

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 17, 2020

Thien Tam Tu
39760 Eureka Drive
Newark, CA 94560

FILE NUMBER: PLN20-086
SUBJECT: Use Permit with Architecture and Site Approval and Grading
Approval/Abatement for a Religious Institution
SITE LOCATION: 3215 Calaveras Road (APN: 029-38-014 & 015)
DATE RECEIVED: August 18, 2020

Thien Tam Tu,

Your application for Use Permit with Architecture and Site Approval and Grading Approval/Abatement for a Religious Institution was received on the above date and is **incomplete**. In order for application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made by appointment over video chat with the Planning Division counter and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is submitted, the Planning Division will distribute the plans, reports and/or information to the appropriate staff or agency for 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 particular specialty or division and can provide details about the requested information.

An appointment is required for all future resubmittals. Please contact me at (408) 299-5799 or via email at joann.wilk@pln.sccgov.org to schedule a virtual meeting.

Submit revised electronic plans and a written response addressing the following items. All items must be addressed and included in the submittal.

PLANNING OFFICE

Contact Joanna Wilk at (408) 299 5799/joanna.wilk@pln.sccgov.org for information regarding the following items:

1. The subject Use Permit is proposed to cover two separate, legal properties. Multiple structures are located on each property. Please indicate the primary use of each lot. It appears that there are several accessory structures on the upper lot that may not be permitted to remain, as there is no primary use on that lot. Please apply for Lot Merger

along with the appropriate fee and materials, or modify the plans to indicate that the structures on the second/upper lot will be demolished. Additionally, the accessory structures on the upper lot do not appear to provide setback dimensions that are compliant with County regulation (if there is an identified primary use on that lot). The Planning Commission is unable to approve the project with accessory structures that do not meet County standards.

2. Please provide elevations for the following structures so Staff can verify they meet County height requirements, unless the structures are proposed for demolition:
 - a. Private Mediation (upper lot – no primary use)
 - b. Upper Pavilion (upper lot – no primary use)
 - c. Open Pavilion (upper lot – no primary use)
 - d. Lower Pavilion (upper lot – no primary use)
 - e. Tree House (upper lot – no primary use)
 - f. Library (upper lot – no primary use)
 - g. Carport (lower parcel – primary use is Religious Institution/Residence)
 - h. Main residence/assembly building (lower parcel – primary use is Religious Institution/Residence)
 - i. Garage conversion (lower parcel – primary use is Religious Institution/Residence)

NOTE: Please note that elevation drawings are not required for buildings that will be demolished. Staff encourages the applicant to consider the demolition of structures on the property that will not be supported by Staff or for which the likeliness to rebuild the structure in order to legalize it would be cost prohibitive (example: Staff will not be able to support the location of the Tree House).

3. This project, including all proposed legalization and proposed development, may disturb one acre (43,560 square feet) or greater of land area. Provide a calculation showing the final area disturbed with this project including all abatement and legalization areas in tabular format. The accounting on sheet C22 shall be differentiated between original existing (permitted), unpermitted existing, and proposed (see LDE comment below).
4. Similar to Land Development Engineering (LDE) comments below, Planning Staff also requires earthwork quantities, existing and proposed topographical contour lines, and a grading plan that is separate from, but consistent with the site plan. All top-of-wall (TW) and bottom-of-wall (BW) call outs will be required for all proposed retaining walls and retaining walls that are unpermitted but proposed to be legalized. TW and BW call outs should be provided at all most extreme locations and approximately 10-20 foot intervals between.
5. Please provide a grading plan that illustrates the previously-existing topography and contours prior to the installation of unpermitted grading of the driveways, building pads, retaining walls and unpermitted buildings. This information can be ascertained from using USGS topographical information. Staff understands that this may not be precise, however it will be necessary to provide for the environmental analysis and to the Planning Commission.
6. Please provide a [rebuild](#) calculation for the unpermitted work performed on the main residence/assembly structure. Pursuant to Zoning Ordinance Section 4.50.030(A):

“Any setback-nonconforming or height-nonconforming portions of a building may remain only if they substantially maintain their structural form and integrity. In the course of construction, if walls become disconnected from supporting ceiling and roof joists and all bracing perpendicular walls, they relinquish their right to maintain a nonconforming setback encroachment”

If the unpermitted work constitutes a rebuild or involves the removal of walls from supporting joists, the main residence/assembly structure must be in conformance with current County development standards for Hillside properties, and will be required to meet a 30 foot setback from all property lines. The residence will be removed to be relocated/rebuilt in this instance.

