

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTION 20.80.1450 AND REPEALING SECTIONS
20.80.1460, 20.80.1470, AND 20.80.1480 OF CHAPTER
20.80 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE
RELATED TO TEMPORARY USES OF OUTDOOR
PRIVATE PROPERTY**

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 Final Environmental Impact Report/Environmental Impact Statement (the "Final EIR") and the City Council adopted its related Resolution No. 76041 in connection therewith, and the Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto; and

WHEREAS, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance and that adoption of this Ordinance is within the scope of and in furtherance of the Envision San José 2040 General Plan, taken together with the Final EIR, the SEIR, and related Resolution Nos. 76041 and 77617, and Addenda thereto; 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 EIR, related Resolution Nos. 76041 and 77617 and Addenda thereto 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 20.80.1450 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.~~
12. No more than ~~two (2)~~ twenty-six (26) outdoor private property special events may be held at the same location within ~~any six (6)~~ a twelve (12) month period.
23. ~~The outdoor private property special event may not exceed three (3) consecutive days and shall not occur on more than two (2) consecutive weekends.~~ Events shall not occur for more than four (4) consecutive days per event in a one-week period.
34. ~~All outdoor private property special events in a residential district, other than at a school or church/religious assembly use, shall be located at least fifty (50) feet from the nearest residential dwelling structure.~~ Residential Dwelling Unit Adjacency Considerations

- a. All outdoor private property special events in a residential district, other than at a school or church/religious assembly use, shall be located at least fifty (50) feet from the nearest residential dwelling structure.
- b. All outdoor private property special events in a commercial or industrial zoned area, except in the downtown core, shall be located at least fifty (50) feet from any residential dwelling structure, except when the outdoor private property special event falls within a designated Urban Village or Neighborhood Business District designated within the Envision San José 2040 General Plan or within the Mixed-use Commercial zoning district.
- c. The outdoor private property special event adjacent to residential dwellings, except within the downtown core or at school or church/religious assembly use, shall occur only on Thursday, 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.

SECTION 2. Section 20.80.1460 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby repealed.

20.80.1460 Event Permits for Outdoor Private Property Special Events in Commercial 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.~~

~~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 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 3. Section 20.80.1470 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby repealed.

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 (5) 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.~~

SECTION 4. Section 20.80.1480 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby repealed.

20.80.1480 Event Permit Parking Limitations

~~A. Regardless of zoning district, an event permit will not be issued if the outdoor private property special event will displace more than fifty (50) percent of the existing parking for the existing use or uses on the site, or a maximum of two hundred fifty (250) spaces, whichever is less.~~

~~B. This section does not apply to outdoor private property special events conducted in the downtown core area, and events at schools and church/religious assembly.~~

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk