



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 JOSÉ)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 28680**, the original copy of which is attached hereto, was passed for publication of title on the **1st day of December, 2009**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **15th day of December, 2009**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

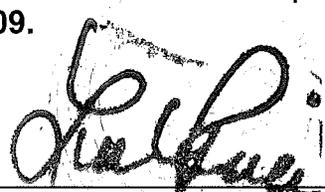
DISQUALIFIED: NONE.

VACANT: NONE

Said ordinance is effective as of **January 15, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **17th day of December, 2009**.

(SEAL)



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

ORDINANCE NO. 28680

AN ORDINANCE OF THE CITY OF SAN JOSE ADDING A NEW SECTION 20.200.1265 TO CHAPTER 20.200 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO DEFINE SUPPORTIVE HOUSING AND ADDING A NEW SECTION 20.200.1283 TO CHAPTER 20.200 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO DEFINE TRANSITIONAL HOUSING, AND TO PROVIDE THAT THOSE USES ARE AND SHALL BE TREATED AS RESIDENTIAL USES, SUBJECT ONLY TO THOSE RESTRICTIONS ON RESIDENTIAL USES APPLICABLE TO THE TYPE OF RESIDENTIAL STRUCTURE OR USE INVOLVED

WHEREAS, on November 4, 2009, this Ordinance was found to have completed environmental review pursuant to the provisions of the California Environmental Quality Act of 1970, together with the related guidelines promulgated thereunder and the provisions of Title 21 of the San José Municipal Code, all as amended, under Planning File No. PP09-175, and that the environmental impacts of this proposed ordinance have been addressed as a part of the San Jose 2020 General Plan EIR and related Resolution No. 65459, together with addenda thereto, which determination has not been protested, challenged or appealed (collectively, the "CEQA determination"); and

WHEREAS, Chapter 633 of Statutes of 2007 of the State of California (SB 2) sets forth regulations to, among other things, facilitate the location of transitional and supportive housing types; and

WHEREAS, City's Zoning Code provisions substantively comply with the provisions of SB 2, but City desires to amend its Zoning Code provisions to expressly add definitions of transitional and supportive housing and to expressly state that these uses are, and shall be treated as, residential uses under the Zoning Code, subject only to those restrictions on residential uses applicable to the type of residential structure or use involved in a particular situation; and

WHEREAS, the City Council is the decision-making body for this proposed ordinance;
and

WHEREAS, this Council has considered and approves and adopts the CEQA
determination.

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

SECTION 1. Chapter 20.200 of Title 20 of the San José Municipal Code is
hereby amended by adding a new Section to be numbered and entitled and to read in
its entirety as follows:

20.200.1265 Supportive Housing

“Supportive Housing” means housing with no limit on length of stay and that is occupied
by a target population as defined in subdivision (d) of Section 53260 of the California
Health & Safety Code, as the same may be amended from time to time, and that
provides, directly or indirectly, a significant level of onsite or offsite services that assist
supportive housing residents in retaining housing, improving their health status, and
maximizing their ability to live and, when possible, work in the residents’ community.
Supportive Housing shall be treated under this Title as a residential use and shall be
allowed in residential, commercial, and the Downtown zoning districts in the same
fashion as a residential care facility or a residential service facility, depending upon
whether the Supportive Housing operates as a residential care facility or a residential
service facility.

SECTION 2. Chapter 20.200 of Title 20 of the San José Municipal Code is
hereby amended by adding a new Section to be numbered and entitled and to read in
its entirety as follows:

20.200.1283 Transitional Housing

“Transitional Housing” means residential units operated under program requirements that call for 1) the termination of any assistance to an existing program recipient and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six (6) months into the future. Transitional Housing may be provided in all residential housing types. In all cases, Transitional Housing is and shall be treated as a residential use under this Title and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

PASSED FOR PUBLICATION of title this 1st day of December, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk


CHUCK REED
Mayor