

APPEAL OF PERMIT APPLICATION

The San José City Council or Planning Commission may hear appeals to the issuance of a development permit, variance, or exception. Not all permit processes allow for an appeal. Please refer to Table 20-260 of Municipal Code [20.100.220](#) for a complete list of the types of permit that may be appealed and the related hearing body.

The decision made by the hearing body is final and shall be effective immediately.

This application form must be completed as instructed below to facilitate the appeal.

WHO MAY APPEAL

The applicant, or any property owner or tenant of a property within 1,000 feet of the subject site, may file the appeal. The appellant must sign this application or if signed by the appellant's lawful power of attorney, you must submit written evidence to that person's authority.

Exception for Tree Removal Permits - For a Tree Removal Permit, only property owners or occupants of the subject site or of properties immediately adjacent or across the street from the subject site may appeal.

Exception for Tentative Maps - Any person may file.

DEADLINE

File this completed application **on or no later than 10 calendar days** after a copy of the permit decision by the Planning Commission or Director of Planning has been mailed to the project applicant. Permit decisions are typically made on Wednesdays with the issued permit mailed two days later on a Friday. Therefore, the 10-day deadline is commonly the second Monday following the hearing (by 5:00 p.m.).

Exception for Tentative Maps - The appeal must be filed within 10 calendar days of the permit approval.

FEES & PROCESS

The application filing fee must be paid by the deadline as previously explained. Find the current fee for a Permit Appeal on the Table of Applications at www.sanjoseca.gov/PlanningApplications. For Tree Removal Permits, a Public Noticing fee will also be charged.

HOW TO SUBMIT - 2 OPTIONS

- **In-Person (no appointment required):** Before the filing deadline stated above, come to the Planning Offices, third floor of City Hall (200 E. Santa Clara Street, San José) to submit the application. You may pay the appeal fee in-person or staff may email you an invoice which must be paid within 14 calendar days of the invoice date for the appeal to be valid.
- **Email:** Before the filing deadline stated above, email the completed application and any attachments to PlanningTechs@sanjoseca.gov. If the appeal is timely and complete, staff will send you an invoice for the appeal fee, which must be paid within 14 calendar days of the invoice date for the appeal to be valid.

WHAT TO SUBMIT

- This application form, completed and signed.
- Assessor's parcel map showing the subject site outlined.

City staff will set a public hearing date with the Planning Commission or City Council as appropriate. The appeal item will be placed on the agenda. Staff will also prepare a recommendation of action to the Planning Commission or City Council.

FOR QUESTIONS

Speak with a City Planner at 408-535-3555; see phone service hours at www.sanjoseca.gov/Planning.

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4174**.

continued >

Please download and save this computer-fillable form to your computer. Follow instructions for [Digital Forms](#).

1. The undersigned respectfully requests an appeal to the permit issued for the property located at:

PROPERTY ADDRESS:

PROPERTY OWNER NAME:

PROPERTY OWNER MAILING ADDRESS:

2. REASON/S FOR APPEAL: If more space is needed, attach a separate sheet.

3. PERSON FILING APPEAL

RELATIONSHIP TO SUBJECT SITE CHECK ALL THAT APPLY: Property Owner Adjacent Property Owner Tenant on Site
 Property Owner/Tenant Within 1,000 feet Tentative Map Appeal (anyone may appeal)

PRINT NAME:

MAILING ADDRESS:

EMAIL:

PHONE:

● SIGNATURE OF PERSON FILING THE APPEAL

DATE: [MM/DD/YYYY]

**For electronic submittal or virtual appointments, a [Digital ID Signature](#) is required.
For in-person appointments, an original ink signature is required.**

4. CONTACT PERSON IF DIFFERENT FROM PERSON FILING APPEAL

PRINT NAME:

MAILING ADDRESS:

EMAIL:

PHONE:

OFFICE USE ONLY

FILE NUMBER:

INTAKE DATE:

BY:

PAID: \$

COMMENTS:

