



## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207

City Clerk

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

I, Dennis Hawkins, 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. 29054**", the original copy of which is attached hereto, was passed for publication of title on the **17<sup>th</sup> day of April, 2012**, 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 **1<sup>st</sup> day of May, 2012**, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **1<sup>st</sup> day of June, 2012**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **4<sup>th</sup> day of May, 2012**.

(SEAL)

\_\_\_\_\_  
DENNIS HAWKINS, CMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 29054**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.100.500 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY PROVISIONS REGARDING THE ISSUANCE OF ADJUSTMENTS TO EXTEND THE TERM OF PREVIOUSLY-APPROVED DEVELOPMENT PERMITS, TO REACTIVATE CERTAIN PREVIOUSLY-EXPIRED DEVELOPMENT PERMITS, AND TO MAKE OTHER NONSUBSTANTIVE LANGUAGE CLARIFICATIONS**

**WHEREAS**, pursuant to the provisions of the California Environmental Quality Act, together with related state and local implementation guidelines, including Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance have been found to not constitute a project under CEQA pursuant to File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the City of San José on this Ordinance; and

**WHEREAS**, this Council has considered and hereby approves the evaluation and clearance performed pursuant to CEQA.

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

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 elements of a previously-issued Development Permit, subject to and in accordance with the provisions of this Section:
  - 1. **General Extensions.** An extension of the term of an approved Development Permit for a period of up to but not exceeding one (1) year; provided, that no more than two (2) such term extensions may be approved for any Development Permit.

2. **Special Extensions.** In addition to General Extensions authorized pursuant to this Section, the Director may approve a one-time, Special Extension of the term of a previously approved Development Permit for which a Tentative Map had been granted and which Development Permit otherwise would expire between July 13, 2011 and January 1, 2014 for a period of up to but not exceeding two (2) years so that, with the Special Extension, the term of the Development Permit will coincide with the expiration date of the associated, previously granted Tentative Map.
3. **Reactivations and Special Extensions.** In addition to General Extensions authorized pursuant to Section 20.100.500 .A.1 above and Special Extensions authorized pursuant to Section 20.100.500.A.2 above, the Director may approve a reactivation of a previously approved but expired Development Permit, and an additional extension of the term of that Development Permit, as described below provided that all of the criteria set forth in either a) or b) are fully met:
  - a) The term of the Development Permit may be extended up to, but not exceeding, four (4) years from the expiration date of that Development Permit if the Development Permit to be reactivated expired on a date between November 1, 2008 and October 13, 2011 and if the Development Permit to be reactivated allowed office uses in a Downtown Zoning District; or
  - b) The term of the Development Permit may be extended up to, but not exceeding, two (2) years from the expiration date of that Development Permit if the Development Permit to be reactivated allowed development of a residential project of ten (10) dwelling units or less within City's Urban Service Area and the final map for that residential project was recorded between January 1, 2008 and October 13, 2011.
4. 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.
5. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
6. 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.
7. Building Mounted Wireless Communications Antenna.

8. Tract sales, model homes sales, or leasing offices associated with an approved housing development.
  9. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
  10. The creation, on or above ground through installation, construction, or replacement, of less than one (1) gross acre of impervious surface.
  11. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
  12. Building additions of less than five thousand (5,000) square feet in area to non-residential buildings, except that the maximum building addition size for a fast food restaurant, a 24-hour convenience market, or a convenience market with gas pumps shall be one thousand (1,000) square feet in area and the maximum building addition to a bank with a drive through shall be three thousand (3,000) square feet in area.
  13. Generators meeting performance standards for noise and air pollution.
  14. Above-ground storage tanks of two thousand (2,000) gallons or less in zoning districts other than industrial zoning districts and an above-ground storage tank of twenty thousand (20,000) gallons or less in an industrial zoning district.
  15. Building additions of less than two hundred (200) square feet in total area or less than ten percent (10%) of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the City's General Plan, the provisions of this Title, and the provisions of Title 21 of this Code.
- C. 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; provided, however, that an adjustment for a reactivation pursuant to subsection A.2 above must be filed on the form provided by the Director no later than: (1) September 1, 2009 for a Development Permit that expired on November 1, 2008 through and including July 3, 2009, or (2) sixty (60) days from that Development Permit's expiration date for a Development Permit that expired on or after July 4, 2009, and all applications must be accompanied by the fees set forth in the Schedule of Fees adopted by resolution of the City Council.


- D. 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, and nothing herein shall be deemed or construed to confer on an applicant a right to an Adjustment or to require the Director to issue an Adjustment. If the Director denies an Adjustment, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate Development Permit.
- E. 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 17<sup>th</sup> day of April 2012, by the following vote:

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



\_\_\_\_\_  
CHUCK REED  
Mayor

ATTEST:   
 \_\_\_\_\_  
 DENNIS D. HAWKINS, CMC  
 City Clerk

SAN JOSE POST-RECORD

95 S. Market St., Ste. 535, SAN JOSE, CA 95113  
Telephone (408) 287-4866 / Fax (408) 287-2544

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

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 #29054

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:

04/20/2012

Executed on: 04/20/2012  
At Los Angeles, California


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

Signature

RECEIVED  
San Jose City Clerk this space for filing stamp only

2012 APR 24 AM 9:39

SJ#: 2300505



CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY

ORDINANCE NO. 29054

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.100.500 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY PROVISIONS REGARDING THE ISSUANCE OF ADJUSTMENTS TO EXTEND THE TERM OF PREVIOUSLY APPROVED DEVELOPMENT PERMITS, TO REACTIVATE CERTAIN PREVIOUSLY EXPIRED DEVELOPMENT PERMITS, AND TO MAKE OTHER NONSUBSTANTIVE LANGUAGE CLARIFICATIONS PASSED FOR PUBLICATION of title this 17<sup>th</sup> day of April, 2012, by the following vote:  
 AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA.  
 NOES: NONE.  
 ABSENT: REED.  
 DISQUALIFIED: NONE.  
 ATTEST:  
 CHUCK REED  
 Mayor  
 DENNIS HAWKINS, CMC  
 City Clerk  
 4/20/12

SJ-2300505#



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