



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

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

I, Toni J. Taber, Acting City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 29217**", the original copy of which is attached hereto, was passed for publication of title on the **26th day of February, 2013**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **5th day of March, 2013**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KHAMIS, LICCARDO,
NGUYEN, OLIVERIO, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **5th day of April, 2013**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **7th day of March, 2013**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
ACTING CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29217

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (THE ZONING ORDINANCE) TO AMEND: SECTION 20.70.330 OF CHAPTER 20.70 (DOWNTOWN ZONING REGULATIONS); NUMEROUS SECTIONS OF CHAPTER 20.90 (PARKING AND LOADING); SECTIONS 20.100.1300 AND 20.100.1320 OF CHAPTER 20.100 (ADMINISTRATION AND PERMITS); AND TO ADD NEW SECTIONS TO CHAPTER 20.200 (DEFINITIONS) TO ADD DEFINITIONS FOR “AREA DEVELOPMENT POLICY,” “CAR-SHARE,” “CHARGE OR CHARGING STATION,” AND “URBAN VILLAGE,” ALL TO MODIFY PARKING REQUIREMENTS FOR CERTAIN ENUMERATED USES TO FURTHER IMPLEMENT THE ECONOMIC DEVELOPMENT, LAND USE, AND TRANSPORTATION POLICIES SET FORTH WITHIN THE ENVISION SAN JOSÉ 2040 GENERAL PLAN, AND TO MAKE OTHER TECHNICAL, FORMATTING OR OTHER NONSUBSTANTIVE CHANGES WITHIN THOSE CHAPTERS OF SAID TITLE 20

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970, together with state implementation guidelines and the provisions of Title 21 of the San José Municipal Code, the provisions of this Ordinance have been examined in light of the Final Program Environmental Impact Report prepared for the Envision San José 2040 General Plan (the “FEIR”) and are within the scope of the project analyzed under and covered by that FEIR.

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

SECTION 1. Section 20.70.330 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.70.330 Reduction of requirement.

In addition to exceptions provided for under Section 20.90.200 and Section 20.90.220, the following reductions in parking requirements may be made by the Director:

- A. The Director may grant up to a fifteen (15) percent reduction in the number of spaces required as part of the issuance of a development permit where the reduced number of spaces will be adequate to meet the parking demand generated by the project when the following findings are made:
1. The project has developed a travel demand management (TDM) program that provides evidence that a TDM program will reduce parking demand and identifies the percentage of parking demand that will be reduced through the TDM program. The TDM program will incorporate one or more elements of TDM including, but not limited to measures such as Ecopass, parking cash-out, alternate work schedules, ride sharing, transit support, carpool/ vanpools, shared parking, or any other reasonable measures; and
 2. The project demonstrates that it can maintain the TDM program for the life of the project and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use.
- B. For mixed-use projects, the director may reduce the required parking spaces by up to fifty (50) percent, including any other exceptions or reductions as allowed under Title 20, upon making the following findings:
1. That the reduction in parking will not adversely affect surrounding projects;
 2. That the reduction in parking will not be dependent upon public parking supply; or reduce the surrounding public parking supply; and
 3. The project demonstrates that it can maintain the TDM program for the life of the project and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use.
- C. The total parking required for a project may be reduced by up to one hundred (100) percent as part of a development permit where public parking is provided on-site as part of a public or private development project. Public parking spaces may be applied toward the parking requirements for the use, applying no more than a one-for-one standard. The finding shall be made in the development permit by the Director and be based on an alternate peak use, shared parking or parking demand analysis.
- D. The project will provide replacement parking either on site, off-site within reasonable walking distance or pay the current in-lieu fee for the parking required if the project fails to maintain a TDM program.

SECTION 2. Section 20.70.350 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.70.350 Tandem parking.

- A. The Director may issue a development permit to allow tandem parking spaces to satisfy up to fifty (50) percent of the required off-street parking.
- B. This permit shall be issued only upon a finding, based on an adequate parking management plan, that the reconfiguration of spaces will be adequate to meet the parking demand generated by the project.
- C. This finding shall be based upon a parking demand analysis which may include, without limitation, alternate peak use of parking spaces, shared parking, proximity to public transit.

SECTION 3. Section 20.70.370 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.70.370 Enlargement, intensification or change in use.

- A. Any structure which is a legal nonconforming use pursuant to Chapter 20.150 is exempted from the application of this part, except to the extent of the construction of any additional structure or enlargement of the existing structure.
- B. New structures on parcels that are ten thousand (10,000) square feet or less with up to thirty thousand (30,000) square feet of building area do not need to provide parking.
- C. Additions to structures totaling less than twenty (20) percent of the existing structure are exempt from providing parking.
- D. Additions to a historic landmark, structures in a historic district, or contributing structures to a historic district, do not need to provide parking if the addition conforms to the Secretary of Interior Historic Design Guidelines.

SECTION 4. Section 20.90.020 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.020 Applicability.

- A. Every use, including a change or expansion of a use, shall provide, on site, the required off-street vehicle parking in compliance with the provisions of this chapter, except for uses in the downtown zoning districts which are governed by Part 2 of Chapter 20.70.

- B. Any building erected, constructed, or moved shall provide, on site, the minimum number of off-street vehicle parking spaces set forth in Table 20-190. No building or moving permit shall be issued for any building unless the application specifies the proposed use of the building and the building official is satisfied that adequate provision has been or will be made for the parking spaces as are required by the provisions of this title.
- C. Every building for which a building permit application for new square footage was submitted on or after January 1, 2011, shall provide the required bicycle parking spaces in compliance with the provisions of this chapter.
- D. Every development that creates more than five thousand square feet of outdoor uses for which a development permit application was submitted on or after January 1, 2011 shall provide the required bicycle parking spaces for the outdoor uses in compliance with the provisions of this chapter.

SECTION 5. Section 20.90.030 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.030 No reduction in off-street parking spaces.

- A. Off-street vehicle parking spaces existing on February 19, 2001, and/or required as a condition of any permit or approval by the City of San José, shall not be reduced in number or size without an approved development permit, or a development exception if no development permit is required, in accordance with the requirements of Chapter 20.100.
- B. Off-street bicycle parking spaces existing on December 31, 2010 and/or required as a condition of any permit or approval by the City of San José shall not be reduced in number or size without an approved development permit in accordance with the requirements of Chapter 20.100.

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

20.90.060 Number of parking spaces required.

- A. Number of Off-Street Vehicle Spaces Required.
 - 1. All parking requirements in Table 20-190 are minimums unless otherwise specified. Each land use shall provide, on site, at least the minimum number of vehicle parking

spaces required by Table 20-190, unless a modification has been granted pursuant to Section 20.90.220 or 20.90.230.

2. All required parking shall be made available to residents, patrons and employees of a use on the site.
3. All vehicle parking spaces shall be standard size spaces as set forth in Section 20.90.100. Alternatively, a development permit may:
 - a. Authorize all off-street vehicle parking spaces to be uniform-size car spaces, as set forth in Section 20.90.100; or
 - b. Allow up to forty percent of the off-street vehicle parking spaces to be small car spaces as set forth in Section 20.90.100. The remainder of the required vehicle off-street parking spaces shall be standard car space as defined in Section 20.90.100.
4. If the number of off-street vehicle parking spaces hereinafter required contains a fraction after all parking is totaled, such number shall be rounded to the nearest higher whole number.
5. Whenever alternative units of measurement are specified in Tables 20-190, 20-200 or 20-210 for computing vehicle off-street parking requirements for any given use, the unit of measurement which provides the greatest number of off-street parking spaces for such use shall control.
6. The minimum number of vehicle off- street parking spaces required for any given use is the same irrespective of the district in which such use is conducted. In case of a use for which vehicle off-street parking requirements are not specified at all, the requirements for the most nearly similar use for which vehicle off-street parking requirements are specified shall apply.
7. When two or more uses are located in the same lot or parcel of land or within the same building, the number of vehicle off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this Chapter 20.90, except as hereinafter provided for alternating uses or exceptions.

B. Number of Bicycle Parking Spaces Required.

1. The minimum number of bicycle parking spaces required for uses permitted under this title is set forth in Table 20-190.
2. Except as otherwise expressly permitted in this chapter, the minimum number of bicycle parking spaces required under this title shall be provided on private property on a parcel or development site in an area, other than a public street, public way, or other public property, permanently reserved or set aside for bicycle parking spaces.

3. A minimum of two short-term bicycle parking spaces and one long-term bicycle parking space shall be provided for each site that has a nonresidential use set forth in Table 20-190.
4. If the number of bicycle parking spaces hereinafter required contains a fraction, such number shall be rounded to the nearest higher whole number.

Table 20-190 Parking Spaces Required by Land Use			
Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Agriculture and Resource Uses			
Agriculture and Resource Uses	1 per employee	Note 6	1 per 10 full-time employees
Drive-Through Uses			
Drive-through in conjunction with any use	No additional parking required		None
Education and Training			
Day care center	1 per 6 children, up to 5 spaces and thereafter 1 per 10 children (includes employee parking)	Note 6	1 per 10 full-time employees and children
Instructional studios	1 per 150 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private instruction, personal enrichment	1 per 3 students, plus 1 per staff	Note 6	1 per 10 students and full-time employees
School- elementary (K - 8)	1 per teacher, plus 1 per employee	Note 6	1 per 10 full-time employees plus 6 per classroom
School- secondary (9 - 12)	1 per teacher, plus 1 per employee, plus 1 per 5 students	Note 6	1 per 10 full-time employees plus 10 per classroom
School, post secondary	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per

			classroom
School, trade and vocational	1 per 3 students, plus 1 per staff	Note 6	1 per 10 full-time employees plus 10 per classroom
Entertainment and Recreation			
Arcade, amusement	1 per 200 sq. ft of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Batting cages	1 per station, plus 1 per employee	Note 6	1 per 10 full-time employees plus one per 6 stations
Bowling establishment	7 per lane	Note 6	1 per 2 lanes
Dancehall	1 per 40 sq. ft. open to public	Note 6	1 per 3,000 sq. ft. of floor area
Driving range	1 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 10 tees
Golf course	8 per golf hole, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 2 golf holes
Health club, gymnasium	1 per 80 sq. ft. recreational space	Note 6	1 per 1,600 sq. ft. of recreational space
Miniature golf	1.25 per tee, plus 1 per employee	Note 6	1 per 10 full-time employees plus 1 per 6 tees
Performing arts rehearsal space	1 per 250 sq. ft. of floor area	Section 20.90.220G	1 per 4,000 sq. ft. of floor area
Poolroom	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Private club or lodge	1 per 4 fixed seats on the premises, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area	Note 6	1 per 60 fixed seats on the premises, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus

	developed for recreational purposes		1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Recreation, commercial (indoor)	1 per 80 sq. ft. of recreational area	Note 6	1 per 1,600 sq. ft. of recreational area
Recreation, commercial (outdoor)	20 per acre of site	Note 6	2 per acre of site
Relocated cardroom	1 per 40 sq. ft. of area devoted to card games	Note 6	1 per 800 sq. ft. area devoted to card games
Skating rink	1 per 50 sq. ft. of floor area	Note 6	1 per 1,000 sq. ft. of floor area
Swim and tennis club	1 per 500 sq. ft. of recreation area	Note 6	1 per 5,000 sq. ft. of recreation area
Motion picture theatre, indoor	1 per 3 seats in theaters with 1-3 screens; 1 per 3.3 seats with 4+ screens	Note 6	1 per 45 seats in theaters with 1-3 screens; 1 per 50 seats with 4+ screens
Motion picture theatre, outdoor	1 per 300 sq. ft.	Note 6	1 per 3,000 sq. ft.

