

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (ZONING ORDINANCE) TO ADD CHAPTER 20.55 URBAN VILLAGE AND MIXED USE ZONING DISTRICTS; REVISE TEXT FOR SPECIFIC USE REGULATIONS IN CHAPTER 20.80 TO ADD OR CLARIFY REFERENCES TO URBAN VILLAGE AND MIXED USE ZONING DISTRICTS TO VARIOUS SECTIONS; REVISE TEXT TO INCORPORATE NEW ZONING DISTRICTS INTO EXISTING PERMIT REQUIREMENTS IN CHAPTER 20.100; REVISE TABLE 20-10 IN SECTION 20.10.060, ZONING DISTRICTS ESTABLISHED, AND TABLE 20-270 IN SECTION 20.120.110, CONFORMANCE WITH THE GENERAL PLAN, TO ADD URBAN VILLAGE AND MIXED USE ZONING DISTRICTS TO THE TABLES; REVISING AND ADDING DEFINITIONS IN CHAPTER 20.200; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES; ALL TO EFFECTUATE ZONING CODE AND GENERAL PLAN CONFORMANCE

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

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

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith prior to taking any approval actions on this Ordinance;

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

SECTION 1. A new Chapter is added to Title 20 of the San José Municipal Code to be numbered, entitled and to read as follows:

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.
- D. The Zoning Districts set forth throughout Chapter 20.55 - Urban Village and Mixed Use zoning districts shall not apply to those properties which are located in the Diridon Station Area Plan and which fall under the Airport Influence Area of the San José International Airport.

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, mixed use growth areas and for identifying locations for public open spaces 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, standards, and guidelines for development in a specific area. Once the planning process is completed, the Urban Village plans are then heard by the Planning Commission in a public hearing which makes a recommendation to City Council before the plan is voted on and approved by the City Council in a public hearing. 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. For residential or mixed use development in approved Urban Village Plan areas where there are no objective standards, the Zoning Districts and Citywide Design Standards and Guidelines shall prevail.
 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 Use Zoning Districts is subject to a variety of policies and standards, the following is a list of policy documents with 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 Application of 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 open spaces and their relationship to the neighborhoods and the city. Those standards and guidelines shall be used together with the Urban Village and Mixed Use Zoning District development standards to inform future development; where the documents contain standards, which cover the same topic, one document does not supersede the other; development shall meet both standards.

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 standards shall apply.
 - 1. UVC shall require a maximum FAR of up to 8.0;
 - 2. UV shall require a maximum FAR of up to 10.0;
 - 3. MUC shall require a minimum FAR of 0.25 and a maximum FAR of 4.5;
 - 4. MUN shall require a minimum FAR of 0.25 and a maximum FAR of 2.0;
 - 5. UR shall require a minimum FAR of 1.0 and a maximum FAR of 4.0;
 - 6. TR shall require a minimum FAR of 2.0 and a maximum FAR of 12.0;

- C. For mixed use development, standards for both 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 du/ac, 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 require a minimum density of 55 du/ac and maximum overall FAR of 10.0;

- b. The UR zoning district shall require a minimum density of 30 du/ac and maximum overall FAR of 4.0;
 - c. The TR zoning district shall require a minimum density of 50 du/ac and maximum overall FAR of 12.0;
 - d. The MUN zoning district shall require a maximum density of 30 du/ac and an overall minimum FAR of 0.25 and a maximum FAR of 2.0;
 - e. The MUC zoning district shall require a maximum density of 50 du/ac and an overall minimum FAR of 0.50 and a maximum FAR of 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. In addition to the standard for du/ac, single-family homes shall conform to the FAR standards detailed in Table 20-137 in Section 20.55.104.

Part 2 - DEVELOPMENT REGULATIONS

20.55.100 - Development standards.

A. All development in the Urban Village and Mixed Use Zoning Districts shall conform to the development regulations set forth below in Table 20-136.

B. For MUN development standards see Table 20-137 in Section 20.55.104.

**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
Max. Building Height		Refer to Approved Urban Village Plan		85 ft.	135 ft.	270 ft.
		For additional regulations for building heights 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 Urban Villages with an approved plan, refer to the Urban Village Plan for additional information on development standards and requirements				
		Setback Regulations				
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 to the property line abutting public 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
Additional Development Regulations	
Ground-Floor Commercial Regulations for 100% Commercial or Mixed use	Refer to the Citywide Design Standards and Guidelines for additional standards and regulations regarding minimum frontage, height, depth, and other requirements for ground-floor commercial spaces.
Common and Private Open Space Regulations for 100% Residential and Mixed use	Refer to Section 20.55.102
Lighting	Refer to Section 20.55.103
Parking	For general parking regulations, refer to Chapter 20.90
	No unmounted camper or vehicle, other than those vehicles expressly specified and allowed under Title 17 of this Code, shall be kept, stored or parked for a period of time in excess of forty-eight consecutive hours in the front setback area of any lot or parcel containing a residential use. Such parking or storage is limited to paved surfaces.

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, covered or uncovered, may project into required setback areas if they conform to the Citywide Design Standards and Guidelines; in MUN balconies shall not project within 5 ft of property lines facing public right-of-way or public open space.
 4. Ground floor porches or decks, covered or uncovered, may project up to 10 feet into the required setback areas, subject to compliance with building code; in MUN, ground floor porches or decks shall not project within 5 ft of property lines facing public right-of-way or public open space.

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.
 6. Air space above public open space shall remain unobstructed and unoccupied.
- B. Short term parking facilities for bicycles or micro mobility devices, as defined by Title 11, may be placed in side or rear setbacks as long as they are in compliance with the provisions of Chapter 20.90. For additional standards on placement and design, refer to the Citywide Design Standards and Guidelines.
- C. Mechanical equipment in setback area:
1. 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 and are not permitted in front setback areas.
 2. Mechanical equipment, including but not limited to pool equipment or HVAC equipment, may be placed in rear setbacks at a minimum of 5 ft. from rear property line and must conform to minimum side setbacks requirements; not permitted in front setbacks or any portion of the front yard which is visible from a public right-of-way or public open space.
- D. A building side setback shall be required for the portion of a building, located on an interior lot, which abuts a lot with a Residential Neighborhood General Plan land use designation and which is developed with a residential use, as follows:

1. Development built at 2.5 stories or less shall have a minimum side setback of 5 ft.
 2. For development built at more than 2.5 stories, no portion of the building may be developed with less than a 10 ft. side setback.
- 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 José Municipal Code.

20.55.102 – Common and Private Open Space Requirements for Residential or Mixed use Developments

- A. The purpose and intent of these regulations is to set the standards for common open space and private open space for residential and mixed use developments. 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.
1. Developments which include 15 units or more (excluding ADUs) are required to provide both common open space and private open space.
 2. Developments which include less than 15 units (excluding ADUs) are only required to provide private open space.

3. 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.
 4. Refer to the Citywide Design Standards and Guidelines for specific standards and regulations regarding placement and design of common and private open spaces.
- B. 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 development projects shall provide common open space at a minimum of 75 square feet per residential unit;
 2. 100% Residential projects shall provide common open space at a minimum of 100 square feet per residential unit;
 3. Any proposed development shall include at least one common open space, which meets the criteria within this section; development projects may reduce or eliminate their common open space requirement by conforming with the exceptions listed in Section 20.55.102 (D).
 4. Indoor recreation space counts 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 that is available for use by residents of the development without additional use fees (including but not limited to swimming pools, exercise facilities, or multi-use recreation rooms).

C. 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 development projects shall provide private open space at a minimum of 45 square feet per residential unit;
2. 100% Residential projects shall provide private open space at a minimum of 60 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 standards and regulations for dwelling units which face public streets and public open spaces.

D. Exceptions to common and private open space requirements.

1. Projects located within a quarter mile walking distance, by way of a pedestrian accessible public right-of-way or easement, of existing public open spaces shall be exempted from common open space requirements. Projects located between a quarter mile and a half mile walking distance of existing public open spaces shall have the common open space requirement reduced by 50%.

2. 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(B). Development projects shall not provide private open space for less than 50% of the total number of units.
3. Development projects which are exempted from common open space requirements because of their proximity to public open space shall provide 100% of private open space requirements and may not reduce their private open space requirements in combination with any other exceptions listed in this section.
4. On site development of POPOS, pursuant to the regulations of the Citywide Design Standards and Guidelines, shall serve to fulfill common open space requirements based on the following ratio: every 1 square foot of POPOS included in a development shall fulfill 2 square feet toward the total common open space requirement.
5. On site development of public open space, that is dedicated to the City pursuant to the Parkland Dedication Ordinance (PDO) and/or the Park Impact Ordinance (PIO), shall serve to fulfill common open space requirements based on the following ratio: every 1 square foot of public open space included in a development shall fulfill 2 square feet toward the total common open space requirement.

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.
- C. Any lighting located adjacent to riparian areas shall be directed downward and away from riparian areas.
- D. Lighting adjacent to residential properties.
 - 1. Any and all lighting facilities hereafter erected, constructed, or used in connection with any use conducted on any property situate adjacent to a site or lot used for residential purposes shall be arranged and shielded that all light will be reflected away from any residential use so that there will be no glare which will cause unreasonable annoyance to occupants of such property, or otherwise interfere with the public health, safety, or welfare.

