

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



May 31, 2023

Mike Moinee
15560 Lori Anne Lane
San Jose, CA 95127

ma.moinee@gmail.com

BY EMAIL ONLY

FILE NUMBER: PLN22-136
SUBJECT: Building Site Approval, Grading Approval, Variance, and Design Review Administrative Approval - Tier 1 (DRX) for a new 2-story 2,728 SF Single Family Residence and 3-car tandem garage, and a new 1,198 SF ADU (4,683 SF of building floor area). Grading includes the installation of three-tiered retaining walls along the rear of the property.
SITE LOCATION: 15560 Lori Anne Lane, San Jose (APN: 612-13-018)

Dear Mr. Moinee:

The information below are not incomplete items and are not required to deem the application complete for processing. The section is informational only and can be discussed further if desired with County Staff.

PLANNING OFFICE

Contact the Project Manager at (408) 299-5707 or rebecca.rockom@pln.sccgov.org regarding the following comments:

Habitat Conservation Plan Comments

The subject property is located within the Santa Clara Valley Habitat Plan Area 1: Private Development Covered. The property is adjacent to a Category 2 stream, Miguelita Creek, at the back of the property.

Under the Habitat Plan, if the proposed project affects any wildlife species covered by the Habitat Plan, or any riparian, stream, pond or wetland land covers on the property, then coverage under the Habitat Plan is required. According to GIS mapping, the entire site is located within wildlife survey areas of Tri-colored blackbird (0.3 acres). Landcover on the 0.3-acre (11,761 SF) property is designated Mixed Riparian Forest and Woodland, a sensitive landcover. See attached HCP

Geobrowser map and GISMO Habitat Plan maps for reference. A site visit by a qualified biologist to conduct a wildlife and landcover survey for the Tricolored Blackbird and Riparian landcover is required.

Per Habitat Conservation Plan Standards (Chapter 6, Condition 11), a mandatory setback of 35' from the top of a Category 2 stream bank, or the top of the riparian vegetation (whichever is greater), applies to all [development activity](#) covered under the HCP. Development includes all grading and retaining walls. The submitted project site plans show the retaining walls as close as 15' to the top of the stream bank. Once a certified biologist has completed the survey and land cover map, and the project cannot be modified to fit within the setback, the applicant may request an exception to the riparian setback under [Condition 11](#).

Stream and Riparian Setback Exception Request and Approval Process “Exceptions may be requested through the standard application process described in Section 6.8, or through a separate request process. Applicants must apply for a stream-setback exception through their local jurisdiction. All private applications for stream-setback exceptions must be reviewed and approved by the local jurisdiction. For projects implemented by a local jurisdiction, exception requests must be made to the Habitat Agency. The findings required to approve the stream setback exception must be supported by factual information and judgments in the record. As part of the review process, the local jurisdiction or the Habitat Agency must consider the implications of a reduced setback on the riparian system and covered species, progress toward the biological goals and objective of the Plan, and potential effects on adjacent properties. The local jurisdiction or the Habitat Agency must make written findings that document these considerations and the rationale for the stream-setback exception. Prior to granting the exception, the local jurisdiction will provide the exception request and proposed decision to both the Habitat Agency and the Wildlife Agencies for review and comment. The Habitat Agency and Wildlife Agencies will have 30 days to review the request and provide a written response. A local agency cannot take an action until after that 30 day-period.”

If the wildlife survey finds Tricolored Blackbird habitat on the property, and the verified land cover map shows that the project area is within 250 feet of any riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types, a qualified biologist must conduct a field investigation to identify and map potential nesting substrate to avoid direct impacts on nesting Tricolored Blackbird colonies ([Habitat Plan, Chapter 6 - Condition 17](#)). Nesting substrate generally includes flooded, thorny, or spiny vegetation (e.g., cattails, bulrushes, willows, blackberries, thistles, or nettles). If potential nesting substrate is found, the project proponent may revise the proposed project to avoid all areas within a 250-foot buffer around the potential nesting habitat and surveys will be concluded. If the project proponent chooses not to avoid the potential nesting habitat and the 250-foot buffer, additional nesting surveys will be required.

DEPARTMENT OF ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5748 or darrin.lee@deh.sccgov.org regarding the following comments:

General Conditions of Approval

1. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

Conditions of Approval Prior to Issuance of Development Permit

2. Prior to issuance of a development permit, for each of the proposed dwellings, obtain and provide a sanitary sewer will serve letter from County Sanitation District-2,3 (by calling County Sanitation District No.2-3 either by calling 408-255-2137 or by emailing to Plans@CSD2-3.org).
3. Prior to issuance of a development permit, for each of the proposed dwellings, obtain and provide a water connection letter from the water purveyor, San Jose Water Company (408-279-7900).

Conditions of Approval Prior to Building Final

4. Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEMS

Contact Bryan Much at 707-588-8455 or nwic@sonoma.edu regarding the following comments:

This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian.

Archaeological and Native American Resources Recommendations:

5. The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.
6. We recommend that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

If you have questions regarding the application, please call (408) 299-5707 or email rebecca.rockom@pln.sccgov.org.

Sincerely,



Rebecca Rockom
Assistant Planner