**Table 20-190
Parking Spaces Required by Land Use**

Use	Vehicle Parking Required	Applicable Sections	Bicycle Parking Required
Theaters, auditoriums, sports arenas, and stadiums- with or without fixed seats	1 per 4 fixed seats on the premises, plus 1 per 7 linear feet of fixed benches, or 1 per 30 square feet of area used for assembly	Note 6	1 per 60 fixed seats on the premises, plus 1 per 100 linear feet of fixed benches, or 1 per 450 sq. ft. of area used for assembly
Food Services			
Banquet facility	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 6	1 per 50 seats or 1 per 800 square feet of dining area, whichever requires the greater number of parking spaces
Caterer w/eating facility (not a	1 per 2.5 seats or 1 per 40 square feet of dining area,	Note 3,	1 per 50 seats or 1 per 800 sq. ft. of dining area,

catering facility)	whichever requires the greater number of parking spaces	Note 6	whichever requires the greater number of parking spaces
Caterer w/no public interface	1 per 250 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Drinking establishments	1 per 2.5 seats or 1 per 40 square feet of drinking area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Entertainment (with any food or alcohol service)	1 per 40 sq. ft. of area open to the public	Note 3, Note 6	1 per 800 sq. ft. of area open to the public
Outdoor dining incidental to a public eating establishment or a retail establishment	0 spaces up to 25 seats, 1 space per 2.5 for seats over 25	Note 6	1 space per 50 seats
Public eating establishments	1 per 2.5 seats or 1 per 40 square feet of dining area, whichever requires the greater number of parking spaces	Note 3, Note 6	1 per 50 seats or 1 per 800 sq. ft. of dining area, whichever requires the greater number of parking spaces
Take-out only establishment (including but not limited to pizza delivery, ice cream shops, doughnut shops)	1 per 75 sq. ft. of area open to the public, minimum of 5 spaces, plus 1 per delivery vehicle (if applicable)	Note 3, Note 6	1 per 750 sq. ft. of area open to the public
General Retail			
Alcohol, off-site sales	1 per 200 sq. ft. of floor area	Note 3 and Part 11, Chapter 20.80, Note 6	1 per 4,000 sq. ft. of floor area
Auction house	1 per 2.5 seats, or 1 per 200 sq. ft. of auction area exclusive of warehouse area	Note 6	1 per 5,000 sq. ft. of floor area
Food, beverage, groceries	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area

Plant nursery	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Open air sales establishments and areas	1 per 200 sq. ft. of sales area	Note 6	1 per 3,000 sq. ft. of floor area
Outdoor vending	3 parking spaces	Part 10, Chapter 20.80, Note 6	2 parking spaces
Pawn shop/broker	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Large format commercial establishment, associated commercial	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Retail sales, goods and merchandise	1 per 200 sq. ft. of floor area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Retail sales of furniture	1 per 250 sq. ft. of floor area	Note 3, Note 6	1 per 4,000 sq. ft. of floor area
Retail Art Studio	1 space per 200 sq. ft. of retail area	Note 3, Note 6	1 per 3,000 sq. ft. of floor area
Sales, appliances, industrial equipment, and machinery	1 per 1,000 sq. ft. of floor area	Note 6	1 per 10,000 sq. ft. of floor area
Neighborhood shopping center (minimum 100,000 sq. ft. in size), includes a mix of permitted, special, and conditional uses	1 per 225 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a development permit

Neighborhood shopping center (minimum 20,000 sq. ft. in size), includes a mix of permitted, special, and conditional uses	1 per 200 sq. ft. of floor area	Note 1, Note 6	1 per 3,000 sq. ft. of floor area at publicly accessible entrances with locations to be determined through a development permit
General Services			
Bed and breakfast	2 spaces, plus 1 per guest room, plus 1 per employee	Note 6	1 per space plus 1 per 10 guest rooms
Crematory	1 per full-time employee	Note 6	1 per 10 full-time employees
Dry cleaner	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Hotel/motel	1 per guest room or suite, plus 1 per employee	Section 20.90.220G, Note 6	1 space plus 1 per 10 guest rooms
Laundromat	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Maintenance and repair, small consumer goods	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Messenger services	1 per 200 sq. ft of floor area, plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Mortuary and funeral services	1 per 4 seats, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Mortuary, excluding funeral services	1, per full-time employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Personal services	1 per 200 sq. ft. of floor area	Note 3	1 per 3,000 sq. ft. of floor area
Photo processing and developing	1 per 200 sq. ft.	Note 6	1 per 3,000 sq. ft. of floor area
Printing and publishing	Minimum 1 per 350 sq. ft. of floor area, maximum 5% over minimum required.	Note 6	1 per 5,000 sq. ft. of floor area

Social service agency	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Health and Veterinary Services			
Animal boarding, indoor	1 per employee, plus 1 per 1,000 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Animal grooming	1 per 200 sq. ft. of floor area	Note 6	1 per 3,000 sq. ft. of floor area
Emergency ambulance station	1 per employee, plus 1 per on-site staff, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Hospital per in-patient facility	1 per 2.5 beds	Note 6	1 per 25 beds
Medical clinic/out-patient facility	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Medical, dental and health practitioner	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Veterinary clinic	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Industry			
Catalog and mail order house	1 per 250 sq. ft. of floor area of office space plus, plus 1 per 1,000 sq. ft. of floor area of warehouse and distribution area	Note 6	1 per 4,000 sq. ft. of floor area
Commercial support	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Distribution facility	A minimum of 2 for facilities with a total gross floor area under 5,000 square feet; a minimum of 5 for facilities with a total gross floor area between 5,000 sq. ft. and 25,000 sq. ft.; for facilities with a total gross floor area in excess of 25,000 sq. ft. a minimum of 1 per 5,000 sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees

Establishment for the repair, cleaning of household, commercial or industrial equipment or products	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Hazardous materials storage facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Hazardous waste facility	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Industrial services	1 per 350 sq. ft of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Junkyard	1 per employee	Note 6	1 per 10 full-time employees
Laboratory	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft. of floor area
Manufacturing and assembly, light, medium, heavy	1 per 350 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 5,000 sq. ft. of floor area
Miniwarehouse/ministorage	1 per 5,000 sq. ft. of floor area, plus 1 per resident manager	Note 4, Note 6	1 per 10 full-time employees
Outdoor storage	1 per employee	Note 6	1 per 10 full-time employees
Private power generation	1 per employee plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Research and development	1 per 350 sq. ft. of floor area	Note 6	1 per 5,000 sq. ft.
Stockyard, including slaughter	1 per employee	Note 6	1 per 10 full-time employees
Warehouse	A minimum of 2 for warehouses with a total gross floor area under 5,000 square feet; a minimum of 5 for warehouses with a total gross floor area between 5,000 sq. ft. and 25,000 sq. ft.; for warehouses in excess of 25,000 sq. ft. of total gross floor area a minimum of 1 per 5,000 sq. ft. of gross floor area or a fraction thereof	Note 6	1 per 10 full-time employees

Warehouse retail	Minimum 1 per 2,000 sq. ft. of floor area; maximum 1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees
Wholesale sale establishment	1 per 2,000 sq. ft. of floor area, plus 1 per company vehicle	Note 6	1 per 20,000 sq. ft. of floor area
Offices and Financial Services			
Automatic teller machine (free standing)	2 per machine	Note 6	1 per 10 machines
Business support	1 per 200 sq. ft. of floor area plus 1 per company vehicle	Note 6	1 per 3,000 sq. ft. of floor area
Financial institution	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, business and administrative	1 per 250 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Offices, research and development	1 per 300 sq. ft. of floor area	Note 6	1 per 4,000 sq. ft. of floor area
Private security	1 per 250 sq. ft. of floor area office space, plus 1 per employee, plus 1 per company vehicle	Note 6	1 per 4,000 sq. ft. of floor area
Public, Quasi-Public and Assembly Uses			
Cemetery	1 per full-time employee	Note 6	1 per 10 full-time employees
Church/religious assembly	1 per 4 fixed seats, or 1 per 6 linear feet of seating, or 1 per 30 sq. ft. of area designed for assembly, used together or separately for worship.	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, or 1 per 450 sq. ft. of area designed for assembly, used together or separately for worship
Community television antenna systems	1 per company vehicle	Note 6	1 per 10 full-time employees
Museums and libraries	1 per 300 sq. ft. of area open to the public	Note 6	1 per 4,000 sq. ft. of floor area open to the public
Parks and playgrounds	1 per 500 sq. ft.	Note 6	1 per 5,000 sq. ft. of

			outdoor recreation space
Community centers	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes	Note 6	1 per 60 fixed seats, or 1 per 90 linear feet of seating, plus 1 per 3,000 sq. ft. of area without seating but designed for meeting or assembly by guests, plus 1 per 5,000 sq. ft. of outdoor area developed for recreational purposes
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	1 per 1.5 employees, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Recycling Uses			
Processing facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Transfer facility	1 per employee of the largest shift, plus 1 per facility vehicle	Note 6	1 per 10 full-time employees
Small collection facility	1 per attendant	Note 6	1 per 10 full-time employees
Residential			
Emergency residential shelter	1 per 4 beds, 1 per 250 square feet of area which is used for office purposes	Section 20.90.220G	1 per 5,000 sq. ft. of floor area
Guesthouse	1 per guest room, plus 1 per each employee	Note 6	1 per 10 guest rooms plus 1 per 10 full-time employees
Live/work	No additional parking required above what is required for commercial use parking	Note 6	1 per 5,000 sq. ft. of floor area
Living quarters, custodian, caretakers	1 per living unit	Note 6	1 per 10 living units

Mixed use/ground floor commercial with residential above	Respective commercial and residential parking requirements combined	Note 6	
Multiple dwelling	See Table 20-210 and Table 20-211, required parking is determined by the type of parking facility and the number of bedrooms		See Table 20-210 and Table 20-211
One family dwelling	2 covered	Note 5 and Section 20.90.220 B.	None
Residential care or service facility	1 per first 6 client beds, plus 1 additional space for up to 4 client beds (or portion thereof) above the first six, plus 1 additional space for each additional four client beds (or portion thereof), plus 1 space for each employee or staff member.	Section 20.90.220G	1 per 10 full-time employees
Servants quarters attached to a one-family dwelling or attached to a garage structure	1 additional parking space	Note 6	1 per 10 full-time employees
SRO facilities within 2,000 ft. of public transportation		Note 6	1 per SRO unit
SRO residential hotels	.25 per SRO unit		
SRO living unit facilities with shared kitchen and bathroom facilities	.25 per SRO unit		
SRO living unit facilities with partial or full kitchen and bathroom facilities	1 per SRO unit		
SRO facilities not within 2,000 ft. of public transportation	1 per SRO unit	Note 6	1 per SRO unit
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or	1 per guest room, plus 1 per employee	Note 6	1 per guest room plus 1 per 10 full-time employees

other educational institutions			
Temporary farm labor camp necessary to the gathering of crops grown on the site	1 per dwelling unit		None
Travel trailer parks	1 per employee	Note 6	1 per 10 full-time employees
Two family dwelling	See Table 20-200, required parking is determined by the type of parking facility and the number of bedrooms		None
Transportation and Utilities			
Common carrier depot	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Data center	1 per 250 sq. ft. of office/meeting/technician work space, plus 1 for each 5,000 square feet of floor area, or fraction thereof, devoted to computer equipment space	Note 6	1 per 5,000 sq. ft. of office/meeting/ technician work space, plus 1 for each 50,000 sq. ft. of floor area, or fraction thereof devoted to computer equipment space
Television and radio studio	1 per 250 sq. ft. of space devoted to office use	Note 6	1 per 5,000 sq. ft. of space devoted to office use
Wireless communication antenna	1 per site	Note 6	1 per site
Vehicle Related Uses			
Accessory installation, passenger vehicles and pick-up trucks	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Auto broker, w/on-site storage	See Vehicle sales and leasing	Note 6	1 per 10 full-time employees
Auto dealer, wholesale, no on-site storage	1 per 250 sq. ft. of floor area	Note 6	1 per 10 full-time employees

Car wash	1 per employee, plus stacking as follows: self service- 5 cars per lane full service- 15 cars (may be in multiple lanes)	Note 2, Note 6	1 per 10 full-time employees
Gas or charge station	1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Gas or charge station with incidental service and repair	4 per grease rack or vehicle work station, plus 1 per employee, plus 1 per air and water pump service area, plus 1 space for information stop	Note 6	1 per 10 full-time employees
Glass sales, installation and tinting	4 per vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Repair and cleaning per detailing of vehicles	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 per 10 full-time employees
Sale or lease of vehicles	1 per 350 sq. ft. enclosed showroom, 1 per 2,500 sq. ft. open area, plus 2 per service bay	Note 6	1 plus 1 per 10 full-time employees
Exclusively indoors sales	1 per 200 sq. ft.	Note 6	1 plus 1 per 10 full-time employees
Auto rental agency	1 per 400 sq. ft. of floor area, plus 1 per rental vehicle	Note 6	1 plus 1 per 10 full-time employees
Sale, vehicle parts	1 per 200 sq. ft. of floor area	Note 6	1 plus 1 per 10 full-time employees
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	4 per grease rack or vehicle work station, plus 1 per employee	Note 6	1 plus 1 per 10 full-time employees
Tow yard	1 per employee, plus 1 per company vehicle	Note 6	1 per 10 full-time employees
Vehicle wrecking, including sales of parts	1 per employee	Note 6	1 per 10 full-time employees

Notes:

1. A covenant of easement is required when multiple parcels are involved.
2. Stacking shall be calculated at twenty feet per car.
3. Parking for uses of this type located within a Neighborhood Business District or an Urban Village and meeting all of the requirements set forth in Section 20.90.220C., may be reduced as specified in Section 20.90.220C.
4. Parking for miniwarehouse/ministorage uses meeting all of the requirements of Section 20.90.220F. may be reduced as specified in Section 20.90.220F.
5. Covered parking may include carports or garages.
6. When part or all of the bicycle parking spaces required for a land use is based on the number of full-time employees, that portion shall be provided in long-term bicycle parking facilities. When part or all of the bicycle parking spaces required for a land use is based on classrooms, that portion shall be provided in short-term bicycle parking facilities. When the bicycle parking required for a land use is based solely on square footage or other criteria in the table, at least eighty (80) percent of the bicycle parking spaces shall be provided in short-term bicycle parking facilities and at most twenty (20) percent shall be provided in long-term bicycle facilities.

Table 20-200 Two-Family Dwelling			
Living Unit Size	Type of Parking Facility		
	All Open Parking	One-Car Garage	Two-Car Garage
0 Bedroom (Studio)	1.5	1.5	2.0
1 Bedroom	1.5	2.0	2.0
2 Bedroom	2.0	2.0	2.0
3 Bedroom	2.0	2.0	2.0
Each Additional Bedroom	0.25	0.25	0.25

Table 20-210 Multiple Dwelling				
Living Unit Size	Type of Parking Facility			
	All Open Vehicle Parking	One-Car Garage	Two-Car Garage	Bicycle Parking Spaces ¹

0 Bedroom (Studio)	1.25	1.6	2.2	1 per 4 living units
1 Bedroom	1.25	1.7	2.3	1 per 4 living units
2 Bedroom	1.7	2.0	2.5	1 per 4 living units
3 Bedroom	2.0	2.2	2.6	1 per 4 living units
Each Additional Bedroom	0.15	0.15	0.15	1 per 4 living units

Note 1: Bicycle parking spaces shall consist of at least sixty percent long-term and at most forty percent short-term spaces.

Notwithstanding the provisions of Table 20-210, off-street parking for multiple dwellings in the pedestrian oriented zoning districts shall conform to the requirements of Table 20-211.

Table 20-211 Multiple Dwellings in the Pedestrian Oriented Zoning Districts		
	Vehicle Parking Spaces	Bicycle Parking Spaces
Minimum required spaces ¹	1.25 per living unit	1 per living unit
Maximum required spaces	2.0 per living unit	None

Note 1: If tandem vehicle parking is provided, any residential unit utilizing tandem parking shall have a parking requirement of two vehicle parking spaces.

Table 20-215 Clean Air Vehicles For non-residential uses provide designated parking for any combination of low-emitting, fuel efficient, and carpool or van pool vehicles as follows:	
Total Number of Parking Spaces	Clean Air Vehicle Parking Spaces
0-9	0
10-25	1
26 -50	3

5 1 -7 5	6
7 6 -1 0 0	8
1 0 1 -1 5 0	11
1 5 1 -2 0 0	16
2 0 1 +	At least eight percent of total

SECTION 7. Section 20.90.120 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.120 Setbacks.

- A. No off-street vehicle parking space or off-street loading space shall be located within any side or front setback area required by other provisions of this Title unless the Director finds that the location of the off-street vehicle parking space or off-street loading space within the front or side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required.
- B. No setback for any vehicle parking area consisting of six (6) or more parking spaces located in, or adjoining, any residential district shall be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel unless the Director finds that the location of the off-street vehicle parking space or off-street loading space within the front setback or corner side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required.
- C. In the main street districts the following additional provisions shall apply:
 - 1. At-grade parking that is not fully enclosed within a building shall be set back fifty feet or more from the main street, except that an interim off-street parking establishment in conformance with the requirements of Table 20-156 may be located within fifty feet of the main street.
 - 2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of five feet from any minor or major cross street, which setback area shall be landscaped and shall be maintained in good condition at all times.
 - 3. If at-grade parking that is not fully enclosed within a building includes six or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are

directly opposite any lot in a residential zoning district by a masonry wall or solid wood fence no less than five feet in height.

4. At grade parking areas not located within a structure shall include one tree for every four parking space.
5. Parking structures shall not be located within fifty feet of the main street unless they are submerged below grade or are integrated within buildings that conform to the active commercial building frontage requirements of Section 20.75.130.

SECTION 8. Section 20.90.200 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.200 Off-site, alternating use and alternative parking arrangements - Vehicle or bicycle.

- A. The following off-street parking arrangements may be permitted with a Special Use Permit in accordance with Chapter 20.100:
 1. Parking facilities on a lot other than the lot occupied by the building or use which they are required to serve where the lots are not contiguous or there is no recordation of a cross-access easement with reciprocal parking.
 2. Alternating use of common parking facilities where certain uses generate parking demands during hours when the remaining uses are not in operation (for example, if one use operates during the day time or on weekends and the other use operates at night or on weekdays).
 3. Parking facilities which accommodate the required number of spaces in an alternative parking design.
- B. In addition to any other findings required for a Special Use Permit, the director, or planning commission on appeal, may approve such off-street parking facilities arrangements only upon making the following findings:
 1. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the individual buildings and uses as specified in this Chapter 20.90 of this title;
 2. It is reasonably certain that the parking facility shall continue to be provided and maintained at the same location for the service of the building or use for which such facility is required, during the life of the building or use; and
 3. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.

- C. As a condition precedent to approving such off-street parking facilities arrangements, the director, or planning commission on appeal, shall require:
1. Satisfactory statements and evidence by the parties involved in the parking arrangement describing the nature of the use or uses, the timing of demand for such parking if applicable, and the provisions which are to be made to meet the specific parking requirements under this title.
 2. Such other documents, agreements, commitments, and such other evidence as is deemed necessary in each case.
- D. The Director may issue a Site Development Permit rather than a Special Use Permit to allow tandem parking spaces on-site to satisfy up to fifty percent (50%) of the required number of off-street parking spaces when all of the following criteria are met:
1. This Site Development Permit may be issued only upon a finding, based on an adequate parking management plan, that the reconfiguration of spaces will be adequate to meet the required number of off-street parking spaces generated by the project.

SECTION 9. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.220 Reduction in required off-street parking spaces.

- A. Alternative Transportation.
1. A reduction in the required off-street vehicle parking spaces of up to fifty (50) percent may be authorized with a development permit or a development exception if no development permit is required, for structures or uses that conform to all of the following and implement a total of at least three (3) transportation demand management (TDM) measures as specified in the following provisions:
 - a. The structure or use is located within two thousand (2,000) feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a Neighborhood Business District, or as an Urban Village, or as an area subject to an Area Development Policy in the City's General Plan or the use is listed in Section 20.90.220G; and
 - b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.
 - c. For any reduction in the required off-street parking spaces that is more than twenty (20) percent the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least one (1) of

the following measures:

- i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc. and assign car pool, van pool and car-share parking at the most desirable onsite locations at the ratio set forth in the development permit or development exception considering type of use; or
- ii. Develop a transit use incentive program for employees and tenants, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA EcoPass system will satisfy this requirement).

and

- d. In addition to the requirements above in Section 20.90.220.A.1.c for any reduction in the required off-street parking spaces that is more than twenty (20) percent the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least two (2) of the following measures:
 - i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc. and assign car pool, van pool and car-share parking at the most desirable onsite locations; or
 - ii. Develop a transit use incentive program for employees, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA EcoPass system will satisfy this requirement); or
 - iii. Provide preferential parking with charging facility for electric or alternatively-fueled vehicles; or
 - iv. Provide a guaranteed ride home program; or
 - v. Implement telecommuting and flexible work schedules; or
 - vi. Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking) ; or
 - vii. Implement public information elements such as designation of an on-site TDM manager and education of employees regarding alternative transportation options; or
 - viii. Make available transportation during the day for emergency use by employees who commute on alternate transportation. (This service may be

provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation); or

- ix. Provide shuttle access to Caltrain stations; or
 - x. Provide or contract for on-site or nearby child-care services; or
 - xi. Incorporate on-site support services (food service, ATM, drycleaner, gymnasium, etc. where permitted in zoning districts) ; or
 - xii. Provide on-site showers and lockers; or
 - xiii. Provide a bicycle-share program or free use of bicycles on-site that is available to all tenants of the site; or
 - xiv. Unbundled Parking; and
- e. For any project that requires a TDM program:
- i. The decision maker for the project application shall first find in addition to other required findings that the project applicant has demonstrated that it can maintain the TDM program for the life of the project and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use; and
 - ii. The decision maker for the project application also shall first find that the project applicant will provide replacement parking either on-site or off-site within reasonable walking distance for the parking required if the project fails to maintain a TDM program.
2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent (10%) or up to two (2) off-street vehicle parking spaces, whichever is less, may be authorized with a Development permit or a development exception if no development permit is required for a particular use, for nonresidential uses in conformance with the following:
- a. In addition to the off-street bicycle parking spaces required for the structure or use, ten off-street bicycle parking spaces consisting of bicycle racks or five off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every one required off-street vehicle parking space that is reduced; and
 - b. The bicycle parking spaces shall conform to all of the requirements of this Chapter.

B. One-Family Dwellings.

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:

- a. At least one covered parking space is provided; and
- b. No more than one dwelling occupies the lot; and
- c. The location of the required covered parking is set back a minimum of sixty feet from the front property line when the garage is accessed via a curb cut from the front property line and forty feet from the side corner property line when the garage is accessed via a curb cut from the corner side property line; and
- d. The required covered parking is accessed by a driveway of a width no less than ten feet and no more than twelve feet; and
- e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
- f. No additional paving in the front setback shall be designated or used for parking; and
- g. The floor area of the covered parking structure does not exceed three hundred and fifty (350) square feet; and
- h. The covered parking structure shall meet all other applicable regulations of this title.

C. Ground Floor Commercial Uses in Neighborhood Business Districts or Urban Villages.

1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one space per four hundred (1 space per 400) square feet of floor area, provided all of the following requirements are met:

- a. The site is designated on the General Plan land use transportation diagram with the Neighborhood Business District overlay or designated as Urban Village; and
- b. The use is located on the ground floor of a building; and
- c. No parking reduction is approved for a use pursuant to Section 20.90.220A.1. of this chapter.

D. Multiple Family Residential in the Main Street Districts. The decision maker may reduce the required vehicle parking spaces for a multiple family residential use in the pedestrian oriented zoning districts with a development permit based on the following findings:

1. The project includes one or more of the following options:

- a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car_share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the main street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the main street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; and
2. The project does not include a parking reduction pursuant to Section 20.90.220G.; and
 3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses; and
 4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit; and
- E. Nonresidential Uses in a Main Street District. The decision maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty (30) percent with a development permit based on the following findings:
1. The project achieves one of the following:
 - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the main street through parcel assembly or shared access or by providing a new pedestrian walkway to the main street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
 - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
 2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220A. or 20.90.220C. of this title; and
 3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses.
- F. Miniwarehouse/Ministorage.

1. A reduction in the required off-street parking may be authorized with a development permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
 - a. Buildings are single story; and
 - b. Loading spaces are available directly adjacent to those storage units contained in the single-story building.
- G. Other Uses.
1. Up to a twenty (20) percent reduction in the required off-street parking for private instruction or personal enrichment; sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions; SROs; efficiency living units; emergency residential shelters; residential care/service facilities; convalescent hospitals; hotels/motels; bed and breakfast inns; senior housing uses; recreation uses; gasoline or charge stations when combined with other uses; and performing arts rehearsal space uses may be approved with a development permit or a development exception if no development permit is required, provided that such approval is based upon the findings that the project is either within two thousand (2,000) feet of an existing or proposed bus or rail transit stop; or the use is clustered with other uses that share all parking spaces on a site.

SECTION 10. Section 20.100.220 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1300 General.

Pursuant to and in accordance with the provisions hereinafter set forth in this part, the director or the planning commission on appeal may, but shall not under any circumstances be required to, grant the following variances and exceptions:

- A. Development variance.
 1. Variances hereinafter referred to as "development variances," to the height, number of stories, frontage, setback, coverage, density, area, off-street parking, fencing, loading and landscaping requirements and regulations of this Title.
- B. Development exception.
 1. Certain exceptions, hereinafter referred to as "development exceptions" as follows:
 - a. Exceptions permitting an incursion by buildings or structures of up to, but not more than, five feet into the rear setback area prescribed by this title,

provided, however, that no exception granted hereunder shall permit the vertical projection of any building or structure to be closer than ten (10) feet, measured horizontally, to the rear property line.

- b. Exceptions permitting church steeples, church bell towers, church roofs, wireless communication antenna and associated structures which exceed in height the height limitations prescribed in this title; provided, however, that the following exception from these provisions shall apply.
 - i. Wireless communication antennae that meet the height limitations of Section 20.80.1900 or 20.80.1910, as applicable, shall not be subject to the development exception requirements set forth in this part.
- c. Exceptions from the area requirements for a lot or parcel in any residential district having an area of less than three thousand square feet, provided such area is not less than the area of such lot or parcel on March 1, 1977 (or, if the lot was created after March 1, 1977, then as approved by the city) and that no such exception shall permit any diminution in such area and provided further that if such lot or parcel has or is to have a structure or structures thereon, no such exception shall be issued for such lot or parcel unless all such structures are dwelling structures or structures accessory thereto, and all such structures comply with the height and setback requirements of this title. An exception permitted by this subsection may be issued at the same time as an exception provided for in subsection (1) above.
- d. Exceptions to the off-street parking and loading requirements and regulations of this title.

SECTION 11. Section 20.100.1310 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1310 **Action by Director.**

Upon finding of an application complete pursuant to this chapter, the Director shall review the application and shall set a public hearing on the application.

SECTION 12. Section 20.100.1320 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1320 **Findings.**

- A. Development variance. Neither the Director, nor the Planning Commission on appeal, shall grant a development variance, except for fencing, unless it is found that:
1. Because of special circumstances uniquely applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, but expressly excluding any consideration of:
 - a. The personal circumstances of the petitioner, or
 - b. Any changes in the size or shape of the subject property made or occurring while the subject property was situate in the zoning district in which it is situated at the time of the filing of the petition, regardless of whether such changes were caused by the petitioner or his predecessors in interest, the strict application of the requirements and regulations prescribed in this title and referred to in Section 20.100.1300A., deprives such property of privileges enjoyed by other property in the vicinity of and in the same zoning district as the subject property, and
 2. The variance, subject to such conditions as may be imposed thereon, will not impair:
 - a. The utility or value of adjacent property or the general welfare of the neighborhood, and
 - b. The integrity and character of the zoning district in which the subject property is situate.
- B. Fence variance. Neither the director, nor the planning commission on appeal, shall grant a fence variance unless it is found that:
1. Because of special circumstances uniquely applicable to the subject property, the strict application of the requirements and regulations prescribed in Part 6 of Chapter 20.30 of the title deprives such property of privileges enjoyed by other property in the vicinity of and in the same zoning district as the subject property. The special circumstances to be considered include, but are not limited to, size, shape, topography, location or surroundings of the subject property.
 - a. In the case of a corner lot, special circumstances to be considered under the subsection above include the fact that the legal front lot line of the corner lot does not serve as the actual front entry into the residence.
 - b. The fence variance for a side corner lot shall not be granted unless it is found that the fence variance will not result in an adverse impact upon the neighboring properties any differently than if the side corner lot line were the actual front lot line.
 2. The fence variance, subject to such conditions as may be imposed thereon,

- a. Will not substantially impair the utility or value of adjacent property or the general welfare of the neighborhood; and
 - b. Will not substantially impair the integrity and character of the zoning district in which the subject property is situated.
- C. Development exception. Neither the director, nor the planning commission on appeal, shall grant a development exception unless it is found that the exception, subject to such conditions as may be imposed thereon, will not impair:
- 1. The utility or value of adjacent property or the general welfare of the neighborhood, and
 - 2. The integrity and character of the zoning district in which the subject property is situate.

SECTION 13. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.111 Area Development Policy.

"Area Development Policy" means any policy defined as such in the text of the General Plan of the City of San José, as amended.

SECTION 14. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.176 Car-share.

"Car-share" means a privately-operated automobile-sharing program.

SECTION 15. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.188 Charge station.

"Charge station" or "charging station" means a privately operated facility that provides electrical power for charging motor vehicles directly, charging batteries which power motor vehicles, or other electrical power needed to operate motor vehicles.

SECTION 16. Section 20.200.1304 of Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.200.1304 Unbundled Parking.

"Unbundled Parking" means vehicular parking that is for sale or lease to residents of a building separate from the sale of lease of living units within that residential building.


SECTION 17. Chapter 20.200 of Title 20 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

20.200.1306 Urban Village.

"Urban Village" means any area delineated as such on the land use/transportation diagram of the General Plan of the City of San José, as amended.

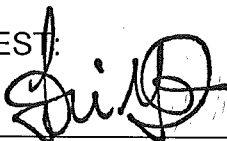
PASSED FOR PUBLICATION of title this 26TH day of February, 2013, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
KHAMIS, LICCARDO, NGUYEN, OLIVERIO, ROCHA;
REED.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



TONI J. TABER, CMC
Acting City Clerk

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

SJ#: 2452424

ORDINANCE NO. 29217

An Ordinance of the City of San José amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend: Section 20.70.330 of Chapter 20.70 (Downtown Zoning Regulations); numerous sections of Chapter 20.90 (Parking and Loading); Sections 20.100.1300 and 20.100.1320 of Chapter 20.100 (Administration and Permits); and to add new sections to Chapter 20.200 (Definitions) to add definitions for "Area Development Policy," "Car-Share," "CHARGE OR CHARGING STATION," and "Urban Village," all to modify parking requirements for certain enumerated uses to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San José 2040 General Plan, and to make other technical, formatting or other nonsubstantive changes within those Chapters of SAID Title 20.
PASSED FOR PUBLICATION of title this 26th day of February, 2013, by the following vote:
AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KHAMIS, LICCARDO, NGUYEN, OLIVERIO, REED, ROCHA.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

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

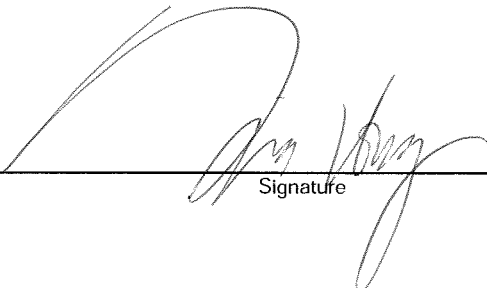
Ad Description:
ORDINANCE #29217

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

03/01/2013

Executed on: 03/01/2013
At Los Angeles, California

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



Signature

CHUCK REED
Mayor
ATTEST:

TONI J. TABER, CMC
Acting City Clerk
3/1/13

SJ-2452424#



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