20.55.104 – MUN Mixed Use Neighborhood Development Standards

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

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

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

Table 20-137
Mixed Use Neighborhood Development Standards

Regulations		MUN	
		Conventional	Alternate
Minimum Lot Area (excluding Accessory Dwelling Units)		1,452 square feet per unit	No Minimum. Entire project must be covered by a single development permit. Cannot exceed 30 dwelling units/acre
Lot Frontage Requirements to Public Right-of-Way		Requires at least 30 ft. of contiguous frontage on a public right-of-way, with vehicular and/or pedestrian access to the right-of-way	None required, provided all lots have access from a public right-of-way provided by easement
		Floor Area Ratio	
100% Commercial FAR		0.25-2.0	100% Commercial development must follow Conventional Standards
Mixed use	FAR	0.25-2.0	
	du/ac	Max. 30	
100% Residential du/ac		Max. 30	

FAR for Single-family Detached Residences, not including ADUs	3,000 sq. ft. or less	0.6 Max FAR	Max. 2.0 FAR across the entire development site
	3,000 – 6,000 sq. ft.	0.5 Max FAR	
	6,000 sq. ft. or greater	0.45 Max FAR	
Conventional Setback Regulations			
Front Setback	Minimum 10 ft.		
Interior Side Setback	Minimum 3 ft. for development up to 2.5 stories; Minimum 5 ft. setback for development up to 2.5 stories for properties adjacent to property designated as Residential Neighborhood		
	Minimum 8 ft. for development more than 2.5 stories; Minimum 10 ft. setback for development more than 2.5 stories for properties adjacent to property designated as Residential Neighborhood		
Street Side Setback	Minimum 5 ft. for development up to 2.5 stories; Minimum 10 ft. for development more than 2.5 stories		
Rear Setback	Minimum 10 ft. for development up to 2.5 stories; Minimum 15 ft. for development more than 2.5 stories		
Distance between structures	Garage door to garage door must have a minimum of 20 ft min. The front of structures must be at least 15 ft. distance.		
Exceptions to Setback Regulations	Refer to Section 20.55.101		
Alternate Setback Regulations			
Setback to Public Right-of-Way	Minimum 10 ft. Minimum 20 ft. to face of garage door to face of garage door		

Setback to adjoining property line of property not covered by same development permit	Minimum 5 ft. side setback for development up to 2.5 stories; Minimum 10 ft. side setback for development up to 2.5 stories for properties adjacent to property designated as Residential Neighborhood.			
	Minimum 10 ft. rear setback for development more than 2.5 stories; Minimum 15 ft. rear setback for development more than 2.5 stories for properties adjacent to property designated as Residential Neighborhood.			
Setback to property line within project boundary covered by same development permit	Front to front setbacks shall be no less than 15 ft. Dwelling units shall be setback a minimum of 6 ft. from accessory structures.			
	No side setbacks are required; subject to compliance with Building and Fire Codes			
Distance between structures	Face of garage door to face of garage door shall have a minimum distance of 20 ft. from each other.			
	The front of structures shall be developed at a minimum of 15 ft. distance from each other.			
Exceptions to Setback Regulations	Refer to Section 20.55.101			
	Additional Development Regulations for Conventional and Alternate			
	Single-Family dwelling unit (Detached)	Two-family dwelling unit (Duplex)	Townhouse or Rowhouse	Multiple Dwelling, Mixed use, or 100% Commercial
Max. Building Height	35 ft.	35 ft.	40 ft.	45 ft.
Max. Number of Stories	2.5	2.5	3	4
Private Open Space Requirements for 100% Residential or Mixed use Development	400 sq. ft. per unit	300 sq. ft. per unit	300 sq. ft. per unit	60 sq. ft. per unit
	Minimum width for Private open space shall be 15 ft.			

Common Open Space Requirements	Mixed use Development which includes 15 or more units shall provide common open space at a minimum of 75 square feet per residential unit
	100% Residential Development which includes 15 or more units shall provide common open space at a minimum of 100 square feet per residential unit
Ground-Floor Commercial Regulations for 100% Commercial or Mixed use	Refer to the Citywide Design Standards and Guidelines for additional information regarding minimum frontage, height, depth, and other requirements for ground-floor commercial spaces.
Regulations for development in Urban Villages	For development in approved Urban Village areas, refer to the Urban Village Plan for additional regulations and requirements for development standards.
Lighting	Refer to Section 20.55.103
Fence Regulations	Refer to Table 20-80 in Chapter 20.30 for fence regulations.
Parking	For general parking regulations, refer to Chapter 20.90
	Notwithstanding Section 20.90.200 - Off-site, alternating use and alternative parking arrangements - Vehicle or bicycle, Tandem Parking or parking lifts are permitted where the parking spaces serve the same unit. Uncovered parking is permitted outside of the front setback. Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. Off-site parking is permitted under a single development permit using the alternate standards for development.
	No unmounted camper or vehicle, other than those vehicles expressly specified and allowed under Title 17 of this Code, shall be kept, stored or parked for a period of time in excess of forty-eight consecutive hours in the front setback area of any lot or parcel containing a residential use. Such parking or storage is limited to paved surfaces.
Front Setback and Façade Regulations for Single-family Homes	

Floor level of ground floor	The finished floor level of the ground floor (1 st floor) must be within four vertical feet of the closest sidewalk. Finished floor is defined as the uppermost surface of a floor once construction has been completed and all floor finishes have been applied.
Residential Frontages facing a public right of way	Every dwelling that fronts a public street must have a door, other than a garage door, which is accessible to the street and enters a living space that is not a garage or bedroom.
	Minimum 20% clear glazing per individual ground floor of a dwelling unit
	No more than 50% of the required front setback shall be paved with asphalt, cement or any other impervious or pervious surface.
Setback to garage	Minimum 20 ft. from front property line
	No more than one curb cut per 30 ft of frontage shall be permitted.
Setback to front porch, balconies, bay windows, awnings, open patios, and stoops	Minimum 5 ft. from front property line
Setbacks from adjoining property to balconies and unenclosed stairs	Dwelling units which share property lines with property containing a single-family residence or two-family residence, that is designated as Residential Neighborhood, shall ensure that balconies, porches, or unenclosed stairs maintain a minimum setback of 15 ft. from the rear and side property line measured from the projecting face of the balcony, porch, or stairs; and shall not be located along building walls parallel to side or rear property lines.
	Architectural variation shall be achieved through the following criteria:

<p>Variation in architectural styles for development of 5 units or more under a single development permit</p>	<p style="text-align: center;"><u>Front Setbacks and Porches</u></p> <ol style="list-style-type: none"> 1. No more than 3 adjacent dwelling structures may be constructed with the same front setback; front setbacks must vary by at least 5 ft. 2. No more than 3 adjacent units shall have the same porch dimensions or orientation
	<p style="text-align: center;"><u>Roof Lines</u></p> <ol style="list-style-type: none"> 1. No more than 3 adjacent dwelling unit structures may have the same angles of roof pitch, styles, or roofing materials 2. Development of 5-10 units shall have at least 3 different angles of roof pitch, styles, or roofing materials 3. Development of 11-20 units shall have at least 5 different angles of roof pitch, styles, or roofing materials 4. Development of more than 20 units shall have at least 7 different angles of roof pitch, styles, or roofing materials
	<p style="text-align: center;"><u>Building Materials and Colors</u></p> <ol style="list-style-type: none"> 1. At least 20% of dwelling unit façades shall be composed of different building materials or colors 2. At least 50% of dwelling units shall introduce a different building material for 20% of the exterior façade.

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, 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.

- C. Incidental Uses

1. Residential. In addition to the occupancy of a dwelling as a residence, the following incidental uses are permitted:
 - a. The rental of rooms in a One-Family Dwelling to up to three (3) guests; in Two-Family Dwelling to up to two (2) guests, by each Family; and in a Multiple Dwelling Unit to up to two (2) guests per unit, if such use is clearly incidental to the occupancy of the dwelling unit by said Family as its own residence, and such rental is for a period of time longer than thirty (30) days and there are no more than six (6) persons living in the dwelling.
 - b. Use of the dwelling, including a permitted Guesthouse, for Incidental Transient Occupancy in compliance with Part 2.5 of Chapter 20.80.
 - c. State-licensed Family Day Care Home.
 - d. The following non-commercial activities:
 - i. A garage sale consisting of the occupants' personal property;
 - ii. Sale of goods hand-produced by the occupants;
 - iii. Sales parties held for the purpose of selling goods to invited Guests. Such parties shall be held inside a permanent structure or in the rear yard of the dwelling unit.
 - iv. To qualify as a non-commercial activity:
 - I. No more than two (2) such sales are allowed in any calendar year;
 - II. No such sale can be conducted for more than four (4) consecutive days;
 - III. Such sales shall only be conducted between the hours of 9:00 a.m. and 9:00 p.m.

D. Accessory Dwelling Units (ADUs). ADUs are permitted and shall conform to Part 4.5 of Chapter 20.30.

E. Guesthouses. The following restrictions apply to guesthouses:

1. Meals and housekeeping services may be provided with the lodging, but only to resident guests.
2. All cooking facilities must be in a single, common kitchen; no rooms shall have any cooking facilities.
3. No services may be provided to non-residents.
4. All required state licenses must be maintained.
5. No more than three guest rooms may have separate external entryways.

F. Live/work units

1. All live/work uses in the Urban Village and Mixed Use zoning districts shall be subject to all of the following criteria:
 - a. All work activities shall be limited to the permitted uses of the Urban Village and Mixed Use zoning districts, specified in Table 20-138, unless otherwise noted in this chapter.

- b. All work activities and storage shall take place in fully enclosed areas.

2. Prohibited uses:

- a. Any use not permitted within the Urban Village and Mixed Use zoning districts, as specified in Table 20-138 or under Section 20.80.720 for home occupation uses.
- b. Entertainment, drinking and public eating establishments.
- c. The sale of food and/or beverages except for food or beverages prepared on-site as part of a Cottage Food Operation, in conformance with applicable public health regulations.
- d. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale.
- e. Storage or recycling, except as incidental to and in support of a permitted use in the Urban Village and Mixed Use zoning districts.
- f. Activities involving biological or chemical substances that require a controlled environment or may pose a health hazard.
- g. Work activities that involve hazardous material or generate odors, vibration, glare, fumes, dust, electrical interference outside the dwelling or through vertical separation between living units, greater than those generated by routine household activities.

3. The living unit must be occupied by an owner, employee, or volunteer of the business associated with the live/work unit.
4. All live/work units must fully comply with any and all Uniform Building Code requirements applicable to the collocation of uses at the particular site.

G. Development adjacent to Historic Landmarks or Districts

1. Any project within a historic district shall conform to applicable guidelines adopted, and as amended by the city council.
2. For purposes of this section, "historic district" and "historic landmark" refer to any site, building, structure, or area that has received city, state or federal landmark status.
3. New structures exceeding one hundred fifty feet and an FAR of 6:1 which are constructed within one hundred feet of a city landmark or contributing structure in a designated landmark district shall be reviewed by the Historic Landmarks Commission prior to consideration or approval of a development permit for new construction. The comments of the Historic Landmarks Commission shall be included in any development permit staff report subsequently presented to the executive director of the redevelopment agency, director of planning, planning commission or city council.

H. Outdoor uses within 150 feet of residential zoning district.

1. 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 situated within one hundred fifty feet of residentially zoned property situated 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. Outdoor retail displays located in the front setback that are associated with a commercial use on the property.
- 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:
 - i. The outdoor dining area is located within one hundred feet of the main street or is completely separated from any property located in a residential zoning district by a minimum distance of fifty feet; and
 - ii. The outdoor dining area does not include any equipment to produce any amplified sound; and
 - iii. The outdoor dining area does not operate between the hours of 12:00 midnight and 6:00 a.m.; and
 - iv. The outdoor dining area is operated in a manner that does not create a private or public nuisance.

- f. Outdoor vending of whole, uncut, fresh fruits and vegetables in conformance with Part 10, Chapter 20.80.
 - g. Small certified farmers' markets that are in conformance with Part 3.5, Chapter 20.80.
- I. Screening of non-residential uses adjacent to residentially zoned properties.
- 1. Any non-residential use conducted on any property shall be effectively screened at the property line from any abutting property in a residential district. The screening required hereby shall be a masonry wall or a solid wooden fence five feet in height, except that any portion thereof situate in the required setback area from abutting public streets shall be not more than four feet; and in the event such use included any outdoor activity, such screening shall also include such trees or plants as the director deems reasonable necessary to effectively screen such use from the adjoining residence district. Such screening shall at all times be maintained in good condition and be kept free at all times of signs. In addition, where a use involving outdoor activity is on a lot or parcel adjoining a residential district, such lot or parcel shall be landscaped in a manner approved by the director.
- J. Wireless Communication
- 1. Wireless communications antennae are allowed in Urban Village and Mixed Use districts pursuant to Table 20-50 only if all of the following criteria are met:
 - a. The proposed antenna is located upon a parcel with a nonresidential use; and

- b. The proposed antenna is located either:
 - i. More than thirty-five feet away from the nearest residential use; or at least one foot away from the nearest residential use for every foot of monopole height, whichever distance is greater; or
 - ii. More than twenty feet away from the nearest residential use if the proposed antenna is mounted on an existing utility structure within a utility corridor.
 - 2. Wireless communications antennae of any type located on a property zoned for Urban Village or Mixed Use, with a residential use shall require a conditional use permit pursuant to the provisions of Chapter 20.100 of this title, except for certain modifications pursuant to Section 20.80.1915 of Chapter 20.80.
- K. Vehicular related uses in Urban Village and Mixed Use Zoning Districts
- 1. Continued operation of existing use allowed with only 10% expansion of existing structures, unless specified through an Urban Village Plan that allows greater intensity of the use. Uses allowed by the Stevens Creek and 24th and William Urban Village Plans are not subject to the maximum 10% expansion of use.
 - 2. New vehicle related uses allowed only pursuant to the provisions of the Stevens Creek and 24th and William Urban Village Plans, as amended.
 - 3. Sale, leasing, or brokerage of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles are allowed to include the following incidental uses as part of their operation:

- a. Accessory installation, passenger vehicles and pick-up trucks
- b. Car wash, detailing, not open to the public
- c. Fuel service station or charge station, including incidental service or repair, not open to the public
- d. Glass sales, installation, and tinting
- e. Sale, vehicle parts, with onsite installation
- f. Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks

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.

20.55.203 - Urban Village and Mixed Use Zoning District Use Regulations

Table 20-138
Urban Village and Mixed Use Zoning Districts Use Regulations

Use	Zoning District						Notes & Sections
	UVC	UV	MUC	MUN	UR	TR	
Residential							
One-family dwelling	-	-	-	P	P	P	Note 6
Two-family dwelling	-	-	-	P	P	P	Note 6
Accessory dwelling unit	-	P	P	P	P	P	Part 4.5, Chapter 20.30
Mixed use development	-	P	P	P	P	P	Note 23; Chapter 20.195
Multiple dwelling	-	P	P	P	P	P	Note 23; Chapter 20.195
Co-living community	-	S	C	C	S	S	Part 3.73, Chapter 20.80
Guesthouse	-	S	-	S	S	S	
Emergency residential shelter	-	S	S	S	S	S	Section 20.80.500
Home Occupation	-	P	P	P	P	P	Part 9, Chapter 20.80
Hotel supportive housing	C	-	C	-	-	-	Note17; Part 22, Chapter 20.80
Live/work uses	-	S	S	S	S	S	Section 20.80.740
Low barrier navigation center	-	P	P	P	P	P	Chapter 20.195
Permanent supportive housing	-	P	P	P	P	P	Note 20; Chapter 20.195
Residential accessory structures or buildings	-	P	P	P	P	P	Part 5, Chapter 20.30
Residential care facility for six or fewer persons	-	P	P	P	P	P	
Residential care facility for seven or more persons	-	C	C	C	C	C	
Residential service facility for six or fewer persons	-	P	P	P	P	P	

Residential service facility for seven or more persons	-	C	C	C	C	C	
Single room occupancy, living unit	-	-	C	-	-	-	Part 15, Chapter 20.80
General Retail							
Alcohol, off-sale - beer and/or wine only	C	C	C	C	C	C	Section 20.80.900
Alcohol, off-sale - full range of alcoholic beverages	C	C	C	C	C	C	Section 20.80.900
Alcohol, off-sale - as incidental to a winery, brewery, or distillery	A	A	A	A	A	A	Note 1; Part 5.75, Chapter 20.80
Food, beverages, and groceries	P	P	P	P	P	P	
Nursery, plant	P	P	P	P	P	P	Note 2
Outdoor vending	A	A	A	A	A	A	Part 10, Chapter 20.80
Outdoor vending, fresh fruits and vegetables	P	P	P	P	P	P	Part 10, Chapter 20.80
Pawnshop/broker	C	-	C	-	-	-	See Title 6
Retail art studio	P	P	P	P	P	P	Section 20.80.1175
Retail bakery	P	P	P	P	P	P	
Retail sales, goods, and merchandise	P	P	P	P	P	P	
Seasonal sales	P	P	P	P	P	P	Part 14, Chapter 20.80
Agriculture & Open Space							
Aquaculture, aquaponics, and hydroponics	S	S	S	S	S	S	
Certified farmers' market	S	S	S	S	S	S	Part 3.5, Chapter 20.80
Certified farmers' market, small	P	P	P	P	P	P	Part 3.5, Chapter 20.80
Community gardens	P	P	P	P	P	P	

Neighborhood agriculture	P	P	P	P	P	P	Note 16; Title 7
Education and Training							
Child day care center located on an existing School Site or as an incident to a permitted on-site church/religious assembly use involving no building additions or changes to the site	P	P	P	P	P	P	Note 5
Day care center	S	S	S	S	S	S	Note 5
Instructional art studios	P	P	P	P	P	P	
Private instruction, personal enrichment	P	P	P	P	P	P	
School, elementary and secondary (public or private)	C	C	C	C	C	C	Note 13
School, driving (class C & M license)	P	P	P	P	P	P	Note 3
School, post secondary	P	P	P	P	P	P	
School, trade and vocational	P/S	P/S	P/S	P/S	P/S	P/S	Note 4 and Note 13
Entertainment and Recreation							
Arcade, amusement game	P	P	P	P	P	P	
Health club, gymnasium	P	P	P	P	P	P	
Performing arts rehearsal space	P	P	P	P	P	P	
Poolroom/billiards establishment	P	P	P	P	P	P	
Private club or lodge	S	S	S	S	S	S	
Recreation, commercial indoor	P	P	P	P	P	P	
Recreation, commercial outdoor	-	S	-	-	-	-	
Stadium, 2,000 seats or fewer	C	C	-	-	-	-	

Stadium, more than 2,000 seats	CC	CC	-	-	-	-	Note 14 and Note 15
Theater, indoor	S	S	S	-	S	S	
Theater, outdoor	S	S	S	-	S	S	
Food Services							
Banquet facility	S	S	S	S	S	S	
Caterer	P	P	P	P	P	P	
Commercial kitchen	P	P	P	-	S	S	
Drinking establishments	S	S	S	-	S	S	
Drinking establishments interior to a full-service hotel or motel that includes 75 or more guest rooms	P	P	P	P	P	P	Section 20.80.475
Public eating establishments	P	P	P	P	P	P	
Public eating establishment or retail establishment with incidental outdoor dining	P	P	P	P	P	P	Section 20.40.520
Public eating establishment in conjunction with a winery, brewery, or distillery	P	P	P	P	P	P	Part 5.75, Chapter 20.80
Taproom or tasting room in conjunction with a winery, brewery, or distillery	A	A	A	A	A	A	Part 5.75, Chapter 20.80
Taproom or tasting room with off-sale of alcohol	A	A	A	A	A	A	Part 5.75, Chapter 20.80
General Services							
Bail Bonds Establishment	S	S	S	-	S	S	Note 11; Part 1.5, Chapter 20.80
Bed and breakfast inn	P	P	P	P	P	P	Part 2, Chapter 20.80
Dry cleaner	P	P	P	P	P	P	
Hotel or motel	P	P	P	P	P	P	

