Department of Public Works

Development Services Division

Planning

Design and Review

Construction

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

DEPARTMENT OF PUBLIC WORKS

DEVELOPMENT SERVICES DIVISION

Our core service -

To Facilitate and Regulate Private Development to Ensure that New Development Contributes to the Safety and Welfare of the Citizens as Well as the City's Economic Development

DEVELOPMENT MANUAL
"PROCESSES"

V O L U M E 1

TABLE OF CONTENTS

DESCRIPTION	PAGE #
INTRODUCTION	2
WHAT IS DEVELOPMENT SERVICES?	2
SECTION I – PLANNING	3
A. PUBLIC WORKS ROLE IN THE PLANNING PROCESS	3
B. STARTING THE PROCESS	3
B-1. AREAS OF SUBJECT REVIEW BY PUBLIC WORKS	3-4
C. COMPLETING THE PROCESS	4-5
D. OUTSIDE AGENCIES	6
SECTION II – DESIGN & REVIEW	7
A. PERMIT PROCESSING – DEVELOPMENT REVIEW PROGRAMS	7
1. GRADING PERMIT / EROSION CONTROL	8-10
2. IMPROVEMENT PLANS	11-14
2A. STREETLIGHTING	15
2B. SIGNALS	16
2C. SANITARY & STORM	17-19
3. PRIVATE STREETS	20-22
4. UTILITY / JOINT TRENCH PERMIT	23-24
5. REVOCABLE ENCROACHMENT PERMIT	25-26
6. SIDEWALK / DRIVEWAY PROGRAM	27-28
7. SEWER LATERAL	29
B. MAPPING	30
1. SUBDIVISIONS / PARCEL & TRACT MAPS	31-33
2. VACATIONS AND ABANDONMENTS	34-36
C. PUBLIC WORKS CLEARANCES	37
1. DEVELOPMENT CLEARANCE	37
2. GEOHAZARD CLEARANCE	38-39
3. FLOOD ZONE CLEARANCE	40-43
SECTION III – CONSTRUCTION	44
A. INSPECTION	44
B. PLAN REVISIONS	44
C. OCCUPANCY	45
D. ACCEPTANCE	45
ATTACHMENTS	
FEE SCHEDULES	
INSURANCE REQUIREMENTS	
DEVELOPMENT SERVICES ORGANIZATION CHART	

Preface

The purpose of this Processes manual is to serve as a guide through the Development permitting process for commercial, industrial and residential projects. Starting with the Planning phase through the Design & Review phase and onto the Construction & Inspection phase, this manual is designed to explain the permitting processes required for Public Works approval, and ultimate acceptance of your project.

Introduction

The Department of Public Works has a Development Services Division that is responsible for the review of all new development applications. The Development Services Division assists a variety of customers, each of which have their own needs and requirements. In order to provide its customers service in a quick and friendly manner, the division maintains and staffs a Service counter in Room 308 of City Hall. Customers can come to the counter to obtain information about Flood and Geologic Hazard Zones, apply for Public Works permits, obtain clearances required by the Building division, and receive information regarding Public Works issues.

For permits that require a Planning permit, Development Services maintains several project review teams. Each team is capable of reviewing all types of projects. These teams are led by a Project Engineer who is the applicant's main point of contact in Public Works for the life of the project (i.e. planning through construction of public improvements).

Summary of Development Review process

Projects requiring a Planning permit can range significantly in size and complexity. Residential projects can range from the construction of one new house on a vacant lot up to a project like the Evergreen Specific Plan, which will ultimately build 3,000 new homes on over 800 acres. These projects start with an application to the Planning Division of the Planning, Building and Code Enforcement Department, which is referred to Public Works for review and comment. During this process Public Works will review all aspects of the project involving public facilities (i.e. Traffic, Streets, Sewers, Overhead Utilities, Streetlights, Backup and Median Island Landscaping) as well as Flood and Geologic Hazard Zones. After reviewing the project, Public Works will determine the appropriate conditions on the planning permit.

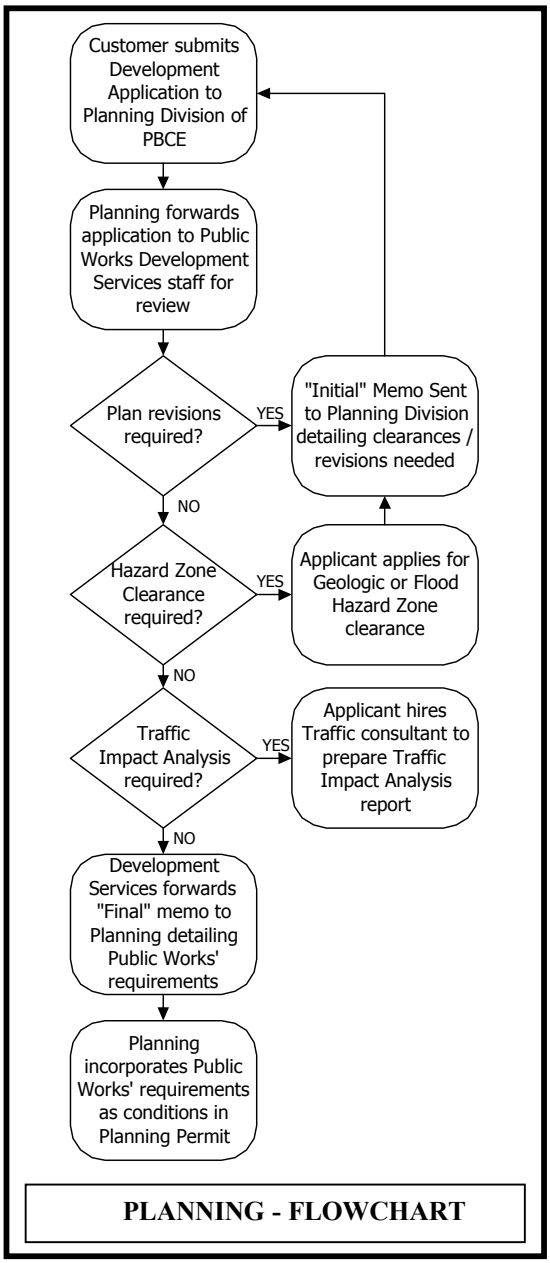
Once the planning process is complete, the applicant must satisfy all Public Works conditions prior to receiving approved building permits. If public improvements are required, the customer may be required to hire a Civil Engineer to prepare construction drawings. These plans are submitted to Public Works for review and approval. Once the plans are approved, the applicant must pay all fees, enter into an agreement with the City and post a surety to guarantee the construction of all required public improvements. At this point, Public Works will issue a "Public Works Clearance" to the Building Division of the Planning, Building and Code Enforcement Department allowing the issuance of building permits.

The applicant has from 12 to 18 months to complete construction of the necessary public improvements. To ensure that the public improvements are constructed in accordance with the approved plans and City standards, City Inspectors will be on the jobsite to inspect construction materials and their placement. Once construction has been completed to the satisfaction of Public Works, the City will accept ownership and maintenance responsibilities for the public improvements.

SECTION I - PLANNING

A. THE ROLE OF PUBLIC WORKS IN THE PLANNING PROCESS

Most new building construction in San Jose requires approval from the Planning Division of the Planning, Building and Code Enforcement Department. During this approval process, Public Works will review all aspects of the project involving public facilities (i.e. Traffic, Streets, Sewers, Overhead Utilities, Streetlights, Backup and Median Island Landscaping). In addition to public facilities, Public Works also reviews on-site grading, erosion control and conformance with Flood and Geologic Hazard Zone requirements. After reviewing the project, Public Works will recommend conditions for the planning permit.



PLANNING - FLOWCHART

B. STARTING THE PROCESS

Once a development application is submitted to the Planning Division, the plans are routed to the Development Services Division of Public Works, as well as other City departments, for review. The project is assigned to a Project Team, led by a Project Engineer. The Project Engineer will be the applicant's main point of contact in Public Works for the life of the project (i.e. planning through construction).

If the initial application for the project meets all Public Works' requirements, then Public Works will respond to the Planning Division with a list of recommended conditions for the permit. If the initial application requires more detail or other revisions, Public Works will respond to the Planning Division with a draft list of conditions and the needed revisions. The applicant will then need to revise the application and resubmit it to the Planning Division for another round of review. Once all requirements are met, Public Works will then respond to the Planning Division with a final list of recommended conditions for the permit. If approved, the Planning Division will issue a Planning Permit incorporating all of the project conditions, including those submitted by Public Works.

B-1. AREAS SUBJECT TO REVIEW

Development Services Division staff reviews and analyzes the project for compliance with or impact on the following list of subject areas:

- **Traffic Impacts Analysis (TIA) -** Conformance to the City's Level of Service Policy, VTA and area wide development policies. See the document "Interim Guidelines for Traffic Impact Analysis of Land Developments" for more detailed information.

- **Geology, grading and drainage, and erosion control requirements**
- **Flood Zone regulations**
- **Street Improvements.** Such as surface improvements, storm and sanitary, street lights, traffic signals, street trees, and landscaped median islands
- **Private Streets** - Conformance to the Common Interest Development Ordinance
- **Street and easement dedications**
- **Street and easement vacations**
- **Sewage and land area fees**
- **Arterial Reimbursement Ordinance**
- **Undergrounding of Overhead Utilities**
- **Assessment Districts**
- **Roadway Geometry**

As previously mentioned, Public Works primarily reviews the existing and proposed public infrastructure necessary to support the development application, as well as any grading necessary to develop the site. Therefore, to ensure a quick and effective review of your application, it is important that your plans detail all of the public improvements adjacent to your project as well as the on-site grading needed to develop your site.

IMPORTANT –
The more detailed your plan, the easier and quicker it is to review.

C. COMPLETING THE PROCESS

Once the planning process is complete, the applicant must satisfy all Public Works conditions prior to receiving approved building permits. If public improvements are required, the customer may be required to hire a Civil Engineer to prepare construction drawings. These plans are submitted to Public Works for review and approval. Once the plans are approved, the applicant must pay all fees, enter into an agreement with the City and post a surety to guarantee the construction of all required public improvements. At this point, Public Works will issue a "Public Works Clearance" to the Building Division of the Planning, Building and Code Enforcement Department.

Depending on the project and the conditions set in the approved planning permit, the following types of permits, processes and fees may be needed to fulfill Public Works requirements.

Permits/Processes

- **Public Improvement Plans and Agreements** (also known as Major or Minor plans) – for construction of public street improvements, including any mitigation identified in the Traffic Impact Analysis report.
- **Private Street Improvement Plans** - for construction of streets/driveways that will be privately maintained by a Homeowner's Association.
- **Tract / Parcel Map** – used to subdivide property.
- **Grading Permit/Erosion Control Plan** - regulates the on-site grading of the project and ensures site is protected from erosion during the winter months.
- **Geologic Hazard Clearance and State's Seismic Hazard Conformance** – ensures all geologic hazard mitigation/requirements are addressed.

- **Revocable Encroachment Permit -** allows temporary use of/and construction in public streets.
- **Public Street or Easement Vacation** - used to abandon public streets or easements.
- **Private Utility/Trench Permit -** allows private contractors to install facilities on behalf of PG & E, Pacific Bell, AT & T and all other franchised utility companies.
- **Lateral Permit** – allows private contractors to install storm or sanitary sewer lateral connections to public mains.
- **Parkland Agreement –** allows the applicant to delay the payment of park fees for up to one year or until the first building permit is issued, whichever comes first.
- **Notice of Park Fee Payment –** used to notify the Building division of the amount of Park fees to collect for new residential development.
- **Flood Elevation Certificate** – ensures buildings/structures constructed in flood hazard zones meet FEMA requirements.
- **Assessment District Creation** - allows a group of private landowners to jointly construct significant public street improvements and infrastructure.

Fees

- **Arterial Reimbursement Fee –** due if the City used public funds to improve a property's frontage prior to development of the property.
- **Undergrounding Fee –** this is an in-lieu fee collected as a contribution towards the undergrounding of overhead utilities at a later date
- **Sewer Area Fees -** fees collected for development of Storm and Sanitary sewer infrastructure.
- **Sewage Treatment Plant Fee –** fee collected to purchase capacity at the City's sewage treatment plant. Fee is based on proposed use of site.
- **North San Jose Deficiency Plan Fee –** due if the project is located in the North San Jose Deficiency Plan area.
- **Traffic Signal/Street Improvement Contribution –** this is in-lieu fee collected as a contribution towards the construction of future traffic signals or street improvements (i.e. median islands, road widenings).

D. OUTSIDE AGENCY CONTACTS

During the review process, Public Works staff coordinates with agencies outside of the City that have input into projects and/or requirements for the issuance of various permits. Below is a list of these agencies with contact information:

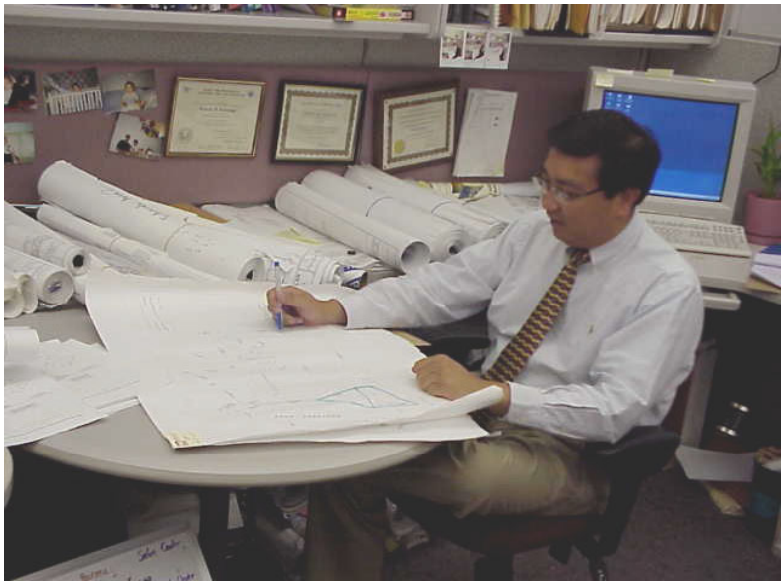
California Department of Transportation (CalTrans)	Jean Finney	510-286-5572
Valley Transportation Agency	Roy Molseed	408-321-5784
Santa Clara Valley Water District	Sue Tippets	408-265-2607
Army Corps of Engineers	Gorden Lui	415-977-8463
County Roads and Airports	Bob Van Etten	408-299-1298
Regional Water Quality Control Board – Region 2	Brian Wines	510-622-5680
Pacific Gas and Electric	Alan Fong	408-299-1132
San Jose Water Company	Wayne Warren	408-279-7900
Municipal Water System	Tim Town	408-277-4218
California Department of Fish & Game	Margaret Roper	707-944-5520

SECTION II - DESIGN AND REVIEW

The design and review phase is the prelude to actual implementation of a project. At this phase, projects have approved Planning permits and have been designed in concept. Public Works improvements have been identified in the Planning permit. Execution of construction contracts, providing of sureties & insurance and payment of fees will be required to achieve the necessary Public Works permits in this phase.

Several disciplines of plan/permit review are involved in this stage and are administered by Development Services project teams which are assigned to your project for the life of the permit (See Attached Division Organization chart). The following sections will explain the different types of permits Development Services processes and the specifics of getting them approved.

Development Services is the primary permitting division of the Department of Public Works for the Private Development community. We are committed to providing prompt, quality service to our clients for every project regardless of the size or magnitude. We are open for business Monday through Friday (8 A.M.–5 P.M.) and can be contacted at (408) 277-5161 Fax (408)277-3879.



DEPARTMENT OF PUBLIC WORKS MISSION:

PLAN, DESIGN AND CONSTRUCT PUBLIC FACILITIES AND INFRASTRUCTURE SYSTEMS TO ENHANCE THE QUALITY OF LIFE FOR THE RESIDENTS OF SAN JOSÉ.

A. PERMIT PROCESSING – DEVELOPMENT REVIEW PROGRAMS

1. GRADING PLANS

APPLICABILITY

Anyone moving dirt (excavating or grading) within the City of San Jose is required to obtain a "Grading Permit" or "Notice of Exemption from Grading" from the *City of San Jose*, Department of Public Works. The excavation and grading ordinance is intended to establish uniform standards to safegard life, limb, property, water quality and natural resources, and to promote the public welfare by regulating grading.

The grading permit is usually the final development step prior to breaking ground. Therefore, all Planning Department permits should be secured prior to the issuance of a grading permit.

Grading plans prepared for the moving of dirt, in support of private development, shall be completed at no cost to the City. All City services required for the review, approval and inspection of Grading plans and operations shall be paid for by cost recovery fees collected from the applicant (See Fee Schedules Section).

- The plans must be adequate to bid and build the improvements at the correct location and elevation.
- The plans must be suitable for use by people who are not technically oriented.
- The plans must be legible, not cluttered with minor or extraneous notes/items.
- The plans must be complete, signed, sealed (if necessary) and ready for production. Incomplete plans will be returned for completion, prior to any review taking place.

IMPORTANT:
Grading in San Jose without a permit or exemption may be subject to penalties enforced by the City's Environmental Services Department Enforcement Division.

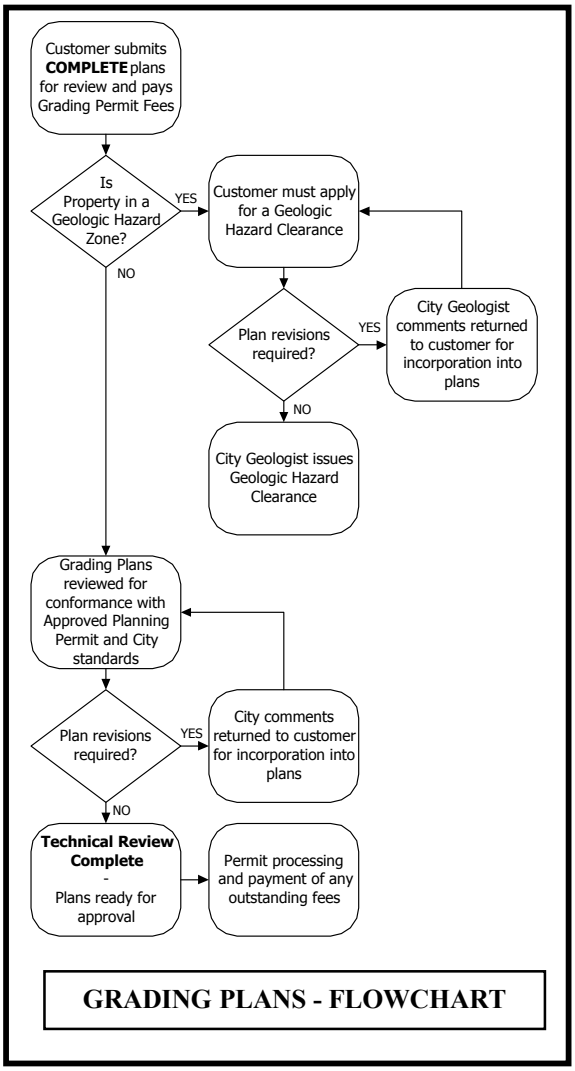
PLAN REVIEW PROCEDURE

IMPORTANT:
If the project site is located within a City Geologic Hazard Zone or State of CA Seismic Hazard Zone (for Liquefaction or Earthquake Induced Landslide) a Geologic Hazard Clearance may be required. See section regarding Geologic Hazard Clearances.

Schedule an Appointment with Staff
It is strongly recommended that you make an appointment to submit your Grading plans to the Department of Public Works, Development Services Project Engineer. A Project Engineer may already be assigned to the project or one will be assigned at the time of your submittal. Call (408) 277-5161 to make an appointment. In some cases, a grading permit may be issued "over-the-counter" if the plan is complete and correct or needs only minor revisions and the person submitting has the authority to revise the plan.

Notice of Exemption
A "Notice of Exemption" may be issued if it is determined that your project meets the specific code criteria (see Attachment A which can be obtained at our Service Counter or from the website www.sanjoseca.gov).

Grading Permits
If a permit cannot be issued over-the-counter, the service goal is to return the check print within 10 working days.



GRADING PLANS - FLOWCHART

Submittal Instructions

For any Grading Permit the following documents need to be submitted:

1) **Grading Permit Application Form** with items 1 through 5 completed along with the applicant's name and signature. The application can be obtained at our Service Counter or from the website (www.sanjoseca.gov).

2) **Grading Plan** must be in compliance with the requirements of the grading ordinance. Any variation from code requirements must be noted on the plan and supported by evidence that the variation will not pose any hazards to public health and safety or be expensive to maintain. (See Attachment B which can be obtained at our Service Counter or from the website www.sanjoseca.gov)

- Three (3) copies of the original (24"x36").
- Reproducible Black line original drawing (submitted upon completion of City review)

3) **Soils and Geologic Report** (if required).

4) **Project Earthwork Specifications:** Two copies each, submitted under a separate cover from the soils report and titled "Grading Specifications". Specifications shall contain information pertaining to grading construction and material requirements, methods, and scheduling.

5) **Non-Potable Water Exception** (if applicable). If the project site is south of Trimble Road and the applicant opts to apply for a Non-Potable Water Exception. The exemption can be given to the appropriate water company and a hydrant meter can be issued. Fee is $35.00.

6) **City Fees** (see Fee Schedule section)

OTHER REQUIREMENTS

Haul Route Permit
If your project will be importing or exporting more than 10,000 C.Y. of earth, then a Haul Route Permit is required.

Final Report
If a Final Report is required, adhere to the "Final Report Guidelines" shown on Attachment D which can be obtained at our Service Counter or from the website (www.sanjoseca.gov).

Permit Extension
The term of a valid Grading Permit can be extended at the discretion of the Public Works Development Services Project Engineer.

The renewal of an expired Grading Permit can be allowed at the discretion of the Public Works Development Services Project Engineer. An extension fee is required (See Fee Schedule section).

2. IMPROVEMENT PLANS

APPLICABILITY

Anyone constructing public improvements in the public right-of-way is required to prepare a detailed plan showing the existing improvements and any proposed improvements to be constructed.

For projects that involve construction of sanitary/storm laterals, driveways for single family detached residences or private utilities, please refer to the appropriate section as indicated in the table of contents.

Approval of public improvement plans requires that the applicant has obtained approval of all necessary Planning Department permits.

Improvement plans prepared for the construction of public improvements, in support of private development, shall be completed at no cost to the City. All City services required for their review, approval and inspection shall be paid for by cost recovery fees collected from the applicant (See Fee Schedule section).

- The plans must be adequate to bid and build the improvements at the correct location and elevation
- The plans must be suitable for use by people who are not technically oriented.
- The plans must be legible, not cluttered with minor or extraneous notes/items.
- The plans must be complete, signed, sealed (if necessary) and ready for construction. Incomplete plans will be returned for completion, prior to any review taking place.

PERMIT TYPE SUMMARY

If construction of Public Improvements is proposed, the improvement plans required will fall into one of the following 3 categories.

Minor Improvement Plan – A minor improvement project is defined as minor construction that does not change the line and grade of streets or sewers and involves the installation and/or modification of the following facilities:

- Installation of Storm and Sanitary Sewer Laterals
- Driveway Construction
- Closure of Driveways
- Installation of Handicap Ramps
- Replacement of Curb and Gutter
- Installation of Sidewalk
- Relocation of no more than two (2) Storm Inlets due to new driveway construction
- Installation of no more than two (2) Sewer Manholes
- Installation of no more than two (2) Electroliers
- Installation of Street Trees

*** A MINOR IMPROVEMENT PLAN DOES NOT REQUIRE PREPARATION BY A LICENSED PROFESSIONAL**

Major Improvement Plan – A major improvement project is defined as all construction above and beyond the limitations of a minor improvement permit. A major improvement plan must be designed and prepared by a registered Civil Engineer.

Tract Improvement Plan – A Tract improvement plan is used to construct public improvements in support of Tract subdivisions. Tract subdivisions are subdivisions of land, which create 5 or more lots. If the project creates 2 – 4 lots, a minor or major improvement plan shall be used for the construction of the public improvements. A Tract improvement plan must be designed and prepared by a registered Civil Engineer.

The table below is provided as a guide to the different types of improvement plans:

Requirements	Minor Improvement Plan	Major Improvement Plan	Tract Improvement Plan
Must be prepared by Registered Civil Engineer		✓	✓
No restrictions on who can prepare plan	✓		
Originals must be submitted on Photo Mylar		✓	✓
Originals can be submitted on bond or vellum	✓		
Approval requires execution of a Construction Agreement including Bonds		✓	✓
Approval requires posting of a Certificate of Deposit to ensure completion of improvements	✓	✓	
Approval requires proof of Insurance on file with the City's Risk Manager	✓	✓	✓
Plan and Contract Approved By Director		✓	✓
Plan and Permit Approved By Project Engineer	✓		

SUBMITTAL INSTRUCTIONS

IMPORTANT
Make an appointment with staff to discuss your project. This will facilitate and expedite the review process.

INITIAL SUBMITTAL

Schedule an Appointment with Staff
It is strongly recommended that you make an appointment to submit your project to a Project Engineer. A Project Engineer may already be assigned to the project or one will be assigned at the time of your submittal. Call (408) 277-5161 to make an appointment.

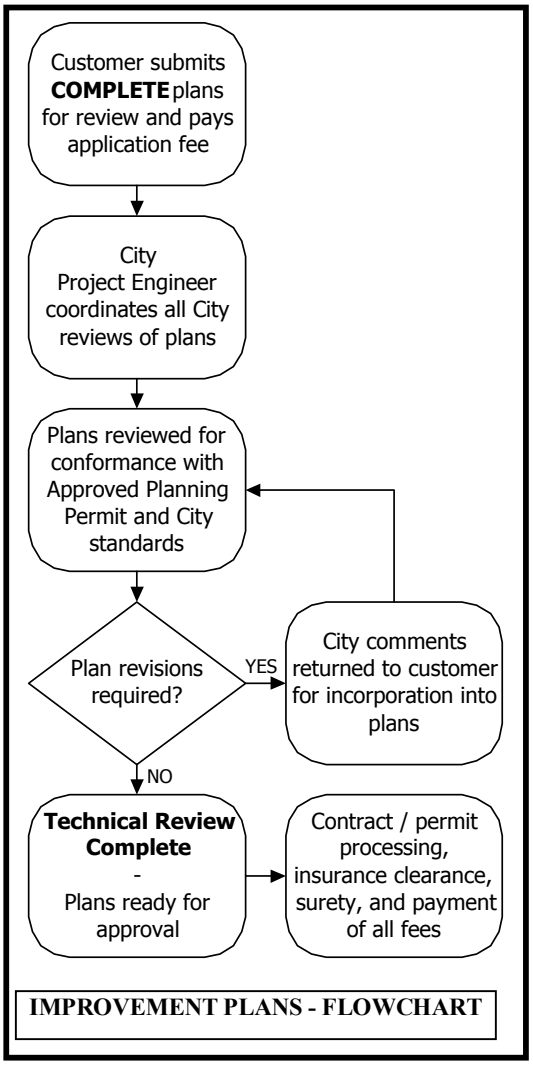
When submitting Improvement Plans, include the following:

1) **Plans Prepared In Accordance With Attachment A** – Plans should follow requirements set forth in Attachment A. Plan coversheet should include "Standard Improvement Plan Notes" as listed in Attachment B. Attachments can be obtained at our Service Counter or from the website (www.sanjoseca.gov). See the Project Engineer for number of plans to submit.

2) **Engineer's Estimate** – include an engineer's estimate showing unit prices, quantity and extensions for all construction items.

3) **Plan Review Fee** – include a plan review fee of either $300 or 8% of your initial estimate for off-site improvement costs, whichever is greater. Also refer to the attached current Public Works fee schedule.

4) **Additional Plans** – If the project includes any of the following, additional plans must be prepared and submitted. See Project Engineer for number of plans to submit.
   - *Subdivision maps (Parcel or Tract)* – if the improvement plan is in support of a subdivision of land, a map must be prepared and submitted by a Licensed Land Surveyor or Registered Civil Engineer qualified to prepare maps.
   - *Landscaping in the public right-of-way* – plan prepared by a licensed Landscape Architect
   - *Street Light construction or modification* – the applicant can either hire a private consultant to prepare a streetlight design or pay the City a fee to design the streetlighting system.
   - *Traffic Signal construction or modification* – plan prepared by a registered Civil or Transportation Engineer.
   - *Private Streets* – if the project proposes construction of a residential Common Interest Development with a Homeowner's Association, the private streets will require a "Private Street" permit. See the "Private Street" section for more information.



Upon receipt, City staff will review the plans for completeness.

- If the initial submittal is complete, staff will review the plans and return comments to the applicant or the applicant's representative. Any corrections or clarifications that are required shall be made. The plans and City checkprints will be resubmitted to the City for a second review. Once the plans are ready for approval, the applicant is ready to make the final submittal.

- If the initial submittal is incomplete (incomplete design, missing plans, etc) staff will return the plans to the applicant for completion prior to any review taking place. This can potentially delay the issuance of a Public Works Clearance, which is required to get a building permit.

FINAL SUBMITTAL

Upon final submittal, the applicant shall satisfy all of the following conditions prior to project approval:

1) **Original Improvement Plans** – submit the original plans together with all City checkprints. The plans shall be signed and wet stamped by a Registered Civil Engineer (Majors and Tracts).

2) **Additional Plans / Map** – Any other plans (Landscaping, Private Streets, Traffic Signal, etc.) and/or a Parcel/Tract Map necessary for this project must also be complete and ready for approval. Maps require supporting documentation including, but not limited to: Current Title Report; Subdivision Guarantee; and County Tax Letter.

3) **Construction Agreement or Permit** – Execute and notarize the Construction Agreement and bonds, or permit prepared by Public Works staff. Please include the corporate resolution of signature authority if the person signing the agreement is signing on behalf of a partnership, corporation, etc.

4) **Surety** – All projects require some form of surety. Minor permits require a Certificate of Deposit (CD) for the total value of the proposed improvements. Major permits require bonds for the total value of the proposed improvements, plus a CD as a completion deposit. Tracts require bonds for the total value of the proposed improvements. City staff will provide the bond forms necessary for the required agreement.

5) **Certificate of Insurance** – Submit a certificate of insurance to the office of the Risk Manager which meets City requirements. This insurance must be maintained for the duration of the project. See form titled "Insurance Requirements". Refer to the Insurance Section for additional information regarding Insurance requirements.

IMPORTANT
Public Works cannot approve permits without the appropriate Surety and Insurance in place.

6) **Fees** – All fees, as shown in the permit or Construction Agreement, are to be paid prior to approval (See Fee Schedule section).

OTHER REQUIREMENTS

Contract/Permit Extension - The term of a valid Contract/Permit can be extended at the discretion of the Public Works Development Services Project Engineer. The required fee is listed in the "Development Permit Fees" fee schedule.

2A. STREETLIGHTING

GUIDELINES:

1) The Council has determined that the installation of appropriate street lighting in new developments is necessary to provide for the overall quality of life for the residents of the City. The initial design of the street lighting for all public streets outside of the Downtown Core shall meet or exceed the standards of the "American Standard Practice for Roadway Lighting" as published by the Illuminating Engineering Society, reprinted from the February 1964 issue of Illuminating Engineering, which is on file at the Rm. 308 Service Counter.

2) The City's Downtown Infrastructure Improvement Plan specifies street lighting requirements for the Downtown Core area.

3) Low pressure sodium lamps shall be used for all developments outside of Downtown Core; high pressure sodium lamps shall be used for developments within the Downtown Core.

4) If **ornamental street lighting** is desired for a new development, a request shall be made in the Planning permit application.

5) Electric service to new streetlights shall be underground except where conditions prohibit such installation.

6) **All** existing streetlights, including those on the site frontage(s) on both sides of the street and 100ft beyond the property lines, shall be shown on developer submitted improvement plans. Luminaires mounted on utility poles shall also be included. Symbols shall be consistent with the Public Works Standard Detail E-01c.

7) The City will provide street lighting design services when so requested. The developer may choose to provide their own design, in which case the design and **lighting calculations** shall be submitted to the City for review.

8) Section 86 of the City of San Jose Department of Public Works **Standard Specifications and Standard Details** shall be consulted for material and installation standards.

2B. TRAFFIC SIGNALS

The construction of new traffic signals is conditioned on a project during the Planning permit phase. The requirement for new traffic signals often comes about through a traffic impact analysis report that is prepared in support of the Planning permit application. If the traffic impact analysis report determines the need for a new traffic signal at an intersection, the applicant will be required to construct the traffic signal with their project or to contribute a fair share amount towards the future construction of the traffic signal.

GUIDELINES:

1. Installation of traffic signals are determined through an operational and safety study.

2. Signal warrant studies are part of a traffic impact analysis report. Signal Warrant studies are performed to substantiate the need for the installation of a traffic signal at an intersection. The warrants are based on those included in the Caltrans Traffic Manual Chapter 9, Section 9-01. There are a total of eleven (11) warrants and only one warrant needs to be met to install a traffic signal.

3. Installation of a traffic signal may involve installation of new traffic signal equipment, including poles, signal interconnection devices, street striping and channelization and/or traffic signal modification or reconstruction.

4. Traffic signals are coordinated and reviewed through the Department of Transportation, the Public Works Design and Construction Electrical Section and the Public Works Development Services Street Lighting team.

5. Section 86 of the City of San Jose Department of Public Works Standard Specifications and Standard Details shall be consulted for material and installation standards.

2C. STORM & SANITARY SEWERS

STORM SEWERS

PURPOSE:

This document is to provide general guidance for the private engineer in the preparation of public improvement plans with specific regard to the design and construction of storm sewer systems.

BACKGROUND:

The City of San Jose storm sewer system is a publicly maintained gravity driven system whose main purpose is to transport storm water from private and public lands into the City's various creek systems and eventually into the Bay. The Department of Public Works designs and constructs these storm sewers while the Department of Transportation provides for their maintenance.

Storm Sewers are funded and constructed by the collection of Storm Sewer Area Fees imposed on development as well as conditioned on private development projects through the City's Planning Process. The Department of Public Works Development Services Division provides calculation and collection services for the Storm Sewer Area Fee as well as implements the construction of Storm Sewers through our review and inspection of private engineer (developer) generated public improvement plans.

POLICY:

The Department of Public Works reviews, approves and inspects the construction of public and private (see Private Streets Section) Storm Sewers. Listed below are general guidelines that will aide a private engineer with conceptual design of a proposed storm sewer system. More detailed information can be obtained at the Public Works Development Services counter.

- The City's Storm Sewer System is designed for 10-year storm capacity underground conduit with full flow and with the balance of the 100-year runoff released overland.
- The Rational Method is an approved method to determine the design runoff for public and private storm sewers.
- Storm mains and laterals shall be reinforced concrete pipe (RCP).
- Private lateral connections to the back of public catch basins is prohibited.
- The minimum inside diameter for storm mains is fifteen-inches (15") and shall be Class III or better.

- The minimum inside diameter for storm laterals from inlets is twelve-inches (12") and shall be Class IV or better. Slopes of these laterals shall be one percent minimum.

- Manholes shall be used at:
  - All connections of laterals from storm water inlets located in the public right-of-way.
  - All changes in type of pipe material (if approved).
  - All changes in direction.
  - All changes in pipe size.
  - At all intersections of mains.

- Outfalls to Santa Clara Valley Water District (SCVWD) maintained channels shall be constructed according to District requirements. All work performed within SCVWD Rights of Way are subject to approval and issuance of a permit by that agency.

- Site planning shall take into consideration street patterns and slopes that will accommodate a satisfactory drainage plan with the main located in a public street, or equivalent pathway, in the lowest area of the site. If no storm drain or limited capacity is available at the site, then a new or upsized storm drain may be required.

SANITARY SEWERS

PURPOSE:

This document is to provide general guidance for the private engineer in the preparation of public improvement plans with specific regard to the design and construction of sanitary sewer systems.

BACKGROUND:

The City of San Jose sanitary sewer system is a publicly maintained gravity driven system whose main purpose is to transport sewage from private and public lands to the City's Water Pollution Control Plant (WPCP) for sewage treatment. The Department of Public Works designs and constructs these sanitary sewers while the Department of Transportation provides for their maintenance.

Sanitary Sewers are funded and constructed by the collection of Sanitary Sewer Area Fees imposed on development as well as conditioned on private development projects through the City's Planning Process. The Department of Public Works Development Services Division provides calculation and collection services for the Sanitary Sewer Connection Fee fund. It implements the construction of Sanitary Sewers through our review and inspection of private engineer (developer) generated public improvement plans.

POLICY:

The Department of Public Works reviews, approves and inspects the construction of Public and Private (see Private Streets Section) sanitary sewers. Listed below are general guidelines that will aide a private engineer with conceptual design of a proposed Sanitary Sewer system. More detailed information can be obtained at the Public Works Development Services counter.

- The City's sanitary sewer system shall be designed for peak flow rate not to exceed 2/3 full pipe.
- Average flow rate for a standard residential unit shall be calculated as 240 gallons per day.
- Sanitary mains and laterals shall be vitrified clay pipe (VCP).
- The minimum inside diameter for sanitary mains is six-inches (6").
- The minimum inside diameter for sanitary laterals from private property is 4-inches (4"). Slopes of these laterals shall be two percent minimum.
- Manholes shall be used at:
    - All changes in direction.
    - All changes in pipe size.
    - At all intersections of mains.
- Use of alternate pipe material (PVC, etc) shall only be considered to solve specialized problems and only on a case-by-case basis.
- No public or private storm drain shall be connected to a sanitary sewer.
- Site planning shall take into consideration street patterns and slopes that will accommodate a satisfactory sanitary sewer plan with the sewer mains located in a public street or equivalent path ways. If no sanitary sewer or insufficient capacity is available at the site, then a new or upsized sanitary sewer may be required.

3. PRIVATE STREETS

PURPOSE

This document is to provide guidance for the private engineer in the preparation of Common Interest Development (CID) improvement plans.

BACKGROUND

Ordinance No. 23069 amended Title 17 of the San Jose Municipal Code by the addition of a new chapter 17.76 to require the review and inspection of Common Interest Development (CID) projects. A CID project is defined as any condominium or townhouse development that has street and other appurtenances which are privately owned and maintained by a formed Home Owners Association (HOA).

POLICY

The Department of Public Works reviews, approves and inspects the following improvements in all paved areas including private streets, circulation drives, parking bays, and parking lots.

- A.C. and P.C.C. Pavement Section design
- Curb, gutter, sidewalk, and driveway approach
- Stress pad for garbage truck
- Monuments
- The entire storm sewer system (including landscape drainage areas), and sanitary sewer systems (up to the building clean out or 5 ft. from building parameter). This includes bedding, piping, trench backfill, manhole, drainage inlet, and other appurtenances. Complete storm drainage shed maps shall show all upstream acreage and runoff coefficients for each tributary area.

SUBMITTAL INSTRUCTIONS

INITIAL SUBMITTAL

The initial submittal by the private engineer shall consist of the following items:

PLANS -Submit 3 sets (4 sets if constructing San Jose Muni Water improvements) of checkprints for Public Works review and comment. All checkprints shall be signed and sealed by a registered Civil Engineer. (see **Attachment A** for detail which can be obtained at our Service Counter or from the website www.sanjoseca.gov)

E & I FEES – Refer to the current Public Works fee schedule.

COST ESTIMATE - Submit initial quantity and cost estimate (see Attachment B which can be obtained at our Service Counter or from the website www.sanjoseca.gov) for the above mentioned items subject to Public Works for review and inspection.

SOILS REPORT - Submit a soils report to substantiate the proposed pavement design. The report shall contain the following: R-value, range of traffic indexes (4 to 8) with corresponding proposed pavement section, expansive soil conditions, location of boring logs on a site map, wet stamp and signed by registered Civil Engineer or Geotechnical Engineer. (see Attachment C which can be obtained at our Service Counter or from the website www.sanjoseca.gov)

SUBSEQUENT SUBMITTALS:

The subsequent submittal by the private engineer shall consist of the following items:

- Checkprints with Public Works comments will be returned to the private engineer for revisions.
- Subsequent checkprint submittal shall be required if there are substantial revision needed. The private engineer will be notified how many additional checkprints are necessary. .
- The resubmittal shall include previously reviewed checkprints and new checkprints with the latest revisions. The original mylars may be submitted at this time depending on the complexity of the revisions.

FINAL SUBMITTAL

The final submittal by the private engineer shall consist of the following items:

All originals shall be photo mylar (with no "paste on" on the plans), wet stamped and signed by a Registered Civil Engineer. Submit the originals with the latest checkprints. Submit a final quantity and cost estimate based on the private engineer's final plans. Public Works shall determine and collect the final engineering and inspection fee.

APPROVAL:

The approved plans will not be released to the field until the final Engineering and Inspection Fees have been paid.
The original mylars become public record and City property upon approval by Public Works.
The private engineer shall provide to the City 3 blueprint sets (6 sets if it involves San Jose Muni Water) of the approved plans for filing and distribution.

REVISIONS:

1) Any revision to the plans requires Public Works' approval, and shall be done in ink (no "paste on") on the original mylar.
2) The private engineer shall discuss the proposed revision with Public Works before making the change in the field.
3) If the proposed revision is acceptable, the original drawing will be released from Public Works to the private engineer.
4) The engineer shall clearly indicate all changes on the revision block and submit to Public Works for approval.

5) After Public Works approves the revision, the private engineer shall provide to Public Works 3 blue prints sets of the approved plan for filing and distribution to the field. The originals shall be returned to Public Works for filing.

FINAL SIGN OFF:

After Public Works signs off for final inspection a copy of the record drawings shall be forwarded to the Developer and Home Owners Association (If applicable).

4. UTILITY PERMITS

APPLICABILITY

This permit is required whenever temporary use of the public right-of-way is requested for utility trench construction by those other than franchised public utility companies. Typical examples of this work include:

- Installation of joint trench in a residential or industrial subdivision.
- Installation of utility services to a new commercial or industrial building
- Installation of utility service to an existing structure.

For all proposed utility work that will performed by a franchised Utility Company (i.e. P.G. & E., Pacific Bell, San Jose Water, AT&T Cable, etc.), a Utility permit must be obtained from the Public Works Utilities Section at 1661 Senter Road (408) 998-6090.

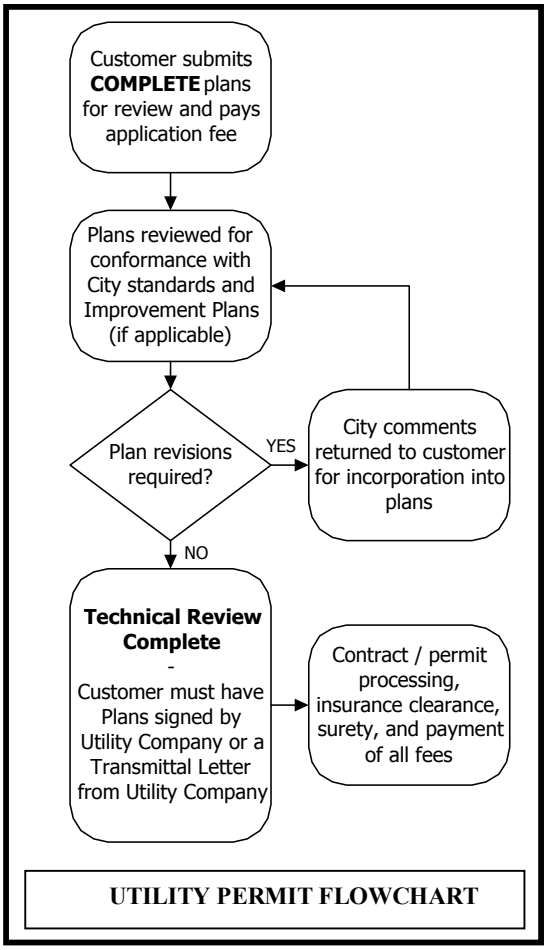
INSTRUCTIONS

To apply for a private utility trench permit, complete the Private Utility Permit form by following the instructions below:

1) **General Information**
Provide the name, address, and phone number of the permittee and the contractor who will be doing the proposed construction work. Be sure to include the State Contractor's and City Business License Numbers.

2) **Project Location / Major Intersection**
Specifically describe the location of work giving the street name and address if possible. In addition, indicate the major cross street(s).

3) **Fee Determination**
The fee and surety requirements will vary based on the status of the project and whether any street improvement permits are currently active on the site. In general the fee and surety requirements are as follows:



UTILITY PERMIT FLOWCHART

- **Tract with executed contract and bonds in place for public improvements**. Fee is $20 per unit single family detached lot. No surety required.

- **Major Improvement plan with an executed contract and bonds for public improvements**. Fee is $950 for installation of joint trench or $600 for a utility service. No surety required.

- **Minor Improvement plan or trench only projects**. Fee is $950 for installation of joint trench or $600 for a utility service. Surety equals cost of restoring the public right of way ($1,000 minimum).

4) **Surety**
Surety may be in the form of a Certificate of Deposit (see guidelines) or a cashiers check. The Surety will be returned upon completion of the work and signed approval from the project inspector.

5) **Certificate of Insurance**
Submit a certificate of insurance to the office of the Risk Manager that meets City requirements. This insurance must be maintained for the duration of the project.

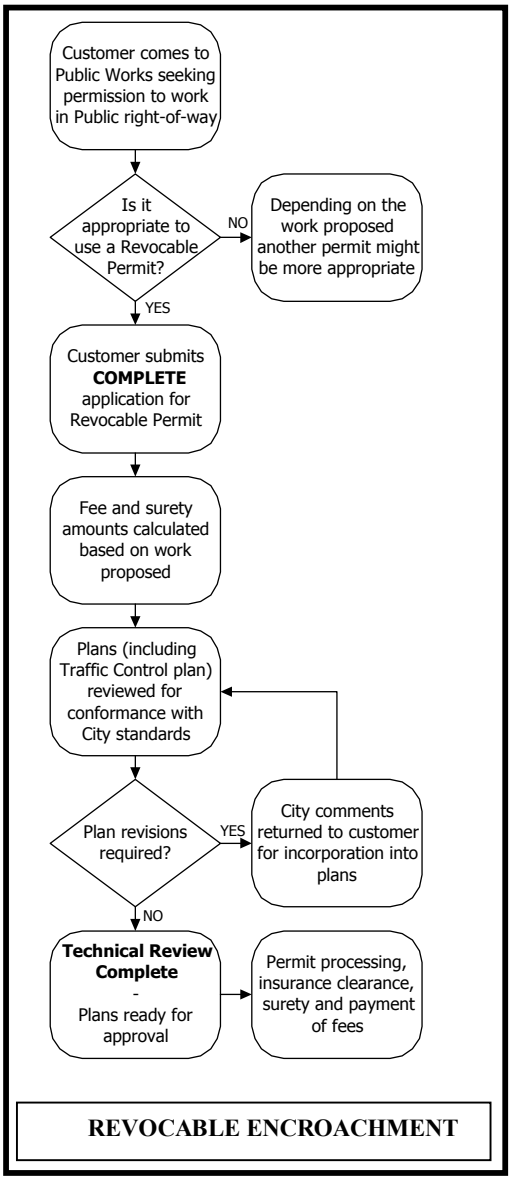
6) **Plans**
Prior to the issuance of the permit, the trenching plans must be approved by the affected utility company.

5. REVOCABLE ENCROACHMENT PERMIT:

APPLICABILITY

This permit is required whenever **temporary use of public right-of-way** is requested for **private construction work**. Typical examples of work include:

- Water monitoring and extraction wells
- Soil sampling borings and soil penetration tests
- Covered pedestrian walkways
- Installation of private trenches across public rights-of-way
- Crane erection within the public right-of-way (if the crane is too large to be erected on-site)



INSTRUCTIONS

To apply for a revocable encroachment permit, complete the Revocable Encroachment Permit form by following the instructions below:

1) **General Information** – Provide the name, address, and phone number of the permittee and the contractor who will be doing the proposed construction work. Be sure to include the State Contractor's and City Business License Numbers.

2) **Project Location / Major Intersection** – Specifically describe the location of work giving the street name(s) and address(es) if possible. In addition, indicate the major cross street(s).

3) **Reason For Encroachment** – The items listed above in "Applicability" may be used to describe the nature and purpose of encroachment. For other purposes, please be more specific. Attach an additional sheet if necessary.

4) **Site Specific Sketch** – The sketch should show the following information:
   a) Include the type and location of the work to be accomplished within the right-of-way. The work area should be tied out to the centerline of the street and to the nearest intersection. This will assist the City's Underground Service Alert (USA) staff in locating the work.
   b) Include or show on separate sheet. A vehicular and/or pedestrian diversion plan using appropriate safety equipment, such as barricades, cones, arrow boards, signage, etc.
   c) The sketches should be drawn on 8 ½ " x 11" paper; the maximum size shall be 11" x 17".

5) **Certificate of Insurance** - Submit a certificate of insurance to the office of the Risk Manager which meets City requirements. This insurance must be maintained for the duration of the project. See form titled "Insurance Requirements".

6) **Security Deposit** – The following are requirements for providing the security deposit to guarantee repair and/or replacement of any public improvements damaged during work initiated by this permit.
   a) The security deposit shall be in the amount of 100% of the cost to restore the public right-of-way or $2,000, whichever is greater.
   b) For security deposits less than or equal to $10,000, the security will be in the form of a cashier's check from a local bank in favor of the *City of San Jose* with **no expiration date imprinted on the check.**
   c) For security deposits greater than $10,000, the security can be in the form of a **Certificate of Deposit**. See the Certificate of Deposit guidelines for instructions.

7) **Fees** – Submit fees according to the "Public Works Permit Fees" fee schedule.

8) **Application Submittal** – Submit a completed application, along with the items listed above to the address listed at the top of this form.

For any further questions or inquiries, please contact Development Services Staff at (408) 277-5161.

6. SIDEWALK / DRIVEWAY PROGRAM:

APPLICABILITY

This permit is required when a *City* resident modifies, replaces or constructs a new or additional driveway. Sidewalk permits are issued if the resident is replacing existing sidewalk with new sidewalk (which *has not been up-lifted* by tree roots) or when constructing new sidewalk. *This permit is issued only for single family residences, a driveway permit for any other land use (commercial, industrial, multi-family, etc.) requires Planning Department approval and a Minor Street Improvement permit.*

This permit cannot be used to place decorative concrete within the planter/park strip area (located between the curb and sidewalk).

To replace up-lifted or cracked sidewalk, please contact the Department of Transportation at 277-4373.

Examples of Projects Requiring A Driveway or Sidewalk Permit

- A driveway relocation due to a garage modification or relocation due to a remodel of the residence.

- For additional driveways, a permit may be granted if the project meets the following criteria:

  - A second driveway may be permitted if the residence is situated on a corner lot and the resident requests an additional driveway on the frontage which presently has no driveway. For safety reasons, driveways cannot be permitted at or near the curb returns (corner).

  - A second driveway may be permitted if the residence is located at mid-block and the length of the frontage (property line to property line) is 90 feet or more.

GUIDELINES FOR LOCATING A NEW DRIVEWAY APPROACH

All proposed driveway approaches shall maintain the following clearances:

- 5' minimum clearance from the adjacent property line.
- 5' minimum clearance from all utility structures (pullboxes, streetlights, fire hydrants, power poles).
- 5' minimum clearance from all sign poles.
- 6' minimum clearance from all street trees.

REQUIREMENTS

The application package should include a completed and signed application, a sketch and photos (Polaroid film is acceptable) showing the proposed location for the new driveway or sidewalk. If there are any trees, poles or utility structures within the area of the proposed driveway, they shall be shown on the sketch with their distance from the proposed driveway or sidewalk.

IMPORTANT

Any proposed modification to an existing driveway, or addition of a second driveway will not be permitted if the change facilitates violation of the "Front Setback Paving Ordinance". (A brochure for additional information can be obtained at our Service Counter or from the website www.sanjoseca.gov)

All work shall be in accordance with the Standard Specifications of the *City of San Jose*.

If the work proposed in this permit application requires the removal of a City street tree, the applicant will be required to obtain a "Street Tree Removal" permit from the City Arborist, prior to issuance of this permit. The City Arborist can be reached at (408) 277-4373.

This permit is valid for only 30 days from the date of issuance. If the permit expires, the resident is required to extend the permit (there is no fee for this extension).

FEES

There is no fee or cost for this permit provided that the owner signs the application.

7. SEWER LATERAL PERMIT:

APPLICABILITY

This permit is required when a resident of the City wishes to construct a lateral connection to the Sanitary and/or Storm Sewer System. Typical examples of work include:

- Connecting an existing development currently on a septic system to the City's sanitary sewer system
- Connecting new development to the City's sanitary sewer system
- Connecting to the City's storm sewer system

INSTRUCTIONS

To apply for a sewer lateral permit, complete the Sewer Lateral Permit form by following the instructions below:

1) **General Information** – Provide the name, address, and phone number of the permittee and the contractor who will be doing the proposed construction work. Be sure to include the State Contractor's and City Business License Numbers.

2) **Project Location / Major Intersection** – Specifically describe the location of work giving the street name(s) and address(es) if possible. In addition, indicate the major cross street(s).

3) **Plans** – The applicant shall prepare a plan showing the proposed sewer lateral location(s) to be constructed in the public right-of-way.

4) **Certificate of Insurance** - Submit a certificate of insurance to the office of the Risk Manager which meets City requirements. This insurance must be maintained for the duration of the project. See the form titled: "Insurance Requirements" for working in the public right-of-way.

5) **Security Deposit** – The following are requirements for providing the security deposit to guarantee repair and/or replacement of any public improvements damaged during work initiated by this permit. The security deposit shall be in the amount of $1,000, and can be submitted either as:
   - A **Cashier's Check** from a local bank in favor of the *City of San Jose* **with no expiration date imprinted on the check.**
     OR
   - A **Certificate of Deposit**. See the Certificate of Deposit guidelines for instructions which can be obtained at our Service Counter or from the website www.sanjoseca.gov

6) **Fees** – Submit a permit fee of $375 and pay any Sewage Treatment Plant (STP), Sanitary Area and Storm Area fees that are due.

7) **Application Submittal** – Submit a completed application, along with the previously mentioned items to the address listed at the top of this form.

B. MAPPING:

1. SUBDIVISIONS / TRACT & PARCEL MAPS:

Under the provisions of Section 66410 of the Government Code of the State of California (herein- after referred to as the Map Act); and Title 19 of the Municipal Code of the City of San Jose, anyone subdividing land in the City of San Jose is required to prepare a tentative map and a parcel or final map. The required map must show how the land is to be subdivided, and what public dedication is to be made as a result of the subdivision.

APPLICABILITY

Section 66411 of the Map Act requires local agencies to regulate and control the design of subdivisions. The process of subdividing land by map can be separated into two phases, the Tentative Map phase and the Parcel or Final Map phase. The Tentative Map phase is overseen by the Planning Division, during which, the conditions of approval are established. The Parcel or Final Map phase is managed by the Department of Public Works, and is focused upon the actual subdivision of land and creation of easements and dedications. Once the tentative map is approved, the parcel or final map is submitted for review and approval.

Parcel Maps are defined as divisions of land involving four lots or units or less. Final Maps are defined as divisions of land involving five lots, or units, or more, stock cooperatives, apartment conversions and community cooperatives, and may take the form of either a Final Tract Map or a Condominium Map. Either final map will have a Tract Number assigned by the County Surveyor's office.

The Parcel or Final Map must be prepared by a Registered Civil Engineer who is qualified to prepare maps, or a licensed Land Surveyor, and must include, as a minimum, the following:

- The map must meet all of the technical requirements delineated in Sections 66433 through 66450 of the Map Act, such as size, format, content, Basis of Bearings and map title.
- The map must include an Owner's Statement, Engineer/Surveyor's Statement, Notary Certificates for all owner's signatures, a Soil Report and/or Geologic Statement, a City Clerk/City Engineer's Statement and County Recorders Statement.
- The map must satisfy all of the requirements of the approved Tentative Map as to the number of units or lots, street alignment and right-of-way width, property rights reservations, and dedication of any public easements or other dedications or conveyances.
- The map must include the names of all streets, public and private, and all monumentation required by the California Map Act, Engineers and Surveyors Act and local ordinance.

Approval of the Parcel or Final Map requires that all of the conditions of the Tentative Map and any accompanying Planning Permit must be met. Those conditions will include one or more of the following:

- Payment of all fees in effect at the time the tentative map was approved.
- Preparation of improvement plans, execution of a contract, proof of the contractor's liability insurance and provision of surety to guarantee that the public streets which serve the subdivision will be constructed and all monumentation show on the map is completed.
- Dedication of all public easements, rights of way and parkland and open-space, and the reservation of private easements and encumbrances, and inclusion of any required Covenants.
- All necessary property ownership documentation necessary to record the map, such as a current Title Report, subdivision guarantee, tax bond or controller's letter, and authority for the execution of the map.

IMPORTANT
Make an appointment with staff to discuss your project.

To provide uniformity and consistency and to insure that the notes and statements required to be on a map meet the provisions of the Map Act and Title 19, a list of standard notes and statements for parcel and final maps is shown in **APPENDIX A** which can be obtained from thew Rm. 308 service counter.

Parcel and Final Maps prepared for the subdivision of land in the City of San Jose, shall be completed at no cost to the City. All City services required for their review, approval and recordation, shall be paid for by cost recovery fees collected from the applicant.

SUBMITTAL INSTRUCTIONS

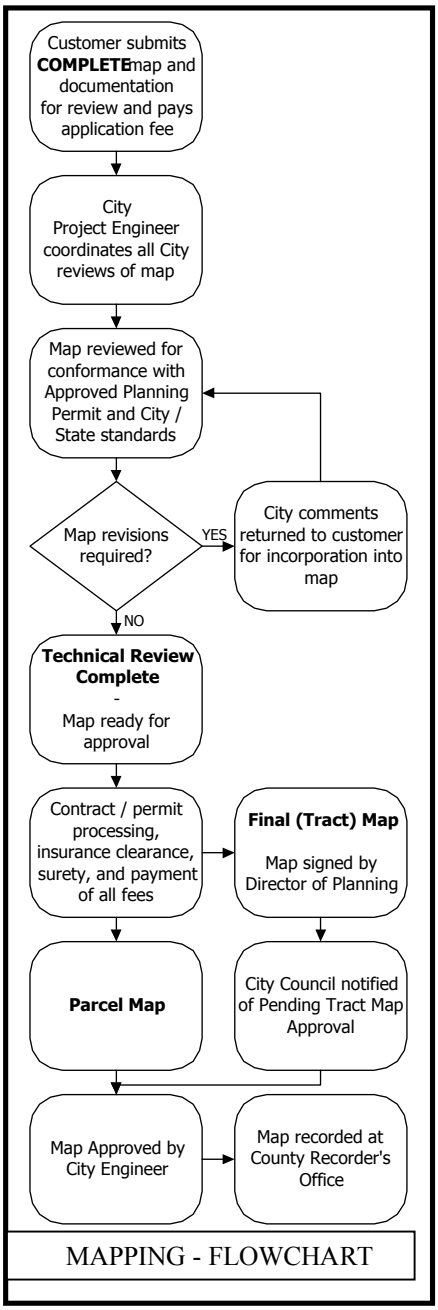
INITIAL SUBMITTAL

Schedule an Appointment with Staff
Submission of a parcel or final map is by appointment only. You must make an appointment with Development Services Staff to submit your project to a Project Engineer. A Project Engineer will already be assigned to the project prior to the time of your submittal. Call (408) 277-5161 to make an appointment.

When submitting Parcel or Final Maps, include the following:

1. **Parcel or Final Maps Prepared in Accordance with Attachment A-** Maps should follow the requirements set forth in the "PARCEL/FINAL MAP CHECKLIST" -Attachment A which can be obtained at the Rm. 308 Service Counter. The cover or Jurat sheet should include the use of "Sample Statements for Parcel & Final Maps" shown on Attachment B which can be obtained at the Rm. 308 Service Counter.

2. **Maps used in the Preparation of the Parcel or Final Map** – Provide all record maps used in the preparation of the map submitted. Also, include all deeds of the property to be mapped, together with any easements of record.



MAPPING - FLOWCHART

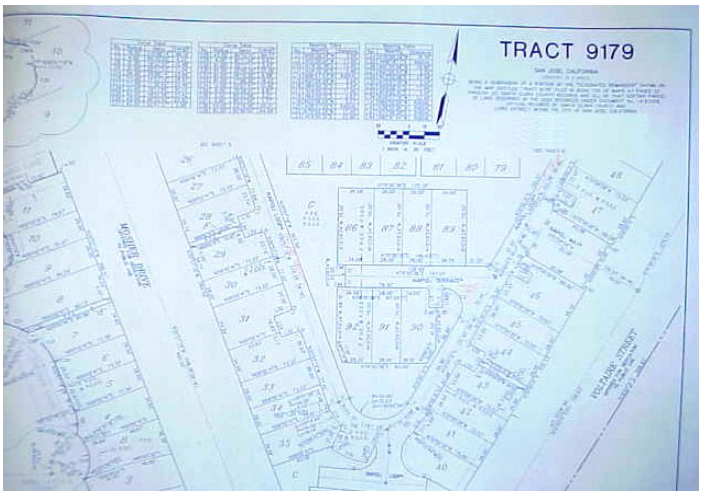
3. **Map Review Fee** – Refer to the current Public Works review fee schedule.

4. **Current Title Information -** Include a current title report not older than 90 days, which reflects the current ownership of the property to be mapped.

5. **Current Planning Permits -** Include a copy of the Approved Tentative Map and PD Permit, if there is one.

6. **If Grading or Street Improvements are Required -** If a Grading Permit is required, it must be submitted with the map submittal, following the section in this manual on Grading Permits. If public or private street improvements are to be constructed as a condition of the map, the improvement plans must be submitted with the map submittal and must meet the requirements of the section in this manual on Improvement Plans.

Upon receipt, City staff will review the map for completeness.



- If the initial submittal is complete, staff will review the map and return comments to the applicant or the applicant's representative. Any corrections or clarifications that are required shall be made. The corrected map and City check-prints will be resubmitted to the City for further review. Once the plans are ready for approval, the applicant is ready to make the final submittal.
- If the initial submittal is incomplete (technically incomplete, missing reference maps or deeds, current title report, etc) staff will return the map to the applicant for completion prior to any review taking place. Rejection of the map, improvement plans or any other part of the submittal will constitute rejection of the entire submittal. This can potentially delay the issuance of a Public Works Clearance, which is required to get a building permit.

FINAL SUBMITTAL

Upon final submittal, the applicant shall satisfy all of the following conditions prior to map approval:

1. **Original Map** - submit the original map together with all City checkprints. The map shall be signed and wet stamped by the engineer or surveyor who prepared the map and signed by all parties having title interest in the property being subdivided. All owner and trustee signatures must be notarized by an acceptable notary public.

2. **Recording Documentation -** The recording of maps requires supporting documentation including, but not limited to: Authority for the Owner's Representative

to execute the map, Current Title Report; Subdivision Guarantee; and County Tax Letter.

3. **Improvement Plans for Public or Private Streets required for map approval** – Any improvement plans (Landscaping, Private Streets, Traffic Signal, etc.) that are necessary to meet the Conditions of Development of the Tentative Map for this project must also be complete and ready for approval.

4. **Construction Agreement or Permit** – An Executed and notarized Construction Agreement and bonds, or permit prepared by Public Works staff is required prior to map approval. Please include the corporate resolution of signature authority if the person signing the agreement is signing on behalf of a partnership, corporation, etc.

5. **Surety** – All construction agreements require some form of surety. Minor permits require a Certificate of Deposit (CD) for the total value of the proposed improvements. Major permits require bonds for the total value of the proposed improvements, plus a CD as a completion deposit. Tracts require bonds for the total value of the proposed improvements. City staff will provide the bond forms necessary for the required agreement.

6. **Certificate of Insurance** – Submit a certificate of insurance to the office of the Risk Manager which meets City requirements. This insurance must be maintained for the duration of the project. See form titled "Insurance Requirements". Refer to the Insurance Section for additional information regarding Insurance requirements.

IMPORTANT
Public Works cannot approve maps without all of the conditions of development being met or guaranteed.

7. **Fees** – All fees, as shown in the permit or Construction Agreement, are to be paid prior to approval.

8. **Final Map Approval** –

   - Notice to City Council – Map received for review
   - Notice to City Council – Map ready to be approved
   - City Engineer authorized to approve map.

OTHER REQUIREMENTS

Map Extension

The term of a Tentative Map is 30 months. If the Parcel or Final Map is not approved within that time-frame, or any extension there of, the tentative map expires and a new tentative map must be approved.

2. VACATIONS / ABANDONMENTS:

Section 8309 of the *Streets & Highway Code* defines VACATION as "The complete or partial abandonment or termination of the public right to use a street, highway, or public service easement."

APPLICABILITY

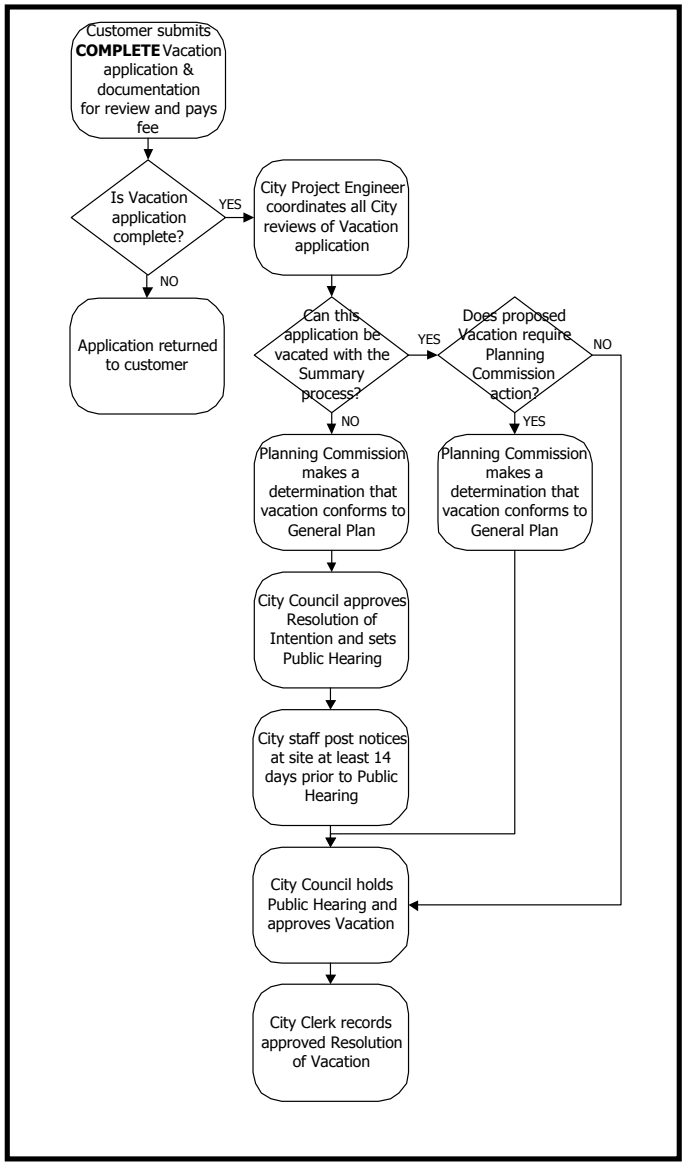
The process of vacation or abandonment of public service easements or rights-of-way is governed by State and municipal codes that require that certain information and findings be made before public easements/rights-of-way can be vacated to private use.

The following are examples of public rights-of-way that require formal action by the legislative body (whether created by map or separate instrument dedication):

- **Easements** – public utility, public service, storm & sanitary sewer, landscape tree planting, sidewalk, slope, light and air.
- **Building Set-Back Lines** – established by Final or Parcel Map
- **Public Street Right-of-Way** – dedicated either by easement or fee interest

The following are examples of easements and rights-of-way not subject to the public vacation process:

- Easements granted to public utilities by separate instrument in which the public has no interest.
- Easements granted between individual property owners.
- Easement rights owned by other public agencies such as Santa Clara Valley Water District, school districts, or regional park districts.



CATEGORIES OF THE STREET VACATION PROCESS

The street vacation process can be separated into two categories, REGULAR and SUMMARY. Each process is specified by the Government Code, State of California, Streets & Highways Code, Part 5, Section 8100.

Specific statutory requirements are stated in this code which relate to the environmental clearance, public utility consent, review by other governmental agencies, public noticing, conduct of public hearings, and that the legislative body (City Council) make certain findings with regard to the easement or right-of-way.

REGULAR – The Regular process requires approximately 12 to 15 weeks between the acceptance of the vacation application and the final City Council hearing deciding the approval of the vacation. The street or easement may then be deemed vacated upon the recordation of the City Council resolution. If the City holds a fee interest in the property under the street or easement vacated, then it may take several months to negotiate the sale of the property.

SUMMARY – The Summary process can take as little as 6 to 8 weeks from the date of acceptance of the vacation application. This schedule is based upon the possible absence of a Planning Commission hearing, and that only one City Council hearing is necessary to approve the proposed vacation.

INSTRUCTIONS

Schedule an Appointment with Staff
It is strongly recommended that you make an appointment to submit your application to a Project Engineer. A Project Engineer may already be assigned to the project or one will be assigned at the time of your submittal. Call (408) 277-5161 to make an appointment.

IMPORTANT
Make an appointment with staff to discuss vacation application.

When submitting a Vacation application, include the following:

1. **Applicant's Information** – include the name, address, daytime phone number of the Applicant or his/her designated legal entity. If an agent is applying on behalf of the property owner, then information must be provided for both parties.

2. **Provide a Description of Adjacent Property** – Include a description of the property adjacent to the street or easement proposed for vacation.

3. **Specify Vacated Area** – public street , public utility, or other type of easement

4. **Explain the Request** – State why the easement / right-of-way should be vacated. What is the intended use for the vacated property?

5. **Sign the Application** – Print your name, sign and date the application. If an agent is applying on behalf of the property owner, then both parties must sign the application.

6. **Application Fee** – include a check for the vacation application fee. Please see the fee schedule titled "Public Works Permit Fees" for the current fee amount.

7. **Documents** – The following documents are to be submitted with the application:

- A **Completed Application** for vacation.
- **Letters of review and approval** from all Utility companies that may have some interest in the street or easement to be vacated. These letters must be signed by the utility company and indicate their approval of the vacation. (See the attached examples)

- A copy of the **County Assessor's Parcel Map** showing the property to be vacated.
- A copy of the **Tract or Parcel Map** by which the street or easement was created (if applicable).
- A current **Title Report** addressing the underlying fee title of the public street to be vacated. If the easement proposed for vacation does not involve fee title interest (such as a wire clearance easement), no title report is required.
- A **plat map and legal description** of the street or easement to be vacated. If this area is a public street or easement which affects fee interest, the plat and legal description must be prepared by a Licensed Land Surveyor or Registered Civil Engineer.

IMPORTANT
Public Works can not proceed with the vacation process until the vacation application package is complete.

Upon submittal, City staff will review the application for completeness

If the submittal is complete, staff will accept the application package and fee. The applicant will be advised of the time it will take to review the details of the application and schedule a City Council hearing (or other hearings required by law).

If the submittal is incomplete (missing documents, etc) staff will return the application to the applicant for completion prior to any review taking place.

C. PUBLIC WORKS CLEARANCES

1. PUBLIC WORKS DEVELOPMENT CLEARANCE

APPLICABILITY

Prior to issuance of a Building permit, the Building Division of the Planning, Building and Code Enforcement Department will require the applicant to obtain a Development Clearance from Public Works. This clearance assures the Building Division that the applicant has satisfied all Public Works requirements, which may include any of the following:

- All required fees have been paid
- All necessary Public Works permits have been issued
- All Public Works conditions in the Planning Permit have been satisfied

INSTRUCTIONS

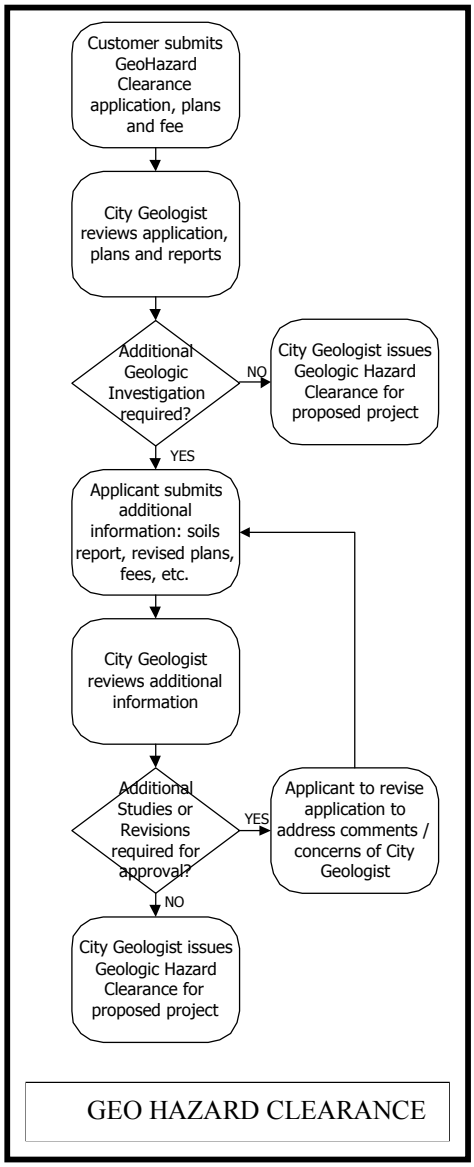
Projects with an approved Planning Permit
Prior to issuance of Building permits, the applicant should contact the Public Works Project Engineer responsible for reviewing the planning application and coordinating any necessary Public Works permits. The Project Engineer will determine if any outstanding issues need to be addressed or fees that need to be paid. Once all requirements are satisfied, the Public Works Project Engineer will issue a Development Clearance.

Projects not requiring a Planning Permit
(Single-Family Residential Alterations, Commercial Tenant Improvements)
Prior to issuance of a Building permit, the applicant should come to the Public Works One-stop counter, located in Room 308 of City Hall, and request a Public Works Development Clearance. Staff will review the proposed use and determine if any fees need to be paid. Typically, we check for the payment of sewer fees and the need for any Public Works permits. The most common permits issued in support of single-family residential alterations include: Grading, New Driveway construction and Sanitary Sewer Lateral construction. If the property is located in a Flood Hazard Zone or Geologic Hazard Zone, additional clearances will be required.

2. GEOLOGIC HAZARD CLEARANCE:

APPLICABILITY

For development sites located within a City Geologic Hazard Zone, a **Geologic Hazard Clearance** must be obtained from the *Director of Public Works* prior to any discretionary approvals for development, including environmental clearance, zoning approval, grading permit, or building permits. The purpose of the Geologic Hazard Clearance is to demonstrate that the proposed development is not endangered or potentially endangered by geologic hazards which may potentially affect the site or adjoining lands and the proposed improvements will adequately mitigate the identified geologic hazards.



INSTRUCTIONS

Initial Stage

The applicant should discuss the proposed project with the City Engineering Geologist. The City Geologist resides in the Development Services Division, Department of Public Works, Room 308, City Hall.

Submittal

The applicant shall provide a complete application package to the City Geologist. The application package consists of the following:

- Official **APPLICATION FORM** with complete information, signature, and date.
- One (1) copy of the **SITE PLAN** indicating the location of the proposed improvements, proposed grading, and other pertinent data.
- One (1) copy of the **GEOLOGIC** and **SOIL/GEOTECHNICAL REPORT**, if required.
- **PAYMENT OF FEES** (refer to the fee schedule as listed in the Development Fee Schedule)

Upon submittal of the above items, the City Engineering Geologist will conduct a preliminary review of the proposed project and available geotechnical data for the site. Based on this review, a site specific geologic/soil/geotechnical assessment or investigation report may be required for the project.

Secondary Stage

If a site specific report is required, the required study should be performed by a qualified geotechnical consultant.

The **GEOLOGIC REPORT** shall satisfactorily demonstrate, but not be limited to the following:

1) Identification of all potential geologic hazards.
2) Feasible geotechnical mitigation of all geologic hazards.
3) That the proposed development will not create new hazardous geologic conditions (by improper grading and drainage etc.).

Type of **GEOTECHNICAL CONSULTANT REPORTS** typically required:

1) Geologic Hazards Assessment.
2) Geologic Hazards Investigation.
3) Geotechnical (Soil) Engineering Investigation.

The required **SITE SPECIFIC REPORT** is submitted to the City's Engineering Geologist for review of the following:

1) If methods used and scope of work performed are adequately based on current professional standards.
2) Thoroughness. Are all geologic hazards adequately characterized and mitigated?
3) Conclusions must be supported by data presented.
4) Consistency with available geologic information.

3. FLOOD ZONE CLEARANCE:

APPLICABILITY

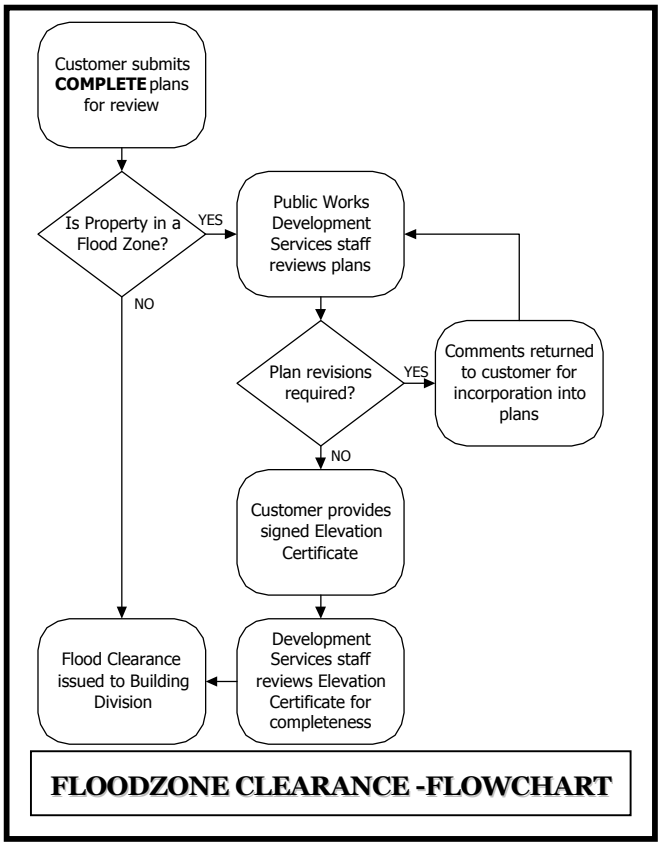
For project sites located within an identified Special Flood Hazard Area or 100-year Flood Zone, a Flood Clearance must be obtained from the Director of Public Works prior to issuance of a building permit for the project.

The Special Flood Hazard Area (SFHA) is the area that would be inundated by the flood having a one-percent chance of being equaled or exceeded in any given year (base flood). SFHAs in San Jose can be located on the City's effective Flood Insurance Rate Maps (FIRMs). These FIRMs are located in the Development Services Division, Department of Public Works, Room 308, City Hall.

The purpose of the Flood Clearance is to provide the Department of Public Works the adequate review to ensure that the proposed project is in compliance with the City's Flood Hazard Ordinance (San José Municipal Code, Chapter 17.08 – Special Flood Hazard Area Regulations).

On August 2, 1982, the City of San José became a participant in the National Flood Insurance Program (NFIP). This Federal program allows a community with defined 100-year Flood Hazards to purchase Flood Insurance if the City adopts and enforces Flood Hazard Ordinances to minimize potential flood losses.

All new construction as well as any improvements to existing structures (additions, interior remodels, etc.) must be reviewed by the Department of Public Works to ensure that these improvements comply with the City's Flood Hazard Ordinance. Any violation of the City Ordinance may compromise the City's ability to purchase Flood Insurance.



INSTRUCTIONS

If your project is within a Special Flood Hazard Area, submit project plans to Development Services Division for review as soon as possible. City Floodplain Management requirements may drastically alter the design of the project. The City's Floodplain Manager resides in the Development Services Division, Department of Public Works, Room 308 City Hall.

Anyone constructing new structures or proposing improvements to existing structures located within SFHAs is required to submit a detailed building construction plan showing the existing onsite improvements and any proposed improvements. Follow the Plan Guidelines shown in

Attachment "A" to aid in the timely review of Building plans and the subsequent processing of a Flood Clearance.

Typical Flood Zone requirements involve raising of a structure's lowest finished floor above the 100-year flood or base flood elevation (BFE) and the proper installation of flood vents for City-approved enclosures below the BFE. Floodplain Management requirements depend highly on the scope and type of the project and the original date of construction of the structure.

If the proposed project is the result of a recently approved Planning Permit, there may be other Public Works requirements (including but not limited to obtaining a Public Works Clearance, Geologic Hazard Clearance, Grading Permit, etc.). Contact the Project Engineer in the Development Services Division assigned to the project for more information.

IMPORTANT
Submit your plans for review ASAP since City's Floodplain Management Requirements may drastically alter your project design.

CATEGORIES

A. FLOOD HAZARD ZONES

For the purpose of obtaining a Flood Clearance, attention should be brought to the three major types of Flood Zones. These three types are as follows:

1. **OUTSIDE THE 100-YEAR FLOOD ZONE**: (Zones B, C, D, X): If the project proposes any construction in these Flood Zones, the City has no Floodplain Requirements. If necessary, Development Services Division staff will complete a Flood Clearance indicating the above.

2. **SURVEY REQUIRED** (Flood Zones AH, AE, A1-30): For new construction or substantial improvement projects in these Flood Zones, an Elevation Certificate (FEMA Form 81-31, current edition) completed by a State-certified Engineer, Architect, or Land Surveyor is required for each building.

3. **NO SURVEY REQUIRED**: (Zones A0, Depths 1, 2, and 3 feet): If the project proposes new construction or substantial improvements in these Flood Zones, the applicant will be required to submit an Elevation Certificate based on the proposed construction drawings. The property owner owner's authorized representative can complete and sign the Elevation Certificate in these Flood Zones, but Development Services Division staff must review this for completeness and accuracy.

For Categories 2 (Survey Required) & 3 (No Survey Required):

Two Elevation Certificates will be required. The first one will be based on "Construction Drawings" (before construction) after Development Services staff reviews plans. The second elevation certificate will be required when construction of the building is complete, based on "Finished Construction", which must be approved by the staff prior to Final Building Inspection.

Elevation Certificate forms and instructions are available at the Development Services Division counter.

If after proper review, Development Services Division staff finds the project's "finished construction" was not built to adhere to the City's Floodplain requirements, the applicant will be responsible (at no cost to the City) to bring the structure and constructed improvements into compliance with the City's Flood Hazard Ordinance.

IMPORTANT
A new Elevation Certificate based on "finished construction" is required prior to Final Building Inspection.

B. TYPES OF IMPROVEMENTS:

For the purpose of obtaining a Flood Clearance, attention should be brought to the following three major categories of construction in the SFHA:

1. **NEW CONSTRUCTION:** All new construction (structures) in SFHAs must comply with the City's Flood Hazard Ordinance. Requirements include the elevation of the lowest finished floor above the 100-year flood or base flood, the proper venting of City-approved enclosures below the base flood elevation, floodproofing (for non-residential construction) to the base flood elevation. Development Services Division staff must review Building Plans for all new structures and the applicant will be required to submit Elevation Certificates.

2. **SUBSTANTIAL IMPROVEMENT:** A substantial improvement is defined as *any repair, reconstruction, rehabilitation, addition, or other improvement to a structure, the total cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement.* If the project is classified as a substantial improvement, the City requires that the structure be brought into full compliance with the City's Flood Hazard Ordinance. This may require the elevation of the structure, the installation of flood vents, and other additional requirements. Calculations to determine if a project is classified as a substantial improvement are performed by Development Services Division staff. Building Plans for all substantial improvements must be reviewed by Development Services Division staff and the applicant will be required to submit Elevation Certificates.

3. **NON-SUBSTANTIAL IMPROVEMENT:** If the project proposes improvement to an existing structure and that improvement is calculated as being less than 50% of the market value of the structure prior to the start of construction of the improvement, then the improvement is classified as Non-Substantial. The City has no Floodplain requirements for non-substantial improvements, but applicants should be aware that the City tracks improvement costs over a 10-year period. In other words, if the cumulative amount of improvements to a structure equals or exceeds 50% of the market value of the structure, then it is considered as substantial improvement and the structure will be required to be brought into compliance with the City's Flood Hazard Ordinance. Therefore, applicants are advised to phase their improvements in such a way as not to hinder or add cost to a potential future project that may be required to comply with the City's Flood Hazard Ordinance.

IMPORTANT
If the cumulative amount of improvements to a structure, over a 10-year period , equals or exceeds 50% of the market value of the structure, then it is considered as Substantial Improvement.

4. **EXEMPTIONS:** Certain constructions are exempt from the City's Flood Hazard Ordinance. Some examples are: installation of landscaping, sidewalks, fences, yard lights, and swimming pools.

PLAN REVIEW

Development Services staff must properly review the building plans and depending on the type and scope of the project, this review can typically take place over the counter.

If there are any minor changes needed, these changes will be marked on the building plan set provided to the Development Services Division staff and this marked plan set must be brought back to the Building Division so that the changes will be reflected in the "Field" and "Office" set copy used in Building.

If major changes are required on the plans, the applicant will be required to revise the building plans and resubmit them to Public Works for further review.

Any modification to the building plans after a Flood Clearance is issued for a project must be coordinated with the Development Services Division.

QUESTIONS?

If you have questions please contact the City's Floodplain Info Line at (408) 535-7803.

SECTION III – CONSTRUCTION

The Construction phase is the actual implementation of a project. Improvements are constructed in the Public right of way, inspected and then final accepted. Acceptance of these improvements transfers ownership to the City of San Jose for future maintenance.

A. INSPECTION

The project inspector is an authorized representative of the City Engineer, acting exclusively for the benefit of the City, authorized to make all necessary inspections of the work performed or being performed, or of the materials furnished or being furnished by the Contractor for conformance to the contract documents.

- Developer/contractor contacts project inspector for pre-construction meeting.
- The Contractor shall notify the inspector at least 24 hours in advance of the time required for inspection services. The project inspector's name and phone number are on the plans.
- Developer/contractor submits materials submittals to inspector for City review prior to starting work.
- A Traffic control plan for work in City streets is required. The City will review the plans and issue a Traffic Safety Order that needs to be kept on site. Any work at and within 200 feet of signalized intersections requires SJPD officers.
- All staking is done by the developer's survey crews – including monuments and streetlight locations. For traffic signals, after the site is USA'd and curb and gutter is installed, the City of San Jose will stake the locations of traffic signal poles, cabinets and controllers.
- Material submittals for traffic signals – if the traffic signal was designed by a consultant, the material submittals are to be reviewed and stamped by the consultant engineer prior to submittal to the City of San Jose for review. Traffic signals will not be staked until the City of San Jose approves the material submittals.
- Street trees to be planted by the developer are staked by the City of San Jose Arborist after the curb and gutter is installed. The developer/contractor contacts the Arborist at 277-4373. The Arborist will stake and provide species and planting specifications. Once trees are planted, the Arborist will inspect the trees and issue an acceptance for the trees.
- If back-up or median island landscaping is involved, a pre-construction meeting will be held with the Landscape inspector who can be contacted at 277-4777. The landscape inspector will inspect landscaping, issue punch lists and acceptance.

IMPORTANT
24 hours advance notice to project inspector is required for all inspection requests.

B. PLAN REVISIONS

An improvement plan becomes a public record when approved by the City. Prior to approval it is the property of the engineer/architect/etc. Once a plan becomes public record, any changes require City approval and are to be done on the original drawing.

Revisions to plans may be required for various reasons. The design change should be based on recommendations made by the developer's engineer and must be approved by the City

prior to revising the original plans. All changes to the original plans must be made by the applicant's engineer and initialed by the City for approval.

The developer's engineer (on behalf of the applicant) will either discuss the change with the Public Works Project Engineer and/or submit a checkprint showing the proposed change. If the proposed change is acceptable, the original drawing will be released from Public Works, Development Services (City Hall, Room 308) to the engineer.

When making changes to the original, cross out or shade the old so that it is still legible and add the new, together with a revision number inside a diamond symbol. Return the changed plan to the Project Engineer in Public Works. Once the Project Engineer has approved the changes, the revised sheet(s) can be duplicated. The engineer should provide the City with copies of the revised sheet(s) and return the original plan, once he has made copies for his client's use.

C. OCCUPANCY

- **No occupancy is allowed until the following are complete and operational: storm, sanitary, and water facilities, driveways and sidewalks, and streetlights and/or traffic signals.**
- Prior to occupancy, if streetlights are not operational, temporary streetlights are to be installed. Temporary streetlight plans showing proposed locations are to be submitted to the project engineer for approval. Once the locations are approved, the developer will obtain a Building Department electrical permit.

IMPORTANT
No occupancy will be allowed until all primary infrastructure is inspected & operational.

D. ACCEPTANCE

When the project inspector and the developer agree that all improvements have been completed and the original plans have been revised to reflect any field changes, the developer is required to request a final inspection. If any deficiencies are identified during the final inspection, a "punch list" is prepared. This list delineates any possible remaining work to be completed. Once the punch list is complete, the City files a Notice of Completion and Acceptance.

Once the Notice of Completion and Acceptance is signed and recorded at the County's Recorders Office, the City will authorize release of the surety used for the project (bonds, CD, or cashier's check). If a Defective Materials and Workmanship bond was required, it will be held for one year to guarantee repair of any defective work within the public right-of-way.