



## CITY OF SAN JOSÉ, CALIFORNIA

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

City Clerk

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

I, Dennis Hawkins, 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. 29012**", the original copy of which is attached hereto, was passed for publication of title on the **13<sup>th</sup> day of December, 2011**, 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 **10<sup>th</sup> day of January, 2012**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **10<sup>th</sup> day of February, 2012**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **13<sup>th</sup> day of January, 2012**.

(SEAL)

\_\_\_\_\_  
DENNIS HAWKINS, CMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 29012**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO ADD A NEW CHAPTER 20.85 SETTING FORTH CERTAIN HEIGHT RESTRICTIONS AND TO AMEND PORTIONS OF CHAPTERS 20.20, 20.40, 20.50, 20.90, AND 20.120 TO ALIGN ZONING CODE PROVISIONS WITH THE RECENTLY ADOPTED ENVISION SAN JOSE 2040 GENERAL PLAN**

**WHEREAS**, the environmental impacts of this action were disclosed in that certain Final Program Environmental Impact Report prepared for the Envision San José 2040 General Plan pursuant to the requirements of the California Environmental Quality Act of 1970, together with related state and local guidelines promulgated thereunder (the "FPEIR"), which FPEIR was certified by the City of San José Planning Commission on September 28, 2011 and for which the City Council adopted related findings and a mitigation, monitoring and reporting program on November 1, 2011 by its Resolution No. 76041; and

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

**WHEREAS**, in connection with this Ordinance, the City Council has read and considered the FPEIR, together with related City Council Resolution No. 76041, 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 20.20.010 of Chapter 20.20 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.20.010 Open Space and Agricultural Zoning Districts**

- A. This Chapter sets forth the land use and development regulations applicable to the Open Space and Agricultural 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 OS Open Space and A Agricultural Districts except as set forth in this Chapter.

C. The purposes of the Open Space and Agriculture Zoning Districts are as follows:

1. OS Open Space District

The purpose of the OS Open Space District is to provide for the public peace, health, safety, and welfare by conserving open space to insure the continued availability of land for the preservation of natural resources, for the managed production of resources, for outdoor recreation, and for the enjoyment of scenic resources, and by protecting the people and property in the City of San Jose against physical environmental hazards. The regulations contained in the OS District are designed to enhance the scenic a visual qualities of the land as well as to implement the Open Space and Hillside policies of the General Plan.

2. A Agricultural District

The purpose of the A Agricultural District is to provide for areas where agricultural uses are desirable. The regulations contained in this district are intended to provide for a wide range of agricultural uses as well as implementing the goals and policies of the General Plan.

**SECTION 2.** Section 20.40.010 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.010 Commercial Zoning Districts**

A. This Chapter sets forth the land use and development regulations applicable to the Commercial 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 CO, CP, CN and CG Commercial Districts except as set forth in this Chapter.

C. The Commercial Zoning Districts are intended to support the commercial land use, economic development, and neighborhood preservation and conservation goals and policies of the General Plan through the use regulations and development standards. The four Commercial Districts reflect the diversity of the commercial needs and opportunities in the City. The purposes of the Commercial Districts are as follows:

1. CO Commercial Office District. The CO Commercial Office District is a district in or near residential areas or between residential and commercial

areas. This district is intended to be a low intensity office zone that allows for a scale of offices in or adjacent to residential neighborhoods. Larger scale office development can be permitted upon approval of the Planning Commission, or City Council on appeal, through the Conditional Use Permit process.

2. CP Commercial Pedestrian. The CP Commercial Pedestrian District is a district intended to support pedestrian oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the General Plan related to neighborhood business districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate.
3. CN Commercial Neighborhood. The CN Commercial Neighborhood District is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. This district also differs from the CP Commercial Pedestrian District in that there is no limit on the size of the stores. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along City connector and main streets, and small corner commercial establishments.
4. CG Commercial General. The CG Commercial General District is a district intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

**SECTION 3.** Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.40.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.

- D. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. 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.

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
<b>General Retail</b>					
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
<b>Education and Training</b>					
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

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
School, post secondary	-	P	P	P	Note 3
School, trade and vocational	-	C	C	C	
<b>Entertainment and Recreation Related</b>					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Relocated Cardroom	-	-	-	C	Section 20.80.1155
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
<b>Food Services</b>					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms	-	P	P	P	Section 20.80.475
Public eating establishments	-	P	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	-	P	P	P	Section 20.40.520
Wineries, Breweries	-	C	C	C	
<b>Health and Veterinary Services</b>					
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	
<b>General Services</b>					
Bail Bond Establishment – Outside Main Jail Area		P	P	P	Part 1.5, Chapter 20.80
Bail Bond Establishment – Within Mail Jail Area		P	P	P	Note 14; Park 1.5, Chapter 20.80
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 2
Mortuary and funeral services	P	P	P	P	
Personal services	-	P	P	P	Section 20.200.880
Photo processing and developing	-	P	P	P	
Printing and publishing	-	P	P	P	
<b>Offices and Financial Services</b>					
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
<b>Public, Quasi-Public and Assembly Uses</b>					
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	
<b>Residential</b>					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use residential/commercial	-	C	C	C	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
<b>Drive-Through Uses</b>					
Drive-through in conjunction with any use	-	-	C	C	
<b>Recycling Uses</b>					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
<b>Transportation and Utilities</b>					
Data Center	-	-	-	C	
Community television antenna systems	C	C	C	C	

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
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
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
<b>Electrical Power Generation</b>					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	
<b>Stand-by/Backup</b>					
Facilities that <b>do not</b> exceed noise or air standards	A	A	A	P	
Facilities that <b>do</b> 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)
<b>Vehicle Related Uses</b>					
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, Note 15
Gas or charge station with incidental service and repair	-	C	C	P	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	Note 13
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	P	Note 12, Note 13



<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 2 Part 13.6 of Chapter 20.80
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
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

**Notes Applicable to all Commercial Districts:**

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted in the CP and CN Zoning Districts.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) No on site storage of vehicles permitted.
- (6) Mixed Use residential/commercial only under approved Village Plan or in Signature Project consistent with the General Plan.
- (7) Use must be less than twenty-four (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.
- (14) Bail Bond Establishments shall not be located and are prohibited uses on the ground floors of structures located within the Main Jail Area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this Title. Bail Bond

- Establishments are allowed as shown on Table 20-90 on other, above-ground floors of structures. All Bail Bond Establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this Title
- (15) Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all commercial zoning districts.

**SECTION 4.** Section 20.50.010 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read 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 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 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 uses 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.

**SECTION 5.** Section 20.50.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.100 Allowed Uses and Permit Requirements**

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

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
<b>Industry</b>					
Auction	C	C <sup>GP</sup>	C <sup>GP</sup>	-	
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	
<b>Additional Uses</b>					
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	S	S	
Commercial support	-	P	-	-	Note 5, Section 20.50.110
<b>General Retail</b>					
Retail sales, goods and merchandise	P	-	-	-	Note 5, Section 20.50.110
Retail art studio	P	-	-	-	

<b>Table 20-110. Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
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 <sup>GP</sup>	C <sup>GP</sup>	-	
Large format commercial establishment, associated commercial	-	C <sup>GP</sup>	C <sup>GP</sup>	-	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
<b>Education and Training</b>					
Day care center	C	C <sup>GP</sup>	C <sup>GP</sup>	-	
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	
<b>Entertainment and Recreation Related</b>					
Recreation, Commercial/Indoor	P	C <sup>GP</sup>	C <sup>GP</sup>	-	Note 5, Section 20.50.110
Relocated Cardroom	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C <sup>GP</sup>	-	
<b>Food Services</b>					
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Drinking establishments interior to a full-service hotel/motel with 75 or more guest rooms	P	P <sup>GP</sup> -	-	-	Section 20.80.475
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
<b>Health and Veterinary Services</b>					
Animal boarding, indoor	P	-	-	-	
Animal grooming	P	-	-	-	
Emergency ambulance service	C	C <sup>GP</sup>	C <sup>GP</sup>	-	
Medical clinic/ out-patient facility	P	C <sup>GP</sup>	-	-	Note 5, Section 20.50.110
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
<b>General Services</b>					
Crematory	-	-	C <sup>GP</sup>	C	Note 6
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	
Hotel/motel	P	C <sup>GP</sup>	-	-	
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	
<b>Offices and Financial Services</b>					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business support	P	-	-	-	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Financial institution	P	-	C <sup>GP</sup>	-	Note 5, Section 20.50.110
Office, general business	P	P	-	-	
Office, research and development	P	P	-	-	
<b>Public, Quasi-Public and Assembly Uses</b>					
Church/Religious Assembly	C	C <sup>GP</sup>	C <sup>GP</sup>	-	
<b>Residential</b>					
Emergency residential shelter, more than 50 beds	C	C <sup>GP</sup>	C	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C <sup>GP</sup>	C	-	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
<b>Drive-Through Use</b>					
Drive-through in conjunction with any use	C	C <sup>GP</sup>	C <sup>GP</sup>	-	
<b>Recycling Uses</b>					
Recycling processing facility	-	C	S	S	
Recycling transfer facility	-	C	S	S	
Large collection facility	-	-	-	P	
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
<b>Transportation and Utilities</b>					
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
Wireless communication antenna	S	S	S	S	Section 20.80.1900



<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
<b>Electrical Power Generation</b>					
Base Load Facility	-	-	-	C	
Stationary Peaking Facility	-	-	C	C	
Transportable Peaking Facility	-	-	C	C	
Private Power Generation Facility	C	C	C	C	
Co-Generation Facility	S	S	S	S	
<b>Stand-by/Backup</b>					
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)
<b>Vehicle Related Uses</b>					
Auto broker, wholesale, no on-site storage	P	P	-	-	
Car wash, detailing	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C <sup>GP</sup>	C <sup>GP</sup>	-	Note 2, Note 7
Gas or charge station with incidental service and repair	P	C <sup>GP</sup>	C <sup>GP</sup>	-	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	
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

**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.
7. Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all industrial zoning districts.

**SECTION 6.** Section 20.50.200 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read 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.

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
Minimum Lot Area (square feet)	6,000	10,000	10,000	6,000	

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
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	
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	

<b>Table 20-120 Industrial Zoning Districts Development Standards</b>					
Regulations	Zoning District				
	CIC	IP	LI	HI	Notes
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 established in Chapter 20.85	45 or established in Chapter 20.85	45 or established in Chapter 20.85	45 or established in Chapter 20.85	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. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions in this Section.

**SECTION 7.** Section 20.50.260 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.50.260 Landscaping**

- A. The following landscaping requirements shall apply for all sites in the Industrial Districts:
1. All setback areas, exclusive of Permitted off-street parking areas and private egress, or circulation, shall be landscaped.

2. All landscaped areas shall be maintained in perpetuity, and all dead plant materials replaced with viable plant materials in conformance with an approved Permit.
  3. A ten (10) foot wide landscape buffer and a seven (7) foot high property line masonry wall is required when a driveway, service yard, loading area or parking lot is adjacent to residential uses.
  4. Tree wells in a parking lot shall be a minimum forty (40) square feet, with a minimum five (5) foot net dimension.
  5. A four (4) foot high parking screen is required when residential uses are located across the street. Attractive walls, dense landscaping or depressed parking are acceptable screening solutions.
  6. All landscaped areas shall be designed and maintained in conformance with City Council Policy No. 6-29, entitled "City Council Policy on Post Construction Urban Runoff Management," as the same may be amended from time to time.
- B. Landscape guidelines are contained in the Landscape and Irrigation Guidelines, adopted by the City Council, October 1989, Revised March 1993, the General Plan, as amended, the Riparian Corridor Policy Study, approved by the City Council, May 17, 1997, the current Guidance Manual on Selection of Stormwater Quality Control Measures, prepared for the Department of Planning, Building, and Code Enforcement, and the current Post-Construction Urban Runoff Management Policy approved by the City Council.

**SECTION 8.** Title 20 of the San José Municipal Code is hereby amended by adding a Chapter to be numbered and entitled and to read as follows:

## **CHAPTER 20.85**

### **SPECIFIC HEIGHT RESTRICTIONS**

#### **Part 1**

#### **General Provisions**

#### **20.85.010 Specific Height Restrictions**

- A. This Chapter sets forth certain area-specific and use-specific height restrictions for development applicable to all Zoning Districts established by Section 20.10.060 and to Planned Development Districts established by Section 20.10.070.

- B. The purpose of this Chapter is to provide for the public peace, health, safety, and welfare by identifying geographic locations within the City of San Jose and specific uses for which it is appropriate to establish more specific height restrictions than those provided within the general zoning district standards.
- C. The governing height restriction applicable to a particular site or structure shall be determined in accordance with the following rules and priorities:
1. For single family residential structures located in a residential zoning district, the height restrictions set forth in Section 20.30.200 shall govern and control the maximum allowed height of those structures.
  2. For properties that are not governed by Subsection 20.85.010.C.1 but that are within a Specific Plan area, the height restrictions set forth within that Specific Plan document shall govern and control the maximum allowed heights on those properties.
  3. For properties that are not governed by Subsections 20.85.010.C.1 or 2 but that are within a certain geographic area that is described in Part 2 of this Chapter, the height restrictions set forth in said Part 2 shall govern and control the maximum allowed heights on those properties.
  4. For those structures that are listed and described in Part 3 of this Chapter that are not governed by Subsections 20.85.010.C.1, 2 or 3, the height restrictions set forth in said Part 3 shall govern and control the maximum allowed height of those structures.
  5. For properties or structures not otherwise regulated by the provisions of Subsections 20.85.100.C.1, 2, 3, or 4, or for properties located within an Airport Influence Area overlay as identified in the General Plan, the height restrictions established for the Zoning District in which the property or structure is located or is to be located shall govern and control the maximum heights allowed on those properties or of those structures.

**Part 2**  
**Geographic Area Specific Height Restrictions**

**20.85.020 Geographic Area Specific Height Restrictions**

The following geographical areas shall be subject to the specific height restrictions described below:

- A. **Downtown:** For the Downtown Zoning Area defined in Subsection 20.70.010, the maximum allowable height for new buildings and structures shall be as determined through the regulations of the Federal Aviation Administration upon

building intensity (and associated employment density) through its height limitation which varies from approximately 120 feet (10± stories) to approximately 315 feet (23± stories) necessary to maintain obstruction-free air space around Norman Y. Mineta San José International Airport.

- B. **Downtown Frame:** In the Downtown Frame Area, consisting of the area adjacent to the Downtown and bounded by Taylor Street, 11<sup>th</sup> Street, Keyes Street, Monterey Road, Willow Street, the Union Pacific Railroad line, and the boundaries of the Downtown Zoning Area, the allowable building height is up to 120 feet.
- C. **Employment Centers:** The following height restrictions consolidate and set forth those height restrictions applicable to certain geographic areas, as described, that were approved and adopted prior to the adoption of the Envision San Jose 2040 General Plan:
1. For the North San José area located to the north and west of Interstate 880, the allowable building height shall be as follows:
    - a. For the portion of North San José within the area bounded by Zanker Road, Montague Expressway, Orchard Parkway, the planned extension of Component Drive, Highway 101, North First Street, and Highway 101, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event; and
    - b. For the portion of North San José within the area bounded by North Fourth Street, Highway 101, North First Street and the planned extension of Airport Parkway, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 310 feet in any event; and
    - c. For the portion of North San José within the area bounded by Headquarters Drive, North First Street and Highway 237, the allowable building height is up to 210 feet; and
    - d. For the portion of North San José within the area bounded by Keoncrest Avenue, Sonora Avenue, Route 97 and Interstate 880, the allowable building height is up to 35 feet; and
    - e. For the portion of North San José within the area not otherwise regulated by provisions in Sections 20.850.020.C.1 (a), (b), (c), or (d), or by provisions in Section 20.850.020.D, or by provisions in Section 20.850.020.E, the allowable building height is up to 120 feet.

2. For the portion of the Old Edenvale area bounded by Great Oaks Boulevard, Highway 85, Miyuki Drive and Santa Teresa Boulevard, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 250 feet in any event.
  3. For properties in the portion of the Old Edenvale area bounded by Monterey Highway, Highway 85 and Cottle Road, the allowable building height is up to 120 feet.
  4. For properties located within the New Edenvale area bounded by Silicon Valley Boulevard, Piercey Road, Hellyer Avenue, the Coyote Creek Trail, Silver Creek Valley Road, and Highway 101, the allowable building height is up to 120 feet.
  5. In the portion of Coyote Planning Area designated as Industrial Park on the General Plan Land Use / Transportation Diagram, the allowable building height is up to 135 feet.
  6. For those properties within the City of San Jose bounded by Coleman Avenue, Interstate 880 and the Union Pacific Railroad line, the maximum building height shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration.
- D. **Transit Areas:** For properties wholly or partially located within a radius of 2,000 feet of an existing or planned passenger rail station along the Guadalupe Light Rail Corridor north of Downtown or along the planned BART corridor (as shown on the General Plan Land Use / Transportation Diagram), the maximum building height shall not exceed 150 feet. For properties located wholly or partially within a radius 2,000 feet of other existing or planned passenger rail stations (as shown on the General Plan Land Use / Transportation Diagram), the allowable building height is up to 120 feet.
- E. **Urban Village Areas:** For properties identified on the General Plan Land Use/Transportation Diagram as being located wholly or partially within an Urban Village Area Boundary, and which have an Urban Village, Neighborhood Community Commercial, Regional Commercial or Public Quasi/Public General Plan Land Use/Transportation Diagram designation, the maximum building height shall not exceed 120 feet on the property, or portion thereof, located within the Urban Village Area Boundary. Notwithstanding the general height restriction applicable in an Urban Village Area Boundary, the allowable building height within the following specifically-identified Urban Village sub-areas shall be as follows:



1. North First Street Urban Village: For the portion of the North First Street Urban Village bounded by Jackson Street, Hobson Street and East Hedding Street, the allowable building height is up to 200 feet.
2. Rincon South Urban Village: For the Urban Village area bounded by Old Bayshore Highway, North First Street, Skyport Drive, Technology Drive and Airport Parkway, the maximum building height limit shall be defined by the airspace requirements of the Norman Y. Mineta San José International Airport as determined by the Federal Aviation Administration, but not to exceed 220 feet in any event.

### **Part 3 Specific Use Height Restrictions**

#### **20.85.030 Specific Use Height Restrictions**

Subject to the provisions of Section 20.85.010.C, the following uses shall be subject to the following specific height restrictions when such uses are located in an area subject to this Chapter as referenced in Subsections 20.30.200, 20.40.200 and 20.50.200. In instances where multiple specific height restrictions would apply to a use described in this Section 20.85.030, other than uses located within an Airport Influence Area, the more permissive regulation shall govern.

- A. **Communication Towers and Other Structures:** For communication towers, antennae and monopoles and other similar non-building structural uses, including structures on top of buildings, such as energy-saving devices, bell towers, wireless communication antennae, and associated structures, specific height limits may be established in the context of development project review; provided, however, that the allowable height in any event for such uses shall be up to 100 feet on sites with non-residential or non-urban land use designations, and up to 160 feet on sites with an existing PG&E substation or high tension line corridor exceeding 200 KV, or the maximum allowable building height for the subject property established elsewhere within Title 20, whichever is greater, if all the following criteria are met:
1. The site, structure and related use are located to minimize public visibility; and
  2. The project provides visual amenities, such as landscaping, to address and offset the visual impacts associated with the project use and related structures; and
  3. The decision-maker reasonably determines that there is substantial evidence that technical necessity requires greater height and, in the case of cellular facilities, that the increased height will result in a reduction in the number of existing or future freestanding monopoles.

- B. **Single Room Occupancy:** For Single Room Occupancy buildings, wholly used as such or combined with commercial uses, the allowable building height is up to 60 feet.

**SECTION 9.** Section 20.90.150 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.90.150 Parking Facilities in Residence Districts -- Restrictions**

In a Residential District no Conditional Use Permit shall be issued for a vehicle parking facility intended to serve nonresidential uses, unless all of the following conditions are met:

- A. The Residential District is immediately adjacent to the non-residentially zoned land where the business or other use to be served by such vehicle parking is located.
- B. Use of the vehicle parking is limited to passenger vehicles belonging to the users of the adjacent business or use being served by the vehicle parking.
- C. Use of the vehicle parking is limited to the hours of operation of the adjacent business or use being served.
- D. The following criteria and standards are met:
1. The minimum lot area and front and corner lot side setbacks of the Residence District are met.
  2. The minimum rear and interior lot side setbacks are ten (10) feet.
  3. All setback areas and all other areas not required for vehicle parking spaces or circulation are landscaped.
  4. No part of any vehicle parking space, vehicle parking aisle or driveway shall be more than one hundred (100) feet from such nonresidential site.
  5. Driveway access is not permitted from a public street that is designated as a Residential or Local Connector Street by the General Plan of the City of San José, or at a location within one hundred and fifty (150) feet of such a designated street.
  6. Only directional signs are permitted.
  7. Lighting shall be located and directed so that it is reflected away from residentially zoned land. No glare which might cause unreasonable annoyance to occupants of properties in the Residential Districts shall be permitted.

**SECTION 10.** Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.90.220 Reduction in Required Off-Street Parking Spaces**

**A. Alternative Transportation**

1. A reduction in the required off-street vehicle parking spaces of up to ten percent (10%) may be authorized with a Development Permit or a Development Exception if no Development Permit is required, for structures or uses that conform to all of the following:
  - a. The structure or use is located within 2,000 feet of a proposed or an existing rail station, or an area designated as neighborhood business district in the City's General Plan; and
  - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20.90.
2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent (10%) or up to two (2) off-street vehicle parking spaces, whichever is less, may be authorized with a Development Permit or a Development Exception if no Development Permit is required for a particular use, for non-residential uses in conformance with the following:
  - a. In addition to the off-street bicycle parking spaces required for the structure or use, ten (10) off-street bicycle parking spaces consisting of bicycle racks or five (5) off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every one (1) required off-street vehicle parking space that is reduced; and
  - b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

**B. One-family Dwellings**

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
  - a. At least one covered parking space is provided; and
  - b. No more than one dwelling occupies the lot; and
  - c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line when the garage is

accessed via a curb cut from the front property line and forty (40) feet from the side corner property line when the garage is accessed via a curb cut from the corner side property line; and

- d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
- e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
- f. No additional paving in the front setback shall be designated or used for parking; and
- g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
- h. The covered parking structure shall meet all other applicable regulations of this Title.

C. Ground Floor Uses in Neighborhood Business Districts

- 1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one (1) space per four hundred (400) square feet of floor area, provided all of the following requirements are met:
  - a. The site is designated on the General Plan Land Use Transportation Diagram with the Neighborhood Business District Overlay, and
  - b. The use is located on the ground floor of a building, and
  - c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this Chapter

D. Multiple Family Residential in the Main Street Districts

The decision-maker may reduce the required vehicle parking spaces for a multiple family residential use in the Pedestrian Oriented Zoning Districts with a Development Permit based on the following findings:

- 1. The project includes one or more of the following options:
  - a. The project includes unbundled parking that maximizes the efficient use of available parking; or

- b. The project includes a car share program that reduces the demand for parking spaces; or
  - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood and
2. The project does not include a parking reduction pursuant to Section 20.90.220.G.; and
  3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground-floor commercial uses; and
  4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit; and

E. Non-residential Uses in a Main Street District

The decision-maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty (30) percent with a Development Permit based on the following findings:

1. The project achieves one of the following:
  - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
  - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220.A or 20.90.220.C of this Title; and
3. For a project that includes ground-floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground-floor commercial uses.

F. Miniwarehouse/Ministorage

1. A reduction in the required off-street parking may be authorized with a Development Permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
  - a. Buildings are single story, and
  - b. Loading spaces are available directly adjacent to those storage units contained in the single-story building.

G. Other Uses

1. A reduction in the required off-street parking for SROs, Efficiency Living Units, emergency residential shelters, residential care/service facilities and convalescent hospitals, hotels/motels, bed and breakfast inns, senior housing uses, indoor recreation uses, gasoline or charge stations when combined with other uses, performing arts rehearsal space uses, and performing arts rehearsal space uses may be approved with a Development Permit provided that such approval is based upon the findings in Subsection B of Section 20.90.200.

**SECTION 11.** Section 20.120.110 of Chapter 20.120 of Title 20 of the San José Municipal Code is amended to read 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:

<b>Table 20-270</b>	
<b>General Plan Designation</b>	<b>Conforming District</b>
All Designations	OS, A
Open Hillside	OS
Lower Hillside (1 du/5 ac)	R-1-RR
Rural Residential (2 du/ac)	R-1-1, R-1-2
Residential Neighborhood	R-1-8, R-1-5
Urban Residential, Transit Residential	R-M
Neighborhood/Community Commercial, Urban Village	CP, CN, CG
Transit Employment Center	IP
Regional Commercial	CG
Industrial Park	IP

General Plan Designation	Conforming District
Light Industrial	LI
Heavy Industrial	HI
Combined Industrial/Commercial	CIC

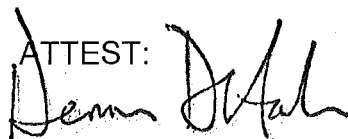
- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the General Development Plan for such proposed district conform to General Plan Designation and where the base zone thereof conforms to said designation in accordance with the foregoing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

**PASSED FOR PUBLICATION** of title this 13<sup>th</sup> day of December, 2011, by the following vote:

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



CHUCK REED  
Mayor

ATTEST:  


DENNIS D. HAWKINS, CMC  
City Clerk