



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

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. 27457**", the original copy of which is attached hereto, was passed for publication of title on the **7th day of June, 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 **21st day of June, 2005**, by the following vote:

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

NOES: NONE

ABSENT NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

Said ordinance is effective as of **July 22, 2005**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **27th day of July, 2005**.

(SEAL)

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

ORDINANCE NO. 27457

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.40.010, 20.40.130, 20.40.270, AND 20.40.300 AND REPEALING SECTIONS 20.40.280 AND 20.40.310, ALL OF CHAPTER 20.40 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO STREAMLINE AND CLARIFY PROCESSES RELATED TO THE COMMERCIAL ZONING DISTRICTS AND AMENDING SECTION 20.40.200 OF CHAPTER 20.40 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO REMOVE THE CP COMMERCIAL PEDESTRIAN DISTRICT USE SIZE RESTRICTION FOR THE WEST SAN CARLOS STREET NEIGHBORHOOD BUSINESS DISTRICT

WHEREAS, on May 17, 2005, this Ordinance was found to be categorically exempt from environmental review pursuant to the provisions of Section 15305 of the California Environmental Quality Act of 1970, as amended, under File No. PP05-100.

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

SECTION 1. Section 20.40.010 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.010 Commercial Zoning Districts.

- A. This Chapter sets forth the land use and development regulations applicable to the Commercial Zoning Districts established by Section 20.10.060.
- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the CO, CP, CN and CG Commercial Districts except as set forth in this Chapter.
- C. The Commercial Zoning Districts are intended to support the commercial land use, economic development, and neighborhood preservation and conservation goals and policies of the General Plan through the use regulations and

development standards. The four Commercial Districts reflect the diversity of the commercial needs and opportunities in the City. The purposes of the Commercial Districts are as follows:

1. CO Commercial Office District. The CO Commercial Office District is a district in or near residential areas or between residential and commercial areas. This district is intended to be a low intensity office zone that allows for a scale of offices in or adjacent to residential neighborhoods. Larger scale office development can be permitted upon approval of the Planning Commission, or City Council on appeal, through the Conditional Use Permit process.
2. CP Commercial Pedestrian. The CP Commercial Pedestrian District is a district intended to support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to neighborhood business districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate.
3. CN Commercial Neighborhood. The CN Commercial Neighborhood District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along major arterials, and small corner commercial establishments.
4. CG Commercial General. The CG Commercial General District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

SECTION 2. Section 20.40.130 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.130 Live/Work Units.

Any Special Use Permit issued for live-work uses shall be subject to the following criteria:

- A. Only owners or employees of the business associated with the live/work unit may occupy the living unit portion; and
- B. The live/work unit complies with the Uniform Building Code requirements.

SECTION 3. Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.200 Development Standards.

All development in the Commercial Zoning Districts shall conform to the development regulations set forth below in Table 20-100.

Table 20-100 Commercial Zoning Districts Development Standards				
<i>Regulations</i>	Zoning District			
	CO	CP	CN	CG
Minimum Lot Area (square feet or acreage)	6,000	6,000	6,000	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)
Minimum Setback (feet)				
Front	15	no minimum, 10 feet maximum	15	25
Side, Interior	5	none	none	none
Side, Corner	12.5	none	12.5	12.5
Rear, Interior	25	25	none	none
Rear, Corner	25	25	none	none
Maximum Height (feet)	35	50	50	65

Table 20-100 Commercial Zoning Districts Development Standards				
<i>Regulations</i>	Zoning District			
	CO	CP	CN	CG
Maximum Number of stories	3	4	4	8
Maximum Individual Occupant Square Footage (square feet) <small>[see Note 1]</small>		2,500/Personal service shop 5,000/Eating, drinking or entertainment establishment 15,000/all other uses <small>[see Note 1]</small>		
Parking	See Chapter 20.90			

Notes Applicable to Commercial Development Standards:

- 1 In the CP Commercial Pedestrian District, lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the General Plan Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

SECTION 4. Section 20.40.270 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.270 Side Setback - Exceptions, Interior Lot.

Notwithstanding, the provisions of Section 20.40.200, in the CP Commercial District, a building side setback shall be required for interior lots on that side of each such lot which abuts on the side of a lot situate in a Residence District, in which case the side setback requirements shall be a minimum of ten (10) feet.

SECTION 5. Section 20.40.280 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby repealed in its entirety.

SECTION 6. Section 20.40.300 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.300 Exception - Maximum Number of Stories, Height, and Floor Area Ratio Exception.

In the CO Commercial Office and CG Commercial General Districts, a Conditional Use Permit may be issued which authorizes a greater floor area, number of stories and/or height if such increases are not inconsistent with the general purposes of this Title, consistent with applicable General Plan policies, and would promote the public health, safety, or welfare.

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SECTION 7. Section 20.40.310 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby repealed in its entirety.

PASSED FOR PUBLICATION of title this 7th day of June, 2005, by the following vote:

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

NOES: NONE

ABSENT: CAMPOS

DISQUALIFIED: NONE

VACANT: DISTRICT 7



RON GONZALES
Mayor

ATTEST:



LEE PRICE, CMC
City Clerk

SAN JOSE POST-RECORD

90 N FIRST ST STE 100, SAN JOSE, CA 95113
Telephone (408) 287-4866 / Fax (408) 287-2544

CECILIA DELGADO
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)

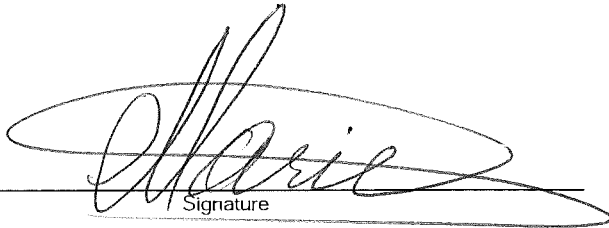
Ad Description: ORDINANCE #27457

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:

06/14/2005, 06/21/2005

Executed on: 06/21/2005
At Los Angeles, California

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


Signature

RECEIVED

This space for filing stamp only
San Jose City Clerk

2005 JUN 27 P 3:33

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SJ#: 829579

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ABSENT: CAMPOS
DISQUALIFIED: NONE
VACANT: DISTRICT 7
RON GONZALES, Mayor
ATTEST:
LEE PRICE, CMC, City Clerk
06/14/2005, 06/21/2005

SJ-829579#