



Memorandum

TO: PLANNING COMMISSION

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: June 12, 2019

SUBJECT: File No. PP19- 038. AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (ZONING ORDINANCE) TO: ADD OR REMOVE USES AND CHANGE PERMIT REQUIREMENTS IN THE OPEN SPACE/AGRICULTURE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND DOWNTOWN ZONING DISTRICTS IN TABLES: 20-30, 20-50, 20-90, 20-110, 20-140; AMEND SECTION 20.50.110 FOR COMMERCIAL SUPPORT IN INDUSTRIAL DISTRICTS; REPEAL SECTION 20.50.115 FOR LARGE FORMAT COMMERCIAL ESTABLISHMENT, ASSOCIATED COMMERCIAL; REPEAL SECTION 20.70.140 ON ART DISPLAY STRUCTURE; AMEND SECTION 20.70.520 THE DOWNTOWN GROUND-FLOOR SPACE OVERLAY (DG OVERLAY) IN ITS ENTIRETY TO REPLACE IT WITH THE ACTIVE USE AREA OVERLAY; CLARIFY AND CONSOLIDATE USES IN THE PARKING AND LOADING CHAPTER 20.90; UPDATE THE CONFORMANCE WITH THE GENERAL PLAN TABLE 20-270 IN SECTION 20.120.110; ADD, REMOVE, OR UPDATE VARIOUS DEFINITIONS IN CHAPTER 20.200.100; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN SPECIFIED SECTIONS.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council;

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs; and

2. Adopt an ordinance amending Sections:

- I. Amend Table 20-30, *Agricultural and Open Space Zoning District Use Regulations*, in Section 20.20.100 to include the following changes to the *Open Space (OS)* and *Agriculture (A)* Zoning Districts:

Permit Requirement Changes:

- *Tree farms and forestlands*, changed from Conditional Use Permit to Special Use Permit for A.
- *Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation*, changed from a Conditional Use Permit to a Special Use Permit in OS, and from Not Permitted to a Special Use Permit and in A.

- II. Amend Table 20-50, *Residential Zoning Districts Use Regulations*, in Section 20.30.100 to include the following changes to the *Single-Family Residence (R1)*, *Two-Family Residence (R2)*, *Multiple Residence (RM)*, and *Mobilehome Park (RMH)* Zoning Districts:

Permit Requirement Changes:

- *Mixed use, residential/commercial*, changed from a Conditional Use Permit to a Special Use Permit in RM.
- *Golf Course*, changed from a Conditional Use Permit to Not Permitted in R2 and RM.

Remove Uses:

- Remove, *Servants quarters attached to a one-family dwelling or attached to a garage structure*, from R1, R2, RM, and RMH.

- III. Amend Table 20-90, *Commercial Zoning Districts and Public/Quasi-Public Zoning District Use Regulations*, in Section 20.40.100 to include the following changes to the *Commercial Office (CO)*, *Commercial Pedestrian (CP)*, *Commercial Neighborhood (CN)*, *Commercial General (CG)*, and *Public/Quasi-Public (PQP)* Zoning Districts:

New Uses:

- Add, *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*, through a Special Use Permit in CP, CN, and CG.
- Add, *Health club, gymnasium*, as Permitted in CP, CN, and CG and Special Use Permit in PQP.

- Add, *Performing arts rehearsal space*, as a Permitted use in CN and CG and allowing it through a Special Use Permit in the CP district.
- Add, *Commercial Kitchen*, as Permitted in CN and CG, a Special Use Permit in CP, and Not Permitted in CO or PQP.
- Add, *Drinking establishment in conjunction with a winery, brewery, or distillery*, as a Special Use Permit in CP, CN, and CG.
- Add, *Social Service Agency*, as a Special Use Permit in CP, CN, CG, and PQP.
- Add, *Commercial Vehicle Storage*, as a Conditional Use Permit in CO, CG, and PQP and Not Permitted in CP or CN.
- Add, *Retail bank*, as Permitted in CO, CP, CN, and CG.

Permit Requirement Changes:

- *Poolroom/billiards establishment*, changed from Conditional Use Permit to Permitted in CP, CN, and CG.
- *Theater, indoor*, changed from Conditional Use Permit to Special Use Permit in CP, CN, CG, and PQP.
- *Theater, outdoor*, changed from Conditional Use Permit to a Special Use Permit in CG and PQP.
- *Banquet facility*, changed from Conditional Use Permit to Special Use Permit in CP, CN, CG, and PQP.
- *Emergency residential shelter*, changed from Conditional Use Permit to a Special Use Permit for CO, CP, CN, CG, and PQP.
- *Common carrier depot*, changed from Not Permitted to Special Use Permit in CO, CN, and CG.
- *Off street parking establishment*, changed from Conditional Use Permit to Not Permitted for CP and PQP.
- *Accessory installation, passenger vehicles and pick-up trucks*, changed from Conditional Use Permit to Not Permitted in CP.
- *Fuel service station or charge station with incidental service and repair*, changed from Conditional Use Permit to Not Permitted for CP.
- *Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*, changed from Conditional Use to Not Permitted for CP.

- *Sale, brokerage, or lease, commercial vehicles (trucks, buses, trailers, campers, boats, mobilehomes, construction equipment)*, changed from Conditional Use Permit to Not Permitted for CP.
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*, changed from Conditional Use to Not Permitted for CP.
- *Sale, vehicle parts*, changed from Conditional Use to Not Permitted for CP.
- *Tires, batteries, accessories, lube, oil change, smog check station, air conditioning*, changed from Conditional Use Permit to Not Permitted for CP.

Remove Uses:

- Remove, *Auction*, from CO, CP, CN, CG, and PQP.
- Remove, *Instructional Art Studios, with live models*, from CO, CP, CN, CG, and PQP.
- Remove, *Dancehall*, from CO, CP, CN, CG, and PQP.
- Remove, *Wineries, breweries*, from CP, CN, and CG.

- IV. Amend Table 20-110, *Industrial Zoning Districts Use Regulations*, in Section 20.50.100 to include the following changes to the *Combined Industrial/Commercial (CIC)*, *Transit Employment Center (TEC)*, *Industrial Park (IP)*, *Light Industrial (LI)*, and *Heavy Industrial (HI)* Zoning Districts:

New Uses:

- Add, *School, driving (class C & M license)*, as Special Use Permit in LI and HI, and is Not Permitted in CIC, TEC, and IP.
- Add, *Health club, gymnasium*, as Permitted in CIC and Special Use Permit in TEC.
- Add, *Commercial Kitchen*, as Permitted in CIC, TEC, IP, and LI.
- Add, *Commercial Vehicle Storage*, as Special Use Permit in CIC, LI, and HI.

Permit Requirement Changes:

- *Construction/corporation yard*, changed from a Special Use Permit to Permitted in LI and HI.
- *Miniwarehouse/ministorage*, changed from Permitted to Conditional Use Permit for LI, and from Permitted to Not Permitted in HI.

- *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*, changed from a Conditional Use Permit to a Special Use Permit for CIC, TEC, IP, LI, and HI.
- *School, trade and vocational*, changed from Conditional Use Permit to Special Use Permit in CIC, LI, and HI, and from Not Permitted to Special Use Permit in IP.
- *Performing art rehearsal space*, changed from a Conditional Use Permit in LI to Not Permitted.
- *Drinking establishment in conjunction with a winery, brewery, or distillery*, changed from Conditional Use Permit to a Special Use Permit in CIC, TEC, IP, HI, and LI.
- *Sales, industrial equipment and machinery*, changed from Not Permitted to Permitted in IP and from Conditional Use Permit to Permitted in LI.
- *Social Service Agency*, changed from Conditional Use Permit to Not Permitted for TEC, IP, LI, and HI, and from Not Permitted to a Special Use Permit for CIC.
- *Animal boarding, indoor*, changed from Permitted to Not Permitted in TEC.
- *Animal grooming*, changed from Permitted to Not Permitted in TEC.
- *Veterinary clinic*, changed from Permitted to Not Permitted in TEC.
- *Business Support Use*, changed from Not Permitted to Permitted in IP.
- *Church/religious assembly*, changed from Conditional Use Permit to Not Permitted in TEC, IP, and LI.
- *Emergency residential shelter, more than 50 beds*, changed from Conditional Use Permit to Not Permitted in LI, TEC, and IP.
- *Emergency residential shelter, 50 beds or fewer*, changed from Conditional Use Permit to Not Permitted in LI, TEC, and IP.
- *Common carrier depot*, changed from Special Use Permit to Not Permitted in TEC.
- *Off street parking establishment*, changed from Conditional Use Permit to Not Permitted for TEC.
- *Fuel service station or charge station with incidental service and repair*, changed from Conditional Use Permit to Not Permitted for TEC, IP, and LI.
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*, changed from Conditional Use Permit to Not Permitted in TEC and LI and from Conditional Use Permit to a Special Use Permit in CIC.

- *Sale, vehicle parts*, changed from Permitted to Not Permitted in TEC.

Permit Requirement Changes: (Uses marked with “C^{GP}” were previously allowed as Conditional Uses only on property with a CIC General Plan Land Use Designation.)

- *Day care center*, changed from C^{GP} to a Conditional Use Permit in IP and will change from a Conditional Use to Not Permitted in LI.
- *Financial Institution*, changed from C^{GP} to Not Permitted in LI.
- *Fuel service station or charge station, no incidental service or repair*, changed from Conditional Use to Not Permitted in TEC; from C^{GP} to a Conditional Use Permit in LI; and from C^{GP} to a Conditional Use Permit in IP.
- *Hotel or Motel*, changed from C^{GP} to Conditional Use Permit in IP.
- *Stadium, 2,000 seats or fewer including incidental support uses*, changed from C^{GP} to Conditional Use Permit in CIC and TEC.
- *Emergency Ambulance Service*, changed from C^{GP} to Not Permitted in TEC, IP, and LI.

Remove Uses:

- Remove, *Auction*, from CIC, TEC, IP, LI, and HI.
- Remove, *Catalog and mail order house*, from CIC, TEC, IP, LI, and HI.
- Remove, *Large format commercial establishment*, from CIC, TEC, IP, LI, and HI.
- Remove, *Large format commercial establishment, associated commercial*, from CIC, TEC, IP, LI, and HI.
- Remove, *Instructional Art Studios, with live models*, from CIC, TEC, IP, LI, and HI.
- Remove, *Maintenance and repair, small consumer goods*, from CIC, TEC, IP, LI, and HI.
- Remove, *Messenger Services*, from CIC, TEC, IP, LI, and HI.
- Remove, *Photo processing and developing*, from CIC, TEC, IP, LI, and HI.
- Remove, *Common Carrier*, from CIC, TEC, IP, LI, and HI.
- Remove, *Parking establishment, not permitted in Table 20-30, 20-50, 20-90*, from CIC, TEC, IP, LI, and HI.

- V. Amend Section 20.50.110 *Commercial Support*
- Adding Health club, gymnasium as a commercial support use
- VI. Repeal Section 20.50.115 *Large Format Commercial Establishment, Associated Commercial*
- VII. Amend Section 20.70.020, *Downtown Zoning Districts and Overlays* to include the following changes:
- Revise Section 20.70.020 (B) to repeal the *Downtown Ground-Floor Space Area* (DG Overlay Area) including the Additional Use Regulations for the DG Overlay Area from Table 20-140; and add the *Ground Floor Active Use Area Overlay* (AUA).
- VIII. Amend Table 20-140, *Downtown Districts Use Regulations* in Section 20.70.100 to include the following changes to the *Downtown Primary Commercial* (DC) and *Downtown Commercial - Neighborhood Transition 1* (DC-NT1) Zoning Districts and the AUA Overlay:

New Uses:

- Add, *Retail Bakery*, as Permitted in DC and DC-NT1.
- Add, *Retail Art Studio*, as Permitted in DC and DC-NT1.
- Add, *Instructional Art Studios*, as Permitted in DC and DC-NT1.
- Add, *Drinking establishment in conjunction with a winery, brewery, or distillery with a*, as Special Use Permit in DC, and as Conditional Use Permit in DC-NT1.
- Add, *Public eating establishment in conjunction with a winery, brewery, or distillery*, as Permitted in DC and DC-NT1.
- Add, *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*, as Special Use Permit in DC, and Conditional Use Permit in DC-NT1.
- Add, *Laundromat*, as Permitted in DC and DC-NT1.
- Add, *Neighborhood Agriculture*, as Permitted in DC and DC-NT1.
- Add, *Health club, gymnasium*, as Permitted in DC and DC-NT1.

New Uses in the AUA:

- Add, *Automatic Teller Machine*, as Permitted in AUA.
- Add, *Business support use*, as Permitted in AUA.

- Add, *Financial Services*, as Permitted in AUA.
- Add, *Retail Bank*, as Permitted in AUA.
- Add, *Office, business and administrative*, as Special Use Permit in AUA.
- Add, *Alcohol, off-sales - beer and/or wine only*, as Conditional Use Permit in AUA.
- Add, *Alcohol, off-sale - full range of alcoholic beverages*, as Conditional Use Permit in AUA.
- Add, *Certified Farmers' Market*, as a Special Use Permit in AUA.
- Add, *Certified farmers' market, small*, as a Permitted use in AUA.
- Add, *Food, Beverages, Groceries*, as Permitted in AUA.
- Add, *Outdoor vending*, as Administrative Use Permit in AUA.
- Add, *Outdoor vending - fresh fruits and vegetables*, as Permitted in AUA.
- Add, *Retail sales, goods, and merchandise*, as Permitted in AUA.
- Add, *Seasonal Sales*, as Permitted in AUA.
- Add, *Retail Bakery*, as Permitted in AUA.
- Add, *Retail Art Studio*, as Permitted in AUA.
- Add, *Day care center*, as Permitted in AUA.
- Add, *School, trade and vocational*, as Permitted in AUA.
- Add, *Private instruction, Personal enrichment*, as Permitted in AUA.
- Add, *Instructional Art Studios*, as Permitted in AUA.
- Add, *School, elementary (grades K-8)*, as Conditional Use Permit in AUA.
- Add, *School, secondary (grades 9-12)*, as Conditional Use Permit in AUA.
- Add, *Arcade, amusement game*, as Permitted in AUA.
- Add, *Movie theater*, as Permitted in AUA.
- Add, *Recreation commercial, indoor*, as Permitted in AUA.
- Add, *Poolroom/Billiards Establishment*, as Permitted in AUA.
- Add, *Private club or lodge*, as Permitted in AUA.
- Add, *Lighting display*, as Administrative Permit or Special Use Permit.
- Add, *Banquet - facility*, as Permitted in AUA.
- Add, *Caterer*, as Permitted in AUA.

- Add, *Drinking establishment*, as Special Use Permit in AUA.
- Add, *Drinking establishment interior to a full-service hotel or motel with 75 or more guest rooms*, as Permitted in AUA.
- Add, *Public eating establishment*, as Permitted in AUA.
- Add, *Drinking establishment in conjunction with a winery, brewery, or distillery*, as Special Use Permit in AUA.
- Add, *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*, as Special Use Permit in AUA.
- Add, *Animal grooming*, as Permitted in AUA.
- Add, *Animal boarding, indoor*, as Permitted in AUA.
- Add, *Medical or dental clinic/outpatient facility*, as Permitted in AUA.
- Add, *Veterinarian*, as Permitted in AUA.
- Add, *Bed and breakfast inn*, as Permitted in AUA.
- Add, *Hotel or motel*, as Permitted in AUA.
- Add, *Maintenance and repair of household appliances, small*, as Permitted in AUA.
- Add, *Personal services*, as Permitted in AUA.
- Add, *Printing and publishing*, as Permitted in AUA.
- Add, *Laundromat*, as Permitted in AUA.
- Add, *Information center*, as Permitted in AUA.
- Add, *Museums, libraries, parks, playgrounds, or community centers*, as Permitted in AUA.
- Add, *Off-site and alternating use parking arrangements*, as Permitted in AUA.
- Add, *Historic landmark structure reuse*, as Special Use Permit in AUA.

Permit Requirement Changes:

- *Outdoor vending*, changed from Special Use to Administrative Permit in DC and DC-NT1.
- *Arcade, amusement game*, changed from Special Use to Permitted in DC.
- *Poolroom/billiards establishment*, changed from Special Use to Permitted in DC.
- *Drinking establishment*, changed from Conditional Use to Special Use in DC.

Remove Uses:

- Remove, *Auction*, from DC and DC-NT1.
- Remove, *Open air sales establishment and areas*, from DC and DC-NT1.
- Remove, *Art Display Structure*, from DC and DC-NT1.
- Remove, *Mortuary and funeral services*, from DC and DC-NT1.
- Remove, *Cemetery*, from DC and DC-NT1.
- Remove, *Accessory installation, passenger vehicles and pick- up trucks*, from DC and DC-NT1.
- Remove, *Wineries, breweries, and distilleries*, from DC and DC-NT1.

IX. Repeal section 20.70.140 *Art Display Structure - Regulation of Use*

X. Revise section 20.70.520 - *Definitions of DG Overlay Area*

- This section will be revised and replaced with the *Definitions of the Ground Floor Active Use Area Overlay*.

XI. Revise Section 20.90.060 of Chapter 20.90 *Parking and Loading* (minor edits for clarity)

XII. Revise Table 20-270 in Section 20.120.110 *Conformance with the General Plan*:

- Revising the conforming district for Urban Village to CP and CN.
- Removing the IP district from the conforming districts for Transit Employment Center.
- Adding DC as the conforming district for Downtown.
- Adding PQP as the conforming district for Transportation and Utilities.
- Adding OS as the conforming district for Open Space, Parklands, and Habitat.
- Adding CP and CN as conforming districts for Urban Village Commercial.

XIII. Add, revise, and remove uses in Section 20.200.100 - *Definitions*

- Adding definitions for:
 - Section 20.200.205 *Commercial Kitchen*

- Section 20.200.395 *Financial Services*
- Section 20.200 505 *Health Club, Gymnasium*
- Section 20.200.1045 *Retail bank*
- Revising definitions for:
 - Section 20.200.100 *Amusement game, Arcade*, to clarify that the use no longer requires a Conditional Use Permit.
 - Section 20.200.170 *Business Support Use*, to clarify that records retention and shredding are included in the definition.
 - Section 20.200.210 *Common Carrier*, to rename the use as Commercial Vehicle Storage and provide clarity in the definition.
 - Section 20.200.220 *Common Carrier Depot*, to clarify that the use applies to transport of passengers and not goods.
 - Section 20.200.950 *Recreation, Commercial/Indoor*, to remove health club/fitness centers from the definition.
- Removing definitions for:
 - Section 20.200.111.5 *Art display structure*
 - Section 20.200.140 *Billiard room*
 - Section 20.200.180 *Catalogue and mail order*

XIV. And other technical, non-substantive, or formatting changes within these sections.

OUTCOME

Approving the ordinance will amend Title 20 to update allowed uses, permit requirements, and definitions, to better align the Zoning Ordinance with the General Plan Goals, Policies, and Land Use Designations. If the ordinance is not approved, inconsistencies will remain between the Zoning Ordinance and the General Plan Major Strategies, Goals, Policies, and Land Use Designations.

BACKGROUND

The Envision San José 2040 General Plan provides the framework for decision-making related to the City's land uses. The General Plan has been called the "constitution" for land use development to emphasize its importance to land use decisions. The General Plan's development policies, maps, and diagrams form the basis for the City's Zoning and Subdivision Ordinances. Under California law, no specific plan, area plan, community plan,

zoning, subdivision map, nor public works project may be approved unless the City finds that it is consistent with the adopted General Plan. The Zoning Ordinance is the foremost tool to implement the General Plan as it relates to land use and development.

The last comprehensive update to the Zoning Ordinance (Ordinance 26248) was adopted on December 19th, 2001. The current General Plan, *Envision San José 2040*, was adopted on November 1, 2011 after a multi-year community visioning process. Since adoption of *Envision San José 2040* there have been many amendments to the Zoning Ordinance to incrementally improve consistency with the General Plan and to address specific needs as they arise, however, the Zoning Ordinance has not been comprehensively reviewed and updated with the specific goal of ensuring consistency with the General Plan.

Inconsistencies between the Zoning Ordinance and General Plan can add time and cost to process development permit applications because applicants are frequently required to rezone their property to conform with the General Plan land use designation. Furthermore, inconsistencies with the Zoning Districts and General Plan Land Use Designations cause confusion applicants, because Zoning District may allow a use that would not be supported by a property's underlying General Plan land use designation. The Mayor's June Budget Message for Fiscal Year 2018 – 2019 identified expediting housing development through a comprehensive update of the Zoning Ordinance to align with the General Plan as a key action item to help facilitate development in the city.

Due to the extensive nature of this work it has been broken up into two phases. Phase 1 is a thorough review of the Zoning Ordinance to achieve consistency with the General Plan. Phase 1 is further broken down into two parts: Phase 1(a) and Phase 1(b). Phase 1(a) which is this current scope of work, is to update definitions, allowed uses, and permit requirements in existing Zoning Districts. Phase 1(b) will update development standards of existing Zoning Districts as necessary and create new Zoning Districts for mixed use and higher density residential development. Phase 1(b) is targeted for hearing in early 2020. Phase 2 will consist of a systematic rezoning of individual properties to achieve consistency with the General Plan. The work for Phase 2 will begin sometime in early 2020 and continue through the end of 2020 and possibly into 2021.

Planning staff met with representatives from multiple City departments, including the Office of Economic Development; Small Business Allies; Parks, Recreation, and Neighborhood Services; Building; Fire; Public Works; Housing; and Transportation. Staff also engaged the development community in a series of focus groups in order to get feedback on obstacles and opportunities that developers face, in relation to the Zoning Ordinance. This feedback has been incorporated into the proposed Zoning Ordinance update.

Senate Bill 1333

Senate Bill 1333 was signed into law by Governor Brown in September of 2018, and requires charter cities, like the City of San José, to ensure that their Zoning Ordinance and General Plan are in alignment. Before the passage of SB 1333, state law did not require charter cities to conform to the California State Planning and Zoning Law that requires a city's Zoning Ordinance and General Plan to be in alignment. The senate bill does not set a deadline to align

the Zoning Ordinance and General Plan, however, it is timely because San Jose has chosen to address this issue proactively. As explained in the background section of this report, the City Council directed staff to begin the process of aligning the Zoning Ordinance with the General Plan.

Airport Land Use Commission (ALUC)

The proposed Zoning Ordinance changes were brought to the ALUC for consideration on May 22nd 2019. ALUC found a small number of changes, that were originally included in the scope of work, to not be consistent with the Santa Clara County Comprehensive Land Use Plan. Planning Staff removed those items from this scope of work and will draft a separate ordinance to bring before Planning Commission and City Council at a later date.

ANALYSIS

The primary objective of this work is to bring the Zoning Ordinance into conformance with the General Plan. As part of this multi-phased work, Phase 1 includes changes to the Zoning Ordinance for permitting requirements for various uses, adding or removing uses from the use tables and Definitions Chapter, and general cleanup for clarity.

General Plan Land Use goals, policies, and implementation actions (Policies) guide the City's growth and implement the Plan's Vision. Land Use Policies identify appropriate and inappropriate uses in various areas of the City. They protect the integrity of some lands and provide additional flexibility for uses in others. Land Use Policies offer considerable flexibility for mixing uses, with particular emphasis on support for employment uses. Land Use Policies also shift away from the historic pattern of land use separations and allow for more mixing of uses, particularly residential and commercial uses. Neighborhood-serving commercial uses are encouraged throughout the City, at locations close to the populations they serve. Downtown offers maximum flexibility in mixing of uses. Historically, commercial and industrial areas were segregated from residential areas, with exceptions such as Downtown, some Specific Plan Areas, and transit-supportive development as noted above.

Staff received feedback from various departments and members of the development community (as discussed above) with regards to potential changes to the zoning ordinance to improve consistency with the General Plan. Proposed changes in Phase 1(a) of this work can be broken down into the following major themes:

1. Ensure allowed uses in Zoning Districts are consistent with the General Plan Land Use Designation associated with that district.
2. Remove or update outdated terminology and land uses and add new land uses that reflect current and emerging commercial trends.
3. Facilitate uses supported by the General Plan by removing or reducing permit requirements.

4. Preserve and enhance industrial land by adding new industrial uses, updating existing uses, allowing industrial supportive uses as appropriate, and removing incompatible uses from Industrial Zoning Districts.
5. Update Downtown Zoning Districts and implement the Downtown Retail Strategy.
6. Update Table 20-270 in Section 20.120.110 to designate new conforming Zoning Districts to some General Plan land use designations
7. Non-substantive text based changes for clarity and consistency throughout the Zoning Ordinance.

1. Ensure allowed uses in Zoning Districts are consistent with the General Plan Land Use Designation associated with that district.

The proposed ordinance updates would disallow uses in certain Zoning Districts where the uses are not consistent with the General Plan land use designation associated with that Zoning District.

- Remove *Golf Course* as an allowed use in the R2 and RM Zoning Districts. These districts should be reserved for the construction of medium to higher density housing, not golf courses. Golf courses would still be allowed in the OS and R1 Zoning Districts with a Conditional Use Permit.
- Remove *Off street parking establishment* as an allowed use in the CP, TEC, and PQQ Zoning Districts. *Off street parking establishment*, is defined as a standalone parking facility which serves the parking needs of a use which is not located on the same lot or site as the parking facility.
- Remove *Fuel service station or charge station, no incidental service or repair* as an allowed use in the IP and LI Zoning Districts.
- Remove *Fuel service station or charge station with incidental service and repair* as an allowed use in the CP, TEC, IP, and LI Zoning Districts.
- Remove *Accessory installation, passenger vehicles and pick-up trucks; Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles; Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles; Sale, brokerage, or lease, commercial vehicles (trucks, buses, trailers, campers, boats, mobilehomes, construction equipment); Sale, vehicle parts; and Tires, batteries, accessories, lube, oil change, smog check station, air conditioning* as allowed uses in the CP Zoning District.

The Industrial Zoning Districts allow certain uses under the C^{GP} permit category, which is where a Combined Industrial/Commercial (CIC) type use is allowed through a Conditional Use Permit in a Zoning District other than CIC, but only if the General Plan Designation of the site is CIC. This concept was created to implement the Combined Industrial/Commercial General Plan land use designation prior to the creation of the CIC Zoning District. The

proposed ordinance changes would remove uses currently allowed with the C^{GP} superscript, as this category allows uses in a Zoning District that are not consistent with the General Plan. Should an applicant propose one of the uses listed below on a property with a General Plan land use designation of CIC, but not zoned CIC, a conforming rezoning to CIC would be required to implement the use. The following uses would no longer be allowed as C^{GP}:

- *Day Care Center* in the LI Zoning District
- *Large Format Commercial Establishment* in IP Zoning District
- *Large Format Commercial Establishment, incidental retail* in IP Zoning District
- *Emergency Ambulance Service* in TEC, IP, and LI Zoning Districts
- *Financial Institution* in the LI Zoning District
- *Day Care Center* in IP Zoning District would change from C^{GP} to a Conditional Use Permit with a note explaining that it may only be a supportive use to another permitted on-site use.

These changes implement the following General Plan Goals and Policies:

Land Use/Transportation Diagram Policy IP-1.5 Maintain a Zoning Ordinance and Subdivision Ordinance that aligns with and supports the Land Use / Transportation Diagram and *Envision General Plan* goals and policies. Develop new Zoning Districts which enumerate uses and establish development standards, including heights, to achieve vital mixed-use complete communities and facilitate their implementation.

General Land Use Action LU-1.10 Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.

Commercial Lands Policy LU-4.1 Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

2. Remove or update outdated terminology and land uses and add new land uses that reflect current and emerging industry developments.

The proposed Zoning Ordinance changes would update or delete outdated terminology and uses as follows:

- Remove the *Dancehall* use from the Commercial Zoning Districts. Standalone dance halls are no longer common enough to include in the Zoning Ordinance. Group dancing generally takes place as part of another use covered by the Zoning Ordinance such as a bar/nightclub or banquet facility. Should someone want to open a standalone dance establishment it would fall under the *Recreation, commercial/indoor* use.
- Remove the *Auction House* use across all Zoning Districts. This use would be covered by various retail and sales uses in the Commercial and Industrial Zoning Districts.

- Remove *Photo Processing and Development* from the Industrial Zoning Districts, as large scale photo developing facilities that use chemicals are covered by *Laboratory, processing* which is permitted in all Industrial Zoning Districts.
- Remove *Catalog/Mail Order House* from the CIC, TEC, IP, and LI Zoning Districts. This use is covered by *Warehouse/Distribution Facility* which is allowed in all of these Zoning Districts.
- Remove *Servants quarters attached to a one-family dwelling or attached to a garage structure* from the R-1-RR Zoning District. This use is now covered by ADUs.
- Remove the *Messenger Service* use in the CIC and TEC Zoning Districts. This use is Permitted in CO, CP, CN, and CG which are more appropriate locations for this activity since it is not a true industrial use. This change will ensure that *Messenger Services* won't cause conflicts with more intense industrial uses. *Messenger services* can deliver to sites in Industrial Zoning Districts.
- Remove *Art display structure* use from the Downtown Zoning Districts DC and DC-NT1. The regulations for *Art display structure* are found in Section 20.70.140 of the Downtown Chapter, and upon re-evaluation, it was found that the regulations were overly restrictive and that the use could be accommodated through a site development permit. As such the use would be removed from the downtown chapter, however, there would still be a process to display art structures in downtown.
- Create a new use called *Health Club, Gymnasium*. Currently these uses are categorized under the *Recreation, commercial/indoor* use. Staff has found that when customers review the Zoning Ordinance to find where gyms and health clubs are allowed they do not identify with the name *Recreation, commercial/indoor*. This use would be allowed in the same locations as *Recreation, commercial/indoor*.
- Change *Common Carrier* to *Commercial Vehicle Storage* and update the definition. These uses are functionally the same and *Commercial Vehicle Storage* is a more commonly recognized term for the use.

The proposed updates to the Zoning Ordinance would add or lessen permit requirements for newly popular and emerging uses:

- Add, *Commercial Kitchen*, as a Permitted use in CN, CG, CIC, IP, and LI Zoning Districts. In the TEC Zoning District, it would be permitted on the first two floors of a building or in an existing building with little to no expansion of the building FAR. In the CP Zoning District, the use would be allowed through a Special Use Permit. Under the current code food production and processing is captured under *Manufacturing and Assembly, medium* or *Manufacturing and Assembly, light*, which are restricted to industrial zones. *Caterer* is a permitted use in commercial zoning districts, however, a catering facility is not permitted in commercial zoning districts. Historically, food production and processing uses have been larger scale, industrial operations, such as a large facility that prepares meals for airlines. There has been an increase in inquiries from businesses looking to locate smaller scale, commercial kitchens throughout the City,

likely due to the growth in restaurant delivery and prepared food delivery services. These smaller scale *Commercial Kitchens* could be well-suited in commercial areas, near the client base of the businesses.

- *Drinking establishment incidental to a Winery, Brewery, or Distillery and Alcohol off-sales - as incidental to a winery, brewery, or distillery* would change from Not Permitted to being allowed with a Special Use Permit in the CP, CN, and CG Zoning Districts. This would provide flexibility for wineries, breweries, or distilleries with a public interface to open in additional locations but only after a discretionary permit process to ensure they are appropriate and compatible with surrounding uses. This is supported by the Neighborhood/Community Commercial (NCC) General Plan Designation which “supports a very broad range of commercial activity” and states “Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction.” It is also supported by broader goals and policies that call for fostering a variety of business types, incubating small businesses, and encouraging the integration of limited industrial uses in commercially designated areas.
- The renamed, *Commercial Vehicle Storage* use, is proposed to be allowed through a Special Use Permit in the LI and HI Zoning Districts. In addition, *Commercial Vehicle Storage* would be added as an allowed use with a Conditional Use Permit in the CO and CG Zoning Districts and through a Special Use Permit in the CIC Zoning District, to provide additional flexibility for locating these uses through a discretionary process. With the increase in delivery service, food trucks, and bus fleets run by private companies, the demand for *Commercial Vehicle Storage* is growing. The use is currently allowed in the PQP and LI Zoning Districts with a Conditional Use Permit and in the HI Zoning District as a Permitted Use under the *Common Carrier* use.
- *Common carrier depot*, will be allowed through a Special Use Permit in the CO, CN, and CG Zoning Districts. No change to *Common Carrier Depot* where already allowed in the CIC, IP, LI, and HI Zoning Districts. In TEC the use will no longer be permitted. *Common carrier depot*, is defined as “a person or company in the business of transporting passengers or goods for hire”. As ridesharing services and other advances in the private transportation industry continue to expand, these changes will help address the increased need for intermediary spaces to accommodate “for hire” services.

These changes implement the following General Plan Goals and Policies:

Commercial Lands Goal LU-4 Establish commercial uses that maximize revenue to the City and provide employment for its residents in order to achieve fiscal sustainability and our desired jobs per employed resident ratio.

General Land Use Policy LU-1.1 Foster development patterns that will achieve a complete community in San José, particularly with respect to increasing jobs and economic development and increasing the City’s jobs-to-employed resident ratio while recognizing the importance of housing and a resident workforce.

Neighborhood Serving Commercial Goal LU-5 Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.

Neighborhood Serving Commercial Policy LU-5.1 In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

Neighborhood Serving Commercial Policy LU-5.3 Encourage new and intensification of existing commercial development, including stand-alone, vertical mixed-use, or integrated horizontal mixed-use projects, consistent with the Land Use / Transportation Diagram.

3. Facilitate uses supported by the General Plan by removing or reducing use permit requirements.

The uses listed below would change from requiring a Conditional Use Permit or Special Use Permit to being a Permitted Use. A development permit would still be required for any new construction and for outdoor uses in some cases.

- Remove, *Instructional Art Studio, with live models*, from all Zoning Districts. While an *Instructional Art Studio* is a permitted use in CP, CN, and CG, and requires a Special Use Permit in the PQP Zoning District, *Instructional art studio with live models*, requires a Conditional Use Permit in these same Zoning Districts. The Conditional Use Permit is required due to the concern that live models may be nude, which could allow an instructional art studio to turn into an undesirable/adult use, and therefore would benefit from a discretionary review process. Nudity in public places is prohibited by, Part 4 of Chapter 10.12 of the Municipal Code, making the requirement for a Conditional Use Permit unnecessary. This change removes barriers to art and cultural uses, and is supported by General Plan goals and policies that encourage a diversity of cultural and artistic uses throughout the City.
- Change, *Arcade, Amusement Game*, from a Conditional Use Permit to a Permitted Use in the CP, CN, CG, and DC Zoning Districts. *Amusement devices* are regulated by Chapter 6.08 of the Municipal Code that contains provisions to ensure amusement arcades do not turn into gambling halls. Operators of amusement devices must obtain a license approved by the Chief of Police and City Treasurer.
- Change, *Poolroom/Billiards Establishment*, from a Conditional Use Permit to a Permitted Use in the CP, CN, CG, and DC Zoning Districts. Public pool and billiard rooms are regulated by Chapter 6.08 of the Municipal Code that contains provisions to ensure these uses do not turn into gambling halls. Operators of poolrooms/billiards establishments must obtain a license approved by the Chief of Police and City Treasurer.

A variety of uses would change from a Conditional Use to a Special Use under the proposed updates to the Zoning Ordinance. A key difference between use permits is that a Conditional Use Permit has a public hearing through the Planning Commission and a Special Use Permit is heard publicly through a Director's Hearing. Planning Commission is held during the evening and is better suited for uses that generate interest from neighbors or need a higher level of scrutiny so they can be appealed to the City Council if necessary. It also takes longer and costs more to go through the Conditional Use Permit process than it does for a Special Use Permit. Below is a list of uses that are proposed to change from Conditional Use to Special Use to lessen barriers for implementing these uses:

- *Tree farms and Forestlands* in the A Zoning District. This use is appropriate for agricultural areas, however, it should have a lower permit requirement which still allows for discretionary review.
- *Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation* in the OS Zoning District. This use is compatible with Open Space zoning and can help facilitate education and preservation for existing and future open space areas. As such this use should still be permitted through a discretionary review process to ensure that the use does not negatively impact adjacent open space areas.
- *School, trade or vocational* in CIC, LI and HI Zoning Districts. Trade and vocational schools can often involve industrial activities, this use should still be permitted through a discretionary review process to ensure that the use does not negatively impact the operations of adjacent industrial uses.
- *Banquet facility* in CP, CN, CG, and PQP Zoning Districts. This ordinance also proposes to change this use in TEC from Conditional Use to Special Use but only allows it in the first two floors of the building. Banquet facilities are compatible uses for commercial areas, as well as in the context of a ground floor use in a site zoned as TEC. Maintaining a discretionary review process will allow staff to ensure that the uses are of an appropriate scale and location, and also to ensure that the uses are not concentrated in a single area.
- *Theater, indoor* in CP, CN, CG, and PQP Zoning Districts. Theaters are appropriate uses in commercial areas but should still have a discretionary permit process to ensure that the use is compatible with adjacent uses, particularly if located near residential uses.
- *Theater, outdoor* in CG and PQP Zoning Districts. Similar to indoor theaters, the *Theater, outdoor* use is proposed as a Special Use to ensure compatibility with surrounding uses, particularly if located near residential uses.
- *Church/Religious Assembly* in the CO, CP, CN, and CG Zoning Districts. Changing the permit requirement for churches and religious assembly uses in Commercial Zoning Districts is proposed in order to reduce the time and cost, but also to open up new sites for the use, since it will no longer be permitted in any Industrial Zoning District, except CIC.

- *Emergency Residential Shelter* in the CO, CP, CN, and CG Zoning Districts. Currently, *Emergency Residential Shelters* are only allowed in Industrial areas and this proposed change would help preserve Industrial land for industrial uses and also bring residents who are experiencing a housing emergency closer to services and schools. The use is proposed as a Special Use in order to reduce the time and cost for permitting.
- *Mixed use, residential/commercial* in the RM Zoning District. This change would lower the burden for adding neighborhood serving, commercial uses into residential areas where the underlying General Plan designation supports the mix of uses. Because RM zoning covers a variety of residential and mixed use General Plan Land Use Designations, some of which would not support mixed use development, this use would include a new note to clarify that the use is only allowed where the underlying General Plan designation supports mixed uses.

The proposed Zoning Ordinance facilitates uses supported by the General Plan and are consistent with the following General Plan goals and policies:

Commercial Lands Policy LU-4.1 Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San Jose’s workers, residents, and visitors.

Neighborhood Serving Commercial Policy LU-5.7 Encourage retail, restaurant, and other active uses as ground floor occupant in identified growth areas and other locations with high concentrations of development.

High-Quality Living Environments Policy LU-9.2 Facilitate the development of complete neighborhoods by allowing appropriate commercial uses with or adjacent to residential and mixed-use neighborhoods.

Cultural Attractions Policy IE-5.4 Support entertainment offerings and cultural facilities, including but not limited to parks, visual and performing arts, museums, libraries, theaters, historic structures/sites. Neighborhoods, festivals, and commercial entertainment venues, particularly those that provide significant social and economic benefits to San Jose’s community, provide opportunities for community participation, achieve excellence and innovation, and/or reflect the City’s population.

San José as the Silicon Valley Cultural Center Goal AC-1 Strengthen San José as a regional center for arts, as a widely recognized cultural destination, and as the cultural and creative urban center of Silicon Valley.

Cultural Opportunities Policy VN-4.2, Encourage the availability of diverse cultural spaces and places throughout the community that can be used for arts and cultural education, rehearsals, production, performance, and other programming.

4. Preserve and enhance industrial land by adding new industrial uses, updating existing uses, allowing industrial supportive uses as appropriate, and removing inappropriate uses from Industrial Zoning Districts.

The proposed updates to the Zoning Ordinance would add appropriate uses in Industrial Zoning Districts and remove non-industrial uses from Industrial Zoning Districts consistent with the conforming General Plan land use designations and associated goals and policies. Some of these uses are proposed to be allowed in Commercial Zoning Districts where they would be better suited, as described below:

- *Drive through uses* would not be permitted in TEC, IP and LI. Currently a drive through use is allowed with a Conditional Use Permit in these Zoning Districts. Drive through uses are always in combination with retail/commercial uses such as banks, pharmacies, and restaurants which are not appropriate in these zoning districts and inconsistent with the conforming General Plan land use designations.
- *Plant Nursery* would not be permitted in the LI and HI Zoning Districts.
- *Performing Arts Rehearsal Space* would not be permitted in the LI Zoning District. This would be added as a new Permitted use in the CN and CG Zoning Districts and through a Special Use Permit in the CP Zoning District. In the TEC and IP Zoning Districts the permit requirement would change from a Conditional Use Permit to a Special Use Permit.
- *Recreation, commercial/indoor* would not be permitted in the LI Zoning District. In the IP Zoning District, no longer allow *Commercial Indoor Recreation* as a standalone use, but continue to allow it as neighborhood serving *Commercial Support*.
- *Social Service Agencies* would not be permitted in the TEC, IP, LI, and HI Zoning Districts. Allow this use through a Special Use Permit in the CIC, CP, CN, CG, and PQP Zoning Districts where it is not currently allowed.
- *Church/Religious Assembly* would no longer be permitted in the TEC, IP, and LI Zoning Districts.
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles* would not be permitted in the LI Zoning District. It would move from a Conditional Use Permit to a Special Use Permit in the CIC Zoning District.
- *Miniwarehouse/ministorage* would not be a permitted use in the HI Zoning District. This use would also change from a Permitted use to a Conditional use in the LI Zoning District.

The proposed Zoning Ordinance update would add new industrial uses or lessen the permit requirement for appropriate industrial uses as follows:

- Permit, *School, driving (class C & M license)*, in the LI and HI Zoning Districts through a Special Use Permit. Class C license are for vehicles capable of carrying more than 16 people, and Class M license are for motorcycles. The use would be a Permitted use in the

CIC Zoning District for classrooms only, and require a Special Use Permit if the school has on-site vehicle storage or use, due to the possibility of being in proximity to residential uses. Class C and M driving schools would be a permitted use in the CP, CN, and CG Zoning Districts for classrooms only with no on-site vehicle storage or use.

- Add, *Animal boarding, indoor*, as a permitted use; outdoor animal boarding would be allowed through a Special Use Permit in the CIC Zoning District.
- Add, *Business Support* as a Permitted Use in the IP Zoning District.
- Change, *Construction/corporation yard*, from a Special Use Permit to a Permitted Use in the LI and HI Zoning Districts
- Change, *School, Trade and Vocational*, from a Special Use Permit to a Permitted Use in the CIC, LI and HI Zoning Districts.

The Transit Employment Center General Plan land use designation calls for high intensity employment uses with more flexibility for commercial, neighborhood serving uses in the first two floors of the building. The TEC General Plan Land Use Designation exists in transit rich employment growth areas such as the core of North San Jose, Edenvale, and the Diridon Area.

The following uses would no longer be permitted in the TEC Zoning District because they are inconsistent with the TEC General Plan land use designation:

- *Neighborhood Agriculture*
- *Plant Nursery*
- *Maintenance and repair, small consumer goods*
- *Animal Boarding*
- *Animal Grooming*
- *Veterinary Clinic*
- *Recycling/Solid Waste Processing Facility*
- *Recycling/Solid Waste Transfer Facility*
- *Common Carrier Depot*
- *Fuel service station or charge station with incidental service and repair*
- *Sale, vehicle parts*
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*

Staff recognizes that extensive redevelopment of properties located in the TEC Zoning District would need to occur to achieve high density, jobs rich development called for by the TEC General Plan land use designation. Acknowledging that the existing building stock of TEC is largely comprised of low density, tilt-up concrete buildings, a new note in the TEC Zoning District would be created by this ordinance, to explain where certain uses would be allowed in the TEC Zoning District only in existing buildings constructed before the date of the adoption of this ordinance, with no more than 5% floor area expansion of the building allowed. This allows continued use of existing TEC building stock in the interim before the properties are redeveloped at higher densities. The following uses would be permitted in TEC with a note explaining they are only allowed in existing buildings:

- *Commercial Kitchen (standalone)*
- *Sales, industrial equipment and machinery*
- *Warehouse/Distribution Facility*
- *Warehouse Retail*
- *Wholesale Sale Establishment*
- *Warehouse retail indoor sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles*
- *Data center*

The TEC General Plan land use designation calls for an intense, transit-oriented land use pattern with retail and service commercial uses on the first two floors. The following uses would be allowed in TEC but only on the first two floors of a building as a supportive or secondary use:

- *Child Care Facility* (remains a Conditional Use Permit)
- *Commercial Indoor Recreation* (and change the permit requirement from a Conditional Use Permit to Special Use Permit)
- *Health Club/Gymnasium* (this new use would be a Special Use Permit)
- *Banquet Facility* (Change the permit requirement from Conditional Use Permit to Special Use Permit)
- *Health Club/Gymnasium* (Permitted use)
- *Commercial Kitchen* (Permitted use)
- *Private instruction, personal enrichment* (Permitted use)
- *Instructional art studios* (Permitted use)
- *Retail art studio* (Permitted use)
- *Retail bakery* (Permitted use)
- *Food, beverages, and groceries* (Permitted use)

- *Retail sales, goods, and merchandise* (Permitted use)
- *Dry cleaner* (Permitted use)
- *Laundromat* (Permitted use)
- *Office, medical* (Permitted use)

The proposed Zoning Ordinance changes listed above implement the following General Plan Policies:

Industrial Preservation Policy LU-6.1 Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses.

Industrial Preservation Policy LU-6.2 Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

Industrial Preservation Policy LU-6.7 Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

Industrial Preservation Policy LU-6.8 Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

Land Use and Employment Policy IE-1.3 As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, child care, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.

General Land Use Policy LU-1.5 Encourage developers of large commercial and industrial projects to identify and appropriately address the potential need generated by these projects for child care facilities or services. The provision of on-site child care may be considered for a single tenant building in industrial areas primarily for use by employees of the industrial facility. Do not locate off-site, freestanding child care facilities within industrial areas, except for those areas that have been designated for such uses.

Maximize Use of Public Transit Policy TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Private Community Gathering Facilities Policy VN-5.4 Recognize that Private Community Gathering Facilities can inherently involve large groups of people, including people who are susceptible to environmental hazards, such as children or the elderly. Carefully consider existing and potential future proximate land uses when locating Private Community Gathering Facilities to avoid health and safety risks and minimize incompatible land uses. Consider locating Private Community Gathering Facilities only on the edges of Industrial Park, Light Industrial or Heavy Industrial areas on properties that are directly adjacent to residential or school uses. Allow Private Community Gathering Facilities in these areas only if they will not have adverse impacts on the viability of the adjacent industrial area due to environmental hazards or land use incompatibilities. Do not locate Private Community Gathering Facilities within the interior of Industrial Park, Light Industrial, or Heavy Industrial areas.

5. Update Downtown Zoning Districts and implement the Downtown Retail Strategy.

The City Council approved the Downtown San Jose Retail Study in March 2019 which identified strategies to help modernize and revitalize Downtown retail opportunities over the next three to five years. Strategic Economics was contracted to undertake a retail study to inform Downtown retail development. This was the third of three such strategies completed by Strategic Economics for the City of San José, in response to the first Four-Year Major Review of the General Plan (completed in 2015). The other two retail strategies focused on North San Jose and the City at large. Prior to this study, the City had not undertaken a Downtown retail study in at least 10 years. A vibrant retail environment is critical as Downtown welcomes more workers and residents expecting to satisfy their daily needs and services, and retail and entertainment desires in San Jose's urban core.

Strategic Economics' scope of work included analyzing existing conditions, identifying national retail trends and the implication of these for downtown's retail landscape, identifying missing retail types in the core, conducting retail work sessions with various stakeholder groups, and preparing a Downtown retail strategy summary document. This study resulted in a total of 11 strategy recommendations, including *Strategy 4: Revise the Downtown Zoning Regulations*:

"Title 20 of the San Jose Municipal Code should be amended to remove and replace the Downtown Ground Floor Overlay and liberalize the Downtown Districts Land Use Regulations table (Table 20-140). A Primary Active Use/Transparency Zone, similar in concept to the Downtown Ground Floor Overlay but smaller in area, should be implemented on key east-west and north-south streets. This zone coincides with the creation of distinctive pedestrian routes identified in Strategy 7. Uses in Table 20-140 that are currently not permitted in the Downtown Ground Floor Overlay such as ground floor residential would remain restricted in the new active use/transparency zone. The

consultant team recommends that the City reserve six prominent intersections along Santa Clara and San Fernando streets exclusively for certain retail and food-related land uses. Lastly, there are uses in the Commercial Land Use table of Title 20 that are currently not permitted Downtown, but should be reconsidered (e.g. retail bakery, indoor theatre, and instructional art studios). An amended land use table is proposed in Appendix A of the report.”

This scope of work is consistent with the work already underway to update allowed uses and permit requirements to better conform with the General Plan in all Zoning Districts. As part of the retail study, six intersections were identified as being significant locations for retail uses. Planning staff will continue to evaluate this recommendation and will bring additional changes to the Downtown Zoning Districts upon further outreach and research.

Changes to the Downtown Zoning Districts consist of two key actions:

1. Update the table of permitted, conditional, and special uses in Downtown including adding or removing uses and changing the permit requirements for some uses.
2. Replace the *Downtown Ground Floor Space Area Overlay* (DG Overlay) with the new *Ground Floor Active Use Area Overlay* (AUA).

Proposed updates to permitted, conditional, and special uses in Downtown include:

- *Outdoor vending*, would change from Special Use Permit to Administrative Permit in DC and DC-NT1. This change is in part to make it less restrictive for outdoor vendors to operate in the downtown area without having to go through a public hearing process. An Administrative Permit allows staff to standardized the conditions for the use and as such any operational requirements would be addressed through the administrative permit.
- *Drinking establishment*, will change from Conditional Use to Special Use in DC. Drinking establishments play a vital role in providing a mix of entertainment and recreation amenities for resident and visitors in downtown. The move from a Conditional Use to a Special Use still allows a discretionary review process and public hearing for community input, but also lowers the startup cost of a new business.

The following uses are proposed to be Permitted in DC and DC-NT1 in addition to the uses already included in the Downtown use table. Some of the uses listed below currently exist and operate in the Downtown area and they are being added now to help clarify that they are in fact permitted uses and to provide clear process for uses looking to locate in the Downtown area in the future:

- *Retail Bakery*
- *Retail Art Studio*
- *Instructional Art Studios*
- *Laundromat*
- *Neighborhood Agriculture*
- *Health club, gymnasium*

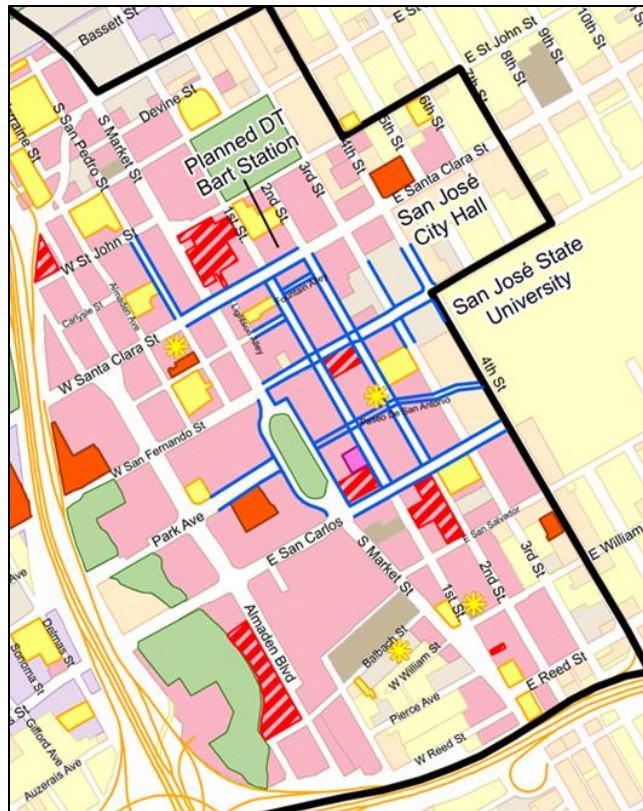
The following uses are proposed to be either a Special Use Permit or Conditional Use Permit in the DC and DC-NT1 Zoning Districts:

- Add, *Drinking establishment in conjunction with a winery, brewery, or distillery*, as a Special Use Permit in DC, and as Conditional Use Permit in DC-NT1; *Public eating establishment in conjunction with a winery, brewery, or distillery* as a Permitted use in DC and DC-NT1; and *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*, as Special Use Permit in DC, and Conditional Use Permit in DC-NT1. As previously mentioned, drinking establishments play a vital role in making downtown an attractive entertainment destination. These permit changes would still require a discretionary review process and opportunity for community input at a public hearing for alcohol related uses not associated with a public eating establishment. These changes are part of a collective effort to make it less restrictive for wineries, breweries, and distilleries to operate their businesses in San Jose while creating new dining options and places to buy locally made, craft alcohol products.

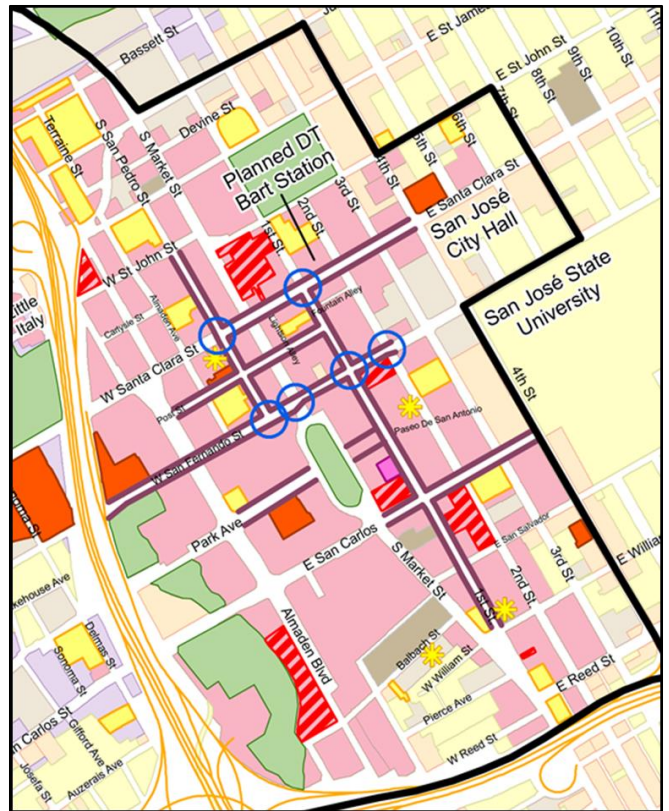
Replace the *Downtown Ground Floor Space Area Overlay (DG Overlay)* with the new *Ground Floor Active Use Area Overlay (AUA)*:

Strategic Economics' Downtown Retail Study identified that the current configuration of the DG Overlay does not always correspond to the best retail locations. The retail study also found that the DC and DC-NT1 zoning districts, which comprises most of the Downtown area, do not adequately identify where and how retail uses, active ground floor uses, and other uses should be regulated differently. In order to create an active and vibrant streetscape in certain streets downtown, the new *Active Use Area Overlay (AUA)* would replace the DG Overlay with updated streets and updates to the use table. The new AUA Overlay includes fewer street frontages than the DG Overlay and is designed to specifically reflect pedestrian "desire lines" among key anchor destinations in the Downtown area including San Pedro Square, the SoFA District, Diridon Station, SAP Center, and major hotels.

Existing DG Overlay



Proposed AUA Overlay



A copy of the Proposed Land Use/Overlay Amendments (Appendix A) from the Downtown San José Retail Strategy is attached to this report. The retail required corners discussed in Appendix A will be proposed through a future ordinance. The full [Downtown San José Retail Strategy](#) is available online.

The following uses are proposed to be Permitted in the AUA:

- *Automatic Teller Machine*
- *Business support use*
- *Financial Services*
- *Retail Bank*
- *Certified Farmers' Market, small*
- *Food, Beverages, Groceries*
- *Outdoor vending - fresh fruits and vegetables*
- *Retail sales, goods, and merchandise*

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- *Seasonal Sales*
- *Retail Bakery*
- *Retail Art Studio*
- *Day care center*
- *School, trade and vocational*
- *Private instruction, personal enrichment*
- *Instructional Art Studios*
- *Arcade, amusement game*
- *Movie theater*
- *Recreation commercial, indoor*
- *Poolroom/Billiards Establishment*
- *Private club or lodge*
- *Banquet - facility*
- *Caterer*
- *Drinking establishment interior to a full-service hotel or motel with 75 or more guest rooms*
- *Public eating establishment*
- *Animal grooming*
- *Animal boarding, indoor*
- *Medical or dental clinic/outpatient facility*
- *Veterinarian*
- *Bed and breakfast inn*
- *Hotel or motel*
- *Maintenance and repair of household appliances, small*
- *Personal services*
- *Printing and publishing*
- *Laundromat*
- *Information center*
- *Museums, libraries, parks, playgrounds, or community centers*
- *Off-site and alternating use parking arrangements*

The following uses are proposed to be allowed with a Special Use Permit in the AUA:

- *Certified farmers' market*
- *Office, business and administrative*
- *Drinking establishment*
- *Outdoor vending* (as Administrative Permit)
- *Lighting display* (as Administrative Permit or Special Use Permit - The use is allowed on an off-street parking establishment with an Administrative Permit if it does not displace more than 4 parking spaces, is not a late night use, does not occur more than three consecutive days and no more than three times in a calendar year, or if it does not require a technical analysis to analyze the light impacts. Otherwise the use can be allowed through a Special Use Permit with a limited term of five years).
- *Drinking establishment in conjunction with a winery, brewery, or distillery*
- *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*
- *Historic landmark structure reuse*

The following uses are proposed to be allowed with a Conditional Use Permit in the AUA:

- *Alcohol, off-sales, - beer and/or wine only*
- *Alcohol, off-sales - full range of alcoholic beverages*
- *Pawn shop, pawn broker as a use incidental to a retail jewelry store only*
- *School, elementary - grades K-8 (public or private)*
- *School, secondary - grades 9-12 (public or private)*

The proposed updates to the Zoning Ordinance, in concert with the recent adoption of the new Downtown Design Guidelines and Standards will implement the following General Plan Goals, Policies, and Actions:

- **Downtown Policy LU-3.1** Provide maximum flexibility in mixing uses throughout the Downtown Area. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the *Envision General Plan*.
- **Downtown Policy LU-3.2** Support Downtown as a primary employment center in the region, especially for financial institutions, insurance companies, government offices, professional services, information and communication technology companies, and businesses related to conventions.
- **Downtown Policy LU-3.3** Support the development of Downtown as an arts, cultural, and entertainment center for San José and the region. Promote special events, parades, celebrations, performances, concerts, and festivals.

- **Downtown Policy LU-3.4** Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.
- **Downtown Policy LU-3.6** Prohibit uses that serve occupants of vehicles (such as drive-through windows) and discourage uses that serve the vehicle (such as car washes and service stations), except where they do not disrupt pedestrian flow, are not concentrated, do not break up the building mass of the streetscape, and are compatible with the planned uses of the area.
- **Downtown Policy LU-3.7** Recognize the urban nature of Downtown and support 24-hour uses and outdoor uses, so long as significant adverse impacts do not occur.
- **Cultural Attraction Policy IE-5.1** Further Goals, Policies, and Actions that support the Vibrant Arts and Culture Vision Element, as well as those for Parks, Trails, Open Space, and Recreation to enhance San José's identity regionally, nationally, and internationally; to serve residents; and to attract workers and visitors.
- **Cultural Attraction Policy IE-5.4** Support entertainment offerings and cultural facilities, including but not limited to parks, visual and performing arts, museums, libraries, theatres, historic structures/sites/neighborhoods, festivals, and commercial entertainment venues, particularly those that provide significant social and economic benefit to San José's community, provide opportunities for community participation, achieve excellence and innovation, and/or reflect the City's population.
- **San José as the Silicon Valley Cultural Center Policy AC-1.1** Continue to support Downtown entertainment, arts and cultural activities and pursue opportunities to enhance or expand offerings there.
- **Fiscal Management of Parks and Recreation Resources Policy PR-8.10** Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future demands (i.e. plazas, swimming pools, fitness centers and gardens).
- **Neighborhood Serving Commercial LU-5.7** Encourage retail, restaurant, and other active uses as ground-floor occupants in identified growth areas and other locations with high concentrations of development.

6. Update Table 20-270 in Section 20.120.110 to designate new conforming Zoning Districts to some General Plan designations.

Table 20-270 provides a list of Zoning Districts and General Plan designations that are automatically considered to be conforming to each other. A rezoning of a property may proceed directly to the City Council for adoption if the Zoning District conforms to the underlying General Plan designation as defined in Table 20-270. This lessens the time and cost for rezoning property, which is important for Phase 2 of this project that will include City-initiated rezoning of property. The proposed updates to Table 20-270 include new and revised conforming Zoning Districts as follows:

- Revise the conforming district for the *Urban Village* Land Use Designation to the CP and CN Zoning Districts.
- Remove the IP Zoning District from the conforming districts for the *Transit Employment Center* Land Use Designation.
- Add the DC Zoning District as the conforming district for the *Downtown* Land Use Designation.
- Add the PQP Zoning District as the conforming district for the *Transportation and Utilities* Land Use Designation.
- Add the OS Zoning District as the conforming district for the *Open Space, Parklands, and Habitat* Land Use Designation.
- Add the CP and CN Zoning Districts as conforming districts for the *Urban Village Commercial* Land Use Designation.

7. Non-substantive text based changes for clarity and consistency throughout the Zoning Ordinance.

The proposed Zoning Ordinance changes include minor modifications for clarity and consistency including, but not limited to:

- Grammatical edits and adjustments to ensure consistency in the language used to describe uses across chapters of the Zoning Ordinance.
- Alphabetizing uses in the use tables.
- Cleaning up notes for clarity and comprehension.
- Standardizing the formatting for use tables.
- Removing outdated uses and adding newer, modern uses.
- Non-substantive clarifications to the Parking and Loading Chapter including updates or renaming of uses, and removing outdated uses from the table.

PUBLIC OUTREACH/INTEREST

Staff followed Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings were posted on the City's website and published in the San Jose Post-Record and emailed to a list of interested groups and individuals. This staff report and attachments were posted on the City's website. Staff has been available to respond to questions from the public.

Staff initiated outreach efforts to gather public input on the proposed Zoning Ordinance changes. A series of focus groups were held at City Hall on January 17th, 24th, & 25th, 2019 to engage with the development community and understand the issues and opportunities they face with development in the City of San José. In total there were 19 participants including developers, architects, land use consultants, and environmental advocates.

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Staff also held a community meeting at the Martin Luther King Jr Library in Room 225 on April 29th 2019, seven members of the public attended the meeting and three additional people submitted questions or comments via email.

COORDINATION

The preparation of the proposed ordinance and this staff report were coordinated with the City Attorney's Office and the Office of Economic Development.

CEQA

Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.



ROSALYNN HUGHEY, DIRECTOR
Planning, Building and Code Enforcement

Attachments:

- 1) Draft Ordinance
- 2) Appendix A (Downtown San José Retail Strategy)
- 3) CEQA clearance

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (ZONING ORDINANCE) TO: ADD OR REMOVE USES AND CHANGE PERMIT REQUIREMENTS IN THE OPEN SPACE/AGRICULTURE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND DOWNTOWN ZONING DISTRICTS IN TABLES 20-30, 20-50, 20-90, 20-110, AND 20-140; AMEND SECTION 20.50.110 FOR COMMERCIAL SUPPORT IN INDUSTRIAL DISTRICTS; REPEAL SECTION 20.50.115 FOR LARGE FORMAT COMMERCIAL ESTABLISHMENT, ASSOCIATED COMMERCIAL; REPEAL SECTION 20.70.140 ON ART DISPLAY STRUCTURE; AMEND SECTION 20.70.520 FOR THE DOWNTOWN GROUND-FLOOR SPACE OVERLAY (DG OVERLAY) TO REPLACE IT WITH THE ACTIVE USE AREA OVERLAY; CLARIFY AND CONSOLIDATE USES IN THE PARKING AND LOADING CHAPTER 20.90; AMEND SECTION 20.120.110 TO UPDATE TABLE 20-270 FOR CONFORMANCE WITH THE GENERAL PLAN; ADD, REMOVE, OR UPDATE VARIOUS DEFINITIONS IN CHAPTER 20.200.100; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES; ALL TO EFFECTUATE ZONING CODE AND GENERAL PLAN CONFORMANCE

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 20.20.100 of Chapter 20.20 of Title 20 of the San José Municipal Code is amended to read as follows:

20.20.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-30.
- B. "Conditional" uses are indicated by a "C" on Table 20-30. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-30. 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. Land uses not permitted are indicated by a "-" on Table 20-30. Land uses not listed on Table 20-30 are not permitted.
- ED. When the right column of Table 20-30 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 and any other title of the San José Municipal Code.

Table 20-30
Agricultural and Open Space Zoning District Use Regulations
OS Open Space and A Agricultural District Land Use Regulations

Use	Zoning District		Applicable Section & Notes
	OS	A	
Agriculture and Resource Uses			
Animal breeding (except fish, frogs, rabbits, poultry, and hogs)	P	P	Note 1
Animal breeding (fish, frogs, rabbits, poultry, and hogs)	C	P	Note 1

Any use or improvement for the conservation of water, reclamation, and erosion control	P	P	Note 1
Botanical conservatories, nature garden, nature study areas, and similar uses not within greenhouses or structures	P	-	Note 1
Certified F farmers' M arket	S	S	Note 1
Certified Farmers' Market - Small	P	P	Note 1; Part 3.5, Chapter 20.80
Dairies	P	P	Note 1
Extraction of chemicals from water by natural evaporation	C	-	Note 1
Extraction of minerals from the ground, including quarrying	C	-	Note 1
Filling or removal of earth, including grading	C	-	Note 1
Grazing	P	P	Note 1
Livestock ranch, excluding hogs	P	P	
Livestock ranch, hogs	C	C	
Natural R esource P reservation/ R eservation	P	-	Note 1
Pasture	P	P	Note 1
Planting, cultivating, growing, harvesting, and drying of crops	C	P	Note 1
Tree farms and forestlands	C	E <u>S</u>	Note 1
Wholesale sale of any animals, articles, wares, goods, merchandise, or commodities produced on-site in the conduct of any P ermitted or E conditional U se	C	C	Note 1
Wildlife refuge	P	-	Note 1
Education and Training			
Child D ay E care E center located on an existing school site or as an incident to an on-site E church/ R eligious A sssembly use involving no building additions or changes to the site	P	P	Note 1
Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation	E <u>S</u>	- <u>S</u>	Note 1

Entertainment and Recreation			
Equestrian and riding club	C	C	Note 1
Golf course	C	-	Notes 1, and <u>Note 2</u>
Marinas and other uses and facilities incidental to water recreation	C	-	Note 1
Shooting range	C	-	Note 1
Trails and paths, including equestrian, pedestrian, and bicycle	P	P	Note 1
Public, Quasi-Public and Assembly Uses			
Community television antenna systems	-	C	
<u>Residential Uses</u>			
<u>Home occupations</u>	<u>P</u>	<u>P</u>	<u>Part 9, Chapter 20.80</u>
<u>One-family dwelling</u>	<u>C</u>	<u>C</u>	<u>Note 1 and Note 3;</u> <u>Section 20.30.110</u>
<u>Temporary farm labor camp necessary to the gathering of crops grown on the site</u>	-	<u>C</u>	
<u>Transportation and Utilities</u>			
<u>Community television antenna systems</u>	-	<u>C</u>	
<u>Utility Facilities, excluding corporation yards, storage or repair yards and warehouses</u>	<u>C</u>	<u>C</u>	<u>Note 1</u>
Wireless C ommunication A ntenna	C	C	Notes 1 and <u>Note 2;</u> Sections 20.100.1300, 20.80.1915
Wireless C ommunication A ntenna, S limline M onopole	C	S	Notes 1 and <u>Note 4;</u>

			Sections 20.80.1900, 20.80.1915
Wireless C ommunication A ntenna, B uilding M mounted	P	P	Notes 1 and <u>Note 4</u> ; Sections 20.80.1910, 20.80.1915
Residential Uses			
One-family Dwelling	C	C	Note 1, Note 3, Section 20.30.110
Home Occupations	P	P	Part 9, Chapter 20.80
Temporary farm labor camp necessary to the gathering of crops grown on the site	-	C	
<u>Utilities, Electric Power Generation</u>			
Private Electrical Power Generation Facility			
Stand-By/Backup Electrical Power Generation Facility			
<u>Solar photovoltaic power system</u>	P	P	<u>Section</u> 20.100.610(C)(7)
<u>Stand-by/backup</u> F a ilities that do not exceed noise or air standards	S	S	
<u>Stand-by/backup</u> F a ilities that do exceed noise or air standards	C	C	
Solar Photovoltaic Power system	P	P	<u>Section</u> 20.100.610(C)(7)

Notes:

1. The erection, enlargement, structural alteration, or use of any permanent building or structure for any permitted or conditional use in the OS open space district requires the issuance of a conditional use permit, with the exception of certain modifications of existing wireless facilities pursuant to Section 20.80.1915.

2. Clubhouses, pro shops, snack shops, restaurants, bars, and driving ranges may be operated in conjunction with, but not independent of, the golf course. "Miniature golf courses" are not allowed.
3. A one-family dwelling may be used for a residential care facility or residential service facility for six or fewer residents. No services may be provided to non-residents.
4. 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 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 Zoning Districts Use Regulations
Land Use Regulations

Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					
One-family dwelling	P	P	P	C	Note 1: Section 20.30.110
Secondary dwelling <u>unit/accessory dwelling unit (ADU)</u>	P	P	P	-	Note 2 <u>and</u> <u>Note 3</u> : 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
<u>Single room occupancy living unit facility</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>Part 15,</u> <u>Chapter 20.80</u>

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
Residential Accessory Uses and Improvements					
Accessory buildings and structures	P	P	P	P	Note 34 ; Section 20.80.200
Home occupations	P	P	P	P	Part 9, Chapter 20.80
Mixed use, residential/commercial	-	-	C <u>S</u>	-	Note 109
<u>Agriculture</u>					
<u>Certified farmers' market</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Note 6</u>
<u>Certified farmers' market, small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 3.5, Chapter 20.80; Note 6</u>
<u>Neighborhood agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 9, Chapter 20.80</u>
<u>Education and Training</u>					
<u>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</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Day care center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>School, elementary and secondary (public)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	
<u>School, elementary and secondary (private)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	
Entertainment and Recreation Related					
Equestrian and riding club	C	-	-	-	

Golf course	C	C	C	-	Note 54
Private club or lodge	-	-	C	-	
Swim or tennis club	C	C	C	C	
Education and Training					
Child day care center located on an existing school site or as an incident to an on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
School -- Elementary and secondary (public)	P	P	P	-	
School -- Elementary and secondary (private)	C	C	C	-	
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/religious assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
General Services					
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
<u>Bed and breakfast inn</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>Section 20.80.110</u>

Outdoor vending, fresh fruits and vegetables	P	P	P	P	<u>Note 6 and Note 7:</u> <u>Part 10, Chapter 20.80;</u> Notes 7 and 8
Bed and breakfast inn	C	C	C	-	Section 20.80.110
<u>Health and Veterinary Services</u>					
<u>Emergency ambulance service</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Historic Reuse</u>					
<u>Historic landmark structure reuse</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Part 8.5, Chapter 20.80</u>
<u>Public, Quasi-Public and Assembly Uses</u>					
<u>Cemetery</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Church/religious assembly</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Museums, libraries, parks, playgrounds, or community centers (privately operated)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Museums, libraries, parks, playgrounds, or community centers (publicly operated)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Transportation and Utilities</u>					
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	<u>Note 89:</u> 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 89 ; 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 89 ; Sections 20.30.130, 20.30.140, 20.80.1910, 20.100.1300 and 20.80.1915
<u>Utilities, Electrical Power Generation</u>					
<u>Stand-By/Backup</u>					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 6
<u>Solar photovoltaic system</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sections 20.100.610.C.7 and 20.100.1030.A.6</u>
<u>Stand-by/backup facilities that do not exceed noise or air standards</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Note 5</u>
<u>Stand-by/backup F</u> 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
<u>Historic Reuse</u>					
Historic landmark structure reuse	G	G	G	G	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.~~

~~43.~~ No lot may be used solely for an accessory structure or an accessory building.

~~54.~~ No driving ranges or miniature golf facilities.

~~65.~~ 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.

~~76.~~ 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.

~~87.~~ 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.

~~98.~~ Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.

~~109.~~ 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 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

20.40.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100. "Conditional" uses which may be approved only on parcels designated on the land use/transportation diagram of the general plan, as amended, with a designation that allows residential use are indicated by a "C^{GP}" on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Conditional" uses requiring city council approval as the initial decision-making body are indicated by a "CC" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the city council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the planning commission at a public hearing of the commission for the commission's report and recommendation on the application to the city council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100. "Special" uses which may be approved only on parcels designated on the land use/transportation diagram of the general plan, as amended, with a designation that allows residential use are indicated by a "S^{GP}" on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.

- G. Land uses not permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- H. When the right column of Table 20-90 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

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

Use	Zoning District					Notes & Section
	CO	CP	CN	CG	PQP	
General Retail						
Retail sales, goods and merchandise	-	P	P	P	-	Note 21
Alcohol, off- sales ite sales - beer and/or wine only	-	C	C	C	-	Note 21; Section 20.80.900; Note 21
Alcohol, off- sales ite sales , - full range of alcoholic beverages	-	C	C	C	-	Note 21; Section 20.80.900; Note 21
<u>Alcohol, off-sales - as incidental to a winery, brewery, or distillery</u>	-	<u>S</u>	<u>S</u>	<u>S</u>	-	<u>Note 4</u>
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 <u>s</u> , <u>and</u> groceries	-	P	P	P	S	
Neighborhood Agriculture	P	P	P	P	P	Title 7; Note 19
<u>Nursery, plant</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Note 1</u>
Outdoor V <u>y</u> ending	-	A	A	A	A	Part 10, Chapter 20.80
Outdoor V <u>y</u> ending, _ <u> Fresh F</u> ruits and y <u>e</u> ggs	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 A <u>a</u> rt S <u>s</u> tudio	-	P	P	P	-	<u>Note 21;</u> _Section 20.80.117 5, Note 21
<u>Retail bakery</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Note 21</u>
<u>Retail sales, goods, and merchandise</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Note 21</u>
<u>Seasonal sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Part 14, Chapter 20.80</u>
<u>Agriculture</u>						
<u>Aquaculture, aquaponics, and hydroponics</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	

<u>Certified farmers' market</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Part 3.5, Chapter 20.80</u>
<u>Certified farmers' market, small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 3.5, Chapter 20.80</u>
<u>Neighborhood agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Note 19; Title 7</u>
<u>Drive-Through Uses</u>						
<u>Drive-through uses in conjunction with any use</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Education and Training						
Child D ay C are C enter located on an existing School Site or as an incident to a permitted on-site church/religious assembly use involving no B uilding additions or changes to the S ite	P	P	P	P	P - <u>P</u>	Note 21
Day care center	C	C	C	C	C	
Instructional A rt S tudios	-	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 _{1,7} Note 20 _{1,7} <u>and</u> Note 21
School, driving (class C & M license)	-	P	P	P	S	Note 2 _{1,7} Note 20 ₁ <u>and</u> -Note 21

School, P ost S econdary	-	P	P	P	S	Note 3, Note 20 <u>and</u> Note 21
School, T rade and V ocational	-	C	C	C	S	Note 16, Note 20 <u>and</u> Note 21
Entertainment and Recreation-Related						
Arcade, <u>a</u> Amusement G ame	-	C <u>P</u>	C <u>P</u>	C <u>P</u>	-	Note 21
Dance hall	-	C	C	C	C	Note 21
<u>Health club, gymnasium</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	
<u>Performing arts rehearsal space</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	-	
Poolroom/billiards establishment	-	C <u>P</u>	C <u>P</u>	C <u>P</u>	-	Note 21
Private club or lodge	C	C	C	C	-	
Recreation, C ommercial indoor	-	P	P	P	S	Note 21
Recreation, C ommercial outdoor	-	C	C	C	C	Note 21
Relocated C ardroom	-	-	-	C	-	Section 20.80.115 5
Stadium, 2,000 seats or fewer	-	C	C	C	C	Note 17
Stadium, more than 2,000 seats	-	CC	CC	CC	CC	Note 17 <u>and</u> ; Note 18
Theatre <u>Theater</u> , indoor	-	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	Note 21
Theatre <u>Theater</u> , outdoor	-	-	-	C <u>S</u>	C <u>S</u>	Note 21
Food Services						
Banquet F acility	-	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	

Caterer	-	P	P	P	S	Note 4
<u>Commercial kitchen</u>	-	<u>S</u>	<u>P</u>	<u>P</u>	-	
Drinking E establishments	-	C	C	C	-	Note 21
Drinking E establishments interior to a full-service hotel <u>or</u> /motel that includes 75 or more guest rooms	-	P	P	P	-	Section 20.80.475; Note 21
<u>Drinking establishment in conjunction with a winery, brewery, or distillery</u>	-	<u>S</u>	<u>S</u>	<u>S</u>	-	
Public E eating E establishments	-	P	P	P	-	Note 21
Outdoor dining, incidental to a Public Eating Establishment or a retail establishment <u>Public eating establishment or retail establishment with incidental outdoor dining</u>	-	P	P	P	-	<u>Note 21;</u> Section 20.40.520; <u>Note 21</u>
Wineries, breweries	-	C	C	C	-	Note 21
Incidental recreational dancing as part of a Public Eating Establishment or Drinking Establishment <u>Public eating establishment or drinking establishment with incidental dancing</u>	-	P	P	P	-	Note 21
Health and Veterinary Services						
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
General Services						
Bail bond establishment - outside main jail area	-	P outside of Urban Village; S in Urban Village P/S	P	P	-	<u>Note 5</u> ; Part 1.5, Chapter 20.80
Bail B ond E establishment - within main jail area	-	P outside of Urban Village; S in	P	P	-	<u>Note 5 and Note 14</u> ; - Part 1.5, Chapter 20.80

		Urban Village P/S				
Bed and B breakfast Inn	-	P	P	P	-	<u>Note 21:</u> Part 2, Chapter 20.80; Note 21
Dry cleaner	-	P	P	P	-	Note 21
Hotel or M otel	-	P	P	P	-	Note 21
Single R oom O ccupancy (SRO) H otel	-	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 <u>and;</u> Note 21
Mortuary and F uneral Services	P	P	P	P	-	Note 21
Personal S ervices	-	P	P	P	-	<u>Note 21:</u> Section 20.200.880; Note 21
Photo processing and developing	-	P	P	P	-	Note 21
Printing and publishing	-	P	P	P	-	Note 21
<u>Social service agency</u>	-	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Health and Veterinary Services</u>						

<u>Animal boarding, indoor</u>	<u>P/-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>Note 8</u> <u>Section</u> <u>20.40.120</u>
<u>Animal grooming</u>	<u>P/-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P/S</u>	<u>Note 8</u> <u>Section</u> <u>20.40.120</u>
<u>Emergency ambulance service</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Hospital/in-patient facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 21</u>
<u>Office, medical</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>Note 21</u>
<u>Veterinary clinic</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>Note 16</u>
<u>Historic Reuse</u>						
<u>Historic landmark structure reuse</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Part 8.5,</u> <u>Chapter</u> <u>20.80</u>
Offices and Financial Services						
Automatic teller machine	P	P	P	P	S	Section 20.80.200
Business S support	-	P	P	P	-	Note 21
Financial institution <u>services</u>	P	P	P	P	-	Note 21
Office, G general B business	P	P	P	P	S	<u>Note 21;</u> <u>Section</u> <u>20.40.110;</u> <u>Note 21</u>
Payday L ending E establishment	-	R outside of Urban A Village e;	R	R	-	<u>Note 24</u> Part 12.5, Chapter 20.80

		Prohibited in Urban Village R/-				Section 20.200.875
<u>Retail bank</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Note 21</u>
Public, Quasi-Public and Assembly Uses						
Cemetery	C	C	C	C	C	
Church/religious assembly	<u>C-S</u>	<u>C-S</u>	<u>C-S</u>	<u>C-S</u>	S	Note 16, Note 20, and Note 21
Construction/corporation yard associated with <u>P</u> ublic, <u>Q</u> uasi- <u>P</u> ublic or <u>A</u> sssembly <u>U</u> se or <u>T</u> ransportation or <u>U</u> tility <u>U</u> se	-	-	-	-	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	Note 21
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	S	Note 20, and Note 21
<u>Recycling Uses</u>						
<u>Reverse vending machine</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Part 13, Chapter 20.80</u>
<u>Small collection facility</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Part 13, Chapter 20.80</u>
Residential						

Emergency Residential Shelter	C	C	C	C	C	Section 20.80.500
<u>Emergency residential shelter</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Section 20.80.500</u>
<u>Hotel supportive housing</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 22; Part 22, Chapter 20.80</u>
Live/Work Uses	-	S	S	S	-	Note 6; Section 20.80.740
Mixed Use residential/commercial	-	C ^{GP} outside of Urban Village; S ^{GP} in Urban Village C/S	C	C ^{GP}	-	Note 6 and Note 25
Residential C are F acility for seven or more persons	C	C	C	C	C	
Residential S ervice F acility 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 R oom O ccupancy L iving <u>Unit</u>	-	C	C	C	-	Note 6; Part 15, Chapter 20.80

Drive-Through Uses						
Drive-through Uses in conjunction with any use	-	-	€	€	€	
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	-	-	-	-	€	Note 21
Commercial vehicle storage	<u>S</u>	-	-	<u>S</u>	<u>S</u>	
Common carrier depot	<u>-S</u>	-	<u>-S</u>	<u>-S</u>	S	Note 21
Community television antenna systems	C	C	C	C	C	
Off-site, Alternating Use and Alternative Parking Arrangements	S	S	S	S	S	Section 20.90.200
Parking Establishment, Off-street	C	€-	C	C	€-	
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7
Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Utility Facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	C	
Wireless Communication Antenna	C	C	C	C	C	Note 23;

						Sections 20.100.13 00, 20.80.191 5
Wireless <u>C</u> ommunication <u>A</u> ntenna, <u>S</u> limline <u>M</u> onopole	S	S	S	S	S	Note 23; Sections 20.80.190 0, 20.80.191 5
Wireless <u>C</u> ommunication <u>A</u> ntenna, <u>B</u> uilding <u>M</u> ounted	P	P	P	P	P	Note 23; Sections 20.80.191 0, 20.80.191 5
<u>Utilities, Electrical Power Generation</u>						
<u>Fuel Cells</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Co-generation facility</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Fuel cells</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Private electrical power generation facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 2</u>
<u>Solar photovoltaic system</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section</u> <u>20.100.61</u> <u>0 C.7.</u>
<u>Stand-by/backup facilities that do not exceed noise or air standards</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>A</u>	
<u>Stand-by/backup facilities that do exceed noise or air standards</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Temporary stand-by/backup</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Private Electrical Power Generation Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 2</u>

Co-generation Facility	S	S	S	S	S	
Stand-by/Backup						
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 20.100.61 0-C.7.
Vehicle Related Uses						
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	-	
Fuel Gasoline S <u>service station</u> or C <u>charge S</u> <u>station, no incidental service or repair</u>	-	C	C	P	C	Note 8, Note 15
Gasoline Fuel S <u>service station</u> or C <u>charge S</u> <u>station with incidental service and repair</u>	-	C	C	P	C	Note 9 <u>and,</u> -Note 13
Glass sales, installation, and tinting	-	-	C	P	-	Note 13
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	C	C	P	-	Note 2
Sale, brokerage, or lease, commercial vehicles	-	C	C	C	-	Note 13
Sale or brokerage, P <u>passenger</u> V <u>ehicles</u> , pick-up trucks not exceeding twenty-five <u>25</u> feet in length, and motorcycles	-	C	S	P	-	Note 12 <u>and,</u> 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 <u>and</u> , Note 13
Historic Reuse						
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. ~~Classroom use only, no driving courses or No~~ on site storage of vehicles permitted in the CP, CN, and CG and CN-z zoning ~~d~~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.~~
4. Alcohol, off-sales are limited to products manufactured on-site for wineries, breweries, or distilleries.
5. Permitted outside of Urban Village; Special use permit in Urban Villages.
6. In an urban village, mixed-use residential/commercial only ~~:- (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 the~~ residential portion of the use is 100% deed restricted and affordable to persons of low, very low, and/or extremely low income as defined in California Government Code Section 65915 et seq. and in conformance with all criteria in the general plan for such use. Live/work in an area with an urban village designation or urban village overlay in the general plan shall be consistent with applicable approved urban village plans.
7. Use must be less than twenty-four hours.
8. Permitted only as incidental to neighborhood agriculture; otherwise prohibited in CO. In PQP the use is permitted only as incidental to neighborhood agriculture; otherwise a special use permit is required.

~~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, distilleries, and data centers, with approval of a conditional use permit.
22. Hotel supportive housing may be permitted only with a conditional use permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
23. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
24. Restricted outside of Urban Villages; Prohibited in Urban Villages.
25. Conditional use permit required outside of Urban Villages; Special use permit in Urban Villages.

SECTION 4. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Permitted" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial land use designation or, in the case of Hotel or /Motel establishments, which may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay, are indicated by a "P ^{GP}" on Table 20-110.
- C. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial Designation or, in the case of Hotel or /Motel establishments, may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the preferred Hotel Site Overlay, are indicated by a "C ^{GP}" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

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

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial designation are indicated by a "CC ^{GP}" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- E. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- F. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- G. "Restricted" land uses are indicated by an "R ^{GP}" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100. "Restricted" uses may only occur on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with a Combined/Industrial Commercial, Industrial Park, Light Industrial, or Heavy Industrial designation.
- H. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.
- I. When the right column of Table 20-110 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-110
Industrial Zoning Districts ~~Land~~ Use Regulations

Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Industry						
Auction	C	C	C^{GP}	C^{GP}	-	
<u>Construction/corporation yard</u>	<u>S</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	
<u>Establishment for the repair, cleaning of household, commercial or industrial equipment or products</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	

<u>Extraction of minerals from the ground, including quarrying</u>	-	-	-	-	<u>C</u>	
<u>Hazardous materials storage facility</u>	-	-	-	<u>C</u>	<u>C</u>	
<u>Hazardous waste facility</u>	-	-	-	-	<u>C</u>	
<u>Junkyard</u>	-	-	-	-	<u>C</u>	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly						
-Manufacturing and assembly, Light	P	P	P	P	-	
-Manufacturing and assembly, Medium	P	P	P	P	P	
Manufacturing and assembly, 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/ M inistorage	-	-	-	P <u>C</u>	P <u>-</u>	
Outdoor uses or storage, industrial	-	-	-	S	P	Section 20.50.210
Private electrical power generation facility	C	C	C	C	C	

<u>Research and development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	
Stockyard, including slaughter	-	-	-	-	C	
Warehouse/distribution facility	P	P	P	P	P	<u>Note 2</u>
Wholesale sale establishment	P	S	S	P	P	<u>Note 2</u>
Wineries, breweries	P	P	P	P	P	
Additional Uses						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	S	S	
Commercial support	-	P	P	-	-	Note 5; -Section 20.50.110
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	-	E	E	
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	-	-	E ^{GP}	E ^{GP}	-	
Large format commercial establishment, associated commercial	-	-	E ^{GP}	E ^{GP}	-	Section 20.50.115
Warehouse retail	-	-	E	E	E	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	P	-	E	-	
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80

<u>Agriculture</u>						
<u>Aquaculture, aquaponics, and hydroponics</u>	<u>S</u>	-	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Certified farmers' market</u>	<u>S</u>	<u>S</u>	<u>S</u>	-	-	<u>Part 3.5, Chapter 20.80</u>
<u>Certified farmers' market - small</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	<u>Part 3.5, Chapter 20.80</u>
<u>Neighborhood agriculture</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Drive-Through Use</u>						
<u>Drive-through in conjunction with any use</u>	<u>C</u>	-	-	-	-	
Education and Training						
Day care center	C	C	C ^{GP} <u>C</u>	C ^{GP} <u>C</u>	-	<u>Note 20</u>
<u>Instructional art studios</u>	<u>P</u>	<u>P</u>	-	-	-	<u>Note 14</u>
School, driving (class A & B license)	-	-	-	<u>P</u>	<u>P</u>	
Instructional art studios	<u>P</u>	<u>P</u>	-	-	-	
Instructional art studios, live models	<u>C</u>	<u>C</u>	-	-	-	
Private instruction, personal enrichment	P	P	-	-	-	<u>Note 14</u>
<u>School, driving (class A & B license)</u>	<u>P/S</u>	-	-	<u>P</u>	<u>P</u>	<u>Note 23</u>
<u>School, driving (class C & M license)</u>	<u>P/S</u>	-	-	<u>S</u>	<u>S</u>	<u>Note 23</u>
School, - elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	C <u>S</u>	C	S <u>S</u>	C <u>S</u>	C <u>S</u>	
Entertainment and Recreation-Related						

Recreation, commercial/indoor	P	Con lands with a Gen eral Plan land use desi gnat ion of Tran sit Emp loy men t Gen ter; GP on land s with othe r Gen eral Plan land use desi gnat ions	GP	GP	-	Note 5; Section 20.50.110
<u>Health club, gymnasium</u>	<u>P</u>	<u>S</u>	=	=	=	<u>Note 14;</u> <u>Section</u> <u>20.50.110</u>

Recreation, commercial/outdoor	C	-	-	-		
Relocated cardroom	C^{GP}	C^{GP}	C^{GP}	C^{GP}	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C	C^{GP} =	-	
<u>Recreation, commercial/indoor</u>	<u>P</u>	<u>S</u>	=	=	=	<u>Note 2 and Note 5;</u> <u>Section 20.50.110</u>
<u>Recreation, commercial/outdoor</u>	<u>C</u>	=	=	=	=	
<u>Relocated cardroom</u>	<u>C^{GP}</u>	<u>C^{GP}</u>	<u>C^{GP}</u>	<u>C^{GP}</u>	=	<u>Section 20.80.1155</u>
Stadium, 2,000 seats or fewer including incidental support uses	C^{GP} <u>C</u>	C on land s with a Gen eral Plan land use desi gnat ion of Tran sit Emp loy men t Gen ter; C^{GP} on land	-	-	-	Note 15

		s with othe r Gen eral Plan land use desi gnat ions <u>C</u>				
Stadium, more than 2,000 seats including incidental support uses	CC GP	-	-	-	-	Note 15 <u>and</u> ; Note 16
Food Services						
Caterer	P	P	-	-	-	
<u>Commercial kitchen</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Note 2 and Note 14</u>
Drinking establishments	C	C	-	-	-	
Drinking establishments interior to a full-service hotel <u>or</u> /motel that includes 75 or more guest rooms	P	S if withi n 150 feet of resi dent ially use d or zon ed Lot; P if not withi n 150	P GP	-	-	<u>Note 13 and Note 21;</u> Section 20.80.475; Note 13

		feet of resi dent ially use d-or zon ed Lot S/P				
Drinking establishment in conjunction with a winery, or brewery, <u>or distillery</u>	C-S	C-S	C-S	C-S	C-S	
Public eating establishments	P	P	-	C	C	Note 5; Section Section <u>S</u> 20.50.110, and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	S if withi n 150 feet of resi dent ially use d-or zon ed Lot; P if not withi n 150 feet of resi dent	-	C	C	Note 5 <u>and</u> <u>Note 21</u> ; Section Section <u>S</u> 20.50.110, and Section 20.50.113

		ially use d-or zon ed Lot S/P				
<u>Wineries, breweries, and distilleries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>General Retail</u>						
<u>Alcohol, off-sales - beer and/or wine only</u>	<u>C</u>	<u>C</u>	=	=	=	<u>Note 5;</u> <u>Section</u> <u>20.50.110</u>
<u>Alcohol, off-sales - full range of alcoholic beverages</u>	<u>C</u>	<u>C</u>	=	=	=	<u>Note 5;</u> <u>Section</u> <u>20.50.110</u>
<u>Alcohol, off-sales - as incidental to a winery, brewery, or distillery</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Note 12;</u> <u>Section</u> <u>20.50.110</u>
<u>Food, beverages, and groceries</u>	<u>P</u>	<u>P</u>	=	=	=	<u>Note 5 and</u> <u>Note 14;</u> <u>Section</u> <u>20.50.110</u>
<u>Nursery, plant</u>	<u>P</u>	=	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Outdoor vending</u>	<u>A</u>	<u>A</u>	=	<u>A</u>	<u>A</u>	<u>Part 10,</u> <u>Chapter</u> <u>20.80</u>
<u>Outdoor vending - fresh fruits and vegetables</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 10,</u> <u>Chapter</u> <u>20.80</u>
<u>Warehouse retail</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 2;</u> <u>Section</u> <u>20.50.130</u>

<u>Retail sales, goods, and merchandise</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 5 and Note 14; Section 20.50.110</u>
<u>Retail art studio</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 14</u>
<u>Retail bakery</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 5 and Note 14; Section 20.50.110</u>
<u>Sales, industrial equipment and machinery</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Note 2</u>
<u>Seasonal sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 14, Chapter 20.80</u>
<u>General Services</u>						
<u>Crematory</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>Note 7</u>
<u>Dry cleaner</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 14</u>
<u>Hotel or motel</u>	<u>P</u>	<u>P/ P_{GP}</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>Note 13</u>
<u>Laundromat</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 14</u>
<u>Mortuary, without funeral services</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	
<u>Personal services</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 5; Section 20.50.110</u>
<u>Printing and publishing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Social service agency</u>	<u>S</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Health and Veterinary Services						
Animal boarding, indoor	<u>P/S</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>Note 14 Note 22</u>

Animal grooming	P	P	-	-	-	Note 14
Emergency ambulance service	C	C GP	C ^{GP} -	C ^{GP} -	-	
Hospital/in-patient facility	C	C	C	-	-	Note 6
Medical cannabis collective	R ^{GP}	-	R ^{GP}	R ^{GP}	R ^{GP}	Part 9.75, Chapter 20.80
Medical cannabis collective cultivation site only	R ^{GP}	-	R ^{GP}	R ^{GP}	R ^{GP}	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R ^{GP}	-	R ^{GP}	R ^{GP}	R ^{GP}	Part 9.75, Chapter 20.80
Medical cannabis business	R ^{GP}	-	R ^{GP}	R ^{GP}	R ^{GP}	Part 9.75, Chapter 20.80
Non-medical cannabis business	R ^{GP}	-	R ^{GP}	R ^{GP}	R ^{GP}	Part 9.75, Chapter 20.80
Cannabis M anufacturing (Type 6) B usiness	R ^{GP}	-	R ^{GP}	R ^{GP}	R ^{GP}	Part 9.76, Chapter 20.80
Cannabis D istribution B usiness	R ^{GP}	-	R ^{GP}	R ^{GP}	-	Part 9.76, Chapter 20.80
Cannabis T esting B usiness	-	-	R ^{GP}	-	-	Part 9.76, Chapter 20.80
Office, medical	P	P	C	-	-	<u>Note 14</u> Note 5, Section 20.50.110

Veterinary clinic	P	P ₋	-	-	-	Note 14
<u>Historic Reuse</u>						
<u>Historic landmark structure reuse</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Part 8.5, Chapter 20.80</u>
General Services						
Crematory	-	-	-	G ^{GP}	G	Note 7
Mortuary, without funeral services	-	-	-	P	P	
Dry cleaner	P	P	-	-	-	
Hotel/motel	P	P on land s with a General Plan land use designation of Transit Employment Center; P _{GP} on land s with othe	G ^{GP}	-	-	Note 13

		General Plan land use designations				
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	-	G	G	G	G	
Offices and Financial Services						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support use	P	P	P	-	-	
Financial institution	P	P	-	G _{GP}	-	Note 5, Section 20.50.110
Office, general business	P	P	P	-	-	
Office, research and development	P	P	P	-	-	
Public, Quasi-Public and Assembly Uses						
Church/religious assembly	C	G _{OA}	G _{GP}	G _{GP}	-	

		land s with a Gen eral Plan land use desi gnat ion of Tran sit Emp loy men t Gen ter; C ^{GP} on land s with othe r desi gnat ions :				
<u>Recycling Uses</u>						
<u>Processing facility</u>	:	:	<u>C</u>	<u>S</u>	<u>S</u>	
<u>Transfer facility, recycling</u>	:	:	<u>C</u>	<u>S</u>	<u>S</u>	
<u>Collection facility, large</u>	:	:	:	:	<u>P</u>	
<u>Reverse vending machine</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
<u>Collection facility, small</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	

Residential						
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 _{GP}	C _{GP}	C _{GP}	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C _{GP}	C _{GP}	C _{GP}	-	Section 20.80.500
<u>Hotel supportive housing</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 17; Part 22 of Chapter 20.80</u>
Living quarters, custodian, caretakers	-	-	-	-	C	Note 1
Drive-Through Use						
Drive-through in conjunction with any use	C	C ^{GP}	C ^{GP}	C ^{GP}	-	
Recycling Uses						
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	
Transportation and Utilities						
Common carrier	-	-	-	C	P	
<u>Commercial vehicle storage</u>	<u>S</u>	<u>-</u>	<u>-</u>	<u>S</u>	<u>S</u>	
Common carrier depot	S	S	S	S	S	
Community television antenna systems	C	C	C	C	C	

Data center	S	S	S	S	S	<u>Note 2</u>
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	E	E	E	E	E	
Off-street parking establishment	C	E	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
<u>Utilities, Power Generation</u>						
Base load power plant	-	-	-	-	C	
<u>Co-generation facility</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Private electrical power generation facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Stationary peaking power plant	-	-	-	E	E	
Transportable peaking power plant	-	-	-	E	E	
Private electrical power generation facility	E	E	E	E	E	
Co-generation facility	S	S	S	S	S	

<u>Solar photovoltaic power system</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 20.100.610 C.7.</u>
<u>Stand-by/backup facilities that do not exceed noise and air standards</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Stand-by/backup facilities that do exceed noise and air standards</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Stationary peaking power plant</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	
<u>Temporary stand-by or backup electrical power generation facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Transportable peaking power plant</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	
Stand-By/Back-Up/Small-Scale Renewable Power						
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.
Vehicle Related Uses						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Gasoline Fuel service station or charge station, excluding no incidental service or repair	P	C	C _{GP}	C _{GP}	-	Note 2, Note 8
Gasoline Fuel service station or charge station with incidental service and repair	P	C	C _{GP}	C _{GP}	-	Note 3
<u>Repair and cleaning of vehicles</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>Note 4</u>

Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C <u>S</u>	C <u>-</u>	-	C <u>-</u>	-	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 <u>-</u>	-	P/S	-	Note 9
Vehicle tow yard	-	-	-	C	S	<u>Note 19</u>
Vehicle wrecking, including sales of parts	-	-	-	-	C	
<u>Warehouse retail indoor sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Note 2:</u> <u>Section 20.50.140</u>
Historic Reuse						
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. In TEC, only allowed in existing buildings with a valid certificate of occupancy as of (the effective date of this ordinance). Not allowed more than 5% expansion of the existing building floor area ratio as a minor improvement for the portion of the building occupied by the use subject to this note.
3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries, and accessories installation. Does not allow body repair or painting.

4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
5. Retail; recreation, commercial/indoor establishments; Health club, gymnasium; Public Eating Establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and Personal Service establishments are Permitted in the IP district subject to the limitations of Commercial Support Use, Section 20.50.110. Public Eating Establishments in the LI or HI districts are limited to a maximum of six hundred fifty (650) gross square feet in size.
6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
8. Charge Stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are Permitted in all Industrial Zoning Districts.
9. Vehicle parts sales are permitted in the LI district when the total floor area dedicated to retail display and open to the public occupies no more than fifteen (15) percent of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed fifteen (15) percent of the gross floor area of the individual tenant space are subject to a Special Use Permit.
10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
11. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
12. Off-sale of alcoholic beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:

- a. Two hundred fifty (250) gross square feet; or
 - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any ~~and~~ all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
13. At least two hundred (200) rooms and four (4) or more stories in height are required for Hotels located in the TEC Transit Employment Center Zoning District.
14. The use is allowed in the TEC district only on the first or second floor of the a building containing another permitted, special, or conditional use of the TEC Zoning District that is not subject to this note. Not allowed as a standalone use. 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 (2,000) seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
17. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
19. Vehicle auctions are permitted as part of a Vehicle tow yard.
20. Day care centers are allowed in the IP and TEC Zoning Districts as incidental uses to the primary TEC or IP development, not as a standalone use.
21. Special use permit required if within 150 feet of residentially used or zoned lot; Permitted if not within 150 feet of residentially used or zoned lot.

22. Outdoor Animal Boarding is allowed through a Special use permit in the CIC Zoning District.

23. Permitted in the CIC district for classroom use only, outside vehicle storage requires a Special use permit.

SECTION 5. Section 20.50.110 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.110 Commercial Support

Commercial support is permitted in the IP Industrial Park and TEC Transit Employment Center districts only when all of the following criteria are met:

- A. Such commercial uses serve the immediate area; and
- B. Such commercial uses are located entirely within Buildings occupied by primary uses permitted in the IP or TEC districts; and
- C. The sum of all such commercial uses in any single building on the site occupies no more than ten percent of the gross floor area of the building or no more than twenty thousand square feet, whichever is less; or, in the case of medical offices as the sole commercial support use in a building, the sum of such medical office use in any single building on the site occupies no more than twenty percent of the gross floor area of the building or no more than twenty thousand square feet, whichever is less; and
- D. Such commercial uses are limited to the following:
 - 1. Retail; including off-sale of alcohol, subject to a conditional use permit.
 - 2. Recreation, commercial/indoor.
 - 3. Health club, gymnasium
 - ~~3.4.~~ Personal service establishment.
 - ~~4.5.~~ Public eating establishment.
 - ~~5.6.~~ Outdoor dining, incidental to a public eating establishment.
 - ~~6.7.~~ Financial institution.
 - ~~7.8.~~ Medical clinic.
 - ~~8.9.~~ Medical office.
 - 9.10. Amusement game devices, up to nine per business establishment, as an (incident) to one or more of the above enumerated commercial uses.

SECTION 6. Section 20.50.115 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby repealed.

20.50.115 Large Format Commercial Establishment, Associated Commercial

~~A. A conditional use permit may be issued pursuant to the applicable provisions of this title for the following in conjunction with a large format commercial entity:~~

~~1. Up to ten thousand square feet of commercial uses may be allowed in a building or on a site containing a large format commercial entity; and~~

~~2. Such commercial uses that may be allowed are limited to the following uses:~~

~~a. Retail; including off sale of alcohol, subject to a conditional use permit;~~

~~b. Recreation, commercial/indoor;~~

~~c. Personal service establishment;~~

~~d. Public eating establishment;~~

~~e. Financial institution;~~

~~f. Medical clinic;~~

~~g. Medical office; and/or~~

~~h. Amusement game devices, up to nine per business establishment, as an incident to one or more of the above enumerated commercial uses.~~

SECTION 7. Part 1 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 1
General**

20.70.010 Applicability

This chapter shall apply only to properties with a zoning designation consistent with this chapter and located within the downtown area bounded by Julian Street, properties fronting both sides of North Fourth Street, East St. John Street, 7th Street, East San Fernando Street, South 4th Street, Interstate 280, the Union Pacific Railroad line, Stockton Avenue, Taylor Street and Coleman Avenue, which area is sometimes referred to as the downtown zoning area.

20.70.020 Downtown Zoning Districts and Overlays

A. This chapter sets forth the land use and development regulations applicable to the downtown zoning districts established by Section 20.10.060.

- B. This chapter further sets forth land use and development regulations applicable to a portion of the DC Downtown Primary Commercial Zoning District, which is designated as the ~~Downtown Ground-Floor Space Area (DG Overlay Area)~~ Ground Floor Active Use Area Overlay (AUA) and is described in Section 20.70.520.
- C. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the ~~DC~~ Downtown Primary Commercial (DC) and ~~DC-NT1~~ Downtown Commercial - Neighborhood Transition 1 (DC-NT1) ~~z~~Zoning ~~d~~Districts except as set forth in this chapter.

SECTION 8. Part 2 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

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 "P^{GP}" 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 "C^{GP}" 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. "Conditional" uses requiring city council approval as the initial decision-making body are indicated by a "CC" 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 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.~~

~~FE.~~ "Special" uses are indicated by a "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.

~~GE.~~ "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 "S^{GP}" 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.

~~HG.~~ "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.

~~J.~~ Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.

~~KJ.~~ The column of Table 20-140, under the heading "Additional Use Regulations for the ~~DG Overlay~~ 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 ~~DG overlay area~~ Active Use Area Overlay is described in Section 20.70.520. ~~If there are no additional regulations noted in this column (such as the type of permit required or a "-" or cross references to notes or other section in the zoning code), then the use regulations for the DG overlay area are the same as the regulations of the DC zoning district.~~

- K.** The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the director as set forth in Sections 20.70.320 and 20.70.330 of this chapter.
- L.** When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-140
Downtown ~~Zoning~~ Districts ~~Land~~ Use Regulations

Use	Zoning District		Applicable Notes & Sections <u>Regulations</u>		
	DC	DC-NT1	<u>Additional Use Regulations for the AUA Overlay</u> <u>Additional Use Regulations for the DG Overlay Area</u>	Parking	Applicable to All Downtown Districts
Offices and Financial Services					
Automatic teller machine	P	P	<u>P</u> ; <u>Note A</u>	No parking	<u>Note a</u> ; Section 20.80.200
Business support use	P	P	<u>S</u> , <u>Notes k and n</u> <u>P</u>	No parking	
Financial institution <u>sServices</u>	P	P	<u>PS</u> ; <u>Note n</u> <u>b</u>	2.5 per 1,000 sq. ft.	<u>Note b</u>
Financial services <u>Retail Bank</u>	P	P	<u>SP</u> ; <u>Notes m and n</u> <u>b</u>	No parking	<u>Note b</u>

Offices, business and administrative	P	P	S, Notes i and n	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.	Note 1
General Retail					
Alcohol, off-sales - Off-sale, alcoholic beverages - beer and/or wine only	C	C	C	No parking	Section 20.80.900
Alcohol, off-sales - Off-sale, alcohol beverages - full range of alcoholic beverages	C	C	C	No parking	Section 20.80.900
Alcohol, off-sales - as incidental to a winery, brewery, or distillery	S	C	S	No parking	Note 11
Auction	S	-	No parking		
Certified farmers' market	S-P	S-P	P	No parking	Part 3.5, Chapter 20.80
Certified farmers' market - small	P	P	No parking	Part 3.5, Chapter 20.80	
Food, beverage<u>s</u>, and groceries	P	P	P	No parking	
Open air sales establishments and areas	S	S	No parking		

Outdoor vending	S-A	S-A	A Note b	No parking	<u>Note b</u> : Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	P Note b	No parking	<u>Note b</u> : Part 10, Chapter 20.80
Pawn shop <u>or</u> , pawn broker, <u>incidental to a retail jewelry store</u>	C	C	C pawn, Note b	No parking	<u>Note b</u> : <u>Chapter 6.52</u>
<u>Retail bakery</u>	P	P	P	<u>No parking</u>	
<u>Retail art studio</u>	P	P	P	<u>No parking</u>	
Retail sales, goods, and merchandise	P	P	S/P Note ac	No parking	<u>Note c</u>
Seasonal sales	P	P	P	No parking	Part 14, Chapter 20.80
<u>Agriculture</u>					
<u>Certified farmers' market</u>	S	S	S	<u>No parking</u>	<u>Part 3.5, Chapter 20.80</u>
<u>Certified farmers' market, small</u>	P	P	P	<u>No parking</u>	<u>Part 3.5, Chapter 20.80</u>
<u>Neighborhood agriculture</u>	P	P	P		
Education and Training					
Day care center	P	P	SP	No parking	<u>Note b</u>

			Notes c and n b		
<u>Instructional art studios</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	
<u>School, post-secondary</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>1 per 360 sq. ft.</u>	
<u>School, trade and vocational</u>	<u>P</u>	<u>P</u>	<u>-P, Note b</u>	<u>1 per 360 sq. ft.</u>	
<u>Personal enrichment, instructional art</u> <u>Private instruction, Ppersonal</u> <u>Eenrichment</u>	<u>P</u>	<u>P</u>	<u>-P, Note d b</u>	<u>1 per 360 sq. ft.</u>	<u>Note b</u>
<u>School, elementary - grades K - 8 - (public or private grades K - 8)</u>	<u>C</u>	<u>C</u>	<u>-C, Note b</u>	<u>1 per teacher and employee</u>	<u>Note b</u>
<u>High school</u> <u>School, secondary - grades 9 - 12</u> <u>(grades 9 - 12 public or private)</u>	<u>C</u>	<u>C</u>	<u>C, Note b</u>	<u>.75 per teacher and employee and 1 per each 10 students</u>	<u>Note b</u>
<u>School, post-secondary</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>1 per 360 sq. ft.</u>	
<u>School, trade and vocational</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>1 per 360 sq. ft.</u>	<u>Note b</u>
Entertainment and Recreation Related					

<u>Arcade, amusement game</u> Amusement game arcade	<u>S</u> <u>P</u>	-	S , <u>P</u> <u>Note b</u>	No parking	<u>Note b</u>
<u>Health club, gymnasium</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	
<u>Lighting display</u>	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>	<u>No parking</u>	<u>Section 20.70.150</u>
Movie theater	P	P	<u>P</u>	No parking	
Recreation commercial/indoor	<u>P</u>	<u>P</u>	<u>P</u>	No parking	
<u>Poolroom/billiards establishment</u>	<u>S</u> <u>P</u>	-	<u>P</u>	No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Art display structure	<u>S</u>	-	No parking	Section 20.70.140	
Lighting display	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>	<u>No Parking</u>	Note e, Section 20.70.150
<u>Recreation commercial/indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	
Food Services					
Banquet — facility	P	P	<u>P</u>	No parking required	
Caterer	P	P	C <u>P</u> <u>Note f b</u>	No parking	<u>Note b</u>
Drinking establishments	C <u>S</u>	C	<u>S</u>	No parking	

<u>Drinking establishment in conjunction with a winery, brewery, or distillery</u>	<u>S</u>	<u>C</u>	<u>S</u>	<u>No parking</u>	
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	-	<u>CC</u>	No parking	Note <u>57</u>
Drinking establishments interior to a full-service hotel <u>or</u> motel with 75 or more guest rooms	P	P	-	No parking	Section 20.80.475
Public eating establishments	P	P	<u>P</u>	No parking	Note <u>79</u>
<u>Public eating establishment in conjunction with a</u> W <u>winery, brewery, or distillery in conjunction with a public eating establishment</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	
<u>Winery, brewery, or distillery with a drinking establishment</u>	<u>S</u>	<u>C</u>	<u>S</u>	<u>No parking</u>	
<u>Winery, brewery, or distillery with off-sale of alcohol</u>	<u>S</u>	<u>C</u>	<u>S</u>	<u>No parking</u>	<u>Note 11</u>
<u>General Services</u>					
<u>Bed and breakfast inn</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>.35 per room</u>	<u>Note b;</u> <u>Part 2,</u> <u>Chapter</u> <u>20.80</u>
<u>Hotel or motel</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>.35 per room</u>	
<u>Laundromat</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	<u>Note b</u>

<u>Maintenance and repair of small household appliances</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	<u>Note b</u>
<u>Personal services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	<u>Note d</u>
<u>Printing and publishing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No parking</u>	<u>Note b and Note f</u>
Health and Veterinary Services					
Animal grooming	P	P	<u>P</u> <u>Note b</u>	No parking	<u>Note b</u>
Animal boarding, indoor	P	P	<u>P</u> <u>Note b</u>	No parking	<u>Note b</u>
Emergency ambulance service	C	-	-	No parking	
Hospital/in-patient medical facility	C	-	-	1.5 per doctor	
Medical or dental clinic/out-patient facility	P	P	<u>P</u> <u>Note b</u>	1.5 per doctor	<u>Note b</u>
Medical cannabis collective	R	-	-	No parking	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R	-	-	No parking	Part 9.75, Chapter 20.80
Medical cannabis business	R	-	-	No parking	Part 9.75, Chapter 20.80
Non-medical cannabis business	R	-	-	No parking	Part 9.75, Chapter 20.80

Veterinarian	P	P	-P , Note b	1.5 per doctor	<u>Note b</u>
<u>Historic Reuse</u>					
<u>Historic landmark structure reuse</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Section 20.90.2 20 E.</u>	<u>Part 8.5, Chapter 20.80</u>
<u>General Services</u>					
Bed and breakfast inn	P	P	SP, Note b	.35 per room	Part 2, Chapter 20.80
Hotel/motel	P	P	, Note 1 P	.35 per room	
Maintenance and repair of small household appliances, small	P	P	-P, Note b	No parking	
Mortuary and funeral services	C	C	.75 per employee and vehicle		
Personal services	P	P	P, Note dg	No parking	
Printing and publishing	P	P	Note hP, Notes b and f	No parking	
Laundromat	P	P	P, Note b	No parking	
Photo Processing and Developing	P	P	P, Note b	No parking	
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	C	No parking	

Cemetery	C	C	No parking		
Church/religious assembly	P	P	=	No parking	
Information center	P	P	P	No parking	
Museums <u>and</u> , libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	S, Note j	No parking	
<u>Recycling Uses</u>					
<u>Reverse vending machine</u>	<u>S</u>	<u>S</u>	=	<u>No parking</u>	<u>Part 13, Chapter 20.80</u>
<u>Small collection facility</u>	<u>S</u>	<u>S</u>	=	<u>No parking</u>	<u>Part 13, Chapter 20.80</u>
Residential ^{GP}					
Residential shelter	C ^{GP}	-	- <u>Note e</u>	1 per 4 beds, 2.5 per 1,000 sq. ft.	<u>Note e</u>
Live/work uses	P ^{GP}	S ^{GP}	<u>Note e</u>	1.5 per unit	<u>Note e</u> ; Section 20.70.120
Residential, multiple dwelling	P ^{GP}	P ^{GP}	- <u>Note e</u>	1 per unit	<u>Note e</u>
Co- L iving C ommunity	S	S	- <u>Note e</u>	.25 per bedroom	Note p10 and <u>Note e</u> ; Part 3.75,

					Chapter 20.80
Residential care facility for seven or more persons	C ^{GP}	C ^{GP}	- <u>Note e</u>	.75 per employee	<u>Note e</u>
Residential services facility, for seven or more persons	C ^{GP}	C ^{GP}	- <u>Note e</u>	.75 per employee	<u>Note e</u>
Hotel supportive housing	C ^{GP}	C ^{GP}	- <u>Note e</u>	.35 per room	<u>Note e9 and Note e</u> ; Part 22 of Chapter 20.80
Single room occupancy (SRO) living unit facility	S ^{GP}	S ^{GP}	- <u>Note e</u>	.6 per unit	<u>Note e</u> ; Part 15, Chapter 20.80
Single room occupancy (SRO) residential hotel	S	S	- <u>Note e</u>	.6 per unit	<u>Note e</u> ; Part 15, Chapter 20.80
Residential Accessory Uses^{GP}					
Accessory buildings and accessory structures	P ^{GP}	P ^{GP}	-	No parking	<u>Note 2-1</u>
<u>Recycling Uses</u>					
<u>Reverse vending machine</u>	<u>S</u>	<u>S</u>	<u>-</u>	<u>No parking</u>	<u>Part 13, Chapter 20.80</u>
<u>Small collection facility</u>	<u>S</u>	<u>S</u>	<u>-</u>	<u>No parking</u>	<u>Part 13, Chapter 20.80</u>
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	
Private electrical power generation facility	C	C	-	1 for each vehicle used in the operation of such facility	
Standby generators that do not exceed noise or air standards	A	A	-	N/A	
Temporary stand-by/backup generators	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	-	Note n-	No parking	
Wireless communications antenna	S	-	-	No parking	Note 108 ; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	-	-	No parking	Note 108 ; Sections 20.80.1900, 20.80.1915
<u>Utilities, Electrical</u> Power Generation					

Solar photovoltaic power system	P	P	-	No parking	Section 20.100.610 C.7.
<u>Private electrical power generation facility</u>	<u>C</u>	<u>C</u>	=	<u>1 for each vehicle used in the operation of such facility</u>	
<u>Solar photovoltaic power system</u>	<u>P</u>	<u>P</u>	=	<u>No parking</u>	Section 20.100.610 C.7.
<u>Stand-by/backup facilities that do not exceed noise or air standards</u>	<u>A</u>	<u>A</u>	=	<u>N/A</u>	
<u>Temporary stand-by/backup generators</u>	<u>P</u>	<u>P</u>	=	<u>N/A</u>	
Vehicle Related Uses					
Accessory installation for cars and passenger trucks	P	-	- No parking		
Car wash, detailing	P	-	-	No parking	
Gasoline-Fuel service station or charge station, <u>no incidental service or repair</u>	P	-	-	No parking	Note 3, Note <u>6-8</u>
Gasoline-Fuel service station or charge station, with incidental service and repair	P	-	-	No parking	Note <u>23</u>

Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4-3
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 45
Sale, vehicle parts, new	P	-	-	No parking required	
Historic Reuse					
Historic landmark structure reuse	S	S	<u>S</u>	Section 20.90.220-E.	Part 8.5, Chapter 20.80

Notes applicable to ~~the the Active Use Area Overlay DG area 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.
~~Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit in the DG overlay area.~~
- b. Only as a use incidental to a retail jewelry store, otherwise, not Permitted. 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.
~~Only as a use incidental to a retail jewelry store, otherwise, not Permitted.~~
- c. Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit.
~~Only as a use incidental to existing on-site office use, otherwise not Permitted.~~
- d. Culinary/art school with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts. Excludes check-cashing services and bail bond services.
~~Culinary/art school with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.~~

- e. ~~Section 20.70.150 specifies the permits required under Title 20 for a lighting display. A residential pedestrian entry portal not exceeding 25 feet in length is permitted in the Ground Floor Active Use Area~~
- f. ~~Only as a use incidental to restaurant, grocery or bakery uses for primarily on-site sales, otherwise not Permitted. Only if dedicated primarily to on-site retail customer copy services, otherwise not Permitted.~~
- h. ~~Only if dedicated primarily to on-site retail customer copy services, otherwise not Permitted.~~
- i. ~~Exception for travel agencies and real estate agencies which are the only Permitted uses.~~
- j. ~~Community centers are allowed with a Special Use Permit.~~
- k. ~~Exception for copy shops and mail centers which are the only Permitted uses.~~
- l. ~~Use of ground floor to be primarily dedicated to customer-related public services.~~
- m. ~~Includes financial retail services such as payroll advances, foreign currency exchange, debit card services and related financial services products but excludes check-cashing except as an ancillary use.~~
- n. ~~In order to be a Permitted use, the space to be occupied shall have been vacant on January 1, 2012, the size of the space of such use shall be limited in size to a total maximum area of no greater than twenty thousand (20,000) square feet, and the space shall not be located within a corner tenant space that is directly adjacent to the intersection of two public Streets. Any use that does not meet all of the criteria specified above in this note may be allowed with a Special Use Permit, and a Special Use Permit is and shall be required.~~
- o. ~~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.~~
- p. ~~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.~~

Notes applicable to the dDowntown pPrimary eCommercial (DC) zZoning dDistrict, including the Active Use Area Overlay:DG area:

- ~~1. Excludes manufacturing uses.~~
- 21. No Lot may be used solely for an Accessory Structure or Accessory Building.
- 32. 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.

- ~~43.~~ All activity must be conducted indoors.
- ~~54.~~ Non-engine and exhaust-related service and repair allowed as incidental use.
- ~~6.~~ ~~Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940 B., incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.~~
- ~~75.~~ Maximum occupancy load shall be that maximum occupancy load determined by the City fire marshal.
- ~~86.~~ 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.
- ~~97.~~ Includes on-site outdoor dining area(s).
- ~~810.~~ Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
- ~~9.~~ Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
- ~~10.~~ A Co-Living Community with 600 or more units located adjacent, across or within 500 feet of a property line with Residential Neighborhood (RN) designation on the land use/transportation diagram of the General Plan, as amended, shall require 0.6 parking spaces per bedroom.
- ~~11.~~ Off-sale limited to items produced on-site otherwise a Conditional Use Permit is required.

SECTION 9. Section 20.70.140 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby repealed.

~~20.70.140 Art Display Structures – Regulation of Use~~

~~Art display structures shall be subject the following minimum criteria:~~

- ~~A. — Art display structures shall be allowed only as an incidental use to an existing allowed or permitted operational and occupied use, including parking lots. Art display structures are not allowed on sites that have exclusively residential use, or mixed use residential, or on vacant sites.~~
- ~~B. — Art display structures shall only be installed and maintained in the location that is specified in an approved special use permit.~~
- ~~C. — Only one art display structure shall be permitted on a site, except that corner sites may have up to two art display structures.~~
- ~~D. — An art display structure shall not exceed twenty feet in height above grade.~~
- ~~E. — An art display structure shall have a setback of at least seventy-five feet from any lot line of a lot used exclusively for residential use.~~
- ~~F. — The linear length of an art display structure shall not exceed one-fourth the linear length of the street frontage of the site up to a maximum of twenty-five linear feet.~~
- ~~G. — The surface area of the outdoor art on an art display structure shall not exceed two hundred square feet. If two surface areas of the same outdoor art are back to back so that they face in opposite directions (i.e., the relative angle between the directions they face is one hundred eighty degrees) and the distance between the two surfaces is not more than one foot, then the surface area of only one of the two surfaces shall be included in the calculation of the surface area.~~
- ~~H. — The special use permit for an art display structure shall be limited to a term of five years. An application for renewal of a special use permit for an art display structure for additional successive terms of not to exceed five years may be filed and considered in accordance with Section 20.100.840.~~
- ~~I. — An art display structure shall not display any commercial speech as defined in Title 23 of the San José Municipal Code or be used to engage in the commercial enterprise of generating revenue by advertising or promoting businesses, establishments or causes.~~

SECTION 10. Section 20.70.520 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.520 Definitions of the Ground Floor Active Use Area Overlay (AUA) DG Overlay Area

- ~~A. — “Active Use Area Overlay” (AUA) means ground-floor, street frontage, building space. The overlay requires “active uses,” store front style façade design, and window transparency. Permitted uses include general retail, education and training, entertainment and recreation, food service, personal services but not financial services, medical and veterinary services, other general services, public, quasi-public and assembly. Prohibit residential, and other uses not mentioned above (although a residential portal not exceeding 25 feet in width will be allowed). These design requirements and uses apply to the following street frontages:~~

1. Santa Clara Street from San Pedro Street to Fourth Street;
2. Post Street from Almaden Boulevard and to First Street;
3. San Fernando Street from Highway 87 to Second Street;
4. Park Avenue from Almaden Boulevard to First Street;
5. San Carlos Street from Market Street to Fourth Street;
6. San Pedro Street from St. John Street to San Fernando Street; and
7. First Street from Santa Clara Street to William Street.

B. Tenant spaces in the Active Use Area shall conform with the *San Jose Downtown Design Guidelines and Standards* as approved by City Council on April 23, 2019.

~~A. "Downtown ground floor space" ("DG Retail Required Corner Area") means ground floor, street frontage, building space that is located within the areas described as follows:~~

- ~~1. Both sides of Santa Clara Street, between San Pedro Street and Second Street;~~
- ~~2. Both sides of Fountain Alley, between First Street and Second Street;~~
- ~~3. Both sides of Post Street, between Lightson Street and First Street;~~
- ~~4. Both sides of San Fernando Street, between Market Street and Fourth Street;~~
- ~~5. Both sides of Park Avenue from Market Street, continuing westerly for five hundred feet;~~
- ~~6. Both sides of Paseo de San Antonio, between Market Street and Fourth Street;~~
- ~~7. Both sides of San Carlos Street, between Market Street and Fourth Street;~~
- ~~8. Both sides of San Pedro Street, between St. John Street and Santa Clara Street;~~
- ~~9. Both sides of Market Street, between San Fernando and San Carlos Street;~~
- ~~10. Both sides of First Street, between Santa Clara Street and San Carlos Street;~~
- ~~11. Both sides of Second Street, between Santa Clara Street and San Carlos Street;~~
- ~~12. East side of Third Street, from four hundred sixty-three feet north of San Fernando Street to the north side of San Fernando Street;~~
- ~~13. Both sides of Third Street, from San Fernando Street to two hundred seventy feet south of San Fernando Street;~~
- ~~14. Both sides of Fourth Street, from four hundred sixty-three feet north of San Fernando Street to the north side of San Fernando Street; and~~
- ~~15. West side of Fourth Street, from the south side of San Fernando Street to two hundred seventy feet south of San Fernando Street.~~

~~B. Tenant spaces in the DG overlay district Retail Required Corner aArea shall include ground floor space that can be segregated from the street frontage portion of the space, in a manner consistent with all applicable codes (as is~~

~~required by existing law and practice) and that leaves a viable store front space. The clear height for the ground floor uses and the available depth of such space should be adequate to accommodate retail uses consistent with the predominant character of retail uses in the immediate vicinity, or to promote a theme or identity of the larger area in which it is located.~~

SECTION 11. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.060 Number of 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.
3. All vehicle parking spaces shall be 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.

Table 20-190
Parking Spaces Required by Land Use

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Agriculture and Resource Uses			
Agriculture and Resource Uses	1 per employee	Note 6	1 per 10 full-time employees
<u>Drive-Through Uses</u>			
Drive-through in conjunction with any use	No additional parking required		None
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
Instructional studios	1 per 150 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private instruction, personal enrichment	1 per 3 students, plus 1 per staff	Note 6	1 per 10 students and full-time employees
School- elementary (K - 8)	1 per teacher, plus 1 per employee	Note 6	1 per 10 full-time employees plus 6 per classroom
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
School, post secondary	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
School, trade and vocational	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
Entertainment and Recreation			
Arcade, amusement <u>game</u>	1 per 200 sq. ft of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Batting cages	1 per station, plus 1 per employee	Note 6	1 per 10 full-time employees plus one per 6 stations
Bowling establishment	7 per lane	Note 6	1 per 2 lanes
Dancehall	1 per 40 sq. ft. open to public	Note 6	1 per 3,000 sq. ft. of floor area
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees

			plus 1 per 10 tees
Golf course	8 per golf hole, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 2 golf holes
Health club, gymnasium	1 per 80 sq. ft. recreational space	Note 6	1 per 1,600 sq. ft. of recreational space
Miniature golf	1.25 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 6 tees
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220E.	1 per 4,000 sq. ft. of floor area
Poolroom/ <u>billiards establishment</u>	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
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 developed for recreational purposes
Recreation, commercial (indoor)	1 per 80 sq. ft. of recreational area	Note 6	1 per 1,600 sq. ft. of recreational area

Recreation, commercial (outdoor)	20 per acre of site	Note 6	2 per acre of site
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
Skating rink	1 per 50 sq. ft. of floor area	Note 6	1 per 1,000 sq. ft. of floor area
Swim and tennis club	1 per 500 sq. ft. of recreation area	Note 6	1 per 5,000 sq. ft. of recreation area
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
Motion picture theatre, outdoor	1 per 300 sq. ft.	Note 6	1 per 3,000 sq. ft.
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
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 number of parking spaces
Caterer Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining

	greater number of parking spaces		area, whichever requires the greater number of parking spaces
Commercial kitchen Caterer w/no public interface	1 per 250 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
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
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
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
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
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
General Retail			
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter	1 per 4,000 sq. ft. of floor area

		20.80, Note 6	
Auction house	1 per 2.5 seats, or 1 per 200 sq. ft. of auction area exclusive of warehouse area	Note 6	1 per 5,000 sq. ft. of floor area
Food, beverages, <u>and</u> groceries	1 per 200 sq. ft. of sales area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
<u>Nursery, plant</u> Plant nursery	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
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
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80, Note 6	2 parking spaces
Pawn shop/broker	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
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
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
Retail Art <u>Studio</u>	1 space per 200 sq. ft. of retail area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Sales, appliances, industrial equipment, and machinery	1 per 1,000 sq. ft. of floor area	Note 6	1 per 10,000 sq. ft. of floor area
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
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
General Services			
Bed and breakfast <u>inn</u>	2 spaces, plus 1 per guest room, plus 1 per employee	Note 6	1 per space plus 1 per 10 guest rooms
Crematory	1 per full-time employee	Note 6	1 per 10 full-time employees
Dry cleaner	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Hotel <u>or</u> /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
Laundromat	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
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
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
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Mortuary, excluding funeral services	1, per full-time employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees

Personal services	1 per 200 sq. ft. of floor area	Note 3	1 per 3,000 sq. ft. of floor area
Photo processing and developing	1 per 200 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
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
Social service agency	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
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
Animal grooming	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
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
Hospital per in-patient facility	1 per 2.5 beds	Note 6	1 per 25 beds
<u>Office, medical</u>	<u>1 per 250 sq. ft. of floor area</u>	<u>Note 6</u>	<u>1 per 4,000 sq. ft. of floor area</u>
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Medical, dental and health practitioner	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Veterinary clinic	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Industry			
Catalog and mail order house	1 per 250 sq. ft. of floor area of office space plus, plus 1 per 1,000 sq. ft. of floor area of warehouse and distribution area	Note 6	1 per 4,000 sq. ft. of floor area
Commercial support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area

Distribution facility	A minimum of 2 for facilities with a total gross floor area under 5,000 square feet; a minimum of 5 for facilities with a total gross floor area between 5,000 sq. ft. and 25,000 sq. ft.; for facilities with a total gross floor area in excess of 25,000 sq. ft. 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
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
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Hazardous waste facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Industrial services	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Junkyard	1 per employee	Note 6	1 per 10 full-time employees
Laboratory	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
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
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
Outdoor storage	1 per employee	Note 6	1 per 10 full-time employees
Private power generation	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Research and development	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft.

Stockyard, including slaughter	1 per employee	Note 6	1 per 10 full-time employees
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
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
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
Offices and Financial Services			
Automatic teller machine (free standing)	2 per machine	Note 6	1 per 10 machines
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
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, business and administrative general business	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, re search and de velopment	1 per 300 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Private security	1 per 250 sq. ft. of floor area office space, plus 1	Note 6	1 per 4,000 sq. ft. of floor area

	per employee, plus 1 per company vehicle		
Public, Quasi-Public and Assembly Uses			
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees
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
Community television antenna systems	1 per company vehicle	Note 6	1 per 10 full-time employees
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
Parks and playgrounds	1 per 500 sq. ft.	Note 6	1 per 5,000 sq. ft. of outdoor recreation space
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 or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	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 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
Recycling Uses			
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Small collection facility	1 per attendant	Note 6	1 per 10 full-time employees
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
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
Guesthouse	1 per guest room, plus 1 per each employee	Note 6	1 per 10 guest rooms plus 1

			per 10 full-time employees
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
Living quarters, custodian, caretakers	1 per living unit	Note 6	1 per 10 living units
Mixed use/ground floor commercial with residential above	Respective commercial and residential parking requirements combined	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
One family dwelling	2 covered	Note 5 and Section 20.90.220 B.	None
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
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	Note 6	1 per 10 full-time employees
SRO facilities within 2,000 ft. of public transportation		Note 6	1 per SRO unit
—SRO residential hotels	.25 per SRO unit		

—SRO living unit facilities with shared kitchen and bathroom facilities	.25 per SRO unit		
SRO living unit facilities with partial or full kitchen and bathroom facilities	1 per SRO unit		
SRO facilities not within 2,000 ft. of public transportation	1 per SRO unit	Note 6	1 per SRO unit
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
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit		None
Travel trailer parks	1 per employee	Note 6	1 per 10 full-time employees
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		None
Transportation and Utilities			
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 square feet of floor area, or fraction thereof, devoted to computer equipment space	Note 6	1 per 5,000 sq. ft. of office/meeting/technician work 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
Wireless communication antenna	1 per site	Note 6	1 per site
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
Auto broker, w/on-site storage	See Vehicle sales and leasing	Note 6	1 per 10 full-time employees
Auto dealer, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
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>Gas-Fuel service station or charge station, no incidental service or repair</u>	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>Gas-Fuel service station or charge station with incidental service and repair</u>	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
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
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

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
Exclusively indoors sales	1 per 200 sq. ft.	Note 6	1 plus 1 per 10 full-time employees
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
Sale, vehicle parts	1 per 200 sq. ft. of floor area	Note 6	1 plus 1 per 10 full-time employees
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
Tow yard	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Vehicle wrecking, including sales of parts	1 per employee	Note 6	1 per 10 full-time employees

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 20.90.220C. may be reduced as specified in Section 20.90.220C.
4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220F. may be reduced as specified in Section 20.90.220F.
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 Two-Car Bicycle Parking Spaces 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 ¹	1.25 per living unit	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

SECTION 12. Section 20.120.110 of Chapter 20.120 of Title 20 of the San José Municipal Code is amended to read as follows:

20.120.110 Conformance with the General Plan

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270:

Table 20-270

General Plan Designation	Conforming District
All designations	OS, A

Open hillside	OS
Lower hillside (1 du/5 ac)	R-1-RR
Rural residential (2 du/ac)	R-1-1, R-1-2
Residential neighborhood	R-1-8, R-1-5
Urban residential, transit residential	R-M
Neighborhood/community commercial, urban village	CP, CN, CG
Regional commercial	CG
Public/Quasi-Public	PQP
Industrial park	IP
Transit employment center	IP , TEC
Light industrial	LI
Heavy industrial	HI
Combined industrial/commercial	CIC
<u>Downtown</u>	<u>DC</u>
<u>Transportation and Utilities</u>	<u>PQP</u>
<u>Open Space, Parklands, and Habitat</u>	<u>OS</u>
<u>Urban Village</u>	<u>CP, CN</u>
<u>Urban Village Commercial</u>	<u>CP, CN</u>

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the general development plan for such proposed district conform to General Plan designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.
- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.
- D. Notwithstanding Subsections 20.120.110.A., B., and C. above, this Section is not applicable to Parcels that are developed with Mobilehome Parks.

SECTION 13. Section 20.200.100 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.100 Arcade, Amusement Game~~-arcade~~

"Arcade, a~~amusement game-arcade~~" is a building or portion thereof having within its premises:

1. Ten or more amusement game devices, or
2. Fifteen percent or more of the net floor area of the primary use used for amusement game devices; or
3. ~~Nine or fewer~~Any number of amusement game devices when not utilized in conjunction with a primary commercial use that is permitted by right or as a conditional use.

Net floor area for the purpose of this definition is that area available for customer use.

SECTION 14. Section 20.200.111.5 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed.

~~20.200.111.5 Art display structure~~

~~Art display structure is a free-standing structure used only for outdoor art display.~~

SECTION 15. Section 20.200.140 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed.

~~20.200.140 Billiard room~~

~~"Billiard room" is synonymous with "poolroom" for purposes of this title.~~

SECTION 16. Section 20.200.170 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.170 Business Support Use

"Business support uses" are commercial uses intended to support the business needs in the area. Such uses include but are not limited to copy shops, mail centers, small business machine repair, records retention, shredding, and technical support centers.

SECTION 17. Section 20.200.180 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed.

~~20.200.180 Catalogue and mail order~~

~~A business establishment that is primarily organized to promote, receive, and fill requests for merchandise or services through the mail.~~

SECTION 18. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

20.200.205 Commercial Kitchen

A "commercial kitchen" is a non-retail, food facility devoted to the commercial preparation, production, and cooking of food and beverages for off-site consumption.

SECTION 19. Section 20.200.210 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.210 Common CarrierCommercial Vehicle Storage

~~"Common carrier" is a person or company in the business of transporting passengers or goods for hire. "Commercial vehicle storage" refers to sites devoted to on-site storage of commercial vehicles, such as cars, vans, trucks, and buses.~~

SECTION 20. Section 20.200.220 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.220 Common Carrier Depot

A "common carrier depot" is a facility which is served by one (1) or more ~~common carriers~~commercial vehicles and which is an intermediate destination of ~~goods or~~ passengers, and at which facility, ~~goods or~~ passengers are transferred from one (1) conveyance to another to resume their journeys, and which may include provision for the layover of such ~~goods or~~ passengers and an office.

SECTION 21. Section 20.200.440 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.440 Gasoline-Fuel Service Station

"Gasoline-Fuel" service station is a business establishment operated at a fixed location at which ~~gasoline-fuel~~ is offered for sale at retail, and, when sold, is dispensed from fixed tanks by pump, or otherwise, directly into the fuel system storage tanks of automobiles or other motor vehicles.

SECTION 22. A new section is added to Chapter 20.200 of Title 20 of the San Jose Municipal Code to be numbered, entitled and to read as follows:

20.200.395 Financial Services

“Financial Services” refers to companies which offer financial advice and services including but not limited to: investment banking, portfolio management, private equity, and venture capital. Financial services are distinct from retail banking in that there is limited customer interaction, typically by appointment only.

SECTION 23. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

20.200.505 Health Club, Gymnasium

A “Health club, gymnasium” refers to a business which offers exercise equipment or exercise training sessions for the express purpose of physical exercise, typically in exchange for a regular reoccurring fee. The business may include a combination of retail sales and service uses related to exercise and fitness.

SECTION 24. Section 20.200.890 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.890 Poolroom/Billiards Establishment

"Poolroom" is a building or portion thereof having within its premises three or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token or other mechanical device.

SECTION 25. Section 20.200.950 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.950 Recreation, Commercial/Indoor

"Commercial/indoor recreation" includes such uses as a skating rink, bowling alley, paintball, children's playland, ~~health club/fitness centers~~ and other similar indoor uses.

SECTION 26. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

20.200.1045 Retail Bank

“Retail Bank” refers to commercial and non-profit banks and credit unions which are primarily focused on in-person customer services such as, checking and savings accounts, mortgages, personal loans, and debit or credit card services.

PASSED FOR PUBLICATION of title this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

V. APPENDIX A: PROPOSED LAND USE/OVERLAY AMENDMENTS

The Downtown Zoning Regulations (Chapter 20.70) of the San Jose Zoning Ordinance establishes “the land use and development regulations applicable to the downtown zoning districts”¹⁶ which includes two zoning districts: DC Downtown Primary Commercial, and DC-NCTI Downtown Commercial – Neighborhood Transition 1; as well as designating the Downtown Ground Floor Space Area (DG Overlay Area).

These zoning classifications and related land use regulations are not specific enough in terms of identifying where retail, active ground floor uses, and other uses should be allowed, prohibited, or permitted under some type of conditional use. In addition, the current zoning classifications are not necessarily well aligned with the DG Overlay Area.

To address these policy/regulatory issues, San Jose should consider revising the Downtown Zoning regulations for the DC Zoning District and the DG Overlay by creating three new zone categories that cover the same geographic boundaries as the existing District, but where new land use restrictions would apply. This approach focuses on achieving the overall goal to provide a “connectivity grid” between and among the streets that have the “best bones” for being or becoming walkable, pedestrian-oriented corridors. The most restrictive zone would apply to locations that are key intersections where retail uses, are mandated. These locations would be classified as **Retail Required Zone**. This is followed by a second zone, called out in this analysis as the **Primary Active Use/Transparency Zone** which would replace the DG overlay. This new zone includes fewer street frontages that the DG Overlay and is designed to specifically reflect pedestrian “desire lines” among key anchor destinations in the Downtown including San Pedro Square, S. 1st Street, the major hotels, Diridon Station, and SAP Center. The third and least restrictive overlay zone is called the **DC Downtown Primary Commercial Zone** which covers the same geographic area as the DC and the existing DC-NCTI Downtown Commercial – Neighborhood Transition 1 Zoning Ordinance but would have a slightly different mix of permitted land uses. **Figure A-1** shows the proposed land use regulations for all three zones.

For the most part, the land use regulations for the DC zoning as specified in Table 20-140 and the recommended land uses for the Retail Required Zone and the Primary Active Use/Transparency Zone are the same with a few notable exceptions. Drinking establishments, drinking establishments with an approved maximum occupancy load of over 250 people and that operate between 12:00 midnight and 6:00 am, and wineries and breweries are all conditional uses in the existing zoning regulations. Based on input from key downtown stakeholders and the broader retail industry trends suggesting that eating and drinking establishments are driving the vitality of most retail districts today, it is being suggested that these three uses be permitted based on obtaining a special use permit, rather than a conditional use permit to lower the permitting hurdle for these essential uses. Given the sensitive nature of managing bars and other entertainment venues where alcohol is served, San Jose staff will determine the best overall zoning approach, however, we suggest that guidelines be drawn up so that the approach is uniformly applied. Another notable difference in the recommended zoning is to add several uses that are included in the Zoning Ordinance’s general commercial land uses but are not

¹⁶ San Jose Zoning Ordinance, Title 20 of the City of San Jose Municipal Code Section 20.70.00 (A).

currently included in the DC zone. For example, retail bakeries are included in the general commercial land uses but are not mentioned in the DC zone.

Specific definitions and locations for each proposed overlay area are further explained below and presented in **Figure A-1**, **Figure A-2**, and **Figure A-3**.

Retail Required Zone (see Figure A-2): The six intersections listed below are the target areas for the Retail Required Zone. For blocks less than 300 feet long, the Retail Required land use restrictions apply to 60 feet of shop frontage. For blocks longer than 300 feet, the Retail Required land use restrictions apply to 100 feet of shop frontage (see **Figure A-3** for block lengths and the targeted Retail Only intersections).

- East Santa Clara and San Pedro streets
- East Santa Clara and 1st streets
- San Pedro and San Fernando streets
- Market St. and San Fernando streets
- S. 1st and San Fernando streets
- S. 2nd and San Fernando streets

Primary Active Use/Transparency Zone (see Figure A-2): Require “active uses,” store front style facade design, and window transparency. Permitted uses include general retail, education and training, entertainment and recreation, food service, personal services but not office and financial services, medical and veterinary services, other general services, public, quasi-public and assembly. Prohibit residential, and other uses not mentioned above (although a residential portal not exceeding 25 feet in width will be allowed). These design requirements and uses apply to the following street frontages:

- West/East Santa Clara Street between San Pedro and 4th Streets
- San Pedro between St. John and W. San Fernando Streets
- West San Fernando between Highway 87 and 2nd Street
- 1st between Santa Clara and E. Williams streets
- Post Street between Almaden and 1st Street

Downtown Primary Commercial District: Requires ground floor space to provide store front space and transparency. Permits office and financial services, health and veterinary services, all other uses listed above are also permitted. This area applies to the remainder of the DC Zone.

FIGURE A-1. PROPOSED LAND USE REGULATIONS BY RECOMMENDED ZONING CLASSIFICATION

Land Use	Proposed New Zoning		
	DC	Retail Required*	Primary Active Use
Office and Financial Services			
ATM	P	P	P
Business Support Use	P	P	P
Financial Institution	P	-	P NC
Financial services	P	-	P NC
Offices, business, and administrative	P	-	S
Payday lending	R	-	-
Research and Development	P	-	-
General Retail			
Off-sale alcoholic beverages all types	C	C	C
Auction	S	-	S NC
Certified farmers' market all types	P	P	P
Food, bev, groceries	P (S)	P	P
Open air sales	S	S	S
Outdoor vending	P (S)	-	P NC
Outdoor vending - fresh fruits and veg	P	P	P
Pawnshop	C	-	C NC
Retail sales goods	P	P	P
Seasonal sales	P	P	P
Bakery, retail	P	P	P
Retail art studio	P	P	P
Education and Training			
Day care center	P	-	P NC
Schools post-secondary	P	-	-
Schools, trade and vocational	P	-	P NC
Personal enrichment, instructional art	P	-	P NC
School, elementary (grades K-8)	C	-	C NC
School 9-12	C	-	C NC
Instructional art studios	P	-	P NC
Instructional art studios, with live models	P	-	P NC
Entertainment and Recreation Related			
Amusement arcade	P (S)	-	P
Movie theater	P	P	P
Recreation, commercial indoor	P	-	P
Poolroom/ billiards establishment	P (S)	-	P
Private club or lodge	P	-	P
Art display structure	S	-	S
Lighting Display	A/S	-	A/S
Poolroom/ delete			
Theatre, indoor	P	-	P
Theatre, outdoor	P	-	-

[Table continued on next page]

Land Use	Proposed New Zoning		
	DC	Retail Required*	Primary Active Use
Food Services			
Banquet facility	P	-	P
Caterer	P	-	P NC
Drinking establishment	S	P	P
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	S (C)	S	S
Drinking establishments interior to a full service hotel/motel with 75 or more rooms hotel/motel	P	P	P
Public eating establishments	P	P	P
Wineries, breweries and distilleries	P (C)	P	P
Health and Vet Services			
Animal grooming	P	-	P NC
Animal boarding indoor	P	-	P NC
Emergency ambulance service	C	-	-
Hospital/inpatient	- (C)	-	-
Medical or dental clinic/outpatient facility	P	-	P NC
Cannabis dispensary	P (R)	-	P
Veterinarian	P	-	P NC
General Services			
Bed and breakfast inn	P	-	P NC
Hotel/Motel	P	-	P
Maintenance small appliance	P	-	P NC
Mortuary and funeral services	- (C)	-	-
Personal Services	P	-	P, Note g
Printing and publishing	P	-	P NC
Laundromat	P	-	P NC
Messenger services	P	-	-
Photo processing and developing	P	-	P NC
Public, Quasi-Public and Assembly Uses			
Auditorium	P (C)	-	P
Cemetery	- (C)	-	-
Church/religious assembly	P	-	-
Information center	P	-	P
Museum/Library	P	-	P
Park/Playground or community centers	P	-	Note j

Notes:

All uses shown in red are new land uses for the DC area, but are in the General Commercial section of the Zoning Ordinance.

All uses shown in parenthesis in the DC column are the existing DC land use regulations. Recommended changes are shown in red.

*Retail required refers to the specific corner locations where only specified retail uses are permitted.

For the following categories – Residential, Residential Accessory Uses, Recycling Uses, Transportation and Communication, Electrical Power Generation, Vehicle Related uses, and Historic Reuse – the same restrictions apply to the Primary Use Active as apply to the DG Overlay in the current zoning.

P = Permitted Use

- = Land Use Not Permitted

S = Special Use - director's hearing then planning commission

C = Conditional Use - planning commission and then city council, a little more expensive

A = Administrative Use - staff level review

NC = Not permitted on the corner

All other notes correspond to notes in the existing Table 20-140.

FIGURE A-2. PROPOSED DOWNTOWN ZONES

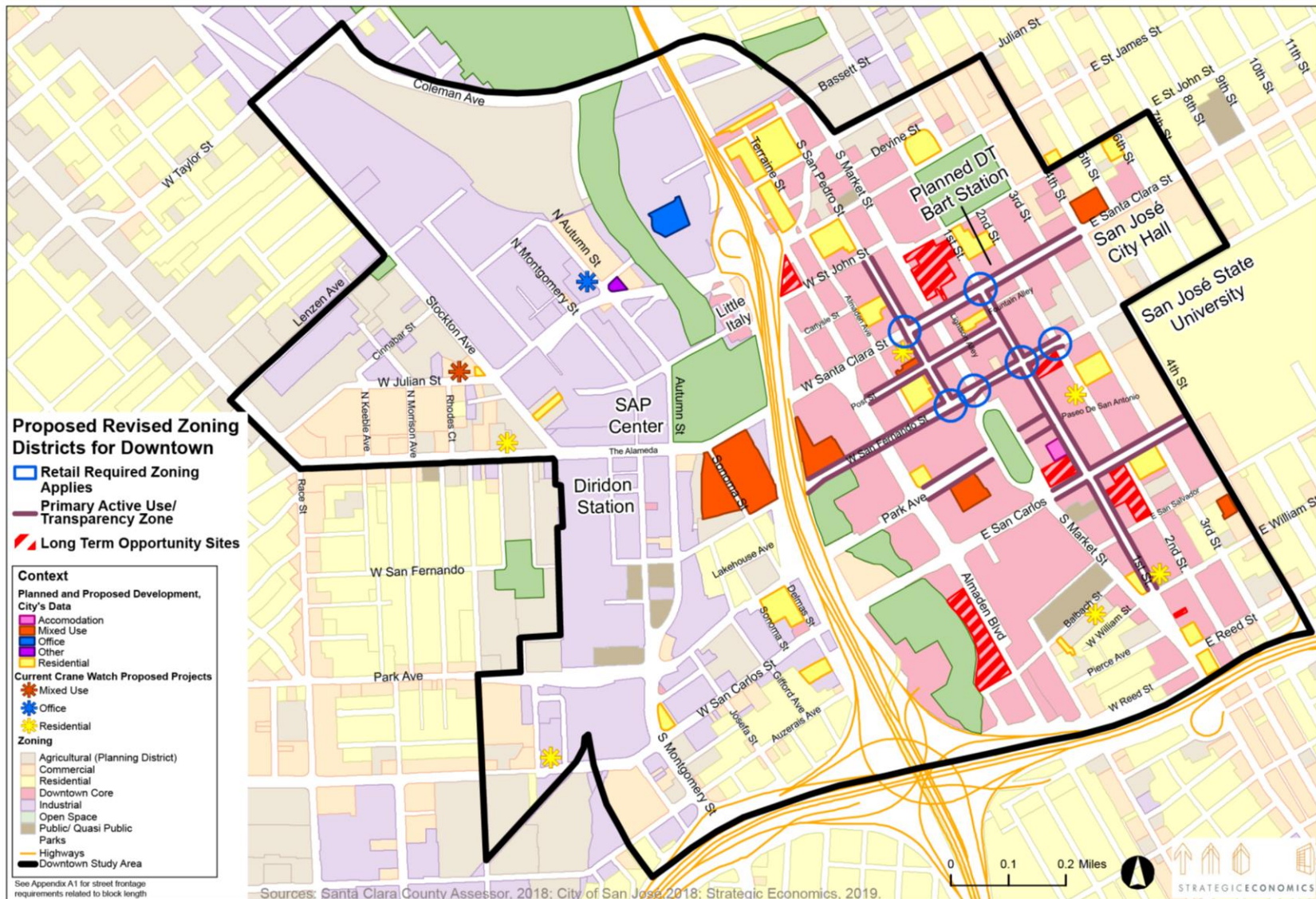
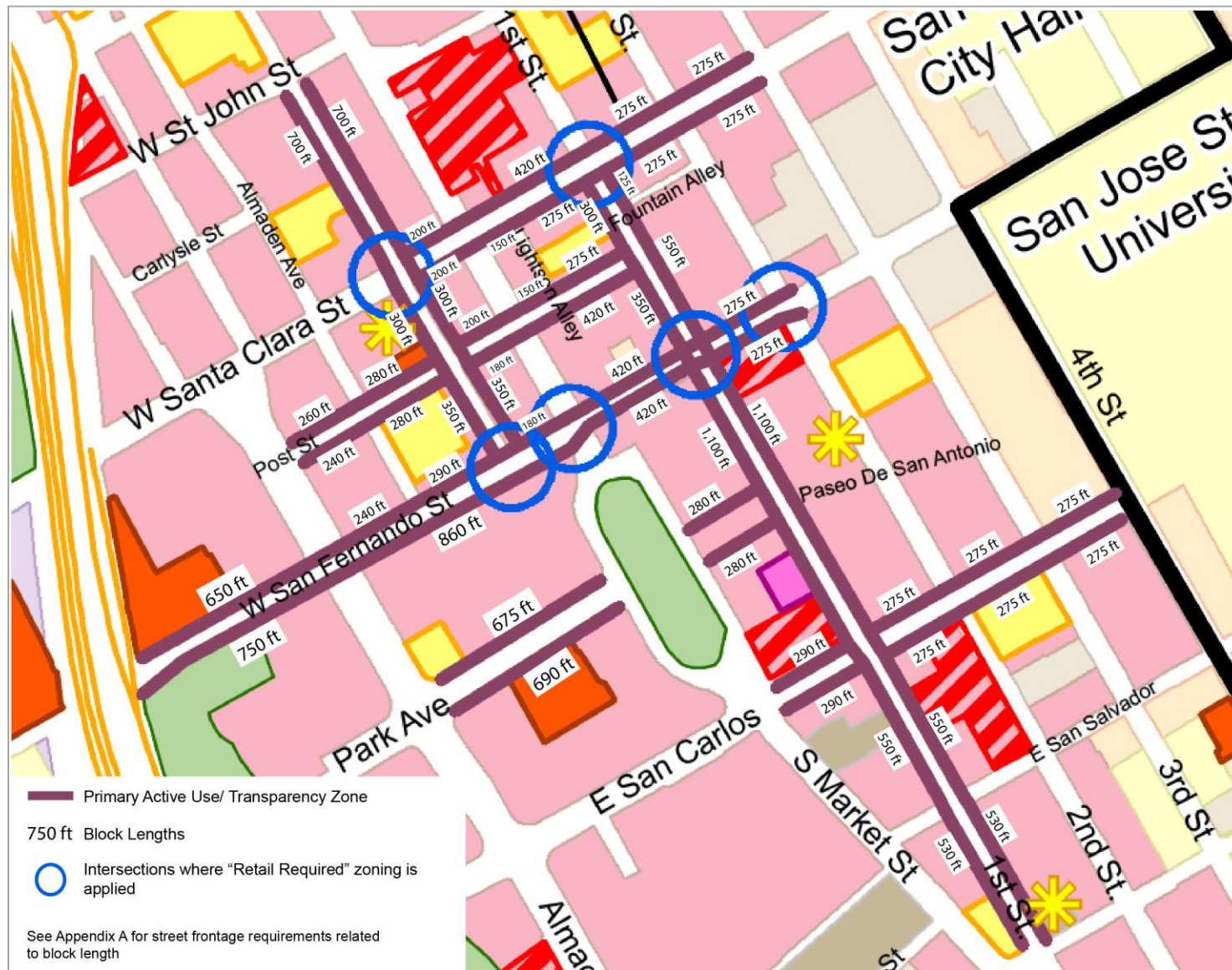


FIGURE A-3. DG OVERLAY BLOCK LENGTHS



**DETERMINATION OF CONSISTENCY WITH THE
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT
REPORT AND SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT
(SCH# 2009072096) AND ADDENDA THERETO**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Report (Final EIR) and Supplemental Program Environmental Impact Report (Supplemental Program EIR) for the Envision San José 2040 General Plan and addenda thereto and does not involve new significant effects beyond those analyzed in the EIRs. Therefore, the City of San José may take action on the project as being within the scope of both the Final and Supplemental Program EIRs.

File Number and Project Name: PP19-038, San Jose General Plan and Zoning Ordinance Conformance

Project Description: An ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance) to: add or remove uses and change permit requirements in Open Space/Agriculture, Residential, Commercial, Industrial, and Downtown Zoning Districts; amend the section for commercial support in industrial districts; repeal the section for large format commercial establishment, associated commercial; repeal the section on art display structure; repeal the *Downtown Ground-Floor Space Area* (DG) overlay and replace it with the Active Use Area overlay; update specific use regulations; clarify and consolidate uses in the parking and loading chapter; update the conformance with the general plan table; add, remove, or update definitions; and make other technical, non-substantive, or formatting changes within these sections.

Location: Citywide

Council District: All Council Districts

The environmental impacts of this project were addressed by a Final EIR entitled, "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011, and addenda thereto; and Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The Final EIR and Supplemental Program EIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2035. The following impacts were reviewed and found to be adequately considered by the EIRs:

- | | | |
|---|---|--|
| ☒ Transportation | ☒ Land Use | ☒ Noise and Vibration |
| ☒ Air Quality | ☒ Biological Resources | ☒ Geology and Soils |
| ☒ Hydrology & Water Quality | ☒ Hazardous Materials and Hazards | ☒ Public Facilities & Services |
| ☒ Cultural Resources | ☒ Aesthetics | ☒ Energy |
| ☒ Population and Housing | ☒ Greenhouse Gas Emissions | ☒ Public Facilities & Services |
| ☒ Cumulative Impacts | ☒ Growth Inducing Impacts | ☒ Agriculture |
| ☒ Mineral Resources | ☒ Hazardous Materials and Hazards | ☒ Public Facilities & Services |

BACKGROUND

The Envision San José 2040 General Plan encourages routine review of the Zoning Ordinance and other supporting Ordinances in the Municipal Code to ensure that the document reflects the goals, policies, and implementation of the General Plan. In the Mayor's June Budget Message for Fiscal Year 2018 – 2019, expediting housing development through a comprehensive update of the Zoning Ordinance to align with the General Plan was identified as a key action item to help facilitate development in the city.

PROPOSED PROJECT

Title 20: Zoning and General Plan Conformance

Changes to Title 20 will update the use tables across zoning districts and revise, add, or remove definitions to better align Zoning land uses with General Plan Goals, Policies, and Land Use Designations as follows:

1. **Changes to Open space and Agricultural Zoning Districts.** Amend Table 20-30, *Open Space and Agriculture District Land Use Regulations*, in Section 20.20.100 to include the following changes to the *Open Space* (OS) and *Agriculture* (A) zoning districts:

Permit Requirement Changes:

- *Tree farms and forestlands*, changed from Conditional Use Permit to Special Use Permit for the A zoning district.
Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation, changed from a Conditional Use Permit to a Special Use Permit in the OS zone district, and from Not Permitted to a Special Use Permit and in A zone district.

2. **Changes to Residential Zoning Districts.** Amend Table 20-50, *Residential Districts Land Use Regulations*, in Section 20.30.100 to include the following changes to the *Single-Family Residence* (R1), *Two-Family Residence* (R2), *Multiple Residence* (RM), and *Mobilehome Park* (RMH) zoning districts:

Permit Requirement Changes:

- *Mixed use, residential/commercial*, changed from a Conditional Use Permit to a Special Use Permit in the RM zone district.
- *Golf Course*, changed from a Conditional Use Permit to Not Permitted in the R2 and RM zoning districts.

Remove Allowed Uses:

- Remove, *Servants quarters attached to a one-family dwelling or attached to a garage structure Residential Accessory Uses and Improvements*, from R1, R2, RM, and RMH zoning districts.

3. **Changes to Commercial and Public/Quasi-Public Zoning Districts.** Amend Table 20-90, *Commercial Districts and Public/Quasi-Public District Land Use Regulations*, in Section 20.40.100 to include the following changes to the *Commercial Office* (CO), *Commercial Pedestrian* (CP), *Commercial Neighborhood* (CN), *Commercial General* (CG), and *Public/Quasi-Public* (PQP) zoning districts:

New Allowed Uses:

- Add, *Alcohol, off-sales - beer and/or wine only and incidental to a winery/brewery*, through a Special Use Permit in CP, CN, and CG zoning districts.
- Add, *Alcohol, off-sales - distilled spirits only and incidental to a distillery*, through a Special Use Permit in CP, CN, and CG zoning districts.
- Add, *Health club, gymnasium*, as Permitted in CP, CN, and CG and Special Use Permit in PQP zoning districts.
- Add, *Performing art rehearsal space*, as a Permitted use in CN and CG and allowing it through a Special Use Permit in the CP zone district.
- Add, *Commercial Kitchen*, as a Permitted use in CN and CG, a Special Use Permit in CP, and Not Permitted in CO or PQP zoning districts.
- Add, *Drinking establishment in conjunction with a winery, brewery, or distillery*, as a Special Use Permit in CP, CN, and CG zoning districts.
- Add, *Social Service Agency*, as a Special Use Permit in CP, CN, CG, and PQP zoning districts.
- Add, *Commercial Vehicle Storage*, as a Conditional Use Permit in CO, CG, and PQP zoning districts and Not Permitted in CP or CN zoning districts.
- Add, *Retail bank*, as a Permitted use in CO, CP, CN, and CG zoning districts.

Permit Requirement Changes:

- *Poolroom/billiards establishment*, changed from Conditional Use Permit to Permitted in CP, CN, and CG zoning districts.
- *Theater, indoor*, changed from Conditional Use Permit to Special Use Permit in CP, CN, CG, and PQP zoning districts.
- *Theater, outdoor*, changed from Conditional Use Permit to a Special Use Permit in CG and PQP zoning districts.
- *Banquet facility*, changed from Conditional Use Permit to Special Use Permit in CP, CN, CG, and PQP zoning districts.
- *Emergency residential shelter*, changed from Conditional Use Permit to a Special Use Permit for CO, CP, CN, CG, and PQP zoning districts.
- *Common carrier depot*, changed from Not Permitted to Special Use Permit in CO, CN, and CG zoning districts.
- *Off street parking establishment*, changed from Conditional Use Permit to Not Permitted for CP and PQP zoning districts.
- *Accessory installation, passenger vehicles and pick-up trucks*, changed from Conditional Use Permit to Not Permitted in the CP zone district.
- *Fuel service station or charge station with incidental service and repair*, changed from Conditional Use Permit to Not Permitted in the CP zone district.
- *Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*, changed from Conditional Use to Not Permitted in the CP zone district.
- *Sale, brokerage, or lease, commercial vehicles (trucks, buses, trailers, campers, boats, mobilehomes, construction equipment)*, changed from Conditional Use Permit to Not Permitted in the CP zone district.
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*, changed from Conditional Use to Not Permitted in the CP zone district.
- *Sale, vehicle parts*, changed from Conditional Use to Not Permitted in the CP zone district.
- *Tires, batteries, accessories, lube, oil change, smog check station, air conditioning*, changed from Conditional Use Permit to Not Permitted in the CP zone district.

Remove Allowed Uses:

- Remove, *Auction*, from the CO, CP, CN, CG, and PQP zoning districts.
- Remove, *Certified Farmers' Market, small*, from the CO, CP, CN, CG, and PQP zoning districts.
- Remove, *Instructional Art Studios, with live models*, from CO, CP, CN, CG, and PQP zoning districts.
- Remove, *Dancehall*, from CO, CP, CN, CG, and PQP zoning districts.
- Remove, *Wineries, breweries*, from CP, CN, and CG zoning districts.

4. **Changes to Industrial Zone Districts.** Amend Table 20-110, *Industrial Districts Land Use Regulations*, in Section 20.50.100 to include the following changes to the *Combined Industrial/Commercial (CIC)*, *Transit Employment Center (TEC)*, *Industrial Park (IP)*, *Light Industrial (LI)*, and *Heavy Industrial (HI)* Zoning Districts:

New Allowed Uses:

- Add, *School, driving (class C & M license)*, as Special Use Permit in the LI and HI zoning districts.
- Add, *Health club, gymnasium*, as a Permitted use in the CIC zone district and Special Use Permit in the TEC zone district.
- Add, *Commercial Kitchen*, as a Permitted use in the CIC, TEC, IP, and LI zoning districts.
- Add, *Commercial Vehicle Storage*, as a Special Use Permit in the CIC, LI, and HI zoning districts.
- Add, *Fuel service station or charge station, which exclusively serves commercial or industrial vehicles*, as a Special Use Permit in the CIC, LI, and HI zoning districts.
- *Sales, industrial equipment and machinery*, changed from Not Permitted to Permitted in the IP zoning district.
- *Social Service Agency*, changed from not Permitted to a Special Use Permit in the CIC zone district.
- *School, trade and vocational* from Not Permitted to Special Use Permit in the IP zone district.

Permit Requirement Changes: (Note that uses marked with "C^{GP}" were previously allowed as Conditional Uses only on property with a Combined Industrial/Commercial General Plan Land Use Designation.)

- *Construction/corporation yard*, changed from a Special Use Permit to Permitted use in the LI and HI zoning districts.
- *Sales, industrial equipment and machinery*, changed Conditional Use Permit to Permitted in the LI zone district.
- *Miniwarehouse/ministorage*, changed from Permitted to Conditional Use Permit in the LI zone district.
- *Day care center*, changed from C^{GP} to a Conditional Use Permit in IP.
- *School, trade and vocational*, changed from Conditional Use Permit to Special Use Permit in CIC, LI, and HI zoning districts,
- *Stadium, 2,000 seats or fewer including incidental support uses*, changed from C^{GP} to Conditional Use Permit in the CIC and TEC zoning districts.
- *Business Support Use*, changed from Not Permitted to Permitted in the IP zone district.
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles*, changed from Conditional Use Permit to a Special Use Permit in the CIC zone district.

No longer allow some uses in some industrial zoning districts:

- *Miniwarehouse/ministorage* from HI
- *Social Service Agency* in TEC, IP, LI, and HI
- *Animal boarding, indoor* in TEC.
- *Animal grooming* in TEC.
- *Emergency Ambulance Service* in TEC, IP, and LI.
- *Hospital, in-patient facility* in IP.
- *Veterinary clinic* in TEC.
- *Financial Institution* in LI.
- *Church/religious assembly* in TEC, IP, and LI.
- *Emergency residential shelter, more than 50 beds* in LI, TEC, and IP.
- *Emergency residential shelter, 50 beds or fewer* in LI, TEC, and IP.
- *Day care center* in LI.
- *Common carrier depot* in TEC.
- *Off street parking establishment* in CP, TEC, and PQP.
- *Fuel service station or charge station, no incidental service or repair* in IP and LI.
- *Fuel service station or charge station with incidental service and repair* in TEC, IP, and LI.
- *Sale, vehicle parts* in TEC.
- *Sale or brokerage, Passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles* in TEC and LI.
- *Performing art rehearsal space* in LI

Remove the following uses from all industrial zoning districts:

- *Auction*
- *Catalog and mail order house.*
- *Certified Farmers' Market, small.*
- *Large format commercial establishment.*
- *Large format commercial establishment, associated commercial.*
- *Instructional Art Studios, with live models.*
- *Maintenance and repair, small consumer goods.*
- *Messenger Services.*
- *Photo processing and developing.*
- *Common Carrier.*
- *Parking establishment, not permitted in Table 20-30, 20-50, 20-90.*

5. **Changes to Commercial Support Regulations.** Amend Section 20.50.110 *Commercial Support*
 - Adding Health club, gymnasium as a commercial support use allowed in the IP and TEC zoning districts.
6. Repeal Section 20.50.115 *Large Format Commercial Establishment, Associated Commercial*. This section provided specific regulations for commercial uses associated large format commercial establishments that were allowed to be constructed in the LI and IP Zoning Districts but only on sites with a Combined Industrial/Commercial general plan designation.
7. Amend Section 20.70.020 (B), *Downtown Zoning Districts and Overlays* to **Downtown Ground Floor Active Uses Area**. repeal the *Downtown Ground-Floor Space Area* (DG Overlay Area) including Additional Use Regulations for the DG Overlay Area from Table 20-140; and in its place add the *Ground Floor Active Use Area Overlay* (AUA).

8. **Changes to the Downtown Zoning Districts.** Amend Table 20-140, *Downtown Districts Land Use Regulations* in Section 20.70.100 to include the following changes to the *Downtown Primary Commercial* (DC) and *Downtown Commercial - Neighborhood Transition 1* (DC-NT1) Zoning Districts and the AUA Overlay:

New Allowed Uses:

- Add, *Retail Bakery*, as Permitted in DC and DC-NT1 zoning districts.
- Add, *Retail Art Studio*, as Permitted in DC and DC-NT1 zoning districts.
- Add, *Instructional Art Studios*, as Permitted in DC and DC-NT1 zoning districts.
- Add, *Theater or auditorium, indoor (other than Movie Theater)*, as Permitted in DC and DC-NT1 zoning districts.
- Add, *Theater or auditorium, outdoor (other than Movie Theater)*, as a Special Use Permit in DC and DC-NT1 zoning districts.
- Add, *Drinking establishment in conjunction with a winery, brewery, or distillery with a*, as Special Use Permit in the DC zone district, and as Conditional Use Permit in DC-NT1 zone district.
- Add, *Public eating establishment in conjunction with a winery, brewery, or distillery*, as a Permitted in the DC and DC-NT1 zoning district.
- Add, *Alcohol, off-sales - as incidental to a winery, brewery, or distillery*, as a Special Use Permit in the DC zone district, and Conditional Use Permit in the DC-NT1 zone district.
- Add, *Laundromat*, as a Permitted use in the DC and DC-NT1 zoning districts.
- Add, *Neighborhood Agriculture*, as a Permitted use in DC and DC-NT1 zoning districts.
- Add, *Health club, gymnasium*, as a Permitted in the DC and DC-NT1 zoning districts.

New uses in the Ground Floor Active Use Area Overlay (AUA):

- Add the following as Permitted uses in the AUA: *Automatic Teller Machine; Business support use; Financial Services; Retail Bank; Food, Beverages, Groceries; Outdoor vending - fresh fruits and vegetables; Retail sales, goods, and merchandise; Seasonal Sales; Retail Bakery; Retail Art Studio; Day care center; School, trade and vocational; Private instruction, Personal enrichment; Instructional Art Studios; Amusement game arcade; Movie theater; Recreation commercial, indoor; Poolroom/Billiards Establishment; Private club or lodge; Banquet facility; Caterer; Drinking establishment interior to a full-service hotel/motel with 75 or more guest rooms; Public eating establishment; Animal grooming; Animal boarding, indoor; Medical or dental clinic/outpatient facility; Veterinarian; Bed and breakfast inn; Hotel/motel; Maintenance and repair of household appliances, small; Personal services; Printing and publishing; Laundromat; Information center; Museums, libraries, parks, playgrounds, or community centers; Off-site and alternating use parking arrangements; Drinking establishment with an approved maximum occupancy load of over 450 persons and that operate between 12:00 midnight and 6:00 a.m.;*
- Add the following Conditional Uses in the AUA: *Off-sale, alcoholic beverages - beer and/or wine only; Off-sale alcoholic beverages - full range of alcoholic beverages; Pawn shop, pawn broker as a use incidental to a retail jewelry store only; School, elementary (grades K-8); High school (grades 9-12);*
- Add the following Special Uses in the AUA: *Office, business and administrative; Drinking establishment; Drinking establishment in conjunction with a winery, brewery, or distillery; Alcohol, off-sales - as incidental to a winery, brewery, or distillery; Historic landmark structure reuse.*
- Add, *Outdoor vending*, as Administrative Permit in AUA.
- Add, *Lighting display*, as Admin Permit or Special Use Permit.

Permit Requirement Changes:

- *Outdoor vending*, changed from Special Use Permit to Administrative Permit in the DC and DC-NT1 zoning district.
- *Pawn shop, pawn broker as a use incidental to a retail jewelry store*, changed from Conditional Use Permit to a Permitted use in the DC zone district and to a Special Use Permit in the DC-NT1 zone district.
- *Arcade, amusement game*, changed from a Special Use Permit to a Permitted use in the DC zone district.
- *Poolroom/billiards establishment*, changed from Special Use Permit to a Permitted use in the DC zone district.
- *Drinking establishment*, changed from Conditional Use to Special Use in the DC zone district.
- *Drinking establishment with an approved maximum occupancy load of over 450 persons and that operate between 12:00 midnight and 6:00 a.m.*, changed from a City Council approved Conditional Use Permit to a regular Conditional Use Permit requiring Planning Commission approval in the DC zone district.

Remove the following uses from all downtown zoning districts:

- *Auction; Open air sales establishment and areas; Art Display Structure; Mortuary and funeral services; Auditorium; Cemetery; Accessory installation, passenger vehicles and pick-up trucks Wineries, breweries, and distilleries.*

9. Repeal section 20.70.140 *Art Display Structure - Regulation of Use*
10. Revise section 20.70.520 - *Definitions of DG Overlay Area*
 - This section will be revised and replaced with the *Definitions of the Ground Floor Active Use Area Overlay*.
11. Revise Section 20.90.060 of Chapter 20.90 *Parking and Loading*: changes include minor edits for clarity, no substantive changes are proposed.
12. Revise Table 20-270 in Section 20.120.110 *Conformance with the General Plan*:
 - Revising the conforming district for Urban Village to CP and CN.
 - Removing the IP district from the conforming districts for Transit Employment Center.
 - Adding DC as the conforming district for Downtown and Commercial Downtown.
 - Adding PQP as the conforming district for Transportation and Utilities.
 - Adding OS as the conforming district for Open Space, Parklands, and Habitat.
 - Adding CP and CN as conforming districts for Urban Village Commercial.
13. Add, revise, and remove uses in Section 20.200.100 - *Definitions*
 - Adding definitions for:
 - Section 20.200.205 *Commercial Kitchen*
 - Section 20.200.395 *Financial Services*
 - Section 20.200.505 *Health Club, Gymnasium*
 - Section 20.200.1045 *Retail bank*
 - Revising definitions for:
 - Section 20.200.100 *Amusement game, Arcade*, to clarify that the use no longer requires a Conditional Use Permit.

- Section 20.200.170 *Business Support Use*, to clarify that records retention and shredding are included in the definition.
- Section 20.200.210 *Common Carrier*, to rename the use as Commercial Vehicle Storage and provide clarity in the definition.
- Section 20.200.220 *Common Carrier Depot*, to clarify that the use applies to transport of passengers and not goods.
- Section 20.200.440 *Gasoline Fuel Service Station*, to rename the use as Fuel Service Station.
- Section 20.200.710 *Manufacturing and Assembly - Light*, to rename the use as *Manufacturing and Assembly, Light - Medium*, and to merge the previous definition for medium into the definition for light.
- Section 20.200.950 *Recreation, Commercial/Indoor*, to remove health club/fitness centers from the definition.
- Removing definitions for:
 - Section 20.200.111.5 *Art display structure*
 - Section 20.200.140 *Billiard room*
 - Section 20.200.180 *Catalogue and mail order*
 - Section 20.200.720 *Manufacturing and Assembly, Medium*

14. And other technical, non-substantive, or formatting changes within these sections.

ANALYSIS

The Envision San José 2040 General Plan provides the framework for decision-making related to the City's land uses and has been called the "constitution" for land use development to emphasize its importance to land use decisions. The scope of this proposed amended is to update allowed uses, definitions, and permit requirements to align Zoning Districts with their respective General Plan Designations. Any new development is subject to review through the City's development permit process and must conform to the goals and policies of the General Plan, including those related to traffic, noise, air quality, and employment and housing capacity. Various General Plan Policies are incorporated into the General Plan EIR and SEIR as mitigation measures, therefore compliance with the policies would not result in new environmental impacts. The proposed amendments to Title 20 support the Goals and Policies of the General Plan by aligning certain sections of the code to better implement the General Plan, such as, but not limited to, those goals and policies identified below:

- Goal LU-1: Establish a land use pattern that fosters a more fiscally and environmentally sustainable, safe, and livable city.
- Policy LU-1.1: Foster development patterns that will achieve a complete community in San José, particularly with respect to increasing jobs and economic development and increasing the City's jobs-to-employed resident ratio while recognizing the importance of housing and a resident workforce.
- Policy LU-1.10: Review criteria in the Zoning Ordinance and update it as appropriate to reflect Land Use goals, policies, and implementation actions in this Plan.
- Policy LU-1.5: Maintain a Zoning Ordinance and Subdivision Ordinance that aligns with and supports the Land Use/Transportation Diagram and Envision General Plan goals and policies. Develop new Zoning Districts which enumerate uses and establish development standards, including heights, to achieve vital missed-use complete communities and facilitate their implementation.
- Policy LU-3.1: Provide maximum flexibility in mixing uses throughout the Downtown Area. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses

in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the Envision General Plan.

- Policy LU-3.2: Support Downtown as a primary employment center in the region, especially for financial institutions, insurance companies, government offices, professional services, information and communication technology companies, and businesses related to conventions.
- Policy LU-3.3: Support the development of Downtown as an arts, cultural, and entertainment center for San José and the region. Promote special events, parades, celebrations, performances, concerts, and festivals.
- Policy LU-3.4: Facilitate development of retail and service establishments in Downtown, and support regional- and local-serving businesses to further primary objectives of this Plan.
- Policy LU-3.6: Prohibit uses that serve occupants of vehicles (such as drive-through windows) and discourage uses that serve the vehicle (such as car washes and service stations), except where they do not disrupt pedestrian flow, are not concentrated, do not break up the building mass of the streetscape, and are compatible with the planned uses of the area.
- Policy LU-3.7: Recognize the urban nature of Downtown and support 24-hour uses and outdoor uses, so long as significant adverse impacts do not occur.
- Goal LU-4: Establish commercial uses that maximize revenue to the City and provide employment for its residents in order to achieve fiscal sustainability and our desired jobs per employed resident ratio.
- Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.
- Policy LU-4.4: Allow limited industrial uses in commercially designated areas if such uses are of a scale, design, or intensity that creates less than significant negative impacts to surrounding uses.
- Goal LU-5: Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.
- Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.
- Policy LU-5.3: Encourage new and intensification of existing commercial development, including stand-alone, vertical mixed-use, or integrated horizontal mixed-use projects, consistent with the Land Use / Transportation Diagram.
- Policy LU-5.7: Encourage retail, restaurant, and other active uses as ground-floor occupants in identified growth areas and other locations with high concentrations of development.
- Policy LU-6.2: Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.
- Policy LU-6.7: Encourage supportive and compatible commercial and office uses in industrial areas designated for those uses. In areas reserved for light and heavy industrial uses, only limited auxiliary and incidental commercial uses, such as small eating establishments, may be permitted when such uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.
- Policy LU-6.8: Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively

industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site

- Policy LU-9.2: Facilitate the development of complete neighborhoods by allowing appropriate commercial uses within or adjacent to residential and mixed-use neighborhoods.
- Goal LU-12 – Urban Agriculture: Expand the cultivation and sale of locally grown agriculture as an environmentally sustainable means of food production and as a source of healthy food for San José residents.
- Policy LU-12.1: Maintain existing and facilitate the development of new and expanded community gardens and farmers' markets throughout San José, prioritizing the provision of these gardens in low income, nutritionally-deficient neighborhoods.
- Policy LU-12.11: Revise the Zoning Ordinance to allow both community gardens and incidental gardening as permitted uses in appropriate zoning districts.
- Policy AC-1.1: Continue to support Downtown entertainment, arts and cultural activities and pursue opportunities to enhance or expand offerings there.
- Policy AC-1.3: Facilitate the development of small and medium scale venues within San José to support arts and cultural activities.
- Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.
 - (2). Strongly discourage drive-through services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.
- Policy IE-5.4: Support entertainment offerings and cultural facilities, including but not limited to parks, visual and performing arts, museums, libraries, theatres, historic structures/sites/neighborhoods, festivals, and commercial entertainment venues, particularly those that provide significant social and economic benefit to San José's community, provide opportunities for community participation, achieve excellence and innovation, and/or reflect the City's population.
- Policy IE-5.1: Further Goals, Policies, and Actions that support the Vibrant Arts and Culture Vision Element, as well as those for Parks, Trails, Open Space, and Recreation to enhance San José's identity regionally, nationally, and internationally; to serve residents; and to attract workers and visitors.
- Policy PR-8.10: Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future demands (i.e. plazas, swimming pools, fitness centers and gardens).
- Policy VN-3.5: Encourage the location of healthful food retail, including farmers' markets, in neighborhoods with high concentrations of fast food outlets compared to full-service grocery stores and fresh produce markets.
- Policy VN-4.2: Encourage the availability of diverse cultural spaces and places throughout the community that can be used for arts and cultural education, rehearsals, production, performance, and other programming.
- Policy VN-5.4: Recognize that Private Community Gathering Facilities can inherently involve large groups of people, including people who are susceptible to environmental hazards, such as

children or the elderly. Carefully consider existing and potential future proximate land uses when locating Private Community Gathering Facilities to avoid health and safety risks and minimize incompatible land uses. Consider locating Private Community Gathering Facilities only on the edges of Industrial Park, Light Industrial or Heavy Industrial areas on properties that are directly adjacent to residential or school uses. Allow Private Community Gathering Facilities in these areas only if they will not have adverse impacts on the viability of the adjacent industrial area due to environmental hazards or land use incompatibilities. Do not locate Private Community Gathering Facilities within the interior of Industrial Park, Light Industrial, or Heavy Industrial areas.

Consistency of Proposed Changes to the General Plan and General Plan FEIR and SEIR

An exhaustive list of changes to the ordinance is provided in the description of the proposed ordinance changes, above. Uses within this category are intended to be consistent with the General Plan Land Use Designation that the zoning district implements therefore are consistent with General Plan Policy LU-1.10 and within the work anticipated in the General Plan FEIR and SEIR. Each Special Use Permit or Conditional Use Permit and any associated Development Permits would require project level CEQA review.

New Permitted Uses

To better align Zoning Districts and General Plan Designations and support the above mentioned General Plan Goals and Policies, some new uses will be introduced into Zoning Districts as Permitted uses where they were previously not allowed, or changed from a Special or Conditional use to a Permitted use as follows:

- *Commercial Kitchen* will be a Permitted use in the CN, CG, CIC, TEC, IP, and LI Zoning Districts. *Commercial Kitchen* will be defined as “a non-retail, food facility devoted to the commercial preparation, production, and cooking of food and beverages for off-site consumption”. Currently this type of use falls under the *Light* or *Medium Manufacturing* category which is currently a Permitted use in the CIC, TEC, IP, and LI Zoning Districts therefore this change is considered a non-substantive change for these zoning districts that intended for clarity and ease of use of the Zoning Ordinance. In the CN and CG Zoning Districts other businesses involving preparation of food are currently permitted, such as *Retail Bakery* and *Caterer*. Commercial Kitchens are expected to operate in a similar manner to these existing uses and are subject to performance standards in Section 20.40.600 regarding odor, noise, and vibration.
- *Neighborhood Agriculture* will be a Permitted use in the DC and DC-NT1 Zoning Districts. *Neighborhood Agriculture* is defined as “a use that occupies less than one acre for the production of food or horticultural crops to be harvested, sold or donated or for animal husbandry in compliance with Title 7 of this Code. Neighborhood agricultural use may be a principal or an accessory use on a site. Value-added products, where the primary ingredients of the product are grown and produced on-site, are included as a part of this use. Limited sales and donation of fresh food and/or horticultural products grown on site may occur on site as a part of a neighborhood agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable. Sales, pick-ups, and donations of fresh food and horticultural products grown on-site are also considered a part of a neighborhood agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable.” While Neighborhood Agriculture may include livestock, pursuant to Title 7 all livestock must be kept at least 200 feet from any residence to avoid potential noise and odor issues. Allowing Neighborhood Agriculture in the DC and DC-NT1 Zoning Districts would allow vacant and otherwise underutilized lots to be used as community gardens or small agricultural operations. Neighborhood Agriculture is already a Permitted use in all Industrial, Commercial, and Residential Zoning Districts. Allowing Neighborhood Agriculture in more locations is consistent with General Plan Goal LU-12, Policy LU-12.1, Policy LU-12.11, and Policy VN-3.5.

- *Retail Art Studio, Retail Bakery, and Instructional Art Studios* will be added as Permitted uses in the DC and DC-NT1 Zoning Districts. Retail and service uses such as these are already Permitted in the DC and DC-NT1 Zoning Districts under the broader categories of *Retail sales, goods and merchandise*, and *Personal enrichment, instructional art* categories. These uses that exist in other parts of the Zoning Ordinance will be added to the Downtown Zoning Districts for consistency with the rest of the code but will not actually result in new uses being allowed Downtown.
- *Laundromat* will be added as a Permitted use in the DC and DC-NT1 Zoning Districts. This is a service use that supports residential uses downtown. Placing supportive commercial uses nearby residential uses in the DC and DC-NT1 Zoning Districts is consistent with the Downtown General Plan Designation that states “All development within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership.”
- *Sales, industrial equipment and machinery* would be added as a Permitted use in the IP Zoning District and will move from a Special Use to a Permitted Use in the LI Zoning District. Uses in the IP Zoning District must be conducted indoors, and therefore the proposed use is not expected to generate any impacts to adjacent properties. The use is similar to other currently Permitted uses in the LI Zoning District such as *Establishment for the repair, cleaning of household, commercial or industrial equipment or products* Adding this use to the IP Zoning District and lowering the permit requirement in the LI Zoning District is consistent with Policy LU-6.7 and Policy LU-6.8.
- *Business Support* is defined as “commercial uses intended to support the business needs in the area. Such uses include but are not limited to copy shops, mail centers, small business machine repair, and technical support centers.” Adding this use to the IP Zoning District is consistent other uses already Permitted such as business offices and commercial support, and is consistent with Policy LU-6.7 and Policy LU-6.8.
- *Construction/corporation yard* will move from a use requiring a Special Use Permit to a Permitted use in the LI and HI Zoning Districts. A *Construction/corporation yard* is defined as “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.” This use is functionally similar to other uses that are already Permitted in the LI and HI Zoning Districts such as *Establishment for the repair, cleaning of household, commercial or industrial equipment or products* and *Repair and cleaning of vehicles*. This use is consistent with both the Light Industrial and Heavy Industrial General Plan Designations that call for a variety of industrial uses and discourage office and higher-end industrial uses in order to reserve development sites for “traditional industrial activities”. This change is consistent with policy LU-6.8
- *Poolrooms/billiards establishment and Arcade, amusement game* will move from requiring a Conditional Use or Special Use Permit to a Permitted use in the CP, CN, CG, and DC Zoning Districts. The Conditional or Special Use Permit requirement for these uses is due to concerns about unsociable behavior that may accompany these uses, such as gambling and truancy, not potential environmental impacts. Functionally these uses are similar to other uses where people gather such as restaurants and indoor commercial recreation which are already Permitted uses in these Zoning Districts. Alcohol service and late night hours would still require a Use Permit. Arcades and billiard establishments are regulated by Chapter 6.08 of the Municipal Code which requires the operator to obtain a license approved by the Chief of Police and City Treasurer to address the potential for gambling and other problematic behavior. For these reasons this change is not anticipated to create impacts greater than anticipated by the General Plan FEIR.

New Uses Allowed with a Special Use Permit or Conditional Use Permit

To permit uses that are consistent with the General Plan Designation associated with a zoning district some uses will be introduced into zoning districts as Conditional Uses or Special Uses where previously they would not have been allowed. Each Special Use Permit or Conditional Use Permit and any associated Development Permits would require project level CEQA review. Examples of uses that will go from not being allowed to being allowed through a Conditional or Special Use Permit are:

- *Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation* would move from not permitted to being allowed through a Special Use Permit in the A Zoning District, consistent with the Agriculture Land Use Designation that states “agricultural practices are encouraged which follow ecologically sound practices and which support economic development, provide open space and link to the region’s history”
- *Commercial Vehicle Storage* will be added as a Conditional Use in the CO, CG, and PQP Zoning Districts to provide flexibility for the range of commercial and institutional uses seen in these zoning districts to have on-site vehicle storage.
- *Fuel Station or Charge Station, which exclusively serves commercial or industrial vehicles* is a new use category that would require a Special Use Permit in the CIC, LI, and HI Zoning Districts to provide for these compatible uses that typically support industrial businesses to locate near their customers and away from commercial zoning districts where they are less suited.

Changes from a Conditional Use to a Special Use

An exhaustive list of proposed changes to the ordinance to change permitting requirements from a Conditional Use Permit to a Special Use Permit is provided in the Project Description section above. Both Conditional Use Permits and Special Use Permits are discretionary permits that require project-level CEQA review. Changing the permit requirement from a Conditional Use Permit to a Special Use Permit would not change the level of CEQA review for the project, therefore would not result in any additional impacts above and beyond those contemplated in the General Plan FEIR.

To facilitate permitting of uses that are consistent with the General Plan Designation associated with a zoning district, the permit requirement for some uses would change from a Conditional Use Permit to a Special Use Permit. Examples of uses that would move from a Conditional Use Permit to a Special Use Permit are:

- *Banquet Facility* in the CP, CN, CG, and PQP Zoning Districts
- *Drinking Establishment* in the DC Zoning District
- *Emergency Residential Shelter* in the CO, CP, CN, CG, and PQP Zoning Districts
- *Mixed Use Residential/Commercial* in the RM Zoning District

Uses No Longer Permitted

Some uses that are currently allowed either as Permitted or through a Use Permit process will no longer be allowed in certain zoning districts to better align the Zoning District allowed uses with the land uses anticipated by the General Plan. Examples of uses that are currently allowed in a zoning district that will no longer be allowed are:

- “Private community gathering facilities” are not discussed in the Transit Employment Center Land Use Designation, therefore *Church/Religious Assembly* will move from a Conditional Use

Permit to not permitted in the TEC Transit Employment Center Zoning District. This is consistent with Policy LU-6.2

- The Light Industrial General Plan Designation “is intended for a wide variety of industrial uses” with associated service uses limited to those “that serve only employees of businesses located in the immediate industrial area.” *Performing Arts Rehearsal Space* is not an industrial use and is not intended to serve employees of businesses in an industrial area, therefore this use will no longer be allowed in the Light Industrial Zoning District.

Disallowing uses that are not consistent with the General Plan Land Use Designation associated with a Zoning District (such as Transit Employment Center Land Use Designation and TEC Transit Employment Center Zoning District) is consistent with General Plan Policy LU-1.10 and is within the work anticipated in the General Plan FEIR and SEIR.

Changes to Downtown Zoning Districts

In order to create an active and vibrant streetscape in certain streets downtown, the zoning ordinance currently contains the DG Ground Floor Use Overlay (DG Overlay) which prohibits or requires a discretionary permit for non-pedestrian oriented or service type uses in ground floor tenant spaces on certain streets in the downtown area with high pedestrian activity. The proposed ordinance update will revise the streets covered by the current Downtown ground-floor (DG) Overlay and modify the uses permitted in the overlay area as listed above in this document. The overlay will be renamed the Active Use Area (AUA) Overlay. Uses allowed in the AUA are already allowed in the Downtown Zoning districts or are new uses (such as bakeries) which function the same as uses already allowed in the Downtown Zoning District.

Other Miscellaneous Changes for Clarity and Consistency

The ordinance includes other technical, non-substantive changes intended for clarity and consistency such as updating definitions to use more common and clear language, alphabetizing use tables, and updating the table of zoning districts considered to be automatically in conformance with the General Plan therefore expediting rezoning of these properties.

No specific development proposal is part of the amendment to Title 20. Future proposals will be subject to further project specific review by the applicable department. The proposed project is to amend the existing Municipal Code to align with goals and policies of the General Plan. For the reasons discussed above, the project is within the scope of the General Plan FEIR, General Plan Supplemental EIR, and addenda thereto pursuant to CEQA, and CEQA Guidelines Section 15168(c)(2), and adoption of the Guidelines does not result in new significant impacts beyond those identified in the General Plan Final and Supplemental EIRs. Any further actions, such as actions to approve individual development projects based on the amended Zoning Code will require additional environmental review at the time such actions are proposed.

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5/30/19

Date



Deputy