

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 February 4, 2021 **Item #3**

Staff Contact: Joanna Wilk, Associate Planner
(408) 299-5799, joanna.wilk@pln.sccgov.org

File: PLN18-11191

Concurrent Land Use Permit for a Building Approval on Slopes Exceeding Thirty Percent, Variance, Design Review (scenic road), and Grading Approval for a New Single-Family Residence

Summary: Consider recommendation for a concurrent land use permit for a Building Site Approval on Slopes Exceeding 30%, Variance, Design Review and Grading Approval. The request includes the construction of a new two-story, 4,720 square-foot residence on a 79.5 acre parcel. Associated improvements include a new driveway, septic system, and water tanks located within the front yard setback. The Variance request is to reduce the front yard setback for water tanks from the required 30'-0" setback to 3'-0". Total grading quantities for the proposed project include 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence.

Owner: Tina Chen & Jeremy Van Grinsven
Applicant: Ninh Lee
Address: 17085 Montebello Road, Cupertino
APN: 351-40-001
Supervisory District: 5

Gen. Plan Designation: Hillsides
Zoning: HS-d1-sr
Lot Size: 79.5 acres
Present Land Use: Vacant
HCP: Not in HCP Area

RECOMMENDED ACTIONS

- A. Accept a Categorical Exemption under Section 15303 (Class3)(a) of the CEQA Guidelines, Attachment A; and
- B. Grant concurrent land use permit for a Building Approval on Slopes Exceeding 30%, Design Review (scenic road), Grading Approval, and Variance, pursuant to the Conditions of Approval outlined in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – CEQA Determination
Attachment B – Preliminary Conditions of Approval

PROJECT DESCRIPTION

The proposed project includes a request for a concurrent land use permit for a Building Approval on Slopes Exceeding 30% (BA), Design Review (Tier 1) (DR), Grading Approval (G) and a Variance (V) for the construction of a new 4,720 square-foot single-family residence with an attached garage. The Variance would accommodate a reduction in the required 30'-0" front yard setback to 3'-0" for water tanks. Associated site improvements include leach fields, a driveway with firetruck turnaround, and a wharf fire hydrant.

The property takes access from Montebello Road, which is a County maintained road, and is designated as a scenic road by the County Zoning Ordinance. The subject property would access water through an existing on-site well. One retaining wall is proposed, which ranges in height from approximately 0'-3" to 5'-0" in height.

The proposed project includes the construction of a new two story, 23'-0" tall residence on a vacant lot. The proposed 4,720 square-foot residence would qualify for Tier 1 Design Review, which is 281 square feet below the Tier 2 review threshold. Typically proposed residences of this size require an Administrative Design Review (Section 3.20.040). However, the residence is located within 100 feet of a scenic road (56 feet from Montebello Road), which necessitates the processing of Design Review application with a public hearing (Section 5.50.020). Proposed grading quantities consist of 747 cubic yards of cut and 306 cubic yards of fill (total 1,053 cubic yards), and a maximum 9 feet in vertical depth to establish the driveway and building pad.

No Ordinance-sized trees are proposed for removal; however, the applicant proposes to plant four 24-inch box California native trees located to the east of the residence to further minimize the visibility of the residence as seen from the Santa Clara Valley Floor and portions of Montebello Road (scenic road). The subject property is not located in the Habitat Plan permit area and therefore is no subject to Habitat Plan review.

Setting/Location Information

The 79.5-acre parcel is currently undeveloped with steep terrain and thick vegetation. Although large in area, the majority of the property includes slopes that exceed 50%, which are considered extreme slopes. The proposed residence would be located on the flattest area of the lot, 56 feet away from Montebello Road right-of-way. Surrounding properties include open space land owned by Mid-Peninsula Regional Open Space, a winery owned and operated by Ridge Vineyards Incorporated, and two quarries (Stevens Creek and Lehigh Permanente). Properties in the area range from 5-acres to 490-acres. The single-family residences in the nearby neighborhood range from 2,000 square feet to 11,00 square feet.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption (See Attachment A). The aesthetic impacts of the scenic road and -d1 viewshed are addressed through the required Design Review process. Existing and required landscaping, and other design measures required through the design review process, including Light Reflectivity Value (LRV), contribute to mitigating aesthetic impacts. The project will not create any significant environmental impacts as the project minimizes grading and impacts to the natural terrain. Additionally, there are no watercourses, special status species or habitat mapped on the site. As such, the project qualifies for a Class 3, Section 15303 (a) new single-family residence Exemption from CEQA.

B. Project/Proposal

1. General Plan: Hillsides

2. **Approved Building Site:** The subject property is *not* an Approved Building Site, as it is not a numbered tract on a numbered Tract Map or a whole Parcel on a Parcel Map from a legal subdivision. Additionally, no Building Site Approval was issued for the subject property in the past. Pursuant to Ordinance Code Section C12-350, properties that exceed 30% slope, require additional review and findings in order to secure site approval. As such, Building Approval on Slopes Exceeding 30% is required as the average slope of the development area is 35.5%. A full analysis of site approval can be found in Subsection C of this staff report.

3. **Zoning Standards:** The Zoning Ordinance specifies the required development standards for single-family residences in the HS-d1-sr Zoning District, as summarized below, followed by Table A, noting the project's conformance with Section 3.20.040 "-d1" Combining District. With the exception of the proposed location of the water tanks (Accessory Structures – Zoning Ordinance Section 4.20.020(O)), the proposed project meets the required development standards for single-family residences.

Setbacks (HS):	30-feet from all property lines (front, side, and rear)
Height:	35-feet
Stories:	3-stories
Scenic Road Setback:	Within 100-feet. <u>Design Review required.</u>

Table A: Compliance with Development Standards for -d1 Combining District

STANDARDS & REQUIREMENTS	CODE SECTION	Assessed (Y)*
Color & LRV	§ 3.20.040 (B)	Y
Building Form & Massing	§ 3.20.040 (C)	Y
Retaining Walls	§ 3.20.040 (D)	Y
Ridgeline Development	§ 3.20.040 (E)	N/A
Design Review Guidelines	§ 3.20.040 (F)	Y

* For full analysis of these development standards, see discussion of Design Review Findings below.

C. Building Approval on Slopes Exceeding 30% Findings:

Pursuant to Ordinance Code Section C12-350, the County discourages development on slopes of 30% or more due to the additional site constraints and challenges typically occurring in such hillside environments, including but not limited to steep terrain, geologic and seismic hazards, difficulties in designing and constructing safe and sustainable onsite wastewater systems, meeting access standards for regular and emergency vehicles, potentially significant tree removal, and the need for significant grading, terrain alteration, and retaining walls. Consequently, building site approval on slopes 30% or more shall only be granted where the parcel has no feasible alternative location for development on slopes less than 30 percent, all necessary health and safety issues are adequately addressed, and the resulting visual impacts of such development are addressed or mitigated through appropriate conditions. By establishing these additional review and regulatory standards for development of parcels on areas of 30% slope or more, the intent is to ensure that such development conforms to the County General Plan policies, demonstrates maximum health and safety protection and preservation of the natural environment, ensures that development does not result in unsafe or unsustainable conditions, and avoids or mitigates potentially significant environmental impacts.

The Building Site Approval for development on slopes of 30% or greater may be granted if all of the following findings are made. In the following discussion, the scope of review findings are listed in **bold**, followed by an explanation of how the project meets the required standard is in plain text below.

- (a) **The project meets or exceeds the requirements of any applicable County agency or other affected public agency and conforms to all applicable development standards;**

Zoning Ordinance Standards

With the exception of the proposed location of the water tanks (see Variance findings – Subsection D below), the proposed project meets the required development standards for construction of a single-family residence. Single-family residences are permitted uses within the Hillside (HS) zoning district. As proposed, the single-family residence complies with the HS zoning regulations, including required setbacks and height requirements. The maximum height of the proposed two- story residence is twenty-eight (23) feet tall, where 35 feet is allowed by Zoning Ordinance, and the residence meets all required 30'-0" setbacks. The proposed site and architectural design are also in keeping with the Santa Clara Design Review standards, in that the building massing and exterior colors of less than 45 LRV will minimize visual impacts (See Design Review Findings below). A summary of conformance with the County's Design Review development standards can be found in Section B(2) of this Staff Report.

Other County Agencies

The project was reviewed and approved with conditions by all applicable County agencies (Land Development Engineering, Department of Environmental Health, Fire

Marshal's Office, Geology, and Roads and Airports). Pursuant to the Conditions of Approval required by each agency, the project will meet all applicable codes and standards.

For these reasons, the project meets or exceeds the requirements of any applicable County agency, or other affected public agency, and conforms to all applicable development standards. As such, this finding can be made.

(b) The project integrates design solutions to all site or development constraints satisfying the requirements and standards for all reviewing and responsible agencies;

Planning Review

The proposed project meets Zoning Ordinance requirements (with the exception of the water tanks), applicable General Plan Policies, Design Review Findings, Design Review Guidelines, Grading Approval Findings, Guidelines for Grading and Hillside Development, and Variance Findings, which are discussed throughout this report. The proposed project includes a new single-family residence, with limited grading that conforms to the natural terrain, as well as undulating facades and varied roof heights to minimize the building's massing. The residence is located in the most appropriate location on the property, within the flattest area of the lot that is closest to the road access. See further analysis of each requirement, policy, finding and guideline in the subsequent sections below.

Other Agency Review

As mentioned above, all applicable County agencies reviewed and conditionally approved the proposed project. To specifically address the Fire Marshal's Office requirement that water tanks be located at a higher elevation than the wharf hydrant, the applicant proposes the water tanks location within the front yard setback (30-feet, Section 4.20.020(O)). If the water tanks were located 30 feet away from the Montebello Road right-of-way, this requirement would not be satisfied, as all locations in that area have a lower elevation than the wharf hydrant. The applicant considered several locations within the front setback to accommodate the Fire Marshal's requirement, (which necessitates a Variance - see Variance Findings below), and ultimately proposed a location farther up Montebello Road, 3 feet from the edge of Montebello Road right-of-way, which ultimately screens the tanks within existing brush to minimize their visibility.

For the reasons mentioned above, the project integrates design solutions to address site constraints and satisfy the requirements for all reviewing and responsible agencies. With the approval of the Variance as part of the application for the water tanks, this finding can be made.

(c) The project cannot be located on portions of the lot with less than 30% slope; and

Based on county GIS analysis, the only areas of the subject property with slopes less than 30% are located within the area where the residence and driveway are proposed to be

cited. All other locations range from 35% to 55% slope. The average slope of the entire development area is 35%, as it includes a 25-foot buffer around the development area which encompasses slopes which range from 45% to 50% (Attachment A). For these reasons, additional alternative site locations was not required to be analyzed. The applicant has cited the new residence on the flattest portion of the property that is nearest to the public road access, thereby reducing the grading to the maximum extent possible. As such, the project cannot be located elsewhere on the property in areas with slopes less than 30%, and this finding can be made.

- (d) **The overall site design, including but not limited to access roads and driveways, retaining walls, architectural quality, landscaping, tree preservation, grading and erosion control, and landscaping, is in harmony with the natural landscape and environment and topography, demonstrates efficiency in terms of the extent and nature of proposed access or other improvements, minimizes overall grading and terrain alteration, and reasonably mitigates the visual impacts of development.**

According to GIS visibility layers, the proposed building site is located within an area of medium to high visibility, as seen from the valley floor. However, the subject property is located behind two ridges utilized by Stevens Creek Quarry and Lehigh Permanente Quarry, which hide the property from being visible from the valley floor. Due to surrounding topography and existing vegetation, the proposed residence is only visible along a quarter mile segment of Montebello Road (Attachment D). Additionally, the proposed residence is not visible from the western portions of Montebello Road (farther uphill past the residence) due to the steep topography of the area, existing vegetation, and the proposed building location tucked into the hillside.

Despite the limited visibility of the proposed residence, the applicant proposes planting four 24-inch box California native trees on the eastern side of the residence to further minimize its visibility from the valley floor and nearby residences. Furthermore, the project does not include the removal of ordinance sized trees and the majority of vegetation is proposed to remain in order to continue using it for visibility mitigation purposes from the valley floor and portions of Montebello Road. Additionally, consistent with the County *Design Review Guidelines*, natural colors and materials with a Light Reflectivity Value (LRV) of 45 or less are proposed in order to blend with the surrounding landscape.

Proposed grading for the project is minimal as the building site is located on the flattest portion of the property, and closest to the roadway and access as feasible for development. The majority of cut is necessary for the driveway and firetruck turnaround which is required for fire safety regulations. The driveway is approximately 115 feet long, takes direct access from Montebello, and is not visible from the valley floor. Additional proposed grading includes landscaping along the eastern side of the building footprint to establish a retaining wall and building pad for the residence. The proposed grading is at a 3:1 slope which matches the existing terrain and blends in with natural topography.

Due to the location of the proposed building site, the existing topography and vegetation of the neighborhood, and the proposed tree planting, the proposed residence is in harmony with the natural landscape, minimizes overall grading and terrain alteration, and reasonably mitigates the visual impacts of development. As such, this finding can be made.

D. Variance Findings:

Pursuant to Section 5.70.020 of the County Zoning Ordinance, a Variance may be considered and justified to enable discretionary relief from the development standards of the Zoning Ordinance where it can be clearly determined that based on the unique circumstances and characteristics of the lot, enforcement of the applicable standards would preclude reasonable use and development of the lot. Furthermore, the unique circumstances involved must be substantial and detrimental, and must relate directly to the characteristics and circumstances of the lot, such that any Variance approved logically and reasonably provides a remedy for a specific hardship(s). In the following discussion, the scope of review findings are identified in **bold** text, and an explanation of how the project meets or doesn't meet the required finding is followed in plain text.

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

The proposed Variance is to reduce the front yard setbacks for the required water tanks from 30'-0" to 3'-0". The subject lot is 79.5 acres, with extremely steep topography and thick vegetation. The only location on the property with a slope less than 30% is the proposed location of the residence, which is immediately adjacent to Montebello Road. Furthermore, Montebello Road is a County Maintained road that requires an additional 10'-0" dedication on either side to create a 60'-0" right-of-way. The additional 10'-0" dedication is where the front yard setbacks are measured from for the single-family residence and the water tanks.

As mentioned in BA Finding (b) above, the water tank must be located within the front yard setback in order to be at an elevation higher than the wharf hydrant. If the water tanks were located outside the 30'-0" setback, additional fill would be required to increase the elevation pad of the tanks, the tanks would need to be made of non-combustible material, pursuant to Fire Safety regulations (due to their location within 20'-0" of the residence), the tanks would be visible from Montebello Road, and the removal of Ordinance sized trees would be necessary. These measures would be contrary to existing County guidelines which emphasize minimizing fill, impacts to the natural terrain and environment, as well as visibility from scenic roads.

To further meet to applicable policies, findings, and guidelines, the applicant proposed to locate the water tanks approximately 200'-0" up Montebello Road, 3'-0" from the edge of right-of-way in an area of approximately 18% slope that would not require the removal

of any ordinance sized trees, and the tanks would be completely hidden from neighboring views due to existing shrubbery.

The request to reduce the water tank setback of 30'-0" to 3'-0" meets the requirements of this finding. The steep topography across a majority of the lot and the limited flat development area of the subject property constitute relatively unique circumstances. As such, Staff is able to make this finding to reduce the setback to 3'-0" to allow the construction of water tanks for a single-family residence, which is a use permitted in the HS zoning district. As such, for the reasons discussed above, this finding can be made.

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

As noted in the Project Description section of this report, the subject property is located in a neighborhood with extremely steep topography, which is primarily developed with single-family residences. Although most surrounding residences meet applicable Zoning Ordinance setbacks, other nearby properties, such as 15545 Swiss Creek Lane and 17655 Montebello Road, received side and/or front yard setback Variances for the single-family residence due to site constraints such as steep topography and lot configuration. As such, the County recognizes that the area may not meet typical development standards with relation to setbacks.

Based on the steep topography of the neighborhood and other Variances approved within the area, Staff has determined the subject request to reduce the front yard setback of the water tanks from 30'-0" to 3'-0" does not constitute a special privilege inconsistent with the limitation upon other properties within the vicinity and the HS zoning district. As such, this finding can be made.

E. Design Review Findings

Pursuant to Zoning Ordinance Code Section 3.30.030 any structure, including signs, that is located within 100 feet of the right-of-way of a designated scenic roadway shall be subject to Design Review, as described in Chapter 5.50 of this Zoning Ordinance. The overall purpose of Design Review is to encourage quality design and mitigate potential adverse visual impacts of development. All Design Review applications are subject to the scope of review listed in §5.50.040 of the County Zoning Ordinance. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project meets the required standard is in plain text below.

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

The subject property is located within the Hillside zoning district, has a -d1 and -sr combing district that necessitates Design Review findings listed in section 5.50.040 of the Zoning Ordinance. As noted in BA Finding (c) above, the subject property is hidden from the valley floor due to its location behind two ridgelines utilized by Stevens Creek

Quarry and Lehigh Permanente Quarry. The proposed residence is only visible along a quarter mile stretch along Montebello Road (Attachment D), and will be located on the flattest portion of the lot that is nearest to the public road access point, thereby reducing grading to the minimum necessary to establish the residence. No ordinance sized trees are proposed for removal and all existing vegetation is to remain to utilize it for visibility mitigation purposes from the valley floor and Montebello Road. Furthermore, the applicant proposes to plant four 24-inch box trees along the eastern side of the residence to further reduce the residence's visibility from neighboring properties.

As such, due to the location of the proposed building site, the existing topography and vegetation of the neighborhood, and the proposed tree planting, the proposed residence does not have an adverse visual impact to the valley floor and scenic road. As such, this finding can be made.

2. Compatibility with the natural environment;

The proposed development is located on the flattest portion of the site, as the overall average topography of the parcel is 54%, while the average slope of the building site (including leach field) is 35%. Proposed contours adjacent to the residence will be established at a 3:1 slope to minimize grading and blend with the surrounding terrain which also has a 3:1 slope. The project includes one retaining wall, which is 5 feet or under, and wraps around the southern side of the home to establish the building pad. The retaining wall and associated improvements cannot be seen from the valley floor and is only visibly from a portion of Montebello Road that is approximately a quarter mile due to the area's steep terrain and existing vegetation (Attachment D). To minimize the residences and retaining wall's visibility, four 24-inch box trees are proposed along the above-mentioned retaining wall to blend it with the natural environment, and Light Reflective Values of exterior colors, as required by the -d1 combining district development standards and *Design Review Guidelines*, will be 45 LRV or less.

Additionally, the project proposes preserving existing vegetation to utilize it for screening from the valley floor, the scenic road, and neighboring residences. As such, the proposed residence and associated improvements are designed to be compatible with the natural environment, and this finding can be made.

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

The site design preserves existing natural features by utilizing the flattest area of the subject property and steps the building pad downhill, following the natural slope. The home is located 56 feet from the Montebello Road right-of-way, which is just over the 30'-0" minimum setback required by Zoning Ordinance, while providing the minimum necessary firetruck access/turnaround. As such, the proposed driveway and firetruck turn around are relatively short in length and do not leave visual scarring on the hillside.

The proposed exterior design of the residence provides a modern appearance, and utilizes multiple materials such as metal, finished with grey tones, and natural cedar wood, which all have a Light Reflective Value (LRV) of 45 or less (see Architecture Plan Sheet Z-2.0). Additionally, the attached garage, enclosed walkway, and main residence all have varying roof heights and undulating exterior facades to minimize building massing and potential scale impacts as seen from the valley floor and Montebello Road.

All proposed retaining walls are limited to a maximum height of five (5) feet tall, with four 24-inch trees proposed in front of the retaining wall to reduce the apparent height and screen them from view. Therefore, the project conforms with the County *Design Review Guidelines*, and this finding can be made.

4. Compatibility with the neighborhood and adjacent development;

The subject property is located in a primarily residential area that also consists of open land owned by Mid-Peninsula Regional Open Space, a winery owned and operated by Ridge Vineyards, and two quarries (Steven's Creek and Lehigh Permanente). Neighboring residence are single-family, and range in size from 2,000 to 11,000 square feet. The average size of neighboring residences are approximately 4,700 square feet, which is the size of the proposed residence.

The proposed residence would appear modest in size by comparison to neighboring residences, as they have three stories and expansive roof lines, while the proposed residence is a maximum of two stories with varying roof heights. Additionally, the design incorporates various materials such as metal sheeting and cedar wood along the structure facades to help break up the structure's appearance. As such, the project is compatible with the immediate neighborhood and this finding can be made.

5. Compliance with applicable zoning district regulations; and

As noted in BA finding (a) of this Staff Report, with the exception of the proposed location of the water tanks (see Variance Findings above), the proposed project meets the required development standards for single-family residence, which are a permitted use in the HS Zoning district. Additionally, the proposed project meets applicable regulations for the -dl and -sr districts, as noted in the findings listed above and below. As such, the project is in compliance with applicable zoning district regulations, and this finding can be made.

6. Conformance with the general plan, any applicable specific plan, or any other applicable guidelines.

The General Plan Growth and Development Chapter for Rural Unincorporated Areas contains specific policies under Strategy No. 3, to “*Ensure Environmentally Safe and Aesthetic Hillside Development.*” R-GD17 requires that “*Design Review Zoning Districts, including Design Review Guidelines, shall apply to primary viewshed areas*

most immediately and directly visible from the valley floor, lands up to and including the first ridge, or those within approximately one to two miles distance from the edge of the valley floor.” R-GD 25(a) recommends “erosion control, landscaping or plantings, retaining wall design, and other design features may be imposed where necessary to ensure that completed work blends as harmoniously as possible with the natural environment and landscape.” Design Review is required in this case since the project is located in the Design Review (-d1) and scenic road (-sr) zoning districts. As proposed, four 24-inch box California native trees will provide additional screening of the proposed structure, as seen from the valley floor and Montebello Road. Natural colors and materials with an LRV below 45 are shown on plans to blend the residence with the surrounding environment. As such, the project will be in conformance with the General Plan and this finding can be made.

F. Grading Findings:

All Grading Approvals are subject to specific findings, pursuant to Ordinance Code sections C12-433. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.

The proposed grading quantities for the project include 747 cubic yards of cut and 306 cubic yards of fill (total 1,053 cubic yards). The two-story, 4,720 square-foot residence would utilize the flattest portion of the lot to minimize grading for the building pad, driveway, and firetruck turnaround. As identified on the grading plans (Attachment C), the building pad and finish floor elevation is situated in a location requiring the minimal grading and vertical fill for the proposed development, as it steps downhill with the natural slope. A total of 747 cubic yards of cut is mostly to accommodate the driveway to the garage and fire truck turnaround in accordance with current engineering standards. Grading is also proposed to establish modest landscape areas adjacent to the east of the residence to blend the building pad with existing natural contours. The grading design is necessary and appropriate to establish single-family residential uses, permissible in the HS zoning district. As such, this finding can be made.

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

The proposed project will not create any export to public or private property. Standard Conditions of Approval and requirements of final grading plans will ensure that grading around the building pad will not result in slope instability or erosion. No watercourses are located on the subject site. The proposal has been approved by the County Land Development Engineering Division and County Roads and Airports Departments. As such, the grading will not endanger the public and/or private property, public health and safety, nor result in excessive deposition of debris or soil sediments on any public right-

of-way, or impair any spring or existing watercourse. For these reasons, this finding can be made.

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

The proposed grading has been designed to contour and blend with the natural topography to the maximum extent possible. Grading surrounding the building site is designed with a 3:1 slope which matches the existing grade. The proposed building pad is situated on the most suitable and flattest portion of the lot. The grading will not impose any significant impacts on the natural landscape, biological, or aquatic resources. There are no creeks or other watercourses on the property. No Ordinance protected trees are proposed to be removed. Four 24-inch box California native trees are proposed on the eastern side of the residence to further minimize visibility from neighboring properties and the valley floor. There are no special status species or habitat mapped on the site. Therefore, the proposed grading will minimize impacts to the natural landscape and resources, and minimize erosion impacts, and this finding can be made.

4. For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.

The proposed grading is related to serving the new residence and driveway, and designed on the flattest portion of the lot. Other locations on the property are extremely steep (35% to 50% slope) and cannot accommodate a residence without excessive amounts of grading. As mentioned above, the building pad steps downhill with the natural slope and is situated in a location that requires the minimal grading and vertical fill for the proposed development. Furthermore, the proposed building pad is in an area that requires minimal vegetation removal, while other alternative locations on the site would require removing several trees and shrubs to create a building pad.

Additionally, the required water tanks are proposed in a location which is relatively flat, requires minimal cut into the hillside to establish the pad, and is not visible from neighboring properties or Montebello Road. All alternative locations for the water tanks would require greater quantities of fill to meet the Fire Marshal requirements described in BA Finding (b) of this report.

Given the constraints mentioned above, the subject site shall be one that minimizes grading in comparison with other available development sites, and this finding can be made.

5. Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.

The proposed grading is designed to conform with the natural terrain and existing topography and will not create a significant visual scar. The residence steps downhill with the natural slope and the driveway length is the minimal length to accommodate adequate site access and fire truck turnaround requirements. The proposed four 24-inch box trees and existing shrubs immediately surrounding the footprint of the home and the retaining walls, which will decrease visibility of the proposed project. Furthermore, all graded contours will be established with a 3:1 slope, thereby blending with the existing natural contours. As such, the proposed grading meets this finding.

6. Grading conforms with any applicable general plan or specific plan policies; and

The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The proposed project utilizes the flattest area of the subject property and is situated in an area that requires minimal necessary grading (see Design Review Finding 3). Such design minimizes grading and reduces visual impacts from hillside development in keeping with General Plan policies R-GD 25 and 26, which requires *‘Grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements should not create a significant visual scar or impact to the environment,’* and discourages *‘excessive, non-essential grading.’* For these reasons, this finding can be made.

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

The proposed grading is in conformance with the adopted *“Guidelines for Grading and Hillside Development,”* in particular, the specific guidelines for siting, road design, building form, and design. The residence utilizes the flattest area of the property located directly adjacent to Montebello right-of-way, in keeping with *“proposed development in areas with level lands or gentler slopes, adjacent to existing infrastructure, minimizing the need for grading and longer driveways into hillside areas.”* In addition, all retaining walls do not exceed five (5) feet in height and follow the existing hillside contours, which will minimize visual impacts to the neighboring properties and the valley floor.

Furthermore, four 24-inch box California native trees are proposed to the east of the building area, which will decrease the potential visual impacts of the proposed development. Therefore, the proposed grading is designed to follow the natural terrain, minimize grading, and reduce visual impacts of the hillside development and is in keeping with General Plan Policies.

In conclusion, based on the unique circumstances and findings of fact described in the body of this report, Staff recommends that the Zoning Administration Hearing Officer grant the concurrent land use permit for a Building Approval on Slopes Exceeding 30%, Variance to reduce water tank front setbacks from 30’-0” to 3’-0”, Design Review, and Grading Approval for a new single-family residence. The Variance is reasonably necessary to provide a practical remedy to the substantial and detrimental hardships presented by the lot’s characteristics, and

conforms to the applicable policies, findings and guidelines of the Zoning Ordinance, General Plan, and Ordinance Code.

ADDITIONAL INFORMATION

Public Comments

As a result of the public notice, Staff received a public comment letter from a member of the public (Attachment E). The letter notes concerns with visibility of structure from the valley floor. As noted in the body of the report and as analyzed in findings listed in section C, E, and F, the subject property is located behind two ridges utilized by Stevens Creek Quarry and Lehigh Permanente Quarry, which hide the property from being visible from the valley floor. Due to surrounding topography and existing vegetation, the proposed residence is only visible along a quarter mile segment of Montebello Road (Attachment D). Additionally, the proposed residence is not visible from the western portions of Montebello Road (farther uphill past the residence) due to the steep topography of the area, existing vegetation, and the proposed building location tucked into the hillside.

BACKGROUND

On February 27, 2017, the property owner met with County Staff and received written feedback regarding a Pre-Application for a Building Approval on Slopes Exceeding 30%, Design Review and Grading Approval for a new-single family residence at the subject property. Following the Pre-Application, the applicant submitted the formal application for the abovementioned applications on March 12, 2018. The initial incomplete letter was issued on April 10, 2018 outlining additional information needed to complete staffs review.


The applicant resubmitted on several occasions revising the design to meet County development standards, Design Review Guidelines and Grading findings. Upon further discussion with the Fire Marshal's Office, it became clear that the water tanks could not reasonably be located outside of the front yard setback and a Variance application was applied for. By the third submittal, the applicant included all the appropriate Variance application documents and paid the appropriate fees. By the fourth submittal, the application was deemed complete pursuant to the completeness letter dated July 6, 2020.

Following the completeness letter, the owner wished to revise their design from a three-story 35-foot-tall residence to a two-story 23-foot-tall residence. Staff informed the owner that the change of design in the home would require additional review by the County and a modification to their completed application was necessary.

On October 13, 2020 the applicant submitted all the materials and paid the appropriate fees for the modifications. On November 12, 2020 the application was deemed complete and tentatively scheduled for the January Zoning Administration hearing. Due to unforeseen circumstances, the application was not scheduled for the January hearing and the owner granted the County a one-time, 90-day extension of time to the Permit Streamlining Act on January 4, 2021 to move the project to the February hearing date.

On January 21 2021, a public notice was mailed to all property owners within a 300 radius and was also published in the Post Records on January 25, 2021.

STAFF REPORT REVIEW

Prepared by: Joanna Wilk, Associate Planner 

Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator



Attachment A

Statement of Exemption from the California Environmental Quality Act (CEQA)

Attachment A

STATEMENT OF EXEMPTION

from the California Environmental Quality Act (CEQA)

FILE NUMBER	APN(S)	
PLN18-11191	351-40-001	1/28/2021
PROJECT NAME	APPLICATION TYPE	
Single-Family Residence; 17085 Montebello Road, Cupertino CA	Building Approval on Slopes Exceeding 30%, Design Review (Tier 1), Grading Approval and Variance	
OWNER	APPLICANT	
Tina Chen and Jeremy Van Grivsen	Ninh Le	
PROJECT LOCATION		
17085 Montebello Road, Cupertino CA		
PROJECT DESCRIPTION		
<p>Building Approval on Slopes Exceeding Thirty Percent, Design Review (Tier 1), Grading Approval, and Variance for the construction of a new two story 4,720 square foot residence on a 79.5-acre parcel. Associated improvements include a new driveway, septic system, and water tanks located within the front yard setback. Total grading quantities for the proposed project include 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence.</p> <p>All discretionary development permits processed by the County Planning Office must be evaluated for compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended). Projects which meet criteria listed under CEQA may be deemed exempt from environmental review. The project described above has been evaluated by Planning Staff under the provisions of CEQA and has been deemed to be exempt from further environmental review per the provision(s) listed below.</p>		
CEQA (GUIDELINES) EXEMPTION SECTION		
<p>Section 15303(a) - Class 3(a): One single-family residence in a residential zone. The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption (See Attachment A). The aesthetic impacts of the scenic road and -d1 viewshed are addressed through the required Design Review process. Landscaping, and other design measures including Light Reflectivity Value (LRV) contribute to avoiding aesthetic impacts. The project will not create any significant environmental impacts as the project minimizes grading and impacts to the natural terrain. Additionally, there are no watercourses, special status species or habitat mapped on the site. As such, the project qualifies for a Class 3, Section 15303 (a) new single-family residence Exemption from CEQA.</p>		
COMMENTS		

The subject property is located in a residential zoned area developed with single family residences of similar size. The new residence will utilize the flattest area available to minimize impacts to the natural landscape. No trees with a diameter of twelve (12)-inch or greater will be removed. No special status species or habitat exists on the site, and the project will not create any impacts to a watercourse, or sensitive or protected wildlife or plant species.

APPROVED BY:

Joanna Wilk, Associate Planner

Joanna Wilk

Signature

2/4/21

Date

Attachment B

**Preliminary Building Approval on Slopes Exceeding 30%,
Design Review (Scenic Road), Grading Approval and Variance
Conditions of Approval**

ATTACHMENT B
CONCURRENT LAND USE PRMIT FOR A BUILDING APPROVAL ON SLOPES
EXCEEDING 30 PERCENT, VARIANCE, DESIGN REVIEW (SCENIC ROAD), AND
GRADING APPROVAL CONDITIONS OF APPROVAL

Date: February 4, 2021

Owner/Applicant: Tina Chen and Jeremy Van Grisven/ Ninh Le

Location: 17085 Montebello Road, Cupertino CA (APN: 351-20-046)

File Number: PLN18-11191

CEQA: Categorically Exempt – Section 15303, Class 3(a)

Project Description: Concurrent land use permit for a Building Site Approval on Slopes Exceeding 30%, Variance, Design Review and Grading Approval. The request includes the construction of a new two-story, 4,720 square-foot residence on a 79.5-acre parcel. Associated improvements include a new driveway, septic system, and water tanks located within the front yard setback. The Variance request is to reduce the front yard setback for water tanks from the required 30'-0" setback to 3'-0". Total grading quantities for the proposed project include 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence. Approval is based on plans submitted on October 13, 2020.

The project is not located within the Santa Clara Valley Habitat Plan Area and does not include the removal of ordinance sized trees.

