

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.95.020, 20.95.110 AND 20.95.120 OF CHAPTER 20.95 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO REQUIRE SPECIAL LAND USE CATEGORY PROJECTS THAT CREATE OR REPLACE 5,000 SQUARE FEET OR MORE TO USE STORMWATER TREATMENT MEASURES IN ACCORDANCE WITH CITY COUNCIL POLICY 6-29, AND TO REQUIRE PROPERTY OWNERS TO KEEP RECORDS OF INSPECTION AND MAINTENANCE ON THE PROJECT SITE FOR ALL STORMWATER TREATMENT MEASURES INSTALLED PURSUANT TO POLICY 6-29**

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

SECTION 1. Section 20.95.020 of Chapter 20.95 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.95.020 Applicability**

The provisions of this Chapter shall apply: ~~whenever the creation, on or above ground through installation, construction, or replacement, of~~

- A. ~~Whenever the creation, on or above ground through installation, construction, or replacement, five thousand (5,000) square feet of impervious surface will occur through a proposed development of real property for uncovered parking (stand-alone or part of another use), restaurant, auto service facility or retail gasoline outlet use; or~~
- B. ~~Whenever the creation, on or above ground through installation, construction, or replacement, of~~ ten thousand (10,000) square feet or more of impervious surface will occur through a proposed development of real property, ~~for any use except~~

for development of detached single family home projects, which are not part of a larger plan of development.

SECTION 2. Section 20.95.110 of Chapter 20.95 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.95.110 Conformance**

Whenever the creation, on or above ground through installation, construction, or replacement, ~~of ten thousand (10,000) square feet or more~~ of impervious surface will occur as part of a proposed development of real property, that development shall be designed in conformance with “City Council Policy 6-29 Post Construction Urban Runoff Management,” and in conformance with the provisions of this Chapter and Chapter 20.100 of this Title, all as the same may be amended from time to time.

SECTION 3. Section 20.95.120 of Chapter 20.95 of Title 20 of the San José Municipal Code is amended to read as follows:

**20.95.120 Maintenance**

A. All storm-water runoff treatment measures installed on property shall be permanently maintained by the property owner in good repair and free of litter and debris, obstructions, and stored materials.

B. All owners of property on which a stormwater treatment measure has been installed pursuant to the requirements of this Chapter shall retain, and make available for inspection and copying, all records of inspection and maintenance activities performed on the installed stormwater treatment measure within the five (5) years immediately preceding the demand for such records by any representative of City.

C. It shall be unlawful for any person to alter, remove fail to maintain, or to cause, allow or permit alteration, removal or failure to maintain a stormwater treatment measure that has been installed pursuant to the requirements of this Chapter, except pursuant to an adjustment to the development permit for the project if the development permit required installation of the stormwater treatment measure, or pursuant to an administrative permit issued for the removal or alteration of the stormwater treatment measure, if the measure was not installed pursuant to a development permit. The criteria for granting an adjustment or administrative permit shall be that an alternate means of providing equivalent stormwater treatment will be provided.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk