

**FINAL
DESIGN REVIEW AND GRADING APPROVAL
CONDITIONS OF APPROVAL**

Date: July 30, 2019

Owner/Applicant: Judith Hart and Kevin Aitken / Hometec Architects

Location: 65 ‘P’ Pedro View Road (APN: 612-67-003)

File Number: PLN19-0091 – Revision to PLN17-7921

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

Project Description: Design Review Administrative Approval (Tier 1) and Grading Approval for a 4,126 square-foot single-family residence with a 2,291 square foot detached garage/recreation room, and a 1,199 square foot detached secondary dwelling unit. Associated site improvements include a revised driveway and retaining wall design, septic system, and retaining walls associated with the new residence. A total of 1,782 cubic yards of cut and 868 cubic yards of fill (total 2,650 cubic yards) with a maximum vertical depth of 11 feet. Two (2) trees 12-inches or greater will be removed. Approval is based on plans submitted May 2, 2019.

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 specialty or and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Kim Rook	(408) 299- 5790	Kim.rook@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
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.sccbuiding.org.

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Planning

2. Development must take place in accordance with the approved plans, submitted on May 2, 2019, and these conditions of approval. Any changes to the proposed project may result in additional environmental review, pursuant to the California Environmental Quality Act, or additional Planning review, in accordance with the County Zoning Ordinance.
3. The driveway retaining wall and associated grading located within the recorded ingress/egress Grant of Easement (Document No. 14471343) on APN 612-67-002, shall be constructed as shown on the approved plans dated May 2, 2019. The driveway and associated grading shall be located entirely within said ingress/egress easement to provide reasonable points of access across the easement. Modifications to the design of the driveway and/or associated retaining walls shall require additional Planning review and may result in additional requirements.
4. The existing zoning is HS-10ac-d1. Maintain the following minimum development standards.

Structure	Front	Side	Rear	Max. Allowable Height	Ordinance Section
Residential Dwelling	30-ft.	30-ft.	30-ft.	35-ft.	2.20.030
Secondary Dwelling*	30-ft.	30-ft.	30-ft.	35-ft.	4.10.340
Accessory Structures	30-ft.	30-ft.	30-ft.	35-ft.	4.20.020

*Maximum area of secondary dwellings is 1,200-square feet.

5. 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 Chapter B6-18 of the County Ordinance Code. 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 at (408) 299-5770.
6. Building and grading permits shall be submitted to the Building Inspection Office concurrently.
7. Grading Approval is for 1,782 cubic yards of cut and 868 cubic yards of fill (2,650 yards combined). Grading plans submitted for Grading Permit shall be in substantial conformance with the approved civil plans submitted May 2, 2019. Any increase in grading quantities, or modification to the grading design, is subject to further review and fees.

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8. The exterior color surfaces (including walls, roof, window trim/accent, retaining walls, fences) of the structure must be of muted colors with light reflectivity value (LRV) of 45 or lower.
9. Accessory structures shall not contain more than two (2) internal plumbing fixtures (does not include outdoor showers, spigots, or other fixtures mounted on an exterior wall) per Section 4.20.020(I)(1). Should additional plumbing fixtures be proposed, a Special Permit will be required, along with applicable fees and a public hearing.
10. The applicant shall indemnify, protect, defend, and hold harmless, the County, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the County, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the County and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, for or concerning the project.

Land Development Engineering

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

Environmental Health

12. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

Fire Marshal Office

General Requirements

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

Driveways (roads serving only one lot)

14. Comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150-feet (measured along the path of travel):
 - a. Width: Clear width of drivable surface of 12-feet plus 14-feet of unobstructed horizontal width.

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- b. Vertical Clearance: Minimum vertical clearance of 13-feet 6-inches shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
- c. Grade: Maximum grade shall not exceed 16%.
- d. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.
- e. Turnouts: Passing turnouts in compliance with PRC 4290 shall be provided at every 400 ft. and wherever hydrants are placed adjacent to a driveway.
- f. Turnarounds: Turnaround shall be provided for driveways in excess of 150-feet as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnarounds shall be hammerhead, or bulb of 40-foot radius complying with PRC 4290. All turnarounds shall have a slope of not more than 5% in any direction
- g. Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3 and PRC 4290

Fire Sprinkler System

15. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the primary and secondary dwelling. The detached garage/recreation room is optional.

Miscellaneous

16. This property is located in the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:
- a. A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
 - b. Provide a ½-inch spark arrester for the chimney.
 - c. Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

Maintenance

17. Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.
18. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order and shall remain in compliance with PRC 4290 at all times.
19. Fire Marshal conditions of approval are minimum standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.

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Santa Clara Valley Water District

20. District records indicate the site contains one (1) well. Any abandoned wells, or wells that are no longer in use must be properly destroyed. Any wells in use that will be impacted by project activities must be protected. As required by District Ordinance 90-1, an application must be filed with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet. Contact the District's Wells and Water Measurement Unit at (408) 265-2607, extension 2660, for more information.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO GRADING PERMIT ISSUANCE

Planning

21. **Prior to issuance of any permits**, the property owner shall pay all reasonable costs associated with the work by the Department of Planning and Development.
22. **Prior to submittal of plans into plan check** for any grading or building permits, exhaustion of appeal period shall be completed.
23. All excess fill shall be taken off-site to an approved disposal location. A note of this requirement shall be incorporated into the grading plan.
24. Construction staging areas, including heavy equipment and worker vehicle parking areas shall be located outside the dripline of all tree canopy areas. Identify the location of construction staging and worker parking areas on the grading plans.
25. Grading and building site plans shall clearly identify the size and species of all existing trees with any grading, construction or disturbance within the dripline, including the proposed driveway. The grading and building plans shall include the following information:
 - a. Name/species of tree.
 - b. Dripline and diameter (measured 4.5 feet above grade).
 - c. Any trees proposed for removal.
26. For all trees to be retained with a canopy in the development area or interfaces with the limits of grading for all proposed development on site, the trees shall be protected by the placement of rigid tree protective fencing, consistent with the County Integrated Landscape Guidelines, and include the following, below. This condition shall be **incorporated into the grading plans**.
 - a. Fencing should be placed along the outside edge of the dripline of the tree or grove of trees (Tree Protection Zone).
 - b. No materials or equipment shall be stored or cleaned inside the Tree Protection Zone.

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- c. The fencing should be maintained throughout the site construction period and should be inspected periodically for damage and proper functions.
 - d. Fencing should be repaired, as necessary, to provide a physical barrier from construction activities.
 - e. Signage stating, "Warning-This fencing shall not be removed without permission from the Santa Clara County Planning Office (408) 299-5770. County of Santa Clara tree protection measures may be found at: <http://www.sccplanning.gov>." shall be placed on all tree protection fencing and remain until final occupancy.
27. Trenching within the Tree Protection Zone for irrigation, electrical, drainage or any other reason shall be hand excavated. Trenches should be backfilled as soon as possible with native material and compacted to near the original level. Open trenches exposing tree roots for extended periods of time shall be covered with layers of burlap or straw wattle, kept moist, and covered with plywood. **A note of this condition shall be incorporated into the grading plan.**
28. Prior to the commencement of any construction activity, tree protective fencing shall be securely in place, consistent with the County Integrated Landscape Guidelines. **A note of this condition shall be incorporated into the grading plan.**

Land Development Engineering

29. 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 can be applied for concurrently). The process for obtaining a Grading Permit and the forms that are required can be found at the following web page;
- www.sccplanning.org > I Want to > Apply for a Permit > Grading Permit

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

30. 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.
31. 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:

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- 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

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

Easements

35. The driveway improvements and required grading shall be contained within the recorded ingress and egress easement.

Drainage

36. 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.

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Utilities

37. 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.

Storm Water Treatment - SF Bay Watershed

38. 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

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

40. 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

41. 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

Agreements

42. 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. 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).

Encroachment Permit

43. Works within Caltrans Right-of-Way shall be required to obtain Encroachment Permits from Caltrans. Encroachment Permit shall be submitted to LDE **prior to Grading Permit issuance.**

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Planning

44. Submit roofing sample documentation from the manufacturer that demonstrates Light Reflectivity Value (LRV) is 45 or lower to the Planning Office **prior to building permit issuance.**
45. Outdoor lighting will be designed to eliminate direct off-site visibility and avoid off-site light spillover and glare. Submit a lighting plan to the Planning Office for review showing the height, design, and location of any and all exterior lighting fixtures **prior to issuance of a building permit.**
46. **Prior to building permit issuance**, per Section 4.10.340 provide a Recorded Deed Restriction to the Planning Office that at least one (1) of the two dwellings (primary or secondary) must be owner occupied.
47. If more than 5,000 square feet of landscaping is proposed, a Licensed Landscape Architect or equivalent must prepare and sign calculations concerning the water consumption of your proposed landscaping. Water consumption must not exceed State mandated thresholds. Show all proposed landscaping on your building plans and obtain clearance from the Planning Office **prior to issuance of the building permit.** If no landscaping is proposed, make a note of this on the building plans.
48. The proposed development is located in an area of high visibility. **Prior to building permit issuance**, a Tree Replacement, Landscape and Irrigation Plan by a licensed landscape architect shall be submitted and approved by the Planning Office. The Plan shall include the location for required tree replacement plantings of (8) 24-inch box trees or ten (10) 15-gallon trees located west of the secondary dwelling, detached garage, and single-family residence – lessening visual impacts. In addition, the Plan shall show proposed vegetation located along the west retaining wall to blend in with surrounding landscape. All required replacement trees and plantings shall be native or naturalized to the surrounding area.
49. Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided to the Planning Office **prior to building permit issuance.**
50. Two (2) off-street parking spaces are required for the residential dwelling (Section 4.30.030), one of which must be covered, and two additional off-street parking spaces for a secondary

dwelling (Section 4.10.340). The plans submitted into Plan Check shall depict the required parking on the building plans.

Environmental Health

51. Prior to the issuance of a building permit, provide three wet-stamped septic plans signed by Department of Environmental Health to 70 W. Hedding Street, Permit Center, for sign-off.
 - a. Onsite wastewater treatment plans stamped on 5/25/18. Sewage disposal conditions have been determined to be a 2,000-gallon septic tank, and the dispersal field sizing of 235-feet + 235-feet = 470-feet of leach field for a 3-bedroom SFD; 2-bedroom secondary dwelling; and a garage with 1/2 bathroom and utility sink.
 - b. The OWTS plans may need to be revised with current grading and drainage details and proper setbacks noted.

52. Contact Nicole Jorgensen, Senior REHS with the County Drinking Water Program for drinking water clearance for the onsite well or provide a water connection letter from the local water purveyor. Drinking water clearance requires drilling of the well and demonstrating adequate flow quantity and quality.

Fire Marshal's Office

53. 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.

54. **Prior to building permit issuance**, the applicant shall apply for a change of address through the Building Division in order for emergency services to locate access to the property from Mt. Hamilton Road.

Fire Protection Water

55. **Prior to approval of the foundation**, fire protection water system shall be installed, functioning and inspected. 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.

On-Site Water Storage

56. Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).
 - a. All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.

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- b. Provide a 10,000-gallon secondary aboveground storage tank dedicated to the wharf hydrant.
- c. Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
- d. Installation of aboveground storage tanks less than 20 ft. to a structure requires tanks to be of noncombustible construction.
- e. Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.

Wharf Hydrant

57. One on-site wharf hydrant with 2-1/2-inch orifice is required to be **installed when fire protection water is supplied** by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.
- a. Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 150 ft. from the furthest portion of the structure (measured along path of travel).
 - b. Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.
 - c. Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with PRC4290 to allow additional emergency vehicles to pass.
 - d. Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration. NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

Geology

58. Submit a geotechnical engineer's Plan Review Letter that confirms the plans conform with the recommendations presented in the approved reports (Associated Terra Consultants report, dated March 2, 2017).

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

Planning

59. **Prior to final inspection**, contact Kim Rook at (408) 299-5790 or kim.rook@pln.sccgov.org, at least two (2) weeks in advance to schedule a site visit to verify the approved exterior colors and tree replacement plantings with associated irrigation.

Land Development Engineering

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

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61. 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.

Department of Environmental Health

62. 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 Office

63. The fire sprinkler system shall be installed and finalized by the Fire Marshal 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

64. **Prior to final inspection**, submit a Construction Observations Letter that verifies the work was completed in accordance with the approved plans.

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These conditions, approved on July 30, 2019 by the Planning Office, are valid for a period of forty-eight (48) months.

THE CONDITIONS OF APPROVAL MUST BE COMPLETED AND A GRADING PERMIT ISSUED BY July 30, 2023, UNLESS AN EXTENSION OF TIME APPLICATION IS MADE AND GRANTED, OR THIS GRADING ABATEMENT APPROVAL SHALL BECOME VOID.

WHEN YOU ARE READY TO PROCEED WITH THIS PROJECT, PLEASE CALL LAND DEVELOPMENT ENGINEERING, AT (408) 299-2830, REGARDING INSTRUCTIONS FOR COMPLIANCE WITH THE CONDITIONS OF APPROVAL.

This approval is based upon information submitted on the application form and map. Erroneous information, omission of relevant information or substantial changes will void this approval.



Kim Rook, Senior Planner

STATEMENT OF ACCEPTANCE:

We, Judith Hart and Keith Aitkin, as property owners of the subject application, hereby agree to the aforementioned final conditions of approval.

Date _____ Signature _____

Date _____ Signature _____

NOTE: Please return one copy of this page of the conditions, as per instructions in the enclosed cover letter, to:

Kim Rook, Senior Planner
County of Santa Clara
Planning Office
County Government Center
70 W. Hedding Street, 7th Floor
San Jose, CA 95110