



CITY OF SAN JOSÉ, CALIFORNIA

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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. 28579**", the original copy of which is attached hereto, was passed for publication of title on the **19th day of May, 2009**, 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 **2nd day of June, 2009**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,
OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, NGUYEN.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **July 3, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **4th day of June, 2009**.

(SEAL)

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

/rmk

ORDINANCE NO. 28579

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.40.100 OF CHAPTER 20.40, SECTION 20.50.100 OF CHAPTER 20.50, AND SECTION 20.90.060 OF CHAPTER 20.90, AND ADDING A NEW PART 13.5 TO CHAPTER 20.80 AND A NEW SECTION 20.200.995 TO CHAPTER 20.200, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE), TO ESTABLISH LAND USE REGULATIONS FOR RELOCATED CARDROOMS

WHEREAS, this ordinance has been determined by the Director of Planning, Building and Code Enforcement to be exempt from environmental review under the provisions of the California Environmental Quality Act of 1970, together with state guidelines promulgated thereunder and the provisions of Title 21 of the San José Municipal Code, all as amended to date (collectively, "CEQA"), and specifically under Section 15061(b)(3) of the CEQA guidelines as set forth in File No. PP09-041, which CEQA determination has not been challenged, protested or appealed; and

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

WHEREAS, this Council of the City of San José has read, considered and approves said CEQA determination 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 20.40.100 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 an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- F. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
General Retail					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales – beer and/or wine only	-	C	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	-	C	C	C	Section 20.80.900
Bakery, retail	-	P	P	P	
Food, beverage, groceries	-	P	P	P	
Nursery, plant	-	P	P	P	Note 1
Outdoor vending	-	A	A	A	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	See Title 6
Seasonal sales					Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	Section 20.40.140
Education and Training					

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
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	
Instructional art studios, with live models	-	C	C	C	
Private Instruction, personal enrichment	-	P	P	P	
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 2
School, post secondary	-	P	P	P	Note 3
School, trade and vocational	-	C	C	C	
Entertainment and Recreation Related					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Entertainment	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Relocated Cardroom	-	-	-	C	Section 20.80.1155
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	-	P	P	P	Section 20.40.520
Wineries, Breweries	-	C	C	C	
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	
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
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	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Messenger services	P	P	P	P	Note 2
Mortuary and funeral services	P	P	P	P	
Personal services	-	P	P	P	Section 20.200.880
Photo processing and developing	-	P	P	P	
Printing and publishing	-	P	P	P	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Office, general business	P	P	P	P	Section 20.40.110
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Data Center	-	-	-	C	
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 7
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	A	A	P	
Facilities that do exceed noise or air standards	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	
Auto broker, wholesale, no on-site storage	P	P	P	P	
Car wash, detailing	-	-	C	C	
Gas or charge station	-	C	C	P	Note 8
Gas or charge station with incidental service and repair	-	C	C	P	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	Note 13
Sale or lease, commercial vehicles	-	-	C	C	Note 13
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	S	S	Note 12, Note 13
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	Note 2
Sale, vehicle parts	-	C	P	P	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	Note 10, Note 13

Notes Applicable to all Commercial Districts:

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) No on site storage of vehicles permitted.
- (6) Make sure General Plan supports mixed use or residential. { XE "Mixed use" }
- (7) Use must be less than twenty-four (24) hours.
- (8) No incidental repair or service permitted.
- (9) 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.

- (10) Non engine and exhaust related service and repair allowed as incidental.
- (11) No outdoor sales areas or dismantling allowed.
- (12) In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
- (13) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

SECTION 2. Section 20.50.100 of Chapter 20.50 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
	CIC	IP	LI	HI	
Industry					
Auction	C	C ^{GP}	C ^{GP}	C ^{GP}	
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
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	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Large format commercial establishment	-	C ^{GP}	C ^{GP}	-	
Large format commercial establishment, associated commercial	-	C ^{GP}	C ^{GP}	-	Section 20.50.115
Warehouse retail	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	-	C	-	
Seasonal Sales	P	P	P	P	Part 14, Chapter 20.80
Education and Training					
Day care center	C	C ^{GP}	C ^{GP}	C ^{GP}	
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	
Entertainment and Recreation Related					
Recreation, Commercial/Indoor	P	C ^{GP}	C ^{GP}	C ^{GP}	Note 5, Section 20.50.110
Relocated Cardroom	C ^{GP}	C ^{GP}	C ^{GP}	C ^{GP}	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C ^{GP}	C ^{GP}	
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 ^{GP}	C ^{GP}	C ^{GP}	
Medical clinic/ out-patient facility	P	C ^{GP}	-	-	Note 5, Section 20.50.110
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
General Services					
Crematory	-	-	C ^{GP}	C	Note 6
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Hotel/motel	P	C ^{GP}	-	-	
Laundromat	P	-	-	-	
Maintenance and repair, small household appliances	P	-	-	-	
Messenger services	P	-	-	-	
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 ^{GP}	C ^{GP}	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 ^{GP}	C ^{GP}	C ^{GP}	
Residential					
Emergency residential shelter, more than 50 beds	C	C ^{GP}	C	C ^{GP}	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C ^{GP}	C	C ^{GP}	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
Drive-Through Use					
Drive-through in conjunction with any use	C	C ^{GP}	C ^{GP}	C ^{GP}	
Recycling Uses					
Recycling processing facility	-	C	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	
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

Table 20-110 Industrial Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
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 or repair	P	C ^{GP}	C ^{GP}	C ^{GP}	Note 2
Gas or charge station with incidental service and repair	P	C ^{GP}	C ^{GP}	C ^{GP}	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

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.

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 is located.

SECTION 3. Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read in its entirety as follows:

**Part 13.5
Relocated Cardroom**

20.80.1155 Relocated Cardroom Criteria for Approval

- A. No Conditional Use or Planned Development Permit shall be issued for a Relocated Cardroom unless all of the following criteria are met:
 1. The lot or parcel to which a Relocated Cardroom proposes to relocate is not located closer than one hundred fifty (150) feet from any lot or parcel, within our outside the City, situate in a residential district, or R-MH Mobilehome Park District, nor closer than five hundred (500) feet from any school, college, university, or hospital location situate within or outside the City, nor closer than five hundred (500) feet from another cardroom use, including without limitation another Relocated Cardroom, situate within or outside the City.
 2. The lot or parcel to which a Relocated Cardoom proposes to relocate meets all locational criteria applicable to that Relocated Cardroom that may be set forth in federal, state or local law, regulation, license or other approval.
- B. In addition to the zoning districts in which a Relocated Cardroom may be conditionally permitted with a conditional use permit, a Relocated Cardroom may be allowed in a planned development zoning district, subject to the requirements of that district and the issuance of a planned development permit in accordance with the provisions of Part 8 of Chapter 20.100 of this Title.
- C. Permits and approvals issued under this Title are intended to promote and further the purposes of this Title as set forth in Section 20.10.020 of Chapter 20.10 of this Title, whereas those provisions related to cardrooms set forth in Title 16 of this Code are intended to further the purposes set forth in Section 16.02.010 of Chapter 16.02 of Title 16 of this Code. This provision is declarative of existing law.

- D. In addition to the findings required for the issuance of a conditional use permit or a planned development permit set forth elsewhere in this Title, no conditional use permit or planned development permit for a Relocated Cardroom shall be issued unless all of following additional findings, based upon substantial evidence in the record, are made:
1. The granting of the development permit would not violate any City, State or Federal law, regulation or written policy; and
 2. The existing operations of a cardroom that desires to obtain a development permit to be a Relocated Cardroom are in full compliance with all City laws, regulations, permits, approvals and written policies applicable to that existing cardroom as of the date of issuance of any development permit for a Relocated Cardroom; provided, however, that a determination of compliance with Title 16 of this Code shall mean and be limited to a determination that the existing cardroom possesses a current and valid Cardroom Permit under Title 16 of this Code; and
 3. The granting of the development permit would not violate any court order; and
 4. The location to which the Relocated Cardroom proposes to relocate meets the criteria of this Part.

Notwithstanding the above provisions of this subsection, no conditional use permit or planned development permit issued to a Relocated Cardroom pursuant to the provisions of this Title shall impose restrictions or conditions upon a Relocated Cardroom for reasons that are based upon the regulatory authorities and concerns addressed by Title 16 of this Code and that have no articulated land use implication, basis or impact.

- E. For the purpose of making a finding under Section 20.100.720.A.1 of Chapter 20.100 of this Title, or other similar finding required for a land use determination under another section of this Title, there shall be a rebuttable presumption that a Relocated Cardroom that holds a current and valid Cardroom Permit issued pursuant to the provisions of Title 16 of this Code will not, solely due to its status as a cardroom use, adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, nor impair the value of property of others located in the vicinity of the site, nor be detrimental to public health, safety or welfare. This provision shall not preclude a decision maker for a development permit or approval from finding that a Relocated Cardroom will adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area of a Relocated Cardroom, or will impair the value of property of others located in the vicinity of the site, or will be detrimental to public health, safety or welfare, on grounds unrelated to and not based upon the mere

status of the Relocated Cardroom use as a cardroom use.

- F. A determination of compliance with applicable laws, regulations, policies, permits, and other approvals made under this Part shall be made only for the purposes of this Part after review of information submitted for a development permit application. No such finding made under this Part shall preclude a contrary finding from being made a future date or outside of the context of this Part.
- G. Obtaining a development permit or other approval under the provisions of this Title shall not be construed or deemed to be a license or permit to operate a Relocated Cardroom under the provisions of Title 16 of this Code or state or federal law nor in any way constitute a fulfillment of the requirement to obtain such an operational license or permit under Title 16 of this Code or under state or federal law.

SECTION 4. 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)	1 per teacher, plus 1 per employee	
School- secondary (9-12)	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 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	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
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	
Relocated Cardroom	1 per 40 sq. ft. of area devoted to card games	
Skating rink	1 per 50 sq. ft. of floor area	
Swim and tennis club	1 per 500 sq. ft. of 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

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
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
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 for seats over 25	
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
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, Chapter 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
Retail art studio	1 space per 200 sq. ft. of retail 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 conditional uses	1 per 225 sq. ft. of floor area	Note 1
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	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
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 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	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Distribution facility	A minimum of two (2) for facilities with a total gross floor area under five-thousand (5,000) square feet; 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 equipment or products	1 per 350 sq. ft. of floor area	
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) square feet; 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	
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 feet 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	1 per 300 sq. ft. of area open to the public	
Parks and playgrounds	1 per 500 sq. ft.	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
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		
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)

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	
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	
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	

Table 20-190 Parking Spaces Required by Land Use		
Use	Parking Required	Applicable Sections
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	
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	
Tow yard	1 per employee, plus 1 per company 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 5. 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:

20.200.995 Relocated Cardroom

“Relocated Cardroom” means a cardroom, as defined in Title 16 of this Code, that holds a valid Cardroom Permit issued pursuant to Title 16 and is relocated from an existing site in accordance with the provisions of Part 13.5 of Chapter 20.80 of this Title.

PASSED FOR PUBLICATION of title this 19th day of May, 2009, by the following vote:

AYES: CHU, CONSTANT, KALRA, LICCARDO, NGUYEN,
OLIVERIO, PYLE, REED.
NOES: NONE.
ABSENT: CAMPOS, CHIRCO, HERRERA.
DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor