



## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1260  
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28837**", the original copy of which is attached hereto, was passed for publication of title on the **26<sup>th</sup> day of October, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **9<sup>th</sup> day of November, 2010**, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,  
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **10<sup>th</sup> day of December, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **10<sup>th</sup> day of November, 2010**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28837**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTIONS 9.10.2410 AND 9.10.2430 AND BY ADDING A NEW SECTION 9.10.2480 TO ALLOW FOR CONSTRUCTION DEBRIS DIVERSION IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA GREEN BUILDING STANDARDS CODE**

**WHEREAS**, the provisions of the California Green Building Standards Code require for every new nonresidential building for which a building permit application is submitted to the City of San Jose on or after January 1, 2011 that a minimum of fifty percent of non-hazardous construction and demolition debris be recycled and/or salvaged for reuse; and

**WHEREAS**, the provisions of the California Green Building Standards Code require for every new nonresidential building for which a building permit application is submitted to the City of San Jose on or after January 1, 2011 that a minimum of one hundred percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled; and

**WHEREAS**, the provisions of the California Green Building Standards Code require for every new residential building for which a building permit application is submitted to the City of San Jose on or after January 1, 2011 that a minimum of fifty percent of the construction waste generated at the site is diverted to recycle or salvage; and

**WHEREAS**, the California Green Building Standards Code states that its provisions with regard to Construction Waste Diversion can be met by meeting a stricter local ordinance; and

**WHEREAS**, the amendments to Part 15 of Chapter 9.10 of Title 9 of the San Jose Municipal Code will result in a stricter Construction Waste Diversion ordinance;

**WHEREAS**, this Ordinance was found to be categorically exempt from environmental review, per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, and Section 21.08.500 of the San Jose Municipal Code, on September 17, 2010,

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

Section 1. Section 9.10.2410 of Chapter 9.10 of Title 9 of the San Jose Municipal Code is amended to read as follows:

**9.10.2410** Diversion deposit and clearance document required.

- A. Except as otherwise specified in this part, on or after March 1, 2001, each person who applies for a building permit pursuant to Chapter 24.02 of this Code shall apply for a construction and demolition debris clearance document to be issued by the director. On or after March 1, 2001, no building permit shall be issued unless the applicant submits the clearance document issued by the Director.

- B. Except as otherwise specified in this part, on or after July 1, 2001, each person who applies for a building permit pursuant to Chapter 24.02 of this Code shall remit a diversion deposit in the amount set forth by resolution of the city council. The diversion deposit shall be remitted at the same time the permit application is filed.
- C. Except as otherwise specified in this part, on or after January 1, 2011, each person who applies for a building permit pursuant to Chapter 24.02 of this Code shall remit fees in the amount set forth by resolution of the City Council for the review and certification of documentation for compliance with the construction, excavated soil, and land clearing debris diversion mandatory requirements of this Chapter and/or of state law.

Section 2. Section 9.10.2430 of Chapter 9.10 of Title 9 of the San Jose Municipal Code is amended to read as follows:

**9.10.2430 Diversion deposit exemptions**

Neither a construction and demolition debris clearance document nor a diversion deposit shall be required for the following:

- A. Work for which a building permit is not required under Section 24.02.120.
- B. New residential construction projects of less than one hundred fifteen thousand dollars (\$115,000.00) in value.
- C. New non-residential construction projects of less than one hundred thirty-five thousand dollars (\$135,000.00) in value.
- D. Residential alterations of less than two thousand dollars (\$2,000.00) in value.
- E. Non-residential alterations of less than five thousand dollars (\$5,000.00) in value.
- F. Roofing projects.
- G. Work for which only a plumbing permit, only an electrical or only a mechanical permit is required.
- H. Seismic tie-down projects.
- I. The installation or replacement of shelves.
- J. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
- K. Installation of swimming pools and spas, provided that the exemption shall apply only to (i) the area to be excavated for the installation of the pool or spa and (ii) the area for the pad for the pool/spa equipment that does not exceed sixteen (16) square feet, and shall not apply to any related construction or alterations necessary for any other equipment or accessories, nor to any other portion of the project.
- L. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.

A diversion deposit shall not be required for construction that is subject to the mandatory provisions of the State of California Green Building Standards Code for construction waste, excavated soil, and land clearing debris diversion.

Section 3. Chapter 9.10 of Title 9 of the San Jose Municipal Code is amended by adding a new section to be numbered and entitled and to read as follows:

**9.10.2480 California Green Building Standards Code Compliance**

Notwithstanding any other provision to the contrary, a building permit applicant that documents the completion of a construction waste management plan in accordance with the California Green Building Standards Code at the following levels shall be deemed in compliance with the provisions of this Part:

1. For building permit applications filed between January 1, 2011 and December 31, 2011, at a 60% level as determined by the Director.
2. For building permit applications filed between January 1, 2012 and December 31, 2012, at a 65% level as determined by the Director.
3. For building permit applications filed on or after January 1, 2013, at 70% level as determined by the Director.

PASSED FOR PUBLICATION of title this 26<sup>th</sup> day of October, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk