

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: (A) AMEND PART 4.5, ACCESSORY DWELLING UNITS, TO MAKE MINOR CLARIFYING TEXT ALTERATIONS AND UPDATES CONSISTENT WITH STATE LAW WITHIN SECTIONS 20.30.460, 'SINGLE-FAMILY DWELLING' LOT, 20.30.470, 'JUNIOR ACCESSORY DWELLING UNITS - SINGLE-FAMILY DWELLING LOT,' 20.30.480, 'TWO-FAMILY AND MULTI-FAMILY DWELLING LOTS, AND 20.30.495, 'TINY HOME ON WHEELS (THOW);' (B) ADD NOTES SPECIFYING PERMITTING REQUIREMENTS FOR TRANSITIONAL HOUSING USES WITHIN TABLES 20-50, 20-90, 20-140 AND 20-156 AMENDING SECTIONS 20.30.100, 20.40.100, 20.70.100 AND 20.75.200; (C) INCORPORATE MINOR TEXT ALTERATIONS TO TABLE 20-156 AMENDING SECTION 20.75.200 TO ADD PERMITTING REQUIREMENTS FOR SOCIAL SERVICE AGENCY USES; (D) AMEND TABLE 20-100 IN SECTION 20.40.200 TO ALLOW PROPERTY IN THE COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO UTILIZE URBAN VILLAGE PLAN DEVELOPMENT STANDARDS; (E) AMEND CHAPTER 20.100, PART 9, SINGLE-FAMILY HOUSE PERMIT, TO MAKE MINOR CLARIFYING CHANGES RELATED TO INFILL SINGLE-FAMILY ADDITIONS WITHIN SECTION 20.100.1040, 'ADDITIONAL DEVELOPMENT REQUIRING A SINGLE-FAMILY HOUSE PERMIT;' AND (F) 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. Sections 20.30.460, 20.30.470, 20.30.480 and 20.30.495 of Part 4.5 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.

- 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
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Up to 9,000 square feet	1,000 square feet
Greater than 9,000 square feet	1,200 square feet

- D. 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.
  - e. New attached Accessory Dwelling: A minimum setback of four (4) feet along the rear yard and side lot line may **shall** be allowed for the first story of a new attached Accessory Dwelling that is **at least 16 no more than 20** feet in height.
- 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 or basement, 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 and/or Section 20.30.460G 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. All Accessory Buildings and Structures shall meet the requirements in accordance with Section 20.30.500, and all connected areas shall meet current Building Code and Fire Code requirements.



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) 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.

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**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, and any exterior alteration is only limited to accommodating ingress/egress requirements.
- 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 attached or detached 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 detached Accessory Dwelling Unit shall not exceed a total floor area limitation of more than 800 square feet and a height limitation of 16 feet.
  3. The attached Accessory Dwelling Unit shall not exceed a total floor area limitation of more than 800 square feet, and shall not exceed fifty percent (50%) of the existing or proposed living area of the primary dwelling after

including total cumulative floor areas of attached Accessory Dwelling and Junior Accessory dwelling unit.

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.

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**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 in conjunction with attached dwelling units subject to requirements in subsection B. 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, and may be attached to another detached Accessory Dwelling Unit if Building and Fire Code requirements are met. 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.

**20.30.495 - Tiny Home on Wheels (THOW).**

Notwithstanding any other provision of this Title to the contrary, Tiny Home on Wheels (THOW) shall be allowed as a type of detached Accessory Dwelling Unit on a lot consisting of One-Family Dwelling, subject to all of the following criteria:

1. The lot does not contain a detached Accessory Dwelling Unit, except the lot may contain an attached Accessory Dwelling Unit or Junior Accessory Dwelling Unit;
2. Only one THOW is allowed on a lot;



3. A THOW shall be subject to ADU permitting requirements in accordance with Section 20.30.460, only if the wheels are removed and unit is attached to a conventional foundation;
4. A THOW shall be located in the rear yard of the lot of the One-Family Dwelling with a minimum setback of four (4) feet from any interior side or rear property line and ten (10) feet from a corner property line;
5. If the size of the rear yard is insufficient to accommodate a THOW, a THOW may be located in the interior side yard area and shall meet a minimum front setback of forty-five (45) feet from the front property line and maintain a minimum setback of four (4) feet from an interior side property line;
6. The THOW shall be located a minimum of six (6) feet away from the One-Family Dwelling;
7. The THOW undercarriage (wheels, axles, tongue and hitch) shall be hidden from view from the public right of way;
8. The THOW shall be parked on a paved or alternate pad that include bumper guards, curbs, or other installations adequate to prevent movement of the THOW. The wheels and leveling or support jacks must sit on a paving surface that meet either of the following criteria:
  - a. A parking area for a moveable THOW shall be paved with hard, durable asphaltic paving that is at least two inches thick after compaction, or with cement paving at least three inches thick; or

- b. Alternative paving materials may consist of porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock or gravel, plastic or concrete grid system confined on all sides and filled with gravel or grass in the voids, or other similar materials that meet the following requirements:
    - i. Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches); and
    - ii. Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.
- 9. No additional parking shall be required for the THOW, and displaced parking resulting from the construction of a THOW is not required to be replaced;
- 10. The THOW shall be connected to electric, water, and sewer utilities with the issuance of required building permits;
- 11. The THOW is not required to have sprinklers but shall meet the ANSI A119.5 or NFPA 1192 standards relating to health, fire and life-safety;
- 12. The THOW shall incorporate all of the following design elements:
  - a. Cladding and trim: Materials used on the exterior of the THOW shall exclude single piece composite laminates, or interlocked metal sheathing;

- b. Windows and doors: Windows shall be at least double pane glass, and include exterior trim. Windows and doors shall not have rounded corners;
  - c. Roofing: Roofs shall have a minimum of a ~~12:2~~ 2:12 pitch for greater than 50 percent of the roof area and not be composed of wooden shingles;
  - d. Extensions. All exterior walls and roof of a THOW used shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions;
  - e. Mechanical equipment shall be incorporated into the structure and not be located on the roof; and
13. The THOW shall be no greater than two stories, and shall not exceed a maximum height of 16 feet. Maximum height shall be determined in accordance with San José Municipal Code Section 20.200.510. (Ord. 30395.)

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

**20.30.100 - Allowed Uses and Permit Requirements.**

- A. Permitted" land uses are indicated by a "P" on Table 20-50.
- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon

issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

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

Table 20-50  
Residential Zoning Districts Use Regulations

Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					

One-family dwelling	P	P	P	C	Note 1 <u>and</u> <u>Note 10</u> ; Section 20.30.110
Accessory dwelling unit (ADU)	P	P	P	-	Note 2 <u>and</u> Note 3 <u>and</u> <u>Note 10</u> ; Part 4.5, Chapter 20.30
Two-family dwelling	-	P	P	-	Note 2 <u>and</u> <u>Note 10</u> ; Section 20.30.110
Multiple dwelling	-	-	P	-	<u>Note 10</u>
Guesthouse	-	-	C	-	<u>Note 10</u> ; Section 20.30.120
Mobilehome parks	-	-	-	P	<u>Note 10</u>
Travel trailer parks	-	-	-	C	
Residential care facility, six or fewer persons	P	P	P	P	
Residential care facility, seven or more persons	-	-	C	C	
Residential service facility, six or fewer persons	P	P	P	P	
Residential service facility, seven or more persons	-	-	C	C	

Single room occupancy living unit facility	-	-	C	-	<u>Note 10</u> ; Part 15, Chapter 20.80
Sororities, fraternities, and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Residential Accessory Uses and Improvements					
Accessory buildings and structures	P	P	P	P	Note 3; Section 20.80.200
Home occupations	P	P	P	P	Part 9, Chapter 20.80
Mixed use, residential/commercial	-	-	S	-	Note 9 <u>and</u> <u>Note 10</u>
Agriculture					
Certified farmers' market	S	S	S	S	Note 6
Certified farmers' market, small	P	P	P	P	Part 3.5, Chapter 20.80; Note 6
Neighborhood agriculture	P	P	P	P	Part 9, Chapter 20.80
Education and Training					
Child day care center located on an existing school site or as an incident to an on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	

Day care center	-S	S	S	S	
School, elementary and secondary (public)	P	P	P	-	
School, elementary and secondary (private)	C	C	C	-	
Entertainment and Recreation					
Equestrian and riding club	C	-	-	-	
Golf course	C	-	-	-	Note 4
Private club or lodge	-	-	C	-	
Swim or tennis club	C	C	C	C	
General Services					
Bed and breakfast inn	C	C	C	-	Section 20.80.110
Outdoor vending, fresh fruits and vegetables	P	P	P	P	Note 6 and Note 7; Part 10, Chapter 20.80;
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
Historic Reuse					
Historic landmark structure reuse	C	C	C	C	Part 8.5, Chapter 20.80
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	

Church/religious assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	
Transportation and Utilities					
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Note 8; Sections 20.30.130, 20.30.140, 20.80.1900 , 20.100.130 0 and 20.80.1915



Wireless communication antenna, slimline monopole	S	S	S	S	Note 8; Sections 20.30.130, 20.30.140, 20.80.1900 , 20.100.130 0 and 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	Note 8; Sections 20.30.130, 20.30.140, 20.80.1910 , 20.100.130 0 and 20.80.1915
Utilities, Electrical Power Generation					
Solar photovoltaic system	P	P	P	P	Sections 20.100.610 .C.7 and 20.100.103 0.A.6
Stand-by/backup facilities that do not exceed noise or air standards	S	S	S	S	Note 5
Stand-by/backup facilities that do exceed noise or air standards	-	-	-	-	

Notes:

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH districts.

2. A maximum of two primary living units per lot, with Accessory Dwelling units, are permitted in the R-2 district. Accessory Dwelling units on a lot in the R-2 district may be permitted without a development permit in accordance with the provisions of Part 4.5.
3. No lot may be used solely for an accessory structure or an accessory building.
4. No driving ranges or miniature golf facilities.
5. Stand-by or backup generators that would not otherwise require some permit from the City (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the special use permit requirement.
6. Allowed on school sites, library sites, community center sites, church/religious assembly sites, and other publicly accessible sites that contain government operations including but not limited to United States Post Offices or State of California Department of Motor Vehicles offices.
7. The activity must conform with the location and operational requirements in Section 20.80.820 of Part 10, Chapter 20.80. Allowed for up to eight hours per day for each vending facility, but not to exceed eight hours per day per lot.
8. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
9. Permitted or special uses allowed in the CP commercial pedestrian zoning district may be allowed with a special use permit for a residential-commercial mixed use project, except that twenty-four-hour non-residential uses or conditional uses allowed in the CP commercial pedestrian zoning district require a conditional use permit.

10. May be used as Transitional Housing.

SECTION 3. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.100 - Allowed uses and permit requirements.**

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.

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

residential/commercial, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.

- E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- H. When the right column of Table 20-90 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

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

Use	Zoning District	
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	C	CP	C	CG	PQ P	Notes & Section
General Retail						
Alcohol, off-sales - beer and/or wine only	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sales - full range of alcoholic beverages	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sales - as incidental to a winery, brewery, or distillery	-	S	S	S	-	Note 4
Food, beverages, and groceries	-	P	P	P	S	
Nursery, plant	P	P	P	P	P	Note 1
Outdoor vending	-	A	A	A	A	Part 10, Chapter 20.80
Outdoor vending, fresh fruits and vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	-	See Title 6

Retail art studio	-	P	P	P	-	Note 21; Section 20.80.1175
Retail bakery	-	P	P	P	-	Note 21
Retail sales, goods, and merchandise	-	P	P	P	-	Note 21
Seasonal sales	P	P	P	P	-	Part 14, Chapter 20.80
Agriculture						
Aquaculture, aquaponics, and hydroponics	S	S	S	S	S	
Certified farmers' market	S	S	S	S	S	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	P	P	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P	P	P	Note 19; Title 7
Drive-Through Uses						
Drive-through uses in conjunction with any use	-	-	C	C	C	
Education and Training						

Child day care center located on an existing School Site or as an incident to a permitted on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	P	Note 21
Day care center	S	S	S	S	S	
Instructional art studios	-	P	P	P	S	
Private instruction, personal enrichment	-	P	P	P	S	
School, elementary and secondary (public or private)	C	C	C	C	S	Note 16, Note 20, and Note 21
School, driving (class C & M license)	-	P	P	P	S	Note 2, Note 20, and Note 21

School, post secondary	-	P	P	P	S	Note 3, Note 20, and Note 21
School, trade and vocational	-	C	C	C	S	Note 16, Note 20, and Note 21
Entertainment and Recreation						
Arcade, amusement game	-	P	P	P	-	Note 21
Health club, gymnasium	-	P	P	P	S	
Performing arts rehearsal space	-	P	P	P	-	
Poolroom/billiards establishment	-	P	P	P	-	Note 21
Private club or lodge	C	C	C	C	-	
Recreation, commercial indoor	-	P	P	P	S	Note 21
Recreation, commercial outdoor	-	C	C	C	C	Note 21



Relocated cardroom	-	-	-	C	-	Section 20.80.1155
Stadium, 2,000 seats or fewer	-	C	C	C	C	Note 17
Stadium, more than 2,000 seats	-	CC	C	CC	CC	Note 17 and Note 18
Theater, indoor	-	S	S	S	S	Note 21
Theater, outdoor	-	-	-	S	S	Note 21
Food Services						
Banquet facility	-	S	S	S	S	
Caterer	-	P	P	P	S	
Commercial kitchen	-	S	P	P	-	
Drinking establishments	-	C	C	C	-	Note 21
Drinking establishments interior to a full-service hotel or motel that includes	-	P	P	P	-	Section 20.80.475; Note 21

75 or more guest rooms						
Drinking establishment in conjunction with a winery, brewery, or distillery	-	S	S	S	-	
Public eating establishments	-	P	P	P	-	Note 21
Public eating establishment or retail establishment with incidental outdoor dining	-	P	P	P	-	Note 21; Section 20.40.520
Public eating establishment or drinking establishment with incidental dancing	-	P	P	P	-	Note 21
General Services						
Bail bond establishment - outside main jail area	-	P/	P	P	-	Note 5; Part 1.5, Chapter 20.80

Bail bond establishment - within main jail area	-	P/	P	P	-	Note 5 and Note 14; Part 1.5, Chapter 20.80
Bed and breakfast Inn	-	P	P	P	-	Note 21; Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	-	Note 21
Hotel or motel	-	P	P	P	-	Note 21
Single room occupancy (SRO) hotel	-	C	C	C	-	Part 15, Chapter 20.80
Laundromat	-	P	P	P	-	Note 21
Maintenance and repair, small household appliances	-	P	P	P	-	Note 21
Messenger services	P	P	P	P	-	Note 2 and Note 21
Mortuary and funeral Services	P	P	P	P	-	Note 21
Personal services	-	P	P	P	-	Note 21; Section 20.200.880

Photo processing and developing	-	P	P	P	-	Note 21
Printing and publishing	-	P	P	P	-	Note 21
Social service agency	-	S	S	S	S	
Health and Veterinary Services						
Animal boarding, indoor	P/-	P	P	P	P/S	Note 8, Section 20.40.120
Animal grooming	P/-	P	P	P	P/S	Note 8 Section 20.40.120
Emergency ambulance service	C	C	C	C	C	
Hospital/in-patient facility	C	C	C	C	C	Note 21
Office, medical	P	P	P	P	S	Note 21
Veterinary clinic	-	P	P	P	C	Note 16
Historic Reuse						
Historic landmark structure reuse	S	S	S	S	S	Part 8.5, Chapter 20.80

Offices and Financial Services						
Automatic teller machine	P	P	P	P	S	Section 20.80.200
Business support	-	P	P	P	-	Note 21
Financial services	P	P	P	P	-	Note 21
Office, general business	P	P	P	P	S	Note 21; Section 20.40.110
Payday lending establishment	-	R/-	R	R	-	Note 24 Part 12.5, Chapter 20.80 Section 20.200.875
Retail bank	P	P	P	P	-	Note 21
Public, Quasi-Public and Assembly Uses						
Cemetery	C	C	C	C	C	
Church/religious assembly	S	S	S	S	S	Note 16, Note 20, and Note 21
Construction/corporation yard associated with public, quasi-public or assembly use or transportation or utility use	-	-	-	-	C	

Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	Note 21
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	S	Note 20 and Note 21
Recycling Uses						
Reverse vending machine	A	A	A	A	A	Part 13, Chapter 20.80
Small collection facility	A	A	A	A	A	Part 13, Chapter 20.80
Residential						
Emergency residential shelter	S	S	S	S	S	Section 20.80.500
Hotel supportive housing	C	C	C	C	C	Note 22; Part 22, Chapter 20.80; <u>Note 26</u>
Live/work uses	-	S	S	S	-	Note 6; Section 20.80.740

Mixed use residential/commercial	-	C/	C	C <sup>G</sup> <sub>P</sub>	-	Note 6, <del>and</del> Note 25, <u>Note 26</u>
Residential care facility for seven or more persons	C	C	C	C	C	
Residential service facility for seven or more persons	C	C	C	C	C	
Single room occupancy, living unit	-	C	C	C	-	Note 6 <u>and Note 26</u> ; Part 15, Chapter 20.80
Transportation and Utilities						
Data center	-	-	-	C	-	Note 21
Commercial vehicle storage	S	-	-	S	S	
Common carrier depot	S	-	S	S	S	Note 21
Community television antenna systems	C	C	C	C	C	

Off-site, alternating use and alternative parking arrangements	S	S	S	S	S	Section 20.90.200
Parking establishment , off-street	C	-	C	C	-	
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7
Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Utility facilities including corporation yards, storage or repair	-	-	-	-	C	



yards and warehouses						
Wireless communication antenna	C	C	C	C	C	Note 23; Sections 20.100.1300, 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	S	Note 23; Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	P	Note 23; Sections 20.80.1910, 20.80.1915
Utilities, Electrical Power Generation						
Co-generation facility	S	S	S	S	S	
Fuel cells	P	P	P	P	P	
Private electrical power generation facility	C	C	C	C	C	Note 2
Solar photovoltaic system	P	P	P	P	P	Section 20.100.610 C.7.

Stand-by/backup facilities that do not exceed noise or air standards	A	A	A	P	A	
Stand-by/backup facilities that do exceed noise or air standards	C	C	C	C	C	
Temporary stand-by/backup	P	P	P	P	P	
Vehicle Related Uses						
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	-	
Auto dealer, wholesale - no on-site storage	P	P	P	P	-	
Car wash, detailing	-	-	C	C	-	
Fuel service station or charge station, no incidental	-	C	C	P	C	Note 15

service or repair						
Fuel service station or charge station with incidental service and repair	-	-	C	P	C	Note 9 and Note 13
Glass sales, installation, and tinting	-	-	C	P	-	Note 13
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	-	C	P	-	Note 2
Sale, brokerage, or lease, commercial vehicles	-	-	C	C	-	Note 13
Sale or brokerage, passenger vehicles, pick-up trucks not exceeding 25 feet in length,	-	-	S	P	-	Note 12 and Note 13

and motorcycles						
Sale, vehicle parts	-	-	P	P	-	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	-	Note 10 and Note 13

Notes applicable to all commercial districts:

1. In the CP district, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. Classroom use only, no driving courses or on site storage of vehicles permitted in the CP, CN, and CG Zoning Districts.
3. Includes public and private colleges and universities, as well as extension programs and business schools.
4. Alcohol, off-sales are limited to products manufactured onsite for wineries, breweries, or distilleries.
5. Permitted outside of Urban Village; Special use permit in Urban Villages.
6. In an urban village, mixed-use residential/commercial only if the residential portion of the use is 100% deed restricted and affordable to persons of low, very low, and/or extremely low income as defined in California Government Code Section 65915 et seq. and in conformance with all criteria in the general plan for such use. Live/work in an area with an urban village designation or urban village overlay in the general plan shall be consistent with applicable approved urban village plans.

7. Use must be less than twenty-four hours.
8. Permitted only as incidental to neighborhood agriculture; otherwise prohibited in CO. In PQP the use is permitted only as incidental to neighborhood agriculture; otherwise a special use permit is required
9. Incidental repair includes non-invasive engine service, maintenance, and repair, including but not limited to, air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance, and repair, including but not limited to, air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
11. No outdoor sales areas or dismantling allowed.
12. In the CG district, incidental repair of vehicles requires a special use permit. Incidental repair of vehicles is prohibited in all other commercial districts.
13. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
14. Bail bond establishments shall not be located and are prohibited uses on the ground floors of structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-90 on other, above-ground floors of structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this title.

15. Charging stations that are incidental to a separate primary use that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all commercial zoning districts.
16. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
17. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, public eating establishments, drinking establishments, outdoor vending facilities, and other commercial uses of similar character and intensity.
18. Use permit applications for stadiums that consist of more than 2,000 seats and that are in airport influence areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the city.
19. Neighborhood agriculture in conformance with this title is a permitted use that may operate on a site without a permanent building on that site.
20. The city council is the decision-making body for special use permit appeals for this use pursuant to Section 20.100.220 of this title.
21. In the PQP public/quasi-public zoning district, the following uses may be allowed as a use supporting and incidental to a primary PQP use:
  - a. Offices, retail, public eating establishments, and other commercial uses of similar character and intensity, with approval of a special use permit; and
  - b. Drinking establishments, off-sale of alcoholic beverages, arcade amusement games, poolroom/billiards establishments, wineries, breweries, distilleries, and data centers, with approval of a conditional use permit.
22. Hotel supportive housing may be permitted only with a conditional use permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
23. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
24. Restricted outside of Urban Villages; Prohibited in Urban Villages.
25. Conditional use permit required outside of Urban Villages; Special use permit in Urban Villages.

26. Transitional Housing may be permitted as the residential component of the mixed-use development or as a Single Room Occupancy living unit, and is subject to the same restrictions that would apply to other residential uses within this zoning district.

SECTION 4. Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

20.40.200 - Development standards.

All development in the Commercial Zoning Districts and the Public/Quasi-Public Zoning District shall conform to the development regulations set forth below in Table 20-100.

