

County of Santa Clara

Department of Planning and Development
Planning Office

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****Via Email Only****

January 4, 2023

Alan Ohashi
ODS Architecture
monaf@odsarchitecture.com

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,

Staff has reviewed the application, submitted on December 5, and would like to provide staff's assessment of the proposed design with respect to Grading Findings, Zoning Ordinance, Design Review Guidelines, and Guidelines for Grading and Hillside Development.

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

Grading Findings and Consistency with General Plan Policies

1. Staff has concerns with the site design, location, and grading and may not be able to make required County Grading findings per Municipal Code Section C12-433 (d), and General Plan Policy R-GD24. The proposed building sites require more grading, compared to the location that is closer to the property line with respect to the required setbacks. Staff recommends the applicant to explore alternative location at this area to shorten the driveway and minimize grading.

Municipal Code Section C12-433 (d)

For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.

Policy R-GD24

Where an existing parcel contains multiple possible building or development sites, and where one or more possible site requires less grading, with less overall environmental and visual impacts, greater economy of access roads or other site improvements, and better achieves

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matters of public health and safety, grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies. Buildings should also be designed to respect and conform with existing topography of site as much as possible, using stepped designs and multiple levels rather than an expansive single story floor plan on only one level.

Zoning Ordinance Design Review Findings

2. Pursuant to Zoning Ordinance Section 3.20.040(C), Tier II projects shall meet the following criteria.

1. Maximum horizontal length of a continuous wall plane shall be 80 feet.

2. Maximum height of a wall plane, including foundation and other continuous components, shall be 24 feet, with the following exceptions: (a) Any architectural component where façade dimension does not exceed 18 horizontal feet, or (b) multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25% of the total horizontal dimension of the façade. This limitation may be varied through the design review process for wall planes not facing the valley floor or otherwise having demonstrably low visibility.

3. Portions of a wall plane must be offset by at least five (5) horizontal feet to be deemed discontinuous for the purposes of this provision.

Staff has concerns with the architectural plans submitted in December 2022, which might not meet the above-mentioned design criteria No. 1 for the Southern façade of the first floorfacing valley floor. Please revise the architectural design to be consistent with the required design criteria per the Zoning Ordinance.

Design Review Guideline

3. Pursuant to the Zoning Ordinance Section 3.20.040 (F), all projects subject to design review shall comply with applicable provisions of the adopted Design Review Guidelines document.

Building Form

b) The second and the third stories should be set back from the first-floor facade to step with the land and reduce apparent bulk.

In the current design of the project, a portion of the second floor is projecting forward from the first-floor facade facing valley floor. Staff has concerns that this portion of the house might not meet the above-mentioned design criteria of the adopted Design Review Guidelines. Please revise the architectural design per criteria (b) to be consistent with the required design criteria of the adopted Design Review Guidelines document per the Zoning Ordinance Section 3.20.040 (F).

Ridgeline Protection

a) Structures determined to be located on ridgelines should be designed with low profile elevations. (Building height may be required to be lower than the maximum allowed in the ordinance.)

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- b) Landscaping should be used to blend the structure with the natural ridgelines and to mitigate the impact of the structure's intrusion into the skyline.
- c) There may be instances where even with a low profile of a structure and substantial landscaping it may not be possible to make the structure less obtrusive on a ridgeline. In such instances, structures determined to be intruding into the skyline may be required to be relocated on the site to ensure that they don't disrupt the lines of the natural ridgeline. This may be required only if alternative locations on the site are possible that will not further increase visual or environmental impacts. If more than one such alternative location is possible, the applicant may choose the preferred location.

The current design proposes the house pad over pillars resulting the higher elevation for the house and deck. Staff has concerns that the current design of the project might not meet the above-mentioned design criteria of the adopted Design Review Guidelines.

Story Pole

- 4. As the project is a Tier II Design Review, story poles are required to be erected on the property seven (7) days prior to any scheduled hearing per Zoning Ordinance Section 3.20.040(A)(2)(c). **Staff recommends that story poles be constructed a minimum of three (3) weeks before the hearing date in case revisions are required.**

Santa Clara County Habitat Plan Review

- 5. The subject property is covered by the Santa Clara Valley Habitat Plan. Therefore, prior to issuance of the grading permit, a completed Santa Clara Valley Habitat Plan Application for Private Projects, with all required materials/exhibits (as described on pages 4 & 5 of the Application for Private Projects) shall be submitted online to the Planning Office, reviewed/verified by Planning Office staff, and all Habitat Plan fees paid.

Please complete and submit the Habitat Plan Application for Private Projects at <https://scvhaforms.scv-habitatagency.org/workflow/wfs2tytltun/> . Your application shall include a Land Cover Verification Map overlaying the proposed development to verify the habitat land covers. The map shall clearly delineate verified land covers and areas with temporary and permanent impacts and applicable buffers per Exhibit 1 as identified in the Reporting Form for Private Projects (scv-habitatagency.org).

Permanent development area is defined as all land that will have permanent improvements (buildings/structures, driveway/parking areas, patios, water tanks, trails, landscaping), plus a 50-foot buffer surrounding these areas.

Temporary development area is defined as land that will be temporarily affected during development (septic systems, construction laydown areas) that will be restored within one year of completing construction, and unpermitted grading that will be restored to natural contours, plus a 10-foot buffer surrounding these areas, and cannot exceed a combined total of 2 years.

Note: The Habitat Plan Application, and Fees information are at the below weblink:

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<https://scv-habitatagency.org/250/Private-Applicant>

For more information regarding Habitat Plan Application please visit our website at Santa Clara Valley Habitat Plan - A Conservation Legacy - Department of Planning and Development - County of Santa Clara (sccgov.org)

After you submit the application, please contact me at parya.seif@pln.sccgov.org to review your application.

Geology

6. The updated geologic and geotechnical engineering evaluation report prepared by BAGG Engineers, dated November 1, 2022, is approved. Prior to building and grading permit issuance, submit a Plan Review Letter prepared by the geotechnical consultant that confirms the plans conform with the recommendations presented in the approved report.

For questions regarding this letter, please call me at (408) 299-5783 or schedule an appointment.

Sincerely,

Parya Seif

Parya Seif
Associate Planner

cc:

Samuel Gutierrez, Principal Planner