File: 11139-18DR-18G
Design Review and Grading Approval for a new Single-Family Residence

Summary: DESIGN REVIEW and GRADING APPROVAL, for a new 11,181 square foot single-family residence (Tier 2 project), and ancillary site improvements. Estimated grading quantities are 2,073 cubic yards of cut and 816 cubic yards of fill.

Owner: David and Dana Loury  Gen. Plan Designation: Hillsides
Applicant: Hannah & Brunetti  Zoning: HS-d1
Address: 20739 Scenic Vista Court, San Jose  Lot Size: 3.20 acres
APN: 689-34-019  Present Land Use: Vacant
Supervisiorial District: #1  HCP: Covered project

RECOMMENDED ACTIONS
A. Approve a Categorical Exemption, under Section 15303 (Class 3)(a) of the CEQA Guidelines, Attachment A; and
B. Grant Design Review Approval and Grading Approval, subject to conditions outlined in Attachment B.
ATTACHMENTS INCLUDED

Attachment A – CEQA Determination
Attachment B – Preliminary Conditions of Approval
Attachment C – Proposed Plans and Vicinity Map
Attachment D – Cluster Subdivision Conditions of Approval

PROJECT DESCRIPTION

The proposed project is for Design Review and Grading Approval for a new 11,181 square foot single-family residence. The project proposes a total of 2,073 cubic yards of cut and 816 cubic yards of fill to accommodate the construction of the new residence and other ancillary site improvements. Associated site improvements include a driveway, onsite wastewater system, swimming pool, water tanks and landscaping. San Jose Water Company would serve the property for domestic water supply. Two oak trees are proposed for removal.

Setting/Location Information

The subject parcel is currently vacant and located at 20739 Scenic Vista Court, in the southwest portion of unincorporated San Jose. The City of San Jose abuts the project site to the west. The subject property is moderately sloped with an average slope of approximately 22.5%, however, the development area has a slope of 21.6%. The majority of the property is not visible from the valley floor due to the extensive existing oak canopy coverage on the hillsides of the lot.

The surrounding neighborhood is comprised of either low density single-family residences on larger lots, or vacant parcels. Additionally, the property is located in the Santa Clara Valley Habitat Plan area. The property includes vegetative land covers of Coast Live Oak forest and woodland, as well as California annual grasslands and northern coastal sage scrub.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The environmental impacts of the proposed project were analyzed, resulting in a proposed Categorical Exemption (See Attachment A). The aesthetic impacts of the proposed project and its visibility from the valley floor have been addressed through the design review process. The biological impacts associated with special status species, habitat and construction impacts to native Oak trees have been addressed through the County Habitat Plan with recommended conditions of approval (See Attachment B). The project would not create any Cultural Resource impacts as evaluated through the archaeological study prepared for the project which recommends construction monitoring as required in the conditions of approval for the project (See Attachment B).

Overall, the potentially significant environmental impacts can be sufficiently mitigated through County Ordinances and policies as well the Santa Clara County Habitat Plan. Therefore, the project qualifies for a Class 3, Section 15303 Exemption from CEQA.

B. Project/Proposal
1. **General Plan:** Hillsides

2. **Approved Building Site:** The site is an approved building site as a result of a subdivision processed in 1997 by the County (Lot 4 of Parcel Map 754-48, File # 6496-47-51-97CS).

3. **Zoning Standards:** The Zoning Ordinance specifies the required development standards for HS-d1 Zoning District as summarized below, followed by a Table noting the project’s conformance with Section 3.20.040 “-d1” Combing District:

<table>
<thead>
<tr>
<th>STANDARDS &amp; REQUIREMENTS</th>
<th>CODE SECTION</th>
<th>Meets (Y) or Does Not Meet Standard (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siting</td>
<td>§ 3.20.040(A)(2)(b)</td>
<td>Y</td>
</tr>
<tr>
<td>Story Poles</td>
<td>§ 3.20.040(A)(2)(c)</td>
<td>Y</td>
</tr>
<tr>
<td>Color &amp; LRV</td>
<td>§ 3.20.040(B)</td>
<td>Y</td>
</tr>
<tr>
<td>Building Form &amp; Massing</td>
<td>§ 3.20.040(C)</td>
<td>Y</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>§ 3.20.040(D)</td>
<td>Y</td>
</tr>
<tr>
<td>Ridgeline Development</td>
<td>§ 3.20.040(E)</td>
<td>Y</td>
</tr>
<tr>
<td>Design Review Guidelines</td>
<td>§ 3.20.040(F)</td>
<td>Y-See Findings Below</td>
</tr>
</tbody>
</table>

C. **Design Review Findings**

All Design Review applications are subject to the scope of review as listed in §5.50.040 of the County Zoning Ordinance. The overall purpose of design review is to encourage quality design and mitigate potential adverse visual impacts of development. In the following discussion, the scope of review criteria is in bold, and an explanation of how the project meets the required standard is in plain text below.

1. **Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;**

   Existing mature Oak trees in front of the ridgeline hillside and new Oak trees to be planted will help screen the proposed residence from view which will help the project blend into the natural environment. A proposed landscape plan including perimeter and landscaping to screen retaining walls will mitigate visibility from both the valley floor and the immediate neighborhood. The proposed residence is two-story and includes natural colors and materials with a Light Reflectivity Value (LRV) of 45 or less. Also, the grading of retaining walls have been designed to help minimize grading impacts to the site.
2. Compatibility with the natural environment;

The proposed residence is located on the most suitable building pad on the site with minimal grading which includes 2,073 cubic yards of cut and 816 cubic yards of fill. 1,140 cubic yards of cut and 13 cubic yards of fill are for the building pad of the residence and garage. The remainder of grading is for driveway access and landscaping improvements. Tree removal is minimal (removal of 2 oak trees) to accommodate onsite improvements. Two oak trees are proposed to be planted within the one gap on the easterly corner of the house by the valley floor to mitigate visual impacts to the Santa Clara Valley Viewshed, and along the frontage of the site to screen the property from neighboring properties, as viewed from the Santa Teresa neighborhood. Thus, the proposed residence is designed to be compatible with the natural environment.

3. Conformance with the “Design Review Guidelines,” adopted by the Board of Supervisors;

The project complies with the Design Review Guidelines. The conditions of approval (Attachment B) provide the Design Review criteria including: approval of a landscape plan for screening of the property from the valley floor, exterior colors maintaining Light Reflectivity Value of 45 or less, outdoor lighting to be not visible from off site, and grading minimal to blend in with the natural terrain of the site.

4. Compatibility with the neighborhood and adjacent development;

The proposed residence is in keeping with the characteristics of the surrounding neighborhood. The proposed size and architectural design are compatible to adjacent developments. The surrounding residences range in sizes from 3,000 s.f. to 14,000 sq. ft., mostly two-story designs. The architectural styles are predominantly Mediterranean for the newer developments or ranch style for the older homes. The proposed residence is a two-story design. The project will not be obtrusive or stand out compared to the other developed parcels in the immediate vicinity and is compatible with the immediate neighborhood.

5. Compliance with applicable zoning district regulations; and

Residential use is an allowed use in HS Hillside zoning district, and the project complies with the HS zoning regulations. The proposed residence is in compliance with required setbacks (30-feet from all property lines) and up to 32 ft. height. The proposed design is also in keeping with the -d1 design standards, building massing standards, and exterior colors are conditioned to be less than 45 in LRV. The proposed retaining walls are designed to be up to 5-feet in height.
6. **Conformance with the general plan, any applicable specific plan, or any other applicable guidelines.**

The General Plan Growth and Development Chapter for Rural Unincorporated Areas contains specific policies under Strategy #3, to *Ensure Environmentally Safe and Aesthetic Hillside Development*. To address policies intended to minimize or avoid unnecessary grading and for development of lots which propose hilltop or ridgeline development, the applicant has modified the design to reduce grading of retaining walls from a previous design submitted to the County.

The subject parcel is located near the ridgeline. The proposed building site (30 ft. away from rear setback) blends in with the ridgelines as there is extensive existing oak trees canopy to limit visibility toward the portion of the Santa Teresa hillsides, below the parcel. Its elevation and location as viewed from the valley floor immediately below would be perceived as projecting above the natural topography. To address the potential visual impacts of the building location, natural colors and materials with an LRV below 45 are proposed and utilizing existing mature oak trees along with planting of two new oak trees on the easterly corner of the house along the ridgeline have been proposed. As conditioned, the project would be in conformance with the General Plan.

D. **Grading Findings:**

Pursuant to Section C12-433, all Grading Approvals are subject to specific findings. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. **The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.**

Estimated grading quantities are 2,073 cubic yards of cut and 816 cubic yards of fill associated with the proposed project that include establishing the access, building pad for residence with attached garage, swimming pool, water tanks and landscaping. The proposed grading is mostly related to establishing the onsite access and a building pad for the residence. In addition, as a result of modification of the proposed plans, design of grading has been reduced from those originally proposed project to establish pavers and the swimming pool area. Consequently, the amount, design, location and the nature of proposed grading is necessary and appropriate to establish the single-family residential use, which is a permissible use in the HS zoning district.
2. The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.

No excessive grading will be conducted. All export will be deposited at an approved site. No unnecessary fills will occur. Standard conditions of approval and requirements of final grading plans will ensure that grading around the building pad will not result in slope instability or erosion. No watercourses are located on the subject site.

3. Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.

The proposed grading has been designed to contour to the natural topography to the maximum extent possible, with the residence sited on the most suitable building pad location. The majority of the proposed grading is for onsite improvements, such as the driveway. The grading will not impose any impacts to the natural landscape, biological, or aquatic resources. Furthermore, maximum cuts for the proposed grading will generally not exceed 5 feet in height and are consistent with design guidelines for retaining walls located in the -dl zoning district.

4. For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.

The majority of the proposed grading is related to the onsite driveway and improvements to serve the new residence. The grading is designed to follow the natural contours to the maximum extent possible. Other alternatives downslope of the proposed location are not near the existing oak canopy and would require more grading for landscape screening.

5. Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.

The proposed grading is designed to conform with natural terrain and existing topography and will not create any significant visual scar. The retaining walls within the rear of the residence are tucked into the hillside which lowers the overall height of the building. Access to the site is via the existing road (Scenic Vista Ct.).

6. Grading conforms with any applicable general plan or specific plan policies; and

The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The proposed grading is designed to follow the natural terrain, to minimize grading and to reduce visual impacts from hillside development in keeping
with General Plan policies R-GD 20- 27, which require that grading be the minimum necessary for the use, with no significant visual scar or impact the environment.

7. **Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.**

The proposed grading is in conformance with the adopted “Guidelines for Grading and Hillside Development,” in particular, the specific guidelines for siting, road design, building form and design. The proposed residence will be located in areas with more gentler slopes, away from the ridgeline, which minimizes the need for grading for longer driveways. The driveway is designed in keeping with Guidelines 5, 7, 8 and 9 that require the proposed driveway design is curved to follow the existing contours, while meeting the minimum emergency access standards. The retaining walls are also designed to be up to 5 feet in height and to follow the existing hillside contours to minimize visual impacts to the valley floor.

The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The proposed grading is designed to follow the natural terrain, to minimize grading, and to reduce visual impacts caused by hillside development and in keeping with General Plan Policy R-GD 22- 36, as discussed above.

**BACKGROUND**

Subject parcel is one of the four lots that was approved through a cluster subdivision by the Board of Supervisors in 1998 (County file 6496-97CS). Specific design guidelines were incorporated in the conditions of approval (Attachment D – Cluster Subdivision conditions of approval).

The current property owner submitted the Grading Approval and Design Review (Tier 2 project, 5,000 s.f. – 12,500 s.f.) applications in March 2018 to construct an approximately 9,400 square foot house with covered patio, and attached garage, driveway, a swimming pool with outdoor deck, septic system and associated road and onsite improvements.

The initial incomplete letter was issued in April 2018 and the letter outlined numerous issues with calculating the floor area, and average slope calculations, providing tree removal plans, and revised landscape plans, Habitat Conservation Plan surveys, drainage and septic system details, fire access requirements, and grading design within the pavers/pool area.

Staff advised the owner and applicant of the requirement for a neighborhood public outreach meeting. On April 23, 2018, a meeting was held. Neighbors within 1,000 feet from the subject parcel were noticed of the meeting as well as the Santa Teresa Foothills Neighborhood Association (STFNA). One representative of STFNA attended the meeting in which the association expressed support of the project. The applicant provided a Powerpoint presentation regarding the proposed plans. The applicant and STFNA indicated that a public outreach meeting was conducted before the Design Review application was submitted and the project plans that were submitted took into consideration all the neighborhood concerns.
The applicant resubmitted in May 2018 and the application was subsequently deemed complete on July 2, 2018. The revised plans correctly calculate the residence floor area at 11,181 sq. ft. with average slope of 21.5%.

A public notice was mailed to all property owners within a 1,000 foot radius on July 19, 2018, and was also published in the Post Records on July 19, 2018.

**STAFF REPORT REVIEW**

Prepared by: Colleen Tsuchimoto, Senior Planner

Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator
## Attachment A

**Statement of Exemption from the California Environmental Quality Act (CEQA)**

<table>
<thead>
<tr>
<th>File Number</th>
<th>APN(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11139-18DR-18G</td>
<td>689-34-018</td>
<td>7/18/18</td>
</tr>
</tbody>
</table>

**Project Name**
Loury Residence

**Owner**
David and Dana Loury
Hanna & Brunetti

**Project Location**
20739 Scenic Vista Ct. San Jose

**Project Description**
Grading of approximately 2,073 cubic yards of cut and 816 cubic yards of fill for proposed new residence with attached garage, detached swimming pool, water tanks, landscaping, and access driveway.

All development permits processed by the County Planning Office which require discretionary approval must be evaluated for compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended). Certain projects which meet criteria listed under CEQA may be deemed exempt from environmental review.
The project described above has been evaluated by County Planning Staff under the provisions of CEQA and has been deemed to be exempt from any further environmental review per the provision(s) listed below.

**CEQA (Guidelines) Exemption Section:**
15303 Class 3(a), “New Construction or Conversion of Small Structures”

**Comments:**
Exemption approvable. Project includes minimal grading to construct a new residence with attached garage, detached swimming pool, water tanks, landscaping, and access driveway.

**Prepared by:**
Colleen A. Tsuchimoto, Senior Planner

Signature: ____________________________
Date: 7/18/18
ATTACHMENT B
PRELIMINARY DESIGN REVIEW AND GRADING APPROVAL
CONDITIONS OF APPROVAL

Date: July 25, 2018
Owner/Applicant: David and Dana Loury / Hanna & Brunetti
Location: 20739 Scenic Vista Ct., San Jose, CA (APN: 768-34-019)
File Number: 11139-18DR-18G
CEQA: Categorically Exempt - Section 15303, Class 3(a)
Project Description: Design Review and Grading for a 11,181 square foot single-family residence with an attached garage. Associated site improvements including a driveway, septic system, swimming pool, water tanks, and landscaping. Associated grading consists of 2,073 cubic yards of cut and 816 cubic yards of fill (2,889 cubic yards total). NOTE: 1,140 cubic yards of cut and 13 cubic yards of fill are associated with building pads for the residence and garage. There are two oak trees proposed for removal. Approval is based on plans submitted on May 31, 2018.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed below as the contact for that agency. She/he represents a specialty and can provide details about the conditions of approval.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Name</th>
<th>Phone</th>
<th>E-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>Colleen Tsuchimoto</td>
<td>(408) 299-5797</td>
<td><a href="mailto:colleen.tsuchimoto@pln.sccgov.org">colleen.tsuchimoto@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Planning (HCP)</td>
<td>Kim Rook</td>
<td>(408) 299-5790</td>
<td><a href="mailto:kim.rook@pln.sccgov.org">kim.rook@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Darrin Lee</td>
<td>(408) 299-5748</td>
<td><a href="mailto:darrin.lee@cep.sccgov.org">darrin.lee@cep.sccgov.org</a></td>
</tr>
<tr>
<td>Fire Marshal</td>
<td>Alex Goff</td>
<td>(408) 299-5763</td>
<td><a href="mailto:alex.goff@sccfd.org">alex.goff@sccfd.org</a></td>
</tr>
<tr>
<td>Land Development Engineering</td>
<td>Darrell Wong</td>
<td>(408) 299-5735</td>
<td><a href="mailto:darrell.wong@pln.sccgov.org">darrell.wong@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Building Inspection</td>
<td></td>
<td>(408) 299-5700</td>
<td></td>
</tr>
<tr>
<td>Santa Clara Valley Water District (SCVWD)</td>
<td>Lisa Brancatelli</td>
<td>(408) 265-2607 x 2479</td>
<td><a href="mailto:lbrancatelli@valleywater.org">lbrancatelli@valleywater.org</a></td>
</tr>
</tbody>
</table>

STANDARD CONDITIONS OF APPROVAL

Building Inspection
1. For detailed information about the requirements for a Building Permit, obtain a Building Permit Application Instruction handout from the Building Inspection Office or visit the website at [www.sccbuilding.org](http://www.sccbuilding.org)
Planning

2. Development must take place in accordance with the approved plans, submitted on May 31, 2018 and the conditions of approval. Any changes to the proposed project may result in additional environmental review, pursuant to the California Environmental Quality Act, and additional Planning review.

3. Existing zoning is HS-d1 (Hillsides with a combined Design Review – Santa Clara Valley Viewshed zone). Maintain the following minimum dwelling setbacks:
   
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>

4. The maximum height of dwellings is 35 ft. and shall not exceed two (2) stories.

5. Any increase in grading quantities, or modification to the grading or design, is subject to further review.

6. Two off-street parking spaces are required, one of which must be covered.

7. Accessory structures are limited to two (2) plumbing fixtures, per Zoning Ordinance Chapter 4.20.020(I) (1). A Special Permit is required for detached structures with more than two plumbing fixtures.

8. Water tanks required to be at least 30 feet from the front yard setback for the HS zoning district per Zoning Ordinance Section 4.20.020(O)(a). Water tanks 12 ft. or less in height shall have a minimum setback of 3 feet from the side and rear property lines.

9. Maximum height of water tanks are not more than 35 feet, including tower mounted tanks.

10. Swimming pool required to be at least 5 feet from front, side, and rear setbacks per Zoning Ordinance Section 4.20.020(j). Building envelope for swimming pool shall be consistent with site plans submitted on May 31, 2018.

Habitat Plan

11. Based on the location of the project, the following Conditions of Approval are required, as prescribed in the Santa Clara Valley Habitat Plan. Please note that not all conditions listed in the Santa Clara Valley Habitat Plan document apply to your project. The conditions listed below are specific and apply to your project:

   - Condition No. 1 – Avoid Direct Impacts on Legally Protected Plant and Wildlife Species
   - Condition No. 2 – Incorporate Urban-Reserve System Interface Design Requirements.
   - Condition No. 3 – Maintain Hydrologic Conditions and Protect Water Quality.
- Condition No. 7 – Rural Development Design and Construction Projects.
- Condition No. 14 – Valley Oak and Blue Oak Woodland Avoidance and Minimization.

**Land Development Engineering**

**Drainage**

12. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

**Utilities**

13. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans submitted to the Land Development Engineering Section for review. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

**Environmental Health**

14. Based on the application rate of 0.4 gallons per day per square feet, sewage disposal conditions have been determined to be 1,500 sq. ft. plus 1,500 sq. ft. feet = 3,000 sq. ft. minimum drip dispersal fields for a 5 bedroom home. A 1,500 gallon septic tank, 1,500 gallon Advantex wastewater treatment tank, and 1,500 gallon pump tank will be required. The septic design has been oversized to accommodate for a maximum design flow of 900 gallons per day.

15. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

**Fire Marshal’s Office**

16. Per CFMO-A1 and PRC-4290, Scenic Vista Drive to be a minimum of 20 ft. in width, made of an “All Weather” material capable of holding 75,000 pounds.

Santa Clara Valley Water District

18. Any wells in use that will be impacted by project activities must be protected. As required by District Ordinance 90-1, an application must be filed with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet. Contact the District’s Wells and Water Measurement Unit at (408) 630-2660, for more information.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO FINAL GRADING PERMIT ISSUANCE

Planning

19. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.

20. **Prior to the issuance of a grading permit**, submit copy of contract by qualified archaeologist to perform monitoring during grading/construction activities in consistency with archaeological report recommendations (“Cultural Resource Evaluation of the Project at 20739 Scenic Vista Court in the County of Santa Clara,” by Archaeological Resource Management, dated April 19, 2018.)

21. **Prior to the issuance of a grading permit**, submit tree protection plan. Fencing shall be installed around all trees not slated for removal that are adjacent to construction areas, and shall be maintained during the duration of construction.

22. If possible, tree removal should be scheduled between October and December (inclusive) to avoid the raptor nesting season. Should the October – December time window not be feasible, pre-construction surveys for nesting raptors shall be required as follows:

   a. Between January and April (inclusive), pre-construction surveys shall be conducted by a qualified ornithologist to identify raptor nests that may be disturbed during project implementation. The survey shall be conducted no more than 14 days prior to the initiation of construction activities and trees removal. Between May and August (inclusive), pre-construction surveys shall be conducted by a qualified ornithologist within 30 days prior to the initiation of construction activities and trees removal. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish & Wildlife, designate a construction free buffer zone (typically 250 feet) around the nest.

   b. The applicant shall submit a report indicating the results of the surveys and any designated buffer zones to the Planning Dept. **prior to the issuance of the final grading permit.**
Habitat Conservation Plan (HCP)

Habitat Plan Application for Private Projects

23. Prior to the issuance of grading permit, submit a completed Habitat Plan Application for Private Projects (“Application”) and the required submittal materials, as described in the Application (See Exhibit A – Santa Clara Valley Habitat Plan Conditions of Approval for details), with GIS compatible file (Shape or CAD file). The required site plan/land cover mapping shall show the project development, including a delineation of the permanent (50-foot) and temporary (10-foot) development buffer areas, accompanied by written verification of accuracy of land cover by the qualified biologist. Plans do not need to show buffer areas that cross property boundaries.

- Permanent development area is defined as all land that will have permanent improvements (house, driveway, landscaping, off-site road improvements, landscaping), plus a 50-foot buffer surrounding these areas.
- Temporary development area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities, septic system) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.

Habitat Plan Fees

24. New development that is covered by the Habitat Plan is required to pay fees to compensate for the loss of endangered species habitat. Land cover fees are paid based on the land cover, as verified by a qualified biologist, and development area associated with the project. Fees shall be paid prior to issuance of grading permit. This project is subject to the following Habitat Plan fees:
   a) Land Cover Fee Zone A-Ranchlands and Natural Lands
   b) Nitrogen Deposition Fee for new single-family residence.

Temporary development fees are based on the amount of time the land is disturbed during construction, plus one year after completing construction, and cannot exceed a combined total of 2 years. All temporary development that exceeds 2 years from the onset of construction will be subject to permanent impact fees.

25. The Land Cover Fee shall be paid based on the total area included within the Permanent and Temporary development areas. All SCVHP fees must be paid prior to the issuance building permits. Worksheets used to calculate Habitat Plan fees are provided in the Habitat Plan Application for Private Projects and the Habitat Agency website at http://www.scv-habitatagency.org.

26. Incorporate the attached Exhibit A – Santa Clara Valley Habitat Plan Conditions of Approval in the grading plans.
Design Review and Grading Approval  
File #11139-18DR-18G  
July 25, 2018

Land Development Engineering (LDE)

27. **Prior to start of any construction activities**, obtain a Grading Permit from Land Development Engineering (LDE).

28. **Prior to LDE clearance of the building permit**, issuance of the grading permit is required (building and drainage permits can be applied for concurrently). The process for obtaining a Grading Permit and the forms that are required can be found at the following web page: www.sccplanning.org > I Want to...> Apply for a Permit > Grading Permit. Please contact LDE for additional information and timelines.

29. Final plans shall include a single sheet which contains the County standard notes and certificates as shown on County Standard Cover Sheet. Plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information.

Monuments and Access

30. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

Easements

31. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.

32. The following offers to dedicate easements shall be submitted to LDE. All easement dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County Surveyor’s Office.

   a. Offer to dedicate the curvilinear rights-of-way to the public and the County for public/private road purposes for the end of road turnaround at end of Scenic Vista Court.

33. Demonstrate that the property owner has easement rights to perform work on the neighboring property, APN 689-34-020. Otherwise provide a notarized letter of authorization from the owner for said property allowing that work to be performed.
Improvement Plans

34. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures and other improvements as appropriate for construction. The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period. Include the County’s Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.

The final design shall be in conformance with all currently adopted standards and ordinances. The following standards are available on-line:

- 2007 Santa Clara County Drainage Manual www.sccplanning.org > Plans & Ordinances > Grading and Drainage Ordinance

35. Prior to grading permit issuance, provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.

Storm Water Treatment – SF Bay watershed

36. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to incorporate as many site design measures as possible into the project. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website: www.scvurpp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (June 2016)

Soils and Geology

37. Submit one copy of the signed and stamped geotechnical report for the project.

38. Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendation in the above geotechnical report have been incorporated into the improvement plans.
Santa Clara Valley Water District

39. **Prior to obtaining a grading permit**, plans should note type of ditch proposed above leach field and the ditch should include an energy dissipater directing water to flow down the slope without causing erosion.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE**

**Planning**

40. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.

41. **Prior to the issuance of a building permit** submit a landscape documentation package for review and approval. The submittal shall include a landscaping plan, irrigation plan, and water budget calculations stamped and signed by a licensed landscape architect. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply as the total landscape area appears to exceed 2,500 square feet. The landscape ordinance and supporting information can be found on the following web page:

https://www.sccgov.org/sites/dpd/PlansOrdinances/Landscape/Pages/welo-apply.aspx

42. **Prior to issuance of a building permit**, submit color samples for the house facade, trim and roof indicating the Light Reflectivity Value is less than or equal to 45, pursuant to Zoning Ordinance Section 3.20.040B

43. **Prior to issuance of a building permit**, submit exterior lighting plan if applicable. All lighting on the site shall be designed, controlled and maintained such that no light source is visible from off the property.

44. **Prior to issuance of a building permit**, and pursuant to Zoning Ordinance Section 5.20.125 record a Notice of Permit and Conditions with the County Office of Clerk-Recorder to ensure that successor property owners are aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided **prior to building permit issuance**.

**Habitat Conservation Plan (HCP)**

45. Incorporate the attached Exhibit A – Santa Clara Valley Habitat Plan Conditions of Approval in the building permit plans.

**Environmental Health**

46. **Prior to issuance of a building permit**, provide three wet-stamped septic plans signed by Department of Environmental Health to 70 W Hedding, Permit Center, for signoff.
47. Prior to issuance of a building permit, provide a water connection letter from the local water purveyor.

Fire Marshal’s Office
48. Title page of building permit plans to state residential fire sprinklers will be a “Deferred Submittal” during Building Permit submittal.

49. Location of fire hydrants need to be shown on building permit plans. A wharf hydrant must meet requirements of CFMO-W4.

50. Will-serve letter to be submitted prior to building permit issuance from a water purveyor if water is to be supplied from a source other than a well.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT, WHICHEVER COMES FIRST.

Planning
51. Prior to final inspection, archaeological monitoring report prepared by qualified archaeologist shall be submitted in consistency with archaeological report recommendations ("Cultural Resource Evaluation of the Project at 20739 Scenic Vista Court in the County of Santa Clara," by Archaeological Resource Management, dated April 19, 2018.)

52. Prior to final inspection, contact Colleen Tsuchimoto, at least a week in advance to schedule a site visit to verify the approved exterior colors have been installed as approved.

Land Development Engineering
53. Construct all the improvements. Construction staking is required and shall be the responsibility of the developer.

54. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

Fire Marshal’s Office
55. Water protection tanks and wharf hydrant to be installed before combustible materials are brought on-site.

56. Fire Department access to be installed before combustible materials are brought on site.
EXHIBIT A
Santa Clara Valley Habitat Plan
Conditions of Approval

11139-18G-18DR
20739 Scenic Vista Ct
APN: 768-34-019
6/18/2018

Santa Clara Valley Habitat Plan Conditions of Approval
Incorporate the following into the grading and building plans, and submit written documentation to the Planning Office of how the project complies with the required conditions, below. These Conditions are described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.

Condition 1: Avoid Direct Impacts on Legally Protected Plan and Wildlife Species
During Project Construction
1. Large Trees (migratory birds or raptors) - If construction will require the removal of large trees during the bird nesting season, conduct pre-construction surveys by a qualified biologist to determine if active nests are present within trees. Private applicants should follow procedures currently used (including definition of nesting season and timing of pre-construction surveys) to comply with Migratory Bird Treaty Act (MBTA) and California state regulation requirements in addressing this condition.

Condition 2: Incorporate Urban-Reserve System Interface Design Requirements
During Project Construction
2. Fences adjacent to yards or home sites will be designed to minimize the risk of pets escaping private yards and entering reserves (e.g., fences will be as tall as permitted by County codes, with no spaces between slats).
3. Outdoor lighting will be of low intensity and will utilize full cutoff fixtures to reduce light pollution of the surrounding natural areas.
4. For any landscaping, non-invasive plants will be required and use of native plants is highly encouraged, consistent with County landscaping guidelines (County of Santa Clara 2009).

Condition 3: Maintain Hydrologic Conditions and Protect Water Quality
During Project Construction
5. Minimize the potential impacts on covered species most likely to be affected by changes in hydrology and water quality.
6. To the extent possible, restore the hydrograph to more closely resemble predevelopment conditions.
7. All trash will be removed from the site daily to avoid attracting potential predators to the site. Personnel will clean the work site before leaving each day by removing all litter and construction related materials.
8. Invasive plant species removed during maintenance will be handled and disposed of in such a manner as to prevent further spread of the invasive species.

9. When possible, maintain a vegetated buffer strip between staging/excavation areas and receiving waters.

10. Use existing roads for access and disturbed area for staging as site constraints allow. To the extent feasible, vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas.

11. Only clear/prepare land which will be actively under construction in the short term.

12. When possible, avoid wet-season construction.

13. Fiber rolls used for erosion control will be certified as free of noxious weed seed. Filter fences and mesh will be of material that will not entrap reptiles and amphibians.

14. Topsoil removed during soil excavation will be preserved and used as topsoil during revegetation when it is necessary to conserve the natural seed bank and aid in revegetation of the site.

15. All trash will be removed from the site daily to avoid attracting potential predators to the site. Personnel will clean the work site before leaving each day by removing all litter and construction-related materials.

16. Seed mixtures applied for erosion control will not contain invasive nonnative species and will be composed of native species or sterile nonnative species. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives.

17. When accessing upland areas adjacent to riparian areas or streams, access routes on slopes of greater than 20% should generally be avoided. Subsequent to access, any sloped area should be examined for evidence of instability and either revegetated or filled as necessary to prevent future landslide or erosion.

18. Minimize the potential impacts on covered species most likely to be affected by changes in hydrology and water quality.

19. To prevent inadvertent entrapment of animals during excavation, all excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks.

20. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for wildlife by properly trained construction personnel before the pipe is subsequently buried, capped, or otherwise used or moved in anyway.

Considering the animals expected to enter the site during the calendar period work will be occurring, the project biologist should use his or her best judgment to remove entrapment conditions, allow for escape (such as a ramp leading out of a trench) or develop a site specific protocol (such as daily post-dawn surveys) to eliminate or minimize entrapment.
21. If no project biologist exists, the job foreman or property owner will designate an individual to carry out these activities. Only individuals that hold permits or that have been approved by the Habitat Agency as a qualified biologist may handle listed species.

22. All disturbed soils will be revegetated with native plants and/or grasses or sterile nonnative species suitable for the altered soil conditions upon completion of construction. Local watershed native plants will be used if available. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding. Cut-and-fill slopes will be planted with local native or non-invasive plants suitable for the altered soil conditions.

**Condition 7: Rural Development**

*During Project Construction*

23. At project sites that are adjacent to any drainage, natural or manmade, exposed soils must be stabilized or otherwise contained on site to prevent excessive sediment from entering a waterway.

24. Minimize to the maximum extent possible the amount of ground disturbance when constructing roads.

25. Ground-disturbing activities associated with road construction should be timed to occur during dry weather months to reduce the possibility of landslides or other sediment being transported to local streams during wet weather.

26. If construction extends into wet weather, the road bed will be surfaced with appropriate surfacing material to prevent erosion of the exposed roadbed.

27. If construction on steep slopes is required, construction will be timed for dry weather months to reduce the potential for landslides.

28. All temporarily disturbed soils will be revegetated with native plants and/or grasses or sterile nonnative species suitable for the altered soil conditions upon completion of construction. Local watershed native plants will be used if available. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding.

29. All temporarily disturbed areas, such as staging areas, will be returned to pre-project or ecologically improved conditions within 1 year of completing construction or the impact will be considered permanent.

30. No plants identified by the California Invasive Plant Council as Invasive will be planted on the project site. Planting with watershed local native and/or drought-resistant plants is highly encouraged. This reduces the need for watering as well as the need for fertilizers and pesticides.

31. Outdoor lighting will be of low intensity and will utilize full cutoff fixtures to reduce light pollution of the surrounding natural areas.
Condition 14: Valley Oak and Blue Oak Woodland Avoidance and Minimization

During Project Design

32. Projects on sites supporting substantial stands of valley oak woodland or blue oak woodland will minimize their impacts on these communities and preserve these stands on site when to do so would further the biological goals and objectives of the Habitat Plan. For example, projects should preserve oak woodland communities that are adjacent to existing stands of protected oak woodlands to avoid habitat fragmentation and degradation of wildlife linkages.

33. To the maximum extent feasible, projects will avoid irrigating in and around valley oak woodland and will avoid altering hydrology of the site, including location of septic leach fields, such that valley oak woodland receives more water than under pre-project conditions.

34. Large and healthy trees will be maintained on site whenever feasible. Local jurisdictions may set tree size thresholds for preservation that are consistent with local tree ordinances. Large valley oak trees still healthy today are clearly visible on air photos from as far back as 1939 (San Francisco Estuary Institute 2006), even though they are surrounded by agricultural fields or urban development. Preserved trees can provide habitat value for many decades; they also provide a significant community amenity.

35. If trees are maintained on a site, buffer zones will be established between preserved valley oak or blue oak trees and development at a distance equal to or greater than the root protection zone, which is defined as a buffer zone determined by calculating 1 foot for each inch of trunk diameter measured at 4.5 feet above ground surface (Matheny and Clark 1998).

During Project Construction

36. Temporary project access points will be constructed as close as possible to the work area to minimize necessity for tree removal.

37. Roads and pathways will be aligned outside of the tree’s root protection zone (as defined above) whenever possible.

38. Roads and pathways designed beneath or within 25 feet of the dripline of oak trees will be graded using handheld equipment and will use permeable surfacing (e.g., grass pavers that allow runoff to infiltrate the ground).

39. Alteration of natural grade through fill or other means within the root protection zone of oak trees will be minimized.

40. Trenching for utility lines and other purposes will be minimized within root protection zones. Utilities may be installed in these areas by boring below the root zone.

41. If extensive pruning of blue oaks and valley oaks is necessary, pruning will be conducted during the winter dormant period for these species and under the supervision of an arborist certified to International Society of Arboriculture or similar standards.
**Preliminary Grading & Drainage Plan**

Lands of Loury - 20739 Scenic Vista Court - apn: 689-34-019

APPLICANT: LOURY
ROAD: 20739 SCENIC VISTA COURT
COUNTY FILE NO.: 11139-47-51-18DR-18G
JOB NO. 17045
20739 SCENIC VISTA CT.
SAN JOSE, CALIFORNIA 95136

ELEVATIONS

EID
ARCHITECTS
FOUR-LOT SUBDIVISION
FINAL CONDITION OF APPROVAL

FILE NUMBER 6496-47-51-97CS
NAME (Applicant): Paul and Kris Anne Gustavson (Mason-Sulic)
MEETING DATE: March 12, 1998 (ASA Committee)
Modified by the Planning Commission April 2, 1998

APPLICATION APPROVED SUBJECT TO CONDITIONS STATED BELOW IN ACCORDANCE WITH PLANS AS SUBMITTED.

Items marked with an asterisk (*) must be completed prior to recording a parcel map.

Items marked with a double asterisk (**) must be completed prior to release of a bond (or one year from the date of the land development agreement, whichever occurs first).

Items marked with a triple asterisk (***) must be completed prior to obtaining a building permit.

Items marked with a quadruple asterisk (****) must be completed prior to occupancy.

Planning Office:

1. Cluster Permit is for single family detached dwelling units to be located within the building envelopes as shown on the Approved Development Plan.

2. All conditions of approval for the tentative map are hereby incorporated by reference as part of the conditions of approval of this Cluster Permit.

3.*** All approved lots are zoned HS-d. Design Review shall be obtained prior to construction of any structure. At the time of Design Review, it is recommended that structures be limited to a single story to further limit the view of the homes from the valley floor below by assuring that the rooftops do not extend above the height of the trees, which are shown on the approved development plan.

4.*** At the time of construction, protective fencing shall be placed around all trees 12 inches or greater in diameter in the vicinity of each construction site to prevent construction equipment from encroaching into the driplines of these trees.

5. All approved lots are to have individual grading permits should the volumes and/or alterations of earth moving require a County Grading Permit.

6.* Development rights for the portion of the land designated "Open Space Parcel" as shown on the approved plan (approximately 153.9 acres) shall be permanently dedicated to the County of Santa Clara, or the County Open Space Authority, per the County's "Irrevocable Offer to Dedicate Open Space Easement and Declaration of Restrictions." A note that reads "Permanent Open Space with Development Rights Dedicated" shall be placed on the final map for said Open Space Parcel.

EXHIBIT B
FOUR-LOT CLUSTER SUBDIVISION
6496-47-51-97CS (Scenic Vista Drive)

7. Final drafts of instruments for dedication of development rights shall be reviewed by the Secretary of the Architectural and Site Approval Committee and Office of County Counsel. A copy of the final, recorded document shall be submitted to the Secretary of Architectural and Site Approval, for entry into the Planning Office Open Space database and placement into the land use file.

8. Drafts of restrictive covenants to be reviewed by County Planning staff and the Office of County Counsel. Restrictive covenants shall provide for the maintenance of common open space.

9. No structures shall be allowed on the Open Space Parcel unless the site has been surveyed by a qualified biologist and determined not to have a significant impact upon habitat for the Bay Checkerspot Butterfly or other special status species.

10. The use of common open space areas by motor vehicles and motor bikes for recreation purposes is prohibited.

11. All lighting on this project shall be designed, controlled and maintained so that no light source is visible from off the property. No street lighting is being approved.

12. Provide underground utilities to building sites.

13. No mature healthy trees are to be removed except for that required for construction of roadway. Existing trees are to be protected during the period of construction.

14. Mature trees on all the sites shall be retained to the extent possible. No live trees with a trunk circumference of 37.7 inches or more (about 12 inches in diameter), measured 4.5 feet above the ground are to be cut or removed without prior written approval from the County Planning Office. Contact Pat Murphy at (408) 299-2454 for details.

Geology:

15. TERRASEARCH report is adequate for purposes of evaluating the feasibility of the proposed subdivision. Faults and landslides were mapped in areas away from the acceptable building envelopes. Detailed geotechnical investigations shall be performed on each of the parcels, prior to construction of new residences.

16. The applicant shall install a positive storm water disposal system in accordance with County standards. In order to assure that water discharged below the homesites will not impact any of the slopes below the homesites, prior to final approval of the grading and drainage plans a letter shall be submitted from the consulting geologist that indicated the final drainage plans do not pose a risk to any of the slopes on the property.

Land Development Engineering:

The following are the Land Development Engineering conditions for Architectural and Site Approval for the subject cluster subdivision. Contact Jim Sirz at (408) 299-2871 for details.

Maps:

17. Prepare and submit a Tract Map.
FOUR-LOT CLUSTER SUBDIVISION  
6496-47-51-97CS (Scenic Vista Drive)

18. * Lots 1, 2, 3, 4 and the open space lot must be surveyed by a registered civil engineer or licensed land surveyor. Monuments are to be set, reset, or verified, if existing, in accordance with County standards and Subdivision Map Act.

Drainage:

19. * Submit a plan by a registered civil engineer that demonstrates the subject property has adequate positive storm drainage in accordance with criteria as designated in the County Drainage Manual.

20. * Provide a positive storm water disposal system and easements as required for sewers, channels and swales. New facilities, where required, are to be designed in conformance with the County Drainage Manual, the County Master Storm Drainage Plan and the 1982 Standard Details Manual.

21. Provide for the uninterrupted flow of water in swales and natural courses on the property or any access road. No fill or crossing of any swales or water courses is implied by these conditions without approved plans. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health or damage to adjoining property.

Dedications and Easements:

22. * Dedicate the following rights-of-way for road purposes:

A 60' (minimum) right of way for the new cul-de-sac.

NOTE: All rights of way to be curvilinear.

23. * Dedicate 15 foot minimum easements for storm-drainage purposes, as required.

24. * Provide easements as required for water, sewers, and utilities.

25. * Submit signed and notarized agreement to grant reciprocal rights-of- ingress and egress for common driveway. Easement to be sufficiently wide to accommodate required improvements.

NOTE: The "PRIVATE 60' R/W TO HUNTER" is only to be used as an access for single family residential use. It is not to be used for any other purpose. If there is any other use of this R/W, these conditions will need to be modified through the formal modification process or this approval will be voided.

26. * Provide evidence of legal access to the site from the nearest publicly-maintained road.

27. * Dedicate a one-foot reserve along the south side of the cul-de-sac for the first approximately 350 feet.

Improvements--Roads not to be County Maintained:

28. * Submit street and drainage improvement plans prepared by a registered civil engineer for the common driveway from the cul-de-sac bulb to the point in lot 3 that the access ceases to be common and for a single driveway to the common boundary of lot 3 and 4. All grades to be less than 15% and the approach to meet County Standards.
29. ** Construct private common driveway and single driveway to lot 4 and all drainage improvements in accordance with Environmental Management Agency Standard Details

NOTE: Construction staking is required and shall be the responsibility of the developer.

30. * Enter into land development improvement agreement and submit accompanying bonds, fees, and related documents.

31. * Obtain encroachment and/or construction permit from the County of Santa Clara and other jurisdictions as required by the County Engineer for the construction of street improvements including any required appurtenances. Developer must provide County with Certificate of Worker's Compensation Insurance.

Utilities:

32. ** All new utilities, mains and services to residences are to be placed underground and extended to serve the proposed development. Letters are required from the utility companies stating that all easements and financial obligations have been satisfied. (Contact the utility companies immediately as this may require 60-90 days.)

33. * If developer proposes to install a water system that is not an existing public domestic water system operating under a valid permit, then he shall submit an engineered water system report and water system improvement plans prepared by a registered civil engineer as provided in Section C12-198 of County Ordinance Code. Said report and plans to be submitted for review and approval to the Health Department, Fire Marshal, Land Development Engineering and Building Inspection.

Soils and Geology:

34. * Submit preliminary soils report by a registered civil engineer as required by the Santa Clara County Ordinance Code.

Other Conditions:

35. * Apply to the County Planning Office and obtain a Grading Permit conditional approval prior to submitting plans for review for the common and single driveways or Final Map for processing.

36. Comply with the requirements of the County Ordinance Code relating to fences and unlawful obstructions of view.

Roads and Airports:

The following are the Department of Roads and Airports conditions for Architectural and Site Approval for the subject cluster subdivision. Contact Bob Van Etten at (408) 573-2465 for details.

Dedications and Easements:

37. * Dedicate the following rights-of-way:

20-foot minimum return radius on each side of the access location at Scenic Vista Drive.
FOUR-LOT CLUSTER SUBDIVISION
6496-47-51-97CS (Scenic Vista Drive)

Improvements - Roads to be County Maintained:

38. Obtain an encroachment permit to construct a Rural County Road Intersection per Transportation Agency 1982 Standard Detail A/4, and provide the County with a Certificate of Worker's Compensation Insurance. Submit four (4) copies of the site plan when applying for the permit.

39. Install the Rural County Road Intersection per Transportation Agency 1982 Standard Detail A/4.

Environmental Health Services:

The following are the Department of Environmental Health conditions for the subject site. Contact Art Kaupert, Senior Environmental Health Specialist, at (408) 299-2454 for details.

40. Sewage disposal conditions have been determined as follows.

Lot #1 - The lot was developed within the last three years to current Environmental Health Standards. There are no additional conditions.

Lots #2 - #4 - Each lot will require 700 plus 700 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 1,500 gallon septic tank will be required for each system. This system is adequate to serve a four bedroom home with no more than 4,500 square feet of living area. Obtain a permit as per guidelines in Bulletin A.

41. At the time of building permit application submit plot plans to scale (1" = 20') showing house, driveway, accessory structures, and required drainlines to contour. Maintain all setbacks as outlined in Bulletin A.

Plot plans showing required drainlines to contour must be filed reviewed and approved by the Department of Environmental Health prior to issuance of a septic tank permit.

42. If the slope in the drainfield exceeds 20%:

a. The septic system plans must be engineered to scale (1" = 20') prepared by a state registered civil engineer, state certified engineering geologist or state registered environmental health specialist showing topography, labeled contours, cut and fill areas, finished grades, detail of trench construction, required terracing and depth and spacing of trenches.

b. Provide a geological report prepared by a state registered civil engineer, state certified engineering geologist or state registered environmental health specialist that use of a subsurface sewage disposal system will not permit sewage effluent to surface, will not degrade water quality, create a nuisance or affect soil stability. This report is required where drainfields are proposed to be installed on slopes exceeding 20%.

43. The water system for lot #1 is approved. The wells for the water systems for lots 2, 3 and 4 must be constructed and shown to provide an adequate volume of water prior to recording the map.
44. ** Domestic water shall be supplied by an approved water system installed to Environmental Health standards. The water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50 foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact the Department of Environmental Health at 299-6060 for detailed information.

**Fire Marshall:**

The following are the Fire Marshall conditions for the subject site. Contact Tracy McDermott at (408) 299-2454 for details.

**FIRE PROTECTION WATER**

45. * Minimum fire flow for this facility/structure shall be 1000 gpm at 20 psi for a two (2) hour duration or conditions 46, 47 and 48, below.

46. * Engineered plans shall be submitted to the Current Planning Office showing the existing, proposed and/or changes to water supply for fire protection that will meet 1994 California Fire Code Standards. Water supply shall have a minimum of 5,000 gallon storage in addition to domestic water supply. This could be increased depending upon the size of home and attached garage. Details for fire protection water supply shall be submitted with improvement plans and/or building permit application. Water system must be installed prior to issuance of building permit/recordings of parcel map.

47. * The developer shall install wharf hydrant adjacent to the driveway between 40 and 150 ft. of all exterior portions of the structure to meet local fire district specifications. All fire hydrants shall be installed and accepted prior to construction of any structures. If applicable, contact should be made with the water company as soon as possible to eliminate engineering delays. Work must be completed prior to issuance of building permit.

48. ** Building(s) shall require the installation of approved automatic fire sprinkler system. A type C-16 contractors license is required for installation of fire sprinklers. A permit and prior approval from the Fire Marshal’s Office is required. Contact the water company as soon as possible to avoid engineering delays. Work is to be completed prior to final occupancy.

49. Extension of the existing water system adjacent to site is required. Contact local water purveyor. If the water company will not grant a water connection, submit correspondence from them to that effect.

50. Fire protection systems shall be made public by easement.

**ACCESS ROADS AND DRIVEWAYS**

51. * Provide 15 ft. minimum vertical clearance over all roads and driveways to building site (remove tree limbs, electrical wires or structures). Work to be completed prior to recording of parcel map/issuance of building permit.
52. * Provide an improved access road for fire protection to a width of 18 ft. plus a 3 ft. wide shoulder on each side. Inside turn radius should be a minimum of 42 ft. Maximum grade shall not exceed 20%. Grades 15% or greater require engineered plans, hard surface paving, and shall not exceed 300 ft. in length. All road surfaces and bridges must sustain 40,000 pounds loading and shall have an all weather surface. Work to be completed prior to issuance of building permit.

53. * Provide a safe and adequate driveway not less than 12 ft. wide with one 3 ft. shoulder and adequate passing turnouts. Provide adequate parking and turnaround detail for 4 emergency vehicles at the site. Minimum size of turnaround is 40 ft. by 48 ft. All road surfaces and bridges must sustain 40,000 pounds loading and shall have an all weather surface. Grades and turn radius shall meet access standards. Work to be completed prior to issuance of building permit.

54. Construct access road as required by local fire jurisdiction.

MISCELLANEOUS

55. Property is located in the SAN JOSE FIRE DEPT Fire Response Area. Contact them at 408-277-4656 for local requirements.

ADDITIONAL COMMENTS

56. THE ABOVE REQUIREMENTS ARE FOR EACH LOT IN THE 4 LOT SUBDIVISION.

Santa Clara Valley Water District:

57. The site is not subject to flooding from a Santa Clara Valley Water District Facility; a District facility is within this property, named Berryessa Creek.

58.* Make a separate application in writing to the Santa Clara Valley Water District for a permit to install any culvert, bridge or other type of construction in, over, or near a stream, channel or District water utility as required by District Ordinance 83-2. To prevent siltation of the District's downstream facility, all grading operations are to be closely supervised; all cut and fill slopes are to be planted with erosion-resistant vegetation.

59.* As required by Water District Ordinance 90-1, file an application with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 25 feet.

Building Inspection / Other

60.*** A separate building permit is required for each separate, detached structure including the maintenance building, accessory structure(s), retaining wall(s), swimming pool, fences over six feet tall, or similar structures. When applying for a building permit, make sure that an application for each structure is submitted.

61. At the time of site development, earthmoving activities into native soils shall be monitored by a qualified archaeologist. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of...
FOUR-LOT CLUSTER SUBDIVISION
6496-47-51-97CS (Scenic Vista Drive)

Indian affairs. NO FURTHER DISTURBANCE OF THE SITE MAY BE MADE EXCEPT AS AUTHORIZED BY THE COUNTY CORONER. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. NO FURTHER DISTURBANCE OF THE SITE MAY BE MADE EXCEPT AS AUTHORIZED BY THE COUNTY CORONER.

These conditions approved April 28, 1998, by the Board of Supervisors are valid for a period of thirty (30) months.

Authorized Signature

STATEMENT OF ACCEPTANCE:
We, Paul and Kris Anne Gustavson, understand and accept the attached final conditions of approval.

Date ______________________________

Signature of Property Owner ______________________________

NOTE: Please return one copy of these conditions, as per instructions of the enclosed cover letter, to:

County of Santa Clara
Planning Office
County Government Center
70 West Hedding Street
San Jose, CA 95110

When you are ready to proceed with this project, please call Land Development Engineering and Surveying at (408) 299-2871, regarding instructions for compliance with the conditions of approval.