

ANNEXATION APPLICATION



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, DIRECTOR

Planning Division Customers:

Re: Permit Information Update

Thank you for making an investment in San Jose with this development application. The City prides itself on being a leader in Smart Growth, but recognizes that much of that good work is the result of private investment choices made by each of our applicants to locate in San Jose. One of our goals is to help you succeed in your business, so that you can help us with our business.

San Jose's development process is based on our San Jose 2020 General Plan, supplemented by the Zoning Ordinance, and City Council adopted design guidelines and policies. Many of these documents can be found online at our web site listed below. Our staff utilizes these policies to ensure your application is promptly reviewed in a comprehensive manner with the goal of "no surprises" later in the process. Several changes are being made to the way we process development applications filed with the City, with the goal of continuously improving our customer service and overall process.

Processing Time Targets

The City has worked with the development community to establish processing time targets (attached) for many of our applications. These targets are intended to set expectations for City staff and our applicants of how long a given process should take. One important lesson we have learned is that responsive applicants keep their projects moving more successfully through the process. We will manage your project(s) according to these established targets.

If your project does not fit into these general targets we will work with you to identify the best course of action. For example, if your project requires more than a second cycle of plan review, we will schedule a meeting with you and your consultants to discuss the best way to keep the project moving consistent with the standard timelines.

As part of managing the schedule for your project, it is important to understand the overall discretionary review process and relevant milestones, public outreach, and the required environmental review. We will assist you with all aspects of your project, such as coordinating and scheduling a community meeting when one is necessary, or working with you to address the scope and specifics of complicated environmental issues.

Working With Your Project Manager

To provide you the best possible customer service, a project manager has been assigned as your key point of contact in the City's processing of your application. The project manager is responsible for managing your schedule, scheduling meetings, and providing feedback to you and your design

team regarding the various components of your project. In addition, the project manager will facilitate the resolution of key project issues to ensure you get the best possible information and decisions from all City departments in a timely manner. Your project manager has access to department management and upon your request will coordinate the necessary team meetings and decision-making to keep your project moving. This relationship is an important partnership to ensure good communication and a predictable development process – feel free to contact your project manager at any time.

Development Fee Program

One of the outcomes of the review of processing times and the budget for the development fee programs this fiscal year was the reconsideration of our fee structure which was previously set on a flat rate basis. The development review program in San Jose is paid for with the fees collected with application submittals. These fees pay for the City staff working on development projects. As a result of our budget review and working with the development community, a greater effort was made to ensure that fees collected reflect the level of work commensurate with specific classes of projects.

The fees paid for specific development applications now come with general limits of service that staff can provide. For a typical development application, the application fees pay for two cycles of plan review, one community meeting, and an application period not to exceed six months. We have also added surcharges to our fee schedule for those instances where a specific application cannot stay within these general limits. This provision ensures that the standard fee program is not predicated on those unusual projects. Examples of the surcharges now include fees for additional community meetings, additional plan review cycles, and on-file time extensions beyond the standard six months. Previously, our cost recovery efforts related primarily to expenses we incurred in re-noticing applications.

Conclusion

It is important to understand that the development review process works best when there is a partnership between the City and our customers to resolve project issues. While it is occasionally appropriate to agree to disagree, we will work diligently to find solutions that meet your needs so that the City's long-term goals are achieved. If you have questions about the development review process, need help to resolve an issue, or have comments about how we are doing, my Senior and Principal Planners are always available to help you.

Please take the time to fill out the survey forms that you will receive at the conclusion of the process. Your comments and feedback help us improve the way we do our jobs, particularly our service to customers.

Joseph Horwedel
Director of Planning, Building and Code Enforcement
City of San Jose
Web <http://www.sanjoseca.gov/planning>

Project Processing Timeline Goals

<p>30 Days or Less (Assumes Exempt or reuse for CEQA) Dead tree removal approval (TR) Lot Line Adjustment (AT) Sign permits (AD) Single Family House Permit, Category I (SF) Time Extensions (AD)</p>	<p>60 Days or Less (assumes Exempt or reuse for CEQA) Commercial / retail site modifications (H) Historic Preservation Permit (HP) Industrial site modifications (H) Office site modifications (H) Residential addition or conversion (CP) Single Family House Permit, Category II (no council approval) (SF) Time Extension (H, CP, PD, T) Tree Removal no arborist report req'd (TR) Utility Structures (AP)</p>
<p>90 Days or Less (assumes Exempt or reuse for CEQA) Church, school, child care - minor additions, conversions, reuse (CP) Commercial, Industrial w/o significant site issues (PDC, H, CP) Historic Landmark Nomination Off-sale alcohol Exception (CP) Rezoning Conventional Districts (C) SFDR permit and subdivision (PD, PT, T) Tentative Map (T) Tree Removal w/ arborist report req'd & illegal removals (TR) Variance (V)</p>	<p>120 Days or Less (assumes Exempt, reuse or ND for CEQA) Car Dealership (CP) Gas Stations (CP) High Density Residential (3 stories or less) permit and subdivision (PD, PT, T) Historic Landmark Preservation Agreement Hotels / motels less than 100 rooms (H, PD) Industrial / retail minor additions (H) Nightclub / Bar (CP) Residential zoning less than 200 units (PDC) Small Churches, Child Care (CP)</p>
<p>180 Days or Less (assumes ND for CEQA) High Density Residential (>3 stories) permit and subdivision (PD, PT, T) Hillside development (PDC, PD) Hotels / motels more than 100 rooms (H, PD)</p>	<p>180 Days or More (assumes EIR or Complex ND for CEQA) Any project requiring preparation of and EIR Commercial, Industrial w/ significant site issues (PDC, H, CP) Large Public / Quasi Public uses (PDC, CP) Residential zoning greater than 200 units (PDC)</p>
<p>Project Milestone Processing Goals</p> <ul style="list-style-type: none"> • Comments for major applications sent in 30 days ~ 95% • Comments for other applications sent in 30 days ~ 70% • 2nd Round Comments for major projects sent 2 weeks ~75% • Draft Permit to applicant 1 week prior to hearing ~ 95% • Permit signed within 3 days of hearing ~ 95% • Projects with 2 or fewer reviews to hearing ~ 90% 	

INSTRUCTIONS FOR FILING AN ANNEXATION APPLICATION

INSTRUCTIONS

Please prepare the maps, forms, and required information below and return, by appointment, to the Development Services Center. Applications will only be accepted for processing if they are complete.

IMPORTANT NOTES:

It is very important that any applicant proposing to file an annexation application **CONTACT Planning Divisions staff PRIOR to filing an application.** The staff must determine the necessity for the inclusion of any "residual" parcels in the application. The provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 - Section 56757(c) and the policies of the Local Agency Formation Commission (LAFCO) require the annexation of residual parcels when the proposed annexation would create an "island" of unincorporated territory.

1. **Completed Application Forms.** A separate application must be filed for each site, which may comprise one or more contiguous parcels. The application must be signed by all owners of the parcels included in the site or by a person having the lawful power of attorney or by a qualified tenant. The applicant may designate an agent who has full authority to act on behalf of the applicant, except that the agent may not sign the application, acceptance or withdrawal. Original signatures are required.

All applications must include the following for the area to be annexed: a legal description (**metes and bounds**), and an annexation map identifying the area proposed for reorganization/annexation, a listing of all addresses within the site and an estimate of the population. This map must meet the requirements of the Santa Clara County Surveyor. A **SAMPLE MAP** of this map is attached to this application.

If you have not prepared an annexation map before, you may wish to contact the County Surveyor's Office at (408) 299-5730 for further information. The County Surveyor's recommends that a licensed Land Surveyor or a registered Civil Engineer prepare the annexation maps and legal description. Please note that the State Board of Equalization has revised the requirements for the preparation of maps and legal descriptions for annexations effective July 1, 1995. You may wish to contact the County Surveyor's Office for further information concerning the new requirements.

2. **County Assessor's Parcel Map.** Provide a copy of the Assessor's Parcel Map (APN) showing the subject property. This map can be obtained from the County Assessor's Office at 70 West Hedding Street, 5th Floor or from the Development Services Center at 200 East Santa Clara Street.
3. **Prezoning.** Prezoning is a prerequisite for annexation of property to the City of San José. Typically, the applicant will file the prezoning application prior to, or concurrent with, the annexation application. Property zoned agricultural in the county may be annexed with an Automatic A-Agricultural zoning. If you believe this provision is applicable to your property, please indicate on your application.

4. **Environmental Review.** An Environmental Clearance Application must be filed with the annexation application, unless the annexation has been included in the environmental review for the prezoning of the subject site.

In some instances, an annexation may be exempt from environmental review. Please contact the annexation staff for clarification.

- 5a. **Application Fees.** An application fee and the **County Surveyor's fee** for certifying the Annexation map and legal description should be submitted at the time of filing (see fee schedule).
- 5b. **Public Noticing Fee.** A Public Noticing Fee cannot be estimated until the consent status of the Annexation is determined. The Project Manager determines the consent status of the Annexation after filing of this application.

Note: *Public Noticing Fees may vary depending on the consent status of the Annexation. All fees identified by the Project Manager shall be due 25 days prior to the Initiation Hearing and/or Public Hearing Date.*

'Not 100%' Consent Annexations (annexation that does not have consent from all landowners in affected area):

Public Noticing and Newspaper fees are required prior to initiation of the Annexation. In addition to the above, a second Newspaper Noticing Fee is required prior to the Protest Public Hearing.

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

For '100%' **Consent Annexations** (annexations that have consent from all landowners in affected area):

Public Noticing Fees are not required. However, if a protest is received prior to or before the close of the Public Hearing, a Newspaper Noticing fee is required prior to the Hearing for the Protest.

PROCESSING SCHEDULE (without LAFCO Public Hearing)

Planning Staff:

- Verifies that a Rezoning application for the site is on file.
- Checks the application for completeness.
- Logs in application, assigns a File Name and collects application fees.
- Reviews application with other City departments and obtains any pertinent data.
- Makes a field inspection.
- Sends a copy of the map and legal description to the County Surveyor for certification.
- Prepares a recommendation to the City Council.

City Council:

- Initiates annexation and sets a hearing date.
- Approves or denies the application after the effective date of the rezoning ordinance.
- If owner(s) of 50% or more of the total assessed value of land within the territory oppose the annexation in writing, then the proceedings are terminated.

LAFCO Staff:

- If approved, prepares Certification of completion and records reorganization with County Recorder. Transmits certificate to City Clerk. Effective date is date of recordation.

Planning Staff:

- Stamps official annexation date (recorded date) on maps and prepares new annexation memo for Director's signature.

PROCESSING SCHEDULE (with LAFCO Public Hearing)

Note: This procedure is only required if Annexation is proposed outside the Urban Service Area (USA).

Planning Staff:

- Verifies that a Rezoning application for the site is on file.
- Checks the application for completeness.
- Logs in application, assigns File Name and collects application fees.
- Reviews application with other City departments and obtains any pertinent data.
- Makes a field inspection.
- Sends a copy of the map and legal description to the County Surveyor for certification.
- Prepares a recommendation to the City Council.

City Council:

- Makes application to LAFCO

LAFCO Staff:

- Reviews annexation request and prepares recommendation to LAFCO.

LAFCO:

- Approves, conditionally approves or denies annexation.

City Council:

- Adopts resolution of annexation if LAFCO approves.

LAFCO Staff:

- If approved, prepares Certification of completion and records reorganization with County Recorder. Transmits certificate to City Clerk. Effective date is date of recordation.

Planning Staff:

- Stamps official annexation date (recorded date) on maps and prepares new annexation memo for Director's signature.

**INDEMNIFICATION AGREEMENT
FOR DEVELOPMENT APPLICATIONS**

Applicant submitted an application to the City of San José Planning Division on _____, 201__ 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 application(s) by City; and/or
 - b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, 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.

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.

5. 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 its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

APPLICANT:

By: _____
(Signature)

(Print)

Date: _____

Its: _____
(Title, if any)

ANNEXATION APPLICATION

TO BE COMPLETED BY A PLANNING STAFF		
ANNEXATION NAME	COUNCIL DISTRICT	RECEIPT # _____
PROJECT LOCATION		AMOUNT _____
PROPOSED ZONING		DATE _____
		BY _____

TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)
--

This proposal is made pursuant to the Cortese-Knox Local Government Reorganization Act of 1985

PROPERTY LOCATION	PREZONING FILE NUMBER/ ORDINANCE NUMBER	
COUNTY ZONING/ CITY GENERAL PLAN DESIGNATION		
ASSESSOR'S PARCEL NUMBER(S) (APN)	ACREAGE	
EXISTING AND PROPOSED USE OF PROPERTY <i>(Please attach additional pages, if necessary)</i>		
APN ____ - ____ - ____	EXISTING USE _____	PROPOSED USE _____
APN ____ - ____ - ____	EXISTING USE _____	PROPOSED USE _____
WILLIAMSON ACT STATUS <i>(Active, under Non-Renewal)</i>		
APN ____ - ____ - ____	CONTRACT NO. _____	STATUS _____
APN ____ - ____ - ____	CONTRACT NO. _____	STATUS _____
PLEASE IDENTIFY ELEMENTARY, SECONDARY, OR UNIFIED SCHOOL DISTRICTS: _____		

THE FOLLOWING EXHIBITS ARE ATTACHED HERETO AND MADE A PART THEREOF BY REFERENCE.

- Legal Description (Metes and Bounds) of Annexation site - EXHIBIT A
- Map of the area proposed for reorganization/annexation meeting the requirements of the County of Santa Clara Surveyor - EXHIBIT B *(Sample map attached)*

THE NATURE OF THIS PROPOSAL IS ANNEXATION TO THE CITY OF SAN JOSE AND DETACHMENT FROM _____ AND _____
City/County Special District(s)

THE SUBJECT TERRITORY WHICH IS PROPOSED TO REORGANIZED IS:
 UNHABITED (11 or fewer registered voters) INHABITED (12 or more registered voters)

THE REASON(S) FOR THIS ANNEXATION ARE AS FOLLOWS: *(e.g. connection to City of San Jose Municipal services, development of 12 single family detached residential units)*

IF THE ANNEXATION WILL INVOLVE RESIDUAL PROPERTIES, PLEASE PROVIDE THE FOLLOWING INFORMATION:
(Please attach additional pages, if necessary)

Assessed Value (LAND ONLY according to last equalized tax roll) for each APN included in the annexation site.
 APN ____ - ____ - ____ \$ _____

THE SUBJECT TERRITORY IS LOCATED WITHIN THE CITY'S URBAN SERVICE AREA: YES NO

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

There are three sections for signatures. **Section 1** must be signed by the petitioners, please identify if the proposal is 100% consent. If the proposal is not 100% consent, then the information must be provided for **Section 2**. If the annexation is inhabited, then **Section 3** must be completed.

SECTION 1

PETITIONERS

THE UNDERSIGN PROPONENT(S) OWN 100% OF THE SUBJECT TERRITORY PROPOSED FOR ANNEXATION **IF RESIDUAL PARCELS ARE INCLUDED, SECTION 2 MUST BE FILLED OUT.**

NAME OF PROPERTY OWNER (Please Print or Type)		APN	
SIGNATURE OF PROPERTY OWNER		DATE	
NAME OF PROPERTY OWNER (Please Print or Type)		APN	
SIGNATURE OF PROPERTY OWNER		DATE	
NAME OF PROPERTY OWNER (Please Print or Type)		APN	
SIGNATURE OF PROPERTY OWNER		DATE	
NAME OF PROPERTY OWNER (Please Print or Type)		APN	
SIGNATURE OF PROPERTY OWNER		DATE	

SECTION 2 (NOT 100% CONSENT)

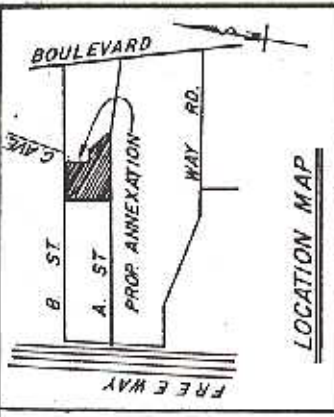
NAME OF PROPERTY OWNER		APN	
MAILING ADDRESS OF PROPERTY OWNER	CITY	STATE	ZIP CODE
NAME OF PROPERTY OWNER		APN	
MAILING ADDRESS OF PROPERTY OWNER	CITY	STATE	ZIP CODE
NAME OF PROPERTY OWNER		APN	
MAILING ADDRESS OF PROPERTY OWNER	CITY	STATE	ZIP CODE
NAME OF PROPERTY OWNER		APN	
MAILING ADDRESS OF PROPERTY OWNER	CITY	STATE	ZIP CODE

If necessary, the information may be supplied on separate sheets (NOTE: signatures are not required for public property, public rights-of-way, easements, or waterways)

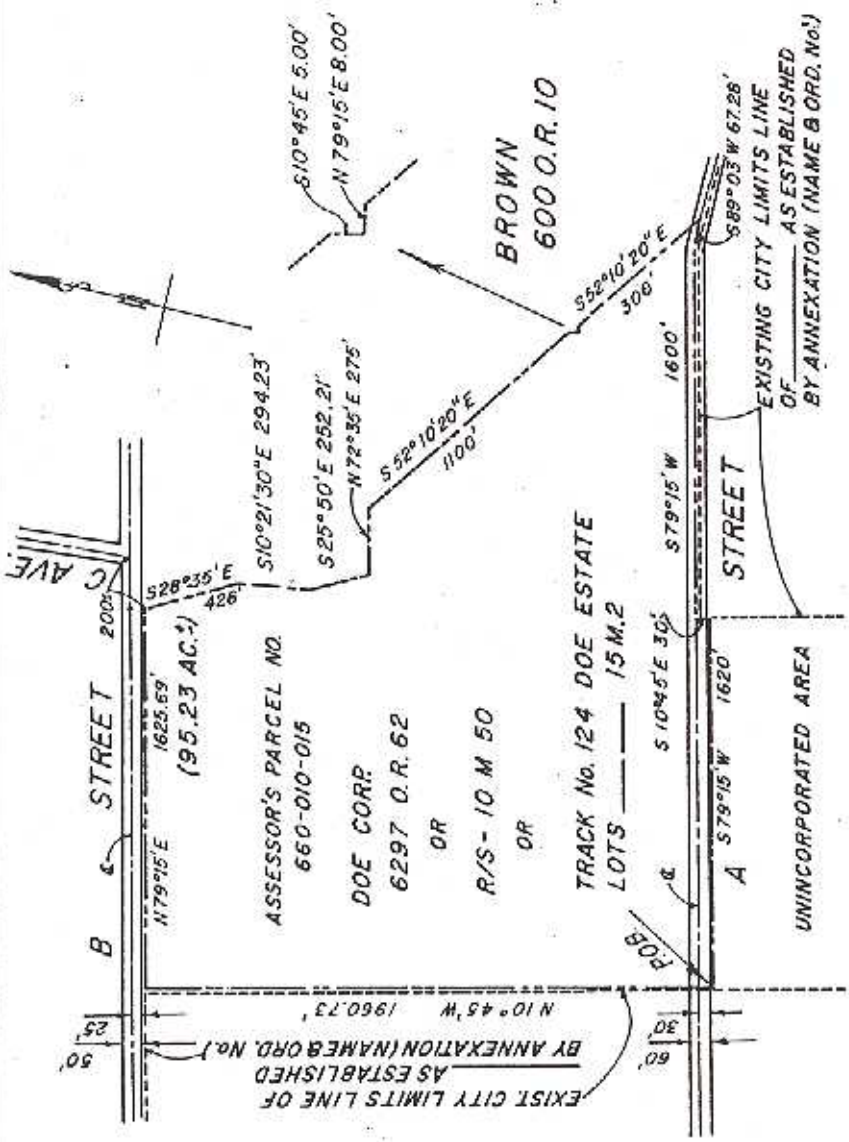
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

SECTION 3			
IF THE SUBJECT TERRITORY IS INHABITED (12 OR MORE REGISTERED VOTERS), PLEASE INDICATE BELOW THE NAME AND ADDRESS FOR ALL REGISTERED VOTERS.			
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
CONTACT PERSON			
NAME (Please Print or Type)			
DAYTIME TELEPHONE # ()	FAX NUMBER ()	E-MAIL ADDRESS	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.



SAMPLE MAP



————— BOUNDARY LINE OF
 - - - - - PROPOSED ANNEXATION
 - - - - - EXISTING CITY LIMITS LINE

EXHIBIT B

PROPOSED ANNEXATION
 TO _____
ENTITLED _____

DATE _____
 BY _____

SCALE _____

- MAP REQUIREMENTS:**
1. OVERALL MAP SIZE
MIN. - 8.5" X 11"
MAX. - 11" X 17"
 2. USE AND SHOW ADEQUATE MARGINS.
 3. TITLE BLOCK (MIN. REQUIREMENTS AS SHOWN)
 4. LEGEND AND NORTH ARROW
 5. LOCATION MAP
 6. SHOW EXISTING CITY LIMITS, ANNEXATION NAME AND ORDINANCE NUMBER.
 7. SHOW POINT OF BEGINNING OF DESCRIPTION
 8. WHEN PROPOSING TO SPLIT LINES OF ASSESSMENT, INDICATE BOUNDARIES OF ORIGINAL PARCEL.
 9. SHOW ALL BEARINGS, DISTANCES, LOT NUMBERS, AND REFERENCES USED IN THE DESCRIPTION
 10. SHOW ASSESSORS PARCEL NUMBERS
 11. SHOW AREA OF ANNEXATION IN ACRES
 12. SHOW ALL ROADS AND WIDTH OF ROADS.

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.