

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND TITLE 20 TO: ADD PART 9 TRANSPORTATION DEMAND MANAGEMENT (TDM) TO THE RETITLED CHAPTER 20.90 PARKING, LOADING AND TRANSPORTATION DEMAND MANAGEMENT; REVISE TABLES AND TEXT IN CHAPTER 20.90 TO REMOVE PARKING MINIMUMS, MODIFY PARKING SPACE DESIGN STANDARDS, AND MODIFY PARKING REQUIREMENTS FOR BICYCLE AND TWO-WHEELED MOTORIZED VEHICLE PARKING AND REMOVE PARKING REDUCTION EXCEPTIONS; REVISE TABLES AND TEXT IN 20.70 DOWNTOWN ZONING REGULATIONS TO REMOVE REQUIREMENTS AND REFERENCES TO MANDATORY MINIMUM OFF-STREET PARKING; REMOVE REFERENCES TO PARKING REQUIREMENTS IN CHAPTERS 20.55, 20.80, 20.150, 20.180, 20.190 AND 20.195; REVISE AND ADD TEXT TO EXPAND/MODIFY PROCESSES FOR ISSUING OUTDOOR EVENT PERMITS, OUTDOOR VENDING PERMITS AND CONVERSION OF EXISTING PARKING TO OUTDOOR USE IN CHAPTER 20.80 SPECIFIC USE REGULATIONS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE**

**WHEREAS**, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15,

2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

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

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith 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 20.55.104 of Chapter 20.55 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.55.104 MUN Mixed Use Neighborhood Development Standards.**

The MUN Mixed Use Neighborhood district provides conventional development standards and alternate development standards in order to accommodate a mix of housing product types.

- A. Conventional standards: Applicable to developments where all lots have frontage on and direct access to a public street, and where all buildings provide a setback to property lines.

- B. Alternate standards: Applicable to small-lot development characterized by access to lots provided off courts, driveways, and private streets, and/or with buildings without setbacks to property lines. Development using the Alternate standards require that site development permits and subdivisions must be reviewed and acted upon concurrently.

**Table 20-137  
Mixed Use Neighborhood Development Standards**

Regulations		MUN	
		Conventional	Alternate
Minimum Lot Area (excluding Accessory Dwelling Units)		1,452 square feet per unit	No Minimum. Entire project must be covered by a single development permit. Cannot exceed 30 dwelling units/acre
Lot Frontage Requirements to Public Right-of-Way		Requires at least 30 ft. of contiguous frontage on a public right-of-way, with vehicular and/or pedestrian access to the right-of-way	None required, provided all lots have access from a public right-of-way provided by easement
Floor Area Ratio			
100% Commercial FAR		0.25-2.0	100% Commercial development must follow Conventional Standards
Mixed use	FAR	0.25-2.0	
	du/ac	Max. 30	
100% Residential du/ac		Max. 30	
FAR for Single-family Detached Residences, not including ADUs		3,000 sq. ft. or less	0.6 Max FAR
		3,000—6,000 sq. ft.	0.5 Max FAR
		6,000 sq. ft. or greater	0.45 Max FAR
FAR for single-family homes and duplexes in floodplain areas		For the purposes of this Chapter, development in the Mixed Use Neighborhood zoning district, which is located on a site within a flood zone with a one hundred-year flood depth, where City policy requires elevation of the first finished floor of the proposed house to a height of at least five feet above grade, shall comply with the following provisions	

	<p>1. Where the finished first story is elevated by at least five feet above grade:</p> <p>a. The at grade, unoccupied space shall not constitute a story or floor and shall not count toward the overall FAR calculation or the maximum number of stories as described in this section.</p> <p>b. The at grade unoccupied space shall not constitute a floor or story as it relates to the Conventional or Alternate Setbacks regulations within this section.</p> <p>c. The overall maximum building height, including at grade space that is not occupiable, is set at a maximum of 40 feet.</p>
<b>Conventional Setback Regulations</b>	
Front Setback	Minimum 10 ft.
Interior Side Setback	Minimum 3 ft. for development up to 2.5 stories; Minimum 5 ft. setback for development up to 2.5 stories for properties adjacent to property designated as Residential Neighborhood
	Minimum 8 ft. for development more than 2.5 stories; Minimum 10 ft. setback for development more than 2.5 stories for properties adjacent to property designated as Residential Neighborhood
Street Side Setback	Minimum 5 ft. for development up to 2.5 stories; Minimum 10 ft. for development more than 2.5 stories
Rear Setback	Minimum 10 ft. for development up to 2.5 stories; Minimum 15 ft. for development more than 2.5 stories
Distance between structures	Garage door to garage door must have a minimum of 20 ft min. The front of structures must be at least 15 ft. distance.
Exceptions to Setback Regulations	Refer to Section 20.55.101
<b>Alternate Setback Regulations</b>	
Setback to Public Right-of-Way	Minimum 10 ft. Minimum 20 ft. to face of garage door to face of garage door
Setback to adjoining property line of property not covered by same development permit	Minimum 5 ft. side setback for development up to 2.5 stories; Minimum 10 ft. side setback for development up to 2.5 stories for properties adjacent to property designated as Residential Neighborhood.
	Minimum 10 ft. rear setback for development more than 2.5 stories; Minimum 15 ft. rear setback for development more than 2.5 stories for properties adjacent to property designated as Residential Neighborhood.

Setback to property line within project boundary covered by same development permit	Front to front setbacks shall be no less than 15 ft. Dwelling units shall be setback a minimum of 6 ft. from accessory structures.			
	No side setbacks are required; subject to compliance with Building and Fire Codes			
Distance between structures	Face of garage door to face of garage door shall have a minimum distance of 20 ft. from each other.			
	The front of structures shall be developed at a minimum of 15 ft. distance from each other.			
Exceptions to Setback Regulations	Refer to Section 20.55.101			
	<b>Additional Development Regulations for Conventional and Alternate</b>			
	<b>Single-Family dwelling unit (Detached)</b>	<b>Two-family dwelling unit (Duplex)</b>	<b>Townhouse or Rowhouse</b>	<b>Multiple Dwelling, Mixed use, or 100% Commercial</b>
Max. Building Height	35 ft.	35 ft.	40 ft.	45 ft.
Max. Number of Stories	2.5	2.5	3	4
Private Open Space Requirements for 100% Residential or Mixed use Development	400 sq. ft. per unit	300 sq. ft. per unit	300 sq. ft. per unit	60 sq. ft. per unit
	Minimum width for Private open space shall be 15 ft.			
Common Open Space Requirements	Mixed use Development which includes 15 or more units shall provide common open space at a minimum of 75 square feet per residential unit			
	100% Residential Development which includes 15 or more units shall provide common open space at a minimum of 100 square feet per residential unit			
Ground-Floor Commercial Regulations for 100% Commercial or Mixed use	Refer to the Citywide Design Standards and Guidelines for additional information regarding minimum frontage, height, depth, and other requirements for ground-floor commercial spaces.			
Regulations for development in Urban Villages	For development in approved Urban Village areas, refer to the Urban Village Plan for additional regulations and requirements for development standards.			
Lighting	Refer to Section 20.55.103			
Fence Regulations	Refer to Table 20-80 in Chapter 20.30 for fence regulations.			
Parking	For general parking regulations, refer to Chapter 20.90			
	No unmounted camper or vehicle, other than those vehicles expressly specified and allowed under Title 17 of this Code, shall be kept, stored or parked for a period of time in excess			

	of forty-eight consecutive hours in the front setback area of any lot or parcel containing a residential use. Such parking or storage is limited to paved surfaces.
	<b>Front Setback and Façade Regulations for Single-family Homes</b>
Floor level of ground floor	The finished floor level of the ground floor (1 <sup>st</sup> floor) must be within four vertical feet of the closest sidewalk. Finished floor is defined as the uppermost surface of a floor once construction has been completed and all floor finishes have been applied.
Residential Frontages facing a public right of way	Every dwelling that fronts a public street must have a door, other than a garage door, which is accessible to the street and enters a living space that is not a garage or bedroom.
	Minimum 20% clear glazing per individual ground floor of a dwelling unit
	No more than 50% of the required front setback shall be paved with asphalt, cement or any other impervious or pervious surface.
Setback to garage	Minimum 20 ft. from front property line
	No more than one curb cut per 30 ft of frontage shall be permitted.
Setback to front porch, balconies, bay windows, awnings, open patios, and stoops	Minimum 5 ft. from front property line
Setbacks from adjoining property to balconies and unenclosed stairs	Dwelling units which share property lines with property containing a single-family residence or two-family residence, that is designated as Residential Neighborhood, shall ensure that balconies, porches, or unenclosed stairs maintain a minimum setback of 15 ft. from the rear and side property line measured from the projecting face of the balcony, porch, or stairs; and shall not be located along building walls parallel to side or rear property lines.
Variation in architectural styles for development of 5 units or more under a single development permit	Architectural variation shall be achieved through the following criteria:
	<u>Front Setbacks and Porches</u> 1. No more than 3 adjacent dwelling structures may be constructed with the same front setback; front setbacks must vary by at least 5 ft. 2. No more than 3 adjacent units shall have the same porch dimensions or orientation
	<u>Roof Lines</u> 1. No more than 3 adjacent dwelling unit structures may have the same angles of roof pitch, styles, or roofing

	materials 2. Development of 5-10 units shall have at least 3 different angles of roof pitch, styles, or roofing materials 3. Development of 11-20 units shall have at least 5 different angles of roof pitch, styles, or roofing materials 4. Development of more than 20 units shall have at least 7 different angles of roof pitch, styles, or roofing materials
	<u>Building Materials and Colors</u> 1. At least 20% of dwelling unit façades shall be composed of different building materials or colors 2. At least 50% of dwelling units shall introduce a different building material for 20% of the exterior façade.

SECTION 2. Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

**Chapter 20.70**  
**DOWNTOWN ZONING REGULATIONS**  
**Part 2**  
**USES ALLOWED**

**20.70.100 Allowed uses and permit requirements.**

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Permitted" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by a "PGP " on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only in compliance with the general plan land use restrictions related to residential use.
- C. "Conditional" uses requiring planning commission approval as the initial decision-



making body are indicated by a "C" on Table 20-140. 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 approved by the planning commission, or city council on appeal, as set forth in Chapter 20.100.

- D. "Conditional" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by a "CGP " on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100; and in compliance with the general plan land use restrictions related to residential use.
- E. "Special" uses are indicated by an "S" on Table 20-140. 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.
- F. "Special" uses which may be approved only on parcels within the downtown zoning districts which are designated on the land use/transportation diagram of the general plan, as amended, with a land use designation that allows some residential use, are indicated by an "SGP " on Table 20-140. These uses may be allowed on such downtown zoning district parcels, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100; and in compliance with the general plan land use restrictions related to residential use.
- G. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon



issuance of and in compliance with an administrative use permit as set forth in Chapter 20.100.

- H. "Restricted" land uses are indicated by an "R" on Table 20-140. 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.
- I. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- J. The column of Table 20-140, under the heading "Additional Use Regulations for the Ground Floor Active Use Area Overlay", identifies further regulations on the uses of ground-floor building space within a portion of the DC zoning district. The portion of the DC downtown primary commercial district included in the Active Use Area Overlay is described in Section 20.70.520.
- K. When the right column of Table 20-140 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 20-140**  
**Downtown Zoning Districts Use Regulations**

Use	Zoning District		Applicable Notes & Regulations		
	DC	DC-NT1	Additional Use		Applicable to All

			Regulations for the AUA Overlay		Downtown Districts
<b>Offices and Financial Services</b>					
Automatic teller machine	P	P	P		Note a; Section 20.80.200
Business support use	P	P	P		
Financial services	P	P	P		Note b
Retail bank	P	P	P		Note b
Offices, business and administrative	P	P	S		Section 20.70.110
Payday lending establishment	R	R	-		Part 12.5, Chapter 20.80; Section 20.200.875
Research and development	P	P	-		
<b>General Retail</b>					
Alcohol, off-sale—beer and/or wine only	C	C	C		Section 20.80.900
Alcohol, off-sale—full range of alcoholic beverages	C	C	C		Section 20.80.900
Alcohol, off-sale—as incidental to a winery, brewery, or distillery	A	A	A		Note 11; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P		
Outdoor vending	A	A	A		Note b; Part 10, Chapter 20.80
Outdoor vending—fresh fruits and vegetables	P	P	P		Note b; Part 10, Chapter 20.80
Pawn shop or pawn broker, incidental to a retail jewelry store	C	C	C		Note b; Chapter 6.52
Retail bakery	P	P	P		
Retail art studio	P	P	P		

Retail sales, goods, and merchandise	P	P	P		Note c
Seasonal sales	P	P	P		Part 14, Chapter 20.80
<b>Agriculture</b>					
Certified farmers' market	S	S	S		Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P		Part 3.5, Chapter 20.80
Neighborhood agriculture	P	P	P		
<b>Education and Training</b>					
Day care center	P	P	P		Note b
Instructional art studios	P	P	P		
Private instruction, personal enrichment	P	P	P		Note b
School, elementary—grades K-8 (public or private -)	C	C	C		Note b
School, secondary—grades 9-12 (-public or private)	C	C	C		Note b
School, post-secondary	P	P	-		
School, trade and vocational	P	P	P		Note b
<b>Entertainment and Recreation Related</b>					
Arcade, amusement game	P	-	P		Note b
Health club, gymnasium	P	P	P		
Lighting display	A/S	A/S	A/S		Section 20.70.150
Theater, indoor	P	P	P		
Poolroom/billiards establishment	P	-	P		
Private club or lodge	P	P	-		
Recreation commercial/indoor	P	P	P		
<b>Food Services</b>					
Banquet—facility	P	P	P		
Caterer	P	P	P		Note b
Drinking establishments	S	C	S		

Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-	CC		Note 5
Drinking establishments interior to a full-service hotel or motel with 75 or more guest rooms	P	P	-		Section 20.80.475
Public eating establishments	P	P	P		Note 7
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P		
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	S	A		Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A		Part 5.75, Chapter 20.80
<b>General Services</b>					
Bed and breakfast inn	P	P	P		Note b; Part 2, Chapter 20.80
Hotel or motel	P	P	P		
Laundromat	P	P	P		Note b
Maintenance and repair of small household appliances	P	P	P		Note b
Personal services	P	P	P		Note d
Printing and publishing	P	P	P		Note b and Note f
<b>Health and Veterinary Services</b>					
Animal grooming	P	P	P		Note b
Animal boarding, indoor	P	P	P		Note b
Cannabis retail storefront	R	R	R		Part 9.75 Chapter 20.80
Emergency ambulance service	C	-	-		

Hospital/in-patient facility	C	-	-		
Medical cannabis dispensary	R	R	R		Part 9.75Chapter 20.80
Office, medical	P	P	P		Note b
Veterinarian	P	P	P		Note b
<b>Historic Reuse</b>					
Historic landmark structure reuse	S	S	S		Part 8.5, Chapter 20.80
<b>Public, Quasi-Public and Assembly Uses</b>					
Auditorium	C	-	C		
Church/religious assembly	P	P	-		
Information center	P	P	P		
Museums and libraries	P	-	P		
Parks, playgrounds, or community centers	P	P	S		
<b>Recycling Uses</b>					
Reverse vending machine	S	S	-		Part 13, Chapter 20.80
Small collection facility	S	S	-		Part 13, Chapter 20.80
<b>Residential GP</b>					
Residential shelter	CGP	-	-		Note e
Live/work uses	PGP	SGP			Note e; Section 20.70.120
Low barrier navigation center	PGP	PGP	-		Chapter 20.195
Permanent supportive housing	PGP	PGP	-		Chapter 20.195
Residential, multiple dwelling	PGP	PGP	-		Note 12 and Note e
Co-living community	S	S	-		Note 10 and Note e; Part 3.75, Chapter 20.80

Residential care facility for seven or more persons	CGP	CGP	-		Note e
Residential services facility, for seven or more persons	CGP	CGP	-		Note e
Hotel supportive housing	CGP	CGP	-		Note 9 and Note e; Part 22 of Chapter 20.80
Single room occupancy (SRO) living unit facility	SGP	SGP	-		Note 12 and Note e; Part 15, Chapter 20.80
Single room occupancy (SRO) residential hotel	S	S	-		Note 12 and Note e; Part 15, Chapter 20.80
<b>Residential Accessory Uses GP</b>					
Accessory buildings and accessory structures	PGP	PGP	-		Note 1
<b>Transportation and Communication</b>					
Community television antenna systems	C	-	-		
Off-site and alternating use parking arrangements	P	P	P		Section 20.90.200
Off-street parking establishment	P	P	-		
Short term parking lot for uses or events other than on-site	S	S	-		
Radio and television studios	P	-	-		
Wireless communications antenna	S	-	-		Note 8; Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	P	-	-		Note 8; Sections 20.80.1900, 20.80.1915
<b>Utilities, Power Generation</b>					

Private electrical power generation facility	C	C	-		
Solar photovoltaic power system	P	P	-		Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise or air standards	A	A	-		
Temporary stand-by/backup generators	P	P	-		
<b>Vehicle Related Uses</b>					
Car wash, detailing	P	-	-		
Fuel service station or charge station, no incidental service or repair	P	-	-		Note 6
Fuel service station or charge station, with incidental service and repair	P	-	-		Note 2
Sale and lease, vehicles and equipment (less than one ton)	P	-	-		Note 3
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-		Note 4
Sale, vehicle parts, new	P	-	-		

**Notes applicable to the Downtown Primary Commercial (DC) Zoning District, including the Active Use Area Overlay:**

1. No Lot may be used solely for an Accessory Structure or Accessory Building.
2. Incidental repair includes air conditioning service, carburetor and 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.
3. All activity must be conducted indoors.
4. Non-engine and exhaust-related service and repair allowed as incidental use.
5. Maximum occupancy load shall be that maximum occupancy load determined by the City fire marshal.



6. Pedestal Charge 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 Downtown Zoning Districts.
7. Includes on-site outdoor dining area(s).
8. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.
9. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
10. Repealed.
11. Off-sale limited to items produced on-site otherwise a Conditional Use Permit is required.
12. Transitional Housing may be allowed as any residential housing type using the permit process for such housing type.

**Notes applicable to the Active Use Area Overlay only:**

- a. Automatic Teller Machines must be a secondary use and must be architecturally integrated into the building on which they are placed. Automatic Teller Machines may not be standalone structures. Use may not be an ATM vestibule lobby.
- b. Not permitted in corner tenant spaces. Corner tenant spaces are defined as storefronts that extend up to or beyond 30 feet along the street in either direction from the intersection.
- c. Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit.
- d. Excludes check-cashing services and bail bond services.
- e. A residential pedestrian entry portal not exceeding 25 feet in length is permitted in the Ground Floor Active Use Area.
- f. Only if dedicated primarily to on-site retail customer copy services, otherwise not Permitted.

**SECTION 3.** Part 4 of Chapter 20.70 of Title 20 of the San José Municipal Code is repealed in its entirety:

**Chapter 20.70**

**DOWNTOWN ZONING REGULATIONS**

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SECTION 4. Section 20.70.485 of Part 5.5 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

**Chapter 20.70**

**DOWNTOWN ZONING REGULATIONS**

**Part 5.5**

**DOWNTOWN BICYCLE PARKING REQUIREMENTS**

**20.70.485 Number of bicycle parking spaces.**

The number of required bicycle parking spaces shall be as set forth in Chapter 20.90 of this title.

SECTION 5. Part 5.75 of Chapter 20.70 of Title 20 of the San José Municipal Code is repealed in its entirety:

**Chapter 20.70**

**DOWNTOWN ZONING REGULATIONS**

**~~Part 5.75~~**

**~~DOWNTOWN CLEAN AIR VEHICLE PARKING REQUIREMENTS~~**

SECTION 6. A new Part 8.75, Section 20.80.680, of Chapter 20.80 of Title 20 of the San José Municipal Code is added as follows:

**Chapter 20.80**

***SPECIFIC USE REGULATION***

***Part 8.75***

***CONVERSIONS OF AN EXISTING USE TO  
ANOTHER USE WITH A DIFFERENT TDM USE DESIGNATION***

**20.80.680 Special use permit required.**

A. In the case where no other development permit would be required, no person shall convert, in whole or in part, an existing or proposed building from one TDM Use Category as identified in Table 20-190 to a different TDM use category without a special use permit in the case of conversion to a permitted or special use in the district, or a conditional use permit in the case of conversion to a conditional use in the district, with the following exceptions:

1. No Special Use Permit shall be required if the conversion of TDM Use Category is from any other use category to the Category of Other.
2. No Special Use Permit shall be required if the conversion would otherwise be exempted from Transportation Demand Management requirements pursuant to 20.90.900.B.

B. The following requirements shall be applied by the director, or the planning commission on appeal, in granting a special use permit under this part:

1. Transportation Demand management. The project shall be subject to the requirements of Part 9 of Chapter 20.90.

**SECTION 7.** Sections 20.80.820, 20.80.850, 20.80.870, and 20.80.890 of Part 10 of Chapter 20.80 of Title 20 of the San José Municipal Code are amended to read as follows

*Part 10*  
**OUTDOOR VENDING FACILITIES**

**20.80.820 Exception - Administrative permit.**

- A. Nothing in this part shall regulate or prohibit the following uses:
1. The seasonal sale of Halloween pumpkins and Christmas trees and associated greenery pursuant to this title.
  2. The peddling of any product from an approved location within the sidewalk portion of a public street pursuant to Chapter 6.54 of Title 6.
  3. The placement or maintenance of a newsrack within the public right-of-way pursuant to Chapter 13.18 of Title 13.
  4. The vending of beverages, goods, wares, merchandise or services for the use of an on-site business when covered by other provisions in this title.
- B. Notwithstanding the provisions of this part, no administrative permit shall be required for the placement or operation of a vending facility which solely involves the vending of whole, uncut, fresh fruits and vegetables and that meets and

remains in full compliance with all of the following location and operational requirements:

1. The vendor shall attend the vending facility at all times.
2. The vending facility shall operate only on a site with an existing fixed-base host in operation on the site.
3. All operations shall fully comply with all federal, state and local laws, regulations and guidelines including without limitation those applicable to the vending of fresh fruits and vegetables, including without limitation the California Health and Safety Code, the California Food and Agricultural Code, and all regulations and guidelines promulgated by the State of California and the County of Santa Clara thereunder, as the same may be amended from time to time.
4. All activities, and the duration of those activities, shall first have been approved and authorized in writing by the owner of the real property on which those activities are planned to occur. The vendor shall have this written authorization available on-site and shall present it to the city upon the city's request.
5. The vendor shall completely remove all equipment, merchandise and other materials, including, without limitation, waste materials, from the site upon the conclusion of the vending activities, excepting such interior storage of equipment, merchandise or materials as may be allowed on the site with the permission of the owner or operator of the site.

6. The hours of operation of a vending facility shall be limited to the hours of operation of the fixed-base businesses on the fixed-base host site; however, the vending facility shall not operate, including any setup or breakdown activities, between the hours of 10:00 p.m. and 7:00 a.m. During hours in which the fixed-base host businesses are closed, the vending facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors.
7. The vending facility shall be placed or operated only on paved surfaces and not on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.
8. The vendor shall not offer for sale or otherwise distribute any products other than whole, uncut, fresh fruit and vegetables.
9. Each vendor shall not use amplified sound for any purpose.
10. The vending facility or activities shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the site.
11. The maximum dimensions of the vending facility shall be as follows:
  - a. The maximum height of any portion of each vending facility, including any folding or collapsible appendage, shall not exceed ten feet.
  - b. The maximum width of each vending facility or cart, including any folding or collapsible appendage, shall not exceed ten feet.

- c. The maximum length of each vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four feet.
12. The vending facility shall not be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty feet from that point of intersection, measured along those curb-lines.
13. The vending facility shall not be placed or operate less than one hundred feet from a freeway on or off ramp.
14. The vending facility shall not be placed or operate less than twenty feet from a driveway curb cut.
15. The vending facility shall not be placed or operate within fifty feet of an exclusively residentially used lot as measured from nearest point of vending facility to nearest point of the exclusively residentially used lot.
16. No vending facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending facilities shall operate exclusively from vehicles or carts or other conveyances which are fully mobile and have operational wheels in place at all times. Vending facilities shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.
17. Vending facilities shall not be located less than fifteen feet from a parcel or lot line or a public right-of-way.



18. The vendor shall not place or utilize displays of fruits or vegetables that are detached from the vending facility or visible off-site.
19. All signs used in conjunction with any vending facility shall comply with the requirements of Title 23 of this Code and with the following requirements:
  - a. Free-standing signs shall not be allowed. All signs shall be mounted or attached to the exterior surfaces of the vending facility and shall not extend beyond the top, bottom, or side lines of the exterior surface to which it is mounted or attached. The dimensions of mounted or attached signs shall be included in measuring and calculating the maximum height, width, and length of a vending facility under Section 20.80.870.
  - b. No sign shall revolve, rotate, move or create the illusion of movement, rotation, or revolution, or have any visible moving, revolving, or rotating surface parts.
  - c. No sign shall be illuminated, directly or indirectly; but this restriction does not preclude the incidental illumination of such signs by service lighting needed in the conduct of nighttime operations.
  - d. No signs shall emit or broadcast any sound, outcry, or noise.
20. The vendor shall maintain the vending facility and the area around the vending facility in a clean and orderly manner that does not create a public or private nuisance. For purposes of this part, a "nuisance" shall mean any act or omission which obstructs or causes substantial inconvenience or

damage to the public or any member thereof, in the course of, or by the manner of, the exercise of rights created by this title.

21. Each vending facility shall display in a manner legible and visible to its clientele:
  - a. The name and phone number of the vendor operating the vending facility;
  - b. The number of the city business license issued to the vending facility; and
  - c. The property owner's name and phone number.
  
22. Each vendor shall have secured with the property owner of the site on which the vendor plans to operate, and prior to the commencement of any operation of the vendor, provision for all of the following services in a manner that comports with state and local laws and regulations, as the same may be amended from time to time:
  - a. Refuse disposal and sufficient trash and recycling receptacles within the area of the vending;
  - b. Litter removal within three hundred feet of the boundaries of the vending facility; and
  - c. Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.

**20.80.850 Minimum standards for vending facilities.**

The following standards shall be applied by the director, or by the planning commission on appeal, in granting an administrative permit for a vending facility. The director or planning commission may impose stricter standards as an exercise of discretion, upon a finding that stricter standards are reasonably necessary in order to implement the general intent of this part and the purposes of this title. The standards for vending facilities are set forth in Table 20-170:

<b>Table 20-170 Minimum Standards</b>	
Height	The maximum height of any portion of a vending facility, including any folding or collapsible appendage, shall not exceed ten (10) feet.
Width	The maximum width of a vending facility or cart, including any folding or collapsible appendage, shall not exceed ten (10) feet.
Length	The maximum length of a vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four (24) feet.
Distance from Intersections	No vending facility shall be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty (30) feet from that point of intersection, measured along those curb-lines.
Distance from Streets	No vending facility shall be placed or operate at a location less than fifteen (15) feet from any street right-of-way.
Distance from Freeway Ingress and Egress Ramps	No vending facility shall be placed or operate less than one hundred (100) feet from a freeway on or off ramp.
Distance from Driveways	No vending facility shall be placed or operate less than twenty (20) feet from a driveway curb cut.
Distance from Other Vending Facilities	No vending facility shall be placed or operate within ten (10) feet of another vending facility operating on private property.
Maximum Number of Vending Facilities	Less than 25,000 Square feet: One Vending facility 25,000-50,000 square feet: Two vending facilities 50,000-75,000 square feet: Three vending facilities 75,000-100,000 square feet: Four vending facilities 100,000 and up square feet: Five vending facilities
Distance from Residences	No vending facility shall be placed or operate within one-hundred fifty (150) feet of a residentially zoned property unless the outdoor dining area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred

	feet that includes a public street with a minimum public right-of-way dimension of eighty feet.
Paved Locations	No vending facility shall be placed or operate on a parcel or lot unless the surface is paved with a mud-free, dust-free surface.
Mobility of Operations	No vending facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending facilities shall operate exclusively from vehicles or carts or other conveyances which are fully mobile and have operational wheels in place at all times.
Sanitary Facilities	Persons operating vending facilities shall have unrestrained right of access to toilet and handwashing facilities located on site within reasonable distance of the vending facility's approved location.
Setback	Vending facilities shall be located not less than fifteen (15) feet from a parcel or lot line or a public right-of-way.

**20.80.870 Signage standards.**

All signs used in conjunction with any vending facility shall comply with the requirements of Title 23 and with the following requirements:

1. Free-standing signs shall not be allowed.
2. Signage shall be mounted or attached to the exterior surface of the vending facility and shall not extend beyond the top, bottom, or side lines of the exterior surface to which it is attached. Signage mounted or attached to the vending facility does not require a separate Sign Permit. Vending facility signage shall be approved with the Administrative Permit approving the vending facility.
3. No sign shall revolve, rotate, move or create the illusion of movement, rotation or revolution, or have any visible moving, revolving or rotating surface parts.
4. No sign shall be illuminated, directly or indirectly; but this restriction does not preclude the incidental illumination of such signs by service lighting needed in the conduct of nighttime operations.

5. No signs shall emit or broadcast any sound, outcry, or noise.

**20.80.890 Conditions of issuance.**

All outdoor vending facilities must comply with the following conditions:

- A. Vending facilities coming within the definition of “mobile food preparation unit,” “vehicle,” or “temporary food facility,” as set forth in the Health and Safety Code of the State of California, Division 22, Chapter 4, Article 2, Sections 27526, 27538, and 27540, or their successor, shall, as a condition of approval for issuance of an Administrative Permit for outdoor vending facility, display at all times a current health permit issued to the vendor for the vending facility by the health officer of the County of Santa Clara.
- B. As a condition of approval of an administrative permit for a vending facility, the operator of such facility shall provide to the director of planning an agreement signed by the owner of the lot or parcel, or the owner or operator of the fixed base use, if different from the owner of the lot or parcel, to provide the support facilities required by this part.
- C. A vendor shall attend the vending facility at all times.
- D. The vendor shall maintain the area around the vending facility in a clean and orderly fashion.
- E. The vending facility shall be maintained in a manner which does not create a public or private nuisance. For purposes of this part, a nuisance shall mean any act or omission which obstructs or causes substantial inconvenience or damage to the public or any member thereof, in the course of, or by the manner of, the exercise of rights created by the grant of the administrative permit.

- F. Vending facilities shall be kept in a good state of repair and shall be maintained with surfaces which are clean and not cracked, peeling, or faded.
- G. Each vending facility shall display in a manner legible and visible to its clientele:
  - 1. The name and phone number of the vendor operating the vending facility;
  - 2. The administrative permit number and date of issuance issued to the vending facility; and
  - 3. The city business tax registration number issued to the vending facility.
- H. The hours of operation of a vending facility shall be limited to the hours of operation of the fixed-base businesses on the fixed-base host site; however, no vending facility shall operate during the hours from 10:00 p.m. through 6:00 a.m. During hours in which the fixed-base host site businesses are closed, the vending facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors.

SECTION 8. A new Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code is added as follows:

***Part 10.5***

***CONVERSION OF PARKING TO OTHER OUTDOOR USES***

**20.80.891 Purpose.**

This part regulates the conversion of previously permitted vehicular parking areas into areas designated for outdoor dining or other outdoor uses associated with an on-site business. The specific purposes of this part are to safeguard the urban environment by permitting such uses in a manner consistent with safe and efficient circulation of pedestrian and vehicles, protecting the safety of users of the outdoor areas and by protecting the integrity and character of the surrounding neighborhood, properties and uses.

**20.80.892 Administrative permit required.**

No person shall convert a previously permitted vehicular parking area into space designated for outdoor dining or other outdoor uses associated with an on-site use on any privately owned parcel or lot except in compliance with an administrative permit issued pursuant to this title.

**20.80.893 Exception - Administrative permit.**

Nothing in this part shall regulate or prohibit the following uses:

1. The conversion of existing parking to outdoor dining that does not affect on-site vehicular circulation. This may be allowed through a Permit Adjustment, pursuant to section 20.100.500.A.15.
2. The conversion of existing parking to outdoor dining that would not be in conformance with 20.40.520, 20.55.201 or 20.75.320. This conversion may only be allowed through a Special Use Permit, pursuant to Chapter 20.100, Part 7.



**20.80.895 Conditions of issuance.**

All conversions of parking to outdoor dining must comply with the following conditions:

1. In areas no longer used for parking, wheel stops and striping shall be removed; and
2. Circulation and drive aisles shall be modified as necessary to ensure continuous safe operation of the remaining parking and drive aisles; and
3. Seating areas shall be differentiated from parking area through grade differentials (minimum 6 inches) or permanent barriers that are architecturally consistent with the site; and
4. Driveways and curb cuts that are no longer utilized shall be removed; and
5. The existing facility must meet on-site bicycle parking requirements per Chapter 20.90, Part 2.5; and
6. A maximum of fifty (50) seats or 800 square feet (whichever is greater) may be allowed per establishment; and
7. If the dining area will include a temporary canopy larger than 700 square feet or a tent larger than 400 square feet in the outdoor dining area, it will also require a permit from the San Jose Fire Department; and
8. No amplified sound that is audible to adjacent sites with the exception of downtown. No amplified sound that is disturbing or unreasonably loud to persons on neighboring property shall be audible to adjacent sites in downtown; and
9. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.

SECTION 9. Sections 20.80.1400, 20.80.1480, and 20.80.1520 of Part 16 of Chapter 20.80 of Title 20 of the San José Municipal Code are amended to read as follows:

**Part 16**  
**TEMPORARY OUTDOOR USES OF PRIVATE PROPERTY**

**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 parking for the existing use or uses on the site.
- 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.

**20.80.1480 Event permit parking limitations.**

- A. Regardless of zoning district, an event permit will not be issued if the outdoor private property special event will displace more than fifty (50) percent of the

existing parking for the existing use or uses on the site, or a maximum of two-hundred fifty (250) spaces, whichever is less.

- B. This section does not apply to outdoor private property special events conducted in the downtown core area, and events at schools and church/religious assembly.

**20.80.1520 Conditions for issuance of permits for outdoor private property special events.**

- A. No event permit for a outdoor private property special event shall be issued unless the following conditions have been met and the applicant agrees in writing to comply with these conditions:
1. All amusement rides, booths, tents and equipment shall be located at least twenty (20) feet from all frontage streets.
  2. The outdoor private property special event venue shall have direct vehicular access from a public street.
  3. The size, configuration and location of the outdoor private property special event venue shall be suitable for the proposed number of attendees taking into account other events which are scheduled to occur during the same time period at locations in proximity to the proposed site for the outdoor private property special event.
  4. The outdoor private property special event applicant has made provision for each of the following:
    - a. refuse disposal and sufficient trash receptacles within the event site;

- b. litter removal within a three hundred foot radius of the boundaries of the event site;
  - c. scheduled maintenance of the outdoor private property special event venue during the course of the event, including removal of animal waste, if applicable;
  - d. sanitary facilities, including adequate restrooms and/or portable toilets.
5. The San José police department has approved the applicant's security and traffic plans, if applicable. The thresholds for requiring either a security or traffic plan or both shall be set forth in the regulations issued pursuant to this part.
6. The applicant shall be responsible for reimbursing the city for the direct cost of police services in the event that the outdoor private property special event requires extra police services in addition to the regular patrol services provided in the police district in which the outdoor private property special event site is located. The criteria for assessing whether the outdoor private property special event will necessitate additional police services shall be set out in the regulations issued pursuant to this part.
7. The applicant shall be responsible for reimbursing the city for the direct cost of litter removal within a three hundred foot radius of the boundaries of the event site in the event that the applicant fails to comply with this requirement.

8. The San José fire department has approved applicant's plans for fire control devices, tents and canopies, cooking equipment, pyrotechnics and emergency vehicle access, if applicable.
  9. The California Department of Alcohol Beverage Control has issued a permit for the sale of alcohol or the applicant has certified that the sale of alcohol will not occur.
  10. The applicant will provide written notification of the outdoor private property special event, including time, date and description of activities to property owners within three hundred (300) feet of the outdoor private property special event site at least fourteen (14) days in advance of the first day of the event. An event permit holder who is issued a permit fewer than fourteen (14) days in advance of the first day of the event shall provide the required notice within twenty-four (24) hours following the issuance of the permit but no later than two (2) business days in advance of the first day of the event.
  11. Project must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.
- B. The issuance of either a conditional use permit or a special use permit for an outdoor private property special event shall be subject to the conditions set forth in Subsection A.1. through A.9. of this section.

**SECTION 10.** Section 20.90.100 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows

**Chapter 20.90**

**PARKING, LOADING, AND TRANSPORTATION DEMAND MANAGEMENT**

**Part 1**

**GENERAL PROVISIONS**

**20.90.010 Purpose.**

The purpose of this chapter is to:

- A. Promote effective vehicle circulation, reduce congestion, increase safety and aesthetics within the off-street parking and off-street loading areas.
- B. Promote proper siting of the off-street vehicle parking or off-street loading areas to minimize potential adverse effects on adjacent land uses.
- C. Encourage the use of alternative modes of transportation and reduce trips by establishing standards for on-site shower and changing rooms.
- D. Ensure access and maneuverability for emergency vehicles.
- E. Encourage bicycles as an alternative mode of transportation by providing adequate, convenient, and secure bicycle parking facilities to meet the needs generated by specific uses.
- F. Ensure that new development is designed to support sustainable transportation choices for residents, employees, and visitors. The provisions contained herein implement Envision San Jose 2040, and Climate Smart San Jose, state legislation including Senate Bill (SB) 743, the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the California Global Warming

Solutions Act of 2006 (AB 32), the California Complete Streets Act of 2008, and Bay Area Air Quality Management District (BAAQMD) Regulation 14.

- G. Reduce dependence on drive-alone trips and increase sustainable mode share to comply with the directives of SB 743, including the development of multimodal transportation system and a diversity of land uses, and applicable requirements under Bay Area Air Quality Management District (BAAQMD) Regulation 14.
- H. In compliance with SB 743, mitigate the transportation impacts resulting from new development by providing sustainable, accessible, and affordable transportation options that support the journeys of people of all income levels and modal choices.
- I. Support the strong link between land use and transportation through promotion of infill development and mixed land uses that bring common destinations closer to people and make efficient use of infrastructure.
- J. Improve air quality and public health outcomes, and reduce San Jose's contribution towards climate change through encouragement of sustainable mobility options and reduction of Vehicle Miles Traveled (VMT) and associated greenhouse gas emissions generated by driving.
- K. Advance equity, particularly in disadvantaged communities whose transportation access has been historically underserved, through the provision of safe, affordable, and accessible travel options that: connect people to jobs, services, and opportunities; improve health outcomes; and increase the resilience of environmentally impacted communities.



- L. Improve street safety and reduce transportation-related collision risks through the provision of bicycle, pedestrian, and transit infrastructure and services. Support the goal of Vision Zero to eliminate traffic fatalities and severe injuries, particularly in areas of the City with the highest incidences, which disproportionately includes disadvantaged communities.
- M. Implement a balanced transportation network by embracing Complete Streets principles of safety, comfort, and convenience for all users of the public right-of-way.

**20.90.020 Applicability.**

- A. Every building for which a building permit application for new square footage was submitted on or after January 1, 2011, shall provide the required bicycle parking spaces in compliance with the provisions of this chapter.
- B. Every development that creates more than five thousand square feet of outdoor uses for which a development permit application was submitted on or after January 1, 2011 shall provide the required bicycle parking spaces for the outdoor uses in compliance with the provisions of this chapter.

**20.90.025 Adoption by reference.**

- A. This chapter incorporates by reference and adopts the objectives, criteria, and procedures for mandatory bicycle parking requirements contained in the California Green Building Standards Code.
- B. This title implements the mandatory bicycle parking requirements of the California Green Building Standards Code. To the extent there is any conflict

between this title and the mandatory parking standards contained in the California Green Building Standards Code, the mandatory bicycle parking standards contained in the California Green Building Standards Code shall prevail whenever those standards are stricter or more restrictive than the standards set forth in this title. To the extent that the bicycle parking standards in this title are more stringent than the mandatory parking standards contained in the California Green Building Standards Code, the parking standards contained in this title shall prevail.

**20.90.030 No reduction in off-street parking spaces.**

- A. Off-street vehicle parking spaces existing on February 19, 2001, and/or required as a condition of any permit or approval by the City of San José, shall not be reduced in number or size without an approved development permit, or a permit adjustment if no development permit is required, in accordance with the requirements of Chapter 20.100.
- B. Off-street bicycle parking spaces existing on December 31, 2010 and/or required as a condition of any permit or approval by the City of San José shall not be reduced in number or size without an approved development permit in accordance with the requirements of Chapter 20.100.

**20.90.050 Definitions.**

For the purposes of this Chapter 20.90, the following definitions apply:

- A. "Off-street vehicle parking space" means the area, other than a public street, public way, or other public property, (and exclusive of off-street loading spaces) permanently reserved or set aside for the parking of one automobile or other motor vehicle or clean air vehicle under one and one-half ton capacity, together

with and plus maneuvering areas as are hereinafter specified in this title; and whenever in this title the unmodified term "parking space" is used it shall, unless the context clearly requires otherwise, be construed as meaning off-street vehicle parking space.

- B. "Number of employees" means the greatest number of employees who are or may be on the premises associated with a specific use during any one working shift or period of time of the day or night, as determined by the director of planning.
- C. "Full-time employee" means the total number of hours all employees spend on the parcel during the peak eight-hour occupancy period of the parcel divided by eight hours.
- D. "Floor area" shall mean eighty-five percent of the "total gross floor area" of the building.
- E. "Total gross floor area" shall mean the sum of the gross horizontal areas of the several floors of the building, (including floors below as well as above ground), confined within the interior faces of the exterior walls of the building. A party wall between buildings shall be deemed an exterior wall of each of the buildings of which it is a part.
- F. "Long-term bicycle parking facilities" are secure bicycle storage facilities for tenants or occupants of a building or development that fully enclose and protect bicycles and may include:

1. A covered, access-controlled enclosure such as a fenced and gated area with short-term bicycle parking facilities;
  2. An access-controlled room with short-term bicycle parking facilities; and
  3. Individual bicycle lockers that securely enclose one bicycle per locker.
- G. "Short-term bicycle parking facilities" mean bicycle facilities accessible and usable by visitors, guests or business patrons and may include:
1. Permanently anchored bicycle racks;
  2. Covered, lockable enclosures with permanently anchored racks for bicycles;
  3. Lockable bicycle rooms with permanently anchored racks; and
  4. Lockable, permanently anchored bicycle lockers.
- H. "Clean air vehicles" means any combination of low-emitting, fuel efficient, and carpool or van pool vehicles.
- I. "Home-End Uses (HEU)" are uses whose parking demand and VMT are largely determined by vehicle ownership rates and use frequency among the residents of these uses.
- J. "Commute-End Uses (CEU)" are uses whose parking demand and VMT are largely determined by the volume of commuters driving to jobs generated by these uses.

- K. “Visit-End Uses (VEU)” are uses whose parking demand and VMT are largely determined by the volume of visitors driving to access goods, services, and social connection provided through these uses.
- L. “Other Uses (OTH)” are uses that typically generate moderate or minimal personal automobile parking demand and/or are typically minimally responsive to TDM mitigation efforts.
- M. “TDM Use Category” defines which category a specific land use falls under to determine the applicable TDM strategies that can be applied.
- N. “TDM Coordinator” is the designee of the City Manager that acts to review, monitor and enforce TDM requirements.
- O. “Point Target” means a number of points calculated based on the applicable Level and amount of parking proposed for the Project. The Point Target determines the total points a project shall achieve by implementing selected TDM Strategies.
- P. “Transportation Demand Management”, or “TDM” means a program that includes incentives, services, policies, and physical improvements aimed at reducing drive-alone trips and Vehicle Miles Traveled (VMT). TDM encourages sustainable travel such as, but not limited to, public transit, bicycling, walking, and carpooling/vanpooling. TDM also includes strategies that reduce the need for trips altogether, such as telecommuting for work trips, and land use strategies that increase access to destinations. The City of San Jose’s TDM Program is the set of regulations, requirements, processes, and implementation strategies set forth in this ordinance and the City of San Jose Transportation Analysis Handbook.

- Q. “Transportation Demand Management Plan Compliance Documentation”, or “TDM Plan Compliance Documentation” means documentation provided by the property owner, no sooner than the Project has received a certificate of occupancy, to the TDM Coordinator demonstrating continued compliance with the Project’s approved TDM Plan, including maintenance of all TDM Strategies. TDM Plan Compliance Documentation shall be provided on an annual basis unless it is waived by the TDM coordinator pursuant to the provisions of this ordinance and the TDM Program Guidelines.
- R. “Transportation Demand Management Monitoring Report”, or “TDM Monitoring Report” means annual monitoring data that provides a reasonable sample period of travel characteristics, including but not limited to the percentage of modes of travel to and from the site and parking hour utilization. The TDM Monitoring Report shall be provided on an annual basis unless it is waived by the TDM Coordinator pursuant to the provisions of this ordinance and the TDM Program Guidelines.
- S. “Transportation Demand Management Plan”, or “TDM Plan” means a Project’s documentation, including a site plan and/or other documentation, that describes the TDM Strategies the project will implement in order to comply with the TDM Ordinance for the Project site as approved by the Director of Planning, Planning Commission or City Council.
- T. “Transportation Demand Management Program Standards”, or “TDM Program Standards” means the City of San Jose’s Standards that contain details of the TDM Program goals and benefits, processes, point targets, TDM Strategies, evaluation and reporting, and technical justifications. These program standards are contained within Chapter 5 of the City of San Jose’s Transportation Analysis Handbook.

- U. “Transportation Demand Management Strategy”, or “TDM Strategy” means a programmatic and/or physical strategy that aims to reduce drive-alone trips and/or VMT, and/or encourages sustainable mobility in a way that meets the intent of this Ordinance. TDM Strategies are assigned a point value and are listed in the TDM Program Standards.
- V. “User-Defined TDM Strategy” means a TDM Strategy that is not currently listed in the TDM Program Guidelines and is proposed by an applicant for inclusion in a Project’s TDM Plan. A proposed User-Defined TDM Strategy shall aim to reduce drive-alone trips and/or VMT, and/or encourage sustainable mobility options in a way that meets the intent of this Ordinance. A User-Defined TDM Strategy shall be approved through the process outlined in Section 20.90.925.
- W. “Project” for the purposes of Chapter 20.90, means any building, group of buildings, or use which is permitted or the use is authorized through a single development permit or ministerial permit.
- X. “High Quality Transit Area” are within one half mile of a high-quality transit corridor or major transit stop. A high-quality transit corridor is defined in the California Public Resources Code, Section 21155(b) as may be amended. A major transit stop is defined in the California Public Resources Code, Section 21064.3 as may be amended.
- Y. “Vehicle Miles Travelled (VMT)” as defined by City Council Policy 5-1.

**20.90.060 ~~-Parking spaces.~~**

- A. Off-Street Vehicle Spaces.

1. All vehicle parking spaces may be any combination of sizes as set forth in Section 20.90.100, with the exception that no more than 40% of the spaces may be designated as small car spaces.

B. Number of Bicycle Parking Spaces Required.

1. The minimum number of bicycle parking spaces required for uses permitted under this title is set forth in Table 20-190.
2. Except as otherwise expressly permitted in this chapter, the minimum number of bicycle parking spaces required under this title shall be provided on private property on a parcel or development site in an area, other than a public street, public way, or other public property, permanently reserved or set aside for bicycle parking spaces.
3. A minimum of two short-term bicycle parking spaces and one long-term bicycle parking space shall be provided for each site that has a nonresidential use set forth in Table 20-190.
4. If the number of bicycle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
5. When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage



or other criteria in the table, at least eighty percent of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty percent shall be provided in long-term bicycle facilities.

**Table 20-190  
Bicycle Parking Spaces Required by Land Use and TDM Land Use Categorization**

Use			Bicycle Parking Required	TDM Use Category
<b>Agriculture and Resource Uses</b>				
Agriculture and Resource Uses				
<b>Education and Training</b>				
Day care center			1 per 10 full-time employees and children	CEU
Instructional studios			1 per 3,000 sq. ft. of floor area	VEU
Private instruction, personal enrichment			1 per 10 students and full-time employees	VEU
School- elementary (K - 8)			1 per 10 full-time employees plus 6 per classroom	CEU
School- secondary (9 - 12)			1 per 10 full-time employees plus 10 per classroom	CEU
School, post-secondary			1 per 10 full-time employees plus 10 per classroom	CEU
School, trade and vocational			1 per 10 full-time employees plus 10 per classroom	CEU
<b>Entertainment and Recreation</b>				

Arcade, amusement game			1 per 3,000 sq. ft. of floor area	VEU
Batting cages			1 per 10 full-time employees plus one per 6 stations	VEU
Bowling establishment			1 per 2 lanes	VEU
Driving range			1 per 10 full-time employees plus 1 per 10 tees	OTH
Golf course			1 per 10 full-time employees plus 1 per 2 golf holes	OTH
Health club, gymnasium			1 per 1,600 sq. ft. of recreational space	VEU
Miniature golf			1 per 10 full-time employees plus 1 per 6 tees	VEU
Performing arts rehearsal space			1 per 4,000 sq. ft. of floor area	VEU
Poolroom/billiards establishment			1 per 3,000 sq. ft. of floor area	VEU
Private club or lodge			1 per 60 fixed seats on the premises, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes	VEU
Recreation, commercial (indoor)			1 per 1,600 sq. ft. of recreational area; for uses requiring reservation, appointments, or	VEU

			classes with limited attendance, 1 per 10 guests;	
Recreation, commercial (outdoor)			2 per acre of site	VEU
Relocated cardroom			1 per 800 sq. ft. area devoted to card games	VEU
Skating rink			1 per 1,000 sq. ft. of floor area	VEU
Swim and tennis club			1 per 5,000 sq. ft. of recreation area	VEU
Motion picture theatre, indoor			1 per 45 seats in theaters with 1-3 screens; 1 per 50 seats with 4+ screens	VEU
Motion picture theatre, outdoor			1 per 3,000 sq. ft.	VEU
Theaters, auditoriums, sports arenas, and stadiums- with or without fixed seats			1 per 60 fixed seats on the premises, plus 1 per 100 linear feet of fixed benches, or 1 per 450 sq. ft. of area used for assembly	VEU
<b>Food Services</b>				
Banquet facility			1 per 50 seats or 1 per 800 square feet of dining area, whichever requires the greater number of parking spaces	VEU
Caterer			1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces	OTH
Commercial kitchen			1 per 3,000 sq. ft. of floor area	OTH

Drinking establishments			1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces	VEU
Entertainment (with any food or alcohol service)			1 per 800 sq. ft. of area open to the public	VEU
Outdoor dining incidental to a public eating establishment or a retail establishment			1 space per 50 seats	VEU
Public eating establishments			1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces	VEU
Take-out only establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)			1 per 750 sq. ft. of area open to the public	VEU
Taproom or tasting room			1 per 50 seats or 1 per 800 sq. ft. of drinking area, whichever requires the greater number of parking spaces	VEU
Winery, brewery, or distillery with a taproom or tasting room			1 per 300 sq. ft. of floor area and 1 per 10 full-time employees	OTH
<b>General Retail</b>				
Alcohol, off-site sales			1 per 4,000 sq. ft. of floor area	VEU

Food, beverages, and groceries			1 per 3,000 sq. ft. of floor area	VEU
Nursery, plant			1 per 3,000 sq. ft. of floor area	VEU
Open air sales establishments and areas			1 per 3,000 sq. ft. of floor area	VEU
Outdoor vending			2 parking spaces	VEU
Pawn shop/broker			1 per 3,000 sq. ft. of floor area	VEU
Retail sales, goods and merchandise			1 per 3,000 sq. ft. of floor area	VEU
Retail sales of furniture			1 per 4,000 sq. ft. of floor area	OTH
Retail art studio			1 per 3,000 sq. ft. of floor area	VEU
Sales, appliances, industrial equipment, and machinery			1 per 10,000 sq. ft. of floor area	OTH
Neighborhood shopping center (minimum 100,000 sq. ft. in size), includes a mix of permitted, special, and conditional uses			1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a development permit	VEU
Neighborhood shopping center (minimum 20,000 sq. ft. in size), includes a mix of permitted, special, and conditional uses			1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a development permit	VEU
<b>General Services</b>				
Bed and breakfast inn			1 per space plus 1 per 10 guest rooms	CEU

Crematory			1 per 10 full-time employees	OTH
Dry cleaner			1 per 3,000 sq. ft. of floor area	VEU
Hotel or motel			1 space plus 1 per 10 guest rooms	CEU
Laundromat			1 per 3,000 sq. ft. of floor area	VEU
Maintenance and repair, small consumer goods			1 per 3,000 sq. ft. of floor area	VEU
Messenger services			1 per 3,000 sq. ft. of floor area	OTH
Mortuary and funeral services			1 per 10 full-time employees	VEU
Mortuary, excluding funeral services			1 per 10 full-time employees	OTH
Personal services			1 per 3,000 sq. ft. of floor area	VEU
Photo processing and developing			1 per 3,000 sq. ft. of floor area	VEU
Printing and publishing			1 per 5,000 sq. ft. of floor area	OTH
Social service agency			1 per 4,000 sq. ft. of floor area	VEU
<b>Health and Veterinary Services</b>				
Animal boarding, indoor			1 per 10 full-time employees	VEU
Animal grooming			1 per 3,000 sq. ft. of floor area	VEU
Emergency ambulance station			1 per 10 full-time employees	OTH
Hospital/in-patient facility			1 per 25 beds	CEU
Office, medical			1 per 4,000 sq. ft. of floor area	VEU
Veterinary clinic			1 per 4,000 sq. ft. of floor area	VEU
<b>Industry</b>				
Commercial support			1 per 5,000 sq. ft. of floor area	VEU

Establishment for the repair, cleaning of household, commercial or industrial equipment or products			1 per 5,000 sq. ft. of floor area	OTH
Hazardous materials storage facility			1 per 10 full-time employees	OTH
Hazardous waste facility			1 per 10 full-time employees	OTH
Industrial services			1 per 5,000 sq. ft. of floor area	OTH
Junkyard			1 per 10 full-time employees	OTH
Laboratory			1 per 5,000 sq. ft. of floor area	CEU
Manufacturing and assembly, light, medium, heavy			1 per 5,000 sq. ft. of floor area	OTH **
Miniwarehouse/ministorage			1 per 10 full-time employees	VEU
Outdoor storage			1 per 10 full-time employees	OTH
Private power generation			1 per 10 full-time employees	OTH
Research and development			1 per 5,000 sq. ft.	CEU
Stockyard, including slaughter			1 per 10 full-time employees	OTH
Warehouse			1 per 10 full-time employees	OTH
Warehouse retail			1 per 10 full-time employees	VEU
Wholesale sale establishment			1 per 20,000 sq. ft. of floor area	OTH
<b>Offices and Financial Services</b>				
Automatic teller machine (free standing)			1 per 10 machines	VEU
Business support			1 per 3,000 sq. ft. of floor area	VEU

Financial institution			1 per 4,000 sq. ft. of floor area	VEU
Offices, general business			1 per 4,000 sq. ft. of floor area	CEU
Offices, research and development			1 per 4,000 sq. ft. of floor area	CEU
Private security			1 per 4,000 sq. ft. of floor area	CEU
<b>Public, Quasi-Public and Assembly Uses</b>				
Cemetery			1 per 10 full-time employees	OTH
Church/religious assembly			1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship	VEU
Community television antenna systems			1 per 10 full-time employees	OTH
Museums and libraries			1 per 4,000 sq. ft. of floor area open to the public	VEU
Parks and playgrounds			1 per 5,000 sq. ft. of outdoor recreation space	VEU
Community centers			1 per 60 fixed seats, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for	VEU



			recreational purposes	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses			1 per 10 full-time employees	OTH
<b>Recycling Uses</b>				
Processing facility			1 per 10 full-time employees	OTH
Transfer facility			1 per 10 full-time employees	OTH
Small collection facility			1 per 10 full-time employees	VEU
<b>Residential</b>				
Co-living community with shared full kitchen facilities			Long-term - .25 spaces per bedroom. Except for buildings containing over 100 bedrooms, 25 long-term spaces plus .20 long-term spaces for every bedroom over 100. Short-term 2 spaces for every 100 bedrooms	HEU
Emergency residential shelter			1 per 5,000 sq. ft. of floor area	HEU
Guesthouse			1 per 10 guest rooms plus 1 per 10 full-time employees	HEU
Live/work			1 per 5,000 sq. ft. of floor area	HEU
Living quarters, custodian, caretakers			1 per 10 living units	HEU
Mixed use/ground floor commercial				VEU/HEU

with residential above				
Multiple dwelling			See Table 20-210 and Table 20-211 1 per 4 living units	HEU
One family dwelling			None	HEU
Residential care or service facility			1 per 10 full-time employees	CEU
SRO facilities within 2,000 ft. of public transportation			1 per SRO unit	HEU
SRO residential hotels				CEU
SRO living unit facilities with shared kitchen and bathroom facilities				HEU
SRO living unit facilities with partial or full kitchen and bathroom facilities				HEU
SRO facilities not within 2,000 ft. of public transportation			1 per SRO unit	HEU
Sororities, fraternities, and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions			1 per guest room plus 1 per 10 full-time employees	HEU
Temporary farm labor camp necessary to the gathering of crops grown on the site			None	OTH

Travel trailer parks			1 per 10 full-time employees	OTH
Two family dwelling			None	HEU
<b>Transportation and Utilities</b>				
Common carrier depot			1 per 10 full-time employees	OTH
Data center			1 per 5,000 sq. ft. of office/meeting/technician work space, plus 1 for each 50,000 sq. ft. of floor area, or fraction thereof devoted to computer equipment space	OTH
Television and radio studio			1 per 5,000 sq. ft. of space devoted to office use	OTH
Wireless communication antenna			1 per site	OTH
Accessory installation, passenger vehicles and pick-up trucks			1 per 10 full-time employees	VEU
Auto broker, w/on-site storage			1 per 10 full-time employees	CEU
Auto dealer, wholesale, no on-site storage			1 per 10 full-time employees	CEU
Car wash			1 per 10 full-time employees	VEU
Fuel service station or charge station, no incidental service or repair			1 per 10 full-time employees	VEU
Fuel service station or charge			1 per 10 full-time employees	VEU

station with incidental service and repair				
Glass sales, installation and tinting			1 per 10 full-time employees	VEU
Repair and cleaning per detailing of vehicles			1 per 10 full-time employees	VEU
Sale or lease of vehicles			1 plus 1 per 10 full-time employees	VEU
Exclusively indoors sales			1 plus 1 per 10 full-time employees	VEU
Auto rental agency			1 plus 1 per 10 full-time employees	VEU
Sale, vehicle parts			1 plus 1 per 10 full-time employees	VEU
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning			1 plus 1 per 10 full-time employees	VEU
Tow yard			1 per 10 full-time employees	OTH
Vehicle wrecking, including sales of parts			1 per 10 full-time employees	OTH



**Table 20-211  
 Multiple Dwellings in the Pedestrian Oriented Zoning Districts**

	Vehicle Parking Spaces	Bicycle Parking Spaces
Minimum required	N/A	1 per living unit
Maximum required	2.0 per living unit	None


**20.90.064 Parking and Vehicle Storage Requirements.**

- A.** For uses that have company vehicles, parking spaces shall be provided for all company vehicles. In the case of vehicle rental facilities, parking spaces shall be provided for a minimum of 25% of vehicle inventory. These parking spaces may be provided off-site but shall not occur in a public or private right of way.
- B.** For uses that include a vehicle work station such as auto repair and/or detailing, a vehicle storage area shall be provided to allow a minimum of four vehicles per vehicle work station. This area can be in either a conventional or tandem configuration.
- C.** Existing residential uses that were permitted or deemed legal prior to November 10, 1965 shall maintain, at minimum, their parking per their original approved development permit or original legalized configuration (with the exception of single family residences).

**SECTION 11.** Part 2 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows

**Part 2**

**PARKING SPACE REQUIREMENTS**

**20.90.100 Off-street vehicle parking space design standards.**

- A.** All off-street parking spaces shall conform to the design requirements set forth in Table 20-220.

- B. Off-street parking spaces for small cars shall be marked as such.
- C. Notwithstanding the provisions of this section, the approving person or body pursuant to the provisions of this title may allow reduction of the minimum width of certain twenty-four-foot aisles on a site to not less than twenty feet, provided such reduction will not impair the safe and convenient accessibility of the parking spaces affected thereby, and the safety of the site, as otherwise provided in this section.
- D. EV and Clean Air Vehicle parking shall be provided per San Jose Municipal Code Title 24 or California Green Building Standards Code, whichever is greater.

**Table 20-220  
Design Requirements - Off-Street Vehicle Parking Spaces**

	Angle of Off-Street Parking Space from wall, curb or fence (Parking Angle in Degrees)				
	90	60	45	30	0
<b>Minimum Width of Parking Space (feet)</b>					
Full-size car spaces	9	9	8.5	8.5	8
Small car spaces	8	8	8	8	8
Uniform-size car spaces	8.5	8.5	8.5	8.5	8
<b>Length of Space (feet)<sup>Note 1</sup></b>					
Full-size car spaces	18	19.8	18.7	16.4	22
Small car spaces	16	17.6	16.6	14.6	20
Uniform-size car spaces	17	18.7	17.7	15.5	21
<b>Minimum width of one-way aisle (feet)</b>					
Full-size car spaces	20	16	15	14	12
Small car spaces	20	16	15	14	12
Uniform-size car spaces	20	16	15	14	12
<b>Minimum width of two-way aisle (feet)</b>	24	24	24	24	24

Note 1: Length of space means the minimum distance measured at right angles, from wall, curb, or fence, to nearest edge of aisle (length of stall perpendicular to aisle). In locations that have a curb, two feet of overhang may be included towards the length provided that all accessibility standards are met.

### **20.90.110 Maintenance.**

All off street parking spaces and associated facilities, including curb directional markings, disabled symbols, landscaping, signs, striping, and wheel stops, and other facilities, shall be permanently maintained by the property owner in good repair, free of litter and debris, potholes, obstructions and stored materials.

### **20.90.120 Setbacks.**

- A. No off-street vehicle parking space or off-street loading space shall be located within any side or front setback area required by other provisions of this title unless otherwise explicitly allowed or the director finds that the location of the off-street vehicle parking space or off-street loading space within the front or side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required. Uncovered parking for single family homes may be provided in the front or side setback provided that front yard paving limitations of Section 20.30.440 are met.
- B. No setback for any vehicle parking area consisting of six or more parking spaces located in, or adjoining, any residential district shall be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel, unless the director finds that the location of the off-street vehicle parking space or off-street loading space within the front setback or corner side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required.



- C. In the main street districts, the following additional provisions shall apply:
1. At-grade parking that is not fully enclosed within a building shall be set back fifty feet or more from the main street, except that an interim off-street parking establishment in conformance with the requirements of Table 20-156 may be located within fifty feet of the main street.
  2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of five feet from any minor or major cross street, which setback area shall be landscaped and shall be maintained in good condition at all times.
  3. If at-grade parking that is not fully enclosed within a building includes six or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are directly opposite any lot in a residential zoning district by a masonry wall or solid wood fence no less than five feet in height.
  4. At grade parking areas not located within a structure shall include one tree for every four parking spaces.
  5. Parking structures shall not be located within fifty feet of the main street unless they are submerged below grade or are integrated within buildings that conform to the active commercial building frontage requirements of Section 20.75.130.
- D. Parking that is required under Section 20.30.150.I shall not be subject to subsection A. above.

**20.90.130 Driveways.**

Each off-street vehicle parking space shall be provided with:

- A. A driveway not less than ten feet wide for ingress and egress; and
- B. A maneuvering area, such as an aisle or driveway, of appropriate dimension and design to provide safe and efficient means of entry and exit by automobiles and other motor vehicles; and
- C. For all lots with a one-family dwelling use, in which a driveway is provided, such driveway must be not less than eighteen (18) feet long measured at its shortest side, unless otherwise provided in this title.
- D. Notwithstanding any other provisions of this title, in a main street district, driveways providing vehicular access to a main street shall be no more than twenty feet in width at the minimum building setback line, except that the decision-maker may approve a wider driveway through a development permit based on a finding that greater width is needed to accommodate loading or other truck access.
- E. Primary vehicular access for a corner lot in a main street district shall not be provided from the main street frontage.

**20.90.140 Surfacing of uncovered off-street parking spaces.**

The surface of all uncovered off-street vehicle parking spaces and aisles shall be treated or paved and maintained in such a manner as to provide a mud-free and dustless surface. When vehicle parking facilities having six or more parking spaces are paved with concrete, asphalt or other similar material, each vehicle parking space shall be defined by means of painted white lines. Such vehicle parking spaces shall be

provided with drainage facilities adequate to dispose of all surface water accumulated within the vehicle parking area and shall be designed in conformance with current city policy related to post- construction storm water quality control.

SECTION 12. Part 2.5 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 2.5**

***BICYCLE PARKING REQUIREMENTS***

**20.90.190 Bicycle parking space design standards.**

- A. For the purpose of this section, "bicycle parking facilities" shall refer to long-term and short-term bicycle parking facilities as defined in Section 20.90.050.
1. All bicycle parking spaces provided shall be on a hard and stable surface.
  2. All bicycle parking facilities shall be securely anchored to the surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
  3. All bicycle parking facilities shall support bicycles by at least two contact points on the bicycle to prevent the bicycle from falling over and to prevent damage to wheels, frame, or other components.
  4. All bicycle parking facilities within vehicle parking areas shall be separated by a curb or other physical barrier to protect bicycles from damage by automobiles and other moving vehicles.

5. Short-term bicycle parking facilities are subject to and shall meet all the following requirements:
  - a. The facilities shall be located at least three feet away from any wall, fence, or other structure.
  - b. When multiple short-term bicycle parking facilities are installed together in sequence, they shall be installed at least three feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.
  - c. The facilities shall be installed in a clear space at least two feet in width by six feet in length to allow sufficient space between parked bicycles.
  - d. Permanently anchored bicycle racks shall be installed to allow the frame and one or both wheels of the bicycle to be securely locked to the rack.
  - e. The facilities shall meet the minimum dimensions for bicycle parking spaces listed in Table 20-190. The standard required bicycle space is 2 feet wide, 6 feet long and 4 feet tall.
  - f. There must be at least 5 feet clear space to access all bicycle parking spaces and allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
  
6. The following information must be submitted with applications for an applicable building permit for new square footage or development permit:

- a. Location, access route, and number of both short-term and long-term bicycle parking spaces;
- b. The model or design of the bicycle parking facilities to be installed;
- c. Dimensions of all aisles and maneuvering areas; and
- d. Information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

**20.90.195 Bicycle parking space location.**

- A. Short-term bicycle parking facilities that consist of permanently anchored bicycle racks shall be located in a convenient, highly visible and well lighted area within twenty feet of a building entrance and within view of pedestrian traffic.
- B. Short-term bicycle parking facilities that consist of: covered, lockable enclosures with permanently anchored racks for bicycles; or lockable bicycle rooms with permanently anchored racks; or lockable, permanently anchored bicycle lockers shall be located in a convenient, highly visible and well-lighted area within one hundred feet of a common publicly accessible building entrance and within view of pedestrian traffic.
- C. Long-term bicycle parking facilities for tenant and occupant use shall be conveniently accessible by pedestrians from the street and located within one hundred feet of building entrances accessible by tenants and occupants.

- D. If bicycle parking is not visible from the main building entrances, a sign must be permanently posted at the main entrances, including public and employee entrances, indicating the location of the bicycle parking.

SECTION 13. Sections 20.90.200, 20.90.210, 20.90.220, 20.90.330, and 20.90.250 of Part 3 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 3**

**EXCEPTIONS**

SECTION 14. Part 4 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows

**Part 4**

**TWO-WHEELED MOTORIZED VEHICLE PARKING STANDARDS**

**20.90.300 Purpose.**

The purpose of this part, in keeping with the purpose of this chapter, is to promote effective circulation, reduce congestion, a means for alternative transportation and increase safety and aesthetics through off-street two-wheeled motorized vehicle parking requirements.

**20.90.305 Definition.**

For the purpose of this Part, a two-wheeled motorized vehicle is defined as any two-wheeled motorized vehicle that is licensed by the Department of Motor Vehicles and intended for travel on public streets.

**20.90.350 Two-wheeled motorized vehicle parking spaces.**

- A. Two-wheeled motorized vehicle parking shall be provided at a rate of 2.5% of standard vehicle parking provided, except for multi-family residential uses when the multi-family uses are located in buildings that have individual enclosed garages assigned to each multi-family dwelling unit. Any fractional amount is rounded up. No two-wheeled motorized vehicle parking spaces are required if ten or less vehicle parking spaces are provided.


**20.90.360 Location.**

Two-wheeled motorized vehicle parking facilities shall be located in a convenient, highly visible and well lighted area to minimize theft and vandalism, generally within fifty feet of a building entrance, adjacent to accessible parking and within view of pedestrian traffic.

**20.90.370 Two-wheeled motorized vehicle parking design standards.**

- A. Surfacing of two-wheeled motorized vehicle parking provided shall conform to the provisions of Section 20.90.140.
- B. Two-wheeled motorized vehicle parking spaces shall be a minimum of three feet in width and six feet in length.
- C. Two-wheeled motorized vehicle parking facilities within auto parking areas shall be separated by a physical barrier to protect two-wheeled motorized vehicles from damage by automobiles and other moving vehicles. Barriers include curbs, wheel stops or other similar features.

SECTION 15. Part 8 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows

***Part 8***

**PARKING MINIMUMS**

**20.90.800 - Parking Minimums.**

Notwithstanding other provisions of this section, any and all minimum parking requirements shall remain in effect, as described below, for those certain real properties: (a) within a radius of one-half (½) mile from the main south entrance of the arena, which is presently known as the SAP Center and located at 525 W. Santa Clara Street, San Jose, California, as further defined in the Second Amended and Restated San Jose Arena Management Agreement by and between the City of San Jose and San



Jose Arena Management, LLC entered into on August 15, 2018, as amended by a First Amendment dated December 14, 2018, as again amended by a Second Amendment dated June 8, 2021, and as may be further amended from time to time (AMA); and, (b) as defined in the Development Agreement by and between the City of San Jose and Google, LLC entered into on May 25, 2021 under Ordinance No. 30610, as may be amended from time to time, (Google DA) related to the development of property located in the Diridon Station Area Plan recorded in the Santa Clara Clerk-Recorder's Office on June 15, 2021 as Document No. 24996882, as may be amended from time to time (DSAP).

All office uses located within the above described areas shall maintain a minimum parking requirement of 1 space per 1,000 square feet of floor area. This requirement may be reduced to 0.65 spaces per 1,000 square feet of floor area if the parking is publicly accessible.

SECTION 16. A new Part 9 of Chapter 20.90 of Title 20 of the San José Municipal Code is added as follows:

**Part 9**

**TRANSPORTATION DEMAND MANAGEMENT**

**20.90.900 Applicability.**

- A. Applicability. The City shall not issue a Development Permit, Ministerial Permit, Building Permit, or a Certificate of Occupancy that is not in compliance with the requirements of this Part.

B. Exemptions. The following Projects are exempt from the requirements of this Part 9 of Chapter 20.90:

1. Any work on an existing building or structure which does not result in an increase in floor area, except for a project that involves a change of use where the proposed use is defined as a different TDM use category pursuant to Table 20-190 and where the modified square footage qualifies as a Level 1 or Level 2 project pursuant to Table 20-260.
2. Projects in which the new floor area constructed consists of:
  - a. Fewer than 16 single-family detached housing units; or
  - b. Fewer than 26 units of all other home end uses except for single-family detached housing units; or
  - c. 10,000 square feet or less of any combination of commute end uses; or
  - d. 100,000 square feet or less of any combination of visit end uses; or
  - e. 30,000 square feet or less of any combination of other uses; or
  - f. fewer than 99 guest rooms, or suites of rooms, in a hotel; or
  - g. fewer than 9,000 seats or 250,000 square feet, whichever is greater, in any arena, stadium, or theater; or
  - h. fewer than 250 students in any charter or private school.

3. Projects that require a development permit pursuant to Chapter 20.100 or a Ministerial Approval pursuant to Chapter 20.195 for which an application has been deemed complete by the City pursuant to Government Code Section 65943 or Government Code 65941.1(a) (unless exceptions are triggered per Government Code § 65589.5(o)) prior to the effective date of Part 9 of Chapter 20.90, except for where the project is modified subsequent to the determination of completeness where such modifications would change the use categorization per Table 20-260, or if the project applicant elects to use the standards of this Chapter.
4. Projects where a Planned Development Zoning has been effectuated prior to the approval date of this ordinance.
5. Projects that provide 100% restricted affordable units, excluding unrestricted manager units that are;
  - a. Deed restricted by a public entity for a period not less than 55 years for rental units and 45 years for for-sale units to low-income residents (earning 80 percent or less of the Area Median Income) and;
  - b. Are developed at a minimum density of 35 DU/AC and;
  - c. Are located in a High Quality Transit Area

**20.90.905 Requirement for Transportation Demand Management Plan.**

Except for projects exempted in 20.90.900.B, all projects shall submit a “Transportation Demand Management Plan”, or “TDM Plan” (defined in section 20.90.050.S) at time of initial application for a development permit or ministerial permit. The development permit or ministerial permit shall not be deemed complete until the TDM Plan is submitted. No development permit or ministerial permit shall be issued that does not meet the requirements of this part.

The point value of the TDM Strategies selected for the TDM Plan shall add up to or exceed the Project’s required Point Target. Table 20-255 shows the Point Target range by Project Level and TDM use category. The TDM Program Guidelines describe the Point Target calculation and a menu of qualified TDM Strategies with corresponding point values. The points target calculation shall be determined as part of the development permit approval along with a TDM plan.

- A. **20.90.910 Standards** Project Requirements. Throughout the lifetime of the Project, the Project will maintain TDM Strategies, selected from the TDM Program Guidelines, sufficient to achieve the required Point Target per Table 20-255. The lifetime of the Project shall mean until such time as the Project is demolished, or such time as the Project is added to or replaced with a new Project that is subject to the requirements of this Part. The Project shall:
1. Applicants shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the project. A TDM Plan may be modified at the discretion of the TDM Coordinator pursuant to Section 20.90.910.C. No Building Permit shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.

- a. Implement the TDM Strategies in the Project's approved TDM Plan throughout the lifetime of the Project.
- b. The owner of a property, or their designee, that contains a project subject to a TDM Plan pursuant to this Section shall submit annually to the TDM Coordinator a TDM Plan Compliance Documentation that includes:
  - i. Documentation showing maintenance of the TDM Strategies in the Project's approved TDM Plan.
  - ii. Upon five consecutive years of a Project submitting timely TDM Plan Compliance Documentation demonstrating compliance with the TDM Program, the annual TDM Plan Compliance Documentation requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.
- c. In addition to the above, for Level 2 Projects, as pursuant to Table 20-250, the property owner shall submit annually to the TDM Coordinator a TDM Monitoring Report that includes:
  - i. A travel survey as described in the TDM Program Standards.
  - ii. Parking data as described in the TDM Program Standards.
  - iii. Upon five consecutive years of a Project submitting timely TDM Monitoring Reports demonstrating compliance with the TDM Program, the annual TDM Monitoring Report

requirement may be reduced in frequency or waived at the discretion of the TDM Coordinator.

- d. Level 2 projects shall install available technology to collect ongoing on-site trip count and parking data and submit to the TDM Coordinator no less than once a year. The technology shall be approved by the TDM Coordinator to ensure compatibility with City monitoring methods.
- B. Requirement to Reduce Trips for Level 2 Projects. All Level 2 projects are subject to trip reductions pursuant to the requirements of the TDM Program Standards. If the project is not meeting these trip reduction requirements, the TDM coordinator shall require modifications to the TDM plan or the project will be subject to enforcement pursuant to 20.90.920.
- C. Project Levels and TDM targets. Requirements are scaled to the size and scope of a Project and have corresponding requirements as defined in Subsection 20.90.910.A. There are two Project Levels as defined in Table 20-250. The Level applied to a Project consisting of an addition or change of use is based on the new floor area or the number of residential units contained in the newly constructed floor area or total floor area subjected to the change of use.

TABLE 20-250: PROJECT LEVEL THRESHOLDS		
	Level 1	Level 2

Use Category	If a project meets ANY of the criteria below, it is classified in Level 1	If a project meets ANY of the criteria below, it is classified in Level 2.
Home End Uses	16-299 dwelling units	300+ dwelling units
Commute End Uses	10,000-149,999 sf of gross floor area	150,000+ sf of gross floor area
Visit End Uses	100,000-249,999 sf of gross floor area	250,000+ sf of gross floor area
Other Uses	30,000 sf or more of gross floor area	300,000 + sf of gross floor area
Special Uses	hotel/motel with 150-249 guest rooms, or suites of rooms	hotel/motel with 250+ guest rooms, or suites of rooms
	school, college, or university (which requires building permits from City of San Jose) with 250 or more students	N/A

TABLE 20-255: PROJECT REQUIREMENTS

Project Level	Point Target for HEU/VEU/CEU Uses	Point Target for Other Uses	TDM Plan and Annual TDM Plan Compliance Documentation	TDM Monitoring Report
Level 1 Projects	25 Points	5 Points	Required	Not Required
Level 2 Projects	25 Points	5 Points	Required	Required

### 20.90.912 TDM Plan Modifications

- A. TDM Plan Modifications. Any modifications to an approved TDM Plan require submission of a revised TDM Plan for approval. A TDM Plan shall comply with

the Transportation Demand Management Program Standards version in effect at the time of submission of the modification, unless otherwise specified by state law, and include TDM Strategies that achieve the property's Point Target.

1. Administrative Permit. An administrative permit, subject to Chapter 20.100, part 10 may be issued to modify an approved TDM plan when the modifications to the TDM plan are only to programmatic TDM strategies that were not specifically conditioned in the development permit.
  - a. The administrative permit shall be issued only if the changes to the TDM strategies in the TDM plan will meet or exceed the point target for the existing use at time of submittal of the administrative permit.
2. Development Permit or Permit Amendment. If the modification to the approved TDM Plan is to a TDM strategy that was a condition of approval of the original a project, a new development permit or permit amendment must be submitted to modify the TDM Plan.
3. In all cases, the Covenant and Agreement running with the property shall be updated to reflect the modified TDM plan.

#### **20.90.915 Administration.**

- A. Content of the TDM Standards chapter in the San Jose Transportation Analysis Handbook. Upon enactment of this Ordinance, the San Jose Department of Transportation shall establish, maintain and update the TDM Standards, and other necessary components of the TDM Program outlined in this Section. The TDM Program Standards shall be consistent with the purposes of this Part and each other. The TDM Program Standards shall include the following:



1. TDM Program overview
2. TDM point targets by Project Level and parking supply (see Table 20-257);
3. TDM Strategies and their associated point values;
4. TDM compliance and monitoring reporting requirements; and
5. The technical justification for assigned point values for each TDM strategy.

B. Updates to TDM Program Standards. The TDM Program Standards shall be reviewed and updated periodically, as deemed appropriate by the San Jose Department of Transportation, to:

1. Provide feasible options to applicants to meet program goals and outcomes; and
2. Reflect best practices, emerging technologies, and/or respond to lessons learned from monitoring and evaluation.
3. Any changes to the TDM Program Standards that are inconsistent with the provisions of this Chapter shall require an amendment to this Chapter in order for said changes to be effective.

C. Effect of Updates on Project Requirements. Projects shall meet all requirements of the TDM Program Standards version in effect at the time when submitting their first TDM Plan at the time the development permit or ministerial permit is deemed complete, including but not limited to the designated Point Target and available TDM Strategies. If the Department of Transportation updates the TDM Program

Standards subsequent to the date the applicant submitted a TDM Plan, the applicant may elect to have their Project be subject to all requirements of the current version of the TDM Program Standards by submitting a revised TDM Plan for approval.

**D.** Parking Supply TDM Point Value. The below table outlines the amount of TDM points a project receives based on its location and parking supply.

TDM Points	TABLE 20-257 – PARKING SUPPLY TDM POINT VALUE					
	Downtown		High-Quality Transit Areas		Other Areas	
	Home-End (space per dwelling unit)	Commute-End/ Visit-End (per 1,000 square feet)	Home-End (space per dwelling unit)	Commute-End/ Visit-End (space per 1,000 square feet)	Home-End (space per dwelling unit)	Commute-End/ Visit-End (space per 1,000 square feet)
20	0-0.75	0-1.00	0-1.24	0-1.50	0-1.40	0-2.00
18	.76-.84	1.01-1.20	1.25-1.37	1.51-1.80	1.41-1.57	2.01-2.30
16	.85-.93	1.21-1.40	1.38-1.50	1.81-2.10	1.58-1.74	2.31-2.60
14	.94-1.02	1.41-1.60	1.51-1.63	2.11-2.40	1.75-1.91	2.61-2.90
12	1.03-1.11	1.61-1.80	1.64-1.76	2.41-2.70	1.92-2.08	2.91-3.20
10	1.12-1.20	1.81-2.00	1.77-1.89	2.71-3.00	2.09-2.25	3.21-3.50
8	1.21-1.29	2.01-2.20	1.90-2.02	3.01-3.30	2.26-2.42	3.51-3.80
6	1.30-1.38	2.21-2.40	2.03-2.15	3.31-3.60	2.43-2.57	3.81-4.10
4	1.39-1.47	2.41-2.60	2.16-2.28	3.61-3.90	2.58-2.74	4.11-4.40
2	1.48-1.56	2.61-2.80	2.29-2.41	3.91-4.20	2.75-2.91	4.41-4.70
1	1.57-1.65	2.81-3.00	2.42-2.54	4.21-4.50	2.92-3.08	4.71-5.00
0	1.66+	3.01+	2.55+	4.51+	3.09+	5.01+

Note: Table 20-257 does not apply to projects with a TDM Use Category of "OTH."

### **20.90.920 Compliance and Enforcement.**

- A.** The TDM Coordinator shall be responsible for enforcing continual compliance with the requirements of the TDM Program, as outlined below.
1. A property owner shall allow City staff access to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone, and/or digital surveys with residents, tenants, employees, and visitors. City staff shall provide advance notice of request for access.
  2. No building, grading, demolition, foundation, use of land or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a Project that is not in compliance with the requirements of the TDM Program.
  3. Failure to maintain one or more TDM Strategies is a violation of this Code.
  4. For Level 2 projects, failure to submit the TDM Monitoring Report by December 31st following the designated appropriate deadline of one year from the issuance of the Certificate of Occupancy is a violation of this Code.
- B.** Any violation of this Part shall be punishable by an administrative citation in accordance with the procedures set forth in Chapter 1.15 of Title 1 of this Code relating to the issuance of administrative citations, imposing of administrative fines, right to appeal, and the right to an administrative hearing.

- C. The amounts of the fines for violations imposed pursuant to this Part shall be set forth in the schedule of fines established by resolution of the City Council.
- D. A violation of this Part is also enforceable through all other civil and administrative remedies available to the City.

**20.90.925 User-Defined TDM Strategy.**

- A. Alternative Compliance. An applicant may apply for a User-Defined TDM Strategy as an alternative to those contained in the menu of TDM Strategies in the TDM Program Standards. This process shall be incorporated into the initial development permit or ministerial permit. The decision-making authority shall be the official or body designated to approve that development entitlement or ministerial permit. In the case where the applicant elects to replace an approved TDM plan with a user defined TDM strategy and no other development or ministerial permit would be required, the Director of Planning or the Director's designee, in consultation with the TDM Coordinator, shall have initial decision-making authority to approve a User-Defined TDM Strategy, with an appeal to the City of San Jose Planning Commission in accordance with the procedures set forth in Section 20.100.220. of this Code. An applicant may request such approval by submitting an application for a "Special Use Permit" as set forth in Section 20.100.800 of this Code.
- B. Findings. The Director's determination shall include written findings in support of the decision. In order to grant approval of the User-Defined TDM Strategy, the Director must find that:

1. The proposed alternative is consistent with the purpose and intent of the applicable standards in that the User-Defined TDM Strategy is expected to reduce drive-alone trips and/or VMT to or from the project site; and
  2. The proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of the applicable standards in that the amount of drive-alone trips and/or VMT reduced as a result of the strategy is commensurate with other strategies that are assigned to have the same value of points in the TDM Program Guidelines.
- C. Conditions. The Director shall impose conditions binding on the applicant to secure substantial compliance with the goals and purposes of this ordinance, including such conditions as necessary to ensure that:
1. The applicant commits in an enforceable agreement that runs with the land to monitor the effectiveness of the User-Defined TDM Strategy to encourage alternatives to drive-alone trips;
  2. The applicant shall submit to the TDM coordinator all monitoring data, with monitoring metrics and frequency to be determined at the discretion of the TDM coordinator; and
  3. The applicant commits to a substitute strategy of commensurate effectiveness (a strategy assigned equal or more points) if the User-Defined TDM Strategy is terminated for any reason.

SECTION 17. Section 20.100.500 of Part 4 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 4**

**ADJUSTMENTS**

**20.100.500 Adjustments.**

A. The director may, at the director's sole discretion, approve an adjustment for the following elements of a previously-issued development permit, subject to and in accordance with the provisions of this section:

1. General Extensions. An extension of the term of an approved development permit for a period of up to but not exceeding one year; provided, that no more than two such term extensions may be approved for any development permit.
2. Changes to an approved development permit, but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a development permit.
4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing planned development permit, site

development permit, or a low density cluster permit issued under previously existing provisions of this title.

5. Building mounted wireless communications antenna.
6. Tract sales, model homes sales, or leasing offices associated with an approved housing development.
7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
8. Solar photovoltaic systems.
9. The creation, on or above ground through installation, construction, or replacement, of less than one gross acre of impervious surface.
10. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
11. Building additions of less than five thousand square feet in area to nonresidential buildings, except that the maximum building addition size for a fast food restaurant, a twenty-four-hour convenience market, or a convenience market with gas pumps shall be one thousand square feet in area and the maximum building addition to a bank with a drive through shall be three thousand square feet in area.
12. Generators meeting performance standards for noise and air pollution.

13. Above-ground storage tanks of two thousand gallons or less in zoning districts other than industrial zoning districts and an above-ground storage tank of twenty thousand gallons or less in an industrial zoning district.
14. Building additions of less than two hundred square feet in total area or less than ten percent of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
15. The conversion of on-site vehicle parking to landscaping or outdoor seating (maximum 50 seats) in conformance with 20.40.520 and 20.55.201.H as long as the site meets minimum on-site bicycle parking requirements, and
  - a. In areas no longer used for parking, wheel stops and striping shall be removed; and
  - b. Seating areas shall be differentiated from parking area through grade differentials (minimum 6 inches) or permanent barriers; and
  - c. A maximum of fifty (50) seats or 800 square feet (whichever is greater) may be allowed per establishment; and
  - d. Outdoor dining area only replaces parking spaces and does not affect drive aisles; and
  - e.        Must be in conformance with the relevant Airport Comprehensive Land Use Plan, where applicable.



- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the city's general plan, the provisions of this title, and the provisions of Title 21 of this Code.
- C. An application for an adjustment must be filed on the form provided by the director on or before the date that is three business days prior to the expiration of the development permit proposed for adjustment and accompanied by the fees as set forth in the schedule of fees adopted by resolution of the city council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an adjustment or to require the director to issue an adjustment. If the director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.
- E. Where property was developed prior to the requirement of a site development permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full site development permit.
- F. If a structure or site is designated on the City of San José Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code as a city landmark structure and/or a structure located in a city landmark historic district, then proposed work that is within the parameters outlined in Section 13.48.340 D. of Part 3 of Chapter 13.48 of Title 13 of this Code shall be governed by and considered pursuant to the provisions of Chapter 13.48 that require issuance of a historic preservation permit or historic preservation permit adjustment.

Notwithstanding the provisions of this Section 20.100.500 setting forth the requirements for development permit adjustments, no additional development permit adjustment issued pursuant to Title 20 of this Code shall be required for work performed on a site or structure that is designated as a city landmark structure, or on a structure located in a city landmark historic district, for which a historic preservation permit or historic preservation permit adjustment has been issued.

SECTION 18. Section 20.100.630 of Part 5 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

*Part 5*  
**SITE DEVELOPMENT PERMITS**

**20.100.630 Findings.**

- A. In addition to any other findings required by any other section of this title, the director, the planning commission, or city council, as set forth in Table 20-260, shall grant the site development permit after review of project design, only if all of the following findings are made:
1. The site development permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies.
  2. The site development permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project.

3. The site development permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency.
  4. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
  5. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
  6. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
  7. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.
  8. Traffic and pedestrian access are adequate.
- B. The director, the planning commission, or the city council, as set forth in Table 20-260, shall deny the application where the information submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 19. Section 20.100.720 of Part 6 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 6**

**CONDITIONAL USE PERMITS**

**20.100.720 Findings.**

- A. In addition to any findings required by any other section of this title, the planning commission, or the city council, may issue a conditional use permit only after finding that:
1. The conditional use permit, as approved, is consistent with and will further the policies of the general plan, applicable specific plans and area development policies; and
  2. The conditional use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and
  3. The conditional use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and
  4. The proposed use at the location requested will not:
    - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or

- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
    - c. Be detrimental to public health, safety or general welfare; and
  - 5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
  - 6. The proposed site is adequately served:
    - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
    - b. By other public or private service facilities as are required.
  - 7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- B. The planning commission, or the city council, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 20. Section 20.100.820 of Part 7 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

**Part 7**  
**SPECIAL USE PERMITS**

**20.100.820 Findings.**

- A. In addition to any findings required by any other section of this title, the director, planning commission or city council as appropriate, may issue a special use permit only if all the following findings are made:
1. The special use permit, as approved, is consistent with and will further the policies of the general plan and applicable specific plans and area development policies; and
  2. The special use permit, as approved, conforms with the zoning code and all other provisions of the San José Municipal Code applicable to the project; and
  3. The special use permit, as approved, is consistent with applicable city council policies, or counterbalancing considerations justify the inconsistency; and
  4. The proposed use at the location requested will not:
    - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or

- b. Impair the utility or value of property of other persons located in the vicinity of the site; or
    - c. Be detrimental to public health, safety, or general welfare; and
  5. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate the use with existing and planned uses in the surrounding area; and
  6. The proposed site is adequately served:
    - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
    - b. By other public or private service facilities as are required.
  7. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- B. The director, planning commission, or city council as appropriate, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

SECTION 21. Sections 20.100.1240, 20.100.1250 and 20.100.1260 of Part 10 of Chapter 20.100 of Title 20 of the San José Municipal Code are amended to read as follows:

***Part 10***

***ADMINISTRATIVE PERMIT***

**20.100.1240 Display of permit.**

- A. A copy of the permit issued hereunder shall be conspicuously posted on a window, door, or other appropriate location of the business premises in a manner visible to the public at all times. The permit shall notify the public that any complaints with regard to the use authorized by such permit may be reported to the director.
- B. Notwithstanding Subsection A. above, a permit for a utility structure does not need to be displayed. However, the permit number, or other mutually agreeable identification system, shall be permanently displayed on a readily visible location on the structure.
- C. Notwithstanding Subsection A. above, a copy of the permit issued for an unattended collection container shall be conspicuously displayed in a publicly visible location on the unattended collection container.
- D. Notwithstanding Subsection A. above, a permit for a tap room and tasting room, conversion of parking to outdoor dining or TDM Plan Modification does not need to be displayed.



**20.100.1250 Term.**

- A. A permit issued pursuant to this part shall be initially issued for a period of up to three years, except that a permit for an unattended collection container shall be initially issued for a period of up to one year. Whenever a permit is reissued, it may be granted for a period of up to five years, except that a permit reissued for an unattended collection container shall be issued for a period of up to one year. The applicant shall submit an application for a new permit term at least fifteen days prior to the expiration of the term of any permit issued hereunder.
- B. Notwithstanding Subsection A. above, a permit for a utility structure, tap room and tasting room, conversion of parking to outdoor dining or TDM Plan Modification shall have no time limit.

**20.100.1260 Nontransferability.**

- A. A permit issued hereunder may not be transferred or reassigned.
- B. Notwithstanding subsection A. above, a permit for a utility structure, tap room and tasting room, conversion of parking to outdoor dining or TDM Plan Modification may be transferred.

**SECTION 22.** Sections 20.150.020, 20.150.060 and 20.150.070 of Part 1 of Chapter 20.150 of Title 20 of the San José Municipal Code are amended to read as follows:

***Chapter 20.150***

***NONCONFORMING USES***

***Part 1***

## **GENERAL PROVISIONS**

### **20.150.020 General provisions.**

- A. A legal nonconforming use may be continued indefinitely, but if such use is discontinued or abandoned for a period of six months or more, it shall thereafter conform to the provisions of this title, unless the nonconforming use is reinstated with issuance of a special use permit in accordance with Chapter 20.100.
- B. A legal non-conforming structure may continue to be used or replaced as follows:
1. The restoration and/or replacement of a legal nonconforming structure wholly or partially destroyed by a catastrophic event or sudden cause which is beyond the control of the property owner, and which could not otherwise have been prevented by reasonable care and maintenance of the structure is permitted.
  2. Failure to apply for a building permit within nine months of destruction or failure to begin construction within three months of the issuance of a building permit shall be deemed to be discontinuation or abandonment of the use pursuant to subsection A.
  3. The building or structure, as restored, shall not occupy any portion of the lot or parcel not occupied by the building or structure when such destruction occurred unless the building or structure as restored will comply with all development regulations prescribed by this title for the district in which the lot or parcel is situate.

4. No building or structure shall be restored pursuant to this section unless all development and building permits required for new conforming uses in the district in which the use is located have been secured.
5. Irrespective of where the building or structure, as restored, is located on the lot or parcel:
  - a. It shall not have a greater floor area than the building or structure contained when such destruction occurred; and
  - b. It shall not exceed the height of nor the number of stories contained in the building or structure at the time of such destruction; and
  - c. The off-street loading spaces situate on the lot or parcel at the time of such destruction shall not be diminished in number or size.
- C. Any legal nonconforming use or structure which is enlarged, altered, converted, or changed, as provided in this chapter, is subject to the parking requirements of Section 20.90.210 regarding any change in use.

**20.150.060 Nonconforming structure - Expansion and enlargement.**

Any legal nonconforming structure, the use of which is not legal nonconforming, may be expanded upon such land only upon issuance of and in compliance with a site development permit in accordance with the applicable development standards of the zoning district said structure is in. Nothing in this provision permits the further diminution of an existing nonconforming development standard except as otherwise provided for in this title.

**20.150.070 Change of use.**

- A. For the purposes of this section, a "change in use" shall be defined as a change from one enumerated use to a different enumerated use as set forth in Tables 20-30, 20-50, 20-90, 20-110 and 20-140.
  
- B. A legal nonconforming use may be changed to another nonconforming use of a like nature upon issuance of and in compliance with a special use permit, provided such use is not subject to a conditional use permit or special use permit under any other provisions of this title. Any enlargement made in conjunction with such change must conform to the provisions of this chapter.
  
- C. Two uses are of "like nature" when the director determines that they are treated in essentially the same manner for all purposes under this title and that the new use will not create an increase in such impacts as traffic, or noise. The "like nature" determination shall be made as part of the consideration of a special use permit as provided in this title.
  
- D. Where a lot or parcel which contains a legal nonconforming use also contains a conforming use, the existing conforming use may be changed to another conforming use only upon a finding that such proposed conforming use is compatible with such legal nonconforming use in terms of architecture as well as use. Such determination of compatibility shall be made as part of the consideration of any site development permit, conditional use permit, or special use permit required for such change by other provisions of this Code. If no such permits are required, such change in use shall be made only upon the issuance of and in compliance with a special use permit as provided in this title.

**SECTION 23.** Section 20.180.440 of Part 3 of Chapter 20.180 of Title 20 of the San José Municipal Code is amended to read as follows:

**Chapter 20.180**  
**MOBILEHOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR TO ANY**  
**OTHER USE**

**Part 3**  
**MOBILEHOME PARK CONVERSIONS TO OWNERSHIP**

**20.180.440 Development standards.**

To achieve the purposes of this chapter, mobilehome park conversion to ownership projects shall conform to the following development standards:

1. The consumption of gas and electricity within each mobilehome lot shall be separately metered so that the owner can be billed separately for each utility. A water shut-off valve shall be provided for each mobilehome lot or for each plumbing fixture.
2. Each mobilehome lot shall have its own panel board for all electrical circuits which serve the mobilehome.

**SECTION 24.** Section 20.190.060 of Chapter 20.190 of Title 20 of the San José Municipal Code is amended to read as follows:

**Chapter 20.190**  
**AFFORDABLE HOUSING DENSITY BONUSES AND INCENTIVES**

**20.190.060 City Density Development Incentives.**

- A. General. In addition to the parking and/or height Incentive required by the State Housing Density Bonuses and Incentives Law, the City will provide up to four (4) Incentives as specified in this Section 20.190.060 to an Applicant for a Housing Development that qualifies for a Density Bonus based on the provision of Affordable Restricted Units, if required by the State Housing Density Bonuses and Incentives Law.
  
- B. Setback Incentives. If an Applicant for a Housing Development that qualifies for a Density Bonus based on the provision of Restricted Affordable Units requests one of the following Incentives, the grant of the Incentive will be deemed to be required in order to provide the Affordable Restricted Units and, in the absence of substantial evidence to the contrary, will be deemed not to have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and not to be contrary to state or federal law.
  - 1. The following reduction in the Setback Area, Front that would otherwise be required under Chapters 20.30, 20.40, and 20.75 of this Code:

**TABLE 20-300**

<b>Housing Type</b>	
Very Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; 1 additional foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.
Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 2.5% increase in the number of Restricted Affordable Units; up to a maximum 5 foot reduction.
Moderate Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction

	for each additional 7% increase in the number of Restricted Affordable Units; up to a maximum 5 foot reduction.
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2. The following reduction in the Setback Area, Rear Interior that would otherwise be required under Chapters 20.30, 20.40, and 20.75 of this Code:

TABLE 20-310

Housing Type	
Very Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5% Restricted Affordable Units; 1 additional foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.
Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 2.5% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.
Moderate Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; 0.5 additional foot reduction for each additional 7% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.

3. The following reduction in the Setback Area, Rear Corner that would otherwise be required under Chapters 20.30, 20.40, and 20.75 of this Code:

TABLE 20-320

Housing Type			
Zone	R-1-8, R-1-5, R-1-2, R-1-1, R-1-1-RR, R-2	R-M	R-MH, CO, CP, CN, CG, PQP, MS-G, MS-C
Very Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5%	A 1 foot reduction in the otherwise applicable setback for a Housing Development with	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 5%

	Restricted Affordable Units; additional 1 foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	5% Restricted Affordable Units; additional 1 foot reduction for each additional 1% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	Restricted Affordable Units; additional 1 foot reduction for each additional two percent 2% increase in the number of Restricted Affordable Units; to a maximum 3 foot reduction.
Low Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 0.5 foot reduction for each additional 2.5% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 1 foot reduction for each additional 2% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 1 foot reduction for each additional 5% increase in the number of Restricted Affordable Units; to a maximum 3 foot reduction.
Moderate Income	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 0.5 foot reduction for each additional 7% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 1 foot reduction for each additional 3% increase in the number of Restricted Affordable Units; to a maximum 5 foot reduction.	A 1 foot reduction in the otherwise applicable setback for a Housing Development with 10% Restricted Affordable Units; additional 0.5 foot reduction for each additional 15% increase in the number of Restricted Affordable Units; to a maximum 3 foot reduction.




C. Other Incentives. If an Applicant requests any Incentive(s) other than those specified in Subsection B above and provides the Incentive information required in Section 20.190.080 B.3 below, the Incentive will be granted unless the Approval Authority makes a written finding, based upon substantial evidence, of any of the following:

1. The Incentive would not result in identifiable and actual cost reductions to provide for Affordable Housing Costs or Affordable Rents for the Restricted Affordable Restricted Units; or
2. The Incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the Housing Development unaffordable to Low- and Moderate-Income households.
3. The Incentive would be contrary to state or federal law.

D. Limitation on Total Number of Incentives Allowed. If any type of incentive has been granted for Restricted Affordable Units under any other provision of this Code, including but not limited to incentives for Inclusionary Units under Chapter 5.08 of this Code, such other incentives shall be counted toward the number of Incentives required under this Chapter 20.190.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

DRAFT