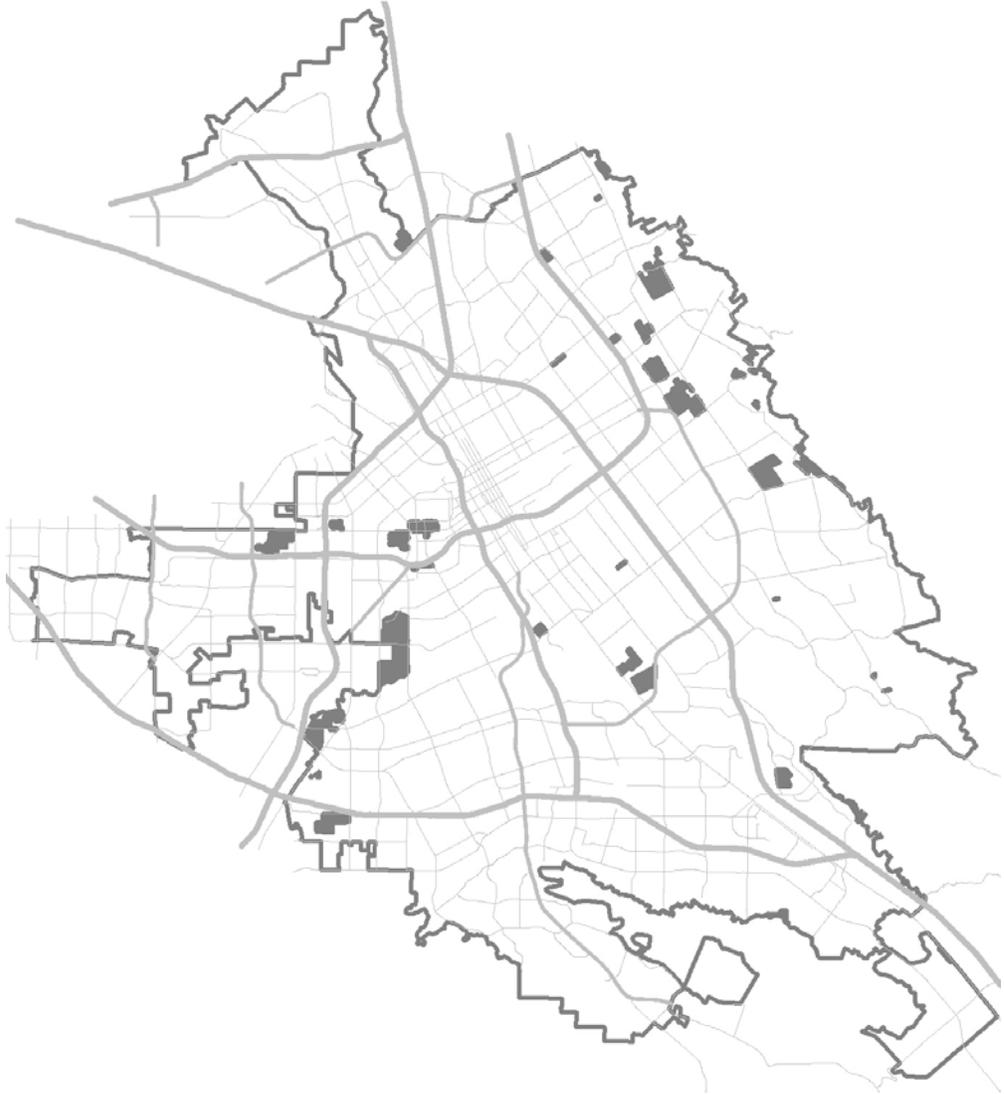




## COUNTY ISLAND ANNEXATION PROGRAM



## Annexation Answer Book

May 2009

Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 277-3068.

Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.



# TABLE OF CONTENTS

County Island Annexation Program .....	2
Annexation Process.....	4
Summary of Service Changes.....	6
Businesses and Rental Property .....	8
Governance and Jurisdiction.....	8
Taxes, Fees and Assessments .....	9
Street, Sewer and Stormwater Management.....	10
Residential Waste Collection.....	11
Land Use and Development.....	12

# COUNTY ISLAND ANNEXATION PROGRAM

## INTRODUCTION

In April 2006, the San José City Council launched a three to five year program in which the City of San José (City) will annex 49 “islands” (or “pockets”) of unincorporated County of Santa Clara (County) land. Unincorporated islands are governed by and receive services from the County even though they are completely or substantially surrounded by incorporated, or City, lands.

After annexation, San José will have general government authority over and provide services such as police and fire protection, street maintenance, and library, parks and neighborhood services to these areas. These annexations are being completed in cooperation with and at the request of the County to reduce the inefficiencies associated with providing such services to small areas spread throughout the County.

This *Annexation Answer Book* is intended to help residents, property owners, and businesses affected by these annexations understand the steps in the annexation process, their opportunities to provide input, and the benefits and changes that will result from becoming part of San José.

## POLICY BACKGROUND

Typically, unincorporated islands exist as a result of County and City policies in place in the 1960’s. At that time, the County approved large development projects or new subdivisions of land within their jurisdiction without requiring annexation. Simultaneously, San José was aggressively promoting annexation for willing property owners, resulting in the annexation of many properties far from the City’s original limits.

Beginning in the 1970’s, the County began to require that all significant development projects begin with annexation so that they were conducted within the limits of a city. As development has occurred, most unincorporated lands within San José’s sphere of influence have been annexed into the city, but some have not, either because they were already developed under the County’s jurisdiction or they have not yet been developed.

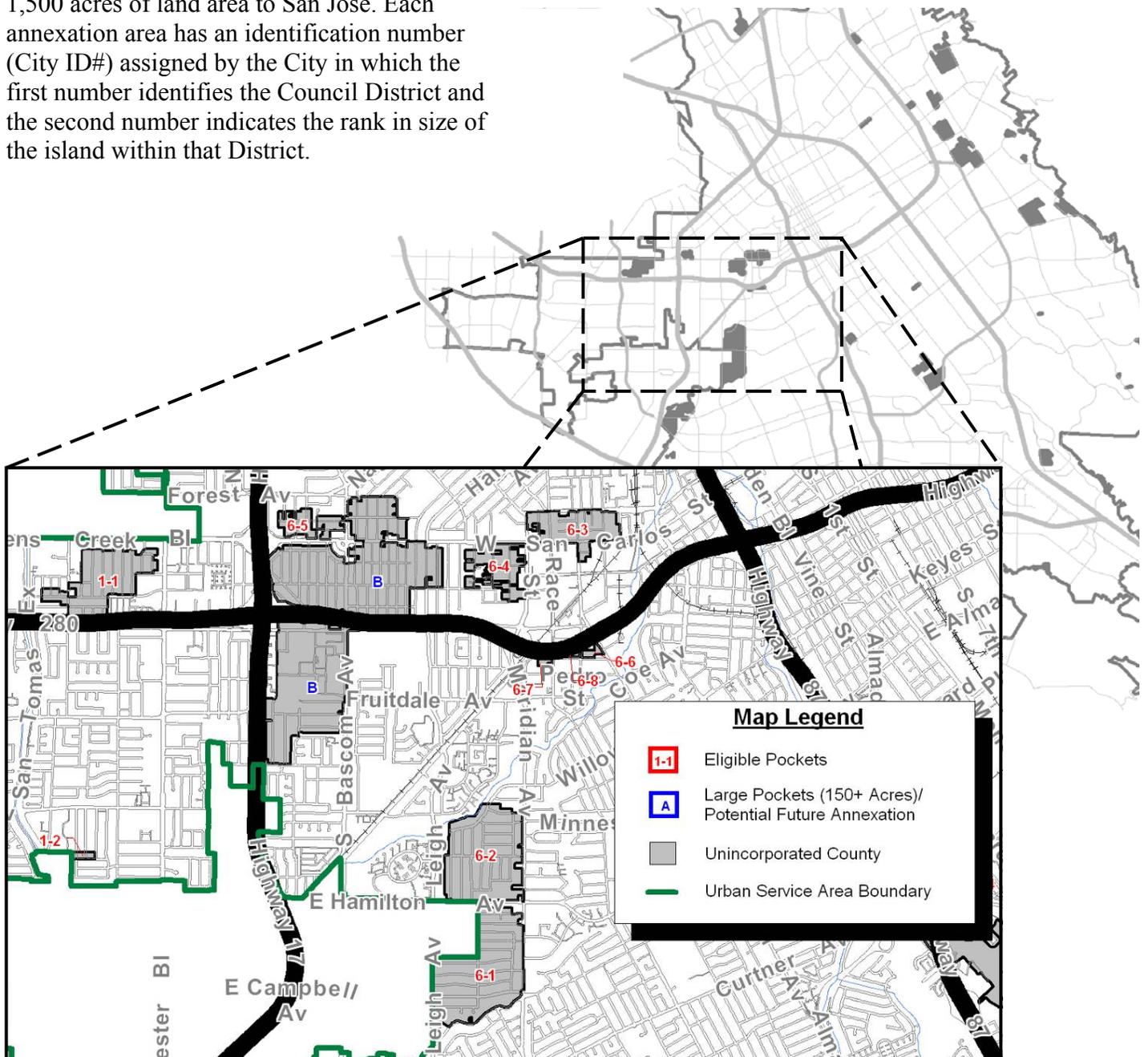
Until recently, State law has limited the ability of cities to annex land by requiring cities to go through a protest process unless 100% of the affected property owners agree to the annexation or go through a general election process to determine that a majority of the affected property will vote for annexation. Because this law discourages cities from initiating annexations, unincorporated pockets are common throughout the State. Recognizing that this leads to inefficiency for local jurisdictions in providing services to these islands, the State legislature temporarily changed State law (for islands of less than 150-acres) until January 1, 2014 (Government Code Section 56375.3). The change allows cities to annex unincorporated islands through a streamlined process that does not require protest proceedings or elections.

This program is a result of an agreement between the City and County, recognizing that urban services can be provided more efficiently by local cities to properties located within their general boundaries. Annexation of County islands is consistent with long-standing County of Santa Clara policy that urban development should occur within the incorporated boundaries of cities and that urban, unincorporated areas within city Urban Service Areas should eventually be annexed into the city.

# ISLANDS PROPOSED FOR ANNEXATION

San José currently has 49 unincorporated islands smaller than 150-acres within its urban service area. All of these are proposed for annexation as part of the County Island Annexation Program which will result in the addition of approximately 16,650 residents and 1,500 acres of land area to San José. Each annexation area has an identification number (City ID#) assigned by the City in which the first number identifies the Council District and the second number indicates the rank in size of the island within that District.

San José has annexed most of the smaller, less populated islands and is now proceeding with the larger islands. In City Council Districts 1 and 6, San Jose has completed the annexation of islands 1-2, 6-6, 6-7, and 6-8. City staff is now contacting residents and property owners within the larger, eligible pockets within these two City Council districts. These include islands 1-1, 6-1, 6-2, 6-3, 6-4, and 6-5.



County Islands in Council Districts 1 and 6

# ANNEXATION PROCESS

Annexation of an area into a city normally involves two basic steps – pre-zoning and annexation – each with its own separate public hearings. A property undergoing annexation must be on the agenda at a minimum of three City Council hearings as part of this process. One or more community meetings may also be held as part of this process.

## STEP 1: PRE-ZONING

Pre-zoning is the process of applying a City zoning designation to the unincorporated land prior to its annexation. The zoning designation determines such things as:

- Allowed uses for the property (e.g., residential, commercial, industrial);
- The maximum height of buildings; and
- Required separation (setbacks) of structures from property lines.

City planners analyze the existing uses on the affected and surrounding properties and the corresponding General Plan zoning designation, and then recommend a zoning designation for the area. The City Council, which has final decision-making authority, then holds two public hearings. In some cases, the Planning Commission also may hold a public hearing and make a recommendation to the City Council. Public testimony is welcome at the Planning Commission hearing and the first City Council hearing. Generally, the second City Council hearing, or “second reading” for a pre-zoning ordinance, is not open for public testimony. The City sends a notice of these hearings to residents and property owners located in and within 300 feet of the affected area. County zoning regulations remain in effect until the annexation process is fully completed.

## STEP 2: ANNEXATION

Annexation is the process of bringing a property into the City limits and results in the City assuming responsibility to provide services. In addition to the pre-zoning public hearing(s) mentioned above, the City Council holds two separate public hearings on the annexation proposal. The first City Council hearing is used to “initiate” the annexation and the second hearing is used to “order” the annexation. Public testimony is welcome at both hearings. The City sends a notice of these hearings to residents and property owners located in and within 300 feet of the affected area. The ordering hearing occurs no sooner than 45 days after the hearing for the pre-zoning.

**Table 2: Summary of Pre-zoning and Annexation Process**

	<b>Action</b>	<b>The City will:</b>	<b>Community members can:</b>
1	Proposed annexation area identified by City staff. (City Council adopted list of island and schedule on 8-8-06)	<ul style="list-style-type: none"> <li>• Post annexation information on the website</li> <li>• Send an early notification letter to affected property owners</li> </ul>	<ul style="list-style-type: none"> <li>• Contact City staff to get questions answered</li> </ul>
2	Land use analysis; zoning designation	<ul style="list-style-type: none"> <li>• Visit the site; identify existing land uses at the site and on surrounding properties; develop a recommended City zoning designation</li> </ul>	<ul style="list-style-type: none"> <li>• Contact City staff to get questions answered</li> </ul>
3	Community meeting (Held for larger areas or groups of smaller areas, approximately 60 days in advance of first City Council hearing)	<ul style="list-style-type: none"> <li>• Send notices for community meeting to property owner(s) and neighborhood</li> <li>• Conduct community meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Attend a community meeting</li> </ul>
4	Schedule hearing dates (Hearing notices sent a minimum of 2 weeks prior to hearings)	<ul style="list-style-type: none"> <li>• Send public hearing notices to all property residents and owners in and within 300 feet of area to be annexed</li> </ul>	<ul style="list-style-type: none"> <li>• Contact City staff to get questions answered</li> </ul>
5	Planning Commission Hearing* on <b>Prezoning</b> (1-3 weeks prior to first City Council Hearing (if needed))	<ul style="list-style-type: none"> <li>• Planning Commission conducts a public hearing and makes a recommendation to the City Council based on Staff Report and public testimony</li> </ul>	<ul style="list-style-type: none"> <li>• Attend hearing and give public testimony.</li> <li>• Submit written comments to Planning Director, two weeks prior to hearing</li> </ul>
6	City Council Hearing on <b>Prezoning</b> (2 weeks prior to initiation of Annexation)	<ul style="list-style-type: none"> <li>• City Council conducts public hearing and makes a decision on the appropriate City Zoning district to apply to properties upon annexation to the City</li> </ul>	<ul style="list-style-type: none"> <li>• Attend hearing and give public testimony</li> <li>• Submit written comments to City Council and/or Planning Director, three weeks prior to hearing</li> </ul>
7	City Council Hearing to initiate <b>Annexation</b> (4-6 weeks prior to ordering of annexation)	<ul style="list-style-type: none"> <li>• City Council initiates annexation (on consent calendar) and sets hearing date for public hearing on annexation</li> </ul>	<ul style="list-style-type: none"> <li>• Attend hearing and give public testimony</li> </ul>
8	City Council Hearing to order (adopt) <b>Annexation</b>	<ul style="list-style-type: none"> <li>• City Council conducts public hearing and votes to adopt or deny annexation to the City of San Jose</li> </ul>	<ul style="list-style-type: none"> <li>• Attend hearing and give public testimony</li> <li>• Submit written comments to Planning Director, three weeks prior to hearing</li> </ul>

\* Planning Commission hearings are conducted for the Prezoning only (not annexation) when the proposed zoning district does not conform with the General Plan in accordance with section 20.120.100 of the Zoning Ordinance.

# SUMMARY OF SERVICE CHANGES

Once annexation of an area is completed, the responsibility for providing services to its residents will transfer from the County of Santa Clara to the City of San José. The following table summarizes the changes that will occur as these services are transferred between the two governments.

**Table 3: Comparison of County of Santa Clara and City of San José Services**

	<b>County of Santa Clara</b> 	<b>City of San José</b> 
<b>Services</b>		
Police	County Sheriff, California Highway Patrol, San Jose Police Dept	San Jose Police Dept
Fire Protection	Santa Clara County Fire Dept, San Jose Fire Dept	San Jose Fire Dept
Schools	No Change	
Libraries	County Libraries	City of San Jose Libraries
Sidewalks	Not required	Required only as part of a major development
Street Sweeping	By request	Once a month
Animal Services	Santa Clara County Division of Animal Care and Control	San Jose Animal Care and Services
<b>Taxes and Assessments (for Single Family Residences)</b>		
Property Tax	No Change	
Business Tax	None	\$150 per year (1-8 employees) + \$18 per employee over eight
Utility User's Tax	None	5% applied to all utility bills
Residential Garbage Collection	\$19.02 - \$31.94/month (32-gallon cart) depending upon location	\$26.95/month (32-gallon cart) <a href="http://www.sjrecycles.org/residents/garbage_rates.asp">www.sjrecycles.org/residents/garbage_rates.asp</a>
Storm Sewer Service Charge	None	\$54.36 / year for single family home \$29.76 / year for condo or apartment unit
Sanitary Sewer Charge	Depends on District \$161 – \$328 / year for single family \$92 – \$196 / year for condo or apartment unit	\$282.72 / year for single family home \$161.04 / year for condo or apartment unit
Street Lighting	Variable by geographic zone (Up to \$35.47 / year)	None
Libraries	\$33.66 annual parcel tax assessment	\$25.50 annual parcel tax assessment

Note: Assessment fees current as of January 2008; fees may change.



# BUSINESSES AND RENTAL PROPERTY

## Business Waste Collection

The City of San Jose's Environmental Services Department (ESD) manages a non-exclusive solid waste and recycling franchise system. There are currently 24 franchised haulers who may collect solid waste and recyclables from businesses in San Jose. A list of the franchised haulers and their phone numbers can be found on the City's web page at [http://www.sjrecycles.org/business/rec\\_haul.htm](http://www.sjrecycles.org/business/rec_haul.htm).

For more information, contact ESD and ask for someone from the Commercial Garbage and Recycling Program at (408) 535-8550.

## Business Taxes

All persons or companies conducting business in San José must pay the Business Tax, whether or not they have offices located in San José. This tax is normally required prior to the commencement of business in San José. Upon annexation, all businesses will be required to pay the City's Business Tax, including commercial landlords, residential landlords (3 or more units), retail outlets, self-employed professionals, independent contractors and home businesses.

The Business Tax is due on an annual basis in advance of the time covered and may be paid by mail or in person at City Hall. Established businesses typically receive a renewal notice, but businesses new to San José need to initiate contact with the City. For businesses with up to eight full-time equivalent employees, the tax is \$150 per year. An additional \$18 is charged for each additional full-time employee.

Additional information on the Business Tax is available on the City's Website at <http://www2.csjfinance.org/giball.asp> or by contacting the City of San José Finance Department at (408) 535-7055. The County currently does not impose a business tax.

## Business Assistance

San Jose has more than 30 funding and assistance programs available to businesses, including the Enterprise Zone and the Revolving Loan Fund. More information on these programs can be found at <http://www.sjeconomy.com/businessassistance/>.

The City also runs the Small Business Ambassador Program which helps small business owners successfully navigate the development review and permitting process. Call (408) 535-3555 and ask to speak to a Small Business Ambassador to access this program.

## Residential Occupancy Permit

All apartment houses with 3 or more units, emergency residential shelters, guesthouses, motels, hotels, fraternities, sororities and residential service facilities must also obtain an annual Residential Occupancy Permit from the Department of Planning, Building and Code Enforcement. State licensed residential care facilities for 7 or more clients are also required to have a Residential Occupancy Permit.

Residential Occupancy Permits are renewed annually and permit fees are due in December. The annual permit fee pays for the cost of routine Fire and Housing inspections, complaint response inspections and administration of the City's rental mediation program. The housing fee per unit is \$33.65. The rent mediation fee per unit is \$9.09. Residential Occupancy Permits must be displayed on the permitted building where they can be readily seen.

## Rent Control

The City's rent control program applies to properties with 3 or more units that were first rented before September 7, 1979. Under the City's program, rent may not be increased more than 8% per year. Some rent increases above 8% can be approved when justified in a hearing. Tenants can contest rent increases in excess of 8% and service reductions such as repairs which have not been done.

# GOVERNANCE AND JURISDICTION

## **Governmental Representation**

Residents of annexed properties can participate fully in the government of the City of San José and are eligible to vote in City elections, run for City Council, and serve on City boards and commissions. San José is divided into ten Council Districts, each with a population of approximately 100,000 residents. Each District is represented by a City Councilmember elected by the resident voters of that District. The Councilmember also must be a resident of the District for which they serve. The City's Mayor represents the entire City and is elected by a vote of all City residents. San José residents also are residents of the County and can participate fully in the County government. Residents of the County are represented by County Supervisors. Each Supervisor represents about 360,000 people.

Upon annexation, the City assumes the primary responsibility for providing services to the residents of all annexed lands. Residents can expect better responsiveness when seeking to have their neighborhood needs addressed. Prior to annexation, a checker board of incorporated and unincorporated parcels makes it more difficult for both the County and City to provide services. Annexation helps resolve this issue because a single jurisdiction is responsible for providing services.

## **Fire Protection**

For many unincorporated areas, the San José Fire Department already provides fire protection service through an agreement with the County. Annexation will have no impact upon the fire protection service received by the residents in these areas. The Santa Clara County Fire Department serves a small portion of the unincorporated areas within San José. Upon annexation, the San José Fire Department will become the sole provider of fire protection services in these areas. Residents will continue to call 911 in the event of an emergency.

## **Police/Law Enforcement**

Within unincorporated areas, the County Sheriff's Department provides general law enforcement and the California Highway Patrol is responsible for traffic enforcement. Within incorporated areas, the San José Police Department provides both general law enforcement and traffic enforcement. Annexation does not alter the use of 911 for emergency service calls, which are automatically routed to the appropriate service provider.

Currently the County Sheriff and California Highway Patrol must serve a large number of small islands geographically distributed throughout the County. It is inefficient for them to travel through areas served by the San José Police Department to provide service. Annexation will greatly simplify police service responsibility and streamline law enforcement planning and coordination, thus eliminating the inefficiencies associated with the current service model.

## **School Districts**

Neither school districts nor their boundaries are affected by annexation.

## **Libraries**

Residents of unincorporated County areas within San José have the same access to the San José Public Library system as City residents. The surrounding cities continue to operate libraries and a bookmobile as part of the Santa Clara County Library system. In July 2005, the Alum Rock branch of the County system was integrated into the San José Public Library system after an agreement was reached for a new facility.

## **Animal Care & Services**

### **Animal Licensing:**

Every person who owns a dog or cat over the age of four months in the City is required by law to license their animal in San José (Ordinance 7.20.520). The City of San José will not accept a County animal license as valid. Current animal licenses from the County of Santa Clara must be exchanged for a City of San José animal license **within 60 days of annexation** (no additional charge). After 60 days regular fees will apply. The City of San Jose animal license will be issued with the same expiration date as the County of Santa Clara license. Future animal license renewals will be at the regular City of San Jose rates. Residents cannot license their pet without first supplying proof of rabies vaccination. Please call 794-7240 or visit the Animal Care Center (2750 Monterey Rd.) for more information about licensing.

### **Animal Rules/Ordinances:**

San José allows up to 3 adult dogs per household or 5 adult cats per household or a total of 5 combined adult dogs and cats with no more than 3 adult dogs.

Please keep your pets confined safely on your property. Additional information on other animal-related regulations is available at [www.sanjoseanimals.com](http://www.sanjoseanimals.com)

### **Lost/Injured Animals & Investigations/Services:**

Any loose/injured animals will be taken to the San José Animal Care Center located at 2750 Monterey Road, in San Jose. Call 408-578-7297(PAWS) or online at [www.sanjoseanimals.com](http://www.sanjoseanimals.com) to find your lost animal, request help regarding dangerous, injured, nuisance animals, or to report animal related crimes.

### **Spay/Neuter Information:**

You can help homeless animals and your community by having your pets fixed! Information on low cost spay/neuter services for cats is available at 794-7201 and on our website.

### **Water Districts**

Water district boundaries are not affected by annexation. Water districts not already providing service in the City of San José will be required to become a franchised provider upon annexation.

# TAXES, FEES AND ASSESSMENTS

## Property Tax

Property tax rates and assessed values of property **will not change** with annexation. Under Proposition 13, only the sale of the property or major redevelopment of the property triggers reassessment.

## Transfer Tax

The City of San Jose assesses a property transfer tax (currently \$3.30/1,000 of sale price). The transfer tax is levied only on the transfer or sale of the property, not on annexation.

## Special Assessments

Special assessments are sometimes levied upon properties to fund various governmental services. These assessments are typically included along with property taxes. The assessments that residents of the County of Santa Clara pay for libraries, street lights, and the sewer/storm drain system will change with annexation. The amount of these assessments varies based upon location, but in all cases they are a small in comparison to property tax amounts and accordingly property owners will experience relatively little change in the total tax and assessment amount they must pay following annexation.

Because assessments and special taxes vary for different sub-areas within the County, and also can change on fairly regular basis, County or City staff can provide more detailed information upon request.

## Utility User's Tax

Like many cities in California, San José has a Utility User's Tax which is applied to all utility bills such as gas, electric, intrastate telecommunications, and water. The 5% tax is levied by the City and collected by each utility as part of its billing procedure. The money is then returned to the City's General Fund where it is used to pay for a variety of services including police, fire, parks and libraries.

For example, a household with water, gas, electricity, and telephone bills totaling \$150 a month (not including state and federal taxes or interstate/international phone calls) would pay a utility tax of about \$7.50 per month.

## Business Taxes

All persons or companies conducting business in San José must pay the Business Tax, whether or not they have offices located in San José. This tax is normally required prior to the commencement of business in San José. Upon annexation, all businesses will be required to pay the City's Business Tax, including commercial landlords, residential landlords (3 or more units), retail outlets, self-employed professionals, independent contractors and home businesses.

The Business Tax is due on an annual basis in advance of the time covered and may be paid by mail or in person at City Hall. Established businesses typically receive a renewal notice, but businesses new to San José need to initiate contact with the City. For businesses with up to eight full-time equivalent employees, the tax is \$150 per year. An additional \$18 is charged for each additional full-time employee.

Additional information on the Business Tax is available on the City's Website at <http://www2.csjfinance.org/giball.asp> or by contacting the City of San José Finance Department at (408) 535-7055. The County currently does not impose a business tax.

San José offers several incentive and assistance programs for business owners, including the Enterprise Zone, Revolving Loan Fund, and Small Business Ambassador programs. Information on these can be found on the City's Website at <http://www.sanjoseca.gov/business.html>.

# STREET, SEWER AND STORMWATER MANAGEMENT

## Street Maintenance

The County's Roads and Airports Department maintains the streets within unincorporated islands. After annexation, San José will provide street maintenance. The City assesses streets on a regular basis to determine if re-pavement or resurfacing is necessary and then prioritizes and programs them for repair pending the availability of funds. The City conducts more urgent repairs like pothole patching as needed. There is no direct cost to City residents for these services.

The City performs street sweeping of all public streets at least once a month. The County does not perform this service on a regular basis for streets located within unincorporated areas.

## Sidewalks and Street Trees

The County does not require sidewalks for developed areas within their jurisdiction. However, San José considers them to be a standard part of development, and therefore sidewalks, curbs and gutters are typically required as part of any privately-initiated new development project. The City also constructs sidewalks as part of street improvement projects funded through the City's Capital Improvement Program. Upon annexation, residents should not expect the City to construct sidewalks or require construction of sidewalks until new development takes place or improvements are made within the public street right-of-way.

Street trees are generally located in the park strip between the curb and sidewalk. In areas where no park strip exists, street trees may be placed three to four feet behind the sidewalk. Property owners are responsible for maintaining street trees. The City provides limited supplemental tree maintenance services as budgets allow. New street trees may be included as part of a project to install new sidewalks.

## Street Lights

The County has a long-standing special assessment for street lighting. County residential and commercial property owners pay an annual assessment. San José does not have an assessment for street lights but will take over responsibility for maintaining existing street lights and taking care of outages, malfunctions, and damages. The City regularly evaluates the need for new street lights and installs them as funds become available.

## Addresses

If the current address is a 5 digit county address, it may eventually change to San José addresses which have 4 digits, especially if there are already 4 digit addresses along the street.

## Stormwater Management

The City cleans all storm inlets on an annual basis and maintains the sewer system that carries storm water into our creeks, rivers, and eventually the Bay. During storm events, City crews will respond to localized flooding in the public right-of-way. In addition, the City provides free sandbags for residents to prevent flooding on private property. The City regularly assesses requests to install new storm sewers or upgrade existing sewers to City standard and programs them for construction pending the availability of funding.

## Septic Tanks

The County will continue to regulate the use and maintenance of existing septic tanks, regardless of annexation. New septic systems are not permitted if you are within 200 feet of existing sanitary sewer lines. Septic system failure, remodeling, and additions may also require connection to the sanitary sewer system. Upon annexation, residents currently on septic systems are eligible to connect to the City sanitary sewer system. More information on this process is provided at

<http://www.sanjoseca.gov/planning/annex/Sewer.asp>.

# RESIDENTIAL WASTE COLLECTION

## Collection of Garbage and Recyclables

San José is divided into three service areas for garbage collection, and contracts are awarded for the collection of garbage and recycling in each of these areas on a periodic basis. Upon annexation into San José, residents will no longer have their garbage collected by Green Valley Disposal and Recycling Service. Instead, it will be collected by one of the companies under contract with the City.

At this time, several companies are under contract with the City to collect garbage and recyclables. GreenTeam of San José serves single-family homes on the west side of San José as well as all residents citywide living in apartments, condos and other multi-family complexes. Garden City Sanitation serves the rest of San José for garbage collection, and California Waste Solution serves the rest of recyclables collection. GreenWaste Recovery collects yard trimmings city-wide. New residents receive a Recycling Guide that tells how the system works for collection of garbage, recycling and yard trimmings. Information also is available by going online to [www.sjrecycles.org](http://www.sjrecycles.org).

Single-family households pay a monthly rate of \$26.95 for weekly collection of garbage (32-gallon cart), unlimited curbside recycling and yard trimmings, plus monthly street sweeping. Current County fees vary from \$19.02 to \$31.94 depending on the exact area of the County (with most areas costing \$20-26 a month).

## Recycling

San José residents enjoy “single-stream” recycling, which tends to be more convenient than the system currently in place for County residents. Instead of placing recyclable items into separate bins, residents in single-family households place almost everything into a wheeled cart. The exceptions are oil jugs and filters (which must go in special containers provided by the City’s contractor), cardboard if it can’t be cut or otherwise fitted into the cart, and yard trimmings. Residents of multi-family complexes place everything into large dumpsters marked with recycling decals, unless their complex still has the separate blue carts or in a few cases their own recycling cart.

## Yard Waste Collection

Residents at single-family homes enjoy weekly collection of unlimited yard trimmings that are placed loose in the street in five-foot piles. Customers have the option of paying for a yard trimmings cart if they wish, which costs an additional \$4.00 per month.

# LAND USE AND DEVELOPMENT

## Annexation Fees

Annexation is generally required for any new development or significant redevelopment project occurring on an unincorporated property. The developer is normally required to pay all of the fees associated with the annexation process in order for the project to go forward. Because the City has initiated the annexation process for the islands within the County Island Annexation Program, the City will pay for all costs associated with the annexation.

## Zoning and Permitted Uses

Upon annexation into San José, the land use regulations of the City will take effect. The permitted uses of a particular property will be determined by the zoning district which is applied as part of the pre-zoning process. The zoning also sets the development standards for the property, including the maximum height of buildings, the required separation (setbacks) of structures from property lines, and allowable accessory structures and buildings.

The City's Zoning Ordinance is available on the City's Website at:

<http://www.sanjoseca.gov/planning/zoning>

Some uses, such as late night activity (open past midnight), entertainment uses, or the off-site sale of alcohol, are not automatically permitted uses in San José and require additional discretionary (conditional use) permits.

Changes in zoning or general plan land use designations are restricted by State law for 2 years after the annexation.

## Secondary or Granny Unit

The City currently is operating a pilot program for the permitting of secondary units on single family properties that meet certain criteria. This program is set to expire in April 2008, but the City Council is expected to consider making the program permanent. Updated information is provided at:

<http://www.sanjoseca.gov/planning/zoning/secondunit.asp>

## Home Occupations

A home occupation is a business or commercial activity conducted from a single family attached or detached dwelling, duplex, apartment, or mobile home and is clearly incidental to the residential use of the dwelling. No planning permit is required for home occupations. However, all home occupations must conform to certain criteria including: only two clients permitted at one time, only occupants of the dwelling may be employees or unpaid volunteers, no manufacture or assembly is allowed, and hours of operation are limited to between 9 a.m. and 9 p.m.

## Non-Conforming Uses & Structures

Any structure which was legally built in the County, but does not conform to City standards (due to different zoning or building regulations), will be recognized as "legal non-conforming" if annexed into the City. Legal non-conforming structures do not need to be modified to meet City standards so long as they remain unchanged. Similarly, uses permitted under County zoning are recognized as "legal non-conforming" uses. Proposals for replacement or additions will be regulated by Zoning Ordinance provisions for nonconforming uses.

Obtaining copies of permits or documents that help verify legal uses and structures existing at the time of annexation will be helpful for any future changes to or expansion of the legal non-conforming use or structure. Structures and uses in the County without necessary permits (e.g. those that do not have legal status prior to annexation) will most likely remain illegal following annexation into the City of San José.

## Inoperative Vehicles

The City of San José prohibits vehicles from parking on the street for more than 72 hours (3 days). On private property, vehicles are prohibited from being stored on unpaved surfaces (lawns) and inoperative vehicles are prohibited from being stored for more than 72 hours (3 days).





City of San Jose Planning Department  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

For more information:

Visit the Program Website:  
[www.sanjoseca.gov/planning/annex](http://www.sanjoseca.gov/planning/annex)

Subscribe for Periodic Email Updates:  
[Annexation@sanjoseca.gov](mailto:Annexation@sanjoseca.gov)

Contact City Staff:

Richard Buikema  
[Rich.Buikema@sanjoseca.gov](mailto:Rich.Buikema@sanjoseca.gov)  
(408) 535-7835

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call 408-535-7871 or 408-535-7835 (TTY) as soon as possible, but at least three business days before the meeting/event.