



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** November 9, 2011

---

Approved

Date

---

**COUNCIL DISTRICT:** Citywide  
**SNI AREAS:** All

**SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO ADD A NEW CHAPTER 20.85 TO ADDRESS CERTAIN BUILDING AND STRUCTURE HEIGHT RESTRICTIONS AND TO AMEND PORTIONS OF CHAPTERS 20.20, 20.30, 20.40, 20.50, 20.70, 20.75, 20.80, 20.90, 20.100, 20.120, AND 20.200 TO FACILITATE ECONOMIC DEVELOPMENT AND ENVIRONMENTAL LEADERSHIP GOALS AND TO BETTER ALIGN THE ZONING CODE WITH THE ADOPTED ENVISION SAN JOSE 2040 GENERAL PLAN AS FOLLOWS:**

- **TO ESTABLISH REGULATIONS PERTAINING TO THE SITING OF ABOVE GROUND STORAGE TANKS;**
- **TO PROVIDE GREATER FLEXIBILTY FOR IN CONNECTION WITH ADDITIONS TO EXISTING NON-RESIDENTIAL BUILDINGS;**
- **TO ALLOW LEASING OF VEHICLES WITH ON-SITE STORAGE BY RIGHT IN THE CG COMMERCIAL GENERAL ZONING DISTRICT;**
- **TO CLARIFY THAT INCIDENTAL ELECTRIC VEHICLE CHARGING STATIONS MAY BE PERMITTED BY RIGHT;**
- **TO ALLOW DRINKING ESTABLISHMENTS BY RIGHT IN FULL-SERVICE HOTELS WHEN CERTAIN CRITERIA ARE MET;**
- **TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES FOR MULTIPLE DWELLINGS AND AUCTION HOUSES;**
- **TO PROVIDE MORE FLEXIBILITY FOR THE INSTALLATION OF TANKLESS WATER HEATERS WITHIN SETBACK AREAS;**
- **TO PROVIDE MORE FLEXIBILITY FOR THE INSTALLATION OF ENERGY POWER INVERTERS WITHIN SETBACK AREAS;**
- **TO ALLOW FOR EXPANDED USE OF TEMPORARY TRAILERS DURING BUILDING CONSTRUCTION;**

- **TO CLARIFY ALLOWABLE NUMBERS AND TYPES OF PLUMBING CONNECTIONS IN RESIDENTIAL ACCESSORY BUILDINGS;**
- **TO ALLOW NEIGHBORHOOD AGRICULTURE AS A HOME OCCUPATION WITHIN RESIDENTIAL DISTRICTS;**
- **TO ALLOW DEVELOPMENT AT HIGHER DENSITIES WITHIN THE R-M MULTI-FAMILY RESIDENTIAL DISTRICT;**
- **TO PROVIDE GREATER CLARITY AND FLEXIBILITY FOR THE USE OF RESIDENTIAL SETBACK, HEIGHT, AND ADDITION EXCEPTIONS WITHIN THE RESIDENTIAL AND MAIN STREET ZONING DISTRICTS;**
- **TO STREAMLINE THE PERMIT PROCESS FOR THE CONVERSION OF TWO-FAMILY DWELLINGS TO ONE-FAMILY DWELLINGS;**
- **TO REVISE THE BOUNDARIES OF THE DOWNTOWN AREA;**
- **TO ALIGN ZONING DISTRICTS' CONFORMANCE TO THE RECENTLY ADOPTED ENVISION SAN JOSE 2040 GENERAL PLAN; AS WELL AS TO MAKE CLARIFYING AMENDMENTS THROUGHOUT SAID TITLE 20, INCLUDING CLARIFYING REVISIONS TO IMPROVE READABILITY OF THE DOCUMENT AND REVISIONS TO UPDATE REFERENCES TO THE ENVISION SAN JOSE 2040 GENERAL PLAN.**

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend to the City Council the approval of the ordinance changes outlined in this memorandum to amend Title 20 of the San José Municipal Code to streamline economic development activities, align Title 20 with the Envision San Jose 2040 General Plan and make other minor, clarifying changes.

### **OUTCOME**

The proposed amendments to the Zoning Ordinance (Title 20) would provide additional flexibility and a more streamlined permit process for the development and operation of industrial, commercial and residential uses within San Jose. These amendments are intended to fulfill two general purposes: 1) to improve consistency between the Zoning Ordinance and the recently adopted Envision General Plan; and 2) to remedy specific inefficiencies or shortcomings in the Zoning Ordinance that have been recently observed by staff implementing that Ordinance. The proposed amendments would update, clarify, and centralize height regulations, and development standards and exceptions for setbacks, height, and building additions for a wide variety of residential and non-residential uses, and allow for operation of drinking establishments within full-service hotels. The proposed ordinance amendments would also help to implement

the City Council's November 1, 2011 adoption of the Envision San Jose 2040 General Plan by removing references within the Zoning Code to the prior San Jose 2020 General Plan criteria, adding provisions for Urban Agriculture within Residential Districts, and providing more flexibility for mixed-use, high-density development.

## **BACKGROUND**

On October 18, 2011, the City Council directed staff to present the Council with proposed Municipal Code amendments to streamline and facilitate economic development. During the prior year, Council relayed a number of Municipal Code amendment ideas they would like to see implemented, such as allowances for drinking establishments in full-service hotels. The proposed economic development streamlining amendments are described below in the Analysis section of this report. In addition to addressing drinking establishments in full-service hotels, they include streamlined permitting processes or additional allowances for above-ground storage tanks, leasing of vehicles, non-residential building additions, and temporary trailers for continuance of business operations during construction. The proposed amendments will also support environmental goals by facilitating the use of tankless water heaters and power invertors.

On November 1, 2011, the City Council adopted the Envision San Jose 2040 General Plan. The Envision San Jose 2040 General Plan is a comprehensive update to the City's prior general plan. It provides new policy language and new land use designations to guide the amount, type, and phasing of development in the City, and it incorporates goals and policies for a variety of municipal services. Title 20 of the Municipal Code contains multiple references to the former general plan's land use designations, which are now defunct. These antiquated references would be revised as part of this proposed ordinance.

Consistent with Council direction, staff anticipates that additional economic development streamlining ordinances and Envision San Jose 2040 General Plan consistency ordinances will be presented to the Council in the first quarter of 2012.

## **ANALYSIS**

### **Above-Ground Storage Tanks in Industrial Zoning Districts**

Title 20 of the Municipal Code currently allows for an exterior, above-ground storage tank with a holding capacity of 2,000 gallons or less to receive Planning approval through an Adjustment process, subject to the discretion of the Director of Planning, Building, and Code Enforcement. Title 20 of the Municipal Code requires that any exterior, above-ground storage tank that exceeds 2,000 gallons in capacity must receive approval through a development permit requiring a public hearing, regardless of whether the tank is located in a commercial or industrial zoning district.

The proposed ordinance will support industrial businesses by providing a more streamlined Planning Division development review process, the Adjustment process, to be used for above ground storage tanks of up to 20,000 gallons located in industrial zoning districts. Adjustments

are reviewed administratively in Planning and do not involve a public hearing, thus they are processed much more quickly than development permits requiring a public hearing.

While large above-ground storage tanks could be visually intrusive in commercial or residential areas, they are a more expected part of the urban form in industrial areas. The proposed ordinance revision would maintain the public hearing requirement for exterior, above-ground storage tanks of greater than 2,000 gallons in all zoning districts except for industrial districts. Thus, the public would still retain an opportunity to comment on exterior, above-ground storage tanks in areas where they are not an expected part of the urban form. The Director of Planning, Building, and Code Enforcement maintains discretion to deny an Adjustment at the Director's sole discretion if the scale, height, aesthetic impacts, or other criteria dictate that a public hearing process is more appropriate.

Issues related to storage and use of hazardous materials will still be addressed through Fire and Building Code requirements. Regardless of whether a project obtains Planning approval through an administrative or public hearing process, storage tanks must comply with all applicable setbacks, separations, containment, and other regulations of the Fire and Building Codes. These regulations are enforced as part of the building permit review and inspection process, and Planning staff will continue to coordinate with Building and Fire staff as needed. Additionally, Planning will continue to coordinate with Public Works and/or Environmental Services as needed to address any stormwater control issues raised as part of the proposal.

#### Non-Residential Building Additions

Title 20 of the SJMC currently gives the Director of Planning, Building, and Code Enforcement discretion to approve a non-residential building addition through an Adjustment, provided that the addition is less than 5,000 square feet in area *and* the addition is less than 50% of the building area prior to the addition. The proposed modification would remove the latter threshold, providing the Director of Planning, Building, and Code Enforcement with flexibility to approve a non-residential building addition less than 5,000 square feet, regardless of the size of the existing building.

The proposed ordinance change would streamline additions to small, non-residential buildings by allowing more proposals to qualify for an Adjustment. Adjustments are reviewed administratively in Planning and do not involve a public hearing, thus they are processed much more quickly than development permits requiring a public hearing.

For buildings greater than 10,000 square feet in size, the proposed ordinance change will have no impact, as these buildings can already propose additions of up to 5,000 square feet through an Adjustment. Under the current provisions, existing buildings less than 10,000 square feet in area are treated differently than existing buildings greater than 10,000 square feet in area. The original intent of this provision was to limit the amount of physical change on a particular site that could be approved without a public hearing process, which provides an avenue for community input into a proposal. If, for example, a 2,500 square-foot building exists on a property, the current ordinance only allows for another 1,250 square feet to be added without a public hearing.

The proposed change would offer additional flexibility for buildings less than 10,000 square feet in area to pursue an addition of up to 5,000 square feet in area through a Permit Adjustment. With the proposed change, all non-residential buildings, regardless of their existing size, could propose an addition up to 5,000 square feet in area through an Adjustment. Planning is supportive of this recommendation because additions to existing non-residential buildings of up to 5,000 square feet are minor in nature. Because of their small size, these non-residential additions typically do not create significant impacts under the California Environmental Quality Act (they are typically Categorically Exempt). Through the Adjustment process, the Director of Planning, Building, and Code Enforcement would review the location, setbacks, massing, height, parking availability, architecture, and other criteria to determine whether the proposal meets ordinance requirements and to ensure that the proposal will not create undue visual or other impacts. As necessary, Planning staff will continue to coordinate with colleagues in Building, Public Works, Environmental Services, and Fire Prevention in the review of the Adjustments for additions up to 5,000 square feet in area. The Director maintains discretion to deny the Adjustment at the Director’s sole discretion if the massing, scale, height, architecture, aesthetic impacts, parking issues, or other criteria dictate that a public hearing process is more appropriate in order to obtain greater community review and input on a proposal. Similarly, the Director can require a public hearing if the proposed construction would, for any reason, not be Categorically Exempt under the California Environmental Quality Act.

Hotels/Motels and Drinking Establishments

On October 5, 2010, the City Council directed staff to prepare amendments to Title 20 for Council consideration to exempt full service hotels in the Downtown with at least 75 rooms from the Conditional Use Permit requirement for a drinking establishment.

Currently, Title 20 requires a Conditional Use Permit for drinking establishments in the Downtown Zoning Districts and in all other zoning districts where they are allowed (see Table 1). Hotel/motel uses are currently permitted broadly in the Downtown Districts, the Main Street Districts, the Commercial Districts and in the CIC Combined Industrial/Commercial Districts without a Conditional Use Permit, but require a Conditional Use Permit in the Industrial Park District where the use is allowed (i.e., on sites with the Mixed Industrial Overlay or Combined Industrial Commercial General Plan designation). Note that a separate ordinance change is proposing to align Title 20 with the Envision San Jose 2040 General Plan by dropping the reference to the Mixed-Industrial Overlay.

Table 1. Current Permit Requirements for the Zoning Districts Allowing Hotel/Motels

<b>Zoning Districts</b>	<b>Hotel/Motel</b>	<b>Drinking Establishment</b>
CP Commercial Pedestrian	Permitted	Conditional Use Permit
CN Commercial Neighborhood	Permitted	Conditional Use Permit
CG Commercial General	Permitted	Conditional Use Permit
Downtown Districts	Permitted	Conditional Use Permit
Main Street Districts	Permitted	Conditional Use Permit
CIC Combined Industrial Commercial	Permitted	Conditional Use Permit
Industrial Park for property with the	Conditional Use	Prohibited

Mixed-Industrial Overlay or Combined Industrial/ Commercial Designation	Permit	
---	--------	--

Consistent with Council direction, staff is recommending an amendment to Title 20 that would allow drinking establishments as a permitted use in full-service hotels/motels that have 75 or more guest rooms, subject to specific requirements. The rationale for this proposal is that hotel operators have demonstrated that they are sufficiently motivated to manage drinking establishments within their hotels to prevent and avoid the disturbance of people sleeping in their guest rooms and will ensure that drinking establishments within their hotels are operated in a manner that does not result in land use impacts on sensitive uses in the surrounding area.

While full-service hotels and motels are defined variously, the presence of a restaurant seems to be the single common denominator that distinguishes full-service hotels and motels regardless of size. Examples of hotels that offer a public eating establishment include boutique hotels like the Montgomery Hotel/Four Points by Sheraton (86 rooms) and the Hotel De Anza (100 rooms) as well as much larger facilities like the Doubletree (505 rooms) and the Fairmont (805 rooms). Staff is recommending that the proposed ordinance include the following definition:

*A Full-Service Hotel or Motel means a Hotel or Motel that includes a bona fide public eating establishment as defined in California Business and Professions Code Section 23038, or its successor, which public eating establishment is accessible from the interior of the hotel or motel building.*

Staff is also recommending that drinking establishments be allowed by right in full-service hotels or motels of 75 rooms or more only if they conform to the following specific requirements:

- 1. The Drinking Establishment is accessible only from the interior of the Hotel or Motel; and*
- 2. The Drinking Establishment is operated entirely within the interior of the Hotel or Motel; and*
- 3. The Drinking Establishment does not operate between 12:00 midnight and 6:00 a.m.; and*
- 4. No noise from the Drinking Establishment is plainly audible from residential uses located fifty (50) feet or more from the Hotel or Motel.*

The first of these is intended to ensure that the drinking establishment is truly part of the hotel and is not merely located in the same building. The second is intended to ensure that drinking establishments that have an outdoor component continue to be subject to a discretionary process. The third provision clarifies that drinking establishments seeking to operate between midnight and 6:00 a.m. continue to be subject to the Conditional Use Permit requirement for late night operation. The final provision will allow an assessment of potential land use impacts, including

noise, to ensure that the use does not result in impacts on adjacent uses. With these restrictions, the proposed streamlining ordinance would eliminate more lengthy permit requirements for a class of drinking establishments that are not expected to result in land use impacts.

Staff is recommending that these provisions be applied not only Downtown, but citywide. Table 2 lists the Zoning Districts where hotels and motels are allowed and identifies the existing and proposed requirements for hotel drinking establishment that conform to the requirements discussed above. This table also removes the Industrial Park District’s reference to the Mixed Industrial Overlay. This clean-up item is discussed separately in this report.

Table 2. Current & Proposed Requirements for Drinking Establishments in Full Service Hotels

<b>Zoning Districts</b>	<b>Current Requirement</b>	<b>Proposed Requirement</b>
CP Commercial Pedestrian	CUP	Permitted
CN Commercial Neighborhood	CUP	Permitted
CG Commercial General	CUP	Permitted
MS Main Street Districts	CUP	Permitted
Downtown Zoning Districts	CUP	Permitted
CIC Combined Industrial Commercial	CUP	Permitted
Industrial Park for property with the Combined Industrial/ Commercial Designation	Prohibited	Permitted

Tankless Water Heater & Power Inverter Projections into Setbacks

Tankless water heaters use a heat exchange coil to instantly heat water as it flows through the device. They eliminate internal storage of water, with the exception of water in the heat exchange coil, thus they conserve energy by efficiently heating water upon demand and by eliminating the need (or reducing the demand) for a large heated water tank. Power inverters convert the direct current (DC) electricity produced from renewable energy sources, such as solar or wind power, to alternating current (AC) energy. This conversion facilitates energy use by the end user. Title 20 of the SJMC does not specifically address setback exceptions for tankless water heaters and solar power inverters, and traditionally both have been allowed within setback areas along with other similar utility items. Since early 2009, staff has operated under a Planning Director’s interpretation stating that tankless water heaters are considered “architectural projections” pursuant to Section 20.30.400(1) of Title 20 of the San Jose Municipal Code, thereby allowing them to project up to two feet into the airspace above the surface of the ground in any setback area. Because tankless water heaters and power inverters are not specifically referenced in Title 20 of the San Jose Municipal Code, applicable land use requirements for these uses could be made clearer in the zoning code, particularly for the public. The proposed changes to Title 20 of the San Jose Municipal Code specify applicable setback exceptions for these uses in various zoning districts.

The ordinance update clarifies allowable setback exceptions for tankless water heaters in residential and commercial zoning districts. The proposed ordinance would, consistent with past practice, allow tankless water heaters and power inverters to project horizontally for a distance of not more than two (2) feet into any setback area. The setback exception applies to residential, commercial, and industrial zoning districts.

Tankless water heaters typically measure less than one foot in depth. Allowing a two-foot projection into setback areas provides ample leeway to accommodate variations in tankless water heater depths while still maintaining minimum setback distances. Solar and wind power inverters vary significantly in size, depending on the scale of the solar power system. Most power inverters scaled for single-family residential uses can easily fit within the two-foot projection. For small businesses, certain models of 30 kW power inverters are less than two feet deep, thus they may benefit from this setback exception. Clarifying that installation of these devices is permissible within setback areas is important in order to encourage their expanded use, contributing toward the City's achievement of environmental goals and supporting "Green" industry activities.

#### Single-Family Residential Setbacks

The proposed amendment to Title 20 includes some very minor modifications to the single-family residential setback standards in order to provide greater clarity and thereby streamline the implementation of the R-1 Residential Zoning Districts. These modifications include modification of Table 20-60 to add "Driveway Minimum", "Floor Area" and Notes references within the Development Standards to highlight requirements which are already established elsewhere within that Chapter and similar modification of Table 20-70 to add clarifying text. Adding these cross-references will improve the readability of Title 20. The proposed amendment also includes revisions to the residential front yard and side yard setback exceptions and standards established within Section 20.30.240, Section 20.30.310, and Section 20.30.400 that would standardize and simplify the language of these sections, remove the potential interpretation of Section 20.30.240 to require a front setback greater than the standard for the pertaining Zoning District, and to provide slightly increased flexibility for the implementation of the existing side yard setback exceptions.

#### Rental Car Storage

Table 20-90 of Chapter 20.40 details allowed uses and permit requirements for the Commercial Zoning Districts. Under these provisions the sale of passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles is permitted by right in the CG General Commercial Zoning District. The leasing of these same vehicles in the CG General Commercial Zoning District requires a Conditional Use Permit and cannot accommodate on site storage of vehicles. Under these provisions the reuse of properties developed as an auto dealership is severely limited without significant redevelopment, which in turn would result in the loss of a suitable site for auto sales. Due to the auto related nature and operational similarities of these uses, staff recommends amending this Chapter to provide for the leasing of passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles to be permitted by right

in the CG General Commercial Zoning District, and that on-site storage for this use be allowed within the CG General Commercial Zoning District.

#### Temporary Trailers

Part 18 of Chapter 20.80 includes provisions to allow the continuation of a commercial, industrial or manufacturing business while a primary structure is undergoing alteration or restoration through the use of a temporary trailer on the same site. Currently, the ability to use an Administrative Permit to authorize a temporary trailer is limited. These provisions allow the use of an Administrative Permit process only for one temporary trailer and only during a seismic retrofit, during restoration as a result of total or partial destruction or damage by catastrophic event or sudden cause, or during other such work determined by the Director of Planning to be in the interest of public health and safety. This provision limits the ability of a commercial, industrial or manufacturing business to continue operation through an Administrative Permit process, as intended by this Section, because it limits the number of employees to that which can be accommodated in a single trailer. The section also does not recognize the need of businesses to vacate premises for the purposes of modifying the structure, equipment or process at the facility. To ensure maximum flexibility in supporting driving industry uses, this amendment proposes to provide consideration for “modification of the primary structure, equipment or process at the facility that requires staff to vacate the facility while work is undertaken”. In addition, staff recommends that Section 20.80.1740 be amended to allow an increase in the number of temporary trailers permitted per lot, so long as applicable setback and parking provisions are met.

#### Parking Exceptions for Combined Uses

Table 20-190, which details parking spaces required by land use, requires gas and charge stations to provide one space per employee, plus one space per air and water pump service area, and one space for information stop. In the event that a gas station also accommodates a retail or other co-existent use, the parking requirement is determined by the cumulative requirement of the individual parts. This can often result in an oversupply of customer parking which in turn can create significant challenge to the renovation of existing gas stations, the majority of which are located on approximately half acre lots. As many of the patrons accessing these businesses will often be visiting a combination of these uses, and in particular will leave their vehicle at the gas pump while accessing these other uses, this amendment proposes the addition of gas or charge station when combined with other uses to Chapter 20.90.220 Section G, which provides for the consideration of a reduction in the required off-street parking for a number uses through the issuance of a development permit. This will provide the Director of Planning the ability to determine the adequacy of the proposed parking for these combined uses on a case by case basis, taking into account the particular site configuration and collocation of uses. Such determinations will still need to meet the findings included in Subsection B of Chapter 20.90.200 which states that in addition to any other findings required for a special use permit, the Director of Planning, or Planning Commission on appeal, may approve such parking arrangements only upon making the following findings:

1. *The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in this [Chapter 20.90](#) of this title;*
2. *It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use; and*
3. *The parking facility is reasonably convenient and accessible to the buildings or uses to be served.*

### Envision San Jose 2040 General Plan Alignment

As part of the Envision General Plan update process, the Envision Task Force and Planning Commission reviewed a work program proposed by staff to amend the City's Zoning Ordinance (Title 20) to align with the City's new General Plan. This work program included three tiers of Ordinance updates:

- Tier 1 – Revise references within Title 20 to the General Plan and components of the General Plan (e.g., Major Strategies, policies) to match the current document.
- Tier 2 – Revise Title 20 to address new Envision General Plan Major Strategies (e.g., Urban Villages) or policies (e.g., Urban Agriculture).
- Tier 3 – Comprehensively update Title 20 to fully align with the Envision General Plan, including revisions to allowed uses, development standards and standard zoning districts, and specifically regulated activities.

The current proposal includes all revisions necessary to complete the first tier, and some minor revisions that partially address tier 2 and tier 3 of the work program as follows:

#### *1) Tier 1 Revisions necessary to align Title 20 with the Envision San Jose 2040 General Plan*

The proposed Zoning Ordinance revisions include revisions that directly necessitated by changes from the 2020 General Plan to the Envision General Plan as follows:

- Section 20.20.010, Section 20.50.100, and Section 20.90.220 – Delete reference to “San Jose 2020” General Plan.
- Section 20.40.010 and Section 20.90.150 – Update reference to General Plan street types.
- Table 20-90 Note 6 – Revise reference to General Plan policies supporting Mixed-Use.
- Section 20.50.010, Section 20.50.100, and Table 20-110 – Delete references to “Mixed Industrial Overlay”. The “Mixed Industrial Overlay” has been incorporated into the “Combined Industrial/Commercial” designation within the Envision General Plan.
- Section 20.70.010 – Revise definition of the Downtown Area boundaries to align with the Envision General Plan Land Use/Transportation Diagram.
- Table 20-60, Table 20-120 – Revise reference for Maximum Height from General Plan to Zoning Ordinance Chapter 20.85. Section 20.75.160 – Add text to clarify height restrictions for the Main Street Zoning District. Chapter 20.85 – New Chapter added to move height restrictions from the General Plan into the Zoning Ordinance. The proposed text incorporates height restriction exceptions for specific geographic areas or specific

uses identified within the 2020 General Plan. As part of the Envision General Plan update, text specifically establishing maximum building heights for specific properties and uses was removed from the General Plan with the intent that the Zoning Ordinance be used more appropriately as the proper land use regulatory tool for such regulation.

- Table 20-270 – Revise Table to identify Envision General Plan Land Use/Transportation Diagram designations in place of 2020 General Plan designations.

*2) Tier 2 Facilitation of Urban Agriculture as an allowed use within Residential Zoning Districts*

The promotion of “Urban Agriculture” is an important new Goal for the City of San Jose introduced through the Envision General Plan update process. The proposed Zoning Ordinance revisions include minor modifications to the allowable land uses within Residential Zoning Districts and to the Home Occupation standards in order to allow limited agricultural activity within those Districts. This proposed change would directly support an Envision General Plan goal. The proposed Zoning Ordinance changes were developed based upon review of the existing Zoning Ordinance language, similar enabling ordinance changes enacted in other municipalities, and review of County health codes, as follows:

- Table 20-50 – Add “Neighborhood Agriculture” as a permitted use in all residential Zoning Districts.
- Table 20-160, Section 20.80.720 – Revise regulations for Home Occupation to facilitate “Neighborhood Agriculture”.
- Section 20.200.798 – Add definition for Neighborhood Agriculture.

*3) Tier 2 Actions to facilitate implementation of the Urban Villages Major Strategy*

The proposed amendment to Title 20 includes several minor modifications that would facilitate implementation of the Envision General Plan Urban Village Major Strategy as follows:

- Table 20-60 – Delete Minimum Lot Area per living unit for R-M Zoning District. Deleting this requirement will potentially allow use of the R-M District as an option for the development of higher-density residential projects. Providing this option could streamline development within Urban Village areas and would better align the Zoning Ordinance with the residential densities supported by the Envision General Plan.
- Table 20-90 – Revise reference to “Mixed Use” to provide more flexibility consistent with the uses supported by the Land Use / Transportation Diagram designations defined within the Envision General Plan.
- Main Street District: Table 20-151, Section 20.75.140, Section 20.75.150, Section 20.75.160, Table 20.156, Section 20.75.330 – Revise text and table headings and add definitions or move definitions from Section 20.200 to improve readability. Section 20.75.110, Section 20.75.130, Section 20.75.220 – Add setback exceptions for minor architectural details and definition of Residential Accessory Uses comparable to those in the Residential Zoning Districts. These revisions to the Main Street District would improve its readability and align it more closely with other Zoning Districts. A more comprehensive review of the Main Street District, including community engagement, is anticipated in 2012.

*4) Tier 3 Various actions to better align Title 20 with the Envision General Plan*

The proposed amendment to Title 20 includes other modifications that would better align the Zoning Ordinance with the Envision General Plan. These edits are minor and would address specific concerns that were raised through the Envision General Plan update process. Staff proposes that the following modifications be made at this time:

- Section 20.50.110 – Add “Child Day Care Center” to the list of Commercial Support uses potentially allowed within the Industrial Park Zoning District. Providing more flexibility for on-site Child Day Care Center facilities within industrial park development will help to reduce the need for vehicle travel and potentially support economic development by allowing for the provision of greater on-site amenities for industrial park workers.
- Section 20.50.220 – Modify regulation of Late Night Use and Activity in the Industrial Districts to limit such restriction to commercial activities. Allowing 24-hour operation of permitted industrial activities within Industrial Districts would potentially support employment growth and would be consistent with existing practices.
- Table 20-190 – Reduce parking requirements for Multiple Dwellings and Auction Houses to align these requirements more closely with current “best practices” for sustainable development as identified through the Envision General Plan update process.
- Section 20.90.220 – Add clarifying text to facilitate use of existing allowances for the reduction in required off-street parking.
- Section 20.200.350 – Added a definition for “Efficiency Living Unit” to improve readability.
- Streamline the permit process for conversion of two-family dwelling to a one-family dwelling (Section 20.80.300) to allow that process to be conducted through a Permit Adjustment. This streamlining is supported by the Envision General Plan Form Based Plan Major Strategy, which gives greater emphasis to the preservation of existing neighborhood character and form, and by consistent community support for single-family occupancy of small, detached residential structures.

## **PUBLIC OUTREACH**

Public outreach for this proposal complies with the City Council’s Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San Jose Mercury News and Post Record and emailed to a list of interested groups and individuals. Staff has posted the hearing notice, staff report and draft ordinance on the Department’s website and has been available to discuss the proposal with interested members of the public.

## **COORDINATION**

The preparation of the proposed ordinance and this staff report have been coordinated with the City Attorney's Office.

PLANNING COMMISSION

November 16, 2011

**Subject: Proposed Economic Development Streamlining & Envision San Jose 2040 General Plan Consistency Ordinance**

Page 13

**CEQA**

Reuse of the Envision San Jose 2040 General Plan Update Environmental Impact Report.



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

For more information please call Laurel Prevetti at (408) 535-7901.

Attachment: Draft Ordinance

**DRAFT**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO ADD A NEW CHAPTER 20.85 ESTABLISHING CERTAIN HEIGHT RESTRICTIONS AND TO AMEND PORTIONS OF CHAPTERS 20.20, 20.30, 20.40, 20.50, 20.70, 20.75, 20.80, 20.90, 20.100, 20.120, AND 20.200 TO ALIGN ZONING CODE PROVISIONS WITH THE RECENTLY ADOPTED ENVISION SAN JOSE 2040 GENERAL PLAN, TO FACILITATE ECONOMIC DEVELOPMENT GOALS, TO ESTABLISH REGULATIONS FOR THE SITING OF ABOVE-GROUND STORAGE TANKS, TO PROVIDE GREATER FLEXIBILITY IN CONNECTION WITH MINOR ADDITIONS TO EXISTING NON-RESIDENTIAL BUILDINGS, TO ALLOW CERTAIN VEHICLE LEASING ACTIVITIES IN THE CG-COMMERCIAL GENERAL ZONING DISTRICT, TO CLARIFY REGULATIONS PERTAINING TO INCIDENTAL ELECTRIC VEHICLE CHARGING STATIONS, TO ALLOW CERTAIN DRINKING ESTABLISHMENTS CONTAINED WITHIN FULL-SERVICE HOTELS OR MOTELS, TO PROVIDE FOR THE INSTALLATION OF TANKLESS WATER HEATERS AND ENERGY POWER INVERTERS, TO EXPAND THE ABILITY TO USE TEMPORARY USE TRAILERS, TO PROVIDE FOR THE NEIGHBORHOOD AGRICULTURE USE IN SPECIFIED CIRCUMSTANCES, TO ALLOW HIGHER DENSITIES WITHIN THE R-M MULTI-FAMILY RESIDENTIAL DISTRICT, TO CLARIFY REGULATIONS AND PROVIDE GREATER FLEXIBILITY FOR RESIDENTIAL USES IN RESIDENTIAL AND MAIN STREET ZONING DISTRICTS, TO STREAMLINE PERMITTING PROCESSES FOR THE CONVERSION OF TWO-FAMILY DWELLING UNITS TO ONE-FAMILY DWELLING UNITS, TO UPDATE THE BOUNDARIES OF THE DOWNTOWN ZONING AREA, AS WELL AS TO MAKE OTHER CLARIFYING OR MINOR, TECHNICAL AMENDMENTS THROUGHOUT**

**WHEREAS**, the environmental impacts of this action were disclosed in that certain Final Program Environmental Impact Report prepared for the Envision San José 2040 General Plan pursuant to the requirements of the California Environmental Quality Act of 1970, together with related state and local guidelines promulgated thereunder (the

“FPEIR”), which FPEIR was certified by the City of San José Planning Commission on September 28, 2011 and for which the City Council adopted related findings and a mitigation, monitoring and reporting program on November 1, 2011 by its Resolution No. 76041; and

**WHEREAS**, the City Council is the decision-making body for this Ordinance; and

**WHEREAS**, in connection with this Ordinance, the City Council has read and considered the FPEIR, together with related City Council Resolution No. 76041, prior to taking any approval actions on this Ordinance.

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

**SECTION 1.** Section 20.20.010 of Chapter 20.20 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.20.010 Open Space and Agricultural Zoning Districts**

- A. This Chapter sets forth the land use and development regulations applicable to the Open Space and Agricultural 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 the OS Open Space and A Agricultural Districts except as set forth in this Chapter.
- C. The purposes of the Open Space and Agriculture Zoning Districts are as follows:
  - 1. OS Open Space District

The purpose of the OS Open Space District is to provide for the public peace, health, safety, and welfare by conserving open space to insure the continued availability of land for the preservation of natural resources, for the managed production of resources, for outdoor recreation, and for the enjoyment of scenic resources, and by protecting the people and property in the City of San Jose against physical environmental hazards. The

regulations contained in the OS District are designed to enhance the scenic a visual qualities of the land as well as to implement the Open Space and Hillside policies of the ~~San Jose 2020~~ General Plan.

2. A Agricultural District

The purpose of the A Agricultural District is to provide for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agricultural uses as well as implementing the goals and policies of the ~~San Jose 2020~~ General Plan.

**SECTION 2.** Section 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-50. .
- B. "Conditional" uses are indicated by a "C" on Table 20-50. 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 20-50. 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. Land uses not Permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not Permitted.
- E. When the right column of Table 20-50 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.

<b>Table 20-50 Residential Districts Land Use Regulations</b>
---

Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
<b>Residential Uses</b>					
One-family dwelling	P	P	P	C	Note 1, Section 20.30.110
Secondary dwelling	P	-	-	-	Section 20.30.150
Two-family dwelling	-	P	P	-	Note 2, Section 20.30.110
Multiple dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120
Mobilehome Parks	-	-	-	P	
Travel Trailer Parks	-	-	-	C	
Residential Care Facility, six or fewer persons	P	P	P	P	
Residential Care Facility, seven or more persons	-	-	C	C	
Residential Service Facility, six or fewer persons	P	P	P	P	
Residential Service Facility, seven or more persons	-	-	C	C	
Servants quarters attached to a one-family dwelling or attached to a garage structure	P	-	-	-	Note 3
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Single Room Occupancy Living Unit	-	-	C	-	Part 15, Chapter 20.80
<b>Residential Accessory Uses and Improvements</b>					
Accessory buildings and structures	P	P	P	P	Note 4, Section 20.80.200
Home Occupations	P	P	P	P	Part 9, Chapter 20.80
<b>Entertainment and Recreation Related</b>					
Equestrian and riding club	C	-	-	-	

<b>Table 20-50 Residential Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-M</b>	<b>R-MH</b>	
Golf course	C	C	C	-	Note 5
Private club or lodge	-	-	C	-	
Swim and tennis club	C	C	C	C	
<b>Education and Training</b>					
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	P	P	
Day care center	C	C	C	C	
School- elementary and secondary (Public)	P	P	P	-	
School- elementary and secondary (Private)	C	C	C	-	
<b>Public, Quasi-Public and Assembly Uses</b>					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
<b>Health and Veterinary Services</b>					
Emergency ambulance service	C	C	C	C	
<b>General Services</b>					
Bed & Breakfast	C	C	C	-	
<u>Neighborhood Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 9, Chapter 20.80</u>
<b>Transportation and Utilities</b>					
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150

<b>Table 20-50 Residential Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-M</b>	<b>R-MH</b>	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Sections 20.30.130, 20.30.140 and 20.100.1300
Wireless communication antenna, slimline pole	S	S	S	S	Sections 20.30.130, 20.30.140, and 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Sections 20.30.130, 20.30.140, 20.80.1910
<b>Electrical Power Generation</b>					
<b>Stand-by/Backup</b>					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 6
Facilities that do exceed noise or air standards	-	-	-	-	
Solar Photovoltaic System	P	P	P	P	Sections 20.100.610(C)(7) and 20.100.1030(A)(6)
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	C	C	C	C	Part 8.5 Chapter 20.80

**Notes:**

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one dwelling structure per lot in the R-2 District.

3. Only permitted in the R-1-1 Estate Residential District.
4. No lot may be used solely for an accessory structure or building.
5. No driving ranges or miniature golf facilities.
6. Stand-by or backup generators that would not otherwise require some permit from the City (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the Special Use Permit requirement.

**SECTION 3.** Section 20.30.200 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.200 Development Standards**

All development in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-60.

<b>Table 20-60 Residential Zoning Districts Development Standards</b>								
Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Minimum Lot Area (square feet or acreage)	5,445	8,000	20,000	43,560	5 acres	5,445	6,000	6,000
Minimum Lot Area per living unit (square feet)							1,750	
Minimum Setback (feet)								
Front	25	25	30	30	50	20	15	15
Side, Interior	5	5	15	20	20	5	5	5
Side, Corner	12.5	12.5	15	20	30	10	7.5	7.5
Rear, Interior	20	20	25	25	30	25	25	25
Rear, Corner	20	20	25	25	30	25	15	15

Table 20-60 Residential Zoning Districts Development Standards								
Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Minimum Driveway Length (feet)	23	23	23	23	23	<u>23</u>	<u>23</u>	<u>23</u>
Maximum Height (feet) (Notes 1 and 2)	35	35	35	35	35	35	<del>45</del> <u>50</u>	<del>45</del> <u>50</u>
Maximum Number of stories (Note 3)	2.5	2.5	2.5	2.5	2.5	2.5	3	3
Parking	See Chapter 20.90							
Floor Area Ratio	See Part 9 of Chapter 20.100 for Single Family House Permit criteria that may apply.							

**Notes:**

1. Refer to Part 9 of Chapter 20.100 regarding Single Family House Permit requirements and Section 20.200.510 regarding the definition of "height."
2. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions in this Section.
3. Refer to Section 20.200.120 regarding the definition of "basement"; refer to Section 20.200.120 regarding the definition of "story; and refer to Section 20.200.1220 regarding the definition of "half story".

**SECTION 4.** Section 20.30.240 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.240 Front Setback - Block Average Exception**

~~Except as may be hereinafter otherwise provided, in the R-1-8, R-1-5, R-2, and R-M Residence Districts, when lots comprising forty percent or more of the frontage on one side of a street between two intersecting streets have been developed with buildings having an average front setback with a variation in depth of not more than 10 feet, but less than the minimum front setback required by Section 20.20.200, the minimum front setback~~

applicable to such lots shall be said existing average rather than the setbacks as otherwise referenced in this Title, ~~provided that this provision shall never be deemed to require a front setback of more than fifty feet for any such lot.~~ No additional exceptions to the front setback are allowed to further reduce the front setback.

**SECTION 5.** Section 20.30.300 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

**20.30.300 Maximum Height — Exception for Chimneys or Architectural Embellishments**

In the R-1, R-2 and R-M Residence Districts, the maximum height of a chimney, weather vane or other similar architectural embellishment mounted on a building and having a horizontal cross section of no more than 20 square feet may be increased to forty (40) feet provided that it does not exceed the height of the building on which it is mounted by more than five (5) feet.

**SECTION 6.** Section 20.30.310 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.310 Minor Addition - Exception**

~~The Building Inspector may Permit~~ One-story additions ~~to~~ may be erected with the same side setback as an existing structure subject to the following restrictions:

1. No such addition shall reduce, or further diminish a nonconforming setback.
2. The total square footage of ~~No~~ such addition shall be no more than the square footage of the existing areas encroaching within the nonconforming side setback area or 150 square feet in area, whichever is less. ~~within the nonconforming setback area.~~
3. Said addition is a single-story addition and shall not exceed 20 feet in height.
4. Only one such addition shall be Permitted.

**SECTION 7.** Section 20.30.400 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.400 Setback Areas - Setback Area to be kept Open, Unobstructed, and Unoccupied**

Except as otherwise expressly and specifically provided in other Sections of this Title, 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. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features 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;
2. In the R-1-2, R-1-1 and R-1-RR districts only, sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than four (4) feet into the air space above the surface of the ground in any setback area;
3. Any portion of a building (including, but not limited to Bay windows, on a foundation or cantilevered, or chimneys, and bump outs, whether on a foundation or cantilevered) of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum side setback of at least three (3) feet and a rear setback of at least fifteen (15) feet;
4. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any setback area;
- 4.5. Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum side setback of three (3) feet and a rear setback of fifteen (15);
- 5.6. Overhead wires necessary for utility service to a building on the lot;
- 6.7. 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
- 7.8. Walks and driveways for vehicular or pedestrian access to the lot provided that in the R-M Residence district, no part of any such walk or driveway are situate in any setback area which abuts upon a public street shall be no 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.~~

89. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may be placed in the rear setback and must maintain a five (5) foot setback from the rear property line, maintain a setback from the side property line a distance equal to that of the side setback requirements of the respective zoning district, and adhere to the required front setback of the respective zoning district.

**SECTION 8.** Section 20.30.500 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.500 Development Standards**

- A. All accessory buildings and structures in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-70.
- B. When the right column of Table 20-70 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply.

<b>Table 20-70 Accessory Buildings and Structures Development Regulations</b>		
<b>Front Setback (feet)</b>		
retaining walls	none	
swimming pool, built-in	30	
detached garage on a lot with two intersecting front property lines	25	Note 1
all other accessory buildings and structures	60	
<b>Side Setback (feet)</b>		
swimming pools, built-in		
interior lot	5	
corner lot	9	
all other accessory buildings and structures	none	Notes 2,3
<b>Rear Setback (feet)</b>		
swimming pools, built-in	5	
all other accessory buildings and structures	none	Notes 2,3
<b>Height (feet)</b>		
retaining wall	2	Note 4

<b>Table 20-70 Accessory Buildings and Structures Development Regulations</b>		
all other accessory buildings and structures	12	Note 5
Maximum number of stories	1	
Maximum size ( <u>cumulative</u> square feet)	650	Notes 6, 7, 8

**Notes:**

1. Measured from front property line which is opposite the designated side property line.
2. On a corner lot, no accessory buildings or structures shall be built within ten (10) feet of the side property line of the street side.
3. With respect to accessory buildings or structures, where any such building or structure is proposed to be constructed on a corner lot which abuts upon a key lot which is for residential use, such building shall be set back not less than four feet from the rear line of such lot, provided that the setback for swimming pools shall not, in any event, be reduced to less than five feet.
4. Maximum height of two (2) feet measured from existing grade, unless a greater height is otherwise approved with a Development Permit.
5. No accessory building or structure shall exceed twelve (12) feet in height except that, for an accessory building or structure with a sloped roof, the height halfway up any slope of a pitched, gable or hip roof may not exceed 12 feet and, in no case, may any portion of the roof exceed a height of sixteen (16) feet.
6. The maximum square footage may be increased pursuant to a Special Use Permit, as provided for in Chapter 20.100 of this Title.
7. The total aggregate square footage of all accessory building(s) and structures built on any property in any R-1 or R-2 Residence Zoning Districts shall not exceed six hundred fifty (650) square feet unless the owner has obtained a Special Use Permit, as provided for in Chapter 20.100 of this Title. For purposes of this Section, the calculation of square footage shall not include any square footage of an accessory building or structure that is entirely below grade.
8. Per Section 20.200.020, an accessory building shall not contain living space or sleeping quarters, and shall be limited to two (2) plumbing connections to serve an appliance or fixture, and unconditioned space as defined in Title 24 of the San Jose Municipal Code.

**SECTION 9.** Section 20.40.010 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.010 Commercial Zoning Districts**

- A. This Chapter sets forth the land use and development regulations applicable to the Commercial 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 the CO, CP, CN and CG Commercial Districts except as set forth in this Chapter.
- C. The Commercial Zoning Districts are intended to support the commercial land use, economic development, and neighborhood preservation and conservation goals and policies of the General Plan through the use regulations and development standards. The four Commercial Districts reflect the diversity of the commercial needs and opportunities in the City. The purposes of the Commercial Districts are as follows:
  - 1. CO Commercial Office District. The CO Commercial Office District is a district in or near residential areas or between residential and commercial areas. This district is intended to be a low intensity office zone that allows for a scale of offices in or adjacent to residential neighborhoods. Larger scale office development can be permitted upon approval of the Planning Commission, or City Council on appeal, through the Conditional Use Permit process.
  - 2. CP Commercial Pedestrian. The CP Commercial Pedestrian District is a district intended to support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to neighborhood business districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate.
  - 3. CN Commercial Neighborhood. The CN Commercial Neighborhood District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along major arterials, city connector and main streets, and small corner commercial establishments.
  - 4. CG Commercial General. The CG Commercial General District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional

market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

**SECTION 10.** Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.100 Allowed Uses and Permit Requirements**

- A. “Permitted” land uses are indicated by a “P” on Table 20-90.
- B. “Conditional” uses are indicated by a “C” on Table 20-90. 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 20-90. 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 20-90. 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 20-90. Land uses not listed on Table 20-90 are not Permitted.
- F. When the right column of Table 20-90 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.

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Notes &amp; Sections</b>
	<b>CO</b>	<b>CP</b>	<b>CN</b>	<b>CG</b>	
<b>General Retail</b>					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales – beer and/or wine only	-	C	C	C	Section 20.80.900

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Notes &amp; Sections</b>
	<b>CO</b>	<b>CP</b>	<b>CN</b>	<b>CG</b>	
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	P	Note 1
Outdoor vending	-	A	A	A	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	See Title 6
Seasonal sales					Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	Section 20.40.140
<b>Education and Training</b>					
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	P	P	
Day care center	C	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	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	
<b>Entertainment and Recreation Related</b>					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Relocated Cardroom	-	-	-	C	Section 20.80.1155
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
<b>Food Services</b>					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
<u>Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 20.80.475</u>
Public eating establishments	-	P	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	-	P	P	P	Section 20.40.520
Wineries, Breweries	-	C	C	C	
<b>Health and Veterinary Services</b>					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	
Medical clinic/ out-patient facility	P	P	P	P	
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
<b>General Services</b>					
Bail Bond Establishment – Outside Main Jail Area		P	P	P	Part 1.5, Chapter 20.80
Bail Bond Establishment – Within Main Jail Area		P	P	P	Note 14; Part 1.5, Chapter 20.80
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 2
Mortuary and funeral services	P	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	
<b>Offices and Financial Services</b>					

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Notes &amp; Sections</b>
	<b>CO</b>	<b>CP</b>	<b>CN</b>	<b>CG</b>	
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Office, general business	P	P	P	P	Section 20.40.110
<b>Public, Quasi-Public and Assembly Uses</b>					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
<b>Residential</b>					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/ <del>Ground floor residential/ commercial with residential above</del>	-	C	C	C	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
<b>Drive-Through Uses</b>					
Drive-through in conjunction with any use	-	-	C	C	
<b>Recycling Uses</b>					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
<b>Transportation and Utilities</b>					
Data Center	-	-	-	C	
Community television antenna systems	C	C	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	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Notes &amp; Sections</b>
	<b>CO</b>	<b>CP</b>	<b>CN</b>	<b>CG</b>	
Television, radio studios without antenna/dishes	-	-	-	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 7
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
<b>Electrical Power Generation</b>					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	
<b>Stand-by/Backup</b>					
Facilities that <b>do not</b> exceed noise or air standards	A	A	A	P	
Facilities that <b>do</b> exceed noise or air standards	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
<b>Vehicle Related Uses</b>					
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	
Auto broker, wholesale, no on-site storage	P	P	P	P	
Car wash, detailing	-	-	C	C	
Gas or charge station	-	C	C	P	Note 8, Note 15
Gas or charge station with incidental service and repair	-	C	C	P	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	Note 13
Sale or lease, commercial vehicles	-	-	C	C	Note 13
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	S	P	Note 12, Note 13
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	<u>CP</u>	Note 2 <u>Part 13.6 of Chapter 20.80</u>

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Notes &amp; Sections</b>
	<b>CO</b>	<b>CP</b>	<b>CN</b>	<b>CG</b>	
Sale, vehicle parts	-	C	P	P	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	Note 10, Note 13
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

**Notes Applicable to all Commercial Districts:**

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted in the CP and CN Zoning Districts.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) No on site storage of vehicles permitted.
- (6) ~~Make sure General Plan supports mixed use or residential.~~  
Mixed Use residential/commercial only under approved Village Plan or in Signature Project consistent with the General Plan.
- (7) Use must be less than twenty-four (24) hours.
- (8) No incidental repair or service permitted.
- (9) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (10) Non engine and exhaust related service and repair allowed as incidental.
- (11) No outdoor sales areas or dismantling allowed.
- (12) In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
- (13) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
- (14) Bail Bond Establishments shall not be located and are prohibited uses on the ground floors of structures located within the Main Jail Area, as that area

is defined in Section 20.80.070 of Chapter 20.80 of this Title. Bail Bond Establishments are allowed as shown on Table 20-90 on other, above-ground floors of structures. All Bail Bond Establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this Title  
(15) Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all commercial zoning districts.

**SECTION 11.** Section 20.40.400 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.400 Setback Areas - Open, Unobstructed, and Unoccupied**

Except as otherwise expressly and specifically provided in other sections of this Title, 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. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features 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;
2. Any portion of a building (including but not limited to bay windows, on a foundation or cantilevered, or chimneys, of up to ten (10) feet in length each, or bump outs, whether on a foundation or cantilevered) not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum setback of at least three (3) feet;
3. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any setback area;
- ~~3.4.~~ Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum setback of three (3) feet;
- ~~4.5.~~ Overhead wires necessary for electrical and telephone service to a building on the lot;

5.6. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the lot or of a building on the lot; and

6.7. Walks and driveways for vehicular or pedestrian access to the lot.

**SECTION 12.** Section 20.50.010 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.010 Industrial Zoning Districts**

- A. This Chapter sets forth the land use and development regulations applicable to the Industrial 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 the IP, LI and HI Industrial Districts except as set forth in this Chapter.
- C. The purposes of the Industrial Zoning Districts are as follows:

- 1. CIC Combined Industrial/Commercial

The CIC Combined Industrial/Commercial zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the Combined Industrial/Commercial General Plan Designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constraints on neighboring industrial uses.

- 2. IP Industrial Park

The Industrial Park zoning designation is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses, in addition to industrial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in

the immediate industrial area. These commercial uses should be located within a larger industrially utilized building to protect the character of the area and maintain land use compatibility. In addition, warehouse retail uses are allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a ~~Mixed Industrial Use Overlay General Plan Designation~~ or a Combined Industrial/Commercial General Plan Designation, a broader range of uses, both free standing and in combination with others, will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

3. LI Light Industrial

The Light Industrial Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. The design controls are less stringent than those for the Industrial Park Zoning District. Examples of typical uses are warehousing, wholesaling, and light manufacturing. Sites designated Light Industrial may also contain service establishments that serve only employees of businesses located in the industrial areas. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a ~~Mixed Industrial Use Overlay General Plan Designation~~ or a Combined Industrial/Commercial General Plan Designation, a broader range of uses will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

4. HI Heavy Industrial

This district is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. Extractive and primary processing industries are typical of this district. Very limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy

Industrial land from being uses to its fullest extent and are not of a scale or design that depends on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial user on the property and integrated within an industrial building. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. ~~When located within an area with a Mixed Industrial Use Overlay General Plan Designation, a broader range of uses will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.~~

**SECTION 13.** Section 20.50.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Permitted" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial or, in the case of Hotel/Motel establishments, which may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay are indicated by a "P<sup>GP</sup>" on Table 20-110.
- CB. "Conditional" uses are indicated by a "C" on Table 20-110. 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.

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the ~~San Jose 2020~~ General Plan, as amended, with the ~~Mixed Industrial Overlay or~~ Combined Industrial/Commercial or, in the case of Hotel/Motel establishments, may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay are indicated by a "C<sup>GP</sup>" on Table 20-110. 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.

- | DG. “Special” uses are indicated by a “S” on Table 20-110. 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.
- | ED. “Administrative” uses are indicated by an “A” on Table 20-110. 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.
- | EE. Land uses not permitted are indicated by a “-” on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- | GF. When the right column of Table 20-110 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.

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
<b>Industry</b>					
Auction	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
Industrial Services	-	-	P	P	
Laboratory, processing	P	P	P	P	
Manufacturing and Assembly					
Light	P	P	P	-	
Medium	P	P	P	P	
Heavy	-	-	-	P	
Research and Development	P	P	-	-	
Catalog and mail order	P	P	P	-	
Construction/Corporation yard	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	C	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	
Hazardous materials storage facility	-	-	C	C	
Hazardous waste facility	-	-	-	C	
Junkyard	-	-	-	C	
Miniwarehouse/ministorage	-	-	P	P	
Outdoor uses or storage, industrial	-	-	S	P	Section 20.50.210
Private power generation	C	C	C	C	
Stockyard, including slaughter	-	-	-	C	
Warehouse/Distribution Facility	P	P	P	P	
Wholesale sale establishment	P	S	P	P	
<b>Additional Uses</b>					
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	S	S	
Commercial support	-	P	-	-	Note 5, Section 20.50.110
<b>General Retail</b>					
Retail sales, goods and merchandise	P	-	-	-	Note 5, Section 20.50.110
Retail art studio	P	-	-	-	
Alcohol, off-site sales – beer and/or wine only	C	-	-	-	Note 5, Section 20.50.110
Alcohol, off-site sales – full range of alcoholic beverages	C	-	-	-	Note 5, Section 20.50.110
Bakery, retail	P	-	-	-	Note 5, Section 20.50.110
Food, beverage, groceries	P	-	-	-	Note 5, Section 20.50.110
Nursery, plant	P	-	C	C	
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Large format commercial establishment	-	C <sup>GP</sup>	C <sup>GP</sup>	-	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	
Large format commercial establishment, associated commercial	-	C <sup>GP</sup>	C <sup>GP</sup>	-	Section 20.50.115
Warehouse retail	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	-	C	-	
Seasonal Sales	P	P	P	P	Part 14, Chapter 20.80
<b>Education and Training</b>					
Day care center	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
School, driving (class A & B license)	-	-	P	P	
Instructional art studios	P	-	-	-	
Instructional art studios, live models	C	-	-	-	
Private instruction, personal enrichment	P	-	-	-	
School, post secondary	C	C	-	-	
School, trade and vocational	C	-	C	C	
<b>Entertainment and Recreation Related</b>					
Recreation, Commercial/Indoor	P	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Note 5, Section 20.50.110
Relocated Cardroom	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C <sup>GP</sup>	C <sup>GP</sup>	
<b>Food Services</b>					
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	
<u>Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms</u>	P	P <sup>GP</sup>	-	-	Section 20.80.475
Public eating establishments	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Outdoor dining, incidental to a public eating establishment	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
<b>Health and Veterinary Services</b>					
Animal boarding, indoor	P	-	-	-	
Animal grooming	P	-	-	-	
Emergency ambulance service	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
Medical clinic/ out-patient facility	P	C <sup>GP</sup>	-	-	Note 5, Section 20.50.110
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
<b>General Services</b>					
Crematory	-	-	C <sup>GP</sup>	C	Note 6
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	
Hotel/motel	P	C <sup>GP</sup>	-	-	
Laundromat	P	-	-	-	
Maintenance and repair, small household appliances	P	-	-	-	
Messenger services	P	-	-	-	
Personal services	P		-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	
Printing and publishing	P	P	P	P	
Social Service Agency	-	C	C	C	
<b>Offices and Financial Services</b>					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business support	P	-	-	-	
Financial institution	P	-	C <sup>GP</sup>	C <sup>GP</sup>	Note 5, Section 20.50.110

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Office, general business	P	P	-	-	
Office, research and development	P	P	-	-	
<b>Public, Quasi-Public and Assembly Uses</b>					
Church/Religious Assembly	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
<b>Residential</b>					
Emergency residential shelter, more than 50 beds	C	C <sup>GP</sup>	C	C <sup>GP</sup>	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C <sup>GP</sup>	C	C <sup>GP</sup>	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
<b>Drive-Through Use</b>					
Drive-through in conjunction with any use	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
<b>Recycling Uses</b>					
Recycling processing facility	-	C	S	S	
Recycling transfer facility	-	C	S	S	
Large collection facility	-	-	-	P	
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
<b>Transportation and Utilities</b>					
Common carrier	-	-	C	P	
Common carrier depot	S	S	S	S	
Community television antenna systems	C	C	C	C	
Data center	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	C	
Parking establishment, off-street	C	C	C	C	
Television, radio studio	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
<b>Electrical Power Generation</b>					
Base Load Facility	-	-	-	C	
Stationary Peaking Facility	-	-	C	C	
Transportable Peaking Facility	-	-	C	C	
Private Power Generation Facility	C	C	C	C	
Co-Generation Facility	S	S	S	S	
<b>Stand-by/Backup</b>					
Facilities that do not exceed noise and air standards	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	
Temporary Stand-by-Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
<b>Vehicle Related Uses</b>					
Auto broker, wholesale, no on-site storage	P	P	-	-	
Car wash, detailing	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Note 2, <u>Note 7</u>
Gas or charge station with incidental service and repair	P	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Note 3
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	C	-	C	-	
Repair and cleaning of vehicles	-	-	P	P	Note 4

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	C	-	
Vehicle tow yard	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	C	
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

**Notes:**

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP district subject to the limitation of the Commercial Support Use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.
6. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and daycare centers, which distance(s) shall be measured from the nearest points of the parcel boundary on which the crematory is proposed and the parcel boundary on which the residential, school or day care center is located.
7. Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all industrial zoning districts.