Single room occupancy (SRO) hotel	C	C	C	C	C	C	Part 15, Chapter 20.80
Laundromat	P	P	P	P	P	P	
Maintenance and repair, small household appliances	P	P	P	P	P	P	
Messenger services	P	P	P	P	P	P	
Mortuary and funeral services	P	P	P	P	P	P	
Personal services	P	P	P	P	P	P	Section 20.200.880
Printing and publishing	P	P	P	P	P	P	
Social service agency	S	S	S	S	S	S	
Health and Veterinary Services							
Animal boarding, indoor	P	P	P	P	P	P	Note 7
Animal grooming	P	P	P	P	P	P	Note 7
Emergency ambulance service	C	C	C	-	C	C	
Hospital/in-patient facility	C	C	C	-	C	C	
Office, medical	P	P	P	P	P	P	
Veterinary clinic	P	P	P	P	P	P	
Historic Reuse							
Historic landmark structure reuse	S	S	S	S	S	S	Part 8.5, Chapter 20.80
Industry and Manufacturing							
Laboratory, processing	P	P	P	-	-	-	
Manufacturing and assembly, light	P	P	P	-	-	-	Note 22
Office, research and development	P	P	P	-	S	S	Note 21
Offices and Financial Services							
Automatic teller machine	P	P	P	P	P	P	Section 20.80.200
Business support	P	P	P	P	P	P	
Office, general business	P	P	P	P	P	P	

Retail bank / Financial services	P	P	P	P	P	P	
Public, Quasi-Public and Assembly Uses							
Cemetery	C	C	C	C	C	C	
Church/religious assembly	S	S	S	S	S	S	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	P	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (privately operated)	S	S	S	S	S	S	
Recycling Uses							
Reverse vending machine	A	A	A	A	A	A	Part 13, Chapter 20.80
Small collection facility	A	A	A	A	A	A	Part 13, Chapter 20.80
Transportation and Utilities							
Community television antenna systems	C	C	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	-	S	S	Section 20.90.200
Parking establishment, off-street	S	-	S	-	-	-	Note 23
Television, radio studios without antenna/dishes	C	C	C	-	-	-	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	-	-	-	-	
Utility facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	-	-	
Wireless communication antenna	C	C	C	C	C	C	Note 18;

							Sections 20.100.1300, 20.80.1915
Wireless communication antenna, slimline monopole	S	S	S	S	S	S	Note 19; Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	P	P	Note 19; Sections 20.80.1910, 20.80.1915
Utilities, Electrical Power Generation							
Co-generation facility	S	S	S	S	S	S	
Fuel cells	P	P	P	P	P	P	
Private electrical power generation facility	C	C	C	C	C	C	
Solar photovoltaic system	P	P	P	P	P	P	Section 20.100.610 C.7.
Stand-by/backup facilities that do not exceed noise or air standards	A	A	A	A	A	A	
Stand-by/backup facilities that do exceed noise or air standards	C	C	C	-	-	-	
Temporary stand-by/backup	P	P	P	P	P	P	
Vehicle Related Uses							
Sale or leasing of vehicles, showroom only	P	P	P	-	-	-	Note 24
Sale, vehicle parts	S	S	S	-	S	S	Note 9
For all other vehicle related uses refer to the General Use Regulations as described in section 20.55.201 (K)							

Notes:

1. Alcohol, off-sales are limited to products manufactured on-site for wineries, breweries, or distilleries.
2. Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
3. Classroom use only, no driving courses or on-site storage of vehicles permitted in UVC, UV, MUC, MUN, UR or TR Zoning Districts.
4. Indoor uses related to trade or vocational schools are Permitted, any outdoor uses will require a Special Use Permit.
5. If the Daycare use exceeds the noise standards, as set forth in Chapter 20.40 in Section 20.40.600, it will require a Special Use Permit.
6. One-family dwellings or two-family dwellings are allowed as part of a larger development which meets the minimum density requirement in the UR and TR zoning districts.
7. Except as an incidental use to neighborhood agriculture, all uses involving any type of care for animals, including but not limited to grooming, boarding, medical care, must be conducted wholly inside a building.
8. Incidental repair includes non-invasive engine service, maintenance, and repair, including but not limited to, air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
9. No outdoor sales areas or dismantling allowed.
10. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
11. Bail bond establishments shall not be located and are prohibited uses on the ground floors of structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-138 on other, above-ground floors of structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this title.
12. Charging stations that are incidental to a separate primary use that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all commercial zoning districts.

13. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
14. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, public eating establishments, drinking establishments, outdoor vending facilities, and other commercial uses of similar character and intensity.
15. Use permit applications for stadiums that consist of more than 2,000 seats and that are in airport influence areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the city.
16. Neighborhood agriculture in conformance with this title is a permitted use that may operate on a site without a permanent building on that site.
17. Hotel supportive housing may be permitted only with a conditional use permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modifications of existing wireless facilities may be permitted with an administrative permit in accordance with Section 20.80.1915 of Chapter 20.80.
19. Conditional use permit required outside of Urban Villages; Special use permit in Urban Villages.
20. Permanent supportive housing is a permitted use as mixed use or residential-only development. For information regarding the ministerial approval process, refer to Chapter 20.195 for more information.
21. Research and Development is allowed through a Special Use Permit in TR and UR if the use on site does not involve activity that would create noxious sounds, smells, or vibrations.
22. For the purposes of Chapter 20.55, Food and Beverage manufacturing is considered to be permitted under the Manufacturing and Assembly, light use, if it meets all of the following criteria:
 - a. The use must include a retail space which is accessible from and adjacent to the street and open to the public during regular business hours.
 - b. Odors produced on-site shall not have a material negative effect on other businesses or properties in the area.
23. Surface parking which does not serve a use contained on the same site or under the same development permit is not permitted. Standalone parking structures are allowed under the following conditions:

- a. Parking structures shall comply with the Citywide Design Standards and Guidelines.
- b. In addition, the parking facility must meet one of the following criteria:
 - i. The parking facility shall be designed as a structured aboveground parking facility with ground floor commercial spaces, which are located along public rights-of-way or public open spaces, and which comply with Citywide Design Standards and Guidelines for ground floor commercial spaces.
 - ii. The parking facility shall be designed as an underground parking facility with a POPOS at grade level, which is open to the public 24 hours a day, and which complies with the Citywide Design Standards and Guidelines.

24. In UVC and MUC, sale and leasing of vehicles is permitted in the form of an interior showroom only with no on-site storage of vehicles other than display models in the showroom.

SECTION 2. Part 4 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 4 - ADJUSTMENTS

20.100.500 - Adjustments.

- A. The director may, at the director's sole discretion, approve an adjustment for the following elements of a previously-issued development permit, subject to and in accordance with the provisions of this section:
 1. General Extensions. An extension of the term of an approved development permit for a period of up to but not exceeding one year; provided, that no more than two such term extensions may be approved for any development permit.

2. Changes to an approved development permit, but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
3. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a development permit.
4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing planned development permit, [site development permit](#), or a low density cluster permit issued under previously existing provisions of this title.
5. Building mounted wireless communications antenna.
6. Tract sales, model homes sales, or leasing offices associated with an approved housing development.
7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
8. Solar photovoltaic systems.

9. The creation, on or above ground through installation, construction, or replacement, of less than one gross acre of impervious surface.
 10. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
 11. Building additions of less than five thousand square feet in area to nonresidential buildings, except that the maximum building addition size for a fast food restaurant, a twenty-four-hour convenience market, or a convenience market with gas pumps shall be one thousand square feet in area and the maximum building addition to a bank with a drive through shall be three thousand square feet in area.
 12. Generators meeting performance standards for noise and air pollution.
 13. Above-ground storage tanks of two thousand gallons or less in zoning districts other than industrial zoning districts and an above-ground storage tank of twenty thousand gallons or less in an industrial zoning district.
 14. Building additions of less than two hundred square feet in total area or less than ten percent of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance,

including without limitation the city's general plan, the provisions of this title, and the provisions of Title 21 of this Code.

- C. An application for an adjustment must be filed on the form provided by the director on or before the date that is three business days prior to the expiration of the development permit proposed for adjustment and accompanied by the fees as set forth in the schedule of fees adopted by resolution of the city council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an adjustment or to require the director to issue an adjustment. If the director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.
- E. Where property was developed prior to the requirement of a site development permit, adjustments for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full site development permit.
- F. If a structure or site is designated on the City of San José Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code as a city landmark structure and/or a structure located in a city landmark historic district, then proposed work that is within the parameters outlined in Section 13.48.340.D of Part 3 of Chapter 13.48 of Title 13 of this Code shall be governed by and considered pursuant to the provisions of Chapter 13.48 that require issuance of a historic preservation permit or historic preservation permit adjustment. Notwithstanding the provisions of this Section 20.100.500 setting forth the requirements for development permit adjustments, no additional development permit adjustment

issued pursuant to Title 20 of this Code shall be required for work performed on a site or structure that is designated as a city landmark structure, or on a structure located in a city landmark historic district, for which a historic preservation permit or historic preservation permit adjustment has been issued.

SECTION 3. Part 5 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 5 - SITE DEVELOPMENT PERMIT

20.100.600 - Purpose.

- A. The purpose of this part is to promote orderly development, to enhance the character, stability, integrity and appearance of neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of this title and of the San José General Plan.
- B. In order to accomplish the purpose, it is necessary for the city to review and regulate the aesthetic and functional aspects of structures and sites and to require, as the city determines necessary, the aesthetic and functional improvements to the site and to any structures thereon and to require off-site improvements.

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 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 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.

20.100.620 - Action by director.

Upon finding of an application for a site development permit completed pursuant to this chapter, the director shall review the application and shall set a public hearing on the application. Development within the Mixed Use Neighborhood zoning district that uses the Alternate standards, pursuant to Section 20.55.104, requires a subdivision and cannot be acted upon unless they are submitted and acted upon at the same time.

20.100.630 - Findings.

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

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

- B. The director, the planning commission, or the city council, as set forth in Table 20-260, shall deny the application where the information submitted by the applicant or presented at the public hearing fails to satisfactorily substantiate such findings.

20.100.640 - Amendment findings.

- A. Amendments to an approved site development permit may only be approved if there is a finding by the director, or planning commission on appeal, that the amendment does not negate any findings required by Section 20.100.630.
- B. Nothing in this section shall preclude the director, or the planning commission on appeal, from modifying, adding or deleting any condition in order to protect the public peace, health, safety, morals or welfare.

20.100.650 - Building relocations.

A site development permit for the relocation of a building or part thereof onto a lot or parcel within the City of San José may be conditioned upon the applicant providing a performance bond, or some equivalent means satisfactory to the director of guaranteeing that all work permitted and/or required by the site development permit be completed in a timely manner. The permit shall include time limitations for the commencement and completion of the relocation, and for the commencement and completion of any required architectural and other required improvements.

20.100.660 - Appeal.

The appeal of any action taken under this part shall be governed by the procedures set forth in Sections 20.100.220 through 20.100.280.

SECTION 4. Part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 9 - SINGLE-FAMILY HOUSE PERMIT

20.100.1000 - Purpose.

- A. The purpose of this part is to promote orderly development, to enhance the character, stability, integrity and appearance of single-family neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of this title and the San José General Plan.

- B. In order to accomplish the purpose, it is necessary for the city to review and regulate the aesthetic and functional aspects of single-family houses and sites and to require, as the city determines necessary, aesthetic and functional improvements to the site and to any structures thereon and to require off-site improvements.

20.100.1005 Applicability

The Single-family House Permit regulations shall only apply to single-family homes developed in the R-1, R-2 and RM zoning districts.

20.100.1010 - Single-family house defined.

For purposes of this part, "single-family house" means a structure designed and/or used as an R-3 occupancy as defined in the building code and otherwise designated a one-family dwelling elsewhere in this Code.

20.100.1020 - Floor area ratio defined.

For purposes of this part, "floor area ratio" means the gross floor area of the single-family house divided by the total lot area. Garages, basements and accessory structures are not included in the gross floor area for the purposes of this part. The floor area includes the sum of all the floors in the main structure measured to the outside surface of the exterior walls. It includes the stairwells at all floors and all areas that are greater than fifty percent enclosed with walls and covered.

20.100.1030 - Single-family house permit required.

- A. A valid single-family house permit issued under this part is required prior to the issuance of a building permit for a single-family house that is a covered activity, as the terms building permit and covered activity are defined in Sections 18.40.210 and 18.40.220 of Chapter 18.40 of Title 18 of this Code, if:
1. The single-family house is located within one hundred feet of a riparian corridor as measured from top of bank or vegetative edge, whichever is greater; and
 2. The single-family house site is equal to or greater than one-half acre in size. Proof of payment of all applicable fees that are required under Title 18 Chapter 18.40 of this Code must be submitted to the director prior to

issuance of a building permit for any project that is subject to payment of fees under Part 3 of Chapter 18.40 of Title 18 of this Code.

B. A valid single-family house permit issued under this part is required prior to the issuance of a building permit for the following activities, unless specifically exempted by Subsection C. below:

1. Erection, construction, enlargement, placement or installation of a single-family house on any site; or
2. Exterior alteration of a single-family house.

C. No single-family house permit is required under Subsection B. above if any of the following applicable criteria and conditions is met:

1. The issuance of the building permit will result in a single-family house in any residential district with a floor area ratio equal to or less than forty-five hundredths or height equal to or less than thirty feet and/or equal to or less than two stories; or the site is not an 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 building 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 or result in height that is greater than thirty feet and/or greater than two stories; and
 - b. Meet the development regulations of the R-1-8 residential zoning 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.
3. The single-family houses 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 new single-family houses.
 4. The issuance of building permits will result in a single-family house in any residential zoning district with a floor area ratio equal to or less than forty-five hundredths and a height greater than thirty feet and/or two 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 feet above grade; and
 - b. The height of the proposed house will be equal to or less than thirty feet plus the required one hundred-year flood depth elevation or the maximum height of the residential zoning district in which the proposed house will be located, whichever height is less; and
 - c. The site is not an historic resource listed on the historic resources inventory pursuant to Chapter 13.48 of Title 13 of this Code.
5. 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.
- D. 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.

20.100.1040 - Additional Development Requiring a Single-Family House Permit.

- A. Issuance of a single-family house permit subject to the administrative procedures set forth in this part is required if the issuance of a building permit will result in a single-family house that is a historic resource, but is not a city landmark or located in a city historic district, with a floor area ratio equal to or less than forty-five hundredths, or if the issuance of a building permit is for minor modifications involving incidental enlargement, reconstruction, replacement, repair, remodeling, rehabilitation, restoration and/or exterior alteration of a historic resource, that fully conforms to approved design guidelines, and does not affect the historic significance or character, use, intensity, architectural style, circulation or other site function of the property.
- B. Issuance of a single-family house permit is subject to the administrative procedures set forth in this part, if the issuance of the building permit will result in a single-family house with a floor area ratio greater than forty-five hundredths but equal to or less than sixty-five hundredths, and all of the following applicable criteria are met:
1. Building permit does not authorize removal of more than fifty percent of the exterior walls of an existing house;
 2. Building permit is for an addition to an existing house and the addition is for either one or both of the following:
 - a. A single story and ground floor addition; and/or
 - b. A second-story addition which results in a second story which is no larger than sixty percent of existing first floor area and which is set back ten feet from the required front setback;

- c. A first-story or second-story infill addition into an existing space within a house constructed prior to requirement to obtain a single-family house permit for certain ~~single-family~~single-family construction.
3. Building permit does not authorize the enclosure or net loss of ten percent or more of an existing porch;
 4. Building permit authorizes an attached garage only if the houses on each side of the subject lot have existing attached garages;
 5. Building permit requires the roofline, materials, trim and decoration details of the new construction to be the same as that on the existing house;
 6. Building permit authorizes alteration to a single-family house that is a historic resource, but is not a city landmark or located in a city landmark historic district, which alterations fully conform to or exceed approved design guidelines.
- C. Subject to the provisions of Section 20.100.1030, if the issuance of a building permit will result in a single-family house with a floor area ratio greater than forty-five hundredths and all the applicable criteria of either Subsection 20.100.1040 A or 20.100.1040 B are not met, issuance of a single-family house permit shall be subject to the director public hearing procedures set forth in this part.

20.100.1050 - Houses greater than thirty feet high and/or two stories tall.

Subject to the provisions of Section 20.100.1030.A.5, if the issuance of a building permit will authorize new construction greater than thirty feet high and/or two stories tall, the

single-family house permit is subject to the director public hearing procedures set forth in this part.

20.100.1060 - Administrative procedures.

For any application for a single-family house permit which is subject to the administrative approval procedures:

- A. The director may, in the director's sole discretion, approve an administrative level single-family house permit.
- B. The decision is an administrative determination and requires no hearing or notice.
- C. The action of the director is final. If the application is denied, nothing in this section shall preclude the applicant from filing an application for a director approval pursuant to this part.

20.100.1070 - Director public hearing procedures.

For any application for a single-family house permit which is subject to the director public hearing procedures:

- A. Upon finding an application for a single-family house permit completed pursuant to Part 1 of this chapter, the director shall review the application and shall set a public hearing on the application.

- B. The director shall cause notice of the time and place, at which all persons may appear before the director and be heard, to be given in accordance with Section 20.100.190.
- C. The director, or planning commission on appeal, may approve, conditionally approve, or deny the application only upon making the findings set forth in this part.

20.100.1080 - Appeal of director approval.

Any action taken by the director under this part may be appealed to the planning commission by filing with the director a written notice of appeal within ten calendar days after a copy of the decision of the director has been placed in the mail to the applicant. The applicant or any property owner or tenant of property within three hundred feet of the subject site may file such a notice of appeal. When such notice has been accepted by the director for filing:

- A. The director shall set a date for the public hearing before the planning commission.
- B. The director shall cause notice of the time and place, at which all persons may appear before the director and be heard, to be given in accordance with Section 20.100.190.
- C. The decision of the planning commission shall be mailed to the applicant, at the address shown on the application, and to all persons eligible to appeal who have requested such notice pursuant to Section 20.100.200.

20.100.1090 - Findings.

- A. The director, or planning commission on appeal, shall grant the single-family house permit only after making the following applicable findings:
1. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
 2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
 3. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.
 4. For projects that require a single-family house permit under Section 20.100.1030.A of this part, the director, or the planning commission, as set forth in Table 20-260, shall grant the single-family house permit after review of project design, only if the director or the planning commission finds that the project complies with Title 18, Chapter 18.40 of this Code.
- B. The director, or planning commission on appeal shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

20.100.1100 - Exception - Previously approved special use permit.

- A. Notwithstanding any contrary provision of this part, no single-family house permit shall be required for the construction of a single-family house if:
 - 1. A special use permit for demolition of an existing single-family house was approved prior to December 31, 2000; and
 - 2. Plans for the replacement single-family house were submitted as part of the special use permit application; and
 - 3. Building permits are obtained prior to December 31, 2000.
- B. Construction of the single-family house shall be in conformance with the plans submitted as part of the special use permit application.
- C. If an appeal of a special use permit is heard after the effective date of this part, the plans for the replacement dwelling may be evaluated and considered as part of the appeal. The planning commission on appeal shall approve the plans for the replacement single-family home.

20.100.1110 - Exception - Approved final maps.

Notwithstanding any contrary provision of this part, no single-family house permit shall be required for the construction of a single-family house(s) if:

- A. The single-family house is situated on a lot created by a final map for twenty-five or more lots in an R-1 residential zoning district which was approved after January 1, 1999, and prior to the effective date of this part; and

- B. Building permits for the single-family house(s) are issued prior to December 31, 2000.

SECTION 5. Part 5.75 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 5.75 - TAPROOM OR TASTING ROOM AND OFF-SALE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A WINERY, BREWERY, OR DISTILLERY

20.80.476 - Administrative permit required.

No person shall place or operate or allow or suffer the operation of any taproom or tasting room facility which serves members of the public on any privately-owned parcel or lot except in compliance with an administrative permit issued pursuant to this title. The application for such administrative permit may be filed by the operator of the taproom or tasting room pursuant to the requirements of Chapter 20.100. Alternatively, applicants can apply for a special use permit or conditional use permit for uses which do not meet the regulations of the administrative permit.

20.80.477 - Findings.

- A. The administrative permit shall be granted only if the director makes the following findings:
1. The taproom or tasting room facility, as designed and at the location requested, will not create adverse impacts on the health, safety, or welfare of persons residing or working in the surrounding area; and

2. The proposed site is adequate in size and shape to accommodate the taproom or tasting room, and any manufacturing uses on site.
- B. The director shall deny the application where the information submitted by the applicant fails to satisfactorily substantiate such findings.

20.80.478 - Taproom or Tasting Room in Downtown Zoning Districts.

- A. In Downtown Zoning Districts, an Administrative Permit may be issued pursuant to the applicable provisions of this Title for the off-sale of alcohol or the addition of a tap room or tasting room, only if the applicant meets the following criteria:
1. Use Authorization. The Administrative Permit authorizes the following uses to be implemented on the property subject to the Permit:
 - a. A drinking establishment (taproom or tasting room) in conjunction with a winery, brewery, or distillery.
 - b. Off-sale of alcohol as incidental to a winery, brewery, or distillery.
 - c. A standalone drinking establishment (taproom or tasting room) with off-sale of alcohol.
 2. Alcohol Service and Sale. Alcohol service shall be conducted in full compliance with the issued ABC license.

3. Limitation on Area of Alcohol Sales. In Downtown Zoning Districts there are no restrictions on the size of retail space, including taprooms, tasting rooms, or any retail display areas. The alcohol available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site or in the case of a duplicate license, at the ABC license holder's primary manufacturing site.
4. Vendor Delivery Parking. The permittee shall discourage vendors from parking delivery vehicles illegally on City streets and shall identify to vendors the available legal loading and unloading zones.
5. Warehousing, Storage and Bottling. In Downtown Zoning Districts the manufacturing space should not exceed 70% of the total square footage. All aspects of manufacturing should be conducted in a fully enclosed building.
6. Outdoor Storage. No outdoor storage is allowed or permitted unless designated on the approved plan set.
7. Outdoor areas. Outdoor seating or dining areas shall not be located within 150 horizontal feet of any residential unit and shall be closed to the public by 10:00 p.m. Existing, previously approved, outdoor seating areas may be permitted within 150 feet of residential units. Locations within 150 from residential units may be permitted if they conform to the following criteria:
 - a. The outdoor area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred feet that includes a public street with a minimum public right-of-way dimension of eighty feet; and

- b. The outdoor area does not include any equipment to produce any noise that does not comply with Section 20.40.600 of Chapter 20.40; and
 - c. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.
- 8. Hours of Operation: Taproom or tasting room uses shall not be open to the public before 11:00 a.m. and shall not be open past 12:00 a.m.
 - 9. Food trucks. One food truck per site may be permitted, subject to the outdoor vending regulations detailed in Part 10 of Chapter 20.80.
 - 10. Nuisance. This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance shall be abated immediately upon notice by the City.
 - 11. Noise and Acoustics. The permittee shall prevent disturbing or unreasonable noise which can be heard from neighboring properties. Ambient music provided for the listening enjoyment of customers is exempted.
 - 12. Anti-Graffiti. The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
 - 13. Anti-Litter. The site and surrounding area shall be maintained free of litter, refuse, and debris:

- a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
 - b. The operator of the proposed use shall clean the public right of way immediately adjacent to the subject site before 8:00 am each day, unless it is a participant in a Property Business Improvement District which provides such sidewalk cleaning services for the neighborhood in the vicinity of the project site, including the immediately adjacent public right of way.
 - c. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.
14. Revocation, Suspension, Modification. The Administrative Permit may be revoked, suspended or modified by the Director of Planning on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code a finding is made under Section 20.100.350.

20.80.479 - Taproom or Tasting Room in Commercial, Urban Village, and Mixed Use Zoning Districts.

- A. In Commercial, Urban Village, and Mixed Use Zoning Districts, an Administrative Permit may be issued pursuant to the applicable provisions of this Title for the off-

sale of alcohol or the addition of a tap room or tasting room, only if the applicant meets the following criteria:

1. Use Authorization. The Administrative Permit authorizes the following uses to be implemented on the property subject to the Permit:
 - a. A drinking establishment (taproom or tasting room) in conjunction with a winery, brewery, or distillery.
 - b. Off-sale of alcohol as incidental to a winery, brewery, or distillery.
 - c. A standalone drinking establishment (taproom or tasting room) with off-sale of alcohol.
2. Alcohol Service and Sale. Alcohol service shall be conducted in full compliance with the issued ABC license.
3. Limitation on Area of Alcohol Sales. In Commercial, Urban Village, and Mixed Use Zoning Districts the size of retail space, including tap rooms, tasting rooms, or any retail display areas must not exceed 5,000 square feet. The alcohol available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site or in the case of a duplicate license, at the ABC license holder's primary manufacturing site.
4. Vendor Delivery Parking. The permittee shall discourage vendors from parking delivery vehicles illegally on City streets and shall identify to vendors the available legal loading and unloading zones.

5. Warehousing, Storage and Bottling. In ~~Downtown~~ Commercial, Urban Village, and Mixed Use Zoning Districts the manufacturing space should not exceed 70% of the total square footage. All aspects of manufacturing should be conducted in a fully enclosed building.
6. Outdoor Storage. No outdoor storage is allowed or permitted unless designated on the approved plan set.
7. Outdoor areas. Outdoor seating or dining areas shall not be located within 150 horizontal feet of any residential unit and shall be closed to the public by 10:00 p.m. Existing, previously approved, outdoor seating areas may be permitted within 150 feet of residential units. Locations within 150 from residential units may be permitted if they conform to the following criteria:
 - a. The outdoor area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred feet that includes a public street with a minimum public right-of-way dimension of eighty feet; and
 - b. The outdoor area does not include any equipment to produce any noise that does not comply with Section 20.40.600 of this chapter; and
 - c. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.

8. Hours of Operation: Taproom or tasting room uses shall not be open to the public before 11:00 a.m. and shall not be open past 10:00 p.m.
9. Food trucks. One food truck per site may be permitted, subject to the outdoor vending regulations detailed in Part 10 of Chapter 20.80.
10. Nuisance. This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance shall be abated immediately upon notice by the City.
11. Noise and Acoustics. The permittee shall prevent disturbing or unreasonable noise which can be heard from neighboring properties. Ambient music provided for the listening enjoyment of customers is exempted.
12. Anti-Graffiti. The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.
13. Anti-Litter. The site and surrounding area shall be maintained free of litter, refuse, and debris:
 - a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
 - b. The operator of the proposed use shall clean the public right of way immediately adjacent to the subject site before 8:00 am each day, unless it is a participant in a Property Business Improvement District

which provides such sidewalk cleaning services for the neighborhood in the vicinity of the project site, including the immediately adjacent public right of way.

- c. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.
14. Revocation, Suspension, Modification. The Administrative Permit may be revoked, suspended or modified by the Director of Planning on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2 , Chapter 20.100, Title 20 of the San José Municipal Code a finding is made under Section 20.100.350.

20.80.480 - Taproom or Tasting Room in Industrial Zoning Districts.

- A. In Industrial Zoning Districts, an Administrative Permit may be issued pursuant to the applicable provisions of this title for the off-sale of alcohol or the addition of a tap room or tasting room, only if the applicant meets the following criteria:
1. Use Authorization. The Administrative Permit authorizes the following uses to be implemented on the property subject to the Permit:
 1. A drinking establishment (taproom or tasting room) in conjunction with a winery, brewery, or distillery.
 2. Off-sale of alcohol as incidental to a winery, brewery, or distillery.

2. Alcohol Service and Sale. Alcohol service shall be conducted in full compliance with the issued ABC license.
3. Limitation on Area of Alcohol Sales. In Heavy Industrial (HI) and Light Industrial (LI) Zoning Districts the size of retail space, including tap rooms, tasting rooms, or any retail display areas must not exceed 20% of the total tenant space (inclusive of outdoor areas). There is no limit on the size of the retail space in other Industrial Zoning Districts. The alcohol available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
4. Vendor Delivery Parking. The permittee shall discourage vendors from parking delivery vehicles illegally on City streets and shall identify to vendors the available legal loading and unloading zones.
5. Warehousing, Storage and Bottling. In Industrial Zoning Districts there are no limits on the size of manufacturing space. All aspects of manufacturing should be conducted in a fully enclosed building.
6. Outdoor Storage. No outdoor storage is allowed or permitted unless designated on the approved plan set.
7. Outdoor Areas. Outdoor seating or dining areas shall not be located within 150 horizontal feet of any residential unit and shall be closed to the public by 10:00 p.m. Existing, previously approved, outdoor seating areas may be permitted within 150 feet of residential units. Locations within 150 from residential units may be permitted if they conform to the following criteria:

- a. The outdoor area is completely separated from residentially zoned property by a non-residential building or by a minimum distance of one hundred feet that includes a public street with a minimum public right-of-way dimension of eighty feet; and
 - b. The outdoor area does not include any equipment to produce any noise that does not comply with Section 20.40.600 of Chapter 20.40; and
 - c. The outdoor dining area does not operate between the hours of 10:00 p.m. and 6:00 a.m.
8. Hours of Operation: Taproom or tasting room uses shall not be open to the public before 11:00 a.m. and shall not be open past 10:00 p.m.
 9. Food trucks. One food truck per site may be permitted, subject to the outdoor vending regulations detailed in Part 10 of Chapter 20.80.
 10. Nuisance. This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance shall be abated immediately upon notice by the City.
 11. Noise and Acoustics. The permittee shall prevent disturbing or unreasonable noise which can be heard from neighboring properties. Ambient music provided for the listening enjoyment of customers is exempted.
 12. Anti-Graffiti. The permittee shall remove all graffiti from buildings fences, and wall surfaces within 48 hours of defacement.

13. Anti-Litter. The site and surrounding area shall be maintained free of litter, refuse, and debris:
 - a. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
 - b. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.

14. Revocation, Suspension, Modification. The Administrative Permit may be revoked, suspended or modified by the Director of Planning on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2 , Chapter 20.100, Title 20 of the San José Municipal Code a finding is made under Section 20.100.350.

SECTION 6. Part 8.5 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 8.5 - HISTORIC LANDMARK STRUCTURE RE-USE

20.80.650 - Intent, historic landmark structure re-use.

The intent of this part is to facilitate the continued use and occupancy of historic landmark structures by allowing consideration of a wider variety of potential uses through the

creation of a discretionary process for the approval of uses in a historic landmark structure that would not otherwise be allowed in a particular zoning district.

20.80.660 - Applicability and permit process.

- A. In any residential district, additional uses beyond those allowed in the applicable district are allowed in or at a historic landmark structure subject to a conditional use permit as delineated in Part 6 of Chapter 20.100 Administration and Permits. Such additional uses shall be limited to permitted and conditional uses of any other residential district and permitted or conditional uses of the CP Commercial Pedestrian District, excepting vehicle-related uses.
- B. In a commercial, urban village, mixed use, industrial, or downtown district, additional, un-enumerated uses beyond those allowed by right or conditionally in the applicable district, as well as enumerated uses that are not currently allowed, may be allowed in or at a historic landmark structure subject to a special use permit, as delineated in Part 7 of Chapter 20.100, Administration and Permits.

20.80.670 - Additional findings, historic landmark structure re-use.

- A. In addition to any findings required by any other section of this title, the director, or planning commission on appeal, may issue a special use permit, and the planning commission, or city council on appeal, may issue a conditional use permit, all pursuant to the provisions of this title, for a use of a historic landmark structure as described and allowed pursuant to the provisions of this part only if all of the following additional findings also can be made:

1. The proposed use of the historic landmark structure is compatible with and will not cause adverse impacts to the surrounding uses; and
 2. The proposed use of the historic landmark structure will not cause adverse impacts to the historic landmark structure; and
 3. Any changes proposed to the historic landmark structure, or the site on which this historic landmark structure is located, as part of a project will comply with the United States Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings; and
 4. The proposed re-use of the historic landmark structure complies either with the Uniform Building Code or the State Historic Building Code; and
 5. If the historic landmark structure is located in a residential district, the proposed re-use of the historic landmark structure will not impair the integrity of the surrounding residential neighborhood or the surrounding area is not predominately residential in character.
- B. The director, or planning commission on appeal, or the planning commission, or city council on appeal, as applicable, shall deny the development permit application where the decision-maker cannot make any one of the findings set forth in Subsection A. above, or other required finding under this title, based upon substantial evidence in the record.

SECTION 7. Part 11 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 11 - OFF-SALES OF ALCOHOLIC BEVERAGES

20.80.900 - Off-sale of alcoholic beverages.

- A. A conditional use permit may be issued pursuant to the applicable provisions of this title for the off-sale of any alcoholic beverages only if the decision-making body first makes the following additional findings, where applicable:
1. For such use at a location closer than five hundred feet from any other such use involving the off-sale of alcoholic beverages, situated either within or outside the city, that the proposed location of the off-sale alcohol use would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one thousand foot radius from the proposed location.
 2. For such use at a location closer than five hundred feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the city, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a one thousand foot radius from the proposed location, that the resulting excess concentration of such uses will not:
 - a. Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the area; or

- c. Be detrimental to public health, safety or general welfare.
3. For such use at a location closer than five hundred feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or one hundred fifty feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.
- B. The off-sale of alcohol as incidental sales in conjunction with the sale of gift baskets, balloons and flowers is exempt from the requirement of a conditional use permit.
- C. Where a conditional use permit application requesting the off-premises sale of alcoholic beverages also would require a determination of public convenience and necessity under the provisions of Chapter 6.84 of Title 6 of this Code, and the planning commission cannot make the required findings under Section 6.84.030 of Chapter 6.84 of Title 6 of this Code, the planning commission shall make a report and recommendation to the city council on said conditional use permit application. In this instance, the city council shall be the initial and final decision-making body on said conditional use permit application.
- D. In the Downtown Primary Commercial Zoning District (DC), an Administrative Permit or a Special Use Permit may be issued for a taproom or tasting room with off-sale of alcohol either as a standalone use or in conjunction with an alcohol manufacturing site such as a winery, brewery, or distillery, pursuant to the

regulations set forth in Part 5.75 of Chapter 20.80, and are not subject to the above conditional use permit requirements.

- E. In Commercial Zoning Districts (CP, CN, and CG) Urban Village (UV and UVC), Mixed Use (MUC, MUN, UR, and TR), and Industrial Zoning Districts (CIC, TEC, IP, HI, and LI), an Administrative Permit or a Special Use Permit may be issued for a taproom or tasting room with off-sale of alcohol in conjunction with a winery, brewery, or distillery, pursuant to the regulations set forth in Part 5.75 of Chapter 20.80, and are not subject to the above conditional use permit requirements.

SECTION 8. Part 13.7 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 13.7 - RETAIL ART STUDIO

20.80.1175 - Retail art studio.

- A. Retail art studios are a permitted use in the CP~~commercial pedestrian~~, CN~~commercial neighborhood~~, CG~~commercial general~~, UVC, UV, MUC, MUN, UR, TR, MS-G~~main street ground floor commercial~~, MS-C~~main street commercial~~, DC~~downtown primary commercial~~, and DC-NT1~~downtown commercial neighborhood transition 1~~ 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 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 percent of the total floor area shall be devoted to retail sales; and
4. All activities, except for activities that conform to Section 20.40.520 or Section 20.75.320, 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 José.

B. A retail art studio that does not conform to all of the requirements set forth in Section 20.80.1175A. may be allowed through the approval of a special use permit.

SECTION 9. Part 14 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 14 - SEASONAL SALES

20.80.1200 - Seasonal sales.

Notwithstanding anything in this title to the contrary, seasonal sales, including the sale of Halloween pumpkins and Christmas trees, may be held on lots in the CO, CP, CN, CG, UVC, UV, MUC, MUN, UR, TR, IP, LI, and HI zoning districts, as well as on lots zoned planned development where the permitted uses align with the permitted uses in the aforementioned lots. Such seasonal sales may also be held on property in any zoning

district if such property is designated public/quasi-public on the land use/ transportation diagram of the general plan and the property is currently being used for uses consistent with that designation.

20.80.1210 - Regulation of use.

The following regulations shall apply to all seasonal outdoor Halloween pumpkin and Christmas tree sales lots:

- A. Seasonal outdoor Halloween pumpkin sales are allowed between October 1 and November 5, inclusive;
- B. Seasonal outdoor Christmas tree sales are allowed between November 6 and December 30, inclusive;
- C. Temporary structures and buildings one hundred twenty square feet or less in floor area are allowed if they are located at least twenty feet from any property line;
- D. Activity associated with seasonal outdoor Halloween pumpkin and Christmas tree sales may not be conducted on any portion of a lot which is closer than one hundred feet to any residentially used lot.
- E. Seasonal outdoor Halloween pumpkin and Christmas tree sales must occur in an area designated for such sale as set forth in any development permit issued for the site.

SECTION 10. Part 18 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 18 - TEMPORARY TRAILERS

20.80.1700 - Use of temporary trailer.

This part is to allow temporary trailers to be used only for the following purposes:

- A. The continuation of a commercial, industrial or manufacturing business while a primary structure is undergoing alteration or restoration; and
- B. The temporary erection of antennas mounted on trailers for short term operation while permitted alterations of existing wireless communication antennas are being constructed or for short term testing of coverage for wireless communication systems.

20.80.1710 - Definitions.

The following definitions are for purposes of this part:

- A. "Primary structure" means an existing building in which a principal permitted commercial, industrial or manufacturing use has been conducted and as to which an applicant for a permit under this part has demonstrated a need for retrofit, restoration or other such work.
- B. "Temporary use trailer" means a trailer, modular unit or other moveable prefabricated structure which is 2,000 (two thousand) square feet or less in floor area.

- C. "Temporary antenna trailer" means a temporary, portable antenna, along with attendant cabinets and other equipment, mounted on a trailer that is licensed by the California Department of Motor Vehicles and is capable of towing by a single axle pickup truck.

20.80.1720 - Zoning districts and permit required.

No temporary use trailer or temporary antenna trailer shall be used on any property unless:

- A. The property is located in a commercial zoning district, in an urban village or mixed use zoning district, in an industrial zoning district, or those planned development zoning districts which permit uses in the commercial or industrial districts; and
- B. The property owner has obtained a valid permit issued in conformance with this part.

20.80.1730 - Temporary use trailer - Permit required.

- A. A temporary use trailer for use as a replacement structure during retrofit, restoration or other such work on a primary structure requires one of the following permits:
 - 1. An administrative permit, as provided in Chapter 20.100 of this title, and in conformance with the requirements of this section and Section 20.80.1740; or

2. In the event the owner cannot meet the requirements of this part or the director denies an administrative permit, a special use permit, as provided in Chapter 20.100.
- B. All applications for a permit for a temporary use trailer shall set forth facts demonstrating to the satisfaction of the director the need to use a temporary use trailer to continue to conduct a commercial, industrial, or manufacturing use, which was in compliance with this title, at a primary structure located on the same lot for which the permit is being requested and in order to accomplish one or more of the following:
1. Retrofit for seismic safety;
 2. Restoration of the primary structure necessitated by the total or partial destruction or damage of the structure by catastrophic event or sudden cause;
 3. Modification of the primary structure, or of equipment or processes at the facility, that requires on-site workers to vacate the primary structure while work is undertaken; or
 4. Other such work determined by the director to be in the interest of public health and safety.
- C. All applications shall demonstrate that the proposed temporary use trailer shall be maintained in conformance with the provisions of Section 20.80.1740.
- D. Upon a determination that the application meets the requirements of this part, the director may issue the administrative permit.

20.80.1740 - Temporary use trailer - Conditions of issuance.

The use of any temporary use trailer shall be in accordance with all of the following conditions:

- A. The use of the temporary use trailer may be permitted for up to one year, and renewed for one additional year at the discretion of the Director.
- B. No more than one temporary use trailer per lot shall be permitted at any given time, except that in the case where temporary use trailers are being used to temporarily house on-site workers displaced from the primary structure due to temporary construction activities under the provisions of Section 20.80.1730B.3., additional temporary use trailers may be permitted as needed to temporarily house those displaced workers provided that each and all of the temporary use trailers do not conflict with applicable development standards including without limitation setback and parking requirements.
- C. Temporary use trailers shall be located a minimum of fifteen feet from the front property line.
- D. No temporary use trailer shall be used in such a manner that circulation aisles are blocked.
- E. The minimum number of required off-street parking spaces for the site shall be calculated according to the provisions of Chapter 20.90 based upon the cumulative

square footage of temporary use trailers and any remaining useable space in the primary structure.

- F. Not more than one sign shall be permitted per lot. Such sign shall be attached to the trailer and shall not exceed six square feet in area.
- G. The hours of operation shall be the same as for the preexisting use in the primary structure.
- H. Nothing herein excuses full compliance with the provisions of Section 20.150.020 of this title.
- I. The temporary use trailer shall comply with all applicable building and fire safety standards.
- J. All necessary city permits, in addition to those required by this part, shall be obtained prior to installation of the temporary use trailer.
- K. The temporary use trailer shall be removed and the construction site shall be cleared of all debris upon completion of the retrofit, reconstruction or other work on the primary structure or upon revocation or expiration of the administrative or special use permit, whichever occurs first.
- L. No certificate of occupancy, as provided for in Section 307 of the building code, shall be issued for the primary structure until after the temporary use trailer has been completely removed from the lot and all utilities have been disconnected from the temporary use trailer in a safe manner.

- M. Revocation of any permit issued hereunder shall be in accordance with the provisions of this title which are applicable to the type of permit issued.

20.80.1750 - Temporary antenna trailer - Permit required.

- A. A temporary antenna trailer for the testing of a wireless communication network requires the following permit:
1. An administrative permit, as provided in Chapter 20.100 of this title, and in conformance with the requirements of this section and Section 20.80.1760; or
 2. In the event the owner cannot meet the requirements of this part or the director denies an administrative permit, a special use permit, as provided in Chapter 20.100.
- B. All applications for permit for a temporary antenna trailer shall set forth facts demonstrating to the satisfaction of the director that the temporary antenna trailer will be used to determine if the site is necessary for a wireless communications network.
- C. All applications shall demonstrate that the proposed temporary antenna trailer shall be maintained in conformance with the provisions of Section 20.80.1760.

20.80.1760 - Temporary antenna trailer - Conditions of issuance.

The use of a temporary antenna trailer shall be in accordance with all of the following conditions:

- A. The temporary antenna trailer shall not exceed forty-five feet in height, or the maximum height of the zoning district, whichever is less; and
- B. The temporary antenna trailer shall operate for no more than one year at the site if for testing purposes; and
- C. If not for testing purposes the temporary antenna trailer shall operate for no longer than the duration of constructing permitted alterations of existing wireless communication antennas; and
- D. No temporary antenna trailer, for testing purposes, shall have operated within two thousand feet of the proposed site in the previous two years; and
- E. The issuance of the administrative permit is intended only for the temporary operation while permitted alterations of existing wireless communication antennas are being constructed or for the temporary testing of operation or design of the wireless communications network and the approval of such a temporary antenna trailer shall not serve as a justification or basis for future approvals of wireless communication antennas on the site; and
- F. No more than one temporary antenna trailer per site may be permitted at any given time; and
- G. The temporary antenna trailer shall be located a minimum of fifty feet from the property line; and
- H. No temporary antenna trailer shall block any circulation aisles; and

- I. The temporary antenna trailer shall comply with all applicable building and fire safety standards; and
- J. All necessary permits shall be obtained prior to installation of the temporary antenna trailer; and
- K. Revocation of any permit issued hereunder shall be in accordance with the provisions of this title which are applicable to the type of permit issued.

SECTION 11. Section 20.10.060 of Chapter 20.10 of Title 20 of the San José Municipal Code is amended to read as follows:

20.10.060 - Zoning districts established.

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

Table 20-10
City Zoning Districts

Zoning District	Zoning Map Symbol	Alternative Zoning Map Symbol
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OS Open Space	OS	OS
A Agricultural	A	A
Rural Residential Residence District (1DU/5 Acres)	R-1-RR	None
R-1-1 Residence District (1DU/Acre)	R-1-1	R-1-B-3
R-1-2 Residence District (2DU/Acre)	R-1-2	R-1-B-2
R-1-5 Residence District (5DU/Acre)	R-1-5	R-1-B-8, R-1-B-1
R-1-8 Residence District (8DU/Acre)	R-1-8	R-1, R-1-B-6
R-2 Residence District (2DU/Lot)	R-2	R-2
R-M Residence District (Multiple Unit/Lot)	R-M	R-3, R-3-F, R-3-A, R-3-B, R-3-C, R-4
R-MH District (mobilehome parks, travel trailer parks)	R-MH	T-M
CO Commercial Office District	CO	C-L, C
PQP Public/Quasi-Public District	PQP	None
CP Commercial Pedestrian District	CP	C-1
CN Commercial Neighborhood District	CN	C-2
CG Commercial General District	CG	C-3
<u>UVC Urban Village Commercial</u>	<u>UVC</u>	<u>None</u>
<u>UV Urban Village</u>	<u>UV</u>	<u>None</u>

<u>MUC Mixed Use Commercial</u>	<u>MUC</u>	<u>None</u>
<u>MUN Mixed Use Neighborhood</u>	<u>MUN</u>	<u>None</u>
<u>UR Urban Residential</u>	<u>UR</u>	<u>None</u>
<u>TR Transit Residential</u>	<u>TR</u>	<u>None</u>
TEC Transit Employment District	TEC	None
IP Industrial Park District	IP	L-R, IP-a, IP-b, IP-c, IP-d, I
CIC Combined Industrial/Commercial	CIC	None
LI Light Industrial District	LI	M-1
HI Heavy Industrial District	HI	M-4

- B. The foregoing zoning districts are listed in descending order of restrictiveness, that is, with the most restrictive district listed first and the least restrictive district listed last.
- C. In addition, the following special zoning districts are established as set forth in Table 20-20. The application of these districts is limited to specific geographic areas of the city as set forth in Section 20.70.010 and Section 20.75.020.

Table 20-20
Special Zoning Districts

Zoning District	Zoning Map Symbol
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DC Downtown Primary Commercial District	DC
DC-NT1 Downtown Commercial Neighborhood Transition 1 District	DC-NT1
MS-G Main Street Ground-Floor Commercial District	MS-G
MS-C Main Street Commercial District	MS-C

SECTION 12. Section 20.120.110 of Chapter 20.120 of Title 20 of the San José Municipal Code is amended to read as follows:

20.120.110 - Conformance with the general plan.

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

Table 20-270

General Plan Designation	Conforming District
All designations	OS, A
Open H Hillside	OS
Lower H Hillside (1 du/5 ac)	R-1-RR
Rural R Residential (2 du/ac)	R-1-1, R-1-2
Residential N Neighborhood	R-1-8, R-1-5

Urban r <u>R</u> esidential, transit residential	<u>UR</u> R-M
<u>Transit r</u> Residential	<u>TR</u>
<u>Mixed Use Neighborhood</u>	<u>MUN</u>
<u>Mixed Use Commercial</u>	<u>MUC</u>
Neighborhood/ e <u>C</u> ommunity e <u>C</u> ommercial,	CP, CN, CG
Regional e <u>C</u> ommercial	CG
Public/Quasi-Public	PQP
Industrial p <u>P</u> ark	IP
Transit e <u>E</u> mployment e <u>C</u> enter	TEC
Light i <u>I</u> ndustrial	LI
Heavy i <u>I</u> ndustrial	HI
Combined i <u>I</u> ndustrial/ e <u>C</u> ommercial	CIC
Downtown	DC
Transportation and Utilities	PQP
Open Space, Parklands, and Habitat	OS
Urban Village	<u>UV</u> GP, CN
Urban Village Commercial	<u>UVC</u> GP, CN

- B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the general development plan for such proposed district conform to General Plan designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.
- C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.
- D. Notwithstanding Subsections 20.120.110.A., B., and C. above, this Section is not applicable to Parcels that are developed with Mobilehome Parks.

SECTION 13. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.268 Density.

The measurement of the number of housing units in an area or located on a specific parcel or lot. Density is typically expressed through the calculation of dwelling units per acre (du/ac). Dwelling units per acre shall be calculated by dividing the total number of dwelling units proposed under a single development permit by the total project site area, expressed in acres or fractions thereof. Total project site area shall be calculated pursuant to Section 20.200.413.

SECTION 14. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

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 common 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.

SECTION 15. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.413 Floor Area Ratio.

- A. The floor area of the building or buildings divided by the total project site area. For calculating the floor area ratio of a single-family home, refer to Part 10 of Chapter 20.100 – Administration and Permits. Total project site area is determined as follows:
1. The area of land covered under a single development permit, exclusive of any area dedicated by the project for public right of way, public park, or public school purposes.
 2. Areas covered by sidewalk easements shall be included in the total project site area.

SECTION 16. Section 20.200.760 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.760 - Mixed use.

Development that contains uses from two or more of the three major land use categories: residential, commercial, and industrial. 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 developed or grouped together in order to create a more cohesive overall design.

SECTION 17. Section 20.200.898 of Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

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.~~
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.

SECTION 18. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.899 Privately Owned Public Open Space (POPOS).

Open space which is publicly accessible in perpetuity of the development by easement and/or agreement and is located on privately owned land and maintained by a private property owner or business operator.

SECTION 19. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.200.942 Public Open Space.

Publicly owned parks, plazas, trails, community/neighborhood centers, and other spaces meant for repose and recreation which are accessible by members of the public

Section 20. A new section is added to Chapter 20.200 of Title 20 of the San José Municipal Code is amended to read as follows:

20.20.1274 Townhouse or Rowhouse.

Townhouses or Rowhouses are a group of three or more attached dwelling units which share at least one common wall, with no portion of a dwelling unit, aside from an accessory dwelling unit, which occupies space above or below the primary unit. Both townhouses and rowhouses are characterized by having an attached garage serving the dwelling unit; townhouses have front-loaded garages and rear yards and rowhouses are served by alleys, have rear-facing garages, and no rear yards. Private open space for townhouses and rowhouses may be in the form of a balcony, porch, patio, or deck.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk