File: PLN18-11211
Building Site Approval, Design Review, and Grading Approval for a new Single-Family Residence
Address: 0 Aborn Road (APN: 659-08-024)

DISCUSSION
On December 5, 2019, a public hearing was conducted for a new single-family residence located at 0 Aborn Road (APN: 659-08-024, File No. PLN18-11211). During the public hearing, Staff described the merits of the project, and although Staff was in support of the application, Staff informed the Hearing Officer that the required story pole structure was not erect for the full seven (7) days prior to the December 5, 2019 hearing date due to a recent storm. As such, the story pole structure did not meet County Zoning Ordinance Code 3.20.040.A.2.c and the Santa Clara County Story Pole Guidelines and could not be approved at the December 5, 2019 hearing. In order to allow the applicant sufficient time to re-construct the required story pole structure, the Hearing Officer continued the item to the December 18, 2019 Special Hearing for Zoning Administration projects.

On December 11, 2019, Staff visited the subject property and confirmed that the story poles were constructed in accordance with County standards. No new impacts were realized as a result of the inspection of the story pole structure, and the project continues to meet all County findings, policies, and guidelines. As such, as previously recommended in the December 5, 2019 Staff Report (Attached), Staff recommends approval of the Building Site Approval, Design Review, and Grading Approval application, subject to Conditions of Approval (Attachment B of the December 5, 2019 Staff Report).
ADDITIONAL INFORMATION

Permit Streamlining Act

The subject application was deemed complete for processing on October 18, 2019 with a Permit Streamlining Act deadline of December 17, 2019. At the December 5, 2019 hearing, the applicant, acting on behalf of the property owner, granted a one-time an extension of time to the Permit Streamlining Act for the County to render a decision. The new decision deadline is March 15, 2019.

REVIEWED BY

Prepared by: Joanna Wilk, Associate Planner

Reviewed by: Leza Mikhail, Principal Planner / Zoning Administrator

Attachment: December 5, 2019 Staff Report
Building Site Approval, Design Review, and Grading Approval for a new Single-Family Residence

Summary: Building Site Approval, Design Review, and Grading Approval for a 5,560 square-foot single-family residence with a basement and an attached garage, as well as a 1,198 sq. ft. detached secondary dwelling unit with a 504 square foot detached garage. Associated site improvements include new driveways, a septic system, and the removal of one tree in the County right-of-way. Grading consists of 723 cubic yards of cut and 1,311 cubic yards of fill (total 2,034 cubic yards) with a maximum vertical depth of 12 feet.

Owner: Surinder & Claudia Chatha
Applicant: D&Z Design Associates Inc.
Address: 0 Aborn Road, San Jose
APN: 659-08-024
Supervisiorial District: #3

Gen. Plan Designation: Hillsides
Zoning: HS-d1
Lot Size: 4.4 acres
Present Land Use: Vacant
HCP: Area 1: Private Development Covered

RECOMMENDED ACTIONS
A. Accept a Categorical Exemption, under Section 15303 (Class3)(a) of the California Environmental Quality Act (CEQA) Guidelines, Attachment A; and,
B. Grant the Building Site Approval, Design Review and Grading Approval application, subject to Conditions of Approval outlined in Attachment B.
ATTACHMENTS INCLUDED

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

PROJECT DESCRIPTION

The proposed project is a Building Site Approval, Design Review, and Grading Approval application for a new 5,560 square foot (sq. ft.) two-story single-family residence with a basement and an attached garage, as well as a 1,198 sq. ft. detached secondary dwelling with a 504 sq. ft. detached garage. Ancillary site improvements include two driveways, on-site waster water system, landscaping, and retaining walls. The proposed project consists of 723 cubic yards of cut and 1,311 cubic yards of fill (total 2,034 cubic yards) with a maximum vertical depth of 12 feet to accommodate the construction of the new residence and ancillary site improvements. One County-protected tree located within the County right-of-way is proposed for removal. All other existing trees are to remain. Aborn Heights Water Mutual Association will serve the property for domestic water supply.

Setting/Location Information

The subject parcel is located on Aborn Road, approximately 700 feet east of the City limits of San Jose, on the northern side of the road, near the intersection of Aborn Road and Lazy Lane. The subject property is currently vacant and has an overall average slope of 34% with the development area average slope of 24%. The property is in an area of medium to high visibility from the valley floor and contains several trees located along the western and southern sides of the parcel.

