**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 REPORT Zoning Administration Hearing December 5, 2024 Item 1

Staff Contact: Buyan Batbaatar, Assistant Planner (408) 299-6724, <u>buyan.batbaatar@pln.sccgov.org</u>

### File: PLN24-096

### Building Site Approval, Grading Approval and Special Permit -New single-family residence, ADU, JADU, home office and associated site improvements.

**Summary:** Concurrent land use entitlement including Building Site Approval (BSA) and Grading Approval for the construction of a new 2,389 sf single-family residence, new detached Accessory Dwelling Unit (ADU), JADU and associated site improvements, a Special permit for converting existing 1,444 sf pro shop into a 1,105 sf home office as a *Home Occupations: Expanded* use with 339 sf outdoor access storage area. Proposed grading quantities associated with the Grading Approval include 349 cubic yards (c.y.) of cut and 261 c.y. of fill, with a maximum depth of 2.5 feet to accommodate the proposed residence, ADU, JADU, driveway and storm water treatment area.

Owner: Gurbachan Mann Applicant: David Faria Address: 820 Las Animas Ave, Gilroy Present Land Use: Golf Driving Range Supervisorial District: 1 **GP Designation**: Agriculture Large Scale **Zoning**: A-40Ac **APN:** 835-15-051 **Lot Size**: 5Ac **HCP**: Permit Area 3

#### **RECOMMENDED ACTIONS**

- A. Accept Categorical Exemptions, under Section 15303(Class 3) of the CEQA Guidelines (Attachment A); and,
- B. Grant the request for a concurrent land use entitlement Building Site Approval, Grading Approval and Special Permit, pursuant to Conditions of Approval outlined in Attachment B.

#### ATTACHMENTS INCLUDED

Attachment A – CEQA Determination Attachment B – Preliminary Conditions of Approval Attachment C – Location & Vicinity Map Attachment D – Proposed Plans

#### **PROJECT DESCRIPTION**

The proposed project is for a Building Site Approval (BSA) and Grading Approval for the construction of a new 2,389 sf single-family residence, new detached Accessory Dwelling Unit (ADU), JADU and associated site improvements, a Special permit for the conversion of the existing 1,444 sf pro shop into a 1,105 sf home office as a *Home Occupations: Expanded* use with 339 sf outdoor access storage area. Proposed grading quantities associated with the Grading Approval include 349 cubic yards (c.y.) of cut and 261 c.y. of fill, with a maximum depth of 2.5 feet to accommodate the proposed residence, ADU, JADU, driveway and storm water treatment area. No tree removal is proposed. Other site improvements include reductions to the existing parking lot area along the front of the project site.

#### **Setting/ Location Information**

The subject parcel is 5 acres and is located east of the City of Gilroy and Highway 101 off Las Animas Avenue in the southern portion of the unincorporated county. The property is approximately 518 feet from the City of Gilroy; however, it is not located within the Urban Service Area (USA) of the City of Gilroy. The subject parcel takes access from Las Animas Avenue which is a County maintained road. The property is surrounded by single-family residences to the north and west and a vacant parcel to the south and east (Attachment C-Location & Vicinity Map).

The property is located in Habitat Conservation Plan Area 3: Rural Development not covered. The proposed development is located within the following land covers: Agriculture Developed, Grain, Row-crop, Hay and Pasture, Disked/Short-term Fallowed. There are no sensitive land covers, riparian areas, or plant/wildlife survey areas shown on the Habitat Plan (HCP) GIS map, therefore this project is not covered by the Habitat Plan.

#### **REASONS FOR RECOMMENDATION**

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

The project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and staff has determined that the proposed project qualifies for a Class 3 Categorical Exemption under Section 15303 as it involves the construction of single-family residence, detached accessory dwelling unit, JADU, conversation of an existing building for an expanded home occupation use, and associated site improvements. The construction of new single-family residence and accessory dwelling units qualify for Section 15303(a). The proposed home occupation expanded use is for conversion of an existing structure not exceeding 2,500 sf and qualifies for Section 15303(c) (refer to Attachment A).

#### B. Project/Proposal

1. General Plan: Agriculture Large Scale

- 2. **Approved Building Site**: Pursuant to County Ordinance Code Section C12-307, Building Site Approval (BSA) is required for new single-family dwellings, including any property within the A-40Ac zoning district. The subject parcel is parcel 2 on a subdivision parcel map recorded in book 394, page 15 with the County Clerk Recorder's office. The parcel is subject to further approval pursuant to the note included on the parcel map. The proposed project satisfies all development standards for the primary residence, detached ADU, JADU and associated site improvements, including the required setbacks, maximum heights, and parking requirements.
- 3. **Zoning Standards**: The Zoning Ordinance specifies the required development standards for A-40Ac Zoning District, as summarized below, followed by a table noting the project's conformance with Section 4.10.180 for home occupation expanded use:

Main Residence	
Setbacks (A-20Ac):	30-feet from all property lines and/ or rights of way (ROW)
Height:	35 feet maximum
Stories:	2-story maximum

STANDARDS & REQUIREMENTS	CODE SECTION	Meets Standard (Y/N)*
Minimum lot size	§ 4.10.180(C)(1)	Y
Maximum Floor Area	§ 4.10.180(C)(4)	Y
Outdoor Storage of Materials	§ 4.10.180(C)(5)	Y
Number of Vehicles	§ 4.10.180(C)(8)	Y
Sign	§ 4.10.180(C)(9)	N/A

Table A: Compliance with Development Standards for Home Occupation Expanded

#### C. Grading Approval Findings:

All Grading Approvals are subject to specific findings, pursuant to Ordinance Code sections C12-433. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

## 1. The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.

The proposed grading quantities for the project include 349 cubic yards of cut and 261 cubic yards of fill with a maximum height of 2.5 feet to establish a building pad for the main residence, ADU and JADU on this lot. The majority of the cut is to establish a stormwater treatment area. Additional grading is proposed for frontage improvements, access driveway and firetruck turnaround for the main residence. The grading design is necessary and appropriate to establish a residence, ADU and JADU, which is permissible in the Agriculture Large Scale base zoning district, as stated within the Zoning Ordinance as well as within General Plan policies R-LU 11. For these reasons, this finding *can* be made.

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

The proposed grading will not endanger public or private property. The grading is minimized to establish a residence and accessory dwelling units that will provide a safe and stable foundation for the structures proposed. All exported soil will be deposited at an approved site. The Conditions of Approval require that the final grading plans will ensure that grading around the building pads and driveway will not result in slope instability or erosion. Land Development Engineering has specific erosion control standards to be implemented as part of the driveway and grading design. As such, this finding can be made.

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

The proposed grading has been designed to contour and blend with the natural topography to the maximum extent possible. Additionally, there are no known occurrences of protected species that are impacted by the proposed development. Land Development Engineering has specific erosion control standards to be implemented as part of the driveway and grading design which will minimize erosion impacts. As such, 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 proposed grading is the minimum necessary for the residence, accessory dwelling units, and driveway. The entire parcel is flat, and the proposed building pad is situated on the most appropriate portion of the lot. As such, <u>this finding can be made</u>.

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

The proposed grading is designed to conform with the natural terrain and existing topography and will not create a significant visual scar. The placement of the proposed residence, ADU, JADU and associated grading follows the natural slope, contour, and topography of the existing site. As such, <u>this finding can be made</u>.

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

The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The project is consistent with the County's General Plan R-GD22, which encourages only the minimal grading necessary to establish the proposed use. For these reasons, this finding *can* be made.

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

The proposed grading is in conformance with the adopted "Guidelines for Grading and Hillside Development," in particular, the specific guidelines for grading, siting, building form, and design. The overall grading design of the foundations of the main residence, ADU, JADU, driveway, and other associated site improvements is the minimum necessary, conforms with the natural terrain, and has low visibility from the valley floor. There will not be any impact on biological resources as this parcel has no watercourse or sensitive protected wildlife or plant species. Therefore, this finding *can* be made.

#### **D.** Special Permit Findings:

Home Occupation Expanded is subject to special permit findings pursuant to section 5.60.030 of the County Zoning Ordinance. In the following discussion, the scope of review findings for a Special Permit are delineated in **bold** type, and an explanation of how the project meets the required findings is in plain text below. The Zoning Administrator is required to make these findings to approve the project.

## 1. The proposed use conforms with the general plan, with the zoning ordinance, and with all standards applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;

As discussed in Section B, the proposed development meets all applicable general plan and zoning ordinance standards. The proposed home occupation expanded use is for conversion of an existing 1,444 sf pro shop into a 1,105 sf property management office with 339 sf outdoor access storage space. The subject parcel meets the minimum lot size of 1 acre and the home occupation expanded use is limited to one nonresident (up to full-time) employee and one-off street parking spaces as shown on the approved project site plan (refer to Attachment D). Client or customer visits to the site is limited to not more than three (3) per day, and 10 per week. In addition, the proposed conditions of approval ensure that the home occupation expanded use will remain incidental to the primary residential use per section 4.10.180(C) in the County Zoning Ordinance. For these reasons, this finding *can* be made.

# 2. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

The subject property is a 5- acre lot, and the proposed home occupation expanded is incidental to the primary residential use. The existing pro shop is situated in the center of the parcel and will be converted into a property management office. The site is adequate for the proposed use and meets the minimum lot size of 1 acre pursuant to section 4.10.180(C)(1). As such, the area of the property and the location of the proposed structure offers adequate separation from surrounding uses to the adjacent properties. Therefore, this finding *can* be made.

3. The proposed use will not be detrimental to the public health, safety, or general welfare. In this respect the Zoning Administrator shall further find, without limitation, that:

### i. Adequate off-street parking, loading and unloading areas (if applicable) and compliant access for individuals with disabilities will be provided;

The property has ample space for off-street parking as the proposed residence and detached ADU each have an attached garage to accommodate the required one (1) covered parking space per County Zoning Ordinance table 4.30-1. In addition, the driveway in front of the proposed property management office satisfies the required one-off street parking for the home occupation expanded use (refer to Attachment D; sheet 1 of 4). Therefore, this finding can be made.

## ii. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);

The driveway is designed to conform with fire access requirements and other fire safety requirements, as conditionally approved by the County of Santa Clara's Fire Marshal's Office. As such, <u>this finding can be made</u>.

## iii. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;

The proposed residential development, including the home occupation expanded use would utilize an onsite wastewater treatment system (OWTS). The percolation rates of the OWTS were reviewed by the County of Santa Clara Department of Environmental Health (DEH) and were deemed adequate for the proposed development, including the property management office with 2 plumbing fixtures. As such, this finding can be made.

### iv. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;

The home occupation expanded use would not create noise, odor, dust, or excessive light impacts. Furthermore, the proposed home occupation expanded is for property management office and is incidental to the primary residential use of the subject property, and shall be subject to the County Noise Ordinance. Therefore, this finding can be made.

### v. The use will not substantially worsen traffic congestion affecting the surrounding area;

The home occupation expanded use will not create any additional pedestrian, automobile or truck traffic in excess of the normal amount typical for the area.

The home occupation expanded use is limited to not more than two (2) trucks or vans, whose capacity shall not exceed one (1) ton per vehicle. Client or customer visits to the site shall be limited to not more than three (3) per day, and 10 per week per the draft conditions of approval (Attachment B; COA No. 13). As, such the expanded home occupancy use will be maintained as an ancillary use to the primary single-family residential use on the property. Therefore, this finding can be made.

#### vi. Erosion will be adequately controlled; and

Standard conditions related to erosion control have been applied and Best Management Practices (BMPs) will be required for the construction of the project through building permit review. Therefore, this finding can be made.

### vii. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.

The Special Permit by itself would not trigger the requirement of a Drainage Permit. However, the overall project has been reviewed and conditioned by Land Development Engineering to comply with all local, state, and federal requirements. Therefore, <u>this finding can be made</u>.

In conclusion, as noted throughout the Staff Report, the proposed project meets all applicable development standards for a new single-family residence, ADU, JADU and a home occupation expanded use. Additionally, the project satisfies all of the applicable findings to grant BSA, Grading Approval and a Special Permit for expanded home occupation use. Based on the analysis of the facts described in the body of this report, staff recommends that the Zoning Administration Hearing Officer approve the concurrent land use entitlement request for Building Site Approval (BSA), Grading Approval and Special Permit subject to the proposed conditions of approval. Staff further recommends that the Zoning Administration Hearing Officer accept staff's determination of Categorical Exemptions, under Section 15303(Class 3) of the CEQA Guidelines (Attachment A).

#### BACKGROUND

The present use on the subject property is golf driving range. Use Permit [File No. 5977-23-76-95A] for a golf driving range was approved on November 7, 1996 for a 5 year time period and the building permit for the existing pro shop was issued and finaled on May 15, 1997. The use permit was subsequently renewed for an additional 5- and 10-year period in February 2002 and April 2009. An appeal was filed to eliminate the use permit time limitation established by the Planning Commission on April 17, 2009. The Board of Supervisors convened a hearing and approved the elimination of time limitation from the use permit on June 9, 2009.

On June 3, 2024, an application for Building Site Approval, Grading Approval and Special Permit was submitted for a single-family residence, detached ADU, JADU, home occupation expanded and associated site improvements and was deemed incomplete on July 3, 2024. The resubmission of the application took place on September 26, 2024 and the application was deemed complete on October 24, 2024. The applicant worked with the County Planning Office

and reduced the size of the existing commercial parking lot to comply with the Zoning Ordinance. As such, the Permit Streamlining Act deadline for a decision on this project is December 23, 2024.

As of the writing of this report, no public comments were received for this project. A public notice was mailed to all property owners within a 300-foot radius and the interested parties list on November 22, 2024, and was also published in the Post Records on <u>November 25, 2024</u><sup>1</sup>.

#### **STAFF REPORT REVIEW**

Prepared by: Buyan Batbaatar, Assistant Planner

Buyan Batbaatar

Reviewed by: Samuel Gutierrez, Principal Planner

<sup>&</sup>lt;sup>1</sup> San Jose Post Record; <u>https://www.postrecord.news/home.cfm?ref=legalnotices&disp=1</u> – Legal Notices November 25, 2024; <u>https://www.postrecord.news/LegalNotices/SJR-2024-11-25.pdf</u>

## ATTACHMENT A

Proposed CEQA Determination

### **STATEMENT OF EXEMPTION**

from the California Environmental Quality Act (CEQA)

FILE NUMBER	APN(S)	DATE
PLN24-096	835-15-051	November 27, 2024
PROJECT NAME	APPLICATION TYPE	
New Single-family residence, ADU, JADU, home office and associated improvements; 820 Las Animas Ave	Building Site Approval, Special Permit	Grading Approval and
OWNER	APPLICANT	
Gurbachan Mann	David Faria	
PROJECT LOCATION	•	

820 Las Animas Ave, Gilroy, CA

#### **PROJECT DESCRIPTION**

Concurrent land use entitlement including Building Site Approval (BSA) and Grading Approval for the construction of a new 2,389 sf single-family residence, new detached Accessory Dwelling Unit (ADU), JADU and associated site improvements, a Special permit for the conversion of the existing 1,444 sf pro shop into a 1,105 sf home office as a *Home Occupations: Expanded* use with 339 sf outdoor access storage area. Proposed grading quantities associated with the Grading Approval include 349 cubic yards (c.y.) of cut and 261 c.y. of fill, with a maximum depth of 2.5 feet to accommodate the proposed residence, ADU, JADU, driveway and storm water treatment area. Other site improvements include reductions to the existing parking lot area along the front of the project site. No tree removal is proposed.

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**

#### Section 15303 – Class 3: New Construction or Conversion of Small Structures

#### COMMENTS

The proposed project involves the construction of single-family residence, detached accessory dwelling unit, JADU, conversation of an existing building for an expanded home occupation use, and associated site improvements. The construction of new single-family residence and accessory dwelling units are categorically exempt from CEQA and qualify for Section 15303(a). The proposed home occupation expanded use is for the conversion of an existing structure not exceeding 2,500 sf to an office space and qualifies for Section 15303(c). The grading associated with the residence, ADU, JADU, driveway, and stormwater treatment area conforms with the natural topography and is the minimum necessary to construct the proposed residential use. No tree removal is proposed for the project, and no special status species or habitat exists on the project site. In addition, there are no watercourse or sensitive or protected wildlife or plant species on site.

#### **APPROVED BY:** Buyan Batbaatar, Assistant Planner

Buyan Batbaatar	11/27/2024
Signature	Date

## ATTACHMENT B

Preliminary Conditions of Approval

#### ATTACHMENT B CONDITIONS OF APPROVAL

Date:	December 5, 2024
<b>Owner/Applicant:</b>	Gurbachan Mann/ David Faria
Location:	820 Las Animas Ave, Gilroy (APN: 835-15-051)
File Number:	PLN24-096
CEQA:	Categorically Exempt – Section 15303
Project Description:	Concurrent land use entitlement including Building Site Approval (BSA) and Grading Approval for the construction of a new 2,389 sf single-family residence, new detached Accessory Dwelling Unit (ADU), JADU and associated site improvements, a Special permit for the conversion of an existing 1,444 sf pro shop into a 1,105 sf home office as a <i>Home Occupations: Expanded</i> use with 339 sf outdoor access storage area. Proposed grading quantities associated with the Grading Approval include 349 cubic yards (c.y.) of cut and 261 c.y. of fill, with a maximum depth of 2.5 feet to accommodate the proposed residence, ADU, JADU, driveway and storm water treatment area. Other site improvements include reductions to the existing parking lot area along the front of the project site. No tree removal is proposed. This project does not require coverage by the Santa Clara Valley Habitat Plan.

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

Agency	Name	Phone	E-mail
Planning	Buyan Batbaatar	(408) 299-6724	buyan.batbaatar@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 573-2464	darrin.lee@cep.sccgov.org
Fire Marshall	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Land Development and Engineering	Darrell Wong	(408) 299-5735	darrell.wong@pln.sccgov.org
<b>Roads and Airport</b>	Thomas Esch	(408) 573-2450	tom.esch@rda.sccgov.org

#### 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 Office of Building Inspection or visit their website (www.sccbuilding.org).

#### <u>Planning</u>

- 2. Development shall take place in accordance with approved architectural and civil plans, received by the Planning Department on November 6, 2024, and the conditions of approval. Any changes to the proposed project are to be submitted for review by the Planning Office and may require a modification to this land use entitlement and/ or additional review under the California Environmental Quality Act (CEQA), and may require additional public hearings.
- Existing zoning is A-40Ac (Agriculture Large Scale). The following minimum setbacks apply to the approved dwelling as shown on the approved plans and shall be maintained: Front: 30 ft
  Side: 30 ft
  Rear: 30 ft
- 4. The maximum allowed height of the main dwelling is 35 ft and shall not exceed (2) stories.
- 5. Associated grading consists of 349 cubic yards of cut and 261 cubic yards of fill, with a maximum depth of 2.5 feet. Any increase in grading quantities, or modification to the grading design is subject to further review.
- 6. All excess fills shall be taken off-site to an approved disposal location. A note of this requirement shall be incorporated into the civil plan.
- 7. Two off-street parking spaces are required, one of which shall be covered.
- 8. On-site parking shall be limited to the areas indicated on the approved plans received by the Planning Department on November 6, 2024 for parking. No additional parking is to be added to the site without review and approval by the Planning Department. Pursuant to section 4.30.070(A)(7), driveways and parking areas shall not be wider than 40% of the width of the lot's frontage along the street, measured where the driveway(s) crosses the edge of the right-of-way. Driveways and parking areas shall not cumulatively cover more than 40% of the land area of the front yard (as defined in Santa Clara County Zoning Ordinance Section 1.30.030).
- 9. Water tanks that are 12 feet or less in height shall be setback from any side or rear property lines a minimum of three feet and shall meet minimum 30 feet front setback.
- 10. The minimum lot size shall be one (1) acre for a home occupation expanded use.
- 11. The home occupation expanded shall be conducted within the dwelling or accessory building by resident inhabitants, and may include one (1) nonresident (up to full-time) employee.
- 12. Accessory buildings containing expanded home occupation uses shall be limited in area to not more than 1,200 square feet (total). A larger building may be used provided the home occupation area is structurally partitioned to not exceed 1,200 square feet.

- 13. Storage of equipment and materials outside of home office shall be limited to a specified area not exceeding 600 square feet, and shall be appropriately screened to be not visible from outside the property boundaries. Equipment and materials shall be limited to quantities that do not constitute a fire, health or safety hazard.
- 14. The home occupation expanded shall not create additional pedestrian, automobile or truck traffic in excess of normal amount typical for the area. Client or customer visits to the site shall normally be limited to not more than three (3) per day, and 10 per week. All business activities related to home occupancy expanded shall be in conformance with Santa Clara County Noise Ordinance Section B11-154 and limited between the hours of 7:00 a.m. and 10:00 p.m.
- 15. No activity shall be allowed that creates offensive noise, dust, smoke, odor, vibrations, glare, or radio or television interference that is noticeable from beyond the property boundaries.
- 16. Not more than two (2) trucks or vans, whose capacity shall not exceed one (1) ton per vehicle, shall be used in any manner with the home occupation use. Vehicles should not contain display advertising that exceeds the limitations of section 4.10.180(C)(9).
- 17. One (1) non-illuminated sign not exceeding four (4) square feet in area may be appropriately placed to identify the business, but should not be intended as an advertising display to attract customers. Such a sign shall not be located within the required front yard setback, nor within any street right-of-way. There shall be no display of products visible from outside the property boundaries.
- 18. In the building permit submission, any fences included in the building permit submission must provide information regarding the fence heights and design to confirm conformance with the provisions contained within Section  $\S 4.20.050$  of the County Zoning Ordinance.
- 19. Building and Grading Permits shall be submitted to the Building Office concurrently. All building and grading plans submitted into Plan Check shall be in substantial conformance with the plans approved by Planning as part of the land-use entitlement.

#### Archaeological Resources

20. 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

#### Environmental Health

21. 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.

#### Land Development and Engineering

22. 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.

#### Roads and Airport

- 23. A Tree Removal Approval (Board of Supervisors) process is required prior to any tree removal, replacement, or relocation within the County right-of-way (ROW). The process for obtaining approval for a tree removal and the forms that are required can be found at: <u>https://countyroads.sccgov.org/tree-removal-approval-county-right-way</u>
- 24. Gates within 30 feet of edge of pavement are not permitted.
- 25. Fencing, fixed appurtenances, mailboxes with non-breakaway posts, etc., are not permitted within the County ROW.

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

#### <u>Planning</u>

- 26. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the project by the Department of Planning and Development.
- 27. **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**.

#### Environmental Health

- 28. Based upon percolation test rate of 38 minutes per inch with an application rate of 0.49 gallons per day per square feet, onsite wastewater sewage disposal conditions have been determined: utilization of a 1500- gallon septic tank and a dual dispersal field sized 215 linear feet plus 215 linear feet. As conditioned, this onsite wastewater treatment system (OWTS) can accommodate a design flow not to exceed 525 gallons per day (five-bedroom single family dwelling).
  - a. Through the Department of Environmental Health, apply for and receive a septic system clearance. This is a separate submittal to Environmental Health and subject to completion of a service application, submittal of an onsite wastewater treatment system (OWTS) site plan, and payment of applicable fees.
  - b. The OWTS plan shall be overlayed onto the final grading and drainage plan as submitted to Land Development and Engineering.

- c. As verification of proper OWTS sizing, provide the final floor plan to the Department of Environmental Health.
- 29. Confirmational percolation tests were conducted to affirm the continued use of an existing septic tank and dual dispersal field (250 linear feet plus 250 linear feet). The resulting percolation test yielded a percolation test result of 41 minutes per inch. Through wastewater calculation, the existing dispersal field is sufficient to support a development not to exceed a design flow of 600 gallons per day (3- bedroom accessory dwelling unit and an attached 1- bedroom junior accessory dwelling unit).
  - a. Through the Department of Environmental Health, apply for and receive a septic system clearance. This is a separate submittal to Environmental Health and subject to completion of a service application, submittal of an onsite wastewater treatment system (OWTS) site plan, and payment of applicable fees.
  - b. The OWTS plan shall be overlayed onto the final grading and drainage plan as submitted to Land Development and Engineering.
  - c. As verification of proper OWTS sizing, provide the final floor plan to the Department of Environmental Health.
- 30. As confirmation of achieving water clearance through the Department of Environmental Health, include/ provide a copy of the water clearance letter (with the project service record: SR0877467) as part of the formal building permit application.

#### Fire Marshall

#### 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.

- 31. On Site Water Storage: Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).
  - a. All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
  - b. Provide a 5,000 gallon secondary aboveground storage 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.

- 32. 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

33. General Requirements:

- a. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
- b. All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.
- 34. 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 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. 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.
  - h. Address: Numbered address to be easily recognizable from the street.

#### Miscellaneous

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

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

#### Land Development and Engineering

36. Obtain a Grading Permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the Grading Permit is required prior to LDE clearance of the building permit (Building and Grading Permits shall be applied for concurrently). The process for obtaining a Grading permit and the forms that are required can be found at the following web page: <a href="https://plandev.sccgov.org/home>How to>Apply for a Development Permit or Planning Application>Grading Permit</a>

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.

- 37. 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.
- 38. 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, typical sections, contour grading for all street, 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/home > Do Business with Us > County Standard Details, Specifications and Documents

§ 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

39. 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.

- 40. 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.
- 41. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
- 42. All proposed and future fencing and gates shall be located outside of the right of way.
- 43. Provide landscaping and disturbed area quantities on the final plans along with water efficiency calculations to demonstrate compliance with water usage requirements.

#### Drainage

44. Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.

#### Utilities

45. 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.

#### Storm Water Treatment – Central Coast

- 46. Fill out and submit updated forms in the Post Construction Requirements (PCR) Applicant's Packet should any changes be made to the impervious area proposed.
- 47. Include one of the following site design measures in the project design:
  - a. direct hardscape and/or roof runoff onto vegetated areas or
  - 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 incorporate as many site design measures as possible into the project. For additional information, please refer to the C.3 Stormwater Handbook (April 2012) available at the following website:

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

#### Soils and Geology

48. Submit one copy of the signed and stamped geotechnical report for the project including, but

not limited to, recommendations for pavement design to support the required fire loading.

49. 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.

#### Roads and Airport

- 50. Obtain a Santa Clara County Roads and Airports Department Encroachment Permit for the following required improvements (the process for obtaining an Encroachment Permit and the forms that are required can be found at: <u>https://countyroads.sccgov.org/encroachment-permits</u>):
  - a. Improvement of the property's Las Animas Ave frontage to County Standard B/4A.
  - b. Installation of the new residential driveway approach to County Standard B/4
  - c. Removal of gates to be outside the limits of the County maintained road right-of-way
  - d. All utility relocations, replacements, abandonments, temporary facilities, and new facilities.
- 51. Provide driveway and frontage details with dimensions during the encroachment permit process, with sufficient detail to fully demonstrate application of the County standards that will apply to the driveway, driveway gates, frontage and drainage to be constructed (i.e., not only referencing the County details). Include County Standard details on the plan sets.
- 52. Positive flow along frontage must be established/maintained. Existing site drainage pattern (away from Las Animas) must be maintained

#### <u>CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR</u> <u>FINAL INSPECTION</u>

#### Environmental Health

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

#### Fire Marshall

54. 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 finaled 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.

#### Land Development Engineering:

55. 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.

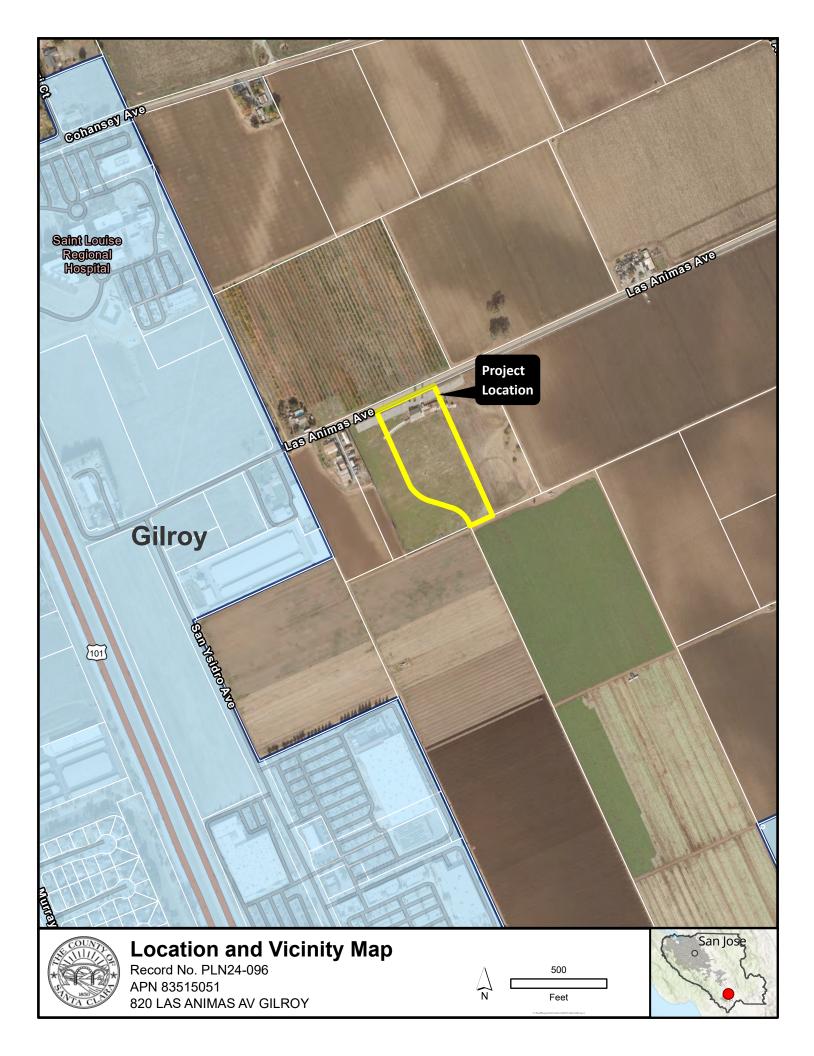
56. Construct the improvements. Construction staking is required and shall be the responsibility of the developer.

#### Roads and Airport:

- 57. Construct all the improvements approved under the Encroachment Permit.
- 58. Remove temporary facilities and temporary construction entrances from the County ROW.

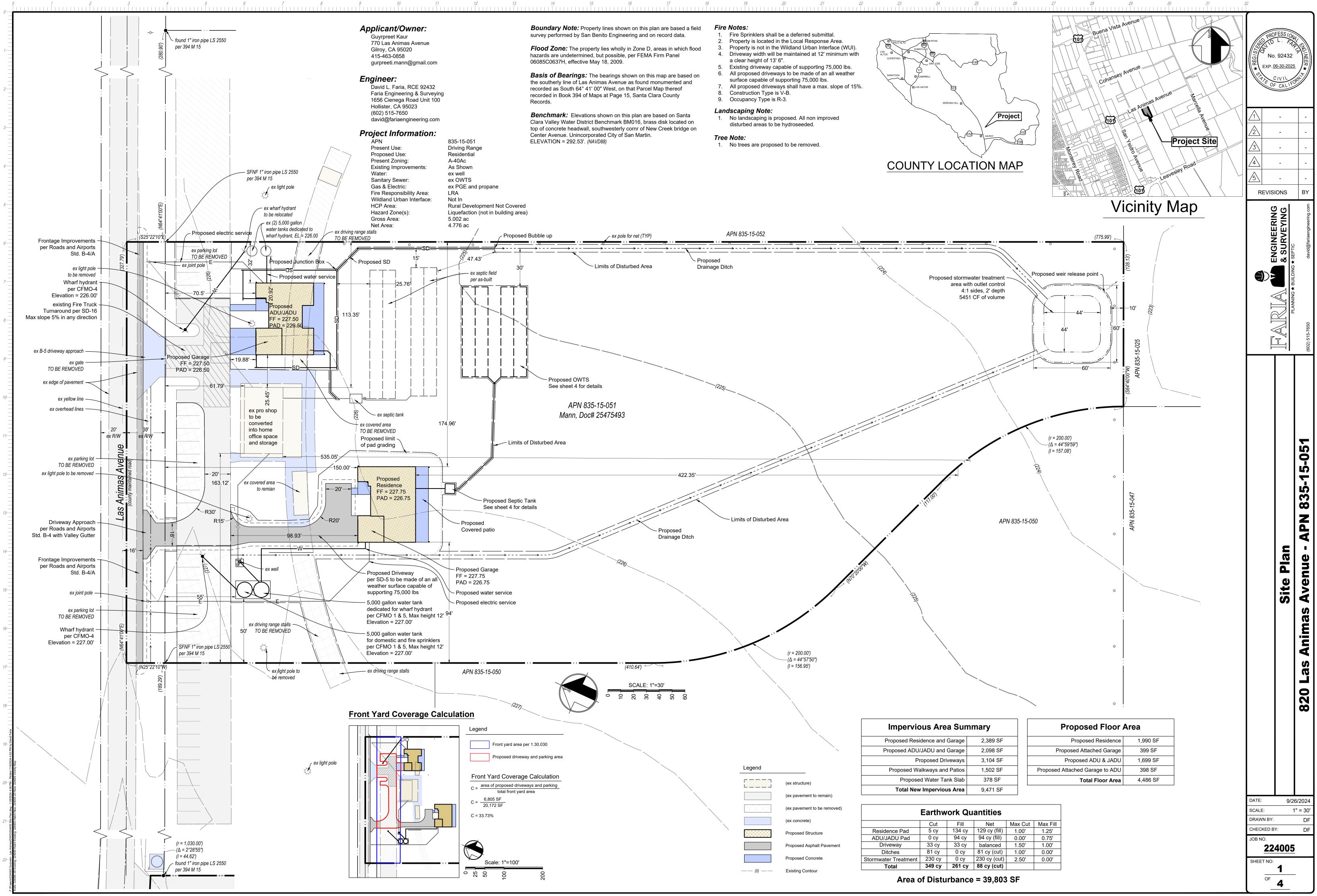
## **ATTACHMENT C**

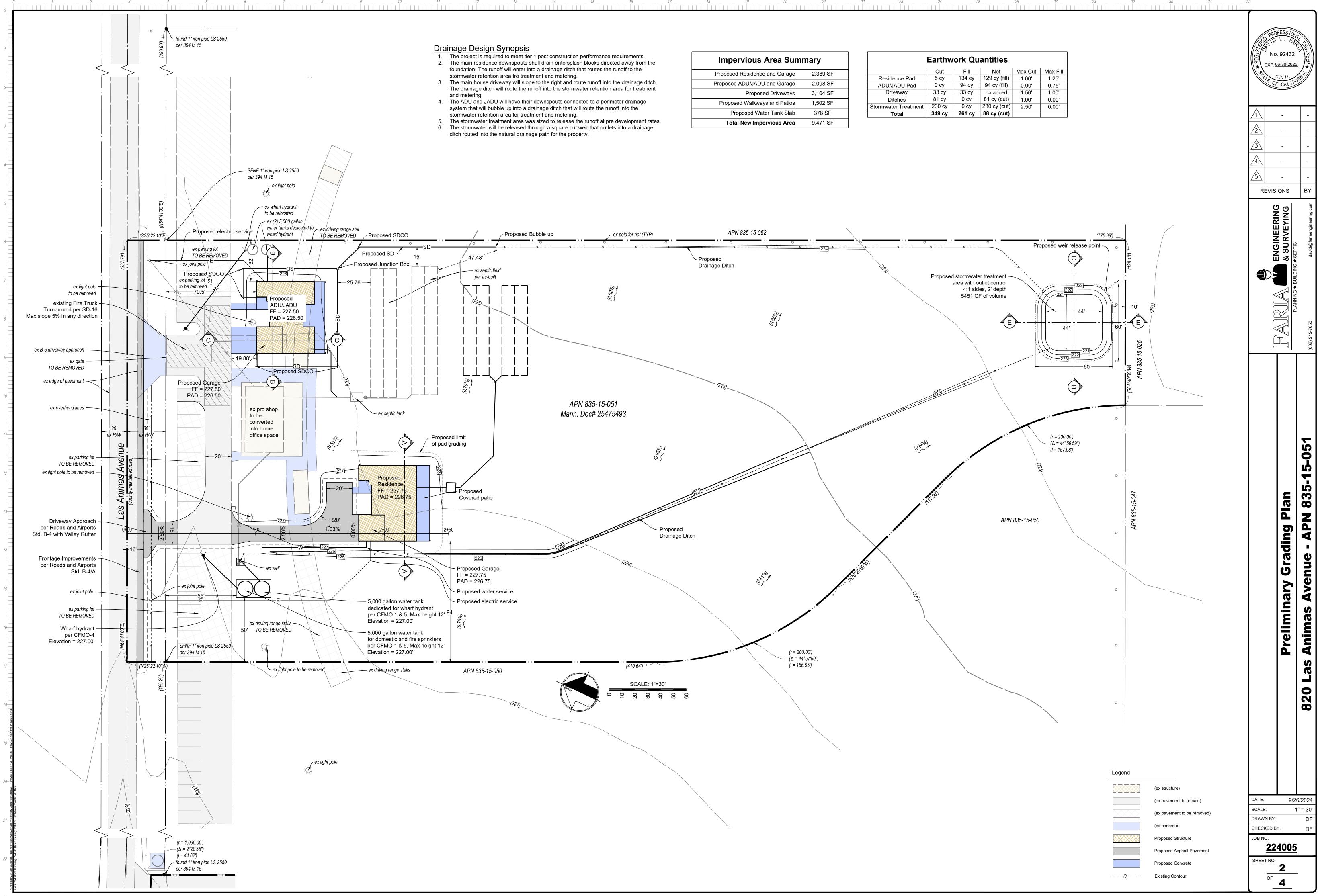
Location and Vicinity Map



## ATTACHMENT D

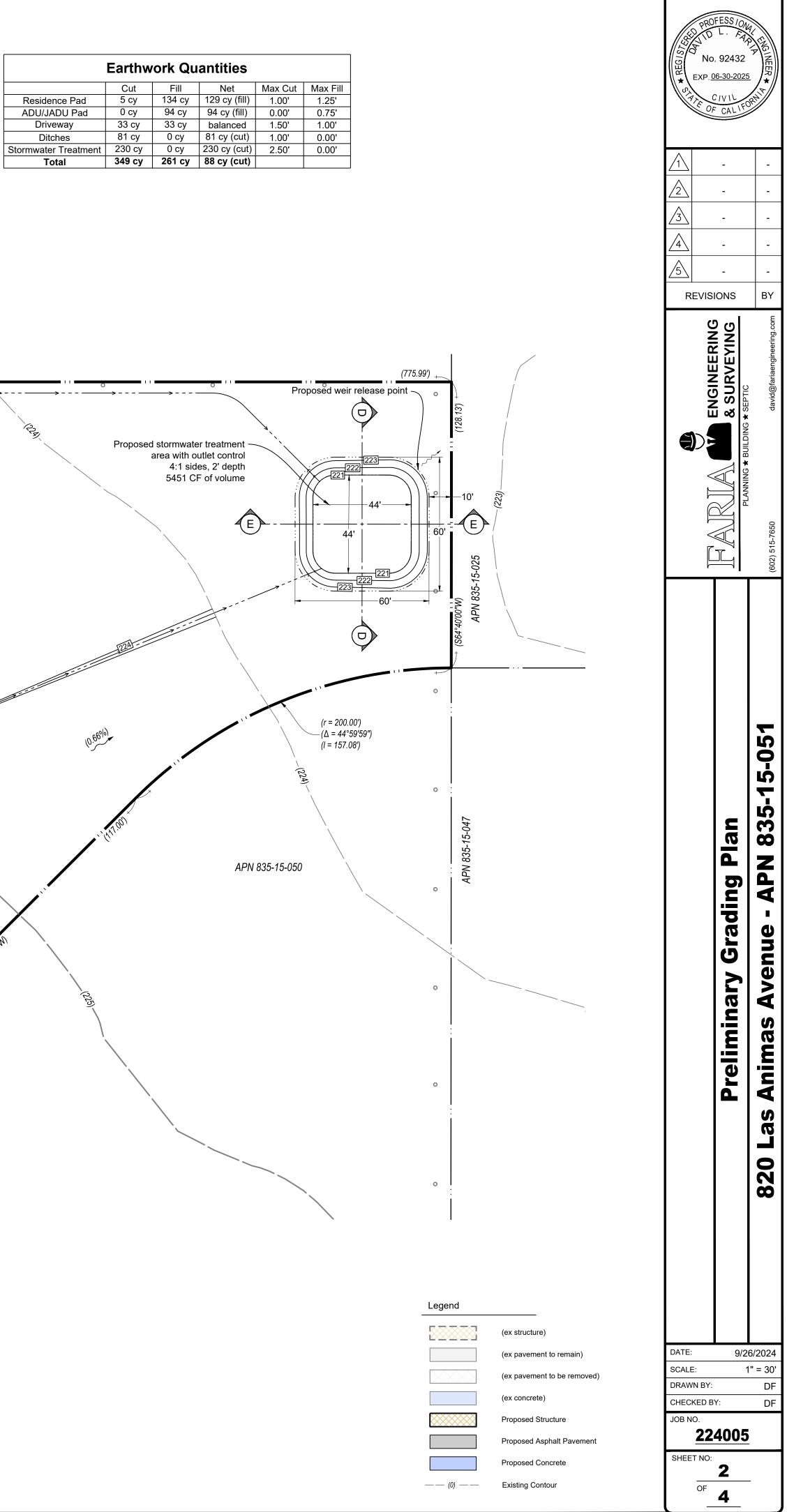
Proposed Project Plans

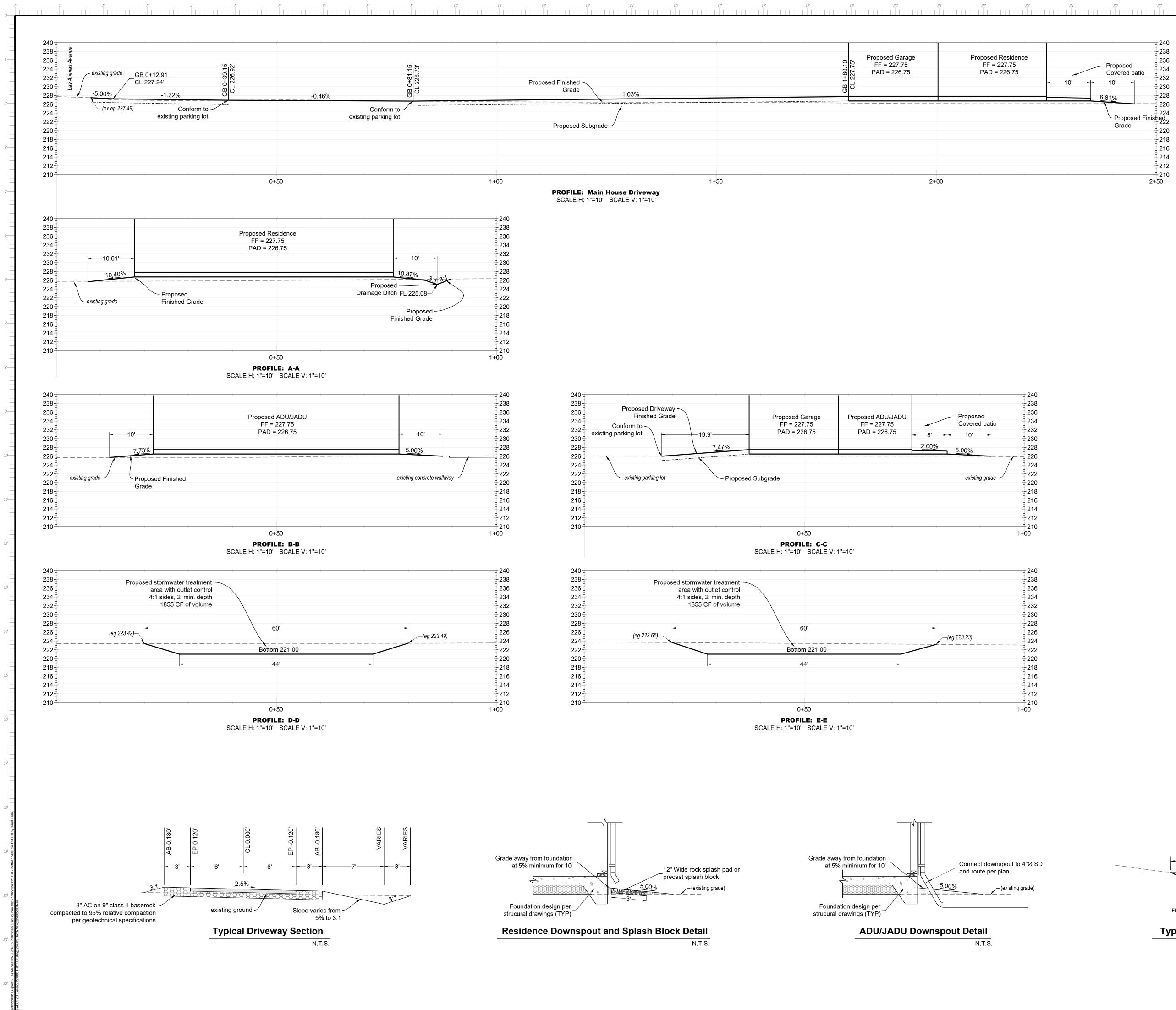




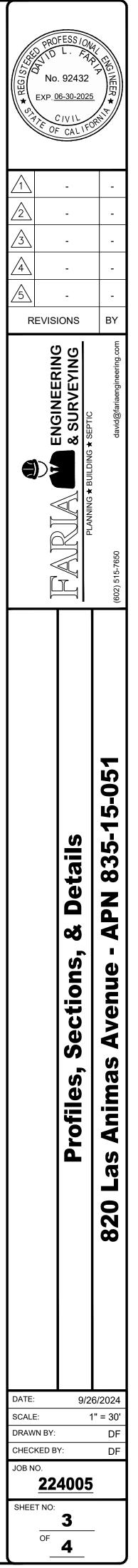
Impervious	Area	Summary
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Total New Impervious Area	9,471 SF
Proposed Water Tank Slab	378 SF
Proposed Walkways and Patios	1,502 SF
Proposed Driveways	3,104 SF
Proposed ADU/JADU and Garage	2,098 SF
Proposed Residence and Garage	2,389 SF

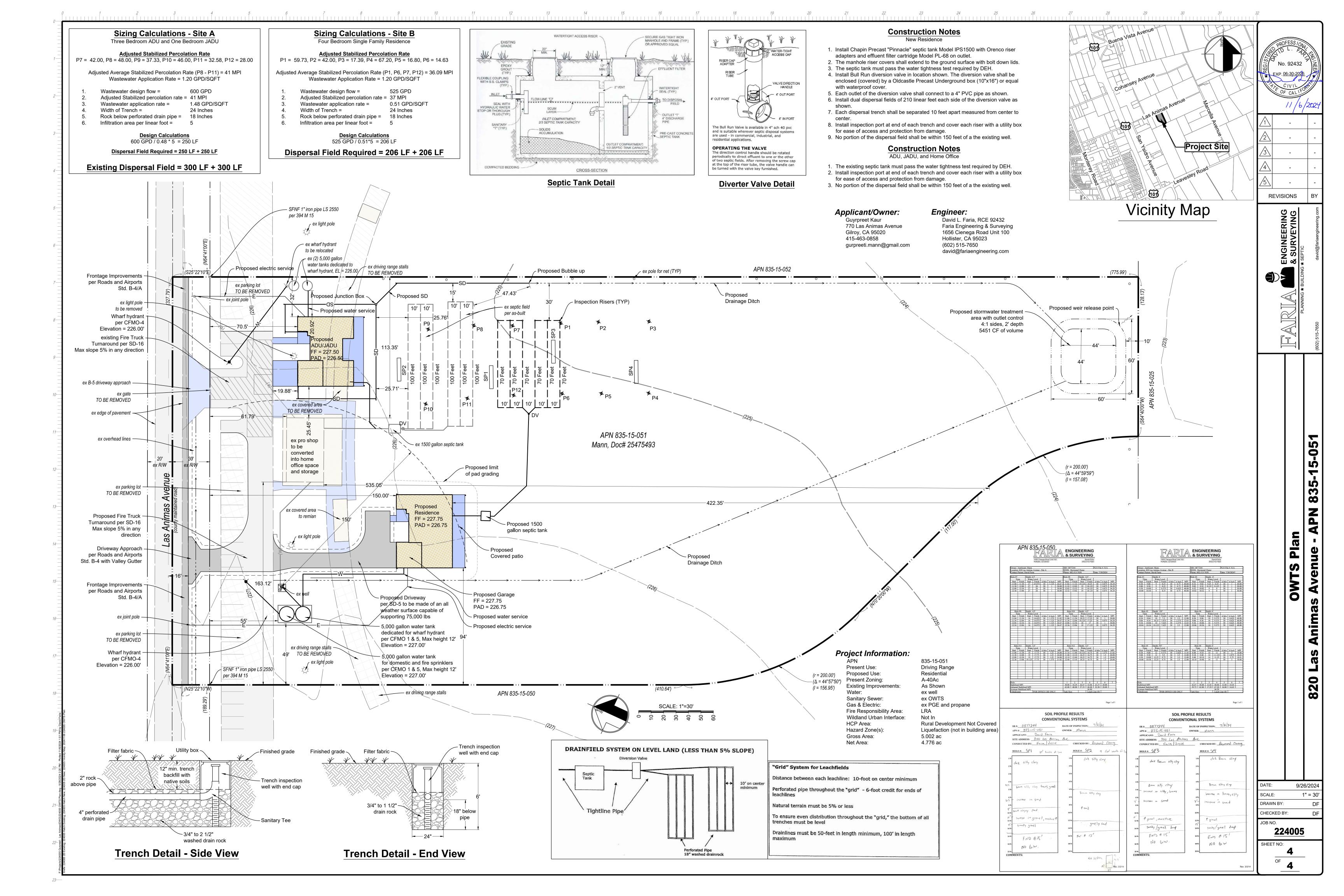


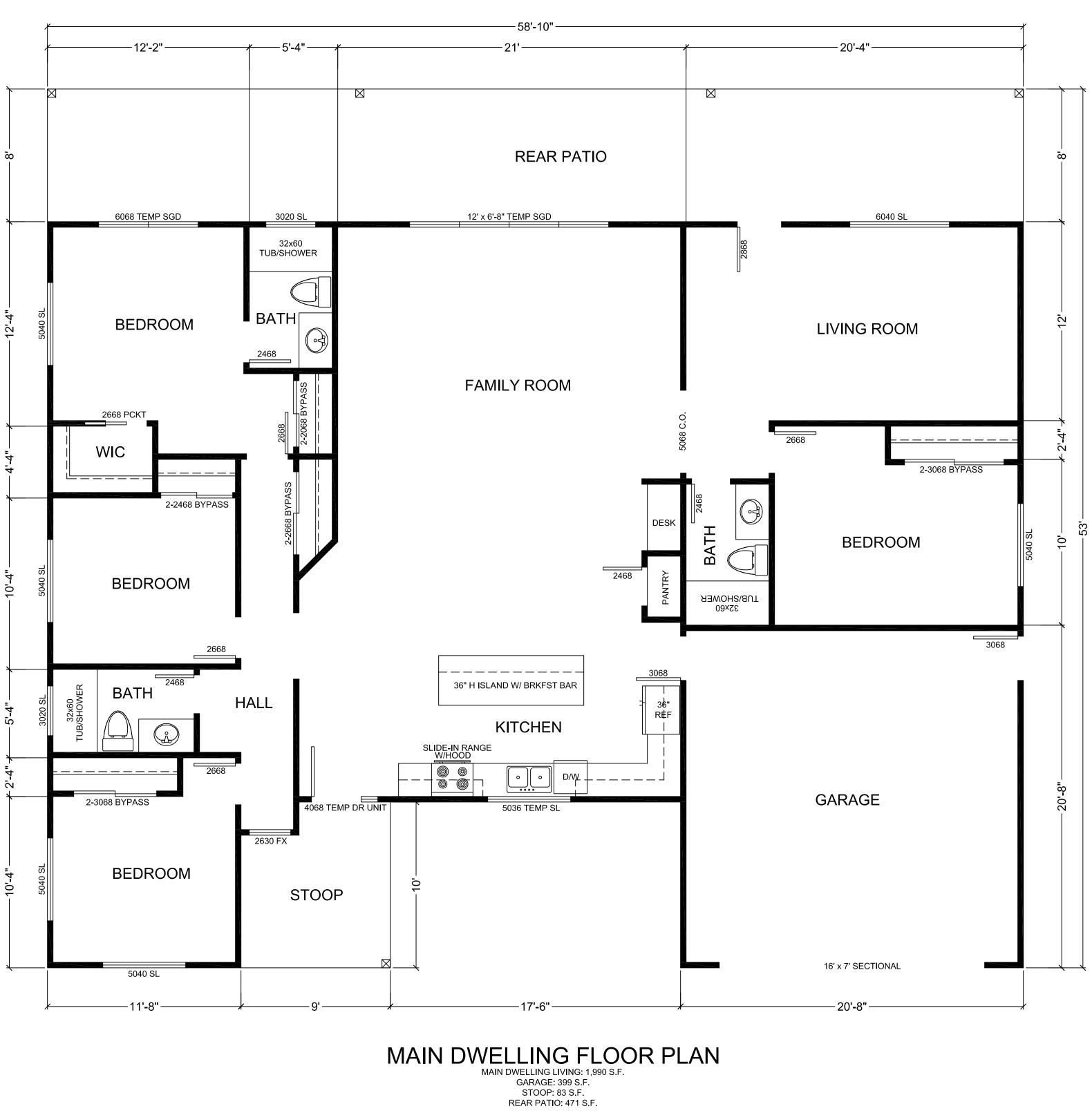




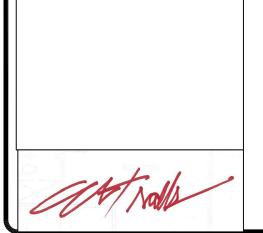


\_ \_ \_ \_ \_ \_ \_ \_ Typical Swale Detail N.T.S.

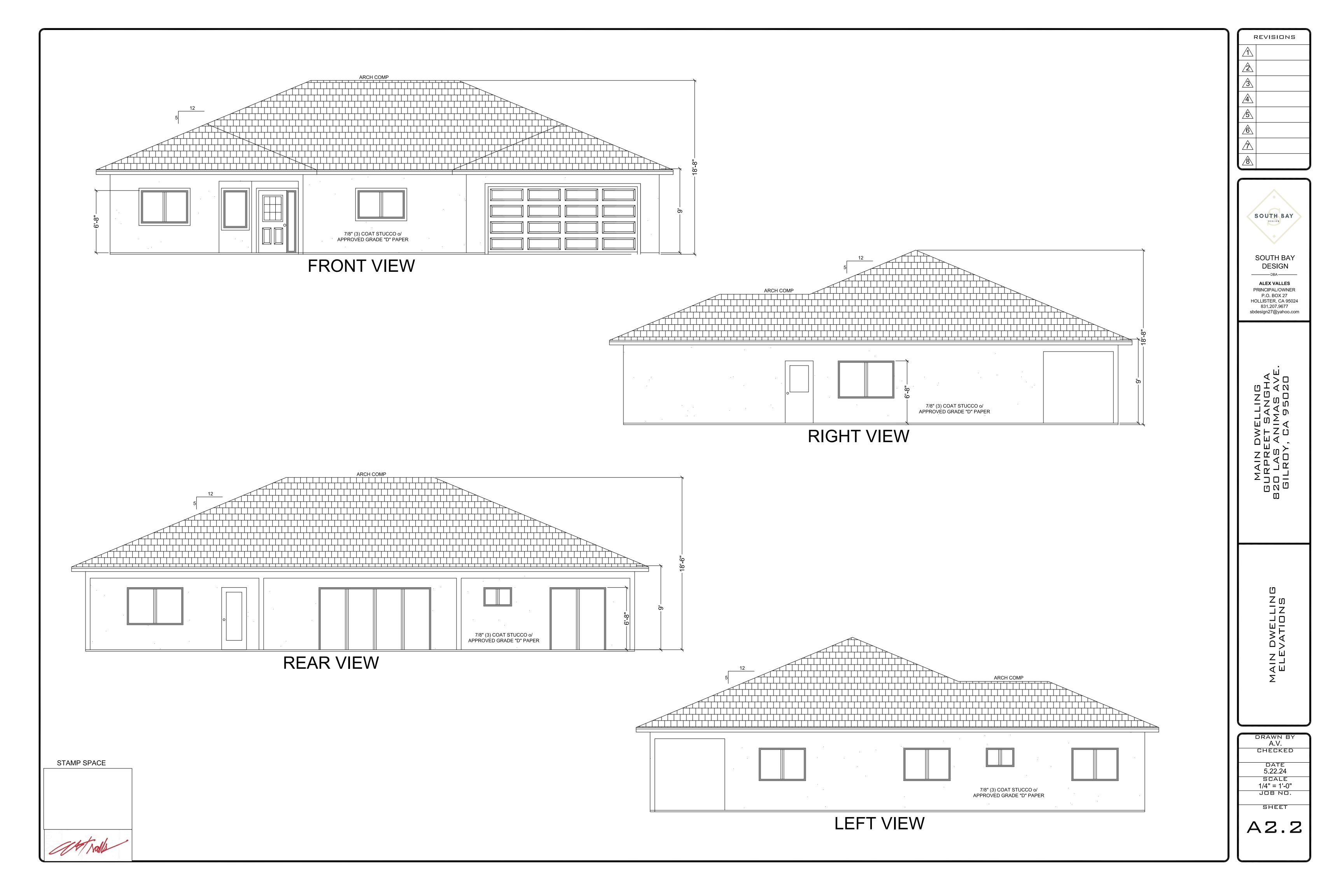


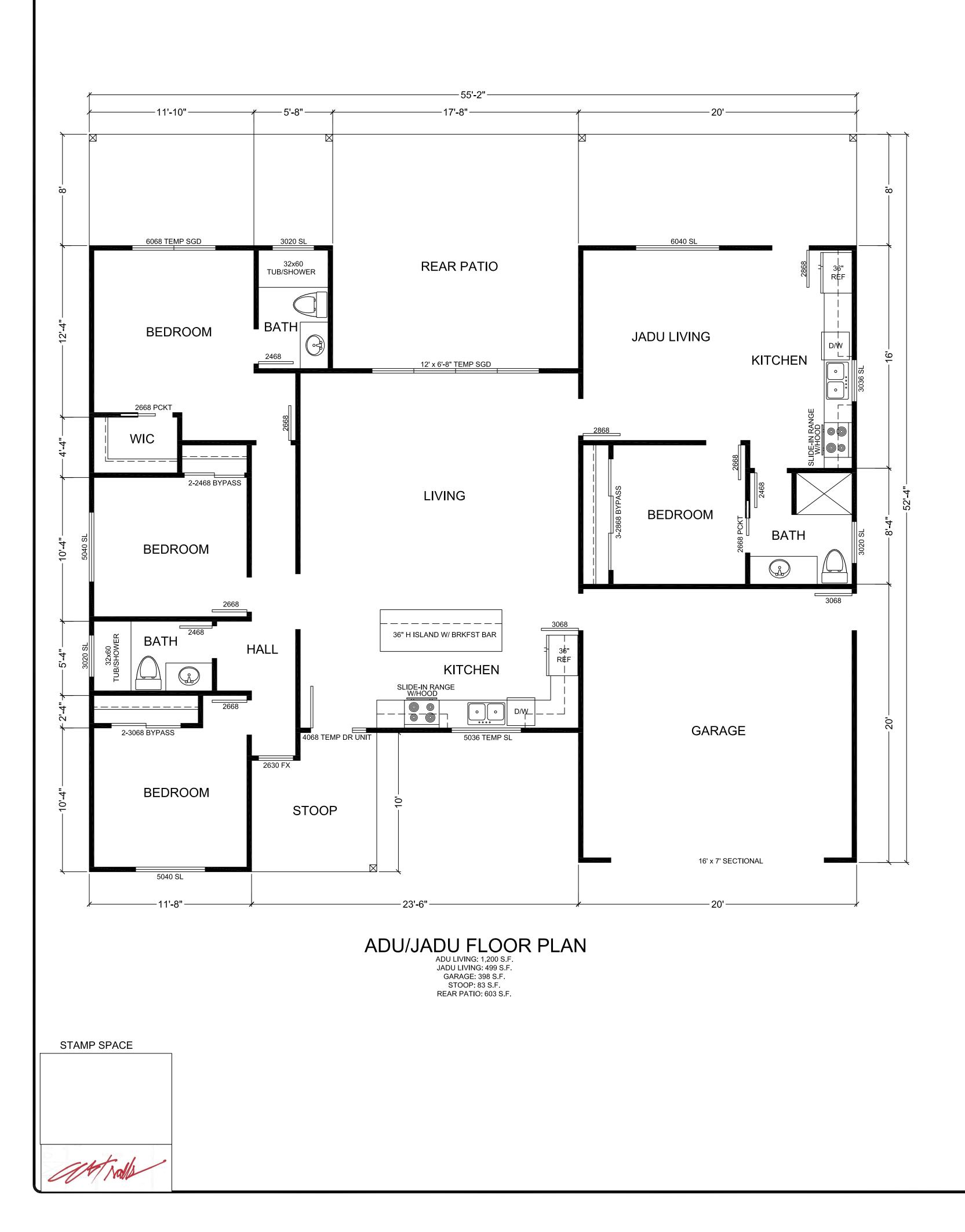


STAMP SPACE



REVISIONS
▲    ▲    ▲    ▲    ▲    ▲    ▲    ▲
SOUTH BAY DESIGN DBA ALEX VALLES PRINCIPAL/OWNER P.O. BOX 27 HOLLISTER, CA 95024 831.207.9677
spassign524@halling Ba
MAIN DWELLING FLOOR PLAN
DRAWN BY A.V. CHECKED DATE 5.22.24 SCALE 1/4" = 1'-0" JOB NO. SHEET <b>A 2.1</b>

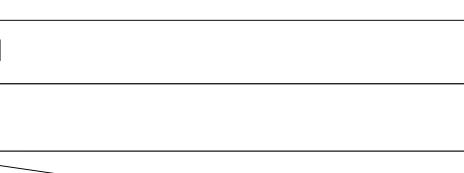


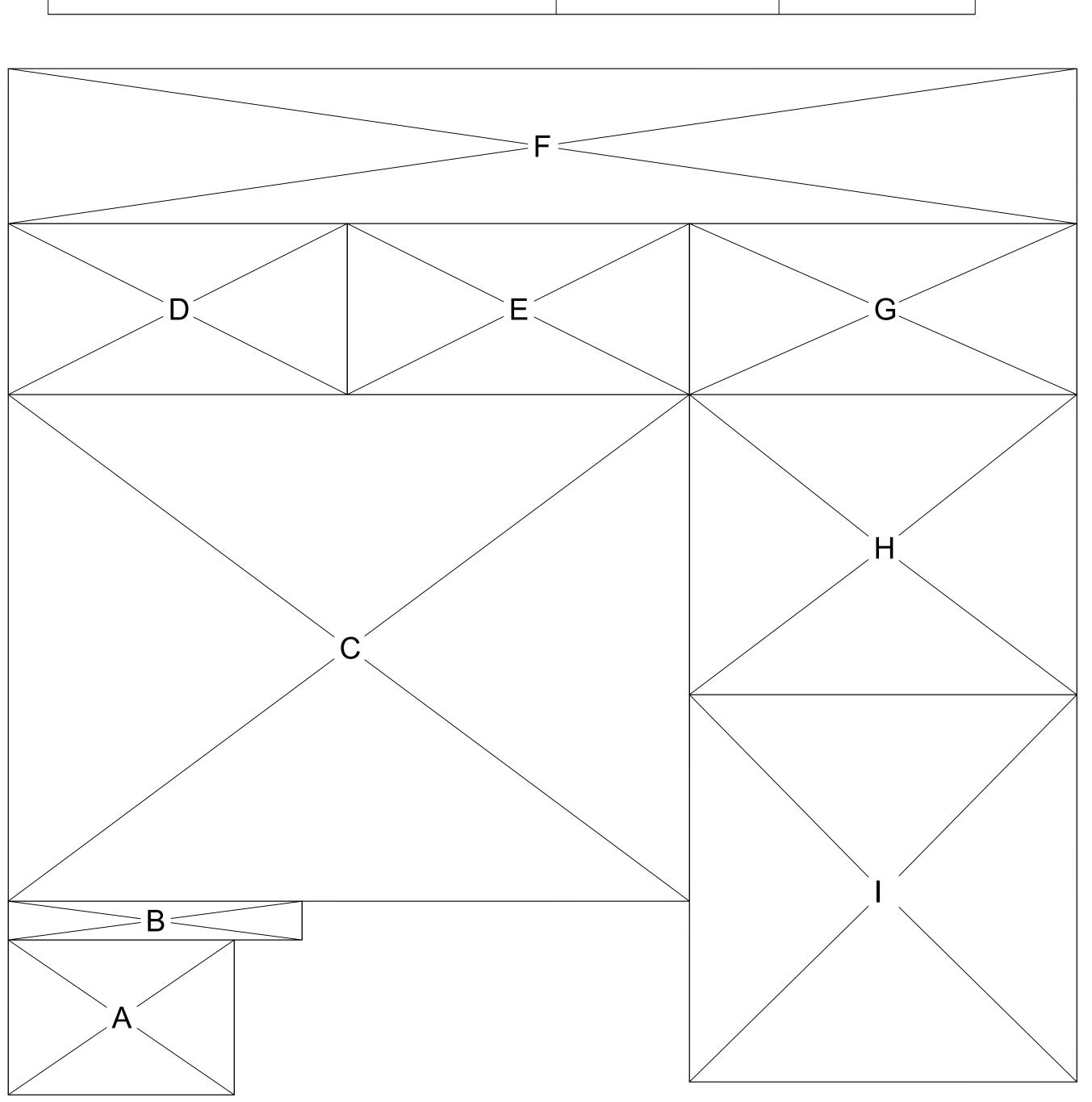


## POLYGON/AREA DESIGNATION

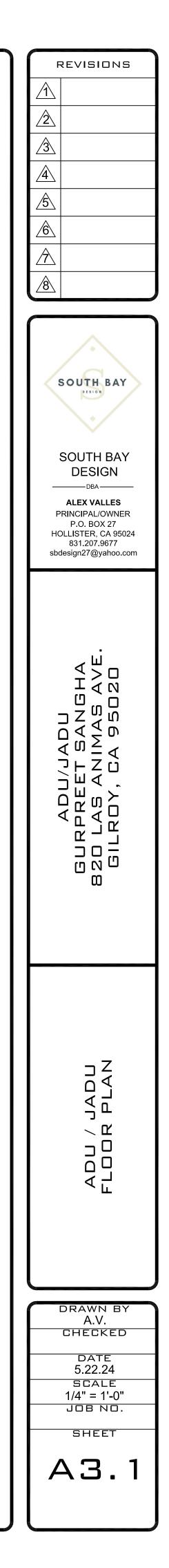
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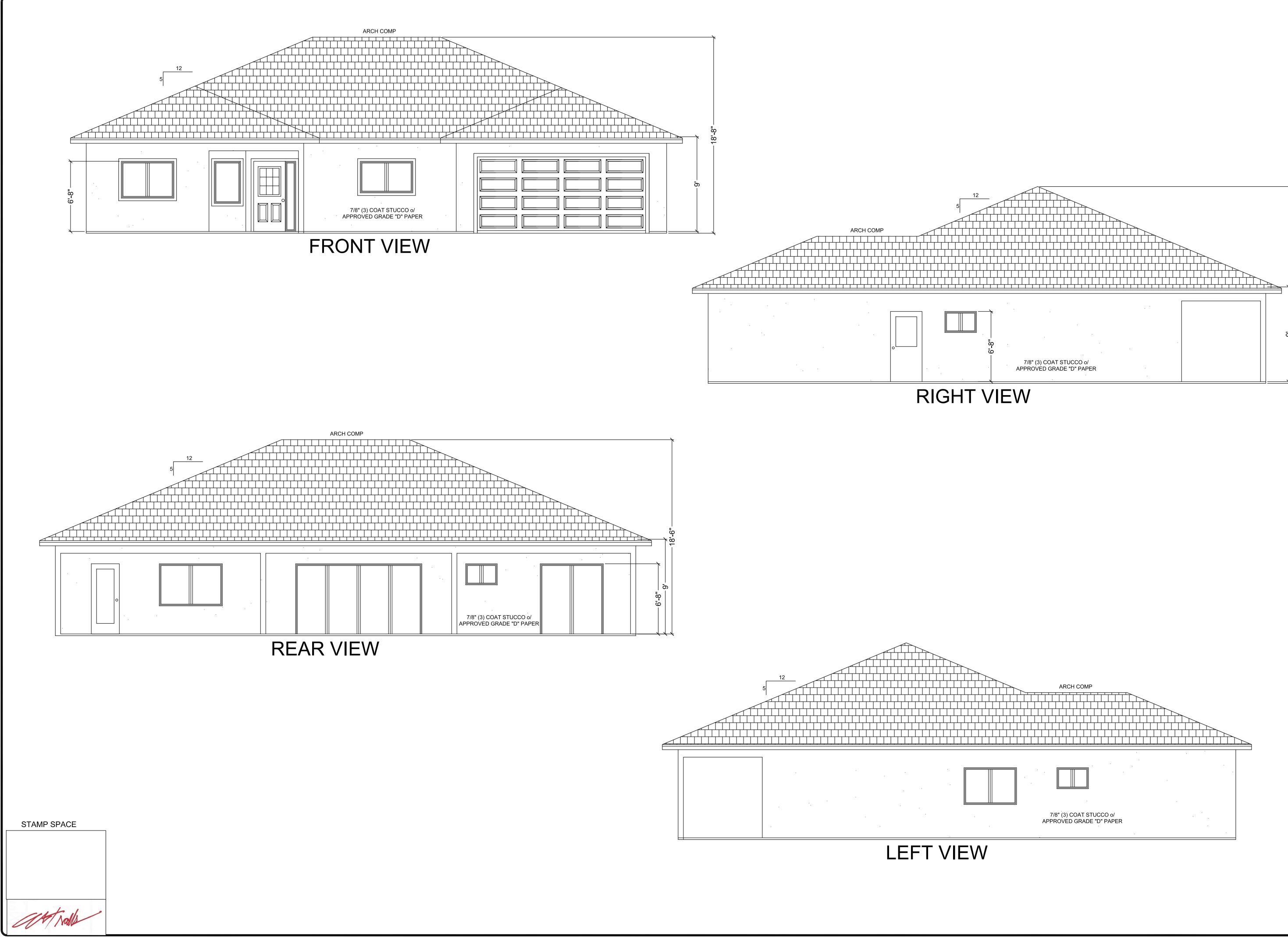
## G Н

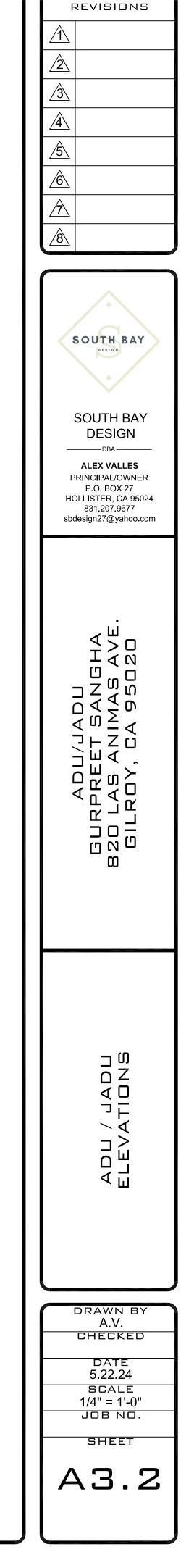


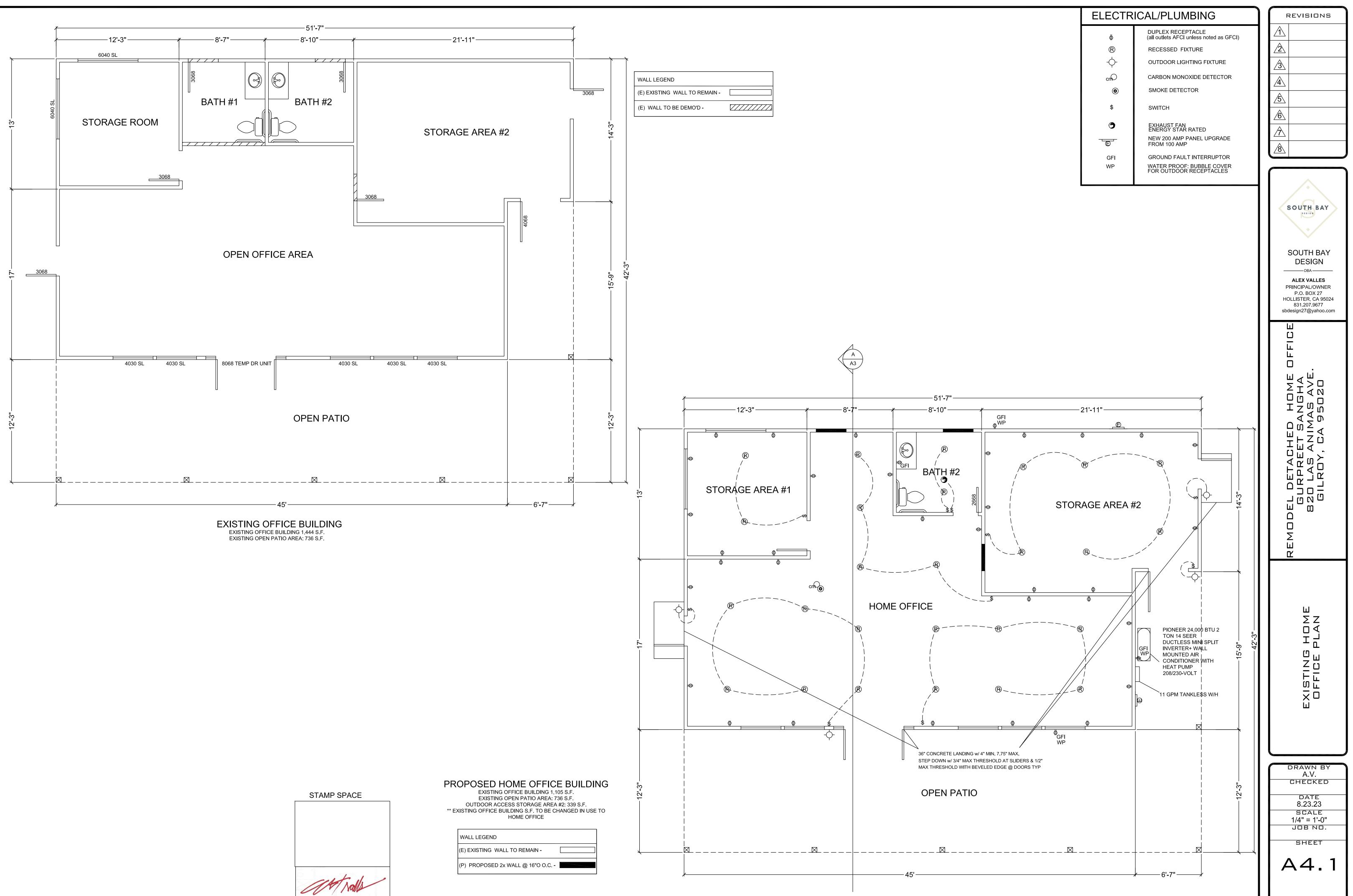


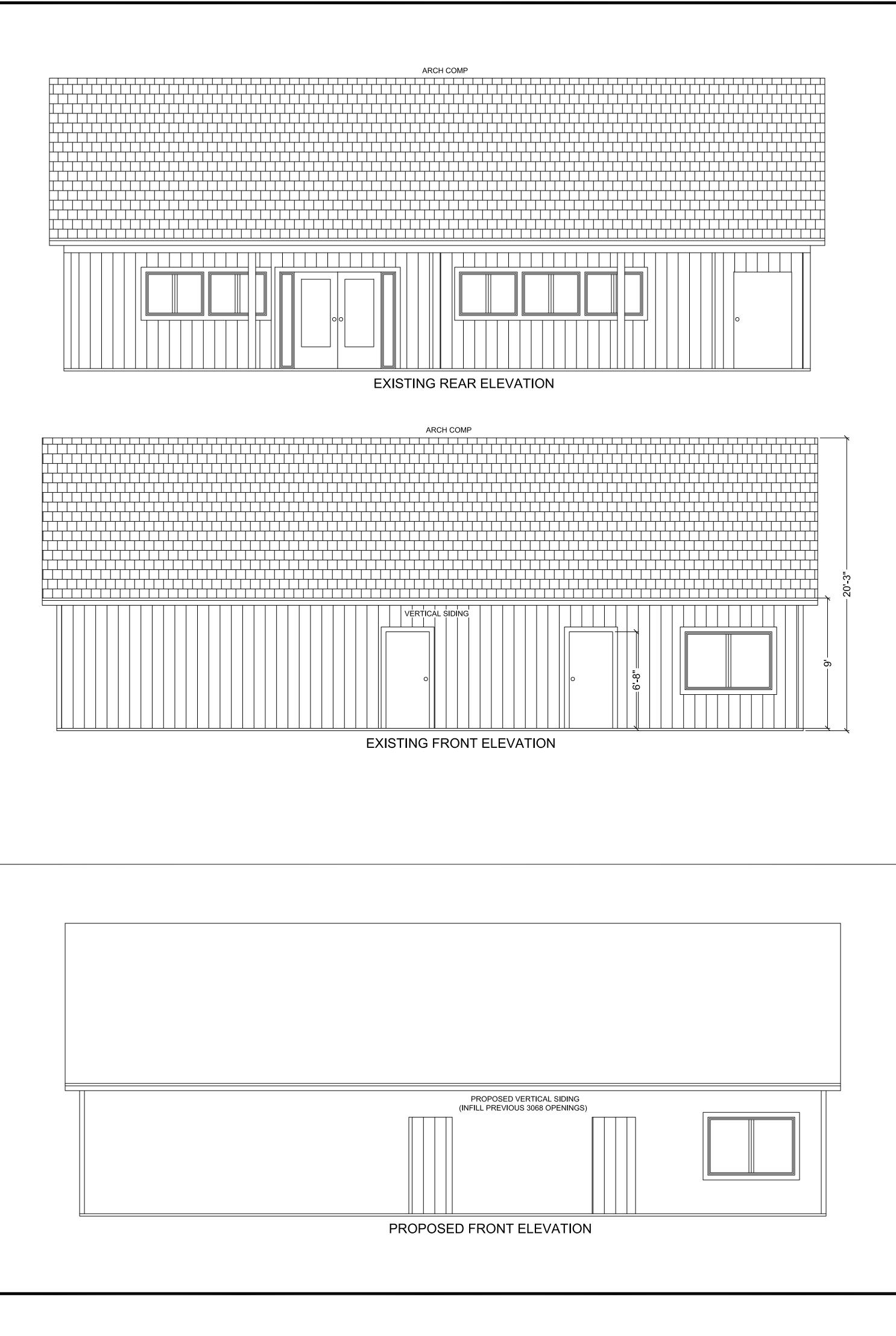
AREA
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30 S.F.
920 S.F.
155 S.F.
156 S.F.
441 S.F.
177 S.F.
310 S.F.
400 S.F.

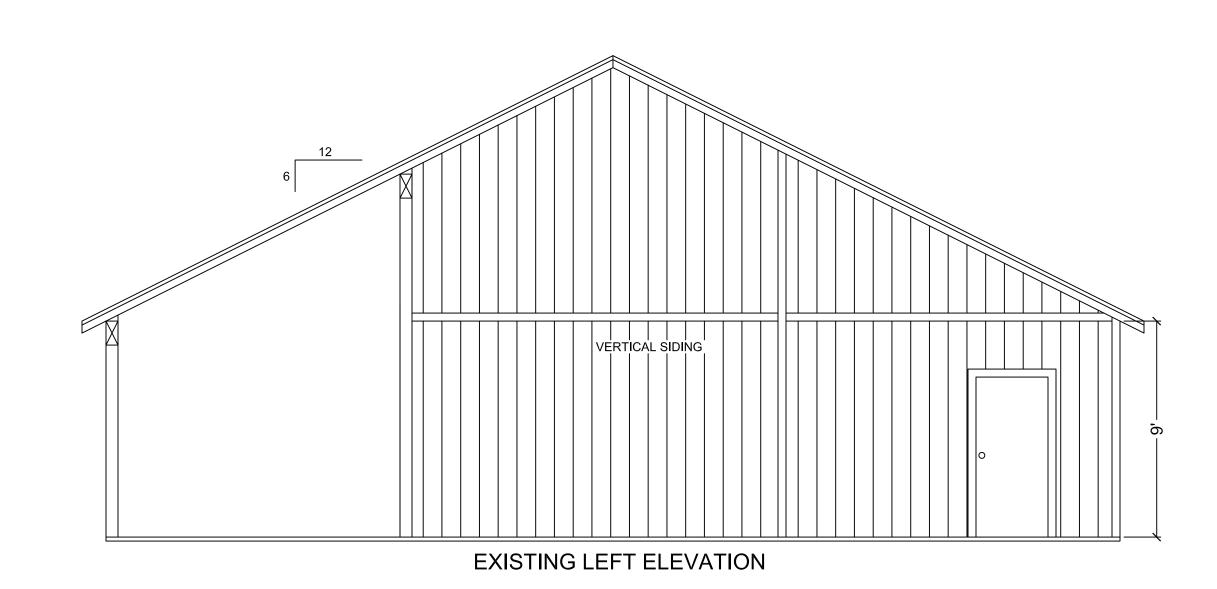


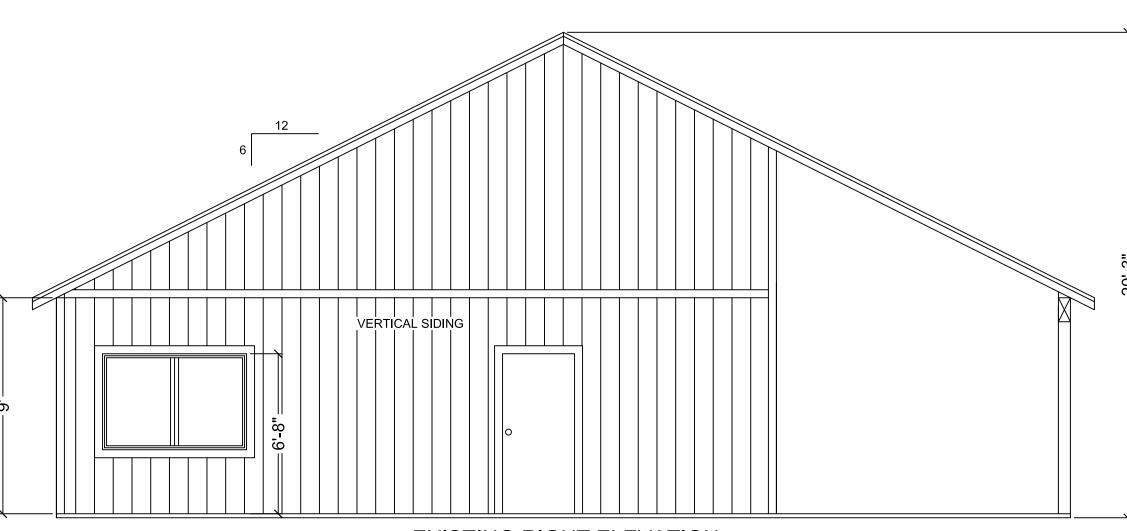












EXISTING RIGHT ELEVATION

STAMP SPACE

1		
	1	

REVISIONS      1      2      2      3      4      5      6      1
SOUTH BAY SOUTH BAY DESIGN DBA DBA ALEX VALLES PRINCIPAL/OWNER P.O. BOX 27 HOLLISTER, CA 95024 831.207.9677 sbdesign27@yahoo.com
REMODEL DETACHED HOME OFFICE GURPREET SANGHA 820 LAS ANIMAS AVE. GILROY, CA 95020
EXISTING / PROPOSED ELEVATIONS
DRAWN BY A.V. CHECKED DATE 8.23.23 SCALE 1/4" = 1'-0" JOB NO. SHEET A4.2