



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 15, 2012

COUNCIL DISTRICT: Citywide
SNI AREAS: All

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20, SECTION 20.40.100 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) AND SECTION 20.50.100 OF CHAPTER 20.50 (INDUSTRIAL ZONING DISTRICTS), IN ORDER TO DELETE OUTDATED REFERENCES IN THE CP, CN AND CG DISTRICTS AND TO ALLOW MORE FLEXIBILITY FOR THE DEVELOPMENT OF SPECIFIC COMMERCIAL AND INDUSTRIAL USES IN THE CIC, IP, LI AND HI ZONING DISTRICTS, INCLUDING: DELETION OF MEDICAL CLINIC/OUT-PATIENT FACILITY AS AN ENUMERATED USE AND DELETION OF AN OUTDATED REFERENCE TO PART 13.6 OF CHAPTER 20.80 RELATED TO LEASING OF PASSENGER VEHICLES IN THE CP, CN AND CG DISTRICTS AND ADDITION OF PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS AS A CONDITIONAL USE IN THE CIC DISTRICT WITH REFERENCES ADDED TO APPLICABLE STATE CODES, ADDITION OF DRINKING ESTABLISHMENTS IN CONJUNCTION WITH A WINERY OR BREWERY AS A CONDITIONAL USE IN THE CIC, IP, LI AND HI DISTRICTS, THE ENUMERATION OF WINERIES AND BREWERIES AS A PERMITTED USE IN THE CIC, IP, LI AND HI DISTRICTS, THE ADDITION OF HOSPITALS/IN-PATIENT FACILITIES AS A CONDITIONAL USE IN THE CIC AND IP DISTRICTS, THE ADDITION OF VEHICLE SALES AS A CONDITIONAL USE IN THE CIC AND LI DISTRICTS, THE ADDITION OF SALE OF VEHICLE PARTS CONFORMING TO SPECIFICALLY IDENTIFIED CRITERIA AS A PERMITTED USE IN THE CIC DISTRICT AND A PERMITTED OR SPECIAL USE IN THE LI DISTRICT, AND THE ADDITION OF MINIWAREHOUSE/ MINISTORAGE AS A PERMITTED USE IN THE CIC DISTRICT.

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 industrial and commercial development activities.

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 and commercial uses within San Jose. These amendments are intended to implement the City's Economic Development Strategy as directed by the City Council on October 18, 2011.

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. Following this direction, staff prepared a first set of economic development / permit streamlining ordinances that was approved by the City Council on December 13, 2011. At that time, staff indicated that a second set of ordinance changes was in preparation for Council consideration in early 2012.

ANALYSIS

The proposed amendment would provide greater clarity and/or flexibility for industrial and commercial uses within the Commercial General (CG), Combined Industrial/Commercial (CIC), Industrial Park (IP), Light Industrial (LI), and Heavy Industrial (HI) zoning districts as follows.

Deletion of Medical Clinic / Out-Patient Facility Use

The proposed amendment would merge two uses ("medical clinic / out-patient facility" and "office, medical") currently enumerated separately in the commercial and industrial zoning district use tables (Tables 20-90 and 20-110). The distinction between clinics and medical offices has diminished over time with the evolution of the medical service industry. Also, the current regulation of these two enumerated is almost entirely consistent (e.g., both are permitted or conditional in the same commercial zoning districts) with the only exception that a "medical clinic / out-patient facility" requires a Combined Industrial/Commercial General Plan designation in order to be considered as a conditional use in the IP zoning district. Because the proposed "Office, medical" uses would require a conditional use permit in the IP zoning district, the City will retain discretion, including consideration of General Plan consistency, as to whether a medical office use should be allowed on a property zoned as IP.

