

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 VARIOUS SECTIONS OF CHAPTER 20.100, 'ADMINISTRATION AND PERMITS,' INCLUDING SECTIONS 20.100.630 OF PART 5, SITE DEVELOPMENT PERMIT; 20.100.720 OF PART 6, CONDITIONAL USE PERMITS; 20.100.820 OF PART 7, SPECIAL USE PERMITS; 20.100.940 OF PART 8, PLANNED DEVELOPMENT PERMITS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of 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 20.100 of Title 20 of the San José Municipal Code to implement state law and implement City of San José's 2023-2031 Housing Element Action Item P-41, standard permit conditions (findings); 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 20.100.630 of Part 5 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.630 Findings

A. In addition to any other findings required by any other section of this ~~t~~Title, the ~~d~~Director, the ~~p~~Planning ~~e~~Commission, or ~~e~~City ~~e~~Council, as set forth in Section 20.100.220, Table 20-260, shall grant the ~~s~~Site ~~d~~Development ~~p~~Permit after review of project design, only if all of the following findings are made:

1. The ~~s~~Site ~~d~~Development ~~p~~Permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.
2. The ~~s~~Site ~~d~~Development ~~p~~Permit, as approved, ~~confirms-is consistent~~ with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

~~3. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.~~

~~4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.~~

~~5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.~~

36. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative ~~ae~~ffect on adjacent property or properties.

47. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are ~~sufficient to maintain~~ed or upgraded~~d the appearance of the neighborhood to be free from any structural damage and visible deterioration.~~

58. Traffic and pedestrian access are ~~adequate~~ consistent with the applicable site plans approved in accordance with the Department of Transportation (DOT) requirements.

6. The proposed project at the location shall be consistent with all applicable local, regional, state, and federal public health and safety policies; and shall not result in measurable impacts that would exceed applicable standards established for public health and safety including for noise, illumination, air quality or emissions; or hazards related to circulation or structural safety and shall comply with applicable building and fire codes; and shall conform to the City's objective design standards.
7. Proposed projects that include non-residential uses shall comply with the following requirements:
 - a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.
 - b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
 - c. The proposed use shall not:
 - i. Adversely affect or be detrimental to the health, safety, or welfare of persons residing or working in the surrounding area; or
 - ii. Impair the utility or value of property of other persons located in the vicinity of the site; and

8. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

- B. The ~~d~~Director, the ~~p~~Planning ~~e~~Commission, or the ~~e~~City ~~e~~Council, as set forth in Section 20.100.220, Table 20-260, shall deny the application where the information submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 2. Section 20.100.720 of Part 6 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.720 Findings

- A. In addition to any findings required by any other section of this ~~t~~Title, the ~~p~~Planning ~~e~~Commission, or the ~~e~~City ~~e~~Council, may issue a ~~e~~Conditional ~~u~~Use ~~p~~Permit only after finding that:
1. The ~~e~~Conditional ~~u~~Use ~~p~~Permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans and area development policies; and
 2. The ~~e~~Conditional ~~u~~Use ~~p~~Permit, as approved, ~~conforms-is consistent~~ with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and
 3. The ~~e~~Conditional ~~u~~Use ~~p~~Permit, as approved, is consistent with applicable ~~e~~City ~~e~~Council policies, or counterbalancing considerations justify the inconsistency; and

~~4. The proposed use at the location requested will not:~~

~~a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or~~

~~b. Impair the utility or value of property of other persons located in the vicinity of the site; or~~

~~c. Be detrimental to public health, safety or general welfare; and~~

45. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this ~~t~~Title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

56. The proposed site is adequately served:

a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and

b. By other public or private service facilities as are required.

67. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative ~~a~~effect on adjacent property or properties.

7. The proposed project at the location shall be consistent with all applicable local, regional, state, and federal public health and safety policies; and shall not result in measurable impacts that would exceed applicable standards established for public health and safety including for noise, illumination, air quality or emissions; or hazards related to circulation or structural safety and shall comply with applicable building and fire codes; and shall conform to the City's objective design standards.
8. Proposed projects that include non-residential uses shall comply with the following requirements:
 - a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.
 - b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
 - c. The proposed use shall not:
 - i. Adversely affect or be detrimental to the health, safety, or welfare of persons residing or working in the surrounding area; or
 - ii. Impair the utility or value of property of other persons located in the vicinity of the site.

9. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

- B. The ~~p~~P~~l~~anning ~~e~~C~~o~~mmission, or the ~~e~~C~~i~~ty ~~e~~C~~o~~uncil, as set forth in Section 20.100.200, Table 20-260, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 3. Section 20.100.820 of Part 7 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.820 Findings

- A. In addition to any findings required by any other section of this Title, the Director, Planning Commission or City Council as appropriate, may issue a Special Use Permit only if all the following findings are made:
1. The Special Use Permit, as approved, is consistent with and will further the policies of the General Plan and applicable specific plans and area development policies; and
 2. The Special Use Permit, as approved, ~~conforms-is consistent~~ with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and
 3. The Special Use ~~p~~P~~e~~rmit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

~~4. The proposed use at the location requested will not:~~

~~a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or~~

~~b. Impair the utility or value of property of other persons located in the vicinity of the site; or~~

~~c. Be detrimental to public health, safety, or general welfare; and~~

45. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and

56. The proposed site is adequately served:

a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and

b. By other public or private service facilities as are required.

67. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental

Quality Act (CEQA), will not have an unacceptable negative ~~a~~effect on adjacent property or properties.

7. The proposed project at the location shall be consistent with all applicable local, regional, state, and federal public health and safety policies; and shall not result in measurable impacts that would exceed applicable standards established for public health and safety including for noise, illumination, air quality or emissions; or hazards related to circulation or structural safety and shall comply with applicable building and fire codes; and shall conform to the City's objective design standards.

8. Proposed projects that include non-residential uses shall comply with the following requirements:

a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.

b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

c. The proposed use shall not:

i. Adversely affect or be detrimental to the health, safety, or welfare of persons residing or working in the surrounding area; or

ii. Impair the utility or value of property of other persons located in the vicinity of the site.

98. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

B. The Director, Planning Commission, or City Council as ~~appropriate~~set forth in Section 20.100.220, Table 20-260, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 4. Section 20.100.940 of Part 8 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.940 Findings

A. The Director, the Planning Commission on appeal, or the City Council as appropriate, may issue a Planned Development Permit only if all of the following findings are made:

1. The Planned Development Permit, as issued, is consistent with and furthers the policies of the general plan; and
2. The Planned Development Permit, as issued, ~~conforms~~is consistent in all respects to the planned development zoning of the property; and
3. The Planned Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency; and

4. The maximum building height and floor area ratio shall comply with the established underlying district, and building entrances shall be connected to pedestrian walking paths, public sidewalks, and common open spaces~~The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on site are appropriate, compatible and aesthetically harmonious~~; and
5. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.
6. The proposed project at the location shall be consistent with all applicable local, regional, state, and federal public health and safety policies; and shall not result in measurable impacts that would exceed applicable standards established for public health and safety including for noise, illumination, air quality or emissions; or hazards related to circulation or structural safety and shall comply with applicable building and fire codes; and shall conform to the City's objective design standards.
7. Proposed projects that include non-residential uses shall comply with the following requirements:
 - a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.

b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

c. The proposed use shall not:

i. Adversely affect or be detrimental to the health, safety, or welfare of persons residing or working in the surrounding area; or

ii. Impair the utility or value of property of other persons located in the vicinity of the site.

8. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

B. The Director, the Planning Commission on appeal, or the City Council as set forth in Section 20.100.220, Table 20-260, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

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