If you have any question regarding the following conditions of approval, call the person whose name is listed below as the contact for that agency. She/he represents a specialty and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Joanna Wilk	(408) 299- 5799	joanna.wilk@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@cep.sccgov.org
Fire Marshal	Alex Goff	(408) 299 – 5763	alex.goff@sccfd.org
Land Development Engineering	Darrell Wong	(408) 299 - 5735	darrell.wong@pln.sccgov.org
Geology	Jim Baker	(408) 299 - 5774	jim.baker@pln.sccgov.org
Roads & Airports	Gavin Finley	(408) 573 - 2491	Gavin.finley@rda.sccgov.org
Building Inspection		(408) 299 - 5700	

STANDARD CONDITIONS OF APPROVAL

Building Inspection

1. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Building Inspection Office or visit the website at www.sccbuilding.org.

Planning

2. Development must take place in substantial conformance with the approved plans, submitted on October 13, 2020 and the Conditions of Approval. Any changes to the proposed project, or any increase in grading quantities, or modification to the grading or design may require a modification to the concurrent land use permit for the Building Approval for Slopes Exceeding 30%, Design Review, Grading Approval, and Variance, and associated fees, and may result in additional environmental review, pursuant to the California Environmental Quality Act.
3. This approval does not otherwise approve any unpermitted structures located on the property. All structures and grading located within Santa Clara County jurisdiction that require a permit are subject to compliance with and issuance of County permits.
4. Building and grading permits shall be submitted to the Building Inspection Office concurrently.
5. Existing zoning is HS-d1-sr (Hillsides - Design Review Combining District – Scenic Road Combining District). Maintain the following minimum dwelling setbacks (Zoning Ordinance Sections 2.20.030):

Front: 30 feet	Sides: 30 feet	Rear: 30 feet
----------------	----------------	---------------

The maximum height of dwellings is 35 feet and shall not exceed three (3) stories.
6. Two (2) off-street parking spaces are required, one (1) of which must be covered.
7. With the exception of trim and minor details, the exterior surfaces of the house shall be painted muted colors with a light reflectivity value (LRV) of 45 or lower and shall be consistent with the color samples provided with this approval.
8. Pursuant to the approved **Variance**, Water tanks shall maintain the following minimum setbacks:

Front: 3 ft.	Sides: 3 ft.	Rear: 3 ft.
	(height up to 12 ft. tall)	(height up to 12 ft. tall)

Archaeological Resources

9. 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 may 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 Office.

Land Development Engineering

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

Environmental Health

11. 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.

Roads & Airports

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

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

Planning

13. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.
14. **Prior to issuance of a building permit**, and pursuant to Zoning Ordinance Section 5.20.125 record a Notice of Permit and Conditions with the County Office of Clerk-Recorder to ensure that successor property owners are aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided **prior to building permit issuance**.
15. **Prior to issuance of a building permit**, submit final color samples for the house facade, trim and roof indicating the Light Reflectivity Value (LRV) is less than or equal to 45 LRV, pursuant to Zoning Ordinance Section 3.20.040B, consistent with the project, color samples and plans approved at the February 4, 2021 Zoning Administration Hearing.
16. **Prior to issuance of any permits**, provide a final landscaping plan utilizing four (4) 24-inch box sized California native trees to reduce the apparent height of the eastern retaining walls and to blend them in with the natural surroundings. The final landscaping must be in substantial conformance with the landscaping plan approved at the February 4, 2021 Zoning Administrator hearing.
17. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. Calculate square footage of new landscaped area and if it exceeds 500 sq. ft. – obtain landscaping permit. The landscape ordinance and supporting information can

be found on the following web page:

<https://www.sccgov.org/sites/dpd/PlansOrdinances/Landscape/Pages/welo-apply.aspx>

18. For all trees to be retained with a canopy in the development area, or that interfaces with the limits of grading for any proposed development on-site, the trees shall be protected by the placement of five (5)-foot tall rigid tree protective fencing, as shown on final grading and final building plans and must include the following:
 - a. Fencing should be placed along the outside edge of the dripline of the tree or grove of trees.
 - b. The fencing should be maintained throughout the site during the entire construction period and should be inspected periodically for damage and proper functions.
 - c. Fencing should be repaired as necessary to provide a physical barrier from construction activities.
 - d. The following sign shall be placed on all tree protection fencing and must remain until final occupancy. The sign must read: "Warning. This fencing shall not be removed without permission from the Santa Clara County Planning Office. County of Santa Clara tree protection measures may be found at: <http://www.sccplanning.gov>, or call 408-299-5770 for additional details."
 - e. Protection measures must be in place **prior to construction activity** commencing.
 - f. Evidence of tree protective fencing can be provided by taking photos and emailing to the project planner.

Land Development Engineering

19. Obtain a Grading Permit from Land Development Engineering (LDE) **prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance** of the building permit (building and grading permits may be applied for concurrently). The process for obtaining a grading permit and the forms that are required can be found at the following web page: www.sccplanning.org > How to.. > Submit a Development Permit Application > Grading Permit

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

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

20. 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.
21. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures and other improvements as appropriate for construction. The final design shall be in

conformance with all currently adopted standards and ordinances. The following standards are available on-line:

- a. March 1981 Standards and Policies Manual, Volume 1 (Land Development)
www.sccplanning.org > Ordinance & Codes > Land Development Standards and Policies
 - b. 2007 Santa Clara County Drainage Manual
www.sccplanning.org > Ordinance & Codes > Grading and Drainage Ordinance > Drainage Manual
22. 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.
23. 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.
24. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
25. 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.
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. 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:

http://scvurppp.org/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf

28. Submit one copy of the signed and stamped of the geotechnical report for the project.
29. 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.
30. Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at: www.waterboards.ca.gov > Water Issues > Programs > Stormwater

Environmental Health

31. **Prior to building permit issuance**, a septic system conforming to the prevailing Onsite Wastewater Treatment System (OWTS) Ordinance shall be designed based upon percolation test rates and the dispersal field shall be located within the percolation and soil profile testing areas and depth.
32. Based upon a percolation test result of 11 minutes per inch (MPI) and a testing depth of 12 inches, onsite sewage conditions have been determined for a single-family dwelling (not to exceed 675 gallons per day or 6 bedrooms) utilizing 675 square feet + 675 square feet drip dispersal system.
33. **At the time of application for a building permit**, submit four (4) revised plot plans to scale (1" = 20') on a grading and drainage plan showing the house, driveway, accessory structures, septic tank and required drainlines to contour. In order to obtain a septic system permit, maintain all setbacks as outlined within County of Santa Clara Onsite Manual. The original plans must be submitted to the Department of Environmental Health prior to the issuance of the septic system permit and submitted as the final grading plan to Land Development Engineering when a grading permit is required. Contact Ross Kakinami at 408-918-3479 for septic system sign-off.
34. Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved **prior to obtaining a septic system or building permit**. A well log must be submitted which shows a 50-foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Nicole Jorgensen at the Department of Environmental Health at 408-

918-3492 for detailed information. More information can be found by consulting the DEH website at www.ehinfo.org and viewing the drinking water section.

Fire Marshal

Fire Protection – Water

35. Fire protection water system shall be installed, functioning and inspected **prior to approval of the foundation**. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.
36. Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).
- All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
 - Provide 2-5,000-gallon secondary aboveground storage tanks dedicated to the wharf hydrant (water quantity based on CFMO-W1).
 - Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
 - Installation of aboveground storage tanks less than 20 ft. to a structure requires tanks to be of noncombustible construction.
 - Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.
37. One on-site wharf hydrant with 2-1/2-inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.
- Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 600 ft. from the furthest portion of the structure (measured along path of travel).
 - Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.
 - Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.
 - Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration.

NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

38. Fire protection water shall be made available to the fire department.

Fire Department Access

39. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply:
- a. Construction of access roads and driveways shall use good engineering practice.
 - b. All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.
40. Driveways (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).
- a. Width: Clear width of drivable surface of 12 ft.
 - b. Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
 - c. Curve Radius: Inside turn radius for curves shall be a minimum of 50 ft.
 - d. Grade: Maximum grade shall not exceed 16%. Grades exceeding 15% shall be paved in compliance with County Standard SD5.
 - e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.
 - f. Turnarounds: Turnaround shall be provided for driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 40 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

Miscellaneous

41. Property is located within the Santa Clara County Fire Department response area, the State Response Area (served by Cal Fire), and the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:
- a. A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
 - b. Provide a 1/2-inch spark arrester for the chimney.
 - c. Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

Geology

42. **Prior to issuance of permits**, submit:
- a. Plan Review Letter that confirms the plans conform with the intent of the recommendations presented in Murray Engineers' "Engineering Geologic and Geotechnical Investigation" report (dated 2-7-2018) and

- b. A Conformed Copy of an Acknowledgment Statement of Potential Geologic Hazard (to be prepared by the County Geologist).

Roads & Airports

- 43. Dedicate additional 10-foot-wide strips for Montebello Road to result in a 30-foot half street width or a 60-foot full street width as appropriate. All dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County.
- 44. Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit for the following required improvements:
 - a. Installation of the driveway approach to County Standard B/4.
 - b. Improvement of the property's Montebello Road frontage to County Standard B/4A. Modifications may be proposed to the B/4A standard based upon existing site conditions for review and approval by the Roads and Airports Department. The modifications may include defining limits to the frontage improvements and/or reducing the width of the shoulder widening but must demonstrate that the proposed improvements implement the B/4A standard to the maximum extent feasible.
- 45. 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.
- 46. Demonstrate that the post-development maximum flow rate into the County Road right-of-way is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.

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

Planning

- 47. **Prior to final inspection**, contact Joanna Wilk, Associate Planner, **at least two weeks in advance** to schedule a site visit to verify the approved exterior colors and landscaping have been installed, as approved.

Land Development Engineering

- 48. 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.
- 49. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

50. **Prior to building final**, provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

Fire Marshal

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

NOTE: The fire sprinkler system shall be installed and finalized by this office **prior to occupancy**. A separate permit shall be obtained from this office by a state licensed C-16 contractor **prior to installation**. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

Geology

52. **Prior to Final Inspection/Grading Completion**, submit a Geotechnical Engineer's Construction Observations Letter that verifies the work was completed in accordance with the approved plans (A note to that effect will need to be stamped on the plans.).

Roads & Airports

53. Construct the required improvements and any related work in the County maintained road right-of-way to the satisfaction of the Roads and Airports Department.

Attachment C

Plans and Vicinity Map

LANDS OF KAISER PERMANENTE

PERMANENT MONUMENTS/ MONUMENT PRESERVATION:

- IN ACCORDANCE WITH THE CALIFORNIA PROFESSIONAL LAND SURVEYORS' ACT (BUSINESS AND PROFESSIONS CODE) CHAPTER 15 SECTIONS 8771 AND 8725.1, CALIFORNIA PENAL CODE 605, AND CALIFORNIA GOVERNMENT CODE 27581, THE OWNER, CONTRACTOR, AND/OR ANY PERSON PERFORMING CONSTRUCTION ACTIVITIES THAT WILL OR MAY DISTURB AN EXISTING ROADWAY/ STREET MONUMENT, CORNER STAKE, OR ANY OTHER PERMANENT SURVEYED MONUMENT AND/OR AS SHOWN ON THE PLAN SHEET SHALL ENSURE THAT A CORNER RECORD AND/OR RECORD OF SURVEY ARE FILED WITH THE COUNTY SURVEYOR OFFICE PRIOR TO DISTURBING SAID MONUMENTS. ALL DISTURBED OR DESTROYED MONUMENTS SHALL BE RESET AND FILED IN COMPLIANCE WITH SECTION 8771.

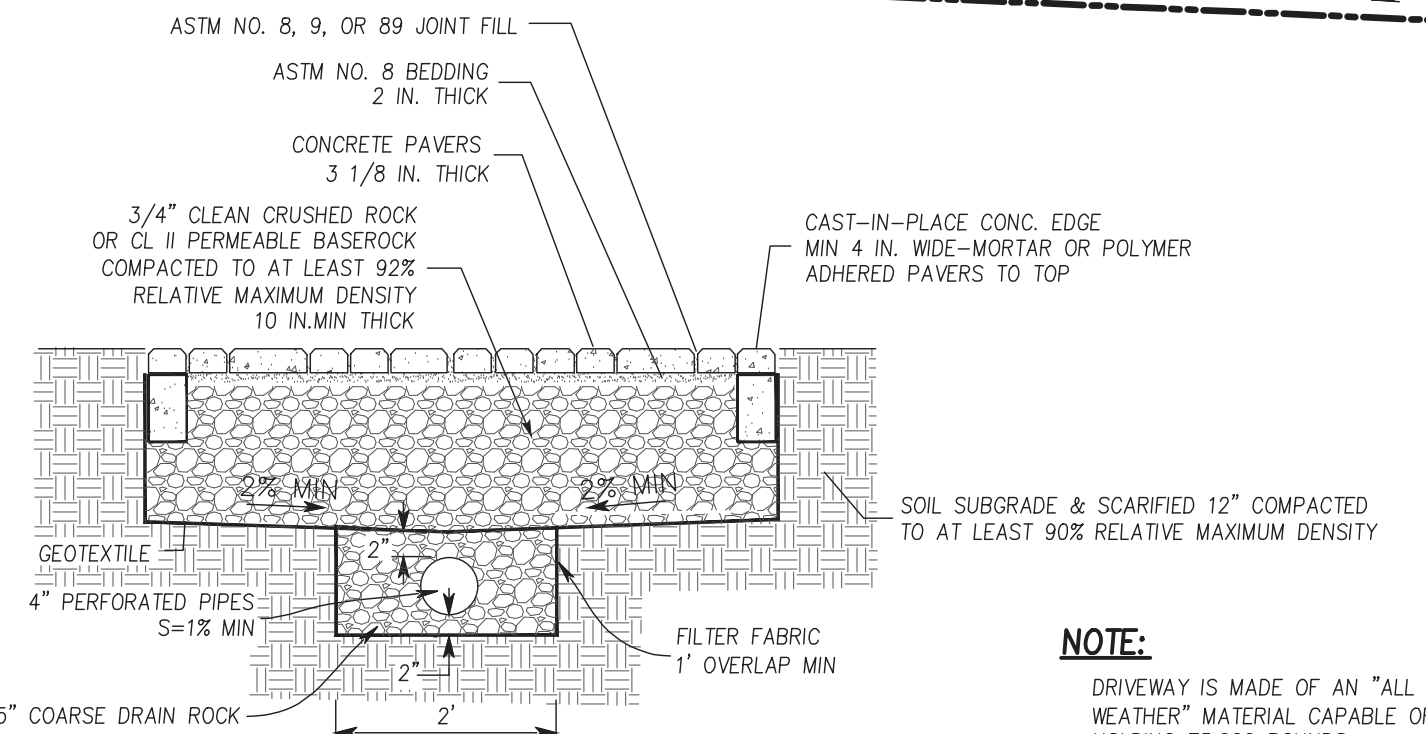
IMPROVEMENT PLAN CONSTRUCTION NOTES:

- ALL WORK IN THE COUNTY ROAD RIGHT OF WAY REQUIRES AN ENCROACHMENT PERMIT FROM THE ROADS AND AIRPORTS DEPARTMENT. EACH INDIVIDUAL ACTIVITY REQUIRES A SEPARATE PERMIT - I.E. RETAINING WALLS, DRIVEWAY APPROACHES, TEMPORARY CONSTRUCTION ENTRANCES, FENCES, LANDSCAPING, TREE REMOVAL, STORM DRAINAGE IMPROVEMENTS, ALL UTILITY OPERATIONS (RELOCATIONS, REPLACEMENTS, ABANDONMENTS, TEMPORARY FACILITIES, AND/OR NEW FACILITIES FOR CABLE, ELECTRIC, GAS, SEWER, WATER), ETC.
- ROADWAYS DESIGNATED AS NOT COUNTY MAINTAINED ROADS AS SHOWN UPON THIS PLAN, WILL NOT BE ELIGIBLE FOR COUNTY MAINTENANCE UNTIL THE ROADWAYS ARE IMPROVED (AT NO COST TO THE COUNTY) TO PUBLIC MAINTENANCE ROAD STANDARDS APPROVED BY THE BOARD OF SUPERVISORS AND IN EFFECT AT SUCH TIME THAT THE ROADWAYS ARE CONSIDERED FOR ACCEPTANCE INTO THE COUNTY'S ROAD SYSTEM.

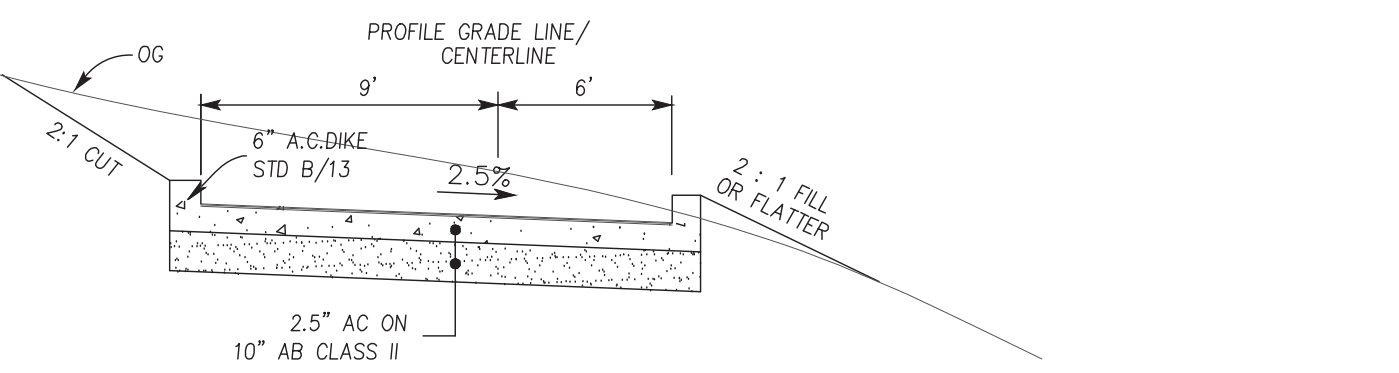
LANDS OF CHEN
APN 351-40-001
79.5± ACRES

(PRELIMINARY TITLE REPORT BY CHICAGO TITLE
COMPANY DATED APRIL 27, 2017 ESCROW
#FWPS-2983170369-J0)

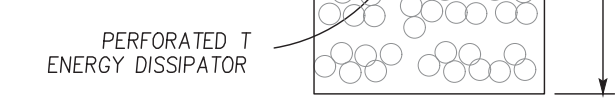
TYPICAL PAVER DRIVEWAY SECTION



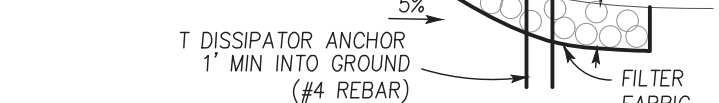
TYPICAL AC DRIVEWAY SECTION



PLAN VIEW



SECTION VIEW



T ENERGY DISSIPATOR DETAILS

UNLINED DITCH TYPICAL SECTION



EARTHWORK QUANTITY

IMPROVEMENT	EARTHWORK QUANTITY (CUBIC YARD)		MAXIMUM DEPTH (FEET)	
	CUT	FILL	CUT	FILL
RESIDENCE	145	9	9	0
ACCESSORY STRUCTURE	-	-	0	0
POOL/HARDSCAPE	-	-	0	0
DRIVEWAY	476	27	5	1
LANDSCAPE	126	270	2	2
TOTAL	747	306		

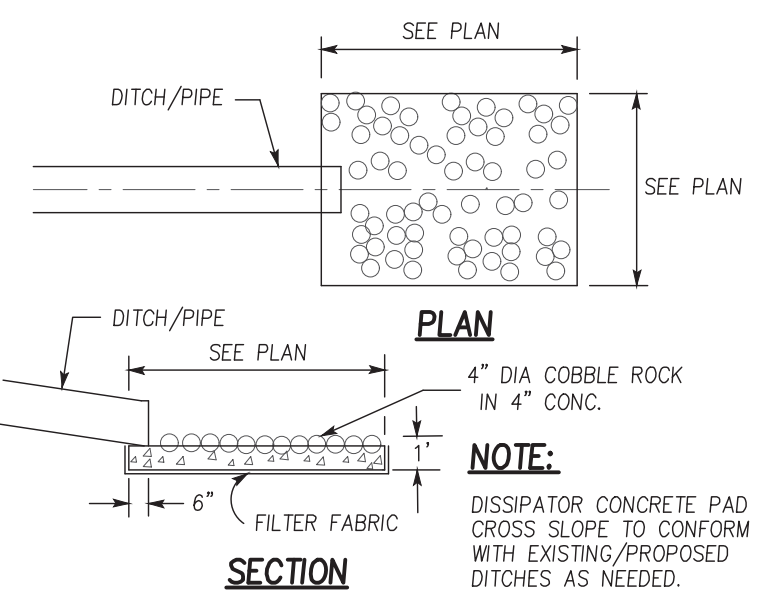
NOTES:

EARTHWORK QUANTITIES AS SHOWN ON THE PLAN IS FOR INFORMATION ONLY. CONTRACTOR TO CALCULATE HIS/HER OWN EARTHWORK QUANTITIES FOR BIDDING PURPOSE.

DETAIL B

COBBLE ROCK ENERGY DISSIPATOR

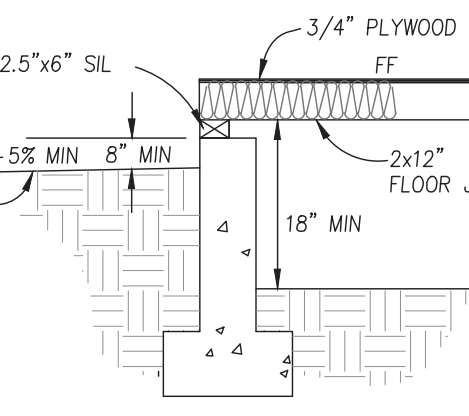
NTS



FINISH GRADE DETAIL

AT BUILDING FOUNDATION

NTS



LEGEND & ABBREVIATIONS

AB	AGGREGATE BASE		BENCHMARK
AC	ASPHALT CONCRETE		BOUNDARY
BLDG	BUILDING		CATCH BASIN
BSL	BUILDING SETBACK LINE		COBBLE ROCK
BW	BOTTOM OF WALL/BACK OF WALK		ENERGY DISSIPATOR
CC	COBBLE ROCK ENERGY DISSIPATOR		CONCRETE
CC	CURB & GUTTER		
C	CENTERLINE		
CC	SANITARY SEWER CLEANOUT		
CONC	CONCRETE		
CSD	COUNTY STANDARD DETAIL		
DE	DRAINAGE EMITTER		
DI	DRAINAGE INLET		
DIP	DUCTILE IRON PIPE		
DS	DOWNSPOUT		
DWY	DRIVEWAY		
EA	EASEMENT		
ELEV	ELEVATION		
EM	ELECTRIC METER		
E(OH)	ELECTRIC OVERHEAD		
E(UG)	ELECTRIC UNDERGROUND		
EP	EDGE OF PAVEMENT		
FD	FOUND		
FF	FINISH ELEVATION OF SUBFLOOR		
FG	GROUND FINISH GRADE		
FH	FIRE HYDRANT		
FL	FLOW LINE		
G	GARAGE SLAB ELEVATION/GAS LINE		
GM	GAS METER		
HP	HIGH POINT		
INV	INVERT		
LIP	LIP OF GUTTER		
LS	LANDSCAPED AREA		
MAX	MAXIMUM		
MH	MANHOLE		
MIN	MINIMUM		
NTS	NOT TO SCALE		
OH	OVERHEAD		
OG	ORIGINAL GROUND		
P	PAVEMENT FINISH GRADE		
PAD	PAD ELEVATION		
PL	PROPERTY LINE		
PP	POWER POLE PROP PROPOSED		
PSE	PUBLIC SERVICE EASEMENT		
PUE	PUBLIC UTILITY EASEMENT		
PVMT	PAVEMENT		
PVC	POLY(VINYL CHLORIDE)		
R	RADIUS		
RW	RETAINING WALL		
REM	REMOVE		
R/W	RIGHT OF WAY		
SB	SETBACK		
SCSD	SANTA CLARA COUNTY STANDARD DETAIL		
SCRA	SANTA CLARA COUNTY ROAD & AIRPORT		
S.C.V.W.D	SANTA CLARA VALLEY WATER DISTRICT		
SD	STORM DRAIN		
SDE	STORM DRAIN EASEMENT		
SE	SLOPE EASEMENT		
SS	SANITARY SEWER/LATERAL		
STA	STATION		
STD	STANDARD CITY DETAIL		
SW	SIDEWALK		
TB	TOP OF BANK		
TC	TOP OF CURB		
TD	TRENCH DRAIN		
TED	T ENERGY DISSIPATOR		
TEMP	TEMPORARY		
TOE	TOE OF BANK		
TO	TOP OF GRATE		
TPF	TREE PROTECTION FENCE		
TW	TOP OF WALL		
VS	VALLEY GUTTER		
W	WALKWAY		
WM	WATER METER		
WV	WATER VALVE		
W	UTILITY: EXISTING		
W	UTILITY: PROPOSED		
WM	WATER METER		
WV	WATER VALVE		
W	WELL		
W	TREE PROTECTION FENCE		

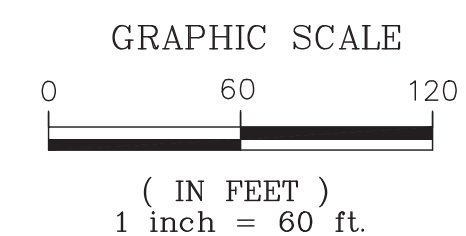
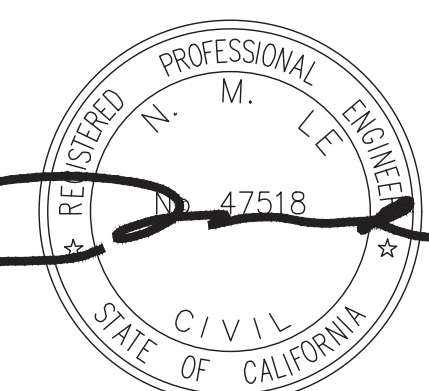
SHEET INDEX

Sheet C1	Overall Site Plan
Sheet C2	Grading, Drainage Plan
Sheet C2.1	Grading, Drainage Plan
Sheet C3	Driveway Profile & Sections & Details
Sheet C4	Erosion Control Plan

NOTES:

- DISTURBED AREA = 30,392 SF = 0.7 ACRES

APPROVED FOR ISSUANCE.
REFER TO ENCROACHMENT AND/OR
CONSTRUCTION PERMIT AND PLAN
COVER SHEET FOR SPECIAL
CONDITIONS AND PERMIT NUMBERS



ENGINEERING
598 E Santa Clara St #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

California

OVERALL SITE PLAN
LANDS OF CHEN
17085 MONTEBELLO ROAD
APN 351-40-001

Cupertino

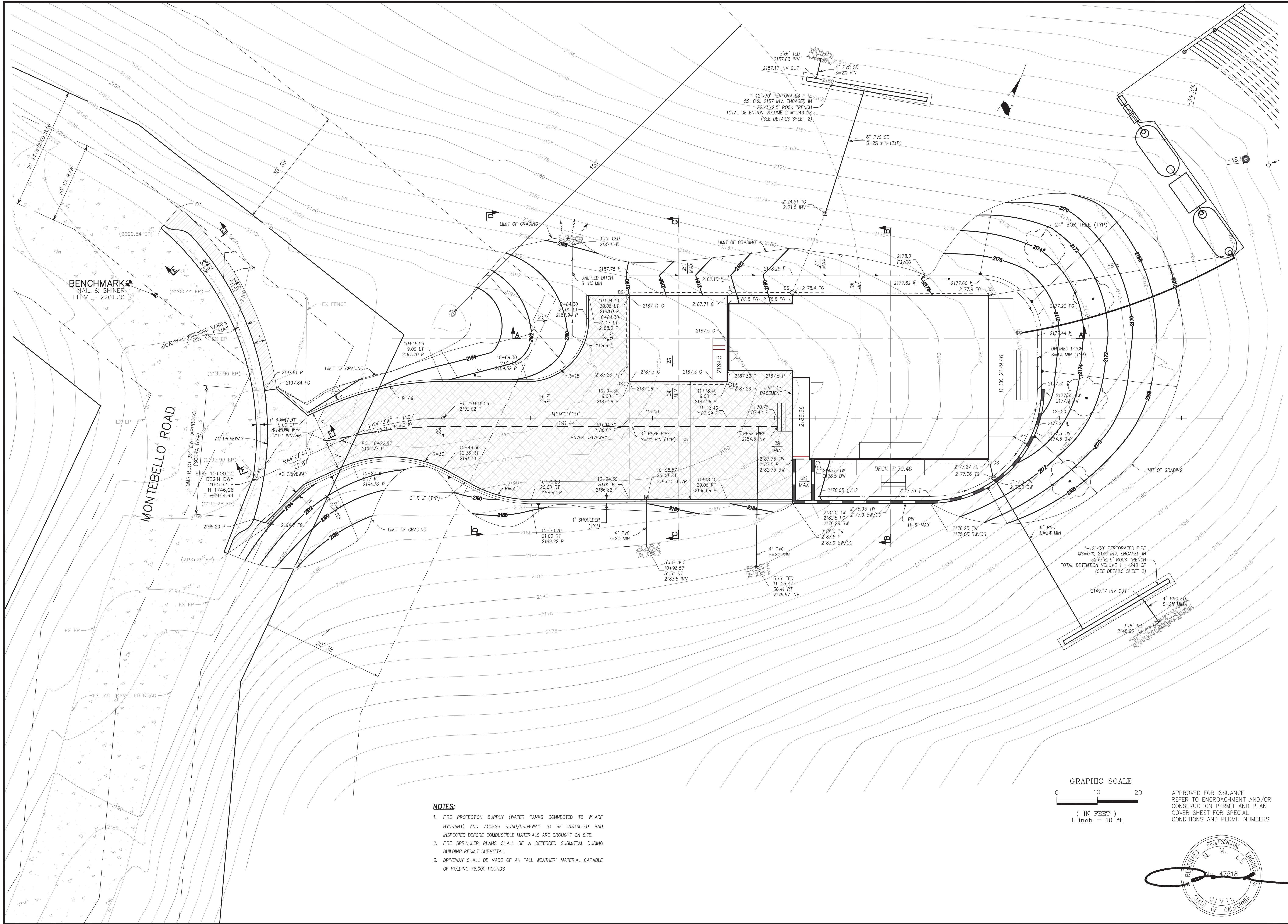
C1

1 OF 5

APPLICANT : CHEN

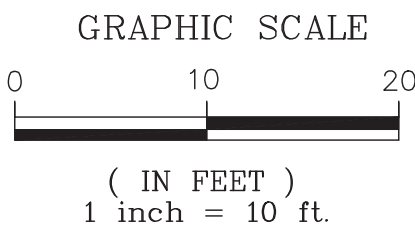
ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR

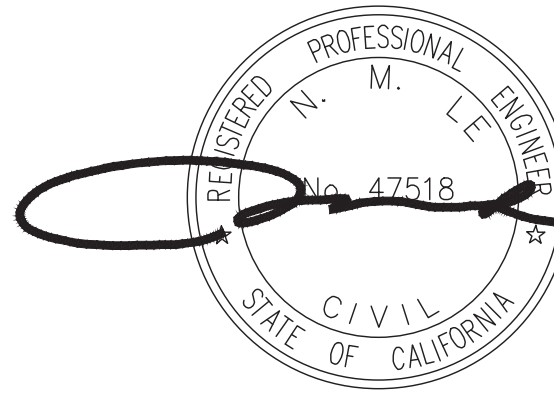


NOTES:

1. FIRE PROTECTION SUPPLY (WATER TANKS CONNECTED TO WHARF HYDRANT) AND ACCESS ROAD/DRIVEWAY TO BE INSTALLED AND INSPECTED BEFORE COMBUSTIBLE MATERIALS ARE BROUGHT ON SITE.
2. FIRE SPRINKLER PLANS SHALL BE A DEFERRED SUBMITTAL DURING BUILDING PERMIT SUBMITTAL.
3. DRIVEWAY SHALL BE MADE OF AN "ALL WEATHER" MATERIAL CAPABLE OF HOLDING 75,000 POUNDS



APPROVED FOR ISSUANCE.
REFER TO ENCROACHMENT AND/OR
CONSTRUCTION PERMIT AND PLAN
COVER SHEET FOR SPECIAL
CONDITIONS AND PERMIT NUMBERS



GRADING, DRAINAGE PLAN
LANDS OF CHEN
17085 MONTEBELLO ROAD
APN 351-40-001

C2

2 OF 5
SHEET NO.

FILE NO.

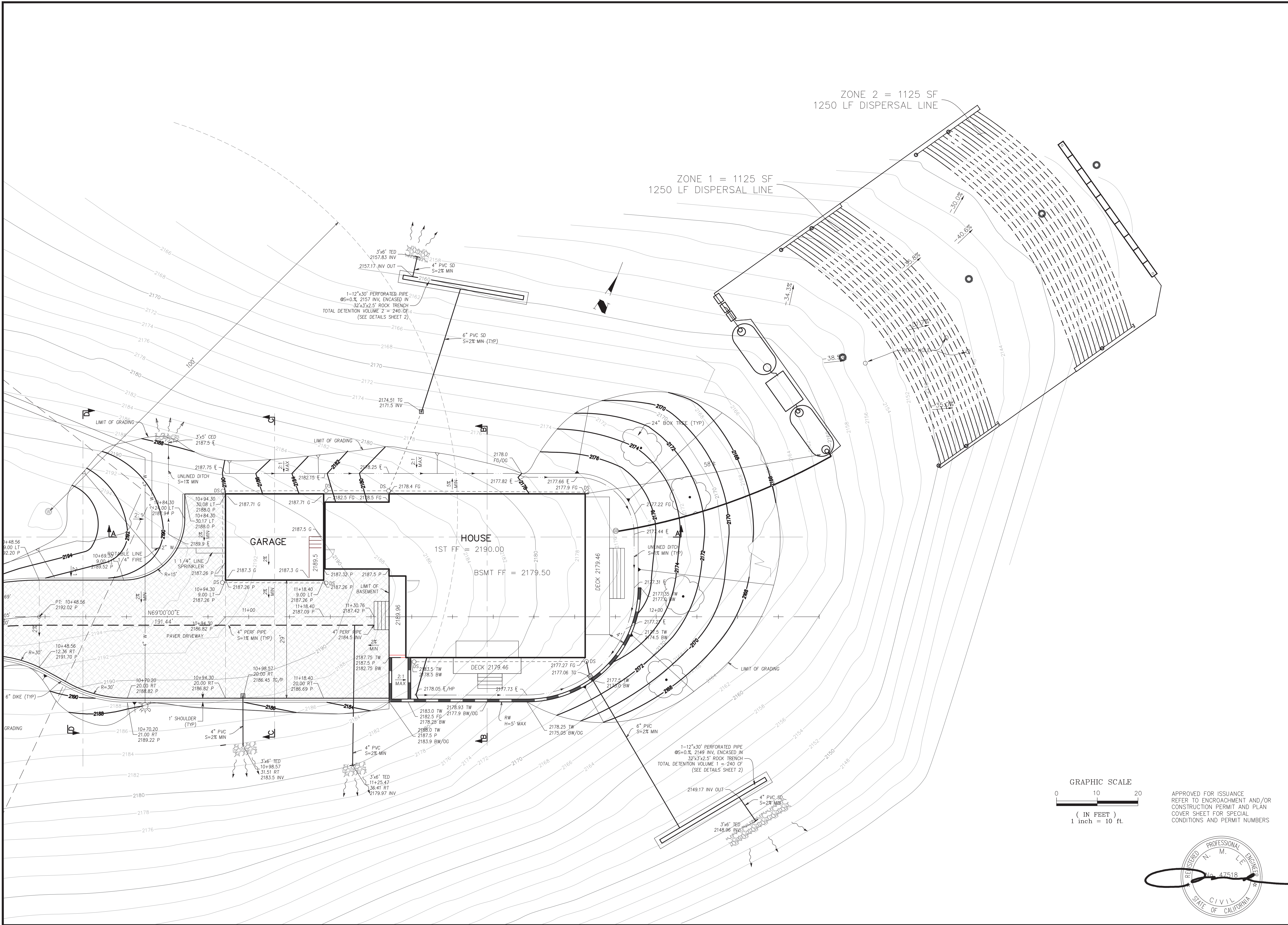
ENGINEERING
598 E Santa Clara St #270
San Jose, CA 95127
Phone: (408) 806-7187
Fax: (408) 583-4006

DESIGNED	DATE	DRAWN	DATE	CHECKED	DATE	BY	DATE	APPROVED	REVISIONS	NO.
DB	05/27/20	PT	05/27/20	NL	05/27/20					

APPLICANT: CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR



APPLICANT: CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR

GRADING, DRAINAGE PLAN
LANDS OF CHEN
17085 MONTEBELLO ROAD
APN 351-40-001

C2.1

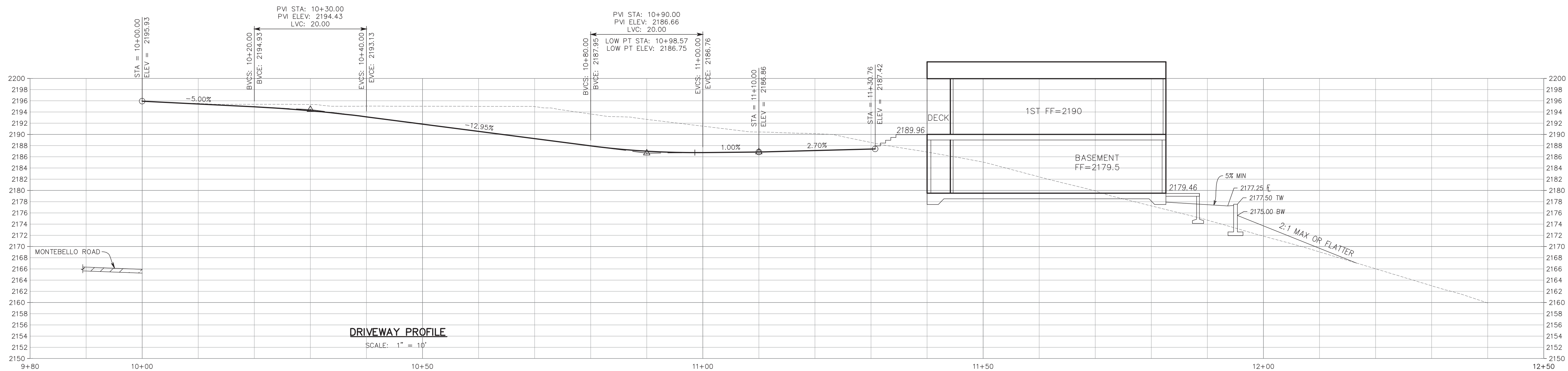
3 OF 5

ENGINEERING

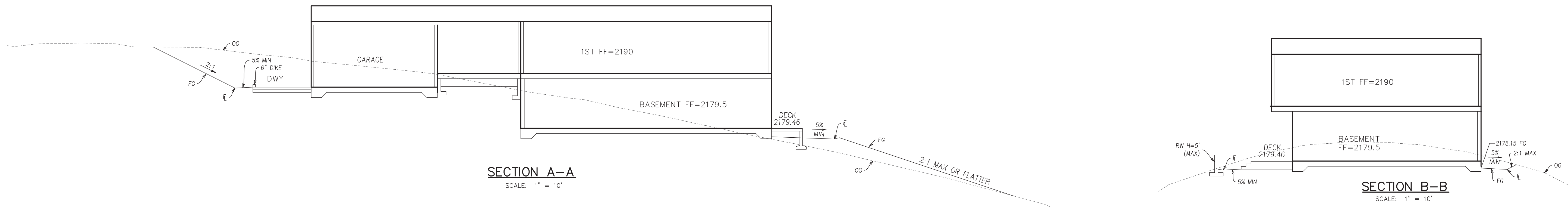
598 E Santa Clara St #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

REGISTERED PROFESSIONAL ENGINEER
CIVIL
STATE OF CALIFORNIA
No. 47518

DESIGNED	05/27/20	DATE	05/27/20	DATE	05/27/20	DATE	05/27/20
PT		PT		PT		PT	
DRAWN		DRAWN		DRAWN		DRAWN	
SCALE	1"=10'	SCALE		SCALE		SCALE	
CHECKED		CHECKED		CHECKED		CHECKED	
BY		BY		BY		BY	
DATE		DATE		DATE		DATE	
REVISIONS		REVISIONS		REVISIONS		REVISIONS	
NO.		NO.		NO.		NO.	



DRIVEWAY PROFILE
SCALE: 1" = 10'



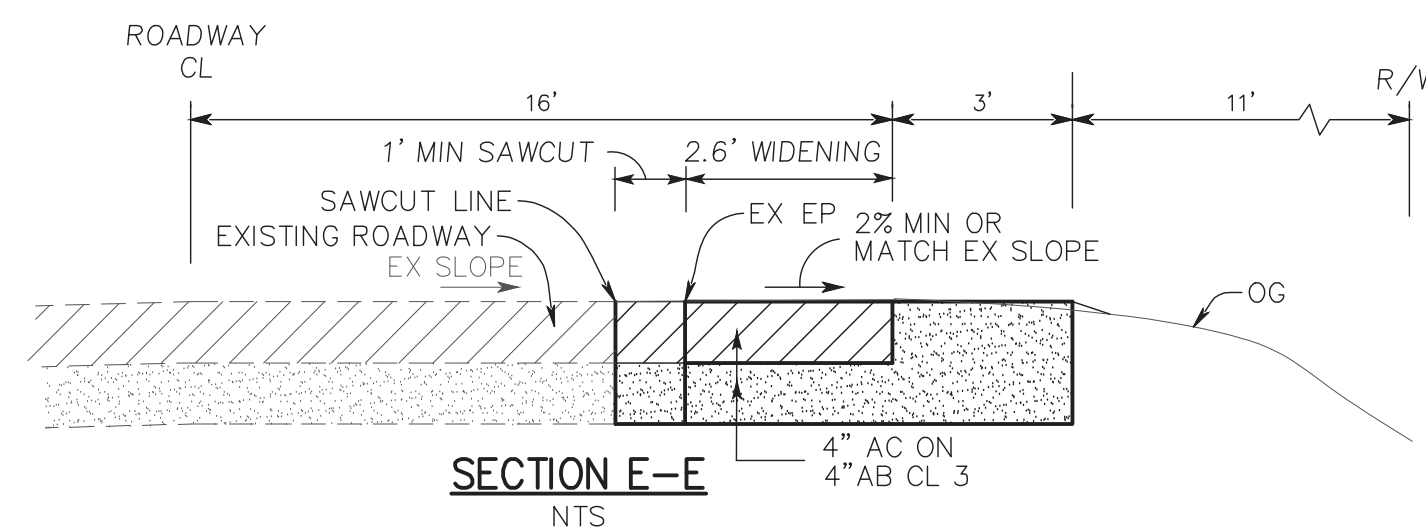
SECTION A-A
SCALE: 1" = 10'

SECTION B-B
SCALE: 1" = 10'

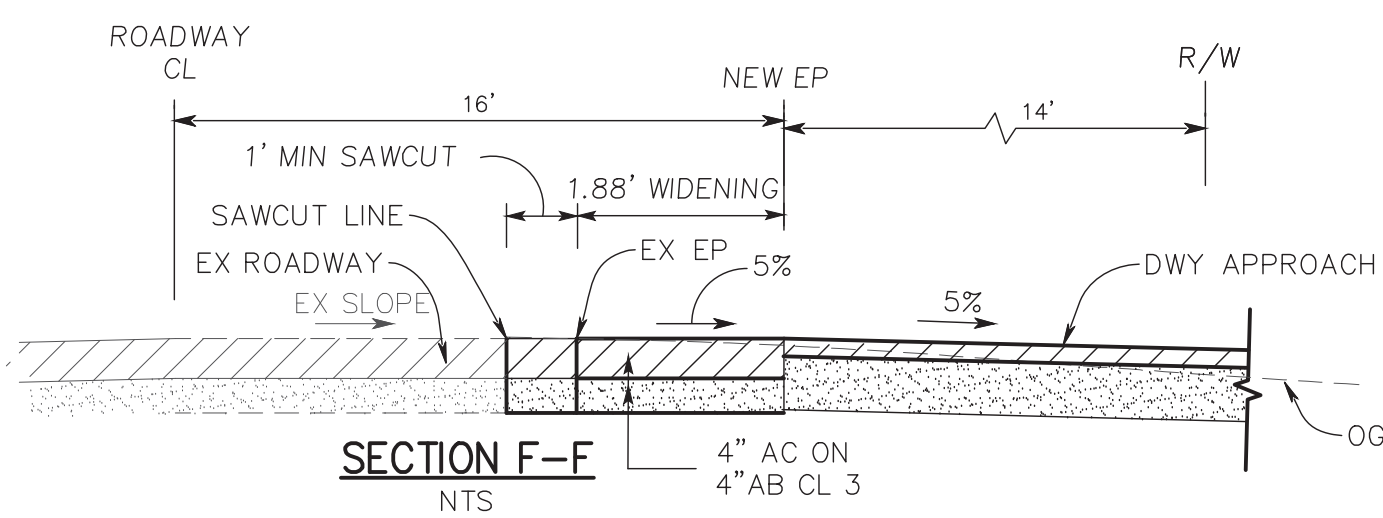


SECTION C-C
SCALE: 1" = 10'

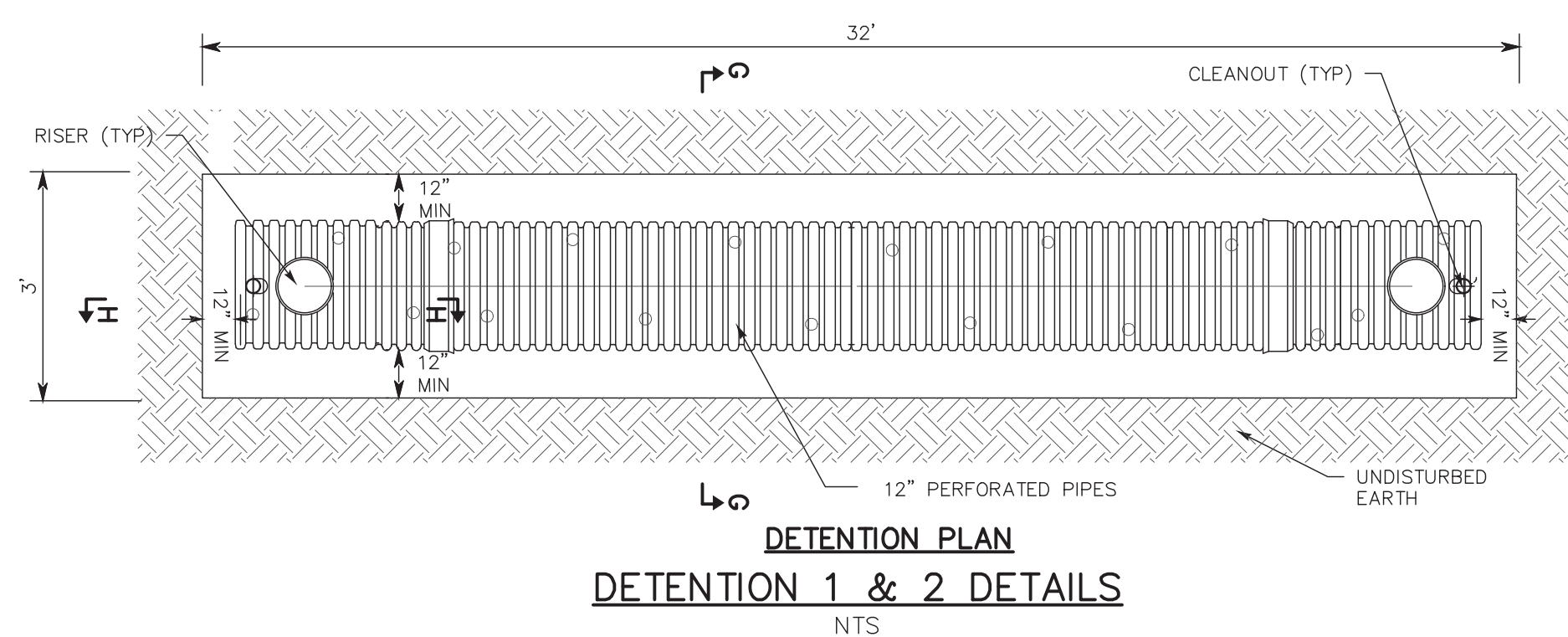
SECTION D-D
SCALE: 1" = 10'



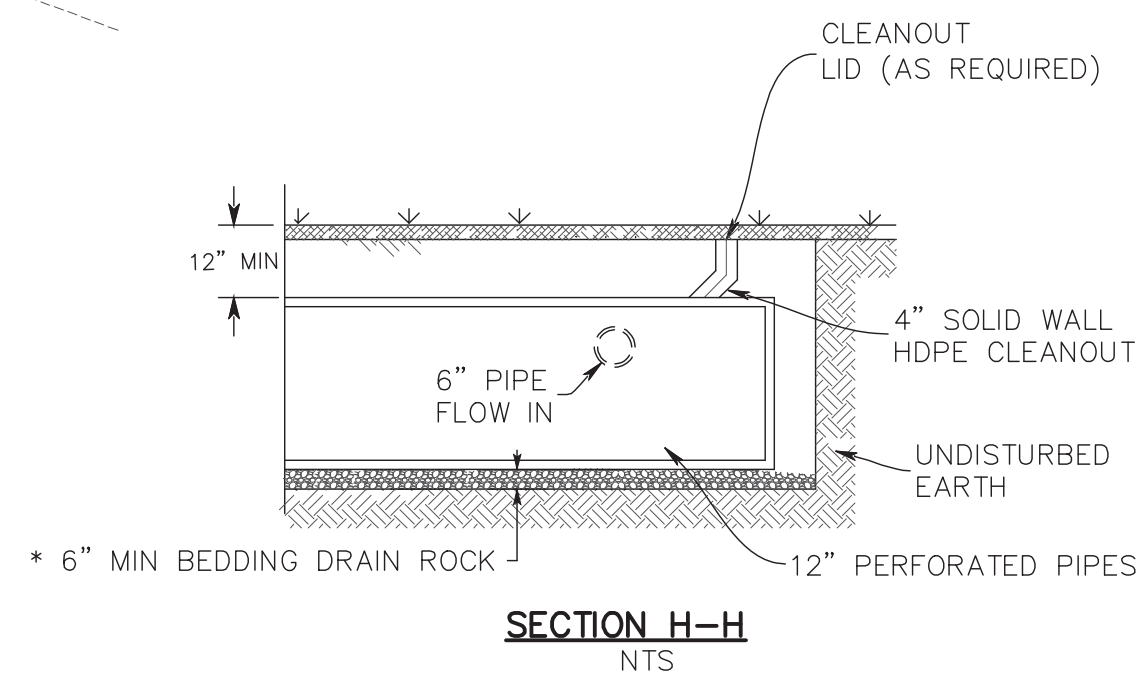
SECTION E-E
NTS



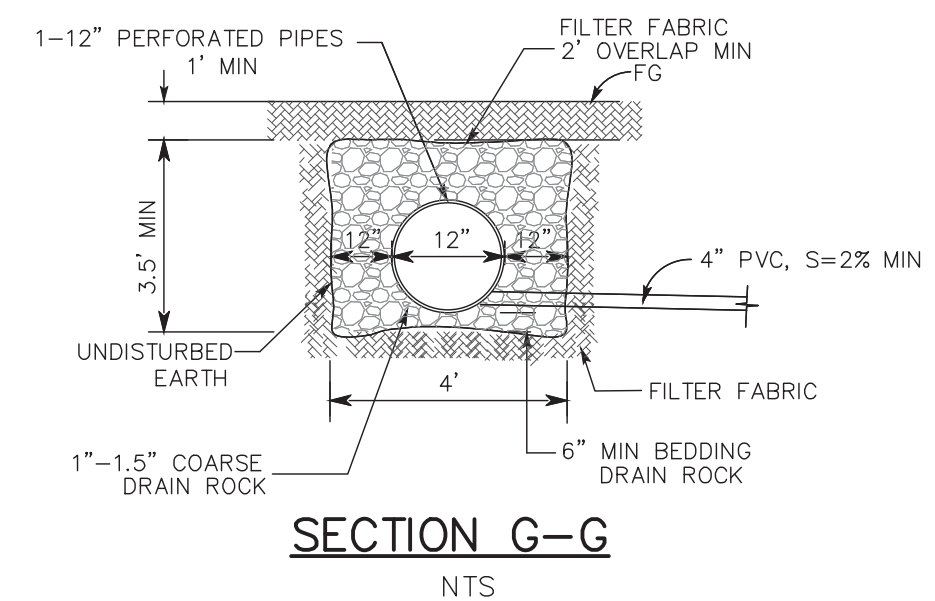
SECTION F-F
NTS



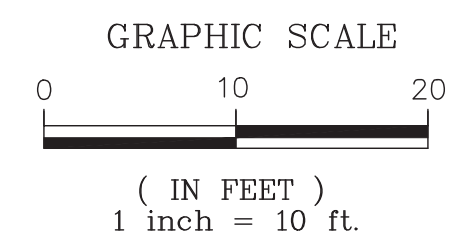
DETENTION PLAN
DETENTION 1 & 2 DETAILS
NTS



SECTION H-H
NTS



SECTION G-G
NTS



APPROVED FOR ISSUANCE
REFER TO ENCROACHMENT AND/OR
CONSTRUCTION PERMIT AND PLAN
COVER SHEET FOR SPECIAL
CONDITIONS AND PERMIT NUMBERS



DESIGNED	DATE	DRAWN	DATE	CHECKED	DATE	BY	DATE	REVISIONS	NO.
DB	05/27/20	PT	05/27/20	NL	05/27/20				

DESIGNED	DATE	DRAWN	DATE	CHECKED	DATE	BY	DATE	REVISIONS	NO.
DB	05/27/20	PT	05/27/20	NL	05/27/20				

LE ENGINEERING
598 E Santa Clara St #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

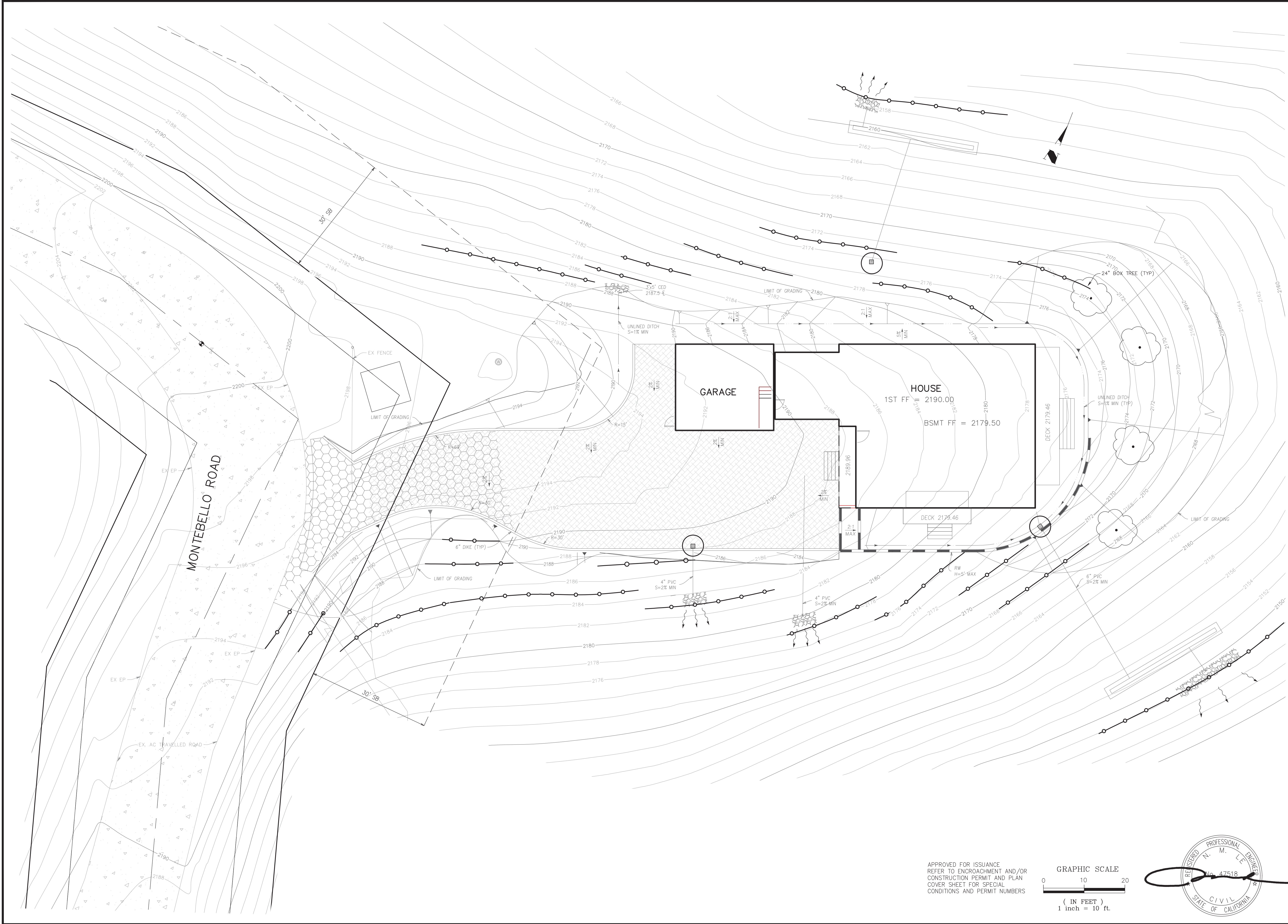
DRIVEWAY PROFILE, SECTIONS AND DETAILS
LANDS OF CHEN
17085 MONTEBELLO ROAD
APN 351-40-001
California

DRAWING NO.	FILE NO.	CONTRACT NO.	PROJECT NO.
C3	4 OF 5		

APPLICANT: CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR

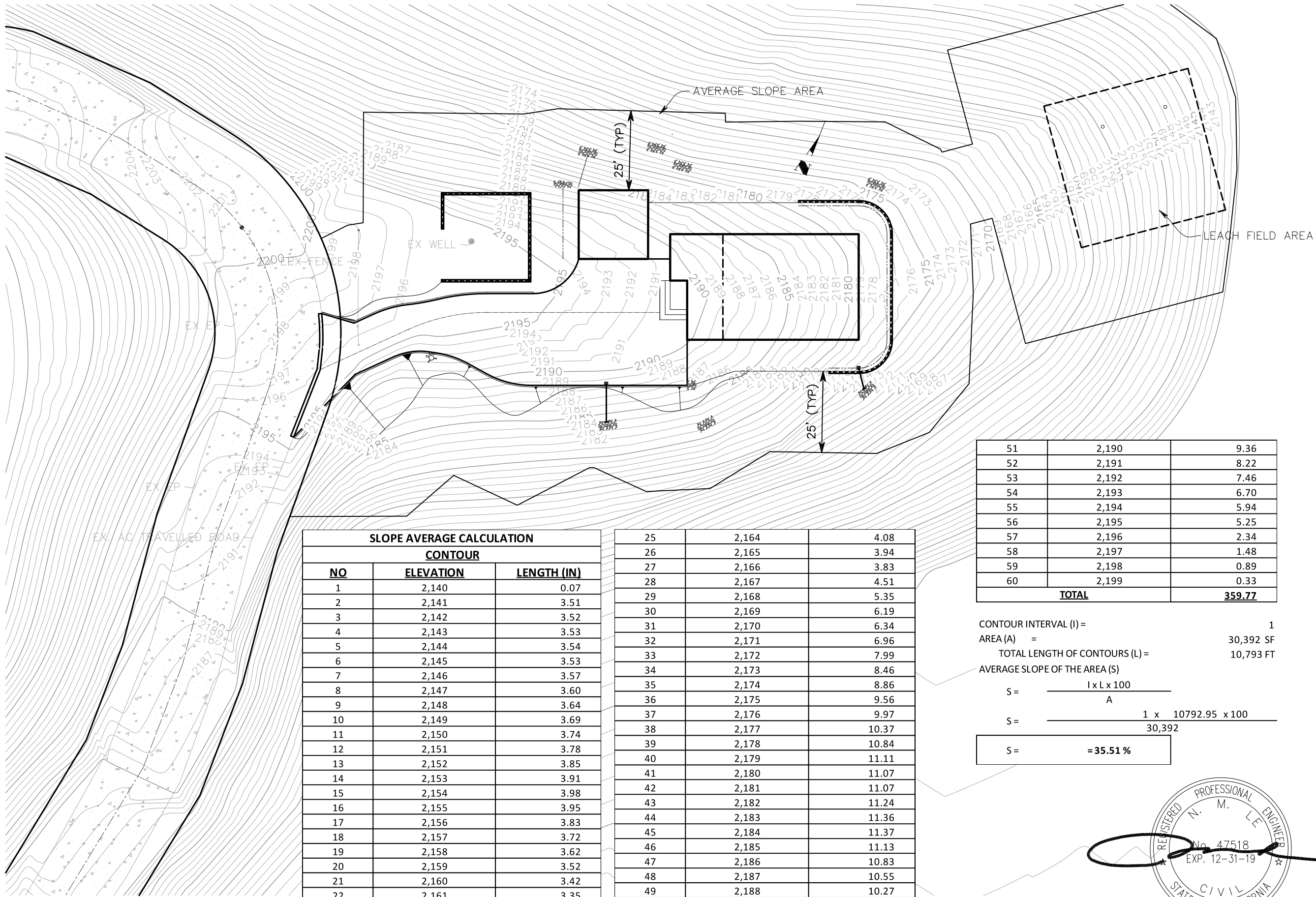


DRAWING NO. C4		PROJECT NO. -----		CONTRACT NO.		FILE NO.	
SHEET NO. 5 OF 5		Cupertino		California			
EROSION CONTROL PLAN		LANDS OF CHEN		17085 MONTEBELLO ROAD		APN 351-40-001	
DESIGNED DATE 05/27/20		DRAWN DATE 05/27/20		CHECKED DATE 05/27/20			
BY		DATE		DATE		DATE	
REVISIONS		BY		DATE		NO.	

APPLICANT: CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR

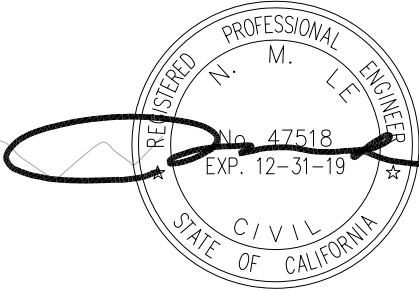


SLOPE AVERAGE CALCULATION		
CONTOUR		
NO	ELEVATION	LENGTH (IN)
1	2,140	0.07
2	2,141	3.51
3	2,142	3.52
4	2,143	3.53
5	2,144	3.54
6	2,145	3.53
7	2,146	3.57
8	2,147	3.60
9	2,148	3.64
10	2,149	3.69
11	2,150	3.74
12	2,151	3.78
13	2,152	3.85
14	2,153	3.91
15	2,154	3.98
16	2,155	3.95
17	2,156	3.83
18	2,157	3.72
19	2,158	3.62
20	2,159	3.52
21	2,160	3.42
22	2,161	3.35
23	2,162	3.76
24	2,163	4.06

25	2,164	4.08
26	2,165	3.94
27	2,166	3.83
28	2,167	4.51
29	2,168	5.35
30	2,169	6.19
31	2,170	6.34
32	2,171	6.96
33	2,172	7.99
34	2,173	8.46
35	2,174	8.86
36	2,175	9.56
37	2,176	9.97
38	2,177	10.37
39	2,178	10.84
40	2,179	11.11
41	2,180	11.07
42	2,181	11.07
43	2,182	11.24
44	2,183	11.36
45	2,184	11.37
46	2,185	11.13
47	2,186	10.83
48	2,187	10.55
49	2,188	10.27
50	2,189	9.81

51	2,190	9.36
52	2,191	8.22
53	2,192	7.46
54	2,193	6.70
55	2,194	5.94
56	2,195	5.25
57	2,196	2.34
58	2,197	1.48
59	2,198	0.89
60	2,199	0.33
TOTAL		359.77

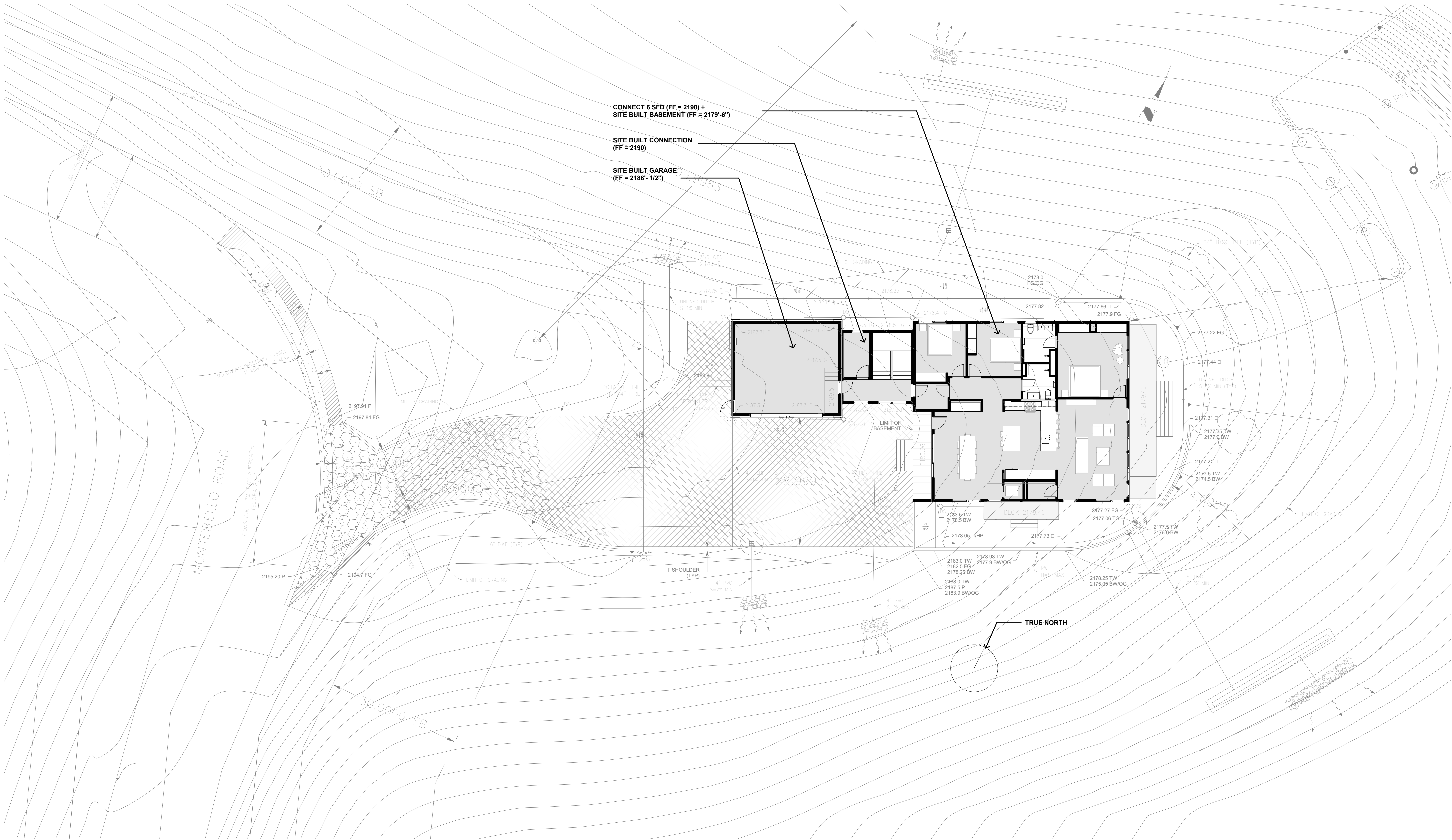
CONTOUR INTERVAL (I) = 1
AREA (A) = 30,392 SF
TOTAL LENGTH OF CONTOURS (L) = 10,793 FT
AVERAGE SLOPE OF THE AREA (S)
$$S = \frac{I \times L \times 100}{A}$$
$$S = \frac{1 \times 10792.95 \times 100}{30,392}$$
$$S = 35.51 \%$$



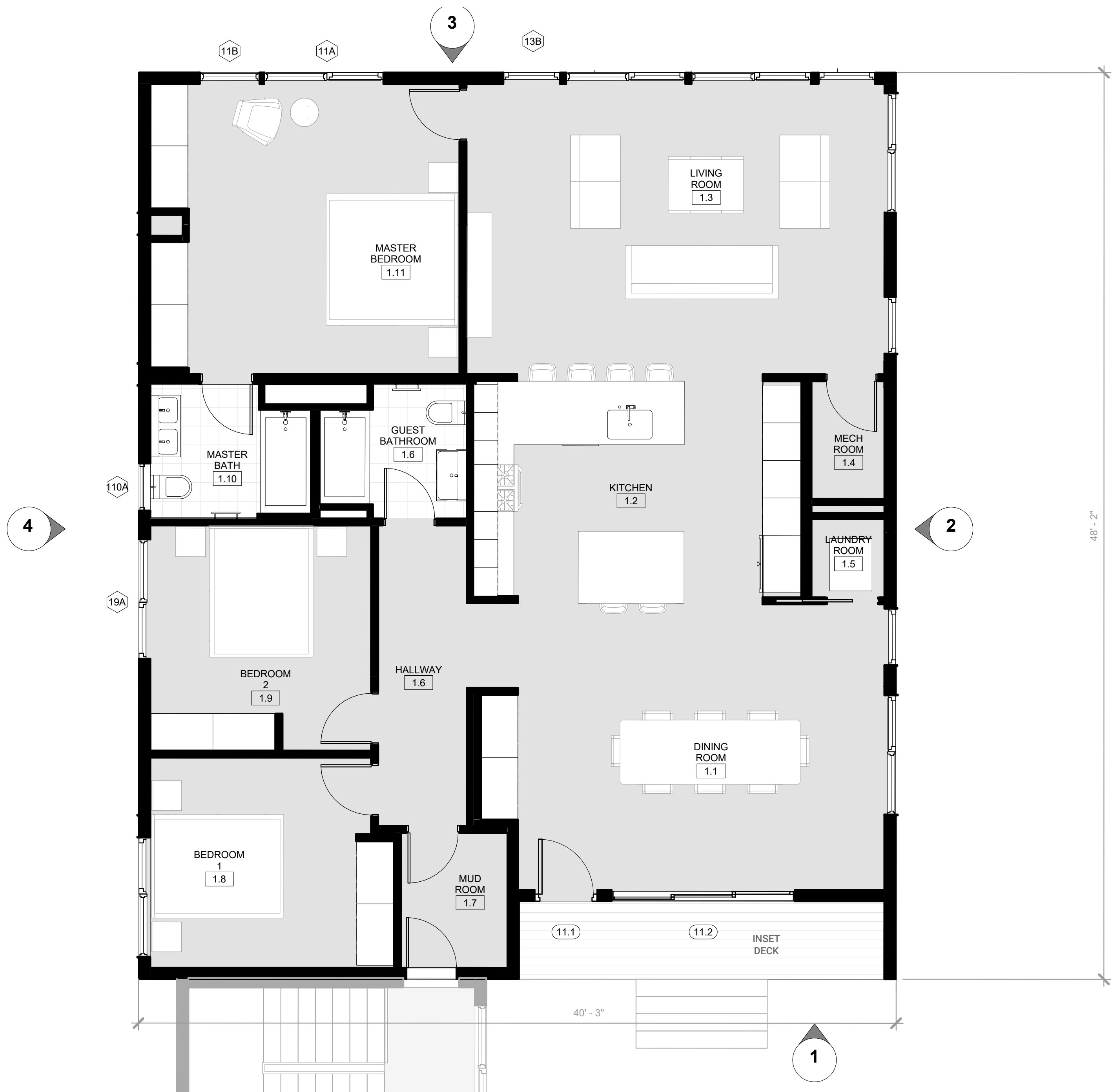
ENGINEERING
598 E Santa Clara St #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

AVERAGE SLOPE CALCULATION
LANDS OF CHEN
17085 MONTEBELLO ROAD
APN 351-40-001

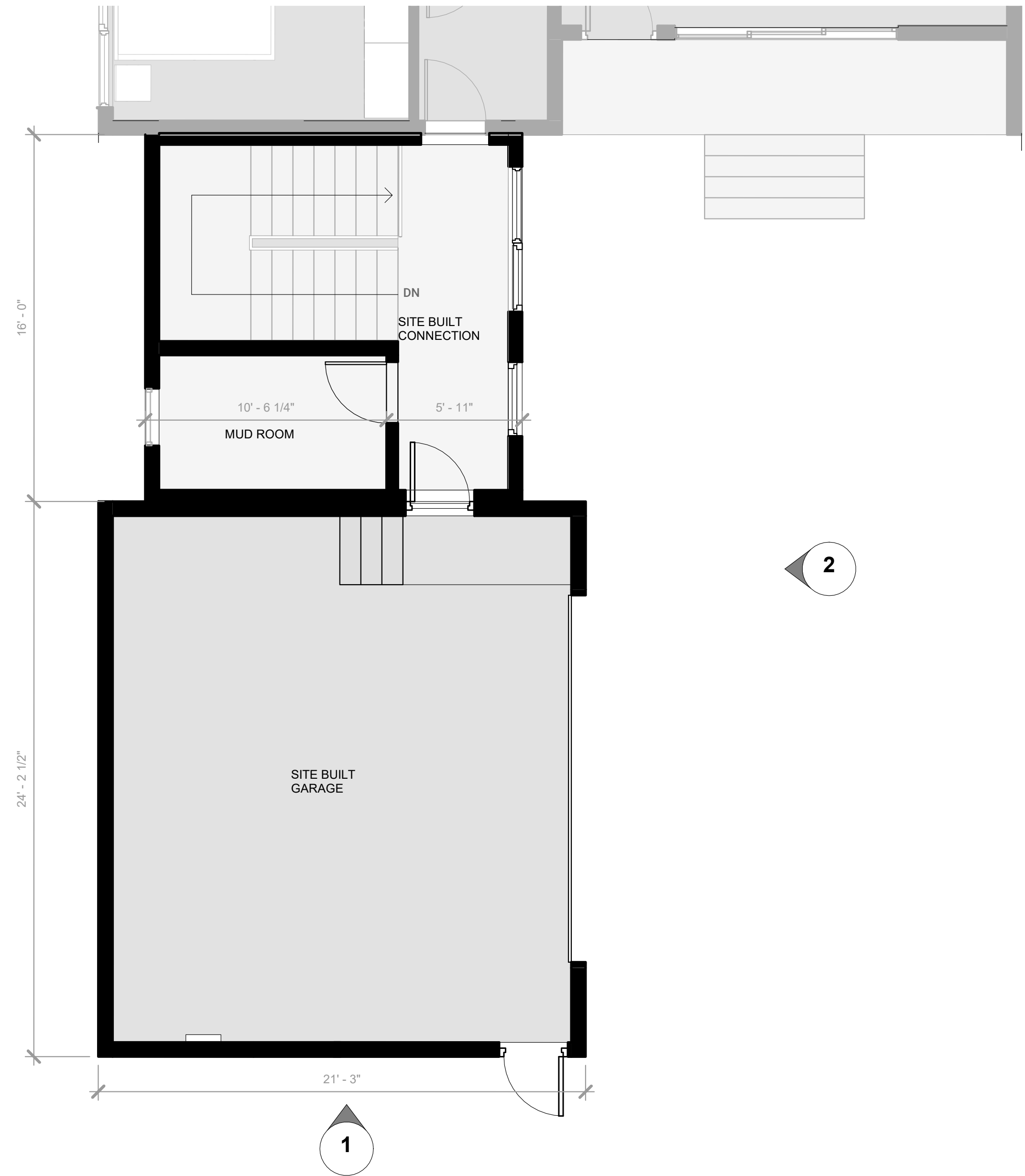
OB DESIGNED	03/09/18	DATE	03/09/18	DATE	03/09/18	DATE	03/09/18
KB		DRAWN		BY		DATE	
		SCALE	1" = 30'				
		CHECKED	NL				



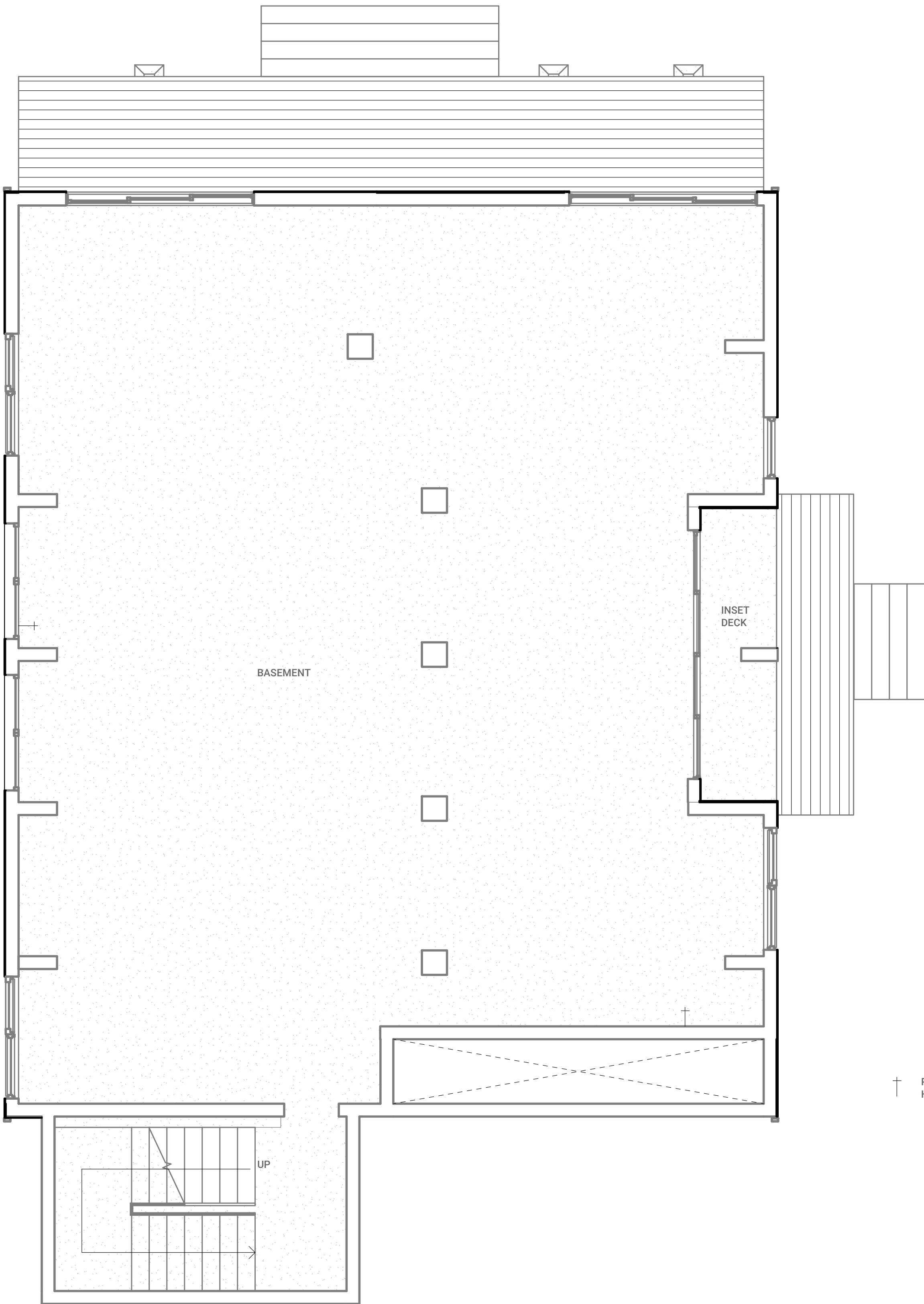
FLOOR AREA TABLE	
HOUSE LEVEL 1	1856 + 80 (inset deck) = 1936 SF
BASEMENT	1950 + 60 (inset deck) = 2010 SF
GARAGE	510 SF
GARAGE EXTENSION	264 SF
TOTAL FLOOR AREA (including basement)	4720 SF



FLOOR AREA TABLE	
HOUSE LEVEL 1	1856 + 80 (inset deck) = 1936 SF



FLOOR AREA TABLE	
GARAGE	510 SF
GARAGE EXTENSION	264 SF



FLOOR AREA TABLE		
BASEMENT	1950 + 60 (inset deck)	≈ 2010 SF



Legal Disclaimer:
The house design, drawings and specifications contained herein and provided herewith are the exclusive property of Home EC, Inc. Copyright 2010. The use of these drawings and specifications shall be restricted to the creation of a Home EC product and shall not be used, in whole or in part for any purpose for which they were not intended without the express written consent of Home EC, Inc. Reproduction or publication by any method, in whole or in part, is prohibited. Title to these designs, drawings and specifications shall remain with Home EC, Inc. without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of these restrictions.

MODEL HOME

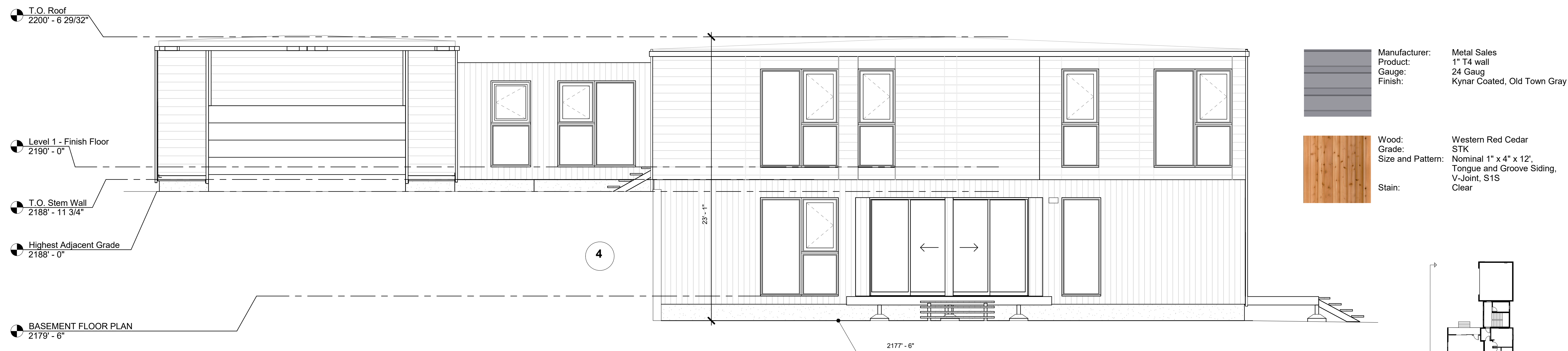
C6

SHEET SET

SHEET TITLE
BASEMENT FLOOR
PLAN

SHEET SET / MODEL HOME

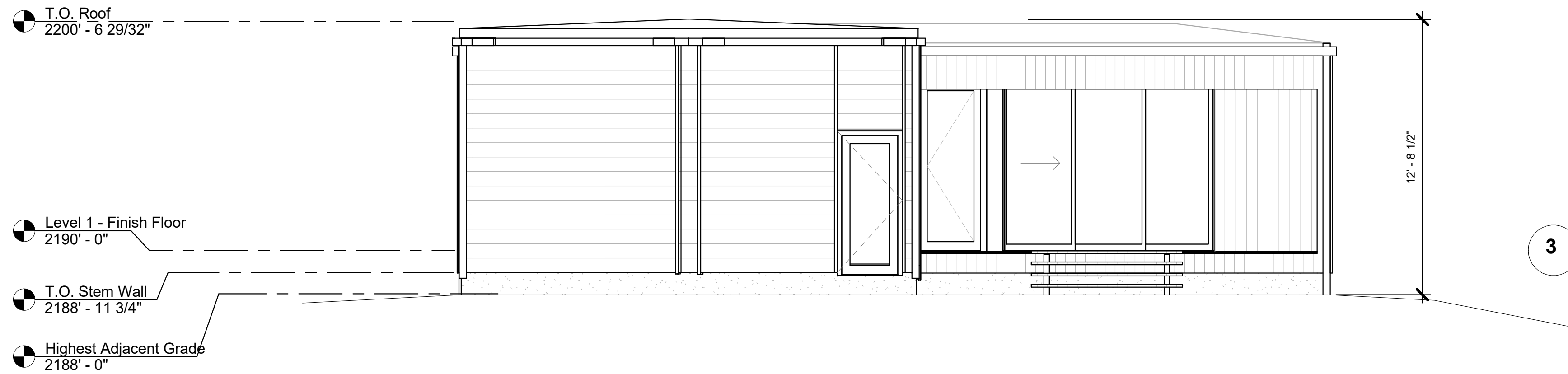
Z - 1.2





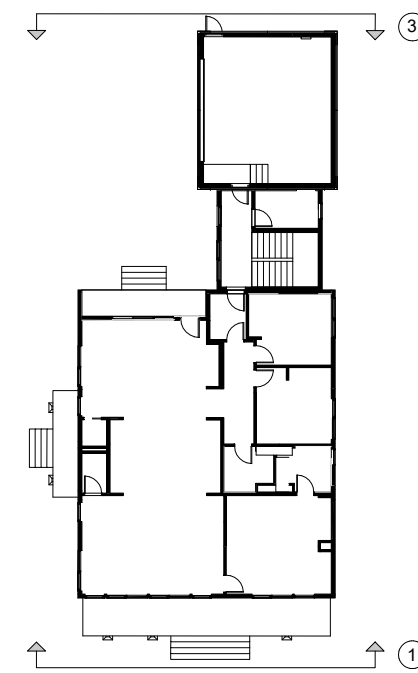
EAST ELEVATION
1/4" = 1'-0"

2

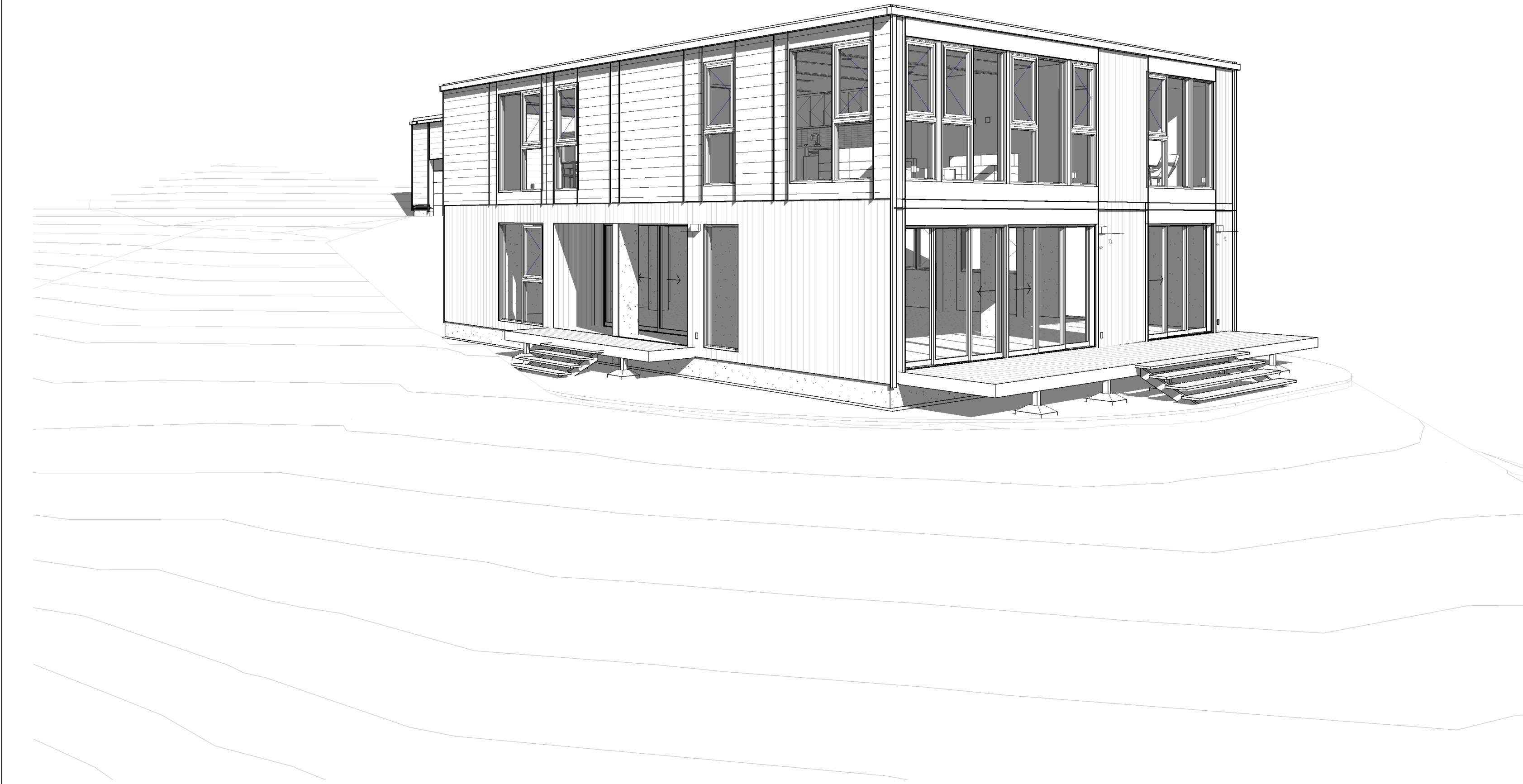


WEST ELEVATION
1/4" = 1'-0"

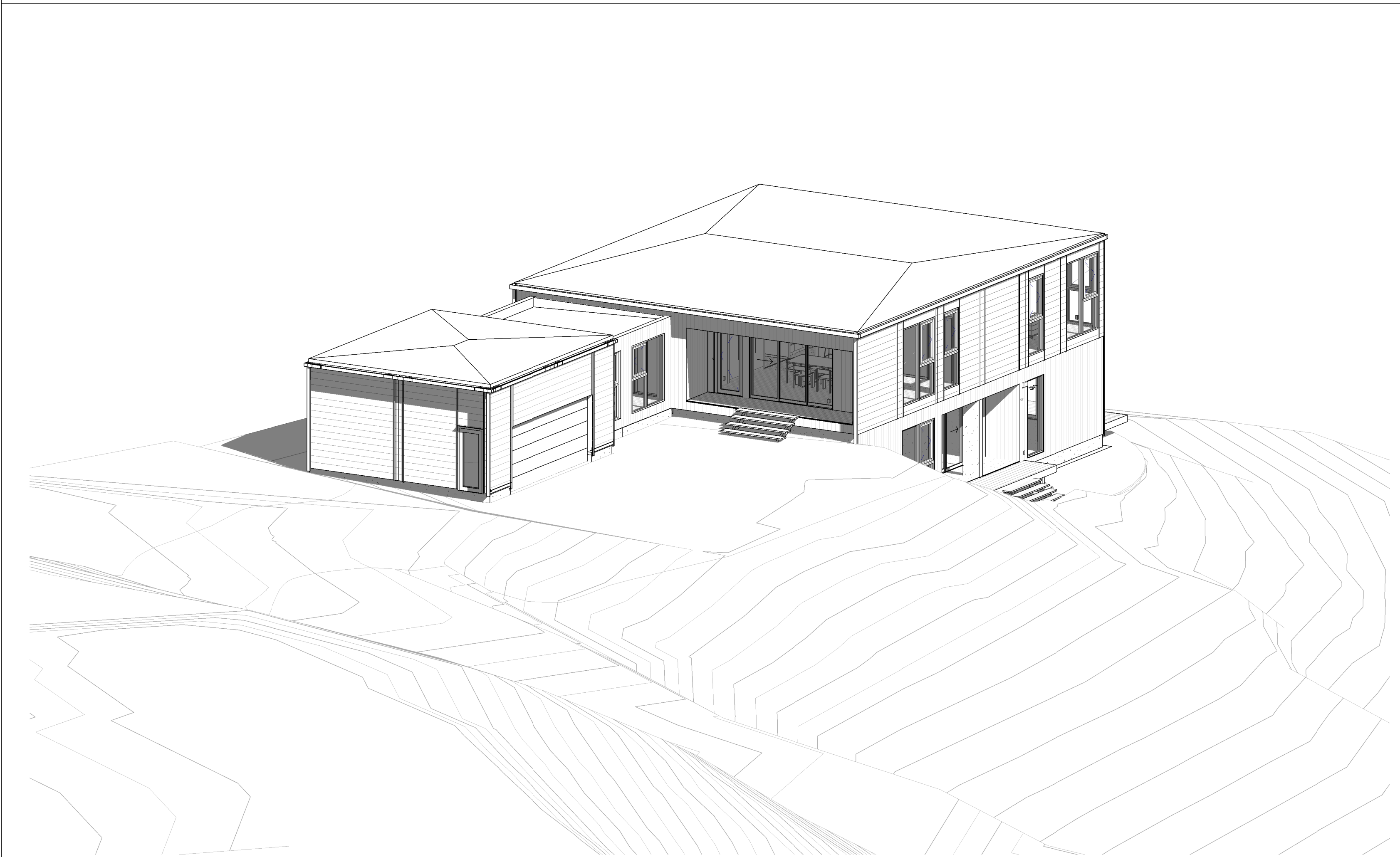
1



- SIDING MATERIALS
- Wood siding
 - Metal siding



REAR VIEW 1



DRIVEWAY VIEW 2

DATE
07.20.2020



Legal Disclaimer:
The house design, drawings and specifications contained herein and provided herewith are the exclusive property of Home EC, Inc. Copyright 2010. The use of these drawings and specifications shall be restricted to the creation of a Home EC product and shall not be used, in whole or in part for any purpose for which they were not intended without the express written consent of Home EC, Inc. Reproduction or publication by any method, in whole or in part, is prohibited. Title to these designs, drawings and specifications shall remain with Home EC, Inc. without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of these restrictions.

MODEL HOME
C6

SHEET SET

SHEET TITLE
PERSPECTIVES

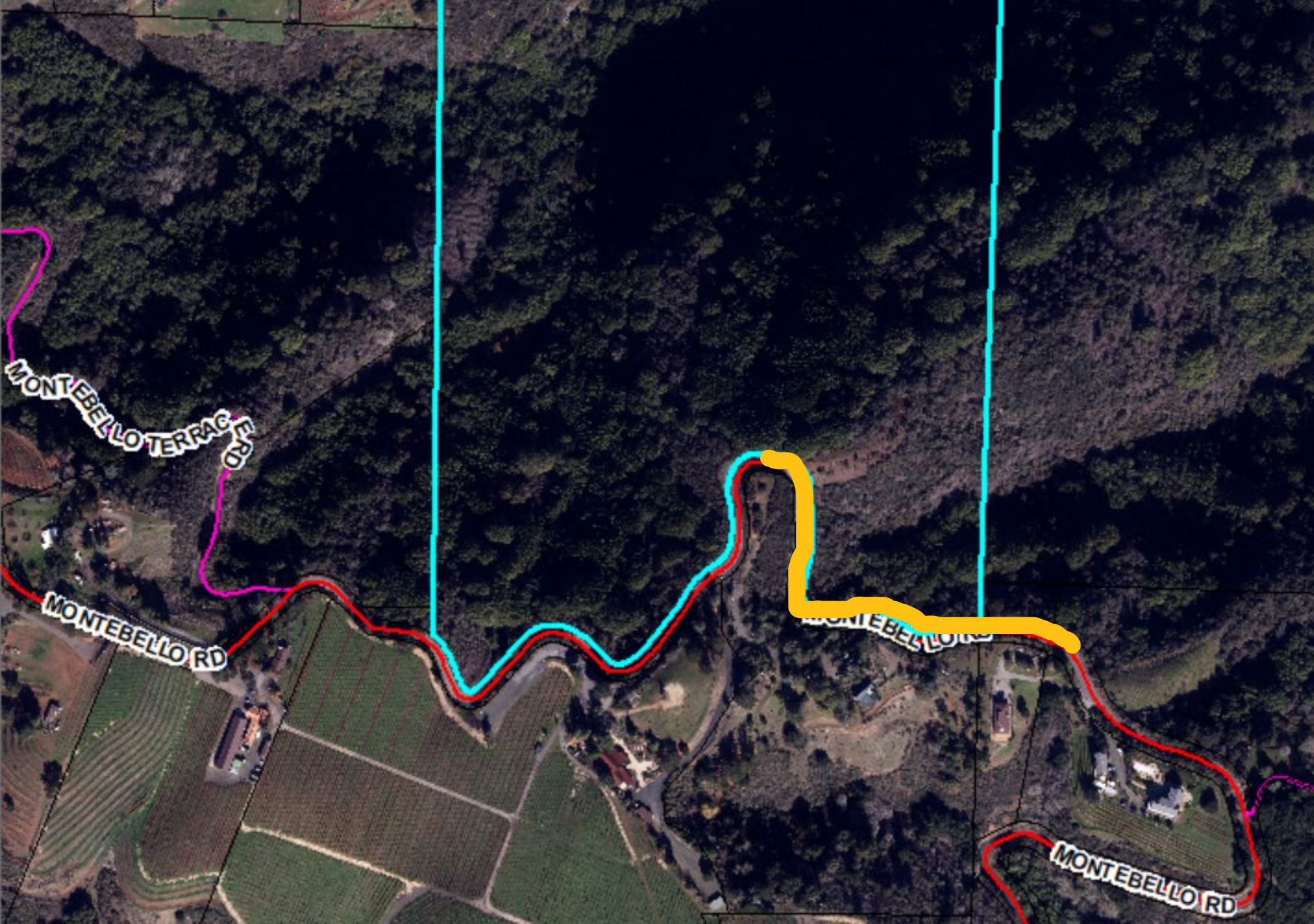
SHEET SET / MODEL
NUMBER HOME

Z - 3.0

Attachment D

Visibility Exhibit

ATTACHMENT D



Area of
visibility



17085
Montebello



Attachment E

Public Comment

From: [Nathaniel Dixon](#)
To: [Wilk, Joanna](#)
Subject: [EXTERNAL] PLN18-11191 - 17085 Montebello Road, Cupertino, CA 95014 - comment
Date: Friday, January 8, 2021 1:33:59 PM

Dear Ms. Wilk,

I respectfully submit a comment in objection to the residential development proposal at 17085 Montebello Road.

Open space is the Bay Area's most precious resource. In a region with suffocating cost of living, it offers a ready escape, accessible to all, into spectacular wild beauty. The mountains provide a sensible and practical demarcation between open space and developed land. While this boundary has not always been respected, it is still largely intact.

As the valley becomes more crowded, wealthy individuals will be tempted to claim natural space for their own private use. While no individual private residence will single-handedly ruin our beautiful mountains, they each incrementally detract—a small but significant theft from the public good—in perpetuity. The proposed residence at 17085 Montebello Road is notable and unusual for its prominence—one of the only private residences visible from that mountain grade. Its sweeping view of the valley means that, in turn, millions in the valley will see it.

I strongly suggest that this proposal, and similar residential proposals high in the mountains, be declined by planners.

Best wishes,

Nathaniel Dixon