



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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CITY CLERK

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

I, Deanna J. Santana, Acting City Clerk & 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. 27076**", the original copy of which is attached hereto, was passed for publication of title on the **17th day of February, 2004**, 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 **2nd day of March, 2004**, by the following vote:

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

NOES: NONE

ABSENT: GREGORY

DISQUALIFIED: NONE

VACANT: NONE

Said ordinance is effective as of **April 2, 2004**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **3rd day of March, 2004**.

(SEAL) Deanna J. Santana
DEANNA J. SANTANA
ACTING CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 27076

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL
CODE BY AMENDING SECTION 20.50.100 OF
CHAPTER 20.50 TO CLARIFY REGULATIONS
PERTAINING TO ASSEMBLY USES AND AMENDING
PART 9 OF CHAPTER 20.100 TO STREAMLINE THE
APPROVAL PROCESS FOR SINGLE FAMILY HOUSE
PERMITS**

WHEREAS, on January 8, 2004, this Ordinance was found to be categorically exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP04-01-005.

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

SECTION 1. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.50.100 Allowed Uses and Permit Requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

"Conditional" uses which may only be approved on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay are indicated by a "CM" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- C. "Special" uses are indicated by a "S" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by a "A" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- F. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Industry				
Auction	CM	CM	CM	
Industrial Services	-	P	P	
Laboratory, processing	-	P	P	
Manufacturing and Assembly				
Light	P	P	-	
Medium	-	P	P	
Heavy	-	-	P	
Research and Development	P	-	-	
Catalog and mail order	P	P	-	
Construction/Corporation yard	-	C	C	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	C	
Hazardous materials storage	-	C	C	
Hazardous waste facility	-	-	C	
Junkyard	-	-	C	

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Miniwarehouse/ministorage	-	P	P	
Outdoor uses or storage	-	C	P	Section 20.50.210
Private power generation	C	C	C	
Stockyard, including slaughter	-	-	C	
Warehouse/Distribution Facility	C	P	P	
Wholesale sale establishment	C	P	P	
Additional Uses				
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	C	
Commercial support	P	-	-	Section 20.50.110
General Retail				
Nursery, plant	-	C	C	
Outdoor vending	-	A	A	Part 10, Chapter 20.80
Retail or wholesale commercial entity, single occupant greater than 100,000 gross square feet	CM	CM	-	
Sales, office furniture, industrial equipment, machinery	-	C	-	
Seasonal Sales	P	P	P	Part 14, Chapter 20.80
Education and Training				
Day care center	CM	CM	CM	
School, driving (class A & B license)	-	P	P	
School, post secondary	C	-	-	
School, trade and vocational	-	C	C	
Entertainment and Recreation Related				
Recreation, Commercial/Indoor	CM	CM	CM	Note 8
Performing arts production/rehearsal space	CM	CM	CM	
Food Services				
Public eating establishments	P	C	C	Note 8
Health and Veterinary Services				

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Emergency ambulance service	CM	CM	CM	
Medical clinic/ out-patient facility	CM	-	-	
General Services				
Crematory	-	CM	C	
Hotel/motel	CM	-	-	
Personal services	P	-	-	Note 8
Photo processing and developing	P	P	P	
Printing and publishing	P	P	P	
Social Service Agency	C	C	C	
Offices and Financial Services				
Automatic Teller Machine	P	P	P	Section 20.80.200
Financial institution	P	CM	CM	Note 8
Offices, business and administrative	P	-	-	
Public, Quasi-Public and Assembly Uses				
Church/Religious Assembly	CM	CM	CM	
Residential				
Emergency residential shelter	CM	C	CM	Section 20.80.500
Living quarters, custodian, caretakers	-	-	C	Note 1
Drive-Through Use				
Drive-through in conjunction with any use	CM	CM	CM	
Recycling Uses				
Recycling processing facility	C	S	S	
Recycling transfer facility	C	S	S	
Large collection facility	-	-	P	
Reverse vending	A	A	A	
Small collection facility	A	A	A	
Transportation and Utilities				
Common carrier	-	C	P	
Common carrier depot	C	C	C	Note 2
Community television antenna systems	C	C	C	
Communications service exchange	C	C	C	
Off-site, alternating and alternative use parking arrangements	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	

Table 20-110 Industrial Districts Land Use Regulations				
Use	Zoning District			Applicable Sections & Notes
	IP	LI	HI	
Parking establishment, off-street	C	C	C	
Television, radio studio	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	
Wireless communication antenna	C	C	C	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	Section 20.80.1900
Electrical Power Generation				
Base Load Facility	-	-	C	
Stationary Peaking Facility	-	C	C	
Transportable Peaking Facility	-	C	C	
Private Power Generation Facility	C	C	C	
Co-Generation Facility	S	S	S	
Stand-by/Backup				
Facilities that do not exceed noise and air standards	A	A	A	
Facilities that do exceed noise and air standards	C	C	C	
Temporary Stand-by-Backup	A	A	A	
Photovoltaic	P	P	P	Note 5
Vehicle Related Uses				
Gas or charge station	CM	CM	CM	Note 3
Gas or charge station with incidental service and repair	CM	CM	CM	Note 4
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	-	
Repair and cleaning of vehicles	-	P	P	Note 7
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	-	C	-	
Vehicle wrecking, including sales of parts	-	-	C	

Notes:

1. Site must be seven (7) acres or more.
2. Includes associated office.
3. No incidental repair or service. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
4. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting. No retail sale of food grocery items or alcoholic beverages may be approved. See Section 20.80.550.
5. Photovoltaic (PV) systems may be processed through a Permit Adjustment.
6. Intentionally left blank.
7. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
8. Public eating establishments; financial institutions; personal service establishments; and recreation, commercial/indoor in the IP district are subject to the limitation of the Commercial Support Use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.

SECTION 2. Part 9 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**Part 9
Single Family House Permit**

20.100.1000 Purpose

- A. The purpose of this Part is to promote orderly development, to enhance the character, stability, integrity and appearance of single family neighborhoods and zoning districts, to maintain and protect the stability and integrity of land values, and to secure the general purposes of this Title and the San Jose General Plan.
- B. In order to accomplish the purpose, it is necessary for the City to review and regulate the aesthetic and functional aspects of single family houses and sites and to require, as the City determines necessary, aesthetic and functional improvements to the site and to any structures thereon and to require off-site improvements.

20.100.1010 Single Family House Defined

For purposes of this Part, "single family home" means a structure designed and/or used as a R-3 occupancy as defined in the Building Code and otherwise designated a one-family dwelling elsewhere in this Code.

20.100.1020 Floor Area Ratio Defined

For purposes of this Part, "floor area ratio" means the gross floor area of the single family house divided by the total lot area. Garages, basements and accessory structures are not included in the gross floor area for the purposes of this Part.

1. The floor area includes the sum of all the floors in the main structure measured to the outside surface of the exterior walls. It includes the stairwells at all floors and all areas that are greater than fifty percent (50%) enclosed with walls and covered.

20.100.1030 Single Family House Permit Required

A. No Single Family House Permit is required if:

1. The issuance of building permits will result in a single family house in any Residence District with a Floor Area Ratio equal to or less than forty-five hundredths (.45); and
 - a. The site is not a City Landmark or is not listed on the Historic Resources Inventory pursuant to Chapter 13.48 of Title 13 of this Code; or
 - b. The site is not located in a Historic District or Historic Conservation Area pursuant to Chapter 13.48 of Title 13 of this Code.
2. The site is located in a Planned Development Zoning District. All construction in a Planned Development Zoning District shall be governed by the provisions of Part 8 of this Chapter that may require issuance of a Planned Development Permit for the review of any single-family house construction, addition, or alteration.
3. The issuance of buildings permits is for exterior alterations or maintenance of an existing single family house which alterations or maintenance:
 - a. Would not expand the exterior footprint or increase the overall square footage of the existing single family house; and

- b. Meet the development regulations of the R-1-8 residence district; and
 - c. Meet all of the criteria set forth in Subsection 20.100.1030.A.1 above.
 4. The single family homes are approved with a single Site Development Permit issued pursuant to Part 5 of this Chapter. A Site Development Permit may be approved if the site is located:
 - a. In an R-1 Residential Zoning District; and
 - b. Includes construction of more than five (5) new single family homes.
- B. Unless specifically exempted by subsection A, a valid Single Family House Permit, issued under this Part, is required prior to the issuance of any building permit for the following activities:
 1. Erection, construction, enlargement, placement or installation of a single family house on any site; or
 2. Exterior alteration of a single family home.

20.100.1040 Additional Development Requiring a Single Family House Permit

- A. If the issuance of building permits will result in a Single Family House with a Floor Area Ratio greater than forty-five hundredths (.45) but equal to or less than sixty-five hundredths (.65) and all of the following criteria are met, the issuance of a Single Family House Permit is subject to the Administrative Procedures set forth in this Part.
 1. Building Permits do not authorize removal of more than fifty percent (50%) of the exterior walls of an existing house;
 2. Building Permits are for an addition to an existing house and the addition is for either one or both of the following:
 - a. A single story and ground floor addition; and/or
 - b. A second story addition which results in a second story which is no larger than sixty percent (60%) of existing first floor area and which is set back at least ten (10) feet from the required front setback;

4. Building permits do not authorize the enclosure or net loss of ten percent (10%) or more of an existing porch;
 5. Building Permits authorize an attached garage only if the houses on each side of the subject lot have existing attached garages;
 6. Building Permits require the roofline, materials, trim and decoration details of the new construction to be the same as that on the existing house.
- B. Subject to the provisions of Section 20.100.1030, if the issuance of building permits will result in a single family house with a Floor Area Ratio greater than forty-five hundredths (.45) and/or all the applicable criteria of subsection A are not met, or if the issuance of a building permit will authorize new construction greater than thirty (30) feet high and/or two (2) stories tall, issuance of a Single Family House Permit shall be subject to the Director Public Hearing Procedures set forth in this Part.

20.100.1050 Houses Greater Than Thirty Feet High and/or Two Stories Tall

If the issuance of building permits will authorize new construction greater than thirty (30) feet high and/or two (2) stories tall, the Single Family House Permit is subject to the Director Public Hearing Procedures set forth in this Part.

20.100.1060 Administrative Procedures

For any application for a Single Family House Permit which is subject to the Administrative Approval Procedures:

1. The Director may, in the Director's sole discretion, approve an Administrative level Single Family House Permit.
2. The decision is an administrative determination and requires no hearing or notice.
3. The action of the Director is final. If the application is denied, nothing in this section shall preclude the applicant from filing an application for a Director Approval pursuant to this Part.

20.100.1070 Director Public Hearing Procedures

For any application for a Single Family House Permit which is subject to the Director Public Hearing Procedures:

1. Upon finding an application for a Single Family House Permit complete pursuant to Part 1 of this Chapter, the Director shall review the application and shall set a Public Hearing on the application.
2. The Director shall cause notice of the time and place, at which all persons may appear before the Director and be heard, to be given in accordance with Section 20.100.190.
3. The Director, or Planning Commission on appeal, may approve, conditionally approve, or deny the application only upon making the findings set forth in this Part.

20.100.1080 Appeal of Director Approval

Any action taken by the Director under this Part may be appealed to the Planning Commission by filing with the Director a written notice of appeal within ten (10) calendar days after a copy of the decision of the Director has been placed in the mail to the applicant. The applicant or any property owner or tenant of property within three hundred (300) feet of the subject site may file such a notice of appeal. When such notice has been accepted by the Director for filing:

1. The Director shall set a date for the public hearing before the Commission.
2. The Director shall cause notice of the time and place, at which all persons may appear before the Director and be heard, to be given in accordance with Section 20.100.190.
3. The decision of the Commission shall be mailed to the applicant, at the address shown on the application, and to all persons eligible to appeal who have requested such notice pursuant to Section 20.100.200.

20.100.1090 Findings

- A. The Director, or Planning Commission on appeal, shall grant the Single Family House Permit only after making the following applicable findings:
 1. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
 2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and

are aesthetically harmonious with adjacent development or the character of the neighborhood.

3. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.
- B. The Director, or Planning Commission on appeal, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

20.100.1100 Exception – Previously Approved Special Use Permit

- A. Notwithstanding any contrary provision of this Part, no Single Family House Permit shall be required for the construction of a single family house if:
1. A Special Use Permit for demolition of an existing single family house was approved prior to December 31, 2000; and
 2. Plans for the replacement single family house were submitted as part of the Special Use Permit Application; and
 3. Building permits are obtained prior to December 31, 2000.
- B. Construction of the single family house shall be in conformance with the plans submitted as part of the Special Use Permit Application.
- C. If an appeal of a Special Use Permit is heard after the effective date of this Part, the plans for the replacement dwelling may be evaluated and considered as part of the appeal. The Planning Commission on appeal shall approve the plans for the replacement single family home.

20.100.1110 Exception – Approved Final Maps

Notwithstanding any contrary provision of this Part, no Single Family House Permit shall be required for the construction of a single family house(s) if:

1. The single family house is situated on a lot created by a final map for twenty five (25) or more lots in a R-1 Residential Zoning District which was approved after January 1, 1999, and prior to the effective date of this Part; and

2. Building permits for the single family house(s) are issued prior to December 31, 2000.

PASSED FOR PUBLICATION of title this 17th day of February, 2004, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, GREGORY,
LeZOTTE, REED, WILLIAMS, YEAGER, DANDO

NOES: NONE

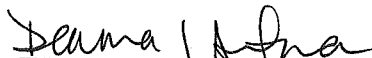
ABSENT: GONZALES

DISQUALIFIED: NONE



PAT DANDO
Vice Mayor

ATTEST:



DEANNA J. SANTANA
Acting City Clerk

SAN JOSE POST-RECORD

~ SINCE 1910 ~

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BILL CARTER
SAN JOSE CITY CLERK
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PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Santa Clara) ss

Notice Type: GORSJ SAN JOSE ORDINANCE (1 PUB)

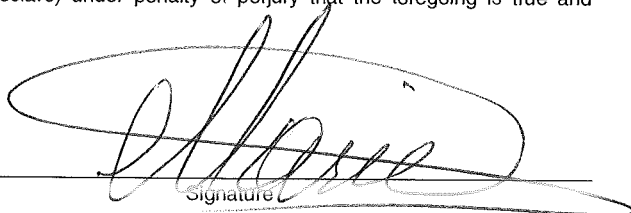
Ad Description: ORDINANCE #27076

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:

02/24/04

Executed on: 02/24/2004
At Los Angeles, California

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


Signature

This space for filing stamp only

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San Jose City Clerk

2004 FEB 27 A 10: 52

SJ#: 641017

ORDINANCE NO. 27076
AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTION 20.50.100 OF CHAPTER 20.50 TO CLARIFY REGULATIONS PERTAINING TO ASSEMBLY USES AND AMENDING PART 9 OF CHAPTER 20.100 TO STREAMLINE THE APPROVAL PROCESS FOR SINGLE FAMILY HOUSE PERMITS PASSED FOR PUBLICATION OF TITLE this 17th day of February, 2004, by the following vote:
AYES: Campos, Chavez, Chirco, Cortese, Gregory, LeZotte, Reed, Williams, Yeager, Dando
NOES: None
ABSENT: Gonzales
DISQUALIFIED: None
PAT DANDO
Vice Mayor
Attest:
DEANNA J. SANTANA
Acting City Clerk
02/24/04

SJ- 641017#