7. Please complete the attached colors and materials board for all structures on the property (including retaining walls). This information is required for Staff to assess the aesthetic impact of the proposed development. This application requires review by the Planning Commission. As such, Staff encourages the applicant to provide renderings of proposed structures for the Planning Commission to gain a better understanding of the visibility of the project. Staff would recommend providing the voluntary renderings closer to the “completeness” of this application.
8. Please provide floor plans for all assembly areas. Please include the number and location of each seat or bench. Please note that the County will be counting floor seating in all assembly areas. This information is necessary to determine occupancy and parking requirements.
9. The proposed Religious Institution shall have 1 parking space per 4 fixed seats (or 1 per 6 lineal feet of bench), plus 1 per cleric and staff. Please provide the following parking information on the site plan, pursuant to Zoning Ordinance Section 4.30:
 - a. Number of parking spaces (including ADA parking spaces)
 - b. Aisle width
 - c. Parking space size
 - d. Lighting plan

Please also provide a parking study and parking plan that illustrates and indicates all uses on the property and required parking for each use. You will also be required to meet parking requirements for Americans with Disabilities Act (ADA).

Additionally, please review and provide information/compliance with parking requirements in Chapter 4.30, with special attention to Sections 4.30.040, 4.30.060, 4.30.070(B) – (I), 4.30.080, 4.30.090.

10. Zoning Ordinance Section 4.40.060(F) indicates that landscaping must be located on all four sides of the proposed free-standing sign. Please provide a detail that shows the type and location of landscaping surrounding the proposed sign. Please also clarify if the sign will have any lighting.
11. Please clarify if any outdoor lighting is proposed. If outdoor lighting is proposed, a lighting study and photometric site lighting plan/analysis will be required that meets the

County requirements.

12. Please clarify if the proposed use will incorporate any amplified sounds or the use of ceremonial bells. If amplified sounds are proposed, further analysis may be required. Please feel free to discuss this with Staff.
13. The proposed development requires an Environmental Assessment. Upon the next application submittal, please pay the Environmental Assessment fee of \$4,068.31.
14. In an effort to expedite the review of this application, Staff is requesting the following information to accommodate the determination for the California Environmental Quality Act (CEQA). The following studies are needed to determine if the proposed development will consist of a significant impact to the environment:
 - a. The proposed development is highly visible from surrounding parcels. Please provide a proposed **landscaping plan** prepared by a certified landscape architect or arborist, which utilizes native vegetation to screen the development from neighboring properties. This information is needed to address County findings, guidelines, and the California Environmental Quality Act (CEQA). As a part of the landscaping plan, please include the species, box size, maximum height, and growth rate of all proposed plantings. Please also include a plant legend for the landscape plan. Please also include a Tree Removal Plan.
 - b. Please provide an **Air Quality Study** for Green House Gas (GHG) emissions generated as a result of the project. This shall be compliant with California Quality Act Guidelines for analyzing GHGs.
 - c. A **traffic study** to analyze the trips to and from the property with the proposed use(s). This study shall utilize an analysis of vehicle miles traveled (VMT) and impacts due to the proposed use. Please include a **parking study** (see No. 9 above) and **on-site circulation study** as a part of the traffic analysis. Please also include increased traffic analysis for special events that are proposed 4 times per year. Any increase in visitors to the Proposed Development on the private access road must be analyzed for traffic impacts to neighbors, commuters, and other County roads.
 - d. A **geotechnical report** that addresses potential erosion and slope stability (see Geology comment below).
 - e. A **drainage report** that specifies if the proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces. A **Hydrology Report** may be required.
 - f. An **archeology report** to determine if cultural resources may be impacted during the construction of the proposed development.
 - g. A **biology report** noting the impacts to existing natural habitats as noted in the Santa Clara Valley Habitat Plan comments below.
 - h. Please provide a conceptual **Site Accessibility Plan** illustrating that the project will comply with the Americans with Disabilities Act.
 - i. Please provide a **conceptual Stormwater Management/Low Impact Development plan** (refer to Land Development Engineering – LDE) for requirements.
 - j. A **Visibility Analysis** from surrounding parcels, including impacts from trails and parkland. Additionally, please provide a **line of sight analysis** from the Park

- and potential visual impacts to park visitors
- k. Provide proof of ability to provide water connection and service.
 - l. Provide a **Construction Management Plan**, indicating hours of operation for construction, consistent with traffic impacts, location of any temporary roads/contractor mobile units, construction parking, and deliveries.

NOTE: If outdoor lighting or noise is proposed as a part of the project, a **noise study and/or lighting study** may be required.

NOTE: Pursuant to CEQA laws, the County may require additional studies after the application is deemed complete for processing, in order to finalize an environmental review/analysis.

15. The project description indicates that a maximum of 50 people will congregate in the main residence/assembly room for two hours each Sunday to practice a meditation session. Please clarify what time of day the meditation sessions will take place.
16. Please clarify the maximum number of people that will be permitted to access the property on a daily basis. The project description indicates that that the property will be accessible all day. Staff will need to understand more regarding the operation of the property and visitor hours and numbers. A table/chart may be beneficial to delineate the number of people and the uses on the property. Please also clarify daily operations further, including on-going deliveries and maintenance requirements.
17. The proposed project description indicates that four special events per year will take place on the property with a maximum of 340 people. This exceeds the Local Serving 75th percentile threshold of 320 people and therefore a **Rural Resources Impact Study** is required pursuant to Section 2.20.090.

NOTE: County Staff is currently in the process of amending the Local Serving requirements. These amendments may impact the requirements prior to deeming this application complete for processing. This could result in new information/studies being submitted for this application beyond this letter.

18. The proposed project description and response letters indicate a maximum of 70 people will utilize the property from dusk until dawn, and a maximum of 50 people will utilize the property for meditation for two hours on Sunday. The combined maximum people utilizing the property is 120 and exceeds the 75th percentile threshold pursuant to Section 2.20.090. Therefore, **Rural Resources Impact Study** is required.

NOTE: County Staff is currently in the process of amending the Local Serving requirements. These amendments may impact the requirements prior to deeming this application complete for processing. This could result in new information/studies being submitted for this application beyond this letter.

19. The project description mentions a permanent caretakers residence will be located on the property. Please clarify which structure will be used as a caretaker's residence and if this will be used as a permanent living unit.
20. Please indicate how many people will be utilizing the library and what times of day it will

be open.

21. Please provide a detailed schedule of the hours, usage, and maximum attended for each structure and the overall site. Please contact Staff to discuss the expected information in a schedule, if you feel necessary.

SANTA CLARA VALLEY HABITAT PLAN

Contact Joanna Wilk at (408) 299 5799 or joanna.wilk@pln.sccgov.org for information reading the following items:

22. Santa Clara Valley Habitat Plan fees and conditions are based on field verified land cover. Certain land covers, including oak woodlands, must be field verified by a qualified biologist, forester, or arborist. Therefore, **provide a field verified land cover verification report and land cover mapping by a qualified biologist, forester, or arborist** that includes the following:
 - a. Land cover mapping that clearly delineates the verified land covers, proposed development, unpermitted grading per the Grading Violation Inspection Reports, and areas of temporary and permanent impacts (with applicable buffers).
 - b. Area calculations of land cover permanently and temporarily impacted by the project, consistent with Table 1 of the Application for Private Projects.
 - c. Location of trees (diameter 6-inches or greater), species, size (diameter), and canopy area, including trees removed and impacted canopy area calculation.

GEOLOGY

Contact Jim Baker at (408) 299 5774 or jim.baker@pln.sccgov.org for information regarding the following items:

23. Submit a geologic/geotechnical report that includes an evaluation of slope stability (both existing and proposed) of each proposed building area. The site is located within a State Seismic Hazard Zone of Required Investigation of Potential Earthquake-induced Land sliding and County Landslide Hazard Zone. Therefore, the report must satisfy State guidelines (SP117A and SCEC). Contact the County Geologist to discuss the scope of study required,
24. Pay the appropriate report review fee when uploading an electronic version (unsecured pdf) of the report to the Planning Office's Accela Documents portal

LAND DEVELOPMENT ENGINEERING

Contact Darrell Wong at (408) 299 5735 or darrell.wong@pln.sccgov.org for information regarding the following items:

25. Please show all proposed contours on the plans. The proposed contours should show the contours that were changed from the pre-violation conditions as a part of the violation, and the final contours for the proposed ultimate development. Those two contour types should be differentiated by line type. The existing contours should be those that existed pre-violation.
26. Please provide earthwork calculations of the earthwork quantities shown on the plans.
27. Please clearly identify all roads maintained and not maintained by the County.

28. Based on the topography provided, the proposed driveway may impair drainage flows, thereby not meeting the exemption requirements of Section C12-421 of the County Grading Ordinance. Please provide a Drainage Plan that demonstrates the following items:
 - a. the site can be adequately drained,
 - b. the proposed development will not cause problems to the nearby properties,
 - c. the on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.
29. Please demonstrate that the access road to the driveway shown on the plan conforms to County Standard Detail SD1 with a width of 22 feet to comply with the requirements of the Zoning Ordinance. Please demonstrate that the access road from the end of the County maintained section to the driveway shown on the plan conforms to County Standard Detail SD1 with a width of 22 feet to comply with the requirements of the Zoning Ordinance. Please include a driveway approach per SD4 that conforms to County standard slopes of less than 5% grade 20 feet from the edge of pavement or to the right of way, whichever is greater.
30. Based upon County policy, a right-of-way dedication of thirty feet measured perpendicularly from the road centerline would be required with this development. Please review with Planning Department Staff about setbacks from the proposed right-of-way.
31. Revise the driveway plan and section to conform to County Standard Detail SD1 with a 22' driveway width to meet the requirements of the zoning ordinance for non-residential developments.
32. Please demonstrate that all required driveway turnarounds comply with the requirements of County Standard SD16.
33. Please demonstrate that the accessible stalls and routes of access are compliant for all structures to be accessed by the public. The preliminary improvement plans must include all improvements required to meet accessibility standards of the Building Inspection Office.
34. Please submit evidence of legal access to the site from Calaveras Road compiled and/or prepared by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying.
35. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply two copies of a preliminary title report, dated within 60 days of the day of submittal with the next submittal.
36. Please provide a drainage system to adequately route flows from the site to the natural outfall.

37. Please clearly identify all retaining walls necessary to establish the grading shown with appropriate top and bottom of wall elevations. Please provide typical sections of all proposed walls. Identify whether the retaining walls were constructed without a permit as a part of the violation, new walls that are required for the proposed ultimate development, or unpermitted/ permitted walls that will need to be removed and reconstructed for the ultimate development.
38. Show drainage system from parking lots, access roads, roof drains and any other hardscape on the plan. Identify a storm water runoff treatment area and provide energy dissipation for storm drainage, to provide at least minimal storm water treatment and reduction in flow velocity.
39. This project is located within the San Francisco Bay Watershed, and includes ten thousand square feet or more of new or replacement impervious area including all unpermitted areas to be legalized and areas proposed as a part of the final design. The application shall include storm water treatment complying with the current NPDES Permit Standards, Section C3, in its design. Please provide a completed copy of the Clean Water Program Questionnaire found on the County Clean Water Program website.
40. This project is subject to hydromodification requirements of the SF Bay NPDES permit. Please provide preliminary drainage calculations demonstrating compliance with the hydromodification requirements and show the improvements for detention on the plans to mitigate for all unpermitted work to be legalized and all proposed work as a part of this proposal.
41. This project including all proposed legalization and proposed development may disturb one acre (43, 560 square feet) or greater of land area. Provide a calculation showing the final area disturbed with this project including all abatement and legalization areas. The accounting on sheet C22 shall be differentiated between original existing(permitted), unpermitted existing, and proposed
42. Include the unpermitted fill located on the downhill side of the existing residence and document how it will be abated/legalized.
43. Include the unpermitted cut and fill in the unpermitted leachfield area of the upper parcel where the unpermitted restrooms and accessory structure are located as a part of this abatement proposal.
44. Include all of the unpermitted grading on the site as either proposed to be legalized or abated and restored. Much of the work on the upper portion of the upper parcel, APN 029-38-014, has not been addressed.
45. Include all of the unpermitted impervious areas added to the site on the plans and document how the storm water runoff will be detained and treated. Much of the work on the upper portion of the upper parcel, APN 029-38-014, has not been addressed. Cuts, fills, and hardscape for the pads, paths, stairways, parking areas and driveways must all be addressed.
46. Provide cross sections of all areas of maximum grading for the access roads, structure pads, and other significant areas of grading.

47. The profiles of all driveways requiring access shall not exceed 15% in slope for greater than 300'. The profiles may only exceed 15% when separated by sections of profile 15% or less for a minimum of 100' in length. The Fire Marshal requirements may be more restrictive, in which case, the development is subject to the more restrictive requirements. Currently stretches of access road exceed 15% for lengths longer than 300' which is not allowed.
48. Identify the permitted/unpermitted structures with footprint dimensions and whether they require emergency vehicle access. Demonstrate that those requiring access can be accessed accordingly.

DEPARTMENT OF ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 918-3435 or darrin.lee@cep.sccgov.org for information regarding the following items:

49. Please identify the location of the existing onsite wastewater treatment system (OWTS) dispersal fields serving the main residence/assembly space. OWTS serving the office and restrooms were installed without Department of Environmental Health (DEH) permits. Additional testing and examination of all existing OWTS shall be required by DEH prior to deeming the application complete.
50. Proposed OWTS serving the residence/assembly space, restroom, office, chapel and any other structure(s) with a plumbing will be sized based upon peak wastewater flows deriving from projected activities, occupancy, and facilities (See OWTS Manual, pages 3-6 through 3-8).
51. Contact a septic system designer or consultant and the Department of Environmental Health to conduct OWTS feasibility testing (site assessment, soil profile, and percolation testing). OWTS feasibility testing is subject to additional and separate fees from DEH.
52. Please provide additional details regarding the commercial kitchen. Contact DEH if you have questions.
53. There is an existing well onsite for drinking water. Current code requires the well to have an annular seal of 50 feet deep to be used for proposal. Proposed use is maximum of 70 visitors per day, 3 to 5 staff and a caretakers house.

The use of a well for this many persons requires that the facility's water source be permitted by the State Water Resource Control Board Division of Drinking Water (SWRCB DDW) as a Public Water System (PWS). A public water system regularly serves an average of at least 25 individuals daily at least 60 days of the year.

NOTE: The SWRCB reported to the Department of Environmental Health (DEH) that the water quality and quantity has been an issue at nearby PWS's. Additionally, the SWRCB has reported to DEH that the facility will be instructed to connect to the City of Milpitas water supply, however, the City may have a hillside ordinance precluding development, and this may be an issue. Obtaining an approved water source at the beginning of the project is critical to the project being approved.

BUILDING DIVISION

Contact Matthew O'Brien at (408) 299 5752 or matthew.obrien@pln.sccgov.org for information regarding the following items:

The following Building Division comments are provided as a reference for preparing the future building permit applications.

54. Accessibility for persons with disabilities to the site, and between buildings and amenities on the site, will be an issue that needs to be addressed in the building permit process. However, as noted in the Planning comments above, a conceptual site accessibility plan should be provided to ensure that the property will be able to comply with ADA regulations.

FIREMARSHAL'S OFFICE

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

55. Plans are to clearly state scope of work. The plans show tables of violations. It's unknown/unclear if addressing the violations are part of the proposal.
56. This property is located within the State Response Area (SRA). Per PRC-4290, the maximum slope is to be 16%. Any project proposing a slope greater than 16% is to have an approved variance by Cal Fire as part of the submittal for CFMO consideration. This information and/or variance will be required prior to deeming this application complete for processing.
57. The minimum drivable width is to be 20 ft. The plans currently state a 20 ft width can't be met. A variance is required by Cal Fire for consideration of this proposed width. This information and/or variance will be required prior to deeming this application complete for processing.
58. Plans are to clearly state that fire department access is to be made of an "all weather" material capable of holding 75,000 pounds.
59. Plans shall show fire department access diagram.
60. Site Plan to show any gates across fire department access. Gates to be labeled as mechanical or manual. All mechanical gates require Knox Key access, this is to be shown on the plans as (N)new or (E)existing.
61. Plans are to show minimum interior turning radius of 50 ft for all portions of fire department access.
62. Page C.1 shows an existing main residence (assembly use). Clarify if a change of occupancy is proposed as a part of this submittal.
63. Plans are to clarify if fire sprinklers are proposed and for what structures. Only NFPA 13 fire sprinklers are intended for non-single family residences.
64. Plans currently show above ground water tanks and wharf hydrants that are intended for single family occupancies. This project will require an above ground water tank and

standard fire hydrants meeting CFMO-W2. A fire pump may also be required.

SANTA CLARA COUNTY PARKS

Contact Jeremy Farr at (408) 355-2360 or jeremy.farr@prk.sccgov.org for information regarding the following items:

65. Visual impact from the valley floor (page 5): The Proposed Development plan sets addresses visual impacts from the Santa Clara Valley floor. The visual impact does not consider the view from the valley floor where Ed R. Levin County Park is located. The Parks Department requests the plan set show the line of sight analysis from the Park and potential visual impacts to park visitors.

ADDITIONAL INFORMATION/ AREAS OF CONCERN

The items below are informational only. These items are not required to deem the application complete for processing.

PLANNING

66. In order for Staff to make a favorable recommendation for the proposed development, Staff must find that the attached Use Permit, Architectural and Site Approval, and Grading Approval findings are met. Additionally, Staff must determine that the attached Hillside General Plan policies are adhered to as well. As currently proposed, Staff cannot make a favorable recommendation for the proposed development due to conflicts with the required findings and policies as noted in Attachments A, B & C. Staff is concerned with the visibility of the proposed development, the impacts the proposed grading has on the natural terrain of the hillside, and the need for adequate fire safety ingress and egress. Please see Attachments A, B & C for additional details, and refer to the Pre-Application Letter dated June 28, 2019.
67. Please note Municipal Code Section C1-71:

“No permit required by this title shall be issued to any applicant, and no final inspection shall be made in connection with any premises or portion thereof upon which there exists a conflict with any County ordinance or state law.

Permits may be issued to applicants in connection with any premises or portion thereof on which there exists a conflict with any County Ordinance or state law if the applicant has executed a compliance agreement and is in the process of completing or has completed the repairs, construction, or reconstruction described in the compliance agreement.”

SCC PARKS

68. Items 44 (page 16), 53 and 55 (page 18) in the Response Letter to the Pre-Application Letter: These items address drainage, impervious surfaces, and sedimentation. The County Grading ordinance requires no impact to neighboring properties, which includes the Parks Department road and parklands. The road is continually impacted by sedimentation, resulting in complete blockage of stormwater infrastructure. Drainage from the Proposed Development must be managed on the property, either through

sedimentation basins or stormwater retention. In addition, the design and materials of the road surfaces should be considered for erosion potential.

69. Item 58 (page 19): The access road was intended, constructed, and maintained to serve the hillside residences. The Parks Department primarily uses the access road for maintenance and patrols of parklands. The access road has also been used for emergency response, typically limited to wildfire response and medical services for park visitors. If the increased use of the Proposed Development requires an evaluation or increase to meet the minimum weight requirement (75,000 lbs; Item 31 on page 14), the Parks Department does not support increasing the load-bearing capacity of the road.

SANTA CLARA VALLEY HABITAT PLAN

The subject property is covered by the Santa Clara Valley Habitat Plan. The following items will be listed as conditions of approval for the application if approved by the Planning Commission.

70. Land cover fees are paid based on the land cover, as verified by a qualified biologist, and development area associated with the project.

Permanent development area is defined as all land that will have permanent improvements (buildings/structures, driveway/parking areas, patios, water tanks, trails, landscaping), plus a 50-foot buffer surrounding these areas.

Temporary development area is defined as land that will be temporarily affected during development (septic systems, construction laydown areas) that will be restored within one year of completing construction, and unpermitted grading that will be restored to natural contours, plus a 10-foot buffer surrounding these areas, and cannot exceed a combined total of 2 years.

71. Development that is covered by the Habitat Plan is required to pay fees to compensate for the loss of endangered species habitat. Fees shall be paid prior to issuance of any grading/drainage or building permits. This project is subject to the following Habitat Plan fees:
- a. Land Cover Fee Zone A –Ranchlands and Natural Lands
 - b. Nitrogen Deposition Fee

Temporary development fees are based on the amount of time the land is disturbed during construction, plus 1 year after completion of construction and cannot exceed a combined total of 2 years. All temporary development that exceeds 2 years from the onset of construction will be subject to permanent impact fees.

72. Habitat Plan Conditions of Approval: Based on the location of the project, the following Conditions of Approval may be required as prescribed in the Habitat Plan:
- a. Condition #1 – Avoid Direct Impacts on Protected Plant and Wildlife Species.
 - b. Condition #3 – Maintain Hydrologic Conditions and Protect Water Quality.
 - c. Condition #7 – Rural Development Design and Construction Projects.
 - d. Condition #14– Valley Oak and Blue Oak Woodland Avoidance and Minimization.

73. Prior to issuance of any grading or building permit, a completed Santa Clara Valley

Habitat Plan Application for Private Projects, with all required materials/exhibits (as described on pages 4 & 5 of the Application for Private Projects), and required staff review fee, shall be submitted to the Planning Office, reviewed/verified by Planning Office staff, and all Habitat Plan fees paid.

BUILDING DIVISION

74. A building permit will be required for any proposed buildings not yet constructed. A building permit is also required for all existing buildings on the site that were constructed, added to, altered, or had its occupancy or use changed from its originally permitted condition. Construction done without any permits are considered code violations that must be abated through the permitting process.

In order to address any code violations, a building permit will be required to legalize the unpermitted construction, or to restore the building to the last recorded permitted state. Violations may also be abated with the removal of the unpermitted conditions through the demolition permit process.

Any building permit submittal, including those being made to address violations and/or changes of use/occupancy, must comply as if it is a permit application for new construction. See the link below for additional information on the building permit application process:

<https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/BP.aspx>

75. A separate building permit application is required for each building, including any retaining wall(s).
76. The conversion of the residence into the monastery with the new sanctuary assembly space will require a seismic retrofit as a part of the structural evaluation of the building.

DEPARTMENT OF ENVIRONMENTAL HEALTH

77. Commercial food facilities will need to have plans submitted to DEH's plan check division. This is a separate submittal to DEH and subject to plan review fees.

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 within 1 year of the date of this letter and will not be accepted after 1 year. **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 User Permit, Architectural and Site Approval, and Grading Approval/Abatement was charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted. As of the date of this letter, approximately 0-25% of your initial deposit associated with your applications have been spent on the processing of your application.

If you have any additional questions regarding this application, please call me at (408) 299-5799 or joanna.wilk@pln.sccgov.org to discuss or schedule an appointment.

September 17, 2020
File #PLN20-086
3215 Calaveras Road

Sincerely,

A handwritten signature in dark ink, appearing to be 'JW' or 'Joanna Wilk', written in a cursive style.

Joanna Wilk
Associate Planner

Encl: Attachment A – Hillside General Plan Policies
Attachment B – Use Permit Findings
Attachment C – Architecture and Site Approval Findings
Attachment D – Grading Findings
Attachment E – Colors & Materials Board
Attachment F – Sign Template
Attachment G – Lot Merger Checklist

cc: Kevin Weiss, Applicant

ATTACHMENT A

Reference of Applicable General Plan Policies

*underline added for areas of concern identified by Planning Staff. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Book B, Part 3: Rural Unincorporated Area Issues & Policies, Growth & Development Chapter, Strategy #3:
Ensure Environmentally Safe and Aesthetic Hillside Development

Policy	Page No.	Policy Language	Policy Concern "X"
R- GD 20	K-10	Grading and terrain alteration to conduct lawful activities and use of property should <u>conserve the natural landscape</u> and resources, minimize erosion impacts, <u>protect scenic resources</u> , habitat, and water resources. Grading should not exacerbate existing natural hazards, particularly geologic hazards.	X
R-GD 22	K-10	The amount, design, location, and the nature of any proposed grading may be approved only if determined to be: <ul style="list-style-type: none"> a. <u>appropriate, justifiable, and reasonably necessary for the establishment of an allowable use;</u> b. <u>the minimum necessary</u> given the various site characteristics, constraints, and potential environmental impacts that may be involved, and, c. that which causes <u>minimum disturbance to the natural environment</u>, slopes, and other natural features of the land. 	X
R-GD 24	K-10	Where an existing parcel contains multiple possible building or development sites, and where one or more possible site requires less grading, with less overall environmental and visual impacts, greater economy of access roads or other site improvements, and better achieves matters of public health and safety, <u>grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies.</u> Buildings should also be designed to respect and conform with existing topography of site as much as possible, using stepped designs and multiple levels rather than an expansive single-story floor plan on only one level.	X
R-GD 25	K-10	Grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements <u>should not create a significant visual scar or impact to the environment.</u> <ul style="list-style-type: none"> a. Grading proposals for driveways and roads should <u>generally follow natural terrain and contours to maximum extent feasible.</u> Requirements and conditions for erosion control, landscaping or plantings, retaining wall design, and other design features may be imposed where necessary to ensure that completed work blends as harmoniously as possible with the natural environment and landscape. b. Use of native and drought tolerant species for the above purposes should be employed for at least 50% or more of the design. 	X

Policy	Page No.	Policy Language	Policy Concern "X"
R-LU 16	Q-3	<p>Hillsides: Mountainous lands and foothills unsuitable and/or unplanned for annexation and urban development. Lands so designated shall be preserved largely in natural resource related and open space uses in order to:</p> <ol style="list-style-type: none"> support and <u>enhance rural character</u>; protect and <u>promote wise management of natural resources</u>; avoid risks associated with the natural hazards characteristic of those areas; and protect the quality of reservoir watersheds critical to the region's water supply. 	X
R-LU 18	Q-3	<p>All allowable uses must be consistent with the basic intent of the 'Hillside' designation. The range of allowable uses shall be limited to:</p> <ol style="list-style-type: none"> agriculture and grazing; mineral extraction; parks and low-density recreational uses and facilities; land in its natural state; wildlife refuges; very low-density residential development; and <u>commercial, industrial, or institutional uses, which by their nature</u> <ol style="list-style-type: none"> <u>require remote, rural settings; or</u> <u>which support the recreational or productive use, study or appreciation of the natural environment</u> 	X
R-LU 24	Q-6	<p>New development, whether through subdivision or on existing, legal parcels ("single site development") shall not be allowed on building sites in excess of 30% average slope unless:</p> <ol style="list-style-type: none"> <u>the proposed site is a more feasible, suitable location for development than alternative locations</u> on the parcel proposed for development; and technical feasibility and environmental impact have been assessed and demonstrated through required studies, tests, and analyses of site conditions and characteristics. 	X
R-LU 25	Q-6	<p>Non-residential land uses allowed in 'Hillsides' areas shall be of a generally low density or low intensity nature, depending on the use, as is consistent with the basic intent of the Hillsides designation to preserve the resources and rural character of the land. Non-residential uses shall:</p> <ol style="list-style-type: none"> <u>avoid or minimize any potentially significant adverse environmental impacts</u>; provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes; demonstrate no significantly increased risks associated with natural hazards; <u>not create adverse visual impacts as viewed from the Valley floor or from adjacent public recreational areas</u>; and 	X

		e. cause no significant increase in the demand for public services or infrastructure, including potential impacts on school districts.	
R-LU 26	Q-6	<p>For recreational, commercial, or other uses which permit or involve overnight accommodations for temporary guests, allowable densities and the design of development shall also adhere to the following principles:</p> <ul style="list-style-type: none"> a. proposed densities must be consistent with the scale of the allowed recreational or commercial use, if applicable; b. <u>design and appearance shall blend harmoniously with the natural setting;</u> and c. <u>development shall be located, and if possible, clustered within the minimum area necessary to accommodate it, in order to avoid or reduce the need for improvements and minimize any potential environmental impacts.</u> 	X

ATTACHMENT B

Use Permit Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Zoning Ordinance Section 5.65.030, Pages 303 and 304

Finding Letter	Finding Language	Finding Concern "X"
A.	The proposed use <u>conforms with the general plan</u> , with the zoning ordinance, and with <u>all other standards and guidelines applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;</u>	X
B.	The site is adequate for the proposed use, including but not limited to being <u>of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area</u> and to provide any necessary or appropriate buffers between the use and the surrounding area;	X
C.	The proposed use, by its nature, scale, intensity or design, will <u>not impair the integrity and character of the zoning district or neighborhood, and will not be significantly detrimental to any important and distinctive features of the site's natural setting;</u>	X

D.	<p>The proposed use will not be detrimental to the public health, safety or general welfare. In this respect the Planning Commission shall further find, without limitation, that:</p> <ol style="list-style-type: none"> 1. Adequate <u>off-street parking, loading and unloading areas (if applicable), and handicapped access</u> will be provided; 2. Appropriately designed site access will be provided, including <u>safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal)</u>; 3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements; 4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights; 5. The use will not substantially worsen traffic congestion affecting the surrounding area; 6. Erosion will be adequately controlled; and 7. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements. If all of the above findings cannot be made, the application shall be denied.; 	X
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ATTACHMENT C

Architecture & Site Approval Findings

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Zoning Ordinance Section 5.40.040, Pages 280

Finding Letter	Finding Language	Finding Concern ¹ "X"
A.	Adequate traffic safety, <u>on-site circulation, parking and loading areas</u> , and insignificant effect of the development on traffic movement in the area;	
B.	<u>Appearance of proposed site development and structures, including signs</u> , will not be detrimental to the character of the surrounding neighborhood or zoning district;	
C.	Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;	
D.	No significant, unmitigated adverse <u>public health, safety and</u> environmental effects of proposed development;	X
E.	No adverse effect of the development on flood control, storm drainage, and surface water drainage;	
F.	<u>Adequate existing and proposed fire protection improvements to serve the development</u> ;	X
G.	No significant increase in noise levels;	
H.	Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance;	
I.	<u>Conformance with the general plan</u> and any applicable area or specific plan, or, where applicable, city general plan conformance for property located within a city's urban service area; and	X

¹ Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

J.	Substantial conformance with the adopted “ Guidelines for Architecture and Site Approval² ”) and any other applicable guidelines adopted by the County.	X
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² https://www.sccgov.org/sites/dpd/DocsForms/Documents/Grading_Guidelines.pdf

ATTACHMENT D

Grading Approval Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Municipal Code Section C12-433

Finding Letter	Finding Language	Finding Concern "X"
A.	The amount, design, location, and the nature of any proposed grading is <u>necessary to establish or maintain a use presently permitted by law on the property</u> ;	X
B.	The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse;	
C.	Grading will <u>minimize impacts to the natural landscape</u> , scenic, biological and aquatic resources, and minimize erosion impacts.	X
D.	For grading associated with a new building or development site, the subject site shall be one that <u>minimizes grading in comparison with other available development sites</u> , taking into consideration other development constraints and regulations applicable to the project.	X
E.	Grading and associated improvements will <u>conform with the natural terrain and existing topography of the site as much as possible and should not create a significant visual scar</u> .	X
F.	<u>Grading conforms with any applicable general plan or specific plan policies; and;</u>	X
G.	Grading <u>substantially conforms with the adopted "Guidelines for Grading and Hillside Development"</u> ¹ and other applicable guidelines adopted by the County.	X

¹ https://www.sccgov.org/sites/dpd/DocsForms/Documents/Grading_Guidelines.pdf

Project Address

Project File Number

APN

Color/Materials Board*

Roof

Manufacture & Material
Product Name, Number

(insert sample here)

Door & Window Frames, Railings

Manufacture / Number
Color Name, LRV

(insert sample here)

Trim

Manufacture / Number
Color Name, LRV

(insert sample here)

Exterior Walls

Manufacture / Number
Color Name, LRV

(insert sample here)

Architectural Accents (Ex. Stone Veneer)

Manufacture / Number
Color Name, LRV

(insert sample here)

Retaining Walls

Manufacture / Number
Color Name, LRV

(insert sample here)

*This information shall also be provided on the elevation drawings in the plans.



Notice of DEVELOPMENT PROPOSAL

File:

Location:

Contact:



Project schedule and hearing date to be determined.

www.sccplanning.org

Lot Merger (LM)

The following is a list of documentation required by the Planning Office in order to process your application for Lot Merger. Your application will **not** be accepted unless it is signed by the property owner or authorized representative, accompanied by the current filing fee, and includes **all** the pertinent items described below. Following initial distribution and review of submitted materials additional information may be required. **Questions?** Contact: Planning Office (408) 299-5770

Checklist of Application Materials

The documents listed below are **required** for your application and **must be submitted in electronic form through the County InSite Public Portal**. **Incomplete submittals will not be accepted.** All plans must be legibly drawn to an appropriate scale.

- ☐ **Site Plan** including:
 - Existing property lines, noting which are to be removed;
 - Lot areas;
 - All buildings, structures, septic systems, wells, driveways & other improvements;
 - Setback of structures and buildings to proposed property lines;
 - See sample Lot Merger site plan for further information.
- ☐ **Copy of Assessor's Parcel Map** (Available at the Assessor's Office-5th Floor, County Government Center)
- ☐ **Copy of Current Recorded Grant Deed**
- ☐ **Evidence showing legal creation of lot** (See handout enclosed with application packet)
- ☐ **Completed Well Information Questionnaire** (enclosed with application packet)
- ☐ **Acknowledgements and Agreements form, signed by owner or authorized representative.**

Additional Application Materials that may be Required

The documents listed below **may** be required for your Lot Merger application. **Please consult staff to make an accurate determination.**

- ☐ **Depending on the deeds or legal descriptions submitted, the following additional information is required:**
 - Each copy of the deed must include the entire deed, with no pages missing.
 - The copies of the deeds must be clearly readable, with recording dates and numbers clearly shown.
 - If the deed includes an exception or more than one lot, parcel or description, the applicant must note on the deed which parcel, lot, description or exception pertains to the requested lot merger.