

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



January 4, 2023

Alan Ohashi
ODS Architecture
5895 Doyle Street
Emeryville, CA 94608

FILE NUMBER: PLN22-217
SUBJECT: Building Site Approval, Grading Approval, and Design Review Tier II
SITE LOCATION: 0 Clayton Rd, San Jose, CA 95127 (APN: 612-40-001)
DATE RECEIVED: December 5, 2022

Dear Alan Ohashi,

Your application for a Building Site Approval, Grading Approval, and Design Review Tier II 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:

Lot Legality

1. Legality verification of APN 612-40-001 is required. Please submit recorded deed prior to June 25, 1969, the next consecutive deed conveying ownership from June 25, 1969, owner and the current deed. This information is necessary to ensure that the lot in its current configuration was conveyed before 1969 and thereafter. The following documents submitted in the original application have been reviewed.
 - Grant Deed # 24793509, recorded on 1/20/2021
 - Easement Deed # 4626012 (0613-OR-36), recorded on 10/11/1973
 - Deed of Trust and assignment of Rents # 24793510, recorded on 1/20/2021

Lot Legality handout can be accessed via the link below:

<https://stgenpln.blob.core.windows.net/document/DeedLotLegality.pdf>

For future deeds resubmittal, please ensure the documents are complete with no missing pages, and the deeds must be clearly readable. Please also provide the book and page number of the document if that information was not shown on the document itself. Please mark / note on the deed if it involved more than one parcel.

Site Plan

2. Please identify the centerline of the Clayton Rd on the site plan.

Elevation

3. Elevation drawings on page A2.4, A2.5, A2.6, A3.1, A3.2, A3.3 do not identify the final height of the proposed buildings. Please revise the elevation drawings and indicate the final height of the proposed buildings.

Note: The elevation measurement shall be indicated by a vertical line showing the top point and the bottom point of the measurement.

4. Add spot point elevation of the final grade and top of the building on Sheet A2.4, A2.5, A2.6, A3.1, A3.2, A3.3 to represent the actual elevation according to the existing Topography. Please make sure that the scaling and point of measurements are correctly represented.

Fences and Gates

5. Please move all portion of the gate and fences outside the 30 feet right-of-way (also refer to Comment #24).
6. No details (elevations) were provided for the fences, gate, and pillars. Staff cannot determine if these structures are consistent with the Design Review Guidelines. Pursuant to the Santa Clara County Design Review Guideline (see enclosed document) Open fencing such as welded wire mesh attached to wood posts or other alternate material should be used. Solid fencing should be avoided, especially where highly visible to the public. Please provide details for these structures that indicate their design, materials, and total height.

Tree Removal Information

- Please provide a tree removal plan to identify the common names, trunk sizes, and canopy profiles of all trees proposed to be removed and a tree removal summary table in the recommended format below on Sheet A0 of the proposed plans. If the project does not include tree removal, provide a note that clearly states no tree removal is proposed by this project.

Tree Removal Summary		
Tree Number	Common Name	DBH (inches)
1		
2		
3		

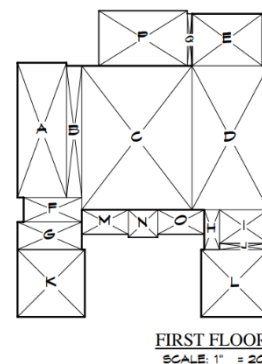
Hazardous Waste and Substance Sites List Questionnaire

- The submitted Hazardous Waste and Substance Sites List Questionnaire Form does not include the applicant signature. Please upload a signed form in your resubmittal.

Design Review

- 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. Place calculation diagrams on a separate plan sheet and utilize polygons (such as rectangles, squares, 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.”

Polygon/Area Designation	Dimensions	Area
A	18 x 28	504
B	30 x 40	1200
C	8 x 12	96
TOTAL		1800



- As part of the requirements for Design Review, color samples that show the exterior material with Light Reflective Value (LRV) of 45 or less is required. Please complete and submit the color/Materials Board form sample which can be accessed via the link below.
https://stgenpln.blob.core.windows.net/document/DR_ColorMatBoard.pdf

Landscape Plan

- According to the County GIS system, the proposed project is in medium visibility zone from valley floor. Please provide a landscape plan with trees and shrubbery vegetation to screen the proposed residence from the valley floor (the Southern facade).

12. Provide a landscaping plan to mitigate any visual impacts of the proposed retaining walls located at the driveway and in the front and rear of the property. Retaining walls should have a landscaped setback or buffer to accommodate landscaping for screening purposes. Retaining walls should be landscaped by using vines, shrubbery, or planters to reduce their apparent height and to ensure that they blend with the natural surroundings per the Design Review Guidelines.

Landscape Permit

13. Please identify the total square footage of landscape area on page A0. Note that per the County's Sustainable Landscape Ordinance (October 2017), if a project is proposing more than 500 square feet of landscaping, a Landscaping Permit will be required prior to issuance of a building permit. Please note a Landscape Permit will be triggered if the result of the total disturbed area minus the impervious area exceeds 500 square feet.

Early Outreach

14. The project is subject to the early notification and outreach policy under Design Review for Tier II project within the -d1 combined zoning district. Signage at the site of the project and notification to surrounding properties are required. Attached is the signage that is required to be posted at the project site for PLN22-217. A list of signage vendors (sign companies) is also included for your reference. The applicant is required to provide a photo within the 30-day time frame confirming the on-site signage has been satisfied.

Archaeological Review

15. The proposed project area has the possibility of containing unrecorded archaeological site(s). Please provide an archaeological report prepared by a professional archaeologist. 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.

SANTA CLARA COUNTY HABITAT PLAN REVIEW

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

16. Please remove portion of fences entering the 35 feet riparian buffer.

LAND DEVELOPMENT ENGINEERING

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

17. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the water service and storage, septic field and any stockpile areas as well. Provide a quantity of disturbed area as a result of this development on the cover sheet.
18. Please revise the driveway plan and section to minimize grading and conform to County Standard Detail SD5 or as required by the County Fire Marshal's Office, whichever is greater. The proposed 20' driveway is wider than necessary. If justification for the widened driveway isn't provided and accepted, the proposal may not be approved.

19. Sections A, B and C shown through the development on sheet 4 of the civil plans appear to be missing from the preliminary grading plans. Please include these sections in your resubmittal.
20. Include on the preliminary grading plans, a section cut through the detention pond treatment area.
21. 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.

Please note that requirements for the SF Bay watershed will change for projects not approved by June 30, 2023, for all projects that have not yet obtained approval by that date.

ENVIRONMENTAL HEALTH

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

22. An onsite wastewater treatment system (OWTS) dispersal field was depicted on page 2 of the submitted site grading and drainage plan. Neither soil profile nor percolation test results were provided.
 - a) On a revised site grading and drainage plan, locate and show all soil profile and percolation test hole locations. Include soil profile logs and percolation test results.
23. On a revised site grading drainage plan, show a tentative OWTS design capable of supporting the two proposed dwelling units-- single family dwelling and accessory dwelling unit. Show/ Provide wastewater calculation used to derive dispersal field size.
 - a) Maintain OWTS set back to creeks (min 100-foot setback).
24. Contact the Department of Environmental Health (Jeff Camp, 408-918-3473) to obtain individual water clearance for the proposed dwellings.

ROADS AND AIRPORTS

Contact Thomas Esch at (408)-573-2450, tom.esch@rda.sccgov.org regarding the following:

25. County Roadway Clayton Rd has a Future Width Line (FWL) for a 30-foot half street width (60-foot full street). Show on the revised plans the existing centerline, edge of pavement, and limits of the Clayton Rd right-of-way and the limits of the FWL. A curvilinear dedication to public right-of-way will be required.
26. Provide a Sight Distance Analysis (SDA) for driveway approaches. The SDA shall be based on County Standard 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.

27. Indicate on plans if any conflicts will require mitigation, such as tree removal or additional grading.
28. All driveways accessing the property will be required to be improved to County Standard B/4, and the revised plans should indicate as such. Include County standard details on the plan sets.
29. Gates, fences, retaining walls, 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. Steel columns and non-breakaway appurtenances must be located outside the ROW (will not be permitted to be retained under an MIA). Indicate on plans the intent of any existing or future items in the ROW. Indicate on plans the type and height of the fence at the driveway.

FIRE MARSHAL OFFICE

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

30. 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 compliance will be reviewed by CAL FIRE.
31. Fire sprinklers will be required for all structures as portion of access slope exceeds 16% per County Fire Ordinance, Chapter 9.
32. Fire department turnaround appears to have an object (tree) in the middle. Fire department turnarounds are to be kept clear at all times, provide documentation showing how a fire truck can complete a "turn" in this configuration.

CALFIRE

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

This project 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.**

33. **Gate:** Ensure gate entrance is at least 30 feet away from the roadway and has means of emergency operation and meets all requirements in § 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.

34. **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.

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.

January 4, 2023
File No. PLN22-217
Clayton Rd

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

enclosed:

- Design Review Guideline
- Sign Template and list of sign companies