

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
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(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



December 30, 2021

Ashutosh Jha
163 Cromart Court
Sunnyvale, CA 94087

sent via email to nle@lcengineering.net only

FILE NUMBER: PLN21-112
SUBJECT: Building Site Approval, Grading Approval, and Design Review (Tier I)
SITE LOCATION: 0 West San Martin Avenue (APN: 779-47-007)
DATE RECEIVED: November 24, 2021

Dear Ashutosh Jha:

Your resubmittal for Building Site Approval, Grading Approval, and Design Review (Tier I) 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) 299-5706 or via email at 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 regarding the following comments:

1. Revise the provided slope calculation to be consistent throughout the plan set. Page C0 states the calculation as 25.95%, whereas Page C1 states the calculation as 14.59%. The slope calculation must be prepared, signed, and stamped by a registered civil engineer or licensed land surveyor. **The slope calculation on sheet C1 is extra and has been removed.**

Added stamp & signature to sheet C0

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, Joe Simitian
County Executive: Jeffrey V. Smith

2. Consistent with Department of Environmental Health comments; revise the site plan to specifically show the location of the proposed septic system and well. If this property will be serviced by a utility provider, please provide will-serve letter(s). **Septic system shown**
3. Site plan must include Floor Area Ratio (FAR) calculations. This is necessary to determine which tier of Design Review is appropriate, and that the Accessory Dwelling Unit (ADU) conforms with State and County regulations. FAR calculations must be calculated, verified, signed, and stamped by either a registered civil engineer, a licensed land surveyor or a licensed architect. Create floor plan diagrams to scale of each separate level of the primary residence and the ADU. Place these diagrams on either the same sheet as the proposed floor plans, or separately on the next page of the plan set. Utilize easily verifiable polygons (rectangles, squares, triangles) to scale, with each polygon area calculation noted in tabular format as shown in the following example:

Added FAR for ADU on both Civil & Arch. plans (A1-1, GA-0, C1)

| Polygon/Area Designation | Dimensions | Area |
|--------------------------|------------|------|
| A | 18 x 28 | 504 |
| B | 30 x 40 | 1200 |
| C | 8 x 12 | 96 |
| TOTAL | | 1800 |

NOTE: Per the County Zoning Ordinance §1.30.030, “Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.” If the floor area of the residence exceeds 5,000 square feet, it will not be eligible for Administrative Design Review and will have to go to a public hearing. Furthermore, at the discretion of the Zoning Administrator, multiple otherwise exempt structures, including an ADU of less than 1,000 square feet where the cumulative development of the primary residence and ADU exceeds 5,000 square feet, may be subject to Design Review depending on the characteristics and visibility of the property.

4. Please specify location and common name of tree to be removed (in addition to the diameter). The currently provided table regarding the proposed to be removed 35” Oak tree is acceptable; however, the location symbol (No.1) is not shown on the site plan, please revise. It is assumed the “x” at the FIRE TRUCK TURNAROUND is the location, however, that is not explicitly denoted.
The x symbol for tree removal is included in the Legend & Abbreviations on sheet C1.
5. As was done on the first Page C1, also label on the second Page C1, the top-of-bank. Revise the numbering of the plan set to only have one (1) Page C1.

TOB is labeled on sheet C2. Revised page numbering

LAND DEVELOPMENT ENGINEERING

Contact Ed Duazo at (408) 299-5733 or ed.duazo@pln.sccgov.org regarding the following comments:

6. Previous comments requested that a PCR Applicant Packet (Clean Water Questionnaire) be submitted. Though a Clean Water Questionnaire was submitted, the questionnaire submitted was for the San Francisco Bay, not the Central Coast. Submit a corrected and

completed PCR Applicant Packet for the Central Coast. Additional review of the conceptual drainage plan will be required based on the applicable stormwater treatment requirements identified in the PCR Applicant Packet. The packet / questionnaire is available at:

https://stgenpln.blob.core.windows.net/document/Stormwater_CWP_Questionnaire_SC.pdf.
Update Clean Water Questionnaire to the correct one.

7. Previous comments requested that a storm drainage easement (SDE), 25-feet wide or 5-feet beyond tops of banks, whichever is greater, be provided for the portion of Llagas Creek that runs through the property. Dimensions have been provided consistent with what would be the appropriate easement location; however, there is no indication in the preliminary plans that the dimensions noted represent a proposed SDE. Provide a note / label on the plans clarifying the location / limits of the proposed SDE. **Added SDE callout to C1**

FIRE MARSHAL OFFICE

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

8. Fire department turnouts to be located a maximum of 400 feet spacing. Sheet C1 shows a single turnout, it appears there may be another turnout that isn't clearly marked (near the house).
 - a) Clearly show turnout dimensions of 10-foot width, 30-foot length and two (2) 25-foot tapers. **2 turnouts are proposed, labeled both on C2.**

ENVIRONMENTAL HEALTH

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

9. Submit an onsite wastewater treatment system (OWTS) design to the Department of Environmental Health for review and approval. On the OWTS plan ensure setback to retention ponds, drainage features, driveway, dwellings, pools, and grading are being adequately maintained. **Added OWTS plans**
10. Grading plans show an accessory dwelling unit (ADU). Provide the following plan:
 - a) Floor plans, and **Added both floor plans**
 - b) Grading and drainage plans for the ADU. **Submitted grading plans already included the ADU**

NOTE: Ensure the OWTS design / plan accounts for, and is adequately sized to accommodate, the wastewater loading from a single-family dwelling and an accessory dwelling unit.

11. Proposed OWTS was not shown on grading and drainage plans. Overlay the OWTS onto the grading and drainage plans.

NOTE: Average stabilized percolation rated = 40.32 minutes per inch; test was conducted to a depth of (1) one-foot on April 16, 2021.

OWTS is shown on the grading plans.

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0 West San Martin Av
December 30, 2021

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 Review Administrative Exemption.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Hilbrants', with a long horizontal line extending to the right.

Carl Hilbrants
Senior Planner

cc:
Leza Mikhail, Planning Manager

LC Engineering
598 East Santa Clara Street
San Jose, CA 95112
Attn: Ninh Le

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
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January 3, 2022

Ashutosh Jha
163 Cromart Court
Sunnyvale, CA 94087

via email only

FILE NUMBER: PLN21-112
SUBJECT: Building Site Approval, Grading Approval, and Design Review (Tier I)
SITE LOCATION: 0 West San Martin Avenue (APN: 779-47-007)
DATE RECEIVED: November 24, 2021

Dear Ashutosh Jha:

Staff has preliminarily reviewed the application, submitted on November 24, 2021 and would like to provide staff's initial assessment of the proposed design with respect to Grading Findings, Guidelines for Grading and Hillside Development, and Design Review Guidelines. 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. Based on our initial review of the application, it appears that none of the issues raised in my previous letter, dated August 12, 2021, have been addressed. Staff would likely have difficulty approving the project as submitted and currently designed. Staff highly encourages you to address the following issues 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 with site design, building design (form, massing, color), and grading of the proposed project, and may not be able to support the project. To better meet the intent of the required County's policies, regulations, findings and guidelines stated above, Staff recommends incorporating architectural articulation or vegetative screening to minimize visual bulk of the proposed building, introducing retaining walls and creating more natural grading at the building site for the project, and complying with building massing requirements in the Zoning Ordinance. Ways to achieve this could be:

1. Given the site constraints, Staff agrees that the hilltop location proposed is the preferred building site. In such cases, extra care is required to minimize visual impacts of the site. Please demonstrate how the project proposes to do this. Vegetation is one way that this can be achieved, in addition to massing and color. **No visual mitigation has been provided in the plans submitted on November 24, 2021. In order to conform with**

the County's Design Review Guidelines, specifically Objective I-4 and II-3. Vegetative screening is the preferred method, alternatively the house can be moved to the southern corner of the lot where it will not be visible from the Valley Floor and would potentially require less grading (staff recommendation).

Tree canopy added to the civil site plan. also include street view images from the other side or the creek.

2. Demonstrate the construction of the driveway and other construction activity will not adversely impact the watercourse that travels along West San Martin Avenue.

The project proposed Precast box culvert with sufficient width to clear the drainage channel.

3. This project proposes using grading only; consider using retaining walls in addition to grading as this approach is preferred. **In order to conform with the County's Guidelines for Grading & Hillside Development (Guideline 9), Staff recommends either redesigning the driveway using retaining walls or providing analysis that the current plan requires significantly less grading than retaining walls would. Typically, walls that are 4' 0" or less in height are preferable is facing outward (away from the residence).**

A retaining wall was added to reduce the grading area for the driveway

4. The northwest facing exterior wall appears to exceed 80' in length, uninterrupted. Consider redesigning to remove this continuous plane. Consider some kind of offset (a minimum of 5 feet in depth) and other architectural features to create patterns of light and shade. **See Design Review findings in the County Zoning Ordinance § 3.20.040 (C)(1). The current offset proposed is less than 3 feet. Revised to have 5' offset**
5. Please combine all plans (architectural grading, road survey, slope calculations) into one plan set per County electronic submittal requirements. **Will do.**
6. Please provide clearance from the appropriate agencies concerning the stream bed alteration at the start of the driveway. **Wood Biological Consulting is working on this item.**

Additionally, in its review CAL Fire has identified some areas of concern.

7. Please show the interior turning radius of each turn. This includes the initial turn onto the driveway, the turn midway along the driveway, and the turn at the end as the driveway approaches the turn around. The State Fire Safe Regulations require a 50' interior turning radius on all turns. **Plans illustrated the 50' radius within the driveway surface for curve C4 & C5. Curve C1, C2 & C3 radii are much bigger.**
8. Please mark on the plans the specific dimensions of both the County Fire turnaround and the CAL Fire turnaround, as these have different requirements. **Added label to clearly show the County & CalFire turnaround**
9. Please note the length of the driveway, as this will determine the required number of turnouts. Only one turnout is clearly marked on the plans as such. Please clearly identify all turnouts and show that they meet the development requirements. **Labeled Begin Dwy & End Dwy, Dwy length = 1,007.21 feet.**

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

Below are excerpts from County policies, regulations, findings and guidelines whereby Staff is having difficulty supporting the project as currently designed.

Guidelines for Grading and Hillside Development: NOTED

The project is subject to a Grading Approval which requires meeting the intent of the County Design Review Guidelines for Grading and Hillside Development to minimize grading within hillside areas and reducing the potential for visual impacts.

Guideline2: Based on the location of existing access roads and site constraints, development in hilltop locations may be preferred if other buildings sites are not available and extensive grading and terrain alteration is avoided. In these instances, buildings should be sited to preserve ridgelines in their natural state and sited to minimize visual impacts. (GP Policies R-GD-27, R-GD-31 and R-GD-34)

Guideline 3: Development should be sited to avoid encroachment into areas with sensitive biological and cultural resources, such as riparian corridors, wetlands, oak woodlands, serpentine habitat, and known archeological sites. (GP Policies R-GD-22(c), R-GD-23 and R-GD-24)

Guideline 9: Retaining walls should be used instead of engineered slopes to avoid impacts to sensitive and protected habitats, including significant trees, major rock outcroppings, and other significant natural features. (GP Policies R-GD—24, R-GD-25)

Guideline 12: For grading projects that require new large fill slopes, use landform grading to resemble natural features instead of the conventional sharp angles and unnatural uniform slope treatments. (GP Policy R-GD—25)

Design Review Findings (§ 3.20.040): NOTED

Development in the is required to substantially meet the intent of the Design Review Findings and Guidelines to maintain the predominantly natural character of hillsides areas and areas along designated scenic roads:

(C) Building Form and Massing. Buildings shall be designed following the massing guidelines:

- 1. Maximum horizontal length of a continuous wall plane shall be 80 feet.*
- 2. Maximum height of a wall plane, including foundation and other continuous components, shall be 24 feet, with the following exceptions: (a) Any architectural component where façade dimension does not exceed 18 horizontal feet, or (b) multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25% of the total horizontal dimension of the façade. This limitation may be varied through the design review process for wall planes not facing the valley floor or otherwise having demonstrably low visibility.*
- 3. Portions of a wall plane must be offset by at least five (5) horizontal feet to be deemed discontinuous for the purposes of this provision.*

Design Review Guidelines: NOTED

Objective I: To minimize the visibility of new structures from the valley floor and designated scenic roads.

Building Mass

- a. The slopes of the roof should follow the natural contours of the land.*
- b. Bulk of the building should be broken up by incorporating varied roof heights rather than having just one or two massive roof planes.*
- c. Expansive facades shall be avoided by offsetting walls and by using architectural elements such as windows and cornices to produce patterns of light and shade.*
- d. The second and the third stories should be set back from the first floor facade to step with the land and reduce apparent bulk.*

For parcels zoned "-d2" within the unincorporated Milpitas hillsides, the maximum continuous height of an exposed wall plane on the downhill elevation should be limited to 15 feet. A break in a continuous wall plane can be accomplished by setting back the second story, incorporating architectural elements such as a significant change in building material, or inclusion of a deck or awning which spans the majority of the wall plane.

- e. Additions to buildings should not result in a major increase to the apparent bulk of the building.*

Landscape

- a. Where necessary, vegetation shall be used to blend the structure with the surrounding landscape and soften the impact of development.*
- b. Ground cover, shrubs and trees should be used to mitigate visual impacts of development.*
- c. All landscaping will be subject to approval by the Fire Marshall to make sure that it does not create a fire hazard.*

State Minimum Fire Safe Regulations: NOTED

The project is in the State Responsibility Area, and therefore subject to these regulations.

Article 2. Emergency Access and Egress

§ 1273.04. Radius.

(a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.

(b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

§ 1273.05. Turnarounds.

(a) Turnarounds are required on driveways and dead-end roads.

(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.

(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.

(d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.

§ 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.

Building Site and Grading Approval, and Tier 1 Design Review, involve a staff-level review and takes an action to either grant, deny, or continue the project. 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 December 30, 2021. For questions regarding this letter, please call me at (408) 299-5706 or robert.cain@pln.sccgov.org to discuss by telephone or to schedule an appointment to do so.

Sincerely,



Robert Cain
Associate Planner

cc:

Leza Mikhail, Interim Planning Manager and Zoning Administrator