

# County of Santa Clara

## Department of Planning and Development

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January 9, 2023

Yan Jia & Ziyuan Qin  
4 Brigantine Lane  
Redwood City, CA 94065

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

**FILE NUMBER:** PLN22-224  
**SUBJECT:** Building Site Approval and Design Review  
**SITE LOCATION:** 0 Black Road (APN: 544-15-007)  
**DATE RECEIVED:** December 14, 2022

Dear Yan Jia & Ziyuan Qin:

County Staff have preliminarily reviewed the application, submitted on December 14, 2022, and would like to provide Staff's initial assessment of the proposed design with respect to the County Zoning Ordinance, Design Review Guidelines, and other applicable regulations. Please note that this is a preliminary assessment of the issues of concern that Staff is finding with the current design of the project, and a full assessment would not occur until the Department has a "complete" application for processing. Staff highly encourages you to address the following issue prior to your next submission. Staff would be happy to meet with the property owner/applicant to discuss these issues of concern if desired.

Additionally, this project was taken in as an Administrative Design Review, however, upon review of this project it is not eligible for administrative review and will require a public hearing by the Zoning Administrator once it is deemed "complete." The applicant has been charged the difference between the Design Review with a public hearing and Administrative Design Review fees. Please note that a second round of review will not occur until this invoice is paid, and that if the fees are fully consumed by Staff time, additional fees will be billed on an hourly basis.

As currently designed, Staff has concerns about the visibility of the structure, access to the parcel, and tree preservation. To better meet the intent of the required County's regulations, Staff recommends addressing the following concerns:

1. The residence and attached garage, as currently designed, appear to be highly visible. While a full color board with light reflective values (LRV) was not included in this submission (please refer to the Incomplete Letter dated January 9 for more information),

the perspectives provided appear to be highly reflective. § 5.50.040 of the County Zoning Ordinance calls for conformance with the Board of Supervisor's approved Design Review Guidelines. This includes that "Exterior colors of all structures (walls, roof, window trim / accent, retaining walls, fences) shall use natural dark earth tones such as hues of brown, green and shades of gray. (The colors used must also comply with light reflectance standards in the County Zoning Ordinance)." The County standard is an LRV of 45 or less.

2. The County's Grading Ordinance, General Plan, and Hillside Development Guidelines all call for the grading used to be minimized. By taking access off of Black Arrow Road, the applicant will be required to make significant improvements to Black Arrow Road. This may still be more desirable than creating access directly from Black Road, but both options should be considered. Staff recommends providing grading quantities required (as well as number and types of trees to be removed) for each scenario.
3. All improvements for this Project, onsite and off, must be included in the application. Please update Grading Quantities on plan set to reflect any additional grading for access road/driveway improvements required by the County or State. Should grading quantities exceed 150 cubic yards of cut or fill, or depths exceeding 5 feet, a Grading Approval shall be required and considered concurrently with this application.
4. There are two oak trees proposed for removal. Pursuant to the County's Guidelines for Tree Protection and Preservation for Land Use Applications, the removal of each small tree (5- 18 inches) requires a replacement of (3) 15-gallon trees, or (2) 24-inch box trees. For the removal of each medium tree (18 – 24 inches), a replacement of (4) 15-gallon trees or (3) 24-inch box trees. For the removal of each tree larger than 24 inches, a replacement of (5) 15-gallon trees or (4) 24-inch box trees. Trees must be replaced with native trees and like for like. Oak trees must be replaced with oak trees, without exception. Please show the location of each replacement tree on the site plan and on the landscaping plan.
5. As a general note, this Project is located within the State Response Area (SRA) and the Wildland Urban Interface (WUI).
  - a. Chapter 7A of the CBC to be met at Building Permit submittal.
  - b. Defensible space to be maintained at all times.
  - c. PRC-4290 compliance will be reviewed by CAL FIRE.
  - d. PRC-4291 defensible space requirements to be met.
6. Please note that requirements for the San Francisco Bay watershed will change for all projects that have not yet obtained approval by June 30, 2023.

The information provided in this letter are not incomplete items and are not required to deem the application complete for processing.

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

**County Grading Ordinance (C12-433):**

*(a) 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.*

*(b) 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.*

*(c) Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts. (It is unclear whether the proposed site or the alternative site imposes the minimal impacts to natural landscape and resources.)*

*(d) 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.*

*(e) 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.*

*(f) Grading conforms with any applicable general plan or specific plan policies; and*

*(g) Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.*

**County General Plan:**

*R-GD 20: Grading and terrain alteration to conduct lawful activities and use of property should conserve the natural landscape and resources, minimize erosion impacts, protect scenic resources, habitat, and water resources. Grading should not exacerbate existing natural hazards, particularly geologic hazards.*

*R-GD 21: For grading, terrain alteration, or other work that is subject to a grading permit, the grading approval shall be required concurrently with any other required land use authorization or discretionary, conditional permit review process. Grading approval shall not precede other requisite land use or development approvals, including building permit issuance.*

*R-GD 22: The amount, design, location, and the nature of any proposed grading may be approved only if determined to be:*

- a. appropriate, justifiable, and reasonably necessary for the establishment of a allowable use,*
- b. the minimum necessary given the various site characteristics, constraints, and potential environmental impacts that may be involved, and,*

*c. that which causes minimum disturbance to the natural environment, slopes, and other natural features of the land.*

*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.*

*R-GD 24: Where an existing parcel contains multiple possible building or development sites, and where one or more possible site requires less grading, with less overall environmental and visual impacts, greater economy of access roads or other site improvements, and better achieves matters of public health and safety, grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies. Buildings should also be designed to respect and conform with existing topography of site as much as possible, using stepped designs and multiple levels rather than an expansive single story floor plan on only one level.*

*R-GD 25: 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.*

*a. Grading proposals for driveways and roads should generally follow natural terrain and contours to maximum extent feasible. Requirements and conditions for 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.*

*b. Use of native and drought tolerant species for the above purposes should be employed for at least 50% or more of the design.*

*R-GD 26: Where proposed grading is associated with a potential subdivision or single building site approval in hillside areas, that which is deemed excessive, non-essential grading is strongly discouraged and shall not be generally permitted, unless exceptional circumstances warrant further consideration. Examples may include, but are not limited to excessive grading to create the largest possible building pads, envelopes, or yards; to remove hilltops and/or flatten steep ridges; to create multiple driveways serving individual parcels, or wider than necessary driveways; and similar proposals.*

*R-GD 27: Grading and excavation to situate a residence or other structure within a hillside to reduce visual impacts is encouraged, in accordance with due consideration of geologic issues, structural integrity, and other pertinent design features and lot characteristics.*

*R-RC 5: Public and private development projects shall be evaluated and conditioned to assure they are environmentally sound, do not degrade natural resources, and that all reasonable steps are taken to mitigate potentially adverse impacts.*

*R-RC 44: Healthy, mature specimen trees should be protected from cutting.*

*R-RC 47: Impacts from new development on woodland habitats should be minimized by encouraging:*

- a. clustering of development to avoid critical habitat areas, where clustering is permitted;*
- b. inclusion of important habitat within open space areas for project requiring open space dedication;*
- c. siting and design of roads, utility corridors and other infrastructure to avoid fragmentation of habitat; and*
- d. acquisition or avoidance of critical habitat areas.*

*R-RC 49: Retention and planting of native plant species shall be encouraged, especially for landscape uses.*

*R-RC 50: Preservation of old growth trees, especially redwoods, shall be encouraged through improved public awareness and commemoration, where appropriate.*

*R-RC 95: The scenic and aesthetic qualities of both the natural and built environments should be preserved and enhanced for their importance to the overall quality of life for Santa Clara County.*

*R-RC 103: Development in rural areas should be landscaped with fire resistant and/or native plants which are ecologically compatible with the area.*

*R-HS 21: Development projects shall be reviewed by the County Fire Marshall's Office for safety code compliance and should also be referred if necessary to the appropriate fire protection authority or district for further review and recommendations.*

*R-PR 40: Land use should be controlled along scenic roads so as to relate to the location and functions of these roads and should be subject to design review and conditions to assure the scenic quality of the corridor.*

*SC 15.9: Wildlife, rare and endangered plants and animals, and heritage resources should be identified and protected from loss and destruction.*

**Hillsides Development Guidelines:**

*Guideline 1: Locate 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. (GP Policies R-GD-24, R-GD-26 and R-GD-33)*

*Guideline 3: Development should be sited to avoid encroachment into areas with sensitive biological and cultural resources, such as riparian corridors, wetlands, oak woodlands, serpentine habitat, and known archeological sites. (GP Policies R-GD-22(c), R-GD-23 and R-GD-24)*

*Guideline 8: Roadways shall meet the minimum emergency access standards established by the County Fire Marshal and Ordinance Code. New roads in hillside areas should not be designed to maximize the flattening and widening of roads beyond these access standards if this results in extensive grading and terrain alteration. Roads should use a road design that both meets emergency access standards and avoids the need for excessive grading. (GP Policies R-GD—24, R-GD-25)*

**Design Review Findings:**

**§ 5.50.040**

*Design review shall include consideration of, but shall not be limited to, the following:*

- A. Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;*
- B. Compatibility with the natural environment;*
- C. Conformance with the “Design Review Guidelines,” adopted by the Board of Supervisors;*
- D. Compatibility with the neighborhood and adjacent development;*
- E. Compliance with applicable zoning district regulations; and*
- F. Conformance with the general plan, any applicable specific plan, or any other applicable guidelines adopted by the Board of Supervisors or Planning Commission.*

**Design Review Guidelines:**

**Color and Material:**

- a. Exterior colors of all structures (walls, roof, window trim / accent, retaining walls, fences) shall use natural dark earth tones such as hues of brown, green and shades of gray. (The colors used must also comply with light reflectance standards in the County Zoning Ordinance)*
- b. Light, bright and reflective materials shall be avoided on the exterior surfaces of buildings.*

**Landscape:**

- a. Where necessary, vegetation shall be used to blend the structure with the surrounding landscape and soften the impact of development.*
- b. Ground cover, shrubs and trees should be used to mitigate visual impacts of development.*
- c. All landscaping will be subject to approval by the Fire Marshall to make sure that it does not create a fire hazard.*

**Grading:**

- a. Proposed structures and driveways should be sited so as to minimize the need for grading.*
- b. When grading is required, gradient shall not be steeper than 1:2 (vertical to horizontal) and preferably will be a 1:3 gradient.*
- c. Newly graded areas shall be seeded / mulched or re-vegetated within a reasonable time period (30 days) to reduce visual impacts of grading and to prevent erosion.*

PLN22-224  
0 Black Road  
January 9, 2023

*d. All cuts and fills of grading should be adequately rounded off to blend with the surrounding natural terrain, where conditions permit*

Vegetation:

*a. Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level should be preserved and integrated into the site design.*

*b. Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level should be protected during site preparation and building construction.*

*c. To ensure a sense of character, trees and shrubs native to the area should be selected as new plant materials in areas visible to the public. (Refer to Practical Landscaping available in the Planning Office, for a list of native plant species.) Choice of plants should be sensitive to the character of the sub region in which they will be located. (For instance, pine trees may be native to the region, but may be out of character on grassy hillsides with oak chaparral)*

Design Review for projects along a Scenic Road and concurrent Building Site Approval (and Grading Approval if necessary) involve a staff-level review which recommends that the Zoning Administrator, at a public hearing, takes an action to either grant or deny. Projects qualifying for administrative review will be granted or denied by Planning Staff. The decision 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 January 9, 2023. For questions regarding this letter, 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.

Warm regards,



Robert Cain  
Associate Planner

**cc:**

Samuel Gutierrez, Principal Planner  
Darrell Wong, Land Development Engineering  
David Seymour, County Geologist  
Alex Goff, Fire Marshal's Office  
Tom Esch, Roads and Airports  
Darrin Lee, Department of Environmental Health