

County of Santa Clara

Department of Planning and Development
Planning Office

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San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



STAFF REPORT
Zoning Administration
June 12, 2019
Item #2

Staff Contact: Mark Connolly
(408) 299-5786, mark.connolly@pln.sccgov.org

File: PLN16-10755 **Design Review Approval for a new barn**

Summary: Design Review approval to construct a new 3,800 square foot barn proposed within 100 feet of Idylwild Road, which is a scenic road. Associated site improvements include a driveway and fire truck turnaround, and wharf fire hydrant. Associated grading consists of 95 cubic yards of cut and 30 cubic yards of fill.

Owner: Robert Emami
Applicant: Robert Emami
Lot Size: 4.62 acres
APN: 558-38-002 & 018
Supervisory District: 1

Gen. Plan Designation: Hillside
Zoning: HS-sr
Address: 0 Idylwild Road, Los Gatos CA
Present Land Use: Vacant
HCP: N/A

RECOMMENDED ACTIONS

- A. Accept the determination that the proposed project qualifies for a Categorical Exemption, under Section 15303 (Class 3(f) – New construction or conversion of small structures, Attachment A.
- B. Grant Design Review approval, subject to the Conditions of Approval outlined in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – Proposed CEQA Determination
Attachment B – Proposed Conditions of Approval
Attachment C – Location & Vicinity Map
Attachment D – Proposed Plans

PROJECT DESCRIPTION

The proposed project is to construct a new 3,800 square foot barn located within 100 feet of Idylwild Road, which is a scenic road. Associated site improvements include a driveway and fire truck turnaround, and wharf fire hydrant. Associated grading consists of 95 cubic yards of cut and 30 cubic yards of fill. A Building Site Approval and Grading Approval for a single-family residence was recently approved by the Planning Division, with a Condition of Approval by County Roads and Airport to dedicate additional roadway. As a result of the roadway dedication, the barn became located within the 100-foot scenic road setback area and requires Design Review. The project under review is only for the barn within the scenic road setback area.

Setting/Location Information

The subject parcel is approximately 4.6 acres in size and is currently vacant. Access to the subject property is via a public maintained road, Idylwild Road, which bisects the property. The approved residence would be located on the south side of Idylwild Road. The property is located in the unincorporated Los Gatos, above Lexington Reservoir.

The subject property has an existing dirt road that leads to the building pad, which is flat. The property is a gently sloping parcel with a mixture of trees and shrubs. The slope of the subject lot is approximately 20%. Parcels surrounding the subject property are also larger rural lots and developed with a mixture of one (1) to two (2) story single-family residences.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3f) for new construction or conversion of small structures.

B. Project/Proposal

1. **General Plan:** The project includes construction of an accessory structure within the HS-sr combined zoning district, with no jurisdictional Urban Service Area. The General Plan land use designation for the subject parcel Hillside, which is intended to allow low density single-family residential use with accessory structures.
2. **Building Site Approval:** Per County Ordinance Section C12-307 and C12.309.2, Building Site Approval is required for new single-family or two-family dwellings, including any HS zoning district. An application for Building Site Approval was approved on April 26, 2019.
3. **Zoning Standards.** The proposed project satisfies the required development standards as summarized below:

Front Setback:	30 feet (Design Review required within 100 ft. of scenic road)
Side Setbacks:	Per UBC
Rear Setback:	Per UBC

Height: 35 feet tall
Stories: 2

C. Design Review Findings:

All Design Review applications are subject to the scope of review as listed in §5.50.040 of the County Zoning Ordinance. The overall purpose of design review is to encourage quality design and mitigate potential adverse visual impacts of development. Additionally, for development within 100 feet of a Scenic Road, Design review is required to ensure development is compatible with the scenic road. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project meets the required standard is in plain text below.

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

The property is heavily wooded and slopes up from Idylwild Road. A total of twelve (12) trees would be removed as a result of construction of the barn and driveway, seven (7) of these are ordinance size protected trees (12-inches in diameter 4 feet from grade). A mixture of existing mature trees, non-protected trees and shrubs would be removed, as recommended by either the project Arborist or Roads and Airports, for site clearance visibility. The Arborist Report prepared for the project by Vaughn Forestry dated, June 27, 2018, includes these removal recommendations and mitigations for replacement, which will provide visual screening of the barn as viewed from Idylwild Road. This mitigation has been included as a Condition of Approval.

The design of the proposed barn is similar to a two-story residence, which will help the proposed barn fit into the neighborhood character. The proposed barn is 35-feet tall from finished grade and is a two-story design that includes natural colors and materials with a Light Reflectivity Value (LRV) of 45 or less. Maintaining this LRV is included as a Condition of Approval. As such, Staff recommends that this finding can be made.

2. Compatibility with the natural environment;

The barn is proposed in an appropriate location on the subject property. The building pad would require grading into the hill for the rear of the barn. The proposed cut is reasonable and would not create an unnatural appearance or scaring, as seen from the scenic road. The Applicant could have proposed additional cut into the hill to maintain 100 feet or more from the edge of the Idylwild Road, which would have also avoided Design Review. However, staff finds that the minimal grading and tree replacement to accommodate screening of the barn and improvements creates a design that is compatible with the natural environment, and this finding can be made.

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

The primary goal of the County *Design Review Guidelines* is to maintain the predominantly natural character of hillsides areas and areas along designated scenic roads in Santa Clara County. The proposed project conforms to the *Design Review Guidelines* as the siting of the proposed barn utilizes a majority of existing flat area on the site and its related improvements (driveway) are designed to follow the natural contours and to minimize excessive grading. The bulk and mass of the building has been designed to minimize long and tall wall planes and is broken up by incorporating varied roof planes, windows and doors. Also, the design of the barn simulates a single-family residence to additionally help the structure blend into the neighborhood. As a Condition of Approval, exterior colors for the barn façade, trim and roof materials are to have a Light Reflectivity Value less than or equal to 45. As conditioned, Staff recommends this finding can be made.

4. Compatibility with the neighborhood and adjacent development;

The proposed residence is in keeping with the characteristics of the surrounding neighborhood. The neighboring parcels are developed with low density single-family development and surrounded by dense trees to minimize impacts on privacy and view of neighboring properties, which the subject project is also consistent with. The architectural styles are predominantly Mediterranean for the newer developments or ranch style for the older homes. There are four (4) new residences currently under construction in the immediate neighborhood. The proposed barn is a two-story design, however it would not be obtrusive or stand out compared to the other developed parcels in the immediate vicinity and is compatible with the immediate neighborhood. Staff recommends this finding can be made.

5. Compliance with applicable zoning district regulations; and

Residential accessory use is an allowed use in HS Hillside zoning district, and the project complies with the HS zoning regulations. The proposed barn exceeds all required setbacks (30-feet from all property lines) and meets the maximum allowed height of 35-feet. As such, Staff recommends that this finding can be made.

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

The General Plan Growth and Development Chapter for Rural Unincorporated Areas contains specific policies under Strategy #3, to *Ensure Environmentally Safe and Aesthetic Hillside Development*. To address policies intended to minimize or avoid unnecessary grading and for development of lots which propose hilltop or ridgeline development, the applicant has designed the project with a modest building footprint and has located the barn away from the steepest slope of the property.

The subject parcel is not located on or near a ridgeline and has no visibility toward the portion of the lower hillsides or valley floor.

As such, as conditioned, the project would be in conformance with the General Plan and this finding can be made.

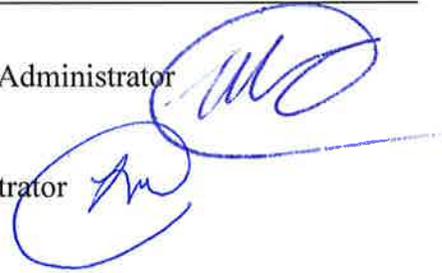
BACKGROUND

The applicant originally submitted application for a Design Review on December 14, 2016, along with a Building Site Approval and Grading Approval request. Multiple revisions to the design of the residence, grading and access ultimately moved the subject barn outside of the 100-foot scenic road setback, resulting in no need for Design Review. However, after implementing County Roads and Airport conditions to expand the right-of-way, the applicant determined that the barn would actually be located within the 100-foot scenic road setback. As the original Design Review application fee was never refunded, Staff applied the recent request by the applicant to allow the barn in the scenic road to the originally submitted Design Review application fee. The project was deemed complete on April 22, 2019. A public notice was mailed to all property owners within a 300-foot radius on May 28, 2019, and was also published in the Post Record Newspaper on May 28, 2019.

