



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, Lee Price, 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. 27279**", the original copy of which is attached hereto, was passed for publication of title on the **9th day of November, 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 **30th day of November, 2004**, by the following vote:

- AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, GREGORY, LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES
- NOES: NONE
- ABSENT: DANDO
- DISQUALIFIED: NONE
- VACANT: NONE

Said ordinance is effective as of **December 31, 2004**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **2nd day of December, 2004**.

(SEAL)

LEE PRICE, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 27279

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.100.1030, 20.100.1040 AND 20.100.1050 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO PROVIDE AN EXEMPTION FROM A SINGLE FAMILY HOUSE PERMIT FOR CERTAIN HOUSES LOCATED WITHIN FLOOD ZONES THAT MEET CERTAIN CRITERIA SET FORTH IN THE ORDINANCE

WHEREAS, on September 16, 2004, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15305 of the Guidelines implementing the California Environmental Quality Act of 1970, as amended, under File No. PP04-227;

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

SECTION 1. Section 20.100.1030 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1030 Single Family House Permit Required

A. No Single Family House Permit is required if all of the following applicable criteria and conditions are met:

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 residential district in which the house is located; 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.

5. 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 height greater than thirty (30) feet and/or two (2) stories, provided that all of the following additional criteria or conditions are met:
 - a. The proposed house will be located on a site within a flood zone with a one-hundred-year flood depth that requires elevation of the first finished floor of the proposed house to a height of at least five (5) feet above grade; and
 - b. The height of the proposed house will be equal to or less than thirty (30) feet plus the required one-hundred-year flood depth elevation or the maximum height of the Residence District in which the proposed house will be located, whichever height is less; and
 - c. The proposed house will meet all of the criteria set forth in Subsection 20.100.1030.A.1 above.

- B. Unless specifically exempted by Subsection A above, 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.

SECTION 2. Section 20.100.1040 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.100.1040 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 applicable criteria are met, 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 ten (10) feet from the required front setback;
 3. Building permits do not authorize the enclosure or net loss of ten percent (10%) or more of an existing porch;
 4. Building Permits authorize an attached garage only if the houses on each side of the subject lot have existing attached garages;
 5. 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 all the applicable criteria of Subsection

20.100.1040.A are not met, issuance of a Single Family House Permit shall be subject to the Director Public Hearing Procedures set forth in this Part.

SECTION 3. Section 20.100.1050 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

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

Subject to the provisions of Subsection 20.100.1030.A.5, 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

PASSED FOR PUBLICATION of title this 9th day of November, 2004, by the following vote:

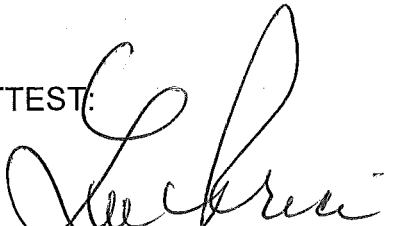
AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, GREGORY,
LeZOTTE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: DANDO

DISQUALIFIED: NONE

ATTEST:



LEE PRICE, CMC
City Clerk



RON GONZALES
Mayor

SAN JOSE POST-RECORD

~ SINCE 1910 ~

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CECILIA DELGADO
SAN JOSE CITY CLERK
801 N FIRST ST
SAN JOSE, CA 95110

This space for filing stamp only
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San Jose City Clerk

2004 NOV 19 A 10: 25

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SJ#: 747361

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 #27279

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ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.100.1030, 20.100.1040 AND 20.100.1050 OF CHATER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO PROVIDE AN EXEMPTION FROM A SINGLE FAMILY HOUSE PERMIT FOR CERTAIN HOUSES LOCATED WITHIN FLOOD ZONES THAT MEET CERTAIN CRITERIA SET FORTH IN THE ORDINANCE
PASSED FOR PUBLICATION of title this 9th day of November 2004, by the following vote:
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GONZALES
NOES: NONE
ABSENT: DANDO
DISQUALIFIED: NONE
RON GONZALES
Mayor
ATTEST:
LEE PRICE, CMC City Clerk
11/16/04

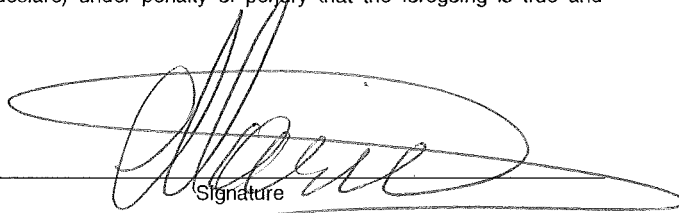
SJ-747361#

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:

11/16/04

Executed on: 11/16/2004
At Los Angeles, California

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


Signature