

# County of Santa Clara

Department of Planning and Development  
Planning Office

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www.sccplanning.org



January 31, 2022

McKean Road Assoc., LLC  
c/o Mark Tersini  
21710 Stevens Creek Blvd, Ste 200  
Cupertino, CA 94014

\*\*\*via email\*\*\*

**FILE NUMBER:** PLN20-094  
**SUBJECT:** Building Site Approval and Grading Approval  
**SITE LOCATION:** 0 McKean Road (APN: 708-37-006)  
**DATE RECEIVED:** January 4, 2022

Dear Mark Tersini:

Your application for Building Site Approval and Grading Approval (first resubmittal) 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. **Please note that this resubmission was over 180 days after the previous incomplete letter, and a 10% fee has been charged and must be paid prior to the next resubmittal.** The Geologic Review fee has also been invoiced and must be paid and the Geologic Report included in the next resubmittal.

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) 299-5706 or via email at [robert.cain@pln.sccgov.org](mailto:robert.cain@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**

Contact Robert Cain at (408) 299-5706 or [robert.cain@pln.sccgov.org](mailto:robert.cain@pln.sccgov.org) regarding the following comments:

1. The Plans indicate 123 cubic yards of cut and 106 cubic yards of fill. Please update to include drainage improvements (see LDE comment number 11). Should quantities remain below 150 cubic yards for both cut and fill, a Grading Approval is not required.

### **Santa Clara County Habitat Plan**

2. On the site plan, provide current location of Calero Creek (Category 1) and show compliance to setback (150 ft.) of edge of riparian area plus buffer of 35 ft. from top bank of creek. Label top of bank and center line of creek on plans (consistent with biology report). **While the center of creek is noted, the setback is measured from the top of bank or edge of riparian vegetation, whichever is further. Additionally, a smaller Category 2 watercourse runs along the northern boundary of the property, and the center line and top of bank for this creek/drainage and a 35' setback must be shown on the site plan.**
3. Submit biology report prepared by a qualified biologist that includes the following information:
  - a) Biologist shall determine top bank and center line of creek.
  - b) Wildlife surveys for Tri-Colored Blackbird. The site is in potential habitat area for Tri-Colored Blackbird.

**Note: The HCP coverage determination will be determined by the results of the biological report and compliance with the creek setback.**

### **Additional Information**

Property is in HCP Area 2. **If HCP coverage is required**, further information will be needed to deem the application complete for HCP conditions including the following:

4. Land cover verification map (site plan) that identifies all the habitat plan land covers present within the proposed development area and HCP setbacks (50 ft. radius surrounding permanent development (building pad of home, driveway and other permanent improvements), and 10 ft. radius surrounding temporary development (i.e. septic system, construction stakes etc.). The creek's top of bank and center line and all land covers must be field verified and mapped by the biologist.

Note: Based on the HCP Geobrowser report, the site may contain Mixed Riparian Forest and Woodland and Grain, Row-crop, Hay and Pasture, Disked / Short-term Fallowed land covers.

5. Area calculations of land cover impacted by the project for the development area, consistent with Table 1 of the Application for Private Projects. **This was stated in the response letter, must be noted on the Site Plan.**

California Environmental Quality Act (CEQA)

6. The area has numerous special status plant and animal species. Any impacts to special status species not covered in the Habitat Plan will be evaluated through the CEQA process. **The biology report should note if any special status species are impacted by this proposed development.**

**LAND DEVELOPMENT ENGINEERING**

Contact Darrell Wong at (408) 299-5735 or [darrell.wong@pln.sccgov.org](mailto:darrell.wong@pln.sccgov.org) regarding the following comments:

7. Please demonstrate that the access road to the driveway shown on the plan conforms to County Standard Detail SD2. The plans don't clearly show what improvements will be required to create a SD3 road section. Provide the scope of the widening. Is there existing pavement that is being widened? Does it already exist? Clearly show the limits of the improvements.
8. Please demonstrate that the full-length access road Walton Ave. from the intersection with McKean Road conforms to County Standard Detail SD2. The Owner's engineer is to make a proposal to build a pro rata portion of Walton Ave. based upon the fully developed use of the road. The scope of improvements shall be demonstrated that it is equivalent to a proportional share of the remainder of the improvements to fully develop Walton Ave. divided amongst the parcels still remaining to be developed and requiring building site approval.
9. Please submit evidence of legal access to the site along Walton Ave. from the nearest publicly maintained road compiled and/or prepared by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying. State the recorded document providing the access to Walton Ave. on the plans.
10. Provide a public storm drainage easement along the existing creeks passing through the property. The easement(s) shall be a minimum of 30' in width following the flow lines of the creek, or a width sufficient to encompass the watercourse plus an additional 5 feet outside the top of banks to allow for access for the maintenance of the facility, whichever is greater.

11. Please show the required storm drainage mitigation. Please identify whether a detention/retention basin will be required and whether additional grading will be required for that improvement. Adjust the grading quantities accordingly.

**FIRE MARSHAL OFFICE**

Contact Alex Goff at (408) 299-5763 or [alex.goff@sccfd.org](mailto:alex.goff@sccfd.org) regarding the following comments:

12. Plans to state residential fire sprinklers will be a deferred submittal.
13. Plans to clarify the scope of work, including size of structures, occupancy type, construction type, etc.
14. Sheet 2 of 3 shows a single tank serving the property. The water tank/s serving the wharf hydrant is to be separate from the tank serving domestic/fire sprinklers per CFMO W1, W4 and W5.
  - a) The water tank/s serving the wharf hydrant is to be based on the size of the structures per CFMO-W1, this is unknown at this time.
  - b) The water tank serving domestic/fire sprinkler water is to be a minimum size of 3,000 gallons.
  - c) Any single tank greater than 5,000 gallons will need a separate Building Permit. Typically, the wharf hydrant is served by multiple 5,000-gallon tanks (when needed), although a single large tank for the wharf hydrant would be acceptable.
  - d) Wharf hydrant and water tanks to be labeled as (N) new or (E) existing.
  - e) An example of the tank labeling on the plans would be (N) two (2) 5,000-gallon above ground water tanks for wharf hydrant and (N) one (1) 3,000-gallon water tank for domestic/fire sprinklers.

**ENVIRONMENTAL HEALTH**

Contact Darrin Lee at (408) 918-3435 or [darrin.lee@cep.sccgov.org](mailto:darrin.lee@cep.sccgov.org) regarding the following comments:

15. Contact Jeff Camp at 408-318-1559 or [jeff.camp@cep.sccgov.org](mailto:jeff.camp@cep.sccgov.org) regarding soil testing for septic feasibility. A site assessment, soil profiles and percolation testing will be required. Please note that this parcel is in a known high groundwater area, so wet weather testing or a hydrogeologic report will be required. Once testing is complete, submit to the Department of Environmental Health (DEH) the following: Onsite wastewater treatment System (OWTS) plans, floor plans, grading & drainage plans with OWTS overlaid, and any geotechnical reports for the site with an application for review.
16. Submit a will serve letter from an approved water company or provide an approved water clearance letter from DEH. Contact Jeff Camp at 408-318-1559 for more information.

### **ROADS AND AIRPORTS**

Contact Leo Camacho at (408) 573-2464 or [leo.camacho@rda.sccgov.org](mailto:leo.camacho@rda.sccgov.org) regarding the following comments:

17. Walton Road is a private road and McKean Road is a County Maintained Road, revised plans should be labeled as such.
18. The Intersection connection of Walton Road to McKean Road will require improvements to County standard B/5 minimum or A4 if more than 3 approved building sites will utilize this access. A stop bar and stop sign will be required at the intersection. Indicate improvements on revised plans.
19. A dedication of additional right-of-way necessary to achieve a 30' half street along McKean Road will be required. Indicate on revised plans necessary dedication on McKean Road.

### **GEOLOGY**

Contact Jim Baker at (408) 299-5774 or [jim.baker@pln.sccgov.org](mailto:jim.baker@pln.sccgov.org) regarding the following comments:

20. Charles W. Davison Company's resubmittal letter (dated 12-30-2021) indicates "44. A geotechnical report is being prepared and will be submitted when complete." The Documents portal does not contain the report. Therefore, the application is still INCOMPLETE.
21. Pay the appropriate report review fee when uploading an electronic version (unsecured pdf) of the report into the Documents Portal of Accela/InSite.

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

Please note that the following types of applications have been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted which includes Design Administrative Exemption.

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If you have questions regarding the application, please call (408) 299-5706 or email [robert.cain@pln.sccgov.org](mailto:robert.cain@pln.sccgov.org).

Warm regards,



Robert Cain  
Associate Planner

**cc:**

Leza Mikhail, Planning Manager  
Darrell Wong, Land Development Engineering  
Alex Goff, Fire Marshal's Office  
Darrin Lee, Department of Environmental Health  
Leo Camacho, Roads and Airports Department  
Jim Baker, County Geologist  
Peter Smith, Charles W. Davison Co.