

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO AMEND SECTIONS 20.30.150 AND 20.30.440 OF CHAPTER 20.30 TO MODIFY DEVELOPMENT STANDARDS AND REQUIREMENTS FOR SECONDARY DWELLING UNITS (ALSO KNOWN AS ACCESSORY DWELLING UNITS), INCLUDING LOT SIZE, UNIT AREA, UNIT TYPE, SETBACKS AND HEIGHT; TO AMEND SECTIONS 20.90.120 AND 20.90.220 OF CHAPTER 20.90 TO MODIFY PARKING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR SECONDARY DWELLING UNITS; TO AMEND SECTIONS 20.100.300 AND 20.100.1040 OF CHAPTER 20.100 TO MAKE MINOR MODIFICATIONS TO SINGLE FAMILY PERMITTING AND RECORDATION PROVISIONS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.30.150 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.150 Secondary Units

Notwithstanding any other provision of this title to the contrary, secondary dwellings that meet all of the following criteria shall be allowed pursuant to the provisions of this Chapter:

- A. Zoning District. A secondary dwelling that is attached to or detached from a one-family dwelling shall be permitted only in: (1) the R-1 zoning districts, the R-2 zoning district or the R-M zoning district in accordance with the provisions of Section 20.30.100, or (2) in planned development zoning districts that are authorized in accordance with Chapter 20.60 of this Title if and that are (a) the planned development is subject to the standards and allowed uses of an R-1

zoning district, or (b) the secondary dwelling conforms to the development and use standards of the planned development district.

- B. Minimum Lot Size. The minimum lot size on which a Secondary Dwelling ~~shall~~ may be allowed is ~~five-three~~ thousand ~~(3000)~~ four hundred forty-five square feet.
- C. Density. A secondary dwelling shall not be included in calculation of residential density for the purpose of determining general plan conformance.
- D. Maximum Secondary Dwelling Floor Area. The increased floor area of an attached secondary dwelling shall not exceed fifty percent (50%) of the existing living area of the primary dwelling or fifty percent (50%) of the proposed living area of the primary dwelling if the primary dwelling is being built or enlarged concurrently with construction of the secondary dwelling unit. A secondary dwelling shall not exceed the following maximum gross floor area:
 1. Six hundred square feet for a secondary dwelling on a lot with an area of at least three thousand (3,000) nine thousand square feet or less up to five thousand four hundred forty-four (5,444) square feet;
 2. ~~Six hundred fifty~~ Seven hundred square feet for a secondary dwelling on a lot with an area of greater than nine thousand square feet at least five thousand four hundred forty-five (5,445) and up to and up to ten thousand nine thousand (9,000) square feet;
 3. Eight hundred square feet for a secondary dwelling on a lot with an area greater than nine thousand (9,000) square feet and up to ten thousand (10,000) square feet.;
 4. Nine hundred (900) square feet for a secondary dwelling on a lot with an area greater than ten thousand (10,000) square feet.

Table 20-55

| <u>Minimum Lot size</u> | <u>Maximum gross floor area</u> |
|--|---------------------------------|
| <u>At least 3,000 square feet and up to 5,444 square feet</u> | <u>600 square feet</u> |
| <u>At least 5,445 square feet and up to 9000 square feet</u> | <u>700 square feet</u> |
| <u>Greater than 9,000 Square feet and up to 10,000 square feet</u> | <u>800 square feet</u> |
| <u>Greater than 10,000 Square feet</u> | <u>900 square feet</u> |

- E. Required Facilities. A secondary dwelling shall include all of the following facilities:
1. A kitchen (including a sink, food ~~preparation counter, storage, and cabinets, and~~ permanent cooking facilities such as an oven and range or cooktop, that meet Building Code standards); and
 2. A full bathroom (including sink, toilet, and shower and/or bath facilities).
- F. Bedroom Requirement and Maximum Bedroom Area. A secondary dwelling is required to contain a combined sleeping and living area or one bedroom and shall include no more than one bedroom and one living area. The floor area of the bedroom shall not exceed four hundred (400) square feet.
- G. Bathroom Limit. A secondary dwelling shall contain no more than one bathroom.
- H. Maximum Accessory Storage Area. The total size of any closet or other enclosed storage area within the secondary dwelling shall not exceed sixty (60) square feet of floor area.
- I. Required Secondary Dwelling Parking.
1. 1. One additional on-site parking space, in addition to the required on-site parking spaces for the one-family dwelling, is required for a secondary dwelling, except as provided in subsection 3 below. Tandem parking that otherwise complies with setback and paving requirements set forth in Sections 20.90.120 and 20.90.140 and Chapter 20.95 of the Municipal Code, shall be allowed.
 2. 2. The required on-site parking space for a secondary dwelling may be located on a garage driveway ~~-apron~~ in the front setback area of the lot on which a secondary dwelling is situated provided that the driveway ~~-apron~~ is at least eighteen (18) feet in length.
 3. 3. No additional parking shall be required for a secondary dwelling that meets any of the following criteria:
 - 4a. The secondary dwelling is located within one-half mile of, and has a path of travel that is always publicly accessible to a site containing an existing public rail-transit station or at least one public bus ~~route stop with a frequency of service interval of fifteen minutes or less during the morning and afternoon peak commute periods.~~

- 2b. The secondary dwelling is located within a historic district identified in the city's historic resources inventory as defined in Chapter 13.48 of Title 13 of this Municipal Code.
- 3c. The secondary dwelling is part of the existing primary residence, or within, or part of, an existing Aaccessory ~~structure~~Building.
- 4d. When on-street parking permits are required but not offered to the occupant of the secondary dwelling.
- 5e. When there is a motor vehicle that is operated as part of a regional fleet by a public agency or publicly-leased motor-vehicle-sharing organization and provides hourly and daily service located within one block of the secondary dwelling.

J. Required Replacement Parking for Primary Dwelling Parking Demolished or Converted for Secondary Dwelling Construction. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of a Secondary Dwelling, any required off-street parking spaces that were provided by such garage, carport, or covered parking structure, shall be replaced in accordance with Section 20.90.220.B.2.

K. Development Standards. Secondary dwellings shall comply with all of the following development standards:

- 1. The secondary dwelling shall be subject to the setback requirements for a one-family dwelling in ~~of~~ the zoning district in which the one-family dwelling is located, as set forth in this chapter except as follows: that a secondary dwelling which does not exceed one story above grade shall have a minimum rear setback of five feet, provided that such secondary dwelling shall not occupy more than fifty percent of the area between the rear setback otherwise required and said five-foot rear setback.

 - a. Conversion of Existing Accessory Building - No setback over the setback specified for an Accessory Building shall be required for an existing Accessory Building, or garage, that is converted to a Secondary Dwelling, unless required to meet current Building and Fire Code requirements. No setback shall be required for an existing garage that is converted to a secondary dwelling and a minimum setback of five feet from the side and rear lot lines shall be required for an attached secondary dwelling.

- b. New detached Secondary Dwelling - No setback over the setback specified for an Accessory Building shall be required for a new detached Secondary Dwelling that does not exceed the maximum height set forth in Subsection 20.30.150.K.5 for a one story Secondary Dwelling, unless required to meet current Building and Fire Code requirements. Additional setback requirements may apply as a result of "no-build" easements.
 - c. Second Story Secondary Unit - and a minimum setback of five (5) feet from the side and rear lot lines shall be required for an ~~attached~~ detached Secondary Dwelling that is constructed above an existing accessory Building, including a detached garage.
 - d. Additional setback requirements may apply under the Building and Fire Codes or as a result of "no-build" easements.
2. An attached secondary dwelling shall share a common wall with the one-family dwelling, or shall share an integral roof structure having the same framing system and roof covering as the one-family dwelling and shall be separated from the one-family dwelling by no more than ten (10) feet at any given point.
 3. A detached secondary dwelling shall be located in the rear yard of the lot of the one-family dwelling.
 4. A detached secondary dwelling shall be located at least six (6) feet away from the one-family dwelling.
 5. A detached one story secondary dwelling shall be limited to a maximum ~~of one story and height of~~ eighteen (18) feet ~~in height~~, with an average roof height of no greater than fourteen (14) feet. Average roof height is measured halfway up the slope of the roof, and in no case shall any portion of the roof height of a detached secondary dwelling exceed eighteen (18) feet, except that a detached accessory dwelling constructed above an existing or proposed attached accessory building, including a garage may have a maximum roof height of twenty two (22) feet above grade. Roof height shall be determined in accordance with San José Municipal Code Section 20.200.510.
 6. A detached secondary dwelling may ~~not~~ be attached to an existing or proposed accessory building, including a garage except that a detached secondary dwelling may be attached to a detached garage so long as applicable current building code requirements and requirements to

address fire or safety hazards are met. A detached secondary dwelling that is attached to an existing or proposed accessory building, including a detached secondary dwelling constructed above an existing or proposed accessory building, shall not have any connecting opening between the accessory building and secondary dwelling, unless all connected areas meet current residential building and fire code requirements, and the maximum gross square footage for all connected areas does not exceed the limits set forth in Section 20.30.150.D above.

