



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSÉ)

I, Toni J. Taber, Acting City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 29254**, the original copy of which is attached hereto, was passed for publication of title on the **14th day of May 2013**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **4th day of June 2013** by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KHAMIS,
LICCARDO, NGUYEN, OLIVERIO, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

ABSTAINED: NONE.

VACANT: NONE.

Said ordinance is effective as of **July 5, 2013**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **6th day of June 2013**.

(SEAL)

TONI J. TABER, CMC
ACTING CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 29254

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND: SECTION 20.30.100 OF CHAPTER 20.30 (RESIDENTIAL ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES ON SCHOOL, LIBRARY, COMMUNITY CENTER, AND RELIGIOUS ASSEMBLY SITES IN RESIDENTIAL ZONING DISTRICTS; SECTIONS 20.40.100 AND 20.40.520 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES IN COMMERCIAL ZONING DISTRICTS; SECTION 20.50.100 OF CHAPTER 20.50 (INDUSTRIAL ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES IN INDUSTRIAL ZONING DISTRICTS; SECTION 20.70.100 OF CHAPTER 20.70 (DOWNTOWN ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES, AND TO ALLOW BANQUET FACILITIES AS GROUND-FLOOR SPACE USES, IN DOWNTOWN ZONING DISTRICTS; SECTIONS 20.75.200 AND 20.75.320 OF CHAPTER 20.75 (PEDESTRIAN ORIENTED ZONING DISTRICTS) TO ALLOW CERTIFIED FARMERS' MARKETS, NEIGHBORHOOD AGRICULTURE AND OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES IN PEDESTRIAN ORIENTED ZONING DISTRICTS; SECTIONS 20.80.810 AND 20.80.820 OF CHAPTER 20.80 (SPECIFIC USE REGULATIONS, OUTDOOR VENDING FACILITIES) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES AND OTHER PRODUCTS IN CONFORMANCE WITH SPECIFIC REGULATIONS WITHOUT AN ADMINISTRATIVE PERMIT; AND TO RENUMBER SECTIONS 20.200.400 (FLAG LOT) AND 20.200.410 (FIXED BASED HOST) OF CHAPTER 20.200 (DEFINITIONS) WITHOUT SUBSTANTIVE AMENDMENT; ALL TO FURTHER IMPLEMENT THE DESIGN FOR A HEALTHFUL COMMUNITY MAJOR STRATEGY, THE VIBRANT NEIGHBORHOODS GOALS AND POLICIES, THE ECONOMIC DEVELOPMENT GOALS AND POLICIES, AND THE LAND USE GOALS AND POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN AND TO MAKE OTHER TECHNICAL, FORMATTING OR OTHER NONSUBSTANTIVE CHANGES WITHIN THOSE SECTIONS OF TITLE 20

WHEREAS, the environmental impacts of this ordinance have been examined and disclosed pursuant to the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines and regulations, under that certain Final Program Environmental Impact Report prepared for the Envision San Jose 2040 General

Plan and related City Council Resolution No. 76041, adopted by the City Council on November 1, 2011.

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. "Restricted" land uses are indicated by an "R" on Table 20-50. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- F. When the right column of Table 20-50 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

| Table 20-50 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 | | | | | |

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| Accessory buildings and structures | P | P | P | P | Note 4, Section 20.80.200 |
| Home Occupations | P | P | P | P | Part 9, Chapter 20.80 |
| Entertainment and Recreation Related | | | | | |
| Equestrian and riding club | C | - | - | - | |
| Golf course | C | C | C | - | Note 5 |
| 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 | | | | | |
| Certified farmers' market | S | S | S | S | Part 3.5, Chapter 20.80; Note 7 |

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|---|---|---|---|---|---|
| Certified farmers' market - small | P | P | P | P | Part 3.5, Chapter 20.80; Note 7 |
| Neighborhood agriculture | P | P | P | P | Part 9, Chapter 20.80 |
| Outdoor vending - fresh fruits and vegetables | P | P | P | P | Part 10, Chapter 20.80; Notes 7 and 8 |
| Bed & Breakfast | C | C | C | - | |
| Transportation and Utilities | | | | | |
| Community television antenna systems | C | C | C | C | |
| Off-site, alternating use and alternative use parking arrangements | S | S | S | S | Section 20.90.200 |
| Parking establishment, off-street | C | C | C | C | Section 20.90.150 |
| Utility facilities, excluding corporation yards, storage or repair yards and warehouses | C | C | C | C | |
| Wireless communication antenna | C | C | C | C | Sections 20.30.130, 20.30.140 and 20.100.1300 |
| 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, and 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. |

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| 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 primary 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.
7. Allowed on school sites, library sites, community center sites, or church/religious assembly sites only.
8. The activity must conform with the location and operational requirements in Section 20.80.820 of Part 10, Chapter 20.80. Allowed for up to two (2) hours per day for each vending facility, but not to exceed four (4) hours per day per lot.

SECTION 2. 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. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- F. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- G. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

| Table 20-90 Commercial Districts Land Use Regulations | | | | | |
|--|-----------------|----|----|----|-------------------------|
| Use | Zoning District | | | | Notes & Section |
| | 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 | |
| Certified farmers' market | S | S | S | S | Part 3.5, Chapter 20.80 |
| Certified farmers' market - small | P | P | P | P | Part 3.5, Chapter 20.80 |
| Food, beverage, groceries | - | P | P | P | |
| Nursery, plant | - | P | P | P | Note 1 |

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|---|---|---|---|---|------------------------|
| Outdoor vending | - | A | A | A | Part 10, Chapter 20.80 |
| Outdoor vending - fresh fruits and vegetables | P | P | P | P | 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 20.80.1175 |
| Education and Training | | | | | |
| Child day care center located on an existing school site or as an incident to an on-site church/religious assembly use involving no building additions or changes to the site | P | P | 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 or private) | C | C | C | C | Note 16 |
| School, driving (class C & M license) | - | P | P | P | Note 2 |
| School, post secondary | - | P | P | P | Note 3 |
| School, trade and vocational | - | C | C | C | |
| Entertainment and Recreation Related | | | | | |
| Arcade, amusement | - | C | C | C | |
| Dancehall | - | C | C | C | |
| Poolroom/billiards establishment | - | C | C | C | |
| Private club or lodge | C | C | C | C | |
| Recreation, commercial (indoor) | - | P | P | P | |
| Recreation, commercial (outdoor) | - | C | C | C | |

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| 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 | |
| Drinking establishments interior to a full-service hotel/motel that includes 75 or more guest rooms | - | P | P | P | Section 20.80.475 |
| Public eating establishments | - | P | P | P | |
| Outdoor dining, incidental to a public eating establishment or a retail establishment | - | P | P | P | Section 20.40.520 |
| Wineries, breweries | - | C | C | C | |
| Incidental recreational dancing as part of a public eating establishment or drinking establishment | - | P | P | P | |
| 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 marijuana collective [USE SUSPENDED] | - | - | - | R | Part 9.5, Chapter 20.80 |
| 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 |

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|---|---|---|---|---|--|
| Bail bond establishment - within main jail area | - | P | P | P | Note 14; Part 1.5, Chapter 20.80 |
| 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 |
| Payday lending establishment | - | R | R | R | Part 12.5, Chapter 20.80; Section 20.200.875 |
| 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 20.80.740 |
| Mixed use residential/commercial | - | C | C | C | Note 6 |
| Residential care facility for seven or more persons | C | C | C | C | |
| Residential service facility for seven or more persons | C | C | C | C | |
| Single room occupancy hotel | - | C | C | C | Part 15, Chapter 20.80 |
| Single room occupancy living unit | - | C | C | C | Part 15, Chapter 20.80 |
| Drive-Through Uses | | | | | |
| Drive-through in conjunction with any use | - | - | C | C | |
| Recycling Uses | | | | | |
| Reverse vending | A | A | A | A | Part 13, Chapter 20.80 |
| Small collection facility | A | A | A | A | Part 13, Chapter 20.80 |
| 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 |

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| Wireless communication antenna, slimline monopole | S | S | S | S | Section 20.80.1900 |
| Wireless communication antenna, building mounted | P | P | P | P | Section 20.80.1910 |
| Electrical Power Generation | | | | | |
| Private electrical power generation facility | C | C | C | C | Note 2 |
| Co-generation facility | S | S | S | S | |
| Stand-by/backup | | | | | |
| Facilities that do not exceed noise or air standards | A | A | A | P | |
| Facilities that do exceed noise or air standards | C | C | C | C | |
| Temporary stand-by/backup | P | P | P | P | |
| Solar photovoltaic system | P | P | P | P | Section 20.100.610 C.7. |
| Vehicle Related Uses | | | | | |
| Accessory installation, passenger vehicles and pick-up trucks | - | - | C | P | |
| Auto dealer, wholesale, no on-site storage | P | P | P | P | |
| Car wash, detailing | - | - | C | C | |
| 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 |
| Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles | - | C | C | P | Note 2 |
| Sale, brokerage, or lease, commercial vehicles | - | - | C | C | Note 13 |
| Sale or brokerage, passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles | - | C | S | P | Note 12, Note 13 |
| 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 | - | - | C | P | Note 10, Note 13 |

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| trucks | | | | | |
| 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. Mixed use residential/commercial only under approved village plan or in signature project consistent with the general plan.
7. Use must be less than twenty-four hours.
8. No incidental repair or service permitted.
9. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
11. No outdoor sales areas or dismantling allowed.
12. In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
13. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

14. Bail bond establishments shall not be located and are prohibited uses on the ground floors of structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-90 on other, above-ground floors of structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this title.
15. 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.
16. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.

SECTION 3. Section 20.40.520 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

20.40.520 Outdoor uses within 150 feet of residentially zoned property

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the lot on which such buildings are located is situated within one hundred fifty (150) feet of residentially zoned property situated within or outside the city except with a Special Use Permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 14, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians both of which are associated with financial institutions.
- C. Cigarettes, ice, candy, food, and soft drinks dispensed from self-service, coin-operated automatic vending machines.
- D. Plant nursery sales.
- E. Outdoor dining incidental to a public eating establishment or a retail establishment that conforms to all of the following criteria:
 1. The outdoor dining area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred (100) feet that includes a public street with a minimum public right-of-way dimension of eighty (80) feet; and
 2. The outdoor dining area does not include any equipment to produce any amplified sound; and
 3. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.

- F. Outdoor vending of whole, uncut, fresh fruits and vegetables in conformance with the provisions of Part 10, Chapter 20.80.
- G. Small Certified Farmers' Markets in conformance with the provisions of Part 3.5, Chapter 20.80.

SECTION 4. Section 20.50.100 of Chapter 20.50 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 designation 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 designation are indicated by a "P^{GP}" on Table 20-110.
- C. "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 general plan, as amended, with the 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.

- D. "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.
- E. "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.
- F. "Restricted" land uses are indicated by an "R" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon

issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.

- G. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.
- H. 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 | TEC | IP | LI | HI | |
| Industry | | | | | | |
| Auction | C | C | C ^{GP} | C ^{GP} | - | |
| Industrial services | - | - | - | P | P | |
| Laboratory, processing | P | P | P | P | P | |
| Manufacturing and assembly | | | | | | |
| Light | P | P | P | P | - | |
| Medium | P | P | P | P | P | |
| Heavy | - | - | - | - | P | |
| Research and development | P | P | P | - | - | |
| Catalog and mail order | P | 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 | C | |
| Stockyard, including slaughter | - | - | - | - | C | |
| Warehouse/distribution facility | P | P | P | P | P | |
| Wholesale sale establishment | P | S | S | P | P | |
| Wineries, breweries | P | P | P | 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 | C | S | S | |
| Commercial support | - | P | P | - | - | Note 5, Section 20.50.110 |
| Retail sales, goods and merchandise | P | P | - | - | - | Note 5, Section 20.50.110 |
| Retail art studio | P | P | - | - | - | |
| Alcohol, off-site sales - beer and/or wine only | C | C | - | - | - | Note 5, Section 20.50.110 |
| Alcohol, off-site sales, full range of alcoholic beverages | C | C | - | - | - | Note 5, Section 20.50.110 |
| Alcoholic beverages, off-site sales - beer and/or wine only and incidental to a winery/brewery | C | C | C | C | C | Note 12, Section 20.50.110 |
| Alcoholic beverages, off-site sales – distilled spirits only and incidental to a distillery | C | C | C | C | C | Note 12, Section 20.50.110 |
| Bakery, retail | P | P | - | - | - | Note 5, Section 20.50.110 |

| | | | | | | |
|--|---|---|-----------------|-----------------|---|---------------------------|
| Certified farmers' market | - | S | S | - | - | Part 3.5, Chapter 20.80 |
| Certified farmers' market - small | - | P | P | - | - | Part 3.5, Chapter 20.80 |
| Food, beverage, groceries | P | P | - | - | - | Note 5, Section 20.50.110 |
| Nursery, plant | P | P | - | C | C | |
| Outdoor vending | A | A | - | A | A | Part 10, Chapter 20.80 |
| Outdoor vending - fresh fruits and vegetables | P | P | P | P | P | Part 10, Chapter 20.80 |
| 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 | P | - | C | - | |
| Seasonal sales | P | P | P | P | P | Part 14, Chapter 20.80 |
| Education and Training | | | | | | |
| Day care center | C | C | C ^{GP} | C ^{GP} | - | |
| School, driving (class A & B license) | - | - | - | P | P | |
| Instructional art studios | P | P | - | - | - | |
| Instructional art studios, live models | C | C | - | - | - | |
| Private instruction, personal enrichment | P | P | - | - | - | |
| School- elementary and secondary (public or private) | C | C | - | - | - | Note 11 |

| | | | | | | |
|---|-----------------|--|-----------------|-----------------|---|----------------------------|
| School, post secondary | C | C | C | - | - | |
| School, trade and vocational | C | C | - | C | C | |
| Entertainment and Recreation Related | | | | | | |
| Recreation, commercial / indoor | P | C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations | C ^{GP} | C ^{GP} | - | Note 5, Section 20.50.110 |
| Relocated cardroom | C ^{GP} | C ^{GP} | C ^{GP} | C ^{GP} | - | Section 20.80.1155 |
| Performing arts production and rehearsal space, excluding performances | P | C | C | C ^{GP} | - | |
| Food Services | | | | | | |
| Caterer | P | P | - | - | - | |
| Drinking establishments | C | C | - | - | - | |
| Drinking establishments interior to a full-service hotel/motel that includes 75 or more guest rooms | P | S if within 150 feet of residentially used or zoned lot; P if not within 150 feet of residentially used or zoned lot | P ^{GP} | - | - | Section 20.80.475; Note 13 |
| Drinking establishment in conjunction with a winery or brewery | C | C | C | C | C | |

| | | | | | | |
|---|---|--|-----------------|-----------------|---|---|
| Public eating establishments | P | P | - | C | C | Note 5, Section 20.50.110 and Section 20.50.113 |
| Outdoor dining, incidental to a public eating establishment | P | S if within 150 feet of residentially used or zoned lot; P if not within 150 feet of residentially used or zoned lot | - | C | C | Note 5, Section 20.50.110 and Section 20.50.113 |
| Health and Veterinary Services | | | | | | |
| Animal boarding, indoor | P | P | - | - | - | Note 14 |
| Animal grooming | P | P | - | - | - | Note 14 |
| Emergency ambulance service | C | C ^{GP} | C ^{GP} | C ^{GP} | - | |
| Hospital/in-patient facility | C | C | C | - | - | Note 6 |
| Medical marijuana collective [USE SUSPENDED] | R | - | - | R | - | Part 9.75, Chapter 20.80 |
| Office, medical | P | P | C | - | - | Note 5, Section 20.50.110 |
| Veterinary clinic | P | P | - | - | - | Note 14 |
| General Services | | | | | | |
| Crematory | - | - | - | C ^{GP} | C | Note 7 |
| Mortuary, without funeral services | - | - | - | P | P | |
| Dry cleaner | P | P | - | - | - | |
| Hotel / motel | P | P on lands with a General Plan land use designation | C ^{GP} | - | - | Note 13 |

| | | | | | | |
|--|---|--|-----------------|-----------------|---|---------------------------|
| | | of Transit Employment Center; P ^{GP} on lands with other designations | | | | |
| Laundromat | P | P | - | - | - | |
| Maintenance and repair, small household appliances | P | P | - | - | - | |
| Messenger services | P | P | - | - | - | |
| Personal services | P | P | - | - | - | Note 5, Section 20.50.110 |
| Photo processing and developing | P | P | P | P | P | |
| Printing and publishing | P | P | P | P | P | |
| Social service agency | - | C | C | C | C | |
| Offices and Financial Services | | | | | | |
| Automatic teller machine | P | P | P | P | P | Section 20.80.200 |
| Business support | P | P | - | - | - | |
| Financial institution | P | P | P | C ^{GP} | - | Note 5, Section 20.50.110 |
| Office, general business | P | P | P | - | - | |
| Office, research and development | P | P | P | - | - | |
| Public, Quasi-Public and Assembly Uses | | | | | | |
| Church / Religious assembly | C | C on lands with a General Plan land use designation of Transit Employment | C ^{GP} | C ^{GP} | - | |

| | | | | | | |
|--|---|---|-----------------|-----------------|---|------------------------|
| | | Center; C ^{GP} on lands with other designations | | | | |
| Residential | | | | | | |
| Emergency residential shelter, more than 50 beds | C | C ^{GP} | C ^{GP} | C | - | Section 20.80.500 |
| Emergency residential shelter, 50 beds or fewer | P | C | C ^{GP} | C | - | Section 20.80.500 |
| Living quarters, custodian, caretakers | - | - | - | - | C | Note 1 |
| Drive-Through Use | | | | | | |
| Drive-through in conjunction with any use | C | C ^{GP} | C ^{GP} | C ^{GP} | - | |
| Recycling Uses | | | | | | |
| Recycling processing facility | - | C | C | S | S | Part 13, Chapter 20.80 |
| Recycling transfer facility | - | C | C | S | S | Part 13, Chapter 20.80 |
| Large collection facility | - | - | - | - | P | Part 13, Chapter 20.80 |
| Reverse vending | A | A | A | A | A | Part 13, Chapter 20.80 |
| Small collection facility | A | A | A | A | A | Part 13, Chapter 20.80 |
| Transportation and Utilities | | | | | | |
| Common carrier | - | - | - | C | P | |
| Common carrier depot | S | S | S | S | S | |
| Community television antenna systems | C | C | C | C | C | |
| Data center | S | S | S | S | S | |
| Off-site, alternating and alternative use | S | S | S | S | S | Section |

| | | | | | | |
|---|---|---|---|---|---|---------------------|
| parking arrangements | | | | | | 20.90.200 |
| Parking establishment not permitted in Tables 20-30, 20-50 and 20-90 | C | C | C | C | C | |
| Parking establishment, off-street | C | C | C | C | C | |
| Television, radio studio | C | C | C | C | C | |
| Utility facilities, excluding corporation yards, storage or repair yards and warehouses | C | C | C | C | C | |
| Wireless communication antenna | C | C | C | C | C | Section 20.100.1300 |
| Wireless communication antenna | S | S | S | S | S | Section 20.80.1900 |
| Wireless communication antenna, building mounted | P | 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 | C | |
| Co-generation facility | S | S | S | S | S | |
| Stand-by/back-up | | | | | | |
| Facilities that do not exceed noise and air standards | P | P | P | P | P | |
| Facilities that do exceed noise and air standards | C | C | C | C | C | |
| Temporary stand-by-backup | P | P | P | P | P | |
| Solar photovoltaic system | P | P | P | P | P | Section |

| | | | | | | |
|---|---|---|-----------------|-----------------|---|---------------------------|
| | | | | | | 20.100.610 C.7. |
| Vehicle Related Uses | | | | | | |
| Auto dealer, wholesale, no on-site storage | P | P | P | - | - | |
| Car wash, detailing | C | C | - | - | - | |
| Gas or charge station, excluding incidental service or repair | P | C | C ^{GP} | C ^{GP} | - | Note 2, Note 78 |
| Gas or charge station with incidental service and repair | P | C | C ^{GP} | C ^{GP} | - | Note 3 |
| Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles | C | C | - | C | - | Note 10 |
| Repair and cleaning of vehicles | C | - | - | P | P | Note 4 |
| Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment | C | - | - | C | - | |
| Sale, vehicle parts | P | P | - | P/S | - | Note 9 |
| Vehicle tow yard | - | - | - | C | S | |
| Vehicle wrecking, including sales of parts | - | - | - | - | C | |
| Historic Reuse | | | | | | |
| Historic landmark structure reuse | S | S | S | S | S | Part 8.5 Chapter 20.80 |

Notes:

1. Site must be seven acres or more.
2. No incidental repair or service.
3. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension

system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.

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 limitations of 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. Refer to the general plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least 500 linear feet from residential uses, schools, and day care 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 use is located.
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 industrial zoning districts.
9. Vehicle parts sales are permitted in the LI District when the total floor area dedicated to retail display and open to the public occupies no more than 15% of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed 15% of the gross floor area of the individual tenant space are subject to a special use permit.
10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
11. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
12. Off-sale of Alcoholic Beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
 - a. Two hundred fifty (250) gross square feet; or
 - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
13. At least two hundred (200) rooms and four (4) or more stories in height are required for hotels located in the TEC Transit Employment Center Zoning District.

14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a building.

SECTION 5. 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. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- H. 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.

- I. 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.
- J. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

| Table 20-140 Downtown Districts Land Use Regulations | | | | | |
|---|-----------------|--------|--|------------------------|--|
| Use | Zoning District | | 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, Notes k and n | No parking | |
| Financial institution | P | P | S, Note n | 2.5 per 1,000 sq. ft.* | |
| Financial services | P | P | S, Notes m and n | No parking | |
| Offices, business and administrative | P | P | S, Notes i and n | 2.5 per 1,000 sq. ft.* | Section 20.70.110 |
| Payday lending establishment | R | R | | | Part 12.5, Chapter 20.80; Section 20.200.875 |

| | | | | | |
|---|---|---|--------|------------------------|-------------------------|
| 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 | |
| Certified farmers' market | S | S | | No parking | Part 3.5, Chapter 20.80 |
| Certified farmers' market - small | P | P | | No parking | Part 3.5, Chapter 20.80 |
| 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 |
| Outdoor vending - fresh fruits and vegetables | P | P | | 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, Notes c and n | No parking | |
| Post-secondary school | P | P | - | 1 per 360 sq. ft. | |
| Trade school | P | P | - | 1 per 360 sq. ft. | |
| School, elementary (grades K-8) | C | C | - | 1 per teacher and employee | |
| 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 | | No parking required | |
| Caterer | P | P | C, Note f | No parking | |

| | | | | | |
|---|----|---|---|----------------|-------------------|
| Drinking establishments | C | C | | No parking | |
| 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 | - | | No parking | Note 7 |
| Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms | P | P | | No parking | Section 20.80.475 |
| Public eating establishments | P | P | | No parking | Note 9 |
| 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 l | .35 per room | Part 2, Chapter 20.80 |
| Hotel/motel | P | P | -, Note l | .35 per room | |
| Maintenance and repair of household appliances | P | P | - | No parking | |
| Mortuary and funeral services | C | C | - | .75 per employee and vehicle | |
| Personal services | P | P | Note g | No parking | - |
| Printing and publishing | P | P | Note h | No parking | |
| Public, Quasi-Public and Assembly Uses | | | | | |
| Auditorium | C | - | - | No parking | |
| Cemetery | C | C | - | No parking | |
| Church/religious assembly | P | P | | No parking | |
| Information center | P | P | | No parking | |
| Museums, libraries | P | - | P | No parking | |
| Parks, playgrounds, or community centers | P | P | Note j | 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 seven or more persons | C | C | - | .75 per employee | |
| Residential services facility for seven 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 living unit | S | S | - | .6 per room | Part 15, Chapter 20.80 |
| Single room occupancy hotel | S | S | - | .6 per room | Part 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 | Part 13, Chapter 20.80 |
| Small collection facility | S | S | - | No parking | Part 13, Chapter 20.80 |
| Transportation and Communication | | | | | |
| Community television antenna systems | C | - | - | No parking | |
| Off-site and alternating use | P | P | - | N/A | Section 20.90.200 |

| | | | | | |
|--|---|---|--------|---|-------------------------|
| parking arrangements | | | | | |
| 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 and television studios | P | - | Note n | No parking | |
| Wireless communication antenna | S | - | - | No parking | Section 20.80.1900 |
| Wireless communication antenna, building mounted | P | - | - | No parking | Section 20.80.1900 |
| Electrical Power Generation | | | | | |
| Solar photovoltaic system | P | P | - | No parking | Section 20.100.610 C.7. |
| Vehicle Related Uses | | | | | |

| | | | | | |
|---|---|---|---|-------------------------------|---------------------------|
| Accessory installation for cars and passenger trucks | P | - | - | No parking | |
| Car wash, detailing | P | - | - | No parking | |
| Gas or charge station | P | - | - | No parking | Note 3, 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 20.90.220E. | 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. Exception for travel agencies and real estate agencies which are the only permitted uses.
- j. Community centers are not allowed.
- k. Exception for copy shops and mail centers which are the only permitted uses.
- l. Use of ground floor to be primarily dedicated to customer-related public services.
- m. 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.
- n. In order to be a permitted use, the space to be occupied shall have been vacant on January 1, 2012, the size of the space of such use shall be limited in size to a total maximum area of no greater than twenty thousand (20,000), square feet, and the space shall not be located within a corner tenant space that is directly adjacent to the intersection of two (2) public streets. Any use that does not meet all of the criteria specified above in this note may be allowed with a Special Use permit, and a Special Use Permit is and shall be required.

Notes applicable to Downtown Primary Commercial (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 and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- 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 20.200.940B., 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 Marshal.
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 two and one-half (2 ½) spaces per one thousand (1,000) square feet when BART is opened.

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

9. Includes onsite outdoor dining area(s).

SECTION 6. Section 20.75.200 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.200 Allowed uses and permit requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-156.
- B. "Conditional" uses are indicated by a "C" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-156. Land uses not listed on Table 20-156 are not permitted.

F. When the right column of Table 20-156 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

| Table 20-156 Pedestrian Oriented Districts Land Use Regulations | | | | | |
|--|---|------------------------------------|------------------|-------------|--|
| Use | Main Street Zoning Districts | | | | Applicable Sections & Notes |
| | MS-G | | | MS-C | |
| | Ground Floor Commercial Frontage | Residential Street Frontage | All Other | | |
| General Retail | | | | | |
| Retail sales, goods and merchandise | P | - | P | P | |
| 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 | |
| Certified farmers' market | S | - | S | S | Part 3.5, Chapter 20.80; |
| Certified farmers' market - small | P | - | P | P | Part 3.5, Chapter 20.80; |
| Food, beverage, groceries | P | - | P | P | |
| Neighborhood agriculture | - | P | - | - | Part 9, Chapter 20.80 |
| Nursery, plant | - | - | P | P | Note 1 |
| Outdoor vending | A | - | A | A | Part 10, Chapter 20.80 |

| | | | | | |
|---|---|---|---|---|--------------------------|
| Outdoor vending - fresh fruits and vegetables | P | - | P | P | Part 10, Chapter 20.80 |
| Pawn shop/broker | C | - | C | C | See Title 6 |
| Seasonal sales | P | - | P | P | Part 14, Chapter 20.80 |
| Retail art studio | P | - | P | P | Part 13.7, Chapter 20.80 |
| Education and Training | | | | | |
| Child day care center located on an existing school site or as an incident to an on-site church/religious assembly use involving no building additions or changes to the site | - | - | P | P | |
| Day care center | 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 | |
| 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 | |
| Caterer | P | - | P | P | Note 4 |
| Drinking establishments | C | - | C | C | |
| Drinking establishment interior to a full-service hotel/motel with 75 or more guest rooms | P | - | P | P | Section 20.80.475 |
| Public eating establishments | P | - | P | P | |
| Outdoor dining, incidental to a public eating establishment or a retail establishment | P | - | P | P | Section 20.75.320 |
| Wineries, breweries | C | - | C | C | |
| Health and veterinary services | | | | | |

| | | | | | |
|--|---|---|---|---|-----------------------|
| Animal boarding, indoor | - | - | P | P | Note 5 |
| Animal grooming | P | - | P | P | Note 5 |
| Emergency ambulance service | - | - | C | C | |
| Hospital/in-patient facility | C | - | C | C | |
| Medical 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 | |
| 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 (privately operated) | C | - | C | C | |
| 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 | - | P | P | P | Section 20.75.210 |
| Home occupation | - | P | P | P | Part 9, Chapter 20.80 |
| Mixed use/ground floor commercial with residential above | C | - | C | C | Section 20.75.210 |
| Emergency residential shelter | - | - | - | - | Section 20.80.500 |
| Live/work | C | - | S | - | Part 9.5, 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 more persons | - | C | C | C | Section 20.75.210 |
| 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 | Part 13, Chapter 20.80 |
| Small collection facility | A | - | A | A | Part 13, Chapter 20.80 |
| Transportation and Utilities | | | | | |
| Data center | - | - | - | - | |
| Community television antenna systems | - | - | C | C | |
| Off-site, alternating use and alternative parking arrangements | S | S | S | S | Section 20.90.200 |
| 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 |
| 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 standards | C | - | C | C | |
| Temporary stand-by/backup | P | - | P | P | |
| Solar photovoltaic system | P | P | P | P | Section 20.100.610C.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 | - | - | - | - | |
| 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 or lease passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles, indoors | S | - | S | S | Note 9, Note 10 |
| Rental passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles | S | - | S | S | Note 2 |
| Sale, vehicle parts | S | - | S | S | Note 8 |
| Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks | S | - | S | S | Note 7, Note 10 |
| Historic Reuse | | | | | |
| Historic landmark structure reuse | S | C | S | S | Part 8.5 Chapter 20.80 |

Notes:

- (1) Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) All uses involving any type of care for animals, including but not limited to grooming, boarding, or medical care must be conducted wholly inside a building.
- (6) Use must be less than 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 7. Section 20.75.320 of Chapter 20.75 of Title 20 of the San José Municipal Code is amended to read as follows:

20.75.320 Outdoor uses within one hundred fifty (150) feet of residentially zoned property

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the lot on which such buildings are located is situated within one hundred fifty (150) feet of residentially zoned property situated within or outside the city except with a special use permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 14, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians, both of which are associated with financial institutions.
- C. Outdoor retail displays located in the front setback that are associated with a commercial use on the property.

- D. Plant nursery sales.
- E. Outdoor dining incidental to a public eating establishment or a retail establishment that conforms to all of the following criteria:
 - 1. The outdoor dining area is located within one hundred (100) feet of the Main Street or is completely separated from any property located in a residential zoning district by a minimum distance of fifty (50) feet; and
 - 2. The outdoor dining area does not include any equipment to produce any amplified sound; and
 - 3. The outdoor dining area does not operate between the hours of 12:00 midnight and 6:00 a.m.; and
 - 4. The outdoor dining area is operated in a manner that does not create a private or public nuisance.
- F. Outdoor vending of whole, uncut, fresh fruits and vegetables in conformance with Part 10, Chapter 20.80.
- G. Small Certified Farmers' Markets that are in conformance with Part 3.5, Chapter 20.80.

SECTION 8. Section 20.80.810 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.810 Administrative permit required

- A. No person shall place or operate or allow or suffer the placement or operation of any stationary vending facility which serves members of the public outdoors on any privately owned parcel or lot except in compliance with an administrative permit issued pursuant to this title. The application for such administrative permit may be filed by the operator of the vending facility and shall be countersigned by the owner of the subject lot or parcel, or by the authorized agent of the owner, pursuant to the requirements of Chapter 20.100.
- B. A Stationary Vending Facility is a Vending Facility which remains or operates on any single parcel or lot for more than a total of two (2) hours in any twenty-four-hour period.
- C. An administrative permit is required for each individual Stationary Vending Facility.

SECTION 9. Section 20.80.820 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

20.80.820 Exception - Administrative permit

- A. Nothing in this Part shall regulate or prohibit the following uses:
1. The seasonal sale of Halloween pumpkins and Christmas trees and associated greenery pursuant to this Title.
 2. The Vending of flowers and associated greenery from an approved location pursuant to Sections 6.30.020 through 6.30.060 of Title 6.
 3. The peddling of any product from an approved location within the sidewalk portion of a public street pursuant to Chapter 6.54 of Title 6.
 4. The placement or maintenance of a newsrack within the public right-of-way pursuant to Chapter 13.18 of Title 13.
 5. The Vending of beverages, goods, wares, merchandise or services for the use of an on-site business when covered by other provisions in this title.
- B. Notwithstanding the provisions of this Part, no administrative permit shall be required for the placement or operation of a Vending Facility which solely involves the vending of whole, uncut, fresh fruits and vegetables and that meets and remains in full compliance with all of the following location and operational requirements:
1. The Vendor shall attend the Vending Facility at all times.
 2. The Vending Facility shall operate only on a site with an existing Fixed-base Host in operation on the site.
 3. All operations shall fully comply with all Federal, State and local laws, regulations and guidelines including without limitation those applicable to the Vending of fresh fruits and vegetables, including without limitation the California Health and Safety Code, the California Food and Agricultural Code, and all regulations and guidelines promulgated by the State of California and the County of Santa Clara thereunder, as the same may be amended from time to time.
 4. All activities, and the duration of those activities, shall first have been approved and authorized in writing by the owner of the real property on which those activities are planned to occur. The Vendor shall have this written authorization available onsite and shall present it to the City upon the City's request.
 5. The Vendor shall completely remove all equipment, merchandise and other materials, including without limitation waste materials, from the site upon the conclusion of the Vending activities, excepting such interior storage of equipment, merchandise or materials as may be allowed on the site with the permission of the owner or operator of the site.

6. The hours of operation of a Vending Facility shall be limited to the hours of operation of the fixed-base businesses on the Fixed-base Host site; however, the Vending Facility shall not operate, including any setup or breakdown activities, between the hours of 9:00 p.m. and 7:00 a.m. During hours in which the Fixed-base Host businesses are closed, the Vending Facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors.
7. The Vending Facility shall be placed or operated only on paved surfaces and not on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.
8. The Vendor shall not offer for sale or otherwise distribute any products other than whole, uncut, fresh fruit and vegetables.
9. Each Vendor shall not use amplified sound for any purpose.
10. The Vending Facility or activities shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the site.
11. The Vending Facility shall not occupy or obstruct more than two (2) parking spaces required by this Title for the operation of any other concurrent use.
12. The maximum dimensions of the Vending Facility shall be as follows:
 - a. The maximum height of any portion of each Vending Facility, including any folding or collapsible appendage, shall not exceed ten (10) feet.
 - b. The maximum width of each Vending Facility or cart, including any folding or collapsible appendage, shall not exceed ten (10) feet.
 - c. The maximum length of each Vending Facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four (24) feet.
13. The Vending Facility shall not be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty (30) feet from that point of intersection, measured along those curb-lines.
14. The Vending Facility shall not be placed or operate less than one hundred (100) feet from a freeway on or off ramp.
15. The Vending Facility shall not be placed or operate less than twenty (20) feet from a driveway curb cut.
16. The Vending Facility shall not be placed or operate within one hundred (100) feet of an exclusively residentially used lot as measured from nearest point of Vending Facility to nearest point of the exclusively residentially used lot.

17. No Vending Facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending Facilities shall operate exclusively from vehicles or carts or other conveyances which are fully mobile and have operational wheels in place at all times. Vending Facilities shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.
18. Vending Facilities shall not be located less than fifteen (15) feet from a parcel or lot line or a public right-of-way.
19. The Vendor shall not place or utilize displays of fruits or vegetables that are detached from the Vending Facility or visible offsite.
20. All signs used in conjunction with any Vending Facility shall comply with the requirements of Title 23 of this Code and with the following requirements:
 - a. Free-standing signs shall not be allowed. All signs shall be mounted or attached to the exterior surfaces of the Vending Facility and shall not extend beyond the top, bottom, or side lines of the exterior surface to which it is mounted or attached. The dimensions of mounted or attached signs shall be included in measuring and calculating the maximum height, width and length of a Vending Facility under Section 20.80.870.
 - b. No sign shall revolve, rotate, move or create the illusion of movement, rotation or revolution, or have any visible moving, revolving or rotating surface parts.
 - c. No sign shall be illuminated, directly or indirectly; but this restriction does not preclude the incidental illumination of such signs by service lighting needed in the conduct of nighttime operations.
 - d. No signs shall emit or broadcast any sound, outcry, or noise.
21. The Vendor shall maintain the vending facility and the area around the Vending Facility in a clean and orderly manner that does not create a public or private nuisance. For purposes of this Part, a nuisance shall mean any act or omission which obstructs or causes substantial inconvenience or damage to the public or any member thereof, in the course of, or by the manner of, the exercise of rights created by this Title.
22. Each Vending Facility shall display in a manner legible and visible to its clientele:
 - a. The name and phone number of the Vendor operating the Vending Facility;

- b. The number of the City business license issued to the Vending Facility; and
 - c. The property owner's name and phone number.
23. Each Vendor shall have secured with the property owner of the site on which the Vendor plans to operate, and prior to the commencement of any operation of the Vendor, provision for all of the following services in a manner that comports with State and local laws and regulations, as the same may be amended from time to time:
- a. Refuse disposal and sufficient trash and recycling receptacles within the area of the vending;
 - b. Litter removal within three hundred (300) feet of the boundaries of the Vending Facility; and
 - c. Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.

SECTION 9. Section 20.200.400 of Chapter 20.200 of Title 20 of the San José Municipal Code is renumbered as Section 20.200.410.

SECTION 10. Section 20.200.410 of Chapter 20.200 of Title 20 of the San José Municipal Code is renumbered as Section 20.200.400.

PASSED FOR PUBLICATION of title this 14th day of May 2013, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KH/
LICCARDO, NGUYEN, OLIVERIO, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



TONI J. TABER, CMC
Acting City Clerk

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SJ#: 2487389

ATTEST:
TONI J. TABER, CMC
Acting City Clerk
5/17/13

SJ-2487389#

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description:
ORDINANCE #29254

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/17/2013

Executed on: 05/17/2013
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

ORDINANCE NO. 28254
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND: SECTION 20.30.100 OF CHAPTER 20.30 (RESIDENTIAL ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES ON SCHOOL, LIBRARY, COMMUNITY CENTER, AND RELIGIOUS ASSEMBLY SITES IN RESIDENTIAL ZONING DISTRICTS; SECTIONS 20.40.100 AND 20.40.520 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES IN COMMERCIAL ZONING DISTRICTS; SECTION 20.50.100 OF CHAPTER 20.50 (INDUSTRIAL ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES IN INDUSTRIAL ZONING DISTRICTS; SECTION 20.70.100 OF CHAPTER 20.70 (DOWNTOWN ZONING DISTRICTS) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES, AND TO ALLOW BANQUET FACILITIES AS GROUND-FLOOR SPACES USES, IN DOWNTOWN ZONING DISTRICTS; SECTIONS 20.75.200 AND 20.75.320 OF CHAPTER 20.75 (PEDESTRIAN ORIENTED ZONING DISTRICTS) TO ALLOW CERTIFIED FARMERS' MARKETS, NEIGHBORHOOD AGRICULTURE AND OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES IN PEDESTRIAN ORIENTED ZONING DISTRICTS; SECTIONS 20.80.810 AND 20.80.820 OF CHAPTER 20.80 (SPECIFIC USE REGULATIONS, OUTDOOR VENDING FACILITIES) TO ALLOW OUTDOOR VENDING OF FRESH FRUITS AND VEGETABLES AND OTHER PRODUCTS IN CONFORMANCE WITH SPECIFIC REGULATIONS WITHOUT AN ADMINISTRATIVE PERMIT; AND TO RENUMBER SECTIONS 20.200.400 (FLAG LOT) AND 20.200.410 (FIXED BASED HOST) OF CHAPTER 20.200 (DEFINITIONS) WITHOUT SUBSTANTIVE AMENDMENT; ALL TO FURTHER IMPLEMENT THE DESIGN FOR A HEALTHFUL COMMUNITY MAJOR STRATEGY, THE VIBRANT NEIGHBORHOODS GOALS AND POLICIES, THE ECONOMIC DEVELOPMENT GOALS AND POLICIES, AND THE LAND USE GOALS AND POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN AND TO MAKE OTHER TECHNICAL, FORMATTING OR OTHER NONSUBSTANTIVE CHANGES WITHIN THOSE SECTIONS OF TITLE 20
PASSED FOR PUBLICATION of title this 14th day of May, 2013, by the following vote:
AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, KHAMIS, NGUYEN, OLIVERIO, REED, ROCHA.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.

CHUCK REED
Mayor

