

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



April 19, 2023

David Faria, MH Engineering Co
16075 Vineyard Boulevard
Morgan Hill, CA 95037

FILE NUMBER: PLN23-046
SUBJECT: Building Site Approval on Slope 30% or Greater and Grading Approval
for a New Single-Family Residence and Detached Garage
SITE LOCATION: 15805 Uvas Road, Morgan Hill, CA 95037 (APN: 756-12-026)
DATE RECEIVED: March 20, 2023

Dear David Faria,

Your application for a Building Site Approval on slope 30% or Greater and Grading Approval 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. Please submit a copy of the Parcel Map 260-M-21 recorded on 10/15/1969 as evidence showing the legal creation of lot. Parcel map is available at the Assessor's Office located in 5th Floor, County Government Center.

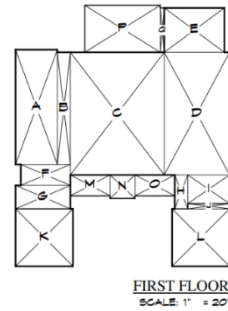
Planset

The submitted planset is incomplete, please address the following issues in your next submittal.

2. Combine architectural and grading plans and submit one planset.
3. Provide a project description on the cover sheet.
4. Parcel map identifies a portion of the property on Southwest as to be reserved for future County Road. Please delineate that easement on the site plan.
5. There is a demarcation of the 100 feet setback from the top of bank of the Uvas Carnadero Reservoir on the site plan which does not appear to be correctly measured from the top of bank. The County Geobrowser identifies the top of bank to be outside of the property boundaries. The Uvas Carnadero Reservoir is a category one stream under Habitat Conservation Plan and has a 200 feet setback. As such, please clearly delineate top of bank of the Uvas Carnadero Creek and 200 feet setback from the top of bank and remove unnecessary setback lines.
6. Elevation sheets A3 and A2.2 are not correctly scaled. Please provide a correct scale for all the elevation drawings.
7. Identify height of the proposed house on the elevation drawings. The elevation measurement shall be indicated by a vertical line showing the top point and the bottom point of the measurement. 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. On sloping lots or lots with irregular topography, height shall be measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site.
8. Provide the spot point elevation on elevation and cross section drawings to represent the actual elevation according to the submitted Topographic Map. Please make sure that the scaling and point of measurements are correctly represented.
9. Provide cross sections of the proposed house and garage.
10. As the project is located on a slope of 30% or greater, 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.”

Perspective View

- Please provide perspective views of the proposed project to show how the development will be viewed as seen from Uvas Road.

Fences and Gates

- 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.

Retaining Walls

- Please identify top and bottom of wall elevations for all proposed retaining walls.

Color/Material Board

- Exterior material and 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

Tree Removal and Tree Preservation Information

- The tree removal information provided on Sheet C3 shall be consistent with the information in the arborist report. Per the submitted arborist report prepared by David Hamilton: Certified Arborist #WE-8858A Lic# 916423, there are three trees behind the house proposed to be removed, please identify all the trees to be removed in the tree removal summary table and on the site plan.
- The submitted arborist report is missing information regarding the amount of tree canopy proposed for removal. The report shall also include an impact assessment of all the trees that have a dripline encroach into the development areas. If more than ½ acre or 10% of the oak canopy is proposed for removal or would suffer significant impacts from the development within the woodland area, additional CEQA review and mitigation measures are required

pursuant to Public Resource Code 21083.4, such as tree replacement or a conservation easement. Santa Clara County Planning Office Guide to Evaluating Oak Woodlands Impacts is enclosed.

17. Please provide a removal plan that identifies amount of canopy of oak trees proposed for removal within the woodland.

Hazardous Waste and Substance Sites List Questionnaire

18. The submitted Hazardous Waste and Substance Sites List Questionnaire Form does not 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. Please update and resubmit the Form providing a response to Yes/No question.

Early Public Outreach

19. 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 PLN23-046. 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

20. 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:

21. Per the submitted onsite wastewater treatment system (OWTS) site plan, the proposed dispersal field appears to be located on a slope greater than 20%. Submit to the Department of Environmental Health a geotechnical report that demonstrates the use/installation of a subsurface dispersal field will not permit sewage effluent to surface, degrade water quality, create a nuisance, affect soil stability, or present a threat to the public health or safety. For additional information regarding the requested geotechnical report, see County of Santa Clara Onsite Manual, Attachment D.
22. On page C5 of the preliminary grading and drainage plan, the proposed detention pipe leading to the level spreader appears to be located above the proposed OWTS. Relocate the detention pipe below the OWTS. Accurately overlay proposed OWTS plan onto the grading and drainage plan.

23. For the onsite drinking water well, contact the Department of Environmental Health (Jeff Camp, 408-918-3473) for individual water clearance. This is a separate submittal to Environmental Health and subject to completion of a water clearance service application, submittal of documentation such as well completion report, well yield report, and analytical test results from water sampling for biological and chemical constituents, and payment of applicable fees.

LAND DEVELOPMENT ENGINEERING

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

24. 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.
25. Show all the existing and proposed utilities on the plans including the proposed electrical service.
26. Please demonstrate that the unnamed access road from the Uvas Road to the driveway shown on the plan conforms to County Standard Detail SD2. If the access road does not conform to County Standard Detail SD2, submit a proposal to build a pro rata portion of the unnamed access road 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://stgenpln.blob.core.windows.net/document/StandardsPoliciesManual_Voll.pdf
27. Please include a driveway approach at the intersection of the driveway with the unnamed access road per SD4 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.
28. 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.
29. Please clearly label all retaining walls necessary to establish the grading shown with intermittent and appropriate top and bottom of wall elevations. Please provide a cross section of the grading, including the proposed wall located around the water tanks, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance.

ROADS AND AIRPORTS

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

30. Driveway serviced from private road. If project further develops or alters the private road entrance off of Uvas Road, indicate such changes. Otherwise, no comments from Roads and Airports.

FIRE MARSHAL OFFICE

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

31. Driveways aren't to exceed a 15% maximum slope for more than 300 ft. path of travel, to be followed by a minimum 100 ft. break not to exceed 15% per CFMO-A1. Sheet 4 of 6 is to clarify these distances to ensure they aren't being exceeded.
32. Clarify if "access road" is named as the address would need to reference this road name at Building Permit.
33. 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.

GEOLOGY

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

34. Please invoice the Geologic Report Review fee for an in-depth (full) report. The geological investigation and slope stability analysis report prepared by Achievement Engineering Corp., dated May 3, 2021, includes quantitative analyses of the stability of the existing slopes under static and pseudo-static (seismic) conditions. Their analyses are based on two shallow borings and field mapping of the site along with limited laboratory testing. In order to obtain building site approval, additional information is required. The consultant needs to address the following:

Boring Locations – The subsurface exploration for the site includes two shallow borings drilled to depths of 5 and 7 feet. Figure 1 of the report shows that neither boring is located in the proposed building pad area, which lies near the top of an existing natural drainage. Also note that both borings are labeled as B1. According to Figure 1, the nearest boring is located over 100 feet from the proposed building pad. Based on these conditions additional subsurface exploration is required to assess the geologic conditions at the building pad area.

Landslides – The report provides a summary of their review of landslides; however, it does not mention that the proposed building pad is located near the top of an existing natural drainage. The engineering geologist needs to revisit the site and determine if the proposed building pad area has been impacted by the recent winter storms and reassess the stability of the proposed building pad area.

Strength Parameters – The strength parameters for onsite soils and bedrock were not obtained from testing of the in-situ samples collected during the subsurface exploration, which is the recommended procedure for determining shear strength per CGS Special Publication 117A (2008). At the bottom of Page 7, the consultant states the strength parameters were “*based on seismic hazard zone report for the Hayward 7.5-minute quadrangle geological map is below.*” The Hayward quadrangle is located about 45 miles north of the site in the East Bay Hills, and is not applicable to the subject site. Table 2 at the top of Page 8, includes phi and cohesion (c) values for Group 3 (fg), which are assumed to be for greenstone. Figure 6 on top of Page 15 of the report, includes strength values for SC (phi=27 degrees, c=100 psf) and Weathered Rock (phi=40 degrees, c=700 psf). The estimation of these values is provided in

the consultant's geotechnical investigation report for the property and were based on SPT blow counts developed for soil. The consultant needs to clarify how the strength parameters were selected for both soil and bedrock and provide a basis for their use. Otherwise, laboratory testing to determine the shear strength of the onsite soil and rock units should be performed.

Near the bottom of Page 9 the report states "The Coyote Creek Fault is a major strand of the San Jacinto Fault Zone in southern California." The Coyote Creek fault associated with the San Jacinto fault, which is located over 350 miles away in southern California, shares the same name as the Coyote Creek fault that is located along the foothills of the Diablo Range, located about 7 miles northeast of the property. Reference to the Coyote Creek fault should focus on the fault located in the Bay Area, not southern California. This paragraph should be revised.

On Page 13, boring BH-B2 is shown on both Line A and Line B profiles. Please correct.

On Page 14, Section 9-3, the report states that 7 feet of soil has been observed, yet the boring logs don't support this. Borings B1 and B2 encountered "weathered rock" at depths of 1 and 4 feet, respectively. Please explain.

Submit revised slope stability analyses based on the revised parameters mentioned in the previous comments. Provide the input and output data files for both static and pseudo-static analyses.

GEOTECHNICAL COMMENTS

35. The geotechnical investigation report prepared by Achievement Engineering Corp., dated May 3, 2021, includes the results of their subsurface investigation, laboratory testing, engineering analyses, and recommendations for foundation design and construction. Their evaluation was based upon preliminary design plans. As such, the geotechnical consultant needs to review the current grading plans by MH Engineering Co., dated February 23, 2023, and prepare an updated geotechnical report. The update report should include revised recommendations per the 2022 CBC, remedial earthwork recommendations, foundation setbacks from slopes, and stability analysis of the proposed retaining walls, which will have a maximum height of 10 feet, and the water tank location.

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.

36. **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.

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:

- Sign Template, list of Sign Companies, and Public Notice Sign Guidelines
- Santa Clara County Planning Office Guide to Evaluating Oak Woodlands Impacts
- Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications