

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE TO AMEND SECTION 17.72.530 OF CHAPTER 17.72 OF TITLE 17 OF THE SAN JOSE MUNICIPAL CODE TO REQUIRE CERTAIN DRAINAGE INTO LANDSCAPED AREAS AND TO AMEND SECTION 20.95.020 OF CHAPTER 20.95 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO EXTEND STORMWATER REQUIREMENTS TO CERTAIN SMALL PROJECTS AND DETACHED SINGLE-FAMILY RESIDENCES, AND MAKING OTHER CLARIFYING OR MINOR TECHNICAL AMENDMENTS TO THOSE SECTIONS

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with the State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance were found to be within the scope of the Final Program Environmental Impact Report prepared for the Envision San José 2040 General Plan and for which certain related findings were made by the City Council through its Resolution No. 76041, adopted on November 1, 2011, under File No. PP12-078; and

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

WHEREAS, this City Council has considered the Envision 2040 San José General Plan Final Program Environmental Impact Report, together with its related Resolution No. 76041, as the CEQA clearance for this project prior to taking any approval actions on this Ordinance.

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

SECTION 1. Section 17.72.530 of Chapter 17.72 of Title 17 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

17.72.530 Single-family dwelling landscaping requirements.

- A. A single-family dwelling subject to a ~~e~~Development ~~p~~Permit under Title 20 of this Code or Tract Map pursuant to Title 19 of this Code shall be landscaped in accordance with the requirements of the ~~e~~Development ~~p~~Permit or Tract Map.
- B. Subject to the paved surface limitations set forth in Section 20.30.440 of this Code and Subsection C below, all single-family dwellings, not subject to a ~~e~~Development ~~p~~Permit under Title 20 of this Code or a Tract Map under Title 19 of this Code, shall meet all of the following requirements:
1. The site of the single-family dwelling shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street; and
 2. All roof rain leaders and down spouts shall be disconnected from the storm drain system and shall drain to splash blocks that flow to onsite landscaped areas.

For the purposes of this Ssubsection B only, "landscaping" means live trees, shrubs, lawns, other live plant materials or decorative landscaping ~~have been installed~~.

- C. Notwithstanding the provisions of Subsection B.2 above, where the Building Official makes a determination that it is technically infeasible for a particular single-family dwelling to meet the requirements set forth in Subsection B.2 above, the Building Official may consider equivalent alternatives to those set forth in Subsection B.2 above to prevent flows of storm-water to the storm drain system, so long as those equivalent alternatives are consistent with the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, as amended. Such equivalent alternatives can include:
1. Direct roof runoff to a rainwater harvesting system (rain barrels or cisterns) for onsite non-potable use; or
 2. Direct stormwater runoff from driveways, walkways, patios, and/or uncovered parking areas to onsite landscaped areas; or
 3. Construct driveways, walkways, patios, and/or uncovered parking areas with permeable surfaces.

~~G.D.~~ If only decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

D.E. Failure to meet the landscaping requirements of this section constitutes property blight.

SECTION 2. Section 20.95.020 of Chapter 20.95 of Title 20 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

20.95.020 Applicability.

The provisions of this Chapter shall apply:

- A. Whenever the creation, on or above ground through installation, construction, or replacement, five thousand 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 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; or
- C. Whenever the creation, on or above ground through installation, construction, or replacement, of two thousand five hundred (2,500) or more, but less than ten thousand (10,000) square feet, of impervious surface will occur for any use through a proposed development of real property (a small project); or

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- D. Whenever the creation, on or above ground through installation, construction, or replacement of two thousand five hundred (2,500) square feet or more of impervious surface will occur for the development of a detached, single-family home project which is not part of a larger plan of development.

PASSED FOR PUBLICATION of title this day of , 2012, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk