

County of Santa Clara

Department of Planning and Development
Planning Office

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San Jose, California 95110-1705
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STAFF REPORT
Zoning Administration
November 4, 2021

Public Hearing Item No. 4

Staff Contact: Charu Ahluwalia, Associate Planner
(408) 299-5740, charu.ahluwalia@pln.sccgov.org

File: PLN19-130 (East Hills Estate Subdivision) Tentative Parcel Map Approval for a Two-Lot Subdivision and Grading Approval for two new Single-Family Residences

Summary: Tentative Parcel map to subdivide a 26,028 square-foot (sq.ft.) parcel into two parcels (Parcel A and B), each measuring 13,014 sq.ft., and Grading Approval for frontage improvements, driveways and two new single-family residences on the proposed parcels. Grading consists of 888 cubic yards of cut and 230 cubic yards of fill (total 1,118 cubic yards). One non-native tree is proposed for removal with this project.

Owner: Gary King

Applicant: Daniel Warren

Address: 14795 East Hills Drive, San Jose, CA

APN: 612-24-015

Supervisory District: 3

Gen. Plan Designation: Urban Service Area

Zoning: R1-6

Lot Size: 26,028 sq.ft.

Present Land Use: Vacant

HCP: N/A

RECOMMENDED ACTIONS

- A. Accept a Categorical Exemption, pursuant to Section 15315 of the CEQA Guidelines (Minor Land Divisions), Attachment A;
- B. Grant Tentative Parcel Map Approval for a Two-Lot Subdivision, pursuant to Conditions of Approval outlined in Attachment B; and,
- C. Grant Grading Approval, pursuant to Conditions of Approval outlined in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – CEQA Determination – Categorical Exemption from CEQA (Section 15315)
Attachment B – Preliminary Conditions of Approval
Attachment C – Location and Vicinity Map
Attachment D – Tentative Parcel Map and Plans

PROJECT DESCRIPTION

The proposed project includes a request for a Tentative Parcel Map to subdivide a 26,028 square-foot (sq.ft.) parcel into two parcels (Parcel A and B), each measuring 13,014 sq.ft., and Grading Approval for two new single-family residences on the proposed parcels. Driveway access to each residence would be from East Hills Drive. Grading quantities for the project would be 888 cubic yards (c.y.) of cut and 230 c.y. of fill for the proposed frontage improvements, driveways and construction of the new residences.

One non-native tree, over 12-inch diameter is proposed for removal. The site is located in the Santa Clara Valley Habitat Plan Area, Area 4-Urban Development; however, as the existing parcel is less than 2 acres, and has no sensitive habitat, watercourses or creeks, the proposed project does not qualify for Habitat Plan coverage.

Setting/Location Information

The subject property is located in the eastern foothills of unincorporated Santa Clara County, east of Highway 680. Surrounding land uses include single-family residential houses to the north, south, east and west. The greater neighborhood consists of single-family residential development and the San Jose Country Club to the north-west. The property is located within the Urban Service Area (USA) of the City of San Jose.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption under the provisions of Section 15315 (Minor Land Divisions) for division of property in urbanized areas zoned for residential use.

B. Project/Proposal

The project consists of a Tentative Parcel Map approval to subdivide an existing lot into two (2) Parcels and Grading Approval for two new single-family residences.

C. Subdivision Ordinance

This subdivision application has been reviewed in accordance with the required Findings in Section C12-122 of the County Ordinance Code (Subdivisions and Land Development Ordinance) and the State Subdivision Map Act. Pursuant to these standards, the Zoning Administration Hearing Officer shall deny approval of a tentative or final parcel map if any of the following seven (7) findings can be made. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project does or does not meet the required standard follows in plain text below.

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

The proposed subdivision map would result in the division of an existing 26,028 square foot (sq.ft.) lot into two (2) lots, Parcel A and Parcel B, each measuring 13,014 sq.ft. The project proposes development of a new single-family residence on each new lot.

According to § 5.20.060 of the County's Zoning Ordinance, "*On property located within a city's urban service area, city general plan conformance shall be required of uses permitted by the following permitting procedures: subdivision...*" (pg. 274). The subject property is located within the Urban Service Area (USA) of the City of San Jose. For this reason, the property is subject to the land use policies of San Jose's General Plan that regulate for type and intensity of development. As the property is located more than 300 ft. from the city limits of San Jose, it is not eligible for annexation due to the location.

The property has a land use designation of Residential Neighborhood in the San José General Plan. The intent of this designation is to preserve the existing character of these neighborhoods and to limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size, and pattern. Per the General Plan Conformance and Annexation Statement provided by the City of San Jose, San Jose has determined that the proposed subdivision map is consistent with the prevailing neighborhood character.

The property is zoned R1-6 under the County's Zoning Ordinance, which is a base zoning designation of One-Family Residence district and a Lot-Size combining district - 6, in the County of Santa Clara's Zoning Ordinance. The required minimum lot size is 6,000 sq.ft., as specified by the -6 lot size combining district (Zoning Ordinance Chapter 3.10).

The proposed Tentative Map is found to be consistent with the requirements of the County's Solar Access for Subdivision Development ordinance, Division C12, commencing with Section C12-173. This ordinance requires that an energy conservation plan be submitted with the tentative subdivision map designed to provide solar access to future buildings for solar energy systems. As required by the Ordinance, all proposed structures and vegetation shall be sited to provide solar access to a south wall of the greatest possible number of buildings feasible. If providing south wall solar access is not feasible, the lots shall be designed to provide solar access to a south roof. The applicant submitted the required Energy Conservation Plans to demonstrate adequate solar access for buildings constructed in the future, and has demonstrated the proposed subdivision, in combination with construction of residences, is not detrimental to solar access of any neighboring property (see Attachment D).

Building sites have been shown on the Tentative Map to demonstrate site feasibility, and the proposed lot sizes are consistent with the San José 2040 General Plan and the County of Santa Clara Zoning Ordinance. There are no Specific Plans which pertain to the project. As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

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

The subject property and Tentative Parcel Map application is subject to the land use policies of the City of San Jose General Plan. Per the General Plan Conformance and Annexation Statement provided by the City of San Jose, the proposed subdivision is consistent with the existing neighborhood character. In addition, building sites on the proposed parcels have been situated such that the required minimum property lines setbacks are maintained. The required residential setbacks are 25 feet, as measured from the front property line, 25 feet, as measured from the rear property line, and 6 feet as measured from the side property line.

The project is consistent with lot design criteria for subdivisions outlined in Section C12-21 of the County Ordinance Code and demonstrates adequate size and shape characteristics to support single-family residential uses. Both proposed lots have frontage on the county maintained East Hills Drive. Proposed lots exceed the recommended maximum depth to width ratio of three-to-one.

Two new residences with attached garages are proposed to be constructed. A 12-foot wide driveway with access to East Hills Drive will be constructed for each lot. An approximately 20-foot high outcrop of rocks in the northeastern portion of the existing parcel. To gain access from East Hills Drive to proposed Parcel B, the driveway would cut through the rock outcrop closer to the eastern edge of the parcel, where the height of the mound is lower. The two new proposed residences would be located on relatively flat portions of the site.

Grading quantities for the proposed project include 888 c.y. of cut and 230 c.y. of fill (total 1,118 cubic yards) for the frontage improvements, driveways, building pads for the new residences and landscaping. A total of 11 c.y. cut is for frontage improvements including culverts for the new driveways, while maintaining existing drainage across the property frontage. The remaining grading quantities are for constructing the two 12-foot wide driveways, two residences and landscape areas adjacent to the residences (877 c.y. cut and 230 c.y. fill).

As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

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

The site is physically suitable for development of single-family dwellings, as proposed by the Applicant who intends to construct a new residence on each proposed lot. No development may occur unless there is full compliance with the Conditions listed in Attachment B, which pertain to, among other things water supply, sewage disposal and emergency access.

On-site Conditions

Topography of the site proposed for development is flat to very gently sloping, with the exception of an approximately 20-foot high outcrop of rocks in the northeastern portion of the existing parcel, that would be part of the proposed Parcel B. As stated in Finding 2, to gain access from East Hills Drive to proposed Parcel B, the driveway would cut through the rock outcrop closer to the eastern edge of the parcel, where the height of the outcrop is

lower. Two new proposed residences would be on relatively flat portions of the site, south of the rock outcrop, in case of Parcel B. The project site contains sufficient area for creation of two (2) lots which meet the minimum required lots size of 6,000 sq.ft, to meet County Zoning Ordinance requirements. The proposed lots have been designed such the proposed single-family residence would meets the setbacks required by the Zoning Ordinance.

Geology

Pursuant to County's Ordinance Section Sec. C12-607, a geologic investigation was conducted for the proposed subdivision. The site is located within a County Fault Rupture Hazard Zone, and a small portion, at the southern side of the lot is located within the State of California Seismic Hazard Zone. A geologic report was prepared for the project by UPP Geotechnology, dated March 2016, which documented no evidence of surface faulting or landslides on the site. The County Geologist reviewed the geologic report and concluded that the proposed building sites are geologically feasible for development.

Utilities & Water

Utilities to the proposed lots would be provided by San José Water Company, City of San José for sanitary sewer, Pacific Gas and Electric. The Department of Environmental Health has reviewed the application and requires will serve letters from local sanitary sewer district and water purveyors as Conditions of Approval to be completed prior to Final Map recordation. The project has also been reviewed by the County Fire Marshal and conditioned to require interior fire suppression sprinklers for residential development on Parcel 1 and Parcel 2.

Access

As part of development of the proposed subdivision, each new parcel would have a 12-foot wide driveway off East Hills Drive. The driveways would be approximately 100 feet apart. A sight distance analysis (SDA) diagram was also prepared by Westfall Engineers, Inc., , to evaluate the proposed driveway design. The County Roads and Airports Department has reviewed the SDA analysis and approved the driveway approach locations. The subdivision and driveway design has also been reviewed by the Fire Marshal's Office and provides adequate emergency access to both lots.

For the reasons stated above, the site is physically suitable for the proposed residential subdivision. As such, Staff cannot make this finding, and this project can be approved.

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

Per the General Plan Conformance and Contiguity/Annexation, the subject property is physically suitable for the proposed density of development. The property has a designation of Residential Neighborhood in the City of San José General Plan. Per San Jose General Plan, new infill development of lands within Residential Neighborhood land use designation shall be limited to a maximum density of 8 dwelling units per net acre or the prevailing neighborhood density, whichever is lower. Density of the proposed two lot subdivision is in conformance with this density.

As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

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

The project site is located in an urban residential setting, with minimal native habitats. The subject property is located in the Santa Clara Valley Habitat Plan (Habitat Plan), area; however, as the property is designated as Urban Development, is less than 2 acres and has no sensitive habitat, watercourses or creeks, the proposed project does not qualify for Habitat Plan coverage.

One acacia tree (12" diameter) is proposed for removal. This trees proposed for removal is not considered protected per the County's Tree Preservation Ordinance, and thus no tree replacement is needed or proposed.

As such, the construction and installation of the subdivision improvements, including the driveway, and two (2) single family residential homes on the project site, is not likely to cause substantial environmental impacts or injure fish, wildlife, or their habitat, and Staff therefore cannot make this finding, and Staff recommends approval of this project.

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

The project has been reviewed by LDE, the DEH , Fire Marshal's Office, and the Planning Division, and conditioned to meet all public health and safety requirements.

Utilities to the proposed lots would be provided by San José Water Company and City of San José for sanitary sewer. The construction and installation of the subdivision improvements, including the driveway and two (2) single family residences homes on the project site, will not create significant, long-term traffic, noise or air quality impacts. The project will result in short-term impacts related to construction activities, however, as temporary impacts, construction-related impacts would not cause serious or long-term public health problems. As such, for the reasons stated above, Staff cannot make this finding, and therefore recommends approval of the proposed two-lot Tentative Parcel Map.

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

No easements currently exist in the subdivision area. A review of all available maps and the submitted Tentative Map by Staff confirms that the design of the subdivision will not conflict with any existing easements on the property. Access to proposed parcels is from East Hills Drive, which is a county-maintained road. As such, the proposed subdivision will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision. Therefore, for the reasons stated above, Staff cannot make this finding, and staff recommends approval of the project.

As noted in the above findings, Staff cannot make any of the seven subdivision findings that, if made, would require the Zoning Administrator to deny the proposed subdivision. Staff therefore recommends that the Zoning Administrator approve the proposed subdivision, subject to Grading findings below.

D. Grading Findings:

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

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

The proposed project consists of a two-lot subdivision and grading approval for two new single family residences on the proposed parcels. The base zoning district is R1-6 and the proposed use, single-family residential, is allowed by right in this zoning district.

Topography of the site proposed for development is flat to very gently sloping, with the exception of an approximately 20-foot high outcrop of rocks in the northeastern portion of the existing parcel, that would be part of the proposed Parcel B.

To gain access from East Hills Drive to proposed Parcel B, the driveway would cut through the rock outcrop closer to the eastern edge of the parcel, where the height of the mound is lower. The two new proposed residences would be located on relatively flat portions of the site.

Grading quantities for the proposed project include 888 c.y. of cut and 230 c.y. of fill (total 1,118 cubic yards) for the frontage improvements, driveways, building pads for the new residences and landscaping. A total of 11 c.y. cut is for frontage improvements including culverts for the new driveways, while maintaining existing drainage across the property frontage. The remaining grading quantities are for constructing the two 12-foot wide driveways, two residences and landscape areas adjacent to the residences (877 c.y. cut and 230 c.y. fill).

As such, the amount, design, location, and the nature of the proposed grading is appropriate to establish single-family residential uses on the proposed parcels. 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.

No excessive material will be deposited onsite. All excess grading will be hauled to a County-approved disposal site. The applicant is required to apply for a Grading Permit subsequent to the Grading Approval, which is a component of this application. The Grading Permit will be reviewed by LDE to ensure all grading is appropriately using Best Management Practices. 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.

Therefore, 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, and this finding can be made.

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

Topography of the site proposed for development is flat to very gently sloping, with the exception of an approximately 20-foot high outcrop of rocks in the northeastern portion of the existing parcel. To gain access from East Hills Drive to proposed Parcel B, the driveway would cut through the rock outcrop closer to the eastern edge of the parcel, where the height of the outcrop is lower. The topmost point of the rock outcrop would be maintained but reduced in area to accommodate the cut required to create the driveway. The remaining rock outcrop would be shaped to blend with the existing profile elevation of the mound. Grading for the remaining site been designed to blend with the naturally flat site topography.

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. The majority of the onsite natural landscape will be preserved except one non-native tree of 12-inch diameter. The tree proposed for removal is not located in the East Hills Drive right-of-way and not considered protected per the County's Tree Preservation Ordinance. There are no special status species or habitat mapped on the site. The site is located in the Santa Clara Valley Habitat Plan Area, Area 4-Urban Development; however, as the existing parcel is less than 2 acres, and has no sensitive habitat, watercourses or creeks, the proposed project does not qualify for Habitat Plan coverage.

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 associated with the project is for frontage improvements, establishing new driveways and two new residences, and landscaping. To gain access from East Hills Drive to proposed Parcel B, the driveway would cut through the existing rock outcrop closer to the eastern edge of the parcel, where the height of the mound is lower. The two new proposed residences would be located on relatively flat portions of the site, away from the rock outcropping. Overall, the subdivision design, including the proposed building sites, minimize 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.

As stated above, an approximately 20-foot high outcrop of rocks in the northeastern portion of the existing parcel, that would be part of the proposed Parcel B. The driveway access to proposed Parcel B would cut through the rock outcropping at the lowest level along East Hills Drive, and has been located near the eastern property line, where the profile elevation of the mound is lower. The proposed driveway grade approximate matches the grade of the site behind the rock outcrop. The topmost point of the rock outcrop would be maintained but reduced in area to accommodate the cut required to create the driveway. The remaining rock outcrop would be shaped to blend with the existing profile elevation of the mound.

Topography of the remaining site proposed is flat to very gently sloping, Grading for the remaining site been designed to blend with the naturally flat site topography. The proposed new residences would be located on relatively flat portions of the site.

The proposed grading is designed to minimize impacts to natural terrain and existing topography and will not create a significant visual scar. The County requires that all utilities shall be placed underground, which also minimizes negative aesthetic impacts. 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. Grading for the proposed project for frontage improvements, driveways, building pads for the new residences and landscaping, is appropriate, justifiable, and reasonably necessary for the establishment of the single-family residential use and associated access. This is in keeping with General Plan policy R-GD 22, stated below:

R-GD 22 The amount, design, location, and the nature of any proposed grading may be approved only if determined to be:

- a. appropriate, justifiable, and reasonably necessary for the establishment of a allowable use;*
- b. the minimum necessary given the various site characteristics, constraints, and potential environmental impacts that may be involved, and,*
- c. that which causes minimum disturbance to the natural environment, slopes, and other natural features of the land.*

The proposed subdivision is consistent with the County General Plan. 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 property is zoned R1-6, which is a urban base zoning district. This finding does not apply to the site.

In conclusion, Staff recommends the Zoning Administration Hearing Officer to approve the land use entitlements for a Tentative Map Approval for a two-lot subdivision and Grading Approval.

BACKGROUND

On June 27, 2019 an application for a two-lot Tentative Parcel Map was submitted, which was subsequently deemed incomplete on July 25, 2019. After three rounds of resubmittals, the project was subsequently deemed complete for processing on September 24, 2021. A public notice for the public hearing before the Zoning Administration Hearing Officer was mailed to all property owners within a 300-foot radius of the subject property on October 27, 2021, 2021 and published in the Post Record on October 21, 2021.

STAFF REPORT REVIEW

Prepared by: Charu Ahluwalia, Associate Planner



Reviewed by: Leza Mikhail, Interim Planning Manager



Attachment A

Categorical Exemption from CEQA (Section 15315)

ATTACHMENT A

Notice of Exemption from CEQA

To: ☒ County Clerk-Recorder
County of Santa Clara

☐ Office of Planning & Research
PO Box 3044, Room 222
Sacramento, CA 95812-3044

Project Title		File Number (if applicable)
Tentative Parcel Map Approval for a Two-Lot Subdivision and Grading Approval for two new Single-Family Residences at 14795 East Hills Drive, San Jose, CA		PLN19-0130
Project Location [including APN(s) if applicable]		
14795 East Hills Drive, in unincorporated San Jose, CA. APN: 612-24-015; Zoning R1-6.		
Public Agency Approving Project		
County of Santa Clara		
Person or Agency Carrying Out Project	Address	Phone Number
Charu Ahluwalia, Associate Planner	70 West Hedding Street, 7th Floor East Wing, San Jose, CA	(408) 299-5740
Applicant	Address	Phone Number
Daniel Warren	579 E. Campbell Ave. Campbell, CA 95008	(650) 469-3760
Project Description		
Tentative Parcel map to subdivide a 26,028 square-foot (sq.ft.) parcel into two parcels (Parcel A and B), each measuring 13,014 sq.ft., and Grading Approval for frontage improvements, driveways and two new single-family residences on the proposed parcels. Grading consists of 888 cubic yards of cut and 230 cubic yards of fill (total 1,118 cubic yards).		
Exempt Status (check one, state CEQA Guidelines section number)		
<input checked="" type="checkbox"/> Categorical Exemption [CEQA Guidelines 15301-15333]: <input type="checkbox"/> Statutory Exemption [CEQA Guidelines 15260-15285]: <input type="checkbox"/> Declared Emergency [CEQA Guidelines 15269(a)] <input type="checkbox"/> Emergency Project [CEQA Guidelines 15269(b)(c)]: <input type="checkbox"/> Common Sense Exemption [CEQA Guidelines 15061(b)(3)]		
Reasons the project is exempt		
The proposed project qualifies for a Categorical Exemption under the provisions of Section 15315 (Minor Land Divisions) for division of property in urbanized areas zoned for residential use.		
County Contact Person	Title	Phone Number
Charu Ahluwalia	Associate Planner	(408) 299-5740

Prepared by:
Charu Ahluwalia,
Associate Planner



Signature

October 21, 2021

Date

Attachment B

Preliminary Conditions of Approval for Tentative Parcel Map and Grading Approval

ATTACHMENT B
PRELIMINARY CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP AND
GRADING APPROVAL

Date: November 4, 2021
Owner/Applicant: Gary King / Daniel Warren
Location: 14795 East Hills Drive, San Jose, CA (APN: 612-24-015)
File Number: PLN19-0130
CEQA: Categorical Exemption, Section 15315 of the CEQA Guidelines (Minor Land Divisions)

Project Description: Tentative Parcel map to subdivide a 26,028 square-foot (sq.ft.) parcel into two parcels (Parcel A and B), each measuring 13,014 sq.ft., and Grading Approval for frontage improvements, driveways and two new single-family residences on the proposed parcels. Grading consists of 888 cubic yards of cut and 230 cubic yards of fill (total 1,118 cubic yards). One non-native tree is proposed for removal with this project. Approval is based on plans submitted on August 30, 2021.

If you have any question regarding the following final 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	Charu Ahluwalia	(408) 299- 5740	charu.ahluwalia@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	Eric Gonzales	(408) 299 - 5716	eric.gonzales@pln.sccgov.org
Roads and Airports	Leo Camacho	(408) 573-2464	leo.camacho@rda.sccgov.org
Airport Land Use Coordinator	Mark Connolly	(408) 299 - 5786	mark.connolly@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.sccbuilding.org.

Planning

2. The parcel configuration shown on the Tentative Map prepared by Westfall Engineers, Inc., which was received by the Planning Office on August 30, 2021, is approved as submitted. All development and improvement of the project site must take place in substantial conformance with the approved plans prepared by Westfall Engineers, Inc.,

received by the Planning Office on August 30, 2021, and these Conditions of Approval. Any changes to the proposed project, or any increase in grading quantities may require a Grading Approval modification and associated fees, as may result in additional environmental review, pursuant to the California Environmental Quality Act.

3. The **Tentative Map** approval is valid for **three years** after the date of approval, and will expire on **November 3, 2024**. Pursuant to Ordinance Code Section C12-79 (Extension of time to file a final parcel map), an extension of time may be submitted to the County by the subdivider prior to the expiration of the conditionally approved Parcel Map, to be considered by the original approving authority. Said extension requests shall be submitted in conformance with the requirements of Ordinance Code Section C12-79 (a – c).
4. The **Grading Approval** is valid for **four years** after the date of approval, and will expire on **November 3, 2025**. The grading for the construction of the residences shall not occur prior to recordation of a Final Parcel Map.
5. Building and grading permits shall be submitted to the Building Inspection Office concurrently.
6. Existing zoning is R1-6 (One-Family Residence base district with a Lot-Size Combining district of 6,000 square feet minimum lot size). Maintain the following minimum dwelling setbacks (Zoning Ordinance Sections 3.10.030 and 2.20.030):
Front: 25 feet Sides: 25 feet Rear: 6 feet
The maximum height of dwellings shall be 35 feet and shall not exceed two (2) stories.
7. In the event that previously unidentified historic or prehistoric archaeological resources are discovered during grading and/or construction activities, work shall be temporarily halted in the vicinity of the discovered materials. Workers shall not alter or disturb the materials and their context until a qualified professional archaeologist has evaluated the materials and provided recommendations for treatment/preservation and documentation of the discovered archaeological and/or Native American resources. Documentation of treatment of the resources shall be submitted to the County Department of Planning and Development staff upon completion of construction.
8. The developer/owner shall be responsible for paying all reasonable costs associated with work by the County Planning Office, or under the supervision of the County Planning Office, that is conducted in conjunction with, or in any way related to, these Conditions of Approval. This includes, but is not limited to, costs for staff time, consultant fees and direct costs associated with report production and distribution.

Environmental Health

9. 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 and Airports

10. A Tree Removal Permit 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 MAP RECORDATION

Land Development Engineering

Maps

11. Prepare and submit a Parcel Map for review and approval by the County Surveyor.
12. Parcels A and B must be surveyed by a Licensed Land Surveyor or Registered Civil Engineer. Monuments shall be set, reset, or verified in accordance with County standards, the California Subdivision Map Act, and/or the California Land Surveyor's Act map recordation.
13. Indicate on the Parcel Map all applicable easements affecting the parcel(s) with benefactors and recording information

Bonds

14. The owner shall post a performance bond for permitted subdivision improvements. The bond amount shall be based on the County's estimate of probable construction cost. The performance bond may be in the form of cash deposit, assignment of a savings account or CD, a surety from an insurance company, or a letter of credit.
15. Enter into a land development improvement agreement with the County. Submit an Engineer's Estimate of Probable Construction Cost prepared by a registered civil engineer with the all stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances based upon the estimate, sign the development agreement and pay necessary inspection and plan check fees, and provide County with a Certificate of Worker's Compensation Insurance. (C12-206).

Department of Environmental Health

16. Provide a water will serve letter from San Jose Water Company (408-279-7827).
17. Provide a sewer will serve letter from County Sanitation District 2,3 (408-255-2137).

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

Planning

18. The following dust control measures will be adhered to during construction for all subdivision improvements, grading and development. Final improvement plans / grading plans/ development plans must contain language requiring that the following control measures be implemented:
 - a. Water all active construction areas at least twice daily.

- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Either pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
 - h. Limit traffic speeds on unpaved roads to 15 mph.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation in disturbed areas as quickly as possible.
 - k. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the site.
 - l. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
19. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.
20. **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**.

Tree Protection

21. **Grading and building plans** shall clearly identify the size and species of all trees proposed for removal. The project proposes to remove one (1) tree with trunk diameters of 12 inches or greater per Tree Removal Plan submitted on August 30, 2021.
22. Per County Municipal Code Division C16-3(e), any tree that was required to be planted or retained by these Conditions of Approval of any land use entitlement are protected trees, regardless the size.
23. 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 408-299-5740 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.
24. An outdoor lighting plan shall be submitted for review and approval by the Planning Office for residential development on each lot prior to the issuance of building permits. The objective of this plan shall be to restrict outdoor lighting to within 100 feet of structures. All outdoor lighting shall use full cut-off lighting fixtures.

Landscape Permit

25. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. Calculate square footage of new landscaped area and if it equals or exceeds 500 sq. feet, then a landscaping permit is required. 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>

Land Development Engineering

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

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

If the County Roads and Airports Department provides a condition of approval to obtain an encroachment permit, for your convenience, the grading and encroachment permits will be processed concurrently under one set of improvement (grading) plans. Please contact LDE at (408) 299-5734 for additional information and timelines.

27. 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.
28. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan,

profile, typical sections, contour grading for all street, road, driveway, structures and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The following standards are available on-line:

§ Standard Details Manual, September 1997, County of Santa Clara, Roads and Airports Department available at:

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

29. 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.
30. 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.
31. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.

Drainage

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

Utilities

34. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

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

- a. Gas Company
- b. Electric Company
- c. Water Company
- d. Sewer Company

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

Stormwater Treatment – SF Bay Watershed

36. 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

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

38. 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

39. 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

Fire Marshal

40. Fire hydrant flow data will be required at Building Permit submittal.
a) Hydrant flow will need to meet CFC Appendix B requirements.

41. Further review for fire department access and water supply to be conducted at Building

Permit submittal.

Roads and Airports

42. Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit for the following required improvements:
 - a. Installation of the driveway approaches for each parcel to County Standard B/2
 - b. Removal of any vegetation and other obstructions necessary to provide adequate line-of-sight at the driveway approach locations.

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

43. 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.

Land Development Engineering

44. 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.
45. Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

46. **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

47. Fire Sprinkler System: An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure.

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

Roads and Airports

48. Construct all of the improvements approved under the Encroachment Permit.

Attachment C

Location and Vicinity Map

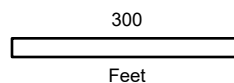


Location and Vicinity Map

Record No. PLN19-0130

APN 612-24-015

14795 East Hills Drive

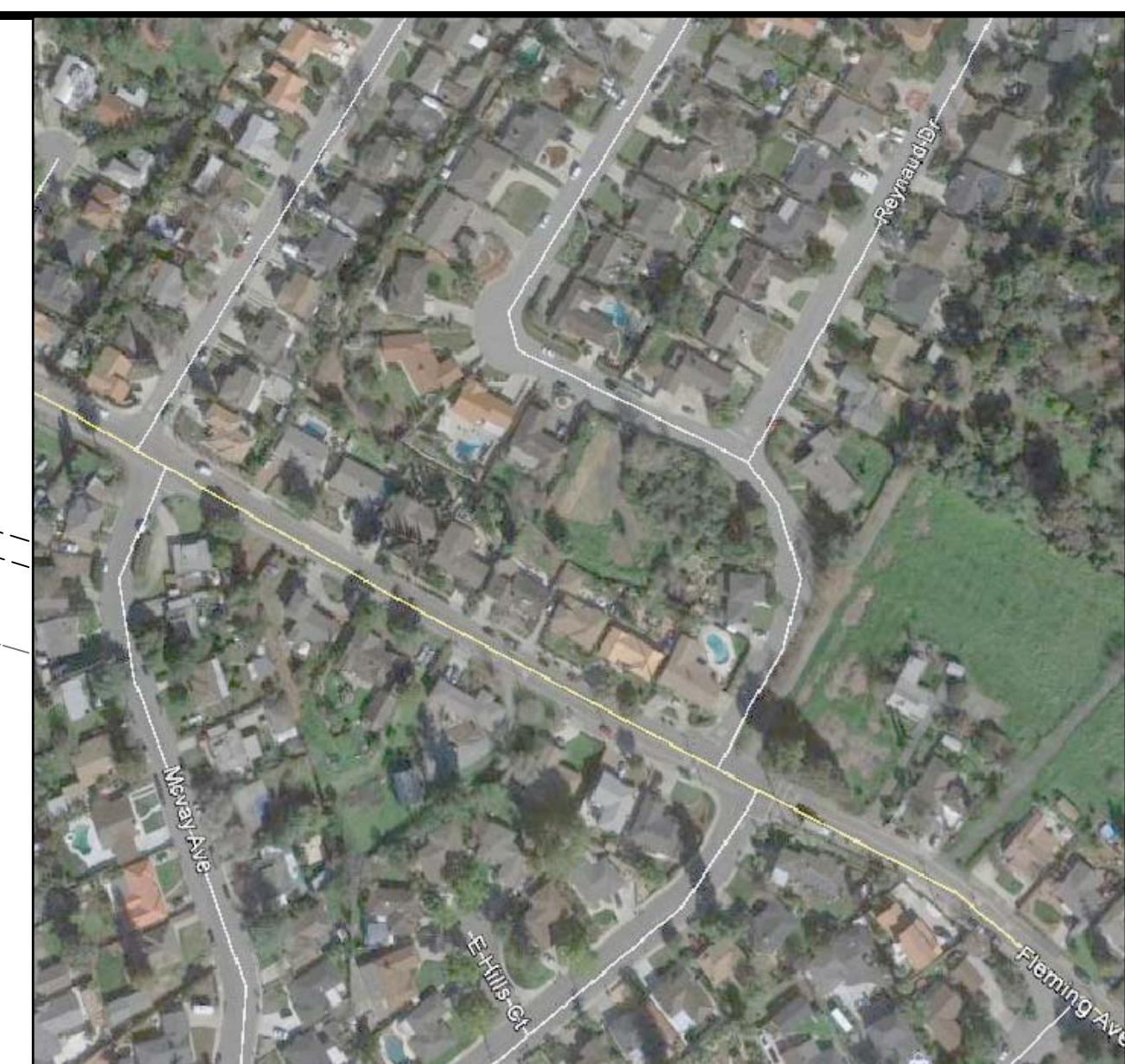
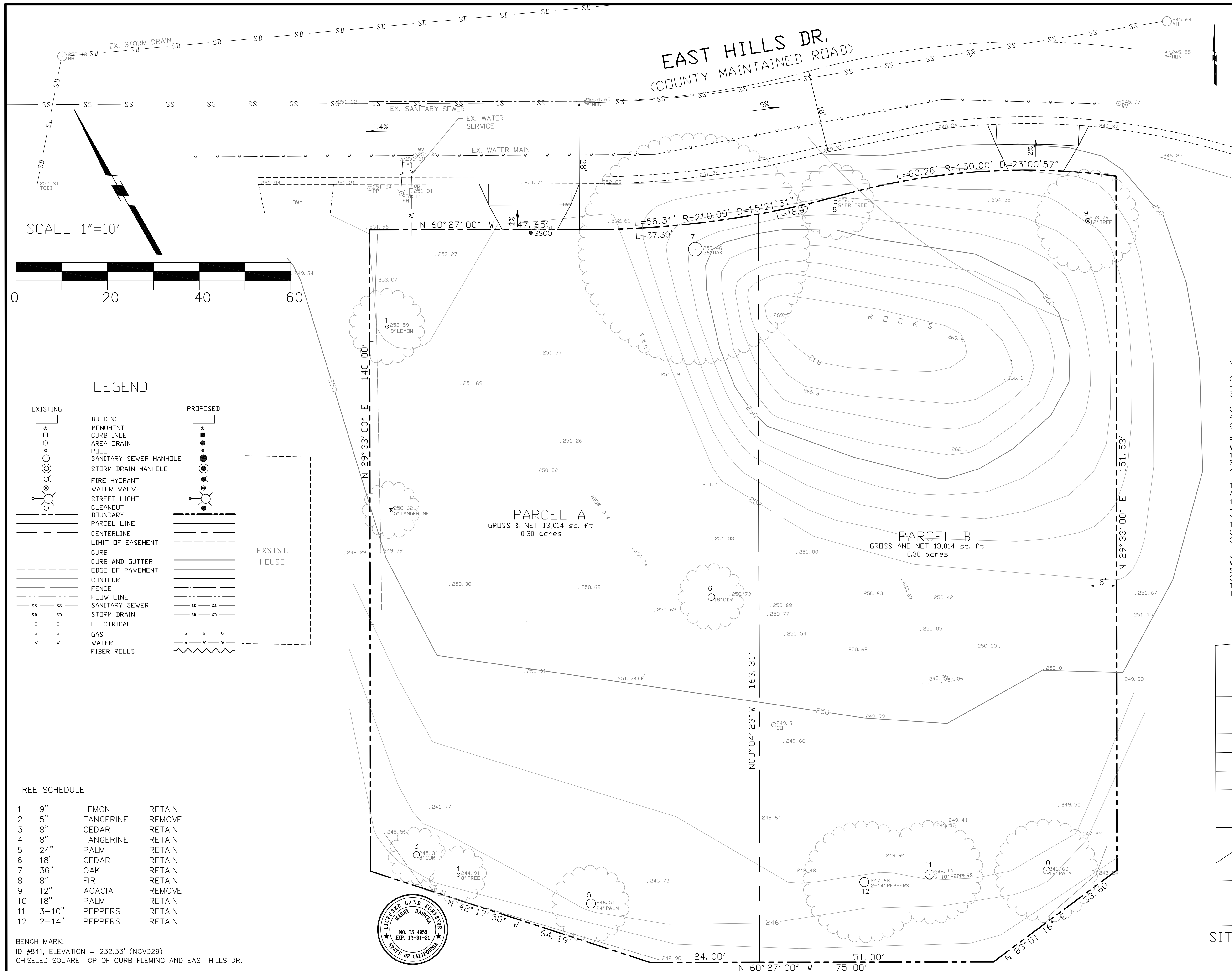


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Attachment D

Tentative Parcel Map and Other Plans



VICINITY MAP

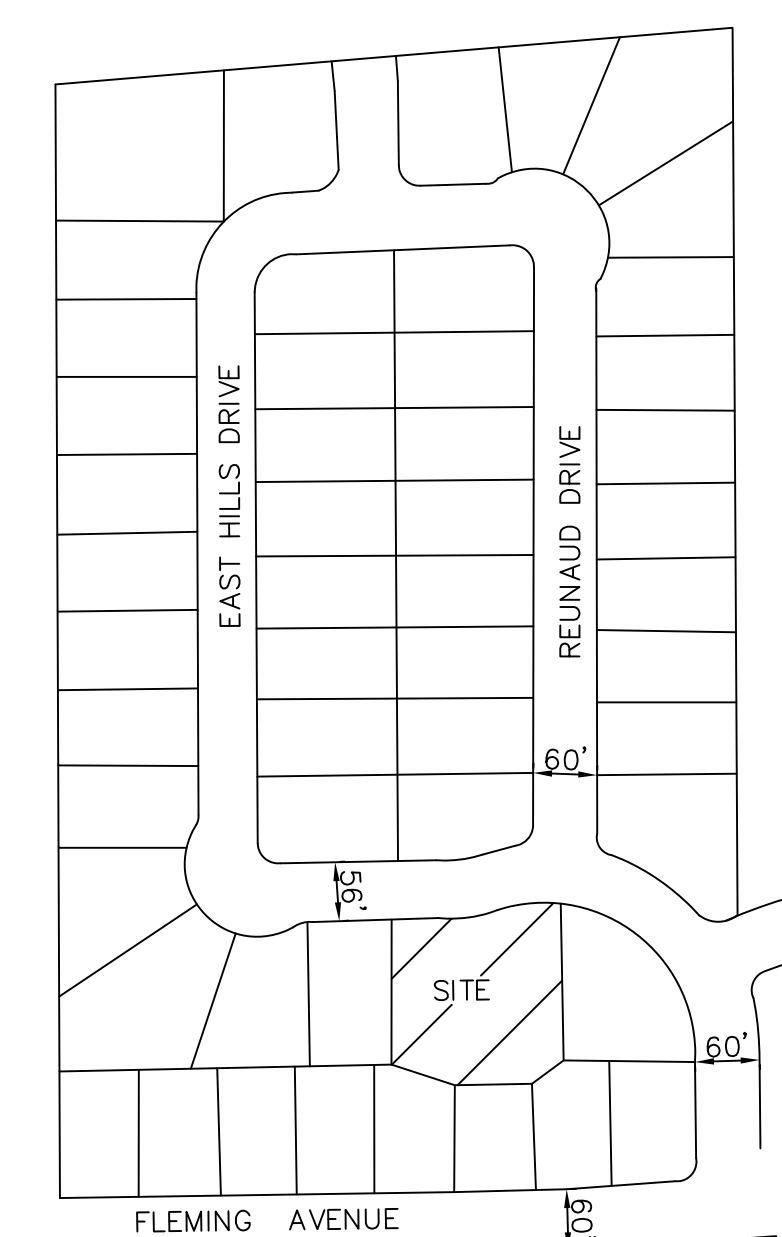
NOTES:

OWNER AND DEVELOPER:
PARKER ROYALE, LLC
349 1ST STREET, SUITE D
LOS ALTOS, CA 94022
CONTACT: GARY KING
408-482-5044
gking@gkingconstruction.com

ENGINEER:
WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY
SARATOGA, CA 95070
408-867-0244

TOTAL AREA TO BE SUBDIVIDED = 0.6 ACRES, BEING AN EXCEPTION WITHIN SUBDIVISION OF TRACT NO. 1601, "EASTRIDGE ESTATES" RECORDED IN BOOK 97 PAGES 30 AND 31, SANTA CLARA COUNTY RECORDS. NO EASEMENTS OR DEDICATIONS ARE REQUIRED FOR THIS SUBDIVISION. OFF-SITE IMPROVEMENTS WIL BE LIMITED TO CONSTRUCTION OF A NEW DRIVEWAYS

UTILITIES:
WATER - SAN JOSE WATER CO.
SANITARY SEWER - COUNTY SANITATION DISTRICT
GAS AND ELECTRIC - PGE
TELEPHONE AND CABLE AT&T
THE SITE IS NOT SUBJECT TO INUNDATION.



SITE LOCATION SKETCH
N.T.S.

NO.	BY	DATE	REVISION	BY	DATE	DATE: August 25, 2021
						SCALE: HDR. 1"=10'
						PROJ. ENGR: JC
						CHECKED: KC

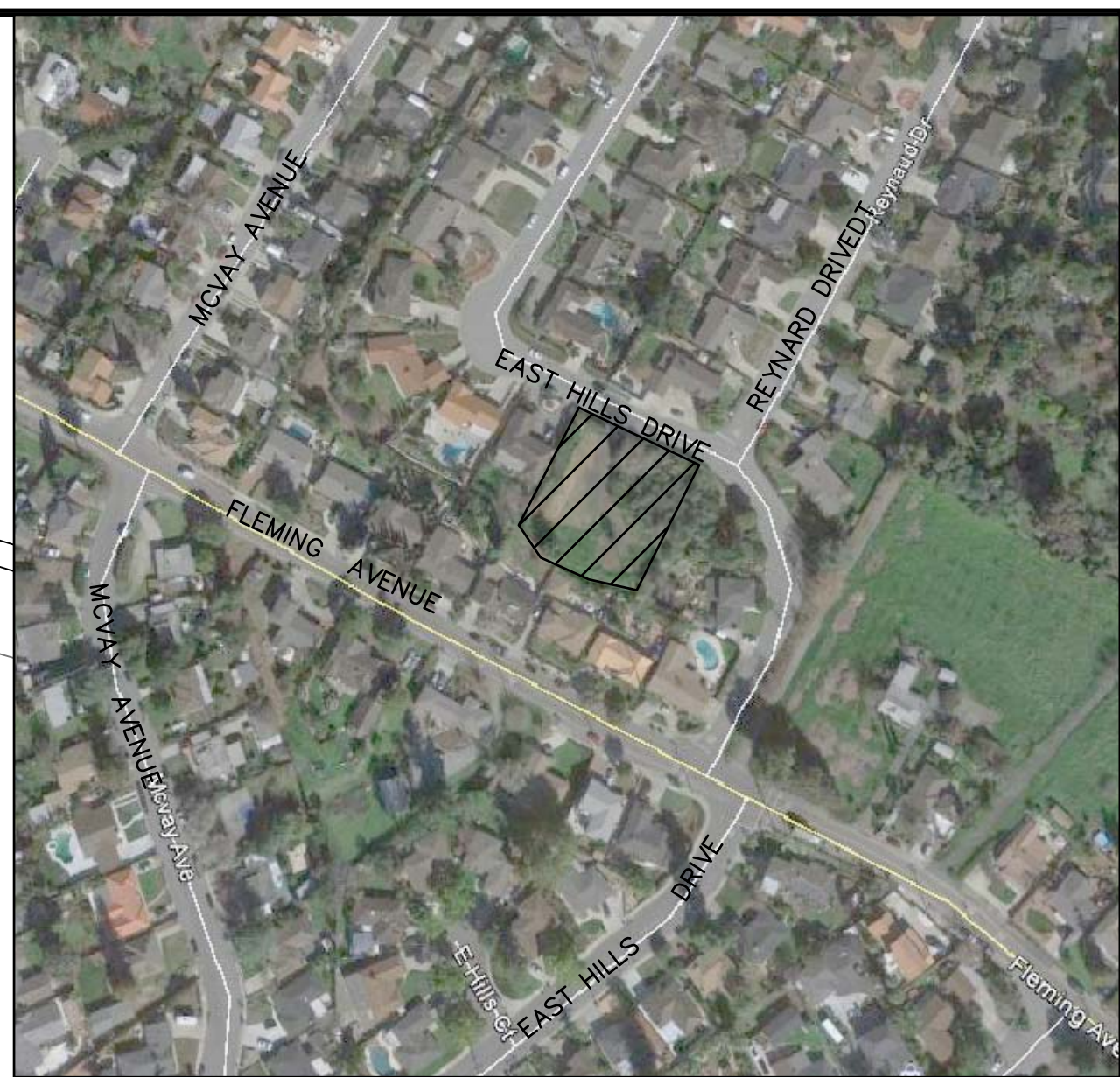
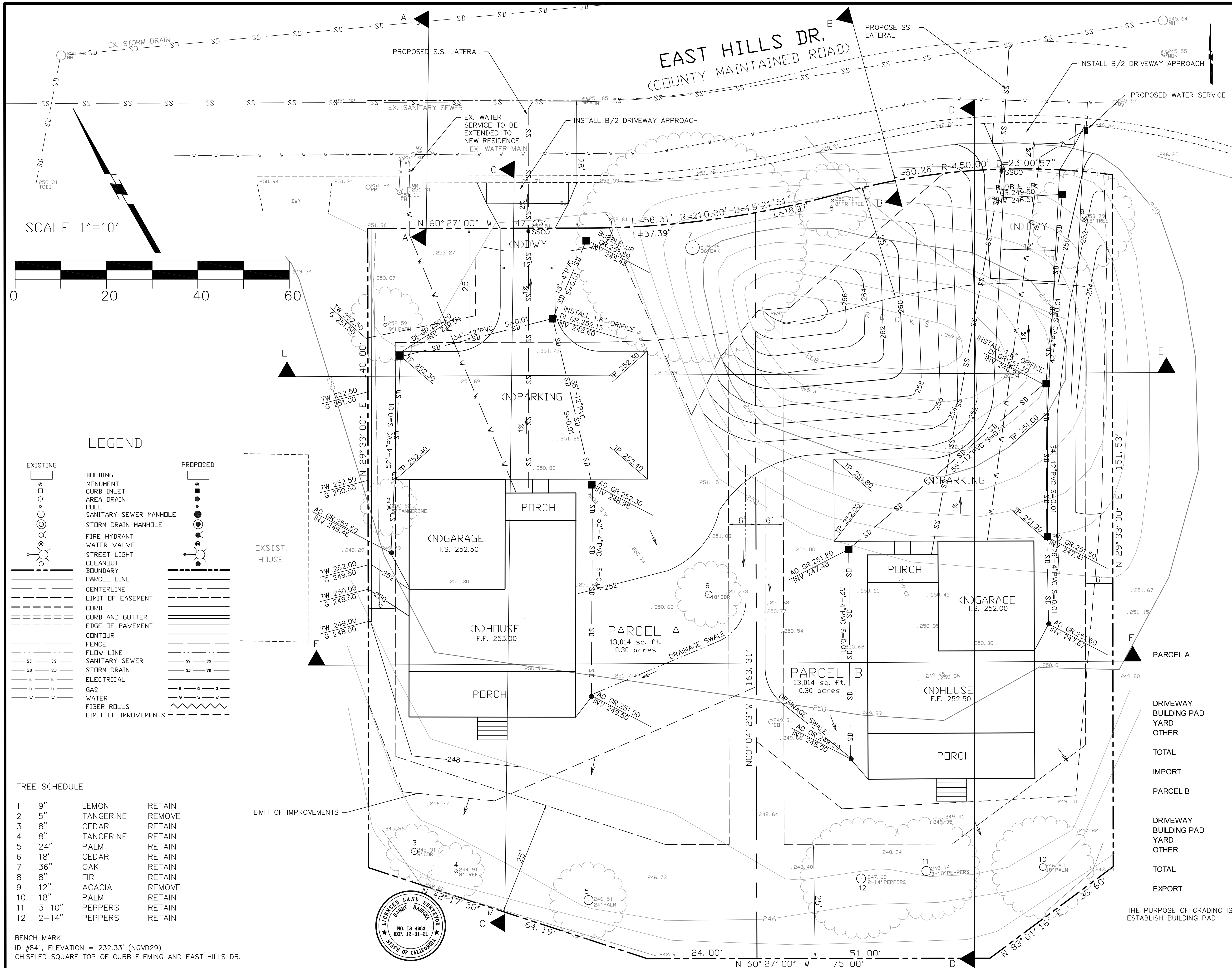
BY: HARRY BABICKA, LS4953



WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070 (408)867-0244

TENTATIVE MAP FOR EAST HILLS ESTATES
14795 EAST HILLS DRIVE, SAN JOSE, CA

JOB NO.
2015-023
SHEET 1
OF 3



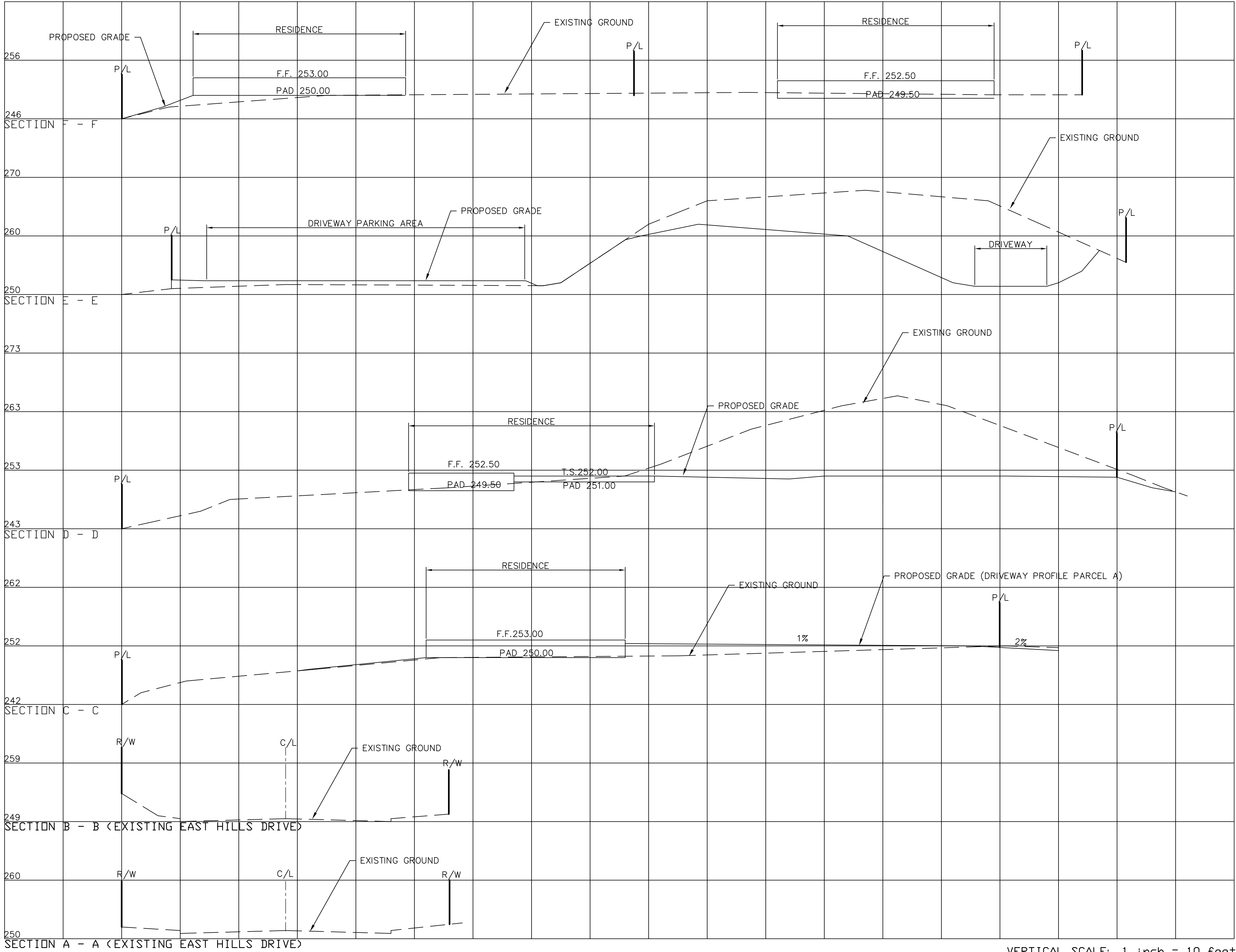
VICINITY MAP

SURFACES

DESCRIPTION	EXISTING		PROPOSED	
BUILDINGS		0	1854	
PATIOS/WALKS		0	42	
IMPERVIOUS SURFACES		0	1896	
PERVIOUS	13014		9795	
DRIVEWAY (permeable DG)	0		1323	
TOTAL		13014	13014	
PARCEL B				
DESCRIPTION	EXISTING		PROPOSED	
BUILDINGS		0	1854	
PATIOS/WALKS		0	42	
IMPERVIOUS SURFACES		0	1896	
PERVIOUS	13014		9095	
DRIVEWAY (permeable DG)	0		2023	
TOTAL		13014	13014	

EARTHWORK QUANTITIES

CUT	EARTHWORK (cubic yards)		MAXIMUM DEPTH (feet)	
			CUT	FILL
DRIVEWAY	0	69	0	1
BUILDING PAD	13	17	0	1.2
YARD	0	132	0	2.5
OTHER	0	0	0	0
TOTAL	13	218		
IMPORT	205			
PARCEL B				
DRIVEWAY	842	0	12	0
BUILDING PAD	3	12	0.5	0.7
YARD	30	0	1	0
OTHER	0	0	0	0
TOTAL	875	12		
EXPORT	863			



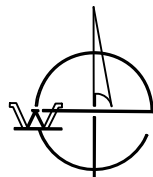
VERTICAL SCALE: 1 inch = 10 feet
HORIZONTAL SCALE: 1 inch = 10 feet



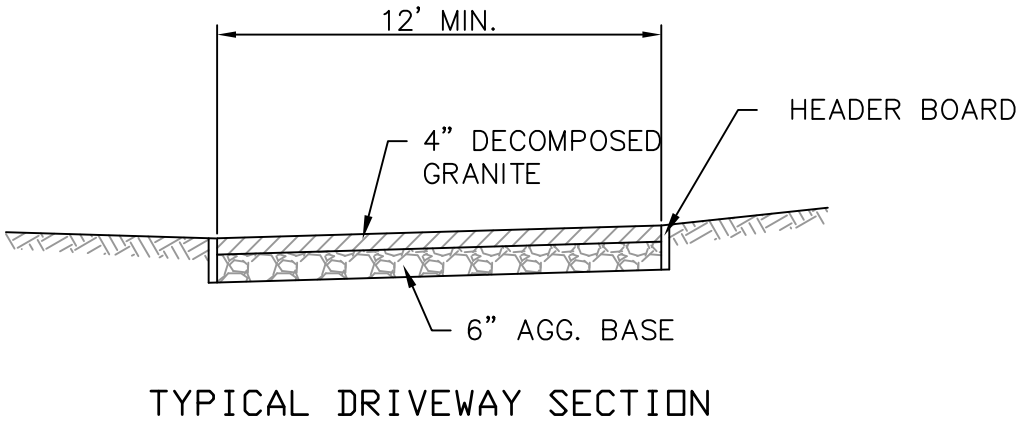
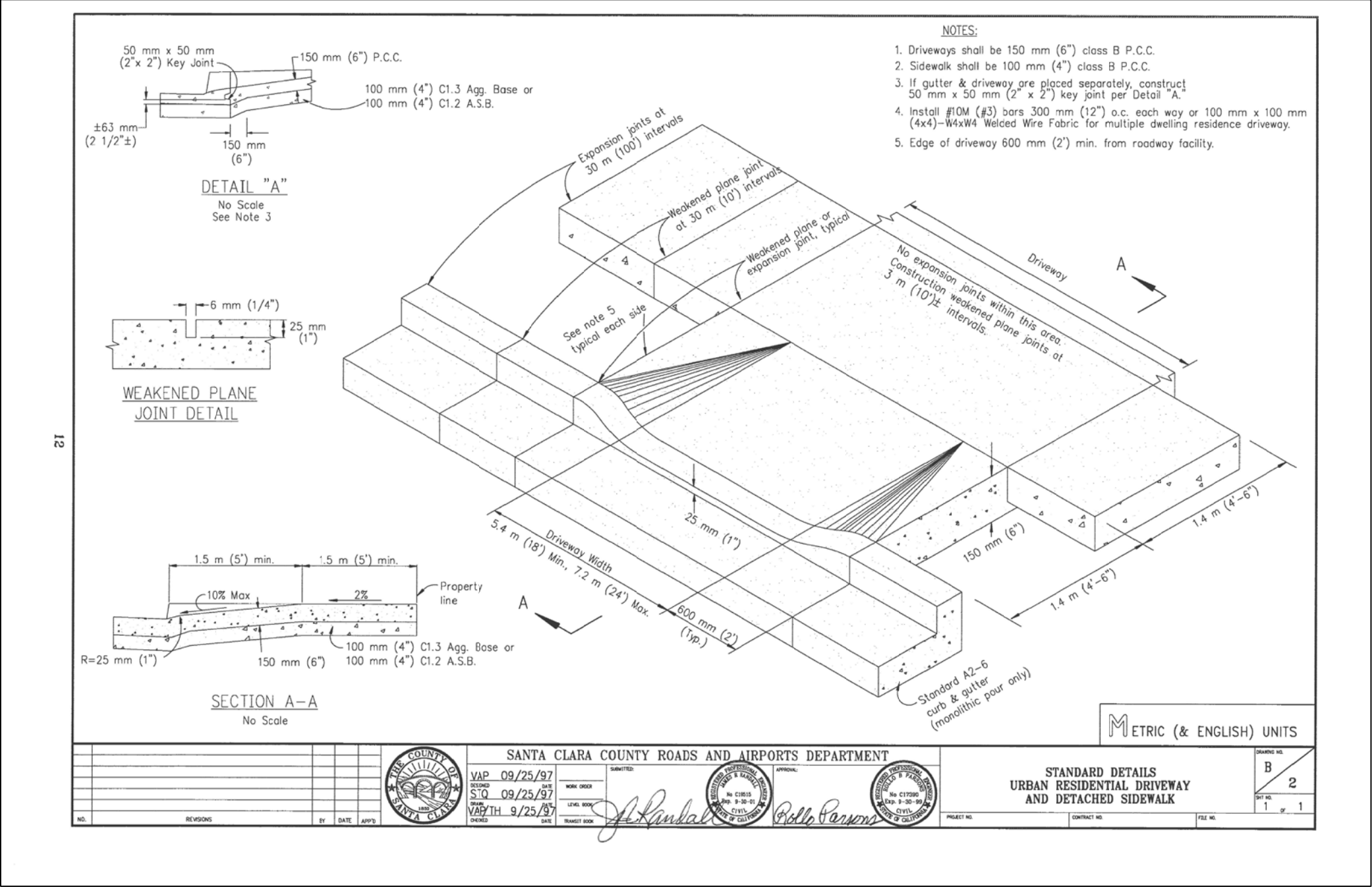
NO.	BY	DATE	REVISION	BY	DATE

DATE: August 25, 2021
SCALE: H. & V. 1"=10'
PROJ. ENGR: JC
CHECKED: KC

BY: HARRY BABICKA, LS4953



WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070 <408>867-0244



[illegible][illegible]

0 10 20 30 40

SCALE: 1" = 10'-0"

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1 of 7