

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND SECTION 20.30.600 TABLE 20-80 TO ADD CLARIFYING LANGUAGE TO THE CORNER LOT SIDE SETBACK AREA DEFINITION AND STANDARDS; AMEND SECTION 20.80.1410 TO CLARIFY THE TERM "DIRECTOR;" AMEND SECTION 20.80.1440 TO ADD LAWFUL NON-RESIDENTIAL USES INTO RESIDENTIAL ZONING DISTRICTS FOR THE OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS PERMIT PROCESS; AMEND SECTION 20.80.1450 TO ADD CLARIFYING LANGUAGE WHICH DEFINES SETBACKS FOR LAWFUL NON-RESIDENTIAL USES; AMEND SECTION 20.80.1460 TO INCLUDE DOWNTOWN ZONING DISTRICTS AND REDUCE SETBACKS FOR OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS IN COMMERCIAL ZONED DISTRICTS WITHIN DESIGNATED NEIGHBORHOOD BUSINESS DISTRICTS WHEN IN COMPLIANCE WITH RESIDENTIAL STANDARDS UNDER THIS PART; AMEND SECTION 20.80.1460 AND 20.80.1470 TO INCREASE THE NUMBER OF OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS WHICH CAN TAKE PLACE IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AMEND SECTION 20.80.1510 TO INCREASE THE PERMIT ACCEPTANCE OR DENIAL PERIOD FROM THIRTY (30) TO FORTY-FIVE (45) DAYS; 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 this Ordinance is 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 this Ordinance; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith 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 20.30.600 Table 20-80 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

Table 20-80
Fence Regulations R-1 Residence Districts

Interior Lot	
Front Setback Area	Maximum three feet in height
Rear Setback Area	Maximum seven feet in height
Side Setback Area	Maximum seven feet in height
Corner Lot	
Front Setback Area	Maximum three feet in height
Rear Setback Area	Maximum seven feet in height
Adjacent to Side	Maximum three feet in height for a distance of twelve and one-half feet

Setback Area of Key Lot or Corner Lot	measured from the street property line and fifteen feet as measured from the rear lot line.
Adjacent to a Street	Maximum three feet in height within five feet of property line. Maximum seven feet in height at least five feet from property line.
Side Setback Area <u>Not Adjacent to a Street</u>	Maximum three feet in height within five feet of property line. Maximum seven feet in height at least five feet from property line.
Intersections	Maximum three feet in height within the corner triangle; provided however, that single-stem plants or trees without foliage with a height between three feet and eight feet may be planted and maintained within the corner triangle on any corner lot.

SECTION 2. Section 20.80.1410 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1410 Director.

Unless otherwise stated, the term "director" as used in this part shall mean the director of ~~conventions, arts and entertainment~~ Office of Economic Development or the head or director of the department designated by the city manager to administer the provisions of this part.

SECTION 3. Section 20.80.1440 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1440 Residential zoning districts.

Outdoor private property special events in residential zoning districts shall be permitted only at schools, ~~and church/religious assembly,~~ and or other lawful non-residential uses excluding vacant properties.

SECTION 4. Section 20.80.1450 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1450 Event permits for outdoor private property special events in residential zoning districts.

An event permit for outdoor private property special events in residential zoning districts may be issued only if the following requirements are met:

1. The outdoor private property special event shall occur only on Fridays and/or Saturdays between the hours of 9:00 a.m. and 10:00 p.m. and/or Sundays between the hours of 9:00 a.m. and 9:00 p.m.
2. No more than two (2) outdoor private property special events may be held at the same location within any six (6) month period.
3. The outdoor private property special event may not exceed three (3) consecutive days and shall not occur on more than two (2) consecutive weekends.
4. All outdoor private property special events in a residential district, other than at a school or church/religious assembly use, which take place on existing non-residential uses shall be located at least fifty (50) feet from the nearest residential dwelling structure.

SECTION 5. Section 20.80.1460 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1460 Event permits for outdoor private property special events in commercial and downtown zoning districts.

An event permit for outdoor private property special events in a commercial or downtown zoning district may be issued only if the following requirements are met:

1. Except in the downtown core area, the outdoor private property special event shall be located at least one hundred and fifty (150) feet from any residential use or at least fifty (50) feet from any residential use if it meets all of the following:
 - a. The outdoor private property special event falls within a designated Neighborhood Business District under the Envision San José 2040 General Plan.
 - b. The outdoor private property special event shall occur only on Fridays and/or Saturdays between the hours of 9:00 a.m. and 10:00 p.m. and/or Sundays between the hours of 9:00 a.m. and 9:00 p.m.
 - a. No more than two (2) outdoor private property special events which have a setback less than one hundred and fifty (150) feet may be held at the same location within any six (6) month period.

2. ~~No more than three (3) outdoor private property special events shall occur at the same location within a four (4) month period. No more than five (5) outdoor private property special events shall take place at the same location within a four (4) month period of which two (2) may be less than one hundred and fifty (150) feet from the nearest residential building.~~
3. An outdoor private property special event shall not exceed three (3) consecutive days and shall not occur on more than two (2) consecutive weekends.
4. The hours of the outdoor private property special event shall be consistent with the business hours of the location at which the event is to be held except the outdoor private property special event shall conclude no later than midnight.

SECTION 6. Section 20.80.1470 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1470 Event permits for outdoor private property special events in industrial or manufacturing zoning districts.

An event permit for outdoor private property special events in an industrial or manufacturing zoning district may be issued only if all of the following requirements are met:

1. The outdoor private property special event shall be located at least one hundred and fifty (150) feet from any residential use.
2. No more than ~~five~~two (25) outdoor private property special events shall occur at the same location within any four (4) month period.
3. The maximum duration of each outdoor private property special event shall not exceed three (3) consecutive days.
4. The outdoor private property special event shall conclude no later than 1:00 a.m. regardless of the conclusion of any related activities occurring in an indoor venue.

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SECTION 7. Section 20.80.1510 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1510 Event permit application procedure.

- A. The director shall issue event permits to applicants who comply with the permit application procedure and requirements set forth in this part and who agree to comply with the regulations and event permit conditions.
- B. The director is authorized to attach reasonable time, place and manner conditions, consistent with this part and regulations, to the issuance of any event permit.
- C. The director shall issue the permit or deny the application within forty-five ~~thirty~~ (45) days of receipt of the event permit application.
- D. The director's decision to deny an event permit application shall be in writing and shall be mailed to the outdoor private property special event applicant at the address on the application.
- E. If the director denies the event permit application, the outdoor private property special event applicant may alternatively seek either a special use permit or conditional use permit, as may be applicable.

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PASSED FOR PUBLICATION of title this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk