

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



****VIA Emails Only****

March 14, 2024

Jon Godston

David Marlatt

Via email @ godston@gmail.com and david@dnmarchitecture.com

FILE NUMBER: PLN24-031

SUBJECT: Building Site Approval and Grading Approval for a proposed new single-family residence and driveway

SITE LOCATION: 20411 Harvey Way, Los Gatos, CA 95033 (APN: 558-40-033)

DATE RECEIVED: February 13, 2024

Dear Jon Godston and David Marlatt,

Your application for Building Site Approval and Grading Approval was received on the above date and is **incomplete**. For application processing to resume, please 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>. Resubmittals are made electronically with Reva Kakaria, the assigned project manager/planner, and must include all requested information. 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 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. They represent a particular specialty or division and can provide details about the requested information.

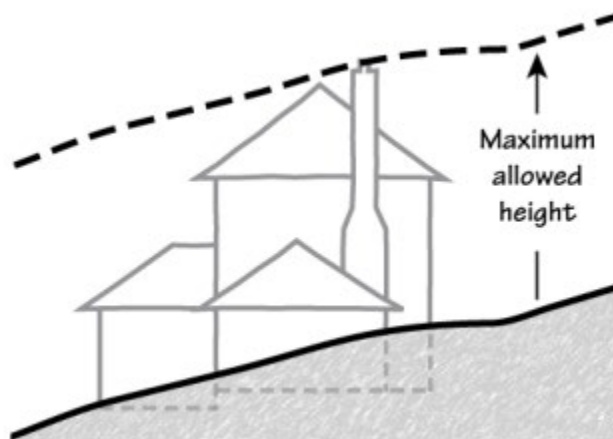
A VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL ME TO SCHEDULE AN APPOINTMENT.

Please submit electronic copies of the revised plans/resubmittal documents (PDF) with a written response letter addressing each incomplete comment. All items must be addressed and included in the submittal.

PLANNING OFFICE

Contact Reva Kakaria at (408) 299-5792 or reva.kakaria@pln.sccgov.org regarding the following comments:

1. The following items, required by the [Residential Planning Submittal Checklist](#) for Building Site Approval and Grading Approval, are missing or do not follow the requirements stated on the checklists. As such, this application is incomplete. Please include or correct the following items:
 - a. Evidence showing legal creation of the lot. Please provide the deed that was in effect on June 25, 1969, and the deed showing the first transfer of title after June 25, 1969. Refer to the [Deeds & Lot Legality handout](#) for more information.
 - b. Site plan that identifies all the relevant information described in the County's [Sample Site Plan](#) (see comment #2).
 - c. Site plan and elevation drawings illustrating height requirements. As the topography of the subject lot is irregular, height shall be measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site, as shown in the example image below. Please see the [Height Measurement handout](#) for more details. Include spot point elevations in the sections illustrating the height.



Note that per the Santa Clara County Zoning Ordinance, height must be measured from the final grade to the top of a building or structure. The maximum allowable height for primary residences on this lot is 35'.

- d. As this project is located within the San Francisco Bay Watershed, a [Clean Water Questionnaire](#) is required (see Comment #18).
- e. Name, labeled centerline, edge line, and edge of pavement of Wright Drive and Harvey Way rights-of-way. Label whether these streets are County-maintained or not County-maintained. Please see Policy Letter Comment #1 regarding the boundaries of the rights-of-way.

- f. Grading quantities in a tabular format. The grading quantities table does not include the amount of grading that would be needed to construct the water tank pad. Please see Policy Letter Comment #3 regarding the proposed water tanks.
2. The provided site plans are missing the following items required on the [Sample Site Plan](#) handout and is incomplete. Please include the following required items:
- a. Gross and net lot area, calculated by a licensed land surveyor, as defined in Zoning Ordinance [Section 1.30.030](#). Note that if the net acre of the subject lot is 1 acre or less, the lot may qualify for reduced side setbacks (Zoning Ordinance [Section 4.20.110.C](#)), at the discretion of the Zoning Administrator.
 - b. Location, common name, diameter, and number of trees to be removed or located near improvements, measured 4.5 feet above grade. Please use the tabular format shown below. Please label all trees located near (approximately 20 feet from) the proposed improvements with the required information, and clearly label those to be removed.

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

Note: the subject parcel is zoned HS and is less than 3 acres in size. Pursuant to County Ordinance [Section C16-3](#), any tree on this lot having a main trunk or stem measuring 12 inches or more in diameter at breast height (DBH) is protected and Tree Removal Approval is required prior to the removal of any protected tree. An arborist report may be deemed necessary upon the submittal of tree information.

According to [Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications](#), tree replacement will be required based on the sizes and species of the removed trees. The following tree replacement ratios apply:

- For the removal of one small tree (5- 18 inches):
(3) 15-gallon trees, or (2) 24-inch box trees.
- For the removal of one medium tree (18 – 24 inches):
(4) 15-gallon trees or (3) 24-inch box trees.
- For the removal of a tree larger than 24 inches
(5) 15-gallon trees or (4) 24-inch box trees.

Replacement trees are required for each protected tree that will be removed. Replacement trees should be native and like for like. Oak trees shall be replaced by oak trees.

Pursuant to the requirements for tree removal, if any trees proposed to be removed

are protected, please show on the site plan the location of replacement trees.

- c. Average slope computations for the proposed developed area (i.e. not for the entire lot) by a licensed land surveyor or registered civil engineer. Please see the Building Site Approval handout attached at the end of this letter for an example.
- d. Distances between all existing/proposed structures and property lines/rights-of-way. The distance between the proposed water tanks and the property line/edge of nearest right-of-way is not shown. Please see Policy Letter Comment #1 regarding the boundaries of the rights-of-way.

LAND DEVELOPMENT ENGINEERING

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

3. 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.
4. 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.
5. Please comply with the grading setbacks to property line per County Grading Ordinance [C12-558](#).
6. Show all of the existing and proposed utilities on the plans.
7. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of [Section C12-409](#) of the County Grading & Drainage Ordinance. Please provide a preliminary Drainage Plan that demonstrates the following items:
 - a. The site can be adequately drained with the runoff routed to the appropriate locations.
 - b. The existing culvert installed along the existing swale has adequate capacity to accommodate the 100-year flow crossing through the property.
 - c. The proposed development will not cause problems to the nearby properties.
 - d. 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 Wright Drive from the intersection of the County-maintained Old Santa Cruz Highway 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 Wright Drive 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 online at:

https://stgenpln.blob.core.windows.net/document/StandardsPoliciesManual_Vol1.pdf

9. Please 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.
11. Provide a minimum twenty-foot storm drainage easement along the flow line of the existing swale crossing through the property to be developed.
12. Provide shoulders to support the driveway, access road widening, and the fire turnaround locations where the pavement is in a fill condition.
13. Please revise the driveway turnaround to conform to County Standard Detail SD16 or as required by the County Fire Marshal's Office or CAL FIRE, whichever is greater. The fire turnaround shall be supported by the necessary shoulders or other structural supports, be a maximum of 5% in slope in any direction, and be located per the Fire Marshal's requirements.
14. Please submit evidence of legal access to the site from the intersection of Old Santa Cruz Highway 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.
15. Relocate proposed retaining walls outside the right-of-way to the maximum extent practical.
16. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of the 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.
17. 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. Where the retaining walls are near property lines or right of way limits, please include the location of those limits in the typical details.
18. Submit a completed [San Francisco Bay Watershed Questionnaire](#) (MRP 3.0). Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.

DEPARTMENT OF ENVIRONMENTAL HEALTH

Contact Darrin Lee at 408-918-3435 or darrin.lee@deh.sccgov.org regarding the following comments:

19. Contact the Department of Environmental Health (Jeff Camp, 408-918-3473 or jeff.camp@deh.sccgov.org) for individual water clearance. This is a separate submittal to Environmental Health subject to completion of a service application for water clearance, submittal of documents to include (but not limited to) a well completion report, well yield report, analytical test results from water sampling, and payment of applicable review fees.
20. Obtain and provide a copy of the approved onsite wastewater treatment system dated March 4, 2021.

COUNTY GEOLOGIST

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

21. The property is located in an Alquist-Priolo Earthquake Fault Zone and a State of California Seismic Hazard Zone for Earthquake-Induced Landslides, which are also County Fault Rupture and Landslide Hazard Zones. The geotechnical reports that were submitted with the application by Geosphere Consultants, Inc., dated between 2018 and 2020, are over 3 years old and need to be updated. An updated geologic and geotechnical report based on the 2022 California Building Code (CBC) needs to be submitted for review. The report needs to be signed and stamped by a Certified Engineering Geologist (CEG) and Professional Engineer (PE or GE) and prepared in general accordance with the guidelines provided in California Geological Survey [Special Publication 117A \(2008\)](#) and supporting references. The updated report needs to be based on the current design plans and include updated geologic cross-sections that depict the existing conditions and proposed grading and construction. A geology report review fee will be invoiced for review of the report.

In addition, the consultant needs to evaluate the stability of the ascending slope above the western property boundary that is about 100 feet high with a slope ratio of about 1:1 (horizontal to vertical). Cross Section A-A' provided in the 2018 report shows only the lower portion of the slope and depicts old landslide debris overlying shale and mudstone of the Butano Sandstone. The contact is shown dipping at 14 degrees to the south. The stability of this slope and its potential impact on the proposed improvements needs to be assessed.

FIRE MARSHAL'S OFFICE

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

22. General note: Project is located within the State Response Area (SRA) and the Wildland Urban Interface (WUI).
 - a. Chapter 7A of the CBC is to be met at building permit submittal.
 - b. Defensible space is to be maintained at all times.

- c. PRC-4290 compliance will be reviewed by CAL FIRE.
23. Provide a response letter addressing comments below and state on what sheet comments are addressed. More comments may be made when more information is supplied.
 24. Plans are to show hydrant as (N) or (E) and show the elevation at the base.
 25. Plans are to state the size, use, and elevation of water tanks.
 26. Plans are 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]
 27. 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. [CFC Section D102 and CFMO-A1 Section II.G]
 28. Fire department turnaround is to meet CFMO-SD16. Plans are to show all turnaround dimensions.
 - a. The plans don't show the 30 ft. entry (with a minimum 18 ft. drivable width excluding shoulder). [CFMO-A1 Section II.C and CFMO-SD16]
 - b. The plans don't show the 30 ft. portion heading to the south.

CAL FIRE

Contact Carlos Alcantar at carlos.alcantar@fire.ca.gov regarding the following comments:

This project (PLN24-031) 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.

29. **Access:** Ensure Wright Drive meets specifications in § 1273.01 in the Fire Safe Regulations and provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the building site.

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").
30. **Turnouts:** Driveway will require a turnout at midpoint per § 1273.05. and meet specifications in § 1273.06.

§ 1273.06. Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

§ 1273.05. Turnarounds

- a) Turnarounds are required on Driveways and Dead-end Roads.
 - b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.
 - c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the Driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
 - d) A turnaround shall be provided on Driveways over 300 feet in length and shall be within fifty (50) feet of the building.
 - e) Each Dead-end Road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
31. **Driveway:** Ensure driveway is designed and maintained to support 40,000 pounds.

§ 1273.02. Road Surfaces

- a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.
- b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

32. **Defensible Space:** Maintain defensible space specifications described in Public Resource Code 4291.

§ 1276.01. Setback for Structure Defensible Space.

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.

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 this application, please contact (408) 299-5792 or reva.kakaria@pln.sccgov.org.

Sincerely,

Reva Kakaria

Reva Kakaria
Assistant Planner

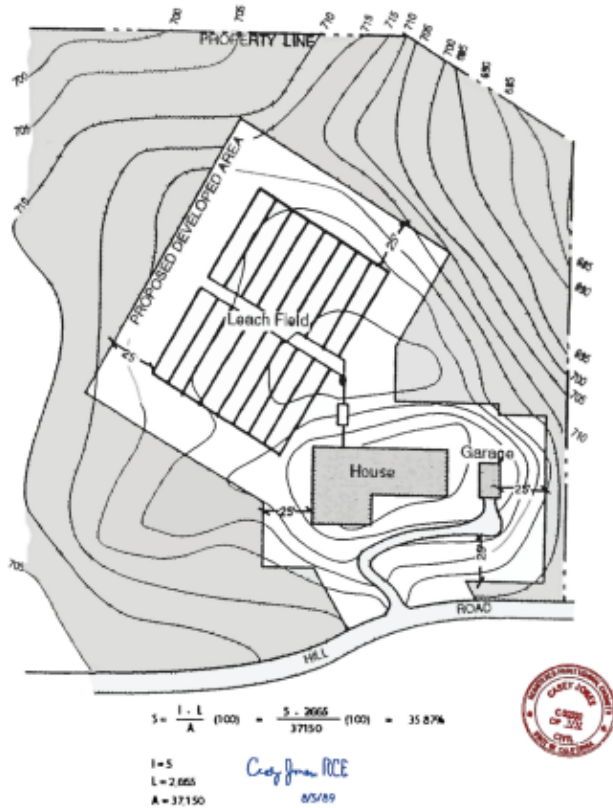
CC:

Lara Tran, Senior Planner
Samuel Gutierrez, Principal Planner
Darrell Wong, LDE
Darrin Lee, DEH
David Seymour, County Geologist
Alex Goff, FMO
Carlos Alcantar, CAL FIRE

Building Site Approval in HS, RHS and R1E Zoning Districts

An application for **Building Site Approval (BSA)** for parcels in the HS, RHS or R1E zoning districts must include a special site plan prepared by a **registered civil engineer or licensed land surveyor**. This site plan must outline the proposed developed area and show topography using contour lines that represent five foot intervals in elevation. Average slope computations must be shown on the site plan along with the certification stamp and signature of the registered civil engineer or licensed land surveyor.

If the calculated slope of the developed area is less than 30%, the normal BSA process applies. If the average slope of the developed area is determined to be 30% or greater, Architecture and Site Approval (ASA) is required. The application is subject to review by the ASA Committee at a public hearing. The checklist entitled "Building Site Approval with Architecture & Site Approval" lists types of plans, documents and reports that are required for this application, and is available at the Planning Office.



Proposed Developed Area

The proposed developed area is defined as the area for residence, accessory structures or other development such as tennis courts or swimming pools, drainfields, driveways and parking areas, plus 25 feet on the parcel surrounding these improvements. The calculation area does not cross property lines.

Slope

Slope for purposes of this ordinance is defined as the average natural slope of the land within the proposed developed area based on an engineered site plan. The average slope is determined by the formula;

$$S = \frac{I \cdot L}{A} (100), \text{ where}$$

S is the average slope of the area in percent

I is the contour interval in feet

L is the combined length of contour lines in feet

County Ordinance Code Division C12, Chapter II,
Article 5, Sections C12-350.1 through C12-350.7.

Form revised 5/07/07