

Conditions of Approval

10815-15B-15G-15DR

BUILDING SITE APPROVAL, GRADING APPROVAL & DESIGN REVIEW CONDITIONS OF APPROVAL

Owner/Applicant: Margaret Belska
File Number: 10815-15B-15G-15DR
Location: Higuera Highland Lane, San Jose
Project Description: BUILDING SITE APPROVAL, PRELIMINARY GRADING APPROVAL and DESIGN REVIEW for a new 7,176 square-foot single-family residence. Estimated grading quantities are 1,454 cubic yards of cut and 1,958 cubic yards of fill. The proposed project is a Tier 2 project that requires design review in accordance with § 3.20.040 of the County Zoning Ordinance.

Items marked with one asterisk (*) must be completed prior to building permit issuance.

Items marked with two asterisks (**) must be completed prior to occupancy or

PLANNING:

Contact JIM REILLY at (408) 299-5799 (or jim.reilly@pln.sccgov.org) for details on the following:

1. Development must take place according to approved architectural plans, prepared by Miller Design (received September 2015), and engineering plans, prepared by Yang Consulting Group (received March 2016).
- 2.* LANDSCAPE PLAN: Prior to issuance of the building permit, submit three (3) copies of a landscape plan (including irrigation systems), prepared and stamped by a licensed landscape architect. The landscape plan shall emphasize native plant species, and shall be designed to provide some visual screening and break up the apparent mass of the house as viewed from the valley floor, and to revegetate and stabilize graded areas.
 - a. The requirements of Division B33 of the County Ordinance Code (Water Conservation in Landscaping) shall apply. In particular:
 - i. Landscape water efficiency must be demonstrated by utilizing any one of the three options provided in Section B33-5: Demonstration of Landscape Water Efficiency.
 - ii. Landscape design must comply with all applicable standards and

criteria of Section B33-6: Water-Efficient Design Elements.

- iii. Landscape and irrigation plans must comply with all applicable standards and criteria of Section B33-8: Landscape and Irrigation Design Plans.

The landscape ordinance and supporting information can be found on the Planning Office web site:

www.sccplanning.org > Plans and Ordinances > Landscape Ordinance

- b. Elective landscaping, if any, should consist of a variety of landscape material types (i.e. large/small trees, shrubs, forbs, vines/ivy, and ground cover) of varying species. Canopy trees shall, for the purposes of this condition, mean deciduous or evergreen trees of a species whose height and spread at maturity normally exceeds 35 feet, and shall not include palms (family Arecaceae or Palmae).
 - c. The plan shall include at least three (3) native or naturalized canopy trees (oaks or other), to be installed in locations where they would eventually provide meaningful screening as well as ridgeline mitigation, with the following specific requirements
 - i. Such trees shall be planted above the 690-foot contour line and below the 760-foot contour line.
 - ii. Trees shall be from (minimum) 24-inch box containers.
 - d. Arrangement of trees and other plant materials shall provide for defensible space for fire protection around proposed buildings. Please contact the Fire Marshal's Office (408 299-5760) for more information.
 - e. Soil must be capable of supporting the proposed installation and must have adequate water storage capacity. Soil characteristics, including structure, texture, percolation, pH, mineral content, and microbiology, shall be evaluated early in the design process. Soil amendments, such as compost or fertilizer, shall be added as appropriate.
- 4.** The landscape architect shall oversee the installation of plant materials and irrigation hardware, and assess the quality of installation. After the planting is complete, the property owner shall provide to the Planning Office a written summary report from the landscape architect, which shall:
- a. Detail the plant materials installed (species, number, location, size, quality) per the approved plan. Indicate any discrepancies between plan and installation (if applicable), and state reasons for such discrepancies.

- b. Detail any necessary soil augmentation, fertilizer, staking or other plant-specific maintenance required for the installation.
 - c. Report any installation problems or concerns of long-term viability.
 - d. Detail any longer-term maintenance needs, including periodic professional tree fertilizing and pruning to better assure successful growth.
5. Landscaping materials must be installed per approved plan prior to final inspection.
 6. Original invoices and receipts from landscape contractor(s) and tree nursery must be kept on hand for one year following installation. Should verification of proper installation be necessary, such invoices shall be made available to the zoning administrator for inspection.
 - 7.* COLOR/ LRV: With the exception of trim and minor details, the exterior surfaces of the structure must be of muted colors with light reflectivity value (LRV) of 45 or lower. Provide two sets of conforming color samples for review prior to building permit issuance.
 - 8.* ONGOING COMPLIANCE: Record a “Notice of Permit and Conditions” with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided prior to building permit issuance.

PLANNING/ HABITAT PLAN:

Contact KIM ROOK at (408) 299-5790 (or kim.rook@pln.sccgov.org) for details on the following:

9. HABITAT PLAN: The subject property is located in the Santa Clara Valley Habitat Plan “Area 1: Private Development Covered.” Land cover on the subject property is designated California Annual Grassland and Coast Live Oak Forest and Woodland. The property is not located in the Habitat Plan Wildlife or Plant Survey Areas.
- 10.* New development that is covered by the Habitat Plan is subject to fees to compensate for the loss of endangered species habitat. Fees shall be paid prior to issuance of any grading/drainage or building permits. This project is subject to the following Habitat Plan fees:
 - a. Land Cover Fee Zone A –Ranchlands and Natural Lands.
 - b. Nitrogen Deposition Fee for new single-family residence.

Development fees are paid based on the development area associated with the project, as described below. Temporary development fees are based on

the amount of time the land is disturbed during construction, plus one year after completion of construction and cannot exceed a combined total of two years.

- 11.* Prior to issuance of the grading/drainage or building permit, submit a completed Habitat Plan application for private projects and the required submittal materials, as described in Item 2 in the application, with GIS-compatible file (Shape or CAD file). The required site plan shall show the development area of the project, including a delineation of the permanent and temporary development buffer areas. Plans do not need to show buffer areas that cross property boundaries.
- a. Permanent development area is defined as all land that will have permanent improvements (house, driveway, access road, landscaping), 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, septic system) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.

- 12.* The land cover fee shall be paid based on the total area included within the permanent and temporary development areas. All SCVHP fees must be paid prior to the issuance of grading/drainage or building permits to start construction. Worksheets used to calculate Habitat Plan fees are provided as Exhibit 2 (Permanent Fees) and Exhibit 3 (Temporary Fees) on the Habitat Agency website at <http://www.scv-habitatagency.org>.

- 13.* Based on the location of the project, the following will be required as prescribed in the Habitat Plan:
- Condition No. 1 – Avoid direct impacts on legally protected plant and wildlife species
 - Condition No. 3 – Maintain hydrologic conditions and protect water quality.
 - Condition No. 7 – Rural development design and construction projects.

Submit written documentation to the Planning Office and show on the grading and building plans how the project complies with the required conditions, above. These conditions are described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.

- 14.* Incorporate the stock Habitat Plan conditions of approval (Exhibit A) onto the cover sheet (or other appropriate location) within grading and building plans.

LAND DEVELOPMENT ENGINEERING:

Contact CHRISTINE HII at (408) 299-5716 (or christine.hii@pln.sccgov.org) for details on the following:

- 15.* **PLAN REVIEW:** Obtain a grading/ drainage permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the grading / drainage permit is required prior to LDE clearance of the building permit (building and grading / drainage permits can be applied for concurrently). The process for obtaining a grading/ drainage permit and the forms that are required can be found at the following web page:

www.sccplanning.org > I Want to.. > Apply for a Permit > Grading Permit

Expect four (4) to six (6) weeks for plan review and plan check comments. Please contact LDE at (408 299-5734) for additional information and timelines.

- 16.* The owner shall post a performance bond for the pro rata improvements described in Condition 17h. The bond amount shall be based on the County's estimate of probable construction cost. The performance bond may be in the form of cash deposit, assignment of a savings account or CD, a surety from an insurance company, or a letter of credit.
- 17.* **IMPROVEMENT PLANS:** 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:

- Standard Details Manual, September 1997 (Roads & Airports)
www.sccgov.org/sites/rda > Published Standards, Documents and Forms
- March 1981 Standards and Policies Manual, Volume 1 (Land Development)
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

Final improvement plans shall include the following:

SURVEY MONUMENTS: Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines.

- a. 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 California 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 Surveyor's Act, with the County Surveyor.
- b. 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.

EROSION CONTROL: 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.

DRAINAGE: Final plans shall reflect the following:

- c. 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.
- d. 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.

EASEMENTS: Include the following on improvement plans and provide additional documentation as appropriate.

- e. The owner/ applicant shall be required to record the proposed waterline and well access easements. Dedication documents including legal descriptions, and plats shall be recorded with the County's Recorder's Office. After recordation, show the following on the development plans:
- f. Recorded waterline and well access easements and document numbers. These easements shall be sufficiently wide to accommodate required improvements, and future maintenance.
- g. Provide evidence of legal access to the site from the nearest publicly maintained road compiled and/or verified by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying. *NOTE: Evidence of legal access was received 3/29/2016.*

STORM WATER TREATMENT: It is recommended and encouraged to include site design measures in the project design. Site design measures include: (a) directing hardscape and/or roof runoff onto vegetated areas, (b) collecting roof runoff in cisterns or rain barrels for reuse, or (c) constructing hardscape (driveway, walkways, patios, etc.) with permeable surfaces. For additional information, please refer to the C.3 Stormwater Handbook (April 2012) available at the following website:

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

IMPROVEMENTS –ACCESS:

- h. A fire turnaround in conformance with the County Standard Detail SD 16 shall be provided at the connection of the proposed private driveway to Higuera Highland Lane. In addition, demonstrate that the grades within the proposed turnaround do not exceed 5% in any direction.
- i. The proposed driveway shall conform to County Standard Detail SD5.
- j. Provide a driveway approach designed per County Standard SD4.

18. UTILITIES: All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed residence. All extensions shall be included in the improvement plans submitted to LDE for review. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.
- 19.* SOILS AND GEOLOGY: Submit one additional electronic copy of the signed and stamped geotechnical report for the project.
- 20.* 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.
- 21.* NOTICE OF INTENT: Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the state general construction permit. The SWRCB will issue a waste discharge identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at:

www.waterboards.ca.gov > Water Issues > Programs > Stormwater
- 22.* AGREEMENTS: Enter into a land development improvement agreement with the County. Submit an engineer's estimate of probable construction cost prepared by a registered civil engineer with the all stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances based upon the estimate, sign the development agreement and pay necessary inspection and plan check fees, and provide County with a certificate of worker's compensation insurance. (C12-206)
- 23.* Enter into a deferred improvement agreement for the ultimate County improvement of Higuera Highland Lane.
- 24.** CONSTRUCTION AND STAKING: Construct all of the aforementioned improvements on site and within the ROW adjacent to the project site. Construction staking is required and shall be the responsibility of the developer.

ENVIRONMENTAL HEALTH:

Contact DARRIN LEE at (408) 299-5748 or (or darrin.lee@deh.sccgov.org) for details on the following conditions:

- 25.* Sewage disposal conditions have been determined for the following:

- a. A five (5)-bedroom single-family residence would require a minimum of 278 plus 278 lineal feet of subsurface drainline four (4) square feet of infiltrative space.
 - b. A six (6)-bedrooms would require a minimum of 313 plus 313 lineal feet of subsurface drainline utilizing four (4) square feet of infiltrative space.
26. The two drainline systems must be connected through a positive diversion valve. A 1,500-gallon septic tank will be sufficient to serve a six (6) bedroom single-family residence.

Note: Basement floor plan indicates a future bathroom: “provide rough plumbing for future bathroom”.

- 27.* 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 the Onsite Waste Water Treatment Ordinance. The original plans must be submitted to the Department of Environmental Health (DEH) for sign-off 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.

Any modification to the stamped approved septic system design which requires a subsequent review and approval by DEH will require the applicant to return all previously approved septic design plans to the district specialist prior to obtaining current design approval.

- 28.* State the proposed water source. If the water source is a well, call Ann Peden at 408 918-3480 for water system clearance. Additional fees may be required. A well log showing a 50-foot sanitary seal, pump test & water testing are required.
29. 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:

Contact MAC BALA at (408) 299-5763 or (or mac.bala@pln.sccgov.org) for details on the following conditions:

- 30.* 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.

- 31.* **ON-SITE WATER STORAGE:** Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply (e.g. onsite well, shared well); tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration.
- a. All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
 - b. A secondary aboveground storage tank dedicated to the wharf hydrant shall be provided in accordance with the following:
 - i. Structures up to 3,600 sq. ft: 5,000 gallons
 - ii. Structures 3,601-10,000 sq. ft: 10,000 gallons
 - iii. Structures 10,001-15,000 sq. ft: 30,000 gallons
 - iv. Structures over 15,000 sq. ft: 45,000 gallons
 - c. Above-ground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
 - d. Installation of aboveground storage tanks located less than 20 feet to a structure requires tanks to be of noncombustible construction.
 - e. Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.
 - f. Underground storage tanks and swimming pools shall not be accepted in place of aboveground storage tanks.
32. **WHARF HYDRANT:** One on-site wharf hydrant with 2 1/2-inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.
- a. Minimum distance to structure shall not be less than 55 feet from the closest portion of the structure and shall not exceed 150 feet from the farthest portion of the structure, measured along path of travel.

- b. Hydrant shall be installed within eight (8) feet of driving surface in a location acceptable to the Fire Marshal's Office.
 - c. Installation of a hydrant adjacent to a driveway (12 feet wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.
 - d. Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration. NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.
- 33. Fire protection water shall be made available to the fire department.
- 34. FIRE SPRINKLER SYSTEM: 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 finalized 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.
- 35. GENERAL ACCESS REQUIREMENTS: These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
 - a. Construction of access roads and driveways shall use good engineering practice.
 - b. 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.
- 36. ACCESS ROADS for fire department access: Road improvements to the private access road shall be per the civil drawings submitted by Yang Consulting Group (project number 153000) dated 2/17/16.
- 37. 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 feet with 14 feet of unobstructed horizontal clearance.

- 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:* Per PRC 4290: Horizontal inside radius minimum 50 feet.
 - d. *Grade:* Maximum grade shall not exceed 16%.
 - e. *Surface:* All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.
 - f. *Turnouts:* Passing turnouts in compliance with PRC 4290 shall be provided at every 400 feet and wherever hydrants are placed adjacent to driveways.
 - g. *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-foot by 48-foot pad, hammerhead, or bulb of 40-foot radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
 - h. *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.
38. Property is located within the San Jose Fire Department response area and State response area (served by Cal Fire).
39. 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 the standard requirement. Detail shall be included in plans submitted for building permit. The green roof being proposed may require an "Alternate Means" authorization from the Fire Marshal's Office.
 - 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.

40. MAINTENANCE: Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.
41. 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.

GEOLOGY:

Contact JIM BAKER at (408) 299-5774 or (or jim.baker@pln.sccgov.org) for details on the following conditions:

- 42.* Submit a geotechnical engineer's plan-review letter that confirms the plans conform with the intent of the recommendations presented in the approved geologic/ geotechnical report.

BUILDING INSPECTION:

Contact BUILDING INSPECTION OFFICE at (408) 299-5700 for details on the following conditions:

43. At the time an application is filed for a building permit, a checklist from either LEED for Homes or Build it Green (GreenPoint) will be required. The checklist must demonstrate compliance with the Santa Clara County Green Building Ordinance (§ C3-50).