

# County of Santa Clara

Department of Planning and Development  
Planning Office

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(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



## **\*\*REVISED TO INCLUDE FIRE MARSHAL COMMENTS\*\***

February 1, 2022

Apex Bait  
c/o Amanda Musy-Verdel  
Hannah-Brunetti  
7651 Egleberry St  
Gilroy, CA 95020  
E-mail: [amanda@hannabrunetti.com](mailto:amanda@hannabrunetti.com)

## **\*\* SENT BY EMAIL ONLY \*\***

**FILE NUMBER:** PLN21-222  
**SUBJECT:** Use Permit, Architecture and Site Approval (ASA), and Grading Approval Application for Agricultural Research with Laboratory facilities, a (N) SFR w/ (N) ADU, and associated improvements.  
**SITE LOCATION:** Burnett Ave, Morgan Hill, CA 95037 (APN: 728-38-001)  
**DATE RECEIVED:** December 28, 2021

Dear Ms. Musy-Verdel:

Your application for a Use Permit with ASA and Grading Approval was received on the above date and is **incomplete**. For application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made by appointment over video chat with the Planning Division counter and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is submitted, the Planning Division will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that item. They represent a particular specialty or division and can provide details about the requested information.

An appointment is required for all future resubmittals. Please contact me at (408) 299-5775, or [michael.meehan@pln.sccogv.org](mailto:michael.meehan@pln.sccogv.org) to schedule a meeting.

Submit revised electronic plans and a written response addressing the following items. All items must be addressed and included in the submittal.

## **PLANNING OFFICE**

Contact Michael Meehan at (408) 299-5775, or [michael.meehan@pln.sccgov.org](mailto:michael.meehan@pln.sccgov.org) for information regarding the following items:

1. Provide calculation of total lot coverage and total development area. Ensure that the total development area on the site does not exceed a cumulative area of two acres, as per the newly adopted standards in Zoning Ordinance section 3.95.030.
2. Provide calculation of the total area to be kept under agricultural cultivation, specify what crops will be produced, and what the management plan will be for ensuring that at least six acres of the parcel will remain cultivated for at least three years out of every five year period, as per the newly adopted requirement in Zoning Ordinance section 3.95.040.
3. Provide floor plans for each building associated with the nonresidential use of the property, including the proposed barns, and provide the specific use of each room.
4. Ensure that all permanent improvements, including leach fields, are located outside the 100-foot setback from the creek.
5. Provide details for all existing and proposed gates or fencing (with materials and height).
6. Include details of all proposed signs with location, dimensions, and design.
7. Provide a photometric lighting plan. Please note that lighting shall be equivalent of one (1) foot candle of illumination throughout the parking lot areas (Zoning Code Section 4.30.070) and lighting shall be confined to the premises. Include the light fixtures and their location on all buildings and proposed parking lot areas.
8. Provide a preliminary landscape plan showing screening of use from neighboring properties and Highway 101.
9. Provide a parking table specifying total parking proposed and total parking required pursuant to the County Zoning Ordinance. Identify day-to-day parking as well as parking for activities during what the application refers to as “peak event seasons” when additional parking for employees or visitors may be needed.
10. Please provide color samples and materials for all new structures. This information is required pursuant to the County’s Architecture and Site Approval Guidelines.

## **LAND DEVELOPMENT ENGINEERING**

Contact Eric Gonzalez at (408) 299-5716, or [eric.gonzales@pln.sccgov.org](mailto:eric.gonzales@pln.sccgov.org) for information regarding the following items:

11. Per County Ordinance Section C12-424, provide preliminary grading plans to

comply with the following requirements:

- (A) A statement explaining the purpose for the proposed grading and quantities. Remove work not part of grading permit under SCOPE OF WORK.
- (B) A table of proposed quantities for each proposed improvement (e.g. underneath the residence, driveway, access road, landscape areas, cut and fill slopes outside the building footprint, etc.). Provide landscaping quantities on the table. Confirm if AB driveway shown on plans is the same as GRAVEL quantities. If so, change to AB on the table.
- (C) The complete site boundaries and locations of any easements and rights-of-way traversing and adjacent to the property, appropriately labeled and dimensioned. Provide copy of preliminary title report.
- (D) Location of known landslides, fault zones, liquefaction zones and other soil or geologic hazard areas.
- (E) Planting and/or seeding for the area affected by the proposed grading.
- (F) Location, type, size and drip line of all trees with a trunk diameter of 12 inches or more, measured at a point four and five-tenths feet above average ground level, within the development area or where the drip line of the tree is disturbed or affected by the proposed grading. If the site or a portion of the site is located within a Historic Preservation Combining District, all trees with a trunk diameter of six inches or more shall be included. The plans shall indicate which trees are proposed to be removed and those that are proposed to remain.

Approvability Items – Building Site Approval and Grading

- 12. Please provide a table of the estimated impervious areas that are created as a part of the development. The net change in impervious areas shall be clearly stated on the plans. (These are required to determine whether a drainage permit or whether Clean Water requirements are triggered creating further grading requirements.)
- 13. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the septic field and any stockpile areas as well.
- 14. Revise the driveway design to conform to County Standard Detail SD5 or as required by the County Fire Marshal's Office/CalFire, whichever is greater. This is for the new AB section.
- 15. Include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of a preliminary title report, prepared within the current ownership of the property, with a statement from the owner that no subsequent encumbrances have been recorded since the preparation of the title report.
- 16. Submit a completed San Francisco Bay Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.

## DEPARTMENT OF ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5748, or [darrin.lee@cep.sccgov.org](mailto:darrin.lee@cep.sccgov.org) for information regarding the following items:

17. Although percolation tests and soil profiles have been done, no onsite wastewater treatment system (OWTS) plan were submitted to the Department of Environmental Health. Provide/ Submit OWTS plans to DEH. On the OWTS plan include all soil profile and percolation test hole locations (including failed holes, if any). Provide soil profile logs and percolation test results.
18. Approved water clearance from Dept. of Environmental Health (DEH) is required prior to approval of use permit (Santa Clara County Standards and Policies Manual Vol. 2, Section 1.3.3 B(1)). This will be a separate submittal to DEH requiring a Water Clearance Application, well construction log, well yield test data, and Title 22 water testing. Once approved, please upload water clearance approval letter into Accela for Planning Dept. review. Please contact Jeff Camp at 408-318-1559 or [jeff.camp@cep.sccgov.org](mailto:jeff.camp@cep.sccgov.org) for more information regarding water clearance.

## ROADS AND AIRPORTS

Contact Thomas Esch at (408) 573-2450, [tom.esch@rda.sccgov.org](mailto:tom.esch@rda.sccgov.org) regarding the following:

### Future Width Line

19. Vista de Lomas Avenue has two separate Future Width Line (FWL) requirements: 60' FWL (half street width 30') for a northerly segment and 92' (half street width of 46') for rest of segment (as identified in the future width lines map). Burnett Avenue has a FWL of 96' (half street width of 46').
  - a. All future site plans should reflect the FWL locations.
  - b. Site plans should include a FWL radius per Detail A/4 for FWL intersection of Burnett and Vista de Lomas.
20. Dedication may be required at a future date as part of any needed land use approvals. There is a current plan adopted that effects the future alignment of Vista De Lomas as it approaches Burnett Avenue and may have bearing on this project if it is realized.

### Driveways and Frontage

21. Ag Research Facility Driveways: Design B/5 driveways and indicate as such on the revised plans.
22. Residential Driveway: Design B/4 driveways and indicate as such on the revised plans. If residential driveway is to also serve commercial traffic for the research facility, design B/5 driveway. If only residential driveway, indicate on plans "Driveway for residential use only" to confirm design is for residential driveway use only.

23. Burnett Avenue Driveway: Along Burnett Avenue, indicate if driveway access is to remain or if it will be removed. If the driveway and gate will remain, a County standard B/5 driveway approach will need to be established and an additional evaluation will be needed as an addendum to the Traffic Study (which did not address the Burnett Avenue driveway). Revise plans to show existing gate and fence and indicate gate removal or a permanent gate.
24. The property's frontage will be required to be improved to County Standard B/4A. Indicate improvements on the revised plans to identify any conflicts that will need to be resolved (i.e. utility poles, trees, culverts, etc.)
25. Standards provided shall be consistent with Roads and Airports Department's Standard Details and Standard Specifications. Copies of these details are available at the following web site: <http://www.countyroads.org>

#### Fixed fixtures in ROW

26. Gates, fences, retaining wall, fixed appurtenances, etc. shall be located outside the limits of the County maintained road right-of-way (ROW). If any items must remain in the ROW a Maintenance and Indemnification Agreement (MIA) recorded against the property will be required. Indicate on plans the intent of any existing or future items in the ROW.

#### Grading and Drainage Plans

27. Provide grading and drainage plans including drainage calculations. Preliminary site development/drainage plans shall clearly identify how the property drains. The topographic survey shall also identify property drainage, and uninterrupted flow of water in swales, channels and along the driveway. The drainage plan and drainage calculations shall demonstrate that any post-development runoff onto County Road ROW is equal or less than pre-development runoff and shall not cause a hazard or public nuisance.

### **GEOLOGY**

Contact Jim Baker at (408) 299-5774, [jim.baker@pln.sccgov.org](mailto:jim.baker@pln.sccgov.org) regarding the following:

28. Baez Geotechnical Group's Final Geotechnical Investigation Report (dated 6-11-2021) presents the findings of a thorough subsurface investigation of the site (including the logs of 7 test pits and one 50-foot-deep boring) that found "soils above the water table to be dense to very dense" and concludes that "the potential impacts ... from liquefaction induced differential ground settlement and lateral spreading are low." Therefore, no further requirements are necessary for geologic clearance.

### **HABITAT CONSERVATION PLAN**

Contact Joanna Wilk at (408) 299-5799 or [joanna.wilk@pln.sccgov.org](mailto:joanna.wilk@pln.sccgov.org) regarding the following:

Application for Private Projects

29. Prior to issuance of any grading/drainage or building permit, submit a completed Habitat Plan Application for Private Projects (“Application”) with all required submittal materials, including land cover mapping, exhibits (as described in the Application), and required staff review fee to the Planning Office for review and verification. The required site plan shall show the project development (residence, secondary dwelling, accessory structures, leach field, driveway, and any required off-site road improvements), impact area calculations, and delineation of the permanent and temporary development buffer areas.
- Permanent development area is defined as all land that will have permanent improvements (driveways, water tanks, buildings/structures, landscaping, etc.), plus a 50-foot buffer surrounding these areas.
  - Temporary development area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities/trenching, etc.) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.

Fees

30. Prior to issuance of any grading/drainage or building permit, all Santa Clara Valley Habitat Agency (SCVHA) fees must be paid. Land cover fees are paid based on the land cover verified by a qualified biologist, and development area associated with the project. Temporary development fees are based on the amount of time the land is disturbed during construction, plus one year after completing construction, and cannot exceed a combined total of 2 years. All temporary development that exceeds 2 years from the onset of construction will be subject to permanent impact fees. This project is subject to the following Habitat Plan fees:
- Land Cover Fee Zone A – Ranchlands and Natural Lands.
  - Nitrogen Deposition Fee – Single-Family Residence.

Habitat Plan Conditions of Approval

31. Prior to issuance of grading/drainage or building permit, all future development is subject to the following Conditions of Approval and described in more detail within Chapter 6 of the Santa Clara Valley Habitat Plan.
- Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species.
  - Condition 3: Maintain Hydrologic Conditions and Protect Water Quality.
  - Condition 7: Rural Development.
32. Prior to issuance of grading/drainage or building permit, incorporate the Habitat Plan Conditions of Approval (Exhibit A) and Table 1: Hydrology Condition 3 and Condition 4 into the grading/drainage and building plans.

## **FIRE MARSHAL**

Contact Alex Goff at (408) 299 5763 or [alex.goff@sccfd.org](mailto:alex.goff@sccfd.org) for information regarding the following items:

33. Clarify what buildings will have fire sprinklers as a deferred submittal and what type of sprinklers.
  - Example is the residential units will require NFPA 13D sprinklers, the structures not used as residential use will require NFPA 13 fire sprinklers. Clarifying this now will likely ensure there isn't any confusion later in the process.
34. Plans to state the size of the proposed water tank and what it will serve.
  - Fire protection to be sized based on NFPA 1142.
  - Future proposed 4,000 sf. structure may increase required amount of water tank at that time. Clarify in analysis if this future structure was a part of the tank sizing or not.
35. Clarify if fire hydrants are new (N) or existing (E) and if standard or wharf.
  - Non-residential uses are to install standard fire hydrants.
36. Plans to state fire department access will be made of an "all weather" material capable of holding 75,000 pounds.

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If the requested information is not submitted within 180 days, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted within 1 year of the date of this letter and will not be accepted after 1 year. **Partial submittals will not be processed.** Fees required at the time of resubmittal will be those in effect at that time.

Please note that the application for a Use Permit, Architectural and Site Approval, and Grading Approval was charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

As of the date of this letter, approximately 0-25% of your initial deposit associated with your applications have been spent on the processing of your application.

If you have any additional questions regarding this application, please call me at (408) 299-5775 or [michael.meehan@pln.sccgov.org](mailto:michael.meehan@pln.sccgov.org). to discuss or schedule an appointment.

Sincerely,

Michael Meehan  
Senior Planner