



January 18, 2023

Santa Clara County Department of Planning & Development
ATTN: Rebecca Rockom
70 W. Hedding St, East Wing, 7th Floor
San Jose, CA 95110

*** Digital Upload 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 Rebecca:

Responses to incomplete comments provided on December 30, 2023 are as follows:

PLANNING OFFICE

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

1. Based on the gross floor area, defined in Zoning Ordinance (ZO) [§1.30.030](#), of proposed structures (6,602 SF), the Design Review level has been determined to be Tier 2, pursuant to ZO [§ 3.20.040\(2\)](#). Please pay the additional fees assessed.

Response: Projects are determined to be Tier 1, Tier 2, or Tier 3 based on the square footage of "a structure" proposed on the property. There is no language in the Zoning Ordinance that requires an analysis of cumulative floor areas to determine the Tier level and there is no language that allows the department the discretion to make that call. The purpose of the -d1 district is to limit the massing of buildings visible from the valley floor. The language of "a structure" was intentionally put in the ordinance to incentivize development with smaller mass buildings.

2. Plans for landscaping have been included on the site plans however they do not indicate the number of trees to be removed. Provide a table of the trees to be removed that includes the type of tree and its trunk size (defined in [Section C16-2](#)). If no trees are to be removed, please state on the site plans.

Response: No trees are being removed. A note has been added.

FIRE MARSHAL'S OFFICE

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

3. Fire department turnouts are to meet CFMO-A1 dimensions, the tapers are currently shown as 22 ft. and are to be a minimum of 25 ft. each.

Response: The tapers have always been 25'.

4. Wharf hydrants are to be located in the path of travel to all structures. The hydrant's are currently located after the ADU's on the current plans, resubmittal is to show hydrants per CFMO-W4 including being located in the path of travel.

Response: Wharf hydrants have been relocated and the driveway has been modified to provide the access required.

5. Hydrants to be located at 20 ft. drivable width, fire department turnout or fire department turnaround. Hydrant at SFR1, ADU2 doesn't appear to meet this requirement.

Response: Wharf hydrants have been relocated and the driveway has been modified to provide the access required.

6. Plans currently show a 50,000 gallon water tank. Provide an analysis meeting NFPA- 1142 showing how the tank size was determined. Clarify what this water tank will serve such as Domestic, Fire Protection, Irrigation, etc. and what structures it will serve.

Response: Sorry I forgot to include the fire tank sizing. It will be uploaded with the submittal.

LAND DEVELOPMENT ENGINEERING

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

7. Provide a paved surface for all access driveways over 15% in grade. The plans currently provide a base rock surface for the entirety of the access driveway, some of which exceed the 15% maximum.

Response: Driveway slope reduced to 15% maximum.

8. Provide 22' wide paved drivable surfacing to access the parking areas for the non-residential parking portion of the development.

Response: Driveway section updated.

9. Update the plans Post Construction Improvement Requirement questionnaire to include the additional impervious area as necessary.

Response: Forms updated.

10. Show the location of the proposed water lines for the development from the wells to the tanks, and from the tanks to the structures.

Response: Line added.

11. Provide proper concentrated drainage along the inboard side of the access driveway which minimizes erosion of the base rock surface. The County standard SD5 driveway section may be considered since it is an AC surface, but alternative designs may be considered if the concentrated flow is designed to minimize erosion of the drivable surface.

Response: Revised driveway section detail.

DEPARTMENT OF ENVIRONMENTAL HEALTH

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

12. Resubmitted site grading and drainage plan show a proposal for a single-family dwelling, accessory dwelling unit and a wine tasting room being served by a common onsite wastewater treatment system (OWTS) dispersal field.

- a. For the shared dispersal field serving the proposed dwellings, on revise site grading and drainage plan locate and show all soil profile and percolation test hole locations that were utilized in the determination for OWTS feasibility.

Response: Perc hole and soil pit locations added.

- b. Provide soil profile log(s) and percolation test results related to the shared dispersal field.

Response: Soil profile and percolation test results were submitted. Please call me if there is a problem with what has been submitted.

13. For the common dispersal field, the OWTS design shall be based upon peak flows. The accounting of peak flows shall include the following considerations:

- Number of bedrooms per proposed dwellings.
- For the proposed tasting room, the number of employees and visitors.

Note: Applicant response to Environmental Health's previous incomplete comments as "on Saturdays and Sundays with a maximum of 25 visitors per day".

- a) Show and provide wastewater calculations for the proposed dispersal field.
b) Show a tentative OWTS design overlaid on revised site grading/ drainage plan.

Response: OWTS was shown on plan. Uploaded OWTS preliminary design by BioSphere will be included in the resubmittal.

14. Applicant's response to Environmental Health with regards to the proposed wine tasting room appears to meet the minimum requirements for a public water system under the jurisdiction of California State Water Resources Control Board, Division of Drinking Water, as the visitor count for each weekend day shall not exceed 25 visitors.

- c) Contact the State Water Resources Control Board to discuss the consolidation and permitting of the proposed dwellings (for both lots) and tasting room as public water system under the jurisdiction of CA State Water Resources Control Board, Division of Drinking Water (Eric Lacy, 510- 620-3474) vs creation of a public water system to serve the tasting room and a small private shared water system to serve the proposed dwellings across the two parcels.
- d) For information related to shared water clearance and/or obtaining shared water clearance, please contact the Department of Environmental Health (Jeff Camp, 408-918-3473). Shared water clearance is a separate submittal to Environmental Health subject to completion of service application, submitting documentation to include shared water agreement, well completion log, water yield report, water sampling results, and payment of applicable fees .

Response: The owner doesn't want to create a public water system. He'd prefer to have a shared well system for the 4 residential units and a private well for the tasting room. The operation will be limited to less than 25 people 60 days of the year.

Response to Policy Issues

PLANNING OFFICE

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

1. Under the [Design Review Guidelines](#) Objective II(2)(c), the choice of plants should be sensitive to the character of the sub region in which they will be located. The proposed trees chosen for landscaping include species which are not native or naturalized. 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. Please refer to this website, [County of Santa Clara Sustainable Landscape Management](#), for additional information and recommended sustainable plant lists.

Response: The owner is proposing minimum landscaping for screening and selected the plants he wants. Unless there is a requirement to use different plants, he'd rather not change the plan.

2. Proposed signage has been reviewed per Zoning Ordinance [§ 4.40.110](#) Agricultural Sales and Winery Signs. Signs conforming to the provisions of this subsection (§ 4.40.110(B)) shall be allowed by right. Please note: all signs shall have the name, address, and telephone number of the person responsible for the agricultural sales or winery operation painted or printed indelibly on the back side of the sign.

Response: The sign shall conform with all requirements.

3. The submitted plans label the project residential structures using a number system 1 and 2, however, the numbering system proposed for the project suggest that the dwellings are on a single parcel. To avoid confusion, relabel the project site plans and structures with a lettering system using parcel B, single family residence B, and ADU B.

Response: The units on 767-19-034 are all NO. 1 and the structures on -35 are No .2. I don't think it's worth the time and money to change them to lettering rather than numbering.

4. The site plan indicates the location of the fire water tank to be approximately nine feet from the side property line. Per Zoning Code section (insert code section) the water tank must be at least 30 feet away from the side and rear property lines if over 12 feet tall. Indicate on the site plan the true height of the water tank measured from natural grade to the top of the water tank and adjust the setback of the water tank from the property line accordingly to comply with the zoning setback requirements.

Response: The water tank is 8.5' tall and is noted on the plans.

Habitat Conservation Plan Comments

5. The Biology Report from Live Oak Associates states that “the site supports suitable upland habitat for California tiger salamanders.” Planning staff requests that the biologist provide additional information regarding the presumed habitat. Please define the typical California Tiger Salamander habitat and include mapped areas with buffers on the site plans. In

addition to clarifying potential habitat areas on the project site to avoid, the biology report should provide recommendations for best practices to minimize the impacts to habitat areas due to the project construction and operations.

Response: The site itself provides the suitable upland habitat based on the occurrence in the area. There is no specific location. The project will be subject to HCP fees to mitigate the taking.

CAL FIRE

Contact Carlos Alcantar at Carlos.Alcantar@fire.ca.gov regarding the following comments:

Response: Response: Is there any way to evaluate CalFire's input prior to sending it out? This is a long list of requirements I am familiar with and the plans conform to.

This project (PLN22-127/128) is located within the State Responsibility Area (SRA) and is recommended to follow all minimum wildfire protection standards of California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 – Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5.

1. Roadway and Driveway Surfaces: Ensure driveway is designed and maintained to support 40,000 pounds per § 1273.02.

§ 1273.02. Road Surfaces

- (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.
2. Turnouts and Turnarounds: Driveways will require multiple turnouts. First driveway will require a turnout at midpoint since driveway is over 300 feet. Ensure turnouts and turnarounds meet specifications in § 1273.05 & § 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.

§ 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. Defensible Space: Maintain defensible space specifications described in Public Resource Code 4291.

§ 1276.01. Setback for Structure Defensible Space.

(a) 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.

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEMS


Contact Bryan Much at 707-588-8455 or nwic@sonoma.edu regarding the following comments:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.

1. The proposed project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since the previous survey (Cartier 1980) and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify any unrecorded archaeological resources.
2. We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916)373-3710.

Response: Do we need to get an archaeology report? That's normally an incomplete comment we get in the first round.

Regards,



Teresa Price, P.E.