

# County of Santa Clara

Department of Planning and Development  
Planning Office

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January 13, 2022

**\*\*Sent via email \*\***

Milind Khandare  
560 Hope Street, Apartment 27  
Mountain View, CA 94041  
Email: nk.milind@gmail.com

**FILE NUMBER:** PLN21-130  
**SUBJECT:** Additional Information and Issues of Concern for Building Site  
Approval and Grading Approval  
**SITE LOCATION:** 17025 McGill Road (APN: 517-24-024)

Dear Milind Khandare:

Staff has reviewed the application, originally submitted on August 2, 2021 and would like to provide staff's assessment of the proposed project design with respect to County's Grading Approval findings, and the associated Guidelines (Guidelines for Grading and Hillside Development) the State Minimum Fire Safe Regulations and Zoning Ordinance regulations established for reviewing said projects.

The information provided below are not incomplete items and are not required to deem the application complete for processing. The items below are for the Applicant's information only and can be discussed further if desired with County Staff.

As currently designed, Staff has concerns with site design, building design (form, massing, color), and grading of the proposed project, and may not be able to support the project. To better meet the intent of the required County's policies, regulations, findings and guidelines stated above, Staff recommends incorporating architectural articulation to minimize visual bulk of the proposed building, reducing grading fill quantities for the project, and complying with exterior color and building massing requirements in the Zoning Ordinance. Ways to achieve this could be:

1. Access road should meet the specifications described in the SRA Fire Safe Regulations, width, road surface, etc. McGill Road (and potentially Bohlman Road) does not appear to meet road width specifications described in the Fire Safe Regulations. All access roads must meet these requirements, or an exception must be granted. Exception request should be directed to CAL Fire. **NOTE:** Changes to the State Minimum Fire Safe Regulations, if adopted, may alter these comments; however Staff must review based on the currently enacted regulations.

2. Maintain defensible space specifications described in Public Resource Code 4291. This will be included as a condition of approval; any tree removal required to meet this should be noted on plans.
3. While not located in a Design Review district, this development is sited on a hilltop/ridge. Staff agrees that given the topography of the parcel, this is the most preferred siting for this project. Please include in your submittal how the project's visibility will be mitigated through massing, colors, or vegetation.
4. Bohlman Rd is a County maintained road, any required improvements on McGill Rd. will need to add a stop sign and stop bar at the intersection, indicate improvement on revised plans.

Below are excerpts from State and County policies, regulations, findings and guidelines whereby Staff is having difficulty supporting the project as currently designed.

**State Minimum Fire Safe Findings:**

***Article 2 Emergency Access and Egress***

***§ 1273.00. Intent***

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

***§ 1273.01. Width***

*(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.*

*(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.*

*(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.*

*(2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.*

*(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").*

***§ 1273.02. Road Surfaces***

- (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.*
- (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.*
- (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.*

**§ 1276.01. Setback for Structure Defensible Space**

*(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.*

**County Fire Code Findings:**

***Section 903.2 Where Required***

*(b) An approved automatic sprinkler system shall be provided throughout all new buildings and structures unless the building or structure meets an exception below. The exceptions do not apply when the driveway or access road providing fire department access to the building or structure is in excess of 15% slope.*

**General Plan Policies for Hillside Development:**

The project is subject to Building Site and Grading Approval which require meeting the intent of the County General Plan for Hillside Development to minimize grading within hillside areas and reducing the potential for visual impacts.

***Policy R-GD 23***

*Proposals to balance cut and fill amounts where such grading would exceed that which is deemed minimally necessary and reasonable for the site may be considered based on environmental impacts, the ability of the site to accommodate the additional fill without causing additional adverse impacts, the remoteness of the site, the overall amount of material that would otherwise need to be removed from the site, and the impacts of any truck traffic that could be involved, including travel distances, local road impacts, safety, noise, dust and similar issues.*

***Policy R-GD 34***

*For existing legal lots, if a ridgeline or hilltop location is a potentially suitable location for development, consistent with grading or other land development policies and regulations, due to the particular geologic circumstances, access needs, or other suitability characteristics of the lot, the following conditions or mitigations to visual impacts of development shall be considered and applied through applicable land use and development approvals, as necessary and appropriate:*

- (a) Landscaping and vegetation retention, as appropriate,*
- (b) Color and material choices that blend with the natural surroundings, and*

*(c) Any other similar requirements or mitigations that reasonably relate to the degree of visual impact. [Note: Where Design Review zoning applies or is required by condition of subdivision or other approval, such requirements will be addressed through the applicable Design Review procedure].*

**Guidelines for Grading and Hillside Development:**

The project is subject to a Grading Approval which requires meeting the intent of the County Design Review Guidelines for Grading and Hillside Development to minimizing grading within hillside areas and reducing the potential for visual impacts.

*Guideline 2: Based on the location of existing access roads and site constraints, development in hilltop locations may be preferred if other buildings sites are not available and extensive grading and terrain alteration is avoided. In these instances, buildings should be sited to preserve ridgelines in their natural state and sited to minimize visual impacts. (GP Policies R-GD-27, RGD-31 and R-GD-34)*

Building Site and Grading Approval involve a staff level review and takes an action to either grant, deny, continue the project. The decision of may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the Board of Supervisors.

Should the applicant voluntarily choose to modify the project design based on the information provided above, to better meet the County's Findings, Guidelines and Policies, please include with the resubmittal to address the items listed in the Incomplete Letter dated September 1, 2021. For questions regarding this letter in general or items 4 and 5, please call me at (408) 299-5706 or [robert.cain@pln.sccgov.org](mailto:robert.cain@pln.sccgov.org) to discuss by telephone or to schedule an appointment to do so.

Sincerely,



Robert Cain  
Associate Planner

Cc: Leza Mikhail, Interim Planning Manager and Zoning Administrator