

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO AMEND PORTIONS OF CHAPTERS 20.10, 20.30, 20.40, 20.50, 20.70, 20.75, 20.80, 20.90, 20.100, AND 20.200 TO FACILITATE ECONOMIC DEVELOPMENT GOALS, TO ESTABLISH REGULATIONS FOR THE SITING OF ABOVE-GROUND STORAGE TANKS, TO PROVIDE GREATER FLEXIBILITY IN CONNECTION WITH MINOR ADDITIONS TO EXISTING NON-RESIDENTIAL BUILDINGS, TO ALLOW CERTAIN VEHICLE LEASING ACTIVITIES IN THE CG-COMMERCIAL GENERAL ZONING DISTRICT, TO CLARIFY REGULATIONS PERTAINING TO INCIDENTAL ELECTRIC VEHICLE CHARGING STATIONS, TO ALLOW CERTAIN DRINKING ESTABLISHMENTS CONTAINED WITHIN FULL-SERVICE HOTELS OR MOTELS, TO PROVIDE FOR THE INSTALLATION OF TANKLESS WATER HEATERS AND ENERGY POWER INVERTERS, TO EXPAND THE ABILITY TO USE TEMPORARY USE TRAILERS, TO PROVIDE FOR THE NEIGHBORHOOD AGRICULTURE USE IN SPECIFIED CIRCUMSTANCES, TO ALLOW HIGHER DENSITIES WITHIN THE R-M MULTI-FAMILY RESIDENTIAL DISTRICT, TO CLARIFY REGULATIONS AND PROVIDE GREATER FLEXIBILITY FOR RESIDENTIAL USES IN RESIDENTIAL AND MAIN STREET ZONING DISTRICTS, TO STREAMLINE PERMITTING PROCESSES FOR THE CONVERSION OF TWO-FAMILY DWELLING UNITS TO ONE-FAMILY DWELLING UNITS, TO UPDATE THE BOUNDARIES OF THE DOWNTOWN ZONING AREA, AS WELL AS TO MAKE OTHER CLARIFYING OR MINOR TECHNICAL AMENDMENTS THROUGHOUT

WHEREAS, the environmental impacts of this action were disclosed in that certain Final Environmental Impact Report prepared for the San José 2020 General Plan pursuant to the requirements of the California Environmental Quality Act of 1970, together with related state and local guidelines promulgated thereunder (the “FEIR”), which FEIR was certified and related findings were adopted on August 16, 1994 by City Council Resolution No. 65459; and

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

WHEREAS, in connection with this Ordinance, the City Council has read and considered the FEIR, together with related City Council Resolution No. 65459, 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 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					
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

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
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
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	-	
<u>Neighborhood Agriculture</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Part 9, Chapter 20.80</u>
Transportation and Utilities					

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
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
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 6
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 20.30.200 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.200 Development Standards

All development in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-60.

Table 20-60 Residential Zoning Districts Development Standards								
Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Minimum Lot Area (square feet or acreage)	5,445	8,000	20,000	43,560	5 acres	5,445	6,000	6,000
Minimum Lot Area per living unit (square feet)							1,750	
Minimum Setback (feet)								
Front	25	25	30	30	50	20	15	15

Table 20-60 Residential Zoning Districts Development Standards								
Regulations	Zoning District							
	R-1-8	R-1-5	R-1-2	R-1-1	R-1-RR	R-2	R-M	R-MH
Side, Interior	5	5	15	20	20	5	5	5
Side, Corner	12.5	12.5	15	20	30	10	7.5	7.5
Rear, Interior	20	20	25	25	30	25	25	25
Rear, Corner	20	20	25	25	30	25	15	15
Minimum Driveway Length (feet)	23	23	23	23	23	<u>23</u>	<u>23</u>	<u>23</u>
Maximum Height (feet) <u>(Notes 1 and 2)</u>	35	35	35	35	35	35	45	45
Maximum Number of stories <u>(Note 3)</u>	2.5	2.5	2.5	2.5	2.5	2.5	3	3
Parking	See Chapter 20.90							
<u>Floor Area Ratio</u>	<u>See Part 9 of Chapter 20.100 for Single Family House Permit criteria that may apply.</u>							

Notes:

1. Refer to Part 9 of Chapter 20.100 regarding Single Family House Permit requirements and Section 20.200.510 regarding the definition of "height."
2. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions in this Section.
3. Refer to Section 20.200.120 regarding the definition of "basement"; refer to Section 20.200.120 regarding the definition of "story; and refer to Section 20.200.1220 regarding the definition of "half story".

SECTION 3. Section 20.30.240 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.240 Front Setback - Block Average Exception

~~Except as may be hereinafter otherwise provided, i~~n the R-1-8, R-1-5, R-2, and R-M Residence Districts, when lots comprising forty percent or more of the frontage on one side of a street between two intersecting streets have been developed with buildings having an average front setback with a variation in depth of not more than 10 feet, but less than the minimum front setback required by Section 20.20.200, the minimum front setback applicable to such lots shall be said existing average rather than the setbacks as otherwise referenced in this Title, ~~provided that this provision shall never be deemed to require a front setback of more than fifty feet for any such lot~~. No additional exceptions to the front setback are allowed to further reduce the front setback.

SECTION 4. Section 20.30.300 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

20.30.300 Maximum Height — Exception for Chimneys or Architectural Embellishments

In the R-1, R-2 and R-M Residence Districts, the maximum height of a chimney, weather vane or other similar architectural embellishment mounted on a building and having a horizontal cross section of no more than 20 square feet may be increased to forty (40) feet provided that it does not exceed the height of the building on which it is mounted by more than five (5) feet.

SECTION 5. Section 20.30.310 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.310 Minor Addition - Exception

~~The Building Inspector may Permit o~~ne-story additions ~~to~~ may be erected with the same side setback as an existing structure subject to the following restrictions:

1. No such addition shall reduce, or further diminish a nonconforming setback.
2. The total square footage of ~~No~~ such addition shall be no more than the square footage of the existing areas encroaching within the nonconforming

~~side setback area or 150 square feet in area, whichever is less, within the nonconforming setback area.~~

3. Said addition is a single-story addition and shall not exceed 20 feet in height.
4. Only one such addition shall be Permitted.

SECTION 6. Section 20.30.400 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.400 Setback Areas - Setback Area to be kept Open, Unobstructed, and Unoccupied

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

1. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area;
2. In the R-1-2, R-1-1 and R-1-RR districts only, sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than four (4) feet into the air space above the surface of the ground in any setback area;
3. Any portion of a building (including, but not limited to Bay windows, on a foundation or cantilevered, or chimneys, and bump outs, whether on a foundation or cantilevered) of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum side setback of at least three (3) feet and a rear setback of at least fifteen (15) feet;
4. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any setback area;
- 4.5. Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of

the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum side setback of three (3) feet and a rear setback of fifteen (15);

- 5.6. Overhead wires necessary for utility service to a building on the lot;
- 6.7. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot; and
- 7.8. Walks and driveways for vehicular or pedestrian access to the lot provided that ~~in the R-M Residence district, no part of any such walk or driveway are~~ situate in any setback area which abuts upon a public street shall be no more than two feet above nor more than one foot below ~~the surface grade of the public street on which such setback area abuts. As used in the preceding sentence "surface grade" shall mean the average grade at top of curb, or if there is no curb then at the centerline, of that linear portion of the public street which abuts such setback area.~~
- 8.9. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may be placed in the rear setback and must maintain a five (5) foot setback from the rear property line, maintain a setback from the side property line a distance equal to that of the side setback requirements of the respective zoning district, and adhere to the required front setback of the respective zoning district.

SECTION 7. Section 20.30.500 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.500 Development Standards

- A. All accessory buildings and structures in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-70.
- B. When the right column of Table 20-70 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply.

Table 20-70 Accessory Buildings and Structures Development Regulations		
Front Setback (feet)		
retaining walls	none	
swimming pool, built-in	30	
detached garage on a lot with two intersecting front property lines	25	Note 1
all other accessory buildings and structures	60	
Side Setback (feet)		
swimming pools, built-in		
interior lot	5	
corner lot	9	
all other accessory buildings and structures	none	Notes 2,3
Rear Setback (feet)		
swimming pools, built-in	5	
all other accessory buildings and structures	none	Notes 2,3
Height (feet)		
retaining wall	2	Note 4
all other accessory buildings and structures	12	Note 5
Maximum number of stories	1	
Maximum size (<u>cumulative</u> square feet)	650	Notes 6, 7, 8

Notes:

1. Measured from front property line which is opposite the designated side property line.
2. On a corner lot, no accessory buildings or structures shall be built within ten (10) feet of the side property line of the street side.
3. With respect to accessory buildings or structures, where any such building or structure is proposed to be constructed on a corner lot which abuts upon a key lot which is for residential use, such building shall be set back not less than four feet from the rear line of such lot, provided that the setback for swimming pools shall not, in any event, be reduced to less than five feet.
4. Maximum height of two (2) feet measured from existing grade, unless a greater height is otherwise approved with a Development Permit.
5. No accessory building or structure shall exceed twelve (12) feet in height except that, for an accessory building or structure with a sloped roof, the height halfway up

- any slope of a pitched, gable or hip roof may not exceed 12 feet and, in no case, may any portion of the roof exceed a height of sixteen (16) feet.
6. The maximum square footage may be increased pursuant to a Special Use Permit, as provided for in Chapter 20.100 of this Title.
 7. The total aggregate square footage of all accessory building~~(s)~~ and structures built on any property in any R-1 or R-2 Residence Zoning Districts shall not exceed six hundred fifty (650) square feet unless the owner has obtained a Special Use Permit, as provided for in Chapter 20.100 of this Title. For purposes of this Section, the calculation of square footage shall not include any square footage of an accessory building or structure that is entirely below grade.
 8. Per Section 20.200.020, an accessory building shall not contain living space or sleeping quarters, and shall be limited to two (2) plumbing connections to serve an appliance or fixture, and unconditioned space as defined in Title 24 of the San Jose Municipal Code.

SECTION 8. 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.
- 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
	CO	CP	CN	CG	
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	
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					

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
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	
<u>Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 20.80.475</u>
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	
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					
Bail Bond Establishment – Outside Main Jail Area		P	P	P	Part 1.5, Chapter 20.80
Bail Bond Establishment – Within Main Jail Area		P	P	P	Note 14; Part 1.5, Chapter 20.80

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
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	
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 residential/ 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

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
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	
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	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
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, Note 15
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	CP	Note 2 Part 13.6 of Chapter 20.80
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 [in the CP and CN Zoning Districts](#).
- (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.
- (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) Pedestal 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.

SECTION 9. Section 20.40.400 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

20.40.400 Setback Areas - Open, Unobstructed, and Unoccupied

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

1. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area;

2. ~~Any portion of a building (including but not limited to bay windows, on a foundation or cantilevered, or chimneys, of up to ten (10) feet in length each, or bump outs, whether on a foundation or cantilevered)~~ not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building ~~on which they are located~~, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum setback of at least three (3) feet;
3. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any setback area;
- ~~3.4.~~ Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum setback of three (3) feet;
- ~~4.5.~~ Overhead wires necessary for electrical and telephone service to a building on the lot;
- ~~5.6.~~ Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the lot or of a building on the lot; and
- ~~6.7.~~ Walks and driveways for vehicular or pedestrian access to the lot.

SECTION 10. Section 20.50.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.100 Allowed Uses and Permit Requirements

- A. “Permitted” land uses are indicated by a “P” on Table 20-110.
- B. “Permitted” uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial, Mixed Industrial Overlay, or, in the case of Hotel/Motel establishments, which may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay are indicated by a “P^{GP}” on Table 20-110.

CB. “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 or, in the case of Hotel/Motel establishments, may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay 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.

DG. “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.

ED. “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.

EE. Land uses not permitted are indicated by a “-” on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.

GF. 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	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Commercial support	-	P	-	-	Note 5, Section 20.50.110
General Retail					
Retail sales, goods and merchandise	P	-	-	-	Note 5, Section 20.50.110
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	-	-	-	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
School, post secondary	C	C	-	-	
School, trade and vocational	C	-	C	C	
Entertainment and Recreation Related					
Recreation, Commercial/Indoor	P	C ^{GP}	C ^{GP}	E ^{GP}	Note 5, Section 20.50.110
Relocated Cardroom	C ^{GP}	C ^{GP}	C ^{GP}	E ^{GP}	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C ^{GP}	E ^{GP}	
Food Services					
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	
<u>Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms</u>	<u>P</u>	<u>P^{GP}</u>	<u>-</u>	<u>-</u>	<u>Section 20.80.475</u>
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}	E ^{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	-	-	-	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
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	-	-	-	
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					

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
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
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	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
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, Note 7
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.
7. Pedestal 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 industrial zoning districts.

SECTION 11. Section 20.50.220 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.220 Late Night Use and Activity

- A. No ~~establishment other than~~ retail ~~commercial uses, establishment~~ in any ~~i~~Industrial ~~e~~District shall be open between the hours of 12:00 midnight and 6:00 a.m. except pursuant to and in compliance with a ~~e~~Conditional ~~u~~Use ~~p~~Permit as provided in [Chapter 20.100](#).
- B. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty (150) feet of any residentially zoned property between the hours of 12:00 midnight and 6:00 A.M. except pursuant to and in compliance with a Conditional Use Permit as provided in Chapter 20.100.

SECTION 12. Section 20.50.270 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.270 Setback Areas - Open, Unobstructed, and Unoccupied

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

1. Sills, eaves, belt courses, cornices, canopies, and other similar architectural features may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area;
2. Any portion of a building (including but not limited to bay windows, on a foundation or cantilevered, or chimneys, of up to ten (10) feet in length each and bump outs, whether on a foundation or cantilevered); not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building ~~on which they are located~~, may project horizontally for a distance of not more than two (2) feet into any setback area, provided that such extensions maintain a minimum setback of at least three (3) feet;
3. Tankless water heaters and power inverters may project horizontally for a distance of not more than two (2) feet into any setback area;
- 3.4. Wells for basement windows or stairs of up to ten (10) feet in length each, not occupying in the aggregate more than twenty percent (20%) of the length of the side of the building on which they are located, may project horizontally for a distance of not more than two (2) feet into the side and rear setback area, provided that such extensions maintain a minimum setback of three (3) feet;
- 4.5. Overhead wires necessary for electrical and telephone service to a building on the lot;
- 5.6. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the lot or of a building on the lot; and
- 6.7. Walks and driveways for vehicular or pedestrian access to the lot.

SECTION 13. Section 20.70.010 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.010 Applicability

This Chapter shall ~~only~~ apply only to properties with a zoning designation consistent with this Chapter and located within the Downtown aArea bounded by Julian Street, North Fourth Street, East St. 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, Stockton Avenue, Taylor Street and Coleman Avenue, which area is sometimes referred to as the Downtown Zoning Area.

SECTION 14. 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. “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.
- C. “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, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission’s report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. “Special” uses are indicated by a “S” on Table 20-140. 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.
- E. “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.

- F. Land uses not permitted are indicated by a “-” on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- G. 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.
- H. 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.
- I. 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 Districts		Applicable Notes & Sections		
	DC	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	
Retail sales, goods and merchandise	P	P	Note a	No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
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	
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	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
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	-		<u>No Parking</u>	Note 7
<u>Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms</u>	<u>P</u>	<u>P</u>		<u>No parking</u>	<u>Section 20.80.475</u>
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	
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	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
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	
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

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Single room occupancy hotel	S	S	-	.6 per room	Park 15, Chapter 20.80
Residential Accessory Uses					
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	
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	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
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, Note 8
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.

(7) Maximum occupancy load shall be that maximum occupancy load determined by the City Fire Marshall.

(8) Pedestal 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 downtown zoning districts.

- * 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 15. Section 20.75.020 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.020 MS Main Street Districts

A. Applicability

The MS Main Street Districts as established by Section 20.10.060 shall be applicable only to properties located within the Alum Rock Neighborhood Business District, as that District is described and identified in the ~~San Jose 2020~~ General Plan (as the same may be updated and/or amended from time to time).

B. Purpose

The MS Main Street Districts are intended to provide a pedestrian-oriented commercial shopping district with ground-floor retail along the Main Street in a configuration that supports transit and other alternative travel modes including bicycles, car share and vanpools. The MS Districts require transparent storefronts at the ground level to accommodate active commercial uses and orient buildings to a wide ~~p~~Pedestrian ~~z~~Zone that connects businesses along the street, allows for outdoor cafés, accommodates bicycle parking facilitates, provides access to transit and connects with pedestrian and bicycle facilities in the surrounding neighborhood.

1. MS-G Main Street Ground Floor Commercial District. The MS-G Main Street Ground Floor District is intended to provide a mix of commercial and residential uses integrated in a pedestrian-oriented design with a

focus on active commercial uses at the ground level along the Main Street Frontage.

2. MS-C Main Street Commercial District. The MS-C Main Street Commercial District is intended to provide a concentration of primarily commercial uses within a pedestrian-oriented design, and allows a mix of commercial and residential uses only where such uses can be integrated on a large site in a pedestrian-oriented design that maximizes commercial opportunities.

C. Street Designations

1. Street Designations. The following street designations shall apply to streets within the Main Street Districts:
 - a. Main Street. The Main Street designation shall apply to the commercial street or streets which provide primary public access to the business district. Lots with frontage on and direct access to a Main Street shall be considered to have a Main Street Frontage.
 - b. Major Cross Street. The Major Cross Street designation shall apply to an arterial street that intersects the Main Street or to any other street that is primarily non-residential in character and where commercial uses would generally be expected to front onto the street. Lots with frontage on and direct access to a Major Cross Street shall be considered to have a Major Cross Street Frontage.
 - c. Minor Cross Street. The Minor Cross Street designation shall apply to a neighborhood or neighborhood collector street that intersects the Main Street or to any other neighborhood street where commercial uses are appropriate. Lots with frontage on and direct access to a Minor Cross Street shall be considered to have a Minor Cross Street Frontage.
 - d. Residential Street. The Residential Street designation shall apply to a street that is primarily residential in character that does not intersect the Main Street. Lots with frontage on and direct access to a Residential Street shall be considered to have a Residential Street Frontage.
2. Street Hierarchy. The Street Designations in this Section are related to each other in a hierarchical manner as indicated below:

- a. First priority – Main Street
- b. Second priority – Major Cross Street
- c. Third priority – Minor Cross Street
- d. Forth priority – Residential Street

For a parcel with two or more street frontages, the higher priority street shall be considered the primary street and those regulations shall govern as identified in this Chapter.

SECTION 16. Section 20.75.105 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.105 Lot Size

- A. The minimum lot size shall be 6,000 square feet.
- B. Notwithstanding, the provisions of Subsection 20.75.105.A, in the Pedestrian Oriented Districts, the minimum area of a lot, whose area as shown on a final subdivision map approved by the City, is less than the minimum required but not less than 5,000 square feet, shall be the area shown for such lot or parcel on such subdivision map.
- C. The minimum unit size for a non-residential condominium space shall conform to the requirements of Subsection 20.175.042.B.

SECTION 17. Section 20.75.110 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.110 Building Placement

- A. Building placement and building setbacks shall conform to the regulations set forth in Table 20-151.

<p>Table 20-151 MS-G and MS-C Main Street Districts Required Build-to-Lines and Setbacks</p>

Regulations	Main Street or Major Cross Street Frontage	Minor Cross Street Frontage	Residential Street Frontage	Notes and Sections
Front build-to-line	5 feet- from front lot line	2 feet- from front lot line	<u>15 feet from front lot line</u>	<u>Subsections 20.75.110.B & 20.75.110.C</u>
Front setback	10 ft. maximum	10 ft maximum		
Percent of building façade that is required to be located on the build-to-line or set back no more than one (1) foot from the build-to-line ¹	70% minimum	30% minimum		
Side interior setback ²	None	None		
Minimum <u>Setback</u> from any lot line adjacent to a property located in a Residential Zoning District ³	15 feet- <u>Minimum</u>	15 feet- <u>minimum</u>	<u>15 feet</u>	<u>Subsection 20.75.120.A</u>
Setback from any other lot line	Conform to Building Code <u>None</u>	Conform to Building Code <u>None</u>	<u>None</u>	<u>Note 1</u>

Notes:

1. ~~See Section 20.75.110.B.1.~~
2. ~~See Section 20.75.110.B.5~~
3. ~~See Section 20.75.110.B.4~~ Building Code setbacks may apply.

B. Building Placement Requirements and Exceptions

Building placement shall conform to the following:

1. 1. The front build-to-line shall apply to that portion of a building located below the elevation of the fifth finished floor.

2. No portion of the building shall be located within the minimum setback area between the build-to-line and the street except as expressly allowed in Section 20.75.~~120~~130.A.
3. For purposes of calculating the percentage of building façade located at the build-to-line, a window that is inset from the surrounding building façade shall be assumed to be at the same plane as the surrounding building façade.

C. Buildings with a Residential Street Frontage shall conform to the following:

1. That portion of a building façade located below the elevation of the second finished floor, except recessed building entries, windows and balconies, shall be located on the build-to-line.
2. No portion of the building shall be located within the minimum setback area between the build-to-line and the street except as expressly allowed in Section 20.75.130.B.

SECTION 18. Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended by adding a Section to be numbered and entitled and to read as follows:

20.75.115 Building Placement Exceptions

1. Notwithstanding the provisions of Table 20.151, in Section 20.75.110 the decision-maker may approve a building fronting onto a Main Street, Major Cross Street or Minor Cross Street Frontage with a front setback that is greater than the maximum front setback set forth in Table 20.151, based on a finding that a greater setback is needed in order to provide one or more recessed pedestrian entries or a pedestrian plaza, or to accommodate pedestrian ramps in a flood zone.
2. Notwithstanding the provisions of Table 20.151 in Section 20.75.110, the decision-maker may approve a building on a Main Street or Cross Street Frontage with less than seventy (70) percent of the building façade located at the building-to-line based on a finding that such a reduction is needed to accommodate recessed pedestrian entries at the ground level or residential balconies at the elevation of the second finished floor or above.

3. Notwithstanding the provisions of Table 20-151 in Section 20.75.110, no setback is required from that portion of a property situated in a Residential Zoning District that is located less than 100 feet from the Main Street.
4. Notwithstanding the provisions of Table 20.151 in Section 20.75.110, an interior side setback of less than five feet, but greater than zero, shall be allowed to accommodate Title 24 requirements regarding building expansion.

SECTION 19. Section 20.75.120 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.75.120 Setback Regulations

A. Front Build-to-Line Setback Requirements

1. Applicability. All development on lots with frontage on a Main Street, Major Cross Street or Minor Cross Street shall conform to the build-to-line and pedestrian zone setback requirements of this Subsection.
2. Purpose. The Pedestrian Zone consists of a minimum ten-foot sidewalk and a private property building setback . The regulations of this Section for the front building setback are intended to promote an active, safe and attractive pedestrian zone.
3. Pavement. The area between the sidewalk and the Build-to-line shall be paved to match the sidewalk.
4. Encroachments. The front setback area between the sidewalk and the build-to-line shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground and below the surface of the ground by all buildings, structures, fences, ramps, or equipment, except as follows:
 - a. Signs, lighting, sills, eaves, belt courses, cornices, canopies, awnings, and other similar architectural features located a minimum of eight (8) feet above grade; and
 - b. Walks and driveways for vehicular or pedestrian access to the lot that are at the same elevation as the adjacent public sidewalk; and

- c. Overhead wires necessary for utility service to a building on the lot; and
- d. Underground lines necessary for utility service to the site; and
- e. Utility structures located entirely below grade; and
- f. Planters or planting beds, extending not more than 18 inches into the setback area and no more than 18 inches in height above grade; and
- g. Movable tables, chairs, umbrellas, outdoor heaters, and retail displays; and
- h. Moveable partitions or planters to define an outdoor seating area subject to approval of a Development Permit or Permit Adjustment; and
- i. Bicycle racks; and
- ~~j. Balconies located at or above the elevation of the third finished floor that project no more than three (3) feet into the airspace above the Pedestrian Zone ~~minimum~~ setback.~~
- ~~k. Residential stoops on a Minor Cross Street Frontage that extend into the Pedestrian Zone Setback a distance of no more than two (2) feet.~~

B. Requirements for All Other Setbacks

Except as otherwise expressly and specifically provided in Subsection 20.75.120.A, every part of every setback area shall be kept open, unobstructed, and unoccupied on the surface of the ground, above the surface of the ground, and below the surface of the ground by all buildings or structures except as follows:

- 1. Lighting, sills, eaves, belt courses, cornices, canopies, awnings may project horizontally for a distance of not more than two (2) feet into the air space above the surface of the ground in any setback area, and three (3) feet into the air space above the surface of the ground in the front setback area of a Residential Street Frontage; and

2. On a Residential Street Frontage, balconies may project horizontally for a distance of not more than three (3) feet into the air space above the surface of the ground in the front setback area; and
3. Unenclosed porches, whether or not they are covered, may extend into the minimum front setback area of a Residential Street Frontage not more than eight (8) feet, provided that such porches cover no more than fifty (50) percent of the setback area. Stairs that are uncovered and unenclosed may extend not more than twelve (12) feet into the minimum setback area.
4. Overhead wires necessary for utility service to a building on the lot; and
35. Underground lines necessary for the sewerage, drainage, plumbing, water, gas, and electrical and other utility needs of the lot or of a building on the lot; and
64. Walks and driveways for vehicular or pedestrian access to the lot provided that no part of any such walk or driveway situate in any setback area which abuts upon a public street shall be more than two feet above nor more than one foot below the surface grade of the public street on which such setback area abuts. As used in the preceding sentence "surface grade" shall mean the average grade at top of curb, or if there is no curb then at the centerline, of that linear portion of the public street which abuts such setback area; and
- 5-7. Mechanical equipment, including but not limited to, pool equipment and HVAC equipment, may not be placed in a front setback area.

~~C. Stairs and Porches~~

~~Unenclosed porches, whether or not they are covered, may extend into the minimum front setback area of a Residential Street Frontage not more than five (5) feet, provided that such porches cover no more than fifty (50) percent of the setback area. Stairs that are uncovered and unenclosed may extend not more than eight (8) feet into the minimum setback area.~~

SECTION 20. Section 20.75.140 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

20.75.130 Building Frontage Requirements

A. ~~A.~~ Active Commercial Building Frontage and Residential Building Frontage shall be provided in conformance with the regulations set forth in Table 20-152. “Active Commercial Building Frontage” means building space adjacent to a street at the ground level of a building that is designed for retail or other customer-oriented commercial use. Such space shall not include vehicle parking, service areas, utility facilities, residential uses, or residential support uses such as lobbies, resident laundry rooms and resident work-out facilities. “Residential Building Frontage” means building space designed for residential dwelling units located on a Residential Street Frontage in a Pedestrian Oriented Zoning District.

Table 20-152 MS-G and MS-C Main Street Districts Building Frontage Requirements	
Lot Type	Minimum Required Active Ground-floor Commercial Building Frontage
Main Street Frontage	
Corner lots	65% of the first 100 linear feet of site frontage plus 75% of any additional site frontage beyond the first 100 linear feet
Interior lots – frontage of 100 linear feet or more	60% of the first 100 linear feet of site frontage and 75% of site frontage beyond the first 100 linear feet
Interior lots – frontage of less than 100 linear feet	50% of the first 50 linear feet of site frontage plus 70% of any additional site frontage between 50 and 100 linear feet
Major Cross Street Frontage	
Corner lots with Main Street frontage	25 linear feet of site frontage within 50 feet of the Main Street
All other lots	50% of the linear dimension of the site frontage
Minor Cross Street Frontage	
Corner lots with Main Street frontage	20 linear feet of site frontage within 50 feet of the Main Street
All other lots	50% of the linear dimension of the site frontage
Lot Type	Minimum Residential Building Frontage
Residential Street Frontage	
All lots	Any portion of a building located within fifty (50) feet of the public right-of-way of a Residential Street shall be designed for residential uses.

B. Active Commercial Building Frontage Exceptions

1. Notwithstanding the provisions of Table 20-152 in Section 20.75.140.
The decision-maker may reduce the required active commercial building frontage for lots with less than 100 linear feet of frontage with a Development Permit based on a finding that:
 - a. Reduced active commercial building frontage is needed to allow for vehicular access to the site; and
 - b. Access cannot feasibly be provided through lot assembly or shared access through an adjacent site.
2. If the Director cannot make the findings required in Subsection 20.75.1340.B, up to 2,000 square feet of building area shall be allowed with no on-site vehicle access or parking, provided the building area conforms to all other provisions of this Title.
3. The Active Commercial Building Frontage requirements shall not apply to an Off-Street Parking Establishment for which the Planning Commission or the City Council on appeal approves a Conditional Use Permit which finds that the Off-Street Parking Establishment is needed to serve commercial uses in the area on an interim basis until such time as the site is developed consistent with the Active Commercial Building Frontage requirements of this Chapter.

SECTION 21. Section 20.75.140 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

20.75.140 ~~Requirements for Active Commercial Building Frontage~~ Design

A. All Active Commercial Building Frontage required pursuant to Section 20.75.1430 ~~in the MS-G and MS-C Main Street Districts~~ shall conform to the design requirements set forth in Table 20-153.

Table 20-153 MS-G and MS-C Main Street Districts Requirements for Active Commercial Building Frontage			
Requirements	Less than 8,000 sq. ft. of contiguous commercial space	8,000 or more sq. ft. of contiguous commercial space	<u>Notes and Sections</u>

Minimum height of first story ¹	15 ft.	18 ft.	Note 1
Minimum first floor commercial space depth ²	45 ft.	60 ft.	Note 2
Minimum glazing area	Building façades facing a street shall consist of storefronts with clear, un-tinted glass or other glazing material on at least seventy (70) percent of the surface area of the façade between a height of eighteen (18) inches and ninety-six (96) inches ³ .		
Building entries	All ground level commercial space fronting on a street shall have a primary building entry situated along and accessible from the Pedestrian Zone . “Pedestrian Zone” means the Pedestrian Zone Setback and the adjacent public sidewalk. Buildings located on Corner Lots shall have a primary building entrance along and accessible from the Primary Street.		

Notes:

1. “First story height” is the distance between the upper surface of the ground floor and the upper surface of the floor next above.
2. For a lot with two or more street frontages, this provision shall apply only to the primary street frontage as defined in Section 20.75.020.C.2. “Depth of a first floor commercial space” is the length of a line extending perpendicular to the street between the building wall located at the street frontage and the opposing building wall at the rear of the commercial space. The measurement shall be from the interior wall surfaces at grade and shall reflect the minimum distance between the opposing walls along 75% or more of their horizontal dimension.

[20.75.150B.](#) Residential [Building](#) Frontage Design [Requirements](#)

[Residential Building Frontage required pursuant to Subsection 20.75.110.C shall conform to the design requirements set forth in Table 20-154.](#)

~~All required Residential Building Frontage in the MS-G and MS-C Main Street Districts shall conform to the design requirements set forth in Table 20-154.~~

Table 20-154	
MS-G and MS-C Main Street Districts	
Residential Building Frontage Design Requirements	
Requirements Category	MS-G Requirements

Elevation of First Finished Floor	Maximum: of 48 inches above grade
Structured Parking on a Residential Building Frontage	Ventilation openings for partially below-grade parking shall not face a Residential Street.
Building Entries	A minimum of one (1) pedestrian building entry shall be provided to the street front for each 50 feet of Residential Street Frontage.

SECTION 22. Section 20.75.150 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby repealed.

~~20.75.150 Residential Frontage Design Requirements~~

~~All required residential building frontage in the MS-G and MS-C main street districts shall conform to the design requirements set forth in Table 20-154.~~

Table 20-154	
MS-G and MS-C Main Street Districts	
Residential Building Frontage Design Requirements	
Requirements	MS-G
Elevation of First Finished Floor	Maximum of 48 inches above grade
Structured Parking on a Residential Building Frontage	Ventilation openings for partially below-grade parking shall not face a Residential Street.
Building Entries	A minimum of one (1) pedestrian building entry shall be provided to the street front for each 50 feet of Residential Street Frontage.

SECTION 23. Section 20.75.160 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

~~20.75.160 Maximum Building Height and Story Regulations~~

~~A. A. — Maximum Height and Stories~~

All buildings and structures in the MS-G and MS-C Main Street Districts shall be limited to the number of stories and maximum height as set forth in Table 20-155.

Table 20-155 MS-G and MS-C Main Street Districts Maximum Stories and Height		
Category	Requirement	<u>Notes and Sections</u>
Maximum Allowed Stories	5 stories above grade	
Maximum Allowed Height ¹	75 ft. above grade	<u>Subsection 20.75.160.B</u>
<u>Maximum Allowed Height</u> W within fifty (50) ft. of property located in a Residential Zoning District allowing 8 units or less per acre ²	35 ft. maximum height within 20 feet of the residentially zoned property, increasing by one (1) foot for every one (1) additional foot of setback	<u>Subsection 20.75.160.B</u>
<u>Maximum Allowed Height</u> W within fifty (50) ft. of property located in a Residential Zoning District Allowing 9 to 30 units per acre ²	45 ft. maximum height within 20 feet of the residentially zoned property, increasing by one (1) foot for every one (1) additional foot of setback	<u>Subsection 20.75.160.B</u>
<u>Maximum Allowed Height</u> W within 40 feet of a Residential Street	40 <u>35</u> ft. above grade	

Notes:

1. ~~See Section 20.75.160.C~~
2. ~~See Section 20.75.160.B~~

B. Building Height Exceptions

1. Notwithstanding the provisions of Table 20-155 in Section 20.75.160, the maximum height limits for a building or structure located within 50 feet of

a Residential Zoning District shall not apply to any portion of a building or structure located within 100 feet of the Main Street.

2. Notwithstanding the provisions of Table 20-155 in Section 20.75.160, the decision-maker may increase the allowed height for that portion of a building or structure located within 50 feet of a Residential Zoning District with a Development Permit based on the following findings:

a. 1.—The property located in a Residential Zoning District is not developed with a residential use; and

b. 2.—The orientation, location and elevation of the proposed building/s is compatible with adjacent development; and

c. 3.—The development does not exceed a height of 75 feet above grade conforms to all of the provisions of this Title.

C-3. Notwithstanding the provisions of Table 20.155 in Section 20.75.160, elevator shafts, roof equipment and other non-habitable building elements that do not exceed an area equal to ten (10) percent of the area of the ~~top~~ fifth floor of the building, may extend to a height of 80 feet. The area of any roof screen that exceeds a height of 75 feet above grade shall include the area encompassed by that roof screen.

SECTION 24. Section 20.75.180 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.180 Residential Recreation Space Requirements

All residential development in the MS-G and MS-C Main Street Districts shall provide Useable Common Recreation Space in conformance with all of the requirements of this Section.

- A. Useable Common Recreation Space shall be provided equal to one hundred (100) or more square feet per residential unit and shall:
1. Be accessible to all residents of the building or site; and
 2. Provide a minimum horizontal dimension of fifteen (15) feet and a minimum contiguous area of 300 square feet; and

3. Be designed primarily for recreational use; and
 4. Not include pedestrian circulation unless such circulation is integral to the recreational use of a larger outdoor recreation area, or the pedestrian facility is a jogging trail, exercise course or other facility that is primarily recreational in purpose.
- B. Useable Common Recreation Space may include recreation space that is interior to a building if that interior recreation space conforms to the following additional requirements:
1. The entire area of the indoor space is designed exclusively for recreational use (including but not limited to swimming pools, work-out facilities, tennis courts or multi-use recreation rooms) and is available to all residents of the building or site; and
 2. The area of the indoor recreation space does not exceed fifty (50) percent of the total Useable Common Recreation Space required for the building or site.
- C. Private Open Space shall be provided equal to sixty (60) or more square feet per residential unit for a minimum of fifty (50) percent of the total residential units on the site. Private open space shall be directly accessible from the residential unit it serves and shall have a minimum horizontal dimension of six (6) feet.
- D. Notwithstanding the provision of Section 20.75.180.A, a residential development with twenty (20) residential units or fewer shall not be required to provide Useable Common Recreation Space, if Private Open Space is provided for every residential unit in the amount and with the configuration specified in Section 20.75.180.C.
- E. Notwithstanding the provisions of Section 20.75.180.C, the decision-maker may reduce the percentage of residential units required to have private open space to less than fifty percent of the total units through a Development Permit based on a finding that the Private Open Space that would otherwise be required has been replaced on that site on a one-for-one basis by additional Useable Common Recreation Space that is above and beyond the amount required in Section 20.75.180.A.

SECTION 25. 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 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 20.156 Pedestrian Oriented Districts Land Use Regulations						
Use	Main Street Zoning Districts				MS-C	Applicable Sections & Notes
	MS-G			All Other		
	Active Ground Floor Commercial Building Frontage	Residential Building Street Frontage				
General Retail						

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	Active Ground Floor Commercial Building Frontage	Residential Building Street Frontage	All Other		
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	Note 1
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Pawn shop/broker	C	-	C	C	See Title 6
Seasonal sales	P	-	P	P	Part 14, Chapter 20.80
Retail Art Studio	P	-	P	P	Part 13.7, Chapter 20.80
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	
Day care center	C	-	C	C	
Instructional art studios	P	-	P	P	

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	Active Ground Floor Commercial Building Frontage	Residential Building Street Frontage	All Other		
Instructional art studios, 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					
Arcade, amusement	C	-	C	C	
Dancehall	C	-	C	C	
Poolroom/Billiards Establishment	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	

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	<u>Active Ground Floor Commercial Building Frontage</u>	Residential Building Street Frontage	All Other		
Caterer	P	-	P	P	Note 4
Drinking establishments	C	-	C	C	
<u>Drinking establishment interior to a full-service hotel/motel with 75 or more guest rooms</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>Section 20.80.475</u>
Public eating establishments	P	-	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	P	-	P	P	Section 20.75.320
Wineries, Breweries	C	-	C	C	
Health and Veterinary Services					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	
Hospital/ in-patient facility	C	-	C	C	
Medical clinic/ out-patient facility	P	-	P	P	
Office, medical	P	-	P	P	
Veterinary clinic	P	-	P	P	
General Services					
Bed and Breakfast	-	-	P	P	Part 2, Chapter 20.80
Dry cleaner	P	-	P	P	
Hotel/motel	-	-	P	P	

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS- C	
	<u>Active Ground Floor</u> Commercial Building Frontage	Residential Building Street Frontage	All Other		
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	
Offices and Financial Services					
Automatic Teller Machine	P	-	P	P	Section 20.80.200
Business Support	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	C	-	C	C	

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	<u>Active Ground Floor Commercial Building Frontage</u>	Residential <u>Building Street Frontage</u>	All Other		
(Privately operated)					
Residential/Mixed Use					
Multiple dwellings	-	C	C	C	Section 20.75.210
Residential accessory uses including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	C	P	P	P	Section 20.75.210 <u>and</u> <u>Section 20.75.220</u>
Home Occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed Use/Ground floor commercial with residential above	C	-	C	C	Section 20.75.210
Emergency residential shelter	-	-	-	-	Section 20.80.500
Live/Work	C	-	S	-	Part 9.75, Chapter 20.80 & Section 20.75.210
Residential Care Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Service Facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential Care Facility for seven or	-	C	C	C	Section 20.75.210

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS- C	
	<u>Active Ground Floor</u> Commercial Building Frontage	Residential Building Street Frontage	All Other		
more persons					
Residential Service Facility for seven or more persons	-	C	C	C	Section 20.75.210
Single Room Occupancy Hotel	-	-	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	-	C	C	Part 15, Chapter 20.80; Section 20.75.210
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	Section 20.75.330
Recycling Uses					
Reverse vending	A	P	A	A	
Small collection facility	A	-	A	A	
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
Parking establishment, off-street	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

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS- C	
	<u>Active Ground Floor</u> Commercial Building Frontage	Residential Building Street Frontage	All Other		
Utility facilities, excluding corporation yards, storage or repair yards and warehouses.	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	-	
Short term parking lot for uses or events other than on-site	-	-	C	C	Note 6
Wireless communication antenna	-	-	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	-	-	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	Note 2
Co-Generation Facility	S	-	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	S	A	A	
Facilities that do exceed noise or air	C	-	C	C	

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	<u>Active Ground Floor Commercial Building Frontage</u>	Residential <u>Building Street Frontage</u>	All Other		
standards					
Temporary Stand-by/Backup	P	-	P	P	
Solar Photovoltaic 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	-	-	-	-	
Gas or charge station	-	-	-	-	<u>Note 11</u>
Gas 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 <u>or lease</u> , passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles, indoors	S	-	S	S	Note 9, Note 10
<u>Leasing-Rental</u> passenger vehicles,	<u>SP</u>	-	S	S	<u>Note 2 Part 13.6 of Chapter 20.80</u>

Table 20.156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS- C	
	<u>Active Ground Floor</u> Commercial Building Frontage	Residentia l <u>Building</u> <u>Street</u> Frontage	All Other		
pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles					
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 (24) 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 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 or residents of the primary use on-site are permitted in all pedestrian oriented zoning districts.

SECTION 26. Chapter 20.75 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 as follows:

20.75.220 Residential Accessory Uses

Residential accessory uses, including recreation facilities, mail rooms, laundry facilities, storage and other similar facilities shall be allowed on a Ground Floor Commercial Frontage pursuant to a Conditional Use Permit provided such uses do not reduce the required Active Commercial Building Frontage required in Table 20-152 of Section 20.75.140. "Ground Floor Commercial Frontage" means the ground floor area of a lot that has a Main Street or Major Cross Street Frontage located between the Build-to-line and a parallel line located 60 feet back from the Build-to-line.

SECTION 27. Section 20.75.330 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.330 Drive Through Uses

No ~~service window for a~~ drive-through use shall be ~~located~~ allowed within unless the drive through service window is separated from the Main Street by a minimum of 100 feet and a building of the Main Street.

SECTION 28. Section 20.80.300 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.300 Conversion of Dwellings, Permit Required

- A. No one-family dwelling in any District shall be converted to any other use except upon issuance of and in compliance with a:
1. Site Development Permit for conversion to a two-family dwelling or a multiple dwelling; or

2. Special Use Permit for conversion to any nonresidential use identified as a permitted, or special use in the District with the one-family dwelling; or
 3. Conditional Use Permit for conversion to any nonresidential use identified as a conditional use in the District with the one-family dwelling.
- B. No two-family dwelling or multiple dwelling in any District shall be converted to any other use except upon issuance of and in compliance with a:
1. Permit Adjustment for conversion of a two-family dwelling to a one-family dwelling; or
 - ~~2.~~ Site Development Permit for conversion to a one-family, two-family, or multiple dwelling; or
 - ~~2.3.~~ Special Use Permit for conversion to any nonresidential use identified as a permitted, or special use in the District with the two-family or multiple-family dwelling; or
 - ~~3.4.~~ Conditional Use Permit for conversion to any nonresidential use identified as a conditional use in the District with the two-family or multiple-family dwelling.
- C. Nothing contained in this Section shall be deemed or construed to permit approval of any one-family dwelling, two-family dwelling or multiple dwelling use in any District in which such use is not otherwise allowed pursuant to the provisions of Chapters 20.20 through 20.70 of this Title.

SECTION 29. 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 as follows:

Part 5.5
Drinking Establishments Interior to a Hotel or Motel

20.80.475 Drinking Establishments Interior to a Full-Service Hotel or Motel

- A. Drinking Establishments that fully conform to all of the following criteria at all times are permitted in Full Service Hotels or Motels with 75 or more quest rooms:**
- 1. The Drinking Establishment is accessible only from the interior of the Hotel or Motel; and**

2. The Drinking Establishment is operated entirely within the interior of the Hotel or Motel; and
3. The Drinking Establishment does not operate between the hours of 12:00 midnight and 6:00 a.m.; and
4. No noise related to any activities of the Drinking Establishment is plainly audible from a residential use that is located fifty (50) feet or more from the Hotel or Motel.

B. A Conditional Use Permit shall be required for any Drinking Establishment that does not fully conform to all of the requirements and criteria of Subsection 20.80.475.A at all times.

SECTION 30. Section 20.80.710 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.710 Performance Criteria

A business or commercial activity is a home occupation only if it conforms to each of the performance criteria, set forth in Table 20-160 below:

Table 20-160 Performance Criteria	
Signage	Signage must conform to the residential signage requirements set forth in Part 4 of Chapter 23.04 of Title 23.
Business Vehicles	A maximum of one (1) business vehicle with a manufacturer's gross vehicle weight of less than 10,000 pounds is permitted to be kept, garaged or parked on the lot or parcel associated with the home occupation.
Clients	A maximum of two (2) clients at a time are permitted at the dwelling.
Employees and Assistants	Only occupants of the dwelling may be employees or unpaid volunteers of the business or commercial activity.
Environmental Constraints	There shall be no obnoxious odors, vibrations, glare, fumes, dust, electrical interference or noise detectable by normal human sensory perception outside the dwelling or through vertical or horizontal party walls.

Table 20-160 Performance Criteria	
Hours of Operation	Clients are permitted at the residence only between the hours of 9 o'clock a.m. and 9 o'clock p.m.
Location	
<i>Dwelling Unit</i>	Home occupations, including storage, are permitted in the dwelling unit.
<i>Accessory Building</i>	Home occupations, including storage, are limited to one hundred (100) square feet of floor area in an accessory building provided any required parking provided in the accessory building is retained and accessible.
<i>Attached Garage</i>	Home occupations are permitted in an attached garage provided the required parking is retained and accessible.
<i>Carports</i>	Home occupations are not permitted in carports.
<i>Yard Areas</i>	Home Occupations, <u>with the exception of activities that meet the definition of Neighborhood Agriculture</u> , are not permitted in yard areas.
Manufacture or Assembly	No manufacture or assembly, other than hand-crafted products, is permitted.
Sales	The direct sale of products off display shelves or racks to the general public <u>shall be limited to no more than fifteen (15) square feet of space</u> is prohibited ; however, an order may be filled on the premises if placed earlier by a customer using <u>online</u> , telephone or mail order communications, or through attendance at an off-site sales party.

SECTION 31. Section 20.80.720 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.720 Prohibited Uses

The following are not permitted as home occupations:

1. Animal breeding except for small scale activity involving no more than a total of six adult small animals (animals of six months in age or greater) as set forth in Title 7.
2. Appliance repair, other than the repair of small household appliances, as defined in Section 20.200.550.
3. Firearm sales and service.
4. Motorized garden tool repair, such as, but not limited to, lawnmowers, chainsaws, and leaf blowers.
5. Massage parlor, as provided in Part 1 of Chapter 20.80 of this Title, and the business of massage as provided in Section 6.44.010, Subsection A, of Chapter 6.44 of Title 6.
6. Pest control.
7. Upholstery and furniture repair.
8. Food catering.
9. Vehicle-related uses such as, but not limited to, the following: storage of vehicles, cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, towing, driving schools, and dispatching of vehicles located at the site.
10. Welding.
11. Any use which requires a Hazardous Materials Permit from the Fire Department.
12. Any Off-Sale of Alcohol.
13. Any other use which does not comply with each of the criteria provided in Table 20-160.

SECTION 32. Part 9.75 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by renumbering the Part number and section numbers to read as follows:

Part 9.755
Live/Work Units

20.80.790-740 Live/work units

Any conditional use permit or special use permit issued for live/work uses shall be subject to the following criteria:

- A. Only owners or employees of the business associated with the live/work unit may occupy the living unit portion; and
- B. The live/work unit complies with Title 24 of the San José Municipal Code.

SECTION 33. Part 9.5 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by renumbering the Part number to read as follows:

Part 9.575
Medical Marijuana Collectives

SECTION 34. 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 as follows:

Part 13.6
Rental of Vehicles

20.80.1165 Permitted Use Criteria and Permit Requirement

- A. The rental of passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles is a permitted use in the CG Commercial General Zoning District only in conformance with all of the following criteria:
 - 1. On-site vehicle storage shall not exceed 20 vehicles; and
 - 2. Vehicles shall not be washed, cleaned or repaired on the site.
- B. The rental of passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles in a manner that does not fully conform at all times to the criteria set forth in Subsection 20.80.1165.A may be allowed only upon issuance of a Special Use Permit pursuant to the provisions of Part 7 of

Chapter 20.100 of this Title.

SECTION 35. Section 20.80.1730 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1730 Temporary Use Trailer - Permit Required

- A. A Temporary Use Trailer for use as a replacement structure during retrofit, restoration or other such work on a primary structure requires one of the following Permits:
1. An Administrative Permit, as provided in Chapter 20.100 of this Title, and in conformance with the requirements of this Section and Section 20.80.1740; or
 2. In the event the owner cannot meet the requirements of this Part or the Director denies an Administrative Permit, a Special Use Permit, as provided in Chapter 20.100.
- B. All Applications for a Permit for a Temporary Use Trailer shall set forth facts demonstrating to the satisfaction of the Director the need to use a Temporary Use Trailer to continue to conduct a commercial, industrial, or manufacturing use, which was in compliance with this Title, at a primary structure located on the same lot for which the Permit is being requested and in order to accomplish one (1) or more of the following:
1. Retrofit for seismic safety;
 2. Restoration of the primary structure necessitated by the total or partial destruction or damage of the structure by catastrophic event or sudden cause;
 3. Modification of the primary structure, or of equipment or processes at the facility, that requires on-site workers to vacate the primary structure while work is undertaken; or
 - 3.4. Other such work determined by the Director to be in the interest of public health and safety.
- C.C. All Applications shall demonstrate that the proposed Temporary Use Trailer shall be maintained in conformance with the provisions of Section 20.80.1740.

- ~~D~~.D. Upon a determination that the Application meets the requirements of this Part, the Director may issue the Administrative Permit.

SECTION 36. Section 20.80.1740 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.1740 Temporary Use Trailer - Conditions of Issuance

The use of any Temporary Use Trailer shall be in accordance with all of the following conditions:

1. The use of the Temporary Use Trailer may be permitted for up to one (1) year, and renewed for one (1) additional year at the discretion of the Director.
2. No more than one (1) Temporary Use Trailer per lot shall be permitted at any given time, except that in the case where Temporary Use Trailers are being used to temporarily house on-site workers displaced from the primary structure due to temporary construction activities under the provisions of Section 20.80.1730.B.3, additional Temporary Use Trailers may be permitted as needed to temporarily house those displaced workers provided that each and all of the Temporary Use Trailers do not conflict with applicable Development Standards including without limitation setback and parking requirements.
3. ~~The~~ Temporary Use Trailers shall be located a minimum of fifteen (15) feet from the front property line.
4. No Temporary Use Trailer shall be used in such a manner that circulation aisles are blocked.
5. The minimum number of required off-street parking spaces for the site shall be calculated according to the provisions of Chapter 20.90 based upon the cumulative square footage of ~~the~~ Temporary Use Trailers and any remaining useable space in the primary structure.
6. Not more than one sign shall be permitted per lot. Such sign shall be attached to the trailer and shall not exceed six (6) square feet in area.
7. The hours of operation shall be the same as for the preexisting use in the primary structure.

8. Nothing herein excuses full compliance with the provisions of Section 20.150.020 of this Title.
9. The Temporary Use Trailer shall comply with all applicable building and fire safety standards.
10. All necessary City permits, in addition to those required by this Part, shall be obtained prior to installation of the Temporary Use Trailer.
11. The Temporary Use Trailer shall be removed and the construction site shall be cleared of all debris upon completion of the retrofit, reconstruction or other work on the primary structure or upon revocation or expiration of the Administrative or Special Use Permit, whichever occurs first.
12. No certificate of occupancy, as provided for in Section 307 of the Building Code, shall be issued for the primary structure until after the Temporary Use Trailer has been completely removed from the lot and all utilities have been disconnected from the Temporary Use Trailer in a safe manner.
13. Revocation of any Permit issued hereunder shall be in accordance with the provisions of this Title which are applicable to the type of Permit issued.

SECTION 37. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.060 Number of Parking Spaces Required

A. Number of Off-Street Vehicle Spaces Required:

1. All parking requirements in Table 20-190 are minimums unless otherwise specified. Each land use shall provide, on site, at least the minimum number of vehicle parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.
2. All required parking shall be made available to residents, patrons and employees of a use on the site.
3. All vehicle parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a Development Permit may:

- a. Authorize all off-street vehicle parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
 - b. Allow up to forty (40) percent of the off-street vehicle parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required vehicle off-street parking spaces shall be standard car space as defined in Section 20.90.100.
4. If the number of off-street vehicle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
 5. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing vehicle off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.
 6. The minimum number of vehicle off-street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which vehicle off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which vehicle off-street parking requirements are specified shall apply.
 7. When two or more uses are located in the same lot or parcel of land or within the same building, the number of vehicle off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses.
- B. Number of Bicycle Parking Spaces Required:
1. The minimum number of bicycle parking spaces required for uses permitted under this Title is set forth in Table 20-190.
 2. Except as otherwise expressly permitted in this Chapter, the minimum number of bicycle parking spaces required under this Title shall be provided on private property on a parcel or development site in an area, other than a public street, public way, or other public property, permanently reserved or set aside for bicycle parking spaces.

3. A minimum of two (2) short-term bicycle parking spaces and one (1) long-term bicycle parking space shall be provided for each site that has a non-residential use set forth in Table 20-190.
4. If the number of bicycle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Agriculture and Resource Uses			
Agriculture and Resource Uses	1 per employee	Note 6	1 per 10 full-time employees
Drive-Through Uses			
Drive-through in conjunction with any use	No additional parking required		<u>none</u>
Education and Training			
Day care center	1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (includes employee parking)	Note 6	1 per 10 full-time employees and children
Instructional studios	1 per 150 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private Instruction, personal enrichment	1 per 3 students, plus 1 per staff	Note 6	1 per 10 students and full-time employees
School- elementary (K-8)	1 per teacher, plus 1 per employee	Note 6	1 per 10 full-time employees plus 6 per classroom
School- secondary (9-12)	1 per teacher, plus 1 per employee, plus 1 per 5 students	Note 6	1 per 10 full-time employees plus 10 per classroom

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
School, post secondary	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
School, trade and vocational	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
Entertainment and Recreation			
Arcade, amusement	1 per 200 sq. ft of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Batting Cages	1 per station, plus 1 per employee	Note 6	1 per 10 full-time employees plus one per 6 stations
Bowling establishment	7 per lane	Note 6	1 per 2 lanes
Dancehall	1 per 40 sq. ft. open to public	Note 6	1 per 3,000 sq. ft. of floor area
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 10 tees
Golf course	8 per golf hole, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 2 golf holes
Health club, gymnasium	1 per 80 sq. ft. recreational space	Note 6	1 per 1,600 sq. ft. of recreational

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			space
Miniature golf	1.25 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 6 tees
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220 E	1 per 4,000 sq. ft. of floor area
Poolroom	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats on the premises, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Recreation, Commercial (indoor)	1 per 80 sq. ft. of recreational area	Note 6	1 per 1,600 sq. ft. of

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			recreational area
Recreation, Commercial (outdoor)	20 per acre of site	Note 6	2 per acre of site
Relocated Cardroom	1 per 40 sq. ft. of area devoted to card games	Note 6	1 per 800 sq. ft. area devoted to card games
Skating rink	1 per 50 sq. ft. of floor area	Note 6	1 per 1,000 sq. ft. of floor area
Swim and tennis club	1 per 500 sq. ft. of recreation area	Note 6	1 per 5,000 sq. ft. of recreation area
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	Note 6	1 per 45 seats in theaters with 1-3 screens; 1 per 50 seats with 4+ screens
Motion picture theatre, outdoor	1 per 300 sq. ft.	Note 6	1 per 3,000 sq. ft.
Theaters, Auditoriums, Sports Arenas, and Stadiums-- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of area used for assembly	Note 6	1 per 60 fixed seats on the premises, plus 1 per 100 linear feet of fixed benches, or 1 per 450 sq. ft. of area used for assembly

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Food Services			
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 6	1 per 50 seats or 1 per 800 square feet of dining area, whichever requires the greater number of parking spaces
Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Caterer w/no public interface	1 per 250 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
			parking spaces
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3, Note 6	1 per 800 sq. ft. of area open to the public
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 for seats over 25	Note 6	1 space per 50 seats
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Take-out Only Establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3, Note 6	1 per 750 sq. ft. of area open to the public
General Retail			
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter 20.80, Note 6	1 per 4,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Auction house	1 per 50-200 <u>2.52</u> seats, or 1 per <u>50-200</u> sq. ft. of auction area exclusive of warehouse area	Note 6	1 per 5,000 sq. ft. of floor area
Food, beverage, groceries	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Plant nursery	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Open air sales establishments and areas	1 per 200 sq. ft. of sales area	Note 6	1 per 3,000 sq. ft. of sales area
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80, Note 6	2 parking spaces
Pawn shop/broker	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Retail sales, goods and merchandise	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3, Note 6	1 per 4,000 sq. ft. of floor area
Retail art studio	1 space per 200 sq. ft. of retail area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Sales, appliances,	1 per 1000 sq. ft. of floor	Note 6	1 per 10,000

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
industrial equipment, and machinery	area		sq. ft. of floor area
Neighborhood Shopping Center (minimum 100,000 sq. ft. in size), includes a mix of permitted and conditional uses	1 per 225 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a Development Permit
General Services			
Bed and Breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	Note 6	1 per space plus 1 per 10 guest rooms
Crematory	1 per full-time employee	Note 6	1 per 10 full-time employees
Dry cleaner	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220(C), Note 6	1 space plus 1 per 10 guest rooms
Laundromat	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Messenger services	1 per 200 sq. ft. of floor area, plus 1 per company	Note 6	1 per 3,000 sq. ft. of floor

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
	vehicle		area
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Mortuary, excluding funeral services	1 per full-time employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Personal services	1 per 200 sq. ft. of floor area	Note 3	1 per 3,000 sq. ft. of floor area
Photo processing and developing	1 per 200 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	Note 6	1 per 5,000 sq. ft. of floor area
Social Service Agency	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Health and Veterinary Services			
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Animal grooming	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Emergency Ambulance Station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Hospital per in-patient facility	1 per 2.5 beds	Note 6	1 per 25 beds
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Medical, dental and	1 per 250 sq. ft. of floor	Note 6	1 per 4,000

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
health practitioner	area		sq. ft. of floor area
Veterinary clinic	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Industry			
Catalog and mail order house	1 per 250 sq. ft. of floor area of office space plus, plus 1 per 1000 sq. ft. of floor area of warehouse and distribution area	Note 6	1 per 4,000 sq. ft. of floor area
Commercial Support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Distribution facility	A minimum of two (2) for facilities with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for facilities with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for facilities with a total gross floor area in excess of twenty-five thousand (25,000) sq. ft. a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Hazardous waste facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Industrial Services	1 per 350 sq. ft of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Junkyard	1 per employee	Note 6	1 per 10 full-time employees
Laboratory	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Manufacturing and Assembly, Light, Medium, Heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 5,000 sq. ft. of floor area
Miniwarehouse/ministorage	1 per 5,000 sq. ft. of floor area, plus 1 per resident manager	Note 4, Note 6	1 per 10 full-time employees
Outdoor storage	1 per employee	Note 6	1 per 10 full-time employees
Private power generation	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Research and Development	1 per 350 sq. ft. of floor area	Note 6	1 per 5000 sq. ft.
Stockyard, including slaughter	1 per employee	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Warehouse	A minimum of two (2) for warehouses with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for warehouses with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for warehouses in excess of twenty-five thousand (25,000) sq. ft. of total gross floor area a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees
Warehouse retail	Minimum 1 per 2,000 sq. ft. of floor area; maximum 1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 20,000 sq. ft. of floor area
Offices and Financial Services			
Automatic Teller Machine (Free standing)	2 per machine	Note 6	1 per 10 machines
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, business and administrative	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Offices, research and development	1 per 300 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	Note 6	1 per 4,000 sq. ft. of floor area
Public, Quasi-Public and Assembly Uses			
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees
Church/Religious Assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship.
Community television antenna systems	1 per company vehicle	Note 6	1 per 10 full-time employees
Museums and libraries	1 per 300 sq. ft. of area open to the public	Note 6	1 per 4,000 sq. ft. of floor area open to the public
Parks and playgrounds	1 per 500 sq. ft.	Note 6	1 per 5,000 sq. ft. of outdoor recreation space

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Recycling Uses			
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Small collection facility	1 per attendant	Note 6	1 per 10 full-time employees
Residential			

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220(C), Note 6	1 per 5,000 sq. ft. of floor area
Guesthouse	1 per guest room, plus 1 per each employee	Note 6	1 per 10 guest rooms plus 1 per 10 full-time employees
Live/Work	No additional parking required above what is required for commercial use parking	Note 6	1 per 5,000 sq. ft. of floor area
Living quarters, custodian, caretakers	1 per living unit	Note 6	1 per 10 living units
Mixed Use/Ground floor commercial with residential above	Respective commercial and residential parking requirements combined	Note 6	
Multiple dwelling	See Table 20-210 and Table 20-211, required parking is determined by the type of parking facility and the number of bedrooms		See Table 20-210 and Table 20-211
One family dwelling	2 covered	Note 5 and Section 20.90.220(B)	None

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Residential Care or Service Facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220(C), Note 6	1 per 10 full-time employees
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	Note 6	1 per 10 full-time employees
SRO Facilities within 2,000 ft. of public transportation		Note 6	1 per SRO unit
SRO Residential Hotels	.25 per SRO unit		
SRO Living Unit Facilities with shared kitchen and bathroom facilities	.25 per SRO unit		
SRO Living Unit Facilities with partial or full kitchen and bathroom facilities	1 per SRO unit		
SRO Facilities not within 2,000 ft. of public transportation	1 per SRO unit	Note 6	1 per SRO unit

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	Note 6	1 per guest room plus 1 per 10 full-time employees
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit		None
Travel Trailer Parks	1 per employee	Note 6	1 per 10 full-time employees
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		None
Transportation and Utilities			
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 sq. ft. of floor area, or fraction thereof, devoted to computer equipment space	Note 6	1 per 5,000 sq. ft. of office/meeting/ technician work space, plus 1 for each 50,000 sq. ft. of floor area, or fraction thereof devoted to computer equipment space
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	Note 6	1 per 5,000 sq. ft. of space devoted to office use
Wireless communication antenna	1 per site	Note 6	1 per site
Vehicle Related Uses			
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Auto broker, retail w/on-site storage	See Vehicle sales and leasing	Note 6	1 per 10 full-time employees
Auto broker, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Car wash	1 per employee, plus stacking as follows: self service - 5 cars per lane full service - 15 cars (may be in multiple lanes)	Note 2, Note 6	1 per 10 full-time employees
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Sale or lease of vehicles Exclusively indoors sales	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay 1 per 200 sq. ft.	Note 6	1 plus 1 per 10 full-time employees
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	Note 6	1 plus 1 per 10 full-time employees
Sale, vehicle parts	1 per 200 sq. ft. of floor area	Note 6	1 plus 1 per 10 full-time employees

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 plus 1 per 10 full-time employees
Tow yard	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Vehicle wrecking, including sales of parts	1 per employee	Note 6	1 per 10 full-time employees

Notes:

1. A covenant of easement is required when multiple parcels are involved.
2. Stacking shall be calculated at twenty (20) feet per car.
3. Parking for uses of this type located within a Neighborhood Business District and meeting all of the requirements set forth in Section 20.90.220(C), may be reduced as specified in Section 20.90.220(C).
4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220(D) may be reduced as specified in Section 20.90.220(D).
5. Covered parking may include carports or garages.
6. When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage or other criteria in the table, at least eighty percent (80%) of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty percent (20%) shall be provided in long-term bicycle facilities.

Table 20-200 Two-family Dwelling			
Living Unit Size	Type of Parking Facility		
	All Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.5	2.0
1 Bedroom	1.5	2.0	2.0
2 Bedroom	2.0	2.0	2.0
3 Bedroom	2.0	2.0	2.0
Each Additional Bedroom	0.25	0.25	0.25

Table 20-210 Multiple Dwelling				
Living Unit Size	Type of Parking Facility			
	All Open Vehicle Parking	One-Car Garage	Two-Car Garage	Bicycle Parking Spaces ¹
0 Bedroom (Studio)	1. <u>25</u>	1.6	2.2	1 per 4 Living Units
1 Bedroom	1. <u>25</u>	1.7	2.3	1 per 4 Living Units
2 Bedroom	1. <u>87</u>	2.0	2.5	1 per 4 Living Units
3 Bedroom	2.0	2.2	2.6	1 per 4 Living Units
Each Additional Bedroom	0.15	0.15	0.15	1 per 4 Living Units

Note 1: Bicycle parking spaces shall consist of at least 60% long-term and most 40% short-term spaces.

Notwithstanding the provisions of Table 20.210, off-street parking for multiple dwellings in the Pedestrian Oriented Zoning Districts shall conform to the requirements of Table 20-211.

Table 20-211

Multiple Dwellings in the Pedestrian Oriented Zoning Districts		
	Vehicle Parking Spaces	Bicycle Parking Spaces
Minimum Required Spaces ¹	1.25 per Living Unit	1 per Living Unit
Maximum Required Spaces	2.0 per living unit	None

Note 1: If tandem vehicle parking is provided, any residential unit utilizing tandem parking shall have a parking requirement of two vehicle parking spaces.

Table 20-215 Clean Air Vehicles	
For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:	
Total Number of Parking Spaces	Clean Air Vehicle Parking Spaces
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
201+	At least 8% of total

SECTION 38. Section 20.90.120 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to be entitled and to read as follows:

20.90.120 Setbacks, Screening and Landscaping

- A. No off-street vehicle parking space or off-street loading space shall be located within any side or front setback area required by other provisions of this Title.
- B. In no event shall the setback for any vehicle parking area consisting of six or more parking spaces located in, or adjoining, any Residential District be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel.
- C. In the Main Street Districts the following additional provisions shall apply:

1. At-grade parking that is not fully enclosed within a building shall be set back fifty (50) feet or more from the Main Street, except that an Interim Off-Street Parking Establishment in conformance with the requirements of Table 20-156 may be located within 50 feet of the Main Street.
2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of 5 feet from any Minor or Major Cross Street, which setback area shall be landscaped and shall be maintained in good condition at all times.
3. If at-grade parking that is not fully enclosed within a building includes six (6) or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are directly opposite any lot in a Residential Zoning District by a masonry wall or solid wood fence no less than 5 feet in height.
4. At grade parking areas not located within a structure shall include one tree for every four parking space.
5. Parking structures shall not be located within fifty (50) feet of the Main Street unless they are submerged below grade or are integrated within buildings that conform to the Active Commercial Building Frontage requirements of Section 20.75.130.

SECTION 39. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.220 Reduction in Required Off-Street Parking Spaces

A. Alternative Transportation

1. A reduction in the required off-street vehicle parking spaces of up to ten percent (10%) may be authorized with a Development Permit or a Development Exception if no Development Permit is required, for structures or uses that conform to all of the following:
 - a. The structure or use is located within 2,000 feet of a proposed or an existing rail station, or an area designated as neighborhood business district in the City's General Plan; and
 - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20.90.

2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent (10%) or up to two (2) off-street vehicle parking spaces, whichever is less, may be authorized with a Development Permit or a Development Exception if no Development Permit is required for a particular use, for non-residential uses in conformance with the following:
 - a. In addition to the off-street bicycle parking spaces required for the structure or use, ten (10) off-street bicycle parking spaces consisting of bicycle racks or five (5) off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every one (1) required off-street vehicle parking space that is reduced; and
 - b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

B. One-family Dwellings

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling 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 vehicle 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 José 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. Multiple Family Residential in the Main Street Districts

The decision-maker may reduce the required vehicle parking spaces for a multiple family residential use in the Pedestrian Oriented Zoning Districts with a Development Permit based on the following findings:

- 1. The project includes one or more of the following options:
 - a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood and

2. The project does not include a parking reduction pursuant to Section 20.90.220.G.; and
3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground-floor commercial uses; and
4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit; and

E. Non-residential Uses in a Main Street District

The decision-maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty (30) percent with a Development Permit based on the following findings:

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

F. Miniwarehouse/Ministorage

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

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

G. Other Uses

1. A reduction in the required off-street parking for SROs, Efficiency Living Units, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, senior housing uses, indoor recreation uses, gasoline or charge stations when combined with other uses, performing arts rehearsal space uses, and performing arts rehearsal space uses 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 40. Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.500 Adjustments

- A. The Director may, at the Director's sole discretion, approve an adjustment for the following elements of a Development Permit, subject to and in accordance with the provisions of this Section:
1. **General Extensions**. An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, however, that all of the following criteria are met:
 - a. That no more than four (4) such term extensions may be approved on or before October 13, 2011 for Development Permits allowing office uses located in Downtown Zoning Districts; and
 - b. That no more than two (2) such term extensions may be approved for any other type of Development Permit.
 2. **Special Extension**. In addition to General Extensions authorized pursuant to this Section, a one-time, Special Extension of the term of an approved Development Permit prior to October 13, 2011 for a period of up

to but not exceeding two (2) years; provided however, that only one (1) such extension may be approved on or before October 13, 2011.

3. **Reactivations.** In addition to General Extensions authorized pursuant to Section 20.100.500 .A.1 above, a reactivation of a previously approved but expired Development Permit and an extension of its term for an additional period of up to but not exceeding two (2) years from its expiration date provided that the Development Permit to be reactivated expired on a date between November 1, 2008 and October 13, 2011.
4. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
5. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
6. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
7. Building Mounted Wireless Communications Antenna.
8. Tract sales, model homes sales, or leasing offices associated with an approved housing development.
9. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
10. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
11. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.

12. Building additions of less than five thousand (5,000) square feet in area ~~or less than fifty percent (50%) of the building area prior to the addition, whichever is smaller,~~ to non-residential buildings, except that the maximum building addition size for a fast food restaurant, a 24-hour convenience market, or a convenience market with gas pumps shall be one thousand (1,000) square feet in area and the maximum building addition size to a bank with a drive through shall be three thousand (3,000) square feet in area.
 13. Generators meeting performance standards for noise and air pollution.
 14. Above-ground storage tanks of two thousand (2,000) gallons or less in zoning districts other than industrial zoning districts and an above-ground storage tank of twenty thousand (20,000) gallons or less in an industrial zoning district.
 15. Building additions of less than two hundred (200) square feet in total area or less than ten percent (10%) of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the City's General Plan, the provisions of this Title, and the provisions of Title 21 of this Code.
- C. An application for an adjustment must be filed on the form provided by the Director on or before the date that is three (3) business days prior to the expiration of the Development Permit proposed for adjustment and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council; provided, however, that an adjustment for a reactivation pursuant to subsection A.2 above must be filed on the form provided by the Director no later than: (1) September 1, 2009 for a Development Permit that expired on November 1, 2008 through and including July 3, 2009, or (2) sixty (60) days from that Development Permit's expiration date for a Development Permit that expired on or after July 4, 2009, and all applications must be accompanied by the fees set forth in the Schedule of Fees adopted by resolution of the City Council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall

be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.

- E. Where property was developed prior to the requirement of a Site Development Permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full Site Development Permit.

SECTION 41. Section 20.200.020 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.020 Accessory Building

- A. "Accessory building" is a separate and subordinate building the use of which is purely incidental to that of the main building and which shall not contain living space, sleeping quarters, or storage space for commercial vehicles requiring additional registration fees as provided for in the State Vehicle Code. An accessory building shall be limited to two (2) plumbing ~~connections to serve an appliance or fixtures~~, such as sinks, bathtubs/showers, or toilets, and limited to unconditioned space as defined in Title 24 of the San Jose Municipal Code. For purposes of this section, water heaters, clothes washers, and clothes dryers are considered appliances and are not considered plumbing fixtures.
- B. Any improvement to real property shall be considered separate from the main building if it does not meet the following criteria:
1. The structure shares a common wall with the main building, or
 2. The structure shares an integral roof structure having the same framing system and roof covering as the main building and is separated from the main structure by no more than ten (10) feet and any given point.

SECTION 42. Section 20.200.035 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed.

~~**20.200.035—Active Commercial Building Frontage**~~

~~"Active Commercial Building Frontage" means building space adjacent to a street at the ground level of a building that is designed for retail or other customer-oriented commercial use. Such space shall not include vehicle parking, service areas, utility~~

~~facilities, residential uses, or residential support uses such as lobbies, resident laundry rooms and resident work-out facilities.~~

SECTION 43. 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 as follows:

20.200.350 Efficiency Living Unit

“Efficiency Living Unit” means a small living unit of no more than 500 square feet in area that does not have a separate bedroom.

SECTION 44. 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 as follows:

20.200.545 Hotel or Motel, Full Service

A Full-Service Hotel or Motel means a Hotel or Motel that includes at least one (1) public eating establishment as defined in California Business and Professions Code Section 23038, or its successor, which public eating establishment is accessible from the interior of the hotel or motel.

SECTION 45. 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 as follows:

20.200.798 Neighborhood Agriculture

“Neighborhood Agriculture” means a use that occupies less than one (1) acre for the production of food or horticultural crops to be harvested, sold or donated or for animal husbandry in compliance with Title 7 of this Code. Neighborhood Agricultural use may be a principal or an accessory use on a site. Value-added products, where the primary ingredients of the product are grown and produced on-site, are included as a part of this use. Limited sales and donation of fresh food and/or horticultural products grown on site may occur on site as a part of a Neighborhood Agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable. Sales, pick-ups, and donations of fresh food and horticultural products grown on-site are also considered a part of a Neighborhood Agriculture use, subject to the provisions of Part 9 of Chapter 20.80, if applicable.

SECTION 46. Section 20.200.940 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read in its entirety as follows:

20.200.940 Public Eating Establishment

"Public eating establishment" is a building or area where meals may be purchased and eaten. As an incident to the primary use of ~~operating~~ ~~of an~~ public eating establishment which is a bona fide public eating place, as defined in the California Business and Professions Code Section 23038, or its successor:

1. Any alcoholic beverage may be sold, offered for sale, or served to the patrons of such bona fide public eating place for consumption with their meals on the premises thereof;
2. Instrumental and vocal music or other forms of entertainment may be provided for the listening or viewing pleasure of the patrons of the public eating establishment; ~~but no other entertainment may be provided. Such incidental music shall be considered incidental between the hours of 6:00 a.m. and 10:00 p.m. Any music after said times shall be considered an entertainment use.~~

SECTION 47. Section 20.200.1005 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed.

~~**20.200.1005 Residential Building Frontage**~~

~~"Residential Building Frontage" means building space designed for residential dwelling units located on a Residential Street Frontage in a Pedestrian Oriented Zoning District.~~

SECTION 48. Section 20.10.040 of Chapter 20.10 of Title 20 of the San José Municipal Code is amended to read in its entirety as follows:

20.10.040 Interpretation

- A. In interpreting and applying the provisions of this title, they shall be held to be for the purpose of promoting the public safety, health, convenience, comfort, prosperity, or general welfare of the community. It is not intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this title imposes a

greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this title shall govern.

- B. No provision of this title is intended to nor shall be interpreted or applied to allow or authorize a use or structure that violates federal, state or local law, ~~provided, however that a medical marijuana collective that is in full compliance with all applicable state and local laws and regulations may assert an affirmative defense to criminal or civil enforcement of this Code where such enforcement action is based solely upon those operations by a collective that are expressly recognized in and fully conform to the provisions of this Code.~~

SECTION 49. Section 20.30.010 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.010 Residential Zoning Districts

A. This chapter sets forth the land use and development regulations applicable to the residential zoning districts established by Section 20.10.060.

B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the R-1, R-2, R-M, and R-MH residential districts except as set forth in this chapter.

C. The purposes of the residential districts are as follows:

1. R-1 Single-Family Residence District. The purpose of the single-family residence district is to reserve land for the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1 districts is one to eight dwelling units per acre.

2. R-2 Two-Family Residence District. The purpose of the two-family residence district is to reserve land for the construction, use and occupancy of single-family and two-family subdivisions. The allowable density range for the R-2 District is eight to fourteen and one-half dwelling units per acre.

3. R-M Multiple Residence District. The purpose of the multiple residence district is to reserve land for the construction, use and occupancy of higher density residential development. ~~The maximum allowable density range for the R-M district~~

~~is twenty five dwelling units per acre.~~

4. R-MH Mobilehome Park District. The purpose of the mobilehome park district is to reserve land for the construction, use and occupancy of mobilehome development.

PASSED FOR PUBLICATION of title this day of , 2011, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk