

# 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\*\***

April 3, 2024

Margherita Comisso

Matthew Ginsberg

Via email @ [margherita@studios2arch.com](mailto:margherita@studios2arch.com) and [mlginsberg@gmail.com](mailto:mlginsberg@gmail.com)

**FILE NUMBER:** PLN24-041

**SUBJECT:** Design Review (Tier II) and Grading Approval for a new single-family residence with an attached garage, driveway, and associated grading/retaining walls.

**SITE LOCATION:** North of Higuera Highland Lane, San Jose, CA (APN: 654-16-006)

**DATE RECEIVED:** March 4, 2024

Dear Margherita Comisso and Matthew Ginsberg,

Your application for Tier II Design Review 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](mailto:reva.kakaria@pln.sccgov.org) regarding the following comments:

1. The following items, required by the [Residential Planning Submittal Checklist](#) for Design Review 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. Color samples for all exterior colors and materials that are part of the proposed project, following the format of the example [Colors/Materials Board](#). Please note that pursuant to Zoning Ordinance [Section 3.20.040.B](#), the light reflectivity value of exterior surfaces in the -d1 combining district shall not exceed 45.
  - b. A preliminary landscape plan that clearly quantifies the disturbed and landscaped areas. Although landscape plans are provided and the landscaped area is shown on Sheet L4.0, the disturbed area is not provided. Please identify this quantity on the landscape plans.
  - c. Completed [Environmental Information Forms](#).
  - d. Site plan that identifies all the relevant information described in the County's [Sample Site Plan](#) (see comment #2).
  - e. Staff analysis indicates that the proposed development, located in a high-visibility site, will be visible from significant portions of the valley floor. Please provide an alternative site analysis for two alternative sites and provide the grading quantities, permanently disturbed area, and impervious area that would result from an alternative siting of this development.
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. Dimensioned boundaries of the subject parcel. The boundaries shown on the site plan are not correctly shown on the site, grading, and drainage plans, as they appear to conform to the recorded parcel map 836M29 without taking into account the subsequent Lot Line Adjustments that occurred and the current legal description. Per the requirements of the Sample Site Plan, please show the dimensioned boundaries of the parcel as it currently exists.
  - b. Location of proposed septic system. As this property is not in an Urban Service Area, please show on the full and enlarged site plan where the septic system is proposed to be located.
  - c. Location of creeks on the site. There appear to be two creeks on the property; please label their tops-of-bank and applicable setbacks/easements.

- i. The creek running along the northern property line is subject to a 35-foot setback from the top-of-bank or edge of riparian vegetation, whichever is greater.
  - ii. The creek running along the southern property line (Flint Creek) is subject to the setbacks as described above as well as a recorded Habitat Conservation easement.
- d. Location, common name, diameter, and number of trees to be removed or located near improvements, measured 4.5 feet above grade. There appear to be a small number of trees located near the proposed residence and driveway that are not identified in the plans. In addition to identifying the trees on the plans, please use the tabular format provided below. Note that an arborist report may be required if these trees are deemed to be potentially impacted by the proposed development.

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

- e. Location of existing and proposed improvements. If the 9,600 square feet structure labeled “New Prefab Barn Under Separate Permit” on Sheet A1.0a is neither existing nor proposed under this application, please remove it and all associated grading not proposed for this project from the scope of work and the plans, including from disturbed area calculations. If the desire is to apply for Tier II Design Review of the barn concurrently as part of this application, please provide floor plans, a colors/materials board, elevation drawings, and other required materials for the proposed barn, and provide detailed information regarding its proposed use. Note that this may result in additional incomplete comments, as currently the proposed barn is not being considered as part of this submittal.

- f. Location and width of all easements and rights-of-way.

**NORTHWEST INFORMATION CENTER/ CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM, SONOMA STATE UNIVERSITY**

Contact Bryan Much at (707) 585-8455 or [nwic@sonoma.edu](mailto:nwic@sonoma.edu) regarding the following comments:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Study #24196 (Cartier 2000), includes the proposed project area and identified, but did not record one or more cultural resources (see recommendation below).

- 3. As per the study done by Cartier, the proposed project parcel contains unrecorded historic period resources: remnants of a historic-period including ranch, orchard, and rock wall

(2000:3). Prior to commencement of project activities, it is recommended that a qualified professional archaeologist attempt to relocate and update the conditions of this (these) possible site(s) on Office of Historic Preservation's DPR 523 resource recordation forms, assess potential impacts of the proposed project activities on any resources, and provide project-specific recommendations as warranted.

4. The proposed project area has the possibility of containing unrecorded archeological sites. Due to the passage of time since the previous survey and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify any unrecorded archaeological resources.

### **LAND DEVELOPMENT ENGINEERING**

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

5. Please provide a revised table of the estimated earthwork quantities including the earthwork for the flow through the planter treatment areas. Quantities for the treatment facilities should be separated into the different bodies of work for the project. If proposed as part of this application, the graded area surrounding the accessory barn should also be separated from the earthwork below the structure itself.
6. Please provide stormwater management plans clearly showing the limits of the Drainage Management Areas and their capture and routing to the necessary treatment and hydromodification mitigation areas.
7. Show the connection of the joint trench to the existing utility service on Sheet C2.1 of the plans.
8. Please provide a revised Drainage Plan that demonstrates the following items:
  - a. The barn and surrounding areas can be adequately drained to the appropriate treatment and detention/retention facility;
  - 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](#).
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, located at the connection to the end of road turnaround.
10. Please revise the driveway plan and section to conform to County Standard Detail SD5 with a 12' drivable surface supported by a 3' shoulder or other structural support of the pavement or as required by the County Fire Marshal's Office, whichever is greater. The typical pavement sections should be provided to reflect the necessary edge improvements to capture the drainage runoff from the driveway pavement and the surrounding areas that

may run on to the pavements and be taken in areas where the driveway is widened for the turnout to depict the areas of surrounding grading. The currently proposed over widened 18' AC driveway must be justified as the minimum necessary grading for the project proposal if the proposal is not revised.

11. Please revise the grade of the driveway to comply with the maximum continuous length of grades between 15% and 20% which cannot exceed 300'. Sections of driveway which are between 15% and 20% shall be separated by sections of a minimum of 100' relief with grades of 15% or less. Station 25+26.74 to approximately station 32+68 appear to not be in compliance with this requirement. Adjust the profile views so that the stations and elevations along the centerline are clearly shown on the plans, as well.
12. Please include all applicable easements affecting the parcel with benefactors and recording information on the site plan including but not limited to the slope and road easements on Book 836 of Maps Page 29-32. 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.
13. Please provide typical cross sections of the grading, including the proposed walls in the location of the maximum heights of each retaining wall, per [Section C12-424](#) (j) and (k) of the County Grading & Drainage Ordinance. Typical cross sections of the area of the grading through the house, garage and barn including the surrounding areas in both directions shall also be included. Typical cross sections through the treatment areas shall also be shown on the plans.
14. Submit a revised [San Francisco Bay Watershed Questionnaire](#) should any revisions to the proposed development impact the impervious area. 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](mailto:darrin.lee@deh.sccgov.org) regarding the following comments:

15. Contact the Department of Environmental Health and an onsite wastewater treatment system (OWTS) designer/consultant to conduct the following activities to determine OWTS feasibility: site assessment, soil profiles, and percolations tests.

Note: For OWTS proposed and installed on slopes greater than 30 percent (however, not to exceed 50 percent slope), an alternative wastewater treatment system shall be required. For slopes greater or equal to 40 percent (not to exceed 50 percent) a drip dispersal field shall be utilized.

16. Upon completion of OWTS feasibility, on a revised site grading plan, locate and show where all soil profiles took place and percolation test (failing holes, if applicable).
17. Demonstrate through wastewater calculations the minimum amount of dispersal field (lengthwise) to accommodate the proposed dwelling.

Note: Dispersal field may not be placed in areas subject to compaction from animal and vehicular traffic.

18. Contact the Department of Environmental Health (Jeff Camp, 408-918-3473 or [jeff.camp@deh.sccgov.org](mailto:jeff.camp@deh.sccgov.org)) to obtain individual water clearance which is a separate activity subject to completion of a service application, submittal of paperwork such as a well completion report, well yield report, analytical sampling results from water sampling, and payment of applicable review fees.

### **COUNTY GEOLOGIST**

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

19. Portions of the property are located in a State Alquist-Priolo Earthquake Fault Zone and a State Seismic Hazard Zone for Earthquake-Induced Landslides. These zones are also County Fault Rupture Hazard and Landslide Hazard Zones. Therefore, a geologic hazards report addressing the potential impact of these hazards on the proposed development is required. The report needs to be prepared, signed, and stamped by a Certified Engineering Geologist and prepared in general accordance with [California Geological Survey Special Publication 42](#) (2018) and [Special Publication 117A](#) (2008). An in-depth geologic report per Santa Clara County Geologic Ordinance Sections [C12-609](#) and [C12-612](#) is required. The consultant can contact the County Geologist to discuss the scope of the investigation. A geology report review fee will be invoiced after the report is submitted for review.

### **FIRE MARSHAL'S OFFICE**

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

20. Provide a response letter addressing comments below and clarify on what sheet comments are addressed. More comments may be made when more information is supplied.
21. Provide the estimated sizes of structures as this will affect the amount of water required for the project.
22. Clarify what structures are proposing fire sprinklers as a deferred submittal, as this may impact the water tank sizes. An example is an NFPA 1142 water tank may be required depending on the size of the barn. [CFC Section 903.2 and Santa Clara County Ordinance No NS-110.136 Section B7-9.d]
  - a. Clarify the use of the barn, if proposed.
23. Plans are to show hydrant as (N) or (E) and standard or wharf hydrant on sheet 15 of 24.
24. Fire hydrant is to be located at a 20 ft. drivable width, turnout, or turnaround. The proposed location of the fire hydrant is just before a turnout; this should be at the middle of the turnout.

25. Plans are to state the size and use of water tanks per CFMO-W1 and CFMO-W5.
  - a. A water tank meeting NFPA-1142 may be needed depending on the size of the Barn and what the proposed use is (accessory to residential use or commercial).
26. Sheet 17 of 24 shows a 6 in. PVC pipe. Clarify the pipe material type as the normal PVC pipe isn't listed as a listed fire protection pipe in CFMO-W4 (C900 is a type of PVC that is approvable).
27. Slope of fire department is not to exceed 15%. Portions of access up to 20% may be approved on a case-by-case basis. Below are some requirements that are to be clarified at resubmittal. [CFMO-A1 Section II.C]
  - a. No portion of fire access is to exceed 20%; portions of slope on the plans are steeper than 20%.
  - b. Any slope exceeding 15% is not to surpass 300 ft. in continuous length and is to have a minimum 100 ft. break not to exceed 15%. The plans show lengths of slope greater than 15% exceeding 300 ft. continuous length.
  - c. All structures are to be sprinklered. The Barn may require an NFPA-1142 water tank with analysis if sprinklers are required.
28. Plans are to show minimum access road (portion of access serving 3 or more parcels) drivable width of 18 ft. per CFMO-A1 and a minimum driveway width of 12 ft. (excluding shoulder). It's not clear what the drivable widths are leading to the (N) driveway. [CFMO-A1 Section II.A.2]
29. 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]
30. Plans are to show any gates crossing the driveway. Gats are to be labeled as (N) new or (E) existing and manual or mechanical. All mechanical gates are to have a Knox Key Switch shown as (N) or (E). [CFMO-A3 and CFC Section 503.5 and Section 506]

### **CAL FIRE**

Contact Carlos Alcantar at [carlos.alcantar@fire.ca.gov](mailto:carlos.alcantar@fire.ca.gov) regarding the following comments:

This project (PLN24-041) 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.

31. **Access:** Ensure Higuera Road 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").
32. **Turnaround on Dead-end Road:** Higuera Road will need a turnaround at its terminus per § 1273.05. If parcel size is over 5 acres, turnarounds shall be provided at 1,320 foot intervals.

### **§ 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.
33. **Dead-end Road:** Ensure Higuera Road does not exceed the maximum distance for a dead-end road depending on parcel size. The Dead-end road begins at Higuera Road and Balcom road.

**§ 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.
34. **Turnouts and Turnaround:** Driveway will require multiple turnouts at 400 foot intervals per § 1273.05 and meet specifications in § 1273.06. Driveway will need a turnaround within 50 feet of the structure per § 1273.05 and meet specifications in § 1273.05.

§ 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.

35. **Grades:** Driveway grade shall not exceed 16% unless Local Jurisdiction approves with mitigations to provide for same practical effect.
36. **Road Surfaces:** Driveway shall be designed and maintained to support 40,000 pounds per § 1273.02.

**§ 1273.02. Road Surface**

- 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.

- c. Project proponent shall provide engineering specifications to support design, if requested by the Local Jurisdiction.

37. **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](mailto:reva.kakaria@pln.sccgov.org).

Sincerely,

*Reva Kakaria*

Reva Kakaria  
Assistant Planner

**CC:**

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