CDSG Section	Std No.	GL No.	Standard or Guideline Summary	Comment
2.1.0		G3	<i>Preserve mature existing trees</i>	The project makes no attempt to preserve the large, existing Cedar trees on the site
2.1.2		G3	<i>Provide a path of travel uninterrupted by a by a driveway or parking area</i>	There is no direct access to the bike room from the street and it appears to cross two driveways
2.2.2	S5		<i>Do not create single-purpose driveways . to roll out solid waste bins or access utility rooms</i>	It appears that the building has a single use drive for the solid waste bins next to the bike room
2.3.5	S2		<i>Place bicycle parking so that bicyclists do not have to cross vehicular parking or drive aisles to enter the building.</i>	There is no direct access to the bike room from the street and it appears to cross two driveways
2.3.7	S1-7	G1-8	<i>Lighting standards and guidelines</i>	There is no lighting plan for the building so compliance cannot be determined
2.3.8	S3		<i>Designate: 700 cuft of non-compacted soil for small tree 1400 cuft of non-compacted soil for medium trees 2100 cuft of non-compacted soil for large trees to allow trees to reach their maturity.</i>	<p>The trees planted in the common area do not meet the per tree soil requirements</p> <p>The trees designated for the 3rd level common area are <i>Podocarpus Gracilior</i> – Yew Pine These trees commonly reach 40-60' at maturity with a trunk diameter of 24". The planters are mounded and not consistent in depth, the largest of the planter has an average depth of under 24" (36" at the trunk) and the largest total cuft of soil for any planter that contains a P. Gracilior is 496 cuft.</p> <p>All other planters have less cuft of soil for the trees. This total includes the 9" of space created by the paving section assuming that it would be filled with soil.</p> <p>The common case would be for this space to contain drainage for the podium and not soil. The planters and the area provided are likely not suitable for a tree of this size and height and the planters do not meet the 36: min depth nor volume for trees Lastly the slopes indicated on the plan for the mounds looks to be 2:1, if the contours are 1', the indicated height of the soil would be 42-48", this is above the height of the flow thru planters which are shown on the plans as being 30" above paving. The contours may be 6", they are not labeled, but that would reduce overall soil depth even further.</p>
2.3.8	S9		<i>Provide at least a five-foot-wide landscape buffer at the side and rear property lines and a five-foot-tall solid wall/concrete fence at the shared property lines where Commercial or Mixed-Use General Plan land use designations abut Residential General Plan land use designations.</i>	<p>There is a wall that is more than 5' tall on the rear property line</p> <p>There is no landscape buffer of any width at the property lines at ground level</p> <p>There is a narrow landscape area behind the pool on the rear property line, but it does not meet the standard. This property is zoned commercial so the standard applies</p>

CDSG Section	Std No.	GL No.	Standard or Guideline Summary	Comment
3.1.1	S1		<i>Outside General Plan growth areas, provide building setbacks fronting rear shared property lines within a setback plane of 60 degrees from horizontal</i>	The East elevation of the building appears to be outside of the 60 degree line (per fig 3.3) both with the roof and the wall of the unit as illustrated on Section T, sheet 010-A
3.1.1	S1		<i>and fronting public rights-of-way within a setback plane of 75 degrees from horizontal</i>	The West elevation of the building appears to be outside of the 75 deg. Line (per fig. 3.5) with the roof of the building as illustrated on Section T, sheet 010-A
3.2.1	S6		<i>If site constraints prevent ground floor dwelling units' doors from being raised, recess doors at least three feet beyond the facade of the building or setback</i>	The doors to the 4 townhouse units on the ground floor are not set back 3' from the facade of the building. They would meet the requirement if the building has to conform to the RM zone setbacks.
3.3.2	S2		<i>Do not provide pitched roofs for over 50 percent of any building roof length facing the public realm for bulidings greater than four stories</i>	The entire building has sloped roofs and is greater than four stories
	S3		<i>For buildings with five stories or greater: Provide flat roofs for at least 90 percent of roof area Up to 10 percent may be a combination of other roof forms. When provided, sloped roofs must be less than 25 percent of roof length fronting the public realm on any façade or up to 25 feet for façades of length 100' or less</i>	The building has no flat roofs other than two small, recessed flat areas. One on the west tower and one on the east tower. The addition of flat roofs per the standard would serve to lower the overall height of the building by up to 8' depending on the roof section
3.3.5	S5		<i>Design flare-out openings at garage entrances with a minimum width of 26 feet for two-way traffic and 20 feet for one-way traffic to provide line-of-sight between vehicles and pedestrians</i>	The parking garage opening provides no flare-outs for line of sight
Appendix A2			<i>Mid-rise or High-rise multifamily and mixed use (Specific Development Type reference: 5.1.6 and 5.1.7) Provide: Private Open Space per Unit – 60 sf Common open space per Unit – 100 sf</i>	<p>Many of the units have no private open space and the units that do provide a range of sizes from a minimum of 31sf to a maximum of 80sf for some podium level units.</p> <p>The public open space appears to be short of the required sf (126 units x 100sf per unit) would yield a requirement of 12,600sf. In the most generous measurement of all of the common/non-public open space there is a total of 11,542sf. It must be noted that 1,016sf of the total is a gravel strip that runs along the west side of the podium level with no ammenities usually asocciated with common open space. The exclusion of the gravel strip would bring the common open space total down to 10,526sf or almost 2,000sf short of what appears to be the requirement. If other common open space exists on the project, it should be noted on the plans.</p>