

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



September 28, 2020

Rodney Nielson
2715 S. White Road
San Jose, CA, 95148

FILE NUMBER: PLN19-0177
SUBJECT: Building Site Approval Application
SITE LOCATION: 0 Metcalf Road, CA (APN: 627-12-013) Lot 1
DATE RECEIVED: August 20, 2020

Dear Mr. Nielson:

Your application for Building Site Approval has received on the above date and is deemed **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made via the internet, to do so, follow the instructions at the following URL: <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/Permits.aspx>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and / or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, Planning Office personnel will distribute the plans, reports, etc. to the appropriate staff or agency for their review.

If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that item. He or she represents a specialty or office and can provide details about the requested information.

AS NOTED ABOVE, PRIOR TO RESUBMITTAL PLEASE E-MAIL ME TO DISCUSS THE PROCESS.

Please submit one (1) electronic copy of the revised plans / resubmittal documents with a written response addressing the following items.

PLANNING OFFICE

Contact Xue Ling at (408) 299-5784 or xue.ling@pln.sccgov.org regarding the following comments:

1. Please note that this application is being reviewed in conjunction with a Grading Approval application (PLN19-0180) that is associated with three (3) separate Building Site Approval applications, including the subject application, at the applicant's request. Please note that this

application will not be able to be deemed complete for processing until the Grading Approval application is ready to be deemed complete for processing.

2. The updated site plan identifies the centerline of the Category II Stream and two swales. However, the resubmittal material does not provide complete information regarding on-site watercourses per incomplete letter issued on September 19, 2019. Please identify or clarify the following items:
 - a. The top of bank and setbacks of the Category II Stream and two swales.
 - b. Site photos of the end of the swale adjacent to the proposed barn. It appears the swale stops while flowing downstream on the submitted site plan. Please clearly and accurately identify the site's geological features and the distance from the proposed barn to the swale.
3. It appears the proposed barn on Lot 1 is located within 100 feet from the future right-of-way of Metcalf Road. Therefore, the barn might be subject to Design Review. Please clarify the location, size, and design of the barn.

Sitting

4. The submitted '*Alternative Site Analysis*' by Hanna Brunetti studies the grading quantity of Area D and E in comparison with the proposed sites of Area A, B, and C. However, it appears the Geology Evaluation report by Quantum Geotechnical analyzes the construction feasibility of Area E, B, and C as the proposed building sites (Site Geologic Map, Page 24). Please identify the proposed building sites analyzed in the Geology Report on Site Geologic Map by using the same naming system in the '*Alternative Site Analysis*' (Area A, B, and C instead of Site 1, 2, and 3). Please also clarify whether the alternative sites and the proposed sites are equally stable.
5. The submitted site plan identifies the existing 12-foot ranch road on all three properties, except the portion that occurs along the stream. Although the information was requested in the previous incomplete letter issued on September 19, 2019, the resubmittal did not map the portion of ranch road '*with the aerial topographic survey*' '*due to foliage*' (Paragraph 2, '*Alternative Roadway Analysis*'). Please map the portion of the existing ranch road with other survey methodology as it is critical information for Staff to review the project sitting.
6. The '*Alternative Roadway Analysis*' report by Hana Brunetti provides the grading quantity estimation for the road widening of the existing ranch road. It appears a total of approximately 22,000 cubic yards of cut is needed to widen the ranch road to 21 feet, comparing to approximately 20,000 cubic yards of cut and fill to build the proposed 18-foot wide road. Per Fire Marshal's comment #16, the access road serving three (3) lots or more shall obtain a minimum width of 20 feet. Please update the grading calculation of the proposed and alternative roadways based on the same road width per Fire Marshal requirements for Staff to compare grading quantity.

Tree Preservation

7. The proposed long driveway and associated grading areas cut through a dense forest. The incomplete letter issued on September 19, 2019, required an inventory of the species and trunk sizes of all existing trees if the proposed improvements, including the residences,

driveways, and leach fields, extend into the tree's dripline. In addition, a report prepared by an ISA certified arborist is also required to provide assessment for all existing trees being removed or impacted due to the development, according to *Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications*. The arborist report shall also provide recommendations or mitigation measures for tree protection from pre-construction through post-construction. Tree replacement will be required based on the sizes and species of the removed trees.

The submitted comment response letter indicates 'arborist report to be submitted in next submittal when sitting issues has been settled.' Please note the Planning Office reviews an application comprehensively and will not confirm the project sitting prior to receiving all required information. No decision of approval or denial will be rendered until the project is deemed complete. Please submit the required arborist report and identify all trees to be impacted by the proposed development on the Site Plan with a table listing all required information.

Habitat Plan Review

Contact Lara Tran at (408) 299-5759 or lara.tran@pln.sccgov.org for information regarding the following items.

8. Submit a Land Cover Verification with mapping prepared by a qualified biologist to verify the habitat land covers and species impacts within the proposed development area. A map clearly delineating verified landcovers, development area (including areas of grading), area of temporary and permanent impacts (with applicable buffers). A qualified and/or certified biologist or arborist will need to verify the landcovers for Mixed Oak Woodland and Forest and Coast Live Oak Forest and Woodland, and wildlife survey area of Tri-colored Blackbird may also apply.
9. Area calculations of land covers permanently and temporarily impacted by the project, consistent with [Table 1 of the Application for Private Projects](#).

LAND DEVELOPMENT ENGINEERING

Contact Eric Gonzales at (408) 299-5716 or eric.gonzales@pln.sccgov.org for information regarding the following items.

10. Provide earthwork calculations of the earthwork quantities shown on the plans. Provide AutoCAD printout for staff's review and records even if quantities are over the required threshold.
11. Include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Supply two copies of a preliminary title report dated within 60 days of the next plan submittal. Label the easements on the Site Plan (sheet 2 of 15) shown under Exceptions 9 and 10 as shown in the subject title report. If they cannot be located, provide a clear note that states that their locations cannot be determined.
12. The lot line configuration as shown on these preliminary plans appear to be slightly different from the recorded map from 1895. Should the Site Plan be revised to closely match the

recorded 1895 map as recorded under each of the Certificate of Compliance documents?
Also, will there be a Formal Record of Survey (ROS) done for Tract Two (portion of lot 4 identified under APN# 627-12-018) or is there a ROS or map that has established the lot lines as shown on Sheet 2 for Tract Two already?

13. The proposed phasing indicates that portions of the access road will be built in multiple phases. A pro-rata cost share study of the new access road is typically required and addresses who pays for the road proportionately among the three future owners. Provide a study breaking down how this is to be accomplished among the future applicants. If the current applicant (Nielsen) is to build the entire access road before building the residences, this needs to be memorialized on the plans before entitlement approval. What happens if the original applicant decides not to build the road, e.g. cannot secure funding to build it, etc.?

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5746 or darrin.lee@cep.sccgov.org for information regarding the following items:

14. To date, an Onsite Wastewater Treatment System design/plans have not been provided. Submit OWTS plan overlaid onto a grading and drainage plan. The plans shall show percolation test hole and soil profile locations. Provide percolation test results.
15. Landslides and earthquake faults noted on the property. A geotech report dealing with slope stability and setbacks will be required. The submitted geotechnical report did not address slope stability nor setbacks.

FIRE MARSHAL OFFICE

Contact Alex Goff at (408) 299-5763 or alex.goff@sccfd.org for information regarding the following items.

16. Access Roads serving 3 or more parcels within the State Response Area (SRA) are to have a 20 ft minimum drivable width per PRC-4290. The plans are to clearly show this drivable width all the way to the driveway on parcel #1.
17. Fire department turnouts to be shown with a maximum spacing of 400 ft per PRC-4290. The turnaround at section 34 on page 8 of 15 is over this measurement.
18. Plans to clearly show fire department turnaround outlines meeting CFMO-SD16.
19. Plans to show wharf hydrants with a minimum distance of 55 ft from any portion of a structure.
20. Parcel 1 to have a fire hydrant at the house and the proposed barn. The amount of water for each structure is to be based off of CFMO-W1 (the size of the barn is unknown).
 - a) Plans to state if Barn is for residential or non-residential use. Non-residential would need to meet CFMO-W2 and may have other requirements.
21. A shared water agreement is needed as Parcels 1 and 3 are using the same water tanks.

22. Plans to clearly state fire sprinklers will be a deferred submittal.
23. Parcel is within the State Response Area (SRA) and Wildland Urban Interface (WUI). 100 ft of defensible space is to be maintained at all times.

Contact Craig Farley at (408) 299-5763 or craig.farley@sccfd.org for information regarding the following items.

24. The project is located within a wildland urban interface area. Defensible space measures shall be in place prior to building final.
25. If electric gates will be used in driveway access areas, Knoxbox systems will be required for emergency access.

ROAD AND AIRPORTS

Contact Leo Camacho at (408) 573-2464 or leo.camacho@rda.sccgov.org for information regarding the following items.

26. County Standard B4A frontage improvements will be required along frontage of lot 1, indicate on plans.

ADDITIONAL INFORMATION / ISSUES OF CONCERN

Siting

1. Staff has concerns with the site design, location, and grading and may not make the findings required by County Grading Ordinance and Guidelines for Grading and Hillside Development. The County discourages ridgeline and hillside development as well as long driveways as proposed. Grading Approval may be granted only for the alternative, which minimizes grading amounts if suitable with other development conditions of reviewing agencies. Although staff recommends alternative building site studies adjacent to Metcalf Road or fault investigations of Animas Fault, the applicant chose not to do so because locating *'the fault using either standard trenching means or geophysical methods will be challenging'* (the submitted Geotechnical Evaluation Report). Please note staff might not be able to support current proposal without comprehensive comparisons of all alternative building sites. For detailed information, refer to additional information of File PLN19-0180. Please make an appointment with Staff for further discuss the siting and grading of the site.

CEQA review

2. The submitted biologic report and the County GIS system identify Mixed Oak Woodland where the residences and driveways are proposed. If more than ½ acre or 10% of the oak canopy is proposed for removal, mitigation measures are required, such as tree replacement or a conservation easement.
Given the grading quantity and potential impacts on Oak Woodland and habitats, an Environmental Assessment with associated fees may be required, including an Initial Study and a possible Negative Declaration. Please refer to the enclosed Environmental Review checklist and handout.

Habitat Plan Review

3. The property is in the Santa Clara Valley Habitat Plan (HCP) Area and the Private Development Area is designated Area 1: Private Development Covered. According to HCP Geobrowser mapping, land covers on the property are Mixed Oak Woodland, California Annual Grassland, and Coast Live Oak Forest and Woodland. Wildlife survey area of Tri-colored Blackbird may also apply. As the applicant is proposing a new single-family residence with associated improvements which includes driveways that are over 5,000 square feet of impervious surface, Habitat Plan coverage **is required**. The HCP Screening Form submitted on 8/20/2020 also indicated coverage under HCP is required.
4. Land Cover fees are paid based on the land cover (as verified by site plans and site photos) and development area associated with the project.
 - *Permanent development* area is defined as all land that will have permanent improvements (house, driveway, access road, landscaping), plus a 50-foot buffer surrounding these areas.
 - *Temporary development* area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities, septic system) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas, and cannot exceed a combined total of 2 years.
5. Note: Any future development that affects any wildlife and/or plant species covered by the Habitat Plan, or any unmapped burrowing owl occupied nesting habitat, riparian, stream, pond or wetland covers requires coverage under the Habitat Plan.

Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet and discuss my comments regarding the project.

Please make sure the requested changes are made for the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project planner.** If the requested information is not submitted within **180 days**, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of this letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Please note that the Building Site Approval have been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

If you have questions regarding the application, please contact me at (408) 299-5784 or xue.ling@pln.sccgov.org.

Warm regards,

September 28, 2020
File #PLN19-0177
Metcalf Road-Lot 1

Xue Ling

Xue Ling
Associate Planner

cc:

Eric Gonzales, LDE
Darrin Lee, DEH
Alex Golf, FMO
Craig Farley, FMO
Leo Camacho, RDA
Jim Baker, Geology