



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

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

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

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28320**", the original copy of which is attached hereto, was passed for publication of title on the **3rd day of June, 2008**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **17th day of June, 2008**, by the following vote:

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

NOES: NONE.

ABSENT: CORTESE.


DISQUALIFIED: NONE.

VACANT: NONE

Said ordinance is effective as of **July 11, 2008**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **6th day of June, 2008**.

(SEAL)



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

ORDINANCE NO. 28320

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO ADD SECTION 20.30.530 TO CHAPTER 20.30 TO PROVIDE FOR A HEIGHT EXCEPTION FOR SOLAR PHOTOVOLTAIC POWER GENERATION SYSTEMS MOUNTED ON ACCESSORY BUILDINGS OR STRUCTURES, TO AMEND SECTIONS 20.20.100, 20.30.100, 20.30.500, 20.40.100, 20.50.100, 20.70.100, 20.100.500, 20.100.610, AND 20.100.1030 OF VARIOUS CHAPTERS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE AND SECTION 13.48.210 OF CHAPTER 13.48 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THAT A BUILDING PERMIT MAY BE ISSUED FOR THE INSTALLATION OF SOLAR PHOTOVOLTAIC POWER GENERATION SYSTEMS THAT CONFORM TO ALL OF THE DEVELOPMENT STANDARDS OF THE ZONING DISTRICT IN WHICH THE SYSTEM IS LOCATED, AND TO AMEND SECTION 20.200.1165 OF CHAPTER 20.200 OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE TO AMEND THE DEFINITION OF SOLAR PHOTOVOLTAIC SYSTEMS

WHEREAS, on May 12, 2008, the provisions of this Ordinance were determined to be categorically exempt from review under and pursuant to the provisions of the California Environmental Quality Act of 1970, together with Guidelines promulgated pursuant thereto (and specifically Section 15303(e) of said CEQA Guidelines), under Public Project File No. PP08-053, which determination has not been protested nor appealed.

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

SECTION 1. Section 20.20.100 of Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.20.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-30.
- B. "Conditional" uses are indicated by a "C" on Table 20-30. These uses may be allowed in such designated districts, as an independent use, but only upon

issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- C. Land uses not Permitted are indicated by a "-" on Table 20-30. Land uses not listed on Table 20-30 are not Permitted.
- D. When the right column of Table 20-30 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title and any other Title of the San José Municipal Code.

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Agriculture and Resource Uses			
Animal breeding (except fish, frogs, rabbits, poultry and hogs)	P	P	Note 1
Animal breeding (fish, frogs, rabbits, poultry and hogs)	C	P	Note 1
Any use or improvement for the conservation of water, reclamation and erosion control	P	P	Note 1
Botanical conservatories, nature garden, nature study areas, and similar uses not within greenhouses or structures	P	-	Note 1
Dairies	P	P	Note 1
Extraction of chemicals from water by natural evaporation	C	-	Note 1
Extraction of minerals from the ground, including quarrying	C	-	Note 1
Filling or removal of earth, including grading	C	-	Note 1
Grazing	P	P	Note 1
Livestock ranch, excluding hogs	P	P	
Livestock ranch, hogs	C	C	
Natural Resource Preservation / Reservation	P	-	Note 1
Pasture	P	P	Note 1
Planting, cultivating, growing, harvesting and drying of crops	C	P	Note 1
Tree farms and forestlands	C	C	Note 1
Wholesale sale of any animals, articles, wares, goods merchandise, or commodities produced on-site in the conduct of any Permitted or Conditional Use	C	C	Note 1
Wildlife refuge	P	-	Note 1
Education and Training			
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	Note 1
Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation	C	-	Note 1
Entertainment and Recreation			
Equestrian and riding club	C	C	Note 1
Golf Course	C	-	Notes 1, 2

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Marinas and other uses and facilities incidental to water recreation	C	-	Note 1
Shooting range	C	-	Note 1
Trails and paths, including equestrian, pedestrian and bicycle	P	P	Note 1
Public, Quasi-Public and Assembly Uses			
Community television antenna systems	-	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	Note 1
Wireless communication antenna	C	C	Note 1, Section 20.100.1300
Wireless communication antenna, slimline pole	C	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	Note 1, Section 20.80.1910
Residential Uses			
One-family dwelling	C	C	Note 1, Note 3, Section 20.30.110
Home occupations	P	P	Part 9, Chapter 20.80
Temporary farm labor camp necessary to the gathering of crops grown on the site	-	C	
Electrical Power Generation			
Stand-By/Backup			
Facilities that do not exceed noise or air standards	S	S	
Facilities that do exceed noise or air standards	C	C	
Solar Photovoltaic System	P	P	Section 20.100.610(C)(7)

Notes:

1. The erection, enlargement, structural alteration, or use of any building or structure for any Permitted or Conditional Use in the OS Open Space District requires the issuance of a Conditional Use Permit.
2. Clubhouses, pro shops, snack shops, restaurants, bars, and driving ranges may be operated in conjunction with, but not independent of, the golf course. "Miniature golf courses" are not allowed.
3. A one-family dwelling may be used for a Residential Care Facility or Residential Service Facility for six (6) or fewer residents. No services may be provided to non-residents.

