



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

CITY CLERK

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

I, Lee Price, 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. 27468**", the original copy of which is attached hereto, was passed for publication of title on the **7th day of June, 2005**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **28th day of June, 2005**, by the following vote:

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

NOES: NONE

ABSENT NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

Said ordinance is effective as of **July 29, 2005**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **27th day of July, 2005**.

(SEAL)

LEE PRICE, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 27468

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.20.100 OF CHAPTER 20.20, AMENDING SECTION 20.30.100 AND ADDING SECTIONS 20.30.130 AND 20.30.140 TO CHAPTER 20.30, AMENDING SECTION 20.40.100 OF CHAPTER 20.40, AMENDING SECTION 20.50.100 OF CHAPTER 20.50, AMENDING SECTION 20.80.1900 AND ADDING SECTION 20.80.1910 TO CHAPTER 20.80, AMENDING SECTION 20.100.1300 OF CHAPTER 20.100, AND AMENDING SECTION 20.200.1420 AND ADDING SECTION 20.200.1425 TO CHAPTER 20.200, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO STREAMLINE THE REVIEW PROCESS FOR CERTAIN WIRELESS COMMUNICATION ANTENNAE

WHEREAS, on May 17, 2005, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15305 of the California Environmental Quality Act of 1970, as amended, under File No. PP05-085.

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

SECTION 1. Section 20.20.100 of Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.20.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-30.
- B. "Conditional" uses are indicated by a "C" on Table 20-30. 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. Land uses not Permitted are indicated by a "-" on Table 20-30. Land uses not listed on Table 20-30 are not Permitted.
- D. When the right column of Table 20-30 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 and any other Title of the San Jose Municipal Code.

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Agriculture and Resource Uses			
Animal breeding (except fish, frogs, rabbits, poultry and hogs)	P	P	Note 1
Animal breeding (fish, frogs, rabbits, poultry and hogs)	C	P	Note 1
Any use or improvement for the conservation of water, reclamation and erosion control	P	P	Note 1
Botanical conservatories, nature garden, nature study areas, and similar uses not within greenhouses or structures	P	-	Note 1
Dairies	P	P	Note 1
Extraction of chemicals from water by natural evaporation	C	-	Note 1
Extraction of minerals from the ground, including quarrying	C	-	Note 1
Filling or removal of earth, including grading	C	-	Note 1
Grazing	P	P	Note 1
Livestock ranch, excluding hogs	P	P	
Livestock ranch, hogs	C	C	
Natural Resource Preservation / Reservation	P	-	Note 1
Pasture	P	P	Note 1
Planting, cultivating, growing, harvesting and drying of crops	C	P	Note 1
Tree farms and forestlands	C	C	Note 1

Continued on Next Page

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Wholesale sale of any animals, articles, wares, goods merchandise, or commodities produced on-site in the conduct of any Permitted or Conditional Use	C	C	Note 1
Wildlife refuge	P	-	Note 1
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	Note 1
Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation	C	-	Note 1
Entertainment and Recreation			
Equestrian and riding club	C	C	Note 1
Golf Course	C	-	Notes 1, 2
Marinas and other uses and facilities incidental to water recreation	C	-	Note 1
Shooting range	C	-	Note 1
Trails and paths, including equestrian, pedestrian and bicycle	P	P	Note 1
Public, Quasi-Public and Assembly Uses			
Community television antenna systems	-	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	Note 1
Wireless communication antenna	C	C	Note 1, Section 20.100.1300
Wireless communication antenna, slimline pole	C	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	Note 1, Section 20.80.1910
Residential Uses			

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
One-family dwelling	C	C	Note 1, Note 3, Section 20.30.110
Home occupations	P	P	Part 9, Chapter 20.80
Temporary farm labor camp necessary to the gathering of crops grown on the site	-	C	
Electrical Power Generation			
Stand-By/Backup			
Facilities that do not exceed noise or air standards	S	S	
Facilities that do exceed noise or air standards	C	C	
Photovoltaic	P	P	Note 4

Notes:

1. The erection, enlargement, structural alteration, or use of any building or structure for any Permitted or Conditional Use in the OS Open Space District requires the issuance of a Conditional Use Permit.
2. Clubhouses, pro shops, snack shops, restaurants, bars, and driving ranges may be operated in conjunction with, but not independent of, the golf course. "Miniature golf courses" are not allowed.
3. A one-family dwelling may be used for a Residential Care Facility or Residential Service Facility for six (6) or fewer residents. No services may be provided to non-residents.
4. Photovoltaic (PV) systems in the OS and A zoning districts may be processed through a Permit Adjustment. PV systems for single-family lots do not require a Planning approval.

SECTION 2. Section 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.30.100 Allowed Uses and Permit Requirements

A. "Permitted" land uses are indicated by a "P" on Table 20-50.

- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. Land uses not Permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not Permitted.
- E. When the right column of Table 20-50 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					
One-family dwelling	P	P	P	C	Note 1, Section 20.30.110
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	

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

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
General Services					
Bed & Breakfast	C	C	C	-	
Transportation and Utilities					
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Sections 20.30.130, 20.30.140 and 20.100.1300
Wireless communication antenna, slimline pole	S	S	S	S	Sections 20.30.130, 20.30.140, and 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Sections 20.30.130, 20.30.140, 20.80.1910

Electrical Power Generation					
Stand-by/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 7
Facilities that do exceed noise or air standards	-	-	-	-	
Photovoltaic	P	P	P	P	Note 6
Wireless communication antenna, building mounted	C	C	C	C	Section 20.80.1900

Notes:

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one dwelling structure per lot in the R-2 District.
3. Only permitted in the R-1-1 Estate Residential District.
4. No lot may be used solely for an accessory structure or building.
5. No driving ranges or miniature golf facilities.
6. Photovoltaic (PV) systems in the R-M zoning district may be processed through Permit Adjustment. PV systems for single-family or duplex lots do not require a Planning approval.
7. Stand-by or backup generators that would not otherwise require some permit from the City (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the Special Use Permit requirement.

SECTION 3. Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

20.30.130 Wireless Communications Antennae on Residentially-Zoned Parcels with a Non-residential Use

Wireless Communications Antennae are allowed in Residential Districts pursuant to Table 20-50 only if all of the following criteria are met:

- A. The proposed antenna is located upon a parcel with a non-residential use; and
- B. The proposed antenna is located either:
 1. More than thirty-five (35) feet away from the nearest residential use; or at least one (1) foot away from the nearest residential use for every foot of

monopole height, whichever distance is greater; or

2. More than twenty (20) feet away from the nearest residential use if the proposed antenna is mounted on an existing utility structure within a utility corridor.

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

20.30.140 Wireless Communications Antennae on Residentially Zoned Parcels with a Residential Use

Wireless Communications Antennae of any type located on residentially zoned parcels with a residential use shall require a Conditional Use Permit pursuant to the provisions of Chapter 20.100 of this Title.

SECTION 5. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by a "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- F. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the

use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
General Retail					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales	-	C	C	C	Section 20.80.900
Bakery, retail	-	P	P	P	
Food, beverage, groceries	-	P	P	P	
Nursery, plant	-	P	P	P	Note 1
Outdoor vending	-	A	A	A	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	See Title 6
Seasonal sales					Part 14, Chapter 20.80
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
Instructional art studios	-	P	P	P	Note 2
Instructional art studios, with live models	-	C	C	C	Note 2
Private Instruction, personal enrichment	-	P	P	P	Note 3
School- elementary and secondary (Public)	P	P	P	P	
School- elementary and secondary (Private)	-	C	C	C	
School, driving (class C & M license)	-	P	P	P	Note 4
School, post secondary	-	P	P	P	Note 5
School, trade and vocational	-	C	C	C	
Entertainment and Recreation Related					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Entertainment	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 6
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
Health and Veterinary Services					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	
Medical clinic/ out-patient facility	P	P	P	P	
Medical, dental and health practitioner	P	P	P	P	
Veterinary clinic	-	P	P	P	Note 7
General Services					
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 8
Mortuary and funeral services	P	P	P	P	
Personal services	-	P	P	P	Section 20.200.880
Photo processing and developing	-	P	P	P	
Printing and publishing	-	P	P	P	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Offices, business and administrative	P	P	P	P	Section 20.40.110
Public, Quasi-Public and Assembly Uses					

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
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	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 9
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Communications service exchange	-	-	-	C	
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	C	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 10
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	C	C	C	C	Note 16
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	
Facilities that do exceed noise or air standards	C	C	C	C	
Temporary Stand-by/Backup	A	A	A	A	
Photovoltaic	P	P	P	P	Note 15
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	
Auto broker, wholesale, no on-site storage	P	P	P	P	
Car wash, detailing	-	-	C	C	
Gas or charge station	-	C	C	P	Note 11
Gas or charge station with incidental service and repair	-	C	C	P	Note 12, Note 18
Glass sales, installation and tinting	-	-	C	P	Note 18
Sale or lease, commercial vehicles	-	-	C	C	Note 18
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 17, Note 18
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	Note 16
Sale, vehicle parts	-	C	P	P	Note 14

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	Note 13, Note 18

Notes Applicable to all Commercial Districts:

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) Includes such areas as dance, music, martial arts and fine arts.
- (3) Includes such areas as driving, language, and academics.
- (4) No on site storage of vehicles permitted.
- (5) Includes public and private colleges and universities, as well as extension programs and business schools.
- (6) Not a catering facility.
- (7) Intentionally omitted.
- (8) No on site storage of vehicles permitted.
- (9) Make sure General Plan supports mixed use or residential.
- (10) Use must be less than twenty-four (24) hours.
- (11) No incidental repair or service permitted. No retail sale of food, grocery items or alcoholic beverages may be approved. See Section 20.80.550.
- (12) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting. No retail food, grocery items or alcohol. See Section 20.80.550.
- (13) Non engine and exhaust related service and repair allowed as incidental.
- (14) No outdoor sales areas or dismantling allowed.
- (15) Photovoltaic (PV) systems may be processed through a Permit Adjustment.
- (16) No on-site storage of vehicles permitted.
- (17) In the CG District, incidental storage of vehicles, and incidental repair of vehicles in addition to what otherwise would be permitted, requires a Conditional Use Permit. Incidental storage and repair of vehicles is prohibited in all other commercial districts.
- (18) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

SECTION 6. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.100 Allowed Uses and Permit Requirements

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

"Conditional" uses which may only be approved on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay are indicated by a "CM" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- F. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

<p style="text-align: center;">Table 20-110 Industrial Districts Land Use Regulations</p>
--

Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Industry				
Auction	CM	C M	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	
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	
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	
Commercial support	P	-	-	Section 20.50.110
General Retail				
Nursery, plant	-	C	C	
Outdoor vending	-	A	A	Part 10, Chapter 20.80

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet	CM	C M	-	
Sales, office furniture, industrial equipment, machinery	-	C	-	
Seasonal Sales	P	P	P	Part 14, Chapter 20.80
Education and Training				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, post secondary	C	-	-	
School, trade and vocational	-	C	C	
Entertainment and Recreation Related				
Recreation, Commercial/Indoor	CM	CM	CM	Note 8
Performing arts production/rehearsal space	CM	CM	CM	
Food Services				
Public eating establishments	P	C	C	Note 8
Health and Veterinary Services				
Emergency ambulance service	CM	CM	CM	
Medical clinic/ out-patient facility	CM	-	-	
General Services				
Crematory	-	CM	C	
Hotel/motel	CM	-	-	
Personal services	P	-	-	Note 8
Photo processing and developing	P	P	P	
Printing and publishing	P	P	P	
Social Service Agency	C	C	C	
Offices and Financial Services				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	P	CM	CM	Note 8
Offices, business and administrative	P	-	-	
Public, Quasi-Public and Assembly Uses				
Church/Religious Assembly	CM	CM	CM	

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Residential				
Emergency residential shelter	CM	C	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 1
Drive-Through Use				
Drive-through in conjunction with any use	CM	CM	CM	
Recycling Uses				
Recycling processing facility	C	S	S	
Recycling transfer facility	C	S	S	
Large collection facility	-	-	P	
Reverse vending	A	A	A	
Small collection facility	A	A	A	
Transportation and Utilities				
Common carrier	-	C	P	
Common carrier depot	S	S	S	Note 2
Community television antenna systems	C	C	C	
Communications service exchange	C	C	C	
Off-site, alternating and alternative use parking arrangements	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	
Parking establishment, off-street	C	C	C	
Television, radio studio	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	
Wireless communication antenna	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1910
Electrical Power Generation				
Base Load Facility	-	-	C	
Stationary Peaking Facility	-	C	C	

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

Notes:

1. Site must be seven (7) acres or more.
2. Includes associated office.
3. No incidental repair or service. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
4. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
5. Photovoltaic (PV) systems may be processed through a Permit Adjustment.

6. Intentionally left blank.
7. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
8. Public eating establishments; financial institutions; personal service establishments; and recreation, commercial/indoor in the IP district are subject to the limitation of the Commercial Support Use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.

SECTION 7. Section 20.80.1900 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.1900 Maximum Height Exception - Wireless and Building Mounted Wireless Communication Antenna

The maximum height of a wireless communication antenna may be increased over the required maximum height of the zoning district in which it is located up to a maximum of sixty (60) feet provided that the antenna is a Wireless Communications Antenna slimline monopole.

SECTION 8. Maximum Height Exception – Building Mounted Wireless Communication Antenna

The maximum height of a building mounted wireless communication antenna may be increased over the required maximum height of the zoning district in which it is located provided that all of the following criteria are met:

- A. The antenna and/or related building alterations project no more than ten (10) feet above the building surface on which it is located; or the antenna and/or related building alterations project no more than ten (10) feet plus and additional foot of height for every ten (10) feet the antenna is set back from the building parapet to a maximum height of fifteen (15) feet; and
- B. The antenna is architecturally integrated into the building and all ancillary equipment is adequately screened; or
- C. The antenna does not add to the visual clutter of the building or structure.

SECTION 9. Section 20.100.1300 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1300 General

Pursuant to and in accordance with the provisions hereinafter set forth in this Part, the Director or the Planning Commission on appeal may, but shall not under any circumstances be required to, grant the following variances and exceptions:

1. Development Variance
 - a. Variances hereinafter referred to as "Development Variances," to the height, number of stories, frontage, setback, coverage, density, area, off-street parking, fencing, loading and landscaping requirements and regulations of this Title.
2. Development Exception
 - a. Certain exceptions, hereinafter referred to as "Development Exceptions" as follows:
 1. Exceptions permitting an incursion by buildings or structures of up to, but not more than, five feet into the rear setback area prescribed by this Title, provided, however, that no exception granted hereunder shall permit the vertical projection of any building or structure to be closer than fifteen feet, measured horizontally, to the rear property line.
 2. Exceptions permitting Church steeples, Church bell towers, Church roofs, wireless communication antenna and associated structures which exceed in height the height limitations prescribed this Title; provided, however, that the following exception from these provisions shall apply:
 - i. Wireless Communication Antennae that meet the height limitations of Section 20.80.1900 or 20.80.1910, as applicable, shall not be subject to the Development Exception requirements set forth in this Part.
 3. Exceptions from the area requirements for a lot or parcel in any Residential District having an area of less than three thousand square feet, provided such area is not less than the area of such lot or parcel on March 1, 1977 (or, if the lot was created after March 1, 1977, then as approved by the City) and that no such exception shall permit any diminution in such area and provided further that if such lot or parcel has or is to have a structure or structures thereon, no such

exception shall be issued for such lot or parcel unless all such structures are dwelling structures or structures accessory thereto, and all such structures comply with the height and setback requirements of this Title. An exception permitted by this Subsection may be issued at the same time as an exception provided for in Subsection 1 above.

SECTION 10. Section 20.200.1420 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.200.1420 Wireless Communications Antenna, Building Mounted

A "Wireless Communication Antenna, building mounted" is an antenna and associated mechanical equipment that is used for a wireless communications network and:

1. Is mounted to an existing building or structure; and
 - a. The antenna and its related building alterations both meet one of the following criteria:
 - i. They project no more than ten (10) feet above the building surface on which the antenna and related building alterations are installed or located; or
 - ii. They project no more than ten (10) feet plus an additional foot of height for every ten (10) feet that the antenna is set back from the building parapet to a maximum height of fifteen (15) feet; or

2. The antenna and its associated mechanical equipment is attached to an existing monopole or other utility structure with no increase to the overall height of either the monopole or other utility structure.

PASSED FOR PUBLICATION of title this 7th day of June, 2005, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7



RON GONZALES
Mayor

ATTEST:



LEE PRICE, CMC
City Clerk