

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



May 10, 2023

Kastury Padma and Veera Kumar
3262 Palmo Ct
San Jose, CA, 95135

FILE NUMBER: PLN20-134
SUBJECT: Building Site Approval, Design Review (Tier II), and Grading Approval Applications
SITE LOCATION: 3412 Fowler Road, San Jose (APN: 660-33-009)
DATE RECEIVED: April 11, 2023

Dear Mr. Padma,

Your application for Building Site Approval, Design Review (Tier II), and Grading Approval was received on the above date and is deemed **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made via the internet, to do so, follow the instructions at the following URL: <https://plandev.sccgov.org/how/apply-permit/planning-resubmittal-procedures>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and/or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, the Planning Office 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 specialty or office and can provide details about the requested information.

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

Please submit all electronic copies of the revised plans/resubmittal documents (PDF) with a written response letter addressing each incomplete comment.

PLANNING OFFICE

Contact your Project Planner Parya Seif at (408)299-5783 or parya.seif@pln.sccgov.org regarding the following comments:

Tree Removal

1. The submitted Arborist report prepared by Matthew Fried is referring to the previous proposed site location for analyzing the impacted trees. Please submit a revised arborist

Please see updated arborist report

report that evaluates the impact of the current proposed development and identifies all the impacted trees.

The following comments are incomplete items which have yet to be addressed with this submission. These incomplete items were noted on the letter sent on September 29, 2022. These items are required to be addressed in order to for the application to be deemed complete.

Lot Legality

2. Legality verification of APN 660-33-009 is NOT established yet with the supplemental deeds submitted on 4/11/2023. Please submit recorded deed prior to June 25, 1969, with the same configuration with the current deed. This information is necessary to ensure that the lot in its current configuration was conveyed before 1969 and thereafter.

For future deeds resubmittal, please ensure the documents are complete with no missing pages, and the deeds must be clearly readable. Please also provide the book and page number of the document if that information was not shown on the document itself. Please mark / note on the deed if it involved more than one parcel. You may consider of consulting a surveyor for the interpretation of the legal descriptions.

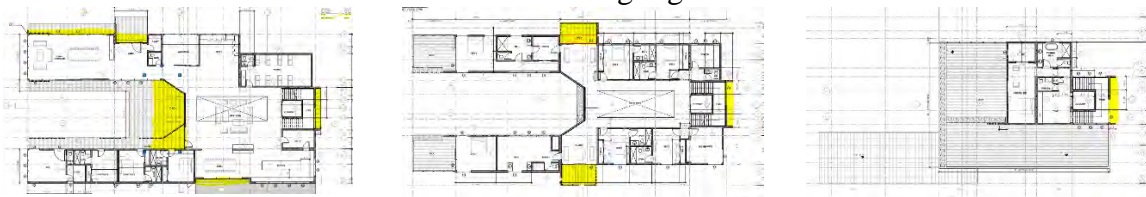
Below are the documents submitted which had been reviewed:

- Easement for ingress/egress and Public Utilities agreement # 18563775 recorded on September 7, 2005.
- Document (Book # unknown? page 235 to 241) recorded on December 17, 1894. This was the ROW for water pipe.
- Indenture of July 25, 1874 (Book 33 of deeds, page 571) recorded on October 15, 1874.
- Indenture & partition of December 17, 1914 (Book 426 of deeds, page 91) recorded on January 9, 1915.
- Declaration of Water Use, filling # 237934 (Book 1074 of records, page 481) recorded on January 9, 1942.
- Grant deed No. 24480069 recorded on May 15, 2020.

Please see additional deeds

Design Review

3. The floor area calculation provided on Sheet A204 does not include the area of the porches that are covered, and greater than 50% enclosed by perimeter walls. Please revise the floor area calculation and provide correct information. Definition of “floor area” per County of Santa Clara Zoning Ordinance [Section 1.30.030](#), includes “the total area of any attached garage, and any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls.” The area of the porches that need to be included in the FAR calculation are highlighted on bellow screenshots.



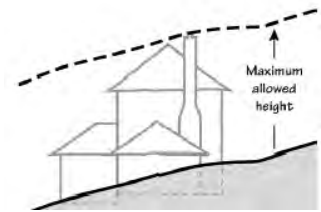
The area calculation on sheet A210 has been updated to include the covered deck areas that are enclosed more than 50%. Uncovered decks not enclosed more than 50% are hatched and noted on this page as well.

Elevation

4. The height of the proposed buildings are not correctly measured on the Elevation Sheet A400, A401, and A402 as the proposed final grade depicted on elevation sheets does not reflect the correct final grade level as required by the County of Santa Clara Zoning Ordinance [Section 1.30.030](#). Please modify your elevation sheets and show correct final grade and hypothetical surface representing the final grade as projected through the structure site.

Height shall be measured by the vertical distance from the final grade to the top of a building or structure. On sloping lots or lots with irregular topography, height shall be measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site (see below Figure for measurement details).

The Final Proposed grade outside all sides of the house is level at 844'-0" per the civil Drawings. See Civil Sheet . A400,A401 and A402 have been updated to depict the "hypothetical surface representing as final grade as projected through the structure site" per the requirements of 1.30.030 height, and Fig. 1.30-4b. Cross sections 1/A500 and 2/A500 were utilized to generate the "projected grade under high point" referenced in Fig. 1.30-4b. Please note that this height is level at 879'-0" (35' above the finish grade at all sides of the house)



Grading

5. The submitted statement of justification for proposed grading does not provide adequate information. Please clearly describe how the proposed grading is consistent with the grading findings per Section C12-433 of the Santa Clara County Grading Ordinance. You can find the form at bellow link. Please clearly describe the maximum and minimum height of the proposed retaining walls, and clearly identify how tall is the highest retaining wall and where it is located. Please note that visible walls shall be colored and textured to complement the background land and vegetation, per the adopted Design Review Guidelines.

https://stgenpln.blob.core.windows.net/document/Grading_Statement.pdf

Added additional info to the grading statement

LAND DEVELOPMENT ENGINEERING

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

6. Verify the linework on sheets C2 and C3. There appears to be edge of existing driveway missing from the plans beginning at station 0+00 all the way to 10+40.

Updated the existing EP

7. Per the provided reference, an ingress and egress easement exist along the southerly property line. This 20' half street shall be offered for dedication for public use. The new dedication shall be curvilinear and not angular as the ingress egress easement exists. The curvilinear offer of frontage dedication is recognized at approximate station 24+05, but it is also required at other locations along the frontage at approximate stations 11+95, 16+95, 18+75 and 21+10. Additional Curvilinear dedications shall be offered along the right of way along the westerly property line as the right of way heads north from the spur at the entrance road.

Revised half street dedication to curvilinear

8. Be advised that the use of porous pavement will require an appropriately designed subdrain system with check dams and deepened rock sections. The intermediate subdrain system must be discharged to the side of the pavement section and collected appropriately. The plans must show how the drainage from the porous pavement section will be collected on the side of the pavement section and drained to an appropriate outfall.
Added check dam detail to the plan on sheet C5
9. Section B-B is shown going through the house in the location of the deck, but no deck is shown in the section. Please revise accordingly for consistency.
Revised section B-B to include deck on sheet C13
10. Verify the grading sections through the retention ponds. The earthwork quantity table states that the maximum cut is three feet while the section indicates approximately six feet of cut. The plan view depicts a bottom of pond at 819.5 with a top of cut at approximately 827. Please revise the plans/table accordingly ensuring consistently and revise the quantities as appropriate. **Revised calculation and update quantity table**
11. The cross section C-C on Sheet C13 shows a garage that is wider than the driveway, but the plan view indicates that the driveway is wider than the driveway in the location of the section cut. Please revise the section accordingly and show on the plans for consistency.
Revised section C-C to match plans

ENVIRONMENTAL HEALTH

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

12. Per the applicant's response to the Department of Planning and Development's incomplete letter, the owner intends to develop an individual well and gain water clearance through Environmental Health. As such, contact the Department of Environmental Health (Jeff Camp, 408-918-3473) for well construction requirements and for individual drinking water clearance. Achieving individual water clearance is mandatory prior to building site approval. These are separate submittals to Environmental Health subject to completion of a service application, payment of applicable review fees, and submittal of documents (well completion log detailing depth of annular seal, well yield report, and analytical results from water sampling for bacteriological and chemical constituents).
Well construction and drinking water is in progress

FIRE MARSHAL OFFICE

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

13. Prior Fire review asked for the width of Fowler Rd. to be clearly shown on the plans. The Response Letter states this is in the city of S.J. and the plans don't show this entire section of road or it's width. Provide documentation from S.J. showing they aren't requiring any improvements to Fowler Rd. for this proposal. Emergency response to this site would be made by S.J. Fire and it's not known if Fowler Rd. meets either S.J. or County Fire access requirements.
Extend the exhibit to show Fowler Road widening from Yerba Buena to where the driveway begins.

Cal Fire

No additional comment, Please see email from Carlos on 7/14/2023

Contact Carlos Alcantar at carlos.alcantar@fire.ca.gov for information regarding the following items.

Note: This project is located within the State Responsibility Area (SRA) and is recommended to follow all minimum wildfire protection standards of **California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 - Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5.**

14. **Access:** Fowler Road and all access roads will need to be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the building site per § 1273.01. **Added sheet to show Fowler Rd widening to 20' as needed**

Article 2 Emergency Access and Egress

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR §1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

- a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.
 - b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.
 - 1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.
 - 2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.
 - c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").
Added sheet to show Fowler Rd widening to 20' as needed
15. **Driveway Surfaces:** Ensure driveway is designed and maintained to support 40,000 pounds.

§ 1273.02. Road Surfaces

- a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.
- b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.
- c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

See fire note on sheet C1

16. **Dead-end Road:** Ensure building site on Fowler Road does not exceed the maximum length for a dead-end road per § 1273.08. The dead-end road starts Yerba Buena Road and Fowler Road.

§ 1273.08. Dead-end Roads

a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

- parcels zoned for less than one acre - 800 feet
- parcels zoned for 1 acre to 4.99 acres - 1,320 feet
- parcels zoned for 5 acres to 19.99 acres - 2,640 feet
- parcels zoned for 20 acres or larger - 5,280 feet

This site is 34.5 Acres. From Fowler and Yerba Buena Road to the end of the driveway serving the project site is approximately 4,210 feet.

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

17. **Turnouts:** Turnouts will need to meet specifications in § 1273.06.

§ 1273.06. Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

There are 6 turnouts proposed, please see sheet C1.1

18. **Turnarounds:** Fowler Road appears to be a dead-end road and will require a turnaround at its terminus per § 1273.05 and meet specifications in § 1273.05.

§ 1273.05. Turnarounds

- a) Turnarounds are required on driveways and dead-end roads. Turnaround shown on sheet C12
- b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length. Hammerhead with 60' top of T is proposed. See sheet C12
- c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. Turnouts shown on sheet C1.1 to C6
- d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building. Comply
- e) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.

Driveway is approximately 1800' in length. Provided 1 turnaround 50' from the building

19. **Dead-End Road:** Ensure Fowler Road does not exceed maximum distance for a dead-end road depending on parcel size per § 1273.08. Dead-end road begins at Fowler Road and Yerba Buena Road.

§ 1273.08. Dead-end Roads

a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet
parcels zoned for 1 acre to 4.99 acres - 1,320 feet
parcels zoned for 5 acres to 19.99 acres - 2,640 feet
parcels zoned for 20 acres or larger - 5,280 feet

This site is 34.5 Acres. From Fowler and Yerba Buena Road to the end of the driveway serving the project site is approximately 4,210 feet.

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

20. **Defensible Space:** Maintain defensible space specifications described in Public Resource Code 4291

§ 1276.01. Setback for Structure Defensible Space.

c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

Complied, building is more than 30' away from property line.

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

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

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

If you have questions regarding the application, please contact me at (408)299-5783 or parya.seif@pln.sccgov.org.

Sincerely,

Parya Seif

Parya Seif, Associate Planner

cc: Samuel Gutierrez, Principal Planner