

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA ADOPTING A  
MITIGATED NEGATIVE DECLARATION AND APPROVING A  
TENTATIVE MAP AND GRADING PERMIT FOR A 20-LOT SUBDIVISION  
AT 507 PORTER LANE IN UNINCORPORATED SAN JOSE  
(APNs 612-21-056, 120)**

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**(File No. 9160-48-74-05S-05G)**

WHEREAS, the County received an application to subdivide approximately 4.06 acres (gross) at 507 Porter Lane into twenty parcels, Assessor's Parcel Numbers 612-21-056 and -120, as depicted on Exhibit A attached hereto; and

WHEREAS, the applications for the subdivision included a proposed tentative map and grading permit (the "Project"); and

WHEREAS, staff from various County departments have reviewed the applications and recommended approval of the Project, subject to the Conditions of Approval set forth in Exhibit B attached hereto; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), an Initial Study and Mitigated Negative Declaration (collectively, "Mitigated Negative Declaration") which is attached hereto as Exhibit C, and a Mitigation Monitoring and Reporting Program ("MMRP"), which is attached hereto as Exhibit D, were prepared for the Project; and

WHEREAS, at its regular meeting on September 7, 2006, the Santa Clara County Planning Commission convened a duly noticed public hearing to consider the Project and voted to send a favorable recommendation to the Board of Supervisors; and

WHEREAS, at its regular meeting of October 3, 2006, the Board of Supervisors convened a duly noticed public hearing to consider the proposed Project.

**THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING  
FINDINGS WITH RESPECT TO CEQA:**

(a) The Board finds that the Mitigated Negative Declaration was prepared in accordance with all legal requirements, including all public notice and comment period requirements; and

(b) The Board declares that it has considered the Mitigated Negative Declaration and all comments received within the public comment period, as well as all written and oral comments received after the public comment period and prior to the date of this Resolution, and finds that the document reflects the County's independent judgment and analysis; and

(c) The Board finds that there is no substantial evidence in the record that the Project, as mitigated, will have a significant effect on the environment. Mitigation measures for visual

impacts have been incorporated into the Project to reduce impacts to a less-than-significant level; and

(d) A Mitigation Monitoring and Reporting Program has been prepared for the Project and is attached hereto as Exhibit D. To ensure that all mitigation measures will be implemented, the mitigation measures in the MMRP have been made enforceable by incorporating the mitigation measures into the Conditions of Approval (Exhibit B); and

(c) The Board designates the Clerk of the Board of Supervisors and the County Planning Office as the location and custodian of the documents and other material constituting the record of proceedings upon which this decision is based.

**THE BOARD OF SUPERVISORS FURTHER FINDS** that none of the findings set forth in Section C12-122 of the Ordinance Code of the County of Santa Clara and Section 66474 of the California Government Code apply to the proposed subdivision:

(a) The proposed subdivision map is consistent with applicable general and specific plans. The proposed subdivision would result in the division of two existing parcels totaling 4.06 acres (176,853 square feet) into twenty lots. Nineteen of the twenty lots are between 6,018 and 7,448 square feet in size (net), and the twentieth lot will be 17,658 square feet. Per General Plan policy U-LM 7, all subdivisions of unincorporated lands within a city's Urban Service Area shall conform to the applicable land use and density criteria of the city's General Plan. The proposed subdivision is located within the Urban Service Area of the City of San Jose. Based on correspondence received from the City of San Jose dated July 3, 2003 (Exhibit E attached hereto) the proposed subdivision is in conformity with the City's General Plan designation of Medium Low Density Residential (8 dwelling units per acre). The property is zoned R1-6, One Family Residence with a minimum lot size of 6,000 square feet; therefore, the proposed parcels would meet the minimum lot sizes prescribed in the County Zoning Ordinance.

(b) The design and improvement of the proposed subdivision, in accordance with the conditions listed in Exhibit B, will ensure that the development is consistent with the City of San Jose General Plan designation of Medium Low Density Residential with respect to allowed land uses and development density; therefore, pursuant to General Plan Policy U-LM 7, the subdivision would also be consistent with the County General Plan.

(c) The site is physically suited for development of single-family dwellings. No development may occur unless there is full compliance with all of the conditions listed in Exhibit B, which pertain to, among other things, drainage and access requirements.

(d) The 4.06-acre site is physically suitable for the proposed density of development, which will consist of twenty parcels for single-family units. The resulting density would be approximately six dwelling units per net acre, with an average lot size of 6,969 square feet. This density is consistent with the County and San Jose General Plans and the County Zoning Ordinance.

(e) The design of the subdivision and proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat. While located within an urban area, the Project site does contain a substantial number of trees (over 60). Approximately 27 trees will be removed due to the subdivision. However, the majority of these trees are non-native to the area (palm & pine) and thus do not constitute important wildlife habitat. The on-site trees may provide habitat for nesting raptors (birds), and mitigation has been included within the conditions of approval (Exhibit B of the Resolution) to prevent harm during construction. Thus, the design and improvement of the proposed subdivision, in accordance with the conditions of approval, will ensure that development will not cause substantial environmental damage or unavoidably injure fish or wildlife or their habitat.

(f) The design of the subdivision and the proposed improvements will not cause any serious public health problems. The Project site is located in an urban area and does not contain any natural or man-made hazards.

(g) The design of the subdivision and proposed improvements, in accordance with the conditions listed in Exhibit B, will not conflict with any existing easements on the property.

**THE BOARD OF SUPERVISORS FURTHER FINDS** the following findings can be made with respect to the proposed grading permit per Section C12-427 of the County Grading Ordinance:

(a) The proposed grading is related to a use presently permitted by law on the property. Residential uses are allowed on the subject property and the proposed grading, which entails 993 cubic yards of cut and 3,901 cubic yards of fill, is to construct a road and building pads for the residential lots being created.

(b) The grading is necessary for establishment or maintenance of the use. The proposed grading is to construct the building pads on each of the nineteen undeveloped lots as part of the subdivision and to comply with County requirements related to road access.

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(c) The design, scope and location of the grading is appropriate for the use and causes minimum disturbance to the terrain and natural features of the land. The Project site is nearly flat and the grading quantities are minimal and appropriate for the intended single-family use on each parcel.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Clara, State of California, based upon the oral and documentary evidence received, that the Mitigated Negative Declaration and the Mitigation Monitoring & Reporting Program are hereby adopted, and the proposed tentative subdivision map and grading permit are hereby approved. The tentative subdivision map will expire 36 months from the date of this Resolution.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California on \_\_\_\_\_ by the following vote:

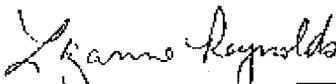
**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
James T. Beall, Jr., Chair  
Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Phyllis A. Perez, Clerk of the Board

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Lizanne Reynolds, Deputy County Counsel

Attachments to this Resolution:

- Exhibit A – Tentative Subdivision Map
- Exhibit B – Conditions of Approval
- Exhibit C – Mitigated Negative Declaration
- Exhibit D – Mitigation Monitoring & Reporting Program
- Exhibit E – General Plan Conformance Correspondence from City of San Jose

Resolution Approving Mitigated Negative  
Declaration, MMRP, Tentative Subdivision  
Map and Grading Permit for 507 Porter Lane  
(File No. 9160-48-74-058-05G)

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**SUBDIVISION  
CONDITIONS OF APPROVAL**

**Hearing Date:** September 7, 2006 - Planning Commission  
October 3, 2006 - Board of Supervisors

**Owner:** Charles Viso

**File Number:** 9160-48-74-05S-05G

**Project Description:** Twenty lot subdivision with grading approval on Porter Lane in unincorporated San Jose. Nineteen of the twenty lots are between 6,018 and 7,448 square feet in size (net) with the remaining lot of 17,658 square feet in size to contain the existing residence on the property. Access to seventeen of the lots will be provided by a new access road to be built and dedicated as a county public road. Grading quantities associated with the subdivision improvements are approximately 993 cubic yards of cut and 3,901 cubic yards of fill.

Items marked with an asterisk (\*) must be completed prior to map recordation.

Items marked with a double asterisk (\*\*) must be completed prior to release of bond or one year from the date of the land development agreement, whichever occurs first.

Items marked with a triple asterisk (\*\*\*) must be completed prior to building permit issuance.

Items marked with a quadruple asterisk (\*\*\*\*) must be completed prior to occupancy.

**PLANNING:**

Contact Rob Eastwood at (408) 299-5792 regarding the following conditions

- 1.\* The parcel configuration, shown on the tentative map, dated April 2006 and received by the Planning Office on April 28, 2006, is approved as submitted.
2. Existing zoning is R1-6 One Family Residence with a minimum lot size of 6,000 square feet:  
Front: 25 ft. Sides: 6 ft. Rear: 25 ft.  
(10 feet adjacent to street)
3. Lot 12 is considered a flag lot due to its configuration. Per Section 2.30.030(B) of the Zoning Ordinance, the maximum height of dwellings on this lot shall be 21 feet and shall not include more than one story.
4. Accessory structures are limited to two (2) plumbing fixtures (toilet and lav. sink) per Zoning Ordinance Section 4.20.026(I).
5. All secondary dwelling units shall conform with Section 4.10.340 (C) of the Zoning Ordinance.
6. Two off-street parking spaces are required for each lot, one of which must be covered.

**Tree Removal**

- 7.\* Final improvement plans for the subdivision improvements shall show all ordinance trees proposed for removal and their replacement at the ratios specified below. Replacement trees may be planted as street trees for the new access road or on individual lots. All replacement trees shall be irrigated and adequately maintained for a period of three years to ensure survival. All ordinance sized trees to be removed on the project site will be replaced at the following ratios:

3:1 ratio replacement for the removal of native trees, with the planting of 36" box native trees.

1:1 ratio replacement for the removal of non-native trees, with the planting of 36" box native trees.

**EXHIBIT B**

- 8.\*\*\* For trees which may be removed in developing each residential lot, tree removal shall be shown on individual building plans with tree replacement per the ratios listed in Condition #7.
- 9.\*\*\* The 14" oak located along the western property line of lot six (6) shall be retained unless a report, prepared by a certified arborist, is submitted for approval by the Planning Office recommending its removal. Tree replacement shall meet the ratios listed in Condition #7.
- 10.\*\*\* If any of the preserved or replacement trees are proposed for removal in the future, a tree removal permit shall be required.

*Nesting Raptors*

- 11.\* If possible, tree removal and construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree removal. Between May and August (inclusive), pre-construction surveys more than thirty (30) days prior to the initiation of these activities. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the California Department of Fish & Game, designate a construction free buffer zone (typically 250 feet) around the nest. This mitigation shall be clearly shown on the final improvement plans.
- 12.\* Provide evidence of a contract with a qualified ornithologist to conduct the preconstruction surveys prior to issuance of final grading permits and the ornithologist must submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Planning Office prior to the issuance of final occupancy. If trees are proposed to be removed between October and December, submit evidence of this to the Planning Office for approval, which may include a copy of a contract / scope of work with a tree removal company.

*Air Quality*

- 13.\* The following dust control measures will be adhered to during construction for all subdivision improvements. Final improvement plans / grading plans for the subdivision improvements must contain language requiring that the following control measures will be implemented.
- Water all active construction areas at least twice daily.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - 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.
  - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - Limit traffic speeds on unpaved roads to 15 mph.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.
  - Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
  - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

14. In the event that human skeletal remains are encountered, the owner is required by County Ordinance 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 © of section 2050.5 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 archeologist 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.
15. The applicant is required to comply with the County Noise Ordinance. Construction noise (including noise generated by truck traffic to and from the project site) is regulated by time-of-work restrictions and decibel maximums specified in the Noise Ordinance (Section B11-192).

**LAND DEVELOPMENT ENGINEERING:**

Contact Chris Freitas at (408) 299-5732 regarding the following conditions

**Plan Review Process and Format:**

16. \* A project clearance ("goldenrod"), issued by the Land Development Engineering Department, for the issuance of the Grading/Construction Permit, is required. Please contact Mai Trinh (299-5734) for plan submittal requirements and timelines.
17. \* When final plans are prepared, use standard notes and certificates as shown on County Standard Cover Sheet, as approved by the Land Development Engineering Department. The minimum letter size for plan submission and approval shall be no smaller than 1/8 inch.

**Maps:**

18. \* Prepare and submit a Tract Map for review and approval by the County Surveyor.
19. \* Permanent survey monuments (lot stakes) identifying the parcel boundary, set by a licensed land surveyor, or registered civil engineer authorized to practice land surveying, are required. If property was previously surveyed, the monuments must be exposed, verified and shown on grading and building plans. If new monuments are to be set, the stakes shall set pursuant to the State Land Surveyor's Act prior to issuance of a grading permit. The Land Surveyor / Engineer in responsible charge of the boundary survey shall file appropriate records pursuant to §8762 or 8771 of the Land Surveyors Act.
20. \* The new lot line for parcels 1 through 20 and the Tract Boundary must be surveyed and monumented by a licensed land surveyor or registered civil engineer who is authorized to practice land surveying. The work and map must conform to the State Subdivision Map Act and County Ordinances.

**Drainage:**

21. \* Submit a plan by a registered civil engineer that demonstrates the subject property has adequate existing and proposed storm drainage facilities in accordance with criteria as designated in the County Drainage Manual for review and acceptance by the County. Plan submission shall be coordinated with the Land Development Engineering Department. The minimum plans and calculations shall demonstrate all of the following:
  - a. The site can be adequately drained,
  - b. The development of the site will not cause problems to nearby properties,
  - c. The site is not subject to significant damage from the one-percent flood, and
  - d. The On-Site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. Should this not be demonstrated, the difference between the three-year pre-development and the ten-year post-development storm peak flows for duration of two hours shall be detained on-site.

**Dedications and Easements:**

22. \* Dedicate the following curvilinear rights-of-way for public road purposes:

56-Foot Right of way for the Access Road.

23. \* Provide a signed and notarized dedication of a minimum fifteen (15) foot easement to the County of Santa Clara for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.
24. \* Dedicate Public Utility Easements, pursuant to County Easement policies and as required for water, sewers, and utilities.
25. \* Indicate on the improvement plans all applicable easements affecting the parcel(s) with benefactors and recording information. One copy of a preliminary title report with submission of the grading/improvement plans for review to the Land Development Engineering Department shall be supplied.

**Improvements--Roads to be/not to be County Maintained:**

26. \* Preliminary improvement plans prepared by Westfall Engineers and received on April 28, 2006 by the Santa Clara County Planning Office have been reviewed. Submit final street, improvement, and drainage plans prepared by a registered civil engineer for review and acceptance to the Land Development Engineering Department. All street, road, and driveway designs minimally require plan, profile, typical sections, and contour grading.
- a. Access Road shall be improved to Public Road standard per County Standard A/3.
  - b. Urban Cul-de-Sacs per County Standard A/5 for the Unnamed Court.
  - c. Street lighting per County Standard E6B, Pole Type15 with 8-foot luminar arms. Subdivision shall join the County Lighting Service Area (CLSA).
  - d. Driveway Approaches per County Standard B4.
  - e. Drainage Ditch Linings per County Standard SD8.
  - f. Energy Dissipaters per County Standard SD10.
  - g. Standard Street Sign Assembly per County Standard B/14.
27. \* Enter into a land development improvement agreement and submit accompanying bonds, fees, and related documents for all access improvements herein described and provide the County with Certificate of Worker's Compensation Insurance.
28. \*\* Construct all of the aforementioned improvements in the field. Construction staking is required and shall be the responsibility of the developer.

**Storm Water Treatment**

29. \* This project is located within the San Francisco Bay watershed, and is a Group I project, pursuant to the 2001 NPDES Storm Water discharge Permit. The improvement plans shall include storm water treatment complying with the 2001 NPDES Permit Standards, Section C3, in the design. For additional information, please contact Steve Homan, Clean Water Program Coordinator, at (408) 299-5737.
30. Future Roof gutter drainage shall not be connected directly to storm drainage pipes. All roof runoff shall be directed to landscaped areas away from building foundations, to allow for storm water infiltration into the soil. Energy dissipaters shall also be used to slow roof drainage flow and prevent erosion. These improvements shall be clearly identified on building plans.

**NOI Condition**

31. \* This project may disturb one acre (43, 560 square feet) or greater of land area. Provide a calculation showing the final area disturbed with this project.

Should the above calculation indicate more than one acre of disturbance, the Owner shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by

the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Information is available in the 7th floor lobby, and from the SWRCB web site: <http://www.swrcb.ca.gov/stormwater/construction.html>. For additional information, please contact Steve Homan, Nonpoint Source Pollution Control Coordinator, at (408) 299-5737.

**Utilities:**

- 32. \* All new utilities, mains and services to residences shall be placed underground and extended to serve the proposed development. All extensions shall be included in the above improvement plans for review and approval. Supply letters from the utility companies stating that all easements and financial obligations have been satisfied. (Contact the utility companies immediately as this may require 60-90 days.)
- 33. \* Submit one copy of the geotechnical report for these improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to the Land Development Engineering Department.
- 34. \* Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical issues identified in the above geotechnical report been mitigated on the improvement plan. This letter shall be submitted to and reviewed by Land Development Engineering.

**Grading:**

- 35. \* Preliminary grading plans prepared by Westfall Engineers and received on April 28, 2006 by the Santa Clara County Planning Office have been reviewed. Final grading plans shall be prepared by a registered civil engineer and submitted as set forth in the Grading Ordinance Section C12-412. These plans will be processed in accordance with the Grading Ordinance and checked for conformance with Article 5 (Design Standards) Section C12-489 to Section C12-527. Final plans to include and/or reflect the following:
  - a. Access road, driveway, and house pad cross sections are required on final plans.
  - b. Disposition of excess grading material.
  - c. If necessary, retaining walls plans and sections necessary to establish the grades shown. No retaining walls shall be installed across property lines.
  - d. If necessary retaining wall structural calculations shall be submitted with the plans.
  - e. Erosion control measures as required per Sections C12-515 through C12-527, inclusive.
  - f. Landscape Plans, required to demonstrate long-term erosion control.
  - g. All other improvements required by these Conditions of Approval.

NOTE: All materials exported from the site must be located at an approved disposal site.

- 36. \* Indicate how the graded areas are to be properly drained in accordance with criteria as designated in the County Drainage Manual on the final grading plan. Submit necessary hydraulic calculations to justify the proposed improvements.
- 37. \* Indicate how the graded areas shall comply with setback requirements from property line for cuts and fills per Section C12-505 on the final grading plan.

**GEOLOGY**

Contact Jim Baker at (408) 299-5774 regarding the following conditions

- 38. \* The geology report prepared by Pacific Geotechnical Engineering dated January 20, 2006 is approved. No additional geologic investigation is needed at this time.

**ENVIRONMENTAL HEALTH:**

Contact Gwen Sax at (408) 299-5748 regarding the following conditions

39. \* Provide an intention of service letter from Sanitary District 2,3. The letter must state that the sewer agency can and will serve all 20 parcels created by this subdivision. Contact Sid Nash of Sanitation District 2, 3 at 408-255-2137.
40. \* Submit a letter from San Jose Water Company which states that the water company will serve all parcels created by this subdivision.
41. \*\*\* Provide a sewer connection permit from Sanitation District 2,3. Call 408-255-2137. There is one existing sewer lateral/connection associated with parcel # 612-21-056. This connection may be usable for one of the proposed lots. Contact Sid Nash of the sewer district to discuss the usability of the existing connection.
42. \*\*\* Submit a letter from San Jose Water Company verifying the parcel will be served by the water company.
43. \*\*\*\* Provide proof of garbage service prior to final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

**FIRE MARSHAL:**

Contact Jake Tomlin at (408) 299-5760 regarding the following conditions

**FIRE PROTECTION WATER**

**IMPORTANT:** Fire protection water system shall be installed and inspected prior to start of combustible construction or final, whichever occurs first. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the system is not installed, accessible, and/or functioning at all times.

- 44.\* **WATER SOURCE:** The minimum fire-flow for the proposed subdivision is 3,500 gallons-per-minute @ 20-psi for 3-hours from standard fire hydrant(s) within the subdivision. If residential fire sprinklers (as proposed) are installed in all dwelling(s) within the subdivision the fire-flow maybe reduced to 1,750 gallons-per-minute. A definite decision on the proposed fire protection needs to be made prior to submission of the Final Map. **NOTE:** The fire-flow may be adjusted depending upon the final size of the structure(s) shown on the building permit set(s) of drawings.
- 45.\*\*\* At the time of plan submittal for building permit for each parcel, provide written verification from the San Jose Water Company showing that the required fire-flow can be met.
46. **FIRE SPRINKLER SYSTEM:** An approved residential fire sprinkler system complying with Fire Marshal Standard CFMO-SP6 is required to be installed throughout the structure if the following condition applies:
- A) the farthest portion of the structure is in excess of 150 ft. from the access road (CFC §903).

**FIRE DEPARTMENT ACCESS**

47. **GENERAL REQUIREMENTS:**

All required access roads, driveways, and turnarounds shall be installed, and serviceable prior to start combustible construction or final, whichever occurs first, 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.

48. **ACCESS ROADS:**

A) **Curve Radius:** The minimum inside turn radius of the roadway shall be a minimum of 42 ft.

- B) **Surface:** All driving surfaces shall be paved, and capable of sustaining 65,000 pound loading.
- D) **Dead End Roads:** The minimum radius for a turnaround shall be 32 feet from the centerline of the roadway, and the slope of not more than 5% in any direction. The proposed turnaround shall remain free and clear
- E) **Addressing:** All structure(s) shall be provided with appropriate address signage that is visible and legible from the street and/or road fronting the property in compliance with the California Fire Code, Section 901.4.4.

49. **DRIVEWAYS:**

- A) **Width:** Clear width of 12 ft. drivable surface.
- B) **Curve Radius:** The minimum inside turn radius of the roadway shall be a minimum of 42 ft.
- C) **Surface:** All driving surfaces shall be all-weather and capable of sustaining 65,000 pound loading.
- D) **Dead Ends:** Turnaround shall be provided for driveway in excess of 150 ft, long as measured from the start of the driveway to the structure (CFC 902.2.2.4) in compliance with CFMO-SD16. All turnarounds shall have a slope of not more than 5% in any direction.

**MISCELLANEOUS**

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

Fire department access roads, driveways, and turnarounds shall be maintained free and clear and accessible at all times for fire department use.

**SANTA CLARA VALLEY WATER DISTRICT (SCVWD):**

Contact Elizabeth Hayes at (408) 265-2600 for details regarding the following conditions

51. No District facilities are located on the applicant's parcel. Any existing watercourse is of insufficient watershed area to qualify as a District facility.
52. As required by District Ordinance 90-1, file an application with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet.
53. Project site is located in Zone D according to FIRM panel 060337 0090B, dated 12/16/88.

**ROADS AND AIRPORTS:**

Contact Ashok Vyas at (408) 573-2482 for details regarding the following conditions:

- 54.\* Show on the final improvement plan all trees along the project's work limits within the existing and future County road right-of-way to be dedicated. An encroachment permit that specifies that a tree can be removed shall be obtained before the removal of any tree within the County road right-of-way.
- 55.\* Dedicate the following rights-of-way:  
30 ft. half street along the site's Porter Lane frontage  
NOTE: All rights-of-way to be curvilinear.
- 56.\* Submit street and drainage improvements plans prepared by a registered civil engineer for the following street(s):  
30 ft. half street along the site's Porter Lane frontage

- 57.\*\* Construct street and drainage improvements in accordance with the Roads and Airports Department 1997 Standard Detail(s) A/3 for the following street(s):
- 30 ft. half street along the site's Porter Lane frontage
- NOTE: Construction staking is required and shall be the responsibility of the developer.
- 58.\* Enter into land development improvement agreement and submit accompanying bonds, fees and related documents (administration of these matters is by the County Surveyor's Office).
- 59.\* Obtain encroachment and/or construction permits from the County of Santa Clara and other jurisdictions as required by the Road Commissioner for the construction of street improvements including any required appurtenances. Developer must provide County with a Certificate of Worker's Compensation Insurance.
- 60.\*\*\* Obtain encroachment permit to construct a driveway approach per Roads and Airports Department's 1997 Standard Detail B/11 (modified intersection plan), and provide County with Certificate of Worker's Compensation Insurance. Submit four (4) copies of site plan.
- 61.\*\*\*\* Install driveway approach per Roads and Airports Department's 1997 Standard Detail B/11 (modified intersection plan).
- 62.\* Show on the plan with construction details and demonstrate by drainage calculations prepared by a registered civil engineer that the surface runoff from the site is carried to an acceptable outfall of adequate capacity.
- 63.\* Provide striping plans along Porter Lane and proposed subdivision driveway access road
- 64.\* Submit a sight distance study which reviews proposed project driveway access onto Porter as viewed from Alum Rock Avenue. A design speed of 5-10 mph over the posted speed limit of 30 mph should be considered to determine the safe sight distance for the proposed project driveway access.

**Conditions of Approval Recommended by the Planning Commission**

- 65.\*\*\* The oak on the property located at 510 Porter Lane, north of lot 14, shall be preserved and retained. An arborist's report shall be submitted with Building plans for lot 14 evaluating potential impacts to the adjacent oak on the Ridgeway property. The arborist shall recommend measures to prevent damage to the oak, to be shown on the building plans and adhered to during construction. The arborist shall submit a construction observation letter prior to certificate of occupancy verifying that any tree protective measures required were adhered to.
- 66.\* A construction traffic plan shall be submitted for approval by the Planning Office prior to final map recordation. The plan shall evaluate potential impacts to Porter Lane and Alum Rock resulting from construction traffic and include any mitigation measures (controlled hours of operation, staging of truck traffic) necessary to prevent potential safety or level of service impacts.

**SUBDIVISION  
CONDITIONS OF APPROVAL**

**Hearing Date:** September 7, 2006 -Planning Commission  
October 3, 2006 - Board of Supervisors

**Owner:** Charles Viso

**File Number:** 9160-48-74-05S-05G

**Project Description:** Twenty lot subdivision with grading approval on Porter Lane in unincorporated San Jose. Nineteen of the twenty lots are between 6,018 and 7,448 square feet in size (net) with the remaining lot of 17,658 square feet in size to contain the existing residence on the property. Access to seventeen of the lots will be provided by a new access road to be built and dedicated as a county public road. Grading quantities associated with the subdivision improvements are approximately 993 cubic yards of cut and 3,901 cubic yards of fill.

Items marked with an asterisk (\*) must be completed prior to map recordation.

Items marked with a double asterisk (\*\*) must be completed prior to release of bond or one year from the date of the land development agreement, whichever occurs first.

Items marked with a triple asterisk (\*\*\*) must be completed prior to building permit issuance

Items marked with a quadruple asterisk (\*\*\*\*) must be completed prior to occupancy.

**PLANNING:**

Contact Rob Eastwood at (408) 299-5792 regarding the following conditions

- 1.\* The parcel configuration, shown on the tentative map, dated April 2006 and received by the Planning Office on April 28, 2006, is approved as submitted.
2. Existing zoning is R1-6 One Family Residence with a minimum lot size of 6,000 square feet:  
Front: 25 ft. Sides: 6 ft. Rear: 25 ft.  
(10 feet adjacent to street)
3. Lot 12 is considered a flag lot due to its configuration. Per Section 2.30.030(B) of the Zoning Ordinance, the maximum height of dwellings on this lot shall be 21 feet and shall not include more than one story.
4. Accessory structures are limited to two (2) plumbing fixtures (toilet and lav. sink) per Zoning Ordinance Section 4.20.020(I).
5. All secondary dwelling units shall conform with Section 4.10.340 (C) of the Zoning Ordinance.
6. Two off-street parking spaces are required for each lot, one of which must be covered.

***Tree Removal***

- 7.\* Final improvement plans for the subdivision improvements shall show all ordinance trees proposed for removal and their replacement at the ratios specified below. Replacement trees may be planted as street trees for the new access road or on individual lots. All replacement trees shall be irrigated and adequately maintained for a period of three years to ensure survival. All ordinance sized trees to be removed on the project site will be replaced at the following ratios:

3:1 ratio replacement for the removal of native trees, with the planting of 36" box native trees.

1:1 ratio replacement for the removal of non-native trees, with the planting of 36" box native trees.

**EXHIBIT B**

- 8.\*\*\* For trees which may be removed in developing each residential lot, tree removal shall be shown on individual building plans with tree replacement per the ratios listed in Condition #7.
- 9.\*\*\* The 14" oak located along the western property line of lot six (6) shall be retained unless a report, prepared by a certified arborist, is submitted for approval by the Planning Office recommending its removal. Tree replacement shall meet the ratios listed in Condition #7.
- 10.\*\*\* If any of the preserved or replacement trees are proposed for removal in the future, a tree removal permit shall be required.

*Nesting Raptors*

- 11.\* If possible, tree removal and construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree removal. Between May and August (inclusive), pre-construction surveys more than thirty (30) days prior to the initiation of these activities. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the California Department of Fish & Game, designate a construction free buffer zone (typically 250 feet) around the nest. This mitigation shall be clearly shown on the final improvement plans.
- 12.\* The applicant shall provide evidence of a contract with a qualified ornithologist to conduct the preconstruction surveys prior to issuance of final grading permits and the ornithologist must submit a report indicating the result of the survey and any designated buffer zones to the satisfaction of the Planning Office prior to the issuance of final occupancy. If trees are proposed to be removed between October and December, submit evidence of this to the Planning Office for approval, which may include a copy of a contract / scope of work with a tree removal company.

*Air Quality*

- 13.\* The following dust control measures will be adhered to during construction for all subdivision improvements. Final improvement plans / grading plans for the subdivision improvements must contain language requiring that the following control measures be implemented.
- Water all active construction areas at least twice daily.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - 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.
  - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - Limit traffic speeds on unpaved roads to 15 mph.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.
  - Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
  - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

14. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance 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 © of section 2050.5 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 archeologist 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.
15. The applicant is required to comply with the County Noise Ordinance. Construction noise (including noise generated by truck traffic to and from the project site) is regulated by time-of-work restrictions and decibel maximums specified in the Noise Ordinance (Section B11-192).

**LAND DEVELOPMENT ENGINEERING:**

Contact Chris Freitas at (408) 299-5732 regarding the following conditions

**Plan Review Process and Format:**

16. \* A project clearance ("goldenrod"), issued by the Land Development Engineering Department, for the issuance of the Grading/Construction Permit, is required. Please contact Mai Trinh (299-5734) for plan submittal requirements and timelines.
17. \* When final plans are prepared, use standard notes and certificates as shown on County Standard Cover Sheet, as approved by the Land Development Engineering Department. The minimum letter size for plan submission and approval shall be no smaller than 1/8 inch.

**Maps:**

18. \* Prepare and submit a Tract Map for review and approval by the County Surveyor.
19. \* Permanent survey monuments (lot stakes) identifying the parcel boundary, set by a licensed land surveyor, or registered civil engineer authorized to practice land surveying, are required. If property was previously surveyed, the monuments must be exposed, verified and shown on grading and building plans. If new monuments are to be set, the stakes shall set pursuant to the State Land Surveyor's Act prior to issuance of a grading permit. The Land Surveyor / Engineer in responsible charge of the boundary survey shall file appropriate records pursuant to §§762 or 8771 of the Land Surveyors Act.
20. \* The new lot line for parcels 1 through 20 and the Tract Boundary must be surveyed and monumented by a licensed land surveyor or registered civil engineer who is authorized to practice land surveying. The work and map must conform to the State Subdivision Map Act and County Ordinances.

**Drainage:**

21. \* Submit a plan by a registered civil engineer that demonstrates the subject property has adequate existing and proposed storm drainage facilities in accordance with criteria as designated in the County Drainage Manual for review and acceptance by the County. Plan submission shall be coordinated with the Land Development Engineering Department. The minimum plans and calculations shall demonstrate all of the following:
  - a. The site can be adequately drained,
  - b. The development of the site will not cause problems to nearby properties,
  - c. The site is not subject to significant damage from the one-percent flood, and
  - d. The On-Site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. Should this not be demonstrated, the difference between the three-year pre-development and the ten-year post-development storm peak flows for duration of two hours shall be detained on-site.

**Dedications and Easements:**

22. \* Dedicate the following curvilinear rights-of-way for public road purposes:

56-Foot Right of way for the Access Road

23. \* Provide a signed and notarized dedication of a minimum fifteen (15) foot easement to the County of Santa Clara for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.
24. \* Dedicate Public Utility Easements, pursuant to County Easement policies and as required for water, sewers, and utilities.
25. \* Indicate on the improvement plans all applicable easements affecting the parcel(s) with benefactors and recording information. One copy of a preliminary title report with submission of the grading/improvement plans for review to the Land Development Engineering Department shall be supplied.

**Improvements--Roads to be/not to be County Maintained:**

26. \* Preliminary improvement plans prepared by Westfall Engineers and received on April 28, 2006 by the Santa Clara County Planning Office have been reviewed. Submit final street, improvement, and drainage plans prepared by a registered civil engineer for review and acceptance to the Land Development Engineering Department. All street, road, and driveway designs minimally require plan, profile, typical sections, and contour grading.
- a. Access Road shall be improved to Public Road standard per County Standard A/3.
  - b. Urban Cul-de-Sacs per County Standard A/5 for the Unnamed Court.
  - c. Street lighting per County Standard E6B, Pole Type 15 with 8-foot luminaire arms. Subdivision shall join the County Lighting Service Area (CLSA).
  - d. Driveway Approaches per County Standard B4.
  - e. Drainage Ditch Linings per County Standard SD8.
  - f. Energy Dissipaters per County Standard SD10.
  - g. Standard Street Sign Assembly per County Standard B/14.
27. \* Enter into a land development improvement agreement and submit accompanying bonds, fees, and related documents for all access improvements herein described and provide the County with Certificate of Worker's Compensation Insurance.
28. \*\* Construct all of the aforementioned improvements in the field. Construction staking is required and shall be the responsibility of the developer.

**Storm Water Treatment**

29. \* This project is located within the San Francisco Bay watershed, and is a Group 1 project, pursuant to the 2001 NPDES Storm Water discharge Permit. The improvement plans shall include storm water treatment complying with the 2001 NPDES Permit Standards, Section C3, in the design. For additional information, please contact Steve Homan, Clean Water Program Coordinator, at (408) 299-5737.
30. Future Roof gutter drainage shall not be connected directly to storm drainage pipes. All roof runoff shall be directed to landscaped areas away from building foundations, to allow for storm water infiltration into the soil. Energy dissipaters shall also be used to slow roof drainage flow and prevent erosion. These improvements shall be clearly identified on building plans.

**NOI Condition**

31. \* This project may disturb one acre (43, 560 square feet) or greater of land area. Provide a calculation showing the final area disturbed with this project.
- Should the above calculation indicate more than one acre of disturbance, the Owner shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by

the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Information is available in the 7th floor lobby, and from the SWRCB web site: <http://www.swrcb.ca.gov/stormwater/construction.html>. For additional information, please contact Steve Homan, Nonpoint Source Pollution Control Coordinator, at (408) 299-5737.

**Utilities:**

- 32. \* All new utilities, mains and services to residences shall be placed underground and extended to serve the proposed development. All extensions shall be included in the above improvement plans for review and approval. Supply letters from the utility companies stating that all easements and financial obligations have been satisfied. (Contact the utility companies immediately as this may require 60-90 days.)
- 33. \* Submit one copy of the geotechnical report for these improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to the Land Development Engineering Department.
- 34. \* Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical issues identified in the above geotechnical report been mitigated on the improvement plan. This letter shall be submitted to and reviewed by Land Development Engineering.

**Grading:**

- 35. \* Preliminary grading plans prepared by Westfall Engineers and received on April 28, 2006 by the Santa Clara County Planning Office have been reviewed. Final grading plans shall be prepared by a registered civil engineer and submitted as set forth in the Grading Ordinance Section C12-412. These plans will be processed in accordance with the Grading Ordinance and checked for conformance with Article 5 (Design Standards) Section C12-489 to Section C12-527. Final plans to include and/or reflect the following:
  - a. Access road, driveway, and house pad cross sections are required on final plans.
  - b. Disposition of excess grading material.
  - c. If necessary, retaining walls plans and sections necessary to establish the grades shown. No retaining walls shall be installed across property lines.
  - d. If necessary retaining wall structural calculations shall be submitted with the plans.
  - e. Erosion control measures as required per Sections C12-515 through C12-527, inclusive.
  - f. Landscape Plans, required to demonstrate long-term erosion control.
  - g. All other improvements required by these Conditions of Approval.

NOTE: All materials exported from the site must be located at an approved disposal site.

- 36. \* Indicate how the graded areas are to be properly drained in accordance with criteria as designated in the County Drainage Manual on the final grading plan. Submit necessary hydraulic calculations to justify the proposed improvements.
- 37. \* Indicate how the graded areas shall comply with setback requirements from property line for cuts and fills per Section C12-505 on the final grading plan.

**GEOLOGY**

Contact Jim Baker at (408) 299-5774 regarding the following conditions

- 38. The geology report prepared by Pacific Geotechnical Engineering dated January 20, 2006 is approved. No additional geologic investigation is needed at this time.

**ENVIRONMENTAL HEALTH:**

Contact Gwen Sax at (408) 299-5748 regarding the following conditions

39. \* Provide an intention of service letter from Sanitary District 2,3. The letter must state that the sewer agency can and will serve all 20 parcels created by this subdivision. Contact Sid Nash of Sanitation District 2, 3 at 408-255-2137.
40. \* Submit a letter from San Jose Water Company which states that the water company will serve all parcels created by this subdivision.
41. \*\*\* Provide a sewer connection permit from Sanitation District 2,3. Call 408-255-2137. There is one existing sewer lateral/connection associated with parcel # 612-21-056. This connection may be usable for one of the proposed lots. Contact Sid Nash of the sewer district to discuss the usability of the existing connection.
42. \*\*\* Submit a letter from San Jose Water Company verifying the parcel will be served by the water company.
43. \*\*\*\* Provide proof of garbage service prior to final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

**FIRE MARSHAL:**

Contact Jake Tomlin at (408) 299-5760 regarding the following conditions

**FIRE PROTECTION WATER**

**IMPORTANT:** Fire protection water system shall be installed and inspected prior to start of combustible construction or final, whichever occurs first. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the system is not installed, accessible, and/or functioning at all times.

44. \* **WATER SOURCE:** The minimum fire-flow for the proposed subdivision is 3,500 gallons-per-minute @ 20-psi for 3-hours from standard fire hydrant(s) within the subdivision. If residential fire sprinklers (as proposed) are installed in all dwelling(s) within the subdivision the fire-flow maybe reduced to 1,750 gallons-per-minute. A definite decision on the proposed fire protection needs to be made prior to submission of the Final Map. **NOTE:** The fire-flow may be adjusted depending upon the final size of the structure(s) shown on the building permit set(s) of drawings.
45. \*\*\* At the time of plan submittal for building permit for each parcel, provide written verification from the San Jose Water Company showing that the required fire-flow can be met.
46. **FIRE SPRINKLER SYSTEM:** An approved residential fire sprinkler system complying with Fire Marshal Standard CFMO-SP6 is required to be installed throughout the structure if the following condition applies:
- A) the farthest portion of the structure is in excess of 150 ft. from the access road (CFC §903).

**FIRE DEPARTMENT ACCESS**

47. **GENERAL REQUIREMENTS:**

All required access roads, driveways, and turnarounds shall be installed, and serviceable prior to start combustible construction or final, whichever occurs first, 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.

48. **ACCESS ROADS:**

- A) **Curve Radius:** The minimum inside turn radius of the roadway shall be a minimum of 42 ft.
- B) **Surface:** All driving surfaces shall be paved, and capable of sustaining 65,000 pound loading.

D) **Dead End Roads:** The minimum radius for a turnaround shall be 32 feet from the centerline of the roadway, and the slope of not more than 5% in any direction. The proposed turnaround shall remain free and clear

F) **Addressing:** All structure(s) shall be provided with appropriate address signage that is visible and legible from the street and/or road fronting the property in compliance with the California Fire Code, Section 901.4.4.

49. **DRIVEWAYS:**

A) **Width:** Clear width of 12 ft. drivable surface.

B) **Curve Radius:** The minimum inside turn radius of the roadway shall be a minimum of 42 ft.

C) **Surface:** All driving surfaces shall be all-weather and capable of sustaining 65,000 pound loading.

D) **Dead Ends:** Turnaround shall be provided for driveway in excess of 150 ft, long as measured from the start of the driveway to the structure (CFC 902.2.2.4) in compliance with CFMO-SD16. All turnarounds shall have a slope of not more than 5% in any direction.

**MISCELLANEOUS**

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

Fire department access roads, driveways, and turnarounds shall be maintained free and clear and accessible at all times for fire department use.

**SANTA CLARA VALLEY WATER DISTRICT (SCVWD):**

Contact Elizabeth Hayes at (408) 265-2600 for details regarding the following conditions

51. No District facilities are located on the applicant's parcel. Any existing watercourse is of insufficient watershed area to qualify as a District facility.

52. As required by District Ordinance 90-1, file an application with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet.

53. Project site is located in Zone D according to FIRM panel 060337 0090E, dated 12/16/88.

**ROADS AND AIRPORTS:**

Contact Ashok Vyas at (408) 573-2482 for details regarding the following conditions:

54.\* Show on the final improvement plan all trees along the project's work limits within the existing and future County road right-of-way to be dedicated. An encroachment permit that specifies that a tree can be removed shall be obtained before the removal of any tree within the County road right-of-way.

55.\* Dedicate the following rights-of-way:

30 ft. half street along the site's Porter Lane frontage

NOTE: All rights-of-way to be curvilinear.

56.\* Submit street and drainage improvements plans prepared by a registered civil engineer for the following street(s):

30 ft. half street along the site's Porter Lane frontage

- 57.\*\* Construct street and drainage improvements in accordance with the Roads and Airports Department 1997 Standard Detail(s) A/3 for the following street(s):
- 30 ft. half street along the site's Porter Lane frontage
- NOTE: Construction staking is required and shall be the responsibility of the developer.
- 58.\* Enter into land development improvement agreement and submit accompanying bonds, fees and related documents (administration of these matters is by the County Surveyor's Office).
- 59.\* Obtain encroachment and/or construction permits from the County of Santa Clara and other jurisdictions as required by the Road Commissioner for the construction of street improvements including any required appurtenances. Developer must provide County with a Certificate of Worker's Compensation Insurance.
- 60.\*\*\* Obtain encroachment permit to construct a driveway approach per Roads and Airports Department's 1997 Standard Detail B/11 (modified intersection plan), and provide County with Certificate of Worker's Compensation Insurance. Submit four (4) copies of site plan.
- 61.\*\*\*\* Install driveway approach per Roads and Airports Department's 1997 Standard Detail B/11 (modified intersection plan).
- 62.\* Show on the plan with construction details and demonstrate by drainage calculations prepared by a registered civil engineer that the surface runoff from the site is carried to an acceptable outfall of adequate capacity.
- 63.\* Provide striping plans along Porter Lane and proposed subdivision driveway access road
- 64.\* Submit a sight distance study which reviews proposed project driveway access onto Porter as viewed from Alum Rock Avenue. A design speed of 5-10 mph over the posted speed limit of 30 mph should be considered to determine the safe sight distance for the proposed project driveway access.

**Conditions of Approval Recommended by the Planning Commission**

- 65.\*\*\* The oak on the Ridgeway property, adjacent to lot 14, shall be preserved and retained. An arborists report shall be submitted with Building plans for lot 14 evaluating potential impacts to the adjacent oak on the Ridgeway property. The arborist shall recommend measures to prevent damage to the oak, to be shown on the building plans and adhered to during construction. The arborist shall submit a construction observation letter prior to certificate of occupancy verifying that any tree protective measures required were adhered to.
- 66.\* A construction traffic plan shall be submitted for approval by the Planning Office prior to final map recordation. The plan shall evaluate potential impacts to Porter Lane and Alum Rock resulting from construction traffic and include any mitigation measures (controlled hours of operation, staging of truck traffic) necessary to prevent potential safety or level of service impacts.