

County of Santa Clara

Department of Planning and Development
Planning Office

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STAFF REPORT Zoning Administration April 8, 2021 **Public Hearing Item No. 2**

Staff contact: Robert Salisbury, Senior Planner
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PLN17-10641-MOD1 (Kim 2-lot Subdivision) Minor Modification of Subdivision and Grading Approval for a two-lot subdivision.

Summary: Minor modification of a Minor Subdivision and Grading Approval to revise project Conditions of Approval related to off-site road improvements and driveways.

Owner:	Nam Kim	General Plan Designation:	Rural Residential
Applicant:	Hanna-Brunetti Associates, Inc.	Zoning:	RR-d1
Address:	McKean Road, San Jose	Lot size:	13.9 acres
APN:	708-36-020	Present Land Use:	Residential
Supervisory District:	5	HCP:	Yes
Urban Service Area:	None		

RECOMMENDED ACTIONS

- A. Accept the Initial Study/Negative Declaration Addendum prepared for the project; and
- B. Grant Subdivision and Grading Approval Minor Modification, subject to Conditions of Approval outlined in Attachment B.

ATTACHMENTS

Attachment A – Initial Study/Negative Declaration Addendum

Attachment B – Proposed Subdivision and Grading Minor Modification Conditions of Approval

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

Attachment C – Location & Vicinity Map
Attachment D – Revised Improvement Plan
Attachment E – Staff Report for June 7, 2019 Subdivision and Grading Approval
Attachment F – Initial Study/ Negative Declaration for June 7, 2019 Subdivision and Grading Approval

PROJECT DESCRIPTION

The project consists of a Minor Modification of a Minor Subdivision and Grading Approval to revise project Conditions of Approval related to off-site road improvements and driveways. Specifically, the property owner is requesting modification of Condition of Approval No. 34 (A), which requires the Applicant to improve the intersection of Timothy Lane and McKean Road to County standard. The modified condition would require the Applicant to improve only the west side of the intersection to County standard.

The original project, consisting of subdivision and Grading approval to subdivide an approximately 13.9-acre lot into two (2) lots, was approved by the Zoning Administrator on June 7, 2019. CEQA clearance for the project was provided by an Initial Study/Negative Declaration approved by the Zoning Administrator on June 7, 2019.

REASONS FOR RECOMMENDATION

A. Environmental Review and Determination (CEQA)

The environmental impacts of the original project were evaluated in the Initial Study/Negative Declaration prepared by staff for the project entitled “Kim Subdivision”. The Initial Study/Negative Declaration did not reveal any significant environmental impacts from the project.

The proposed project, a Minor Modification to Conditions of Approval related to driveway and off-street road improvements, has been evaluated under CEQA and the Department is proposing use of an Addendum to the 2019 Initial Study/Negative Declaration for CEQA compliance.

According to Section 15164 (b) of the CEQA Statute and Guidelines, an Addendum to an adopted negative declaration may be prepared to accommodate minor technical changes or additions if none of the following circumstances occurs:

- Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative

The Department has evaluated the proposed modification and changes in the environmental setting surrounding the site (since 2019) to determine if implementation of the proposed subdivision and grading approval modification would result in any new significant environmental impacts that were not previously evaluated in the 2019 Negative Declaration, consistent with the provisions above. The analysis within the Addendum (Attachment C) supports the conclusion that only minor revisions to the 2019 IS/ND are required and no changes have occurred that affect the environmental impacts or the severity of environmental impacts previously identified in the 2019 IS/ND, and therefore for the proposed project does not need subsequent or supplemental environmental review.

As such, pursuant to the California Environmental Quality Act (CEQA), staff recommends approval of the Negative Declaration Addendum, and no further environmental review is required. It should be noted that additional environmental review under CEQA may be required for the residences at the time each subdivided property proposes development.

B. Project/Proposal

As noted above, the project consists of a Minor Modification of a Minor Subdivision and Grading Approval to revise project Conditions of Approval related to off-site road improvements and driveways. Specifically, the property owner is requesting modification of Condition of Approval No. 34 (A), which requires the Applicant to improve the intersection of Timothy Lane and McKean Road to County standard, to instead require the Applicant to improve only the west side of the intersection to County standard. In addition, the Applicant is proposing to defer construction of the driveway to Lot B until such time as Lot B is developed, as shown on the revised improvement plan (Attachment D).

The property owner requested modification of Condition of Approval No. 34 (A) due to the costs associated with improving the Timothy Lane / McKean Road intersection to full County standard. Improvement of this intersection requires power pole relocation and other

costly site work, and the property owner asked that the improvement requirement be reduced to be more proportionate to the cost of the 2-lot minor subdivision. The Department of Roads and Airports, the County Department that required the intersection improvement, has agreed to the proposed modification.

C. Subdivision Ordinance

This subdivision modification has been reviewed in accordance with the Subdivisions and Land Development Ordinance Section C12-122 of the County of Santa Clara Ordinance Code, and the State Subdivision Map Act. Pursuant to these standards, the Zoning Administrator shall *deny* approval of a tentative or final subdivision map if it makes any of the following seven (7) findings outlined below. Staff has determined that none of the following findings are applicable to the proposed subdivision modification, resulting in a favorable recommendation by staff to approve the project. The justification for this determination, for each of the following findings, can be found below:

1. That the proposed map is not consistent with applicable general and specific plans.

The proposed Tentative Map would result in the subdivision of an existing 13.9-gross-acre parcel into two (2) lots of 8.0, and 5.9 acres respectively. The property is presently zoned RR-d1 and has a General Plan designation of Rural Residential. The required minimum lot size is 5.9 acres, as specified by the 5-20-acre slope density formula based on a calculated average slope of 15%. Proposed building sites have been shown on the Tentative Map to demonstrate site feasibility, and the proposed lot sizes and proposed locations are consistent with the Santa Clara County General Plan and the County Zoning Ordinance. The proposed modification of Conditions of Approval related to driveway construction and intersection improvements do not change the approved subdivision in such a way as to cause the approved map to be inconsistent with applicable general and specific plans. As such, this finding cannot be made, and the Minor Modification can be supported by Staff.

2. That the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans.

There are no Specific Plans which pertain to the project; however, the Santa Clara County General Plan contains several policies which pertain to subdivision projects. General Plan Policy R-GD 26 strongly discourages the following: excessive, non-essential grading, such as grading to create the largest possible building pad or yard; hilltop removal; creation of multiple driveways serving individual parcels; or wider than necessary driveways. General Plan Policy R-GD 32 specifies that land should not be subdivided in such a way that building sites are located on ridgelines.

The proposed project conforms with these General Plan policies and Section C12-21 of the County Ordinance Code, which specifies subdivision design standards, requiring side lines of lots to run at right angles to the street upon which it faces as far as practicable, and requiring lots to generally have a maximum depth to width ratio of three-to-one. In this case, the irregular lot configuration and lot shapes proposed are a function of the

irregular shape of the subject property, and the location of the existing road which will provide access to each proposed lot. In addition, the lot configuration proposed was necessary in order to meet the required minimum lot size, create lots with relatively flat potential building sites and suitable septic locations, and to minimize impacts to the existing agricultural use of the property. The prospective building sites on both proposed parcels do not require excessive grading and are not sited on ridgelines. When development of each parcel is proposed, Design Review approval will be required, ensuring conformance to these General Plan policies and requirements for the -d1 combining district.

The subdivision improvements are minimal and limited to driveways, fire suppression and firetruck turnarounds, thus, maintaining consistency with the General Plan. The proposed modification, which defers Lot B driveway construction until such time as Lot B is developed, and requires improvement of the western half of the Timothy Lane - McKean Road intersection rather than the entirety of the intersection, do not change the approved subdivision in such a way as to cause it to be inconsistent with applicable general and specific plans. As such, this finding cannot be made, and Staff can support the Minor Modification.

3. That the site is not physically suitable for the type of development.

The project site is moderately sloping, with an average slope of 15.1 %, and is located within a County landslide hazard zone and a State earthquake induced landslide seismic hazard zone. However, a geologic report was prepared for the project, which concluded that these hazards could be minimized by following specific engineering and design recommendations. The County geologist reviewed the geologic report and concluded that the report demonstrates that the proposed building sites are feasible, and that the hazards can be adequately addressed by adherence to the provided recommendations. The project has been conditioned to require the submittal of a grading plan review letter from the consulting geologist which confirms that the plans conform with the recommendations presented in the approved geologic report, and to require a construction observations letter that verifies the work was completed in accordance with the approved plans. The project site contains sufficient area for creation of two (2) lots which meet the minimum required lots size of 5.9 acres, and the proposed lots have been designed such that suitable building envelopes exist on each lot, illustrating potential future buildable areas for a single-family residence on each lot that meets the setbacks required by the Zoning Ordinance.

Additionally, each proposed lot has been tested for septic system suitability, and the Department of Environmental Health has reviewed the application and determined that adequate septic systems can be developed on each proposed lot. The project has also been reviewed by the County Fire Marshal and conditioned to require future residences developed on the two proposed lots include interior fire suppression sprinklers. Access to the two proposed lots is available, and there are no physical or geographic features which would significantly impede or prevent the proposed subdivision and subsequent residential development.

The proposed modification to Conditions of Approval related to driveway construction and intersection improvement do not change this finding. The site is physically suited to the modified development proposal. As such, Staff cannot make this finding and can support the Minor Modification request.

4. That the site is not physically suitable for the proposed density of development.

The property is 13.9 gross acres in size and has a zoning designation of RR-d1. County Zoning Ordinance § 2.20.080 specifies that the minimum lot size for the purposes of subdivision shall be based on the 5-20-acre slope density formula. With an average slope of 15.1%, the minimum lot size is 5.9 acres, and the project will create lots of 5.9, and 8.0 acres respectively, meeting the minimum lot size required. A suitable building site with an average slope of less than 30% is available on each lot, and the percolation tests and soil profiles required by the Department of Environmental Health indicate that suitable septic systems can be created on each lot. The site is physically suited for the proposed density of development. Overall, the proposed density would be consistent with the General Plan Slope Density requirement.

The proposed modification does not increase or otherwise modify the density of development, and the site remains physically suited for the proposed density of development. As such, Staff cannot make this finding and can support the Minor Modification request.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is moderately sloping, with an average slope of 15.1% and has a mix of Grain, Row-crop and Rural Residential land covers as specified by the Habitat Plan. The project is a covered project under the Santa Clara Valley Habitat Plan, and the project site does not contain any sensitive land covers and does not contain any endangered species not covered by the Habitat Plan.

The modified subdivision and associated improvements are not likely to cause substantial environmental impacts or injure fish, wildlife, or their habitat. As such, Staff cannot make this finding and can support the Minor Modification request.

6. That the design of the *subdivision* or the type of improvements is likely to cause serious public health problems.

As conditioned by the Department of Environmental Health, the proposed lots will be approved building sites, and will be served by on-site septic disposal systems that have been approved by the Department of Environmental Health. Water will be provided by connection to the local water purveyor. The ultimate construction and installation of the subdivision improvements, including access road, and associated retaining walls, and two

(2) additional homes on the project site, will not create significant, long-term traffic, noise or air quality impacts following construction.

The proposed modification does not impact or change the proposed septic system or water supply. As modified, the design of the subdivision and the proposed improvements will not cause any serious public health problems. As such, Staff cannot make this finding and can support the Minor Modification request.

7. That the design of the *subdivision* or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed *subdivision*.

For any permit application, a site plan must be submitted which must show all easements which encumber the subject parcel(s). The submitted tentative map shows all existing and proposed easements on the subject parcel, and a review of all available maps and a review of the submitted subdivision map by Staff, confirms that the design of the subdivision and proposed improvements will not conflict with any existing easements on the property.

Access to both proposed lots be from a private access Road (Walton Lane) stemming from a publicly maintained road (Timothy Lane). The proposed subdivision, as modified, will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision. As such, Staff cannot make this finding and can support the Minor Modification request.

D. Grading Findings:

The project complies with the Grading Ordinance findings as discussed below. All Grading Approvals are discretionary approvals subject to findings pursuant to Section C12-433 of the County Ordinance. The findings are in **bold**, and an explanation of how this project meets the required findings is presented in plain text. The decision-maker may grant the Grading Approval if it makes all of the following findings:

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 proposed project consists of a two (2) lot subdivision, and construction of required subdivision improvements. The base zoning district is Rural Residential, and the proposed use, single-family residential, is allowed by right in this zoning district. A total of 654 cubic yards of cut, and 563 cubic yards of fill is required for the proposed subdivision improvements, which include access road improvements, and a driveway to the future home site on Lot A. The proposed modification defers construction of the driveway serving Lot B until such time as Lot B is developed.

Potential future building sites have been identified on the two (2) proposed, and these sites are located on flatter portions of the respective subdivided parcels, in relatively close proximity to the access road. While future development of the proposed lots will not

necessarily be required to develop within the exact locations identified, any proposed future development will be reviewed to ensure that the proposed location and design of each residence minimizes the grading necessary for development. As such, Staff can make this finding and can support the Minor Modification request.

2. The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.

No excessive material will be deposited onsite. All excess grading will be hauled to a County-approved disposal site. Any grading permits required for site – specific residential development outside of grading for the subdivision improvements, will be separately reviewed and approved by the County at the time of development. The applicant is required to apply for a Grading Permit subsequent to the Grading Approval, which is a component of this application. The Grading Permit will be reviewed by the Land Development Engineering Division to ensure that all grading is conducted appropriately using Best Management Practices. This will ensure that the proposed grading will not endanger public or private property or endanger public health and safety.

There are no springs or water courses located on the subject property, however Calero Creek is located approximately 90 ft. away from the northernmost corner of the property. However, the proposed building locations, septic systems, and all subdivision improvements are proposed primarily on the southern portions of the property; the nearest proposed improvement, the septic system for proposed parcel A, is approximately 400 ft. from Calero Creek. As a result, the proposed grading will not impair any spring or existing watercourse. As such, Staff can make this finding and can support the Minor Modification request.

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

The project consists of a proposed two (2) lot subdivision and construction of required subdivision improvements. The prospective building locations on each lot have been situated on the flatter portions of each lot, and near an existing private road (Walton Lane), which will minimize the length of driveway and the amount of grading needed for the required improvements. GIS analysis confirmed that no large retaining walls, grading or future residences would have adverse impacts to the viewshed. Beyond that, future residences will go through Design review in accordance with -D1 policies. The U.S Fish & Wildlife Service Department map and CNDDDB database show no known raptor, migratory birds, or special-status species on the project site. The project site does not contain any wetland resources and therefore the project will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act. The site is not currently used as a migratory wildlife corridor and does not contain a native wildlife nursery site.

The proposed modification, which defers Lot B driveway construction until such time as Lot B is developed, and requires improvement of the western half of the Timothy Lane - McKean Road intersection rather than the entirety of the intersection, would not cause new impacts to the natural landscape or scenic, biological, or aquatic resources. As such, Staff can make this finding and can support the Minor Modification request.

- 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 grading associated with the project is primarily for the required access road improvements and fire truck turnaround, which have been situated near an existing private access road (Walton Lane). While no residential development is currently proposed, prospective building sites have been identified on each proposed lot which generally minimize grading due to their location on the flatter portions of each proposed lot, and their relative proximity to the access road. When development of each lot is proposed, Design Review approval will be required, and Grading Approval will also be required if grading quantities exceed the thresholds stipulated by County Ordinance. Overall, the subdivision design, including the proposed building sites, minimizes grading in comparison with other available development sites. As such, Staff can make this finding and can support the Minor Modification request.

- 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 access to each proposed lot will be from an existing private road, which is being improved to full County standard based on the number of lots taking access from the private road. Utilization of the existing access road ensures that the grading plan conforms to the existing terrain and topography of the site to the maximum extent possible and ensures that no new significant visual scar will be created by the proposed subdivision and future residences. The County requires that all utilities shall be placed underground, which also minimizes negative aesthetic impacts. In addition, when development of each lot is proposed, Design Review approval will be required, and the grading necessary to develop the residences and driveways will be reviewed to ensure that no significant visual impact will occur. As such, Staff can make this finding and can support the Minor Modification request.

- 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 and the County Ordinance Code. The proposed project is designed to minimize grading and to reduce visual impacts to surrounding uses to the maximum extent possible, in keeping with County policies and standards. The subject property is located within the County's Zoning Santa Clara Valley Viewshed Design

Review Combining District (-d1), which was created to implement viewshed protection policies identified in the County General Plan. Future development on -d1 designated viewshed parcels will be subject to the County's -d1 combining district development standards, which aim to protect viewshed impacts to the Valley Floor. Projects which receive Design Review approval are generally considered to have no negative affect on the viewshed and scenic resources. The proposed subdivision improvements do not require Design Review approval, however, when each lot is developed, Design Review approval will be required. As such, Staff can make this finding and can support the Minor Modification request.

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

The proposed project substantially conforms to the guidelines specified in the *Guidelines for Grading and Hillside Development*, which contains guidelines with respect to siting, road design, building form and design, and landform grading. The access road is proposed where an existing driveway is already located. Each proposed lot contains a suitable building location which conforms to the Guidelines for Grading and Hillside Development, and when each lot is developed, Design Review will be required, which will ensure that unsuitable locations are not selected. As such, Staff can make this finding and can support the Minor Modification request.

E. Additional Information

The project is located within the State Response Area, is subject to CalFire review, and must meet the requirements specified by PRC 4290. The subdivision and the proposed modification was reviewed by Chief Marcus Hernandez for compliance with PRC 4290 requirements, and he determined that the subdivision and proposed modification meet those requirements.

BACKGROUND

On August 8, 2017, an application for Subdivision and Grading approval was submitted. The combined application was deemed complete on July 9, 2018, and the project was approved by the Zoning Administrator on June 7, 2019.

On December 16, 2020, an application for Minor Modification to a Minor Subdivision and Grading Approval was submitted. The application was deemed complete on December 15, 2020. A public notice was mailed to property owners within a 300 ft. radius and published in the Post Record Newspaper on March 29, 2021.

STAFF REPORT REVIEW

Prepared by Robert Salisbury, Senior Planner
Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator

DS
RS



County of Santa Clara

Department of Planning and Development

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San Jose, California 95110



ADDENDUM TO A NEGATIVE DECLARATION

Pursuant to Section 15164(b) of the CEQA Guidelines, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred. The County of Santa Clara has determined that the project modifications described below require only minor revisions to the previously adopted negative declaration (ND) and does not meet any of the conditions described in Section 15162 and therefore does not require the preparation of a subsequent ND.

Project Name: Minor modification of an approved 2-lot Minor Subdivision Tentative Map and Grading Approval.

Project Type: Minor Modification of Tentative Map

Project Proponent/ Lead Agency: County of Santa Clara

PROJECT DESCRIPTION

On June 12, 2019, the Zoning Administrator for the County of Santa Clara ("Zoning Administrator") approved a tentative map and grading approval for a 2-lot minor subdivision, that subdivided an approximately 13.9-acre lot into two (2) lots, Parcel A (8.0 acres) and Parcel B (5.9 acres) (File No. PLN16-10741). A related Initial Study and Negative Declaration ("IS/ND") was also prepared by the Department of Planning and Development ("Department") and approved by the Zoning Administrator on June 12, 2019.

Subsequent to that approval, the property owner applied for a minor modification to replace a single project Condition of Approval (COA) and defer construction of a driveway serving Lot B until such time as Lot B is developed. Specifically, the property owner is requesting modification of condition of approval 34 (A), which requires the applicant to improve the intersection of Timothy Land and McKean Road to County standard, to instead require the applicant to improve the only the west side of the intersection to County standard.

BACKGROUND AND SUMMARY OF FINDINGS

According to Section 15164 (b) of the CEQA Statute and Guidelines, an Addendum to an adopted negative declaration may be prepared to accommodate for minor technical changes or additions and if none of the following circumstances identified in Section 15162 occur:

- Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous negative declaration;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous negative declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

ENVIRONMENTAL ANALYSIS

A. The IS/ND Adequately Addresses All Possible Environmental Impacts of The Proposed Project.

The 2019 Initial Study/Negative Declaration evaluated the following topics from the Environmental Checklist and concluded there is no potential for significant environmental impact to occur either from construction, operation or maintenance of the proposed project. The current project was also evaluated against the current CEQA Appendix G thresholds for new or more severe environmental impacts. The Planning Department has determined that the conclusion and analysis from the prior ND are sufficient.

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Cultural Resources
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services
- Resources and Recreation
- Traffic
- Utilities and Service Systems
- Water Quality

B. No substantial changes have occurred with respect to the circumstances under which the project was undertaken which will result in the identification of new significant impacts.

As described above, the project is a proposed minor modification to Conditions of Approval for an approved minor subdivision and grading approval. The property owner is proposing to defer construction of a driveway serving Lot B until such time as Lot B is developed, and requesting modification of a condition of approval that currently requires improvement of the intersection of Timothy Lane and McKean Road to County standard.

Since the project was approved in 2019, there have been no substantial changes to the circumstances under which the project was undertaken that will result in identification of new significant impact. In addition, the proposed modification will not cause new significant impacts. The original Condition of Approval was not a mitigation measure meant to address traffic or other impacts. Instead, the condition was added in order to bring the Timothy Lane and McKean Road intersection up to current County design standards. The proposed modified condition requires the property owner to improve half of the intersection to County standard.

C. There is no new information which shows that the project will have new significant impacts or mitigation measures and alternatives which were previously found to be infeasible would now in fact be feasible.

The IS/ND for the original project determined that the construction of required subdivision improvements and the resultant single family residential development of the single net lot would not cause any significant environmental impacts, and that no mitigation measures were required. Since project and IS/ND approval on June 12, 2019, there is no new information that shows the project or the proposed modification will have significant impacts.

In addition, the proposed modification will not cause any new significant impacts requiring mitigation. The proposed modification will defer certain improvements (intersection improvements and Lot B driveway construction) to a future date but does not otherwise change the scope of the project.

CONCLUSION

Based on the analysis above, the modified project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects, either because of the project modifications or with respect to the circumstances under which the project would be undertaken.

Prepared by: Robert Salisbury, Senior Planner	DocuSigned by:  C140DFC15151	4/2/2021 Date
Approved by: Leza Mikhail, Principal Planner	 Signature	4-1-2021 Date

SUBDIVISION AND GRADING CONDITIONS OF APPROVAL

Date: April 8, 2021

Owner/Applicant: Nam Kim / Amanda Musy-Verdel

Location: McKean Road, San Jose (APN: 708-36-020)

File Number: PLN17-10641-MOD1

CEQA: IS/ND Addendum

Project Description: Minor modification of an approved 2-lot Subdivision and Grading Approval to reduce off-street road improvements and defer construction of Lot B driveway until a residence is constructed.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Robert Salisbury	(408) 299- 5795	robert.salisbury@pln.sccgov.org
Habitat Plan	Joanna Wilk	(408) 299-5790	joanna.wilk@pln.sccgov.org
Land Development Engineering	Darrell Wong	(408) 299 – 5735	darrell.wong@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Environmental Health	Darrin Lee	(408) 299-5748	Darrin.lee@deh.sccgov.org
Geology	Jim Baker	(408) 299-5774	Jim.baker@pln.sccgov.org

STANDARD CONDITIONS OF APPROVAL

Planning

1. Parcel configuration shall be as shown on the tentative map prepared by Carnes & Associates and received by the Planning Office on June 8, 2018. Grading shall be shown on the improvement plans prepared by Hanna-Brunetti and received by the Planning Office on November 25, 2020.
2. In the event that previously unidentified historic or prehistoric archaeological resources are discovered during grading and/or construction activities, work shall be temporarily halted in the vicinity of the discovered materials. Workers shall not alter or disturb the materials and their context until a qualified professional archaeologist has evaluated the materials and provided recommendations for treatment/preservation and documentation

of the discovered archaeological and/or Native American resources. Documentation of treatment of the resources shall be submitted to the County Department of Planning and Development staff upon completion of construction.

3. Zoning is RR-d1. Future residential development of Parcels A and B is subject to Design Review.

Fire Marshal's Office

4. New residential homes will require fire sprinklers as a deferred submittal at the building permit submittal.
5. Construction of the roadway improvements (i.e., access road, width, grade, surface, turnaround) as well as fire protection infrastructure (water main and hydrant) shall be completed prior to Building Permit issuance for any development.
6. Property is within the State Response Area (SRA) and Wildland Urban Interface (WUI).
 - A. Defensible space is to be maintained.
 - B. Structures to meet WUI building construction requirements.

Department of Environmental Health

7. 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.
8. At the time of development of each lot, a septic system conforming to the prevailing Onsite Wastewater Treatment System Ordinance shall be designed based on the tested percolation rates listed above and shall be located within the percolation and soil profile area, as specified by the Ordinance.

Percolation and soil profile testing have been conducted for each proposed lot, and suitable septic systems can be developed on each. The following percolation rates were identified for each lot:

Lot A – 31 minutes per inch.

Lot B – 61 minutes per inch.

9. 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 Santa Clara County Onsite Manual. 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. The submittal must also include a complete set of floor plans. Contact Ross Kakinami at 408-918-3479 for signoff.

Be advised that 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.

10. At the time of application for a building permit, submit a water will serve letter from Great Oaks Water Company for each developing parcel.
11. Garbage service in the unincorporated areas of Santa Clara County is mandatory, and proof of garbage service will be required prior to granting of final occupancy of each future residence.

Land Development Engineering

12. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to adjoining property.
13. 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 and recordation of the map. The process for obtaining a Grading Permit and the forms that are required can be found at the following web page;

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

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

14. 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.
15. 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, County of Santa Clara, Roads and Airports Department

www.sccgov.org/sites/rda > Published Standards, Specifications, 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

Department of Roads & Airports

16. ENCROACHMENT PERMIT: Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit prior to any work performed in the County Road Right of Way (ROW) and prior to Building Permit issuance. The Encroachment Permit application shall contain all the elements indicated in "IMPROVEMENT PLANS" below and in Roads and Airports' "ENCROACHMENT PERMIT APPLICATION PROCESS & INFORMATION" handout. 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.

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

Planning

17. **Prior to issuance of grading permit**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development

Geology

18. **Prior to issuance of a grading permit**, submit a Geotechnical Engineer's Plan Review Letter that confirms the plans conform with the recommendations presented in Upp Geotechnology's "Geologic and Geotechnical Study" report (dated 7-19-2016).

Land Development Engineering **Plan Review and Process**

19. 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.

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 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

22. 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.
23. 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.

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 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)

Soils and Geology

25. Submit one copy of the signed and stamped of the 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 plan.

Notice of Intent

27. This project may disturb one acre (43,560 square feet) or greater of land area. Provide a detailed accounting and calculation showing the final area disturbed with this project. If the above calculation indicates more than one acre of disturbed land area, the Owner shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Information is available from the SWRCB web site:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml

Road Improvements

28. Provide a SD16 turnaround at the end of the road where the road ceases to serve more than two parcels.
29. Provide a SD16 turnaround at the end of the driveway for the home site on each parcel.
30. Provide a SD5 single lot driveway from the area of the end of road turnaround to access the two home sites.

Drainage

31. 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.

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

Utilities

33. 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.

34. Provide letters from the utility companies stating that all easements and financial obligations have been satisfied. These shall include:

1. Gas Company
2. Electric Company
3. Telephone Company
4. Water Company

(Contact the utility companies immediately as these clearances may require over 90 days to acquire.)

Storm Water Treatment - SF Bay watershed

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)

Soils and Geology

36. Submit **one hard copy and one electronic copy** of the signed and stamped of the geotechnical report for the project.

37. 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.

Dedications and Easements

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

Agreements

39. Enter into a deferred improvement agreement for the ultimate County improvement of the unnamed access road.

Notice of Intent

40. This project may disturb one acre (43,560 square feet) or greater of land area. Provide a detailed accounting and calculation showing the final area disturbed with this project. If the above calculation indicates more than one acre of disturbed land area, the Owner shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Information is available from the SWRCB web site:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml

Department of Roads & Airports

41. IMPROVEMENT PLANS: Preliminary plans prepared by RI Engineering, Inc., and received on August 8, 2017, by the Santa Clara County Planning Office have been reviewed. Submit final improvement plans prepared by a licensed civil engineer for review and approval prior to Grading Permit issuance. Include plan, profile, typical sections, contour grading and drainage for all construction improvements located within the ROW.

Design shall be consistent with County Ordinance, Roads and Airports Standard Details Manual, and the Santa Clara County Drainage Manual. Final Improvement Plans shall include the following:

- A. Reconstruction of the westerly half of the intersection of McKean Road and Timothy Lane to County Standard A/4.
- B. Show the relocation of any existing utility facilities or other ROW features necessary to meet the intersection standard.
- C. Show all existing and proposed features located within the ROW, including but not limited to, edge of pavement, ROW line, above and below ground utility lines, easements, drainage facilities, trees, landscaping, and other structures and features. All utility relocations, replacements, abandonments, temporary facilities, and new facilities shall be shown.
- D. Provide for the uninterrupted flow of water in swales and natural courses within the ROW. No fill or crossing of any drainage facilities is allowed unless shown on the approved plans.
- E. Demonstrate that the post development maximum flow rate onto the County Road ROW is equal or less than the pre-development corresponding storm event flow rate. If this cannot be demonstrated, a detention/retention system shall be located outside the County Road ROW.
- F. Provide an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period within the ROW in accordance with Municipal Regional Permit.
- G. Provide a Site Specific Traffic Control Plan or "Typical Application" from Part 6 Temporary Traffic Control of the 2012 Edition Manual Uniform Traffic Control Devices to demonstrate traffic handling during construction as appropriate.

CONDITIONS OF APPROVAL TO BE COMPLETED ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT

Land Development Engineering

- 42. 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.
- 43. Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO MAP
RECORDATION**

Habitat Plan

44. Development of parcels shall be subject to the Santa Clara Valley Habitat Plan coverage and applicable fees at the time development applications for each parcel are submitted to the County. **Prior to recordation of the Final Parcel Map**, a note shall be placed on the signature sheet that states, "Development of parcels shall comply with the Santa Clara Valley Habitat Conservation Plan."

Geology

45. Submit a Construction Observations Letter that verifies the work was completed in accordance with the approved plans.

Department of Environmental Health

46. **Prior to recordation of the Final Map**, obtain and provide a water will serve letter from the Great Oaks Water Company for each of the proposed parcels (A, B).

**Land Development Engineering
Maps**

47. Prepare and submit a Parcel Map for review and approval by the County Surveyor.
48. Parcels A and B shall be surveyed by a Licensed Land Surveyor or Registered Civil Engineer. Monuments shall be set, reset, or verified in accordance with County standards, the California Subdivision Map Act, and/or the California Land Surveyor's Act map recordation.
49. 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.
50. The new lot line for parcels A and B must be surveyed and monumented by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying. The remainder of the parcel boundaries may be compiled from record data. The work and map must conform to the California Subdivision Map Act and County Ordinances.
51. Indicate on the Parcel Map all applicable easements affecting the parcel(s) with benefactors and recording information.

Agreements

52. Enter into a deferred improvement agreement for the ultimate County improvement of the unnamed access road.

Dedications and Easements

53. The following offers to dedicate easements shall be submitted to LDE. All easement dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County Surveyor's Office.
- a. Offer to dedicate a curvilinear half bulb right-of-way to the public and the County for public road purposes to encompass the end of road turnaround.
54. Submit 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. All widening of the road Should access not exist, submit signed, notarized, and recorded agreements to grant rights-of-ingress and egress.

Bonds

55. A monument bond shall be posted prior to recording the parcel map.
56. 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 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).
57. The owner shall post a performance bond for permitted grading improvements. The bond amount shall be based on the County's estimate of probable construction cost. The performance bond may be in the form of cash deposit, assignment of a savings account or CD, a surety from an insurance company, or a letter of credit.

Monumentation and Access

58. Survey monuments shall be shown on the map and 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 maps and/or plans. Survey monuments shall be set pursuant to the State Land Surveyor's Act as determined by the County Surveyor. 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.

59. Submit 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. Should access not exist, submit signed, notarized, and recorded agreements to grant rights-of-ingress and egress.

Soils and Geology

60. Submit one copy of the geotechnical report for the improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to Land Development Engineering.
61. Submit a plan review letter by the Project Certified Engineering Geologist certifying that the geologic issues identified in the project geologic report have been mitigated on the improvement or grading plan. This letter shall be submitted to Land Development Engineering and reviewed by the County Geologist.

