

ORDINANCE NO. 27378

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.100.1030 AND 20.100.1040 OF PART 9 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO PROVIDE FOR AN EXCEPTION FOR CITY LANDMARKS AND HISTORIC DISTRICT HOUSES AND TO PROVIDE FOR A MORE SIMPLIFIED PROCESS FOR CERTAIN HOMES LISTED IN THE CITY'S HISTORIC RESOURCES INVENTORY

WHEREAS, on February 7, 2005 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. PP05-002.

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

SECTION 1. Section 20.100.1030 of Part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1030 Single Family House Permit Required

A. No Single Family House Permit is required if all of the following applicable criteria and conditions are met:

1. The issuance of building permits will result in a single family house in any Residence District with a Floor Area Ratio equal to or less than forty-five hundredths (.45); and
 - a. The site is not a Historic Resource listed on the Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code.
2. The site is located in a Planned Development Zoning District. All construction in a Planned Development Zoning District shall be governed by the provisions of Part 8 of this Chapter that may require issuance of a

Planned Development Permit for the review of any single-family house construction, addition, or alteration.

3. The issuance of buildings permits is for exterior alterations or maintenance of an existing single family house which alterations or maintenance:
 - a. Would not expand the exterior footprint or increase the overall square footage of the existing single family house; and
 - b. Meet the development regulations of the R-1-8 residence district; and
 - c. If the house is listed as a Historic Resource on the City's Historic Resources Inventory, would solely repair pieces of existing features on a Single Family House that is a Historic Resource, but is not a City Landmark or located in a City Landmark Historic District, with like materials of the same size, shape, pattern and substance and in a manner that fully conforms to approved Design Guidelines; and
 - d. Meet all of the criteria set forth in Subsection 20.100.1030.A.1 above.
4. The single family homes are approved with a single Site Development Permit issued pursuant to Part 5 of this Chapter. A Site Development Permit may be approved if the site is located:
 - a. In an R-1 Residential Zoning District; and
 - b. Includes construction of more than five (5) new single family homes.
5. The issuance of building permits will result in a single family house in any Residence District with a Floor Area Ratio equal to or less than forty-five hundredths (.45) and a height greater than thirty (30) feet and/or two (2) stories, provided that all of the following additional criteria or conditions are met:
 - a. The proposed house will be located on a site within a flood zone with a one-hundred-year flood depth that requires elevation of the first finished floor of the proposed house to a height of at least five (5) feet above grade; and
 - b. The height of the proposed house will be equal to or less than thirty (30) feet plus the required one-hundred-year-flood depth elevation or the maximum height of the Residence District in which the proposed house will be located, whichever height is less; and

- c. The proposed house will meet all of the criteria set forth in Subsection 20.100.1030.A.1 above.
- B. If the site is a Historic Resource listed on the Historic Resources Inventory of the City pursuant to Chapter 13.48 of Title 13 of this Code and the site is a City Landmark house and/or a house located in a City Landmark Historic District, then all work performed on a City Landmark or in a City Landmark Historic District shall be governed by the provisions of Chapter 13.48 of Part 3 of Title 13 of this Code that require issuance of a Historic Preservation Permit. No Single Family House Permit shall approve work performed on a City Landmark house or a house located in a City Landmark Historic District.
- C. Unless specifically exempted by Subsection A above, a valid Single Family House Permit issued under this Part is required prior to the issuance of any building permit for the following activities:
1. Erection, construction, enlargement, placement or installation of a single family house on any site; or
 2. Exterior alteration of a single family home.

SECTION 2. Section 20.100.1040 of Part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1040 Additional Development Requiring a Single Family House Permit

- A. If the issuance of building permits will result in a Single Family House that is a Historic Resource, but is not a City Landmark or located in a City Landmark Historic District, with a Floor Area Ratio equal to or less than forty-five hundredths (.45) and all of the following applicable criteria are met, then issuance of a historic Single Family House Permit is subject to the Administrative Procedures set forth in this Part.
1. The issuance of building permits is for minor modifications involving incidental enlargement, reconstruction, replacement, repair, remodeling, rehabilitation, restoration and/or exterior alteration of a historic resource, fully conforms to approved Design Guidelines, and does not affect the historic significance or character, use, intensity, architectural style, circulation or other site function of the property.
 2. Any application which in the determination of the Director of Planning would not meet the requirements and criteria of Section 20.100.1040.A.1 above shall be subject to the Director Public Hearing Procedures set forth in this

part.

B. If the issuance of building permits will result in a Single Family House with a Floor Area Ratio greater than forty-five hundredths (.45) but equal to or less than sixty-five hundredths (.65), and all of the following applicable criteria are met, issuance of a Single Family House Permit is subject to the Administrative Procedures set forth in this Part.

1. Building Permits do not authorize removal of more than fifty percent (50%) of the exterior walls of an existing house;
2. Building Permits are for an addition to an existing house and the addition is for either one or both of the following:
 - a. A single story and ground floor addition; and/or
 - b. A second story addition which results in a second story which is no larger than sixty percent (60%) of existing first floor area and which is set back ten (10) feet from the required front setback;
3. Building permits do not authorize the enclosure or net loss of ten percent (10%) or more of an existing porch;
4. Building Permits authorize an attached garage only if the houses on each side of the subject lot have existing attached garages;
5. Building Permits require the roofline, materials, trim and decoration details of the new construction to be the same as that on the existing house;
6. Building Permits authorize alterations to a Single Family House that is a Historic Resource, but is not a City Landmark or located in a City Landmark Historic District, which alterations fully conform to or exceed approved Design Guidelines.

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C. Subject to the provisions of Section 20.100.1030, if the issuance of building permits will result in a single family house with a Floor Area Ratio greater than forty-five

hundredths (.45) and all the applicable criteria of Subsection 20.100.1040.A are not met, issuance of a Single Family House Permit shall be subject to the Director Public Hearing Procedures set forth in this Part.

PASSED FOR PUBLICATION of title this 15th day of March, 2005, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk