



CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

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

I, Toni J. Taber, Acting City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 29218**", the original copy of which is attached hereto, was passed for publication of title on the **26th day of February, 2013**, 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 **5th day of March, 2013**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **5th day of April, 2013**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **7th day of March, 2013**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
ACTING CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29218

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND: SECTION 20.10.060 OF CHAPTER 20.10 (GENERAL PROVISIONS AND ZONING DISTRICTS) TO ADD THE CIC-COMBINED INDUSTRIAL COMMERCIAL AND THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICTS; SECTION 20.20.100 OF CHAPTER 20.20 (OPEN SPACE & AGRICULTURAL ZONING DISTRICTS) TO ALLOW CERTIFIED FARMERS' MARKETS IN THE A-AGRICULTURE AND OS-OPEN SPACE ZONING DISTRICTS; SECTIONS 20.40.100, 20.40.200, 20.40.230 AND 20.40.400 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) TO ALLOW WHOLESALE AUTO DEALERS WITH NO ON-SITE STORAGE AS A PERMITTED USE IN COMMERCIAL ZONING DISTRICTS, TO REDUCE MINIMUM REQUIRED SETBACKS FOR COMMERCIAL ZONING DISTRICTS, AND TO CLARIFY INCIDENTAL AUTO-REPAIR USES; SECTION 20.50.010 OF CHAPTER 20.50 TO CREATE THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICT CATEGORY, SECTIONS 20.50.100 AND 20.50.200 OF CHAPTER 20.50 TO ADD MORE FLEXIBILITY FOR THE DEVELOPMENT OF SPECIFIC COMMERCIAL AND INDUSTRIAL USES IN THE INDUSTRIAL ZONING DISTRICTS INCLUDING, BUT NOT LIMITED TO CREATING THE TEC-TRANSIT EMPLOYMENT CENTER ZONING DISTRICT ENUMERATED USES AND DEVELOPMENT STANDARDS, ADDING OFF-SITE SALE OF ALCOHOLIC BEVERAGES AS A CONDITIONAL USE INCIDENTAL TO A WINERY/BREWERY OR DISTILLERY AND CLARIFYING INCIDENTAL AUTO-REPAIR USES; SECTIONS 20.80.710 AND 20.80.720 OF PART 9 OF CHAPTER 20.80 (HOME OCCUPATIONS) TO ALLOW COTTAGE FOOD OPERATIONS AS HOME OCCUPATIONS WITHIN RESIDENTIAL ZONING DISTRICTS AND SECTION 20.80.1400 OF CHAPTER 20.80 TO AMEND PROVISIONS FOR OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS; SECTION 20.120.110 OF CHAPTER 20.120 (ZONING CHANGES AND AMENDMENTS) TO ADD THE TEC ZONING DISTRICT AS A CONFORMING DISTRICT; CHAPTER 20.150 (NONCONFORMING USES) BY DELETING SECTION 20.150.330 (AMORTIZATION – INCIDENTAL DANCING AND MUSIC); AND CHAPTER 20.200 (DEFINITIONS) TO ADD NEW SECTIONS TO ADD DEFINITIONS OF “BANQUET FACILITY,” AND “COTTAGE FOOD OPERATION,” AND TO AMEND SECTION 20.200.700 OF CHAPTER 20.200 TO AMEND THE DEFINITION OF “LOT LINE”; ALL TO FURTHER IMPLEMENT THE ECONOMIC DEVELOPMENT, LAND USE, AND TRANSPORTATION POLICIES SET FORTH WITHIN THE ENVISION SAN JOSE 2040 GENERAL PLAN AND TO MAKE OTHER TECHNICAL, FORMATTING OR OTHER NONSUBSTANTIVE CHANGES WITHIN THOSE SECTIONS OF TITLE 20

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970, together with state implementation guidelines and the provisions of Title 21 of the San José Municipal Code, the provisions of this Ordinance have been examined in light of the

Final Program Environmental Impact Report prepared for the Envision San José 2040 General Plan (the “FEIR”) and are within the scope of the project analyzed under and covered by that FEIR.

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

SECTION 1. Section 20.10.060 of Chapter 20.10 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.10.060 Zoning districts established.

- A. In order to regulate and restrict the location of residences, professions, businesses, trades, and industries, to regulate and restrict the location, height, and size of buildings and structures hereafter erected, enlarged or altered, and to regulate and determine the area, depth, and width of yards, setback areas, and other open spaces, the following classes of city zoning districts are hereby established, as set forth in Table 20-10:

Table 20-10 City Zoning Districts		
Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
OS Open Space	OS	OS
A Agricultural	A	A
Rural Residential Residence District (1DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5DU/Acre)	R-1-5	R-1-B-8, R-1-B-1
R-1-8 Residence District (8DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4

R-MH District (mobilehome parks, travel trailer parks)	R-MH	T-M
CO Office Commercial District	CO	C-L, C
CP Pedestrian Commercial District	CP	C-1
CN Neighborhood Commercial District	CN	C-2
CG General Commercial District	CG	C-3
TEC Transit Employment District	TEC	None
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
CIC Combined Industrial/Commercial	CIC	None
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

- B. The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive district listed last.

SECTION 2. Section 20.20.100 of Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.20.100 Allowed uses and permit requirements.

- A. Permitted" land uses are indicated by a "P" on Table 20-30.
- B. Conditional" uses are indicated by a "C" on Table 20-30. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. Land uses not permitted are indicated by a "-" on Table 20-30. Land uses not listed on Table 20-30 are not permitted.
- D. When the right column of Table 20-30 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In

addition, all uses are subject to any other applicable provision of this title and any other title of the San José Municipal Code.

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Agriculture and Resource Uses			
Animal breeding (except fish, frogs, rabbits, poultry and hogs)	P	P	Note 1
Animal breeding (fish, frogs, rabbits, poultry and hogs)	C	P	Note 1
Any use or improvement for the conservation of water, reclamation and erosion control	P	P	Note 1
Botanical conservatories, nature garden, nature study areas, and similar uses not within greenhouses or structures	P	-	Note 1
Certified Farmers' Market	S	S	Note 1; Part 3.5, Chapter 20.80;
Certified Farmers' Market – Small	P	P	Note 1; Part 3.5, Chapter 20.80;
Dairies	P	P	Note 1
Extraction of chemicals from water by natural evaporation	C	-	Note 1
Extraction of minerals from the ground, including quarrying	C	-	Note 1
Filling or removal of earth, including grading	C	-	Note 1
Grazing	P	P	Note 1
Livestock ranch, excluding hogs	P	P	
Livestock ranch, hogs	C	C	
Natural Resource Preservation / Reservation	P	-	Note 1
Pasture	P	P	Note 1

Planting, cultivating, growing, harvesting and drying of crops	C	P	Note 1
Tree farms and forestlands	C	C	Note 1
Wholesale sale of any animals, articles, wares, goods merchandise, or commodities produced on-site in the conduct of any Permitted or Conditional Use	C	C	Note 1
Wildlife refuge	P	-	Note 1

Notes:

1. The erection, enlargement, structural alteration, or use of any permanent building or structure for any permitted or conditional use in the OS open space district requires the issuance of a conditional use permit.
2. Clubhouses, pro shops, snack shops, restaurants, bars, and driving ranges may be operated in conjunction with, but not independent of, the golf course. "Miniature golf courses" are not allowed.
3. A one-family dwelling may be used for a residential care facility or residential service facility for six (6) or fewer residents. No services may be provided to non-residents.

SECTION 3. 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. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- F. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- G. 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 José Municipal Code.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Section
	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	
Certified farmers' market	S	S	S	S	Part 3.5, Chapter 20.80
Certified farmers' market - small	P	P	P	P	Part 3.5, Chapter 20.80
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 20.80.1175
Education and Training					
Child day care 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 or private)	C	C	C	C	Note 16
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	
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	
Drinking establishments interior to a full-service hotel/motel that includes 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	
Incidental recreational dancing as part of a public eating establishment or drinking establishment	-	P	P	P	
Health and Veterinary Services					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	
Medical marijuana collective [USE SUSPENDED]	-	-	-	R	Part 9.5, Chapter 20.80
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
General Services					
Bail bond establishment - outside main jail area	-	P	P	P	Part 1.5, Chapter 20.80
Bail bond establishment - within main jail area	-	P	P	P	Note 14; Part 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	

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	
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
Payday lending establishment	-	R	R	R	Part 12.5, Chapter 20.80; Section 20.200.875
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 20.80.740
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
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
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 dealer, 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
Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 2
Sale, brokerage, or lease, commercial vehicles	-	-	C	C	Note 13
Sale or brokerage, passenger vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	C	S	P	Note 12, Note 13
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
Historic Reuse					
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 hours.
8. No incidental repair or service permitted.
9. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
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.

16. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.

SECTION 4. Section 20.40.200 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.200 Development standards.

All development in the commercial zoning districts shall conform to the development regulations set forth below in Table 20-100.

Table 20-100 Commercial Zoning Districts Development Standards				
Regulations	Zoning District			
	CO	CP	CN	CG
Minimum lot area (square feet or acreage)	6,000	6,000	6,000	1 acre (none if lot is located in a shopping center with shared access and shared parking among the lots)
Minimum Setback (feet)				
Front	10, or 15 where adjacent to side property line of R-1 district	no minimum, 10 feet maximum	10	15
Side, interior	5	none	none	none
Side, corner	12.5	none	12.5	12.5
Rear, interior	25	25	none	none
Rear, corner	25	25	none	none
Maximum height (feet) [Note 1]	35, unless a different maximum is established in	50, unless a different maximum is established in	50, unless a different maximum is established in	65, unless a different maximum is established in Chapter 20.85

	Chapter 20.85	Chapter 20.85	Chapter 20.85	
Maximum individual occupant square footage (square feet) [Note 2]		2,500/Personal service shop 5,000/Eating, drinking or entertainment establishment 15,000/All other uses [see Note 2]		
Parking	See Chapter 20.90			

Notes applicable to Commercial Development Standards:

1. An alternative Maximum Height may be established as described in Chapter 20.85. Where an alternative maximum height restriction has been established as described in Chapter 20.85, that regulation described in Chapter 20.85 shall govern and control over the provisions of this Section.
2. In the CP commercial pedestrian district, lots located wholly within the West San Carlos Street Neighborhood Business District, as indicated on the General Plan Land Use Diagram, shall not be subject to the maximum individual occupant square footage requirements set forth in this Section.

SECTION 5. Section 20.40.230 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.230 Maximum height - Exception.

Notwithstanding the provisions of Section 20.40.200, in any commercial district, the maximum height restrictions shall not apply to SRO residential hotels, SRO living unit facilities and mixed commercial/residential projects.

SECTION 6. Section 20.40.300 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby repealed in its entirety.

SECTION 7. Section 20.50.010 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.010 Industrial zoning districts.

- A. This chapter sets forth the land use and development regulations applicable to the industrial zoning districts established by Section 20.10.060.
- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the IP, LI and HI Industrial Districts except as set forth in this chapter.
- C. The purposes of the industrial zoning districts are as follows:
 - 1. CIC Combined Industrial/Commercial. The CIC Combined Industrial/Commercial zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constraints on neighboring industrial uses.
 - 2. TEC Transit Employment Center. The TEC Transit Employment Center zoning designation is intended for intensive industrial-park and supportive commercial uses with development generally at least four (4) stories in height consistent with General Plan height policies and in proximity to existing or planned transit in employment districts designated as Growth Areas in the General Plan.

The TEC designation is suitable for development with retail and service commercial uses on the first two floors; with office, research and development or industrial use on upper floors; as well as wholly office, research and development, or other industrial park uses on all floors.

An important difference between this designation and the IP Industrial Park designation is that the site design for development in the TEC Transit Employment Center District should support more intensive, transit-oriented uses than that typically found in the IP Industrial Park District. The development of large hotels of at least two hundred (200) rooms and four (4) or more stories in height is also supported within the Transit Employment Center zoning designation.

New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

- 3. 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.

4. LI Light Industrial. The Light Industrial zoning designation 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.
5. HI Heavy Industrial. The Heavy Industrial zoning designation 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 8. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.100 Allowed uses and permit requirements.

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "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^{GP}" 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^{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.

- 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. "Restricted" land uses are indicated by an "R" on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not permitted.
- H. 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	TEC	IP	LI	HI	
Industry						
Auction	C	C	C ^{GP}	C ^{GP}	-	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly						
Light	P	P	P	P	-	
Medium	P	P	P	P	P	
Heavy	-	-	-	-	P	
Research and development	P	P	P	-	-	
Catalog and mail order	P	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	C	
Stockyard, including slaughter	-	-	-	-	C	
Warehouse/distribution facility	P	P	P	P	P	
Wholesale sale establishment	P	S	S	P	P	
Wineries, breweries	P	P	P	P	P	
Additional Uses						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	S	S	
Commercial support	-	P	P	-	-	Note 5, Section 20.50.110
Retail sales, goods and merchandise	P	P	-	-	-	Note 5, Section 20.50.110
Retail art studio	P	P	-	-	-	
Alcohol, off-site sales - beer and/or wine only	C	C	-	-	-	Note 5, Section 20.50.110
Alcohol, off-site sales, full range of alcoholic beverages	C	C	-	-	-	Note 5, Section 20.50.110
Alcoholic beverages, off-site sales - beer and/or wine only and incidental to a winery/brewery	C	C	C	C	C	Note 12, Section 20.50.110
Alcoholic beverages, off-site sales – distilled spirits only and incidental to a	C	C	C	C	C	Note 12, Section

distillery						20.50.110
Bakery, retail	P	P	-	-	-	Note 5, Section 20.50.110
Certified farmers' market	-	S	S	-	-	Part 3.5, Chapter 20.80
Certified farmers' market - small	-	P	P	-	-	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	P	-	-	-	Note 5, Section 20.50.110
Nursery, plant	P	P	-	C	C	
Outdoor vending	A	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	P	-	C	-	
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80
Education and Training						
Day care center	C	C	C ^{GP}	C ^{GP}	-	
School, driving (class A & B license)	-	-	-	P	P	
Instructional art studios	P	P	-	-	-	
Instructional art studios, live models	C	C	-	-	-	
Private instruction, personal enrichment	P	P	-	-	-	

School- elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	C	C	-	C	C	
Entertainment and Recreation Related						
Recreation, commercial / indoor	P	C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations	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	C ^{GP}	-	
Food Services						
Caterer	P	P	-	-	-	
Drinking establishments	C	C	-	-	-	
Drinking establishments interior to a full-service hotel/motel that includes 75 or more guest rooms	P	S if within 150 feet of residentially used or zoned lot; P if not within 150 feet of residentially used or zoned lot	P ^{GP}	-	-	Section 20.80.475; Note 13

Drinking establishment in conjunction with a winery or brewery	C	C	C	C	C	
Public eating establishments	P	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	S if within 150 feet of residentially used or zoned lot; P if not within 150 feet of residentially used or zoned lot	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services						
Animal boarding, indoor	P	P	-	-	-	Note 14
Animal grooming	P	P	-	-	-	Note 14
Emergency ambulance service	C	C ^{GP}	C ^{GP}	C ^{GP}	-	
Hospital/in-patient facility	C	C	C	-	-	Note 6
Medical marijuana collective [USE SUSPENDED]	R	-	-	R	-	Part 9.75, Chapter 20.80
Office, medical	P	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	P	-	-	-	Note 14
General Services						
Crematory	-	-	-	C ^{GP}	C	Note 7
Mortuary, without funeral services	-	-	-	P	P	
Dry cleaner	P	P	-	-	-	

Hotel / motel	P	P on lands with a General Plan land use designation of Transit Employment Center; P ^{GP} on lands with other designations	C ^{GP}	-	-	Note 13
Laundromat	P	P	-	-	-	
Maintenance and repair, small household appliances	P	P	-	-	-	
Messenger services	P	P	-	-	-	
Personal services	P	P	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	P	
Printing and publishing	P	P	P	P	P	
Social service agency	-	C	C	C	C	
Offices and Financial Services						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support	P	P	-	-	-	
Financial institution	P	P	P	C ^{GP}	-	Note 5, Section 20.50.110
Office, general business	P	P	P	-	-	
Office, research and development	P	P	P	-	-	
Public, Quasi-Public and Assembly Uses						

Church / Religious assembly	C	C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other designations	C ^{GP}	C ^{GP}	-	
Residential						
Emergency residential shelter, more than 50 beds	C	C ^{GP}	C ^{GP}	C	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C	C ^{GP}	C	-	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	-	-	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	C	S	S	
Recycling transfer facility	-	C	C	S	S	
Large collection facility	-	-	-	-	P	
Reverse vending	A	A	A	A	A	
Small collection facility	A	A	A	A	A	
Transportation and Utilities						
Common carrier	-	-	-	C	P	
Common carrier depot	S	S	S	S	S	

Community television antenna systems	C	C	C	C	C	
Data center	S	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	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	C	
Parking establishment, off-street	C	C	C	C	C	
Television, radio studio	C	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Wireless communication antenna	C	C	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	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	C	
Co-generation facility	S	S	S	S	S	
Stand-by/back-up						
Facilities that do not exceed noise and air standards	P	P	P	P	P	

Facilities that do exceed noise and air standards	C	C	C	C	C	
Temporary stand-by-backup	P	P	P	P	P	
Solar photovoltaic system	P	P	P	P	P	Section 20.100.610 C.7.
Vehicle Related Uses						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C	C ^{GP}	C ^{GP}	-	Note 2, Note 8
Gas or charge station with incidental service and repair	P	C	C ^{GP}	C ^{GP}	-	Note 3
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	-	C	-	Note 10
Repair and cleaning of vehicles	C	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	-	C	-	
Sale, vehicle parts	P	P	-	P/S	-	Note 9
Vehicle tow yard	-	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	-	C	
Historic Reuse						
Historic landmark structure reuse	S	S	S	S	S	Part 8.5 Chapter 20.80

Notes:

1. Site must be seven acres or more.
2. No incidental repair or service.
3. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP District subject to the limitations of commercial support use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.
6. Refer to the general plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least 500 linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the parcel boundary on which the crematory is proposed and the parcel boundary on which the residential, school or day care center use is located.
8. 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.
9. Vehicle parts sales are permitted in the LI District when the total floor area dedicated to retail display and open to the public occupies no more than 15% of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed 15% of the gross floor area of the individual tenant space are subject to a special use permit.
10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
11. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
12. Off-sale of Alcoholic Beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
 - a. Two hundred fifty (250) gross square feet; or

- b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
- 13. At least two hundred (200) rooms and four (4) or more stories in height are required for hotels located in the TEC Transit Employment Center Zoning District.
- 14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a building.

SECTION 9. Section 20.50.200 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.200 Development standards.

All development in the industrial zoning districts shall conform to the development regulations set forth below in Table 20-120.

Table 20-120 Industrial Zoning Districts Development Standards						
Regulations	Zoning District					Notes
	CIC	TEC	IP	LI	HI	
Minimum Lot Area (square feet)	6,000	6,000	10,000	10,000	6,000	
Minimum Unit Size for Non-residential Condominiums	4,000	Section 20.175.042	Section 20.175.042	Section 20.175.042	Section 20.175.042	
Minimum Setback (feet)						
Front						Note 1
Building	15	15	15	15	15	
Parking and circulation for passenger	20	25	25	20	15	

vehicles						
Parking for trucks & buses	40	40	40	30	15	
Loading docks	60 from property line, or 100 from residential district, whichever is greater	60 from property line, or 100 from residential district, whichever is greater	60 from property line, or 100 from residential district, whichever is greater	60 from property line, or 100 from residential district, whichever is greater	15 from property line, or 100 from residential district, whichever is greater	
Side						Note 2
Building and Structures	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Parking and circulation for passenger vehicles	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Parking for trucks & buses	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Loading docks	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 100 from residential district	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 100 from residential district, whichever is greater	
Rear						Note 3
Building and Structures	0 from property line, or 25 from residential district,	0 from property line, or 25 from residential district,	0 from property line, or 25 from residential district,	0 from property line, or 25 from residential district,	0 from property line, or 25 from residential district,	

	whichever is greater	whichever is greater	whichever is greater	whichever is greater	whichever is greater	
Parking and circulation for passenger vehicles	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Parking for trucks & buses	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	0 from property line, or 25 from residential district, whichever is greater	
Loading docks	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 60 from residential district, whichever is greater	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 100 from residential district, whichever is greater	0 from property line, or 100 from residential district, whichever is greater	
Maximum Height (feet)	50, unless a different maximum is established in Chapter 20.85	120, unless a different maximum is established in Chapter 20.85	50, unless a different maximum is established in Chapter 20.85	50, unless a different maximum is established in Chapter 20.85	50, unless a different maximum is established in Chapter 20.85	Note 4
Minimum street frontage (feet)	60	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 10. The Editor’s Note under the heading of Part 9.75 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

Editor's note: Parts 9.5, Live/Work Units, and 9.75, Medical Marijuana Collectives, were re-numbered by Ordinance 29011, passed December 13, 2011. The provisions of Part 9.75, Medical Marijuana Collectives, together with the related provisions of Section 20.100.1525, 20.100.1530, 20.100.1535, and 20.100.1540, have been suspended as of March 30, 2012, per Ordinance No. 29037.

SECTION 11. Section 20.80.710 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.710 Performance criteria.

A business or commercial activity is a home occupation only if it conforms to each of the performance criteria set forth in Table 20-160 below:

Table 20-160 Performance Criteria	
Signage	Signage must conform to the residential signage requirements set forth in Part 4 of Chapter 23.04 of Title 23.
Business Vehicles	A maximum of one business vehicle with a manufacturer's gross vehicle weight of less than ten thousand pounds is permitted to be kept, garaged or parked on the lot or parcel associated with the home occupation.
Clients	A maximum of two clients at a time are permitted at the dwelling.
Employees and Assistants	Only occupants of the dwelling may be employees or unpaid volunteers of the business or commercial activity; provided, however, that Note 1 below this Table 20-160 applies to and shall govern and control over Cottage Food Operations.
Environmental Constraints	There shall be no obnoxious odors, vibrations, glare, fumes, dust, electrical interference or noise detectable by normal human sensory perception outside the dwelling or through vertical or horizontal party walls.

Hours of Operation	Clients are permitted at the residence only between the hours of 9:00 a.m. and 9:00 p.m.
Location	
<i>Dwelling Unit</i>	Home occupations, including storage, are permitted in the dwelling unit.
Accessory Building	Home occupations, including storage, are limited to one hundred square feet of floor area in an accessory building provided any required parking provided in the accessory building is retained and accessible.
Attached Garage	Home occupations are permitted in an attached garage provided the required parking is retained and accessible.
Carports	Home occupations are not permitted in carports.
Yard Areas	Home occupations, with the exception of activities that meet the definition of neighborhood agriculture, are not permitted in yard areas.
Manufacture or Assembly	No manufacture or assembly, other than hand-crafted products, is permitted.
Sales	The direct sale of products off display shelves or racks to the general public shall be limited to no more than fifteen square feet of space; however, an order may be filled on the premises if placed earlier by a customer using online, telephone or mail order communications, or through attendance at an off-site sales party.

Notes applicable to performance criteria for Home Occupations:

Note 1: Cottage Food Operations are allowed as Home Occupations so long as the Cottage Food Operations are in compliance with the requirements for those operations contained in the California Government Code and the California Health and Safety Code, as amended. Where the provisions of State law pertaining to Cottage Food Operations, or State regulations promulgated thereunder, conflict with the Performance Criteria set forth in Table 20-160 above, such State law or regulations shall govern and control over the criteria set forth in Table 20-160 above.

SECTION 12. Section 20.80.720 of Chapter 20.80 of Title 20 of the San José

Municipal Code is hereby amended to read in its entirety as follows:

20.80.720 Prohibited uses.

The following are not permitted as home occupations:

- A. Animal breeding except for small scale activity involving no more than a total of six adult small animals (animals of six months in age or greater) as set forth in Title 7.
- B. Appliance repair, other than the repair of small household appliances, as defined in Section 20.200.550.
- C. Firearm sales and service.
- D. Motorized garden tool repair, such as, but not limited to, lawnmowers, chainsaws, and leaf blowers.
- E. Massage parlor, as provided in Part 1 of Chapter 20.80 of this title, and the business of massage as provided in Section 6.44.010A.
- F. Pest control.
- G. Upholstery and furniture repair.
- H. Food catering excluding Cottage Food Operations that are allowed under and fully comply with the requirements therefor contained in the California Government Code and the California Health and Safety Code, together with applicable regulations promulgated thereunder, as amended.
- I. Vehicle-related uses such as, but not limited to, the following: storage of vehicles, cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, towing, driving schools, and dispatching of vehicles located at the site.
- J. Welding.
- K. Any use which requires a hazardous materials permit from the fire department.
- L. Any off-sale of alcohol.
- M. Any other use which does not comply with each of the criteria provided in Table 20-160.

SECTION 13. Section 20.80.1400 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.80.1400 Outdoor private property special event.

An outdoor private property special event is a temporary outdoor use of private property that meets the criteria in either subsections A. or B. below.

- A. The outdoor private property special event will displace required parking for the existing use or uses on the site. Required parking for purpose of this part includes parking required under Chapter 20.90, except in the case of a city approved street closure which prevents access to such required parking.
- B. The outdoor private property special event requires a permit under the jurisdiction of any of the following agencies:
 - 1. San José Police Department;
 - 2. San José Fire Department; or
 - 3. California Department of Alcohol Beverage Control.

SECTION 14. Section 20.120.110 of Chapter 20.120 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.120.110 Conformance with the general plan.

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

Table 20-270	
General Plan Designation	Conforming District
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, TEC

Regional commercial	CG
Industrial park	IP
Light industrial	LI
Heavy industrial	HI
Combined industrial/commercial	CIC

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

SECTION 15. Section 20.150.330 of Chapter 20.150 of Title 20 of the San José Municipal Code is hereby repealed in its entirety.

SECTION 16. Chapter 20.200 of Title of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

20.200.115 Banquet facility

A "Banquet Facility" is a facility providing food service with tables and seating which is maintained and operated primarily for the purpose of serving a meal at a hosted party, banquet, or reception.

SECTION 17. Section 20.200.115 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.200.116 Base load power plant.

A "Base Load Power Plant" is an electrical power generation facility that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

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

20.200.262 Cottage food operation.

"Cottage Food Operation" means an enterprise run by a cottage food operator as defined in Section 113758 of the California Health and Safety Code, as amended, that makes a cottage food product, as defined in Section 113871 of the California Health and Safety Code, as amended.

SECTION 19. Section 20.200.700 of Chapter 20.200 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.200.700 Lot line.

"Lot line" is defined to include:

- A. "Front lot line" is the boundary line of a lot which abuts the closest edge of a public or private right-of-way whether that right-of-way is owned in fee title or through an easement.
- B. "Front lot line of a corner lot" is the narrower lot line abutting a public or private right-of-way.
- C. "Side lot line" is the boundary line of a lot which intersects the front lot line, the rear lot line, and any other side lot line.
- D. "Side corner lot line of a corner lot" is the longer of the two boundary lines abutting a public or private-right-of-way.
- E. "Rear lot line" is the boundary line of a lot which is generally opposite of the front lot line.


PASSED FOR PUBLICATION of title this 26TH day of February, 2013, by the following vote:

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



CHUCK REED

Mayor

ATTEST:


TONI J. TABER, CMC
Acting City Clerk

SAN JOSE POST-RECORD

95 S. Market St., Ste. 535, SAN JOSE, CA 95113
Telephone (408) 287-4866 / Fax (408) 287-2544

SUZANNE GUZZETTA
SAN JOSE CITY CLERK
200 E. SANTA CLARA ST.
SAN JOSE, CA - 95113

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

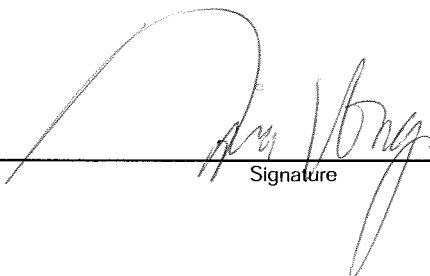
Ad Description:
ORDINANCE #29218

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

03/01/2013

Executed on: 03/01/2013
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

RECEIVED
San Jose City Clerk

This space for filing stamp only

2013 MAR -5 PM 3:56

7"

SJ#: 2452427

ORDINANCE NO. 29218

An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code (the Zoning Ordinance) to amend: Section 20.10.060 of Chapter 20.10 (General Provisions and Zoning Districts) to add the CIC-Combined Industrial Commercial and the TEC-Transit Employment Center Zoning Districts; Section 20.20.100 of Chapter 20.20 (Open Space & Agricultural Zoning Districts) to allow Certified Farmers' Markets in the A-Agriculture and OS-Open Space Zoning Districts; Sections 20.40.100, 20.40.200, 20.40.230 and 20.40.400 of Chapter 20.40 (Commercial Zoning Districts) to allow Wholesale Auto Dealers with on-site storage as a Permitted Use in Commercial Zoning Districts, to reduce minimum required setbacks for Commercial Zoning Districts, and to clarify Incidental Auto-Repair uses; Section 20.50.010 of Chapter 20.50 to create the TEC-Transit Employment Center Zoning District category, Sections 20.50.100 and 20.50.200 of Chapter 20.50 to add more flexibility for the development of specific Commercial and Industrial uses in the Industrial Zoning Districts including, but not limited to creating the TEC-Transit Employment Center Zoning District enumerated uses and development standards, adding Off-site Sale of Alcoholic Beverages as a Conditional Use incidental to a Winery/Brewery or Distillery and clarifying Incidental Auto-Repair uses; Sections 20.80.710 and 20.80.720 of PART 9 OF Chapter 20.80 (HOME OCCUPATIONS) to allow Cottage Food Operations AS Home Occupations within Residential Zoning Districts and Section 20.80.1400 of Chapter 20.80 to amend provisions for outdoor private property special events; Section 20.120.110 of Chapter 20.120 (Zoning Changes and Amendments) to add the TEC Zoning District as a Conforming District; Chapter 20.150 (NONCONFORMING USES) by deleting Section 20.150.330 (Amortization - Incidental Dancing and Music); and Chapter 20.200 (DEFINITIONS) to add new sections to add definitions of "Banquet Facility," and "Cottage Food Operation," and TO AMEND Section 20.200.700 of Chapter 20.200 to amend the definition of "Lot Line"; all to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San Jose 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20

Mayor
ATTEST:

TONI J. TABER, CMC
Acting City Clerk
3/1/13

SJ-2452427#

PASSED FOR PUBLICATION of title this 26th day of February, 2013, by the following vote:
AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KHAMIS, LICCARDI, NGUYEN, OLIVERIO, REED, ROCHA.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.

CHUCK REED



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