

County of Santa Clara

Department of Planning and Development
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****Via Email Only****

October 20, 2022

Cody Drummond

Via email @ cd3311@gmail.com

FILE NUMBER: PLN22-154
SUBJECT: Building Site Approval and Grading Approval
SITE LOCATION: Oak Glen Avenue, Morgan Hill, CA 95037, APN: 764-04-007
DATE RECEIVED: September 21, 2022

Dear Mr. Cody Drummond,

Staff has reviewed your application, submitted on the above date, and would like to provide staff's assessment of the proposed design with respect to the Grading Findings, General Plan, and Guidelines for Grading and Hillside Development.

The information in this section are not incomplete items and are not required to deem the application complete for processing. The information in this section is informational only and can be discussed further if desired with the County Staff.

1. Grading Approval may be granted if all the findings can be made pursuant to the County Ordinance Code C12-433. As currently proposed, Staff has difficulty making the finding pursuant to the County Ordinance Code Section C12-433 a, d, e, f, g. Code reference language is provided below.

The County Ordinance Code Section C12-433 (a) requires that the amount, design, location, and nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property. However, it appears that the proposed project includes gradings that are not associated with any use.

The County Ordinance Code Section C12-433 (d) requires that for grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project. However, it appears the

proposed location of the house is not where that minimizes grading in comparison with another available development site.

The County Ordinance Code Section C12-433 (e) requires that grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible and should not create a significant visual scar. However, as currently proposed the project does not conform with the natural train and proposes to grade the area behind the house.

The County Ordinance Code Section C12-433 (f) requires that grading conforms with any applicable general plan or specific plan policies. As currently proposed, the project does not conform with the County General Plan R-GD 22 and R-GD 24.

The County General Plan R-GD 22 indicates that the amount, design, location, and nature of any proposed grading may be approved only if determined to be: a) appropriate, justifiable, and reasonably necessary for the establishment of an allowable use, b) the minimum necessary given the various site characteristics, constraints, and potential environmental impacts that may be involved, and c) that which causes minimum disturbance to the natural environment, slopes, and other natural features of the land.

The County General Plan R-GD 24 indicates that where an existing parcel contains multiple possible building or development sites, and where one or more possible site requires less grading, with less overall environmental and visual impacts, greater economy of access roads or other site improvements, and better achieves matters of public health and safety, grading approval may be granted only for the alternative which minimizes grading amounts and is deemed otherwise suitable with respect to other development issues, regulations, and conditions of reviewing agencies. Buildings should also be designed to respect and conform with the existing topography of the site as much as possible, using stepped designs and multiple levels rather than an expansive single story floor plan on only one level.

The County Ordinance Code Section C12-433 (g) requires that grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development " and other applicable guidelines adopted by the County and as currently proposed, the project does not conform with Guidelines 1 and 2.

Guideline 1: locate proposed development in areas with level lands or gentler slopes, adjacent to existing infrastructure, minimizing the need for grading and longer driveways into hillside areas. (GP Policies R-GD-24, R-GD-26 and R-GD-33)

Guideline 2: based on the location of existing access roads and site constraints, development in hilltop locations may be preferred if other building sites are not available and extensive grading and terrain alteration is avoided. In these instances, buildings should be sited to preserve ridgelines in their natural state and sited to minimize visual impacts. (GP Policies R-GD-27, R-GD-31 and R-GD-34)

2. As currently proposed the house is not located on a site that minimizes grading in comparison with other available development sites. As such, upon your next submittal, provide a grading quantity comparative analysis between the proposed location of the house and the alternative location that is on the flatter area of the property. This analysis should clearly illustrate the differences in grading quantities between the two options.
3. It appears that the majority of cut happens behind the house, where no development is proposed. Staff recommends sitting the proposed development on the existing flat area and eliminating the excessive amount of grading that extends beyond what is necessary for the proposed house and driveway.

For questions regarding this letter, please call me at (408) 299-5783 or schedule an appointment.

Sincerely,



Parya Seif
Associate Planner

cc:
Samuel Gutierrez, Principal Planner