



CITY CLERK

## CITY OF SAN JOSÉ, CALIFORNIA

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

I, Deanna J. Santana, Acting City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 27106**" the original copy of which is attached hereto, was adopted on the **30<sup>th</sup> day of March, 2004**, by the following vote:

AYES:                   CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO, GREGORY,  
                              LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES:                   NONE

ABSENT:                NONE

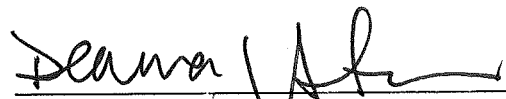
DISQUALIFIED:        NONE

VACANT:                NONE

Said ordinance is effective on **March 30, 2004**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **6<sup>th</sup> day of April, 2004**.

(SEAL)

  
\_\_\_\_\_  
DEANNA J. SANTANA  
ACTING CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

04/06/04:csd

ORDINANCE NO. 27106

**AN URGENCY ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING SECTION 20.50.100 OF CHAPTER 20.50 OF  
TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO  
ALLOW ADDITIONAL USES IN THE INDUSTRIAL  
ZONING DISTRICTS OF THE CITY AND SETTING FORTH  
THE FACTS CONSTITUTING SUCH URGENCY**

**WHEREAS**, on March 12, 2004, this Ordinance was found to be categorically exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP04-03-073.

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

**SECTION 1.** 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 a "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.

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
<b>Industry</b>				
Auction	CM	CM	CM	
Industrial Services	-	P	P	
Laboratory, processing	S	P	P	
Manufacturing and Assembly				
Light	P	P	-	
Medium	S	P	P	
Heavy	-	-	P	
Research and Development	P	-	-	
Catalog and mail order	P	P	-	
Construction/Corporation yard	-	C	C	
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	-	-	C	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Miniwarehouse/ministorage	-	P	P	
Outdoor uses or storage	-	C	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	
<b>Additional Uses</b>				
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	
Commercial support	P	-	-	Section 20.50.110
<b>General Retail</b>				
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
<b>Education and Training</b>				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, post secondary	C	-	-	
School, trade and vocational	-	C	C	
<b>Entertainment and Recreation Related</b>				
Recreation, Commercial/Indoor	CM	CM	CM	Note 8
Performing arts production/rehearsal space	CM	CM	CM	
<b>Food Services</b>				
Public eating establishments	P	C	C	Note 8
<b>Health and Veterinary Services</b>				

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Emergency ambulance service	CM	CM	CM	
Medical clinic/ out-patient facility	CM	-	-	
<b>General Services</b>				
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	
<b>Offices and Financial Services</b>				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	P	CM	CM	Note 8
Offices, business and administrative	P	-	-	
<b>Public, Quasi-Public and Assembly Uses</b>				
Church/Religious Assembly	CM	CM	CM	
<b>Residential</b>				
Emergency residential shelter	CM	C	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 1
<b>Drive-Through Use</b>				
Drive-through in conjunction with any use	CM	CM	CM	
<b>Recycling Uses</b>				
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	
<b>Transportation and Utilities</b>				
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

<b>Table 20-110 Industrial Districts Land Use Regulations</b>				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
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 20.80.1900
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1900
<b>Electrical Power Generation</b>				
Base Load Facility	-	-	C	
Stationary Peaking Facility	-	C	C	
Transportable Peaking Facility	-	C	C	
Private Power Generation Facility	C	C	C	
Co-Generation Facility	S	S	S	
<b>Stand-by/Backup</b>				
Facilities that do not exceed noise and air standards	A	A	A	
Facilities that do exceed noise and air standards	C	C	C	
Temporary Stand-by-Backup	A	A	A	
Photovoltaic	P	P	P	Note 5
<b>Vehicle Related Uses</b>				
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 2.** This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are as follows: (A) There exists an immediate need in the City to attract and retain business opportunities within the City during this significant economic downturn; (B) there also exists an immediate need in the City to facilitate the absorption of approximately twenty million square feet of vacant industrial and office space during this highly competitive market where business entities may easily relocate their operations elsewhere outside the City; and (C) there exists an immediate need to alleviate market-driven pressures to convert existing vacant employment lands located in the City to other, non-employment, uses and allowing some additional uses in certain industrial zoning districts could help to alleviate some of those pressures, and (D) there exists an immediate need in the City at this time to take appropriate actions to support and foster the fiscal stability of the City.

**SECTION 3.** This Ordinance shall become effective immediately upon its adoption pursuant to Section 605 of the Charter of the City of San Jose and shall remain effective until the effective date of a superseding ordinance.

**ADOPTED** this 30<sup>th</sup> day of March, 2004, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,  
GREGORY, LeZOTTE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

  
\_\_\_\_\_  
RON GONZALES  
Mayor

ATTEST:

  
\_\_\_\_\_  
DEANNA J. SANTANA  
Acting City Clerk