Deletion of Note Referencing Part 13.6 of Chapter 20.80 for Vehicle Leasing Uses

The proposed amendment includes deletion of a note in the commercial uses table (Table 20-90) referencing Part 13.6 for vehicle leasing uses. This reference was part of an early draft of the proposed ordinance changes approved by the City Council at the December 13, 2011 hearing, when the Council approved changes to the use allowances for the leasing of vehicles in the CG Commercial General Zoning District. An earlier draft of that ordinance included separate requirements for this use in Part 13.6 of Chapter 20.80 of the Zoning Ordinance, but while Part 13.6 was not included in the final draft adopted by City Council, the reference to it was inadvertently kept in Table 20-90.

Public and Private Schools in the Commercial and CIC Combined Industrial / Commercial Zoning Districts

Because of their intrinsic similarities, the proposed amendment includes consolidation of public and private elementary and secondary schools in the Commercial and Industrial Land Use tables. Public and private elementary and secondary schools would be identified as conditional use in all commercial districts on the commercial uses table (Table 20-90) and as a conditional use in the CIC Combined Industrial Commercial Zoning District on the industrial uses table (Table 20-110). Private elementary and secondary schools are currently a conditional use in the CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General Zoning Districts, whereas they are prohibited in the CO Commercial Office and CIC Combined Industrial / Commercial zoning districts.

Consistent with the recently adopted Envision General Plan, assembly uses, such as post-secondary schools, trade and vocational schools, and religious assembly uses, are considered as potentially permissible on lands designated as Combined Industrial/Commercial and so would be added within the Zoning Ordinance as conditional uses in the CIC zoning district. This change brings the treatment of schools into alignment with other assembly uses consistently throughout the CIC zoning district. The requirement for a conditional use permit provides discretion to consider whether the school use and operation would have impacts on or would be impacted by nearby uses. Because elementary and secondary school uses have the potential to introduce sensitive receptors (children) into an area, consistent with the Envision General Plan policies that protect industrial employment areas, those uses should be clearly prohibited within the IP, LI, and HI zoning districts.

Under State law, if a local jurisdiction adopted a general plan and has enumerated public schools within their Zoning Ordinance, the development of public schools must conform to the Zoning Ordinance unless the governing School Board votes by a 2/3 majority to override the zoning requirements. The proposed amendment includes a note to reference this provision. While the local School Board may override the City's prohibition of schools on lands designated as IP, LI and HI, identifying schools as prohibited on these lands, but conditionally permitted elsewhere, clearly reflects the City's General Plan policies, establishes consistent regulations for public and private schools, and sets forth requirements that will need to be considered as part of any future school development.

Wineries, Breweries, and Associated Drinking Establishments in Industrial Zoning Districts

Currently, wineries and breweries are permitted by right as “medium manufacturing and assembly” in all industrial zoning districts. The proposed amendment would add a separately enumerated “wineries, breweries” use category to clarify that the use, by itself, is permitted by right in all of the industrial zoning districts and to facilitate addition the of “drinking establishments in conjunction with a winery or brewery” as a conditional use in all industrial zoning districts. As part of the conditional use permit process, the City would evaluate how the drinking establishment use operates, how it may impact nearby uses, and how nearby uses may impact it, in order to recommend whether a use should be allowed and how it should operate. According to real estate brokers, companies are placing increasing importance on an area’s amenities as a factor in choosing where to locate their business. Drinking establishments in conjunction with wineries or breweries can promote social and cultural activities in the industrial zoning districts that can help attract new businesses to San Jose.

Hospitals / In-Patient Facilities in Industrial Zoning Districts

The addition of “hospitals / in-patient facilities” as a conditional use within the CIC and IP zoning districts is proposed as an implementation of the adopted Envision San Jose 2040 General Plan Goals and Policies. With the Council’s March 2008 consideration of the closure of the San Jose Medical Center on East Santa Clara Street, the Council identified the need for a hospital stakeholders advisory group to inform the City on policies related to hospital services throughout the City. The advisory group convened as part of the Envision San Jose 2040 General Plan Update process and made recommendations that were incorporated into the Envision General Plan. The adopted General Plan text contains a goal, (Goal ES-6 Access to Medical Services) for the City to “Provide for the health care needs of all members of the San Jose Community” and an associated Policy (ES-6.2) that states that hospitals should be considered in areas with Combined Industrial / Commercial and Industrial Park General Plan designations. The proposed Zoning Ordinance amendment implements this policy.

Vehicle Sales in Industrial Zoning Districts

The proposed amendment would add small vehicles sales as a conditionally permitted use in the CIC and LI districts. The sale of passenger vehicles and pick-up trucks not exceeding 25 feet in length and motorcycles is currently identified as a conditional use in the commercial zoning districts, but prohibited in the industrial zoning districts. Thus, said use is currently prohibited in the industrial districts. However, the leasing (rental) of passenger vehicles and pick-up trucks not exceeding 25 feet in length and motorcycles is a conditional use in the CIC and LI districts. Because small vehicles sales and leasing can be very similar in character, permitting small vehicle sales (in addition to their leasing) has the potential to promote economic development while preserving the industrial character of the surrounding area. Through the conditional use permit process, the City would evaluate whether a proposed small vehicle sales use and its operations are appropriate for a particular site, evaluating such issues as the existing and planned surrounding and nearby uses. The proposed amendment includes a note to indicate that “any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.”

Sale of Vehicle Parts in Industrial Zoning Districts

The proposed amendment would add limited sale of vehicle parts as a permitted use in the LI district. Retail sales are already permitted in the CIC district and in limited form in the other industrial districts, recognizing that some commercial uses can be compatible with both commercial and industrial areas. While the retail sales of vehicle parts often supports nearby auto repair businesses that are industrial in nature, the degree to which a typical retail auto parts store functions as an industrial supplier can vary considerably due to location and other factors. Permitting by right vehicle parts sales when the total floor area dedicated to retail display and open to the public occupies no more than 15% of the tenant space limits the potential for incompatibility of this use with other LI activity. The proposed amendment would also potentially allow vehicle parts sales establishments that do not meet this 15% retail area requirement, subject to a special use permit. The special use permit process provides the discretion to consider whether a vehicle parts sales use with a larger sales area will be consistent with other industrial suppliers and appropriate at a given location.

Miniwarehouse / Ministorage in the CIC Combined Industrial / Commercial Zoning District

The proposed amendment would add miniwarehouse / ministorage as a permitted use in the CIC zoning district. Miniwarehouse / ministorage is currently a permitted use in the LI and HI zoning districts, and it is currently prohibited in the CIC zoning district. While primarily industrial in character, miniwarehouses and ministorage can have incidental retail sales of boxes and packing materials. Miniwarehouses and ministorage establishments are consistent with the form of other commercial and industrial uses allowed in the CIC zoning district as well as the Combined Industrial/Commercial General Plan designation policies. Further, light industrial lands are in shorter supply than any other lands, and allowing miniwarehouses and ministorage in the CIC zoning district provides the potential to reduce some of the demand on light industrial lands, freeing those lands for light and medium manufacturing or other industrial uses.

Conclusion

The proposed amendments, as described above, will support the City's economic development goals by providing increased clarity and flexibility for the development of industrial and commercial uses within the City's industrial and commercial zoning districts, while also being consistent with the goals and policies for those lands set forth in the Envision General Plan.

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. The proposed ordinance was presented to and discussed with development industry representatives at the January 27, 2012 Developer Roundtable and presented to and discussed with interested community members at a community meeting on February 8, 2012. 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 has been coordinated with the City Attorney's Office.

CEQA

The environmental impacts of the proposed project are within the scope of the project analyzed under a Program Environmental Impact Report (PEIR) "Envision San Jose 2040 General Plan" that was certified on September 28, 2011 (EIR Resolution No.76041).



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

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

Attachment: Draft Ordinance

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.40.100 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) AND SECTION 20.50.100 OF CHAPTER 20.50 (INDUSTRIAL ZONING DISTRICTS), ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE), TO DELETE OUTDATED REFERENCES AND TO ALLOW MORE FLEXIBILITY FOR THE DEVELOPMENT OF SPECIFIC COMMERCIAL AND INDUSTRIAL USES IN CERTAIN INDUSTRIAL DISTRICTS, INCLUDING: DELETION OF MEDICAL CLINIC/OUT-PATIENT FACILITY AS AN ENUMERATED USE AND DELETION OF AN OUTDATED REFERENCE TO PART 13.6 OF CHAPTER 20.80 RELATED TO LEASING OF PASSENGER VEHICLES, AND ADDITION OF PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS AS A CONDITIONAL USE IN CERTAIN DISTRICTS, ADDITION OF DRINKING ESTABLISHMENTS IN CONJUNCTION WITH A WINERY OR BREWERY AS A CONDITIONAL USE IN CERTAIN DISTRICTS, THE ENUMERATION OF WINERIES AND BREWERIES AS A PERMITTED USE IN CERTAIN DISTRICTS, THE ADDITION OF HOSPITALS/IN-PATIENT FACILITIES AS A CONDITIONAL USE IN CERTAIN DISTRICTS, THE ADDITION OF VEHICLE SALES AS A CONDITIONAL USE IN CERTAIN DISTRICTS, THE ADDITION OF SALE OF VEHICLE PARTS CONFORMING TO SPECIFICALLY IDENTIFIED CRITERIA AS A PERMITTED OR SPECIAL USE IN CERTAIN DISTRICTS, AND THE ADDITION OF MINIWAREHOUSE/ MINISTORAGE AS A PERMITTED USE IN CERTAIN DISTRICTS

WHEREAS, the environmental impacts resulting from this Ordinance were disclosed, evaluated, and addressed under and pursuant to the California Environmental Quality Act of 1970, as amended, as a part of that certain Program Environmental Impact Report prepared for the Envision San Jose 2040 General Plan (the "EIR"), which EIR was certified on September 28, 2011 and for which the City Council adopted its EIR Resolution No.76041.

SECTION 1. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety 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. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- F. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- G. 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.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
General Retail					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales – beer and/or wine only	-	C	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	-	C	C	C	Section 20.80.900
Bakery, retail	-	P	P	P	
Food, beverage, groceries	-	P	P	P	
Nursery, plant	-	P	P	P	Note 1

**Table 20-90
Commercial Districts
Land Use Regulations**

Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
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
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	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 or Private)	C	C	C	C	Note 16
School, driving (class C & M license)	-	P	P	P	Note 2
School, post secondary	-	P	P	P	Note 3
School, trade and vocational	-	C	C	C	
Entertainment and Recreation Related					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	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	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
Drinking establishment interior to a full-service hotel/motel that includes 75 or more guest rooms	-	P	P	P	Section 20.80.475
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	
Health and Veterinary Services					
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	

Deleted: School- elementary and secondary (Public)

Deleted: P

Deleted: P

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Deleted: P

Deleted: -

Deleted: Medical clinic/ out-patient facility

Deleted: P

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Deleted: P

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Medical Marijuana Collective	-	-	-	R	Part 9.5, Chapter 20.80
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
General Services					
Bail Bond Establishment – Outside Main Jail Area		P	P	P	Part 1.5, Chapter 20.80
Bail Bond Establishment – Within Mail 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	
Offices and Financial Services					
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
Public, Quasi-Public and Assembly Uses					
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	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use residential/commercial	-	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
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					

**Table 20-90
Commercial Districts
Land Use Regulations**

Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
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	
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
Electrical Power Generation					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	A	A	P	
Facilities that do 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)
Vehicle Related Uses					
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 (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 2
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
Historic Reuse					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

Deleted: , Part 13.6 of 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) 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.
- (16) Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code section 53094 for classroom facilities.

SECTION 2. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety 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^{GP}" on Table 20-110.

- C. "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 General Plan, as amended, with the 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^{GP}" 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.
- D. "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.
- E. "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.
- F. "Restricted" land uses are indicated by an "R" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- H. 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.

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Industry					
Auction	C	C ^{GP}	C ^{GP}	-	
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	
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	
Additional Uses					
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
General Retail					
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	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Large format commercial establishment	-	C ^{GP}	C ^{GP}	-	
Large format commercial establishment, associated commercial	-	C ^{GP}	C ^{GP}	-	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
Education and Training					
Day care center	C	C ^{GP}	C ^{GP}	-	
School, driving (class A & B license)	-	-	P	P	
Instructional art studios	P	-	-	-	
Instructional art studios, live models	C	-	-	-	
Private instruction, personal enrichment	P	-	-	-	
School- elementary and secondary (Public or Private)	C	-	-	-	Note 11
School, post secondary	C	C	-	-	
School, trade and vocational	C	-	C	C	
Entertainment and Recreation Related					
Recreation, Commercial/Indoor	P	C ^{GP}	C ^{GP}	-	Note 5, Section 20.50.110
Relocated Cardroom	C ^{GP}	C ^{GP}	C ^{GP}	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C ^{GP}	-	
Food Services					
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	
Drinking establishment interior to a full-service hotel/motel that includes 75 or more guest rooms	P	P ^{GP}	-	-	Section 20.80.475
Drinking establishment in conjunction with a winery or brewery	C	C	C	C	
Public eating establishments	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Wineries, Breweries	P	P	P	P	
Health and Veterinary Services					
Animal boarding, indoor	P	-	-	-	
Animal grooming	P	-	-	-	

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- Deleted: School- elementary and secondary (Private)
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Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Emergency ambulance service	C	C ^{GP}	C ^{GP}	-	
Hospital/ in-patient facility	C	C			Note 6
Medical Marijuana Collective	R	-	R	-	Part 9.5, Chapter 20.80
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
General Services					
Crematory	-	-	C ^{GP}	C	Note 7
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	
Hotel/motel	P	C ^{GP}	-	-	
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	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business support	P	-	-	-	
Financial institution	P	-	C ^{GP}	-	Note 5, Section 20.50.110
Office, general business	P	P	-	-	
Office, research and development	P	P	-	-	
Public, Quasi-Public and Assembly Uses					
Church/Religious Assembly	C	C ^{GP}	C ^{GP}	-	
Residential					
Emergency residential shelter, more than 50 beds	C	C ^{GP}	C	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C ^{GP}	C	-	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
Drive-Through Use					
Drive-through in conjunction with any use	C	C ^{GP}	C ^{GP}	-	
Recycling Uses					
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	

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Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Transportation and Utilities					
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	
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
Electrical Power Generation					
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	
Stand-by/Backup					
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)
Vehicle Related Uses					
Auto broker, wholesale, no on-site storage	P	P	-	-	
Car wash, detailing	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C ^{GP}	C ^{GP}	-	Note 2, Note 8
Gas or charge station with incidental service and repair	P	C ^{GP}	C ^{GP}	-	Note 3
Sale or lease (rental) of passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	C	-	C	-	Note 10
Repair and cleaning of vehicles	-	-	P	P	Note 4

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Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	C	-	
Sale, vehicle parts	P		P/S		Note 9
Vehicle tow yard	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	C	
Historic Reuse					
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. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
- ~~7. 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.~~
- ~~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 industrial zoning districts.~~
9. Vehicle parts sales are permitted in the LI District when the total floor area dedicated to retail display and open to the public occupies no more than 15% of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed 15% of the gross floor area of the individual tenant space are subject to a Special Use Permit.
10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
11. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code section 53094 for classroom facilities.

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PASSED FOR PUBLICATION OF TITLE this day of , 2012 by the
following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk