

LOT LINE ADJUSTMENT PERMIT 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, and can be reached at (408) 535-7800.

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 A LOT LINE ADJUSTMENT APPLICATION

INSTRUCTIONS

Please complete the attached application and return it, in person, to the Department of Planning, Building and Code Enforcement, along with:

Note: A maximum of four adjoining parcels can be considered in an application.

1. **1 original and 1 copy** of the following: *(Prepared by a Licensed Land Surveyor or Civil Engineer authorized to practice land surveying pursuant to the Professional Land Surveyor's Act)*

- **Plot Plan.** A legible plot plan showing the dimensions of the existing and proposed parcel boundaries, building envelopes and setbacks. Boundaries for all parcels proposed to be reconfigured are to be shown in their entirety. If more than one sheet is needed, a key map showing all subject parcels is required. The plan should be drawn to scale, dated and titled on 8 1/2" x 11" size paper. (See "Example Plat")
- **Legal Description.** A legible description for each of the properties describing the properties and the area to be added and subtracted. Label both the plot plan and the legal description Exhibit "A". The plot plan should state, lot line adjustment for _____ *(insert name of owner or other suitable title)*. If there is more than one transfer area, then caption each as "Transfer Area 1, Transfer Area 2", etc. (See "Example Legal Description").

2. An Affidavit of Ownership form (included in this application). All signatures must be **notarized**. A notary form must be attached with this application.

3. **Title Report.** Two (2) copies of the preliminary title report for all property subject to this application, dated within 90 days.

4. A brief statement on a separate sheet of paper stating the reason for this application.

5. **Environmental Documentation.** A complete application for the appropriate environmental documentation (an Environmental Exemption is the usual form required).

6. **Fees.** An application fee (see application fee schedule). Recording fees will be collected by the County Recorder following application approval.

Note: This permit shall be null and void without further act of the City of San Jose in the event that said permit is not recorded with the Grant Deed conveying the real property within 6 months (180 days) of the date of approval of said permit by the Director of Planning.

If the certified Plot Plan or Legal Description included as a part of the approved Lot Line Adjustment permit is incorrect, the responsibility for refileing a Lot Line Adjustment application or Lot Line Correction and appurtenant fee shall be paid by the applicant. The correction to a certified plot plan or legal description referenced in an approved Lot Line Adjustment (recorded or pending recordation) can be permitted through a Lot Line Correction, if the correction meets the provisions of Section 19.40.120, of Title 19. Otherwise, a Lot Line Adjustment application will need to be submitted. The City will not waive the fee associated with a new Lot Line Adjustment application.

PROCESSING SCHEDULE

Planning Staff:

- Logs in application, assigns File Number (AT xx-yy-zzz) and collects application fees plus appropriate environmental documentation fees.
- Checks application to confirm that each owner who is party to the request has signed the Affidavit of Ownership form.
- Reviews application pursuant to Section 19.08.440, of Title 19 & reviews with other City Departments and obtains any pertinent data.
- Processes environmental document.
- When necessary, makes field inspection.
- Prepares a recommendation to the Director of Planning.

**PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.
THIS APPLICATION APPOINTMENT IS LOCATED ON THE 3RD FLOOR OF CITY HALL.**

Director of Planning:

- Reviews the recommendations and approves or denies the requested Lot Line Adjustment with the requirement stating as follows:
 - If approved, a letter is sent to the engineer/applicant and property owner(s). The letter is to inform them that their Adjustment was approved and now requires simultaneous recordation by the property owner with the corresponding Grant Deeds within 6 months (180 days). An “endorsed” copy of the

recorded Grant Deed, Lot Line Adjustment Permit with plot plan and legal description are required to be returned by the applicant to the Planning Divisions. After this date, the permit becomes invalid.

- If denied, copies are sent to the engineer/applicant and property owner(s).
- There is no appeal process for a Lot Line Adjustments, however, if the Director denies the request, it may be possible to apply for a Tentative Map to accomplish your request.

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EXAMPLE OF LEGAL DESCRIPTION

EXHIBIT "A"
LOT LINE ADJUSTMENT FOR
LANDS OF _____

PARCEL A

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being more particularly described as follows:

All of Lot 47, Tract No. 2238. Fairglen Addition, Unit No. 1 recorded October 28, 1958 in Book 99 of Maps at page 15, Santa Clara Records.

and, in addition thereto, the following area:

Beginning at the most northerly common corner of Lot 47 and Lot 48, as said common corner and lots are shown upon that certain Tract No. 2238, Fairglen Addition, Unit No. 1 recorded October 28, 1958 in book 99 of Maps at page 15, Santa Clara County Records.

Thence, from said Point of Beginning, South 8°57'46" West, 99.20 feet along the common boundary between said Lots 47 and 48.

Thence, North 8°00'19" West, 83.69 feet to a point in the northwesterly line of said Lot 47;

Thence, North 60°49'15" East, 31.05 feet along said northwesterly line to the Point of Beginning.

Containing 11,724.90 square feet of land, more or less.

PARCEL B

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being more particularly described as follows:

All of Lot 8, Tract No. 2238. Fairglen Addition, Unit No. 1 recorded October 28, 1958 in Book 99 of Maps at page 15, Santa Clara Records.

and, excepting therefrom, the following area:

Beginning at the most northerly common corner of Lot 47 and Lot 48, as said common corner and lots are shown upon that certain Tract No. 2238, Fairglen Addition, Unit No. 1 recorded October 28, 1958 in book 99 of Maps at page 15, Santa Clara County Records.

Thence, from said Point of Beginning, South 8°57'46" West, 99.20 feet along the common boundary between said Lots 47 and 48.

Thence, North 8°00'19" West, 83.69 feet to a point in the northwesterly line of said Lot 47;

Thence, North 60°49'15" East, 31.05 feet along said northwesterly line to the Point of Beginning.

Containing 11,724.90 square feet of land, more or less.



CITY OF SAN JOSE

Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

LOT LINE ADJUSTMENT APPLICATION

TO BE COMPLETED BY PLANNING STAFF				
FILE NUMBER AT	COUNCIL DISTRICT	ZONING	QUAD #	RECEIPT #: _____
LOCATION				AMOUNT: _____
				DATE: _____
				BY: _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ASSESSOR'S PARCEL NUMBER(S)	EXISTING USE OF PROPERTY:

NET ACREAGE OF EACH PARCEL AS IDENTIFIED ON EXHIBIT "A" PLAT **BEFORE AND AFTER** LOT LINE ADJUSTMENT
 (IF THERE ARE ADDITIONAL PARCELS, ATTACH A SEPARATE SHEET TO PROVIDE THAT INFORMATION.)

PARCEL A: APN _____ PARCEL B: APN _____ PARCEL C: APN _____

ACREAGE before _____ ACREAGE before _____ ACREAGE before _____

ACREAGE after _____ ACREAGE after _____ ACREAGE after _____

The name, address, license number and telephone number of the **Licensed Land Surveyor** or **Civil Engineer** who prepared the attached Exhibit "A" is as follows:

PRINT NAME OF SURVEYOR OR ENGINEER	NAME OF FIRM, IF APPLICABLE	LICENSE #
ADDRESS	CITY	STATE
		ZIP CODE
DAYTIME TELEPHONE # ()	FAX # ()	E-MAIL ADDRESS

CONTACT PERSON (if other than the Engineer or Land Surveyor listed above)		
PRINT NAME OF CONTACT PERSON	NAME OF FIRM, IF APPLICABLE	
ADDRESS	CITY	STATE
		ZIP CODE
DAYTIME TELEPHONE # ()	FAX # ()	E-MAIL ADDRESS

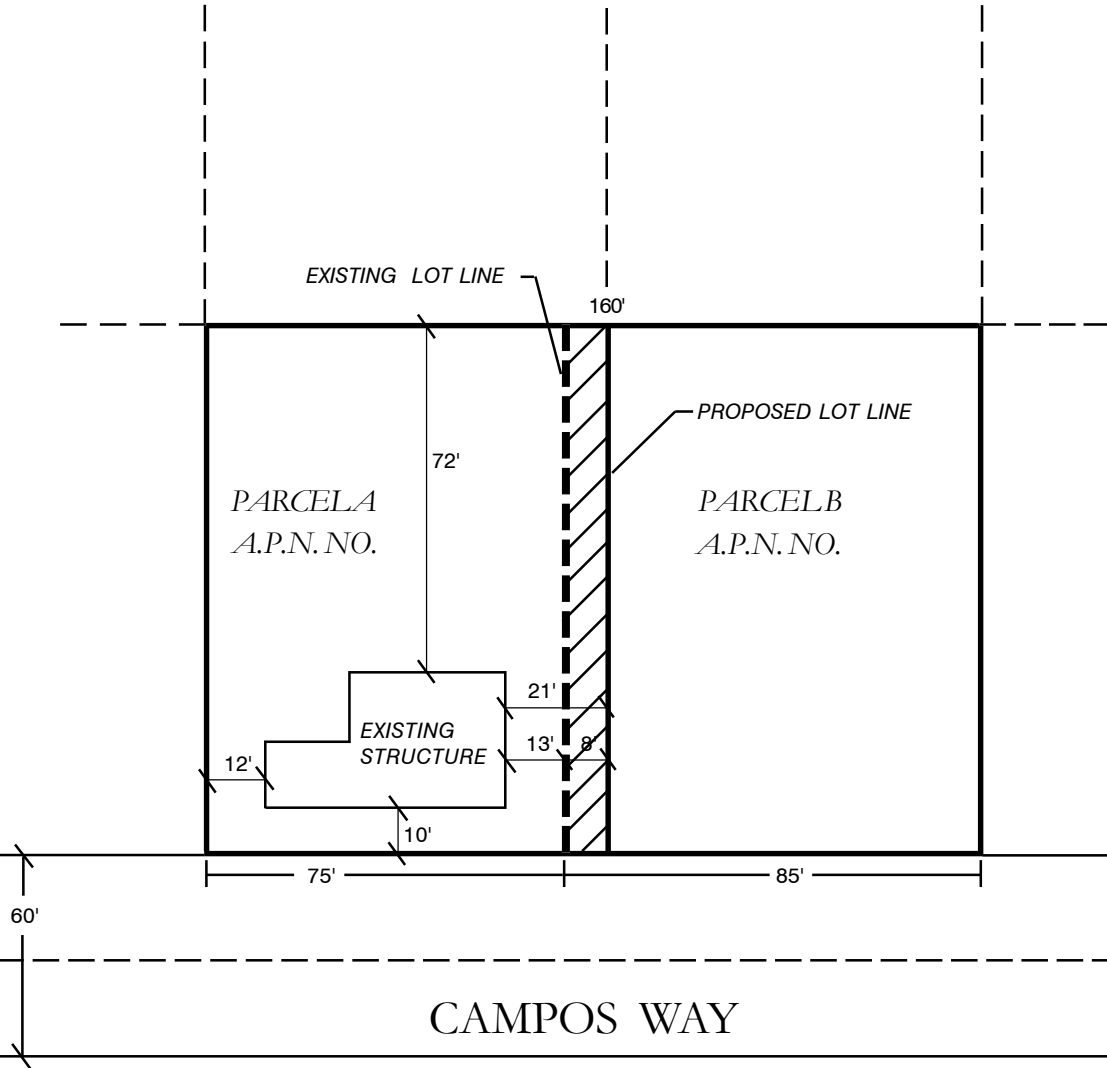
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AFFIDAVIT OF OWNERSHIP

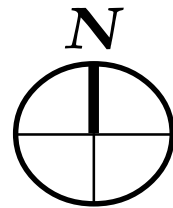
That I(we) am(are) the owner(s) of the property for which a Lot Line Adjustment approval is sought or have the lawful Power of Attorney therefore. All signatures must be notarized. Please attach the notary form.			
PRINT NAME OF PROPERTY OWNER & APN		DAYTIME TELEPHONE # ()	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER & APN		DAYTIME TELEPHONE # ()	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER & APN		DAYTIME TELEPHONE # ()	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER & APN		DAYTIME TELEPHONE # ()	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE		DATE	
PRINT NAME OF PROPERTY OWNER & APN		DAYTIME TELEPHONE # ()	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE		DATE	
If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.			

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EXAMPLE PLAT



LOT SQUARE FOOTAGE	PARCEL A	PARCEL B
EXISTING	8250	9350
PROPOSED	9130	8470



PROPERTY TO BE TRANSFERRED

LOT LINE ADJUSTMENT PLAT, EXHIBIT "A" LANDS OF CAMPOS, ET AL

TITLE OF PLAT _____
 ENGINEERING COMPANY _____
 ADDRESS _____
 PHONE NUMBER _____
 ENGINEER'S LICENSE NO. SEAL _____

DATE _____
 SCALE _____
 PAGE ___ OF ___

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