STAFF REPORT
Architecture & Site Approval Committee
August 4, 2016
Item #4

Margaret Pham and Lucas Nguyen

Building Site Approval with Architectural Review, Grading Approval Design Review Exemption and Variance for a single-family residence on slopes approximately 44% with approximately 778 cubic yards of cut and 318 cubic yards of fill. Proposed Variance is to reduce the front setback from 30 feet to 4 feet.

Staff Recommendation: Approval
PROJECT / PROPOSAL DESCRIPTION

The project is for a Building Site Approval with Architectural Review, Grading Approval, Design Review Exemption, and Variance to allow front setback reductions for the development of a new single-family residence and associated improvements on slopes approximately 44%. The project has been exempted from the standard Design Review procedures because of its proposed location being "not visible from the valley floor," in accordance with Section 3.20.040 of the County Zoning Ordinance.

The property owner proposes to construct an approximately 5,974 square foot single-family residence including a garage and terrace. The estimated grading quantities for the proposed project are approximately 778 cubic yards of cut and 318 cubic yards of fill.

RECOMMENDED ACTIONS

Actions Concerning Environmental Determination

Staff recommends the Architecture & Site Approval Committee accept staff’s determination that the environmental impacts of the project have been adequately evaluated in a previous Mitigated Negative Declaration prepared for the construction of a residence that was adopted on December 11, 2008. No further environmental review is required under the California Environmental Quality Act (CEQA).

Actions Concerning Proposal

It is recommended that the Architecture & Site Approval Committee:

Grant the Building Site Approval with Architectural Review, Grading Approval, Design Review Exemption, and Variance subject to the conditions outlined in Exhibit A.

REASONS FOR RECOMMENDATION

Reasons for Actions Concerning Proposal

All Architecture & Site Approvals are subject to findings per Section 5.40.040 of the County Zoning Ordinance. An explanation of how this project meets the required findings is presented in italics. The ASA Committee may grant ASA if it makes all of the following findings:

A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;

   The proposed single-family residence will not significantly change the existing traffic pattern in the neighborhood. The proposed project includes a 2-car garage attached to the main dwelling, which satisfies the off-street parking requirement for all new residential development.
B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;

The appearance of the proposed project has been adequately reviewed so that it will not be detrimental to the character of the surrounding neighborhood. In addition, landscaping is required to mitigate any visual impact from the proposed development to its surrounding neighborhood and from Wood Acres Road as a condition of approval.

C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;

The property owner is required to provide landscaping for both visual screening and tree replacement for the proposed project. The additional landscaping and the continued maintenance of such vegetation will enhance the aesthetic surrounding of the existing neighborhood.

D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;

There will not be any significant unmitigated environmental impacts due to the project. All of the identified environmental impacts of the project have been adequately evaluated in a previous Mitigated Negative Declaration prepared for the construction of the residence that was adopted on December 11, 2008.

E. No adverse effect of the development on flood control, storm drainage, and surface water drainage;

The proposed project will not have any additional impact to flood control, storm drainage and surface water drainage as no additional site disturbance is proposed.

F. Adequate existing and proposed fire protection improvements to serve the development;

The project has been adequately reviewed by the County Fire Marshal and it was determined that there are adequate fire protection improvements provided onsite.

G. No significant increase in noise levels;

The proposed house will not result in a significant increase in noise levels in the neighborhood.

H. Conformance with zoning standards. Standards applicable to non-residential uses may be varied by the ASA Committee to promote excellence of development, provided that the deviation from standards will better accomplish the purposes of this chapter.

The project satisfies the required zoning standards as stipulated in the County Zoning Ordinance HS-d1 district. However, due to the constraints of the existing topography of
the parcel, a Variance is recommended to allow the front setback reduction from 30 feet to 4 feet for the construction of the proposed house.

I. Conformance with the General Plan and any applicable specific plan; and

The proposed project satisfies all of the required General Plan policies, including hillside development design standard, as stipulated in the County General Plan. The General Plan designation for subject parcel is Hillsides.

J. Substantial conformance with the adopted "Guidelines for Architecture & Site Approval" and other applicable guidelines adopted by the County, or by the appropriate city for land within the city's urban service area.

The proposal will adhere to all stipulations set forth in this staff report as well as all stipulations and adopted guidelines set forth by the Architecture & Site Approval Committee.

PROJECT ANALYSIS:

Grading Review Findings:

All Grading Approvals are subject to findings per Section C12-433 of the County Ordinance. An explanation of how this project meets the required findings is presented in italics. The ASA Committee may grant the Grading Approval if it makes all of the following findings:

(a) 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.

A total of 1,096 cubic yards of grading are associated with the proposed project. Estimated quantities of 778 cubic yards of cut and 318 cubic yards of fill are associated with onsite improvements such as the building pad, driveway, and retaining walls. The amount, design, location and the nature of proposed grading is necessary to establish the single-family residence, which is a permissible use in the HS zoning district.

(b) 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.

There will be an off-haul amount of approximately 460 cubic yards. However, all excess material will be hauled to a County-approved disposal site. No grading is proposed near any creek, spring or watercourse.
(c) 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 minimize impacts to existing landscape and biological resources. Three existing trees are to be removed to accommodate the proposed development.

(d) 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 subject site is constrained by steep slopes and heavy vegetation. The proposed development area, compared to other adjacent project, results in less grading and less alternation to the natural terrain.

(e) 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 to the maximum extent possible, to minimize grading and visual impacts. In addition, conditions of approval require landscaping to be installed to reduce any visual impacts to Wood Acres Road.

(f) 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 policy R-GD 22-36. The proposed grading intends to preserve the natural resources and character of rural characteristic of the neighborhood.

(g) 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” that the proposed grading is designed in keeping with guidelines for siting, road design building form and design, and landform grading. The proposed grading to establish a residence, driveway and other offsite improvements is designed in keeping with Guideline 1 that encourages proposed residence to be located “in areas with level lands or gentler slopes, adjacent to existing infrastructure, minimize the need for grading and longer driveways into hillside areas.”
Design Review/ Design Review Discretionary Exemption Findings:

Per Section 3.20.040 Design Review, the project is considered as a Design Review Exemption because the location is not visible to the valley floor. As noted in Section 5.50.060 of Administrative Approvals and Discretionary Exemption for Design Review, decision to grant administrative approval or discretionary exemption will be based upon the characteristics and visibility of the property, the potential visual impact of the buildings or structures. Hence, staff has determined that the proposed project qualifies for Design Review Exemption per Section 3.20.040.G, Exemptions for Sites Not Visible, of the Zoning Ordinance.

Variance Findings:

Section 5.70.020
“A variance may not be granted unless both of the following findings can be made:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification; and

B. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.

These findings are consistent with the variance provisions of Section 65906 of the California Government Code.”

Unique Property Characteristics and Circumstances Pertaining to the Granting of a Variance:

- The subject parcel is 41,840 square feet in the HS-d1 zoning district, and is a substandard size lot.

- HS-d1 zoning district requires standard setbacks, measured from the property line or the edge of right-of-way/ingress and egress easement, as follows:

  Front: 30 feet  Side: 30 feet  Rear: 30 feet

- Steep Slopes: Subject site has steep topography at the rear of the property. The lot contains steep slopes beginning about 15-20 feet from the edge of the Wood Acres right-of-way (ROW) with most of the usable envelope within the 30 foot front setback. The property has an average 44% slope with steep uphill slopes behind the only usable flat near Wood Acres Road frontage.

- Creek: There is an existing creek that transverse through the subject property with an existing culvert that serve as the only flat building pad.
- **Riparian setback and habitat buffer**: A 25-feet riparian setback is required through the previous CEQA document as well as Water Collaborative that further restricts possible development on the subject property.

- The only flat building pad is near the Wood Acres Road frontage.

- There is an existing 40-feet wide ingress/egress easement that provides access to the adjacent property (APN: 510-25-008) where the proposed development is required to take setbacks from which makes the parcel very challenging to develop.

- **Long Narrow Lot Configuration**: Due to narrow configuration of the existing property, by reducing the front setback from 30 feet to 4 feet, the owner will be able to excavate less into the hillsides at the rear to accommodate the house pad and garage.

**Variance Analysis:**
The property owner proposes a Variance to reduce the required front setback from 30 feet to 4 feet from Wood Acres Road to avoid excessive grading into the hillsides at the rear. The Variance would allow the house to be located 4 feet from the edge of Wood Acres Road and the recorded 40-feet ingress/egress easement. The recorded ingress/egress easement that traverses the property to another lot on the easterly boundary is considered as a private road, per §1.30 of the zoning ordinance, and is therefore, constitute a frontage and not a side. The property owner is also requesting to locate the basement, first floor, and second floor at the setback of approximately 12 feet.

Due to the special circumstances applicable to the subject property, including size, shape, topography, location and/or surroundings make the existing parcel very difficult to develop. By reducing the front setback from 30 feet to 4 feet from the edge of Wood Acres would allow the owner flexibility to develop their project.

The subject parcel is constrained by the natural topography and standards set forth in the County Zoning Ordinance, such as 30 feet front setback in addition to 20 feet half street’s dedication on Wood Acres Road along a more sloped hill. A 30 foot setback would impose a significant and detrimental hardship to achieving an optimal design for a single-family residence comparable to others in the vicinity approved through similar processing, conditions, and settings. The request of a Variance would not be a grant of special privileges.

**BACKGROUND**
The property owner is proposing a Building Site Approval with Architectural Review, Grading Approval, Design Review Exemption and Variance to allow front setback reduction from 30-feet to 4-feet for the development of a new single-family residence of approximately 5,974 square feet and associated improvements on slopes of 44%. Residential improvements include construction of a single-family residence, right-of-way improvements, driveway, and emergency vehicle turnaround. Grading quantities for the proposed improvements are approximately 778 cubic yards of cut and 318 cubic yards of fill. The proposed access to the property is from Wood Acres Road. The subject property is currently vacant with a building pad.

August 4, 2016 ASA Hearing
File 4167-15BA - 15G - 15DRX - 15V
Page 7
The property is 0.87 acres and is located on Wood Acres Road, in an unincorporated area of Santa Clara County outside the Urban Service Area of Town of Monte Sereno. The property is located in the HS–d1 zoning district.

On-site improvements will result in the removal of twelve (12) trees (8 bay trees, and 4 amber trees) that have a main truck or stem measuring 37.7” or greater in circumference (12” more in diameter) at a height of 4 ½ feet above ground level. Tree replacement of a minimum 13 bay trees is required. Color control of the residence, existing trees and vegetation, installation of replacement trees and new landscaping surrounding the proposed residence will ensure that the project is in compliance with the Design Review regulations.

ITEMS INCLUDED WITH THE REPORT

Exhibit A: Preliminary Architecture and Site Approval Conditions of Approval (including Grading Approval, Design Review Exemption, and Variance)
Exhibit B: Use of Prior CEQA Document (previously approved Mitigated Negative Declaration, MND and MMRP from December 11, 2008)
Exhibit C: Proposed Plans
Exhibit D: Vicinity Map
PROJECT DESCRIPTION: Building Site Approval with Architectural Review, Grading Approval, Design Review Exemption and Variance to reduce front setback from 30 feet to 4 feet for the development of a new single-family residence and associated improvements on slopes of 44%. The owner proposes an approximately 6,000 square feet single-family residence, with estimated grading of approximately 778 cubic yards of cut and 318 cubic yards of fill.

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

Items marked with an asterisk (*) must be completed prior to building permit issuance.
Items marked with a double asterisk (**) must be completed prior to occupancy 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 grading permit issuance.
Items marked with a quadruple asterisk (****) must be completed prior to grading completion or release of bond.

Planning Office - Contact Lara Tran at (408) 299-5759 or lara.tran@pln.sccgov.org for more information regarding the following conditions.

1. Existing zoning is HS-d1. Maintain the following minimum dwelling setbacks:

   Front: 4 feet 1  Sides: 30 feet  Rear: 30 feet

1 Variance for the front setback reduction from 30 feet to 4 feet to accommodate the front entrance and 12 feet for the basement, first level, and second level, per §5.70.020 of the County Zoning Ordinance.

The maximum height of dwellings is 35 feet (measured from final grade) and not more than three (3) stories.
2. The average slope of the developed area of the subject property is approximately 44% based on calculation provided by Register Professional Engineer, Yaghoub Saidian, No. 33509.

3. The proposed development shall take place in accordance with the approved architectural plan dated November 9, 2015 prepared by Louis Dorcich and civil plan dated May 11, 2016 prepared by Yaghoub Saidian

4. Accessory structures are subject to the development standards regarding height and setbacks per Zoning Ordinance Section 4.20.020(E). Accessory structures are limited to two (2) plumbing fixtures (toilet and lavatory sink) per Zoning Ordinance Chapter 4.20.020(l)(1). A Special Permit is required for detached structures with more than two plumbing fixtures.

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

6.* Submit color samples for the house façade, trim and roof materials indicating the Light Reflectivity Value is less than 45, per Section 3.20.040B.

Landscaping

7.**** Prior to issuance of the grading permit, submit two copies of a landscaping (including tree planting and maintenance) plan and associated irrigation systems, prepared by a licensed landscape architect, for approval by ASA Secretary. The plan shall show any tree proposed to be removed and all trees that are to be replanted on site. The plan shall include species name (generic and common), size and container size of all proposed plants. The plan shall also include location of all replacement trees, size, type, and tree protection measures for existing trees to main. Tree replacement type and ratios are specified in the following condition. The plan must also describe any relevant details of irrigation and maintenance, including methods for protecting any significant existing trees during construction. Include details of plant pit and staking/guying of trees on slope.

a. **Tree Removal.** Three existing ordinance-sized bay trees are proposed for removal (including two 30-inch and one 24-inch). Tree replacement is required. All trees that are proposed for removal and are required to be replanted shall be clearly shown on the landscaping plan.

b. **Replacement Trees.** A total of 11 new bay trees are required to be replaced. All replacement trees shall be at the minimum of 24-inch box and clearly shown on the landscape plan. The tree replacement ratio is shown in the following order.
   - One 24-inch bay tree: 3 replacement: 1 removed (a total of 3 replacement trees)
   - Two 30-inch bay trees: 4 replacement: 2 removed (a total of 8 replacement trees).
c. All proposed landscape plant materials shall be drought-tolerant and/or native species and will match existing vegetation.

d. Arrangement of trees and other plant materials shall provide for defensible space for fire protection around proposed buildings.

e. All trees to remain shall be protected with five-foot chainlink fencing on steel posts driven into the ground to the extent possible at the dripline of the trees.

f. **Installation.** Prior to issuance of the grading permit, submit a copy of a contract with a licensed landscape architect (hired to oversee installation of landscaping and associated irrigation) to the Planning Office for approval.

   **Note:** Original invoices and receipts from landscape contractor and tree nursery must be kept on hand for one year following installation. Such invoices shall be made available to the Planning Office upon request.

g. **Installation Observation Letter.** During planting, a licensed landscape architect shall observe the installation of the landscaping and associated irrigation. A licensed landscape architect shall submit a Construction Observation Letter to the Planning Office prior to the completion of grading and release of bonds or final inspection or occupancy of the residence, to verify that the required landscaping was installed according to the approved plans, and landscape elements and existing trees within 15 feet of construction or graded areas were not damaged by construction activities. If it appears that any trees are damaged by construction activities, additional tree replacement may be required as stipulated in these conditions.

**Protection of Existing Trees**

8.*** The landscape plan shall include the location, size, type, and tree protection measures for existing trees to remain.

   a. Prior to construction, fencing or other barriers shall be placed to protect existing trees not proposed for removal that are located within 15 ft. of construction/grading activities. No work is allowed within the drip-line of existing trees to remain on-site.

   b. **Best Management Practices (BMP) shall be implemented by the contractor to ensure that sediment and other contaminants are not discharged into existing trees during the construction process including erosion and sediment control measures. Final grading and building plans shall identify the BMPs.**

9. In areas where soil properties are less than conducive to hearty vegetation growth, soil augmentation shall be required, particularly in those areas surrounding tree installation pits. The extent of soil augmentation shall be based on the anticipated drip line at maturity, with a depth adequate to promote root development for structural stability and vigor.
10. All proposed trees on the property are subject (without time limitation) to the provisions of Division C16: Tree Preservation and Removal, of the County Ordinance Code and these conditions of approval.

Riparian Habitat
11.*** Construction fencing shall be placed outside the top bank of San Tomas Aquino Creek to ensure that construction activities do not inadvertently impact the creek. Best Management Practices shall be shown on grading plans.

12.* All proposed outdoor lighting shall be designed to avoid light and glare to the riparian corridor. Outdoor lighting shall not face San Tomas Aquino Creek. Final lighting plan as part of the building permit shall show compliance with this condition.

13.*** A riparian habitat landscaping enhancement plan prepared by a qualified biologist shall be submitted for the Planning Office for approval prior to a grading permit issuance. To mitigate for the riparian habitat impacts to 305 sq. ft. encroaching within 25 ft. of the creek, a 1:1 ratio riparian habitat enhancement will be required. Approximately 305 sq. ft. in area shown on site plans consistent with biological report recommendations - labeled as "riparian habitat enhancement area," shall include planting of native riparian species (bay, big-leaf maple, and elderberry trees). A portion of the bay trees required to be replanted may be used for the riparian habitat enhancement.

Nesting Raptors
14.*** Submit a report indicating the result of the survey and/or any designated buffer zones prior to the issuance of the grading permit.

Tree removal and construction shall be scheduled between October 1 and December 31 to avoid the raptor nesting season. If any construction outside the aforementioned window is proposed, submit a copy of a pre-construction survey, conducted by a qualified ornithologist, to identify active raptor nests that may be disturbed during construction. For any construction between January 1 and April 30, pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree removal. Pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities for construction between May 1 and August 31.

If an active raptor nest is found around the construction area, the ornithologist, in consultation with the California Department of Fish & Game, shall designate a construction free buffer zone (typically 250 feet) around the nest.

Roosting Bats
15.*** Submit a report indicating the result of the survey and/or any designated buffer zones prior to the issuance of the grading permit.

Tree removal and construction shall be scheduled between October 1 to February 29 to avoid the bats roosting season. If any construction outside the aforementioned...
window is proposed, submit a copy of a pre-construction survey, conducted by a qualified bat biologist (holder of Scientific Collection Permit and Memorandum of Understanding for bats with CDFG) for night-time emergent surveys for roosting bats. For any construction between March 1 and September 30, pre-construction surveys shall be conducted no more than 30 days, and no less than 10 days prior to the initiation of construction activities or tree removal.

If roosting bats are found around the construction area, the biologist, in consultation with the California Department of Fish & Game, shall designate a construction free buffer zone (typically 100 feet) around the roosting bats.

**Air Quality Mitigation**

16.*** Bay Area Air Quality Management District air quality mitigation measures shall be employed during construction to mitigate air quality impacts of the project. The following dust control measures will be adhered to during construction for all improvements. Final improvement plans / grading plans must contain language requiring that the following control measures be implemented.

a. Water all active construction areas at least twice daily.
b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

17. All excess graded material must be exported from the property to an approved disposal site, and shall be stated on the grading plans.

18.**** Prior to final inspection, contact Pamela Wu, ASA Secretary, at least one week in advance to schedule a site visit to verify that the approved landscaping and color scheme have been installed as approved.

**Geology** - Contact Jim Baker at (408) 299-5774 or jim.baker@pln.sccgov.org for more information regarding the following conditions

19.* Submit a copy of Geologist's Plan Review Letter that indicates the plans conform with the intent of the recommendations presented in the approved geologic report.

20.** A Geologist's Construction Observations Letter must be submitted prior to Final Inspection. Therefore, the contractor should coordinate with the Project Geologist regarding the timing of his field visits.
Land Development Engineering - Contact Ed Duazo at (408) 299-5733 or ed.duazo@pln.sccgov.org for more information regarding the following conditions.

Plan Review and Process:
21.* Obtain a Grading Permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading 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

Expect four to six weeks for plan review and plan check comments. Please contact LDE at (299-5734) for additional information and timelines.

22.* The owner shall post a performance bond for the pro rata road improvements. The bond amount shall be based on the County’s estimate of probable construction cost. The performance bond may be in the form of cash deposit, assignment of a savings account or CD, a surety from an insurance company, or a letter of credit.

23.* 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.

Improvement Plans:
24.* 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 final design shall be in conformance with all currently adopted standards and ordinances. The pro rata road improvements to Wood Acres Road and the driveway approach shall be constructed per modified Standard Details SD2 and SD4, respectively, as generally shown in the conditionally approved plans. The following standards are available on-line:

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

25.* Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the
found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor’s Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

26.** 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.

27.* 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.

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

**Drainage:**

29.* 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.

30. 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**

31.* 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. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

**Storm Water Treatment - SF Bay watershed**

32.* 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 (April 2012) available at the following website:

- [www.scvurppp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (April 2012)]

Soils and Geology:

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

34.* 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 plan.

Notice of Intent

35.* Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB website is at:

[www.waterboards.ca.gov > Water Issues > Programs > Stormwater]

Dedications and Easements:

36.* 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. The owner/applicant will be required to record the document with the County’s Recorder’s Office after reviewed and approved by the County Surveyor’s Office.

a. Offer to dedicate the following curvilinear rights-of-way to the public and the County for public/private road purposes: **20-foot half street right-of-way concentric with the centerline of the existing road improvements.**

b. Offer to dedicate a minimum 25-foot wide easement to the public and the County for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.

Agreements:

37.* Enter into a land development improvement agreement with the County. Submit an Engineer’s Estimate of Probable Construction Cost prepared by a registered civil engineer for the pro rata improvements. Post financial assurances based upon the estimate, sign the development agreement and pay necessary inspection and plan check fees, and provide County with a Certificate of Worker’s Compensation Insurance. (C12-206).
38.* Enter into a deferred improvement agreement for the ultimate County improvement of Wood Acres Road.

Other Conditions:
39.** Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

DEPARTMENT OF ENVIRONMENTAL HEALTH - Contact Darrin Lee at (408) 299-5748 or darrin.lee@pln.sccgov.org for more information regarding the following conditions.

40. * Provide a sewer connection permit from the West Valley Sanitation District. Call 408-378-2407.

41.* Contact the San Jose Water Company and provide a water connection letter from the water purveyor.

FIRE MARSHAL - Contact Mac Bala at (408) 299-5763 or mac.bala@pln.sccgov.org for more information regarding the following conditions.

Advisory Note: Property resides in the Wildland Urban Interface and shall abide by the new 2007 California Building Code Chapter 7A and the 2007 California Fire Code Chapter 47.

Fire Protection Water
IMPORTANT: Fire protection water system shall be installed, functioning and inspected prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

42.* Water Source: he required fireflow shall be 2,250 gpm at 20 psi for 2-hr duration from a standard fire hydrant located no more than 250 ft. from the driveway.
Note: The fire-flow may be adjusted depending upon the final size of the structure shown on the building permit set of drawings. (Ref: 2007 California Fire Code table B105.1).
   a. At the time of plan submittal for building permit, provide written verification from the water company (San Jose Water) that this condition can be satisfied.
   b. If an existing approved water system is within 300 ft. of the property line, extension to site is required, provided it is feasible to do so. Contact local water purveyor as soon as possible. If the water company will not grant a water connection, submit correspondence (must be on company letterhead) from them to that effect.

43.* Fire Sprinkler System: An approved residential fire sprinkler system complying with Fire Marshal Standard CFMO-SP6 is required to be installed throughout the structure if any one of the following conditions apply:
Note: The fire sprinkler system shall be installed and finaled by this office prior to occupancy. A separate permit shall be obtained from this office by a California licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

Fire Department Access
These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.

Construction of access roads and driveways shall use good engineering practice.

All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.

44.* Roads Access: (roads serving more than one lot) for fire department access shall comply with the following:

   a. **Width**: Clear drivable width of 18 ft. plus a 3 ft. shoulder on each side.
   b. **Vertical Clearance**: Minimum vertical clearance of 15 ft. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
   c. **Curve Radius**: Inside turn radius for curves shall be a minimum of 42 ft
   d. **Grade**: Maximum grade shall not exceed 15%. The Fire Marshal may permit grades up to a maximum of 20% if no other method is practicable and if consistent with good engineering practices, provided an approved automatic fire sprinkler system is installed throughout the affected dwelling, including attached garages. In no case shall the portion exceeding 15% gradient be longer than 300 feet in length, unless there is at least 100 feet at 15% or less gradient between each 300 foot section. Grades exceeding 15% shall be paved in compliance with County Standards.
   e. **Surface**: All driving surfaces shall be all-weather and capable of sustaining 65,000 pound gross vehicle weight.
   f. **Bridges**: All bridges shall be capable of sustaining 65,000 pound gross vehicle weight and meet the latest edition of the CalTrans Standard Bridge Design Specifications. Appropriate signage, including but not limited to weight or vertical clearance limitations, or any special conditions shall be provided.
   g. **Gates & Traffic-Calming Devices**: Any obstruction to emergency access such as gates, speed bumps/humps, traffic circles, etc. shall require prior approval from the County.

45.* Driveways (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).

   a. **Width**: Clear width of drivable surface of 12 ft.
   b. **Vertical Clearance**: Minimum vertical clearance of 13 ft. 6 in. shall be
maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).

c. **Surface:** All driving surfaces shall be all-weather and capable of sustaining 65,000 pound gross vehicle weight

**Miscellaneous:**

46. Property is located within the Santa Clara County Fire Department response area.

47. **This property is located in the Wildland/Urban Interface Fire Area.** All of the following conditions shall apply:
   a. A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
   b. Provide a 1/2 inch spark arrester for the chimney.
   c. Remove combustible vegetation within 30 ft. to 100 ft. of structure.

48. **MAINTENANCE:** Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.

   Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order, and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times. To view our standards online go to http://firemarshal.sccgov.org

**ROADS AND AIRPORTS** – Contact Shelly Theis at (408) 573-2485 or shelly.theis@pln.sccgov.org for information regarding the following conditions

49.* Wood Acres Road is not a County maintained road and shall be labeled as a private road on the site plan. The following note shall be placed on the plan or map: Roadways designated as not County maintained Roads as shown upon this map/plan will not be eligible for County maintenance until the roadways are improved (at no cost to the County) to public maintenance road standards approved by the Board of Supervisors and in effect at such time that the roadways are considered to acceptance into the County's Road System.

**BUILDING INSPECTION OFFICE (BIO)** – Contact BIO staff at (408) 299-5700 for information regarding the following conditions.

48.* For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).
Exhibit B

USE OF A PRIOR CEQA DOCUMENT
NEGATIVE DECLARATION

Pursuant to Section 15162 of the CEQA Guidelines, the County of Santa Clara has determined that the project described below is pursuant to or in furtherance of a Negative Declaration which has been previously adopted and does not involve new significant impacts beyond those analyzed in the previous Negative Declaration.

<table>
<thead>
<tr>
<th>File Number</th>
<th>APN(s)</th>
<th>Date</th>
</tr>
</thead>
</table>

**Project Name**
Building Site Approval, Grading, Design Review Exemption, and Variance

**Project Type**
Residential

**Owner**
Margaret Pham and Lucas Nguyen

**Project Location**
16190 Wood Acres Road, Monte Sereno. Subject property is approximately 0.87 acre and is located on Wood Acres Road, south to Austin Way.

**Project Description**
Building Site Approval with Architectural Review, Grading Approval Design Review Exemption and Variance for a single-family residence on slopes approximately 44% with approximately 778 cubic yards of cut and 318 cubic yards of fill. Proposed Variance is to reduce the front setback from 30 feet to 4 feet.
Background:

Per the California Environmental Quality Act (CEQA) of 1970 (as amended), all development permits processed by the County Planning Office which require discretionary approval are subject to environmental review. If a previous CEQA document has been prepared and adopted or certified which adequately address all the possible environmental impacts of the proposed project, a new negative declaration or EIR is not required unless (a) substantial changes are proposed in the project which will result in new significant environmental effects, (b) substantial changes have occurred with respect to the circumstances (background conditions) which will result in the identification of new significant impacts, or (c) new information is available which shows that the project will have new or more intensive significant impacts or new mitigation measures and alternatives which were previously found to be infeasible (in the prior CEQA document) would now in fact be feasible (CEQA Guidelines 15162).

Previously, a Negative Declaration was prepared and adopted by the Architecture and Site approval Committee for constructing a single-family residence and its requirement improvement in 1992. The proposed development area (house, driveway, septic system and other associated improvement) in 1992 is very similar to the current proposed development area (attachment 1). Also, the previously study found that there would be no significant effect on the environment caused by the previously-proposed project.

The Planning Office evaluated the project described above and has determined that none of the circumstances exist which would require additional environmental review. As such the environmental impacts of the project have been adequately evaluated in the Negative Declaration adopted by the Architecture and Site Approval Committee on April 9, 1992 for the project entitled “Liu Building Site Approval and Grading” and that no further environmental review is required under the California Environmental Quality Act.

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.

Approved by:
Pamela T. Wu, AICP

Attachment 1 – 2008 Adopted Mitigated Negative Declaration
Notice of Intent to Adopt a Mitigated Negative Declaration

Per the California Environmental Quality Act (CEQA), this notice has been prepared to inform you that the following project will not have a significant effect on the environment.

<table>
<thead>
<tr>
<th>File Number</th>
<th>TAZ</th>
<th>APN(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>4167-25-53-08BA-08G-08DR-08V-08EA</td>
<td>1352</td>
<td>510-53-015</td>
<td>11/19/08</td>
</tr>
</tbody>
</table>

Project Name
Lee Residence

Owner
Jai and Sook Lee

Project Type
residential

Project Applicant
Jai Lee

Project Location
The project is located on the south side of Wood Acres Road between Mountain Way and Matilija Drive in an unincorporated area of Santa Clara County, outside the town of Los Gatos (See Project Location Map)

Project Description
This application is for a Building Site Approval with Architectural Review, Grading Approval, Design Review and Variance for a varied front set back reduction (to allow a 9 ft. front setback – first story of house, 13 ft. front setback, second story of house, and 20 feet front setback – third story of house). Project proposes constructing a new 3-story single-family residence with an attached 1-story 2-car garage (approximately 7,000 sq. ft. total), and associated driveway (See attached site plan). Also retaining walls will be built for the improvements within the rear of the residence (ranging from 9 ft. to 12 ft). The footprint of the new residence meets the side and rear setbacks of the property (30 ft. sides, 30 ft. rear). The average slope of the development area for the residence is approximately 35%. Domestic water shall be provided by the San Jose Water Company, and sewer obtained from the West Valley Sanitation District. Estimated grading associated with this project equals approximately 680 cubic yards of cut, and 33 cubic yards of fill to construct the project (building pad of the new home, driveway, and road widening improvements to a portion of Wood Acres Road). Road widening along the frontage of the site requires a 20 ft. half street right-of-way. The existing right-of-way is an abandoned 30 ft. half street. Twelve (12) trees are proposed for removal due to their location within the building pad for the new residence and road right-of-way improvements (8 bay trees, and 4 amber trees). Tree replacement mitigation is required for all of the bay trees (12 inches or more in diameter) to be removed (See Aesthetics and Biological Resources Section for further details). San Tomas Aquino Creek is on the site. The riparian corridor of the creek is located approximately 10 to 25 feet away from the building footprint. Riparian habitat restoration is required for impacts to the riparian corridor on-site (See Biological Resources Section for further details).

Purpose of Notice
The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that the proposed project could not have a significant effect on the environment.

Approval of this proposed Mitigated Negative Declaration for the proposed project is tentatively scheduled before the ASA Committee on 12/11/08 in the County Government Center, Room 157. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.

Board of Supervisors: Blanca Alvarado, Donald F. Gage, Pete McHugh, Ken Yeager, Liz Kniss
County Acting Executive: Gary Graves
Public Comments regarding the correctness, completeness, or adequacy of this mitigated negative declaration are invited and must be received on or before the end of the review period listed above. Such comments should be based on specific environmental concerns. Written comments should be addressed to Colleen Oda, Planner III: County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5797. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form.

The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:

(1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
(2) Santa Clara County Planning Office website: www.sccplanning.org under Environmental Documents
(3) Los Gatos Library, 110 East Main Street, Los Gatos, CA 95032

Other Agencies sent a copy of this document

City of Los Gatos

Basis for Mitigated Negative Declaration: County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case since mitigation measures have been added to the project. (See below).

AESTHETICS
The project is not visible from the valley floor and from any public roads such as Highway 17. The site is heavily wooded with bay and riparian woodland habitat. The vegetation screens visibility into the site. The new development may be slightly visible to the immediate adjacent properties and Wood Acres Road which is a private road with public access.

The project is subject to Design Review and Building Site Approval with Architectural Review. The site is within the d1 zoning combining district (Santa Clara Valley Viewshed). The intent of this district is to minimize the visual impacts of development as viewed from the valley floor (using a combination of design guidelines). The project is not visible from the valley floor. The intent of ASA is to promote quality development in harmony with the surrounding area, through consideration of all aspects of site configuration and design. Compliance with the County’s Architectural and Site Approval (ASA) and Design Review (DR) standards will ensure any visual impacts are minimized (visibility of development along Wood Acres Road and from neighboring properties). The requirements include but are not limited to implementation of a landscape plan with replacement trees from those removed, and control of color light reflectivity value of the exterior walls.

MITIGATION:
Per the conditions of approval included in the Architectural and Site Approval and Design Review conditions, new landscaping and maintenance of existing landscaping, and color light reflectivity value will be part of the conditions to address visual impacts of the residence from Wood Acres Road and the neighboring properties.

ASA/DESIGN REVIEW CONDITIONS:
1. Prior to building permit issuance, submit color samples for house façade, trim, and roof materials indicating the Light Reflectivity Value is less than 45.
2. Per the biological required mitigations (See further details in Biological Resources Section), thirteen (13) new bay trees are required to be planted to mitigate impacts of tree removal. Replacement trees shall be included as part of the landscaping requirements for the ASA/Design Review approval. These are codified within the Design Review/ASA conditions of the project. The landscape plan shall show any tree proposed to be removed and all trees that are required to be replanted. The plan shall also include location of all replacement trees, size, type, and tree protection measures for existing trees to remain. The plan must also describe any relevant details of irrigation and maintenance, including methods for protecting any significant existing trees during construction. Show details of plant pit and staking/guying of large trees on slope.
BIOLOGICAL RESOURCES

San Tomas Aquino Creek is on the site. The riparian corridor of San Tomas Aquino Creek is located approximately 10 to 25 feet away from the building footprint. The creek contains an existing culvert. No improvements are proposed to the existing 100 ft. long creek culvert made of stone. Twelve (12) trees are proposed to be removed due to their location within the building pad of the new residence and road right of way improvements (8 bay trees, and 4 amber trees). This includes three (3) bay tree saplings, four (4) 12 inch in diameter amber trees, three (3) 12 inch in diameter bay trees, one (1) 24 inch in diameter bay tree, and one (1) 30 inch in diameter bay tree. In order to evaluate potential biological impacts from the trees removal, riparian habitat and associated species, a biological report was required. “Biotics Evaluation of 16190 Wood Acres Road,” prepared by Live Oak Associates, Inc. dated July 14, 2008 describes the existing habitat on-site, evaluates the project’s riparian, tree removal and species impacts, and recommends mitigation measures to mitigate the biological impacts of concern. See further discussion of the biological report below.

The project site is dominated by bay and riparian woodland habitat. San Tomas Aquino Creek flows generally east along the site’s northwestern boundary that includes understorey of English ivy. On the southern end of the riparian woodland habitat - California bay laurels, several big leaf maple trees, and native plants such as a variety of ferns occur adjacent to San Tomas Aquino Creek. Moving towards the northern end of the creek, the habitat includes a routed stone culvert, with a varied bank including a variety of non-native species including but not limited to poison oak, and brome species along with one sapling coast live oak tree, and three sapling California bay-laurel trees. To the northeast, the habitat transitions into an upland bay woodland habitat with many bay trees present with some blackberry vines, and amber trees. Although the site is comprised mainly of bay trees, the bay woodland area also includes some California buckeye, blue elderberry, and redwood trees, with a few oak and cottonwood trees. Field surveys by the biologist have determined the project would have no impacts to endangered, threatened or species of special concern associated with riparian habitat. The reach of the Creek on-site is unsuitable for species such as steelhead, western pond turtles, CA red-legged frogs, foothill yellow-legged frogs, CA tiger salamanders and other riparian species. No serpentine soils are on-site which are associated with a number of endangered, threatened, or species of special concern.

Tree replacement mitigation is required to mitigate the impacts of the native bay tree removal (12 inches or more in diameter) associated with this project, and nesting raptor and pallid bat surveys shall be required prior to construction to prevent potential impacts to raptor and bat species. One stick nest was observed in a bay tree on site during an April 2008 survey. The trees on-site are suitable habitat for nesting raptors. Although no bats were observed by the biologist’s survey; the trees on-site contain suitable habitat for pallid bats. (See Mitigation Section below for further details).

The report recommends a minimum 25 foot setback from the riparian habitat for the creek. The development improvements will not remove any riparian habitat. The proposed house footprint encroaches into the 25 foot setback by approximately 305 sq. ft. Riparian habitat restoration is required for encroachment into the setback for the disturbed riparian corridor on-site. The conducted biological survey determined that the riparian habitat is of moderate quality. (See Mitigations Section below for further details).

TREE REPLACEMENT/ RIPARIAN HABITAT / NESTING RAPTORS / BATS MITIGATION:

1. Tree Replacement

Tree Replacement Type and Ratios

1. Overall there is a requirement to plant a minimum of thirteen (13) 24 inch box new bay trees on the site for the five (5) existing bay trees (12 inches or more in diameter) proposed for removal. Prior to final inspection a minimum of two (2) 24 inch box bay trees shall be planted to replace each of the bay trees shown for removal that are 12 inches in diameter. This includes six (6) total bay trees to replace the three (3) 12 inch bay trees to be removed. A minimum of three (3) 24 inch bay trees shall be planted to replace the bay tree shown for removal that is 24 inches in diameter. A minimum of four (4) 24 inch bay trees shall be planted to replace the bay tree shown for removal that is 30 inches in diameter.
Tree Planting/Maintenance Plan
2. Prior to issuance of final grading permit issuance, submit two (2) copies of a tree planting and maintenance plan prepared, and stamped by a certified landscape architect, for approval by Planning. The plan shall show any tree proposed to be removed and all trees that are to be replanted on site. The plan shall include species name (generic and common), size and container size of all proposed plants. The plan shall also include location of all replacement trees, size, type, and tree protection measures for existing trees to main. Tree replacement type and ratios are specified above in Condition #1. The plan must also describe any relevant details of irrigation and maintenance, including methods for protecting any significant existing trees during construction. Include details of plant pit and staking/guying of trees on slope.

Contract for Installation of Landscaping
3. Prior to issuance of the final grading permit, submit a copy of a contract with a licensed landscape architect hired to oversee installation of landscaping and associated irrigation, and any other contractor, to the Planning Office for approval.

NOTE: Original invoices and receipts from landscape contractor and tree nursery must be kept on hand for one year following installation. Such invoices shall be made available to the Planning Office upon request.

Construction Observation Letter
4. During planting, a licensed landscape architect shall observe the installation of the landscaping and associated irrigation. A licensed landscape shall submit a Construction Observation Letter to the Planning Office prior to the completion of grading and release of bonds or final inspection or occupancy of the residence, to verify that the required landscaping was installed according to the approved plans, and landscape elements and existing trees within 15 feet of construction or graded areas were not damaged by construction activities. If it appears that any trees are damaged by construction activities, additional tree replacement may be required as stipulated in Condition #1 above.

II. Riparian Habitat

Construction Fencing, and Best Management Practices
1. Construction fencing shall be placed on the edge of the riparian corridor of San Tomas Aquino Creek to ensure that construction activities do not inadvertently impact the riparian habitat and creek. Location of fencing and Best Management Practices for erosion control shall be shown on final grading plans.

Outdoor Lighting Plan
2. All proposed outdoor lighting shall be designed to avoid light and glare to the riparian corridor. Outdoor lighting shall not face San Tomas Aquino Creek. Final lighting plan as part of the building permit shall show compliance to this condition, to be verified by Planning staff prior to final inspection.

Riparian Habitat Enhancement Plan
3. A riparian habitat enhancement plan, prepared by a qualified biologist, shall be submitted to the Planning Office for approval prior to final grading permit issuance. To mitigate for the riparian habitat encroachment to 305 sq. ft. within 25 ft. of the edge of the riparian corridor, 1:1 ratio riparian habitat enhancement will be required. Approximately 305 sq. ft. in area shown on site plans consistent with biological report recommendations ("16190 Wood Acres Road Biotics Evaluation," prepared by Live Oak Associates, Inc. dated July 14, 2008) - labeled as "riparian habitat enhancement area," shall include planting of native riparian species (bay, big-leaf maple, and elderberry trees). A portion of the bay trees required to be replanted may be used for the riparian habitat enhancement. The plan shall include cost estimate for the proposed work and financial bonds required for grading improvements associated with the riparian habitat enhancement.
Plan Review Letter

4. Prior to issuance of the final grading permit, a qualified biologist shall submit a plan review letter for approval by Planning Office. The letter shall confirm that the plans show encroachment within the riparian corridor setback is consistent with the analysis within the biological report (“16190 Wood Acres Road Biotics Evaluation,” prepared by Live Oak Associates, Inc. dated July 14, 2008). Plan must show edge of riparian corridor, and 25 ft. setback zone beyond the riparian corridor, and encroachment within that zone (305 sq. ft.).

Construction Observation Letter

5. During planting, a qualified biologist shall observe the installation of the riparian habitat enhancement trees. The biologist shall submit a Construction Observation Letter to the Planning Office prior to the completion of grading and release of bonds or final inspection or occupancy of the residence, to verify that the required trees were installed according to the approved plans, and construction fencing and best management practices measures were installed correctly to protect the creek and riparian habitat prior to start of the construction work.

III. Nesting Raptors

1. If possible, tree removal and construction should be scheduled between October 1 and December 31 to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January 1 and April 30, preconstruction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree removal. Between May 1 and August 31, pre-construction surveys shall be conducted no more than 30 days prior to the initiation of construction activities or tree 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 & Game, designate a construction free buffer zone (typically 250 feet) around the nest. The property owner shall submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Planning Office prior to the issuance of the final grading permit.

For evidence of compliance with this condition, the following documentation shall be submitted as follows:

(a) A copy of the contract established for work by a qualified ornithologist to conduct the preconstruction surveys shall be submitted prior to issuance of final grading permit.

(b) Three copies of the pre-construction survey shall be submitted to the County Planning Office prior to final inspection.

(c) If tree removal and construction shall occur between October 1 and December 31 (outside of the raptor nesting season), submit a copy of a contract with a tree removal company demonstrating that work will occur during this period.

IV. Roosting Bats

1. If possible, tree removal and construction should be scheduled between October 1 to February 29 to avoid the bats roosting season. If this is not possible, pre-construction surveys for bat species shall be conducted by a qualified bat biologist (holder of Scientific Collection Permit and Memorandum of Understanding for bats with CDFG) to conduct night time emergency surveys for roosting bats. Between March 1 and September 30, pre-construction surveys shall be conducted no more than 30 days, and no less than 10 days prior to the initiation of construction activities or tree removal. If roosting bats are found, in or close to the construction area to be disturbed by these activities, the biologist shall, in consultation with the California Department of Fish & Game, designate a construction free buffer zone (typically 100 feet) around the roosting bats. The property owner shall submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Planning Office prior to the issuance of the final grading permit.
For evidence of compliance with this condition, the following documentation shall be submitted as follows:

(a) A copy of the contract established for work by a qualified bat biologist to conduct the preconstruction surveys shall be submitted prior to issuance of final grading permit.
(b) Three copies of the pre-construction survey shall be submitted to the County Planning Office prior to final inspection.
(c) If tree removal and construction shall occur between October 1 and February 29 (outside of the bats roosting season), submit a copy of a contract with a tree removal company demonstrating that work will occur during this period.

Prepared by:
Colleen Oda, Planner III

Approved by:
Rob Eastwood, Senior Planner, AICP
NOTE: SEE SITE GRADING AND DRAINAGE PLAN BY ADVANCE DEVELOPMENT FOR GRADING AND DRAINAGE INFORMATION.