

ORDINANCE NO. 27851

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.100.500 OF PART 4 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW THE DIRECTOR OF PLANNING TO EXTEND THE TERM OF A DEVELOPMENT PERMIT FOR OFFICE USES IN THE DOWNTOWN ZONING DISTRICTS

WHEREAS, the Director of Planning has found this Ordinance categorically exempt from environmental review per the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and more specifically pursuant to Section 15301 of the Guidelines for CEQA (Title 14, California Code of Regulations, Chapter 3, Sections 15000 *et. seq.*), as amended.

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

Section 20.100.500 of Part 4 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, as follows:
 - a. That no more than four (4) such term extensions may be approved on or before October 13, 2011 for Development Permits allowing office uses located in Downtown Zoning Districts; and
 - b. That no more than two (2) such term extensions may be approved for any other type of Development Permit.
 - 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 which 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 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.
 9. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
 10. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
 11. Building additions of less than five thousand(5,000) square feet in area or less than 50% of the building area prior to the addition, whichever is smaller, to non-residential buildings.
 12. Generators meeting performance standards for noise and air pollution.
- 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 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 for projects as set forth in Section 20.100.610(A) may be approved without the necessity of the issuance of a full Site Development Permit.

PASSED FOR PUBLICATION of title this 29th day of August, 2006, by the following vote:

AYES: CAMPOS, CHIRCO, LeZOTTE, NGUYEN, PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CHAVEZ, CORTESE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk