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

I, Patricia L. O’Hearn, City Clerk and 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. 26761", the original copy of which is attached hereto, was passed for publication of title on the 22nd day of October, 2002, 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 5th day of November, 2002, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: SHIRAKAWA

DISQUALIFIED: NONE

VACANT: NONE

Said ordinance is effective as of December 6, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this 6th day of November, 2002.

(SEAL)

PATRICIA L. O’HEARN
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL

11/06/02csd
ORDINANCE NO. 26761

AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING SECTION 20.100.610 OF CHAPTER 20.100
OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO
EXEMPT RE-ROOF PROJECTS MEETING SPECIFIED
CRITERIA FROM THE REQUIREMENT OF A SITE
DEVELOPMENT PERMIT; AND AMENDING SECTION
20.30.230 OF CHAPTER 20.30 AND SECTION
20.100.1300 OF CHAPTER 20.100, ALL OF TITLE 20 OF
THE SAN JOSE MUNICIPAL CODE, TO MODIFY THE
SIZE OF A SUBSTANDARD LOT FOR RESIDENTIAL
USES

WHEREAS, on September 23, 2002 this Ordinance was found to be categorically
exempt from environmental review per the provisions of Section 15031 of the California

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

SECTION 1. Section 20.30.230 of Chapter 20.30 of Title 20 of the San José Municipal
Code is hereby amended to read in its entirety as follows:

20.30.230 Lot Area - Exceptions

A. Notwithstanding the provisions of Section 20.30.200, the minimum area of a lot
or parcel whose area, as shown on a final subdivision map approved by the City
of San Jose, is less than the minimum lot area required for said zoning district,
but not less than three thousand (3000) square feet, shall be the area shown for
such lot or parcel on such subdivision map.
B. The minimum lot area shall not apply to SRO Living Unit Facilities.

SECTION 2. Section 20.100.610 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.610 Site Development Permit Required

A. A valid Site Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:

1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one, one-family dwelling on a single lot or parcel that would not be subject to Part 9 of Chapter 20.100 regarding requirements for a Single Family House Permit; or

2. Erection, construction, enlargement, placement or installation of a one-family dwelling on a single lot or parcel as provided for in Section 20.100.1030 (A)(4) regarding Single-Family House Permits; or

3. Exterior alteration of a building or structure; or

4. Use of a lot for storage purposes; or

5. Installation of pavement on any portion of a lot; or

B. No single Site Development Permit shall be issued for more than one site. However, the removal and relocation of a building from one parcel to another separate parcel located within the City requires a single application pertaining to both parcels pursuant to Section 20.100.650.

C. The provisions of this Part shall not apply:

1. If a Permit is expressly not required by Section 20.100.1030 of this Title or a Permit is issued under other provisions of this Chapter unless procurement of a Site Development Permit is made an express condition of such Permit.

2. If temporary structures or buildings are to be constructed on a lot situate in a CP, CN or CG Commercial Districts, the IP, LI or HI Industrial Districts, or an A Agricultural District and are intended to be and are used in connection with the sale of Christmas trees or Halloween pumpkins in accordance with this Title, and remain on the site only for the temporary period specified for such uses in this Title.

3. If the underground installation is for the sole purpose of replacing an existing underground tank or tanks with a new tank or tanks whether or not total tank capacity on the site is increased.

4. If skylights are installed on existing dwellings provided that the parcel has four (4) or fewer dwellings.
5. If the re-roof is installed on an existing building or structure which is not designated a historic landmark and does not involve any alteration to the existing roof line, provided that the material used in the re-roof meets all of the following conditions:

a. Is of the same material or is of a replacement material(s) that is superior to or is an upgrade from the existing material in terms of quality, aesthetics or safety features as determined by the Director of Planning; and

b. Meets or exceeds all applicable Fire and Building Code requirements.

6. Accessory structures on lots with a one-family house, unless a Permit is otherwise required by this Title.

SECTION 3. Section 20.100.1300 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1300 General

Pursuant to and in accordance with the provisions hereinafter set forth in this Part, the Director or the Planning Commission on appeal may, but shall not under any circumstances be required to, grant the following variances and exceptions:
1. Development Variance
   a. Variances hereinafter referred to as "Development Variances," to the
      height, number of stories, frontage, setback, coverage, density, area,
      off-street parking, fencing, loading and landscaping requirements and
      regulations of this Title.

2. Development Exception
   a. Certain exceptions, hereinafter referred to as "Development
      Exceptions" as follows:

      1. Exceptions permitting an incursion by buildings or structures of
         up to, but not more than, five (5) feet into the rear setback area
         prescribed by this Title, provided, however, that no exception
         granted hereunder shall permit the vertical projection of any
         building or structure to be closer than fifteen (15) feet, measured
         horizontally, to the rear property line.

      2. Exceptions permitting Church steeples, Church bell towers,
         Church roofs, wireless communication antenna and associated
         structures which exceed in height the height limitations
         prescribed this Title.

      3. Exceptions from the area requirements for a lot or parcel in
         any Residential District having an area of less than three
         thousand (3,000) square feet, provided such area is not less
         than the area of such lot or parcel on March 1, 1977(or, if the
         lot was created after March 1, 1977, then as approved by the
         City) and that no such exception shall permit any diminution in
         such area and provided further that if such lot or parcel has or
is to have a structure or structures thereon, no such exception shall be issued for such lot or parcel unless all such structures are dwelling structures or structures accessory thereto, and all such structures comply with the height and setback requirements of this Title. An exception permitted by this Subsection may be issued at the same time as an exception provided for in Subsection 1 above.

PASSED FOR PUBLICATION of title this 22nd day of October, 2002, by the following vote:

AYES: CAMPOS, CHAVEZ, DANDO, REED, SHIRAKAWA, WILLIAMS, YEAGER, GONZALES

NOES: NONE

ABSENT: CORTESE, DIQUISTO, LeZOTTE

DISQUALIFIED: NONE

ATTEST:

PATRICIA L. O' HEARN  
City Clerk

RON GONZALES  
Mayor
PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California )
County of Santa Clara ) ss

Notice Type: GORSJ SAN JOSE ORDINANCE (1 PUB)

Ad Description: ORDINANCE #26761

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the City of San Jose, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Santa Clara, State of California, under date of February 3, 1922, Case No. 27,844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/29/02

Executed on: 10/29/2002
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature