STAFF MEMORANDUM
Zoning Administration
August 1, 2019

Item #1

Staff Contact: Colleen Tsuchimoto – Senior Planner
(408) 299-5797, colleen.tsuchimoto@pln.sccgov.org

File: PLN17-10836
Design Review and Grading Approval for a New Single-Family Residence
Address: 4320 Bella Madeira Lane, San Jose (APN 654-65-017)

BACKGROUND
On June 16, 2019 the property owner submitted for Grading Approval and Design Review for a new residence. The project was deemed incomplete on September 28, 2017.

On April 3, 2018 the owner resubmitted plans and documents in response to the September 28, 2017 incomplete letter. The project was deemed incomplete on May 2, 2018 due to continued issues with design of the home.

On October 24, 2018 the owner resubmitted plans and documents in response to the May 2, 2018 incomplete letter.

On November 27, 2018 an early public outreach meeting was held with local Homeowner Association of Bella Madeira Lane concerning design of the home. The neighbors had no negative feedback concerning the design.

After several more resubmittals to the septic system concerns- project was deemed complete on May 29, 2019.

DISCUSSION

On July 11, 2019 the Zoning Administration Hearing Officer held the public hearing for consideration of a Design Review and Grading Approval for the construction of a new single-family residence located at 4320 Bella Madeira Lane of San Jose. During the public hearing, the Zoning Administration Hearing Officer heard testimony from the property owner concerning agreement with staff recommendation to revise landscape plans to meet the Design Review
requirements. After hearing the public testimony, the Zoning Administrator continued the public hearing to the regularly scheduled August 1, 2019 Zoning Administration hearing with the following direction to the applicant:

- Submit a landscape plan that shows trees to screen the residence, and hanging vines and shrubs to screen retaining walls as seen from the valley floor and frontage of the lot, including species type, and box size.

The staff’s recommendations should be incorporated into the landscape plan including:

a) 24” boxed screening trees on the lower hillside along the access driveway and surrounding the home on the frontage of the lot and view from the valley floor.
b) Shrubs and hanging vines to screen retaining walls on the downhill slope facing the valley floor.

**Proposed Landscape Screening**

The Applicant submitted revised plans on July 23, 2019. The revised plans provide a preliminary landscape plan that addresses screening for the residence, and retaining walls. The proposed landscaping includes a mixture of oak, redbud, and pepper trees, and vines (variation including Sedum and Lantana species) to grow over the retaining walls. Additionally, the applicant submitted pictures and renderings of the types of landscaping that is proposed to screen the residence, and walls (see Attachment C). Staff is of the opinion that the proposed landscaping is adequate to screen the residence, and retaining walls. Condition #29 requires that the final landscape plans issued prior to building permit issuance be consistent with the preliminary landscape plans submitted on July 23, 2019.

**RECOMMENDATION**

After reviewing the additional information submitted in response to the Zoning Administrator’s directions, Staff believes that the project has been designed to minimize impacts related to visibility as seen from the valley floor and surrounding neighborhood. As such, Staff recommends that project application be approved in accordance with the preliminary conditions of approval provided in Attachment B.
ADDITIONAL INFORMATION

Permit Streamlining Act

The subject application was deemed complete for processing on May 29, 2019, with a Permit Streamlining Act deadline of July 28, 2019. At the Zoning Administration Hearing on May 29, 2019, the owner granted an extension to the Permit Streamlining Act extension to allow for the extended time frame so that staff would have adequate time to work with the applicant with reviewing landscape plans to be prepared, and time to agendize the continued hearing to August 1, 2019.

REVIEWED BY
Prepared by: Colleen Tsuchimoto, Senior Planner

ATTACHMENTS INCLUDED – for Staff Report Continuance Memorandum
Attachment A – Statement of CEQA Exemption
Attachment B – Conditions of Approval
Attachment C – July 23, 2019 Landscape Plans and Rendering of Landscaping

July 11, 2019 Zoning Administration staff report with:
Attachment A – Location and Vicinity Map
Attachment B – Color board and Photo Simulations of previous landscape plan
Attachment C – Project Plans with previous landscape plan
ATTACHMENT A
Statement of Exemption from the California Environmental Quality Act (CEQA)

File Number | APN(s) | Date
---|---|---
PLN17-10836 | 654-65-017 | 7/30/19

Project Name: Mendoza Residence  
Project Type: residential  
Owner: Juan and Maria Mendoza  
Applicant: Steve Benzing

Project Location:  
4320 Bella Madeira Lane  
San Jose

Project Description: 
Grading of approximately 2,118 cubic yards of cut and 997 cubic yards of fill for proposed new residence with attached garage, septic system, water tanks 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 (a), “New Construction or Conversion of Small Structures”

Comments: 
Qualifies for exemption. Project includes minimal grading with no significant environmental impacts to construct a new residence with attached garage, septic system, water tanks, and access driveway.

Prepared by: Colleen A. Tsuchimoto, Senior Planner  
Signature  
7/30/19  
Date
ATTACHMENT B
PRELIMINARY DESIGN REVIEW AND GRADING APPROVAL
CONDITIONS OF APPROVAL

Date: August 1, 2019
Owner/Applicant: Juan and Maria Mendoza / Steve Benzing
Location: 4320 Bella Madeira Lane., San Jose, CA (APN: 654-65-017)
File Number: PLN17-10836
CEQA: Categorically Exempt - Section 15303, Class 3(a)

Project Description: Design Review and Grading for a 5,900 square foot single-family residence with an attached garage. Associated site improvements including a driveway, septic system, swimming pool, and landscaping. Associated grading consists of 2,119 cubic yards of cut and 997 cubic yards of fill (3,116 cubic yards total). NOTE: 650 cubic yards of cut and 85 cubic yards of fill are associated with building pads for the residence and garage. Approval is based on site plans submitted on April 30, 2019, and preliminary landscape plans submitted on July 19, 2019.

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>
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<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>
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<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>
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<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>
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<tr>
<td>Geology</td>
<td>Jim Baker</td>
<td>(408) 299-5774</td>
<td><a href="mailto:jim.baker@pln.sccgov.org">jim.baker@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Building Inspection</td>
<td></td>
<td>(408) 299-5700</td>
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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

Planning
2. Development must take place in accordance with the site plans, submitted on April 30, 2019, preliminary landscape plans submitted on July 23, 2019 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 Viewshep zone). Maintain the following minimum dwelling setbacks:
   Front: 30 ft.  
   Sides: 30 ft.  
   Rear: 30 ft.

4. The maximum height of dwellings is 35 ft. and shall not exceed three (3) 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. 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 April 30, 2019.

Land Development Engineering
9. 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.

Environmental Health
10. 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
11. Fire protection water shall be made available to the fire department.

12. 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 department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all time 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.
CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO FINAL GRADING PERMIT ISSUANCE

Building
13. Prior to issuance of the grading permit, building permit for the retaining walls shall be issued by the Building Inspection Office.

14. Prior to issuance of the grading permit, demolition permit to remove the temporary swing structures shall be issued by the Building Inspection Office.

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

Land Development Engineering (LDE)
16. 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 construction 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.sceplanning.org > I Want to... > Apply for a Permit > Grading Permit. Please contact LDE for additional information and timelines.

17. 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
18. 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 following standards are available on-line:
a) Standard Details Manual, September 1997, County of Santa Clara, Roads and
Airports Department www.sccgov.org/sites/rda > Published Standards,
Specifications, Documents and Forms
www.sccplanning.org > Plans & Ordinances > Land Development Standards and
Policies
c) 2007 Santa Clara County Drainage Manual www.sccplanning.org > Plans &
Ordinances > Grading and Drainage Ordinance

19. 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.

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

21. The improvement plans shall include SD5 driveway, SD4 driveway approach and SD16
turnaround per County standards. Which include a 12 foot driveway with 3 foot shoulder,
and appropriate fire truck turnaround area.

22. 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.

Utilities

23. 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 shall be coordinated with any undergrounding to serve other
properties in the immediate area.

Storm Water Treatment – SF Bay watershed

24. 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.scvurppp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (June 2016)

Soils and Geology
25. Submit one copy of the signed and stamped geotechnical report for the project.

26. 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.

Environmental Health
27. Provide entirety of Grading and Drainage Plan with on-site waste water treatment system (OWTS) overlaid onto plan, and notation indicating that the OWTS area must be fenced off during construction activities.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

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

29. Prior to the issuance of a building permit submit a final landscape documentation package for review and approval consistent with the preliminary landscape plans dated July 23, 2019. The submittal shall include a landscaping plan, showing 24 inch box native trees including oak trees along the 30-foot defensible space line, staggered along the footprint of the proposed residence, irrigation plan, and water budget calculations stamped and signed by a licensed landscape architect. The plan shall also show landscape screening and coloring for all retaining walls. 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

30. Prior to issuance of a building permit, submit colored exterior elevations drawings for the house facade, trim, roof, and retaining walls indicating the Light Reflectivity Value is less than or equal to 45, consistent with the approved color board pursuant to Zoning Ordinance Section 3.20.040B

31. 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.
32. **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 Clerks-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.

**Environmental Health**

33. Based on a percolation rate of 6.96 minutes per inch (application rate of 1.2 gallons per square feet per day), sewage disposal conditions have been determined for the single family residence. The OWTS shall utilize a 2,500 gallon septic tank, 1,000 gallon pump tank, a supplemental treatment unit and a total of 1,000 square feet drip dispersal field. This onsite wastewater treatment system design is adequate to serve a maximum design flow of 600 gallons per day (5 bedrooms).

34. The OWTS plans need to be modified as follows:
   a) Include a statement on the plans why the previously tested area was not used for the OWTS design.
   b) Provide the 1.5 day emergency capacity at Detail 4. The 787.5 gallon reserve is insufficient. Requires 900 gallons reserve.
   c) Modify tank size or float levels.
   d) Provide Geoflow calculations on the plans.
   e) Change all references of sump tank to pump tank throughout plans.
   f) Specify an endcap on the monitoring well.
   g) Include pressure testing of all pressure lines.

35. Require letter of approval for the septic tight line to cross the 20 ft. PSE easement.

36. Provide copies of floor plans for proposed single-family dwelling.

37. Provide letter of proof of potable water source from San Jose Water Company.

**Fire Marshal’s Office**

**Fire Protection Water**

38. The minimum fire-flow for structures shall be as follows from a standard fire hydrant located no more than 250 ft. from the driveway. Structures 3,601 – 10,000 sq. ft.: 1,500 gpm at 20 psi for 30 minute duration. The fire-flow may be adjusted depending upon the final size of the structure shown on the building permit set of drawings.

   a) At the time of plan submittal for building permit, provide written verification from the water company 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 official documentation from the water company to that effect.

c) If the water company provides domestic water, but cannot provide the required hydrant fire-flow, installation of an approved residential fire sprinkler system complying with CRMO-SP6 shall be required throughout.

d) If fire protection water cannot be supplied from a recognized from a recognized water purveyor, fire protection water supply shall be provided by on-site aboveground storage tank(s) and wharf hydrant.

Fire Department Access
39. Access roads (roads serving more than one lot) for the 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 50 ft.

d) Grade: Maximum grade shall not exceed 16%. 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 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 paced in compliance with County Standards.

e) Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.

f) Dead End Roads: Turnarounds shall be provided for dead end access roads in excess of 150 ft. in length. Acceptable turnaround shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
40. 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) Curve Radius: Inside turn radius for curves shall be a minimum of 50 ft.

d) Grade: Maximum grade shall not exceed 16%. The Fire Marshal may permit grades up to 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 Standard SD5.

e) Turnouts: passing turnout in compliance with SD-16 shall be provided at every 400 ft. and wherever hydrants are placed adjacent to a driveway.

f) Turnarounds: Turnaround shall be provided for driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnarounds shall be 40 t. by 48 ft. pad, hammerhead, or bulb of 40 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

g) Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.

Fire Sprinkler System

41. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure. A separate permit shall be obtained from this office by a state 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.

Wildland/Urban Interface Fire Area

42. The property is located in the Wildland/Urban Interface Fire Area within the State Response Area (served by Cal Fire). 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 ½ inch spark arrester for the chimney.

c) Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

Geology
43. Submit a geotechnical engineer’s Plan Review Letter that confirms that the plans conform with the intent of the recommendations presented in the approved report.

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

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

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

46. 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.

Fire Marshal’s Office
47. The fire sprinkler system shall be installed and finaled by this office prior to occupancy.

Geology
48. Prior to grading completion, submit a Construction Observations Letter that verifies the grading was completed in accordance with the approved plans.
ATTACHMENT C -
PROPOSED PLANS
STAFF REPORT
Zoning Administration
July 11, 2019
Item #2

Staff Contact: Colleen Tsuchimoto
(408) 299-5797, Colleen.Tsuchimoto@pln.sccgov.org

File: PLN17-10836
Design Review and Grading Approval for a new Single-Family Residence

Summary: Design Review and Grading Approval for a new 5,990 square foot single-family residence (Tier 2 project), and ancillary site improvements including a new driveway with associated retaining walls and a new pool and patio. Estimated grading quantities include 2,118 cubic yards of cut and 997 cubic yards of fill.

Owner: Juan and Maria Mendoza
Applicant: Steve Benzing
Address: 4320 Bella Madeira Lane, San Jose
APN: 654-65-017
Supervisiorial District: #3

Gen. Plan Designation: Hillsides
Zoning: HS-d1
Lot Size: 6.08 acres
Present Land Use: Vacant
HCP: Not a covered project

RECOMMENDED ACTIONS
A. Open the public hearing and receive a Staff Report and public testimony for the subject project; and,
B. Continue the project to the August 1, 2019 Zoning Administration hearing, with direction to the applicant to submit a landscape plan to mitigate visual impacts of the proposed residence, and adequately screen the project as seen from the valley floor and neighboring properties.
ATTACHMENTS INCLUDED

Attachment A – Location and Vicinity Map
Attachment B – Color Board and Photo Simulations
Attachment C – Proposed Plans

PROJECT DESCRIPTION

The proposed project is for Design Review and Grading Approval for a new 5,990 square foot single-family residence and attached garage. Ancillary site improvements include an attached patio with pool, driveway, on-site wastewater system, landscaping and retaining walls. The project proposes a total of 2,119 cubic yards of cut and 997 cubic yards of fill to accommodate the construction of the new residence and ancillary site improvements. San Jose Water Company would serve the property for domestic water supply. No trees would be removed as there are no trees on-site.

Setting/Location Information

The subject parcel is currently vacant and located at 4320 Bella Madeira Lane, at the southern end of the road, within unincorporated San Jose. The subject property is a steep lot with an average slope of approximately 44.5%, however, the development area has a slope of 30%. The property is highly visible as it overlooks the valley floor, and has no existing trees or other hedges on-site.

The surrounding neighborhood is comprised of either low density single-family residences on larger lots, or vacant parcels. Vegetation on-site consists of California annual grasslands.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)
   Pending – The CEQA Determination has not been finalized, as the project, through the Design Review process, requires submittal of a landscape plan.

B. Project/Proposal
   1. General Plan: Hillsides

   2. Approved Building Site: The site is an approved building site as a result of a numbered tract map (Tract 6455, Lots 11, and 12).

   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:

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*See Discussion in Design Review Findings Section C below

C. Design Review Findings

All Design Review applications are subject to the Scope of Review (Findings), 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 finding is in bold, and an explanation of how the project meets the required finding is in plain text below.

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

According to the County’s records, the existing property is vacant with little-to-no vegetation and is highly visible as seen from the valley floor. The property is very steep with no existing building pads or flat areas that would be better suited for development. Given the extreme slopes on the property and the need to meet various development requirements for access and fire turn-around, the project has been sited and designed to reduce adverse visual impacts to the maximum extent possible. Additionally, the applicant has revised the design of the residence and pool location to further minimize visual impacts.

The residence is proposed to be two stories along the east façade, facing a new internal driveway, and three stories along the west façade, which faces the valley floor. The design of the residence incorporates natural colors and materials with a Light Reflectivity Value (LRV) of 45 or less, as shown on the submitted color board (see Attachment B).

As the project site is considered a highly visible project site, and does not have any existing on-site landscaping, the planning of new native trees would be to screen the visibility of the proposed residence, as seen from the valley floor. The addition of appropriate landscaping would help blend the new residence into the natural environment and mitigate adverse visual impacts. In order to make this finding, Staff is recommending that the Hearing Officer continue the project to next available Zoning Administration hearing to allow the applicant to submit a landscape plan that includes landscape screening for all proposed retaining walls and the new residence. Staff is recommending that the landscape plan include 24” boxed screening trees on the lower
hillside along the access driveway and surrounding the home on the frontage of the lot and view from the valley floor. This will help mitigate visibility from both the valley floor and the immediate neighborhood. Also, the grading of retaining walls have been designed with tiered walls to help minimize grading impacts to the site by blending in with the natural topography. Shrubbery and hanging vines landscaping are required to screen retaining walls on the downhill slope facing the valley floor as part of the landscape plan submittal.

As such, Staff is in general support of this finding, pending the submittal of a landscape plan to mitigate adverse visual impacts of the new residence on a highly visible property.

2. **Compatibility with the natural environment;**

The proposed residence is located in the most suitable building area on the site, and incorporates existing natural features of the land and takes into consideration the contours of the land. The project grading includes 2,118 cubic yards of cut and 997 cubic yards of fill. A total of 650 cubic yards of cut and 85 cubic yards of fill would be necessary for the construction of the building pad of the residence and garage. The remainder of grading is for the construction of the driveway access, retaining walls and landscaping improvements. While the design of the project would blend with the natural environment to the maximum extent possible, additional landscaping is necessary in order to further mitigate visual impacts of the project as seen from the valley floor. As such, Staff is in general support of this finding, pending the submittal of a landscape plan.

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

The project has been designed in conformance with the Design Review Guidelines. The proposed exterior colors would maintain a Light Reflectivity Value of 45 or less, consistent with the approved color board, outdoor lighting to be not visible from off site, and grading minimal to blend in with the natural terrain of the site. Additionally, various design elements have been incorporated into the plans. The bulk of the residence is broken up with varied roof heights. The second and third stories are setback from the first-floor façade, which reduces the appearance of the building. The bulk of the 1st floor is hidden within the lower elevation of the hillside which maintains the appearance of a 2-story home. Lastly, retaining walls are tiered and landscaped (i.e. hanging vines and shrubbery) to reduce the height and visibility. As previously noted, Staff is of the opinion that new landscaping shall be used to blend the structure into the hillside and soften the impact of the development. As such, pending submittal of a landscape plan, Staff can support this finding.

4. **Compatibility with the neighborhood and adjacent development;**
The surrounding residences range in sizes from approximately 4,600 sq. ft. to 7,700 sq. ft. and are mostly three-story designs. The architectural styles are predominantly Mediterranean or ranch style. The proposed residence is a three-story design (that appears to be two stories based on the stepping of the land). Despite the adequate design of the new residence, the project would be highly visible from the valley floor and would be obtrusive and stand out without the additional landscaping. It is important to note that the residences that were approved in the neighborhood were approved prior to rezoning to the "d1 Santa Clara Valley Viewshed zoning district (approximately 3,800 to 9,000 sq. ft. in size) and did not incorporate viewshed landscaping or minimization of bulk and massing. Thus, with the incorporation of screening landscaping, this residence would be less visible and in compliance with the "d1" Santa Clara Valley Viewshed design review regulations. In speaking with the applicant, they intend to propose a mixture of oak, redbud, crape myrtle, and pepper trees are proposed to be planted on the lower hillside to mitigate visual impacts to the Santa Clara Valley Viewshed, and along the frontage of the residence to screen the property from neighboring properties, as viewed from the neighborhood. As such, pending the submittal of a landscape plan, Staff will be able to support this finding.

5. Compliance with applicable zoning district regulations;

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 height (35 feet maximum height) with a proposed height up to 33 1/2 ft. 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. This site is an approved building site per numbered tract map (Tract 6455, Lots 11, and 12). The Building Site Approval process is not applicable to the development; although the proposed building area is 30% slope. As such, this finding can be made.

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 bulk and mass of the development from a previous design submitted to the County.

The proposed residence (30 ft. away from front setback) complies with the required setbacks for the property under the HS-d1 zoning district. The project design would blend in with the topography, in compliance with Design Review Finding No. 2, as the bulk and massing of the building has been minimized using a variation of rooflines, and tiered approach with stepping of the floor levels with the lower level blending in with the lower hillside of the rear of the residence. The patio with swimming pool is stepped.
down to also minimize the visibility impacts to the valley floor and surrounding neighborhood. In compliance with General Plan Policy R-GD 34, landscaping and colors will be implemented that blends in with the surrounding environment. Natural colors and materials with an LRV below 45 are proposed in consistency with the submitted color board, and new native trees are required to be planted along the access driveway and surrounding the frontage of the residence. As such, pending the submittal of a landscape plan to mitigate potential adverse visual impacts, Staff will be able to support this finding.

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.**

   The project’s grading quantities are 2,118 cubic yards of cut and 997 cubic yards of fill. This grading would be necessary to establish 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 revising the design of residence, grading has been substantially reduced. The 1st submittal proposed 3,100 cubic yards of cut, and 300 cubic yards of fill to establish construction of the residence (with larger mass and bulk). The design of grading has been minimized using a combination of tiered walls and retaining walls landscaped to blend in with the surrounding environment. 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. As such, this finding can be made.

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.**

   The proposed grading will not endanger public or private property. 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. As such, this finding can be made.

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 area location, as foreseen in the subdivision approval for building sites. The majority of the proposed grading fill is for onsite improvements, such as the driveway. The majority of the grading cut is to lower the elevation pad of the new residence in blending in with the hillside environment. The grading will not impose any impacts to the natural landscape, biological, or aquatic resources as there are no existing landscaping, or water resources on-site or in the immediate vicinity. There are no creeks or other biological concerns such as endangered or special status species. The lot is located in the County Habitat Conservation Plan Area 2 – Rural Development greater or equal to 2 acres covered. As the development impacts less than 2 acres of land, the project is not subject to HCP conditions and fees. 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 –d1 zoning district. As such, this finding can be made.

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 alternative site locations further away from the frontage of the lot would require more grading establishing a longer driveway for access. Furthermore, the proposed site location was previously determined to be the best site location through the subdivision. As such, this finding can be made.

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 1st floor of the residence with retaining walls are tucked into the hillside which makes the building to appear to be 2 stories on the frontage of the residence. The front patio with swimming pool likewise is tiered down at a lower elevation to minimize the visibility of improvements. Access to the site is via the existing road (Bella Madeira Lane). As this site is highly visible from the valley floor, screening trees and shrubbery will be required to minimize visibility of the home and retaining walls per updated landscape plans to be approved prior to final grading and building permit issuance. The grading takes into consideration the grading to establish new vegetation. As such, this finding can be made.

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. As such, this finding can be made.

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 is located toward the frontage of the lot, which minimizes the need for grading for longer driveways. The driveway and retaining walls is designed in keeping with Guidelines 5, 7, 8 and 9, which require the proposed driveway and wall design is curved to follow the existing contours, while meeting the minimum emergency access standards. The new building meets Guideline 11 which notes that a tiered design approach is used in order to reduce building massing and visual bulk with varied roof heights and plants, and stepped down floor level to make the building appear to be 2 story on the frontage of the site. As such, this finding can be made.

BACKGROUND

The property owner submitted the Grading Approval and Design Review (Tier 2 project, 5,000 s.f. – 12,500 s.f.) applications on June 16, 2017. The initial incomplete letter was issued on September 28, 2017, and outlined numerous issues of concern, including a recommendation to redesign the residence to minimize visibility from the valley floor.

On April 3, 2018 the owner resubmitted plans and documents in response to Staff’s initial incomplete letter. An additional incomplete letter was issued on May 2, 2018, with continued issues of concern related to the residence being significantly visible and in conflict with the County Viewshed Ordinance, and pending an early outreach neighborhood meeting, as required by the Zoning Administrator.

On October 24, 2018 the owner resubmitted plans and documents in response to the May 2, 2018 incomplete letter. The size of the home was reduced to 5,900 sq. ft., however the project continued to be incomplete.

On November 27, 2018, an early neighborhood outreach meeting was held. Neighbors within 1,000 feet from the subject parcel were notified of the meeting as well as the local Homeowners Association of Bella Madeira Lane. The applicant provided a presentation regarding the proposed plans. Concerns brought up were mainly related to how the storm drainage will not impact neighboring sites.
The applicant resubmitted on several more occasions to address other agency incomplete items, and after addressing all incomplete comments, the application was deemed complete on May 29, 2019.

A public notice was mailed to all property owners within a 1,000-foot radius on June 28, 2019, and was also published in the Post Records on July 1, 2019.

STAFF REPORT REVIEW

Prepared by: Colleen Tsuchimoto, Senior Planner
Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator
ATTACHMENT B -
COLOR BOARD & PHOTO SIMULATIONS
Color/Materials Board

Roof
Celotex Presidential Shake
Manufacture & Material
Product Name, Number

Door & Window Frames, Railings
Jen-Weld
Manufacture / Number
Color Name, LRV

Trim
Sherwin Williams – Bohemian Black
Manufacture / Number Color Name, LRV - 4

Exterior Walls
Stucco - Sherwin Williams Fawn Brindle
Manufacture / Number
Color Name, LRV - 36

Architectural Accents (Ex. Stone Veneer)
El Dorado Stone - Coarsed Stone- Santa Barbara
Manufacture / Number
Color Name, LRV

Retaining Walls
Allan Block – Europa
Collection

*This information shall also be provided on the elevation drawings in the plans.

1/24/2019
ATTACHMENT C -
PROPOSED PLANS
**GENERAL PROJECT NOTES**

A. This work shall comply with all SBC, CEC, CBC, CPUC, CSE, 1989 CAL. ENERGY CODE, 1989 CAL. RESIDENTIAL CODE, SBC & CEC, GREEN BUILDING'S LEEDOIL CODE AND ALL OTHER REGULATIONS AS APPLICABLE TO DATE APPROVED BY THE COUNTY OF SANTA CLARA.

B. United Dredging, Inc. These drains shall have precipitation over scaled openings. Scaled openings are appropriate and may be verified by contractor. Contractor shall verify, and be responsible for all, existing conditions and deficiencies prior to and during all phases of work.

C. If the contractor fails to comply, and will provide damages. Contractor shall be held responsible for any damage or injury caused by his failure to comply with these requirements. Contractor shall provide all services as required by the architect and or the engineer in charge of the project. If the contractor is uncooperative as to the drainage plan, the architect and or the engineer in charge of the project shall provide all services as required by the architect and or the engineer in charge of the project. If the contractor is uncooperative as to the drainage plan, the architect and or the engineer in charge of the project shall provide all services as required by the architect and or the engineer in charge of the project.

D. No changes, modifications, or deviations shall be made to drain. Drainage and sewer installations shall be made on work and all work shall be performed by the architect or the engineer in charge of the project. All work shall be performed by the architect or the engineer in charge of the project. All work shall be performed by the architect or the engineer in charge of the project.

E. All materials used shall be equal to, or exceed, all applicable state and local codes and requirements

F. The contractor shall promptly and properly remove all excavated debris. All excavated debris must be removed at completion of work.

G. All glass in hazardous areas shall be tempered and all glass used shall be tempered and all glass used shall be tempered.

**LIST OF PROJECT CONSULTANTS**

SOIL ENGINEERS

Structural Engineers

ASSOCIATE VESCO CONSULTANTS

24119 CAMPBELL AVE

CUPERTINO, CA 95014

**ABBREVIATIONS AND INDICATIONS**

- A: Anchor Bolt
- B: Bar joist
- C: Concrete
- D: Door
- E: Exterior
- F: Framing
- G: Glass
- H: Hardware
- I: Interior
- J: Joist
- K: Kitchen
- L: Lighting
- M: Millwork
- N: Nails
- O: Office
- P: Plumbing
- Q: Quality
- R: Roof
- S: Staircase
- T: Tile
- U: Utility
- V: Ventilation
- W: Window
- X: Xact
- Y: Yard
- Z: Zoning

**SCOPE OF WORK**

NEW MULTISTORY RESIDENCE WITH GARAGE AND POOL

RESIDENCE IS LOCATED WITHIN WILDLAND

URBAN INTERFACE ZONE

- PLAN A IS NOT A WILDERNESS PLANNING DISTRICT. RENEWAL IS PLANNED AS A MULTISTORY RESIDENCE WITH GARAGE AND POOL.
- SITE PLAN SHEET 60' X 80'
- SHEET SHEET 1 OF 2
- SITE PLAN SHEET 80' X 120'
- SHEET 2 OF 2

**COVER SHEET**

The Handelsman Company

1800 Saticoy St. Los Angeles, CA 90047

Revised: 1/21/98

Sheet 1 of 2

Engineers: J. Handelsman, AIA

Architects: J. Handelsman, AIA

Structural Engineers: K. Vescovato, PE