

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND SECTION 20.40.100 TABLE 20-90 OF CHAPTER 20.40, AMEND SECTION 20.50.100 TABLE 20-110 OF CHAPTER 20.50, AMEND SECTION 20.55.203 TABLE 20-138 OF CHAPTER 20.55, AMEND SECTION 20.70.100 TABLE 20-140 OF CHAPTER 20.70, AMEND SECTION 20.75.200 TABLE 20-156 OF CHAPTER 20.75, AMEND PART 9.75 OF CHAPTER 20.80, AMEND PART 9.76 OF CHAPTER 20.80, AMEND PART 13 OF CHAPTER 20.100, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE

WHEREAS, an Initial Study/Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for this Ordinance under File Number PP21-002 (the “Initial Study/Negative Declaration”); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council of the City of San José has considered, approved and adopted said Initial Study/Negative Declaration under separate Council resolution prior to taking any approval actions on this Ordinance;

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

SECTION 1. Section 20.40.100 Table 20-90 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

20.40.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100. "Conditional" uses which may be approved only on parcels designated on the land use/transportation diagram of the general plan, as amended, with a designation that allows residential use are indicated by a "C GP " on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-90. 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 approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the planning commission at a public hearing of the commission for the commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by a "S" on Table 20-90. 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. "Special" uses which may be approved only on parcels designated on the land use/transportation diagram of the general plan, as amended, with a designation that allows residential use are indicated by a "S GP " on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.

- E. "Administrative" uses are indicated by an "A" on Table 20-90. 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.
- F. "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.
- G. Land uses not permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- H. 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 applies 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 Zoning Districts and
Public/Quasi-Public Zoning District Use Regulations**

Use	Zoning District					Notes & Section
	CO	CP	CN	CG	PQP	
General Retail						
Alcohol, off-sale - beer and/or wine only	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	-	S	S	S	-	Note 4
Food, beverages, and groceries	-	P	P	P	S	
Nursery, plant	P	P	P	P	P	Note 1
Outdoor vending	-	A	A	A	A	Part 10, Chapter 20.80
Outdoor vending, fresh fruits and vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	-	See Title 6
Retail art studio	-	P	P	P	-	Note 21; Section 20.80.1175
Retail bakery	-	P	P	P	-	Note 21
Retail sales, goods, and merchandise	-	P	P	P	-	Note 21
Seasonal sales	P	P	P	P	-	Part 14, Chapter 20.80
Agriculture						
Aquaculture, aquaponics, and hydroponics	S	S	S	S	S	
Certified farmers' market	S	S	S	S	S	Part 3.5, Chapter 20.80

Certified farmers' market, small	P	P	P	P	P	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P	P	P	Note 19; Title 7
Drive-Through Uses						
Drive-through uses in conjunction with any use	-	-	C	C	C	
Education and Training						
Child day care center located on an existing School Site or as an incident to a permitted on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	P	Note 21
Day care center	S	S	S	S	S	
Instructional art studios	-	P	P	P	S	
Private instruction, personal enrichment	-	P	P	P	S	
School, elementary and secondary (public or private)	C	C	C	C	S	Note 16, Note 20, and Note 21
School, driving (class C & M license)	-	P	P	P	S	Note 2, Note 20, and Note 21
School, post secondary	-	P	P	P	S	Note 3, Note 20, and Note 21
School, trade and vocational	-	C	C	C	S	Note 16, Note 20, and Note 21
Entertainment and Recreation						
Arcade, amusement game	-	P	P	P	-	Note 21
Health club, gymnasium	-	P	P	P	S	
Performing arts rehearsal space	-	P	P	P	-	
Poolroom/billiards establishment	-	P	P	P	-	Note 21
Private club or lodge	C	C	C	C	-	
Recreation, commercial indoor	-	P	P	P	S	Note 21

Recreation, commercial outdoor	-	C	C	C	C	Note 21
Relocated cardroom	-	-	-	C	-	Section 20.80.1155
Stadium, 2,000 seats or fewer	-	C	C	C	C	Note 17
Stadium, more than 2,000 seats	-	CC	CC	CC	CC	Note 17 and Note 18
Theater, indoor	-	S	S	S	S	Note 21
Theater, outdoor	-	-	-	S	S	Note 21
Food Services						
Banquet facility	-	S	S	S	S	
Caterer	-	P	P	P	S	
Commercial kitchen	-	S	P	P	-	
Drinking establishments	-	C	C	C	-	Note 21
Drinking establishments interior to a full-service hotel or motel that includes 75 or more guest rooms	-	P	P	P	-	Section 20.80.475; Note 21
Public eating establishments	-	P	P	P	-	Note 21
Public eating establishment or retail establishment with incidental outdoor dining	-	P	P	P	-	Note 21; Section 20.40.520
Public eating establishment in conjunction with a winery, brewery, or distillery	-	P	P	P	-	
Taproom or tasting room with off-sale of alcohol	-	A	A	A	-	Part 5.75, Chapter 20.80
General Services						
Bail bond establishment - outside main jail area	-	P/S	P	P	-	Note 5; Part 1.5, Chapter 20.80
Bail bond establishment - within main jail area	-	P/S	P	P	-	Note 5 and Note 14; Part 1.5, Chapter 20.80

Bed and breakfast Inn	-	P	P	P	-	Note 21; Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	-	Note 21
Hotel or motel	-	P	P	P	-	Note 21
Single room occupancy (SRO) hotel	-	C	C	C	-	Part 15, Chapter 20.80
Laundromat	-	P	P	P	-	Note 21
Maintenance and repair, small household appliances	-	P	P	P	-	Note 21
Messenger services	P	P	P	P	-	Note 2 and Note 21
Mortuary and funeral Services	P	P	P	P	-	Note 21
Personal services	-	P	P	P	-	Note 21; Section 20.200.880
Photo processing and developing	-	P	P	P	-	Note 21
Printing and publishing	-	P	P	P	-	Note 21
Social service agency	-	S	S	S	S	
Health and Veterinary Services						
Animal boarding, indoor	P/-	P	P	P	P/S	Note 8, Section 20.40.120
Animal grooming	P/-	P	P	P	P/S	Note 8 Section 20.40.120
Emergency ambulance service	C	C	C	C	C	
Hospital/in-patient facility	C	C	C	C	C	Note 21
<u>Medical cannabis dispensary</u>	=	<u>R</u>	<u>R</u>	<u>R</u>	=	<u>Part 9.75, Chapter 20.80</u>
<u>Cannabis retail storefront</u>	=	<u>R</u>	<u>R</u>	<u>R</u>	=	<u>Part 9.75, Chapter 20.80</u>
<u>Medical cannabis collective dispensary site only</u>	=	<u>R</u>	<u>R</u>	<u>R</u>	=	<u>Part 9.75, Chapter 20.80</u>

Office, medical	P	P	P	P	S	Note 21
Veterinary clinic	-	P	P	P	C	Note 16
Historic Reuse						
Historic landmark structure reuse	S	S	S	S	S	Part 8.5, Chapter 20.80
Offices and Financial Services						
Automatic teller machine	P	P	P	P	S	Section 20.80.200
Business support	-	P	P	P	-	Note 21
Financial services	P	P	P	P	-	Note 21
Office, general business	P	P	P	P	S	Note 21; Section 20.40.110
Payday lending establishment	-	R/-	R	R	-	Note 24 Part 12.5, Chapter 20.80 Section 20.200.875
Retail bank	P	P	P	P	-	Note 21
Public, Quasi-Public and Assembly Uses						
Cemetery	C	C	C	C	C	
Church/religious assembly	S	S	S	S	S	Note 16, Note 20, and Note 21
Construction/ corporation yard associated with public, quasi-public or assembly use or transportation or utility use	-	-	-	-	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	Note 21
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	S	Note 20 and Note 21
Recycling Uses						
Reverse vending machine	A	A	A	A	A	Part 13, Chapter 20.80

Small collection facility	A	A	A	A	A	Part 13, Chapter 20.80
Residential						
Emergency residential shelter	S	S	S	S	S	Section 20.80.500
Hotel supportive housing	C	C	C	C	C	Note 22; Part 22, Chapter 20.80
Live/work uses	-	S	S	S	-	Note 6; Section 20.80.740
Mixed use residential/commercial	-	C/S	C	C GP	-	Note 6 and Note 25
Residential care facility for seven or more persons	C	C	C	C	C	
Residential service facility for seven or more persons	C	C	C	C	C	
Single room occupancy, living unit	-	C	C	C	-	Note 6; Part 15, Chapter 20.80
Transportation and Utilities						
Data center	-	-	-	C	-	Note 21
Commercial vehicle storage	S	-	-	S	S	
Common carrier depot	S	-	S	S	S	Note 21
Community television antenna systems	C	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	-	C	C	-	
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7
Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	

Utility facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	C	
Wireless communication antenna	C	C	C	C	C	Note 23; Sections 20.100.1300, 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	S	Note 23; Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	P	Note 23; Sections 20.80.1910, 20.80.1915
Utilities, Electrical Power Generation						
Co-generation facility	S	S	S	S	S	
Fuel cells	P	P	P	P	P	
Private electrical power generation facility	C	C	C	C	C	Note 2
Solar photovoltaic system	P	P	P	P	P	Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise or air standards	A	A	A	P	A	
Stand-by/backup facilities that do exceed noise or air standards	C	C	C	C	C	
Temporary stand-by/backup	P	P	P	P	P	
Vehicle Related Uses						
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	-	
Auto dealer, wholesale - no on-site storage	P	P	P	P	-	
Car wash, detailing	-	-	C	C	-	
Fuel service station or charge station, no incidental service or repair	-	C	C	P	C	Note 15

Fuel service station or charge station with incidental service and repair	-	-	C	P	C	Note 9 and Note 13
Glass sales, installation, and tinting	-	-	C	P	-	Note 13
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	-	C	P	-	Note 2
Sale, brokerage, or lease, commercial vehicles	-	-	C	C	-	Note 13
Sale or brokerage, passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	-	-	S	P	-	Note 12 and Note 13
Sale, vehicle parts	-	-	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 and Note 13

Notes applicable to all commercial districts:

1. In the CP district, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. Classroom use only, no driving courses or on site storage of vehicles permitted in the CP, CN, and CG Zoning Districts.
3. Includes public and private colleges and universities, as well as extension programs and business schools.
4. Alcohol, off-sales are limited to products manufactured onsite for wineries, breweries, or distilleries.
5. Permitted outside of Urban Village; Special use permit in Urban Villages.
6. In an urban village, mixed-use residential/commercial only if the residential portion of the use is 100% deed restricted and affordable to persons of low, very low, and/or extremely low income as defined in California Government Code Section 65915 et seq. and in conformance with all criteria in the general plan for such use. Live/work in an area with an urban village designation or urban village overlay in the general plan shall be consistent with applicable approved urban village plans.
7. Use must be less than twenty-four hours.

8. Permitted only as incidental to neighborhood agriculture; otherwise prohibited in CO. In PQP the use is permitted only as incidental to neighborhood agriculture; otherwise a special use permit is required
9. Incidental repair includes non-invasive engine service, maintenance, and repair, including but not limited to, air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, 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.
10. 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.
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. 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.
17. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, public eating establishments, drinking establishments, outdoor vending facilities, and other commercial uses of similar character and intensity.

18. Use permit applications for stadiums that consist of more than 2,000 seats and that are in airport influence areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the city.
19. Neighborhood agriculture in conformance with this title is a permitted use that may operate on a site without a permanent building on that site.
20. The City Council is the decision-making body for special use permit appeals for this use pursuant to Section 20.100.220 of this title.
21. In the PQP public/quasi-public zoning district, the following uses may be allowed as a use supporting and incidental to a primary PQP use:
 - a. Offices, retail, public eating establishments, and other commercial uses of similar character and intensity, with approval of a special use permit; and
 - b. Drinking establishments, off-sale of alcoholic beverages, arcade amusement games, poolroom/billiards establishments, wineries, breweries, distilleries, and data centers, with approval of a conditional use permit.
22. Hotel supportive housing may be permitted only with a conditional use permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
23. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
24. Restricted outside of Urban Villages; Prohibited in Urban Villages.
25. Conditional use permit required outside of Urban Villages; Special use permit in Urban Villages.

SECTION 2. Section 20.50.100 Table 20-110 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Permitted" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial land use designation or, in the case of Hotel or 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 Designation or, in the case of Hotel or/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. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" 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 approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the planning commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.

"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 designation are indicated by a "CC 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.

- E. "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.
- F. "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.
- G. "Restricted" land uses are indicated by an "R GP " 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. "Restricted" uses may only occur on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with a Combined/Industrial Commercial, Industrial Park, Light Industrial, or Heavy Industrial designation.
- H. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.
- I. 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 applies 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 20-110
Industrial Zoning Districts Use Regulations**

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Industry						
Construction/corporation yard	S	-	-	P	P	
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	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly, light	P	P	P	P	-	
Manufacturing and assembly, medium	P	P	P	P	P	
Manufacturing and assembly, heavy	-	-	-	-	P	
Miniwarehouse/ministorage	-	-	-	C	-	
Outdoor uses or storage, industrial	-	-	-	S	P	Section 20.50.210

Research and development	P	P	P	-	-	
Stockyard, including slaughter	-	-	-	-	C	
Warehouse/distribution facility	P	P	P	P	P	Note 2
Wholesale sale establishment	P	S	S	P	P	Note 2
Additional Uses						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	S	S	
Commercial support	-	P	P	-	-	Note 5; Section 20.50.110
Agriculture						
Aquaculture, aquaponics, and hydroponics	S	-	S	S	S	
Certified farmers' market	S	S	S	-	-	Part 3.5, Chapter 20.80
Certified farmers' market - small	P	P	P	-	-	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	-	P	P	P	
Drive-Through Use						
Drive-through in conjunction with any use	C	-	-	-	-	
Education and Training						
Day care center	S	S	S	-	-	Note 20
Instructional art studios	P	P	-	-	-	Note 14
Private instruction, personal enrichment	P	P	-	-	-	Note 14
School, driving (class A & B license)	P/S	-	-	P	P	Note 23

School, driving (class C & M license)	P/S	-	-	S	S	Note 23 and Note 24
School, elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	S	C	S	S	S	
Entertainment and Recreation						
Health club, gymnasium	P	S	-	-	-	Note 14; Section 20.50.110
Performing arts production and rehearsal space, excluding performances	P	C	C	-	-	
Recreation, commercial/indoor	P	S	-	-	-	Note 2 and Note 5; Section 20.50.110
Recreation, commercial/outdoor	C	-	-	-	-	
Relocated cardroom	C GP	C GP	C GP	C GP	-	Section 20.80.1155
Stadium, 2,000 seats or fewer including incidental support uses	C	C	-	-	-	Note 15
Stadium, more than 2,000 seats including incidental support uses	CC GP	-	-	-	-	Note 15 and Note 16
Food Services						
Caterer	P	P	-	-	-	
Commercial kitchen	P	P	P	P	-	Note 2 and Note 14
Drinking establishments	C	C	-	-	-	
Drinking establishments interior to a full-service hotel or motel that includes 75 or more guest rooms	P	S/P	P GP	-	-	Note 13 and Note 21; Section 20.80.475

Public eating establishments	P	P	-	C	C	Note 5; Sections 20.50.110,20.50.113
Outdoor dining, incidental to a public eating establishment	P	S/P	-	C	C	Note 5 and Note 21; Sections 20.50.110,20.50.113
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	A	A	A	A	Part 5.75, Chapter 20.80
Winery, brewery, and distillery	P	P	P	P	P	Note 2 and Note 14
General Retail						
Alcohol, off-sale - beer and/or wine only	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-sale - full range of alcoholic beverages	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	A	A	Note 12; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	-	-	-	Note 5 and Note 14; Section 20.50.110
Nursery, plant	P	-	P	C	C	
Outdoor vending	A	A	-	A	A	Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Warehouse retail	-	C	C	C	C	Note 2; Section 20.50.130
Retail sales, goods, and merchandise	P	P	-	-	-	Note 5 and Note 14; Section 20.50.110

Retail art studio	P	P	-	-	-	Note 14
Retail bakery	P	P	-	-	-	Note 5 and Note 14; Section 20.50.110
Sales, industrial equipment and machinery	P	P	P	P	-	Note 2
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80
General Services						
Crematory	-	-	-	-	C	Note 7
Dry cleaner	P	P	-	-	-	Note 14
Hotel or motel	P	P	C	-	-	Note 13
Laundromat	P	P	-	-	-	Note 14
Mortuary, without funeral services	-	-	-	P	P	
Personal services	P	-	-	-	-	Note 5; Section 20.50.110
Printing and publishing	P	P	P	P	P	
Social service agency	S	-	-	-	-	
Health and Veterinary Services						
Animal boarding	P/S	=	=	=	=	Note 22
Animal grooming	P	=	-	-	-	
<u>Cannabis cultivation business</u>	<u>R GP</u>	=	=	<u>R GP</u>	<u>R GP</u>	<u>Part 9.76, Chapter 20.80</u>
<u>Cannabis delivery only business</u>	<u>R GP</u>	=	<u>R GP</u>	<u>R GP</u>	=	<u>Part 9.76, Chapter 20.80</u>
<u>Cannabis distribution business</u>	<u>R GP</u>	=	<u>R GP</u>	<u>R GP</u>	=	<u>Part 9.76, Chapter 20.80</u>
<u>Cannabis manufacturing (Type 6) business</u>	<u>R GP</u>	=	<u>R GP</u>	<u>R GP</u>	<u>R GP</u>	<u>Part 9.76, Chapter 20.80</u>

<u>Cannabis processing business</u>	<u>R GP</u>	=	=	<u>R GP</u>	<u>R GP</u>	<u>Part 9.76, Chapter 20.80</u>
<u>Cannabis testing business</u>	=	=	<u>R GP</u>	=	=	<u>Part 9.76, Chapter 20.80</u>
Emergency ambulance service	C	-	-	-	-	
Hospital/in-patient facility	C	C	C	-	-	Note 6
Medical cannabis collective	R GP	-	R GP	R GP	R GP	Part 9.7 6 ⁵ , Chapter 20.80
Medical cannabis collective cultivation site only	R GP	=	R GP	R GP	R GP	Part 9.7 6 ⁵ , Chapter 20.80
<u>Medical cannabis dispensary</u>	<u>R GP</u>	<u>R GP</u>	=	=	=	<u>Part 9.75, Chapter 20.80</u>
<u>Cannabis retail storefront</u>	<u>R GP</u>	<u>R GP</u>	=	=	=	<u>Part 9.75, Chapter 20.80</u>
Medical cannabis collective dispensary site only	R GP	-	R GP	R GP	R GP	Part 9.75, Chapter 20.80
Medical cannabis business	R GP	-	R GP	R GP	R GP	Part 9.75, Chapter 20.80
Non-medical cannabis business	R GP	-	R GP	R GP	R GP	Part 9.75, Chapter 20.80
Office, medical	P	P	C	-	-	Note 14, Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	-	
Historic Reuse						
Historic landmark structure reuse	S	S	S	S	S	Part 8.5, Chapter 20.80
Offices and Financial Services						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support use	P	P	P	-	-	
Financial institution	P	P	-	-	-	Note 5; Section 20.50.110

Office, general business	P	P	P	-	-	
Office, research and development	P	P	P	-	-	
Public, Quasi-Public and Assembly Uses						
Church/religious assembly	C	-	-	-	-	
Recycling Uses						
Processing facility	-	-	C	S	S	
Transfer facility, recycling	-	-	C	S	S	
Collection facility, large	-	-	-	-	P	
Reverse vending machine	A	A	A	A	A	
Collection facility, small	A	A	A	A	A	
Residential						
Emergency residential shelter, more than 50 beds	C	-	-	-	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	-	-	-	-	Section 20.80.500
Hotel supportive housing	C	C	C	C	C	Note 17; Part 22 of Chapter 20.80
Living quarters, custodian, caretakers	-	-	-	-	C	Note 1
Transportation and Utilities						
Commercial vehicle storage	S	-	-	S	S	
Common carrier depot	S	S	S	S	S	
Community television antenna systems	C	C	C	C	C	
Data center	S	S	S	S	S	Note 2
Off-site, alternating and alternative use parking arrangements	S	S	S	S	S	Section 20.90.200

Off-street parking establishment	C	-	C	C	C	
Television, radio studio	C	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Wireless communications antenna	C	C	C	C	C	Note 18; Sections 20.100.1300, 20.80.1915
Wireless communications antenna, slimline monopole	S	S	S	S	S	Note 18; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	P	P	P	P	Note 18; Sections 20.80.1910, 20.80.1915
Utilities, Power Generation						
Base load power plant	-	-	-	-	C	
Co-generation facility	S	S	S	S	S	
Private electrical power generation facility	C	C	C	C	C	
Solar photovoltaic power system	P	P	P	P	P	Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise and air standards	P	P	P	P	P	
Stand-by/backup facilities that do exceed noise and air standards	C	C	C	C	C	
Stationary peaking power plant	-	-	-	C	C	

Temporary stand-by or backup electrical power generation facility	P	P	P	P	P	
Transportable peaking power plant	-	-	-	C	C	
Vehicle Related Uses						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Fuel service station or charge station, no incidental service or repair	P	-	C	-	-	Note 8
Fuel service station or charge station with incidental service and repair	P	-	-	-	-	Note 3
Repair and cleaning of vehicles	C	-	-	P	P	Note 4
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	S	-	-	-	-	Note 10
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	-	C	-	
Sale, vehicle parts	P	-	-	P/S	-	Note 9
Vehicle tow yard	-	-	-	C	S	Note 19
Vehicle wrecking, including sales of parts	-	-	-	-	C	

Warehouse retail indoor sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	C	C	C	Note 2; Section 20.50.140
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Notes:

1. Site must be seven (7) acres or more.
2. In TEC, only allowed in existing buildings with a valid certificate of occupancy as of (the effective date of this ordinance). Not allowed more than 5% expansion of the existing building floor area ratio for the portion of the building occupied by the use subject to this note.
3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries, and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
5. Retail; recreation, commercial/indoor establishments; Health club, gymnasium; 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 six hundred fifty (650) gross square feet in size.
6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
8. Charge 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 fifteen (15) percent of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed fifteen (15) percent 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. The use is allowed in the TEC district only on the first or second floor of a building containing another permitted, special, or conditional use of the TEC Zoning District that is not subject to this note. Not allowed as a standalone use.
15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
16. Use permit applications for stadiums that consist of more than two thousand (2,000) seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
17. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
19. Vehicle auctions are permitted as part of a Vehicle tow yard.
20. Day care centers are allowed in the IP and TEC Zoning Districts as incidental uses to the primary TEC or IP development, not as a standalone use.
21. Special use permit required if within 150 feet of residentially used or zoned lot; Permitted if not within 150 feet of residentially used or zoned lot.
22. Outdoor Animal Boarding is allowed through a Special use permit in the CIC Zoning District.
23. Permitted in the CIC district for classroom use only, outside vehicle storage requires a Special use permit.
24. Only schools which offer driving instruction for commercial vehicles are permitted in this zoning district.

SECTION 3. Section 20.55.203 Table 20-138 of Chapter 20.55 of Title 20 of the San José Municipal Code is amended to read as follows:

20.55.203 Urban Village and Mixed Use Zoning District Use Regulations

Table 20-138
Urban Village and Mixed Use Zoning Districts Use Regulations

Use	Zoning District						Notes & Sections
	UVC	UV	MUC	MUN	UR	TR	
Residential							
One-family dwelling	-	-	-	P	P	P	Note 6; Note 25
Two-family dwelling	-	-	-	P	P	P	Note 6; Note 25
Accessory dwelling unit	-	P	P	P	P	P	Part 4.5, Chapter 20.30
Mixed use development	-	P	P	P	P	P	Note 20; Note 25 Chapter 20.195
Multiple dwelling	-	P	P	P	P	P	Note 20; Note 25 Chapter 20.195
Co-living community	-	S	C	C	S	S	Part 3.73, Chapter 20.80
Guesthouse	-	S	-	S	S	S	
Emergency residential shelter	-	S	S	S	S	S	Section 20.80.500
Home Occupation	-	P	P	P	P	P	Part 9, Chapter 20.80

Hotel supportive housing	C	-	C	-	-	-	Note 17; Part 22, Chapter 20.80
Live/work uses	-	S	S	S	S	S	Section 20.80.740
Low barrier navigation center	-	P	P	P	P	P	Chapter 20.195
Permanent supportive housing	-	P	P	P	P	P	Note 20; Chapter 20.195
Residential accessory structures or buildings	-	P	P	P	P	P	Part 5, Chapter 20.30
Residential care facility for six or fewer persons	-	P	P	P	P	P	
Residential care facility for seven or more persons	-	C	C	C	C	C	
Residential service facility for six or fewer persons	-	P	P	P	P	P	
Residential service facility for seven or more persons	-	C	C	C	C	C	
Single room occupancy, living unit	-	-	C	-	-	-	Note 25; Part 15, Chapter 20.80

General Retail							
Alcohol, off-sale - beer and/or wine only	C	C	C	C	C	C	Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	C	C	C	C	C	C	Section 20.80.900
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	A	A	A	Note 1; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	P	P	P	
Nursery, plant	P	P	P	P	P	P	Note 2
Outdoor vending	A	A	A	A	A	A	Part 10, Chapter 20.80
Outdoor vending, fresh fruits and vegetables	P	P	P	P	P	P	Part 10, Chapter 20.80
Pawnshop/broker	C	-	C	-	-	-	See Title 6
Retail art studio	P	P	P	P	P	P	Section 20.80.1175
Retail bakery	P	P	P	P	P	P	
Retail sales, goods, and merchandise	P	P	P	P	P	P	
Seasonal sales	P	P	P	P	P	P	Part 14, Chapter 20.80

Agriculture & Open Space							
Aquaculture, aquaponics, and hydroponics	S	S	S	S	S	S	
Certified farmers' market	S	S	S	S	S	S	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	P	P	P	Part 3.5, Chapter 20.80
Community gardens	P	P	P	P	P	P	
Neighborhood agriculture	P	P	P	P	P	P	Note 16; Title 7
Education and Training							
Child day care center located on an existing School Site or as an incident to a permitted on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	P	P	Note 5
Day care center	S	S	S	S	S	S	Note 5
Instructional art studios	P	P	P	P	P	P	
Private instruction, personal enrichment	P	P	P	P	P	P	
School, elementary and secondary (public or private)	C	C	C	C	C	C	Note 13

School, driving (class C & M license)	P	P	P	P	P	P	Note 3
School, post secondary	P	P	P	P	P	P	
School, trade and vocational	P/S	P/S	P/S	P/S	P/S	P/S	Note 4 and Note 13
Entertainment and Recreation							
Arcade, amusement game	P	P	P	P	P	P	
Health club, gymnasium	P	P	P	P	P	P	
Performing arts rehearsal space	P	P	P	P	P	P	
Poolroom/billiards establishment	P	P	P	P	P	P	
Private club or lodge	S	S	S	S	S	S	
Recreation, commercial indoor	P	P	P	P	P	P	
Recreation, commercial outdoor	-	S	-	-	-	-	
Stadium, 2,000 seats or fewer	C	C	-	-	-	-	

Stadium, more than 2,000 seats	CC	CC	-	-	-	-	Note 14 and Note 15
Theater, indoor	S	S	S	-	S	S	
Theater, outdoor	S	S	S	-	S	S	
Food Services							
Banquet facility	S	S	S	S	S	S	
Caterer	P	P	P	P	P	P	
Commercial kitchen	P	P	P	-	S	S	
Drinking establishments	S	S	S	-	S	S	
Drinking establishments interior to a full-service hotel or motel that includes 75 or more guest rooms	P	P	P	P	P	P	Section 20.80.475
Public eating establishments	P	P	P	P	P	P	
Public eating establishment or retail establishment with incidental outdoor dining	P	P	P	P	P	P	Section 20.40.520
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	P	P	P	Part 5.75, Chapter 20.80

Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	A	A	A	A	A	Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A	A	A	A	Part 5.75, Chapter 20.80
General Services							
Bail Bonds Establishment	S	S	S	-	S	S	Note 11; Part 1.5, Chapter 20.80
Bed and breakfast inn	P	P	P	P	P	P	Part 2, Chapter 20.80
Dry cleaner	P	P	P	P	P	P	
Hotel or motel	P	P	P	P	P	P	
Single room occupancy (SRO) hotel	C	C	C	C	C	C	Part 15, Chapter 20.80
Laundromat	P	P	P	P	P	P	
Maintenance and repair, small household appliances	P	P	P	P	P	P	
Messenger services	P	P	P	P	P	P	
Mortuary and funeral services	P	P	P	P	P	P	

Personal services	P	P	P	P	P	P	Section 20.200.880
Printing and publishing	P	P	P	P	P	P	
Social service agency	S	S	S	S	S	S	
Health and Veterinary Services							
Animal boarding, indoor	P	P	P	P	P	P	Note 7
Animal grooming	P	P	P	P	P	P	Note 7
Emergency ambulance service	C	C	C	-	C	C	
Hospital/in-patient facility	C	C	C	-	C	C	
Office, medical	P	P	P	P	P	P	
<u>Medical cannabis collective dispensary site only</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>:</u>	<u>R</u>	<u>R</u>	<u>Part 9.75, Chapter 20.80</u>
<u>Medical cannabis dispensary</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>:</u>	<u>R</u>	<u>R</u>	<u>Part 9.75, Chapter 20.80</u>
<u>Cannabis retail storefront</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>:</u>	<u>R</u>	<u>R</u>	<u>Part 9.75, Chapter 20.80</u>
Veterinary clinic	P	P	P	P	P	P	
Historic Reuse							
Historic landmark structure reuse	S	S	S	S	S	S	Part 8.5, Chapter 20.80

Industry and Manufacturing							
Laboratory, processing	P	P	P	-	-	-	
Manufacturing and assembly, light	P	P	P	-	-	-	Note 22
Office, research and development	P	P	P	-	S	S	Note 21
Offices and Financial Services							
Automatic teller machine	P	P	P	P	P	P	Section 20.80.200
Business support	P	P	P	P	P	P	
Office, general business	P	P	P	P	P	P	
Retail bank / Financial services	P	P	P	P	P	P	
Public, Quasi-Public and Assembly Uses							
Cemetery	C	C	C	C	C	C	
Church/religious assembly	S	S	S	S	S	S	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	P	

Museums, libraries, parks, playgrounds, or community centers (privately operated)	S	S	S	S	S	S	
Recycling Uses							
Reverse vending machine	A	A	A	A	A	A	Part 13, Chapter 20.80
Small collection facility	A	A	A	A	A	A	Part 13, Chapter 20.80
Transportation and Utilities							
Community television antenna systems	C	C	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	-	S	S	Section 20.90.200
Parking establishment, off-street	S	-	S	-	-	-	Note 23
Television, radio studios without antenna/dishes	C	C	C	-	-	-	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	-	-	-	-	

Utility facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	-	-	
Wireless communication antenna	C	C	C	C	C	C	Note 18; Sections 20.100.1300, 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	S	S	Note 19; Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	P	P	Note 19; Sections 20.80.1910, 20.80.1915
Utilities, Electrical Power Generation							
Co-generation facility	S	S	S	S	S	S	
Fuel cells	P	P	P	P	P	P	
Private electrical power generation facility	C	C	C	C	C	C	
Solar photovoltaic system	P	P	P	P	P	P	Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise or air standards	A	A	A	A	A	A	

Stand-by/backup facilities that do exceed noise or air standards	C	C	C	-	-	-	
Temporary stand-by/backup	P	P	P	P	P	P	
Vehicle Related Uses							
Sale or leasing of vehicles, showroom only	P	P	P	-	-	-	Note 24
Sale, vehicle parts	S	S	S	-	S	S	Note 9
For all other vehicle related uses refer to the General Use Regulations as described in section 20.55.201 (K)							

Notes:

1. Alcohol, off-sales are limited to products manufactured on-site for wineries, breweries, or distilleries.
2. Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
3. Classroom use only, no driving courses or on-site storage of vehicles permitted in UVC, UV, MUC, MUN, UR or TR Zoning Districts.
4. Indoor uses related to trade or vocational schools are Permitted, any outdoor uses will require a Special Use Permit.
5. If the Daycare use exceeds the noise standards, as set forth in Chapter 20.40 in Section 20.40.600, it will require a Special Use Permit.
6. One-family dwellings or two-family dwellings are allowed as part of a larger development which meets the minimum density requirement in the UR and TR zoning districts.
7. Except as an incidental use to neighborhood agriculture, all uses involving any type of care for animals, including but not limited to grooming, boarding, medical care, must be conducted wholly inside a building.

8. Incidental repair includes non-invasive engine service, maintenance, and repair, including but not limited to, air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, 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.
9. No outdoor sales areas or dismantling allowed.
10. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
11. 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 20-138 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.
12. 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.
13. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
14. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, public eating establishments, drinking establishments, outdoor vending facilities, and other commercial uses of similar character and intensity.
15. Use permit applications for stadiums that consist of more than 2,000 seats and that are in airport influence areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the city.
16. Neighborhood agriculture in conformance with this title is a permitted use that may operate on a site without a permanent building on that site.
17. Hotel supportive housing may be permitted only with a conditional use permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
19. Conditional use permit required outside of Urban Villages; Special use permit in Urban Villages.

20. Permanent supportive housing is a permitted use as mixed use or residential-only development. For information regarding the ministerial approval process, refer to Chapter 20.195 for more information.
21. Research and Development is allowed through a Special Use Permit in TR and UR if the use on site does not involve activity that would create noxious sounds, smells, or vibrations.
22. For the purposes of Chapter 20.55, Food and Beverage manufacturing is considered to be permitted under the Manufacturing and Assembly, light use, if it meets all of the following criteria:
 - a. The use must include a retail space which is accessible from and adjacent to the street and open to the public during regular business hours.
 - b. Odors produced on-site shall not have a material negative effect on other businesses or properties in the area.
23. Surface parking which does not serve a use contained on the same site or under the same development permit is not permitted. Standalone parking structures are allowed under the following conditions:
 - a. Parking structures shall comply with the Citywide Design Standards and Guidelines.
 - b. In addition, the parking facility must meet one of the following criteria:
 - i. The parking facility shall be designed as a structured aboveground parking facility with ground floor commercial spaces, which are located along public rights-of-way or public open spaces, and which comply with Citywide Design Standards and Guidelines for ground floor commercial spaces.
 - ii. The parking facility shall be designed as an underground parking facility with a POPOS at grade level, which is open to the public 24 hours a day, and which complies with the Citywide Design Standards and Guidelines.
24. In UVC and MUC, sale and leasing of vehicles is permitted in the form of an interior showroom only with no on-site storage of vehicles other than display models in the showroom.
25. May be used as Transitional Housing.

SECTION 4. Section 20.70.100 Table 20-140 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Permitted" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by a "P^{GP}" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only in compliance with the general plan land use restrictions related to residential use.
- C. "Conditional" uses requiring planning commission approval as the initial decision-making body are indicated by a "C" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the planning commission, or city council on appeal, as set forth in Chapter 20.100.
- D. "Conditional" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by a "C^{GP}" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100; and in compliance with the general plan land use restrictions related to residential use.
- E. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.

- F. "Special" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by an "S^{GP}" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100; and in compliance with the general plan land use restrictions related to residential use.
- G. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.
- H. "Restricted" land uses are indicated by an "R" on Table 20-140. 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.
- I. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- J. The column of Table 20-140, under the heading "Additional Use Regulations for the Ground Floor Active Use Area Overlay", identifies further regulations on the uses of ground-floor building space within a portion of the DC zoning district. The portion of the DC downtown primary commercial district included in the Active Use Area Overlay is described in Section 20.70.520.

- K. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the director as set forth in Sections 20.70.320 and 20.70.330 of this chapter.
- L. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-140
Downtown Zoning Districts Use Regulations

Use	Zoning District		Applicable Notes & Regulations		
	DC	DC-NT1	Additional Use Regulations for the AUA Overlay	Parking	Applicable to All Downtown Districts
Offices and Financial Services					
Automatic teller machine	P	P	P	No parking	Note a; Section 20.80.200
Business support use	P	P	P	No parking	
Financial services	P	P	P	2.5 per 1,000 sq. ft.	Note b
Retail bank	P	P	P	No parking	Note b
Offices, business and administrative	P	P	S	2.5 per 1,000 sq. ft.	Section 20.70.110
Payday lending establishment	R	R	-	No parking	Part 12.5, Chapter 20.80; Section 20.200.875

Research and development	P	P	-	2.5 per 1,000 sq. ft.	
General Retail					
Alcohol, off-sale—beer and/or wine only	C	C	C	No parking	Section 20.80.900
Alcohol, off-sale—full range of alcoholic beverages	C	C	C	No parking	Section 20.80.900
Alcohol, off-sale—as incidental to a winery, brewery, or distillery	A	A	A	No parking	Note 11; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	No parking	
Outdoor vending	A	A	A	No parking	Note b; Part 10, Chapter 20.80
Outdoor vending—fresh fruits and vegetables	P	P	P	No parking	Note b; Part 10, Chapter 20.80
Pawn shop or pawn broker, incidental to a retail jewelry store	C	C	C	No parking	Note b; Chapter 6.52
Retail bakery	P	P	P	No parking	
Retail art studio	P	P	P	No parking	
Retail sales, goods, and merchandise	P	P	P	No parking	Note c
Seasonal sales	P	P	P	No parking	Part 14, Chapter 20.80
Agriculture					
Certified farmers' market	S	S	S	No parking	Part 3.5, Chapter 20.80

Certified farmers' market, small	P	P	P	No parking	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P		
Education and Training					
Day care center	P	P	P	No parking	Note b
Instructional art studios	P	P	P	No parking	
Private instruction, personal enrichment	P	P	P	1 per 360 sq. ft.	Note b
School, elementary—grades K-8 (public or private -)	C	C	C	1 per teacher and employee	Note b
School, secondary—grades 9-12 (-public or private)	C	C	C	.75 per teacher and employee and 1 per each 10 students	Note b
School, post-secondary	P	P	-	1 per 360 sq. ft.	
School, trade and vocational	P	P	P	1 per 360 sq. ft.	Note b
Entertainment and Recreation Related					
Arcade, amusement game	P	-	P	No parking	Note b
Health club, gymnasium	P	P	P	No parking	
Lighting display	A/S	A/S	A/S	No parking	Section 20.70.150
Theater, indoor	P	P	P	No parking	
Poolroom/billiards establishment	P	-	P	No parking	

Private club or lodge	P	P	-	1 per 360 sq. ft.	
Recreation commercial/indoor	P	P	P	No parking	
Food Services					
Banquet—facility	P	P	P	No parking	
Caterer	P	P	P	No parking	Note b
Drinking establishments	S	C	S	No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-	CC	No parking	Note 5
Drinking establishments interior to a full-service hotel or motel with 75 or more guest rooms	P	P	-	No parking	Section 20.80.475
Public eating establishments	P	P	P	No parking	Note 7
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	No parking	
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	S	A	No parking	Part 5.75, Chapter 20.80

Taproom or tasting room with off-sale of alcohol	A	A	A	No parking	Part 5.75, Chapter 20.80
General Services					
Bed and breakfast inn	P	P	P	.35 per room	Note b; Part 2, Chapter 20.80
Hotel or motel	P	P	P	.35 per room	
Laundromat	P	P	P	No parking	Note b
Maintenance and repair of small household appliances	P	P	P	No parking	Note b
Personal services	P	P	P	No parking	Note d
Printing and publishing	P	P	P	No parking	Note b and Note f
Health and Veterinary Services					
Animal grooming	P	P	P	No parking	Note b
Animal boarding, indoor	P	P	P	No parking	Note b
Emergency ambulance service	C	-	-	No parking	
Hospital/in-patient facility	C	-	-	1.5 per doctor	
<u>Medical cannabis dispensary</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>No Parking</u>	<u>Part 9.75 Chapter 20.80</u>
<u>Cannabis retail storefront</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>No Parking</u>	<u>Part 9.75 Chapter 20.80</u>
<u>Medical cannabis collective</u>	<u>R</u>	-	-	<u>No parking</u>	<u>Part 9.75, Chapter 20.80</u>
<u>Medical cannabis collective dispensary site only</u>	<u>R</u>	-	-	<u>No parking</u>	<u>Part 9.75, Chapter 20.80</u>

Medical cannabis business	R	-	-	No parking	Part 9.75, Chapter 20.80
Non-medical cannabis business	R	-	-	No parking	Part 9.75, Chapter 20.80
Office, medical	P	P	P	No parking	Note b
Veterinarian	P	P	P	1.5 per doctor	Note b
Historic Reuse					
Historic landmark structure reuse	S	S	S	Section 20.90.220 E.	Part 8.5, Chapter 20.80
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	C	No parking	
Church/religious assembly	P	P	-	No parking	
Information center	P	P	P	No parking	
Museums and libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	S	No parking	
Recycling Uses					
Reverse vending machine	S	S	-	No parking	Part 13, Chapter 20.80
Small collection facility	S	S	-	No parking	Part 13, Chapter 20.80
Residential^{GP}					
Residential shelter	C ^{GP}	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.	Note e
Live/work uses	P ^{GP}	S ^{GP}		1.5 per unit	Note e; Section 20.70.120

Low barrier navigation center	P ^{GP}	P ^{GP}	-	No parking	Chapter 20.195
Permanent supportive housing	P ^{GP}	P ^{GP}	-	No parking	Chapter 20.195
Residential, multiple dwelling	P ^{GP}	P ^{GP}	-	1 per unit	Note 12 and Note e
Co-living community	S	S	-	.25 per bedroom	Note 10 and Note e; Part 3.75, Chapter 20.80
Residential care facility for seven or more persons	C ^{GP}	C ^{GP}	-	.75 per employee	Note e
Residential services facility, for seven or more persons	C ^{GP}	C ^{GP}	-	.75 per employee	Note e
Hotel supportive housing	C ^{GP}	C ^{GP}	-	.35 per room	Note 9 and Note e; Part 22 of Chapter 20.80
Single room occupancy (SRO) living unit facility	S ^{GP}	S ^{GP}	-	.6 per unit	Note 12 and Note e; Part 15, Chapter 20.80
Single room occupancy (SRO) residential hotel	S	S	-	.6 per unit	Note 12 and Note e; Part 15, Chapter 20.80
Residential Accessory Uses^{GP}					
Accessory buildings and accessory structures	P ^{GP}	P ^{GP}	-	No parking	Note 1

Transportation and Communication					
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	P	N/A	Section 20.90.200
Off-street parking establishment	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S	-	N/A	
Radio and television studios	P	-	-	No parking	
Wireless communications antenna	S	-	-	No parking	Note 8; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	-	-	No parking	Note 8; Sections 20.80.1900, 20.80.1915
Utilities, Power Generation					
Private electrical power generation facility	C	C	-	1 for each vehicle used in the operation of such facility	
Solar photovoltaic power system	P	P	-	No parking	Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise or air standards	A	A	-	N/A	
Temporary stand-by/backup generators	P	P	-	N/A	

Vehicle Related Uses					
Car wash, detailing	P	-	-	No parking	
Fuel service station or charge station, no incidental service or repair	P	-	-	No parking	Note 6
Fuel service station or charge station, with incidental service and repair	P	-	-	No parking	Note 2
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 3
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 4
Sale, vehicle parts, new	P	-	-	No parking required	

Notes applicable to the Downtown Primary Commercial (DC) Zoning District, including the Active Use Area Overlay:

1. No Lot may be used solely for an Accessory Structure or Accessory Building.
2. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries, and accessories installation. Does not allow body repair or painting.
3. All activity must be conducted indoors.
4. Non-engine and exhaust-related service and repair allowed as incidental use.
5. Maximum occupancy load shall be that maximum occupancy load determined by the City fire marshal.
6. Pedestal Charge Stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all Downtown Zoning Districts.
7. Includes on-site outdoor dining area(s).

8. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
9. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
10. A Co-Living Community with 600 or more units located adjacent, across or within 500 feet of a property line with Residential Neighborhood (RN) designation on the land use/transportation diagram of the General Plan, as amended, shall require 0.6 parking spaces per bedroom.
11. Off-sale limited to items produced on-site otherwise a Conditional Use Permit is required.
12. Transitional Housing may be allowed as any residential housing type using the permit process for such housing type.

Notes applicable to the Active Use Area Overlay only:

- a. Automatic Teller Machines must be a secondary use and must be architecturally integrated into the building on which they are placed. Automatic Teller Machines may not be standalone structures. Use may not be an ATM vestibule lobby.
- b. Not permitted in corner tenant spaces. Corner tenant spaces are defined as storefronts that extend up to or beyond 30 feet along the street in either direction from the intersection.
- c. Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit.
- d. Excludes check-cashing services and bail bond services.
- e. A residential pedestrian entry portal not exceeding 25 feet in length is permitted in the Ground Floor Active Use Area.
- f. Only if dedicated primarily to on-site retail customer copy services, otherwise not Permitted.

SECTION 5. Section 20.75.200 Table 20-156 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.200 Allowed Uses and Permit Requirements

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

- B. "Conditional" uses are indicated by a "C" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-156. Land uses not listed on Table 20-156 are not permitted.
- F. When the right column of Table 20-156 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies 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.
- G. "Restricted" land uses are indicated by an "R" on Table 20-156. 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.

**Table 20-156
Pedestrian Oriented Districts
Land Use Regulations**

Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	Ground Floor Commercial Frontage	Residential Street Frontage	All Other		
General Retail					
Retail sales, goods and merchandise	P	-	P	P	
Off-sale Alcoholic Beverages—beer and/or wine only	C	-	C	C	Section 20.80.900
Off-sale Alcoholic Beverages—full range of Alcoholic Beverages	C	-	C	C	Section 20.80.900
Bakery, retail	P	-	P	P	
Certified Farmers' Market	S	-	S	S	Part 3.5, Chapter 20.80
Certified Farmers' Market—small	P	-	P	P	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	-	P	P	
Neighborhood Agriculture	-	P	-	-	Part 9, Chapter 20.80
Nursery, Plant	-	-	P	P	Note 1
Outdoor Vending	A	-	A	A	Part 10, Chapter 20.80
Outdoor Vending—fresh fruits and vegetables	P	-	P	P	Part 10, Chapter 20.80
Pawn shop/broker	C	-	C	C	See Title 6

Seasonal sales	P	-	P	P	Part 14, Chapter 20.80
Art Studio, Retail	P	-	P	P	Part 13.7, Chapter 20.80
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	
Day care center	S	-	S	S	
Art Studio, Instructional	P	-	P	P	
Art Studio, Instructional, with live models	C	-	C	C	
Private Instruction, personal enrichment	P	-	P	P	
School-elementary and secondary (public)	P	-	P	P	
School-elementary and secondary (private)	C	-	C	C	
School, driving (class C & M license)	P	-	P	P	Note 2
School, Post- Secondary	P	-	P	P	Note 3
School, Trade and Vocational	C	-	C	C	
Entertainment and Recreation Related					
Amusement Game Arcade	C	-	C	C	

Dancehall	C	-	C	C	
Poolroom/Billiard-Room	C	-	C	C	
Private club or lodge	C	-	C	C	
Recreation, Commercial/Indoor	P	-	P	P	
Recreation, Commercial/Outdoor	-	-	C	C	
Relocated Cardroom	-	-	-	-	
Theatre, indoor	C	-	C	C	
Theatre, outdoor	-	-	C	C	
Assembly	C	-	C	C	
Food Services					
Banquet—Facility	C	-	C	C	
Caterer	P	-	P	P	Note 4
Drinking Establishments	C	-	C	C	
Drinking Establishment interior to a full-service Hotel/Motel with 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 20.75.320
Wineries, breweries	C	-	C	C	
Health and veterinary services					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	
Hospital/in-patient facility	C	-	C	C	

<u>Medical cannabis dispensary</u>	<u>R</u>	=	<u>R</u>	<u>R</u>	<u>Part 9.75, Chapter 20.80</u>
<u>Cannabis retail storefront</u>	<u>R</u>	=	<u>R</u>	<u>R</u>	<u>Part 9.75, Chapter 20.80</u>
<u>Medical cannabis collective dispensary site only</u>	<u>R</u>	=	<u>R</u>	<u>R</u>	<u>Part 9.75, Chapter 20.80</u>
Medical clinic/out-patient facility	P	-	P	P	
Office, Medical	P	-	P	P	
Veterinary clinic	P	-	P	P	
General Services					
Bed and Breakfast Inn	-	-	P	P	Part 2, Chapter 20.80
Dry cleaner	P	-	P	P	
Hotel/Motel	-	-	P	P	
Laundromat	P	-	P	P	
Maintenance and repair, Small Household Appliances	P	-	P	P	
Messenger services	P	-	P	P	Note 2
Mortuary and Funeral Services	P	-	P	P	
Personal Services	P	-	P	P	Section 20.200.880
Photo processing and developing	P	-	P	P	
Printing and publishing	P	-	P	P	
Social service agency	P	-	P	P	
Offices and Financial Services					
Automatic teller machine	P	-	P	P	Section 20.80.200
Business Support Use	P	-	P	P	
Financial institution	P	-	P	P	

Office, General Business	P	-	P	P	
Public, Quasi-Public and Assembly Uses					
Cemetery	-	-	-	-	
Church/religious assembly	C	-	C	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	-	P	P	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	-	C	C	
Residential/Mixed Use					
Multiple dwellings	-	C	C	C	Section 20.75.210; Note 13
Residential accessory uses, including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	-	P	P	P	Section 20.75.210
Home Occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed Use/ground floor commercial with residential above	C	-	C	C	Section 20.75.210; Note 13
Emergency Residential Shelter	-	-	-	-	Section 20.80.500
Live/Work Uses	C	-	S	-	Part 9.5, Chapter 20.80 & Section 20.75.210

Residential Care Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Service Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Care Facility for seven or more persons	-	C	C	C	Section 20.75.210
Residential Service Facility for seven or more persons	-	C	C	C	Section 20.75.210
Single Room Occupancy (SRO) Residential Hotel	-	-	C	C	Note 13; Part 15, Chapter 20.80
Single Room Occupancy (SRO) Living Unit Facility	-	-	C	C	Note 13; Part 15, Chapter 20.80; Section 20.75.210
Drive-Through Uses					
Drive Through Uses in conjunction with any use	-	-	C	C	Section 20.75.330
Recycling Uses					
Reverse Vending Machine	A	P	A	A	Part 13, Chapter 20.80
Small Collection Facility	A	-	A	A	Part 13, Chapter 20.80
Transportation and Utilities					
Data Center	-	-	-	-	
Community television antenna systems	-	-	C	C	

Off-site, Alternating Use and Alternative Parking Arrangements	S	S	S	S	Section 20.90.200
Off-street Parking Establishment	C	-	C	C	Section 20.75.130 B.3
Utility Structures	A	A	A	A	Part 19, Chapter 20.80 and Section 20.75.120 A.4
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	-	
Short term parking lot for uses or events other than on-site	-	-	C	C	Note 6
Wireless Communications Antenna	-	-	C	C	Note 12, Sections 20.100.1300, 20.80.1915
Wireless Communications Antenna, Slimline Monopole	-	-	S	S	Note 12, Sections 20.80.1900, 20.80.1915
Wireless Communications Antenna, Building Mounted	P	P	P	P	Note 12, Sections 20.80.1910, 20.80.1915
Electrical Power Generation					
Private Electrical Power Generation Facility	-	-	C	C	Note 2

Co-generation Facility	S	-	S	S	
Stand-by or Backup Electrical Power Generation Facility					
Facilities that do not exceed noise or air standards	A	S	A	A	
Facilities that do exceed noise or air standards	C	-	C	C	
Temporary Stand-by or Backup Electrical Power Generation Facility	P	-	P	P	
Solar Photovoltaic Power system	P	P	P	P	Section 20.100.610 C.7
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks, indoors	P	-	P	P	
Auto broker, wholesale, no on-site storage	P	-	P	P	
Car wash, detailing	-	-	-	-	
Gasoline Service Station or Charge Station	-	-	-	-	
Gasoline Service Station or Charge Station with incidental service and repair	-	-	-	-	
Glass sales, installation and tinting	P	-	P	P	Note 10
Sale or lease, commercial vehicles	-	-	-	-	Note 10

Sale or lease passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles, indoors	S	-	S	S	Note 9, Note 10
Rental passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	S	-	S	S	Note 2
Sale, vehicle parts	S	-	S	S	Note 8
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	S	-	S	S	Note 7, Note 10
Historic Reuse					
Historic Landmark Structure reuse	S	C	S	S	Part 8.5 Chapter 20.80

Notes:

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

11. Pedestal charge stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons or residents of the primary use on-site are permitted in all pedestrian oriented zoning districts.
12. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
13. Transitional Housing is allowed as any residential housing type and must follow the permit process for such residential housing type.

SECTION 6. Part 9.75 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 9.75 MEDICAL CANNABIS COLLECTIVES, ~~MEDICAL CANNABIS COLLECTIVES CULTIVATION SITES ONLY,~~ MEDICAL CANNABIS COLLECTIVES DISPENSARY SITES ONLY, MEDICAL CANNABIS BUSINESSES, AND NON-MEDICAL CANNABIS BUSINESSES

20.80.750 Purpose

The purpose of this Part is to further fulfill the purposes and intents set forth in Chapter 6.88 of Title 6 of the San José Municipal Code.

20.80.755 Definitions

~~For the purpose of this~~~~Unless expressly defined in this title otherwise, the Part, words and phrases/terms used in this part~~ shall have the meanings ascribed to them in Chapter 6.88 of Title 6 of the San José Municipal Code, except for the following:

- A. Downtown shall have the same definition as Downtown Growth Area defined in the Envision San José 2040 General Plan as outlined on the Planned Growth Area Diagram.

- B. Urban Village shall have the same definition as Urban Village Boundary Area, or Urban Village Planning Area defined in the Envision San José 2040 General Plan as outlined on the Land Use/Transportation Diagram.
- C. Youth Center shall have the definition given in California Health and Safety Section 11353.1.

20.80.760 Compliance Required

- A. No person shall own, operate, tolerate, allow the operation of, or profit from the ownership of a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business; provided, however, that a person may assert an affirmative defense to a criminal or civil enforcement action brought to enforce the provisions of this Title where the person, collective, business or activity is in full compliance with all of the applicable terms, provisions and conditions of this Code, including without limitation the provisions of this Part.
- B. In addition to the requirements set forth in Section 20.80.760A. above, no person shall own, operate, tolerate, allow the operation of, or profit from the ownership of a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business until such time as a Zoning Code Verification Certificate has been duly applied for and issued by the Director pursuant to the provisions of Chapter 20.100 of this Title, which Zoning Code Verification Certificate confirms full conformance of a proposed Medical Cannabis Collective,

Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business with all of the applicable locational siting requirements of this Title; provided a licensed Medical Cannabis Collective may expand its use to include a Medical Cannabis Business or Non-medical Cannabis Business without having to obtain a new Zoning Code Verification Certificate pursuant to this Section 20.80.760B. The application for such Zoning Code Verification Certificate shall be filed pursuant to the requirements and processes set forth in said Chapter 20.100.

- C. In addition to the requirements set forth in Sections 20.80.760A. and 20.80.760B. above, no person shall own, operate, tolerate, allow the operation of, or profit from the ownership of a Medical Cannabis Collective, a Medical Cannabis Collective Cultivation Site Only, a Medical Cannabis Collective Dispensary Site Only, a Medical Cannabis Business, or a Non-medical Cannabis Business until such time as all required state licenses have been duly applied for and issued by the State of California and are effective pursuant to the provisions of state law.
- D. Notwithstanding the provisions of this Section 20.80.760, all persons who choose to be involved with ~~e~~Cannabis, Medical Cannabis, a Medical Cannabis Collective, a Medical Cannabis Collective Cultivation Site Only, a Medical Cannabis Collective Dispensary Site Only, a Medical Cannabis Business, or a Non-medical Cannabis Business do so entirely at their own risk that such involvement may constitute a violation of federal or state law.

20.80.763 Restrictions and Conditions

The location and operation of, and any person operating, or allowing or suffering the operation of, a Medical Cannabis Collective Dispensary Site Only, Medical Cannabis

Dispensary, or Cannabis Retail Storefront shall be subject to and shall comply with, or shall cause the compliance with, all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on said business or location under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies, at all times; provided, however, that if there is a conflict between the provisions of this Section and the provisions of any other applicable State or local law, the most restrictive law allowed to apply shall govern and control:

- A. No person, or Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business, shall receive a Zoning Code Verification Certificate if another such Certificate exists within the distances established in Table 20-165 from another Medical Cannabis Dispensary or Cannabis Retail Storefront.
- B. No Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront shall be located or shall operate on any floor of a retail commercial shopping center located on a Parcel or Parcels totaling over forty (40) acres in size.
- C. All activities conducted at a Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront shall at all times fully comport with the provisions of the Compassionate Use Act, the Medical Marijuana Program Act, the Medicinal and Adult Use Cannabis Regulation and Safety Act, the Adult Use of Marijuana Act, and any other applicable state laws, as the same may be amended from time to time; and

D. All activities conducted at a Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront shall at all times fully comport with the provisions of Chapter 6.88 of Title 6 of this Code.

20.80.765 Personal Use Cultivation

The provisions of this Part are not intended to and shall not regulate the cultivation or possession of cannabis for personal use cultivation in full compliance with all applicable state and local laws at their primary residence located within a zoning district that allows for residential uses.

20.80.770 Setback Standards

- A. All restrictions and conditions for a Medical Cannabis Collective Dispensary Site Only, or a Medical or Non-medical Cannabis Business shall conform to the regulations set forth below in Table 20-165.
- B. All restrictions and conditions apply at the time of issuance of a zoning code verification certificate.

Table 20-165
Medical Cannabis Dispensary Sites Only,
or Medical or Non-medical Cannabis Business
Setback Standards

<u>Minimum Setback (Feet)</u>						
<u>Areas</u>	<u>Public or private preschool, elementary school, or secondary school</u>	<u>Daycare Center, Youth Center</u>	<u>Parks, community and recreation center, library</u>	<u>Substance abuse rehabilitation center, Emergency Residential Shelter</u>	<u>Residential</u>	<u>Another Medical Cannabis Dispensary or Cannabis</u>

						<u>Retail Storefront</u>
<u>Downtown</u>	<u>1,000</u>	<u>600</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>500</u>
<u>Urban Village</u>	<u>1,000</u>	<u>1,000</u>	<u>=</u>	<u>500</u>	<u>=</u>	<u>1,000</u>
<u>Outside of Downtown or Urban Village</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>500</u>	<u>300</u>	<u>1,000</u>

20.80.775 Measurement

A. The distances established in Table 20-165 above for a public or private preschool, elementary school, or secondary school, youth center, or child daycare center, shall be measured horizontal in a straight line from the property line of the public or private preschool, elementary school, or secondary school, youth center, or child daycare center, to the closest property line of the lot on which the Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront is to be located without regard to intervening structures.

B. The distances established in Table 20-165 above for parks, community and recreation center, library, substance abuse rehabilitation center, emergency residential shelter, or another dispensary or Cannabis Retail Storefront shall be measured, as follows:

1. For a Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront, from any parks, community and recreation center, library, substance abuse rehabilitation center, or emergency residential shelter, or another dispensary or Cannabis Retail

Storefront, located in a multi-tenant Building with tenant spaces occupied by uses other than the dispensary, the distance shall be measured in a straight line from the Parcel boundary of the sensitive use to the nearest exterior wall of the collective's occupied tenant space in the shared Building.

2. For a Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront, from any parks, community and recreation center, library, substance abuse rehabilitation center, or emergency residential shelter, or another dispensary or Cannabis Retail Storefront, that is the sole occupant of a building or buildings, the distance shall be measured in a straight line from the Parcel boundary of the sensitive use to the nearest exterior wall of the dispensary's closest building envelope.

3. For a Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront, from another dispensary or Cannabis Retail Storefront, the distance shall be measured from the nearest public entrance to the nearest public entrance following path of travel. For purposes of this part, path of travel includes a continuous, unobstructed way of pedestrian passage by means of which the use may be approached, entered, and exited, where open to the public.

C. The distances established in Table 20-165 above for residential uses shall be measured as follows:

1. For a Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront, located in a multi-tenant Building

with tenant spaces occupied by uses other than the dispensary or Cannabis Retail Storefront, or as the sole occupant of a Building, the distance shall be measured from the nearest public entrance of the tenant space or Building to the closest residential use following path of travel. For purposes of this part, path of travel includes a continuous, unobstructed way of pedestrian passage by means of which the use may be approached, entered, and exited, where open to the public, pursuant to Section 6.88.420.

~~The location and operation of Medical Cannabis Collectives, Medical Cannabis Collective Cultivation Sites Only, Medical Cannabis Dispensary Sites Only, Medical Cannabis Businesses, and Non-medical Cannabis Businesses shall be subject to and shall comply with all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies. Anyone operating, or allowing or suffering the operation of, a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall comply with, or shall cause the compliance with, all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies, at all times at the Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business; provided, however, that if there is a conflict between the provisions of this Section and~~

~~the provisions of any other applicable State or local law, the most restrictive law allowed to apply shall govern and control:~~

- ~~A. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of one thousand (1,000) feet from any Parcel on which a public or private preschool, elementary school, or secondary school exists; and~~
- ~~B. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of one thousand (1,000) feet from any Parcel on which any of the following uses exist: a Child Day Care Center, a community or recreation center, a park, or a library; and~~
- ~~C. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of five hundred (500) feet from any Parcel on which any of the following uses exist: a substance abuse rehabilitation center or an Emergency Residential Shelter; and~~
- ~~D. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of one~~

~~hundred fifty (150) feet from any Parcel on which any of the following uses exist:
religious assembly or adult day care center; and~~

~~E. The distances established in Subsections A. through D. above shall be measured
as follows:~~

~~1. For a Medical Cannabis Collective, Medical Cannabis Collective
Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only,
Medical Cannabis Business, or Non-medical Cannabis Business located in
a multi-tenant Building with tenant spaces occupied by uses other than the
collective, the distance shall be measured in a straight line from the Parcel
boundary of the sensitive use to the nearest exterior wall of the collective's
occupied tenant space in the shared Building.~~

~~2. For a Medical Cannabis Collective, Medical Cannabis Collective
Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only,
Medical Cannabis Business, or Non-medical Cannabis Business that is the
sole occupant of a Building, the distance shall be measured in a straight line
from the Parcel boundary of the sensitive use to the nearest exterior wall of
the collective's Building envelope.~~

~~F. At the time of issuance of a zoning code verification certificate, no Medical
Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical
Cannabis Business, or Non-medical Cannabis Business shall be located on a
Parcel of real property that is closer than a minimum of fifty (50) feet from any
Parcel on which another Medical Cannabis Collective, Medical Cannabis
Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical~~

~~Cannabis Business is located, as measured in a straight line between the boundary lines of the Parcels that are closest to one another; and~~

~~G. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located on a parcel of real property that is closer than a minimum of one hundred fifty (150) feet from any residential use, including a residential legal nonconforming use, that is not incidental to a primary nonresidential use, as measured in a straight line between the boundary lines of the Parcels that are closest to one another; and~~

~~H. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that is located in the Industrial Zoning Districts shall be located on a Parcel of real property that is within any of the following areas:~~

- ~~1. The area within the North San José Area Development Policy Boundary as defined in Section 14.29.020 D. of Title 14 of this Code; or~~
- ~~2. The area within the Edenvale Area Development Policy boundaries, which is that area within the corporate limits of the City of San José, consisting of approximately two thousand three hundred twelve (2,312) acres, as specified and depicted in the Edenvale Area Development Policy adopted and as amended by the City Council.~~

- ~~3. The area within the International Business Park Boundary, which for purposes of this Title means and consists of that area within the corporate limits of the City of San José bounded by Interstate Highway 880, Montague Expressway, Trade Zone Boulevard, the Union Pacific Railroad line, Murphy Avenue, and Brokaw Road.~~
- ~~I. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that is located in the Light Industrial Zoning District shall be located on a Parcel of real property that is within either of the following areas:~~
- ~~1. Those certain enterprise zones that have been or may be created and whose boundaries have been or may be established through a resolution adopted by the City Council or by the City Manager pursuant to a resolution adopted by the City Council; or~~
- ~~2. Those other business incentive zones (such as a foreign trade zone) that may be created and whose boundaries are established through a formal, public action taken by the City Council.~~
- ~~J. No Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located on the ground floor of Structures or Buildings located on real property that, in whole or in part and at the time of issuance of a zoning code verification certificate, is within the DG-Downtown Primary Commercial Zoning District.~~

- ~~K. No Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located or shall operate on any floor of a retail commercial shopping center located on a Parcel or Parcels totaling over forty (40) acres in size.~~
- ~~L. All activities conducted at a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall at all times fully comport with the provisions of the Compassionate Use Act, the Medical Marijuana Program Act, the Medical Cannabis Regulation and Safety Act, the Adult Use of Marijuana Act, and any other applicable state laws, as the same may be amended from time to time; and~~
- ~~M. All activities conducted at a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall at all times fully comport with the provisions of Chapter 6.88 of Title 6 of this Code; and~~
- ~~N. The hours within which a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business may choose to operate shall be within the hours of 9:00 a.m. and 9:00 p.m.~~

20.80.780 Police Beat Exclusion Area

No Medical Cannabis Collective Dispensary site only, Medical Cannabis Dispensary, or Cannabis Retail Storefront –shall be located or shall operate within a Police Beat area with 20% above the average citywide reported crime rate as defined by the San José Police Department, except for locations within Downtown.

SECTION 7. Part 9.76 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 9.76 CANNABIS CULTIVATION~~MANUFACTURING (TYPE 6) BUSINESS, DELIVERY ONLY, CANNABIS DISTRIBUTION BUSINESS, MANUFACTURING (TYPE 6), PROCESSING, AND OR CANNABIS TESTING BUSINESS~~

20.80.796 Purpose

The purpose of this Part is to further fulfill the purposes and intents set forth in Chapter 6.88 of Title 6 of the San José Municipal Code.

20.80.797 Definitions

Unless expressly defined in this Title otherwise, the terms used in this Part shall have the meanings ascribed to them in Chapter 6.88 of Title 6 of the San José Municipal Code.

20.80.797.5 Youth Center

“Youth Center” shall have the definition given in California Health and Safety Section 11353.1.

20.80.798 Compliance Required

- A. No person shall own, operate, tolerate, allow the operation of, or profit from the ownership of a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~; provided, however, that a person may assert an affirmative defense to a criminal or civil enforcement action brought to enforce the provisions of this Title where the person, collective, business or activity is in full compliance with all of the applicable terms, provisions and conditions of this Code, including without limitation the provisions of this Part.
- B. In addition to the requirements set forth in Section 20.80.798A. above, no person shall own, operate, tolerate, allow the operation of, or profit from the ownership of a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ until such time as a Zoning Code Verification Certificate has been duly applied for and issued by the Director pursuant to the provisions of Chapter 20.100 of this Title, which Zoning Code Verification Certificate confirms full conformance of a proposed Cannabis Cultivation, Delivery Only, Distribution, Manufacturing (Type 6), Processing, or Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ with all of the applicable locational siting requirements of this Title; provided an existing registered Medical

or Non-medical Cannabis Business may expand its operation to include cannabis manufacturing (Type 6) or cannabis distribution but must obtain a new Zoning Code Verification Certificate pursuant to this Section 20.80.760B. if such activity is conducted at a new site. The application for such Zoning Code Verification Certificate shall be filed pursuant to the requirements and processes set forth in Chapter 20.100.

- C. In addition to the requirements set forth in Sections 20.80.798A. and 20.80.798B. above, no person shall own, operate, tolerate, allow the operation of, or profit from the ownership of a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ until such time as all required State licenses have been duly applied for and issued by the State of California and are effective pursuant to the provisions of State law.
- D. Notwithstanding the provisions of this Section 20.80.798, all persons who choose to be involved with cannabis, and a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ do so entirely at their own risk that such involvement may constitute a violation of federal or state law.

20.80.798.5 Personal Use Cultivation

The provisions of this Part are not intended to and shall not regulate the cultivation or possession of cannabis for personal use in full compliance with all applicable state and local laws at their primary residence located within a zoning district that allows for residential uses.

20.80.799 Restrictions and Conditions

The location and operation, and any person operating, or allowing or suffering the operation of, a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business ~~of Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, and Cannabis Testing Business~~ shall be subject to and shall comply with, or shall cause the compliance with, all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on ~~a Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ said business under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies. ~~Any person operating, or allowing or suffering the operation of, a Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business shall comply with, or shall cause the compliance with, all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies, at all times at the Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business;~~ provided,

however, that if there is a conflict between the provisions of this Section and the provisions of any other applicable State or local law, the most restrictive law allowed to apply shall govern and control:

- A. At the time of issuance of a Zoning Code Verification Certificate, no Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ shall be located closer than a minimum of six hundred (600) feet from any Parcel on which a public or private preschool, elementary school, or secondary school exists; and
- B. At the time of issuance of a Zoning Code Verification Certificate, no Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ shall be located closer than a minimum of six hundred (600) feet from any Parcel on which any of the following uses exist: a Child Day Care Center, Youth Center~~or a place of religious assembly with a Child Day Care Center~~; and
- C. At the time of issuance of a Zoning Code Verification Certificate, no Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~

~~Business, or Cannabis Testing Business~~ shall be located closer than a minimum of six hundred (600) feet from any Parcel on which any of the following uses exist: a community/recreational facility, a park, or a library; and

D. At the time of issuance of a Zoning Code Verification Certificate, no Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business shall be located closer than a minimum of one hundred fifty (150) feet from any Parcel with residential use, including a residential legal nonconforming use that is not incidental to a primary nonresidential use; and

E. The distances established in Subsections A. through D. above shall be measured as follows:

1. For a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ located in a multi-tenant Building with tenant spaces occupied by uses other than the Cannabis Business, the distance shall be measured in a straight line from the Parcel boundary of the sensitive use to the nearest exterior wall of the Cannabis business' occupied tenant space in the shared Building.
2. For a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ that is the

sole occupant of a Building, the distance shall be measured in a straight line from the Parcel boundary of the sensitive use to the nearest exterior wall of the Cannabis Business' Building envelope.

- F. All activities conducted at a Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ shall at all times fully comport with the provisions of Chapter 6.88 of Title 6 of this Code; and
- G. A Medical Cannabis Collective, Medical Cannabis Collective Cultivation site only, Cannabis Cultivation, Cannabis Delivery Only, Cannabis Distribution, Cannabis Manufacturing (Type 6), Cannabis Processing, or Cannabis Testing Business~~Cannabis Manufacturing (Type 6) Business, Cannabis Distribution Business, or Cannabis Testing Business~~ shall not operate between the hours of 12:00 ~~midnight~~ a.m. and 6:00 a.m. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.
- H. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within fifty (50) feet of any residentially zoned property between the hours of 12:00 midnight and 6:00 a.m. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.
- I. Performance Standards

1. In the IP, LI and HI industrial districts no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:
 - a. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
 - b. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
 - c. In a manner that creates a public or private nuisance.
2. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the industrial zoning districts:
 - a. Incineration. There shall be no incineration on any site of any waste material.
 - b. Vibration. There shall be no activity on any site that causes ground vibration which is perceptible without instruments at the property line of the site.
 - c. Air pollution. Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds

as established by the Director of Planning, Building and Code Enforcement.

3. Noise.

- a. The sound pressure level generated by any use or combination of uses shall not exceed the decibel level at any property line as shown in Table 20-135, except upon issuance and in compliance with a special use permit as provided in Chapter 20.100.

SECTION 8. Section 20.100.1520 of Part 13 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.1520 Application

A. The application for a zoning code verification certificate shall comport with the processes and requirements, including without limitation the payment in full of applicable fees, set forth in Parts 1 and 2 of this Chapter, provided, however, that no public hearing on a zoning code verification certificate is required.

B. The application for a zoning code verification certificate for a Cannabis Business, as defined in Section 6.88.206 of Title 6 of this Code, shall not be accepted until the City Manager has confirmed the initiation of the registration process under Chapter 6.88 of Title 6 of this Code.

SECTION 9. Section 20.100.1525 of Part 13 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.1525 Zoning Code Verification Certificate

- A. The director shall issue, or cause the issuance of, a zoning code verification certificate when the director determines that the application evidences full compliance with all of the applicable provisions of this title.
- B. The director shall not issue, nor allow the issuance of, a zoning code verification certificate when the director determines that the application evidences noncompliance with any applicable provision of this title.
- C. The director shall not issue, nor allow the issuance of, a zoning code verification certificate for a Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Dispensary, or Cannabis Retail Storefront in Council District 7.
- D. The director's determination under this section shall be in writing, in the form of issuance of a zoning code verification certificate or a writing describing the noncompliance that prevents the issuance of a zoning code verification certificate.
- ED. The director's determination under this section shall be final.
- FE. The zoning code verification certificate for a Cannabis Business, as defined in Section 6.88.206 of Title 6 of this Code, will cease to be operative if any of the following apply:
1. The registration of the Cannabis Business is deemed null and void pursuant to Section 6.88.350 of Title 6 of this Code; or

2. The Cannabis Business receives a Notice of disqualification as outlined in Section 6.88.330 of Title 6 of this Code; or
3. If the Cannabis Business does not commence operations at the location, as specified on the zoning code verification certificate application, within a period of 24 months from the time of issuance.

PASSED FOR PUBLICATION of title this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk