

REZONING/PREZONING PERMIT APPLICATION



Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

Planning Division Customers:

Re: Permit Information Update

Thank you for making an investment in San Jose with this development application. The City prides itself on being a leader in Smart Growth, but recognizes that much of that good work is the result of private investment choices made by each of our applicants to locate in San Jose. One of our goals is to help you succeed in your business, so that you can help us with our business.

San Jose's development process is based on our San Jose 2020 General Plan, supplemented by the Zoning Ordinance, and City Council adopted design guidelines and policies. Many of these documents can be found online at our web site listed below. Our staff utilizes these policies to ensure your application is promptly reviewed in a comprehensive manner with the goal of "no surprises" later in the process. Several changes are being made to the way we process development applications filed with the City, with the goal of continuously improving our customer service and overall process.

Processing Time Targets

The City has worked with the development community to establish processing time targets (attached) for many of our applications. These targets are intended to set expectations for City staff and our applicants of how long a given process should take. One important lesson we have learned is that responsive applicants keep their projects moving more successfully through the process. We will manage your project(s) according to these established targets.

If your project does not fit into these general targets we will work with you to identify the best course of action. For example, if your project requires more than a second cycle of plan review, we will schedule a meeting with you and your consultants to discuss the best way to keep the project moving consistent with the standard timelines.

As part of managing the schedule for your project, it is important to understand the overall discretionary review process and relevant milestones, public outreach, and the required environmental review. We will assist you with all aspects of your project, such as coordinating and scheduling a community meeting when one is necessary, or working with you to address the scope and specifics of complicated environmental issues.

Working With Your Project Manager

To provide you the best possible customer service, a project manager has been assigned as your key point of contact in the City's processing of your application. The project manager is responsible for managing your schedule, scheduling meetings, and providing feedback to you and your design

team regarding the various components of your project. In addition, the project manager will facilitate the resolution of key project issues to ensure you get the best possible information and decisions from all City departments in a timely manner. Your project manager has access to department management and upon your request will coordinate the necessary team meetings and decision-making to keep your project moving. This relationship is an important partnership to ensure good communication and a predictable development process – feel free to contact your project manager at any time.

Development Fee Program

One of the outcomes of the review of processing times and the budget for the development fee programs this fiscal year was the reconsideration of our fee structure which was previously set on a flat rate basis. The development review program in San Jose is paid for with the fees collected with application submittals. These fees pay for the City staff working on development projects. As a result of our budget review and working with the development community, a greater effort was made to ensure that fees collected reflect the level of work commensurate with specific classes of projects.

The fees paid for specific development applications now come with general limits of service that staff can provide. For a typical development application, the application fees pay for two cycles of plan review, one community meeting, and an application period not to exceed six months. We have also added surcharges to our fee schedule for those instances where a specific application cannot stay within these general limits. This provision ensures that the standard fee program is not predicated on those unusual projects. Examples of the surcharges now include fees for additional community meetings, additional plan review cycles, and on-file time extensions beyond the standard six months. Previously, our cost recovery efforts related primarily to expenses we incurred in re-noticing applications.

Conclusion

It is important to understand that the development review process works best when there is a partnership between the City and our customers to resolve project issues. While it is occasionally appropriate to agree to disagree, we will work diligently to find solutions that meet your needs so that the City's long-term goals are achieved. If you have questions about the development review process, need help to resolve an issue, or have comments about how we are doing, my Senior and Principal Planners are always available to help you.

Please take the time to fill out the survey forms that you will receive at the conclusion of the process. Your comments and feedback help us improve the way we do our jobs, particularly our service to customers.

Joseph Horwedel
Director of Planning, Building and Code Enforcement
City of San Jose
Web <http://www.sanjoseca.gov/planning>

Project Processing Timeline Goals

<p>30 Days or Less (Assumes Exempt or reuse for CEQA) Dead tree removal approval (TR) Lot Line Adjustment (AT) Sign permits (AD) Single Family House Permit, Category I (SF) Time Extensions (AD)</p>	<p>60 Days or Less (assumes Exempt or reuse for CEQA) Commercial / retail site modifications (H) Historic Preservation Permit (HP) Industrial site modifications (H) Office site modifications (H) Residential addition or conversion (CP) Single Family House Permit, Category II (no council approval) (SF) Time Extension (H, CP, PD, T) Tree Removal no arborist report req'd (TR) Utility Structures (AP)</p>
<p>90 Days or Less (assumes Exempt or reuse for CEQA) Church, school, child care - minor additions, conversions, reuse (CP) Commercial, Industrial w/o significant site issues (PDC, H, CP) Historic Landmark Nomination Off-sale alcohol Exception (CP) Rezoning Conventional Districts (C) SFDR permit and subdivision (PD, PT, T) Tentative Map (T) Tree Removal w/ arborist report req'd & illegal removals (TR) Variance (V)</p>	<p>120 Days or Less (assumes Exempt, reuse or ND for CEQA) Car Dealership (CP) Gas Stations (CP) High Density Residential (3 stories or less) permit and subdivision (PD, PT, T) Historic Landmark Preservation Agreement Hotels / motels less than 100 rooms (H, PD) Industrial / retail minor additions (H) Nightclub / Bar (CP) Residential zoning less than 200 units (PDC) Small Churches, Child Care (CP)</p>
<p>180 Days or Less (assumes ND for CEQA) High Density Residential (>3 stories) permit and subdivision (PD, PT, T) Hillside development (PDC, PD) Hotels / motels more than 100 rooms (H, PD)</p>	<p>180 Days or More (assumes EIR or Complex ND for CEQA) Any project requiring preparation of and EIR Commercial, Industrial w/ significant site issues (PDC, H, CP) Large Public / Quasi Public uses (PDC, CP) Residential zoning greater than 200 units (PDC)</p>
<p>Project Milestone Processing Goals</p> <ul style="list-style-type: none"> • Comments for major applications sent in 30 days ~ 95% • Comments for other applications sent in 30 days ~ 70% • 2nd Round Comments for major projects sent 2 weeks ~75% 	

INSTRUCTIONS FOR FILING A

REZONING/PREZONING

INSTRUCTIONS

Please prepare the plans, forms and other required information listed below and return them, by appointment, to the Department of Planning, Building and Code Enforcement. Applications will only be accepted for processing if they are complete.

1. **Completed Application Forms:** One (1) Original and One (1) Copy of the application for each proposed zoning site. Each application must be signed by the owner(s) of either at least (1) 50% of the property area, or (2) 50% of the street frontage. Original notarized signatures are required. The application may designate a contact person who has full authority to act on behalf of the applicant. However, the contact person may not sign the application, acceptance, or withdrawal without legal Power of Attorney.
2. **Description of Subject Property:** Three (3) Legible letter-size copies of a Legal Description for each proposed zoning site. The Legal Description must be clearly marked "Exhibit A." It should consist of either (1) a single metes and bounds description, or (2) tract and lot numbers with a copy of the recorded tract map. Separate legal descriptions are required for each area when either:
 - a. More than one zoning district is proposed for different portions of the subject property, or
 - b. Both prezoning and rezoning are proposed for different portions of the subject property.
3. **Plot Plan:** Twelve (12) copies of a plot plan of the area to be zoned. The plot plan should be (1) a maximum size of 11" x 17," (2) clearly labeled "Exhibit B," and (3) drawn to scale. The plan must include the following information:
 - a. Location of the property to be zoned relative to existing and proposed public streets.
 - b. Boundary dimensions of the property to be zoned.
 - c. Each separate legal parcel within the area to be zoned.
 - d. The name(s) of the present owner(s) of each separate legal parcel.
 - e. A north arrow and bar scale.
 - f. The date the plot plan was prepared.
 - g. The location of any active or deactivated water well(s) on the property.
 - h. Exact locations of any buildings, structures, and significant physical features such as rock outcroppings, trees, and riparian corridors.
4. **Noticing the Neighborhood:** Refer to the Public Outreach Policy for a full description of the City's public notification procedures. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents within 300 feet for Very Small projects, 500 feet for Standard Development Proposals and a minimum of 1,000 feet for large or controversial projects as detailed in the Public Outreach Policy.
5. **Environmental Review:** One (1) completed application for Environmental Clearance or proof that Environmental Clearance has been completed for the proposed Zoning. Two (2) copies of the application for environmental clearance are required if applying for prezoning.
6. **Fees:** An application fee, associated Public Noticing fee(s), and the appropriate Environmental application fees are due at the time of filing (see fee schedule). Checks are made payable to the "City of San Jose".

Please call our Appointment Desk at (408) 535-3555 for an application appointment.

PROCESSING SCHEDULE IN BRIEF

After the application has been accepted, Planning Staff refers the proposed zoning to other City departments and agencies for comments. In about thirty (30) days from the time the application is filed, a letter is sent to the applicant outlining the status of the project. The environmental

review document is then processed and a staff report is prepared. The staff report contains the Director's recommendation on the application to the City Planning Commission. The Planning Commission holds a public hearing to consider the proposed zoning. It then makes a recommendation to the City Council for either approval or denial. The City Council holds a public hearing to consider the proposed zoning. It reviews the recommen-

dations of both the Director and the Planning Commission. The Council then approves, conditionally approves, or denies the proposed zoning.

Contact the Development Services Center at (408) 535-3555 for more information on the zoning process.

**INDEMNIFICATION AGREEMENT
FOR DEVELOPMENT APPLICATIONS**

Applicant submitted an application to the City of San José Planning Division on _____, 201__ for the following development approval(s): _____

(the "Project"). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant hereby expressly agrees in connection with the processing of Applicant's Project application(s) to each and every one of the following terms and conditions:

1. Applicant agrees, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of San José ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:
 - a. Any approvals issued in connection with any of the above described application(s) by City; and/or
 - b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.

2. Applicant agrees to indemnify City for all of City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.

3. Applicant agrees to defend, indemnify and hold harmless City, its officers, contractors, consultants, attorneys, employees and agents from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

4. In the event that Applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:
 - a. The counsel to so defend City; and
 - b. All significant decisions concerning the manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.

City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.

5. Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

APPLICANT:

By: _____
(Signature)

(Print)

Date: _____

Its: _____
(Title, if any)

REZONING/PREZONING APPLICATION

TO BE COMPLETED BY PLANNING STAFF	
FILE NUMBER C	RECEIPT # _____
PROJECT LOCATION & ADDRESS _____ _____ _____	AMOUNT _____ DATE _____ BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
EXISTING ZONING DISTRICT	PROPOSED ZONING DISTRICT
EXISTING USE _____ _____	PROPOSED USE _____ _____
GROSS ACRES	NUMBER OF EXISTING LOTS
ESTIMATED DATE OF OCCUPANCY	
ASSESSOR'S PARCEL NUMBER(S)	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

AFFIDAVIT OF OWNERSHIP

THE UNDERSIGNED HEREBY DECLARE THAT THE FOLLOWING IS TRUE AND CORRECT:

1. The undersigned are the owners, or authorized agent of such owners, of either at least 50% of the property area or 50% of the property frontage described in "Exhibit A" - Legal Description of the subject property. *A copy of the official document granting Power of Attorney must be attached to this document if signing as the authorized agent.*

2. The property which is the subject of this application:

_____ does contain existing active or deactivated water wells and they are shown on the plot plan accompanying this application

_____ does not contain existing active or deactivated water wells.

3. In conformance with Section 65962.5 of the California Government Code, and as owner(s) of the property referenced in "Exhibit A", I(we) hereby certify that I(we) have reviewed the Hazardous Waste and Substance Sites List within the City of San Jose, as compiled by the State Office of Planning and Research. The property which is the subject of the above-referenced application is _____ is not _____ included on said list.

If included on the List, the listed item reads as follows:

THE UNDERSIGNED HEREBY DECLARE THAT THEY UNDERSTAND THE FOLLOWING APPLIES TO THEIR PROJECT:

4. **Notice To Applicants Regarding Effect of Wastewater Treatment Capacity On Land Development Approvals.** Part 2.75 of Chapter 15.12 of the San Jose Municipal Codes requires that an applicant acknowledge the effect of Wastewater treatment capacity on Land development approvals at the time of application. As owner (s) of the property subject to this development application, I(we) hereby acknowledge the requirements of the Municipal Code, as stated below, and understand that these requirements will apply to the development permit for which I(we) am(are) applying.

Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

PRINT NAME OF PROPERTY OWNER	DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()
ADDRESS	CITY	STATE ZIP CODE
NAME OF FIRM, IF APPLICABLE	TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE (PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER)	DATE	

IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE USE THE FOLLOWING PAGE TO PROVIDE THE ABOVE INFORMATION.

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

AFFIDAVIT OF OWNERSHIP

(ONLY FOR ADDITIONAL PROPERTY OWNERS)

THE UNDERSIGNED HEREBY DECLARE THAT ITEMS 1 THROUGH 4 ON PAGE 2 OF THIS APPLICATION ARE TRUE AND CORRECT, AND DECLARE THAT THEY UNDERSTAND THAT ITEM 4 ON PAGE 2 OF THIS APPLICATION APPLIES TO THEIR PROJECT:

PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	

* PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC...

IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE ATTACH A SEPARATE COPIES OF THIS PAGE TO PROVIDE THE ABOVE INFORMATION.

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CONTACT PERSON			
That for the purpose of processing and coordination of this application, the following person is my (our) designated representative/contact person:			
PRINT NAME OF CONTACT PERSON		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	
PROJECT DEVELOPER			
PRINT NAME OF PROJECT DEVELOPER (IF DIFFERENT THAN OWNER)		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	
ARCHITECT and ENGINEER			
PRINT NAME OF ARCHITECT		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	
PRINT NAME OF ENGINEER		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	

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NOTICE TO APPLICANT: <i>It is not necessary to complete this check sheet.</i> Your application will be accepted only if all items listed on the instruction pages are included in the correct form and numbers. The items on this check sheet do not necessarily constitute a complete application. Additional information may be required to complete the review of your project.				
FILE NUMBER	C	STAFF	DATE RECEIVED	Correctly Submitted <i>(staff only)</i>
REQUIRED COPIES	DOCUMENTS			
2 (1 original, 1 copy)	APPLICATION FORM correctly filled out <input type="checkbox"/> Applicant(s) - listed as owner(s) <input type="checkbox"/> Notarized Signature(s) of owner(s) listed above <input type="checkbox"/> Contact Person(s) identified <input type="checkbox"/> Architects, Engineers and Developers identified			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3	LEGAL DESCRIPTION (must be first generation copy and labeled Exhibit A) <input type="checkbox"/> Single metes and bounds description of entire property OR <input type="checkbox"/> Tract and lot numbers from recorded subdivision map, and a copy of the tract map			<input type="checkbox"/>
12 copies	PLOT PLAN (Labeled Exhibit B) <input type="checkbox"/> Location and boundary dimensions clearly shown <input type="checkbox"/> Each separate legal parcel shown and owner identified <input type="checkbox"/> North arrow and bar scale <input type="checkbox"/> Date Plot Plan was prepared <input type="checkbox"/> Water wells identified			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2	ENVIRONMENTAL REVIEW <input type="checkbox"/> Draft EIR OR <input type="checkbox"/> Completed Application for Environmental Clearance which includes: <input type="checkbox"/> Exemption from Environmental Review <input type="checkbox"/> Proof that environmental review has been completed			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	FEES <input type="checkbox"/> Application Fees <input type="checkbox"/> Additional Charges <input type="checkbox"/> Environmental Fees <input type="checkbox"/> Record Retention Fees <input type="checkbox"/> Public Noticing Fee			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.