

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 4.5, CHAPTER 20.30 OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO ADD NEW SECTION 20.30.495 TO MAKE PROVISIONS FOR USE OF TINY HOME ON WHEELS AS AN ACCESSORY DWELLING UNIT; AMENDING CHAPTER 20.200 OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSE MUNICIPAL CODE TO ADD SECTION 20.200.327 TO INCLUDE A NEW DEFINITION OF TINY HOME ON WHEELS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

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

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related

City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith prior to taking any approval actions on this Ordinance;

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

SECTION 1. A new Section 20.30.495 added to Part 4.5, Chapter 20.30 of Title 20 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

20.30.495 Tiny Home on Wheels (THOW)

Notwithstanding any other provision of this Title to the contrary, Tiny Home on Wheels (THOW) shall be allowed as a type of detached Accessory Dwelling Unit on a lot consisting of One-Family Dwelling, subject to all of the following criteria:

1. The lot does not contain a detached Accessory Dwelling Unit, except the lot may contain an attached Accessory Dwelling Unit or Junior Accessory Dwelling Unit;
2. Only one THOW is allowed on a lot;
3. A THOW shall be subject to ADU permitting requirements in accordance with Section 20.30.460, only if the wheels are removed and unit is attached to a conventional foundation;
4. A THOW shall be located in the rear yard of the lot of the One-Family Dwelling with a minimum setback of four (4) feet from any interior side or rear property line and ten (10) feet from a corner property line;
5. If the size of the rear yard is insufficient to accommodate a THOW, a THOW may be located in the interior side yard area and shall meet a minimum front

setback of forty-five (45) feet from the front property line and maintain a minimum setback of four (4) feet from an interior side property line;

6. The THOW shall be located a minimum of six (6) feet away from the One-Family Dwelling;

7. The THOW undercarriage (wheels, axles, tongue and hitch) shall be hidden from view from the public right of way;

8. The THOW shall be parked on a paved or alternate pad that include bumper guards, curbs, or other installations adequate to prevent movement of the THOW. The wheels and leveling or support jacks must sit on a paving surface that meet either of the following criteria:

a. A parking area for a moveable THOW shall be paved with hard, durable asphaltic paving that is at least two inches thick after compaction, or with cement paving at least three inches thick; or

b. Alternative paving materials may consist of porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, decomposed granite, crushed rock or gravel, plastic or concrete grid system confined on all sides and filled with gravel or grass in the voids, or other similar materials that meet the following requirements:

i. Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches); and

ii. Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications.

9. No additional parking shall be required for the THOW, and displaced parking resulting from the construction of a THOW is not required to be replaced;
10. The THOW shall be connected to electric, water, and sewer utilities with the issuance of required building permits;
11. The THOW is not required to have sprinklers but shall meet the ANSI A119.5 or NFPA 1192 standards relating to health, fire and life-safety;
12. The THOW shall incorporate all of the following design elements:
 - a. Cladding and trim: Materials used on the exterior of the THOW shall exclude single piece composite laminates, or interlocked metal sheathing;
 - b. Windows and doors: Windows shall be at least double pane glass, and include exterior trim. Windows and doors shall not have rounded corners;
 - c. Roofing: Roofs shall have a minimum of a 12:2 pitch for greater than 50 percent of the roof area and not be composed of wooden shingles;
 - d. Extensions. All exterior walls and roof of a THOW used shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions;
 - e. Mechanical equipment shall be incorporated into the structure and not be located on the roof; and
13. The THOW shall be no greater than two stories, and shall not exceed a maximum height of 16 feet. Maximum height shall be determined in accordance with San José Municipal Code Section 20.200.510.

SECTION 2. A new Section 20.200.327 is added to Chapter 20.200 of Title 20 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

20.200.327 Dwelling, Tiny Home on Wheels or THOW.

“Tiny Home on Wheels” or “THOW” means a structure intended for separate, independent living quarters for one household that meets all of the following criteria/conditions:

1. Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet, and bathing facilities; and
2. Is licensed and registered with the California Department of Motor Vehicles; and
3. Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance. Certification must be made by a qualified third-party inspector; and
4. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and cannot move under its own power; and
5. Is a minimum of 150 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls.

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/PASSED FOR PUBLICATION of title this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk