

Preliminary Review Process

WHAT IS PRELIMINARY REVIEW?

Preliminary review is a service that is tailored to the needs of customers to provide guidance and information about the Planning process. It is intended to provide information regarding the process that will benefit and guide the customer. Preliminary review can also help reduce the amount of time and money spent revising plans to meet City standards.

When filing for preliminary review, you are encouraged to provide any information that would help staff understand your proposal. Also, you should state your specific questions in writing with your preliminary review either on the application or as a separate attachment. Generally, the completeness of staff responses to your specific questions will depend on the amount, depth, and accuracy of the information you provide with your request. Complete and detailed information from the customer often results in better staff analysis, and consequently more thorough feedback.

For preliminary reviews, in addition to the application, submittal of a plan drawn to scale and photographs are required. A Project Manager assigned to your project will contact you with comments and recommendations after it has been reviewed. The timelines for City responses are as follows:

Focused Review – 14 calendar days from submittal;
Enhanced Review - 21 calendar days from submittal; and
Comprehensive Review – 30 calendar days from submittal.

When possible, your future project application will be assigned to the same Project Manager who reviewed your preliminary plans.

IS PRELIMINARY REVIEW A DEVELOPMENT APPLICATION?

No. Your submittal for preliminary review does not constitute a formal development application with the City. However, a preliminary review is information that may be reviewed by the public. Only after you have submitted a completed development application, environmental clearance, and paid appropriate filing fees, will your project be considered “on file.”

HOW LONG IS A PRELIMINARY REVIEW RESPONSE VALID?

The Department strives to honor information provided to prospective applicants in response to a preliminary review. However, San Jose is a dynamic community where policies and conditions change over time. A different response may result when a development application is filed for the same proposal if, for instance, the City Council changes development policies, physical conditions in the area change, or more complete environmental review information is available. Since preliminary review responses are based on analyzing proposed design and policy factors that may change over time, it is unrealistic to condition their validity on time. Therefore, it is imperative that customers file development applications as soon as a preliminary review is completed.

WHAT CHOICES OF PRELIMINARY REVIEW DO I HAVE?

Prospective applicants may choose between three preliminary review options: **Focused** (1) Planning only, for one existing single-family house or addition **and** (2) for all other uses with no site and architectural plan review; **Enhanced** (Planning only, mandatory for site and architectural plan review); and **Comprehensive** (development proposals requiring multi-departmental review). An applicant may choose focused or enhanced review when the information requested relates to planning issues only. When input is desired from other departments or divisions, the applicant should choose comprehensive review.

Below are two tables that describe the (1) types of inquiries that are processed under the three aforementioned types of preliminary review, and (2) types of services that are provided under each category:

Types of Inquiry	Level of Review		
	Focused	Enhanced	Comprehensive
One single family home or addition	✓		
Zoning and use clarification	✓	✓	✓
General Plan conformance	✓	✓	✓
Santa Clara County Annexation/Contiguity Agreement referral form		✓	✓
Basic annexation/prezoning	✓	✓	✓
Development Review process clarification	✓	✓	✓
Site and architectural review, other than single family site review		✓	✓
Subdivision of property		✓	✓
General Plan Amendments, including the Expansion of the Urban Growth Boundary		✓	✓
Rezoning of Property		✓	✓
High-rise residential			✓
Mixed use projects			✓
Residential & subdivisions over 50 units			✓
Environmental review process and reports		✓	✓

Types of Services	Focused	Enhanced	Comprehensive
E-mailed or faxed response describing the applicable development review process	✓	✓	✓
Identification of major issues regarding conformance with City policies, regulations, and guidelines	✓	✓	✓
Whether staff could support the proposal**	✓	✓	✓
One meeting with the Project Manager		✓	✓
Site visit, if necessary		✓	✓
Specific comments on plans submitted		✓	✓
Inter-departmental coordination			✓
One inter-departmental meeting			✓
Comment Letter			✓
Additional Services provided available upon request with payment of additional fees***	✓	✓	✓

**** In some instances staff will be unable to state a position on a proposal and will direct the customer to file an appropriate development application.**

***** Additional services may be provided for an additional fee including: Additional meetings with the Project Manager and/or inter-departmental, site investigation, and review of technical reports.**

HOW SHOULD I PREPARE?

Planning and research can reduce a customer's potential misunderstanding of the development review process, and save future processing costs. Customers should begin their project planning by first obtaining the zoning and General Plan designations for their project site. Generally, the zoning of the site determines the type of project you can build, the bulk of buildings, and the land uses allowed on the site. The General Plan designation establishes the guiding policy upon which all land use decisions must be based.

You may call the Department of Planning, Building and Code Enforcement (Planning Divisions) at (408) 535-7801, or visit the department's web page at www.sanjoseca.gov/planning to obtain zoning and General Plan information. Please have the County Assessor's Parcel Number (APN) or address when you call. The counter planner uses the APN to find the exact location of the property on our zoning maps. The APN can be found on either your property tax bill or by calling the County Assessor with your address at (408) 299-5500.

Once you know the zoning of your property, you should research the regulations of the zoning district in the Zoning Ordinance. You should also review City development policies relevant to your proposal. Finally, the Commercial, Residential, or Industrial Design Guidelines as well as Your Old House: Guide for Preserving San Jose Homes should be reviewed if you are designing a project. The guidelines describe the design objectives that are consistent with City policies. These documents are available for review on the department's web page at www.sanjoseca.gov/planning.

Customers can also obtain assistance from the counter planner to determine the best preliminary review option for their needs, or to assess the implications of directly submitting a development application.

WHAT SHOULD I SUBMIT?

1. Preliminary Review Exhibits. Exhibits are useful in communicating the applicant's project concept to staff. Listed below are examples of information that should be submitted to facilitate the review of your project.

- (a) Assessor's Parcel Number
- (b) Preliminary Site Plan drawn to scale for proposed development including:
 - Graphic Scale and North Arrow.
 - Property Lines.
 - Existing onsite and surrounding uses.
 - Proposed uses of the site.
 - Building footprint and setbacks dimensioned.
 - Streets adjoining the site.
 - Parking and circulation aisles, driveways, and parking stalls.
 - Proposed grading and topographic map, if necessary, for hillside development.
 - Landscape areas; size, species, location and disposition of existing trees.

- Required number of copies: Focused Review – 2 copies; Enhanced Review – 3 copies; Comprehensive Review – Ten (10) full size plan sets measuring 24-inches x 36-inches plus Two (2) legible black line plan set reduced to 11-inches x 17-inches

- (c) Photographs of Site and Surrounding Properties. Photographs are required for preliminary review of all projects. They are necessary for infill projects to show the context of the surrounding neighborhood. Photographs must be numbered to correspond to numbered view locations on the site plan.
- (d) Documents that would assist staff in answering the questions you have regarding the preliminary review process such as a cover letter or a compliance order for Code Enforcement cases.

2. Completed Preliminary Review Application. Customers must complete a Preliminary Review Application and indicate any items that are not applicable. Please include specific questions that you would like the staff to answer. A well-completed application will help Planning staff understand your proposal and determine what other City Departments to involve in the preliminary review. A Preliminary Review Application and fee schedule may be obtained from the Planning division web page at www.sanjoseca.gov/planning.

I'M READY, NOW WHAT?

A preliminary review may be submitted without an appointment. A counter planner will accept a completed preliminary review Monday through Friday from 8:00 a.m. to 5:00 p.m. The last service ticket is issued at 4:30 p.m. for same day service. Please submit your application, exhibits, and applicable fees at the City Hall Customer Service Center, First Floor, 200 East Santa Clara Street, San Jose.

HOW WILL PLANNING STAFF RESPOND TO MY PRELIMINARY REVIEW?

The project manager will send you written comments by e-mail, fax, or mail commensurate with the type of service requested, and record them in the City's project tracking database. Planning staff will identify the development review process applicable to your proposal and identify major issues regarding conformance with City policies, regulations, and guidelines. The project manager may also describe the City's past experience with the surrounding neighborhood regarding similar projects. The project manager may suggest how your proposal could be revised to comply with City policies, regulations, and guidelines. You may contact the project manager if you have questions about the written comments received from the City.