

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (ZONING ORDINANCE) TO ADD CHAPTER 20.65 ENTITLED “OVERLAY DISTRICTS” INCLUDING THE ESTABLISHMENT OF THE TRANSIT EMPLOYMENT RESIDENTIAL (TERO) OVERLAY ZONING DISTRICT, AND AMENDING THE ZONING DISTRICT MAP TO ADD THE TERO OVERLAY ZONING DISTRICT**

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

**WHEREAS**, Senate Bill (SB) 1333 took effect in January 2019 and requires charter cities to make consistent their General Plan and Zoning Ordinance; and

**WHEREAS**, the 2040 Envision San José General Plan establishes overlay land use designations including the Transit Employment Residential Overlay (TERO) designation; and

**WHEREAS**, the Zoning Ordinance and the Zoning District Map require amendment to provide consistency with the General Plan by establishing the corresponding TERO Transit Employment Residential Overlay District; and

**WHEREAS**, on May 3, 2022, the City Council adopted a resolution adopting an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto in conformance with CEQA (File Nos. GPT21-003, PP21-008, and C21-018);

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

**SECTION 1.** The recitals above are incorporated herein.

**SECTION 2.** Chapter 20.65 is hereby added to Title 20 of the San José Municipal Code to read as follows:

**“Chapter 20.65  
OVERLAY DISTRICTS**

**20.65.010 Overlay districts**

- A. This chapter establishes overlay districts which specify development standards applying to applications for land use permits on sites that fall within an overlay designation established in the City of San José Envision 2040 the General Plan.
  
- B. Where a site is located within an overlay district and an application is made for development consistent with the land use provisions for the overlay designation, such a site may only use the standards and allowed uses that apply to the zoning overlay district as set forth in this chapter.

**Part 1  
TERO Transit Employment Residential Overlay**

**20.65.020 Purpose**

TERO Transit Employment Residential Overlay. The TERO overlay identifies sites within North San José that may be appropriate for residential and commercial development if

they are consistent with the standards and conditions specified in Part 1 of Chapter 20.65 and comply with the other requirements of this title. Development within this category is intended to make efficient use of land to provide residential units in support of nearby industrial employment centers. Site specific land use issues and compatibility with adjacent uses shall be evaluated and addressed through the development permit application process.

**20.65.030 Applicability and overlay location**

The TERO Transit Employment Residential Overlay applies to sites in the areas identified with the Transit Employment Residential Overlay on the General Plan Land Use/Transportation Diagram in the Envision San José 2040 General Plan and the Zoning District Map.

**20.65.040 Overlay regulations and development standards**

The allowed uses and development standards for the TERO Transit Employment Residential Overlay Zoning District are specified below:

| Category                                                                                                      | Standard                                                            |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Min. Lot Area                                                                                                 | 6000 sq. ft.                                                        |
| Mixed Use                                                                                                     | Allowed, no minimum or maximum floor area ratio (FAR)               |
| 100% Residential DU/AC                                                                                        | 75 -250 DU/AC                                                       |
| Maximum Building Height                                                                                       | 270 feet                                                            |
| Setback Regulations <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul> | Maximum 10 feet<br>Maximum 10 feet<br>Minimum 10 feet               |
| Ground Floor Commercial Spaces                                                                                | Refer to North San José Urban Design Guidelines and Citywide Design |

|                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                              | Standards (as applicable) for 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<br><br>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. |

**SECTION 3.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned to the TERO Transit Employment Residential Overlay Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, depicted in Exhibit "A," entitled "Transit Employment Residential Overlay District Zoning Map," attached hereto and incorporated herein by this reference.

**SECTION 4.** The district map of the City shall be amended accordingly upon the effective date of this ordinance.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

## Exhibit A

### Transit Employment Residential Overlay District Zoning Map

