



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: July 22, 2010

COUNCIL DISTRICT: Citywide
SNI: All

T R A N S M I T T A L M E M O

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO EXPAND THE APPLICABILITY OF THE DOWNTOWN ZONING DISTRICTS AND TO CREATE GREATER FLEXIBILITY IN USE ALLOWANCES FOR DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURES.

The Planning Commission will hear this project on Wednesday, July 28, 2010. The memorandum with Planning Commission recommendations will be submitted under a different cover. We hope the submittal of this staff report is of assistance in your review of this project.

/S/
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Laurel Prevetti at (408) 535-7901.



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: July 21, 2010

COUNCIL DISTRICT: Citywide
SNI: All

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO EXPAND THE APPLICABILITY OF THE DOWNTOWN ZONING DISTRICTS AND TO CREATE GREATER FLEXIBILITY IN USE ALLOWANCES FOR DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURES.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council the approval of an ordinance amending Title 20 of the San José Municipal Code to amend:

- (1) Section 20.70.010 of Chapter 20.70 to expand the applicability of the downtown zoning districts to the area bounded by Julian Street, the Guadalupe River, Santa Clara Street, and Route 87 and modify the geographic description accordingly;
- (2) Section 20.30.100 of Chapter 20.30 to amend Table 20-50, Residential Districts Land Use Regulations, to allow with a Conditional Use Permit any use not set forth in Table 20-50 for designated City of San Jose Historic Landmark structures;
- (3) Section 20.40.100 of Chapter 20.40 to amend Table 20-90, Commercial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-90 for designated City of San Jose Historic Landmark structures;
- (4) Section 20.50.100 of Chapter 20.50 to amend Table 20-110, Industrial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-110 for designated City of San Jose Historic Landmark structures;
- (5) Section 20.70.100 of Chapter 20.70 to amend Table 20-140, Downtown Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-140 for designated City of San Jose Historic Landmark;
- (6) Chapter 20.80, Specific Use Regulations, to add a new part to establish regulations for uses of designated City of San Jose Historic Landmark structures.

(7) Section 20.90.220 of Chapter 20.90, Parking, to allow a reduction in the required parking for a designated City of San Jose Historic Landmark Structure; and

(8) Chapter 20.200, Definitions, to add a definition of Historic Landmark Structure.

OUTCOME

The proposed ordinance would: (1) allow the River Street area to use the Downtown Zoning District regulations and (2) permit a greater variety of uses in City designated Historic Landmark structures, facilitating their active use and preservation citywide.

BACKGROUND

Over the last couple of years, some of San Jose's historic buildings have been left vacant, leaving them vulnerable to fire or other destructive forces. By providing more flexible reuse of Historic Landmark structures, the City is hoping to encourage property owners to activate these structures with new uses.

Staff is taking the opportunity to combine the proposed reuse provisions with the expanded applicable boundary for the Downtown Zoning Districts into a single ordinance amending San Jose's Zoning Code (Title 20) for the Planning Commission and City Council's consideration.

ANALYSIS

The proposed ordinance is intended to: (1) extent the applicability of the Downtown Zoning Districts to the River Street Area and (2) provide greater flexibility and range of uses to occupy City Historic Landmark structures citywide.

River Street

The San Jose 2020 General Plan envisions the Downtown to have a vibrant mix of businesses, cultural, residential, and other uses. This vision is supported by the Downtown Zoning Districts, establishing regulations to foster the appropriate mix of uses, development standards, and other provisions. The proposed ordinance would expand the applicability of the Downtown Zoning Districts westward from Highway 87 to the River Street area, generally bounded by Julian, Guadalupe River, Santa Clara Street, and Highway 87. This ordinance would enable property owners within the River Street area to apply for the rezoning of property to one of the Downtown Zoning Districts. In particular, a rezoning application is pending for the southwest corner of River and Julian Streets to the Downtown Primary Commercial (DC) District should this enabling ordinance be adopted (see separate staff report for C10-008).

The Reuse of Historic Landmark Structures

Staff is proposing an ordinance amending Title 20 (Zoning Code) of the San Jose Municipal Code to foster the reuse of City Historic Landmark structures. Specifically, the ordinance would facilitate the continued use and occupancy of Historic Landmarks structures by allowing a wider variety of potential uses through the creation of a discretionary process (i.e., Conditional Use or Special Use Permit process) for the approval of uses not otherwise allowed in a particular Zoning District, as follows:

- For San Jose Historic Landmark structures within Residential Zoning Districts, additional uses beyond those in these Districts would be allowed subject to a Conditional Use Permit. Given the sensitivity and potential compatibility issues within Residential Zoning Districts, a Conditional Use Permit process is appropriate to provide for a public hearing before the Planning Commission and appeal before the City Council.
- For San Jose Historic Landmark structures within the Commercial, Industrial, or Downtown Zoning Districts, additional uses beyond those in these Districts would be allowed subject to a Special Use Permit. To facilitate economic development in concert with historic preservation, a Special Use Permit process is appropriate. A public hearing before the Planning Director and appeal to the Planning Commission would provide a streamlined and public process for such reuse.

Four findings would need to be made in addition to the required findings for Conditional and Special Use Permits respectively. These findings seek to ensure that the reuse of City Historic Landmark structures:

- Is compatible with surrounding uses,
- Will not adversely impact the structure,
- Complies with the US Secretary of Interior's Standards for the Rehabilitation of Historic Buildings, and
- Complies with the Uniform Building Code or the State Historic Building Code.

A fifth finding is required for a Conditional Use Permit for the reuse of a City Historic Landmark within a Residential Zoning District to ensure:

- That the reuse will not impair the integrity of the surrounding residential neighborhood or that the surrounding area is not predominately residential in character.

In accordance with San Jose Municipal Code Chapter 13.48 Historic Preservation, if exterior changes were made to a designated City Landmark building, the applicant would also have to obtain a Historic Preservation (HP) Permit. The HP Permit requires findings to be made regarding the treatment of the exterior of the building. In this way, the findings for the HP Permit together with the proposed reuse findings for the Conditional or Special Use Permit would provide protection to the Historic Landmark structure, its site, and its surroundings.

Parking requirements can be an impediment to the reuse of historic resources because the properties are not always large enough or configured in such a way that parking can be accommodated on-site. For this reason, the ordinance enables a reduction in the number of required parking spaces for the reuse of City Historic Landmark structures, assuming certain findings can be made as part of the Conditional or Special Use Permit.

Conclusion

The proposed ordinance intends to encourage the reuse of City Landmark structures by creating flexibility in use while protecting these unique resources through appropriate permitting processes and specific findings.

EVALUATION AND FOLLOW-UP

If the City Council approves the proposed ordinance, it would facilitate a private rezoning of property to the Downtown Primary Commercial (DC) Zoning District and would encourage the reuse of City Historic Landmark structures. Staff intends to promote the availability of these new provisions at the Permit Center, on the website, and in other ways pending available resources.

PUBLIC OUTREACH

Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice was sent to the property owners within the River Street area. The notice was also published in the Post Record. The notice included the Planning Commission and City Council hearing dates for the proposed ordinance revision. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public. This staff report has also been provided to the Historic Landmarks Commission.

In addition, on April 7, 2010 the Historic Landmarks Commission discussed the proposed ordinance pertaining to the reuse of Historic Landmark structures. Overall, the Commission expressed support of the proposal. They asked staff to consider requiring a Conditional Use Permit when the use would normally require a Conditional Use Permit, and to refer new uses that require any exterior changes to the Historic Landmarks Commission. Staff did consider both of the Commission's suggestions; however, given that the intent of the reuse ordinance is to facilitate the active use of City Landmark structures, staff continues to recommend a Conditional Use Permit for Landmark structures in the Residential Zoning Districts and a Special Use Permit in the Downtown, Commercial, and Industrial Zoning Districts. These permits provide the appropriate level of review and discretion.

With respect to referrals to the Historic Landmark Commission, the provisions of Chapter 13.48 of the Municipal Code indicate the circumstances under which a Historic Preservation (HP) Permit, HP Permit Amendment, or Adjustment is required. These requirements would remain in place with the proposed reuse provisions. For proposed reuse activities that would require a HP Permit in addition to a Conditional or Special Use Permit, the HP Permit would be referred to the

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Historic Landmarks Commission. It is important to note that the existing Title 13 provisions for HP Permit Amendments require that “such amendment does not alter the general character, use, or intensity of nor degrade the protections of the historic elements of a structure or site provided through the HP permit to be amended” (San Jose Municipal Code Section 13.48.330). Similarly, HP Permit Adjustments include “‘minor modifications’ to an HP permit [that] involve incidental construction, reconstruction, replacement, repair, remodeling, rehabilitation and/or restoration that does not affect the historic significance, use, intensity, general character, architectural style, circulation or other site function of the property” (San Jose Municipal Code Section 13.48.340 A). With these existing provisions in place and the proposed five findings required for the reuse of a City Historic Landmark structure, staff believes that the proposed ordinance provides the necessary protections for these unique resources while facilitating their reuse.

COORDINATION

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

CEQA

Use of the San Jose 2020 General Plan Environmental Impact Report, Resolution 65459.

/S/

JOSEPH HORWEDEL, Director

Department of Planning, Building and Code Enforcement

For more information please call Laurel Prevetti at 408-535-7901.

Attachment: Draft Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO INCLUDE AMENDMENTS TO: (1) SECTION 20.70.010 OF CHAPTER 20.70 TO EXPAND THE APPLICABILITY OF THE DOWNTOWN ZONING DISTRICTS TO THE AREA BOUNDED BY JULIAN STREET, THE GUADALUPE RIVER, SANTA CLARA STREET, AND ROUTE 87 AND MODIFY THE GEOGRAPHIC DESCRIPTION ACCORDINGLY; (2) SECTION 20.30.100 OF CHAPTER 20.30 TO AMEND TABLE 20-50, RESIDENTIAL DISTRICTS LAND USE REGULATIONS, TO ALLOW WITH A CONDITIONAL USE PERMIT ANY USE OF THE RESIDENTIAL DISTRICTS OR ANY USE OF THE CP COMMERCIAL PEDESTRIAN DISTRICT, EXCEPT VEHICLE-RELATED USES, FOR DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURES; (3) SECTION 20.40.100 OF CHAPTER 20.40 TO AMEND TABLE 20-90, COMMERCIAL DISTRICTS LAND USE REGULATIONS, TO ALLOW WITH A SPECIAL USE PERMIT ANY USE NOT SET FORTH IN TABLE 20-90 FOR DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURES; (4) SECTION 20.50.100 OF CHAPTER 20.50 TO AMEND TABLE 20-110, INDUSTRIAL DISTRICTS LAND USE REGULATIONS, TO ALLOW WITH A SPECIAL USE PERMIT ANY USE NOT SET FORTH IN TABLE 20-110 FOR DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURE REUSE; (5) SECTION 20.70.100 OF CHAPTER 20.70 TO AMEND TABLE 20-140, DOWNTOWN DISTRICTS LAND USE REGULATIONS, TO ALLOW WITH A SPECIAL USE PERMIT ANY USE NOT SET FORTH IN TABLE 20-140 FOR DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURES; (6) CHAPTER 20.80, SPECIFIC USE REGULATIONS, TO ADD A NEW PART TO ESTABLISH REGULATIONS FOR USES OF DESIGNATED CITY OF SAN JOSE HISTORIC LANDMARK STRUCTURES; (7) SECTION 20.90.220 OF CHAPTER 20.90 TO ALLOW A REDUCTION IN THE REQUIRED PARKING FOR A HISTORIC LANDMARK STRUCTURE, AND (8) CHAPTER 20.200, DEFINITIONS, TO ADD A DEFINITION OF A HISTORIC LANDMARK STRUCTURE

WHEREAS, on _____, 2010, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section _____ of the California Environmental Quality Act of 1970 and regulatory guidelines promulgated thereunder, all as amended, under File No. PP _____ (the "Exemption"); and

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

WHEREAS, this City Council has considered and approves said Exemption prior to acting upon 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 hereby amended to read in its entirety 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 a "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. Land uses not Permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not Permitted.
- E. 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 Jose Municipal Code.

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
One-family dwelling	P	P	P	C	Note 1, Section 20.30.110
Secondary dwelling	P	-	-	-	Section 20.30.150
Two-family dwelling	-	P	P	-	Note 2, Section 20.30.110
Multiple dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120
Mobilehome Parks	-	-	-	P	
Travel Trailer Parks	-	-	-	C	
Residential Care Facility, six or fewer persons	P	P	P	P	
Residential Care Facility, seven or more persons	-	-	C	C	
Residential Service Facility, six or fewer persons	P	P	P	P	
Residential Service Facility, seven or more persons	-	-	C	C	
Servants quarters attached to a one-family dwelling or attached to a garage structure	P	-	-	-	Note 3
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Single Room Occupancy Living Unit	-	-	C	-	Part 15, Chapter 20.80
Residential Accessory Uses and Improvements					
Accessory buildings and structures	P	P	P	P	Note 4, Section 20.80.200
Home Occupations	P	P	P	P	Part 9, Chapter 20.80
Entertainment and Recreation Related					
Equestrian and riding club	C	-	-	-	
Golf course	C	C	C	-	Note 5

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Private club or lodge	-	-	C	-	
Swim and tennis club	C	C	C	C	
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
School- elementary and secondary (Public)	P	P	P	-	
School- elementary and secondary (Private)	C	C	C	-	
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
General Services					
Bed & Breakfast	C	C	C	-	
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	Sections 20.30.130, 20.30.140 and 20.100.1300

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Wireless communication antenna, slimline pole	S	S	S	S	Sections 20.30.130, 20.30.140, and 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Sections 20.30.130, 20.30.140, 20.80.1910
Electrical Power Generation					
Stand-by/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 7
Facilities that do exceed noise or air standards	-	-	-	-	
Solar Photovoltaic System	P	P	P	P	Sections 20.100.610(C)(7) and 20.100.1030(A)(6)
Historic Reuse					
Historic Landmark Structure Reuse	C	C	C	C	Part 8.5 Chapter 20.80

Notes:

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one dwelling structure per lot in the R-2 District.
3. Only permitted in the R-1-1 Estate Residential District.
4. No lot may be used solely for an accessory structure or building.
5. No driving ranges or miniature golf facilities.
6. 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.

SECTION 2. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety 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.
- C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "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.
- E. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- F. 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 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 Jose Municipal Code.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	C O	C P	C N	C G	
General Retail					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales – beer and/or wine only	-	C	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	-	C	C	C	Section 20.80.900
Bakery, retail	-	P	P	P	
Food, beverage, groceries	-	P	P	P	
Nursery, plant	-	P	P	P	Note 1
Outdoor vending	-	A	A	A	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	See Title 6
Seasonal sales					Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	Section 20.40.140
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
Instructional art studios	-	P	P	P	
Instructional art studios, with live models	-	C	C	C	
Private Instruction, personal enrichment	-	P	P	P	
School- elementary and secondary (Public)	P	P	P	P	
School- elementary and secondary (Private)	-	C	C	C	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	C O	C P	C N	C G	
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					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Relocated Cardroom	-	-	-	C	Section 20.80.1155
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	-	P	P	P	Section 20.40.520
Wineries, Breweries	-	C	C	C	
Health and Veterinary Services					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	C O	C P	C N	C G	
Hospital/ in-patient facility	C	C	C	C	
Medical clinic/ out-patient facility	P	P	P	P	
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
General Services					
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 2
Mortuary and funeral services	P	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	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Office, general business	P	P	P	P	Section 20.40.110
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 (Publicly operated)	P	P	P	P	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	C O	C P	C N	C G	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Data Center	-	-	-	C	
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	C O	C P	C N	C G	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 7
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	A	A	P	
Facilities that do exceed noise or air standards	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	C O	C P	C N	C G	
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	
Auto broker, wholesale, no on-site storage	P	P	P	P	
Car wash, detailing	-	-	C	C	
Gas or charge station	-	C	C	P	Note 8
Gas or charge station with incidental service and repair	-	C	C	P	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	Note 13
Sale or lease, commercial vehicles	-	-	C	C	Note 13
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	S	P	Note 12, Note 13
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	Note 2
Sale, vehicle parts	-	C	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, Note 13
Historic Reuse					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

Notes Applicable to all Commercial Districts:

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) 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) No on site storage of vehicles permitted.
- (6) Make sure General Plan supports mixed use or residential.
- (7) Use must be less than twenty-four (24) hours.
- (8) No incidental repair or service permitted.
- (9) Incidental repair includes air conditioning service, carburetor & 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.
- (10) Non engine and exhaust related service and repair allowed as incidental.
- (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.

SECTION 3. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay or Combined Industrial/Commercial are indicated by a "C^{GP}" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

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- C. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- F. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote 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 Jose Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Industry					
Auction	C	C ^{GP}	C ^{GP}	C ^{GP}	
Industrial Services	-	-	P	P	
Laboratory, processing	P	P	P	P	
Manufacturing and Assembly					
Light	P	P	P	-	
Medium	P	P	P	P	
Heavy	-	-	-	P	
Research and Development	P	P	-	-	
Catalog and mail order	P	P	P	-	
Construction/Corporation yard	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	C	
Hazardous materials storage facility	-	-	C	C	
Hazardous waste facility	-	-	-	C	
Junkyard	-	-	-	C	
Miniwarehouse/ministorage	-	-	P	P	
Outdoor uses or storage, industrial	-	-	S	P	Section 20.50.210
Private power generation	C	C	C	C	
Stockyard, including slaughter	-	-	-	C	
Warehouse/Distribution Facility	P	P	P	P	
Wholesale sale establishment	P	S	P	P	
Additional Uses					
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	S	S	
Commercial support	-	P	-	-	Note 5, Section 20.50.110
General Retail					
Retail sales, goods and merchandise	P	-	-	-	Note 5, Section 20.50.110

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Retail art studio	P	-	-	-	
Alcohol, off-site sales – beer and/or wine only	C	-	-	-	Note 5, Section 20.50.110
Alcohol, off-site sales – full range of alcoholic beverages	C	-	-	-	Note 5, Section 20.50.110
Bakery, retail	P	-	-	-	Note 5, Section 20.50.110
Food, beverage, groceries	P	-	-	-	Note 5, Section 20.50.110
Nursery, plant	P	-	C	C	
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Large format commercial establishment	-	C ^{GP}	C ^{GP}	-	
Large format commercial establishment, associated commercial	-	C ^{GP}	C ^{GP}	-	Section 20.50.115
Warehouse retail	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	-	C	-	
Seasonal Sales	P	P	P	P	Part 14, Chapter 20.80
Education and Training					
Day care center	C	C ^{GP}	C ^{GP}	C ^{GP}	
School, driving (class A & B license)	-	-	P	P	
Instructional art studios	P	-	-	-	
Instructional art studios, live models	C	-	-	-	
Private instruction, personal enrichment	P	-	-	-	
School, post secondary	C	C	-	-	
School, trade and vocational	C	-	C	C	
Entertainment and Recreation Related					
Recreation, Commercial/Indoor	P	C ^{GP}	C ^{GP}	C ^{GP}	Note 5, Section 20.50.110
Relocated Cardroom	C ^{GP}	C ^{GP}	C ^{GP}	C ^{GP}	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C ^{GP}	C ^{GP}	
Food Services					

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	
Public eating establishments	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services					
Animal boarding, indoor	P	-	-	-	
Animal grooming	P	-	-	-	
Emergency ambulance service	C	C ^{GP}	C ^{GP}	C ^{GP}	
Medical clinic/ out-patient facility	P	C ^{GP}	-	-	Note 5, Section 20.50.110
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
General Services					
Crematory	-	-	C ^{GP}	C	Note 6
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	
Hotel/motel	P	C ^{GP}	-	-	
Laundromat	P	-	-	-	
Maintenance and repair, small household appliances	P	-	-	-	
Messenger services	P	-	-	-	
Personal services	P	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	
Printing and publishing	P	P	P	P	
Social Service Agency	-	C	C	C	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business support	P	-	-	-	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Financial institution	P	-	C ^{GP}	C ^{GP}	Note 5, Section 20.50.110
Office, general business	P	P	-	-	
Office, research and development	P	P	-	-	
Public, Quasi-Public and Assembly Uses					
Church/Religious Assembly	C	C ^{GP}	C ^{GP}	C ^{GP}	
Residential					
Emergency residential shelter, more than 50 beds	C	C ^{GP}	C	C ^{GP}	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C ^{GP}	C	C ^{GP}	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
Drive-Through Use					
Drive-through in conjunction with any use	C	C ^{GP}	C ^{GP}	C ^{GP}	
Recycling Uses					
Recycling processing facility	-	C	S	S	
Recycling transfer facility	-	C	S	S	
Large collection facility	-	-	-	P	
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Common carrier	-	-	C	P	
Common carrier depot	S	S	S	S	
Community television antenna systems	C	C	C	C	
Data center	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	C	
Parking establishment, off-street	C	C	C	C	
Television, radio studio	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Section 20.100.1300

