

## SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION

<b>PROPERTY OWNER'S NAME</b> COUNTY OF SANTA CLARA	Phone 408-299-5155	Email	Prefer correspondence: Email <input checked="" type="checkbox"/> Mail <input type="checkbox"/>
Mailing Address 70 W. HEDDING, EAST WING, 11 <sup>th</sup> FLOOR	City SAN JOSE	Zip 95110	
<b>APPLICANT OR APPELLANT NAME</b> SANTA CLARA COUNTY FAIRGROUNDS MGMT. CORP.	Phone 408-494-3114	Email aandrade@thefair.org	Prefer correspondence: Email <input checked="" type="checkbox"/> Mail <input type="checkbox"/>
Mailing Address 344 Tully Road	City San Jose	Zip 95111	
<b>ADDRESS OF SUBJECT PROPERTY:</b> 344 Tully Road, San Jose, CA 95111		APN: 497-38-016	
<b>EXISTING USE OF PROPERTY:</b> Fairgrounds		<b>ACCESS RESTRICTIONS</b> (gate, dog, etc.): Gate	
The <b>ACKNOWLEDGEMENTS AND AGREEMENTS FORM</b> on the reverse side of this application must be completed and signed by the property owner(s).			

### FOR DEPARTMENT USE ONLY

**FILE NUMBER:** \_\_\_\_\_

**PROJECT DESCRIPTION:** \_\_\_\_\_

APPLICATION TYPES	FEE(S)	COMMENTS / SUBMITTAL MATERIALS
Architecture and Site Approval / ASX		
Building Site Approval / BA (Urban / Rural)		
Certificate of Compliance		
Design Review / DRX		
CEQA (EA / Cat Ex / Prior CEQA / EIR)		
Compatible Use Determination (WA / OSE)		
Geologic Report / Letter		
Grading Approval / Abatement		
Lot Line Adjustment / Lot Merger		
Pre-Screening		
Special Permit		
Subdivision		
Use Permit		
Variance		
Other		
<b>TOTAL FEES</b>		

**Application fees are not refundable.**

Submittal reviewed and received by: \_\_\_\_\_  
Date: \_\_\_\_\_

Coordinates: X \_\_\_\_\_ Y \_\_\_\_\_  
Zoning: \_\_\_\_\_  
General Plan: \_\_\_\_\_  
Parcel Size: \_\_\_\_\_

USA / SOI \_\_\_\_\_  
WA / OSE / HCP \_\_\_\_\_  
Early Outreach: L1 / L2 \_\_\_\_\_  
Previous Files: \_\_\_\_\_

## ACKNOWLEDGEMENTS AND AGREEMENTS

FILE NUMBER: \_\_\_\_\_

### I. INDEMNITY

#### **Applies to all Planning applications.**

As it relates to the above referenced application, pursuant to County of Santa Clara Ordinance Code Section A33-6, except where otherwise expressly prohibited by state or federal law, I hereby agree to defend, indemnify and hold harmless the County and its officers, agents, employees, boards and commissions from any claim, action or proceeding brought by any person or entity other than the applicant ("third party") against the County or its officers, agents, employees, boards and commissions that arises from or is in any way related to the approval of this application, including but not limited to claims, actions or proceedings to attack, set aside, void or annul the approval. If a third-party claim, action or proceeding is filed, the County will promptly notify the applicant of the claim, action or proceeding and will cooperate fully in the defense. Notwithstanding the above, the County has the right to participate in the defense of any claim, action or proceeding provided the County bears its own costs and attorney fees directly associated with such participation and defend the action in good faith. The applicant will not be required to pay or perform any settlement unless the applicant agrees to the settlement.

### II. FEES

#### **Applies to hourly billable application types. Refer to Department of Planning and Development fee schedule.**

- a. I/We the Owner(s) of the subject property, understand that my/our application requires payment of a minimum non-refundable fee, plus additional funds when staff hours devoted to the application exhaust the initial payment. Staff hours are billed at the hourly rate in effect at the time the staff hours are accrued.
- b. Typical tasks charged to an application include, but are not limited to, the following: intake and distribution of application, staff review of plans and other relevant materials; correspondence; discussions/ meetings with owner, applicant and/or other interested parties; visits to the project site by authorized agency staff; file maintenance; environmental assessment; staff report preparation; agenda and meeting preparation; meeting attendance; presentations to boards, commissions, and community groups; contract administration.
- c. The minimum nonrefundable fees for development applications are based on staff billing rates and staff hours needed to process a typical application. Staff hours may exceed a base application fee (requiring additional billing) due to project complexity and public interest on a project. This could include the need to review technical reports, conduct several meetings with the owner / applicant, and respond to public inquiries.
- d. Invoiced fees are due within 30 days of the date on the billing letter. **Fees not paid within 30 days are considered late and are subject to collection at the expense of the Owner.** While such fees are outstanding, the Planning Office reserves the right to cease all work on a project until said fees are paid in full.
- e. Any fees not paid within 45 days of invoicing shall be subject to interest charged at a rate equal to that earned by the County Treasury investment pool for that period.
- f. The owner and applicant are encouraged to periodically check on the status of their projects and fees. Questions regarding the status of hours charged to an application may be addressed to the planner assigned to the project.
- g. For more information on Planning Office application fees and how they are calculated, visit the County Planning Office web site at <https://plandev.sccgov.org/home>.

### III. NOTICE OF LEVINE ACT AND COUNTY OF SANTA CLARA LOBBYIST ORDINANCE

#### **Levine Act Disclosure Requirements for Parties to a Proceeding**

California Government Code section 84308 ("Levine Act") requires a party to a proceeding involving a license, permit, or other entitlement for use to disclose any contribution of more than \$250 that the party (or their agent) has made to an elected or appointed official within the prior 12 months. The Levine Act also prohibits, during the proceeding and for 12 months following a final decision, a party (or their agent) from making a contribution of more than \$250 to any elected or appointed official who may participate in the proceeding.

For applications processed by the Department of Planning and Development, the Levine Act Form must be completed by the party (or the party's agent) to a license, permit, or other entitlement for use at the time the party files an application for a license, permit, or other entitlement for use with the Department of Planning and Development. The requirement to submit the Levine Act Form applies where a party (or that party's agent) has contributed more than \$250 to a member of the Board of Supervisors or member of the Planning Commission if they may participate in the proceeding.

The party (or their agent) must submit a supplemental form if they make any new reportable contributions while the license, permit, or other entitlement for use is being processed and considered. The party (or their agent) must also use the Levine Act Form if they need to correct any previously submitted form. The completed form submitted to the County of Santa Clara is a public record.

To complete and submit the Levine Act Form, please visit: <https://boardclerk.sccgov.org/mandated-filings/levine-act-disclosure>

**County of Santa Clara Lobbying Ordinance**

County of Santa Clara Ordinance Code sections A3-61 to A3-69 requires lobbyists, including land use lobbyists, to register with the Clerk of the Board and report their lobbying activities on a quarterly basis to the County of Santa Clara ("County"). In addition, a land use lobbyist is required to update their lobbyist reports between 7 and 21 days prior to any meeting or public hearing regarding a major land use approval they have attempted to influence.

A land use lobbyist is any person who, during any consecutive 12-month period, does either of the following: (1) makes payments or incurs expenditures in the aggregate amount of \$5,000 or more attempting to influence a major land use approval; or (2) spends an aggregate amount of 10 or more hours of compensated time attempting to influence a major land use approval, including time spent by officers, employees, agents, and members. A major land use approval is any legislative or administrative action by the County on an application relating to: (1) construction, demolition, alteration, development, or use of property in the unincorporated county that, if approved, would affect, in the aggregate, more than 25,000 gross square feet of existing, approved, or proposed buildings or structures; (2) the surface mining operation or reclamation of mined lands involving the disturbance or reclamation of more than 25,000 gross square feet of land; or, (3) any subdivision containing five or more parcels or condominiums.

The applicant or appellant for any major land use approval must certify, on a form provided by the Clerk of the Board and filed with the Clerk of the Board, that it has complied with the land use lobbyist disclosure requirements prior to each meeting or public hearing at which an action relating to the major land use approval, or any component thereof, will be on the agenda. The application for any major land use approval will be suspended at any time the applicant does not comply with the requirements of the registration and disclosure requirements. During the suspension period, the Department of Planning and Development will cease all work on the application.

For additional information on registration and quarterly disclosure requirements for lobbyists, please visit: <https://boardclerk.sccgov.org/mandated-filings/lobbyist-filings>.

**IV. APPLICATION AUTHORIZATION AND AGREEMENT TO PAY**

I (We), the Owner(s) of the subject property, hereby authorize(s) the filing of this application and on-site visit by authorized staff. In addition I (We) acknowledge and understand the information above related to fees and agree to pay all application fees. I (We) certify and accept the terms and conditions as described above.

<b>OWNER'S NAME(S)</b> (Please Print)	
<i>Abraham Andrade</i>	
<b>OWNER'S SIGNATURE(S)</b>	<b>DATE</b>
<i>Abraham Andrade</i>	11/7/2023

Revised 09/12/2023

Department of Planning and Development