SECTION 2. Section 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.30.100 Allowed Uses and Permit Requirements

A. "Permitted" land uses are indicated by a "P" on Table 20-50.

- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. Land uses not Permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not Permitted.
- E. When the right column of Table 20-50 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Residential Uses					
One-family dwelling	P	P	P	C	Note 1, Section 20.30.110
Two-family dwelling	-	P	P	-	Note 2, Section 20.30.110
Multiple dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120
Mobilehome Parks	-	-	-	P	
Travel Trailer Parks	-	-	-	C	
Residential Care Facility, six or fewer persons	P	P	P	P	
Residential Care Facility, seven or more persons	-	-	C	C	
Residential Service Facility, six or fewer persons	P	P	P	P	
Residential Service Facility, seven or more persons	-	-	C	C	
Servants quarters attached to a one-family dwelling or attached to a garage structure	P	-	-	-	Note 3
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Single Room Occupancy Living Unit	-	-	C	-	Part 15, Chapter 20.80
Residential Accessory Uses and Improvements					
Accessory buildings and structures	P	P	P	P	Note 4, Section 20.80.200

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Home Occupations	P	P	P	P	Part 9, Chapter 20.80
Entertainment and Recreation Related					
Equestrian and riding club	C	-	-	-	
Golf course	C	C	C	-	Note 5
Private club or lodge	-	-	C	-	
Swim and tennis club	C	C	C	C	
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
School- elementary and secondary (Public)	P	P	P	-	
School- elementary and secondary (Private)	C	C	C	-	
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
General Services					
Bed & Breakfast	C	C	C	-	
Transportation and Utilities					
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	Section 20.90.150
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Sections 20.30.130, 20.30.140 and 20.100.1300
Wireless communication antenna, slimline pole	S	S	S	S	Sections 20.30.130, 20.30.140, and 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Sections 20.30.130, 20.30.140, 20.80.1910
Electrical Power Generation					
Stand-by/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 7

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	
Facilities that do exceed noise or air standards	-	-	-	-	
Solar Photovoltaic System	P	P	P	P	Sections 20.100.610(C)(7) and 20.100.1030(A)(6)

Notes:

1. Only one one-family dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one dwelling structure per lot in the R-2 District.
3. Only permitted in the R-1-1 Estate Residential District.
4. No lot may be used solely for an accessory structure or building.
5. No driving ranges or miniature golf facilities.
6. Stand-by or backup generators that would not otherwise require some permit from the City (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the Special Use Permit requirement.

SECTION 3. Section 20.30.500 of Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.30.500 Development Standards

- A. All accessory buildings and structures in the Residential Zoning Districts shall conform to the development regulations set forth below in Table 20-70.
- B. When the right column of Table 20-70 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply.

Table 20-70 Accessory Buildings and Structures Development Regulations		
Front Setback (feet)		
retaining walls	None	
swimming pool, built-in	30	
detached garage on a lot with two intersecting front property lines	25	Note 1
all other accessory buildings and structures	60	
Side Setback (feet)		
swimming pools, built-in		
interior lot	5	

Table 20-70 Accessory Buildings and Structures Development Regulations		
corner lot	9	
all other accessory buildings and structures	None	Notes 2,3
Rear Setback (feet)		
swimming pools, built-in	5	
all other accessory buildings and structures	None	Notes 2,3
Height (feet)		
retaining wall	2	Note 4
all other accessory buildings and structures	12	Note 5, Section 20.30.530
Maximum number of stories	1	
Maximum size (square feet)		
Garage	650	Note 6, Note 7
all other accessory buildings and structures	200	Note 6, Note 7

Notes:

1. Measured from front property line which is opposite the designated side property line.
2. On a corner lot, no accessory buildings shall be built within ten (10) feet of the side property line of the street side.
3. With respect to accessory buildings or structures, where any such building or structure is proposed to be constructed on a corner lot which abuts upon a key lot which is for residential use, such building shall be set back not less than four feet from the rear line of such lot, provided that the setback for swimming pools shall not, in any event, be reduced to less than five feet.
4. Maximum height of two (2) feet, unless otherwise approved with a Development Permit.
5. See Section 20.30.530.
6. The maximum square footage may be increased pursuant to a Special Use Permit, as provided for in Chapter 20.100 of this Title.
7. The total aggregate square footage of all accessory building(s) built on any property in any R-1 or R-2 Residence Zoning Districts shall not exceed six hundred fifty (650) square feet unless the owner has obtained a Special Use Permit, as provided for in Chapter 20.100 of this Title. For purposes of this Section, the calculation of square footage shall not include any square footage of an accessory structure that is entirely below grade.

SECTION 4. Chapter 20.30 of Title 20 of the San José Municipal Code is hereby amended by adding a new section to be numbered and entitled and to read in its entirety as follows:

20.30.530 Height Exceptions

- A. Notwithstanding Section 20.30.500, in the R-1, R-2 and R-M Residence Districts, the maximum height of an accessory building with a sloped roof may exceed twelve (12) feet provided the height halfway up any slope of a pitched, gable or hip roof does not exceed twelve (12) feet and no portion of the accessory building exceeds a maximum height of sixteen (16) feet.

- B. Notwithstanding any other provision of this Part, the maximum height of a solar photovoltaic system mounted on an accessory building may exceed the maximum height allowed by Section 20.30.500 and Section 20.30.530(A) if the solar photovoltaic system conforms to the following criteria:
1. The solar photovoltaic system is mounted on an accessory building in a manner that conforms to the height requirements of a roof on that structure; or
 2. The solar photovoltaic system is mounted on an accessory building and no portion of the solar photovoltaic system extends more than two (2) feet above the height of the existing roof and no portion of the solar photovoltaic system exceeds a maximum height of sixteen (16 feet).

SECTION 5. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by a "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- F. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
General Retail					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales – beer and/or wine only	-	C	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	-	C	C	C	Section 20.80.900
Bakery, retail	-	P	P	P	
Food, beverage, groceries	-	P	P	P	
Nursery, plant	-	P	P	P	Note 1
Outdoor vending	-	A	A	A	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	See Title 6
Seasonal sales					Part 14, Chapter 20.80
Education and Training					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
Instructional art studios	-	P	P	P	Note 2
Instructional art studios, with live models	-	C	C	C	Note 2
Private Instruction, personal enrichment	-	P	P	P	Note 3
School- elementary and secondary (Public)	P	P	P	P	
School- elementary and secondary (Private)	-	C	C	C	
School, driving (class C & M license)	-	P	P	P	Note 4
School, post secondary	-	P	P	P	Note 5
School, trade and vocational	-	C	C	C	
Entertainment and Recreation Related					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Entertainment	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 6
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
Wineries, Breweries	-	C	C	C	
Health and Veterinary Services					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	
Medical clinic/ out-patient facility	P	P	P	P	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	Note 7
General Services					
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 8
Mortuary and funeral services	P	P	P	P	
Personal services	-	P	P	P	Section 20.200.880
Photo processing and developing	-	P	P	P	
Printing and publishing	-	P	P	P	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Office, general business	P	P	P	P	Section 20.40.110
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 9
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Communications service exchange	-	-	-	C	
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 10
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	C	C	C	C	Note 15
Co-Generation Facility	S	S	S	S	
Stand-by/Backup					
Facilities that do not exceed noise or air standards	A	A	A	P	
Facilities that do exceed noise or air standards	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	
Auto broker, wholesale, no on-site storage	P	P	P	P	
Car wash, detailing	-	-	C	C	
Gas or charge station	-	C	C	P	Note 11
Gas or charge station with incidental service and repair	-	C	C	P	Note 12, Note 17
Glass sales, installation and tinting	-	-	C	P	Note 17
Sale or lease, commercial vehicles	-	-	C	C	Note 17
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	Note 1,6 Note 17
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	Note 15
Sale, vehicle parts	-	C	P	P	Note 14
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	Note 13, Note 17

Notes Applicable to all Commercial Districts:

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) Includes such areas as dance, music, martial arts and fine arts.
- (3) Includes such areas as driving, language, and academics.
- (4) No on site storage of vehicles permitted.

- (5) Includes public and private colleges and universities, as well as extension programs and business schools.
- (6) Not a catering facility.
- (7) Intentionally omitted.
- (8) No on site storage of vehicles permitted.
- (9) Make sure General Plan supports mixed use or residential.
- (10) Use must be less than twenty-four (24) hours.
- (11) No incidental repair or service permitted.
- (12) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (13) Non engine and exhaust related service and repair allowed as incidental.
- (14) No outdoor sales areas or dismantling allowed.
- (15) No on-site storage of vehicles permitted.
- (16) In the CG District, incidental storage of vehicles, and incidental repair of vehicles in addition to what otherwise would be permitted, requires a Conditional Use Permit. Incidental storage and repair of vehicles is prohibited in all other commercial districts.
- (17) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

SECTION 6. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.100 Allowed Uses and Permit Requirements

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

"Conditional" uses which may only be approved on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay are indicated by a "CM" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.

- E. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- F. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Industry				
Auction	CM	CM	CM	
Industrial Services	-	P	P	
Laboratory, processing	S	P	P	
Manufacturing and Assembly				
Light	P	P	-	
Medium	S	P	P	
Heavy	-	-	P	
Research and Development	P	-	-	
Catalog and mail order	P	P	-	
Construction/Corporation yard	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	C	
Hazardous materials storage	-	C	C	
Hazardous waste facility	-	-	C	
Junkyard	-	-	C	
Miniwarehouse/ministorage	-	P	P	
Outdoor uses or storage	-	S	P	Section 20.50.210
Private power generation	C	C	C	
Stockyard, including slaughter	-	-	C	
Warehouse/Distribution Facility	S	P	P	
Wholesale sale establishment	S	P	P	
Additional Uses				
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	C	
Any use without a permanent fully enclosed building on-site	C	S	S	
Commercial support	P	-	-	Section 20.50.110
General Retail				
Nursery, plant	-	C	C	
Outdoor vending	-	A	A	Part 10, Chapter 20.80

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet, including off sale of alcohol	CM	CM	-	
Sales, office furniture, industrial equipment, machinery	-	C	-	
Seasonal Sales	P	P	P	Part 14, Chapter 20.80
Education and Training				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, post secondary	C	-	-	
School, trade and vocational	-	C	C	
Entertainment and Recreation Related				
Recreation, Commercial/Indoor	CM	CM	CM	Section 20.50.110
Performing arts production/rehearsal space	CM	CM	CM	
Food Services				
Public eating establishments	P	C	C	Note 6
Health and Veterinary Services				
Emergency ambulance service	CM	CM	CM	
Medical clinic/ out-patient facility	CM	-	-	
Office, medical	C	-	-	Section 20.50.110
General Services				
Crematory	-	CM	C	
Hotel/motel	CM	-	-	
Personal services	P	-	-	Note 6
Photo processing and developing	P	P	P	
Printing and publishing	P	P	P	
Social Service Agency	C	C	C	
Offices and Financial Services				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	P	CM	CM	Note 6
Office, general business	P	-	-	
Public, Quasi-Public and Assembly Uses				
Church/Religious Assembly	CM	CM	CM	
Residential				
Emergency residential shelter	CM	C	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 1
Drive-Through Use				
Drive-through in conjunction with any use	CM	CM	CM	
Recycling Uses				
Recycling processing facility	C	S	S	
Recycling transfer facility	C	S	S	
Large collection facility	-	-	P	
Reverse vending	A	A	A	
Small collection facility	A	A	A	
Transportation and Utilities				

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Common carrier	-	C	P	
Common carrier depot	S	S	S	Note 2
Community television antenna systems	C	C	C	
Communications service exchange	C	C	C	
Off-site, alternating and alternative use parking arrangements	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	
Parking establishment, off-street	C	C	C	
Television, radio studio	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	
Wireless communication antenna	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1910
Electrical Power Generation				
Base Load Facility	-	-	C	
Stationary Peaking Facility	-	C	C	
Transportable Peaking Facility	-	C	C	
Private Power Generation Facility	C	C	C	
Co-Generation Facility	S	S	S	
Stand-by/Backup				
Facilities that do not exceed noise and air standards	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	
Temporary Stand-by-Backup	P	P	P	
Solar Photovoltaic System	P	P	P	Section 20.100.610(C)(7)
Vehicle Related Uses				
Gas or charge station	CM	CM	CM	Note 3
Gas or charge station with incidental service and repair	CM	CM	CM	Note 4
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	-	
Repair and cleaning of vehicles	-	P	P	Note 5
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	-	C	-	
Vehicle wrecking, including sales of parts	-	-	C	

Notes:

1. Site must be seven (7) acres or more.
2. Includes associated office.
3. No incidental repair or service.
4. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
5. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
6. Public eating establishments; financial institutions, and personal service establishments in the IP district are subject to the limitation of the Commercial Support Use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.

SECTION 7. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.70.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Conditional" uses 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 as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "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.
- D. "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 permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- F. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space ("DG Area"), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.

- G. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.
- H. 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 Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Offices and Financial Services					
Automatic Teller Machine	P	P		No parking	Section 20.80.200
Business Support	P	P	-, Note l	No parking	-
Financial institution	P	P	S, Note l	1 per 360 sq. ft.*	
Financial Services	P	P	S, Note n	No parking	
Offices, business and administrative	P	P	-, Note j	1 per 360 sq. ft.*	Section 20.70.110
Research and development	P	P	-	1 per 360 sq. ft.*	Note 1
General Retail					
Alcohol, off-site sales – beer and/or wine only	C	C		No parking	Section 20.80.900
Alcohol, off-site sales – full range of alcoholic beverages	C	C		No parking	Section 20.80.900
Auction	S	-	-	No parking	
Food, beverage, groceries	P	P		No parking	
Open air sales establishments and areas	S	S		No parking	
Outdoor vending	S	S		No parking	Part 10, Chapter 20.80
Pawn Shop, Pawn Broker	C	C	Note b	No parking	
Retail sales, goods and merchandise	P	P	Note a	No parking	
Seasonal sales	P	P		No parking	Part 14, Chapter 20.80
Education and Training					
Day care center	P	P	S, Note c	No parking	
Post-secondary School	P	P	-	1 per 360 sq. ft.	
Trade School	P	P	-	1 per 360 sq. ft.	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Personal enrichment, Instructional Art	P	P	-, Note d	1 per 360 sq. ft.	
School, elementary (grades K-8)	C	C	-	1 per teacher and employee	
High School (grades 9-12)	C	C	-	.75 per teacher and employee and 1 per each 10 students	
Entertainment and Recreation Related					
Amusement arcade	C	-	Note e	No parking	
Entertainment establishment	C	-		No parking	
Movie Theater	P	P		No parking	
Recreation Commercial/Indoor	P	P		No parking	
Poolroom	S	-		No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Food Services					
Banquet facility	P	P	Note f	No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking establishments	C	C		No parking	
Entertainment as an incidental use to any General Retail or Food Services Use permitted in the Downtown Zoning Districts	P	P		No parking	Note 7
Public eating establishments	P	P		No parking	
Wineries, Breweries	C	C		No parking	
Health and Veterinary Services					
Animal grooming	S	S	-	No parking	Note 2
Animal Boarding, indoor	P	P	-	No parking	
Emergency ambulance service	C	-	-	No parking	
Hospital/ in-patient medical facility	C	-	-	1.5 per doctor	
Medical or Dental Clinic/Out-patient facility	P	P	-	1.5 per doctor	
Veterinarian	P	P	-	1.5 per doctor	
General Services					
Bed and breakfast	P	P	S, Note m	.35 per room	Part 2, Chapter 20.80
Hotel/motel	P	P	-, Note m	.35 per room	
Maintenance and repair of household appliances	P	P	-	No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Mortuary and funeral services	C	C	-	.75 per employee and vehicle	
Personal Services	P	P	Note g	No parking	-
Printing and Publishing	P	P	Note h	No parking	
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	-	No parking	
Cemetery	C	C	-	No parking	
Church/religious assembly	P	P		No parking	
Information Center	P	P		No parking	
Museums, libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	Note k	No parking	
Residential					
Residential Shelter	C	-	-	1 per 4 beds, 1 per 360 sq.ft.*	
Live/work	P	S		1 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential Care Facility for 7 or more persons	C	C	-	.75 per employee	
Residential Services Facility for 7 or more persons	C	C	-	.75 per employee	
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Part 15, Chapter 20.80
Residential Accessory Uses					
Accessory buildings and structures	P	P	-	No parking	
Recycling Uses					
Reverse vending	S	S	-	No parking	Note 4
Small collection facility	S	S	-	No parking	Note 4
Transportation and Communication					
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	-	N/A	Section 20.90.200
Parking establishment, off-street	P	P	-	N/A	
Private Electrical Power Generation Facility	C	C	-	1 for each vehicle used in the operation of such facility	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Standby Generators that do not exceed noise or air standards	A	A	-	N/A	
Temporary Stand-by/Backup generators	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S		N/A	
Radio & Television Studios	S	-	C	No parking	
Wireless communication antenna	S	-	-	No parking	Section 20.80.1900
Wireless communication antenna, building mounted	P	-	-	No parking	Section 20.80.1900
Electrical Power Generation					
Solar Photovoltaic System	P	P	-	No parking	Section 20.100.610 (C)(7)
Vehicle Related Uses					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gas or charge station	P	-	-	No parking	Note 4
Gas or charge station with incidental service and repair	P	-	-	No parking	Note 4
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 5
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 6
Sale, vehicle parts, new	P	-	-	No parking required	

Notes:

Notes applicable to the DG Area only:

- (a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
- (b) Only as a use incidental to a retail jewelry store, otherwise, not permitted.
- (c) Only as a use incidental to existing on-site office use, otherwise not permitted.
- (d) Culinary/Art School with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- (e) Allowed only as an incidental use to other allowed recreation uses.
- (f) Only as a use incidental to restaurant, grocery or bakery uses for primarily on site sales, otherwise not permitted.
- (g) Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
- (h) Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- (i) Only if dedicated primarily to on-site retail customer services, otherwise not permitted.
- (j) Exception for travel agencies and real estate agencies which are the only permitted uses.

- (k) Community centers are not allowed.
- (l) Exception for copy shops and mail centers which are the only permitted uses.
- (m) Use of ground floor to be primarily dedicated to customer-related public services.
- (n) Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use.

Notes applicable to Downtown Core (DC) Zoning District, including DG Area:

- (1) Excludes manufacturing uses.
- (2) Boarding not permitted.
- (3) No lot may be used solely for an accessory structure or building.
- (4) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (5) All activity must be conducted indoors.
- (6) Non-engine and exhaust related service and repair allowed as incidental use.
- (7) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.

* Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.6 spaces per 1,000 square feet when the Downtown East Valley Light Rail Line is opened, and would be further reduced to 2.5 spaces per 1,000 square feet when BART is opened.

Fifteen percent (15%) of total parking requirement must be provided off-site.

SECTION 8. Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.500 Adjustments

- A. The Director may, at the Director's sole discretion, approve an adjustment for the following:
 - 1. An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, however; as follows:
 - a. That no more than four (4) such term extensions may be approved on or before October 13, 2011 for Development Permits allowing office uses located in Downtown Zoning Districts; and
 - b. That no more than two (2) such term extensions may be approved for any other type of Development Permit.
 - 2. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general

RD:RNG
5/30/2008

- character, architectural style, circulation or other site function of the project.
3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
 4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
 5. Building Mounted Wireless Communications Antenna.
 6. Tract sales, model home sales, or leasing offices associated with an approved housing development.
 7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
 8. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
 9. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
 10. Building additions of less than five thousand (5,000) square feet in area or less than 50% of the building area prior to the addition, whichever is smaller, to non-residential buildings.
 11. Generators meeting performance standards for noise and air pollution.
- B. An application for an adjustment must be filed on the form provided by the Director on or before the date that is three (3) business days prior to the expiration of the Development Permit proposed for adjustment and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council.
- C. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- D. Where property was developed prior to the requirement of a Site Development Permit, adjustments for projects as set forth in Section 20.100.610(A) may be

approved without the necessity of the issuance of a full Site Development Permit.

SECTION 9. Section 20.100.610 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.610 Site Development Permit Required

- A. A valid Site Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:
1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one, one-family dwelling on a single lot or parcel that would not be subject to Part 9 of Chapter 20.100 regarding requirements for a Single-Family House Permit; or
 2. Erection, construction, enlargement, placement or installation of a one-family dwelling on a single lot or parcel as provided for in Section 20.100.1030(A)(4) regarding Single-Family House Permits; or
 3. Exterior alteration of a building or structure; or
 4. Use of a lot for storage purposes; or
 5. Installation of pavement on any portion of a lot; or
 6. Underground installation.
- B. No single Site Development Permit shall be issued for more than one site. However, the removal and relocation of a building from one parcel to another separate parcel located within the City requires a single application pertaining to both parcels pursuant to Section 20.100.650.
- C. The provisions of this Part shall not apply:
1. If a Permit is expressly not required by Section 20.100.1030 of this Title or a Permit is issued under other provisions of this Chapter unless procurement of a Site Development Permit is made an express condition of such Permit.
 2. If temporary structures or buildings are to be constructed on a lot situate in a CP, CN, CG Commercial Districts, or the Downtown Zoning Districts, the IP, LI or HI Industrial Districts, or an A Agricultural District and are intended to be and are used in connection with the sale of Christmas

RD:RNG
5/30/2008

- trees or Halloween pumpkins in accordance with this Title, and remain on the site only for the temporary period specified for such uses in this Title.
3. If the underground installation is for the sole purpose of replacing an existing underground tank or tanks with a new tank or tanks whether or not total tank capacity on the site is increased.
 4. If skylights are installed on existing dwellings provided that the parcel has four (4) or fewer dwellings.
 5. If the re-roof is installed on an existing building or structure which is not designated a historic landmark and does not involve any alteration to the existing roof line, provided that the material used in the re-roof meets all of the following conditions:
 - a. Is of the same material or is of a replacement material(s) that is superior to or is an upgrade from the existing material in terms of quality, aesthetics or safety features as determined by the Director of Planning; and
 - b. Meets or exceeds all applicable Fire and Building Code requirements.
 6. Accessory structures on lots with one-family house, unless a Permit is otherwise required by this Title.
 7. A solar photovoltaic system mounted on the surface of an existing building or structure with a building permit in a manner that conforms to the provisions of this Title.

SECTION 10. Section 20.100.1030 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1030 Single Family House Permit Required

- A. No Single Family House Permit is required if all of the following applicable criteria and conditions are met:
 1. The issuance of building permits will result in a single family house in any Residence District with a Floor Area Ratio equal to or less than forty-five hundredths (.45); and
 - a. The site is not a Historic Resource listed on the Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code.

2. The site is located in a Planned Development Zoning District. All construction in a Planned Development Zoning District shall be governed by the provisions of Part 8 of this Chapter that may require issuance of a Planned Development Permit for the review of any single-family house construction, addition, or alteration.
3. The issuance of buildings permits is for exterior alterations or maintenance of an existing single family house which alterations or maintenance:
 - a. Would not expand the exterior footprint or increase the overall square footage of the existing single family house; and
 - b. Meet the development regulations of the R-1-8 residence district; and
 - c. If the house is listed as a Historic Resource on the City's Historic Resources Inventory, would solely repair pieces of existing features on a Single Family House that is a Historic Resource, but is not a City Landmark or located in a City Landmark Historic District, with like materials of the same size, shape, pattern and substance and in a manner that fully conforms to approved Design Guidelines; and
 - d. Meet all of the criteria set forth in Subsection 20.100.1030.A.1 above.
4. The single family homes are approved with a single Site Development Permit issued pursuant to Part 5 of this Chapter. A Site Development Permit may be approved if the site is located:
 - a. In an R-1 Residential Zoning District; and
 - b. Includes construction of more than five (5) new single family homes.
5. The issuance of building permits will result in a single family house in any Residence District with a Floor Area Ratio equal to or less than forty-five hundredths (.45) and a height greater than thirty (30) feet and/or two (2) stories, provided that all of the following additional criteria or conditions are met:
 - a. The proposed house will be located on a site within a flood zone with a one-hundred-year flood depth that requires elevation of the first finished floor of the proposed house to a height of at least five (5) feet above grade; and

- b. The height of the proposed house will be equal to or less than thirty (30) feet plus the required one-hundred-year-flood depth elevation or the maximum height of the Residence District in which the proposed house will be located, whichever height is less; and
 - c. The proposed house will meet all of the criteria set forth in Subsection 20.100.1030.A.1 above.
6. The issuance of building permits is for a solar photovoltaic system mounted on the surface of a single family house in a manner that conforms with the provisions of this Title.
- B. If the site is a Historic Resource listed on the Historic Resources Inventory of the City pursuant to Chapter 13.48 of Title 13 of this Code and the site is a City Landmark house and/or a house located in a City Landmark Historic District, then all work performed on a City Landmark or in a City Landmark Historic District shall be governed by the provisions of Chapter 13.48 of Part 3 of Title 13 of this Code that require issuance of a Historic Preservation Permit. No Single Family House Permit shall approve work performed on a City Landmark house or a house located in a City Landmark Historic District.
- C. Unless specifically exempted by Subsection A above, a valid Single Family House Permit issued under this Part is required prior to the issuance of any building permit for the following activities:
1. Erection, construction, enlargement, placement or installation of a single family house on any site; or
 2. Exterior alteration of a single family home.

SECTION 11. Section 20.200.1165 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.200.1165 Solar Photovoltaic System

“Solar Photovoltaic System” means a system that generates electrical power through the utilization of non-mechanical semiconductor devices, photovoltaic cells, that convert sunlight into direct current electricity.

SECTION 12. Section 13.48.210 of Chapter 13.48 of Title 13 of the San José Municipal Code is hereby amended to read in its entirety as follows:

13.48.210 Compliance required.

- A. No person shall perform any work or cause any work to be performed on a City landmark or in a City historic district except in compliance with the provisions of this Chapter and pursuant to and in compliance with the terms and conditions of a permit issued thereunder, hereinafter called "historic preservation permit" or "HP permit", in addition to compliance with all other applicable laws and regulations. For purposes of this Chapter, work shall include any and all of the following: construction, reconstruction, alteration, basic color change, repair, rehabilitation, restoration, remodeling, or any other change to the exterior of any structure or any other similar activity. Work shall also include installation of new or additional pavement or sidewalks or the erection of new or additional structures. Work shall also include demolition, removal, or relocation of any structure or portion thereof.
- B. Notwithstanding the provisions of Subsection A of this Section, a solar photovoltaic system mounted on a City landmark or on an existing building located in a City historic district in a manner that conforms to the provisions of Title 20 of this Code (known as the "zoning ordinance") and the Secretary of the Interior's Standards for the Treatment of Historic Properties may be allowed without a HP permit.
- C. Notwithstanding the provisions of Subsection A of this Section, minor work involving a site or structure within the Hensley Historic District may be allowed without an HP permit if such work does not alter the historic significance, use, intensity, general character, architectural style, circulation or other site function of the property. "Minor work" as used in this section, means repainting and repair or replacement of existing building materials with materials of the same size, shape, pattern and substance.
- D. Pursuant to and in accordance with the provisions of this Chapter, the Director of Planning and the City Council on appeal from a decision of said Director may issue HP permits for any work described in Subsection A of this Section.

///

///

///

///

- E. The Building Official shall maintain a current roster of proposed and designated landmarks and historic districts. When the Building Official receives an application for a building permit which indicates contemplated work on such landmark or structure, or property within an historic district, the Building Official shall require the applicant to obtain an HP permit prior to issuance of a building permit for such work if such permit is required.

PASSED FOR PUBLICATION of title this 3RD day of JUNE, 2008, by the following vote:

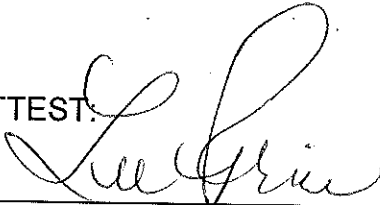
AYES: CAMPOS, CHIRCO, CHU, CONSTANT, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CORTESE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor

SAN JOSE POST-RECORD

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

RECEIVED
This space for filing stamp only
San Jose City Clerk
2008 JUN 16 P 3:32

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

SJ#: 1361885

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

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

Ad Description: ORDINANCE #28320

ORDINANCE NO. 28320
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO ADD SECTION 20.30.530 TO CHAPTER 20.30 TO PROVIDE FOR A HEIGHT EXCEPTION FOR SOLAR PHOTOVOLTAIC POWER GENERATION SYSTEMS MOUNTED ON ACCESSORY BUILDING OR STRUCTURES, TO AMEND SECTIONS 20.20.100, 20.30.100, 20.30.500, 20.40.100, 20.50.100, 20.70.100, 20.100.500, 20.100.610, AND 20.100.1030 OF VARIOUS CHAPTERS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE AND SECTION 13.48.210 OF CHAPTER 13.48 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THAT A BUILDING PERMIT MAY BE ISSUED FOR THE INSTALLATION OF SOLAR PHOTOVOLTAIC POWER GENERATION SYSTEMS THAT CONFORM TO ALL OF THE DEVELOPMENT STANDARDS OF THE ZONING DISTRICT IN WHICH THE SYSTEM IS LOCATED, AND TO AMEND SECTION 20.200.1165 OF CHAPTER 20.200 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO AMEND THE DEFINITION OF SOLAR PHOTOVOLTAIC SYSTEMS PASSED FOR PUBLICATION of title this 3rd day of June, 2008, by the following vote:
AYES: CAMPOS, CHIRCO, CHU, CONSTANT, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS, REED
NOES: NONE
ABSENT: CORTESE.
DISQUALIFIED: NONE.
CHUCK REED
Mayor
ATTEST:
LEE PRICE, MMC
City Clerk
6/10/08

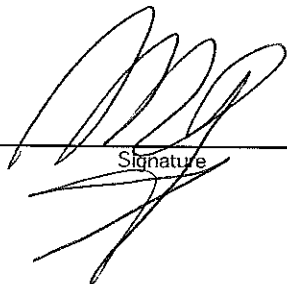
SJ-1361885#

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

06/10/2008

Executed on: 06/10/2008
At Los Angeles, California

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



Signature