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Wireless communication antenna	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Base Load Facility	-	-	-	C	
Stationary Peaking Facility	-	-	C	C	
Transportable Peaking Facility	-	-	C	C	
Private Power Generation Facility	C	C	C	C	
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise and air standards	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	
Temporary Stand-by-Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
Vehicle Related Uses					
Auto broker, wholesale, no on-site storage	P	P	-	-	
Car wash, detailing	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C ^{GP}	C ^{GP}	C ^{GP}	Note 2
Gas or charge station with incidental service and repair	P	C ^{GP}	C ^{GP}	C ^{GP}	Note 3
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	C	-	C	-	
Repair and cleaning of vehicles	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	C	-	
Vehicle tow yard	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	C	
Historic Reuse					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

Notes:

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP district subject to the limitation of the Commercial Support Use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.
6. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and daycare centers, which distance(s) shall be measured from the nearest points of the parcel boundary on which the crematory is proposed and the parcel boundary on which the residential, school or day care center is located.

SECTION 4. Section 20.70.010 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.70.010 Applicability

This Chapter shall only apply to properties with a zoning designation consistent with this Chapter and located within the area bounded by Julian Street, North Fourth Street, East Saint John Street, 7th Street, East San Fernando Street, South 4th Street, Interstate 280, Route 87, West Santa Clara Street, the Guadalupe River, West Julian Street, Route 87 the Union Pacific Railroad line and Coleman Avenue.

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

20.70.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.

- B. "Conditional" uses 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 as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "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.
- E. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- F. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space ("DG Area"), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.
- G. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.
- H. 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 Districts Land Use Regulations		
Use	Zoning District s	Applicable Notes & Sections

	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Offices and Financial Services					
Automatic Teller Machine	P	P		No parking	Section 20.80.200
Business Support	P	P	S, Note l	No parking	
Financial institution	P	P	S, Note i	2.5 per 1,000 sq. ft.*	
Financial Services	P	P	S, Note n	No parking	
Offices, business and administrative	P	P	S, Note j	2.5 per 1,000 sq. ft.*	Section 20.70.110
Research and development	P	P	-	2.5 per 1,000 sq. ft.*	Note 1
General Retail					
Alcohol, off-site sales – beer and/or wine only	C	C		No parking	Section 20.80.900
Alcohol, off-site sales – full range of alcoholic beverages	C	C		No parking	Section 20.80.900
Auction	S	-	-	No parking	
Food, beverage, groceries	P	P		No parking	
Open air sales establishments and areas	S	S		No parking	
Outdoor vending	S	S		No parking	Part 10, Chapter 20.80
Pawn Shop, Pawn Broker	C	C	Note b	No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Retail sales, goods and merchandise	P	P	Note a	No parking	
Seasonal sales	P	P		No parking	Part 14, Chapter 20.80
Education and Training					
Day care center	P	P	S, Note c	No parking	
Post-secondary School	P	P	-	1 per 360 sq. ft.	
Trade School	P	P	-	1 per 360 sq. ft.	
Personal enrichment, Instructional Art	P	P	-, Note d	1 per 360 sq. ft.	
School, elementary (grades K-8)	C	C	-	1 per teacher and employee	
High School (grades 9-12)	C	C	-	.75 per teacher and employee and 1 per each 10 students	
Entertainment and Recreation Related					
Amusement arcade	C	-	Note e	No parking	
Movie Theater	P	P		No parking	
Recreation Commercial/Indoor	P	P		No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Poolroom	S	-		No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Food Services					
Banquet facility	P	P	Note f	No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking establishments	C	C		No parking	
Entertainment as an incidental use to any General Retail or Food Services Use permitted in the Downtown Zoning Districts	P	P		No parking	Note 6
Public eating establishments	P	P		No parking	
Wineries, Breweries	C	C		No parking	
Health and Veterinary Services					
Animal grooming	P	P	-	No parking	
Animal Boarding, indoor	P	P	-	No parking	
Emergency ambulance service	C	-	-	No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Hospital/ in-patient medical facility	C	-	-	1.5 per doctor	
Medical or Dental Clinic/Out-patient facility	P	P	-	1.5 per doctor	
Veterinarian	P	P	-	1.5 per doctor	
General Services					
Bed and breakfast	P	P	S, Note m	.35 per room	Part 2, Chapter 20.80
Hotel/motel	P	P	-, Note m	.35 per room	
Maintenance and repair of household appliances	P	P	-	No parking	
Mortuary and funeral services	C	C	-	.75 per employee and vehicle	
Personal Services	P	P	Note g	No parking	-
Printing and Publishing	P	P	Note h	No parking	
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	-	No parking	
Cemetery	C	C	-	No parking	
Church/religious assembly	P	P		No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Information Center	P	P		No parking	
Museums, libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	Note k	No parking	
Residential					
Residential Shelter	C	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.*	
Live/work	P	S		1.5 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential Care Facility for 7 or more persons	C	C	-	.75 per employee	
Residential Services Facility for 7 or more persons	C	C	-	.75 per employee	
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Park 15, Chapter 20.80
Residential Accessory Uses					

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Accessory buildings and structures	P	P	-	No parking	Note 2
Recycling Uses					
Reverse vending	S	S	-	No parking	Note 3
Small collection facility	S	S	-	No parking	Note 3
Transportation and Communication					
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	-	N/A	Section 20.90.200
Parking establishment, off-street	P	P	-	N/A	
Private Electrical Power Generation Facility	C	C	-	1 for each vehicle used in the operation of such facility	
Standby Generators that do not exceed noise or air standards	A	A	-	N/A	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Temporary Stand-by/Backup generators	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S		N/A	
Radio & Television Studios	S	-	C	No parking	
Wireless communication antenna	S	-	-	No parking	Section 20.80.1900
Wireless communication antenna, building mounted	P	-	-	No parking	Section 20.80.1900
Electrical Power Generation					
Solar Photovoltaic System	P	P	-	No parking	Section 20.100.610(C)(7)
Vehicle Related Uses					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gas or charge station	P	-	-	No parking	Note 3

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	D C	DC- NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Gas or charge station with incidental service and repair	P	-	-	No parking	Note 3
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 5
Sale, vehicle parts, new	P	-	-	No parking required	
Historic Reuse					
Historic Landmark Structure Reuse	S	S		Section 20.90.220 .E	Part 8.5 Chapter 20.80

Notes:

Notes applicable to the DG Area only:

- (a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
- (b) Only as a use incidental to a retail jewelry store, otherwise, not permitted.
- (c) Only as a use incidental to existing on-site office use, otherwise not permitted.
- (d) Culinary/Art School with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- (e) Allowed only as an incidental use to other allowed recreation uses.

- (f) Only as a use incidental to restaurant, grocery or bakery uses for primarily on site sales, otherwise not permitted.
- (g) Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
- (h) Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- (i) Only if dedicated primarily to on-site retail customer services, otherwise not permitted.
- (j) Exception for travel agencies and real estate agencies which are the only permitted uses.
- (k) Community centers are not allowed.
- (l) Exception for copy shops and mail centers which are the only permitted uses.
- (m) Use of ground floor to be primarily dedicated to customer-related public services.
- (n) Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use.

Notes applicable to Downtown Core (DC) Zoning District, including DG Area:

- (1) Excludes manufacturing uses.
- (2) No lot may be used solely for an accessory structure or building.
- (3) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (4) All activity must be conducted indoors.
- (5) Non-engine and exhaust related service and repair allowed as incidental use.
- (6) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.

- * Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.5 spaces per 1,000 square feet when BART is opened.

Fifteen percent (15%) of total parking requirement must be provided off-site.

SECTION 6. Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read in its entirety as follows:

Part 8.5

HISTORIC LANDMARK STRUCTURE RE-USE

20.80.2100 Intent, Historic Landmark Structure Re-use

The intent of this Part is to facilitate the continued use and occupancy of Historic Landmark Structures by allowing a wider variety of potential uses through the creation of a discretionary process for the approval of uses not otherwise allowed in a particular District.

20.80.2120 Applicability and Permit Process

- A. In any Residential District, additional uses beyond those allowed in the applicable District are allowed in or at a Historic Landmark Structure subject to a Conditional Use Permit as delineated in Part 6 of Chapter 20.100 Administration and Permits. Such additional uses shall be limited to permitted and conditional uses of any other Residential District and permitted or conditional uses of the CP Commercial Pedestrian District, except vehicle-related uses.

- B. In a Commercial, Industrial or Downtown Districts additional uses beyond those allowed in the applicable District are allowed in or at a Historic Landmark Structure subject to a Special Use Permit, as delineated in Part 7 of Chapter 20.100, Administration and Permits.

20.80.2130 Additional Findings, Historic Landmark Structure Re-use

- A. In addition to any findings required by any other section of this Title, the Director, or Planning Commission on appeal, may issue a Special Use Permit, and the Planning Commission, or City Council on appeal, may issue a Conditional Use Permit, all pursuant to the provisions of this Title, for use of a Historic Landmark Structure only if all of the following additional findings also can be made:

1. The proposed use of the Historic Landmark Structure is compatible with surrounding uses; and
 2. The proposed use of the Historic Landmark Structure will not cause adverse impacts to the Historic Landmark Structure; and
 3. Any changes proposed to the Historic Landmark Structure, or the site on which this Historic Landmark Structure is located, as part of a project will comply with the United States Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings; and
 4. The proposed re-use of the Historic Landmark Structure complies either with the Uniform Building Code or the State Historic Building Code; and
 5. If the Historic Landmark Structure is located in a Residential District, the proposed re-use of the Historic Landmark Structure will not impair the integrity of the surrounding residential neighborhood or the surrounding area is not predominately residential in character.
- B. The Director, or Planning Commission on appeal, or the Planning Commission, or City Council on appeal, as applicable, shall deny the development permit application where the decision-maker cannot make any one of the findings set forth in Subsection A above, or other required finding under this Title, based upon substantial evidence in the record.

SECTION 7. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.220 Reduction in Required Off-Street Parking Spaces

- A. Alternative Transportation

1. A reduction in the required off-street parking spaces of up to ten percent (10%) may be authorized with a Development Permit for structures or uses located within 2,000 feet of a proposed or an existing rail station, and areas designated as neighborhood business districts in the City's General Plan. If no Development Permit is required, a development exception may authorize a reduction.

B. One-family Dwellings

1. A reduction in the required off-street parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling occupies the lot; and
 - c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line when the garage is accessed via a curb cut from the front property line and forty (40) feet from the side corner property line when the garage is accessed via a curb cut from the corner side property line; and
 - d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
 - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
 - f. No additional paving in the front setback shall be designated or used for parking; and

- g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
- h. The covered parking structure shall meet all other applicable regulations of this Title.

C. Ground Floor Uses in Neighborhood Business Districts

- 1. The off-street parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one (1) space per four hundred (400) square feet of floor area, provided all of the following requirements are met:
 - a. The site is designated on the San Jose 2020 General Plan Land Use Transportation Diagram with the Neighborhood Business District Overlay, and
 - b. The use is located on the ground floor of a building, and
 - c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this Chapter.

D. Miniwarehouse/Ministorage

- 1. A reduction in the required off-street parking may be authorized with a Development Permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
 - a. Buildings are single story, and

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

E. Other Uses

- 1. A reduction in the required off-street parking for SROs, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, senior housing uses, indoor recreation uses, performing arts rehearsal space uses, performing arts rehearsal space uses, and Historic Landmark Structure reuses may be approved with a Development Permit provided that such approval is based upon the findings in Subsection B of Section 20.90.200.

SECTION 8. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

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20.200.515 Historic Landmark Structure

A "Historic Landmark Structure" means a building or structure that the City Council has designated a historic landmark on the Historic Resources Inventory or a building or structure individually listed on the California or National Register. A Historic Landmark Structure includes the parcel on which the structure is located.

PASSED FOR PUBLICATION of title this day of , 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk