

## County of Santa Clara

Department of Planning and Development  
Planning Office

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San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



### STAFF REPORT Zoning Administration July 1, 2021 **Item No. 3**

Staff Contact: Xue Ling, Associate Planner  
(408) 299-5784, [xue.ling@pln.sccgov.org](mailto:xue.ling@pln.sccgov.org)

### **File: PLN20-141 Building Site Approval and Design Review (-sr) for a New Single-Family Residence**

**Summary:** Concurrent land use application for a Building Site Approval and Design Review (-sr) for the construction of a new 741 square foot single-family residence, with an attached garage on a vacant lot. Ancillary site improvements include construction of a new driveway and septic system. The proposed building site is located within 100 feet of a County-designate scenic road. Grading consists of 13 cubic yards of cut and 11 cubic yards of fill (total 24 cubic yards). A total of seven (7) trees are proposed to be removed for the subject project.

**Owner:** Rodney and Jenale Nielson  
**Applicant:** Amanda Musy-Verdel  
**Address:** 0 Metcalf Road, San Jose  
**APN:** 627-12-018  
**Supervisory District:** 1

**Gen. Plan Designation:** Ranchlands  
**Zoning:** AR-sr  
**Lot Size:** 12,764 sq.ft  
**Present Land Use:** Vacant  
**HCP:** in HCP Area

#### **RECOMMENDED ACTIONS**

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- A. Accept a Categorical Exemption, under Section 15303 (Class3)(a) of the CEQA Guidelines, outlined in Attachment A; and
- B. Grant a concurrent land use application for a Building Site Approval and Design Review, pursuant to Conditions of Approval.

#### **ATTACHMENTS INCLUDED**

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Attachment A – CEQA Determination  
Attachment B – Preliminary Conditions of Approval  
Attachment C – Plans and Vicinity Map  
Attachment D – Color Samples  
Attachment E – Arborist Report

## **PROJECT DESCRIPTION**

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The project includes a concurrent land use application for a Building Site Approval and Design Review (-sr) to construct a new 741 square-foot single-family residence with an attached garage on a vacant lot. The lot is 0.3-acres in area, which is considered a severely substandard lot size within the County's Agricultural Rarlands (AR) Zoning District. The narrow portion at the rear of the lot has Shingle Creek running through it, which requires 35-foot riparian setback for a structure. The proposed building site is located 30 feet, measured from the future right-of-way (FWL) of Metcalf Road, within 100 feet of this County designated scenic road (-sr). The modest-sized house would be located at the only feasible location on site, confined by the development setbacks, prescribed by the Zoning Ordinance, and riparian setbacks from Shingle Creek.

The maximum height of the proposed two (2)-story residence is 22'-6" tall, whereby the Zoning Ordinance allows a maximum height of thirty-five (35) feet. Given the site's constraints, the County Department of Environmental Health and Valley Water approved a reduction of the required one hundred (100)-foot setback for the septic system to seventy (70) feet, measured from Single Creek top-of-the-bank to the proposed septic system. A private well and water line are proposed on the neighboring parcel (APN:627-12-013) under common ownership. Condition of Approval requires the necessary utility easement to be recorded on the neighboring parcel prior to change of ownership (Attachment B).

The site is located in the Santa Clara Valley Habitat Plan Area of Area 1- Private Development Covered. The submitted biological report identifies on-site habitats of Oak Woodland and Category 2 Stream. Therefore, the project is a Habitat Plan covered project. Prior to issuance of any development permits, a completed Habitat Application for Private Projects must be submitted with landcover fees (land cover loss due to permanent development) and temporary development fees (construction disturbance on land cover less than two (2) years). Detailed information is included as Conditions of Approval in Attachment B.

### **Setting/Location Information**

The 0.3-acre parcel is currently vacant and located off Metcalf Road, a County designated scenic road, within unincorporated San Jose. Shingle Creek runs through the narrow portion of the 'funnel' shaped lot in the rear and flows to the north of the subject parcel, leaving a small, flat area close to Metcalf Road for development. Other than a few substandard lots of similar sizes located adjacent to Metcalf Road, the majority of the lots in the proximity are large parcels with steep topography, ranging in sizes from 30 to 400 acres. The parcels range from private lands to the United Technology Corporation, to habitat lands owned by the Santa Clara Valley Habitat Agency.

## **REASONS FOR RECOMMENDATIONS**

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### **A. Environmental Review and Determination (CEQA)**

The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption (See Attachment A). As the proposed building site is located within 100 feet of the County-designate scenic road, the required Design Review process addresses the aesthetic impacts on scenic resources. Given the small-scale residence and other proposed design measures, such as Light Reflectivity Value (LRV), the development would not

create adverse visual impacts. Although the subject property is within the State-designated Oak Woodland (FRAP), Staff verified that the oak canopy to be removed is 1,200 square feet, based on the information in the submitted arborist report. Therefore, the proposed oak tree removal is not considered a significant impact, as the oak canopy to be removed less than half an acre. 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:** Ranchlands

**2. Building Site Approval:** Per County Ordinance Code Section C12-300, Building Site Approval is required for new single-family dwellings, *'except in that portion of the "AR" Agricultural Ranchland zoning district located east of Highway 101 where a building clearance may be obtained. Building site approval shall be required, however, for development within the "AR" Agricultural Ranchland zoning district located within the Anderson/Coyote Watershed, as depicted on that certain map entitled Anderson/Coyote Watershed Parcel Map.'* The subject property is located within Anderson/Coyote Watershed area in an AR zoning district. Therefore, a Building Site Approval is required.

**3. Zoning Standards:** The proposed project satisfies the standard front and rear setback and height limit in AR-sr Zoning District, and qualifies for the reduced side setbacks pursuant to Zoning Ordinance Section 4.20.110(C), given the net lot size is less than 10,000 square feet\*:

|                                      |           |
|--------------------------------------|-----------|
| <b>Front and Rear Setbacks (AR):</b> | 30-feet   |
| <b>Side Setbacks:</b>                | 10-feet   |
| <b>Height:</b>                       | 35-feet   |
| <b>Stories:</b>                      | 2-stories |

\*The net lot size is 9,044 square feet, resulting from the gross lot size minus the 30-foot Metcalf Road half street dedication.

**C. Design Review Findings**

All Design Review applications are subject to the scope of review (Findings) as listed in §5.50.040 of the County Zoning Ordinance. The overall purpose of design review is to encourage quality design and mitigate potential adverse visual impacts of development. Additionally, for development within 100 feet of a Scenic Road, Design Review is required to ensure development is compatible with the scenic road pursuant to §3.30. 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 0.3-acre substandard lot can only accommodate a 428 square-foot building footprint at the location as currently proposed to meet the riparian setback, measured from Shingle Creek, and reduced setbacks allowed by the Zoning Ordinance. Therefore, only the essential elements of a dwelling are proposed, including one living room and kitchen, one bedroom, two bathrooms, and an attached one-car garage. The maximum height of the proposed two (2)-story residence is 22'-6" tall, whereby the Zoning Ordinance allows a maximum height of thirty-five (35) feet. Grading consists of 13 cubic yards of cut and 11 cubic yards of fill (total 24 cubic yards). Given the extremely small massing, minimal and necessary grading, and the exterior façade color with low Light Reflective Value (LRV), the proposed project would not create any adverse visual impacts to the scenic road.

Should the property size increase as a result of a future Lot Line Adjustment, any future additions to the residence will not be exempt from Design Review Modification and a public hearing, given the current size of the lot, structure size and location within the scenic road setback (refer to Condition of Approval No. 2, Attachment B). Therefore, future additions are subject to additional review to ensure sufficient mitigation of any adverse visual impacts. For the reasons stated above, the currently proposed residence and grading have no adverse visual impacts on the scenic road. Therefore, this finding can be made.

**2. Compatibility with the natural environment;**

The majority of the site is covered by mixed oak forest and is located within the State-designate Oak Woodland (FRAP) according to the County GIS system. The submitted arborist report surveyed 29 trees with a dripline within the subject property and proposed to remove seven (7) trees, six (6) of which were coastal live oaks. The oak trees to be removed range in trunk size from eight (8) inches to twenty-two (22) inches. Based on the information in the submitted arborist report, staff verified that the oak canopy to be removed is 1,200 square feet, less than half an acre. Therefore, the proposed project is not considered to bring a significant impact upon Oak Woodlands. No tree replacement requirement is included in the conditions, given the minimal and necessary oak trees to be removed and a lack of space on the property for replacement trees. A Condition of Approval in Attachment B requires tree protection measures during construction for trees to retain and an arborist review letter prior to final occupancy.

The proposed development is located 35 feet away from Shingle Creek, on a flat area in the front portion of the lot. The site design preserves the existing natural features by minimizing the building footprint and the massing of the dwelling. As discussed earlier, the County Department of Environmental Health and Valley Water approved a reduction of the required one hundred (100)-foot setback to seventy (70) feet measured from Single Creek top of the bank to the proposed septic system. Thus, with the required

condition of approval, the proposed residence is 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 proposed building design is consistent with the County *Design Review Guideline* by setting back the second story from the first floor, creating undulating façades and varied roof heights. Extended living room and entry porches enrich the design details and produce patterns of light and shadow. In addition, the proposed exterior facades utilize multiple materials, all of which have a Light Reflective Value (LRV) of 45 or less (see Attachment D). No fences, gates, or retaining walls are proposed for this project. Should the property size increase as a result of a future Lot Line Adjustment, any future additions to the residence will require Design Review Modification and a public hearing, to ensure sufficient mitigation of any adverse visual impacts (refer to Condition of Approval No. 2, Attachment B). 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 area where the subject property is located is comprised of substandard lots adjacent to Metcalf Road in similar sizes of half an acre and large parcels with steep topography, ranging in sizes from 30 to 400 acres. Most of the homes in the area are single-story, with a floor area between 800 to 2,000 square feet. The proposed dwelling is the smallest home in proximity, with a craftsman architectural style found in the neighborhood. Additionally, as described in Finding No. 3 above, the design incorporates undulating facades and various rooflines and materials to help break up the structure’s appearance. Should the property size increase as a result of a future Lot Line Adjustment, any future additions to the residence will require Design Review Modification and a public hearing, to ensure sufficient mitigation of any adverse visual impacts (refer to Condition of Approval No. 2, Attachment B). As such, the project will not be intrusive or stand out compared to other developed parcels in the immediate vicinity and is compatible with the immediate neighborhood. For these reasons, this finding can be made.

**5. Compliance with applicable zoning district regulations; and**

Single-family residences are allowed uses within the Ranchlands (AR) zoning district. As proposed, the project complies with the AR zoning regulations, including required standard front and rear setbacks (thirty (30)-feet from the future right-of-way and rear property line) and reduced side yard setbacks of ten (10) feet per Zoning Ordinance 4.20.110(C)(1). The maximum height of the proposed two (2)-story residence is 22’-6”, whereby the Zoning Ordinance allows a maximum height of thirty-five (35) feet. As such, the project complies 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 *Resource Conservation Chapter for Scenic Resources* contains specific policies under Strategy No. 2, to *Limit Development Impacts on Highly Significant Scenic Resources*. R-RC 98 requires “*Hillsides, ridgelines, scenic transportation corridors, major county entryways, stream environments, and other areas designated as being of special scenic significance should receive utmost consideration and protection due to their prominence, visibility, and overall contribution to the quality of life in Santa Clara County.*” The proposed project is reviewed in terms of its visual impacts on Metcalf Road, as Design Review (-sr) is required for a new dwelling located within 100 feet from the scenic road. As discussed earlier, the proposed residence is consistent with the County *Design Review Guidelines* through the small-scale massing, undulating facades and rooflines, and exterior materials with low LRVs. Thus, the project will be in conformance with the General Plan, and this finding can be made.

**BACKGROUND**

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On July 9, 2019, the property owner submitted the Building Site Approval and Design Review Approval (-sr) applications for a concurrent land use entitlement. The initial incomplete letter was issued on August 8, 2019, outlining issues with the completeness of the site plan, tree preservation, and concerns with the proposed development in relation to Single Creek location, and a complaint of potential unpermitted grading and zoning violation.

The County inspectors and Code Enforcement Division conducted site visits to the subject parcel and verified the absence of grading violation. After abating the zoning violation, the applicant worked closely with the Department of Environmental Health, and Valley Water to obtain a reduced septic system setback from Single Creek. On May 27, 2021, the project was deemed complete for processing on the third and final resubmittal received on April 28, 2021.

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

**STAFF REPORT REVIEW**

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Prepared by: Xue Ling, Associate Planner



Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator



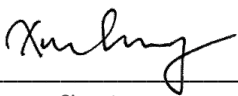
# Attachment A

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

## Attachment A

# STATEMENT OF EXEMPTION

### from the California Environmental Quality Act (CEQA)

|  |   |  |
|--|---|--|
| <b>FILE NUMBER</b>   | <b>APN(S)</b>   |  |
| PLN19-0141   | 627-12-018  | 6/22/2021                                      |
| <b>PROJECT NAME</b>  |   | <b>APPLICATION TYPE</b>                        |
| Single-Family Residence;<br>0 Metcalf Road, San Jose, CA, 95135  |   | Building Site Approval and Design Review (-sr) |
| <b>OWNER</b>   | <b>APPLICANT</b>  |  |
| Rodney and Jenale Nielson  | Amanda Musy-Verdel  |  |
| <b>PROJECT LOCATION</b>  |   |  |
| 0 Metcalf Road, San Jose, CA, 95135  |   |  |
| <b>PROJECT DESCRIPTION</b>   |   |  |
| <p>The project is a concurrent land use application for a Building Site Approval and Design Review (-sr) for the construction of a new 741 square foot single-family residence, with an attached garage on a vacant lot. Ancillary site improvements include construction of a new driveway and septic system. The proposed building site is located within 100 feet of a County-designate scenic road. Grading consists of 13 cubic yards of cut and 11 cubic yards of fill (total 24 cubic yards). A total of seven (7) trees are proposed to be removed for the subject project.</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 the 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>  |   |  |
| <b>CEQA (GUIDELINES) EXEMPTION SECTION</b>   |   |  |
| Section 15303(a) - Class 3(a): One single-family residence, or a second dwelling unit in a residential zone.   |   |  |
| <b>COMMENTS</b>  |   |  |
| <p>The subject property is located in a rural area that comprises substandard lots of similar sizes and large parcels ranging in sizes from 30 to 400 acres. Although the proposed building site is located within 100 feet of a County-designate scenic road, the residence is proposed with a 428 square-foot building footprint and an extremely small massing, thereby not creating adverse visual impact to the scenic resource. The subject property is located within the State-designate Oak Woodland (FRAP) according to the County GIS system. The proposed development would require six (6) oak trees to be removed, with approximately 1,200 square feet in the oak canopy. The proposed tree removal is not considered a significant impact on oak woodland, as the total canopy to be removed less than half an acre. As proposed, the new development would be located outside the 35-foot riparian setback measured from Shingle Creek top of the bank. This project is a Habitat Plan Covered project.</p> |   |  |
| <b>APPROVED BY:</b>  |   |  |
| Xue Ling, Associate Planner  | <br>_____<br>Signature | 06/22/2021<br>_____<br>Date                    |



# Attachment B

Preliminary Building Site Approval and Design Review (-sr)  
Conditions of Approval

**ATTACHMENT B  
PRELIMINARY BUILDING SITE APPROVAL AND DESIGN REVIEW (-SR)  
CONDITIONS OF APPROVAL**

**Date:** July 1, 2021

**Owner/Applicant:** Rodney and Jenale Nielson

**Location:** 0 Metcalf Road, San Jose, CA, (APN: 627-12-018)

**File Number:** PLN19-0141

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

**Project Description:** Concurrent land use application for a Building Site Approval and Design Review (-sr) for the construction of a new 741 square foot single-family residence, with an attached garage on a vacant lot. Ancillary site improvements include construction of a new driveway and septic system. The proposed building site is located within 100 feet of a County-designate scenic road. Grading consists of 13 cubic yards of cut and 11 cubic yards of fill (total 24 cubic yards). A total of seven (7) trees are proposed to be removed for the subject project. The project is a covered project by the Santa Clara Valley Habitat Plan.

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   |
|-------------------------------------|---------------|------------------|--|
| <b>Planning</b>                     | Xue Ling      | (408) 299- 5784  | <a href="mailto:xue.ling@pln.sccgov.org">xue.ling@pln.sccgov.org</a>           |
| <b>Environmental Health</b>         | Darrin Lee    | (408) 299 – 5748 | <a href="mailto:darrin.lee@cep.sccgov.org">darrin.lee@cep.sccgov.org</a>       |
| <b>Land Development Engineering</b> | Ed Duazo      | (408) 299 - 5735 | <a href="mailto:ed.duazo@pln.sccgov.org">ed.duazo@pln.sccgov.org</a>           |
| <b>Fire Marshal</b>                 | Alex Goff     | (408) 299-5763   | <a href="mailto:Alex.goff@sccfd.org">Alex.goff@sccfd.org</a>                   |
| <b>Roads and Airports</b>           | Christine Hii | (408)-573-2417   | <a href="mailto:christine.hii@rda.sccgov.org">christine.hii@rda.sccgov.org</a> |
| <b>Building Inspection</b>          |               | (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](http://www.sccbuilding.org).

**Planning**

1. Development must take place in substantial conformance with the approved plans, submitted on April 28, 2021 and the Conditions of Approval. Any changes to the proposed project may result in additional environmental review, pursuant to the California Environmental Quality Act. Should the property size increase as a result of a future Lot Line Adjustment, any future

additions to the residence will require Design Review Modification and a public hearing, given the current size of the lot, structure size and location within the scenic road setback.

2. Building and grading permits shall be submitted concurrently.
3. Existing zoning is AR-sr (Ranchlands - Combined Scenic Road District). Maintain the following reduced minimum dwelling setbacks (Zoning Ordinance Section 4.20.110(C)):  
Front: 30 feet                      Sides: 10 feet                      Rear: 30 feet  
The reduced setbacks are subject to changes if the property size increases as a result of future Lot Line Adjustment. The maximum height of dwellings is 35 feet and shall not exceed two (2) stories.
4. Two (2) off-street parking spaces are required, one (1) of which must be covered.
5. 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. The exterior materials shall be consistent with the submitted color samples (Attachment D).

#### *Archaeological Resources*

6. 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

7. 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.
8. Preliminary plans propose water service via a private well and water line on the neighboring parcel (APN 627-12-013). The neighboring parcel and the parcel to be developed (APN: 627-12-018) are currently under common ownership and easements for the water service do not currently exist. Prior to a change in ownership of either lot resulting in both lots no longer being under common ownership, arrangements shall be made to create and record the necessary utility easements (well site and water line) over APN 627-12-013 in coordination with the transfer of ownership. Details regarding the limits and location of the utility easement shall be documented in the building plans for APN 627-12-018 associated with land use file PLN19-0141.
9. All utility crossings through creeks, channels, or swales shall conform to the requirements

and recommendations of the Santa Clara Valley Water Resources Protection Collaborative Guidelines & Standards for Land Use Near Streams.

10. Construction staking is required and shall be the responsibility of the developer.

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 and 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](http://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.

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. The exterior materials shall be consistent with the project color samples and plans approved at the July 1, 2021 Zoning Administration Hearing (Attachment D).

*Tree Protection*

16. 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. The removal of protected trees is subject to tree removal and replacement trees.

17. 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.

#### *Landscape Plan/Permit*

18. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. Calculate square footage of proposed new landscaped area and if it equals or exceeds 500 square 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>

#### Habitat Plan

##### *Application for Private Projects*

19. **Prior to issuance of any building permit**, submit a completed Habitat Plan Application for Private Projects (“Application”) with all required submittal materials (as described in the Application for Private Projects), Land Cover Verification Report, and required staff review fee to the Planning Office for review and verification.

#### *Site Plan*

20. The required site plan shall show the project development, including a delineation of the temporary development buffer area.
  - a. *Temporary development area* is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities/trenching, etc.) that will be *restored within one year of completing construction*, plus a 10-foot buffer surrounding these areas.
  - b. *Permanent development area* is defined as all land that will have permanent improvements (portion of access driveway proposed to remain), plus a 50-foot buffer surrounding this area.

#### *Land Cover Verification*

21. Provide a field verified land cover verification report and land cover mapping by a qualified biologist, that includes the following:
  - a. Land cover mapping that clearly delineates the verified land cover, proposed development (footprint of improvements, driveways, impervious surfaces, bridge, off-site

road improvements), Conservation Easement area, and area of temporary and permanent impacts (with applicable buffers)

- b. Area calculations of land cover permanently and temporarily impacted by the project, consistent with Table 1 in the Application for Private Projects.

#### *Fees*

22. **Prior to issuance of a building permit**, all Santa Clara Valley Habitat Agency (SCVHA) fees must be paid. Land cover fees are paid based on the land cover verified by a qualified biologist, and development area associated with the project. *Temporary development fees* are based on the amount of time the land is disturbed during construction, plus one year after completing construction, and cannot exceed a combined total of 2 years. ***All temporary development that exceeds 2 years from the onset of construction will be subject to permanent impact fees.***

- a. Land Cover Fee Zone A – Ranch Lands and Natural Lands.
  - *Permanent fees* shall apply the total length of stream impacted, less the total length of stream relocated/restored on-site and set aside for conservation.
  - Temporary fees shall apply to the total length of stream that is relocated and restored on-site, as identified in the recorded Conservation Easement.

#### *Habitat Plan Conditions of Approval*

23. **Prior to issuance of building/drainage permit**, all future development is subject to the following Conditions of Approval and described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.

1. Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.
2. Condition 3: Maintain Hydrologic Conditions and Protect Water Quality.
3. Condition 7: Rural Development
4. Condition 11: Stream and Riparian Setbacks

24. **Prior to issuance of building/drainage permit**, incorporate the Habitat Plan *Conditions of Approval (Exhibit A)* and *Table 1: Hydrology Condition 3* into the improvement/drainage plans.

#### Land Development Engineering

25. Survey monuments shall be shown on the building plans to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified, and noted on the 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.

26. The well, tanks, and water lines located on the neighboring parcel (APN: 627-12-013) shall be contained within a future utility easement shown in the building plans. The future utility easement shall be clearly labeled with metes and bounds defining the future easement location.
27. The building 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.
28. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
29. 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 building plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.
30. In support of low impact development, the applicant/developer is strongly encouraged to include one or more 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. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available on-line at:  
[http://scvurppp.org/pdfs/1516/c3\\_handbook\\_2016/SCVURPPP\\_C.3\\_Technical\\_Guidance\\_Handbook\\_2016\\_Chapters.pdf](http://scvurppp.org/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf)

#### *Dedication of Easement*

31. Offer to dedicate an easement to the public and the County for storm-drainage purposes for the portion of the Shingle Creek tributary that passes through the parcel. The easement shall include all portions of the parcel that fall within a 25-foot wide easement centered on the creek. The required dedication is generally shown in the conditionally approved plans on file with the County Planning Office. The easement dedication shall include a legal description, plat, and corresponding documents to be reviewed and approved by the County Surveyor's Office. The owner/applicant will be required to record the document with the County Recorder's Office after review and approval by the County Surveyor's Office.

#### *Notice of Permit*

32. 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 pursuant to §5.20.125.

#### Environmental Health

33. **Prior to issuance of a building permit**, a septic system design shall conform with the prevailing Onsite Wastewater Treatment System (OWTS) Ordinance. The OWTS design

shall be based upon percolation test rates and the dispersal field shall be located within the percolation and soil profile testing areas.

34. Based upon a percolation rate of 6.7 minutes per inch/ MPI, sewage disposal conditions have been determined for an alternative onsite waste water treatment system (OWTS), utilizing a dual drip dispersal field equivalent to 125 square feet plus 125 square feet, or a total of 250 square feet. Due to the limited area for development, this alternative OWTS is sufficiently size to serve a 1-bedroom single family dwelling (150 gallons per day).
35. **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 drip fields, 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 Peter Estes at 408-918-3441 for septic system sign-off.
36. 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 or Jeff Camp at 408-918-3473 for detailed information. More information can be found by consulting the DEH website at [www.ehinfo.org](http://www.ehinfo.org) and viewing the drinking water section.

#### Fire Marshal

##### *Fire Protection Water*

37. Important: 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.
38. ON-SITE WATER STORAGE: Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).
  - a. All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
  - b. Provide a 5,000-gallon secondary aboveground storage tank dedicated to the wharf hydrant. OR
  - 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 feet to a structure requires tanks to be of noncombustible construction. This is to be shown on the plans.
  - e. Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.
  - f. Underground storage tanks and swimming pools shall not be accepted in place of aboveground storage tanks.
  - g. A copy of the Shared Well agreement shall be provided at the time of plan submittal for building permit.
39. WHARF HYDRANT: One on-site wharf hydrant with 2-1/2-inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.
- a. Minimum distance to structure shall not be less than 55 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 SD-16 to allow additional emergency vehicles to pass.
  - d. Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration. NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.
40. A separate permit from the Fire Marshal's Office is required for residential fire protection water systems (tanks and wharf hydrants) for building permit submittals made after July 1, 2010.
41. Fire protection water shall be made available to the fire department.

*Fire Department Access*

42. General Requirements:
- a. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
  - b. Construction of access roads and driveways shall use good engineering practice.
  - c. 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.
43. 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 feet. (measured along the path of travel).
- a. Width: Clear width of drivable surface of 12 feet.
  - b. Vertical Clearance: Minimum vertical clearance of 13'-6" 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. 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.

*Miscellaneous:*

- 44. Property is located within the State Response Area (served by Cal Fire).
- 45. 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 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.
- 46. MAINTENANCE: Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

Roads and Airports

- 47. Dedicate the following curvilinear rights-of-ways: 30-foot half street for Metcalf Road. All dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County.
- 48. 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. Removal of any vegetation or other obstructions necessary to provide adequate line-of-sight at the driveway approach location.
 The process for obtaining an Encroachment Permit and the forms that are required can be found at: [www.countyroads.org](http://www.countyroads.org) > Services > Apply for Permits > Encroachment Permit.
- 49. 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

50. **Prior to final inspection**, contact Xue Ling, 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.

51. **Prior to final inspection**, submit an arborist review letter to verify the

Land Development Engineering

52. 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.

Environmental Health

53. 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

54. FIRE SPRINKLER SYSTEM: An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure (including existing residences when square footage is added).

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

55. Construct all the improvements approved under the Encroachment Permit.

# Attachment C

## Plans and Vicinity Map

# Attachment D

## Color Samples

# Attachment E

## Arborist Report