

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor

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San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



August 15, 2022

James Hartigan  
16428 Peacock Lane  
Los Gatos, CA 95032

[teresa@hannabrunetti.com](mailto:teresa@hannabrunetti.com)

\*\*\*BY EMAIL ONLY\*\*\*

**FILE NUMBER:** PLN22-128  
**SUBJECT:** Building Site Approval, Design Review, and Grading Approval for one new primary residence, one ADU, a small-scale winery, a barn, and a wine tasting room with associated driveways and parking lot.  
**SITE LOCATION:** 0 W. Edmundson Avenue, Morgan Hill (APN: 767-19-035)

Dear Mr. Hartigan:

The application Building Site Approval, Design Review, and Grading Approval is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with the project manager/planner and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

**AN VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL TO SCHEDULE AN APPOINTMENT.**

Please submit *all* electronic copy of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

### **PLANNING OFFICE**

Contact the Project Manager at (408) 299-5707 or [rebecca.rockom@pln.sccgov.org](mailto:rebecca.rockom@pln.sccgov.org) regarding the following comments:

1. Please provide the pre-1969 deeds; the Catherine Dunne Ranch map was recorded prior to 1929.
2. While a statement of justification letter was provided along with the application, Planning Staff is not convinced that the current plan indicates the best site for the SFRs and ADUs. Site of SFR 1 is at far end of property and the amount of grading proposed could be radically reduced by moving the SFR closer to the street. The locations of the vineyards are not dependent on a flat area, please provide an alternative site analysis of two additional site possibilities to reduce the amount of grading. Revise the statement of justification accordingly.
3. Please provide details of all proposed retaining walls, including the length and height of each wall, and top/bottom of wall elevations, and the amount of associated fill. If no proposed retaining walls, please state on site plans. Pursuant to [§ 3.20.040\(D\)](#), retaining walls visible from the valley floor shall not exceed 10 feet in height as measured from grade at face to top of wall. Multiple “stepped” retaining walls whose total height exceeds 10 feet must each be offset by at least six (6) horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation, per the adopted Design Review Guidelines.
4. Clearly indicate grading and fill and retaining walls associated with water tanks (with total number and size of each) on site plans and account for the grading for the water tank pads in the grading table.
5. Please indicate all fencing surrounding the animal pens, perimeter of property, and access to property from the right of way, or clearly state that there will not be fences or gates. Rural fencing is subject to Ordinance [§ 4.20.050\(B\)](#).
6. Please show the Finish Floor (FF) measurements for all structures in a manner that does not conflict with building footprints and is clearly legible.
7. Add measurements for setbacks shown on the site plans.
8. Please list the total acreage of property, the total acreage of disturbed area, and the total square footage of all structures on parcel. Chapter [5.50](#) indicates that Design Review Tier level is determined by the Zoning Administrator and will consider the cumulative structures on a lot.
9. Please show the location septic tanks with size of each tank on the site plans.
10. Please label all structures; site plan is missing the location of the garages.
11. Please add the water lines from water tanks, well, and wharf hydrants.

12. The deck for the ADUs appear to be covered, please confirm, if so, indicate the covered deck area on the site plans.
13. Site plan should indicate location HVAC units and include any additional tanks, i.e., propane tanks.
14. Please provide a Preliminary Landscape Plan, which should include any existing and all proposed on-site landscaping, including any fencing or screening. All trees at least 12" in diameter should be indicated on site plan with species and size listed in on plans and in a tabular format. Please indicate all trees to be removed.
15. Initial California Natural Diversity Database mapping suggests potential habitat for Burrowing Owl and Tiger Salamander on this parcel, please obtain a qualified biologist report to verify any potential habitat per CEQA requirements.
16. Site plans indicate ground mount solar array on this parcel; however, plans do not indicate any associated grading. Please explain if any grading, fill or retaining walls associated with that area. If so, please add to the grading table.

### **FIRE MARSHAL'S OFFICE**

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

General Note- 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 to be met
17. Plans to state scope of work, size of structure, construction type, occupancy type and what type of sprinklers are proposed for specific structures. Clarify if the Barn, Winery or Tasting room are intended for non-residential use.
  18. Plans are to clarify fire department turnouts meeting CFMO-A1. The plans currently do not label any turnouts.
  19. Fire department turnarounds are to be sized per CFMO-SD16. Plans are to show dimensions meeting approved turnout sizes. Hammerhead turnarounds to have a 78 ft. long width at the "T", plans appear show a 60 ft. width.
  20. Sheet #7 shows a slope of 22.58% at station 10+00. Clarify if this is proposed slope of the road or the existing slope that will be reduced. Per CFMO-A1 the maximum slope is to be 15%, however portions of access may be approved with a slope greater than 15% but not to exceed 20%.

21. Clarify on plans that access will be made of an "all weather" material capable of holding 75,000 pounds.
22. Per Section 503.1.1, all portions of a structure are to be within 150 ft. path of travel to fire department access if more than 2 R-3 or U occupancies are proposed. It appears that structures such as the Winery and Barn are over this distance.
23. Wharf hydrant to be located a minimum of 55 ft. from any portion of a structure.
24. Provide elevations of the water tanks and wharf hydrants. The water tanks are to be at a higher elevation than wharf hydrants.
25. Size of proposed structures are not known, the amount of water for the wharf hydrant is based on the size of structures. Provide size of structures in the scope to clarify if the water amount is correct.
26. Plans to clarify where water for water tanks is coming from. If source of water is on a different parcel a shared water agreement will be needed.
27. Plans are to show a water tank for the Barn, Tasting Room and Winery meeting NFPA-1142 if a water purveyor is not available.

### **ROADS AND AIRPORTS**

Contact Leo Camacho at (408) 299-5780 or [Leo.Camacho@rda.sccgov.org](mailto:Leo.Camacho@rda.sccgov.org) regarding the following comments:

28. W Edmundson Avenue has a Future Width Line (FWL) for a 46-foot half street width (92-foot full street). Show on the revised plans the existing centerline, edge of pavement, and limits of the W Edmundson Avenue right-of-way and the limits of the FWL. A curvilinear dedication to public right-of-way may be required. All setbacks should be determined from the FWL.
29. Provide a Sight Distance Analysis (SDA) for driveway approach/es. The SDA shall be based on County Standard driveway approach layouts consistent with Caltrans Highway Design Manual Section 200 and prepared by a licensed civil engineer demonstrating adequate stopping sight distance in both directions is available. The SDA is to include the following:
  - a. The design speed used to determine the stopping sight distance.
  - b. The basis of the design speed, i.e., the engineer's statement that he/she has determined the speed by driving the section of roadway or the engineer's calculation of the speed based upon the existing measured roadway geometry
  - c. The limits of any obstruction(s) to be removed between the edge of pavement and the sight line.
  - d. Indicate on plans if any conflicts will require mitigation, such as tree removal or additional grading.

30. All driveways accessing the property will be required to be improved to County Standard B/5 approaches, the revised plans should indicate as such.
31. The property's frontage will be required to be improved to County Standard B/4A. Indicate and label improvements on the revised plans to identify any conflicts that will need to be resolved (i.e., utility poles, trees, culverts, etc).
32. Gates, fences, retaining wall, fixed appurtenances, etc. shall be located outside the limits of the future County maintained road right-of-way (ROW).

### **LAND DEVELOPMENT ENGINEERING**

Contact Darrell Wong at (408) 299-5735 or [darrell.wong@pln.sccgov.org](mailto:darrell.wong@pln.sccgov.org) regarding the following comments:

33. 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.
34. 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.
35. Show the locations of all the utilities on the project including, but not limited to, storm drainage, water, septic/sanitary, and electrical.
36. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of Section C12-407 of the County Grading & Drainage Ordinance. Please provide a Drainage Plan that demonstrates the following items:
  - a. the site can be adequately drained,
  - b. the proposed development will not cause problems to the nearby properties,
  - c. the on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.
37. Please 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.
38. Submit a completed Central Coast Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.
39. The plan and profile stationing should be separated into different stations for different sections of driveway. Please use different stationing for each driveway. For instance, start the ADU at 20+00, the SFR No. 2 driveway at 30+00, and the winery road at 40+00.

40. Provide sections cut in both directions as necessary through the main areas of grading, especially through the areas of the structures.
41. Please demonstrate legal access to the development by way of a covenant of easement for the access over the westerly property for the benefit of the property to the east. This may impact the setback of ADU No.2 and SFR No.2.
42. The outlined turnaround at SFR No.1 and ADU No. 1 appear to exceed the turnaround graded to support it. Please adjust grading area and quantities accordingly.
43. Provide a 22' wide traveled way for the access to the nonresidential section of the property. Show the section on the plans and adjust the grading accordingly.
44. Show the grading for the accessible route of travel and the accessible stalls for the non-residential property.
45. Show the grading on the plans for the access to the barn.
46. Show all grading for the construction of the water tanks.
47. Show the storm drainage and demonstrate how the runoff will reach the detention pond and the required storm water treatment systems.

### **Approvability**

48. Provide justification why there must be a looped driveway that results in additional grading as opposed to adding a fire turnaround at the end of the parking area with a single driveway.
49. Provide justification for the location of SFR No.1 and why it must be located in the proposed location as opposed to ending the driveway at about Station 16+50.
50. The outlined turnaround at SFR No.1 and ADU No. 1 appear to exceed the turnaround graded to support it. Please adjust grading area and quantities accordingly.

### **DEPARTMENT OF ENVIRONMENTAL HEALTH**

Contact Darrin Lee at (408) 299-5748 or [darrin.lee@deh.sccgov.org](mailto:darrin.lee@deh.sccgov.org) regarding the following comments:

51. Submitted site/grading plans show a proposal for 2 dwelling units and wine tasting room and 3 onsite wastewater treatment system (OWTS) dispersal field locations (defined by an individual rectangular box).
  - a) On revised site/ grading plan, show all soil profile and percolation test hole locations (including failed holes, if applicable) for the two dwellings and winery.

- b) Provide soil profile log and percolation test results for each of the proposed dwellings, winery and tasting room.
  - c) Show a tentative OWTS design for each of the proposed dwellings.
  - d) For the proposed winery/ tasting room, the OWTS design shall be based upon peak flows; therefore, provide the following information: the number of events and anticipated number of visitors attending these events. Show and provide wastewater calculations for proposed dispersal field serving winery/tasting room. Show a tentative OWTS design for the proposed winery/tasting room.
  - e) Clarify whether there will be foods served as part of the tasting events? For the tasting events, will there be onsite washing, rinsing, and sanitizing of multi-use utensils and/or glassware? If so, wastewater generated from washing, rinsing, and sanitizing activities shall be included into OWTS design considerations.
52. Submitted plan show an existing onsite well, clarify/ show the total number of connections to be served by the existing well and provide the number of persons served daily basis. Will this well serve APN 767-19-034, if so, please include into persons and connection count.
- f) For either individual, shared, and/or State Small water clearances, contact the Department of Environmental Health (Jeff Camp, 408-918-3473). This is a separate submittal to Environmental Health and subject to completion of a service application, submittal of documentation, and payment of fees.

## **GEOLOGY**

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

53. Submit a geologic report that includes an evaluation of slope stability. The site is located within a County Landslide Hazard Zone. Contact the County geologist to discuss the scope of study needed. Pay the appropriate report review fee when uploading an unsecured pdf of the report into the Documents portal of Accela.

Please make sure the requested changes are made for the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project manager.** If the requested information is not submitted within **180 days**, you are required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of the incomplete letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Note the Design Review application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

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If you have questions regarding the application, please contact (408) 299-5707 or [rebecca.rockom@pln.sccgov.org](mailto:rebecca.rockom@pln.sccgov.org).

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Rockom".

Rebecca Rockom  
Assistant Planner