiguous parcels of land that was or is being developed under a single planning process and coordinated implementation, such as a single permit, that addresses uses and development on the entirety of the contiguous parcels within the area. Contiguous parcels does not include parcels separated by a public right-of-way.

PASSED FOR PUBLICATION of title this 6th day of August, 2002, by the following vote:

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

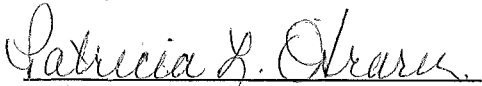
NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE



 RON GONZALES
 Mayor

ATTEST:


 PATRICIA L. O' HEARN

SAN JOSE POST-RECORD

~ SINCE 1910 ~

90 N. First Street, Suite 100, San Jose, California 95113-1225
Telephone (408) 287-4866 • Fax (408) 287-2544

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

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 #26705

I am a citizen of the United States; 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, 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 of February 3, 1922, Case No. 27,844. 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:

08/13/02

Executed on: 08/13/2002
At Los Angeles, California

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

Signature

RECEIVED
San José City Clerk

This space for filing stamp only

2002 AUG 16 P 12:37

SJ#: 429358

ORDINANCE NO. 26705
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.80.020 AND 20.80.030 OF CHAPTER 20.80 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE PROVISIONS RELATED TO MASSAGE PARLORS AND ASSOCIATED DISTANCE AND SEPARATION REQUIREMENTS
PASSED FOR PUBLICATION of title this 6th day of August, 2002, by the following vote:
AYES: CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE, REED, SHIRAKAWA, WILLIAMS, YEAGER;
GONZALES
NOES: NONE
ABSENT: NONE
DISQUALIFIED: NONE
RON GONZALES, Mayor
ATTEST:
PATRICK L. O'HEARN
08/13/02

SJ- 429358#