

# County of Santa Clara

## Department of Planning and Development

*"People Centered Services"*

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## STAFF REPORT Zoning Administration January 9, 2025 **Item #1**

Staff Contact: Reva Kakaria, Assistant Planner  
(408) 299-5792, [reva.kakaria@pln.sccgov.org](mailto:reva.kakaria@pln.sccgov.org)

### **File: PLN18-11191-MOD3**

### **Modification of Concurrent Land Use Permit for a Building Approval on Slopes Exceeding Thirty Percent, Variance, Design Review (scenic road), and Grading Approval for a New Single- Family Residence**

**Summary:** Consider request for a Grading Approval modification to an approved concurrent land use permit for a Building Site Approval on Slopes Exceeding 30%, Variance, Design Review and Grading Approval for the construction of a new two-story, 4,720 square-foot residence on a 79.5 acre parcel. Associated improvements include a new driveway, septic system, and water tanks located within the front yard setback. Previous associated grading consisted of 747 cubic yards of cut and 306 cubic yards of fill. Modification request is to increase grading quantities to 2,313 cubic yards of cut and 2,189 cubic yards of fill.

**Owner:** Tina Chen & Jeremy Van Grinsven

**Applicant:** Jeremy Van Grinsven

**Address:** 17085 Montebello Road, Cupertino

**APN:** 351-40-008

**Supervisory District:** 5

**Gen. Plan Designation:** Hillsides

**Zoning:** HS-d1-sr

**Lot Size:** 79.5 acres

**Present Land Use:** Vacant

**HCP:** Not in HCP Area

### **RECOMMENDED ACTIONS**

- A. Accept a Categorical Exemption under Section 15303 (Class3)(a) of the CEQA Guidelines, Attachment A; and
- B. Grant modification request of concurrent land use permit for a Building Approval on Slopes Exceeding 30%, Design Review (scenic road), Grading Approval, and Variance to increase grading quantities, pursuant to the Conditions of Approval outlined in Attachment B.

## **ATTACHMENTS INCLUDED**

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Attachment A – CEQA Determination

Attachment B – Preliminary Conditions of Approval

Attachment C – Grading Plans and Vicinity Map

Attachment D – Staff Report from February 4, 2021, Zoning Administration Hearing

## **PROJECT DESCRIPTION**

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The proposed project is a Modification to a concurrent land use permit for Building Site Approval (slopes over 30%), Variance, Design Review, and Grading Approval, previously approved by the Zoning Administrator at a duly noticed public hearing on February 4, 2021 (PLN18-11191). The 2021 Zoning Administrator approval granted Building Site Approval, Variance, Design Review, and Grading Approval for the construction of a new two-story, 4,720 square-foot residence on a 79.5- acre parcel. Associated improvements included a new driveway, septic system, and water tanks located within the front yard setback. The Variance request was to reduce the front yard setback for water tanks from the required 30'-0" setback to 3'-0". Total grading quantities for the originally approved project included 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence. A Building Permit (DEV21-3089) for the above-mentioned development was issued on February 6, 2023, with a revision issued on April 19, 2024. A Grading Permit (DEV21-1336) was issued on February 7, 2023.

On January 1, 2024, during a grading inspection for the site improvements, County Inspectors placed a stop work order on the site due to excess earthwork on the slope of the hill, in discrepancy with the approved plans. A stop work order was also applied to the issued Building Permit but was lifted on February 28, 2024. The property owner subsequently submitted a Grading Permit revision application with an 'As-Built' plan. The plan identified grading quantities of 2,313 cubic yards of cut and 2,189 cubic yards of fill based upon the recommendations of the project geotechnical engineer (C2Earth, Inc.), which is not consistent with the Zoning Administration-approved grading quantities of 747 cubic yards of cut and 306 cubic yards of fill.

The additional grading is located to the south of the driveway and consists of excavating keyways, or trenches, at the toe of fill slopes, and benches above the keyways to support unretained fill. The grading modification proposes excavating material in these areas, constructing the keyways and benches into underlying bedrock, and re-filling the area of excavated land with engineered fill compatible with the natural features of the site. The property owner submitted a letter from C2Earth, Inc. stating that site grading was performed in accordance with their recommendations. Overall export quantity decreased from 441 cubic yards in the originally issued Grading Permit to 124 cubic yards in the current proposal. As such, the applicant requests a modification to the previously approved Grading Approval to accommodate the change in grading quantities for this development. The applicant does not propose any changes to the residence or other portions of the original approval, only changes to the associated grading.

## **Setting/Location Information**

The 79.5-acre parcel has steep terrain and thick vegetation, and is currently mid-development. Although large in area, the majority of the property includes slopes that exceed 50%, which are considered extreme slopes. The proposed and partially-constructed residence is located on the flattest area of the lot, 56 feet away from Montebello Road right-of-way. Surrounding properties include open space land owned by Mid-Peninsula Regional Open Space, a winery owned and operated by Ridge Vineyards Incorporated, and two quarries (Stevens Creek and Lehigh Permanente). Properties in the area range from 5-acres to 490-acres. The single-family residences in the nearby neighborhood range from 2,000 square feet to 11,00 square feet.

## **REASONS FOR RECOMMENDATIONS**

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

The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption (See Attachment A). While additional grading is proposed through this modification, the project will not create any significant environmental impacts as the project minimizes export and impacts to the natural terrain. The grading modification proposes excavating material in these areas, constructing the keyways and benches into underlying bedrock, and re-filling the area of excavated land with material compatible with the natural features of the site. Additionally, there are no watercourses, special status species or habitat mapped on the site. As such, the project qualifies for a Class 3, Section 15303 (a) new single-family residence Exemption from CEQA.

### **B. Project/Proposal**

1. **General Plan:** Hillsides
2. **Approved Building Site:** Pursuant to Ordinance Code Section C12-307, Building Site Approval is required for new single-family or two-family dwellings, including properties within the County's HS zoning district. The original Building Site Approval, Variance, Design Review, and Grading Approval concurrent land use permit was granted on February 4, 2021 at a duly-noticed Zoning Administration hearing. Building Permit number DEV21-3089 was issued on February 6, 2023, and Grading Permit number DEV21-1336 was issued on February 7, 2023, thereby effectuating the Building Site Approval on the subject parcel. For full analysis of the findings for a Building Site Approval on slopes exceeding 30%, see Attachment D for the Staff Report from the February 4, 2021 approval of PLN18-11191.
3. **Zoning Standards:** The Zoning Ordinance specifies the required development standards for single-family residences in the HS-d1-sr Zoning District, as summarized below, followed by Table A, noting the project's conformance with Section 3.20.040 "-d1" Combing District. With the exception of the proposed location of the water tanks (Accessory Structures – Zoning Ordinance Section 4.20.020(O)), the proposed project meets the required development standards for single-family residences.

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

**Scenic Road Setback:** Within 100-feet. Design Review required.

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

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

\* For full analysis of these development standards, see Attachment D for the Staff Report from the February 4, 2021 approval of PLN18-11191. Note that the applicant does not propose any changes to the residence, only the associated grading.

**C. Grading 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 2,313 cubic yards of cut and 2,189 cubic yards of fill. The majority of this work applies to the keyways, which require 1,569 cubic yards of cut and 1,903 cubic yards of fill. As identified on the grading plans (Attachment C), the new proposed grading is located south of the driveway, where slopes are approximately 40%, or 5:2. The grading modification proposes excavating material in these areas, constructing the keyways and benches into underlying bedrock, and re-filling the area of excavated land with engineered fill compatible with the natural features of the site. The Updated Geologic and Geotechnical Study by geotechnical consultant C2Earth, Inc., dated September 3, 2021 requires keyways and benches for unretained fill placed on slopes in excess of 5:1. The study was reviewed by former County Geologist Jim Baker under issued Grading Permit DEV21-1336, which was subsequently approved with stamps by current County Geologist David Seymour.

The two-story, 4,720 square-foot residence utilizes the flattest portion of the lot to minimize grading for the building pad, driveway, and firetruck turnaround. The building pad and finish floor elevation is situated in a location requiring the minimal grading and vertical fill for the proposed development, as it steps downhill with the natural slope. A total of 744 cubic yards of cut is mostly to accommodate the driveway to the garage and fire truck turnaround in accordance with current engineering standards. Grading is also proposed to establish modest landscape areas adjacent to the east of the residence to blend the building pad with existing natural contours. The grading design is

necessary and appropriate to establish single-family residential uses, permissible in the HS zoning district.

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 project will not create any export to public or private property. Excess material is noted on the grading plans (Attachment C) to be hauled to a County-approved dump site. Standard Conditions of Approval and requirements of final grading plans will ensure that grading around the building pad will not result in slope instability or erosion. No watercourses are located on the subject site. The proposal has been approved by the County Land Development Engineering Division and County Roads and Airports Departments. As such, the grading will not endanger the public and/or private property, public health and safety, nor result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse. For these reasons, 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 by utilizing excavated material as engineered fill for regrading. The proposed fill has a similar slope to the natural topography. Keyways, benches, and subdrains are proposed to be constructed to the recommendations of the geotechnical consultants, C2Earth, Inc. The proposed building pad is situated on the most suitable and flattest portion of the lot. The grading will not impose any significant impacts on the natural landscape, biological, or aquatic resources. There are no creeks or other watercourses on the property. No Ordinance protected trees are proposed to be removed. Four 24-inch box California native trees are proposed on the eastern side of the residence to further minimize visibility from neighboring properties and the valley floor. There are no special status species or habitat mapped on the site. Therefore, the proposed grading will minimize impacts to the natural landscape and resources, and minimize erosion impacts, and 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 new residence and driveway are located on the flattest portion of the lot. Other locations on the property are extremely steep (35% to 50% slope) and cannot accommodate a residence without excessive amounts of grading. The building pad steps downhill with the natural slope and is situated in a location that requires the

minimal grading and vertical fill for the proposed development. Additionally, proposed residence is under construction, and the structural/building and foundation/grade beams for the residence have been approved or partially approved by County inspectors, in the location indicated on the plans (Attachment C).

The required water tanks are proposed in a location which is relatively flat, requires minimal cut into the hillside to establish the pad, and is not visible from neighboring properties or Montebello Road. All alternative locations for the water tanks would require greater quantities of fill to meet the Fire Marshal requirements described in BA Finding (b) of the Staff Report in Attachment D from the February 4, 2021 approval of PLN18-11191.

Given the constraints mentioned above, this finding can be made.

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

The proposed grading modification is designed to conform with the natural terrain and existing topography and will not create a significant visual scar. As noted in the Staff Report from the February 4, 2021 approval of PLN18-11191 (Attachment D), the residence steps downhill with the natural slope and the driveway length is the minimal length to accommodate adequate site access and fire truck turnaround requirements. Landscaping associated with the original approval includes four 24-inch box trees and existing shrubs immediately surrounding the footprint of the home and the retaining walls, which decreases visibility of the proposed project. Graded contours are proposed to blend with the existing natural contours as much as possible. As such, the proposed grading meets this finding.

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

The proposed grading modification is in conformance with specific findings and policies identified in the County General Plan. The proposed residence utilizes the flattest area of the subject property and is situated in an area that requires minimal necessary grading. The additional proposed grading was performed in accordance with recommendations from the geotechnical consultant, and is designed to conform with the natural terrain. Such design minimizes grading and reduces visual impacts from hillside development in keeping with General Plan policies R-GD 25 and 26, which requires ‘*Grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements should not create a significant visual scar or impact to the environment,*’ and discourages ‘*excessive, non-essential grading.*’ The grading modification does not create a significant visual scar as it is proposes cuts and fills that match the existing topography, and is the minimum necessary as identified in the geotechnical report. 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 modification is in conformance with the adopted "*Guidelines for Grading and Hillside Development*." In particular, the cuts and fills are proposed to be in conformance with the existing topography, as the finished grade is at a similar slope to the natural one, therefore resulting in minimal visual impacts. The grading modification is in accordance with recommendations from the geotechnical consultant, and is the minimum necessary as identified in the geotechnical report. Additionally, the grading modification proposes excavating material in these areas, constructing the keyways and benches into underlying bedrock, and re-filling the area of excavated land with material compatible with the natural features of the site. Therefore, the proposed grading is designed to follow the natural terrain, minimize grading, and reduce visual impacts of the hillside development and is in keeping with General Plan Policies. For these reasons, this finding can be made.

In conclusion, based on the unique circumstances and findings of fact described in the body of this report, Staff recommends that the Zoning Administration Hearing Officer grant the modification of concurrent land use permit for a Building Approval on Slopes Exceeding 30%, Variance to reduce water tank front setbacks from 30'-0" to 3'-0", Design Review, and Grading Approval for a new single-family residence. Staff would like to note that there are no proposed modifications to the residence, only modifications to the Grading Approval, specifically to increase grading quantities from 747 cubic yards of cut to 2,313 cubic yards and 306 cubic yards of fill to 2,189 cubic yards.

## **BACKGROUND**

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On February 4, 2021, an application for a Building Approval on Slopes Exceeding 30%, Variance to reduce water tank front setbacks from 30'-0" to 3'-0", Design Review, and Grading Approval for a new single-family residence was heard and approved by the Zoning Administrator.

On February 6, 2023, a Building Permit (DEV21-3089) was issued to allow the construction of the single-family residence; on February 7, 2023, a Grading Permit (DEV21-1336) was issued to allow work to begin on site improvements. Grading work ensued, and at a grading inspection on January 1, 2024, County Inspectors placed a stop work order on the site due to grading out of conformance with the approved plans. The property owner subsequently submitted a Grading Permit revision application (DEV21-1336-REV1) with an 'As-Built' plan. The plan identified grading quantities of 2,313 cubic yards of cut and 2,189 cubic yards of fill based upon the recommendations of the project geotechnical engineer (C2Earth, Inc.). The owner was informed by Staff that the significant increase in grading quantities would require a modification to the Grading Approval.

On October 28, 2024, the property owner submitted a Grading Approval Modification application (PLN18-11191-MOD3). Due to routing errors, the application could not be reviewed within 30 days, and the owner granted the County a one-time extension of time to the Permit Streamlining Act on November 26, 2024 to allow Staff to review the application.

On December 13, 2024, the subject application was deemed complete and scheduled for the January 9, 2025 Zoning Administration hearing.

A public notice was mailed to all property owners within a 300-foot radius on December 26, 2024, and was also published in the Post Records on [December 30, 2024](#)<sup>1</sup>. As of writing this report, no public comments were received for this application.

## **STAFF REPORT REVIEW**

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Prepared by: Reva Kakaria, Assistant Planner *Reva Kakaria*

Reviewed by: Joanna Wilk, Principal Planner *JW*

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<sup>1</sup> San Jose Post Record; <https://www.postrecord.news/home.cfm?ref=legalnotices&disp=1> – Legal Notices December 30, 2024; <https://www.postrecord.news/LegalNotices/SJR-2024-12-30.pdf>

# **Attachment A**

## **Statement of Exemption from the California Environmental Quality Act (CEQA)**

## Attachment A

# STATEMENT OF EXEMPTION

### from the California Environmental Quality Act (CEQA)

<b>FILE NUMBER</b>	<b>APN(S)</b>	
PLN18-11191-MOD3	351-40-008	12/30/2024
<b>PROJECT NAME</b>	<b>APPLICATION TYPE</b>	
Single-Family Residence; 17085 Montebello Road, Cupertino CA	Grading Approval Modification to Concurrent Land Use Application Building Approval on Slopes Exceeding 30%, Design Review (Tier 1), Grading Approval and Variance	
<b>OWNER</b>	<b>APPLICANT</b>	
Tina Chen and Jeremy Van Grinsven	Jeremy Van Grinsven	
<b>PROJECT LOCATION</b>		
17085 Montebello Road, Cupertino CA		
<b>PROJECT DESCRIPTION</b>		
<p>Grading Approval modification to a concurrent land use permit for a Building Site Approval on Slopes Exceeding 30%, Variance, Design Review and Grading Approval for the construction of a new two-story, 4,720 square-foot residence on a 79.5 acre parcel. Associated improvements include a new driveway, septic system, and water tanks located within the front yard setback. Previous associated grading consisted of 747 cubic yards of cut and 306 cubic yards of fill. Modification request is to increase grading quantities to 2,313 cubic yards of cut and 2,189 cubic yards of fill.</p>		
<p>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.</p>		
<b>CEQA (GUIDELINES) EXEMPTION SECTION</b>		
<p>Section 15303(a) - Class 3(a): One single-family residence in a residential zone. The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption. The aesthetic impacts of the scenic road and -d1 viewshed are addressed through the required Design Review process. Landscaping, and other design measures including Light Reflectivity Value (LRV) contribute to avoiding aesthetic impacts. The project will not create any significant environmental impacts as the project minimizes grading and impacts to the natural terrain. The grading modification proposes excavating material in these areas, constructing the keyways and benches into underlying bedrock, and re-filling the area of excavated land with material compatible with the natural features of the site. Additionally, there are no watercourses, special status species or habitat mapped on the site. As such, the project qualifies for a Class 3, Section 15303 (a) new single-family residence Exemption from CEQA.</p>		
<b>COMMENTS</b>		

The subject property is located in a residential zoned area developed with single family residences of similar size. The new residence will utilize the flattest area available to minimize impacts to the natural landscape. Additional grading under this modification is required per the geotechnical consultant (C2Earth, Inc.) report, Updated Geologic and Geotechnical Study, dated September 3, 2021. The grading modification proposes excavating material in these areas, constructing the keyways and benches into underlying bedrock, and re-filling the area of excavated land with material compatible with the natural features of the site. No trees with a diameter of twelve (12)-inch or greater will be removed. No special status species or habitat exists on the site, and the project will not create any impacts to a watercourse, or sensitive or protected wildlife or plant species.

**APPROVED BY:**

Reva Kakaria, Assistant Planner

*Reva Kakaria*

Signature

12/30/24

Date

# **Attachment B**

**Modification to Building Site Approval on Slopes Exceeding  
30%, Design Review (Scenic Road), Grading Approval and  
Variance Preliminary Conditions of Approval**

**MODIFICATION OF CONCURRENT LAND USE PERMIT FOR A BUILDING SITE  
APPROVAL ON SLOPES EXCEEDING 30 PERCENT, VARIANCE, DESIGN REVIEW  
(SCENIC ROAD), AND GRADING APPROVAL  
PRELIMINARY CONDITIONS OF APPROVAL**

Date: January 9, 2025

Owner/Applicant: Jeremy Van Grinsven and Tina Chen

Location: 17085 Montebello Road (APN: 351-40-008)

File Number: PLN18-11191-MOD3

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

Project Description: Modification of the 2021 Building Site Approval for slopes exceeding 30%, Variance, Design Review, and Grading Approval for a 4,720 square foot single-family residence with attached garage, porches, patio, driveway, retaining walls, and associated improvements. Previous associated grading consisted of 747 cubic yards of cut and 306 cubic yards of fill. Modification request is to increase grading quantities to 2,313 cubic yards of cut and 2,189 cubic yards of fill. Approval is based on plans submitted on October 28, 2024.

The project does not require coverage by the Santa Clara Valley Habitat Plan and does not include the removal of ordinance-sized trees.

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

Agency	Name	Phone	E-mail
Planning	Reva Kakaria	(408) 299-5792	<a href="mailto:reva.kakaria@pln.sccgov.org">reva.kakaria@pln.sccgov.org</a>
Environmental Health	Darrin Lee	(408) 299-5748	<a href="mailto:darrin.lee@cep.sccgov.org">darrin.lee@cep.sccgov.org</a>
Fire Marshal	Alex Goff	(408) 299-5763	<a href="mailto:alex.goff@sccfd.org">alex.goff@sccfd.org</a>
Land Development Engineering	Darrell Wong	(408) 299-5716	<a href="mailto:darrell.wong@pln.sccgov.org">darrell.wong@pln.sccgov.org</a>
County Geologist	David Seymour	(408) 299-6711	<a href="mailto:david.seymour@pln.sccgov.org">david.seymour@pln.sccgov.org</a>
Roads and Airports	Tom Esch	(408) 573-2450	<a href="mailto:tom.esch@rda.sccgov.org">tom.esch@rda.sccgov.org</a>

**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- <https://plandev.santaclaracounty.gov/home> ~~www.sccbuilding.org~~.

**Planning**

2. Development must take place in substantial conformance with the approved plans; ~~submitted on October 13, 2020~~ and the Conditions of Approval. Approved architectural plans were submitted to the Planning Office on October 13, 2020; approved revised civil plans were submitted to the Planning Office on October 28, 2024. Any changes to the proposed project, or any increase in grading quantities, or modification to the grading or design may require a modification to the concurrent land use permit for the Building Approval for Slopes Exceeding 30%, Design Review, Grading Approval, and Variance, and associated fees, and may result in additional environmental review, pursuant to the California Environmental Quality Act.
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-d1-sr (Hillsides - Design Review Combining District – Scenic Road Combining District). Maintain the following minimum dwelling setbacks (Zoning Ordinance Sections 2.20.030):

Front: 30 feet                      Sides: 30 feet                      Rear: 30 feet

The maximum height of dwellings is 35 feet and shall not exceed three (3) stories.

6. Two (2) off-street parking spaces are required, one (1) of which must be covered.
7. With the exception of trim and minor details, the exterior surfaces of the house shall be painted muted colors with a light reflectivity value (LRV) of 45 or lower and shall be consistent with the color samples provided with this approval.
8. Pursuant to the approved **Variance**, Water tanks shall maintain the following minimum setbacks:

**Front: 3 ft.**                      Sides: 3 ft.                      Rear: 3 ft.  
(height up to 12 ft. tall)                      (height up to 12 ft. tall)

#### *Archaeological Resources*

9. 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

10. 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

11. 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.
12. No excess fill maybe placed above the designated drip dispersal field as approved by the Department of Environmental Health (Dec 7, 2022).

#### Roads & Airports

13. ~~A Tree Removal Approval is required prior to any tree removal, replacement, or relocation within the ROW. A tree within the ROW requiring removal approval is any tree at least 20 feet in height or at least 12 inches in diameter measured 4.5 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](http://www.countyroads.org) > Services > Apply for Permits > Tree Removal from County Right-of-Way.~~ 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: <https://countyroads.sccgov.org/tree-removal-approval-county-right-way>
14. Gates within 30 feet of edge of pavement are not permitted.
15. Fencing, fixed appurtenances, mailboxes with non-breakaway posts, etc., are not permitted within the County ROW.

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

#### Planning

16. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.
17. **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.**
18. **Prior to issuance of a building permit**, submit final color samples for the house facade, trim and roof indicating the Light Reflectivity Value (LRV) is less than or equal to 45 LRV,

pursuant to Zoning Ordinance Section 3.20.040B, consistent with the project, color samples and plans approved at the February 4, 2021 Zoning Administration Hearing.

19. **Prior to issuance of any permits**, provide a final landscaping plan utilizing four (4) 24-inch box sized California native trees to reduce the apparent height of the eastern retaining walls and to blend them in with the natural surroundings. The final landscaping must be in substantial conformance with the landscaping plan approved at the February 4, 2021 Zoning Administrator hearing.
20. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. Calculate square footage of new landscaped area and it exceeds 500 sq. ft. – obtain landscaping permit. The landscape ordinance and supporting information can be found on the following web page: <https://www.sccgov.org/sites/dpd/PlansOrdinances/Landscape/Pages/welo-apply.aspx>
21. 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

22. 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: ~~www.sccplanning.org > How to.. > Submit a Development Permit Application > Grading Permit~~ <https://plandev.santaclaracounty.gov/home > How Do I... > 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.

~~Please contact LDE at (299-5734) for additional information and timelines.~~

23. 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.
24. 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:
  - a. March 1981 Standards and Policies Manual, Volume 1 (Land Development)  
~~www.sceplanning.org > Ordinance & Codes > Land Development Standards and Policies~~  
<https://plandev.santaclaracounty.gov/home> > Codes and Policies > Land Development Engineering > Land Development Standards and Policies
  - b. 2007 Santa Clara County Drainage Manual  
~~www.sceplanning.org > Ordinance & Codes > Grading and Drainage Ordinance > Drainage Manual~~  
<https://plandev.santaclaracounty.gov/home> > Codes and Policies > Land Development Engineering > Grading and Drainage Ordinance > Drainage Manual
25. 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.
26. 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.

27. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
28. 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.
29. 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.
30. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional information, please refer to the C.3 Stormwater Handbook (June 2016/2024) available at the following website: [http://scvurppp.org/pdfs/1516/c3\\_handbook\\_2016/SCVURPPP\\_C.3\\_Technical\\_Guidance\\_Handbook\\_2016\\_Chapters.pdf](http://scvurppp.org/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf) <https://scvurppp.org> > Elements > New Development and Redevelopment > SCVURPPP C.3 Stormwater Handbook
31. Submit one copy of the signed and stamped of the geotechnical report for the project.
32. Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendations in the above geotechnical report have been incorporated into the improvement plan.
33. 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](http://www.waterboards.ca.gov) > ~~Water Issues~~ > Programs > Stormwater

#### Environmental Health

34. **Prior to building permit issuance**, a septic system conforming to the prevailing Onsite Wastewater Treatment System (OWTS) Ordinance shall be designed based upon percolation test rates and the dispersal field shall be located within the percolation and soil profile testing areas and depth.

35. Based upon a percolation test result of 11 minutes per inch (MPI) and a testing depth of 12 inches, onsite sewage conditions have been determined for a single-family dwelling (not to exceed 675 gallons per day or 6 bedrooms) utilizing 675 square feet + 675 square feet drip dispersal system.
36. **At the time of application for a building permit**, submit four (4) revised plot plans to scale (1" = 20') on a grading and drainage plan showing the house, driveway, accessory structures, septic tank and required drainlines to contour. In order to obtain a septic system permit, maintain all setbacks as outlined within County of Santa Clara Onsite Manual. The original plans must be submitted to the Department of Environmental Health prior to the issuance of the septic system permit and submitted as the final grading plan to Land Development Engineering when a grading permit is required. Contact Ross Kakinami at 408-918-3479 for septic system sign-off.
37. Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved **prior to obtaining a septic system or building permit**. A well log must be submitted which shows a 50-foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Nicole Jorgensen at the Department of Environmental Health at 408-918-3492 for detailed information. More information can be found by consulting the DEH website at [www.ehinfo.org](http://www.ehinfo.org) and viewing the drinking water section.

#### Fire Marshal

##### *Fire Protection – Water*

38. 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.
39. 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).
- 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.
  - Provide 2-5,000-gallon secondary aboveground storage tanks dedicated to the wharf hydrant (water quantity based on CFMO-W1).
  - Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
  - Installation of aboveground storage tanks less than 20 ft. to a structure requires tanks to be of noncombustible construction.

- e. Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.
40. 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 600 ft. from the furthest portion of the structure (measured along path of travel).
  - b. Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.
  - c. Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.
  - d. Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration.

**NOTE:** tank and hydrant elevations shall be noted on the site plan submitted for building permit.

41. Fire protection water shall be made available to the fire department.

#### *Fire Department Access*

42. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply:
- a. Construction of access roads and driveways shall use good engineering practice.
  - 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.
43. Driveways (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).
- a. Width: Clear width of drivable surface of 12 ft.
  - b. Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
  - c. Curve Radius: Inside turn radius for curves shall be a minimum of 50 ft.
  - d. Grade: Maximum grade shall not exceed 16%. Grades exceeding 15% shall be paved in compliance with County Standard SD5.
  - 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 turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 40 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

#### *Miscellaneous*

44. ~~This p~~Property is located ~~within the Santa Clara County Fire Department response area, the State Response Area (served by Cal Fire), and in~~ the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:
- A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
  - Provide a 1/2-inch spark arrester for the chimney.
  - 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.

#### Geology

45. **Prior to issuance of permits**, submit:
- Plan Review Letter that confirms the plans conform with the intent of the recommendations presented in Murray Engineers' "Engineering Geologic and Geotechnical Investigation" report (dated 2-7-2018) and
  - A Conformed Copy of an Acknowledgment Statement of Potential Geologic Hazard (to be prepared by the County Geologist).

#### Roads & Airports

46. Dedicate additional 10-foot-wide strips for Montebello Road to result in a 30-foot half street width or a 60-foot full street width as appropriate. All dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County.
47. Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit for the following required improvements (the process for obtaining an Encroachment Permit and the forms that are required can be found at: <https://countyroads.sccgov.org/encroachment-permits>):
- Installation of the driveway approach to County Standard B/4.
  - Improvement of the property's Montebello Road frontage to County Standard B/4A. Modifications may be proposed to the B/4A standard based upon existing site conditions for review and approval by the Roads and Airports Department. The modifications may include defining limits to the frontage improvements and/or reducing the width of the shoulder widening but must demonstrate that the proposed improvements implement the B/4A standard to the maximum extent feasible.
  - Removal of any vegetation or other obstructions necessary to provide adequate line-of-sight at the driveway approach location.
  - ~~b.d.~~All utility relocations, replacements, abandonments, temporary facilities, and new facilities.

48. ~~The process for obtaining an Encroachment Permit and the forms that are required can be found at: [www.countyroads.org](http://www.countyroads.org) > Services > Apply for Permits > Encroachment Permit.~~ 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.
49. 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.**

Planning

50. **Prior to final inspection**, contact ~~Joanna Wilk~~ Reva Kakaria, Associate Assistant Planner, **at least two weeks in advance** to schedule a site visit to verify the approved exterior colors and landscaping have been installed, as approved.

Land Development Engineering

51. 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.
52. Construct the improvements. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

53. **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

54. 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.

Geology

55. **Prior to Final Inspection/Grading Completion**, submit a Geotechnical Engineer's Construction Observations Letter that verifies the work was completed in accordance with the approved plans (A note to that effect will need to be stamped on the plans.).

Roads & Airports

56. Construct the required improvements and any related work in the County maintained road right-of-way to the satisfaction of the Roads and Airports Department.
57. Remove temporary facilities and temporary construction entrances from the County ROW.

# **Attachment C**

## **Grading Plans and Vicinity Map**

COUNTY OF SANTA CLARA  
GENERAL CONSTRUCTION SPECIFICATIONS

GENERAL CONDITIONS

1. ALL CONSTRUCTION WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE SOILS AND/OR GEOTECHNICAL REPORT PREPARED BY CZEARTH, INC.  
750 CAMDEN AVE, SUITE A, CAMPBELL, CA 95008 / 523 CAPITOLA AVE, SUITE B, CAPITOLA CA 95010. DOCUMENT ID. 21079C-01R1 AND DATED SEPTEMBER 3, 2021
- THIS REPORT IS SUPPLEMENTED BY: 1) THESE PLANS AND SPECIFICATIONS, 2) THE COUNTY OF SANTA CLARA STANDARD DETAILS. 3) THE COUNTY OF SANTA CLARA STANDARD SPECS, 4) STATE OF CALIFORNIA STANDARD DETAILS, 5) STATE OF CALIFORNIA STANDARD SPECIFICATIONS. IN THE EVENT OF CONFLICT THE FORMER SHALL TAKE PRECEDENCE OVER THE LATTER. THE PERFORMANCE AND COMPLETION OF ALL WORK MUST BE TO THE SATISFACTION OF THE COUNTY.
2. DEVELOPER IS RESPONSIBLE FOR INSTALLATION OF THE IMPROVEMENTS SHOWN ON THESE PLANS AND HE OR HIS SUCCESSOR PROPERTY OWNERS ARE RESPONSIBLE FOR THEIR CONTINUED MAINTENANCE.
3. DEVELOPER SHALL BE RESPONSIBLE FOR CORRECTION OF ANY ERRORS OR OMISSIONS IN THESE PLANS. THE COUNTY SHALL BE AUTHORIZED TO REQUIRE DISCONTINUANCE OF ANY WORK AND SUCH CORRECTION AND MODIFICATION OF PLANS AS MAY BE NECESSARY TO COMPLY WITH COUNTY STANDARDS OR CONDITIONS OF DEVELOPMENT APPROVAL.
4. DEVELOPER SHALL OBTAIN ENCROACHMENT PERMITS FROM THE SANTA CLARA VALLEY WATER DISTRICT AND CALIFORNIA DEPARTMENT OF TRANSPORTATION WHERE NEEDED. COPIES OF THESE PERMITS SHALL BE KEPT AT THE JOB SITE FOR REVIEW BY THE COUNTY'S INSPECTOR.
5. DEVELOPER SHALL REMOVE OR TRIM ALL TREES TO PROVIDE AN UNOBSTRUCTED FIFTEEN (15) FOOT VERTICAL CLEARANCE FOR ROADWAY AREA.
6. THIS PLAN AUTHORIZES THE REMOVAL OF ONLY THOSE TREES WITH TRUNK DIAMETERS GREATER THAN 12 INCHES MEASURED 4.5 FEET ABOVE THE GROUND THAT ARE SHOWN TO BE REMOVED UNLESS AN AMENDED PLAN IS APPROVED OR A SEPARATE TREE REMOVAL PERMIT IS OBTAINED FROM THE PLANNING OFFICE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT REMOVAL OF ADDITIONAL TREES HAS BEEN PERMITTED.
7. DEVELOPER SHALL PROVIDE ADEQUATE DUST CONTROL AS REQUIRED BY THE COUNTY INSPECTOR.
8. ALL PERSONS MUST COMPLY WITH SECTION 4442 OF THE PUBLIC RESOURCES CODE AND SECTION 13005 OF THE HEALTH AND SAFETY CODE RELATING TO THE USE OF SPARK ARRESTERS.
9. UPON DISCOVERING OR UNEARTHING ANY BURIAL SITE AS EVIDENCED BY HUMAN SKELETAL REMAINS OR ARTIFACTS, THE PERSON MAKING SUCH DISCOVERY SHALL IMMEDIATELY NOTIFY THE COUNTY CORONER AT (408) 454-2520 AND LAND DEVELOPMENT ENGINEERING OFFICE AT (408) 299-5730. NO FURTHER DISTURBANCE OF THE SITE MAY BE MADE EXCEPT AS AUTHORIZED BY THE LAND DEVELOPMENT OFFICE IN ACCORD WITH PROVISIONS OF THIS ORDINANCE (COUNTY ORDINANCE CODE SECTION B6-18).
10. THESE PLANS ARE FOR THE WORK DESCRIBED IN THE SCOPE OF WORK ONLY. A SEPARATE PERMIT WILL BE REQUIRED FOR THE SEPTIC LINE CONSTRUCTION.
11. ANY DEVIATION FROM THESE APPROVED PLANS SHALL BE RE-APPROVED IN WRITING BY THE COUNTY ENGINEER PRIOR TO CONSTRUCTION.

CONSTRUCTION STAKING

1. THE DEVELOPER'S ENGINEER IS RESPONSIBLE FOR THE INITIAL PLACEMENT AND REPLACEMENT OF CONSTRUCTION GRADE STAKES. THE STAKES ARE TO BE ADEQUATELY IDENTIFIED, LOCATED, STABILIZED, ETC. FOR THE CONVENIENCE OF CONTRACTORS. LATERAL OFFSET OF STAKES SET FOR CURBS AND GUTTERS SHALL NOT EXCEED 2 1/2 FEET FROM BACK OF CURB.
2. ANY PROPERTY LINE STAKES OR ROAD MONUMENTS DISTURBED DURING CONSTRUCTION SHALL BE REPLACED BY DEVELOPER'S ENGINEER AND LICENSED LAND SURVEYOR.
3. PROPERTY LINE STAKING MUST BE PERFORMED BY THE PROJECT ENGINEER OR LAND SURVEYOR TO ESTABLISH OR RE-ESTABLISH THE PROJECT BOUNDARY AND SHALL BE INSPECTED BY THE COUNTY INSPECTOR PRIOR TO THE BEGINNING OF THE WORK.
4. PROPER CONSTRUCTION STAKES SHALL BE SET IN THE FIELD BY THE PROJECT ENGINEER OR LAND SURVEYOR AND VERIFIED BY THE COUNTY INSPECTOR PRIOR TO THE COMMENCEMENT OF GRADING.

CONSTRUCTION INSPECTION

1. CONTRACTOR SHALL NOTIFY PERMIT INSPECTION UNIT, SANTA CLARA COUNTY PRIOR TO COMMENCING WORK AND FOR FINAL INSPECTION OF WORK AND SITE.
2. THE COUNTY REQUIRES A MINIMUM OF 24 HOURS ADVANCE NOTICE FOR GENERAL INSPECTION, 48 HOURS FOR ASPHALT CONCRETE INSPECTION.
3. INSPECTION BY SANTA CLARA COUNTY SHALL BE LIMITED TO INSPECTION OF MATERIALS AND PROCESSES OF CONSTRUCTION TO OBSERVE THEIR COMPLIANCE WITH PLANS & SPECIFICATIONS BUT DOES NOT INCLUDE RESPONSIBILITY FOR THE SUPERINTENDENT OF CONSTRUCTION, SITE CONDITIONS, EQUIPMENT OR PERSONNEL. CONTRACTOR SHALL NOTIFY THE COUNTY LAND DEVELOPMENT INSPECTOR AT PHONE (408) 299-6868 AT LEAST 24 HOURS PRIOR TO COMMENCING WORK AND FOR FINAL INSPECTION OF WORK AND SITE.
4. DEVELOPER AND/OR HIS AUTHORIZED REPRESENTATIVE MUST SUBMIT WRITTEN REQUEST FOR FINAL INSPECTION AND ACCEPTANCE. SAID REQUEST SHALL BE DIRECTED TO THE INSPECTION OFFICE NOTED ON THE PERMIT FORM.
5. THE CONTRACTOR SHALL PROVIDE TO THE COUNTY CONSTRUCTION INSPECTOR WITH PAD ELEVATION AND LOCATION CERTIFICATES, PREPARED BY THE PROJECT ENGINEER OR LAND SURVEYOR, PRIOR TO COMMENCEMENT OF THE BUILDING FOUNDATION.

SITE PREPARATION (CLEARING AND GRUBBING)

1. EXISTING TREES AUTHORIZED FOR REMOVAL, ROOTS, AND FOREIGN MATERIAL IN AREAS TO BE IMPROVED WILL BE REMOVED TO AN AUTHORIZED DISPOSAL SITE AS FOLLOWS:
- A) TO A MINIMUM DEPTH OF TWO FEET BELOW THE FINISHED GRADE OF PROPOSED ROADWAYS (EITHER PRIVATE OR TO BE DEDICATED TO PUBLIC USE)
- B) FROM AREAS AFFECTED BY THE PROPOSED GRADING EXCEPT WHERE NOTED ON THE PLANS.
2. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO MOVE OR RELOCATE UTILITY POLES AND OTHER OBSTRUCTIONS IN THE WAY OF CONSTRUCTION.

UTILITY LOCATION, TRENCHING & BACKFILL

1. CONTRACTOR SHALL NOTIFY USA (UNDERGROUND SERVICE ALERT) AT 1-800-277-2600 A MINIMUM OF 24 HOURS BEFORE BEGINNING UNDERGROUND WORK FOR VERIFICATION OF THE LOCATION OF UNDERGROUND UTILITIES.
2. ACCURATE VERIFICATION AS TO SIZE, LOCATION, AND DEPTH OF EXISTING UNDERGROUND CONDUITS OR FACILITIES SHALL BE THE INDIVIDUAL CONTRACTORS RESPONSIBILITY. PLAN LOCATIONS ARE APPROXIMATE AND FOR GENERAL INFORMATION ONLY.
3. ALL UNDERGROUND INSTALLATIONS SHALL BE IN PLACE AND THE TRENCH BACKFILLED AND COMPACTED BEFORE PLACING AGGREGATE BASE MATERIAL OR SURFACE STRUCTURES. SURFACING MAY BE DONE IF THE UTILITY COMPANY CONCERNED INDICATES BY LETTER THAT IT WILL BORE, UNLESS SPECIFICALLY AUTHORIZED BY THE COUNTY. GAS AND WATER MAINS SHALL BE INSTALLED OUTSIDE THE PAVED AREAS.
4. TRENCH BACKFILL IN EXISTING PAVEMENT AREAS SHALL BE SAND MATERIAL IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE STATE SPECIFICATIONS. THE STRUCTURAL SECTION FOR TRENCH REPLACEMENT SHALL CONSIST OF NOT LESS THAN 12 INCHES OF APPROVED AGGREGATE BASE MATERIAL COMPACTED TO A RELATIVE COMPACTION OF AT LEAST 95% AND 4 INCHES OF HOT ASPHALT CONCRETE PLACED IN TWO LIFTS. TRENCH RESTORATION FOR HIGHER TYPE PAVEMENTS SHALL BE MADE IN KIND OR AS DIRECTED BY THE COUNTY.
5. TRENCH BACKFILL IN NEW CONSTRUCTION AREAS SHALL BE SAND MATERIAL COMPACTED TO A RELATIVE COMPACTION OF AT LEAST 90%. THE REQUIREMENT FOR SELECT MATERIAL MAY BE WAIVED BY COUNTY IF THE NATIVE SOIL IS SUITABLE FOR USE AS TRENCH BACKFILL BUT THE COMPACTION REQUIREMENTS WILL NOT BE THEREBY WAIVED.
6. BACKFILL AND TRENCH RESTORATION REQUIREMENTS SHALL APPLY AS MINIMUM STANDARDS TO ALL UNDERGROUND FACILITIES INSTALLED BY OTHER FIRMS OR PUBLIC AGENCIES.

RETAINING WALLS

1. REINFORCED CONCRETE AND CONCRETE MASONRY UNIT RETAINING WALLS SHALL HAVE FOUNDATION AND REINFORCEMENT INSPECTED BY THE COUNTY ENGINEERING INSPECTOR AND FOUNDATION OF RECORD PRIOR TO POURING THE FOUNDATION AND FORMING THE WALL.
2. SEGMENTAL BLOCK RETAINING WALLS SHALL HAVE FOUNDATION AND REINFORCEMENT INSPECTED BY THE COUNTY ENGINEERING INSPECTOR.

GRADING

1. EXCAVATED MATERIAL SHALL BE PLACED IN THE FILL AREAS DESIGNATED OR SHALL BE HAULED AWAY FROM THE SITE TO A COUNTY APPROVED DISPOSAL SITE. WHERE FILL MATERIAL IS TO BE PLACED ON NATURAL GROUND, IS SHALL BE STRIPPED OF ALL VEGETATION. TO ACHIEVE A PROPER BOND WITH THE FILL MATERIAL, THE SURFACE OF THE GROUND SHALL BE SCARIFIED TO DEPTH OF 6" BEFORE FILL IS PLACED. WHERE NATURAL GROUND IS STEEPER THAN 5:1, IT SHALL BE BENCHMARKED AND THE FILL KEYED IN TO ACHIEVE STABILITY. WHERE NEW FILL IS TO BE PLACED ON EXISTING FILL THE EXISTING FILL SHALL BE REMOVED UNTIL MATERIAL COMPACTED TO 90% RELATIVE COMPACTION IS EXPOSED. THEN THE NEW FILL MATERIAL SHALL BE PLACED AS PER THESE CONSTRUCTION NOTES. FILL MATERIAL SHALL BE PLACED IN UNIFORM LIFTS NOT EXCEEDING 6" IN UNCOMPACTED THICKNESS. BEFORE COMPACTION BEGINS, THE FILL SHALL BE BROUGHT TO A WATER CONTENT THAT WILL PERMIT PROPER COMPACTION BY EITHER 1) AERATING THE FILL IF IT IS TOO WET OR 2) MOISTENING THE FILL WITH WATER IF IT IS TOO DRY. EACH LIFT SHALL BE THOROUGHLY MIXED BEFORE COMPACTION TO ENSURE A UNIFORM DISTRIBUTION OF MOISTURE.
2. EXCESS CUT MATERIAL SHALL NOT BE SPREAD OR STOCKPILED ON THE SITE.
3. SURPLUS EARTH FILL MATERIAL SHALL BE PLACED IN A SINGLE (8" MAX) THICK LAYER COMPACTED TO WITHSTAND WEATHERING IN THE AREA(S) DELINEATED ON THE PLAN.
4. NO ORGANIC MATERIAL SHALL BE PLACED IN ANY FILL. NO TREES SHALL BE REMOVED OUTSIDE OF CUT, FILL OR ROADWAY AREAS.
5. THE UPPER 6" OF SUBGRADE BELOW DRIVEWAY ACCESS ROAD OR PARKING AREA SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY.
6. MAXIMUM CUT SLOPE SHALL BE 2 HORIZONTAL TO 1 VERTICAL. MAXIMUM FILL SLOPE SHALL BE 2 HORIZONTAL TO 1 VERTICAL.

EARTHWORK QUANTITY				
IMPROVEMENT	EARTHWORK QUANTITY (CUBIC YARD)		MAXIMUM DEPTH (FEET)	
	CUT	FILL	CUT	FILL
RESIDENCE	185	0	9	0
ACCESSORY STRUCTURE	—	—	0	0
POOL/HARDSCAPE	—	—	0	0
DRIVEWAY	433	16	5	1
LANDSCAPE	126	270	2	2
KEYWAY	1,569	1,903	5	5
TOTAL	2,313	2,189		
EXPORT QUANTITY	124			
IMPORT QUANTITY	0			

- NOTE: FILL VOLUMES INCLUDE 10% SHRINKAGE.
- EXCESS MATERIAL SHALL BE OFF HAULED TO A COUNTY APPROVED DUMP SITE.
7. NOTIFY SOILS ENGINEER TWO (2) DAYS PRIOR TO COMMENCEMENT OF ANY GRADING WORK TO COORDINATE THE WORK IN THE FIELD.
8. ALL MATERIALS FOR FILL SHOULD BE APPROVED BY THE SOILS ENGINEER BEFORE IT IS BROUGHT TO THE SITE.
9. THE UPPER 6" OF THE SUBGRADE SOIL SHALL BE SCARIFIED, MOISTURE CONDITIONED AND COMPACTED TO A MINIMUM RELATIVE COMPACTION OF 95%
10. ALL AGGREGATE BASE MATERIAL SHALL BE COMPACTED TO A MINIMUM 95% RELATIVE COMPACTION.
11. THE GEOTECHNICAL PLAN REVIEW LETTER MUST BE REVIEWED AND APPROVED BY THE COUNTY GEOLOGIST PRIOR TO FINAL APPROVAL BY THE COUNTY ENGINEER FOR BUILDING OCCUPANCY.
12. THE PROJECT GEOTECHNICAL ENGINEER SHALL PERFORM COMPACTION TESTING AND PRESENT THE RESULTS TO THE COUNTY ENGINEERING INSPECTOR PRIOR TO THE CONSTRUCTION OF ANY PAVED AREA.
13. GRADING WORK BETWEEN OCTOBER 15TH AND APRIL 15TH IS AT THE DISCRETION OF THE SANTA CLARA COUNTY GRADING OFFICIAL.
14. TOTAL DISTURBED AREA FOR THE PROJECT 36,966 SF.
15. WDD NO. \_\_\_\_\_
16. THE INSPECTOR MAY VERIFY THAT A VALID NOTICE OF INTENT (NOI) HAS BEEN ISSUED BY THE STATE AND THAT A CURRENT AND UP TO DATE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS AVAILABLE ON SITE.

TREE PROTECTION

1. FOR ALL TREES TO BE RETAINED WITH A CANOPY IN THE DEVELOPMENT AREA OR INTERFACES WITH THE LIMITS OF GRADING FOR ALL PROPOSED DEVELOPMENT ON SITE, THE TREES SHALL BE PROTECTED BY THE PLACEMENT OF RIGID TREE PROTECTIVE FENCING, CONSISTENT WITH THE COUNTY INTEGRATED LANDSCAPE GUIDELINES, AND 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 SHALL BE MAINTAINED THROUGHOUT THE SITE CONSTRUCTION PERIOD AND SHALL BE INSPECTED PERIODICALLY FOR DAMAGE AND PROPER FUNCTION.
- C. FENCING SHALL BE REPAIRED, AS NECESSARY, TO PROVIDE A PHYSICAL BARRIER FROM CONSTRUCTION ACTIVITIES.
- D. SIGNAGE STATING, "WARNING- THIS FENCING SHALL NOT BE REMOVED WITHOUT PERMISSION FROM THE SANTA CLARA COUNTY PLANNING OFFICE (408) 299-5770. COUNTY OF SANTA CLARA TREE PROTECTION MEASURES MAY BE FOUND AT HTTP://WWW.SCPLANING.GOV." SHALL BE PLACED ON THE TREE PROTECTIVE FENCING UNTIL FINAL OCCUPANCY.
2. PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY, TREE PROTECTIVE FENCING SHALL BE SECURELY IN PLACED AND INSPECTED BY THE LAND DEVELOPMENT ENGINEERING INSPECTOR.
3. SEE EXISTING TREE PROTECTION DETAILS FOR MORE INFORMATION.

ACCESS ROAD AND DRIVEWAY

1. DRIVEWAY LOCATIONS SHALL BE AS SHOWN ON THE IMPROVEMENT PLANS WITH CENTERLINE STATIONING. THE MINIMUM CONCRETE THICKNESS SHALL BE 6 INCHES THROUGHOUT (WITH A MAXIMUM APPROACH SLOPE OF 1 1/4 INCHES PER FOOT).
2. ALL DRIVEWAY OR COMMON ACCESS ROAD SECTIONS IN EXCESS OF 15 LONGITUDINAL SLOPE MUST BE PAVED WITH A MINIMUM 2-INCH ASPHALT LIFT OR FULL DEPTH CONCRETE LIFT PRIOR TO ANY COMBUSTIBLE FRAMING.
3. THE OWNER AND PRIME CONTRACTOR ARE RESPONSIBLE FOR MAINTAINING PROJECT SITE ACCESS AND NEIGHBORHOOD ACCESS FOR EMERGENCY VEHICLES AND LOCAL RESIDENTS.
4. ROADWAYS DESIGNATED AS NOT COUNTY MAINTAINED ROADS AS SHOWN ON THE PLAN WILL NOT BE ELIGIBLE FOR COUNTY MAINTENANCE UNTIL THE ROADWAYS ARE IMPROVED (AT NO COST TO THE COUNTY) TO THE PUBLIC MAINTENANCE ROAD STANDARDS APPROVED BY THE BOARD OF SUPERVISORS AND IN EFFECT AT SUCH TIME THAT THE ROADWAYS ARE CONSIDERED FOR ACCEPTANCE INTO THE COUNTY'S ROAD SYSTEM.
5. ALL WORK IN THE COUNTY ROAD RIGHT-OF-WAY REQUIRES AN ENCROACHMENT PERMIT FROM THE ROADS AND AIRPORTS DEPARTMENT. EACH INDIVIDUAL ACTIVITY REQUIRES A SEPARATE PERMIT - I.E. CABLE, ELECTRICAL, GAS, SEWER, WATER, RETAINING WALLS, DRIVEWAY APPROACHES, FENCES, LANDSCAPING, TREE REMOVAL, STORM DRAINAGE IMPROVEMENTS, ETC..

STREET LIGHTING

1. PACIFIC GAS & ELECTRIC ELECTROUWER SERVICE FEE SHALL BE PAID BY THE DEVELOPER AND/OR HIS AUTHORIZED REPRESENTATIVE.

SANITARY SEWER

1. THE SANITARY SEWER AND WATER UTILITIES SHOWN ON THESE PLANS ARE NOT PART OF THIS GRADING PERMIT AND ARE SHOWN FOR REFERENCE ONLY.
2. ALL MATERIALS AND METHODS OF CONSTRUCTION OF SANITARY SEWERS SHALL CONFORM TO THE SPECIFICATIONS OF THE JURISDICTION INVOLVED. INSPECTION OF SANITARY SEWER WORK SHALL BE DONE BY SAID JURISDICTION.

PORTLAND CEMENT CONCRETE

1. CONCRETE USED FOR STRUCTURAL PURPOSES SHALL BE CLASS "A" (6 SACK PER CUBIC YARD) AS SPECIFIED IN THE STATE STANDARD SPECIFICATIONS. CONCRETE PLACED MUST DEVELOP A MINIMUM STRENGTH FACTOR OF 2800 PSI IN A SEVEN-DAY PERIOD. THE CONCRETE MIX DESIGN SHALL BE UNDER THE CONTINUAL CONTROL OF THE COUNTY INSPECTOR.

AIR QUALITY, LANDSCAPING AND EROSION CONTROL

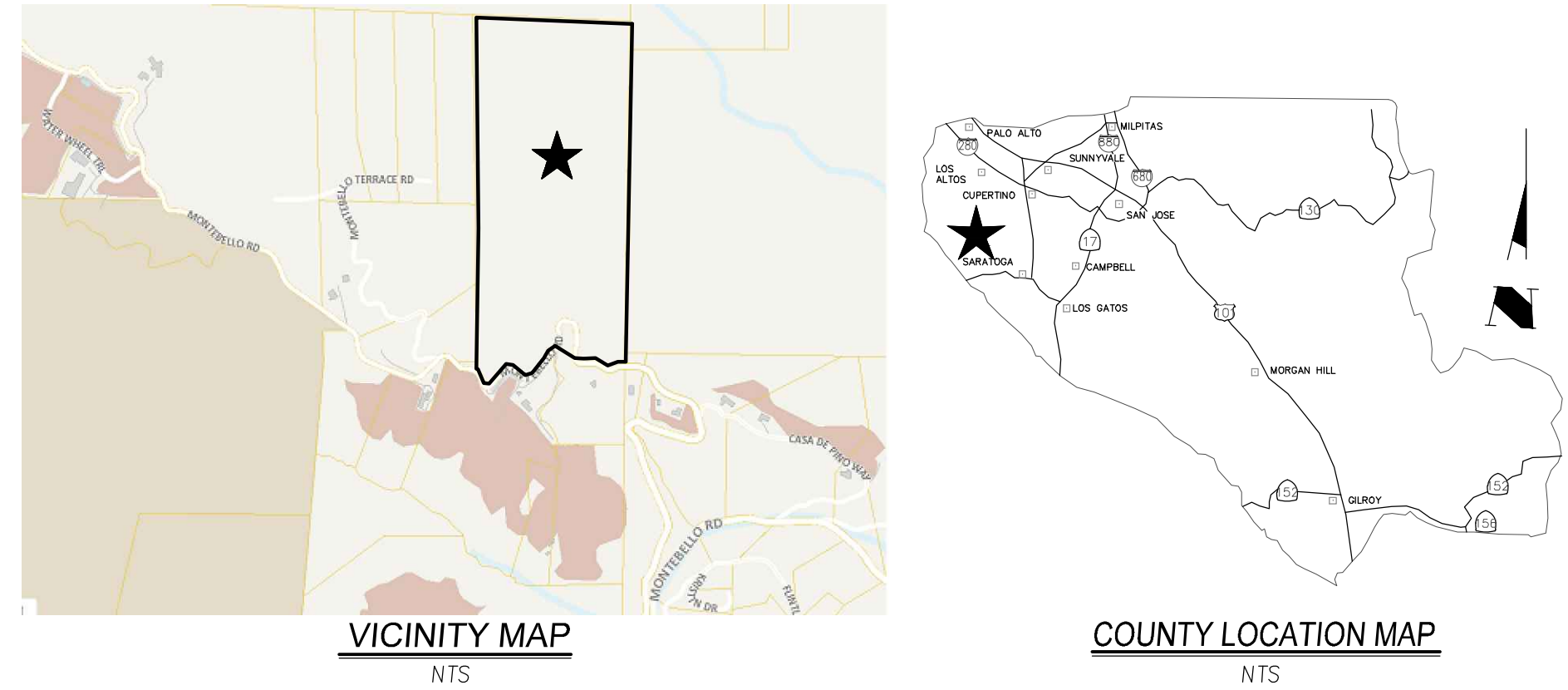
1. WATER ALL ACTIVE CONSTRUCTION AREAS AT LEAST TWICE DAILY.
2. COVER ALL TRUCKS HAULING SOIL, SAND, AND OTHER LOOSE MATERIALS OR REQUIRE ALL TRUCKS TO MAINTAIN AT LEAST TWO FEET OF FREEBOARD.
3. PAVE, APPLY WATER THREE TIMES DAILY, OR APPLY (NON-TOXIC) SOIL STABILIZERS ON ALL UNPAVED ACCESS ROADS, PARKING AREAS AND STAGING AREAS AT CONSTRUCTION SITES.
4. SWEEP DAILY (WITH WATER SWEEPERS) ALL PAVED ACCESS ROADS, PARKING AREAS AND STAGING AREAS AT CONSTRUCTION SITES. THE USE OF DRY POWDER SWEEPING IS PROHIBITED.
5. SWEEP STREETS DAILY (WITH WATER SWEEPERS) IF VISIBLE SOIL MATERIAL IS CARRIED ONTO ADJACENT PUBLIC STREETS. THE USE OF DRY POWDER SWEEPING IS PROHIBITED.
6. ALL CONSTRUCTION VEHICLES, EQUIPMENT AND DELIVERY TRUCKS SHALL HAVE A MAXIMUM IDLING TIME OF 5 MINUTES (AS REQUIRED BY THE CALIFORNIA AIRBORNE TOXIC CONTROL MEASURE TITLE 13, SECTION 2485 OF CALIFORNIA CODE OF REGULATIONS (CCR)). ENGINES SHALL BE SHUT OFF IF CONSTRUCTION REQUIRES LONGER IDLING TIME UNLESS NECESSARY FOR PROPER OPERATION OF THE VEHICLE.
7. ALL VEHICLE SPEEDS ON UNPAVED ROADS SHALL BE LIMITED TO 15 MILES PER HOUR.
8. ALL CONSTRUCTION EQUIPMENT SHALL BE MAINTAINED AND PROPERLY TUNED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. ALL EQUIPMENT SHALL BE CHECKED BY A CERTIFIED MECHANIC AND DETERMINED TO BE RUNNING IN PROPER CONDITION PRIOR TO OPERATION.
9. POST A SIGN THAT IS AT LEAST 32 SQUARE FEET MINIMUM 2 INCHES LETTER HEIGHT VISIBLE NEAR THE ENTRANCE OF CONSTRUCTION SITE THAT IDENTIFIES THE FOLLOWING REQUIREMENTS. OBTAIN ENCROACHMENT PERMIT FOR SIGN FROM ROADS DEPARTMENT OR OTHER APPLICABLE AGENCY IF REQUIRED.
10. 15 MILES PER HOUR (MPH) SPEED LIMIT
11. 5 MINUTES MAXIMUM IDLING TIME OF VEHICLES
12. TELEPHONE NUMBER TO CONTACT THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGARDING DUST COMPLAINTS. NOTE PHONE NUMBER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT AIR POLLUTION COMPLAIN HOTLINE OF 1-800-334-6367.
13. ALL FILL SLOPES SHALL BE COMPACTED AND LEFT IN A SMOOTH AND FIRM CONDITION CAPABLE OF WITHSTANDING WEATHERING.
14. ALL EXPOSED DISTURBED AREAS SHALL BE SEEDDED WITH BROME SEED SPREAD AT THE RATE OF 5 LB. PER 1000 SQUARE FEET (OR APPROVED EQUAL). SEEDING AND WATERING SHALL BE MAINTAINED AS REQUIRED TO ENSURE GROWTH.
15. ALL DITCHES SHALL BE LINED PER COUNTY STANDARD SDB.
16. ALL STORM DRAINAGE STRUCTURES SHALL BE INSTALLED WITH EFFECTIVE ENTRANCE & OUTFALL EROSION CONTROLS E.G. SACKED CONCRETE RIP-RAP. ENERGY DISSIPATORS SHALL BE INSTALLED AT ALL DITCH OUTFALLS WHERE OUTFALLS ARE NOT INTO AN EXISTING CREEK OR WATER COURSE. RUNOFF SHALL BE RELEASED TO SHEET FLOW.
17. PRIOR TO GRADING COMPLETION AND RELEASE OF THE BOND, ALL GRADED AREAS SHALL BE RESEEDDED IN CONFORMANCE WITH THE COUNTY GRADING ORDINANCE TO MINIMIZE THE VISUAL IMPACTS OF THE GRADE SLOPES AND REDUCE THE POTENTIAL FOR EROSION OF THE SUBJECT SITE.
18. PERMANENT LANDSCAPING SHOWN ON THE ATTACHED LANDSCAPE PLAN MUST BE INSTALLED AND FIELD APPROVED BY THE COUNTY PLANNING OFFICE PRIOR TO FINAL APPROVAL BY THE COUNTY ENGINEER, AND FINAL OCCUPANCY RELEASE BY THE BUILDING INSPECTION OFFICE.
19. THE OWNER SHALL PREPARE AND PRESENT A WINTERIZATION REPORT TO THE COUNTY INSPECTOR FOR REVIEW PRIOR TO OCTOBER 15TH OF EVERY YEAR.
20. THE OWNER, CONTRACTOR, AND ANY PERSON PERFORMING CONSTRUCTION ACTIVITIES SHALL INSTALL AND MAINTAIN CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs) ON THE PROJECT SITE AND WITHIN THE SANTA CLARA COUNTY ROAD RIGHT-OF-WAY THROUGHOUT THE DURATION OF THE CONSTRUCTION AND UNTIL THE ESTABLISHMENT OF PERMANENT STABILIZATION AND SEDIMENT CONTROL TO PREVENT THE DISCHARGE OF POLLUTANTS INCLUDING SEDIMENT, CONSTRUCTION MATERIALS, EXCAVATED MATERIALS, AND WASTE INTO THE SANTA CLARA COUNTY RIGHT-OF-WAY, STORM SEWER WATERWAYS, ROADWAY INFRASTRUCTURE. BMPs SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:
21. PREVENTION OF POLLUTANTS IN STORM WATER DISCHARGES FROM THE CONSTRUCTION SITE AND THE CONTRACTOR'S MATERIAL AND EQUIPMENT LAYDOWN / STAGING AREAS.
22. PREVENTION OF TRACKING OF MUD, DIRT, AND CONSTRUCTION MATERIALS ONTO THE PUBLIC ROAD RIGHT-OF-WAY.
23. PREVENTION OF DISCHARGE OF WATER RUN-OFF DURING DRY AND WET WEATHER CONDITIONS ONTO THE PUBLIC ROAD RIGHT-OF-WAY.
24. THE OWNER, CONTRACTOR, AND ANY PERSON PERFORMING CONSTRUCTION ACTIVITIES SHALL ENSURE THAT ALL TEMPORARY CONSTRUCTION FACILITIES, INCLUDING BUT NOT LIMITED TO CONSTRUCTION MATERIALS, DELIVERIES, HAZARDOUS AND NON-HAZARDOUS MATERIAL STORAGE, EQUIPMENT, TOOLS, PORTABLE TOILETS, CONCRETE WASHOUT, GARBAGE CONTAINERS, LAYDOWN YARDS, SECONDARY CONTAINMENT AREAS, ETC. ARE LOCATED OUTSIDE THE SANTA CLARA COUNTY ROAD RIGHT-OF-WAY.
25. EROSION CONTROL PLAN IS A GUIDE AND SHALL BE AMENDED AS NECESSARY TO PREVENT EROSION AND ILLICIT DISCHARGES ON A YEAR AROUND BASIS, DEPENDING ON THE SEASON, WEATHER, AND FIELD CONDITIONS. EROSION CONTROL MEASURES IN ADDITION TO THOSE NOTED IN THE PERMITTED PLANS MAY BE NECESSARY. FAILURE TO INSTALL SITE AND SITUATIONALLY APPROPRIATE EROSION CONTROL MEASURES MAY RESULT IN VIOLATIONS, FINES, AND A STOPPAGE OF WORK.

NOTE:

"ROADWAYS DESIGNATED AS NOT COUNTY MAINTAINED ROADS AS SHOWN UPON THIS MAP/PLAN WILL NOT BE ELIGIBLE FOR COUNTY MAINTENANCE UNTIL THE ROADWAYS ARE IMPROVED (AT NO COST TO THE COUNTY) TO PUBLIC MAINTENANCE ROAD STANDARDS APPROVED BY THE BOARD OF SUPERVISORS AND IN EFFECT AT SUCH TIME THAT THE ROADWAYS ARE CONSIDERED TO ACCEPTANCE INTO THE COUNTY'S ROAD SYSTEM."

SCOPE OF WORK

1. THE DEVELOPER IS RESPONSIBLE FOR THE INSTALLATION OF THE WORK PROPOSED ON THE EROSION CONTROL PLAN. THE ENGINEER OF RECORD IS RESPONSIBLE FOR THE DESIGN OF THE EROSION CONTROL PLANS AND ANY MODIFICATIONS OF THE EROSION CONTROL PLANS TO PREVENT ILLICIT DISCHARGES FROM THE SITE DURING CONSTRUCTION.
2. GRADE DRIVEWAY, & HOUSE SITE
3. INSTALL DRAINAGE FACILITIES
4. GRADING IMPROVEMENTS
5. PAVED DRIVEWAY
6. SEED ALL DISTURBED AREAS
7. REVISED PLAN, SECTIONS AND QUANTITIES TO INCLUDE THE KEYWAY AND BENCHES PER GEOTECHNICAL ENGINEER RECOMMENDATION IN THE FIELD.



SURVEY MONUMENT PRESERVATION

1. THE LANDOWNER / CONTRACTOR MUST PROTECT AND ENSURE THE PERPETUATION OF SURVEY MONUMENTS AFFECTED BY CONSTRUCTION ACTIVITIES.
2. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL LOCATE, STAKE, AND FLAG OR OTHERWISE IDENTIFY WITH PAINT OR OTHER MARKINGS ALL PERMANENT SURVEY MONUMENTS OF RECORD AND ANY UNRECORDED MONUMENTS THAT ARE DISCOVERED THAT ARE WITHIN 50 FEET OF THE CONSTRUCTION ACTIVITY.
3. THE LANDOWNER, CONTRACTOR AND/OR ANY PERSON PERFORMING CONSTRUCTION ACTIVITIES THAT WILL OR MAY DISTURB AN EXISTING MONUMENT, CORNER STAKE, OR ANY OTHER PERMANENT SURVEYED MONUMENT SHALL CAUSE TO HAVE A LICENSED LAND SURVEYOR OR CIVIL ENGINEER, AUTHORIZED TO PRACTICE SURVEYING, ENSURE THAT A CORNER RECORD AND/OR RECORD OF SURVEY ARE FILED WITH THE COUNTY SURVEYOR'S OFFICE PRIOR TO DISTURBING SAID MONUMENTS AND RESET PERMANENT MONUMENT(S) IN THE SURFACE OF THE NEW CONSTRUCTION OR SET A WITNESS MONUMENT(S) TO PERPETUATE THE LOCATION IF ANY PERMANENT MONUMENT COULD BE DESTROYED, DAMAGED, COVERED, DISTURBED, OR OTHERWISE OBLITERATED. THE LICENSED LAND SURVEYOR OR CIVIL ENGINEER SHALL FILE A CORNER RECORD OR RECORD OF SURVEY WITH COUNTY SURVEYOR PRIOR TO FINAL ACCEPTANCE OF THE PROJECT BY THE LAND DEVELOPMENT ENGINEERING INSPECTOR.

STORM DRAINAGE AND STORMWATER MANAGEMENT

1. DEVELOPER IS RESPONSIBLE FOR ALL NECESSARY DRAINAGE FACILITIES WHETHER SHOWN ON THE PLANS OR NOT AND HE OR HIS SUCCESSOR PROPERTY OWNERS ARE RESPONSIBLE FOR THE ADEQUACY AND CONTINUED MAINTENANCE OF THESE FACILITIES IN A MANNER WHICH WILL PRECLUDE ANY HAZARD TO LIFE, HEALTH, OR DAMAGE TO ADJOINING PROPERTY, CONSISTENT WITH NPDES PERMIT CAS612008 / ORDER NO. R2-2009-0047 AND NPDES PERMIT CAS000004/ ORDER NO. 2013-0001-DWQ.
2. DROP INLETS SHALL BE COUNTY STANDARD TYPE 5 UNLESS OTHERWISE NOTED ON THE PLANS. THE DEVELOPER'S ENGINEER SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF DROP INLETS. WHERE STREET PROFILE GRADE EXCEEDS 6% DROP INLETS SHALL BE SET AT 500 ANGLE CURB LINE TO ACCEPT WATER OR AS SHOWN ON THE PLANS.
3. WHERE CULVERTS ARE INSTALLED THE DEVELOPER SHALL BE RESPONSIBLE FOR GRADING THE OUTLET DITCH TO DRAIN TO AN EXISTING SWALE OR TO AN OPEN AREA FOR SHEET FLOW.
4. UPON INSTALLATION OF DRIVEWAY CONNECTIONS, PROPERTY OWNERS SHALL PROVIDE FOR THE UNINTERRUPTED FLOW OF WATER IN ROADSIDE DITCHES.
5. THE COUNTY SHALL INSPECT UNDERGROUND DRAINAGE IMPROVEMENTS AND STORMWATER MANAGEMENT FEATURES PRIOR TO BACKFILL.

AS-BUILT PLANS STATEMENT

THIS IS A TRUE COPY OF THE AS-BUILT PLANS. THERE (\_\_\_\_ WERE) (\_\_\_\_ WERE NOT) MINOR FIELD CHANGES - MARKED WITH THE SYMBOL (\*). THERE (\_\_\_\_ WERE) (\_\_\_\_ WERE NOT) PLAN REVISIONS INDICATING SIGNIFICANT CHANGES REVIEWED BY THE COUNTY ENGINEER AND MARKED WITH THE SYMBOL Δ

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

NOTE: THIS STATEMENT IS TO BE SIGNED BY THE PERSON AUTHORIZED BY THE COUNTY ENGINEER TO PERFORM THE INSPECTION WORK. A REPRODUCIBLE COPY OF THE AS-BUILT PLANS MUST BE FURNISHED TO THE COUNTY ENGINEER AFTER CONSTRUCTION.

GEOTECHNICAL ENGINEER OBSERVATION

A CONSTRUCTION OBSERVATION LETTER FROM THE RESPONSIBLE GEOTECHNICAL ENGINEER AND ENGINEERING GEOLOGIST DETAILING CONSTRUCTION OBSERVATIONS AND CERTIFYING THAT THE WORK WAS DONE IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE GEOTECHNICAL AND GEOLOGIC REPORTS SHALL BE SUBMITTED PRIOR TO THE GRADING COMPLETION AND RELEASE OF THE BOND.

PROJECT NOTE

ALL GEOTECHNICAL ASPECTS OF THE CONSTRUCTION, INCLUDING EARTHWORK, BASEMENT AND SWIMMING POOL EXCAVATION, EXCAVATION OF DRILLED PIER AND SPREAD FOOTING FOUNDATIONS, PREPARATION OF SUBGRADE AND PLACEMENT OF NON-EXPANSIVE FILL BENEATH SLABS-ON-GRADE AND FLEXIBLE HARDSCAPES, RETAINING WALL BACKFILL, AND INSTALLATION OF SURFACE AND SUBSURFACE DRAINAGE SHOULD BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS BY GEOTECHNICAL ENGINEER. CONTRACTOR SHALL NOTIFY THE GEOTECHNICAL ENGINEER AT LEAST 48 HOURS ADVANCE OF ANY GEOTECHNICAL OPERATIONS. THE GEOTECHNICAL ENGINEER SHOULD BE PRESENT TO OBSERVE AND/OR TEST AS NECESSARY THE EARTHWORK, FOUNDATION, AND DRAINAGE INSTALLATION PHASES OF THE PROJECT.

NOTICE TO CONTRACTORS

CONTRACTOR SHALL NOTIFY USA (UNDERGROUND SERVICE ALERT) AT 800-227-2600 A MINIMUM OF 24 HOURS OF THE LOCATION OF UNDERGROUND UTILITIES.

SHEET INDEX:

SHEET C0:	TITLE SHEET
SHEET C1:	OVERALL SITE PLAN
SHEET C2:	GRADING, DRAINAGE PLAN
SHEET C2.1:	GRADING, DRAINAGE PLAN
SHEET C2.2:	COUNTY'S STANDARD DETAILS
SHEET C3:	DRIVEWAY PROFILE & SECTIONS & DETAILS
SHEET C4:	EROSION CONTROL PLAN
SHEET C5:	EROSION CONTROL DETAILS (BMP-1)
SHEET C6:	EROSION CONTROL DETAILS (BMP-2)

COUNTY OF SANTA CLARA  
LAND DEVELOPMENT ENGINEERING & SURVEYING

GRADING / DRAINAGE PERMIT NO. \_\_\_\_\_

ISSUED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ENGINEER'S STATEMENT

I HEREBY STATE THAT THESE PLANS ARE IN COMPLIANCE WITH ADOPTED COUNTY STANDARDS, THE APPROVED TENTATIVE MAP (OR PLAN) AND CONDITIONS OF APPROVAL PERTAINING THERETO DATED FILE(S) NO. PLN18-11191 FEBRUARY 5, 2021

DATE 04/15/21 SIGNATURE \_\_\_\_\_

REGISTERED PROFESSIONAL ENGINEER  
No. 47518  
12-31-25  
M. 47518  
R.C.E. NO.

COUNTY ENGINEER'S NOTE

ISSUANCE OF A PERMIT AUTHORIZING CONSTRUCTION DOES NOT RELEASE THE DEVELOPER, PERMITTEE OF ENGINEER FROM RESPONSIBILITY FOR THE CORRECTION OF ERRORS OR OMISSIONS CONTAINED IN THE PLANS. IF, DURING THE COURSE OF CONSTRUCTION, THE PUBLIC INTEREST REQUIRES A MODIFICATION OF (OR DEPARTURE FROM) THE SPECIFICATIONS OF THE PLANS, THE COUNTY SHALL HAVE THE AUTHORITY TO REQUIRE THE SUSPENSION OF WORK, AND THE NECESSARY MODIFICATION OR DEPARTURE AND TO SPECIFY THE MANNER IN WHICH THE SAME IS TO BE MADE.

DATE	DARRELL K.H. WONG
63958	9/30/2024
R.C.E. NO.	EXPIRATION DATE

REUSED KEYWAYS AND BENCHES PER CZEARTH RECOMMENDATIONS IN FIELD.

06/10/24

PT

04/15/21

DATE

04/15/21

DATE

04/15/21

DATE

BY

DATE

APPD

REVISIONS

NO.

OVERALL SITE PLAN  
LANDS OF CHEN  
17085 MONTEBELLO ROAD  
APN 351-40-001

California

Cupertino

598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187  
Fax: (408) 583-4006

DRAWING NO.

CO

SHT NO.

1

OF

9

FILE NO.

CONTRACT NO.

PROJECT NO.

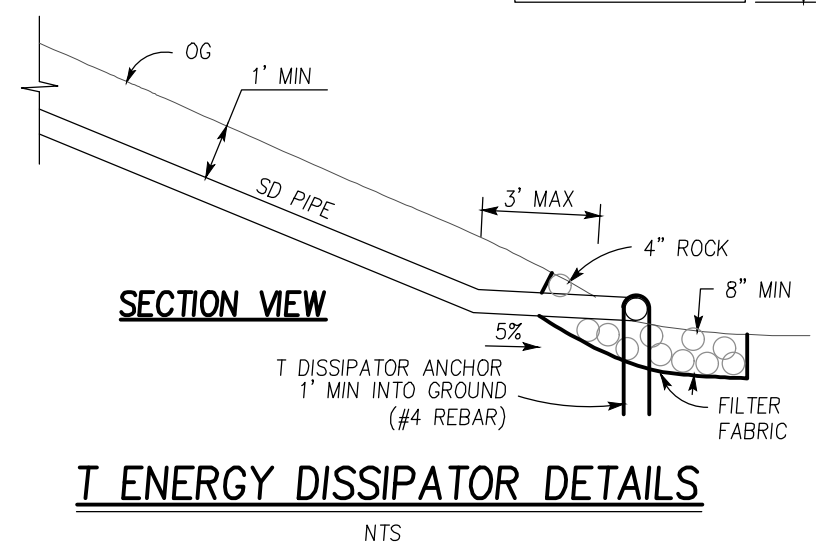
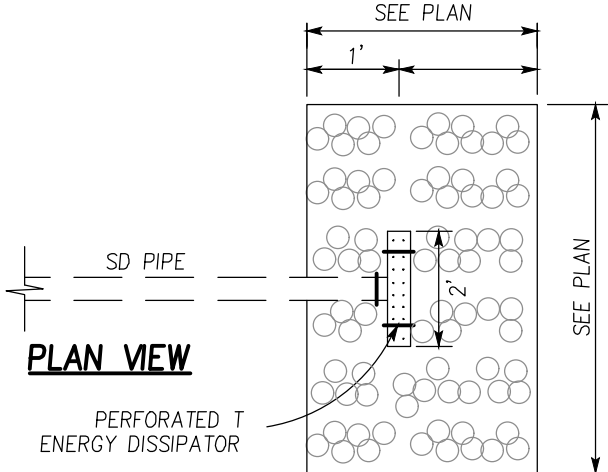
LANDS OF KAISER PERMANENTE

**PERMANENT MONUMENTS/ MONUMENT PRESERVATION:**

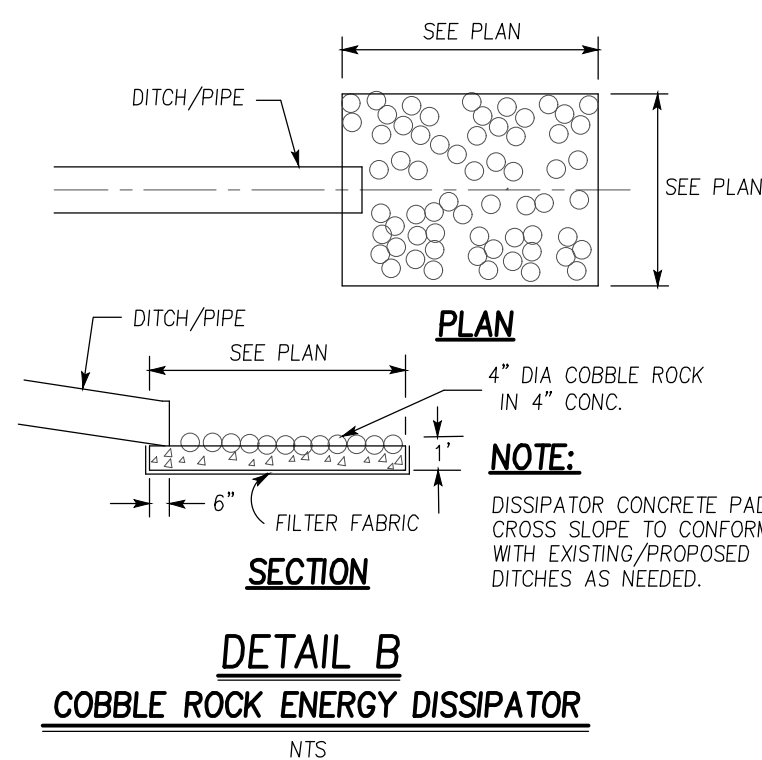
1. IN ACCORDANCE WITH THE CALIFORNIA PROFESSIONAL LAND SURVEYORS' ACT (BUSINESS AND PROFESSIONS CODE) CHAPTER 15 SECTIONS 8771 AND 8725.1, CALIFORNIA PENAL CODE 605, AND CALIFORNIA GOVERNMENT CODE 27581, THE OWNER, CONTRACTOR, AND/OR ANY PERSON PERFORMING CONSTRUCTION ACTIVITIES THAT WILL OR MAY DISTURB AN EXISTING ROADWAY/ STREET MONUMENT, CORNER STAKE, OR ANY OTHER PERMANENT SURVEYED MONUMENT AND/OR AS SHOWN ON THE PLAN SHEET SHALL ENSURE THAT A CORNER RECORD AND/OR RECORD OF SURVEY ARE FILED WITH THE COUNTY SURVEYOR OFFICE PRIOR TO DISTURBING SAID MONUMENTS. ALL DISTURBED OR DESTROYED MONUMENTS SHALL BE RESET AND FILED IN COMPLIANCE WITH SECTION 8771.

**IMPROVEMENT PLAN CONSTRUCTION NOTES:**

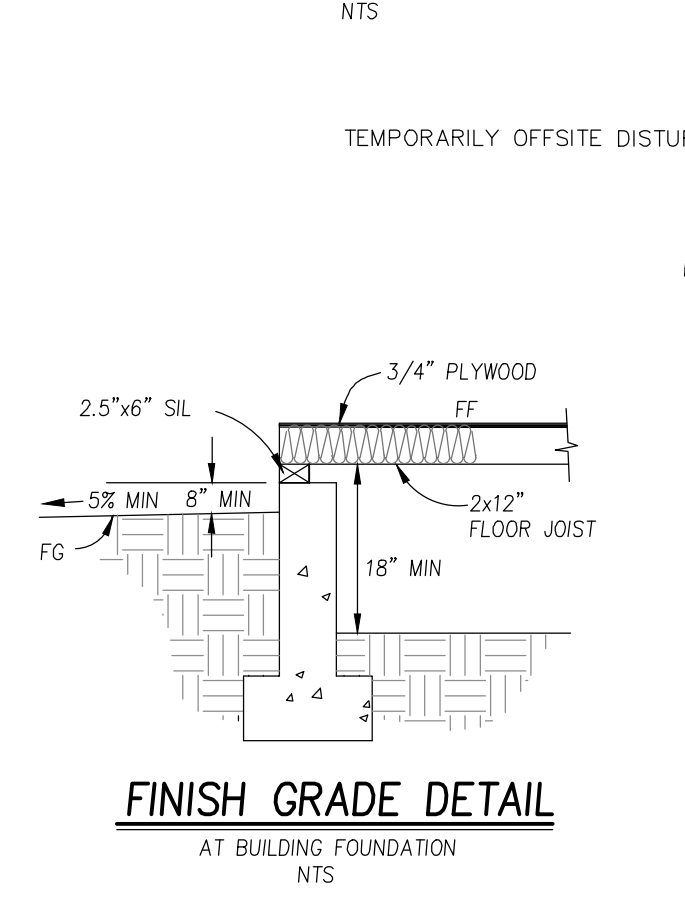
- ALL WORK IN THE COUNTY ROAD RIGHT OF WAY REQUIRES AN ENCROACHMENT PERMIT FROM THE ROADS AND AIRPORTS DEPARTMENT. EACH INDIVIDUAL ACTIVITY REQUIRES A SEPARATE PERMIT - I.E. RETAINING WALLS, DRIVEWAY APPROACHES, TEMPORARY CONSTRUCTION ENTRANCES, FENCES, LANDSCAPING, TREE REMOVAL, STORM DRAINAGE IMPROVEMENTS, ALL UTILITY OPERATIONS (RELOCATIONS, REPLACEMENTS, ABANDONMENTS, TEMPORARY FACILITIES, AND/OR NEW FACILITIES FOR CABLE, ELECTRIC, GAS, SEWER, WATER), ETC.
- ROADWAYS DESIGNATED AS NOT COUNTY MAINTAINED ROADS AS SHOWN UPON THIS PLAN, WILL NOT BE ELIGIBLE FOR COUNTY MAINTENANCE UNTIL THE ROADWAYS ARE IMPROVED (AT NO COST TO THE COUNTY) TO PUBLIC MAINTENANCE ROAD STANDARDS APPROVED BY THE BOARD OF SUPERVISORS AND IN EFFECT AT SUCH TIME THAT THE ROADWAYS ARE CONSIDERED FOR ACCEPTANCE INTO THE COUNTY'S ROAD SYSTEM.
- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND



**T ENERGY DISSIPATOR DETAILS**



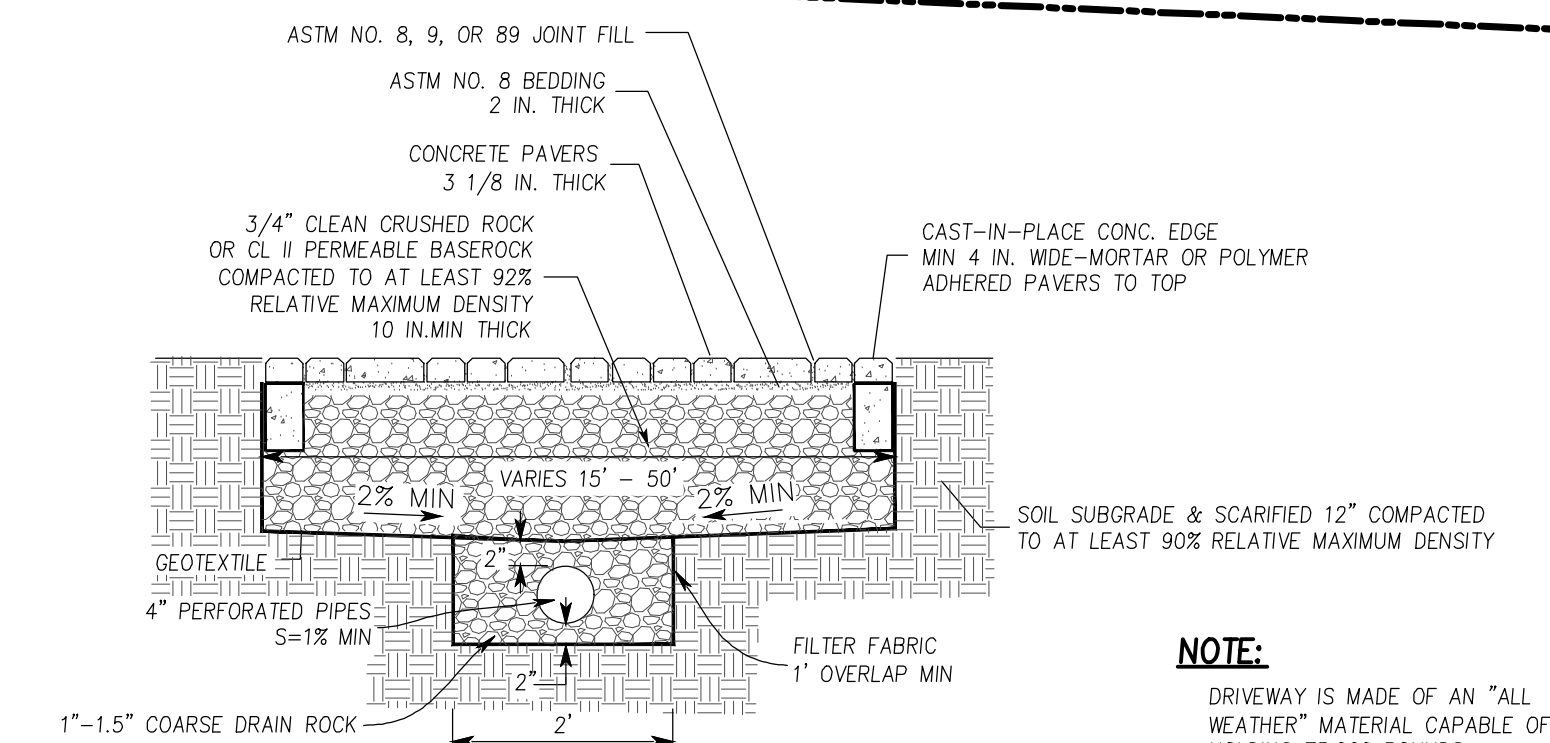
**UNLINED DITCH TYPICAL SECTION**



**FINISH GRADE DETAIL**

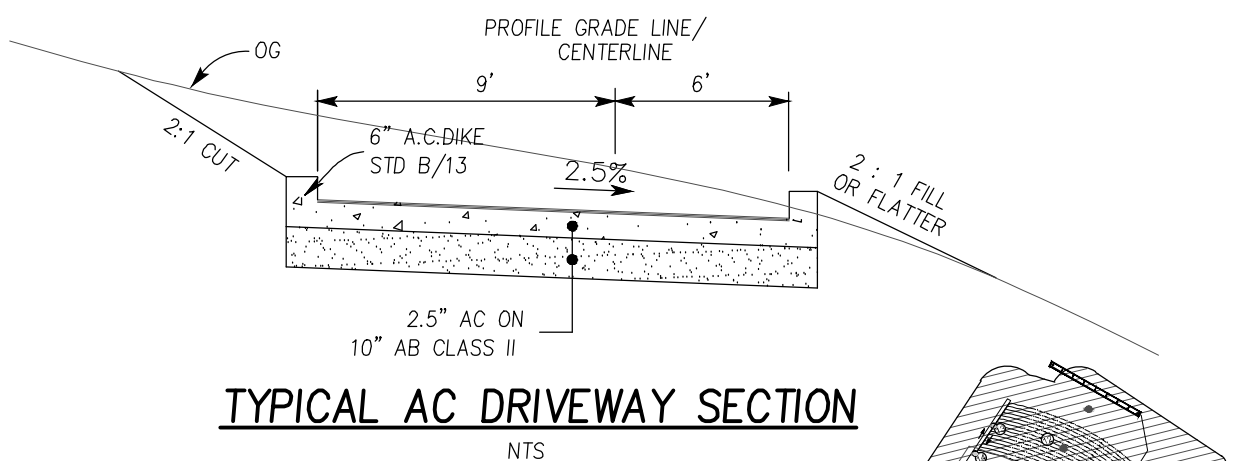


**TYPICAL PAVER DRIVEWAY SECTION**



**NOTE:**  
DRIVEWAY IS MADE OF AN "ALL WEATHER" MATERIAL CAPABLE OF HOLDING 75,000 POUNDS

**TYPICAL AC DRIVEWAY SECTION**



**BENCHMARK**

NAIL & SHINER  
ELEV = 2201.30'

**ONSITE DISTURBED AREAS**

- PERMANENTLY DISTURBED AREA = 7,487 SF
  - TEMPORARILY DISTURBED AREA = 13,665 SF
  - TEMPORARILY DISTURBED AREA = 8,555 SF
  - TEMPORARILY DISTURBED AREA = 5,107 SF
- TOTAL ONSITE DISTURBED AREA = 34,814 SF  
= 0.80 ACRES

**OFFSITE DISTURBED AREAS**

- PERMANENTLY DISTURBED AREA = 778 SF
  - TEMPORARILY DISTURBED AREA = 996 SF
  - TEMPORARILY DISTURBED AREA = 378 SF
- TOTAL OFFSITE DISTURBED AREA = 2,152 SF  
= 0.05 ACRES

LANDS OF KAISER  
PERMANENTE

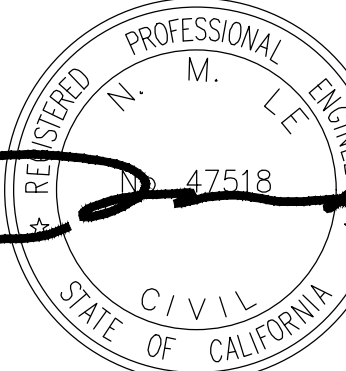
PERMANENTLY DISTURBED AREA  
TEMPORARILY DISTURBED AREA

**TOTAL DISTURBED AREAS**

31,063 SF + 2,047 SF = 33,110 SF  
= 0.76 ACRES

**EXISTING TREE PROTECTION DETAILS**

- PRIOR TO THE COMMENCEMENT OF ANY GRADING, TREE PROTECTIVE FENCING SHALL BE IN PLACE IN ACCORDANCE WITH THE TREE PRESERVATION PLAN AND INSPECTED BY A CERTIFIED ARBORIST. THE ARBORIST SHALL MONITOR CONSTRUCTION ACTIVITY TO ENSURE THAT THE TREE PROTECTION MEASURES ARE IMPLEMENTED AND ADHERED TO DURING CONSTRUCTION. THIS CONDITION SHALL BE INCORPORATED INTO THE GRADING PLANS.
- FENCE SHALL BE MINIMUM 5 FEET TALL, CONSTRUCTED OF STURDY MATERIAL (CHAIN-LINK OR EQUIVALENT STRENGTH/DURABILITY).
- FENCE SHALL BE SUPPORTED BY VERTICAL POSTS DRIVEN 2 FEET (MIN) INTO THE GROUND AND SPACED NOT MORE THAN 10 FEET APART.
- TREE FENCING SHALL BE MAINTAINED THROUGHOUT THE SITE DURING THE CONSTRUCTION PERIOD, INSPECTED PERIODICALLY FOR DAMAGE AND PROPER FUNCTION, REPAIRED AS NECESSARY TO PROVIDE A PHYSICAL BARRIER FROM CONSTRUCTION ACTIVITIES, AND REMAIN IN PLACE UNTIL THE FINAL INSPECTION.
- A SIGN THAT INCLUDES THE WORDS, "WARNING: THIS FENCE SHALL NOT BE REMOVED WITHOUT THE EXPRESSED PERMISSION OF THE SANTA CLARA COUNTY PLANNING OFFICE," SHALL BE SECURELY ATTACHED TO THE FENCE IN A VISUALLY PROMINENT LOCATION.



APPROVED FOR ISSUANCE  
REFER TO ENCROACHMENT AND/OR  
CONSTRUCTION PERMIT AND PLAN  
COVER SHEET FOR SPECIAL  
CONDITIONS AND PERMIT NUMBERS

**ENGINEERING**

598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187

**California**

**OVERALL SITE PLAN**

**LANDS OF CHEN**

**17085 MONTEBELLO ROAD**

**APN 351-40-001**

**Cupertino**

**CONTRACT NO.**

**PROJECT NO.**

**FILE NO.**

**DATE**

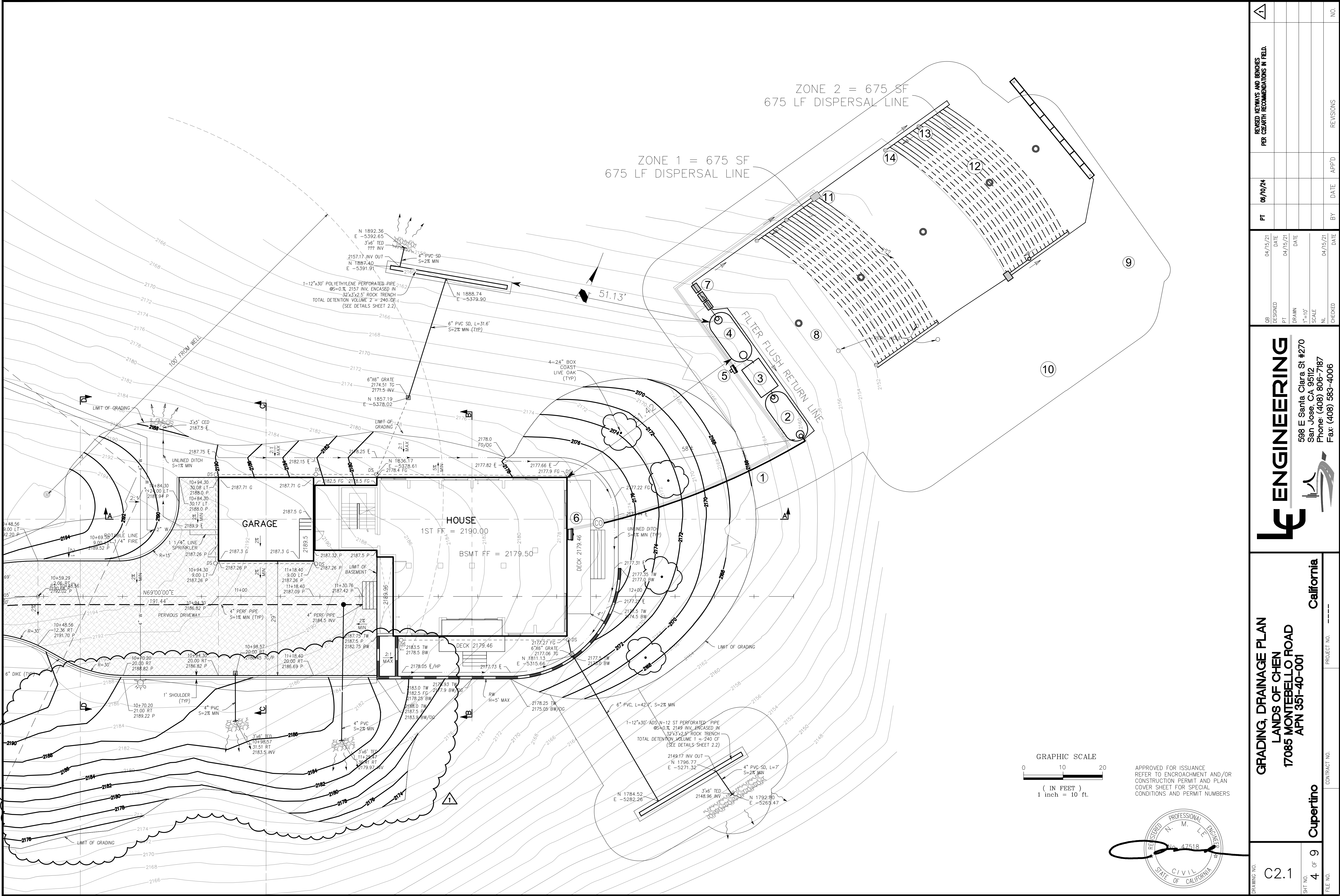
**BY**

**APPROVED**

**REVISIONS**

NO.	REVISIONS	DATE	BY	APPROVED
1	PER EARTH RECOMMENDATIONS IN FELD.	06/10/24		

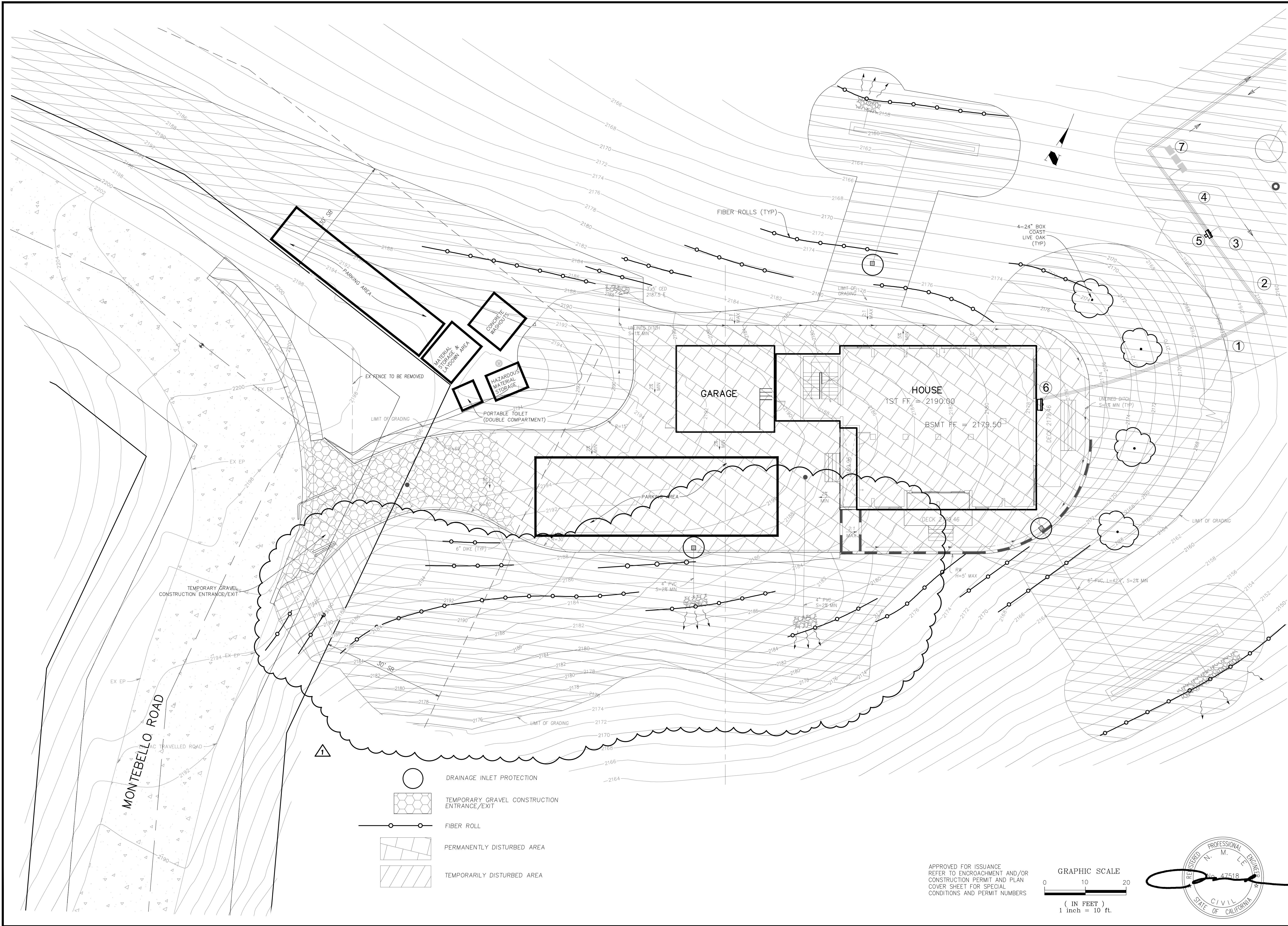




DRAWING NO. C2.1		SHEET NO. 4 OF 9		FILE NO.	
GRADING, DRAINAGE PLAN		LANDS OF CHEN		California	
17085 MONTEBELLO ROAD		APN 351-40-001		Cupertino	
PROJECT NO. -----		CONTRACT NO.		Cupertino	
DESIGNED PT		DATE 04/15/21		BY DATE 04/15/21	
DRAWN PT		DATE 04/15/21		BY DATE 04/15/21	
CHECKED NL		DATE 04/15/21		BY DATE 04/15/21	
REVISIONS AND REVISIONS PER CEARTH RECOMMENDATIONS IN FIELD.		DATE 06/10/24		BY DATE 06/10/24	
NO.		NO.		NO.	







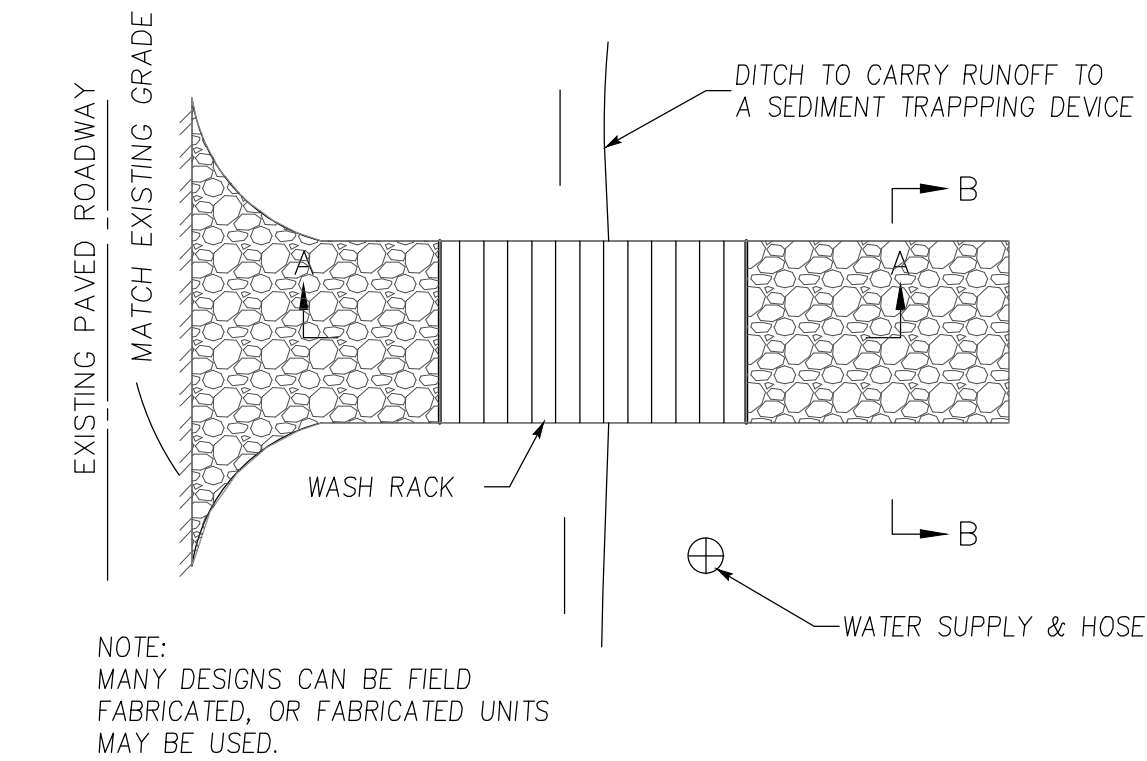
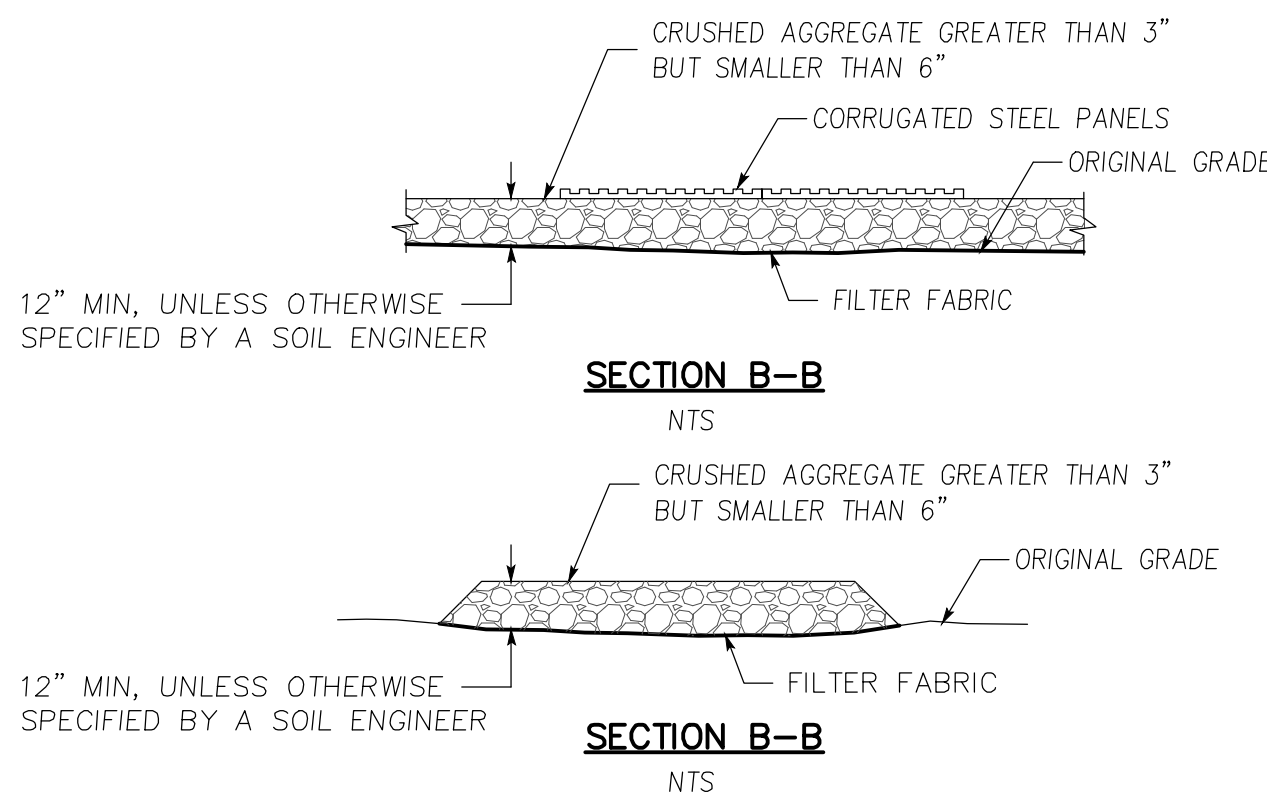
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EROSION CONTROL PLAN		LANDS OF CHEN		California	
17085 MONTEBELLO ROAD		APN 351-40-001			
DESIGNED		DATE		REVISED KEYWAYS AND BENCHES PER CEARTH RECOMMENDATIONS IN FIELD.	
PT		DATE		NO.	
DRAWN		DATE			
SCALE		DATE			
NL		DATE			
CHECKED		DATE			
BY		DATE			
APPROVED		DATE			
REVISIONS		DATE			

APPLICANT: CHEN

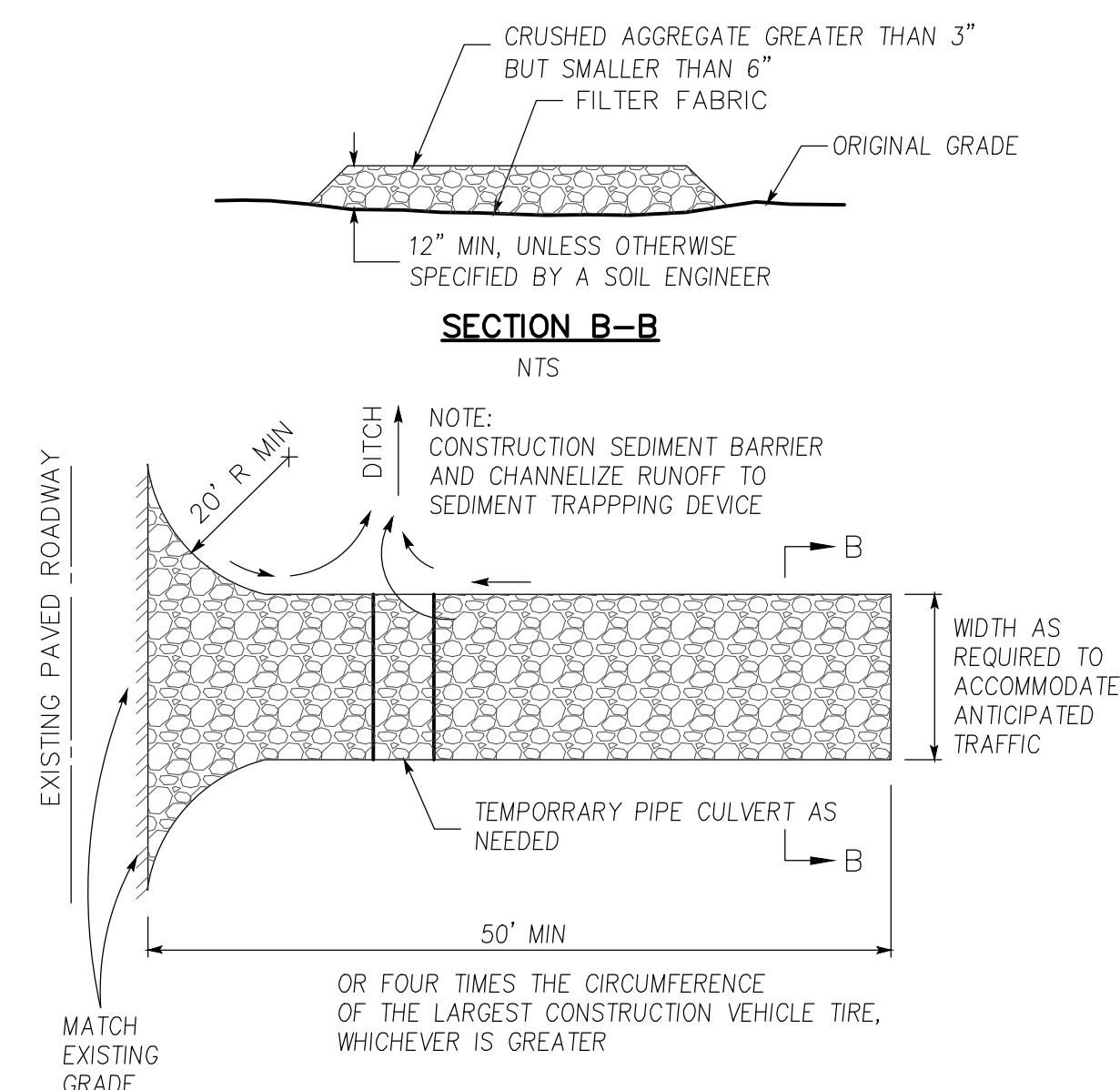
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COUNTY FILE NO. : DEV21-1336

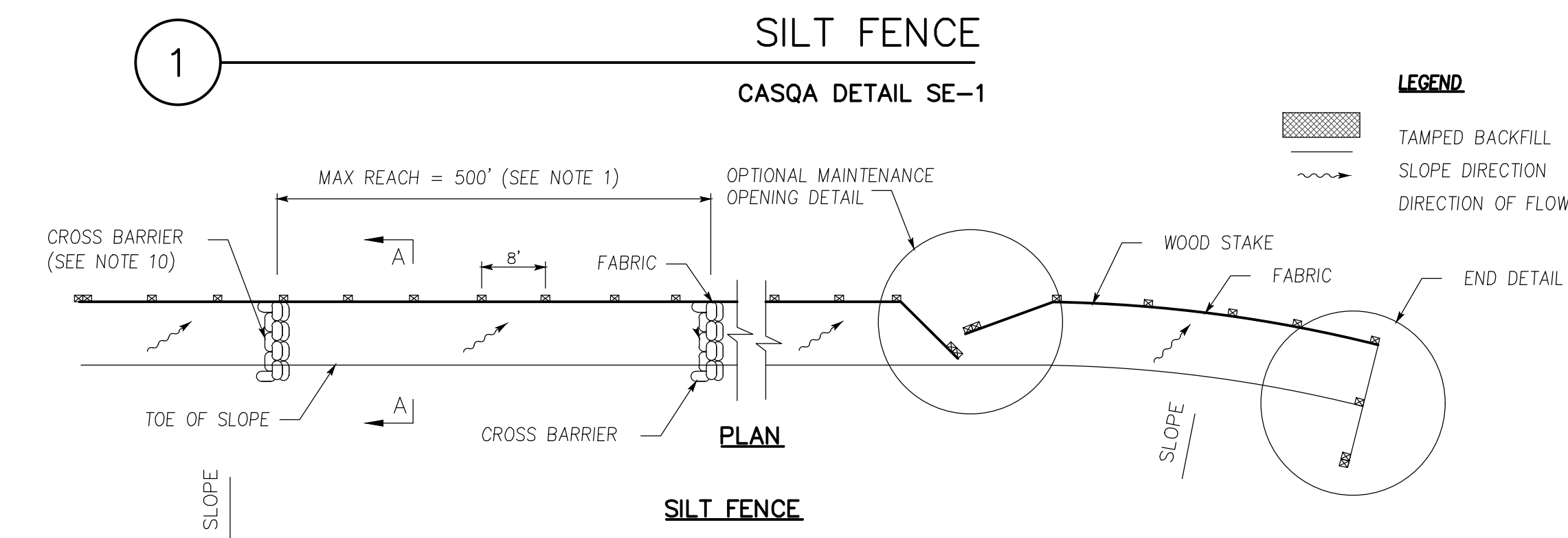
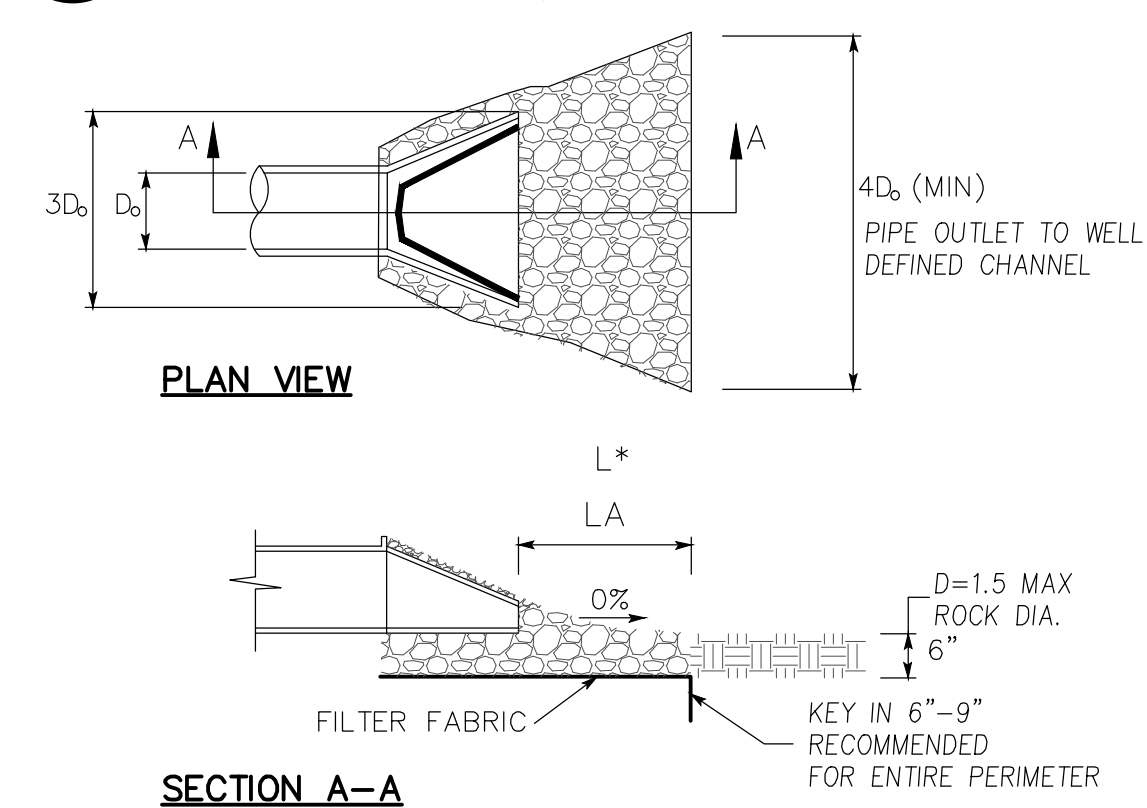
5 ENTRANCE/OUTLET TIRE WASH  
CASQA DETAIL TC-3



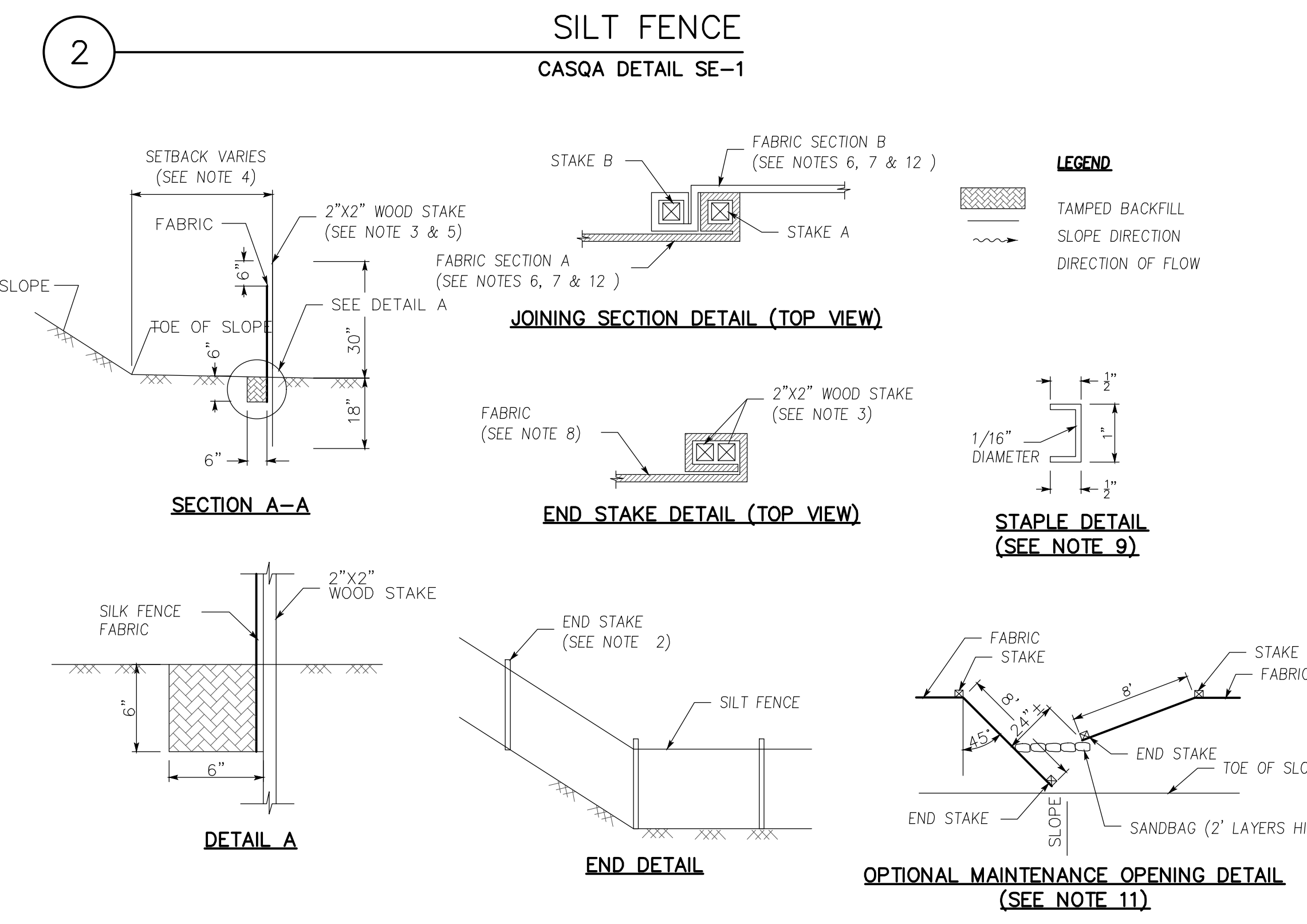
3 STABILIZED CONSTRUCTION ENTRANCE/EXIT  
CASQA DETAIL TC-1



4 VELOCITY DISSIPATION DEVICES  
CASQA DETAIL EC-10



- NOTES:**
- CONSTRUCTION THE LENGTH OF EACH REACH SO THAT THE CHANGE IS BASE ELEVATION ALONG THE REACH DOES NOT EXCEED 1/3 THE HEIGHT OF THE LINEAR BARRIER, IN NO CASE SHALL THE REACH LENGTH EXCEED 500'
  - THE LAST 8'-0" AT FENCE SHALL BE TURNED UP SLOPE.
  - STAKE DIMENSIONS ARE NOMINAL.
  - DIMENSION MAY VARY TO FIT FIELD CONDITION.
  - STAKES SHALL BE SPACED AT 8'-0" MAXIMUM AND SHALL BE POSITIONED ON DOWNSTREAM SIDE OF FENCE.
  - STAKE SHALL BE OVERLAP DRIVEN TIGHTLY TOGETHER TO PREVENT POTENTIAL FLOW-THROUGH OF SEDIMENT AT JOINT. THE TOP OF STAKE SHALL BE SECURE WITH WIRE.
  - FOR END STAKE, FENCE FABRIC SHALL BE FOLDED AROUND TWO STAKES ONE FULL TURN AND SECURED WITH 4 STAPLES.
  - MINIMUM 4 STAPLES PER STAKE. DIMENSIONS SHOWN ARE TYPICAL.
  - CROSS BARRIERS SHALL BE A MINIMUM OF 1/3 A MAXIMUM AT 1/2 THE HEIGHT OF THE LINEAR BARRIER.
  - MAINTENANCE OPENINGS SHALL BE CONSTRUCTED IN A MANNER TO ENSURE SEDIMENT REMAINS BEHIND SILT FENCE.
  - JOINING SECTIONS SHALL NOT BE PLACED AT SUMP LOCATIONS.
  - SANDBAG ROWS AND LAYERS SHALL BE OFFSET TO ELIMINATE GAPS.



STANDARD BEST MANAGEMENT PRACTICE NOTES

- SOLID AND DEMOLITION WASTE MANAGEMENT: PROVIDE DESIGNATED WASTE COLLECTION AREAS AND CONTAINERS ON SITE AWAY FROM STREETS, GUTTERS, STORM DRAINS, AND WATERWAYS, AND ARRANGE FOR REGULAR DISPOSAL. WASTE CONTAINERS MUST BE WATER-TIGHT AND COVERED AT ALL TIMES EXCEPT WHEN WASTE IS DEPOSITED. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGE C-3) OR LATEST. HAZARDOUS WASTE MANAGEMENT: PROVIDE PROPER HANDLING AND
- DISPOSAL OF HAZARDOUS WASTES BY A LICENSED HAZARDOUS WASTE MATERIAL HAULER. HAZARDOUS WASTES SHALL BE STORED AND PROPERLY LABELED IN SEALED CONTAINERS CONSTRUCTED OF SUITABLE MATERIALS. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES C-5 TO C-6) OR LATEST.
- SPILL PREVENTION AND CONTROL: PROVIDE PROPER STORAGE AREAS FOR LIQUID AND SOLID MATERIALS, INCLUDING CHEMICALS AND HAZARDOUS SUBSTANCES, AWAY FROM STREETS, GUTTERS, STORM DRAINS, AND WATERWAYS. SPILL CONTROL MATERIALS MUST BE KEPT ON SITE WHERE READILY ACCESSIBLE. SPILLS MUST BE CLEANED UP IMMEDIATELY AND CONTAMINATED SOIL DISPOSED PROPERLY. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES C-7 TO C-8, C-13 TO C-14) OR LATEST. VEHICLE AND CONSTRUCTION EQUIPMENT SERVICE AND STORAGE:
- AN AREA SHALL BE DESIGNATED FOR THE MAINTENANCE, WHERE ON-SITE MAINTENANCE IS REQUIRED, AND STORAGE OF EQUIPMENT THAT IS PROTECTED FROM STORMWATER RUN-ON AND RUNOFF. MEASURES SHALL BE PROVIDED TO CAPTURE ANY WASTE OILS, LUBRICANTS, OR OTHER POTENTIAL POLLUTANTS AND THESE WASTES SHALL BE PROPERLY DISPOSED OF OFF-SITE. FUELING AND MAJOR MAINTENANCE/REPAIR, AND WASHING SHALL BE CONDUCTED OFF-SITE WHENEVER FEASIBLE. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGE C-9) OR LATEST.
- MATERIAL DELIVERY, HANDLING AND STORAGE: IN GENERAL, MATERIALS SHOULD NOT BE STOCKPILED ON SITE. WHERE TEMPORARY STOCKPILES ARE NECESSARY AND APPROVED BY THE COUNTY, THEY SHALL BE COVERED WITH SECURED PLASTIC SHEETING OR TARP AND LOCATED IN DESIGNATED AREAS NEAR CONSTRUCTION ENTRANCES AND AWAY FROM DRAINAGE PATHS AND WATERWAYS. BARRIERS SHALL BE PROVIDED AROUND STORAGE AREAS WHERE MATERIALS ARE POTENTIALLY IN CONTACT WITH RUNOFF. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES C-11 TO C-12) OR LATEST.
- HANDLING AND DISPOSAL OF CONCRETE AND CEMENT: WHEN CONCRETE TRUCKS AND EQUIPMENT ARE WASHED ON-SITE, CONCRETE WASTEWATER SHALL BE CONTAINED IN DESIGNATED CONTAINERS OR IN A TEMPORARY LINED AND WATER-TIGHT PIT WHERE WASTED CONCRETE CAN HARDEN FOR LATER REMOVAL. IF POSSIBLE HAVE CONCRETE CONTRACTOR REMOVE CONCRETE WASH WATER FROM SITE. IN NO CASE SHALL FRESH CONCRETE BE WASHED INTO THE ROAD RIGHT-OF-WAY. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES C-15 TO C-16) OR LATEST.
- PAVEMENT CONSTRUCTION MANAGEMENT: PREVENT OR REDUCE THE DISCHARGE OF POLLUTANTS FROM PAVING OPERATIONS, USING MEASURES TO PREVENT RUN-ON AND RUNOFF POLLUTION AND PROPERLY DISPOSING OF WASTES. AVOID PAVING IN THE WET SEASON AND RESCHEDULE PAVING WHEN RAIN IS IN THE FORECAST. RESIDUE FROM SAW-CUTTING SHALL BE VACUUMED FOR PROPER DISPOSAL. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES C-17 TO C-18) OR LATEST.
- CONTAMINATED SOIL AND WATER MANAGEMENT: INSPECTIONS TO IDENTIFY CONTAMINATED SOILS SHOULD OCCUR PRIOR TO CONSTRUCTION AND AT REGULAR INTERVALS DURING CONSTRUCTION. REMEDIATING CONTAMINATED SOIL SHOULD OCCUR PROMPTLY AFTER IDENTIFICATION AND BE SPECIFIC TO THE CONTAMINANT IDENTIFIED, WHICH MAY INCLUDE HAZARDOUS WASTE REMOVAL. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES C-19 TO C-20) OR LATEST.
- SANITARY/SEPTIC WATER MANAGEMENT: TEMPORARY SANITARY FACILITIES SHOULD BE LOCATED AWAY FROM DRAINAGE PATHS, WATERWAYS, AND TRAFFIC AREAS. ONLY LICENSED SANITARY AND SEPTIC WASTE HAULERS SHOULD BE USED. SECONDARY CONTAINMENT SHOULD BE PROVIDED FOR ALL SANITARY FACILITIES. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGE C-21) OR LATEST.
- INSPECTION & MAINTENANCE: AREAS OF MATERIAL AND EQUIPMENT STORAGE SITES AND TEMPORARY SANITARY FACILITIES MUST BE INSPECTED WEEKLY. PROBLEM AREAS SHALL BE IDENTIFIED AND APPROPRIATE ADDITIONAL AND/OR ALTERNATIVE CONTROL MEASURES IMPLEMENTED IMMEDIATELY, WITHIN 24 HOURS OF THE PROBLEM BEING IDENTIFIED.

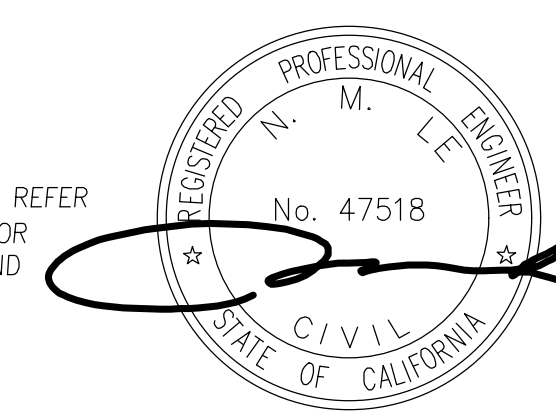
STANDARD EROSION CONTROL NOTES

- SEDIMENT CONTROL MANAGEMENT: TRACKING PREVENTION & CLEAN UP ACTIVITIES SHALL BE ORGANIZED AND MEASURES TAKEN AS NEEDED TO PREVENT OR MINIMIZE TRACKING OF SOIL ONTO THE PUBLIC STREET SYSTEM. A GRAVEL OR PROPRIETARY DEVICE CONSTRUCTION ENTRANCE/EXIT IS REQUIRED FOR ALL SITES. CLEAN UP OF TRACKED MATERIAL SHALL BE PROVIDED BY MEANS OF A STREET SWEEPER PRIOR TO AN APPROACHING RAIN EVENT, OR AT LEAST ONCE AT THE END OF EACH WORKDAY THAT MATERIAL IS TRACKED, OR MORE FREQUENTLY AS DETERMINED BY THE COUNTY INSPECTOR. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES B-31 TO B-33) OR LATEST.
- STORM DRAIN INLET AND CATCH BASIN INLET PROTECTION: ALL INLETS WITHIN THE VICINITY OF THE PROJECT AND WITHIN THE PROJECT LIMITS SHALL BE PROTECTED WITH GRAVEL BAGS PLACED AROUND INLETS OR OTHER INLET PROTECTION. AT LOCATIONS WHERE EXPOSED SOILS ARE PRESENT, STAKED FIBER ROLLS OR STAKED SILT FENCES CAN BE USED. INLET FILTERS ARE NOT ALLOWED DUE TO CLOGGING AND SUBSEQUENT FLOODING. REFER TO EROSION & SEDIMENT CONTROL FIELD MANUAL, 4TH EDITION (PAGES B-49 TO B-51) OR LATEST. STORM WATER RUNOFF: NO STORM WATER RUNOFF SHALL BE ALLOWED TO DRAIN IN TO THE EXISTING AND/OR PROPOSED UNDERGROUND STORM DRAIN SYSTEM OR OTHER ABOVE GROUND WATERCOURSES UNTIL APPROPRIATE EROSION CONTROL MEASURES ARE FULLY INSTALLED. DUST CONTROL: THE CONTRACTOR SHALL PROVIDE DUST CONTROL IN GRADED AREAS AS REQUIRED BY PROVIDING WET SUPPRESSION OR CHEMICAL STABILIZATION OF EXPOSED SOILS, PROVIDING FOR RAPID CLEAN UP OF SEDIMENTS DEPOSITED ON PAVED ROADS, FURNISHING CONSTRUCTION ROAD ENTRANCES, AND VEHICLE WASH-DOWN AREAS, AND LIMITING THE AMOUNT OF AREAS DISTURBED BY CLEARING AND EARTH MOVING OPERATIONS BY SCHEDULING THESE ACTIVITIES IN PHASES. STOCKPILING: EXCAVATED SOILS SHALL NOT BE PLACED IN STREETS OR ON PAVED AREAS. BORROW AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES (TARPS, STRAW BALES, SILT FENCES, ETC.) TO ENSURE SILT DOES NOT LEAVE THE SITE OR ENTER THE STORM DRAIN SYSTEM OR NEIGHBORING WATERCOURSE.
- EROSION CONTROL: DURING THE RAINY SEASON, ALL DISTURBED AREAS MUST INCLUDE AN EFFECTIVE COMBINATION OF EROSION AND SEDIMENT CONTROL. IT IS REQUIRED THAT TEMPORARY EROSION CONTROL MEASURES ARE APPLIED TO ALL DISTURBED SOIL AREAS PRIOR TO A RAIN EVENT. DURING THE NON-RAIN SEASON, EROSION CONTROL MEASURES MUST BE APPLIED SUFFICIENT TO CONTROL WIND EROSION AT THE SITE.
- INSPECTION & MAINTENANCE: DISTURBED AREAS OF THE PROJECT'S SITE, LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE, AND ALL EROSION AND SEDIMENT CONTROLS THAT ARE IDENTIFIED AS PART OF THE EROSION CONTROL PLANS MUST BE INSPECTED BY THE CONTRACTOR BEFORE, DURING, AND AFTER STORM EVENTS, AND AT LEAST WEEKLY DURING SEASONAL WET PERIODS. PROBLEM AREAS SHALL BE IDENTIFIED AND APPROPRIATE ADDITIONAL AND/OR ALTERNATIVE CONTROL MEASURES IMPLEMENTED IMMEDIATELY, WITHIN 24 HOURS OF THE PROBLEM BEING IDENTIFIED.
- PROJECT COMPLETION: PRIOR TO PROJECT COMPLETION AND SIGNOFF BY THE COUNTY INSPECTOR, ALL DISTURBED AREAS SHALL BE RESEED, PLANTED, OR LANDSCAPED TO MINIMIZE THE POTENTIAL FOR EROSION ON THE SUBJECT SITE.
- IT SHALL BE THE OWNER'S/CONTRACTOR'S RESPONSIBILITY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO KEEP THE ENTIRE SITE IN COMPLIANCE WITH THE EROSION CONTROL PLAN.
- EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES SHALL BE OPERABLE YEAR ROUND OR UNTIL VEGETATION IS FULLY ESTABLISHED ON LANDSCAPED SURFACES.
- GRADING WORK BETWEEN OCTOBER 15 AND APRIL 15 IS AT THE DISCRETION OF SANTA CLARA COUNTY BUILDING OFFICIAL.
- EXPOSED SLOPE SHALL BE PROTECTED WITH JUTE NET AND/OR HYDROSEED. HYDROSEED SHALL BE A HOMOGENEOUS MIX OF SLURRY CONTAINING NOT LESS THAN 44 LBS ORGANIC MULCHING AMENDMENT PLUS FERTILIZER, CHEMICAL ADDITIVES AND SOILS FOR EACH 100 GALLONS OF WATER.

Best Management Practices and Erosion Control Details Sheet 1  
County of Santa Clara

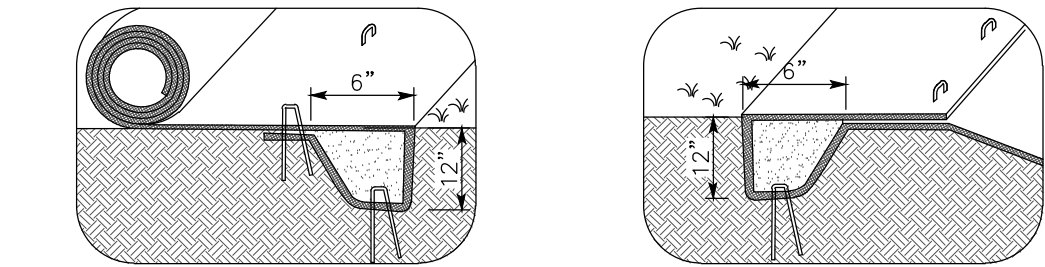
SOURCE FOR GRAPHICS: CALIFORNIA STORMWATER BMP HANDBOOK, CALIFORNIA STORMWATER QUALITY ASSOCIATION, JANUARY 2003.  
AVAILABLE FROM WWW.CABMPHANDBOOKS.COM.

\* LENGTH PER ABAG DESIGN STANDARDS



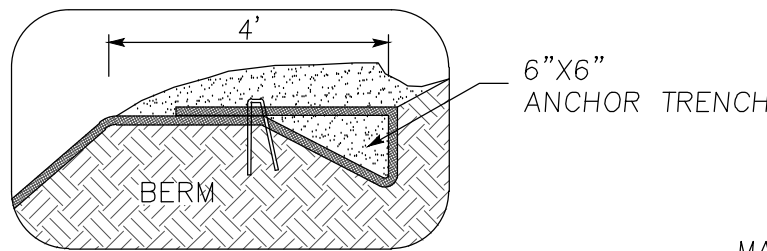
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7



### TYPICAL INSTALLATION DETAIL

5



ISOMETRIC VIEW

INSTALLATION SHOULD BE INSTALLED VERTICALLY DOWNSLOPE

TAMP DIRT OVER MAT/BLANKET

6' SLOPE MAX (H:V)

2' TO 3' OVERLAP

6" OVERLAP IN SP. LINE

12'

4' ABOVE SOURCE OF WATER

WATER TABLE

NON-WOVEN GEOTEXTILE FILTER FABRIC UNDER TYPICAL TREATMENT

## TYPICAL INSTALLATION DETAIL

3

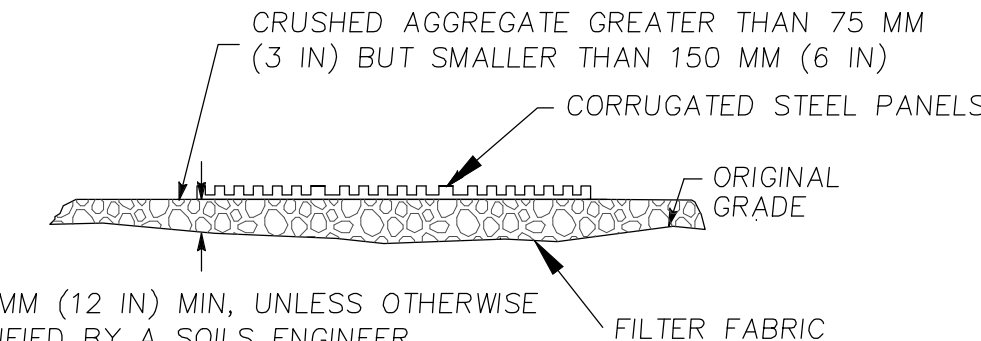
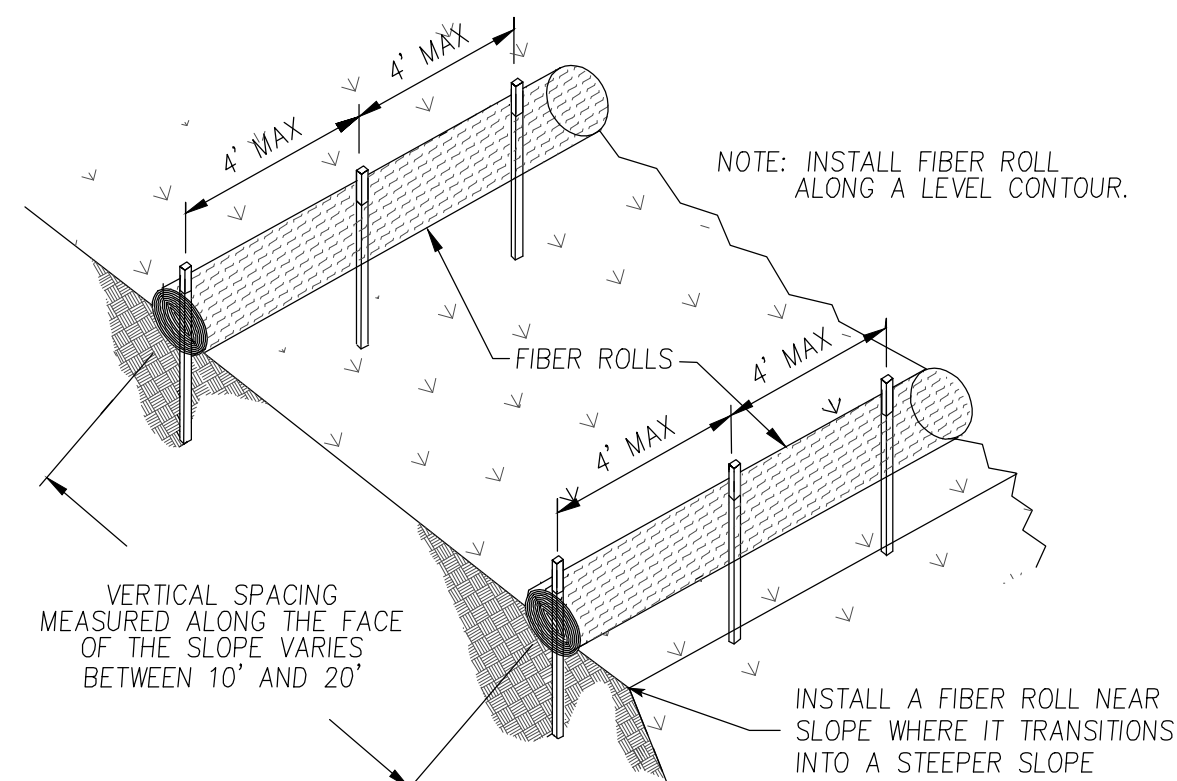


Diagram illustrating the installation of a filter fabric. The diagram shows a cross-section of the ground surface. A layer of crushed aggregate is placed on top of the filter fabric. The aggregate is labeled "CRUSHED AGGREGATE GREATER THAN 75 MM (3 IN) BUT SMALLER THAN 150 MM (6 IN)". The filter fabric is labeled "FILTER FABRIC". The original ground surface is labeled "ORIGINAL GRADE". The thickness of the aggregate layer is specified as "300 MM (12 IN) MIN, UNLESS OTHERWISE SPECIFIED BY A SOILS ENGINEER".

### TYPICAL TIRE WASH

1



TYPICAL FIBER ROLL INSTALLATION  
NOT TO SCALE

### ENTRENCHMENT DETAIL

8

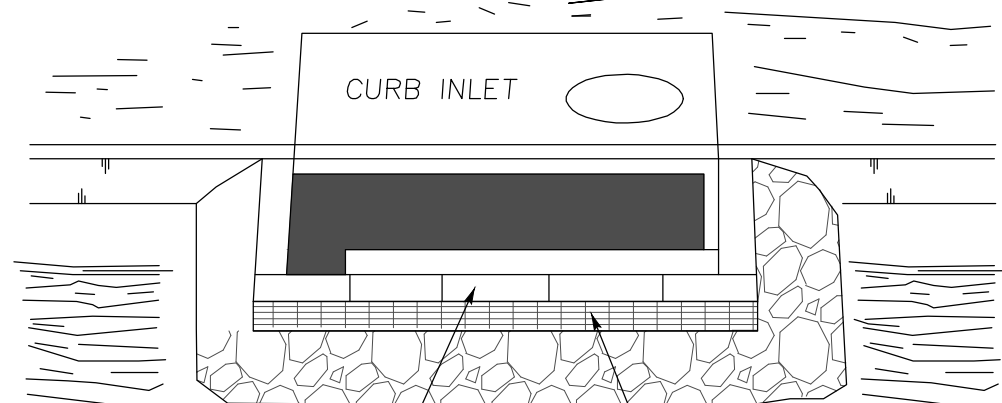
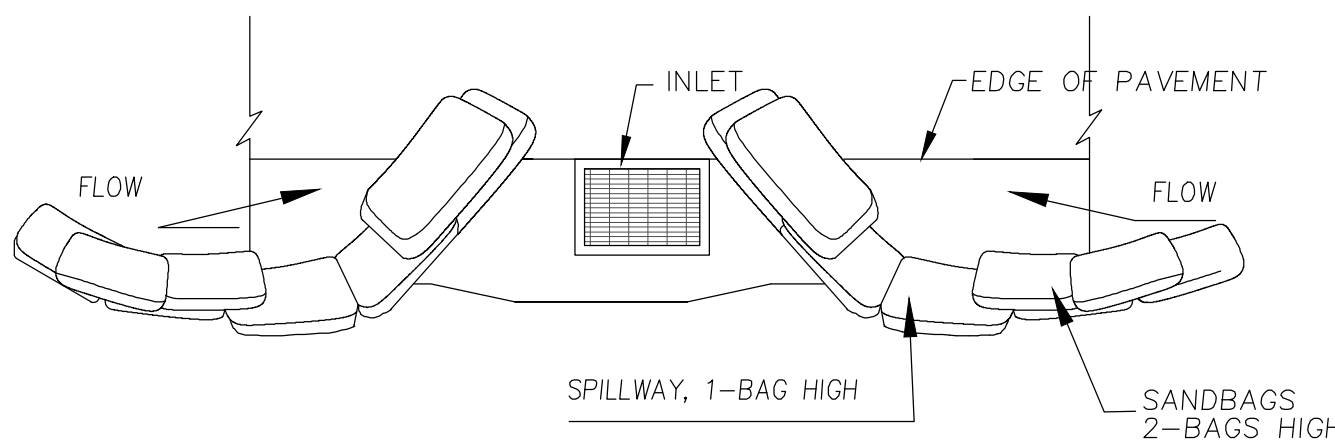


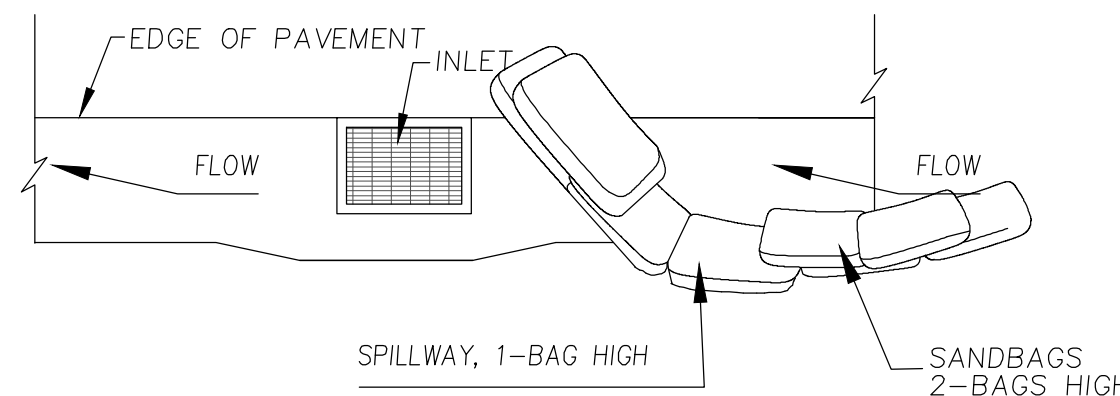
Diagram illustrating a curb inlet with a sediment trap. The trap is designed to capture sediment before it enters the main drainage system. Labels include: RUNOFF WITH SEDIMENT, OVERFLOW, FILTERED WATER, SEDIMENT, HARDWARE CLOTH OR WIRE MESH, and CURB INLET.

DI PROTECTION - TYPE  
NOT TO SCALE

6



TYPICAL PROTECTION FOR INLET ON SUMMIT



### TYPICAL PROTECTION FOR INLET ON GRADE

NOTES:

1. INTENDED FOR SHORT-TERM USE.
2. USE TO INHIBIT NON-STORM WATER FLOW.
3. ALLOW FOR PROPER MAINTENANCE AND CLEANUP.
4. BAGS MUST BE REMOVED AFTER ADJACENT OPERATION IS COMPLETED
5. NOT APPLICABLE IN AREAS WITH HIGH SILTS AND CLAYS WITHOUT FILTER FABRIC

4

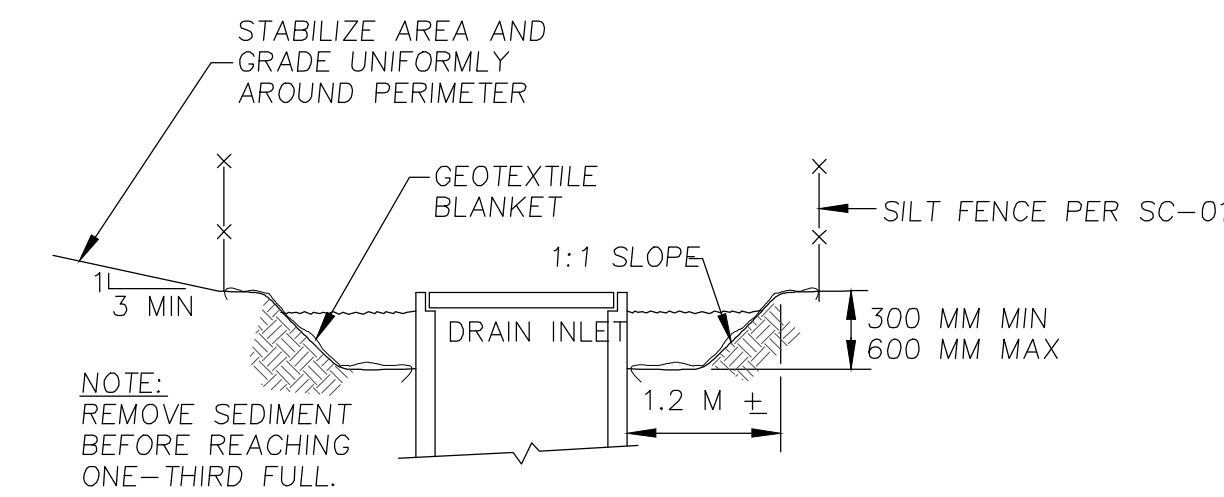
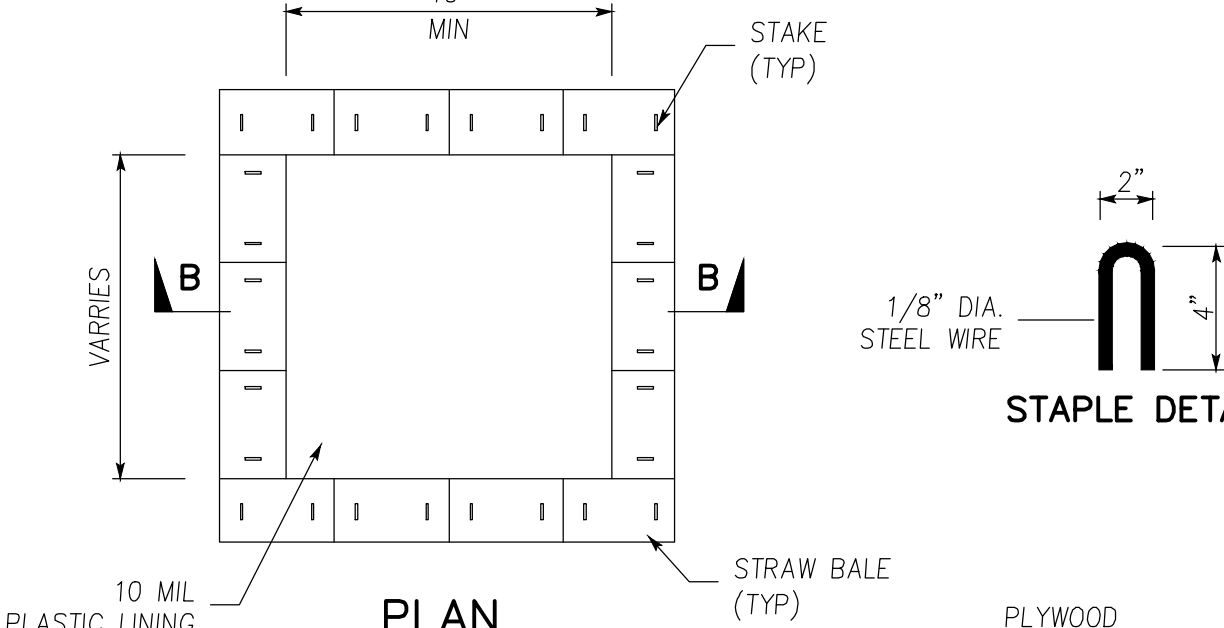


Diagram illustrating the DI Protection Type 2, showing a plan view of a sediment trap system. The diagram includes the following components and labels:

- FLOW
- CONCENTRATED
- ROCK FILTER(USE IF FLOW IS CONCENTRATED)
- EDGE OF SEDIMENT TRAP
- DRAIN INLET
- GEOTEXTILE BLANKET
- SILT FENCE PER SC-01
- SHEET FLOW
- PLAN
- DI PROTECTION TYPE 2
- NOT TO SCALE

## DI PROTECTION TYPE :

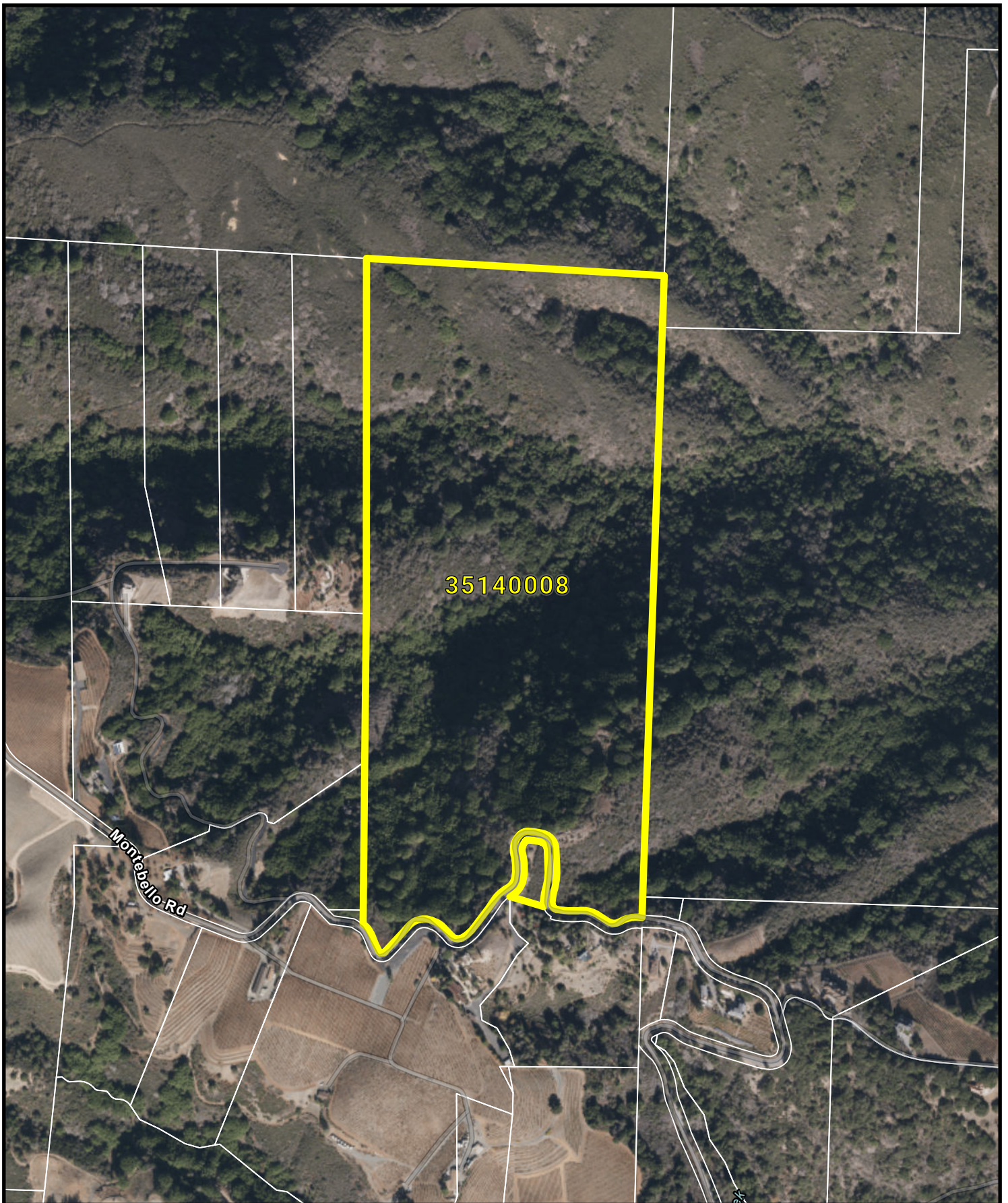
2



NOTES:

1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY

APPROVED FOR ISSUANCE REFERENCE  
TO ENCROACHMENT AND/OR  
CONSTRUCTION PERMIT AND  
PLAN COVER SHEET FOR  
SPECIAL CONDITIONS AND  
PERMIT NUMBERS

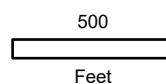


## Location and Vicinity Map

Record No. PLN18-11191-MOD3

APN 351-40-008

17085 Montebello Road, Cupertino



# **Attachment D**

## **Staff Report from February 4, 2021 Zoning Administration Hearing**

## County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
[www.sccplanning.org](http://www.sccplanning.org)



### STAFF REPORT Zoning Administration February 4, 2021 **Item #3**

Staff Contact: Joanna Wilk, Associate Planner  
(408) 299-5799, [joanna.wilk@pln.sccgov.org](mailto:joanna.wilk@pln.sccgov.org)

#### **File: PLN18-11191**

#### **Concurrent Land Use Permit for a Building Approval on Slopes Exceeding Thirty Percent, Variance, Design Review (scenic road), and Grading Approval for a New Single-Family Residence**

**Summary:** Consider recommendation for a concurrent land use permit for a Building Site Approval on Slopes Exceeding 30%, Variance, Design Review and Grading Approval. The request includes the construction of a new two-story, 4,720 square-foot residence on a 79.5 acre parcel. Associated improvements include a new driveway, septic system, 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 3'-0". Total grading quantities for the proposed project include 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence.

**Owner:** Tina Chen & Jeremy Van Grinsven  
**Applicant:** Ninh Lee  
**Address:** 17085 Montebello Road, Cupertino  
**APN:** 351-40-001  
**Supervisory District:** 5

**Gen. Plan Designation:** Hillsides  
**Zoning:** HS-d1-sr  
**Lot Size:** 79.5 acres  
**Present Land Use:** Vacant  
**HCP:** Not in HCP Area

#### **RECOMMENDED ACTIONS**

- A. Accept a Categorical Exemption under Section 15303 (Class3)(a) of the CEQA Guidelines, Attachment A; and
- B. Grant concurrent land use permit for a Building Approval on Slopes Exceeding 30%, Design Review (scenic road), Grading Approval, and Variance, pursuant to the Conditions of Approval outlined in Attachment B.

#### **ATTACHMENTS INCLUDED**

Attachment A – CEQA Determination  
Attachment B – Preliminary Conditions of Approval

## **PROJECT DESCRIPTION**

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The proposed project includes a request for a concurrent land use permit for a Building Approval on Slopes Exceeding 30% (BA), Design Review (Tier 1) (DR), Grading Approval (G) and a Variance (V) for the construction of a new 4,720 square-foot single-family residence with an attached garage. The Variance would accommodate a reduction in the required 30'-0" front yard setback to 3'-0" for water tanks. Associated site improvements include leach fields, a driveway with firetruck turnaround, and a wharf fire hydrant.

The property takes access from Montebello Road, which is a County maintained road, and is designated as a scenic road by the County Zoning Ordinance. The subject property would access water through an existing on-site well. One retaining wall is proposed, which ranges in height from approximately 0'-3" to 5'-0" in height.

The proposed project includes the construction of a new two story, 23'-0" tall residence on a vacant lot. The proposed 4,720 square-foot residence would qualify for Tier 1 Design Review, which is 281 square feet below the Tier 2 review threshold. Typically proposed residences of this size require an Administrative Design Review (Section 3.20.040). However, the residence is located within 100 feet of a scenic road (56 feet from Montebello Road), which necessitates the processing of Design Review application with a public hearing (Section 5.50.020). Proposed grading quantities consist of 747 cubic yards of cut and 306 cubic yards of fill (total 1,053 cubic yards), and a maximum 9 feet in vertical depth to establish the driveway and building pad.

No Ordinance-sized trees are proposed for removal; however, the applicant proposes to plant four 24-inch box California native trees located to the east of the residence to further minimize the visibility of the residence as seen from the Santa Clara Valley Floor and portions of Montebello Road (scenic road). The subject property is not located in the Habitat Plan permit area and therefore is no subject to Habitat Plan review.

## **Setting/Location Information**

The 79.5-acre parcel is currently undeveloped with steep terrain and thick vegetation. Although large in area, the majority of the property includes slopes that exceed 50%, which are considered extreme slopes. The proposed residence would be located on the flattest area of the lot, 56 feet away from Montebello Road right-of-way. Surrounding properties include open space land owned by Mid-Peninsula Regional Open Space, a winery owned and operated by Ridge Vineyards Incorporated, and two quarries (Stevens Creek and Lehigh Permanente). Properties in the area range from 5-acres to 490-acres. The single-family residences in the nearby neighborhood range from 2,000 square feet to 11,00 square feet.

## REASONS FOR RECOMMENDATIONS

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

The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption (See Attachment A). The aesthetic impacts of the scenic road and -d1 viewshed are addressed through the required Design Review process. Existing and required landscaping, and other design measures required through the design review process, including Light Reflectivity Value (LRV), contribute to mitigating aesthetic impacts. The project will not create any significant environmental impacts as the project minimizes grading and impacts to the natural terrain. Additionally, there are no watercourses, special status species or habitat mapped on the site. As such, the project qualifies for a Class 3, Section 15303 (a) new single-family residence Exemption from CEQA.

### B. Project/Proposal

#### 1. General Plan: Hillsides

2. **Approved Building Site:** The subject property is *not* an Approved Building Site, as it is not a numbered tract on a numbered Tract Map or a whole Parcel on a Parcel Map from a legal subdivision. Additionally, no Building Site Approval was issued for the subject property in the past. Pursuant to Ordinance Code Section C12-350, properties that exceed 30% slope, require additional review and findings in order to secure site approval. As such, Building Approval on Slopes Exceeding 30% is required as the average slope of the development area is 35.5%. A full analysis of site approval can be found in Subsection C of this staff report.

3. **Zoning Standards:** The Zoning Ordinance specifies the required development standards for single-family residences in the HS-d1-sr Zoning District, as summarized below, followed by Table A, noting the project's conformance with Section 3.20.040 "-d1" Combining District. With the exception of the proposed location of the water tanks (Accessory Structures – Zoning Ordinance Section 4.20.020(O)), the proposed project meets the required development standards for single-family residences.

<b>Setbacks (HS):</b>	30-feet from all property lines (front, side, and rear)
<b>Height:</b>	35-feet
<b>Stories:</b>	3-stories
<b>Scenic Road Setback:</b>	Within 100-feet. <u>Design Review required.</u>

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

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

\* For full analysis of these development standards, see discussion of Design Review Findings below.

**C. Building Approval on Slopes Exceeding 30% Findings:**

Pursuant to Ordinance Code Section C12-350, the County discourages development on slopes of 30% or more due to the additional site constraints and challenges typically occurring in such hillside environments, including but not limited to steep terrain, geologic and seismic hazards, difficulties in designing and constructing safe and sustainable onsite wastewater systems, meeting access standards for regular and emergency vehicles, potentially significant tree removal, and the need for significant grading, terrain alteration, and retaining walls. Consequently, building site approval on slopes 30% or more shall only be granted where the parcel has no feasible alternative location for development on slopes less than 30 percent, all necessary health and safety issues are adequately addressed, and the resulting visual impacts of such development are addressed or mitigated through appropriate conditions. By establishing these additional review and regulatory standards for development of parcels on areas of 30% slope or more, the intent is to ensure that such development conforms to the County General Plan policies, demonstrates maximum health and safety protection and preservation of the natural environment, ensures that development does not result in unsafe or unsustainable conditions, and avoids or mitigates potentially significant environmental impacts.

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

- (a) **The project meets or exceeds the requirements of any applicable County agency or other affected public agency and conforms to all applicable development standards;**

Zoning Ordinance Standards

With the exception of the proposed location of the water tanks (see Variance findings – Subsection D below), the proposed project meets the required development standards for construction of a single-family residence. Single-family residences are permitted uses within the Hillside (HS) zoning district. As proposed, the single-family residence complies with the HS zoning regulations, including required setbacks and height requirements. The maximum height of the proposed two- story residence is twenty-eight (23) feet tall, where 35 feet is allowed by Zoning Ordinance, and the residence meets all required 30'-0" setbacks. The proposed site and architectural design are also in keeping with the Santa Clara Design Review standards, in that the building massing and exterior colors of less than 45 LRV will minimize visual impacts (See Design Review Findings below). A summary of conformance with the County's Design Review development standards can be found in Section B(2) of this Staff Report.

Other County Agencies

The project was reviewed and approved with conditions by all applicable County agencies (Land Development Engineering, Department of Environmental Health, Fire

Marshal's Office, Geology, and Roads and Airports). Pursuant to the Conditions of Approval required by each agency, the project will meet all applicable codes and standards.

For these reasons, the project meets or exceeds the requirements of any applicable County agency, or other affected public agency, and conforms to all applicable development standards. As such, this finding can be made.

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

Planning Review

The proposed project meets Zoning Ordinance requirements (with the exception of the water tanks), applicable General Plan Policies, Design Review Findings, Design Review Guidelines, Grading Approval Findings, Guidelines for Grading and Hillside Development, and Variance Findings, which are discussed throughout this report. The proposed project includes a new single-family residence, with limited grading that conforms to the natural terrain, as well as undulating facades and varied roof heights to minimize the building's massing. The residence is located in the most appropriate location on the property, within the flattest area of the lot that is closest to the road access. See further analysis of each requirement, policy, finding and guideline in the subsequent sections below.

Other Agency Review

As mentioned above, all applicable County agencies reviewed and conditionally approved the proposed project. To specifically address the Fire Marshal's Office requirement that water tanks be located at a higher elevation than the wharf hydrant, the applicant proposes the water tanks location within the front yard setback (30-feet, Section 4.20.020(O)). If the water tanks were located 30 feet away from the Montebello Road right-of-way, this requirement would not be satisfied, as all locations in that area have a lower elevation than the wharf hydrant. The applicant considered several locations within the front setback to accommodate the Fire Marshal's requirement, (which necessitates a Variance - see Variance Findings below), and ultimately proposed a location farther up Montebello Road, 3 feet from the edge of Montebello Road right-of-way, which ultimately screens the tanks within existing brush to minimize their visibility.

For the reasons mentioned above, the project integrates design solutions to address site constraints and satisfy the requirements for all reviewing and responsible agencies. With the approval of the Variance as part of the application for the water tanks, this finding can be made.

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

Based on county GIS analysis, the only areas of the subject property with slopes less than 30% are located within the area where the residence and driveway are proposed to be

cited. All other locations range from 35% to 55% slope. The average slope of the entire development area is 35%, as it includes a 25-foot buffer around the development area which encompasses slopes which range from 45% to 50% (Attachment A). For these reasons, additional alternative site locations was not required to be analyzed. The applicant has cited the new residence on the flattest portion of the property that is nearest to the public road access, thereby reducing the grading to the maximum extent possible. As such, the project cannot be located elsewhere on the property in areas with slopes less than 30%, and this finding can be made.

- (d) **The overall site design, including but not limited to access roads and driveways, retaining walls, architectural quality, landscaping, tree preservation, grading and erosion control, and landscaping, is in harmony with the natural landscape and environment and topography, demonstrates efficiency in terms of the extent and nature of proposed access or other improvements, minimizes overall grading and terrain alteration, and reasonably mitigates the visual impacts of development.**

According to GIS visibility layers, the proposed building site is located within an area of medium to high visibility, as seen from the valley floor. However, the subject property is located behind two ridges utilized by Stevens Creek Quarry and Lehigh Permanente Quarry, which hide the property from being visible from the valley floor. Due to surrounding topography and existing vegetation, the proposed residence is only visible along a quarter mile segment of Montebello Road (Attachment D). Additionally, the proposed residence is not visible from the western portions of Montebello Road (farther uphill past the residence) due to the steep topography of the area, existing vegetation, and the proposed building location tucked into the hillside.

Despite the limited visibility of the proposed residence, the applicant proposes planting four 24-inch box California native trees on the eastern side of the residence to further minimize its visibility from the valley floor and nearby residences. Furthermore, the project does not include the removal of ordinance sized trees and the majority of vegetation is proposed to remain in order to continue using it for visibility mitigation purposes from the valley floor and portions of Montebello Road. Additionally, consistent with the County *Design Review Guidelines*, natural colors and materials with a Light Reflectivity Value (LRV) of 45 or less are proposed in order to blend with the surrounding landscape.

Proposed grading for the project is minimal as the building site is located on the flattest portion of the property, and closest to the roadway and access as feasible for development. The majority of cut is necessary for the driveway and firetruck turnaround which is required for fire safety regulations. The driveway is approximately 115 feet long, takes direct access from Montebello, and is not visible from the valley floor. Additional proposed grading includes landscaping along the eastern side of the building footprint to establish a retaining wall and building pad for the residence. The proposed grading is at a 3:1 slope which matches the existing terrain and blends in with natural topography.

Due to the location of the proposed building site, the existing topography and vegetation of the neighborhood, and the proposed tree planting, the proposed residence is in harmony with the natural landscape, minimizes overall grading and terrain alteration, and reasonably mitigates the visual impacts of development. As such, this finding can be made.

#### **D. Variance Findings:**

Pursuant to Section 5.70.020 of the County Zoning Ordinance, a Variance may be considered and justified to enable discretionary relief from the development standards of the Zoning Ordinance where it can be clearly determined that based on the unique circumstances and characteristics of the lot, enforcement of the applicable standards would preclude reasonable use and development of the lot. Furthermore, the unique circumstances involved must be substantial and detrimental, and must relate directly to the characteristics and circumstances of the lot, such that any Variance approved logically and reasonably provides a remedy for a specific hardship(s). In the following discussion, the scope of review findings are identified in **bold** text, and an explanation of how the project meets or doesn't meet the required finding is followed in plain text.

1. **Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification; and**

The proposed Variance is to reduce the front yard setbacks for the required water tanks from 30'-0" to 3'-0". The subject lot is 79.5 acres, with extremely steep topography and thick vegetation. The only location on the property with a slope less than 30% is the proposed location of the residence, which is immediately adjacent to Montebello Road. Furthermore, Montebello Road is a County Maintained road that requires an additional 10'-0" dedication on either side to create a 60'-0" right-of-way. The additional 10'-0" dedication is where the front yard setbacks are measured from for the single-family residence and the water tanks.

As mentioned in BA Finding (b) above, the water tank must be located within the front yard setback in order to be at an elevation higher than the wharf hydrant. If the water tanks were located outside the 30'-0" setback, additional fill would be required to increase the elevation pad of the tanks, the tanks would need to be made of non-combustible material, pursuant to Fire Safety regulations (due to their location within 20'-0" of the residence), the tanks would be visible from Montebello Road, and the removal of Ordinance sized trees would be necessary. These measures would be contrary to existing County guidelines which emphasize minimizing fill, impacts to the natural terrain and environment, as well as visibility from scenic roads.

To further meet to applicable policies, findings, and guidelines, the applicant proposed to locate the water tanks approximately 200'-0" up Montebello Road, 3'-0" from the edge of right-of-way in an area of approximately 18% slope that would not require the removal

of any ordinance sized trees, and the tanks would be completely hidden from neighboring views due to existing shrubbery.

The request to reduce the water tank setback of 30'-0" to 3'-0" meets the requirements of this finding. The steep topography across a majority of the lot and the limited flat development area of the subject property constitute relatively unique circumstances. As such, Staff is able to make this finding to reduce the setback to 3'-0" to allow the construction of water tanks for a single-family residence, which is a use permitted in the HS zoning district. As such, for the reasons discussed above, this finding can be made.

**2. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.**

As noted in the Project Description section of this report, the subject property is located in a neighborhood with extremely steep topography, which is primarily developed with single-family residences. Although most surrounding residences meet applicable Zoning Ordinance setbacks, other nearby properties, such as 15545 Swiss Creek Lane and 17655 Montebello Road, received side and/or front yard setback Variances for the single-family residence due to site constraints such as steep topography and lot configuration. As such, the County recognizes that the area may not meet typical development standards with relation to setbacks.

Based on the steep topography of the neighborhood and other Variances approved within the area, Staff has determined the subject request to reduce the front yard setback of the water tanks from 30'-0" to 3'-0" does not constitute a special privilege inconsistent with the limitation upon other properties within the vicinity and the HS zoning district. As such, this finding can be made.

**E. Design Review Findings**

Pursuant to Zoning Ordinance Code Section 3.30.030 any structure, including signs, that is located within 100 feet of the right-of-way of a designated scenic roadway shall be subject to Design Review, as described in Chapter 5.50 of this Zoning Ordinance. The overall purpose of Design Review is to encourage quality design and mitigate potential adverse visual impacts of development. All Design Review applications are subject to the scope of review listed in §5.50.040 of the County Zoning Ordinance. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project meets the required standard is in plain text below.

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

The subject property is located within the Hillside zoning district, has a -d1 and -sr combing district that necessitates Design Review findings listed in section 5.50.040 of the Zoning Ordinance. As noted in BA Finding (c) above, the subject property is hidden from the valley floor due to its location behind two ridgelines utilized by Stevens Creek

Quarry and Lehigh Permanente Quarry. The proposed residence is only visible along a quarter mile stretch along Montebello Road (Attachment D), and will be located on the flattest portion of the lot that is nearest to the public road access point, thereby reducing grading to the minimum necessary to establish the residence. No ordinance sized trees are proposed for removal and all existing vegetation is to remain to utilize it for visibility mitigation purposes from the valley floor and Montebello Road. Furthermore, the applicant proposes to plant four 24-inch box trees along the eastern side of the residence to further reduce the residence's visibility from neighboring properties.

As such, due to the location of the proposed building site, the existing topography and vegetation of the neighborhood, and the proposed tree planting, the proposed residence does not have an adverse visual impact to the valley floor and scenic road. As such, this finding can be made.

## **2. Compatibility with the natural environment;**

The proposed development is located on the flattest portion of the site, as the overall average topography of the parcel is 54%, while the average slope of the building site (including leach field) is 35%. Proposed contours adjacent to the residence will be established at a 3:1 slope to minimize grading and blend with the surrounding terrain which also has a 3:1 slope. The project includes one retaining wall, which is 5 feet or under, and wraps around the southern side of the home to establish the building pad. The retaining wall and associated improvements cannot be seen from the valley floor and is only visibly from a portion of Montebello Road that is approximately a quarter mile due to the area's steep terrain and existing vegetation (Attachment D). To minimize the residences and retaining wall's visibility, four 24-inch box trees are proposed along the above-mentioned retaining wall to blend it with the natural environment, and Light Reflective Values of exterior colors, as required by the -d1 combining district development standards and *Design Review Guidelines*, will be 45 LRV or less.

Additionally, the project proposes preserving existing vegetation to utilize it for screening from the valley floor, the scenic road, and neighboring residences. As such, the proposed residence and associated improvements are designed to be compatible with the natural environment, and this finding can be made.

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

The site design preserves existing natural features by utilizing the flattest area of the subject property and steps the building pad downhill, following the natural slope. The home is located 56 feet from the Montebello Road right-of-way, which is just over the 30'-0" minimum setback required by Zoning Ordinance, while providing the minimum necessary firetruck access/turnaround. As such, the proposed driveway and firetruck turn around are relatively short in length and do not leave visual scarring on the hillside.

The proposed exterior design of the residence provides a modern appearance, and utilizes multiple materials such as metal, finished with grey tones, and natural cedar wood, which all have a Light Reflective Value (LRV) of 45 or less (see Architecture Plan Sheet Z-2.0). Additionally, the attached garage, enclosed walkway, and main residence all have varying roof heights and undulating exterior facades to minimize building massing and potential scale impacts as seen from the valley floor and Montebello Road.

All proposed retaining walls are limited to a maximum height of five (5) feet tall, with four 24-inch trees proposed in front of the retaining wall to reduce the apparent height and screen them from view. Therefore, the project conforms with the County *Design Review Guidelines*, and this finding can be made.

#### **4. Compatibility with the neighborhood and adjacent development;**

The subject property is located in a primarily residential area that also consists of open land owned by Mid-Peninsula Regional Open Space, a winery owned and operated by Ridge Vineyards, and two quarries (Steven's Creek and Lehigh Permanente). Neighboring residence are single-family, and range in size from 2,000 to 11,000 square feet. The average size of neighboring residences are approximately 4,700 square feet, which is the size of the proposed residence.

The proposed residence would appear modest in size by comparison to neighboring residences, as they have three stories and expansive roof lines, while the proposed residence is a maximum of two stories with varying roof heights. Additionally, the design incorporates various materials such as metal sheeting and cedar wood along the structure facades to help break up the structure's appearance. As such, the project is compatible with the immediate neighborhood and this finding can be made.

#### **5. Compliance with applicable zoning district regulations; and**

As noted in BA finding (a) of this Staff Report, with the exception of the proposed location of the water tanks (see Variance Findings above), the proposed project meets the required development standards for single-family residence, which are a permitted use in the HS Zoning district. Additionally, the proposed project meets applicable regulations for the -dl and -sr districts, as noted in the findings listed above and below. As such, the project is in compliance with applicable zoning district regulations, and this finding can be made.

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

The General Plan Growth and Development Chapter for Rural Unincorporated Areas contains specific policies under Strategy No. 3, to “*Ensure Environmentally Safe and Aesthetic Hillside Development.*” R-GD17 requires that “*Design Review Zoning Districts, including Design Review Guidelines, shall apply to primary viewshed areas*

*most immediately and directly visible from the valley floor, lands up to and including the first ridge, or those within approximately one to two miles distance from the edge of the valley floor.” R-GD 25(a) recommends “erosion control, landscaping or plantings, retaining wall design, and other design features may be imposed where necessary to ensure that completed work blends as harmoniously as possible with the natural environment and landscape.”* Design Review is required in this case since the project is located in the Design Review (-d1) and scenic road (-sr) zoning districts. As proposed, four 24-inch box California native trees will provide additional screening of the proposed structure, as seen from the valley floor and Montebello Road. Natural colors and materials with an LRV below 45 are shown on plans to blend the residence with the surrounding environment. As such, the project will be in conformance with the General Plan and this finding can be made.

**F. Grading 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 747 cubic yards of cut and 306 cubic yards of fill (total 1,053 cubic yards). The two-story, 4,720 square-foot residence would utilize the flattest portion of the lot to minimize grading for the building pad, driveway, and firetruck turnaround. As identified on the grading plans (Attachment C), the building pad and finish floor elevation is situated in a location requiring the minimal grading and vertical fill for the proposed development, as it steps downhill with the natural slope. A total of 747 cubic yards of cut is mostly to accommodate the driveway to the garage and fire truck turnaround in accordance with current engineering standards. Grading is also proposed to establish modest landscape areas adjacent to the east of the residence to blend the building pad with existing natural contours. The grading design is necessary and appropriate to establish single-family residential uses, permissible in the HS zoning district. As such, this finding can be made.

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

The proposed project will not create any export to public or private property. Standard Conditions of Approval and requirements of final grading plans will ensure that grading around the building pad will not result in slope instability or erosion. No watercourses are located on the subject site. The proposal has been approved by the County Land Development Engineering Division and County Roads and Airports Departments. As such, the grading will not endanger the public and/or private property, public health and safety, nor result in excessive deposition of debris or soil sediments on any public right-

of-way, or impair any spring or existing watercourse. For these reasons, 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. Grading surrounding the building site is designed with a 3:1 slope which matches the existing grade. The proposed building pad is situated on the most suitable and flattest portion of the lot. The grading will not impose any significant impacts on the natural landscape, biological, or aquatic resources. There are no creeks or other watercourses on the property. No Ordinance protected trees are proposed to be removed. Four 24-inch box California native trees are proposed on the eastern side of the residence to further minimize visibility from neighboring properties and the valley floor. There are no special status species or habitat mapped on the site. Therefore, the proposed grading will minimize impacts to the natural landscape and resources, and minimize erosion impacts, and 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 related to serving the new residence and driveway, and designed on the flattest portion of the lot. Other locations on the property are extremely steep (35% to 50% slope) and cannot accommodate a residence without excessive amounts of grading. As mentioned above, the building pad steps downhill with the natural slope and is situated in a location that requires the minimal grading and vertical fill for the proposed development. Furthermore, the proposed building pad is in an area that requires minimal vegetation removal, while other alternative locations on the site would require removing several trees and shrubs to create a building pad.

Additionally, the required water tanks are proposed in a location which is relatively flat, requires minimal cut into the hillside to establish the pad, and is not visible from neighboring properties or Montebello Road. All alternative locations for the water tanks would require greater quantities of fill to meet the Fire Marshal requirements described in BA Finding (b) of this report.

Given the constraints mentioned above, the subject site shall be one that minimizes grading in comparison with other available development sites, and this finding can be made.

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

The proposed grading is designed to conform with the natural terrain and existing topography and will not create a significant visual scar. The residence steps downhill with the natural slope and the driveway length is the minimal length to accommodate adequate site access and fire truck turnaround requirements. The proposed four 24-inch box trees and existing shrubs immediately surrounding the footprint of the home and the retaining walls, which will decrease visibility of the proposed project. Furthermore, all graded contours will be established with a 3:1 slope, thereby blending with the existing natural contours. As such, the proposed grading meets this finding.

**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 proposed project utilizes the flattest area of the subject property and is situated in an area that requires minimal necessary grading (see Design Review Finding 3). Such design minimizes grading and reduces visual impacts from hillside development in keeping with General Plan policies R-GD 25 and 26, which requires *‘Grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements should not create a significant visual scar or impact to the environment,’* and discourages *‘excessive, non-essential grading.’* 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 siting, road design, building form, and design. The residence utilizes the flattest area of the property located directly adjacent to Montebello right-of-way, in keeping with *“proposed development in areas with level lands or gentler slopes, adjacent to existing infrastructure, minimizing the need for grading and longer driveways into hillside areas.”* In addition, all retaining walls do not exceed five (5) feet in height and follow the existing hillside contours, which will minimize visual impacts to the neighboring properties and the valley floor.

Furthermore, four 24-inch box California native trees are proposed to the east of the building area, which will decrease the potential visual impacts of the proposed development. Therefore, the proposed grading is designed to follow the natural terrain, minimize grading, and reduce visual impacts of the hillside development and is in keeping with General Plan Policies.

In conclusion, based on the unique circumstances and findings of fact described in the body of this report, Staff recommends that the Zoning Administration Hearing Officer grant the concurrent land use permit for a Building Approval on Slopes Exceeding 30%, Variance to reduce water tank front setbacks from 30’-0” to 3’-0”, Design Review, and Grading Approval for a new single-family residence. The Variance is reasonably necessary to provide a practical remedy to the substantial and detrimental hardships presented by the lot’s characteristics, and

conforms to the applicable policies, findings and guidelines of the Zoning Ordinance, General Plan, and Ordinance Code.

## **ADDITIONAL INFORMATION**

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### **Public Comments**

As a result of the public notice, Staff received a public comment letter from a member of the public (Attachment E). The letter notes concerns with visibility of structure from the valley floor. As noted in the body of the report and as analyzed in findings listed in section C, E, and F, the subject property is located behind two ridges utilized by Stevens Creek Quarry and Lehigh Permanente Quarry, which hide the property from being visible from the valley floor. Due to surrounding topography and existing vegetation, the proposed residence is only visible along a quarter mile segment of Montebello Road (Attachment D). Additionally, the proposed residence is not visible from the western portions of Montebello Road (farther uphill past the residence) due to the steep topography of the area, existing vegetation, and the proposed building location tucked into the hillside.

## **BACKGROUND**

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On February 27, 2017, the property owner met with County Staff and received written feedback regarding a Pre-Application for a Building Approval on Slopes Exceeding 30%, Design Review and Grading Approval for a new-single family residence at the subject property. Following the Pre-Application, the applicant submitted the formal application for the abovementioned applications on March 12, 2018. The initial incomplete letter was issued on April 10, 2018 outlining additional information needed to complete staffs review.

The applicant resubmitted on several occasions revising the design to meet County development standards, Design Review Guidelines and Grading findings. Upon further discussion with the Fire Marshal's Office, it became clear that the water tanks could not reasonably be located outside of the front yard setback and a Variance application was applied for. By the third submittal, the applicant included all the appropriate Variance application documents and paid the appropriate fees. By the fourth submittal, the application was deemed complete pursuant to the completeness letter dated July 6, 2020.


Following the completeness letter, the owner wished to revise their design from a three-story 35-foot-tall residence to a two-story 23-foot-tall residence. Staff informed the owner that the change of design in the home would require additional review by the County and a modification to their completed application was necessary.

On October 13, 2020 the applicant submitted all the materials and paid the appropriate fees for the modifications. On November 12, 2020 the application was deemed complete and tentatively scheduled for the January Zoning Administration hearing. Due to unforeseen circumstances, the application was not scheduled for the January hearing and the owner granted the County a one-time, 90-day extension of time to the Permit Streamlining Act on January 4, 2021 to move the project to the February hearing date.

On January 21 2021, a public notice was mailed to all property owners within a 300 radius and was also published in the Post Records on January 25, 2021.

### **STAFF REPORT REVIEW**

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Prepared by: Joanna Wilk, Associate Planner 

Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator



# **Attachment A**

## **Statement of Exemption from the California Environmental Quality Act (CEQA)**

## Attachment A

# STATEMENT OF EXEMPTION

### from the California Environmental Quality Act (CEQA)

<b>FILE NUMBER</b>	<b>APN(S)</b>	
PLN18-11191	351-40-001	1/28/2021
<b>PROJECT NAME</b>	<b>APPLICATION TYPE</b>	
Single-Family Residence; 17085 Montebello Road, Cupertino CA	Building Approval on Slopes Exceeding 30%, Design Review (Tier 1), Grading Approval and Variance	
<b>OWNER</b>	<b>APPLICANT</b>	
Tina Chen and Jeremy Van Grivsen	Ninh Le	
<b>PROJECT LOCATION</b>		
17085 Montebello Road, Cupertino CA		
<b>PROJECT DESCRIPTION</b>		
<p>Building Approval on Slopes Exceeding Thirty Percent, Design Review (Tier 1), Grading Approval, and Variance for the construction of a new two story 4,720 square foot residence on a 79.5-acre parcel. Associated improvements include a new driveway, septic system, and water tanks located within the front yard setback. Total grading quantities for the proposed project include 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence.</p> <p>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.</p>		
<b>CEQA (GUIDELINES) EXEMPTION SECTION</b>		
<p>Section 15303(a) - Class 3(a): One single-family residence in a residential zone. The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption (See Attachment A). The aesthetic impacts of the scenic road and -d1 viewshed are addressed through the required Design Review process. Landscaping, and other design measures including Light Reflectivity Value (LRV) contribute to avoiding aesthetic impacts. The project will not create any significant environmental impacts as the project minimizes grading and impacts to the natural terrain. Additionally, there are no watercourses, special status species or habitat mapped on the site. As such, the project qualifies for a Class 3, Section 15303 (a) new single-family residence Exemption from CEQA.</p>		
<b>COMMENTS</b>		

The subject property is located in a residential zoned area developed with single family residences of similar size. The new residence will utilize the flattest area available to minimize impacts to the natural landscape. No trees with a diameter of twelve (12)-inch or greater will be removed. No special status species or habitat exists on the site, and the project will not create any impacts to a watercourse, or sensitive or protected wildlife or plant species.

**APPROVED BY:**

Joanna Wilk, Associate Planner

  
Signature

2/4/21

Date

# **Attachment B**

**Preliminary Building Approval on Slopes Exceeding 30%,  
Design Review (Scenic Road), Grading Approval and Variance  
Conditions of Approval**

**ATTACHMENT B**  
**CONCURRENT LAND USE PRMIT FOR A BUILDING APPROVAL ON SLOPES  
EXCEEDING 30 PERCENT, VARIANCE, DESIGN REVIEW (SCENIC ROAD), AND  
GRADING APPROVAL CONDITIONS OF APPROVAL**

**Date:** February 4, 2021

**Owner/Applicant:** Tina Chen and Jeremy Van Grisven/ Ninh Le

**Location:** 17085 Montebello Road, Cupertino CA (APN: 351-20-046)

**File Number:** PLN18-11191

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

**Project Description:** Concurrent land use permit for a Building Site Approval on Slopes Exceeding 30%, Variance, Design Review and Grading Approval. The request includes the construction of a new two-story, 4,720 square-foot residence on a 79.5-acre parcel. Associated improvements include a new driveway, septic system, 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 3'-0". Total grading quantities for the proposed project include 747 cubic yards of cut and 306 cubic yards of fill with a maximum vertical depth of 9 feet for the foundation of the residence. Approval is based on plans submitted on October 13, 2020.

The project is not located within the Santa Clara Valley Habitat Plan Area and does not include the removal of ordinance sized trees.

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. She/he represents a specialty and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Joanna Wilk	(408) 299- 5799	<a href="mailto:joanna.wilk@pln.sccgov.org">joanna.wilk@pln.sccgov.org</a>
Environmental Health	Darrin Lee	(408) 299 – 5748	<a href="mailto:darrin.lee@cep.sccgov.org">darrin.lee@cep.sccgov.org</a>
Fire Marshal	Alex Goff	(408) 299 – 5763	<a href="mailto:alex.goff@sccfd.org">alex.goff@sccfd.org</a>
Land Development Engineering	Darrell Wong	(408) 299 - 5735	<a href="mailto:darrell.wong@pln.sccgov.org">darrell.wong@pln.sccgov.org</a>
Geology	Jim Baker	(408) 299 - 5774	<a href="mailto:jim.baker@pln.sccgov.org">jim.baker@pln.sccgov.org</a>
Roads & Airports	Gavin Finley	(408) 573 - 2491	<a href="mailto:Gavin.finley@rda.sccgov.org">Gavin.finley@rda.sccgov.org</a>
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](http://www.sccbuilding.org).

### Planning

2. Development must take place in substantial conformance with the approved plans, submitted on October 13, 2020 and the Conditions of Approval. Any changes to the proposed project, or any increase in grading quantities, or modification to the grading or design may require a modification to the concurrent land use permit for the Building Approval for Slopes Exceeding 30%, Design Review, Grading Approval, and Variance, and associated fees, and may result in additional environmental review, pursuant to the California Environmental Quality Act.
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-d1-sr (Hillsides - Design Review Combining District – Scenic Road Combining District). Maintain the following minimum dwelling setbacks (Zoning Ordinance Sections 2.20.030):

Front: 30 feet	Sides: 30 feet	Rear: 30 feet
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The maximum height of dwellings is 35 feet and shall not exceed three (3) stories.
6. Two (2) off-street parking spaces are required, one (1) of which must be covered.
7. With the exception of trim and minor details, the exterior surfaces of the house shall be painted muted colors with a light reflectivity value (LRV) of 45 or lower and shall be consistent with the color samples provided with this approval.
8. Pursuant to the approved **Variance**, Water tanks shall maintain the following minimum setbacks:

<b>Front: 3 ft.</b>	Sides: 3 ft.	Rear: 3 ft.
	(height up to 12 ft. tall)	(height up to 12 ft. tall)

### *Archaeological Resources*

9. 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

10. 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

11. 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.

#### Roads & Airports

12. A Tree Removal Approval is required prior to any tree removal, replacement, or relocation within the ROW. A tree within the ROW requiring removal approval is any tree at least 20 feet in height or at least 12 inches in diameter measured 4.5 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](http://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

13. **Prior to issuance of any permits**, the applicant shall pay all reasonable costs associated with the work by the Department of Planning and Development.
14. **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**.
15. **Prior to issuance of a building permit**, submit final color samples for the house facade, trim and roof indicating the Light Reflectivity Value (LRV) is less than or equal to 45 LRV, pursuant to Zoning Ordinance Section 3.20.040B, consistent with the project, color samples and plans approved at the February 4, 2021 Zoning Administration Hearing.
16. **Prior to issuance of any permits**, provide a final landscaping plan utilizing four (4) 24-inch box sized California native trees to reduce the apparent height of the eastern retaining walls and to blend them in with the natural surroundings. The final landscaping must be in substantial conformance with the landscaping plan approved at the February 4, 2021 Zoning Administrator hearing.
17. The requirements of Division B33 of the County Ordinance Code (Sustainable Landscape Ordinance) shall apply. Calculate square footage of new landscaped area and if it exceeds 500 sq. ft. – obtain landscaping permit. The landscape ordinance and supporting information can

be found on the following web page:

<https://www.sccgov.org/sites/dpd/PlansOrdinances/Landscape/Pages/welo-apply.aspx>

18. 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

19. 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: [www.sccplanning.org](http://www.sccplanning.org) > How to.. > Submit a Development Permit 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.

Please contact LDE at (299-5734) for additional information and timelines.

20. 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.
21. 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:

- a. March 1981 Standards and Policies Manual, Volume 1 (Land Development)  
www.sccplanning.org > Ordinance & Codes > Land Development Standards and Policies
  - b. 2007 Santa Clara County Drainage Manual  
www.sccplanning.org > Ordinance & Codes > Grading and Drainage Ordinance > Drainage Manual
22. 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.
23. 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.
24. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
25. 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.
26. 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.
27. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with

permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website:

[http://scvurppp.org/pdfs/1516/c3\\_handbook\\_2016/SCVURPPP\\_C.3\\_Technical\\_Guidance\\_Handbook\\_2016\\_Chapters.pdf](http://scvurppp.org/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf)

28. Submit one copy of the signed and stamped of the geotechnical report for the project.
29. 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.
30. 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](http://www.waterboards.ca.gov) > Water Issues > Programs > Stormwater

#### Environmental Health

31. **Prior to building permit issuance**, a septic system conforming to the prevailing Onsite Wastewater Treatment System (OWTS) Ordinance shall be designed based upon percolation test rates and the dispersal field shall be located within the percolation and soil profile testing areas and depth.
32. Based upon a percolation test result of 11 minutes per inch (MPI) and a testing depth of 12 inches, onsite sewage conditions have been determined for a single-family dwelling (not to exceed 675 gallons per day or 6 bedrooms) utilizing 675 square feet + 675 square feet drip dispersal system.
33. **At the time of application for a building permit**, submit four (4) revised plot plans to scale (1" = 20') on a grading and drainage plan showing the house, driveway, accessory structures, septic tank and required drainlines to contour. In order to obtain a septic system permit, maintain all setbacks as outlined within County of Santa Clara Onsite Manual. The original plans must be submitted to the Department of Environmental Health prior to the issuance of the septic system permit and submitted as the final grading plan to Land Development Engineering when a grading permit is required. Contact Ross Kakinami at 408-918-3479 for septic system sign-off.
34. Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved **prior to obtaining a septic system or building permit**. A well log must be submitted which shows a 50-foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Nicole Jorgensen at the Department of Environmental Health at 408-

918-3492 for detailed information. More information can be found by consulting the DEH website at [www.ehinfo.org](http://www.ehinfo.org) and viewing the drinking water section.

### Fire Marshal

#### *Fire Protection – Water*

35. 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.
36. Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).
- a. All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
  - b. Provide 2-5,000-gallon secondary aboveground storage tanks dedicated to the wharf hydrant (water quantity based on CFMO-W1).
  - c. Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
  - d. Installation of aboveground storage tanks less than 20 ft. to a structure requires tanks to be of noncombustible construction.
  - e. Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.
37. 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 600 ft. from the furthest portion of the structure (measured along path of travel).
  - b. Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.
  - c. Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.
  - d. Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration.

**NOTE:** tank and hydrant elevations shall be noted on the site plan submitted for building permit.

38. Fire protection water shall be made available to the fire department.

#### *Fire Department Access*

39. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply:
- Construction of access roads and driveways shall use good engineering practice.
  - 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.
40. Driveways (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).
- Width: Clear width of drivable surface of 12 ft.
  - Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
  - Curve Radius: Inside turn radius for curves shall be a minimum of 50 ft.
  - Grade: Maximum grade shall not exceed 16%. Grades exceeding 15% shall be paved in compliance with County Standard SD5.
  - Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.
  - 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 turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 40 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

#### *Miscellaneous*

41. Property is located within the Santa Clara County Fire Department response area, the State Response Area (served by Cal Fire), and the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:
- A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
  - Provide a 1/2-inch spark arrester for the chimney.
  - 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.

#### Geology

42. **Prior to issuance of permits**, submit:
- Plan Review Letter that confirms the plans conform with the intent of the recommendations presented in Murray Engineers' "Engineering Geologic and Geotechnical Investigation" report (dated 2-7-2018) and

- b. A Conformed Copy of an Acknowledgment Statement of Potential Geologic Hazard (to be prepared by the County Geologist).

#### Roads & Airports

- 43. Dedicate additional 10-foot-wide strips for Montebello Road to result in a 30-foot half street width or a 60-foot full street width as appropriate. All dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County.
- 44. Obtain a Santa Clara County Roads and Airports Department (RAD) Encroachment Permit for the following required improvements:
  - a. Installation of the driveway approach to County Standard B/4.
  - b. Improvement of the property's Montebello Road frontage to County Standard B/4A. Modifications may be proposed to the B/4A standard based upon existing site conditions for review and approval by the Roads and Airports Department. The modifications may include defining limits to the frontage improvements and/or reducing the width of the shoulder widening but must demonstrate that the proposed improvements implement the B/4A standard to the maximum extent feasible.
- 45. The process for obtaining an Encroachment Permit and the forms that are required can be found at: [www.countyroads.org](http://www.countyroads.org) > Services > Apply for Permits > Encroachment Permit.
- 46. 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.**

#### Planning

- 47. **Prior to final inspection**, contact Joanna Wilk, Associate Planner, **at least two weeks in advance** to schedule a site visit to verify the approved exterior colors and landscaping have been installed, as approved.

#### Land Development Engineering

- 48. 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.
- 49. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

50. **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

51. 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.

Geology

52. **Prior to Final Inspection/Grading Completion**, submit a Geotechnical Engineer's Construction Observations Letter that verifies the work was completed in accordance with the approved plans (A note to that effect will need to be stamped on the plans.).

Roads & Airports

53. Construct the required improvements and any related work in the County maintained road right-of-way to the satisfaction of the Roads and Airports Department.

# Attachment C

## Plans and Vicinity Map

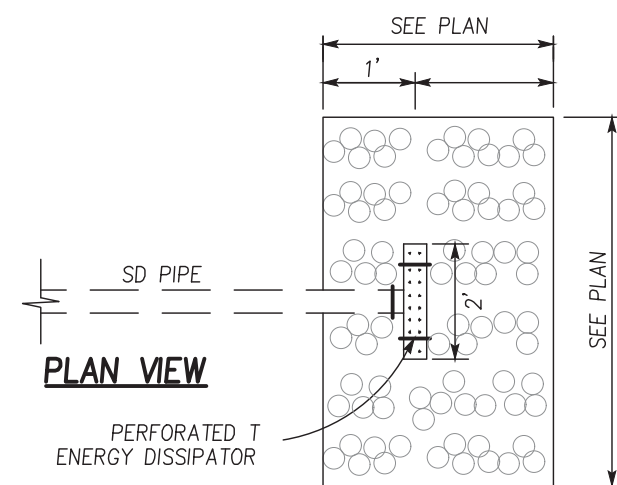
## LANDS OF KAISER PERMANENTE

PERMANENT MONUMENTS/ MONUMENT PRESERVATION:

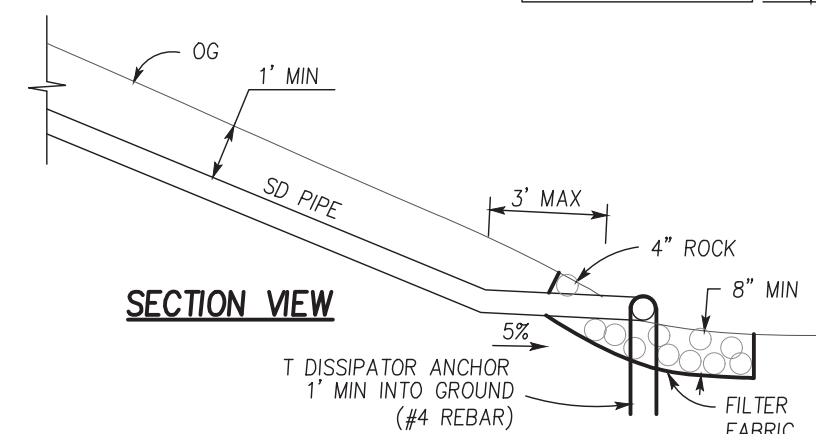
1. IN ACCORDANCE WITH THE CALIFORNIA PROFESSIONAL LAND SURVEYORS' ACT (BUSINESS AND PROFESSIONS CODE) CHAPTER 15 SECTIONS 8771 AND 87251, CALIFORNIA PENAL CODE 605, AND CALIFORNIA GOVERNMENT CODE 27581, THE OWNER, CONTRACTOR, AND/OR ANY PERSON PERFORMING CONSTRUCTION ACTIVITIES THAT WILL OR MAY DISTURB AN EXISTING ROADWAY/ STREET MONUMENT, CORNER STAKE, OR ANY OTHER PERMANENT SURVEYED MONUMENT AND/OR AS SHOWN ON THE PLAN SHEET SHALL ENSURE THAT A CORNER RECORD AND/OR RECORD OF SURVEY ARE FILED WITH THE COUNTY SURVEYOR'S OFFICE PRIOR TO DISTURBING SAID MONUMENTS. ALL DISTURBED OR DESTROYED MONUMENTS SHALL BE RESET AND FILED IN COMPLIANCE WITH SECTION 8771.

IMPROVEMENT PLAN CONSTRUCTION NOTES:

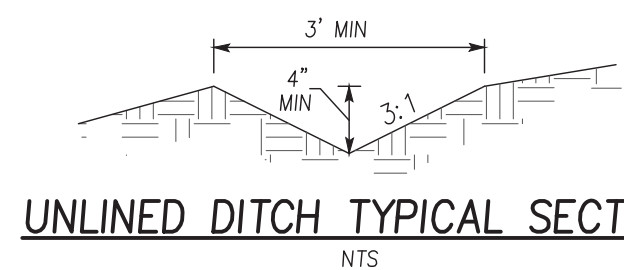
1. ALL WORK IN THE COUNTY ROAD RIGHT OF WAY REQUIRES AN ENCROACHMENT PERMIT FROM THE ROADS AND AIRPORTS DEPARTMENT. EACH INDIVIDUAL ACTIVITY REQUIRES A SEPARATE PERMIT - I.E. RETAINING WALLS, DRIVEWAY APPROACHES, TEMPORARY CONSTRUCTION ENTRANCES, FENCES, LANDSCAPING, TREE REMOVAL, STORM DRAINAGE IMPROVEMENTS, ALL UTILITY OPERATIONS (RELOCATIONS, REPLACEMENTS, ABANDONMENTS, TEMPORARY FACILITIES, AND/OR NEW FACILITIES FOR CABLE, ELECTRIC, GAS, SEWER, WATER), ETC.
2. ROADWAYS DESIGNATED AS NOT COUNTY MAINTAINED ROADS AS SHOWN UPON THIS PLAN, WILL NOT BE ELIGIBLE FOR COUNTY MAINTENANCE UNTIL THE ROADWAYS ARE IMPROVED (AT NO COST TO THE COUNTY) TO PUBLIC MAINTENANCE ROAD STANDARDS APPROVED BY THE BOARD OF SUPERVISORS AND IN EFFECT AT SUCH TIME THAT THE ROADWAYS ARE CONSIDERED FOR ACCEPTANCE INTO THE COUNTY'S ROAD SYSTEM.



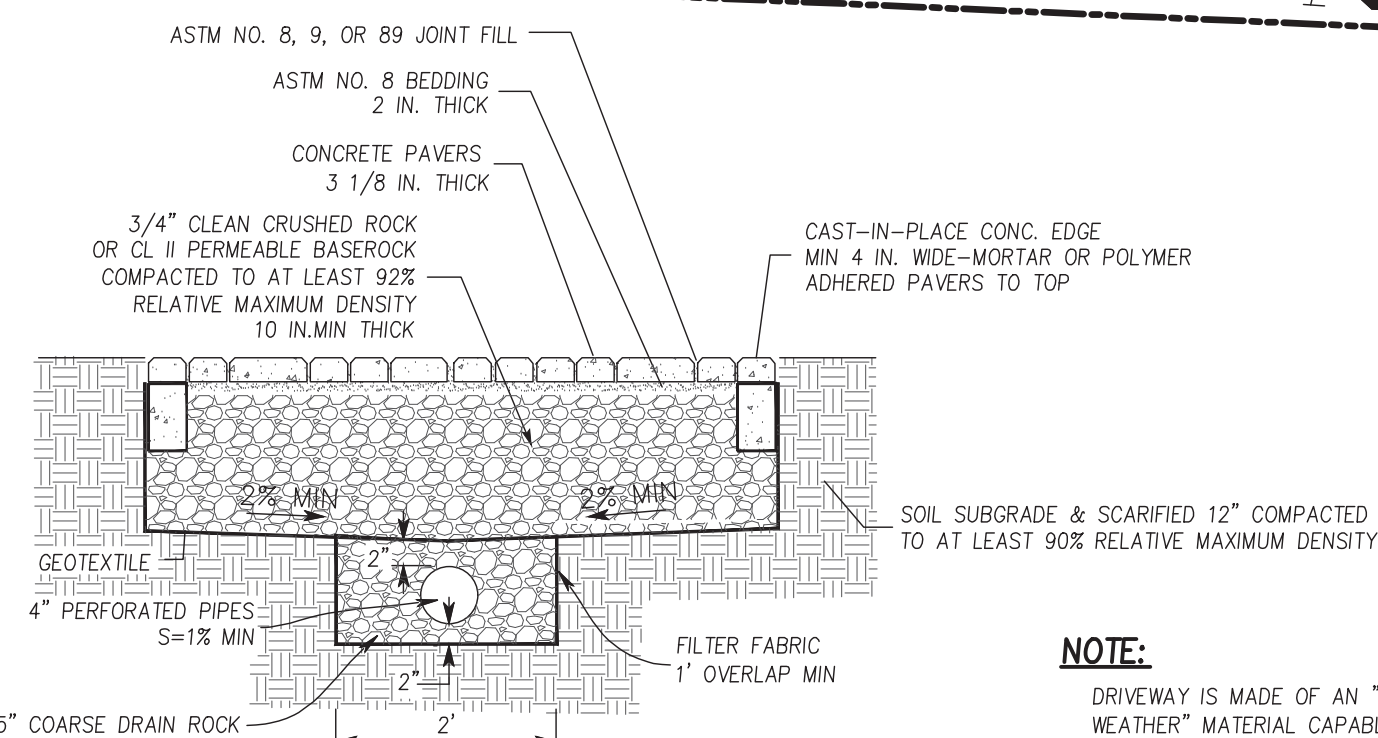
PLAN VIEW



### T ENERGY DISSIPATOR DETAILS

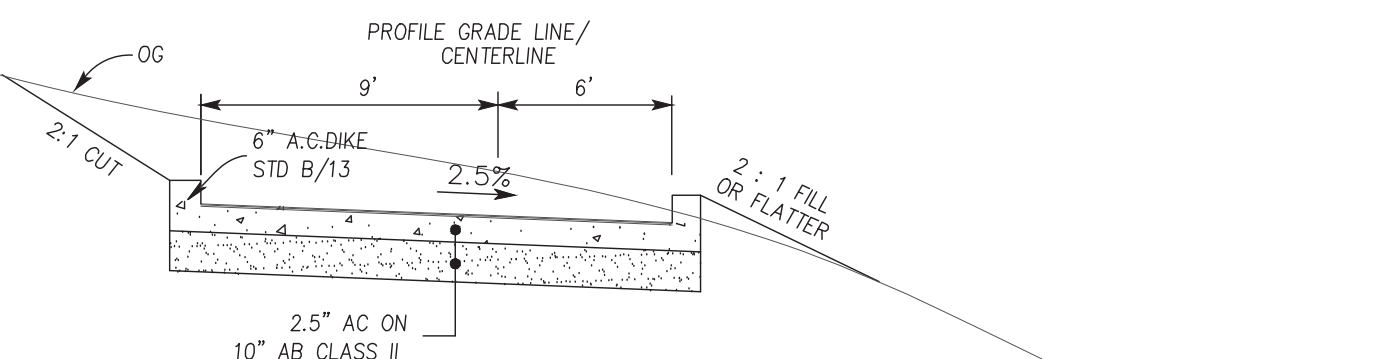


### UNLINED DITCH TYPICAL SECTION

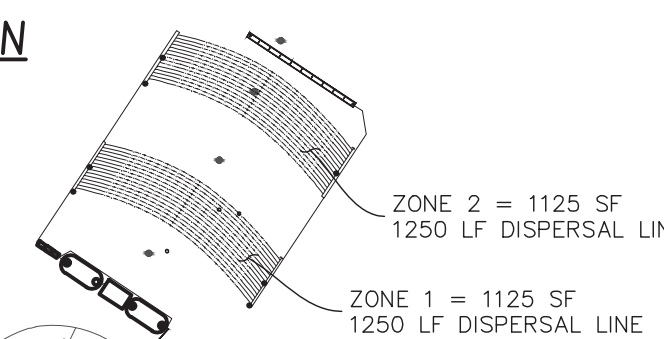


TYPICAL PAVER DRIVEWAY SECTION

**NOTE:**  
DRIVEWAY IS MADE OF AN "ALL  
WEATHER" MATERIAL CAPABLE OF  
HOLDING 75,000 POUNDS



TYPICAL AC DRIVEWAY SECTION



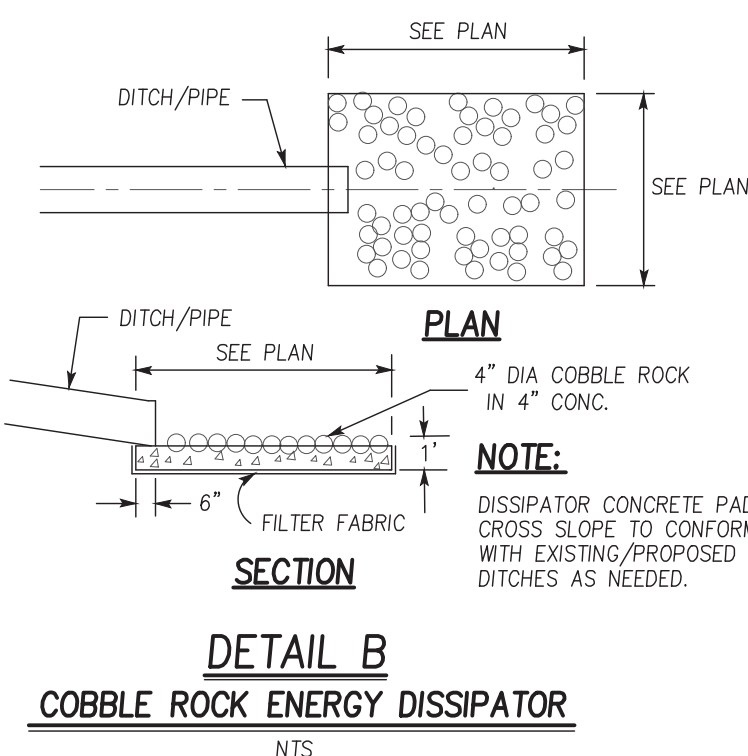
### FINISH GRADE DETAIL

BUILDING FOUNDATIONS

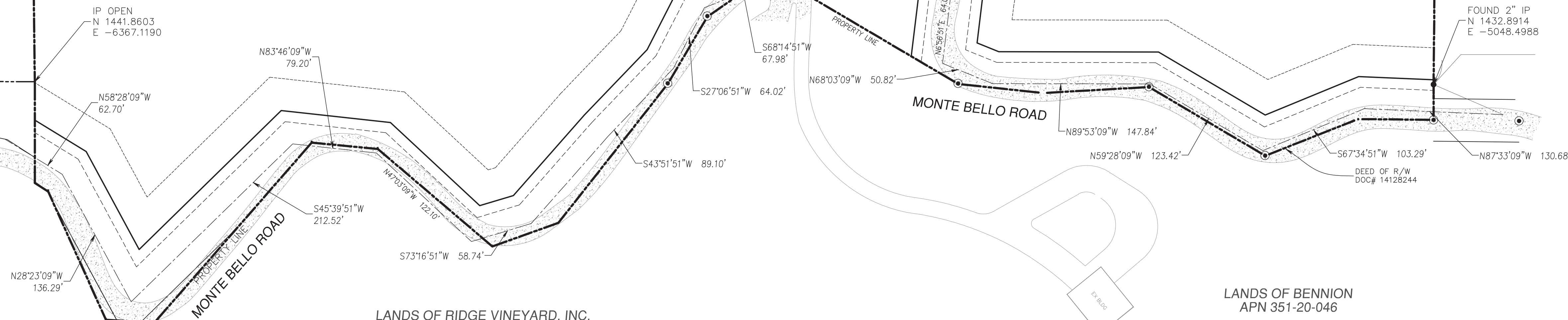
IMPROVEMENT	EARTHWORK QUANTITY (CUBIC YARD)		MAXIMUM DEPTH (FEET)	
	CUT	FILL	CUT	FILL
RESIDENCE	145	9	9	0
ACCESSORY STRUCTURE	-	-	0	0
POOL/HARDSCAPE	-	-	0	0
DRIVEWAY	476	27	5	1
LANDSCAPE	126	220	2	2
<b>TOTAL</b>	<b>747</b>	<b>306</b>		

NOTES:

EARTHWORK QUANTITIES AS SHOWN ON THE PLAN IS FOR INFORMATION ONLY. CONTRACTOR TO CALCULATE HIS/HER OWN EARTHWORK QUANTITIES FOR BIDDING PURPOSE.




DETAIL B  
COBBLE ROCK ENERGY DISSIPATOR



LANDS OF RIDGE VINEYARD, INC.  
GRANT DEED BOOK 7907 PG. 656  
APN 351-20-044

LANDS OF BENNION  
APN 351-20-046

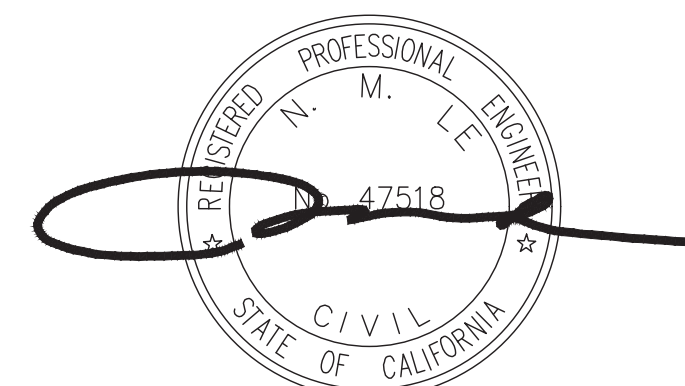
GRAPHIC SCALE



60 120

( IN FEET )

1 inch = 60 ft.



## LEGEND & ABBREVIATIONS

[illegible]

SHEET INDEX

Sheet C1	Overall Site Plan
Sheet C2	Grading, Drainage Plan
Sheet C2.1	Grading, Drainage Plan
Sheet C3	Driveway Profile & Sections & Details
Sheet C4	Erosion Control Plan

NOTE:

1. DISTURBED AREA = 30,392 SF = 0.7 ACRES

APPROVED FOR ISSUANCE  
REFER TO ENCROACHMENT AND/OR  
CONSTRUCTION PERMIT AND PLAN  
COVER SHEET FOR SPECIAL  
CONDITIONS AND PERMIT NUMBERS

APPLICANT : CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR

**OVERALL SITE PLAN  
LANDS OF CHEN  
77085 MONTEBELLO ROAD  
APN 351-40-001**

**LC ENGINEERING**  
598 E Santa Clara St #270  
San Jose, CA 95112

598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187  
Fax: (408) 583-4006

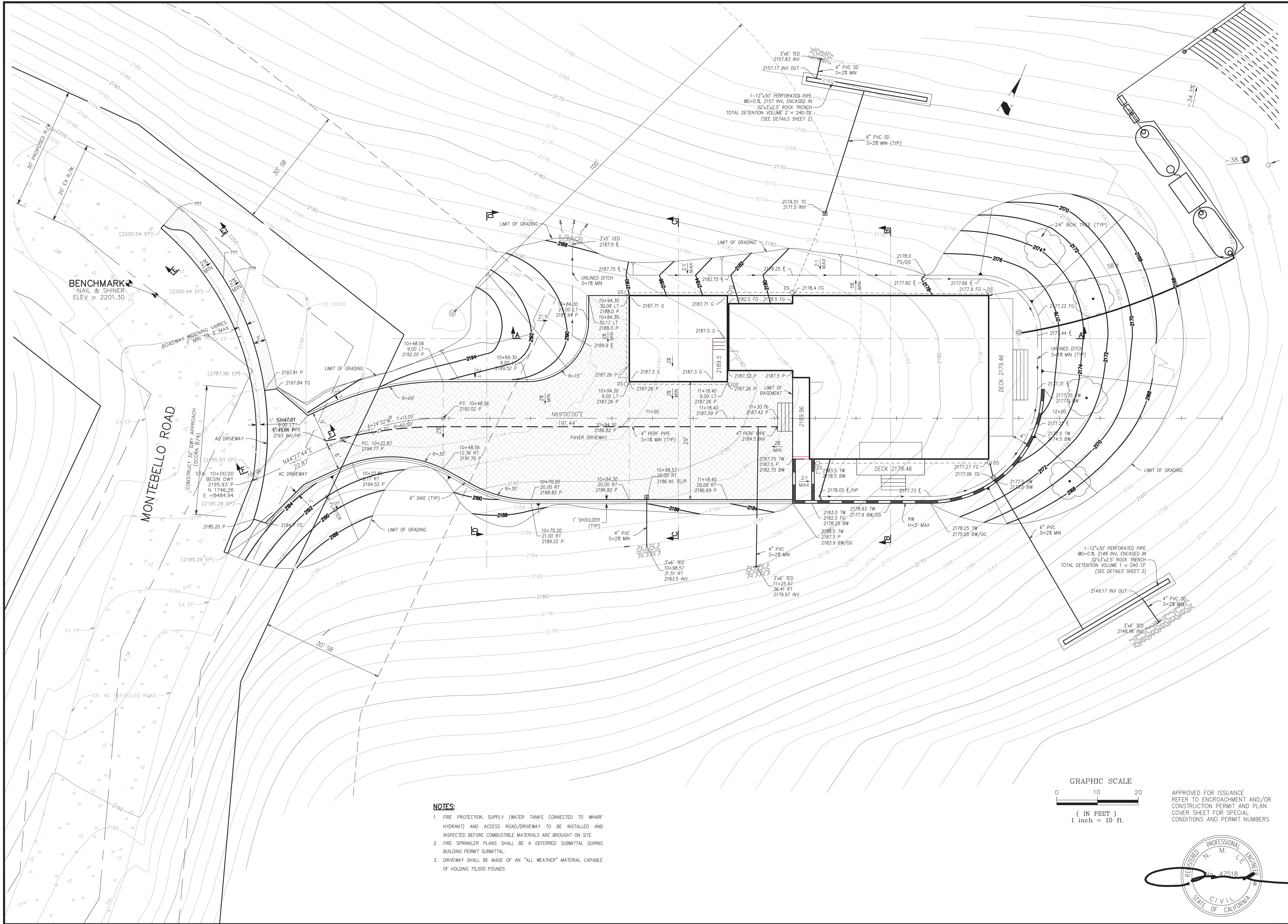
California

Cupertino

C1

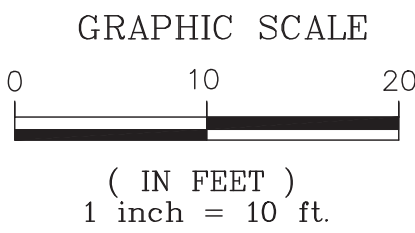
FILE NO.

FILE NO.

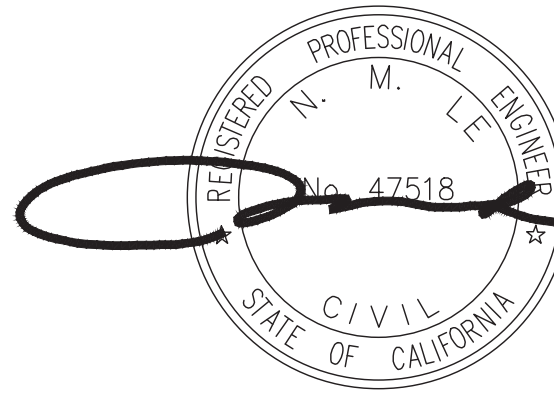


NOTES:

1. FIRE PROTECTION SUPPLY (WATER TANKS CONNECTED TO WHARF HYDRANT) AND ACCESS ROAD/DRIVEWAY TO BE INSTALLED AND INSPECTED BEFORE COMBUSTIBLE MATERIALS ARE BROUGHT ON SITE.
2. FIRE SPRINKLER PLANS SHALL BE A DEFERRED SUBMITTAL DURING BUILDING PERMIT SUBMITTAL.
3. DRIVEWAY SHALL BE MADE OF AN "ALL WEATHER" MATERIAL CAPABLE OF HOLDING 75,000 POUNDS



APPROVED FOR ISSUANCE.  
REFER TO ENCROACHMENT AND/OR  
CONSTRUCTION PERMIT AND PLAN  
COVER SHEET FOR SPECIAL  
CONDITIONS AND PERMIT NUMBERS



GRADING, DRAINAGE PLAN  
LANDS OF CHEN  
17085 MONTEBELLO ROAD  
APN 351-40-001

C2

2 OF 5

FILE NO.

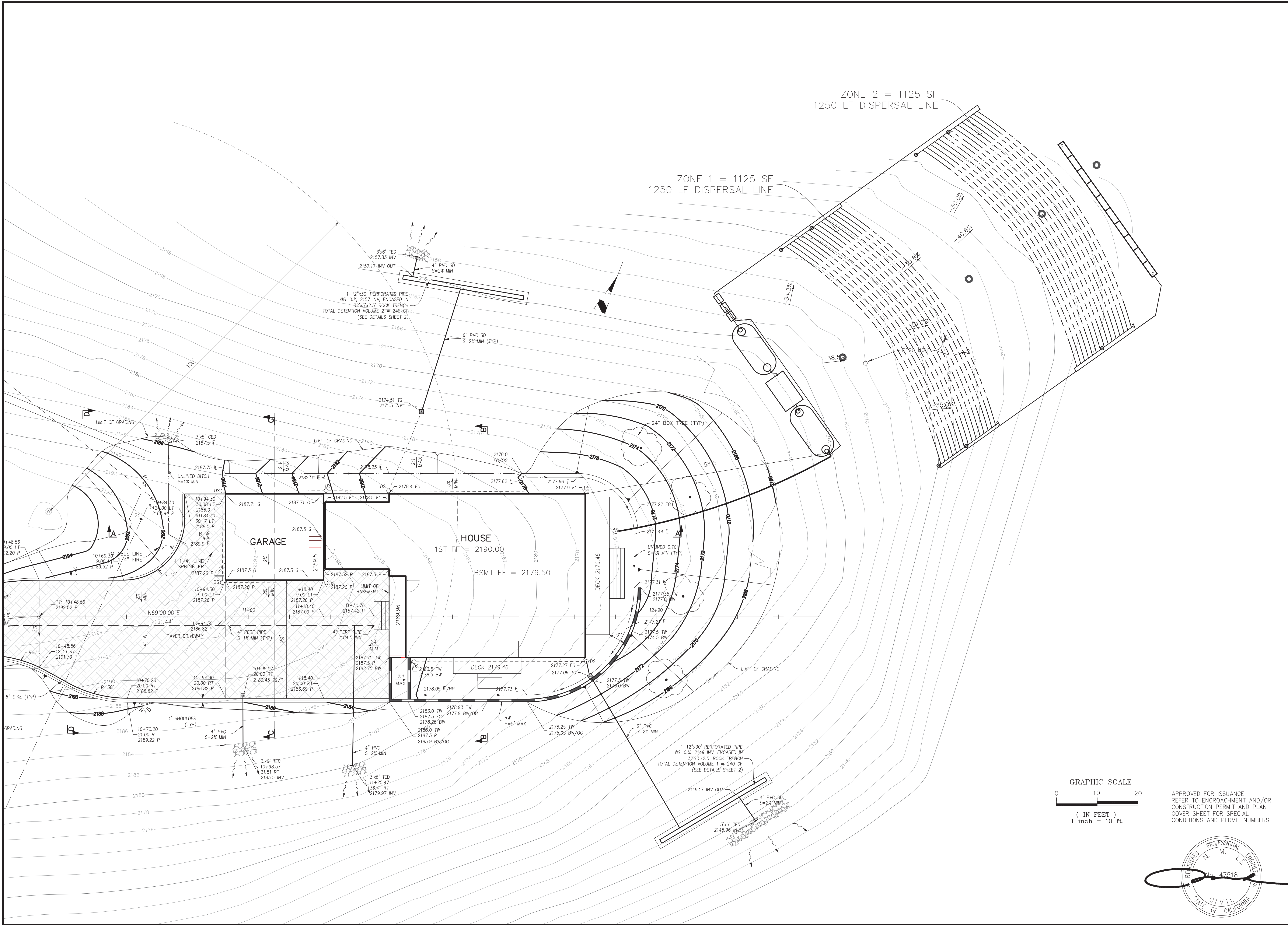
**ENGINEERING**  
598 E Santa Clara St #270  
San Jose, CA 95127  
Phone: (408) 806-7187  
Fax: (408) 583-4006

DESIGNED	DATE	DRAWN	DATE	CHECKED	DATE	BY	DATE	APPRO'D	REVISIONS	NO.
DB	05/27/20	PT	05/27/20	NL	05/27/20					

APPLICANT: CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR



APPLICANT: CHEN

ROAD NAME : MONTEBELLO ROAD

COUNTY FILE NO. : 11191-18BA-18DR

GRADING, DRAINAGE PLAN  
LANDS OF CHEN  
17085 MONTEBELLO ROAD  
APN 351-40-001

C2.1

3 OF 5

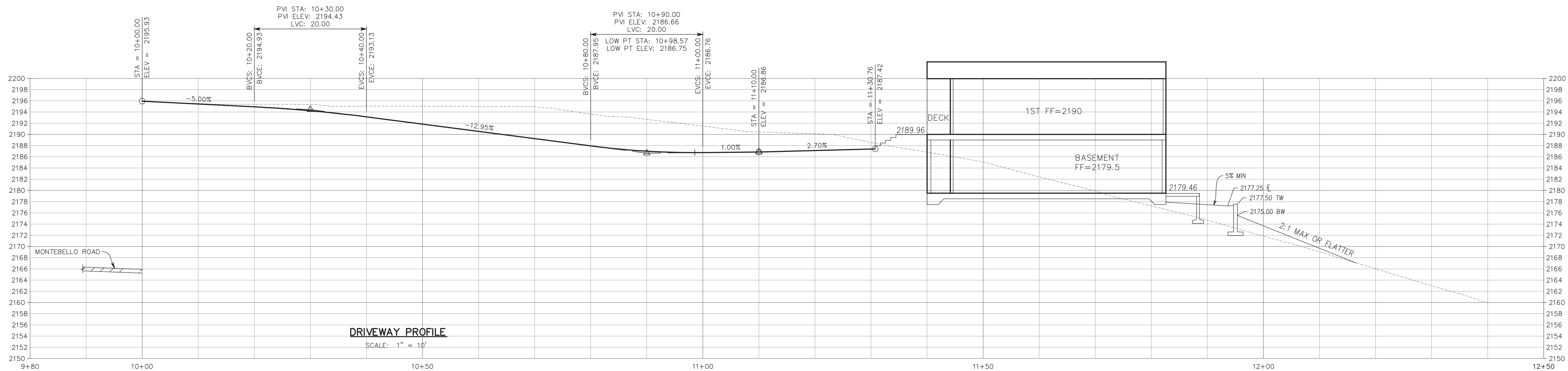
ENGINEERING

598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187  
Fax: (408) 583-4006

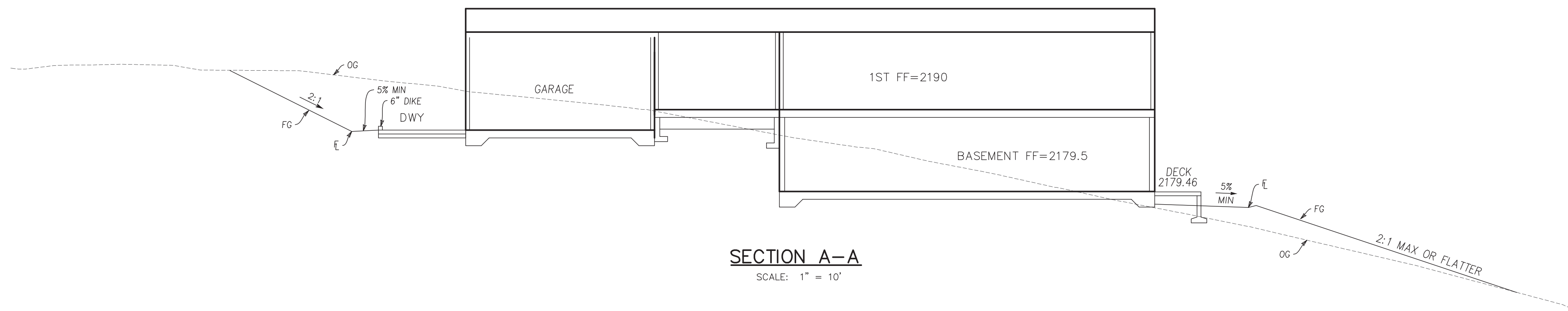
REGISTERED PROFESSIONAL ENGINEER  
CIVIL  
STATE OF CALIFORNIA  
No. 47518

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PT		PT		PT		PT	
DRAWN		DRAWN		DRAWN		DRAWN	
SCALE	1"=10'	SCALE	1"=10'	SCALE	1"=10'	SCALE	1"=10'
CHECKED		CHECKED		CHECKED		CHECKED	
BY		BY		BY		BY	
DATE		DATE		DATE		DATE	
REVISIONS		REVISIONS		REVISIONS		REVISIONS	
NO.		NO.		NO.		NO.	

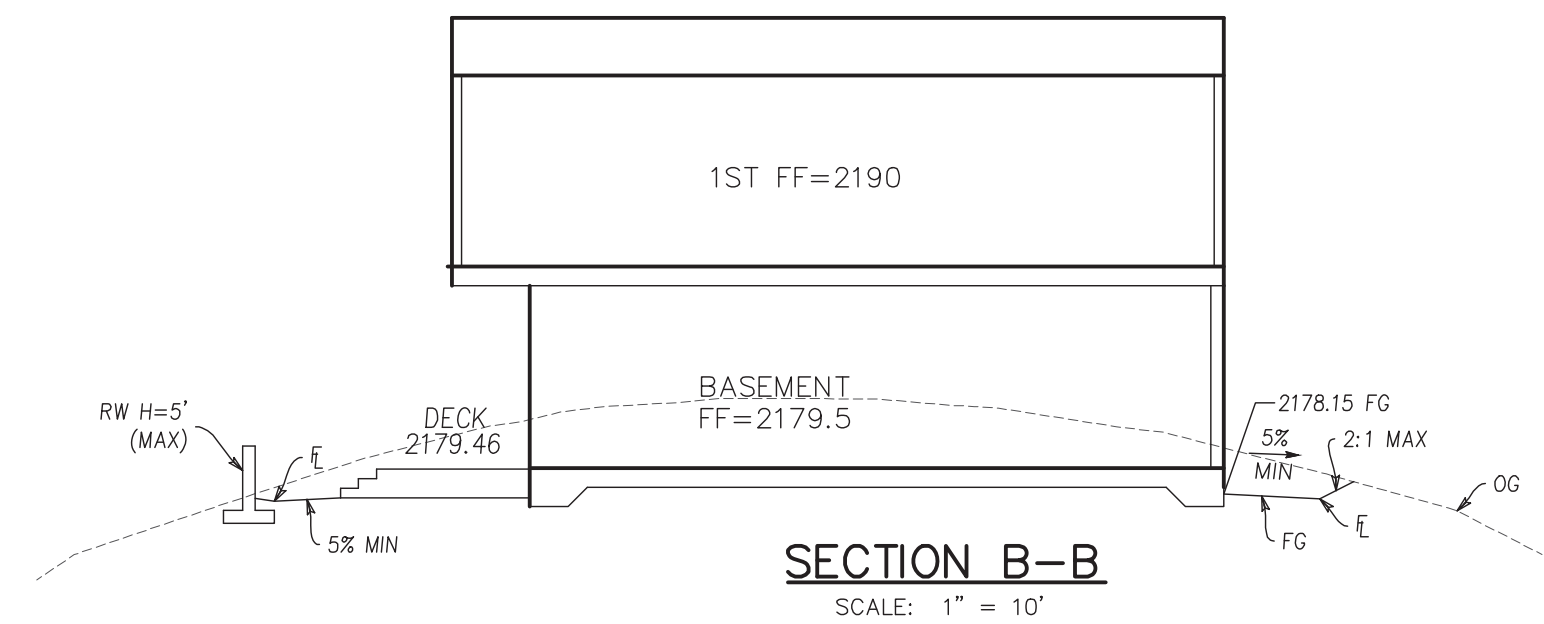
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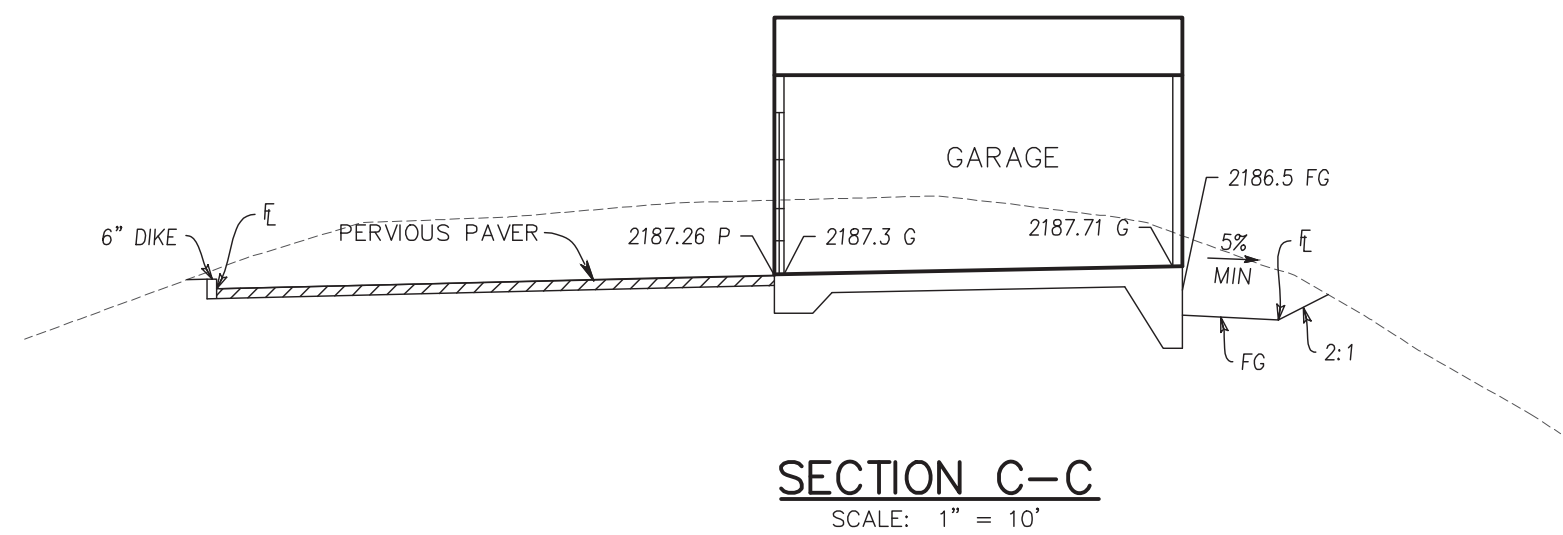
DRIVEWAY PROFILE  
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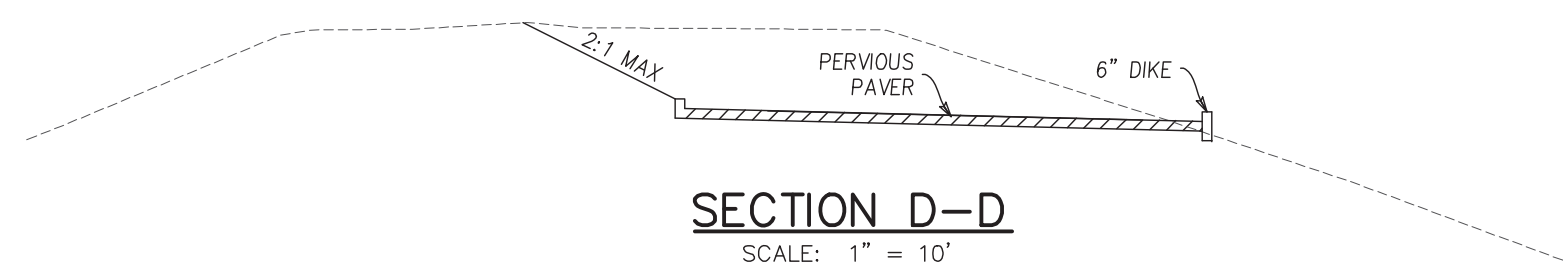
SECTION A-A  
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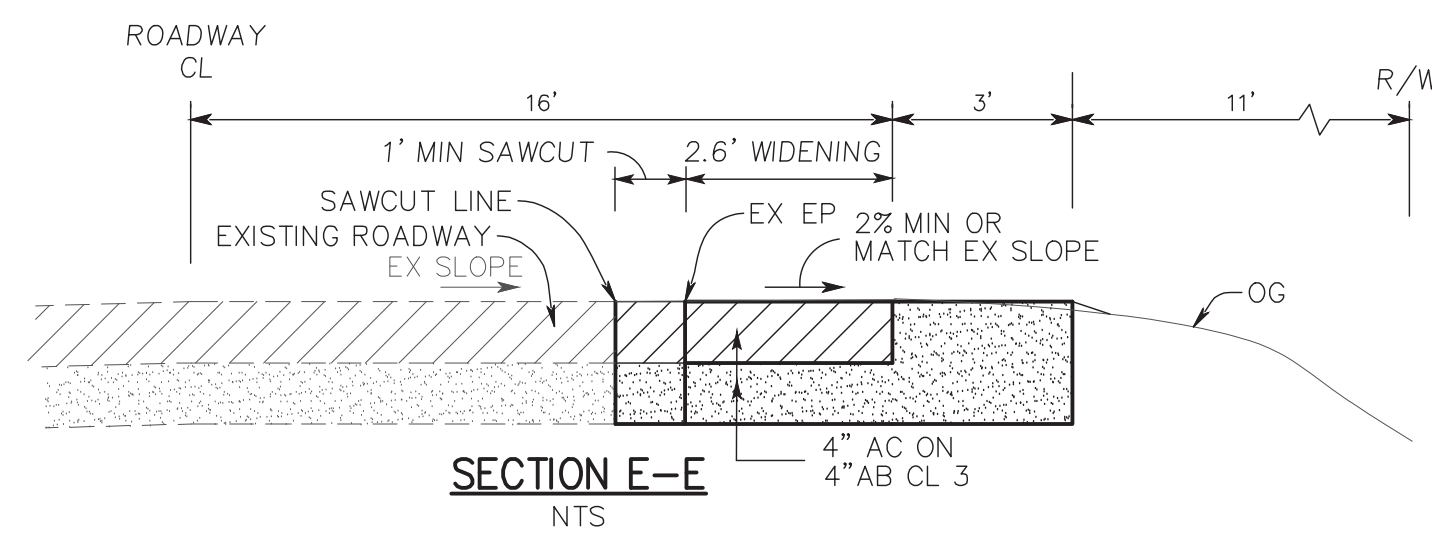
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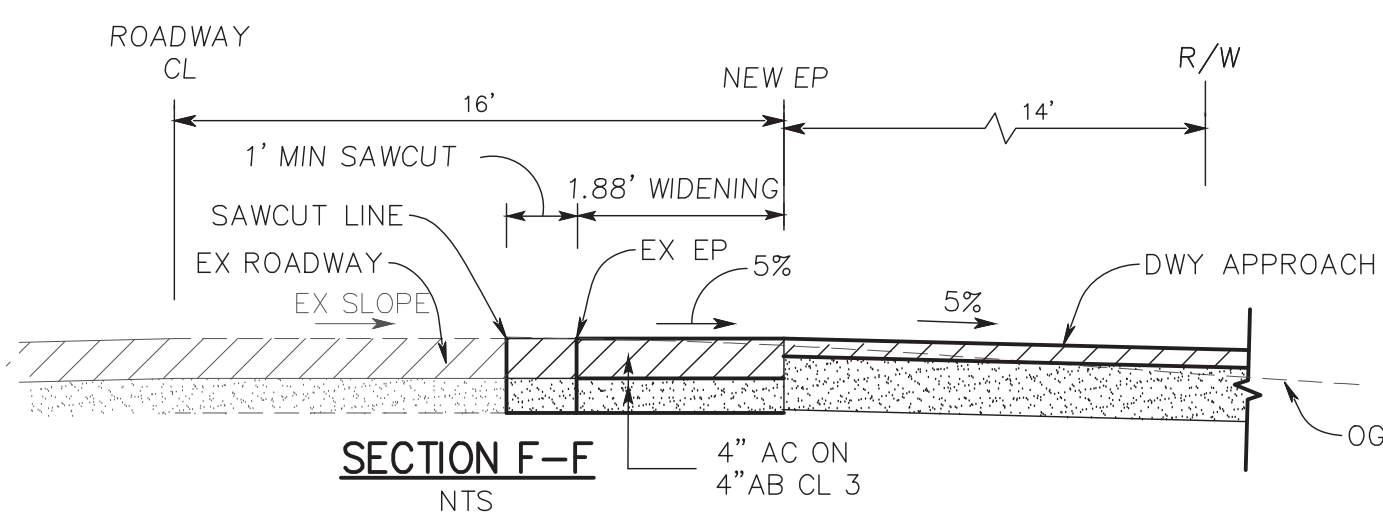
SECTION C-C  
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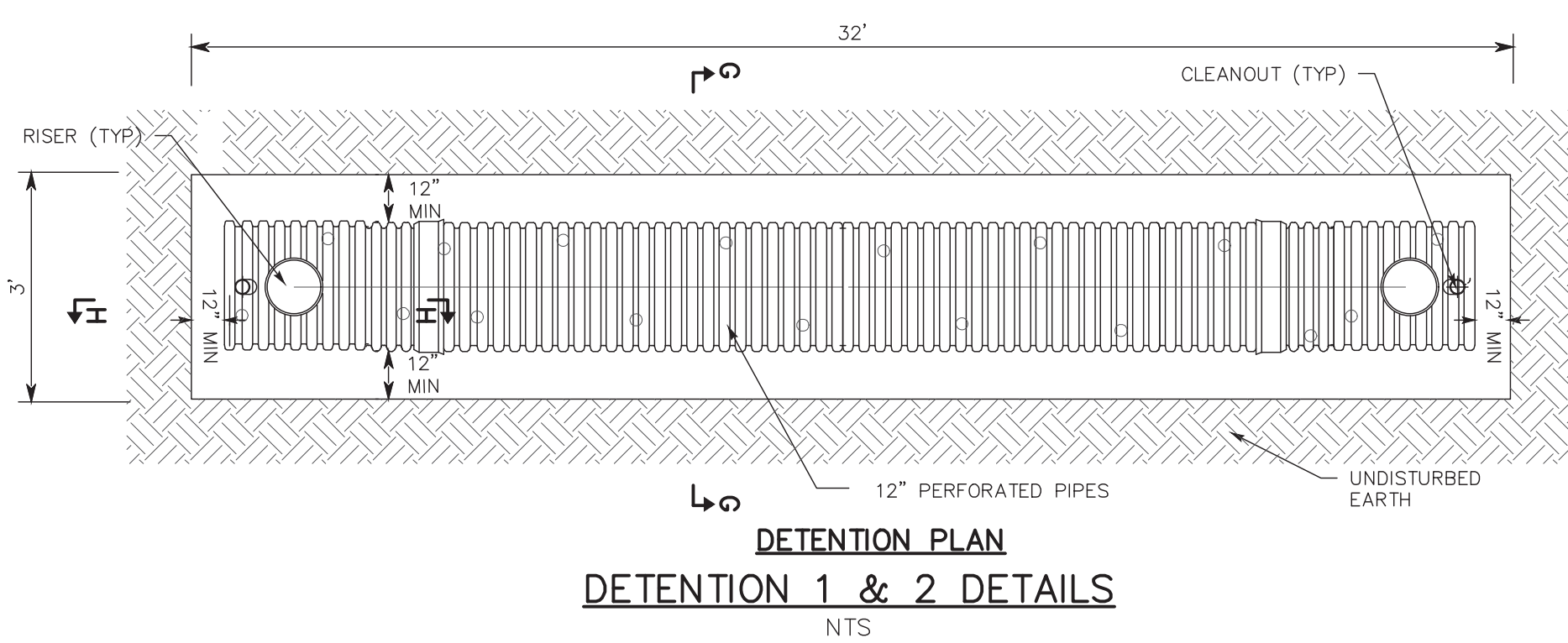
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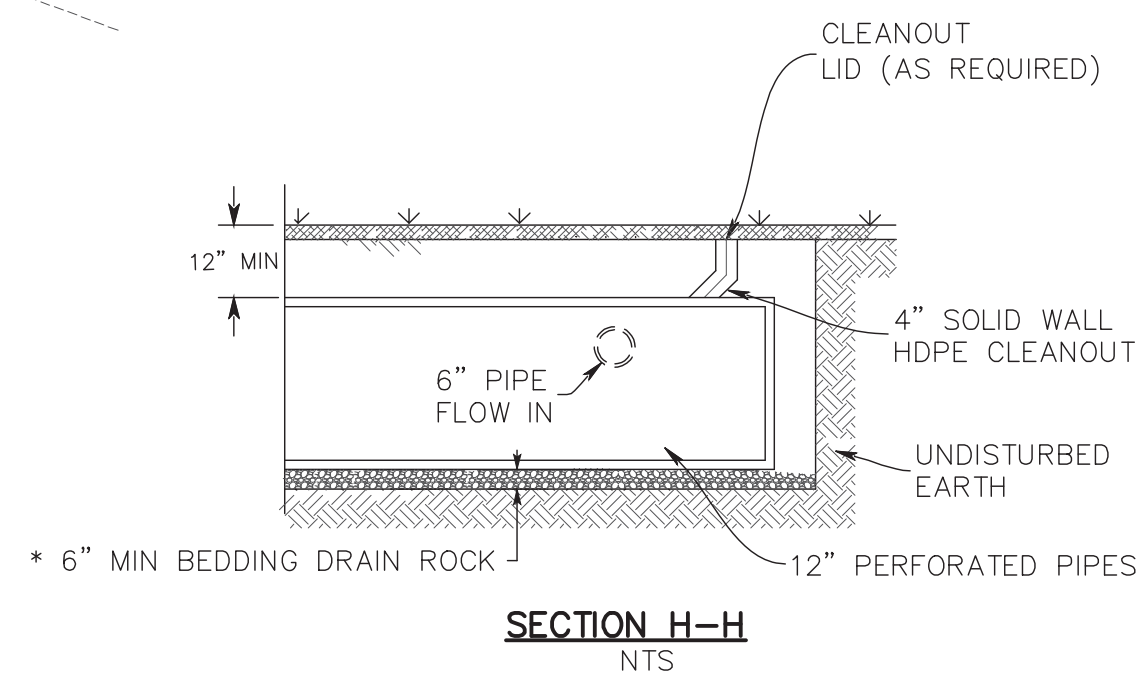
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NTS



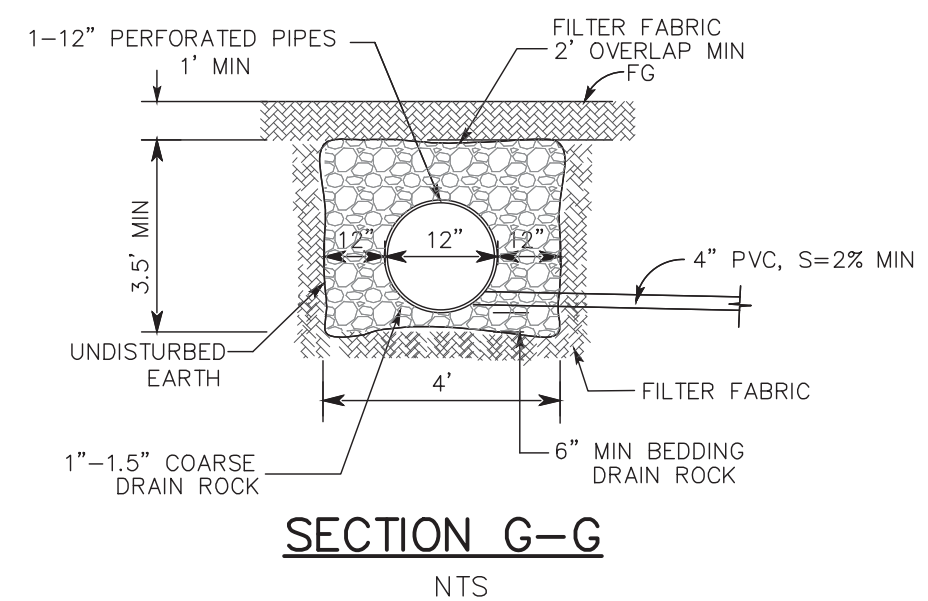
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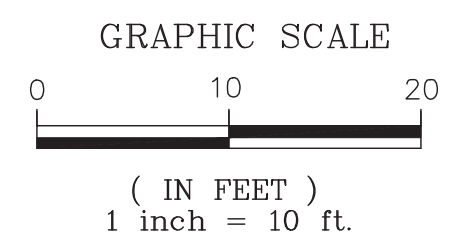
DETENTION PLAN  
DETENTION 1 & 2 DETAILS  
NTS



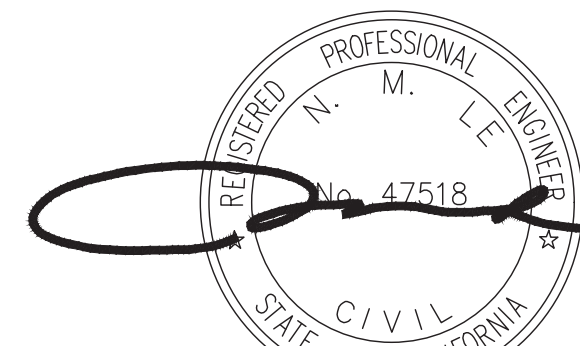
SECTION H-H  
NTS



SECTION G-G  
NTS



APPROVED FOR ISSUANCE  
REFER TO ENCROACHMENT AND/OR  
CONSTRUCTION PERMIT AND PLAN  
COVER SHEET FOR SPECIAL  
CONDITIONS AND PERMIT NUMBERS



DESIGNED	DATE	BY	DATE	REVISIONS	NO.
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DRAWN	05/27/20				
SCALE AS NOTED					
CHECKED	05/27/20				

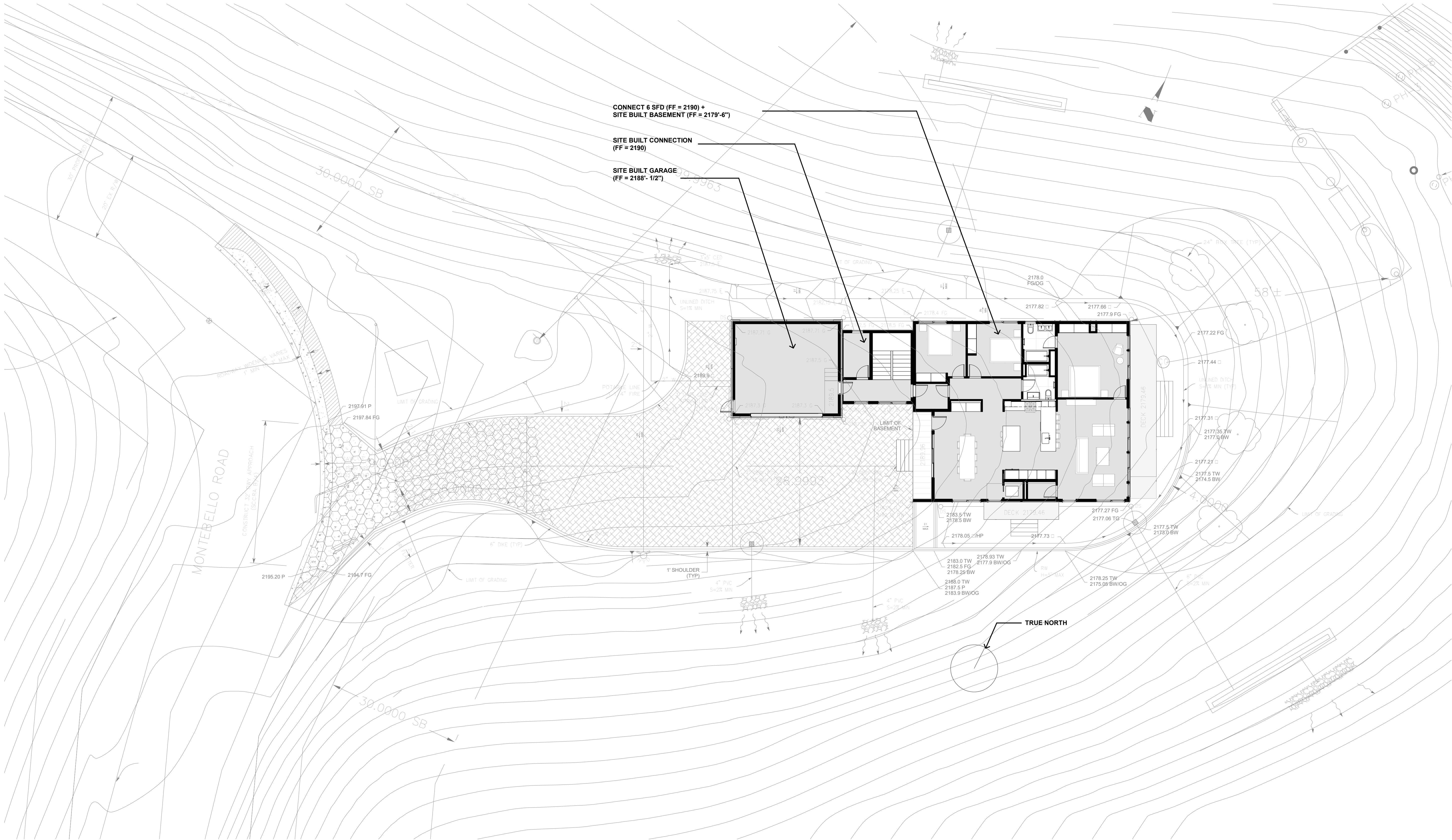
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PT	05/27/20				
DRAWN	05/27/20				
SCALE AS NOTED					
CHECKED	05/27/20				

**ENGINEERING**  
598 E Santa Clara St #270  
San Jose, CA 95112  
Phone: (408) 806-7187  
Fax: (408) 583-4006

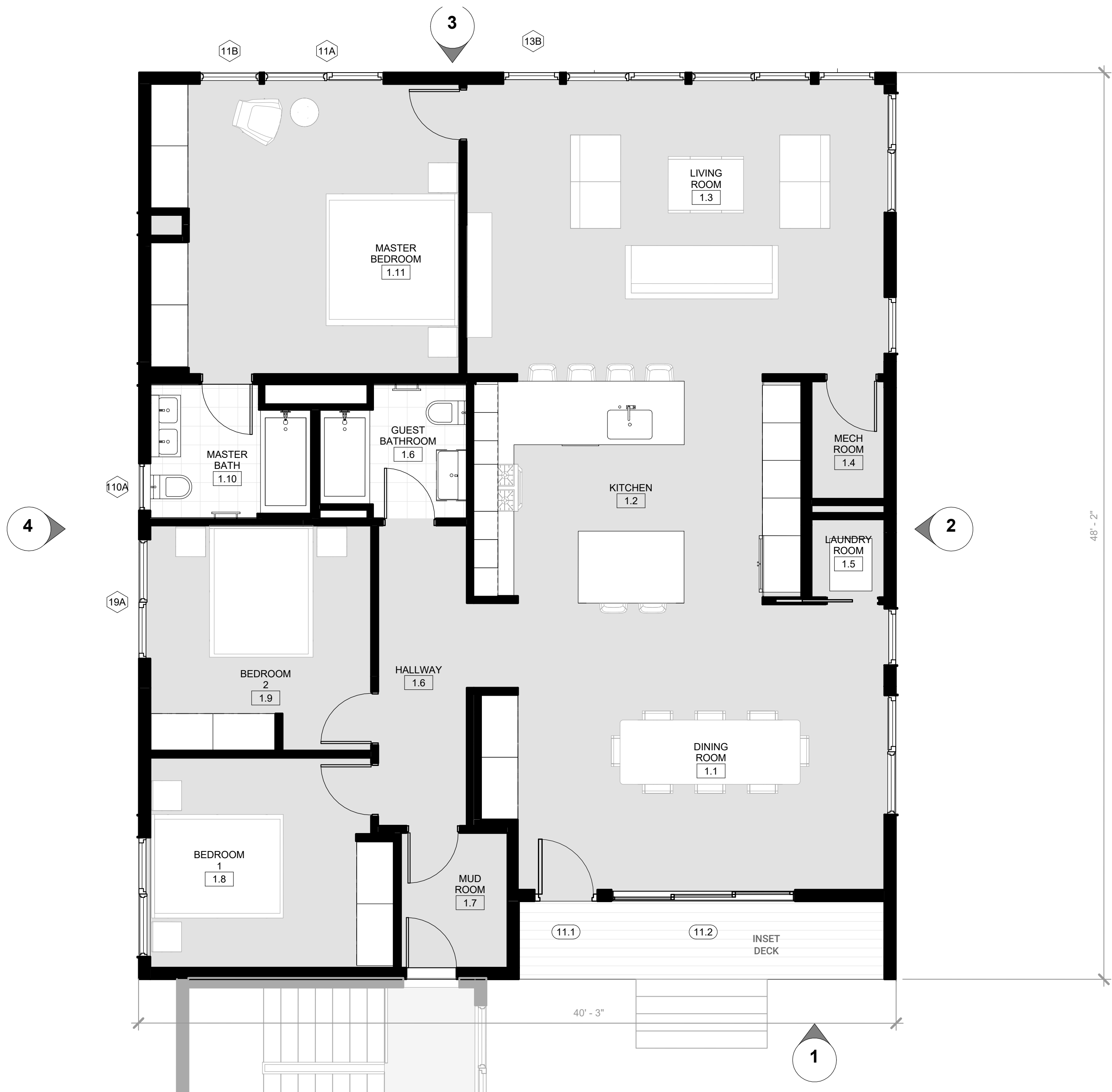
**DRIVEWAY PROFILE, SECTIONS AND DETAILS**  
**LANDS OF CHEN**  
**17085 MONTEBELLO ROAD**  
**APN 351-40-001**  
**California**  
**Cupertino**  
DRAWING NO. **C3**  
SHEET NO. **4** OF **5**  
FILE NO. **11191-18BA-18DR**



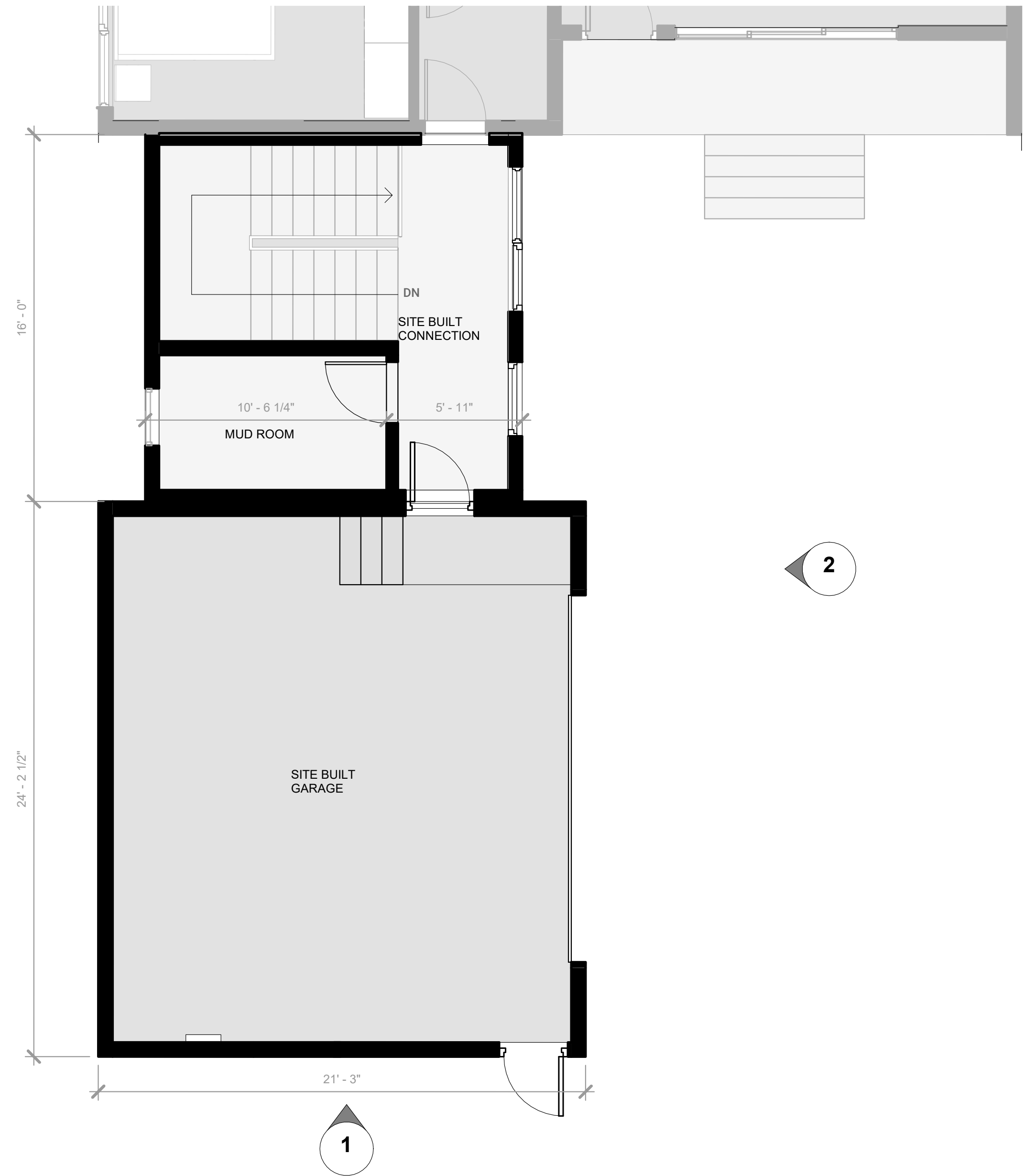




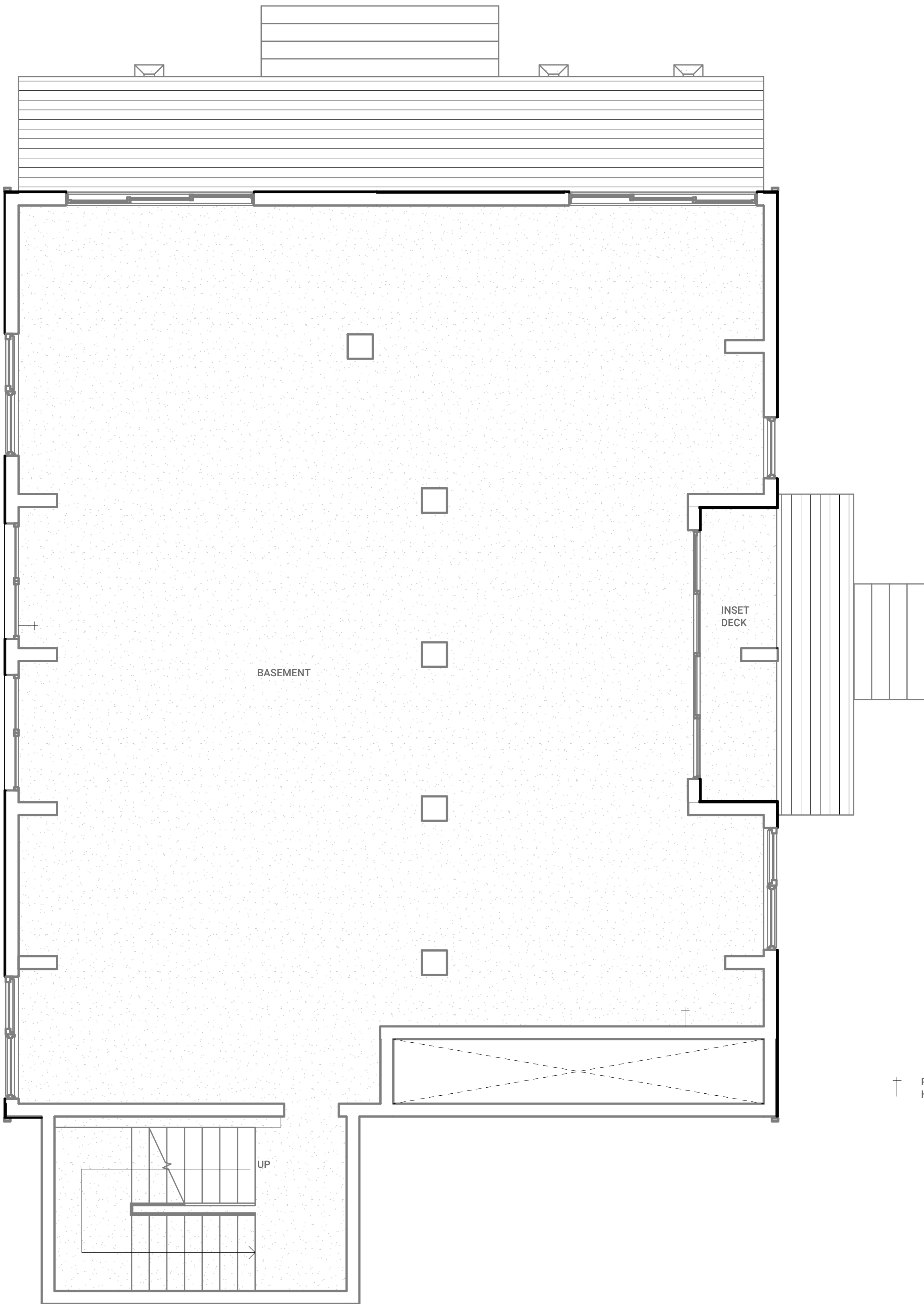
FLOOR AREA TABLE	
HOUSE LEVEL 1	1856 + 80 (inset deck) = 1936 SF
BASEMENT	1950 + 60 (inset deck) = 2010 SF
GARAGE	510 SF
GARAGE EXTENSION	264 SF
TOTAL FLOOR AREA (including basement)	4720 SF



FLOOR AREA TABLE	
HOUSE LEVEL 1	1856 + 80 (inset deck) = 1936 SF



FLOOR AREA TABLE	
GARAGE	510 SF
GARAGE EXTENSION	264 SF



FLOOR AREA TABLE		
BASEMENT	1950 + 60 (inset deck)	≈ 2010 SF



706 S HILL ST, STE. 1060  
LOS ANGELES, CA 90014  
t: 310.622.9271  
e: info@connect-homes.com

GRINSVEN RESIDENCE

17085 MONTEBELLO RD, CUPERTINO

DATE

07.20.2020



Legal Disclaimer:  
The house design, drawings and specifications contained herein and provided herewith are the exclusive property of Home EC, Inc. Copyright 2010. The use of these drawings and specifications shall be restricted to the creation of a Home EC product and shall not be used, in whole or in part for any purpose for which they were not intended without the express written consent of Home EC, Inc. Reproduction or publication by any method, in whole or in part, is prohibited. Title to these designs, drawings and specifications shall remain with Home EC, Inc. without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of these restrictions.

MODEL HOME

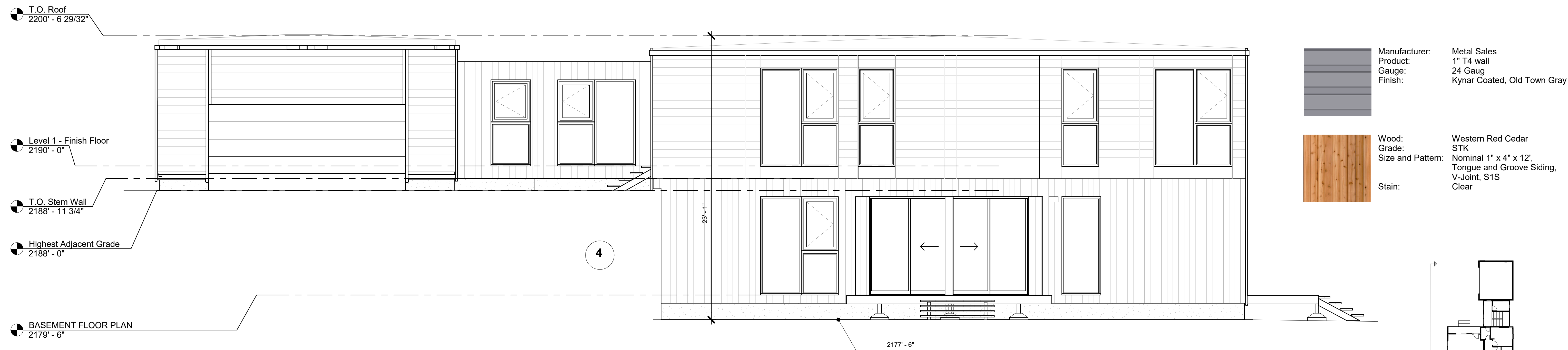
C6

SHEET SET

SHEET TITLE  
BASEMENT FLOOR  
PLAN

SHEET SET / MODEL HOME

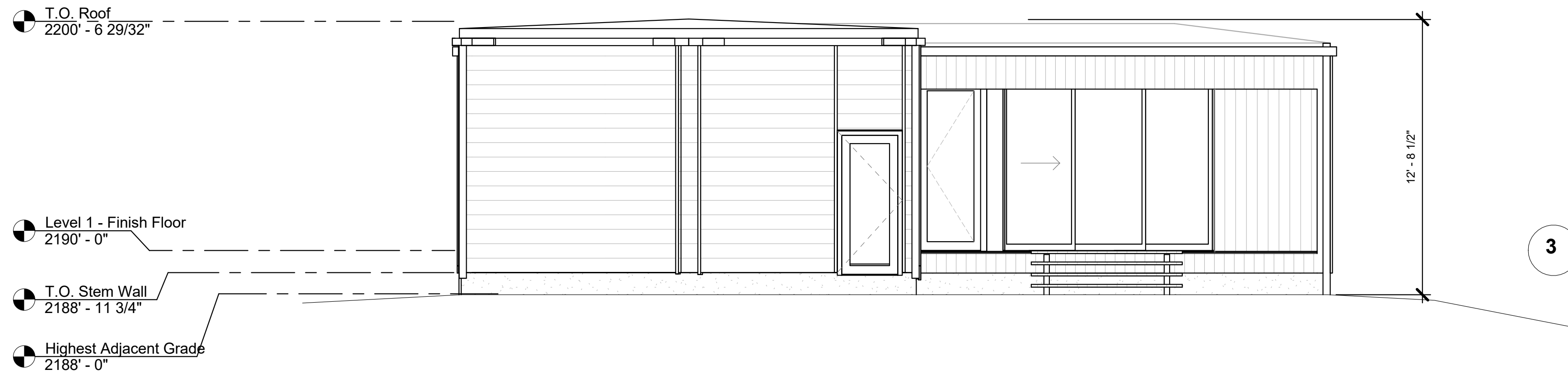
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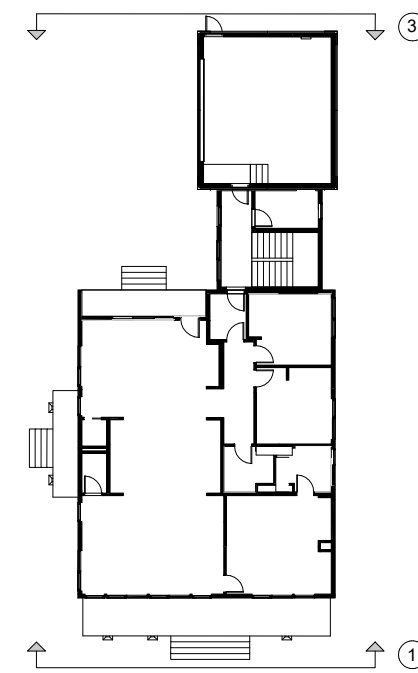


EAST ELEVATION  
1/4" = 1'-0"

2

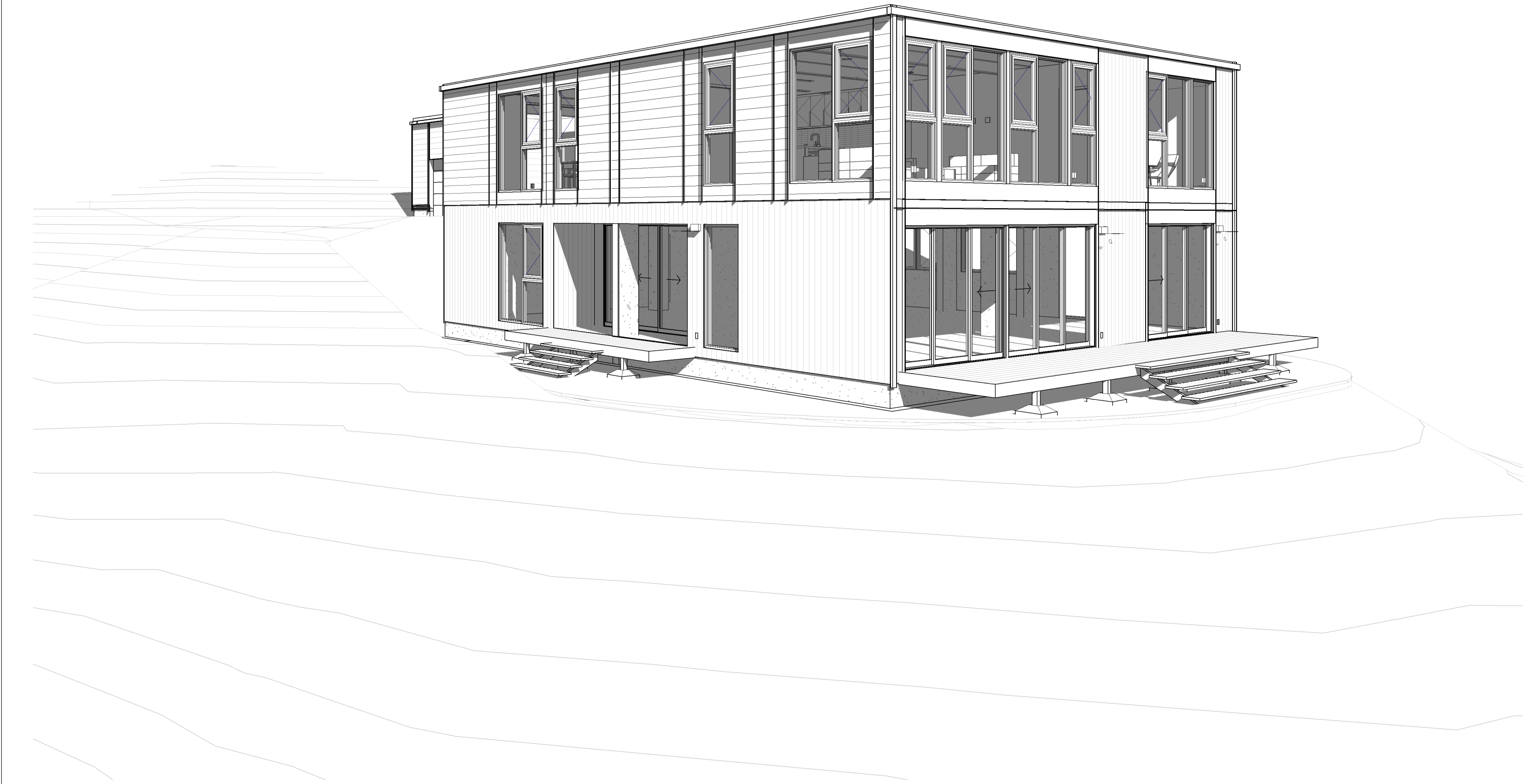


SIDING MATERIALS  
Wood siding  
Metal siding

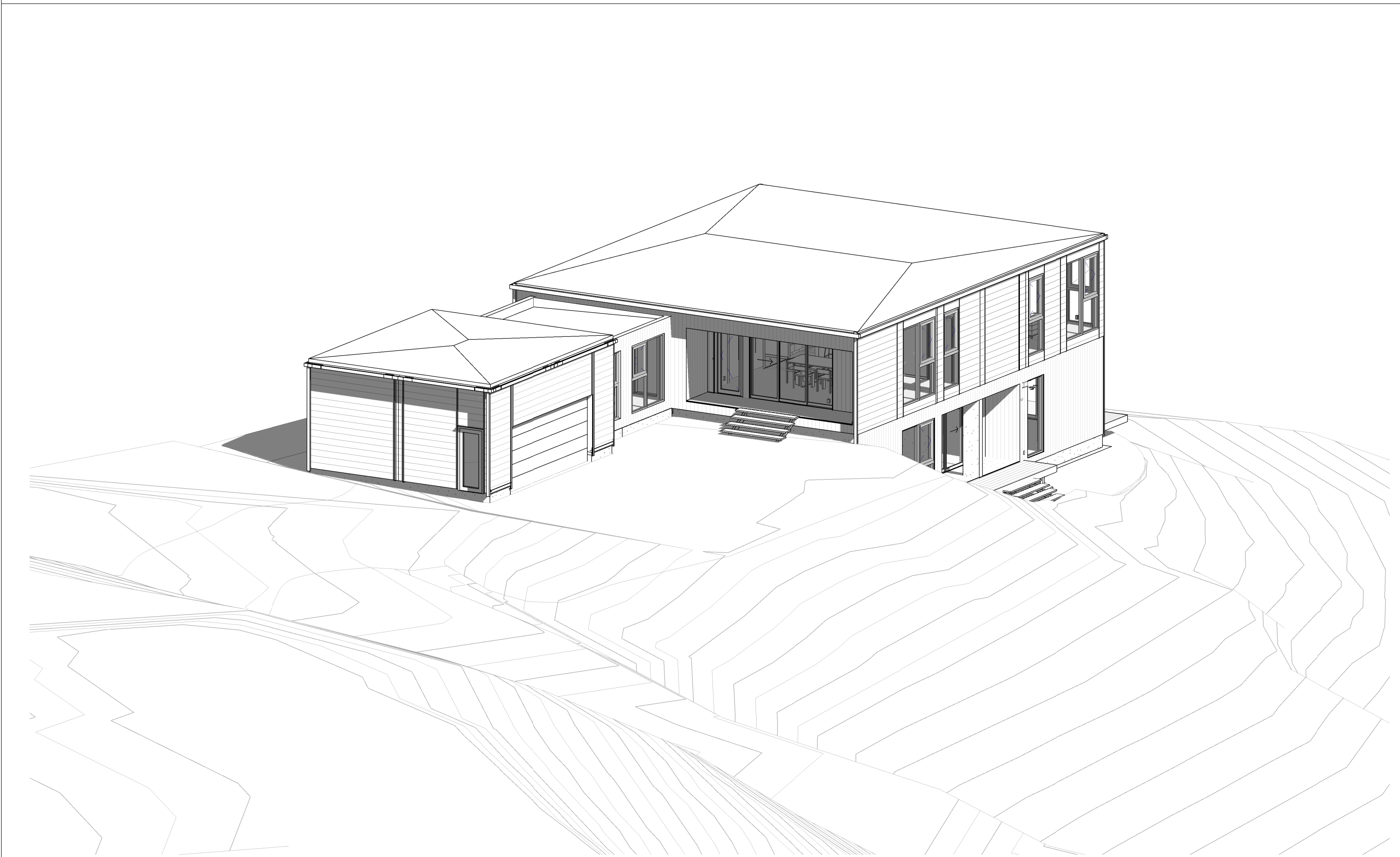


WEST ELEVATION  
1/4" = 1'-0"

1



REAR VIEW 1



DRIVEWAY VIEW 2

DATE
07.20.2020



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MODEL HOME  
C6

SHEET SET

SHEET TITLE  
PERSPECTIVES

SHEET SET / MODEL HOME /  
NUMBER HOME

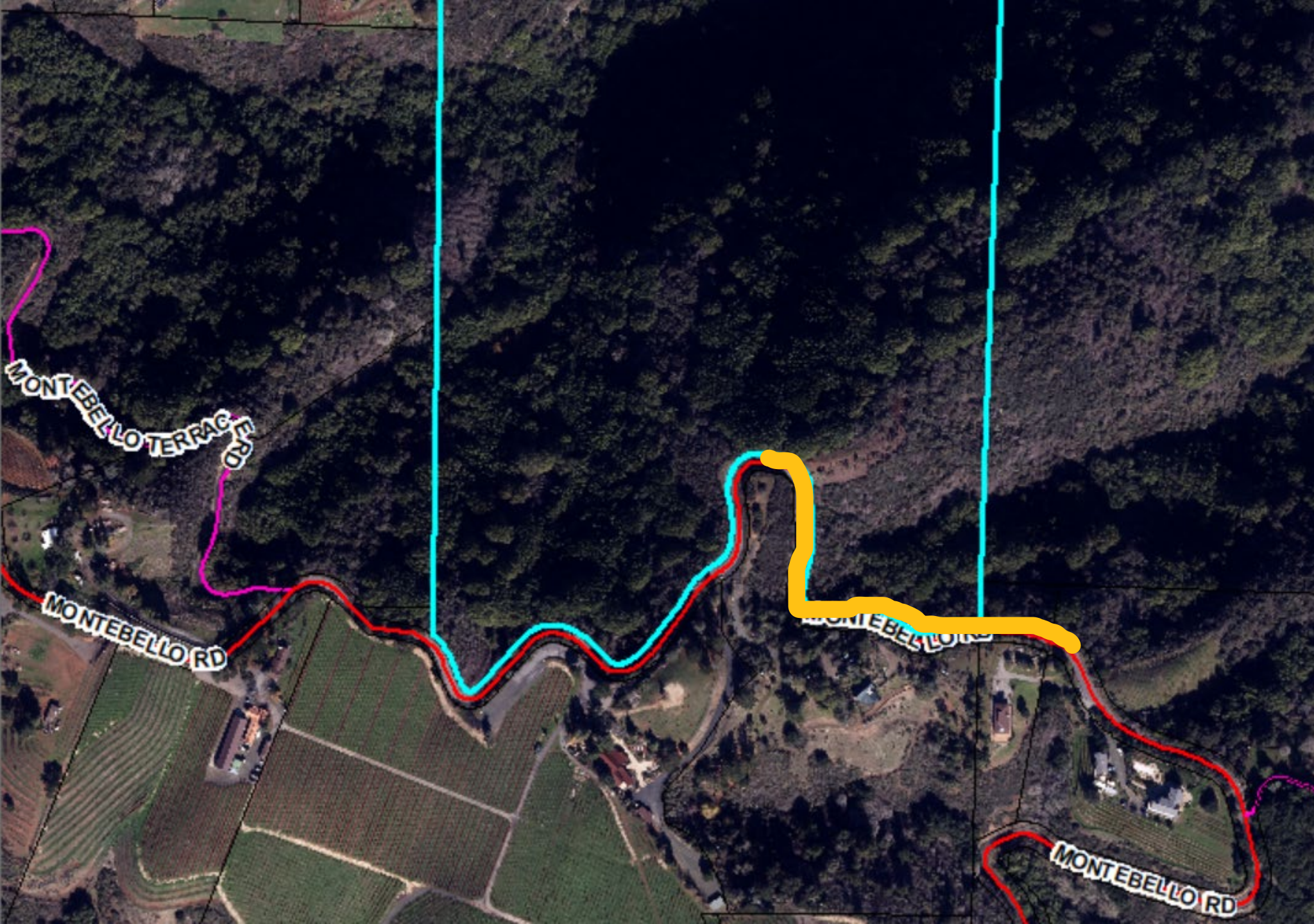
Z - 3.0



# **Attachment D**

## **Visibility Exhibit**

# ATTACHMENT D



Area of  
visibility



17085  
Montebello



# **Attachment E**

Public Comment

**From:** [Nathaniel Dixon](#)  
**To:** [Wilk, Joanna](#)  
**Subject:** [EXTERNAL] PLN18-11191 - 17085 Montebello Road, Cupertino, CA 95014 - comment  
**Date:** Friday, January 8, 2021 1:33:59 PM

---

Dear Ms. Wilk,

I respectfully submit a comment in objection to the residential development proposal at 17085 Montebello Road.

Open space is the Bay Area's most precious resource. In a region with suffocating cost of living, it offers a ready escape, accessible to all, into spectacular wild beauty. The mountains provide a sensible and practical demarcation between open space and developed land. While this boundary has not always been respected, it is still largely intact.

As the valley becomes more crowded, wealthy individuals will be tempted to claim natural space for their own private use. While no individual private residence will single-handedly ruin our beautiful mountains, they each incrementally detract—a small but significant theft from the public good—in perpetuity. The proposed residence at 17085 Montebello Road is notable and unusual for its prominence—one of the only private residences visible from that mountain grade. Its sweeping view of the valley means that, in turn, millions in the valley will see it.

I strongly suggest that this proposal, and similar residential proposals high in the mountains, be declined by planners.

Best wishes,

Nathaniel Dixon