

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



March 23, 2023

Sivaprakasam Balasubramanian

10076 Cabachon Ct

Ellicott City, MD 21042

FILE NUMBER: PLN23-035

SUBJECT: Building Site Approval on slope 30% or Greater, Grading Approval and Design Review Tier I for a New Single-Family Residence

SITE LOCATION: 0 Miradero Avenue, San Jose, CA 95127 (APN: 612-04-048)

DATE RECEIVED: February 21, 2023

Dear Sivaprakasam Balasubramanian,

Your application for a Building Site Approval on slope 30% or Greater, Grading Approval and Design Review Tier I 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 612-04-048 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 # 25151193, recorded on 11/02/2021
 - Easement Deed # 20275595, recorded on 6/02/2009

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.

Site Plan

2. Provided zone on Sheet A-1 is incorrect. Please update the property information box on sheet A-1 to represent the correct Zone of the property. The zone of this property is HS-d1 (Hillside with a Design Review Combining District).
3. Sheet A-1 of the site plan is not correctly scaled. Please provide a correct scale for this sheet.
4. The submitted site plan (Sheet A-1) does not provide the existing and proposed contour line of the property. Please identify the existing and proposed contour lines extended 50 feet beyond the development area, per County Grading Ordinance Section C12-424. Show the proposed contours in black lines and existing contours in grey lines **at the same interval**.
5. Site plan shall identify all the existing easement on the property. Per record of survey map #1255475 recorded in Book 74, Map 45, there is a 10 feet easement going through the north side of the property which is not identified on the site plan.
6. The submitted Site Plan (Sheet A-1) identifies the driveway crossing the property line. A portion of this driveway including circular turnaround area is located on the neighboring property and outside the easement. Please demonstrate all accesses are contained within the subject property or within a recorded ingress/egress easement.

Fences and Gates

7. Please identify any existing/proposed 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.

Average Slope Calculation

8. The outlined development area on your submitted average slope calculation plan does not satisfy the County standards. As per the County Average Slope handout, plan shall outline

the development area, which includes areas of the residence, accessory structures, or other development such as swimming pools, leach fields, driveways, parking areas, retaining walls, and slabs to remain, plus 25 feet on the parcel surrounding these improvements. The calculation area does not cross property lines. Please refer to the Average Slope handout via the link below for additional information:

https://stgenpln.blob.core.windows.net/document/BSA_HS_RHS_R1E.pdf

9. In your next submittal, please attach the updated average slope calculation plan to the architectural and engineering plans and submit one comprehensive planset.

Elevation

10. Revise the elevation drawings on Sheet A-5, and A-6 to indicate the **final grade level** and correct where the building height is being measured from. Per Section 1.30 of the Zoning Ordinance, building height is measured as the vertical distance from the final grade to the top of a building or structure. The submitted elevation drawings appear to measure the building height from the finished floor level.

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

11. Please delineate a hypostatical surface line representing a parallel line to final grade which goes 35 feet upward from the final grade on your elevation drawings. The representation of this line is required as the height of the building shall not go over this line.

Perspective View

12. Please provide perspective views of the proposed project to show how the development will be viewed as seen from various angel.

Tree Removal Information

13. 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 A-1 of the proposed plans or provide a note on the Sheet that no tree removal is proposed. Please note that tree replacement will be required based on the sizes and species of the removed trees.

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

Tree Protection Information

14. It appears that the project is located within the driplines of multiple trees with the trunk diameter of more than 12.” Please provide the species and trunk sizes of all existing trees in table format if the proposed improvements, including the driveways and buildings, extend into the dripline of existing trees. According to *Santa Clara County Guidelines for Tree*

Protection and Preservation for Land Use Applications (see enclosed document), a report prepared by an ISA certified arborist is required to provide assessment for all existing trees if the proposed construction is located within the driplines of the trees. The arborist report shall also provide recommendations or mitigation measures for tree protection from pre-construction through post-construction.

Grading

15. Please provide preliminary grading plans and attach them to your architectural plan set. The preliminary grading plans shall include all the information in the County Ordinance Section C12-424.
16. 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, driveway, and site improvements. 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					
Site Improvements					
Total					

17. Please provide a minimum of two (2) cross-sections for the proposed house and “Driveway/Turnouts” as identified in the Earthwork Quantities Table pursuant to County Ordinance Section C12-424. Show the vertical dimensions of cuts and fills and project the existing grade line on each section.
18. Please complete and submit a Statement of Justification for the Proposed Grading Form. You can find the form at the following link, https://stgenpln.blob.core.windows.net/document/Grading_Statement.pdf

Retaining Walls

19. Please identify any proposed retaining walls to establish the required grading for the proposed development with appropriate top and bottom of wall elevations. Please provide typical sections of all proposed retaining walls. If the project does not include any retaining walls, please provide a note on the Grading and Drainage Plan that no retaining walls are proposed.

Grading Design Standards

20. Please complete and submit a Grading Design Standards Form. You can find the form at the following link, https://stgenpln.blob.core.windows.net/document/Grading_Standards_Form.pdf

Hazardous Waste and Substance Sites List Questionnaire

21. Please complete and submit a Hazardous Waste and Substance Sites List Questionnaire Form and provide a response to Yes/No question regarding whether the proposed development is listed in the office of Planning and Research Hazardous Waste and Substance Sites list. You can Find the form at the following link,
https://stgenpln.blob.core.windows.net/document/Hazardous_Questionnaire.pdf

Well Information Questionnaire

22. Please complete and submit a Well Information Questionnaire Form. You can find the form at the following link,
https://stgenpln.blob.core.windows.net/document/Well_info.pdf

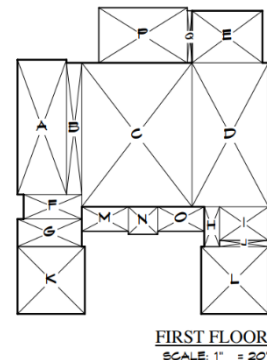
Environmental Assessment and Environmental Information Form

23. Please complete and submit a Petition for Exemption from an Environmental Assessment Form. You can Find the form at the following link,
https://stgenpln.blob.core.windows.net/document/CEQA_Exemption_2013.pdf

Design Review

24. 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



Note: Per County Zoning Ordinance §1.30.030, “Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.” If the floor area of the residence exceeds 5,000 square feet, it will not be eligible for Administrative Design Review (DRX).

25. 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

26. According to the County GIS system, the existing residence and proposed addition are in medium-high visibility zone. Please provide a landscape plan with trees and shrubbery vegetation to screen the proposed residence from the valley floor (the Western facade). The landscape plan shall include the required replacement trees.
27. Provide a landscaping plan to mitigate any visual impacts of any proposed retaining walls. 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.

Note: 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 Public Outreach

28. Building Site Approval on a slope of 30% or greater is subject to the early notification and outreach policy. 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 File PLN23-035. A list of signage vendors (sign companies) and Public Notice Sign Guidelines are 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

29. 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.

ENVIRONMENTAL HEALTH

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

30. If the proposed development is to be served by an Onsite Wastewater Treatment System (OWTS) then please call the Department of Environmental Health (DEH) at 408-918-3445 (Raymond Chung) for septic feasibility testing and septic system clearance. This is a separate submittal to DEH and additional fees may apply. If this development is to be served by a sanitary sewer, please upload into Accela a sewer permit verifying connection to the property.
31. If domestic water is to be provided by a private well, then please contact Jeff Camp at 408-918-3473 for water clearance. This is a separate submittal to DEH and additional fees may apply. If domestic water is to be supplied by a public water system, then please upload into

Accela a water will serve letter/connection permit from the water purveyor verifying connection to the property.

LAND DEVELOPMENT ENGINEERING

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

32. 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.
33. Please provide a table of the estimated impervious areas that are created as a part of the development. The net change in impervious areas shall be clearly stated on the plans.
34. 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.
35. Provide a preliminary grading plan which includes the Finished floor elevations of the structures, existing topography of the site, preliminary grades to demonstrate how the development conforms to the existing topography, and adequate cross sections of the development to demonstrate the full extent of the grading on the site.
36. 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 Drainage Plan that demonstrates the following items:
 - a) the site can be adequately drained,
 - b) the proposed development will not cause problems to the nearby properties,
 - c) 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.
37. Please include a driveway approach per 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 at the connection to the privately owned portion of Miradero Avenue.
38. Please demonstrate that the driveway plan and section to conform to County Standard Detail SD5 or as required by the County Fire Marshal's Office, whichever is greater. Provide the necessary profile view of the pavement section providing access to the structure. The driveway surface shall be appropriately supported by shoulders or other edge treatment.
39. Please revise the driveway turnaround to conform to County Standard Detail SD16 or as required by the County Fire Marshal's Office or CalFire, whichever is greater.
40. Please submit evidence of legal access to the site from the publicly maintained portion of Miradero 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. Legal

access shall also be demonstrated for all locations proposed for improvement including the circular turnaround area.

41. 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.
42. Provide the location of any water tank and utility installations. This shall be included in the disturbed areas for the project. The utility installation through other properties shall be located within the necessary and appropriate easements.
43. 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, including the proposed wall, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance.
44. Submit a completed San Francisco Bay Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans. **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.**

FIRE MARSHAL OFFICE

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

45. Provide a Response Letter addressing comments below. More comments may be made when more information is supplied.
46. Provide properly scaled Site Plans. Sheets 1 of 18 and 4 of 18 Site Plans doesn't appear to meet supplied scale.
47. Fire sprinklers are to be listed as a deferred submittal. Sheet 2 of 18 appears to state fire sprinklers aren't proposed for this scope of work. Clarification is needed as sprinklers are required for (N) Houses.
48. Applicable Codes on sheet 2 of 18 reference the prior 2019 Code cycle, this is to meet the current 2022 Code cycle.
49. Plans are to show fire department access meeting CFMO-A1. This includes but isn't limited to the following.
 - a) Access Road (portion of road serving 3 or more lots) to be a minimum drivable width of 18 ft. excluding shoulders. The plans don't currently show this section of access, so the width is unknown.
 - b) Driveways (portion of road serving 2 or less lots) to be a minimum drivable width of 12 ft. excluding shoulders. A properly scaled Site Plan is needed to know this width.

50. Plans are to show a fire department turnaround meeting CFMO-SD16 as this is a dead-end road and or a driveway exceeding 150 ft. in length per CFMO-A1.
51. Fire department access is to be made of an "all weather" material capable of holding 75,000 pounds. This is to be noted on the plans.
52. Plans are to show a standard fire hydrant located within 400 ft. exterior path of travel to all portions of non-sprinklered structures and 600 ft. of sprinklered structures.
53. If a water purveyor isn't available, the plans are to show how water will be served to this site (such as a well).
54. If a water purveyor isn't available, above ground water tanks and a wharf hydrant meeting CFMO-W1, CFMO-W4 and CFMO-W5 are to be shown on the Site Plan.
 - a) The water tanks are to label the size and use of the tanks. An example being (N)2-5,000 gallon water tanks for wharf hydrant and (N)1-3,000 gallon water tank for (N) wharf hydrant.

GEOLOGY

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

55. The geotechnical update report prepared by Frank Lee & Associates, dated February 4, 2022, does not include a signature and stamp and is not approved. Per the Santa Clara County Geologic Ordinance, the report also needs to include the signature and stamp of a Certified Engineering Geologist (CEG). In addition, the report needs to include the following:
 - a) A site plan showing the locations of the borings from the Pacific Geotechnical Engineering (PGE) report, dated February 3, 2005, the location of the proposed residence, site topography, and other features. The PGE report submitted with the application did not include a boring location map. A copy of the PGE map is on file at the County and can be obtained by contacting the County Geologist.
 - b) A geologic cross-section showing the location of the proposed residence and the underlying geologic conditions. The cross-section needs to extend from the top of the slope to the toe of slope. The location of the cross-section needs to be included on the site plan. Resubmittal of the PGE cross-section will not satisfy this requirement.
 - c) The design plans prepared by Solar Max Design, dated January 23, 2023, show that the proposed residence will be notched into the hillside. As such, a request for an alternative foundation setback and clearance per CBC Section 1808.7.5 needs to be submitted. The request must include quantitative slope stability analysis using the geologic cross-section from No. 2.
 - d) A discussion regarding the potential for geologic surcharges, such as adverse bedding, on the proposed retaining structures for the residence.

- e) Revised seismic design parameters per the 2022 CBC. The site is underlain by bedrock, which is typically classified as Site Class C (very dense soil or soft rock). The consultant should consider using Site Class C or justify the use of Site Class D (stiff soil).

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.

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:

- Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications
- Design Review Guideline
- Sign Template and list of sign companies