

County of Santa Clara

Department of Planning and Development
Planning Office

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April 22, 2021

Amanda Musy-Verdel
7651 Egleberry Street
Gilroy, CA 95020

FILE NUMBER: PLN21-021
SUBJECT: Building Site Approval on Slope 30 Percent or Greater, Design Review (-h1) and Grading Approval
SITE LOCATION: 0 Cinnabar Hills Road, San Jose (APN 742-02-006)
DATE RECEIVED: February 11, 2021

Dear Ms. Musy-Verdel,

Your application for Building Site Approval on Slope 30 Percent or Greater, Design Review (-h1) and Grading Approval has received on the above date and is deemed **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made via the internet, to do so, follow the instructions at the following URL: <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/Permits.aspx>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and / or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, Planning Office personnel will distribute the plans, reports, etc. to the appropriate staff or agency for their review.

If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that item. He or she represents a specialty or office and can provide details about the requested information.

AS NOTED ABOVE, PRIOR TO RESUBMITTAL PLEASE E-MAIL ME TO DISCUSS THE PROCESS.

Please submit one (1) electronic copy of the revised plans / resubmittal documents with a written response addressing the following items.

PLANNING OFFICE

Contact Xue Ling at (408) 299-5784 or xue.ling@pln.sccgov.org regarding the following comments:

Lot Legality

1. The current grant deed and multiple historical grant deeds were submitted for legality review on February 11, 2021. After a discussion meeting with Planning staffs, the applicant

submitted a chain of title guarantees for conceptual review through email on March 1, 2021. Staff reviewed all the submitted documents but is still unable to verify the lot legality. Please see Attachment G for detailed review comments. A lot legality discussion meeting between the applicant and staffs was held on April 19, 2021 to provide direction for the applicant to verify the lot legality.

Site Plan

2. The submitted site plan (Sheet 2) does not include all required information. Please provide a complete site plan that identifies the following:
 - a. Centerlines and rights-of-way of adjacent streets (see LDE comment #10).
 - b. Centerline, top of the bank, and setbacks of Alamitos Creek.
 - c. Location, common name, and diameter of trees, if the proposed construction invades into the driplines of such trees.

Please refer to the County Sample Site Plan for additional guidelines.

https://www.sccgov.org/sites/dpd/DocsForms/Documents/Sample_Site_Plan.pdf

Tree Protection in -h1 Zoning District

3. According to County GIS Aerial Map, not all trees within the development area have been identified on the Site Plan. As the subject property is located within -h1 Zoning District, Zoning Ordinance 3.50.090(K)(3) shall apply. A report prepared by an ISA certified arborist is required to provide assessment for all existing trees six (6) inches in diameter or greater at the height of 4.5 feet above the ground, with a keyed listing of the species and diameter of such trees, if such trees are located in the proposed development area. Please note no healthy trees six (6) inches in diameter or greater or significant hedges or shrubs shall be removed until after the effective date of discretionary permit approval. Replacement trees of native species might be required.

Early Public Outreach

3. As the project is subject to the early notification and outreach policy under -h1 Historic Preservation Combining District, signage at the site of the project and notification to surrounding properties are required. Attached is the signage that is required to be posted at the project site for File PLN21-021. A list of signage vendors (sign companies) and *Public Notice Sign Guidelines* are also included for your reference. The applicant is required to provide a photo within the 30-day time frame confirming the on-site signage has been satisfied.

Santa Clara Valley Habitat Plan Review

Contact Lara Tran at (408) 299-5797 or Lara.Tran@pln.sccgov.org regarding the following comments:

***Note that HCP review is ONLY for proposed/preferred development site identified on Plans -

1. If proposed development is in different location, additional HCP review will be required, and HCP Site Plan will need to be revised.***

4. Provide Land cover verification map (site plan) that identifies all the habitat plan land covers present within the proposed development area and HCP setbacks 50 ft. radius surrounding permanent development (building pad of home, driveway and other permanent

improvements), and 10 ft. radius surrounding temporary development (i.e. septic system, construction stakes etc.).

5. Provide Area calculations of land cover impacted by the project for the development area, consistent with [Table 1](#) of the Application for Private Projects.
6. Provide plant surveys for the following plants identified in the biology report from Coast Range Biological (dated 10-03-2019) in the areas proposed for development.
 - a. Plant surveys for most beautiful jewelflower, smooth lessingia, dudleya, fragrant fritillary, Metcalf canyon jewelflower, Tiburon Indian painbrush, and coyote ceanothus.

LAND DEVELOPMENT ENGINEERING

Contact Eric Gonzales at (408) 299 5716, eric.gonzales@pln.sccgov.org regarding the following items:

7. Provide earthwork calculations of the earthwork quantities shown on the plans.
8. Identify the limits of the landscaping for the project. This should include all disturbed areas that are not hardscaped subtracting out all areas that are specifically identified as hydroseeded. The landscaping should also include the area of swimming pools. Provide an accounting on the plan sheet.
9. Clearly note all roads as shown as County-Maintained or Privately-Maintained roads.
10. Demonstrate that the access road (Cinnabar Hills Road) from Alamitos Road to the proposed driveway approach shown on the plan conforms to the appropriate private County Standard Detail. Provide the plan and profile of existing private access road surface (Cinnabar Hills Road) on the plans. Typical standard details of the access road, including, but not limited to, drainage and any retaining walls as needed are to be included. Ensure that the existing private access road is equipped to handle emergency vehicle loading. Provide a cross section clearly showing the width of the existing road and any dedicated easements. If FMO and/or the State require the full build out of the private road to a full 20' roadway width, then the applicant shall widen the private road along their frontage all the way to Alamitos Road (the County-Maintained portion).
11. Based upon County policy (Land Development Policy Manual), a right-of-way dedication of thirty feet measured perpendicularly from the road centerline along Cinnabar Hills Road would be required with this development.
12. The proposed project's privately maintained driveway shall meet County Standard SD5. Reference this standard somewhere on the plans.
13. The proposed project is located along a privately-maintained road. Submit evidence of legal access to the site from the nearest publicly-maintained road (Alamitos Road) compiled and/or prepared by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to

practice land surveying. A proposal to build a pro rata portion of Cinnabar Hills Road based upon the fully developed use of the road may be required.

14. Include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Supply an electronic copy of a preliminary title report, dated within 60 days of the day of submittal with the next submittal.
15. Provide a drainage system to adequately route flows from the site to the natural outfall.
16. Provide a typical section(s) of all proposed retaining walls.
17. Show drainage system from roof drains on the plan to demonstrate roof runoff is being collected on an orderly fashion, e.g. connection from downspout to splash box and/or on-site SD system. Identify a vegetated buffer area and provide energy dissipation for storm drainage, to provide at least minimal storm water treatment and reduction in flow velocity.
18. This project may disturb one acre (43,560 square feet) or greater of land area. Provide a calculation (impervious surface area table) showing the final area disturbed with this project.

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5746 or darrin.lee@cep.sccgov.org for information regarding the following items:

19. Submitted geotechnical report to the Department of Environmental Health did not address a reduction of setback distance to steep slope/cut. For reduction of horizontal setback to a either steep slope or a cut, please refer County of Santa Clara Onsite System Manual, Attachment D, for geotechnical report requirements.
20. On a revised plan set, overlay proposed onsite wastewater treatment system (OWTS) design and adjacent unstable landmass as provided by Quantum Geotech. Ensure the proposed OWTS maintains a minimum setback of 100 feet from any unstable landmass. Please include distances from the 'dormant mature' and 'dormant young' landslide to the proposed OWTS.

FIRE MARSHAL OFFICE

Contact Alex Goff at (408) 299-5763 or alex.goff@sccfd.org for information regarding the following items.

21. Property is within the State Response Area (SRA) and Wildland Urban (WUI) Interface-High.
 - a. PRC-4290 is to be met.
 - b. Property to maintain defensible space at all times.
 - c. Construction to meet WUI requirements.

22. Clarify the total distance from the nearest thru road with a minimum 20 ft drivable width (appears to be Alamitos Rd). Per PRC-4290, the 5,280 ft is the maximum length a dead-end road can be.
23. Plans to show fire department access road (serving 3 or more properties with structures) having a minimum drivable width of 20 ft.
24. Plans to show any gates crossing fire department access. Gates to be shown as manual or mechanical, all mechanical gates to have Knox Access shown as (N)new or (E)existing.
25. Plans to state that fire department access to be made of an "all weather" material capable of holding 75,000 pounds.
26. Site Plan to show fire department turnaround meeting CFMO-SD16 and PRC-4290. Turnaround "A" and "C" with a 40 ft radius.
27. Sheet 7 of 9 shows items located within the fire department turnaround. Fire department turnarounds are to be kept clear at all times.
28. Sheet 3 of 9 is to clearly show the fire department turnout dimensions. Minimum dimensions are to be 30 ft length, 12 ft width and 2-25 ft tapers.
29. Wharf hydrant to be a minimum of 55 ft from any portion of a structure.
30. 10. Fire sprinklers to be listed as a deferred submittal.

Cal Fire

Contact Marcus Hernandez at Marcus.Hernandez2@fire.ca.gov for information regarding the following items.

Note: This project (Record No. PLN21-021) is located within the State Responsibility Area (SRA) and will need to follow all requirements of **California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 - Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5.**

31. One access road to the property must provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping.
 - a. All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

- b. All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.
 - a. All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.
 - b. In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.
 - c. All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").
32. Approved turnaround is required: 40-foot radius or hammerhead/T with the top of the "T" being 60-feet.
- a. The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.
 - b. A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.
33. Maintain vegetation clearance requirements of Public Resource Code 4291.
- a. Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

GEOLOGY

Contact Jim Baker at (408) 299-5774 or jim.baker@pln.sccgov.org for information regarding the following items.

34. Submit an addendum to the geotechnical report* that includes a geologist's evaluation of potential slope instabilities along the proposed driveway (with retaining walls) and adjacent to the proposed building footprint on the axis of a ridge.*[Quantum's Geotechnical Investigation report (dated 4-29-2020) was previously submitted with PLN20-122-PRE.]
35. Pay the appropriate report review fee when uploading an unsecured pdf of the addendum into the Accela Documents portal.

ADDITIONAL INFORMATION / ISSUES OF CONCERN

1. The proposed project is subject to Building Site Approval on Slope 30 % or Greater Findings (Attachment B), Grading Findings (Attachment C), additional Design Review Findings (Attachment D). These findings require the proposed residence to be in substantial conformance with applicable provisions of the General Plan (Attachment A), Design Review Guidelines (Attachment E), and Guidelines for Grading and Hillside Development (Attachment F), adopted by the Board of Supervisors. The residence is situated on a knoll in the same location proposed for the pre-application. After the pre-application meeting, staff

conducted a site visit with the applicants and the property owners upon request, and recommended an alternative site study on the flat area closer to the entrance of the proposed driveway. At the time of the formal submittal, the applicant provided a biological report that identifies a Categorical II Stream bisecting the recommended alternative site study area and serpentine landcover in the area of the proposed project. The submitted alternative site is located to the northeast corner of the lot, outside of the 35-foot riparian setback, on a slope that requires a similar amount of grading to the proposed building site. Given the location of the stream and serpentine soil landcover, staff recommends that the applicant prepare another alternative site study on the opposite side of the stream to the southwest of the proposed alternative site, where there is no serpentine landcover. There appears to be a flat area outside of the riparian setback, thereby requiring less grading, a shorter driveway, less landcover impact, and lower retaining walls compared to the proposed building site. This information is new based on the biological study that was just recently submitted.

In addition, it appears that the proposed septic system requires a 'Variance' from DEH to reduce septic system setbacks measured from a steep slope (see DEH comment #25) and might be located within serpentine landcover. DEH was unaware of the serpentine landcover at the time of percolation test. Therefore, staff recommends a septic system alternative site to be proposed together with the new alternative site for review.

2. Project needs to be consistent to Design Review guidelines to minimize visual impacts per Section 3.50.090(F)(3). Design Review Guidelines encourage ridgeline protection, and structures may be required to be designed in low profile to ensure they do not disrupt the lines of the natural ridgeline. Should the proposed building site be considered a preferred site in comparison with any alternative sites, staff recommends the following changes or updates so that the proposed project would be more consistent with all the required findings and guidelines.
 - a. It may be helpful to provide a conceptual landscape plan which utilizes trees, shrubs, and ground cover to mitigate potential visual impacts of the development, as seen from the valley floor. All landscaping will be subject to approval by the Fire Marshall to make sure that it does not create a fire hazard.
 - b. The Driveway Sections (Sheet 6) identify the contours adjacent to the driveway proposed with a 2:1 slope. Staff recommends that the design be revised with a 3:1 slope to blend the man-made slope with the surrounding natural terrain.
 - c. The proposed 300-foot long tiered retaining walls consist of two five (5)-foot tall walls that visually present as one ten (10)-foot retaining wall. Staff recommends lowering the retaining walls if feasible or provide shrubbery landscape adjacent to and between the walls.
3. Per the County's *Sustainable Landscape Ordinance* (October 2017), if a project is proposing more than 500 square feet of landscaping, a Landscaping Permit will be required prior to issuance of a building permit.

Historic Preservation Review

Contact Xue Ling at (408)299-5784 or xue.ling@pln.sccgov.org and Lara Tran at (408) 299-5797 or Lara.Tran@pln.sccgov.org regarding the following comments:

4. The project will be required to be heard for recommendation at a HHC Hearing prior to a Zoning Administration Hearing per 3.50.040.
5. The property is outside and not adjacent to the New Almaden Central Community District. Also, the project is not adjacent to any properties on Priority List 1 or 2. Project needs to be consistent with Section 3.50.090(F)(2): New structures should be designed for general compatibility with the historic character of the district. Comparable contemporary building forms and materials which generally approximate or resemble historic building form and materials are acceptable.
6. As the property is not within the New Almaden Central Community District or adjacent to any properties listed on Priority List 1 or 2, project Section 3.50.090(E) is advised and recommended to be consistent to the overall architectural features of the -h1 district. Per Section 3.50.090(E), it is “advisory” and recommended the proposed materials, colors, forms, and architectural features are consistent to the examples outlined in Section 3.50.090(E)(1) to Section 3.50.090(E)(9). Staff has concerns with the proposed design in the following areas.
 - a. Submitted plans show a linear roofline, which is not consistent with the gabled or sloping shed roof recommended in the -h1 Zoning District per Section 3.50.090(E)(4).
 - b. Submitted plans shows “steel or metal roofing” materials, not consistent with the recommended roof materials as shingles or shakes.
 - c. Window forms were generally multi-light, such as 2 over 2, and they should be rectangular rather than round or arched.
 - d. Paint Colors: New construction paint colors should be compatible with those that were used during the mid-to-late 1800s in this location. In general, color preferences from the time were those from the natural color range, with emphasis on subdued, muted earth tones. Examples include, but are not limited to, grays, dark barn red, browns and tans.Note: New and replacement fencing shall be built of wood similar to the early wood fencing, or other historically compatible design and materials.

Santa Clara Valley Habitat Plan Review

Contact Lara Tran at (408) 299-5797 or Lara.Tran@pln.sccgov.org regarding the following comments:

7. Property is in HCP Area 2. Biology report identified landcovers for Blue Oak Woodland, Coast Live Oak Forest and Woodland, Mixed Serpentine Chaparral, Serpentine Bunchgrass Grassland, Serpentine Rock Outcrop, and Rural-Residential. Project will be a covered project under HCP if proposed development is located within the area identified in Figure 3 of the biology report from Coast Range Biological (dated 10-03-2019) where serpentine landcovers are present and/or will have impact to any presence of plants.

If development is located within Serpentine areas, note that [Serpentine Fees for HCP](#) is applicable.

CNDDDB shows property is within 2-mile radius of CTS

Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet and discuss my comments regarding the project.

Please make sure the requested changes are made for the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project planner.** If the requested information is not submitted within **180 days**, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of this letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Please note that the Special Permit Application have been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

If you have questions regarding the application, please contact me at (408) 299-5784 or xue.ling@pln.sccgov.org.

Warm regards,



Xue Ling
Associate Planner

cc:

Eric Gonzales, LDE
Darrin Lee, DEH
Alex Goff, FMO
Jim Baker, Geology
Lara Tran, PLN

enclosed:

- Attachment A – applicable provisions of General Plan
- Attachment B – Building Site Approval on Slope 30 % or Greater Findings
- Attachment C - Grading Findings
- Attachment D - additional Design Review Findings
- Attachment E - Design Review Guidelines
- Attachment F - Guidelines for Grading and Hillside Development
- Attachment G – Lot Legality Review

ATTACHMENT A

Reference of Applicable General Plan Policies

*underline added for areas of concern identified by Planning Staff. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Book B, Part 3: Rural Unincorporated Area Issues & Policies, Growth & Development Chapter, Strategy #3:
Ensure Environmentally Safe and Aesthetic Hillside Development

Policy	Page No.	Policy Language	Policy Concern "X"
R- GD 20	K-10	Grading and terrain alteration to conduct lawful activities and use of property should <u>conserve the natural landscape</u> and resources, minimize erosion impacts, protect scenic resources, habitat, and water resources. Grading should not exacerbate existing natural hazards, particularly <u>geologic hazards</u> .	X
R- GD 24	K-10	Where an existing parcel contains multiple possible building or development sites, and where one or more <u>possible site requires less grading</u> , with less overall environmental and visual impacts, <u>greater economy of access roads or other site improvements</u> , and better achieves matters of public health and safety, grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies. Buildings should also be designed to respect and conform with existing topography of site as much as possible, <u>using stepped designs</u> and multiple levels rather than an expansive single story floor plan on only one level.	X
R- GD 26	K-11	Where proposed grading is associated with a potential subdivision or single building site approval in hillside areas, that which is deemed excessive, non-essential grading is strongly discouraged and shall not be generally permitted, unless exceptional circumstances warrant further consideration. Examples may include, but are not limited to excessive grading to create the largest possible building pads, envelopes, or yards; to remove hilltops and/or flatten steep ridges; to create multiple driveways serving individual parcels, or wider than necessary driveways; and similar proposals.	
R-GD 27	K-11	Grading and excavation to situate a residence or other structure within a hillside to reduce visual impacts is encouraged, in accordance with due consideration of geologic issues, structural integrity, and other pertinent design features and lot characteristics.	
R-GD 28	K-12	Due to the prevalence of steeply sloping land, geologic, seismic, and other natural hazards, soil characteristics, and other development issues, including the need for adequate access and on- site wastewater treatment, the County <u>discourages development on slopes of 30% or greater</u> and shall thoroughly evaluate development proposals on such steep slopes to secure the public health, safety, and welfare.	X
R-GD 30	K-12	In considering Building Site Approval applications for development on slopes of 30% or greater, the decision-maker shall base decisions on the following criteria and findings (see BA Findings):	X

R-GD 33	K-15	For existing legal lots, the County encourages the consideration of <u>alternatives to ridgeline or hilltop locations</u> . Where grading policies and permit findings are involved, building sites may only be approved where consistent with the grading policies of the General Plan and the permit requirements and findings of the Grading Ordinance.	X
R-GD 34	K-15	For existing legal lots, if a ridgeline or hilltop location is a potentially suitable location for development, consistent with grading or other land development policies and regulations, due to the particular geologic circumstances, access needs, or other suitability characteristics of the lot, the following conditions or mitigations to visual impacts of development shall be considered and applied through applicable land use and development approvals, as necessary and appropriate: a. landscaping and vegetation retention, as appropriate, b. color and material choices that blend with the natural surroundings, and c. any other similar requirements or mitigations that reasonably relate to the degree of visual impact. [Note: Where Design Review zoning applies or is required by condition of subdivision or other approval, such requirements will be addressed through the applicable Design Review procedure].	

Book B, Part 3: Rural Unincorporated Area Issues & Policies, Land Use Policies, Resource Conservation Areas, Hillside

Policy	Page No.	Policy Language	Policy Concern "X"
R-LU 24	Q-6	New development, whether through subdivision or on existing, legal parcels ("single site development") shall not be allowed on building sites in excess of 30% average slope unless: a. <u>the proposed site is a more feasible, suitable location for development than alternative locations on the parcel proposed for development;</u> and b. technical feasibility and environmental impact have been assessed and demonstrated through required studies, tests, and analyses of site conditions and characteristics.	X

ATTACHMENT B

Building Site Approval on Slope 30% or Greater Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Municipal Code Section. C12-350.5. - Findings

Finding Letter	Finding Language	Finding Concern "X"
A.	The project meets or exceeds the requirements of any applicable County agency or other affected public agency and conforms to all applicable development standards;	
B.	The project integrates design solutions to all site or development constraints satisfying the requirements and standards for all reviewing and responsible agencies;	
C.	<u>The project cannot be located on portions of the lot with less than 30% slope;</u> and	X
D.	The overall site design, including but not limited to <u>access roads</u> and driveways, retaining walls, architectural quality, landscaping, tree preservation, grading and erosion control, and landscaping, is in harmony with the natural landscape and environment and topography, demonstrates efficiency in terms of the extent and nature of proposed access or other improvements, minimizes overall grading and terrain alteration, and reasonably <u>mitigates the visual impacts of development.</u>	X

ATTACHMENT C

Grading Approval Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Municipal Code Section C12-433

Finding Letter	Finding Language	Finding Concern "X"
A.	<u>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;</u>	X
B.	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;	
C.	Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.	
D.	For grading associated with a new building or development site, the subject <u>site shall be one that minimizes grading</u> in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.	X
E.	Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible and <u>should not create a significant visual scar.</u>	X
F.	<u>Grading conforms with any applicable general plan or specific plan policies; and;</u>	X
G.	Grading substantially conforms with the adopted " Guidelines for Grading and Hillside Development ¹ " and other applicable guidelines adopted by the County.	X

¹ https://www.sccgov.org/sites/dpd/DocsForms/Documents/Grading_Guidelines.pdf

ATTACHMENT D

Design Review Findings

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Zoning Ordinance Section 3.50.030 (C), Pages 121

Finding Letter	Finding Language	Finding Concern ¹ "X"
1.	Substantial conformance with applicable provisions of the design review guidelines, adopted by the Board of Supervisors.	X
2.	Conformance or consistency with any special regulations, standards, policies, or criteria specific to the particular "-h" district.	X
3.	Where a historically designated structure or resource is involved, the historic character of the subject structure is preserved.	Not Applicable

Zoning Ordinance Section 3.50.050, Pages 122

Finding Letter	Finding Language	Finding Concern ² "X"
A.	Conformance with Goals, Policies, or Standards. Prior to the approval of an application for any discretionary land use approval within an "-h" combining district, the approving authority must find that the establishment and conduct of the proposed use is consistent with the intent of the "-h" zoning district and with any adopted goals, policies, regulations, or standards for the district.	
B.	Relationship of "-h" District Regulations to those of the Base District. Special regulations governing allowable uses, if adopted and included within the text of an historic preservation zoning district, shall supersede any other use regulations of the applicable base zoning district or any other related provision of the zoning ordinance concerning allowable uses. If no special use regulations are established, the regulations of the base zoning district shall apply.	

¹ Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

² Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

C	Elimination of Incompatible Outdoor Uses and Outdoor Advertising Signs. The Planning Commission may determine that specific pre-existing outdoor activities or outdoor advertising signs are incompatible with the goals, plans, policies, or standards of the “-h” district within which they are located. Such a determination may be made by means of a duly noticed public hearing, in which substantial evidence has been presented that specific outdoor uses, activities, or advertising signs are clearly in conflict with the purpose, plans, policies, or standards of the “-h” district. If such a determination is made, the owner of the land on which the outdoor use or advertising sign is located shall within the timeperiod specified by the Planning Commission either modify, remove, or cease the outdoor use or sign in question as directed so that it is in conformance with the goals, plans and policies of the “-h” district. Such a determination may be appealed to the Board of Supervisors in accordance with Chapter 5.30.	Not Applicable
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ATTACHMENT E

County of Santa Clara Design Review Guidelines

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Finding Letter	Finding Language	Finding Concern ¹ "X"
Site Design	<p>a. The site design should incorporate the existing natural features of the land and take into consideration the contours of the land.</p> <p>b. The building form should follow the natural contours of the land.</p> <p>c. Whenever possible, the site and structure design should also take into consideration, the impacts on privacy and views of neighboring properties.</p>	
Building Form	<p>a. The slopes of the roof should follow the natural contours of the land.</p> <p>b. Bulk of the building should be broken up by incorporating <u>varied roof heights</u> rather than having just one or two massive roof planes.</p> <p>c. Expansive facades shall be avoided by <u>offsetting walls</u> and by using architectural elements such as windows and cornices to produce patterns of light and shade.</p> <p>d. <u>The second and the third stories should be set back from the first floor facade</u> to step with the land and reduce apparent bulk.</p> <p>For parcels zoned "-d2" within the unincorporated Milpitas hillsides, the maximum continuous height of an exposed wall plane on the downhill elevation should be limited to 15 feet. A break in a continuous wall plane can be accomplished by setting back the second story, incorporating architectural elements such as a significant change in building material, or inclusion of a deck or awning which spans the majority of the wall plane.</p> <p>e. Additions to buildings should not result in a major increase to the apparent bulk of the building.</p>	X
Fences and Retaining Walls	<p>a. Open fencing such as welded wire mesh attached to wood posts or other alternate material should be used. Solid fencing should be avoided, especially where highly visible to the public.</p> <p>b. Retaining walls should be landscaped by using vines, shrubbery or planters to reduce their apparent height and to ensure that they blend with the natural surroundings.</p>	

¹ Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

Color and Material	<p>a. Exterior colors of all structures (walls, roof, window trim / accent, retaining walls, fences) shall use natural dark earth tones such as hues of brown, green and shades of gray. (The colors used must also comply with light reflectance standards in the County Zoning Ordinance).</p> <p>For parcels zoned "-d2" within the unincorporated Milpitas hillsides, in order to mitigate the potential visibility and contrast of a dark building against a lighter background, the exterior colors of all structures shall be earth tones which blend with the color of the predominant natural background.</p> <p>b. Light, bright and reflective materials shall be avoided on the exterior surfaces of buildings.</p>	
Landscape	<p>a. Where necessary, vegetation shall be used to blend the structure with the surrounding landscape and soften the impact of development.</p> <p>b. Ground cover, shrubs and trees should be used to mitigate visual impacts of development.</p> <p>c. All landscaping will be subject to approval by the Fire Marshall to make sure that it does not create a fire hazard.</p>	
Outdoor Lighting	<p>a. Artificial lighting provided for tennis and other recreational courts is discouraged. If provided, it should be not be directly visible from off-site.</p> <p>b. The number, intensity and location of light sources should be carefully designed so as not to be directly visible from off-site.</p>	
Grading	<p>a. Proposed structures and driveways should be sited so as to minimize the need for grading.</p> <p>b. When grading is required, gradient shall not be steeper than 1:2 (vertical to horizontal) and preferably will be a 1:3 gradient.</p> <p>c. Newly graded areas shall be seeded / mulched or re-vegetated within a reasonable time period (30 days) to reduce visual impacts of grading and to prevent erosion.</p> <p>d. All cuts and fills of grading should be adequately rounded off to blend with the surrounding natural terrain, where conditions permit</p>	
Vegetation	<p>Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level should be preserved and integrated into the site design.</p> <p>b. Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level should be protected during site preparation and building construction.</p> <p>c. To ensure a sense of character, trees and shrubs native to the area should be selected as new plant materials in areas visible to the public. (Refer to Practical Landscaping available in the Planning Office, for a</p>	<p>Information Needed for Analyses</p>

	<p>list of native plant species.) Choice of plants should be sensitive to the character of the sub region in which they will be located. (For instance, pine trees may be native to the region, but may be out of character on grassy hillsides with oak chaparral)</p>	
<p>Ridgeline Protection</p>	<p>a. Structures determined to be located on ridgelines should be <u>designed with low profile elevations</u>. (Building height may be required to be lower than the maximum allowed in the ordinance.)</p> <p>b. Landscaping should be used to blend the structure with the natural ridgelines and to mitigate the impact of the structure’s intrusion into the skyline.</p> <p>c. There may be instances where even with a low profile of a structure and substantial landscaping it may not be possible to make the structure less obtrusive on a ridgeline. <u>In such instances, structures determined to be intruding into the skyline may be required to be relocated on the site to ensure that they don’t disrupt the lines of the natural ridgeline.</u> This may be required only if alternative locations on the site are possible that will not further increase visual or environmental impacts. If more than one such alternative location is possible, the applicant may choose the preferred location.</p>	<p>X</p>

ATTACHMENT F

County of Santa Clara Guidelines for Grading and Hillside Development

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Finding Letter	Page	Finding Language	Finding Concern¹ “X”
Guideline 1	11	<u>Locate proposed development in areas with level lands or gentler slopes, adjacent to existing infrastructure</u> , minimizing the need for grading and longer driveways into hillside areas. (GP Policies R-GD-24, R-GD-26 and R-GD-33)	X
Guideline 2	12	Based on the location of existing access roads and site constraints, development in hilltop locations may be preferred if other buildings sites are not available and extensive grading and terrain alteration is avoided. In these instances, buildings should be sited to preserve ridgelines in their natural state and sited to minimize visual impacts. (GP Policies R-GD-27, R-GD-31 and R-GD-34)	
Guideline 3	13	Development should be sited to avoid encroachment into areas with sensitive biological and cultural resources, such as riparian corridors, wetlands, oak woodlands, serpentine habitat, and known archeological sites. (GP Policies R-GD-22(c), R-GD-23 and R-GD-24)	
Guideline 5	15	Where feasible, <u>use existing access roads and driveways</u> , instead of creating new and multiple roadways. (GP Policies R-GD—24, R-GD-25)	X
Guideline 7	17	Access roads and driveways should be designed to contour to avoid excessive cuts and fills to the hillside. <u>Avoid road design that results in rigid-line cuts or fills into the hillsides.</u> (GP Policies R-GD—24, R-GD-25)	X
Guideline 9	19	Retaining walls should be used instead of engineered slopes to avoid impacts to sensitive and protected habitats, including significant trees, major rock outcroppings, and other significant natural features. (GP Policies R-GD—24, R-GD-25) (However, each of the tiered retaining is approximately five (5)-foot tall, with a total of ten (10) feet in height.	

¹ Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

Guideline 10	20	Buildings proposed to be located in areas with steeper slopes should incorporate a linear design with and be oriented parallel to the hillside. (GP Policies R-GD—24, R-GD-32)	
Guideline 11	21	New buildings located on steeper slopes that are visually prominent should incorporate a <u>tiered design</u> approach in order to reduce building massing and visual bulk. Design methods include steps in the building foundations and varied roof heights and planes. (GP Policies R-GD—27, R-GD-32)	X

Checklist and Findings on Lot legality of APN 742-02-006

For file: PLN21-021

Prepared by David Cheung

Date: March 15, 2021

Analysis of recorded documents as shown on Title Guarantee “FSBC-TO20001624” dated 8/27/2020:

- [1] 12/04/1968 Corporation Grant Deed # 3531079 from Associated Contractors to Maloney & Bancroft (Book 8356, Page 633):
- Parcel One included the following areas after all excepting:
APNs 742-01-022, 023, 026, 030, 031, 032 & 037.
APNs 742-02-006 & 005(portion).
APN 742-14-011.
 - Parcel Two was a non-exclusive easement for ingress and egress.
 - Parcel Three was a non-exclusive easement for ingress and egress.
 - Parcel Four was a non-exclusive easement for ingress and egress.
 - Parcel Five was a non-exclusive rights of way for ingress and egress.
- [2] 12/04/1968 Quit Claim Deed # 3531084 from Jane Bancroft to Maloney & Bancroft (Book 8356, Page 651):
- Parcel One to Five had the same legal description as [1] above.
 - Parcel Six – not reviewed.
 - Parcel Seven was a strip of land 60 feet wide – not reviewed.
 - Parcel Eight – not reviewed.
 - Parcel Nine was a non-exclusive easement for ingress and egress.
- [3] 04/30/1971 Court document # 3997904 (Book 9312, Page 558). This was “Decree Quieting Title and Removing Cloud”, Plaintiffs were Maloney & Bancroft. Legal description of the referred parcel was the same as Parcel One of [1] above, however, without excepting.
- Referred Parcels included the following areas:
APNs 742-01-021, 022, 023, 026, 027, 030, 031, 032, 036, 037, 039, 040 & 041.
APNs 742-02-005, 006, 008, 011, 012 & 013.
APNs 742-13-010 & 011.
APNs 742-14-010 & 011.
- [4] 03/14/1978 Grant Deed # 5952310 from Maloney & Bancroft to Adamson (Book D522, Page 485). This deed was for APN 742-02-006 only, legal description in this deed match the configuration of the current deed [16].
- Parcel One was the area of APN 742-02-006.
 - Parcel Two was a non-exclusive easement for ingress and egress.
 - Parcel Three was a non-exclusive easement for ingress and egress.
 - Parcel Four was a non-exclusive easement for ingress and egress.

- [5] 07/31/1980 Grant Deed # 6791495 (Book F472, Page 343) from Adamson to Haws, Eneboe et al. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [6] 12/19/1985 Grant Deed # 8631347 (Book J552, Page 1775), from Haws, Eneboe et al to Filardo, Heshmati, Hifai & Khaghanabbasi. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [7] 06/19/1987 Grant Deed # 9322443 (Book K195, Page 1338), this was the conveyance from Heshmati to Holmes on their ¼ interest. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [8] 06/16/1988 Grant Deed # 9727018 (Book K571, Page 1192), this was the conveyance from Khaghanabbasi to Shahkarami, Filardo, Holmes & Hifai on their ¼ interest. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [9] 06/01/2001 Trust Deed # 15704054, this was the conveyance from Filardo to Filardo Trust for their ¼ interest. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [10] 01/09/2002 Grant Deed # 16050516, this was a gift conveyance from Shahkarami to Khaghanabbasi for their ¼ interest. However, County did not recognize any gift deed as a subdivision in 2002. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [11] 01/09/2002 Quitclaim Deed # 16050517, this was the conveyance from Abbasi (Khaghanabbasi) to Abbasi for their ¼ interest. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [12] 01/09/2002 Quitclaim Deed # 16050518, this was the conveyance from Abbasi to Abbasi Trust for their ¼ interest. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [13] 04/12/2006 Order Confirming Trustee & Assets # 18884466, this was the conveyance of John Hifai's Estate to Hifai Trust. Legal description regarding APN 742-02-006 included in this order was the same as [4] above.
- [14] 10/26/2006 Grant Deed # 19158165, this was conveyance from Hifai Trust to Hifai Trust for their ¼ interest. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.
- [15] 08/07/2012 Grant Deed # 21779619, this was the conveyance from Poole (former spouse of Holmes) to Holmes. This deed was for APN 742-02-006, legal description in this deed was the same as [4] above.

[16] 05/07/2019 Grant Deed # 24173859, this was the conveyance from Filardo et al to Hayden's Trust. This was the current deed for APN 742-02-006, legal description in this deed was the same as [4] above.

Findings:

Lot configurations (legal descriptions) were the same during the period of March 14, 1978 [4] to May 7, 2019 [16]. However, they did not match the configuration of the pre-1969 deed [1].

Incomplete Comments:

Lot legality have NOT been established based on deeds as shown on the Title Guarantees. Please submit either the following:

1. Recorded documentation (between December 4, 1968 to March 14, 1978) showing how APN 742-02-006 was legality separated from the other areas as mentioned in the pre-1969 deed [1]. Or
2. Recorded documentation (between December 4, 1968 to March 14, 1978) showing how the other areas were legality separated, which made APN 742-02-006 as a remainder after all exceptions.

ATTACHMENT A

Reference of Applicable General Plan Policies

*underline added for areas of concern identified by Planning Staff. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Book B, Part 3: Rural Unincorporated Area Issues & Policies, Growth & Development Chapter, Strategy #3:
Ensure Environmentally Safe and Aesthetic Hillside Development

Policy	Page No.	Policy Language	Policy Concern "X"
R- GD 20	K-10	Grading and terrain alteration to conduct lawful activities and use of property should <u>conserve the natural landscape</u> and resources, minimize erosion impacts, protect scenic resources, habitat, and water resources. Grading should not exacerbate existing natural hazards, particularly <u>geologic hazards</u> .	X
R- GD 24	K-10	Where an existing parcel contains multiple possible building or development sites, and where one or more <u>possible site requires less grading</u> , with less overall environmental and visual impacts, <u>greater economy of access roads or other site improvements</u> , and better achieves matters of public health and safety, grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies. Buildings should also be designed to respect and conform with existing topography of site as much as possible, <u>using stepped designs</u> and multiple levels rather than an expansive single story floor plan on only one level.	X
R- GD 26	K-11	Where proposed grading is associated with a potential subdivision or single building site approval in hillside areas, that which is deemed excessive, non-essential grading is strongly discouraged and shall not be generally permitted, unless exceptional circumstances warrant further consideration. Examples may include, but are not limited to excessive grading to create the largest possible building pads, envelopes, or yards; to remove hilltops and/or flatten steep ridges; to create multiple driveways serving individual parcels, or wider than necessary driveways; and similar proposals.	
R-GD 27	K-11	Grading and excavation to situate a residence or other structure within a hillside to reduce visual impacts is encouraged, in accordance with due consideration of geologic issues, structural integrity, and other pertinent design features and lot characteristics.	
R-GD 28	K-12	Due to the prevalence of steeply sloping land, geologic, seismic, and other natural hazards, soil characteristics, and other development issues, including the need for adequate access and on- site wastewater treatment, the County <u>discourages development on slopes of 30% or greater</u> and shall thoroughly evaluate development proposals on such steep slopes to secure the public health, safety, and welfare.	X
R-GD 30	K-12	In considering Building Site Approval applications for development on slopes of 30% or greater, the decision-maker shall base decisions on the following criteria and findings (see BA Findings):	X

R-GD 33	K-15	For existing legal lots, the County encourages the consideration of <u>alternatives to ridgeline or hilltop locations</u> . Where grading policies and permit findings are involved, building sites may only be approved where consistent with the grading policies of the General Plan and the permit requirements and findings of the Grading Ordinance.	X
R-GD 34	K-15	For existing legal lots, if a ridgeline or hilltop location is a potentially suitable location for development, consistent with grading or other land development policies and regulations, due to the particular geologic circumstances, access needs, or other suitability characteristics of the lot, the following conditions or mitigations to visual impacts of development shall be considered and applied through applicable land use and development approvals, as necessary and appropriate: a. landscaping and vegetation retention, as appropriate, b. color and material choices that blend with the natural surroundings, and c. any other similar requirements or mitigations that reasonably relate to the degree of visual impact. [Note: Where Design Review zoning applies or is required by condition of subdivision or other approval, such requirements will be addressed through the applicable Design Review procedure].	

Book B, Part 3: Rural Unincorporated Area Issues & Policies, Land Use Policies, Resource Conservation Areas, Hillsides

Policy	Page No.	Policy Language	Policy Concern "X"
R-LU 24	Q-6	New development, whether through subdivision or on existing, legal parcels ("single site development") shall not be allowed on building sites in excess of 30% average slope unless: a. <u>the proposed site is a more feasible, suitable location for development than alternative locations on the parcel proposed for development;</u> and b. technical feasibility and environmental impact have been assessed and demonstrated through required studies, tests, and analyses of site conditions and characteristics.	X

ATTACHMENT B

Building Site Approval on Slope 30% or Greater Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Municipal Code Section. C12-350.5. - Findings

Finding Letter	Finding Language	Finding Concern "X"
A.	The project meets or exceeds the requirements of any applicable County agency or other affected public agency and conforms to all applicable development standards;	
B.	The project integrates design solutions to all site or development constraints satisfying the requirements and standards for all reviewing and responsible agencies;	
C.	<u>The project cannot be located on portions of the lot with less than 30% slope;</u> and	X
D.	The overall site design, including but not limited to <u>access roads</u> and driveways, retaining walls, architectural quality, landscaping, tree preservation, grading and erosion control, and landscaping, is in harmony with the natural landscape and environment and topography, demonstrates efficiency in terms of the extent and nature of proposed access or other improvements, minimizes overall grading and terrain alteration, and reasonably <u>mitigates the visual impacts of development.</u>	X

ATTACHMENT C

Grading Approval Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Municipal Code Section C12-433

Finding Letter	Finding Language	Finding Concern "X"
A.	<u>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;</u>	X
B.	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;	
C.	Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.	
D.	For grading associated with a new building or development site, the subject <u>site shall be one that minimizes grading</u> in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.	X
E.	Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible and <u>should not create a significant visual scar.</u>	X
F.	<u>Grading conforms with any applicable general plan or specific plan policies; and;</u>	X
G.	Grading substantially conforms with the adopted " Guidelines for Grading and Hillside Development " ¹ and other applicable guidelines adopted by the County.	X

¹ https://www.sccgov.org/sites/dpd/DocsForms/Documents/Grading_Guidelines.pdf

ATTACHMENT D

Design Review Findings

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Zoning Ordinance Section 3.50.030 (C), Pages 121

Finding Letter	Finding Language	Finding Concern ¹ "X"
1.	Substantial conformance with applicable provisions of the design review guidelines, adopted by the Board of Supervisors.	X
2.	Conformance or consistency with any special regulations, standards, policies, or criteria specific to the particular "-h" district.	X
3.	Where a historically designated structure or resource is involved, the historic character of the subject structure is preserved.	Not Applicable

Zoning Ordinance Section 3.50.050, Pages 122

Finding Letter	Finding Language	Finding Concern ² "X"
A.	Conformance with Goals, Policies, or Standards. Prior to the approval of an application for any discretionary land use approval within an "-h" combining district, the approving authority must find that the establishment and conduct of the proposed use is consistent with the intent of the "-h" zoning district and with any adopted goals, policies, regulations, or standards for the district.	
B.	Relationship of "-h" District Regulations to those of the Base District. Special regulations governing allowable uses, if adopted and included within the text of an historic preservation zoning district, shall supersede any other use regulations of the applicable base zoning district or any other related provision of the zoning ordinance concerning allowable uses. If no special use regulations are established, the regulations of the base zoning district shall apply.	

¹ Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

² Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

C	Elimination of Incompatible Outdoor Uses and Outdoor Advertising Signs. The Planning Commission may determine that specific pre-existing outdoor activities or outdoor advertising signs are incompatible with the goals, plans, policies, or standards of the “-h” district within which they are located. Such a determination may be made by means of a duly noticed public hearing, in which substantial evidence has been presented that specific outdoor uses, activities, or advertising signs are clearly in conflict with the purpose, plans, policies, or standards of the “-h” district. If such a determination is made, the owner of the land on which the outdoor use or advertising sign is located shall within the timeperiod specified by the Planning Commission either modify, remove, or cease the outdoor use or sign in question as directed so that it is in conformance with the goals, plans and policies of the “-h” district. Such a determination may be appealed to the Board of Supervisors in accordance with Chapter 5.30.	Not Applicable
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ATTACHMENT E

County of Santa Clara Design Review Guidelines

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Finding Letter	Finding Language	Finding Concern ¹ "X"
Site Design	a. The site design should incorporate the existing natural features of the land and take into consideration the contours of the land. b. The building form should follow the natural contours of the land. c. Whenever possible, the site and structure design should also take into consideration, the impacts on privacy and views of neighboring properties.	
Building Form	a. The slopes of the roof should follow the natural contours of the land. b. Bulk of the building should be broken up by incorporating <u>varied roof heights</u> rather than having just one or two massive roof planes. c. Expansive facades shall be avoided by <u>offsetting walls</u> and by using architectural elements such as windows and cornices to produce patterns of light and shade. d. <u>The second and the third stories should be set back from the first floor facade</u> to step with the land and reduce apparent bulk. For parcels zoned "-d2" within the unincorporated Milpitas hillsides, the maximum continuous height of an exposed wall plane on the downhill elevation should be limited to 15 feet. A break in a continuous wall plane can be accomplished by setting back the second story, incorporating architectural elements such as a significant change in building material, or inclusion of a deck or awning which spans the majority of the wall plane. e. Additions to buildings should not result in a major increase to the apparent bulk of the building.	X
Fences and Retaining Walls	a. Open fencing such as welded wire mesh attached to wood posts or other alternate material should be used. Solid fencing should be avoided, especially where highly visible to the public. b. Retaining walls should be landscaped by using vines, shrubbery or planters to reduce their apparent height and to ensure that they blend with the natural surroundings.	

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Color and Material	<p>a. Exterior colors of all structures (walls, roof, window trim / accent, retaining walls, fences) shall use natural dark earth tones such as hues of brown, green and shades of gray. (The colors used must also comply with light reflectance standards in the County Zoning Ordinance).</p> <p>For parcels zoned "-d2" within the unincorporated Milpitas hillsides, in order to mitigate the potential visibility and contrast of a dark building against a lighter background, the exterior colors of all structures shall be earth tones which blend with the color of the predominant natural background.</p> <p>b. Light, bright and reflective materials shall be avoided on the exterior surfaces of buildings.</p>	
Landscape	<p>a. Where necessary, vegetation shall be used to blend the structure with the surrounding landscape and soften the impact of development.</p> <p>b. Ground cover, shrubs and trees should be used to mitigate visual impacts of development.</p> <p>c. All landscaping will be subject to approval by the Fire Marshall to make sure that it does not create a fire hazard.</p>	
Outdoor Lighting	<p>a. Artificial lighting provided for tennis and other recreational courts is discouraged. If provided, it should be not be directly visible from off-site.</p> <p>b. The number, intensity and location of light sources should be carefully designed so as not to be directly visible from off-site.</p>	
Grading	<p>a. Proposed structures and driveways should be sited so as to minimize the need for grading.</p> <p>b. When grading is required, gradient shall not be steeper than 1:2 (vertical to horizontal) and preferably will be a 1:3 gradient.</p> <p>c. Newly graded areas shall be seeded / mulched or re-vegetated within a reasonable time period (30 days) to reduce visual impacts of grading and to prevent erosion.</p> <p>d. All cuts and fills of grading should be adequately rounded off to blend with the surrounding natural terrain, where conditions permit</p>	
Vegetation	<p>Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level should be preserved and integrated into the site design.</p> <p>b. Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level should be protected during site preparation and building construction.</p> <p>c. To ensure a sense of character, trees and shrubs native to the area should be selected as new plant materials in areas visible to the public. (Refer to Practical Landscaping available in the Planning Office, for a</p>	<p>Information Needed for Analyses</p>

	<p>list of native plant species.) Choice of plants should be sensitive to the character of the sub region in which they will be located. (For instance, pine trees may be native to the region, but may be out of character on grassy hillsides with oak chaparral)</p>	
<p>Ridgeline Protection</p>	<p>a. Structures determined to be located on ridgelines should be <u>designed with low profile elevations</u>. (Building height may be required to be lower than the maximum allowed in the ordinance.)</p> <p>b. Landscaping should be used to blend the structure with the natural ridgelines and to mitigate the impact of the structure’s intrusion into the skyline.</p> <p>c. There may be instances where even with a low profile of a structure and substantial landscaping it may not be possible to make the structure less obtrusive on a ridgeline. <u>In such instances, structures determined to be intruding into the skyline may be required to be relocated on the site to ensure that they don’t disrupt the lines of the natural ridgeline.</u> This may be required only if alternative locations on the site are possible that will not further increase visual or environmental impacts. If more than one such alternative location is possible, the applicant may choose the preferred location.</p>	<p>X</p>

ATTACHMENT F

County of Santa Clara Guidelines for Grading and Hillside Development

*underline added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Finding Letter	Page	Finding Language	Finding Concern¹ “X”
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Guideline 2	12	Based on the location of existing access roads and site constraints, development in hilltop locations may be preferred if other buildings sites are not available and extensive grading and terrain alteration is avoided. In these instances, buildings should be sited to preserve ridgelines in their natural state and sited to minimize visual impacts. (GP Policies R-GD-27, R-GD-31 and R-GD-34)	
Guideline 3	13	Development should be sited to avoid encroachment into areas with sensitive biological and cultural resources, such as riparian corridors, wetlands, oak woodlands, serpentine habitat, and known archeological sites. (GP Policies R-GD-22(c), R-GD-23 and R-GD-24)	
Guideline 5	15	Where feasible, <u>use existing access roads and driveways</u> , instead of creating new and multiple roadways. (GP Policies R-GD—24, R-GD-25)	X
Guideline 7	17	Access roads and driveways should be designed to contour to avoid excessive cuts and fills to the hillside. <u>Avoid road design that results in rigid-line cuts or fills into the hillsides.</u> (GP Policies R-GD—24, R-GD-25)	X
Guideline 9	19	Retaining walls should be used instead of engineered slopes to avoid impacts to sensitive and protected habitats, including significant trees, major rock outcroppings, and other significant natural features. (GP Policies R-GD—24, R-GD-25) (However, each of the tiered retaining is approximately five (5)-foot tall, with a total of ten (10) feet in height.	

¹ Additional information is required in order to determine if there is a concern with the listed ASA findings in relation to the proposed project.

Guideline 10	20	Buildings proposed to be located in areas with steeper slopes should incorporate a linear design with and be oriented parallel to the hillside. (GP Policies R-GD—24, R-GD-32)	
Guideline 11	21	New buildings located on steeper slopes that are visually prominent should incorporate a <u>tiered design</u> approach in order to reduce building massing and visual bulk. Design methods include steps in the building foundations and varied roof heights and planes. (GP Policies R-GD—27, R-GD-32)	X