County of Santa Clara

Department of Planning and Development County Government Center, East Wing, 7th Floor

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STAFF REPORT Zoning Administration August 1, 2024 Item #1

Staff Contact: Parya Seif, Associate Planner (408) 299-5783, parya.seif@pln.sccgov.org

File: PLN20-134 Building Site Approval, Design Review-Tier 2, and Grading Approval for a New Single-Family Residence and Associated Improvements

Summary: Building Site Approval, Design Review-Tier 2, and Grading Approval for the construction of a new 12,399 sq. ft. three-story single-family residence, a 1,664 sq. ft. detached garage, and associated improvements including a driveway and septic system. Grading quantities include 3,477 cubic yards of cut and 1,021 cubic yards of fill. The project proposes the removal of eight trees, of which one tree is protected under the County Ordinance Code (over twelve inches in diameter); all other existing trees are to remain.

Owner: Padma Kastury & Veera Kumar Kastury	Gen. Plan Designation: Hillsides
Applicant: Padma Kastury	Zoning: HS-d1
Address: 3412 Fowler Road, San Jose	Lot Size: 34.49 acres
APN : 660-33-009	Present Land Use: Storage and Barn
Supervisorial District: 1	HCP: Located in HCP Area 1

RECOMMENDED ACTIONS

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

ATTACHMENTS INCLUDED

Attachment A – CEQA Determination

Attachment B – Preliminary Conditions of Approval

Attachment C - Plans

 $Attachment \ D-Color \ Samples$

Attachment E – Story Pole Inspection Photos

PROJECT DESCRIPTION

The project consists of a concurrent land use application for Building Site Approval, Design Review-Tier 2, and Grading Approval for the construction of a new 12,399 sq. ft. three-story single-family residence, a 1,664 sq. ft. detached garage, and associated improvements including a driveway and septic system. The maximum height of the proposed three-story residence is 34 ft. 7 in. Grading quantities for the project include 3,477 cubic yards of cut and 1,021 cubic yards of fill to establish building pads, improve driveways, and landscape areas. The new single-family residence would be approximately 130 feet from the edge of the right of way along the front property line, 918 feet from the rear property line, 327 feet from the east side property line, and 500 feet from the west side property line. Access to the project site will be provided by a driveway taken from Fowler Road. The proposed single-family residence will be served by an on-site septic disposal system, and water will be provided by an on-site well.

The project proposes to remove eight trees, one of which is ordinance-protected with a trunk diameter of twelve (12) inches or greater measured four feet from grade.¹ For removal of any protected tree replacement of four 24-inch box California native trees is required per the County Tree Protection Guidelines. As shown on the submitted Landscape Plan (Sheet L1.0), the applicant proposes eighty (80) trees to provide replacement trees as well as additional screening (refer to **Attachment C**).

Setting/Location Information

The subject parcel is a 34.49-acre lot located at 3412 Fowler Road, east of the San Jose city boundary in a rural area. The project site is boarded by the City of San Jose along the west side of the site. However, the property is not within the City of San Jose Urban Service Area and is therefore not subject to annexation. The lot is relatively steep, with an average slope of 28.69%, ascending from west to east. The western half of the lot is within the Nilsen Landslide zone, making this area unsuitable for development. The parcel is currently developed with a barn and a stable situated in the northwestern portion of the lot, within the Nilsen Landslide zone. The remainder of the lot is vegetated with grass, shrubs, bushes, and various young to mature trees. The current access to the property is via Fowler Road, a private road that approaches from the west side, taking a sharp turn toward the north to provide access to the barn and stable located northwest of the property. Widening this portion of the road to allow fire trucks access and meet the CAL-FIRE standards regarding fire safe regulations and the County standard for fire access (CFMO-A1) would not be feasible because of the slope and encroachment onto a neighboring property (APN: 660-33-010).

¹ Santa Clara County Code of Ordinances Division C16 – Tree Preservation and Removal - <u>https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITCCODELAUS_DIVC16TRPRRE</u>

While situating the proposed single-family residence in the currently developed area could potentially minimize grading, utilizing that location as the project site is not feasible for two reasons: first, it is within the Nilsen Landslide zone, and second, the access road cannot be improved to meet the CALFIRE and the County fire code requirements. Another potential site, originally proposed by the applicant, is the northeastern portion of the lot which has the highest elevation on this property. Situating the proposed development on this site would have created a visual scar from the valley floor by removing the top of the hill to create a building pad and require a long driveway resulting in a significant amount of grading. Another alternative site is on the southeast corner of the lot, currently proposed by the project. This portion of the lot has having lower elevation compared to the alternative location and is outside the Nilsen Landslide zone. Additionally, there is a large flat area on this portion of the lot which allows for the construction of a new single-family residence and its associated improvements, including a garage, driveway, and leach field.

Surrounding properties are mostly undeveloped properties with a few parcels that have low density residential development and land uses. There are also agricultural uses in the neighborhood as livestock could be seen grazing on a recent site visit to the area.

Fowler Creek runs through the Northeast corner of the property; however, no improvements are proposed within or near the fowler Creek as the proposed development is approximately 900 feet away from the top of Fowler Creek's bank. The site is located in the Santa Clara Valley Habitat Plan Area 1-Private Development Covered. With more than 5,000 square-foot new impervious surface being proposed, the proposed development is a 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.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and staff has determined that the proposed project qualifies for a Class 3 Categorical Exemption under Section 15303(a) because it involves the construction of one single-family residence and associated improvements (refer to Attachment A). As such, an Initial Study and further analysis under CEQA is not required.

B. Project/Proposal

- 1. General Plan: Hillsides
- 2. Approved Building Site: Pursuant to County Ordinance Code Section C12-307, Building Site Approval (BSA) is required for new single-family dwellings, including any property within the HS-d1 zoning district that is not a designated lot within an approved Parcel Map/Tract Map. The proposed project satisfies all development standards for the primary residence, detached garage, and associated improvements, including the required setbacks, maximum heights, and parking requirements (2 spots

for the single-family residence, of which one shall be covered). The applicable setback for a primary residence on a lot within the HS zone is 30 feet from all property lines (and/or right of way), and the proposed design satisfies the front, rear, and side setbacks. The maximum height of the proposed three-story residence is 34 ft. 7 in. which is below the 35 feet maximum allowed height in the County Zoning Ordinance. The proposed detached garage meets the front setback for 75 feet and meet applicable side and rear setbacks, and the height limit with a proposed height of 12 ft. 7 in. As the project meets all the minimum requirements and development standards, staff can <u>support the subject request for Building Site Approval</u>.

3. Zoning Standards: The Zoning Ordinance specifies the required development standards for HS-d1 Zoning District, as summarized below, followed by Table A, noting the project's conformance with Section 3.20.040 "-d1" Combing District:

Setbacks (HS):	30-feet from all property lines (front, side, and rear)
Height:	35-feet
Stories:	3-stories

STANDARDS & REQUIREMENTS	CODE SECTION	Assessed (Y)*
Siting	§ 3.20.040 (A)(2)(b)	Y
Story Poles	§ 3.20.040 (A)(2)(c)	Y
Color & LRV	§ 3.20.040 (B)	Y
Building Form & Massing	§ 3.20.040 (C)	Y
Retaining Walls	§ 3.20.040 (D)	Y
Ridgeline Development	§ 3.20.040 (E)	N/A
Design Review Guidelines	§ 3.20.040 (F)	Y

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

C. Design Review Findings

All Design Review applications are subject to the scope of review 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. 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 County's Geographic Information System (GIS) data shows the proposed development to be located in the "low" to "high" visibility designations, which indicates that the proposed development is potentially visible from the valley floor. The proposed residence incorporates a tiered design approach with varied rooflines, consistent with the County *Design Review Guidelines*. The proposed exterior walls of the building incorporate patios around the building with a depth of 5 feet which create articulation facades. The proposed exterior colors for the facade, trim, and roof

materials will have natural tones with a Light Reflectivity Value (LRV) of 45 or less, blending with the surrounding landscape. The proposed grading conforms with the existing grade as it avoids sharp angles and blends in the proposed contours with the natural hillside.

The project proposes to remove a total of eight trees on or adjacent to the proposed building pads and driveways. Among them, there is one ordinance-protected tree with a trunk diameter of twelve (12) inches or greater which requires the replacement of four 24-inch box California native trees, per the County *Guidelines for Tree Protection and Preservation for Land Use Applications*. The submitted site plan (Sheet C1) and Landscape plan (Sheet L1.0), proposes a total of eighty (80) trees with a series of shrubs and tall grasses along the northern and southern facades of the residence, garage, and retaining walls. The proposed landscape adequately decreases the house's visibility to the valley floor and reduces the apparent height of the proposed development. The project is conditioned to require the final landscape plan to be approved prior to the issuance of any grading or building permits that is consistent with the landscape plan presented in this report.

The proposed project includes retaining walls along the driveway, ranging from 1 to 7.6 feet in height, as measured from the bottom of the exposed wall to the top of the wall, both existing and proposed landscaping would effectively screen these retaining walls. In order to ensure that retaining walls are not visible, Condition of Approval No. 61 requires landscape screening to be planted for the retaining walls prior to final occupancy.

For the reasons stated above, adequate mitigation of any potential adverse impacts related to the proposed structures, vegetation removal, and grading have been provided, and <u>this finding can be made</u>.

2. Compatibility with the natural environment;

The proposed grading associated with the development includes 3,477 cubic yards of cut and 1,021 cubic yards of fill with a maximum depth of 10 feet. These quantities are required to establish the driveway which is utilized to access the proposed development, as well as the building pads and overall site grading for the single-family residence and its associated improvements. The proposed grading conforms with the existing grade as it avoids sharp angles and blends in the proposed contours with the natural hillside to the maximum extent possible. The project proposes the removal of eight trees, one of which is an ordinance-protected tree with a trunk diameter of twelve (12) inches or greater; the remaining trees will be preserved. The submitted site plan (Sheet C1) and Landscape plan (Sheet L1.0), proposes total of eighty (80) trees with a series of shrubs and tall grasses along the northern and southern facades of the residence, garage, and retaining walls to blend with the surrounding natural environment.

The proposed development will not impact Fowler Creek which runs through the northeastern corner of the subject property, nor will it impact its associated riparian vegetation. The proposed development is located approximately 900 feet from the top of bank, which is beyond the 35 foot setback required by the Santa Clara Valley Habitat Plan. Additionally, the parcel has no mapped species according to the California Natural Diversity Database (CNDDB).

As the proposed development is designed to be compatible with the natural and existing environment and does not compromise any natural habitat, <u>this finding can be made</u>.

3. Conformance with the "Design Review Guidelines," adopted by the Board of Supervisors;

The proposed project conforms with the County's Board adopted Design Review Guidelines which require the project to minimize the visibility of new structures from the valley floor through site design, building form, colors and materials, and landscape. Given the constraints of the site, described in Setting/Location Information section of this report, the proposed site is advantageous compared to the alternative locations, as the proposed site is located outside of the Nilsen Landslide zone, would require less grading and would be less visible than the alternative sites. The architectural design of the structure includes non-contiguous wall planes with varied rooflines which minimize bulking and massing. Exterior colors for the house façade, trim, and roof materials all have a Light Reflective Value (LRV) of 45 or less, as shown on the site plan (Attachment D).

Additionally, the project proposes planting total of eighty (80) trees with a series of shrubs and tall grasses adjacent to northern and southern facades of the residence, garage, and retaining walls to provide additional screening for the project. The proposed landscape adequately decreases the visibility of the proposed development to the valley floor and mitigates its apparent height. As a part of the requirement for Design Review-Tier 2 in the "-d1" zone, the applicant is required to install story poles at least seven (7) days prior to the Zoning Administration Hearing. To ensure compliance with the story pole installation requirement (Zoning Ordinance Section 3.20.040 (A)(2)(c)), story pole placement was verified by Staff on July 18, 2024 and found to be consistent with the project and the requirements for story poles (Attachment E). After inspecting the installed story poles, no new visual impact on the Valley floor was observed by Staff. As such, this finding can be made.

4. Compatibility with the neighborhood and adjacent development;

The property is located between two riparian corridors of Coast Live Oak, located to the north and south. Neighboring properties are primarily vacant land with a few parcels that have low density residences. The property to the north is developed with a 6,238 sq. ft. house and a 1,125 sq. ft. garage. As the surrounding uses are single-family residential or vacant, the proposed single-family residence would be compatible with the surrounding neighborhood. Although the proposed single-family residence is larger

than the existing homes within the neighborhood, it incorporates architectural features including tiered roofs, an extended entry porch, and a semi-enclosed yard to create undulating walls for the residence to avoid expansive facades. Additionally, the design incorporates various materials with earth-toned colors along the structure facades to help break up the structure's appearance. Additionally, the proposed landscape along the northern and southern facades which includes planting eighty (80) 24-inch box California native trees, would screen the project and help to blend the proposed structures into the natural environment.

As such, the proposed residence will be in keeping with the characteristics of the surrounding neighborhood and not be obtrusive in its context, and <u>this finding can be made.</u>

5. Compliance with applicable zoning district regulations; and

Residential uses are an allowed uses in the HS-d1 zoning district (Hillside with a Design Review combining district overlay). The review of the project by County Staff found that the project complies with the applicable zoning regulations and development standards. The proposed residence meets the required setbacks (30 feet front, side, and rear) and height not exceeding the maximum of 35 feet. Furthermore, the project is compliant with the "–d1" design review district standards for the design of the wall planes, building massing, and heights. Additionally, as proposed and as conditioned, the exterior colors will have an LRV of less than 45. The proposed retaining walls do not exceed 10 feet in height, as measured from the bottom of the exposed wall to the top of the wall, and both existing and proposed landscaping would effectively screen the retaining walls. The proposed detached garage meets the front setback for 75 feet and meet the applicable side and rear setbacks. The project complies with the applicable zoning district regulations and for these reasons, this finding can be made.

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

The proposed development conforms with the Santa Clara County General Plan Policy R-LU 18 which allows for low density residential developments. The proposed development includes a single-family residence with its associated improvements, and therefore conforms with this policy. General Plan Policy R-GD 22 also applies to the project which states that grading shall be kept to a minimum to establish a primary use and avoidance of unnecessary grading. The proposed development conforms with this as it is situated in the area on the parcel that requires the least amount of grading to establish the residence and its associated improvements which are allowed uses. Additionally, the project conforms with General Plan Policy R-GD 17, as the project is subject to a design review and all the design review findings can be made. The proposed development is consistent with the County's Board adopted Design Guidelines as it is sited in such a way as to reduce grading and will incorporate tree planting to reduce the visual impacts on the views from the valley floor. Natural colors

and materials with an LRV below 45 are shown on plans to blend the residence with the surrounding environment.

For these reasons, the project will be in conformance with the General Plan and <u>this finding can be made</u>.

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 grading quantities for the project include 3,477 cubic yards of cut and 1,021 cubic yards of fill (total of 4,498 cubic yards) with a maximum vertical depth of 10 feet to establish the foundation of the structures and driveways.

Given the constraints of the site, described in the Setting/Location Information section of this report, there are no other alternative locations for the structures, and driveway to go which would reduce the overall grading. The western half of the lot falls within the Nilsen Landslide zone and is geologically unsuitable for development, and only the eastern portion offers stable and secure land. The southeastern portion of the property is not only outside the landslide zone but also benefits from a lower elevation compared to alternative locations, particularly the northeastern portion of the lot. The presence of a large, flat area allows the development of a new single-family residence along with its associated improvements minimizing the need for extensive grading work that would otherwise be required in the alternative location. The proposed grading avoids sharp angles and blends in the proposed contours with the natural hillside to the maximum extent possible. As such, this finding can be made.

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

The proposed grading will not endanger public or private property. The grading is minimized to maintain a single-family residential use on the property that will provide a safe and stable foundation for the residence and a detached garage. The proposed project will not create any export to public or private property and all exported material will be deposited at an approved site. The Conditions of Approval require that the final grading plans will ensure that grading around the building pads and driveway will not result in slope instability or erosion. Land Development Engineering has specific erosion control standards to be implemented as part of the driveway and grading design. As such, this finding can be made.

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

The proposed grading is designed to contour to the natural topography to the maximum extent possible given the geology constraints of the lot. There are no known biological or aquatic impacts from this project as the proposed development is located approximately 900 feet from the top of the bank and its associated riparian vegetation, which is beyond the 35-foot setback required by the Santa Clara Valley Habitat Plan.

The grading will not impose any significant impacts on the natural landscape. The majority of the onsite landscape will be preserved except for eight trees on or adjacent to the building pad or driveways, including one ordinance-protected tree that requires replacement with four 24-inch box California native trees. The project proposes planting a total of eighty (80) trees along the northern and southern facades of the residence for replacement and additional screening.

Land Development Engineering has specific erosion control standards to be implemented as part of the driveway and grading design which will minimize erosion impacts. As such, <u>this finding can be made.</u>

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 subject parcel is a 34.49-acre lot with an average slope of 28.69%, ascending from west to east. The western half of the lot is within the Nilsen Landslide zone, making this area unsuitable for development. Consequently, the northwest section of the lot, currently developed with a barn and stable, is not suitable for building a single-family residence. Additionally, the existing driveway that provides access to this portion of the lot cannot be adequately improved to meet CAL FIRE and County Fire Code requirements for fire access, due to the slope and encroachment onto a neighboring property.

Another alternative site location, initially proposed by the applicant, is on the northeast portion of the lot, on the top of the knoll. Establishing the building pad at this location would require removing the top of the knoll, creating a visual scar visible from the valley floor. Additionally, this site would necessitate a long new driveway, resulting in a significant amount of grading compared to an alternative location.

The next alternative development site is on the southeast portion of the lot. This location lies outside the Nilsen Landslide zone and has a lower elevation compared to the alternative location on the northeast portion of the site. Additionally, the presence of a large, flat area on this portion of the lot allows for the construction of a new single-family residence along with associated improvements such as a garage, driveway, and leach field, while requiring less grading. Given the constraints mentioned above,

regarding the landslide zone, topography, and access road, the subject site shall be one that minimizes grading in comparison with other available development sites, and <u>this finding can be made</u>.

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

The proposed grading is designed to conform with the natural terrain and existing topography and will not create a significant visual scar, as mitigated and conditioned. The residence and most portions of the driveway are designed and situated parallel to the existing contours. The proposed trees and shrubs immediately surround the footprint of the proposed single-family residence, garage, and retaining walls, will decrease the visibility of the proposed grading area for the project. Furthermore, the proposed grading avoids sharp angles and blends in the proposed contours with the natural hillside to the maximum extent possible. As such, this finding can be made.

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

The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The development is proposed on a large, flat area on the southeast portion of the lot, allowing for the construction of a new single-family residence along with associated improvements such as a garage, driveway, and leach field, while requiring less grading compared to the alternative location. Due to the steep topography and other site constraints, there are no alternative building sites that would result in a reduction of grading quantities. As such, the project is consistent with the County's General Plan R-GD22, which encourages only the minimal grading necessary to establish a single-family residence. Additionally, due to the lower elevation of the proposed building site and designing the residence and most portions of the driveway parallel to the existing contours, visual impacts from hillside development will be reduced. This is in keeping with General Plan policies R-GD 25 and R-GD 26, which state that "grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements should not create a significant visual scar or impact to the environment," and discourages "excessive, non-essential grading." No specific plan applies to the project. For these reasons, this finding can be made.

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

The proposed grading is in substantial conformance with the adopted "Guidelines for Grading and Hillside Development," particularly the specific guidelines for siting, road design, building form, and design. The residence utilizes a large, flat area on the southeast portion of the lot, located adjacent to the access driveway. This approach aligns with the guideline to propose development in areas with level lands or gentler slopes adjacent to existing infrastructure, thereby minimizing the need for grading and longer driveways into hillside areas.

the project proposes tiered retaining walls instead of engineered slopes. Retaining walls would be landscaped by using vines, shrubbery, or planters to reduce their apparent height and to ensure that they blend with the natural surroundings. In addition, eighty (80) 24-inch box California native trees are proposed along the northern and southern facades of the proposed residence and garage, which will decrease the potential visual impacts of the proposed development.

Therefore, the proposed project is designed to minimize grading and reduce visual impacts of the hillside development and is in keeping with the Guidelines for Grading and Hillside Development. As such, <u>this finding can be made</u>.

In conclusion, based on the analysis of facts described in the body of this report, staff recommends that the Zoning Administration Hearing Officer **grant** the concurrent land use entitlements for a Building Site Approval, Design Review-Tier 2 Approval, and Grading Approval. As noted throughout the Staff Report, the proposed project meets all applicable development standards for a single-family residence and satisfies all the findings for the Design Review-Tier 2 and Grading Approval. Staff further recommends that the Zoning Administration Hearing Officer accept staff's determination that the proposed project is categorically exempt from CEQA review under a Class 3 Categorical Exemption under Section 15303 of the California Environmental Quality Act (Attachment A).

BACKGROUND

On October 16, 2020, the property owner submitted an application for Building Site Approval, Design Review-Tier 2, and Grading Approval for a concurrent land use entitlement. The original application proposed a new 11,145 sq. ft. single-family residence, a 1,346 sq. ft. detached garage, and a pool located on a large flat building pad on the top of the knoll. This location would have created a visual scar from the valley floor and required longer driveways and a significant amount of grading compared to the current proposed development sites. An initial incomplete letter and policy issue letter were issued on November 16, 2020, outlining concerns with the proposed building site, grading, driveway improvement, and septic system.

The applicant resubmitted on several occasions, relocating the proposed building pad to its current location at a lower elevation which has a large, flat area for establishing building pads, to conform with the County requirements regarding the site design, location, and grading. The final resubmittal was made on May 30, 2024. The project was subsequently deemed complete for processing on June 29, 2024. The owner installed the required story poles by July 19, 2024, at the development site as part of the requirements for Design Review Zoning Administration Hearing items (at least 7 days prior to the hearing). A public notice was mailed to all property owners within a 300 radius on July 18, 2024 and was also published in the <u>San Jose Post-Records</u> on July 22, 2024.²

² San Jose Post-Record - <u>https://www.postrecord.news/home.cfm?ref=legalnotices&disp=1</u>, Legal Notices Monday July 22, 2023 - <u>https://www.postrecord.news/LegalNotices/SJR-2024-07-22.pdf</u>

STAFF REPORT REVIEW

Prepared by: Parya Seif, Associate Planner

Reviewed by: Samuel Gutierrez, Principal Planner

Parya Seif — DocuSigned by: 4BFDD21FF1FB4D2..

Attachment A

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

STATEMENT OF EXEMPTION

from the California Environmental Quality Act (CEQA)

FILE NUMBER	APN(S)	
PLN20-134	660-33-009 7/18/2024	
PROJECT NAME	APPLICATION TYPE	
Kastury Residence	Building Site Approval, Design Review-Tier 2, and Grading Approval	
OWNER	APPLICANT	
Padma Kastury and Veera Kumar Kastury	Padma Kastury	

PROJECT LOCATION

3412 Fowler Road, San Jose, CA 95135 (APN: 660-33-009)

PROJECT DESCRIPTION

Building Site Approval, Design Review-Tier 2, and Grading Approval for the construction of a new 12,399 sq. ft. three-story single-family residence, a 1,664 sq. ft. detached garage, and associated improvements including a driveway and septic system. Grading quantities include 3,477 cubic yards of cut and 1,021 cubic yards of fill. The project proposes removal of eight trees, of which one tree is protected under the County Ordinance Code (over twelve inches in diameter); all other existing trees are to remain.

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 certain criteria 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 determined to be exempt from further environmental review per the provision(s) listed below.

CEQA (GUIDELINES) EXEMPTION SECTION Section 15303, Class 3(a) - new single-family residence

COMMENTS

The project has been reviewed in accordance with the California Environmental Quality Act (CEQA). The proposed project qualifies for a Class 3 Categorical Exemption under Section 15303(a) because it involves the construction of one single-family residence and associated improvements.

The subject property is located in a rural area of similar size lots and developed with a stable, barn, and a shed. The project proposes building a single-family residence with associated improvements which is consistent with the immediate neighborhood. The subject parcel has 28% slope, and the proposed grading is required to establish the residential use and its associated improvements which are allowed uses in the underlying zoning district. The residence is located on a relatively flat portion of the lot and the driveway is designed and situated parallel to the existing contours to minimize disturbance to the natural terrain. The one protected tree proposed for removal would be replanted in accordance with the "County of Santa Clara Guidelines for Tree Protection and Preservation" at a 4:1 ratio. The project proposes planting eighty (80) 24-inch box California native trees as replacements and to provide additional screening. The

aesthetic impacts of the project in the -d1 district viewshed will be addressed through the required Design Review process and conditions of approval. Landscaping and other design measures including Light Reflectivity Value (LRV) would contribute to avoiding aesthetic impacts. No special status species or habitat exists on the project site, and the project would not create any impacts to a watercourse or sensitive or protected wildlife or plant species.

APPROVED BY:

Parya Seif, Associate Planner

Parya Seif

Signature

July 18, 2024

Date

Attachment B

Preliminary Building Site Approval, Design Review-Tier 2, and Grading Approval Conditions of Approval

PRELIMINARY BUILDING SITE APPROVAL, DESIGN REVIEW-TIER 2, AND GRADING APPROVAL CONDITIONS OF APPROVAL

Final Action:	August 1, 2024
Applicant:	Padma Kastury
Location:	3412 Fowler Road, San Jose, CA 95135 (APN: 660-33-009)
File Number:	PLN20-134
CEQA:	Exempt under Section 15303, Class 3(a) - new single-family residence
Project Description:	Building Site Approval, Design Review-Tier 2, and Grading Approval for the construction of a new 12,399 sq. ft. three-story single-family residence, a 1,664 sq. ft. detached garage, and associated improvements including a driveway and septic system. Grading quantities include 3,477 cubic yards of cut and 1,021 cubic yards of fill. The project proposes removal of eight trees, of which one tree is protected under the County Ordinance Code (over twelve inches in diameter); all other existing trees are to remain.

If you have any questions regarding the following conditions of approval, contact the person whose name is listed for that agency. They represent a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Parya Seif	(408) 299-5783	parya.seif@pln.sccgov.org
Land Development Engineering	Darrell Wong	(408) 299-5735	darrell.wong@pln.sccgov.org
Department of Environmental Health	Darrin Lee	(408) 918-3435	darrin.lee@cep.sccgov.org
Fire Marshal's Office	Alex Goff	(408) 299-5760	alex.goff@sccfd.org
Roads and Airports	Thomas Esch	(408) 573-2450	tom.esch@rda.sccgov.org
CalFire	Carlos Alcantar	-	carlos.alcantar@fire.ca.gov

STANDARD CONDITIONS OF APPROVAL

<u>Planning</u>

- 1. Development must take place in substantial conformance with the approved plans, submitted on July 9, 2024, and the Conditions of Approval. Any changes to the proposed project, or any increase in grading quantities, or modification to the grading or design may require a Build Site Approval, Design Review, or Grading Approval modification and associated fees.
- 2. Building and grading permit applications shall be submitted to the Building Inspection Office concurrently.
- 3. Existing zoning is HS-d1 (Hillsides with Design Review Combining District). The following minimum dwelling setbacks shall be maintained for the residence:

Front: 30 ft. Sides: 30 ft. Rear: 30 ft.

- 4. The maximum height of single-family residence in the HS zone is 35 feet and not more than three (3) stories.
- 5. A minimum of two off-street parking spaces shall be provided for the single-family residence and at least one space must be covered. Off-street parking shall be identified on plans submitted for a building permit.
- 6. With the exception of trim and minor details, the exterior surfaces of the house shall be painted muted colors with a light reflectivity value (LRV) of 45 or lower and shall be consistent with the color samples provided with this approval.
- 7. Onsite lighting shall be designed, controlled and maintained so that no light source is visible from off the property. All exterior lights are required to be downward directed and should have no light spillover off the property.
- 8. All proposed/existing fences, including walls and gates, are subject to the regulations in Zoning Ordinance Section 4.20.050. Fences over seven feet in height require a building permit.
- 9. Accessory structures are limited to two (2) plumbing fixtures, per Zoning Ordinance Chapter 4.20.020(I) (1). A Special Permit is required for detached structures with more than two plumbing fixtures and must be applied for with the Department of Planning and Development and receive approval prior to the installation of any additional plumbing fixtures beyond two.
- 10. Ensure that no structures are located within 35 feet of the top of bank of Fowler Creek, whichever is greater, per the Santa Clara Valley Habitat Agency.
- 11. If archaeological resources or human skeletal remains are discovered during construction, work shall immediately stop, and the County Coroner's Office notified. Upon determination that the remains are Native American, no further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs, in accordance with state law and Chapter B6-18 of the County Ordinance Code.

Land Development Engineering

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

Department of Environmental Health

13. For reduction of a horizontal setback to a steep slope, provide a geotechnical report to the Department of Environmental Health for review and consideration. As noted in Environmental Health staff's soil profile log/ notes, a 100-foot horizontal setback is required

from soil profile #2. For geotechnical report requirements, please see County of Santa Clara Onsite Manual.

14. 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.

<u>CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO DEVELOPMENT</u> <u>PERMIT ISSUANCE</u>

Planning

- 15. Prior to the issuance of any permits, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.
- 16. Prior to the issuance of a building permit, and pursuant to Zoning Ordinance Section 3.20.040 (H) and 5.20.125, record a "Notice of Permit and Conditions" with the County Office of the 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 prior to building permit issuance.
- 17. Prior to issuance of a building permit, provide a final landscaping plan showing final tree removal and replacement with size, type and location.

Tree Protection

- 18. **Grading and building plans** shall clearly identify the size and species of all trees proposed for removal. For each tree twelve (12)-inches (diameter) or greater designated for removal, replacement shall occur per the County of Santa Clara *Guidelines for Tree Protection and Preservation for Land Use Applications*. The following tree replacement ratios apply:
 - For the removal of one small tree (5 18 inches): three (3) 15 gallon trees, or two (2) 24-inch box trees.
 - For the removal of one medium tree (18 24 inches): four (4) 15 gallon trees or three (3) 24-inch box trees.
 - For the removal of a tree larger than 24 inches five (5) 15 gallon trees or four (4) 24-inch box trees.

The project proposes to remove one Ordinance-protected tree with trunk diameters of twelve (12) inches or greater. Based on the size of the trees to be removed, the replacement of four (4) 24-inch box California native trees are required per the above mentioned guidelines (4:1 replacement ratio). The replacement trees are to remain for the life of the project to provide additional screening of the project as viewed from the valley floor. In the event that any of the project site trees fail or have to be removed due a hazardous condition an application for tree removal must be submitted to the Department of Planning and Development and are subject to additional replacement trees being planted as determined by the Department.

19. 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:

- 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 function.
- 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: <u>http://www.sccplanning.gov</u>, 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 them to the project planner.

Landscape Permit

20. **Prior to issuance of any permits,** obtain a landscape permit for the proposed landscaped area. The landscape plan shall be used to blend the buildings with the surrounding landscape and soften the impact of development. The landscape plan shall be consistent with Sheet L1.0 of the approved plans. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. The landscape ordinance and supporting information can be found on the following two webpage:

https://plandev.sccgov.org/landscape-ordinance

https://plandev.sccgov.org/ordinances-codes/does-santa-clara-county-sustainable-landscapeordinance-apply-me

21. Landscape plan shall include mitigation of any proposed retaining walls. Retaining walls shall be landscaped by using vines, shrubbery, or planters to reduce their apparent height and to ensure that they blend with the natural surroundings per the Design Review Guidelines.

Santa Clara Valley Habitat Plan

22. Prior to issuance of any permit, submit a completed Habitat Plan Application for Private Projects ("Application") with all required submittal materials, including verified land cover mapping by a qualified biologist, exhibits (as described in the Application for Private Projects), and required staff review fee for review and verification. The Habitat Plan Application shall be approved prior to any permit issuance. The Habitat Plan Application, and Fees information are at the following weblink: https://scv-habitatagency.org/250/Private-Applicant. Land cover fees are paid based on the land cover and development area associated with the project. See further details below regarding site plan and land cover verification requirements as part of the application.

Site Plan

23. The required site plan shall show the project development, including a delineation of the permanent and temporary development buffer areas.

- a. <u>*Permanent development area*</u> is defined as all land that will have permanent improvements (buildings/structures, driveway/parking areas, patios, water tanks, trails, landscaping), plus a 50-foot buffer surrounding these areas.
- b. <u>*Temporary development area*</u> is defined as land that will be temporarily affected during development (areas of site to be restored to pre-graded conditions) that will be *restored* within one year of completing construction, plus a 10-foot buffer surrounding these areas.

Fees

24. Prior to issuance of any Permit, all Santa Clara Valley Habitat Agency (SCVHA) fees must be paid. Land cover fees are paid based on the land cover, 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 one (1) year from the onset of construction will be subject to permanent impact fees**. This project is subject to the following Habitat Plan fees based on HCP Geobrowser Mapping. <u>Fee Zone A (Ranchlands and Natural Lands) (33.8 acres)</u>

Habitat Plan Conditions of Approval

- 25. Prior to issuance of the Grading Abatement Permit, all future development is subject to the following Conditions of Approval and described in more detail within the Santa Clara Valley Habitat Plan.
 - a. Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species
 - b. Condition 3: Maintain Hydrologic Conditions and Protect Water Quality
 - c. Condition 7: Rural Development
- 26. Prior to issuance of the Grading Abatement Permit, incorporate the Habitat Plan Conditions of Approval (Exhibit A) and Table 1: Hydrology Condition 3 into the plan set.

Department of Environmental Health

- 27. Prior to issuance of a development permit, apply for and receive onsite wastewater treatment system (OWTS) clearance through the Department of Environmental Health. This is a separate submittal to Environmental Health subject to completion of a service application and payment of applicable fees.
 - a. Based upon an average percolation rate of 6.5 minutes per inch (MPI) with an application rate of 1.12 gallons per day per square foot, onsite wastewater disposal and treatment conditions have been determined as follows: utilization of septic tank no less than 2000 gallons in storage capacity, a dual dispersal field sized as 218 linear feet plus 218 linear feet, interconnected through a positive diversion valve. As conditioned, this onsite wastewater treatment system (OWTS) can accommodate a design flow not to exceed 975 gallons per day (or 9-bedrooms).
 - b. Submit to the Department of Environmental Health an OWTS plan overlaid onto the final grading and drainage plan for review and approval. This plan shall accurately show the locations where soil profiles and percolation test holes were conducted. The OWTS plan shall identify and locate areas identified as an unstable landmass and/or land slide. Ensure all setback requirements are observed and maintained.

- 28. As confirmation of final onsite wastewater treatment system sizing, submit to the Department of Environmental Health, the final floor plans for the proposed single-family dwelling.
- 29. Provide evidence of completing/achieving water clearance by submitting the Department of Environmental Health issued water clearance letter (SR0876090).

Land Development Engineering

30. 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 shall 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:

https://plandev.sccgov.org/home > How to > Apply for a Development Permit or Planning Application > Grading Permit

- 31. 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.
- 32. 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 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: § March 1981 Standards and Policies Manual, Volume 1 (Land Development) https://plandev.sccgov.org/home > Ordinances & Codes > Land Development Standards and Policies
- 33. 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.
- 34. 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.

- 35. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
- 36. All future fencing and gates shall be located outside of the right of way to be dedicated.
- 37. Provide landscaping and disturbed area quantities on the final plans along with water efficiency calculations to demonstrate compliance with water usage requirements.

Drainage

38. 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.

Utilities

39. 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.

Stormwater Treatment – San Francisco Bay

40. Include one of the following site design measures per the 2022 Municipal Regional Permit 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 available at the following website:

 $\ www.scvurppp.org > Elements > New Development and Redevelopment > C.3 Stormwater Handbook$

- 41. All pervious paving and pavers shall be designed and constructed with the appropriate storage volume and subdrain system to allow for proper infiltration into the native surface.
- 42. Provide a Storm Water Management Plan. The Storm Water Management Plan shall incorporate site design measures, source control measures, and show drainage management areas, treatment measures, and hydromodification management (HM) features. Sizing calculations for the treatment measures and hydraulic analysis of the HM measures will be required. Please see the C.3 Stormwater Handbook published by the Santa Clara Valley

Urban Runoff Pollution Prevention Program (SCVURPPP) available at the following website:

§ <u>www.scvurppp.org</u> > Resources > reports and work products > New Development and Redevelopment >C.3 Stormwater Handbook

Soils and Geology

- 43. Submit one copy of the signed and stamped geotechnical report for the project.
- 44. 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

45. 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

Dedications and Easements

46. The following offers to dedicate easements shall be submitted to LDE. All easement dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County Surveyor's Office. The owner/ applicant will be required to record the document with the County's Recorder's Office after reviewed and approved by the County Surveyor's Office.

Offer to dedicate a 20' half-street curvilinear rights-of-way to the public and the County for public/private road purposes along the private extension of Fowler Road along the southerly property line the parcel being developed.

Agreements

- 47. Enter into a land development improvement agreement with the County for the improvements along the privately maintained section of Fowler Road. Submit an Engineer's Estimate of Probable Construction Cost prepared by a registered civil engineer with all stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances based upon the estimate, sign the development agreement and pay necessary inspection and plan check fees, and provide County with a Certificate of Worker's Compensation Insurance. (C12-206).
- 48. Enter into an Operations and Maintenance Agreement for Stormwater Quality Improvements with the County per Section C11.5-23 of the County Ordinance Code.
- 49. Enter into a deferred improvement agreement for the ultimate County improvement of Fowler Road.

Geology

- 50. The property is located within a State Earthquake Fault Zone and a State Seismic Hazard Zone for Earthquake-Induced Landslides which are also County hazard zones. The geologic and geotechnical evaluation report prepared by Quantum Geotechnical, Inc., dated February 15, 2023, provides a well-written evaluation of the potential for these hazards to impact the proposed development. Based on the results of their study they concluded that there are no geologic conditions or geologic hazards that would preclude development of the proposed project. This report is approved, and additional geologic evaluation is not required unless significant changes are made to the submitted plan set.
- 51. Prior to building and grading permit issuance, submit a **Plan Review Letter** prepared by the geotechnical consultant that confirms the plans conform with the recommendations presented in the approved report. Based on the thickness of undocumented fills encountered during Quantum Geotechnical 2023 evaluation along the proposed access road, the consultant may need to provide revised recommendations for supporting the outboard side of the roadway.

Fire Marshal's Office

Fire Protection Water

52. 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.

On-Site Water Storage

- 53. 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 6-5,000 gallon secondary aboveground storage tanks dedicated to the wharf hydrant. Final amount of water to be based off the size of structures at Building Permit submittal meeting CFMO-W1.
 - c. Installation of the water tank system shall comply with Fire Marshal Standard CFMO-W5.
 - d. A standard fire hydrant may be required in lieu of water tanks and a wharf hydrant if a water purveyor is available to supply water to the parcel.

Wharf Hydrant

54. One on-site wharf hydrant with 2-1/2 inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.

Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 400 ft. from the furthest portion of non-sprinklered structures and 600 ft. of sprinklered structures (measured along path of travel).

Fire Department Access

55. 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. 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.

Access Roads and Driveways

- 56. access Road (roads serving more than two lots) and Driveways (roads serving no more than two lots) for fire department access shall comply with the following:
 - a. Width: Access Roads to have a clear drivable width of 18 ft. plus a 3 ft. shoulder on each side per CFMO-A1. Driveways are to have a 12 ft. drivable width and a 3 ft. shoulder.
 - b. Vertical Clearance: Minimum vertical clearance of 13 ft. 6 in. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements) for access roads and driveways.
 - c. Curve Radius: Plans to show minimum 30 ft. inside turn radius for curves and 50 ft. exterior turn radius.
 - d. Grade: Maximum grade shall not exceed 15%.
 - e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.
 - f. Dead End Roads: Turnarounds shall be provided for dead end access roads in excess of 150 ft. in length. Acceptable turnaround shall comply with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
 - g. Turnouts: Passing turnouts in compliance with SD-16 shall be provided at every 400 ft. and wherever hydrants are placed adjacent to a driveway.
 - h. Turnarounds: Turnaround shall be provided for driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnaround shall comply with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
 - i. 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.
 - j. Address: Numbered address to be easily recognizable from the street.

Miscellaneous

57. 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. Meet Chapter 7A of the CBC.

c. Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

Maintenance

58. 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.

<u>CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO FINAL INSPECTION</u> Planning

- 59. Prior to final inspection, contact your project planner, Parya Seif, **at least two weeks in advance** to schedule a site visit (Planning Inspection) to verify that the construction is consistent with the conditions of approval and the approved design including exterior colors, lighting and landscaping. Landscaping must be established (planted) at the time of inspection.
- 60. Prior to Planning Inspection all the replacement trees must be planted per the approved plans. Photos of the replacement trees shall be email to the Project Planner, Parya Seif, at <u>parya.seif@pln.sccgov.org</u>.
- 61. Prior to final inspection, retaining walls and landscaping shall be installed to ensure that they blend with the natural surroundings per the Design Review Guidelines.

Department of Environmental Health

62. Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

Land Development Engineering

- 63. 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.
- 64. Construct the improvements. Construction staking is required and shall be the responsibility of the developer.

EXHIBIT A Santa Clara Valley Habitat Plan Conditions of Approval

FILE NUMBER:	PLN20-134
SUBJECT:	Building Site Approval, Design Review Tier II, and Grading Approval
SITE LOCATION:	3412 Fowler Road, San Jose, CA 95135 (APN: 660-33-009)
Property Owner:	Padma Kastury and Veera Kumar Kastury

Santa Clara Valley Habitat Plan Conditions of Approval

Incorporate the following Habitat Plan Conditions of Approval into the grading abatement permit plans. These Conditions are described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.

Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species Conditions Applied During Project Construction

 Large Trees (migratory birds or raptors) - If construction will require the removal of large trees during the bird nesting season, conduct pre-construction surveys by a qualified biologist to determine if active nests are present within trees. Private applicants should follow procedures currently used (including definition of nesting season and timing of preconstruction surveys) to comply with Migratory Bird Treaty Act (MBTA) and California state regulation requirements in addressing this condition.

Condition 3: Maintain Hydrologic Conditions and Protect Water Quality Conditions Applied During Project Construction

2. Incorporate Table 1: Hydrology Condition 3 (attached) into the grading/drainage and building plans.

Condition 7: Rural Development

Conditions Applied During Project Construction

- 3. Minimize ground disturbance to the smallest area feasible.
- 4. Use existing roads for access and disturbed areas for staging, as site constraints allow. Offroad travel will avoid sensitive communities such as wetlands and known occurrences of covered plants.
- 5. Avoid and minimize impacts associated with altering natural drainages and contours on the project site. If the site is graded, blend grading into the existing landform as much as possible.

- 6. Prevent rills (a narrow groove or crack in the road resulting from erosion by overland flow) by breaking up large or long bare areas into smaller patches that can be effectively drained before rills can develop.
- 7. Disconnect and disperse runoff flow paths, including roadside ditches, that might otherwise deliver fine sediment to stream channels.
- 8. Prevent gullies by dispersing runoff from road surfaces, ditches and construction sites, by correctly designing, installing and maintaining drainage structures (i.e., road shape, rolling dips, out-sloped roads, culverts) and by keeping streams in their natural channels. No single point of discharge from a road or other disturbed area should carry sufficient flow to create gullies. If gullies continue to develop, additional drainage structures are needed to further disperse the runoff).
- 9. Maintain as much natural vegetation as possible, consistent with fuel management standards, on the project site.
- 10. Maintain County-mandated fuel buffer (variable width by slope conditions).
- 11. At project sites that are adjacent to any drainage, natural or manmade, exposed soils must be stabilized or otherwise contained on site to prevent excessive sediment from entering a waterway.
- 12. Minimize to the maximum extent possible the amount of ground disturbance when constructing roads.
- 13. Ground-disturbing activities associated with road construction should be timed to occur during dry weather months to reduce the possibility of landslides or other sediment being transported to local streams during wet weather.
- 14. If construction extends into wet weather, the roadbed will be surfaced with appropriate surfacing material to prevent erosion of the exposed roadbed.
- 15. If construction on steep slopes is required, construction will be timed for dry weather months to reduce the potential for landslides.
- 16. All temporarily disturbed soils will be revegetated with native plants and/or grasses or sterile nonnative species suitable for the altered soil conditions upon completion of construction. Local watershed native plants will be used if available. If sterile nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding.
- 17. All temporarily disturbed areas, such as staging areas, will be returned to pre- project or ecologically improved conditions within 1 year of completing construction or the impact will be considered permanent.

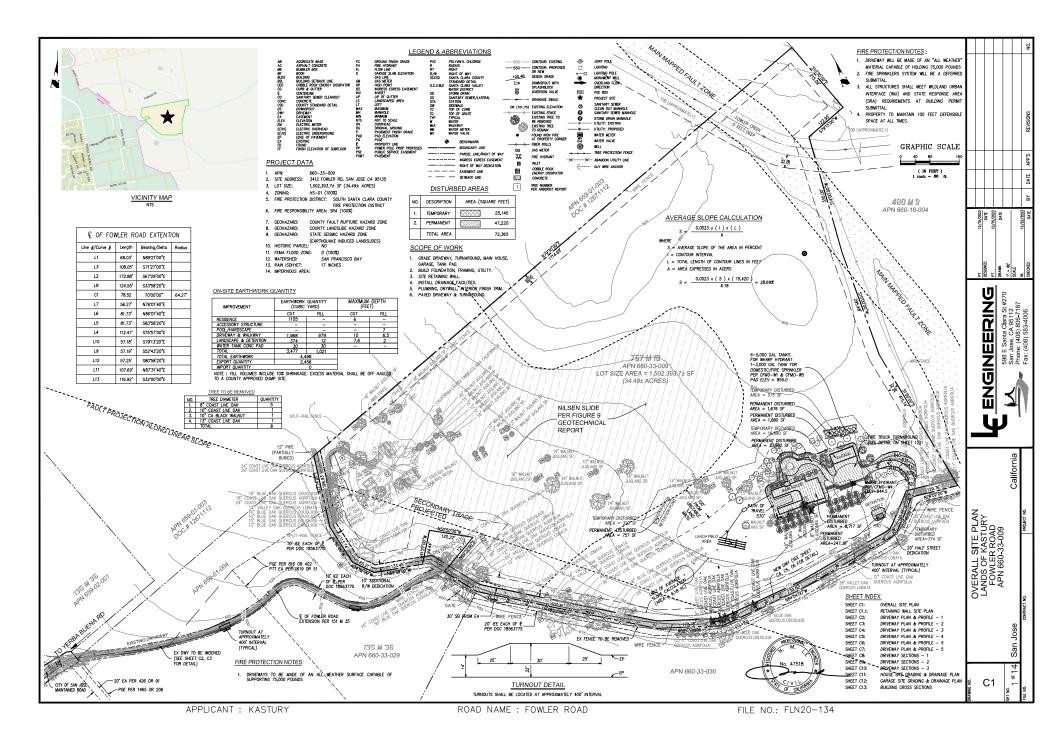
- 18. No plants identified by the California Invasive Plant Council as Invasive will be planted on the project site. Planting with watershed local native and/or drought-resistant plants is highly encouraged. This reduces the need for watering as well as the need for fertilizers and pesticides.
- 19. Outdoor lighting will be of low intensity and will utilize full cutoff fixtures to reduce light pollution of the surrounding natural areas.

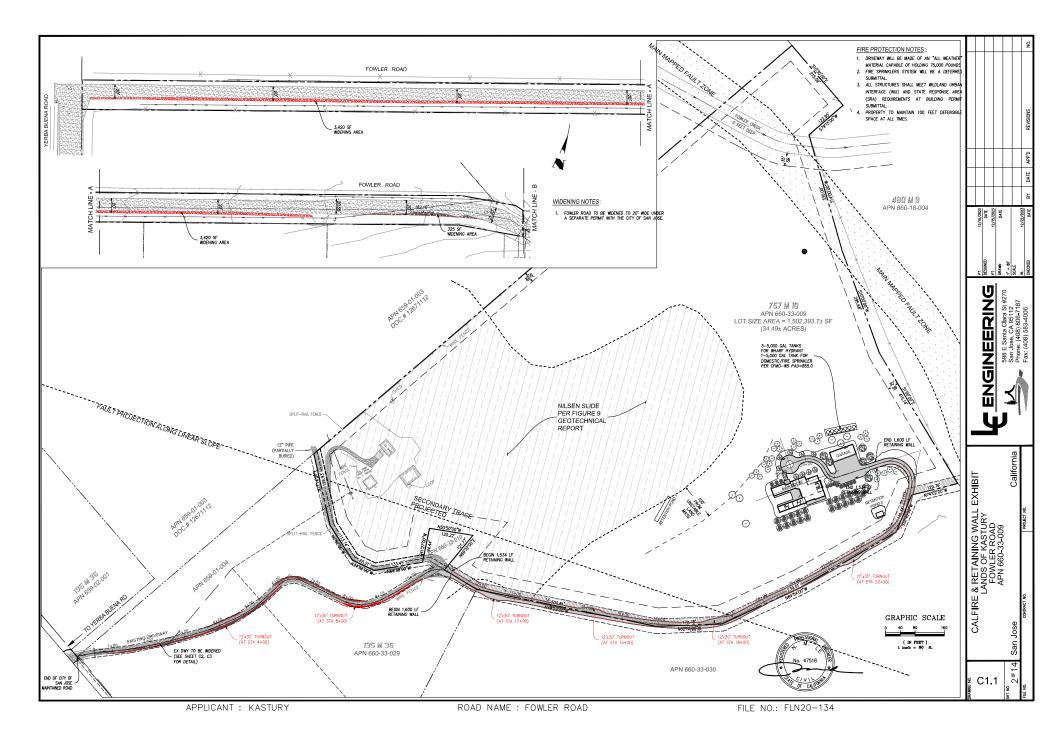
Post Construction

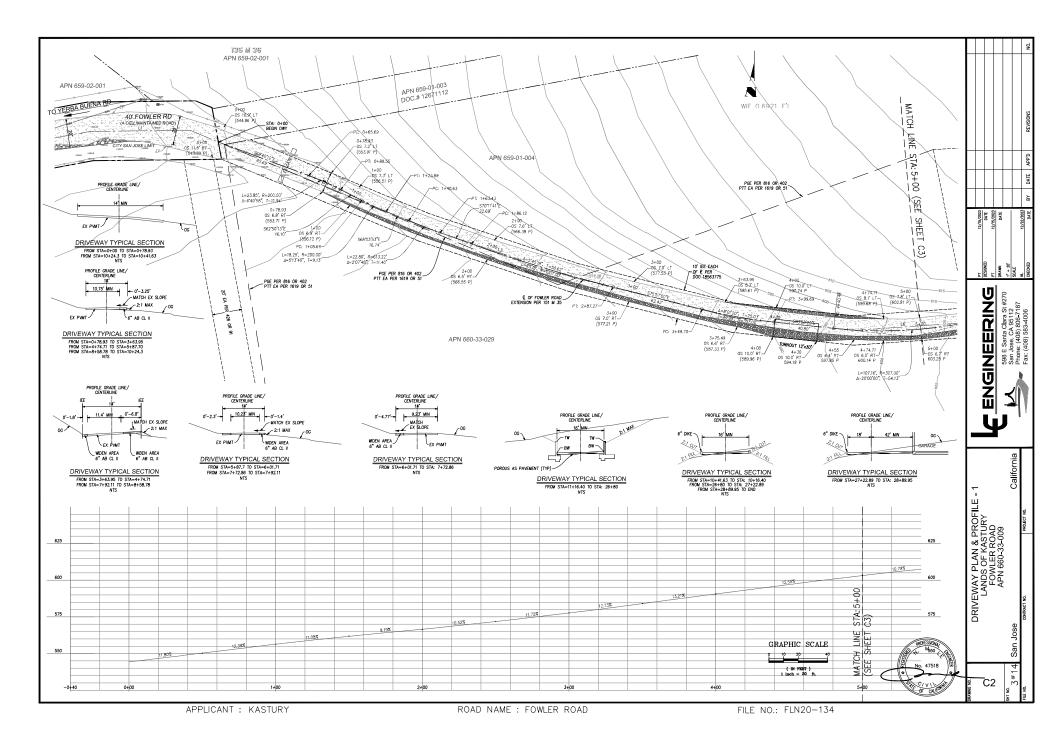
- 20. All temporarily disturbed soils will be revegetated with native plants and/or grasses or sterile, nonnative species suitable for the altered soil conditions upon completion of construction. Local watershed native plants will be used if available. If sterile, nonnative species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive nonnatives. All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding.
- 21. All temporarily disturbed areas, such as staging areas, will be returned to pre-project or ecologically improved conditions within 1 year of completing construction or the impact will be considered permanent.

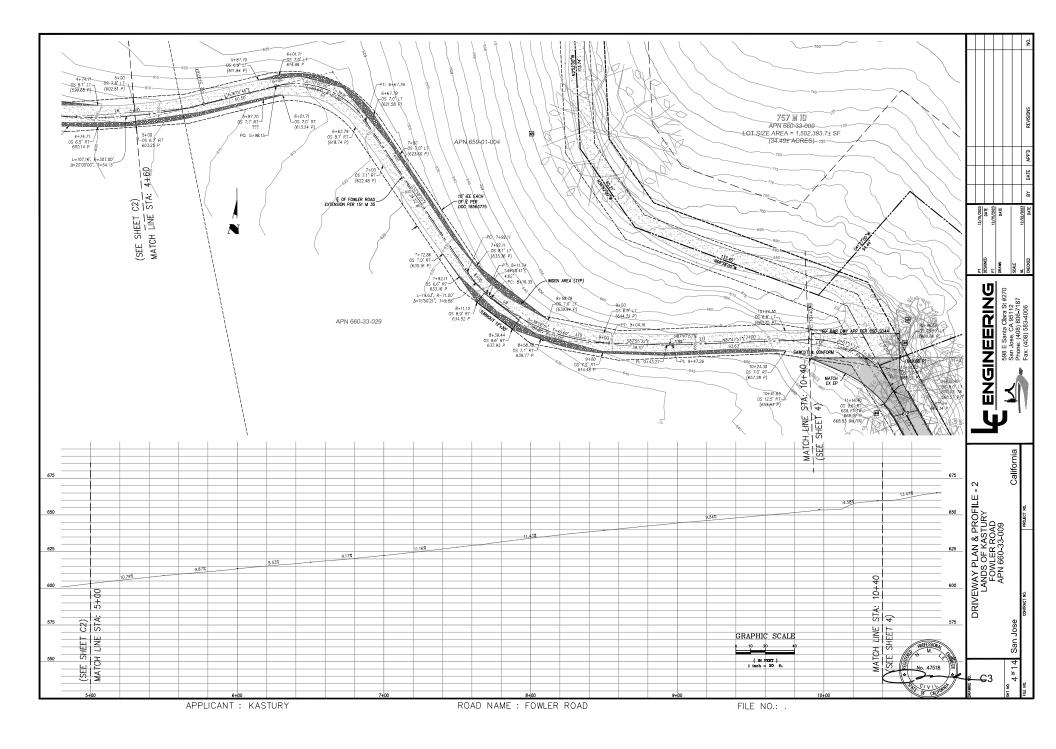
Attachment C

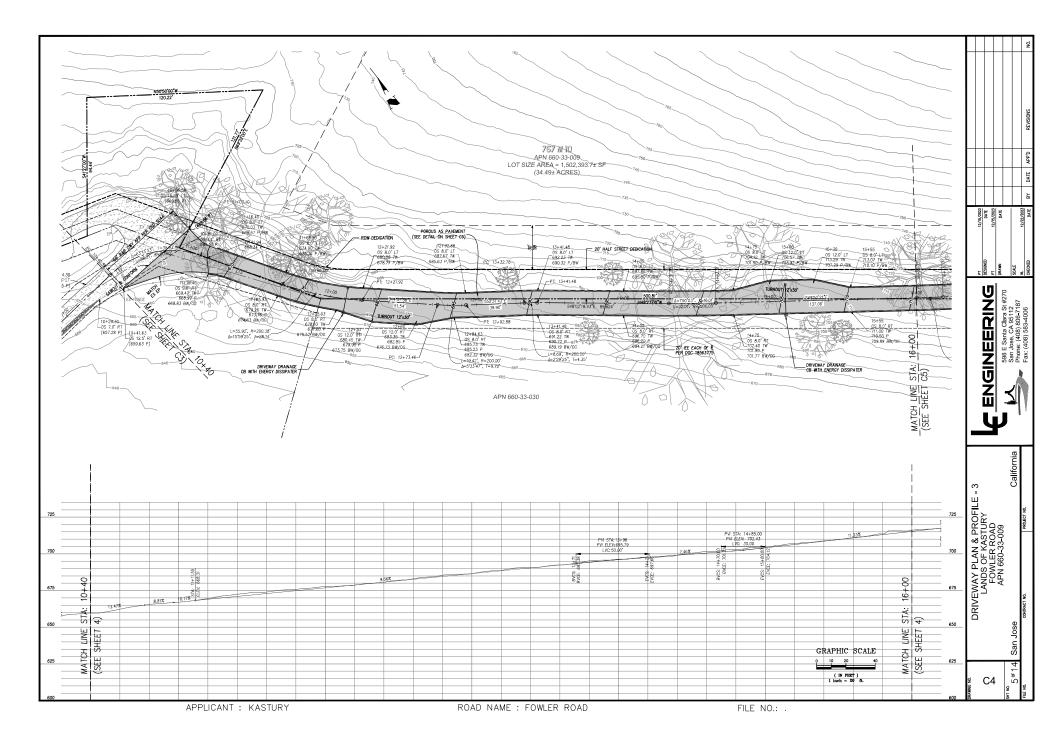
Plans

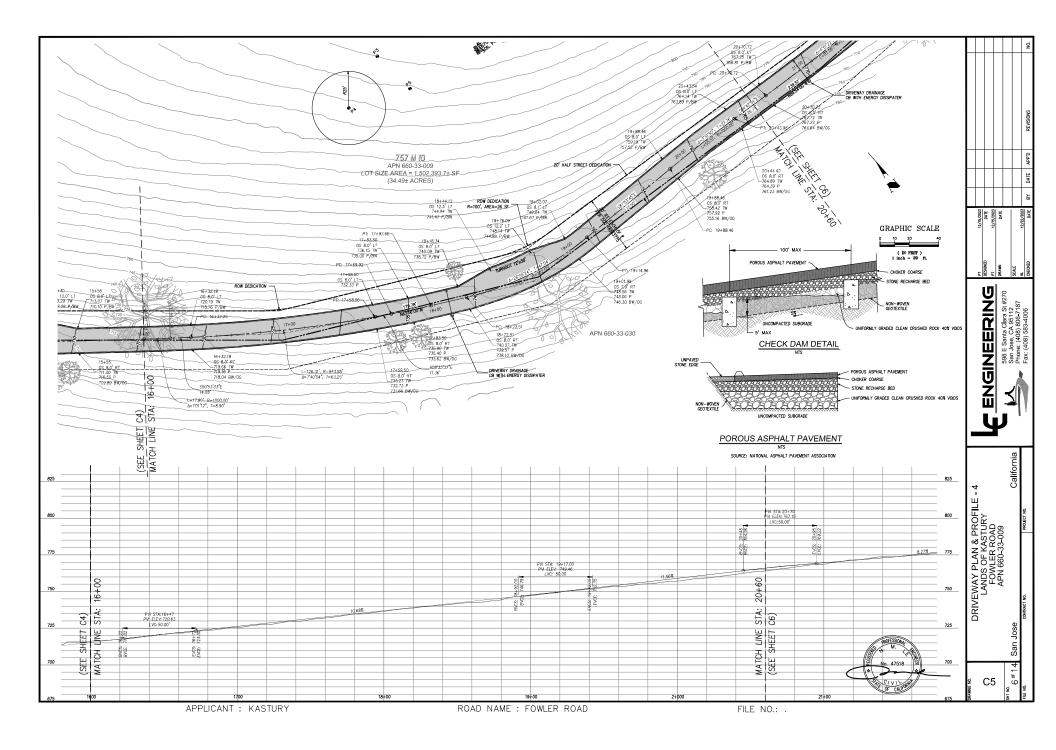


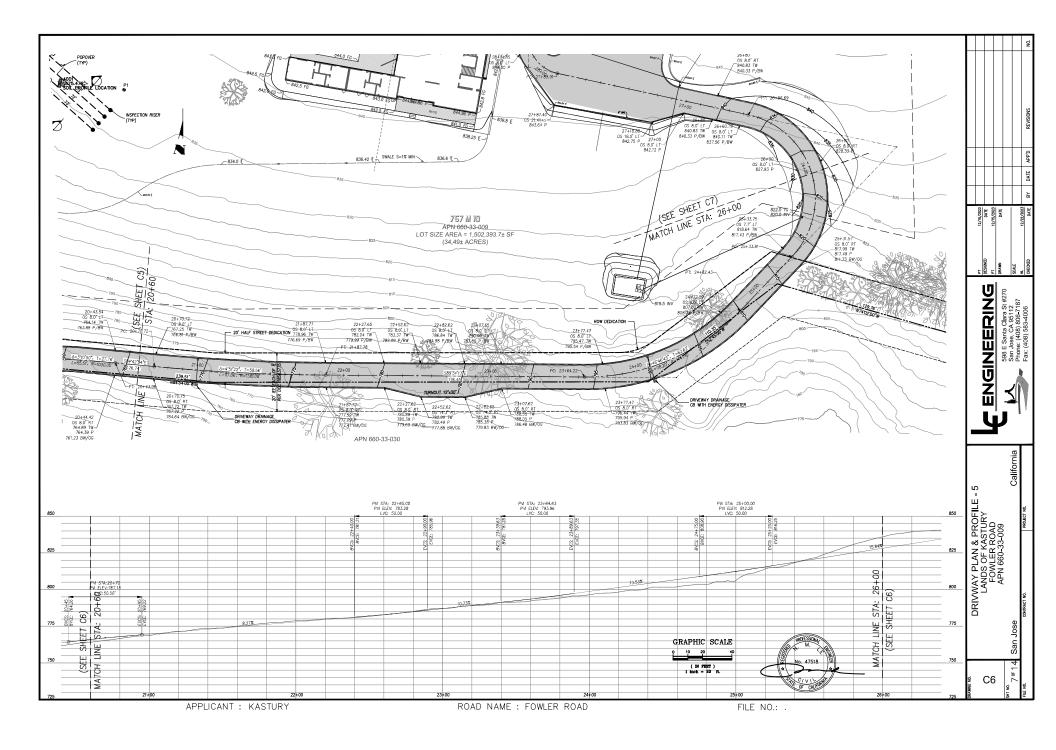


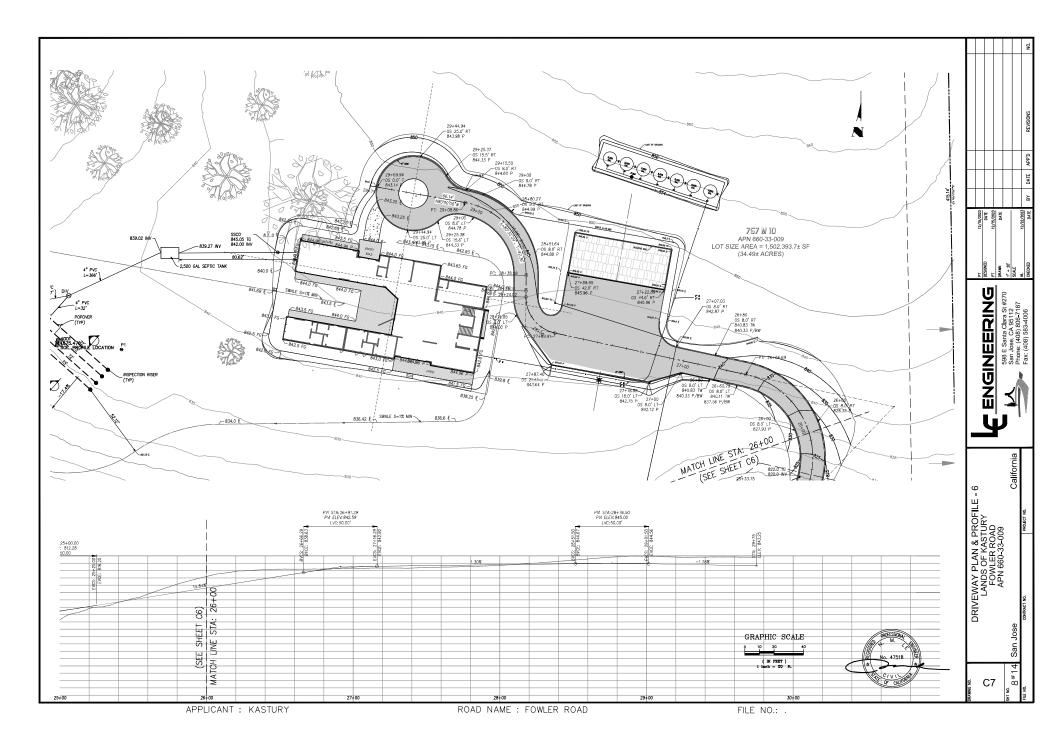


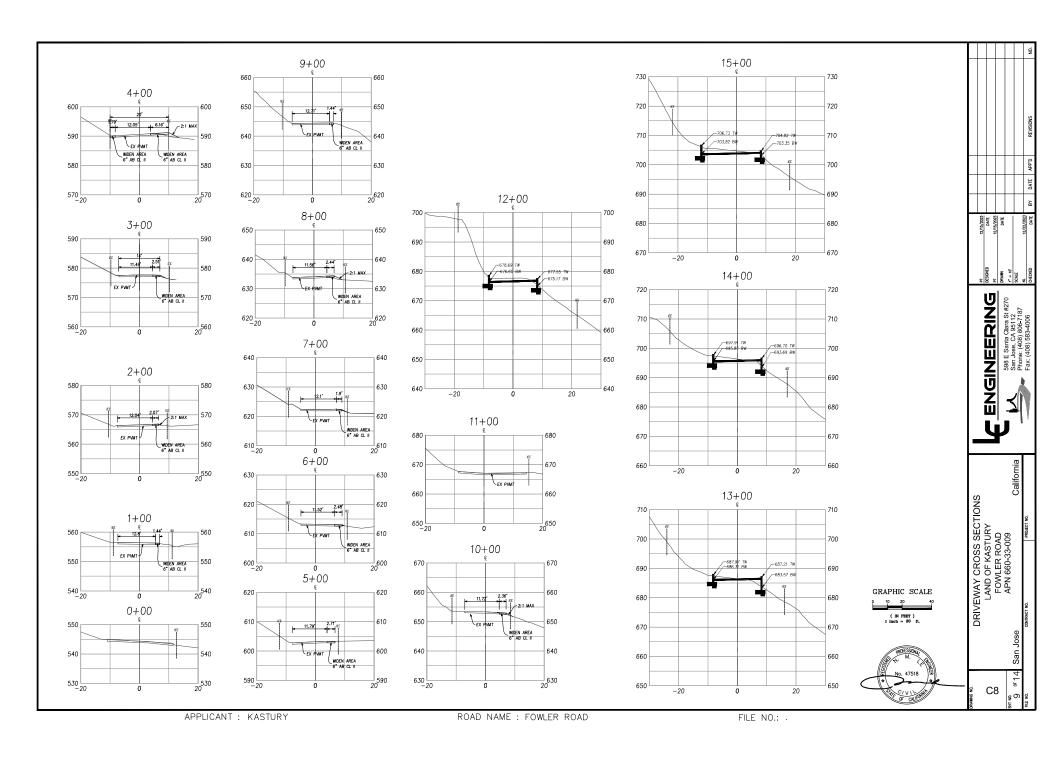


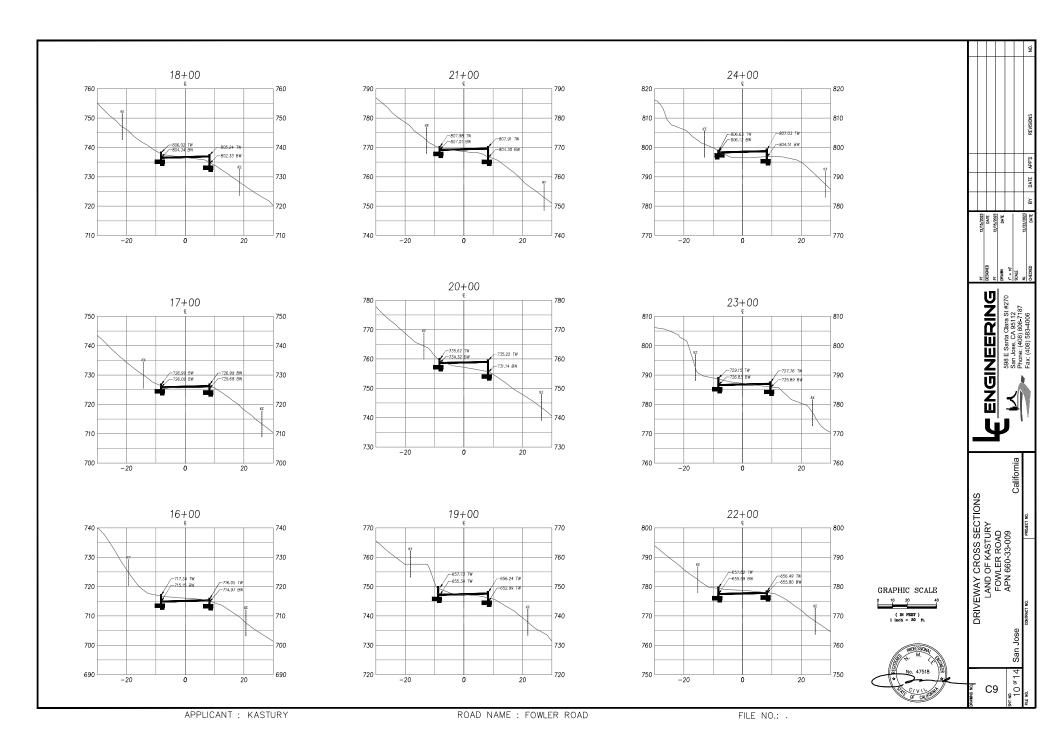


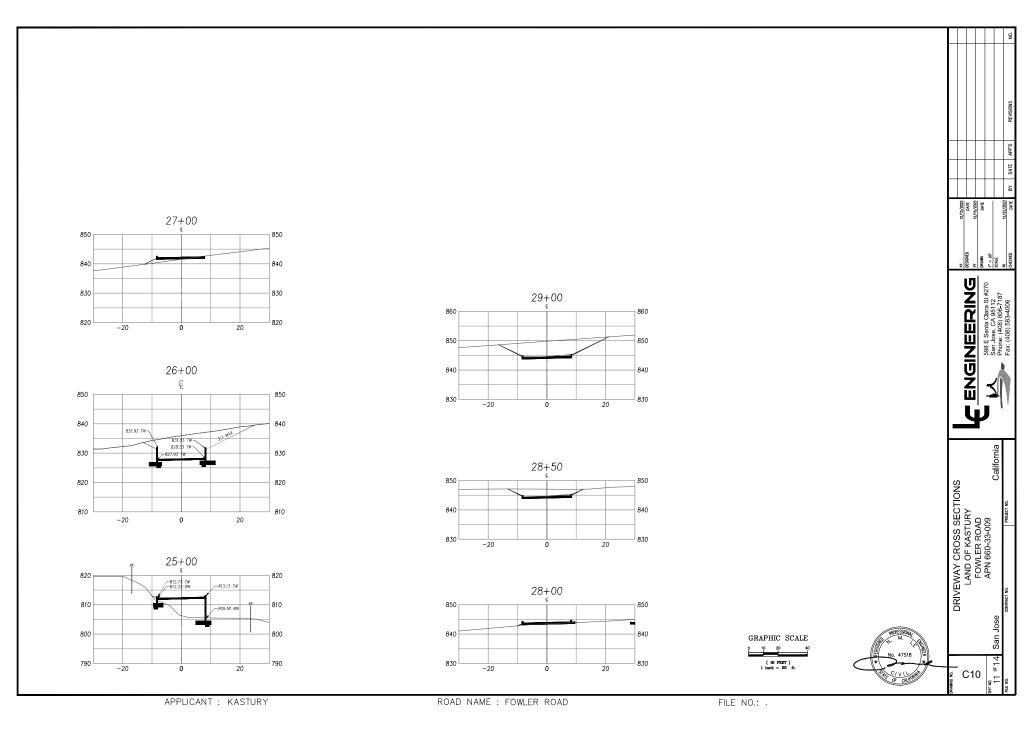


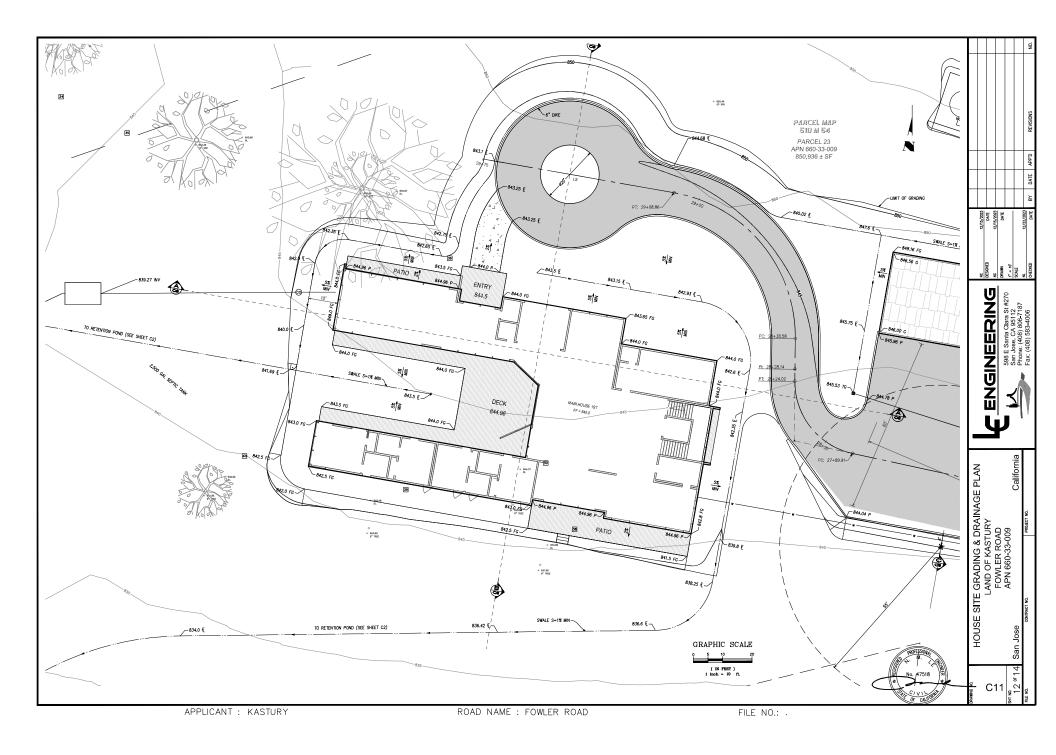


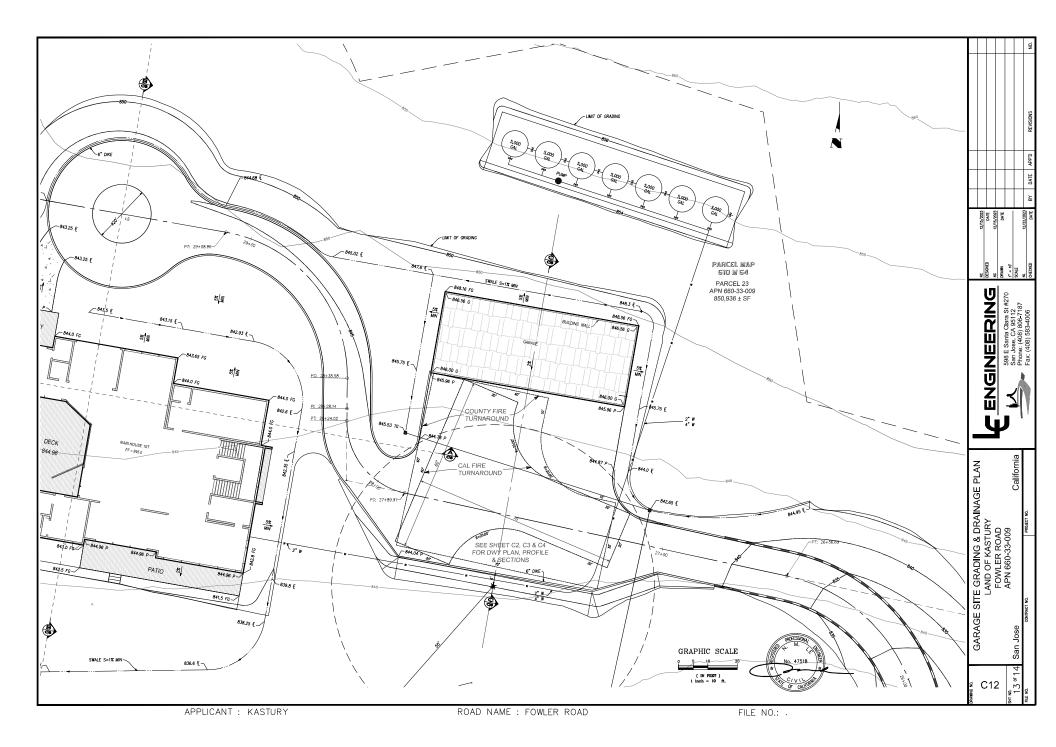


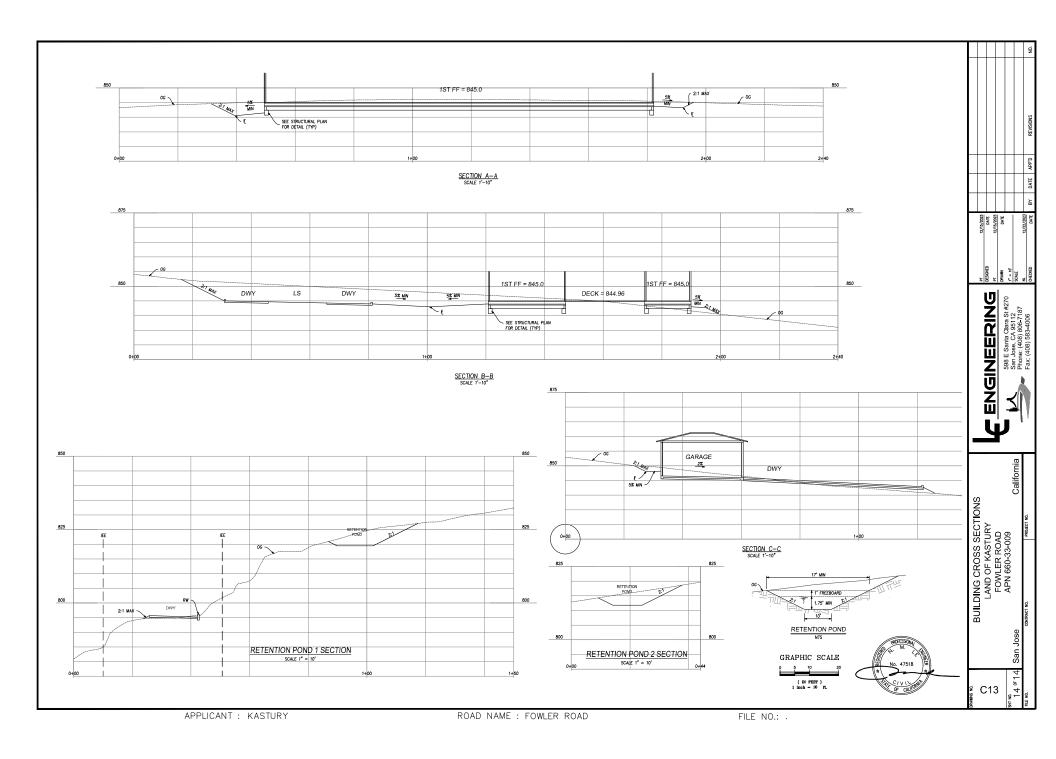


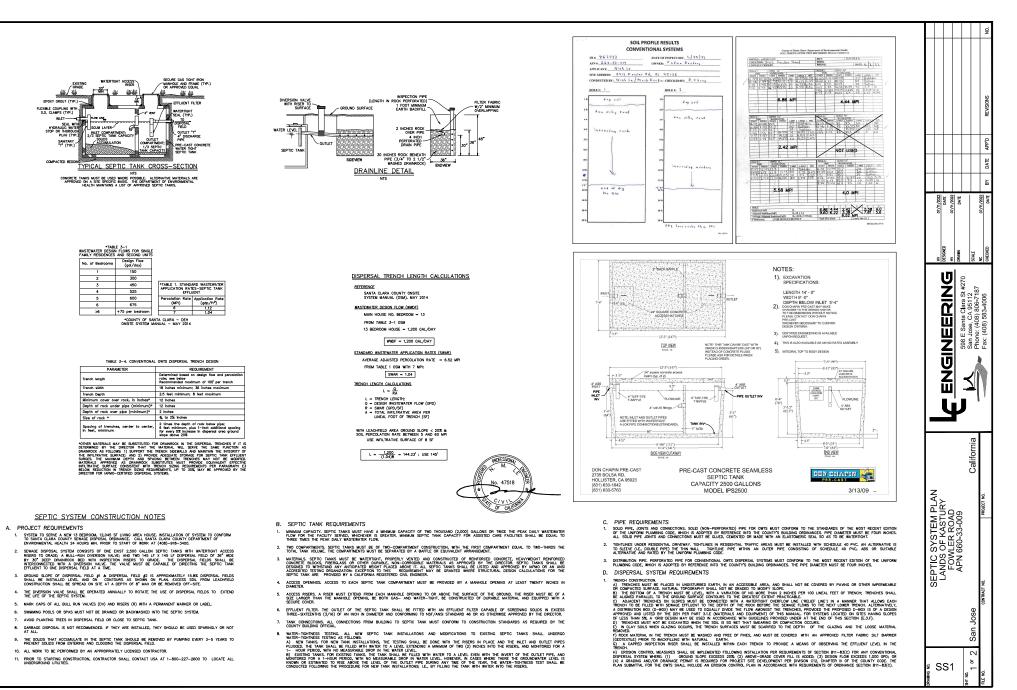


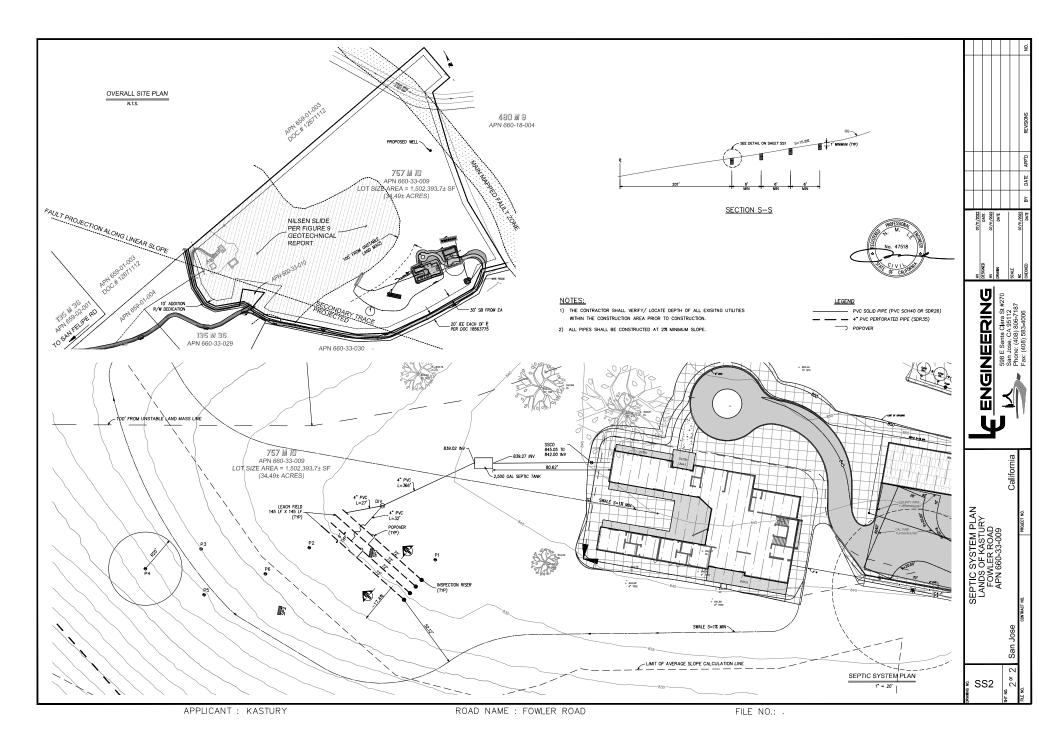


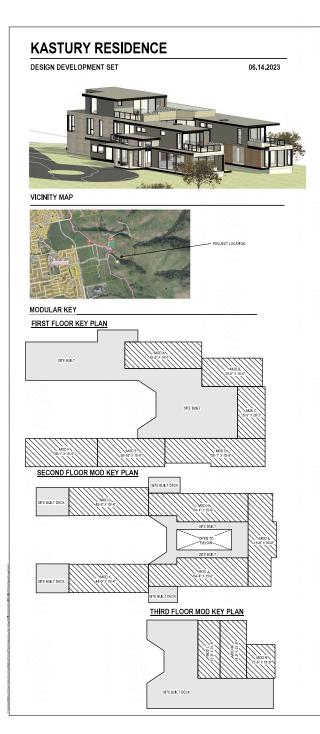




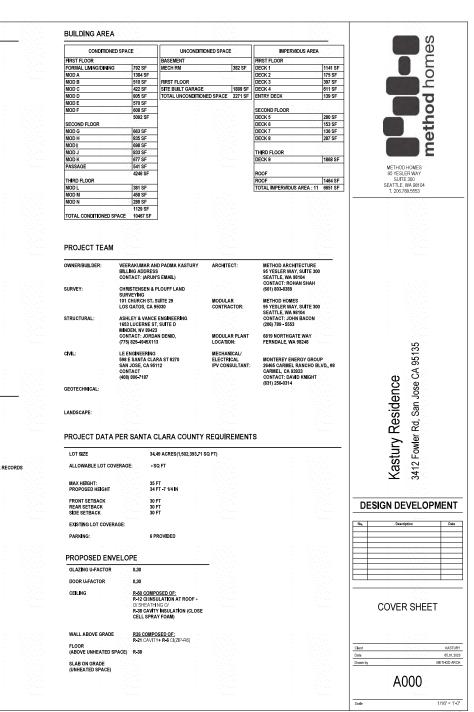




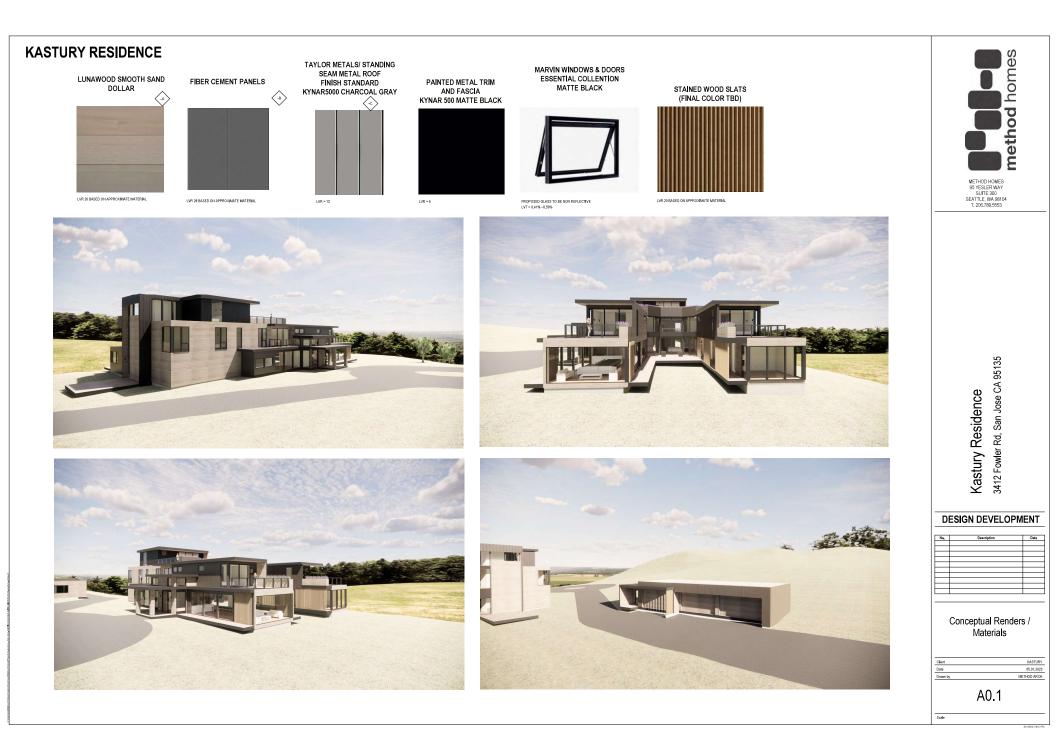


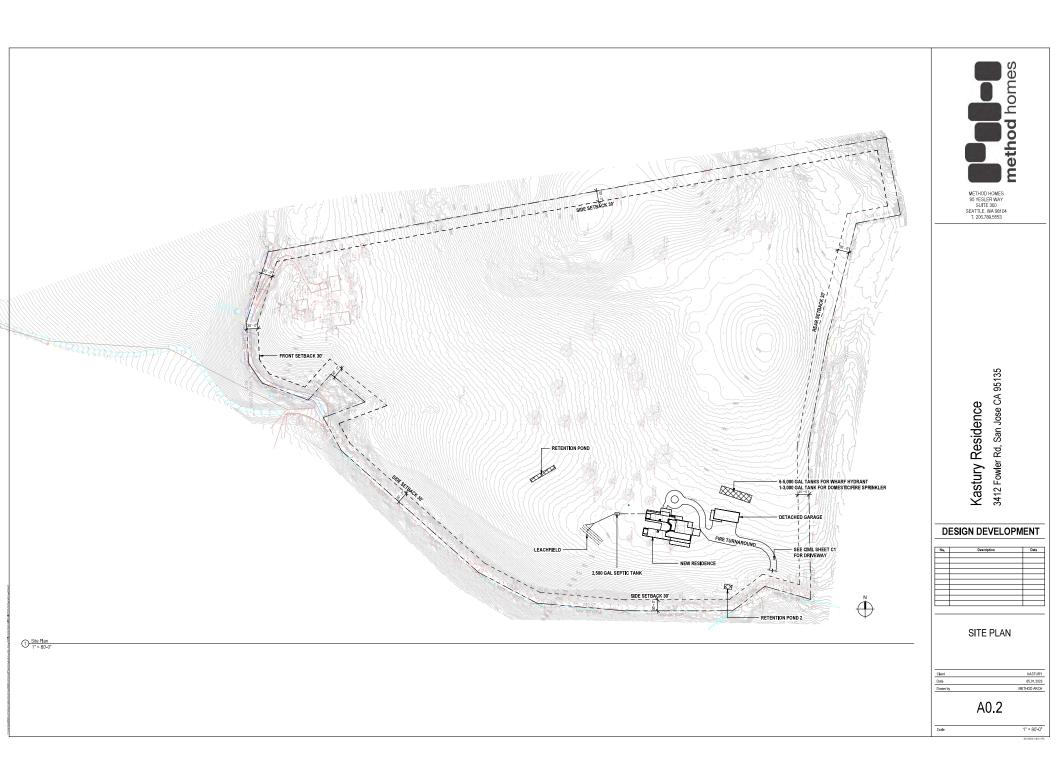


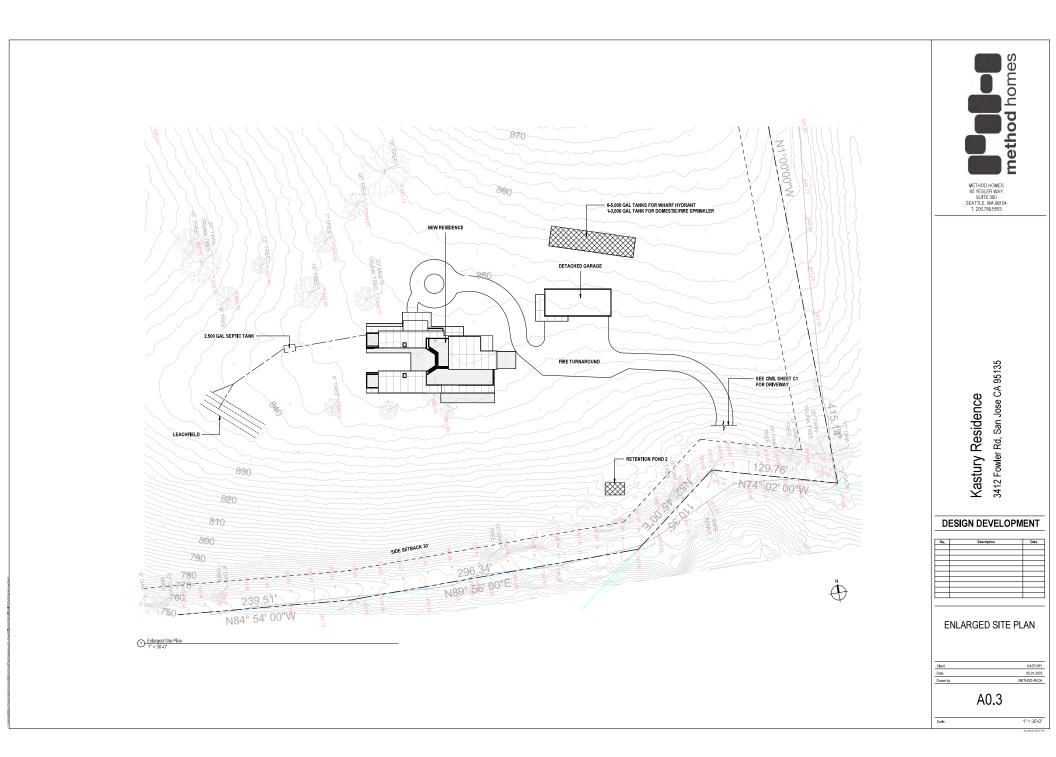
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Plumbing Code: 2017 Klaho State Plumbing Code based on the 2015 Uniform Plumbing Cod Fire Code (administered by the California State Fire Marshall:	2018 Intern 2018 Intern	onal Fuel Gas Code		
Fire Code (administered by the California State Fire Marshal): 2018 International Fire Code MI DI FE URBAN INTERACE (MI)	Plumbing (de:	Plumbing	Code.
rire vode (administered by the Galifornia State Fire Marshal): 2018 International Fire Code Will Di FFL URBAN INTERFACE (M)		and the second		
WI DUFF URBAN INTERFACE (IN)		ministered by the California State Fire Marshal): ional Fire Code		
	Fire Code (2018 Intern	BAN INTERFACE (IN)		
	Fire Code (2018 Intern WILDLIFE			
ING/ZONING: HS-D1 (100%) - TIER 2	2018 Intern WILDLIFE			
JSE CODE REFER TO SITE PLAN FOR ZONING / LAND USE INFORMATION PRMANCE:	2018 Intern WILDLIFE	(100%) - TIER 2		

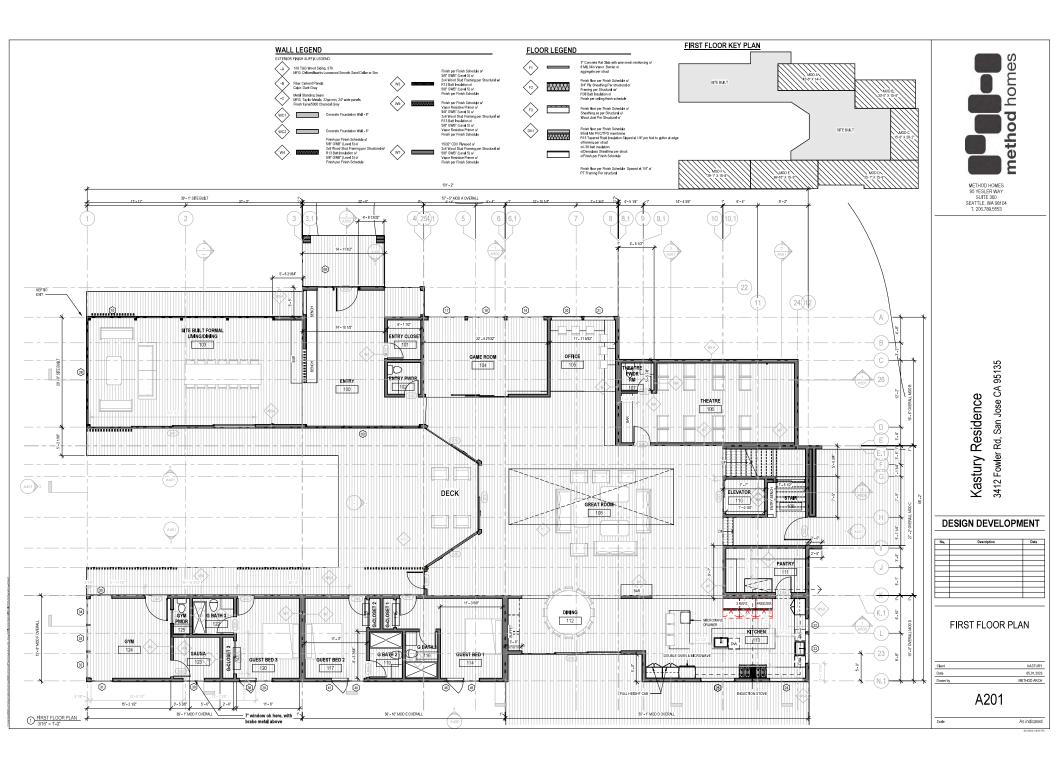


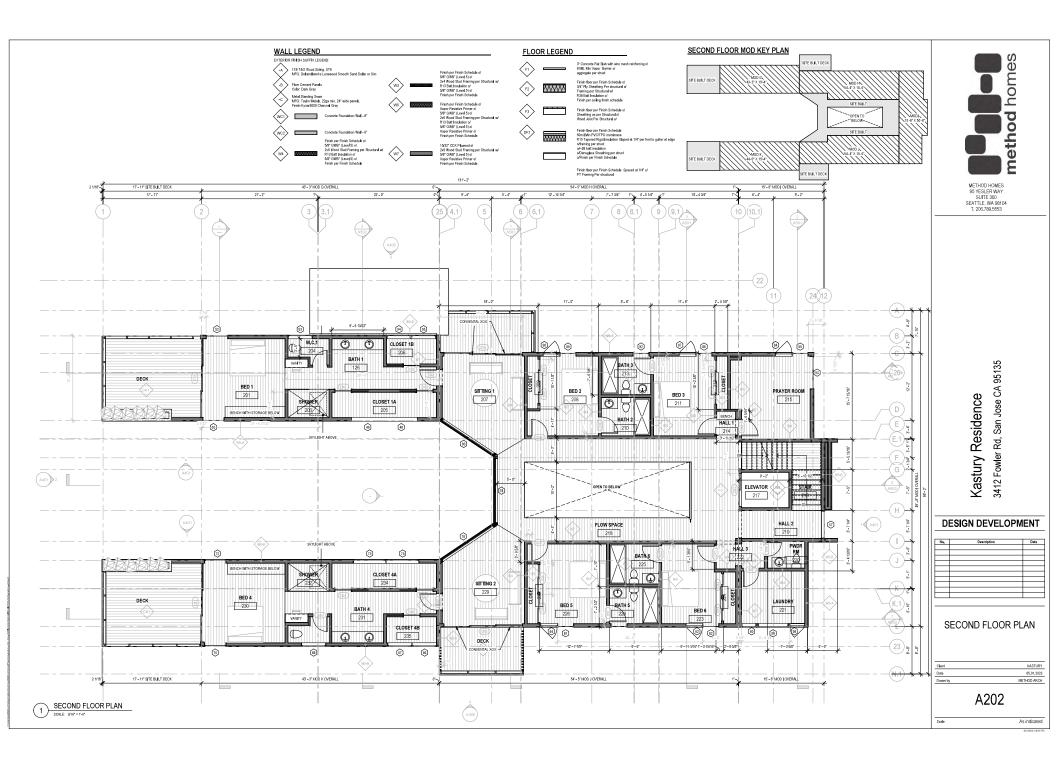


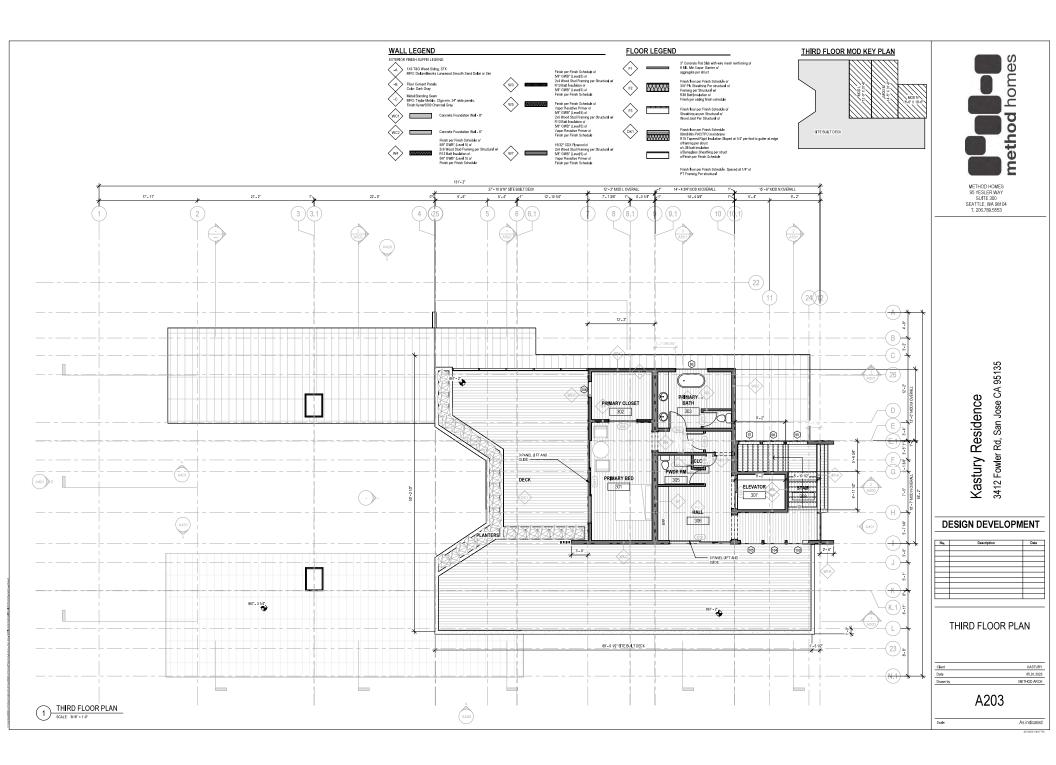


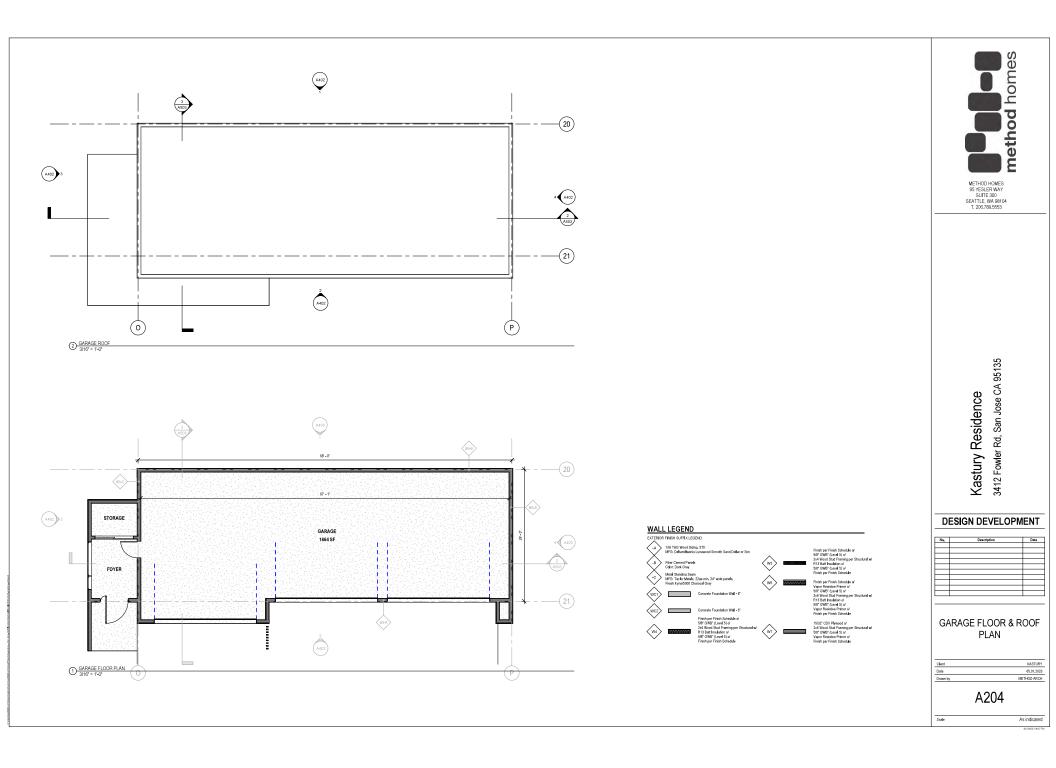


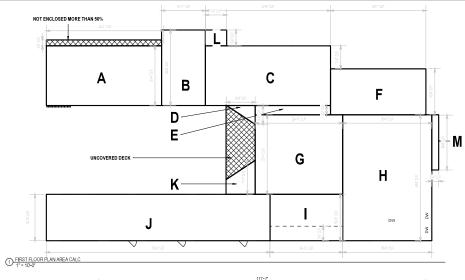


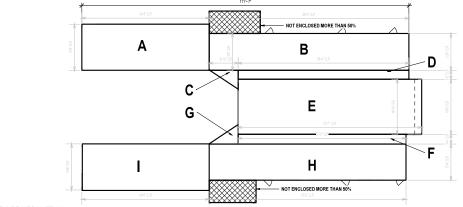


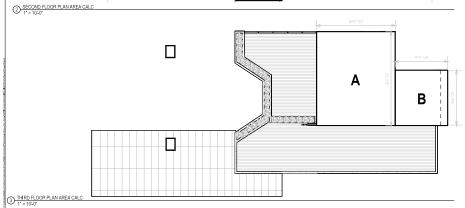












	DIMENSIONS	AREA (SF)	
A	40' X 20' - 4'	799 <u>.</u> 4	
В	14' - 11" X 25' - 9"	385.2	
c	42' - 8" X 20' - 4"	868.3	
D	9' - 9" X 6' - 6"	31.5	
E	25' - 8'' X 3' - 2''	78,9	
F	32' - 7" X 15' - 8"	511.9	
G	29' - 10" X 27' - 1"	809.7	
н	30' - 5" X 43'-0"	1306.4	
1	15' - 10" X 24' - 10"	393	
J	76' - 4" X 15' - 10"	1209	
к	9' - 9" X 11' - 7"	81.8	
L	7' - 3" X 5' - 5"	39.3	
м	2' - 4" X 18' - 8"	43.8	
TOTAL		6558.3	

	DIMENSIONS	AREA (SF)
A	43' - 4" X 15' - 8"	678.7
В	68' - 0" X 12' - 6"	850.6
c	9' - 9" X 6'-6"	31.5
D	58' - 1" X 3' - 2"	178,5
E	62' - 7" X 18' - 10"	1176.9
F	57' - 3" X 3' - 4"	189
G	9' - 9" X 6'-6"	31.5
н	12" - 4" X 67" - 2"	829,6
I	15' - 10" X 43' - 10"	678.7
TOTAL		4645

	DIMENSIONS	AREA (SF)
A	26' - 10'' X 32'	857.9
в	17'- 11" X 18'- 6"	337.6
TOTAL		1,195.5

 FIRST FLOOR:
 6558.3 SF

 SECOND FLOOR:
 4645 SF

 THIRD FLOOR:
 1195.5 SF

 TOTAL:
 12,398.8 SF

DETACHED GARAGE: 1664 SF



Kastury Residence 3412 Fowler Rd, San Jose CA 95135

DESIGN DEVELOPMENT

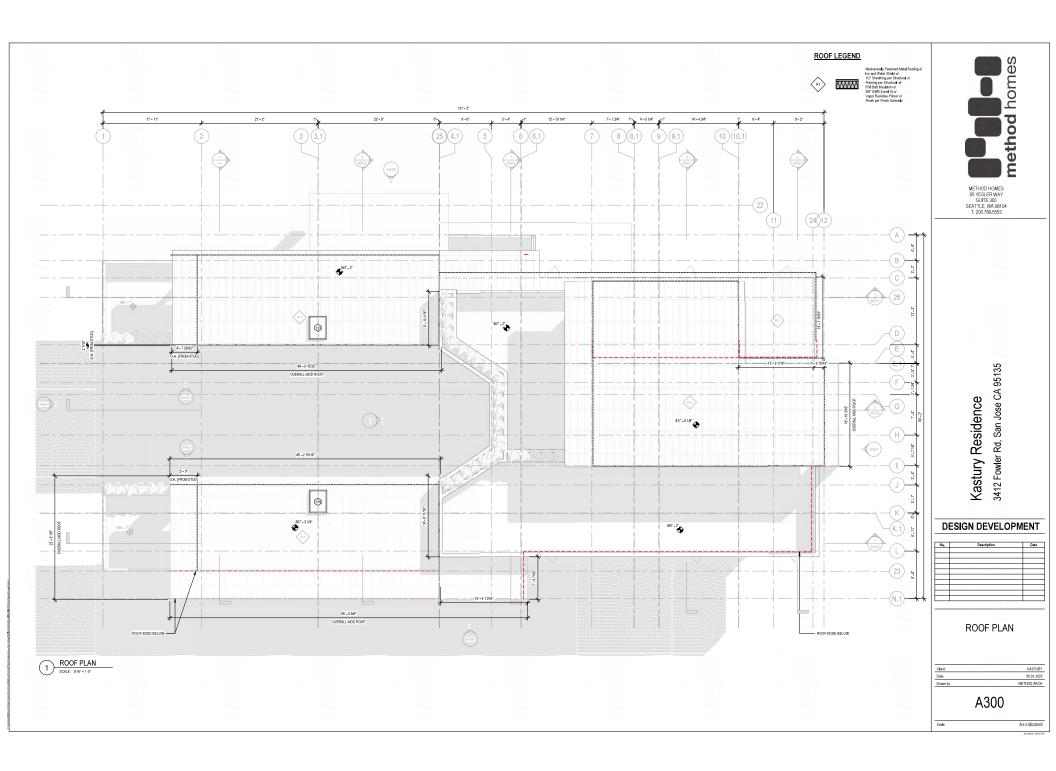
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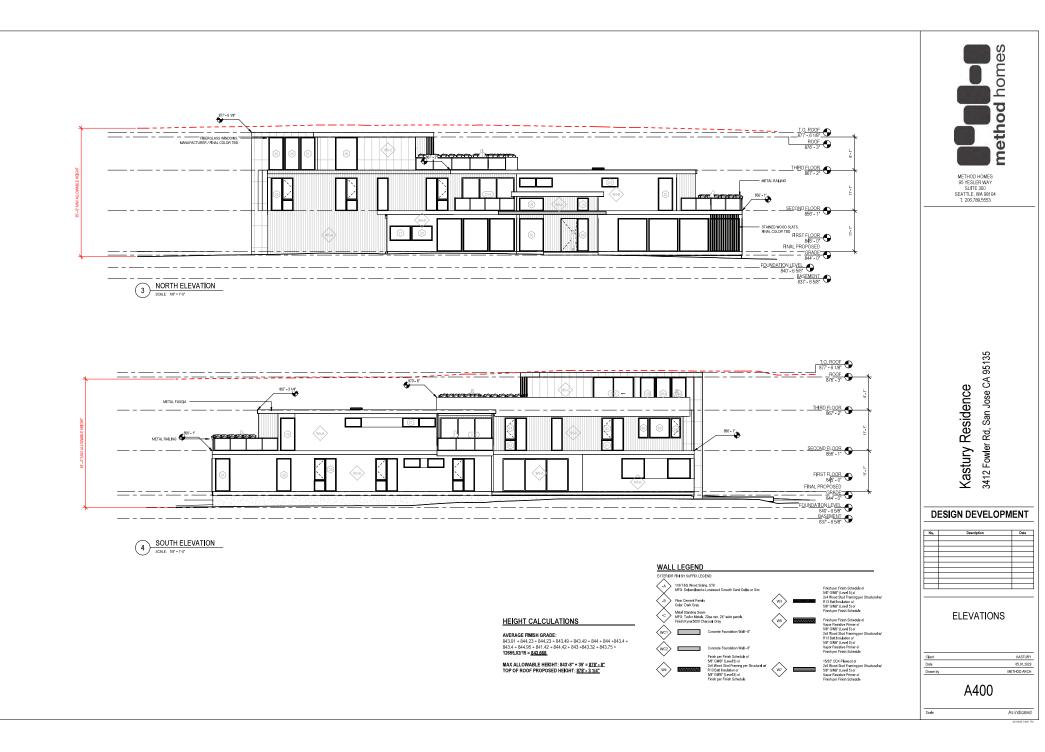
AREA CALC

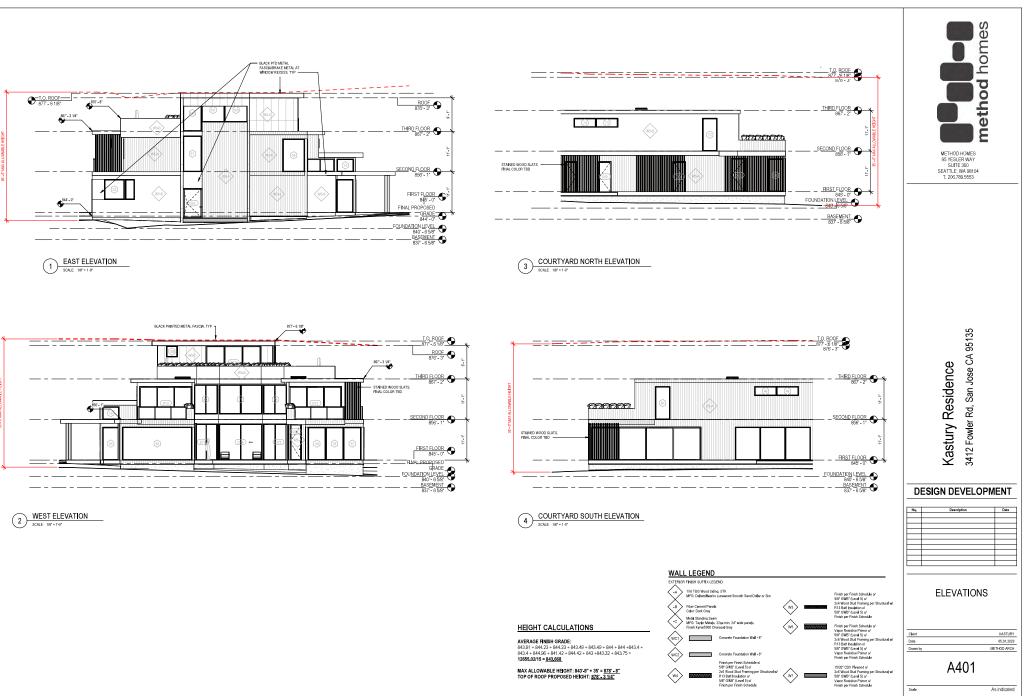
Clert MATURY Date CAST-2020 Drawnby METHOD ARDH A210

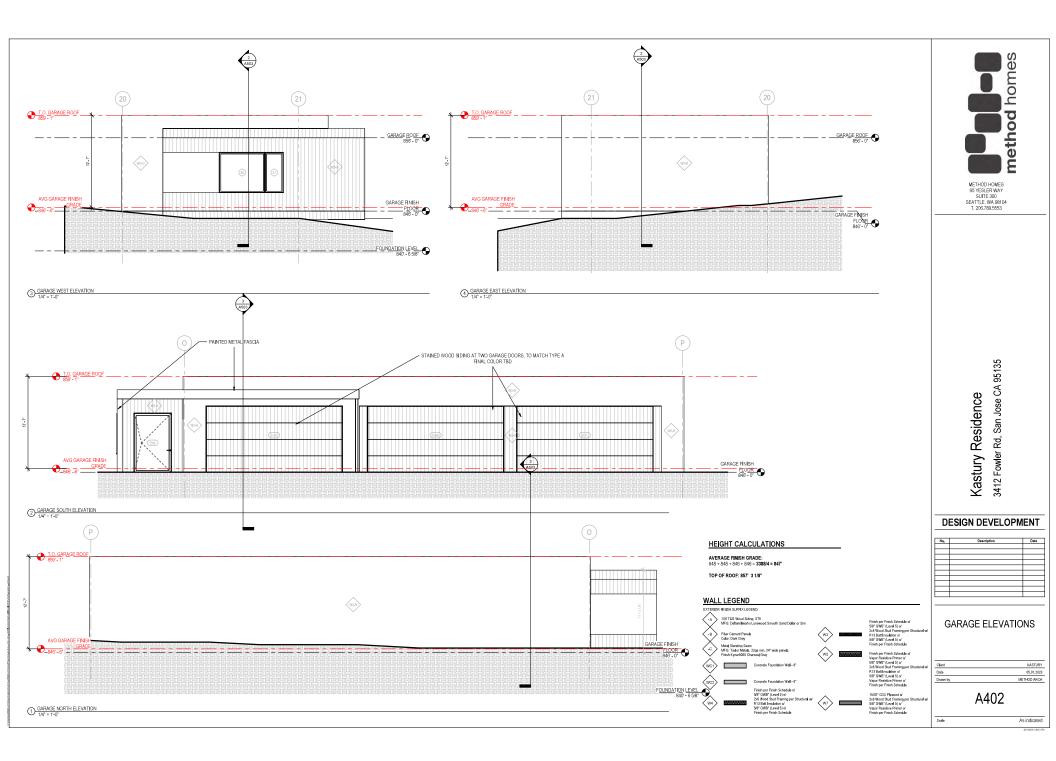
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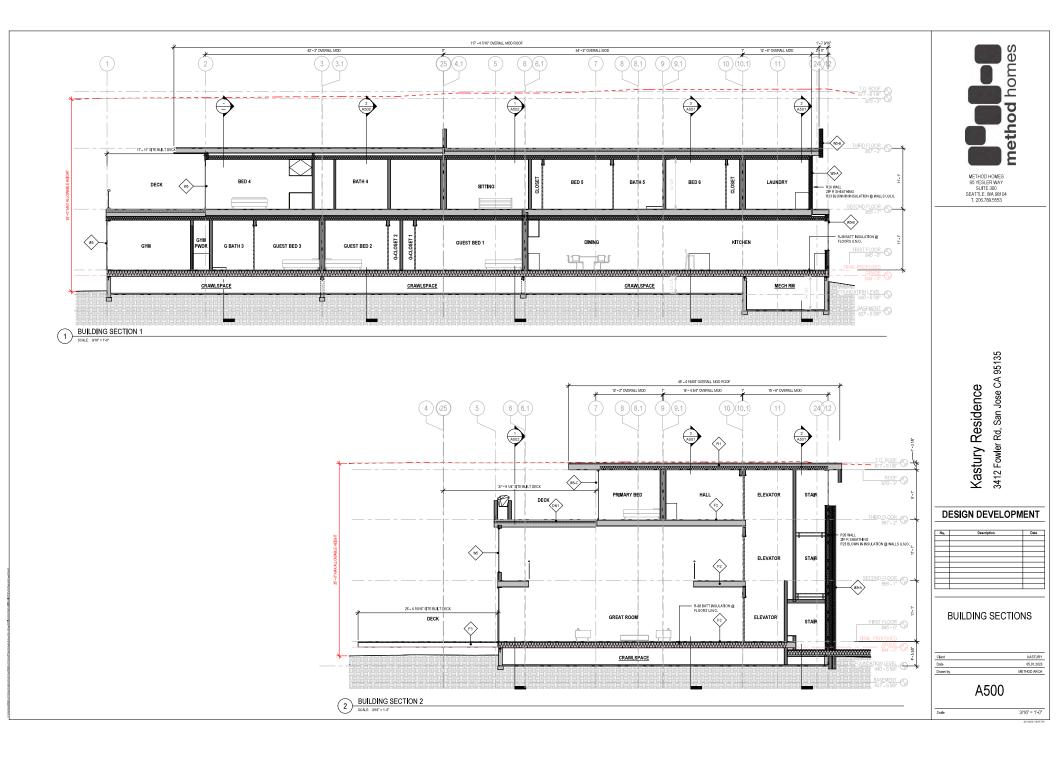
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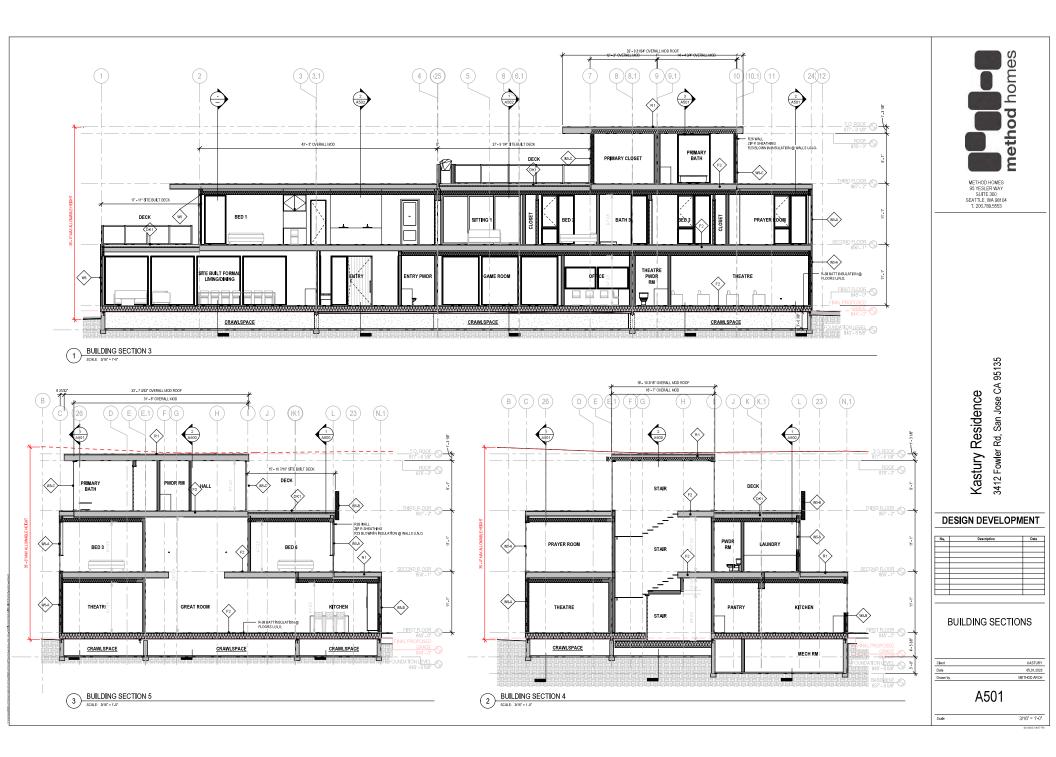
















Kastury Residence 3412 Fowler Rd, San Jose CA 95135

DESIGN DEVELOPMENT

No.	Description	Date
_		_
_		-

GARAGE BUILDING SECTIONS

 Client
 KASTURY

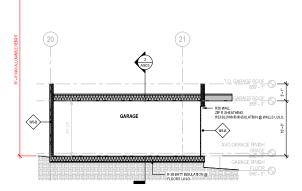
 Date
 05.01.2023

 Drawn by
 METHOD ARCH

Scale

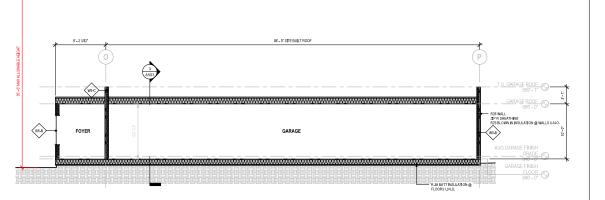
A503

3/16" = 1'-0"

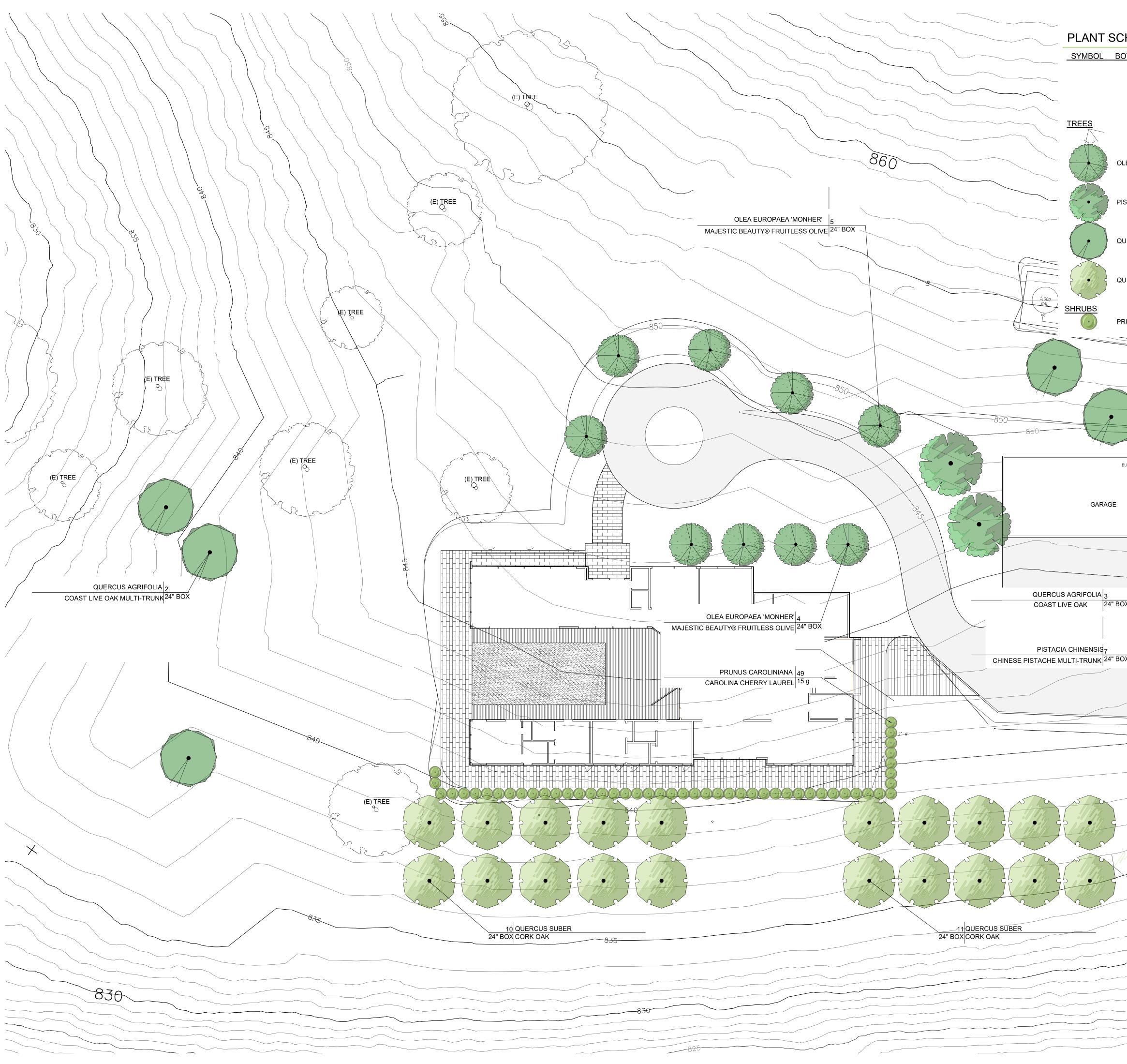


BUILDING SECTION 10

(3)



2 BUILDING SECTION 9 SCALE BITS"= 1'-0"



CHEDULE					Randy Thueme Design
BOTANICAL NAME	COMMON NAME	<u>SIZE</u>	QTY	SF	LANDSCAPE ARCHITECTURE
					COM
					J, DESIGN
OLEA EUROPAEA 'MONHER'	MAJESTIC BEAUTY® FRUITLESS OLIVE	24" BOX	9	63	NT AVENUE, 4TH F R A N C I S C O, O R N I A . 4 9 5 . 1 1 7 8 . ANDYTHUEMED
					59 GRANT AVENUE, 4TH FLOOR S AN F R A N C I S C O, C A L I F O R N I A 9 4 1 0 8 P 4 1 5 . 4 9 5 . 1 1 7 8 WWW . RANDYTHUEMEDESIGN . COM
PISTACIA CHINENSIS	CHINESE PISTACHE MULTI-TRUNK	24" BOX	7	49	59 GR/ S A N C A L I 9 4 1 0 P 4 1
QUERCUS AGRIFOLIA	COAST LIVE OAK MULTI-TRUNK	24" BOX	6	42	
QUERCUS SUBER	CORK OAK	24" BOX	20	140	
		15 gal Total Lan	49 dscape SF	196 = 490	Щ
854		855			ENCE
	MAINTENANCE NOTES: ALL TREES AND PLANT MATER				
	PROPERLY PLANTED, IRRIGA ESTABLISHED, FERTILIZED, AI PRUNED TO ESTABLISH CHAR	ND CORRE	CTLY	Έ.	RESI
BUILDING WALL					
BUILDING WALL	850				
					JR 85135
	K S S				CA
					3412 I SAN J
BOX	845				
	3 this				19472011
					THUEME MORE
BOX	200		455 655		SIGNATURE <u>10.31.2024</u> RENEWAL DATE
		/			• <u>11.13.2023</u> DATE JALE OF CALIFORNIA
2" W	33				CHECKED BY: RT DRAWN BY: RA RTD PROJECT #: 2308
					NORTH N
					W
•					s
					SCALE: 1/16" = 1'-0"
					6' 12' 24'
	POCK RIPRAP		/		L1.0
	$ROCK \Gamma''''''''''''''''''''''''''''''''''''$				
	R23.00 FMN		}		DATE 13 NOV 2023 PLANNING
	+//				19 JULY 2024 PLANNING
	A Stars				
	XAJ (~ S~)				PLANNING

esign N D S C A P E C H I T E C T U R E -CALIFORNI 94108 P 415.495. 3412 FOWLER ROAD SAN JOSE, CA 95135 SOLANDSCAPE ARCH SIGNATURE 10.31.2024 RENEWAL DATE 11.13.2023 DATE 37// OF CALIFORNIA ECKED BY: RT WN BY: RA PROJECT #: 2308 ALE: 1/16" = 1'-0" .0 TREE PLAN OV 2023 PLANNING

Attachment D

Color Samples

3412 Fowler road, San Jose CA 95135

Project Address 660 33 009

APN

AR20-0630

Project File Number

Color/Materials Board^{*}

Roof

Ethylene Propylene Diene Monomer Roofing with CAV-GRIP III Low-VOC Adhesive/Primer

Manufacture & Material Carlislesyntec, INC Product Name, Number EPDM - Sure-Seal®

Door & Window Frames, Railings

Aluminum frame in dark color

Manufacture / Number Bonelli windows and doors Color Name, LRV Tyer power coating, LRV 8

<u>Trim</u>

Aluminum trim in dark color to match windows

Manufacture / Number Tyger power coating Color Name, LRV RAL 5004, LRV 8

Exterior Walls

Fiber cement

Manufacture / Number Nichiha fiber cement Color Name, LRV ROUGHSAWN Tobacco, LRV 13

Architectural Accents (Ex. Stone Veneer)

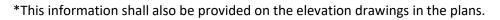
Fiber cement

Manufacture / Number Nichiha fiber cement SANDSTONE Autumn Brown, LRV 39 TUFFBLOCK Bamboo, LRV: 32

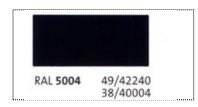
Retaining Walls SCREEN WALLS

Stucco

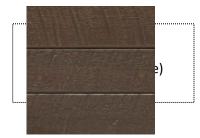
Manufacture / Number Sherwin-Williams Color Name, LRV Requisite Gray, LRV: 45















Attachment E

Story Pole Inspection Photos

