

ORDINANCE NO. 28449

Corrected Page

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CERTAIN SECTIONS OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS), 20.80 (SPECIFIC USE REGULATIONS), 20.90 (PARKING AND LOADING) AND 20.200 (DEFINITIONS), ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE AND ALL TO STREAMLINE REQUIREMENTS FOR CERTAIN COMMERCIAL USES SPECIFIED IN THE ORDINANCE AND TO MAKE OTHER RELATED CLARIFYING CHANGES TO THE COMMERCIAL USE REGULATIONS

WHEREAS, the Director of Planning, Building and Code Enforcement has prepared a Mitigated Negative Declaration for this project pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder, all as amended to date and in accordance with the provisions of Title 21 of the San José Municipal Code, under File No. PP08-124, which Mitigated Negative Declaration became final on October 17, 2008 and has not been protested nor appealed; and

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

WHEREAS, this Council of the City of San José has considered and approves said Mitigated Negative Declaration prior to taking any approval actions on this ordinance.

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

SECTION 1. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.100 Allowed Uses and Permit Requirements

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

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	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

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
Seasonal sales					Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	Section 20.40.140
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	
Instructional art studios, with live models	-	C	C	C	
Private Instruction, personal enrichment	-	P	P	P	
School- elementary and secondary (Public)	P	P	P	P	
School- elementary and secondary (Private)	-	C	C	C	
School, driving (class C & M license)	-	P	P	P	Note 2
School, post secondary	-	P	P	P	Note 3
School, trade and vocational	-	C	C	C	
Entertainment and Recreation Related					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Entertainment	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
Food Services					
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	-	P	P	P	Section 20.40.520

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
Wineries, Breweries	-	C	C	C	
Health and Veterinary Services					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	
Medical clinic/ out-patient facility	P	P	P	P	
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
General Services					
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 2
Mortuary and funeral services	P	P	P	P	
Personal services	-	P	P	P	Section 20.200.880
Photo processing and developing	-	P	P	P	
Printing and publishing	-	P	P	P	
Offices and Financial Services					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Office, general business	P	P	P	P	Section 20.40.110
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Residential					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130

Table 20-90 Commercial Districts Land Use Regulations					
Use	Zoning District				Notes & Sections
	CO	C P	CN	CG	
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	
Recycling Uses					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
Transportation and Utilities					
Data center	-	-	-	C	
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 7
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
Electrical Power Generation					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	

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

Notes Applicable to all Commercial Districts:

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.

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

SECTION 2. Chapter 20.40 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:

20.40.140 Retail Art Studio

- A. Retail art studios are a Permitted Use in the CP Commercial Pedestrian, CN Commercial Neighborhood, and CG Commercial General Districts only if all of the following criteria are met:
1. The use is located on the ground floor of a building; and
 2. A maximum of one thousand five hundred (1,500) square feet of the total floor area is devoted to manufacturing of artistic items, and shall be contiguous to the area of retail sales use; and
 3. A minimum of twenty-five percent (25%) of the total floor area shall be devoted to retail sales; and
 4. All activities, except for retail sales and display in conformance with Section 20.40.520, shall be conducted in a fully enclosed building; and
 5. The use shall conform to all applicable building and fire code regulations of the City of San Jose.
- B. A retail art studio that does not conform to all of the requirements set forth in Section 20.40.140(A) may be allowed through the approval of a Special Use Permit.

SECTION 3. Section 20.40.250 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.250 Front Setback - Exception, Streets with Residence Districts

Notwithstanding, the provisions of Section 20.40.200 where lots situate on one side of a street between two intersecting streets are situate partly in a Commercial District and partly in a Residence District, the front setback requirements applicable to such Residence District shall apply to all lots in the Commercial District, except that where a lot or lots situate within a Commercial District are located on one side of a street between an intersecting street and a lot located in a Residence District, the front setback requirements of the Residence District shall apply only to that portion of the lot or lots situate in the Commercial District that is located within twenty (20) feet of the lot situate within a Residence District.

SECTION 4. Section 20.40.520 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.40.520 Outdoor Uses within 150 Feet of Residentially Zoned Property

No use, which in whole or in part, consists of, includes, or involves any outdoor activity or sale or storage of goods, products, merchandise or food outdoors shall occur on any lands if any part of such lands or any part of the lot on which such buildings are located is situate within one hundred fifty (150) feet of residentially zoned property situate within or outside the City except with a Special Use Permit as provided for in Chapter 20.100, except for the following:

- A. Seasonal sales in accordance with the provisions in Part 14, Chapter 20.80.
- B. Service windows for pedestrians or automatic teller machines for pedestrians both of which are associated with financial institutions.
- C. Cigarettes, ice, candy, food, and soft drinks dispensed from self-service, coin-operated automatic vending machines.
- D. Plant nursery sales.
- E. Outdoor dining incidental to a public eating establishment or a retail establishment that conforms to all of the following criteria:

1. The outdoor dining area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of 100 feet that includes a public street with a minimum public right-of-way dimension of 80 feet; and
2. The outdoor dining area does not include any equipment to produce any amplified sound; and
3. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.

SECTION 5. Section 20.80.140 of Chapter 20.80 of Title 20 of the San José Municipal Code is hereby to read in its entirety as follows:

20.80.140 Permit Required

- A. No person shall operate or allow or suffer the operation of an Outdoor Private Property Special Event except in compliance with an Event Permit issued pursuant to this Part, or a Special Use Permit, or a Conditional Use Permit issued pursuant to Chapter 20.100 pursuant to the provisions of this Part.
- B. Subject to the provisions of Subsection 20.80.1420.D below, an applicant for an Outdoor Private Property Special Event that will not exceed thirty (30) consecutive days and forty-five (45) total days in any calendar year but does not meet the requirements for an Event Permit may apply for and shall be required to first obtain a Special Use Permit issued pursuant to the provisions of Chapter 20.100.
- C. Subject to the provisions of Subsection 20.80.1420.D below, an applicant for an Outdoor Private Property Special Event that will exceed thirty (30) consecutive days and forty-five (45) total days in any calendar year but does not meet the requirements for an Event Permit may apply for and shall be required to first obtain a Conditional Use Permit issued pursuant to the provisions of Chapter 20.100.
- D. Notwithstanding the provisions of Subsections 20.80.1420.B and C above, an applicant for an Outdoor Private Property Special Event of any length within the Downtown Core Area may apply for and shall be required to first obtain an Event Permit issued pursuant to the provisions of this Part when the outdoor event also is authorized to use outdoor public property as an integral component of the outdoor event and any one (1) of the following permits for the outdoor event have been issued by the City:
 1. A Paseo/Plaza Use Permit pursuant to the provisions of Chapter 13.22 of

- Title 13 of this Code; or
2. A Park Use Permit pursuant to the provisions of Chapter 13.44 of Title 13 of this Code; or
 3. A Street Closure Permit pursuant to the provisions of Chapter 13.16 of Title 13 of this Code; or
 4. A Parade Permit pursuant to the provisions of Chapter 13.12 of Title 13 of this Code.

SECTION 6. Section 20.90.060 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.060 Number of Parking Spaces Required

- A. Each land use shall provide, on site, at least the minimum number of parking spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.
- B. All required parking shall be made available to residents, patrons and employees of a use on the site.
- C. All parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a Development Permit may:
 1. Authorize all off-street parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
 2. Allow up to forty (40) percent of the off-street parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required off-street parking spaces shall be standard car space as defined in Section 20.90.100.
- D. If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.
- E. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.
- F. The minimum number of off-street parking spaces required for any given use is the

same irrespective of the district in which such use is conducted. In case of a use for which off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which off-street parking requirements are specified shall apply.

- G. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses.

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Agriculture and Resource Uses		
Agriculture and Resource Uses	1 per employee	
Drive-Through Uses		
Drive-through in conjunction with any use	No additional parking required	
Education and Training		
Day care center	1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (includes employee parking)	
Instructional studios	1 per 150 sq. ft. of floor area	
Private Instruction, personal enrichment	1 per 3 students, plus 1 per staff	
School- elementary (K-8)	1 per teacher, plus 1 per employee	
School- secondary (9-12)	1 per teacher, plus 1 per employee, plus 1 per 5 students	
School, post secondary	1 per 3 students, plus 1 per staff	
School, trade and vocational	1 per 3 students, plus 1 per staff	
Entertainment and Recreation		
Arcade, amusement	1 per 200 sq. ft of floor area	
Batting Cages	1 per station, plus 1 per employee	
Bowling establishment	7 per lane	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Dancehall	1 per 40 sq. ft. open to public	
Driving range	1 per tee, plus 1 per employee	
Golf course	8 per golf hole, plus 1 per employee	
Health club, gymnasium	1 per 80 sq. ft. recreational space	
Miniature golf	1.25 per tee, plus 1 per employee	
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220(E)
Poolroom	1 per 200 sq. ft. of floor area	
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	
Recreation, Commercial (indoor)	1 per 80 sq. ft. of recreational area	
Recreation, Commercial (outdoor)	20 per acre of site	
Skating rink	1 per 50 sq. ft. of floor area	
Swim and tennis club	1 per 500 sq. ft. of recreation area	
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	
Motion picture theatre, outdoor	1 per 300 sq. ft.	
Theaters, Auditoriums, Sports Arenas, and Stadiums-- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
	benches, or 1 per 30 square feet of area used for assembly	
Food Services		
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	
Caterer w/eating facility (not a catering facility)	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3
Caterer w/no public interface	1 per 250 sq. ft.	
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 seats for seats over 25	
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3
Take-out Only Establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3
General Retail		
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter 20.80

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Auction house	1 per 2 seats, or 1 per 50 sq. ft. of auction area exclusive of warehouse area	
Food, beverage, groceries	1 per 200 sq. ft. of floor area	Note 3
Plant nursery	1 per 200 sq. ft. of floor area	
Open air sales establishments and areas	1 per 200 sq. ft. of floor area	
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80
Pawn shop/broker	1 per 200 sq. ft. of floor area	
Large format commercial establishment	1 per 200 sq. ft. of floor area	
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	
Retail sales, goods and merchandise	1 per 200 sq. ft. of floor area	Note 3
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3
Retail art studio	1 space per 200 sq. ft. of retail area	Note 3
Sales, appliances, industrial equipment, and machinery	1 per 1000 sq. ft. of floor area	
Neighborhood Shopping Center (minimum 100,000 sq. ft. in size), includes a mix of permitted and conditional uses	1 per 225 sq. ft. of floor area	Note 1
General Services		
Bed and Breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	
Crematory	1 per full-time employee	
Dry cleaner	1 per 200 sq. ft. of floor area	
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220(C)

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Laundromat	1 per 200 sq. ft. of floor area	
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	
Messenger services	1 per 200 sq. ft. of floor area, plus 1 per company vehicle	
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	
Personal services	1 per 200 sq. ft. of floor area	Note 3
Photo processing and developing	1 per 200 sq. ft.	
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	
Social Service Agency	1 per 250 sq. ft. of floor area	
Health and Veterinary Services		
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	
Animal grooming	1 per 200 sq. ft. of floor area	
Emergency Ambulance Station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	
Hospital per in-patient facility	1 per 2.5 beds	
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	
Medical, dental and health practitioner	1 per 250 sq. ft. of floor area	
Veterinary clinic	1 per 250 sq. ft. of floor area	
Industry		
Catalog and mail order house	1 per 250 sq. ft. of floor area of office space plus, plus 1 per 1000 sq. ft. of floor area of warehouse and	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
	distribution area	
Commercial Support	1 per 350 sq. ft. of floor area	
Distribution facility	A minimum of two (2) for facilities with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for facilities with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for facilities with a total gross floor area in excess of twenty-five thousand (25,000) sq. ft. a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	1 per 350 sq. ft. of floor area	
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	
Hazardous waste facility	1 per employee plus 1 per company vehicle	
Industrial Services	1 per 350 sq. ft. of floor area	
Junkyard	1 per employee	
Laboratory	1 per 350 sq. ft. of floor area	
Manufacturing and Assembly, Light, Medium, Heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle	
Miniwarehouse/ministorage	1 per 5,000 sq. ft. of floor area, plus 1 per resident manager	Note 4
Outdoor storage	1 per employee	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Private power generation	1 per employee plus 1 per company vehicle	
Research and Development	1 per 350 sq. ft. of floor area	
Stockyard, including slaughter	1 per employee	
Warehouse	A minimum of two (2) for warehouses with a total gross floor area under five-thousand (5,000) square feet; a minimum of five (5) for warehouses with a total gross floor area between five thousand (5,000) sq. ft. and twenty-five thousand (25,000) sq. ft.; for warehouses in excess of twenty-five thousand (25,000) sq. ft. of total gross floor area a minimum of one (1) per five-thousand (5,000) sq. ft. of gross floor area or a fraction thereof	
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	
Offices and Financial Services		
Automatic Teller Machine (Free standing)	2 per machine	
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	
Financial institution	1 per 250 sq. ft. of floor area	
Offices, business and administrative	1 per 250 sq. ft. of floor area	
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Public, Quasi-Public and Assembly Uses		
Cemetery	1 per full-time employee	
Church/Religious Assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	
Community television antenna systems	1 per company vehicle	
Museums and libraries	1 per 300 sq. ft. of area open to the public	
Parks and playgrounds	1 per 500 sq. ft.	
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	
Recycling Uses		
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	
Small collection facility	1 per attendant	
Residential		
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220(C)

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Guesthouse	1 per guest room, plus 1 per each employee	
Live/Work	No additional parking required above what is required for commercial use parking	
Living quarters, custodian, caretakers	1 per living unit	
Mixed Use/Ground floor commercial with residential above	Respective commercial and residential parking requirements combined	
Multiple dwelling	See Table 20-210, required parking is determined by the type of parking facility and the number of bedrooms	
One family dwelling	2 covered	Note 5 and Section 20.90.220(B)
Residential Care or Service Facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220(C)
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
SRO Facilities within 2,000 ft. of public transportation		
SRO Residential Hotels	.25 per SRO unit	
SRO Living Unit Facilities with shared kitchen and bathroom facilities	.25 per SRO unit	
SRO Living Unit Facilities with partial or full kitchen and bathroom facilities	1 per SRO unit	
SRO Facilities not within 2,000 ft. of public transportation	1 per SRO unit	
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	1 per guest room, plus 1 per employee	
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit	
Travel Trailer Parks	1 per employee	
Two family dwelling.	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms	
Transportation and Utilities		
Common carrier depot	1 per employee, plus 1 per company vehicle	
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus one (1) for each 5,000 square feet of floor area, or fraction thereof, devoted to computer equipment space	
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	
Wireless communication antenna	1 per site	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Vehicle Related Uses		
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	
Auto broker, retail w/on-site storage	See Vehicle sales and leasing	
Auto broker, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	
Car wash	1 per employee, plus stacking as follows: self service - 5 cars per lane full service - 15 cars (may be in multiple lanes)	Note 2
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	
Sale or lease of vehicles	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay	
Exclusively indoors sales	1 per 200 sq. ft.	

Table 20-190 Parking Spaces Required by Land Use		
Use	Minimum Parking Required	Applicable Sections
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	
Sale, vehicle parts	1 per 200 sq. ft. of floor area	
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	
Tow yard	1 per employee, plus 1 per vehicle	
Vehicle wrecking, including sales of parts	1 per employee	

Notes:

1. A covenant of easement is required when multiple parcels are involved.
2. Stacking shall be calculated at twenty (20) feet per car.
3. Parking for uses of this type located within a Neighborhood Business District and meeting all of the requirements set forth in Section 20.90.220(C), may be reduced as specified in Section 20.90.220(C).
4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220(D) may be reduced as specified in Section 20.90.220(D).
5. Covered parking may include carports or garages.

SECTION 7. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.220 Reduction in Required Off-Street Parking Spaces

A. Alternative Transportation

1. A reduction in the required off-street parking spaces of up to ten percent (10%) may be authorized with a Development Permit for structures or uses located within 2,000 feet of a proposed or an existing rail station, and areas designated as neighborhood business districts in the City's General Plan. If no Development Permit is required, a development exception may authorize a reduction.

B. One-family Dwellings

1. A reduction in the required off-street parking may be authorized with a Development Permit, or a Special Use Permit if no Development Permit is required, for one-family dwellings. The reduction may be made if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling occupies the lot; and
 - c. The location of the required covered parking is set back a minimum of sixty (60) feet from the front property line and fifty (50) feet from the side corner property line; and
 - d. The required covered parking is accessed by a driveway of a width no less than ten (10) feet and no more than twelve (12) feet; and
 - e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
 - f. No additional paving in the front setback shall be designated or used for parking; and
 - g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
 - h. The covered parking structure shall meet all other applicable regulations of this Title.

C. Ground Floor Uses in Neighborhood Business Districts

1. The off-street parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one (1) space per four hundred (400) square feet of floor area, provided all of the following requirements are met:
 - a. The site is designated on the San Jose 2020 General Plan Land Use Transportation Diagram with the Neighborhood Business District Overlay, and
 - b. The use is located on the ground floor of a building, and
 - c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this Chapter.

D. Miniwarehouse/Ministorage

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

E. Other Uses

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

SECTION 8. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.112 Art Studio, Instructional

“Instructional art studio” is an establishment that offers instruction involving physical or artistic skills and techniques, including but not limited to dance, music, martial arts and fine arts.

SECTION 9. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.113 Art Studio, Retail

“Retail art studio” is a small-scale manufacturing establishment in which artistic items are manufactured from processed or unprocessed raw materials, where the finished product is sold on the premises and is non-combustible and non-explosive. Artistic items include but are not limited to pottery, ceramics, sculptures, and woodcarvings.

PASSED FOR PUBLICATION of title this 18th day of November, 2008, by the following vote:

AYES: CAMPOS, CHU, CORTESE, LICCARDO, OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

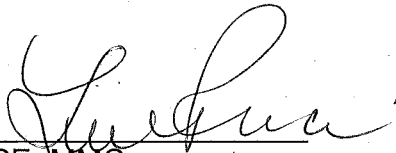
ABSENT: CHIRCO, CONSTANT, NGUYEN.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk