



Development/Use Permit Application

Planning, Building and Code Enforcement

Staff will assign

FILE #

INSTRUCTIONS. As directed by a City Planner, use this form to apply for a:

- Site Development or Planned Development Permit
- Conditional Use Permit or Special Use Permit
- Exception or Variance, including Fence Variance
- Reasonable Accommodation
- Permit Amendment

FEES. Fees are due when you file the application.

- For initial fees due, see: www.sanjoseca.gov/PlanningApplications
- For total fees, see: www.sanjoseca.gov/PlanningFees

Make checks payable to: City of San José

Or pay online with a credit card: www.sjpermits.org

APPOINTMENT REQUIRED. Submit the application package in person at the Planning and Development Services Offices, 3rd floor, City Hall. Schedule your required appointment at: www.sanjoseca.gov/PlanningAppointments

QUESTIONS? If you have questions, speak with a City Planner at **408-535-3555**. Visit www.sanjoseca.gov/planning for phone service hours.

APPLICATION PACKAGE. Provide this original wet signed form (no photocopy) plus:

- Initial fee payment.
- Complete Section 3 of this form OR include a Letter of Intent from an environmental consultant that states you have contracted their services to prepare a document pursuant to CEQA for your project.
- 2 sets:
 - a. Legal description of the property
 - b. Preliminary title report, only if the project is new construction. Must be dated within six months from date of application. Provide electronic copies of any documents referenced by a hyperlink.
- 3 copies: [Stormwater Evaluation Form](#) - Follow the instructions on the form.
- Provide all items on the [Stormwater Submittal Checklist](#). All plan sets must include the stormwater control plan sheets.
- 3 copies: Operations Plan* - Include only if applying for a Use Permit.
- Plan Sets* - One of the copies below must be in color:
 - a. 4 copies 24" X 36" (larger size may be submitted with approval)
 - b. 4 copies 11" X 17"
- A USB or CD containing electronic copy of application package.

* See examples with content details at www.sanjoseca.gov/planning.

Use the computer-fillable form at www.sanjoseca.gov/PlanningApplications or print clearly using ink.

1. PROPERTY INFORMATION FIND APN: WWW.SCCASSESSOR.ORG FIND COUNCIL DISTRICT AND PERMIT INFO: WWW.SJPERMITS.ORG

ASSESSOR'S PARCEL NUMBER/S: USE A COMMA BETWEEN MULTIPLE NUMBERS

PROJECT ADDRESS/ES:

COUNCIL DISTRICT:

PREVIOUS PLANNING PERMITS IF ANY: USE A COMMA BETWEEN MULTIPLE NUMBERS

2.a. PROJECT DESCRIPTION

BRIEFLY DESCRIBE THE PROJECT. USE THE TABLE BELOW TO PROVIDE UNITS AND SQ. FT. :

	EXISTING	TO BE DEMOLISHED	PROPOSED
RESIDENTIAL USES IF ANY: # UNITS:		# UNITS:	# UNITS:
NONRESIDENTIAL USES IF ANY: SQ. FT. :		SQ. FT. :	SQ. FT. :

OFFICE USE ONLY

INTAKE DATE:	BY:	PAID: \$
COMMENTS:		

2.b. PROJECT DESCRIPTION CONTINUED CHECK ALL THAT APPLY TO YOUR PROJECT

- | | | |
|--|---|--|
| <input type="checkbox"/> Alcohol, Off-Sale (Retail) | <input type="checkbox"/> Electrical Power Generator | <input type="checkbox"/> Outdoor Uses |
| <input type="checkbox"/> Alcohol, On-Site (Drinking Establishment) | <input type="checkbox"/> Hotel Supportive Housing | <input type="checkbox"/> Parking Off-Site or Alternate Arrangement |
| <input type="checkbox"/> Child Care Center or School | <input type="checkbox"/> Late-Night Use (Midnight-6:00 a.m.) | <input type="checkbox"/> Temporary Outdoor Uses |
| <input type="checkbox"/> Determination of Public Convenience/Necessity | <input type="checkbox"/> Mobilehome Conversion to Another Use | <input type="checkbox"/> Variance or Exception |
| <input type="checkbox"/> Development within 100 ft. of Streambed | <input type="checkbox"/> Mobilehome Conversion to Ownership | <input type="checkbox"/> Wireless Communication Facility |
| <input type="checkbox"/> Drive-Through | <input type="checkbox"/> Noise Exceeding Ordinance Standards | <input type="checkbox"/> Other_____ |

3. ENVIRONMENTAL EVALUATION

3.a. SITE DEVELOPMENT ENTER THE INDICATED DATA; LEAVE BLANK IF NOT APPLICABLE TO THE PROJECT

GROSS ACREAGE: _____ # PROPOSED NEW BUILDINGS: _____ HEIGHT OF TALLEST BUILDING: _____

3.b. QUESTIONS FOR ITEMS CHECKED YES, EXPLAIN THE ITEMS IN MORE DETAIL ON AN ATTACHED SHEET OF PAPER.

YES	NO	Does the project ...
		1. Involve or anticipate the use of federal funding? <i>Note: Compliance with the National Environmental Policy Act (NEPA) is required for projects using federal funding.</i>
		2. Remove any trees? If yes, how many? _____ How many trees to be removed are ordinance-size trees? _____ How many trees to be removed are non-ordinance-size trees? _____ A single-trunk ordinance-size tree is 38 inches or more in circumference, measured at 54 inches above ground. A multi-trunk ordinance-size tree is where the circumference of each trunk, measured at 54 inches above ground, adds up to 38 inches or more. Learn more at www.sanjoseca.gov/treepermit .
		3. Involve demolition or alteration of any existing structures on the project site?

3.c. PROJECT SCHEDULE ENTER MONTH/YEAR (MM/YYYY). LEAVE BLANK IF NOT APPLICABLE.

START OF DEMOLITION:	START OF GRADING:
START OF CONSTRUCTION:	ESTIMATED END OF CONSTRUCTION:
HOW MANY PHASES OF CONSTRUCTION (#):	ESTIMATED START OF NEW USE:
TOTAL CONSTRUCTION PERIOD (# OF MONTHS):	OTHER KEY STAGE/S IF ANY:

4. CONTACT INFORMATION

APPLICANT NAME: _____

NAME OF FIRM IF APPLICABLE: _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE: _____ EMAIL: _____

APPLICANT'S REPRESENTATIVE IF ANY: _____

REPRESENTATIVE MAILING ADDRESS: _____

REPRESENTATIVE PHONE: _____ EMAIL: _____

ENVIRONMENTAL CONSULTANT NAME IF ANY: _____

ENVIRONMENTAL CONSULTANT PHONE: _____ EMAIL: _____

5. AFFIDAVIT OF OWNERSHIP

THE UNDERSIGNED HEREBY DECLARE THAT THE FOLLOWING IS TRUE AND CORRECT, AND THAT THEY UNDERSTAND THAT THE FOLLOWING APPLIES TO THEIR PROJECT:

- 1. **Owners or Tenants.** The undersigned are all the owners of all the property described in this application OR are tenants of the entire subject site in possession of a recorded lease with a term remaining of at least five years.
- 2. **Easements.** The development plans as part of this application show the exact location, size, and use of all easements on the subject site and all easements on surrounding properties benefiting the subject property.
- 3. **Deactivated Water Wells.** Any existing or deactivated water wells on your property must be shown on your plans. The property which is the subject of this application: **CHECK ONE**
 - does contain existing active or deactivated water wells and they are shown on the plans accompanying this application.
 - does not contain existing active or deactivated water wells.

- 4. **Hazardous Waste and Substance Sites.** In conformance with California Government Code Section 65962.5, I hereby certify that I have reviewed the list of [Hazardous Waste and Substance Sites](#) within the City of San José, as compiled by the State Office of Planning and Research. The property which is the subject of this application: **CHECK ONE**
 - is not on said list.
 - is on said list. The listed item reads as follows: _____

5. **Wastewater Treatment Capacity.** San José Municipal Code, Chapter 15.12, Part 2.75 requires that an applicant acknowledge the effect of land development approvals on wastewater treatment capacity at the time of application. I hereby acknowledge the requirements of the Municipal Code, as stated herewith, and understand that these requirements will apply to the development permit for which I am applying:

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 San José-Santa Clara Regional Wastewater Facility (RWF) represented by approved land uses in the RWF service area will cause the total sewage treatment demand to meet or exceed the capacity of the RWF to treat such sewage adequately and within the discharge standards imposed on the City by the Regional Water Quality Control Board for the San Francisco Bay Region.

• **Wet SIGNATURE of Property Owner/Tenant** DATE: [MM/DD/YYYY]

PRINT NAME: _____

TITLE IF APPLICABLE: _____

FIRM NAME IF APPLICABLE: _____

EMAIL: _____ PHONE: _____

MAILING ADDRESS: _____

For multiple property owners, use the Affidavit of Ownership form at www.sanjoseca.gov/PlanningApplications

IMPORTANT: Submit this form with original wet signatures (not a photocopy) to the City.
 Electronic signatures are accepted only if consistent with City Administrative Policy Manual [Section 1.7.11](#).
 Please refer to this section for allowable electronic signatures for Development Services applications.

6. INDEMNIFICATION AGREEMENT FOR DEVELOPMENT APPLICATIONS

Applicant submitted an application to the City of San José Planning Division on (enter date): _____ 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 applications by City; and/or
b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.
Applicant's indemnification includes, but is not limited to, damages, fees and/or costs awarded against or incurred by City, 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.
5. 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.
6. 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 signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

• APPLICANT SIGNATURE

DATE [MM/DD/YYYY]

PRINT NAME

TITLE, IF ANY

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