

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



April 12, 2023

Joseph Talamo  
16715 Sorral Way  
Morgan Hill, CA, 95037

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

**FILE NUMBER:** PLN21-108  
**SUBJECT:** Building Site Approval and Grading Approval  
**SITE LOCATION:** 0 Sleepy Valley Road, Morgan Hills, CA, 95037 (APN: 776-17-007)  
**DATE RECEIVED:** March 13, 2023 (resubmitted)

Dear Mr. Talamo,

Your application for Building Site Approval and Grading Approval applications have 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 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 specialty or office 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.

Please submit revised electronic plans / resubmittal documents with a written response addressing the following items. All items must be addressed and included in the submittal.

### **LAND DEVELOPMENT ENGINEERING**

Contact Eric Gonzales at (408)-299-5716, [eric.gonzales@pln.sccgov.org](mailto:eric.gonzales@pln.sccgov.org) regarding the following:

1. Demonstrate that the improved areas proposed along Armsby Lane will be per our County Standard detail. If FMO and/or CalFire have more stringent requirements, then those

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requirements shall be satisfied ahead of the private road details. Provide a current status of their review.

2. What is the proposed shoulder width for Armsby Lane? 2' or 3'? Written confirmation from geotech engineer will be required as part of the project approval/acceptance if the shoulder width is less than 3' (not meeting our current private road standard SD-2).
3. It appears that gravel is being proposed to widen several areas of the existing Armsby Lane. Is the proposed gravel type known at this time, e.g. AB, crushed rock. etc.? In accordance with our definition of Impervious Surface per County Ordinance Section B11.5-3, certain compacted soils and AB are considered impervious. Provide the proposed area of the gravel widening. LDE staff will determine if there would be any further requirements.

### **FIRE MARSHAL OFFICE**

Contact Christina da Silva at [christina.dasilva@sccfd.org](mailto:christina.dasilva@sccfd.org) or schedule a virtual appointment (refer to <https://plandev.sccgov.org/how/virtual-public-counter-consultations-and-inquiries>) for information regarding the following items.

4. Access Roads (serving 3 or more parcels) are to have a minimum drivable width of 18 feet, this is to be clearly shown on the plans. This would include Armsby Lane. **This includes the drivable width of the bridge.**
5. Provide hydrant flow data recorded within one year showing 1000 gallons per minute at 20 psi. **Water storage tanks and wharf hydrant are not permissible given the standard hydrant at Armsby and Sleepy Valley Road.** Response letter states that the waterflow does not meet the minimum requirements. Propose an alternate means and method request is required to document the portion of the code that can't be meet and what the applicant is going to propose as a mitigation method.

### **CALFIRE**

Contact Carlos Alcantar at [Carlos.Alcantar@fire.ca.gov](mailto:Carlos.Alcantar@fire.ca.gov) for information regarding the following items.

Note: This project (PLN21-108) 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.

6. Access: Ensure All sections of Sleep Valley Road and Armsby Lane meet specifications in § 1273.01 of the Fire Safe Regulations to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the building site.
7. Bridges: Ensure all signage is met for the bridge in section § 1273.07 of the Fire Safe Regulations including but not limited to weight or vertical clearance limitations.

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**

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**project planner.** If the requested information is not submitted within **180 days**, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of this letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

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

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

Warm regards,



Robert Cain  
Associate Planner

Cc: Samuel Gutierrez, Principal Planner  
Eric Gonzales, Land Development Engineering  
Christina da Silva, Fire Marshal's Office  
Gary Carnes, Carnes & Ekparian, Inc.

Enclosed:  
Policy Letter  
PLN21-108  
0 Sleepy Valley Road  
April 12, 2023  
Alternative Means and Methods Request Application

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**SITE LOCATION:** 0 Sleepy Valley Road, Morgan Hills, CA, 95037 (APN: 776-17-007)  
**DATE RECEIVED:** March 13, 2023 (resubmittal)

Dear Joseph Talamo:

County Staff have preliminarily reviewed the application, submitted on resubmitted March 13, 2023, and would like to provide Staff's initial assessment of the proposed project with respect to the applicable County regulations. Please note that this is a preliminary assessment of the issues of concern that Staff is finding with the current design of the project, and a full assessment would not occur until the Department has a "complete" application for processing. Staff highly encourages you to address the following issue prior to your next submission. Staff would be happy to meet with the property owner/applicant to discuss these issues of concern if desired.

As currently designed, Staff has concerns about the location of the structure and access to the parcel. To better meet the intent of the required County's regulations, Staff recommends addressing the following concerns:

1. Based on the submitted biological report, this project appears to impact sensitive habitats. It also appears that the use of the railcar as a residence was not permitted, therefor does not count as prior development. As such, this will be a covered project under the Santa Clara Valley Habitat Plan. It also appears that the project is located within the 35' setback from the edge of riparian vegetation. The applicant must either move the development outside of this setback or apply for a stream setback exception. The applicant has indicated that they will pursue a stream setback exception at a later date. Should this project be approved, this will be a required condition of approval that must be met prior to permit issuance. **Should the request for a stream setback exception be denied after the land use entitlements are approved, the applicant will be required to submit a**

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**major modification to the Building Site and Grading approvals, which carries with it the full fees associated with a new application for these project types.**

2. The County is still conducting its analysis as to whether or not offsite improvements will be required in order to meet the State Minimum Fire Safe Regulations (also known as PRC 4290). A determination is expected shortly.
3. Separate from the PRC 4290 review, the project must comply with the County Fire Marshal's requirements. If the applicant cannot fully comply with these requirements, an Alternative Means and Methods Request must be submitted to the Fire Marshal's Office and approved. An application form is attached.

The information provided in this letter are not incomplete items and are not required to deem the application complete for processing.

Building Site Approval and Grading Approval require administrative reviews by County Staff, and will be granted or denied by Planning Staff. The decision may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the Board of Supervisors. Should the applicant voluntarily choose to modify the project design based on the information provided above, to better meet the County's Findings, Guidelines and Policies, please include with the resubmittal to address the items listed in the Incomplete Letter dated April 12, 2023. For questions regarding this letter, please call me at (408) 299-5706 or [robert.cain@pln.sccgov.org](mailto:robert.cain@pln.sccgov.org) to discuss by telephone or to schedule an appointment to do so.

Warm regards,



Robert Cain  
Associate Planner

**cc:**

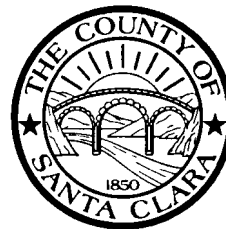
Samuel Gutierrez, Principal Planner  
Eric Gonzalez, Land Development Engineering  
Christina da Silva, Fire Marshal's Office  
Gary Carnes, Carnes & Ekparian, Inc



# County of Santa Clara

Department of Agriculture and Resource Management  
Office of the Fire Marshal

County Government Center, East Wing  
70 West Hedding St, 7th Floor  
San Jose, California 95110-1705  
(408) 299-5760 FAX: (408) 299-6757



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## FIRE MARSHAL'S APPLICATION for the USE of ALTERNATE MATERIAL, DESIGN or METHOD OF CONSTRUCTION

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The provisions of the code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by the code, provided an alternate has been approved and its use is authorized by the Fire Marshal and in some cases the Building Official as well.

The Fire Marshal may approve any such alternate, provided it is found that:

- 1) The proposed design is satisfactory and complies with the provisions of the code, and
- 2) The proposed material, design or method is at least equivalent to the code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation, and
- 3) Sufficient evidence is submitted to substantiate any claim regarding its use. **NOTE:** it is *highly* recommended that qualified or licensed personnel be involved to facilitate a successful submittal.

### **SUBMITTAL PACKAGE CHECK-OFF LIST:**

- Application for the Use of Alternate Material, Design or Method of Construction Form (*attached*). There is no need to submit this page – it is for your use only.
  
- Adequate back-up material to support the justification statement in the request. **Please submit two copies.**
  
- Alternate Means Fee. Fee may be made in cash or by check made payable to Santa Clara County only. For fee chart visit: <https://www.sccgov.org/sites/dpd/PlansOrdinances/Fees/Pages/Fees.aspx>  
**Additional fees will apply if review time exceeds two hours.**
  
- Submittal should be made directly to the Fire Marshal's Office; 70 W. Hedding Street, East Wing, 7<sup>th</sup> floor, San Jose, CA 95110; Phone: (408) 299-5760.