

County of Santa Clara

Department of Planning and Development
Planning Office

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February 13, 2023

Micaiah Irmeler
6830 Via del Oro Ste. 250
San Jose, CA 95138

**** SENT VIA EMAIL/US MAIL ****

County Record #: PLN21-160
Subject: Pre-Application for a Use Permit with ASA
Site Location: Piercy Road, San Jose, CA 95138 (APN 678-13-012)

Dear Mr. Irmeler:

Your application for Use Permit, Architecture and Site Approval and Grading Approval for the property located at Piercy Road, San Jose, CA 95138 (APN 678-13-012) is **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

Following are the incomplete comments on the submitted application, pursuant to the Government Code Section 65943 and the County's Zoning Ordinance Section 5.20.080. If you have any questions about the information being requested below, 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.

AN APPOINTMENT IS REQUIRED FOR A RE-SUBMITTAL. PLEASE CALL OR EMAIL ME TO SCHEDULE AN APPOINTMENT.

A re-submittal meeting is required prior to responding to the following comments. All items must be addressed and included in the resubmittal.

PLANNING

Contact Valerie Negrete at (408) 299-5791, valerie.negrete@pln.sccgov.org regarding the following:

1. Site Plan

- a. Data Sheet is missing percentage of proposed coverage for structures, hardscape and proposed landscaping;
- b. Show all easements indicated on Title Report for clarity;
- c. On Sheets A3 and A4, indicate the height from finished grade;
- d. Signage shall be shown on conceptual landscape plans;
- e. Fencing, if proposed, shall be included with the conceptual landscape plans

2. A creek is indicated on the property and transverses through the center of the lot. Please provide clarification as to the status of this creek. The Biological Report implies this creek as an ephemeral and abandoned, however this creek is owned by the Water District and they would need to concur with this assessment.
3. Per the California Environmental Quality Act (CEQA); an Environmental Assessment will be required for the proposed project. The following information is required to address potential environmental impacts. Additional studies may be required after a review of the submitted application.
 - i. Visual renderings at the pedestrian scale. Renderings of all new structures on the hillside, including any screening mechanisms utilized to minimize visual impacts, to assess the level of aesthetic impacts.
 - ii. A drainage report that specifies if the proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces.
 - iii. The Live Oak Report did not provide the details needed for an assessment of impacts. A Land Cover Verification report is needed with plans and project description. **The site is located within the Habitat Conservation Plan area (HCP). According to the Geo-browser, the site is located within both red-legged frog and tiger salamander habitat areas.** Report shall include an assessment and protocol-level surveys for the California Red-legged frog, Checker butterfly and Tiger Salamander, or any on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
 - i. A photometric plan showing all proposed lighting throughout the site. Include required lighting within the parking areas. See code section [4.30.040](#) for requirements.
 - ii. A traffic study that addresses the potential traffic impacts of the proposed use and includes an assessment of Vehicle Miles Traveled (VMT).
4. The project is subject to Level 2 Early Notification Outreach, which will require a community outreach meeting, noticing to immediate neighbors and a sign posted onsite as described on the County [website](#). Planning staff will provide the sample sign for posting on-site, as well as coordinate the day/time of the meeting in the coming weeks.

ENVIRONMENTAL HEALTH

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

5. Contact the Department of Environmental Health and an onsite wastewater treatment system (OWTS) designer/consultant to conduct the following activities to determine OWTS feasibility for the proposed use: site assessment, soil profiles, and percolation tests. These are separate submittals to the Department of Environmental Health subject to completion of a service application and payment of applicable fees.

- a. Upon completion of soil profile and percolation tests, accurately locate and show all profile and percolation test holes, including failed percolation test holes if applicable. Provide profile logs and percolation test results.
6. Demonstrate through wastewater calculations an onsite wastewater treatment system (OWTS) design sized to accommodate the peak flows associated with the proposed use. Combined floor plans for the proposed church and multipurpose building suggests an occupancy approximately 700 persons. For non-residential use wastewater design flow guidelines, please refer to County of Santa Clara Onsite Manual, Table 3-2.
7. Should the wastewater design flow may exceed the following design flows of 1500 gallons and 2500 gallons per day the following shall be required:
 - a. For a design flow exceeding 1500 gallons per day, a cumulative impact assessment shall be required for ground water mounding analysis. For additional information regarding the cumulative impact assessment for ground water mounding, refer to County of Santa Clara Onsite Manual, Attachment E, "Guidelines for Cumulative Impact Assessment".
 - b. For a design flow exceeding 2500 gallons per day, a cumulative impact assessment shall be required for two elements: ground water mounding and nitrate loading analyses. For additional information regarding the cumulative impact assessment for ground water mounding and nitrate loading, refer to County of Santa Clara Onsite Manual, Attachment E, "Guidelines for Cumulative Impact Assessment".
8. Although a Great Oaks Water Company water will serve letter was provided as part of the application packet, the provided will serve letter did not speak to nor address the proposed use. Obtain an amended water will serve letter from Great Oaks Water Company that includes its intent and ability to provide water potable water to the proposed use.

FIRE MARSHAL'S OFFICE

Contact Alex Goff at 408-299-5763, Alex.Goff@sccfd.org regarding the following:

9. Plans are to state the Construction Type for the structures. The Construction Type and the total area of the structure is used to determine the required hydrant water flow per Appendix "B" of the CFC.
10. A Fire Flow Report was uploaded as part of the submittal to demonstrate existing fire flow. There appears to be a couple hydrants closer to the structure, including a hydrant across the street from the proposed site. The flow report should be taken from this hydrant as it's the closest to the site.
11. Plans are to label fire hydrants as (N)new or (E)existing.
12. Fire hydrants to be labeled as standard fire hydrants.
13. Plans are to show an interior turning radius of 30 ft. and an exterior turning radius of 50 ft. per Section 503.2.4 of the County Fire Ordinance.
14. Plans to state NFPA 13 fire sprinklers will be a deferred submittal.

15. Plans to state fire department access will be made of an "all weather" material capable of holding 75,000 pounds.
16. General Note- Property is located in the State Response Area and the Wildland Urban Interface-High.
 - a) Structure will be reviewed for Chapter 7A compliance at Building Permit review.
 - b) Property to maintain defensible space.
 - c) Project to be reviewed by CAL FIRE for PRC-4290 compliance.

LAND DEVELOPMENT ENGINEERING

Contact Darrell Wong at (408) 299 5735, Eric.Gonzales@pln.sccgov.org regarding the following:

17. Please comply with the Grading setbacks to property line per County Grading Ordinance C12-558. The limits of grading along the northerly property line appear to encroach upon the setback.
18. Remove bioretention pond improvements from the slope easement and storm drain easement along the Piercy Road Frontage.
19. Please clarify the second phase of this project in the description and plans. What does the first phase end with and the second begin in terms of grading and parking? Or perhaps we are permitting both phases of this project with this approval and permit?
20. Please clarify what has become of the SCVWD Easement that is shown on 278 M 38. Show on the plans as necessary.
21. Provide information on the plans regarding what is to become of the existing concrete gutter along the Piercy Road frontage.
22. Verify the setback requirements comply with the appropriate distance. Consider the future street line as necessary.

Any future application submittals must address all comments listed above. If you have any questions or other concerns, please call me at 408-299-5791, or contact me at valerie.negrete@pln.sccgov.org.

Sincerely,



Valerie Negrete
Senior Planner

cc: Santa Clara County Agency Representatives (via email)

Micaiah Irmeler (Applicant)