



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. 26712**", the original copy of which is attached hereto, was passed for publication of title on the **20<sup>th</sup> day of August, 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 **3<sup>rd</sup> day of September, 2002**, by the following vote:

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

NOES:                   NONE

ABSENT:                NONE

DISQUALIFIED:        NONE

VACANT:                NONE

Said ordinance is effective as of **October 4, 2002**.

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 September, 2002**.

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

**ORDINANCE NO. 26712**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.10.080 OF CHAPTER 20.10 AND ADDING A NEW SECTION 20.20.230 TO CHAPTER 20.20, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO ADD A SETBACK EXCEPTION TO THE A-AGRICULTURE AND OS-OPEN SPACE ZONING DISTRICTS UNDER CERTAIN CONDITIONS AND TO ADD A PROVISION THAT DESIGNATES PROPERTIES IN THE CITY WITH NO SPECIFIC ZONING DESIGNATION AS A-AGRICULTURE**

**WHEREAS**, on July 23, 2002, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15303 of the California Environmental Quality Act of 1970, as amended, under File No. PP 02-07-196.

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

**SECTION 1.** Section 20.10.080 of Chapter 20.10 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.10.080    City Divided into Zones**

- A. All territory in the City has been divided into zoning districts shown on the official zoning maps maintained in the office of the Director as modified and supplemented by individual zoning district maps and ordinances.
  
- B. Amendments to the existing zones shall be made by ordinances adopted as provided in Chapter 20.120 of this Title. Such amendments shall not be included in the codified San José Municipal Code but such ordinances shall amend the zoning districts and shall be deemed incorporated into the official maps as if fully set forth therein.

C. Any property located in the City that has not been specifically designated with a particular zoning district is hereby deemed to be zoned A-Agriculture.

**SECTION 2.** Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended by adding a new section to be numbered and entitled and to read as follows:

**20.20.230 Setback—Exception**

A. The Director may grant a reduction in the minimum required setback from an abutting property zoned or used for residential purposes for additions to existing structures or new structures on a lot located in either the A-Agriculture or OS-Open Space Zoning District if the Director finds that granting the reduction in the minimum required setback would not impair the utility or value of adjacent property or the general welfare of the neighborhood and, in addition, finds that the proposal meets all of the following criteria:

1. The subject site or lot:

(a) Is located adjacent to a residentially zoned property or is located next to a residential use; and

(b) Has substantial existing development on the subject site; and

2. The sizes of any and all additions or structures to be added to the subject site or lot shall not exceed fifty percent (50%) of the square footage of the existing structures on the subject site or lot and for which development permits were obtained prior to February 19, 2001; and

3. The aggregate total square footage of all additions or new structures to be added to the subject site or lot shall not exceed fifty percent (50%) of the square

footage of the existing structures on the subject site or lot as of February 19, 2001; and

4. Any addition or structure to be added to the subject site or lot shall not significantly diminish the existing, legal nonconforming setback, and, in any event, no addition or structure to be added to the subject site or lot shall reduce a setback to less than fifty (50) feet; and
5. Any new addition or structure shall not exceed the height of existing structures located on the subject site or lot, or the maximum height allowance established pursuant to this Title for the Zoning District, whichever height is less.

**PASSED FOR PUBLICATION** of title this 20<sup>TH</sup> day of August, 2002, by the following vote:

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

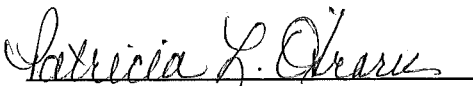
NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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

ATTEST:

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

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 #26712

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:

08/27/02

Executed on: 08/27/2002  
At Los Angeles, California

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

  
Signature

2"

RECEIVED

This space for filing stamp only  
San Jose City Clerk

2002 AUG 29 A 10:34

SJ#: 435088

ORDINANCE NO. 26712  
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.10.080 OF CHAPTER 20.10 AND ADDING A NEW SECTION 20.20.230 TO CHAPTER 20.20, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO ADD A SETBACK EXCEPTION TO THE AGRICULTURE AND OS-OPEN SPACE ZONING DISTRICTS UNDER CERTAIN CONDITIONS AND TO ADD A PROVISION THAT DESIGNATES PROPERTIES IN THE CITY WITH NO SPECIFIC ZONING DESIGNATION AS AGRICULTURE  
PASSED FOR PUBLICATION OF TITLE this 20th day of August 2002, by the following vote:  
AYES: CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE, REED, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES  
NOES: NONE  
ABSENT: NONE  
DISQUALIFIED: NONE  
RON GONZALES, Mayor  
ATTEST:  
PATRICIA L. O'HEARN  
08/27/02

SJ- 435088#