

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



May 19, 2023

Gary Kohlsaat
51 University, Ste. L
Los Gatos, CA 95030

garyk@kohlsaatarch.com

BY EMAIL ONLY

FILE NUMBER: PLN23-061
SUBJECT: Design Review Tier II for remodel and addition to existing home over 5,000 SF
SITE LOCATION: 15350 Blackberry Hill Road, Los Gatos (APN 537-07-020)

Dear Mr. Kohlsaat:

The application for Design Review for remodel and addition to existing home over 5,000 SF at 15350 Blackberry Hill Road, Los Gatos (APN 537-07-020) is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are to be made electronically with Rebecca Rockom, the assigned project manager/planner, and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

A VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL ME TO SCHEDULE AN APPOINTMENT.

Please submit electronic copies of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

PLANNING OFFICE

Contact (408) 299-5707 or rebecca.rockom@pln.sccgov.org regarding the following comments:

Planning Staff has determined that the entitlement for Building Site Approval is **no longer required**. Research has uncovered paper documents which verify that Building Site Approval was granted in 1976 (76M11.1016).

The application also incorrectly noted that the project would only be subject to Design Review Administrative Approval, however, pursuant to Zoning Ordinance [§ 3.20.040\(A\)\(2\)\(a\)](#), a building or structure classified under Tier 2 (between 5,001 and 12,500 square feet) shall be subject to design review, per [Chapter 5.50](#), and will **not** be eligible for a discretionary exemption or administrative design

review approval except when an Exemption for Sites Not Visible applies. The initial visibility analysis shows that this site is visible; therefore, this project is subject to Design Review Tier 2. Staff is making the correction to the application and will initiate any changes in fees assessed.

Please note that the finding of existing Building Site Approval was made late in the review, and while Planning comments are accurate, the other reviewing agencies have not had the opportunity to revise their respective comments. Planning Staff will provide an update with any and all revisions to these incomplete comments by Friday, May 26, 2023.

1. The application for Design Review is incomplete. Please submit the following information and/or documents as noted on the [Design Review checklist](#):
 - a. Floor Area calculation to be added to the site plans, preferably with a labeled floor area diagram.
 - b. [Color and Materials form](#) with Light Reflectivity Values (LRV) noted.
 - c. Current Grant Deed
 - d. Evidence showing legal lot creation - please provide the grant deed that was in place as of June 25, 1969 and the next consecutive grand deed conveying ownership from the June 1969 owner.
 - e. Grading quantities – provide a table detailing the amount of cut and fill (in cubic yards) associated with each individual improvement t (e.g. building pad, driveway, access road, accessory structures, landscaping and other improvements etc.) and the total amount of cut and fill. The maximum height and depth of cut and fill must also be included on the site plans.
 - f. Retaining walls - provide details of all proposed retaining walls, including the length and height of each wall, and top/bottom of wall elevations.
 - g. Please submit the [Petition for Exemption from Environmental Assessment Form](#).
2. The site plans as provided are incomplete. Please make the following corrections to the site plans:
 - a. Parcel is located within the HS-d1 district (Hillsides within the Santa Clara Valley Viewshed Design Review district). Site plans need to show the required 30' setbacks from the front, side, and rear property lines.
 - b. This parcel has a recorded right-of-way easement for the Blackberry Hill Road. Please show the width of the road as 50 feet, pursuant to the Record of Survey Book 370 M 1.
 - c. Please show the measurement of the proposed height of roofline, at ridge, to finish grade on the site plans.
 - d. The average slope of this parcel is 43%. Please provide the Average Slope calculation of the development area or show the contour lines on the site plans.
3. Please remit any additional fees as invoiced in the Accela portal.

LAND DEVELOPMENT ENGINEERING

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

4. Please provide a table of the estimated earthwork quantities per C12-424(g) including all on-site and off-site (common access) improvements. Quantities should be separated into the different bodies of work for the project.
5. 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. Should the net new impervious area exceed the County limits, provide drainage improvements and mitigation as necessary.
6. Show all of the existing and proposed water lines on the plans.
7. The proposed development may or may not meet the exemption requirements of Section C12-407 of the County Grading & Drainage Ordinance. Should it not meet the exemption limits of the County Ordinance Code please provide a Drainage Plan that demonstrates the following items:
 - a. the site can be adequately drained,
 - b. 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.
8. Please demonstrate that the access road, Blackberry Hill Road, from the end of the public-maintained section 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 privately maintained sections of Blackberry Hill Road within the Unincorporated County 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_Vol1.pdf
9. Please provide existing and/or proposed to include a driveway approach 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.
10. Based upon County policy, a curvilinear right-of-way dedication of thirty feet measured perpendicularly from the road centerline would be required with this development and would need to be proposed to be dedicated. It appears that the existing right of way dedication doesn't encompass the full extent of Blackberry Hill Road. You may propose to abandon the existing 60-foot right of way through the property and dedicate a replacement curvilinear right of way which encompasses the extent of the Blackberry Hill Road improvements as a part of the application in lieu of the right of way dedication from the center line of the road. The Planning application would then state that the existing right of way would be proposed to be abandoned and a new dedication would be proposed to be dedicated.

11. Please provide existing grades and topography for 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.
12. Please provide existing grades and topography for the turnaround to conform to County Standard Detail SD16 or as required by the County Fire Marshal's Office or CalFire, whichever is greater.
13. Please submit evidence of legal access to the site from the nearest publicly maintained 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. In the plans, note the recorded document information for all easements.
14. 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.
15. Provide a profile view of the existing shared access road, Blackberry Hill Road, within the Unincorporated County from the parcel to the publicly maintained road.

FIRE MARSHAL'S OFFICE

Contact Alex Goff at (408) 299-6757 or alex.goff@sccfd.org regarding the following comments:

Fire Marshal Review- Land Use

16. 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.
17. Provide a Response Letter addressing comments below. More comments may be made when more information is supplied.
18. Plans to show minimum access road (portion of access serving 3 or more parcels) drivable width of 18 ft. per CFMO-A1. [CFMO-A1 Section II.A.2]. It's unclear if all access roads to site including Blackberry Hill Rd. meet these requirements.
19. Minimum interior turning radius to be 30 ft. and exterior radius to be 50 ft. per Santa Clara County Ordinance No NS-110.136.
20. Plans are to show slope of fire department access not exceeding 15% and turnaround not exceeding 5%. [CFMO-A1 Section II.C]
21. Fire department access to be made of an "all weather" material capable of holding 75,000 pounds, this is to be noted on the plans. [CFC Section D102 and CFMO-A1 Section II.G]
22. Plans are to clarify water source, such as the water mutual or a private well.
23. Plans are to show a standard fire hydrant located within 400 ft. exterior path of travel to all portions of non-sprinklered structure. [CFC Section 507.5.1]
 - d) Distance may be increased to 600 ft. exterior path of travel if fire sprinklers are proposed.

24. If a water purveyor isn't available, plans are to show above ground water tanks and a wharf hydrant meeting CFMO-W1, W4 and W5. Plans are to state the size and use of water tanks.
25. Plans to show hydrant as (N) or (E) and standard or wharf hydrant.

CAL FIRE

Contact Carlos Alcantar by email, Carlos.Alcantar@fire.ca.gov, regarding the following comments:

This project (Record No. PLN23-061) 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.**

26. **Access:** Blackberry Hill Rd and all access roads will need to be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the building site per § 1273.01.

Article 2 Emergency Access and Egress

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

- (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.
- (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.
 - (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.
 - (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.
- (c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

27. **Dead-End Road:** Ensure Blackberry Hill Rd does not exceed maximum distance for a dead-end road depending on parcel size per § 1273.08. Dead-end road begins at Blackberry Hill Rd and Cypress way.

§ 1273.08. Dead-end Roads

- (a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet
parcels zoned for 5 acres to 19.99 acres - 2,640 feet
parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

28. **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.

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 manager.** If the requested information is not submitted within **180 days**, you are 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 the incomplete letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Note the Design Review application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific 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 (408) 299-5707 or rebecca.rockom@pln.sccgov.org.

Sincerely,



Rebecca Rockom
Assistant Planner