

DEVELOPMENT/USE PERMIT APPLICATION

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

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

ATTENTION: Projects that include new construction or acquisition of real property that involves a change of use may require an [environmental assessment](#) per the California Environmental Quality Act (CEQA), and you may need to obtain the services of a [City-approved consultant](#) to prepare the assessment.

FOR QUESTIONS - Speak with a City Planner at 408-535-3555 during these [phone service hours](#).

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

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

INSTRUCTIONS FOR APPLICATION PACKAGE

FEES

An invoice for application fees will be provided after you submit the required items on the application necessary to provide staff with an accurate calculation of fees. The application is considered rejected until those items required for the application fees are provided and fees are paid pursuant to San José [Municipal Code Section 20.100.120](#). See the [Planning Fee Schedule](#) for fees. Initial fees and payment methods are listed at www.sanjoseca.gov/PlanningApplications. Review of your submittal will not begin until initial fees are paid. Full fees must be paid within 14 days of receiving the invoice.

HOW TO SUBMIT

- An appointment is required to submit this application, schedule one on our [appointment calendar](#). Approximately one week before the appointment, staff will create an [SJePlans](#) account for you and email you a login.
- At least two days before your appointment, upload your project documents to SJePlans, following instructions on page 4 of the [SJePlans User Manual](#). Learn more: [SJePlans FAQs](#).
- Upload all plans, forms and documents as PDF files; see lower part of Planning's [File Naming Conventions](#).

WHAT TO SUBMIT. Provide the following as applicable. Your responses to page 3 may require additional items.

- DEVELOPMENT/USE PERMIT APPLICATION, this form completed and signed
- Complete SECTION 3 of this form OR provide a LETTER OF INTENT from a City-approved environmental consultant ([see list](#)), stating their services have been contracted to prepare the required CEQA document for your project.
- LEGAL DESCRIPTION of the property
- PLAN SET - Follow the [Contents of Plan Sheets Guide](#).
- OPERATIONS PLAN - Include only if applying for a Use Permit; see [Operations Plan example](#).
- [TRANSPORTATION DEMAND MANAGEMENT \(TDM\) CHECKLIST](#) - Include even if project is exempt from TDM requirements. If exempt, Complete Sections 1 and 2 only.

IF THE PROJECT IS FOR NEW CONSTRUCTION, ALSO SUBMIT THE FOLLOWING:

- [STORMWATER EVALUATION FORM](#) - Include even if exempt
- PRELIMINARY TITLE REPORT - Must be dated within six months from date of this application.
- [CITYWIDE DESIGN GUIDELINES CHECKLIST](#) - Not required for single-family homes. Projects in the Downtown Area ([purple area of map](#)) will instead refer to the [Downtown Design Guidelines](#) (checklist forthcoming).
- WRITTEN REQUEST for any exceptions to [Design Guidelines](#) standards (see Guidelines, page 8) that apply to your project.

Staff will assign FILE #

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

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:

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

2. PROJECT DESCRIPTION

2.a. BRIEFLY DESCRIBE THE PROJECT. USE THE TABLE BELOW TO PROVIDE UNITS AND SQUARE FOOTAGE.

| | <i>EXISTING</i> | <i>TO BE DEMOLISHED</i> | <i>PROPOSED</i> |
|-----------------------------|-----------------|-------------------------|-----------------|
| RESIDENTIAL USES IF ANY: | # UNITS: | # UNITS: | # UNITS: |
| NONRESIDENTIAL USES IF ANY: | SQ. FT. : | SQ. FT. : | SQ. FT. : |

2.b. CHECK ALL THAT APPLY TO YOUR PROJECT:

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Alcohol, Off-Sale (Retail) <input type="checkbox"/> Alcohol, On-Site (Drinking Establishment) <input type="checkbox"/> Determination of Public Convenience/Necessity <input type="checkbox"/> Child Care Center or School <input type="checkbox"/> Development within 100 ft. of Streambed <input type="checkbox"/> Drive-Through <input type="checkbox"/> Electrical Power Generator <input type="checkbox"/> Hotel Supportive Housing | <ul style="list-style-type: none"> <input type="checkbox"/> Late-Night Use (Midnight-6:00 a.m.) <input type="checkbox"/> Mobilehome Park Conversion to Another Use <input type="checkbox"/> Mobilehome Park Conversion to Ownership <input type="checkbox"/> Outdoor Uses <input type="checkbox"/> Temporary Outdoor Uses <input type="checkbox"/> Variance or Exception <input type="checkbox"/> Wireless Communication Facility |
|---|--|

3. QUESTIONS

| YES | NO | DOES THE PROPERTY OR SITE ... |
|-----|----|--|
| | | 1. Include three or more new residential units? If yes, then include an AFFORDABLE HOUSING COMPLIANCE PLAN in your submittal. |
| | | 2. Include 5,000 square feet or more of non-residential uses (office, retail, hotel, warehouse, industrial/ R&D, and/or residential care). If yes, then include a COMMERCIAL LINKAGE FEE (CLF) SATISFACTION PLAN in your submittal. |
| | | 3. Develop or redevelop an area? If yes, Does the STORMWATER EVALUATION FORM indicate you to complete the entire form? if the form directs you to to complete the entire form, then you must also complete and include a STORMWATER SUBMITTAL CHECKLIST with your submittal (including all items on the checklist). |
| | | 4. Include deed-restricted residential units affordable to low-income households? If yes, then include a DENSITY BONUS APPLICATION in your submittal if you are requesting a density bonus and/or incentives or waivers allowed under the State Density Bonus Law. |
| | | 5. Involve demolition of any existing residential units on the project site? If yes, then include a completed REPLACEMENT UNIT DETERMINATION FORM in your submittal. |
| | | 6. Involve the demolition of any structure 45 years old or older? If yes, then include a State DPR 523 form, completed by a qualified Historic Consultant , in your submittal. |
| | | 7. Involve a non-residential use adjacent to a residential use or residentially-zoned property? If yes, then a Noise Study may be required. |
| | | 8. Include the removal of any trees greater than 38" in circumference at 4'6" above ground? If yes, then an Arborist Report may be required. |
| | | 9. Does the TRANSPORTATION DEMAND MANAGEMENT (TDM) CHECKLIST indicate a TDM plan is required? If yes, then complete Section 3 of the TDM Checklist, and include a TDM Plan in your submittal. |
| | | 10. Is any part of your project site outside the boundaries of the City of San José? If yes, the City may require annexation. Please submit the GENERAL PLAN CONFORMANCE AND CONTIGUITY/ ANNEXATION STATEMENT to the County. If annexation is required, an ANNEXATION APPLICATION is required with your submittal. |
| | | 11. Will this project, at full build-out, require more than 1 megawatt (MW) of electricity? If yes, please submit this form with San José Clean Energy to support accurate energy forecasting and service planning. |
| | | 12. Does the application include a request to review the project against state law(s)? If yes, please provide a narrative in Section 2.a. above and indicate the applicable state law(s) here: |

4. ENVIRONMENTAL EVALUATION COMPLETE THIS SECTION OR PROVIDE LETTER OF INTENT FROM ENVIRONMENTAL CONSULTANT

4.a. **SITE DEVELOPMENT** (leave blank if not applicable)

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

4.b. **QUESTIONS.** For any items checked yes, please explain in more detail on an attached sheet of paper.

| YES | NO | DOES THE PROJECT ... |
|-----|----|--|
| | | 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> |
| | | Remove any trees? If yes, how many are ordinance-size? How many are non-ordinance-size? How many trees in total are proposed for removal? 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 . |
| | | Involve demolition or alteration of any existing structures on the project site? |

4.c. **PROJECT SCHEDULE.** In the fields below, please enter anticipated 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: |

ARE YOU PROPOSING CONSTRUCTION HOURS BETWEEN 7:00pm and 7:00am or on weekends? YES NO

If Yes, for which days?

And during what hours?

5. 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:

CONSULTANT PHONE:

EMAIL:

6. 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.** The undersigned are all the owners of all the property described in this application.
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 Department of Toxic Substances Control. 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.

• **SIGNATURE** of Property Owner, Qualified Tenant, or acceptable signatory per [SJMC Section 20.100.110](#)

DATE: [MM/DD/YYYY]

PRINT NAME:

TITLE IF APPLICABLE:

FIRM NAME IF APPLICABLE:

EMAIL:

PHONE:

MAILING ADDRESS:

For electronic submittal or virtual appointments, a [Digital ID Signature](#) is required. By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by San José Municipal Code [Section 20.100.110](#).

For signatures by multiple property owners, use the [Affidavit of Ownership-Multiple Owners Form](#).

7. 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

For electronic submittal or virtual appointments, a [Digital ID Signature](#) is required. By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by San José Municipal Code [Section 20.100.110](#).

For signatures by multiple property owners, use the [Affidavit of Ownership-Multiple Owners Form](#).

OFFICE USE ONLY

| | | |
|--------------|-----|----------|
| INTAKE DATE: | BY: | PAID: \$ |
| COMMENTS: | | |