



*Planning, Building and  
Code Enforcement*

# Preliminary Draft for Urban Village and Mixed-Use Zoning Districts

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## Chapter 20.55 – URBAN VILLAGE AND MIXED-USE ZONING DISTRICTS

### Part 1 - GENERAL

#### 20.55.010 - Urban Village and Mixed-Use Zoning Districts.

- A. This chapter sets forth the land use and development regulations applicable to the Urban Village and Mixed-Use Zoning Districts established by Section 20.10.060.
- B. No building, structure, or land shall be used, and no building or structure shall be erected, enlarged, or structurally altered, in the UVC, UV, MUC, MUN, UR, and TR Zoning Districts except as set forth in this chapter.
- C. The Urban Village and Mixed-Use Zoning Districts are intended to support implementation of the General Plan by providing flexibility for the development of employment uses, high density housing, and mixed-use development. The purposes of the Urban Village and Mixed-Use Zoning Districts are as follows:
  1. UVC Urban Village Commercial District. The UVC Urban Village Commercial district is intended to implement the Urban Village Commercial general plan designation. Residential uses are not permitted in the UVC district.
  2. UV Urban Village District. The UV Urban Village district is intended to implement the Urban Village general plan land use designation.
  3. MUC Mixed-Use Commercial District. The MUC Mixed-Use Commercial district is intended to implement the Mixed-Use Commercial general plan land use designation.
  4. MUN Mixed-Use Neighborhood District. The MUN Mixed-Use Neighborhood district is intended to implement the Mixed-Use Neighborhood general plan land use designation.
  5. UR Urban Residential District. The UR Urban Residential district is intended to implement the Urban Residential general plan land use designation.
  6. TR Transit Residential District. The TR Transit Residential district is intended to implement the Transit Residential general plan land use designation.

#### 20.55.020 Urban Villages as a Major Strategy for growth

- A. The General Plan establishes the concept for Urban Villages as one of the Major Strategies for achieving active, dense, and mixed use growth areas within the city. The Urban Village and Mixed-Use zoning districts (UVC, UV, MUC, MUN, UR, and TR) will be applied to and conform to their respective General Plan Land Use Designations throughout the Urban Villages.
- B. Urban Village Planning Process. The Urban Village planning process (as described in General Plan Appendix 6) is an intensive community outreach process to adopt policies and standards for development in a specific area. Once the planning process is completed, the Urban Village plans are then heard by the Planning Commission which makes a recommendation to City Council before the plan is voted on and approved by the City Council. Once approved, the plans become official policy documents which are specific to their respective areas.
  1. Approved Urban Village Plans. For development projects located in an approved urban village area, the standards for development provided by the urban village plan shall prevail over the standards in this Chapter. However, when a plan does not contain a regulation which is detailed in this Chapter, the zoning standard of development shall be applied.

2. Unplanned, Urban Village Planning Areas. Urban Villages that have been designated but have not completed the Urban Village planning process are considered to be unplanned. For those Urban Villages that are unplanned, the development regulations in this Chapter shall prevail.
- C. Mixed-Use zoning outside of Urban Villages. The MUC, MUN, UR and TR zoning districts may also be applied to properties that exist outside of identified urban villages.
- D. Development in the Urban Village and Mixed-Used Zoning Districts is subject to a variety of policies and standards, the following is a list of the hierarchy of standards for development:
  1. The General Plan
  2. Approved Urban Village Plans
  3. Urban Village and Mixed-Use Zoning Districts
  4. Citywide Design Standards and Guidelines

#### 20.55.030 Citywide Design Standards and Guidelines

- A. The San José Citywide Design Standards and Guidelines provide detailed design regulations regarding placement, scale, shape, form, and intensity of design arrangement of buildings and opens spaces and their relationship to the neighborhoods and the city. Those standards and guidelines are referenced throughout this section and should be used together with the Urban Village and Mixed Use zoning district development standards to inform future development.

#### 20.55.040 Applying Floor Area Ratio vs. Dwelling Units per Acre

- A. To calculate density and development intensity, refer to Table 20-136 in Section 20.55.100 for information on each zoning district's standards for Floor area ratio (FAR) or dwelling units per acre (du/ac);
- B. For development projects that are 100% Commercial, the FAR standard shall apply;
  1. UVC shall require an FAR of up to 8.0;
  2. UV shall require an FAR of up to 10.0;
  3. MUC shall require an FAR of 0.25 - 4.5;
  4. MUN shall require an FAR of 0.25 - 2.0;
  5. UR shall require an FAR of 1.0 - 4.0;
  6. TR shall require an FAR of 2.0 - 12.0;
- C. For Mixed-use development, both standards for FAR and du/ac shall apply. In addition to meeting the FAR standard, projects are required to provide a minimum du/ac, there is no maximum, except in MUC and MUN.
  1. Calculating Mixed-Use FAR shall include the combined floor area of both the commercial and residential portions of the entire project.
  2. Mixed-use development du/ac and FAR standards:
    - a. The UV zoning district shall have a minimum density of 55 du/ac and maximum FAR of 10.0;

- b. The UR zoning district shall have a minimum density of 30 du/ac and maximum FAR of 4.0;
  - c. The TR zoning district shall have a minimum density of 50 du/ac and maximum FAR of 12.0;
  - d. The MUN zoning district shall have a maximum density of 30 du/ac and an overall FAR of 0.25 - 2.0;
  - e. The MUC zoning district shall have a maximum density of 50 du/ac and an overall FAR of 0.50 - 4.5;
- D. For projects that are 100% Residential the standard for du/ac shall apply.
- 1. UV shall require 55 to 250 du/ac;
  - 2. UR shall require 30 to 95 du/ac;
  - 3. TR shall require 50 to 250 du/ac;
  - 4. MUN shall have a maximum of 30 du/ac.

**Part 2 - DEVELOPMENT REGULATIONS**

20.55.100 - Development standards.

All development in the Urban Village and Mixed-Use Zoning Districts shall conform to the development regulations set forth below in Table 20-136. For development projects located in an approved urban village area, the standards for development provided by the urban village plan shall prevail over the standards in this Chapter. However, when a plan does not contain a regulation which is detailed in this Chapter, the zoning standard of development shall be applied.

**Table 20-136**  
**Urban Village and Mixed-Use Zoning Districts**  
**Development Standards**

Regulations		Zoning Districts				
		UVC	UV	MUC	UR	TR
Min. Lot Area		8,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.
100% Commercial FAR		Max. 8.0	Max. 10.0	0.25 - 4.5	1.0 - 4.0	2.0 - 12.0
Mixed-use	FAR	N/A	Max. 10.0	0.5 - 4.5	Max. 4.0	Max. 12.0
	du/ac	N/A	Min. 55	Max. 50	Min. 30	Min. 50
100% Residential du/ac		N/A	55 – 250	N/A	30 – 95	50 – 250

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Max. Building Height	Refer to Approved Urban Village Plan	85 ft.	135 ft.	200 ft.
	For additional information refer to Chapter 20.85 Specific Height Restrictions. For development located in areas with approved Urban Village Plans refer to the Urban Village Plan for height regulations.			
Additional regulations for Urban Villages	For development in approved Urban Village areas, refer to the Urban Village Plan for additional information on development standards and requirements			
<b>Setback Regulations</b>				
Front Setback	Maximum 10 ft.			
Side Setback	Maximum 10 ft.			
Rear Setback	Minimum 10 ft.			
Public Open Space in Setback areas	No setback shall be required for areas devoted to plazas, paseos, POPOS, and other public open spaces, which conform to the Citywide Design Standards and Guidelines for Building Placement and Form, Proportion, and Scale.			
Exceptions to Setback Regulations	Refer to Section 20.55.101			
<b>Additional Development Regulations</b>				
Ground-Floor Commercial Regulations for 100% Commercial or Mixed-use	Min. height of 14 ft. as measured from finished floor to either finished ceiling or base of HVAC/overhead utilities, or greater if required by the Citywide Design Standards and Guidelines.			
	Min. height requirements does not apply to garage or utility areas which are separate and distinct from groundfloor commercial spaces.			
	Refer to the Citywide Design Standards and Guidelines for additional information regarding minimum frontage, depth, and other requirements for ground-floor commercial spaces.			
Open Space Regulations for 100% Residential and Mixed-use	Refer to Section 20.55.102			
Lighting	Refer to Section 20.55.103			
Parking	Refer to Chapter 20.90			

20.55.101 – Exceptions to Setback Regulations

Except as otherwise specifically provided in other sections of this title, every part of every setback area shall be kept open, unobstructed, and unoccupied by all buildings or structures above, below, and on the surface of the ground. The following setback exceptions apply to properties located in the UVC, UV, MUC, UR, and TR districts as follows:

- A. Minor architectural projections such as: sills, eaves, belt courses, cornices, canopies, awnings, bay windows, chimneys, stoops, stairs, landscape retaining walls, porches, decks, balconies, minor building faces, and wells for basement windows may project into required setback areas as follows:
  - 1. Canopies and awnings may project into setback areas by a maximum of 3 feet;
  - 2. Stoops, stairs, and landscape retaining walls may project up to a maximum of 6 feet into the required setback areas;
  - 3. Balconies may project into required setback areas as long as they conform to the Citywide Design Standards and Guidelines;
  - 4. Groundfloor porches or decks may project up to 10 feet into the required setback areas, subject to building code;
  - 5. All other minor architectural projections may project up to a maximum of 2 feet into the setback area, by no more than 10 feet in width, for no more than 20% of the building elevation length.
- B. Short-term bicycle or micro mobility parking facilities may be placed in side or rear setbacks as long as they are in compliance with the provisions of Chapter 20.90, for additional information on placement and design refer to Citywide Design Standards and Guidelines.
- C. Tankless water heaters, energy storage units, and power inverters may project horizontally for no more than 2 feet into either the side or rear setback area.
- D. A building side setback shall be required for interior lots that abut a lot with an existing single-family residence and a Residential Neighborhood General Plan land use designation:
  - 1. Development built at 2 stories or less shall have a minimum side setback of 5 ft.
  - 2. Development built at 3 stories or more shall have a minimum side setback of 10 ft.
- E. Side setbacks greater than 10 ft. shall be permitted as required by Building or Fire code for public health and safety reasons.
- F. There shall be no rear setback required whenever the entire rear property line abuts property located in any commercial district or less restrictive district where the zoning designation of the site is in conformance with the General Plan land use designation of the site as determined by Table 20-270. Rear setbacks may be required by Building or Fire code.
- G. Setbacks abutting a public alley, one-half of such alley as measured from the alley centerline, may be assumed to be a portion of the rear setback area.
- H. The following projections may be placed within required setback areas as long as they comply with the Citywide Design Standards and Guidelines and Building and Fire codes:
  - 1. Walkways and driveways for pedestrian or vehicular access to the site;
  - 2. Overhead wires necessary for electrical and telephone service to a building on the lot;
  - 3. Underground lines and equipment necessary for the sewerage, drainage, plumbing, water, gas, and electrical needs of the lot or of a building on the lot;
  - 4. Underground parking facilities, subject to building code requirements.
- I. For information regarding Major or Minor Encroachments in the public right-of-way refer to Chapter 13.37 Encroachment Permits, in Title 13 of the San Jose Municipal Code.

20.55.102 - Open Space Requirements for Residential or Mixed-Use Developments

- A. The purpose and intent of these regulations is to set the standards for common and private outdoor space for residential and mixed-use developments with 15 or more residential units, not including Accessory Dwelling Units. All residential or mixed-use developments in the UV, MUC, UR, and TR districts shall provide useable common open space and private open space in conformance with all the requirements of this section.
- B. Projects which are exempted or otherwise not required to provide common open space must provide private open space at the amounts determined in this section.
- C. Refer to the Citywide Design Standards and Guidelines for specific information regarding placement and design of open spaces.
- D. Common Open Space Requirements. Common open space is the outdoor space provided for recreation of all residents of a project. Each residential or mixed-use development shall comply with the following common open space requirements:
  - 1. Mixed-use projects, shall provide common open space at a minimum of 50 square feet per residential unit;
  - 2. 100% Residential projects shall provide common open space a minimum of 75 square feet per residential unit;
    - 3. All buildings in the proposed development shall include access to at least one common open space, Privately Owned Public Open Space, hereby referred to as POPOS, or public open space.
  - 4. Areas with amenities such as tables, benches, garden plots, pet areas, spas, pools, play areas, plazas, roof-top patios, and picnic areas may be counted as common open space.
  - 5. Indoor recreation space can count toward a maximum of fifty percent of the common open space requirement if the entire area of the indoor space is designed exclusively for recreational use (including but not limited to swimming pools, exercise facilities, or multi-use recreation rooms).
- E. Private Open Space Requirements. Private open space is the outdoor space attached to a living unit and provided for the use of the residents of the living unit. Private open space can occur in the form of a patio, balcony, deck, or rear yard. The private open space requirement is calculated based on the total number of units and each development shall meet the following private open space requirements:
  - 1. Mixed-use projects shall provide private open space at a minimum of 30 square feet per residential unit;
  - 2. 100% Residential projects shall provide private open space at a minimum of 40 square feet per residential unit.
  - 3. At least 50% of all dwelling units shall have direct access to private open space in the form of a balcony, patio, or roof terrace.
  - 4. Refer to the Citywide Design Standards and Guidelines for additional requirements for dwelling units which face public streets and open spaces.
- F. Exceptions to open space requirements.

1. Up to 50% of the total private open space requirement may be fulfilled through the development of an equivalent amount of common open space in addition to the common open space requirement detailed in Section 20.55.102(D).
2. Development of POPOS on site shall serve to fulfill common open space requirements; every 1 square foot of POPOS included in a development shall fulfill 2 square feet toward the total common open space requirement.
3. Projects located within a quarter mile walking distance of existing public open spaces shall be exempted from Common Open Space requirements. Projects located within a half mile walking distance of existing public open spaces shall have the Common Open Space requirement reduced by 50%.

#### 20.55.103 - Lighting

The purpose and intent of these regulations is to ensure that adequate and appropriate lighting is provided for developments located in the UV, MUC, MUN, UR, and TR districts.

- A. All lighting or illumination shall conform to any lighting policy adopted by the city council.
- B. Any and all lighting facilities hereafter erected, constructed, or used in connection with any use conducted on any property adjacent to a site or lot used for residential purposes shall conform to the Citywide Design Standards and Guidelines for Site Lighting.

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*THE FOLLOWING SECTION (20.55.104 MUN MIXED-USE NEIGHBORHOOD DEVELOPMENT STANDARDS) IS INCLUDED FOR PUBLIC REVIEW, HOWEVER, THIS SECTION IS A WORK IN PROGRESS AND THE DRAFT TEXT THAT IS PRESENTED HERE REPRESENTS ONLY A PORTION OF THE FINAL REGULATIONS.*  
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#### 20.55.104 MUN Mixed-Use Neighborhood Development Standards

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

- A. Conventional standards: Applicable to developments where all lots have frontage on and direct access to a public street, and where all buildings provide a setback to property lines.
- B. Alternate standards: Applicable to small-lot development characterized by access to lots provided off courts, driveways, and private streets, and/or with buildings without setbacks to property lines.

Table 20-137  
Mixed-Use Neighborhood Development Standards



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Regulations		MUN	
		Conventional	Alternate
Minimum Lot Area		1,452 square feet per unit (excluding Accessory Dwelling Units)	No Minimum. Entire project covered by a single development permit cannot exceed 30 dwelling units/acre (excluding Accessory Dwelling Units)
Lot Frontage Requirements to Public Right of Way		At least 30 ft. of contiguous frontage on a public right of way, with vehicular and/or pedestrian access to the right of way.	None required, provided all lots have access from a public right-of-way provided by easement
100% Commercial FAR		0.25-2.0	N/A
Mixed-Use	FAR	0.25-2.0	
	du/ac	Max. 30	
100% Residential du/ac		Max. 30	
Floor Area Ratio for Single Family Detached Residences		<i>Standards Under Development</i>	No maximum
Additional regulations for Urban Villages		For development in approved Urban Village areas, refer to the Urban Village Plan for additional information on development standards and requirements	
		Additional Development Regulations	
		<p><i>Currently being drafted: Development standards, including height, setbacks, building placement, and other standards intended to address the lower intensity townhome, courthome, single family, or small multi-family development types that are planned for this zoning district. Draft standards will be included in the subsequent draft of this ordinance.</i></p>	

**Part 3 - USES ALLOWED**

20.55.200 - Allowed uses and permit requirements.

- A. "Permitted" land uses are indicated by a "P" on Table 20-138.
- B. "Conditional" uses are indicated by a "C" on Table 20-138. These uses may be allowed in such designated districts, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Conditional" uses requiring city council approval as the initial decision-making body are indicated by a "CC" on Table 20-138. These uses may be allowed in such designated districts, but only upon issuance of and in compliance with a conditional use permit approved by the city council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the planning commission at a public hearing of the commission for the commission's report and recommendation on the application to the city council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by an "S" on Table 20-138. These uses may be allowed in such designated districts, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100. These uses may be allowed in such designated districts, as a part of mixed use residential/commercial, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-138. These uses may be allowed in such designated districts, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-138. These uses may occur in such designated districts, but only upon issuance of and in full compliance with a valid and effective zoning code verification certificate as set forth in Chapter 20.100.
- G. Land uses that are not permitted are indicated by a "-" on Table 20-138. Land uses not listed on Table 20-138 are not permitted.
- H. When the right column of Table 20-138 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies 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.

#### 20.55.201 – General Use Regulations

- A. Permanent structure required. No use shall be deemed to be a permitted use on a site in any UVC, UV, MUC, MUN, UR, or TR district unless it is being conducted as part of a business, residence, or mixed use development which maintains on that site a permanent, fully enclosed building erected pursuant to a valid building permit issued for that site, excepting only those uses specifically permitted, under this part or this title, to operate without a permanent building on site.
- B. Late night use and activity.
  - 1. No establishment other than office uses, in any, UVC, UV, MUC, MUN, UR, or TR Zoning District shall be open between the hours of 12:00 midnight and 6:00 a.m. except pursuant to and in compliance with a special use permit as provided in Chapter 20.100.
  - 2. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one-hundred fifty feet of any residentially designated property between the hours of 12:00

midnight and 6:00 a.m. except pursuant to and in compliance with a conditional use permit as provided in Chapter 20.100.

20.55.202 - Performance standards.

- A. In the UVC, UV, MUC, MUN, UR, and TR Districts no primary, secondary, incidental or conditional use or activity related thereto shall be conducted or permitted:
  - 1. In a manner that causes or results in the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere; or
  - 2. In a manner that constitutes a menace to persons or property or in a manner that is dangerous, obnoxious, or offensive by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes; or
  - 3. In a manner that creates a public or private nuisance.
- B. Without limiting the generality of the preceding Section 20.55.202 (A), the following specific standards shall apply in the UVC, UV, MUC, MUN, UR and TR Districts:
  - 1. Air Pollution. Total emissions from any use or combination of uses on a site shall not exceed the emissions and health risk thresholds as established by the director of planning.
  - 2. Vibration. There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

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 DRAFT TEXT FOR TABLE 20-138 IS PENDING. FOR A GENERAL IDEA OF WHAT USES MAY BE ALLOWED IN THE PROPOSED ZONING DISTRICTS, REFER TO THE USE REGULATIONS FOR COMMERCIAL PEDESTRIAN IN TABLE 20-90 OF CHAPTER 20.40 COMMERCIAL ZONING DISTRICTS.  
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**Table 20-138  
 Urban Village Zoning Districts Use Regulations**

Use	Zoning District						Notes & Sections
	UVC	UV	MUC	MUN	UR	TR	

**Proposed Definitions: Chapter 20.200**

**20.200.412 Floor Area.**

- A. For the purpose of determining floor area ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the floor(s) of such buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings and shall exclude:
1. Basement space if the basement story height is less than 6 ft. above grade;
  2. Unenclosed stairwells at each floor;
  3. Floor space used for mechanical equipment where the structural headroom is less than 7½ ft.
  4. Equipment, open or enclosed, located on the roof, such as bulkheads, water tanks and cooling towers;
  5. Attic floor space where the structural headroom is less than 7½ ft.;
  6. Underground parking structures;
  7. Accessory buildings;
- B. For the purpose of determining gross floor area for single-family dwellings refer to Section 20.100.1020.
- C. For the purposes of calculating parking requirements refer to Section 20.90.050.

**20.200.413 Floor Area Ratio.** The gross floor area of the building or buildings divided by the total area. For calculating the floor area ratio of a single-family home, refer to Part 10 of Chapter 20.100 – Administration and Permits.

**20.200.891 Privately Owned Public Open Space (POPOS)** – Public open space which is publicly accessible by easement and/or agreement and is located on privately owned land and maintained by a private property owner or business operator.

**Current Definition: 20.200.898 - Private open space.** "Private open space" means outdoor space designed for recreation that is accessible to the residents of a single residential unit.

**Proposed Definition: Open Space, Private.** A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**Current Definition: 20.200.760 - Mixed use.** Development that contains uses from two or more of the three major land use categories: residential, commercial, and industrial.

**Proposed Definition: 20.200.760 - Mixed-use.** The combination of commercial and residential uses located on the same property as part of a unified development. Mixed-Use Development consists of commercial and residential uses integrated either vertically (vertical mixed-use) in the same structure or group of structures, or horizontally on the same development site (horizontal mixed-use) where parking, open spaces, and other development features are shared.



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