

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



November 3, 2022

REVISED INCOMPLETE LETTER

The Department of Planning and Development has revised this letter to clarify that the incomplete items related to the Tier 2 Design Review determination have been eliminated. This project, as submitted has been determined to be a Tier 1 Design Review project and subject to the requirements of a Tier 1 project. The original letter date of November 3, 2022 has not changed. Given the time it has taken for the County to conduct research related to Design Review, the Department will allow, in this one instance, an extension to 10% resubmittal fee to December 27, 2023.

David Faria
PO Box 1029
Morgan Hill, CA

submittals.mhengineering@gmail.com

*** VIA EMAIL ***

FILE NUMBER: PLN22-184
SUBJECT: Building Site Approval, Design Review, and Grading Approval for a new Single-Family Residence (4,294 SF) with an attached garage (973 SF), a detached ADU (1,199 SF), and a detached barn (2,412 SF).
SITE LOCATION: 0 Hayes Ln, San Martin CA 95046 (APN: 779-44-014)
DATE RECEIVED: October 7, 2022

Dear David Faria,

Your application for Building Site Approval, Design Review, and Grading Approval received on the above date 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. They represent 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

Contact your project planner Lulu Pang at (408) 299-5718 or lulu.pang@pln.sccgov.org regarding the following comments:

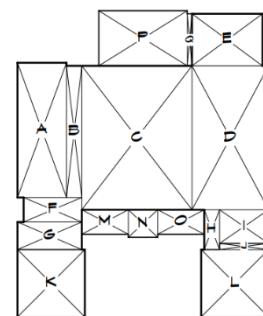
Required Application Materials

1. Please submit Petition for Exemption from Environmental Assessment Form. Link to the form: https://stgenpln.blob.core.windows.net/document/CEQA_Exemption_2013.pdf

Site Plan

2. The submitted site plans on Sheet A1.0 (Plans-Arch) and Sheet 1 (Plans-Civil-2) do not provide all the required information for review and are incomplete. Please identify the following items on the revised site plans:
 - a) Top of the stream bank of existing creeks
 - b) 35-foot riparian setback measured from the top of the stream bank of existing creeks.
3. Two (2) sets of plans (file names: Plans-Arch, Plans-Civil-2) were included in the submission. Please combine the plan sets and consolidate duplicate information, such as the cover sheet.
4. As the project is in a -d1 combined zoning district, floor area calculation is required to be shown on the submitted site plans as defined in the Zoning Ordinance Section 1.30. Please place calculation diagrams for all structures on separate plan sheets and utilize polygons (such as rectangles, squares, and triangles) to scale, with each polygon area calculation noted in the tabular form. The polygons are to match the building footprint exactly. Definition of “floor area” per County of Santa Clara Zoning Ordinance, includes “the total area of any attached garage, and any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls.” Please see the sample diagrams below (add more rows as needed).

| Polygon/Area Designation | Dimensions | Area |
|--------------------------|------------|------|
| A | 10 x 10 | 100 |
| B | 10 x 10 | 100 |
| C | 10 x 10 | 100 |
| TOTAL | | 300 |



FIRST FLOOR
 SCALE: 1" = 20'

Note: Floor area shall be counted twice where the vertical distance between any floor and the ceiling above exceeds 15 feet, per § 1.30.030.

Grading

5. Please provide the grading quantity of cut and vertical depth (cut) for the proposed swimming pool on plans. Pursuant to County Codes Sec.C12-407 (b), grading necessary for the installation of a swimming pool may be performed without obtaining a grading permit. All such grading shall be shown on building plans and inspected by the County as part of the building inspection.

Color Sample

6. The submitted color board does not indicate Light Reflectivity Value (LRV). Please provide the Light Reflectivity Value (LRV) on the color board. The light reflectivity value (LRV) of exterior surfaces shall not exceed 45, per County Zoning Ordinance § 3.20.040 (B).

Archaeological Review

7. Based on comments from the Northwest Information Center of Sonoma University, the proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to the commencement of project activities. 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.

CALFIRE

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

This project (Record No. PLN22-184) 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.

8. Access: Ensure Hayes Lane is constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the building site.

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

- a. All roads shall be These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

- b. All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.
 - 1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.
 - 2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.
 - 3) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

- 9. Turnarounds: Ensure turnaround meets specifications in § 1273.05 and is designed with a minimum turning radius of forty (40) feet, not including parking.

§ 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.

- 10. Gate Entrances: Ensure gate entrance has a means of emergency operation and is within 30 feet from the roadway per § 1273.09.

§ 1273.09. Gate Entrances

- a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").
- b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.
- c) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.
- d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

- 11. 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.

FIRE MARSHAL OFFICE

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

General Note

12. 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 the Building Permit submittal.
 - b) Defensible space to be maintained at all times.
 - c) PRC-4290 to be met.
13. Plans are to show a fire hydrant located within 400 ft. exterior path of travel to all portions of the non-sprinklered structure.
 - 1) Distance may be increased to 600 ft. exterior path of travel if fire sprinklers are proposed.
14. Plans to show hydrant as (N) or (E) and standard or wharf hydrant.
15. Plans are to clarify how the fire protection water is supplied. Provide a will serve letter if a water purveyor is available. Otherwise show the well serving above ground water tanks meeting CFMO-W1, CFMO-W4 and NFPA 1142 (if needed for Barn).
16. Driveways that exceed 150 ft. in length but not 800 ft. are to have a turnout near the midway point per PRC-4290. The driveway appears to be 171 ft. in length before the turnaround.
17. Turnaround "C" to have a 40 ft. radius when located in the SRA per CFMO-A1 and PRC-4290.
18. The slope of both the driveways appears to be greater than 15%, per the County Ordinance all structures will require fire sprinklers (including the Barn and Detached Garage).

LAND DEVELOPMENT ENGINEERING

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

19. 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.
20. Please demonstrate that the access road Hayes Lane, from the end of the county-maintained section to the driveway shown on the plan conforms to County Standard Detail SD2. While the section of Hayes Lane fronting the subject parcel may be compliant in drivable width, the entirety of the private road from the driveways to the Publicly maintained portion must be in compliance. If the access road does not conform to County Standard Detail SD2, submit a proposal to build a pro rata portion of Hayes Lane based upon the fully developed use of the road. Provide a road study, or other documentation, justifying the proposal. For additional information refer to the County of Santa Clara Standards and Policies Manual – Volume I, Land Development (Private Road Stage Improvements, page A6.1). A copy of the manual is available on-line at:
https://www.sccgov.org/sites/dpd/DocsForms/Documents/StandardsPoliciesManual_Vol1.pdf
21. Please include a driveway approach per SD4/SD4A that conforms to County standard slopes of less than 5% grade 20 feet from the edge of pavement or to the right of way, whichever is greater.

22. Please consider revising the driveway section to reduce the driveway width to conform to County Standard Detail SD5 or as required by the County Fire Marshal's Office, whichever is greater, to reduce the required grading for the project. Otherwise provide a grading justification as to why a 16' drivable surface is required for the full length of the on-site driveway.
23. Please consider connecting the driveway and turnaround and perhaps a combined driveway and turnaround system, eliminating one of the driveway approaches in order to reduce the grading quantities.
24. Please show 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. On the plans, note the recorded document information for all easements and the map reference as applicable.
25. 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.
26. Submit a completed Central Coast Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.
27. Please show the existing and proposed utilities that will be serving the property. Water, sanitary, and dry utilities shall be shown on the plans.
28. Please relabel the stationing for one of the driveways so that they both don't have a station 1+00 to clarify the profile views.
29. Provide section cuts through the proposed detached garage to demonstrate grading. Consider lowering the finished floor for the garage to minimize grading.

GEOLOGY

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

30. The property is located in a County Landslide Hazard Zone. The submitted Engineering Geologic and Geotechnical Soils Investigation report prepared by Associated Terra Consultants (ATC), dated August 29, 2022, addresses the geotechnical, geologic, and seismic conditions pertaining to site development based on a conceptual design and includes slope stability analysis to address the landslide hazard. The applicant also submitted a preliminary grading and drainage plan prepared by MH Engineering, Co. (MHE), dated September 15, 2022. Based on our review of the ATC report and the MHE grading plan we prepared the following comments that need to be addressed by ATC:
 - 1) Please review the MHE grading plans and update the slope stability analyses included in the August 29 report depicting the proposed grading on the cross sections. Check the grading plans to see if they conform to the setback requirements recommended in the August 29 report and provide additional recommendations as needed.

- 2) The seismic design parameters provided in the table at the top of page 20 are based on Site Class D. Based on the underlying geologic conditions, Site Class C should be used. Revise the seismic parameters based on Site Class C or justify the use of Site Class D.
- 3) The geologic models for Geologic Cross Sections B-B' and C-C' provided in Appendix B – Slope Stability, do not match the geologic interpretations provided on Plate 9. Please explain and/or revise as needed.
- 4) Item 6 on page 11 in the Slope Stability section states: “These landslides do not present an imminent risk to the proposed structures within the Proposed Building Envelopes but do present potential hazards to them by retrogressive failure over time of the scarps comprised of the serpentinite. We believe this presents an ordinary risk to the owner and occupants of the Proposed ADU and Proposed House slightly greater than most hillside sites in Santa Clara County, and is a condition that must be accepted by them.” Based on this assessment, an Acknowledgement Statement of Potential Geologic Hazard (to be prepared by the County Geologist) must be signed (notarized) and recorded by the owner(s). Submit a **Conformed Copy** of the recorded document to the Planning Office prior to permit issuance. The owner/applicant can contact the County Geologist for more information.
- 5) Please review the references for the Mt. Madonna quadrangle provided in the References section and revise as needed.

Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet virtually 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.

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.

Any future application submittals must address all comments listed above. If you have questions regarding the application, please contact me your project planner at (408) 299-5718 or lulu.pang@pln.sccgov.org.

Sincerely,

Handwritten initials 'LP' in a cursive script.

Lulu Pang
Assistant Planner

cc:
Samuel Gutierrez, Principal Planner