

County of Santa Clara

Department of Planning and Development

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STAFF REPORT Zoning Administration January 12, 2023 **Item #1**

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File: PLN21-021

Concurrent Land Use Permit of a Building Site Approval on Slope 30% or Greater, Grading Approval, and Design Review for a New Single-Family Residence.

Summary: Request for a concurrent land use application of Building Site Approval on Slope 30% or Greater, Grading Approval, and Design Review within the New Almaden Historic Preservation District (-h1), for a new 4,075 square foot (s.f.) single family residence with a 989 s.f. garage/gym, and a 1,339 s.f. unconditioned basement for storage. Associated site improvements include driveway access and septic dispersal field. Grading quantities for the project are 2,274 cubic yards of cut and 637 cubic yards of fill with a maximum cut depth of 5.5 feet, to establish tiered retaining walls for the driveway. 16 trees, including Coast Live Oak and Bay Laurel, are proposed for removal.

Owner: Doug & Heather Hayden
Applicant: Teresa Price, Hanna Brunetti
Lot Size: 25.4 acres
APN: 742-02-006
Supervisory District: District 5

Gen. Plan Designation: Hillsides
Zoning: HS-sr-h1
Address: Cinnabar Hills Road, San Jose
Present Land Use: Vacant
Approved Building Site: N/A

RECOMMENDED ACTIONS

- A. Approve the determination that the proposed project qualifies for a Categorical Exemption, under Section 15303 (Class 3) of the CEQA Guidelines, Attachment A
- B. Grant a concurrent land use permit for a Building Site Approval on Slope 30 % or Greater, Grading Approval, and Design Review, subject to Conditions of Approval in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – Proposed CEQA Determination
 Attachment B – Proposed Conditions of Approval
 Attachment C – Location & Vicinity Map
 Attachment D – Proposed Plans
 Attachment E – Alternative Site Plan Map
 Attachment F – Roofline Modification
 Attachment G – Biologist Report: Land Cover (October 3, 2019)
 Attachment H – Biologist Report: Plant Survey (July 10, 2020)
 Attachment I – Color Board

PROJECT DESCRIPTION

The proposed project is for Building Site Approval on Slope 30% or Greater, Grading Approval, and Design Review in -h1 Zoning District (Historic Preservation Combining District) for a new 4,075 square foot (s.f.) single-family residence with a 939 s.f. attached garage/gym and a 1,339 s.f. storage area to be sited on a knoll at the upper South portion of the property. The site is only accessible from Alamitos Road by a privately-owned bridge. The work will encompass the single-family residence with an approximately 600-foot-long driveway, providing access from Via Vespero. The driveway access includes a midpoint turnout and fire truck turnaround. No accessory structures are being proposed. The plans propose 16 trees for removal.

Setting/Location Information

The parcel is within the New Almaden Historic District, south of the New Almaden Historic District's Central Community Area, and directly off Alamitos Road. The site is an undeveloped heavily wooded property adjacent to a parcel owned by the Santa Clara Valley Water District containing the Almaden Reservoir.

The terrain is steeply sloped (with most of the property is over 40% slope), broken up by old dirt ranch roads. The average slope of the proposed development site is 33.2%. An unnamed riverine wetland, identified as a Category 2 creek within the Santa Clara Valley Habitat Plan (HCP), flows northwest through the property and drains into the Almaden Calero Canal at the foot of the property, next to Alamitos Road. The property is only accessible by a shared private bridge which crosses the canal and is limited to one-way traffic.

The neighborhood is mostly rural with woodlands and open space, but has modest homes tucked into the hillside and obscured by trees, as well as large-scale homes on ridgelines, visible to the valley floor. While the proposed residence could be seen by those on trails in the Almaden Quicksilver County Park and other by surrounding homes sited on hilltops or knolls, it would not be visible from the street below the parcel, or from the New Almaden Historic District, due to other ridgelines and number of existing trees.

Santa Clara Valley Habitat Plan

The subject property is located within the Santa Clara Valley Habitat Conservation Plan Area 2: Rural Development >= 2 Acres Covered. Landcover on this 25.38-acre parcel is designated Coast Live Oak Forest and Woodland (100%). The Habitat Plan screening indicates no sensitive land cover; however, the property is located within the HCP Priority Reserve Area. Wildlife

surveys are not required by the Habitat Plan for this project. The parcel is fully within the Oak Woodlands area (both HCP & FRAP 2015), and the landcover survey conducted by Coast Range Biological, dated October 3, 2019, indicates the majority of this property is covered in either Blue Oak Woodland or Coast Live Oak Forest and Woodland landcovers. However, within the proposed development site, the Coast Range Biological landcover survey verified serpentine rock outcrops, corresponding mixed serpentine chaparral, and serpentine bunchgrass grassland habitats, in addition to the Coast Live Oak Forest and Woodland landcover (Attachment G). The Coast Range Biological Plant Survey, dated July 10, 2020, observed three special-status plant species within the proposed development area: Santa Clara Valley dudleya, most beautiful jewelflower, and smooth lessingia (Attachment H).

Because this project is covered by the Habitat Conservation Plan, these impacts will be mitigated through fees and conditions of approval.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption under Section 15303(a) for a new single-family residence. As such, an Initial Study and further analysis under the CEQA was not required.

B. Project/Proposal

1. **General Plan:** Hillsides
2. **Approval Building Site:** Per County Ordinance Code Section C12-307, Building Site Approval is required for new single-family or two-family dwellings, including any property within the HS-sr-h1 zoning district that is not a designated lot within an approved Parcel Map or Tract Map. The proposed project meets all development standards for the primary residence. Application for BA was applied on 02/11/2021 and will be approved simultaneously with the Grading Approval and Design Review. Pursuant to Ordinance Code Section C12-350, properties that exceed 30% slope, require additional review and findings in order to secure site approval. The average slope of the proposed development area is 33.2%, therefore, Building Approval on Slopes Exceeding 30% is required. A full analysis of site approval can be found in Subsection C of this staff report.
3. **Zoning Standards:** The Zoning Ordinance specifies the required development standards for HS-sr-h1 Zoning District, as summarized below, followed by Table A, noting the project's conformance with Section 3.50.090 "-h1" Combining District:

Main Residence

Setbacks (HS-sr-h1): 30-feet from all property lines and/or rights-of-way (ROW)

Height: 35-feet maximum

Stories: 2-stories maximum*

* Maximum height is limited to two-story for residence in the -h1 zoning district

per Section 3.50.090(C)(3).

4. **Special Development Standards:** The Zoning Ordinance specifies the required development standards for the HS-sr-h1 Zoning District, noting the project's conformance with § 3.50.090 "-h1 District (New Almaden) Combining District (summarized in Table A). For parcels outside the Central Community Area, property owners are encouraged, but not required, to incorporate the following design features and materials standards into their construction plans as much as possible and appropriate to ensure the compatibility of new construction with the general historic character of the district.

Façade Materials

New Almaden design standard § 3.50.090(E)(1) recommends board and batten, shiplap or wood siding, adobe (with plaster coat), or brick for exterior building materials. The exterior of the proposed residence incorporates a variety of materials including board and batten wood siding, stucco, and cut stone veneer. The proposed foundation is primarily stone veneer - which, although not the preferred historic New Almaden material of adobe, pursuant to § 3.50.090(E)(5), it blends well with the siting on an exposed rock outcropping. Overall, the proposed materials of the residence and attached garage are not all historically specific, but instead are appropriate to the site on a rock outcropping and intended to blend well with the surrounding natural environment.

Roof Design

In terms of roofing, New Almaden design standard § 3.50.090(E)(2) recommends wood shingle or shakes (fire retardant) for roofing materials. The proposed roofing material is seamed metal roofing and as such is inconsistent with the historic guidelines, but appropriate for the parcel location within a High Fire Hazard zone in the State Response Area. This style roofing has also been used for the restoration of the historic Helping Hands Hall (located on Bertram Road within the Central Community Area), providing an aspect of consistency between the proposed structure and the New Almaden Central Community Area. New Almaden design standard § 3.50.090(E)(4) recommends the use of gable or sloping shed roof form. The proposed dwelling incorporates a combination of sloped shed and hipped rooflines. The project rooflines conform to these guidelines; however, the sloped roofline of the guest suite/office (on the north side of the structure) clearly stands out both as a distinct projection from the hillside and for its modern, industrial looking design. Staff finds the roofline does not conform with the design standards and recommends a modification to this roofline to better conform to the natural slope and reduce visibility to the valley floor and adjacent hillsides (see Attachment F).

Garage Design and Placement

According to the New Almaden design standard § 3.50.090(E)(6), garages may be attached or detached and shall be constructed of materials listed and decorated as stated in these standards. An attached 939 s.f. garage is proposed for the lower level of the residence. The design is the same as the main residence in terms of shapes,

materials, and colors. Pursuant to § 3.50.090(E)(7), new fencing shall be built of wood and be of comparable style to early wood fencing; no new fencing is proposed for this project.

Color – Light Reflective Value

Pursuant to § 3.50.090(E)(8) new construction paint colors should be compatible with those that were used in the mid-to-late 1800's. In general, natural color ranges are acceptable. The colors, dark grey and materials of the proposed residence reduce the visibility from the valley floor, The proposed colors are subdued grey tones and all well under the required Light Reflective Value (LRV) of 45 (Attachment I).

Window Design and Light Reflectivity

Lastly, the Zoning Ordinance standards in § 3.50.090(E)(9) recommends multi-light rectangular window forms. While the proposed home features numerous large windows, the architect incorporated mullions to break up the large panes – both as a nod to the multi-light form and to reduce reflectivity.

Staff finds that except for the guest suite roofline, the materials and architectural features of the proposed residence generally conform with the design standards of § 3.50.090(E)(1)-(9).

Table A: Compliance with Development Standards for -h1 Combining District

Form, Material & Color Standards	Code Section	Conformance (Y/N)
Exterior Materials	§ 3.50.090(E)(1)	Y
Roofing Materials	§ 3.50.090(E)(2)	Y
Roof Form	§ 3.50.090(E)(4)	Y (with modification)
Foundation	§ 3.50.090(E)(5)	Y
Garage	§ 3.50.090(E)(6)	Y
Fencing	§ 3.50.090(E)(7)	N/A
Painting & Decorating	§ 3.50.090(E)(8)	Y
Window Form	§ 3.50.090(E)(9)	Y

The Zoning Ordinance § 3.50.090(F) also specifies General Requirements for Construction on Properties not on Priority Lists 1 or 2. Because the parcel is not located within the Central Community Area (“Sub-area A”), the historic compatibility requirements for § 3.50.090(F)(1) are not applicable. Outside the Central Community Area, new structures should be designed for general compatibility with the historic character of the district. While general adherence to the building form and material standards is advised and encouraged, complete conformance is not required. This proposed contemporary residence does not mimic an historic structure, but it does utilize specified historic materials and building forms, such as the use of board and batten for exterior siding and the deep eaves over the windows. The finding for § 3.50.090(F)(2) can be made.

The proposed residence is a Hillside development within the “-h1” historic zoning district and located on a lower ridgeline. By utilizing building materials that correspond to the existing natural environment and preserving the native trees, shrubs, and rocks as the surrounding “landscaping”, the development is shown to be compatible with the natural setting. The structure has been designed to blend into the hillside with a roofline that mirrors the neighboring hilltops, with colors that echo the native landscape and reduce reflectivity, therefore the visual impacts of development when viewed from other hillsides or adjacent parklands have been minimized to the greatest extent possible. The finding for § 3.50.090(F)(3) can be made.

Pursuant to the Chapter 3.30 -sr Scenic Roads Combining District, any structure located within 100 feet from the right of way of a designated scenic roadway shall be subject to design review as described in Chapter 5.50. The subject parcel is adjacent to Alamitos Road, a designated scenic road, however no structure is proposed within the 100 feet of this scenic road, therefore this project conforms to this Zoning Ordinance § 3.30.030 and the finding can be made.

C. Building Site Approval on Slope 30% or Greater

Pursuant to Ordinance Code Section C12-350, the County discourages development on slopes of 30% or more due to the additional site constraints and challenges typically occurring in such hillside environments, including but not limited to steep terrain, geologic and seismic hazards, difficulties in designing and constructing safe and sustainable onsite wastewater systems, meeting access standards for regular and emergency vehicles, potentially significant tree removal, and the need for significant grading, terrain alteration, and retaining walls. Consequently, building site approval on slopes 30% or more shall only be granted where the parcel has no feasible alternative location for development on slopes less than 30 percent, all necessary health and safety issues are adequately addressed, and the resulting visual impacts of such development are addressed or mitigated through appropriate conditions

The Building Site Approval for development on slopes of 30% or greater may be granted only if all of the following findings are made. In the following discussion, the scope of review findings is listed in **bold**, followed by an explanation of how the project meets the required standard is in plain text below.

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;

The proposed project has been reviewed by all applicable County agencies, including Land Development Engineering, Department of Environmental Health, Fire Marshal’s Office, Geology, and Planning Division. The project meets all the County Zoning Ordinance standards. The setbacks conform to HS standards of 30-foot setbacks from the front, side, and rear property lines. The 31-foot height, at the structure’s highest point, is less than the maximum of 35 feet. The project conforms to all additional applicable development standards, as detailed in subsequent Sections D and E.

With the exception of the offsite single-lane bridge that currently does not meet CalFire standards, the project meets the requirements of all other affected public agencies. Those agencies also have, where necessary and appropriate, provided additional conditions of approval to ensure that the proposed residence and the infrastructure supporting the residence meet all applicable development standards. As such, this finding can be made.

b) The project integrates design solutions to all site or development constraints satisfying the requirements and standards for all reviewing and responsible agencies;

The project integrates numerous design solutions, including utilizing an existing dirt road, siting the proposed residence above the septic system dispersal field (approximately 150 feet away), selecting a site with the fewest trees, and designing a home that blends with the environment and does not interfere with the skyline. The project also proposes a tiered retaining wall system to keep the walls over a reasonable 5-foot height, which reduces the overall visibility of the project, better follows the natural grade, and minimizes the scarring to the landscape. All these solutions address the site and development constraints and satisfies the requirements and standards for all reviewing and responsible agencies and the finding can be made.

c) The project cannot be located on portions of the lot with less than 30% slope; and

Based on grading quantities and biological resources, the project considered three alternative sites (discussed in more detail in following sections). Due to the existing steep terrain, landslide hazard areas, Category 2 creeks with surrounding riparian areas, and setback restrictions, this project cannot alternately be located on portions of the lot with less than 30% slope. This finding can be made.

d) The overall site design, including but not limited to access roads 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 mitigates the visual impacts of development.

The overall site design, as further illustrated in Section E below, harmonizes 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 mitigates the visual impacts of development. The proposed residence is designed to blend with the natural environment by following the natural slope rather than cutting a large flat building pad, and utilizing colors and material found in the local landscape. The preferred site was selected based on the most minimal impact to the existing landscape, avoiding known geologic hazards (drainage and landslide prone areas) and preserving biological resources (trees and riparian areas) to the greatest extent possible. Therefore, this finding can be made.

D. Design Review Findings (-h1)

Pursuant to Section §5.50.040 of the County Zoning Ordinance, all Design Review applications are subject to the stated scope of review. The overall purpose of the design review process 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 stand is in plain text below.

1. Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;

The proposed residence is sited on a lower ridgeline surrounded by wooded hillsides. Site visits in tandem with the County's Geographic Information Systems (GIS) mapping analysis indicate that the proposed residence would not be visible from the New Almaden Central Community, due to a minor ridgeline and densely wooded areas which separate the site and help to screen the residence from the Central Community Area. The site is, however, visible to adjacent parklands in the Quicksilver Park and Almaden Reservoir areas. To lessen the visibility, the structure's mass follows the natural contours of the slope, with a roofline that mirrors the neighboring hillsides. The proposed architecture incorporates natural stone which visually anchors the structure to the site on a rock outcrop. The dark brown color of the metal roofing material was selected to match the trunks of surrounding the native trees. All these efforts allow the building to "hide in plain sight". There is no proposed landscaping currently, with the intent to encourage the native environment to flourish. As such, this finding can be made.

2. Compatibility with the natural environment;

The preferred site was selected to minimize adverse impacts to the environment, both visually and ecologically. The residence is sited on the flattest area with no existing trees, both to preserve the native woodland areas on the parcel and limit the necessary grading. Tree removal of 16 trees (to be replaced with [36] 24" box trees) was limited to the areas needed to widen the driveway to CalFire's standards. The garage of the house, a level below the main residence, allows for the driveway to have the least grading amount possible and match the existing contours of the hillside. Most of the grading incurred by the driveway is due to the required width and slope of the road. To reduce the grading in these areas, retaining walls were added. The retaining walls have been designed in tiers to reduce height and bulk. The grading was minimized by putting the fire turnaround on the flattest portion of the lot. However, to support the fire turnaround, the plan incorporates a 5' retaining wall, approximately 68 feet in length, supported by a second tiered wall 10 feet below of approximately 85 feet in length. The design of the site maximizes compatibility with the natural environment; therefore, this finding can be made.

3. Conformance with the “Design Review Guidelines,” adopted by the Board of Supervisors

The project complies with the applicable provisions of the County’s Board-adopted *Design Review Guidelines* to maintain the natural character of the hillside areas, and areas along designated scenic roads, by designing the building to conform to the natural contours of the slope, utilizing paints and materials with low LRV, and preserving the native trees and vegetation to help mitigate visibility to the valley floor. The chosen exterior colors are muted grey tones and have a Light Reflectivity Value (LRV) of 22 well under the maximum LRV of 45. The seamed metal roofing is a dark bronze and not reflective. The windows are glazed to minimize glare. The architecture features eaves which are 3 feet deep to provide shade and further reduce reflectivity. The bulk of the building is weighted towards the lower levels and follows the natural grade. The façade is varied with windows and offset walls. The proposed building height is maximum 31 feet to grade and steps down with slope. The stone veneer visually connects the home to the rocks on site. The recommended modification to the guest suite roofline will mitigate the impact of the structure's intrusion into the skyline. Therefore, this finding can be made.

4. Compatibility with the neighborhood and adjacent development

The site is neither visible to the Historic New Almaden Central Community Area nor other nearby development. The style and character of nearby homes is primarily newer builds of substantial size. The closest residences to this parcel include a 6,015 s.f. home permitted in 2020, a 2,095 s.f. home built in 1993, and a 4,300 s.f. home constructed in 2019. The proposed residence may be visible to other hilltop residences, but the architecture both considers and respects the existing natural conditions of the property. The proposed house steps up the hillside conforming to the slope. The bronze color of the metal roofing was chosen to match the bark of the surrounding oak trees, and the stone foundation material closely resembles the local rock. Staff finds that while the proposed project is a contemporary new structure, the colors and materials comply with the Historic District standards and the siting, height, and bulk of the structure blend in well with the neighboring homes and existing environment.

5. Compliance with applicable zoning district regulations; and

As summarized in Section B(3) of the staff report, residential use is an allowed use in the HS-sr-h1 Hillside Zoning District, and the project complies with the HS-sr-h1 zoning regulations and development standards. The proposed residence meets the required setbacks (30 feet front, 30 feet side, and 30 feet rear) with a maximum height at 31 feet over grade (maximum of 35 feet). The proposed residence and associated septic improvements are located on the most level portion of the property, and outside of riparian and landslide hazard areas. Staff reviewed the application for conformance with Section 3.50.090(E) "-h" combining district (New Almaden). Although these detailed standards are only advisory and not required for properties outside the Central Community Area,

Staff determined that the proposed residence is visually compatible in its use of materials, features, and general scale and proportion with the neighboring residences, and substantially meets the compatibility requirements for the following reasons previously stated and summarized in Table A. This finding can be made.

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

The proposed project conforms with the Santa Clara County General Plan Policies and the County's Guidelines for Grading and Hillside Development. The siting of the proposed residence, allowed by right, avoids environmental hazards and protected scenic resources (General Plan R-GD-20). The applicant's preferred site is located outside existing landslide and riparian areas, and nearest the only feasible septic system location (General Plan R-GD-24). The chosen site is on the broadest, flattest area with few existing trees, thus preserving oak woodland habitat and scenic resources. While the site is visible to the upper trails of the Quicksilver Park and to the Almaden Reservoir to the south, it is not visible to the valley floor to the north.

The proposed project follows various mitigation measures to the visual impact through structure design, material choices, and vegetation retention (General Plan R-GD-34). The house will sit tightly on the existing terrain rather than carve out, or fill in, material to create an artificial pad. The development proposes 375 cubic yards of cut (and 5 cubic yards of fill) for the siting of the residence on the knoll. The house has a spread footing foundation that allows the grading for the house to be minimal and match topography. The residence is oriented parallel to the ridge of the knoll. To further reduce grading (Guidelines for Grading and Hillside Development), the house steps up the hillside to mimic the existing topography, with the garage located on the level below the proposed house. The driveway makes use of an existing dirt road to provide access from proposed site to Cinnabar Hills Road/Via Vespero. A retaining wall with 5-foot maximum height has been included in the design to reduce the grading needed to construct the driveway. The driveway grading was further minimized by putting the fire turnaround on one of the flattest portions of the lot. The proposed materials of the home complement the local environment by matching the color of the roofing to the bark of the trees and incorporating a stone façade the blends with the serpentine rock. The overall bulk of the home is low and weighted towards the ground, reducing overall visibility. This site has the lowest number of trees that would be impacted by development; unfortunately, the chosen site features a large outcropping of serpentine rock. The loss of this rock and the corresponding habitat will be mitigated by permanent impact fees paid to the Habitat Conservation Plan.

Staff analyzed project in terms of ridgeline preservation while balancing the reasonable use of private land. Due to environmental hazards, drainage concerns, proximity to the septic system, considerations for minimal grading, and minimal

tree removal, the applicant's preferred site is the only reasonable development area for a single-family residence on this parcel. As such, this finding can be made.

E. Grading Approval:

Pursuant to Section C12-433, all Grading Approvals are subject to specific findings. In the following discussion. The scope of review findings is 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 development of this 25-acre site consists of a new single family residence with associated driveway, retaining walls, well, water tanks, and on-site septic system is permitted by law and allowed by right. This project considered 4 sites (Attachment E), evaluated the existing conditions, and chose the site with the least environmental impact (Table B). Alternative Site A, while the closest analyzed site to the road, it would also be the farthest from the septic system (600 ft) and require the septic pipe to cross the Category 2 creek in a pumped force main system. The site is also in a landslide hazard area and the proposed development site would be sandwiched between the Category 2 creek 35 foot setback and the 30 foot front setback. Due to the heavily wooded terrain this site would mandate the greatest number of trees to be removed. Alternative Site B would take advantage of a flat area along the existing dirt road, however this site is still partially within the landslide area, and due to terrain, the home would require retaining walls up to 17 feet in height. The site's natural draw for stormwater and potential drainage issues is this site's greatest concern. Alternative Site C considered a flat area at the lower northwest edge of the property along a second dirt road; unfortunately the stream setbacks and terrain above and below the road prohibit a feasible residential site.

The applicant's preferred siting of the main house is situated on the largest portion of the property with the least amount of slope with no known geologic hazards. The grading is limited to the driveway as needed to provide access from the road to the residence. The project takes advantage of an existing dirt road to reduce additional grading. As such, this finding can be made.

Table B: Alternative Site Analysis

	Cut	Fill	Net Grading	Retaining Wall Height	Geologic Hazard	Tree Removal
Applicant's Preferred Site	2274	637 CY	1549	5.5 feet	None	16
Site A	1880	207	1614	17 feet	Landslide Area	31
Site B	3207	2623	525	15 feet	Landslide Area, Drainage Concerns	18
Site C	N/A - The stream setbacks and nearby steep slopes make this area unbuildable					

- 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 any public/private property or public health and safety. The proposed site has been chosen partly based on distance, approximately 300 feet, from the unnamed Category 2 creeks and geologic hazard areas. The proposed site also avoids areas prone to excessive water collection which minimizes impacts to stormwater quality and also averts potential moisture and mold issues inside the residence. 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 residence design and location was chosen to minimize the impacts to the natural landscape, scenic, biological, and aquatic resources. Although the property is heavily vegetated, the preferred site has the lowest number of trees that would be impacted by development. The driveway and retaining walls are visually obscured by a low ridgeline and dense oak woodlands from the valley floor, Alamitos Road, and Via Vespero. Impacts to various resources was weighed. While devoid of trees, the applicant's preferred site shows serpentine rock and plant habitat, substantiated by the plant survey report conducted by Coast Range Biological (Attachment H). Beyond the home's footprint, the rock outcropping will be preserved to thrive as the native landscaping. Because this site has been deemed the only feasible developable site, with resultant impacts to serpentine rock and serpentine grasslands, these environmental impacts will be mitigated by paying the appropriate Santa Clara County Habitat Conservation Plan permanent impact fees.

During construction, excavated materials will be placed in designated fill areas or hauled away from the site to a county approved disposal site. The leachfield area

shall be fenced off during construction to minimize disturbance to soil. Fiber roll slope protection and storm drain inlet protect measures are shown on plans and will be followed to minimize erosion impacts. As such, this finding can be made.

- 4. For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.**

The applicant's preferred site minimizes grading in comparison with three other available sites by siting on a relatively level portion of the lot, and utilizing an existing dirt road, as well as considering various environmental hazards, tree removal, and proximity to the septic dispersal field (see Table B). The chosen site incorporates significant grading for the driveway to access the home, but the other two analyzed locations would require excessively tall retaining walls, within a known landslide hazard area. The preferred location takes advantage of a flat area directly adjacent to the only feasible septic system. The next closest site (Alternate Site B) would require 350 linear feet of a pumped force main line to reach the leach field. As such, this finding can be made.

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

The driveway demands the greatest amount of grading in this proposal (1,763 cubic yards of cut and 539 cubic yards of fill) due to distance, slope, and Fire Marshal requirements. However the design of the driveway conforms to the natural slope of the parcel and minimizes additional grading by utilizing an existing dirt road for the driveway, which also reduces the need for tree removal and mitigates the possibility of creating visual scars on the land. The other three sites considered would necessitate additional tree removal and create a more apparent visual disturbance. Although the driveway is longer for the applicant's preferred site than the other considered sites, shorter retaining walls, fewer trees slated for removal, and the avoidance of geologic hazards makes it less problematic than the other analyzed sites. As such, this finding can be made.

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

The grading conforms to Santa Clara County General Plan Policies and the County's Guidelines for Grading and Hillsides Development, as well as policies specific to the -h1 New Almaden Historic District. The siting of the proposed residence, allowed by right, avoids environmental hazards and protected scenic resources, as possible. The applicant's preferred site is located outside existing landslide and riparian areas, and nearest the only feasible septic system location. The chosen site is on the broadest, flattest area with few existing trees, thus preserving oak woodland habitat and scenic resources. For hillside development in the -h1 district, the guidelines require that proposed structures located on or near ridges or any hillsides New Almaden reduce any visual impacts of development when viewed from the valley floor areas, scenic roads, and adjacent parklands. The design of the proposed residence has been structured to

step down along the hillside instead of creating additional cuts into the hillside as might be required to create a residence on a single level. As such, 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," in particular, the specific guidelines for road design, building form, and design. The project however can not avoid all sensitive landcovers. Pursuant to Guideline 3, development should be sited to avoid encroachment into areas with sensitive biological resources; as previously stated, due to other hazardous conditions, the proposed home would be sited on an outcropping of serpentine rock. Consistent with both Guideline 7 and Guideline 5, the proposed residence utilizes the existing dirt road for the driveway which avoids additional cuts and fills to the hillsides. And, by using tiered retaining walls instead of engineered slopes, the project also conforms to Guideline 9. The proposed home is situated to be parallel with the ridgeline, in keeping with Guideline 10. The architecture hugs the slope by stepping the building down the natural slope of the hillside - reducing visual bulk, which abides by the language of Guideline 11. As such, this finding can be made.

Historic Heritage Commission

Pursuant to § 3.50.030(1), construction of any new building or structure in any "h" combining zoning district is subject to Design Review and must be reviewed by the Santa Clara County Historical Heritage Commission for recommendation prior to the public hearing on the application (§ 3.50.040). The project was presented to the Historical Heritage Commission by Planning Staff on December 15, 2022. Planning Staff forwarded a recommendation of approval, with modification, to amend the slope of the roofline of the guest suite/studio to follow the existing hillside slope (Attachment E). The Historical Heritage Commission unanimously approved the project as recommended with the modified roofline and forwarded a recommendation of modified approval to the Zoning Administration (ZA) Hearing Officer.

Staff Recommendation

In conclusion, Staff recommends the Zoning Administration Hearing Officer approve the concurrent land use entitlements for Building Site Approval, Grading Approval, and Design Review for the single-family residence. As noted throughout the staff report, the proposed project meets all development standards for the single-family residence (as noted in the Zoning Standards above) and all the findings for Building Site Approval, Grading Approval and Design Review.

BACKGROUND

On February 11, 2021, Douglas Hayden applied for Building Site Approval on Slope 30% or Greater, Grading Approval, and Design Review to construct a 4,075 s.f. single-family residence with a 939 s.f. attached garage. Early outreach noticing was conducted in March of 2021. The application was initially deemed incomplete on March 12, 2021. Pursuant to Planning Staff requests, the applicants completed three alternative site proposals in subsequent resubmittals. The project was reassigned from the previous Project Planner at the end of July 2022. Planning

Staff conducted a site visit on September 28, 2022, and was joined by the project engineer and the property owner. During the site visit Planning Staff walked the property and gained a better understanding of the project site and various site alternatives for the project. The applicant's preferred site is the broadest area with the least slope and closest location to the only feasible septic system. While devoid of trees, the site has a visible rock outcropping, confirmed to be serpentine rock by the Biologist Report dated October 3, 2019. During the visit, Planning Staff suggested a modification to the roofline that might mitigate visibility from Alamitos Road. After submitting all required documentation, the application was deemed complete on November 3, 2022. The Project Planner went out on November 25, 2022, to sites adjacent to the parcel to verify visibility of the site from both Alamitos Road (no) and Quicksilver Park (yes). As the project is located in the New Almaden Historic District, the development was presented to the Historical Heritage Commission (HHC) for a recommendation of approval, with modification of the roofline (Attachment E), on December 15, 2022. In order for the project to be presented at HHC and to be heard at the January 2023 Zoning Administration Hearing, the property owner granted a one-time, 90-day extension to the Permit Streamlining Act deadline, extending the decision deadline for a final decision to April 2, 2023.

STAFF REPORT REVIEW

Prepared by: Rebecca Rockom, Assistant Planner

Reviewed by: Lara Tran, Senior Planner
 Samuel Gutierrez, Principal Planner

DocuSigned by:

Rebecca Rockom

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Lara Tran

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ATTACHMENT A

Proposed CEQA Determination

STATEMENT OF EXEMPTION

from the California Environmental Quality Act (CEQA)

FILE NUMBER	APN(S)	
PLN21-021	742-02-006	1/5/2023
PROJECT NAME	APPLICATION TYPE	
0 Cinnabar Hills Road, San Jose	Building Site Approval (over 30% slope), Grading Approval & Design Review (-h1)	
OWNER	APPLICANT	
Heather and Douglas Hayden	Teresa Price, Hanna Brunetti, Inc.	
PROJECT LOCATION		
0 Cinnabar Hills Road, San Jose		
PROJECT DESCRIPTION		
A contemporary 4075 s.f. single-family residence with 939 s.f. garage/gym and 1,339 s.f. storage area to be located on a vacant parcel in a rural neighborhood.		
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 criteria listed under CEQA may be deemed exempt from environmental review. The project described above has been evaluated by Planning Staff under the provisions of CEQA and has been deemed to be exempt from further environmental review per the provision(s) listed below.		
CEQA (GUIDELINES) EXEMPTION SECTION		
Categorically Exempt – Section 15303(a) – for one single-family residence.		
COMMENTS		
APPROVED BY:	DocuSigned by: <i>Rebecca Rockom</i> BB5B1CE4ADD3491...	12/22/2022
Rebecca Rockom, Assistant Planner	Signature	Date

ATTACHMENT B

Preliminary Conditions of Approval

Owner/Applicant: Heather and Douglas Hayden

File Number: PLN21-021

Location: Cinnabar Hills Road, San Jose

Project Description: Building Site Approval, Grading Approval, and Design Review (-h1) for a 4,075 square foot single-family residence with 939 s.f. garage/gym and 1,339 s.f. storage area to be sited on a knoll on a wooded hillside within the New Almaden Historic District. Associated improvements include access driveway with (5 ft.) retaining walls and upgrades to an off-site bridge. Total grading quantities are 2,274 cubic yards of cut with 637 cubic yards of fill.

Agency	Name	Phone	E-mail
Planning	Rebecca Rockom	(408) 299-5707	rebecca.rockom@pln.sccgov.org
Land Development Engineering	Eric Gonzales	(408) 299-5733	eric.gonzales@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299-5748	darrin.lee@cep.sccgov.org
Geology	Jim Baker	(408) 299-5774	jim.baker@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
CalFire	Carlos Alcantar	(408) 310-4654	Carlos.Alcantar@fire.ca.gov

STANDARD CONDITIONS OF APPROVAL

Planning

1. Development must take place in accordance with the approved plans, prepared by Teresa Price, Hanna Brunetti, submitted on November 11, 2022, with the roofline modification to the guest suite proposed on December 15, 2022 by the applicant (Attachment F) and approved by HHC on December 15, 2022 and approved by the ZA on January 12, 2023. Any changes to the proposed project may result in additional environmental review, pursuant to the California Environmental Quality Act, and additional Planning review.
2. As noted by the Fire Marshal and reiterated by CalFire, the privately owned bridge is subject to approval by CalFire and Building Site Approval can not be granted without the express authorization and approval of this bridge as the only access route to this parcel.
3. Existing Zoning is HS-sr-h1 (Hillsides with scenic road, within the combing district of Historic New Almaden). Maintain the following minimum zoning standards:

Primary Dwelling Setbacks

Front: 30 ft.

Sides 30 ft

Rear: 30 ft.

Primary Dwelling Height

The maximum height of the primary dwelling is 35 ft. and shall not exceed two (2) stories.

4. Submit a landscape plan for the replacement trees for the trees proposed to be removed, following the ratios below per the County Tree Protection Guidelines.
 - a. For the removal of one small tree (5- 18 inches): (3) 15-gallon trees, or (2) 24-inch box trees.
 - b. For the removal of one medium tree (18 – 24 inches): (4) 15-gallon trees or (3) 24-inch box trees.
 - c. For the removal of a tree larger than 24 inches (5) 15-gallon trees or (4) 24-inch box trees.

Replacement trees should be California native and like for like. Oak trees shall be replaced with oak trees (no exceptions taken).

Please note Per the County Zoning Ordinance 3.50.090(K)(1), “Trees and shrubs having a main trunk or stem measuring six (6) inches in diameter or greater (eighteen and eight tenths (18.8) inches in circumference), at a height of four and one-half (4.5) feet above ground, are protected trees, subject to the relevant provisions of the County’s “Tree Preservation and Removal Ordinance,” Division C16 of the County Ordinance Code.

Land Development Engineering

5. 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

6. Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50-foot sanitary seal, and pump tests, bacterial and chemical testing must be completed.
7. 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.

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

Planning

8. Prior to the issuance of any permit, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.

Habitat Plan Application for Private Projects

9. Prior to issuance of any grading permit, submit a completed Habitat Plan Application for Private Projects (“Application”) with all required submittal materials, including any required plant and wildlife surveys, exhibits (as described in the Application for Private Projects), and required staff review fee to the Planning Office for review and verification. The required site plan shall show the project development, including a clear delineation of the permanent and temporary development buffer areas. Plans do not need to show buffer areas that cross property boundaries.
 - a. Permanent development area is defined as land that will have permanent impacts (removal of land cover, structures, driveway, landscaping, off-site road improvements, etc.), plus a 50-foot buffer surrounding these areas.
 - b. Temporary development area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.

Fees

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

This project is subject to the following Habitat Plan fees:

- a. Land Cover Fee Zone A –Ranchlands and Natural Lands
- b. Serpentine Fee - *Permanent fees* shall apply to the total area of serpentine rock outcrop impacted.

Habitat Plan Conditions of Approval

10. Prior to issuance of grading/drainage or building permits, *all future development* is subject to the following Conditions of Approval and described in more detail in ‘Exhibit A’:
 - Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.
 - Condition 3: Maintain Hydrologic Conditions and Protect Water Quality.
 - Condition 7: Rural Development.
 - Condition 13: Serpentine and Associated Covered Species Avoidance and Minimization.
 - Condition 14: Valley Oak and Blue Oak Woodland Avoidance and Minimization.
 - Condition 19 & 20: Plant Salvage and Avoid and Minimize Impacts of Covered Plant Occurrences.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT

Planning

Ongoing Compliance

11. Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided prior to building permit issuance.

Land Development Engineering

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

<https://plandev.sccgov.org/how/apply-permit/grading-permit>

If the County Roads and Airports Department provides a condition of approval to obtain an encroachment permit, for your convenience, the grading and encroachment permits will be processed concurrently under one set of improvement (grading) plans.

13. 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.
14. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures, and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The following standards are available on-line:
 - § Standard Details Manual, September 1997, County of Santa Clara, Roads and Airports Department
<https://countyroads.sccgov.org/do-business-us/published-standards-specifications-documents-and-forms>
 - § March 1981 Standards and Policies Manual, Volume 1 (Land Development)
<https://plandev.sccgov.org/ordinances-codes/land-development-standards-and-policies>
 - § 2007 Santa Clara County Drainage Manual
<https://plandev.sccgov.org/ordinances-codes/grading-and-drainage-ordinance>
15. 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.

16. 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.
17. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
18. Provide landscaping and disturbed area quantities on the final plans along with water efficiency calculations to demonstrate compliance with water usage requirements.
19. The applicant shall demonstrate that any proposed bridge that is being constructed can withstand the most current emergency vehicle loading requirements. Provide letter from geotechnical engineer that certifies that the proposed bridge can support the required loading.

Drainage

20. 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. All drainage shall be contained within the subject parcel only and shall not enter neighboring parcel.

Utilities

21. 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

22. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website:

<https://scvurppp.org/2016/06/20/c-3-stormwater-handbook-june-2016/>

{if the project creates/replaces less than 2,500 SF of impervious, site design measures are only recommended, not required}

Soils and Geology

23. Submit one copy of the signed and stamped geotechnical report for the project.
24. 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. Provide a written letter from the geotechnical engineer certifying that the existing private road section will withstand the current emergency vehicle loading requirements. Demonstrate this for the entire private road all the way to the nearest County-Maintained Road (Alamitos Road).

Notice of Intent

25. 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:

https://www.waterboards.ca.gov/water_issues/programs/#runoff

Dedications and Easements

26. 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.
27. Offer to dedicate a minimum 25-foot wide or 5 feet beyond top of bank, whichever is greater, easement to the public and the County for storm-drainage purposes for all swales and channels affected by this development that pass drainage through the site.
28. Submit evidence of legal access to the site from the nearest publicly maintained road compiled and/or verified by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying. Should access not exist, submit signed, notarized, and recorded agreements to grant rights-of-ingress and egress.

Agreements

29. Enter into a land development improvement agreement with the County. Submit an Engineer's Estimate of Probable Construction Cost prepared by a registered civil engineer with 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).
30. Enter into a deferred improvement agreement for the ultimate County improvement of Cinnabar Hills Road/Via Vespero.
31. 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.

Department of Environmental Health

32. Prior to issuance of a development/ building permit, for review and approval submit to the Department of Environmental Health, an onsite wastewater treatment system (OWTS) plan

overlaid onto the final site grading and drainage plan. The OWTS plan shall show the proposed dwelling(s), driveway, accessory structures (if applicable), septic tank, and required dispersal field to contour. Maintain all setbacks as noted within County of Santa Clara Onsite Systems Manual. This is a separate submittal to the Environmental Health subject to completion of a service application and payment of applicable fees.

- a. Based upon a percolation rate of 28 minutes per inch (0.57 gallons per square feet per day), onsite wastewater conditions have been determined as follows: 2000-gallon septic tank, a dual dispersal field utilizing high-capacity chambers sized as 253 lineal feet plus 253 lineal feet and interconnected via a positive diversion valve. This system as evaluated may accommodate a maximum design flow not to exceed 825 gallons per day.
 - b. The proposed OWTS is in an area where the slope exceeds 20 percent, provide a geotechnical report prepared by a state registered civil engineer or an engineering geologist that demonstrates the use of an OWTS on a slope will not permit effluent to surface, degrade water quality, affect soil stability, present a threat to public health or safety, and create a public nuisance.
2. As confirmation of OWTS sizing, provide final floor plans to the Department of Environmental Health.
 3. Prior to issuance of a development /building permit, contact the Department of Environmental Health and to obtain individual water clearance for the proposed dwelling. This is a separate submittal to Environmental Health subject to completion of a water clearance service application, submittal of well related documents to include a well completion and water yield reports, analytical results from water sampling for bacteriological and chemical reports, and payment of applicable fees.

Geology

Quantum Geotechnical's Response to County Review letter (dated 9-8-2021) concludes "the stability of the area of the leach field and the impact of the leach field on the steeper slope is in excess of the minimum required. No special setback requirements are needed." Therefore, the requirement is satisfied, and the application may be deemed complete with the following conditions:

33. Prior to issuance of permits, submit a Plan Review Letter that confirms the plans conform with the recommendations presented in Quantum's report (dated 2-8-2021).

Fire Marshal's Office

FIRE PROTECTION WATER

IMPORTANT: Fire protection water system shall be installed, functioning and inspected prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

34. **ON-SITE WATER STORAGE:** Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal

shall include, but not be limited to, location of water supply, (e.g., onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).

- A) All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
- B) Provide 2-5,000-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.

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

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

FIRE DEPARTMENT ACCESS

36. 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. This parcel is to meet CFMO-A1 and PRC-4290 requirements.
- 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.

37. ACCESS ROADS (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. This property is located within the SRA and is to meet PRC-4290 which requires 20 ft. drivable width. Driveways are to have a 12 ft. drivable width and a 3 ft. shoulder.
- B) Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements) for access roads and 13 ft. 6 in for driveways.
- C) Curve Radius: Inside turn radius for curves shall be a minimum of 42 ft. per CFMO-A1 and 50 ft. per PRC-4290.

- 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 be 40 ft. by 48 ft. pad, hammerhead, or bulb of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
- G) Bridges: All bridges shall be capable of sustaining 75,000-pound gross vehicle weight and meet the latest edition of the CalTrans Standard Bridge Design Specifications. Appropriate signage, including but not limited to weight or vertical clearance limitations, or any special conditions shall be provided.
- H) Turnouts: Passing turnouts in compliance with SD-16 shall be provided at every 400 ft. and wherever hydrants are placed adjacent to a driveway.
- I) 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. All turnarounds shall have a slope of not more than 5% in any direction and meet CFMO-SD16.
- J) Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.

MISCELLANEOUS:

38. Property is located within the State Response Area (served by Cal Fire).

39. This property is located in the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:

- a) A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
- b) Provide a 1/2 inch spark arrester for the chimney.
- c) Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

CONDITIONS OF APPROVAL PRIOR TO BUILDING FINAL

Planning

40. Prior to final inspection, contact Rebecca Rockom, at least a week in advance to schedule a site visit to verify the approved exterior colors have been installed as approved.

41. As needed, Planning Staff will monitor the Habitat Conservation Plan's Conditions of Approval set forth in Exhibit A, for compliance.

Land Development Engineering

42. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

Department of Environmental Health

43. 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.

Geology

Quantum Geotechnical's Response to County Review letter (dated 9-8-2021) concludes "the stability of the area of the leach field and the impact of the leach field on the steeper slope is in excess of the minimum required. No special setback requirements are needed." Therefore, the requirement is satisfied, and the application may be deemed complete with the following conditions:

44. Prior to Final Inspection / Grading Completion, submit a Construction Observations Letter that verifies the work was completed in accordance with the approved plans. (A note to that effect must be stamped on the plans.)

Fire Marshal's Office

45. FIRE SPRINKLER SYSTEM: An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure.

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

CalFire

This project (Record No. PLN22-021) is located within the State Responsibility Area (SRA) and is recommended to follow all minimum wildfire protection standards 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.

46. Access: Ensure Cinnabar Hills Road and one access road to the property must provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the building site. Bridge from Alamitos to Cinnabar does not appear to meet the access requirements per §1273.01.

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

(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.

(1) 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.

(2) 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").

47. Driveway: Ensure driveway is designed and maintained to support 40,000 pounds per § 1273.02

§ 1273.02. Road Surfaces

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

(b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

(c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

48. Turnouts: Driveway appears to be over 600 feet in length and will require a turnout at a midpoint per § 1273.05 and meet specifications in § 1273.05

§ 1273.05. Turnarounds

(a) Turnarounds are required on driveways and dead-end roads.

(b) 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.

(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.

§ 1273.06. Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

49. Vegetation Clearance: Maintain vegetation clearance requirements of Public Resource Code 4291.

§ 1276.01. Setback for Structure Defensible Space.

(c) 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.

EXHIBIT A

Habitat Conservation Plan Conditions of Approval

File: PLN21-021

APN: 742-02-006

Address: 0 Cinnabar Hills Road, San Jose

Property Owner: Heather & Douglas Hayden

Rebecca Rockom, Assistant Planner

January 3, 2023

Santa Clara Valley Habitat Plan Conditions of Approval

Incorporate the following Habitat Plan Conditions of Approval into the grading/drainage and building 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

1. 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 pre-construction 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. Off-road 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. Maintain as much natural vegetation as possible, consistent with fuel management standards, on the project site.
7. Maintain County-mandated fuel buffer (variable width by slope conditions).

8. 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.
9. Minimize to the maximum extent possible the amount of ground disturbance when constructing roads.
10. 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.
11. If construction extends into wet weather, the roadbed will be surfaced with appropriate surfacing material to prevent erosion of the exposed roadbed.
12. If construction on steep slopes is required, construction will be timed for dry weather months to reduce the potential for landslides.
13. Adhere to the avoidance and minimization measures for dirt road construction in Condition 6 under Avoidance and Minimization Measures for Transportation Projects (see first three bullets under heading).
14. 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.
15. Outdoor lighting will be of low intensity and will utilize full cutoff fixtures to reduce light pollution of the surrounding natural areas.

Postconstruction

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.

Condition 13: Serpentine and Associated Covered Species Avoidance and Minimization.

Serpentine Area Avoidance

18. In cases where serpentine areas are part of a project site in a developed area, the project will be designed to preserve larger patches of serpentine land cover outside the development area and limit impacts to the smallest patches feasible and to the edges of serpentine patches, regardless of their size.

19. The length of the edge of the serpentine patch that is directly adjacent to the developed area will be minimized and will include as large a buffer as possible between the serpentine edge and the developed area.
20. Landscaping will not be planted on serpentine areas except as needed to reduce fire hazards adjacent to structures consistent with County fire hazard reduction regulations (see also Condition 10). Plantings will not include species that are known or suspected to invade serpentine habitats or cross-pollinate with endemic serpentine plant species or other native plants.
21. On undeveloped sites, the project area and construction staging area must be located to avoid or minimize impacts on any serpentine land cover on site. The guidelines described above for developed areas will also be followed for project sites in undeveloped areas.

Projects that Affect Serpentine Areas

22. Conduct surveys of the serpentine vegetation to inventory for covered species and evaluate habitat quality for covered species.
23. Although the development area is not in the Bay checkerspot butterfly habitat units identified by the Habitat Conservation Plan, a Plant Survey Report completed by Coast Range Biological (Attachment H) indicates the presence of larval host plants of Bay checkerspot butterfly. Reconnaissance-level surveys must be conducted for adult butterflies during the peak of the flight period (usually a six-week period from late February to early May, to be confirmed by a qualified biologist) to determine species presence or absence.
24. Locate the project footprint as far from the covered species or the highest-quality serpentine habitat as is feasible. Utilize applicable buffers as identified in this Chapter 6 of the Habitat Plan.
25. If covered plants occur on the site and cannot be avoided, notify the Habitat Agency of the construction schedule so that plant salvage can be considered and potentially implemented (see Condition 19).

Postconstruction

26. Landscaping will not be planted on serpentine areas except as needed to reduce fire hazards adjacent to structures consistent with County fire hazard reduction regulations.
27. Plantings will not include species that are known or suspected to invade serpentine habitats or cross pollinate with endemic serpentine plant species or other native plants.

Condition 14: Valley Oak and Blue Oak Woodland Avoidance and Minimization.

Conditions Applied During Project Construction

28. If trees are maintained on a site, buffer zones will be established between preserved valley oak or blue oak trees and development at a distance equal to or greater than the root protection zone, which is defined as a buffer zone determined by calculating 1 foot for each inch of trunk diameter measured at 4.5 feet above ground surface (Matheny and Clark 1998).
29. Temporary project access points will be constructed as close as possible to the work area to minimize necessity for tree removal.

30. Roads and pathways will be aligned outside of the tree's root protection zone (as defined above) whenever possible.
31. Roads and pathways designed beneath or within 25 feet of the dripline of oak trees will be graded using handheld equipment and will use permeable surfacing (e.g., grass pavers that allow runoff to infiltrate the ground).
32. Alteration of natural grade through fill or other means within the root protection zone of oak trees will be minimized.
33. Trenching will be minimized within root protection zones.
34. If extensive pruning of blue oaks and valley oaks is necessary, pruning will be conducted during the winter dormant period for these species and under the supervision of an arborist certified to International Society of Arboriculture or similar standards.

Condition 19: Plant Salvage when Impacts are Unavoidable

(Requirements of Condition 19 are integrated into the requirements of Condition 20, below.)

Condition 20: Avoid and Minimize Impacts on Covered Plant Occurrences

Conditions Applied During Project Construction

35. Three Habitat Plan covered plants were identified by the Plant Survey conducted by Coast Range Biological:
 - Santa Clara Valley Dudleya
 - Most beautiful Jewelflower
 - Smooth Lessingia
36. In order to reduce impacts on covered plants, all covered activities will be confined to the minimum area necessary to complete the activity or construction.
37. A setback buffer will be established around covered plant occurrences located on any project site or in an adjacent area that could be affected by construction traffic or activities. The setback buffer will be adequate to prevent or minimize impacts during or after project implementation.
38. The plants and buffer area will be protected from encroachment and damage during construction by installing temporary construction fencing. Fencing will be brightly colored and highly visible.
39. Fencing will be installed under the supervision of a qualified biologist to ensure proper location and prevent damage to plants during installation. Fencing will be installed before any site preparation or construction work begins and will remain in place for the duration of construction.
40. Construction personnel will be prohibited from entering these areas (the exclusion zone) for the duration of project construction.
41. If a proposed project will potentially affect the plant occurrence, the following steps will be implemented.
42. A qualified biologist will determine if the long-term viability of a covered plant occurrence will be reduced (as described below) by implementation of the covered activity. Some

covered plant occurrences may only be disturbed or partially affected by covered activities, and viability may be maintained. It is important to monitor and if possible, maintain these occurrences of covered plants where they occur, even if they are not protected within the Reserve System.

43. The project proponent will submit advance notification (in advance of the full application submittal) to the Habitat Agency. Impacts on plant occurrences must be offset by protection, management, and monitoring of covered plant occurrences in the Reserve System prior to impacts. Therefore, notification to the Habitat Agency is required to confirm available take for plant impacts prior to construction of the project. Notification will include documentation of the condition of each plant occurrence to potentially be affected. Project proponents must also notify the Habitat Agency of their construction schedule to allow the Habitat Agency the opportunity to conduct salvage activities.
44. If the biologist determines the covered activity may affect the covered plant occurrence or a portion of the plant occurrence found on site, monitoring during construction will be required as follows: The Habitat Agency will monitor construction activities. The purpose of the monitoring will be (1) to assess whether the impact reduces the long-term viability of the occurrence and whether supplemental management actions are feasible and warranted, and (2) to determine whether the Habitat Agency must protect and enhance or create occurrence in the Reserve System according to Table 5-16 of the Habitat Plan. If the impact occurs on less than 5% of the total occurrence as measured by the number of individuals at the time of impact, then the impact is assumed not to affect long term viability and will not require monitoring, nor will it count as a permanent impact (Table 4-6 of the Habitat Plan). This allowance does not apply to Coyote ceanothus.
45. When determining viability for the purpose of assessing a partial or permanent impact, the Habitat Agency will consider the following factors.
46. Results of monitoring plant occurrences affected by covered activities (e.g., correlation between pre-project observations and actual viability post project)
47. Impacts to date on the covered plant species and how close total impacts are to the allowable impact cap in the Habitat Plan (e.g., extra care taken when near cap not to exceed the cap)
48. Specific monitoring protocols and success criteria will be developed during implementation as appropriate for each covered species, according to the guidelines discussed here. Monitoring protocols can draw on those developed for other Habitat Conservation Plans/Natural Community Conservation Plans. It is possible that only a portion of the occurrence will be located on the covered activity project site. In such instances, the monitoring protocol will address this issue. Three possible approaches include the following.
49. If the landowner agrees, the Habitat Agency will obtain access to the adjacent sites on which the rest of the plant occurrence is located, and surveys will include the entire occurrence.
50. If access to adjacent site(s) is not possible, or if for some other reason it is not feasible to survey the entire occurrence, then an alternative will be developed to estimate the extent and condition of the adjacent portion of the occurrence.

51. If only a small portion of the occurrence is on adjacent properties, then only the portion of the occurrence on the project site will be monitored and assessed for viability. The determination whether this is a full impact will be made based on the results for this portion of the occurrence only.
52. Population monitoring will be conducted by the Habitat Agency before the covered activity is implemented to document the baseline condition. For annual species, the minimum post-construction monitoring period will be 5 years. If extreme or unusual climate conditions affect the species, then monitoring will be extended 1 or 2 years, as appropriate to assess impacts and success.
53. Monitoring will include estimates of percentage cover and number of individuals. An occurrence will be assumed to retain long-term viability and will not require replacement in the Reserve System if the decline in occurrence size and percentage cover from pre-project conditions is less than 25% over the monitoring period, unless site-specific conditions otherwise suggest substantial declines in occurrence viability.
54. For perennial species, the minimum post-construction monitoring period will be 3 years. Monitoring will include estimates of density (percentage cover), recruitment of seedlings if impacts included removing individuals, and measurements of adult plant health (e.g., signs of disease, herbivory, nutrient deficiencies). An occurrence of a perennial covered species will be assumed to retain long-term viability and will not require replacement in the Reserve System if the decline in seedling recruitment and density from pre-project conditions is less than 25% over the monitoring period, unless site-specific conditions otherwise suggest substantial declines in occurrence viability.
55. The Habitat Agency will implement conservation actions on the site that would help to maintain or improve the condition of the occurrence, as long as an agreement can be reached with the landowner to conduct these measures. Possible conservation measures are described in Chapter 5 of the Habitat Plan. If plant occurrences are determined to not be viable based on post-project monitoring, the Habitat Agency must assess the loss as a full permanent impact and implement conservation actions accordingly. In these cases, mitigation would occur after the impact. However, the potential for mitigation to occur after impacts is unlikely given that the qualified biologist and Habitat Agency will make conservative determinations regarding projected impacts on long-term viability.
36. Where impacts on covered plant species cannot be avoided and plants will be removed by approved covered activities, the Habitat Agency has the option of salvaging the covered plants. Salvage of covered plants is conducted in addition to mitigation that may be required for impacts on covered plants. Therefore, the Habitat Agency must carefully weigh the expected costs and potential benefits of the salvage effort before undertaking it. Salvage guidelines are presented below for all covered plants, for perennial species, and for annual species.
37. All salvage operations will be conducted by the Habitat Agency, or a third-party contractor approved by the Habitat Agency. Translocation activities will be reviewed and approved by the Wildlife Agencies in advance of translocation activities occurring. Translocated plants should be moved during their dormant season in order to minimize impacts on individuals. To ensure enough time to plan salvage operations, project proponents will notify the Habitat Agency of their schedule for removing the covered plant occurrence.

38. The Habitat Agency may conduct investigations into the efficacy of salvaging seed from soil seed bank for both perennial and annual species. The soil seed bank may add to the genetic variability of the occurrence. Covered species may be separated from the soil through garden/greenhouse germination or other appropriate means. Some topsoil taken from impact sites may be moved to the transplant site in the reserve to introduce soil microorganisms.
39. The Habitat Agency will transplant new occurrences such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals through pollen or propagule (e.g., seed, fruit) dispersal. Transplanting or seeding receptor sites (i.e., habitat suitable for establishing a new population) will be carefully selected on the basis of physical, biological, and logistical considerations.
40. Salvage methods for perennial species will be tested for whole individuals, cuttings, and seeds. Salvage measures will include the evaluation of techniques for transplanting as well as germinating seed in garden or greenhouse, and then transplanting to suitable habitat sites in the field. Techniques will be tested for each species, and appropriate methods will be identified through research and adaptive management. Where plants are transplanted or seed distributed to the field, they will be located in reserves in suitable habitat to establish new populations. Field trials will be conducted to evaluate the efficacy of different methods and determine the best methods to determine the best methods to establish new populations.
41. Transplanting within the reserves will only minimally disturb existing native vegetation and soils. Supplemental watering may be provided as necessary to increase the chances of successfully establishment but must be removed following initial population establishment. Supplemental watering will include watering through the first growing season to mimic natural rainfall patterns. During establishment, areas will be fenced off as necessary to prevent trampling or grazing by livestock. These areas will not be selected for controlled burns. Once the population has established itself, as determined by success criteria that may include setting seed, 3-year survival, or other criteria developed in agreement with the Wildlife Agencies, then fencing and irrigation will be removed and the site may be burned for management purposes if that is appropriate for the target plant.
42. For annual covered plants, mature seeds will be collected from all individuals for which impacts cannot be avoided (or if the population is large, a representative sample of individuals). If storage is necessary, seed storage studies will be conducted to determine the best storage techniques for each species. A seed storage facility will also be contacted and consulted regarding collecting and storage requirements of the facility. If needed, studies will be conducted on seeds germinated and plants grown to maturity in garden or greenhouse to propagate larger numbers of seed. Such research studies can be contract with research institutions, or carried out by other qualified biologists. Field studies will be conducted under the Adaptive Management Program to determine the efficacy and best approach for dispersal of seed into suitable habitat. Where seeds are distributed to the field, they will be located in reserves in suitable habitat to establish new populations. If seed methods fail (e.g., from excessive seed predation by insects), alternative propagation techniques will be necessary.

Table 1. Habitat Plan: Condition 3 – Hydrologic Conditions*

ID	Avoidance and Minimization Measure	Covered Activity Application	Covered by NPDES Requirements
1	Minimize the potential impacts on covered species most likely to be affected by changes in hydrology and water quality.	All	No
3.2	To the extent possible, restore the hydrograph to more closely resemble predevelopment conditions.	All	No
5	Invasive plant species removed during maintenance will be handled and disposed of in such a manner as to prevent further spread of the invasive species.	All	No
53	When possible, maintain a vegetated buffer strip between staging/excavation areas and receiving waters.	All	No
62	Use existing roads for access and disturbed area for staging as site constraints allow. Off-road travel will avoid sensitive communities such as wetlands and known occurrences of covered plants.	All	No
70	Only clear/prepare land which will be actively under construction in the near term.	All	No
73	When possible, avoid wet season construction.	All	No
84.2	Fiber rolls used for erosion control will be certified as free of noxious weed seed.	All	No
84.3	Filter fences and mesh will be of material that will not entrap reptiles and amphibians.	All	No
86	Topsoil removed during soil excavation will be preserved and used as topsoil during revegetation when it is necessary to conserve the natural seed bank and aid in revegetation of the site.	All	No
88	To the extent feasible, vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas.	All	No
89	The potential for traffic impacts on terrestrial animal species will be minimized by adopting traffic speed limits.	All	No
90	All trash will be removed from the site daily to avoid attracting potential predators to the site. Personnel will clean the work site before leaving each day by removing all litter and construction-related materials.	All	No

ID	Avoidance and Minimization Measure	Covered Activity Application	Covered by NPDES Requirements
93	When accessing upland areas adjacent to riparian areas or streams, access routes on slopes of greater than 20% should generally be avoided. Subsequent to access, any sloped area should be examined for evidence of instability and either revegetated or filled as necessary to prevent future landslide or erosion.	All	No
95	<p>To minimize entrapment of animals on job sites, the project biologist will survey the work area at the close daily activities to identify and remediate any potential areas or conditions that might trap animals. Examples of such include pits, trenches or pipes that animals can fall into or perforated pipes or netting that can cause entanglement.</p> <p>The biologist shall consider the animals expected to enter the site during the calendar period work will be occurring and shall use his or her best judgment to remove entrapment conditions, allow for escape (such as a ramp not exceeding a 30-degree slope leading out of a trench) or develop a site-specific protocol (such as daily post-dawn surveys) to eliminate or minimize entrapment.</p> <p>If no project biologist is required on-site the job foreman or property owner will designate an individual to carry out these activities. Only individuals that hold permits or that have been approved by the Habitat Agency as a qualified biologist may handle listed species.</p>	All	No
103	Unless otherwise indicated in an Executive Directive issued by the Habitat Agency, for example a directive to address plant pathogens, (103.1) all disturbed soils will be revegetated with native plants, grasses, seed mixtures, or sterile nonnative species suitable for the altered soil conditions upon completion of construction. (103.2) 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. (103.3) All disturbed areas that have been compacted shall be de-compacted prior to planting or seeding. (103.4) Cut-and-fill slopes will be planted with local native or non-invasive plants suitable for the altered soil conditions.	All	No
12	Unless allowed by other regulatory permits, no equipment servicing shall be done in the stream channel or immediate flood plain.	In-stream	No

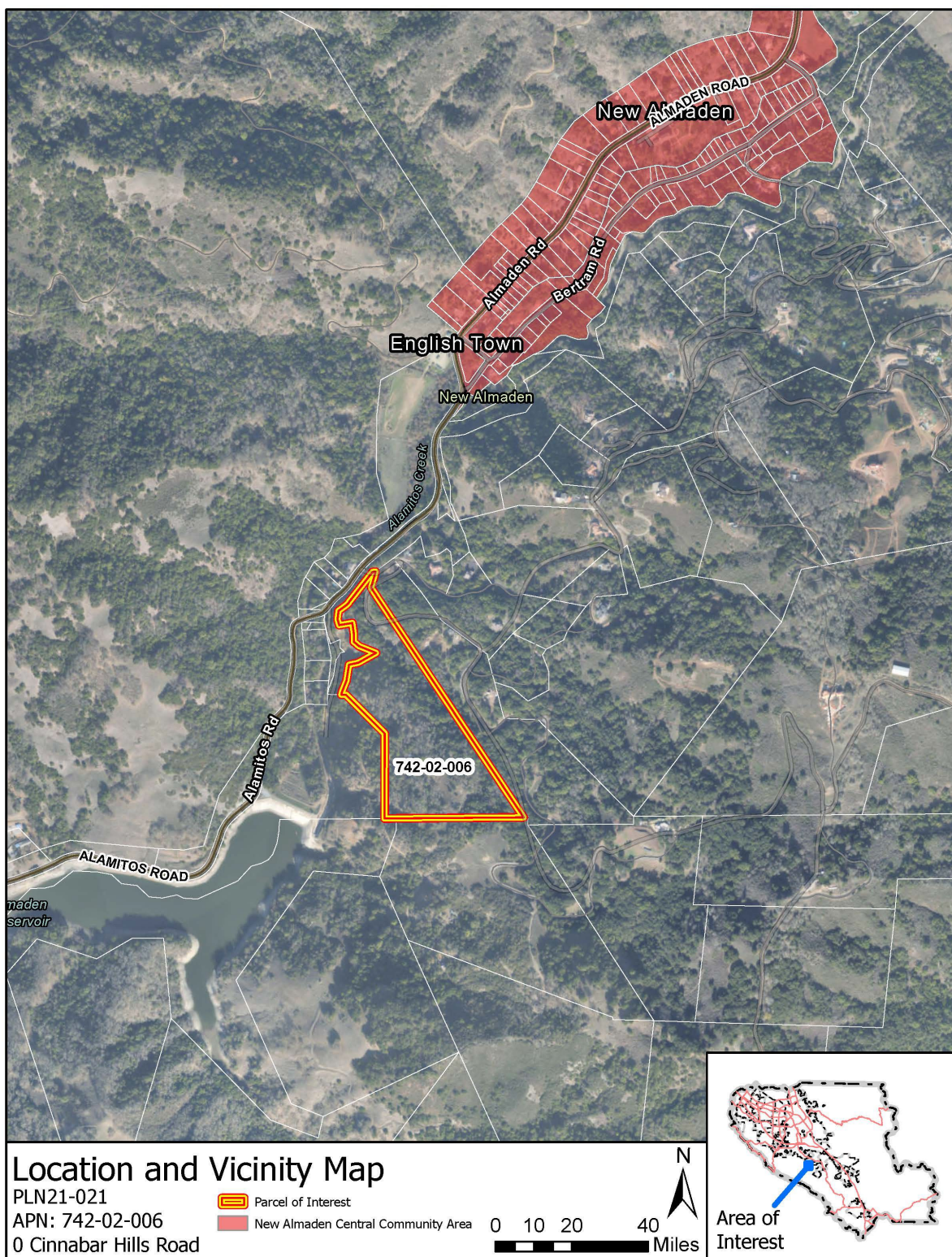
ID	Avoidance and Minimization Measure	Covered Activity Application	Covered by NPDES Requirements
13	Personnel shall use the appropriate equipment for the job that minimizes disturbance to the channel bed and banks. Appropriately tired vehicles, either tracked or wheeled, shall be used depending on the situation.	In-stream	No
21	To the extent that stream bed design changes are not part of the project, the stream bed, including the low-flow channel, will be returned to as close to pre-project condition as possible.	In-stream	No
31	(31.1) When conducting vegetation management, retain as much understory brush and as many trees as feasible, emphasizing shade-producing and bank-stabilizing vegetation. Carry out the activity in such a manner as to minimize impacts to the natural community present and encourage regrowth of the community structure appropriate to the site.	In-stream	No
32	In-channel vegetation removal may result in increased local erosion due to increased flow velocity. To minimize the effect, the top of the bank shall be protected by leaving vegetation in place to the maximum extent possible.	In-stream	No
80	All personnel working within or adjacent to the stream setback (i.e., those people operating ground-disturbing equipment) will be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations of project proponents working under this Plan.	In-stream	No
87	Vehicles operated within and adjacent to streams will be checked and maintained daily to prevent leaks of fluids and lubricants.	In-stream	No
110	If debris blockages threaten bank stability and may increase sedimentation of downstream reaches, debris will be removed. When clearing natural debris blockages (e.g., branches, fallen trees, soil from landslides) from the channel, only remove the minimum amount of debris necessary to maintain flow conveyance (i.e., prevent significant backwatering or pooling). Non-natural debris (e.g., trash, shopping carts, etc.) will be fully removed from the channel.	In-stream	No

ID	Avoidance and Minimization Measure	Covered Activity Application	Covered by NPDES Requirements
111	Bank repairs will use only compacted soil if site conditions allow and the repair is not likely to fail again. If compacted soil is not sufficient to stabilize the slope, bioengineering techniques must be used. No hardscape (e.g., concrete or any sort of bare riprap) or rock gabions may be utilized in streams not managed for flood control except in cases where infrastructure or human safety is threatened (e.g., undercutting of existing roads). Rock riprap may only be used to stabilize channels experiencing extreme erosion, and boulders must be backfilled with soil and planted with willows or other native riparian species suitable for planting in such a manner.	In-stream	No

* Based on SCVHP Table 6-2. Aquatic AMMs-Modified January 30, 2018). Measures covered by NPDES will be reviewed each time the applicable NPDES permit is renewed.

ATTACHMENT C

Location & Vicinity Map



ATTACHMENT D

Proposed Plans

ATTACHMENT E

Alternate Site Map

ATTACHMENT F

Roofline Modification

ATTACHMENT G

Biology Report: Land Cover

ATTACHMENT H

Biology Report: Plant Survey

ATTACHMENT I

Color and Materials Board