**Table 20-100  
Commercial Zoning Districts  
Development Standards**

Regulations	Zoning District				
	CO	CP	CN	CG	PQP
Minimum lot area (square feet or acreage)	6,000	6,000; or as established in approved Urban Village Plan	6,000; <u>or as established in approved Urban Village Plan</u>	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)	6,000

Minimum Setback (feet)					
Front	10, or 15 where adjacent to side property line of R-1 district	no minimum, 10 feet maximum; or as established in approved Urban Village Plan	10, <u>or as established in approved Urban Village Plan</u>	15	10; less than 10 if established in approved development permit
Side, interior	5	none; or as established in approved Urban Village Plan	None, <u>or as established in approved Urban Village Plan</u>	none	10; less than 10 if established in approved development permit
Side, corner	12.5	none; or as established in approved Urban Village Plan	12.5, <u>or as established in approved Urban Village Plan</u>	12.5	10; less than 10 if established in approved development permit
Rear, interior	25	25; or as established in approved Urban Village Plan	None, <u>or as established in approved Urban Village Plan</u>	none	10; less than 10 if established in approved development permit
Rear, corner	25	25; or as established in approved Urban Village Plan	None, <u>or as established in approved</u>	none	10; less than 10 if established in approved



			<u>Urban Village Plan</u>		development permit
Maximum height (feet) (Note 1)	35, unless a different maximum is established in Chapter 20.85	50, unless a different maximum is established in Chapter 20.85; or as established in approved Urban Village Plan	50, unless a different maximum is established in Chapter 20.85, <u>or as established in approved Urban Village Plan</u>	65, unless a different maximum is established in Chapter 20.85	65, unless a different maximum is established in Chapter 20.85
Maximum individual occupant square footage (square feet) (Note 2)		2,500/Personal service shop 5,000/Eating, drinking or entertainment establishment 15,000/All other uses (See Note 2); None in approved Urban Village Plan			
Parking					
	See Chapter 20.90	See Chapter 20.90; or established in approved Urban Village Plan	See Chapter 20.90, <u>or as established in approved Urban Village Plan</u>	See Chapter 20.90	See Chapter 20.90 unless a different minimum is established in an approved

					Development Permit
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**Notes applicable to commercial development standards:**

1. An alternative maximum height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this section.
2. In the CP commercial pedestrian district, lots located wholly within the West San Carlos Street neighborhood business district, as indicated on the general plan land use diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this section.

SECTION 5. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.70.100 - Allowed uses and permit requirements.**

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Permitted" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by a "P<sup>GP</sup>" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only in compliance with the general plan land use restrictions related to residential use.

- C. "Conditional" uses requiring planning commission approval as the initial decision-making body are indicated by a "C" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the planning commission, or city council on appeal, as set forth in Chapter 20.100.
- D. "Conditional" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by a "C<sup>GP</sup>" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100; and in compliance with the general plan land use restrictions related to residential use.
- E. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- F. "Special" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by an "S<sup>GP</sup>" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100; and in compliance with the general plan land use restrictions related to residential use.
- G. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon

issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.

- H. "Restricted" land uses are indicated by an "R" on Table 20-140. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.
- I. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- J. The column of Table 20-140, under the heading "Additional Use Regulations for the Ground Floor Active Use Area Overlay", identifies further regulations on the uses of ground-floor building space within a portion of the DC zoning district. The portion of the DC downtown primary commercial district included in the Active Use Area Overlay is described in Section 20.70.520.
- K. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the director as set forth in Sections 20.70.320 and 20.70.330 of this chapter.
- L. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

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

Use	Zoning District		Applicable Notes & Regulations		
	DC	DC-NT1	Additional Use Regulations for the AUA Overlay	Parking	Applicable to All Downtown Districts
<b>Offices and Financial Services</b>					
Automatic teller machine	P	P	P	No parking	Note a; Section 20.80.200
Business support use	P	P	P	No parking	
Financial services	P	P	P	2.5 per 1,000 sq. ft.	Note b
Retail bank	P	P	P	No parking	Note b
Offices, business and administrative	P	P	S	2.5 per 1,000 sq. ft.	Section 20.70.110
Payday lending establishment	R	R	-	No parking	Part 12.5, Chapter 20.80; Section 20.200.875
Research and development	P	P	-	2.5 per 1,000 sq. ft.	
<b>General Retail</b>					

Alcohol, off-sale - beer and/or wine only	C	C	C	No parking	Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	C	C	C	No parking	Section 20.80.900
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	No parking	Note 11; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	No parking	
Outdoor vending	A	A	A	No parking	Note b; Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	P	No parking	Note b; Part 10, Chapter 20.80
Pawn shop or pawn broker, incidental to a retail jewelry store	C	C	C	No parking	Note b; Chapter 6.52
Retail bakery	P	P	P	No parking	
Retail art studio	P	P	P	No parking	
Retail sales, goods, and merchandise	P	P	P	No parking	Note c
Seasonal sales	P	P	P	No parking	Part 14, Chapter 20.80

<b>Agriculture</b>					
Certified farmers' market	S	S	S	No parking	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	No parking	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P		
<b>Education and Training</b>					
Day care center	P	P	P	No parking	Note b
Instructional art studios	P	P	P	No parking	
Private instruction, personal enrichment	P	P	P	1 per 360 sq. ft.	Note b
School, elementary - grades K - 8 (public or private -)	C	C	C	1 per teacher and employee	Note b
School, secondary - grades 9 - 12 (-public or private)	C	C	C	.75 per teacher and employee and 1 per each 10 students	Note b
School, post-secondary	P	P	-	1 per 360 sq. ft.	
School, trade and vocational	P	P	P	1 per 360 sq. ft.	Note b
<b>Entertainment and Recreation Related</b>					

Arcade, amusement game	P	-	P	No parking	Note b
Health club, gymnasium	P	P	P	No parking	
Lighting display	A/S	A/S	A/S	No parking	Section 20.70.150
Movie theater	P	P	P	No parking	
Poolroom/billiards establishment	P	-	P	No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Recreation commercial/indoor	P	P	P	No parking	
<b>Food Services</b>					
Banquet - facility	P	P	P	No parking	
Caterer	P	P	P	No parking	Note b
Drinking establishments	S	C	S	No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-	CC	No parking	Note 5
Drinking establishments interior to a full-service hotel	P	P	-	No parking	Section 20.80.475



or motel with 75 or more guest rooms					
Public eating establishments	P	P	P	No parking	Note 7
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	No parking	
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	S	A	No parking	Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A	No parking	Part 5.75, Chapter 20.80
<b>General Services</b>					
Bed and breakfast inn	P	P	P	.35 per room	Note b; Part 2, Chapter 20.80
Hotel or motel	P	P	P	.35 per room	
Laundromat	P	P	P	No parking	Note b
Maintenance and repair of small household appliances	P	P	P	No parking	Note b
Personal services	P	P	P	No parking	Note d
Printing and publishing	P	P	P	No parking	Note b and Note f
<b>Health and Veterinary Services</b>					