7. The cumulative total of the rear yard covered by the secondary dwelling, accessory buildings, and accessory structures, except pools, shall not exceed forty percent (40%) of the rear yard.
8. If situated on a lot that is equal to or greater than one-half (1/2) an acre in size, a secondary dwelling shall be located more than one hundred feet (100) from a riparian corridor as measured from top of bank or vegetative edge, whichever is greater.
9. A secondary dwelling shall be subject to provisions in this Municipal Code that prevent adverse impacts on a real property that is listed in the California Register of Historic Places, otherwise known as the California Register of Historic PlacesResources.

KL. Design Standards. Secondary dwellings shall comply with the following design standards:

1. An attached ~~The~~ secondary dwelling shall ~~be constructed with facade materials similar in texture and appearance to incorporate architectural style, and similar materials and color of~~ the one-family dwelling, including but not limited to roofing, siding, and windows and doors.
2. A new detached ~~The~~ secondary dwelling located on a site that is listed on the California Register of Historic Places, otherwise known as the California Register of Historic Resources, shall incorporate architectural style, and similar materials and colors, including but not limited to roofing, sidings, wand windows and doors ~~match the roof pitch and roof form of the one-family dwelling in order to blend with the architecture of the one-family dwelling.~~
3. The front door of any attached secondary dwelling shall not be located on the same facade as the front door of the one-family dwelling if that facade fronts onto a street, unless all other locations for placement of the secondary dwelling front door would require a passageway as defined in

Government Code Section 65852.2(i)(5). For a detached secondary dwelling constructed above an existing or proposed accessory building, including a garage, an exterior stairway or fully enclosed interior stairway access may be allowed.

4. Minimum sill height for openings for a second story detached secondary dwelling unit constructed above an accessory building shall be maintained at five (5) feet, measured from the interior floor level, along the building walls parallel to the nearest side and rear property lines, and located within a minimum setback of fifteen (15) feet from those property lines.

LM. Application - Owner Certification. As part of the building permit application process for a secondary dwelling, the owner of record shall submit a declaration, under penalty of perjury, stating that the secondary dwelling is not intended for sale separate from the primary residence, but may be rented. Nothing in this section shall be deemed to affect the legal status of a secondary dwelling built with a lawfully issued permit if the property is subsequently transferred or sold, or if the one-family dwelling or secondary dwelling is subsequently rented or leased.

MN. Code Compliance - One-Family Dwelling. An application for a secondary dwelling building permit shall not be deemed complete, and a building permit shall not be issued, if the city determines that the one-family dwelling will continue to have uncorrected violations involving applicable zoning and building code requirements, or fire or safety hazards.

NO. Other Permits Required. Nothing in this section supersedes requirements for obtaining development permits pursuant to this title, or for properties subject to the historic preservation permit requirements set forth in Chapter 13.48 of Title 13 of the San José Municipal Code.

OP. Compliance with Building and Zoning Codes. A secondary dwelling shall be built in accordance with the building code set forth in Title 24 of the San José Municipal Code ("Municipal Code") and in conformance with Title 20 of the San José Municipal Code.

PQ. Located on One Lot. A secondary dwelling shall be located within the same subdivision unit and on the same legal parcel as the one-family dwelling to which it is ancillary.

SECTION 2. Section 20.30.440 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.440 Front Setback - Limitation on Amount of Paved Surface

No more than fifty percent (50%) of the required front setback for any lot containing a one-family dwelling or any lot located in any R-1 residence district with a frontage width of forty (40) feet or greater shall be paved with asphalt, cement or any other impervious or pervious surface.

1. For lots which have a frontage width less than forty (40) feet, paving in the front setback area is limited to ten (10) feet in width or fifty percent (50%) of the width of the lot at any given point, whichever is greater.
2. Notwithstanding subsection 1, for lots which have a frontage width less than forty (40) feet, a paved area directly contiguous with, and providing primary access to, two side by side required parking spaces, may exceed the fifty percent (50%) limitation as long as it is no more than twenty-five (25) feet long and eighteen (18) feet wide.

SECTION 3. Section 20.90.120 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.120 Setbacks

- A. No off-street vehicle parking space or off-street loading space shall be located within any side or front setback area required by other provisions of this title unless the director finds that the location of the off-street vehicle parking space or off-street loading space within the front or side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required.
- B. No setback for any vehicle parking area consisting of six or more parking spaces located in, or adjoining, any residential district shall be less than the front setback, and corner side setback, if any, of the adjoining residential lot or parcel, unless the director finds that the location of the off-street vehicle parking space or off-street loading space within the front setback or corner side setback area will not adversely affect surrounding development and issues a development permit or a development exception if no development permit is required.
- C. In the main street districts, the following additional provisions shall apply:
 1. At-grade parking that is not fully enclosed within a building shall be set back fifty feet or more from the main street, except that an interim off-street parking establishment in conformance with the requirements of Table 20-156 may be located within fifty feet of the main street.

2. At-grade parking that is not fully enclosed within a building shall be set back a minimum of five feet from any minor or major cross street, which setback area shall be landscaped and shall be maintained in good condition at all times.
3. If at-grade parking that is not fully enclosed within a building includes six or more parking spaces, it shall be effectively screened on all sides which adjoin, face or are directly opposite any lot in a residential zoning district by a masonry wall or solid wood fence no less than five feet in height.
4. At grade parking areas not located within a structure shall include one tree for every four parking space.
5. Parking structures shall not be located within fifty feet of the main street unless they are submerged below grade or are integrated within buildings that conform to the active commercial building frontage requirements of Section 20.75.130.

D. Parking that is required under Section 20.30.150.I shall not be subject to subsection A. above.

SECTION 4. Section 20.90.220 of Chapter 20.90 of Title 20 of the San José Municipal Code is amended to read as follows:

20.90.220 Reduction in Required Off-Street Parking Spaces

A. Alternative Transportation.

1. A reduction in the required off-street vehicle parking spaces of up to fifty percent may be authorized with a development permit or a development exception if no development permit is required, for structures or uses that conform to all of the following and implement a total of at least three transportation demand management (TDM) measures as specified in the following provisions:
 - a. The structure or use is located within two thousand feet of a proposed or an existing rail station or bus rapid transit station, or an area designated as a neighborhood business district, or as an urban village, or as an area subject to an area development policy in the city's general plan or the use is listed in Section 20.90.220.G; and

- b. The structure or use provides bicycle parking spaces in conformance with the requirements of Table 20-90.
- c. For any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least one of the following measures:
 - i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations at the ratio set forth in the development permit or development exception considering type of use; or
 - ii. Develop a transit use incentive program for employees and tenants, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA EcoPass system will satisfy this requirement).
- d. In addition to the requirements above in Section 20.90.220.A.1.c for any reduction in the required off-street parking spaces that is more than twenty percent, the project shall be required to implement a transportation demand management (TDM) program that contains but is not limited to at least two of the following measures:
 - i. Implement a carpool/vanpool or car-share program, e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car-share vehicles, etc., and assign carpool, vanpool and car-share parking at the most desirable on-site locations; or
 - ii. Develop a transit use incentive program for employees, such as on-site distribution of passes or subsidized transit passes for local transit system (participation in the regionwide Clipper Card or VTA EcoPass system will satisfy this requirement); or

- iii. Provide preferential parking with charging station for electric or alternatively-fueled vehicles; or
 - iv. Provide a guaranteed ride home program; or
 - v. Implement telecommuting and flexible work schedules; or
 - vi. Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking); or
 - vii. Implement public information elements such as designation of an on-site TDM manager and education of employees regarding alternative transportation options; or
 - viii. Make available transportation during the day for emergency use by employees who commute on alternate transportation (this service may be provided by access to company vehicles for private errands during the workday and/or combined with contractual or pre-paid use of taxicabs, shuttles, or other privately provided transportation); or
 - ix. Provide shuttle access to Caltrain stations; or
 - x. Provide or contract for on-site or nearby child-care services; or
 - xi. Incorporate on-site support services (food service, ATM, drycleaner, gymnasium, etc. where permitted in zoning districts); or
 - xii. Provide on-site showers and lockers; or
 - xiii. Provide a bicycle-share program or free use of bicycles on-site that is available to all tenants of the site; or
 - xiv. Unbundled parking; and
- e. For any project that requires a TDM program:
- i. The decision maker for the project application shall first find in addition to other required findings that the project

applicant has demonstrated that it can maintain the TDM program for the life of the project, and it is reasonably certain that the parking shall continue to be provided and maintained at the same location for the services of the building or use for which such parking is required, during the life of the building or use; and

- ii. The decision maker for the project application also shall first find that the project applicant will provide replacement parking either on-site or off-site within reasonable walking distance for the parking required if the project fails to maintain a TDM program.
2. A reduction in the required off-street vehicle parking spaces for a structure or use of up to ten percent or up to two off-street vehicle parking spaces, whichever is less, may be authorized with a development permit or a development exception if no development permit is required for a particular use, for nonresidential uses in conformance with the following:
 - a. In addition to the off-street bicycle parking spaces required for the structure or use, ten off-street bicycle parking spaces consisting of bicycle racks or five off-street bicycle parking spaces consisting of bicycle lockers shall be provided for every one required off-street vehicle parking space that is reduced; and
 - b. The bicycle parking spaces shall conform to all of the requirements of this chapter.

B. One-Family Dwellings.

1. A reduction in the required off-street vehicle parking for a one-family dwelling is allowed by right if the following criteria are met:
 - a. At least one covered parking space is provided; and
 - b. No more than one dwelling or one One-Family Dwelling and one Secondary Dwelling occupy~~ies~~ the lot; and
 - c. The location of the required covered parking is set back a minimum of forty-five feet from the front lot line when the garage is accessed via a curb cut from the front lot line and forty feet

from the side corner lot line when the garage is accessed via a curb cut from the side corner lot line; and

- d. The required covered parking is accessed by a driveway of a width no less than ten feet and no more than twelve feet; and
- e. Any curb cuts accessing the parking shall be in proportion to the driveway width; and
- f. No additional paving in the front setback shall be designated or used for parking; and
- g. The covered parking structure shall meet all other applicable regulations of this title.

- 2. ~~Except for a secondary dwelling meeting one of the exception criteria from secondary dwelling unit parking requirements as set forth in Section 20.30.150.I of this Code, W~~when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of a Ssecondary Dwelling, and the required -off-street parking spaces that were provided by such garage, carport, or covered parking structure, are required to be replaced on-site, the replacement spaces may be covered spaces, uncovered spaces, or tandem spaces, or replaced by the use of mechanical automobile parking lifts. A garage, carport or parking structure shall be deemed converted when all or any part of a Secondary Dwelling is proposed to be constructed in all or any part of the area occupied by a garage, carport or parking structure. Such required replacement parking may be located in any setback area of the lot on which a secondary dwelling is situated provided that tThe location, design, and development of such required replacement ~~required~~ parking spaces shall comply with Sections ~~s~~ 20.90.120 and 20.90.140 of Chapter 20.90, and the provisions for stormwater management and treatment in Chapter 20.95, unless specific findings are made that parking in these areas is not feasible based on specific site or regional topographical or fire and life safety conditions. Such required replacement parking spaces may be covered spaces, uncovered spaces, or tandem spaces, or spaces using mechanical automobile parking lifts.

C. Ground Floor Commercial Uses in Neighborhood Business Districts or Urban Villages.

- 1. The off-street vehicle parking requirement for uses subject to Note 3 on Table 20-190 in Section 20.90.060 shall be reduced to one space per

four hundred square feet of floor area, provided all of the following requirements are met:

- a. The site is designated on the general plan land use/transportation diagram with the neighborhood business district overlay or designated as urban village; and
- b. The use is located on the ground floor of a building; and
- c. No parking reduction is approved for a use pursuant to Section 20.90.220.A.1 of this chapter.

D. Multiple Family Residential in the Main Street Districts. The decision maker may reduce the required vehicle parking spaces for a multiple-family residential use in the pedestrian oriented zoning districts with a development permit based on the following findings:

1. The project includes one or more of the following options:
 - a. The project includes unbundled parking that maximizes the efficient use of available parking; or
 - b. The project includes a car-share program that reduces the demand for parking spaces; or
 - c. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street by means of parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; and
2. The project does not include a parking reduction pursuant to Section 20.90.220.G; and
3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses; and
4. The project provides vehicle parking spaces at a parking ratio of no less than 0.8 parking spaces per residential unit.

- E. Nonresidential Uses in a Main Street District. The decision maker may reduce the required vehicle parking spaces for non-residential uses by up to thirty percent with a development permit based on the following findings:
1. The project achieves one of the following:
 - a. The project promotes safe pedestrian movements by eliminating or significantly reducing the need for vehicular driveways to the Main Street through parcel assembly or shared access or by providing a new pedestrian walkway to the Main Street that facilitates safe and convenient access for a substantial segment of the surrounding neighborhood; or
 - b. The project promotes the efficient use of available parking by providing shared parking facilities; and
 2. The project does not include a parking reduction for ground-floor commercial building area subject to reduced parking pursuant to Section 20.90.220.A or 20.90.220.C of this title; and
 3. For a project that includes ground floor commercial building space, the project is designed in a manner that ensures the availability of adequate parking for ground floor commercial uses.
- F. Miniwarehouse/Ministorage.
1. A reduction in the required off-street parking may be authorized with a development permit for those miniwarehouse/ministorage buildings meeting all of the following requirements:
 - a. Buildings are single story; and
 - b. Loading spaces are available directly adjacent to those storage units contained in the single-story building.
- G. Other Uses.
1. Up to a twenty percent reduction in the required off-street parking for private instruction or personal enrichment; sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions; SROs; efficiency living units; emergency residential shelters; residential care/service facilities; convalescent hospitals; hotels/motels; bed and

breakfast inns; senior housing uses; recreation uses; gasoline service or charge stations when combined with other uses; and performing arts rehearsal space uses may be approved with a development permit or a development exception if no development permit is required, provided that such approval is based upon the findings that the project is either within two thousand feet of an existing or proposed bus or rail transit stop; or the use is clustered with other uses that share all parking spaces on a site.

2. Up to a one hundred percent reduction in the required off-street parking for emergency residential shelters may be approved with a development permit or a development exception if no development permit is required.

SECTION 5. Section 20.100.300 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.300 Recordation

- A. Within thirty (30) days of the permit or other approval becoming effective, in accordance with the provisions of Section 20.100.290, fulfillment of all conditions precedent to release pursuant to this chapter and the payment of fees, a certificate identifying the permit or other approval shall be recorded by the city. The permit or other approval and the rights and restrictions therein shall run with the land to the fullest extent allowed by law.
- B. If any permit or other approval is revoked after a hearing on an order to show cause pursuant to this chapter, a certificate of revocation shall be recorded with the county recorder's office.
- C. The provisions of Sections 20.100.300A. and B. above shall not apply to the following permits:
 1. Administrative permits that do not include the installation of utility structures; or
 2. Tree removal permits; or
 3. Special use permits that only include demolition of existing buildings or structures; or
 4. Planned development permits that only include demolition of existing buildings or structures; or

5. Single-Family House Permits subject to administrative approval under Section 20.100.1040. A. or B.

SECTION 6. Section 20.100.1040 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.1040 Additional Development Requiring a Single-Family House Permit

- A. Issuance of a single-family house permit ~~is~~ subject to the administrative procedures set forth in this part; is required if the issuance of a building permit 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, and or if the issuance of a building permit is for minor modifications involving incidental enlargement, reconstruction, replacement, repair, remodeling, rehabilitation, restoration and/or exterior alteration of a historic resource, that 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.
- B. ~~Any application which in the determination of the director of planning would not meet the requirements and criteria of Subsection 20.100.1040 A above shall be subject to the director public hearing procedures set forth in this part.~~
- C. Issuance of a single-family house permit is subject to the administrative procedures set forth in this part, if the issuance of the building permit will result in a single-family house with a floor area ratio greater than forty-five hundredths but equal to or less than sixty-five hundredths, and all of the following applicable criteria are met:
1. Building permit does not authorize removal of more than fifty percent of the exterior walls of an existing house;
 2. Building permit is 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 of existing first floor area and which is set back ten feet from the required front setback;
 3. Building permit does not authorize the enclosure or net loss of ten percent or more of an existing porch;

4. Building permit authorizes an attached garage only if the houses on each side of the subject lot have existing attached garages;
5. Building permit requires the roofline, materials, trim and decoration details of the new construction to be the same as that on the existing house;
6. Building permit authorizes alteration 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.

DC. Subject to the provisions of Section 20.100.1030, if the issuance of a building permit will result in a single-family house with a floor area ratio greater than forty-five hundredths and all the applicable criteria of either Subsection 20.100.1040.A or 20.100.1040.B 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 _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

