

ORDINANCE NO. 28460

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PROVISIONS OF CHAPTER 20.50, CHAPTER 20.90, CHAPTER 20.100 AND CHAPTER 20.200, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO STREAMLINE REQUIREMENTS FOR CERTAIN SPECIFIED INDUSTRIAL USES WITHIN INDUSTRIAL ZONING DISTRICTS AND TO MAKE OTHER RELATED TECHNICAL OR CLARIFYING CHANGES

WHEREAS, the Director of Planning, Building and Code Enforcement has prepared a Mitigated Negative Declaration for this project pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder, all as amended to date and in accordance with the provisions of Title 21 of the San José Municipal Code, under File No. PP08-124, which Mitigated Negative Declaration and has not been protested or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body on this proposed ordinance; and

WHEREAS, this Council of the City of San José has considered and approves said Mitigated Negative Declaration prior to taking any approval actions on this ordinance.

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

SECTION 1. Section 20.50.010 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.010 Industrial Zoning Districts

- A. This Chapter sets forth the land use and development regulations applicable to the Industrial Zoning Districts established by Section 20.10.060.

- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the IP, LI and HI Industrial Districts except as set forth in this Chapter.
- C. The purposes of the Industrial Zoning Districts are as follows:

- 1. CIC Combined Industrial/Commercial

The CIC Combined Industrial/Commercial zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the Combined Industrial/Commercial General Plan Designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constraints on neighboring industrial uses.

- 2. IP Industrial Park

The Industrial Park zoning designation is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses, in addition to industrial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should be located within a larger industrially utilized building to protect the character of the area and maintain land use compatibility. In addition, warehouse retail uses are allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a Mixed Industrial Use Overlay General Plan Designation or a Combined Industrial/Commercial General Plan Designation, a broader range of uses, both free standing and in combination with others, will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

3. LI Light Industrial

The Light Industrial Zoning District is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. The design controls are less stringent than those for the Industrial Park Zoning District. Examples of typical uses are warehousing, wholesaling, and light manufacturing. Sites designated Light Industrial may also contain service establishments that serve only employees of businesses located in the industrial areas. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a Mixed Industrial Use Overlay General Plan Designation or a Combined Industrial/Commercial General Plan Designation, a broader range of uses will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

4. HI Heavy Industrial

This district is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. Extractive and primary processing industries are typical of this district. Very limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depends on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial user on the property and integrated within an industrial building. In addition, warehouse retail uses may be allowed where they are compatible with adjacent industrial uses and will not constrain future use of the subject site for industrial purposes. When located within an area with a Mixed Industrial Use Overlay General Plan Designation, a broader range of uses will be considered including uses such as retail, Church/Religious Assembly, social and community centers, recreational uses, or similar uses but only when the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas.

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

20.50.100 Allowed Uses and Permit Requirements

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

"Conditional" uses which may be approved only on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay or Combined Industrial/Commercial 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.

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

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CI C	IP	LI	HI	
Industry					
Auction	C	C ^G _P	C ^G _P	C ^G _P	
Industrial Services	-	-	P	P	
Laboratory, processing	P	P	P	P	
Manufacturing and Assembly					
Light	P	P	P	-	
Medium	P	P	P	P	
Heavy	-	-	-	P	
Research and Development	P	P	-	-	
Catalog and mail order	P	P	P	-	
Construction/Corporation yard	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	C	
Hazardous materials storage facility	-	-	C	C	
Hazardous waste facility	-	-	-	C	
Junkyard	-	-	-	C	
Miniwarehouse/ministorage	-	-	P	P	
Outdoor uses or storage, industrial	-	-	S	P	Section 20.50.210
Private power generation	C	C	C	C	
Stockyard, including slaughter	-	-	-	C	
Warehouse/Distribution Facility	P	P	P	P	
Wholesale sale establishment	P	S	P	P	
Additional Uses					
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	S	S	
Commercial support	-	P	-	-	Note 5, Section 20.50.110

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CI C	IP	LI	HI	
General Retail					
Retail sales, goods and merchandise	P	-	-	-	Note 5, Section 20.50.110
Retail art studio	P	-	-	-	
Alcohol, off-site sales – beer and/or wine only	C	-	-	-	Note 5, Section 20.50.110
Alcohol, off-site sales, full range of alcoholic beverages	C	-	-	-	Note 5, Section 20.50.110
Bakery, retail	P	-	-	-	Note 5, Section 20.50.110
Food, beverage, groceries	P	-	-	-	Note 5, Section 20.50.110
Nursery, plant	P	-	C	C	
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Large format commercial establishment	-	C _P ^G	C _P ^G	-	
Large format commercial establishment, associated commercial	-	C _P ^G	C _P ^G	-	Section 20.50.115
Warehouse retail	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P		C		
Seasonal Sales	P	P	P	P	Part 14, Chapter 20.80
Education and Training					
Day care center	C	C _P ^G	C _P ^G	-	
School, driving (class A & B license)	-	-	P	P	
Instructional art studios	P	-	-	-	
Instructional art studios, live models	C	-	-	-	
Private instruction, personal enrichment	P	-	-	-	
School, post secondary	C	C	-	-	
School, trade and vocational	C	-	C	C	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CI C	IP	LI	HI	
Entertainment and Recreation Related					
Recreation, Commercial/Indoor	P	C ^G _P	C ^G _P	C ^G _P	Note 5, Section 20.50.110
Performing arts production and rehearsal space, excluding performances	P	C	C ^G _P	C ^G _P	
Food Services					
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	
Public eating establishments	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services					
Animal boarding, indoor	P	-	-	-	
Animal grooming	P	-	-	-	
Emergency ambulance service	C	C ^G _P	C ^G _P	C ^G _P	
Medical clinic/ out-patient facility	P	C ^G _P	-	-	Note 5, Section 20.50.110
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
General Services					
Crematory	-	-	C	C	Note 6
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	
Hotel/motel	P	C ^G _P	-	-	
Laundromat	P	-	-	-	
Maintenance and repair, small household appliances	P	-	-	-	
Messenger Services	P	-	-	-	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CI C	IP	LI	HI	
Personal services	P	-	-	-	Note 5 , Section 20.50.110
Photo processing and developing	P	P	P	P	
Printing and publishing	P	P	P	P	
Social Service Agency	-	C	C	C	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business support	P	-	-	-	
Financial institution	P	-	C _P ^G	C _P ^G	Note 5, Section 20.50.110
Office, general business	P	P	-	-	
Office, research and development	P	P	-	-	
Public, Quasi-Public and Assembly Uses					
Church/Religious Assembly	C	C _P ^G	C _P ^G	C _P ^G	
Residential					
Emergency residential shelter, more than 50 beds	C	C _P ^G	C	C _P ^G	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C _P ^G	C	C _P ^G	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
Drive-Through Use					
Drive-through in conjunction with any use	C	C _P ^G	C _P ^G	C _P ^G	
Recycling Uses					
Recycling processing facility	-	C	S	S	
Recycling transfer facility	-	C	S	S	
Large collection facility	-	-	-	P	
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Common carrier	-	-	C	P	
Common carrier depot	S	S	S	S	
Community television antenna systems	C	C	C	C	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CI C	IP	LI	HI	
Data Center	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	C	
Parking establishment, off-street	C	C	C	C	
Television, radio studio	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Base Load Facility	-	-	-	C	
Stationary Peaking Facility	-	-	C	C	
Transportable Peaking Facility	-	-	C	C	
Private Power Generation Facility	C	C	C	C	
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise and air standards	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	
Temporary Stand-by-Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(c)(7)
Vehicle Related Uses					
Auto broker, wholesale, no on-site storage	P	P	-	-	
Car wash, detailing	C	-	-	-	
Gas or charge station, excluding incidental service and repair	P	C ^G _P	C ^G _P	C ^G _P	Note 2

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CI C	IP	LI	HI	
Gas or charge station with incidental service and repair	P	C ^G _P	C ^G _P	C ^G _P	Note 3
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	C	-	C	-	
Repair and cleaning of vehicles	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	C	-	
Vehicle tow yard	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	C	

Notes:

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP District subject to the 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. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and daycare centers, which distance(s) shall be measured from the nearest points of the parcel boundary on which the crematory is proposed and the parcel boundary on which the residential, school or day care center use is located.

SECTION 3. Section 20.50.110 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.110 Commercial Support

Commercial support is permitted in the IP Industrial Park District only when all of the following criteria are met:

- A. Such commercial uses serve the immediate area; and
- B. Such commercial uses are located entirely within buildings occupied by primary uses Permitted in the IP district; and
- C. The sum of all such commercial uses in the buildings occupies no more than ten percent (10%) of the gross floor area of any building or no more than 20,000 square feet of any building, whichever is less; or, in the case of medical offices as the sole commercial support use in a building, occupies no more than twenty percent (20%) of the gross floor area of any building or no more than 20,000 square feet of any building, whichever is less; and
- D. Such commercial uses are limited to the following:
 - 1. Retail; including off-sale of alcohol, subject to a Conditional Use Permit.
 - 2. Recreation, Commercial/Indoor
 - 3. Personal service establishment
 - 4. Public eating establishment
 - 5. Outdoor dining, incidental to a public eating establishment
 - 6. Financial institution
 - 7. Medical clinic
 - 8. Medical Office
 - 9. Amusement game devices, up to nine (9) per business establishment, as an (incident) to one or more of the above enumerated commercial uses.

SECTION 4. Chapter 20.50 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 in its entirety as follows:

20.50.113 Public Eating Establishments, LI Light Industrial and HI Heavy Industrial Districts

Public eating establishments are permitted in the LI Light Industrial and HI Heavy Industrial Districts only when such use occupies no more than 650 gross square feet of floor area.

SECTION 5. Chapter 20.50 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 in its entirety as follows:

20.50.130 Warehouse Retail

A Conditional Use Permit may be issued for warehouse retail in the IP Industrial Park, LI Light Industrial, and HI Heavy Industrial Districts only when all of the following criteria are met:

- A. Such warehouse retail use occupies a minimum of 10,000 square feet of floor area; and
- B. The display of large items, including but not limited to furniture, appliances and machinery, occupies a minimum of ninety percent (90%) of the retail display floor area; and
- C. A maximum of one parking space per 250 square feet of floor area shall be provided to serve the use; and
- D. The Planning Commission, or City Council on appeal, finds that the proposed warehouse retail use is compatible with the industrial character of the surrounding neighborhood and will not constrain the use of adjacent properties for industrial purposes or constrain future use of the site for industrial purposes.

SECTION 6. Section 20.50.200 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.200 Development Standards

All development in the Industrial Zoning Districts shall conform to the development regulations set forth below in Table 20-120.

Table 20-120 Industrial Zoning Districts Development Standards					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Minimum Lot Area (square feet)	6,000	10,000	10,000	6,000	
Minimum Unit Size for Non-residential Condominiums	4,000	Section 20.175.042	Section 20.175.042	Section 20.175.042	
Minimum Setback (feet)					
Front					Note 1
Building	15	15	15	15	
Parking and circulation for passenger vehicles	20	25	20	15	
Parking for trucks & buses	40	40	30	15	
Loading docks	60 or 100 from residential district	60 or 100 from residential district	60 or 100 from residential district	15 or 100 from residential district	
Side					Note 2
Building and Structures	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	60 or 100 from residential district	100 from residential district	100 from residential district	

Table 20-120 Industrial Zoning Districts Development Standards					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Rear					Note 3
Building and Structures	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking and circulation for passenger vehicles	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Parking for trucks & buses	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	0 or 25 from residential district	
Loading docks	100 from residential district	100 from residential district	100 from residential district	100 from residential district	
Maximum Height (feet)	45 or subject to General Plan Height Policies	45 or subject to General Plan Height Policies	45 or subject to General Plan Height Policies	45 or subject to General Plan Height Policies	Note 4
Minimum street frontage (feet)	60	60	60	60	
Parking	See Chapter 20.90				

Notes

1. "Front" refers to lot boundaries abutting streets, excluding freeways.
2. "Side" refers to lot boundaries not abutting streets or which abut freeways.
3. "Rear" refers to lot boundaries not abutting streets or which abut freeways.
4. Refer to the San Jose 2020 General Plan, as amended, Urban Design Policies for policies related to height.

SECTION 7. Section 20.80.500 of Chapter 20.80 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.80.500 Emergency Residential Shelter

- A. Temporary shelter in an emergency residential shelter may be provided for a period not to exceed sixty (60) days. A Conditional Use Permit may allow an exception to the maximum stay of sixty days for those persons enrolled in drug or alcohol recovery or treatment programs conducted on-site as an incidental use to the shelter program. Such extended stays may not exceed eighteen (18) months.
- B. Medical assistance, training, counseling, and personal services essential to enable homeless persons to make the transition to permanent shelter may be provided, with or without meals, as an incident to the operation of an emergency residential shelter.
- C. A Shelter Management Plan shall be a condition of any Conditional Use Permit approved and should address issues including good neighbor issues, transportation issues, client supervision, client services, and food services.

SECTION 8. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.060 Number of Parking Spaces Required

- A. All parking requirements in Table 20-190 are minimums unless otherwise specified. Each land use shall provide, on site, at least the minimum number of parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.
- B. All required parking shall be made available to residents, patrons and employees of a use on the site.
- C. All parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a Development Permit may:
 - 1. Authorize all off-street parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
 - 2. Allow up to forty (40) percent of the off-street parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required off-street parking spaces shall be standard car space as defined in Section 20.90.100.
- D. If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
- E. Whenever alternative units of measurement are specified in Tables 20-190, 20-200

or 20-210 for computing off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.

- F. The minimum number of off-street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which off-street parking requirements are specified shall apply.
- G. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses.

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Agriculture and Resource Uses		
Agriculture and Resource Uses	1 per employee	
Drive-Through Uses		
Drive-through in conjunction with any use	No additional parking required	
Education and Training		
Day care center	1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (includes employee parking)	
Instructional studios	1 per 150 sq. ft. of floor area	
Private Instruction, personal enrichment	1 per 3 students, plus 1 per staff	
School- elementary (K-8) (Private and Public)	1 per teacher, plus 1 per employee	
School- secondary (9-12) (Private and Public)	1 per teacher, plus 1 per employee, plus 1 per 5 students	
School, post secondary	1 per 3 students, plus 1 per staff	
School, trade and vocational	1 per 3 students, plus 1	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
	per staff	
Entertainment and Recreation		
Arcade, amusement	1 per 200 sq. ft of floor area	
Batting Cages	1 per station, plus 1 per employee	
Bowling establishment	7 per lane	
Dancehall	1 per 40 sq. ft. open to public	
Driving range	1 per tee, plus 1 per employee	
Golf course	8 per golf hole, plus 1 per employee	
Health club, gymnasium	1 per 80 sq. ft. recreational space	
Miniature golf	1.25 per tee, plus 1 per employee	
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220(E)
Poolroom	1 per 200 sq. ft. of floor area	
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	
Recreation, Commercial (indoor)	1 per 80 sq. ft. of recreational area	
Recreation, Commercial (outdoor)	20 per acre of site	
Skating rink	1 per 50 sq. ft. of floor area	
Swim and tennis club	1 per 500 sq. ft. of	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
	recreation area	
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	
Motion picture theatre, outdoor	1 per 300 sq. ft.	
Theaters, Auditoriums, Sports Arenas, and Stadiums-- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of area used for assembly	
Food Services		
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	
Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3
Caterer w/no public interface	1 per 250 sq. ft.	
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Take-out Only Establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3
General Retail		
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter 20.80
Auction house	1 per 2 seats, or 1 per 50 sq. ft. of auction area exclusive of warehouse area	
Food, beverage, groceries	1 per 200 sq. ft. of floor area	Note 3
Plant nursery	1 per 200 sq. ft. of floor area	
Open air sales establishments and areas	1 per 200 sq. ft. of floor area	
Outdoor vending	3 parking spaces	Part 10, Ch. 20.80
Pawn shop/broker	1 per 200 sq. ft. of floor area	
Large format commercial establishment	1 per 200 sq. ft. of floor area	
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	
Retail sales, goods and merchandise	1 per 200 sq. ft. of floor area	Note 3
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3
Sales, appliances, industrial equipment, and machinery	1 per 1000 sq. ft. of floor area	
Neighborhood Shopping Center (minimum 100,000 sq. ft. in size), includes a mix of permitted and	1 per 225 sq. ft. of floor area	Note 1

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
conditional uses		
General Services		
Bed and Breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	
Crematory	1 per full-time employee	
Dry cleaner	1 per 200 sq. ft. of floor area	
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220(C)
Laundromat	1 per 200 sq. ft. of floor area	
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	
Messenger services	1 per 200 sq. ft. of floor area, plus 1 per company vehicle	
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	
Mortuary, excluding funeral services	1 per full-time employee, plus 1 per company vehicle	
Personal services	1 per 200 sq. ft. of floor area	Note 3
Photo processing and developing	1 per 200 sq. ft.	
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	
Social Service Agency	1 per 250 sq. ft. of floor area	
Health and Veterinary Services		
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	
Animal grooming	1 per 200 sq. ft. of floor area	
Emergency Ambulance Station	1 per employee, plus 1	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
	per on-site staff, plus 1 per facility vehicle	
Hospital per in-patient facility	1 per 2.5 beds	
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	
Medical, dental and health practitioner	1 per 250 sq. ft. of floor area	
Veterinary clinic	1 per 250 sq. ft. of floor area	
Industry		
Catalog and mail order house	1 per 250 sq. ft. of floor area of office space plus, plus 1 per 1000 sq. ft. of floor area of warehouse and distribution area	
Commercial Support	1 per 350 sq. ft. of floor area	
Distribution facility	A minimum of two (2) for facilities with a total gross floor area under five-thousand (5,000) sq. ft.; a minimum of five (5) for facilities with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for facilities with a total gross floor area in excess of twenty-five thousand (25,000) sq. ft., a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	
Establishment for the repair, cleaning of household, commercial or industrial	1 per 350 sq. ft. of floor area	

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

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Warehouse	A minimum of two (2) for warehouses with a total gross floor area under five-thousand (5,000) sq. ft.; a minimum of five (5) for warehouses with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for warehouses in excess of twenty-five thousand (25,000) sq. ft. of total gross floor area a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	
Warehouse retail	Minimum 1 per 2,000 sq. ft. of floor area; maximum 1 per 250 sq. ft. of floor area	
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	
Offices and Financial Services		
Automatic Teller Machine (Free standing)	2 per machine	
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	
Financial institution	1 per 250 sq. ft. of floor area	
Offices, business and administrative	1 per 250 sq. ft. of floor area	
Offices, research and development	1 per 300 sq. ft. of floor area	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	
Public, Quasi-Public and Assembly Uses		
Cemetery	1 per full-time employee	
Church/Religious Assembly	1 per 4 fixed seats, or 1 per 6 linear ft. of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	
Community television antenna systems	1 per company vehicle	
Museums and libraries (Privately and publicly operated)	1 per 300 sq. ft. of area open to the public	
Parks and playgrounds	1 per 500 sq. ft.	
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	
Recycling Uses		
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	
Small collection facility	1 per attendant	
Residential		

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220(C)
Guesthouse	1 per guest room, plus 1 per each employee	
Live/Work	No additional parking required above what is required for commercial use parking	
Living quarters, custodian, caretakers	1 per living unit	
Mixed Use/Ground floor commercial with residential above	Respective commercial and residential parking requirements combined	
Multiple dwelling	See Table 20-210, required parking is determined by the type of parking facility and the number of bedrooms	
One family dwelling	2 covered	Note 5 and Section 20.90.220(B)
Residential Care or Service Facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220(C)
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
SRO Facilities within 2,000 ft. of public transportation		
SRO Residential Hotels	.25 per SRO unit	
SRO Living Unit Facilities with shared kitchen and bathroom facilities	.25 per SRO unit	
SRO Living Unit Facilities with partial or full kitchen and bathroom facilities	1 per SRO unit	
SRO Facilities not within 2,000 ft. of public transportation	1 per SRO unit	
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit	
Travel Trailer Parks	1 per employee	
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms	
Transportation and Utilities		
Common carrier depot	1 per employee, plus 1 per company vehicle	
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 sq. ft. of floor area, or fraction thereof, devoted to computer equipment space	
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Wireless communication antenna	1 per site	
Vehicle Related Uses		
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	
Auto broker, retail w/on-site storage	See Vehicle sales and leasing	
Auto broker, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	
Car wash	1 per employee, plus stacking as follows: self service - 5 cars per lane full service - 15 cars (may be in multiple lanes)	Note 2
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Sale or lease of vehicles	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay	
Exclusively indoors sales	1 per 200 sq. ft.	
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	
Sale, vehicle parts	1 per 200 sq. ft. of floor area	
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	
Vehicle tow yard	1 per employee, plus 1 per vehicle	
Vehicle wrecking, including sales of parts	1 per employee	

Notes:

1. A covenant of easement is required when multiple parcels are involved.
2. Stacking shall be calculated at twenty (20) feet per car.
3. Parking for uses of this type located within a Neighborhood Business District and meeting all of the requirements set forth in Section 20.90.220(C), may be reduced as specified in Section 20.90.220(C).
4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220(D) may be reduced as specified in Section 20.90.220(D).
5. Covered parking may include carports or garages.

SECTION 9. Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.500 Adjustments

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

1. An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, however, as follows:
 - a. That no more than four (4) such term extensions may be approved on or before October 13, 2011 for Development Permits allowing office uses located in Downtown Zoning Districts; and
 - b. That no more than two (2) such term extensions may be approved for any other type of Development Permit.
2. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
5. Building Mounted Wireless Communications Antenna.
6. Tract sales, model home sales, or leasing offices associated with an approved housing development.
7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
8. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
9. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.

10. Building additions of less than five thousand (5,000) square feet in area or less than 50% of the building area prior to the addition, whichever is smaller, to non-residential buildings.
 11. Generators meeting performance standards for noise and air pollution.
 12. Above-ground tanks of two thousand (2,000) gallons or less.
 13. Building additions of less than two hundred (200) square feet in total area or less than 10% of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
- B. An application for an adjustment must be filed on the form provided by the Director on or before the date that is three (3) business days prior to the expiration of the Development Permit proposed for adjustment and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council.
- C. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- D. Where property was developed prior to the requirement of a Site Development Permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full Site Development Permit.

SECTION 10. Section 20.120.110 of Chapter 20.120 Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.120.110 Conformance with the General Plan

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270:

Table 20-270	
Zoning Districts Conforming to the General Plan	
General Plan Designation	Conforming District

Table 20-270	
Zoning Districts Conforming to the General Plan	
General Plan Designation	Conforming District
All Designations	OS, A
Rural Residential (.2 du/ac), Urban Hillside (1 du/5 ac)	R-1-RR
Very Low Density Residential (2 du/ac)	R-1-2
Estate Residential (1 du/ac)	R-1-1
Low Density Residential (5 du/ac)	R-1-5
Medium Low Density Residential (8 du/ac)	R-1-8
Medium Density Residential (8-16 du/ac)	R-2, R-M
Medium High Density Residential (12-25 du/ac)	R-M
Office	CO
Neighborhood/Community Commercial	CP, CN
General Commercial	CP, CN, CG
Regional Commercial	CG
Industrial Park	IP
Light Industrial	LI
Heavy Industrial	HI
Combined Industrial/Commercial	CIC

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the General Development Plan for such proposed district conform to General Plan Designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.
- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.

SECTION 11. Section 20.200.220 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.200.220 Common Carrier Depot

A "common carrier depot" is a facility which is served by one or more common carriers and which is an intermediate destination of goods or passengers, and at which facility, goods or passengers are transferred from one conveyance to another to resume their journeys, and which may include provision for the layover of such goods or passengers and an office.

SECTION 12. Section 20.200.750 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.200.750 Miniwarehouse/ministorage

“Miniwarehouse” is a warehouse divided into individual securable tenancies which tenancies are offered to the general public for use as storage space and may include an incidental resident caretaker unit/s.

SECTION 13. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.795 Mortuary and Funeral Services

“Mortuary and funeral services” is an establishment wherein the storage, embalming or preparation of the remains of a deceased for burial or shipment occurs and wherein funeral or burial services and arrangements, including viewings, wakes, memorial services, or other similar ceremonies, are provided. Cremation activities are not allowed as a part of mortuary and funeral services.

SECTION 14. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.796 Mortuary, without Funeral Services

“Mortuary without funeral services” is an establishment wherein the storage, embalming or preparation of the remains of a deceased for burial or shipment occurs.

SECTION 15. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.818 Office, Research and Development

“Office, research and development” is an establishment engaged in industrial or scientific research and product design that involves the use of computers and other related office equipment in an office setting. The facility may also include administrative services related to product design or sales, but does not include laboratories, manufacturing or assembly.

SECTION 16. Section 20.200.1278 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby repealed.

SECTION 17. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.1315 Vehicle Tow Yard

A vehicle tow yard means a facility for the temporary storage of vehicles towed from the public right-of-way or private property, which facility also may include the dispatching of tow trucks and ancillary lien sales.

SECTION 18. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.1365 Warehouse Retail

“Warehouse retail” is an establishment wherein the sale of large items, including but not limited to furniture, appliances, and machinery, occurs in an industrial building.

PASSED FOR PUBLICATION of title this 2nd day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

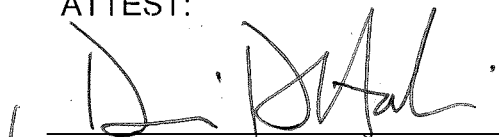
ABSENT: CORTESE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk