

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



July 19, 2023

Roman Piglitsin
1008 Andy Circle
Sacramento, CA, 95838

via email

FILE NUMBER: PLN21-114
SUBJECT: Building Site Approval on Slope 30% or Greater and Special Permit
SITE LOCATION: 0 Helen Way, Los Gatos, CA, 95033 (APN: 544-39-035)
DATE RECEIVED: June 20, 2023 (resubmittal)

Dear Mr. Piglitsin,

Your application for Building Site Approval on Slopes 30% or Greater and Special Permit 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). Please contact me to schedule a virtual meeting at (408) 299-5706 or via email at robert.cain@pln.sccgov.org. Once the information is submitted, the Planning Division will distribute the plans, reports and/or information to the appropriate staff or agency for review.

Submit revised electronic plans and a written response addressing the following items. All items must be addressed and included in the submittal. 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. They represent a specialty or office and can provide details about the requested information.

PLANNING OFFICE

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

Code Violation – Unpermitted Tree Removal

1. It has come to the Planning Division's attention that there is a confirmed Code Violation ([VIO21-0143](#)) on this property. Per the County Zoning Ordinance 5.20.140, this application approval cannot be issued until all violations on the property are expunged. Please consult

with Tyson Green, Code Enforcement Officer (tyson.green@pln.sccgov.org; (408)299-5793) regarding the code violation.

Tree Protection

2. It appears that the future construction is located within the driplines of multiple trees with a trunk diameter of more than 12". Pursuant to Ordinance Code Section C16-3, those trees are identified to be preserved on parcels three (3) acres or less in the HS Zoning District. Please provide a) a tree removal plan prepared by an International Society of Arboriculture (ISA) certified arborist which identifies the species, diameter, and amount of any tree canopy proposed for removal, and b) a report prepared by an ISA certified arborist to provide assessment for all existing trees, including the trees on the adjacent properties, if the proposed construction is located within the driplines of the trees. The arborist report shall also provide recommendations or mitigation measures for tree protection from pre-construction through post-construction, and recommendations for replacement planting, if any.

Lot Merger

3. The subject property (APN 544-39-035) includes two legal lots (Lot 216 and 218 of Block N) created through the Redwood Estate Subdivision. A voluntary Lot Merger is necessary for the proposed development. Please apply for a Lot Merger with application fees. The submittal requirement can be found through the link below:
https://stgenpln.blob.core.windows.net/document/Checklist_LM.pdf

Site Plan

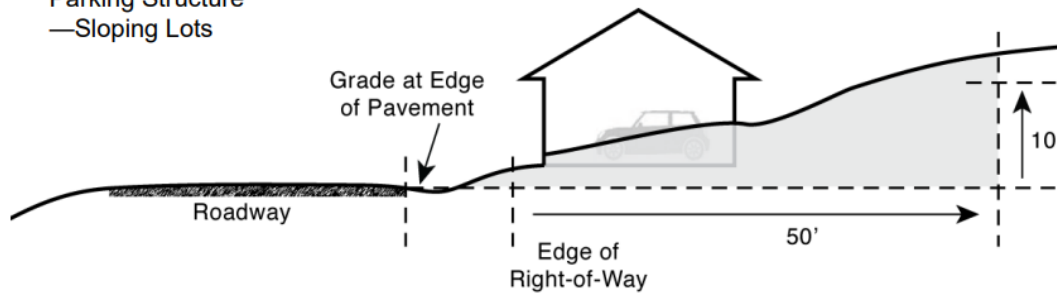
4. The submitted Site Plans (Sheet A-02 and C1.0) do not provide all required information for review. Please provide dimensioned and comprehensive site plans (in standard scale) to include the information as follows:
 - a. 20-foot half-street right-of-way dedication in dash lines (Sheet A-02 and C1.0)
 - b. Setback lines in dash lines identifying the following standards (Sheet A-02 and C1.0).
Front Setback: 20 feet
Side Setback: 10% of the lot width to a minimum of 5 feet
Rear Setback: 20% of the lot depth
 - c. Existing contour lines in grey dash lines and proposed contour lines in black dash lines. Please refer to the sample site plan via the link below:
https://www.sccgov.org/sites/dpd/DocsForms/Documents/Sample_Site_Plan.pdf
5. Please update the Earthwork Quantities Table, to include grading related to the proposed residence, garage, and fire truck turnaround, including cut, fill, import, export, and vertical depth (cut/fill) for all proposed improvements. These quantities are necessary to determine if a Grading Approval is required. Please note that cut (but not fill) is exempted from grading permit, if it is associated with the excavation of a foundation for a building, including grading within five (5) feet of the perimeter foundation.

Special Permit

6. Although the required setback lines are not clearly identified on the site plan, it appears the proposed detached garage might encroach into the required front setback. Please note, a setback-exempt structure may be granted through a Special Permit to accommodate unusual circumstances pursuant to Zoning Ordinance 4.20.020.(F). If the proposed detached garage encroaches into the required front setback, please provide the information below and apply for a Special Permit with filing fees.

- a. A section drawing cutting through the Redwood Drive roadway and the proposed garage. The section cut shall extend a minimum of 50-feet beyond the edge of the right-of-way. Pursuant to Zoning Ordinance 4.20.020.(F).(1), “Where the grade elevation at a point 50 horizontal feet inward from the edge of right-of-way differs 10 vertical feet or more from the elevation at the adjacent edge of pavement, a garage, carport or other parking structure may be located within the required front or side yard of a lot.” (see Fig 4.20-2 inserted from Zoning Ordinance).

Fig. 4.20-2
Parking Structure
—Sloping Lots



- b. Sight clearance for traffic safety. Pursuant to Zoning Ordinance 4.20.020.(F)(1)(c), “such parking structures must be situated or designed such that adequate sight clearance and safe vehicle movement are afforded the driver of an existing vehicle, consistent with Ordinance Code §§B17-68 and 69”.

Early Public Outreach

7. As the project is subject to the early notification and outreach policy under Building Site Approval on Slope Greater than 30%, signage at the site of the project and notification to surrounding properties are required. The applicant is required to provide a photo within the 30-day time frame confirming the on-site signage has been satisfied.

Archeological Review

8. The proposed project area has the possibility of containing unrecorded archaeological site(s) as it is located near watercourses and oak woodland. Please provide an archaeological report prepared by a professional archaeologist. For your reference, a list of qualified professionals in California that meet the Secretary of the Interior’s Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation.

LAND DEVELOPMENT ENGINEERING

Contact Ed Duazo at (408)-299-5733, Ed.Duazo@pln.sccgov.org regarding the following:

9. The proposed fire truck turnaround appears to include fill more than 5-feet in height and would require a grading permit. In conjunction with the Building Site Approval, submit a Grading Approval application. In the grading quantities table, include the grading associated with the fire truck turnaround and buildings/structures.
10. The proposed fire truck turnaround does not conform with County Standard SD16. Revise to bring into conformance. In the plans, provide dimensions and demonstrate that the slope within the footprint does not exceed 5% in any direction.
11. To clarify the grading associated with the fire truck turnaround, provide 2 perpendicular sections through the middle of the turnaround.
12. Provide a driveway approach in conformance with County Standard Detail SD4. The approach should be tapered from the existing pavement to the driveway.
13. The project proposes using pervious pavement for Helen Way. Revise to AC paving per County Standard Detail SD2.
14. The pro rata study indicates road widening of 21-feet; however, only 18-feet of road widening is shown on the plans. In addition, it is unclear if retaining walls are required to accommodate the road widening. Provide additional details in the study and extend the road widening across the full frontage of the parcel. In the plans, clarify the proposed pro rata improvements. The improvements should generally cover the entire frontage.
15. Clarify the proposed pro rata improvements in the grading plan. The road widening abruptly ends on Sheet C2. Clarify how widening will transition and taper back to existing pavement.
16. Provide a 3-foot shoulder on the outboard edge of the proposed road widening along the frontage.
17. Provide a table summarizing the net increase in impervious area (both on-site and off-site improvements). If the project will result in a net increase in impervious area of 2,000 SF or more, then include drainage improvements to mitigate the increase in run-off. If drainage improvements propose discharging/infiltrating run-off on the steep slope below the development, submit a preliminary review letter from the project geotechnical engineer confirming the geotechnical feasibility of the proposed discharge/infiltration location.
18. The grading plans show existing stairs behind the retaining wall across from the fire truck turnaround. Provide a section through this area and clarify how the neighbor's existing access/stairs will not be adversely impacted by the retaining wall.

19. In the plans, clearly label the proposed right-of-way (20-foot half-street).

FIRE MARSHAL OFFICE

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

20. Provide a Response Letter addressing comments below and providing page number. More comments may be made when more information is supplied.
21. The plans were uploaded as separate document uploads. Some comments in the Response Letter were not found, and it is unclear what set of plans responses were shown on. Ensure the resubmittal is a single document.
22. Clarify what structures will have fire sprinklers installed. The house will require fire sprinklers, but it is unknown at this time if the detached garage will also require sprinklers.
 - a. The structures appear to be within 6 ft. of each other and would require sprinklers.
 - b. The detached garage would have a higher hydrant flow requirement per CFC Appendix "B" if the structure isn't sprinklered.
23. Sheet C2 has a fire department turnaround labeled, but the sheet didn't provide a scale. Resubmittal is to include a scale so measurements can be taken to ensure the turnaround meets CFMO-SD16.
 - a. It's not clear that there is a 20 ft. drivable width in the turnaround.
 - b. Clarify that maximum slope of turnaround is 5%.
24. It is not clear if the turnaround will be on an elevated platform as there appears to be a slope in terrain. Provide a side view to clarify if the turnaround is elevated. The turnaround will need to be clearly identified and a sign will need to be posted stating the weight capacity (75,000 pounds) if the turnaround is elevated. This is to ensure that emergency responders can clearly see that this is a turnaround.
25. Sheet C4 shows construction storage in the fire department turnaround, this area is to be kept clear at all times.
 - a. It is unknown if the turnaround is intended for vehicle parking for the site. This area is to always be kept clear and not to be used for any vehicle parking at any time.
26. Previous Fire comment stated the plans were to have a note stating fire department access will be made of an "all weather" material capable of holding 75,000 pounds. The Response Letter states this is on the Cover Sheet, this note couldn't be located.
27. Previous Fire comment asked for plans to show slope of access to site not exceeding 15% per CFMO-A1. The Response Letter states to see Section A-A, this doesn't appear to include the slope of access road leading to the site (Helen Way, Mary Alice Way, etc.).

28. Previous Fire comment asked for Site Plan to show a standard fire hydrant within 600 ft. exterior path of travel to all portions of sprinklered structures. The Response Letter states the hydrant is 220 ft. away, the hydrant wasn't located on the plans to take a measurement. Provide the page number this is shown.
 - a. The plans are to show a (N) new standard hydrant as part of the proposal if an (E) existing hydrant doesn't meet the requirement.

29. Hydrant flow data meeting Appendix B or the CFC is needed to ensure the hydrant flow can be met for the proposed project. Provide fire hydrant flow data showing a minimum of 1,500 gpm is available at 20 psi.
 - a. Hydrant flow to be recorded within 1 year.
 - b. Hydrant data to be recorded within previous listed distance requirements.
 - c. Flow may be reduced to 750 gpm at 20 psi. if fire sprinklers are proposed for all structures.

30. Ensure all plans match. It appears the spacing between the garage and the house may differ on Civil (C2) and Architecture (A-02). Scales weren't provided on all sheets so this is not known at this time.

31. It is not clear if the proposed access is meeting CFMO-A1 minimum drivable width of 18 feet. The re-submittal includes a Pro-Rata share document that shows road widening. The Pro-Rata share doesn't state if the scope of work includes all of the road improvements or a portion of the improvements. The plans are to clarify what is being proposed. Clarify what offsite improvements are being proposed as part of this project.
 - a. PRC-4290 requires a 20 ft. drivable width.

CALFIRE

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

32. Access: Access roads (including Helen Way) to the project location should meet the minimum access and egress specifications described in the Fire Safe Regulations; width (two 10-foot traffic lanes), road surface (capable of supporting 75,000 lbs.), etc.

33. Setback for Defensible Space: Structure is within 30 feet of the road, provide mitigations for the same practical effect (example: California Building Code Chapter 7A)

ENVIRONMENTAL HEALTH

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

34. Floor plan elevations appear to include a proposed 10-to-15-foot cut for the lower floor of the single-family residence, which is currently located 10 feet from the proposed dripfield. Minimum setbacks must be maintained.

35. Include on plans minimum setbacks between OWTS and proposed stormwater dissipator. Stormwater drainage proposal includes plumbing to neighboring parcel (APN: 544-39-079). Provide clarification regarding approval to cross property lines.
36. Provide a geotechnical report addressing slope stability, public safety, and water degradation concerns regarding the proposed OWTS on slopes greater than 20% directly to Department of Environmental Health (DEH) for review. Please see “Geotechnical Report & Engineering Installation Plan Requirements” for more information. Ensure that the geotechnical report addresses any proposed reduction in setbacks to identified steep slopes (>50%) and cuts (i.e. neighboring retaining wall).
37. Submit revised alternative onsite wastewater treatment system (OWTS) plans directly to DEH for review.

GEOLOGY

Contact David Seymour at (408) 299-6711 or david.seymour@pln.sccgov.org for information regarding the following items:

38. The property is located within a State Seismic Hazard Zone for Earthquake-Induced Landslides and a County Landslide Hazard Zone. The geotechnical report by Modern Technology Resources, Inc. (MTR), dated April 10, 2020, is not co-signed by a Certified Engineering Geologist (CEG) and is not approved. Previous versions of the MTR report were submitted in 2016 (report dated December 2, 2015) and in 2020 under PLN20-116-PRE (report dated April 10, 2020, with a slope stability report, dated April 14, 2020). The recently submitted copy of the geotechnical report under PLN21-114 did not contain the slope stability report. In an effort to reduce additional review time, both the 2020 geotechnical and slope stability reports were reviewed.
39. Prior to obtaining building site approval, submit an in-depth geologic report prepared, signed and stamped by a Certified Engineering Geologist (CEG). The report needs to be prepared in accordance with the guidelines provided in California Geological Survey Special Publication 117A (CGS, 2008) and related Southern California Earthquake Center (SCEC, 2002) guidelines for implementation of SP117. This report can be prepared in conjunction with the geotechnical report. In addition, the required report(s) needs to include the following:
 - a. Updated geotechnical recommendations based on the 2022 California Building Code (CBC).
 - b. A supplemental subsurface investigation that encompasses the entire height of the slope, which is approximately 50 feet in height. The previously drilled 5.5 feet deep boring is insufficient to characterize the subsurface conditions.
 - c. Geologic structural information of the underlying bedrock including structural attitudes of bedding planes, shears, faults, and fractures. These discontinuities need to be included on geologic cross sections of the slope and considered in slope stability analysis.

- d. Determination of shear strengths based on laboratory testing of in-situ samples collected during the supplemental subsurface investigation.
- e. The boring number and depth of the sample used for the direct shear test performed by Cooper Laboratories, dated August 31, 2016, that was included in the slope stability report.
- f. Updated slope stability analysis based on the results of the supplemental subsurface investigation and laboratory testing. The seismic coefficient (k) for the pseudo-static slope stability analysis needs to be determined per the procedures provided in CGS SP117A (2008) and SCEC (2002).

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.

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

Warm regards,



Robert Cain
Associate Planner

cc: Samuel Gutierrez, Principal Planner
Ed Duazo, Land Development Engineering
Alex Goff, Fire Marshal's Office
Darrin Lee, Department of Environmental Health
David Seymour, County Geologist