

County of Santa Clara

Department of Planning and Development
Planning Office

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January 7, 2022

Michael McLennan
1685 Mission Road
Colma, CA 94080

m.mclennan@yahoo.com

BY EMAIL ONLY

FILE NUMBER: PLN21-214
SUBJECT: Use Permit with Architecture and Site Approval (ASA) for a Proposed Office (Plumbing Business) and Trailer Storage as Ancillary Use.
SITE LOCATION: Sycamore Avenue, San Martin, CA 95046 (APN 825-38-018)

Dear Mr. McLennan,

The application for a Use Permit with Architecture and Site Approval (ASA) for a Proposed Office (Plumbing Business) and Trailer Storage at Rica Vista Way, San Jose (APN: 825-38-018) is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with the project manager/planner and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

AN VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL TO SCHEDULE AN APPOINTMENT.

Please submit all electronic copy of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

PLANNING OFFICE

Contact Lara Tran at (408) 299-5759 or lara.tran@pln.sccgov.org regarding the following comments:

1. Provide a Master Application signed by the current owner at the time of resubmittal. Applications for land-use entitlements require the signature and authorization of the current owner.

2. Pay the remaining cost of the Use Permit with Architecture and Site Approval (ASA) of \$12,482.07 at the time of resubmittal. If the remaining fees are not paid, the application will be withdrawn.
3. Provide a detailed project description of the proposed office use including hours/days of operation, numbers of employees, proposed parking for staff and guests, and estimated number of customers/guests on the property during business hours. Note that trailer storage/rental is NOT ALLOWED in the San Martin Commercial Use Permit Area, as discussed in the pre-application meeting on October 8, 2020 and in the pre-application letter (attached).

Parking Plan for All On-Site Parking

4. Provide a parking plan for the proposed office use. Parking standards and requirements can be found in [Table 4.30-2](#) and [Table 4.30-3](#) of the County Zoning Ordinance, [Section 4.30.040\(A\)](#). Submit a site plan that indicates the required parking that meets the minimum requirements per County's Off-Street Parking Requirements. Include aisle width, dimensions, and space numbering to demonstrate compliance with the parking provisions. Based on parking demand per proposed square footage for the one (1) office (approximately 200 square feet), approximately 2 parking spaces are required with one (1) standard parking space and one (1) ADA compliance parking space. Identify what types of vehicles are expected to access the site. Adequate and separate areas for large vehicle parking shall be provided in the parking plan, if applicable. Driveway and parking areas is recommended to be treated or paved per the [San Martin Integrated Design Plan and Guidelines](#).

On-site Vehicular Circulation Plan

5. Provide a modeling of vehicles exiting the north bound exit from Highway 101 and making the corner turn at the intersection of San Martin Avenue and Sycamore Avenue. Modeling shall show vehicle turning at the intersection at 15 to 20 miles an hour. Also identify the circulation pattern, including vehicle size, turning radius, and turning movements.

Architectural Plans and Landscape Plan

6. Provide elevation and floor plans for the proposed office building. Architectural plans shall identify the height of the structure from existing grade to top of the array. The applicant shall incorporate and imitate rural aesthetics and roof awnings for the building as part of the [San Martin Integrated Design Plan and Guidelines](#).
7. Provide a landscape plan that shows a minimum of 60 ft. landscaping for the perimeter of the property per the [San Martin Integrated Design Plan and Guidelines](#).

Grading Approval

8. Identify any grading quantities on the site plan for staff to evaluate if a Grading Approval is required. Note that if 150 cubic yards of cut or fill (more than 5 ft. of vertical depth) are proposed, a Grading Approval shall be required per [Section C12-406](#).

Signage

9. Provide design details (including location, material, size, colors, etc.) of any proposed signage. Signage would need to be consistent with Section [4.40.050](#) and [4.40.060](#) of the Zoning Ordinance.

Early Public Outreach

10. Level 1 Early Notification Outreach, which will require noticing to 300 feet of surrounding neighborhood and a sign posted onsite as described on the County [website](#). The Use Permit with ASA will require a public hearing at the Planning Commission.

Santa Clara Valley Habitat Plan (HCP)

11. Complete the [HCP Screening Form](#) (and signed by the owner) as part of the Use Permit with ASA application. The property is in Area 3 of the Habitat Permit Area. However, the property is adjacent to East Little Llagas Creek.
12. Revise the site plan to show a 100-foot buffer is maintained from the top of bank of East Llagas Creek. Additional review for HCP maybe required.

California Environmental Quality Act (CEQA)

13. An Initial Study/Environmental Assessment will be required for the proposed project but a final determination shall be made once the application is deemed complete. As part of initial study review, the applicant will need to provide the following studies/reports:
 - A. Provide a noise study based on the proposed office use on the site
 - B. Lighting and photometric plan
 - C. Traffic and parking study

LAND DEVELOPMENT ENGINEER (LDE)

Contact Darrell Wong at (408) 299 5735 or darrell.wong@pln.sccgov.org regarding the following comments:

14. Please provide a table of the estimated earthwork quantities per C12-424(g). Quantities shall include all import of gravel and base rock. A Grading Approval and permit are required if the volumes exceed the minimum exempt threshold for grading.
15. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the septic field and any stockpile areas as well. State the proposed quantity of disturbed area on the plans.
16. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of a preliminary title report, prepared within the current ownership of the property, with a statement from the owner that no subsequent encumbrances have been recorded since the preparation of the title report.
17. Show location of flood plain and floodway on the plan with the zone labeled, base flood elevation, and datum.

18. Provide a typical section for the parking lot. Specify whether the surface will be sealed if it isn't to be paved.
19. Non-residential parking areas are required to be paved per the zoning ordinance unless otherwise approved by the approval body. Access to stalls must also be 22' in width. Please adjust the parking surface as necessary.
20. If the parking surface is to be paved or sealed, stormwater treatment will be required for the proposed development. Please fill out the Post Construction Requirement packet and provide treatment and peak flow mitigation as necessary.
21. Please comply with the Grading setbacks to property line per County Grading Ordinance C12-558.

FIRE MARSHAL OFFICE (FMO)

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

22. Are there any plans for expansion or is the intent a single 320 s.f. office?
23. Additional comments and review will be provided once there is a more in-depth description of the proposed work.

ROADS AND AIRPORTS (RDA)

Contact Leo Camacho at (408) 299-5780 or leo.camacho@rda.sccgov.org regarding the following comments:

24. San Martin Ave has a future width line (FWL) for a 55-foot half-street width (110-foot full-street width). Dedication to the FWL will be required as a condition of the development. Preliminary plans should clearly show the existing centerline and right-of-way (ROW) limits and the location of the FWL. All permanent structures, including signs, must be located outside the limits of the OPL.
25. Dedication of avigation easement for San Martin Airport will be required.
26. Site Plan shall include the following:
 - a. Proposed improvements within the County road right-of-way including drainage, driveway approaches, etc.
 - b. Proposed driveway access locations that satisfies
 - c. Arrows indicating direction of travel at the parking lot, entrance/exit, and adjacent roadways.
27. Provide vicinity map of the site location in relation to the nearest major roadways in the area.
28. Consideration to relocation entrance/exit of project site further away from San Martin Ave.

29. The driveway approaches will be required to be designed to a minimum County Standard B/5 and shall satisfy sight distance requirements along the site's frontage. Include fence details and setbacks that may impact sight distance along the site's Sycamore frontage
30. The property frontage will be required to be designed to a minimum County Standard B/4A to the extent feasible. Modifications may be required based on the results of the traffic study and existing site conditions.
31. The preliminary plans should clearly identify all trees located within the ROW, including any proposed for removal. A separate tree removal approval is required prior to the removal of any tree either at least 20 feet in height or at least 12 inches in diameter measured 4.5 feet above ground level.
32. Preliminary Improvements plans must clearly indicate, existing and proposed site conditions within the ROW, including but not limited to, edge of pavement, existing ROW line, above and below ground utility lines, easements, drainage facilities, trees, landscaping, and other structures and features. All utility relocations, replacements, abandonments, temporary facilities, and new facilities shall be shown.
33. Preliminary site development/drainage plans shall clearly identify how the property drains. The topographic survey shall also identify property drainage, and uninterrupted flow of water in swales, channels and along the driveway and parking lots. The drainage plan and drainage calculations shall demonstrate that any post-development runoff onto County Road ROW is equal-to or less-than pre-development runoff and shall not cause a hazard or public nuisance.
34. All the following standards shall be consistent with Roads and Airports Department's Standard Details and Standard Specifications. Copies of these details are available at the following web site: <http://www.countyroads.org>.

DEPARTMENT OF ENVIRONMENTAL HEALTH

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

35. For the proposed office building, contact the Department of Environmental Health to conduct the following activities to determine septic system feasibility: site assessment, soil profiles, and percolation tests.
 - A. This site location is located within an area of known seasonal high ground water. Determination of vertical separation between seasonal high groundwater shall be determined through soil profiles during the wet weather testing period.
36. Upon completion of septic system feasibility activities, overlay the soil profile and percolation test hole locations onto a site/grading and drainage plan. Within the plan set include all percolation test results and provide soil profile logs.
37. Submitted plans indicate the proposed use intends to connect to an existing water line.

- A. Clarify/Identify the water service provider and obtain a water will serve letter. The will serve letter shall include/show the service providers intent and ability to provide potable water service to the proposed use.

38. The submitted plans/use description indicated incoming and outgoing delivery vehicles. Clarify as to 'what' is being delivered onsite and the number of persons/ visitors that will have access to the use of the office.

VALLEY WATER

Contact Benjamin Hwang at (408) 630-3066 or bhwang@valleywater.org regarding the following comments:

39. Provide a topography of the site, including the creek. Topography of the creek should delineate the existing top of both banks and the bottom of channel.
40. The benchmark that is referenced in the plans appear to be based on NGVD 29 vertical datum; please add this to the benchmark information provided on Sheet 2 of the plans.
41. Sheet 3 of the plans – Grading and Drainage Plans – needs to provide more details showing the drainage path for runoff, and how runoff generated under post-development conditions will be managed onsite, or conveyed to an existing storm drain system. The proposed vs. existing topography of the site should also be clearly shown. Overbank drainage should be avoided and grading adjacent to Valley Water right of way should adhere to the Guidelines and Standards for Land Use Near Streams.
42. Sheet 1, Note 5 specifies a “wood slatted chain link fence with climbing vine plantings.” Many vine plantings are invasive and can grow into the surrounding landscape or creek. Plantings should be non-invasive, drought tolerant local native species and/or non-invasive drought tolerant landscape ornamentals that will not hybridize with local species. Plantings should be in accordance with the Guidelines and Standards for Land Use Near Streams.
43. Valley Water’s Upper Llagas Creek flood protection project (Project) has completed CEQA and has acquired all requisite regulatory permits to proceed with construction. The project will widen East Little Llagas Creek and modify the existing top of bank adjacent to the proposed development. As such, the proposed creek setbacks shown on sheets 2 and 3 should be based on the post-Project condition top of bank. The post-Project top of bank is approximately 30-foot within existing Valley Water right of way. Excerpt sheets from the Project plans have been included for the applicant’s reference. Please delineate both the post-Project top of bank and bank toe.

Prior to a resubmittal, please schedule an appointment to discuss any comments regarding the project if needed.

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 manager.** If the requested information is not submitted within **180 days**, you are 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 the incomplete letter. PARTIAL RESUBMITTALS WILL NOT BE PROCESSED. Fees required at the time of resubmittal will be those in effect at that time.

Use Permit with ASA applications have been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific 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 (408) 299-5759 or lara.tran@pln.sccgov.org.

Warm regards,

DocuSigned by:

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Lara Tran
Senior Planner

cc:

Darrell Wong, LDE
Leo Camacho, R&A
Darrin Lee, DEH
Alex Goff, FMO

Ninh Le, Lc Engineering.

Enclosed: Policy Issues Letter
Pre-application Letter (dated 11/19/2020)

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SITE LOCATION: Sycamore Avenue, San Martin, CA 95046 (APN 825-38-018)

Dear Mr. McLennan,

Staff reviewed the Use Permit with Architecture and Site Approval (ASA) application and would like to provide staff's assessment of the proposed project with respect to County's policies and Zoning Ordinance.

The information provided below are not incomplete items and are not required to deem the application complete for processing. The items below are for the Applicant's information only and can be discussed further if desired with County Staff.

As proposed with the ancillary outdoor trailer storage, the use is not consistent to the County's General Plan and Zoning Ordinance, and therefore, is NOT ALLOWED and cannot be supported by staff.

The project proposes establishment of an *Office - Commercial* as its primary use and of *Trucks Sales & Services - Industrial* as secondary/ancillary use on a site that has a General Plan land use designation of Rural Residential and is within the San Martin Commercial Use Permit Area.

Although the property has a Rural Residential (RR) as its base zoning district (which does not allow for Office/Commercial uses and Truck Sales & Services/Industry uses), commercial uses may be allowed within the San Martin Commercial Use Permit Area combining district (-sm). The *Office* category is considered a "Commercial" use and is an allowed use in the subject site's designation, subject to obtaining a Use Permit. However, industrial uses, such as Truck Sales & Services, which is proposed as an ancillary use, is

further defined below and is NOT ALLOWED in the San Martin Commercial Use Permit Area.

According to Zoning Ordinance § 2.10.030 the land use classification proposed for the plumbing office is defined as follows:

Office (Commercial). Facilities used for offices of firms or organizations providing professional, executive, management, or administrative services or offices for physicians, dentists, or chiropractors, including laboratories incidental to the medical use. This classification excludes home offices that meet the criteria for “Home Occupations.”

Zoning Ordinance § 2.10.030 also defines the land use classification of RV and trailers as follows:

Truck Sales & Services (Industrial). Facilities for repair, sales or storage of heavy-duty, commercial trucks, truck trailers and recreational vehicles. All uses within this classification shall fit within one of the following subcategories:

1. *Repair.* Establishments for the repair of trucks and related equipment. The repair of light-duty trucks is classified as Automotive Services: General Repair.
2. *Sales.* Establishments for the sales or leasing of trucks and related equipment. The sale of light-duty trucks is classified as Automotive Services: Sales & Rentals.
3. *Storage.* Establishments for the storage of truck and related equipment. The storage of light-duty trucks is classified as Automotive Services: Storage.

The pre-application letter dated November 19, 2020 with the County’s General Plan policies are enclosed for the applicant’s reference. Should the applicant wish to modify the project based on the information provided above to better meet the County’s Zoning Ordinance and policies, a resubmittal can be made to the project planner.

If you have any questions, please contact (408) 299-5759 or lara.tran@pln.sccgov.org.

Warm Regards,

DocuSigned by:

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Lara Tran
Senior Planner