

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 4.88.100 OF TITLE 4 AND SECTIONS 20.30.100, 20.30.200, 20.40.100, 20.50.100, 20.55.300, 20.70.510, 20.90.130, 20.90.210, AND 20.100.1300 OF TITLE 20 AND ADDING SECTIONS 20.50.125, 20.200.181 AND 20.200.261 TO TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THAT SECONDARY UNITS ARE A PERMITTED USE IN THE RESIDENTIAL MULTIPLE FAMILY ZONING DISTRICT, CLARIFY INCIDENTAL CHILD DAY CARE AS A PERMITTED USE IN THE PQP ZONING DISTRICT, ADD CERTAIN 100% AFFORDABLE HOUSING AS A CONDITIONAL OR SPECIAL USE IN A MIXED USE DEVELOPMENT IN AN URBAN VILLAGE IN THE COMMERCIAL ZONING DISTRICT, SUBSTITUTE CATERING FACILITY FOR CATERER AS A PERMITTED USE IN THE COMMERCIAL ZONING DISTRICT, CLARIFY THE STANDARDS FOR INCIDENTAL OFFICE USE AS A PERMITTED USE IN THE LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS, ADD STAIRWELLS AND ELEVATOR SHAFTS AS USES ELIGIBLE FOR EXCEPTION FROM GENERAL ZONING DISTRICT HEIGHT LIMITS, ADD NEW DEFINITIONS OF CATERING FACILITY AND CONSTRUCTION/CORPORATION YARD AND MAKE OTHER TECHNICAL, FORMATTING, MINOR MODIFICATION, OR NON-SUBSTANTIVE CHANGES WITHIN 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 the proposed amendments to Title 4 and Title 20 of the San José Municipal Code are pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Downtown Strategy 2000 (the “FPEIR”), for which findings were adopted by City Council through its Resolution No. 72767 on June 21, 2005, and Addenda thereto; 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"), for which findings were adopted by City Council through its Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, all collectively referred to herein as the "Final Program EIRs", and does not involve new significant effects beyond those analyzed in the Final Program EIRS; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for these amendments to Title 4 and Title 20 of the San José Municipal Code; and

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the Final Program EIRs and related City Council resolutions and the determination of consistencies therewith prior to acting upon or approving the subject amendments to the San José Municipal Code;

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

**SECTION 1.** Section 4.88.100 of Chapter 4.88 of Title 4 of the San José Municipal Code is amended to read as follows:

**4.88.100 Sunset Provision**

The City shall not enter into a new urban agriculture incentive contract or renew an existing urban agriculture incentive contract after January 1, 20~~1~~<sup>2</sup>9, unless the Urban Agriculture Incentive Zones Act is amended to authorize contracts after that date. Any urban agriculture incentive contract entered into pursuant to the Urban Agriculture Incentive Zones Act and this chapter on or before January 1, 20~~1~~<sup>2</sup>9 will be valid and enforceable for the duration of the urban agriculture incentive contract.

**SECTION 2.** Section 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.100 Allowed Uses and Permit Requirements**

- A. Permitted" land uses are indicated by a "P" on Table 20-50.
- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

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

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

Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
<b>Residential Uses</b>					
One-family dwelling	P	P	P	C	Note 1, Section 20.30.110
Secondary dwelling	P	P	<del>P</del>	-	Note 2, Section 20.30.150
Two-family dwelling	-	P	P	-	Note 2, Section 20.30.110
Multiple dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120

Mobilehome parks	-	-	-	P	
Travel trailer parks	-	-	-	C	
Residential care facility, six or fewer persons	P	P	P	P	
Residential care facility, seven or more persons	-	-	C	C	
Residential service facility, six or fewer persons	P	P	P	P	
Residential service facility, seven or more persons	-	-	C	C	
Servants quarters attached to a one-family dwelling or attached to a garage structure	P	-	-	-	Note 3
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Single room occupancy living unit facility	-	-	C	-	Part 15, Chapter 20.80
<b>Residential Accessory Uses and Improvements</b>					
Accessory buildings and structures	P	P	P	P	Note 4; Section 20.80.200
Home occupations	P	P	P	P	Part 9, Chapter 20.80
Mixed use, residential/commercial	-	-	C	-	Note 10
<b>Entertainment and Recreation Related</b>					
Equestrian and riding club	C	-	-	-	
Golf course	C	C	C	-	Note 5

Private club or lodge	-	-	C	-	
Swim or tennis club	C	C	C	C	
<b>Education and Training</b>					
Child day care center located on an existing school site or as an incident to an on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
School - Elementary and secondary (public)	P	P	P	-	
School - Elementary and secondary (private)	C	C	C	-	
<b>Public, Quasi-Public and Assembly Uses</b>					
Cemetery	C	C	C	C	
Church/religious assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	
<b>Health and Veterinary Services</b>					
Emergency ambulance service	C	C	C	C	
<b>General Services</b>					
Certified farmers' market	S	S	S	S	Part 3.5, Chapter 20.80; Note 7

Certified farmers' market - Small	P	P	P	P	Part 3.5, Chapter 20.80; Note 7
Neighborhood agriculture	P	P	P	P	Part 9, Chapter 20.80
Outdoor vending - Fresh fruits and vegetables	P	P	P	P	Part 10, Chapter 20.80; Notes 7 and 8
Bed and breakfast inn	C	C	C	-	Section 20.80.110
<b>Transportation and Utilities</b>					
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Note 9, Sections 20.30.130, 20.30.140, 20.80.1900, 20.100.1300 and 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	Note 9, Sections 20.30.130, 20.30.140, 20.80.1900, 20.100.1300 and 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	Note 9, Sections 20.30.130, 20.30.140, 20.80.1910, 20.100.1300 and 20.80.1915

Electrical Power Generation					
Stand-By/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 6
Facilities that do exceed noise or air standards	-	-	-	-	
Solar photovoltaic system	P	P	P	P	Sections 20.100.610.C.7 and 20.100.1030.A.6
Historic Reuse					
Historic landmark structure reuse	C	C	C	C	Part 8.5, Chapter 20.80

**Notes:**

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH districts.
2. A maximum of two living units per lot are permitted in the R-2 district. A secondary dwelling on a lot in the R-2 district may be permitted without a development permit in accordance with the provisions of Section 20.30.150 if there is only one primary living unit on the lot and that primary living unit is a one-family dwelling.
3. Only permitted in the R-1-1 estate residential district.
4. No lot may be used solely for an accessory structure or an accessory building.
5. No driving ranges or miniature golf facilities.
6. Stand-by or backup generators that would not otherwise require some permit from the city (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the special use permit requirement.
7. Allowed on school sites, library sites, community center sites, church/religious assembly sites, and other publicly accessible sites that contain government operations including but not limited to United States Post Offices or State of California Department of Motor Vehicles offices.
8. The activity must conform with the location and operational requirements in Section 20.80.820 of Part 10, Chapter 20.80. Allowed for up to eight hours per day for each vending facility, but not to exceed eight hours per day per lot.
9. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
10. Permitted or special uses allowed in the CP commercial pedestrian zoning district may be allowed with a special use permit for a residential-commercial

mixed use project, except that twenty-four-hour non-residential uses or conditional uses allowed in the CP commercial pedestrian zoning district require a conditional use permit.

**SECTION 3.** Section 20.30.200 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.200 Development Standards**

All development in the residential zoning districts shall conform to the development regulations set forth below in Table 20-60.

**Table 20-60  
Residential Zoning Districts Development Standards**

Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Minimum lot area (square feet or acreage)	5,445	8,000	20,000	43,560	5 acres	5,445	6,000	6,000
Minimum setback (feet)								
Front	20	20	30	30	50	15	10	15
Side, interior <a href="#">(Note 6)</a>	5	5	15	20	20	5	5	5
Side, corner <a href="#">(Note 6)</a>	12.5	12.5	15	20	30	10	7.5	7.5
Rear, interior	20	20	25	25	30	25	25	25
Rear, corner	20	20	25	25	30	25	15	15
Minimum driveway length (feet) measured from lot line (Note 5)	18	18	18	18	18	0	0	0
Maximum height (feet)	35	35	35	35	35	35	45 or established	45



(Notes 1, 2 and 4)							in Chapter 20.85	
Maximum number of stories (Note 3)	2.5	2.5	2.5	2.5	2.5	2.5	Not applicable	3
Parking	See Chapter 20.90							
Floor area ratio	See Part 9 of Chapter 20.100 for single-family house permit criteria that may apply							

**Notes:**

1. Refer to Part 9 of Chapter 20.100 regarding single-family house permit requirements and Section 20.200.510 regarding the definition of "height."
2. An alternative maximum height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions in this section.
3. Refer to Section 20.200.120 regarding the definition of "basement"; refer to Section 20.200.1210 regarding the definition of "story"; and refer to Section 20.200.1220 regarding the definition of "half story".
4. An alternative maximum height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this section.
5. The minimum driveway length shall also comply with the minimum setback requirements for the zoning district in which the lot is situated.
6. [Refer to section 20.30.260 for side setback exceptions in the R-M and R-MH districts.](#)

