

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 and 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,

Staff has reviewed your application, submitted on the date above. The comments below are not incomplete items and are not required to deem this application complete for processing. This section is informational only and can be discussed further if desired with County Staff.

PLANNING OFFICE

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

Design Review and Grading

1. Pursuant to Zoning Ordinance [Section 3.20.040.A.1.c](#), development located in the -d1 combining district involving retaining walls with elevations exceeding five vertical feet that extend for more than 80 horizontal feet shall not be eligible for Tier II/Administrative Design Review. The driveway retaining wall shown on Sheets C-2.8 and C-2.9 exceeds this limit and as such, this project is subject to Tier II Design Review.

Tier II Design Review projects are subject to additional siting requirements, a public hearing with the Zoning Administrator, and must erect story poles prior to any scheduled hearing. As this project was previously classified as a Tier I Design Review, additional fees for Tier II Design Review will be charged prior to further review.

2. The proposed development must meet all applicable Design Review requirements in Zoning Ordinance [Section 3.20.040](#), as well as meet the objectives of the [Santa Clara County Design Review Guidelines](#) to the greatest extent possible.

- The proposed development must meet all findings in County Ordinance [Section C12-433](#) to receive Grading Approval, and substantially conform to the [Guidelines for Grading and Hillside Development](#). Note that if the barn is not being proposed as part of this application, the associated grading for the gravel driveway in its indicated location will require justification.

Previous Conditions of Approval

This lot was originally created as part of a two-lot subdivision (County File 7179-53-69-00S) and is subject to multiple conditions of approval prior to the issuance of a building permit/occupancy. The following two Conditions of Approval are currently issues of concern:

- Condition #3: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Planning Office for approval.

If any outdoor lighting is proposed, please submit a lighting plan. If no outdoor lighting is proposed, please state this on the cover sheet.

- Condition #6: Prior to building permit issuance, a landscape plan shall be submitted for approval by the Planning Office showing the types and location of existing vegetation and proposed landscaping surrounding the new single-family residences & their associated other improvements (i.e. tennis courts, swimming pools, driveways). The landscape plan shall show planting of native trees and shrubs that would screen the proposed residences from the valley floor and surrounding area.

The majority of the trees and shrubs in the provided landscape plan are non-native (see table below). Please revise the plan to include native plants in accordance with the above condition. Staff recommends trees and shrubs that are fast-growing and evergreen to provide adequate screening.

BOTANICAL NAME	COMMON NAME	NATIVE
TREES		
ARBUTUS X 'MARINA'	MARINA STRAWBERRY TREE MULTI-TRUNK	No
GEIJERA PARVIFLORA	AUSTRALIAN WILLOW	No
GINKGO BILOBA	MAIDENHAIR TREE	No
LAGERSTROEMIA INDICA X FAURIEI 'TUSCARORA'	TUSCARORA CRAPE MYRTLE	No
PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	Yes
UMBELLULARIA CALIFORNICA	BAY LAUREL	Yes
SHRUBS		

ARCTOSTAPHYLOS EDMUNDSII 'CARMEL SUR'	CARMEL SUR LITTLE SUR MANZANITA	Yes
CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	No
CAMELLIA JAPONICA 'LA PEPPERMINT'	LA PEPPERMINT CAMELLIA	No
CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	Yes
CERASTIUM TOMENTOSUM	SNOW IN SUMMER	No
CISTUS X PURPUREUS	ORCHID ROCKROSE	No
EURYOPS PECTINATUS	GOLDEN SHRUB DAISY	No
GALVEZIA SPECIOSA 'FIRECRACKER'	FIRECRACKER ISLAND SNAPDRAGON	Yes
LAVANDULA STOECHAS	SPANISH LAVENDER	No
MUHLENBERGIA CAPILLARIS	PINK MUHLY GRASS	No
PHILODENDRON XANADU	XANADU PHILODENDRON	No
PHORMIUM TENAX 'ALL BLACK'	ALL BLACK NEW ZEALAND FLAX	No
ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	TUSCAN BLUE ROSEMARY	No
SALVIA APIANA	WHITE SAGE	Yes
SALVIA CLEVELANDII	CLEVELAND SAGE	Yes
SALVIA LEUCANTHA 'SANTA BARBARA'	SANTA BARBARA MEXICAN BUSH SAGE	No
TEUCRIUM CHAMAEDRYS 'PROSTRATUM'	PROSTRATE GERMANDER	No
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE TRELLIS	No
VINCA MINOR	COMMON PERIWINKLE	No

Note that other Conditions of Approval from the subdivision approval may apply to this project if it is approved.

Plans

- The maximum height values of the proposed residence shown on the elevations on Sheets A3.0a and A3.0b are inconsistent with each other/in error. Please correct this discrepancy and ensure that the height measurements are consistent with the scale shown. Please also make sure that the maximum building height shown in the project summary on the cover

sheet is accurate.

7. Pursuant to the definition of floor area in Zoning Ordinance [Section 1.30.030](#), where floor to ceiling height exceeds 15 feet, floor area shall be counted twice. The sections shown on Sheet A5.0 indicate that parts of the proposed residence exceed 15 feet from floor to ceiling. Please ensure that these areas are clearly labeled and are counted twice in the floor area calculations.
8. Please label the dimensions of all attic space.
9. The provided sections on Sheets A5.0 and A5.1 do not appear to correspond with the section labels on the floor and roof plans. It is unclear what several of the labels are referring to as they label sheets on which no sections are shown. Please clarify the location and sheet number of each section. Provide sections through each major part of the proposed house, and label ceiling height and structure height in each section.
10. The earthworks table on the cover sheet of the grading plans identifies cut and fill for “pool/hardscape.” As it appears from the site plan that no pool is proposed, please remove “pool” from the earthworks table.
11. Pursuant to Zoning Ordinance [Section 4.20.020.O](#), water tanks on this lot shall have a 30’ minimum front yard setback.
 - a. If the proposed water tanks are 12’ or less, they shall be set back from rear and side property lines a minimum of 3’.
 - b. If the proposed water tanks are between 3’ and 35’, they shall be set back from rear and side property lines a minimum of 30’.

Please label the height, not to exceed 35’, of the proposed water tanks on the plans.

SANTA CLARA VALLEY HABITAT CONSERVATION PLAN

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

The subject property is in the Santa Clara Valley Habitat Plan Area, in the Private Development Area 2: Rural Development Equal to or Greater than 2 Acres Covered and the Private Development Area 1: Private Development Covered. According to HCP Geobrowser mapping, land cover on the 119-acre property includes: Rural Residential, Coast Live Oak Forest and Woodland, and California Annual Grassland.

The application is for Design Review and Grading Approval.

12. In order for staff to correctly determine HCP coverage, please submit a revised HCP screening form that indicates the total size of the permanently disturbed footprint, consistent with the plans. If the barn is not being proposed, remove it and all associated disturbed areas from the calculations. The currently identified 7.93 acres on the screening form is not shown in the plans.

Please ensure that when answering question B on the screening form, only the permanently disturbed footprint in HCP Area 2 is quantified. Note that permanently disturbed footprint includes all new buildings, new impervious surfaces, lawns/formal landscaping areas, and all other areas that will be permanently affected by the project.

SANTA CLARA VALLEY WATER DISTRICT

Contact Kevin Thai at (408) 630-3157 or kthai@valleywater.org regarding the following comments:

13. A Valley Water permit is not required.
14. Valley Water records indicate the site contains 1 well(s). Any abandoned wells, or wells that are no longer in use, must be properly destroyed. Any wells in use that will be impacted by project activities must be protected. As required by Valley Water Ordinance 90-1, an application must be filed with Valley Water for a permit to construct or destroy any well or to drill any exploratory borings deeper than 45 feet. Contact Valley Water's Wells and Water Measurement Unit at (408) 630-2660, for more information.
15. According to the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) 06085C0257H, effective May 18, 2009, the entire site is located within Zone D, an area in which flood hazards are undetermined but possible.
16. The County Location Map on Sheet 1 of 24 shows the proposed project in the incorrect location. The project location should be revised to be shown east of San Jose.

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:

Kevin Thai, SCVWD
Samuel Gutierrez, Principal Planner