



Legislation Details (With Text)

**File #:** 19-999      **Version:** 1

**Type:** Land Use Consent Agenda      **Status:** Agenda Ready

**File created:** 10/21/2019      **In control:** City Council

**On agenda:** 11/5/2019      **Final action:**

**Title:** Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the City of San José Municipal Code to Modify the Secondary Unit (ADU) Provisions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Memorandum, 2. Ordinance

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council		

**Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the City of San José Municipal Code to Modify the Secondary Unit (ADU) Provisions.**

(1) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report, for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs; and

(2) Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) to: amend Section 20.30.150 to modify and add clarifying language for current Secondary Unit (ADU) provisions to: omit the minimum unit size limitation for two bedrooms on any lot greater than 9,000 square feet, allow a new detached secondary unit at a minimum distance of 45 feet from the front property line, allow connecting opening between a secondary dwelling unit and attached garage, and include requirements for unenclosed overhanging balconies, stair landings and porches; amend Section 20.30.280 to add clarifying language to allow rear setback exception for new construction; amend Section 20.40.230 to include maximum height exception limitations; amend Section 20.90.410 to add clarifying language to off-street loading provisions; amend Section 20.100.910 to modify requirements for lot sizes for exemption from a Planned Development Permit Amendment for single-family residences; amend Section 20.100.1300 to delete maximum height exception limitations; amend Section 20.200.1310 to add clarifying language to Utility Facility definition; and to make other technical, non- substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto. File No. PP19-056. Planning Commission recommends approval (6-0-1, Griswold absent). (Planning, Building and Code Enforcement)