



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: February 6, 2013

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- SUBJECT:** AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND:
- SECTION 20.10.060 OF CHAPTER 20. 10 (GENERAL PROVISIONS AND ZONING DISTRICTS) TO ADD THE CIC-COMBINED INDUSTRIAL COMMERCIAL AND THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICTS;
 - SECTION 20.20.100 OF CHAPTER 20.20 (OPEN SPACE & AGRICULTURAL ZONING DISTRICTS) TO ALLOW CERTIFIED FARMERS' MARKETS IN THE A-AGRICULTURE AND OS-OPEN SPACE ZONING DISTRICTS;
 - SECTIONS 20.40.100, 20.40.200, 20.40.230 AND 20.40.400 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) TO ALLOW WHOLESALE AUTO DEALERS WITH NO ON-SITE STORAGE AS A PERMITTED USE IN COMMERCIAL ZONING DISTRICTS, TO REDUCE MINIMUM REQUIRED SETBACKS FOR COMMERCIAL ZONING DISTRICTS, AND TO CLARIFY INCIDENTAL AUTO-REPAIR USES;
 - SECTION 20.50.010 OF CHAPTER 20.50 TO CREATE THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICT CATEGORY, SECTIONS 20.50.100 AND 20.50.200 OF CHAPTER 20.50 TO ADD MORE FLEXIBILITY FOR THE DEVELOPMENT OF SPECIFIC COMMERCIAL AND INDUSTRIAL USES IN THE INDUSTRIAL ZONING DISTRICTS INCLUDING, BUT NOT LIMITED TO CREATING THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICT ENUMERATED USES AND DEVELOPMENT STANDARDS, ADDING OFF-SITE SALE OF ALCOHOLIC BEVERAGES AS A CONDITIONAL USE INCIDENTAL TO A WINERY/BREWERY OR DISTILLERY AND CLARIFYING INCIDENTAL AUTO-REPAIR USES;
 - SECTIONS 20.80.710 AND 20.80.720 OF PART 9 OF CHAPTER 20.80 (HOME OCCUPATIONS) TO ALLOW COTTAGE FOOD OPERATIONS WITHIN RESIDENTIAL ZONING DISTRICTS AND

SECTION 20.80.1400 OF CHAPTER 20.80 TO AMEND PROVISIONS FOR OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS;

- **SECTION 20.120.110 OF CHAPTER 20.120 (ZONING CHANGES AND AMENDMENTS) TO ADD THE TEC ZONING DISTRICT AS A CONFORMING DISTRICT;**
- **CHAPTER 20.150 (NONCONFORMING USES) BY DELETING SECTION 20.150.330 (AMORTIZATION – INCIDENTAL DANCING AND MUSIC); AND**
- **CHAPTER 20.200 (DEFINITIONS) TO ADD NEW SECTIONS TO ADD DEFINITIONS OF “BANQUET FACILITY,” AND “COTTAGE FOOD OPERATION,” AND TO AMEND SECTION 20.200.700 OF CHAPTER 20.200 TO AMEND THE DEFINITION OF “LOT LINE”;**

ALL TO FURTHER IMPLEMENT THE ECONOMIC DEVELOPMENT, LAND USE, AND TRANSPORTATION POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN AND TO MAKE OTHER TECHNICAL, FORMATTING OR OTHER NONSUBSTANTIVE CHANGES IN THOSE SECTIONS OF TITLE 20

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 amend:

- Section 20.10.060 of Chapter 20.10 (General Provisions and Zoning Districts) to add the CIC-Combined Industrial Commercial and the TEC-Transit Employment Center Zoning Districts;
- Section 20.20.100 of Chapter 20.20 (Open Space & Agricultural Zoning Districts) to allow Certified Farmers’ Markets in the A-Agriculture and OS-Open Space Zoning Districts;
- Sections 20.40.100, 20.40.200, 20.40.230 and 20.40.400 of Chapter 20.40 (Commercial Zoning Districts) to allow Wholesale Auto Dealers with no on-site storage as a Permitted Use in Commercial Zoning Districts, to reduce minimum required setbacks for Commercial Zoning Districts, and to clarify Incidental Auto-Repair uses;
- Section 20.50.010 of Chapter 20.50 to create the TEC-Transit Employment Center Zoning District category, Sections 20.50.100 and 20.50.200 of Chapter 20.50 to add more flexibility for the development of specific Commercial and Industrial uses in the Industrial Zoning Districts including, but not limited to creating the TEC-Transit Employment Center Zoning District enumerated uses and development standards, adding Off-site Sale of Alcoholic Beverages as a Conditional Use incidental to a Winery/Brewery or Distillery and clarifying Incidental Auto-Repair uses;

- Sections 20.80.710 and 20.80.720 of Part 9 of Chapter 20.80 (Home Occupations) to allow Cottage Food Operations as Home Occupations within Residential Zoning Districts and Section 20.80.1400 of Chapter 20.80 to amend provisions for outdoor private property special events;
- Section 20.120.110 of Chapter 20.120 (Zoning Changes and Amendments) to add the TEC Zoning District as a Conforming District; Chapter 20.150 (Nonconforming Uses) by deleting Section 20.150.330 (Amortization – Incidental Dancing and Music);
- Chapter 20.200 (Definitions) to add new sections to add definitions of “Banquet Facility” and “Cottage Food Operation,” and to amend Section 20.200.700 of Chapter 20.200 to amend the definition of “Lot Line”; and
- To make other technical, formatting or other nonsubstantive changes in those sections of Title 20 (the Zoning Ordinance)

all to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San José 2040 General Plan.

OUTCOME

The proposed amendments to the Zoning Ordinance listed above are intended to:

- 1) facilitate development in areas of the City that have a land use designation of Transit Employment Center in the Envision San José 2040 General Plan by creating a conforming zoning district;
- 2) further protect the manufacturing rights and provide more flexibility for existing industrial land uses;
- 3) expand options for home-based occupations in conformance with State law;
- 4) allow commercial uses compatible with sustainable agricultural production on lands designated for agricultural and open space uses in the General Plan; and
- 5) make minor clarifying changes to applicable sections of the Zoning Ordinance.

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 several economic development / permit streamlining ordinances that were approved by the City Council between December 2011 and November 2012.

Additionally, the Envision San José 2040 General Plan contains implementation actions to streamline Planning processes for economic development, and the City Council has prioritized amending the Zoning Ordinance to facilitate these process improvements.

The changes that staff is currently proposing would supplement previous amendments to the Zoning Ordinance that were adopted in the last two years to implement economic development goals as summarized in the following table:

Topic	San José Municipal Code Amendment Scope	Ordinance No.	Effective Date
Title 20 Changes 2011-2012			
Agriculture/Food Certified Farmers Market	Adding Certified Farmers Market (CFM) and Small Certified Farmers Market definitions. Conditional Use Permit (CUP) requirement for CFMs changed to Special Use Permit (SUP). Small CFMs allowed as Permitted Use in Commercial and IP Industrial Park zoning districts, and in Residential if on school, library, community center, or religious assembly site.	<u>29122</u>	09/27/12
Alcohol - Offsale	Modifying the general process for making a determination of public convenience or necessity and for processing a CUP for the off-premises sale of alcoholic beverages.	<u>29046</u>	04/27/12
Bail Bonds	Identifying appropriate Zoning Districts and other land use regulations for bail bond establishments.	<u>28954</u>	09/30/11
Development Permit Extension	Modifying provisions regarding the issuance of Permit Adjustments to extend the term or reactivate previously-approved development permits.	<u>29054</u>	06/01/12
Economic Development	Amending Chapters 20.10, 20.30, 20.40, 20.50, 20.70, 20.75, 20.80, 20.90, 20.100, and 20.200 to facilitate economic development goals, to establish regulations for locating 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	<u>29011</u>	02/09/12

	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.		
Economic Development	Deleting 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.	<u>29042</u>	04/13/12
Ground Floor Uses	Amending Section 20.70.100 of Chapter 20.70 (Downtown Zoning Districts) to streamline the permit process for the operation of office and financial services uses within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Primary Commercial) and DC-NT1 (Downtown Core – Neighborhood Transition 1) Zoning Districts.	<u>29047</u>	05/04/12
Height	Adding a new Chapter 20.85 setting forth certain height restrictions and to amend portions of Chapters 20.20, 20.40, 20.50, 20.90, and 20.120 to align zoning code provisions with the recently adopted Envision San José 2040 General Plan.	<u>29012</u>	02/09/12
Height	Amending allowable heights for development within specific areas in the City of San José consistent with the County of Santa Clara’s Airport Influence Areas for Norman Y. Mineta San José International and Reid-Hillview Airports, and to increase maximum allowable	<u>29176</u>	12/28/12

	height for development in Industrial Zoning Districts.		
Main Street Zoning	Adding a new chapter to the Zoning Ordinance entitled "Pedestrian Oriented Zoning Districts" and establishing new Main Street Zoning Districts within that chapter. The Main Street Districts allow for a wide range of commercial uses, or a mix of commercial and residential uses, in a pedestrian-oriented format with buildings located close to a wide pedestrian sidewalk. The Main Street Zoning Districts are intended to be applied to the Alum Rock Neighborhood Business District between King Road and State Route 680. Actual rezoning of property to the new zoning districts will require an additional ordinance.	<u>28858</u>	01/14/11
Payday Lending	Establishing land use regulations pertaining to Payday Lending Establishments including a citywide cap on the number of new payday establishments, as well as a prohibition of new establishments within and surrounding low-income areas and within a quarter of a mile of other payday lenders.	<u>29089</u>	07/06/12

ANALYSIS AND GENERAL PLAN CONSISTENCY

The proposed ordinance amendments would provide greater clarity or flexibility for industrial and commercial uses in conventional zoning districts. The changes are explained below and then analyzed for consistency with the General Plan.

- ***Add Certified Farmers' Markets (CFMs) and Small CFMs as enumerated uses in the A-Agriculture and OS-Open Space Zoning Districts.***

CFMs and Small CFMs were added as enumerated uses in Residential, Commercial, Industrial, and Downtown Zoning Districts in September 2012. Staff is proposing to further allow Small CFMs as a Permitted Use and CFMs as a Special Use in the A-Agriculture and OS-Open Space Zoning Districts to expand access to healthful food in San José.

- ***Create a new TEC-Transit Employment Center Zoning District that would support land uses in proximity to transit.***

The TEC Zoning District is intended for intensive industrial-park and supportive commercial uses with development generally at least four (4) stories in height consistent

with General Plan height policies, and in proximity to existing or planned transit in employment districts designated as Growth Areas in the General Plan. The development of large hotels of at least 200 rooms and four (4) or more stories in height is also supported within the TEC Zoning District.

This new Zoning District would be suitable for development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or other industrial park uses on all floors. The TEC Zoning District would potentially allow a significantly higher degree of mixed-use commercial development than allowed within the IP Industrial Park District.

An additional difference between the proposed TEC Zoning District and the IP Industrial Park District is that, consistent with the intent of the corresponding Transit Employment and Industrial Park General Plan designations, the proposed District includes site design standards for new development consistent with more intensive, transit-oriented uses than supported by the IP Industrial Park District. New development should orient buildings toward public streets and transit facilities, and include features to provide an enhanced pedestrian environment. Maximum height is 120 feet or per FAA criteria per Chapter 20.85.

- ***Expand activities considered Incidental Auto Repair.***

For the Commercial and Industrial Zoning Districts, the proposed ordinance would explicitly identify more specific Auto Repair activities that are considered incidental to commercial and industrial uses. This clarification of incidental uses would support the viability of incidental auto repair in conjunction with service stations or automobile care facilities (e.g., AAA) in neighborhood-serving commercial areas. The proposal reflects current trends in automotive repair services.

- ***Allow Incidental Off-sale of Alcohol for Winery/Brewery/Distillery Operations.***

Currently, Wineries and Breweries are Permitted Uses and distilleries are Permitted Uses as Medium Manufacturing in all Industrial Zoning Districts. The proposed amendment would add separately enumerated uses of “Alcoholic beverages, off-site sales - beer and/or wine only and incidental to a winery/brewery,” and “Alcoholic beverages, off-site sales – distilled spirits only and incidental to a distillery,” as Conditional Uses in all of the Industrial Zoning Districts provided that, “the total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:

1. Two hundred fifty (250) gross square feet; or
2. Five (5) percent of the winery’s, brewery’s, or distillery’s entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.”

As part of the Conditional Use Permit process, the City would evaluate how the off-sale use operates, how it may impact nearby uses, and how nearby uses may impact it, in order to recommend whether the use should be allowed and how it should operate.

Incidental off-sale of alcoholic beverages produced on-site in conjunction with Wineries/Breweries or distilleries can increase the viability and visibility of these manufacturing uses in Industrial Zoning Districts and help preserve them, as well as attract new such uses to San José.

- ***Expand Home Occupations to include “Cottage Food Operations.”***

Cottage Food Operations as a Home Occupation is proposed in compliance with State law AB 1616 effective January 1, 2013 (see http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1616). The provisions would allow one non-resident employee onsite in addition to residents for commercial preparation of homemade food in accordance with State regulations. The County of Santa Clara would require that an applicant obtain a Zoning Verification from the City prior to obtaining approval from the County Department of Health.

- ***Amend Provisions for Outdoor Private Property Special Events***

Eliminating the City requirements for Outdoor Private Property Special Events that are regulated by the State Department of Motor Vehicles would minimize redundant regulatory review by the City and State.

- ***Reduce Minimum Front Setbacks for Commercial Zoning Districts.***

Reducing the Minimum Required Front Setbacks for CO Commercial Office and CN Commercial Neighborhood Zoning Districts to 10 feet, and the CG Commercial General Zoning District to 15 feet, would provide more flexibility for urban forms of development consistent with the General Plan’s Major Strategy No. 6 - Streetscapes for People, and eliminate the gap in range of minimum front setbacks in conventional commercial zoning categories that now exists for proposed development with a front setback between 10 and 15 feet. Such development would no longer require a Planned Development Zoning.

- ***Eliminate Incidental Dancing and Music as an Amortized Nonconforming Use and enumerate Incidental Recreational Dancing as a Permitted Use if Incidental to a Public Eating Establishment or a Drinking Establishment.***

To minimize overlapping regulation by various City departments, staff proposes to delete incidental dancing and music as an Amortized Nonconforming Use, and add incidental recreational dancing as an enumerated use in association with a Public Eating Establishment or a Drinking Establishment. Police would still review such uses to determine whether an Entertainment Permit is required under the provisions of Title 6 of the San José Municipal Code.

Define “Banquet Facility” and “Cottage Food Operation.”

Staff is proposing to add these definitions for clarification in the Zoning Code. As discussed above, “Cottage Food Operation” would be added as an enumerated Home Occupation, in compliance with State law. “Banquet Facility” is already referenced as an enumerated use in the Zoning Code.

Staff is proposing to define “Banquet Facility” as, “a facility providing food service with tables and seating maintained and operated primarily for the purpose of serving a meal at a hosted party, banquet, or reception.” This definition is intended to make clear that a Banquet Facility is not a nightclub.

- ***Expand “Lot Line” definition to apply to non-residential lots and reference private streets.***

Expanding and clarifying the definition of “Lot Line” would provide consistency for development standards whether the development is residential or non-residential, and whether the development is in the context of a public Right-of-Way (ROW) or a private ROW.

General Plan Consistency

The proposed changes to the Zoning Ordinance are consistent with applicable land use designations as well as several goals, policies, and implementation actions in the Envision San José 2040 General Plan including but not limited to the following:

For Certified Farmers’ Markets in OS-Open Space and A-Agricultural Zoning Districts.
The proposed change conforms to the following land use designations and policy:

- *Agriculture land use designation* — Density: up to 1 DU/20 AC; minimum 20 acre parcels (1 to 2.5 stories). Sites in the Agriculture designation are intended for a variety of agricultural uses, including grazing, dairying, raising of livestock, feedlots, orchards, row crops, nursery stock, flower growing, ancillary residential uses, ancillary commercial uses such as fruit stands, and the processing of agricultural products. Some ancillary, supportive uses can be allowed in accordance with the Rural Agriculture Goals & Policies in the *Envision General Plan*.
- *Open Hillside land use designation* — Density: up to 1 DU/20 AC (1 to 2.5 stories); FAR up to 0.02. This designation is applied to areas that are located outside of the Urban Growth Boundary (UGB) with the intent of preserving a permanent greenbelt of open space and natural habitat along the City’s eastern and southern edges. Privately-owned lands within the Open Hillside designation may allow a limited amount of development, including single-family dwellings and, on large sites, private recreation, and low-intensity institutional or commercial uses with the majority of the site preserved as open space, very-low intensity

agricultural uses such as grazing or tree farming, or privately owned open space/habitat preserves.

- *Rural Agriculture Policy LU-20.5* to enhance the viability and profitability of ongoing use of agricultural lands by supporting ancillary commercial uses such as fruit stands, small-scale environmental and agricultural tourism, and the processing of agricultural products.

For a new TEC-Transit Employment Center Zoning District. The proposed change conforms to the following land use designations, goals, policies, and actions:

- *Transit Employment Center land use designation* — Density: FAR Up to 12.0 (4 to 25 stories). This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. To support San José's growth as a Regional Employment Center, it is useful to designate such key Employment Centers along the light rail corridor in North San José, in proximity to the BART and light rail facilities in the Berryessa/Milpitas area, and in proximity to light rail in the Old Edenvale area. All of these areas fall within identified Growth Areas and have access to transit and other important infrastructure to support their intensification. Uses allowed in the Industrial Park designation are appropriate in the Transit Employment Center designation, as are supportive commercial uses. The North San José Transit Employment Center also allows limited residential uses, while other Employment Centers should only be developed with industrial and commercial uses.

An important difference between this designation and the Industrial Park designation is that the development intensity and site design elements in Transit Employment Center areas should reflect a more intense, transit-oriented land use pattern than that typically found in Industrial Park areas. This designation permits development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or industrial projects. The development of large hotels of at least 200 rooms and four or more stories in height is also supported within Transit Employment Centers. New development should orient buildings toward public streets and transit facilities and include features to provide an enhanced pedestrian environment.

- *Land Use / Transportation Diagram Policy IP-1.5* Maintain a Zoning Ordinance and Subdivision Ordinance that align with and support the Land Use / Transportation Diagram and *Envision General Plan* goals and policies. Develop new Zoning Districts that enumerate uses and establish development standards, including heights, to achieve vital mixed-use complete communities and facilitate their implementation.
- *Land Use / Transportation Diagram Policy IP-1.7* Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which can not be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.

- *Zoning Policy IP-8.2* Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use / Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.
- *Zoning Policy IP-8.3* For the review of privately or public initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the *Envision General Plan* goals and policies as follows:
 1. Align with the *Envision General Plan* Land Use / Transportation Diagram designations.
 2. Retain or expand existing employment capacity.
 3. Preserve existing retail activity.
 4. Avoid adverse land use incompatibilities.
 5. Implement the *Envision General Plan* goals and policies including those for Urban Design.
 6. Support higher density land uses consistent with the City's transition to a more urban environment.
 7. Facilitate the intensification of Villages and other Growth Areas consistent with the goal of creating walkable, mixed-use communities.
 8. Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.
- *Zoning Action IP-8.6* Update the Zoning Ordinance to provide Zoning Districts that:
 1. Provide a greater level of detail for the desirable physical form of a district, including building heights, setbacks, interfaces with adjoining uses, and streetscape treatment, thereby establishing a relationship between building form and land use with street typology.
 2. Further implement land use concepts and the goals and policies established within the *Envision General Plan*, including those for Urban Design.
 3. Support higher density land uses consistent with the City's transition to a more urban environment.
 4. Facilitate the intensification of Villages and other Growth Areas consistent with the goal of creating walkable, mixed-use communities.
 5. Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.
- *General Land Use Policy LU-1.6* Locate employee-intensive commercial and industrial uses within walking distance of transit stops. Encourage public transit providers to provide or increase services to areas with high concentrations of residents, workers, or visitors.

- *Industrial Preservation Policy LU-6.4* Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.
- *Industrial Preservation Policy LU-6.7* Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.
- *Goal LU-7 – Attract New Industrial Uses* to expand the City’s economy and achievement of fiscal sustainability, stimulate employment, and further environmental goals.
- *Goal LU-8 – Maintain Employment Lands* Maintain appropriately designated Employment Areas for a mix of industrial and compatible commercial Uses.
- *Maintain Employment Lands Policy LU-8.1* In areas that are designated for mixed industrial and commercial uses, allow only commercial uses that are compatible with industrial uses. Non-employment uses are prohibited in these areas.
- *Goal IE-1 – Land Use and Employment* Proactively manage land uses to provide and enhance economic development and job growth in San José.
- *Land Use and Employment Policy IE-1.3* As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, child care, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.
- *Land Use and Employment Policy IE-1.4* Manage land uses to enhance employment lands to improve the balance between jobs and workers residing in San José. Strive to achieve a minimum ratio of 1.3 jobs/employed resident to attain fiscal sustainability for the City.
- *Land Use and Employment Policy IE-1.5* Promote the intensification of employment activities on sites in close proximity to transit facilities and other existing infrastructure, in particular within the Downtown, North San José, the Berryessa International Business Park and Edenvale.
- *Land Use and Employment Policy IE-1.6* Plan land uses, infrastructure development, and other initiatives to maximize utilization of the Mineta San José International Airport, existing and planned transit systems including fixed rail (e.g., High-Speed Rail, BART and Caltrain), Light-Rail and Bus Rapid Transit facilities, and the roadway network. Consistent with other

General Plan policies, promote development potential proximate to these transit system investments compatible with their full utilization. Encourage public transit providers to serve employment areas.

- *Goal IE-2 – Business Growth and Retention* Promote San José as an employment center. Nurture existing and attract new companies of all sizes (large anchor companies, emerging growth companies, small businesses) in industries that will drive the job and revenue growth for our City and regional economy.
- *Business Growth and Retention Policy IE-2.1* Maintain City government practices attuned to business needs for clear and timely use of incentives, regulations and development entitlement processes.
- *Business Growth and Retention Policy IE-2.7* Encourage business and property development that will provide jobs and generate revenue to support city services and infrastructure.

For Incidental Auto Repair clarifying language and adding Wholesale Auto Dealer with no on-site storage as a Permitted Use in Commercial Zoning Districts. The proposed changes conform to the following policy:

- *Commercial Policy LU-4.4* Allow limited industrial uses in commercially designated areas if such uses are of a scale, design, or intensity that creates less than significant negative impacts to surrounding uses.

For reductions in Minimum Required Setbacks for Commercial Zoning Districts. The proposed changes conform to the following policy:

- *Neighborhood Serving Commercial Policy LU-5.4* Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

For adding Off-site Sale of Alcoholic Beverages as a Conditional Use incidental to a Winery/Brewery or distillery. The proposed changes conform to the following goal and policies:

- *Industrial Preservation Goal LU-6* Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.
- *Industrial Preservation Policy LU-6.8* Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

- *Land Use and Employment Policy IE-1.17* Adopt an ordinance that protects the manufacturing rights of existing industrial land uses within San José.
- *New Industrial Uses Policy LU-7.1* Encourage industrial supplier/service business retention and expansion in appropriate areas in the City.

For all the proposed changes described above. The proposed changes conform to the following action:

- *Business Growth and Retention Action IE-2.8* Evaluate and periodically update the City's policies, regulations and ordinances to maintain San José's competitive ability to attract and grow businesses, including small businesses and home occupations.

PUBLIC OUTREACH/INTEREST

Since December 2012, Planning staff has engaged the public on how the Zoning Ordinance may be amended to support economic development and create the TEC Transit Employment Center Zoning District as a Conforming Zoning District to the Transit Employment Center General Plan land use designation (see attached public correspondence). A community meeting on January 17, 2013, with 19 members of the public including residents, industry representatives, and developers, and with Councilmember Oliverio and Planning staff in attendance, followed by the PBCE Developers' Roundtable on January 25, 2013, provided forums for public input on the proposed amendments.

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 José 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.

Residents

Residents stated that they wanted assurance that the TEC Zoning District would not allow residential development. Staff responded that residential uses were not being proposed as allowed uses in this Zoning District.

There was strong support expressed for Cottage Food Operations, with some residents stating that they intend to start such operations themselves.

Many residents stated opposition to Wholesale Auto Dealer as a Home Occupation, because they were of the opinion that the use was not compatible with residential uses, and there could be serious impacts to on-street parking. In response, staff has eliminated the proposal to allow

Wholesale Auto Dealer as a Home Occupation.

Developers

A developer expressed concerns that the proposed TEC Zoning District would not allow residential uses. Staff explained that in the General Plan, the Transit Employment Center land use designation only allows limited residential uses in the North San José Transit Employment Center land use designation, while other Employment Centers should only be developed with industrial and commercial uses. For these reasons, the assumption is that residential uses for the Transit Employment Center land use designation would need to be proposed through a Planned Development Zoning application.

Non-Government Organizations

The Health Trust in San José supports adding Certified Farmers' Markets and Small Certified Farmers' Markets as enumerated uses in the A-Agriculture and OS-Open Space Zoning Districts.

AAA Northern California supports the proposed amended clarifying text for the definition of Incidental Auto Repair.

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 as set forth in the General Plan.

COORDINATION

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

CEQA

Final Program Environmental Impact Report for Envision San José 2040 General Plan, EIR Resolution No. 76041.

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, "Envision San José 2040 General Plan," for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of

PLANNING COMMISSION

February 6, 2013

Subject: Zoning Code Amendments to support Economic Development

Page 16

San José may take action on the project as being within the scope of the Final EIR,
File No. PP13-008.

for Andrew Cristofari

JOSEPH HORWEDEL, Director

Department of Planning, Building and Code Enforcement

For questions, please contact Jenny Nusbaum, Senior Planner at 408-535-7872.

Attachments: Draft Ordinance
Public Correspondence

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND: SECTION 20.10.060 OF CHAPTER 20. 10 (GENERAL PROVISIONS AND ZONING DISTRICTS) TO ADD THE CIC-COMBINED INDUSTRIAL COMMERCIAL AND THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICTS; SECTION 20.20.100 OF CHAPTER 20.20 (OPEN SPACE & AGRICULTURAL ZONING DISTRICTS) TO ALLOW CERTIFIED FARMERS' MARKETS IN THE A-AGRICULTURE AND OS-OPEN SPACE ZONING DISTRICTS; SECTIONS 20.40.100, 20.40.200, 20.40.230 AND 20.40.400 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) TO ALLOW WHOLESALE AUTO DEALERS WITH NO ON-SITE STORAGE AS A PERMITTED USE IN COMMERCIAL ZONING DISTRICTS, TO REDUCE MINIMUM REQUIRED SETBACKS FOR COMMERCIAL ZONING DISTRICTS, AND TO CLARIFY INCIDENTAL AUTO-REPAIR USES; SECTION 20.50.010 OF CHAPTER 20.50 TO CREATE THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICT CATEGORY, SECTIONS 20.50.100 AND 20.50.200 OF CHAPTER 20.50 TO ADD MORE FLEXIBILITY FOR THE DEVELOPMENT OF SPECIFIC COMMERCIAL AND INDUSTRIAL USES IN THE INDUSTRIAL ZONING DISTRICTS INCLUDING, BUT NOT LIMITED TO CREATING THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICT ENUMERATED USES AND DEVELOPMENT STANDARDS, ADDING OFF-SITE SALE OF ALCOHOLIC BEVERAGES AS A CONDITIONAL USE INCIDENTAL TO A WINERY/BREWERY OR DISTILLERY AND CLARIFYING INCIDENTAL AUTO-REPAIR USES; SECTIONS 20.80.710 AND 20.80.720 OF PART 9 OF CHAPTER 20.80 (HOME OCCUPATIONS) TO ALLOW COTTAGE FOOD OPERATIONS AND WHOLESALE AUTO DEALER USES WITH NO DISPLAY OR STORAGE AS HOME OCCUPATIONS WITHIN RESIDENTIAL ZONING DISTRICTS AND SECTION 20.80.1400 OF CHAPTER 20.80 TO AMEND PROVISIONS FOR OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS; SECTION 20.120.110 OF CHAPTER 20.120 (ZONING CHANGES AND AMENDMENTS) TO ADD THE TEC ZONING DISTRICT AS A CONFORMING DISTRICT; CHAPTER 20.150 (NONCONFORMING USES) BY DELETING SECTION 20.150.330 (AMORTIZATION – INCIDENTAL DANCING AND MUSIC); AND CHAPTER 20.200 (DEFINITIONS) TO ADD NEW SECTIONS TO ADD DEFINITIONS OF "BANQUET FACILITY," AND "COTTAGE FOOD OPERATION," AND TO AMEND SECTION 20.200.700 OF CHAPTER 20.200 TO AMEND THE DEFINITION OF "LOT LINE"; ALL TO FURTHER IMPLEMENT

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**THE ECONOMIC DEVELOPMENT, LAND USE, AND
TRANSPORTATION POLICIES SET FORTH WITHIN THE ENVISION
SAN JOSE 2040 GENERAL PLAN AND TO MAKE OTHER
TECHNICAL, FORMATTING OR OTHER NONSUBSTANTIVE
CHANGES WITHIN THOSE SECTIONS OF TITLE 20**

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970, together with state implementation guidelines and the provisions of Title 21 of the San José Municipal Code, the provisions of this Ordinance have been examined in light of the Final Program Environmental Impact Report prepared for the Envision San José 2040 General Plan (the "FEIR") and are within the scope of the project analyzed under and covered by that FEIR.

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

SECTION 1. Section 20.10.060 of Chapter 20.10 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.10.060 Zoning districts established.

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

Table 20-10 City Zoning Districts		
Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
OS Open Space	OS	OS
A Agricultural	A	A
Rural Residential Residence District (1DU/5 Acres)	R-1-RR	None

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R-1-1 Residence District (1DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5DU/Acre)	R-1-5	R-1-B-8, R-1-B-1
R-1-8 Residence District (8DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (mobilehome parks, travel trailer parks)	R-MH	T-M
CO Office Commercial District	CO	C-L, C
CP Pedestrian Commercial District	CP	C-1
CN Neighborhood Commercial District	CN	C-2
CG General Commercial District	CG	C-3
<u>TEC Transit Employment District</u>	<u>TEC</u>	<u>None</u>
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
<u>CIC Combined Industrial/Commercial</u>	<u>CIC</u>	<u>None</u>
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

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

SECTION 2. Section 20.20.100 of Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.20.100 Allowed uses and permit requirements.

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- A. Permitted" land uses are indicated by a "P" on Table 20-30.
- B. Conditional" uses are indicated by a "C" on Table 20-30. 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. Land uses not permitted are indicated by a "-" on Table 20-30. Land uses not listed on Table 20-30 are not permitted.
- D. When the right column of Table 20-30 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 and any other title of the San José Municipal Code.

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Agriculture and Resource Uses			
Animal breeding (except fish, frogs, rabbits, poultry and hogs)	P	P	Note 1
Animal breeding (fish, frogs, rabbits, poultry and hogs)	C	P	Note 1
Any use or improvement for the conservation of water, reclamation and erosion control	P	P	Note 1
Botanical conservatories, nature garden, nature study areas, and similar uses not within greenhouses or structures	P	-	Note 1
<u>Certified Farmers' Market</u>	<u>S</u>	<u>S</u>	<u>Note 1; Part 3.5, Chapter 20.80;</u>
<u>Certified Farmers' Market – Small</u>	<u>P</u>	<u>P</u>	<u>Note 1; Part 3.5, Chapter 20.80;</u>
Dairies	P	P	Note 1
Extraction of chemicals from water by natural evaporation	C	-	Note 1
Extraction of minerals from the ground, including quarrying	C	-	Note 1

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Filling or removal of earth, including grading	C	-	Note 1
Grazing	P	P	Note 1
Livestock ranch, excluding hogs	P	P	
Livestock ranch, hogs	C	C	
Natural Resource Preservation / Reservation	P	-	Note 1
Pasture	P	P	Note 1
Planting, cultivating, growing, harvesting and drying of crops	C	P	Note 1
Tree farms and forestlands	C	C	Note 1
Wholesale sale of any animals, articles, wares, goods merchandise, or commodities produced on-site in the conduct of any Permitted or Conditional Use	C	C	Note 1
Wildlife refuge	P	-	Note 1

Notes:

1. The erection, enlargement, structural alteration, or use of any **permanent** building or structure for any permitted or conditional use in the OS open space district requires the issuance of a conditional use permit.
2. Clubhouses, pro shops, snack shops, restaurants, bars, and driving ranges may be operated in conjunction with, but not independent of, the golf course. "Miniature golf courses" are not allowed.
3. A one-family dwelling may be used for a residential care facility or residential service facility for six (6) or fewer residents. No services may be provided to non-residents.

SECTION 3. 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.

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- 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 José Municipal Code.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Section
	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	
Certified farmers' market	S	S	S	S	Part 3.5, Chapter 20.80
Certified farmers' market - small	P	P	P	P	Part 3.5, Chapter

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Item No.: _____

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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 20.80.1175
Education and Training					
Child day care 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	

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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 establishments 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	
<u>Incidental recreational dancing as part of a public eating establishment or drinking establishment</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	
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	
Medical marijuana collective [USE SUSPENDED]	-	-	-	R	Part 9.5, Chapter 20.80
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	

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General Services					
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	
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
Payday lending establishment	-	R	R	R	Part 12.5, Chapter 20.80; Section 20.200.875
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/religious assembly	C	C	C	C	

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 Item No.: _____
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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 20.80.740
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					
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	

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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	-
Auto dealer, 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
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 2
Sale, brokerage , or lease, commercial vehicles	-	-	C	C	Note 13
Sale or brokerage , passenger vehicles, pick-up trucks not	-	C	S	P	Note 12,

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exceeding twenty-five feet in length, and motorcycles					Note 13
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty five feet in length, and motorcycles	-	G	G	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

Notes applicable to all commercial districts:

- In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- No on site storage of vehicles permitted in the CP and CN Zoning Districts.
- Includes public and private colleges and universities, as well as extension programs and business schools.
- Not a catering facility.
- No on site storage of vehicles permitted.
- Mixed use residential/commercial only under approved village plan or in signature project consistent with the general plan.
- Use must be less than twenty-four hours.
- No incidental repair or service permitted.
- Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
- Includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of

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~~exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting. 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 4. Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.200 Development standards.

All development in the commercial zoning districts shall conform to the development regulations set forth below in Table 20-100.

Table 20-100 Commercial Zoning Districts Development Standards				
Regulations	Zoning District			
	CO	CP	CN	CG
Minimum lot area (square feet or acreage)	6,000	6,000	6,000	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)

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Minimum Setback (feet)				
Front	10, or 15 where adjacent to side property line of R-1 district	no minimum, 10 feet maximum	1510	2515
Side, interior	5	none	none	none
Side, corner	12.5	none	12.5	12.5
Rear, interior	25	25	none	none
Rear, corner	25	25	none	none
Maximum height (feet) [Note 1]	35, or unless a different maximum is established in Chapter 20.85	50, or unless a different maximum is established in Chapter 20.85	50, or unless a different maximum is established in Chapter 20.85	65, or unless a different maximum is established in Chapter 20.85
Maximum individual occupant square footage (square feet) [Note 2]		2,500/Personal service shop 5,000/Eating, drinking or entertainment establishment 15,000/All other uses [see Note 2]		
Parking	See Chapter 20.90			

Notes applicable to Commercial Development Standards:

1. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.
2. In the CP commercial pedestrian district, lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the General Plan Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

SECTION 5. Section 20.40.230 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

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20.40.230 Maximum height - Exception~~number of stories~~—~~Exception~~.

Notwithstanding the provisions of Section 20.40.200, in any commercial district, the maximum height ~~and maximum number of stories~~ restrictions shall not apply to SRO residential hotels, SRO living unit facilities and mixed commercial/residential projects.

SECTION 6. Section 20.40.300 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby repealed in its entirety.

SECTION 7. Section 20.50.010 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.010 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. TEC Transit Employment Center. The TEC Transit Employment Center zoning designation is intended for intensive industrial-park and supportive commercial uses with development generally at least four (4) stories in height consistent with General Plan height policies and in proximity to existing or planned transit in employment districts designated as Growth Areas in the General Plan.

The TEC designation is suitable for development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or other industrial park

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uses on all floors.

An important difference between this designation and the IP Industrial Park designation is that the site design for development in the TEC Transit Employment Center District should support more intensive, transit-oriented uses than that typically found in the IP Industrial Park District. The development of large hotels of at least two hundred (200) rooms and four (4) or more stories in height is also supported within the Transit Employment Center zoning designation.

New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

3. ~~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 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.
4. LI Light Industrial. The Light Industrial zoning designation 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 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.
5. HI Heavy Industrial. The Heavy Industrial zoning designation 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.

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Item No.: _____

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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.

SECTION 8. 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.

