

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 9.5 OF CHAPTER 20.30 TO INCORPORATE STATE LAW (AB 1061) PROVISIONS; AMEND SECTION 20.80.178 OF CHAPTER 20.80 TO UPDATE JUNIOR ACCESSORY DWELLING UNIT REGULATIONS TO CONFORM WITH STATE LAW (AB 1154 AND SB 543); AMEND SECTION 20.80.185 OF CHAPTER 20.80 TO INCORPORATE REFERENCE TO CALIFORNIA DEPARTMENT OF REAL ESTATE REGULATIONS; AMEND SECTION 20.30.100 OF CHAPTER 20.30, SECTION 20.40.100 OF CHAPTER 20.40, SECTION 20.55.203 OF CHAPTER 20.55, SECTION 20.70.100 OF CHAPTER 20.70, AND SECTION 20.75.200 OF CHAPTER 20.75 TO INCLUDE A NEW USE “DAY CARE CENTER CO-LOCATED WITH MULTIFAMILY HOUSING DEVELOPMENT” TO CONFORM WITH STATE LAW (AB 752); AMEND SECTION 20.70.520 OF CHAPTER 20.70 TO REMOVE THE WORD OVERLAY; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN RELATED 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 a Determination of Consistency to 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 the Supplemental Environmental Impact Report – 2023-2031 Housing Element Update (Resolution No. RES2023-262) and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, on May 6, 2026, the Planning Commission of the City of San José conducted a public hearing, under File No. PP25-007, to amend various sections of Chapter 20.30, Chapter 20.40, Chapter 20.55, Chapter 20.70, Chapter 20.75, and Chapter 20.80, of Title 20 of the San José Municipal Code to implement state law; 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 20.30.100 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 and Note 10; Section 20.30.110
Accessory dwelling unit (ADU)	P	P	P	-	Note 2, Note 3, and Note 10; Part 2.75, Chapter 20.80

Two-family dwelling	-	P	P	-	Note 2 and Note 10; Section 20.30.110
Multiple dwelling	-	-	P	-	Note 10
Guesthouse	-	-	C	-	Note 10; Section 20.30.120
Mobilehome parks	-	-	-	C	Note 10
Permanent supportive housing	P	P	P	P	Note 10; Chapter 20.195
<u>Low Barrier Navigation Center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Travel trailer parks	-	-	-	C	
Residential care facility, six or fewer P persons		P	P	P	
Residential care facility, seven or more persons	C	C	C	C	
Residential service facility	P	P	P	P	
Single room occupancy living unit facility	-	-	C	-	Note 10; Part 15, Chapter 20.80
Sororities, fraternities, and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
<u>Travel trailer parks</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	
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 and Note 10
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 d Day e Care e 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	
<u>Child Day eCare eCenter</u>	S	S	S	S	
<u>Child Day Care Center co-located with Multifamily housing development</u>	-	-	<u>P</u>	<u>P</u>	<u>Note 11</u>
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, 20.100.1300 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, 20.100.1300 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, 20.100.1300 and 20.80.1915

Utilities, Electrical Power Generation					
Solar photovoltaic system	P	P	P	P	Sections 20.100.610 C.7 and 20.100.1030 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, unless allowed pursuant to the provisions of Part 8, Part 9, or Part 9.5 of Chapter 20.30, where applicable.
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 2.75.
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. Supportive housing and transitional housing shall be subject only to those restrictions that apply to other residential dwellings of the same type within the same zone.

11. Child Day Care Centers are considered a permitted use when co-located as part of a multi-family housing development that is equal or less in square footage when compared to the multi-family development.

SECTION 2. The title of Part 9.5 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 9.5

Streamlined Implementation for Properties ~~of Lesser Significance Listed~~ on the Historic Resources Inventory within R-1 and R-2 Zoning Districts

SECTION 3. Section 20.30.860 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.860 Purpose and Applicability

- A. This Part is enacted to establish objective design standards for streamlined ministerial development of up to two (2) one-family dwellings or one (1) two-family dwelling on a single lot located within R-1 or R-2 Zoning Districts, for properties ~~of lesser significance~~ listed on the San José Historic Resources Inventory that are not also individually listed on the National Register of Historic Places, California Register of Historical Resources, and/or a designated City Landmark or a contributing structure in a Historic District or Conservation Area. ~~This requirement would exclude historical resources that are listed or determined eligible for listing on the National Register of Historic Places, California Register of Historic Resources, and/or the San José Historic Resources Inventory as a~~

~~City Landmark or Historic District or Candidate City Landmark which are eligible~~
Such properties may be eligible for two-unit development with discretionary review under Sections 20.30.810, 20.30.865 and 20.30.866 ~~and with~~ the issuance of a Single Family House Permit or Historic Preservation Permit.

- B. If a property ~~of lesser significance (such as property in a Conservation Area such as a standalone Contributing Structure outside of a historic area)~~ is listed in the Historic Resources Inventory and is also classified as a historical resource (listed ~~or determined eligible for listing~~ on the National Register of Historic Places, California Register of Historic Resources and/or, the San José Historic Resources Inventory as a City Landmark or Historic District or Conservation Area~~Candidate City Landmark~~), then the higher significance classification is applied and development would proceed under ~~property is not considered one of lesser significance~~. Section 20.30.866 ~~would apply~~, or Section 20.30.865 if the property is also a designated City Landmark, and the project shall not be processed using the streamlined ministerial development process and objective design standards.

- C. ~~Lot splits are not permitted on properties of lesser significance listed on the San José Historic Resources Inventory and located within the R-1 and R-2 Zoning Districts when they conform with Section 20.30.863. Pursuant to Sections 65852.21 and 66411.7 of the Government Code, as amended, properties on the Historic Resource Inventory that are located in R-1 zoning districts may qualify for ministerial approval for lot splits if they conform to the following requirements:~~

1. The property does not contain an individual historical resource that is listed on the National Register of Historic Places, California Register of Historical Resources, and/or the San José Historic Resources Inventory as a City Landmark.

2. The property contains a contributing structure in a historic district listed on the National Register of Historic Places, California Register of Historical Resources, and/or the San José Historic Resources Inventory as a City Landmark District that is not proposed to be altered or demolished.
3. The lot split on property located in a historic district listed on the National Register of Historic Places, California Register of Historical Resources, and/or the San José Historic Resources Inventory as a City Landmark District or Conservation Area does not propose to alter or demolish a structure's existing exterior structural wall.
4. Historic properties that qualify for ministerial lot splits shall utilize provisions of Part 8 of Chapter 20.30 for subdivision regulations.

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

20.40.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100. "Conditional" uses which may be approved only on parcels designated on the land use/transportation diagram of the General Plan, as amended, with a designation that allows residential use are indicated by a "C GP" on Table 20-90. These uses may be allowed in such designated districts, as

a part of mixed use residential/commercial, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by an "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 an "S GP " on Table 20-90. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon

issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.

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

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

Use	Zoning District					Notes & Section
	CO	CP	CN	CG	PQP	
General Retail						
Alcohol, off-sale - beer and/or wine only	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	-	C	C	C	-	Note 21; Section 20.80.900
Alcohol, off-sale - 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
<u>Child Day eCare eCenter</u>	S	S	S	S	S	
<u>Child Day Care Center co- located with Multifamily housing development</u>	-	P	P	P	-	<u>Note 31</u>
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	CC	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 75 or more guest rooms	-	P	P	P	-	Section 20.80.475; Note 21
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 in conjunction with a winery, brewery, or distillery	-	P	P	P	-	
Taproom or tasting room with off-sale of alcohol	-	A	A	A	-	Part 5.75, Chapter 20.80
General Services						
Bail bond establishment - outside main jail area	-	P/S	P	P	-	Note 5; Part 1.5, Chapter 20.80
Bail bond establishment - within main jail area	-	P/S	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						
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
Medical cannabis dispensary	-	R	R	R	-	Part 9.75, Chapter 20.80
Cannabis retail storefront	-	R	R	R	-	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	-	R	R	R	-	Part 9.75, Chapter 20.80
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 within Airport Influence Area	-	S	S	S	S	Section 20.80.500
Emergency residential shelter outside of Airport Influence Area (more than 150 beds)	-	S	S	S	S	Section 20.80.500
Emergency residential shelter outside of Airport Influence Area (150 beds or fewer)	-	P	P	P	P	Section 20.80.500, Chapter 20.195
Hotel supportive housing	C	C	C	C	C	Note 22; Part 22, Chapter 20.80
Live/work uses	-	S	S	S	-	Note 6; Section 20.80.740
Low barrier navigation center	-	P	P	P	P	Chapter 20.195
Mixed use residential/commercial outside Neighborhood Business District Overlay	-	C/S	C	CGP	-	Note 6, 25 and 26

Mixed use residential/commercial within Neighborhood Business District Overlay	-	P	P	P	-	Note 28, 29 and 30
Permanent supportive housing	-	-	-	-	P	Note 27; Chapter 20.195
Residential care facility for seven or more persons	C	C	C	C	C	
Residential service facility for seven or more persons	P	P	P	P	P	
Single room occupancy, living unit	-	C	C	C	-	Note 6; 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	
Parking establishment, off-street	C	-	C	C	-	
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7
Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Utility facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	C	
Wireless communication antenna	C	C	C	C	C	Note 23; Sections 20.100.1300, 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 service or repair	-	C	C	P	C	Note 15
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, and motorcycles	-	-	S	P	-	Note 12 and Note 13
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 onsite 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. Mixed use residential/ commercial development may be approved only on parcels designated on the land use/transportation diagram of the General Plan with a designation that allows residential use or through a General Plan or Urban Village Policy that allows mixed use development on a non-residential parcel.
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. Hydrogen-fueling stations shall be permitted pursuant to Government Code Section 65850.7.
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. Permanent supportive housing is allowed as a residential component of mixed use residential/ commercial.
27. Permanent supportive housing is only allowed in the PQP district as 100% of the residential use.
28. The Neighborhood Business District Overlay includes North 13th Street/Luna Park, Japantown (Taylor Street only), and the Willow Glen Neighborhood Business District.
29. 100% deed-restricted affordable housing is a permitted use and commercial space requirements shall not apply; subject to conformance with General Plan policies and state law mandates. Refer to Chapter 20.195 for information regarding the ministerial approval process.
30. One-hundred percent residential projects may be permitted if they meet ground floor commercial space standard in Table 20-142, Table 20-143, or Table 20-144.
31. Child Day Care Centers are considered a permitted use when co-located as part of a multi-family housing development that is equal or less in square footage when compared to the multi-family development.

SECTION 5. Section 20.55.203 of Chapter 20.55 of Title 20 of the San José Municipal Code is amended to read as follows:

20.55.203 Urban Village and Mixed Use Zoning District Use Regulations

Table 20-138
Urban Village and Mixed Use Zoning District Use Regulations

Use	Zoning District						Notes & Sections
	UVC	UV	MUC	MUN	UR	TR	
Residential							
One-family dwelling	-	-	-	P	P	P	Note 6; Note 25
Two-family dwelling	-	-	-	P	P	P	Note 6; Note 25
Accessory dwelling unit	-	P	P	P	P	P	Part 4.5, Chapter 20.30
Mixed use development	-	P	P	P	P	P	Note 20; Note 25; Chapter 20.195

Mixed use development in Neighborhood Business District Overlay	-	-	P	P	-	-	Note 27
Multiple dwelling	-	P	P	P	P	P	Note 20; Note 25; Chapter 20.195
Streamlined Infill Housing Development (outside of the Airport Influence Area)	-	PGP	PGP	-	PGP	PGP	Note 27; Section 20.200.1225; Chapter 20.195, Part 4
Co-living community	-	S	C	C	S	S	Part 3.73, Chapter 20.80
Guesthouse	-	S	-	S	S	S	
Emergency residential shelter within Airport Influence Area	-	S	S	S	S	S	Section 20.80.500
Emergency residential shelter outside of Airport Influence Area (more than 150 beds)	-	S	S	S	S	S	Section 20.80.500
Emergency residential shelter outside of Airport Influence Area (150 beds or fewer)	-	P	P	P	P	P	Section 20.80.500; Chapter 20.195
Home Occupation	-	P	P	P	P	P	Part 9, Chapter 20.80
Hotel supportive housing	C	-	C	-	-	-	Note 17; Part 22, Chapter 20.80
Live/work uses	-	S	S	S	S	S	Section 20.80.740
Low barrier navigation center	-	P	P	P	P	P	Chapter 20.195
Permanent supportive housing	-	P	P	P	P	P	Note 20; Chapter 20.195

Residential accessory structures or buildings	-	P	P	P	P	P	Part 5, Chapter 20.30
Residential care facility for six or fewer persons	-	P	P	P	P	P	
Residential care facility for seven or more persons	-	C	C	C	C	C	
Residential service facility for six or fewer persons	-	P	P	P	P	P	
Residential service facility for seven or more persons	-	P	P	P	P	P	
Single room occupancy, living unit	-	-	C	-	-	-	Note 25; Part 15, Chapter 20.80
General Retail							
Alcohol, off-sale - beer and/or wine only	C	C	C	C	C	C	Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	C	C	C	C	C	C	Section 20.80.900
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	A	A	A	Note 1; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	P	P	P	
Nursery, plant	P	P	P	P	P	P	Note 2
Outdoor vending	A	A	A	A	A	A	Part 10, Chapter 20.80
Outdoor vending, fresh fruits and vegetables	P	P	P	P	P	P	Part 10, Chapter 20.80
Pawnshop/broker	C	-	C	-	-	-	See Title 6
Retail art studio	P	P	P	P	P	P	Section 20.80.1175

Retail bakery	P	P	P	P	P	P	
Retail sales, goods, and merchandise	P	P	P	P	P	P	
Seasonal sales	P	P	P	P	P	P	Part 14, Chapter 20.80
Agriculture & Open Space							
Aquaculture, aquaponics, and hydroponics	S	S	S	S	S	S	
Certified farmers' market	S	S	S	S	S	S	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	P	P	P	Part 3.5, Chapter 20.80
Community gardens	P	P	P	P	P	P	
Neighborhood agriculture	P	P	P	P	P	P	Note 16; Title 7
Education & Training							
Child d Day e Care e 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	P	Note 5
<u>Child Day eCare eCenter</u>	S	S	S	S	S	S	Note 5
<u>Child Day Care Center co-located with Multifamily housing development</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Note 5</u>
Instructional art studios	P	P	P	P	P	P	
Private instruction, personal enrichment	P	P	P	P	P	P	

School, elementary and secondary (public or private)	C	C	C	C	C	C	Note 13
School, driving (class C & M license)	P	P	P	P	P	P	Note 3
School, post secondary	P	P	P	P	P	P	
School, trade and vocational	P/S	P/S	P/S	P/S	P/S	P/S	Note 4 and Note 13
Entertainment and Recreation							
Arcade, amusement game	P	P	P	P	P	P	
Health club, gymnasium	P	P	P	P	P	P	
Performing arts rehearsal space	P	P	P	P	P	P	
Poolroom/billiards establishment	P	P	P	P	P	P	
Private club or lodge	S	S	S	S	S	S	
Recreation, commercial indoor	P	P	P	P	P	P	
Recreation, commercial outdoor	-	S	-	-	-	-	
Stadium, 2,000 seats or fewer	C	C	-	-	-	-	
Stadium, more than 2,000 seats	CC	CC	-	-	-	-	Note 14 and Note 15
Theater, indoor	S	S	S	-	S	S	
Theater, outdoor	S	S	S	-	S	S	
Food Services							
Banquet facility	S	S	S	S	S	S	
Caterer	P	P	P	P	P	P	
Commercial kitchen	P	P	P	-	S	S	
Drinking establishments	S	S	S	-	S	S	

Drinking establishments interior to a full-service hotel or motel that includes 75 or more guest rooms	P	P	P	P	P	P	Section 20.80.475
Public eating establishments	P	P	P	P	P	P	
Public eating establishment or retail establishment with incidental outdoor dining	P	P	P	P	P	P	Section 20.40.520
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	P	P	P	Part 5.75, Chapter 20.80
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	A	A	A	A	A	Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A	A	A	A	Part 5.75, Chapter 20.80
General Services							
Bail Bonds Establishment	S	S	S	-	S	S	Note 11; Part 1.5, Chapter 20.80
Bed and breakfast inn	P	P	P	P	P	P	Part 2, Chapter 20.80
Dry cleaner	P	P	P	P	P	P	
Hotel or motel	P	P	P	P	P	P	
Single room occupancy (SRO) hotel	C	C	C	C	C	C	Part 15, Chapter 20.80
Laundromat	P	P	P	P	P	P	

Maintenance and repair, small household appliances	P	P	P	P	P	P	
Messenger services	P	P	P	P	P	P	
Mortuary and funeral services	P	P	P	P	P	P	
Personal services	P	P	P	P	P	P	Section 20.200.880
Bail Bonds Establishment	S	S	S	-	S	S	
Bed and breakfast inn	P	P	P	P	P	P	
Health and Veterinary Services							
Animal boarding, indoor	P	P	P	P	P	P	Note 7
Animal grooming	P	P	P	P	P	P	Note 7
Cannabis retail storefront	R	R	R	-	R	R	Part 9.75, Chapter 20.80
Emergency ambulance service	C	C	C	-	C	C	
Hospital/in-patient facility	C	C	C	-	C	C	
Medical cannabis collective dispensary site only	R	R	R	-	R	R	Part 9.75, Chapter 20.80
Medical cannabis dispensary	R	R	R	-	R	R	Part 9.75, Chapter 20.80
Office, medical	P	P	P	P	P	P	
Veterinary clinic	P	P	P	P	P	P	
Historic Reuse							
Historic landmark structure reuse	S	S	S	S	S	S	Part 8.5, Chapter 20.80
Industry and Manufacturing							
Laboratory, processing	P	P	P	-	-	-	
Manufacturing and assembly, light	P	P	P	-	-	-	Note 22
Office, research and development	P	P	P	-	S	S	Note 21

Offices and Financial Services							
Automatic teller machine	P	P	P	P	P	P	Section 20.80.200
Business support	P	P	P	P	P	P	
Office, general business	P	P	P	P	P	P	
Retail bank / Financial services	P	P	P	P	P	P	
Public, Quasi-Public and Assembly Uses							
Cemetery	C	C	C	C	C	C	
Church/religious assembly	S	S	S	S	S	S	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	S	S	S	S	S	S	
Recycling Uses							
Reverse vending machine	A	A	A	A	A	A	Part 13, Chapter 20.80
Small collection facility	A	A	A	A	A	A	Part 13, Chapter 20.80
Transportation and Utilities							
Community television antenna systems	C	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	S	-	S	-	-	-	Note 23
Television, radio studios without antenna/dishes	C	C	C	-	-	-	

Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	-	-	-	-	
Utility facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	-	-	
Wireless communication antenna	C	C	C	C	C	C	Note 18; Sections 20.100.1300, 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	S	S	Note 19; Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	P	P	Note 19; Sections 20.80.1910, 20.80.1915
Utilities, Electrical Power Generation							
Co-generation facility	S	S	S	S	S	S	
Fuel cells	P	P	P	P	P	P	
Private electrical power generation facility	C	C	C	C	C	C	
Solar photovoltaic system	P	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	A	A	A	
Stand-by/backup facilities that do exceed noise or air standards	C	C	C	-	-	-	
Temporary stand-by/backup	P	P	P	P	P	P	

Vehicle Related Uses							
Sale or leasing of vehicles, showroom only	P	P	P	-	-	-	Note 24
Sale, vehicle parts	S	S	S	-	S	S	Note 9
For all other vehicle related uses refer to the General Use Regulations as described in section 20.55.201 (K)							

Notes:

1. Alcohol, off-sales are limited to products manufactured on-site for wineries, breweries, or distilleries.
2. Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
3. Classroom use only, no driving courses or on-site storage of vehicles permitted in UVC, UV, MUC, MUN, UR or TR Zoning Districts.
4. Indoor uses related to trade or vocational schools are Permitted, any outdoor uses will require a Special Use Permit.
5. ~~If the Daycare use exceeds the noise standards, as set forth in Chapter 20.40 in Section 20.40.600, it will require a Special Use Permit.~~ Child Day Care Centers are considered a permitted use when co-located as part of a multi-family housing development that is equal or less in square footage when compared to the multi-family development.
6. One-family dwellings or two-family dwellings are allowed as part of a larger development which meets the minimum density requirement in the UR and TR zoning districts.
7. Except as an incidental use to neighborhood agriculture, all uses involving any type of care for animals, including but not limited to grooming, boarding, medical care, must be conducted wholly inside a building.
8. 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.
9. No outdoor sales areas or dismantling allowed.
10. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
11. 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 20-138 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.
12. 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. Hydrogen-fueling stations shall be permitted pursuant to Government Code Section 65850.7.
 13. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
 14. 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.
 15. 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.
 16. Neighborhood agriculture in conformance with this Title is a permitted use that may operate on a site without a permanent building on that site.
 17. Hotel supportive housing may be permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
 18. Certain modifications of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
 19. Conditional Use Permit required outside of Urban Villages; Special Use Permit in Urban Villages.
 20. Permanent supportive housing is a permitted use as mixed use or residential-only development. For information regarding the Ministerial Approval process, refer to Chapter 20.195 for more information.
 21. Research and Development is allowed through a Special Use Permit in TR and UR if the use on site does not involve activity that would create noxious sounds, smells, or vibrations.
 22. For the purposes of Chapter 20.55, Food and Beverage manufacturing is considered to be permitted under the Manufacturing and Assembly, light use, if it meets all of the following criteria:
 - a. The use must include a retail space which is accessible from and adjacent to the street and open to the public during regular business hours.
 - b. Odors produced on-site shall not have a material negative effect on other businesses or properties in the area.
 23. Surface parking which does not serve a use contained on the same site or under the same Development Permit is not permitted. Standalone parking structures are allowed under the following conditions:
 - a. Parking structures shall comply with the Citywide Design Standards and Guidelines.
 - b. In addition, the parking facility must meet one of the following criteria:

- i. The parking facility shall be designed as a structured aboveground parking facility with ground floor commercial spaces, which are located along public rights-of-way or public open spaces, and which comply with Citywide Design Standards and Guidelines for ground floor commercial spaces.
 - ii. The parking facility shall be designed as an underground parking facility with a POPOS at grade level, which is open to the public 24 hours a day, and which complies with the Citywide Design Standards and Guidelines.
24. In UVC and MUC, sale and leasing of vehicles is permitted in the form of an interior showroom only with no on-site storage of vehicles other than display models in the showroom.
25. May be used as Transitional Housing.
26. 100% deed-restricted affordable housing is a permitted use for residential housing type that meet minimum density requirement in the UR and TR zoning districts, and commercial space requirements shall not apply; subject to conformance with General Plan policies and state law mandates. Refer to Chapter 20.195 for information regarding the ministerial approval process.
27. The Neighborhood Business District Overlay includes North 13th Street/Luna Park, Japantown (Taylor Street only), and the Willow Glen Neighborhood Business District.
28. Ministerial streamlined review process for housing development projects. See Section 20.200.1225 and Chapter 20.195 for projects that qualify.

SECTION 6. 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 "PGP" 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 requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-140. These uses may be allowed in such designated districts, 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.

ED. "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 "CGP" 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.

FE. "Special" uses are indicated by an "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.

- GF.** "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 "SGP" on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100; and in compliance with the General Plan land use restrictions related to residential use.
- HG.** "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- IH.** "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.
- JL.** Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- KJ.** The column of Table 20-140, under the heading "Additional Use Regulations for the 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.
- LK.** 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	Applicable to All Downtown Districts
Offices and Financial Services				
Automatic teller machine	P	P	P	Note a; Section 20.80.200
Business support use	P	P	P	
Financial services	P	P	P	Note b
Retail bank	P	P	P	Note b
Offices, business and administrative	P	P	S	Section 20.70.110
Payday lending establishment	R	R	-	Part 12.5, Chapter 20.80; Section 20.80.875
Research and development	P	P	-	
General Retail				
Alcohol, off-sale - beer and/or wine only	C	C	C	Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	C	C	C	Section 20.80.900
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	Note 11; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	

Outdoor vending	A	A	A	Note b; Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	P	Note b; Part 10, Chapter 20.80
Pawn shop or pawn broker, incidental to a retail jewelry store	C	C	C	Note b; Chapter 6.52
Retail bakery	P	P	P	
Retail art studio	P	P	P	
Retail sales, goods, and merchandise	P	P	P	Note c
Seasonal sales	P	P	P	Part 14, Chapter 20.80
Agriculture				
Certified farmers' market	P	P	P	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P	
Education and Training				
<u>Child Day eCare eCenter</u>	P	P	P	Note b
<u>Child Day Care Center co-located with Multifamily housing development</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>Note 14</u>
Instructional art studios	P	P	P	
Private instruction, personal enrichment	P	P	P	Note b
School, elementary - grades K-8 (public or private)	C	C	C	Note b
School, secondary - grades 9-12 (public or private)	C	C	C	Note b
School, post-secondary	P	P	-	
School, trade and vocational	P	P	P	Note b

Entertainment and Recreation Related				
Arcade, amusement game	P	-	P	Note b
Health club, gymnasium	P	P	P	
Lighting display	A/S	A/S	A/S	Section 20.70.150
Theater, indoor	P	P	P	
Poolroom/billiards establishment	P	-	P	
Private club or lodge	P	P	-	
Recreation commercial/indoor	P	P	P	
Food Services				
Banquet - facility	P	P	P	
Caterer	P	P	P	Note b
Drinking establishments	S	C	S	
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	Note 5
Drinking establishments interior to a full-service hotel or motel with 75 or more guest rooms	P	P	-	Section 20.80.475
Public eating establishments	P	P	P	Note 7
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	S	A	Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A	Part 5.75, Chapter 20.80

General Services				
Bed and breakfast inn	P	P	P	Note b; Part 2, Chapter 20.80
Hotel or motel	P	P	P	
Laundromat	P	P	P	Note b
Maintenance and repair of small household appliances	P	P	P	Note b
Personal services	P	P	P	Note d
Printing and publishing	P	P	P	Note b and Note f
Health and Veterinary Services				
Animal grooming	P	P	P	Note b
Animal boarding, indoor	P	P	P	Note b
Cannabis retail storefront	R	R	R	Part 9.75, Chapter 20.80
Emergency ambulance service	C	-	-	
Hospital/in-patient facility	C	-	-	
Medical cannabis dispensary	R	R	R	Part 9.75, Chapter 20.80
Office, medical	P	P	P	Note b
Veterinarian	P	P	P	Note b
Historic Reuse				
Historic landmark structure reuse	S	S	S	Part 8.5, Chapter 20.80
Public, Quasi-Public and Assembly Uses				
Auditorium	C	-	C	
Church/religious assembly	P	P	C-	
Information center	P	P	P	
Museums and libraries	P	-	P	
Parks, playgrounds, or community centers	P	P	S	
Recycling Uses				
Reverse vending machine	S	S	-	Part 13, Chapter 20.80

Small collection facility	S	S	-	Part 13, Chapter 20.80
Residential GP				
Emergency residential shelter, more than 150 beds	CGP	-	-	Note e; Section 20.80.500
Emergency residential shelter, 150 beds or fewer	PGP	-	-	Note e; Section 20.80.500, Chapter 20.195
Live/work uses	PGP	SGP		Note e; Section 20.70.120
Low barrier navigation center	PGP	PGP	-	Chapter 20.195
Permanent supportive housing	PGP	PGP	-	Chapter 20.195
Residential, multiple dwelling	PGP	PGP	-	Note 12, Note 13, and Note e
Co-living community	S	S	-	Note e; Part 3.75, Chapter 20.80
Residential care facility for seven or more persons	CGP	CGP	-	Note e
Residential services facility, for seven or more persons	CGP <u>P</u>	CGP <u>P</u>	-	Note e
Hotel supportive housing	CGP	CGP	-	Note 9 and Note e; Part 22 of Chapter 20.80
Single room occupancy (SRO) living unit facility	SGP	SGP	-	Note 12 and Note e; Part 15, Chapter 20.80

Single room occupancy (SRO) residential hotel	S	S	-	Note 12 and Note e; Part 15, Chapter 20.80
Residential Accessory Uses GP				
Accessory buildings and accessory structures	PGP	PGP	-	Note 1
Transportation and Communication				
Community television antenna systems	C	-	-	
Off-street parking establishment	P	P	-	
Short term parking lot for uses or events other than on-site	S	S	-	
Radio and television studios	P	-	-	
Wireless communications antenna	S	-	-	Note 8; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	-	-	Note 8; Sections 20.80.1900, 20.80.1915
Utilities, Power Generation				
Private electrical power generation facility	C	C	-	
Solar photovoltaic power system	P	P	-	Section 20.100.160 C.7.
Stand-by/backup facilities that do not exceed noise or air standards	A	A	-	
Temporary stand-by/backup generators	P	P	-	
Vehicle Related Uses				
Car wash, detailing	P	-	-	
Fuel service station or charge station, no incidental service or repair	P	-	-	Note 6

Fuel service station or charge station, with incidental service or repair	P	-	-	Note 2
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	Note 3
Sale and lease, Zero Emission Vehicles and equipment	P	-	-	Note 10 Zero Emission Vehicles and Equipment Defined by California Code of Regulations, Title 13, Section 1962.2(i)(18)
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	Note 4
Sale, vehicle parts, new	P	-	-	

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. Outdoor vehicle display, storage, sales, or service is not permitted.
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. Hydrogen-fueling stations shall be permitted pursuant to Government Code 65850.7.
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, 2026.1
10. Outdoor storage of inventory vehicles is permitted only if the parking spaces are fully screened and located at a minimum setback of one hundred fifty (150) feet from the front property lines. The maximum number of parking spaces is limited to fifteen percent (15%) of all parking and paved areas or a maximum outdoor storage area of five thousand (5,000) square feet, whichever is more restrictive. Any other outdoor vehicle display, storage, sales, or service is not permitted. Notwithstanding this provision, one new vehicle may be displayed on a paved area outside of any on-site parking area, provided the display vehicle is not located within the public right-of-way and does not extend past the front of any on-site buildings.
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.
13. 100% deed-restricted affordable housing is a permitted use for residential housing type, and commercial space requirements shall not apply; subject to conformance with General Plan policies and state law mandates. Refer to Chapter 20.195 for information regarding the ministerial approval process.
14. Child Day Care Centers are considered a permitted use when co-located as part of a multi-family housing development that is equal or less in square footage when compared to the multi-family development.

Notes applicable to the Active Use Overlay-Area only:

- a. Automatic Teller Machines must be a secondary use and must be architecturally integrated into the building on which they are placed. Automatic Teller Machines may not be standalone structures. Use may not be an ATM vestibule lobby.
- 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. Includes secondhand stores that deal with antiques, artworks, or vintage clothing. Secondhand stores shall accept donated goods only indoors and during regular business hours.
- 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 7. Section 20.70.520 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

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

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

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

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

SECTION 8. 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 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.
- G. "Restricted" land uses are indicated by an "R" on Table 20-156. 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.

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 Alcoholic Beverages	C	-	C	C	Section 20.80.900
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	
<u>Child Day eCare eCenter</u>	S	-	S	S	
<u>Child Day Care Center co-located with Multifamily housing development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Note 16</u>
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/Indoor	P	-	P	P	
Recreation, Commercial/Outdoor	-	-	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 Establishments	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 cannabis dispensary	R	-	R	R	Part 9.75, Chapter 20.80
Cannabis retail storefront	R	-	R	R	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R	-	R	R	Part 9.75, Chapter 20.80
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	
Social service agency	P	-	P	P	
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 centers (privately operated)	C	-	C	C	
Residential/Mixed Use					
Multiple dwellings	-	<u>PG</u>	<u>GP</u>	<u>GP</u>	Section 20.75.210; Note 13
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	CP	-	CP	CP	Section 20.75.210; Note 14
100% deed-restricted affordable housing	P	P	P	P	Note 15
Emergency Residential Shelter	-	-	-	-	Section 20.80.500
Live/Work Uses	C	-	S	-	Part 9.5, Chapter 20.80 & Section 20.75.210
<u>Low barrier navigation center</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>Chapter 20.195</u>
<u>Permanent supportive housing</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>Chapter 20.195</u>
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	-	CP	CP	CP	Section 20.75.210
Single Room Occupancy (SRO) Residential Hotel	-	-	C	C	Note 13; Part 15, Chapter 20.80
Single Room Occupancy (SRO) Living Unit Facility	-	-	C	C	Note 13; 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 Communications Antenna	-	-	C	C	Note 12, Sections 20.100.1300, 20.80.1915
Wireless Communications Antenna, Slimline Monopole	-	-	S	S	Note 12, Sections 20.80.1900, 20.80.1915
Wireless Communications Antenna, 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 20.100.610 C.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.
14. Permanent Supportive Housing is allowed as a residential component of Mixed Use/ground floor commercial with residential above.
15. 100% deed-restricted affordable housing is a permitted use for residential housing type, and any commercial space requirements shall not apply; subject to conformance with General Plan policies and state law mandates. Refer to Chapter 20.195 for information regarding the ministerial approval process.
16. Child Day Care Centers are considered a permitted use when co-located as part of a multi-family housing development that is equal or less in square footage when compared to the multi-family development.

SECTION 9. Section 20.80.178 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.178 Junior Accessory Dwelling Units - Single Family Dwelling Lot

Pursuant to Section 66333 of the Government Code, or as amended, this Section provides for the streamlined approval of Junior Accessory Dwelling Units.

Notwithstanding any other provision of this Title to the contrary, Junior Accessory Dwelling Units, for lots consisting of single-family dwellings, shall comply with State law provisions, as may be amended. ~~that meet all of the following criteria shall be allowed pursuant to the provisions of this Part:~~

- ~~A. Shall not exceed five hundred (500) 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.~~
- ~~C. Shall include an interior entry to the main living area if sanitation facilities are shared 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 Dwelling 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~~

~~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 10. Section 20.80.185 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.185 ADU Condominium Requirements

Subject to the provisions of Section 20.80.180, to achieve the purposes of this Chapter, all projects shall conform to the following requirements:

- A. ADU condominium units shall be allowed on lots that presently allow ADUs, and could include an attached Accessory Dwelling Unit and/or a detached Accessory Dwelling Unit built in accordance with Part 2.75, (Accessory Dwelling Units), Chapter 20.80. In conjunction with the ADU condominium, the parcel map approved pursuant with this Section may also include the subdivision of up to two (2) primary dwelling units, in conformance with Part 8, Senate Bill 9 implementation, into condominiums. This allowance shall not exceed the maximum number of attached and detached Accessory Dwelling Units allowed per lot pursuant to Government Code Section 66313.
- B. All structures and buildings included as part of a condominium project shall conform to the building and zoning requirements applicable to the zoning district in which the project is proposed to be located. Designation of individual condominium units shall not be deemed to reduce or eliminate any of the building and zoning requirements applicable to any such buildings or structures.
- C. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
- D. The condominium shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all other objective requirements of this Part.

1. Neither a subdivision map nor a condominium plan shall be recorded with the county recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:
 - a. A lienholder may refuse to give consent.
 - b. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
2. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."
3. The lienholder's consent shall be included on the condominium plan, or attached to the condominium plan that includes the following information:
 - a. The lienholder's signature.
 - b. The name of the record owner or ground lessee.
 - c. The legal description of the real property.

- d. The identities of all parties with an interest in the real property as reflected in the real property records.
 - e. The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.
- E. An Accessory Dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this Part and of Title 19 of the San José Municipal Code. Prior to approval of a parcel map, a home or property owners' association or similar entity shall be formed for any condominium project. The association shall, at a minimum, provide for the administration, management and maintenance of all common areas including landscaping, drive aisles and parking areas, maintenance of the exterior of all buildings, pool or common roof, the collection of dues, payment of public utilities not billed separately to each unit, and enforcement of standards within the project.
 - 1. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.
 - 2. For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

- F. The applicant shall prepare a declaration of covenants, conditions and restrictions (CC&Rs) which shall be recorded and apply to each owner of a condominium unit within the project. The CC&Rs shall be recorded at, or prior to, the time of parcel map approval, and shall include all applicable conditions of approval and requirements of the City or the California Department of Real Estate. The CC&Rs shall, at a minimum, provide:
1. That any amendment to the CC&Rs related to the conditions of approval or other requirements of this Chapter may not be approved without prior consent of the City.
 2. That there shall be an entity created (e.g., a property or homeowners' association) which shall be financially responsible for and shall provide for the effective establishment, operation, management, use, repair and maintenance of all common areas and facilities.
 3. A provision containing information regarding the conveyance of units and any assignment of parking, an estimate of any initial assessment fees anticipated for maintenance of common areas and facilities, and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit.
 4. A provision addressing the payment of utilities including water, sewer, gas and electricity by the homeowner or through the association.
 5. A provision requiring that any owner who rents his/her condominium unit shall conform to the homeowners' association which is responsible for management of the common areas and enforcement of the CC&Rs.

- G. In addition to such covenants, conditions, and restrictions that may be required by the Department of Real Estate of the State of California pursuant to Title 6 (Condominiums) of the Civil Code or other state laws or policies, the organization documents shall provide for the following:
1. Conveyance of units.
 2. Management of common areas within the project where common areas exist.
 3. A proposed annual operating budget containing a reserve fund to pay major anticipated maintenance, repair, or replacement expenses where shared common area infrastructure exists; and indicating the association fees needed for the operating budget and reserve fund.
 4. FHA regulatory agreement, if any.
- H. If an accessory dwelling unit is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- I. The ADU shall comply with all applicable technical codes including the California Building and Fire Codes. Prior to approval of the parcel map, a safety inspection of the ADU shall be conducted as evidenced through issuance of a final Building Permit or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
- J. In addition to other application submittal requirements, the following information shall be provided:

1. Statement regarding current ownership of all improvements and underlying land.
2. A site plan and boundary map showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property.
3. Dimensions and location of each building or unit and the location of all fences and walls.
4. The location, size, and design for all common areas, including all facilities and amenities provided within the common areas for use by unit owners.
5. Location and condition for all paved areas, including pedestrian walkways.
6. Maintenance plan of all buildings and common areas and facilities.

PASSED FOR PUBLICATION of title this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk