



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

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Toni J. Taber, 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. 29631**", the original copy of which is attached hereto, was passed for publication of title on the **6th day of October, 2015**, 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 **17th day of November, 2015**, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS, M. NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said Ordinance is effective as of **18th day of December, 2015**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **20th day of November, 2015**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29631

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING) OF THE SAN JOSE MUNICIPAL CODE TO ADD NEW SECTIONS 20.70.140 AND 20.70.150 AND TO AMEND SECTIONS 20.70.020 AND 20.70.100 OF CHAPTER 20.70; TO ADD NEW SECTIONS 20.200.111.5, 20.200.625 AND 20.200.835 AND AMEND SECTIONS 20.200.070, 20.200.100, 20.200.700, 20.200.1090 AND 20.200.1110 OF CHAPTER 20.200 TO ADD AND REGULATE ART DISPLAY STRUCTURES AND LIGHTING DISPLAYS AS ALLOWABLE USES AND MODIFY THE PERMITTING PROCESS FOR AMUSEMENT GAME ARCADES IN THE DC-DOWNTOWN PRIMARY COMMERCIAL ZONING DISTRICT, TO ADD AUCTION, SECOND-HAND STORES, PHOTOGRAPHY STUDIOS, WEIGHT LOSS CENTERS, INTERIOR DECORATING, AUDITORIUMS AND COMMUNITY CENTERS AS ALLOWABLE USES IN THE DG-DOWNTOWN GROUND-FLOOR SPACE OVERLAY AREA, TO CLARIFY THAT RESIDENTIAL USES ARE ONLY ALLOWED IN THE DOWNTOWN ZONING DISTRICT WHERE THE GENERAL PLAN DESIGNATION FOR A SITE SUPPORTS RESIDENTIAL USE, TO ADD NEW DEFINITIONS RELATED TO ART DISPLAY STRUCTURE AND LIGHTING DISPLAYS AND TO CLARIFY DEFINITIONS RELATED TO ADULT ENTERTAINMENT ESTABLISHMENTS, AMUSEMENT GAME ARCADES, LOT LINE, FRONT SETBACK AREA AND SIDE SETBACK AREA

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City has certified that certain Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Addenda thereto, that certain Final Program Environmental Impact Report for the Downtown Strategy 2000 and Addenda thereto and that certain Final Program Environmental Impact Report for Diridon Station Area Plan and Addenda thereto and the City Council has adopted related Resolutions No. 76041, 72767 and 77096 (collectively the "Final EIRs"); and

WHEREAS, pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this action is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA, that this action does not involve new significant effects beyond those analyzed in the Final Program EIRs; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the Final EIRs and Addenda thereto, related Resolution Nos. 76041, 72767 and 77096 prior to taking any approval actions on this Ordinance;

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

SECTION 1. Section 20.70.020 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to be entitled and read as follows:

20.70.020 Downtown Zoning Districts and Overlays

- A. This chapter sets forth the land use and development regulations applicable to the downtown zoning districts established by Section 20.10.060.
- B. This Chapter further sets forth land use and development regulations applicable to a portion of the DC – Downtown Primary Commercial Zoning District, which is designated as the Downtown Ground-floor Space Area (DG Overlay Area) and is described in Section 20.70.520.

- C. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the DC Downtown Primary Commercial and DC-NT1 Downtown Commercial - Neighborhood Transition 1 zoning districts except as set forth in this chapter.

SECTION 2. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Permitted" uses which may be approved only on parcels within the Downtown Zoning Districts which are designated on the land use/transportation diagram of the General Plan, as amended, with a land use designation that allows some residential use, are indicated by a "P^{GP}" on Table 20-140. These uses may be allowed on such Downtown Zoning District parcels, but only in compliance with the General Plan land use restrictions related to residential use.
- C. "Conditional" uses requiring Planning Commission approval as the initial decision-making body 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 approved by the Planning Commission, or City Council on appeal, as set forth in Chapter 20.100.
- D. "Conditional" uses which may be approved only on parcels within the Downtown Zoning Districts which are designated on the land use/transportation diagram of the General Plan, as amended, with a land use designation that allows some residential use, are indicated by a "C^{GP}" on Table 20-140. These uses may be allowed on such Downtown Zoning District parcels, but only upon issuance of

and in compliance with a Conditional Use Permit as set forth in Chapter 20.100; and in compliance with the General Plan land use restrictions related to residential use.

- E. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" 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 approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- F. "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.
- G. "Special" uses which may be approved only on parcels within the Downtown Zoning Districts which are designated on the land use/transportation diagram of the General Plan, as amended, with a land use designation that allows some residential use, are indicated by an "S^{GP}" on Table 20-140. These uses may be allowed on such Downtown Zoning District parcels, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100; and in compliance with the General Plan land use restrictions related to residential use.
- H. "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 use permit as set forth in Chapter 20.100.

- I. "Restricted" land uses are indicated by an "R" on Table 20-140. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.

- J. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- K. The column of Table 20-140, under the heading "Additional Use Regulations for the DG Overlay 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 Downtown Primary Commercial District included in the DG Overlay Area is described in Section 20.70.520. If there are no additional regulations noted in this column (such as the type of permit required or a "-" or cross references to notes or other section in the Zoning Code), then the use regulations for the DG Overlay Area are the same as the regulations of the DC zoning district.
- L. 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.
- M. 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 District		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Overlay Area	Parking	Applicable to all Downtown Districts
Offices and Financial Services					
Automatic teller machine	P	P		No parking	Section 20.80.200
Business Support Use	P	P	S, Notes k and n	No parking	
Financial institution	P	P	S, Note n	2.5 per 1,000 sq. ft.	
Financial services	P	P	S, Notes m and n	No parking	
Offices, business and administrative	P	P	S, Notes i and n	2.5 per 1,000 sq. ft.	Section 20.70.110
Payday Lending Establishment	R	R			Part 12.5, Chapter 20.80; Section 20.200.875
Research and Development	P	P	-	2.5 per 1,000 sq. ft.	Note 1
General Retail					
Off-sale, Alcoholic Beverages - beer and/or wine only	C	C		No parking	Section 20.80.900
Off-sale, Alcohol Beverages - full	C	C		No parking	Section

range of Alcoholic Beverages					20.80.900
Auction	S	-	S	No parking	
Certified Farmers' Market	S	S		No parking	Part 3.5, Chapter 20.80
Certified Farmers' Market - small	P	P		No parking	Part 3.5, Chapter 20.80
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
Outdoor Vending - fresh fruits and vegetables	P	P		No parking	Part 10, Chapter 20.80
Pawn shop, pawn broker	C	C	Note b	No parking	
Retail sales, goods and merchandise	P	P	S/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, Notes c and n	No parking	
School, Post Secondary	P	P	-	1 per 360 sq. ft.	
School, Trade and Vocational	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 Game Arcade	S	-	S, -	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.	
Art Display Structure	S	-	S	No parking	Section 20.70.140
Lighting Display	A/S	A/S			Note e, Section 20.70.150
Food Services					
Banquet - Facility	P	P		No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking Establishments	C	C		No parking	

Drinking Establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-		No parking	Note 7
Drinking Establishments interior to a full-service Hotel/Motel with 75 or more guest rooms	P	P		No parking	Section 20.80.475
Public Eating Establishments	P	P		No parking	Note 9
Wineries, breweries	C	C		No parking	
Health and Veterinary Services					
Animal grooming	P	P	-	No parking	
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	
Medical Marijuana Collective	R	-	-	No parking	Part 9.75, Chapter 20.80
Veterinarian	P	P	-	1.5 per doctor	
General Services					
Bed and Breakfast Inn	P	P	S, Note I	.35 per room	Part 2, Chapter 20.80
Hotel/Motel	P	P	-, Note I	.35 per room	
Maintenance and repair of Household Appliances, small	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	-	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	S, Note j	No parking	
Residential^{GP}					
Residential shelter	C ^{GP}	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.	
Live/Work Uses	P ^{GP}	S ^{GP}		1.5 per unit	Section 20.70.120
Residential multiple dwelling	P ^{GP}	P ^{GP}	-	1 per unit	
Residential Care Facility for seven or more persons	C ^{GP}	C ^{GP}	-	.75 per employee	
Residential Services Facility, for seven or more persons	C ^{GP}	C ^{GP}	-	.75 per employee	
Hotel Supportive Housing	C ^{GP}	C ^{GP}	-	.35 per room	Note o; Part 22 of Chapter 20.80

Single Room Occupancy (SRO) Living Unit Facility	S ^{GP}	S ^{GP}	-	.6 per room	Part 15, Chapter 20.80
Single Room Occupancy (SRO) Residential Hotel	S	S	-	.6 per room	Part 15, Chapter 20.80
Residential Accessory Uses ^{GP}					
Accessory Buildings and Accessory Structures	P ^{GP}	P ^{GP}	-	No parking	Note 2
Recycling Uses					
Reverse Vending Machine	S	S	-	No parking	Part 13, Chapter 20.80
Small Collection Facility	S	S	-	No parking	Part 13, Chapter 20.80
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
Off-street Parking Establishment	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	A	A	-	N/A	
Temporary stand-by/backup generators	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S		N/A	

Radio and television studios	P	-	Note n	No parking	
Wireless Communications Antenna	S	-	-	No parking	Note 10, Sections 20.80.1900, 20.80.1915
Wireless Communications Antenna, Building Mounted	P	-	-	No parking	Note 10, Sections 20.80.1900, 20.80.1915
Electrical Power Generation					
Solar Photovoltaic Power system	P	P	-	No parking	Section 20.100.610 C.7.
Vehicle Related Uses					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gasoline Service Station or Charge Station	P	-	-	No parking	Note 3, Note 8
Gasoline Service Station or Charge Station, with incidental service and repair	P	-	-	No parking	Note 3
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 5
Sale, vehicle parts, new	P	-	-	No parking required	

Historic Reuse					
Historic Landmark Structure reuse	S	S		Section 20.90.220E.	Part 8.5, Chapter 20.80

Notes applicable to the DG area only:

- a. Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit in the DG Overlay Area.
- 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. Section 20.70.150 specifies the permits required under Title 20 for a Lighting Display.
- 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 and bail bond services.
- h. Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- i. Exception for travel agencies and real estate agencies which are the only permitted uses.
- j. Community centers are allowed with a Special Use Permit.
- k. Exception for copy shops and mail centers which are the only permitted uses.
- l. Use of ground floor to be primarily dedicated to customer-related public services.
- m. 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.
- n. In order to be a permitted use, the space to be occupied shall have been vacant on January 1, 2012, the size of the space of such use shall be limited in size to a total maximum area of no greater than twenty thousand square feet, and the space shall not be located within a corner tenant space that is directly adjacent to the intersection of two public streets. Any use that does not meet all of the criteria specified above in this note may be allowed with a special use permit, and a special use permit is and shall be required.
- o. Hotel supportive housing may be permitted only with a conditional use permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.

Notes applicable to downtown primary commercial (DC) zoning district, including DG area:

1. Excludes manufacturing uses.
2. No lot may be used solely for an accessory structure or accessory building.

3. Incidental repair includes air conditioning service, carburetor and 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.
4. All activity must be conducted indoors.
5. Non-engine and exhaust-related service and repair allowed as incidental use.
6. Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940B, incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.
7. ~~Maximum occupancy load shall be that maximum occupancy load determined by the city fire marshal.~~
8. Pedestal charge stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all downtown zoning districts.
9. Includes on-site outdoor dining area(s).
10. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.

SECTION 3. Chapter 20.70 of Title 20 of the San José Municipal Code is amended to add a new Section to be numbered, entitled and to read as follows:

20.70.140 Art Display Structures - Regulation of Use

Art Display Structures shall be subject the following minimum criteria:

- A. Art Display Structures shall be allowed only as an incidental use to an existing allowed or permitted operational and occupied use, including parking lots. Art Display Structures are not allowed on Sites that have exclusively residential use, or mixed use residential, or on vacant sites.
- B. Art Display Structures shall only be installed and maintained in the location that is specified in an approved Special Use Permit.
- C. Only one (1) Art Display Structure shall be permitted on a Site, except that corner Sites may have up to two (2) Art Display Structures.

- D. An Art Display Structure shall not exceed twenty (20) feet in height above grade.
- E. An Art Display Structure shall have a Setback of at least seventy five (75) feet from any Lot Line of a Lot used exclusively for residential use.
- F. The linear length of an Art Display Structure shall not exceed one-fourth (1/4) the linear length of the street frontage of the Site up to a maximum of twenty five (25) linear feet.
- G. The surface area of the Outdoor Art on an Art Display Structure shall not exceed two hundred (200) square feet. If two surface areas of the same Outdoor Art are back to back so that they face in opposite directions (i.e., the relative angle between the directions they face is one hundred eighty (180) degrees) and the distance between the two surfaces is not more than one (1) foot, then the surface area of only one (1) of the two (2) surfaces shall be included in the calculation of the surface area.
- H. The Special Use Permit for Art Display Structure shall be limited to a term of five (5) years. An application for renewal of a Special Use Permit for Art Display Structure for additional successive terms of not to exceed five (5) years may be filed and considered in accordance with Section 20.100.840.
- I. An Art Display Structure shall not display any Commercial Speech as defined in Title 23 of the San José Municipal Code or be used to engage in the commercial enterprise of generating revenue by advertising or promoting businesses, establishments or causes.

SECTION 4. Chapter 20.70 of Title 20 of the San José Municipal Code is amended to add a new Section to be numbered, entitled and to read as follows:

20.70.150 Lighting Displays, Parking Lots

A. Lighting Displays that do not qualify for an Outdoor Private Property Special Event permit under Section 20.80.1400, may be allowed by approval of an Administrative Permit on an Off-street Parking Establishment that is Outdoors if such Lighting Displays will not:

1. Displace (5) five or more parking spaces; or
2. Be a late night use or activity as described in Section 20.70.510; or
3. Occur more than three (3) consecutive days and no more than three (3) times in a calendar year; or
4. Require technical analysis or a report to evaluate the impacts of the Lighting Display on the environment, such as light, shadow/shade, noise, vibration, biotics or traffic.

B. Lighting Displays that do not meet the criteria listed above may be allowed through a Special Use Permit on an Off-street Parking Establishment that is Outdoors, if the use does not qualify as an Outdoor Private Property Special Event under Section 20.80.1400.

C. Any Special Use Permit for a Lighting Display shall be limited to a term of five (5) years. An application for renewal of a Special Use Permit for Lighting Display for additional successive terms of not to exceed five (5) years may be filed and considered in accordance with Section 20.100.840.

SECTION 5. Section 20.200.070 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to be entitled and read as follows:

20.200.070 Adult Entertainment Establishment

"Adult entertainment establishment" is a building or portion thereof or area used for activities, performances, exhibitions, viewings and encounters featuring topless or bottomless dancers, strippers or similar entertainers for patrons or customers.

SECTION 6. Section 20.200.100 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to be entitled and read as follows:

20.200.100 Amusement Game Arcade

"Amusement game arcade" is a building or portion thereof having within its premises:

1. Ten (10) or more amusement game devices, or
2. Fifteen (15%) percent or more of the net floor area of the primary use used for Amusement Game Devices; or
3. Nine (9) or fewer Amusement Game Devices when not utilized in conjunction with a primary commercial use that is permitted by right or as a conditional use.

Net floor area for the purpose of this definition is that area available for customer use.

SECTION 7. Chapter 20.200 of Title 20 of the San José Municipal Code is amended to add a new Section to be numbered, entitled and to read as follows:

20.200.111.5 Art Display Structure

Art Display Structure is a free-standing Structure used only for Outdoor Art Display.

SECTION 8. Chapter 20.200 of Title 20 of the San José Municipal Code is amended to add a new Section to be numbered, entitled and to read as follows:

20.200.625 Lighting Display

Lighting Display means the display of light consisting of changing patterns of light, color and images that may be projected onto a screen from a stationary source, but shall not include any display of Commercial Speech as defined in Title 23 of the San José Municipal Code or be used to engage in the commercial enterprise of generating revenue by advertising or promoting businesses, establishments or causes.

SECTION 9. Chapter 20.200 of Title 20 of the San José Municipal Code is amended to add a new Section to be numbered, entitled and to read as follows:

20.200.835 Outdoor Art

Outdoor Art means a tangible, physical display of visual art that is visible off the Site on which the Outdoor Art is located or from any outdoor parking lot or outdoor pedestrian walkway accessible for use by the public, including paintings, drawings, still photographs, sculptures and multi-media, but not including other art forms such as films or productions of the performing arts.

SECTION 10. Section 20.200.700 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to be entitled and read as follows:

20.200.700 Lot Line

"Lot line" is defined to include:

- A. "Front lot line" is the boundary line of a lot which abuts the closest edge of a public or private right-of-way whether that right-of-way is owned in fee title or through an easement.

- B. "Front lot line of a corner lot" is the narrower lot line abutting a public or private right-of-way whether that right-of-way is owned in fee title or through an easement.
- C. "Side lot line" is the boundary line of a lot which intersects the front lot line, the rear lot line, and any other side lot line.
- D. "Side corner lot line of a corner lot" is the longer of the two boundary lines abutting a public or private right-of-way whether that right-of-way is owned in fee title or through an easement.
- E. "Rear lot line" is the boundary line of a lot which is generally opposite of the front lot line.

SECTION 11. Section 20.200.1090 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to be entitled and read as follows:

20.200.1090 Setback Area, Front

- A. For an interior lot, the "front setback area" is the area which extends across the full width of the lot and from the front lot line along the street to a line defined

by the front setback, excluding frontage area which is used primarily for ingress or egress to a flag lot; or

B. For a residentially zoned corner lot, the "front setback area" is the area which extends across the full width of the lot and from the narrower lot line along a public street to a parallel line defined by the front setback line.

C. The front setback area shall not include any land held as public right of way, regardless of whether such land is held in fee title or easement.

SECTION 12. Section 20.200.1110 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to be entitled and read as follows:

20.200.1110 Setback Area, Side

A. For an interior lot, the "side setback area" is that area which is neither a front setback area nor rear setback area; or

B For a corner lot,

1. "Interior side setback area" is that area which extends from the lot line opposite the wider (larger) street frontage defined as the interior side lot line to a parallel line defined by the side setback; and

2. "Corner side setback area" is that area which extends from the lot line along the wider street frontage to a parallel line defined by the side setback. The corner setback area shall not include any land held as public right of way, regardless of whether such land is held in fee title or easement.

PASSED FOR PUBLICATION of title this 6th day of October, 2015, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KHAMIS, M. NGUYEN,
OLIVERIO, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

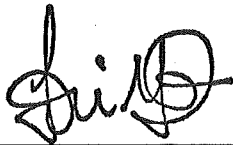
ABSENT: KALRA, T. NGUYEN.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk