

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO: (1) AMEND CHAPTER 20.80, PART 8.75, “CONVERSIONS OF AN EXISTING USE TO ANOTHER USE WITH A DIFFERENT TDM DESIGNATION,” TO EXEMPT CONVERSION OF AN EXISTING BUILDING WITHIN DOWNTOWN TO A RESIDENTIAL USE FROM THE REQUIREMENT TO OBTAIN A SPECIAL USE PERMIT TO PREPARE A TRANSPORTATION DEMAND MANAGEMENT PLAN; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE**

**WHEREAS**, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed amendments to Section 20.80.680 of Chapter 20.80, Part 8.75, of Title 20 are pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011 and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed amendments to Section 20.80.680 of Chapter 20.80, Part 8.75, of Title 20; and

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041, and in the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the

determination of consistency therewith prior to acting upon or approving the subject rezoning;

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

SECTION 1. The foregoing recitals are hereby incorporated.

SECTION 2. Section 20.80.680 and the title of Part 8.75 of Chapter 20.80 of Title 20 of the San José Municipal Code are amended to read as follows:

**Part 8.75**

**Conversions of an Existing Use to Another Use with A Different Transportation Demand Management (TDM) Use Designation**

**20.80.680 Special Use Permit Required**

A. In the case where no other development permit would be required, no person shall convert, in whole or in part, an existing or proposed building from one TDM Use Category as identified in Table 20-190 to a different TDM use category without a ~~s~~Special ~~u~~Use ~~p~~Permit in the case of conversion to a permitted or special use in the district, or a ~~e~~Conditional ~~u~~Use ~~p~~Permit in the case of conversion to a conditional use in the district, with the following exceptions:

1. No Special Use Permit shall be required if the conversion of TDM Use Category is from any other use category to the Category of Other.

2. No Special Use Permit shall be required if the conversion would otherwise be exempted from Transportation Demand Management requirements pursuant to 20.90.900.B.

3. No Special Use Permit shall be required for a conversion of an existing building to a residential use within the downtown zoning area defined by Section 20.70.010, where that building received a Certificate of Occupancy prior to April 10, 2023. Such conversions shall not be subject to the requirement to prepare a Transportation Demand Management Plan.

B. The following requirements shall be applied by the Director, ~~or the p~~Planning ~~e~~Commission, or City Council on appeal, in granting a ~~s~~Special ~~u~~Use ~~p~~Permit or Conditional Use Permit under this ~~p~~Part:

1. Transportation Demand ~~m~~Management. The project shall be subject to the requirements of Part 9 of Chapter 20.90.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk