ORDINANCE NO. 27757

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AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.40.100 OF CHAPTER 20.40, SECTION 20.50.100 OF CHAPTER 20.50, SECTION 20.70.100 OF CHAPTER 20.70, SECTIONS 20.80.2020 AND 20.80.2030 OF CHAPTER 20.80, AND SECTION 20.100.500 OF CHAPTER 20.100, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO ENACT FURTHER PERMIT STREAMLINING MEASURES PERTAINING TO MINOR ADDITIONS TO NON-RESIDENTIAL BUILDINGS AND TO TEMPORARY AND STAND-BY GENERATORS IN NON-RESIDENTIAL DISTRICTS AND TO CREATE A PERMITTING PROCESS FOR WINERIES AND BREWERIES IN COMMERCIAL ZONING DISTRICTS

WHEREAS, this ordinance has been found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act of 1970 and guidelines promulgated thereunder, including without limitation Title 21 of the San José Municipal Code, all as amended (collectively, "CEQA"), under File No. PP06-049.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.100 Allowed Uses and Permit Requirements

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

B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.

D. "Administrative" uses are indicated by a "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
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	Note 2
Instructional art studios, with live models	-	C	C	C	Note 2
Private Instruction, personal enrichment	-	P	P	P	Note 3
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 4
School, post secondary	-	P	P	P	Note 5
School, trade and vocational	-	C	C	C	

Table 20-90
Commercial Districts
Land Use Regulations

Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Entertainment and Recreation Related					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Entertainment	-	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	
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 6
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
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	
Medical, dental and health practitioner	P	P	P	P	
Veterinary clinic	-	P	P	P	Note 7
General Services					
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 8
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	
Offices, business and administrative	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	

Table 20-90 Commercial Districts Land Use Regulations					
Use	**Zoning District**				**Notes & Sections**
	CO	**CP**	**CN**	**CG**	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 9
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Communications service exchange	-	-	-	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 10
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 16
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	
Photovoltaic	P	P	P	P	Note 15
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 11

Table 20-90 Commercial Districts Land Use Regulations					
Use	**Zoning District**				**Notes & Sections**
	CO	**CP**	**CN**	**CG**	
Gas or charge station with incidental service and repair	-	C	C	P	Note 12, Note 18
Glass sales, installation and tinting	-	-	C	P	Note 18
Sale or lease, commercial vehicles	-	-	C	C	Note 18
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 17, Note 18
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	Note 16
Sale, vehicle parts	-	C	P	P	Note 14
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	Note 13, Note 18

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) Includes such areas as dance, music, martial arts and fine arts.
(3) Includes such areas as driving, language, and academics.
(4) No on site storage of vehicles permitted.
(5) Includes public and private colleges and universities, as well as extension programs and business schools.
(6) Not a catering facility.
(7) Intentionally omitted.
(8) No on site storage of vehicles permitted.
(9) Make sure General Plan supports mixed use or residential.
(10) Use must be less than twenty-four (24) hours.
(11) No incidental repair or service permitted.
(12) 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.
(13) Non engine and exhaust related service and repair allowed as incidental.
(14) No outdoor sales areas or dismantling allowed.
(15) Photovoltaic (PV) systems may be processed through a Permit Adjustment.
(16) No on-site storage of vehicles permitted.
(17) In the CG District, incidental storage of vehicles, and incidental repair of vehicles in addition to what otherwise would be permitted, requires a Conditional Use Permit. Incidental storage and repair of vehicles is prohibited in all other commercial districts.
(18) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

SECTION 2. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.100 Allowed Uses and Permit Requirements

A. "Permitted" land uses are indicated by a "P" on Table 20-110.

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

"Conditional" uses which may only be approved on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay are indicated by a "CM" 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.

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

D. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.

E. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.

F. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-110
Industrial Districts
Land Use Regulations

Use	**Zoning District**			**Applicable Sections & Notes**
	IP	**LI**	**HI**	
Industry				
Auction	CM	CM	CM	
Industrial Services	-	P	P	
Laboratory, processing	S	P	P	
Manufacturing and Assembly				

Table 20-110 Industrial Districts Land Use Regulations				
Use	**Zoning District**			**Applicable Sections & Notes**
	IP	**LI**	**HI**	
Light	P	P	-	
Medium	S	P	P	
Heavy	-	-	P	
Research and Development	P	-	-	
Catalog and mail order	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	-	C	C	
Hazardous waste facility	-	-	C	
Junkyard Miniwarehouse/ministorage	- -	- P	C P	
Outdoor uses or storage	-	S	P	Section 20.50.210
Private power generation	C	C	C	
Stockyard, including slaughter	-	-	C	
Warehouse/Distribution Facility	S	P	P	
Wholesale sale establishment	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	S	S	
Commercial support	P	-	-	Section 20.50.110
General Retail				
Nursery, plant	-	C	C	
Outdoor vending	-	A	A	Part 10, Chapter 20.80
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet	CM	CM	-	
Sales, office furniture, industrial equipment, machinery	-	C	-	
Seasonal Sales	P	P	P	Part 14, Chapter 20.80
Education and Training				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, post secondary	C	-	-	
School, trade and vocational	-	C	C	
Entertainment and Recreation Related				
Recreation, Commercial/Indoor	CM	CM	CM	Note 8
Performing arts production/rehearsal space	CM	CM	CM	
Food Services				
Public eating establishments	P	C	C	Note 8
Health and Veterinary Services				
Emergency ambulance service	CM	CM	CM	

Table 20-110 Industrial Districts Land Use Regulations				
Use	**Zoning District**			**Applicable Sections & Notes**
	IP	**LI**	**HI**	
Medical clinic/ out-patient facility	CM	-	-	
General Services				
Crematory	-	CM	C	
Hotel/motel	CM	-	-	
Personal services	P	-	-	Note 8
Photo processing and developing	P	P	P	
Printing and publishing	P	P	P	
Social Service Agency	C	C	C	
Offices and Financial Services				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	P	CM	CM	Note 8
Offices, business and administrative	P	-	-	
Public, Quasi-Public and Assembly Uses				
Church/Religious Assembly	CM	CM	CM	
Residential				
Emergency residential shelter	CM	C	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 1
Drive-Through Use				
Drive-through in conjunction with any use	CM	CM	CM	
Recycling Uses				
Recycling processing facility	C	S	S	
Recycling transfer facility	C	S	S	
Large collection facility	-	-	P	
Reverse vending	A	A	A	
Small collection facility	A	A	A	
Transportation and Utilities				
Common carrier	-	C	P	
Common carrier depot	S	S	S	Note 2
Community television antenna systems	C	C	C	
Communications service exchange	C	C	C	
Off-site, alternating and alternative use parking arrangements	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	
Parking establishment, off-street	C	C	C	
Television, radio studio	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	
Wireless communication antenna	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1910
Electrical Power Generation				
Base Load Facility	-	-	C	

Table 20-110 Industrial Districts Land Use Regulations				
Use	**Zoning District**			**Applicable Sections & Notes**
	IP	**LI**	**HI**	
Stationary Peaking Facility	-	C	C	
Transportable Peaking Facility	-	C	C	
Private Power Generation Facility	C	C	C	
Co-Generation Facility	S	S	S	
Stand-by/Backup				
Facilities that do not exceed noise and air standards	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	
Temporary Stand-by-Backup	P	P	P	
Photovoltaic	P	P	P	Note 5
Vehicle Related Uses				
Gas or charge station	CM	CM	CM	Note 3
Gas or charge station with incidental service and repair	CM	CM	CM	Note 4
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	-	
Repair and cleaning of vehicles	-	P	P	Note 7
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	-	C	-	
Vehicle wrecking, including sales of parts	-	-	C	

Notes:

1. Site must be seven (7) acres or more.
2. Includes associated office.
3. No incidental repair or service. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
4. 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. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
5. Photovoltaic (PV) systems may be processed through a Permit Adjustment.
6. Intentionally left blank.
7. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
8. Public eating establishments; financial institutions; personal service establishments; and recreation, commercial/indoor in the IP district are 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.

SECTION 3. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.70.100 Allowed Uses and Permit Requirements

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

B. "Conditional" uses are indicated by a "C" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.

C. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.

D. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.

E. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.

F. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space ("DG Area"), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.

G. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.

H. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other

applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-140 Downtown Districts Land Use Regulations					
Use	**Zoning 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	-, Note l	No parking	-
Financial institution	P	P	S, Note l	1 per 360 sq. ft.*	
Financial Services	P	P	S, Note n	No parking	
Offices, business and administrative	P	P	-, Note j	1 per 360 sq. ft.*	Section 20.70.110
Research and development	P	P	-	1 per 360 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	
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	

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**
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	
Entertainment establishment	C	-		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	
Entertainment as an incidental use to any General Retail or Food Services Use permitted in the Downtown Zoning Districts	P	P		No parking	Note 7
Public eating establishments	P	P		No parking	
Wineries, Breweries	C	C		No parking	
Health and Veterinary Services					
Animal grooming	S	S	-	No parking	Note 2
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	
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	

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**
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, 1 per 360 sq.ft.*	
Live/work	P	S		1 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential Care Facility for 7 or more persons	C	C	-	.75 per employee	
Residential Services Facility for 7 or more persons	C	C	-	.75 per employee	
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Park 15, Chapter 20.80
Residential Accessory Uses					
Accessory buildings and structures	P	P	-	No parking	
Recycling Uses					
Reverse vending	S	S	-	No parking	Note 4
Small collection facility	S	S	-	No parking	Note 4
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
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 4
Gas or charge station with incidental service and repair	P	-	-	No parking	Note 4
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 5
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 6
Sale, vehicle parts, new	P	-	-	No parking required	

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) Boarding not permitted.
(3) No lot may be used solely for an accessory structure or building.
(4) 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.
(5) All activity must be conducted indoors.
(6) Non-engine and exhaust related service and repair allowed as incidental use.
(7) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.

* Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.6 spaces per 1,000 square feet when the Downtown East Valley Light Rail Line is opened, and would be further reduced 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 4. Section 20.80.2020 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.2020 Administrative Permit for Stand-by/Backup Equipment

A. An applicant for an Administrative Permit to allow the placement, construction or operation of a Stand-By or Backup Electrical Power Generation Facility shall, in addition to all other Administrative Permit requirements, declare under penalty of perjury that the Stand-By or Backup Electrical Power Generation Facility sought for use subject to an Administrative Permit will at all times be maintained in full conformance with each and every one of the criteria and standards set forth in this Part.

B. An Administrative Permit to allow a Stand-By or Backup Electrical Power Generation Facility shall not be issued unless the Director determines that all of the applicable criteria and standards set forth in this Part are met.

SECTION 5. Section 20.80.2030 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.2030 Criteria and Standards

A. Any Stand-By or Backup Electrical Power Generation Facility shall meet all of the following criteria and standards listed below. Any electrical power generation uses that may be permitted with a Site Development Permit, Special Use Permit, or Conditional Use Permit shall meet the standards and criteria below, provided that the Director, Planning

Commission, or City Council, as the case may be, may relax such standards or impose stricter standards as a reasonable exercise of their discretion, upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Part and the purposes of this Title.

B. The standards and criteria for stand-by and back-up electrical power generation uses are as follows:

1. Maximum noise levels, based upon a noise analysis by an acoustical engineer, will not exceed the applicable noise standards set forth in this Title.

2. If the applicable maximum air quality or noise standards are exceeded in the open space, agricultural, or any commercial or industrial zoning district, a Conditional Use Permit issued in accordance with Part 6 of Chapter 20.100 of this Title shall be required.

3. A Bay Area Air Quality Management District (BAAQMD) permit has been issued for the use or facility.

4. Operation of a Temporary Stand-By or Backup Power Generation Facility, by definition, shall not exceed a maximum time period of four (4) consecutive months in any twelve (12) month period.

5. Testing of generators is limited to 7 a.m. to 7 p.m., Monday through Friday.

SECTION 6. Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.500 Adjustments

A. The Director may, at the Director's sole discretion, approve an adjustment for the following:

1. 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 no more than two (2) such term extensions may be approved.

2. 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.

3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.

4. 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.

5. Building Mounted Wireless Communications Antenna.

6. Tract sales, model home sales, or leasing offices associated with an approved housing development.

7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.

8. Solar Photovoltaic Electrical Power Generation Systems.

9. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.

10. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.

11. Building additions of less than five thousand(5,000) square feet in area or less than 50% of the building area prior to the addition, whichever is smaller, to non-residential buildings.

12. Generators meeting performance standards for noise and air pollution.

B. 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.

C. 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.

D. 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.

PASSED FOR PUBLICATION of title this 16th day of May, 2006, by the following vote:

Deleted: 18th

Deleted: April

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE, NGUYEN, PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

Deleted: ¶

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk
By: NANCY ALFORD
Assistant City Clerk