The surrounding neighborhood is comprised of either low density single-family residences or vacant parcels on lots ranging from one (1) to thirteen (13) acres in size.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The environmental impacts of the project were analyzed, resulting in the proposed Categorical Exemption (see Attachment A). The aesthetic impacts of the project were addressed through the required Design Review process with landscaping, and other design measures (i.e. proposed exterior surfaces not to exceed a Light Reflective Value of 45). As such, the project qualified for a Class 3, Section 15303 Exemption from CEQA.

B. Project/Proposal

1. General Plan: Hillsides

2. Approval Building Site: Per County Ordinance Section C12-307, Building Site Approval is required for new single-family or two-family dwellings, including any property within the HS zoning district that is not a lot within an approved Parcel Map or part of a subdivision. Application for BSA was applied on September 25, 2018 and
will be approved simultaneously with the Design Review and Grading Approval applications.

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” Combining District:

Main Residence and Secondary Dwelling

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<thead>
<tr>
<th>Setbacks (HS):</th>
<th>30-feet from all property lines</th>
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<tr>
<td>Height:</td>
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Accessory Structures

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<tr>
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<td>35-feet</td>
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### STANDARDS & REQUIREMENTS

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<tr>
<td>Color &amp; LRV</td>
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<td>Building Form &amp; Massing</td>
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<tr>
<td>Design Review Guidelines</td>
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</table>

*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 County GIS visibility analysis, the proposed structures and associated retaining walls are in the least visible portion of the lot (the eastern portion), in an area of “medium” visibility, while the remaining portions of the property are in an area of “high” visibility. Although the structures are visible, existing trees are located along the eastern, southern, and northern portions of the lot, and serve to provide screening from the immediately adjacent neighbors and the valley floor. Additionally, the applicant proposed landscaping along the western portion of the residence to provide additional
screening. Staff has determined that this landscaping is required to mitigate visibility and has conditioned the project to ensure the maintenance of said landscaping. One tree, located in the County right-of-way, is proposed for removal and tree replacement is required as a Condition of Approval. In order to meet the tree replacement requirement and provide additional screening of the structures and associated retaining walls, the applicant proposes to plant oak trees along the western side of the secondary dwelling unit, and plant other native trees and shrubs along the western side of the single-family residence to blend the structures with the surrounding landscape and soften the visual impacts of development.

All proposed cuts and fills are adequately rounded off to blend in with the surrounding natural terrain. No “sharp angles” are proposed, as they are contoured to blend in with existing topography. Grading on the western portion of the development site (the side visible from the valley floor) is at a 2.5:1 slope to gently tie in the fill to the existing topography. Other areas of cut and fill are at a 2:1 slope, however they are hidden from the valley floor by the location of the secondary dwelling unit and single-family residence. Proposed driveways are engineered to meet County requirements, including adequate fire access and turn arounds, and are designed with the natural contours.

The proposed single-family residence is designed to follow the natural slope of the property with the second and third stories of the residence located on the uphill portion of the lot, and the first story (the attached garage) steps down to the downhill side of the lot (see proposed elevations in Attachment C). The proposed residence is a three-story home with an overall height of 30 feet, although the residence appears to be two stories on the northern, eastern, and southern elevations. Although the home is three stories, the bulk and massing of the residence is broken up by the main floor of the residence being setback from the lower level (the location of the attached garage). Additionally, multiple porches, railings, windows, and varied roof heights are incorporated into the design in order to create patterns of light and shade.

In addition to the reduction of bulk and massing, the applicant proposes to paint the exterior colors of the structures with a Light Reflectivity Value (LRV) of 45 or less, as shown on the submitted color board (see Attachment C) in order to blend the proposed development into the natural hillside.

As such, Staff finds that the proposed development mitigates any visual impacts from the proposed structures, proposed grading, vegetation removal and landscaping and therefore meets this finding.

2. Compatibility with the natural environment;

The proposed project incorporates existing mature trees to help minimize visibility from the valley floor. The proposed driveways run in parallel with the existing topography to minimize impacts to the natural terrain. The roofline of the single-family residence steps down with the hillside, from east to west, in order to follow the natural contours of the land (see front and rear elevations in Attachment C). Additionally, the
proposed grading excludes sharp angles to blend in with the natural environment. Grading visible from the valley floor, along the western side of the development, is proposed at a 2.5:1 ratio, which is a modest slope, to tie in the grading and building footprint naturally with the existing environment.

As such, Staff finds the proposed development is compatible with the natural environment and therefore meets this finding.

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

The project is designed in conformance with the County’s Design Review Guidelines. As stated earlier, the proposed exterior colors would maintain a Light Reflectivity Value of 45 or less, proposed grading blends in with the natural terrain of the site, and various design elements are incorporated into the plans to reduce bulk and massing. Varied roof heights, which follow the natural slope of the site, are proposed, and the second and third stories of the residence are setback from the first story attached garage. The bulk of the residence is hidden through utilization of existing trees, as well as proposed landscaping. Last, proposed retaining walls are tiered and landscaped with shrubs and trees to reduce height and visibility. Furthermore, as noted in Finding No. 1 above, all proposed cuts and fills are adequately rounded off to blend in with the surrounding natural terrain.

As such, Staff finds that the proposed development conforms with the “Design Review Guidelines” adopted by the Board of Supervisors and therefore meets this finding.

4. **Compatibility with the neighborhood and adjacent development;**

Residences in the surrounding neighborhood range in sizes from approximately 2,000 sq. ft. to 6,000 sq. ft. and range from single story to three story designs. The architecture styles found in the neighborhood are predominately Mediterranean or ranch style. The proposed residence is a 5,560 sq. ft. Mediterranean style three-story residence that incorporates elements of stepping of the design with the natural topography. Therefore, the proposed residence is compatible with the similar sized homes in the surrounding neighborhood and adjacent developments. As such, Staff finds that the proposed development meets this finding.

5. **Compliance with applicable zoning district regulations;**

Residential uses are 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 an overall height of 30 feet. The proposed design is also in keeping with the –d1 design standards, building massing standards, and exterior colors are proposed to be less than 45 in LRV.
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. Policies R-GD 20 through 27 generally intend to conserve the natural landscape, minimize unnecessary grading for development, select building sites which minimize grading amounts, minimize hillside scarring, and reduce visual impacts. The applicant designed the residence to address these policies by retaining the majority of existing trees onsite to conserve the natural landscape, selecting a building site situated near the road on a flat portion of the property to minimize grading amounts, proposes driveways which run in parallel with existing topography to minimize hillside scaring, and utilizes earth-toned colors for the residence’s exterior to reduce visual impacts. Additionally, the applicant has provided landscape screening along the western façade of the residence, facing the valley floor. This landscaping has been conditioned to be maintained to ensure adequate screening in the future.

In addition to the County’s Design Review Guidelines, the “Guidelines for Grading and Hillside Development” encourages the following:

- Developing structures in areas with gentle slopes to minimize grading.
- Locating accessory structures in areas that avoid terrain alteration.
- Driveways that avoid excessive cuts and fills to hillsides.
- Buildings which are oriented parallel to natural contours.
- Building design including steps in building foundation and varied roof heights.
- Landform grading to resemble natural features and avoid sharp angles.

The proposed development conforms with these guidelines by locating the residence in an area with gentle slopes as opposed to steeper sites in order to minimize grading, designing the secondary dwelling and residence in line with the natural topography to avoid terrain alteration, proposing driveways which run in line with existing terrain to avoid hillside scarring, stepping the foundation of the residence down to the west and including varied roof heights to minimize bulk and massing, and rounding the proposed grading so it blends in with the natural slope of the hillside.

As such, Staff finds that the proposed development conforms with the General Plan and the “Guidelines for Grading and Hillside Development”, and therefore meets 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 723 cubic yards of cut and 1,311 cubic yards of fill (total 2,034 cubic yards) with a maximum vertical depth of 12 feet. This grading is necessary to establish a single-family residence, detached garage and a secondary dwelling unit. Proposed cuts, fills, and retaining walls are used to create building bays for the residence, the secondary dwelling and driveways, which are constructed to meet County standards, including fire truck turn around clearances. Grading performed outside the proposed structures is minimal to accommodate small rear yards, which conform with the surrounding landscape. 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 endager public or private property. The project does not include excessive grading. 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. The majority of the proposed grading fill is for onsite improvements, such as the driveway to access the main residence. The majority of the grading cut is to create the foundation for the main residence, which includes a basement. The grading will not impose any impacts to the natural landscape, biological, or aquatic resources as the majority of existing trees are to remain, and there are no 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 1 – “Private Development Covered” and is currently undeveloped. Therefore, Habitat Plan Coverage is required. Conditions of Approval pertaining to the Habitat Plan are included in Attachment B. 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 far western portion the property has a gentler slope than the proposed development site. However, this location is in an area of higher visibility from the valley floor (according to County GIS) and would require removal of several trees on the property that provide visual screening. Due to these factors, the proposed building site location is superior because it is in a less visible location and preserves the existing natural environment. 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.

Proposed grading is designed to conform with natural terrain and existing topography and will not create any significant visual scar. Most of the proposed grading is contoured to blend in with the natural terrain, without utilizing any sharp angles. Proposed retaining walls are tiered and include landscaping to minimize visibility. The proposed residence is designed to follow the natural slope of the property with the main portion of the residence located on the uphill side of the lot and the attached garage stepping down to the downhill side of the lot, as can be seen on the front elevation. Proposed roof lines slope downhill with the natural terrain. Lastly, proposed driveways run in parallel with existing topography to minimize hillside scarring. 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. General Plan policies R-GD 20 through 27 generally encourage grading to be the minimum necessary for the use, with no significant visual scar or impact the environment. The proposed grading is designed to follow the natural terrain, minimize grading, and reduce visual impacts from hillside development to conform with these General Plan policies. 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,” which addresses the specific guidelines for siting, road design, building form and design. The proposed residence is setback 30 feet from the Aborn Road right-of-way, which minimizes the need for grading for longer driveways. The driveway and retaining walls are designed in keeping with Guidelines 7, 8 and 9, which require the proposed driveway and wall designs to follow existing contours, while meeting the minimum emergency access standards. The proposed driveways follow existing topography to minimize hillside scarring and meet County Fire Marshal and Ordinance Code standards by incorporating a fire truck turn around infront of the main...
residence, which utilizes a retaining wall as opposed to an engineered slope. The residence 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 planes. As such, this finding can be made.

E. Building Site Approval Additional Information
Per County Ordinance Section C12-307, Building Site Approval is required for new single-family or two-family dwellings, including any property within the HS zoning district that is not a lot within a Parcel Map or a subdivision. As noted throughout the Staff Report, the proposed project meets all development standards for the primary residence (30 foot setback from the front, rear, and side property lines, with an overall height not to exceed 35 feet). Additionally, the proposed ADU meets the required development standards for ADUs (area of living space not to exceed 1,200 square feet, a 30 foot setback from all property lines, and an overall height not to exceed 35 feet). Application for BSA was applied on September 25, 2018 and will be approved at the simultaneously with the Design Review and Grading Approval applications.

BACKGROUND
The property owner submitted the Building Site Approval, Design Review, and Grading Approval application on September 25, 2018. The initial incomplete letter was issued on October 25, 2018, and outlined numerous issues of concern, including a recommendation to redesign the residence to reduce the apparent bulk and massing of the home.

On June 27, 2019, the applicant resubmitted the application, which included varied roof heights that followed the natural slope of the hillside in order to address the County Design Review Guidelines. However, another incomplete letter was issued by the Department of Planning Development on July 26, 2019, which addressed continued concerns with proposed retaining walls and grading.

On September 18, 2019, the applicant resubmitted a new grading design, which included smaller, tiered retaining walls and slopes at a 2.5:1 ratio to better meet the County “Guidelines for Grading and Hillside Development. ” After addressing all of the Departments comments, the application was deemed complete on October 18, 2019.

On Thursday, November 21, a public notice was mailed to all property owners within a 1,000-foot radius and was also published in the Post Records on November 22, 2019. Story poles were erected on the site on November 19, 2019 and inspected by staff on November 26, 2019.

STAFF REPORT REVIEW
Prepared by: Joanna Wilk, Associate Planner
Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator
# Statement of Exemption from the California Environmental Quality Act (CEQA)

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<th>Owner</th>
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<td>Surinder and Claudia Chatha</td>
<td>D&amp;Z Design Associates, Inc.</td>
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<tr>
<td>Grading of approximately 723 cubic yards of cut, and 1,311 cubic yards of fill for new residence and secondary dwelling unit with driveway improvements.</td>
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All development permits processed by the County Planning Office which require discretionary approval must be evaluated for compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended). Certain projects which meet criteria listed under CEQA may be deemed exempt from environmental review. The project described above has been evaluated by County Planning Staff under the provisions of CEQA and has been deemed to be exempt from any further environmental review per the provision(s) listed below.

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

**Comments:**
Exemption approved. Project includes minimal grading to construct new residence and secondary dwelling unit with improvements. One tree is proposed for removal and no major environmental impacts associated with the project.

**Approved by:**
Joanna Wilk, Associate Planner

[Signature] 11/27/2019
ATTACHMENT B
PRELIMINARY CONDITIONS OF APPROVAL
BUILDING SITE APPROVAL, DESIGN REVIEW, AND GRADING APPROVAL

Date: December 5, 2019
Owner/Applicant: Surinder & Claudia Chatha / D&Z Design Associates Inc.
Location: 0 Aborn Road, San Jose, CA (APN: 659-08-024)
File Number: PLN18-11211
CEQA: Categorically Exempt – Section 15303, Class 3(a)

Project Description: Building Site Approval, Design Review, and Grading Approval for a 5,560 square-foot single-family residence with a basement and attached garage, as well as a detached secondary dwelling unit with a detached garage. Associated site improvements include new driveways, a septic system, and the removal of one tree in the County right-of-way. Grading consists of 723 cubic yards of cut and 1,311 cubic yards of fill (total 2,034 cubic yards) with a maximum vertical depth of 12 feet.

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 &amp; Santa Clara Valley Habitat Plan</td>
<td>Joanna Wilk</td>
<td>(408) 299-5799</td>
<td><a href="mailto:joanna.wilk@pln.sccgov.org">joanna.wilk@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Darrin Lee</td>
<td>(408) 299-5748</td>
<td><a href="mailto:darrin.lee@cep.sccgov.org">darrin.lee@cep.sccgov.org</a></td>
</tr>
<tr>
<td>Fire Marshal</td>
<td>Alex Goff</td>
<td>(408) 299-5763</td>
<td><a href="mailto:alex.goff@sccfd.org">alex.goff@sccfd.org</a></td>
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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>
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<tr>
<td>Roads &amp; Airports</td>
<td>Gavin Finely</td>
<td>(408) 573 2491</td>
<td><a href="mailto:gavin.finely@rda.sccgov.org">gavin.finely@rda.sccgov.org</a></td>
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<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 substantial conformance with the approved plans, submitted on September 18, 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-d (Hillsides with a Design Review combining district). The primary residence shall 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. Accessory structures shall be located 75 feet from the front property line, or in the rear yard. If the accessory structures exceed an overall average height 12 feet, the structure must be located a minimum of 30 feet from rear and side property lines.

9. Secondary Dwellings in Rural zones on lots over 2.5 acres shall not exceed a maximum of 1,200 square feet of living space and must maintain the setbacks which apply to the main residence.

10. All landscaping required to screen visibility of the structure from the valley floor, as also described in Condition No. 18, below, shall be maintained in good health. Should the trees and/or landscaping be removed or fail in health, replacement trees shall be required to the satisfaction of the Zoning Administrator.

Land Development Engineering

11. 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

12. 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

13. Property is located within the Santa Clara County Fire Department response area, and the SRA.

14. 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 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.

15. 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.

16. 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.

Roads & Airports

17. Provide for the maintenance of adequate sight distance at both driveway locations as shown on the exhibits accompanying the Memo addressing the results of a sight distance analysis prepared by RI Engineering, Inc., and dated May 22, 2018.

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

Planning

18. Prior to issuance of any permits, provide a final landscaping plan utilizing vines, shrubbery or planters to reduce the apparent height of the westerly retaining walls to ensure that they blend with the natural surroundings. Due to the visibility of the residence from the valley floor, the landscaping plan shall include 36-inch box sized trees along the western side of the residence to blend the structure with the surrounding landscape and soften the impact of development. The final landscaping must be in substantial conformance with the landscaping plan approved at the December 5, 2019 Zoning Administrator hearing.
Additionally, the landscaping plan must also incorporate four (4) fifteen-gallon oak trees or five (5) twenty-four (24) inch box oak trees to replace the removal of one (1) forty-eight (48) inch oak tree within the County right-of-way. Said plan shall be acceptable by the Zoning Administrator, prior to issuance of any permits.

19. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. Calculate square footage of new landscaped area and if it equals or exceeds 500 sq. ft. – obtain landscaping permit. 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

20. Prior to issuance of a building permit, submit final color samples for the house facade, trim and roof indicating the Light Reflectivity Value is less than or equal to 45, pursuant to Zoning Ordinance Section 3.20.040B, and consistent with approved project, color samples and plans approved at the June 12, 2019 Zoning Administration Hearing.

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

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

Santa Clara Valley Habitat Conservation Plan

23. Prior to issuance of any grading/drainage or building permit, submit a completed Habitat Plan Application for Private Projects (“Application”) with all required submittal materials, including land cover mapping, exhibits (as described in the Application), and required staff review fee to the Planning Office for review and verification. The required site plan shall show the project development (residence, secondary dwelling, accessory structures, leachfield, driveway, and any required off-site road improvements), impact area calculations, and delineation of the permanent and temporary development buffer areas.

a. Permanent development area is defined as all land that will have permanent improvements (driveways, water tanks, buildings/structures, landscaping, etc.), plus a 50-foot buffer surrounding these areas.

b. Temporary development area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities/trenching,
etc.) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.

24. **Prior to issuance of any grading/drainage or building permit**, all Santa Clara Valley Habitat Agency (SCVHA) fees must be paid. Land cover fees are paid based on the land cover verified by a qualified biologist, and development area associated with the project. Temporary development fees are based on the amount of time the land is disturbed during construction, plus one year after completing construction, and cannot exceed a combined total of 2 years. All temporary development that exceeds 2 years from the onset of construction will be subject to permanent impact fees. This project is subject to the following Habitat Plan fees:
   a. Land Cover Fee Zone A – Ranchlands and Natural Lands.

25. **Prior to issuance of grading/drainage or building permit**, all future development is subject to the following Conditions of Approval and described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.
   - Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.
   - Condition 3: Maintain Hydrologic Conditions and Protect Water Quality
   - Condition 7: Rural Development

26. **Prior to issuance of grading/drainage or building permit**, incorporate the Habitat Plan Conditions of Approval (Exhibit A) and Table 1: Hydrology Condition 3 and Condition 4 into the grading/drainage and building plans.

**Land Development Engineering (LDE)**

27. 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 may 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

   If the County Roads and Airports Department provides a condition of approval to obtain an encroachment permit, for your convenience, the grading and encroachment permits will be processed concurrently under one set of improvement (grading) plans.

   Please contact LDE at (299-5734) for additional information and timelines.
28. 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.

29. 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 driveway to the main residence shall be per modified County Standard Detail SD5, as generally shown in the conditionally approved plans on file with the County Planning Office, with a deepened curb and gutter supporting outboard edge of pavement. The final design shall be in conformance with all currently adopted standards and ordinances. 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

30. 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.

31. 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.

32. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
33. 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.

34. 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.

35. 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 include multiple site design measures in the project design. 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)

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

36. 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.

Environmental Health

37. Based upon a percolation rate of 62.7 minutes per inch, sewage disposal conditions have been determined at 606 plus 606 lineal feet of subsurface drain line. The two drain line systems must be connected through a positive diversion valve. A 2000-gallon septic tank shall be required. This septic system is adequate to serve a four-bedroom single family dwelling and a 2 bedroom accessory dwelling unit.

38. Submit a complete set of floor plans to the Department of Environmental Health (Peter Estes) for review prior to septic system sign-off.

39. At the time of application for a building permit, submit four (4) revised plot plans to scale (1” = 20’) on a grading and drainage plan showing the house, driveway, accessory
structures, septic tank and required drainlines to contour, in order to obtain a septic system permit. Maintain all setbacks as outlined within County of Santa Clara Onsite Manual. The original plans must be submitted to the Department of Environmental prior to the issuance of the septic system permit and submitted as the final grading plan to Land Development Engineering when a grading permit is required. Contact Peter Estes at 408-918-3441 for septic system sign-off.

40. Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50 foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Nicole Jorgensen at the Department of Environmental Health at 408-918-3492 for detailed information. More information can be found by consulting the DEH website at www.ehinfo.org and viewing the drinking water section.

Fire Marshal’s Office

41. The minimum fire-flow for structures shall be as follows from a standard fire hydrant located no more than 250 ft. from the driveway:
   a. Structures up to 3,600 sq. ft: 1,000 gpm at 20 psi for 30-minute duration
   b. Structures 3601-10,000 sq. ft.: 1,500 gpm at 20 psi for 30-minute duration
   c. Structures 10,001-15,000 sq. ft.: 1,500 gpm at 20 psi for 60-minute duration
   d. Structures over 15,000 sq. ft: 1,500 gpm at 20 psi for 2-hour duration

NOTE: The fire-flow may be adjusted depending upon the final size of the structure shown on the building permit set of drawings.

42. At the time of plan submittal for building permit, provide written verification from the water company that this condition can be satisfied.

43. 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.

44. 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 CFMO-SP6 shall be required throughout.

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

46. Construction of access roads and driveways shall use good engineering practice.
47. 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.

48. 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 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 Standard SD5.
   e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle

49. 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 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.

Roads & Airports

50. Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit for the following:
   a. Improvement of the property’s Aborn Road frontage to County Standard B/4A modified to provide an asphalt dike per County Standard B/13 along the new edge of pavement. The improvements shall extend a minimum 50 feet northerly of the primary residence driveway approach and 50 feet southwesterly of the secondary residence driveway approach
   b. Installation of both driveway approaches on Aborn Road to County Standard B/4.
   c. Removal of the 48” tree located between the two driveway approaches.
The process for obtaining an Encroachment Permit and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Encroachment Permit.

51. Obtain Tree Removal Approval prior to removal of the 48” diameter tree, or any other protected tree, located within the right-of-way (ROW). A protected tree within the ROW requiring removal approval is any tree at least 20 feet in height or at least 12 inches in diameter measured 4.5 feet above grade. The process for obtaining approval for a tree removal approval and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Tree Removal from County Right-of-Way.

52. Demonstrate that the post-development maximum flow rate into the County Road right-of-way is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.

Geology


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

Planning

54. Prior to final inspection, contact Joanna Wilk, at least a week in advance to schedule a site visit to verify the approved exterior colors, and landscaping have been installed as approved.

Land Development Engineering

55. 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.

56. Construct the improvements. Construction staking is required and shall be the responsibility of the developer.

Fire Marshal’s Office
57. 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.

58. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure. 
   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 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.

Environmental Health
59. Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated area of Santa Clara County is mandatory.

Geology
60. Prior to Final Inspection, submit a Construction Observations Letter that verifies the work was completed in accordance with the approved plans.

Roads & Airports
61. Construct all of the improvements approved under the Encroachment Permit.
STANDARD BEST MANAGEMENT PRACTICE NOTES

1. Sediment and Stormwater Management: Provide designed stormwater collection areas and containment on site away from streets, gutters, stormdrains, and underground utilities and arrange for regular disposal. Waste containers must be water tight and covered at all times except when in use. Refer to Erosion & Sediment Control Field Manual, 4th Edition (page C-5) or latest.

2. Storm Drain Inlet and Catch Basin Inlet Protection: All inlets within the vicinity of the project and underground storm drain system or other above ground watercourses shall be protected with gravel bags placed around inlets or other inlet protection. Refer to Erosion & Sediment Control Field Manual, 4th Edition (pages B-31 to B-33) or latest.

3. Sediment and Stormwater Management: Provide designed stormwater collection areas and containment on site away from streets, gutters, stormdrains, and underground utilities and arrange for regular disposal. Waste containers must be water tight and covered at all times except when in use. Refer to Erosion & Sediment Control Field Manual, 4th Edition (pages C-7 to C-8, C-13 to C-14) or latest.


5. Material Entries: Handling and Storage: In general, materials should not be displayed on site. Where temporary stockpiles are necessary and approved by the County, they shall be covered with sheet steel, plastic sheeting or tarpaulin and located in designated areas near construction entrances and away from drainage paths and waterways. Spill control materials must be kept on site where readily accessible. Spills must be cleaned up immediately and contaminated soil and debris properly. Refer to Erosion & Sediment Control Field Manual, 4th Edition (pages C-3) or latest.

6. Storm Drain Inlet and Catch Basin Inlet Protection: All inlets within the vicinity of the project and underground storm drain system or other above ground watercourses shall be protected with gravel bags placed around inlets or other inlet protection. Refer to Erosion & Sediment Control Field Manual, 4th Edition (pages B-31 to B-33) or latest.

7. Site Street Construction: Temporary street construction: Temporary paving shall be removed immediately after paving when rain is in the forecast. Residue from saw-cutting should not be stockpiled on site. Where temporary stockpiles shall be protected with appropriate barriers to prevent or minimize tracking of soil onto the public street system. A gravel or proprietary device construction is recommended for all sites. Clean up of stockpiled residue shall be provided by means of a street sweeping or by an approved contractor or at least once at the end of each workday that material is stockpiled, or more frequently as determined by the County Inspector. Refer to Erosion & Sediment Control Field Manual, 4th Edition (pages C-13 to C-14) or latest.

8. Storm Water Reuse: No storm water runoff shall be permitted to enter the existing and/or proposed underground storm drain system or other above ground watercourses. Unless appropriate erosion and sediment control measures are fully installed.

9. Equipment: The contractor shall provide sophisticated vehicles used in grading as areas to be processed. Equipment shall be operated off-site until the project has been completed as planned and no residual effects of the operations remain. Any equipment used in the project shall be of such a type as to minimize the amount of disturbance caused by the operation and not to cause erosion at the site.

10. Erosion Control: During the rainy season, erosion control measures shall be in place and maintained to control erosion at the site. Storm drain inlet and catch basin inlet protection shall be provided and maintained to prevent or minimize erosion and sedimentation of stormwater runoff. Erosion control measures shall be fully installed and effective during, and after storm events, and at regular intervals during construction. Erosion control plans must be reviewed by the Contractor before project implementation.

11. Site Street Construction: Temporary street construction: Temporary paving shall be removed immediately after paving when rain is in the forecast. Residue from saw-cutting should not be stockpiled on site. Where temporary stockpiles shall be protected with appropriate barriers to prevent or minimize tracking of soil onto the public street system. A gravel or proprietary device construction is recommended for all sites. Clean up of stockpiled residue shall be provided by means of a street sweeping or by an approved contractor or at least once at the end of each workday that material is stockpiled, or more frequently as determined by the County Inspector. Refer to Erosion & Sediment Control Field Manual, 4th Edition (pages C-13 to C-14) or latest.

12. Project Completion: Prior to project completion and following the construction period, inspection of all disturbed areas, temporary erosion and sediment control measures, and related structures shall be conducted to determine the potential for erosion or sedimentation at the site. If it shall be the Owner’s/Contractor’s responsibility to maintain control of all construction operations and to leave the entire site in compliance with the approved erosion and sediment control plan.

13. Erosion and sediment control best management practices shall be carried out in a manner consistent with the approved construction period project.
Project Information

Best Management Practices and Erosion Control Details Sheet 2
County of Santa Clara

Floor Plan

- Living Area: 1158 sq ft
- 2 Car Garage: 504 sq ft
- Breezeway: 42 sq ft
- Entry Porch: 35 sq ft
- Rear Deck: 337 sq ft

Scale: 1/4" = 1'0"
FLOOR AREA CALCULATION

MAIN LEVEL
A. 21'-10" x 18'-10"
   = 410.60 SQ. FT.
B. 35'-0" x 18'-0"
   = 630.00 SQ. FT.
C. 17'-0" x 18'-0"
   = 306.00 SQ. FT.
D. 16'-0" x 18'-0"
   = 288.00 SQ. FT.

UPPER LEVEL
E. 21'-0" x 18'-0"
   = 369.00 SQ. FT.
F. 24'-0" x 18'-0"
   = 432.00 SQ. FT.
G. 17'-0" x 18'-0"
   = 306.00 SQ. FT.
H. 14'-0" x 18'-0"
   = 252.00 SQ. FT.
I. 17'-0" x 18'-0"
   = 306.00 SQ. FT.

LOWER LEVEL TOTAL: 1035.60 SQ. FT.

Guest House Floor Area Diagram

Main Level Floor Area Diagram

Lower Level Floor Area Diagram

Upper Level Floor Area Diagram
County of Santa Clara
Department of Planning and Development
Planning Office
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose California 95110-1705

Vicinity Map
File No. PLN18-11211
APN:659-08-024

Project Location