

Chapter 18.45

COMMERCIAL AND MIXED-USE DISTRICTS

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18.45.010 Purpose and establishment.

The commercial and mixed-use districts are home to a variety of retail, service and office businesses, as well as areas where commercial activities are integrated with higher density residential uses. These districts provide neighborhood, community and regional services while also providing identity and focal points for different parts of the city. They include centers and corridors developed at a variety of densities and intensities, and with differing functions and character. The commercial and mixed-use districts provide for the full diversity of commercial uses within the city and include general commercial, neighborhood commercial, office commercial, regional commercial, town center – pedestrian, town center – transitional and mixed-use. These districts exclude the city center, downtown, and Warm Springs Innovation districts, which are covered in separate chapters of the zoning ordinance.

The specific purpose of each district is described as follows:

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|-----|-----|-----|----|------|------|--|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Structured parking facility, public or <u>commercial</u> ¹ | | Z | Z | P | P | P | P | Z | |
| Wireless facilities | | | | | | | | | Chapter 18.187 |
| <u>Accessory Uses</u> | | | | | | | | | |
| <u>Accessory uses</u> and <u>accessory structures</u> customarily appurtenant to the <u>principal use</u> of property | | A | A | A | A | A | A | A | Chapter 18.153 |
| <u>Commercial</u> sales, when the <u>zoning administrator</u> determines that the <u>building</u> complex served by the proposed uses is of sufficient size and user characteristics to justify the uses as a needed convenience to the employees and clientele of the complex -Pharmacy -Flower/gift shop -Coffee shop/small restaurant limited to 49 <u>seats</u> -Uniforms and related supplies and accessories -Office supplies and equipment | | A | -- | -- | -- | -- | -- | -- | Such uses shall not exceed 2,000 square feet in area, and the total aggregate area of such uses shall not exceed 10 percent of the ground floor of the <u>building</u> or <u>building</u> complex to be served by the proposed uses. The location of such uses shall not create the appearance of a retail center from outside of the development. |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|--|-------|-----|-----|-----|----|----------------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| <u>Urban agriculture</u> , low-impact ¹ | | P | P | P | P | P | P | P | Section 18.190.015 |
| <u>Urban agriculture</u> , high-impact ¹ | | Z | Z | Z | Z | Z | Z | Z | Section 18.190.015 |
| Assembly, Entertainment, Recreation | | | | | | | | | |
| <u>Banquet hall</u> ¹ | | -- | -- | C | C | -- | C | C | Sections 18.190.025 and 18.190.140 |
| Club, lodge, meeting hall, or membership organization | | Z | -- | Z | -- | Z | Z | Z | Sections 18.190.025 and 18.190.050 |
| Exhibition and <u>conference halls</u> ¹ not associated with <u>full service</u> <u>hotels</u> ¹ | | C | -- | -- | C | -- | -- | C | Section 18.190.025 |
| Fitness and recreational sports centers including yoga and pilates studios and sports and recreation instruction (e.g., dance, martial arts, etc.) | 713940 , 611620 | P | P | P | P | P | p ³ | P | |
| <u>Game or computing arcade</u> ¹ , more than five gaming devices | | | | | | | | | Section 18.190.180 |
| Without alcoholic beverages and closed before 10:00 p.m. | | P | P | P | P | P | P | P | |
| With alcoholic beverages and/or open after 10:00 p.m. | | Z | Z | Z | Z | Z | Z | Z | |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|-----|-----|-----|----|------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Assembly uses ¹ not listed elsewhere including: cultural institutions, libraries, museums, religious facilities, etc. | | Z | -- | Z | -- | Z | Z | Z | Section 18.190.025 |
| Indoor commercial recreation ¹ including billiard hall, bowling alley, gymnasias, indoor tennis, swimming, escape rooms, etc. | | | | | | | | | Section 18.190.420 Chapter 5.90 applies to swimming facilities |
| Closed before midnight | | P | P | P | P | P | P | P | |
| Open after midnight and/or with sale of distilled spirits | | C | C | C | C | C | C | C | |
| Outdoor commercial recreation including pickleball | | | | | | | | | |
| Within 100 feet of residential development | | Z | Z | Z | Z | Z | Z | Z | |
| Beyond 100 feet of residential development | | P | P | P | P | P | P | P | |
| Parks , public | | P | P | P | P | P | P | P | Citywide parks , as defined in the general plan , are not permitted in TOD overlay district |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|-----|------|------|----|----------------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Automotive parts and accessories stores | 441310 | -- | P | P | P | P | P ³ | P | |
| Auto sales and dealerships, including motorcycles | | -- | -- | P(*) | P(*) | -- | -- | Z(*) | Section 18.190.027 ; (*) not permitted in HOD, TOD and I overlay districts ; a zoning administrator permit is required if there are outdoor sales |
| Boat and trailer sales and service | | -- | -- | Z | Z | -- | -- | -- | Section 18.190.027 ; not permitted in TOD overlay district |
| Car washes ¹ , car detailing , and gasoline service stations ¹ | | -- | C | C | C | -- | -- | C | Sections 18.190.027 and 18.190.190 ; not permitted in mixed-use buildings ; gasoline service stations not permitted in TOD overlay district |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|-----|-----|-----|----|------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Mobile home and recreational vehicle dealers | | -- | -- | -- | Z | -- | -- | -- | Section 18.190.027 |
| Parking lots or structures , commercial | | -- | P | P | -- | P | C | C | |
| Eating and Drinking | | | | | | | | | See also Sections 18.190.140 and 18.190.510 |
| Drinking place ¹ | | -- | -- | C | C | C | C | C | |
| Eating place without alcoholic beverages ¹ | | | | | | | | | |
| In general (no restrictions on hours of operation) | | P(*) | P | P | P | P | P | P | (*) Not permitted if more than 50 seats |
| With drive-in or drive-through enterprise ¹ | | -- | C | C | C | -- | -- | C | Section 18.190.110 ; not permitted in mixed-use projects or HOD and TOD overlay districts |
| Eating place with alcoholic beverages ¹ | | | | | | | | | |
| Closed before midnight | | -- | P | P | P | P | P | P | |
| Open after midnight | | -- | Z | Z | Z | Z | Z | Z | |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|-----|-----|-----|-------------------------|-----------------------------|------|--|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Day care facility for adults¹ | | -- | -- | P | -- | P | P ³ | P | Not including residential care facilities |
| Health care and social assistance, not elsewhere listed in this table | 62 | Z | Z | Z | -- | Z | -- | Z | |
| Hospitals | 622 | C | C | Z | -- | -- | -- | C | |
| Medical clinics, convenience ¹ | | -- | A | A | A | A | A | A | |
| Nursing care facilities (skilled nursing facilities) | 623110 | -- | Z | Z | -- | -- | -- | Z | Section 18.190.410 ; not permitted in mixed-use projects |
| Residential intellectual and developmental disability, mental health, and substance abuse facilities | 6232 | -- | C | C | -- | -- | -- | C | Not permitted in mixed-use projects |
| Skilled nursing health facilities¹ | | -- | Z | Z | -- | -- | C | Z | Section 18.190.026 |
| Surgery centers, outpatient | | P | Z | P | -- | -- | -- | Z | |
| Office | | | | | | | | | |
| Co-working space | | P | P | P | -- | P ³ P-UFO | P ³ P- UFO | P | |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|---|--|-------|-----|-----|-----|-------------------------|-----------------------------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Offices of physicians ² , dentists ² , chiropractors ² , optometrists ² , podiatrists ² , mental health practitioners ² , physical, occupational and speech therapists and audiologists ² , and acupuncturists | 6211 , 6212 , 62131 , 62132 , 62133 , 62134 , 621391 | P | P | P | -- | P ³ P-UFO | P ³ P- UFO | P | |
| Offices, other | | P | P | P | -- | P ³ P-UFO | P ³ P- UFO | P | |
| Banks and credit unions | | P | P | P | P | P ³ | P ³ | P | |
| Residential | | | | | | | | | |
| Emergency shelters ¹ | | P | P | C | -- | P | P | P | Not permitted in a special flood hazard area; Section 18.190.150 |
| Live/work units ¹ | | -- | -- | -- | -- | Z(*) | Z(*) | Z | Section 18.190.290 (*) Not allowed along main street corridor frontages as shown in the community character element |
| Low-barrier navigation centers ¹ | | P | P | | | P | P | P | Section 18.190.295 |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|---|----------------------------|-------|------|-----|-----|----------------|--------------------|------|--|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Residential, as component of mixed-use project only | | C | C | -- | -- | P | P | P | |
| Residential care facilities ¹ | | P | P | -- | -- | P | P | P | Within residential units only. <u>Commercial</u> building conversion not permitted. Section 18.190.465 |
| Supportive ¹ and/or <u>transitional housing</u> ¹ | | P(*) | P(*) | -- | -- | P ³ | P ³ (*) | P | (*) Allowed only as a component of a mixed-use project. Section 18.190.527 |
| Retail | | | | | | | | | |
| <u>Commercial nurseries</u> ¹ | | -- | P | P | P | -- | -- | -- | Not permitted in mixed-use projects or TOD <u>overlay district</u> |
| Food and beverage stores | 445 | | | | | | | | |
| <u>Convenience food stores</u> ¹ and mini-marts | 445120 | -- | Z | P | C | Z | Z | P | |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|---|--|-------|-----|-----|-----|--------------------|----------------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Grocery, supermarket, or specialty food store | 445110 , 4452 | -- | P | P | P | P ³ (*) | P ³ | P | (*) Zoning administrator permit if in a project that includes housing above grocery store |
| Furniture, home furnishings and equipment, including carpeting, tile, lighting, bedding, household appliances, and similar uses | | -- | P | P | P | P ³ | P ³ | P | |
| Hardware and home improvement stores | | | | | | | | | |
| With outdoor storage | | -- | -- | C | C | -- | -- | -- | |
| No outdoor storage | | -- | P | P | P | P ³ | P ³ | P | |
| Health and personal care stores, not including pharmacies | 4461 | A | P | P | A | P ³ | P ³ | P | |
| Liquor stores | 4453 | -- | Z | P | -- | Z | Z | P | |
| Pharmacies | 446110 | | | | | | | | |
| In general | | A | P | P | A | P ³ | P ³ | P | |
| With drive-in or drive-through enterprise ¹ | | C | C | C | C | C | -- | C | Section 18.190.110 |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|-----|-----|-----|-------|------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Retail sales, general, including apparel, accessories, automotive parts and accessories, books, consumer electronics, consumer goods, flower and gift shops, office supplies, pet supplies, sporting goods, variety stores, and miscellaneous retail, excluding uses classified as "restricted retail" below | | A(*) | P | P | P | P(**) | P | P | (*) Applies to apparel and accessories, flower/gift shops, and office supplies and equipment stores only. Other retail uses are not permitted (**) Fuel dealers not permitted in mixed-use buildings |
| Retail sales, restricted: | | | | | | | | | |
| Adult-oriented businesses ¹ , not including sexual encounter establishments ¹ | | -- | -- | -- | -- | -- | -- | -- | |
| Firearms dealers ¹ and gunsmiths ¹ , including firearm sales accessory to sporting goods store | | -- | -- | C | C | -- | -- | -- | Chapter 5.55 ; Section 18.190.160 |
| Head shops ¹ | | -- | -- | C | -- | -- | -- | C | Section 18.190.210 |
| Pawn shops | | -- | -- | Z | -- | -- | -- | Z | |
| Retail tobacco stores ¹ | | -- | -- | -- | -- | -- | -- | -- | |

[illegible]

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|------|-----|-----|----------------|----------------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Artisan and craft shops, such as taxidermists, carpenters, cabinet makers, art studios | | -- | P | P | -- | -- | P | P | |
| Business support services, including commercial art, computer and data processing, mailboxes and postal services, mailing and reproduction, messenger services, photography, and similar services | 5614 | P | P | P | -- | p ³ | p ³ | P | Excludes machinery and equipment rental and commercial cleaning |
| Astrology ¹ services | | -- | -- | Z | -- | -- | Z | Z | Chapter 5.60 . Not permitted in mixed-use buildings |
| Consumer product repair and maintenance, including repair and servicing of air conditioning, bicycles, cameras, electronics, furniture, jewelry, lawnmowers, leather goods, refrigeration, upholstery, and similar products and services | | -- | P(*) | P | -- | Z | Z(*) | P | (*) Refrigeration, air conditioning, upholstery, and furniture repair are not permitted in I overlay district , or in CN district |
| Employment services | 5613 | P | P | P | -- | p ³ | p ³ | P | |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|------|-----|-----|--------------------|--------------------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Investigative and security services, including locksmiths | 5616 | P(*) | P(*) | P | -- | P ³ (*) | P ³ (*) | P(*) | (*) Excludes corporation yards ¹ for vehicles associated with these uses |
| Laundry and dry cleaning services, including coin-operated laundries, dry cleaners, and garment services not elsewhere listed in this table but excluding power and industrial laundrers | | -- | P | P | -- | P ³ (*) | P ³ | P | (*) Zoning administrator permit required for those establishments with on-site dry cleaners |
| Lodging | | | | | | | | | |
| Hotels, full service ¹ , including conference | | Z | -- | Z | P | Z | Z | P | |
| Hotels, limited service ¹ ; motels | | P | -- | Z | P | P | P | P | |
| Bed and breakfast inn ¹ | | P | -- | P | -- | P | P | P | |
| Machinery and equipment rental and leasing | | -- | -- | Z | -- | -- | -- | -- | Not permitted in HOD |
| Massage establishments ¹ | | -- | -- | C | -- | -- | C | C | Chapter 5.65 and Section 18.190.310 . Not allowed in HODs |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|---|---|-------|-----|------|-----|----------------|----------------|------|--|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Mini-warehouses for household goods ¹ , when not located on an arterial street ¹ | | -- | -- | C | C | -- | -- | -- | Section 18.190.330 . Prohibited in TODs |
| Mortuaries, funeral homes, and crematoria | | -- | -- | C | -- | -- | -- | C | |
| Personal services, general ¹ | | P | P | P | Z | P ³ | P ³ | P | |
| Personal services, other ¹ , excluding piercing services and tattoo parlors | | -- | -- | C(*) | -- | -- | C | C | Not permitted in mixed-use buildings . (*) Modeling services are not permitted. |
| Piercing services, tattoo parlors | | P | P | P | P | P | P | P | |
| Printing, publishing, and photofinishing | 3231 , 511 , 812921 , 812922 | P | P | P | -- | P ³ | P ³ | P | |
| Public or quasi-public use ¹ , not including: corporation/contractor/fleet/service yards ¹ and warehouses ¹ or any use specifically listed in this table as a permitted, zoning administrator or prohibited use | | Z | C | C | -- | C | C | C | |
| Radio and television broadcasting | 5151 | -- | -- | Z | -- | -- | P ³ | -- | |

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|--|----------------------------|-------|------|-----|-----|------|------|------|---|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Services to <u>dwellings</u> and <u>buildings</u> , including carpet cleaning, janitorial, landscape, pest control, etc. | <u>5617</u> | P(*) | P(*) | P | -- | P(*) | P(*) | P(*) | (*) Excludes <u>corporation yards</u> ¹ for <u>vehicles</u> associated with these uses |
| Travel arrangement and reservation services | <u>5615</u> | P | P | P | -- | P | P | P | |
| Miscellaneous/Other Uses | | | | | | | | | |
| <u>Accessory uses</u> and <u>buildings</u> customarily appurtenant to a <u>permitted use</u> , such as incidental storage facilities | | A | A | A | A | A | A | A | |
| Any other use that the <u>zoning administrator</u> finds is similar in nature, function, and operation to other: | | | | | | | | | |
| <u>Conditional uses</u> in the <u>district</u> | | C | C | C | C | C | C | C | Chapter <u>18.250</u> |
| <u>Permitted uses</u> within the <u>district</u> | | P | P | P | P | P | P | P | Chapter <u>18.250</u> |
| <u>Zoning administrator uses</u> in the <u>district</u> | | Z | Z | Z | Z | Z | Z | Z | Chapter <u>18.250</u> |
| <u>Drive-in or drive-through enterprise</u> ¹ accessory to a <u>permitted use</u> unless prohibited herein | | C | C | C | C | -- | -- | C | Section <u>18.190.110</u> ; not permitted in mixed-use projects or in TOD <u>overlay district</u> |

- (a) Commercial – Office District, C-O. The purpose of the C-O district is to provide an area wherein professional, financial, health care, and general commercial offices and limited personal services may develop outside of other commercial districts. The C-O district may also act as an area of transition and a buffer between commercial uses and more sensitive uses such as housing. The C-O district may be applied in areas with a general plan designation of “general commercial.”
- (b) Commercial – Neighborhood District, C-N. The purpose of the C-N district is to provide areas for convenience shopping primarily for residents of the neighborhood. The type of development supported by this district includes but is not limited to small neighborhood shopping centers and free-standing local-serving commercial establishments on individual parcels. It includes retail food sales, eating and drinking places, and other smaller-scale establishments oriented to retail trade and general merchandising and personal services. The C-N district may be applied in areas with a general plan designation of “general commercial.”
- (c) Commercial – General District, C-G. The purpose of the C-G district is to accommodate a broader range of commercial uses than are permitted in the C-N district. In addition to allowing retail trade and general merchandising, the C-G district also permits offices, educational and instructional services, health-related services, personal services, group assembly, and other uses which are not oriented toward retail trade and general merchandising. Auto sales, service and repair activities, gas stations, equipment rental uses, and similar activities also may occur in this district. The C-G district may be applied in areas with a general plan designation of “general commercial.”
- (d) Commercial – Regional District, C-R. The purpose of the C-R district is to provide locations for national retailers, large format retailers, hotels, auto sales and similar uses which serve the residents of the city and the region. Uses which would locate in this district are primarily larger in scale than those that occur in the other commercial districts, and are more auto-oriented. A full depth and variety of retail uses fit within this category, including large shopping centers and big box retail stores, and larger restaurant and entertainment facilities serving the region. C-R districts are usually located along arterials and near freeways. The C-R district may be applied in areas with a general plan designation of “regional commercial.”
- (e) Mixed-Use District, MX. The purpose of the MX district is principally to accommodate commercial uses and secondarily to create opportunities for mixed-use development

including ground floor retail and service uses and upper floor residential uses. The MX district allows for commercial uses that are compatible with residential uses. Vertical mixing of uses (e.g., housing above commercial uses) is encouraged but is not mandatory in mixed-use projects. Projects which are entirely commercial, or which include housing and commercial uses on the same parcel in a horizontal (rather than vertical) format are permitted. Any project in the MX district in which a majority of the floor space is residential must include a substantial commercial component, as defined in Section [18.45.040\(b\)](#). The MX district may be applied in areas with a [general plan](#) designation of “mixed-use” or “general commercial.”

(f) Town Center – Pedestrian and Town Center – Transitional Districts, TC-P and TC-T. The purpose of the TC-P and TC-T districts is to provide areas for mixed retail, service, office, and residential uses in a pedestrian-oriented setting. The TC districts have a distinct identity which reflects their function as the established centers of the Centerville, Irvington, Mission San Jose, Niles and Warm Springs communities. Development standards and use allowances for the TC-P and TC-T districts reflect the existing context of each area as well as their desired long-term character. Each TC district may be applied in areas with a [general plan](#) designation of “town center.”

(1) Town center – pedestrian district, TC-P, is intended for areas which were initially developed before Fremont’s incorporation, and which are characterized by small parcels, a mix of older and newer [structures](#), and a mixed-use context. TC-P areas include the historic cores of Centerville, Irvington, Mission San Jose and Niles. TC-P districts are further defined by the main [street](#) corridor place type as identified in the [general plan](#) community character element.

(2) Town center – transitional district, TC-T, is intended for areas that are still transitioning from a suburban character to a walkable, mixed-use character. TC-T areas include the town center area of Warm Springs and some areas on the perimeter of the TC-P district. (Ord. 16-2015 § 31, 6-2-15; Ord. 17-2016 § 11, 9-13-16.)

18.45.020 Building and site standards.

Development of properties in the commercial and mixed-use districts shall conform to the [building](#) and site standards set forth in Table 18.45.020.

Table 18.45.020

| | C-O | C-N | C-G | C-R | MX | TC-P | TC-T |
|--|--|-----|------|---------|--|--|---|
| Building height ^{1,2,3,7} , maximum | 35 feet | | | 40 feet | 65 feet | 65 feet ⁷ ; 40 feet ⁷ in MSJ ⁶ or Niles | 45 feet; 40 feet in MSJ ⁶ or Niles |
| Building frontage ¹ , minimum | None, except along urban corridors, main streets , and in town center place types: At least 50% of the building's street-facing facade must be built within the build-to-layer, defined as within five feet of the front property line for interior lots and five feet of the street-facing property lines for corner lots . | | None | | None, except along urban corridors, main streets , and in town center place types: At least 50% of the building's street-facing facade must be built within the build-to-layer, defined as within five feet of the front property line for interior lots and five feet of the street-facing property lines for corner lots . | | |
| Interior side yard ¹ width, minimum | None, except 10 feet when adjacent to any lot designated residential in the general plan or residentially developed. ⁴ | | | | | | |
| Yard width adjacent to streets , minimum | None | | | | | | |
| Rear yard ¹ depth, minimum | None, except 10 feet when adjacent to any lot designated residential in the general plan or residentially developed. ⁴ | | | | | | |
| Minimum ground floor height, floor to second floor | None | | | | 16 feet ⁸ | | None |

| | C-O | C-N | C-G | C-R | MX | TC-P | TC-T |
|--|--|-----|--|----------------|---|------|----------------|
| Floor area ratio ^{1,5} (FAR), maximum | 0.3 nonresidential; 0.6 mixed-use with housing | | 0.3 nonresidential; no mixed-use permitted | | 0.5 nonresidential; 1.25 mixed-use with housing | | |
| Minimum residential density (dwelling units/acre) for mixed-use with housing when outside of TOD overlay | 14.6 | | N/A | | 14.6 | | |
| Floor area ratio ^{1,5} (FAR), minimum | None: however, minimum FARs apply to properties within the TOD overlay district (see Chapter 18.152). | | | | | | |
| Lot area ¹ , minimum | 10,000 sq. ft. | | | 20,000 sq. ft. | | None | 20,000 sq. ft. |
| Lot width ¹ , minimum | 65 feet | | | | 100 feet | None | 100 feet |
| Street frontage | See Section 17.25.180 (Lot standards) | | | | | | |

The following notes are used in Table 18.45.020 and are applicable to all [commercial](#) and mixed-use [districts](#):

¹ Term is defined in Chapter [18.25](#).

² Hotels may exceed this limit, subject to discretionary design review permit approval subject to limitations set forth in footnote 7.

³ Applications to increase the [building heights](#) beyond the maximum shall be processed as a modification of zoning standards. See Chapter [18.250](#). Also, special height standards apply in the Mission San Jose [district](#) (see Mission San Jose Design Guidelines).

⁴ When adjacent to residentially developed properties having parking or circulation located next to the [lot line](#), the [zoning administrator](#) may reduce the [required yard](#), pursuant to requirements set forth in Chapter [18.250](#) (modifications of zoning standards), provided the [zoning administrator](#) determines that no significant impact on the adjacent residential use will occur.

⁵ Higher FARs may be permitted subject to discretionary design review permit approval for:

(a) Hotels, or automobile dealers in the C-R [district](#);

(b) Office [buildings](#) in the C-G [district](#); and

(c) Properties within the Mission San Jose historic [overlay district](#), based on the provisions of the Mission San Jose Design Guidelines and subject to historic architectural review pursuant to Chapter [18.175](#).

All other applications to increase the FAR beyond the maximum shall be processed as a modification of zoning standards under Chapter [18.250](#).

⁶ MSJ – Mission San Jose Town Center.

⁷ Height shall also be limited to three stories for [buildings](#) directly located along a Main [Street](#) Corridor Place Type as identified in the [general plan](#) place types manual.

⁸ Applies only to [commercial](#) space in [buildings](#) facing a public [street](#).

(Ord. 16-2015 § 31, 6-2-15; Ord. 17-2016 § 12, 9-13-16; Ord. 27-2016 § 9, 12-6-16; Ord. 05-2021 § 15, 4-20-21; Ord. 01-2025 § 6, 1-7-25.)

18.45.030 Development standards and requirements applicable to all commercial and mixed-use districts.

The following standards and requirements apply to all development within [commercial](#) and mixed-use [districts](#) except as otherwise provided in this chapter:

(a) Design review permit approval shall be required pursuant to Chapter [18.235](#).

(b) Conversion of a [structure](#) from a residential to a nonresidential use shall require approval of a discretionary design review permit.

(c) Exterior lighting, other than public or private [street](#) lights, shall be diffused or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or roadways.

(d) Electrical and utility transformers shall be placed underground or shall be screened by an architectural element and/or [landscaping](#).

(e) Mechanical, meter and other equipment screening shall be required in accordance with Section [18.190.320](#).

(f) The pedestrian circulation system within a development site shall connect the main entrance of a [building](#) to the public pedestrian circulation system and must meet adopted accessibility requirements. Pedestrian systems shall be no less than five feet in width unless

an alternative system meeting accessibility standards is provided. Where the system crosses [driveways](#), parking areas and loading areas, the system shall be clearly identifiable, through use of a different paving material, or similar method. Striping alone does not meet this requirement. The on-site system must be lighted to a level where the system can be used at night.

(g) Parking (inclusive of bicycle parking, car share and electric [vehicle](#) spaces) shall be provided as required in Chapter [18.183](#).

(h) [Landscaping](#) Requirements.

(1) All yard areas shall be landscaped according to their purpose, such as ornamental [landscaping](#), outdoor seating/dining or storm water treatment. Landscape improvements may include trees, shrubs, flowers, groundcover, and hardscape as approved during the design review permit process.

(2) Landscape design shall include planter space for large canopy tree species of a minimum dimension of 10 feet at the ground level with additional space for canopy maturity at upper [building](#) levels.

(3) Bay friendly and water efficient landscapes meeting state standards are required.

(4) Landscape requirements for parking areas are contained in Chapter [18.183](#).

(5) Landscape planting requirements may vary through design review permit approval in recognition of tree preservation efforts and the overall landscape plan aesthetic.

(i) All fencing shall conform to the standards set forth in Chapter [18.171](#).

(j) Solid Waste and Recycling Storage. Internal and external storage of municipal solid waste, recyclables, and yard waste shall conform to the standards set forth in Section [18.190.440](#). (Ord. 16-2015 § 31, 6-2-15; Ord. 04-2016 § 11, 3-1-16.)

18.45.040 Mixed-use development requirements.

(a) [Mixed-use developments](#) shall have a mix of [commercial](#) and/or office uses with residential uses on site, and shall follow the [building](#) and site standards of the zoning [district](#)

in which they are located in addition to the standards below.

(b) Mixed-Use Standards.

(1) A [mixed-use development](#) must include a [commercial](#) component. At least 50 percent of the total ground-floor [building](#) area that is located within 50 feet of the [street frontage](#) shall be designated for [commercial](#) and/or office uses. For [mixed-use developments](#) on [corner lots](#), the minimum [commercial](#) floor area requirement shall be applied to the [street frontage](#) located on a main [street](#) or urban corridor (place types) or with the highest multimodal traffic volume. Additionally, [mixed-use developments](#) shall maintain [commercial](#) and other active uses along all frontages designated as a main [street](#) or urban [street](#) corridor as shown in the [general plan](#) community character element and place types manual.

Notwithstanding the foregoing, the otherwise required minimum [commercial](#) component of a [mixed-use development](#) can be reduced or waived if a concession is requested for such project in accordance with Chapter [18.165](#), Density Bonus and Affordable Housing Incentives.

(2) The minimum depth of [commercial](#) space shall be 50 feet. Where other functional or structural elements of a [building](#) design (e.g., stairs, elevators, fire equipment, bearing walls) preclude a 50-foot uniform depth, the approval body may allow for an exception to lessen the depth along up to 25 percent of the linear frontage of total [commercial](#) space provided. Unless infeasible due to existing [lot](#) dimensions or conditions, depths less than 30 feet shall be avoided.

(3) The remainder of [floor area](#) from that set aside for the [commercial](#) portion of the development may be used to create residential units.

(4) Multifamily residential development within a [mixed-use development](#) shall be governed by objective standards with respect to [lot](#), siting, architectural, and site design standards for portions of the development not located along the [commercial](#) street frontage, and with respect to provision of private and [common open space](#) and private storage, by the multifamily (R-3) residential [district](#) most similar in nature and function to the residential portion of the [mixed-use development](#).

(c) [Mixed-use development](#) shall comply with policies and requirements set forth in the community character element of the [general plan](#) and the Citywide Design Guidelines, subject to a design review permit.

(d) Evaluation Criteria – Findings. To assure the proposed development meets the intent of this section for [mixed-use development](#), the following findings shall be made prior to approving a mixed-use project:

(1) The development's site layout, building(s), and land uses integrate into the existing community, the layout and [buildings](#) create an appropriate human scale and an efficiently functioning infrastructure, and the amenities serving the [residents](#) of the development function better as a whole than what could be provided in a non-mixed-use project.

(2) The development complies with the [general plan](#) as well as the Citywide Design Guidelines with regard to pedestrian orientation, provision of [open space](#), and appropriate provision of parking. (Ord. 16-2015 § 31, 6-2-15; Ord. 17-2016 § 14, 9-13-16; Ord. 02-2020 § 10, 1-14-20; Ord. 05-2021 § 16, 4-20-21; Ord. 07-2023 § 13, 12-5-23.)

18.45.050 Adjustments for commercial developments formerly within a planned district.

Prior to June 2, 2015, many [commercial](#) and [mixed-use developments](#) were approved within planned [districts](#). The purpose of this section is to preserve and extend certain vested rights for such developments.

(a) Uses. Any use legally established within a planned [district](#) zone prior to June 2, 2015, may continue as previously approved. All newly established uses must conform to current zoning regulations.

(b) Development Standards. All legally constructed existing [building](#) and site improvements shall be considered to be conforming with regard to [setbacks](#), height, [floor area](#) ratio and site layout regardless of current zoning standards. Except as provided in subsection (c) of this section, all new development shall conform to current development standards.

(c) [Development Projects](#) Approved Prior to Adoption of This Section, but Not Yet Constructed. Any [development project](#) approved as part of a planned [district](#) shall remain

vested in accordance with former approvals unless superseded by a new development approval. (Ord. 16-2015 § 31, 6-2-15.)

18.45.060 Uses in commercial and mixed-use districts.

(a) Use Table. Table 18.45.060-1 establishes allowed uses for properties within commercial and mixed-use districts. The following terms are used in Table 18.45.060-1:

- (1) Permitted (“P”) uses are allowed subject to conformance to standards or conditions of this title.
- (2) Conditional (“C”) uses may be permitted with a [conditional use permit](#), provided all other requirements of this title are met.
- (3) [Zoning administrator](#) (“Z”) uses may be permitted with a [zoning administrator permit](#), provided all other requirements of this title are met.
- (4) Accessory (“A”) uses are allowed when subordinate to or part of a [principal use](#) on the same [lot](#) and serve as a use incidental to such [principal use](#).
- (5) The symbol “--” indicates a use is prohibited within the zoning [district](#).
- (6) Upper floor only (“UFO”) use restriction applies.

(b) Permitting Procedures. Permitting procedures for a conditional use permit and zoning administrator permit shall be as provided in Chapters 18.230 and 18.275, respectively.

Table 18.45.060-1: Commercial and Mixed Uses

| Use | 2012 NAICS ² | Zones | | | | | | | Specific Use Requirements/ Notes |
|-----------------------------|----------------------------|-------|-----|-----|-----|----|------|------|--|
| | | C-O | C-N | C-G | C-R | MX | TC-P | TC-T | |
| Agriculture | | | | | | | | | |