

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 CHAPTER 20.30, PART 2, SECTION 20.30.460 TO REQUIRE ALL ACCESSORY BUILDINGS MEET CERTAIN REQUIREMENTS; AMEND SECTION 20.30.470 TO ALLOW ANY EXTERIOR ALTERATION IS ONLY LIMITED ACCOMMODATING INGRESS/EGRESS REQUIREMENTS; AMEND SECTION 20.30.480 TO ALLOW ACCESSORY DWELING UNITS TO BE ATTACHED TO ANOTHER DETACHED ACCESSORY DWELING UNIT; AMEND PART 2.5 SECTION 20.80.150 TO REVISE THE DEFINITION OF INCIDENTAL TRANSIENT OCCUANCY; AMEND PART 9 SECTION 20.80.700 TO ALLOW HOME OCCUPATION IN AN ACCESSORY DWELING UNIT; AND TO ADD CLARIFYING LANGUAGE TO SECTION 20.30.100 AND TABLE 20.50 OF CHAPTER 20.30, SECTION 20.40.100 AND TABLE 20.90 OF CHAPTER 20.40, SECTION 20.50.100 AND TABLE 20-110 OF CHAPTER 20.50, AND SECTION 20.75.200 AND TABLE 20.156 OF CHAPTER 20.75; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE 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 20.30.460 of Part 2 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.460 - Accessory dwelling units - single-family dwelling lot.

Notwithstanding any other provision of this Title to the contrary, Accessory Dwelling Units that meet all of the following criteria shall be allowed pursuant to the provisions of this Part:

- A. Zoning District. An Accessory Dwelling Unit that is attached to or detached from a one-family dwelling shall be permitted only: (1) in the R-1 zoning districts, the R-2 zoning district or the R-M zoning district in accordance with the provisions of Section 20.30.100, (2) in planned development zoning districts that allow single-family uses, or (3) in low density cluster developments that were permitted under previously existing provisions of this title if (a) the low density cluster development conforms with the development standards of the R-1 zoning district, or (b) the accessory dwelling conforms to the development and use standards of the low density cluster development permit, or (4) on a lot, consisting of an

existing single-family dwelling unit, with a General Plan Land Use/Transportation Diagram designation of Residential Neighborhood, Urban Village, Transit Residential, Urban Residential, Downtown, Mixed-use Neighborhood, Mixed-use Commercial, or Rural Residential.

- B. Density. An accessory dwelling shall not be included in calculation of residential density for the purpose of determining general plan conformance.
- C. Maximum Accessory Dwelling Floor Area. The floor area of an attached accessory dwelling shall not exceed fifty percent (50%) of the existing or proposed living area of the primary dwelling provided that an Accessory Dwelling Unit with a floor area of eight hundred (800) square feet shall be permitted. An accessory dwelling shall not exceed the following maximum floor area as compared to lot size:
 - 1. One thousand (1,000) square feet for an accessory dwelling on a lot with an area of up to nine thousand (9,000) square feet; and
 - 2. One thousand two hundred (1,200) square feet for an accessory dwelling on a lot with an area greater than nine thousand (9,000) square feet.

Table 20-55

Lot size	Maximum floor area
Up to 9,000 square feet	1,000 square feet
Greater than 9,000 square feet	1,200 square feet

- D. Required Facilities. An accessory dwelling shall include all of the following facilities:
1. A kitchen (including a sink, food preparation counter, storage cabinets, and permanent cooking facilities such as a range or cooktop and oven, that meet Building Code standards); and
 2. A full bathroom (including sink, toilet, and shower and/or bath facilities).
- E. Bedroom Requirement and Maximum Bedroom Area. An accessory dwelling is required to contain a combined sleeping and living area or one (1) bedroom and shall include no more than two (2) bedrooms and one (1) living area. The floor area of each bedroom shall not exceed four hundred (400) square feet.
- F. Bathroom Limit. An accessory dwelling shall contain no more than two bathrooms.
- G. Maximum Accessory Storage Area. The total size of any closet or other enclosed storage area within the accessory dwelling shall not exceed sixty (60) square feet of floor area.
- H. Required Accessory Dwelling Parking.
1. One on-site parking space, in addition to the required on-site parking spaces for the one-family dwelling, is required for an accessory dwelling, except as provided in subsection 3 below. Tandem parking that otherwise complies with setback and paving requirements set forth in Sections 20.90.120 and 20.90.140 and Chapter 20.95 of the Municipal Code, shall be allowed.

2. The required on-site parking space for an accessory dwelling may be located on a driveway in the front and/or side setback area of the lot on which an accessory dwelling is situated provided that the driveway is at least eighteen (18) feet in length.
3. No additional parking shall be required for an accessory dwelling that meets any of the following criteria:
 - a. The accessory dwelling is located within one-half mile walking distance of, and has a path of travel that is always publicly accessible to, a site containing an existing public rail-transit station or at least one (1) public bus stop.
 - b. The accessory dwelling is located within a historic district identified in the city's historic resources inventory as defined in Chapter 13.48 of Title 13 of this Municipal Code.
 - c. The accessory dwelling is part of the existing primary residence, or within, or part of, an existing Accessory Building.
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling.
 - e. When there is a car-share vehicle located within one (1) block of the Accessory Dwelling Unit.
- I. Replacement Parking Not Required for Primary Dwelling Parking Demolished or Converted for Accessory Dwelling Construction. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling, any off-street parking spaces that were

provided by such garage, carport, or covered parking structure are not required to be replaced in accordance with Section 20.90.220 B.2.

J. Development Standards. Accessory dwellings shall comply with all of the following development standards:

1. The accessory dwelling shall be subject to the setback requirements for a One-Family Dwelling in the zoning district in which the One-Family Dwelling is located, as set forth in this Part except as follows:
 - a. Conversion of Existing Accessory Building—No setback over the setback specified for an Accessory Building shall be required for an existing Accessory Building, or garage, that is converted to an Accessory Dwelling or constructed in same location and to same dimensions as an existing structure, unless required to meet current Building and Fire Code requirements.
 - b. New detached Accessory Dwelling—A setback of four (4) feet from the side and rear lot lines, measured from the building face, shall be required for an accessory dwelling unit that exceeds forty percent (40%) rear yard coverage and is not converted from an existing structure or is a new structure constructed in the same location and to the same dimensions as the existing structure. No setback over the setback specified for an Accessory Building shall be required for the first story of a new detached Accessory Dwelling that does not exceed forty percent (40%) rear yard coverage, unless required to meet current Building and Fire Code requirements.

- c. Second Story Accessory Unit—A minimum setback of four (4) feet from the side and rear lot lines, with an overhang of one-foot or less, shall be required for any second story of a detached Accessory Dwelling.
 - d. Additional setback requirements may apply under the Building and Fire Codes or as a result of "no-build" easements or require compliance with existing easement restrictions.
 2. An attached accessory dwelling shall share a common wall with the One-Family Dwelling, or shall share an integral roof structure having the same framing system and roof covering as the One-Family Dwelling and shall be separated from the One-Family Dwelling by no more than ten (10) feet at any given point.
 3. A detached Accessory Dwelling shall be located in the rear yard of the lot of the One-Family Dwelling or shall be required to meet minimum setback requirements for an accessory building in accordance with Section 20.30.500, except that a new detached Accessory Dwelling Unit that maintains a minimum interior side setback of four (4) feet may be located at a distance of forty-five (45) feet from the front property line.
 4. A detached Accessory Dwelling shall be located at least six (6) feet away from the One-Family Dwelling.
 5. A detached one story Accessory Dwelling shall be limited to a maximum height of eighteen (18) feet. A two story detached Accessory Dwelling may have a maximum roof height of twenty four (24) feet above grade.

Roof height shall be determined in accordance with San José Municipal Code Section 20.200.510.

6. A detached Accessory Dwelling may be attached to an existing or proposed accessory building, including a garage so long as current Building Code requirements and requirements to address fire or safety hazards are met. A detached Accessory Dwelling that is attached to an existing or proposed accessory building, including a detached Accessory Dwelling constructed above an existing or proposed accessory building or basement, shall not have any connecting opening between the accessory building and Accessory Dwelling, unless all connected areas meet current Building Code and Fire Code requirements, and the maximum gross square footage for all connected areas does not exceed the limits set forth in Section 20.30.460C and/or Section 20.30.460G above. Notwithstanding the provisions above, a detached Accessory Dwelling that is attached to an existing or proposed garage may have a connecting opening, provided the garage does not have a connecting opening to any other accessory building not used as a garage, and such garage area shall not be included in the maximum Accessory Dwelling floor area tabulation. All Accessory Buildings and Structures shall meet the requirements in accordance with Section 20.30.500, and all connected areas shall meet current Building Code and Fire Code requirements.
7. The cumulative total of the rear yard covered by the accessory Dwelling, accessory buildings, and accessory structures, except pools, shall not exceed forty percent (40%) of the rear yard except that such ratio shall not prohibit an eight hundred (800) square foot Accessory Dwelling Unit with minimum four (4) foot side and rear yard setbacks.

8. If situated on a lot that is equal to or greater than one-half ($\frac{1}{2}$) an acre in size, an accessory dwelling shall be located more than one hundred (100) feet from a riparian corridor as measured from top of bank or vegetative edge, whichever is greater.
- K. Design Standards. Accessory dwellings shall comply with the following design standards:
1. Any new addition for an attached Accessory Dwelling unit, on a property listed on the San José Historic Resources Inventory, shall be located along the rear wall of an existing primary dwelling, unless the Accessory Dwelling unit is fully enclosed within the existing building walls.
 - a. The attached Accessory Dwelling unit shall not result in the enclosure of or net loss of any existing porch, unless such porch is located along the rear façade, and the enclosure of or net loss does not exceed ten percent (10%) or more of an existing porch.
 - b. If an attached Accessory Dwelling unit is constructed on a second story of the primary dwelling, the Accessory Dwelling Unit shall not overhang the lower floors of the primary building, and shall be set back at least forty-five (45) feet from the front property line.
 - c. The roofline and materials of the attached Accessory Dwelling unit shall be differentiated from the primary dwelling.
 2. A detached Accessory Dwelling unit may be constructed on any property listed on the City's Historic Resources Inventory, provided the Accessory Dwelling unit is set back at least forty-five (45) feet from the front property line.

3. The front door of any attached Accessory Dwelling shall not be located on the same facade as the front door of the One-Family Dwelling if that facade fronts onto a street, unless all other locations for placement of the Accessory Dwelling front door would require a passageway as defined in Government Code Section 65852.2(i)(5). For a detached Accessory Dwelling constructed above an existing or proposed accessory building, including a garage, an exterior stairway or fully enclosed interior stairway access may be allowed.
4. Minimum sill height for openings for a second story detached Accessory Dwelling Unit shall be maintained at five (5) feet, measured from the interior floor level, along the building walls parallel to the nearest side and rear property lines, and located within a minimum setback of fifteen (15) feet from those property lines.
5. Any second story balconies, unenclosed entry landings, and decks shall comply with the following requirements:
 - a. Maintain minimum setback of fifteen (15) feet from the rear and side property line measured from the projecting face.
 - b. Not be located along the building walls parallel to the nearest side and rear property lines.
6. Any portion of balconies and landings with areas greater than fifty percent (50%) enclosed with walls and covered shall be included in the total unit floor area, measured to exterior framing, except that the floor area of an internal stairwell will be counted once.

7. Any porches or balconies that project beyond the footprint of the Accessory Dwelling Unit shall be included in the cumulative total of the rear yard coverage tabulation.
- L. Application—Owner Certification. As part of the building permit application process for an Accessory Dwelling, the owner of record shall submit a declaration, under penalty of perjury, stating that the Accessory Dwelling is not intended for sale separate from the primary residence, but may be rented. Nothing in this section shall be deemed to affect the legal status of an Accessory Dwelling built with a lawfully issued permit if the property is subsequently transferred or sold, or if the one-family dwelling or Accessory Dwelling is subsequently rented or leased.
- M. The requirements of Subsection L shall not apply to an Accessory Dwelling Unit constructed on a property developed by a Qualified Non-profit Corporation and there is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code. Accessory Dwelling Units meeting these requirements may be sold or conveyed separately from the primary residence to a qualified buyer in conformance with Government Code Section 65852.25.
- N. Additional development permits shall not be required for the following:
1. An Accessory Dwelling unit located on a site that is listed on the San José Historic Resources Inventory that meets the design standards listed in 20.30.460(K)(1) ~~and (L)(2)~~ shall not require issuance of a Single-Family House Permit, or Historic Preservation Permit for a site that is a

designated City Landmark or within a City Landmark District. When a garage, carport, or other accessory structure is demolished or converted into an Accessory Dwelling Unit, a Single-Family House Permit, or Historic Preservation Permit shall not be required for the demolition or conversion.

2. A new detached or attached Accessory Dwelling Unit located in a planned development zoning district otherwise subject to requirements of Section 20.100.500 (A)(4).
 3. A new detached Accessory Dwelling Unit located in a low density cluster development, in accordance with provisions of this part and with San José Municipal Code Section 20.30.500, and otherwise subject to minimum side setback requirements of the primary dwelling unit and requirements of Section 20.100.500 (A)(4).
 4. A new attached Accessory Dwelling, located in a low density cluster development, otherwise subject to requirements of Section 20.100.500 (A)(4).
- O. Compliance with Building and Zoning Codes. An accessory dwelling shall be built in accordance with the building code set forth in Title 24 of the San José Municipal Code ("Municipal Code") and in conformance with Title 20 of the San José Municipal Code.
- P. Located on One Lot. An Accessory Dwelling shall be located within the same subdivision unit and on the same legal parcel as the One-Family Dwelling to which it is ancillary.

SECTION 2. Section 20.30.470 of Part 2 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.470 - Junior accessory dwelling units—Single family dwelling lot.

Notwithstanding any other provision of this Title to the contrary, junior accessory dwelling units, for lots consisting of single-family dwellings, that meet all of the following criteria shall be allowed pursuant to the provisions of this Part:

- A. Shall not exceed five hundred square feet, and constructed within the existing walls of the primary dwelling unit, and any exterior alteration is only limited to accommodating ingress/egress requirements.
- B. Shall include a separate entrance from the main entrance to the primary dwelling unit, with an interior entry to the main living area.
- C. May share sanitation facilities with the existing primary dwelling.
- D. Shall require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- E. Shall require the recordation of a deed restriction, which shall run with the land, and which shall be on file with the City, to include restriction on the size and attributes of the junior accessory unit that conforms with this section; and prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
- F. Shall include at least an efficiency kitchen which shall include all of the following:

1. A cooking facility with appliances; and
 2. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior Accessory Dwelling Unit.
- G. A Junior Accessory Dwelling Unit may also be allowed on the same lot with an Accessory Dwelling Unit, provided the following criteria are met:
1. The Accessory Dwelling Unit is fully detached, and the Junior Accessory Dwelling Unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling; and
 2. The Accessory Dwelling Unit shall not exceed a total floor area limitation of more than 800 square feet and a height limitation of 16 feet.
- H. No additional parking shall be required for construction of a Junior Accessory Dwelling Unit.
- I. When a garage is converted into a Junior Accessory Dwelling Unit, any off-street parking spaces that were provided by such garage are not required to be replaced.

SECTION 3. Section 20.30.480 of Part 2 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.480 - Accessory dwelling units—Two-family and multifamily dwelling lots.

Notwithstanding any other provision of this Title to the contrary, Accessory Dwelling Units that meet all of the following criteria shall be allowed pursuant to the provisions of this Part:

- A. Accessory Dwelling Units may be allowed within existing portions of Two-Family/Multifamily Dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- B. At least one attached Accessory Dwelling Unit may be provided per lot, subject to requirements in subsection A. The attached Accessory Dwelling Units may be permitted, in order of application, to not exceed a maximum of twenty-five percent (25%) of total number of all units within that lot boundary.
- C. No more than two detached Accessory Dwelling Units may be allowed on a Two-Family/Multifamily Dwelling lot. A detached Accessory Dwelling Unit shall be located along the rear property line at a minimum setback distance of forty-five (45) feet from the front property line, and may be attached to another detached ADU if Building and Fire Code requirements are met. A maximum floor area of eight hundred (800) square feet, a maximum height limit of sixteen (16) feet, and minimum rear yard and side setbacks of four (4) feet shall apply.
- D. The accessory dwelling units shall comply with, as applicable, all of the provisions of Section 20.30.460.
- E. When an existing garage or covered parking structure is converted into an Accessory Dwelling Unit, any off-street parking spaces that were provided by such garage are not required to be replaced, except for uncovered parking spaces.

SECTION 4. Section 20.80.150 of Part 2.5 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

PART 2.5

TRANSIENT OCCUPANCY AS AN INCIDENTAL USE TO A RESIDENCE

20.80.150 - Definitions.

The definitions set forth in the section shall govern the interpretation of this part:

- A. "Adjacent properties" means the dwelling units located to the sides, rear, front, including across the street, above and below, the dwelling unit in which the incidental transient occupancy is located.
- B. "Host" means any person, as defined in Title 1 of this Code, who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for incidental transient occupancy.
- C. "Host present" means the host is present on the premises of the dwelling unit that is being used for incidental transient occupancy during the term of the transient occupancy at all times between the hours of 10:00 p.m. and 6:00 a.m.
- D. "Hosting platform" means a person that provides a means through which a host may offer a dwelling unit, or portion thereof, for incidental transient occupancy. This service is usually, though not necessarily, provided through an internet based platform and generally allows an owner or tenant to advertise the dwelling unit through a website provided by the hosting platform and provides a means for potential incidental transient users to arrange incidental transient occupancy and payment therefor, whether the transient user pays rent directly to the host or to the hosting platform.

- E. "Incidental transient occupancy" means the use or possession or the right to the use or possession of any room or rooms, or portions thereof for dwelling, sleeping or lodging purposes in any one-family dwelling, two-family dwelling, multiple dwelling, mobilehome, live/work unit, or secondary-accessory dwelling unit, by a transient user.
- F. "Local contact person" means a person designated by the host who shall be available at all twenty-four hours per day, seven days per week during the term of any transient occupancy for the purpose of (i) responding within sixty minutes to complaints regarding condition or operation of the dwelling unit or portion thereof used for incidental transient occupancy, or the conduct of transient users; and (ii) taking remedial action to resolve such complaints.
- G. "Primary residence" means a permanent resident's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration or other such evidence.
- H. "Transient user" means a person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full calendar days.

SECTION 5. Section 20.80.700 of Part 9 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 9
HOME OCCUPATIONS

20.80.700 - General.

A home occupation meeting the criteria of this part is allowed in a one-family dwelling, two-family dwelling, multiple dwelling, accessory dwelling unit or mobilehome as an incidental use of such dwelling.

SECTION 6. 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; Section 20.30.110
Accessory dwelling unit (ADU)	P	P	P	-	Note 2 and Note 3; Part 4.5, Chapter 20.30
Two-family dwelling	-	P	P	-	Note 2; Section 20.30.110
Multiple dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120
Mobilehome parks	-	-	-	P	
Travel trailer parks	-	-	-	C	
Residential care facility, six or fewer persons	P	P	P	P	
Residential care facility, seven or more persons	-	-	C	C	

Residential service facility, six or fewer persons	P	P	P	P	
Residential service facility, seven or more persons	-	-	C	C	
Single room occupancy living unit facility	-	-	C	-	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
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	GS	GS	GS	GS	

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.

SECTION 7. 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 "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.

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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	P	P	P	P	P	Note 21

additions or changes to the site						
Day care center	<u>CS</u>	<u>CS</u>	<u>CS</u>	<u>CS</u>	<u>CS</u>	
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	-	P	P	P	-	Section 20.80.475; Note 21

rooms						
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
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	-	-	-	-	C	

utility use						
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,	C	C	C	C	C	

storage or repair yards and warehouses						
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 8. 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 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	CS	CS	CS	-	-	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	P	C	C	-	-	

performances						
Recreation, commercial/indoor	P	S	-	-	-	Note 2 and Note 5; Section 20.50.110
Recreation, commercial/outdoor	C	-	-	-	-	
Relocated cardroom	C GP	C G P	C G P	C G P	-	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 G P	-	-	-	-	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	P	S/P	P G P	-	-	Note 13 and Note 21; Section 20.80.475

motel that includes 75 or more guest rooms						
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
Wineries, breweries, and distilleries	P	P	P	P	P	
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	S	S	S	S	Note 12; Section 20.50.110

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 G P	R G P	R G P	Part 9.75, Chapter 20.80
Medical cannabis collective cultivation site only	R GP	-	R G P	R G P	R G P	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site	R GP	-	R G P	R G P	R G P	Part 9.75, Chapter 20.80

only						
Medical cannabis business	R GP	-	R G P	R G P	R G P	Part 9.75, Chapter 20.80
Non-medical cannabis business	R GP	-	R G P	R G P	R G P	Part 9.75, Chapter 20.80
Cannabis manufacturing (Type 6) business	R GP	-	R G P	R G P	R G P	Part 9.76, Chapter 20.80
Cannabis distribution business	R GP	-	R G P	R G P	-	Part 9.76, Chapter 20.80
Cannabis testing business	-	-	R G P	-	-	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,	C	C	C	C	C	

excluding corporation yards, storage or repair yards and warehouses						
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	P	P	P	P	P	

standards						
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	P	-	-	-	-	Note 3

repair						
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

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

20.75.200 - Allowed uses and permit requirements.

- A. "Permitted" land uses are indicated by a "P" on Table 20-156.
- B. "Conditional" uses are indicated by a "C" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative 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.

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	-	-	P	P	

Building additions or changes to the site					
Day care center	<u>ES</u>	-	<u>ES</u>	<u>ES</u>	
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	
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	
Offices and Financial Services					
Automatic teller	P	-	P	P	Section 20.80.200

machine					
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
Residential	-	P	P	P	Section 20.75.210

accessory uses, including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities					
Home Occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed Use/ground floor commercial with residential above	C	-	C	C	Section 20.75.210
Emergency Residential Shelter	-	-	-	-	Section 20.80.500
Live/Work 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	Part 15, Chapter 20.80
Single Room Occupancy (SRO) Living Unit Facility	-	-	C	C	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 20.100.610C.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,	S	-	S	S	Note 9, Note 10

and motorcycles, indoors					
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.

PASSED FOR PUBLICATION of title this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk