

# County of Santa Clara

## Department of Planning and Development

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March 8, 2023

Sal Akhter  
1853 Thyme Court  
Gilroy, CA 95020

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

**FILE NUMBER:** PLN23-023  
**SUBJECT:** Design Review  
**SITE LOCATION:** 2580 Bridle Path Drive (APN: 830-17-059)  
**DATE RECEIVED:** February 7, 2023

Dear Sal Akhter:

County Staff have preliminarily reviewed the application, submitted on February 7, 2023, 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.

As currently designed, Staff has concerns about the visibility of the structure, access to the parcel, and existing confirmed and potential violations on the site. To better meet the intent of the required County's regulations, Staff recommends addressing the following concerns:

1. The property is currently under a Compliance Agreement related to unpermitted work on site. Please ensure that you are meeting the requirements and deadlines set out in that compliance agreement, and request amendments as necessary. The County will not approve additional permits or land use entitlements if the terms of the Compliance Agreement are not being met.
2. Plans note an existing residence constructed under Permit 2005-30756. This residence was approved as a temporary residence while another house was scheduled to be built. Pursuant to the County Zoning Ordinance, such a structure must be removed within 90 days of occupancy of the main residence, or two years after the date of the initial building

permit issuance. The fact that this residence was not demolished may be a violation. **Regardless of whether the structure is in violation or not**, it cannot remain on the property if you wish to add a new primary residence. This property is authorized at most one (1) single-family residence, one (1) ADU (not to exceed 1,200 sf in floor area), and one (1) Junior ADU (not to exceed 500 sf in floor area). As the residence is listed at 2,560 sf, it cannot qualify as an ADU or even a combined ADU/Junior ADU. Please incorporate its removal into your plans.

3. The residence and attached garage, as currently designed, appear to be highly visible from the west/southwest and south. While a full color board with light reflective values (LRV) was not included in this submission (please refer to the Incomplete Letter dated March 8, 2023 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.
4. 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.
5. Please note that while the Grading Abatement project is covered by the Santa Clara Valley Habitat Plan, the proposed new residence does not require coverage under that plan.

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.

**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.*  
*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)*

**State Minimum Fire Safe Regulations:**

*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").*

*2) Turnouts: Driveway will need multiple turnouts no more than 400 feet apart per § 1273.05 and meet specifications in § 1273.06.*

*§ 1273.05. Turnarounds*

*(a) Turnarounds are required on driveways and dead-end roads.*

*(b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.*

*(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.*

*(d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.*

*(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.*

*§ 1273.06. Turnouts*

*Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.*

*3) Road Surface: Ensure driveway is designed and maintained to support 40,000 pounds per § 1273.02.*

*§ 1273.02. Road Surfaces*

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- (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.*

*4) Defensible Space: Maintain defensible space specifications described in Public Resource Code 4291*

*§ 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.*

Design Review for projects in the property's zoning district that involve new floor area of 5,000 sf or less qualify for administrative review, unless certain criteria are met as outlined in the County Zoning Ordinance, and 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 March 8, 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  
Alex Goff, Fire Marshal's Office  
Darrin Lee, Department of Environmental Health