

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND TITLE 20 TO: ADD PART 9 TRANSPORTATION DEMAND MANAGEMENT (TDM) TO THE RETITLED CHAPTER 20.90 PARKING, LOADING AND TRANSPORTATION DEMAND MANAGEMENT; REVISE TABLES AND TEXT IN CHAPTER 20.90 TO REMOVE PARKING MINIMUMS, MODIFY PARKING SPACE DESIGN STANDARDS, AND MODIFY PARKING REQUIREMENTS FOR BICYCLE AND TWO-WHEELED MOTORIZED VEHICLE PARKING AND REMOVE PARKING REDUCTION EXCEPTIONS; REVISE TABLES AND TEXT IN 20.70 DOWNTOWN ZONING REGULATIONS TO REMOVE REQUIREMENTS AND REFERENCES TO MANDATORY MINIMUM OFF-STREET PARKING; REMOVE REFERENCES TO PARKING REQUIREMENTS IN CHAPTERS 20.55, 20.80, 20.150, 20.180, 20.190 AND 20.195; REVISE AND ADD TEXT TO EXPAND/MODIFY PROCESSES FOR ISSUING OUTDOOR EVENT PERMITS, OUTDOOR VENDING PERMITS AND CONVERSION OF EXISTING PARKING TO OUTDOOR USE IN CHAPTER 20.80 SPECIFIC USE REGULATIONS; 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 20.55.104 of Chapter 20.55 of Title 20 of the San José Municipal Code is amended to read as follows:

20.55.104 MUN Mixed Use Neighborhood Development Standards.

The MUN Mixed Use Neighborhood district provides conventional development standards and alternate development standards in order to accommodate a mix of housing product types.

- A. Conventional standards: Applicable to developments where all lots have frontage on and direct access to a public street, and where all buildings provide a setback to property lines.

- B. Alternate standards: Applicable to small-lot development characterized by access to lots provided off courts, driveways, and private streets, and/or with buildings without setbacks to property lines. Development using the Alternate standards require that site development permits and subdivisions must be reviewed and acted upon concurrently.

**Table 20-137
Mixed Use Neighborhood Development Standards**

Regulations		MUN	
		Conventional	Alternate
Minimum Lot Area (excluding Accessory Dwelling Units)		1,452 square feet per unit	No Minimum. Entire project must be covered by a single development permit. Cannot exceed 30 dwelling units/acre
Lot Frontage Requirements to Public Right-of-Way		Requires at least 30 ft. of contiguous frontage on a public right-of-way, with vehicular and/or pedestrian access to the right-of-way	None required, provided all lots have access from a public right-of-way provided by easement
Floor Area Ratio			
100% Commercial FAR		0.25-2.0	100% Commercial development must follow Conventional Standards
Mixed use	FAR	0.25-2.0	
	du/ac	Max. 30	
100% Residential du/ac		Max. 30	
FAR for Single- family Detached Residences, not including ADUs		3,000 sq. ft. or less	0.6 Max FAR
		3,000—6,000 sq. ft.	0.5 Max FAR
		6,000 sq. ft. or greater	0.45 Max FAR
FAR for single-family homes and duplexes in floodplain areas		For the purposes of this Chapter, development in the Mixed Use Neighborhood zoning district, which is located on a site within a flood zone with a one hundred-year flood depth, where City policy requires elevation of the first finished floor of the proposed house to a height of at least five feet above grade, shall comply with the following provisions	

	<p>1. Where the finished first story is elevated by at least five feet above grade:</p> <p>a. The at grade, unoccupied space shall not constitute a story or floor and shall not count toward the overall FAR calculation or the maximum number of stories as described in this section.</p> <p>b. The at grade unoccupied space shall not constitute a floor or story as it relates to the Conventional or Alternate Setbacks regulations within this section.</p> <p>c. The overall maximum building height, including at grade space that is not occupiable, is set at a maximum of 40 feet.</p>
Conventional Setback Regulations	
Front Setback	Minimum 10 ft.
Interior Side Setback	Minimum 3 ft. for development up to 2.5 stories; Minimum 5 ft. setback for development up to 2.5 stories for properties adjacent to property designated as Residential Neighborhood
	Minimum 8 ft. for development more than 2.5 stories; Minimum 10 ft. setback for development more than 2.5 stories for properties adjacent to property designated as Residential Neighborhood
Street Side Setback	Minimum 5 ft. for development up to 2.5 stories; Minimum 10 ft. for development more than 2.5 stories
Rear Setback	Minimum 10 ft. for development up to 2.5 stories; Minimum 15 ft. for development more than 2.5 stories
Distance between structures	Garage door to garage door must have a minimum of 20 ft min. The front of structures must be at least 15 ft. distance.
Exceptions to Setback Regulations	Refer to Section 20.55.101
Alternate Setback Regulations	
Setback to Public Right-of-Way	Minimum 10 ft. Minimum 20 ft. to face of garage door to face of garage door
Setback to adjoining property line of property not covered by same development permit	Minimum 5 ft. side setback for development up to 2.5 stories; Minimum 10 ft. side setback for development up to 2.5 stories for properties adjacent to property designated as Residential Neighborhood.
	Minimum 10 ft. rear setback for development more than 2.5 stories; Minimum 15 ft. rear setback for development more than 2.5 stories for properties adjacent to property designated as Residential Neighborhood.

Setback to property line within project boundary covered by same development permit	Front to front setbacks shall be no less than 15 ft. Dwelling units shall be setback a minimum of 6 ft. from accessory structures.			
	No side setbacks are required; subject to compliance with Building and Fire Codes			
Distance between structures	Face of garage door to face of garage door shall have a minimum distance of 20 ft. from each other.			
	The front of structures shall be developed at a minimum of 15 ft. distance from each other.			
Exceptions to Setback Regulations	Refer to Section 20.55.101			
	Additional Development Regulations for Conventional and Alternate			
	Single-Family dwelling unit (Detached)	Two-family dwelling unit (Duplex)	Townhouse or Rowhouse	Multiple Dwelling, Mixed use, or 100% Commercial
Max. Building Height	35 ft.	35 ft.	40 ft.	45 ft.
Max. Number of Stories	2.5	2.5	3	4
Private Open Space Requirements for 100% Residential or Mixed use Development	400 sq. ft. per unit	300 sq. ft. per unit	300 sq. ft. per unit	60 sq. ft. per unit
	Minimum width for Private open space shall be 15 ft.			
Common Open Space Requirements	Mixed use Development which includes 15 or more units shall provide common open space at a minimum of 75 square feet per residential unit			
	100% Residential Development which includes 15 or more units shall provide common open space at a minimum of 100 square feet per residential unit			
Ground-Floor Commercial Regulations for 100% Commercial or Mixed use	Refer to the Citywide Design Standards and Guidelines for additional information regarding minimum frontage, height, depth, and other requirements for ground-floor commercial spaces.			
Regulations for development in Urban Villages	For development in approved Urban Village areas, refer to the Urban Village Plan for additional regulations and requirements for development standards.			
Lighting	Refer to Section 20.55.103			
Fence Regulations	Refer to Table 20-80 in Chapter 20.30 for fence regulations.			
Parking	For general parking regulations, refer to Chapter 20.90			
	Notwithstanding Section 20.90.200—Off site, alternating use and alternative parking arrangements—Vehicle or bicycle, Tandem Parking or parking lifts are permitted where the			

	<p>parking spaces serve the same unit. Uncovered parking is permitted outside of the front setback. Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another.</p> <p>Off-site parking is permitted under a single development permit using the alternate standards for development.</p>
	No unmounted camper or vehicle, other than those vehicles expressly specified and allowed under Title 17 of this Code, shall be kept, stored or parked for a period of time in excess of forty-eight consecutive hours in the front setback area of any lot or parcel containing a residential use. Such parking or storage is limited to paved surfaces.
	Front Setback and Façade Regulations for Single-family Homes
Floor level of ground floor	The finished floor level of the ground floor (1 st floor) must be within four vertical feet of the closest sidewalk. Finished floor is defined as the uppermost surface of a floor once construction has been completed and all floor finishes have been applied.
Residential Frontages facing a public right of way	Every dwelling that fronts a public street must have a door, other than a garage door, which is accessible to the street and enters a living space that is not a garage or bedroom.
	Minimum 20% clear glazing per individual ground floor of a dwelling unit
	No more than 50% of the required front setback shall be paved with asphalt, cement or any other impervious or pervious surface.
Setback to garage	Minimum 20 ft. from front property line
	No more than one curb cut per 30 ft of frontage shall be permitted.
Setback to front porch, balconies, bay windows, awnings, open patios, and stoops	Minimum 5 ft. from front property line
Setbacks from adjoining property to balconies and unenclosed stairs	Dwelling units which share property lines with property containing a single-family residence or two-family residence, that is designated as Residential Neighborhood, shall ensure that balconies, porches, or unenclosed stairs maintain a minimum setback of 15 ft. from the rear and side property line measured from the projecting face of the balcony, porch, or stairs; and shall not be located along building walls parallel to side or rear property lines.
Variation in architectural styles for development of 5	Architectural variation shall be achieved through the following criteria:

units or more under a single development permit	<u>Front Setbacks and Porches</u> 1. No more than 3 adjacent dwelling structures may be constructed with the same front setback; front setbacks must vary by at least 5 ft. 2. No more than 3 adjacent units shall have the same porch dimensions or orientation
	<u>Roof Lines</u> 1. No more than 3 adjacent dwelling unit structures may have the same angles of roof pitch, styles, or roofing materials 2. Development of 5-10 units shall have at least 3 different angles of roof pitch, styles, or roofing materials 3. Development of 11-20 units shall have at least 5 different angles of roof pitch, styles, or roofing materials 4. Development of more than 20 units shall have at least 7 different angles of roof pitch, styles, or roofing materials
	<u>Building Materials and Colors</u> 1. At least 20% of dwelling unit façades shall be composed of different building materials or colors 2. At least 50% of dwelling units shall introduce a different building material for 20% of the exterior façade.

SECTION 2. Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

Chapter 20.70
DOWNTOWN ZONING REGULATIONS

Part 2
USES ALLOWED

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.~~
- LK. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

**Table 20-140
Downtown Zoning Districts Use Regulations**

Use	Zoning District		Applicable Notes & Regulations		
	DC	DC-NT1	Additional Use Regulations for the AUA Overlay	Parking	Applicable to All Downtown Districts
Offices and Financial Services					
Automatic teller machine	P	P	P	No parking	Note a; Section 20.80.200
Business support use	P	P	P	No parking	
Financial services	P	P	P	2.5 per 1,000 sq. ft.	Note b
Retail bank	P	P	P	No parking	Note b
Offices, business and administrative	P	P	S	2.5 per 1,000 sq. ft.	Section 20.70.110
Payday lending establishment	R	R	-	No parking	Part 12.5, Chapter 20.80; Section 20.200.875
Research and development	P	P	-	2.5 per 1,000 sq. ft.	
General Retail					
Alcohol, off-sale—beer and/or wine only	C	C	C	No parking	Section 20.80.900
Alcohol, off-sale—full range of alcoholic beverages	C	C	C	No parking	Section 20.80.900
Alcohol, off-sale—as incidental to a winery, brewery, or distillery	A	A	A	No parking	Note 11; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	No parking	
Outdoor vending	A	A	A	No parking	Note b; Part 10,

					Chapter 20.80
Outdoor vending—fresh fruits and vegetables	P	P	P	No parking	Note b; Part 10, Chapter 20.80
Pawn shop or pawn broker, incidental to a retail jewelry store	C	C	C	No parking	Note b; Chapter 6.52
Retail bakery	P	P	P	No parking	
Retail art studio	P	P	P	No parking	
Retail sales, goods, and merchandise	P	P	P	No parking	Note c
Seasonal sales	P	P	P	No parking	Part 14, Chapter 20.80
Agriculture					
Certified farmers' market	S	S	S	No parking	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	No parking	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P		
Education and Training					
Day care center	P	P	P	No parking	Note b
Instructional art studios	P	P	P	No parking	
Private instruction, personal enrichment	P	P	P	1 per 360 sq. ft.	Note b
School, elementary—grades K-8 (public or private -)	C	C	C	1 per teacher and employee	Note b
School, secondary—grades 9-12 (-public or private)	C	C	C	.75 per teacher and employee and 1 per each 10 students	Note b
School, post-secondary	P	P	-	1 per 360 sq. ft.	

School, trade and vocational	P	P	P	1 per 360 sq. ft.	Note b
Entertainment and Recreation Related					
Arcade, amusement game	P	-	P	No parking	Note b
Health club, gymnasium	P	P	P	No parking	
Lighting display	A/S	A/S	A/S	No parking	Section 20.70.150
Theater, indoor	P	P	P	No parking	
Poolroom/billiards establishment	P	-	P	No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Recreation commercial/indoor	P	P	P	No parking	
Food Services					
Banquet—facility	P	P	P	No parking	
Caterer	P	P	P	No parking	Note b
Drinking establishments	S	C	S	No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-	CC	No parking	Note 5
Drinking establishments interior to a full-service hotel or motel with 75 or more guest rooms	P	P	-	No parking	Section 20.80.475
Public eating establishments	P	P	P	No parking	Note 7
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	No parking	
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	S	A	No parking	Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A	No parking	Part 5.75, Chapter 20.80

General Services					
Bed and breakfast inn	P	P	P	.35 per room	Note b; Part 2, Chapter 20.80
Hotel or motel	P	P	P	.35 per room	
Laundromat	P	P	P	No parking	Note b
Maintenance and repair of small household appliances	P	P	P	No parking	Note b
Personal services	P	P	P	No parking	Note d
Printing and publishing	P	P	P	No parking	Note b and Note f
Health and Veterinary Services					
Animal grooming	P	P	P	No parking	Note b
Animal boarding, indoor	P	P	P	No parking	Note b
Cannabis retail storefront	R	R	R	No Parking	Part 9.75Chapter 20.80
Emergency ambulance service	C	-	-	No parking	
Hospital/in-patient facility	C	-	-	1.5 per doctor	
Medical cannabis dispensary	R	R	R	No Parking	Part 9.75Chapter 20.80
Office, medical	P	P	P	No parking	Note b
Veterinarian	P	P	P	1.5 per doctor	Note b
Historic Reuse					
Historic landmark structure reuse	S	S	S	Section 20.90.220 E.	Part 8.5, Chapter 20.80
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	C	No parking	
Church/religious assembly	P	P	-	No parking	
Information center	P	P	P	No parking	
Museums and libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	S	No parking	
Recycling Uses					

Reverse vending machine	S	S	-	No parking	Part 13, Chapter 20.80
Small collection facility	S	S	-	No parking	Part 13, Chapter 20.80
Residential GP					
Residential shelter	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 Uses GP					
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	P	-	-	No parking	Note 6

incidental service or repair					
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. Repealed.~~
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 3. Part 4 of Chapter 20.70 of Title 20 of the San José Municipal Code is repealed in its entirety:

Chapter 20.70
DOWNTOWN ZONING REGULATIONS

~~Part 4 DOWNTOWN OFF-STREET PARKING REQUIREMENTS~~

~~**20.70.330 Reduction of requirement.**~~

~~In addition to exceptions provided for under Section 20.90.200 and Section 20.90.220, the following reductions in parking requirements may be made by the director:~~

~~A. The director may grant up to a fifteen percent reduction in the number of spaces required as part of the issuance of a development permit where the reduced number of spaces will be adequate to meet the parking demand generated by the project when the following findings are made:~~

- ~~1. The project has developed a travel demand management (TDM) program that provides evidence that a TDM program will reduce parking demand and identifies the percentage of parking demand that will be reduced through the TDM program. The TDM program will incorporate one or more elements of TDM including, but not limited to measures such as Ecopass, parking cash-out, alternate work schedules, ride sharing, transit support, carpool/vanpools, shared parking, or any other reasonable measures; and~~
 - ~~2. The project demonstrates 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.~~
- ~~B. For mixed-use projects, the director may reduce the required parking spaces by up to fifty percent, including any other exceptions or reductions as allowed under Title 20, upon making the following findings:~~
- ~~1. That the reduction in parking will not adversely affect surrounding projects;~~
 - ~~2. That the reduction in parking will not be dependent upon public parking supply; or reduce the surrounding public parking supply; and~~
 - ~~3. The project demonstrates 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.~~

~~C. The total parking required for a project may be reduced by up to one hundred percent as part of a development permit where public parking is provided on site as part of a public or private development project. Public parking spaces may be applied toward the parking requirements for the use, applying no more than a one-for-one standard. The finding shall be made in the development permit by the director and be based on an alternate peak use, shared parking or parking demand analysis.~~

~~D. The project will provide replacement parking either on site, off site within reasonable walking distance or pay the current in-lieu fee for the parking required if the project fails to maintain a TDM program.~~

~~**20.70.340 Increase in allowed parking.**~~

~~The director may increase the number of parking spaces allowed for a particular use as part of issuing a development permit where the allowed number of spaces will be inadequate to meet the parking demand when the following findings are made:~~

~~A. The number of parking spaces allowed is inadequate to meet the parking requirements of the individual buildings and uses;~~

~~B. The available off-site facilities are not accessible to the building or adequate for uses to be served.~~

~~**20.70.350 Tandem parking.**~~

~~A. The director may issue a development permit to allow tandem parking spaces to satisfy up to fifty percent of the required off-street parking.~~

~~B. This permit shall be issued only upon a finding, based on an adequate parking management plan, that the reconfiguration of spaces will be adequate to meet the parking demand generated by the project.~~

~~C. This finding shall be based upon a parking demand analysis which may include, without limitation, alternate peak use of parking spaces, shared parking, proximity to public transit.~~

~~20.70.360 Nonconforming prior uses.~~

~~Any structure in the downtown parking management zone legally instituted prior to April 30, 2004 shall be a legal nonconforming use for purposes of this part.~~

~~20.70.370 Enlargement, intensification or change in use.~~

~~A. Any structure which is a legal nonconforming use pursuant to Chapter 20.150 is exempted from the application of this part, except to the extent of the construction of any additional structure or enlargement of the existing structure.~~

~~B. New structures on parcels that are ten thousand square feet or less with up to thirty thousand square feet of building area do not need to provide parking.~~

~~C. Additions to structures totaling less than twenty percent of the existing structure are exempt from providing parking.~~

~~D. Additions to a historic landmark, structures in a historic district, or contributing structures to a historic district, do not need to provide parking if the addition conforms to the Secretary of Interior Historic Design Guidelines.~~

20.70.380 Amount of in-lieu fees.

~~The amount of the in-lieu off-street parking fee shall be set forth in the schedule of fees established by resolution of the city council.~~

20.70.385 In-lieu fee fund.

~~A special fund exists entitled, "The Downtown Parking Management Zone Off-Street Parking In-Lieu Fee Fund." Any in-lieu off-street parking fee collected shall be deposited in said special fund. Moneys deposited in the downtown parking management zone off-street parking in-lieu fee fund shall be expended only to acquire sites for, and/or pay costs of the construction of, public off-street parking facilities in or near the downtown parking management zone.~~

20.70.390 Preferred parking.

~~A. When payment of the in-lieu off-street parking fee has been made, the owners of the subject property may be given preference in the leasing of monthly parking spaces in city off-street parking facilities which are located within reasonable walking distance of the subject property, if such spaces are available. Such spaces may be made available on a monthly basis.~~

~~B. The number of preferential parking spaces shall not exceed the number of required off-street parking spaces for which the in-lieu fee was paid. The preferences under this section shall remain in effect for a period not to exceed twenty years from the date of the issuance of the building permit or the acceptance of the conditional use permit. The granting of these preferences, in any case, shall be at the sole discretion of the city and may be withdrawn at any time once granted.~~

20.70.395 Inconsistent provisions.

~~A. This part shall control over any inconsistent provisions of this title. All other requirements set forth in this chapter, not inconsistent with this part, shall control over any other inconsistent provisions of this title.~~

~~B. No variance or exception pursuant to Part 11 of Chapter 20.100 shall apply to any requirement specified in this part.~~

SECTION 4. Section 20.70.485 of Part 5.5 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

Chapter 20.70
DOWNTOWN ZONING REGULATIONS

Part 5.5
DOWNTOWN BICYCLE PARKING REQUIREMENTS

20.70.485 Number of bicycle parking spaces.

The number of required bicycle parking spaces shall be as set forth in Chapter 20.90 of this title, ~~except that enumerated uses in Chapter 20.70 that do not require any off-street parking for motorized vehicles shall be required to provide only two short term bicycle parking spaces, as defined in Section 20.90.050, and one long term bicycle parking space as defined in Section 20.90.050.~~

SECTION 5. Part 5.75 of Chapter 20.70 of Title 20 of the San José Municipal Code is repealed in its entirety:

**Chapter 20.70
DOWNTOWN ZONING REGULATIONS**

**Part 5.75
DOWNTOWN CLEAN AIR VEHICLE PARKING REQUIREMENTS**

20.70.490 Number of clean air vehicle parking spaces.

~~The number of required clean air vehicle parking spaces shall be as set forth in Chapter 20.90 of this title.~~

SECTION 6. A new Part 8.75, Section 20.80.680, of Chapter 20.80 of Title 20 of the San José Municipal Code is added as follows:

**Chapter 20.80
SPECIFIC USE REGULATION**

**Part 8.75
CONVERSIONS OF AN EXISTING USE TO
ANOTHER USE WITH A DIFFERENT TDM USE DESIGNATION**

20.80.680 Special use permit required.

A. In the case where no other development permit would be required, no person shall convert, in whole or in part, an existing or proposed building from one TDM Use Category as identified in Table 20-190 to a different TDM use category without a special use permit in the case of conversion to a permitted or special use in the district, or a conditional use permit in the case of conversion to a conditional use in the district, with the following exceptions:

1. No Special Use Permit shall be required if the conversion of TDM Use Category is from any other use category to the Category of Other.

2. No Special Use Permit shall be required if the conversion would otherwise be exempted from Transportation Demand Management requirements pursuant to 20.90.900.B.

B. The following requirements shall be applied by the director, or the planning commission on appeal, in granting a special use permit under this part:

1. Transportation Demand management. The project shall be subject to the requirements of Part 9 of Chapter 20.90.

SECTION 7. Sections 20.80.820, 20.80.850, 20.80.870, **20.80.880**, and 20.80.890 of Part 10 of Chapter 20.80 of Title 20 of the San José Municipal Code are amended to read as follows:

Part 10
OUTDOOR VENDING FACILITIES

20.80.820 Exception - Administrative permit.

A. Nothing in this part shall regulate or prohibit the following uses:

1. The seasonal sale of Halloween pumpkins and Christmas trees and associated greenery pursuant to this title.
2. The peddling of any product from an approved location within the sidewalk portion of a public street pursuant to Chapter 6.54 of Title 6.

3. The placement or maintenance of a newsrack within the public right-of-way pursuant to Chapter 13.18 of Title 13.
 4. The vending of beverages, goods, wares, merchandise or services for the use of an on-site business when covered by other provisions in this title.
- B. Notwithstanding the provisions of this part, no administrative permit shall be required for the placement or operation of a vending facility which solely involves the vending of whole, uncut, fresh fruits and vegetables and that meets and remains in full compliance with all of the following location and operational requirements:
1. The vendor shall attend the vending facility at all times.
 2. The vending facility shall operate only on a site with an existing fixed-base host in operation on the site.
 3. All operations shall fully comply with all federal, state and local laws, regulations and guidelines including without limitation those applicable to the vending of fresh fruits and vegetables, including without limitation the California Health and Safety Code, the California Food and Agricultural Code, and all regulations and guidelines promulgated by the State of California and the County of Santa Clara thereunder, as the same may be amended from time to time.
 4. All activities, and the duration of those activities, shall first have been approved and authorized in writing by the owner of the real property on which those activities are planned to occur. The vendor shall have this

written authorization available on-site and shall present it to the city upon the city's request.

5. The vendor shall completely remove all equipment, merchandise and other materials, including, without limitation, waste materials, from the site upon the conclusion of the vending activities, excepting such interior storage of equipment, merchandise or materials as may be allowed on the site with the permission of the owner or operator of the site.
6. The hours of operation of a vending facility shall be limited to the hours of operation of the fixed-base businesses on the fixed-base host site; however, the vending facility shall not operate, including any setup or breakdown activities, between the hours of ~~9~~10:00 p.m. and 7:00 a.m. During hours in which the fixed-base host businesses are closed, the vending facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors.
7. The vending facility shall be placed or operated only on paved surfaces and not on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.
8. The vendor shall not offer for sale or otherwise distribute any products other than whole, uncut, fresh fruit and vegetables.
9. Each vendor shall not use amplified sound for any purpose.
10. The vending facility or activities shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the site.

~~11. The vending facility shall not occupy or obstruct more than two parking spaces required by this title for the operation of any other concurrent use.~~

4211. The maximum dimensions of the vending facility shall be as follows:

- a. The maximum height of any portion of each vending facility, including any folding or collapsible appendage, shall not exceed ten feet.
- b. The maximum width of each vending facility or cart, including any folding or collapsible appendage, shall not exceed ten feet.
- c. The maximum length of each vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four feet.

4312. The vending facility shall not be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty feet from that point of intersection, measured along those curb-lines.

4413. The vending facility shall not be placed or operate less than one hundred feet from a freeway on or off ramp.

4514. The vending facility shall not be placed or operate less than twenty feet from a driveway curb cut.

~~46~~15. The vending facility shall not be placed or operate within fifty feet of an exclusively residentially used lot as measured from nearest point of vending facility to nearest point of the exclusively residentially used lot.

~~47~~16. No vending facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending facilities shall operate exclusively from vehicles or carts or other conveyances which are fully mobile and have operational wheels in place at all times. Vending facilities shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.

~~48~~17. Vending facilities shall not be located less than fifteen feet from a parcel or lot line or a public right-of-way.

~~49~~18. The vendor shall not place or utilize displays of fruits or vegetables that are detached from the vending facility or visible off-site.

~~20~~19. All signs used in conjunction with any vending facility shall comply with the requirements of Title 23 of this Code and with the following requirements:

- a. Free-standing signs shall not be allowed. All signs shall be mounted or attached to the exterior surfaces of the vending facility and shall not extend beyond the top, bottom, or side lines of the exterior surface to which it is mounted or attached. The dimensions of mounted or attached signs shall be included in measuring and calculating the maximum height, width, and length of a vending facility under Section 20.80.870.

- b. No sign shall revolve, rotate, move or create the illusion of movement, rotation, or revolution, or have any visible moving, revolving, or rotating surface parts.
- c. No sign shall be illuminated, directly or indirectly; but this restriction does not preclude the incidental illumination of such signs by service lighting needed in the conduct of nighttime operations.
- d. No signs shall emit or broadcast any sound, outcry, or noise.

2120. The vendor shall maintain the vending facility and the area around the vending facility in a clean and orderly manner that does not create a public or private nuisance. For purposes of this part, a "nuisance" shall mean any act or omission which obstructs or causes substantial inconvenience or damage to the public or any member thereof, in the course of, or by the manner of, the exercise of rights created by this title.

2221. Each vending facility shall display in a manner legible and visible to its clientele:

- a. The name and phone number of the vendor operating the vending facility;
- b. The number of the city business license issued to the vending facility; and
- c. The property owner's name and phone number.

~~2322~~. Each vendor shall have secured with the property owner of the site on which the vendor plans to operate, and prior to the commencement of any operation of the vendor, provision for all of the following services in a manner that comports with state and local laws and regulations, as the same may be amended from time to time:

- a. Refuse disposal and sufficient trash and recycling receptacles within the area of the vending;
- b. Litter removal within three hundred feet of the boundaries of the vending facility; and
- c. Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.

20.80.850 Minimum standards for vending facilities.

The following standards shall be applied by the director, or by the planning commission on appeal, in granting an administrative permit for a vending facility. The director or planning commission may impose stricter standards as an exercise of discretion, upon a finding that stricter standards are reasonably necessary in order to implement the general intent of this part and the purposes of this title. The standards for vending facilities are set forth in Table 20-170:

Table 20-170 Minimum Standards	
Height	The maximum height of any portion of a vending facility, including any folding or collapsible appendage, shall not exceed ten (10) feet.
Width	The maximum width of a vending facility or cart, including any folding or collapsible appendage, shall not exceed ten (10) feet.

Length	The maximum length of a vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four (24) feet.
Distance from Intersections	No vending facility shall be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty (30) feet from that point of intersection, measured along those curb-lines.
Distance from Streets	No vending facility shall be placed or operate at a location less than fifteen (15) feet from any street right-of-way.
Distance from Freeway Ingress and Egress Ramps	No vending facility shall be placed or operate less than one hundred (100) feet from a freeway on or off ramp.
Distance from Driveways	No vending facility shall be placed or operate less than twenty (20) feet from a driveway curb cut.
Distance from Other Vending Facilities	No vending facility shall be placed or operate within ten (10) five hundred (500) feet of another vending facility operating on private property.
<u>Maximum Number of Vending Facilities</u>	<u>Less than 25,000 Square feet: One Vending facility</u> <u>25,000-50,000 square feet: Two vending facilities</u> <u>50,000-75,000 square feet: Three vending facilities</u> <u>75,000-100,000 square feet: Four vending facilities</u> <u>100,000 and up square feet: Five vending facilities</u>
Distance from Residences	No vending facility shall be placed or operate within one-hundred fifty (150) feet of a residence- residentially zoned property a residence <u>unless the outdoor dining area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred feet that includes a public street with a minimum public right-of-way dimension of eighty feet.</u>
Paved Locations	No vending facility shall be placed or operate on a parcel or lot unless the surface is paved with asphalt, macadam or concrete a mud-free, <u>dust-free surface.</u>
Mobility of Operations	No vending facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending facilities shall operate exclusively from vehicles or carts or other conveyances which are fully mobile and have operational wheels in place at all times. Vending facilities shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.
Sanitary Facilities	Persons operating vending facilities shall have unrestrained right of access to toilet and handwashing facilities located on site within reasonable distance of the vending facility's approved location.
Setback	Vending facilities shall be located not less than fifteen (15) feet from a parcel or lot line or a public right-of-way.
<u>Parking</u>	1. Vending facilities shall not be located in or obstruct parking spaces required by this title for the operation of any other concurrent use.

	2. Vending facilities shall provide a minimum of three (3) parking spaces, located on the host site and within two hundred (200) feet of the vending facility's approved location.
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20.80.870 Signage standards.

All signs used in conjunction with any vending facility shall comply with the requirements of Title 23 and with the following requirements:

1. Free-standing signs shall not be allowed. ~~All signs shall be mounted or attached to the exterior surfaces of the vending facility and shall not extend beyond the top, bottom, or side lines of the exterior surface to which it is mounted or attached. The dimensions of mounted or attached signs shall be included in measuring and calculating the maximum height, width and length of a vending facility under Section 20.80.750.~~
2. Signage shall be mounted or attached to the exterior surface of the vending facility and shall not extend beyond the top, bottom, or side lines of the exterior surface to which it is attached. Signage mounted or attached to the vending facility does not require a separate Sign Permit. Vending facility signage shall be approved with the Administrative Permit approving the vending facility.
23. No sign shall revolve, rotate, move or create the illusion of movement, rotation or revolution, or have any visible moving, revolving or rotating surface parts.
34. No sign shall be illuminated, directly or indirectly; but this restriction does not preclude the incidental illumination of such signs by service lighting needed in the conduct of nighttime operations.
45. No signs shall emit or broadcast any sound, outcry, or noise.

20.80.880 Findings.

A. The administrative permit shall be granted only if the director makes the following findings:

1. The vending facility, as designed and at the location requested, will not create a potentially adverse impact on pedestrian or vehicular safety or interfere with or in any way impede on-site traffic circulation; and

~~2. The proposed vending facility, and at the location requested, will be compatible with the design of buildings or structures on site or in the vicinity. Compatibility is based on factors such as harmony with the architecture, color, style and design of structures on the host site and the surrounding neighborhood; and~~

~~32. The location of a proposed vending facility is not in such close proximity to another such facility or facilities as to create or contribute to a blighted condition- vehicle traffic congestion of the area which can result from compaction of such facilities; and~~

43. The proposed vending facility will not impair the landscaping required for any concurrent use by this title or any permit issued pursuant thereto; and

54. The proposed vending facility location must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable ~~will not obstruct any parking space required by this title or any permit issued pursuant thereto for any concurrent use.~~

- B. The director shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

20.80.890 Conditions of issuance.

All outdoor vending facilities must comply with the following conditions:

- A. Vending facilities coming within the definition of “mobile food preparation unit,” “vehicle,” or “temporary food facility,” as set forth in the Health and Safety Code of the State of California, Division 22, Chapter 4, Article 2, Sections 27526, 27538, and 27540, or their successor, shall, as a condition of approval for issuance of ~~a special use permit under this part~~ and an Administrative Permit for outdoor vending facility, display at all times a current health permit issued to the vendor for the vending facility by the health officer of the County of Santa Clara.
- B. As a condition of approval of an administrative permit for a vending facility, the operator of such facility shall provide to the director of planning an agreement signed by the owner of the lot or parcel, or the owner or operator of the fixed base use, if different from the owner of the lot or parcel, to provide the support facilities required by this part.
- C. A vendor shall attend the vending facility at all times.
- D. The vendor shall maintain the area around the vending facility in a clean and orderly fashion.
- E. The vending facility shall be maintained in a manner which does not create a public or private nuisance. For purposes of this part, a nuisance shall mean any

act or omission which obstructs or causes substantial inconvenience or damage to the public or any member thereof, in the course of, or by the manner of, the exercise of rights created by the grant of the administrative permit.

- F. Vending facilities shall be kept in a good state of repair and shall be maintained with surfaces which are clean and not cracked, peeling, or faded.
- G. Each vending facility shall display in a manner legible and visible to its clientele:
1. The name and phone number of the vendor operating the vending facility;
 2. The administrative permit number and date of issuance issued to the vending facility; and
 3. The ~~number of the~~ city business tax registration number license issued to the vending facility.
- H. The hours of operation of a vending facility shall be limited to the hours of operation of the fixed-base businesses on the fixed-base host site; ~~;~~ however, no vending facility shall operate during the hours from 10:00 p.m. through 6:00 a.m. During hours in which the fixed-base host site businesses are closed, the vending facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors.

SECTION 8. A new Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code is added as follows:

Part 10.5

CONVERSION OF PARKING TO OTHER OUTDOOR USES

20.80.891 Purpose.

This part regulates the conversion of previously permitted vehicular parking areas into areas designated for outdoor dining or other outdoor uses associated with an on-site business. The specific purposes of this part are to safeguard the urban environment by permitting such uses in a manner consistent with safe and efficient circulation of pedestrian and vehicles, protecting the safety of users of the outdoor areas and by protecting the integrity and character of the surrounding neighborhood, properties and uses.

20.80.892 Administrative permit required.

No person shall convert a previously permitted vehicular parking area into space designated for outdoor dining or other outdoor uses associated with an on-site use on any privately owned parcel or lot except in compliance with an administrative permit issued pursuant to this title.

20.80.893 Exception - Administrative permit.

Nothing in this part shall regulate or prohibit the following uses:

1. The conversion of existing parking to outdoor dining that does not affect on-site vehicular circulation. This may be allowed through a Permit Adjustment, pursuant to section 20.100.500.A.15.

2. The conversion of existing parking to outdoor dining that would not be in conformance with 20.40.520, 20.55.201 or 20.75.320. This conversion may only be allowed through a Special Use Permit, pursuant to Chapter 20.100, Part 7.

20.80.895 Conditions of issuance.

All conversions of parking to outdoor dining must comply with the following conditions:

1. In areas no longer used for parking, wheel stops and striping shall be removed; and
2. Circulation and drive aisles shall be modified as necessary to ensure continuous safe operation of the remaining parking and drive aisles; and
3. Seating areas shall be differentiated from parking area through grade differentials (minimum 6 inches) or permanent barriers that are architecturally consistent with the site; and
4. Driveways and curb cuts that are no longer utilized shall be removed; and
5. The existing facility must meet on-site bicycle parking requirements per Chapter 20.90, Part 2.5; and
6. A maximum of fifty (50) seats or 800 square feet (whichever is greater) may be allowed per establishment; and
7. If the dining area will include a temporary canopy larger than 700 square feet or a tent larger than 400 square feet in the outdoor dining area, it will also require a permit from the San Jose Fire Department; and

8. No amplified sound that is audible to adjacent sites with the exception of downtown. No amplified sound that is disturbing or unreasonably loud to persons on neighboring property shall be audible to adjacent sites in downtown; and
9. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

SECTION 9. Sections 20.80.1400, 20.80.1480, and 20.80.1520 of Part 16 of Chapter 20.80 of Title 20 of the San José Municipal Code are amended to read as follows:

Part 16
TEMPORARY OUTDOOR USES OF PRIVATE PROPERTY

20.80.1400 Outdoor private property special event.

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

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

2. San José Fire Department; or
3. California Department of Alcohol Beverage Control.

20.80.1480 Event permit parking limitations.

- A. Regardless of zoning district, an event permit will not be issued if the outdoor private property special event will displace more than ~~thirty (30)~~ thirty (30)-fifty (50) percent of the ~~required existing~~ parking for the existing use or uses on the site, or a maximum of ~~one hundred fifty (150)~~ two hundred fifty (250) spaces, whichever is less.
- B. This section does not apply to outdoor private property special events conducted in the downtown core area, and events at schools and church/religious assembly.

20.80.1520 Conditions for issuance of permits for outdoor private property special events.

- A. No event permit for a outdoor private property special event shall be issued unless the following conditions have been met and the applicant agrees in writing to comply with these conditions:
 1. All amusement rides, booths, tents and equipment shall be located at least twenty (20) feet from all frontage streets.
 2. The outdoor private property special event venue shall have direct vehicular access from a public street.

3. The size, configuration and location of the outdoor private property special event venue shall be suitable for the proposed number of attendees taking into account other events which are scheduled to occur during the same time period at locations in proximity to the proposed site for the outdoor private property special event.
4. The outdoor private property special event applicant has made provision for each of the following:
 - a. refuse disposal and sufficient trash receptacles within the event site;
 - b. litter removal within a three hundred foot radius of the boundaries of the event site;
 - c. scheduled maintenance of the outdoor private property special event venue during the course of the event, including removal of animal waste, if applicable;
 - d. sanitary facilities, including adequate restrooms and/or portable toilets.
5. The San José police department has approved the applicant's security and traffic plans, if applicable. The thresholds for requiring either a security or traffic plan or both shall be set forth in the regulations issued pursuant to this part.
6. The applicant shall be responsible for reimbursing the city for the direct cost of police services in the event that the outdoor private property special event requires extra police services in addition to the regular patrol

services provided in the police district in which the outdoor private property special event site is located. The criteria for assessing whether the outdoor private property special event will necessitate additional police services shall be set out in the regulations issued pursuant to this part.

7. The applicant shall be responsible for reimbursing the city for the direct cost of litter removal within a three hundred foot radius of the boundaries of the event site in the event that the applicant fails to comply with this requirement.
8. The San José fire department has approved applicant's plans for fire control devices, tents and canopies, cooking equipment, pyrotechnics and emergency vehicle access, if applicable.
9. The California Department of Alcohol Beverage Control has issued a permit for the sale of alcohol or the applicant has certified that the sale of alcohol will not occur.
10. The applicant will provide written notification of the outdoor private property special event, including time, date and description of activities to property owners within three hundred (300) feet of the outdoor private property special event site at least fourteen (14) days in advance of the first day of the event. An event permit holder who is issued a permit fewer than fourteen (14) days in advance of the first day of the event shall provide the required notice within twenty-four (24) hours following the issuance of the permit but no later than two (2) business days in advance of the first day of the event.

11. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

- B. The issuance of either a conditional use permit or a special use permit for an outdoor private property special event shall be subject to the conditions set forth in Subsection A.1. through A.9. of this section.

SECTION 10. Section 20.90.100 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

Chapter 20.90
PARKING, AND-LOADING, AND TRANSPORTATION DEMAND MANAGEMENT

Part 1
GENERAL PROVISIONS

20.90.010 Purpose.

The purpose of this chapter is to:

- ~~A. Promote adequate off-street vehicle parking and off-street vehicle loading to meet the needs generated by a specific use and promote the efficient utilization of off-street parking facilities.~~
- BA. Promote effective vehicle circulation, reduce congestion, increase safety and aesthetics within the off-street parking and off-street loading areas.
- CB. Promote proper siting of the off-street vehicle parking or off-street loading areas to ~~mitigate minimize~~ potential adverse ~~effects impacts~~ on adjacent land uses.

DC. Encourage the use of alternative modes of transportation and reduce trips by establishing standards for on-site shower and changing rooms.

ED. Ensure access and maneuverability for emergency vehicles.

FE. Encourage bicycles as an alternative mode of transportation by providing adequate, convenient, and secure bicycle parking facilities to meet the needs generated by specific uses.

F. Ensure that new development is designed to support sustainable transportation choices for residents, employees, and visitors. The provisions contained herein implement Envision San Jose 2040, and Climate Smart San Jose, state legislation including Senate Bill (SB) 743, the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the California Global Warming Solutions Act of 2006 (AB 32), the California Complete Streets Act of 2008, and Bay Area Air Quality Management District (BAAQMD) Regulation 14.

G. Reduce dependence on drive-alone trips and increase sustainable mode share to comply with the directives of SB 743, including the development of multimodal transportation system and a diversity of land uses, and applicable requirements under Bay Area Air Quality Management District (BAAQMD) Regulation 14.

H. In compliance with SB 743, mitigate the transportation impacts resulting from new development by providing sustainable, accessible, and affordable transportation options that support the journeys of people of all income levels and modal choices.

- I. Support the strong link between land use and transportation through promotion of infill development and mixed land uses that bring common destinations closer to people and make efficient use of infrastructure.
- J. Improve air quality and public health outcomes, and reduce San Jose's contribution towards climate change-through encouragement of sustainable mobility options and reduction of Vehicle Miles Traveled (VMT) and associated greenhouse gas emissions generated by driving.
- K. Advance equity, particularly in disadvantaged communities whose transportation access has been historically underserved, through the provision of safe, affordable, and accessible travel options that: connect people to jobs, services, and opportunities; improve health outcomes; and increase the resilience of environmentally impacted communities.
- L. Improve street safety and reduce transportation-related collision risks through the provision of bicycle, pedestrian, and transit infrastructure and services. Support the goal of Vision Zero to eliminate traffic fatalities and severe injuries, particularly in areas of the City with the highest incidences, which disproportionately includes disadvantaged communities.
- M. Implement a balanced transportation network by embracing Complete Streets principles of safety, comfort, and convenience for all users of the public right-of-way.

20.90.020 Applicability.

- ~~A. Every use, including a change or expansion of a use, shall provide, on site, the required off-street vehicle parking in compliance with the provisions of this chapter,~~

~~except for uses in the downtown zoning districts which are governed by Part 2 of Chapter 20.70.~~

~~B. Any building erected, constructed, or moved shall provide, on site, the minimum number of off-street vehicle parking spaces set forth in Table 20-190. No building or moving permit shall be issued for any building unless the application specifies the proposed use of the building and the building official is satisfied that adequate provision has been or will be made for the parking spaces as are required by the provisions of this title.~~

CA. Every building for which a building permit application for new square footage was submitted on or after January 1, 2011, shall provide the required bicycle parking spaces in compliance with the provisions of this chapter.

DB. Every development that creates more than five thousand square feet of outdoor uses for which a development permit application was submitted on or after January 1, 2011 shall provide the required bicycle parking spaces for the outdoor uses in compliance with the provisions of this chapter.

20.90.025 Adoption by reference.

A. This chapter incorporates by reference and adopts the objectives, criteria, and procedures for mandatory ~~vehicle and~~ bicycle parking requirements contained in the California Green Building Standards Code.

B. This title implements the mandatory ~~vehicle and~~ bicycle parking requirements of the California Green Building Standards Code. To the extent there is any conflict between this title and the mandatory parking standards contained in the California Green Building Standards Code, the mandatory bicycle parking

standards contained in the California Green Building Standards Code shall prevail whenever those standards are stricter or more restrictive than the standards set forth in this title. To the extent that the bicycle parking standards in this title are more stringent than the mandatory parking standards contained in the California Green Building Standards Code, the parking standards contained in this title shall prevail.

20.90.030 No reduction in off-street parking spaces.

- A. Off-street vehicle parking spaces existing on February 19, 2001, and/or required as a condition of any permit or approval by the City of San José, shall not be reduced in number or size without an approved development permit, or a ~~development exception~~ permit adjustment if no development permit is required, in accordance with the requirements of Chapter 20.100.

- B. Off-street bicycle parking spaces existing on December 31, 2010 and/or required as a condition of any permit or approval by the City of San José shall not be reduced in number or size without an approved development permit in accordance with the requirements of Chapter 20.100.

~~**20.90.040 Spaces for one use only.**~~

~~An off-street vehicle parking space for one use shall not be considered to provide a required off-street parking space for any other use except in the case of an alternating use in accordance with Section 20.90.200.~~

20.90.050 Definitions.

For the purposes of this Chapter 20.90, the following definitions apply:

- A. "Off-street vehicle parking space" means the area, other than a public street, public way, or other public property, (and exclusive of off-street loading spaces) permanently reserved or set aside for the parking of one automobile or other motor vehicle or clean air vehicle under one and one-half ton capacity, together with and plus maneuvering areas as are hereinafter specified in this title; and whenever in this title the unmodified term "parking space" is used it shall, unless the context clearly requires otherwise, be construed as meaning off-street vehicle parking space.
- B. "Number of employees" means the greatest number of employees who are or may be on the premises associated with a specific use during any one working shift or period of time of the day or night, as determined by the director of planning.
- C. "Full-time employee" means the total number of hours all employees spend on the parcel during the peak eight-hour occupancy period of the parcel divided by eight hours.
- D. "Floor area" shall mean eighty-five percent of the "total gross floor area" of the building.
- E. "Total gross floor area" shall mean the sum of the gross horizontal areas of the several floors of the building, (including floors below as well as above ground), confined within the interior faces of the exterior walls of the building. A party wall between buildings shall be deemed an exterior wall of each of the buildings of which it is a part.

~~F. "Open parking" is any vehicle parking facility provided, other than within a one-car or two-car garage, and includes carports and open parking floors within~~

~~buildings, when said parking floors include circulation and backout aisles to serve vehicle parking spaces within them.~~

~~G. "One-car garage" or "two-car garage" is a fully enclosed vehicle parking facility, accessible and securable by a vehicle door, and intended for the storage of one or two (or more) passenger vehicles, respectively, belonging only to the occupants of a single living unit. No required vehicle parking space in excess of two parking spaces shall be located within a fully enclosed parking facility intended to serve a single living unit.~~

HE. "Long-term bicycle parking facilities" are secure bicycle storage facilities for tenants or occupants of a building or development that fully enclose and protect bicycles and may include:

1. A covered, access-controlled enclosure such as a fenced and gated area with short-term bicycle parking facilities;
2. An access-controlled room with short-term bicycle parking facilities; and
3. Individual bicycle lockers that securely enclose one bicycle per locker.

HG. "Short-term bicycle parking facilities" mean bicycle facilities accessible and usable by visitors, guests or business patrons and may include:

1. Permanently anchored bicycle racks;
2. Covered, lockable enclosures with permanently anchored racks for bicycles;

3. Lockable bicycle rooms with permanently anchored racks; and
4. Lockable, permanently anchored bicycle lockers.

JH. "Clean air vehicles" means any combination of low-emitting, fuel efficient, and carpool or van pool vehicles.

I. "Home-End Uses (HEU)" are uses whose parking demand and VMT are largely determined by vehicle ownership rates and use frequency among the residents of these uses.

J. "Commute-End Uses (CEU)" are uses whose parking demand and VMT are largely determined by the volume of commuters driving to jobs generated by these uses.

K. "Visit-End Uses (VEU)" are uses whose parking demand and VMT are largely determined by the volume of visitors driving to access goods, services, and social connection provided through these uses.

L. "Other Uses (OTH)" are uses that typically generate moderate or minimal personal automobile parking demand and/or are typically minimally responsive to TDM mitigation efforts.

M. "TDM Use Category" defines which category a specific land use falls under to determine the applicable TDM strategies than can be applied.

N. "TDM Coordinator" is the designee of the City Manager that acts to review, monitor and enforce TDM requirements.

- O. “Point Target” means a number of points calculated based on the applicable Level and amount of parking proposed for the Project. The Point Target determines the total points a project shall achieve by implementing selected TDM Strategies.
- P. “Transportation Demand Management”, or “TDM” means a program that includes incentives, services, policies, and physical improvements aimed at reducing drive-alone trips and Vehicle Miles Traveled (VMT). TDM encourages sustainable travel such as, but not limited to, public transit, bicycling, walking, and carpooling/vanpooling. TDM also includes strategies that reduce the need for trips altogether, such as telecommuting for work trips, and land use strategies that increase access to destinations. The City of San Jose’s TDM Program is the set of regulations, requirements, processes, and implementation strategies set forth in this ordinance and the City of San Jose Transportation Analysis Handbook.
- Q. “Transportation Demand Management Plan Compliance Documentation”, or “TDM Plan Compliance Documentation” means documentation provided by the property owner, no sooner than the Project has received a certificate of occupancy, to the TDM Coordinator demonstrating continued compliance with the Project’s approved TDM Plan, including maintenance of all TDM Strategies. TDM Plan Compliance Documentation shall be provided on an annual basis unless it is waived by the TDM coordinator pursuant to the provisions of this ordinance and the TDM Program Guidelines.
- R. “Transportation Demand Management Monitoring Report”, or “TDM Monitoring Report” means annual monitoring data that provides a reasonable sample period of travel characteristics, including but not limited to the percentage of modes of

travel to and from the site and parking hour utilization. The TDM Monitoring Report shall be provided on an annual basis unless it is waived by the TDM Coordinator pursuant to the provisions of this ordinance and the TDM Program Guidelines.

S. “Transportation Demand Management Plan”, or “TDM Plan” means a Project’s documentation, including a site plan and/or other documentation, that describes the TDM Strategies the project will implement in order to comply with the TDM Ordinance for the Project site as approved by the Director of Planning, Planning Commission or City Council.

T. “Transportation Demand Management Program Standards”, or “TDM Program Standards” means the City of San Jose’s Standards that contain details of the TDM Program goals and benefits, processes, point targets, TDM Strategies, evaluation and reporting, and technical justifications. These program standards are contained within Chapter 5 of the City of San Jose’s Transportation Analysis Handbook.

U. “Transportation Demand Management Strategy”, or “TDM Strategy” means a programmatic and/or physical strategy that aims to reduce drive-alone trips and/or VMT, and/or encourages sustainable mobility in a way that meets the intent of this Ordinance. TDM Strategies are assigned a point value and are listed in the TDM Program Standards.

V. “User-Defined TDM Strategy” means a TDM Strategy that is not currently listed in the TDM Program Guidelines and is proposed by an applicant for inclusion in a Project’s TDM Plan. A proposed User-Defined TDM Strategy shall aim to reduce drive-alone trips and/or VMT, and/or encourage sustainable mobility options in a

way that meets the intent of this Ordinance. A User-Defined TDM Strategy shall be approved through the process outlined in Section 20.90.925.

W. "Project" for the purposes of Chapter 20.90, means any building, group of buildings, or use which is permitted or the use is authorized through a single development permit or ministerial permit.

X. "High Quality Transit Area" are within one half mile of a high-quality transit corridor or major transit stop. A high-quality transit corridor is defined in the California Public Resources Code, Section 21155(b) as may be amended. A major transit stop is defined in the California Public Resources Code, Section 21064.3 as may be amended.

Y. "Vehicle Miles Travelled (VMT)" as defined by City Council Policy 5-1.

20.90.060 ~~Number of p~~ Parking spaces required.

A. ~~Number of Off-Street Vehicle Spaces Required.~~

~~1. All parking requirements in Table 20-190 are minimums unless otherwise specified. Each land use shall provide, on site, at least the minimum number of vehicle parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.~~

~~2. All required parking shall be made available to residents, patrons and employees of a use on the site.~~

- ~~31.~~ All vehicle parking spaces ~~shall~~ may be any combination of sizes as set forth in Section 20.90.100, with the exception that no more than 40% of the spaces may be designated as small car spaces. ~~standard size spaces as set forth in Section 20.90.100. Alternatively, a development permit may:~~
- ~~a. Authorize all off-street vehicle parking spaces to be uniform size car spaces, as set forth in Section 20.90.100; or~~
- ~~b. Allow up to forty percent of the off-street vehicle parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required vehicle off-street parking spaces shall be standard car space as defined in Section 20.90.100.~~
- ~~4. If the number of off-street vehicle parking spaces hereinafter required contains a fraction after all parking is totaled, such number shall be rounded to the nearest higher whole number.~~
- ~~5. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing vehicle off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.~~
- ~~6. The minimum number of vehicle off-street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which vehicle off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which vehicle off-street parking requirements are specified shall apply.~~

~~7. When two or more uses are located in the same lot or parcel of land or within the same building, the number of vehicle off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses or exceptions.~~

B. Number of Bicycle Parking Spaces Required.

1. The minimum number of bicycle parking spaces required for uses permitted under this title is set forth in Table 20-190.
2. Except as otherwise expressly permitted in this chapter, the minimum number of bicycle parking spaces required under this title shall be provided on private property on a parcel or development site in an area, other than a public street, public way, or other public property, permanently reserved or set aside for bicycle parking spaces.
3. A minimum of two short-term bicycle parking spaces and one long-term bicycle parking space shall be provided for each site that has a nonresidential use set forth in Table 20-190.
4. If the number of bicycle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.

5. When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that

portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage or other criteria in the table, at least eighty percent of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty percent shall be provided in long-term bicycle facilities.

Table 20-190
Bicycle Parking Spaces Required by Land Use and TDM Land Use Categorization

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required	<u>TDM Use Category</u>
Agriculture and Resource Uses				
Agriculture and Resource Uses	1 per employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Drive-Through Uses				
Drive-through in conjunction with any use	No additional parking required		None	N/A
Education and Training				
Day care center	1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (includes employee parking)	Note 6	1 per 10 full-time employees and children	<u>CEU</u>
Instructional studios	1 per 150 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Private instruction, personal enrichment	1 per 3 students, plus 1 per staff	Note 6	1 per 10 students and full-time employees	<u>VEU</u>
School- elementary (K - 8)	1 per teacher, plus 1 per employee	Note 6	1 per 10 full-time employees plus 6 per classroom	<u>CEU</u>
School- secondary (9 - 12)	1 per teacher, plus 1 per employee, plus 1 per 5 students	Note 6	1 per 10 full-time employees plus 10 per classroom	<u>CEU</u>

School, post-secondary	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom	<u>CEU</u>
School, trade and vocational	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom	<u>CEU</u>
Entertainment and Recreation				
Arcade, amusement game	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Batting cages	1 per station, plus 1 per employee	Note 6	1 per 10 full-time employees plus one per 6 stations	<u>VEU</u>
Bowling establishment	7 per lane	Note 6	1 per 2 lanes	<u>VEU</u>
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 10 tees	<u>OTH</u>
Golf course	8 per golf hole, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 2 golf holes	<u>OTH</u>
Health club, gymnasium	1 per 80 sq. ft. recreational space	Note 6	1 per 1,600 sq. ft. of recreational space	<u>VEU</u>
Miniature golf	1.25 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 6 tees	<u>VEU</u>
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220 E.	1 per 4,000 sq. ft. of floor area	<u>VEU</u>
Poolroom/billiards establishment	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats on the premises, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area	<u>VEU</u>

			developed for recreational purposes	
Recreation, commercial (indoor)	1 per 80 sq. ft. of recreational area; for uses requiring reservation, appointments, or classes with limited attendance, 1 per 3 guests, plus 1 per staff;	Note 6	1 per 1,600 sq. ft. of recreational area; for uses requiring reservation, appointments, or classes with limited attendance, 1 per 10 guests;	<u>VEU</u>
Recreation, commercial (outdoor)	20 per acre of site	Note 6	2 per acre of site	<u>VEU</u>
Relocated cardroom	1 per 40 sq. ft. of area devoted to card games	Note 6	1 per 800 sq. ft. area devoted to card games	<u>VEU</u>
Skating rink	1 per 50 sq. ft. of floor area	Note 6	1 per 1,000 sq. ft. of floor area	<u>VEU</u>
Swim and tennis club	1 per 500 sq. ft. of recreation area	Note 6	1 per 5,000 sq. ft. of recreation area	<u>VEU</u>
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	Note 6	1 per 45 seats in theaters with 1-3 screens; 1 per 50 seats with 4+ screens	<u>VEU</u>
Motion picture theatre, outdoor	1 per 300 sq. ft.	Note 6	1 per 3,000 sq. ft.	<u>VEU</u>
Theaters, auditoriums, sports arenas, and stadiums- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of area used for assembly	Note 6	1 per 60 fixed seats on the premises, plus 1 per 100 linear feet of fixed benches, or 1 per 450 sq. ft. of area used for assembly	<u>VEU</u>
Food Services				
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 6	1 per 50 seats or 1 per 800 square feet of dining area, whichever requires the greater	<u>VEU</u>

			number of parking spaces	
Caterer	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces	<u>OTH</u>
Commercial kitchen	1 per 250 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area	<u>OTH</u>
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces	<u>VEU</u>
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3, Note 6	1 per 800 sq. ft. of area open to the public	<u>VEU</u>
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 for seats over 25	Note 6	1 space per 50 seats	<u>VEU</u>
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces	<u>VEU</u>
Take-out only establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3, Note 6	1 per 750 sq. ft. of area open to the public	<u>VEU</u>
Taproom or tasting room	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of drinking area, whichever requires	<u>VEU</u>

	greater number of parking spaces		the greater number of parking spaces	
Winery, brewery, or distillery with a taproom or tasting room	1 per 300 sq. ft. of floor area. And a minimum of 2 for warehouses with a total gross floor area under 5,000 square feet; a minimum of 5 for warehouses with a total gross floor area between 5,000 sq. ft. and 25,000 sq. ft.; for warehouses in excess of 25,000 sq. ft. of total gross floor area a minimum of 1 per 5,000 sq. ft. of gross floor area or a fraction thereof	Note 3, Note 6	1 per 300 sq. ft. of floor area and 1 per 10 full-time employees	<u>OTH</u>
General Retail				
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter 20.80, Note 6	1 per 4,000 sq. ft. of floor area	<u>VEU</u>
Food, beverages, and groceries	1 per 200 sq. ft. of sales area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Nursery, plant	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Open air sales establishments and areas	1 per 200 sq. ft. of sales area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80, Note 6	2 parking spaces	<u>VEU</u>
Pawn shop/broker	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Retail sales, goods and merchandise	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3, Note 6	1 per 4,000 sq. ft. of floor area	<u>OTH</u>
Retail art studio	1 space per 200 sq. ft. of retail area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Sales, appliances, industrial	1 per 1,000 sq. ft. of floor area	Note 6	1 per 10,000 sq. ft. of floor area	<u>OTH</u>

equipment, and machinery				
Neighborhood shopping center (minimum 100,000 sq. ft. in size), includes a mix of permitted, special, and conditional uses	1 per 225 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a development permit	<u>VEU</u>
Neighborhood shopping center (minimum 20,000 sq. ft. in size), includes a mix of permitted, special, and conditional uses	1 per 200 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a development permit	<u>VEU</u>
General Services				
Bed and breakfast inn	2 spaces, plus 1 per guest room, plus 1 per employee	Note 6	1 per space plus 1 per 10 guest rooms	<u>CEU</u>
Crematory	1 per full-time employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Dry cleaner	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Hotel or motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220 C., Note 6	1 space plus 1 per 10 guest rooms	<u>CEU</u>
Laundromat	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Messenger services	1 per 200 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area	<u>OTH</u>
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>VEU</u>
Mortuary, excluding funeral services	1, per full-time employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>

