



County of Santa Clara

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

70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org

STAFF MEMORANDUM
Zoning Administration
May 19, 2023

Continued Item No. 1

Staff Contact: Robert Cain, Associate Planner
(408) 299-5706, robert.cain@pln.sccgov.org

File: PLN21-130

Concurrent Land Use Permit for a Building Approval, Grading Approval, and Variance for a New Single-Family Residence

DISCUSSION

This project was noticed and placed on the Zoning Administration Hearing for May 4, 2023, slightly less than 5 months after the project was deemed complete. During the May 4, 2023, Zoning Administration hearing, the item was continued to a date uncertain to address concerns over the location of the onsite wastewater treatment system (OWTS) leech field in proximity to existing water wells on neighboring properties. In brief, the concern centered on comments raised by a neighbor that the leech field for the project may not meet the 100-foot required setback from the neighbors' wells. Because Staff lacked sufficient information concerning the location of the existing wells on the neighbors' property during the Zoning Administration hearing, the item was continued to resolve the issue. The continuance allowed additional time for both Department of Environmental Health (DEH) and Planning Staff to investigate compliance with the required setback between the leech field for the project and the neighbors' wells. Since a 90-day extension to the Permit Streamlining Act had already been agreed to and nearly exhausted, a further extension of time is not possible, and the project requires a decision by May 21, 2023.

Background

On August 2, 2021, the owner submitted a formal application of Building Site Approval and Grading Approval for a new single-family residence on McGill Road. The application was deemed incomplete, and resubmitted on December 16, 2021, May 3, 2022, August 19, 2022, and November 22, 2022. On December 22, 2022, the project was deemed complete. However, the applicant was informed that the two fire safety items concerning the location of the wharf

hydrant and water tanks as well as the access road remained. These issues had been a point of discussion since the initial incomplete letter.

On December 23, 2022, Staff informed the owner that the County would not require any improvements to Bohlman Road, a County- and City of Saratoga-maintained road, as part of this application. Improvements to McGill Road, a private road, were still required. This left only the wharf hydrant and water tanks as an issue. In order to allow time to resolve this issue, a 90-day extension of the Permit Streamlining Act 60-day deadline for a decision on the project was mutually agreed to on February 6, 2023. After discussions with County Fire, the applicant submitted revised plans to address this issue on March 29, 2023. This revision included an application for a Variance to allow the water tanks to be placed within the 30' front setback, at 6' from the edge of right-of-way. Revised plans showing the garage as attached were submitted April 17, 2023. Revised plans showing changes to the proposed slope easement were submitted April 19, 2023. Revised plans showing a voluntary minor redesign to the OWTS were submitted on May 11, 2023 (refer to **Attachment D**). Final action is due for this application per the Permit Streamlining Act by May 21, 2023.

On May 8, 2023, a public notice was mailed to all property owners within a 300 radius and was also published in the Post Records on May 9, 2023. Following publication of the initial staff report for the May 4, 2023, hearing, Staff received three public comments (as of May 11, 2023), discussed in the below section.

Public Comments

Staff received comments from three neighboring property owners, two private citizens (Comment Nos. 1 and 3, refer to **Attachments A and C**) and the Midpeninsula Regional Open Space District (Midpen, Comment No. 2, refer to **Attachment B**). All comments were generally supportive of the project, but with concerns that are detailed below. Both Comments Nos. 1 and 3 raised the issue of the OWTS leech field and the proximity to existing wells on neighboring properties. For perspective, the project proposes that the leech field be located in the northwestern corner of the property adjacent to McGill Road, on one of the few relatively flat areas of the subject parcel.

DEH Staff reached out to both neighbors to confirm the locations of their wells. DEH requires that leech fields (and septic tanks) be located at least 100 linear feet from any water well or spring to ensure the water quality is not compromised pursuant Section B11-67(I)(6) of the County Ordinance. DEH Staff reviewed plans and conducted a site visit to determine if the proposed leech field for the project met this requirement. Additionally, the applicant has proposed a minor design modification that will add some additional distance from the closest of the two wells (refer to **Attachment D**). The revised plans do not account for all of the wells, so, for additional assurance, Staff has added Condition of Approval No. 13 requiring that applicant verify with DEH that the setback requirement is met prior to the applicant submitting for building permits (refer to **Attachment E**).

Comment No. 1 (refer to **Attachment A**) had two additional comments. The neighbor noted that the stormwater infiltration/detention improvements appeared to be more robust than required.

They also noted that the access to McGill Road, a private road, via Bohlman Road, which is a County- and City of Saratoga-maintained road, is quite narrow in places and requested a traffic control plan for construction vehicles be included as a Condition of Approval. No action has been taken by Staff regarding these comments.

Comment No. 2 (refer to **Attachment B**) included three topics. First, a request for a new Condition of Approval describing what steps the property owner must take should they be required to clear vegetation on Midpen property. This was included by Staff as a new Condition of Approval at the direction of the Zoning Administration hearing officer (refer to Condition No. 10 in **Attachment E**). Second was a request to ensure the property owner was aware of a floating trail easement dedicated to Midpen by previous owners. This was relayed to the property owner and was already noted on the submitted plans. This easement is over 700 feet from the proposed development area, and therefore has no impact on this project. Third was a request that no invasive or non-local plants be used in the project landscaping. This was included in a new Condition of Approval that was directed to be included by the Zoning Administration hearing officer along with direction to provide vegetative screening for any retaining walls greater than 6 feet in height (refer to Condition Nos. 9 and 26 in **Attachment E**).

Comment No. 3 (refer to **Attachment C**) only dealt with the OWTS issue. A fourth neighbor also spoke at the hearing, voicing support for the project without raising any specific concerns.

Findings

As noted in the staff report for this project prepared for the May 4, 2023, Zoning Administration Hearing¹, the application for Building Site Approval, Grading Approval, and Variance has been reviewed in accordance with all relevant codes and policies, including: County Ordinance Code Sections C12-307 (Building Site Approval) and C12-433 (Grading Approval); County Zoning Ordinance Sections 2.20.030 (Rural Base Districts, Development Standards), 4.20.20 (Supplemental Development Standards, Accessory Buildings and Structures), and 5.70.020 (Variance Findings); the County General Plan; and the adopted “*Guidelines for Grading and Hillside Development*.” Staff has determined that all findings can be made and the concerns from the public have been addressed, resulting in a favorable recommendation by Staff to approve the project as conditioned.

Attachments:

Attachment A: Public Comment No. 1
 Attachment B: Public Comment No. 2
 Attachment C: Public Comment No. 3
 Attachment D: Revised OWTS Plan
 Attachment E: Revised Preliminary Conditions of Approval

STAFF REPORT REVIEW

¹ May 4, 2023, Zoning Administration Hearing, Item #1 Staff Report;
https://stgenpln.blob.core.windows.net/document/PLN21_130_ZA_20230504_Item1_StaffReport.pdf

Prepared by: Robert Cain, Associate Planner

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Robert Cain
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Reviewed by: Samuel Gutierrez, Principal Planner

DocuSigned by:
[Signature]
4BFDD21FF1FB4D2...

Attachment A

Public Comment No. 1

Regarding the zoning file PLN21-130 for proposed development at 17025 McGill Rd: We are adjacent land owners at XXXXX McGill Rd. We fully support the approval of the land use permit, grading approval and variance.

We have lived on McGill Rd for 10 years. It is a truly special place in Santa Clara county, with beautiful raw nature, but still close to the heart of Silicon Valley. There is a strong community spirit, with neighbors willing and eager to help each other and tight bonds. Some have lived up here for 40+ years! It's a privilege to live here. And while it's tempting to keep it to ourselves and avoid the disruption of a construction project, we support the rights of landowners to develop their properties and put them to positive use. The county should provide flexibility to waive requirements when appropriate in order to support this development. It is apparent that this application has been carefully prepared and should be approved.

There are only three specific comments:

- 1) The distance from the septic leach field to adjacent wells should be determined to maintain proper separation - the location of existing wells were not specifically noted on the plans.
- 2) The stormwater infiltration / detention appears to be included for compliance with C3, and in this instance, seems quite silly. Given the amount of adjacent raw land, this detention / infiltration will be inconsequential. I would encourage the waiving of this requirement and it's associated expense, as there is virtually no benefit but significant expense for the homeowner.
- 3) Bohlman Rd is quite narrow in some locations, and has frequent bicyclists and walkers in addition to cars. The base of Bohlman turns into Oak St and goes past Saratoga Elementary. Construction vehicles have been known to be driven unsafely in the past on both Oak St and Bohlam. We would suggest that conditions of approval include a traffic control plan that would define measures taken to protect the safety of everyone on the road, which could include reduced construction traffic during commute times, especially times related to the start and dismissal of the daily bell schedule for local schools, and the prohibition of large trucks / concrete trucks during those times. Advanced notice of particularly impactful events, such as concrete pours, could be made via the community email list serve.

Again, we fully support the approval of this application, and look forward to welcoming the homeowners into this special community.

Thank you

Matt and Lori Larson
XXXXX McGill Rd

Attachment B

Public Comment No. 2



GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
Craig Gleason
Yoriko Kishimoto
Jed Cyr
Curt Riffle
Karen Holman
Margaret MacNiven
Zoe Kersteen-Tucker

May 3, 2023

Robert Cain, Associate Planner
County of Santa Clara
Department of Planning and Development
County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110

SUBJECT: File No. PLN21-130, Land Use Permit for a Building Approval, Grading Approval, and Variance for a New Single-Family Residence located at 17025 McGill Road; May 4, 2023, Zoning Administration Meeting (Item No. 1)

Dear Mr. Cain,

On behalf of the Midpeninsula Regional Open Space District (Midpen), I appreciate the opportunity to comment on the proposed residential development project (Project) located at 17025 McGill Road (File No. PLN21-130) which will be considered for land use permitting by the Zoning Administration at their May 4, 2023 meeting (agenda item No. 1).

Midpen owns and manages over 70,000 acres of open space land in the Santa Cruz Mountains region. Our mission is:

To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education.

The property is adjacent to El Sereno Open Space Preserve (Preserve) and Midpen has a floating trail easement across the subject parcel. Midpen would therefore like to provide the following comments on the proposed Project.

Defensible Space

Like many areas of the Santa Cruz Mountains, the Project site is located in the State-designated High Fire Hazard Severity Zone and in the Wildland Urban Interface Fire Area. Please ensure that the project site includes appropriate defensible space to prevent wildland fire, and that defensible space requirements are met as required in No. 14 of the Standard Conditions of Approval. Additionally, the single-family home is proposed to be setback 30 feet from Midpen's the property line. If vegetation clearing on Midpen's property is required to meet the Fire Marshal's Office conditions of approval the property owner should apply to Midpen for a free Neighbor Defensible Space Permit (www.openspace.org/where-to-go/permits/defensible-space-permit). Midpen requests that this requirement be added as a Condition of Approval following the Fire Marshal's Office's conditions in Attachment B of the staff report (Preliminary Conditions of Approval).

Trail Easement

Midpen secured a trail easement through the parcel (APN 517-24-024) in March of 2018. This easement is classified as a floating trail easement on the portion of the subject property as specified on Sheet BT2 of the plan set (Attachment D of the staff report). Currently there is no public access, but when a trail alignment is selected, the floating trail easement will be converted to a 100-foot-wide trail easement (50 feet from centerline). The property owners should be advised that public access and a trail will be anticipated through this parcel in the future. The portion of the property in which Midpen has a recorded trail easement is not dedicated as public open space. The intent of the trail easement is to provide future public trail connections between El Sereno Preserve and Sanborn County Park as an extension of the Bay Area Ridge Trail.

Landscaping

Midpen recommends that no invasive or non-local plants be used in the project landscaping, as these non-native plants may spread to adjacent properties.

We appreciate the opportunity to comment on this project. Should you have any questions about this letter, please contact me at (650) 625-6563 or jmark@openspace.org, or Mattea Curtis (Planner II) at (650) 772-3647 or mcurtis@openspace.org.

Sincerely,



Jane Mark, AICP, Planning Manager

CC: Susanna Chan, Assistant General Manager, Project Planning and Delivery

Attachment C

Public Comment No. 3

From: Kamolluck Trateng
To: Cain, Robert
Subject: [EXTERNAL] Fwd: Septic system of 17025 McGill Rd
Date: Tuesday, May 9, 2023 12:43:56 PM

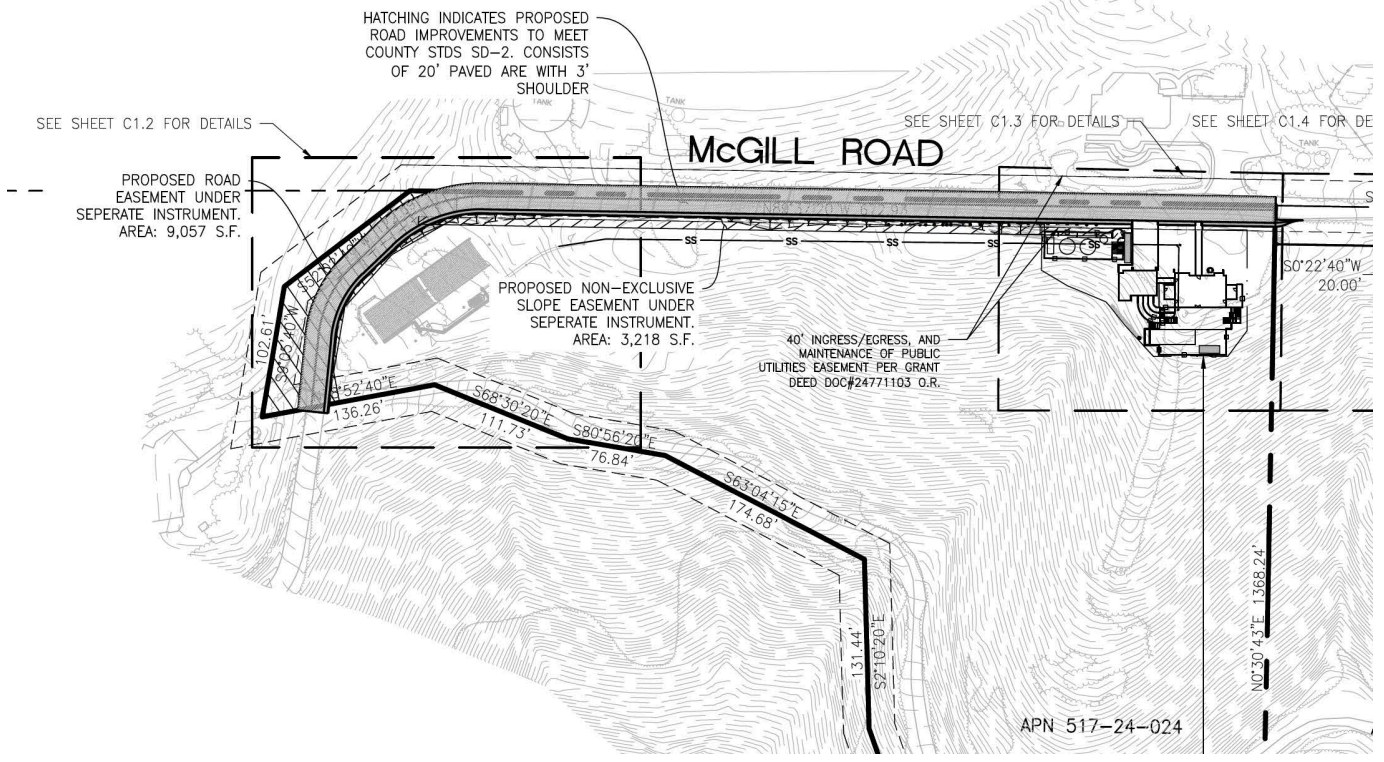
Dear Robert,

Please reconsider to add extra distant the septic system of 17025 McGill rd to the water well of XXXXX McGill rd. My family has full right to preserve the well from septic contamination. Please please do this right so we all live harmony up here. We live here 4.5 years. This 10 acres new development should design with public safety of immediate neighbor in mind. We are not opposed to the development but please add extra distant from the septic system to our water well. Thank you in advance and look forward to hearing from you.

Best regards,

Dr Trateng and family

XXXXX McGill Rd, Saratoga, CA 95070



Attachment D

Revised OWTS Plan

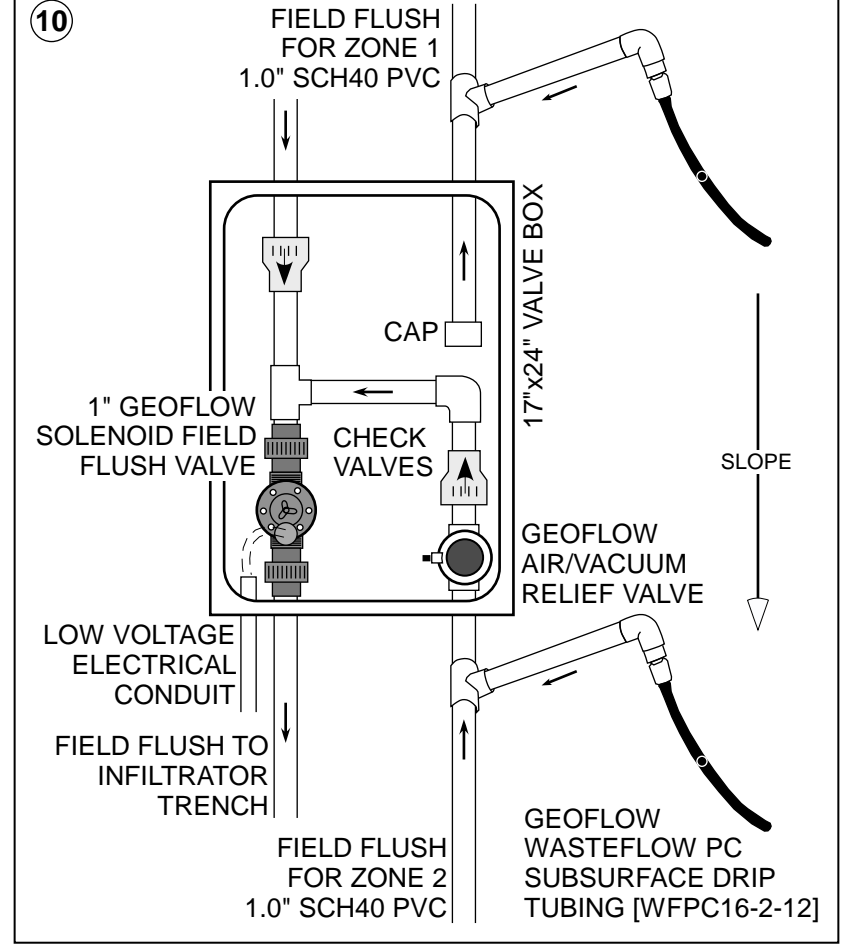
WASTEWATER DESIGN FLOW IS 600 GPD. BASED ON PROPOSED 5 BEDROOM SINGLE FAMILY RESIDENCE

- 4" ABS GRAVITY SEWER LINE WITH MINIMUM 2% GRADIENT AND 2-WAY CLEANOUTS SPACE 50' APART MIN.
- 1,500 GALLON ORENCO™ PROCESSING TANK WITH ADVANTEX AX20 WASTEWATER TREATMENT SYSTEM (SEE DETAIL)
- 2,000 GALLON CHAPIN CONCRETE PUMP TANK WITH OSI PF1010 DISCHARGE PUMP
- VERICOMM® CONTROL PANEL. REQUIRES ONE 20 AMP 120 VOLT CIRCUIT AND TWO 20 AMP 230 VOLT CIRCUITS, AND AN ACTIVE CAT 5 DATA LINE FOR PANEL TELEMETRY. A REMOTE AUDIBLE/VISIBLE ALARM PANEL, TYPE 4X ENCLOSURE FOR OUTDOOR USE, SHALL BE INSTALLED AT HOUSE SITE. ORENCO PRODUCT CODE: AMSENTII-W
- HEADWORKS VALVE BOX ASSEMBLY (SEE DETAIL)
- ZONE VALVE BOX PROVIDING AUTOMATIC DIVERSION BETWEEN PRIMARY AND SECONDARY DRAINFIELD ZONES WITH TWO SOLENOID VALVES AND 50 PSI PRESSURE REGULATOR. (SEE DETAIL)
- MID-FIELD (ZONE) CHECK VALVE WITH AIR VACUUM RELIEF VALVE INSTALLED DOWNSLOPE IN 7"-ROUND VALVE BOX (TYP.) 8X. (SEE DETAIL)
NOTE: MAKE CERTAIN THAT CHECK VALVES ON SUPPLY AND RETURN HEADER MANIFOLDS ARE POSITIONED BETWEEN CORRELATIVE DRIP TUBE LATERALS.)
- AIR VACUUM RELIEF VALVE 4X (THREE IN 7" ROUND VALVE BOX (TYP. - SEE DETAIL))
- GEOFLOW SUBSURFACE DRIP DISPERSAL SYSTEM (ZONE 1 PRIMARY AND ZONE 2 SECONDARY) WITH A TOTAL OF 2,500 LINEAR FEET OF GEOFLOW WASTEFLOW PC SUBSURFACE DRIP TUBING WITH LATERALS SPACED 12" APART (0.53 GPH DRIP EMITTERS SPACED 12" APART) COVERING A TOTAL OF 2,500 SQUARE FEET RESULTING IN A SOIL APPLICATION RATE OF 0.48 GPD/SF BASED ON A PEAK DESIGN FLOW RATE OF 600 GPD DOSED TO A SINGLE 1,250 SQUARE FOOT ZONE.
- DRIP FIELD FLUSH VALVE BOX PROVIDING AUTOMATIC FIELD FLUSH WITH ONE SOLENOID VALVE, TWO CHECK VALVES AND ONE AIR VACUUM RELIEF VALVE (SEE DETAIL)
- 48 LF TRENCH WITH 12 QUICK4 EQUALIZER 24 LOW-PROFILE INFILTRATOR CHAMBERS AND END CAPS. 1" SCH 40 PVC DRIP FIELD FLUSH RETURN LINE PLUMBED TO DISCHARGE INTO 4" CAPPED INSPECTION RISER PIPE. A SECOND 4" CAPPED INSPECTION RISER SHALL ALSO BE INSTALLED IN LAST CHAMBER.
- 3'-DEEP INSPECTION WELL 6X (SEE DETAIL)
- INSTALL A WATER LINE AND HOSE BIB (PER CALIFORNIA PLUMBING CODE) POSITIONED GREATER THAN 10' FROM THE TANKS. THIS HOSE BIB IS FOR USE WHEN SERVICING THE SYSTEM.
- DESIGNATED FUTURE DRIP EXPANSION AREA (375 SF PER ZONE, 750 SF TOTAL) TO ACCOMMODATE THE POTENTIAL FUTURE 2 BEDROOM ADU (300 GPD)

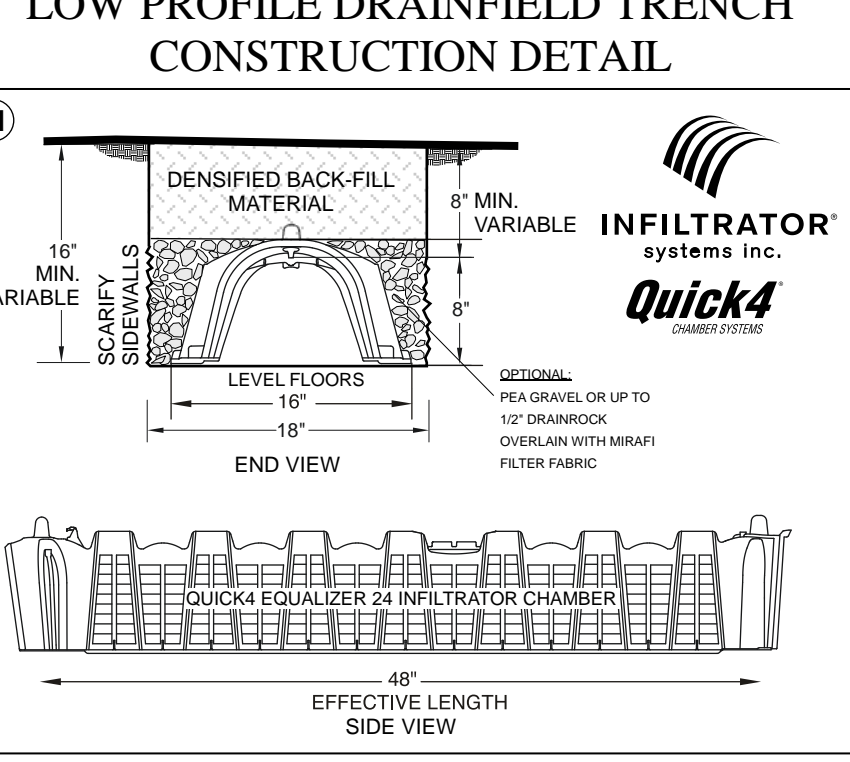
IMPORTANT! SPECIFIED WASTEWATER DRAINFIELD DISPERSAL AREAS SHALL BE FENCED OFF PRIOR TO ANY SITE DEVELOPMENT IN ORDER TO PROHIBIT ANY GRADING EQUIPMENT OR STAGING OF MATERIALS IN THESE AREAS. IT IS IMPORTANT THAT THE NATURAL SOIL CONDITIONS IN THESE AREAS BE PRESERVED FOR PROPER FUNCTION OF THE SHALLOW SOIL DISCHARGE SYSTEM. DO NOT ALLOW SOILS IN THESE AREAS TO BE COMPACTED. DO NOT ROUTE UTILITY TRENCHES THROUGH THE PROPOSED DRAINFIELDS. ALL STORMWATER LINES, INLETS/OUTLETS AND DRAINAGEWAYS SHALL MAINTAIN THE REQUIRED DEH SETBACKS TO THE PROPOSED DRAINFIELDS.

ALL BUILDING PLANS PREPARED FOR THE PROJECT SHOULD INCLUDE THIS NOTE.

FIELD FLUSH VALVE BOX DETAIL



INFILTRATOR QUICK4 EQUALIZER 24 LOW PROFILE DRAINFIELD TRENCH CONSTRUCTION DETAIL

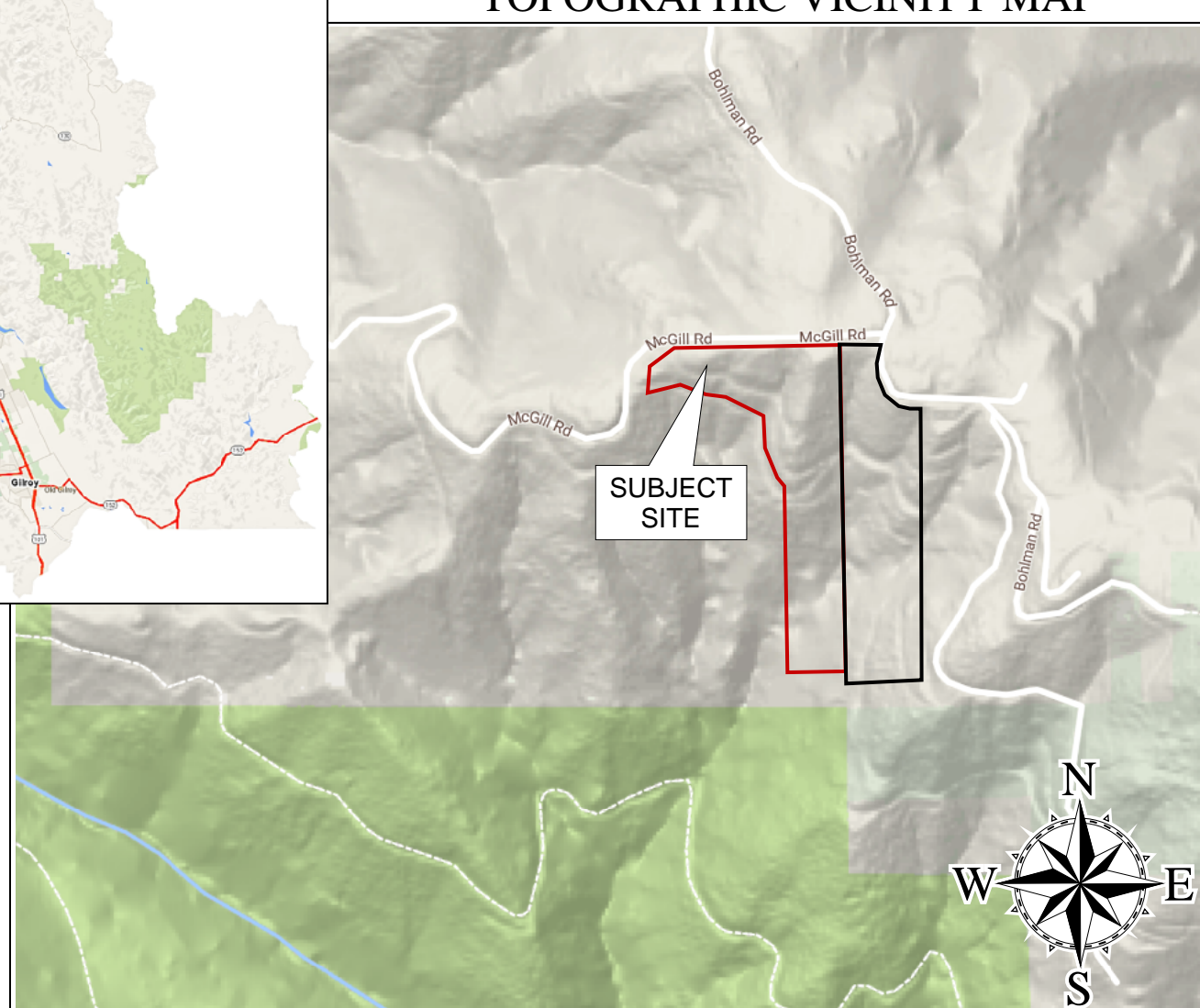


NOTE: THIS MAP WAS PREPARED SOLELY FOR THE PURPOSES OF THE SEPTIC SYSTEM DESIGN AND SHOULD NOT BE CONSTRUED AS SUFFICIENT FOR OTHER PURPOSES. LOCATIONS ARE APPROXIMATE. BIOSPHERE CONSULTING, INC. SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE CAUSED TO UTILITIES DURING CONSTRUCTION.

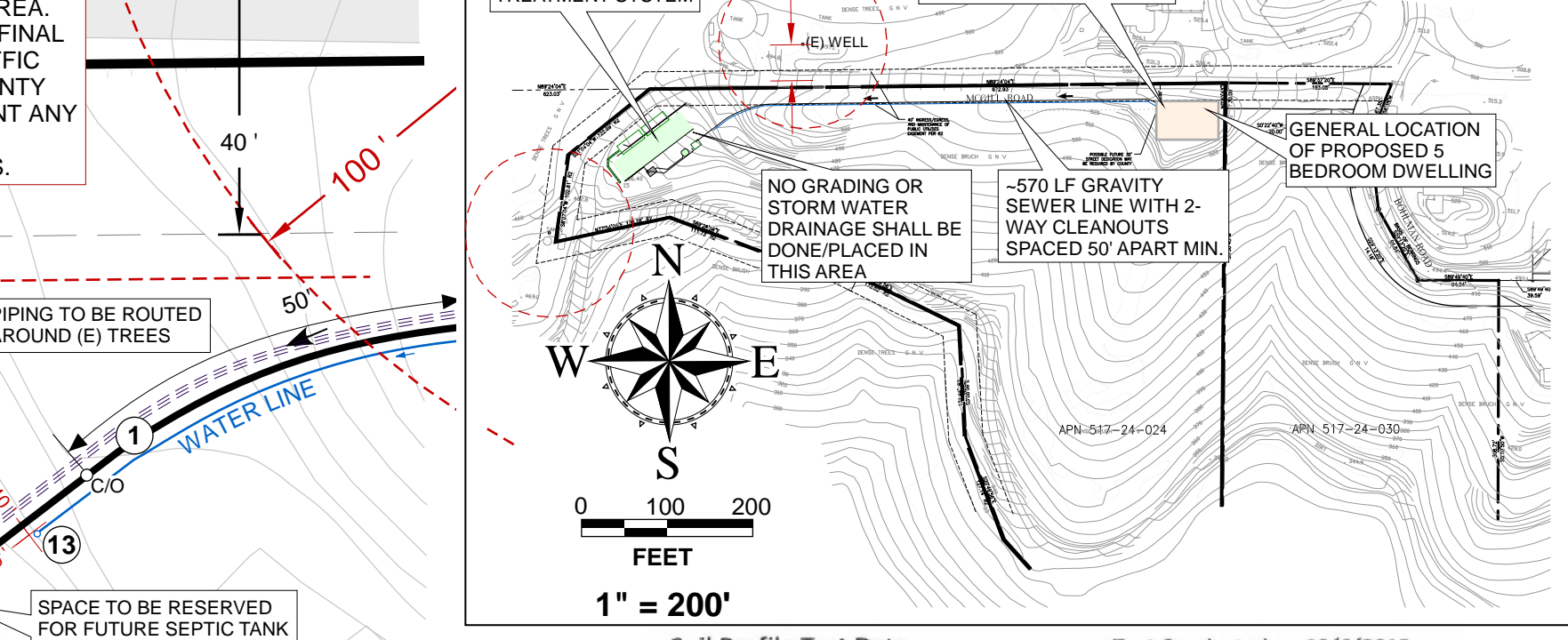
COUNTY INDEX MAP



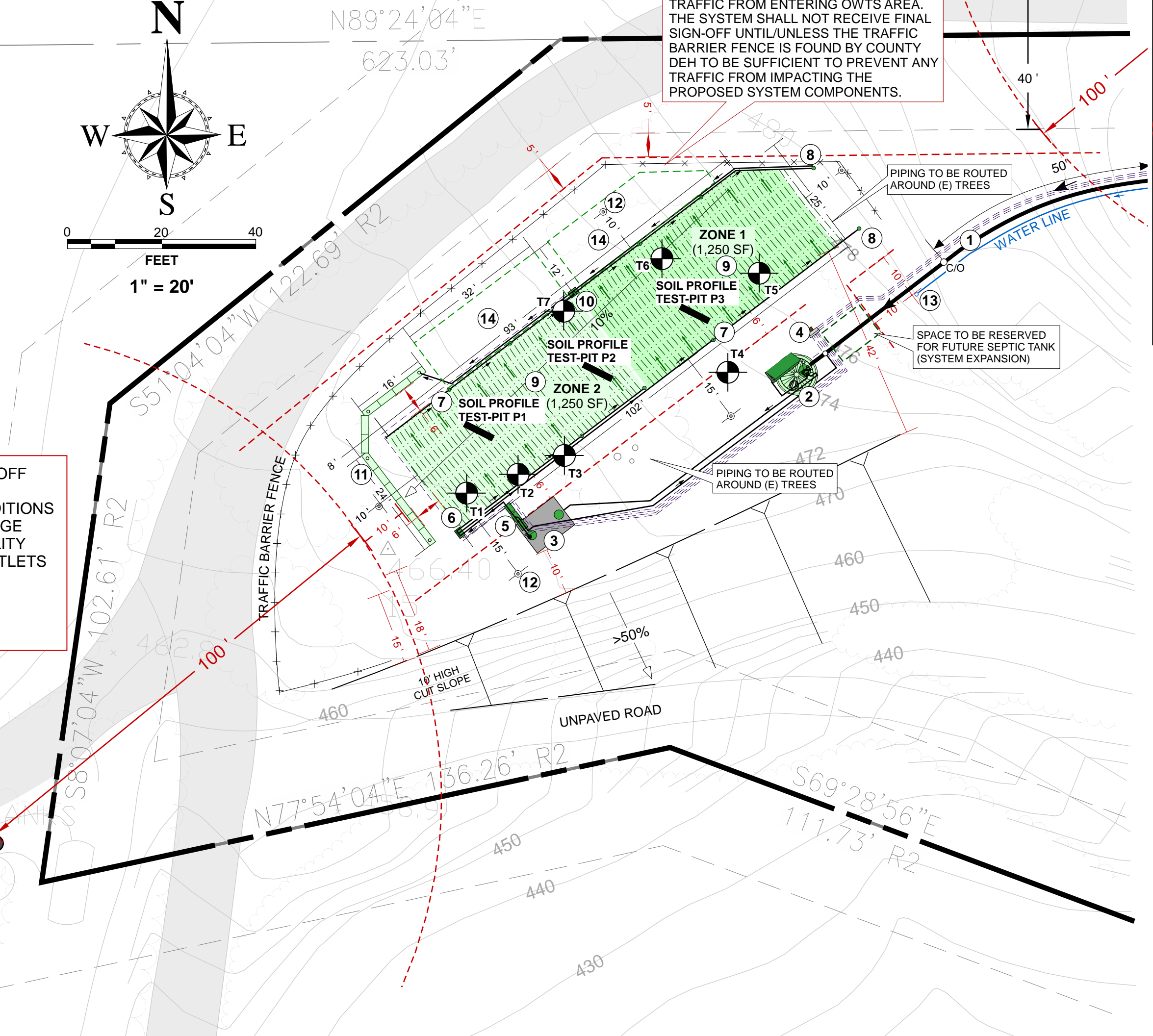
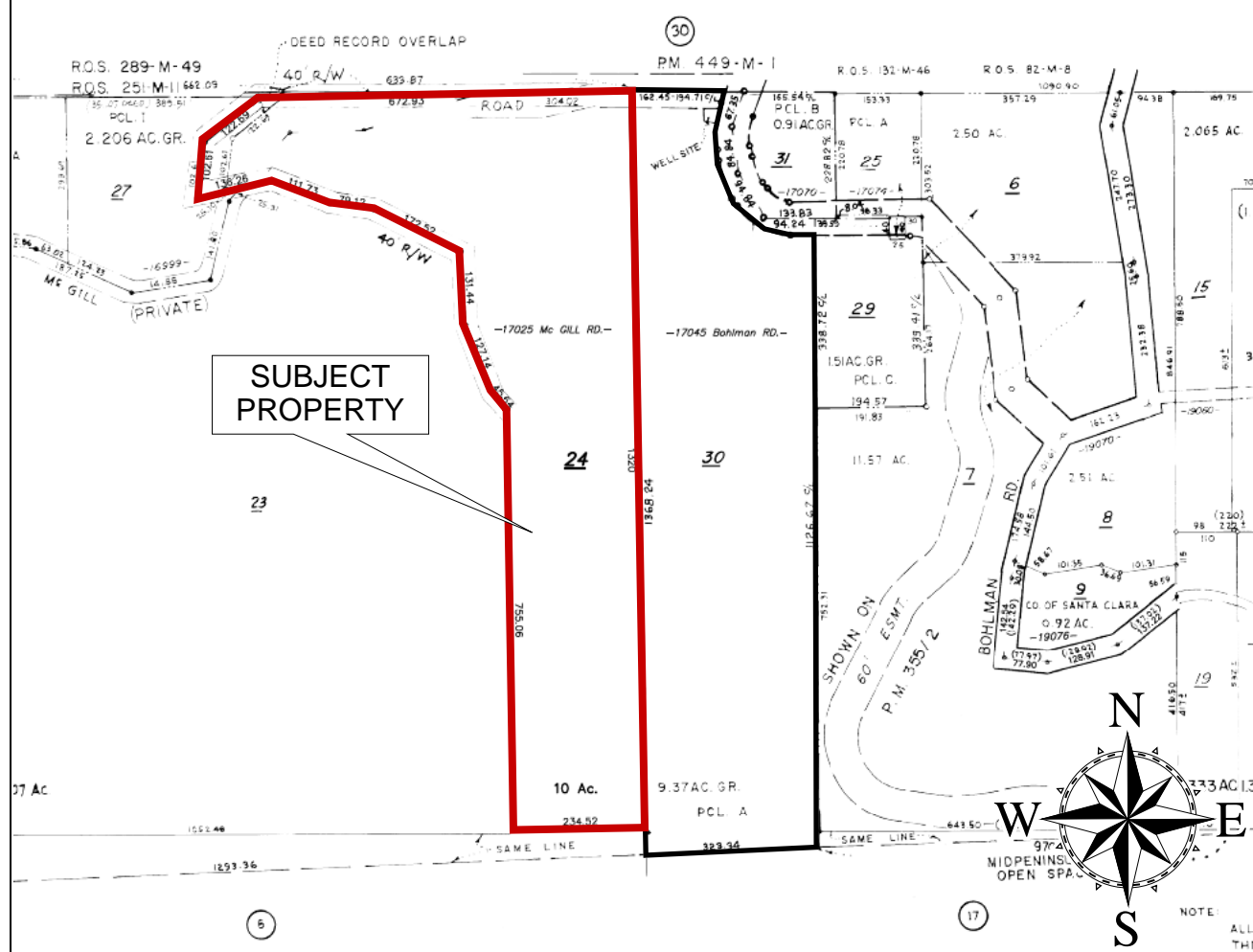
TOPOGRAPHIC VICINITY MAP



PROPOSED DEVELOPMENT AREA



PARCEL INDEX MAP



Soil Profile Test Data
 Owner: Gazala Khan & Nitin Gupta
 17025 McGill Rd., Saratoga, CA
 APN 517-24-024

Test Conducted on 10/6/2015
 By Chris Day, R.E.H.S. Tel. 650-293-1045
 Witnessed by: Darius Haghighi, R.E.H.S.
 Santa Clara County EH

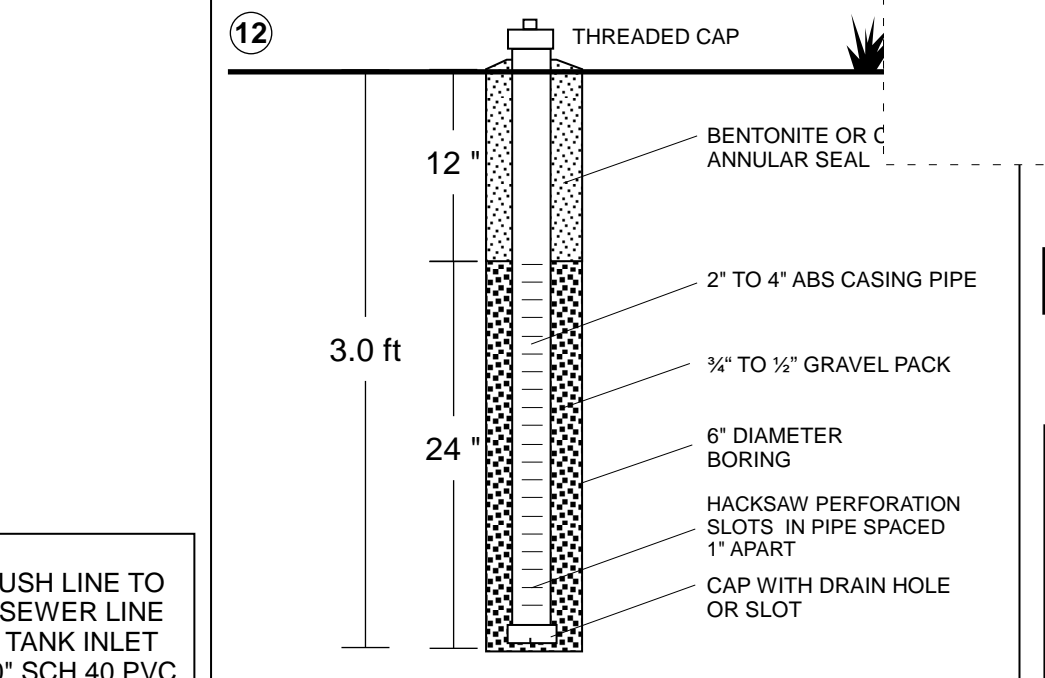
Soil Profile Test Hole #1 Depth: 4 ft.
 0-48" Decomposed Sandstone / Clay Sand
 Roots Coarse & Medium
 Pores Coarse & Common
 Weak Subangular Structure
 Approximately 75% Rock
 Dry Condition of Soil
 Color Light Tan
 No Mottling

Soil Profile Test Hole #2 Depth: 1 ft.
 1-12" Fractured Shale / Rock Patch

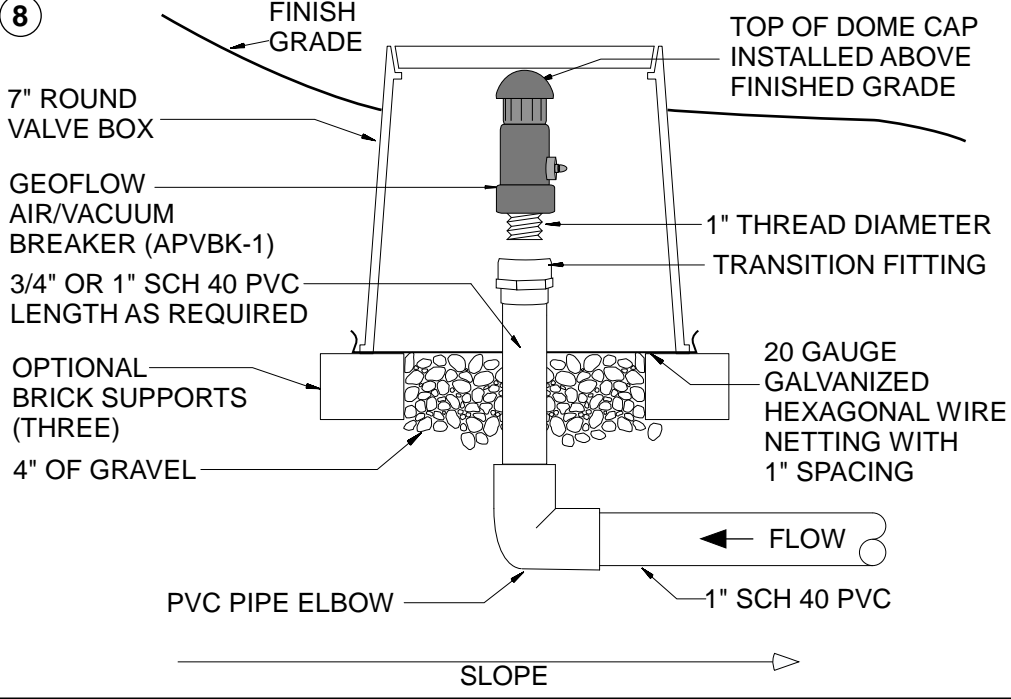
Soil Profile Test Hole #3 Depth: 4 ft.
 0-24" Decomposed Sandstone / Clay Sand
 Roots Fine & Medium
 Pores Coarse & Common
 Weak Subangular Structure
 Approximately 60% Rock
 Dry Condition of Soil
 Color Light Tan
 No Mottling

24-36" Fractured Shale / Rock Patch
 36-48" Decomposed Sandstone / Clay Sand
 Roots Fine & Few
 Pores Coarse & Common
 Weak Subangular Structure
 Approximately 75% Rock
 Dry Condition of Soil
 Color Light Tan
 No Mottling

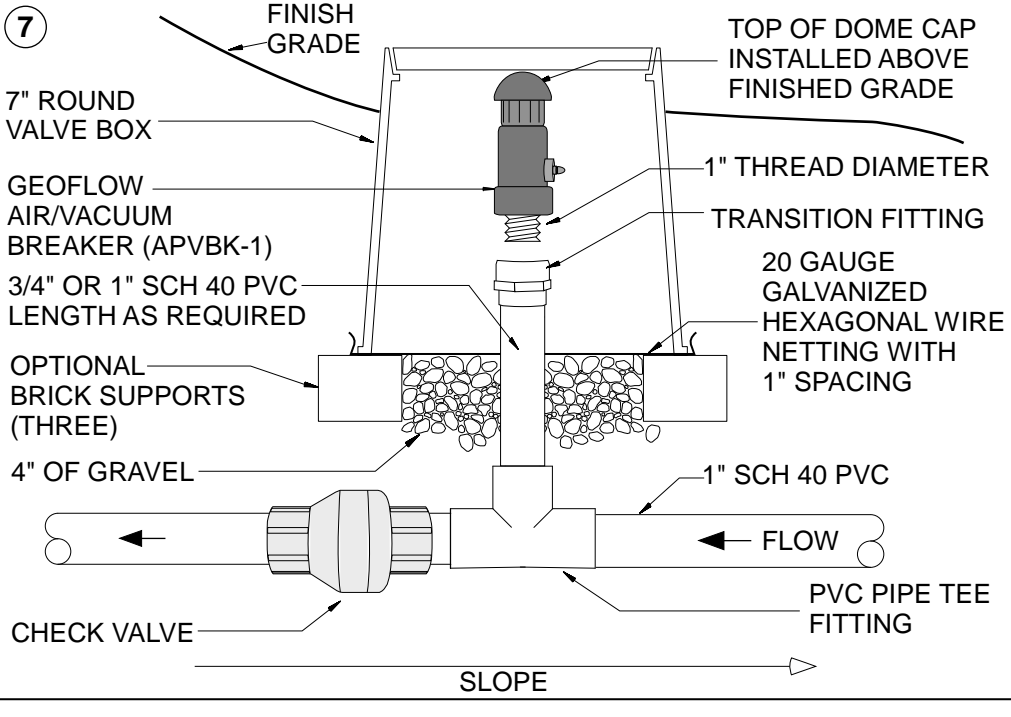
INSPECTION WELL CONSTRUCTION DETAIL



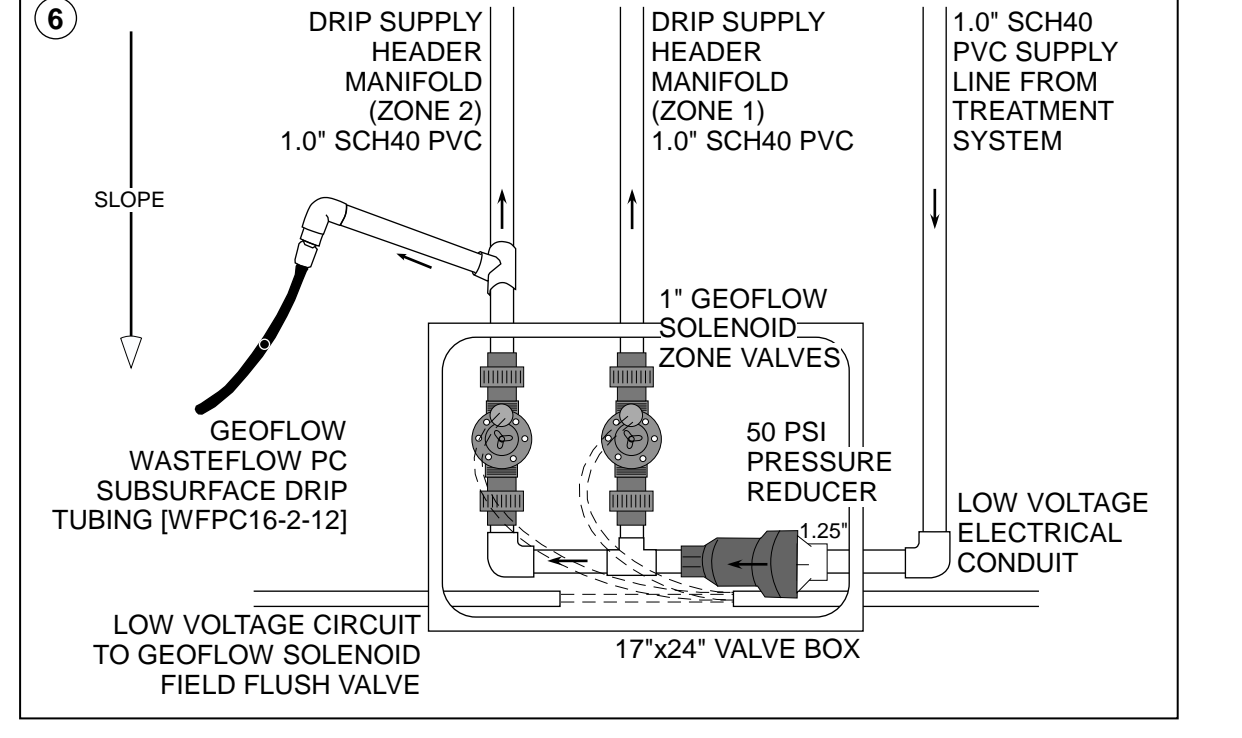
AIR VACUUM RELIEF VALVE DETAIL



MID-FIELD CHECK VALVE AND AIR VACUUM RELIEF DETAIL



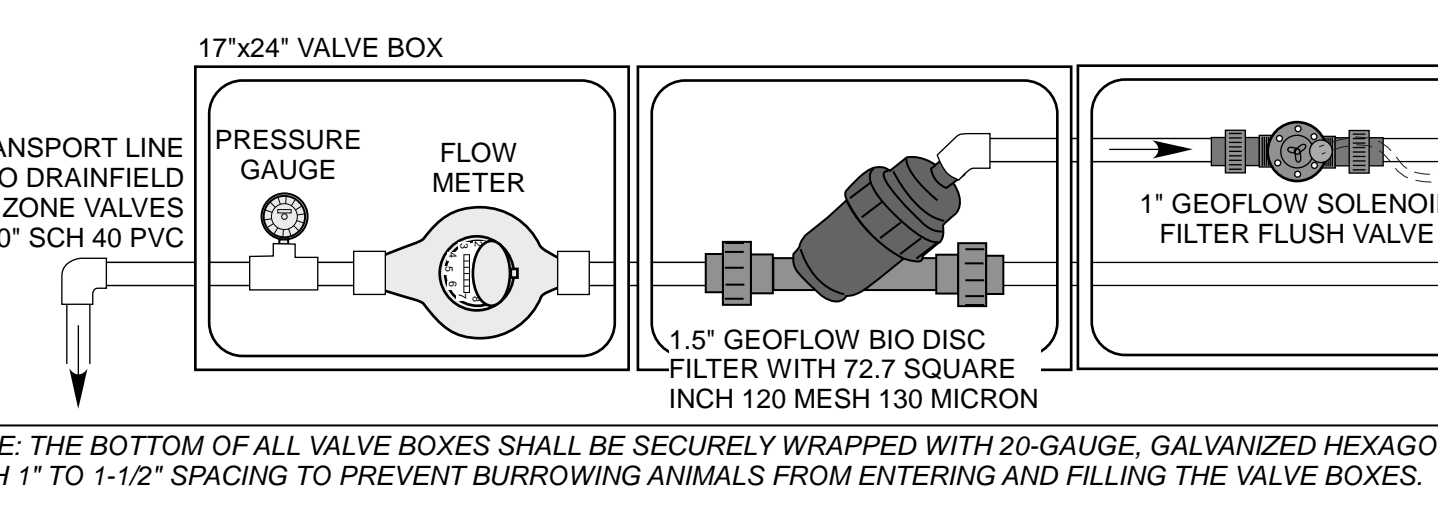
ZONE VALVE BOX DETAIL



SOIL PERCOLATION SUMMARY TABLE 10-13-15

Percolation Hole (T#)	T1	T2	T3	T4	T5	T6	T7
Depth	2'	1'	1.5'	2'	1'	1'	1'
Stabilized MPI	R	9	7	19	6	76	16
Adjusted Stabilized MPI	R-3E x 1.4	13	10	27	8	106	22
Avg. Adj. Stabilized MPI # Bedrooms	FOR OFFICE USE ONLY		TANK SIZE (Gal)		Leach Line (Ft)		28 MPI = 0.7 GPD / SF

HEADWORKS VALVE BOX DETAIL



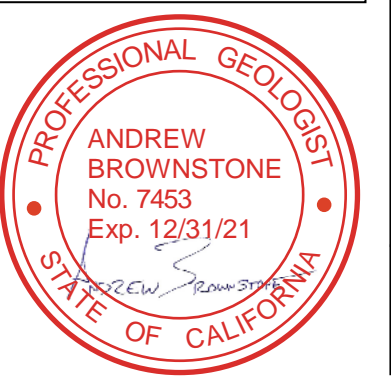
COUNTY E.H. ACCEPTANCE/APPROVAL STAMPS

BIOSPHERE CONSULTING
 Alternative Wastewater System Design
 1315 King Street
 Santa Cruz, CA 95060
 Tel: (831) 430-9116
 www.biosphere-consulting.com

- Site Evaluation & Mapping
- Soil Analysis & Percolation Testing
- New Development, Upgrade & Repairs
- Residential & Commercial

ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Project Location:	17025 McGill Rd, Saratoga, California	[Santa Clara County]
Property Owner:	Milind Khandare	
Mailing Address:	560 Hope St, Apt 27, Mountain View, CA 94041	
Owner Phone #:	(312) 607-9870	
Date:	05/03/18	By: Andrew Brownstone
REVISION:	06/04/18 05/08/23 03/12/21	
Job No.:	21006	APN: 517-24-024
		1 OF 2



Attachment E

Revised Preliminary Conditions of Approval

ATTACHMENT E
**PRELIMINARY CONDITIONS OF APPROVAL FOR BUILDING SITE APPROVAL,
 GRADING APPROVAL, AND VARIANCE**

Date: May 19, 2023

Owner/Applicant: Milind Khandare and Neha Dobhal

Location: 17025 McGill Road, Saratoga (APN: 517-24-024)

File Number: PLN21-130

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

Project Description: Building Site Approval, Grading Approval, and Variance. The request includes the construction of a new three-story, 4,540 square-foot residence on a 10.0-acre parcel. Associated improvements include a new driveway, septic system, swimming pool, and water tanks located within the front yard setback. The Variance request is to reduce the front yard setback for water tanks from the required 30’0” setback to 6’0”. Total grading quantities for the proposed project include 735 cubic yards of cut and 782 cubic yards of fill with a maximum vertical depth of 19’6” for the foundation of the residence. Approval is based on the plans submitted March 29, 2023, the revised architect plans submitted on April 17, 2023, and revised easement plans on April 19, 2023. The project is not located within the Santa Clara Valley Habitat Plan Area.

If you have any question regarding the following conditions of approval, call the person whose name is listed below as the contact for that agency. They represent a specialty and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Robert Cain	(408) 299- 5706	robert.cain@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@cep.sccgov.org
Fire Marshal	Alex Goff	(408) 299 – 5763	alex.goff@sccfd.org
Land Development Engineering	Ed Duazo	(408) 299 - 5733	ed.duazo@pln.sccgov.org
Geology	David Seymour	(408) 299 - 6711	David.seymour@pln.sccgov.org
Roads & Airports	Tom Esch	(408) 573 - 2450	Tom.esch@rda.sccgov.org
Building Inspection		(408) 299 - 5700	

STANDARD CONDITIONS OF APPROVAL

Building Inspection

1. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Building Inspection Office or visit the website at www.sccbuilding.org.

Planning

- 2. Development must take place in substantial conformance with the approved plans as presented at the Zoning Administrator hearing on May 4, 2023, consisting of plans submitted March 29, 2023, revised architect plans submitted on April 17, 2023, revised easement plans submitted on April 19, 2023, and as modified by the Conditions of Approval. Any additional changes to the proposed project, or modification to the grading or design may require a modification to the concurrent land use permit for the Building Site Approval, Grading Approval, and Variance, and associated fees, and may result in additional environmental review, pursuant to the California Environmental Quality Act. Changes are required to be submitted for review and approval by the Planning Division of the Department of Planning and Development.
- 3. This approval does not otherwise approve any unpermitted structures located on the property. All structures and grading located within Santa Clara County jurisdiction that require a permit are subject to compliance with and issuance of County permits.
- 4. Building and grading permits shall be submitted to the Building Inspection Office concurrently.
- 5. Existing zoning is HS (Hillsides). Maintain the following minimum dwelling setbacks (Zoning Ordinance Sections 2.20.030):

Front: 30'0"

Sides: 30'0"

Rear: 30'0"

The maximum height of dwellings is 35'0" and shall not exceed three (3) stories. The height of the residence must be shown on development permit plans and measured in accordance with §1.30.030 of the County Zoning Ordinance. This is from the final grade to the top of the structure. On sloping lots, such as this one, height is measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site; no portion of the residence may exceed the maximum height allowed of 35'0".

- 6. Two (2) off-street parking spaces are required, one (1) of which must be covered.
- 7. Pursuant to the approved **Variance**, water tanks as shown within the approved plans dated on April 17, 2023, shall maintain the following minimum setbacks:

Front: 6'0"

Sides: 3'0"
(height up to 12'0" tall)

Rear: 3'0"
(height up to 12'0" tall)

- 8. Tree replacement and planting. No trees are proposed to be removed in this project; should development require any tree to be removed, the project will be required to submit plans showing the size and location of the tree(s) to be removed and provide sufficient new trees to be planted in conformance with the *County Guidelines for Tree Protection and Preservation for Land Use Applications*. A reduction to the number of trees to be replanted can only be authorized by the Director of Planning and Development based on sufficient evidence

provided by a certificated arborist report that supports a reduction to the standard tree replacement ratio.

9. All retaining walls which exceed 6' in height shall be screened by native vegetation. No required or elective planting of non-native or invasive species is allowed. The required vegetation shall be maintained in perpetuity.
10. Should the project require vegetation clearing on the neighboring Midpeninsula Regional Open Space District (Midpen) property in order to meet defensible space requirements, the applicant must apply to Midpen and receive a Neighbor Defensible Space Permit (www.openspace.org/where-to-go/permits/defensiblespace-permit).

Archaeological Resources

11. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

Land Development Engineering

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

Environmental Health

13. The onsite wastewater treatment system (OWTS) design shall be in conformance with the prevailing Onsite Wastewater Treatment System Ordinance. The applicant shall submit a plan to Planning and Environmental Health that clearly identifies all existing wells, onsite and on neighboring properties immediately adjacent to the OWTS, including well arcs to ensure that the OWTS is situated a minimum of 100 feet from any water well **prior to submitting for development permits.**
14. The OWTS shall be designed based upon percolation test rates and the dispersal field shall be located within the percolation and soil profile testing areas.

Based upon a percolation rate of 28 minutes per inch with an application rate of 0.48 gallons per minute per square feet, sewage disposal conditions for a 5-bedroom single-family dwelling as follows:

- a. 1250 square foot plus 1250 square foot dual drip dispersal fields (or for a single field total of 2500 square foot).
- b. 1500-gallon septic tank, an Advantex AX20 treatment device, and 2000-gallon

pump tank.

This OWTS design is adequate to serve a proposed single-family dwelling not to exceed 600 gallons per day, an equivalent to a five-bedroom single family dwelling.

15. 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.

Fire Marshal's Office

16. The requirements stated in these Conditions of Approval are the minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
17. This property is located in the Wildland Urban Interface Fire Area. All of the following conditions shall apply:
 - a. A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
 - b. Meet Chapter 7A of the CBC.
 - c. Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

Fire Protection – Access

18. 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. Driveways are to have a 12 ft. drivable width and a 3 ft. shoulder.
 - b. Vertical Clearance: Minimum vertical clearance of 13 ft. 6 in. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements) for access roads and driveways.
 - c. Curve Radius: Plans to show minimum 30 ft. inside turn radius for curves and 50 ft. exterior turn radius.
 - d. Grade: Maximum grade shall not exceed 15%.
 - e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.
 - f. Turnarounds: Turnaround shall be provided for dead-end roads and driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnaround shall comply with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.
 - g. A sign stating no parking will be required at the turnaround to ensure the hydrant and turnaround are accessible at all times, this includes the driveway as the plans purpose this area as a turnaround.
 - h. The turnaround is to be clearly identified to ensure fire personnel can identify the

turnaround.

- i. Bridges: All bridges and elevated platforms (for vehicles) 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.
- j. Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.
- k. Address: Numbered address to be easily recognizable from the street.

19. 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.

Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

Fire Protection – Water

20. On-site storage tanks are required, and 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 Department of Environmental Health.
 - 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.
 - d. A standard fire hydrant may be required in lieu of water tanks and a wharf hydrant if a water purveyor is available to supply water to the parcel.
21. 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).

- b. A blue "Botts Dot" is to be installed near the middle of the street to identify the location of the wharf hydrant.
- c. A sign is to be installed to identify location of the wharf hydrant.
- d. There is to be no parking along the fire department turnaround to ensure the hydrant is kept accessible. A sign is to be installed stating "No Parking."

22. 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.

Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.

Roads & Airports

23. The project does not propose to remove trees within the County right-of-way. Should any tree be removed, replaced, or relocated within the County (ROW), a Tree Removal Approval Board of Supervisor process is required, and approval must be granted prior to any covered activity. A tree within the ROW requiring removal approval is any tree at least 20'0" in height or at least 12" in diameter measured 4'-6" feet above grade. The process for obtaining approval for a tree removal and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Tree Removal from County Right-of-Way.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO FINAL GRADING AND BUILDING PERMIT ISSUANCE

Planning

24. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.
25. **Prior to issuance of a building permit**, and pursuant to Zoning Ordinance Section 5.20.125 record a Notice of Permit and Conditions with the County Office of Clerk-Recorder to ensure that successor property owners are aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided **prior to building permit issuance**.
26. The applicant must submit a plan showing proposed vegetative screening planting for retaining walls with a height greater than 6 feet **prior to building permit issuance**.
27. For all trees to be retained with a canopy in the development area, or that interfaces with the limits of grading for any proposed development on-site, the trees shall be protected by the placement of five (5)-foot tall rigid tree protective fencing, as shown on final grading and final building plans and must include the following:

- a. Fencing should be placed along the outside edge of the dripline of the tree or grove of trees.
- b. The fencing should be maintained throughout the site during the entire construction period and should be inspected periodically for damage and proper functions.
- c. Fencing should be repaired as necessary to provide a physical barrier from construction activities.
- d. The following sign shall be placed on all tree protection fencing and must remain until final occupancy. The sign must read: “Warning. This fencing shall not be removed without permission from the Santa Clara County Planning Office. County of Santa Clara tree protection measures may be found at: <http://www.sccplanning.gov>, or call 408-299-5770 for additional details.”
- e. Protection measures must be in place **prior to construction activity** commencing.
- f. Evidence of tree protective fencing can be provided by taking photos and emailing to the project planner.

Land Development Engineering

28. 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/home> > How to > Apply for a Development Permit or Planning Application > 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.

29. 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.
30. 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:

§ March 1981 Standards and Policies Manual, Volume 1 (Land Development)

<https://plandev.sccgov.org/home> > Ordinances & Codes > Land Development Standards and Policies

§ 2007 Santa Clara County Drainage Manual

<https://plandev.sccgov.org/home> > Ordinances & Codes > Grading and Drainage Ordinance

31. 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.
32. 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.
33. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
34. Provide landscaping and disturbed area quantities on the final plans. If more than 500 square feet of landscape area is proposed, then apply for and obtain a landscape permit. Additional information on landscape permit applicability & requirements is available at: <https://plandev.sccgov.org/landscape-ordinance>.
35. 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.
36. 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.

37. Include one of the following site design measures per the 2015 Municipal Regional Permit in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website:

§ www.scvurppp.org > Elements > New Development and Redevelopment > C.3 Stormwater Handbook (June 2016)

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

39. 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.

40. Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at:

www.waterboards.ca.gov > Water Issues > Programs > Stormwater

41. 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.

- a. Offer to dedicate the following curvilinear rights-of-way to the public and the County for public/private road purposes: (1) a 20-foot half-street for those portions of the existing 40-ft ingress/egress easement for McGill Road that are located within the property (APN: 517-24-024), and (2) additional right-of-way for those portions of McGill Road along the western property boundary, where the existing road alignment is offset from the centerline of the existing 40-foot easement. The required additional right-of-way along the western property boundary is generally shown in the conditionally approved plans.
- b. Offer to dedicate slope easements for all slopes and retaining walls supporting the proposed road improvements that extend beyond the McGill Road right-of-way. Retaining walls supporting the road improvements shall be structurally independent from private improvements outside the slope easement.

- c. 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 the portion of the tributary of Lyndon Canyon Creek that passes through the property.
42. 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).
43. Enter into a deferred improvement agreement for the ultimate County improvement of McGill Road.

Environmental Health

44. On revised plan set, overlay final onsite wastewater treatment system (OWTS) design onto the final grading and drainage plan scaled to 1-inch equals 20 feet (1" = 20'). The plan shall show the proposed dwelling, driveway, accessory structures, septic tank and the required dispersal field. Submit the plan set to the Department of Environmental Health (DEH) for review and approval.

- a. Maintain all setbacks as described within County of Santa Clara Onsite Manual.

Note: McGill Road is not a County Roads and Airports maintained road. Any improvements or widening requirements for a project on McGill Road would be determined through the review process by Department of Planning and Development. Any widening of the road or drainage features required could impact the OWTS design.

- b. On final grading and drainage plan with OWTS overlay, include notation 'to fence off OWTS dispersal field prior to construction'.
45. To assist in determining the final OWTS sizing, for the proposed single-family dwelling submit final floor plan to DEH.
46. **Prior to issuance of a development permit**, contact DEH to obtain water clearance for the existing well. This is a separate submittal to DEH subject to completion of a service application, submittal of documents to include well driller's log showing a 50 foot annular seal, well yield, and analytical results from bacteriological and chemical testing, and payment of applicable fees.

Roads & Airports

47. Obtain a Santa Clara County Roads and Airports Department (RDA) Encroachment Permit for the following required improvements:
- a. Install a Stop Sign and Stop bar pavement markings for Mc Gill Road at the intersection of Bohlman Rd.

The process for obtaining an Encroachment Permit and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Encroachment Permit.

48. Demonstrate that the post-development maximum flow rate into the County Road right-of-way is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT, WHICHEVER COMES FIRST.

Land Development Engineering

49. 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.
50. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

51. **Prior to building final**, provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

Fire Marshal

52. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure.

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

Roads & Airports

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