STAFF REPORT REVIEW

Prepared by: Mark J. Connolly, Senior Planner / Deputy Zoning Administrator

Reviewed by: Leza Mikhail, Principal Planner / Zoning Administrator

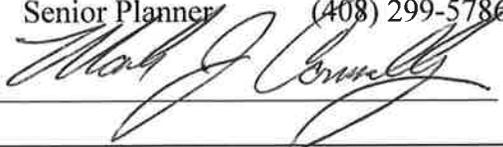


ATTACHMENT A

Notice of Exemption from CEQA

To: County Clerk-Recorder
County of Santa Clara

Office of Planning & Research
PO Box 3044, Room 222
Sacramento, CA 95812-3044

Project Title Emami Design Review for a barn within a scenic road	File Number (if applicable) File PLN16-10755
Project Location 0 Idylwild Road, Los Gatos, CA	
Public Agency Approving Project County of Santa Clara	Person or Agency Carrying Out Project Mark J Connolly, Senior Planner
Project Description (including purpose and beneficiaries of project) Design Review to construct a new 3,800 square foot barn proposed within 100 feet of Idylwild Road, which is a scenic road. Associated site improvements include a driveway and fire truck turnaround, and wharf fire hydrant. Associated grading consists of 95 cubic yards of cut and 30 cubic yards of fill.	
Exempt Status check one/indicate type of State CEQA Guidelines section number: <input checked="" type="checkbox"/> Categorical Exemption [CEQA Guidelines 15301-15333]: <input type="checkbox"/> Statutory Exemption [CEQA Guidelines 15260-15285]: <input type="checkbox"/> Declared Emergency [15269(a)]: <input type="checkbox"/> Emergency Project [15269(b)(c)]: <input type="checkbox"/> General Rule [CEQA Guidelines 15061(b)(3)]:	
Reasons the project is exempt: Class 15303 (f) New construction or conversion of small structures.	
County Contact Person Mark J. Connolly	Title Senior Planner
Date: <u>6/7/19</u>	Telephone Number (408) 299-5786 Signature: 

**PRELIMINARY
DESIGN REVIEW
CONDITIONS OF APPROVAL**

Date: June 12, 2019
Owner/Applicant: Robert Emami
Location: Idylwild Road (Lot 169) (APN's 558-38-002, 018)
File Number: 10755-15B-15G
CEQA: Categorically Exempt - Section 15303 (Class (f))
Project Description: Design Review for a barn within 100 feet of a scenic road.

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

Agency	Name	Phone	E-mail
Planning	Mark Connolly	(408) 299- 5786	mark.connolly@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@pln.sccgov.org
Geology	Jim Baker	(408) 299 – 5735	jim.baker@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Building Inspection		(408) 299-5700	
Land Development Engineering	Ed Duazo	(408) 299 5733	Ed.duazo@pln.sccgov.org

STANDARD CONDITIONS OF APPROVAL

Building Inspection

1. For detailed information about the requirements for a Building Permit, obtain a Building Permit Application Instruction handout from the Building Inspection Office or visit the website at www.sccbuilding.org

Planning

2. Development shall take place in accordance with the approved plans, prepared by KDA Architecture dated Feb 5, 2018, and Kier and Wright Engineers dated November 16, 2018. Changes to the approved plans will require review and approval of a modified application with the Planning and Development Department.
3. Existing zoning is HS-sr. (Hillsides with a Scenic Road) Maintain the following minimum setbacks:

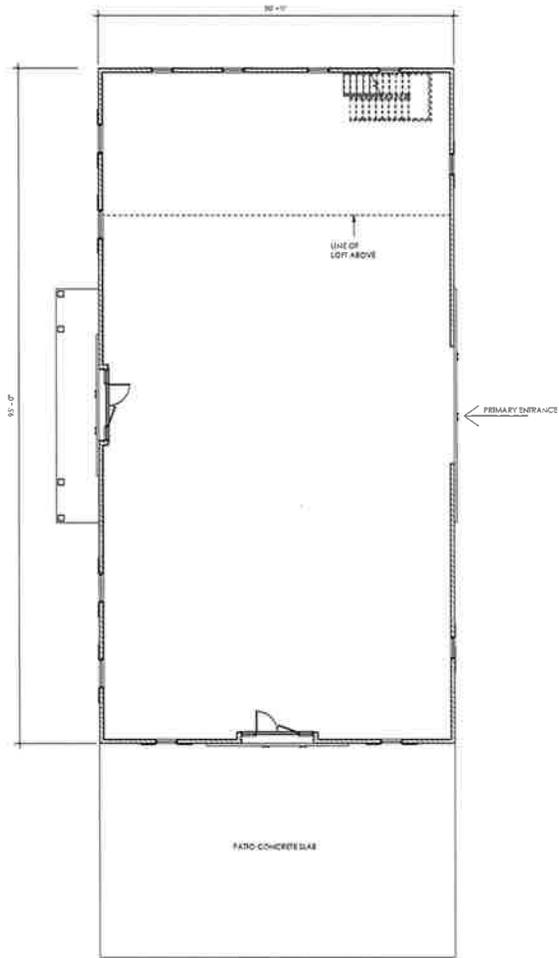
Front Setback: 30 feet (Design Review required within 100 ft. of scenic road)
Side Setbacks: Per UBC
Rear Setback: Per UBC
Height: 35 feet tall
Stories: 2

4. All Conditions of the Arborist Report Prepared by Vaughn Forestry, and dated June 27, 2018, shall be followed.
5. Prior to the issuance of the first permit, a final Landscape Plan shall be submitted showing replacement trees per the Arborist report in the designated areas shown on Figure 3
6. Exterior colors for the barn façade, trim and roof materials are to have a Light Reflectivity Value less than or equal to 45, and shall be constructed pursuant to the approved color pallet.
7. All conditions of the April 26, 2019 Building Site Approval and Grading shall remain in full force and effect and shall be supplemented by these Condition of Approval for Design Review (File 10755-16B-16G) to allow a barn in the 100-foot scenic road setback.

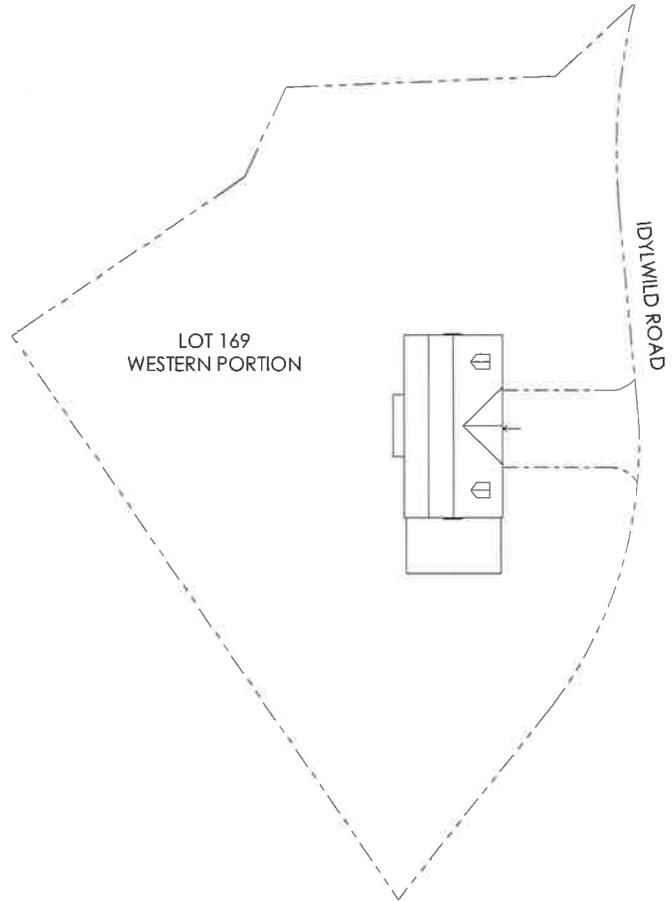
CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT, WHICHEVER COMES FIRST

Planning

8. **Prior to final inspection**, contact Mark J. Connolly at 408 299 5786, at least a week in advance to schedule a site visit to verify the approved exterior colors have been installed as approved and existing landscaping is maintained.



② Level 1
1/8" = 1'-0"



① Site
1" = 30'-0"

ROEM Development, Inc.
 1650 Lafayette Street
 Santa Clara, CA 95050
 C 408.515.2689
 www.ROEMcorp.com

LOT 169 BARN
 ROBERT EMAMI
 IDYLVILD ROAD
 LOT 169 (WESTERN PORTION)

REVISIONS:	
#	Description

SITE PLAN, FLOOR PLAN

DATE: 2019.04.22
 SCALE: As indicated
 SHEET:

A1

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LOT 169 BARN
 ROBERT EMAMI
 IDYLWILD ROAD
 LOT 169 (WESTERN PORTION)



REVISIONS:

#	Date	Description

ELEVATIONS

DATE: 2019.04.22
 SCALE: 1/8" = 1'-0"

A2

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