**SECTION 4.** Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-90
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100. "Conditional" uses which may be approved only on parcels designated on the land use/transportation diagram of the general plan, as

- amended, with a designation that allows residential use are indicated by a "C<sup>GP</sup>" on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Conditional" uses requiring city council approval as the initial decision-making body are indicated by a "CC" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the city council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the planning commission at a public hearing of the commission for the commission's report and recommendation on the application to the city council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100. "Special" uses which may be approved only on parcels designated on the land use/transportation diagram of the general plan, as amended, with a designation that allows residential use are indicated by a "S<sup>GP</sup>" on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- H. When the right column of Table 20-90 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

**Table 20-90  
Commercial Districts and Public/Quasi-Public Zoning District  
Land Use Regulations**

Use	Zoning District					Notes & Section
	CO	CP	CN	CG	PQP	
<b>General Retail</b>						
Retail sales, goods and merchandise	-	P	P	P	-	Note 21
Alcohol, off-site sales - beer and/or wine only	-	C	C	C	-	Section 20.80.900; Note 21
Alcohol, off-site sales, full range of alcoholic beverages	-	C	C	C	-	Section 20.80.900; Note 21
Aquaculture/ Aquaponics	S	S	S	S	S	
Auction	-	-	-	C	C	
Bakery, retail	-	P	P	P	-	Note 21
Certified Farmers' Market	S	S	S	S	S	Part 3.5, Chapter 20.80
Certified Farmers' Market - Small	P	P	P	P	P	Part 3.5, Chapter 20.80
Food, beverage, groceries	-	P	P	P	S	

Neighborhood Agriculture	P	P	P	P	P	Title 7; Note 19
Nursery, Plant	P	P	P	P	P	Note 1
Outdoor Vending	-	A	A	A	A	Part 10, Chapter 20.80
Outdoor Vending - Fresh Fruits and Vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	-	See Title 6
Seasonal sales						Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	-	Section 20.80.1175, Note 21
<b>Education and Training</b>						
Child Day Care Center located on an existing School Site or as an incident to a <del>permitted</del> on-site church/religious assembly use involving no Building additions or changes to the Site	P	P	P	P	<u>P</u> -	Note 21
Day care center	C	C	C	C	C	
Instructional Art Studios	-	P	P	P	S	

Instructional Art Studios, with live models	-	C	C	C	C	
Private instruction, personal enrichment	-	P	P	P	S	
School - elementary and secondary (public or private)	C	C	C	C	S	Note 16; Note 20; Note 21
School, driving (class C & M license)	-	P	P	P	S	Note 2; Note 20; Note 21
School, Post Secondary	-	P	P	P	S	Note 3; Note 20; Note 21
School, Trade and Vocational	-	C	C	C	S	Note 16; Note 20; Note 21
<b>Entertainment and Recreation Related</b>						
Arcade, Amusement Game	-	C	C	C	-	Note 21
Dancehall	-	C	C	C	C	Note 21
Poolroom/billiards establishment	-	C	C	C	-	Note 21
Private club or lodge	C	C	C	C	-	
Recreation, Commercial indoor	-	P	P	P	S	Note 21
Recreation, Commercial outdoor	-	C	C	C	C	Note 21

Relocated Cardroom	-	-	-	C	-	Section 20.80.1155
Stadium, 2,000 seats or fewer	-	C	C	C	C	Note 17
Stadium, more than 2,000 seats	-	CC	CC	CC	CC	Note 17; Note 18
Theatre, indoor	-	C	C	C	C	Note 21
Theatre, outdoor	-	-	-	C	C	Note 21
<b>Food Services</b>						
Banquet Facility	-	C	C	C	C	
Caterer	-	P	P	P	S	Note 4
Drinking Establishments	-	C	C	C	-	Note 21
Drinking Establishments interior to a full-service hotel/motel that includes 75 or more guest rooms	-	P	P	P	-	Section 20.80.475; Note 21
Public Eating Establishments	-	P	P	P	-	Note 21
Outdoor dining, incidental to a Public Eating Establishment or a retail establishment	-	P	P	P	-	Section 20.40.520; Note 21
Wineries, breweries	-	C	C	C	-	Note 21
Incidental recreational dancing as part of a	-	P	P	P	-	Note 21

Public Eating Establishment or Drinking Establishment						
<b>Health and Veterinary Services</b>						
Animal boarding, indoor	P only as incidental to Neighborhood Agriculture; Otherwise prohibited.	P	P	P	P only as incidental to Neighborhood Agriculture; Otherwise S.	Section 20.40.120
Animal grooming	P only as incidental to Neighborhood Agriculture; Otherwise prohibited.	P	P	P	P only as incidental to Neighborhood Agriculture; Otherwise S.	Section 20.40.120
Emergency ambulance service	C	C	C	C	C	
Hospital/in-patient facility	C	C	C	C	C	Note 21
Office, Medical	P	P	P	P	S	Note 21
Veterinary Clinic	-	P	P	P	C	Note 16
<b>General Services</b>						
Bail Bond Establishment - outside main jail area	-	P outside of Urban Village; S in Urban Village	P	P	-	Part 1.5, Chapter 20.80
Bail Bond Establishment -	-	P outside	P	P	-	Note 14; Part

within main jail area		of Urban Village; S in Urban Village				1.5, Chapter 20.80
Bed and Breakfast Inn	-	P	P	P	-	Part 2, Chapter 20.80; Note 21
Dry cleaner	-	P	P	P	-	Note 21
Hotel or Motel	-	P	P	P	-	Note 21
Single Room Occupancy (SRO) Hotel	-	C	C	C	-	Part 15, Chapter 20.80
Laundromat	-	P	P	P	-	Note 21
Maintenance and repair, small household appliances	-	P	P	P	-	Note 21
Messenger services	P	P	P	P	-	Note 2; Note 21
Mortuary and Funeral Services	P	P	P	P	-	Note 21
Personal Services	-	P	P	P	-	Section 20.200.880; Note 21
Photo processing and developing	-	P	P	P	-	Note 21
Printing and publishing	-	P	P	P	-	Note 21



Offices and Financial Services						
Automatic teller machine	P	P	P	P	S	Section 20.80.200
Business Support	-	P	P	P	-	Note 21
Financial institution	P	P	P	P	-	Note 21
Office, General Business	P	P	P	P	S	Section 20.40.110; Note 21
Payday Lending Establishment	-	R outside of Urban Village; Prohibited in Urban Village	R	R	-	Part 12.5, Chapter 20.80; Section 20.200.875
Public, Quasi-Public and Assembly Uses						
Cemetery	C	C	C	C	C	
Church/religious assembly	C	C	C	C	S	Note 16; Note 20; Note 21
Construction/ corporation yard associated with Public, Quasi-Public or Assembly Use or Transportation or Utility Use	-	-	-	-	C	
Museums, libraries, parks, playgrounds, or community centers	P	P	P	P	P	Note 21

(publicly operated)						
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	S	Note 20; Note 21
<b>Residential</b>						
Emergency Residential Shelter	C	C	C	C	C	Section 20.80.500
Live/Work Uses	-	S	S	S	-	Note 6; Section 20.80.740
Mixed Use residential/commercial	-	C <sup>GP</sup> outside of Urban Village; S <sup>GP</sup> in Urban Village	C	C <sup>GP</sup>	-	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	C	
Hotel Supportive Housing	C	C	C	C	C	Note 22; Part 22 of Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	-	Note 6; Part 15, Chapter 20.80

Drive-Through Uses						
Drive-through Uses in conjunction with any use	-	-	C	C	C	
Recycling Uses						
Reverse Vending Machine	A	A	A	A	A	Part 13, Chapter 20.80
Small Collection Facility	A	A	A	A	A	Part 13, Chapter 20.80
Transportation and Utilities						
Data Center	-	-	-	C	-	Note 21
Common Carrier	-	-	-	-	C	Note 21
Common Carrier Depot	-	-	-	-	S	Note 21
Community television antenna systems	C	C	C	C	C	
Off-site, Alternating Use and Alternative Parking Arrangements	S	S	S	S	S	Section 20.90.200
Parking Establishment, Off-street	C	C	C	C	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7

Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Utility Facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	C	
Wireless Communication Antenna	C	C	C	C	C	Note 23, Sections 20.100.1300, 20.80.1915
Wireless Communication Antenna, Slimline Monopole	S	S	S	S	S	Note 23, Sections 20.80.1900, 20.80.1915
Wireless Communication Antenna, Building Mounted	P	P	P	P	P	Note 23, Sections 20.80.1910, 20.80.1915
<b>Electrical Power Generation</b>						
Fuel Cells	P	P	P	P	P	
Private Electrical Power Generation Facility	C	C	C	C	C	Note 2
Co-generation Facility	S	S	S	S	S	
<b>Stand-by/Backup</b>						

Facilities that do not exceed noise or air standards	A	A	A	P	A	
Facilities that do exceed noise or air standards	C	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	P	Section 20.100.610 C.7.
<b>Vehicle Related Uses</b>						
Accessory installation, passenger vehicles and pick-up trucks	-	C	C	P	-	
Auto dealer, wholesale, no on-site storage	P	P	P	P	-	
Car wash, detailing	-	-	C	C	-	
Gasoline Service or Charge Station	-	C	C	P	C	Note 8, Note 15
Gasoline Service or Charge Station with incidental service and repair	-	C	C	P	C	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	-	Note 13
Leasing (rental) passenger vehicles, pick-	-	C	C	P	-	Note 2

up trucks not exceeding twenty-five feet in length, and motorcycles						
Sale, brokerage, or lease, commercial vehicles	-	C	C	C	-	Note 13
Sale or brokerage, Passenger Vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	C	S	P	-	Note 12, Note 13
Sale, vehicle parts	-	S	P	P	-	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	C	C	P	-	Note 10, Note 13
<b>Historic Reuse</b>						
Historic Landmark Structure reuse	S	S	S	S	S	Part 8.5, Chapter 20.80

**Notes applicable to all commercial districts:**

1. In the CP district, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. No on site storage of vehicles permitted in the CP and CN zoning districts.
3. Includes public and private colleges and universities, as well as extension programs and business schools.
4. Not a catering facility.
5. No on site storage of vehicles permitted.
6. In an urban village, mixed-use residential/commercial only : (a) under an approved urban village plan with an implementation financing strategy approved by the city council; or (b) without an approved urban village plan in a signature project consistent with the general plan or (c) if residential portion of use is 100%

deed restricted and affordable to persons of low very low and/or extremely low income as defined in California Government Code Section 65915 et seq and in conformance with all criteria in the general plan for such use. Live/work in an area with an urban village designation or urban village overlay in the general plan shall be consistent with applicable approved urban village plans.

7. Use must be less than twenty-four hours.
8. No incidental repair or service permitted.
9. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to, air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance and repair, including but not limited to, air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
11. No outdoor sales areas or dismantling allowed.
12. In the CG district, incidental repair of vehicles requires a special use permit. Incidental repair of vehicles is prohibited in all other commercial districts.
13. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
14. Bail bond establishments shall not be located and are prohibited uses on the ground floors of structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-90 on other, above-ground floors of structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this title.
15. Charging stations that are incidental to a separate primary use that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all commercial zoning districts.
16. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
17. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, public eating establishments, drinking

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

**SECTION 5.** Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Permitted" uses which may be approved only on property designated on the land use/transportation diagram of the general plan, as amended, with the combined industrial/commercial land use designation or, in the case of hotel/motel establishments, which may also be approved on property designated on the land use/transportation diagram of the general plan, as amended, with the preferred hotel site overlay, are indicated by a "P<sup>GP</sup>" on Table 20-110.
- C. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the land use/transportation diagram of the general plan, as amended, with the combined industrial/commercial designation or, in the case of hotel/motel



establishments, may also be approved on property designated on the land use/transportation diagram of the general plan, as amended, with the preferred hotel site overlay, are indicated by a "C<sup>GP</sup>" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

- D. "Conditional" uses requiring city council approval as the initial decision-making body are indicated by a "CC" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the city council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the planning commission at a public hearing of the commission for the commission's report and recommendation on the application to the city council pursuant to the processes set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the land use/transportation diagram of the general plan, as amended, with the combined industrial/commercial designation are indicated by a "CC<sup>GP</sup>" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

- E. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- F. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- G. "Restricted" land uses are indicated by an "R" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.
- H. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.

- I. When the right column of Table 20-110 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

**Table 20-110  
Industrial Districts Land Use Regulations**

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
<b>Industry</b>						
Auction	C	C	C <sub>GP</sub>	C <sub>GP</sub>	-	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly						
Light	P	P	P	P	-	
Medium	P	P	P	P	P	
Heavy	-	-	-	-	P	
Research and development	P	P	P	-	-	
Catalog and mail order	P	P	P	P	-	
Construction/corporation yard	-	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	-	P	P	

Extraction of minerals from the ground, including quarrying	-	-	-	-	C	
Hazardous materials storage facility	-	-	-	C	C	
Hazardous waste facility	-	-	-	-	C	
Junkyard	-	-	-	-	C	
Miniwarehouse/Ministorage	-	-	-	P	P	
Outdoor uses or <u>outdoor</u> storage, industrial	-	-	-	S	P	Section 20.50.210
Private electrical power generation facility	C	C	C	C	C	
Stockyard, including slaughter	-	-	-	-	C	
Warehouse/distribution facility	P	P	P	P	P	
Wholesale sale establishment	P	S	S	P	P	
Wineries, breweries	P	P	P	P	P	
<b>Additional Uses</b>						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	S	S	
Commercial support	-	P	P	-	-	Note 5; Section 20.50.110

Retail sales, goods and merchandise	P	P	-	-	-	Note 5; Section 20.50.110
Retail art studio	P	P	-	-	-	
Off-sale, alcoholic beverages - beer and/or wine only	C	C	-	-	-	Note 5; Section 20.50.110
Off-sale, alcoholic beverages, full range of alcoholic beverages	C	C	-	-	-	Note 5; Section 20.50.110
Off-sale, alcoholic beverages - beer and/or wine only and incidental to a winery/brewery	C	C	C	C	C	Note 12; Section 20.50.110
Off-sale, alcoholic beverages - distilled spirits only and incidental to a distillery	C	C	C	C	C	Note 12; Section 20.50.110
Bakery, retail	P	P	-	-	-	Note 5; Section 20.50.110
Aquaculture; Aquaponics	S	S	S	S	S	
Certified farmers' market	-	S	S	-	-	Part 3.5, Chapter 20.80
Certified farmers' market - small	-	P	P	-	-	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	P	-	-	-	Note 5; Section 20.50.110
Neighborhood agriculture	P	P	P	P	P	
Nursery, plant	P	P	-	C	C	

Outdoor vending	A	A	-	A	A	Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Large format commercial establishment	-	-	C <sub>GP</sub>	C <sub>GP</sub>	-	
Large format commercial establishment, associated commercial	-	-	C <sub>GP</sub>	C <sub>GP</sub>	-	Section 20.50.115
Warehouse retail	-	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	P	-	C	-	
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80
<b>Education and Training</b>						
Day care center	C	C	C <sub>GP</sub>	C <sub>GP</sub>	-	
School, driving (class A & B license)	-	-	-	P	P	
Instructional art studios	P	P	-	-	-	
Instructional art studios, live models	C	C	-	-	-	
Private instruction, personal enrichment	P	P	-	-	-	

School - elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	C	C	-	C	C	
<b>Entertainment and Recreation Related</b>						
Recreation, commercial/indoor	P	C on lands with a General Plan land use designation of Transit Employment Center; C <sup>GP</sup> on lands with other General Plan land use designations	C <sub>GP</sub>	C <sub>GP</sub>	-	Note 5, Section 20.50.110
Recreation, commercial/outdoor	C	-	-	-	-	
Relocated cardroom	C <sub>GP</sub>	C <sup>GP</sup>	C <sub>GP</sub>	C <sub>GP</sub>	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C	C <sub>GP</sub>	-	
Stadium, 2,000 seats or fewer including incidental support uses	C <sub>GP</sub>	C on lands with a General Plan land use designation of Transit Employment Center; C <sup>GP</sup> on lands with other General Plan land use designations	-	-	-	Note 15
Stadium, more than 2,000 seats including incidental support uses	CC <sub>GP</sub>	-	-	-	-	Note 15; Note 16
<b>Food Services</b>						

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

Medical cannabis collective	R	-	R	R	R	Part 9.75, Chapter 20.80
Medical cannabis collective cultivation site only	R	-	R	R	R	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R	-	R	R	R	Part 9.75, Chapter 20.80
Medical cannabis business	R	-	R	R	R	Part 9.75, Chapter 20.80
Non-medical cannabis business	R	-	R	R	R	Part 9.75, Chapter 20.80
Office, medical	P	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	P	-	-	-	Note 14
<b>General Services</b>						
Crematory	-	-	-	C <sub>GP</sub>	C	Note 7
Mortuary, without funeral services	-	-	-	P	P	
Dry cleaner	P	P	-	-	-	
Hotel/motel	P	P on lands with a General Plan land use designation of Transit Employment Center; P <sup>GP</sup> on lands with other General Plan land use designations	C <sub>GP</sub>	-	-	Note 13



Laundromat	P	P	-	-	-	
Maintenance and repair, small household appliances	P	P	-	-	-	
Messenger services	P	P	-	-	-	
Personal services	P	P	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	P	
Printing and publishing	P	P	P	P	P	
Social service agency	-	C	C	C	C	
<b>Offices and Financial Services</b>						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support use	P	P	-	-	-	
Financial institution	P	P	-	C <sub>GP</sub>	-	Note 5, Section 20.50.110
Office, general business	P	P	P	-	-	
Office, research and development	P	P	P	-	-	
<b>Public, Quasi-Public and Assembly Uses</b>						
Church/religious assembly	C	C on lands with a General Plan land use designation of Transit Employment Center; C <sub>GP</sub> on lands with other	C <sub>GP</sub>	C <sub>GP</sub>	-	

