

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



September 23, 2022

Cody Drummond
16767 San Luis Wy
SAN JOSE, CA 95120

FILE NUMBER: PLN22-154
SUBJECT: Building Site Approval and Grading Approval
SITE LOCATION: Oak Glen Avenue, Morgan Hill, CA 95037, APN: 764-04-007
DATE RECEIVED: August 25, 2022

Dear Mr. Cody Drummond,

Your application for a Building Site Approval and Grading Approval was 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 via the internet, to do so, follow the instructions at the following URL: <https://plandev.sccgov.org/how/apply-permit/planning-resubmittal-procedures>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and/or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, the Planning Office 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 specialty or office and can provide details about the requested information.

AS NOTED ABOVE, PRIOR TO RESUBMITTAL PLEASE E-MAIL ME TO DISCUSS THE PROCESS.

Please submit *all* electronic copies of the revised plans/resubmittal documents (PDF) with a written response letter addressing each incomplete comment.

PLANNING OFFICE

Contact your Project Planner Parya Seif at (408)299-5783 or parya.seif@pln.sccgov.org regarding the following comments:

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Acknowledgement and Agreement Form

1. The submitted Acknowledgement and Agreement Form is signed only by one of the property owners. Please update and submit the Acknowledgement and Agreement Form signed by both property owners, Cody Drummond and Pamela Drummond.

Lot Legality

2. The submitted grand deeds does not provide adequate information for staff to determine lot legality. Please provide one of the following items to help staff verify the lot legality. The information is necessary to ensure that the lot in its current configuration was conveyed before 1969 and thereafter.
 - a) The grant deed that was in effect on June 25, 1969, and the deed showing first transfer of title after June 25, 1969.
 - b) Record of survey with a certification by the Clerk of the Board of Supervisors stating **it is a legal lot** which matches the legal description on the current deed.

The following deeds submitted in the original application had been reviewed.

- a) Grant Deed recorded on March 17, 2021
- b) Grant Deed recorded on March 7, 2012
- c) Grant Deed recorded on June 18, 1999

Lot Legality handout can be accessed via the link below:

[DeedLotLegality.pdf \(windows.net\)](#)

Planset

Please revise the planset and identify the following items:

3. The application included two separate sets of plans for the review. Please combine all the plans including site plan, elevations, building layout, etc and submit one planset.
4. Update information regarding setback on Sheet A.0. The required front, rear, and side setback for a property in HS zone is 30 feet.
5. The plans do not properly delineate the 30-foot required side setback. Pursuant to the “right-of-way” and “setback” definitions in County Zoning Ordinance [Section 1.30.030](#), the side setback should be measured 30 feet from the edge of the roadway. Site plans are required to provide the required front, rear, and side-yard setbacks, revise the submitted plan accordingly. Code reference language provided below.

Right-of-way: The total (improved and unimproved) area of land within the bounds of a dedicated public or private road. Also includes any ingress-egress easement that provides the right to pass over one property to access another.

Setback: The horizontal separation required between lot lines (and/or rights-of-way, see below), and the nearest point of a building or structure, including below-grade walls. The setback line shall be deemed to mean a line parallel to the lot line separated by the required

setback distance. The measurement shall be taken from the rough exterior building walls (structural wall components; excluding trim, exterior siding, stucco or other such finishing materials), or other vertical structural components, to the nearest lot line, exclusive of those architectural features listed in Section 4.20.110 as exempt. Setbacks shall also be taken from the edge of any right-of-way that abuts or passes through the subject lot. In situations where the property line lies within the right-of-way, the setback shall be taken from the edge of such right-of-way. However, if an official plan line or future width line has been established for the abutting right-of-way, setback measurement shall be taken from such official plan line or future width line.

6. Identify the location of the water tanks relative to the property line and provide final elevation of the two proposed water tank.
7. The submission lacks the required cross-sections and elevations, please provide elevations and cross-sections for the proposed house. Note that pursuant to [County Ordinance Section C12-424](#), minimum of two (2) cross-sections for the proposed dwelling unit is required. Show the vertical dimensions of cuts and fills and project the existing grade line on each section.
8. Identify any fences or gates on the property along with their heights. If there are no fences/gates on the property, please clarify this by providing a note on the site plan that no fences/gates are proposed.

Retaining Walls

9. The plans do not clearly identify the height of the retaining walls. Please provide typical section view of all proposed retaining walls showing top and bottom of wall elevations.

Grading

10. Please provide Earthwork Quantities Table of cut, fill, import, export, and vertical depth (cut/fill) for all proposed improvements. Please separate the grading quantity for the house pad, the structure of the house, and the driveway. Earthwork 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 and grading for a swimming pool.

Earthwork Summary					
Use	Cut	Fill	Import	Export	Max. Vertical Depth
Residence Pad					
Driveway					

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408)-299-5748, Darrin.Lee@deh.sccgov.org regarding the following:

11. Contact the Department of Environmental Health (Jeff Camp, 408-918-3473) to obtain shared well clearance for the subject parcel (APN 760-04-007) and the neighboring lot. This is a separate submittal to Environmental Health subject to completion of service application, submittal of documents to include shared well agreement, well completion log detailing

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depth of annular seal (50 feet minimum), well yield report, analytical results for biological and chemical constituents from water sampling, and payment of applicable fees.

LAND DEVELOPMENT ENGINEERING

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

12. Please provide earthwork calculations of the earthwork quantities shown on the plans.
13. Please provide a table of the estimated earthwork quantities per C12-424(g). Quantities should be separated into the different bodies of work for the project.
14. 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.
15. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of Section C12-407 of the County Grading & Drainage Ordinance. Please provide a revised Drainage Plan that demonstrates the following items:
 - a) the proposed development will not cause problems to the nearby properties,
 - b) the on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.

The paver area near the house appears to be only area that is drained. How will all the other areas including the driveway and the new house be drained? Show drainage improvements which provide appropriate detention systems.
16. Please include a driveway approach per SD4 or City of Morgan Hill standards, whichever is applicable, that conforms to County standard slopes of less than 5% grade 20 feet from the city of Morgan Hill jurisdiction or public road.
17. Demonstrate that the pavement edges for the SD5 driveway will be appropriately supported by shoulders, curbs, or other material. A redwood header board is not sufficient to meet County standards.
18. Please submit evidence of legal access to the site from the nearest publicly maintained road compiled and/or prepared by a Licensed Land Surveyor or Registered Civil Engineer authorized to practice land surveying per C12-326 of the Single Building Site Ordinance. In the plans, note the recorded document information for all easements and identify the publicly maintained road to which to development will be connected.
19. 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.
20. Please clearly identify all retaining walls necessary to establish the grading shown with appropriate top and bottom of wall elevations. Please provide a cross section of the grading

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through the proposed wall, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance.

21. Submit a completed Central Coast Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.
22. Provide cross sections of the grading in the area of the structure and turnaround in both directions as necessary to demonstrate the extent of the grading.

GEOLOGY

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

23. Submit a geologic report that includes an evaluation of slope stability. The site is located within a County Landslide Hazard Zone. Pay the appropriate report review fee when uploading an unsecured pdf of the report into the Documents portal of Accela.

ROADS AND AIRPORTS

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

24. The current easement off Oak Glen Ave, a County maintained road, appears to be an established access point for the site being developed as well as other properties. This easement driveway will be required to be improved to County Standard B/5 approach; the revised plans should indicate as such.

FIRE MARSHAL OFFICE

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

25. General Note- Project is located within the State Response Area (SRA) and the Wildland Urban Interface (WUI).
 - a) Chapter 7A of the CBC to be met at Building Permit submittal.
 - b) Defensible space to be maintained at all times.
 - c) PRC-4290 to be met.
26. Provide copy of shared water agreement for well (source of water).
27. Well to feed domestic/fire sprinkler tank before the tank feeding wharf hydrant (plans show the opposite) as shown on CFMO-W5.
28. Plans to clarify the base height of water tanks and wharf hydrant. The tanks are to be at a higher elevation than the wharf hydrant to maintain positive pressure. m
29. Wharf hydrant to be placed per CFMO-W4, this includes but isn't limited to being a located a minimum of 55 ft. from any structure. Plans currently a spacing of 20 ft. from the structure.

30. Driveways to have fire department turnouts with maximum spacing of 400 ft. for parcels located within the State Response Area (SRA). The plans currently show distances surpassing this distance (estimated 570 ft. spacing).
31. Turnout dimensions to be a 10 ft. width, 30 ft. length and 2-25 ft. tapers.
32. Provide minimum interior turning radius along driveway. County CFMO-A1 minimum requirement is 42 ft. interior turning radius, however this parcel is located in the SRA and is to meet PRC-4290 requirement of 50 ft. interior radius.
33. Fire department turnarounds to have an 18 ft. drivable width for a 30 ft. length of entry to turnaround.
34. Provide slope profile of entire access from Rolling Hills Rd. meeting CFMO-A1. This includes but isn't limited to a maximum slope of 15%. A slope greater than 15%, but not exceeding 20% may be acceptable when requirements of CFMO-A1 are met. These include but aren't limited to the following.
 - a) Access exceeding 15% to be made of a roughened surface.
 - b) Proposed access exceeding 15%, but not 20% are to have a maximum length of 300 ft. continuous and have at least a minimum break of 100 ft. not exceeding 15%.

CALFIRE

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

35. This project (Record No. PLN22-154) 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.
36. **Driveway Surfaces:** Ensure driveway is designed and maintained to support 40,000 pounds Per § 1273.02.
 - § 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.
37. **Turnout Specifications:** Driveway appears to be around 530 feet long if the scale is correct so turnout will have to be at midpoint and meet specifications in § 1273.06. Turnout on plans does not meet specifications.

§ 1273.06. Turnouts

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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.

38. **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.

Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet and discuss my comments regarding the project.

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 Grading Approval Application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular 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 me at (408)299-5783 or parya.seif@pln.sccgov.org.

Sincerely,

Parya Seif

Parya Seif
Associate Planner

cc:
Samuel Gutierrez, Principal Planner