



COUNCIL AGENDA: 04/14/20

FILE: 20-431

ITEM: 10.1 (b)

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 3, 2020

SUBJECT: FILE NO. PP20-007. AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND SECTION 20.30.470 TO REVISE PARKING REQUIREMENTS FOR JUNIOR ACCESSORY DWELLING UNITS; AMEND CHAPTER 20.40, SECTION 20.40.230 TO DELETE HEIGHT EXCEPTION REQUIREMENTS, AND MOVE TO CHAPTER 20.85, SECTION 20.85.010; AMEND SECTION 20.50.010 TO ALTER TEXT FOR INDUSTRIAL PARK DISTRICT; AMEND SECTION 20.90.220 OF CHAPTER 20.90 TO DELETE REPLACEMENT PARKING REQUIREMENTS; AMEND SECTION 20.90.060 OF CHAPTER 20.90 TO ADD NEW PARKING REQUIREMENTS FOR INDOOR RECREATION USES IN TABLE 20-190, AND INCLUDE MINOR TEXT ALTERATIONS TO TABLE 20-210, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE.

RECOMMENDATION

The Planning Commission voted 5-0-2 (Commissioners Ballard and Caballero absent) to 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), 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; and
2. Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) to amend Section 20.30.460 to clarify maximum gross area tabulation; 20.30.470 to revise parking requirements for Junior Accessory Dwelling units; amend Chapter 20.40, Section 20.40.230 to delete height exception requirements, and move to

Chapter 20.85, Section 20.85.010; amend Section 20.50.010 to alter text for industrial park district; amend Section 20.90.220 of Chapter 20.90 to delete replacement parking requirements; amend Section 20.90.060 of chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

OUTCOME

Approval of the proposed Municipal Code amendments will amend Chapters 20.30, 20.40, 20.50, 20.85 and 20.90, as described in the attached staff report.

BACKGROUND

On March 11, 2020, the Planning Commission conducted a public hearing on the proposed quarterly amendments to the Zoning Code.

Staff made a brief presentation on the minor updates and clarifications to Title 20 (the Zoning Code). The updates to Chapter 20.30 clarify the maximum floor area tabulation for garages that adjoin an Accessory Dwelling Unit (ADU) and clarify parking requirements for a Junior Accessory Dwelling Unit (JADU) and ADUs on Two-family and Multi-family properties. Staff noted that updates to Chapter 20.40, Commercial Zoning districts, delete height requirements from this section, and relocate provisions to Chapter 20.85 to render it applicable to all zoning districts. The additional update to Chapter 20.50 deleted left-over text from a prior amendment to the Industrial Park Zoning district. The updates to Chapter 20.90 modify Table 20 - 190 requirements for Commercial Indoor Recreation to allow flexibility for uses that require reservation appointments or classes with limited attendance and thereby result in a lower parking ratio; minor text alterations are incorporated in Table 20 - 210.

No public comment was received, and no discussion was held regarding this item. Commissioner Peter Allen made a motion to recommend approval of the staff recommendation. Commissioner Pierluigi Oliviero seconded the motion. The item was passed without any additional feedback.

ANALYSIS

A complete analysis of the proposed Zoning Ordinance amendments is contained in the attached Planning Commission Staff Report that provides the analysis, public outreach, and coordination conducted on the proposed item.

EVALUATION AND FOLLOW-UP

If the proposed Municipal Code amendments are approved by City Council, the new Ordinance will be effective 30 days after the second reading.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice, including the Planning Commission and City Council hearing dates, was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff posted the hearing notice, staff report, and draft ordinance on the Department's website. Staff has been available to discuss the proposal with interested members of the public.

COORDINATION

The preparation of the proposed ordinance and this memorandum were coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

The Commission voted 5-0-2 (Commissioners Ballard and Caballero absent) to recommend approval of the item pursuant to staff's recommendation.

HONORABLE MAYOR AND CITY COUNCIL

April 3, 2020

Subject: Title 20 Ordinance Amendment

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CEQA

A 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.

/s/

ROSALYNN HUGHEY, Secretary
Planning Commission

For questions, please contact Michael Brilliot, Deputy Director, at
michael.brilliot@sanjoseca.gov.

Attachment: Staff Report to Planning Commission



Memorandum

TO: PLANNING COMMISSION

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: March 11, 2020

SUBJECT: File No. PP20-007. AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND FOLLOWING SECTIONS:

1. PART 4.5, INCLUDING SECTION 20.30.460 TO CLARIFY MAXIMUM FLOOR AREA TABULATION;
2. SECTIONS 20.30.470 AND 20.30.480 TO CLARIFY PARKING REQUIREMENTS;
3. CHAPTER 20.40, SECTION 20.40.230 TO DELETE HEIGHT EXCEPTION REQUIREMENTS, AND AMEND AND MOVE TO CHAPTER 20.85, SECTION 20.85.010 AND NEW SECTION 20.85.040;
4. SECTION 20.50.010 TO ALTER TEXT FOR INDUSTRIAL PARK DISTRICT;
5. SECTION 20.90.220 OF CHAPTER 20.90 TO CLARIFY REPLACEMENT PARKING REQUIREMENTS;
6. SECTION 20.90.060 OF CHAPTER 20.90 TO ADD NEW PARKING REQUIREMENTS FOR INDOOR RECREATION USES IN TABLE 20-190; AND
7. INCLUDE MINOR TEXT ALTERATIONS TO TABLE 20-210, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council;

1. Consider the 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; and

2. Adopt an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) to amend part 4.5, including Section 20.30.460 to clarify maximum floor area tabulation; Sections 20.30.470 and 20.30.480 to clarify parking requirements; amend Chapter 20.40, Section 20.40.230 to delete height exception requirements, and amend and move to chapter 20.85, Section 20.85.010 and new Section 20.85.040; amend Section 20.50.010 to alter text for Industrial Park district; amend Section 20.90.220 of Chapter 20.90 to clarify replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, and to make other technical, non-substantive, or formatting changes within those sections of title 20 of the San José Municipal Code.