Personal services	1 per 200 sq. ft. of floor area	Note 3	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Photo processing and developing	1 per 200 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	Note 6	1 per 5,000 sq. ft. of floor area	<u>OTH</u>
Social service agency	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area	<u>VEU</u>
Health and Veterinary Services				
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	Note 6	1 per 10 full-time employees	<u>VEU</u>
Animal grooming	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Emergency ambulance station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Hospital/in-patient facility	1 per 2.5 beds	Note 6	1 per 25 beds	<u>CEU</u>
Office, medical	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area	<u>VEU</u>
Veterinary clinic	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area	<u>VEU</u>
Industry				
Commercial support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area	<u>VEU</u>
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area	<u>OTH</u>
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Hazardous waste facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>

Industrial services	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area	<u>OTH</u>
Junkyard	1 per employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Laboratory	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area	<u>CEU</u>
Manufacturing and assembly, light, medium, heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 5,000 sq. ft. of floor area	<u>OTH</u>
Miniwarehouse/ministorage	1 per 5,000 sq. ft. of floor area, plus 1 per resident manager	Note 4, Note 6	1 per 10 full-time employees	<u>VEU</u>
Outdoor storage	1 per employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Private power generation	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Research and development	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft.	<u>CEU</u>
Stockyard, including slaughter	1 per employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Warehouse	A minimum of 2 for warehouses with a total gross floor area under 5,000 square feet; a minimum of 5 for warehouses with a total gross floor area between 5,000 sq. ft. and 25,000 sq. ft.; for warehouses in excess of 25,000 sq. ft. of total gross floor area a minimum of 1 per 5,000 sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees	<u>OTH</u>
Warehouse retail	Minimum 1 per 2,000 sq. ft. of floor area; maximum 1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees	<u>VEU</u>
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 20,000 sq. ft. of floor area	<u>OTH</u>
Offices and Financial Services				

Automatic teller machine (free standing)	2 per machine	Note 6	1 per 10 machines	<u>VEU</u>
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area	<u>VEU</u>
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area	<u>VEU</u>
Offices, general business	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area	<u>CEU</u>
Offices, research and development	1 per 300 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area	<u>CEU</u>
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	Note 6	1 per 4,000 sq. ft. of floor area	<u>CEU</u>
Public, Quasi-Public and Assembly Uses				
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Church/religious assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship	<u>VEU</u>
Community television antenna systems	1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Museums and libraries	1 per 300 sq. ft. of area open to the public	Note 6	1 per 4,000 sq. ft. of floor area open to the public	<u>VEU</u>
Parks and playgrounds	1 per 500 sq. ft.	Note 6	1 per 5,000 sq. ft. of outdoor recreation space	<u>VEU</u>
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without	<u>VEU</u>

	or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes		seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Recycling Uses				
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Small collection facility	1 per attendant	Note 6	1 per 10 full-time employees	<u>VEU</u>
Residential				
Co-living community with shared full kitchen facilities	.25 per bedroom	Note 7	Long-term - .25 spaces per bedroom. Except for buildings containing over 100 bedrooms, 25 long-term spaces plus .20 long-term spaces for every bedroom over 100. Short-term 2 spaces for every 100 bedrooms	<u>HEU</u>
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220 G.	1 per 5,000 sq. ft. of floor area	<u>HEU</u>

Guesthouse	1 per guest room, plus 1 per each employee	Note 6	1 per 10 guest rooms plus 1 per 10 full-time employees	<u>HEU</u>
Live/work	No additional parking required above what is required for commercial use parking	Note 6	1 per 5,000 sq. ft. of floor area	<u>HEU</u>
Living quarters, custodian, caretakers	1 per living unit	Note 6	1 per 10 living units	<u>HEU</u>
Mixed-use/ground floor commercial with residential above	Respective commercial and residential parking requirements combined above	Note 6		
Multiple dwelling	See Table 20-210 and Table 20-211, required parking is determined by the type of parking facility and the number of bedrooms		See Table 20-210 and Table 20-211 <u>1 per 4 living units</u>	<u>HEU</u>
One family dwelling	2 covered	Note 5 and Section 20.90.220-B, Note 9	None	<u>HEU</u>
Residential care or service facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220-G.	1 per 10 full-time employees	<u>CEU</u>
SRO facilities within 2,000 ft. of public transportation		Note 6	1 per SRO unit	<u>HEU</u>
SRO residential hotels	.25 per SRO unit			<u>CEU</u>
SRO living unit facilities with	.25 per SRO unit			<u>HEU</u>

shared kitchen and bathroom facilities				
SRO living unit facilities with partial or full kitchen and bathroom facilities	1 per SRO unit			<u>HEU</u>
SRO facilities not within 2,000 ft. of public transportation	1 per SRO unit	Note 6	1 per SRO unit	<u>HEU</u>
Sororities, fraternities, and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	Note 6	1 per guest room plus 1 per 10 full-time employees	<u>HEU</u>
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit		None	<u>OTH</u>
Travel trailer parks	1 per employee	Note 6	1 per 10 full-time employees	<u>OTH</u>
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		None	<u>HEU</u>
Transportation and Utilities				
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 square	Note 6	1 per 5,000 sq. ft. of office/meeting/technician work space,	<u>OTH</u>

	feet of floor area, or fraction thereof, devoted to computer equipment space		plus 1 for each 50,000 sq. ft. of floor area, or fraction thereof devoted to computer equipment space	
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	Note 6	1 per 5,000 sq. ft. of space devoted to office use	<u>OTH</u>
Wireless communication antenna	1 per site	Note 6	1 per site	<u>OTH</u>
Vehicle Related Uses				
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees	<u>VEU</u>
Auto broker, w/on-site storage	See Vehicle sales and leasing	Note 6	1 per 10 full-time employees	<u>CEU</u>
Auto dealer, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees	<u>CEU</u>
Car wash	1 per employee, plus stacking as follows: self service—5 cars per lane full service—15 cars (may be in multiple lanes)	Note 2, Note 6	1 per 10 full-time employees	<u>VEU</u>
Fuel service station or charge station, no incidental service or repair	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees	<u>VEU</u>
Fuel service station or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees	<u>VEU</u>

Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees	<u>VEU</u>
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees	<u>VEU</u>
Sale or lease of vehicles	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay	Note 6	1 plus 1 per 10 full-time employees	<u>VEU</u>
Exclusively indoors sales	1 per 200 sq. ft.	Note 6	1 plus 1 per 10 full-time employees	<u>VEU</u>
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	Note 6	1 plus 1 per 10 full-time employees	<u>VEU</u>
Sale, vehicle parts	1 per 200 sq. ft. of floor area	Note 6	1 plus 1 per 10 full-time employees	<u>VEU</u>
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 plus 1 per 10 full-time employees	<u>VEU</u>
Tow yard	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees	<u>OTH</u>
Vehicle wrecking, including sales of parts	1 per employee	Note 6	1 per 10 full-time employees	<u>OTH</u>

Notes:

- ~~1. A covenant of easement is required when multiple parcels are involved.~~
- ~~2. Stacking shall be calculated at twenty feet per car.~~
- ~~3. Parking for uses of this type located within a Neighborhood Business District or an Urban Village and meeting all of the requirements set forth in Section 20.90.220 C. may be reduced as specified in Section 20.90.220 G.~~
- ~~4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220 F. may be reduced as specified in Section 20.90.220 F.~~
- ~~5. Covered parking may include carports or garages.~~

6. ~~When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage or other criteria in the table, at least eighty percent of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty percent shall be provided in long-term bicycle facilities.~~

Table 20-200
Two-Family Dwelling

Living Unit Size	Type of Parking Facility		
	All-Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.5	2.0
1 Bedroom	1.5	2.0	2.0
2 Bedroom	2.0	2.0	2.0
3 Bedroom	2.0	2.0	2.0
Each Additional Bedroom	0.25	0.25	0.25

Table 20-210
Multiple Dwelling

Living Unit Size	Type of Parking Facility			
	All-Open Vehicle Parking	One-Car Garage	Two-car Garage	Bicycle Parking ¹
0 Bedroom (Studio)	1.25	1.6	2.2	1 per 4 living units
1 Bedroom	1.25	1.7	2.3	1 per 4 living units
2 Bedroom	1.7	2.0	2.5	1 per 4 living units
3 Bedroom	2.0	2.2	2.6	1 per 4 living units
Each Additional Bedroom	0.15	0.15	0.15	1 per 4 living units

~~Note 1: Bicycle parking spaces shall consist of at least sixty percent long-term and at most forty percent short-term spaces.~~

~~Notwithstanding the provisions of Table 20-210, off-street parking for multiple dwellings in the pedestrian oriented zoning districts shall conform to the requirements of Table 20-211.~~

**Table 20-211
Multiple Dwellings in the Pedestrian Oriented Zoning Districts**

	Vehicle Parking Spaces	Bicycle Parking Spaces
Minimum required spaces ⁴	1.25 per living unit <u>N/A</u>	1 per living unit
Maximum required spaces	2.0 per living unit	None

~~Note 1: If tandem vehicle parking is provided, any residential unit utilizing tandem parking shall have a parking requirement of two vehicle parking spaces.~~

**~~Table 20-215
Clean Air Vehicles
For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:~~**

Total Number of Parking Spaces	Clean Air Vehicle Parking Spaces
0—9	0
10—25	1
26—50	3
51—75	6
76—100	8
101—150	11
151—200	16
201+	At least eight percent of total

20.90.064 Parking and Vehicle Storage Requirements.

- A. For uses that have company vehicles, parking spaces shall be provided for all company vehicles. In the case of vehicle rental facilities, parking spaces shall be provided for a minimum of 25% of vehicle inventory. These parking spaces may be provided off-site but shall not occur in a public or private right of way.
- B. For uses that include a vehicle work station such as auto repair and/or detailing, a vehicle storage area shall be provided to allow a minimum of four vehicles per vehicle work station. This area can be in either a conventional or tandem configuration.
- CE. Existing residential uses that were permitted or deemed legal prior to November 10, 1965 shall maintain, at minimum, their parking per their original approved development permit or original legalized configuration (with the exception of single family residences).

SECTION 11. Part 2 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 2
PARKING SPACE REQUIREMENTS

20.90.100 Off-street vehicle parking space design standards.

- A. All off-street parking spaces shall conform to the design requirements set forth in Table 20-220.
- B. Off-street parking spaces for small cars shall be marked as such.

- C. Notwithstanding the provisions of this section, the approving person or body pursuant to the provisions of this title may allow reduction of the minimum width of certain twenty-~~six~~four-foot aisles on a site to not less than twenty feet, provided such reduction will not impair the safe and convenient accessibility of the parking spaces affected thereby, and the safety of the site, as otherwise provided in this section.
- D. EV and Clean Air Vehicle parking shall be provided per San Jose Municipal Code Title 24 or California Green Building Standards Code, whichever is greater. Parking stall spaces for clean air vehicles that are required per Table 20-215 shall have the following characters painted with the paint used for stall striping such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE".

**Table 20-220
Design Requirements - Off-Street Vehicle Parking Spaces**

	Angle of Off-Street Parking Space from wall, curb or fence (Parking Angle in Degrees)				
	90	60	45	30	0
Minimum Width of Parking Space (feet)					
Full-size car spaces	9	9	8.5	8.5	8
Small car spaces	8	8	8	8	8
Uniform-size car spaces	8.5	8.5	8.5	8.5	8
Length of Space (feet) ^{Note 1}					
Full-size car spaces	18	19.8	18.7	16.4	22
Small car spaces	16	17.6	16.6	14.6	20
Uniform-size car spaces	17	18.7	17.7	15.5	21
Minimum width of one-way aisle (feet)					
Full-size car spaces	20	16	15	14	12
Small car spaces	20	16	15	14	12
Uniform-size car spaces	20	16	15	14	12

Minimum width of two-way aisle (feet)	26-24	26-24	26-24	26-24	26-24
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Note 1: Length of space means the minimum distance measured at right angles, from wall, curb, or fence, to nearest edge of aisle (length of stall perpendicular to aisle). In locations that have a curb, two feet of overhang may be included towards the length provided that all accessibility standards are met.

20.90.110 Maintenance.

All off street parking spaces and associated facilities, including curb directional markings, disabled symbols, landscaping, signs, striping, and wheel stops, and other facilities, shall be permanently maintained by the property owner in good repair, free of litter and debris, potholes, obstructions and stored materials.

20.90.120 Setbacks.

- A. No off-street vehicle parking space or off-street loading space shall be located within any side or front setback area required by other provisions of this title unless otherwise explicitly allowed or the director finds that the location of the off-street vehicle parking space or off-street loading space within the front or side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required. Uncovered parking for single family homes may be provided in the front or side setback provided that front yard paving limitations of Section 20.30.440 are met.
- B. No setback for any vehicle parking area consisting of six or more parking spaces located in, or adjoining, any residential district shall be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel, unless the director finds that the location of the off-street vehicle parking space or

off-street loading space within the front setback or corner side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required.

- C. In the main street districts, the following additional provisions shall apply:
1. At-grade parking that is not fully enclosed within a building shall be set back fifty feet or more from the main street, except that an interim off-street parking establishment in conformance with the requirements of Table 20-156 may be located within fifty feet of the main street.
 2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of five feet from any minor or major cross street, which setback area shall be landscaped and shall be maintained in good condition at all times.
 3. If at-grade parking that is not fully enclosed within a building includes six or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are directly opposite any lot in a residential zoning district by a masonry wall or solid wood fence no less than five feet in height.
 4. At grade parking areas not located within a structure shall include one tree for every four parking spaces.
 5. Parking structures shall not be located within fifty feet of the main street unless they are submerged below grade or are integrated within buildings that conform to the active commercial building frontage requirements of Section 20.75.130.

- D. Parking that is required under Section 20.30.150.I shall not be subject to subsection A. above.

20.90.130 Driveways.

Each off-street vehicle parking space shall be provided with:

- A. A driveway not less than ten feet wide for ingress and egress; and
- B. A maneuvering area, such as an aisle or driveway, of appropriate dimension and design to provide safe and efficient means of entry and exit by automobiles and other motor vehicles; and
- C. For all lots with a one-family dwelling use, ~~unless otherwise provided in this title,~~ in which a driveway is provided, such driveway must be not less than eighteen (18) feet long measured at its shortest side, unless otherwise provided in this title.
- D. Notwithstanding any other provisions of this title, in a main street district, driveways providing vehicular access to a main street shall be no more than twenty feet in width at the minimum building setback line, except that the decision-maker may approve a wider driveway through a development permit based on a finding that greater width is needed to accommodate loading or other truck access.
- E. Primary vehicular access for a corner lot in a main street district shall not be provided from the main street frontage.

20.90.140 Surfacing of uncovered off-street parking spaces.

The surface of all uncovered off-street vehicle parking spaces and aisles shall be treated or paved and maintained in such a manner as to provide a mud-free and dustless surface. When vehicle parking facilities having six or more parking spaces are paved with concrete, asphalt or other similar material, each vehicle parking space shall be defined by means of painted white lines. Such vehicle parking spaces shall be provided with drainage facilities adequate to dispose of all surface water accumulated within the vehicle parking area and shall be designed in conformance with current city policy related to post- construction storm water quality control.

SECTION 12. Part 2.5 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 2.5
BICYCLE PARKING REQUIREMENTS

20.90.190 Bicycle parking space design standards.

- A. For the purpose of this section, "bicycle parking facilities" shall refer to long-term and short-term bicycle parking facilities as defined in Section 20.90.050.
1. All bicycle parking spaces provided shall be on a hard and stable surface.
 2. All bicycle parking facilities shall be securely anchored to the surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.

3. All bicycle parking facilities shall support bicycles by at least two contact points on the bicycle to prevent the bicycle from falling over and to prevent damage to wheels, frame, or other components.
4. All bicycle parking facilities within vehicle parking areas shall be separated by a curb or other physical barrier to protect bicycles from damage by automobiles and other moving vehicles.
5. Short-term bicycle parking facilities are subject to and shall meet all the following requirements:
 - a. The facilities shall be located at least three feet away from any wall, fence, or other structure.
 - b. When multiple short-term bicycle parking facilities are installed together in sequence, they shall be installed at least three feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.
 - c. The facilities shall be installed in a clear space at least two feet in width by six feet in length to allow sufficient space between parked bicycles.
 - d. Permanently anchored bicycle racks shall be installed to allow the frame and one or both wheels of the bicycle to be securely locked to the rack.

- e. The facilities shall meet the minimum dimensions for bicycle parking spaces listed in Table 20-190. The standard required bicycle space is 2 feet wide, 6 feet long and 4 feet tall.
 - f. There must be at least 5 feet clear space to access all bicycle parking spaces and allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
6. The following information must be submitted with applications for an applicable building permit for new square footage or development permit:
- a. Location, access route, and number of both short-term and long-term bicycle parking spaces;
 - b. The model or design of the bicycle parking facilities to be installed;
 - c. Dimensions of all aisles and maneuvering areas; and
 - d. Information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

20.90.195 Bicycle parking space location.

- A. Short-term bicycle parking facilities that consist of permanently anchored bicycle racks shall be located in a convenient, highly visible and well lighted area within twenty feet of a building entrance and within view of pedestrian traffic.

- B. Short-term bicycle parking facilities that consist of: covered, lockable enclosures with permanently anchored racks for bicycles; or lockable bicycle rooms with permanently anchored racks; or lockable, permanently anchored bicycle lockers shall be located in a convenient, highly visible and well-lighted area within one hundred feet of a common publicly accessible building entrance and within view of pedestrian traffic.
- C. Long-term bicycle parking facilities for tenant and occupant use shall be conveniently accessible by pedestrians from the street and located within one hundred feet of building entrances accessible by tenants and occupants.

D. If bicycle parking is not visible from the main building entrances, a sign must be permanently posted at the main entrances, including public and employee entrances, indicating the location of the bicycle parking.

SECTION 13. Sections 20.90.200, 20.90.210, and 20.90.220 ~~and 20.90.250~~ of Part 3 of Chapter 20.90 of Title 20 of the San José Municipal Code are ~~amended to read~~ hereby repealed as follows:

**Part 3
EXCEPTIONS**

~~**20.90.200 Off-site, alternating use and alternative parking arrangements – Vehicle or bicycle.**~~

- ~~A. The following off-street parking arrangements may be permitted with a special use permit in accordance with Chapter 20.100:~~

- ~~1. Parking facilities on a lot other than the lot occupied by the building or use which they are required to serve where the lots are not contiguous or there is no recordation of a cross-access easement with reciprocal parking.~~
 - ~~2. Alternating use of common parking facilities where certain uses generate parking demands during hours when the remaining uses are not in operation (for example, if one use operates during the day time or on weekends and the other use operates at night or on weekdays).~~
 - ~~3. Parking facilities which accommodate the required number of spaces in an alternative parking design.~~
- ~~B. In addition to any other findings required for a special use permit, the director, or planning commission on appeal, may approve such off-street parking facilities arrangements only upon making the following findings:~~
- ~~1. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in this Chapter 20.90 of this title;~~
 - ~~2. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use; and~~
 - ~~3. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.~~

~~C. As a condition precedent to approving such off-street parking facilities arrangements, the director, or planning commission on appeal, shall require:~~

~~1. Satisfactory statements and evidence by the parties involved in the parking arrangement describing the nature of the use or uses, the timing of demand for such parking, if applicable, and the provisions which are to be made to meet the specific parking requirements under this title.~~

~~2. Such other documents, agreements, commitments, and such other evidence as is deemed necessary in each case.~~

~~D. The director may issue a site development permit rather than a special use permit to allow tandem parking spaces on-site to satisfy up to fifty percent of the required number of off-street parking spaces when all of the following criteria are met:~~

~~1. This site development permit may be issued only upon a finding, based on an adequate parking management plan, that the reconfiguration of spaces will be adequate to meet the required number of off-street parking spaces generated by the project.~~

20.90.210 Vehicle parking – Change in structure or use.

~~A. No structure constructed, or use instituted, prior to November 10, 1965 shall be required to meet the off-street parking requirements of this title unless there is a substantial change in the structure or in the use of the structure or land.~~

~~For purposes of this section, "change" means any enlargement, conversion or alteration in structure or use. A "substantial change" means more than a forty~~

~~percent difference between (a) and (b), as follows: (a) the number of parking spaces required under current Code for the structure or use, as the structure or use existed on November 10, 1965, and (b) the number of parking spaces required under the current Code for the proposed structure or use. [Substantial change: $b - a = c$, if $c/a > .40$ (40%)]~~

~~1. If the change is not a substantial change, no additional off-street parking is required.~~

~~2. If the change is a substantial change, the current off-street parking requirements shall apply to the entire structure or use.~~

~~B. Except as provided by section for the downtown parking management zone, any structure constructed after November 10, 1965 which is changed shall be required to meet and maintain the off-street parking requirements for the entire structure or use.~~

~~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.~~

~~**20.90.230 Off-street parking assessment district.**~~

~~A. Whenever the city council has undertaken proceedings for the formation of an off-street parking assessment district, the city council may, by resolution, exempt~~

~~the territory within such district from the off-street parking requirements set forth in this Chapter 20.90, or modify such requirements as appropriate.~~

~~B. No such exemption or modification of the off-street parking requirements may be approved unless and until the off-street parking assessment district has been formed.~~

~~C. The city council may at any time, by resolution, terminate any such exemption or modification if the council determines that the purposes of the off-street parking assessment district will not be achieved.~~

SECTION 14. Part 4 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows

Part 4

MOTORCYCLE TWO-WHEELED MOTORIZED VEHICLE PARKING STANDARDS

20.90.300 Purpose.

The purpose of this part, in keeping with the purpose of this chapter, is to promote effective circulation, reduce congestion, a means for alternative transportation and increase safety and aesthetics through ~~minimum~~ off-street ~~motorcycle two-wheeled motorized vehicle~~ parking requirements.

20.90.305 Definition.

~~For the purpose of this Part, a two-wheeled motorized vehicle is defined as any two-wheeled motorized vehicle that is licensed by the Department of Motor Vehicles and intended for travel on public streets.~~

20.90.350 Minimum motorcycle Two-wheeled motorized vehicle parking spaces required.

- A. The minimum number of motorcycle parking spaces required for uses permitted under this title is set forth in Table 20-250. Two-wheeled motorized vehicle parking shall be provided at a rate of 2.5% of standard vehicle parking provided, except for multi-family residential uses when the multi-family uses are located in buildings that have individual enclosed garages assigned to each multi-family dwelling unit. Any fractional amount is rounded up. No two-wheeled motorized vehicle parking spaces are required if ten or less vehicle parking spaces are provided.
- B. ~~A minimum of three motorcycle parking spaces shall be provided for each use set forth in Table 20-250.~~
- C. ~~No motorcycle parking shall be required for car washes, boarding kennels and other uses as deemed appropriate.~~

**Table 20-250
Motorcycle Parking Spaces**

Use	Required Motorcycle Parking Spaces
Warehouse	1 motorcycle space for every 10 code required auto parking spaces
General industrial	1 motorcycle space for every 50 code required auto parking spaces
Office, research and development	1 motorcycle space for every 50 code required auto parking spaces
Multi-dwelling	1 motorcycle space per 4 units
Group living	1 motorcycle space per 20 residents
Commercial	1 motorcycle space per 20 code required auto parking spaces

Commercial outdoor recreation	1 motorcycle space per 20 code required auto parking spaces
Arena (major event entertainment)	1 motorcycle space per 20 code required auto parking spaces
Community services	1 motorcycle space per 15,000 sq. ft.

20.90.360 Location.

~~Motorcycle Two-wheeled motorized vehicle~~ parking facilities shall be located in a convenient, highly visible and well lighted area to minimize theft and vandalism, generally within fifty feet of a building entrance, adjacent to ~~handicap accessible~~ parking and within view of pedestrian traffic.

20.90.370 Motorcycle Two-wheeled motorized vehicle parking design standards.

- A. Surfacing of ~~motorcycle two-wheeled motorized vehicle~~ parking provided shall conform to the provisions of Section 20.90.140.
- B. ~~Motorcycle Two-wheeled motorized vehicle~~ parking spaces shall be a minimum of three feet in width and six feet in length.
- C. ~~Motorcycle Two-wheeled motorized vehicle~~ parking facilities within auto parking areas shall be separated by a physical barrier to protect ~~motorcycles two-wheeled motorized vehicles~~ from damage by automobiles and other moving vehicles. Barriers include curbs, wheel stops or other similar features.

SECTION 15. Part 8 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows

Part 8

ALUM ROCK VILLAGE AND ARENA AREA PARKING MANAGEMENT PARKING MINIMUMS

20.90.800 Alum Rock Village parking management zone -- Creation.

~~An Alum Rock Village parking management zone is hereby established, said zone comprising those certain real properties shown upon that certain map of the Alum Rock Village parking management zone dated March 20, 2001, and, as of that date, consisting of those certain assessor parcel numbers, all shown on those certain attachments to Ordinance No. 26325 adopted by the city council on April 3, 2001.~~

20.90.810 Alum Rock Village Exemption for street level uses.

~~Street level uses located on real properties subject to Section 20.90.060 of this title and within the Alum Rock Village parking management zone shall be exempt from all parking requirements under this title, subject to the provisions of Section 20.90.830.~~

20.90.820 Change in use -- Special use permit.

~~Any change in use of a legal nonconforming structure, as that term is defined in this title, shall remain exempt from the parking requirements of this title pursuant to Section 20.90.810, but shall require the approval of a special use permit by the director pursuant to the provisions of Part 7 of Chapter 20.100 of this title.~~

20.90.830 Change in use -- Off-street parking required.

~~Any change in use at street level is exempt from requirements to provide additional off-street parking under this title unless the total amount of parking that would be required for the proposed new use under this title exceeds twice the parking requirement of the same floor area if it were a retail use as calculated using Table 20-190 (one space/two~~

~~hundred square feet of net floor area). If the parking requirement for the proposed new use exceeds twice the parking requirement of the retail equivalent for off-street parking, the new use shall not be exempt from and shall be subject to the parking requirements under this title.~~

~~**20.90.840 No reduction in off-street parking spaces.**~~

~~Off-street parking spaces existing on May 3, 2001 and/or required as a condition of any permit or approval by the City of San José shall not be reduced in number or size, without an approved development permit in accordance with the requirements of Chapter 20.100 of this title. In considering any reduction in the number of off-street parking spaces, the director shall find that there is no overall net loss of off-street parking spaces within the Alum Rock Village parking management zone.~~

20.90.800 - Parking Minimums.

Notwithstanding other provisions of this section, any and all minimum parking requirements shall remain in effect, as described below, for those certain real properties: (a) within a radius of one-half (½) mile from the main south entrance of the arena, which is presently known as the SAP Center and located at 525 W. Santa Clara Street, San Jose, California, as further defined in the Second Amended and Restated San Jose Arena Management Agreement by and between the City of San Jose and San Jose Arena Management, LLC entered into on August 15, 2018, as amended by a First Amendment dated December 14, 2018, as again amended by a Second Amendment dated June 8, 2021, and as may be further amended from time to time (AMA); and, (b) as defined in the Development Agreement by and between the City of San Jose and Google, LLC entered into on May 25, 2021 under Ordinance No. 30610, as may be amended from time to time, (Google DA) related to the development of property located

in the Diridon Station Area Plan recorded in the Santa Clara Clerk-Recorder's Office on June 15, 2021 as Document No. 24996882, as may be amended from time to time (DSAP).

All office uses located within the above-described areas shall maintain a minimum parking requirement of 1 space per 1,000 square feet of floor area. This requirement may be reduced to 0.65 spaces per 1,000 square feet of floor area if the parking is publicly accessible.

SECTION 16. A new Part 9 of Chapter 20.90 of Title 20 of the San José Municipal Code is added as follows:

Part 9
TRANSPORTATION DEMAND MANAGEMENT

20.90.900 Applicability.

A. Applicability. The City shall not issue a Development Permit, Ministerial Permit, Building Permit, or a Certificate of Occupancy that is not in compliance with the requirements of this Part.

B. Exemptions. The following Projects are exempt from the requirements of this Part 9 of Chapter 20.90:

1. Any work on an existing building or structure which does not result in an increase in floor area, except for a project that involves a change of use where the proposed use is defined as a different TDM use category pursuant to Table 20-190 and where the modified square footage qualifies as a Level 1 or Level 2 project pursuant to Table 20-260.

2. Projects in which the new floor area constructed consists of:
 - a. Fewer than 16 single-family detached housing units; or
 - b. Fewer than 26 units of all other home end uses except for single-family detached housing units; or
 - c. 10,000 square feet or less of any combination of commute end uses; or
 - d. 100,000 square feet or less of any combination of visit end uses; or
 - e. 30,000 square feet or less of any combination of other uses; or
 - f. fewer than 99 guest rooms, or suites of rooms, in a hotel; or
 - g. fewer than 9,000 seats or 250,000 square feet, whichever is greater, in any arena, stadium, or theater; or
 - h. fewer than 250 students in any charter or private school.

3. Projects that require a development permit pursuant to Chapter 20.100 or a Ministerial Approval pursuant to Chapter 20.195 for which an application has been deemed complete by the City pursuant to Government Code Section 65943 or Government Code 65941.1(a) (unless exceptions are triggered per Government Code § 65589.5(o)) prior to the effective date of Part 9 of Chapter 20.90, except for where the project is modified subsequent to the determination of completeness where such

modifications would change the use categorization per Table 20-260, or if the project applicant elects to use the standards of this Chapter.

4. Projects where a Planned Development Zoning has been effectuated prior to the approval date of this ordinance.
5. Projects that provide 100% restricted affordable units, excluding unrestricted manager units that are;
 - a. Deed restricted by a public entity for a period not less than 55 years for rental units and 45 years for for-sale units to low-income residents (earning 80 percent or less of the Area Median Income) and;
 - b. Are developed at a minimum density of 35 DU/AC and;
 - c. Are located in a High Quality Transit Area

20.90.905 Requirement for Transportation Demand Management Plan.

Except for projects exempted in 20.90.900.B, all projects shall submit a “Transportation Demand Management Plan”, or “TDM Plan” (defined in section 20.90.050.S) at time of initial application for a development permit or ministerial permit. The development permit or ministerial permit shall not be deemed complete until the TDM Plan is submitted. No development permit or ministerial permit shall be issued that does not meet the requirements of this part.

The point value of the TDM Strategies selected for the TDM Plan shall add up to or exceed the Project's required Point Target. Table 20-255 shows the Point Target range by Project Level and TDM use category. The TDM Program Guidelines describe the Point Target calculation and a menu of qualified TDM Strategies with corresponding point values. The points target calculation shall be determined as part of the development permit approval along with a TDM plan.

20.90.910 Standards.

A. Project Requirements. Throughout the lifetime of the Project, the Project will maintain TDM Strategies, selected from the TDM Program Guidelines, sufficient to achieve the required Point Target per Table 20-255. The lifetime of the Project shall mean until such time as the Project is demolished, or such time as the Project is added to or replaced with a new Project that is subject to the requirements of this Part. The Project shall:

1. Applicants shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the project. A TDM Plan may be modified at the discretion of the TDM Coordinator pursuant to Section 20.90.910.C. No- Building Permit shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.

a. Implement the TDM Strategies in the Project's approved TDM Plan throughout the lifetime of the Project.

b. The owner of a property, or their designee, that contains a project subject to a TDM Plan pursuant to this Section shall submit

annually to the TDM Coordinator a TDM Plan Compliance Documentation that includes:

i. Documentation showing maintenance of the TDM Strategies in the Project's approved TDM Plan.

ii. Upon five consecutive years of a Project submitting timely TDM Plan Compliance Documentation demonstrating compliance with the TDM Program, the annual TDM Plan Compliance Documentation requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.

c. In addition to the above, for Level 2 Projects, as pursuant to Table 20-250, the property owner shall submit annually to the TDM Coordinator a TDM Monitoring Report that includes:

i. A travel survey as described in the TDM Program Standards.

ii. Parking data as described in the TDM Program Standards.

iii. Upon five consecutive years of a Project submitting timely TDM Monitoring Reports demonstrating compliance with the TDM Program, the annual TDM Monitoring Report requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.

d. Level 2 projects shall install available technology to collect ongoing on-site trip count and parking data and submit to the TDM

Coordinator no less than once a year. The technology shall be approved by the TDM Coordinator to ensure compatibility with City monitoring methods.

B. Requirement to Reduce Trips for Level 2 Projects. All Level 2 projects are subject to trip reductions pursuant to the requirements of the TDM Program Standards. If the project is not meeting these trip reduction requirements, the TDM coordinator shall require modifications to the TDM plan or the project will be subject to enforcement pursuant to 20.90.920.

C. Project Levels and TDM targets. Requirements are scaled to the size and scope of a Project and have corresponding requirements as defined in Subsection 20.90.910.A. There are two Project Levels as defined in Table 20-250. The Level applied to a Project consisting of an addition or change of use is based on the new floor area or the number of residential units contained in the newly constructed floor area or total floor area subjected to the change of use.

<u>TABLE 20-250: PROJECT LEVEL THRESHOLDS</u>		
<u>Use Category</u>	<u>Level 1</u>	<u>Level 2</u>
	<u>If a project meets ANY of the criteria below, it is classified in Level 1</u>	<u>If a project meets ANY of the criteria below, it is classified in Level 2.</u>
<u>Home End Uses</u>	<u>16-299 dwelling units</u>	<u>300+ dwelling units</u>
<u>Commute End Uses</u>	<u>10,000-149,999 sf of gross floor area</u>	<u>150,000+ sf of gross floor area</u>

<u>Visit End Uses</u>	<u>100,000-249,999 sf of gross floor area</u>	<u>250,000+ sf of gross floor area</u>
<u>Other Uses</u>	<u>30,000 sf or more of gross floor area</u>	<u>300,000 + sf of gross floor area</u>
<u>Special Uses</u>	<u>hotel/motel with 150-249 guest rooms, or suites of rooms</u>	<u>hotel/motel with 250+ guest rooms, or suites of rooms</u>
	<u>school, college, or university (which requires building permits from City of San Jose) with 250 or more students</u>	<u>N/A</u>

<u>TABLE 20-255: PROJECT REQUIREMENTS</u>				
<u>Project Level</u>	<u>Point Target for HEU/VEU/CEU Uses</u>	<u>Point Target for Other Uses</u>	<u>TDM Plan and Annual TDM Plan Compliance Documentation</u>	<u>TDM Monitoring Report</u>
<u>Level 1 Projects</u>	<u>25 Points</u>	<u>5 Points</u>	<u>Required</u>	<u>Not Required</u>
<u>Level 2 Projects</u>	<u>25 Points</u>	<u>5 Points</u>	<u>Required</u>	<u>Required</u>

20.90.912 TDM Plan Modifications

A. TDM Plan Modifications. Any modifications to an approved TDM Plan require submission of a revised TDM Plan for approval. A TDM Plan shall comply with the Transportation Demand Management Program Standards version in effect at the time of submission of the modification, unless otherwise specified by state law, and include TDM Strategies that achieve the property's Point Target.

1. Administrative Permit. An administrative permit, subject to Chapter 20.100, part 10 may be issued to modify an approved TDM plan when the modifications to the TDM plan are only to programmatic TDM strategies that were not specifically conditioned in the development permit.

- a. The administrative permit shall be issued only if the changes to the TDM strategies in the TDM plan will meet or exceed the point target for the existing use at time of submittal of the administrative permit.
2. Development Permit or Permit Amendment. If the modification to the approved TDM Plan is to a TDM strategy that was a condition of approval of the original a project, a new development permit or permit amendment must be submitted to modify the TDM Plan.
3. In all cases, the Covenant and Agreement running with the property shall be updated to reflect the modified TDM plan.

20.90.915 Administration.

- A. Content of the TDM Standards chapter in the San Jose Transportation Analysis Handbook. Upon enactment of this Ordinance, the San Jose Department of Transportation shall establish, maintain and update the TDM Standards, and other necessary components of the TDM Program outlined in this Section. The TDM Program Standards shall be consistent with the purposes of this Part and each other. The TDM Program Standards shall include the following:
 1. TDM Program overview
 2. TDM point targets by Project Level and parking supply (see Table 20-257);
 3. TDM Strategies and their associated point values;
 4. TDM compliance and monitoring reporting requirements; and

5. The technical justification for assigned point values for each TDM strategy.

B. Updates to TDM Program Standards. The TDM Program Standards shall be reviewed and updated periodically, as deemed appropriate by the San Jose Department of Transportation, to:

1. Provide feasible options to applicants to meet program goals and outcomes; and

2. Reflect best practices, emerging technologies, and/or respond to lessons learned from monitoring and evaluation.

3. Any changes to the TDM Program Standards that are inconsistent with the provisions of this Chapter shall require an amendment to this Chapter in order for said changes to be effective.

C. Effect of Updates on Project Requirements. Projects shall meet all requirements of the TDM Program Standards version in effect at the time when submitting their first TDM Plan at the time the development permit or ministerial permit is deemed complete, including but not limited to the designated Point Target and available TDM Strategies. If the Department of Transportation updates the TDM Program Standards subsequent to the date the applicant submitted a TDM Plan, the applicant may elect to have their Project be subject to all requirements of the current version of the TDM Program Standards by submitting a revised TDM Plan for approval.

D. Parking Supply TDM Point Value. The below table outlines the amount of TDM points a project receives based on its location and parking supply.

<u>TDM Points</u>	<u>TABLE 20-257 – PARKING SUPPLY TDM POINT VALUE</u>					
	<u>Downtown</u>		<u>High-Quality Transit Areas</u>		<u>Other Areas</u>	
	<u>Home-End (space per dwelling unit)</u>	<u>Commute-End/ Visit-End (per 1,000 square feet)</u>	<u>Home-End (space per dwelling unit)</u>	<u>Commute-End/ Visit-End (space per 1,000 square feet)</u>	<u>Home-End (space per dwelling unit)</u>	<u>Commute-End/ Visit-End (space per 1,000 square feet)</u>
<u>20</u>	<u>0-0.75</u>	<u>0-1.00</u>	<u>0-1.24</u>	<u>0-1.50</u>	<u>0-1.40</u>	<u>0-2.00</u>
<u>18</u>	<u>.76-.84</u>	<u>1.01-1.20</u>	<u>1.25-1.37</u>	<u>1.51-1.80</u>	<u>1.41-1.57</u>	<u>2.01-2.30</u>
<u>16</u>	<u>.85-.93</u>	<u>1.21-1.40</u>	<u>1.38-1.50</u>	<u>1.81-2.10</u>	<u>1.58-1.74</u>	<u>2.31-2.60</u>
<u>14</u>	<u>.94-1.02</u>	<u>1.41-1.60</u>	<u>1.51-1.63</u>	<u>2.11-2.40</u>	<u>1.75-1.91</u>	<u>2.61-2.90</u>
<u>12</u>	<u>1.03-1.11</u>	<u>1.61-1.80</u>	<u>1.64-1.76</u>	<u>2.41-2.70</u>	<u>1.92-2.08</u>	<u>2.91-3.20</u>
<u>10</u>	<u>1.12-1.20</u>	<u>1.81-2.00</u>	<u>1.77-1.89</u>	<u>2.71-3.00</u>	<u>2.09-2.25</u>	<u>3.21-3.50</u>
<u>8</u>	<u>1.21-1.29</u>	<u>2.01-2.20</u>	<u>1.90-2.02</u>	<u>3.01-3.30</u>	<u>2.26-2.42</u>	<u>3.51-3.80</u>
<u>6</u>	<u>1.30-1.38</u>	<u>2.21-2.40</u>	<u>2.03-2.15</u>	<u>3.31-3.60</u>	<u>2.43-2.57</u>	<u>3.81-4.10</u>
<u>4</u>	<u>1.39-1.47</u>	<u>2.41-2.60</u>	<u>2.16-2.28</u>	<u>3.61-3.90</u>	<u>2.58-2.74</u>	<u>4.11-4.40</u>
<u>2</u>	<u>1.48-1.56</u>	<u>2.61-2.80</u>	<u>2.29-2.41</u>	<u>3.91-4.20</u>	<u>2.75-2.91</u>	<u>4.41-4.70</u>
<u>1</u>	<u>1.57-1.65</u>	<u>2.81-3.00</u>	<u>2.42-2.54</u>	<u>4.21-4.50</u>	<u>2.92-3.08</u>	<u>4.71-5.00</u>
<u>0</u>	<u>1.66+</u>	<u>3.01+</u>	<u>2.55+</u>	<u>4.51+</u>	<u>3.09+</u>	<u>5.01+</u>

Note: Table 20-257 does not apply to projects with a TDM Use Category of “OTH.”

20.90.920 Compliance and Enforcement.

A. The TDM Coordinator shall be responsible for enforcing continual compliance with the requirements of the TDM Program, as outlined below.

1. A property owner shall allow City staff access to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone, and/or digital surveys with residents, tenants, employees, and visitors. City staff shall provide advance notice of request for access.
 2. No building, grading, demolition, foundation, use of land or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a Project that is not in compliance with the requirements of the TDM Program.
 3. Failure to maintain one or more TDM Strategies is a violation of this Code.
 4. For Level 2 projects, failure to submit the TDM Monitoring Report by December 31st following the designated appropriate deadline of one year from the issuance of the Certificate of Occupancy is a violation of this Code.
- B. Any violation of this Part shall be punishable by an administrative citation in accordance with the procedures set forth in Chapter 1.15 of Title 1 of this Code relating to the issuance of administrative citations, imposing of administrative fines, right to appeal, and the right to an administrative hearing.
- C. The amounts of the fines for violations imposed pursuant to this Part shall be set forth in the schedule of fines established by resolution of the City Council.
- D. A violation of this Part is also enforceable through all other civil and administrative remedies available to the City.

20.90.925 User-Defined TDM Strategy.

A. Alternative Compliance. An applicant may apply for a User-Defined TDM Strategy as an alternative to those contained in the menu of TDM Strategies in the TDM Program Standards. This process shall be incorporated into the initial development permit or ministerial permit. The decision-making authority shall be the official or body designated to approve that development entitlement or ministerial permit. In the case where the applicant elects to replace an approved TDM plan with a user defined TDM strategy and no other development or ministerial permit would be required, the Director of Planning or the Director's designee, in consultation with the TDM Coordinator, shall have initial decision-making authority to approve a User-Defined TDM Strategy, with an appeal to the City of San Jose Planning Commission in accordance with the procedures set forth in Section 20.100.220. of this Code. An applicant may request such approval by submitting an application for a "Special Use Permit" as set forth in Section 20.100.800 of this Code.

B. Findings. The Director's determination shall include written findings in support of the decision. In order to grant approval of the User-Defined TDM Strategy, the Director must find that:

1. The proposed alternative is consistent with the purpose and intent of the applicable standards in that the User-Defined TDM Strategy is expected to reduce drive-alone trips and/or VMT to or from the project site; and
2. The proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of the applicable standards in that the amount of drive-

alone trips and/or VMT reduced as a result of the strategy is commensurate with other strategies that are assigned to have the same value of points in the TDM Program Guidelines.

C. Conditions. The Director shall impose conditions binding on the applicant to secure substantial compliance with the goals and purposes of this ordinance, including such conditions as necessary to ensure that:

1. The applicant commits in an enforceable agreement that runs with the land to monitor the effectiveness of the User-Defined TDM Strategy to encourage alternatives to drive-alone trips;
2. The applicant shall submit to the TDM coordinator all monitoring data, with monitoring metrics and frequency to be determined at the discretion of the TDM coordinator; and
3. The applicant commits to a substitute strategy of commensurate effectiveness (a strategy assigned equal or more points) if the User-Defined TDM Strategy is terminated for any reason.

SECTION 17. Section 20.100.500 of Part 4 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 4
ADJUSTMENTS**

20.100.500 Adjustments.

A. The director may, at the director's sole discretion, approve an adjustment for the following elements of a previously-issued development permit, subject to and in accordance with the provisions of this section:

1. General Extensions. An extension of the term of an approved development permit for a period of up to but not exceeding one year; provided, that no more than two such term extensions may be approved for any development permit.
2. Changes to an approved development permit, but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a development permit.
4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing planned development permit, site development permit, or a low density cluster permit issued under previously existing provisions of this title.
5. Building mounted wireless communications antenna.

6. Tract sales, model homes sales, or leasing offices associated with an approved housing development.
7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
8. Solar photovoltaic systems.
9. The creation, on or above ground through installation, construction, or replacement, of less than one gross acre of impervious surface.
10. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
11. Building additions of less than five thousand square feet in area to nonresidential buildings, except that the maximum building addition size for a fast food restaurant, a twenty-four-hour convenience market, or a convenience market with gas pumps shall be one thousand square feet in area and the maximum building addition to a bank with a drive through shall be three thousand square feet in area.
12. Generators meeting performance standards for noise and air pollution.
13. Above-ground storage tanks of two thousand gallons or less in zoning districts other than industrial zoning districts and an above-ground storage tank of twenty thousand gallons or less in an industrial zoning district.

14. Building additions of less than two hundred square feet in total area or less than ten percent of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.

15. The conversion of on-site vehicle parking to landscaping or outdoor seating (maximum 50 seats) in conformance with 20.40.520 and 20.55.201.H as long as the site meets minimum on-site bicycle parking requirements, and

a. In areas no longer used for parking, wheel stops and striping shall be removed; and

b. Seating areas shall be differentiated from parking area through grade differentials (minimum 6 inches) or permanent barriers; and

c. A maximum of fifty (50) seats or 800 square feet (whichever is greater) may be allowed per establishment; and

d. Outdoor dining area only replaces parking spaces and does not affect drive aisles; and

e. Must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of

issuance, including without limitation the city's general plan, the provisions of this title, and the provisions of Title 21 of this Code.

- C. An application for an adjustment must be filed on the form provided by the director on or before the date that is three business days prior to the expiration of the development permit proposed for adjustment and accompanied by the fees as set forth in the schedule of fees adopted by resolution of the city council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an adjustment or to require the director to issue an adjustment. If the director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.
- E. Where property was developed prior to the requirement of a site development permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full site development permit.
- F. If a structure or site is designated on the City of San José Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code as a city landmark structure and/or a structure located in a city landmark historic district, then proposed work that is within the parameters outlined in Section 13.48.340 D. of Part 3 of Chapter 13.48 of Title 13 of this Code shall be governed by and considered pursuant to the provisions of Chapter 13.48 that require issuance of a historic preservation permit or historic preservation permit adjustment. Notwithstanding the provisions of this Section 20.100.500 setting forth the requirements for development permit adjustments, no additional development

permit adjustment issued pursuant to Title 20 of this Code shall be required for work performed on a site or structure that is designated as a city landmark structure, or on a structure located in a city landmark historic district, for which a historic preservation permit or historic preservation permit adjustment has been issued.

SECTION 18. Section 20.100.630 of Part 5 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 5
SITE DEVELOPMENT PERMITS

20.100.630 Findings.

- A. In addition to any other findings required by any other section of this title, the director, the planning commission, or city council, as set forth in Table 20-260, shall grant the site development permit after review of project design, only if all of the following findings are made:
1. The site development permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.
 2. The site development permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

3. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.
 4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
 5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
 6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
 7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.
 8. Traffic ~~access, and~~ pedestrian access ~~and parking~~ are adequate.
- B. The director, the planning commission, or the city council, as set forth in Table 20-260, shall deny the application where the information submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 19. Section 20.100.720 of Part 6 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 6
CONDITIONAL USE PERMITS

20.100.720 Findings.

A. In addition to any findings required by any other section of this title, the planning commission, or the city council, may issue a conditional use permit only after finding that:

1. The conditional use permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans and area development policies; and
2. The conditional use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and
3. The conditional use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and
4. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or

- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, ~~parking and~~ loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
 6. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
 - b. By other public or private service facilities as are required.
 7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- B. The planning commission, or the city council, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 20. Section 20.100.820 of Part 7 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 7
SPECIAL USE PERMITS

20.100.820 Findings.

- A. In addition to any findings required by any other section of this title, the director, planning commission or city council as appropriate, may issue a special use permit only if all the following findings are made:
1. The special use permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies; and
 2. The special use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and
 3. The special use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and
 4. The proposed use at the location requested will not:
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or

- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety, or general welfare; and
 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, ~~parking and~~ loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and
 6. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
 - b. By other public or private service facilities as are required.
 7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- B. The director, planning commission, or city council as appropriate, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 21. Sections 20.100.1240, 20.100.1250 and 20.100.1260 of Part 10 of Chapter 20.100 of Title 20 of the San José Municipal Code are amended to read as follows:

Part 10
ADMINISTRATIVE PERMIT

20.100.1240 Display of permit.

- A. A copy of the permit issued hereunder shall be conspicuously posted on a window, door, or other appropriate location of the business premises in a manner visible to the public at all times. The permit shall notify the public that any complaints with regard to the use authorized by such permit may be reported to the director.

- B. Notwithstanding Subsection A. above, a permit for a utility structure does not need to be displayed. However, the permit number, or other mutually agreeable identification system, shall be permanently displayed on a readily visible location on the structure.

- C. Notwithstanding Subsection A. above, a copy of the permit issued for an unattended collection container shall be conspicuously displayed in a publicly visible location on the unattended collection container.

- D. Notwithstanding Subsection A. above, a permit for a tap room and tasting room, conversion of parking to outdoor dining or TDM Plan Modification does not need to be displayed.

20.100.1250 Term.

- A. A permit issued pursuant to this part shall be initially issued for a period of up to three years, except that a permit for an unattended collection container shall be initially issued for a period of up to one year. Whenever a permit is reissued, it may be granted for a period of up to five years, except that a permit reissued for an unattended collection container shall be issued for a period of up to one year. The applicant shall submit an application for a new permit term at least fifteen days prior to the expiration of the term of any permit issued hereunder.
- B. Notwithstanding Subsection A. above, a permit for a utility structure, tap room and tasting room, conversion of parking to outdoor dining or TDM Plan Modification shall have no time limit.

20.100.1260 Nontransferability.

- A. A permit issued hereunder may not be transferred or reassigned.
- B. Notwithstanding subsection A. above, a permit for a utility structure, tap room and tasting room, conversion of parking to outdoor dining or TDM Plan Modification may be transferred.

SECTION 22. Sections 20.150.020, 20.150.060 and 20.150.070 of Part 1 of Chapter 20.150 of Title 20 of the San José Municipal Code are amended to read as follows:

***Chapter 20.150
NONCONFORMING USES***

***Part 1
GENERAL PROVISIONS***

20.150.020 General provisions.

- A. A legal nonconforming use may be continued indefinitely, but if such use is discontinued or abandoned for a period of six months or more, it shall thereafter conform to the provisions of this title, unless the nonconforming use is reinstated with issuance of a special use permit in accordance with Chapter 20.100.
- B. A legal non-conforming structure may continue to be used or replaced as follows:
1. The restoration and/or replacement of a legal nonconforming structure wholly or partially destroyed by a catastrophic event or sudden cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure is permitted.
 2. Failure to apply for a building permit within nine months of destruction or failure to begin construction within three months of the issuance of a building permit shall be deemed to be discontinuation or abandonment of the use pursuant to subsection A.
 3. The building or structure, as restored, shall not occupy any portion of the lot or parcel not occupied by the building or structure when such destruction occurred unless the building or structure as restored will comply with all development regulations prescribed by this title for the district in which the lot or parcel is situate.

4. No building or structure shall be restored pursuant to this section unless all development and building permits required for new conforming uses in the district in which the use is located have been secured.
5. Irrespective of where the building or structure, as restored, is located on the lot or parcel:
 - a. It shall not have a greater floor area than the building or structure contained when such destruction occurred; and
 - b. It shall not exceed the height of nor the number of stories contained in the building or structure at the time of such destruction; and
 - c. The ~~off-street parking spaces and~~ off-street loading spaces situate on the lot or parcel at the time of such destruction shall not be diminished in number or size.
- C. Any legal nonconforming use or structure which is enlarged, altered, converted, or changed, as provided in this chapter, is subject to the parking requirements of Section 20.90.210 regarding any change in use.

20.150.060 Nonconforming structure - Expansion and enlargement.

~~A.~~ Any legal nonconforming structure, the use of which is not legal nonconforming, may be expanded upon such land only upon issuance of and in compliance with a site development permit in accordance with the applicable development standards of the zoning district said structure is in. Nothing in this provision permits the further diminution of an existing nonconforming development standard except as otherwise provided for in this title.

~~B. Structures that do not conform to the current parking requirements are subject to the parking requirements of Section 20.90.210 regarding any change in use.~~

20.150.070 Change of use.

- A. For the purposes of this section, a "change in use" shall be defined as a change from one enumerated use to a different enumerated use as set forth in Tables 20-30, 20-50, 20-90, 20-110 and 20-140.
- B. A legal nonconforming use may be changed to another nonconforming use of a like nature upon issuance of and in compliance with a special use permit, provided such use is not subject to a conditional use permit or special use permit under any other provisions of this title. Any enlargement made in conjunction with such change must conform to the provisions of this chapter.
- C. Two uses are of "like nature" when the director determines that they are treated in essentially the same manner for all purposes under this title and that the new use will not create an increase in such impacts as traffic, ~~parking~~ or noise. The "like nature" determination shall be made as part of the consideration of a special use permit as provided in this title.
- D. Where a lot or parcel which contains a legal nonconforming use also contains a conforming use, the existing conforming use may be changed to another conforming use only upon a finding that such proposed conforming use is compatible with such legal nonconforming use in terms of architecture as well as use. Such determination of compatibility shall be made as part of the consideration of any site development permit, conditional use permit, or special use permit required for such change by other provisions of this Code. If no such

permits are required, such change in use shall be made only upon the issuance of and in compliance with a special use permit as provided in this title.

SECTION 23. Section 20.180.440 of Part 3 of Chapter 20.180 of Title 20 of the San José Municipal Code is amended to read as follows:

Chapter 20.180
MOBILEHOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR TO ANY
OTHER USE

Part 3
MOBILEHOME PARK CONVERSIONS TO OWNERSHIP

20.180.440 Development standards.

To achieve the purposes of this chapter, mobilehome park conversion to ownership projects shall conform to the following development standards:

- ~~1. The off-street parking requirements shall be one and one-half parking spaces for each mobilehome lot. One such space per mobilehome lot shall be assigned.~~
21. The consumption of gas and electricity within each mobilehome lot shall be separately metered so that the owner can be billed separately for each utility. A water shut-off valve shall be provided for each mobilehome lot or for each plumbing fixture.
32. Each mobilehome lot shall have its own panel board for all electrical circuits which serve the mobilehome.

SECTION 24. Section 20.190.060 of Chapter 20.190 of Title 20 of the San José Municipal Code is amended to read as follows:

Chapter 20.190
AFFORDABLE HOUSING DENSITY BONUSES AND INCENTIVES

20.190.060 City Density Development Incentives.

- A. General. In addition to the parking and/or height Incentive required by the State Housing Density Bonuses and Incentives Law, the City will provide up to four (4) Incentives as specified in this Section 20.190.060 to an Applicant for a Housing Development that qualifies for a Density Bonus based on the provision of Affordable Restricted Units, if required by the State Housing Density Bonuses and Incentives Law.
- B. ~~Parking and~~ Setback Incentives. If an Applicant for a Housing Development that qualifies for a Density Bonus based on the provision of Restricted Affordable Units requests one of the following Incentives, the grant of the Incentive will be deemed to be required in order to provide the Affordable Restricted Units and, in the absence of substantial evidence to the contrary, will be deemed not to have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and not to be contrary to state or federal law.∴

~~1. The number of parking spaces required under Chapter 20.90 of this Code, shall be reduced as required under the State Housing Density Bonuses and Incentives Law or as specified in Table 20-290, which ever results in the greater parking reduction:~~

~~TABLE 20-290~~

Restricted Affordable Units or Category	No. of Parking Spaces Required	
Very Low Income	0 to 1 bedroom unit	0
	2 to 3 bedroom unit	0.25
	4 or more bedroom unit	0.5
Low Income	0 to 1 bedroom unit	0.25
	2 to 3 bedroom unit	0.5
	4 or more bedroom unit	0.75
Moderate Income	0 to 1 bedroom unit	0.5
	2 to 3 bedroom unit	0.75
	4 or more bedroom unit	1

- 21.** The following reduction in the Setback Area, Front that would otherwise be required under Chapters 20.30, 20.40, and 20.75 of this Code:

TABLE 20-300

Housing Type	
Very Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; 1 additional foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.
Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 2.5% increase in the number of Restricted Affordable Units; up to a maximum 5 foot reduction.
Moderate Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 7% increase in the number of Restricted Affordable Units; up to a maximum 5 foot reduction.

- 32.** The following reduction in the Setback Area, Rear Interior that would otherwise be required under Chapters 20.30, 20.40, and 20.75 of this Code:

TABLE 20-310

Housing Type	
Very Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; 1 additional foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.
Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 2.5% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.
Moderate Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 7% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.

43. The following reduction in the Setback Area, Rear Corner that would otherwise be required under Chapters 20.30, 20.40, and 20.75 of this Code:

TABLE 20-320

Housing Type			
Zone	R-1-8, R-1-5, R-1-2, R-1-1, R-1-1-RR, R-2	R-M	R-MH, CO, CP, CN, CG, PQP, MS-G, MS-C
Very Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; additional 1 foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; additional 1 foot reduction for each additional 1% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; additional 1 foot reduction for each additional two percent 2% increase in the number of Restricted Affordable Units; to a maximum 3 foot reduction.
Low Income	A 1 foot reduction in the otherwise	A 1 foot reduction in the otherwise	A 1 foot reduction in the otherwise

	applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 0.5 foot reduction for each additional 2.5% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 1 foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 1 foot reduction for each additional 5% increase in the number of Restricted Affordable Units; to a maximum 3 foot reduction.
Moderate Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 0.5 foot reduction for each additional 7% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 1 foot reduction for each additional 3% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 0.5 foot reduction for each additional 15% increase in the number of Restricted Affordable Units; to a maximum 3 foot reduction.

~~5. Reduction in the number of vehicle parking spaces required under Chapter 20.90 of this Code, over and above the reduction that is required under the State Housing Density Bonuses and Incentives Law, as follows:~~

~~TABLE 20-330~~

	Vehicle Parking Required
SRO facilities within 1/2 mile of an existing major transit stop as defined in the California Public Resources Code Section 21064.3 as may be amended or an existing stop along a high-quality transit corridor as defined in the California Public Resources Code Section 21155 as may be amended for each Very Low and Low Income Unit	0

SRO facilities not within 1/2 mile of existing transit stop for each Very Low and Low Income Unit	.25 per unit
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C. Other Incentives. If an Applicant requests any Incentive(s) other than those specified in Subsection B above and provides the Incentive information required in Section 20.190.080 B.3 below, the Incentive will be granted unless the Approval Authority makes a written finding, based upon substantial evidence, of any of the following:

1. The Incentive would not result in identifiable and actual cost reductions to provide for Affordable Housing Costs or Affordable Rents for the Restricted Affordable Restricted Units; or
2. The Incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the Housing Development unaffordable to Low- and Moderate-Income households.
3. The Incentive would be contrary to state or federal law.

D. Limitation on Total Number of Incentives Allowed. If any type of incentive has been granted for Restricted Affordable Units under any other provision of this Code, including but not limited to incentives for Inclusionary Units under Chapter 5.08 of this Code, such other incentives shall be counted toward the number of Incentives required under this Chapter 20.190.

SECTION 25. This Ordinance shall become effective at the expiration of ninety (90) days after its adoption.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk