



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

**SUBJECT: ORDINANCE ESTABLISHING
THE MAIN STREET ZONING
DISTRICTS**

DATE: November 10, 2010

COUNCIL DISTRICT: Citywide
SNI AREA: All

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the proposed ordinance amending Title 20 of the San Jose Municipal Code to add a new Chapter 20.75, Pedestrian Oriented Zoning Districts, establish the Main Street Districts within that Chapter, establish parking and loading requirements for Main Street Districts and making other related changes to Chapter 20.10, General Provisions and Zoning Districts; Chapter 20.40, Commercial Zoning Districts; Chapter 20.80, Specific Use Regulations; Chapter 20.175, Commercial and Industrial Common Interest Development Regulations; and 20.200, Definitions.

BACKGROUND

On May 27, 2009, the City Council approved amendments to the San Jose 2020 General Plan Land Use/Transportation Diagram for the area of the Alum Rock Neighborhood Business District between King Road and State Route 680, designating the majority of the property fronting onto Alum Rock Avenue *Transit Corridor Commercial*. This designation provides for development with a strong commercial component at the ground level and commercial or residential on upper floors at higher densities that create greater ridership to support transit.

The Preliminary Alum Rock Form Based Zoning Standards and Guidelines were developed in 2009 for the same segment of the Alum Rock NBD with the assistance of an urban design firm, in coordination with the VTA Bus Rapid Transit project currently underway for the Alum Rock/East Santa Clara corridor. These Standards and Guidelines built on the prior Alum Rock Development Strategy (1999) and on the Mayfair and Gateway East Strong Neighborhoods Initiative Plans (2002 and 2003, respectively) which called for improved transit service on Alum Rock Avenue and revitalization of neighborhood-serving commercial uses. Residents, business owners and development representatives took part in the community outreach process and

Initiative Plans (2002 and 2003, respectively) which called for improved transit service on Alum Rock Avenue and revitalization of neighborhood-serving commercial uses. Residents, business owners and development representatives took part in the community outreach process and assisted in the review of the draft Standards and Guidelines. The result was a set of draft zoning standards for the Alum Rock Study Area that focused on streamlining the development review process for mixed-use development and promoting a consistent development pattern along Alum Rock Avenue to support transit, encourage pedestrian activity, retain the unique businesses in the area, enhance the surrounding neighborhoods and contribute to the economic vitality of the NBD.

On June 23, 2009, the City Council considered the Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines and directed the Administration to prepare an amendment to the Zoning Ordinance to establish a new Alum Rock Form Based Zoning District based on the Standards and Guidelines and to conduct additional public outreach regarding the proposed ordinance.

Following is an analysis of the proposed new Main Street Zoning Districts developed in response to the Council's direction. These districts are specifically intended to be applied within the Alum Rock NBD, but are available for application in the future to other Main Street Neighborhood Business Districts, as appropriate. The current proposed ordinance creates the Main Street Districts but does not apply them to any specific area or properties. Subsequent ordinances and additional public outreach will be needed to establish the Alum Rock Study Area as a location where the Main Street Districts can be applied and to rezone specific properties to a Main Street District.

ANALYSIS

Pedestrian Oriented Zoning District Chapter

The proposed ordinance creates a new Pedestrian Oriented Zoning District (Chapter 20.75) within Title 20, the Zoning Ordinance, and establishes two new Main Street Districts within that Chapter. The proposed new Pedestrian Oriented Zoning District Chapter anticipates the need for additional zoning districts in the future to streamline implementation of the pedestrian and transit-oriented development currently under consideration through the Envision 2040 General Plan Update process; the chapter provides a format and structure for development of such future zoning districts with the potential for common regulations where appropriate. A discussion draft of the proposed zoning regulations is available on the City's website at http://www.sanjoseca.gov/planning/zoning/Main_Street_Districts2.pdf.

Rationale for the Main Street Zoning Districts

The original intent was to create a unique form-based zoning district specifically for the Alum Rock Study Area, the area of the Alum Rock Neighborhood Business District between King Road and State Route 680 (see Figure 1). As staff began to explore specific zoning regulations for the Alum Rock NBD, it became apparent that such regulations could work for other Main Street NBDs as well, given the City's policies to achieve the same objectives as Alum Rock (encourage pedestrian activity, retain unique businesses, and enhance the surrounding neighborhoods) in other NBDs such as West San Carlos, The Alameda, and Lincoln Avenue.

To maximize the potential benefit of this proposed zoning effort, staff has prepared draft zoning districts, the MS-G Main Street Ground Level Commercial District and the MS-C Main Street Commercial District that are designed to be applied to Alum Rock or other Main Street NBDs. The proposed zoning districts are not site-specific and are not as detailed as a classic form-based district, but they do incorporate some of the basic principles of form-based zoning. These principles include a primary focus on the relationship of buildings to the public street, building form regulations intended to create a consistent development pattern

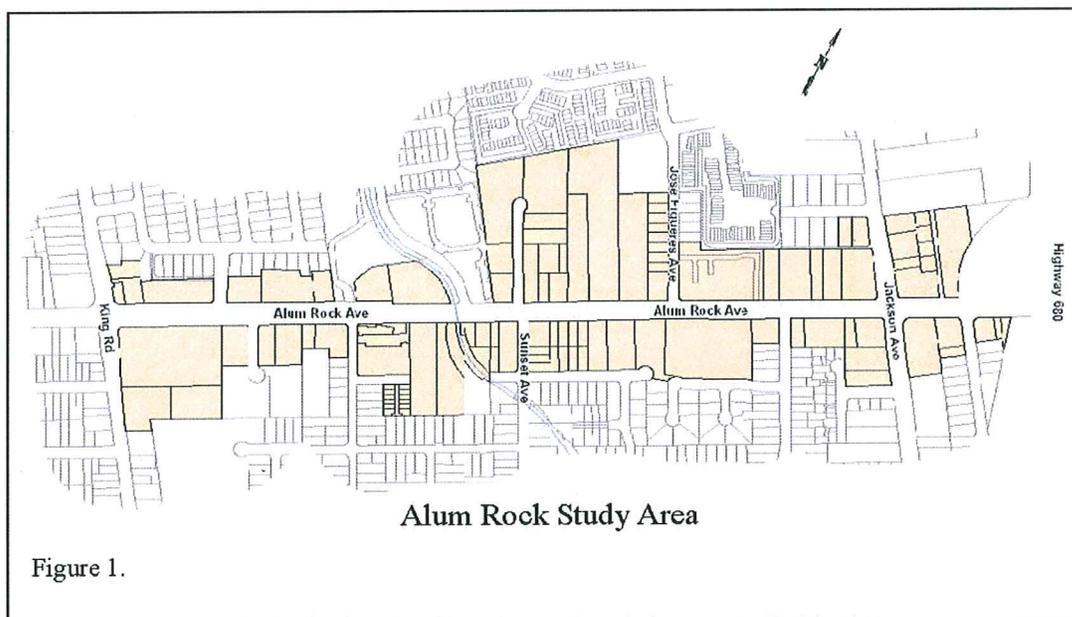


Figure 1.

along the street, and greater flexibility in regard to allowed use. Consistent with the proposed new Pedestrian Oriented Zoning District Chapter, the proposed Main Street Districts also include a set of development regulations and incentives specifically designed to encourage efficient use of parking; minimize pedestrian/vehicle conflicts; and promote transit, bicycle, and pedestrian modes of travel.

Overview of Proposed MS-G and MS-C Districts

The regulations of the MS-G and MS-C Main Street Districts are intended to achieve traditional main street development where buildings with clear glass storefronts are set close to the street and each other in order to accommodate a continuous row of commercial businesses connected by a wide pedestrian sidewalk. Vehicle parking is provided behind the building or in structured parking that has a limited ground-floor presence at the street front.

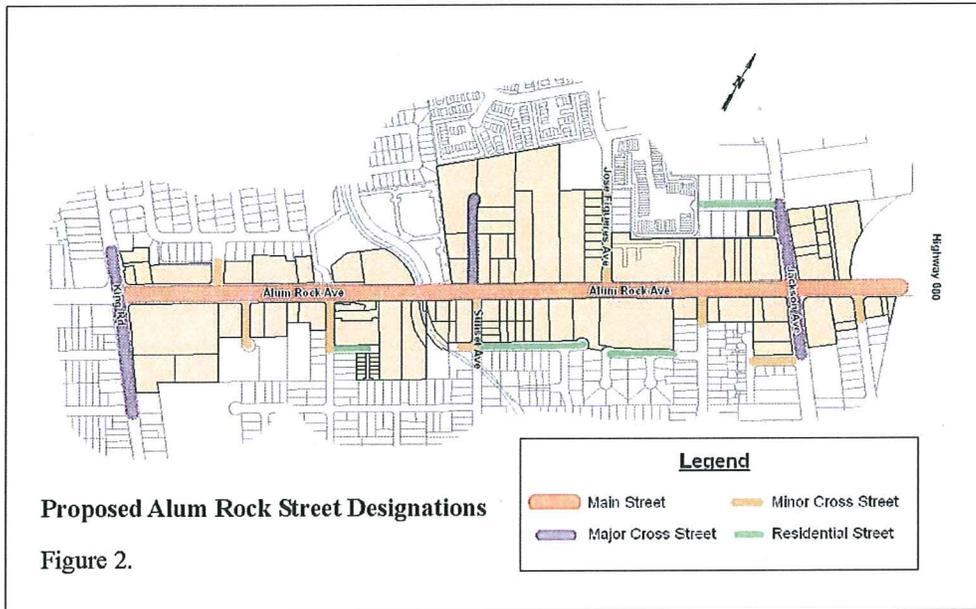
The MS-G Main Street Ground Floor Commercial District and the MS-C Main Street Commercial District are subject to the same development regulations including setbacks, height, parking, and storefront design requirements. The difference between the two Districts revolves around their provisions for residential use. The MS-G District requires commercial at the ground level along commercial street frontages, but allows residential uses above the ground floor, at the back of the site and along Residential Street Frontages. The MS-C District allows a broad array of commercial uses, but allows residential uses only in limited circumstances; residential development in a vertical mixed-use configuration is allowed only under a single development permit covering a site of 8 acres or more. The MS-C District would be applied to those areas of an NBD where residential use is not the intended focus, but where a large site under a single development permit would provide appropriate opportunity for integrated mixed-use development.

In the Alum Rock Study Area, the MS-C District is being considered for the existing industrial area on the north side of Alum Rock Avenue in the vicinity of Sunset Avenue. This area holds the potential to accommodate significant new mixed-use development at some point in the future. The requirement of the MS-C District would ensure that future mixed-use development in this area is based on a unified plan that achieves well-integrated, high-quality development.

Street Designations

Both development and use regulations for the MS-G and MS-C Main Street Districts are organized around specific street designations that form a street hierarchy. These designations are summarized below in rank order:

1. **Main Street.** This designation would apply to the commercial street or streets that provide primary public access to the business district. Within the Alum Rock Study Area, Alum Rock Avenue would be designated as the Main Street.
2. **Major Cross Street.** This designation would apply to an arterial street that intersects the Main Street or to any other street that is primarily non-residential in character and where commercial uses would generally be expected to front onto the street. In the Alum Rock Study Area, King Road, Jackson Avenue, and Sunset Avenue north of Alum Rock would be designated Major Cross Streets.
3. **Minor Cross Street.** This designation would apply to a neighborhood or neighborhood collector street that intersects the Main Street. In the Alum Rock Study Area, this designation would apply to all of the remaining streets that intersect Alum Rock Avenue within the Study Area (such as Scharff, Foss, and Jose Figures Avenues).
4. **Residential Street.** This designation would apply to a street that is primarily residential in character that does not intersect the Main Street. Lots with frontage on a Residential Street would not be zoned MS-C because of its limitations on residential uses. In the Alum Rock Study Area, Residential Streets would include Shortridge Avenue, Plaza De Guadalupe and Luz Avenue.



