

June 19, 2020

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Planner County of Santa Clara  
Department of Planning and Development  
Planning Office  
70 West Hedding Street  
San Jose, CA 95110-1705

County Record#: PLN19-0029 Dragon Mountain  
Subject: Use Permit Submission  
*Use Permit with Architecture and Site Approval and Grading  
Abatement/Approval for a Non-Profit Institutional Use with a Public  
Trail and Conservation Open Space*

Site Location: 3215 Calaveras Rd, Milpitas, CA 95035 (APN 029-38-015 & 014)

Dear Joanna:

Please find below our responses to comments (IN RED) in your letter dated June 28, 2019 regarding subject project. Additional information and detailed responses to the code violations can be found in the separate document labeled as "Code Violations and Responses" dated June 19, 2020.

#### PROPOSED PROJECT & ZONING

*The project proposes establishment of a Religious Institution as the primary use on the subject property, with a General Plan land use designation of Hillside, and Hillside (HS) zoning. According to Zoning Ordinance § 2.10, the land use classification proposed is defined as follows:*

*Religious Institutions. (Institutional) Facilities for religious worship and incidental accessory uses. This classification includes churches, synagogues, mosques, temples and similar places of worship. May also include Emergency Shelters: Small Scale, as ancillary uses. Excludes monasteries and convents as primary uses (see Residential- Communal Institutional). [Criteria/Findings § 4.10.290].*

*Additionally, the proposal includes occasional overnight stays for monks (as described by the applicant), which would establish a Residential - Communal Institutional use (defined below). This use is considered to be ancillary to the Religious Institution.*

*Residential – Communal Institutional. A facility containing rooms or apartments (or both) but having communal dining facilities and lounges, and communal services, such as housekeeping, organized social and recreational activities, and support services appropriate for the residents. Includes college dormitories, monasteries and other such communal living facilities related to permitted institutional use classifications. Excludes nursing homes and similar uses (see Community Care Facilities). Also excludes rooming houses (see Rooming Houses, Fraternities & Sororities). [Criteria/Findings § 4.10.300].*

*It is important to note that the property was recently used as an unpermitted Religious Institution, and all existing facilities and grading were constructed or altered without permits. The unpermitted site improvements took place on two (2) separate parcels: APN's 029-38-014 (18.69 acres) and -015 (11.19 acres). Additionally, several violations were recorded against the property, as stated in the Notice of Violations letter sent by the County of Santa Clara's Office of County Counsel on February 2, 2018.*

**This project has been previously described inaccurately as a monastery or place of religious congregation. Dragon Mountain is not to be confused or categorized with organized church, temple, or synagogue type services. The included Project Description provides clarification on the proposed property use. In general terms, the applicant proposes to obtain a Use Permit that will utilize the property for a combination of Nonprofit Institution and "restricted" Religious Institutional Uses in compliance with the Santa Clara County governing criteria "Local-Serving" uses in the Hillside zoning.**

**The proposed use can be primarily categorized as a privately owned property with a Nonprofit and restricted Religious Use program. The restricted Religious Use will be centered around private and quiet meditation, spiritual reflection, and multicultural education through a series of religious kiosks, shrines, and statues. There will also be a library where visitors can rest and learn from literature, covering vast cultural and religious narration.**

**The property allows visitors to experience open space connectivity and nondenominational passive spiritual reflection. The previous suggested monastery use has been deleted as this site is not intended for public religious gatherings or ceremonies except for a few private gatherings, described herein, that are related to the owner's personal invitees.**

**There will be no overnight quarters for monks, or anyone other than the owner and his family. The applicant holds this land in the highest degree of spiritual setting. The**

**charitable offering of the owner to nourish the souls of Dragon Mountain visitors through physical exertion and reflective thought is unique. There is no fee for anyone to visit and enjoy these sought-after benefits, especially in the times we live today.**

*The submitted project description indicates that the proposed facilities would include the following requests and operational characteristics:*

- *Legalization of all existing structures, grading, and septic on the subject parcels for a proposed Religious Institutional use. Additionally, the applicant proposes a new 567 square foot chapel on APN 029-38-015.*

**This application is not submitted to present all the solutions for the cited code violations, but instead, to clearly describe to the County the proposed use of the property going forward. Legalization of all existing violations will be addressed with detailed architectural and engineering studies and design once there is an agreement on the “use”.**

- *Operational hours between 8:00 a.m. and 7:00 p.m.*

**The proposed Use at Dragon Mountain will be allowed from dusk to dawn.**

- *A maximum number of 20 daily worshipers, with an additional 6 employees.*

**As described in the proposed use above, the use is not defined by “worshipers” but instead by visitors throughout the day to enjoy the open space, trails, and personal and passive meditation.**

**The number of daily visitors will be in accordance with the Local Service use criteria for Institutional uses in the Hillside zoning. The maximum number of visitors will be limited to 70 per day with 3 to 5 regular landscape and general site maintenance employees.**

- *A maximum of 35 to 40 weekly number of worshipers.*

**Please see response above.**

- *Occasional overnight stays for 4 monks.*

**There will be no overnight sleeping quarters other than for owner, family, and owners’ personal/private guests. This does not include monks. It is strictly related to the owner’s private residence usage.**

*Upon application submittal, please further clarify the maximum number of worshipers per day and/or per weekend, how many days a week the Religious Institution will be open, and if any events are proposed. Additionally, please provide a description of the use of each accessory structure.*

**Please see response above.**

### **Surrounding Land Uses**

**Surrounding parcels include a golf course, single family residential homes, and vacant land. The current means of access to the property is via a 20-foot wide ingress/egress private access road owned and maintained by the Santa Clara County Department of Parks and Recreation, which is connected to Calaveras Road (maintained by the City of Milpitas).**

**The proposed use is a passive and virtually a silent recreation facility with ample parking and access. Noise impacts on adjoining uses will be insignificant. Traffic generation will be reviewed with a detailed report. The contemplative onsite private trail use is consistent with the General Plan for Hillside properties.**

### **Policies (General Plan)**

*1. County's General Plan policies for Hillsides, R-GD 20, 22, & 24 - 25, and R-LU 16, 18, & 24 – 26, apply to this project as currently proposed and are included as Attachment A for reference.*

These General Plan policies primarily focus on the following themes:

*Preservation of the natural appearance of hillsides.*

**To preserve the natural appearance of the hillsides minimum additional grading will occur. The new developments on the property consist of a chapel and minor areas of expansion to the current access road for fire truck turnaround. Only 1500 CY of additional roadway excavation is proposed to expand the current access road. The one-way loop road is intended to remain with an Alternate Means Approval from the Fire Marshal. In addition, the proposed chapel requires minimal additional grading as it will be constructed in place of the previously existing cattle ranch.**

*Proposed grading shall be reasonable and the minimum necessary for the established use.*

**The majority of the mass grading on this property was completed well before construction of the residence in 1969. As mentioned above, the proposed grading for the new development will be minimal.**

*New development shall minimize hillside scarring, follow existing contour lines, and reduce the visual impact from the valley floor and public spaces to the maximum extent possible.*

**All of the roadways and trails are existing. The structures in the vicinity of the Upper and Lower Pavilions are more than 2 miles distant from the Valley Floor as viewed from the intersection of Calaveras and Piedmont Roads (the Calvary Assembly of God Church). As such, the entire site is screened by intervening foothills in the vicinity of Downing Road. See plan set for sight distance detail sheets for distance to Valley Floor.**

*Allowable uses include commercial, industrial, or institutional uses, which by their nature require remote, rural settings; or which support the recreational or productive use, study or appreciation of the natural environment.*

**The onsite trails and private meditation areas are intended for recreational use and promote appreciation of the natural environment.**

*As currently proposed, it appears that the project would be inconsistent with the General Plan policies cited above. The development associated with the Religious Institution includes parking with excessive grading, long driveways, stairways, and structures that create hillside scarring and are highly visible from neighboring public spaces, as well as the valley floor. This is primarily due to the grading associated with the structures, their locations on the hillside, and their exterior colors which exceed a Light Reflective Value (LRV) of 45. Furthermore, in order to accommodate a Religious Institution use, additional grading would be required to meet minimum access requirements, thereby presenting additional concerns with conformance with applicable General Plan policies. Lastly, the project description does not include a demonstration of how the proposed use supports the recreational use of the natural environment.*

**We respectfully disagree that excessive grading and hillside scarring will occur. All new development was designed with minimum additional grading required as listed above. The roadways are proposed to remain in the current widths with a one-way loop. There is little to no new visible grading proposed and the stairways do not present a current visual detriment. We will work with staff to determine appropriate means to screen or repaint existing structures with less reflective colors.**

### **Findings (Use Permit with ASA and G/GA)**

*2. The Planning Commission may grant a Use Permit with ASA and G/GA application if all applicable findings listed in Attachments B, C, and D can successfully be made. In order to meet these findings, the project must conform with the General Plan, Zoning Ordinance and all other Santa Clara County guidelines and standards. Additionally, the project must not be significantly detrimental to the site's natural setting, must conform to the surrounding neighborhood, and*

*must include safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal).*

*As proposed in the Pre-Application submittal, the project appears to conflict with several General Plan policies (see Attachment A), Use Permit findings (Attachment B), County Grading Ordinance findings (see Attachment C), and the County of Santa Clara Guidelines for Grading and Hillside Development. (see [www.sccplanning.org](http://www.sccplanning.org)). In summary, the project appears to create excessive hillside scarring from proposed driveways, the grading is not the minimum necessary to establish the Religious Institution use, the project does not provide adequate emergency or Americans with Disabilities Act (ADA)-compliant access to structures, creates adverse visual impacts from the valley floor and adjacent public space, and impacts the natural landscape.*

**The proposed project was designed in compliance with Attachments A through C. See comment responses on the Code Violation Response document and refer to the project description for clarification on project definition and usage.**

### **Application Submittal Requirements**

*3. When submitting a Use Permit with ASA and GA/A application, provide documentation that describes and shows all proposed site improvements. Please see the County website for application materials required for the Use Permit with ASA and GA/A submittal. Other materials not included in the checklists but appear to be necessary to analyze the application are listed below:*

**All required materials for the Use Permit Application have been provided. Additional details will be provided once an agreement is made determining the acceptance of the project use.**

*Adequate and legal access to the site for the proposed use (See comments from County Parks and Recreation below).*

**Proposed use is addressed in the attached Project Description. Adequate and legal access to the site is shown on the plan set.**

*All on-site and offsite parking. Parking standards and requirements can be found in Table 4.30-2 of the County Zoning Ordinance, under the 'Religious Institution' use classification. Submit a parking plan that meets the minimum requirements per this section and identifies parking for events. Include aisle width, dimensions and space numbering to demonstrate compliance with the parking provisions. Based on parking demand and maximum occupancy, any additional or reduced parking may be required.*

**There exists plenty of parking on the site for the proposed use. Parking details will be addressed with zoning issues and a traffic analysis.**

*All on-site and off-site signage. Signage standards and requirements can be found in County Zoning Ordinance § 4.40. Provide sign details including location, size, and design plans.*

**All on-site and off-site signage will be in compliance with County Zoning Ordinance § 4.40. Design work was completed in compliance with County standards and can be referenced in the provided project engineering documents.**

*Use of all accessory structures on both APNs 029-38-014 and 029-38-015.*

**Each structure is dealt with individually in the body of this response. See project description for further description of use for each structure.**

*NOTE: Accessory structures may only be permitted if they are accessory to a primary use. Some accessory structure may not be permitted to remain. Upon application submission, please explain the use of all accessory structures and demonstrate how they are accessory to the primary use on both lots.*

**Each structure is dealt with individually in the body of this response. See project description for further description of use for each structure.**

*A geologic/geotechnical engineering report that includes an evaluation of slope stability at each of the proposed building locations (contact Jim Baker insert email).*

**There will be a geotechnical report evaluation of the site and the official report will be provided once the Use and Project Description is agreed to by the County.**

*Level 1 Early Notification Outreach, which will require noticing to immediate neighbors and a sign posted on site as described on the County website.*

**All planning, design, and permitting will be in compliance with County procedures. Immediate neighbors will be notified of work to be done onsite and a sign complying to county standards will be posted.**

### **Environmental Review**

*4. Per the California Environmental Quality Act (CEQA); an Environmental Assessment may be required for the proposed project. The following studies may be required to address potential environmental impacts. Additional studies may be required after a review of the submitted application.*

*-Renderings of all new structures on the hillside, including any screening mechanisms utilized to minimize visual impacts, to assess the level of aesthetic impacts.*

*-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 noise study addressing whether the project will result in temporary or permanent increase in ambient noise levels in the vicinity in excess of standards established by the Santa Clara County Noise Ordinance.*

*A traffic study that addresses the potential traffic impacts of the proposed use.*

**The applicant intends to provide the above-stated professional consultant reports. However, per meeting on July 04, 2019 with the County, Leza Mikhail acknowledged that a Noise Study would not be needed and that other appropriate professional consultant studies will be provided once the Use and Project Description is agreed to by the County.**

### Local-Serving Uses

*The project is subject to the County of Santa Clara Local-Serving provisions (Zoning Ordinance Section 2.20.090). Should the total square footage of all buildings/structures exceed 8,480 square feet, a Rural Resources Impact Study is required, and the project will be subject to additional findings.*

*NOTE: Please be aware the County is currently in the process of revising these provisions.*

**As tabulated within the plans, the current aggregate structure area is approximately 8,153 SF and 9 of the 11 building are under 750 SF. The only exceptions are the Residence at 2754 SF and the Office at 838 SF. There is no expansive worship facility with multi-purpose rooms for large events and sports competitions. This is a decidedly small scale and discreet facility for the private religious reflection for friends and family of the owner. The "Main Residence" prayer room is not open to the public. The assembly use in the residence is limited to 50 persons. The chapel is limited to 16 persons. See Plans for individual structure details and square footage.**

### Fees

6. Minimum current planning fees for processing of the land use applications are as follows:

Standard Use Permit with ASA      \$14,227.97



*Grading Abatement/Approval*                      \$ 2,363.66

*Environmental Assessment*                      \$ 4,068.31

Note that these are utilized on a staff time and material cost basis, and after these initial fees are exhausted, the owner is invoiced the staff costs.

**Fees are attached.**

### Submittal Requirements

**The Habitat form was previously submitted with the pre-application and on file with the County**

*7. This property is located within the Santa Clara Valley Habitat Permit Area. File for and submit a completed Habitat Plan Coverage Screening Form, signed by the property owner, with land cover impact area calculations, calculated and stamped/signed by a licensed professional, to the Planning Office for review and verification with the Use Permit with ASA and GA/G application?*

### Land Cover Verification

**We have retained a wildlife biologist for preparation of an assessment of the oak woodlands and any riparian areas. Wildlife biologist to field verify land cover, area calculation and tree location.**

*8. 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:*

*-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).*

*-Area calculations of land cover permanently and temporarily impacted by the project, consistent with Table 1 of the Application for Private Projects.*

*-Location of trees (diameter 6-inches or greater), species, size (diameter), and canopy area, including trees removed and impacted canopy area calculation.*

## Fees

*9. 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.

### **Land Cover Fees shall be paid accordingly**

*10. 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:*

*Land Cover Fee Zone A –Ranchlands and Natural Lands*

*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.

**The applicant will comply to all and any related fees. Please see response to No.8 above about retention of wildlife biologist.**

## Conditions

*11. 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:*

*Condition #1 – Avoid Direct Impacts on Protected Plant and Wildlife Species.*

*Condition #3 – Maintain Hydrologic Conditions and Protect Water Quality.*

*Condition #7 – Rural Development Design and Construction Projects.*

*Condition #10– Fuel Buffer.*

*Condition #14– Valley Oak and Blue Oak Woodland Avoidance and Minimization.*

**The applicant will comply to conditions of approval as needed. Please see response to No.8 above about retention of wildlife biologist.**

*12. 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.*

**All planning, design, and permitting will be in compliance with County procedures, and fees paid. Habitat Plan has been previously submitted with pre application.**

#### Sanctuary

*13. The applicant proposes a conversion of a previously permitted residence to a sanctuary. Submitted floor plans depict the following: kitchen, a full bath, and 2 half baths. The floor plans depict an open floor plan with no bedroom noted. Clarify whether the office is to be used as a bedroom. Office is adjacent to full bathroom.*

**As stated within the Project Description, the applicant requests direction as to bedrooms within the current Main Residence where there will be a weekly prayer meeting in an assembly room as part of the structure. See Code Violation Responses document and Plans for additional details.**

14. An onsite wastewater treatment system (OWTS) shall be required. The OWTS shall be sized based upon peak flows (and bedroom count). Therefore, contact an OWTS consultant/designer and the Department of Environmental Health to conduct OWTS feasibility/ testing - site assessment, soil profiles, and percolation tests.

Clarify the number of attendees utilizing the monastery on a daily and weekly basis.

Clarify if the office is utilized as a bedroom, and if the room will be occupied on a full-time basis.

**Pending direction on 13. above, the Office may become an ADU.**

#### Lower Pavilion

15. Submitted floor plan depicts an open floor without plumbing fixtures.

**The building has been enclosed and it is the applicant's intent to re-permit this structure. There is no plumbing. There are deck drains that simply daylight below in the crawl space and any PVC piping is the irrigation system for the newly planted trees. See Plans for additional details.**

#### Tree House

18. Submitted floor plan depicts an open floor configuration without plumbing fixtures.

**See Violation Response Document for detailed explanation.**

#### Kitchen and Maintenance

17. Locate and identify OWTS (if any) that served the former use. Properly abandon septic tank (if necessary). Obtain septic tank abandonment permit from the Building Inspection Office once the septic tank located.

**See Violation Response Document for detailed explanation.**

18. Submitted floor plan depicts an open floor without plumbing fixtures. Library (location of the 'kitchen and maintenance' building)

**See Violation Response Document for detailed explanation.**

#### Public Restrooms (designated as inventory "I") and Office

19. Identify and locate the existing OWTS.

**See Violation Response Document for detailed explanation.**

20. If OWTS constructed without the benefit of a permit, a permit shall be required to either abandon or legalize the existing OWTS. The existing OWTS was reportedly placed in fill. An OWTS cannot be in fill. Septic may need to be removed and situated in native soils.

**See Violation Response Document for detailed explanation.**

21. Prior to obtaining an OWTS permit to either legalize the existing OWTS or create a new OWTS, the following OWTS feasibility tests/activities shall be required to determine and/or confirm dispersal field requirements: site assessment, soil profiles, and percolation tests. The existing dispersal field shall be exposed to determine conformity to the current OWTS Ordinance.

**See Violation Response Document for detailed explanation.**

22. Septic tank and dispersal field shall be sized based on peak flows (users). The dispersal

**All planning, design, and permitting will be in compliance with County standards.**

#### Proposed Catholic Chapel

23. Requires an OWTS to serve the proposed building. (May either use and independent system or share a combined dispersal field). Provided floor plans do not show plumbing fixtures (open floor).

**There are no wastewater facilities planned for the chapel.**

#### Well

24. Well Test report provided, detailing well yield and analytical test results for water sample. However, well casing depth remains unknown and bacteriological results for coliform and e-coli were not included/provided.

**The issues involving the well will be dealt with during the geotechnical evaluation of the site.**

25. Depending on the number of individuals served and frequency, the existing well may be deemed a 'public water' system under the jurisdiction of the State of California, State Water Resources Control Board, Division of Drinking Water, with additional state permitting requirements.

**Additional issues involving the well will be dealt with during the geotechnical evaluation of the site.**

#### FIRE MARSHAL'S OFFICE

26. *Maximum slope for State Response Area is 16% per PRC 4290. The maximum slope showed on the plans is 26%.*

**This will be addressed in the design phase. An Alternative design is provided in the Plans and clearly shows extensive grading and scaring of the hillside is required to accommodate a new road to meet the 20% design for the proposed use.**

27. *Minimum width of fire department access is to be 20 feet (ft.), as this property is not a single-family home. This 20 ft. access is to be from the nearest County maintained road and to continue throughout the property for any structures over 500 sf.*

**This will be addressed in the design phase.**

28. *Plans to show minimum radius for horizontal curve to be a 50 ft. radius.*

**This will be addressed in the design phase. Design will be according to County standards.**

29. *Plans to clearly show measurements of fire department turnarounds.*

**This will be addressed in the design phase. Design will be according to County standards.**

30. *Fire department access to be within 150 ft. path of travel of all points of a structure that exceed 500 sf.*

**This will be addressed in the design phase. Design will be according to County standards.**

31. *Plans to state that fire department access will be made of an "all weather" material capable of holding 75,000 pounds.*

**This will be addressed in the design phase. Design will be according to County standards.**

32. *Plans to show size of water tanks. Water tanks to meet NFPA 22 and CFMO-W2.*

**Size of water tanks are shown. See plans for additional details. Design will be according to County standards.**

33. *Standard fire hydrants to be located within 400 ft. path of travel of all portions of the structure. The number and spacing of hydrants will be determined during the zoning and use evaluation. If pressurized hydrants are required, they will be installed.*

34. Plans currently show details for wharf hydrants, hydrants for this project are to be standard hydrants as the project isn't a 1 or 2 family home. **The number and spacing of hydrants will be determined during the zoning and use evaluation. If pressurized hydrants are required, they will be installed.**

35. All structures over 500 sf to have NFPA 13 fire sprinklers installed.

**This will be addressed as part of identifying the use of the buildings. Design will be according to County standards.**

Property is in the Wildland Urban Interface (WUI) and State Response Area (SRA). Structures to meet Chapter 7A of the Building Code and the property is to maintain 100 ft. of defensible space.

**This will be addressed in the design phase. Design will be according to County standards.**

36. This review was for fire department access and water supply only, further review for Fire and Life Safety occurs at Use Permit and Building Permit submittal.

**OK**

#### LAND DEVELOPMENT ENGINEERING

**Items 37 through 57 will be dealt with in tandem with the grading and fire access issues addressed in the project description.**

37. Demonstrate by way of a full topographic survey along with earthwork sections and calculations the extent and scope of the unpermitted site work which will be addressed by the Grading Abatement permit. Documentation of the full extent of the Grading Violation as well as the creation of impervious area across the site is critical to the Grading Abatement and Use Permit application.

**Full topographic survey and earthwork sections shown in accompanying Plans.**

38. Many areas of new hardscape (stairways/ paths/structures/etc.) and roads/driveway/parking created across the site and grading to support the improvements across the two parcels have not been documented in the application. In order to document the unpermitted areas of work your submittal must include a full topographic survey of all the improved areas on the site as they exist today with a comparison with what existed before work was performed on the property. The pads supporting the unpermitted structures shall also be documented as a part of the Grading Violation and Abatement.

**Full topographic survey of earthwork sections and hardscape shown. See accompanying Plan set for details.**

39. *There is additional unpermitted grading around the originally approved home which must be documented and abated as a part of this application. If unpermitted areas of work*

*are to be restored through the abatement application, the work shall be shown to be removed and the grading shall be restored.*

**Unpermitted areas of work will be documented and abated in tandem with grading under design phase.**

40. *If sub-excavation and re-compaction of the hillside is required in order to place back a stable engineered slope, that work shall be shown on the preliminary plans and the quantities shall be shown on the grading tables for the application. Any resubmittal that doesn't include the full scope of the violation that is documented by a full topographic survey will be deemed incomplete.*

**Full scope of violation is documented by full topographic survey. See accompanying Plan set for details.**

41. *Provide earthwork calculations of the earthwork quantities shown on the plans.*

**Earthwork quantities shown on the accompanying Plan set.**

42. *Provide impervious area quantities on the resubmitted plans, break down the areas between different areas of work, and indicate whether the impervious areas will be removed, retained/legalized or replaced with compliant and permitted items of work.*

**Impervious quantities shown on the accompanying Plan set.**

43. *Please clearly identify all roads maintained or not maintained by the County.*

**Roads will be identified in planning and design phase.**

44. *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:*

*The site can be adequately drained,*

*The proposed development will not cause problems to the nearby properties,*



*The proposed development is not subject to significant damage from the one percent flood,*

*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.*

**This item will be dealt with in design phase**

*45. Please demonstrate that the Spring Valley access road to the driveway shown on the plan conforms to County Standard Detail SD1. Please demonstrate that the access road (Spring Valley Road, from the end of the County-maintained section to the driveway shown on the plan) conforms to County Standard Detail SD1.*

**Driveway design to conform with County SD1**

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.

**Driveway approach per SD2 included**

*46. Based upon County policy, a right-of-way dedication of thirty feet measured perpendicularly from the access road centerline would be required with this development. It appears that the unpermitted parking area has been constructed within the proposed right-of-way and must be relocated outside of the right of way. Please review with Planning Department Staff about other setbacks from the proposed right-of-way.*

**30' Right of way shown, See sheet C10**

*47. Please revise the driveway plan and section to conform to County Standard Detail SD1. Include any additional grading and retaining walls that may be required for the additional road width. A plan and profile for all sections of road and driveway shall be provided.*

**Driveway revised to conform with SD1**

*48. Provide a driveway turnaround to conform to County Standard Detail SD16. Provide preliminary grading details in the turnaround area to demonstrate that it meets the 5% maximum slope in any direction standards.*

**Driveway turnaround Detail conforming with SD 10 shown on Plan set.**

49. Provide clearly marked parking stalls on your parking lot and provide appropriate locations and grading for accessible parking for the site. Include dimensions for the stalls and access aisles.

**Parking stalls to be provided in the planning and design phase**

50. Explain your markup on the plans calling for 15' of cut. That is the downhill side of the road where there would presumably be fill required for the proper road to be constructed.

**Plans will be calling for a Cut at that section to conform to proposed grading in compliance with County Standards. See accompanying Plan set.**

51. Provide hydromodification calculations and improvements per the applicable NPDES Permit.

**Hydromodifications Calcs and improvements to be addressed in planning and design phase.**

52. Please include all applicable easements affecting the parcels 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.

**All applicable easements shown on plans and provided. See attached preliminary title report.**

53. Please provide a drainage system to adequately route flows from the site to the natural outfall. Detention may be required depending on the impervious area that will be added, legalized, and removed. A tabulated amount of impervious areas is required for the plan resubmittal.

**Drainage system to be addressed during planning and design phase.**

54. 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. Several walls were constructed as a part of the grading violation. Your plans shall show these walls and demonstrate how they will be legalized or abated.

**Drainage system design to be addressed during planning and design phase.**

55. Show drainage system from parking lots, driveway, and roof drains on plan. Identify a vegetated buffer area and provide energy dissipation for storm drainage, to provide at least minimal storm water treatment and reduction in flow velocity.

**Retaining walls to be addressed during planning and design phase.**

*56. This project is located within the San Francisco Bay Watershed and includes ten thousand square feet or more of new or replacement impervious area. The preliminary plan shall include stormwater 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 website.*

**Drainage system design to be addressed during planning and design phase. Clean water program questionnaire will be provided.**

*57. Based on the road profile provided, the road appears to be designed based on 300-foot*

*sections of roadway with road gradients greater than 15% but less than 20%, with 100- feet of grade relieve between the road sections greater than 15%. If the 300-100-300 design is acceptable to FMO, the road profile shown will need to be adjusted, as the current profile shows the ends and beginnings of vertical curves well within the grade relief sections (i.e., the portions of vertical curve located within the proposed 100-feet of relieve are in excess of 15%).*

**Roadway design will may be adjusted as needed.**

**SANTA CLARA COUNTY PARKS**

*58. Access to the project is gained via a 20-foot-wide County Parks Department paved service road that provides access to Ed R. Levin County Park maintenance facilities, Spring Valley Golf Course maintenance facilities, and the Airpoint Trail staging area.*

As part of the application submittal, the applicant should be aware that the County Parks Department:

*Is obligated to provide no more than a 20-foot-wide road to the private property parcels and all engineered portions of the road must be contained within the 20- foot road right-of-way;*

**Noted. Existing road complies with County Parks Department requirements.**

*Is not obligated to provide for the “undergrounding” of utilities within the road;*

*Does not support increasing the load-bearing capacity of the road; and*

*Owns all property to the west of the access road. The ownership to the east of the access road is a mix of County parkland and private property. Any required dedication of rights-of-way must be contained within the private properties and cannot extend into County parkland.*

**This will be dealt with in tandem with the grading and fire access issues addressed in the project description.**

## BUILDING

*59. 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. Violations may also be abated with the removal of the unpermitted conditions through the demolition permit process. See the link below for additional information on the building permit application process/requirements:*

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

*The conversion of the previously permitted residence into the religious institution and sanctuary assembly space, if approved, will require a seismic retrofit as a part of the structural evaluation of the building.*

*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.*

**Applicant intends to legalize all structures in an effort to comply with Santa Clara County regulations. These items will be dealt with along with item 3 resolving the overall use of the site.**