Animal grooming	P	P	P	No parking	Note b
Animal boarding, indoor	P	P	P	No parking	Note b
Emergency ambulance service	C	-	-	No parking	
Hospital/in-patient facility	C	-	-	1.5 per doctor	
Medical cannabis collective	R	-	-	No parking	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R	-	-	No parking	Part 9.75, Chapter 20.80
Medical cannabis business	R	-	-	No parking	Part 9.75, Chapter 20.80
Non-medical cannabis business	R	-	-	No parking	Part 9.75, Chapter 20.80
Office, medical	P	P	P	No parking	Note b
Veterinarian	P	P	P	1.5 per doctor	Note b
<b>Historic Reuse</b>					
Historic landmark structure reuse	S	S	S	Section 20.90.220 E.	Part 8.5, Chapter 20.80
<b>Public, Quasi-Public and Assembly Uses</b>					
Auditorium	C	-	C	No parking	
Church/religious assembly	P	P	-	No parking	

Information center	P	P	P	No parking	
Museums and libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	S	No parking	
<b>Recycling Uses</b>					
Reverse vending machine	S	S	-	No parking	Part 13, Chapter 20.80
Small collection facility	S	S	-	No parking	Part 13, Chapter 20.80
<b>Residential<sup>GP</sup></b>					
Residential shelter	C <sub>GP</sub>	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.	Note e
Live/work uses	P <sub>GP</sub>	S <sup>GP</sup>		1.5 per unit	Note e; Section 20.70.120
Low barrier navigation center	P <sub>GP</sub>	P <sup>GP</sup>	-	No parking	Chapter 20.195
Permanent supportive housing	P <sub>GP</sub>	P <sup>GP</sup>	-	No parking	Chapter 20.195
Residential, multiple dwelling	P <sub>GP</sub>	P <sup>GP</sup>	-	1 per unit	<u>Note 12 and</u> Note e

Co-living community	S	S	-	.25 per bedroom	Note 10 and Note e; Part 3.75, Chapter 20.80
Residential care facility for seven or more persons	C <sub>GP</sub>	C <sub>GP</sub>	-	.75 per employee	Note e
Residential services facility, for seven or more persons	C <sub>GP</sub>	C <sub>GP</sub>	-	.75 per employee	Note e
Hotel supportive housing	C <sub>GP</sub>	C <sub>GP</sub>	-	.35 per room	Note 9 and Note e; Part 22 of Chapter 20.80
Single room occupancy (SRO) living unit facility	S <sub>GP</sub>	S <sub>GP</sub>	-	.6 per unit	<u>Note 12 and</u> Note e; Part 15, Chapter 20.80
Single room occupancy (SRO) residential hotel	S	S	-	.6 per unit	<u>Note 12 and</u> Note e; Part 15, Chapter 20.80
<b>Residential Accessory Uses<sup>GP</sup></b>					
Accessory buildings and accessory structures	P <sub>GP</sub>	P <sub>GP</sub>	-	No parking	Note 1
<b>Transportation and Communication</b>					
Community television antenna systems	C	-	-	No parking	

Off-site and alternating use parking arrangements	P	P	P	N/A	Section 20.90.200
Off-street parking establishment	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S	-	N/A	
Radio and television studios	P	-	-	No parking	
Wireless communications antenna	S	-	-	No parking	Note 8; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	-	-	No parking	Note 8; Sections 20.80.1900, 20.80.1915
<b>Utilities, Power Generation</b>					
Private electrical power generation facility	C	C	-	1 for each vehicle used in the operation of such facility	
Solar photovoltaic power system	P	P	-	No parking	Section 20.100.610 C.7.

Stand-by/backup facilities that do not exceed noise or air standards	A	A	-	N/A	
Temporary stand-by/backup generators	P	P	-	N/A	
<b>Vehicle Related Uses</b>					
Car wash, detailing	P	-	-	No parking	
Fuel service station or charge station, no incidental service or repair	P	-	-	No parking	Note 6
Fuel service station or charge station, with incidental service and repair	P	-	-	No parking	Note 2
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 3
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 4
Sale, vehicle parts, new	P	-	-	No parking required	

Notes applicable to the Downtown Primary Commercial (DC) Zoning District, including the Active Use Area Overlay:

1. No Lot may be used solely for an Accessory Structure or Accessory Building.
2. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and

- smog check, as well as tires, batteries, and accessories installation. Does not allow body repair or painting.
3. All activity must be conducted indoors.
  4. Non-engine and exhaust-related service and repair allowed as incidental use.
  5. Maximum occupancy load shall be that maximum occupancy load determined by the City fire marshal.
  6. Pedestal Charge Stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all Downtown Zoning Districts.
  7. Includes on-site outdoor dining area(s).
  8. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
  9. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
  10. A Co-Living Community with 600 or more units located adjacent, across or within 500 feet of a property line with Residential Neighborhood (RN) designation on the land use/transportation diagram of the General Plan, as amended, shall require 0.6 parking spaces per bedroom.
  11. Off-sale limited to items produced on-site otherwise a Conditional Use Permit is required.
  12. Transitional Housing may be allowed as any residential housing type using the permit process for such housing type.

Notes applicable to the Active Use Area Overlay only:

- a. Automatic Teller Machines must be a secondary use and must be architecturally integrated into the building on which they are placed. Automatic Teller Machines may not be standalone structures. Use may not be an ATM vestibule lobby.
- b. Not permitted in corner tenant spaces. Corner tenant spaces are defined as storefronts that extend up to or beyond 30 feet along the street in either direction from the intersection.
- c. Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit.
- d. Excludes check-cashing services and bail bond services.
- e. A residential pedestrian entry portal not exceeding 25 feet in length is permitted in the Ground Floor Active Use Area.

- f. Only if dedicated primarily to on-site retail customer copy services, otherwise not Permitted.

SECTION 6. Section 20.75.200 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.75.200 - Allowed uses and permit requirements.**

- A. "Permitted" land uses are indicated by a "P" on Table 20-156.
- B. "Conditional" uses are indicated by a "C" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-156. Land uses not listed on Table 20-156 are not permitted.



- F. When the right column of Table 20-156 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-156  
Pedestrian Oriented Districts  
Land Use Regulations

Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	Ground Floor Commercial Frontage	Residential Street Frontage	All Other		
General Retail					
Retail sales, goods and merchandise	P	-	P	P	
Off-sale Alcoholic Beverages - beer and/or wine only	C	-	C	C	Section 20.80.900
Off-sale Alcoholic Beverages - full range of	C	-	C	C	Section 20.80.900

Alcoholic Beverages					
Bakery, retail	P	-	P	P	
Certified Farmers' Market	S	-	S	S	Part 3.5, Chapter 20.80
Certified Farmers' Market - small	P	-	P	P	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	-	P	P	
Neighborhood Agriculture	-	P	-	-	Part 9, Chapter 20.80
Nursery, Plant	-	-	P	P	Note 1
Outdoor Vending	A	-	A	A	Part 10, Chapter 20.80
Outdoor Vending - fresh fruits and vegetables	P	-	P	P	Part 10, Chapter 20.80
Pawn shop/broker	C	-	C	C	See Title 6
Seasonal sales	P	-	P	P	Part 14, Chapter 20.80
Art Studio, Retail	P	-	P	P	Part 13.7, Chapter 20.80
Education and Training					

Child Day Care Center located on an existing School Site or as an incident to an on-site church/religious assembly use involving no Building additions or changes to the site	-	-	P	P	
Day care center	S	-	S	S	
Art Studio, Instructional	P	-	P	P	
Art Studio, Instructional, with live models	C	-	C	C	
Private Instruction, personal enrichment	P	-	P	P	
School- elementary and secondary (public)	P	-	P	P	

School- elementary and secondary (private)	C	-	C	C	
School, driving (class C & M license)	P	-	P	P	Note 2
School, Post - Secondary	P	-	P	P	Note 3
School, Trade and Vocational	C	-	C	C	
Entertainment and Recreation Related					
Amusement Game Arcade	C	-	C	C	
Dancehall	C	-	C	C	
Poolroom/Billiard- Room	C	-	C	C	
Private club or lodge	C	-	C	C	
Recreation, Commercial/I ndoor	P	-	P	P	

Recreation, Commercial/O utdoor	-	-	C	C	
Relocated Cardroom	-	-	-	-	
Theatre, indoor	C	-	C	C	
Theatre, outdoor	-	-	C	C	
Assembly	C	-	C	C	
Food Services					
Banquet - Facility	C	-	C	C	
Caterer	P	-	P	P	Note 4
Drinking Establishment s	C	-	C	C	
Drinking Establishment interior to a full-service Hotel/Motel with 75 or more guest rooms	P	-	P	P	Section 20.80.475

Public Eating Establishments	P	-	P	P	
Outdoor dining, incidental to a Public Eating Establishment or a retail establishment	P	-	P	P	Section 20.75.320
Wineries, breweries	C	-	C	C	
Health and veterinary services					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	
Hospital/in-patient facility	C	-	C	C	
Medical clinic/out-patient facility	P	-	P	P	
Office, Medical	P	-	P	P	
Veterinary clinic	P	-	P	P	

General Services					
Bed and Breakfast Inn	-	-	P	P	Part 2, Chapter 20.80
Dry cleaner	P	-	P	P	
Hotel/Motel	-	-	P	P	
Laundromat	P	-	P	P	
Maintenance and repair, Small Household Appliances	P	-	P	P	
Messenger services	P	-	P	P	Note 2
Mortuary and Funeral Services	P	-	P	P	
Personal Services	P	-	P	P	Section 20.200.880
Photo processing and developing	P	-	P	P	
Printing and publishing	P	-	P	P	
<u>Social service agency</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	

Offices and Financial Services					
Automatic teller machine	P	-	P	P	Section 20.80.200
Business Support Use	P	-	P	P	
Financial institution	P	-	P	P	
Office, General Business	P	-	P	P	
Public, Quasi-Public and Assembly Uses					
Cemetery	-	-	-	-	
Church/religious assembly	C	-	C	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	-	P	P	
Museums, libraries, parks, playgrounds, or community	C	-	C	C	



centers (privately operated)					
Residential/Mixed Use					
Multiple dwellings	-	C	C	C	Section 20.75.210; <a href="#">Note 13</a>
Residential accessory uses, including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	-	P	P	P	Section 20.75.210
Home Occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed Use/ground floor commercial with residential above	C	-	C	C	Section 20.75.210; <a href="#">Note 13</a>
Emergency Residential Shelter	-	-	-	-	Section 20.80.500

Live/Work Uses	C	-	S	-	Part 9.5, Chapter 20.80 & Section 20.75.210
Residential Care Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Service Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Care Facility for seven or more persons	-	C	C	C	Section 20.75.210
Residential Service Facility for seven or more persons	-	C	C	C	Section 20.75.210
Single Room Occupancy (SRO) Residential Hotel	-	-	C	C	<u>Note 13</u> ; Part 15, Chapter 20.80
Single Room Occupancy (SRO) Living Unit Facility	-	-	C	C	<u>Note 13</u> ; Part 15, Chapter 20.80; Section 20.75.210
Drive-Through Uses					

Drive Through Uses in conjunction with any use	-	-	C	C	Section 20.75.330
Recycling Uses					
Reverse Vending Machine	A	P	A	A	Part 13, Chapter 20.80
Small Collection Facility	A	-	A	A	Part 13, Chapter 20.80
Transportation and Utilities					
Data Center	-	-	-	-	
Community television antenna systems	-	-	C	C	
Off-site, Alternating Use and Alternative Parking Arrangements	S	S	S	S	Section 20.90.200
Off-street Parking Establishment	C	-	C	C	Section 20.75.130.B.3
Utility Structures	A	A	A	A	Part 19, Chapter 20.80 and Section 20.75.120.A.4

Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	-	
Short term parking lot for uses or events other than on-site	-	-	C	C	Note 6
Wireless Communication Antennas	-	-	C	C	Note 12, Sections 20.100.1300, 20.80.1915
Wireless Communication Antennas, Slimline Monopole	-	-	S	S	Note 12, Sections 20.80.1900, 20.80.1915
Wireless Communication Antennas, Building Mounted	P	P	P	P	Note 12, Sections 20.80.1910, 20.80.1915
Electrical Power Generation					

Private Electrical Power Generation Facility	-	-	C	C	Note 2
Co-generation Facility	S	-	S	S	
Stand-by or Backup Electrical Power Generation Facility					
Facilities that do not exceed noise or air standards	A	S	A	A	
Facilities that do exceed noise or air standards	C	-	C	C	
Temporary Stand-by or Backup Electrical Power Generation Facility	P	-	P	P	
Solar Photovoltaic Power system	P	P	P	P	Section 20.100.610C.7
Vehicle Related Uses					

Accessory installation, passenger vehicles and pick-up trucks, indoors	P	-	P	P	
Auto broker, wholesale, no on-site storage	P	-	P	P	
Car wash, detailing	-	-	-	-	
Gasoline Service Station or Charge Station	-	-	-	-	
Gasoline Service Station or Charge Station with incidental service and repair	-	-	-	-	
Glass sales, installation and tinting	P	-	P	P	Note 10
Sale or lease, commercial vehicles	-	-	-	-	Note 10

Sale or lease passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles, indoors	S	-	S	S	Note 9, Note 10
Rental passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	S	-	S	S	Note 2
Sale, vehicle parts	S	-	S	S	Note 8
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	S	-	S	S	Note 7, Note 10
Historic Reuse					
Historic Landmark Structure reuse	S	C	S	S	Part 8.5 Chapter 20.80

Notes:

1. Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. No on-site storage of vehicles permitted.
3. Includes public and private colleges and universities, as well as extension programs and business schools.
4. Not a catering facility.
5. All uses involving any type of care for animals, including but not limited to grooming, boarding, or medical care must be conducted wholly inside a building.
6. Use must be less than twenty-four hours.
7. Non-engine and exhaust related service and repair allowed as incidental.
8. No outdoor sales areas or dismantling allowed.
9. Incidental repair of vehicles is prohibited.
10. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
11. Pedestal charge stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons or residents of the primary use on-site are permitted in all pedestrian oriented zoning districts.
12. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
13. Transitional Housing is allowed as any residential housing type and must follow the permit process for such residential housing type.

SECTION 7. Section 20.100.1040, Part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**PART 9: SINGLE-FAMILY HOUSE PERMIT**

**20.100.1040 - Additional Development Requiring a Single-Family House Permit.**



- A. Issuance of a single-family house permit subject to the administrative procedures set forth in this part is required if the issuance of a building permit will result in a single-family house that is a historic resource, but is not a city landmark or located in a city historic district, with a floor area ratio equal to or less than forty-five hundredths, or if the issuance of a building permit is for minor modifications involving incidental enlargement, reconstruction, replacement, repair, remodeling, rehabilitation, restoration and/or exterior alteration of a historic resource, that fully conforms to approved design guidelines, and does not affect the historic significance or character, use, intensity, architectural style, circulation or other site function of the property.
- B. Issuance of a single-family house permit is subject to the administrative procedures set forth in this part, if the issuance of the building permit will result in a single-family house with a floor area ratio greater than forty-five hundredths but equal to or less than sixty-five hundredths, and all of the following applicable criteria are met:
1. Building permit does not authorize removal of more than fifty percent of the exterior walls of an existing house;
  2. Building permit is for an addition to an existing house and the addition is for either one or both of the following:
    - a. A single story and ground floor addition; and/or
    - b. A second-story addition which results in a second story which is no larger than sixty percent of existing first floor area and which is set back ten feet from the required front setback;

c. A first-story or second-story infill addition into an existing space within a house constructed prior to the requirement to obtain a single-family house permit approval requirement for certain single family construction.

3. Building permit does not authorize the enclosure or net loss of ten percent or more of an existing porch;
  4. Building permit authorizes an attached garage only if the houses on each side of the subject lot have existing attached garages;
  5. Building permit requires the roofline, materials, trim and decoration details of the new construction to be the same as that on the existing house;
  6. Building permit authorizes alteration to a single-family house that is a historic resource, but is not a city landmark or located in a city landmark historic district, which alterations fully conform to or exceed approved design guidelines.
- C. Subject to the provisions of Section 20.100.1030, if the issuance of a building permit will result in a single-family house with a floor area ratio greater than forty-five hundredths and all the applicable criteria of either Subsection 20.100.1040.A or 20.100.1040.B are not met, issuance of a single-family house permit shall be subject to the director public hearing procedures set forth in this part.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk