

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND SECTION 20.30.150 OF CHAPTER 20.30 TO REMOVE THE AVERAGE HEIGHT REQUIREMENT FOR SECONDARY UNITS AND MODIFY THE MAXIMUM HEIGHT REQUIREMENT FOR TWO-STORY SECONDARY UNITS; AMEND SECTION 20.50.100 OF CHAPTER 20.50 TO ALLOW FARMERS' MARKETS AS AN ENUMERATED USE IN THE CIC ZONING DISTRICT; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE**

**WHEREAS**, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

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

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith prior to taking any approval actions on this Ordinance;

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

SECTION 1. Section 20.30.150 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.30.150     Secondary Units**

Notwithstanding any other provision of this title to the contrary, secondary dwellings that meet all of the following criteria shall be allowed pursuant to the provisions of this Chapter:

- A.     Zoning District. A secondary dwelling that is attached to or detached from a one-family dwelling shall be permitted only in: (1) the R-1 zoning districts, the R-2 zoning district or the R-M zoning district in accordance with the provisions of Section 20.30.100, or (2) in planned development zoning districts that are authorized in accordance with Chapter 20.60 of this Title if (a) the planned development is subject to the standards and allowed uses of an R-1 zoning district, or (b) the secondary dwelling conforms to the development and use standards of the planned development district.
- B.     Minimum Lot Size. The minimum lot size on which a Secondary Dwelling may be allowed is three thousand (3,000) square feet.
- C.     Density. A secondary dwelling shall not be included in calculation of residential density for the purpose of determining general plan conformance.
- D.     Maximum Secondary Dwelling Floor Area. The increased floor area of an attached secondary dwelling shall not exceed fifty percent (50%) of the existing living area of the primary dwelling or fifty percent (50%) of the proposed living area of the primary dwelling if the primary dwelling is being built or enlarged concurrently with construction of the secondary dwelling unit. A secondary dwelling shall not exceed the following maximum gross floor area:
  - 1.     Six hundred square feet for a secondary dwelling on a lot with an area of at least three thousand (3,000) square feet up to five thousand four hundred forty-four (5,444) square feet;
  - 2.     Seven hundred square feet for a secondary dwelling on a lot with an area of at least five thousand four hundred forty-five (5,445) and up to nine thousand (9,000) square feet;

3. Eight hundred square feet for a secondary dwelling on a lot with an area greater than nine thousand (9,000) square feet and up to ten thousand (10,000) square feet;
4. Nine hundred (900) square feet for a secondary dwelling on a lot with an area greater than ten thousand (10,000) square feet.

Table 20-55

Minimum Lot size	Maximum gross floor area
At least 3,000 square feet and up to 5,444 square feet	600 square feet
At least 5,445 square feet and up to 9,000 square feet	700 square feet
Greater than 9,000 Square feet and up to 10,000 square feet	800 square feet
Greater than 10,000 Square feet	900 square feet

- E. Required Facilities. A secondary dwelling shall include all of the following facilities:
1. A kitchen (including a sink, food preparation counter, storage cabinets, and permanent cooking facilities such as an oven and range or cooktop, that meet Building Code standards); and
  2. A full bathroom (including sink, toilet, and shower and/or bath facilities).
- F. Bedroom Requirement and Maximum Bedroom Area. A secondary dwelling is required to contain a combined sleeping and living area or one bedroom and shall include no more than one bedroom and one living area, except for units that are eight hundred (800) square feet to nine hundred (900) square feet which may contain two bedrooms. The floor area of the bedroom shall not exceed four hundred (400) square feet.
- G. Bathroom Limit. A secondary dwelling shall contain no more than one bathroom.

- H. Maximum Accessory Storage Area. The total size of any closet or other enclosed storage area within the secondary dwelling shall not exceed sixty (60) square feet of floor area.
- I. Required Secondary Dwelling Parking.
  - 1. One additional on-site parking space, in addition to the required on-site parking spaces for the one-family dwelling, is required for a secondary dwelling, except as provided in subsection 3 below. Tandem parking that otherwise complies with setback and paving requirements set forth in Sections 20.90.120 and 20.90.140 and Chapter 20.95 of the Municipal Code, shall be allowed.
  - 2. The required on-site parking space for a secondary dwelling may be located on a garage driveway in the front setback area of the lot on which a secondary dwelling is situated provided that the driveway is at least eighteen (18) feet in length.
  - 3. No additional parking shall be required for a secondary dwelling that meets any of the following criteria:
    - a. The secondary dwelling is located within one-half mile of, and has a path of travel that is always publicly accessible to a site containing an existing public rail-transit station or at least one public bus stop.
    - b. The secondary dwelling is located within a historic district identified in the city's historic resources inventory as defined in Chapter 13.48 of Title 13 of this Municipal Code.
    - c. The secondary dwelling is part of the existing primary residence, or within, or part of, an existing Accessory Building.
    - d. When on-street parking permits are required but not offered to the occupant of the secondary dwelling.
    - e. When there is a motor vehicle that is operated as part of a regional fleet by a public agency or publicly-leased motor-vehicle-sharing organization and provides hourly and daily service located within one block of the secondary dwelling.
- J. Required Replacement Parking for Primary Dwelling Parking Demolished or Converted for Secondary Dwelling Construction. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of a Secondary Dwelling, any required off-street parking spaces that

were provided by such garage, carport, or covered parking structure, shall be replaced in accordance with Section 20.90.220.B.2.

K. Development Standards. Secondary dwellings shall comply with all of the following development standards:

1. The secondary dwelling shall be subject to the setback requirements for a one-family dwelling in the zoning district in which the one-family dwelling is located, as set forth in this chapter except as follows:
  - a. Conversion of Existing Accessory Building - No setback over the setback specified for an Accessory Building shall be required for an existing Accessory Building, or garage, that is converted to a Secondary Dwelling, unless required to meet current Building and Fire Code requirements.
  - b. New detached Secondary Dwelling - No setback over the setback specified for an Accessory Building shall be required for the first story of a new detached Secondary Dwelling, unless required to meet current Building and Fire Code requirements.
  - c. Second Story Secondary Unit - A minimum setback of five (5) feet from the side and rear lot lines shall be required for any second story of a detached Secondary Dwelling.
  - d. Additional setback requirements may apply under the Building and Fire Codes or as a result of "no-build" easements.
2. An attached secondary dwelling shall share a common wall with the one-family dwelling, or shall share an integral roof structure having the same framing system and roof covering as the one-family dwelling and shall be separated from the one-family dwelling by no more than ten (10) feet at any given point.
3. A detached secondary dwelling shall be located in the rear yard of the lot of the one-family dwelling.
4. A detached secondary dwelling shall be located at least six (6) feet away from the one-family dwelling.
5. A detached one story secondary dwelling shall be limited to a maximum height of eighteen (18) feet. ~~, with an average roof height of no greater than fourteen (14) feet. Average roof height is measured halfway up the slope of the roof, and in no case shall any portion of the roof height of a~~

~~detached secondary dwelling exceed eighteen (18) feet, except that a~~ A two story detached accessory dwelling may have a maximum roof height of twenty ~~two~~four (2224) feet above grade, ~~with an average roof height of eighteen (18) feet~~. Roof height shall be determined in accordance with San José Municipal Code Section 20.200.510.

6. A detached secondary dwelling may be attached to an existing or proposed accessory building, including a garage so long as current building code requirements and requirements to address fire or safety hazards are met. A detached secondary dwelling that is attached to an existing or proposed accessory building, including a detached secondary dwelling constructed above an existing or proposed accessory building, shall not have any connecting opening between the accessory building and secondary dwelling, unless all connected areas meet current residential building and fire code requirements, and the maximum gross square footage for all connected areas does not exceed the limits set forth in Section 20.30.150.D above.
  7. The cumulative total of the rear yard covered by the secondary dwelling, accessory buildings, and accessory structures, except pools, shall not exceed forty percent (40%) of the rear yard.
  8. If situated on a lot that is equal to or greater than one-half ( $\frac{1}{2}$ ) an acre in size, a secondary dwelling shall be located more than one hundred feet (100) from a riparian corridor as measured from top of bank or vegetative edge, whichever is greater.
  9. A secondary dwelling shall be subject to provisions in this Municipal Code that prevent adverse impacts on a real property that is listed in the California Register of Historic Places, otherwise known as the California Register of Historic Resources.
- L. Design Standards. Secondary dwellings shall comply with the following design standards:
1. An attached secondary dwelling shall incorporate architectural style, and similar materials and color of the one-family dwelling, including but not limited to roofing, siding, and windows and doors.
  2. A new detached secondary dwelling located on a site that is listed on the California Register of Historic Places, otherwise known as the California Register of Historic Resources, shall incorporate architectural style, and similar materials and colors, including but not limited to roofing, sidings, wand windows and doors of the one-family dwelling.

3. The front door of any attached secondary dwelling shall not be located on the same facade as the front door of the one-family dwelling if that facade fronts onto a street, unless all other locations for placement of the secondary dwelling front door would require a passageway as defined in Government Code Section 65852.2(i)(5). For a detached secondary dwelling constructed above an existing or proposed accessory building, including a garage, an exterior stairway or fully enclosed interior stairway access may be allowed.
  4. Minimum sill height for openings for a second story detached secondary dwelling unit shall be maintained at five (5) feet, measured from the interior floor level, along the building walls parallel to the nearest side and rear property lines, and located within a minimum setback of fifteen (15) feet from those property lines.
- M. Application - Owner Certification. As part of the building permit application process for a secondary dwelling, the owner of record shall submit a declaration, under penalty of perjury, stating that the secondary dwelling is not intended for sale separate from the primary residence, but may be rented. Nothing in this section shall be deemed to affect the legal status of a secondary dwelling built with a lawfully issued permit if the property is subsequently transferred or sold, or if the one-family dwelling or secondary dwelling is subsequently rented or leased.
- N. Code Compliance - One-Family Dwelling. An application for a secondary dwelling building permit shall not be deemed complete, and a building permit shall not be issued, if the city determines that the one-family dwelling will continue to have uncorrected violations involving applicable zoning and building code requirements, or fire or safety hazards.
- O. Other Permits Required. Nothing in this section supersedes requirements for obtaining development permits pursuant to this title, or for properties subject to the historic preservation permit requirements set forth in Chapter 13.48 of Title 13 of the San José Municipal Code.
- P. Compliance with Building and Zoning Codes. A secondary dwelling shall be built in accordance with the building code set forth in Title 24 of the San José Municipal Code ("Municipal Code") and in conformance with Title 20 of the San José Municipal Code.
- Q. Located on One Lot. A secondary dwelling shall be located within the same subdivision unit and on the same legal parcel as the one-family dwelling to which it is ancillary.

**SECTION 2.** Section 20.50.100 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	
Industry						
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 outdoor 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	<del>S</del>	S	S	-	-	Part 3.5, Chapter 20.80
Certified farmers' market - small	<del>P</del>	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 GP	C GP	-	
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	C GP	C GP	-	Note 5, Section 20.50.110

		Transit Employment Center; C <sup>GP</sup> on lands with other General Plan land use designations				
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>						
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 <sub>GP</sub>	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 <sup>GP</sup> on lands with other designations	C <sub>GP</sub>	C <sub>GP</sub>	-	
<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.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2019, 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