		designations				
<b>Residential</b>						
Hotel supportive housing	C	C	C	C	C	Note 17; Part 22 of Chapter 20.80
Emergency residential shelter, more than 50 beds	C	C <sup>GP</sup>	C <sub>GP</sub>	C	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C	C <sub>GP</sub>	C	-	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	-	C	Note 1
<b>Drive-Through Use</b>						
Drive-through in conjunction with any use	C	C <sup>GP</sup>	C <sub>GP</sub>	C <sub>GP</sub>	-	
<b>Recycling Uses</b>						
Processing facility	-	C	C	S	S	
Transfer facility, recycling	-	C	C	S	S	
Collection facility, large	-	-	-	-	P	
Reverse vending machine	A	A	A	A	A	
Collection facility, small	A	A	A	A	A	
<b>Transportation and Utilities</b>						
Common carrier	-	-	-	C	P	

Common carrier depot	S	S	S	S	S	
Community television antenna systems	C	C	C	C	C	
Data center	S	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	S	S	S	S	Section 20.90.200
Parking establishment not permitted in Tables 20-30, 20-50 and 20-90	C	C	C	C	C	
Off-street parking establishment	C	C	C	C	C	
Television, radio studio	C	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Wireless communications antenna	C	C	C	C	C	Note 18, Sections 20.100.1300, 20.80.1915
Wireless communications antenna, slimline monopole	S	S	S	S	S	Note 18, Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	P	P	P	P	Note 18, Sections 20.80.1910, 20.80.1915

<b>Power Generation</b>						
Base load power plant	-	-	-	-	C	
Stationary peaking power plant	-	-	-	C	C	
Transportable peaking power plant	-	-	-	C	C	
Private electrical power generation facility	C	C	C	C	C	
Co-generation facility	S	S	S	S	S	
<b>Stand-By/Back-Up/Small-Scale Renewable Power</b>						
Facilities that do not exceed noise and air standards	P	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	C	
Temporary stand-by or backup electrical power generation facility	P	P	P	P	P	
Solar photovoltaic power system	P	P	P	P	P	Section 20.100.610 C.7.
<b>Vehicle Related Uses</b>						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Gasoline service station or charge station, excluding incidental service or repair	P	C	C <sub>GP</sub>	C <sub>GP</sub>	-	Note 2, Note 8

Gasoline service station or charge station with incidental service and repair	P	C	C <sub>GP</sub>	C <sub>GP</sub>	-	Note 3
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	-	C	-	Note 10
Warehouse retail indoor sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	C	C	C	Section 20.50.140
Repair and cleaning of vehicles	C	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	-	C	-	
Sale, vehicle parts	P	P	-	P/S	-	Note 9
Vehicle tow yard	-	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	-	C	
<b>Historic Reuse</b>						
Historic landmark structure reuse	S	S	S	S	S	Part 8.5, Chapter 20.80

**Notes:**

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and

- smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
  5. Retail; recreation, commercial/indoor establishments; Public Eating Establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and Personal Service establishments are Permitted in the IP district subject to the limitations of Commercial Support Use, Section 20.50.110. Public Eating Establishments in the LI or HI districts are limited to a maximum of six hundred fifty (650) gross square feet in size.
  6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
  7. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
  8. Charge Stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are Permitted in all Industrial Zoning Districts.
  9. Vehicle parts sales are permitted in the LI district when the total floor area dedicated to retail display and open to the public occupies no more than fifteen (15) percent of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed fifteen (15) percent of the gross floor area of the individual tenant space are subject to a Special Use Permit.
  10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
  11. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
  12. Off-sale of alcoholic beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
    - a. Two hundred fifty (250) gross square feet; or
    - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
  13. At least two hundred (200) rooms and four (4) or more stories in height are required for Hotels located in the TEC Transit Employment Center Zoning District.
  14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a Building.

15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
16. Use permit applications for stadiums that consist of more than two thousand seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
17. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

**SECTION 6.** Section 20.50.300 of Chapter 20.55 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.300 Performance Standards**

- A. In the IP, LI, HI, s CIC, and the TEC zoning and ~~HI industrial~~ districts no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:
1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
  2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
  3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding subsection, the following specific standards shall apply in the industrial zoning districts:
1. Incineration. There shall be no incineration on any site of any waste material.
  2. Vibration. There shall be no activity on any site that causes ground vibration which is perceptible without instruments at the property line of the site.

3. Air pollution. Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the director of planning.
4. Noise.
  - a. The sound pressure level generated by any use or combination of uses shall not exceed the decibel level at any property line as shown in Table 20-135, except upon issuance and in compliance with a special use permit as provided in Chapter 20.100.

Table 20-135 Noise Standards	
	Maximum Noise Level in Decibels at Property Line
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

**SECTION 7.** Section 20.70.510 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.70.510 Late Night Uses and Activity**

- A. No retail commercial establishment (including but not limited to a public eating establishment and/or retail sales) or entertainment establishment (without alcohol) shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC and DC-NT1 districts except with a special use permit as provided in Chapter 20.~~100.800480~~ of this title.



- B. No drinking establishment shall be open between the hours of 12:00 midnight and 6:00 a.m. in the DC or DC-NT1 districts except with a conditional use permit as provided in Chapter 20.100 of this title.

SECTION 8. Section 20.90.130 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**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, a driveway not less than ~~twenty-three~~ eighteen (18) feet long measured at its shortest side.
- 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.

SECTION 9. Section 20.90.210 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**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.

SECTION 10. Section 20.100.1300 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.100.1300 General**

Pursuant to and in accordance with the provisions hereinafter set forth in this part, the director or the planning commission on appeal may, but shall not under any circumstances be required to, grant the following variances and exceptions:

- A. Development variance.
1. Variances hereinafter referred to as "development variances," to the height, number of stories, frontage, setback, coverage, density, area, off-street parking, fencing, loading and landscaping requirements and regulations of this title.
- B. Development exception.
1. Certain exceptions, hereinafter referred to as "development exceptions" as follows:
    - a. Exceptions permitting an incursion by buildings or structures of up to, but not more than, five feet into the rear setback area prescribed by this title, provided, however, that no exception granted hereunder shall permit the vertical projection of any

building or structure to be closer than ten feet, measured horizontally, to the rear property line.

b. Exceptions permitting elevator shafts and stairwells to cause the associated Structure to exceed the general zoning district height limitation for the zoning district in which the Structure is located, but only up to ~~ten (10)~~ seventeen (17) feet above the general zoning district height limitation and subject to design review, including but not limited to screening requirements.

i. This exception shall not apply to allow any Structure, including all elevator shafts and stairwells, to exceed the height limitations applicable under Chapter 20.85 of this Title.

bc. Exceptions permitting church steeples, church bell towers, church roofs, wireless communication antenna and associated structures which exceed in height the height limitations prescribed in this title; provided, however, that the following exception from these provisions shall apply.

i. Wireless communication antennae that meet the height limitations of Section 20.80.1900 or 20.80.1910, as applicable, shall not be subject to the development exception requirements set forth in this part.

ed. Exceptions from the area requirements for a lot or parcel in any residential district having an area of less than three thousand square feet, provided such area is not less than the area of such lot or parcel on March 1, 1977 (or, if the lot was created after March 1, 1977, then as approved by the city) and that no such exception shall permit any diminution in such area and provided further that if such lot or parcel has or is to have a structure or structures thereon, no such exception shall be issued for such lot or parcel unless all such structures are dwelling structures or structures accessory thereto, and all such structures comply with the height and setback requirements of this title. An exception permitted by this subsection may be issued at the same time as an exception provided for in Subsection 1. above.

de. Exceptions to the off-street parking and loading requirements and regulations of this title.

SECTION 11. A new section 20.50.125 is added to Chapter 20.50 of Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

**20.50.125 Incidental Office Use, LI Light Industrial and HI Heavy Industrial Districts**

A. Incidental office use is a permitted use in the LI Light Industrial and HI Heavy Industrial Districts, only when the incidental office use meets all of the following conditions:

1. The incidental office use is directly related to and supportive of an existing industrial permitted, conditional, or special use operating on the site; and
2. The incidental office use:
  - a. Occupies no more than fifteen (15) percent of the building floor area used and occupied by the existing subject industrial permitted, conditional, or special use.

B. No additional parking will be required for the incidental office use if the incidental office use occupies no more than fifteen (15) percent of the building floor area used and occupied by the existing subject industrial permitted, conditional, or special use.

SECTION 12. A new section 20.200.181 is added to Chapter 20.200 of Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

**20.200.181 Catering Facility**

A catering facility is a place where the commercial preparation and cooking of food occurs.

SECTION 13. A new section 20.200.261 is added to Chapter 20.200 of Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

**20.200.261 Construction/Corporation Yard**

A Construction/Corporation Yard means a use providing for maintenance, servicing, or storage of motor vehicles, equipment, or construction materials/supplies, or for the dispatching of service vehicles; or distribution of supplies or construction material required in connection with a business activity, transportation service, or similar activity. This use may include accessory offices related to such activities.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk