

SPECIAL USE 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 polices 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% • Draft Permit to applicant 1 week prior to hearing ~ 95% • Permit signed within 3 days of hearing ~ 95% • Projects with 2 or fewer reviews to hearing ~ 90% 	

**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)

SPECIAL USE PERMIT/AMENDMENT APPLICATION

APPLICATION FORMAT

- No application will be accepted unless complete (including all the information listed below) and in the correct format.**
- The current property owner of record or his authorized agent must sign a completed Application. Applications will not be accepted without a property owner wet signature (not xeroxed, faxed or digitized).
- The applicant shall submit the following with their application:
 - Seven (7) bound plan sets. (See Plan Set Requirements.)
 - Eleven (11) additional site plans.
 - Two (2) extra landscape plan.
 - Three (3) legible black line plan set, reduced to 11" x 17"
 - Photographs of the subject parcel(s) and of surrounding parcels.
 - A legible, separate legal metes and bounds description on a 8 1/2" x 11" covering the entire subject parcel(s).
 - Environmental review. A complete application for the appropriate environmental document or some evidence that environmental review has been completed for the project. Note: this will be a separate application.
 - Fees. An application fee, public noticing fee, and a fee for the appropriate environmental application will be due at the time of submittal (see fee schedule).

PUBLIC OUTREACH

- 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.
- Neighborhood Meeting.** It may be necessary to hold a neighborhood meeting on your proposal prior to the regularly scheduled public hearing. Staff will inform you if this is necessary after reviewing your application.

PLAN SET REQUIREMENTS

Submitted drawings should be of uniform size (not exceeding 24" x 36", sheets of larger size shall require prior approval before filling the application), accurately scaled and dimensioned and must be competently drawn, with complete site and architectural data.

Page 1: **Site Plan** indicating:

- Location and dimensions of subject property.
- 1" = 500' scale location map (showing surrounding street network).
- All lots.
- All existing and proposed buildings and structures and their proposed uses (dimensioned to adjacent property lines).
- Off-street parking, loading and circulation areas (typical dimensions). Please also provide a table showing the number of required spaces vs. the number you are proposing.
- Utility, drainage, sewer and other public and private easements.
- Lighting structures (locations, heights and details).
- Fence, wall, trash enclosure locations and details).
- Location and extent of existing public improvements, to location of streets, curbs, sidewalks, sidewalk planters, street trees, utility poles, electroliers, traffic signs and signals, storm sewers, sanitary sewers, fire hydrants, median islands, median island openings, existing and proposed driveways, existing driveways on opposite street frontages, etc.
- Scale, North Arrow, Title and Date Drawn.

Page 2: **Landscape Plan** including:

- Location, sizes, types and condition of all existing trees and shrubs on the site. Trees to be removed are to be so designated. Trees to be removed that are greater than 18" in diameter will require the filing of a separate Tree Removal Permit.
- A Plant Legend specifying total number of plants, botanical names, common names, container sizes and plant installation notes.
- An automatic irrigation system.

Page 3: **Building Elevations** including:

- Elevations of all exterior walls (photos may be used for existing building).
- Building heights.
- Type of roof and wall materials (wood siding, stucco, shingles, etc.)
- Color of materials. (8 1/2"x11")
- Sign designs and locations.

Page 4: **Schematic Floor Plans** including:

- Total gross floor area.
- Total square footage of leaseable floor area.

Page 5: **Preliminary Grading and Drainage Plan.** Provide if recycling facility, gas station conversion, or some temporary outdoor uses of private property (particu-

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larly farmer' markets) fill out the Stormwater Runoff Data section below in addition to plan.

- a. Will or have hazardous materials been used or stored on site? Yes or No
- b. If required, has a Hazardous Materials Management Plan been approved for the site? Yes or No.

Page 6: **Stormwater Control Plan.**

(A Stormwater Control Plan is required for all projects creating, replacing or expanding impervious surface by 10,000 square feet or more)

- a. Complete the Pervious and Impervious Surfaces Comparison Table located on the next page.
- b. All existing natural hydrologic features (depressions, names of watercourses, etc.) and significant natural resources.
- c. Specify soil type(s).
- d. Specify depth to groundwater.
- e. 100-year flood elevation.
- f. All existing and proposed topographic contours with drainage areas and sub areas delineated and arrows showing flow direction.
- g. Separate drainage areas depending on complexity of drainage network.
- h. For each drainage areas, specify types of impervious area (roof, plaza, sidewalk, streets, parking, etc) and area of each.
- i. Show location, size, and identification (including description), of types of source control measures, water quality treatment control measures such as swales, detention basins, infiltration trenches, etc.
- j. Details of all proposed water quality treatment control measures.
- k. Location, size and identification of proposed landscaping/plant material.
- l. Ensure consistency with Grading and Drainage Plan and Landscape Plan.
- m. Supplemental Report :
 1. Calculations illustrating water quality treatment control measures meet numerical standards set forth in Post-Construction Urban Runoff Management Policy No. 6-29.
 2. Name and location of receiving water body.
 3. Identify pollutants and pollutant source areas, including loading docks, food service areas, refuse areas, outdoor processes and storage, vehicle cleaning, repair or maintenance, fuel dispensing.
 4. Water quality Treatment Control Measure maintenance requirements.
 5. Licensed certification that the specified Treatment Control Measures meet the requirements in Post-Construction Urban Runoff Management Policy No. 6-29.

Page 6a. **Stormwater Hydromodification Management (HM) Plan/Report:**

(A Stormwater HM Plan/Report is required for all projects that create and/or replace one acre or more of impervious surface and that are located in the Green or Pink areas of the HM Applicability Map, which is available online at: <http://www.sanjoseca.gov/planning/stormwater/>)

- a. Submit a Stormwater HM Plan/Report demonstrating that post-project runoff shall not exceed estimated pre-project rates and durations. Sizing of HM control(s) shall comply with the City of San Jose Council Policy 8-14: Post-Construction Hydromodification Management.
- b. Use a continuous simulation hydrologic computer model with a long-term rainfall record (30 years minimum) to simulate the runoff from the project site under pre- and post-project conditions. The City strongly encourages the use of the Bay Area Hydrology Model (BAHM) to help facilitate plan review.
- c. Provide flow-duration curves and model analysis sheets for pre- and post-project conditions with the report.
- d. Provide the location, size, and identification (including description) of types of HM controls such as detention basin, bio-detention unit(s), etc.
- e. Include inspection and maintenance information for the HM control(s) on the Stormwater Control Plan(s).

Page 7. **Additional Plans and project information may be required to clarify specific site or architectural details.**

Note: Final working drawings should not commence until approval has been obtained from the City of San Jose.

PROCESSING SCHEDULE

1. Applications must contain all required documents and plans at the time of submittal.
2. Staff reviews the application and informs the Applicant in writing if any additional plans, data, exhibits, or additional City Permits (i.e., Variance, Exception, etc.) are required.
3. Environmental clearance is required. If a Negative Declaration or an Exemption is granted, the application is scheduled for public hearing. If an Environmental Impact Report (EIR) is required, the applicant is informed and the public hearing will be set after the EIR is completed.
4. The Director of Planning conducts a noticed public hearing and renders a decision.

The decision of the Director may be appealed to the Planning Commission.

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Please include this table on the stormwater/grading plan.

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE			
		Project Phase Number: (N/A, 1, 2, 3, etc.)	
Total Site (acres):		Total Area of Site Disturbed (acres):	
Impervious Surfaces	Existing Condition of Site Area Disturbed (square feet)	Proposed Condition of Site Area Disturbed (square feet)	
		Replaced ¹	New ²
Roof Area(s)			
Parking			
Sidewalks, Patios, Paths, etc			
Streets (public)			
Streets (private)			
Total Impervious Surfaces:			
Pervious Surfaces			
Landscaped Areas			
Pervious Paving			
Other Pervious Surfaces (green roof, etc.)			
Total Pervious Surfaces:			
Total Proposed Replaced + New Impervious Surfaces:			
Total Proposed Replaced + New Pervious Surfaces:			

Regulated Project: Any project that creates new and/or replaces (individually or collectively) 10,000 square feet or more of impervious surface area. Additional data verifying the percent replacement of impervious surface area may be requested for any Regulated Project that appears to be subject to Provisions C.3.b.ii.(1)(c) or C.3.b.ii.(1)(d) (commonly known as "the 50% Rule").

Footnotes:

¹**Proposed Replaced Impervious Surface:** All impervious surfaces added to any area of the site that was a previously existing impervious surface.

²**Proposed New Impervious Surface:** All impervious surfaces added to any area of the site that was a previously existing pervious surface.

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SPECIAL USE PERMIT/AMENDMENT APPLICATION

(As provided by regulations fully set forth in Part 7, of Chapter 20.100 of Title 20 of the San Jose Municipal Code)

TO BE COMPLETED BY PLANNING STAFF					
FILE NUMBER SP	QUAD #	COUNCIL DISTRICT	RECEIPT #: _____		
APN#	ZONING	GP DESIGNATION	AMOUNT: _____		
PROJECT LOCATION			DATE: _____		
BY: _____					
APPLICATION FOR:					
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Buildings Under 500 square feet <input type="checkbox"/> Demolition or Removal of Buildings <input type="checkbox"/> Temporary Overnight Structures <input type="checkbox"/> Live/Work Uses <input type="checkbox"/> Recycling Facilities <input type="checkbox"/> Off-Site, Alternating Use and Alternative Parking Arrangements <input type="checkbox"/> Temporary Trailers: <input type="checkbox"/> Use <input type="checkbox"/> Antenna </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Gas Station Conversion <input type="checkbox"/> Conversion of Residential Dwellings <input type="checkbox"/> Temporary Shelter in Churches <input type="checkbox"/> Pay Phones on Private Property <input type="checkbox"/> Wireless Communications Antenna <input type="checkbox"/> Temporary Outdoor Uses of Private Property <input type="checkbox"/> Standby/Backup Electrical Generator <input type="checkbox"/> Co-Generation Facility <input type="checkbox"/> Reinstate Legal Nonconforming Use </td> </tr> </table>				<input type="checkbox"/> Buildings Under 500 square feet <input type="checkbox"/> Demolition or Removal of Buildings <input type="checkbox"/> Temporary Overnight Structures <input type="checkbox"/> Live/Work Uses <input type="checkbox"/> Recycling Facilities <input type="checkbox"/> Off-Site, Alternating Use and Alternative Parking Arrangements <input type="checkbox"/> Temporary Trailers: <input type="checkbox"/> Use <input type="checkbox"/> Antenna	<input type="checkbox"/> Gas Station Conversion <input type="checkbox"/> Conversion of Residential Dwellings <input type="checkbox"/> Temporary Shelter in Churches <input type="checkbox"/> Pay Phones on Private Property <input type="checkbox"/> Wireless Communications Antenna <input type="checkbox"/> Temporary Outdoor Uses of Private Property <input type="checkbox"/> Standby/Backup Electrical Generator <input type="checkbox"/> Co-Generation Facility <input type="checkbox"/> Reinstate Legal Nonconforming Use
<input type="checkbox"/> Buildings Under 500 square feet <input type="checkbox"/> Demolition or Removal of Buildings <input type="checkbox"/> Temporary Overnight Structures <input type="checkbox"/> Live/Work Uses <input type="checkbox"/> Recycling Facilities <input type="checkbox"/> Off-Site, Alternating Use and Alternative Parking Arrangements <input type="checkbox"/> Temporary Trailers: <input type="checkbox"/> Use <input type="checkbox"/> Antenna	<input type="checkbox"/> Gas Station Conversion <input type="checkbox"/> Conversion of Residential Dwellings <input type="checkbox"/> Temporary Shelter in Churches <input type="checkbox"/> Pay Phones on Private Property <input type="checkbox"/> Wireless Communications Antenna <input type="checkbox"/> Temporary Outdoor Uses of Private Property <input type="checkbox"/> Standby/Backup Electrical Generator <input type="checkbox"/> Co-Generation Facility <input type="checkbox"/> Reinstate Legal Nonconforming Use				
TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)					
The property owner(s) respectfully requests a Special Use Permit for the property described by the attached legal description.					
The described property is situated at:					
Described in detail the nature of the use, business, or occupation for which this approval is requested:					
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APPLICANT
(Please Print Clearly or Type)

PRINT NAME OF APPLICANT		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
APPLICANT'S SIGNATURE			
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	

PROPERTY OWNER (if different from applicant)
(Please Print Clearly or Type)

PRINT NAME OF PROJECT DEVELOPER (IF DIFFERENT THAN OWNER)		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER'S SIGNATURE			
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	

CONTACT PERSON (if different from applicant)
(Please Print Clearly or Type)

PRINT NAME OF CONTACT PERSON		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	

ARCHITECT (if applicable)
(Please Print Clearly or Type)

PRINT NAME OF ARCHITECT		NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE	ZIP CODE
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS	

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