

ORDINANCE NO. 26594

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING SECTION 20.100.450 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THE RESTRICTIONS ON HOURS OF CONSTRUCTION WITHIN 500 FEET OF A RESIDENTIAL UNIT

WHEREAS, on March 13, 2002, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. 02-03-042.

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

Section 20.100.450 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.450 Hours of Construction Within 500 Feet of a Residential Unit

- a. Unless otherwise expressly allowed in a Development Permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
- b. Without limiting the scope of Section 20.100.310, no applicant or agent of an applicant shall suffer or allow any construction activity on a site subject to a Development Permit or other planning approval located within 500 feet of a residential unit at any time when that activity is not allowed under the Development Permit or planning approval.

- c. This section is applicable whenever a Development Permit or other planning approval is required for construction activity.

PASSED FOR PUBLICATION OF TITLE this 26th day of March,
2002, by the following vote:

AYES: CAMPOS, CORTESE, DANDO, DIQUISTO, LeZOTTE,
REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

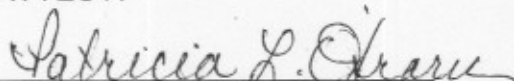
ABSENT: CHAVEZ, SHIRAKAWA

DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:



PATRICIA L. O' HEARN
City Clerk