**SECTION 14.** Section 20.50.110 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.110 Commercial Support**

Commercial support is Permitted in the IP Industrial Park District only when all of the following criteria are met:

- A. Such commercial uses serve the immediate area; and
- B. Such commercial uses are located entirely within buildings occupied by primary uses Permitted in the IP district; and
- C. The sum of all such commercial uses in the buildings occupies no more than ten percent (10%) of the gross floor area of any building or no more than 20,000 square feet of any building, whichever is less; or, in the case of medical offices as the sole commercial support use in a building, occupies no more than twenty percent (20%) of the gross floor area of any building or no more than 20,000 square feet of any building, whichever is less; and
- D. Such commercial uses are limited to the following:
  - 1. Retail; including off sale of alcohol, subject to a Conditional Use Permit
  - 2. Recreation, Commercial/Indoor
  - 3. Personal service establishment
  - 4. Public eating establishment
  - 5. Outdoor dining, incidental to a public eating establishment
  - 6. Financial institution
  - 7. Medical clinic
  - 8. Medical Office
  - 9. Child Day Care Center
  - ~~9-10.~~ Amusement game devices, up to nine (9) per business establishment, as an (incident) to one or more of the above enumerated commercial uses.

**SECTION 15.** Section 20.50.200 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.200 Development Standards**

All development in the Industrial Zoning Districts shall conform to the development regulations set forth below in Table 20-120.

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Minimum Lot Area (square feet)	6,000	10,000	10,000	6,000	
Minimum Unit Size for Non-residential Condominiums	4,000	Section 20.175.042	Section 20.175.042	Section 20.175.042	
Minimum Setback (feet)					
Front					Note 1
Building	15	15	15	15	
Parking and circulation for passenger vehicles	20	25	20	15	
Parking for trucks & buses	40	40	30	15	
Loading docks	60 or 100 from residential district	60 or 100 from residential district	60 or 100 from residential district	15 or 100 from residential district	
Side					Note 2
Building and Structures	0 or 25 from residential district				

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	60 or 100 from residential district	100 from residential district	100 from residential district	
Rear					Note 3
Building and Structures	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	100 from residential district	100 from residential district	100 from residential district	

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Maximum Height (feet)	45 <u>0</u> or subject to General Plan Height Policies established in Chapter 20.85X	45-50 or established in Chapter 20.85X subject to General Plan Height Policies	45-50 or established in Chapter 20.85X subject to General Plan Height Policies	45-50 or established in Chapter 20.85X subject to General Plan Height Policies	Note 4
Minimum street frontage (feet)	60	60	60	60	
Parking	See Chapter 20.90				

**Notes:**

1. "Front" refers to lot boundaries abutting streets, excluding freeways.
2. "Side" refers to lot boundaries not abutting streets or which abut freeways.
3. "Rear" refers to lot boundaries not abutting streets or which abut freeways.
4. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions in this Section.
- ~~4. Refer to the San Jose 2020 General Plan, as amended, Urban Design Policies for policies related to height.~~

**SECTION 16.** Section 20.50.220 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.220 Late Night Use and Activity**

- A. ~~No establishment other than retail commercial uses, establishment~~ in any Industrial 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 residentially zoned property

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.

**SECTION 17.** Section 20.50.260 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.260 Landscaping**

- A. The following landscaping requirements shall apply for all sites in the Industrial Districts:
1. All setback areas, exclusive of Permitted off-street parking areas and private egress, or circulation, shall be landscaped.
  2. All landscaped areas shall be maintained in perpetuity, and all dead plant materials replaced with viable plant materials in conformance with an approved Permit.
  3. A ten (10) foot wide landscape buffer and a seven (7) foot high property line masonry wall is required when a driveway, service yard, loading area or parking lot is adjacent to residential uses.
  4. Tree wells in a parking lot shall be a minimum forty (40) square feet, with a minimum five (5) foot net dimension.
  5. A four (4) foot high parking screen is required when residential uses are located across the street. Attractive walls, dense landscaping or depressed parking are acceptable screening solutions.
  6. All landscaped areas shall be designed and maintained in conformance with City Council Policy No. 6-29, entitled "City Council Policy on Post Construction Urban Runoff Management," as the same may be amended from time to time.
- B. Landscape guidelines are contained in the Landscape and Irrigation Guidelines, adopted by the City Council, October 1989, Revised March 1993, the ~~San Jose 2020~~ General Plan, as amended, the Riparian Corridor Policy Study, approved by the City Council, May 17, 1997, the current Guidance Manual on Selection of Stormwater Quality Control Measures, prepared for the Department of Planning, Building, and Code Enforcement, and the current Post-Construction Urban Runoff Management Policy approved by the City Council.

**SECTION 18.** Section 20.50.270 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.270 Setback Areas - Open, Unobstructed, and Unoccupied**

Except as otherwise expressly and specifically provided in other sections of this Title, 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. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features 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;
2. Any portion of a building (including but not limited to bay windows, on a foundation or cantilevered, or chimneys, of up to ten (10) feet in length each and bump outs, whether on a foundation or cantilevered), not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building ~~on which they are located~~, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum setback of at least three (3) feet;
3. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any setback area;
- ~~3.4.~~ Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum setback of three (3) feet;
- ~~4.5.~~ Overhead wires necessary for electrical and telephone service to a building on the lot;
- ~~5.6.~~ Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the lot or of a building on the lot; and
- ~~6.7.~~ Walks and driveways for vehicular or pedestrian access to the lot.

**SECTION 19.** Section 20.70.010 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

### **20.70.010 Applicability**

This Chapter shall ~~only~~ apply only to properties with a zoning designation consistent with this Chapter and located within the Downtown Area bounded by Julian Street, North Fourth Street, East St. John Street, 7<sup>th</sup> Street, East San Fernando Street, South 4<sup>th</sup> Street, Interstate 280, ~~Route 87, West Santa Clara Street, the Guadalupe River, West Julian Street, Route 87,~~ the Union Pacific Railroad line, Stockton Avenue, Taylor Street and Coleman Avenue, which area is sometimes referred to as the Downtown Zoning Area.

**SECTION 20.** Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

### **20.70.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Conditional" uses requiring Planning Commission approval as the initial decision-making body are indicated by a "C" on Table 20-140. 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 approved by the Planning Commission, or City Council on appeal, as set forth in Chapter 20.100.
- C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-140. 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 approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by a "S" on Table 20-140. 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.
- E. "Administrative" uses are indicated by an "A" on Table 20-140. 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.

- F. Land uses not permitted are indicated by a “-” on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- G. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space (“DG Area”), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.
- H. The “Parking” column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.
- I. When the right column of Table 20-140 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 José Municipal Code.

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
<b>Offices and Financial Services</b>					
Automatic Teller Machine	P	P		No parking	Section 20.80.200
Business Support	P	P	S, Note l	No parking	
Financial institution	P	P	S, Note i	2.5 per 1,000 sq. ft.*	
Financial Services	P	P	S, Note n	No parking	

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
Offices, business and administrative	P	P	S, Note j	2.5 per 1,000 sq. ft.*	Section 20.70.110
Research and development	P	P	-	2.5 per 1,000 sq. ft.*	Note 1
<b>General Retail</b>					
Alcohol, off-site sales – beer and/or wine only	C	C		No parking	Section 20.80.900
Alcohol, off-site sales – full range of alcoholic beverages	C	C		No parking	Section 20.80.900
Auction	S	-	-	No parking	
Food, beverage, groceries	P	P		No parking	
Open air sales establishments and areas	S	S		No parking	
Outdoor vending	S	S		No parking	Part 10, Chapter 20.80
Pawn Shop, Pawn Broker	C	C	Note b	No parking	
Retail sales, goods and merchandise	P	P	Note a	No parking	
Seasonal sales	P	P		No parking	Part 14, Chapter 20.80
<b>Education and Training</b>					
Day care center	P	P	S, Note c	No parking	
Post-secondary School	P	P	-	1 per 360 sq. ft.	
Trade School	P	P	-	1 per 360 sq. ft.	
Personal enrichment, Instructional Art	P	P	-, Note d	1 per 360 sq. ft.	
School, elementary (grades K-8)	C	C	-	1 per teacher and employee	

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
High School (grades 9-12)	C	C	-	.75 per teacher and employee and 1 per each 10 students	
<b>Entertainment and Recreation Related</b>					
Amusement arcade	C	-	Note e	No parking	
Movie Theater	P	P		No parking	
Recreation Commercial/Indoor	P	P		No parking	
Poolroom	S	-		No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
<b>Food Services</b>					
Banquet facility	P	P	Note f	No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking establishments	C	C		No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-		<u>No Parking</u>	Note 7
<u>Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms</u>	<u>P</u>	<u>P</u>		<u>No parking</u>	<u>Section 20.80.475</u>
Public eating establishments	P	P		No parking	
Wineries, Breweries	C	C		No parking	
<b>Health and Veterinary Services</b>					
Animal grooming	P	P	-	No parking	
Animal Boarding, indoor	P	P	-	No parking	

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
Emergency ambulance service	C	-	-	No parking	
Hospital/ in-patient medical facility	C	-	-	1.5 per doctor	
Medical or Dental Clinic/Out-patient facility	P	P	-	1.5 per doctor	
Veterinarian	P	P	-	1.5 per doctor	
<b>General Services</b>					
Bed and breakfast	P	P	S, Note m	.35 per room	Part 2, Chapter 20.80
Hotel/motel	P	P	-, Note m	.35 per room	
Maintenance and repair of household appliances	P	P	-	No parking	
Mortuary and funeral services	C	C	-	.75 per employee and vehicle	
Personal Services	P	P	Note g	No parking	
Printing and Publishing	P	P	Note h	No parking	
<b>Public, Quasi-Public and Assembly Uses</b>					
Auditorium	C	-	-	No parking	
Cemetery	C	C	-	No parking	
Church/religious assembly	P	P		No parking	
Information Center	P	P		No parking	
Museums, libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	Note k	No parking	
<b>Residential</b>					

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
Residential Shelter	C	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.*	
Live/work	P	S		1.5 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential Care Facility for 7 or more persons	C	C	-	.75 per employee	
Residential Services Facility for 7 or more persons	C	C	-	.75 per employee	
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Part 15, Chapter 20.80
<b>Residential Accessory Uses</b>					
Accessory buildings and structures	P	P	-	No parking	Note 2
<b>Recycling Uses</b>					
Reverse vending	S	S	-	No parking	Note 3
Small collection facility	S	S	-	No parking	Note 3
<b>Transportation and Communication</b>					
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	-	N/A	Section 20.90.200
Parking establishment, off-street	P	P	-	N/A	

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
Private Electrical Power Generation Facility	C	C	-	1 for each vehicle used in the operation of such facility	
Standby Generators that do not exceed noise or air standards	A	A	-	N/A	
Temporary Stand-by/Backup generators	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S		N/A	
Radio & Television Studios	S	-	C	No parking	
Wireless communication antenna	S	-	-	No parking	Section 20.80.1900
Wireless communication antenna, building mounted	P	-	-	No parking	Section 20.80.1900
<b>Electrical Power Generation</b>					
Solar Photovoltaic System	P	P	-	No parking	Section 20.100.610(C)(7)
<b>Vehicle Related Uses</b>					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gas or charge station	P	-	-	No parking	Note 3, <u>Note 8</u>
Gas or charge station with incidental service and repair	P	-	-	No parking	Note 3
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 5
Sale, vehicle parts, new	P	-	-	No parking required	
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S		Section 20.90.220.E	Part 8.5 Chapter 20.80

**Notes:**

Notes applicable to the DG Area only:

- (a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
- (b) Only as a use incidental to a retail jewelry store, otherwise, not permitted.
- (c) Only as a use incidental to existing on-site office use, otherwise not permitted.
- (d) Culinary/Art School with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- (e) Allowed only as an incidental use to other allowed recreation uses.
- (f) Only as a use incidental to restaurant, grocery or bakery uses for primarily on site sales, otherwise not permitted.
- (g) Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
- (h) Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- (i) Only if dedicated primarily to on-site retail customer services, otherwise not permitted.
- (j) Exception for travel agencies and real estate agencies which are the only permitted uses.
- (k) Community centers are not allowed.

- (l) Exception for copy shops and mail centers which are the only permitted uses.
- (m) Use of ground floor to be primarily dedicated to customer-related public services.
- (n) Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use.

Notes applicable to Downtown Core (DC) Zoning District, including DG Area:

- (1) Excludes manufacturing uses.
- (2) No lot may be used solely for an accessory structure or building.
- (3) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (4) All activity must be conducted indoors.
- (5) Non-engine and exhaust related service and repair allowed as incidental use.
- (6) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.
- (7) Maximum occupancy load shall be that maximum occupancy load determined by the City Fire Marshall.
- (8) Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all downtown zoning districts.

- \* Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.5 spaces per 1,000 square feet when BART is opened.

Fifteen percent (15%) of total parking requirement must be provided off-site.

**SECTION 21.** Section 20.75.020 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

**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 the Alum Rock Neighborhood Business District, as that District is described and identified in the ~~San Jose 2020~~ General Plan (as the same may be updated and/or amended from time to time).

| 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 facilities, 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.

**SECTION 22.** Section 20.75.105 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.75.105 Lot Size**

- A. The minimum lot size shall be 6,000 square feet.
- B. Notwithstanding, the provisions of Subsection 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 Subsection 20.175.042.B.

**SECTION 23.** Section 20.75.110 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.75.110 Building Placement**

A. Building placement and building setbacks shall conform to the regulations set forth in Table 20-151.

<b>Table 20-151 MS-G and MS-C Main Street Districts Required Build-to-Lines and Setbacks</b>				
<b>Regulations</b>	<b>Main Street or Major Cross Street Frontage</b>	<b>Minor Cross Street Frontage</b>	<b>Residential Street Frontage</b>	<b><u>Notes and Sections</u></b>
Front build-to-line	5 feet- from front lot line	2 feet- from front lot line	<u>15 feet from front lot line</u>	<u>Subsections 20.75.110.B &amp; 20.75.110 C</u>
Front setback	10 ft. maximum	10 ft maximum		
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-line <sup>1</sup>	70% minimum	30% minimum		
Side interior setback <sup>2</sup>	None	None		
<u>Minimum Ssetback</u> from any lot line adjacent to a property located in a Residential Zoning District <sup>3</sup>	15 feet- <del>Minimum</del>	15 feet- <del>minimum</del>	<u>15 feet</u>	<u>Subsection 20.75.120.A</u>
Setback from any other lot line	<del>Conform to Building Code</del> None	<del>Conform to Building Code</del> None	<u>None</u>	<u>Note 1</u>

Notes:

1. ~~See Section 20.75.110.B.1.~~
2. ~~See Section 20.75.110.B.5~~
3. ~~See Section 20.75.110.B.4~~ Building Code setbacks may apply.

B. Building Placement Requirements and Exceptions

Building placement shall conform to the following:

1. The front build-to-line shall apply to that portion of a building located below the elevation of the fifth finished floor.
2. 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 20.75.120130.A.
3. 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.

C. Buildings with a Residential Street Frontage shall conform to the following:

1. That portion of a building façade located below the elevation of the second finished floor, except recessed building entries, windows and balconies, shall be located on the build-to-line.
2. 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.B.

**SECTION 24.** Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

**20.75.120115 Building Placement Exceptions**

1. Notwithstanding the provisions of Table 20.151, in Section 20.75.110 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 20.151, 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.

2. Notwithstanding the provisions of Table 20.151 in Section 20.75.110, 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.
3. Notwithstanding the provisions of Table 20-151 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.
4. Notwithstanding the provisions of Table 20.151 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.

**SECTION 25.** Section 20.75.120 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

**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. ~~\_\_\_\_\_~~ ~~j.\_\_\_\_\_~~ Balconies located at or above the elevation of the third finished floor that project no more than three (3) feet into the airspace above the Pedestrian Zone Sminimum setback.
- k. Residential stoops on a Minor Cross Street Frontage that extend into the Pedestrian Zone Setback a distance of no more than two (2) feet.

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 three (3) feet into the air space above the surface of the ground in the front setback area of a Residential Street Frontage; and
2. On a Residential Street Frontage, balconies may project horizontally for a distance of not more than three (3) feet into the air space above the surface of the ground in the front setback area; and
3. Unenclosed porches, whether or not they are covered, may extend into the minimum front setback area of a Residential Street Frontage not more than eight (8) 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 twelve (12) feet into the minimum setback area.
4. Overhead wires necessary for utility service to a building on the lot; and
35. 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
64. 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
- 5.7. 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.~~

**SECTION 26.** Section 20.75.140 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

**20.75.130140130 Building Frontage Requirements**

A. A.—Active Commercial Building Frontage and Residential Building Frontage shall be provided in conformance with the regulations set forth in Table 20-152. “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, resident laundry rooms and resident work-out facilities. “Residential Building Frontage” means building space designed for residential dwelling units located on a Residential Street Frontage in a Pedestrian Oriented Zoning District.

<b>Table 20-152 MS-G and MS-C Main Street Districts Building Frontage Requirements</b>	
<b>Lot Type</b>	<b>Minimum Required Active Ground-floor-Commercial Building Frontage</b>
<b>Main Street Frontage</b>	
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
<b>Major Cross Street Frontage</b>	
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
<b>Minor Cross Street Frontage</b>	
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
<b>Lot Type</b>	<b>Minimum Residential Building Frontage</b>
<b>Residential Street Frontage</b>	
All lots	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.

B. Active Commercial Building Frontage Exceptions

1. Notwithstanding the provisions of Table 20-152 in Section 20.75.140, 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 Subsection 20.75.1340.B, 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.

**SECTION 27.** Section 20.75.140 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

**20.75.140 Requirements for Active Commercial Building Frontage Design**

A. All Active Commercial Building Frontage required pursuant to Section 20.75.1430 ~~in the MS-G and MS-C Main Street Districts~~ shall conform to the design requirements set forth in Table 20-153.

<b>Table 20-153 MS-G and MS-C Main Street Districts Requirements for Active Commercial Building Frontage</b>			
<b>Requirements</b>	<b>Less than 8,000 sq. ft. of contiguous commercial space</b>	<b>8,000 or more sq. ft. of contiguous commercial space</b>	<b><u>Notes and Sections</u></b>

Minimum height of first story <sup>1</sup>	15 ft.	18 ft.	<u>Note 1</u>
Minimum first floor commercial space depth <sup>2</sup>	45 ft.	60 ft.	<u>Note 2</u>
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 eighteen (18) inches and ninety-six (96) inches <sup>3</sup> .		
Building entries	All ground level commercial space fronting on a street shall have a primary building entry situated along and accessible from the <u>Pedestrian Zone</u> . <u>“Pedestrian Zone” means the Pedestrian Zone Setback and the adjacent public sidewalk.</u> Buildings located on Corner Lots shall have a primary building entrance along and accessible from the Primary Street.		

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.

**20.75.150B.** Residential Building Frontage Design Requirements

Residential Building Frontage required pursuant to Subsection 20.75.110.C shall conform to the design requirements set forth in Table 20-154.

~~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 20-154.~~

<b>Table 20-154</b>	
<b>MS-G and MS-C Main Street Districts</b>	
<b>Residential Building Frontage Design Requirements</b>	
<b>RequirementsCategory</b>	<b>MS-GRequirements</b>
Elevation of First Finished Floor	Maximum: <del>of</del> 48 inches above grade
Structured Parking on a Residential Building Frontage	Ventilation openings for partially below-grade parking shall not face a

	Residential Street.
Building Entries	A minimum of one (1) pedestrian building entry shall be provided to the street front for each 50 feet of Residential Street Frontage.

**SECTION 28.** Section 20.75.150 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby repealed:

**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 20-154.

<b>Table 20-154 MS-G and MS-C Main Street Districts Residential Building Frontage Design Requirements</b>	
<b>Requirements</b>	<b>MS-G</b>
Elevation of First Finished Floor	Maximum of 48 inches above grade
Structured Parking on a Residential Building Frontage	Ventilation openings for partially below-grade parking shall not face a Residential Street.
Building Entries	A minimum of one (1) pedestrian building entry shall be provided to the street front for each 50 feet of Residential Street Frontage.

**SECTION 29.** Section 20.75.160 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

**20.75.160 Maximum Building Height and Story Regulations**

**A. Maximum Height and Stories**

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 20-155.

<b>Table 20-155 MS-G and MS-C Main Street Districts Maximum Stories and Height</b>		
<b>Category</b>	<b>Requirement</b>	<b>Notes and Sections</b>

Maximum Allowed Stories	5 stories above grade	
Maximum Allowed Height <sup>1</sup>	75 ft. above grade	<u>Subsection 20.75.160.B</u>
<u>Maximum Allowed Height</u> <u>Within fifty (50) ft. of property located in a Residential Zoning District allowing 8 units or less per acre<sup>2</sup></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>Subsection 20.75.160.B</u>
<u>Maximum Allowed Height</u> <u>Within fifty (50) ft. of property located in a Residential Zoning District Allowing 9 to 30 units per acre<sup>2</sup></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>Subsection 20.75.160.B</u>
<u>Maximum Allowed Height</u> <u>Within 40 feet of a Residential Street</u>	40- <u>35</u> ft. above grade	

Notes:

1. ~~See Section 20.75.160.C~~
2. ~~See Section 20.75.160.B~~

B. Building Height Exceptions

1. Notwithstanding the provisions of Table 20-155 in Section 20.75.160, the maximum height limits for a building or structure located within 50 feet of a Residential Zoning District shall not apply to any portion of a building or structure located within 100 feet of the Main Street.

2. Notwithstanding the provisions of Table 20-155 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:

a. 1.—The property located in a Residential Zoning District is not developed with a residential use; and

b. ~~2.~~—The orientation, location and elevation of the proposed building/s is compatible with adjacent development; and

c. ~~3.~~—The development does not exceed a height of 75 feet above grade. ~~conforms to all of the provisions of this Title.~~

C.3. Notwithstanding the provisions of Table 20.155 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~~ fifth floor of the building, may extend to a height of 80 feet. The area of any roof screen that exceeds a height of 75 feet above grade shall include the area encompassed by that roof screen.

**SECTION 30.** Section 20.75.180 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

### **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 building or 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.

**SECTION 31.** Section 20.75.200 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.75.200 Allowed Uses and Permit Requirements**

A. "Permitted" land uses are indicated by a "P" on Table 20-156.

B. "Conditional" uses are indicated by a "C" on Table 20-156. 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 20-156. 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 20-156. 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 20-156 Land uses not listed on Table 20-156 are not Permitted.
- F. When the right column of Table 20-156 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.

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS-C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
<b>General Retail</b>					
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,

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS-C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
					<b>Chapter 20.80</b>
<b>Education and Training</b>					
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	
<b>Entertainment and Recreation Related</b>					
Arcade, amusement	C	-	C	C	
Dancehall	C	-	C	C	
Poolroom/Billiards Establishment	C	-	C	C	

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS- C</b>	
	<b><u>Active Ground Floor Commercial Building Frontage</u></b>	<b><u>Residential Building Street Frontage</u></b>	<b>All Other</b>		
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	
<b>Food Services</b>					
Banquet facility	C	-	C	C	
Caterer	P	-	P	P	Note 4
Drinking establishments	C	-	C	C	
<u>Drinking establishment interior to a full-service hotel/motel with 75 or more guest rooms</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>Section 20.80.475</u>
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	
<b>Health and Veterinary Services</b>					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	
Hospital/ in-patient	C	-	C	C	

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS- C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
facility					
Medical clinic/ out-patient facility	P	-	P	P	
Office, medical	P	-	P	P	
Veterinary clinic	P	-	P	P	
<b>General Services</b>					
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	
<b>Offices and Financial Services</b>					
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	
<b>Public, Quasi-Public and Assembly Uses</b>					
Cemetery	-	-	-	-	

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS- C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
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	
<b>Residential/Mixed Use</b>					
Multiple dwellings	-	C	C	C	Section 20.75.210
Residential accessory uses including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	<del>C</del>	P	P	P	Section 20.75.210 <u>and</u> Section 20.75.220
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 & Section 20.75.210

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS-C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
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
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
<b>Drive-Through Uses</b>					
Drive-through in conjunction with any use	-	-	C	C	Section 20.75.330
<b>Recycling Uses</b>					
Reverse vending	A	P	A	A	
Small collection facility	A	-	A	A	
<b>Transportation and Utilities</b>					
Data Center	-	-	-	-	
Community television antenna systems	-	-	C	C	
Off-site, alternating use and alternative parking	S	S	S	S	Section 20.90.200

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS- C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
arrangements					
Parking establishment, off-street	C	-	C	C	Section 20.75.130.B.3
Utility Structures	A	A	A	A	Part 19, Chapter 20.80 and Section 20.75.120.A.4
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
<b>Electrical Power Generation</b>					
Private Electrical Power Generation Facility	-	-	C	C	Note 2
Co-Generation Facility	S	-	S	S	
Stand-by/Backup					
Facilities that <b>do not</b>	A	S	A	A	

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS- C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
exceed noise or air standards					
Facilities that <b>do</b> 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)
<b>Vehicle Related Uses</b>					
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	-	-	-	-	<u>Note 11</u>
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

<b>Table 20.156 Pedestrian Oriented Districts Land Use Regulations</b>					
<b>Use</b>	<b>Main Street Zoning Districts</b>				<b>Applicable Sections &amp; Notes</b>
	<b>MS-G</b>			<b>MS- C</b>	
	<b>Active Ground Floor Commercial Building Frontage</b>	<b>Residential Building Street Frontage</b>	<b>All Other</b>		
Sale <u>or lease</u> , passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles, indoors	S	-	S	S	Note 9, Note 10
<u>Leasing-Rental</u> passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	SP	-	S	S	<u>Note 2 Part 13.6 of Chapter 20.80</u>
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
<b>Historic Reuse</b>					
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.
- (11) Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons or residents of the primary use on-site are permitted in all pedestrian oriented zoning districts.

**SECTION 32.** Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

**20.75.220 Residential Accessory Uses**

Residential accessory uses, including recreation facilities, mail rooms, laundry facilities, storage and other similar facilities shall be allowed on a Ground Floor Commercial Frontage pursuant to a Conditional Use Permit provided such uses do not reduce the required Active Commercial Building Frontage required in Table 20-152 of Section 20.75.140. "Ground Floor Commercial Frontage" means the ground floor area of a lot that has a Main Street or Major Cross Street Frontage located between the Build-to-line and a parallel line located 60 feet back from the Build-to-line.

**SECTION 33.** Section 20.75.330 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.75.330 Drive Through Uses**

No service window for a drive-through use shall be located ~~allowed within~~ unless the drive through service window is separated from the Main Street by a minimum of 100 feet and a building of the Main Street.

**SECTION 34.** Section 20.80.300 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.80.300 Conversion of Dwellings, Permit Required**

- A. No one-family dwelling in any District shall be converted to any other use except upon issuance of and in compliance with a:
1. Site Development Permit for conversion to a two-family dwelling or a multiple dwelling; or
  2. Special Use Permit for conversion to any nonresidential use identified as a permitted, or special use in the District with the one-family dwelling; or
  3. Conditional Use Permit for conversion to any nonresidential use identified as a conditional use in the District with the one-family dwelling.
- B. No two-family dwelling or multiple dwelling in any District shall be converted to any other use except upon issuance of and in compliance with a:
1. Permit Adjustment for conversion of a two-family dwelling to a one-family dwelling; or
  2. Site Development Permit for conversion to a one-family, two-family, or multiple dwelling; or
  - 2.3. Special Use Permit for conversion to any nonresidential use identified as a permitted, or special use in the District with the two-family or multiple-family dwelling; or
  - 3.4. Conditional Use Permit for conversion to any nonresidential use identified as a conditional use in the District with the two-family or multiple-family dwelling.
- C. Nothing contained in this Section shall be deemed or construed to permit approval of any one-family dwelling, two-family dwelling or multiple dwelling use in any District in which such use is not otherwise allowed pursuant to the provisions of Chapters 20.20 through 20.70 of this Title.

**SECTION 35.** Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read as follows:

**Part 5.5**  
**Drinking Establishments Interior to a Hotel or Motel**

**20.80.475 Drinking Establishments Interior to a Full-Service Hotel or Motel**

- A. Drinking Establishments that fully conform to all of the following criteria at all times are permitted in Full Service Hotels or Motels with 75 or more guest rooms:
1. The Drinking Establishment is accessible only from the interior of the Hotel or Motel; and
  2. The Drinking Establishment is operated entirely within the interior of the Hotel or Motel; and
  3. The Drinking Establishment does not operate between the hours of 12:00 midnight and 6:00 a.m.; and
  4. No noise related to any activities of the Drinking Establishment is plainly audible from a residential use that is located fifty (50) feet or more from the Hotel or Motel.
- B. A Conditional Use Permit shall be required for any Drinking Establishment that does not fully conform to all of the requirements and criteria of Subsection 20.80.475.A at all times.

**SECTION 36.** Section 20.80.710 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.80.710 Performance Criteria**

A business or commercial activity is a home occupation only if it conforms to each of the performance criteria, set forth in Table 20-160 below:

<b>Table 20-160 Performance Criteria</b>	
<b>Signage</b>	Signage must conform to the residential signage requirements set forth in Part 4 of Chapter 23.04 of Title 23.
<b>Business Vehicles</b>	A maximum of one (1) business vehicle with a manufacturer's gross vehicle weight of less than 10,000 pounds is permitted to be kept, garaged or parked on the lot or parcel associated with the home occupation.
<b>Clients</b>	A maximum of two (2) clients at a time are permitted at the dwelling.
<b>Employees and Assistants</b>	Only occupants of the dwelling may be employees or unpaid volunteers of the business or commercial

<b>Table 20-160 Performance Criteria</b>	
	activity.
<b>Environmental Constraints</b>	There shall be no obnoxious odors, vibrations, glare, fumes, dust, electrical interference or noise detectable by normal human sensory perception outside the dwelling or through vertical or horizontal party walls.
<b>Hours of Operation</b>	Clients are permitted at the residence only between the hours of 9 o'clock a.m. and 9 o'clock p.m.
<b>Location</b> <i>Dwelling Unit</i>  <i>Accessory Building</i>  <i>Attached Garage</i>  <i>Carports</i>	Home occupations, including storage, are permitted in the dwelling unit.  Home occupations, including storage, are limited to one hundred (100) square feet of floor area in an accessory building provided any required parking provided in the accessory building is retained and accessible.  Home occupations are permitted in an attached garage provided the required parking is retained and accessible.  Home occupations are not permitted in carports.
<b>Yard Areas</b>	Home Occupations, <u>with the exception of activities that meet the definition of Neighborhood Agriculture</u> , are not permitted in yard areas.
<b>Manufacture or Assembly</b>	No manufacture or assembly, other than hand-crafted products, is permitted.
<b>Sales</b>	The direct sale of products off display shelves or racks to the general public <u>shall be limited to no more than fifteen (15) square feet of space</u> <del>is prohibited</del> ; however, an order may be filled on the premises if placed earlier by a customer using <u>online</u> , telephone or mail order communications, or through attendance at an off-site sales party.

**SECTION 37.** Section 20.80.720 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.80.720 Prohibited Uses**

The following are not permitted as home occupations:

1. Animal breeding except for small scale activity involving no more than a total of six adult small animals (animals of six months in age or greater) as set forth in Title 7.
2. Appliance repair, other than the repair of small household appliances, as defined in Section 20.200.550.
3. Firearm sales and service.
4. Motorized garden tool repair, such as, but not limited to, lawnmowers, chainsaws, and leaf blowers.
5. Massage parlor, as provided in Part 1 of Chapter 20.80 of this Title, and the business of massage as provided in Section 6.44.010, Subsection A, of Chapter 6.44 of Title 6.
6. Pest control.
7. Upholstery and furniture repair.
8. Food catering.
9. Vehicle-related uses such as, but not limited to, the following: storage of vehicles, cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, towing, driving schools, and dispatching of vehicles located at the site.
10. Welding.
11. Any use which requires a Hazardous Materials Permit from the Fire Department.
12. Any Off-Sale of Alcohol.
13. Any other use which does not comply with each of the criteria provided in Table 20-160.

**SECTION 38.** Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read as follows:

**Part 13.6**

## Rental of Vehicles

### 20.80.11.65 Permitted Use Criteria and Permit Requirement

- A. The rental of passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles is a permitted use in the CG Commercial General Zoning District only in conformance with all of the following criteria:
1. On-site vehicle storage shall not exceed 20 vehicles; and
  2. Vehicles shall not be washed, cleaned or repaired on the site.
- B. The rental of passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles in a manner that does not fully conform at all times to the criteria set forth in Subsection 20.80.1165.A may be allowed only upon issuance of a Special Use Permit pursuant to the provisions of Part 7 of Chapter 20.100 of this Title.

**SECTION 39.** Section 20.80.1730 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

### 20.80.1730 Temporary Use Trailer - Permit Required

- A. A Temporary Use Trailer for use as a replacement structure during retrofit, restoration or other such work on a primary structure requires one of the following Permits:
1. An Administrative Permit, as provided in Chapter 20.100 of this Title, and in conformance with the requirements of this Section and Section 20.80.1740; or
  2. In the event the owner cannot meet the requirements of this Part or the Director denies an Administrative Permit, a Special Use Permit, as provided in Chapter 20.100.
- B. All Applications for a Permit for a Temporary Use Trailer shall set forth facts demonstrating to the satisfaction of the Director the need to use a Temporary Use Trailer to continue to conduct a commercial, industrial, or manufacturing use, which was in compliance with this Title, at a primary structure located on the same lot for which the Permit is being requested and in order to accomplish one (1) or more of the following:

1. Retrofit for seismic safety;
2. Restoration of the primary structure necessitated by the total or partial destruction or damage of the structure by catastrophic event or sudden cause;
3. Modification of the primary structure, or of equipment or processes at the facility, that requires on-site workers to vacate the primary structure while work is undertaken; or
- ~~3.4.~~ Other such work determined by the Director to be in the interest of public health and safety.

~~C.C.~~ All Applications shall demonstrate that the proposed Temporary Use Trailer shall be maintained in conformance with the provisions of Section 20.80.1740.

~~D.D.~~ Upon a determination that the Application meets the requirements of this Part, the Director may issue the Administrative Permit.

**SECTION 40.** Section 20.80.1740 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.80.1740 Temporary Use Trailer - Conditions of Issuance**

The use of any Temporary Use Trailer shall be in accordance with all of the following conditions:

1. The use of the Temporary Use Trailer may be permitted for up to one (1) year, and renewed for one (1) additional year at the discretion of the Director.
2. No more than one (1) Temporary Use Trailer per lot shall be permitted at any given time, except that in the case where Temporary Use Trailers are being used to temporarily house on-site workers displaced from the primary structure due to temporary construction activities under the provisions of Section 20.80.1730.B.3, additional Temporary Use Trailers may be permitted as needed to temporarily house those displaced workers provided that each and all of the Temporary Use Trailers do not conflict with applicable Development Standards including without limitation setback and parking requirements.
3. ~~The Temporary Use Trailers~~ shall be located a minimum of fifteen (15) feet from the front property line.

4. No Temporary Use Trailer shall be used in such a manner that circulation aisles are blocked.
5. The minimum number of required off-street parking spaces for the site shall be calculated according to the provisions of Chapter 20.90 based upon the cumulative square footage of the Temporary Use Trailers and any remaining useable space in the primary structure.
6. Not more than one sign shall be permitted per lot. Such sign shall be attached to the trailer and shall not exceed six (6) square feet in area.
7. The hours of operation shall be the same as for the preexisting use in the primary structure.
8. Nothing herein excuses full compliance with the provisions of Section 20.150.020 of this Title.
9. The Temporary Use Trailer shall comply with all applicable building and fire safety standards.
10. All necessary City permits, in addition to those required by this Part, shall be obtained prior to installation of the Temporary Use Trailer.
11. The Temporary Use Trailer shall be removed and the construction site shall be cleared of all debris upon completion of the retrofit, reconstruction or other work on the primary structure or upon revocation or expiration of the Administrative or Special Use Permit, whichever occurs first.
12. No certificate of occupancy, as provided for in Section 307 of the Building Code, shall be issued for the primary structure until after the Temporary Use Trailer has been completely removed from the lot and all utilities have been disconnected from the Temporary Use Trailer in a safe manner.
13. Revocation of any Permit issued hereunder shall be in accordance with the provisions of this Title which are applicable to the type of Permit issued.

**SECTION 41.** Title 20 of the San José Municipal Code is hereby amended by adding a Chapter to be numbered and entitled and to read as follows:

#### **CHAPTER 20.85**

#### **SPECIFIC HEIGHT RESTRICTIONS**

**Part 1**  
**General Provisions**

**20.85.010 Specific Height Restrictions**

- A. This Chapter sets forth certain area-specific and use-specific height restrictions for development applicable to all Zoning Districts established by Section 20.10.060 and to Planned Development Districts established by Section 20.10.070.
- B. The purpose of this Chapter is to provide for the public peace, health, safety, and welfare by identifying geographic locations within the City of San Jose and specific uses for which it is appropriate to establish more specific height restrictions than those provided within the general zoning district standards.
- C. The governing height restriction applicable to a particular site or structure shall be determined in accordance with the following rules and priorities:
1. For single family residential structures located in a residential zoning district, the height restrictions set forth in Section 20.30.200 shall govern and control the maximum allowed height of those structures.
  2. For properties that are not governed by Subsection 20.85.010.C.1 but that are within a Specific Plan area, the height restrictions set forth within that Specific Plan document shall govern and control the maximum allowed heights on those properties.
  3. For properties that are not governed by Subsections 20.85.010.C.1 or 2 but that are within a certain geographic area that is described in Part 2 of this Chapter, the height restrictions set forth in said Part 2 shall govern and control the maximum allowed heights on those properties.
  4. For those structures that are listed and described in Part 3 of this Chapter that are not governed by Subsections 20.85.010.C.1, 2 or 3, the height restrictions set forth in said Part 3 shall govern and control the maximum allowed height of those structures.
  5. For properties or structures not otherwise regulated by the provisions of Subsections 20.85.100.C.1, 2, 3, or 4, or for properties located within an Airport Influence Area overlay as identified in the General Plan, the height restrictions established for the Zoning District in which the property or

structure is located or is to be located shall govern and control the maximum heights allowed on those properties or of those structures.

**Part 2**  
**Geographic Area Specific Height Restrictions**

**20.85.020 Geographic Area Specific Height Restrictions**

The following geographical areas shall be subject to the specific height restrictions described below:

- A. **Downtown:** For the Downtown Zoning Area defined in Subsection 20.70.010, the maximum allowable height for new buildings and structures shall be as determined through the regulations of the Federal Aviation Administration upon building intensity (and associated employment density) through its height limitation which varies from approximately 120 feet (10± stories) to approximately 315 feet (23± stories) necessary to maintain obstruction-free air space around Norman Y. Mineta San José International Airport.
- B. **Downtown Frame:** In the Downtown Frame Area, consisting of the area adjacent to the Downtown and bounded by Taylor Street, 11<sup>th</sup> Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning Area, the allowable building height is up to 120 feet.
- C. **Employment Centers:** The following height restrictions consolidate and set forth those height restrictions applicable to certain geographic areas, as described, that were approved and adopted prior to the adoption of the Envision San Jose 2040 General Plan:
1. For the North San José area located to the north and west of Interstate 880, the allowable building height shall be as follows:
    - a. For the portion of North San José within the area bounded by Zanker Road, Montague Expressway, Orchard Parkway, the planned extension of Component Drive, Highway 101, North First Street, and Highway 101, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event; and

- b. For the portion of North San José within the area bounded by North Fourth Street, Highway 101, North First Street and the planned extension of Airport Parkway, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 310 feet in any event; and
- c. For the portion of North San José within the area bounded by Headquarters Drive, North First Street and Highway 237, the allowable building height is up to 210 feet; and
- d. For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 97 and Interstate 880, the allowable building height is up to 35 feet; and
- e. For the portion of North San José within the area not otherwise regulated by provisions in Sections 20.850.020.C.1 (a), (b), (c), or (d), or by provisions in Section 20.850.020.D, or by provisions in Section 20.850.020.E, the allowable building height is up to 120 feet.
2. For the portion of the Old Edenvale area bounded by Great Oaks Boulevard, Highway 85, Miyuki Drive and Santa Teresa Boulevard, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event.
3. For properties in the portion of the Old Edenvale area bounded by Monterey Highway, Highway 85 and Cottle Road, the allowable building height is up to 120 feet.
4. For properties located within the New Edenvale area bounded by Silicon Valley Boulevard, Piercey Road, Hellyer Avenue, the Coyote Creek Trail, Silver Creek Valley Road, and Highway 101, the allowable building height is up to 120 feet.
5. In the portion of Coyote Planning Area designated as Industrial Park on the General Plan Land Use / Transportation Diagram, the allowable building height is up to 135 feet.
6. For those properties within the City of San Jose bounded by Coleman Avenue, Interstate 880 and the Union Pacific Railroad line, the maximum building height shall be defined by the airspace requirements of the

Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.

D. **Transit Areas:** For properties wholly or partially located within a radius of 2,000 feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Downtown or along the planned BART corridor (as shown on the General Plan Land Use / Transportation Diagram), the maximum building height shall not exceed 150 feet. For properties located wholly or partially within a radius 2,000 feet of other existing or planned passenger rail stations (as shown on the General Plan Land Use / Transportation Diagram), the allowable building height is up to 120 feet.

E. **Urban Village Areas:** For properties identified on the General Plan Land Use/Transportation Diagram as being located wholly or partially within an Urban Village Area Boundary, and which have an Urban Village, Neighborhood Community Commercial, Regional Commercial or Public Quasi/Public General Plan Land Use/Transportation Diagram designation, the maximum building height shall not exceed 120 feet on the property, or portion thereof, located within the Urban Village Area Boundary. Notwithstanding the general height restriction applicable in an Urban Village Area Boundary, the allowable building height within the following specifically-identified Urban Village sub-areas shall be as follows:

1. **North First Street Urban Village:** For the portion of the North First Street Urban Village bounded by Jackson Street, Hobson Street and East Hedding Street, the allowable building height is up to 200 feet.
2. **Rincon South Urban Village:** For the Urban Village area bounded by Old Bayshore Highway, North First Street, Skyport Drive, Technology Drive and Airport Parkway, the maximum building height limit shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 220 feet in any event.

### **Part 3** **Specific Use Height Restrictions**

#### **20.85.030 Specific Use Height Restrictions**

Subject to the provisions of Section 20.85.010.C, the following uses shall be subject to the following specific height restrictions when such uses are located in an area subject to this Chapter as referenced in Subsections 20.30.200, 20.40.200 and 20.50.200. In

instances where multiple specific height restrictions would apply to a use described in this Section 20.85.030, other than uses located within an Airport Influence Area, the more permissive regulation shall govern.

**A. Communication Towers and Other Structures:** For communication towers, antennae and monopoles and other similar non-building structural uses, including structures on top of buildings, such as energy-saving devices, bell towers, wireless communication antennae, and associated structures, specific height limits may be established in the context of development project review; provided, however, that the allowable height in any event for such uses shall be up to 100 feet on sites with non-residential or non-urban land use designations, and up to 160 feet on sites with an existing PG&E substation or high tension line corridor exceeding 200 KV, or the maximum allowable building height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:

1. The site, structure and related use are located to minimize public visibility; and
2. The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related structures; and
3. The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater height and, in the case of cellular facilities, that the increased height will result in a reduction in the number of existing or future freestanding monopoles.

**B. Single Room Occupancy:** For Single Room Occupancy buildings, wholly used as such or combined with commercial uses, the allowable building height is up to 60 feet.

**SECTION 42.** Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is 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.

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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
<b>Entertainment and Recreation</b>			
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 per 2

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
			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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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 devoted to card games	Note 6	1 per 800 sq. ft. 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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
			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 50seats 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
<b>Food Services</b>			
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	1 per 2.5 seats or 1 per 40	Note 3,	1 per 50

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
(not a catering facility)	square feet of dining area, whichever requires the greater number of parking spaces	Note 6	seats or 1 per 800 sq. ft. of dining area, whichever requires the 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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
			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
<b>General Retail</b>			
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 <del>50-200</del> <u>2.52</u> seats, or 1 per 50-200 sq. ft. of auction area exclusive of warehouse area	Note 6	1 per 5,000 sq. ft. 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	1 per 200 sq. ft. of floor	Note 6	1 per 3,000

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
establishment	area		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 Development Permit
<b>General Services</b>			
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
<b>Health and Veterinary Services</b>			
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	Note 6	1 per 10 full-time

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
			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
<b>Industry</b>			
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
			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
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
<b>Offices and Financial Services</b>			
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
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
<b>Public, Quasi-Public and Assembly Uses</b>			
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
<b>Recycling Uses</b>			
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
<b>Residential</b>			

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
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 and Table 20-211, required parking is determined by the type of parking facility and the number of bedrooms		See Table 20-210 and Table 20-211
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		None
<b>Transportation and Utilities</b>			
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
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
<b>Vehicle Related Uses</b>			
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

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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
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.		

<b>Table 20-190 Parking Spaces Required by Land Use</b>			
<b>Use</b>	<b>Vehicle Parking Required</b>	<b>Applicable Sections</b>	<b>Bicycle Parking Required</b>
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.

<b>Table 20-200 Two-family Dwelling</b>			
<b>Living Unit Size</b>	<b>Type of Parking Facility</b>		
	<b>All Open Parking</b>	<b>One-Car Garage</b>	<b>Two-Car Garage</b>
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

<b>Table 20-210 Multiple Dwelling</b>				
<b>Living Unit Size</b>	<b>Type of Parking Facility</b>			
	<b>All Open Vehicle Parking</b>	<b>One-Car Garage</b>	<b>Two-Car Garage</b>	<b>Bicycle Parking Spaces <sup>1</sup></b>
0 Bedroom (Studio)	1.25	1.6	2.2	1 per 4 Living Units
1 Bedroom	1.25	1.7	2.3	1 per 4 Living Units
2 Bedroom	1.87	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.

<b>Table 20-211 Multiple Dwellings in the Pedestrian Oriented Zoning Districts</b>		
	<b>Vehicle Parking</b>	<b>Bicycle Parking</b>

	Spaces	Spaces
Minimum Required Spaces <sup>1</sup>	1.25 per Living Unit	1 per Living Unit
Maximum Required Spaces	2.0 per living unit	None

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

<b>Table 20-215 Clean Air Vehicles</b>	
For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:	
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 43.** Section 20.90.120 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to be entitled and 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 20-156 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 44.** Section 20.90.150 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.90.150 Parking Facilities in Residence Districts -- Restrictions**

In a Residential District no Conditional Use Permit shall be issued for a vehicle parking facility intended to serve nonresidential uses, unless all of the following conditions are met:

- A. The Residential District is immediately adjacent to the non-residentially zoned land where the business or other use to be served by such vehicle parking is located.
- B. Use of the vehicle parking is limited to passenger vehicles belonging to the users of the adjacent business or use being served by the vehicle parking.
- C. Use of the vehicle parking is limited to the hours of operation of the adjacent business or use being served.
- D. The following criteria and standards are met:
  1. The minimum lot area and front and corner lot side setbacks of the Residence District are met.
  2. The minimum rear and interior lot side setbacks are ten (10) feet.

3. All setback areas and all other areas not required for vehicle parking spaces or circulation are landscaped.
4. No part of any vehicle parking space, vehicle parking aisle or driveway shall be more than one hundred (100) feet from such nonresidential site.
5. ~~No d~~Driveway access is permitted from a public street unless either the public street is one that is designated as a Residential or Local Connector Street ~~an arterial or major collector~~ by the General Plan of the City of San José, or the driveway is located within one hundred and fifty (150) feet of such a designated street.
6. Only directional signs are permitted.
7. Lighting shall be located and directed so that it is reflected away from residentially zoned land. No glare which might cause unreasonable annoyance to occupants of properties in the Residential Districts shall be permitted.

**SECTION 45.** Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.90.220 Reduction in Required Off-Street 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 or more 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 the availability of 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 the availability of 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, Efficiency Living Units, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, senior housing uses, indoor recreation uses, gasoline or charge stations when combined with other 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.

**SECTION 46.** Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.100.500 Adjustments**

- A. The Director may, at the Director's sole discretion, approve an adjustment for the following elements of a Development Permit, subject to and in accordance with the provisions of this Section:
  1. **General Extensions**. An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, however, that all of the following criteria are met:
    - a. That no more than four (4) such term extensions may be approved on or before October 13, 2011 for Development Permits allowing office uses located in Downtown Zoning Districts; and
    - b. That no more than two (2) such term extensions may be approved for any other type of Development Permit.
  2. **Special Extension**. In addition to General Extensions authorized pursuant to this Section, a one-time, Special Extension of the term of an approved Development Permit prior to October 13, 2011 for a period of up to but not exceeding two (2) years; provided however, that only one (1) such extension may be approved on or before October 13, 2011.
  3. **Reactivations**. In addition to General Extensions authorized pursuant to Section 20.100.500 .A.1 above, a reactivation of a previously approved but expired Development Permit and an extension of its term for an additional period of up to but not exceeding two (2) years from its expiration date provided that the Development Permit to be reactivated expired on a date between November 1, 2008 and October 13, 2011.

4. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
5. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
6. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
7. Building Mounted Wireless Communications Antenna.
8. Tract sales, model homes sales, or leasing offices associated with an approved housing development.
9. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
10. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
11. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
12. Building additions of less than five thousand (5,000) square feet in area ~~or less than fifty percent (50%) of the building area prior to the addition, whichever is smaller,~~ to non-residential buildings.
13. Generators meeting performance standards for noise and air pollution.
14. Above-ground storage tanks of two thousand (2,000) gallons or less in zoning districts other than industrial zoning districts and an above-ground storage tank of twenty thousand (20,000) gallons or less in an industrial zoning district.

15. Building additions of less than two hundred (200) square feet in total area or less than ten percent (10%) of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the City's General Plan, the provisions of this Title, and the provisions of Title 21 of this Code.
- C. An application for an adjustment must be filed on the form provided by the Director on or before the date that is three (3) business days prior to the expiration of the Development Permit proposed for adjustment and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council; provided, however, that an adjustment for a reactivation pursuant to subsection A.2 above must be filed on the form provided by the Director no later than: (1) September 1, 2009 for a Development Permit that expired on November 1, 2008 through and including July 3, 2009, or (2) sixty (60) days from that Development Permit's expiration date for a Development Permit that expired on or after July 4, 2009, and all applications must be accompanied by the fees set forth in the Schedule of Fees adopted by resolution of the City Council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- E. Where property was developed prior to the requirement of a Site Development Permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full Site Development Permit.

**SECTION 47.** Section 20.120.110 of Chapter 20.120 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.120.110 Conformance with the General Plan**

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270:

<b>Table 20-270</b>
---------------------

<b>General Plan Designation</b>	<b>Conforming District</b>
All Designations	OS, A
Open Hillside	OS
<del>Rural Residential (.2 du/ac), Urban Hillside (1 du/5 ac)</del> <u>Lower Hillside (1 du/5 ac)</u>	R-1-RR
<del>Very Low Density Rural Residential (2 du/ac)</del>	<u>R-1-1, R-1-2</u>
<del>Estate Residential (1 du/ac)</del>	<u>R-1-4</u>
<del>Low Density Residential (5 du/ac)</del>	<u>R-1-5</u>
<del>Medium Low Density Residential Neighborhood (8 du/ac)</del>	<u>R-1-8, R-1-5</u>
<del>Medium Density Residential (8-16 du/ac)</del>	<u>R-2, R-M</u>
<del>Medium High Density Residential (12-25 du/ac)</del> <u>Urban Residential, Transit Residential</u>	<u>R-M</u>
<del>Office Mixed Use Commercial, Mixed Use Residential</del>	<u>COCP</u>
<del>Neighborhood/Community Commercial, Urban Village</del>	<u>CP, CN, CG</u>
<del>General Commercial</del> <u>Transit Employment Center</u>	<u>CP, CN, CG, IP</u>
<del>Regional Commercial</del>	<u>CG</u>
<del>Industrial Park</del>	<u>IP</u>
<del>Light Industrial</del>	<u>LI</u>
<del>Heavy Industrial</del>	<u>HI</u>
<del>Combined Industrial/Commercial</del>	<u>CIC</u>

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the General Development Plan for such proposed district conform to General Plan Designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.
- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.

**SECTION 48.** Section 20.200.020 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.200.020 Accessory Building**

- A. "Accessory building" is a separate and subordinate building the use of which is purely incidental to that of the main building and which shall not contain living space, sleeping quarters, or storage space for commercial vehicles requiring additional registration fees as provided for in the State Vehicle Code. An accessory building shall be limited to two (2) plumbing ~~connections to serve an appliance or fixtures~~, such as sinks, bathtubs/showers, or toilets, and limited to unconditioned space as defined in Title 24 of the San Jose Municipal Code. For purposes of this section, water heaters and clothes washers are considered appliances and are not considered plumbing fixtures.
- B. Any improvement to real property shall be considered separate from the main building if it does not meet the following criteria:
1. The structure shares a common wall with the main building, or
  2. The structure shares an integral roof structure having the same framing system and roof covering as the main building and is separated from the main structure by no more than ten (10) feet and any given point.

**SECTION 49.** Section 20.200.035 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed:

**20.200.035** ~~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, resident laundry rooms and resident work-out facilities.~~

**SECTION 50.** Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

**20.200.350** Efficiency Living Unit

"Efficiency Living Unit" means a small living unit of no more than 500 square feet in area that does not have a separate bedroom.

**SECTION 51.** Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

**20.200.545** Hotel or Motel, Full Service

A Full-Service Hotel or Motel means a Hotel or Motel that includes at least one (1) public eating establishment as defined in California Business and Professions Code Section 23038, or its successor, which public eating establishment is accessible from the interior of the hotel or motel.

**SECTION 52.** Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

**20.200.798 Neighborhood Agriculture**

“Neighborhood Agriculture” means a use that occupies less than one (1) acre for the production of food or horticultural crops to be harvested, sold or donated or for animal husbandry in compliance with Title 7 of this Code. Neighborhood Agricultural use may be a principal or an accessory use on a site. Value-added products, where the primary ingredients of the product are grown and produced on-site, are included as a part of this use. Limited sales and donation of fresh food and/or horticultural products grown on site may occur on site as a part of a Neighborhood Agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable. Sales, pick-ups, and donations of fresh food and horticultural products grown on-site are also considered a part of a Neighborhood Agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable.

**SECTION 53.** Section 20.200.940 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read in its entirety as follows:

**20.200.940 Public Eating Establishment**

"Public eating establishment" is a building or area where meals may be purchased and eaten. As an incident to the primary use of operating~~en of ana~~ public eating establishment which is a bona fide public eating place, as defined in the California Business and Professions Code Section 23038, or its successor:

1. Any alcoholic beverage may be sold, offered for sale, or served to the patrons of such bona fide public eating place for consumption with their meals on the premises thereof;
2. Instrumental and vocal music or other forms of entertainment may be provided for the listening or viewing pleasure of the patrons of the public eating establishment, ~~but no other entertainment may be provided. Such incidental music shall be considered incidental between the hours of 6:00 a.m. and 10:00 p.m. Any music after said times shall be considered an entertainment use.~~

**SECTION 54.** Section 20.200.1005 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed:

**~~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.~~

**PASSED FOR PUBLICATION** of title this            day of            , 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

CHUCK REED  
Mayor

ATTEST:

---

DENNIS D. HAWKINS, CMC  
City Clerk