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- 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	TEC	IP	LI	HI	
Industry						
Auction	C	<u>C</u>	C ^{GP}	C ^{GP}	-	
Industrial services	-	=	-	P	P	
Laboratory, processing	P	<u>P</u>	P	P	P	
Manufacturing and assembly						
Light	P	<u>P</u>	P	P	-	
Medium	P	<u>P</u>	P	P	P	
Heavy	-	=	-	-	P	
Research and development	P	<u>P</u>	P	-	-	
Catalog and mail order	P	<u>P</u>	P	P	-	

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 Item No.: _____
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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	<u>C</u>	C	C	C	
Stockyard, including slaughter	-	=	-	-	C	
Warehouse/distribution facility	P	<u>P</u>	P	P	P	
Wholesale sale establishment	P	<u>S</u>	S	P	P	
<u>Wineries, breweries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
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	<u>C</u>	C	S	S	
Commercial support	-	<u>P</u>	P	-	-	Note 5, Section 20.50.110
Retail sales, goods and merchandise	P	<u>P</u>	-	-	-	Note 5, Section 20.50.110

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CC Agenda: _____
Item No.: _____
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Retail art studio	P	<u>P</u>	-	-	-	
Alcohol, off-site sales - beer and/or wine only	C	<u>C</u>	-	-	-	Note 5, Section 20.50.110
Alcohol, off-site sales, full range of alcoholic beverages	C	<u>C</u>	-	-	-	Note 5, Section 20.50.110
<u>Alcoholic beverages, off-site sales - beer and/or wine only and incidental to a winery/brewery</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 12, Section 20.50.110</u>
<u>Alcoholic beverages, off-site sales – distilled spirits only and incidental to a distillery</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 12, Section 20.50.110</u>
Bakery, retail	P	<u>P</u>	-	-	-	Note 5, Section 20.50.110
Certified farmers' market	-	<u>S</u>	S	-	-	Part 3.5, Chapter 20.80
Certified farmers' market - small	-	<u>P</u>	P	-	-	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	<u>P</u>	-	-	-	Note 5, Section 20.50.110
Nursery, plant	P	<u>P</u>	-	C	C	
Outdoor vending	A	<u>A</u>	-	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	<u>P</u>	-	C	-	
Seasonal sales	P	<u>P</u>	P	P	P	Part 14, Chapter

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CC Agenda: _____
Item No.: _____

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						20.80
Education and Training						
Day care center	C	<u>C</u>	C ^{GP}	C ^{GP}	-	
School, driving (class A & B license)	-	=	-	P	P	
Instructional art studios	P	<u>P</u>	-	-	-	
Instructional art studios, live models	C	<u>C</u>	-	-	-	
Private instruction, personal enrichment	P	<u>P</u>	-	-	-	
School- elementary and secondary (public or private)	C	<u>C</u>	-	-	-	Note 11
School, post secondary	C	<u>C</u>	C	-	-	
School, trade and vocational	C	<u>C</u>	-	C	C	
Entertainment and Recreation Related						
Recreation, commercial / indoor	P	<u>C on lands with a General Plan land use designation of Transit Employment Center; C^{GP} on lands with other General Plan land use designations</u>	C ^{GP}	C ^{GP}	-	Note 5, Section 20.50.110
Relocated cardroom	C ^{GP}	<u>C^{GP}</u>	C ^{GP}	C ^{GP}	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	<u>C</u>	C	C ^{GP}	-	

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Food Services						
Caterer	P	<u>P</u>	-	-	-	
Drinking establishments	C	<u>C</u>	-	-	-	
Drinking establishments interior to a full-service hotel/motel that includes 75 or more guest rooms	P	<u>S if within 150 feet of residentially used or zoned lot; P if not within 150 feet of residentially used or zoned lot</u>	P ^{GP}	-	-	Section 20.80.475; <u>Note 13</u>
Drinking establishment in conjunction with a winery or brewery	C	<u>C</u>	C	C	C	
Public eating establishments	P	<u>P</u>	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	<u>S if within 150 feet of residentially used or zoned lot; P if not within 150 feet of residentially used or zoned lot</u>	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services						
Animal boarding, indoor	P	<u>P</u>	-	-	-	<u>Note 14</u>
Animal grooming	P	<u>P</u>	-	-	-	<u>Note 14</u>
Emergency ambulance service	C	<u>C^{GP}</u>	C ^{GP}	C ^{GP}	-	
Hospital/in-patient facility	C	<u>C</u>	C	-	-	Note 6

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CC Agenda: _____
 Item No.: _____
 945526.doc

Medical marijuana collective [USE SUSPENDED]	R	=	-	R	-	Part 9.75, Chapter 20.80
Office, medical	P	<u>P</u>	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	<u>P</u>	-	-	-	<u>Note 14</u>
General Services						
Crematory	-	=	-	C ^{GP}	C	Note 7
Mortuary, without funeral services	-	=	-	P	P	
Dry cleaner	P	<u>P</u>	-	-	-	
Hotel / motel	P	<u>P on lands with a General Plan land use designation of Transit Employment Center; P^{GP} on lands with other designations</u>	C ^{GP}	-	-	<u>Note 13</u>
Laundromat	P	<u>P</u>	-	-	-	
Maintenance and repair, small household appliances	P	<u>P</u>	-	-	-	
Messenger services	P	<u>P</u>	-	-	-	
Personal services	P	<u>P</u>	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	<u>P</u>	P	P	P	
Printing and publishing	P	<u>P</u>	P	P	P	
Social service agency	-	<u>C</u>	C	C	C	

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Offices and Financial Services						
Automatic teller machine	P	<u>P</u>	P	P	P	Section 20.80.200
Business support	P	<u>P</u>	-	-	-	
Financial institution	P	<u>P</u>	<u>P</u>	C ^{GP}	-	Note 5, Section 20.50.110
Office, general business	P	<u>P</u>	P	-	-	
Office, research and development	P	<u>P</u>	P	-	-	
Public, Quasi-Public and Assembly Uses						
Church / Religious assembly	C	<u>C on lands with a General Plan land use designation of Transit Employment Center. C^{GP} on lands with other designations</u>	C ^{GP}	C ^{GP}	-	
Residential						
Emergency residential shelter, more than 50 beds	C	<u>C^{GP}</u>	C ^{GP}	C	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	<u>C</u>	C ^{GP}	C	-	Section 20.80.500
Living quarters, custodian, caretakers	-	=	-	-	-	Note 1
Drive-Through Use						
Drive-through in conjunction with any use	C	<u>C^{GP}</u>	C ^{GP}	C ^{GP}	-	
Recycling Uses						

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CC Agenda: _____
 Item No.: _____

Recycling processing facility	-	<u>C</u>	C	S	S	
Recycling transfer facility	-	<u>C</u>	C	S	S	
Large collection facility	-	=	-	-	P	
Reverse vending	A	<u>A</u>	A	A	A	
Small collection facility	A	<u>A</u>	A	A	A	
Transportation and Utilities						
Common carrier	-	=	-	C	P	
Common carrier depot	S	<u>S</u>	S	S	S	
Community television antenna systems	C	<u>C</u>	C	C	C	
Data center	S	<u>S</u>	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	<u>S</u>	S	S	S	Section 20.90.200
Parking establishment not permitted in Tables 20-30, 20-50 and 20-90	C	<u>C</u>	C	C	C	
Parking establishment, off-street	C	<u>C</u>	C	C	C	
Television, radio studio	C	<u>C</u>	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	<u>C</u>	C	C	C	
Wireless communication antenna	C	<u>C</u>	C	C	C	Section 20.100.1300
Wireless communication antenna	S	<u>S</u>	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	<u>P</u>	P	P	P	Section 20.80.1910

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CC Agenda: _____
Item No.: _____
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Electrical Power Generation						
Base load facility	-	=	-	-	C	
Stationary peaking facility	-	=	-	C	C	
Transportable peaking facility	-	=	-	C	C	
Private power generation facility	C	<u>C</u>	C	C	C	
Co-generation facility	S	<u>S</u>	S	S	S	
Stand-by/back-up						
Facilities that do not exceed noise and air standards	P	<u>P</u>	P	P	P	
Facilities that do exceed noise and air standards	C	<u>C</u>	C	C	C	
Temporary stand-by-backup	P	<u>P</u>	P	P	P	
Solar photovoltaic system	P	<u>P</u>	P	P	P	Section 20.100.610 C.7.
Vehicle Related Uses						
Auto broker, wholesale, no on-site storage	P		P	-	-	-
Auto dealer, wholesale, no on-site storage	P	P	P	=	=	-
Car wash, detailing	C	<u>C</u>	-	-	-	
Gas or charge station, excluding incidental service or repair	P	<u>C</u>	C ^{GP}	C ^{GP}	-	Note 2, Note <u>78</u>
Gas or charge station with incidental service and repair	P	<u>C</u>	C ^{GP}	C ^{GP}	-	Note 3
Sale, <u>brokerage</u> , or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and	C	<u>C</u>	-	C	-	Note 10

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motorcycles						
Repair and cleaning of vehicles	C	=	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	=	-	C	-	
Sale, vehicle parts	P	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	S	Part 8.5 Chapter 20.80

Notes:

1. Site must be seven acres or more.
2. No incidental repair or service.
3. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, ~~and~~ smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, 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 limitations of 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 500 linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the parcel boundary

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- on which the crematory is proposed and the parcel boundary on which the residential, school or day care center use 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.
 12. Off-sale of Alcoholic Beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
 - a. Two hundred fifty (250) gross square feet; or
 - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
 13. At least two hundred (200) rooms and four (4) or more stories in height are required for hotels located in the TEC Transit Employment Center Zoning District.
 14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a building.

SECTION 9. Section 20.50.200 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.200 Development standards.

All development in the industrial zoning districts shall conform to the development regulations set forth below in Table 20-120.

Table 20-120 Industrial Zoning Districts Development Standards		
Regulations	Zoning District	Notes

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	CIC	TEC	IP	LI	HI	
Minimum Lot Area (square feet)	6,000	6,000	10,000	10,000	6,000	
Minimum Unit Size for Non-residential Condominiums	4,000	<u>Section 20.175.042</u>	Section 20.175.042	Section 20.175.042	Section 20.175.042	
Minimum Setback (feet)						
Front						Note 1
Building	15	<u>15</u>	15	15	15	
Parking and circulation for passenger vehicles	20	<u>25</u>	25	20	15	
Parking for trucks & buses	40	<u>40</u>	40	30	15	
Loading docks	60 from property line, or 100 from residential district, whichever is greater	<u>60 from property line, or 100 from residential district, whichever is greater</u>	60 from property line, or 100 from residential district, whichever is greater	60 from property line, or 100 from residential district, whichever is greater	15 from property line, or 100 from residential district, whichever is greater	
Side						Note 2
Building and Structures	0 from property line, or 25 from residential district, whichever is greater	<u>0 from property line, or 25 from residential district, whichever is greater</u>	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Parking and circulation for passenger vehicles	0 from property line, or 25 from residential district, whichever is	<u>0 from property line, or 25 from residential district, whichever is</u>	0 from property line, or 25 from residential district, whichever is	0 from property line, or 25 from residential district, whichever is	0 from property line, or 25 from residential district, whichever is	

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	greater	<u>greater</u>	greater	greater	greater	
Parking for trucks & buses	0 from property line, or 25 from residential district, whichever is greater	<u>0 from property line, or 25 from residential district, whichever is greater</u>	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Loading docks	<u>0 from property line, or 100</u> from residential district, whichever is greater	<u>0 from property line, or 25 from residential district, whichever is greater</u>	60 <u>0 from property line, or 100</u> from residential district	<u>0 from property line, or 100</u> from residential district, whichever is greater	<u>0 from property line, or 100</u> from residential district, whichever is greater	
Rear						Note 3
Building and Structures	0 from property line, or 25 from residential district, whichever is greater	<u>0 from property line, or 25 from residential district, whichever is greater</u>	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Parking and circulation for passenger vehicles	0 from property line, or 25 from residential district, whichever is greater	<u>0 from property line, or 25 from residential district, whichever is greater</u>	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Parking for trucks & buses	0 from property line, or 25 from residential district, whichever is greater	<u>0 from property line, or 25 from residential district, whichever is greater</u>	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Loading docks	0 from property line, or 100 from residential district, whichever is greater	<u>0 from property line, or 60 from residential district, whichever is greater</u>	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 100 from residential district, whichever is greater	
Maximum Height (feet)	<u>50, unless a different maximum is established in</u>	<u>120, unless a different maximum is established in</u>	<u>50, unless a different maximum is established in</u>	<u>50, unless a different maximum is established in</u>	<u>50, unless a different maximum is established in</u>	Note 4

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CC Agenda: _____

Item No.: _____

945526.doc

	Chapter 20.85	<u>Chapter 20.85</u>	Chapter 20.85	Chapter 20.85	Chapter 20.85	
Minimum street frontage (feet)	60	<u>60</u>	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.

SECTION 10. The Editor's Note under the heading of Part 9.75 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

Editor's note: Parts 9.5, Live/Work Units, and 9.75, Medical Marijuana Collectives, were re-numbered by Ordinance 29011, passed December 13, 2011. The provisions of Part 9.75, Medical Marijuana Collectives, together with the related provisions of Section 20.100.1525, 20.100.1530, 20.100.1535, and 20.100.1540, have been suspended as of March 30, 2012, per Ordinance No. 29037.

SECTION 11. Section 20.80.710 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety 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:

<p>Table 20-160 Performance Criteria</p>
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Signage	Signage must conform to the residential signage requirements set forth in Part 4 of Chapter 23.04 of Title 23.
Business Vehicles	A maximum of one business vehicle with a manufacturer's gross vehicle weight of less than ten thousand pounds is permitted to be kept, garaged or parked on the lot or parcel associated with the home occupation.
Clients	A maximum of two clients at a time are permitted at the dwelling.
Employees and Assistants	Only occupants of the dwelling may be employees or unpaid volunteers of the business or commercial activity; provided, however, that <u>Note 1 below this Table 20-160 applies to and shall govern and control over Cottage Food Operations.</u>
Environmental Constraints	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.
Hours of Operation	Clients are permitted at the residence only between the hours of 9:00 a.m. and 9:00 p.m.
Location	
<i>Dwelling Unit</i>	Home occupations, including storage, are permitted in the dwelling unit.
Accessory Building	Home occupations, including storage, are limited to one hundred square feet of floor area in an accessory building provided any required parking provided in the accessory building is retained and accessible.
Attached Garage	Home occupations are permitted in an attached garage provided the required parking is retained and accessible.
Carports	Home occupations are not permitted in carports.
Yard Areas	Home occupations, with the exception of activities that meet the definition of neighborhood agriculture, are not permitted in yard areas.
Manufacture or Assembly	No manufacture or assembly, other than hand-crafted products, is permitted.
Sales	The direct sale of products off display shelves or racks to the general public shall be limited to no more than fifteen square feet of space; however, an order may be filled on the premises if placed earlier by a customer using online, telephone or mail

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 Item No.: _____
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	order communications, or through attendance at an off-site sales party.
--	---

Notes applicable to performance criteria for Home Occupations:

Note 1: Cottage Food Operations are allowed as Home Occupations so long as the Cottage Food Operations are in compliance with the requirements for those operations contained in the California Government Code and the California Health and Safety Code, as amended. Where the provisions of State law pertaining to Cottage Food Operations, or State regulations promulgated thereunder, conflict with the Performance Criteria set forth in Table 20-160 above, such State law or regulations shall govern and control over the criteria set forth in Table 20-160 above.

SECTION 12. Section 20.80.720 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.720 Prohibited uses.

The following are not permitted as home occupations:

- A. 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.
- B. Appliance repair, other than the repair of small household appliances, as defined in Section 20.200.550.
- C. Firearm sales and service.
- D. Motorized garden tool repair, such as, but not limited to, lawnmowers, chainsaws, and leaf blowers.
- E. Massage parlor, as provided in Part 1 of Chapter 20.80 of this title, and the business of massage as provided in Section 6.44.010A.
- F. Pest control.
- G. Upholstery and furniture repair.
- H. Food catering excluding Cottage Food Operations that are allowed under and fully comply with the requirements therefor contained in the California Government Code and the California Health and Safety Code, together with applicable regulations promulgated thereunder, as amended.

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- I. 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.
- J. Welding.
- K. Any use which requires a hazardous materials permit from the fire department.
- L. Any off-sale of alcohol.
- M. Any other use which does not comply with each of the criteria provided in Table 20-160.

SECTION 13. Section 20.80.1400 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.1400 Outdoor private property special event.

An outdoor private property special event is a temporary outdoor use of private property that meets the criteria in either subsections A. or B. below.

- A. The outdoor private property special event will displace required parking for the existing use or uses on the site. Required parking for purpose of this part includes parking required under Chapter 20.90, except in the case of a city approved street closure which prevents access to such required parking.
- B. The outdoor private property special event requires a permit under the jurisdiction of any of the following agencies:
 - 1. San José Police Department;
 - 2. San José Fire Department; or
 - 3. California Department of Alcohol Beverage Control; ~~or~~
 - 4. ~~California Department of Motor Vehicles.~~

SECTION 14. Section 20.120.110 of Chapter 20.120 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

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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:

Table 20-270	
General Plan Designation	Conforming District
All designations	OS, A
Open hillside	OS
Lower hillside (1 du/5 ac)	R-1-RR
Rural residential (2 du/ac)	R-1-1, R-1-2
Residential neighborhood	R-1-8, R-1-5
Urban residential, transit residential	R-M
Neighborhood/community commercial, urban village	CP, CN, CG
Transit employment center	IP, TEC
Regional commercial	CG
Industrial park	IP
Light industrial	LI
Heavy industrial	HI
Combined industrial/commercial	CIC

- 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.

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Item No.: _____

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SECTION 15. Section 20.150.330 of Chapter 20.150 of Title 20 of the San José Municipal Code is hereby repealed in its entirety.

SECTION 16. Chapter 20.200 of Title of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

20.200.115 Banquet facility

A "Banquet Facility" is a facility providing food service with tables and seating which is maintained and operated primarily for the purpose of serving a meal at a hosted party, banquet, or reception.

SECTION 17. Section 20.200.115 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.200.1156 Base load power plant.

A "Base Load Power Plant" is an electrical power generation facility that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

SECTION 18. Chapter 20.200 of Title of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

20.200.262 Cottage food operation.

"Cottage Food Operation" means an enterprise run by a cottage food operator as defined in Section 113758 of the California Health and Safety Code, as amended, that makes a cottage food product, as defined in Section 113871 of the California Health and Safety Code, as amended.

SECTION 19. Section 20.200.700 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.200.700 Lot line.

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Item No.: _____
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“Lot line” is defined to include:

- A. “Front lot line” is the boundary line of a lot which abuts the closest edge of a public or private street, right-of-way whether that street, right-of-way is owned in fee title or through an easement.
- B. “Front lot line of a **residentially-zoned** corner lot” is the narrower lot line abutting a public or private street, right-of-way.
- C. “Side lot line” is the boundary line of a lot which intersects the front lot line, the rear lot line, and any other side lot line.
- D. “Side corner lot line of a **residentially-zoned** corner lot” is the longer of the two boundary lines abutting a public or private street, right-of-way.
- E. “Rear lot line” is the boundary line of a lot which is generally opposite, ~~and does not intersect, of~~ the front lot line.

PASSED FOR PUBLICATION of title this _____ day of _____ 2013, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI J. TABER, CMC
Acting City Clerk

Nusbaum, Jenny

From: luvhx2002@yahoo.com
Sent: Friday, February 01, 2013 2:13 PM
To: Nusbaum, Jenny
Subject: Wholesale Auto Dealership in "RESIDENTIAL AREA'S"

Dear Ms. Nusbaum,

It has just been brought to my attention that a new proposal is about to hit the planning commission regarding home Auto business.

I stumbled across this information, when in the process of trying to get some help having cars removed from my neighborhood that have been stored on our streets. These vehicles are owned by an Auto Dealer that buys these cars at auction and then has them dropped into our community. And now this is going to be encouraged by our city.? Please tell me this is not going to happen,or point me in the direction that clearly states these dealers will not be allowed to use our public streets for storage and to make their sale's.

I await your response before I elaborate on my opinion, and produce the facts on how this is not welcome in our communities.

Thank you, Catherine Wagner San Jose " The Green City ? "

Nusbaum, Jenny

From: Dan Hudson [dhudson@hudcorp.net]

Sent: Thursday, January 31, 2013 2:29 PM

To: Nusbaum, Jenny

Hello Jenny,

My name is Dan Hudson and I own property on Stockton Avenue in the new Transit Employment Center district. From the time I bought the property I was encouraged by the planning department as well as the then mayor and councilperson that this site would be allowed to developed as an apartment community; primarily because of the sites proximity to the transit hub.

Is this still possible under the new Transit Employment Center designation?

I'm very concerned as to what has happened. Could you please respond.

Sincerely,
Dan Hudson

1/31/2013

Nusbaum, Jenny

From: Gerry De Young [gdeyoung@ruthandgoing.com]
Sent: Thursday, January 31, 2013 12:58 PM
To: Nusbaum, Jenny
Cc: Chundur, Dipa
Subject: RE: Notice of Proposed Zoning Ordinance Amendment - Planning Commission and City Council Public Hearings

Jenny....is there more specific draft language that you can provide me on # 4 and 6 - "clarify incidental auto-repair uses".

Gerry

From: Chundur, Dipa [mailto:Dipa.Chundur@sanjoseca.gov]
Sent: Thursday, January 31, 2013 12:24 PM
To: Chundur, Dipa
Subject: Notice of Proposed Zoning Ordinance Amendment - Planning Commission and City Council Public Hearings

Dear Interested Parties,

Notice of Hearing on Proposed Amendment to the Zoning Ordinance

Planning Commission Public Hearing for the Proposed Amendments is scheduled for Wednesday, February 13, 2013 (evening). The Planning Commission will make a recommendation to the City Council on the proposed ordinance.

City Council Public Hearing for the Proposed Amendment is scheduled for Tuesday, February 26, 2013 (evening).

The copy of the Public Hearing Notice is available on the Planning website at <http://www.sanjoseca.gov/index.aspx?nid=2107>

The staff report will be available on the City's website at:

<http://www.sanjoseca.gov/planning/hearings/DefaultPC.asp> approximately a week prior to the scheduled hearing.

Title 20 Zoning Ordinance: An Ordinance of the City of San José amending Title 20 of the San José Municipal Code to:

1. Modify parking requirements for certain enumerated uses to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San José 2040 General Plan by amending Section 20.70.330 of Chapter 20.70 (Downtown Zoning Regulations); numerous sections of Chapter 20.90 (Parking and Loading); Sections 20.100.1300 and 20.100.1320 of Chapter 20.100 (Administration and Permits); and adding new sections to Chapter 20.200 (Definitions) to add definitions for "Area Development Policy," "Car-Share," "Charging Station," and "Urban Village,"
2. Add the CIC-Combined Industrial Commercial and the TEC-Transit Employment Center Zoning Districts to Section 20.10.060 of Chapter 20.10 (General Provisions and Zoning Districts);
3. Allow Certified Farmers' Markets in the A-Agriculture and OS-Open Space Zoning Districts by amending Section 20.20.100 of Chapter 20.20 (Open Space & Agricultural Zoning Districts);
4. Allow Wholesale Auto Dealers with no on-site storage as a Permitted Use in Commercial Zoning Districts, to reduce minimum required setbacks for Commercial Zoning Districts, and to clarify Incidental Auto-Repair uses by amending Sections 20.40.100, 20.40.200, 20.40.230 and 20.40.400 of Chapter 20.40 (Commercial Zoning Districts);

5. Create the TEC-Transit Employment Center Zoning District category by amending Section 20.50.010 of Chapter 20.50;
6. Add more flexibility for the development of specific Commercial and Industrial uses in the Industrial Zoning Districts including, but not limited to creating the TEC-Transit Employment Center Zoning District enumerated uses and development standards, adding Off-site Sale of Alcoholic Beverages as a Conditional Use incidental to a Winery/Brewery or Distillery and clarifying Incidental Auto-Repair uses by amending Sections 20.50.100 and 20.50.200 of Chapter 20.50;
7. Allow Cottage Food Operations and Wholesale Auto Dealer uses with no display or storage as Home Occupations within Residential Zoning Districts by amending Sections 20.80.710 and 20.80.720 of Chapter 20.80;
8. Modify provisions for outdoor private property special events by amending Section 20.80.1400 of Chapter 20.80;
9. Add the TEC Zoning District as a Conforming District by amending Section 20.120.110 of Chapter 20.120 (Zoning Changes and Amendments);
10. Delete Section 20.150.330 of Chapter 20.150 (Amortization – Incidental Dancing and Music);
11. Amend Chapter 20.200 to add new sections to define “Banquet Facility” and “Cottage Food Operation,” and Section 20.200.700 to amend the definition of “Lot Line”;
12. Make other technical, formatting or other non-substantive changes within those sections of Title 20.

The proposed amendments potentially affect all City Council Districts (Citywide).

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-3555 or (408) 294-9337 (TTY) at least two business days before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Mike Tran ở số (408) 535-7759. Para información en Español acerca de esta solicitud, comuníquese con Tony Gonzales al (408) 535-7655.**

* If you choose to challenge these land use decisions in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

*Comments and questions are welcome and should be referred to, **Jenny Nusbaum**, Senior Planner at e-mail address: Jenny.Nusbaum@sanjoseca.gov in the Department of Planning, Building and Code Enforcement.*

Thank You
Dipa Chundur

Dipa Chundur
Planning Services Division, City of San Jose
200 East Santa Clara Street, Tower 3, San José, CA 95113-1905
(408) 535-7688 dipa.chundur@sanjoseca.gov

Planning website: www.sanjoseca.gov/planning
Envision 2040 General Plan on Facebook
<http://www.facebook.com/pages/Envision-San-Jose-2040-General-Plan-Update/133588739300>

Nusbaum, Jenny

From: Dave Fadness [drfadness@sbcglobal.net]
Sent: Thursday, January 31, 2013 12:51 PM
To: Nusbaum, Jenny
Cc: Horwedel, Joseph; Prevetti, Laurel; District 10
Subject: Fw: Notice of Proposed Zoning Ordinance Amendment - Planning Commission and City Council Public Hearings
Importance: High

Ms. Nusbaum:

I've heard a rumor (from a very reliable source) that a proposal is being considered to expand the definition of allowable home occupations to include Wholesale Auto Dealerships in residential zones. This matter is supposed to be heard by the Planning Commission on 2/13.

Is Item 4 (below), "Allow Wholesale Auto Dealers with no on-site storage as a Permitted Use in Commercial Zoning Districts" all that is being discussed, or is expansion into residential zones also being considered?

There is a lot of concern among community associations regarding this rumor. Please let me know at your earliest convenience whether residential zones will, in fact, be impacted by what is now under consideration. I will share your response with community groups in my area.

Thank you,

Dave Fadness
(408) 578-6428

From: [Chundur, Dipa](#)
Sent: Thursday, January 31, 2013 12:23 PM
To: [Nusbaum, Jenny](#) ; [Chundur, Dipa](#)
Subject: Notice of Proposed Zoning Ordinance Amendment - Planning Commission and City Council Public Hearings

Dear Interested Parties,

Notice of Hearing on Proposed Amendment to the Zoning Ordinance

Planning Commission Public Hearing for the Proposed Amendments is scheduled for Wednesday, February 13, 2013 (evening). The Planning Commission will make a recommendation to the City Council on the proposed ordinance.

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The copy of the Public Hearing Notice is available on the Planning website at <http://www.sanjoseca.gov/index.aspx?nid=2107>

The staff report will be available on the City's website at:

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1. Modify parking requirements for certain enumerated uses to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San José 2040 General Plan by amending Section 20.70.330 of Chapter 20.70 (Downtown Zoning Regulations); numerous sections of Chapter 20.90 (Parking and Loading); Sections 20.100.1300 and 20.100.1320 of Chapter 20.100

1/31/2013

Nusbaum, Jenny

From: Steve Landau [steve_landau@yahoo.com]
Sent: Tuesday, January 29, 2013 4:24 PM
To: Nusbaum, Jenny
Cc: Constant, Pete
Subject: Re: Community Meeting / Title 20

Hi Jenny,

Thanks for this. I looked through agendas (no minutes available yet) for planning commission meetings but didn't see anything about this so I have a couple of additional questions and comments.

1. Am I looking in the wrong place for minutes or notes of meetings that have already taken place?
2. How do I and other neighborhood leaders stay informed of when this topic is going to be addressed in the future? You mentioned community meetings but I can tell you as the Chair of the D1 Leadership Group and the President of the Winchester NAC, we've been completely unaware of community meetings on this topic. I have looked at the Title 20 materials on the City website and this is just one small part of a very broad subject.
3. Who or what organization has raised and is making this a topic? Dealers? Economic Development Office? Other?

As a comment I would say that there are already many neighborhoods that have severe parking issues and that given the current staffing at code enforcement, there is growing frustration with illegally parked cars. Adding activities that would potentially add to the parking and enforcement issues may not be wise at this time.

I look forward to your direction on how I can learn more and advise other leaders in District 1 so that they have an opportunity to voice their opinions.

Thanks,

Steve Landau

From: "Nusbaum, Jenny" <Jenny.Nusbaum@sanjoseca.gov>
To: Steve Landau <steve_landau@yahoo.com>
Sent: Tuesday, January 29, 2013 1:29 PM
Subject: RE: Community Meeting / Title 20

Hi Steve,

Thank you for your inquiry. We are considering proposing allowing Wholesale Auto Dealer with no storage or display of cars as a Home Occupation. Essentially this would be a Home Office use. The definition and requirements for DMV would be the basis for the requirements for us. Community meeting attendees' input we received was that the use would likely lead to on-street parking of cars from the transactions, which would then create a code enforcement issue. Theoretically, a Wholesale Auto Dealer could conduct business where there would not be a need to park any cars in proximity to the home-based office where the business would be located, but as long as someone is complying with on-street parking regulations they could park cars associated with their business operations on the street, just as anyone who is a customer for any home-based business could park a car on the street. Here are some links to DMV guidance documents that explain the distinctions among various categories of Auto Dealers including Wholesale:

http://www.dmv.ca.gov/vehindustry/ol/ol_handbooks/ol248.pdf

https://www.dmv.ca.gov/vehindustry/ol/ol_handbooks/ol40.pdf

1/31/2013

Jenny Nusbaum
Planning Division
Planning, Building and Code Enforcement
City of San José
200 East Santa Clara Street
San José, CA 95113-1905
PHONE: (408) 535-7872
FAX: (408) 292-6055
e-mail: jenny.nusbaum@sanjoseca.gov

From: Steve Landau [mailto:steve_landau@yahoo.com]
Sent: Wednesday, January 23, 2013 4:19 PM
To: Nusbaum, Jenny
Subject: Community Meeting / Title 20

Hi Jenny,

At our District 1 Leadership Group meeting last week the topic of Title 20 came up specifically with reference to allowing the brokering, reselling or wholesaling of cars from home based businesses.

I've looked at the website for the City and been unable to find any minutes or video recordings of the meeting that would allow me to be more specific. Could you please tell me if this is something that is being considered or addressed so that I can report back to the D1 Leadership Group?

With Regards,

Steve Landau
Chair, D1 Leadership Group



January 14, 2013

Ms. Jenny Nusbaum
Senior Planner
City of San José
200 East Santa Clara Street
San José, CA 95113

Dear Ms. Nusbaum:

AAA thanks San José planning staff for recommending that the Planning Commission and City Council consider our proposed zoning amendment. We believe our full-service branch office and auto care facility is compatible with the city's vision for the Commercial Neighborhood (CN) zoning district.

Intended as a showcase for our future retail model, the proposed Brokaw Commons location will be the first of its kind in California. Combining AAA's traditional suite of services (insurance, travel, financial, DMV) with an auto repair shop under one roof will bring unique value to consumers in the Berryessa area. However, the current CN code does not permit common auto repair uses such as engine, brake, suspension, transmission, and coolant services.

Today, full-service auto maintenance and repair is limited to the Light Industrial (LI) zone. AAA would like to offer the convenience of total auto care to San José citizens in areas where they live, work and shop. The code amendment under consideration will enable consumers to enjoy the convenience of shopping at AAA and adjacent businesses while their cars are inspected, maintained and repaired at this modern, innovative facility.

Allowing our proposed services in the CN zone will not result in additional noise or alter the intent of this zoning district. Tire and smog services, currently allowed in the CN zone, generate as much noise as the proposed expanded uses. Note that body repair, vehicle painting, engine and transmission rebuilds, and any work requiring welding, are not among the services we intend to provide, nor would they be permitted in the CN zone if the amendment is adopted. AAA believes such work is appropriately limited to the LI zone, and should continue to be restricted to those areas.

Other AAA member clubs across the United States today operate dozens of combined branch office and full-service auto repair facilities in locations similar to Brokaw Commons. The ability to offer comprehensive auto repair is crucial to the success of these ventures. Our intent is to open multiple combined facilities elsewhere in the city if the proposed zoning amendment is adopted.

For 106 years, AAA has been a leading advocate for safe and responsible transportation. Consistent with this mission, we intend to provide high-quality, full-service auto care with integrity to the citizens of San José. We greatly appreciate the consideration of both the Planning Commission and City Council, and respectfully ask for their approval of this proposed zoning amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas P. Doyle'.

Douglas P. Doyle
Vice President, Innovation and Partnerships
Doug.Doyle@goAAA.com
(510) 596-4880

cc: David Dollinger
Scott Athearn

Nusbaum, Jenny

From: Jean Marlowe [jeanmrlw@gmail.com]
Sent: Friday, January 04, 2013 3:05 PM
To: Nusbaum, Jenny
Cc: Mike Bertram; Laura Carns
Subject: Re: Transit Employment Center Zoning District

If we already have residential zoning of 55 du/ac in North San Jose, why do we need to have a Transit Employment Center General Plan land use designation on top of the newly formed North San Jose Vision Plan. What areas are we talking about here? Is this along River Oaks Parkway? I heard that on top of the 32,000 units approve for the North San Jose, you are planning additional 20,000 more units in North San Jose. Is this what this Transit Employment Center General Plan land use designation is about: for the additional 20,000 residential units? Can you give streets names so I can see what direction this is going in? In the meantime I will look at the General Plan text doc.

thanks

Jean Marlowe

On 1/4/2013 2:03 PM, Nusbaum, Jenny wrote:

The City Council identified as a top priority the creation of a Zoning District category that would conform to the Transit Employment Center General Plan land use designation. We are formulating the land uses and development standards for the new zoning district. Any property owner that wants their property to be within the newly created district category would have to apply for a rezoning of their property, which would have a separate public hearing process.

Here is the text that defines the General Plan designation and a link to the General Plan text document:

Transit Employment Center

Density: FAR Up to 12.0 (4 to 25 stories)

This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. To support San Jose's growth as a Regional Employment Center, it is useful to designate such key Employment Centers along the light rail corridor in North San José, in proximity to the BART and light rail facilities in the Berryessa/Milpitas area, and in proximity to light rail in the Old Edenvale area. All of these areas fall within identified Growth Areas and have access to transit and other important infrastructure to support their intensification. Uses allowed in the Industrial Park designation are appropriate in the Transit Employment Center designation, as are supportive commercial uses. The North San José Transit Employment Center also allows limited residential uses, while other Employment Centers should only be developed with industrial and commercial uses.

An important difference between this designation and the Industrial Park designation is that the development intensity and site design elements in Transit Employment Center areas should reflect a more intense, transit-oriented land use pattern than that typically found in Industrial Park areas. This designation permits development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or industrial projects. The development of large hotels of at least 200 rooms and four or more stories in height is also supported within Transit Employment Centers. New development should orient buildings toward public streets and transit facilities and include features to provide an enhanced pedestrian environment.

<http://www.sanjoseca.gov/DocumentCenter/Home/View/474>

From: Mike Bertram [mailto:mbertram@pacbell.net]
Sent: Friday, January 04, 2013 1:47 PM
To: Nusbaum, Jenny

Cc: Jean Marlowe; Laura Carns

Subject: Transit Employment Center Zoning District

Ms. Nusbaum,

I live in North San Jose and have received an invitation from the City to attend a community meeting in mid January to review changes to the Zoning Ordinance, including something called a Transit Employment Center Zoning District. There is very little information about that designation at the link provided in the e-mail invite. Can you direct me to more information defining what that designation means and the implications for North San Jose?

Thanks,

Mike Bertram

River Oaks Neighborhood Association

Nusbaum, Jenny

From: Marites Garcia [Marites_Garcia@sccoe.org]
Sent: Thursday, January 03, 2013 4:58 PM
To: Nusbaum, Jenny
Subject: Proposed Zoning Ordinance

Hi Jenny,

This is good that the city is now working for the economic development program of the city.

Below is my proposal since I might be able to attend the meeting.

1. First 5 Properties near a commercial establishments or along the main street like REED, Market Street or First Street must be permitted to be zoned as commercial if property owner. This will encourage more small business in the neighborhood.
2. Construction of Multi residential units be encouraged at Market -Almaden Area with some incentives. This will make downtown San Jose be known to house younger professional employees.
3. Promotions for Night Markets /Farmer's Market activities in the new First Street Park to encourage more people at Down town.
4. Change of present streets trees to evergreen trees or all orange trees. This way, even during Fall the trees are green. People might steal the fruits, at least they are eating them for healthy body, than digging from garbage.

So, these are my suggestions as a concern citizen. Good Luck. I will try to come early after work to attend this meeting and see you..

Thank you,

Marites Garcia
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