



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
801 North First Street, Room 116
San José, California 95110
Telephone (408) 277-4424
FAX (408) 277-3285

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

I, Patricia L. O'Hearn, City Clerk and 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. 26820**", the original copy of which is attached hereto, was passed for publication of title on the **4th day of February, 2003**, 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 **18th day of February, 2003**, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,
 GREGORY, REED, WILLIAMS; GONZALES

NOES: NONE

ABSENT: LeZOTTE, YEAGER

DISQUALIFIED: NONE

VACANT: NONE

Said ordinance is effective as of **March 21, 2003**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **27th day of February, 2003**.

(SEAL) *Patricia L. O'Hearn*
PATRICIA L. O'HEARN
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 26820

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.90.150 OF CHAPTER 20.90 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO CLARIFY THE CONDITIONS UNDER WHICH A CONDITIONAL USE PERMIT FOR PARKING FACILITIES CAN BE ALLOWED IN RESIDENTIAL DISTRICTS AND AMENDING SECTIONS 20.100.400 AND 20.100.500 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT TO EXTEND THE TERM OF DEVELOPMENT PERMITS THROUGH AN ADJUSTMENT

WHEREAS, on January 29, 2003, 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. PP No. 03-01-033; and

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

SECTION 1. Section 20.90.150 of Chapter 20.90 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.90.150 Parking Facilities in Residence Districts-- Restrictions

In a Residential District no Conditional Use Permit shall be issued for parking facility intended to serve nonresidential uses, unless all of the following conditions are met:

- A. The Residential District is immediately adjacent to the non-residentially zoned land where the business or other use to be served by such parking is located.
- B. Use of the parking is limited to passenger vehicles belonging to the users of the adjacent business or use being served by the parking.
- C. Use of the parking is limited to the hours of operation of the adjacent business or use being served.
- D. All of the following additional criteria and standards are met:

1. The minimum lot area and front and corner lot side setbacks of the Residence District are met.
2. The minimum rear and interior lot side setbacks are ten (10) feet.
3. All setback areas and all other areas not required for parking spaces or circulation are landscaped.
4. No part of any parking space, parking aisle or driveway shall be more than one hundred (100) feet from such nonresidential site.
5. No driveway access is permitted from a public street unless either the public street is one that is designated an arterial or major collector by the General Plan of the City of San Jose, or the driveway is located within one hundred and fifty (150) feet of such a designated street.
6. Only directional signs are permitted.
7. Lighting shall be located and directed so that it is reflected away from residentially zoned land. No glare which might cause unreasonable annoyance to occupants of properties in the Residential Districts shall be permitted.

SECTION 2. Section 20.100.400 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.400 Term

Development Permits shall automatically expire 24 months, unless otherwise provided in the Permit, from and after the date of issuance of the Development Permit if within such 24 month period the proposed use of the site or the construction of buildings has not commenced pursuant to and in accordance with the provisions of the Development Permit, subject to the provisions of Section 20.100.500 below.

SECTION 3. Section 20.100.500 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.500 Adjustments

- A. The Director may, at the Director's sole discretion, approve an adjustment for the following:

1. An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, however, that no more than two (2) such term extensions may be approved.
 2. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
 3. Signs that conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
 4. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
 5. Building Mounted Wireless Communications Antenna.
 6. Tract sales, model home sales, or leasing/sales offices associated with an approved housing development.
 7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
 8. Solar Photovoltaic Electrical Power Generation Systems.
- B. An application for an adjustment must be filed on the form provided by the Director on or before the date that is three (3) business days prior to the expiration date of the Development Permit proposed for adjustment and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council.
- C. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- D. Where property was developed prior to the requirement of a Site Development Permit, adjustments may be approved without the necessity of the issuance of a full Site Development Permit.

PASSED FOR PUBLICATION of title this 4th day of February, 2003, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,
GREGORY, LeZOTTE, REED, WILLIAMS; GONZALES

NOES: NONE

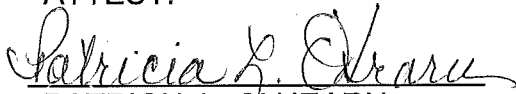
ABSENT: YEAGER

DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:



PATRICIA L. O' HEARN
City Clerk

24

SAN JOSE POST-RECORD

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CECILIA DELGADO
SAN JOSE CITY CLERK
801 N FIRST ST
SAN JOSE, CA 95110

SJ#: 497812

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 #26820

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PASSED FOR PUBLICATION of title this 4th day of February 2003, by the following vote:
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NOES: NONE
ABSENT: YEAGER
DISQUALIFIED: NONE
RON GONZALES, Mayor
ATTEST
PATRICIA L. O'HEARN, City Clerk
02/11/03

SJ-497812#

I am a citizen of the United States; 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, 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 of February 3, 1922, Case No. 27,844. 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:

02/11/03

Executed on: 02/11/2003
At Los Angeles, California

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

Signature