

# County of Santa Clara

Department of Planning and Development  
Planning Office

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November 15, 2021

Midpeninsula Regional Open Space District  
Attn: Gretchen Lausten  
330 Distel Court  
Los Altos, CA

**FILE NUMBER:** PLN21-173  
**SUBJECT:** Use Permit, Architecture and Site Approval (ASA), and Grading  
Approval Application for a Commercial Stable  
**SITE LOCATION:** 19100 Bear Creek Road, Los Gatos (APN: 544-32-001)  
**DATE RECEIVED:** October 6, 2021\*

Dear Midpeninsula Regional Open Space District (Midpen),

Your application for a Use Permit with ASA and Grading Approval 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) 299-5799 or via email at [joanna.wilk@pln.sccgov.org](mailto:joanna.wilk@pln.sccgov.org) to schedule a meeting.

Submit revised electronic plans and a written response addressing the following items. All items must be addressed and included in the submittal.

*\*The applicant granted an extension for the project review period on November 5, 2021.*

## PLANNING OFFICE

Contact Joanna Wilk at (408) 299 5799/[joanna.wilk@pln.sccgov.org](mailto:joanna.wilk@pln.sccgov.org) for information regarding the following items:

1. In the submitted project description, please indicate how many days a week and what hours the commercial stable will be open.

2. Please provide an overall site plan that shows the property dimensions. Staff understands the property is large in size, however the overall site plan is needed to understand the location of the structures in relation to the property lines in order to verify setback requirements are met.
3. Please provide a table summarizing the grading quantities associated with the project (as shown below).

Earthwork Quantities					
	Cut	Fill	Net	Max Cut Ht.	Max Fill Ht.
Building Pads					
Driveway					
Site Grading					
Detention Pond					
Total					

4. Please provide the top-of-wall and bottom-of-wall elevations for all proposed retaining walls.
5. If more than 150 cubic yards of cut or fill is proposed, or if cuts/fills exceed 5-feet in height, then a grading permit will be required, and a Grading Approval application should be submitted with the Use Permit application. Alternatively, the project qualifies for the governmental agency grading permit exemption, provided a letter is submitted by Midpen requesting the exemption and confirming that Midpen will assume all responsibility for the grading work (See LDE comment below).
6. The project description includes the development of a new restroom. Please provide elevations and a floor plan for the proposed restroom.
7. Please provide color samples and materials for all new/improved structures. This information is required pursuant to the County's Architecture and Site Approval Guidelines.
8. Please call out the distance of the proposed improvements from the top of the creek bank. Creek setbacks are 150 feet from the top of creek bank pursuant to County General Plan Policy R-RC 37.
9. On the site plan, please demonstrate how the commercial stable conforms with County parking requirements listed in Zoning Ordinance Section 44.30.040 (1 parking space per 3 horses and 1 per employee, plus ADA parking), and parking design standards listed in Zoning Ordinance Section 4.30.070(B). If the required parking cannot be accommodated, Zoning Ordinance Section 4.30.100 may apply.
10. Please indicate if any signage is proposed. If so, please provide the location and sign details (height, width, design, etc.) pursuant to Zoning Ordinance Chapter 4.40.
11. If new landscaping is proposed, please indicate the total square footage in order to determine if a landscaping permit will be required at building permit review.
12. Based on the provided tree removal tables, the following tree replacement ratios are

required pursuant to the County of Santa Clara Tree Preservation Guidelines:

- (29) 15 gallon or (21) 24 inch box trees

Additionally, the Guidelines require Oaks to be replaced with Oaks.

13. Please provide a copy of the Bear Creek Redwoods Open Space Preserve Draft EIR so staff can determine if the EIR included review of the proposed improvements to the legal-nonconforming commercial stable, and what the appropriate Environmental Review process is.

#### **LAND DEVELOPMENT ENGINEERING**

Contact Ed Duazo at (408) 299 5733 or [ed.duazo@pln.sccgov.org](mailto:ed.duazo@pln.sccgov.org) for information regarding the following items:

14. The proposed gravel road does not meet County access requirements. Revise the proposed access to be a minimum 22-feet wide, as required per Section 4.30.070.C. of the County Zoning Ordinance.
15. Provide additional details for the proposed parking area, demonstrating compliance with the parking design standards outlined in Section 4.30.070.B of the County Zoning Ordinance.
16. The C.3 Questionnaire indicates that the project will create/replace less than 10,000 SF of impervious area, and that the parking lot will create/replace less than 5,000 SF. Based on cursory measurements, the project will exceed 10,000 SF as a whole and 5,000 SF for the parking lot. Please review. If the numbers in the questionnaire are correct, provide additional details to clarify how the totals were calculated (e.g., provide a more detailed site plan/map showing the location/limits of the new/replacement impervious areas and their corresponding areas). (Note: Include the driveway approach in the new/replacement impervious area total.) If after reviewing the new/replacement impervious area totals, it is determined that stormwater treatment is required, then provide additional details in the plans, conceptually showing how all new/replaced impervious area run-off is being conveyed to stormwater treatment. In addition, complete Sections 7 and 9 of the C.3 Questionnaire.
17. The C.3 Questionnaire includes conflicting information. Section 3 indicates that the project will not disturb an acre or more of area; however, the disturbed area noted in Section 3 is 1.92 acres. Please review.
18. Based on County policy, drainage easement dedications are required for all natural watercourses, drainage pipes or drainage ditches that pass drainage through the property. In the plans, provide drainage easements for Briggs Creek and for the creek north of the proposed development. The drainage easements should provide sufficient width for maintenance and extend at least 5-feet beyond the tops of banks.
19. Provide a table summarizing the grading quantities associated with the project. If more than 150 cubic yards of cut or fill is proposed, or if cuts/fills exceed 5-feet in height, then a grading permit will be required, and a Grading Approval application should be submitted with the Use Permit application. Alternatively, the project qualifies for the governmental agency grading permit exemption, provided a letter is submitted by Midpen requesting the exemption and confirming that Midpen will assume all responsibility for

the grading work.

20. The project will increase net impervious area by more than 2,000 SF and will trigger the need for a drainage permit and drainage review. The Drainage Ordinance includes an exemption for governmental agencies, provided the governmental agency assumes all responsibility for the work. Submit a drainage permit exemption request letter (this may be combined with the grading permit exemption request) or revise the plans to conceptually show how the increase in run-off will be controlled/mitigated.

#### **FIREMARSHAL'S OFFICE**

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

21. Plans are to clearly state the scope of work in a detailed description. There is a separate document with a proposal but more info is needed to conduct a complete review.
  - a. State size of structures, their occupancy type and construction type.
  - b. State if the structures are permitted or not.
  - c. Is this an application for a Use Permit? If so, is this a modification or a new Use Permit?
  - d. List what structures have fire sprinklers and what structures are proposing fire sprinklers.
  - e. Buildings that are proposing fire sprinklers are to list fire sprinklers as a deferred submittal and clarify what type of fire sprinklers are proposed (NFPA 13, NFPA 13D, etc.).
22. Description document references repairing structures, what does this entail (replacing walls, roofs, etc.)?
23. Plans show water tanks and fire hydrant/s.
  - a. Clarify if these are (N)new or (E)existing.
  - b. Clarify if hydrant is a standard hydrant or wharf hydrant.
  - c. Clarify the size of the water tank/s and what they serve.
24. A more detailed description will clarify what requirements County Fire will have regarding fire protection and access to the site.
  - a. Access is based off CFMO-A1, CFMO-SD16 and PRC-4290.
  - b. Fire protection is based off a number of different standards depending on the proposed scope. More info is needed before County Fire can supply more information.

#### **CALFIRE**

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

25. This project (Record No. PLN21-173) 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.

- a. Turnouts and Turnaround: Driveway appears to be over 800 Ft. and would require one more turn out to conform to the specifications in the Fire Safe Regulations. Ensure Fire Truck Turn around radius meets specifications in the Fire Safe Regulations and is 50 Ft. from the building.

§ 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.

- b. Driveway: Ensure driveway surface meets specifications to support at least 40,000 pounds with an aggregate base.

§ 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.

- c. 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.

**DEPARTMENT OF ENVIRONMENTAL HEALTH**

Contact Darrin Lee at [darrin.lee@cep.sccgov.org](mailto:darrin.lee@cep.sccgov.org) for information regarding the following items:

- 26. Prior onsite wastewater treatment system (OWTS) plan submitted (August 2017) to the Department of Environmental Health (DEH) is inconsistent with current OWTS plan submitted to the Department of Planning and Development. The 2017 OWTS plan did not fully account for all wastewater loading contributions.

(Note: In the 2017 OWTS plan, a notation was made on the plan in reference to public events, indicating the restroom facility doors would be locked, and portable toilets will be provided for guest use.)

- a. Resubmit OWTS plan to Environmental Health to review. The OWTS plan shall account for peak flow contributions of wastewater generated by visitors and boarder restroom, from special events, from the (existing and) proposed caretaker residence/ office, and from onsite educational activities.
  - b. Clarify whether portable toilets will be used in special events in lieu of public access to restroom facilities.
27. Project description indicated new equestrian trailer parking areas. Are these trailers equipped with plumbing fixtures, like a Recreational Vehicle? Clarify whether these trailers are used for transportation (horse) purposes.
28. According to HydroScience’s submitted report under SEC 4.1 “Existing SJW Point of Connection”, a determination was made by San Jose Water that the point of connection lies within its service boundaries. Provide either documentation and/or a graphical representation from San Jose Water Company showing its service boundaries with respect to the proposed use and the ‘point of service connection’.
29. Proposed use intends to connect to San Jose Water Company for potable water at a previously constructed point of connection. Provide an updated water will serve letter from San Jose Water Company.
30. Through the accumulation of horse manure, clarify in writing; how will Midpen manage and prevent the accumulation of manure from becoming a health hazard or create nuisances from fly breeding, vermin harborage and propagation, or offensive odors.

## **ROADS AND AIRPORTS**

Contact Leo Camacho at [Leo.Camacho@rda.sccgov.org](mailto:Leo.Camacho@rda.sccgov.org) regarding the following items:

31. Provide a Sight Distance Analysis (SDA) for the existing driveway approaches. The SDA shall be based on County Standard B/5 driveway approach layouts consistent with Caltrans Highway Design Manual Section 200 and prepared by a licensed civil engineer demonstrating adequate stopping sight distance in both directions is available. The SDA is to include the following:
- a. The design speed used to determine the stopping sight distance.
  - b. The basis of the design speed, i.e., the engineer's statement that he/she has determined the speed by driving the section of roadway or the engineer's calculation of the speed based upon the existing measured roadway geometry.
  - c. The limits of any obstruction(s) to be removed between the edge of pavement and the sight line.

Indicate on plans if any sight distance conflicts will require mitigation, such as tree removal or additional grading.

32. The driveway accessing the property will be required to be improved to County Standard B/5 approach, the revised plans should indicate as such.
33. It's unclear if additional parking needs will be required and addressed onsite, including for special events. Street parking to meet additional parking needs is not acceptable, provide clarification on resubmittal.
34. Revised plans should include site circulation map.
35. Gates, fences, retaining wall, fixed appurtenances, etc. shall be located outside the limits of the County maintained road right-of-way (ROW). If any items must remain in the ROW a Maintenance and Indemnification Agreement (MIA) recorded against the property will be required. Indicate on plans the intent of any existing or future items in the ROW.

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 within 1 year of the date of this letter and will not be accepted after 1 year. **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 Use Permit and Architectural and Site Approval was charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted. As of the date of this letter, approximately 0-25% of your initial deposit associated with your applications have been spent on the processing of your application.

If you have any additional questions regarding this application, please call me at (408) 299-5799 or [joanna.wilk@pln.sccgov.org](mailto:joanna.wilk@pln.sccgov.org) to discuss or schedule an appointment.

Sincerely,



Joanna Wilk  
Associate Planner