Setbacks, building design requirements and allowed uses of the proposed Main Street Districts are based on the type of street on which a lot has frontage. Lots with a Main Street Frontage are required to have buildings designed for active commercial uses at the ground level along most of the lot frontage. Less stringent commercial building frontage requirements apply to Major and Minor Cross Street Frontages. Specific requirements for residential development apply to Residential Street Frontages to ensure that new development is compatible with the residential character of the street. Figure 2 shows the location of the proposed street designations for the Alum Rock Study Area. Should the Council approve the current ordinance establishing the Main Street Districts, action to apply those street designations to the Alum Rock Study Area will be brought before the Council in a subsequent ordinance.

Pedestrian Zone Requirements

The proposed pedestrian zone requirements of the Main Street Districts [Section 20.75.120 (A)] are intended to ensure that as new development occurs, the area between the building and the street curb is designed to achieve a consistent and attractive pedestrian zone that accommodates shoppers, residents, and transit riders and allows for café seating along the street front. On the Main Street and Major Cross Street frontages, the proposed regulations assume a minimum public sidewalk width of 10 feet and require that buildings be placed 5 feet behind the front property line to allow a total pedestrian zone of at least 15 feet in width. The 5-foot private property setback is required to be paved to match the public sidewalk so that it appears as an extension of the public sidewalk. Encroachments into the setback at the pedestrian level are

limited to bicycle parking and moveable tables, chairs, umbrellas, other sidewalk dining amenities and temporary retail displays. The setback area provides for outdoor dining on private property without the Sidewalk Café Permit requirements that would apply to an outdoor café located in the street right-of-way. Proposed setback regulations allow awnings and other minor architectural elements to encroach into the setback area above the pedestrian level and allow utility vaults to be placed in the setback area as long as they are located below grade.

Other Setbacks

Side interior setbacks and rear setbacks are proposed to be governed by Building Code requirements; however a 15-foot building setback is required from any property line adjacent to a Residential Zoning District. This requirement does not apply within 100 feet of the Main Street, where continuous building frontage is a primary objective. Setbacks in this area would be only as required by the Building Code.

Building Placement

The proposed building placement regulations require that at least 70% of the building façade along a Main Street or Major Cross Street Frontage be located on the build-to-line or no more than one foot back of the build-to-line (between 5 and 6 feet from the property line). The remaining 30% of the building frontage may be located up to 10 feet from the property line. The building placement provisions allow for exceptions through a development permit where the decision-maker determines that a greater setback or a reduced frontage requirement are needed to provide for recessed pedestrian entries, outdoor plazas or pedestrian access ramps where buildings must be elevated for flood protection. These provisions are intended to establish a consistent street wall, while providing appropriate flexibility to accommodate variation in specific circumstances.

Active Commercial Frontage Requirements

The proposed Main Street Districts establish minimum active commercial frontage requirements for Main Street, Major Cross Street and Minor Cross Street frontages. As indicated in Table 1, these requirements specify a minimum percentage of the lot frontage that must be developed with active commercial building frontage. "Active Commercial Building Frontage" is defined as "building space adjacent to a street at the ground level of a building that is designed for retail or other customer-oriented commercial use." Such space shall not include vehicle parking, service areas, utility facilities, residential uses, or residential support uses such as lobbies, laundry rooms or work-out facilities."

These provisions are intended to achieve active commercial uses in a continuous pattern along the street and to limit the amount of frontage devoted to blank walls, elevator lobbies, service areas, utility facilities and parking. Based on the proposed regulations, an interior lot on a Main Street Frontage that is 100 feet wide would be required to have 60 feet of active commercial building frontage, while the remaining 40 feet could be devoted to vehicle access driveways, residential lobbies, mail rooms or other residential support uses. Proposed regulations for Major and Minor Cross Streets are less stringent, especially for corner lots that also have a Main Street frontage, to ensure greater flexibility to accommodate parking, back of house areas for commercial businesses, as well as residential uses.

The proposed regulations allow a reduction in the frontage requirements through a development permit for narrow lots (less than 100 feet in width) where such reduction is needed to allow vehicular access to the site and where access cannot be provided through an adjacent site or through parcel assemblage. They also provide an exception for off-street parking establishments needed to serve commercial uses in the area as approved through a Conditional Use Permit.

Table 1	
MS-G and MS-C Main Street Districts	
Building Frontage Requirements	
Lot Type	Minimum Required Active Ground-floor Commercial Building Frontage
Main Street Frontage	
Corner lots	65% of the first 100 linear feet of site frontage plus 75% of any additional site frontage beyond the first 100 linear feet
Interior lots – frontage of 100 linear feet or more	60% of the first 100 linear feet of site frontage and 75% of site frontage beyond the first 100 linear feet
Interior lots – frontage of less than 100 linear feet	50% of the first 50 linear feet of site frontage plus 70% of any additional site frontage between 50 and 100 linear feet
Major Cross Street Frontage	
Corner lots with Main Street frontage	25 linear feet of site frontage within 50 feet of the Main Street
All other lots	50% of the linear dimension of the site frontage
Minor Cross Street Frontage	
Corner lots with Main Street frontage	20 linear feet of site frontage within 50 feet of the Main Street
All other lots	50% of the linear dimension of the site frontage

The Main Street Districts also include regulations for the design of required Active Commercial Building Frontage intended to ensure that new development is designed to accommodate successful commercial businesses. The regulations, as presented in Table 2, include minimum standards for the height and depth of a ground floor space, and for glazing and building entries, all intended to achieve flexible commercial spaces with adequate room for back-of-house uses and transparent storefronts that attract customers and activate the street.

Table 2		
MS-G and MS-C Main Street Districts		
Requirements for Active Commercial Building Frontage		
Requirements	Less than 8,000 sq. ft. of contiguous commercial space	8,000 or more sq. ft. of contiguous commercial space
Minimum height of first story	15 ft.	18 ft.
Minimum first floor commercial space depth	45 ft.	60 ft.
Minimum glazing area	Building façades facing a street shall consist of storefronts with clear, un-tinted glass or other glazing material on at least seventy (70) percent of the surface area of the façade between a height of twelve (18) inches and ninety-six (96) inches.	
Building entries	All ground level commercial space fronting on a street shall have a primary building entry situated along and accessible from the pedestrian zone. Buildings located on Corner Lots shall have a primary building entrance along and accessible from the Primary Street.	

At the time the Council considered the Preliminary Alum Rock Form Based Zoning Standards and Guidelines, a representative of the housing industry requested that staff consider reducing the requirements for active ground floor commercial space based on the provision of public art on the building façade. Staff explored this suggestion, but has eliminated it from the draft regulations based on concern that it may be difficult to distinguish building-mounted art from logos and other signage. In reality, neither art nor signage would achieve the goal of providing transparent storefronts to create an active street frontage.

Maximum Stories and Height

Table 3 summarizes the proposed regulations for allowed height and number of stories within the Main Street Districts. Height regulations included in the Preliminary Alum Rock Form Based Zoning Standards and Guidelines were area specific, providing for a maximum height of 85 feet east of Jackson Avenue and a maximum height of 65 feet elsewhere within the Study Area, an approach that does not work for broader application of the Main Street Districts. The current proposal limits new buildings to 5 stories and 75 feet, but provides an exception that allows roof equipment and non-habitable architectural elements to extend to a height of 80 feet so long as the taller elements represent no more than 10% of the area of the top floor of the building. Most five-story buildings in San Jose are less than 75 feet in height, but these regulations are intended to ensure that the height requirement does not inhibit quality by allowing for taller stories and providing greater opportunity for pitched roofs and other architectural variation. The proposed regulations do not include minimum height provisions; this means that single-story commercial development can be implemented in the short term until such time as the market supports investment in more intense development.

<p align="center">Table 3 MS-G and MS-C Main Street Districts Maximum Stories and Height</p>	
Maximum Allowed Stories	5 stories above grade
Maximum Allowed Height	75 ft. above grade
Within fifty (50) ft. of a property located in a Residential Zoning District allowing 8 units or less per acre	Maximum height of 35 ft. within 20 feet of the residential property, increasing by one (1) foot for every one (1) foot of additional setback.
Within fifty (50) ft. of a property located in a Residential Zoning District Allowing 9 to 30 units per acre	Maximum height of 45 ft. within 20 feet of the residential property, increasing one (1) foot for every one (1) additional foot of setback
Within 40 feet of a Residential Street	40 ft. above grade

The proposed regulations also include additional height restrictions for buildings fronting onto Residential Streets and for buildings located within 50 feet of a Residential Zoning District. These regulations are intended to provide appropriate transitions to lower-scale residential areas surrounding a Main Street District.

Parcel and Condo Space Size Regulations

The proposed Main Street District regulations require a minimum parcel size of 6,000 square feet, consistent with the requirements of the Commercial Zoning Districts. The proposed regulations also include a minimum commercial condominium size of 4,000 square feet. This requirement is intended to prevent the creation of very small commercial condo spaces that lack flexibility to accommodate a variety of successful commercial businesses over time. The requirement also provides the opportunity for a single owner to coordinate an effective leasing strategy for a set of tenant spaces to achieve compatible and mutually beneficial uses.

Parking Design and Ratios

The proposed ordinance includes specific modifications to the Parking Chapter of Title 20 (Chapter 20.90) that establish parking location and design requirements for the Main Street Districts. These regulations specify that surface parking cannot be located within 50 feet of a Main Street or within 5 feet of a Major or Minor Cross. An exception to the setbacks from the Main Street is provided for interim off-street parking establishments approved through a Conditional Use Permit to serve surrounding commercial uses. Structured parking is allowed more broadly but must conform to the Active Commercial Building Frontage requirements that limit the amount of ground-level frontage that can be devoted to a parking garage. The proposed regulations include requirements for trees in surface parking lots as well as screening walls and landscaping where surface parking is located adjacent to Residential Districts.

Bicycle and vehicle parking ratios for non-residential uses in the Main Street Districts are proposed to be subject to the existing requirements of Table 20.190, Parking Spaces Required by Land Use, of the Zoning Ordinance. New parking ratios proposed specifically for residential uses in the Main Street Districts are shown in Table 4. The proposed minimum requirement for vehicle parking is 1.25 spaces per living unit regardless of unit size, a clear reduction from the minimum ratios that currently apply in Residential Zoning Districts (1.5 for a one-bedroom unit and 2.0 for a 3-bedroom unit) in recognition of the transit and pedestrian orientation.

Staff is additionally proposing an exception that can be granted through a development permit that allows a parking ratio as low as 0.8 spaces per living unit if the project promotes the efficient use of available parking or promotes safe pedestrian movements by providing one or more of the following:

- 1) a car share program; or
- 2) unbundled parking¹; or

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“Unbundled Parking” means parking that is for sale or lease to residents of a building separate from the sale or lease of living units within that residential building. Such provisions allow residents to choose whether to purchase one or more parking space and allows them to consider the cost of vehicle parking in decisions regarding buying or leasing a living unit.

- 3) parcel assemblage or shared access that eliminates or significantly reduces the driveways to the Main Street, thereby reducing parking demand by encouraging pedestrian modes of travel, or
- 4) a new pedestrian access to and from the Main Street that reduces vehicle parking demand by encouraging pedestrian modes of travel.

The proposed parking regulations include a maximum parking requirement of 2.0 spaces per unit. While this maximum is minimally restrictive, it signals that unlimited vehicle parking is contrary to the goals of pedestrian and transit-oriented development. Bicycle parking is proposed to be required at a ratio of one space per two living units, an increase over the one per four units currently applicable in other zoning districts. The proposed bicycle parking requirement supports the transit-oriented goals of the Main Street Districts by affording residents greater availability of convenient and secure bike storage facilities.

Table 4		
Multiple Dwellings in the Pedestrian Oriented Zoning Districts		
	Vehicle Parking Spaces	Bicycle Parking Spaces
Minimum Required Spaces	1.25 per Living Unit	1 per 2 Living Units
Maximum Required Spaces	2.0 per living unit	None

The proposed vehicle parking regulations for the Main Street Districts include an exception that can be granted through a development permit that allows up to a 30 percent reduction in the number of required parking spaces for commercial uses subject to specific findings including the following:

- 1) The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assemblage or shared access, thereby reducing parking demand by encouraging pedestrian modes of travel; or by providing a new pedestrian access to and from the Main Street that reduces vehicle parking demand by encouraging pedestrian modes of travel; or
- 2) The project promotes the efficient use of available parking by providing shared parking facilities.

This proposed exception cannot be used in conjunction with other parking reductions available for commercial uses, including the 50 percent parking reduction that is currently afforded specific ground-floor uses in a NBD. Staff is aware that reduced parking requirements for residential or office uses above the ground floor have the potential to result in overflow parking impacts on retail parking that is vital to the success of ground-floor businesses. For this reason, staff has included a finding requiring the decision-maker to consider whether this parking demand issue has been adequately addressed before approving a proposed parking reduction.

Vehicular Access

Vehicular access is of key importance to a Neighborhood Business District (NBD) with a main street design. Parcels within the NBDs are often relatively narrow so that a separate driveway to the main street for each parcel results in multiple vehicle crossings of the sidewalk, creating a less than ideal environment for pedestrians and resulting in gaps in the commercial building frontage along the street. The proposed Main Street regulations seek to provide incentives for parcel assemblage and shared access in order to reduce the number of driveway crossings of the Main Street Frontage, as discussed in the previous section. The regulations also require that primary access to a corner lot with a Main Street frontage be provided from the Major or Minor Cross Street and limit a vehicular driveway at the Main Street Frontage to a maximum of 20 feet in width. Such driveway width may be increased through a development permit only if the decision-maker finds that greater width is needed to accommodate loading or truck access.

Residential Permit and Open Space Requirements

The proposed regulations for the MS-G Main Street Ground Floor Commercial District, allow multiple-family residential uses above the ground floor, behind a commercial frontage and along Residential Street Frontages with a Conditional Use Permit. The limited residential mixed-use development permitted in the MS-C Main Street Commercial District also requires a Conditional Use Permit (CUP). These provisions significantly streamline the process for residential or mixed-use development which currently almost always requires a Planned Development Zoning and a subsequent Planned Development Permit. The Planning Commission would be the initial decision-maker for the CUP, which decision would be appealable to the City Council, whose decision is final.

The proposed Main Street District regulations establish minimum requirements for both private open space and common recreation space which are very similar to the open space requirements of the adopted Residential Design Guidelines. The proposed regulations require that fifty percent of the living units in a development include private open space averaging 60 square feet per unit and that each private open space have a minimum dimension of 6 feet. The proposed regulations require Common Useable Recreation Space at a rate of 100 square feet per living unit; 50 percent of such space may consist of indoor recreation space. The proposed regulations incorporate provisions that allow additional common recreation space to be provided instead of private open space and exempt projects of less than 20 units from the common recreation space requirements if each unit includes private open space. These provisions afford reasonable flexibility in meeting the requirements while ensuring that new developments include appropriate facilities to meet the recreational needs of their residents.

Legal Non-Conforming Uses

When a property is rezoned, any uses or buildings that were in conformance with all requirements in place at the time they were implemented, but that do not conform to the requirements of the new zoning district, become "legal non-conforming". Rezoning of an NBD area with one or both of the Main Street Districts will result in both legal non-conforming uses and legal non-conforming structures. Such uses and structures can remain indefinitely; expansion of a legal non-conforming use or structure is subject to approval of a Special Use Permit.

Conclusion

The proposed Main Street Zoning Districts offer a significant new tool for revitalizing the Alum Rock Study Area and other similar Main Street Neighborhood Business Districts by providing regulations that promote economically vital businesses, support transit, enhance the pedestrian environment, build on the unique qualities of individual neighborhoods, streamline the development review process and provide greater certainty for property owners and the community in regard to future development. The proposed Pedestrian Oriented Zoning District Chapter facilitates future development of other Zoning Districts to implement transit and pedestrian oriented development.

Next Steps

Should the City Council approve the proposed ordinance establishing the Main Street Zoning Districts, staff will proceed with steps necessary to rezone all or a portion of the Alum Rock Study Area. This will entail two additional concurrent steps:

- 1) Preparation of an ordinance establishing the Alum Rock NBD between King Road and Jackson Avenue as an area where the Main Street Zoning Districts can be applied and establishing street designations for the public streets within the proposed zoning boundary; and
- 2) Preparation of ordinances to rezone specific properties to one of the proposed Main Street Districts.

These ordinances will require additional public outreach and the development of legal descriptions delineating precise zoning district boundaries. Through the public outreach process staff will be seeking input from property owners and the community regarding the rezoning of specific areas and the timing of that rezoning. Staff will specifically be exploring whether the area in the vicinity of North Sunset Avenue, currently zoned for industrial uses, should be rezoned now or whether the industrial zoning would better serve existing industrial businesses in the near term. Staff will also be preparing diagrams illustrating the proposed Main Street District regulations for incorporation into the Zoning Ordinance. Contingent upon funding for preparation of the necessary legal descriptions, staff anticipates bringing forward the additional ordinances in mid-2011.

GENERAL PLAN CONFORMANCE

The proposed ordinance establishing a Pedestrian Oriented Zoning District Chapter and establishing the Main Street Districts within that Chapter supports the Economic Development Strategy of the San Jose 2020 General Plan, and furthers General Plan objectives for transit and pedestrian oriented development within the Main Street Neighborhood Business Districts.

ENVIRONMENTAL REVIEW

A Draft Negative Declaration was adopted by the Director of Planning on May 22, 2009, based on an Initial Study prepared for the proposed Alum Rock Form Base Zoning District and associated General Plan Amendments. That Initial Study assessed the impacts of the proposed zoning district and its application to the Alum Rock Study Area. The impact analysis considered the Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines which have served as the basis for the currently proposed Main Street Zoning Districts. An Addendum to the Negative Declaration addresses minor changes in the proposed development standards and concludes that the proposed ordinance will not result in any significant environmental impact. Future application of the proposed Main Street Zoning Districts to other Main Street Neighborhood Business Districts will require additional environmental review. (File No. PP09-012)

PUBLIC OUTREACH

A community meeting for the proposed Main Street Zoning Districts was held on November 8, 2010 at the Mexican Heritage Plaza on Alum Rock Avenue. A small number of community members attended the meeting. Comments included a request that this proposed ordinance be briefly discussed at the Neighborhood Commission Meeting of November 10, 2010 and concern that the proposed zoning does not adequately address pedestrian connections between the Main Street and adjacent residential neighborhoods. Staff will be briefly highlighting the proposed ordinance at the Neighborhood Commission Meeting and has made modifications to the proposed regulations to include an incentive for projects to provide safe and convenient pedestrian access to serve the surround neighborhood.

An additional community meeting geared to property owners and tenants of the Alum Rock Study Area (but open to the community at large) is scheduled for November 15, at 9:00 a.m. in Wing Room 120 of City Hall. A summary of the results of this meeting will be provided at the Planning Commission public hearing of November 17, 2010.

Notification of the November 8 community meeting and the public hearings before the Planning Commission and City Council was sent to a broad email list; notification of the community meetings and public hearings was mailed to property owners and tenants within the Alum Rock Study Area; and a public hearing notice for the proposed ordinance was published in the Post Record.

The proposed Main Street District regulations have been available for review on the City's website. This staff report and the proposed Main Street District regulations have been posted on the City website at <http://www.sanjoseca.gov/planning/zoning/zoning.asp>.

Staff received written comments on the proposed ordinance from Ken Miller, dated October 28, 2010 and from David Dudek, dated October 26, 2010 (see attached). These comments address street design, including the need for a bike lane on Alum Rock and the desirability of more extensive landscaping between the sidewalk and the street. The proposed Main Street District

regulations provide regulations for private property and do not address the design of the public right-of-way. The Department of Transportation has indicated that due to the competing objectives for the Alum Rock right-of-way within the Study Area (including the Bus Rapid Transit project), bike lanes are not currently proposed for this street. A bike lane is currently available on a parallel facility, San Antonio Avenue.

COORDINATION

This memo has been coordinated with the Redevelopment Agency, the Department of Transportation, the Housing Department, the Public Works Department, the Office of Economic Development and the City Attorney's Office.


JOSEPH HORWEDEL
Director, Department of Planning,
Building, and Code Enforcement

For questions please contact Carol Hamilton at 535-7837

Attachments:

Email from Ken Miller, dated October 28, 2010

Email from David Dudek, dated October 26, 2010

**DISCUSSION DRAFT OF PEDESTRIAN ORIENTED ZONING DISTRICT
REGULATIONS**

Revision Date: 11-10-10

Chapter 20 of the San Jose Municipal Code is amended to add a new Chapter to be numbered and entitled and to read as follows:

Chapter 20.75

PEDESTRIAN ORIENTED ZONING DISTRICTS

Part 1
General

20.75.010 Pedestrian Oriented Zoning Districts

- A. This Chapter sets forth the land use and development regulations applicable to the Pedestrian Oriented Zoning Districts established by Section 20.10.060.
- B. No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered in a Pedestrian Oriented District except as set forth in this Chapter.
- C. The Pedestrian Oriented Zoning Districts are intended to foster urban development that encourages pedestrian movements and supports transit, cycling and other alternatives to vehicular travel through: 1) design standards that place building mass at the street front and emphasize pedestrian connections while minimizing vehicular/pedestrian conflicts; and 2) land use regulations that provide a critical intensity and mix of uses.

20.75.020 MS Main Street Districts

A. Applicability

The MS Main Street Districts as established by Section 20.10.060 shall be applicable only to properties located within a Main Street Neighborhood Business District as identified by the San Jose 2020 General Plan.

B. Purpose

The MS Main Street Districts are intended to provide a pedestrian-oriented commercial shopping district with ground-floor retail along the Main Street in a configuration that supports transit and other alternative travel modes including bicycles, car share and vanpools. The MS Districts require transparent storefronts at the ground level to accommodate active commercial uses and orient buildings to a wide pedestrian zone that connects businesses along the street, allows for outdoor cafés, accommodates bicycle parking facilitates, provides access to transit and connects with pedestrian and bicycle facilities in the surrounding neighborhood.

1. MS-G Main Street Ground Floor Commercial District. The MS-G Main Street Ground Floor District is intended to provide a mix of commercial and residential uses integrated in a pedestrian-oriented design with a focus on active commercial uses at the ground level along the Main Street Frontage.
2. MS-C Main Street Commercial District. The MS-C Main Street Commercial District is intended to provide a concentration of primarily commercial uses within a pedestrian-oriented design, and allows a mix of commercial and residential uses only where such uses can be integrated on a large site in a pedestrian-oriented design that maximizes commercial opportunities.

C. Street Designations

1. Street Designations. The following street designations shall apply to streets within the Main Street Districts:
 - a. Main Street. The Main Street designation shall apply to the commercial street or streets which provide primary public access to the business district. Lots with frontage on and direct access to a Main Street shall be considered to have a Main Street Frontage.
 - b. Major Cross Street. The Major Cross Street designation shall apply to an arterial street that intersects the Main Street or to any other street that is primarily non-residential in character and where

commercial uses would generally be expected to front onto the street. Lots with frontage on and direct access to a Major Cross Street shall be considered to have a Major Cross Street Frontage.

c. Minor Cross Street. The Minor Cross Street designation shall apply to a neighborhood or neighborhood collector street that intersects the Main Street or to any other neighborhood street where commercial uses are appropriate. Lots with frontage on and direct access to a Minor Cross Street shall be considered to have a Minor Cross Street Frontage.

d. Residential Street. The Residential Street designation shall apply to a street that is primarily residential in character that does not intersect the Main Street. Lots with frontage on and direct access to a Residential Street shall be considered to have a Residential Street Frontage.

2. Street Hierarchy. The Street Designations in this Section are related to each other in a hierarchical manner as indicated below:

- a) First priority – Main Street
- b) Second priority – Major Cross Street
- c) Third priority – Minor Cross Street
- d) Forth priority – Residential Street

For a parcel with two or more street frontages, the higher priority street shall be considered the primary street and those regulations shall govern as identified in this Chapter.

Part 2

Development Regulations

20.75.100 Development Standards

All development in the Pedestrian Oriented Districts shall conform to the regulations set forth in this Part.

20.75.105 Lot Size

- A. The minimum lot size shall be 6,000 square feet.
- B. Notwithstanding, the provisions of Section 20.75.105.A, in the Pedestrian Oriented Districts, the minimum area of a lot, whose area as shown on a final subdivision map approved by the City, is less than the minimum required but not less than 5,000 square feet, shall be the area shown for such lot or parcel on such subdivision map.
- C. The minimum unit size for a non-residential condominium space shall conform to the requirements of Section 20.175.042.B.

20.75.110 Building Placement

- A. Building placement and building setbacks shall conform to the regulations set forth in Table 20-150.

<u>Table 20-150</u>			
<u>MS-G and MS-C Main Street Districts</u>			
<u>Required Build-to-Lines and Setbacks</u>			
<u>Regulations</u>	<u>Main Street or Major Cross Street Frontage</u>	<u>Minor Cross Street Frontage</u>	<u>Residential Street Frontage</u>
<u>Front build-to-line</u>	<u>5 ft. from front lot line</u>	<u>2 ft. from front lot line</u>	<u>n/a</u>
<u>Front setback</u>	<u>10 ft. maximum</u>	<u>10 ft maximum</u>	<u>10 ft. minimum</u> <u>15 ft. maximum</u>
<u>Percent of building façade that is required to be located on the build-to-line or set back no more than one (1)foot from the build-to-line¹</u>	<u>70% minimum</u>	<u>30% minimum</u>	<u>n/a</u>
<u>Side interior setback²</u>	<u>None</u>	<u>None</u>	<u>None or</u> <u>5 feet minimum</u>
<u>Setback from any lot line adjacent to a property located in a Residential Zoning District³</u>	<u>15 ft. minimum</u>	<u>15 ft. minimum</u>	<u>15 ft. minimum</u>

Setback from any other lot line	Conform to Building Code	Conform to Building Code	Conform to Building Code
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Notes:

1. [See Section 20.75.120.B.1.](#)
2. [See Section 20.75.120.B.5](#)
3. [See Section 20.75.120.B.4](#)

B. Building Placement Requirements and Exceptions

1. Building placement shall conform to the following:

- a. The front build-to-line shall apply to that portion of a building located below the elevation of the fifth finished floor.
- b. No portion of the building shall be located within the minimum setback area between the build-to-line and the street except as expressly allowed in Section 20.75.130.A.
- c. For purposes of calculating the percentage of building façade located at the build-to-line, a window that is inset from the surrounding building façade shall be assumed to be at the same plane as the surrounding building façade.

2. Notwithstanding the provisions of Table 20.150, in Section 20.75.100 the decision-maker may approve a building fronting onto a Main Street, Major Cross Street or Minor Cross Street Frontage with a front setback that is greater than the maximum front setback set forth in Table 20.150, based on a finding that a greater setback is needed in order to provide one or more recessed pedestrian entries or a pedestrian plaza, or to accommodate pedestrian ramps in a flood zone.

3. Notwithstanding the provisions of Table 20.150 in Section 20.75.100, the decision-maker may approve a building on a Main Street or Cross Street Frontage with less than seventy (70) percent of the building façade located at the building-to-line based on a finding that such a reduction is needed to accommodate recessed pedestrian entries at the ground level or residential balconies at the elevation of the second finished floor or above.

4. Notwithstanding the provisions of Table 20.150 in Section 20.75.110, no setback is required from that portion of a property situated in a Residential Zoning District that is located less than 100 feet from the Main Street.
5. Notwithstanding the provisions of Table 20.150 in Section 20.75.110, an interior side setback of less than five feet, but greater than zero, shall be allowed to accommodate Title 24 requirements regarding building expansion.

20.75.120 Setback Regulations

A. Front Build-to-Line Setback Requirements

1. Applicability. All development on lots with frontage on a Main Street, Major Cross Street or Minor Cross Street shall conform to the build-to-line and pedestrian zone setback requirements of this Subsection.
2. Purpose. The Pedestrian Zone consists of a minimum ten-foot sidewalk and a private property building setback . The regulations of this Section for the front building setback are intended to promote an active, safe and attractive pedestrian zone.
3. Pavement. The area between the sidewalk and the Build-to-line shall be paved to match the sidewalk.
4. Encroachments. The front setback area between the sidewalk and the build-to-line shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground and below the surface of the ground by all buildings, structures, fences, ramps, or equipment, except as follows:
 - a. Signs, lighting, sills, eaves, belt courses, cornices, canopies, awnings, and other similar architectural features located a minimum of eight (8) feet above grade; and
 - b. Walks and driveways for vehicular or pedestrian access to the lot that are at the same elevation as the adjacent public sidewalk; and

- c. Overhead wires necessary for utility service to a building on the lot; and
- d. Underground lines necessary for utility service to the site; and
- e. Utility structures located entirely below grade; and
- f. Planters or planting beds, extending not more than 18 inches into the setback area and no more than 18 inches in height above grade; and
- g. Movable tables, chairs, umbrellas, outdoor heaters, and retail displays; and
- h. Moveable partitions or planters to define an outdoor seating area subject to approval of a Development Permit or Permit Adjustment; and
- i. Bicycle racks; and
- j. Balconies located at or above the elevation of the third finished floor that project no more than three (3) feet into the minimum setback.

B. Requirements for All Other Setbacks

Except as otherwise expressly and specifically provided in Subsection 20.75.120.A, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all buildings or structures except as follows:

1. Lighting, sills, eaves, belt courses, cornices, canopies, awnings may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area; and
2. Overhead wires necessary for utility service to a building on the lot; and
3. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot; and

4. Walks and driveways for vehicular or pedestrian access to the lot provided that no part of any such walk or driveway situate in any setback area which abuts upon a public street shall be more than two feet above nor more than one foot below the surface grade of the public street on which such setback area abuts. As used in the preceding sentence "surface grade" shall mean the average grade at top of curb, or if there is no curb then at the centerline, of that linear portion of the public street which abuts such setback area; and

6. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may not be placed in a front setback area.

C. Stairs and Porches

Unenclosed porches, whether or not they are covered, may extend into the minimum front setback area of a Residential Street Frontage not more than five (5) feet, provided that such porches cover no more than fifty (50) percent of the setback area. Stairs that are uncovered and unenclosed may extend not more than eight (8) feet into the minimum setback area.

20.75.130 Building Frontage Requirements

A. Active Commercial Building Frontage and Residential Building Frontage shall be provided in conformance with the regulations set forth in Table 20-151.

<u>Table 20-151</u>	
<u>MS-G and MS-C Main Street Districts</u>	
<u>Building Frontage Requirements</u>	
<u>Lot Type</u>	<u>Minimum Required Active Ground-floor Commercial Building Frontage</u>
<u>Main Street Frontage</u>	
<u>Corner lots</u>	<u>65% of the first 100 linear feet of site frontage plus 75% of any additional site frontage beyond the first 100 linear feet</u>
<u>Interior lots – frontage of 100 linear feet or more</u>	<u>60% of the first 100 linear feet of site frontage and 75% of site frontage beyond the first 100 linear feet</u>
<u>Interior lots – frontage of less than 100 linear feet</u>	<u>50% of the first 50 linear feet of site frontage plus 70% of any additional site frontage between 50 and 100 linear feet</u>

<u>Major Cross Street Frontage</u>	
<u>Corner lots with Main Street frontage</u>	<u>25 linear feet of site frontage within 50 feet of the Main Street</u>
<u>All other lots</u>	<u>50% of the linear dimension of the site frontage</u>
<u>Minor Cross Street Frontage</u>	
<u>Corner lots with Main Street frontage</u>	<u>20 linear feet of site frontage within 50 feet of the Main Street</u>
<u>All other lots</u>	<u>50% of the linear dimension of the site frontage</u>
<u>Lot Type</u>	<u>Minimum Residential Building Frontage</u>
<u>Residential Street Frontage</u>	
<u>All lots</u>	<u>Any portion of a building located within fifty (50) feet of the public right-of-way of a Residential Street shall be designed for residential uses.</u>

B. Active Commercial Building Frontage Exceptions

1. The decision-maker may reduce the required active commercial building frontage for lots with less than 100 linear feet of frontage with a Development Permit based on a finding that:
 - a. Reduced active commercial building frontage is needed to allow for vehicular access to the site; and
 - b. Access cannot feasibly be provided through lot assembly or shared access though an adjacent site.
2. If the Director cannot make the findings required in Section 20.75.140.1, up to 2,000 square feet of building area shall be allowed with no on-site vehicle access or parking, provided the building area conforms to all other provisions of this Title.
3. The Active Commercial Building Frontage requirements shall not apply to an Off-Street Parking Establishment for which the Planning Commission or the City Council on appeal approves a Conditional Use Permit which finds that the Off-Street Parking Establishment is needed to serve commercial uses in the area on an interim basis until such time as the site is developed consistent with the Active Commercial Building Frontage requirements of this Chapter.

20.75.140 Requirements for Active Commercial Building Frontage Design

All Active Commercial Building Frontage required pursuant to Section 20.75.130 in the MS-G and MS-C Main Street Districts shall conform to the design requirements set forth in Table 20-152.

<u>Table 20-152</u>		
<u>MS-G and MS-C Main Street Districts</u>		
<u>Requirements for Active Commercial Building Frontage</u>		
<u>Requirements</u>	<u>Less than 8,000 sq. ft. of contiguous commercial space</u>	<u>8,000 or more sq. ft. of contiguous commercial space</u>
<u>Minimum height of first story¹</u>	<u>15 ft.</u>	<u>18 ft.</u>
<u>Minimum first floor commercial space depth²</u>	<u>45 ft.</u>	<u>60 ft.</u>
<u>Minimum glazing area</u>	<u>Building façades facing a street shall consist of storefronts with clear, un-tinted glass or other glazing material on at least seventy (70) percent of the surface area of the façade between a height of twelve (18) inches and ninety-six (96) inches³.</u>	
<u>Building entries</u>	<u>All ground level commercial space fronting on a street shall have a primary building entry situated along and accessible from the pedestrian zone. Buildings located on Corner Lots shall have a primary building entrance along and accessible from the Primary Street.</u>	

Notes:

1. “First story height” is the distance between the upper surface of the ground floor and the upper surface of the floor next above.
2. For a lot with two or more street frontages, this provision shall apply only to the primary street frontage as defined in Section 20.75.020.C.2. “Depth of a first floor commercial space” is the length of a line extending perpendicular to the street between the building wall located at the street frontage and the opposing building wall at the rear of the commercial space. The measurement shall be from the interior wall surfaces at grade and shall reflect the minimum distance between the opposing walls along 75% or more of their horizontal dimension.

20.75.150 Residential Frontage Design Requirements

All required Residential Building Frontage in the MS-G and MS-C Main Street Districts shall conform to the design requirements set forth in Table 20-153.

<u>Table 20-153</u> <u>MS-G and MS-C Main Street Districts</u> <u>Residential Building Frontage Design Requirements</u>	
<u>Requirements</u>	<u>MS-G</u>
<u>Elevation of First Finished Floor</u>	<u>Maximum of 48 inches above grade</u>
<u>Structured Parking on a Residential Building Frontage</u>	<u>Ventilation openings for partially below-grade parking shall not face a Residential Street.</u>
<u>Building Entries</u>	<u>A minimum of one (1) pedestrian building entry shall be provided to the street front for each 50 feet of Residential Street Frontage.</u>

20.75.160 Maximum Building Height

A. All buildings and structures in the MS-G and MS-C Main Street Districts shall be limited to the number of stories and maximum height as set forth in Table 20-154.

<u>Table 20-154</u> <u>MS-G and MS-C Main Street Districts</u> <u>Maximum Stories and Height</u>	
<u>Maximum Allowed Stories</u>	<u>5 stories above grade</u>
<u>Maximum Allowed Height¹</u>	<u>75 ft. above grade</u>
<u>Within fifty (50) ft. of property located in a Residential Zoning District allowing 8 units or less per acre²</u>	<u>35 ft. maximum height within 20 feet of the residentially zoned property, increasing by one (1) foot for every one (1) additional foot of setback</u>
<u>Within fifty (50) ft. of property located in a Residential Zoning District Allowing 9 to 30 units per acre²</u>	<u>45 ft. maximum height within 20 feet of the residentially zoned property, increasing by one (1) foot for every one (1) additional foot of setback</u>
<u>Within 40 feet of a Residential Street</u>	<u>40 ft. above grade</u>

Notes:

1. See Section 20.75.160.C

2. See Section 20.75.160.B

B. Notwithstanding the provisions of Table 20154 in Section 20.75.160, the decision-maker may increase the allowed height for that portion of a building or structure located within 50 feet of a Residential Zoning District with a Development Permit based on the following findings:

1. The property is not developed with a residential use; and
2. The orientation, location and elevation of the proposed building/s is compatible with adjacent development; and
3. The development conforms to all of the provisions of this Title.

C. Notwithstanding the provisions of Table 20,154 in Section 20.75.160, elevator shafts, roof equipment and other non-habitable building elements that do not exceed an area equal to **ten (10)** percent of the area of the top floor of the building, may extend to a height of 80 feet.

20.75.180 Residential Recreation Space Requirements

All residential development in the MS-G and MS-C Main Street Districts shall provide Useable Common Recreation Space in conformance with all of the requirements of this Section.

A. Useable Common Recreation Space shall be provided equal to one hundred (100) or more square feet per residential unit and shall:

1. Be accessible to all residents of the site; and
2. Provide a minimum horizontal dimension of fifteen (15) feet and a minimum contiguous area of 300 square feet; and
3. Be designed primarily for recreational use; and
4. Not include pedestrian circulation unless such circulation is integral to the recreational use of a larger outdoor recreation area, or the pedestrian facility is a jogging trail, exercise course or other facility that is primarily recreational in purpose.

B. Useable Common Recreation Space may include recreation space that is interior to a building if that interior recreation space conforms to the following additional requirements:

1. The entire area of the indoor space is designed exclusively for recreational use (including but not limited to swimming pools, work-out facilities, tennis courts or multi-use recreation rooms) and is available to all residents of the building or site; and
 2. The area of the indoor recreation space does not exceed fifty (50) percent of the total Useable Common Recreation Space required for the building or site.
- C. Private Open Space shall be provided equal to sixty (60) or more square feet per residential unit for a minimum of fifty (50) percent of the total residential units on the site. Private open space shall be directly accessible from the residential unit it serves and shall have a minimum horizontal dimension of six (6) feet.
- D. Notwithstanding the provision of Section 20.75.180.A, a residential development with twenty (20) residential units or fewer shall not be required to provide Useable Common Recreation Space, if Private Open Space is provided for every residential unit in the amount and with the configuration specified in Section 20.75.180.C.
- E. Notwithstanding the provisions of Section 20.75.180.C, the decision-maker may reduce the percentage of residential units required to have private open space to less than fifty percent of the total units through a Development Permit based on a finding that the Private Open Space that would otherwise be required has been replaced on that site on a one-for-one basis by additional Useable Common Recreation Space that is above and beyond the amount required in Section 20.75.180.A.

Part 3

Use Regulations

20.75.200 Allowed Uses and Permit Requirements

- A. “Permitted” land uses are indicated by a “P” on Table 20-155.
- B. “Conditional” uses are indicated by a “C” on Table 20-155. 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 as set forth in Chapter 20.100.
- C. “Special” uses are indicated by a “S” on Table 20-155. 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.
- D. “Administrative” uses are indicated by an “A” on Table 20-155. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not Permitted are indicated by a “-“ on Table 20-155. Land uses not listed on Table 20-155 are not Permitted.
- F. When the right column of Table 20-155 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 Jose Municipal Code.

Table 20.155 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts			MS-C	Applicable Sections & Notes
	MS-G				
	Active Commercial Building Frontage	Residential Building Frontage	All Other		

General Retail					
Retail sales, goods and merchandise	P	-	P	P	
Alcohol, off-site sales – beer and/or wine only	C	-	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	C	-	C	C	Section 20.80.900
Bakery, retail	P	-	P	P	
Food, beverage, groceries	P	-	P	P	
Nursery, plant	-	-	P	P	Note 1
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Pawn shop/broker	C	-	C	C	See Title 6
Seasonal sales	P	-	P	P	Part 14, Chapter 20.80*
Retail Art Studio	P	-	P	P	Part 13.7, Chapter 20.80
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	-	-	P	P	
Day care center	C	-	C	C	
Instructional art studios	P	-	P	P	
Instructional art studios, with live models	C	-	C	C	
Private Instruction, personal enrichment	P	-	P	P	
School- elementary and secondary (Public)	P	-	P	P	
School- elementary and secondary (Private)	C	-	C	C	
School, driving (class C & M license)	P	-	P	P	Note 2
School, post secondary	P	-	P	P	Note 3
School, trade and vocational	C	-	C	C	
Entertainment and Recreation Related					
Arcade, amusement	C	-	C	C	
Dancehall	C	-	C	C	
Poolroom/Billiards Establishment	C	-	C	C	
Private club or lodge	C	-	C	C	
Recreation, Commercial (indoor)	P	-	P	P	
Recreation, Commercial (outdoor)	-	-	C	C	

Relocated Cardroom	-	-	-	-	
Theatre, indoor	C	-	C	C	
Theatre, outdoor	-	-	C	C	
Assembly	C	-	C	C	
Food Services					
Banquet facility	C	-	C	C	
Caterer	P	-	P	P	Note 4
Drinking establishments	C	-	C	C	
Public eating establishments	P	-	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	P	-	P	P	Section 20.75.320
Wineries, Breweries	C	-	C	C	
Health and Veterinary Services					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	
Hospital/ in-patient facility	C	-	C	C	
Medical clinic/ out-patient facility	P	-	P	P	
Office, medical	P	-	P	P	
Veterinary clinic	P	-	P	P	
General Services					
Bed and Breakfast	-	-	P	P	Part 2, Chapter 20.80
Dry cleaner	P	-	P	P	
Hotel/motel	-	-	P	P	
Laundromat	P	-	P	P	
Maintenance and repair, small household appliances	P	-	P	P	
Messenger services	P	-	P	P	Note 2
Mortuary and funeral services	P	-	P	P	
Personal services	P	-	P	P	Section 20.200.880
Photo processing and developing	P	-	P	P	
Printing and publishing	P	-	P	P	
Offices and Financial Services					
Automatic Teller Machine	P	-	P	P	Section 20.80.200
Business Support	P	-	P	P	

Financial Institution	P	-	P	P	
Office, general business	P	-	P	P	
Public, Quasi-Public and Assembly Uses					
Cemetery	-	-	-	-	
Church/Religious Assembly	C	-	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	-	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	-	C	C	
Residential/Mixed Use					
Multiple dwellings	-	C	C	C-	Section 20.75.210
Residential accessory uses including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	-	P	P	P	Section 20.75.210
Home Occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed Use/Ground floor commercial with residential above	C	-	C	C	Section 20.75.210
Emergency residential shelter	-	-	-	-	Section 20.80.500
Live/Work	C	-	S	-	Part 9.75, Chapter 20.80 & 20.75.210
Residential Care Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Service Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Care Facility for seven or more persons	-	C	C	C	Section 20.75.210
Residential Service Facility for seven or more persons	-	C	C	C	Section 20.75.210
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	Section 20.75.330
Recycling Uses					
Reverse vending	A	-	A	A	Deleted: P
Small collection facility	A	-	A	A	
Transportation and Utilities					
Data Center	-	-	-	-	

Deleted: Single Room Occupancy Hotel ... [1]

Deleted: P

Community television antenna systems	-	-	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	-	C	C	Section 20.75.140.D
Utility Structures	A	A	A	A	Part 19, Chapter 20.80 and Section 20.75.130.A
Utility facilities, excluding corporation yards, storage or repair yards and warehouses.	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	-	
Short term parking lot for uses or events other than on-site	-	-	C	C	Note 6
Wireless communication antenna	-	-	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	-	-	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	-	-	C	C	Note 2
Co-Generation Facility	S	-	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	S	A	A	
Facilities that do exceed noise or air standards	C	-	C	C	
Temporary Stand-by/Backup	P	-	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks, indoors	P	-	P	P	
Auto broker, wholesale, no on-site storage	P	-	P	P	
Car wash, detailing	-	-	-	-	

Gas or charge station	-	-	-	-	
Gas or charge station with incidental service and repair	-	-	-	-	
Glass sales, installation and tinting	P	-	P	P	Note 10
Sale or lease, commercial vehicles	-	-	-	-	Note 10
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles, indoors	S	-	S	S	Note 9, Note 10
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	S	-	S	S	Note 2
Sale, vehicle parts	S	-	S	S	Note 8
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	S-	-	S	S	Note 7 , Note 10
Historic Reuse					
Historic Landmark Structure Reuse	S	C	S	S	Part 8.5 Chapter 20.80

Notes:

- (1) Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) All uses involving any type of care for animals, including but not limited to grooming, boarding, or medical care must be conducted wholly inside a building.
- (6) Use must be less than twenty-four (24) hours.
- (7) Non engine and exhaust related service and repair allowed as incidental.
- (8) No outdoor sales areas or dismantling allowed.
- (9) Incidental repair of vehicles is prohibited.
- (10) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

20.75.210 Mixed Use Development in the MS-C District

Residential uses in the MS-C District shall only be allowed in a vertical mixed-use configuration under a single Development Permit covering a minimum site area of eight acres.

Part 4 **General Regulations**

20.75.300 Late Night Use and Activity

- A. No establishment other than office uses, in any Pedestrian Oriented District shall be open between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.
- B. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty (150) feet of any residential use between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

20.75.310 Permanent Structure Required

No use shall be deemed to be a Permitted use on a site in any Pedestrian Oriented Zoning District unless it is being conducted as part of a business which maintains on that site a permanent, fully enclosed building erected pursuant to a valid building Permit issued for that site, excepting only those uses specifically Permitted, under this Part or this Title, to operate without a permanent building on site.

20.75.320 Outdoor Uses within 150 Feet of Residentially Zoned Property

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the lot on which such buildings are located is situate within one hundred fifty (150) feet of residentially zoned property situate within or outside the City except with a Special Use Permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 4, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians both of which are associated with financial institutions.
- C. Ice, candy, food, and soft drinks dispensed from self-service, coin-operated automatic vending machines.
- D. Plant nursery sales.
- E. Outdoor dining incidental to a public eating establishment or a retail establishment that conforms to all of the following criteria:
 - 1. The outdoor dining area is located within one hundred (100) feet of the Main Street or is completely separated from any property located in a Residential Zoning District by a minimum distance of fifty (50) feet; and
 - 2. The outdoor dining area does not include any equipment to produce any amplified sound; and
 - 3. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.
 - 4. The outdoor dining area is operated in a manner that does not create a private or public nuisance.

20.75.330 Drive Through Uses

No service window for a drive-through use shall be located within 100 feet of the Main Street.

20.75.340 Residential Uses - Prohibition on Provision of Services to Nonresidents

No residential use which includes the provision of service to residents may offer services to nonresidents.

20.75.350 Lighting

- A. All lighting or illumination shall conform with any lighting policy adopted by the City Council.
- B. No ground mounted light fixture shall exceed twenty-five (25) feet in height.
- C. Any lighting located adjacent to riparian areas shall be directed downward and away from riparian areas.

20.75.360 Lighting Adjacent to Residential Properties

Any and all lighting facilities hereafter erected, constructed, or used in connection with any use conducted on any property situate adjacent to a site or lot used for residential purposes shall be arranged and shielded that all light will be reflected away from any residential use so that there will be no glare which will cause unreasonable annoyance to occupants of such property, or otherwise interfere with the public health, safety, or welfare.

20.75.370 Screening Adjacent to Residentially Zoned Properties

Any use conducted on any property shall be effectively screened at the property line from any abutting property in a Residential District. The screening required hereby shall be a masonry wall or a solid wooden fence five (5) feet in height, except that any portion thereof situate in the required setback area from abutting public streets shall be not more than four (4) feet; and in the event such use includes any outdoor activity, such screening shall also include such trees or plants as the Director deems reasonable necessary to effectively screen such use from the adjoining Residential District. Such screening shall at all times be maintained in good condition and be kept free at all times of signs. In addition, where a use involving outdoor activity is on a lot or parcel adjoining a Residential District, such lot or parcel shall be landscaped in a manner approved by the Director.

Part 5
Performance Standards

20.40.400 Performance Standards

A. In the Pedestrian Oriented Zoning Districts, no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:

1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or

2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or

3. In a manner that creates a public or private nuisance.

B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the Pedestrian Oriented Zoning Districts:

1. Air Pollution

Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the Director of Planning.

2. Vibration

There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to add a new Part to be numbered and entitled and to read in its entirety as follows:

Part 9.75

Live/Work Units

20.80.760 Live/Work Units.

Any Conditional Use Permit or Special Use Permit issued for live-work uses shall be subject to the following criteria:

A. Only owners or employees of the business associated with the live/work unit may occupy the living unit portion; and

- B. The live/work unit complies with Title 24 of the San Jose Municipal Code.

Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to add a new Part to be numbered and entitled and to read in its entirety as follows:

Part 13.7
Retail Art Studio

20.80.1175 Retail Art Studio.

A. Retail art studios are a Permitted Use in the CP Commercial Pedestrian, CN Commercial Neighborhood, CG Commercial General, MS-G Main Street Ground Floor Commercial, MS-C Main Street Commercial, DC Downtown Primary Commercial and DC-NT1 Downtown Commercial Neighborhood Transition 1 Districts only if all of the following criteria are met:

1. The use is located on the ground floor of a building; and
2. A maximum of one thousand five hundred (1,500) square feet of the total floor area is devoted to manufacturing of artistic items, and shall be contiguous to the area of retail sales use; and
3. A minimum of twenty percent (20%) of the total floor area shall be devoted to retail sales; and
4. All activities, except for retail sales and display in conformance with Section 20.40.520 or Section 20.75.320, shall be conducted in a fully enclosed building; and
5. The use shall conform to all applicable building and fire code regulations of the City of San Jose.

B. A retail art studio that does not conform to all of the requirements set forth in Section 20.80.1175(A) may be allowed through the approval of a Special Use Permit.

Section 20.90.010 of Chapter 20.90 of Title 20 of the San José Municipal Code is

hereby amended to read as follows:

20.90.010 **Purpose**

The purpose of this Chapter is to:

- A. Promote adequate off-street vehicle parking and off-street vehicle loading to meet the needs generated by a specific use and promote the efficient utilization of off-street parking facilities.
- B. Promote effective vehicle circulation, reduce congestion, increase safety and aesthetics within the off-street parking and off-street loading areas.
- C. Promote proper siting of the off-street vehicle parking or off-street loading areas to mitigate potential adverse impacts on adjacent land uses.
- D. Encourage the use of alternative modes of transportation and reduce trips by establishing standards for on-site shower and changing rooms.
- E. Ensure access and maneuverability for emergency vehicles.
- F. Encourage bicycles as an alternative mode of transportation by providing adequate, convenient, and secure bicycle parking facilities to meet the needs generated by specific uses.

Section 20.90.010 of Chapter 20.90 of Title 20 of the San José Municipal Code is

hereby amended to read as follows:

20.90.060 **Number of Parking Spaces Required**

- A. Number of Off-Street Vehicle Spaces Required:

1. All parking requirements in Table 20-190 are minimums unless otherwise specified. Each land use shall provide, on site, at least the minimum number of vehicle parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.
2. All required parking shall be made available to residents, patrons and employees of a use on the site.
3. All vehicle parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a Development Permit may:
 - a. Authorize all off-street vehicle parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
 - b. Allow up to forty (40) percent of the off-street vehicle parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required vehicle off-street parking spaces shall be standard car space as defined in Section 20. 90.100.
4. If the number of off-street vehicle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
5. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing vehicle off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.
6. The minimum number of vehicle off-street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which vehicle off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which vehicle off-street parking requirements are specified shall apply.

7. When two or more uses are located in the same lot or parcel of land or within the same building, the number of vehicle off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses.

B. Number of Bicycle Parking Spaces Required:

1. The minimum number of bicycle parking spaces required for uses permitted under this Title is set forth in Table 20-190.
2. Except as otherwise expressly permitted in this Chapter, the minimum number of bicycle parking spaces required under this Title shall be provided on private property on a parcel or development site in an area, other than a public street, public way, or other public property, permanently reserved or set aside for bicycle parking spaces.
3. A minimum of two (2) short-term bicycle parking spaces and one (1) long-term bicycle parking space shall be provided for each site that has a non-residential use set forth in Table 20-190.
4. If the number of bicycle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.

Table 20-190			
Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Agriculture and Resource Uses			
Agriculture and Resource Uses	1 per employee	Note 6	1 per 10 full-time employees
Drive-Through Uses			
Drive-through in conjunction with any use	No additional parking required		<u>none</u>
Education and Training			
Day care center	1 per 6 children, up to 5 spaces and	Note 6	1 per 10 full-time

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	thereafter 1 per 10 children (includes employee parking)		employees and children
Instructional studios	1 per 150 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private Instruction, personal enrichment	1 per 3 students, plus 1 per staff	Note 6	1 per 10 students and full-time employees
School- elementary (K-8)	1 per teacher, plus 1 per employee	Note 6	1 per 10 full-time employees plus 6 per classroom
School- secondary (9-12)	1 per teacher, plus 1 per employee, plus 1 per 5 students	Note 6	1 per 10 full-time employees plus 10 per classroom
School, post secondary	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
School, trade and vocational	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
Entertainment and Recreation			
Arcade, amusement	1 per 200 sq. ft of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Batting Cages	1 per station, plus 1 per employee	Note 6	1 per 10 full-time employees plus one per 6 stations
Bowling establishment	7 per lane	Note 6	1 per 2 lanes
Dancehall	1 per 40 sq. ft. open to public	Note 6	1 per 3,000 sq. ft. of floor area
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 10 tees
Golf course	8 per golf hole, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			per 2 golf holes
Health club, gymnasium	1 per 80 sq. ft. recreational space	Note 6	1 per 1,600 sq. ft. of recreational space
Miniature golf	1.25 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 6 tees
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220(E)	1 per 4,000 sq. ft. of floor area
Poolroom	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats on the premises, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Recreation, Commercial (indoor)	1 per 80 sq. ft. of recreational area	Note 6	1 per 1,600 sq. ft. of recreational area
Recreation, Commercial (outdoor)	20 per acre of site	Note 6	2 per acre of site
Relocated Cardroom	1 per 40 sq. ft. of area	Note 6	1 per 800 sq. ft.

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	devoted to card games		area devoted to card games
Skating rink	1 per 50 sq. ft. of floor area	Note 6	1 per 1,000 sq. ft. of floor area
Swim and tennis club	1 per 500 sq. ft. of recreation area	Note 6	1 per 5,000 sq. ft. of recreation area
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	Note 6	1 per 45 seats in theaters with 1-3 screens; 1 per 50 seats with 4+ screens
Motion picture theatre, outdoor	1 per 300 sq. ft.	Note 6	1 per 3,000 sq. ft.
Theaters, Auditoriums, Sports Arenas, and Stadiums-- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of area used for assembly	Note 6	1 per 60 fixed seats on the premises, plus 1 per 100 linear feet of fixed benches, or 1 per 450 sq. ft. of area used for assembly
Food Services			
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 6	1 per 50 seats or 1 per 800 square feet of dining area, whichever requires the greater number of parking spaces
Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			greater number of parking spaces
Caterer w/no public interface	1 per 250 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3, Note 6	1 per 800 sq. ft. of area open to the public
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 for seats over 25	Note 6	1 space per 50 seats
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Take-out Only Establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3, Note 6	1 per 750 sq. ft. of area open to the public
General Retail			
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter 20.80, Note 6	1 per 4,000 sq. ft. of floor area
Auction house	1 per 2 seats, or 1 per 50 sq. ft. of	Note 6	1 per 5,000 sq. ft.

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	auction area exclusive of warehouse area		of floor area
Food, beverage, groceries	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Plant nursery	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Open air sales establishments and areas	1 per 200 sq. ft. of sales area	Note 6	1 per 3,000 sq. ft. of sales area
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80, Note 6	2 parking spaces
Pawn shop/broker	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Retail sales, goods and merchandise	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3, Note 6	1 per 4,000 sq. ft. of floor area
Retail art studio	1 space per 200 sq. ft. of retail area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Sales, appliances, industrial equipment, and machinery	1 per 1000 sq. ft. of floor area	Note 6	1 per 10,000 sq. ft. of floor area
Neighborhood Shopping Center (minimum 100,000 sq. ft. in size), includes a mix of permitted and conditional uses	1 per 225 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			Development Permit
General Services			
Bed and Breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	Note 6	1 per space plus 1 per 10 guest rooms
Crematory	1 per full-time employee	Note 6	1 per 10 full-time employees
Dry cleaner	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220(C), Note 6	1 space plus 1 per 10 guest rooms
Laundromat	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Messenger services	1 per 200 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Mortuary, excluding funeral services	1 per full-time employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Personal services	1 per 200 sq. ft. of floor area	Note 3	1 per 3,000 sq. ft. of floor area
Photo processing and developing	1 per 200 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	Note 6	1 per 5,000 sq. ft. of floor area
Social Service Agency	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Health and Veterinary Services			

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Animal grooming	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Emergency Ambulance Station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Hospital per in-patient facility	1 per 2.5 beds	Note 6	1 per 25 beds
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Medical, dental and health practitioner	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Veterinary clinic	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Industry			
Catalog and mail order house	1 per 250 sq. ft. of floor area of office space plus, plus 1 per 1000 sq. ft. of floor area of warehouse and distribution area	Note 6	1 per 4,000 sq. ft. of floor area
Commercial Support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Distribution facility	A minimum of two (2) for facilities with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for facilities with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for facilities with a total gross floor area in excess of twenty-five thousand (25,000) sq. ft. a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Hazardous waste facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Industrial Services	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Junkyard	1 per employee	Note 6	1 per 10 full-time employees
Laboratory	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Manufacturing and Assembly, Light, Medium, Heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 5,000 sq. ft. of floor area
Miniwarehouse/ministorage	1 per 5,000 sq. ft. of floor area, plus 1 per resident manager	Note 4, Note 6	1 per 10 full-time employees
Outdoor storage	1 per employee	Note 6	1 per 10 full-time employees

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Private power generation	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Research and Development	1 per 350 sq. ft. of floor area	Note 6	1 per 5000 sq. ft.
Stockyard, including slaughter	1 per employee	Note 6	1 per 10 full-time employees
Warehouse	A minimum of two (2) for warehouses with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for warehouses with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for warehouses in excess of twenty-five thousand (25,000) sq. ft. of total gross floor area a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees
Warehouse retail	Minimum 1 per 2,000 sq. ft. of floor area; maximum 1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 20,000 sq. ft. of floor area
Offices and Financial Services			
Automatic Teller Machine (Free standing)	2 per machine	Note 6	1 per 10 machines
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, business and administrative	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Offices, research and development	1 per 300 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	Note 6	1 per 4,000 sq. ft. of floor area
Public, Quasi-Public and Assembly Uses			
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees
Church/Religious Assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship.
Community television antenna systems	1 per company vehicle	Note 6	1 per 10 full-time employees
Museums and libraries	1 per 300 sq. ft. of area open to the public	Note 6	1 per 4,000 sq. ft. of floor area open to the public
Parks and playgrounds	1 per 500 sq. ft.	Note 6	1 per 5,000 sq. ft. of outdoor recreation space

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Recycling Uses			
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Small collection facility	1 per attendant	Note 6	1 per 10 full-time employees
Residential			
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220(C), Note 6	1 per 5,000 sq. ft. of floor area
Guesthouse	1 per guest room, plus 1 per each employee	Note 6	1 per 10 guest rooms plus 1 per 10 full-time employees

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Live/Work	No additional parking required above what is required for commercial use parking	Note 6	1 per 5,000 sq. ft. of floor area
Living quarters, custodian, caretakers	1 per living unit	Note 6	1 per 10 living units
Mixed Use/Ground floor commercial with residential above	Respective commercial and residential parking requirements combined	Note 6	
Multiple dwelling	See Table 20-210, required parking is determined by the type of parking facility and the number of bedrooms		See Table 20-210
One family dwelling	2 covered	Note 5 and Section 20.90.220(B)	none
Residential Care or Service Facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220(C), Note 6	1 per 10 full-time employees
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	Note 6	1 per 10 full-time employees

Table 20-190

Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
SRO Facilities within 2,000 ft. of public transportation		Note 6	1 per SRO unit
SRO Residential Hotels	.25 per SRO unit		
SRO Living Unit Facilities with shared kitchen and bathroom facilities	.25 per SRO unit		
SRO Living Unit Facilities with partial or full kitchen and bathroom facilities	1 per SRO unit		
SRO Facilities not within 2,000 ft. of public transportation	1 per SRO unit	Note 6	1 per SRO unit
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	Note 6	1 per guest room plus 1 per 10 full-time employees
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit		none
Travel Trailer Parks	1 per employee	Note 6	1 per 10 full-time employees
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		none
Transportation and Utilities			
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 sq. ft. of floor area, or fraction thereof, devoted to computer equipment space	Note 6	1 per 5,000 sq. ft. of office/meeting/technician work space, plus 1 for each 50,000 sq. ft. of floor area, or fraction thereof devoted to computer equipment space
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	Note 6	1 per 5,000 sq. ft. of space devoted to office use
Wireless communication antenna	1 per site	Note 6	1 per site
Vehicle Related Uses			
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Auto broker, retail w/on-site storage	See Vehicle sales and leasing	Note 6	1 per 10 full-time employees
Auto broker, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Car wash	1 per employee, plus stacking as follows: self service - 5 cars per lane full service - 15 cars (may be in multiple lanes)	Note 2, Note 6	1 per 10 full-time employees
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees

Table 20-190			
Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Sale or lease of vehicles	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay	Note 6	1 plus 1 per 10 full-time employees
Exclusively indoors sales	1 per 200 sq. ft.		
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	Note 6	1 plus 1 per 10 full-time employees
Sale, vehicle parts	1 per 200 sq. ft. of floor area	Note 6	1 plus 1 per 10 full-time employees
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 plus 1 per 10 full-time employees
Tow yard	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Vehicle wrecking, including sales of parts	1 per employee	Note 6	1 per 10 full-time employees

Notes:

1. A covenant of easement is required when multiple parcels are involved.
2. Stacking shall be calculated at twenty (20) feet per car.
3. Parking for uses of this type located within a Neighborhood Business District and meeting all of the requirements set forth in Section 20.90.220(C), may be reduced as specified in Section 20.90.220(C).

4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220(D) may be reduced as specified in Section 20.90.220(D).
5. Covered parking may include carports or garages.
6. When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage or other criteria in the table, at least eighty percent (80%) of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty percent (20%) shall be provided in long-term bicycle facilities.

Table 20-200			
Two-family Dwelling			
Living Unit Size	Type of Parking Facility		
	All Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.5	2.0
1 Bedroom	1.5	2.0	2.0
2 Bedroom	2.0	2.0	2.0
3 Bedroom	2.0	2.0	2.0
Each Additional Bedroom	0.25	0.25	0.25

Table 20-210				
Multiple Dwelling				
Living Unit Size	Type of Parking Facility			
	All Open Vehicle Parking	One-Car Garage	Two-Car Garage	<u>Bicycle Parking Spaces</u> ^{Note 1}
0 Bedroom (Studio)	1.5	1.6	2.2	1 per 4 Living Units
1 Bedroom	1.5	1.7	2.3	1 per 4 Living Units
2 Bedroom	1.8	2.0	2.5	1 per 4 Living Units
3 Bedroom	2.0	2.2	2.6	1 per 4 Living Units
Each Additional Bedroom	0.15	0.15	0.15	1 per 4 Living Units

Note 1: Bicycle parking spaces shall consist of at least 60% long-term and most 40% short-term spaces.

Notwithstanding the provisions of Table 20.210, off-street parking for multiple dwellings in the Pedestrian Oriented Zoning Districts shall conform to the requirements of Table 20-211.

Table 20-211		
Multiple Dwellings in the Pedestrian Oriented Zoning Districts		
	<u>Vehicle Parking Spaces</u>	<u>Bicycle Parking Spaces</u>
<u>Minimum Required Spaces²</u>	<u>1.25 per Living Unit</u>	<u>1 per 2 Living Units</u>
<u>Maximum Required Spaces</u>	<u>2.0 per living unit</u>	<u>None</u>

Note 1: If tandem parking is provided, any residential unit utilizing tandem parking shall have a parking requirement of two vehicle parking spaces.

Table 20-215	
Clean Air Vehicles	
<u>For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:</u>	
Total Number of Parking Spaces	Clean Air Vehicle Parking Spaces
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
201+	At least 8% of total

Section 20.90.120 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.120 Setbacks, Screening and Landscaping

A. No off-street vehicle parking space or off-street loading space shall be located

within any side or front setback area required by other provisions of this Title.

B. In no event shall the setback for any vehicle parking area consisting of six or more parking spaces located in, or adjoining, any Residential District be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel.

C. In the Main Street Districts the following additional provisions shall apply:

:

1. At-grade parking that is not fully enclosed within a building shall be set back fifty (50) feet or more from the Main Street, except that an Interim Off-Street Parking Establishment in conformance with the requirements of Table 20-155 may be located within 50 feet of the Main Street.
2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of 5 feet from any Minor or Major Cross Street, which setback area shall be landscaped and shall be maintained in good condition at all times.
3. If at-grade parking that is not fully enclosed within a building includes six (6) or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are directly opposite any lot in a Residential Zoning District by a masonry wall or solid wood fence no less than 5 feet in height.
4. At grade parking areas not located within a structure shall include one tree for every four parking space.
5. Parking structures shall not be located within fifty (50) feet of the Main Street unless they are submerged below grade or are integrated within buildings that conform to the Active Commercial Building Frontage requirements of Section 20.75.130.

Section 20.90.130 of Chapter 20.90 of Title 20 of the San José Municipal Code is

hereby amended to read as follows:

20.90.130 **Driveways**

Each off-street vehicle parking space shall be provided with:

- A. A driveway not less than ten (10) feet wide for ingress and egress; and
- B. A maneuvering area, such as an aisle or driveway, of appropriate dimension and design to provide safe and efficient means of entry and exit by automobiles and other motor vehicles; and
- C. For all lots with a one-family dwelling use, unless otherwise provided in this Title, a driveway not less than twenty-three (23) feet long measured at its shortest side.

D. Notwithstanding any other provisions of this Title, in a Main Street District, driveways providing vehicular access to a Main Street shall be no more than twenty (20) feet in width at the minimum building setback line, except that the decision-maker may approve a wider driveway through a Development Permit based on a finding that greater width is needed to accommodate loading or other truck access.

E. Primary vehicular access for a Corner Lot in a Main Street District shall not be provided from the Main Street Frontage.

Section 20.90.180 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.180 Disabled Parking Standards

All disabled parking shall conform to the applicable requirements of Title 24 of the San Jose Municipal Code.

Section 20.90.210 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.210 Vehicle Parking - Change in Structure or Use

- A. No structure constructed, or use instituted, prior to November 10, 1965 shall be required to meet the off-street parking requirements of this Title unless there is a substantial change in the structure or in the use of the structure or land.

For purposes of this Section, "change" means any enlargement, conversion or alteration in structure or use. A "substantial change" means more than a forty (40) percent difference between (a) and (b), as follows: (a) the number of parking spaces required under current Code for the structure or use, as it existed on November 10, 1965, and (b) the number of parking spaces required under the current Code for the proposed structure or use. [Substantial Change: $b - a = c$, if $c/a > .40$ (40%)]

1. If the change is not a substantial change, no additional off-street parking is required.
 2. If the change is a substantial change, the current off-street parking requirements shall apply to the entire structure or use.
- B. Except as provided by Section for the Downtown Parking Management Zone, any structure constructed after November 10, 1965 which is changed shall be required to meet and maintain the off-street parking requirements for the entire structure or use.

Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.90.220 Reduction in Required Off-Street Vehicle Parking Spaces

- A. Alternative Transportation
1. A reduction in the required off-street vehicle parking spaces of up to ten percent (10%) may be authorized with a Development Permit or a Development Exception if no Development Permit is required, for structures or uses that conform to all of the following:

- a. The structure or use is located within 2,000 feet of a proposed or an existing rail station, or an area designated as neighborhood business district in the City's General Plan; and
 - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20.90.
2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent (10%) or up to two (2) off-street vehicle parking spaces, whichever is less, may be authorized with a Development Permit or a Development Exception if no Development Permit is required for a particular use, for non-residential uses in conformance with the following:
 - a. In addition to the off-street bicycle parking spaces required for the structure or use, ten (10) off-street bicycle parking spaces consisting of bicycle racks or five (5) off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every one (1) required off-street vehicle parking space that is reduced; and
 - b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

B. One-family Dwellings

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling occupies the lot; and
 - c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line when the garage is accessed via a curb cut from the front property line and forty (40) feet from the side corner property line when the garage is accessed via a curb cut from the corner side property line; and
 - d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
 - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
 - f. No additional paving in the front setback shall be designated or used for parking; and
 - g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
 - h. The covered parking structure shall meet all other applicable regulations of this Title.

C. Ground Floor Uses in Neighborhood Business Districts

1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one (1) space per four hundred (400) square feet of floor area, provided all of the following requirements are met:

- a. The site is designated on the San José 2020 General Plan Land Use Transportation Diagram with the Neighborhood Business District Overlay, and
- b. The use is located on the ground floor of a building, and
- c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this Chapter

D. Multiple Family Residential in the Main Street Districts

The decision-maker may reduce the required vehicle parking spaces for a multiple family residential use in the Pedestrian Oriented Zoning Districts with a Development Permit based on the following findings:

1. The project includes one of the following options:
 - a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood and
2. The project does not include a parking reduction pursuant to Section 20.90.220.G; and
3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures adequate parking for ground-floor commercial uses; and

4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit; and

E. Non-residential Uses in a Main Street District

The decision-maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty (30) percent with a Development Permit based on the following findings:

1. The project achieves one of the following:
 - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
 - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220.A or 20.90.220.C of this Title; and
3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures adequate parking for ground-floor commercial uses.

F. Miniwarehouse/Ministorage

1. A reduction in the required off-street parking may be authorized with a Development Permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
 - a. Buildings are single story, and

- b. Loading spaces are available directly adjacent to those storage units contained in the single-story building.

G. Other Uses

- 1. A reduction in the required off-street parking for SROs, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, senior housing uses, indoor recreation uses, performing arts rehearsal space uses, and performing arts rehearsal space uses may be approved with a Development Permit provided that such approval is based upon the findings in Subsection B of Section 20.90.200.

20.90.230 **Off-Street Parking Assessment District**

- A. Whenever the City Council has undertaken proceedings for the formation of an Off-street Parking Assessment District, the City Council may, by resolution, exempt the territory within such District from the off-street parking requirements set forth in this Chapter 20.90, or modify such requirements as appropriate.
- B. No such exemption or modification of the off-street parking requirements may be approved unless and until the Off-street Parking Assessment District has been formed.
- C. The City Council may at any time, by resolution, terminate any such exemption or modification if the Council determines that the purposes of the Off-street Parking Assessment District will not be achieved.

Section 20.90.410 of Chapter 20.90 of the San Jose Municipal Code is amended to read as follows:

20.90.410 **Required Off-Street Loading Spaces**

- A. Any building, or part thereof, constructed, erected, or moved within or onto any lot or parcel of land in any district for any use as described in subsection B,

having a floor area of ten thousand (10,000) square feet or more shall provide at a minimum one (1) off-street loading space, plus one (1) additional such loading space for each twenty thousand (20,000) square feet of floor area.

- B. This section shall apply to buildings intended for use by a manufacturing plant, storage facility, warehouse facility, goods display facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use or uses similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise; and
- C. Such off-street loading space(s) shall be maintained during the existence of the building or use they are required to serve.
- D. Notwithstanding other requirements of this Section, the decision-maker may approve a development with no on-street loading space based on a finding that the project includes adequate provision for loading taking into consideration the nature of the allowed uses, the configuration of buildings and their relationship to the street.

Section 20.175.042 of Chapter 20.175 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.175.042 Minimum Nonresidential Condominium Unit Sizes

- A. For parcels within the New Edenvale Area as defined in the Nineteenth Amended Edenvale Redevelopment Plan adopted on June 15, 1999 and referred to therein as the “Expansion Area”, the minimum unit size for non-residential condominium units shall be ten thousand (10,000) square feet.
- B. For parcels within the MS-Main Street Ground Floor Commercial District and the MS-C Main Street Commercial District, the minimum unit size for non-residential condominiums shall be four thousand (4,000) square feet.
- C. For all other parcels in the City, the minimum unit size for nonresidential condominium units shall be seven hundred fifty (750) square feet.

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

20.200.35 Active Commercial Building Frontage

“Active Commercial Building Frontage” means building space adjacent to a street at the ground level of a building that is designed for retail or other customer-oriented commercial use. Such space shall not include vehicle parking, service areas, utility facilities, residential uses, or residential support uses such as lobbies, laundry rooms or work-out facilities.

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

20.200.162 Building Façade

“Building Façade” means that exterior surface of a building facing a street or plaza.

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

20.200.164 Building Frontage

“Building Frontage” means that portion of a building located adjacent to a street.

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

20.200.166 Build-to-line

“Build-to-line” means a line parallel to the front property line that designates the location for the façade of a building. For a corner lot in the Pedestrian Oriented Zoning Districts, the build-to-line for the primary street shall extend to the intersecting street.

Section 20.200.670 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is amended to read as follows:

20.200.670 Lot, Corner

A. A corner lot is a lot having at least two frontages on intersecting streets; and

1. A residential corner lot is a lot in a residential district on a corner fronting not more than one hundred twenty (120) feet on one street and not more than one hundred twenty (120) feet on another. If both of the street frontages exceed the specified frontage widths, the lot is considered to have two front property lines.
2. A commercial corner lot is a lot in a commercial zoning district on a corner fronting not more than one hundred fifty (150) feet on one street and not more than one hundred fifty 150 feet on another. If both of the street frontages exceed the specified frontage width, the lot is considered to have two front property lines.

B. Notwithstanding the provisions of Section 20.670.A, in a Pedestrian Oriented Zoning District, a “corner lot” means a lot having at least two frontages on intersecting streets. Such “corner lot” shall have a minimum of two front lot lines regardless of the dimensions of the lot.

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

20.200.898 Private Open Space

“Private Open Space” means outdoor space designed for recreation that is accessible to the residents of a single residential unit.

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

20.200.1005 Residential Building Frontage

“Residential Building Frontage” means building space designed for residential dwelling units located on a Residential Street Frontage in a Pedestrian Oriented Zoning District.

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

20.200.1304 Unbundled Parking

“Unbundled Parking” means parking that is for sale or lease to residents of a building separate from the sale or lease of living units within that residential building.

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

20.200.1307 Useable Common Recreation Space

“Useable Common Recreation Space” means indoor or outdoor space that is accessible to all residents of a building or site and that is configured and designed for recreational use.

Section 20.10.060 of Chapter 20.100 of title 20 of the San Jose Municipal Code is hereby amended to read as follows:

20.10.060 Zoning Districts Established

- A. In order to regulate and restrict the location of residences, professions, businesses, trades, and industries, to regulate and restrict the location, height, and size of buildings and structures hereafter erected, enlarged or altered, and to regulate and determine the area, depth, and width of yards, setback areas, and other open spaces, the following classes of City zoning districts are hereby established, as set forth in Table 20-10:

**Table 20-10
City Zoning Districts**

Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
OS Open Space	OS	OS
A Agricultural	A	A
Rural Residential Residence District (1 DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1 DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2 DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5 DU/Acre)	R-1-5	R-1-B-8,R-1-B-1
R-1-8 Residence District (8 DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2 DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (mobilehome parks, travel trailer parks)	R-MH	T-M
CO Office Commercial District	CO	C-L, C
CP Pedestrian Commercial District	CP	C-1

Cont. on next page

**Table 20-10
City Zoning Districts**

Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
CN Neighborhood Commercial District	CN	C-2
CG General Commercial District	CG	C-3
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive

district listed last.

- B. In addition, the following special zoning districts are established as set forth in Table 20-20. The application of these districts is limited to specific geographic areas of the City as set forth in Section 20.70.010 and Section 20.75.XXX.

Table 20-20 Special Zoning Districts	
Zoning District	Zoning Map Symbol
DC Downtown Primary Commercial	DC
DC-NT1 Downtown Commercial Neighborhood Transition 1	DC-NT1
<u>MS-G Main Street Ground-Floor Commercial District</u>	<u>MS-G</u>
<u>MS-C Main Street Commercial District</u>	<u>MS-C</u>

Chapter 20.40 of the San Jose Municipal Code is amended to delete Section 20.40.130 in its entirety. **NOTE: The sections below are proposed to be moved to the Specific Use Chapter 20.80 so that they can be referenced both from the Commercial (20.40) and Pedestrian Chapters 20.80.**

B.

Chapter 20.40 of the San Jose Municipal Code is amended to delete Section 20.40.140 in its entirety.

Deleted: 20.40.130 . Live/Work Units.

Any Special Use Permit issued for live-work uses shall be subject to the following criteria:

<#>Only owners or employees of the business associated with the live/work unit may occupy the living unit portion; and

The live/work unit complies with the Uniform Building Code requirements

Deleted: 20.40.140 . Retail Art Studio.

A. Retail art studios are a Permitted Use in the CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General Districts only if all of the following criteria are met:

<#>The use is located on the ground floor of a building; and

<#>A maximum of one thousand five hundred (1,500) square feet of the total floor area is devoted to manufacturing of artistic items, and shall be contiguous to the area of retail sales use; and

<#>A minimum of twenty-five percent (25%) of the total floor area shall be devoted to retail sales; and

<#>All activities, except for retail sales and display in conformance with Section 20.40.520, shall be conducted in a fully enclosed building; and

Single Room Occupancy Hotel	-	-	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	-	C	C	Part 15, Chapter 20.80; Section 20.75.210

20.40.140 Retail Art Studio.

A. Retail art studios are a Permitted Use in the CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General Districts only if all of the following criteria are met:

The use is located on the ground floor of a building; and

A maximum of one thousand five hundred (1,500) square feet of the total floor area is devoted to manufacturing of artistic items, and shall be contiguous to the area of retail sales use; and

A minimum of twenty-five percent (25%) of the total floor area shall be devoted to retail sales; and

All activities, except for retail sales and display in conformance with Section 20.40.520, shall be conducted in a fully enclosed building; and

The use shall conform to all applicable building and fire code regulations of the City of San Jose.

B. A retail art studio that does not conform to all of the requirements set forth in Section 20.40.140(A) may be allowed through the approval of a Special Use Permit.