OUTCOME

Approval of the proposed Municipal Code amendments will amend various chapters within Title 20 as described in the Analysis section below.

BACKGROUND

Planning Staff routinely updates the Zoning Code to incorporate clarifying changes, minor modifications, technical, formatting and other non-substantive changes, to ensure that the Municipal Code follows development trends, and maintains consistency with the General plan. The changes described below are intended to correct errors, add definitions, make minor modifications, clarify language, and facilitate implementation of the City's General Plan.

ANALYSIS

Title 20: Amend Chapters 20.30, 20.40, 20.50, 20.85, and 20.90 of the Zoning Ordinance

1. Section 20.30.460: Amend Section to clarify the maximum gross footage for Accessory Dwelling Units.

The City Council has regularly approved updates to facilitate, and provide greater flexibility for Accessory Dwelling Units. A prior update in November 2019 allowed a connecting opening between an Accessory Dwelling unit and a garage that share a common wall. This provided for the garage area, in compliance with Building and Fire Code, to be utilized by the occupant of that Accessory Dwelling Unit. This update proposes a clarifying change that the maximum Accessory Dwelling floor area tabulation would not incorporate the non-habitable garage area.

2. Section 20.30.470 and Section 20.30.480: Amend Section to clarify parking requirements for Junior Accessory Dwelling Units, and for units within Two-family/ Multi-family zoning districts.

Consistent with State Law, this update proposes a clarifying modification that any displaced off-street parking spaces resulting from the conversion of an existing garage into a Junior Accessory Dwelling Unit, are not required to be replaced. For Two-family and Multi-family developments, when a garage is converted into an Accessory Dwelling Unit, any off-street parking spaces that were provided by such garage shall not require replacement, unless the spaces were originally provided as uncovered spaces.

3. Section 20.40.230 and Section 20.85.010 and New Section 20.85.040: Amend Section 20.40.230 to remove height exception requirements from this Section, and relocate provisions to Section 20.85.010 and new Section 20.85.040.

Section 20.40.230 of the Zoning Ordinance currently allows elevator shafts, stairways, guard rails, and additional structures including accessible restrooms and roof canopies, mechanical equipment related to collection of solar or alternative energy to exceed the maximum height limit of a zoning district, subject to a Development Exception approval. It provided opportunities for installing functional rooftop space and solar equipment on both existing and new buildings. The proposed update would delete this item from the current section, eliminate the requirement for Development Exception and allow this increase in height by-right, and relocate this provision to the more appropriate Section 20.85.010 and new Section 20.85.040 that sets forth area-specific and use-specific height restrictions for development applicable to all zoning districts.

4. Section 20.50.010: Amend Section to alter text for Industrial Park zoning district. The proposed clarifying change deletes text left-over from a prior amendment to Industrial Park zoning district. The text proposed for deletion pre-dates the existence of Combined Industrial/Commercial zoning district, and most lands with a current Combined Industrial Commercial General Plan designation were then zoned Industrial Park.

5. Section 20.90.220: Amend Section to clarify replacement parking requirements. The proposed update modifies Table 20-190 to add text to parking requirements for Commercial Indoor Recreation that provides different parking requirements for different types of indoor recreation that fall under the broader Commercial Indoor Recreation definition. As defined in Section 20.200.950, the uses typically include skating rink, bowling alley, paintball, children's play land, and other similar indoor uses. Currently, the tabulation would require one parking space per 80 square feet of recreational area which staff has found can be overly restrictive for indoor recreational uses that are by appointment or class-based only, such as escape rooms or fitness centers that only provide classes with a cap on the number of patrons in any one class at a time. Staff recommends that a requirement of one space per three guests and one per staff for uses requiring reservation, appointments, or classes with limited attendance, and categorized as indoor recreational uses. This requirement is the same as the current parking

requirement for similar class-based uses such as private instruction/personal enrichment and trade and vocational schools.

6. Section 20.90.060: Amend Section to include minor text alterations to Table 20-210. The proposed change rectifies minor labeling errors for parking facility type in Table 20-210, Multiple Dwelling.

General Plan Conformance

The Envision San José 2040 General Plan encourages the periodic 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.

General Plan Goals/Policies: Title 20- Zoning Ordinance

The proposed amendments to Title 20 would provide clarity to certain sections of the Zoning Code that will allow for better implementation of the goals and policies of the General Plan, including amendments to facilitate affordable housing by streamlining development of ADUs, which is a key component of the General Plan. The proposed amendments to Title 20 are consistent with the following General Plan policies:

1. *General Land Use 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.*
2. *General Land Use 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 mixed-use complete communities and facilitate their implementation.*

The amendments to Sections 20.30.460, 20.30.470, 20.30.480, 20.40.230, 20.85.010, 20.85.040, 20.50.010, 20.90.220, and 20.90.060 are all technical, formatting, and minor clarifying modifications, or non-substantive changes proposed as part of the ongoing maintenance of the Zoning Code. These changes help ensure that the Zoning Ordinance appropriately reflects the goals and policies of the General Plan. Given the increasing costs associated with development, the ability to maximize the use of properties supports continued investment in the City.

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 José 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.

COORDINATION

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

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.

MLH for

ROSALYNN HUGHEY, DIRECTOR
Planning, Building and Code Enforcement

Attachments:

- 1) Draft Ordinance
- 2) Determination of Consistency

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND PART 4.5 OF CHAPTER 20.30, INCLUDING SECTION 20.30.400 TO CLARIFY SETBACK REQUIREMENTS; AMEND SECTION 20.30.460 TO CLARIFY MAXIMUM FLOOR AREA TABULATION; SECTIONS 20.30.470 AND 20.30.480 TO CLARIFY PARKING REQUIREMENTS; AMEND CHAPTER 20.40, SECTION 20.40.230 TO DELETE HEIGHT EXCEPTION REQUIREMENTS, AND AMEND AND MOVE TO CHAPTER 20.85, PART 1 SECTION 20.85.010 AND TO ADD PART 4 SECTION 20.85.040 ROOFTOP HEIGHT EXCEPTIONS; AMEND SECTION 20.50.010 TO ALTER TEXT FOR THE INDUSTRIAL PARK ZONING DISTRICT; AMEND SECTION 20.90.220 OF CHAPTER 20.90 TO CLARIFY REPLACEMENT PARKING REQUIREMENTS; AMEND SECTION 20.90.060 OF CHAPTER 20.90 TO ADD NEW PARKING REQUIREMENTS FOR INDOOR RECREATION USES IN TABLE 20-190, AND INCLUDE MINOR TEXT ALTERATIONS TO TABLE 20-210, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE

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

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

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

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

SECTION 1. Section 20.30.400 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.400 Setback areas - Setback area to be kept open, unobstructed, and unoccupied.

Except as otherwise expressly and specifically provided in other sections of this title, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all buildings or structures except as follows:

- A. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two feet into the air space above the surface of the ground in any setback area;
- B. In the R-1-2, R-1-1 and R-1-RR districts only, sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than four feet into the air space above the surface of the ground in any setback area;

- C. Any portion of a building including but not limited to bay windows, chimneys, or architectural elements that project out from the primary surface of the building facade, whether on a foundation or cantilevered, not occupying in the aggregate more than twenty percent of the length of the side of the building, may project horizontally for a distance of not more than two feet into any setback area, provided that such extensions maintain a minimum side setback of at least three feet and a minimum rear setback of at least ten feet, ~~and a minimum rear setback of at least five feet for a secondary dwelling;~~
- D. Tankless water heaters and power inverters may project horizontally for a distance of not more than two feet into any setback area;
- E. Wells for basement windows or stairs of up to ten feet in length each, not occupying in the aggregate more than twenty percent of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two feet into the side and rear setback areas, provided that such extensions maintain a minimum side setback of three feet and a rear setback of fifteen feet;
- F. Overhead wires necessary for utility service to a building on the lot;
- G. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot;
- H. Walks and driveways for vehicular or pedestrian access to the lot that are situated in any setback area which abuts upon a public street shall be no more than two feet above nor more than one foot below grade; and

- I. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may be placed in the rear setback and shall maintain a five-foot setback from the rear property line, maintain a setback from the side property line a distance equal to that of the side setback requirements of the respective zoning district, and adhere to the required front setback of the respective zoning district.

SECTION 2. Section 20.30.460 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.460 Accessory dwelling units - single-family dwelling lot.

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

- A. Zoning District. An Accessory Dwelling Unit that is attached to or detached from a one-family dwelling shall be permitted only: (1) in the R-1 zoning districts, the R-2 zoning district or the R-M zoning district in accordance with the provisions of Section 20.30.100, (2) in planned development zoning districts that allow single-family uses, or (3) in low density cluster developments that were permitted under previously existing provisions of this title if (a) the low density cluster development conforms with the development standards of the R-1 zoning district, or (b) the accessory dwelling conforms to the development and use standards of the low density cluster development permit, or (4) on a lot, consisting of an existing single-family dwelling unit, with a General Plan Land Use/Transportation Diagram designation of Residential Neighborhood, Urban Village, Transit Residential, Urban Residential, Downtown, Mixed-use Neighborhood, Mixed-use Commercial, or Rural Residential ~~or Residential Neighborhood~~.

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

Table 20-55

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

- C. Required Facilities. An accessory dwelling shall include all of the following facilities:
1. A kitchen (including a sink, food preparation counter, storage cabinets, and permanent cooking facilities such as a range or cooktop and oven, that meet Building Code standards); and

2. A full bathroom (including sink, toilet, and shower and/or bath facilities).
- E. Bedroom Requirement and Maximum Bedroom Area. An accessory dwelling is required to contain a combined sleeping and living area or one (1) bedroom and shall include no more than two (2) bedrooms and one (1) living area. The floor area of each bedroom shall not exceed four hundred (400) square feet.
- F. Bathroom Limit. An accessory dwelling shall contain no more than two bathrooms.
- G. Maximum Accessory Storage Area. The total size of any closet or other enclosed storage area within the accessory dwelling shall not exceed sixty (60) square feet of floor area.
- H. Required Accessory Dwelling Parking.
1. One on-site parking space, in addition to the required on-site parking spaces for the one-family dwelling, is required for an accessory dwelling, except as provided in subsection 3 below. Tandem parking that otherwise complies with setback and paving requirements set forth in Sections 20.90.120 and 20.90.140 and Chapter 20.95 of the Municipal Code, shall be allowed.
 2. The required on-site parking space for an accessory dwelling may be located on a driveway in the front and/or side setback area of the lot on which an accessory dwelling is situated provided that the driveway is at least eighteen (18) feet in length.

3. No additional parking shall be required for an accessory dwelling that meets any of the following criteria:
 - a. The accessory dwelling is located within one-half mile walking distance of, and has a path of travel that is always publicly accessible to, a site containing an existing public rail-transit station or at least one (1) public bus stop.
 - b. The accessory dwelling is located within a historic district identified in the city's historic resources inventory as defined in Chapter 13.48 of Title 13 of this Municipal Code.
 - c. The accessory dwelling is part of the existing primary residence, or within, or part of, an existing Accessory Building.
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling.
 - e. When there is a car-share vehicle located within one (1) block of the Accessory Dwelling Unit.



- I. Replacement Parking Not Required for Primary Dwelling Parking Demolished or Converted for Accessory Dwelling Construction. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling, any off-street parking spaces that were provided by such garage, carport, or covered parking structure are not required to be replaced in accordance with Section 20.90.220 B.2.
- J. Development Standards. Accessory dwellings shall comply with all of the following development standards:

1. The accessory dwelling shall be subject to the setback requirements for a One-Family Dwelling in the zoning district in which the One-Family Dwelling is located, as set forth in this Part except as follows:
 - a. Conversion of Existing Accessory Building—No setback over the setback specified for an Accessory Building shall be required for an existing Accessory Building, or garage, that is converted to an Accessory Dwelling or constructed in same location and to same dimensions as an existing structure, unless required to meet current Building and Fire Code requirements.
 - b. New detached Accessory Dwelling—A setback of four (4) feet from the side and rear lot lines, measured from the building face, shall be required for an accessory dwelling unit that exceeds forty percent (40%) rear yard coverage and is not converted from an existing structure or is a new structure constructed in the same location and to the same dimensions as the existing structure. No setback over the setback specified for an Accessory Building shall be required for the first story of a new detached Accessory Dwelling that does not exceed forty percent (40%) rear yard coverage, unless required to meet current Building and Fire Code requirements.
 - c. Second Story Accessory Unit—A minimum setback of four (4) feet from the side and rear lot lines, with an overhang of one-foot or less, shall be required for any second story of a detached Accessory Dwelling.
 - d. Additional setback requirements may apply under the Building and Fire Codes or as a result of "no-build" easements or require compliance with existing easement restrictions.

2. An attached accessory dwelling shall share a common wall with the One-Family Dwelling, or shall share an integral roof structure having the same framing system and roof covering as the One-Family Dwelling and shall be separated from the One-Family Dwelling by no more than ten (10) feet at any given point.
3. A detached Accessory Dwelling shall be located in the rear yard of the lot of the One-Family Dwelling or shall be required to meet minimum setback requirements for an accessory building in accordance with Section 20.30.500, except that a new detached Accessory Dwelling Unit that maintains a minimum interior side setback of four (4) feet may be located at a distance of forty-five (45) feet from the front property line.
4. A detached Accessory Dwelling shall be located at least six (6) feet away from the One-Family Dwelling.
5. A detached one story Accessory Dwelling shall be limited to a maximum height of eighteen (18) feet. A two story detached Accessory Dwelling may have a maximum roof height of twenty four (24) feet above grade. Roof height shall be determined in accordance with San José Municipal Code Section 20.200.510.
6. A detached Accessory Dwelling may be attached to an existing or proposed accessory building, including a garage so long as current Building Code requirements and requirements to address fire or safety hazards are met. A detached Accessory Dwelling that is attached to an existing or proposed accessory building, including a detached Accessory Dwelling constructed above an existing or proposed accessory building,

shall not have any connecting opening between the accessory building and Accessory Dwelling, unless all connected areas meet current Building Code and Fire Code requirements, and the maximum gross square footage for all connected areas does not exceed the limits set forth in Section 20.30.460 C above. Notwithstanding the provisions above, a detached Accessory Dwelling that is attached to an existing or proposed garage may have a connecting opening, provided the garage does not have a connecting opening to any other accessory building not used as a garage, and such garage area shall not be included in the maximum Accessory Dwelling floor area tabulation.

7. The cumulative total of the rear yard covered by the accessory Dwelling, accessory buildings, and accessory structures, except pools, shall not exceed forty percent (40%) of the rear yard except that such ratio shall not prohibit an eight hundred (800) square foot Accessory Dwelling Unit with minimum four (4) foot side and rear yard setbacks.
8. If situated on a lot that is equal to or greater than one-half ($\frac{1}{2}$) an acre in size, an accessory dwelling shall be located more than one hundred (100) feet from a riparian corridor as measured from top of bank or vegetative edge, whichever is greater.

K. Design Standards. Accessory dwellings shall comply with the following design standards:

1. Any new addition for an attached Accessory Dwelling unit, on a property listed on the San José Historic Resources Inventory, shall be located along the rear wall of an existing primary dwelling, unless the Accessory Dwelling unit is fully enclosed within the existing building walls.

- a. The attached Accessory Dwelling unit shall not result in the enclosure of or net loss of any existing porch, unless such porch is located along the rear façade, and the enclosure of or net loss does not exceed ten percent (10%) or more of an existing porch.
 - b. If an attached Accessory Dwelling unit is constructed on a second story of the primary dwelling, the Accessory Dwelling Unit shall not overhang the lower floors of the primary building, and shall be set back at least forty-five (45) feet from the front property line.
 - c. The roofline and materials of the attached Accessory Dwelling unit shall be differentiated from the primary dwelling.
2. A detached Accessory Dwelling unit may be constructed on any property listed on the City's Historic Resources Inventory, provided the Accessory Dwelling unit is set back at least forty-five (45) feet from the front property line.
3. The front door of any attached Accessory Dwelling shall not be located on the same facade as the front door of the One-Family Dwelling if that facade fronts onto a street, unless all other locations for placement of the Accessory Dwelling front door would require a passageway as defined in Government Code Section 65852.2(i)(5). For a detached Accessory Dwelling constructed above an existing or proposed accessory building, including a garage, an exterior stairway or fully enclosed interior stairway access may be allowed.
4. Minimum sill height for openings for a second story detached Accessory Dwelling Unit shall be maintained at five (5) feet, measured from the interior floor level, along the building walls parallel to the nearest side and

rear property lines, and located within a minimum setback of fifteen (15) feet from those property lines.

5. Any second story balconies, unenclosed entry landings, and decks shall comply with the following requirements:
 - a. Maintain minimum setback of fifteen (15) feet from the rear and side property line measured from the projecting face.
 - b. Not be located along the building walls parallel to the nearest side and rear property lines.
6. Any portion of balconies and landings with areas greater than fifty percent (50%) enclosed with walls and covered shall be included in the total unit floor area, measured to exterior framing, except that the floor area of an internal stairwell will be counted once.
7. Any porches or balconies that project beyond the footprint of the Accessory Dwelling Unit shall be included in the cumulative total of the rear yard coverage tabulation.

- L. Application—Owner Certification. As part of the building permit application process for an Accessory Dwelling, the owner of record shall submit a declaration, under penalty of perjury, stating that the Accessory Dwelling is not intended for sale separate from the primary residence, but may be rented. Nothing in this section shall be deemed to affect the legal status of an Accessory Dwelling built with a lawfully issued permit if the property is subsequently transferred or sold, or if the one-family dwelling or Accessory Dwelling is subsequently rented or leased.

- M. The requirements of Subsection L shall not apply to an Accessory Dwelling Unit constructed on a property developed by a Qualified Non-profit Corporation and there is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code. Accessory Dwelling Units meeting these requirements may be sold or conveyed separately from the primary residence to a qualified buyer in conformance with Government Code Section 65852.25.
- N. Additional development permits shall not be required for the following:
1. An Accessory Dwelling unit located on a site that is listed on the San José Historic Resources Inventory that meets the design standards listed in 20.30.460(K)(1) and (L)(2) shall not require issuance of a Single-Family House Permit, or Historic Preservation Permit for a site that is a designated City Landmark or within a City Landmark District. When a garage, carport, or other accessory structure is demolished or converted into an Accessory Dwelling Unit, a Single-Family House Permit, or Historic Preservation Permit shall not be required for the demolition or conversion.
 2. A new detached or attached Accessory Dwelling Unit located in a planned development zoning district otherwise subject to requirements of Section 20.100.500 (A)(4).
 3. A new detached Accessory Dwelling Unit located in a low density cluster development, in accordance with provisions of this part and with San José Municipal Code Section 20.30.500, and otherwise subject to

minimum side setback requirements of the primary dwelling unit and requirements of Section 20.100.500 (A)(4).

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

SECTION 3. Section 20.30.470 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.470 Junior accessory dwelling units – single family dwelling lot.

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

- A. Shall not exceed five hundred square feet, and constructed within the existing walls of the primary dwelling unit.

- B. Shall include a separate entrance from the main entrance to the primary dwelling unit, with an interior entry to the main living area.
- C. May share sanitation facilities with the existing primary dwelling.
- D. Shall require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- E. Shall require the recordation of a deed restriction, which shall run with the land, and which shall be on file with the City, to include restriction on the size and attributes of the junior accessory unit that conforms with this section; and prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
- F. Shall include at least an efficiency kitchen which shall include all of the following:
 - 1. A cooking facility with appliances; and
 - 2. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior Accessory Dwelling Unit.
- G. A Junior Accessory Dwelling Unit may also be allowed on the same lot with an Accessory Dwelling Unit, provided the following criteria are met:
 - 1. The Accessory Dwelling Unit is fully detached, and the Junior Accessory Dwelling Unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling; and

2. The Accessory Dwelling Unit shall not exceed a total floor area limitation of more than 800 square feet and a height limitation of 16 feet.
- H. No additional parking shall be required for construction of a Junior Accessory Dwelling Unit.
- I. When a garage is converted into a Junior Accessory Dwelling Unit, any off-street parking spaces that were provided by such garage are not required to be replaced.

SECTION 4. Section 20.30.480 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

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

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

- A. Accessory Dwelling Units may be allowed within existing portions of Two-Family/Multifamily Dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- B. At least one attached Accessory Dwelling Unit may be provided per lot, subject to requirements in subsection A. The attached Accessory Dwelling Units may be permitted, in order of application, to not exceed a maximum of twenty-five percent (25%) of total number of all units within that lot boundary.

- C. No more than two detached Accessory Dwelling Units may be allowed on a Two-Family/Multifamily Dwelling lot. A detached Accessory Dwelling Unit shall be located along the rear property line at a minimum setback distance of forty-five (45) feet from the front property line. A maximum floor area of eight hundred (800) square feet, a maximum height limit of sixteen (16) feet, and minimum rear yard and side setbacks of four (4) feet shall apply.
- D. The accessory dwelling units shall comply with, as applicable, all of the provisions of Section 20.30.460.
- E. When an existing garage or covered parking structure is converted into an Accessory Dwelling Unit, any off-street parking spaces that were provided by such garage are not required to be replaced, except for uncovered parking spaces.

SECTION 5. Section 20.40.230 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to delete text and read as follows:

20.40.230 Maximum height - Exception, number of stories - Exception.

~~A.~~ Notwithstanding the provisions of Section 20.40.200, in any commercial district, the maximum height restrictions shall not apply to SRO residential hotels, SRO living unit facilities and mixed commercial/residential projects.

~~B. The director or the planning commission on appeal may, but shall not under any circumstances be required to, grant the following development exceptions permitting elevator shafts and stairwells to cause the associated structure to exceed the general zoning district height limitation for the zoning district in which the structure is located, but only up to seventeen (17) feet above the general~~

~~zoning district height limitation and subject to design review, including but not limited to accessible bathroom, roof canopies, mechanical equipment, screening and safety guardrail requirements, subject to the requirements below.~~

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

ii. ~~The maximum roof area coverage by all structure(s) and equipment shall not exceed of thirty (30%) percent of the total roof area.~~

iii. ~~This exception may apply to any mechanical equipment and appurtenances required for the operation and maintenance of the building, including devices for the collection of solar or alternative energy, and screening for those features.~~

SECTION 6. Section 20.50.010 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to delete text and read as follows:

20.50.010 Industrial zoning districts.

- A. This chapter sets forth the land use and development regulations applicable to the industrial zoning districts established by Section 20.10.060.
- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the IP, LI and HI Industrial Districts except as set forth in this chapter.

A. The purposes of the industrial zoning districts are as follows:

1. CIC Combined Industrial/Commercial. The CIC Combined Industrial/Commercial zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constraints on neighboring industrial uses.
2. TEC Transit Employment Center. The TEC Transit Employment Center zoning designation is intended for intensive industrial park and supportive commercial uses with development generally at least four stories in height, consistent with General Plan height policies, and in proximity to existing or planned transit in employment districts designated as growth areas in the General Plan.

The TEC designation is suitable for development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or other industrial park uses on all floors.

An important difference between this designation and the IP Industrial Park designation is that the site design for development in the TEC Transit Employment Center District should support more intensive, transit-oriented uses than that typically found in the IP Industrial Park District. The development of large hotels of at least two hundred rooms and four or

more stories in height is also supported within the Transit Employment Center zoning designation.

New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

3. IP Industrial Park. The industrial park zoning designation is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses, in addition to industrial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should be located within a larger industrially utilized building to protect the character of the area and maintain land use compatibility. In addition, warehouse retail uses are allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes.
~~When located within an area with a combined industrial/ commercial general plan designation, a broader range of uses, both free-standing and in combination with others, will be considered including uses such as retail, church/religious assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.~~

4. LI Light Industrial. The light industrial zoning district is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. The design controls are less stringent than those for the industrial park zoning district. Examples of typical uses are warehousing, wholesaling, and light manufacturing. Sites designated light industrial may also contain service establishments that serve only employees of businesses located in the industrial areas. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a combined industrial/ commercial general plan designation, a broader range of uses will be considered including uses such as retail, church/ religious assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.
5. HI Heavy Industrial. The Heavy Industrial zoning designation is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. Extractive and primary processing industries are typical of this district. Very limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding heavy industrial land from being used to its fullest extent and are not of a scale or design that depends on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial user on the property and integrated within an industrial building. In addition, warehouse retail uses may be

allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes.

SECTION 7. Section 20.85.010 of Chapter 20.85 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 1 - GENERAL PROVISIONS

20.85.010 Specific height restrictions.

- A. This chapter sets forth certain area-specific and use-specific height restrictions for development applicable to all zoning districts established by Section 20.10.060 and to planned development districts established by Section 20.10.070.
- B. The purpose of this chapter is to provide for the public peace, health, safety, and welfare by identifying geographic locations within the City of San José and specific uses for which it is appropriate to establish more specific height restrictions than those provided within the general zoning district standards.
- C. The governing height restriction applicable to a particular site or structure shall be determined in accordance with the following rules and priorities:
 - 1. For single-family or mobile home residential structures located in a residential zoning district, the height restrictions set forth in Section 20.30.200 shall govern and control the maximum allowed height of those structures.

2. For properties that are not governed by Section 20.85.010C.1. but that are within a specific plan area, the height restrictions set forth within that specific plan document shall govern and control the maximum allowed heights on those properties.
3. For properties that are not governed by Sections 20.85.010C.1. or 2. but that are within a certain geographic area that is described in Part 2 of this chapter, the height restrictions set forth in said Part 2 shall govern and control the maximum allowed heights on those properties.
4. For those structures that are listed and described in Part 3 of this chapter that are not governed by Sections 20.85.010C.1., 2. or 3., the height restrictions set forth in said Part 3 shall govern and control the maximum allowed height of those structures.
5. For properties or structures not otherwise regulated by the provisions of Section 20.85.010C.1., 2., 3. or 4., and for properties located within an airport influence area overlay as identified in the general plan that are also within the downtown zoning area or within the downtown frame, the height restrictions established for the zoning district in which the property or structure is located or is to be located shall govern and control the maximum heights allowed on those properties or of those structures.
6. Notwithstanding Section 20.85.010 (C), 2, 3, 4, or 5, certain exceptions to exceed the maximum allowed height prescribed in this Title may be allowed, and shall be regulated by provisions set forth in Part 4, Section 20.85.040.

SECTION 8. Part 4, Section 20.85.040 of Chapter 20.85 of Title 20 of the San José Municipal Code is added to read as follows:

Part 4 – SPECIFIC HEIGHT EXCEPTIONS

20.85.040 Rooftop Height exceptions.

A. The Director of Planning, Planning Commission, or City Council may grant through issuance of a Development Permit certain exceptions to allow elevator shafts and stairwells to exceed the general zoning district height limitation for the zoning district in which the structure is located, but only up to seventeen (17) feet above the general zoning district height limitation and subject to design review, and including but not limited to accessible bathroom, roof canopies, mechanical equipment, screening and safety guardrail requirements, subject to the requirements below:

1. This allowance shall not apply to allow any structure(s), including all elevator shafts and stairwells, to exceed the height limitations applicable under the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, for uses located in an airport influence area.
2. The maximum roof area coverage by all structure(s) and equipment shall not exceed of thirty (30%) percent of the total roof area.
3. This allowance may apply to any mechanical equipment and appurtenances required for the operation and maintenance of the

building, including devices for the collection of solar or alternative energy, and screening for those features.

SECTION 9. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.220 Reduction in required off-Street parking spaces.

A. Alternative Transportation.

1. A reduction in the required off-street vehicle parking spaces of up to fifty percent may be authorized with a development permit or a development exception if no development permit is required, for structures or uses that conform to all of the following and implement a total of at least three transportation demand management (TDM) measures as specified in the following provisions:
 - a. The structure or use is located within two thousand (2,000) feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a neighborhood business district, or as an urban village, or as an area subject to an area development policy in the city's general plan or the use is listed in Section 20.90.220.G; and
 - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.
 - c. For any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least one of the following measures:

- i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations at the ratio set forth in the development permit or development exception considering type of use; or
 - ii. Develop a transit use incentive program for employees and tenants, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA ~~EcoPass~~ SmartPass system will satisfy this requirement).
- d. In addition to the requirements above in Section 20.90.220.A.1.c for any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least two of the following measures:
- i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations; or
 - ii. Develop a transit use incentive program for employees, such as on-site distribution of passes or subsidized transit passes

for local transit system (participation in the regionwide Clipper Card or VTA ~~EcoPass~~ SmartPass system will satisfy this requirement); or

- iii. Provide preferential parking with charging station for electric or alternatively-fueled vehicles; or
- iv. Provide a guaranteed ride home program; or
- v. Implement telecommuting and flexible work schedules; or
- vi. Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking); or
- vii. Implement public information elements such as designation of an on-site TDM manager and education of employees regarding alternative transportation options; or
- viii. Make available transportation during the day for emergency use by employees who commute on alternate transportation (this service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation); or
- ix. Provide shuttle access to Caltrain stations; or

- x. Provide or contract for on-site or nearby child-care services;
or
- xi. Incorporate on-site support services (food service, ATM, drycleaner, gymnasium, etc. where permitted in zoning districts); or
- xii. Provide on-site showers and lockers; or
- xiii. Provide a bicycle-share program or free use of bicycles on-site that is available to all tenants of the site; or
- xiv. Unbundled parking; and
- e. For any project that requires a TDM program:
 - i. The decision maker for the project application shall first find in addition to other required findings that the project applicant has demonstrated that it can maintain the TDM program for the life of the project, and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use; and
 - ii. The decision maker for the project application also shall first find that the project applicant will provide replacement parking either on-site or off-site within reasonable walking distance for

the parking required if the project fails to maintain a TDM program.

2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent or up to two off-street vehicle parking spaces, whichever is less, may be authorized with a development permit or a development exception if no development permit is required for a particular use, for nonresidential uses in conformance with the following:
 - a. In addition to the off-street bicycle parking spaces required for the structure or use, ten off-street bicycle parking spaces consisting of bicycle racks or five off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every required off-street vehicle parking space that is reduced; and
 - b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

B. One-Family Dwellings.

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling or one One-Family Dwelling and one Secondary Accessory Dwelling occupy the lot; and

- c. The location of the required covered parking is set back a minimum of forty-five feet from the front lot line when the garage is accessed via a curb cut from the front lot line and forty feet from the side corner lot line when the garage is accessed via a curb cut from the side corner lot line; and
 - d. The required covered parking is accessed by a driveway of a width no less than ten feet and no more than twelve feet; and
 - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
 - f. No additional paving in the front setback shall be designated or used for parking; and
 - g. The covered parking structure shall meet all other applicable regulations of this title.
2. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling, no replacement spaces are required. A garage, carport or parking structure shall be deemed converted when all or any part of an Accessory Dwelling is proposed to be constructed in all or any part of the area occupied by a garage, carport or parking structure.
3. When a garage is converted in conjunction with the construction of a Junior Accessory Dwelling, ~~and the required off-street parking spaces that were provided by such garage are required to be replaced on-site,~~ no parking spaces are required to be replaced. the replacement spaces may be

~~covered spaces, uncovered spaces, or tandem spaces, or replaced by the use of mechanical automobile parking lifts and in any setback area unless specific findings are made that tandem parking and parking in setback areas are not feasible based on specific site or regional topographical or fire and life safety conditions.~~ A garage shall be deemed converted to a Junior Accessory Dwelling Unit when all or any part of the Junior Accessory Dwelling Unit is proposed to be constructed in all or any part of the area occupied by a garage.

C. Ground Floor Commercial Uses in Neighborhood Business Districts or Urban Villages.

1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one space per four hundred square feet of floor area, provided all of the following requirements are met:
 - a. The site is designated on the general plan land use/transportation diagram with the neighborhood business district overlay or designated as urban village; and
 - b. The use is located on the ground floor of a building; and
 - c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this chapter.

D. Multiple Family Residential in the Main Street Districts. The decision maker may reduce the required vehicle parking spaces for a multiple-family residential use in

the pedestrian oriented zoning districts with a development permit based on the following findings:

1. The project includes one or more of the following options:
 - a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car-share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; and
2. The project does not include a parking reduction pursuant to Section 20.90.220.G; and
3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses; and
4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit.

E. Nonresidential Uses in a Main Street District. The decision maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty percent with a development permit based on the following findings:

1. The project achieves one of the following:
 - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
 - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220.A or 20.90.220.C of this title; and
3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses.

F. Miniwarehouse/Ministorage.

1. A reduction in the required off-street parking may be authorized with a development permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:

- a. Buildings are single story; and
- b. Loading spaces are available directly adjacent to those storage units contained in the single-story building.

G. Other Uses.

- 1. Up to a twenty percent reduction in the required off-street parking for private instruction or personal enrichment; sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions; SROs; efficiency living units; emergency residential shelters; residential care/service facilities; convalescent hospitals; hotels/motels; bed and breakfast inns; senior housing uses; recreation uses; gasoline service or charge stations when combined with other uses; and performing arts rehearsal space uses may be approved with a development permit or a development exception if no development permit is required, provided that such approval is based upon the findings that the project is either within two thousand feet of an existing or proposed bus or rail transit stop; or the use is clustered with other uses that share all parking spaces on a site.
- 2. Up to a one hundred percent reduction in the required off-street parking for emergency residential shelters may be approved with a development permit or a development exception if no development permit is required.

SECTION 10. Section 20.90.060, including Tables 20-190 and 20-210, 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
Drive-Through Uses			
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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 game	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
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 10 tees

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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/billiards establishment	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; <u>for uses requiring reservation.</u>	Note 6	1 per 1,600 sq. ft. of recreational area; <u>for uses requiring reservation.</u>

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	<u>appointments, or classes with limited attendance, 1 per 3 guests, plus 1 per staff;</u>		<u>appointments, or classes with limited attendance, 1 per 10 guests;</u>
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			

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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	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
Commercial kitchen	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	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	the greater number of parking spaces		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 20.80, Note 6	1 per 4,000 sq. ft. of floor area
Food, beverages, and groceries	1 per 200 sq. ft. of sales area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Nursery, plant	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
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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 studio	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 inn	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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Hotel or motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220 C, Note 6	1 space plus 1 per 10 guest rooms
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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
Office, medical	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			
Commercial support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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/ministor age	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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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	Note 6	1 per 3,000 sq. ft. of floor area

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	per company vehicle		
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, general business	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, research and development	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 per employee, plus 1 per company vehicle	Note 6	1 per 4,000 sq. ft. of floor area
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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,	Note 6	1 per 10 full-time employees

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	plus 1 per facility vehicle		
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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
SRO facilities within 2,000 ft. of public transportation		Note 6	1 per SRO unit

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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	Note 2, Note 6	1 per 10 full-time employees

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	follows: Self Service - 5 cars per lane Full Service - 15 cars (may be in multiple lanes)		
Fuel service station or charge station, no incidental service or repair	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Fuel service station or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
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

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
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

1. **Notes:**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.

SECTION 11. Table 20-210, Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

Table 20-210
Multiple Dwelling

Living Unit Size	Type of Parking Facility			
	All Open Vehicle Parking	One-Car Garage	Two-car Garage Bicycle Parking Spaces¹	<u>Bicycle Parking¹</u>
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.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

DRAFT

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

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 Envision San José 2040 General Plan Final EIR (General Plan FEIR), Supplemental EIR to Envision San José General Plan EIR, and Addenda thereto. The City of San José has determined that this activity is within the scope of the earlier approved programs and the Final EIRs adequately describe the activity for purposes of CEQA.

File No. PP20-007 Quarterly Update of the San José Municipal Code.

Project Description: An ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: Amend Chapters 20.30, 20.40, 20.50, 20.85, and 20.90 to make technical, formatting, minor modifications, or non-substantive changes within those chapters of Title 20 that are conducted as part of the ongoing maintenance of the San José Municipal Code.

Specifically, the proposed changes amending Title 20 (the Zoning Code) of the San José Municipal Code are to amend Part 4.5, including Section 20.30.460 to clarify maximum floor area tabulation; Sections 20.30.470 and 20.30.480 to clarify parking requirements; amend Chapter 20.40, Section 20.40.230 to delete height exception requirements, and move to Chapter 20.85, Section 20.85.010 and new Section 20.85.040; amend Section 20.50.010 to alter text for Industrial Park district; amend Section 20.90.220 of Chapter 20.90 to delete replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, and to make other technical, non-substantive, or formatting changes within those sections of title 20 of the San José Municipal Code.

Location: Citywide **Council District** Citywide **County Assessor's Parcel Number** - Various

The environmental impacts of this project were addressed by the Final EIRs as described above. The environmental impacts of this project were addressed by a Final Program EIR entitled, "Envision San José 2040 General Plan," adopted by City Council Resolution No. 76041 on November 1, 2011 supplemented by the Supplemental 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 Program 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:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Noise and Vibration |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Hydrology & Water Quality | <input checked="" type="checkbox"/> Hazardous Materials and Hazards | <input checked="" type="checkbox"/> Public Facilities & Services |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Public Facilities & Services |
| <input checked="" type="checkbox"/> Cumulative Impacts | <input checked="" type="checkbox"/> Growth Inducing Impacts | <input checked="" type="checkbox"/> Agriculture |
| <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Hazardous Materials and Hazards | <input checked="" type="checkbox"/> 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.

PROPOSED PROJECT

As previously mentioned, the proposed amendments would modify Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to make technical, formatting, minor modifications, or non-substantive changes to Chapters 20.30 and 20.50 within Title 20. The intent of these updates is to make changes to the code as part of the ongoing maintenance of the San José Municipal Code.

The following analysis considers how the proposed changes to Title 20 will achieve the objectives consistent with relevant General Plan Goals, Policies, and Actions.

Section 20.30.460: Amend Section to clarify the maximum gross footage for Accessory Dwelling Units.

Section 20.30.470 and Section 20.30.480: Amend Section to clarify parking requirements for Junior Accessory Dwelling Units, and for units within Two-family/ Multi-family zoning districts.

Section 20.40.230 and Section 20.85.010, Section 20.85.040: Amend Section 20.40.230 to delete height exception requirements from this Section, and relocate provisions to Section 20.85.010 and new Section 20.85.040.

Section 20.50.010: Amend Section to alter text for Industrial Park zoning district.

Section 20.90.220: Amend Section to revise replacement parking requirements.

Section 20.90.060: Amend Section to include minor text alterations to Table 20-210; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

ANALYSIS

The proposed amendments to Title 20 support the below-listed 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 identified below:

- General Land Use 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.
- General Land Use 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.

These amendments propose to expand opportunities, facilitate expansion of existing development, and streamline design of small-scale potentially reasonably-priced housing, which is a key component of the General Plan. Given the increasing costs associated with development, the ability to maximize the utility of any given property must be facilitated.

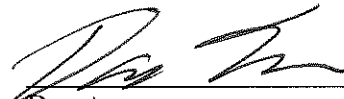
The project will consist of amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to reflect the goals and policies of the General Plan. The proposed changes to the

Municipal Code would further the General Plan policies and goals such as Policies LU-1.10, and LU-1.5, and would provide updated codes that to which future redevelopment shall adhere.

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.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

2/28/20
Date


Deputy

Project Manager
Aparna Ankola