



CITY CLERK

# CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
801 North First Street, Room 116  
San José, California 95110  
Telephone (408) 277-4424  
FAX (408) 277-3285

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 **22<sup>nd</sup> 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 **5<sup>th</sup> day of November, 2002**, by the following vote:

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

NOES:                   NONE

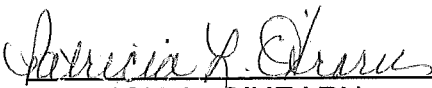
ABSENT:                SHIRAKAWA

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 **6<sup>th</sup> day of November, 2002**.

(SEAL)   
\_\_\_\_\_  
PATRICIA L. O'HEARN  
CITY CLERK AND EX-OFFICIO  
CLERK OF THE CITY COUNCIL

**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 Environmental Quality Act of 1970, as amended, under File No. PP02-09-248.

**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
6. Underground installation.

- 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 22<sup>nd</sup> day of October, 2002, by the following vote:

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

NOES: NONE

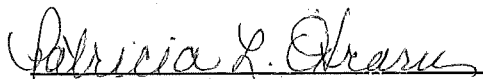
ABSENT: CORTESE, DIQUISTO, LeZOTTE

DISQUALIFIED: NONE



\_\_\_\_\_  
RON GONZALES  
Mayor

ATTEST:



\_\_\_\_\_  
PATRICIA L. O' HEARN  
City Clerk

2"

SAN JOSE POST-RECORD

~ SINCE 1910 ~

90 N. First Street, Suite 100, San Jose, California 95113-1225  
Telephone (408) 287-4866 • Fax (408) 287-2544

BILL CARTER  
SAN JOSE CITY CLERK  
801 N FIRST ST  
SAN JOSE, CA 95110

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

RECEIVED  
This space for filing stamp only  
San José City Clerk

2003 NOV -1 A 11:03

SJ#: 458911

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  
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: Cortesa, Diquisto, LeZotte  
DISQUALIFIED: NONE  
RON GONZALES  
Mayor  
ATTEST:  
PATRICIA L. O'HEARN  
City Clerk  
10/29/02

SJ- 458911#