

Applicability

This permit is required when a homeowner proposes to construct a new driveway, widen an existing driveway, or construct new sidewalk where none exists now. If the work proposed only involves the repair or replacement of existing driveway and sidewalk improvements, without any change in dimensions, then a permit from the Department of Transportation (408-277-3158) is required instead.

This permit is issued only for single family residences. A driveway permit for any other land use (commercial, industrial, multi-family, etc.) requires Planning Department approval and a Minor Street Improvement permit.

This permit cannot be used to place decorative concrete within the planter/park strip area (located between the curb and sidewalk).

Examples of Projects Requiring A Driveway or Sidewalk Permit

- A driveway relocation due to a garage modification or relocation due to a remodel of the residence.
- For additional driveways, a permit may be granted if the project meets the following criteria:
 - A second driveway may be permitted if the residence is situated on a corner lot and the resident requests an additional driveway on the frontage which presently has no driveway. For safety reasons, driveways cannot be permitted at or near the curb returns (corner).
 - A second driveway may be permitted if the residence is located at mid-block and the length of the frontage (property line to property line) is 90 feet or more.

Guidelines for Locating a New Driveway Approach

All proposed driveway approaches shall maintain the following clearances:

- 5' minimum clearance from the adjacent property line.
- 5' minimum clearance from all utility structures (pullboxes, streetlights, fire hydrants, power poles).
- 5' minimum clearance from all sign poles.
- 6' minimum clearance from all street trees.

Requirements

The application package should include a completed and signed application, a sketch of the lot and street frontage, and photographs showing the proposed location for the new driveway or sidewalk. If there are any trees, poles or utility structures within the area of the proposed driveway, they shall be shown on the sketch with their distance from the proposed driveway or sidewalk.

Any proposed modification to an existing driveway, or addition of a second driveway will not be permitted if the change facilitates violation of the "Front Setback Paving Ordinance". (See brochure for additional information)

All work shall be in accordance with the Standard Specifications of the *City of San Jose*.

If the work proposed in this permit application requires the removal of a City street tree, the applicant will be required to obtain a "Street Tree Removal" permit from the City Arborist, prior to issuance of this permit. The City Arborist can be reached at (408) 277-4373.

This permit is valid for only 30 days from the date of issuance. If the permit expires, the resident is required to extend the permit (there is no fee for this extension).

Fees

There is no fee or cost for this permit provided that the owner signs the application.

WHAT IS THE FRONT SETBACK PAVING ORDINANCE?

What does the Front Setback Paving Ordinance do?

This ordinance limits the amount of paving in the front setback of all lots with a single-family dwelling unit and all lots in **any R-1** Residence District in the City of San Jose.

When did the ordinance go into effect?

The Front Paving Ordinance went into effect on July 1, 1999.

Why did the City Council enact this Ordinance?

The Front Setback Paving Ordinance was enacted in response to community concerns about the damaging effect on neighborhood character of paving and parking in single-family front yards. Front yards paved as private parking lots are generally considered to be inconsistent with good neighborhood quality. Parking in front setback areas has increased noticeably in recent years and many neighborhoods have expressed an interest in having limits placed on the extent of such paving and parking.

Off-street parking on single-family lots is currently limited to paved areas in the front yard and corner side yard as a result of the Lawn Parking Ordinance enacted by the City Council December 1995.

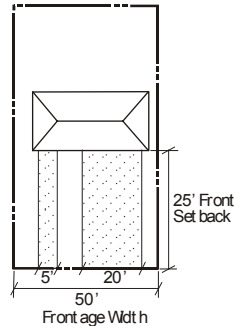
What is a "paved" surface?

A "paved" surface is one made of concrete, brick, asphalt, pavers, or other similar material. For more information regarding parking and paving, please refer to Planning brochure titled "What is the Lawn Parking Ordinance?"

What are the limitations under this Ordinance?

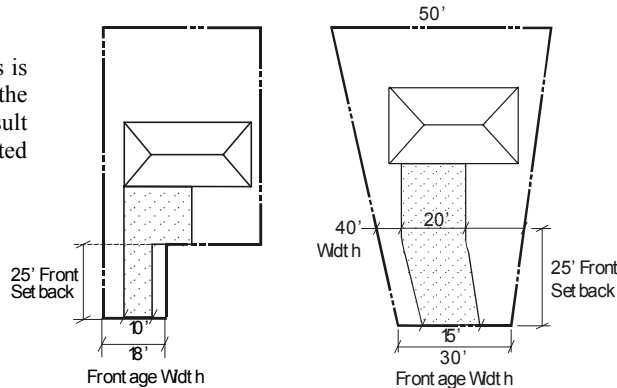
Single-Family Lots with a Frontage Width of 40 Feet or Greater:

- No more than 50% of the front setback area may be paved.



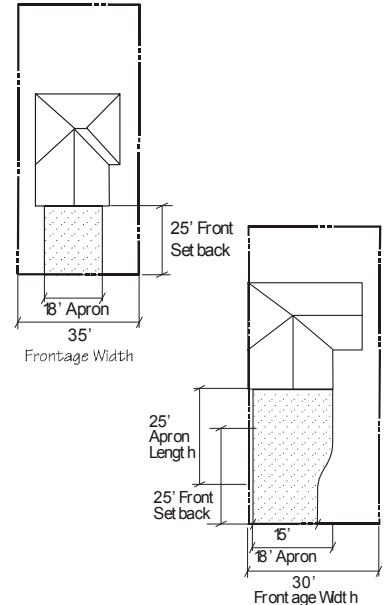
Single-Family Lots with a Frontage Width of Less Than 40 Feet:

- Paving in the front setback area is limited to 10 feet in width or 50% of the width of the lot at any given point, whichever is greater.



Also,...

- A "parking apron" is allowed as an exception to the 50% limitation for single-family lots with a frontage width of less than 40 feet **only**. To qualify as an exception, the parking apron must be located directly "in front" of, and provide primary access to, two side by side required parking spaces. In most cases, the required parking will be a garage. This apron is limited to a width of no more than 18 feet and a length of no more than 25 feet and may be located wholly or partially in the front setback area.



How does a property owner determine the width of the property if it is an odd shape or configuration?

The width of the property is determined by a line drawn between two points at which the line parallel to the front property line crosses the side property lines.

What happens to the properties that don't conform to the Front Setback Paving Ordinance?

If the paving was done **prior** to the effective date of the ordinance, the paving is legal. If the paving is legal, the owner of the site would not have to remove it in order to comply with the current regulations. The current regulations do apply, however, to any increases in the amount of paved area after July 1, 1999. If you have questions regarding the regulations, contact the Planning staff at (408) 277-4576.

What is the required front setback for my lot? How can I find out what the setback requirements are?

The required setback for a lot is determined by its zoning district. Zoning districts in the City of San Jose can vary from block to block. To find out the zoning district and the required setbacks for a lot, contact the Planning staff at (408) 277-4576.