Fire Marshal's Office

62. Fire Department Access (to meet PRC-4290 and CFMO-A1).

- A. Access roads serving 3 or more developed lots are to have a 20 ft drivable width, driveways serving 2 or less developed lots are to have a 12 ft drivable width.
- B. Access to be made of an "all weather" material capable of holding 75,000 pounds.
- C. Maximum grade of access to be 16%.
- D. Fire department turnouts to be installed near midway point of driveways that are greater than 150 ft in length, but shorter than 800 ft Per PRC-4290. Driveways greater than 800 ft require turnouts with maximum spacing of 400 ft.
- E. Fire department turnarounds required for driveways longer than 150 ft. in length. Turnarounds to meet CFMO-SD16. Driveways longer than 300 ft will need to meet CFMO-SD16 and PRC-4290. CFMO-SD16 turnarounds "A" and "C" with a 40 ft radius meet both of these requirements.
- F. Interior turning radius of 50 ft required.

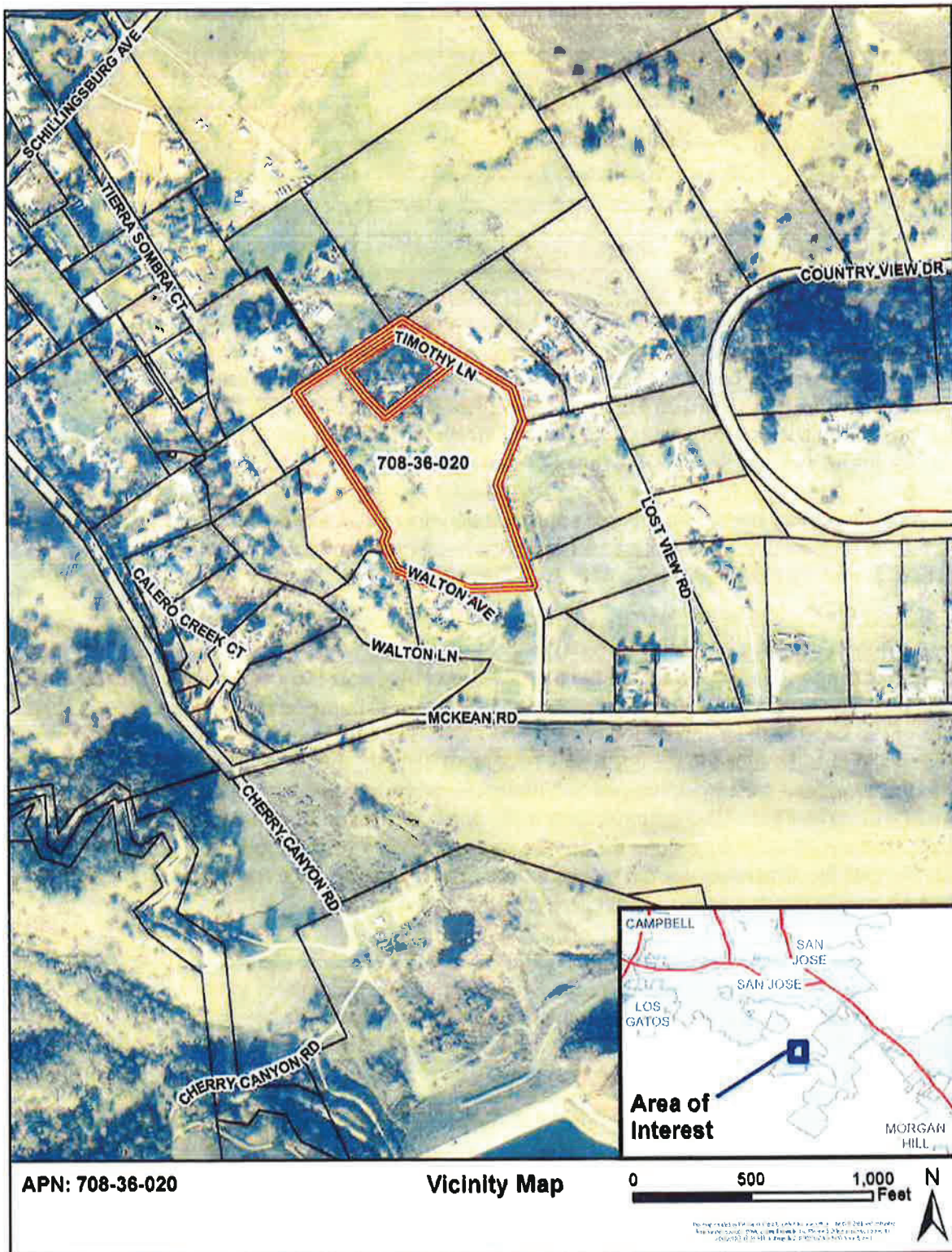
63. Fire Department Water Supply

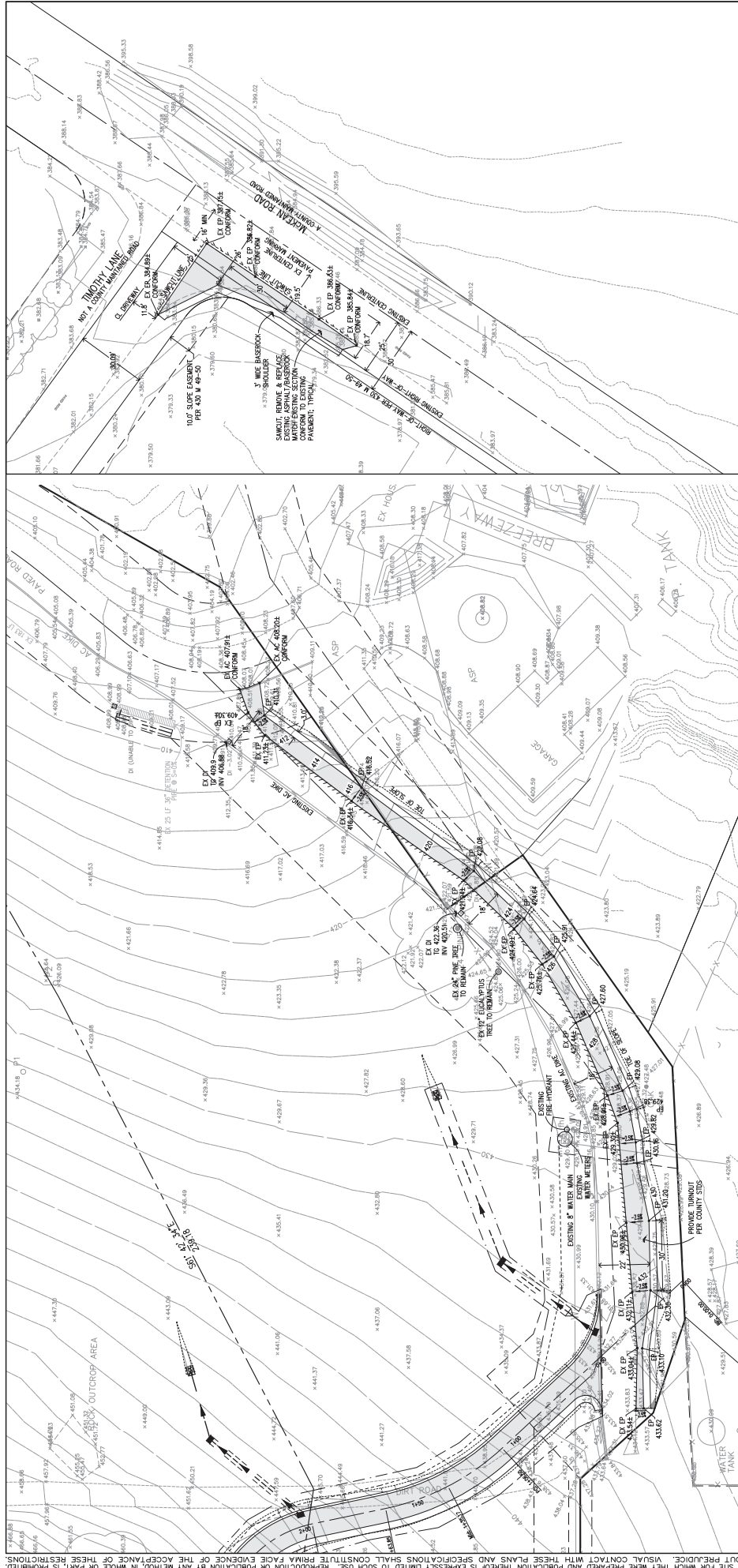
- A. Standard fire hydrants meeting required flow of CFC Appendix B are to be located within 400 ft of non-sprinklered structures and 600 ft of sprinklered structures.
- B. Above ground water tanks and wharf hydrants to be installed per CFMO-W1, W4 and W5 if water purveyor supplied standard hydrants aren't available.

Department of Roads & Airports

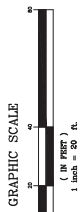
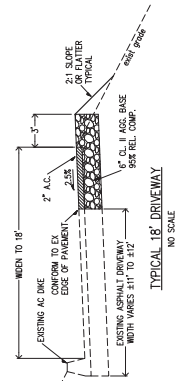
64. Construct the required off-street road improvements to the satisfaction of the Roads and Airports Department.

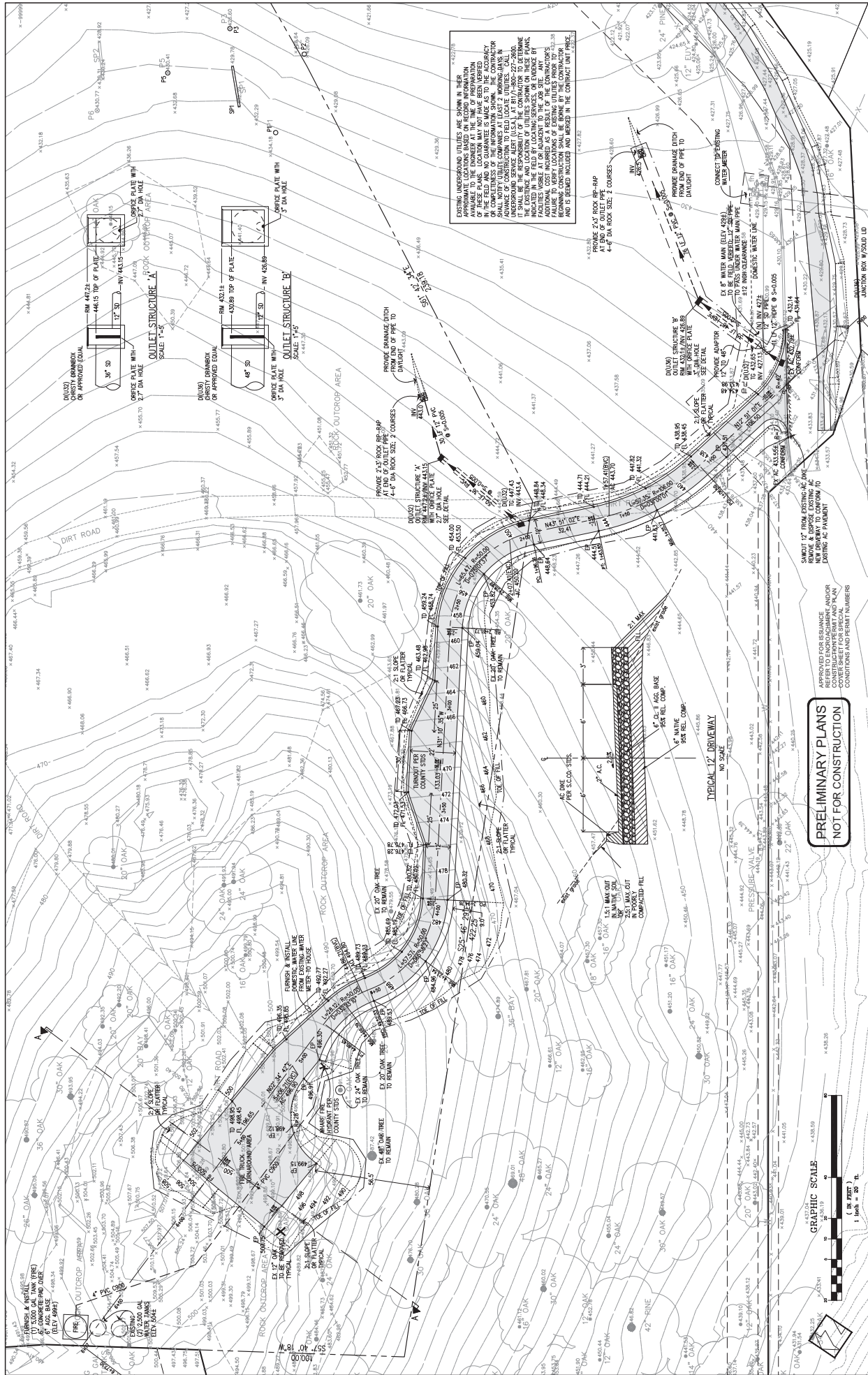
Figure 1 - Project Location





EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON RECORD INFORMATION. THE EXACT LOCATION MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES IN ADVANCE OF CONSTRUCTION TO PREVENT LOCATE UTILITIES CALL AN UNDERGROUND SERVICE ALERT (U.S.A.) AT 811/1-800-227-2680. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATION OF ALL UTILITIES IN ADVANCE OF CONSTRUCTION. UTILITIES VISIBLE AT OR ADJACENT TO THE JOB SITE, ANY FACILITIES VISIBLE AT OR ADJACENT TO THE JOB SITE, ANY ADDITIONAL COST INCURRED AS A RESULT OF THE CONTRACTOR'S BEGINNING CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR AND IS DEEMED INCURRED AND MERGED IN THE CONTRACT PRICE.

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County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



STAFF REPORT Zoning Administration June 12, 2019 **Item #3**

Staff contact: Robert Salisbury, Senior Planner
(408) 299-5785, robert.salisbury@pln.sccgov.org

PLN17-10641 (Kim Subdivision)

Subdivision and Grading Approval for a two-lot subdivision.

Summary: Subdivision and Grading approval to subdivide an approximately 13.9-acre lot into two (2) lots, Parcel A (8.0 acres) and Parcel B (5.9 acres). Grading quantities total approximately 559 cubic yards of cut, and 5 cubic yards of fill for the proposed access road/driveway, and other subdivision improvements.

Owner: Nam Kim
Applicant: Carnes & Associates
Address: McKean Road, San Jose
APN: 708-36-020
Supervisory District: 5

General Plan Designation: Rural Residential
Zoning: RR-d1
Lot size: 13.9 acres gross
Present Land Use: Residential
HCP: Yes **Urban Service Area:** None

RECOMMENDED ACTIONS

- A. Approve the Initial Study/Negative Declaration prepared for the project; and
- B. Grant Subdivision and Grading Approval, subject to Conditions of Approval outlined in Attachment B.

ATTACHMENTS

Attachment A – Initial Study/Negative Declaration
Attachment B – Proposed Subdivision and Grading Conditions of Approval

PROJECT DESCRIPTION

The project consists of the subdivision of a 13.9-gross-acre lot into two (2) lots, Parcel A (8.0 acres) and Parcel B (5.9 acres). Additionally, the applicant is proposing to construct a new asphalt driveway, drainage improvements and septic system. Grading consist of approximately 654 cubic yards of cut, and 563 cubic yards of fill for the proposed access road, driveways, and other subdivision improvements. Each proposed lot will be served by on-site septic systems, and water would be provided by the local water mutual, Great Oaks Water Company. No residences are proposed to be constructed with the subdivision.

REASONS FOR RECOMMENDATION

A. Environmental Review and Determination (CEQA)

The environmental impacts of the project have been evaluated in the Negative Declaration prepared by staff for the project entitled “Kim Subdivision” (Exhibit A). The Initial Study did not reveal any significant environmental impacts from the project. As such, pursuant to the California Environmental Quality Act (CEQA), Staff recommends approval of a Negative Declaration, and no further environmental review is required. It should be noted that additional environmental review under CEQA may be required for the residences at the time each subdivided property proposes development.

B. Project/Proposal

The project consists of Subdivision and Grading approval to subdivide an existing 13.9 gross-acre lot into two (2) lots, (Parcel A (8.0 acres) and Parcel B (5.9 acres)) and construct required subdivision improvements. No residences are proposed at this time.

C. Subdivision Ordinance

This subdivision application has been reviewed in accordance with the Subdivisions and Land Development Ordinance Section C12-122 of the County of Santa Clara Ordinance Code, and the State Subdivision Map Act. Pursuant to these standards, the Zoning Administrator shall deny approval of a tentative or final subdivision map if it makes any of the following seven (7) findings outlined below. Staff has determined that none of the following findings are applicable to the proposed subdivision, resulting in a favorable recommendation by staff to approve the project. The justification for this determination, for each of the following findings, can be found below:

1. That the proposed map is not consistent with applicable general and specific plans.

The proposed Tentative Map would result in the subdivision of an existing 13.9-gross-acre parcel into two (2) lots of 8.0 and 5.9 acres, respectively. The property is presently zoned RR-d1 and has a General Plan designation of Rural Residential. The required minimum lot size is 5.9 acres, as specified by the 5- to 20-acre slope density formula that is based on a calculated average slope of 15% (General Plan Land Use Policy R-LU 58). Proposed building sites have been shown on the Tentative Map to demonstrate site

feasibility, and the proposed lot sizes and proposed locations are consistent with the Santa Clara County General Plan and the County Zoning Ordinance.

2. That the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans.

There are no Specific Plans which pertain to the project; however, the Santa Clara County General Plan contains several policies which pertain to subdivision projects. General Plan Policy R-GD 26 strongly discourages the following: excessive, non-essential grading, such as grading to create the largest possible building pad or yard; hilltop removal; creation of multiple driveways serving individual parcels; or wider than necessary driveways. General Plan Policy R-GD 32 specifies that land should not be subdivided in such a way that building sites are located on ridgelines.

The proposed project conforms with these General Plan policies and Section C12-21 of the County Ordinance Code, which specifies subdivision design standards, requiring side lines of lots to run at right angles to the street upon which it faces as far as practicable, and requiring lots to generally have a maximum depth to width ratio of three-to-one. In this case, the irregular lot configuration and lot shapes proposed are a function of the irregular shape of the subject property, and the location of the existing road which will provide access to each proposed lot. In addition, the lot configuration proposed was necessary in order to meet the required minimum lot size, create lots with relatively flat potential building sites and suitable septic locations, and to minimize impacts to the existing agricultural use of the property. The prospective building sites on both proposed parcels do not require excessive grading and are not sited on ridgelines. When development of each parcel is proposed, Design Review approval will be required, ensuring conformance to these General Plan policies and requirements for the -d1 combining district.

The subdivision improvements are minimal and limited to driveways, fire suppression and firetruck turnarounds, thus, maintaining consistency with the General Plan.

3. That the site is not physically suitable for the type of development.

The project site is moderately sloping, with an average slope of 15.1 %, and is located within a County Landslide Hazard Zone and a State earthquake induced Landslide Seismic Hazard Zone. A geologic report was prepared for the project, which concluded that these hazards could be minimized by following specific engineering and design recommendations. The County Geologist reviewed the geologic report and concluded that the report demonstrates that the proposed building sites are feasible, and that the hazards can be adequately addressed by adherence to the provided recommendations. The project has been conditioned to require the submittal of a grading plan review letter from the consulting geologist which confirms that the plans conform with the recommendations presented in the approved geologic report, and to require a construction observations letter that verifies the work was completed in accordance with the approved plans. The project site contains sufficient area for creation of two (2) lots which meet the

minimum required lots size of 5.9 acres, and the proposed lots have been designed such that suitable building envelopes exist on each lot, illustrating potential future buildable areas for a single-family residence on each lot that meets the setbacks required by the Zoning Ordinance.

Additionally, each proposed lot has been tested for septic system suitability, and the Department of Environmental Health has reviewed the application and determined that adequate septic systems can be developed on each proposed lot. The project has also been reviewed by the County Fire Marshal and conditioned to require future residences developed on the two proposed lots include interior fire suppression sprinklers. Access to the two proposed lots is available, and there are no physical or geographic features which would significantly impede or prevent the proposed subdivision and subsequent residential development. The site is physically suited to the proposed development.

4. That the site is not physically suitable for the proposed density of development.

The property is 13.9 gross acres in size and has a zoning designation of RR-d1. County Zoning Ordinance § 2.20.080 specifies that the minimum lot size for the purposes of subdivision shall be based on the 5- to 20-acre slope density formula. With an average slope of 15.1%, the minimum lot size is 5.9 acres, and the project will create lots of 5.9 and 8.0 acres, respectively, meeting the minimum lot size required. A suitable building site with an average slope of less than 30% is available on each lot, and the percolation tests and soil profiles required by the Department of Environmental Health indicate that suitable septic systems can be created on each lot. As such, the site is physically suited for the proposed density of development, and the proposed density would be consistent with the General Plan Slope Density requirement.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project site is moderately sloping, with an average slope of 15.1% and has a mix of Grain, Row-crop and Rural Residential land covers as specified by the Habitat Plan. The project is a covered project under the Santa Clara Valley Habitat Plan, and the project site does not contain any sensitive land covers and does not contain any endangered species not covered by the Habitat Plan. Furthermore, the Initial Study prepared for the project did not identify any additional environmental impacts to fish, wildlife or their habitat beyond those covered by the County's Habitat Plan.

As proposed, the subdivision and associated improvements are not likely to cause substantial environmental impacts or injure fish, wildlife, or their habitat.

6. That the design of the *subdivision* or the type of improvements is likely to cause serious public health problems.

As conditioned by the Department of Environmental Health, the proposed lots will be approved building sites, and will be served by on-site septic disposal systems that have been approved by the Department of Environmental Health. Water will be provided by connection to the local water purveyor, which is a private water mutual facility. The ultimate construction and installation of the subdivision improvements, including access road, and associated retaining walls, and two (2) additional homes on the project site, will not create significant, long-term traffic, noise or air quality impacts following construction. Therefore, the design of the subdivision and the proposed improvements will not cause any serious public health problems.

7. **That the design of the *subdivision* or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed *subdivision*.**

For any permit application, a site plan must be submitted which must show all easements which encumber the subject parcel(s). The submitted tentative map shows all existing and proposed easements on the subject parcel. Staff's review of all available maps and a review of the submitted subdivision map by Staff confirms that the design of the subdivision and proposed improvements will not conflict with any existing easements on the property.

Access to both proposed lots will be from a private access road (Walton Lane), stemming from a publicly maintained road (Timothy Lane). As such, the proposed subdivision will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

D. Grading Findings:

The project complies with the Grading Ordinance findings as discussed below. All Grading Approvals are discretionary approvals subject to findings pursuant to Section C12-433 of the County Ordinance. The findings are in **bold**, and an explanation of how this project meets the required findings is presented in plain text. The decision-maker may grant the Grading Approval if it makes all of the following findings:

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 proposed project consists of a two (2) lot subdivision, and construction of required subdivision improvements. The base zoning district is Rural Residential (RR), and the proposed use, single-family residential, is allowed by right in this zoning district. A total of 654 cubic yards of cut and 563 cubic yards of fill is required for the proposed subdivision improvements, which include access road improvements, and driveways to the future home sites. Potential future building sites have been identified on the two (2) proposed parcels, and these sites are located on flatter portions of the respective subdivided parcels, in relatively close proximity to the access road. While future development of the proposed lots will not necessarily be required to develop within the exact locations identified, any proposed future development will be reviewed to ensure

that the proposed location and design of each residence minimizes the grading necessary for development.

- 2. The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.**

No excessive material will be deposited onsite. All excess grading will be hauled to a County-approved disposal site. Any grading approvals and/or permits required for site-specific residential development, outside of grading for the subdivision improvements, will be separately reviewed and approved by the County at the time of development. The applicant is required to apply for a Grading Permit subsequent to the Grading Approval, which is a component of this application. The Grading Permit will be reviewed by the Land Development Engineering Division to ensure that all grading is conducted appropriately using Best Management Practices. This will ensure that the proposed grading will not endanger public or private property or endanger public health and safety.

There are no springs or water courses located on the subject property, however Calero Creek is located approximately 90 ft. away from the northernmost corner of the property. However, the proposed building locations, septic systems, and all subdivision improvements are proposed primarily on the southern portions of the property; the nearest proposed improvement, the septic system for proposed parcel A, is approximately 400 ft. from Calero Creek. As a result, the proposed grading will not impair any spring or existing watercourse.

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

The project consists of a proposed two (2) lot subdivision and construction of required subdivision improvements. The prospective building locations on each lot have been situated on the flatter portions of each lot, and near an existing private road (Walton Lane), which will minimize the length of driveway and the amount of grading needed for the required improvements. GIS analysis confirmed that no large retaining walls, grading or future residences would have adverse impacts to the viewshed. Beyond that, future residences will go through Design review in accordance with -D1 policies. The U.S Fish & Wildlife Service Department map and CNDDDB database show no known raptor, migratory birds, or special-status species on the project site. The project site does not contain any wetland resources. As such, the project will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act. The site is not currently used as a migratory wildlife corridor and does not contain a native wildlife nursery site.

- 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 grading associated with the project is primarily for the required access road improvements and fire truck turnaround, which have been situated near an existing private access road (Walton Lane). While no residential development is currently proposed, prospective building sites have been identified on each proposed lot which generally minimize grading due to their location on the flatter portions of each proposed lot, and their relative proximity to the access road. When development of each lot is proposed, Design Review approval will be required, and Grading Approval will also be required if grading quantities exceed the thresholds stipulated by County Ordinance. Overall, the subdivision design, including the proposed building sites, minimizes grading in comparison with other available development sites.

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 access to each proposed lot will be from an existing private road, which is being improved to full County standards, based on the number of lots taking access from the private road. Utilization of the existing access road ensures that the grading plan conforms to the existing terrain and topography of the site to the maximum extent possible and ensures that no new significant visual scar will be created by the proposed subdivision or future residences. The County requires that all utilities shall be placed underground, which also minimizes negative aesthetic impacts. In addition, when development of each lot is proposed, Design Review approval will be required, and the grading necessary to develop the residences and driveways will be reviewed to ensure that no significant visual impact will occur.

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 and the County Ordinance Code. General plan policy R-GD 26 states:

Where proposed grading is associated with a potential subdivision or single building site approval in hillside areas, that which is deemed excessive, non-essential grading is strongly discouraged and shall not be generally permitted, unless exceptional circumstances warrant further consideration. Examples may include, but are not limited to excessive grading to create the largest possible building pads, envelopes, or yards; to remove hilltops and/or flatten steep ridges; to create multiple driveways serving individual parcels, or wider than necessary driveways; and similar proposals.

Also, General Plan policy R-GD-27 states:

Grading and excavation to situate a residence or other structure within a hillside to reduce visual impacts is encouraged, in accordance with due consideration of

geologic issues, structural integrity, and other pertinent design features and lot characteristics.

The proposed project is designed to minimize grading and to reduce visual impacts to surrounding uses to the maximum extent possible, in keeping with these County General Plan policies.

The subject property is located within the County's Zoning Santa Clara Valley Viewshed Design Review Combining District (-d1), which was created to implement viewshed protection policies identified in Strategy 3 of the growth and Development Section of the County General Plan. Future development on -d1 designated viewshed parcels will be subject to the County's -d1 combining district development standards, which aim to protect viewshed impacts to the Valley Floor. Projects which receive Design Review approval are generally considered to have no negative affect on the viewshed and scenic resources. The proposed subdivision improvements do not require Design Review approval, however, when each lot is developed, Design Review approval will be required.

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

The proposed project substantially conforms to the guidelines specified in the Guidelines for Grading and Hillside Development, which contains guidelines with respect to siting, road design, building form and design, and landform grading. The access road is proposed where an existing driveway is already located. Each proposed lot contains a suitable building location which conforms to the Guidelines for Grading and Hillside Development, and when each lot is developed, Design Review will be required, which will ensure that unsuitable locations are not selected.

BACKGROUND

On August 8, 2017, an application for Subdivision and Grading approval was submitted. The combined application was deemed complete for processing on July 9, 2018, pending preparation and publication of an environmental analysis under the California Environmental Quality Act (CEQA). The Initial Study and Negative Declaration were circulated to (list the requirements) on May 1, 2019. Staff did not receive any comments as a result of the circulated Initial Study/Negative Declaration. Subsequently, a public notice for the proposed project was mailed to property owners within a 300 ft. radius and published in the Post Record Newspaper on May 28, 2019.

STAFF REPORT REVIEW

Prepared by Robert Salisbury, Senior Planner

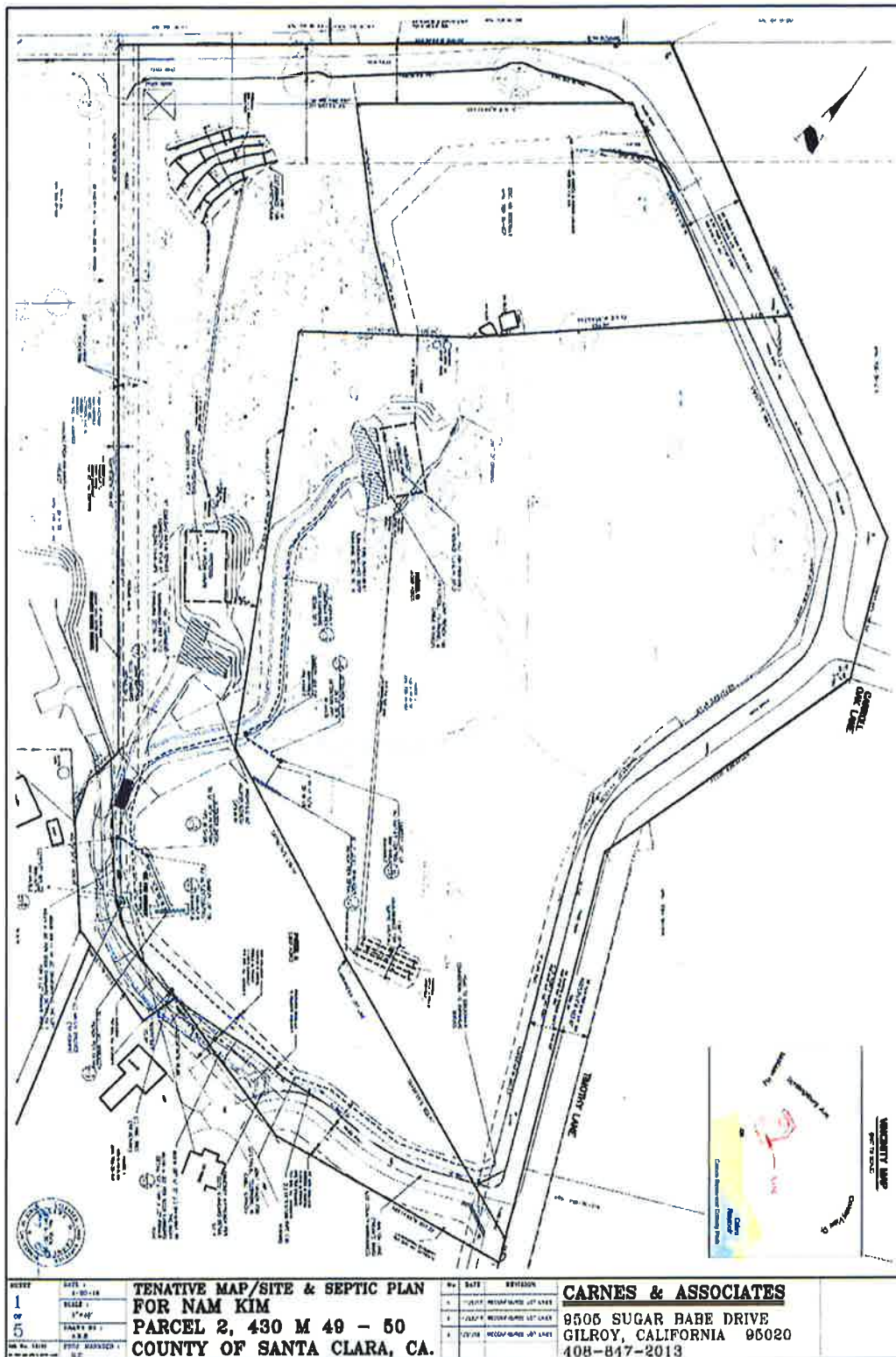
Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator

INITIAL STUDY

Environmental Checklist and Evaluation for the County of Santa Clara

File Number:	PLN17-10641	Date: May 1, 2019
Project Type:	Subdivision, Grading, and Design Review	APN(s): 708-36-020
Project Location / Address:	Mckean Road, San Jose, CA 95120	GP Designation: Rural Residential
Owner's Name:	Seung Nam Kim	Zoning: RR-d1
Applicant's Name:	Gary Carnes (Carnes & Associates)	Urban Service Area: None
Project Description		
<p>This application is for subdivision and grading approval to subdivide an approximately 13.9-acre lot into two (2) lots, Parcel A and Parcel B, measuring 8.0 and 5.9 acres, respectively. Additionally, the applicant is proposing to construct a new asphalt driveway, drainage improvements, and water and septic infrastructure. As shown on Figure 1, the project site is located on Walton Lane, in the unincorporated portion of the Santa Clara County, north of Calero Reservoir, and north of City of San Jose's city limits, outside San Jose's Urban Service Area.</p> <p>Grading of the project site would involve approximately 654 cubic yards of cut, and 563 cubic yards of fill for the proposed access road, and other subdivision improvements. Access to the new residences is provided through a proposed shared driveway.</p>		
Environmental Setting and Surrounding Land Uses		
<p>The subject property is located within the Santa Teresa Hills, near the eastern base of the Santa Cruz Mountains. The property terrain includes the top of a knoll, with moderately steep to gently sloping flanks of the knoll with an approximately 18.04% slope. The total subject property is approximately 13.9 acres in size, bounded to the north by a portion of Timothy Lane, to the south by Walton Lane, and to the south and west by developed and undeveloped private properties. The property is accessed through a driveway extending onto the northwest corner of the site from Timothy Lane, and from a graded access road extending along the southwestern boundary of the southern lot, from Walton Lane. Neither the structures, nor the infrastructure needed to support new residences, including driveway, septic system, or water tanks, are existing on the property.</p> <p>United States Department of Agriculture (USDA) Land Cover maps, identify the property as a mix of Developed Open Space, Herbaceous and Shrub/Scrub. The property is located within the Santa Clara Valley Habitat Plan and is not under a Williamson Act contract. No watercourses, creeks, serpentine soils or serpentine rock outcrops are located on the subject property. There is a mapped creek (branch of Calero Creek) and riparian woodland located north of the property, on surrounding parcels.</p> <p>The majority of the subject property is surrounded by single family residences.</p>		
Other agencies sent a copy of this document:		
City of San Jose		

Figure 2 - Tentative Map



The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

I. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project could potentially result in one or more environmental effects in the following areas:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture / Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resource | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> None | | |

II. ENVIRONMENTAL FACTORS WITH NO SIGNIFICANT IMPACTS

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- ☐ Check here if this finding is not applicable

FINDING: For the following topics, there is no potential for significant environmental impact to occur either from construction, operation or maintenance of the proposed project, and no further discussion in the Environmental Checklist is necessary.

EVIDENCE: Air Quality: The proposed project is located within the San Francisco Bay Area Air Quality Management District (BAAQMD), which regulates air pollutants, including those that may be generated by construction and operation of development projects. These so-called criteria pollutants include reactive organic gases, carbon monoxide, nitrogen dioxide, and particulate matter (PM). BAAQMD also regulates toxic air contaminants (fine particulate matter), long-term exposure to which is linked with respiratory conditions and increased risk of cancer. Major sources of toxic air contaminants in the Bay Area include major automobile and truck transportation corridors (e.g., freeways and expressways) and stationary sources (e.g., factories, refineries, power plants). The subject property is located on Walton Lane, approximately 1000 ft. east of McKean Road, San Jose, in unincorporated Santa Clara County. The closest expressway is Almaden Expressway, located approximately 10,000-feet northwest of the project site. The subject property is not located within the

Bay Area Air Quality Management District (BAAQMD) Air Hazard (Cancer; PM2.5) area. The operational criteria pollutant screening size for single-family residential projects established by BAAQMD is 325 dwelling units, and the construction-related screening size for single-family residential projects is 114 dwelling units. Emissions generated from the two (2) proposed single-family residences would be well below the BAAQMD operational-related emissions and construction emission thresholds.

Development of the proposed single-family residences would involve grading and construction activities. Fugitive dust would be created during the construction of the proposed structures and site improvements. However, dust emissions would be controlled through standard Best Management Practices (BMPs) dust control measures that would be a condition of the project. For single-family residential uses, construction emissions impacts are less than significant for projects of 114 dwelling units or less. The proposed project involves the immediate construction of one (1) dwelling unit each on proposed Parcels A and B, with a driveway, drainage improvements, and water and septic services. The proposed residential use would not expose sensitive receptors to substantial pollutant concentrations or involve criteria pollutants emissions. Minimal addition of residences and nominal increase in population would not significantly increase the regional population growth, nor would it cause significant changes in daily vehicle travel. (Project Description; Reference # 3, 5, 20, 24, 58, 59, 61)

EVIDENCE: Agriculture/ Forest Resources: The 13.9 – acre property is zoned Rural Residential (RR), a zone designated for residential, agricultural and open-space uses. The soil on the subject property is composed of Montavista-Togasara complex (9 to 15 percent slopes), classified as non-prime for farmland uses. Properties located to the north, west and south of the site are zoned RR. Properties located to the east of the site are zoned A (Exclusive Agricultural). Surrounding properties do not contain prime farmland soils.

Permitted uses in the Rural Residential district include low density residential and accessory uses. Construction of the new residence and associated site improvements would not convert more than 10 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, and would not affect existing agricultural operations on surrounding properties. The property is not under a Williamson Act contract. As such, there would be no impacts to agricultural resources. The project site and surrounding properties are zoned RR and developed for residential uses; therefore, the proposed residential development would not conflict with land zoned or used for forestland or timberland, nor result in loss of forest land.

EVIDENCE: Energy: Due to the relatively small scale of the project (a two-lot subdivision, with construction of two (2) dwelling units; a driveway, drainage improvements and water and septic services), and the requirement that the residences proposed for development on the subject property meet CALGreen Code requirements, the proposed project will not result in significant environmental impact do to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation. The project does not and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

EVIDENCE: Greenhouse Gas Emissions: Due to the relatively small scale of the project (a two-lot subdivision, with infrastructure for the future construction of two (2) dwelling units: a

driveway, drainage improvements and water and septic services), and compliance with existing County and State requirements listed below, which will minimize greenhouse gas emissions, it is anticipated that the proposed project will not result in any cumulatively considerable greenhouse gas emissions.

The project is required to comply with the County's Green Building Ordinance, which applies mandatory green building requirements to new single-family dwellings. These measures include higher energy efficiency standards and requirements to minimize water usage and the use of natural resources. In addition, as described within the Biological Resources section, any removal of trees will require replacement at a ratio of two-to-one or three-to-one, depending on the size of the replacement trees selected by the applicant. Implementation of these measures will act to reduce potential greenhouse gas emissions from the proposed project. The proposed use as a single-family residence would not conflict with any applicable plan, policy or regulation for reducing the emissions of greenhouse gases.

The two-lot subdivision, itself, will have minimal greenhouse gas emission impacts. Future construction of two (2) dwelling units, a driveway, drainage improvements and water and septic services would involve GHG emissions through the operation of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels to operate. Project excavation, grading, and construction would be temporary, occurring only over the construction period, and would not result in a permanent increase in GHG emissions. The single-family residence would consume electricity; however, the amount would be minimal, and therefore would not make a cumulatively considerable contribution to the effect of GHG emissions on the environment. (Project Description; Reference # 3, 4, 6, 9, 10, 20)

EVIDENCE: Hydrology/Water Quality: The proposed project is for a two-lot subdivision. The property is located in FEMA Flood Zone D (Area of Undetermined Flood Hazard), which is not a designated 100-year flood zone. The domestic and emergency water would be provided to the site by the Great Oaks Water Company, which has provided a will serve letter demonstrating they have adequate water supplies to support this development.

Two septic systems are proposed that would serve the two (2) future single-family residences. The proposed septic systems will not be located within 50-feet of a drainage swale, 100-feet of any watercourse, or 200-feet of a reservoir. Suitable septic system locations have been identified for both parcels, and preliminary review by the Department of Environmental Health determined that septic systems can be developed with no potential for impacts to groundwater. When development on proposed Parcels A and B is occurs, the County Department of Environmental Health (DEH) will require submittal of fully engineered septic systems for review and approval, ensuring conformance with all County Septic Ordinance requirements. The subject property is not located within an area of high levels of nitrates in well water, being located outside of the Llagas Sub-basin and Coyote Valley, the two areas of the County with known elevated Nitrate levels in groundwater. Therefore, the proposed project would not substantially deplete groundwater supplies or quality and would not place people or structures within a 100-year flood zone.

The proposed development would result in approximately 18,670 square feet of new impervious surface. The project will be conditioned to ensure Best Management Practices that will be required during construction to minimize erosion. In addition, the project and all associated improvements have been reviewed and conditioned by County Land Development Engineering, ensuring that drainage improvements have been designed and sized adequately to deal with the increase in run-off and changes to drainage off-site, and ensuring that no stormwater would be displaced from the property. (Project Description; Reference # 3, 6, 32, 34, 35a, 35b, 40, 41, 67, 68, 70, 70)

EVIDENCE: Land Use: Surrounding uses include properties of similar size, developed with single family residential uses. The proposed two-lot subdivision would not divide an established community. No commercial, industrial or institutional uses are proposed. The subject property's general plan designation is Rural Residential, and the zoning is RR-d1. The proposed two-lot subdivision is consistent with the County's General Plan and Zoning Ordinance. (Project Description; Reference # 2, 3, 4, 8, 31, 33, 35a, 39, 71)

EVIDENCE: Mineral Resources: The proposed project site is undesignated and is an area with unknown mineral resources. The project site is not located in an area where mineral resources of value to the region or state have been identified. The site is also not located on locally important mineral resource recovery sites.

EVIDENCE: Population/ Housing: The proposed project is a two-lot subdivision. No commercial, industrial or institutional uses are proposed. Future development of two (2) single-family residences would not induce excessive population growth or displace existing housing or people. (Project Description; Reference # 1, 3, 4, 30, 40)

EVIDENCE: Public Services: The proposed two-lot subdivision is residential, and no commercial, industrial, or institutional uses are proposed. The proposed single-family residences would not significantly increase the need for additional fire or police protection to the area. Other public services, such as those provided by schools or parks, would not be significantly impacted. (Project Description; Reference # 1, 3, 4, 5, 6)

EVIDENCE: Recreation: The proposed project is for a two-lot subdivision and would not significantly affect the use of existing recreational facilities or result in construction of recreational facilities. (Project Description; Reference # 1, 3, 5, 6, 28, 32, 52, 56)

EVIDENCE: Transportation and Traffic: The proposed project, consisting of a two-lot subdivision allowing future construction of two (2) new single-family residences, will generate approximately 20 daily vehicle trips once the residences are constructed, according to the Institute of Traffic Engineers Trip Generation, 10th edition data (10 trips/day, times 2 residences). According to the Santa Clara Valley Transportation Authority Transportation Impact Analysis Guidelines, a transportation impact analysis is not required to be performed for projects that would generate fewer than 100 net new weekday (AM or PM peak hour) or weekend peak hour trips, including both inbound and outbound trips. Therefore, the project will not generate substantial new traffic, impair existing transportation facilities, or result in inadequate emergency access or parking capacity. Construction activities for the proposed structures would involve a small number of vehicle trips related to delivery of material and workers commuting to the site. Because the number of trips would be temporary and small in number, and

road use in the vicinity is relatively light, the proposed project would not have impacts on traffic and circulation. Onsite parking for the proposed single-family residence is in conformance with the County parking requirements. (Project Description; Reference # 3, 5, 6, 7, 19, 30, 40, 51a, 86, 87)

EVIDENCE: Tribal Cultural Resources: The County has not received any letters from Native American tribes requesting tribal consultation per Public Resources Code, Section 21080.3.1(b) regarding the potential for a Native American tribal cultural resource located on or near the project site. Hence, there is no evidence to indicate the presence of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or of significance pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, the proposed two-lot subdivision would not cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures would be necessary. (Reference # 89)

EVIDENCE: Utilities/Service Systems: The proposed subdivision would require construction of two (2) new septic systems and power connections from the local utility company, Pacific Gas & Electric. Percolation and soil profile testing have been conducted on both proposed parcels and based on the review and site investigations by the consulting geologist, the proposed leach fields, as designed, are unlikely to permit effluent to surface, degrade water quality, affect soil stability, present a threat to public health or safety, or create a public nuisance.

The project would not require or result in the construction of off-site new or expanded wastewater treatment or storm water drainage facilities. Water is currently, and would continue to be, provided to the site by Great Oaks Water Company. Construction activities would involve minimal amounts of debris that would need to be removed and disposed of, and existing landfill capacity would need to be sufficient to accommodate it. Development on the site would be subject to post-construction of stormwater regulations, including requirements for Low Impact Development, stormwater quality treatment, stormwater runoff retention, and hydromodification, as applicable to the specific development proposed. (Project Description; Reference # 1, 3, 5, 6, 24b, 70)

EVIDENCE: Wildfire: The proposed project, a 2-lot subdivision for the future development of a single-family residence on each parcel, along with the infrastructure needed to support each residence, requires the installation of the power lines, utilities, and will require the improvement of some existing roadways. The residences will be required to be outfitted with sprinklers, and other fire protection infrastructure and equipment is required by existing Building and Fire Code. There are no environmental factors that will exacerbate wildfire risk, and the project does not impair or conflict with an adopted emergency response plan or evacuation plan.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.


Signature

5/1/19
Date

Robert Salisbury
Printed name

For

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS							
	IMPACT						
Except as provided in Public Resources Code section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	Source
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4, 6,17f
b) Substantially damage scenic resources, including, but not limited to, trees, rocks, outcroppings, and historic buildings, along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6,7 17f
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4

SETTING:

The subject property is located within the County's Zoning Santa Clara Valley Viewshed Design Review Combining District (-d1).

The County of Santa Clara recognizes the value of scenic resources and seeks to protect scenic resources through implementation of General Plan strategies and policies. The two primary strategies in the General Plan are maintenance of rural densities that help conserve scenic resources, and limiting development impacts on highly significant resources, including ridgelines. The General Plan also specifies that areas of greatest sensitivity shall be identified, and design review requirements be applied to development within those areas. In August 2006, the County Board of Supervisors adopted a Viewshed Ordinance as a result of a viewshed study, which evaluated the visibility of the hillside properties from the Santa Clara Valley Floor. The objective of the resulting Viewshed Ordinance is to provide policies and standards for hillside development, in order to preserve the visual quality of the viewshed. The County Zoning Ordinance designated parcels deemed to be potentially visible from the Valley Floor by a -d1 Santa Clara Valley Viewshed Design Review Combining District. Development on -d1 designated viewshed parcels must be evaluated for potential visibility and conditioned as appropriate to reduce the visibility of the proposed development through the Design Review process, which imposes conditions of approval relating to design, siting, and landscaping as necessary. Projects

which receive Design Review approval are generally considered to have no negative affect on the viewshed and scenic resources.

DISCUSSION:

b) No Impact. The subject property takes access from Walton Avenue in San Jose, which is not a State- or County- designated scenic road or highway.

a, c, and d) Less than significant impact. The project site has a low overall visibility according to the Santa Clara County Viewshed Analysis. The proposed building site on Parcel A is located on the southern portion of the site, not on a ridgeline, approximately 160 feet from Walton Avenue. The project conforms with Santa Clara County Guidelines for Grading and Hillside Development due to its situation near Walton Avenue and site design that follows natural contours of the land. The proposed building site on Parcel B is located on the central portion of the site, on top of a ridgeline, over 300 feet from Walton Avenue. Although the building site on Parcel B is located on a ridgeline, it is situated on a site that minimizes grading quantities and conforms with natural topography, therefore conforming with County Guidelines.

Both building sites are subject to Design Review and an application for Design Review approval must be submitted and Design Review approval granted prior to construction of new residences on the proposed parcels. During that process, conditions of approval will be applied requiring submittal of exterior colors and materials which may not exceed a Light Reflective Value (LRV) of 45, along with landscaping as necessary that would soften the visual impact and provide some screening of views from the surrounding area. In addition, conditions to shield and downward-point exterior lighting, and revisions to the building form design to reduce apparent bulk will be applied as needed to minimize impacts to the viewshed. Therefore, the project would not have substantial adverse effect on a scenic vista or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The proposed project would result in two (2) new single-family residences on the property. However, multiple single-family residences in close proximity to the project site are similar in size and style to the proposed project. Therefore, the project would not substantially degrade the existing visual character or quality of the site and its surroundings

MITIGATION:

None required.

B. AGRICULTURE / FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Convert 10 or more acres of farmland classified as prime in the report <i>Soils of Santa Clara County (Class I, II)</i> to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,23,24,26
b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract or the County's Williamson Act Ordinance (Section C13 of County Ordinance Code)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28
e) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
f) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DISCUSSION:

See Section II; Agriculture/Forest Resources

MITIGATION:

None required.

C. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
c) Expose sensitive receptors to substantial pollutant concentrations?							5,29, 30
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 29, 30

DISCUSSION:

See Section II; Air Quality

MITIGATION:

None required.

D. BIOLOGICAL RESOURCES							
	IMPACT						
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	Source
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 17b, 17o,
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 22d, 22e, 33
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 7, 17n, 33
d) Have a substantial adverse effect on oak woodland habitat as defined by Oak Woodlands Conservation Law (conversion/loss of oak woodlands) – Public Resource Code 21083.4?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 31, 32
e) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,7, 17b, 17o
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4, 17i

SETTING:

The property is located in the Santa Clara Valley Habitat Plan ("SCVHP") Area and the Private Development Area is designated "Rural Development Equal to or Greater Than Two Acres Covered." Grain, row-crop, hay and pasture, disked/short-term fallowed is the dominant landcover. Additionally, developed habitat consists of Rural Residential.

There are no serpentine soils or wetlands habitat on the project site, which are associated with a number of special status species. Per the California Natural Diversity Database ("CNDDB"), the project site does not shelter plant or animal species. To the north-west of the project site exists habitat for the California red-legged frog, a threatened species under the Federal Endangered Species Act.

DISCUSSION:

a, c, d, e, f, g) No Impact. The U.S Fish & Wildlife Service Department map and CNDDB database show no known raptor, migratory birds, or special-status species on the project site. The project site does not contain any wetland resources and, therefore, will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act. Development of the proposed project would not result in the loss of tree. All existing trees on site will be protected in place. The site is not currently used as a migratory wildlife corridor and does not contain a native wildlife nursery site. There will be no impact on movement of migratory or native fish or wildlife species on the project site.

b) Less Than Significant Impact. There is no creek, riparian habitat or other sensitive natural communities on the site. An unnamed creek is located north of the project site. The residences to be built on proposed Parcel A and B are approximately 500 feet from the unnamed tributary of Calero Creek, and approximately 400 feet from the edge of the riparian woodland surrounding this tributary. Thus, the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

MITIGATION:

None required.

E. CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines, or the County's Historic Preservation Ordinance (Division C17 of County Ordinance Code) – including relocation, alterations or demolition of historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41
c) Disturb any human remains including, those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41

SETTING:

The project proposes grading and ground disturbance over approximately 0.9 acres (40,500 square feet) for constructing a residence on each lot, construction of new asphalt driveways, drainage improvements and water and septic services. No existing structures are proposed to be demolished

DISCUSSION:

a & c) No Impact. The project site is currently vacant. Historically, three (3) acres of the property was used for agriculture as vineyards. There are no cultural resources listed in the County Historic Resources Database on the subject property or surrounding area, and no known paleontological resources or unique geologic features. Therefore, the proposed project would have less than significant impact on historic, paleontological or unique geologic resources.

b) Less than Significant Impact.

A previous archaeological study covered forty (40) percent of the project site, and found no archaeological sites or artifacts. Much of the site has been used for agricultural production, and the proposed building sites and improvements are in close proximity to previously disturbed, developed properties. As such, the project site has a low probability of containing archaeological resources, and compliance with the following County ordinance would avoid disturbance of previously unknown historic resources and undocumented human remains which may be encountered:

1. In the event that prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered, all construction within a 50-meter radius of the find shall be stopped, the Planning Department notified, and an archaeologist retained to examine the find and make appropriate recommendations.
2. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the

County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site shall be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site, a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Department.

MITIGATION:

None required.

F. ENERGY							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in potentially significant environmental impact do to wasteful, inefficient, or unnecessary construction of energy resources during project consumption or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5

DISCUSSION:

See Section II; Energy.

MITIGATION:

None required.

G. GEOLOGY AND SOILS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:							
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 14, 23, 24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14,23, 24,
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6, 23,24,
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4,40,41

SETTING:

A geologic hazards evaluation and geotechnical engineering study was prepared for the project, which identified the subsurface materials on the subject property as undocumented fill, topsoil, and colluvium underlain by Franciscan complex bedrock. The evaluation found no faults or fault traces located on the project site, locating the nearest fault trace approximately 0.6 miles to the north.

DISCUSSION:

a.i., d, e & f) No Impact. The project site is in a seismically active region of California. The site is not within a designated State Earthquake Fault Zone, County Fault Rupture Hazard Zone, or the County Liquefaction Zone. Percolation tests and soil profiles have been conducted for each proposed parcel, and this data was provided and reviewed by the County Department of Environmental Health. The Department of Environmental Health staff have determined that the soils are capable of supporting two (2) new septic systems which meet County DEH requirements. The project includes grading quantities totaling 654 cubic yards of cut and 563 cubic yards of fill, which is needed to develop access road and driveways for the building pads for the two proposed new single-family residences. County Ordinance Code requires a grading permit be issued, given the total grading quantity. The grading plan will be reviewed for conformance to the County's Grading Manual and BMPs, ensuring that no over-compaction or over-covering of soil will occur. The project site does not contain any known paleontological resources, nor is it located in an area known to contain significant paleontological resources.

a.ii., a.iii, a.iv., b & c) Less than significant impact. The property is located in the County Landslide Hazard Zone and State Seismic Hazard Zone (Earthquake Induced Landslides Zone). A Geologic Hazards Evaluation and Geotechnical Engineering Study (UPP Geotechnology, July 19, 2016) was prepared for this application, and reviewed and accepted by the County Geologist. The study, based on a geologic-hazards evaluation and field investigations, identified the potential for strong seismic ground shaking owing to proximity to nearby active faults. The report also noted that the potential for earthquake-induced land sliding was deemed normal, relative to other hillside properties within the County, but would increase when combined with periods of rainfall, or over steepening of slopes by grading on site, excessive irrigation, poorly controlled surface run-off, or improperly designed leach fields. To mitigate these potential concerns, the study provided design and construction recommendations which would minimize the potential identified hazards to a less than significant level.

The project is subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control. The consulting geologist shall provide verification to the County Geologist that all geologic investigations have been performed prior to approval of final improvement plans and the issuance of building permits, and shall also observe construction and provide an "as built" letter to the County Geologist, prior to final occupancy signoff, certifying that all of the recommendations contained in the report have been followed. The required grading would also be carried out in accordance with the recommendations set forth by the County Grading Ordinance. At the time of construction, all graded areas would be reseeded to ensure that the project minimizes the potential for erosion on the site. All other land use and engineering aspects of this project will be conditioned by the recommendations set forth by the County Land Development Engineering Office, to prevent any impacts due to changes in topography, excavation, and grading for the construction of the access driveways, turnarounds, building pads, and related site improvements.

Compliance with the geotechnical engineering conditions of approval and the County's Grading Ordinance Policies and Standards would reduce any potential impacts to less-than-significant.

MITIGATION:

None required.

H. GREENHOUSE GAS EMISSIONS							
	IMPACT						
WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	Source
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29, 30

DISCUSSION:

See Section II; Greenhouse Gas Emissions

MITIGATION:

None required.

I. HAZARDS & HAZARDOUS MATERIALS							
WOULD THE PROJECT:	IMPACT						Source
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	47
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or in the vicinity of a private airstrip, would the project result in a safety hazard, or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 22a
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 48
g) Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4, 17g

SETTING:

The project consists of the 2-lot subdivision of an approximately 13.9-acre lot into of 8.0 and 5.9 acres, respectively, and the construction of a new residence on each parcel.

DISCUSSION:

a, b, c, d, e & f) No impact. The proposed project is residential and would not involve the use or transportation of any hazardous materials, and it is not located on site designated as hazardous under Section 65962.5, as verified on EnviroStor, accessed on March 26, 2019.

The project is not located within any airport land-use referral area, or near any airstrip or airport. The closest airport is San Jose International, which is 18 miles to the northwest.

The project is located within a residential neighborhood, and would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The access to the project is from an existing private road, and the access road is being upgraded to standards appropriate to the number of parcels proposed, and the development plans have been reviewed and approved by the County Fire Marshal's Office. The proposed project will not impair or physically interfere with any emergency response or evacuation plans.

g) Less than significant impact. The subject property is located within the Wildland Urban Interface (WUI), and designation which indicates that the property is more likely to experience wildfires. However, existing State Fire and Building Codes specify certain design and material standards which are required for any structure within the designated WUI areas.

The property is located within the Santa Clara County Central Fire Protection District. At the time of site development, the applicant shall meet all requirements of the County Fire Marshal's Office and the Building Code requirements for fire protection and fire prevention within the WUI, which may include, but not be limited to, providing on-site fire flow, a fire hydrant, an automatic fire sprinkler system, and appropriate driveway turnouts and turnarounds for firefighting equipment. The proposed access driveway would conform to all requirements of the Fire Marshal's Office for emergency vehicle access. Fire protection water would be provided by San Jose Water Company and stored in water tanks to provide a ready source, if needed.

Adherence to these WUI design and material requirements ensures that the proposed residences, and any future development on the proposed parcels, will not expose people or structures to a significant risk of loss, injury or death involving wildland fires. Hence, this impact would be less than significant.

MITIGATION:

None required.

J. HYDROLOGY AND WATER QUALITY							
Would the project:	IMPACT						SOURCE
	Potential y Significant t Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34, 36
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 4
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:							3, 17n,
i) result in substantial erosion or siltation on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p
II) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36, 21a
III) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
IV) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17p, 18b, 18d
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 18b, 18d
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 4, 17p

DISCUSSION:

See Section II; Hydrology and Water Quality.

MITIGATION:

No mitigation is required.

K. LAND USE							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 4
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 9, 18a

DISCUSSION:

See Section II; Land Use

MITIGATION:

None required.

L. MINERAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a

DISCUSSION:

See Section II; Mineral Resources

MITIGATION:

None required.

M. NOISE							
WOULD THE PROJECT RESULT IN:	IMPACTS						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 13, 22a, 45
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13, 45
c) For a project located within the vicinity of a private airstrip or an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a

SETTING:

The project consists of a two-lot subdivision, and the development of two (2) new single-family residences on the proposed parcels. Local ambient noise comes from the nearby residences and minor occasional traffic noise from the nearby public streets.

DISCUSSION:

a, b & c) No Impact

Construction of the proposed single-family residences will temporarily elevate noise levels in the immediate project area from the use of construction equipment. Construction noise could have significant impact on the nearest sensitive (residential) uses. Implementation of noise abatement measures described below will reduce potential construction impacts to a less-than-significant level. Noise levels would not exceed standards of the Santa Clara County Noise Ordinance. Noise impacts on the residential uses near the project site would be minimal and temporary.

The County General Plan Noise Element measures noise levels in Day-Night Average Sound Level (DNL), a 24-hour time weighted average, as recommended by the Environmental Protection Agency (EPA) for community noise planning. Noise Compatibility Standards for exterior noise specify three (3) classifications of compatibility between ambient noise levels at the site and various land uses: satisfactory, cautionary, and critical. According to the Noise Element Noise Compatibility Standards for Land Use in Santa Clara County, the satisfactory exterior noise compatibility standard for residential land uses is 55 dB (Ldn value in dBs).

The County Noise Ordinance restricts exterior noise limits, for a cumulative period not to exceed more than 30 minutes in any hour, for one- and two-family residential land uses at 45 dBA between 10:00 p.m. to 7:00 a.m., and 55 dBA between 7:00 a.m. to 10:00 p.m. In addition, specifically prohibited acts include amplified sound, such as musical instruments, radios, and loudspeakers, between 10:00

p.m. to 7:00 a.m., or construction activity during weekdays and Saturday hours from 7:00 p.m. to 7:00 a.m., or at any time on Sundays or holidays.

MITIGATION:

None required.

N. POPULATION AND HOUSING							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4

DISCUSSION:

See Section II; Population and Housing

MITIGATION:

None required.

O. PUBLIC SERVICES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:							
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iii) School facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 17h
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

DISCUSSION:

See Section II; Public Services

MITIGATION:

None required.

P. RECREATION							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

DISCUSSION:

See Section II; Recreation

MITIGATION:

None required.

Q. TRANSPORTATION							
WOULD THE PROJECT:	IMPACT						SOURCE
	YES			No Impact	Analyzed in the Prior EIR	NO	
	Potential or Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact			Substantially Mitigated by Uniformly Applicable Development Policies	
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 5, 6, 7, 49, 52
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 49, 50, 52
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5, 6, 7, 52
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 48, 52

DISCUSSION:

See Section II; Transportation and Traffic.

MITIGATION:

None required.

¹ The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. The County of Santa Clara has elected not to be governed by the provisions of this section until they become effective statewide on July 1, 2020.

R. TRIBAL CULTURAL RESOURCES							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
<p>a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>							
<p>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DISCUSSION:

See Section II; Tribal Cultural Resources

MITIGATION:

None required.

S. UTILITIES AND SERVICE SYSTEMS							
WOULD THE PROJECT:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,6,70
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 6,24b
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3,6,70
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local Infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5,6
e) Be in non-compliance with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,5, 6

DISCUSSION:

See Section II; Utilities and Service Systems

MITIGATION:

None required

T. WILDFIRE							
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	IMPACT						SOURCE
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5, 17h
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

DISCUSSION:

See Section II; Wildfire

MITIGATION:

None required

U. MANDATORY FINDING OF SIGNIFICANCE							
WOULD THE PROJECT:	IMPACT						SOURCE
	YES			NO			
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies	
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52
b) Have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 52

DISCUSSION:

a) **Less Than Significant Impact.** As discussed in the Biological Resources section, impacts of the proposed project on special status species or habitat would either be less than significant or would be reduced to a less-than-significant level through incorporation of mitigation measures. The proposed project would not have the potential to substantially reduce the habitat of any fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of, or restrict the range of, a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

b) **No Impact.** No past, current, or probable future projects were identified in the project vicinity that, when added to project-related impacts, would result in cumulatively considerable impacts. No cumulatively considerable impacts would occur with development of the proposed project. As discussed in the analyses provided in this Initial Study, project impacts were found to be less than significant. The incremental effects of the proposed project are not cumulatively significant when

Initial Study Source List*

1. Environmental Information Form
2. Field Inspection
3. Project Plans
4. Working knowledge of site and conditions
5. Experience With Other Projects of This Size and Nature
6. County Expert Sources: Geologist, Fire Marshal, Roads & Airports, Environmental Health, Land Development Engineering, Parks & Recreation, Zoning Administration, Comprehensive Planning, Architectural & Site Approval Committee Secretary
7. Agency Sources: Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Midpeninsula OpenSpace Regional District, U.S. Fish & Wildlife Service, CA Dept. of Fish & Game, Caltrans, U.S. Army Corps of Engineers, Regional Water Quality Control Board, Public Works Depts. of individual cities, Planning Depts. of individual cities,
- 8a. Santa Clara County (SCC) General Plan
- 8b. The South County Joint Area Plan
9. SCC Zoning Regulations (Ordinance)
10. County Grading Ordinance
11. SCC Guidelines for Architecture and Site Approval
12. SCC Development Guidelines for Design Review
13. County Standards and Policies Manual (Vol. I - Land Development)
14. Table 18-1-B of the Uniform Building Code (expansive soil regulations) [1994 version]
15. Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. USFWS Critical Habitat & Riparian Habitat
 - c. Geologic Hazards
 - d. Archaeological Resources
 - e. Water Resources
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources - Trees
 - j. Topography, Contours, Average Slope
 - k. Soils
 - l. HCP Data (habitat models, land use coverage etc)
 - m. Air photos
 - n. USGS Topographic
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
 - q. Williamson Act
 - r. Farmland monitoring program
 - s. Traffic Analysis Zones
- Base Map Overlays & Textual Reports (GIS)
18. Paper Maps
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Locaide Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding

- e. Soils Overlay Air Photos
- f. "Future Width Line" map set
19. CEQA Guidelines [Current Edition]

Area Specific: San Martin, Stanford, and Other Areas

San Martin

- 20a. San Martin Integrated Design Guidelines
- 20b. San Martin Water Quality Study
- 20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

- 21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
- 21b. Stanford Protocol and Land Use Policy Agreement

Other Areas

- 22a. South County Airport Comprehensive Land Use Plan and Palo Alto Airport comprehensive Land Use Plan [November 19, 2008]
- 22b. Los Gatos Hillside Specific Area Plan
- 22c. County Lexington Basin Ordinance Relating to Sewage Disposal
- 22d. User Manual Guidelines & Standards for Land Uses Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County by the Santa Clara Valley Water Resources Protection Collaborative, August 2005 – Revised July 2006.
- 22e. Guidelines and Standards for Land Use Near Streams: Streamside Review Area – Summary prepared by Santa Clara County Planning Office, September 2007.
- 22f. Monterey Highway Use Permit Area

Soils

23. USDA, SCS, "Soils of Santa Clara County
24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"

Agricultural Resources/Open Space

25. Right to Farm Ordinance
26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]
28. Williamson Act Ordinance and Guidelines (current version)

Air Quality

29. BAAQMD Clean Air Plan, and BAAQMD CEQA Air Quality Guidelines (2010)
30. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [current version]

Biological Resources/ Water Quality & Hydrological Resources/ Utilities & Service Systems"

31. Site-Specific Biological Report

viewed in context of the past, current, and/or probable future projects. No cumulative impacts would occur.

c) **No Impact.** The proposed project is a 2-lot subdivision. As described in the environmental topic sections of this Initial Study, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

Initial Study Source List*

32. **Santa Clara County Tree Preservation Ordinance Section C16, Santa Clara County Guide to Evaluating Oak Woodlands Impacts, Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications**

33. Clean Water Act, Section 404

34. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988

35. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]

36. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]

37. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]

38. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"

39. County Environmental Health Department Tests and Reports

Archaeological Resources

40. Northwest Information Center, Sonoma State University

41. **Site Specific Archaeological Reconnaissance Report**

Geological Resources

42. **Site Specific Geologic Report**

43. State Department of Mines and Geology, Special Report #42

44. State Department of Mines and Geology, Special Report #146

Noise

45. **County Noise Ordinance**

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List

48. County Office of Emergency Services Emergency Response Plan [1994 version]

Transportation/Traffic

49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.

50. SCC Congestion Management Agency, "Monitoring and Conformance report" (Current Edition)

51. Official County Road Book

52. **Site-specific Traffic Impact Analysis Report**

***Items listed in bold are the most important sources and should be referred to during the first review of the project, when they are available. The planner should refer to the other sources for a particular environmental factor if the former indicate a potential environmental impact.**

SUBDIVISION AND GRADING CONDITIONS OF APPROVAL

Date: June 7, 2019

Owner/Applicant: Nam Kim / Gary Carnes

Location: McKean Road, San Jose (APN: 701-27-056)

File Number: 10641-17S-17G

CEQA: IS/ND

Project Description: Subdivision and grading approval to subdivide an approximately 13.9-acre lot into two (2) lots, measuring 8.0 and 5.9 acres, respectively. Grading for the project consist of approximately 654 cubic yards of cut, and 563 cubic yards of fill for the proposed access road, driveways, and other subdivision improvements.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Robert Salisbury	(408) 299- 5795	robert.salisbury@pln.sccgov.org
Habitat Plan	Kim Rook	(408) 299-5790	kim.rook@pln.sccgov.org
Land Development Engineering	Darrell Wong	(408) 299 – 5735	darrell.wong@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Environmental Health	Darrin Lee	(408) 299-5748	Darrin.lee@deh.sccgov.org
Geology	Jim Baker	(408) 299-5774	Jim.baker@pln.sccgov.org

STANDARD CONDITIONS OF APPROVAL

Planning

1. Parcel configuration shall be as shown on the tentative map prepared by Carnes & Associates, and the improvement plans prepared by Richard Irish, received by the Planning Office on June 8, 2018.
2. In the event that previously unidentified historic or prehistoric archaeological resources are discovered during grading and/or construction activities, work shall be temporarily halted in the vicinity of the discovered materials. Workers shall not alter or disturb the materials and their context until a qualified professional archaeologist has evaluated the

materials and provided recommendations for treatment/preservation and documentation of the discovered archaeological and/or Native American resources. Documentation of treatment of the resources shall be submitted to the County Department of Planning and Development staff upon completion of construction.

3. Zoning is RR-d1. Future residential development of Parcels A and B is subject to Design Review.

Fire Marshal's Office

4. All new single-family dwellings and secondary dwellings shall be outfitted with residential sprinklers.
5. Construction of the roadway improvements (i.e., access road, width, grade, surface, turnaround) as well as fire protection infrastructure (water main and hydrant) shall be completed prior to Building Permit issuance for any development.

Department of Environmental Health

6. 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.
7. At the time of development of each lot, a septic system conforming to the prevailing Onsite Wastewater Treatment System Ordinance shall be designed based on the tested percolation rates listed above and shall be located within the percolation and soil profile area, as specified by the Ordinance.

Percolation and soil profile testing have been conducted for each proposed lot, and suitable septic systems can be developed on each. The following percolation rates were identified for each lot:

Lot A – 31 minutes per inch.

Lot B – 61 minutes per inch.

8. 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 Santa Clara County Onsite Manual. 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. The submittal must also include a complete set of floor plans. Contact Ross Kakinami at 408-918-3479 for signoff.

Be advised that 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.

9. At the time of application for a building permit, submit a water will serve letter from Great Oaks Water Company for each developing parcel.

10. Garbage service in the unincorporated areas of Santa Clara County is mandatory, and proof of garbage service will be required prior to granting of final occupancy of each future residence.

Land Development Engineering

11. Provide for the uninterrupted flow of water in swales and natural courses on the property or any access road. No fill or crossing of any swales or watercourses is allowed unless shown on the approved plans.

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

Department of Roads & Airports

13. ENCROACHMENT PERMIT: The proposed project does not appear to be encroaching into the County Road Right-of-Way (R/W). If the project changes and impacts or alters the County maintained right of way at the intersection of Timothy Lane and Walton Lane, including but not limited to roadway connection, pavement work, roadside drainage, erosion control measures and/or utility installation/upgrades, then an Encroachment Permit will be required. 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.

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

Planning

14. Prior to issuance of grading permit, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development

Geology

15. **Prior to issuance of a grading permit**, submit a Geotechnical Engineer's Plan Review Letter that confirms the plans conform with the recommendations presented in Upp Geotechnology's "Geologic and Geotechnical Study" report (dated 7-19-2016).

Land Development Engineering

Plan Review and Process

16. 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.
17. 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, County of Santa Clara, Roads and Airports Department
www.sccgov.org/sites/rda > Published Standards, Specifications, 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
18. 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.

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.

Road Improvements

21. Provide a SD16 turnaround at the end of the road where the road ceases to serve more than two parcels.
22. Provide a SD16 turnaround at the end of the driveway for the home site on each parcel.
23. Provide a SD5 single lot driveway from the area of the end of road turnaround to access the two home sites.

Drainage

24. 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.
25. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

Utilities

26. 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.
27. Provide letters from the utility companies stating that all easements and financial obligations have been satisfied. These shall include:

1. Gas Company
2. Electric Company
3. Water Company

(Contact the utility companies immediately as these clearances may require over 90 days to acquire.)

Storm Water Treatment - SF Bay watershed

28. 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)

Soils and Geology

29. Submit one hard copy and one electronic copy of the signed and stamped of the geotechnical report for the project.
30. 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.

Dedications and Easements

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

Agreements

32. Enter into a deferred improvement agreement for the ultimate County improvement of the unnamed access road.

Notice of Intent

33. This project may disturb one acre (43,560 square feet) or greater of land area. Provide a detailed accounting and calculation showing the final area disturbed with this project. If the above calculation indicates more than one acre of disturbed land area, the Owner shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State

Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Information is available from the SWRCB web site:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml

CONDITIONS OF APPROVAL TO BE COMPLETED ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT

Land Development Engineering

34. 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.
35. Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO MAP RECORDATION

Habitat Plan

36. Development of parcels shall be subject to the Santa Clara Valley Habitat Plan coverage and applicable fees at the time development applications for each parcel are submitted to the County. **Prior to recordation of the Final Parcel Map**, a note shall be placed on the signature sheet that states, "Development of parcels shall comply with the Santa Clara Valley Habitat Conservation Plan."

Geology

37. Submit a Construction Observations Letter that verifies the work was completed in accordance with the approved plans.

Department of Environmental Health

38. **Prior to recordation of the Final Map**, obtain and provide a water will serve letter from the Great Oaks Water Company for each of the proposed parcels (A, B).

Land Development Engineering

Maps

39. Prepare and submit a Parcel Map for review and approval by the County Surveyor.
40. Parcels A and B shall be surveyed by a Licensed Land Surveyor or Registered Civil Engineer. Monuments shall be set, reset, or verified in accordance with County standards, the California Subdivision Map Act, and/or the California Land Surveyor's Act map recordation.
41. The new lot line for parcels A and B must be surveyed and monumented by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying. The remainder of the parcel boundaries may be compiled from record data. The work and map must conform to the California Subdivision Map Act and County Ordinances.
42. Indicate on the Parcel Map all applicable easements affecting the parcel(s) with benefactors and recording information.

Bonds

43. A monument bond shall be posted prior to recording the parcel map.
44. 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).
45. The owner shall post a performance bond for permitted grading improvements. The bond amount shall be based on the County's estimate of probable construction cost. The performance bond may be in the form of cash deposit, assignment of a savings account or CD, a surety from an insurance company, or a letter of credit.

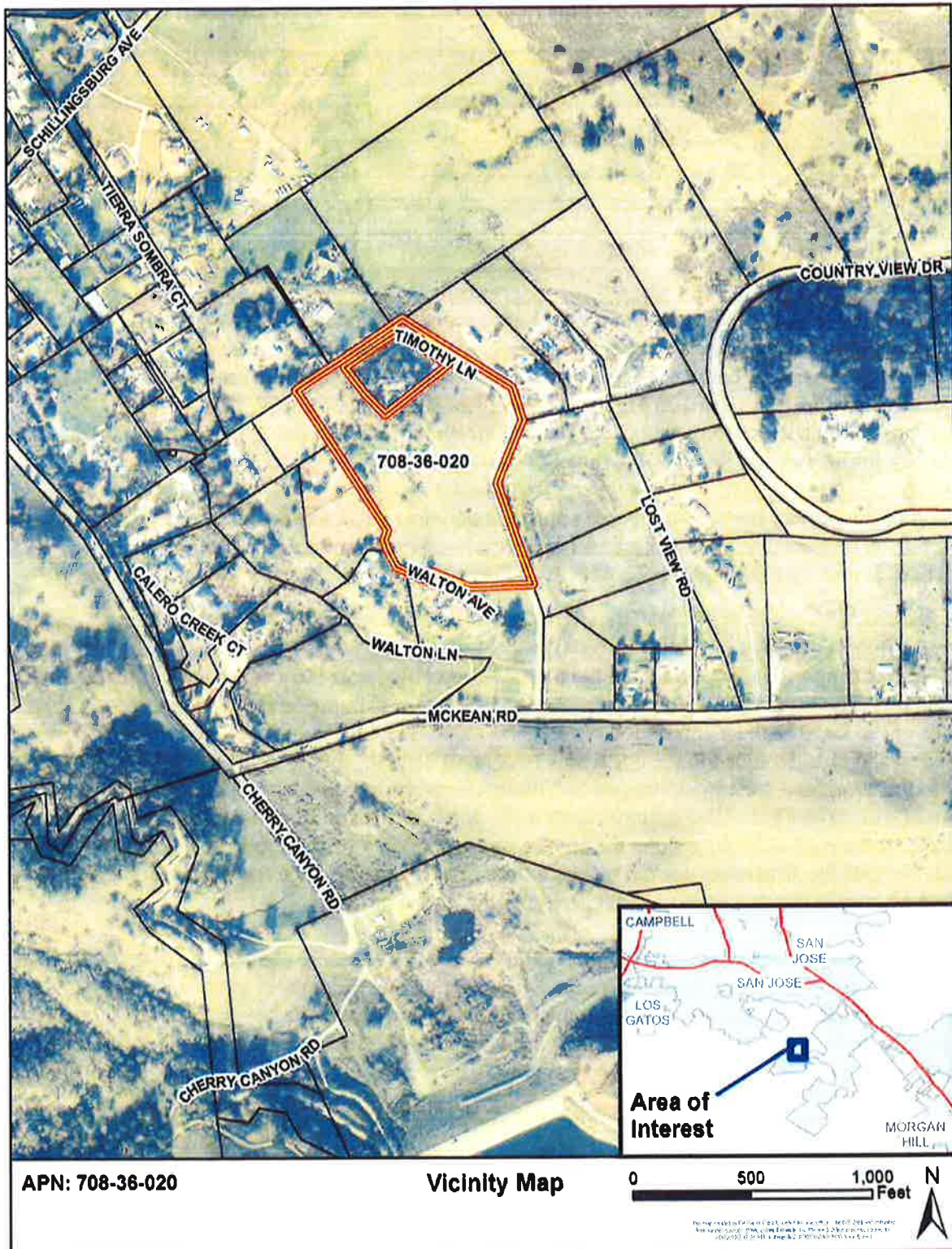
Monumentation and Access

46. Survey monuments shall be shown on the map and 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 maps and/or plans. Survey monuments shall be set pursuant to the State Land Surveyor's Act as determined by the County Surveyor. 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.
47. Submit 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. Should access not exist, submit signed, notarized, and recorded agreements to grant rights-of-ingress and egress.

Soils and Geology

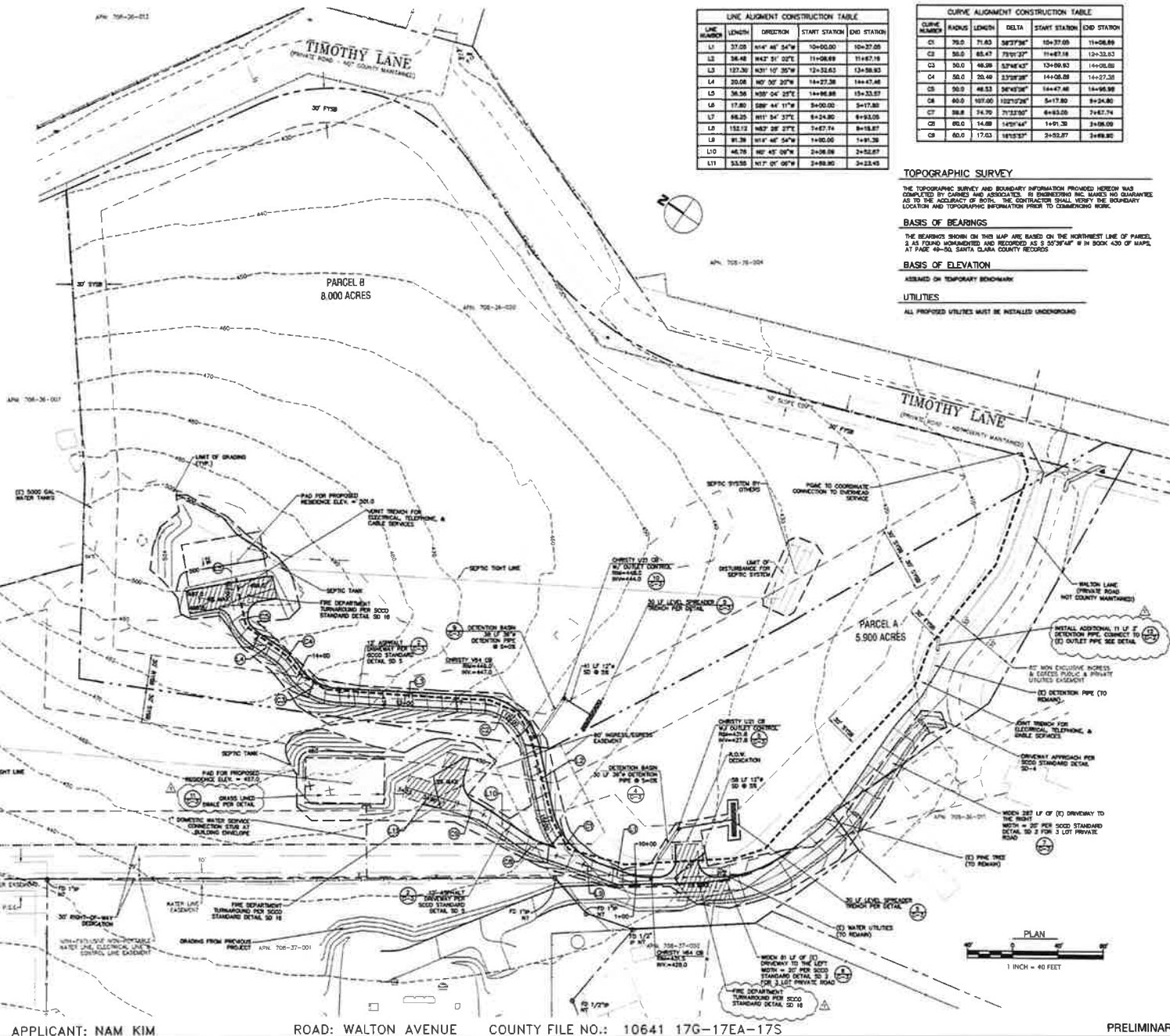
48. Submit one copy of the geotechnical report for the improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to Land Development Engineering.
49. Submit a plan review letter by the Project Certified Engineering Geologist certifying that the geologic issues identified in the project geologic report have been mitigated on the improvement or grading plan. This letter shall be submitted to Land Development Engineering and reviewed by the County Geologist.

Figure 1 - Project Location



	(C) AB
	(C) AC
	(C) CONCRETE
	PROPOSED AC
	(C) FLOWLINE
	(C) RETAINING WALL
	(C) PROPERTY LINE
	PROPOSED PROPERTY LINE
	PROPOSED RETRAK
	PROPOSED OFFER OF DEDICATION LINE
	PROPOSED EXCITEMENT
	PROPOSED LIMIT OF GRADING
	PROPOSED RETAINING WALL
	PROPOSED AC BORN
	PROPOSED SHALE
	PROPOSED SD
	PROPOSED FORMER SD
	PROPOSED SDOD
	UNDESIGNED OR

BC	BOTTOM OF WALL
BS	BEGIN CURVE
CB	CATCH BASIN
CON	CONSTRUCT
CDA, #	DAMETER
CS	DOWNCUT
DTL	DITCH
EW	EXISTING
FW	FINISH GRADE
EL	ELEVATION
ED	EDGE OF PAVEMENT
FL	FRESH FLOOR
FG	FINISH GRADE
FS	FINISH POINT
F2B	FRONT YARD SETBACK
FT	FEET
INV	INVERT
LF	LINEAR FEET
LP	LOW POINT
MA	MARGIN
MS	NOT TO SCALE
MC	POINT OF REVERSE CURVATURE
NS	NORTH
RM	RM ELEVATION
R2B	REAR YARD SETBACK
RTB	ROUTE
SC200	SANTA CLARA COUNTY
SC200	SANITARY SEWER CLEANOUT
SC200	STORM DRAIN CLEANOUT
SB	SIDE YARD SETBACK
TR	TRUCK
TR	TOP OF WALL
W	WATER



LINE NUMBER	LENGTH	DIRECTION	START STATION	END STATION
L1	37.08	N42° 46' 54"W	10+00.00	10+37.08
L2	86.28	N42° 51' 02"E	11+06.88	11+67.16
L3	127.30	N31° 10' 35"W	12+33.63	13+58.93
L4	20.08	N02° 30' 20"W	14+27.38	14+47.38
L5	36.58	N04° 02' 25"E	14+86.88	15+37.37
L6	17.80	S89° 44' 17"W	16+00.00	15+77.80
L7	86.25	N11° 34' 33"E	6+24.80	6+93.05
L8	132.13	N62° 28' 27"E	7+67.74	8+58.87
L9	81.38	N14° 48' 54"W	1+00.00	1+81.38
L10	46.78	N02° 45' 00"E	2+08.58	2+52.87
L11	53.55	N01° 03' 06"W	2+88.90	3+42.45

CURVE NUMBER	RADIUS	LENGTH	DELTA	START STATION	END STATION
C1	350.0	71.83	36°37'36"	10+37.00	11+08.83
C2	550.0	85.47	73°19'27"	11+07.83	12+93.30
C3	500.0	46.98	57°48'43"	13+06.93	14+05.00
C4	550.0	20.49	23°28'28"	14+05.00	14+27.30
C5	480.0	98.35	36°40'36"	14+47.46	15+45.81
C6	600.0	107.05	102°10'26"	5+17.80	5+124.85
C7	368.8	74.70	71°32'50"	6+83.05	7+67.75
C8	600.0	14.88	14°59'44"	1+91.38	2+04.00
C9	600.0	17.63	18°53'53"	2+02.37	2+20.00

TOPOGRAPHIC SURVEY

THE TOPOGRAPHIC SURVEY AND BOUNDARY INFORMATION PROVIDED HEREON WAS COMPLETED BY CARMES AND ASSOCIATES, RI ENGINEERING INC. MAKES NO GUARANTEE AS TO THE ACCURACY OF BOTH. THE CONTRACTOR SHALL VERIFY THE BOUNDARY LOCATION AND TOPOGRAPHIC INFORMATION PRIOR TO COMMENCING WORK.

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE NORTHWEST LINE OF PARCEL 2 AS FOUND MONUMENTED AND RECORDED AS S 55°39'46" W IN BOOK 430 OF MAPS, AT PAGE 49-50, SANTA CLARA COUNTY RECORDS

BASIS OF ELEVATION

ASSIGNED ON TEMPORARY BENCHMARK

UTILITIES

ALL PROPOSED UTILITIES MUST BE INSTALLED UNDERGROUND

REVISED PER COUNTY COMMENTS MAY 2018



RI Engineering, Inc.

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.rlengineering.com

TWO LOT MINOR I AND DECISION

DATA

project no.	
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15-028-

5310

DECEME

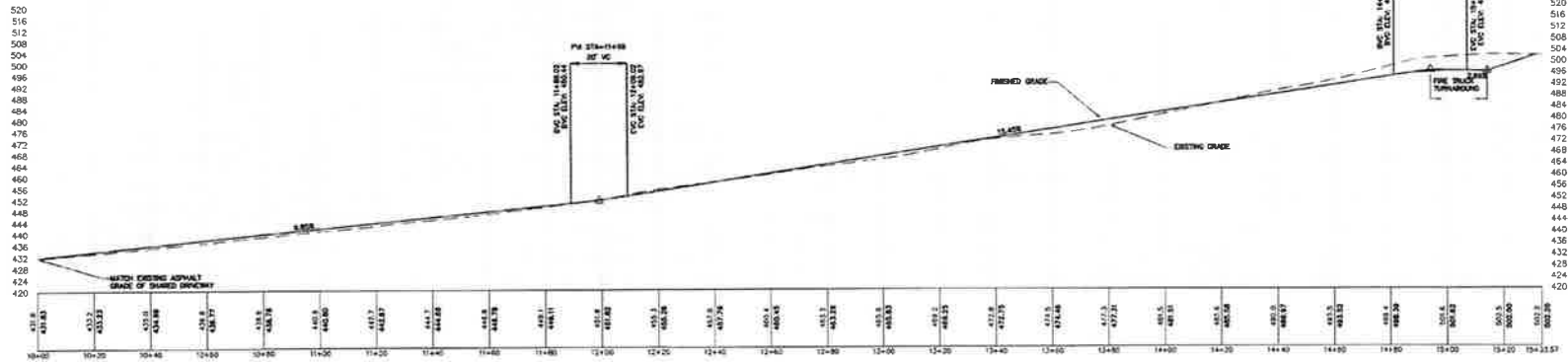
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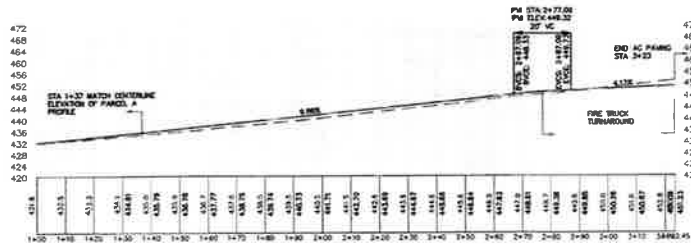
CML3

C-1

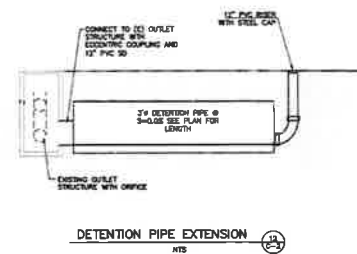
PRELIMINARY



PARCEL A DRIVEWAY PROFILE
SCALE: 1"=20' HORIZONTAL, VERTICAL



PARCEL A DRIVEWAY PROFILE
SCALE: 1"=20' HORIZONTAL, VERTICAL



DETENTION PIPE EXTENSION
1/8\"/>

APPLICANT: NAM KIM

ROAD: WALTON AVENUE

COUNTY FILE NO.: 10641 17G-17EA-17S

PRELIMINARY

REVIEWED PER COUNTY COMMENTS MAY 2018



R.I. Engineering, Inc.

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.riangengineering.com

TWO LOT MINOR LAND DIVISION
FOR NAM KIM
MCKEAN ROAD
SANTA CLARA COUNTY, CALIFORNIA
APN 700-30-000
DETAILS

project no.
15-028-1
date
DECEMBER 2017
scale
AS SHOWN
dwg name
CIVIL3

C-2

REVISED PER COUNTY COMMENTS MAY 2018



RI Engineering, Inc.

303 Potrero St., Suite 42-202, Santa Cruz, CA 95060
831-425-3901 www.rifengineering.com

TWO LOT MINOR LAND DIVISION
FOR
MCKEN ROAD
SANTA CLARA COUNTY, CALIFORNIA
APN 708-36-020

PROJECT NO.
15-028-1
DATE
DECEMBER 2017
SCALE
AS SHOWN
DWG. NORTH
CIVIL 3

C-4

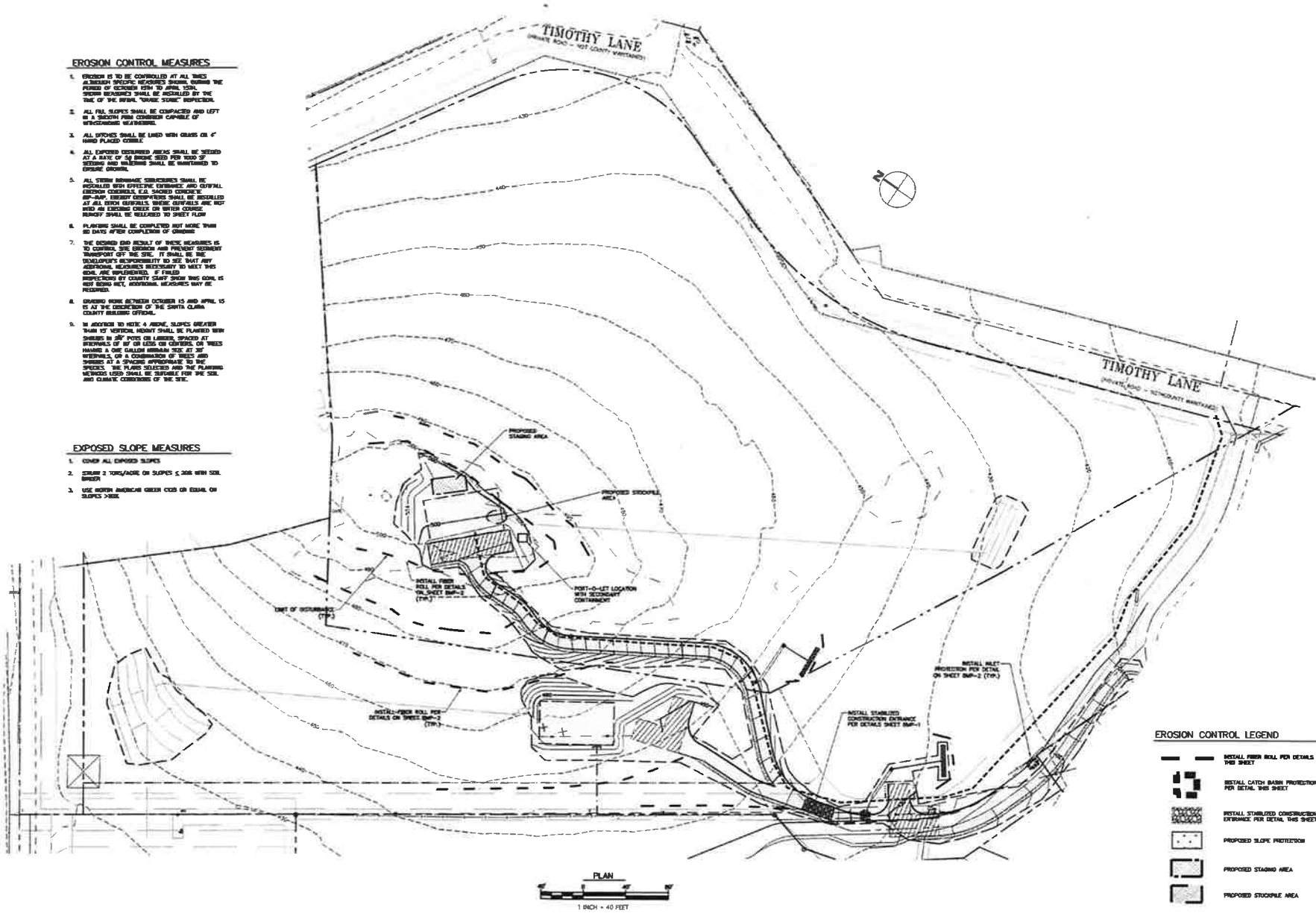
PRELIMINARY

EROSION CONTROL MEASURES

- EROSION IS TO BE CONTROLLED AT ALL TIMES. A DETAILED SPECIFIC MEASURES SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. EROSION MEASURES SHALL BE INSTALLED BY THE TIME OF THE INITIAL "FINAL" EROSION CONTROL MEASURES.
- ALL FILL SLOPES SHALL BE COMPACTED AND LEFT IN A SMOOTH FINISH CAPABLE OF WITHSTANDING WEATHERING.
- ALL SLOPES SHALL BE LINED WITH GRASS OR 4" HARD PLACED COBBLE.
- ALL EXPOSED DISTURBED AREAS SHALL BE SEED AT A RATE OF 20 BIRDS EED PER YARD OF SEEDING AND MULCHING SHALL BE MAINTAINED TO COVER GROUND.
- ALL STORM DRAINAGE STRUCTURES SHALL BE INSTALLED WITH EFFECTIVE ENTRANCE AND OUTFALL. EROSION CONTROL, I.E. SLOPED CONCRETE, ASPHALT, EROSION CONTROL SHALL BE INSTALLED AT ALL EXPOSED STRUCTURES. THESE STRUCTURES ARE NOT TO BE EXPOSED ONLY ON OTHER CONCRETE. MULCH SHALL BE MAINTAINED TO SHEET FLOW.
- PLANTING SHALL BE COMPLETED NOT MORE THAN 30 DAYS AFTER COMPLETION OF CONSTRUCTION.
- THE DESIGN AND INSTALLATION OF EROSION MEASURES IS TO CONTROL THE EROSION AND PREVENT SEDIMENT TRANSPORT OFF THE SITE. IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO SEE THAT ANY ADDITIONAL MEASURES NECESSARY TO MEET THIS GOAL ARE IMPLEMENTED. IF FIELD INSPECTIONS BY COUNTY STAFF SHOW THIS GOAL IS NOT BEING MET, ADDITIONAL MEASURES MAY BE REQUIRED.
- SEEDING MUST BE COMPLETED BETWEEN OCTOBER 15 AND APRIL 15 AS AT THE DISCRETION OF THE SANTA CLARA COUNTY ENGINEER OFFICE.
- IN ADDITION TO NOTE 4 ABOVE, SLOPES GREATER THAN 15% VERTICAL HEIGHT SHALL BE PLANTED WITH GRASS IN 20" PITCH OR LARGER, SPACING AT INTERVALS OF 10' OR LESS ON CENTERS, OR TREES PLANTED AT A SPACING MINIMUM SIZE OF 20' INTERVALS, OR A COMBINATION OF TREES AND PLANTS AT A SPACING APPROPRIATE TO THE SLOPE. THE PLANT SELECTION AND THE PLANTING METHOD USED SHALL BE SUITABLE FOR THE SITE AND CLIMATE CONDITIONS OF THE SITE.

EXPOSED SLOPE MEASURES

- COVER ALL EXPOSED SLOPES.
- SEED 2 TONS/ACRE ON SLOPES < 20% WITH SOIL BROWN.
- USE NORTH AMERICAN GREEN COB OR EQUAL ON SLOPES > 20%.



EROSION CONTROL LEGEND

- INSTALL FIBER ROLL PER DETAILS THIS SHEET
- INSTALL CATCH BASIN PROTECTION PER DETAIL THIS SHEET
- INSTALL STABILIZED CONSTRUCTION ENTRANCE PER DETAIL THIS SHEET
- PROPOSED SLOPE PROTECTION
- PROPOSED STAGING AREA
- PROPOSED STOCKPILE AREA
- PROPOSED SALT FENCE

APPLICANT: NAM KIM

ROAD: WALTON AVENUE

COUNTY FILE NO.: 10641 17G-17EA-17S

PRELIMINARY