

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: (A) AMEND CHAPTER 20.30, SECTION 20.30.100 TO INCLUDE MINOR TEXT ALTERATION TO TABLE 20-50, AND CLARIFYING CHANGES TO SECTION 20.30.270, 'CORNER LOT-REAR SETBACK- EXCEPTION FOR ATTACHED GARAGE', SECTION 20.30.500, 'DEVELOPMENT STANDARDS', AND SECTION 20.30.530, 'HEIGHT EXCEPTIONS- ACCESSORY BUILDINGS'; (B) AMEND CHAPTER 20.40, SECTION 20.40.100 TO RECTIFY TABLE 20-90 TO ADD PRIOR APPROVED TEXT; (C) AMEND CHAPTER 20.50, SECTION 20.50.100 TO RECTIFY TABLE 20-110 TO ADD PRIOR APPROVED TEXT; (D) AMEND CHAPTER 20.70, SECTION 20.70.100 TO INCLUDE MINOR CORRECTION TO TABLE 20-140 TO INCORPORATE INDOOR THEATER USE; (E) AMEND CHAPTER 20.90, SECTION 20.90.220 TO CORRECT A REFERENCE TO TABLE 20-190; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; 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 and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith 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 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.100 Allowed Uses and Permit Requirements

- A. Permitted" land uses are indicated by a "P" on Table 20-50.
- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by an "S" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Restricted" land uses are indicated by an "R" on Table 20-50. 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.
- E. Land uses not permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not permitted.
- F. When the right column of Table 20-50 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

**Table 20-50
Residential Zoning Districts Use Regulations**

Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					
One-family dwelling	P	P	P	C	Note 1 and Note 10; Section 20.30.110

Accessory dwelling unit (ADU)	P	P	P	-	Note 2, Note 3, and Note 10; Part 4.5, Chapter 20.30
Two-family dwelling	-	P	P	-	Note 2 and Note 10; Section 20.30.110
Multiple dwelling	-	-	P	-	Note 10
Guesthouse	-	-	C	-	Note 10; Section 20.30.120
Mobilehome parks	-	-	-	P	Note 10
Travel trailer parks	-	-	-	C	
Residential care facility, six or fewer persons	P	P	P	P	
Residential care facility, seven or more persons	-	-	C	C	
Residential service facility, six or fewer persons	P	P	P	P	
Residential service facility, seven or more persons	-	-	C	C	
Single room occupancy living unit facility	-	-	C	-	Note 10; Part 15, Chapter 20.80
Sororities, fraternities, and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Residential Accessory Uses and Improvements					
Accessory buildings and structures	P	P	P	P	Note 3; Section 20.80.200
Home occupations	P	P	P	P	Part 9, Chapter 20.80
Mixed use, residential/commercial	-	-	S	-	Note 9 and Note 10
Agriculture					
Certified farmers' market	S	S	S	S	Note 6

Certified farmers' market, small	P	P	P	P	Part 3.5, Chapter 20.80; Note 6
Neighborhood agriculture	P	P	P	P	Part 9, 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	P	P	
Day care center	-S	S	S	S	
School, elementary and secondary (public)	P	P	P	-	
School, elementary and secondary (private)	C	C	C	-	
Entertainment and Recreation					
Equestrian and riding club	C	-	-	-	
Golf course	C	-	-	-	Note 4
Private club or lodge	-	-	C	-	
Swim or tennis club	C	C	C	C	
General Services					
Bed and breakfast inn	C	C	C	-	Section 20.80.110
Outdoor vending, fresh fruits and vegetables	P	P	P	P	Note 6 and Note 7; Part 10, Chapter 20.80;
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
Historic Reuse					
Historic landmark structure reuse	C	C	C	C	Part 8.5, Chapter 20.80
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/religious assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	

Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	
Transportation and Utilities					
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Note 8; Sections 20.30.130, 20.30.140, 20.80.1900, 20.100.1300 and 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	Note 8; Sections 20.30.130, 20.30.140, 20.80.1900, 20.100.1300 and 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	Note 8; Sections 20.30.130, 20.30.140, 20.80.1910, 20.100.1300 and 20.80.1915
Utilities, Electrical Power Generation					
Solar photovoltaic system	P	P	P	P	Sections 20.100.610 C.7 and

					20.100.1030 A.6
Stand-by/backup facilities that do not exceed noise or air standards	S	S	S	S	Note 5
Stand-by/backup facilities that do exceed noise or air standards	-	-	-	-	

Notes:

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH districts.
2. A maximum of two primary living units per lot, with Accessory Dwelling units, are permitted in the R-2 district. Accessory Dwelling units on a lot in the R-2 district may be permitted without a development permit in accordance with the provisions of Part 4.5.
3. No lot may be used solely for an accessory structure or an accessory building.
4. No driving ranges or miniature golf facilities.
5. Stand-by or backup generators that would not otherwise require some permit from the City (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the special use permit requirement.
6. Allowed on school sites, library sites, community center sites, church/religious assembly sites, and other publicly accessible sites that contain government operations including but not limited to United States Post Offices or State of California Department of Motor Vehicles offices.
7. The activity must conform with the location and operational requirements in Section 20.80.820 of Part 10, Chapter 20.80. Allowed for up to eight hours per day for each vending facility, but not to exceed eight hours per day per lot.
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. Permitted or special uses allowed in the CP commercial pedestrian zoning district may be allowed with a special use permit for a residential-commercial mixed use project, except that twenty-four-hour non-residential uses or conditional uses allowed in the CP commercial pedestrian zoning district require a conditional use permit.
10. May be used as Transitional Housing.

SECTION 2. Section 20.30.270 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.270 Corner Lot - Rear Setback - Exception for Attached Garage

Notwithstanding the provisions of Section 20.30.200, the rear setback for ~~the portion of a dwelling that contains an attached garage and no other~~ a garage that is attached to a primary dwelling unit on a corner lot in a R-1 or R-2 residence district, ~~and having said garage as an integral part of the building in which the dwelling and attached garage are located~~, may be reduced to five feet where all of the following provisions are met:

- A. The portion of ~~said building~~the garage which is situated within twenty feet of the rear lot line of said corner lot ~~does not extend in front of the building setback line required of the lots situated within the same block and to the rear of said corner lot~~ maintains a corner side setback of ten feet. Notwithstanding this provision, the garage must meet the driveway length requirement of Section 20.90.130(C); and
- ~~B. Where, in addition, the portion of said building which is situated within twenty feet of the rear lot line of said corner lot does not occupy more than thirty percent of the required rear setback area of said corner lot; and~~
- ~~C.B. Where t~~The portion of said building the garage which is situated within twenty feet of the rear lot line of said corner lot ~~does not exceed one story in height and does not exceed sixteen feet in height.~~

SECTION 3. Section 20.30.500 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.500 Development Standards

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

**Table 20-70
Accessory Buildings and Structures Development Regulations**

Front Setback (feet)		
Retaining walls	None	
Swimming pool, built-in	30	
Detached garage on a lot with two intersecting front property lines	25	Note 1
Detached garage with a maximum length of twenty feet that maintains a minimum side setback of five feet	45	
All other accessory buildings and structures	60	
Side Setback (feet)		
Swimming pool, built-in		
Interior lot	5	
Corner lot	9	
All other accessory buildings and structures	None	Notes 2, 3, 9-8
Rear Setback (feet)		
Swimming pool, built-in	5	
All other accessory buildings and structures	None	Notes 2, 3, 9-8
Height (feet)		
Retaining wall	2	Note 4
All other accessory buildings and structures	12	Note 5
Maximum number of stories	1	
Area (square feet)		
Maximum size (cumulative square feet)	650	Notes 65, 76, 8-7

Notes:

1. Measured from front property line which is opposite the designated side property line.
2. On a corner lot, no accessory buildings, or accessory structures, excluding fences, shall be built within ten feet of the side property line of the street side.
3. With respect to accessory buildings or accessory structures, where any such building or structure is proposed to be constructed on a corner lot which abuts upon a key lot which is for residential use, such building or structure shall be set back not less than four feet from the rear lot line of

such lot, provided that the setback for swimming pools shall not, in any event, be reduced to less than five feet.

4. Maximum height of two feet measured from existing grade, unless a greater height is otherwise approved with a development permit.
- ~~5. No accessory building or structure shall exceed twelve feet in height except that for an accessory building with a sloped roof, the height halfway up any slope of a pitched, gable or hip roof may not exceed twelve feet and no portion of the roof shall exceed a height of sixteen feet except that a roof with a solar photovoltaic system on top of an accessory building shall not exceed a height of twenty-one feet above grade.~~
65. The size of an individual accessory building or accessory structure or the total aggregate square footage of all accessory buildings and accessory structures built on any property may be increased to exceed six hundred fifty square feet only pursuant to a special use permit, as provided for in Chapter 20.100 of this title.
76. For purposes of this section, the calculation of square footage shall not include any square footage of an accessory building or accessory structure that is entirely below grade.
87. Per Section 20.200.020, an accessory building shall not contain living space or sleeping quarters, and shall be limited to two plumbing connections to serve an appliance or fixture, and unconditioned space as defined in Title 24 of the San José Municipal Code.
98. Increased setbacks may be required based upon fire and life safety requirements in this Code.

SECTION 4. Section 20.30.530 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.530 Height Exceptions - Accessory Buildings and Structures

- A. Notwithstanding Section 20.30.500, in the R-1, R-2 and R-M residence districts, the maximum height of an accessory building or structure with a sloped roof may exceed twelve feet provided the height halfway up any slope of a pitched, gable or hip roof does not exceed twelve feet and no portion of the accessory building exceeds a maximum height of sixteen feet.
- B. Notwithstanding any other provision of this part, the maximum height of a solar photovoltaic system mounted on an accessory building may exceed the

maximum height allowed by Section 20.30.500 and Section 20.30.530.A if the solar photovoltaic system conforms to the following criteria:

1. The solar photovoltaic system is mounted on an accessory building in a manner that conforms to the height requirements of a roof on that structure; or
2. The solar photovoltaic system is mounted on an accessory building and no portion of the solar photovoltaic system extends more than five feet above the height of the existing roof and no portion of the solar photovoltaic system exceeds a maximum height of twenty-one feet.

SECTION 5. Section 20.40.100 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 "CGP" 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 an "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 an "SGP" 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-sales - beer and/or wine only	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sales - full range of alcoholic beverages	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sales - 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
Drinking establishment in conjunction with a winery, brewery, or distillery	-	S	S	S	-	
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
<u>Public eating establishment in conjunction with a winery, brewery, or distillery</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	=	
<u>Taproom or tasting room with off-sale of alcohol</u>	=	<u>A</u>	<u>A</u>	<u>A</u>	=	<u>Part 5.75, Chapter 20.80</u>

Public eating establishment or drinking establishment with incidental dancing	-	P	P	P	-	Note 21
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
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; Note 26
Live/work uses	-	S	S	S	-	Note 6; Section 20.80.740
Mixed use residential/commercial	-	C/S	C	CGP	-	Note 6, Note 25;, Note 26
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 and Note 26; 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
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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.
26. Transitional Housing may be permitted as the residential component of the mixed-use development or as a Single Room Occupancy living unit, and is subject to the same restrictions that would apply to other residential uses within this zoning district.

SECTION 6. Section 20.50.100 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 an "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
Drinking establishment in conjunction with a winery, brewery, or distillery	S	S	S	S	S	
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

<u>Taproom or tasting room in conjunction with a winery, brewery, or distillery</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Part 5.75, Chapter 20.80</u>
Wineries, breweries, and distilleries	P	P	P	P	P	<u>Note 2 and Note 14</u>
General Retail						
Alcohol, off-sales - beer and/or wine only	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-sales - full range of alcoholic beverages	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-sales - as incidental to a winery, brewery, or distillery	S <u>A</u>	S <u>A</u>	S <u>A</u>	S <u>A</u>	S <u>A</u>	Note 12; <u>Part 5.75, Chapter 20.80</u> <u>Section 20.50.110</u>
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		-	-	-	
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 9.75, Chapter 20.80
Medical cannabis collective cultivation site only	R GP	-	R GP	R GP	R GP	Part 9.75, Chapter 20.80
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
Cannabis manufacturing (Type 6) business	R GP	-	R GP	R GP	R GP	Part 9.76, Chapter 20.80
Cannabis distribution business	R GP	-	R GP	R GP	-	Part 9.76, Chapter 20.80
Cannabis testing business	-	-	R GP	-	-	Part 9.76, 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 7. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "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 "PGP " 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 "CGP " 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 an "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 "SGP " 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
Movie theater, <u>indoor</u>	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	
Medical cannabis collective	R	-	-	No parking	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R	-	-	No parking	Part 9.75, Chapter 20.80
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
ResidentialGP					
Residential shelter	CGP	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.	Note e
Live/work uses	PGP	SGP		1.5 per unit	Note e; Section 20.70.120
Low barrier navigation center	PGP	PGP	-	No parking	Chapter 20.195
Permanent supportive housing	PGP	PGP	-	No parking	Chapter 20.195
Residential, multiple dwelling	PGP	PGP	-	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	CGP	CGP	-	.75 per employee	Note e
Residential services facility, for seven or more persons	CGP	CGP	-	.75 per employee	Note e
Hotel supportive housing	CGP	CGP	-	.35 per room	Note 9 and Note e; Part 22 of Chapter 20.80
Single room occupancy (SRO) living unit facility	SGP	SGP	-	.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 UsesGP					
Accessory buildings and accessory structures	PGP	PGP	-	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 8. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.220 Reduction in Required Off-Street Parking Spaces

A. Alternative Transportation.

- 1. A reduction in the required off-street vehicle parking spaces of up to fifty percent may be authorized with a development permit or a development exception if no development permit is required, for structures or uses that conform to all of the following and implement a total of at least three transportation demand management (TDM) measures as specified in the following provisions:
 - a. The structure or use is located within two thousand (2,000) feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a neighborhood business district, or as an urban village, or as an area subject to an area development policy in the city's general plan or the use is listed in Section 20.90.220 G.; and
 - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-190.
 - c. For any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least one of the following measures:
 - i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share

- vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations at the ratio set forth in the development permit or development exception considering type of use; or
- ii. Develop a transit use incentive program for employees and tenants, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA SmartPass system will satisfy this requirement).
- d. In addition to the requirements above in Section 20.90.220 A.1.c for any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least two of the following measures:
- i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations; or
 - ii. Develop a transit use incentive program for employees, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA SmartPass system will satisfy this requirement); or
 - iii. Provide preferential parking with charging station for electric or alternatively-fueled vehicles; or
 - iv. Provide a guaranteed ride home program; or
 - v. Implement telecommuting and flexible work schedules; or
 - vi. Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking); or
 - vii. Implement public information elements such as designation of an on-site TDM manager and education of employees regarding alternative transportation options; or

- viii. Make available transportation during the day for emergency use by employees who commute on alternate transportation (this service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation); or
 - ix. Provide shuttle access to Caltrain stations; or
 - x. Provide or contract for on-site or nearby child-care services; or
 - xi. Incorporate on-site support services (food service, ATM, drycleaner, gymnasium, etc. where permitted in zoning districts); or
 - xii. Provide on-site showers and lockers; or
 - xiii. Provide a bicycle-share program or free use of bicycles on-site that is available to all tenants of the site; or
 - xiv. Unbundled parking; and
- e. For any project that requires a TDM program:
- i. The decision maker for the project application shall first find in addition to other required findings that the project applicant has demonstrated that it can maintain the TDM program for the life of the project, and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use; and
 - ii. The decision maker for the project application also shall first find that the project applicant will provide replacement parking either on-site or off-site within reasonable walking distance for the parking required if the project fails to maintain a TDM program.
2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent or up to two off-street vehicle parking spaces, whichever is less, may be authorized with a development permit or a

development exception if no development permit is required for a particular use, for nonresidential uses in conformance with the following:

- a. In addition to the off-street bicycle parking spaces required for the structure or use, ten off-street bicycle parking spaces consisting of bicycle racks or five off-street bicycle parking spaces consisting of bicycle lockers shall be provided for everyone required off-street vehicle parking space that is reduced; and
- b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

B. One-Family Dwellings.

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling or one One-Family Dwelling and one Accessory Dwelling occupy the lot; and
 - c. The location of the required covered parking is set back a minimum of forty-five feet from the front lot line when the garage is accessed via a curb cut from the front lot line and forty feet from the side corner lot line when the garage is accessed via a curb cut from the side corner lot line; and
 - d. The required covered parking is accessed by a driveway of a width no less than ten feet and no more than twelve feet; and
 - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
 - f. No additional paving in the front setback shall be designated or used for parking; and
 - g. The covered parking structure shall meet all other applicable regulations of this title.
2. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling, no replacement spaces are required. A garage, carport or parking structure shall be deemed converted when all or any part of an Accessory

Dwelling is proposed to be constructed in all or any part of the area occupied by a garage, carport or parking structure.

3. When a garage is converted in conjunction with the construction of a Junior Accessory Dwelling, no parking spaces are required to be replaced. A garage shall be deemed converted to a Junior Accessory Dwelling Unit when all or any part of the Junior Accessory Dwelling Unit is proposed to be constructed in all or any part of the area occupied by a garage.

C. Ground Floor Commercial Uses in Neighborhood Business Districts or Urban Villages.

1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one space per four hundred square feet of floor area, provided all of the following requirements are met:
 - a. The site is designated on the general plan land use/transportation diagram with the neighborhood business district overlay or designated as urban village; and
 - b. The use is located on the ground floor of a building; and
 - c. No parking reduction is approved for a use pursuant to Section 20.90.220 A.1 of this chapter.

D. Multiple Family Residential in the Main Street Districts. The decision maker may reduce the required vehicle parking spaces for a multiple-family residential use in the pedestrian oriented zoning districts with a development permit based on the following findings:

1. The project includes one or more of the following options:
 - a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car-share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that

facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; and

2. The project does not include a parking reduction pursuant to Section 20.90.220 G.; and
 3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses; and
 4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit.
- E. Nonresidential Uses in a Main Street District. The decision maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty percent with a development permit based on the following findings:
1. The project achieves one of the following:
 - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
 - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
 2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220 A or 20.90.220 C of this title; and
 3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses.
- F. Miniwarehouse/Ministorage.
1. A reduction in the required off-street parking may be authorized with a development permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
 - a. Buildings are single story; and

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

G. Other Uses.

1. Up to a twenty percent reduction in the required off-street parking for private instruction or personal enrichment; sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions; SROs; efficiency living units; emergency residential shelters; residential care/service facilities; convalescent hospitals; hotels/motels; bed and breakfast inns; senior housing uses; recreation uses; gasoline service or charge stations when combined with other uses; and performing arts rehearsal space uses may be approved with a development permit or a development exception if no development permit is required, provided that such approval is based upon the findings that the project is either within two thousand feet of an existing or proposed bus or rail transit stop; or the use is clustered with other uses that share all parking spaces on a site.
2. Up to a one hundred percent reduction in the required off-street parking for emergency residential shelters may be approved with a development permit or a development exception if no development permit is required.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk