CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

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

I, Lee Price, 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. 28282",** the original copy of which is attached hereto, was passed for publication of title on the **25th day of March, 2008,** 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 **15th day of April, 2008,** by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.
NOES:	NONE.
ABSENT:	NONE.
DISQUALIFIED:	NONE.
VACANT:	NONE

Said ordinance is effective as of **May 16, 2008.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **16th day of April, 2008.**

(SEAL) Lee Price

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

4/16/08rmk

ORDINANCE NO. 28282

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 (THE CITY'S ZONING ORDINANCE) AND SECTION 23.02.1300 OF CHAPTER 23.02 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE (THE CITY'S SIGN ORDINANCE) TO PROVIDE FOR A DEVELOPMENT PERMIT ADJUSTMENT EXCEPTION FOR CITY LANDMARK PROPERTIES THAT REQUIRE HISTORIC PRESERVATION PERMIT ADJUSTMENTS

WHEREAS this Ordinance has been found to be not a project subject to the California Environmental Quality Act of 1970, as amended.

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

SECTION 1. 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 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.

E. If a structure or site is designated on the City of San Jose Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code as a City Landmark Structure and/or a structure located in a City Landmark Historic District, then proposed work that is within the parameters outlined in Section 13.48.340.D of Part 3 of Chapter 13.48 of Title 13 of this Code shall be governed by and considered pursuant to the provisions of Chapter 13.48 that require issuance of a Historic Preservation Permit or Historic Preservation Permit Adjustment. Notwithstanding the provisions of this Section 20.100.500 setting forth the requirements for development permit adjustments, no additional development permit adjustment issued pursuant to Title 20 of this Code shall be required for work performed on a site or structure that is designated as a City Landmark Structure, or on a structure located in a City Landmark Historic District, for which a Historic Preservation Permit or Historic Preservation Permit Adjustment has been issued.

SECTION 2. Section 23.02.1300 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.1300 Permit Required

A. No person shall erect or alter, or cause to be erected or altered, any sign except pursuant to a development permit issued in accordance with Chapter 20.100 or pursuant to approval in accordance with Section 23.02.1300.C below, unless exempted from such requirement by Section 23.02.1310.

B. A sign may be approved in conjunction with any development permit issued pursuant to Chapter 20.100. No separate application required by the requirements of this Title shall apply.

C. Signs not approved in conjunction with a development permit issued pursuant to Chapter 20.100, and the alteration of existing signs may be approved by:

1. An adjustment to a development permit pursuant to Section 20.100.500; or
2. An amendment to a development permit issued pursuant to Chapter 20.100; or
3. A sign permit or sign permit adjustment issued pursuant to Section 23.02.1330; or
4. A Historic Preservation Permit or Historic Preservation Permit Adjustment issued pursuant to Chapter 13.48 when the sign, or the site on which the sign is located, is designated on the City of San Jose's Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code as a City Landmark Structure and/or the sign is located on a site that is within a City Landmark Historic District.

D. No permit shall be required for changing the message within an existing sign.

RD:RG
City Council Agenda: 3/25/08
Item No.: 4.3

ORD. NO 28282

PASSED FOR PUBLICATION of title this 25th day of March, 2008, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED
NOES:	NONE
ABSENT:	CONSTANT; WILLIAMS.
DISQUALIFIED	NONE.

Chuck Reed

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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