

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



September 13, 2024

Chateau Masson, LLC

Attn: William F. Hirschman

258 Union Avenue

Los Gatos, California 95032

Email: whirschman@lexorbuilders.com

**** SENT VIA EMAIL ****

FILE NUMBER: PLN24-146-SB330

SUBJECT: Builders Remedy Application for 69 single-family residences, 39 triplex residential units, 129 multifamily residential units (of which 48 would be designated as affordable), 81-room hotel, clubhouse, cellar and storage building, including a subdivision and related improvements.

SITE LOCATION: 14831 Pierce Road, Saratoga (APNs 503-46-009 and 503-46-008)

DATE RECEIVED: August 15, 2024

Dear Chateau Mason LLC [Attn: William F. Hirschman]:

Your application for a subdivision and housing development project under Senate Bill 330 (2019) 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.

This letter does not contain analysis of whether the application is consistent with all of the relevant and applicable State or County laws, regulations, or standards. Absence of such analysis shall not be construed as the County making any determination on the project's consistency with such laws, regulations, or standards. This letter is **not** the County's written documentation identifying the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity with applicable development standards pursuant to SB 330, Gov. Code sec. 65589.5(j)(2); the County will make that determination 30 days after the application is determined to be complete. Additionally, this letter is not intended as a response to any legal arguments you have made in your submission regarding the applicability and/or requirements of SB 330.

Resubmittals are made by appointment over video chat or in person with the Planning Division counter and must include all requested information. The Department does not accept resubmittals via email. Please contact me to schedule a virtual meeting at (408) 299-5706 or via email at

robert.cain@pln.sccgov.org. Once the information is submitted, the Planning Division will distribute the plans, reports and/or information to the appropriate staff or agency for review. Submit revised electronic plans and a written response addressing the following items. All items must be addressed and included in the submittal. 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 specialty or office and can provide details about the requested information.

Please note that no demolition, construction, earthwork, or tree removal shall occur prior to the issuance of the appropriate permit from the County.

PLANNING

Contact Robert Cain at (408)-299-5706, robert.cain@pln.sccgov.org regarding the following:

1. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Project Description for non-residential uses/operations." A project description provided for the hotel does not match the submitted plans in terms of dining offered on site. It is also unclear from the proposal if the club house shown on plans is an amenity for residents or part of a commercial operation (related to or separate from the hotel). Additionally, the plans submitted show proposed improvements to the existing concert venue and buildings, which are not detailed in the project description. The applicant must provide a full description of commercial uses included in the project. If existing structures are not part of this project, then plan sheets E1 through E16 must be removed.
2. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Project Plans in an electronic format," which includes the "Cover sheet with a detailed project description/scope of work." A number of key items are either listed in the project description but not shown on plans or shown on plans and not listed in the project description. Please update the description and/or plans for consistency related to the following items:
 - a. A large water tank is proposed on some sheets but not shown on all relevant sheets or the project description.
 - b. The project description notes that "additional guest spaces will be strategically located along the residential street network to serve multiple homes while still minimizing the visual impact of paved areas." However, these parking areas are not depicted on the plans.
 - c. A series of red dotted lines are shown crossing Pierce Road on Landscape Plans, but no description is provided in the project description or plan sheets. Identify or remove on future plan sets.
3. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Project Plans in an electronic format," which includes the "Elevation drawings illustrating height. Finished grade elevation call outs shall also be indicated at each corner of all proposed structures." The elevations provided do not appear to show the accurate height of structures. It is also unclear from the elevations whether there is any excavation involved with

the proposed structures. Please update to show the height of the proposed structures from finished grade.

4. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Project Plans in an electronic format," which includes "grading quantities in tabular format." Plans show over 50,000 cubic yards of fill for landscaping, please clarify the purpose of this large quantity of fill.
5. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Project Plans in an electronic format," which includes "Parking plan showing the proposed number of parking spaces." The plan set shows the removal of 933 surface parking spaces to be replaced with 1,094 new surface parking spaces but does not show details on parking design (aisle widths, angles, etc.). Additionally, the project description references visitor parking for the uphill single-family residences, but these spaces are not shown on the project plans. Please clarify the proposed location of the visitor parking and the proposed parking design.

LAND DEVELOPMENT ENGINEERING

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

6. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Tentative Map." The map shall contain the following information, which are not clearly shown on the documents provided:
 - a. The approximate grades of all roads in the subdivision demonstrating the lengths/stretches of access road which exceed 15% in longitudinal slope. The plans shall clearly show that the stretches of access road and driveway between 15% and 20% in slope do not exceed 300' and any stretches that do so are separated by stretches of 15% or less for a minimum of 100' or more.
 - b. The locations and approximate widths of all easements through other properties for maintaining the slopes along the proposed access roads to serve the property. The proposed slopes and walls to support the access roads must either be located within the access easement or within a slope easement.
 - c. Show and clearly label the locations of the pertinent easements on the grading and utility plans for ease of reference. For instance, show all utility easements on the utility plans and show all access easements on plans where the grading supporting the access roads are shown.
 - d. Proposed uses of the property and an outline of proposed restrictions, if any. The restrictions or uses for each of the exceptions to the public service easement (PSE) shall be stated on the tentative map.
 - e. Adequate cross-sections and profiles are required depending on the extent of proposed grading. Cross sections shall be provided in the locations of the bioretention ponds, the new parking areas, the proposed structures that are not single-family homes or smaller, the areas of maximum grading through the tiered retaining walls.

- f. Show where a parcel is traversed by a watercourse (primarily blue line creeks) and within 25' of the proposed development, contours describing the watercourse shall be drawn to intervals as follows:

| <u>Average Slope of Channel Bottom</u> | <u>Contour Interval (feet)</u> |
|--|--------------------------------|
| 0.00%--1.00% | 1 |
| 1.00%--15.00% | 2 |
| 15.00% and over | 5 |

- g. Provide accurate topographic information to show exact center line of watercourses including all blue line creeks, at a minimum, top of low and high banks, direction of flow and existing obstructions within and adjacent to the watercourse. Where a watercourse lies outside of a parcel, but the top of bank lies within 25 feet of the property line, show exact location of the top of bank relative to property line. The location of these creeks shall be shown on the site development plan(3a) and the grading plans, as necessary, for reference at the minimum. This may impact the emergency and primary access roads.
 - h. Statement of the dedications and improvements proposed to be made or installed. Provide text/notes for the proposed dedications and easements proposed for the development. This may be provided on the Site Development Plan or perhaps a separate sheet.
 - i. Typical cross-sections of all streets showing any existing road widths and surfacing, proposed road widths and maximum cuts and fills at intervals not exceeding 500 feet. They shall accurately depict topographic conditions not less than 100 feet outside the future rights-of-way. The vertical dimensions of cuts and fills on each section shall be shown. Additional sections may be required to clearly demonstrate the areas of maximum grading cuts and fills.
 - j. The approximate known soil or geologic hazard areas. The hazard areas may be documented in reports, but the zones must be indicated on the Tentative Map, perhaps on sheet 2 of 31 might be a good location.
7. The plans do not show a required turnaround at the upper end of the development for the single-family homes near the existing water tank. Please revise plans to include a turnaround, which is to conform to County Standard Detail SD16 or as required by the County Fire Marshal's Office or CalFire, whichever is greater. This information is likely to impact the project's grading quantities, please ensure quantities are updated to include changes.
 8. On plans, please demonstrate shoulders or other structure to support the access road widening and construction locations where the pavement is in a fill condition. If applicable, please update grading quantities.
 9. Please include a driveway approach for the single-family homes. Approach should be designed per County Roads and Airports Standard or Standards and Policies Manual SD4
 10. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a "Project Plans in an electronic format," which includes "All proposed development plans demonstrate that the proposed development will conform with all applicable requirements of the Land Development Standards and Policies Manual and the Regional Water

Quality Control Board requirements when applicable.” Plans show slope heights exceeding 30 feet which therefore require drainage terraces. The County’s standards can be found in County Standard Detail SD6 and Section C12-543 and C12-553 of the County Grading Ordinance with regard to slope height and probable use of drainage terraces. There appear to be graded slopes along a portion of the proposed access road at approximate station 48+00 and areas between and within the single-family home development area. Please update grading quantities to include any changes related to these improvements.

Stormwater/Drainage

11. The quantities for the table of the estimated earthwork quantities per C12-424(g) should be separated into the different bodies of work for the project. The quantities for the different access roads, structures, ponds, and parking lots need to be separated to clearly demonstrate what quantity of grading is a result of which improvement.
12. The table of the estimated impervious areas provided shall be itemized into the different bodies of work and at a minimum separated into the different phases of the development. The total net change in impervious areas shall be clearly stated on the plans.
13. Show all of the grading required for the proposed water tank shown on the utility plans, sheet 15 of 31. The impervious area for the proposed water tank and associated pad grading and access to the facility shall be included in the impervious area and quantities for the Clean Water Questionnaire and the drainage runoff shall be collected and routed for treatment prior to discharge. The grading and cross section details for the grading shall be shown on the plans, including whether the pad be cut down or built up
14. There are call outs on the middle of sheet 15, please clarify what these call out are and remove them if they are just extraneous.
15. 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.
16. Please provide cross sections of the grading, including the proposed walls in the location of maximum grading for walls and tiered wall systems, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance. Additional cross sections should be provided in the areas of significant grading for parking areas and each multi-unit structure.
17. Submit a revised San Francisco Bay Watershed Questionnaire (MRP 3.0) adjusted for any changes to the proposed development as necessary. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.
18. Show the improvements to the primary access road to the site including new roads. There is an understanding that some road improvements may be constructed as a part of a separate project within the City of Saratoga, but in the event of that project not moving forward, the improvements do need to be shown as a part of this project or perhaps a separate phase of

work-Phase 0, for example. The grading and impervious area for the improvements in these locations should be identified, and clearly shown on the plans which improvements would be necessary in the case they are not constructed as a part of that separate project. The connections/conformance of this project's improvements to the separate project should be clearly delineated.

19. Include an additional utility sheet to the west of sheet 19 to show the locations and preliminary design of the bioretention area and the preliminary design and location of the storm drainage.
20. Verify whether there are accessible stalls provided for the common access areas such as the pool, club house, and the hotel.
21. Provide cross sections for the storm chambers located in the parking lot. The rock/infiltration section shall be shown on the typical section. Please note that the ground water elevation shall be 10' below the bottom of the rock section for the infiltration chambers. Provide a preliminary groundwater elevation for the area of the storm chambers.
22. Show how the runoff for the drainage and stormwater treatment will be captured and routed for treatment plant facilities. Clearly indicate the surface improvements for the treatment area enclosure and associated access path.
23. Because the proposed development is more than 50% of the total site, the C3 regulations requires treatment for both the proposed and the existing development. In the preliminary plans, clarify how run-off from all regulated impervious areas (existing and proposed) will be collected, contained, and conveyed to proposed stormwater treatment and HM (hydromodification management) improvements. The plans do not show treatment for the existing access road(s) or the concert venue and associated facilities.
24. Provide a stormwater management plan that details the following:
 - a. the existing regulated and unregulated impervious areas on site and existing stormwater treatment BMPs on-site,
 - b. revised drainage management areas (DMA) and their respective treatment,
 - c. self-treating and self-retaining areas, and
 - d. HM improvements
25. Though the SWMP Exhibits and Stormwater Control Plan (Sheets 24a and 24b) provide some treatment information, the details are lacking, and it seems the exhibits are associated more with HM mitigation than treatment. For example, Exhibit 07 for DMA 03 shows several mitigated areas for "03A" with stormwater chambers provided for treatment; however, "03A" appears to be generally disconnected from the stormwater chambers. Provide additional details in either the civil plans or the stormwater control plans, conceptually showing how all regulated run-off is being collected and conveyed to the assigned treatment BMP. For treatment, DMAs should generally be broken down by tributary area being routed to treatment (i.e., each treatment BMP has its own DMA), self-retaining, and self-treating.

26. In the civil plans, provide typical details for the treatment BMPs (flow through planters, bioretention basin, subsurface infiltration trenches, pervious paving, etc.). Conceptually show whether the BMPs conform to NPDES Municipal Regional Permit requirements (e.g., the flow through planter/bioretention basins have the correct BSM thickness and ponding depth, pre-treatment is provided for the subsurface infiltration, the subdrain for the pervious pavers is set to provide sufficient storage/infiltration for the C.3.d volume of run-off, etc.).
27. An existing bioretention pond provides treatment for the existing use. This treatment needs to be maintained during continued use of the facilities. Demonstrate on the plans how this treatment will be maintained during construction. Coordinate the treatment strategy with the project phasing to ensure that the existing treatment is maintained through the course of construction, as the existing use continues operations. If additional (new) bioretention ponds are required, update grading quantities.
28. Demonstrate that the storm drainage runoff is drained, treated and mitigated, and discharged to remain within the original subwatershed. Currently the development is drained within just three separate drainage management areas along the ridge of the primary development and the entry road, where there are currently approximately 7 separate smaller tributary watersheds along the southwestern side of the development and approximately 5 separate smaller tributaries along the northeastern side of the development.

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5746 or darrin.lee@cep.sccgov.org for information regarding the following items:

29. As portions of the proposed dispersal field are situated in an area where the slope exceeds 20 percent, a geotechnical report is required. Provide a supplemental geotechnical report or letter which addresses the following:
 - a. the use of a subsurface dispersal system 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.
 - b. unstable landmasses and County and State Landslide hazard zones, including (numerical) horizontal set back recommendation to use of an onsite wastewater treatment system on a steep slope and to unstable landmasses.

Note: The proposed use of a combination of chambers and drain rock to accommodate an infiltrative area up to 7.33 square feet per linear feet for the Mountain Winery dispersal field where the slopes are less than 20 percent is not currently allowed by County of Santa Clara Department of Environmental Health.

30. The provided domestic water demand estimates for the proposed dwelling units and hotel appear to be greater than the proposed onsite wastewater treatment system design flow with respect to daily demand as noted within the “Water Demand Memo” and the “Wastewater

Facilities Report”. Please redesign or align these documents. Application materials are required to be internally consistent.

31. As community onsite wastewater treatment system (OWTS), the method of treatment and dispersal must be approved by San Francisco Bay Regional Water Quality Control Board. Provide to the Departments of Planning and Development and Environmental Health documentation from San Francisco Bay Regional Water Quality Control Board addressing OWTS feasibility approval or alternatively submit a feasibility study that complies with state requirements for wastewater and provides adequate access to wastewater under state law. Refer to SB330- Housing Crisis Act Planning Submittal Checklist.
 - a. As the domestic water demand and onsite wastewater treatment system design flow differ, the cumulative impact analysis may require an amendment, as the OWTS dispersal field may be altered.
 - b. Wastewater flow assumption of 50,000 GPD used for nitrate loading analysis is not consistent with 63,000 GPD design flow for OWTS. Please update so that all application materials are internally consistent.

32. Obtain OWTS clearance from the Department of Environmental Health for verification of setback requirements. To obtain clearance follow the URL: [Plan Check Application Form](https://www.sccgov.org/plancheck) (sccgov.org) and complete the service application.

Note:

- Proposed development area encroaches upon existing onsite wastewater treatment system serving existing uses.
- Proposed treatment plant for community OWTS is located on the designated expansion area for the existing dispersal field serving Mountain Winery.
- Wastewater design flow based upon from an existing community system utilizing a community dispersal field; 210 gallons per day for proposed dwelling, 120 gallons per day for hotel room, and 240 gpd for each of the four proposed casitas. Number of bedrooms per building type should be provided to determine consistency and comparability with referenced community wastewater system. Additional clarifications will be required for all estimated wastewater flows that do not meet the minimum requirements listed in the County of Santa Clara Onsite Systems Manual.
- Proposal states that residences will be pre-plumbed for laundry-to-landscape graywater reuse. The community OWTS must be sized to accommodate all estimated wastewater flows, including graywater. Any proposed separate graywater system will require review and approval by the County Building Department.

FIRE MARSHAL’S OFFICE

Contact Alex Goff at (408) 341-4420 or alex.goff@sccfd.org for information regarding the following items:

33. Plans to be updated to show standard fire hydrants as (N) or (E).

Note: Plans are to be updated to show standard fire hydrants located within 600 ft. exterior path of travel to all portions of sprinklered R-3 structures. Standard fire hydrants to be within 400 ft. exterior path of travel to all other structures. [CFC Section 507.5.1]

Standard fire hydrants to be placed per CFC Appendix "C" regarding spacing between fire hydrants. Provide documentation on how the spacing was determined (spacing to be based on water flow requirements prior to sprinkler reduction).

34. Provide fire hydrant flow data for hydrant located within distance requirements. Data to be recorded within 1 year and show minimum gpm is available at 20 psi. [CFC Table B105.1(1) and Table B105.1(2)]
- a) Contact water purveyor for flow data.

35. Submitted documents included a report by Schaaf & Wheeler regarding proposed water tank sizing. The report states the size of the structures is not known, and therefore estimations were assumed. Update this report with accurate structure size, construction type, etc.

Note: Schaaf & Wheeler report states the flow may be reduced to 25% of the required flow per CFC Table B105.2 on sheet 3. Per County Ordinance the maximum flow reduction is to be 25% for structures exceeding 30,000 sf. and 50% for all other commercial structures (the report stated a 75% reduction). There appears to be a misunderstanding as the code allows a reduction of 25% not to 25%. [County Ordinance NO. NS-11000.136 Section B7-21(a)]

36. Plans do not show minimum access road (portion of access serving 3 or more parcels).

Note:

- a. Minimum drivable width is 20 ft.
b. Road widths 20-26 to have No Parking Signs and red curbs on both sides.
c. Road widths greater than 26 ft. but less than 32 ft. to have signage on one side.
d. Road widths greater than 32 do not require signage.

37. Plans to be updated to identify aerial access for structures exceeding 30 ft. in height per CFC Appendix "D".

38. Clarify the slope of fire department access meeting CFMO-A1. It appears sheets 18 and 19 of 24 show different slopes near areas such as 965.

39. Plans to be updated to show any gates crossing driveway. Gates to be labeled as (N) new or (E) existing and manual or mechanical. All mechanical gates to have a Knox Key Switch shown as (N) or (E). [CFMO-A3 and CFC Section 503.5 and Section 506]

40. Fire department turnaround meeting CFMO-SD16 needed if dead-end access is greater than 150 ft. in length. Plans to be updated to clearly label the turnaround and show the dimensions. An example is the western section of fire access near the (E) tank (sheet 13 of 24) as this

appears to be the end of the fire access road meeting CFMO-A1. [CFMO-A1 Section II.C and CFMO-SD16]

- a. Turnarounds on sheet 23 of 24 don't appear to have a minimum 20 ft. width throughout the turnaround as it appears the dimensions for turnaround "B" were used instead of turnaround "A". Show all dimensions of turnarounds to ensure they are sized properly.

41. Plans are to be updated to show fire department access located within 200 ft. exterior path of travel to all portions of structure. [CFC Section 503.1.1 and Ordinance]

CAL FIRE

Contact Carlos Alcantar at carlos.alcantar@fire.ca.gov for information regarding the following items:

42. Show a turnaround for the driveway spur near the existing water tower. Turnaround standards are provided in the State Minimum Fire Safe Regulations § 1273.05. **Turnarounds**, which requires a turnaround at the end of a dead-end road with a minimum turning radius of 40 feet, not including parking. Alternatively, a hammerhead with a top width of at least 60 feet may be proposed.

PARKS

Contact Andrew McClellan at (669) 308-3206 or andrew.mcclellan@prk.sccgov.org for information regarding the following items:

43. All easements must be shown on the plans and tentative map. The Santa Clara County Countywide Trails Master Plan Update (CWTMP) (1995) identifies a proposed alignment for the Juan Bautista de Anza National Historic Trail (Anza Trail) through the Mountain Winery property. In 2000, the County Parks Department secured a floating trail easement (Document Number 15514767) at the Mountain Winery site in preparation for the Anza Trail to traverse the site as part of its regional route (Attached). The final alignment for the Anza Trail has not been delineated; however, it is imperative that the applicant acknowledge this trail easement on the plan set and continue communications with the County Parks Department staff as securing a final alignment for the Anza Trail moves forward.

VALLEY WATER

Contact Matt Sasaki at (408) 630-3776 or msasaki@valleywater.org for information regarding the following items:

44. Per the Santa Clara Valley Urban Runoff Pollution Prevention Plan's (SCVURPPP) C.3 Stormwater Handbook, Appendix A – Infiltration Guidelines, a minimum horizontal separation distance of 100 feet is required between septic systems and infiltration devices. The proposed storm chambers located in the parking lot appear to be infiltration devices and may be within this 100-foot setback distance. The setback distance needs to be shown on the plans to confirm compliance with Table A-1 in Appendix A.

45. Valley Water does not own or manage the creeks as shown on Sheet 2 referenced as “SCVWD creeks.” These notations need to be removed. Please note that creeks that are too small to be subject to SCVWD jurisdiction are subject to Water Board and CDFW jurisdiction and may also be regulated by the U.S. Army Corps of Engineers. Please provide information on all headwater creeks at the project site.
46. According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) 06085C0214H, effective May 18, 2009, and 06085C0218H, effective May 18, 2009, the entirety of the project site is in Zone D, an area of undetermined flood hazard. The Floodzone Statement on Sheet 1 incorrectly notes the site is in Zone X. Please correct the incorrect information.
47. Sheet 2 shows three creeks, but the other plan sheets only show the easterly creek, and it is not labeled or shown with the standard creek line type. The plans should clearly show and label all creeks. Also, the creeks shown on sheet 2 do not match what is shown on the Stormwater Control Plans (Sheet 24a). The plans must reconcile this discrepancy.

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 you have questions regarding the application, please call (408) 299-5706 or email robert.cain@pln.sccgov.org.

Warm regards,



Robert Cain
Senior Planner

- cc:** Robert Salisbury, Principal Planner
Darrell Wong, Land Development Engineering
Alex Goff, Fire Marshal’s Office
Darrin Lee, Department of Environmental Health
Andrew McClellan, Parks
Benjamin Hwang, Valley Water
Carlos Alcantar, Cal Fire
City of Saratoga