

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

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October 13, 2023

****Sent via email****

David Faria

16075 Vineyard Boulevard

Morgan Hill, CA 95037

submittal.engineering@gmail.com

FILE NUMBER: PLN23-158
SUBJECT: Design Review (Tier 2) and Grading Approval for an accessory structure (barn) and driveway.
SITE LOCATION: 1560 W. Edmundson Avenue, Morgan Hill (APN: 774-21-029)
DATE RECEIVED: September 13, 2023

Dear Mr. Faria:

The comments below are not incomplete items and are not required to deem the application complete for processing. However, the information highlights concerns Planning Staff have regarding the project meeting the required findings of the County Grading Ordinance ([C12-433](#)), [Guidelines for Grading and Hillside Development](#), [Santa Clara County Design Review Guidelines](#), and requirements of the [Santa Clara County Zoning Ordinance](#). The information in this section is informational only and can be discussed further if desired with County Staff.

DIVISION C12- SUBDIVISIONS AND LAND DEVELOPMENT

Grading Approval

The project proposes 4,586 cubic yards of cut, 1,535 cubic yards of fill, and a 10.7-foot maximum cut to establish the accessory structure pad. The proposed accessory structure (noted as a barn) is accessory to the existing single-family residence, which is the primary use of the property. The graded area proposed in addition to the ingress/egress driveway and firetruck turnaround is not necessary to establish the building pad for the accessory structure. As such, staff will not be able to make the following findings pursuant to Sec. C12-433 of the County Code:

- a. 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;
- c. Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts;
- d. 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;
- e. 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;
- f. Grading conforms with any applicable general plan or specific plan policies; and,
- g. Grading substantially conforms with the adopted “Guidelines for Grading and Hillside Development” and other applicable guidelines adopted by the County.

Staff recommend revising the project to decrease the amount of fill and grading for the proposed accessory structure to limit the scope of grading to the minimum amount required to construct the building pad and comply with access requirements imposed by other reviewing agencies outlined in the Incomplete Letter. Similarly, the submitted justification letter should be revised accordingly.

APPENDIX I: ZONING

Design Review

The proposed 6,000 square foot accessory structure is subject to Tier 2 Design Review pursuant to Section [§ 3.20.040](#) of the County Zoning Ordinance. The proposed accessory structure as illustrated on the plans does not conform to the following building form and massing as required by the County Zoning Ordinance:

§ 3.20.040 (C) (1): Maximum horizontal length of a continuous wall plane shall be 80 feet.

The project site is highly visible from the Edmundson Avenue and Brewster Avenue rights-of-way. Objective 1, subsection 4 (a) of the [Design Review Guidelines](#) requires landscaping when necessary to minimize the visibility of new structures from the valley floor and designated scenic roads. Staff recommend providing a landscaping plan that will effectively screen the proposed accessory structure from the right-of-way of Edmundson Avenue to achieve consistency with the Design Review Guidelines. The landscape plan should include evergreen plantings suitable to the region and indicate the quantity of the screening plant(s), their species, and the planting sizes.

Additionally, Section § 3.20.040 (B) of the County Zoning Ordinance States that the light reflectivity value (LRV) of exterior surfaces shall not exceed 45. The Color/Materials Board submitted for Design Review shows the proposed colors of the structure with a solar reflective

index (SRI) value versus LRV. Staff recommend revising the Color/Materials Board to provide the LRV for all proposed colors and materials.

Use Definitions

The County Zoning Ordinance defines an accessory structure as a structure supporting a use ancillary to and supporting onsite agricultural operations ([§ 2.10.040](#)). However, the application does not make it apparent that the proposed structure will support onsite agricultural operations such as farming, livestock, agriculture equipment storage, etc. If the proposed accessory structure supports agriculture, please describe *how* on the plans. If the proposed accessory structure does not support agriculture, staff recommend revising the naming conventions on the application materials to state that the proposal is for a detached residential accessory structure.

Building Height

Pursuant to [§ 4.20.020](#) (E) (1) (b) of the County Zoning Ordinance, if the gross lot area is two and one-half (2.50) acres or greater, the maximum height of an accessory structure is 35 feet. As such, staff recommend providing the maximum height of the proposed accessory structure on the site plan and elevations to ensure the proposed structure complies with the Ordinance. Please also include a scale bar on the revised elevations.

OTHER POLICY ISSUES

Habitat Plan

The proposed project is located within Habitat Plan Area 2 and is sited on an 8.32-acre parcel; a Coverage Screening Form is required. The Coverage Screening Form submitted is completed incorrectly. A project in Area 2 is only covered if the size of the permanently disturbed footprint is greater than 2 acres and/or contains sensitive habitats. Staff recommend revising the Coverage Screening Form accordingly.

California Environmental Quality Act (CEQA)

The Petition for Exemption from an Environmental Assessment form submitted by the applicant states that the project may qualify for a Class 3 Categorical Exemption. The Class 3 Exemption does not cover the additional grading proposed with the project outside of establishing the use of the proposed structure. Per Section 15304 (A) of the [CEQA Guidelines](#), grading on land with less than 10% slope may qualify for a Class 4 Exemption. As such, staff recommend providing an average slope calculation of the development area to ensure all components of the proposed project comply with CEQA.

Addressing

The application materials submitted state that this project is associated with site address 1570 W. Edmundson Avenue with APN: 774-21-029. County records show this parcel contains site

addresses 1560, 1562, and 1570 W. Edmundson Avenue. Please verify the legal site address of the single-family residence, which is the primary use of the property. After verifying the legal site address, staff recommend revising the address used throughout the application submittal documents to reflect that legal site address.

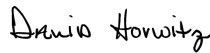
Formatting

Upon resubmittal, Staff recommend compiling the site plan with floor area, architecture plans, and site and grading plans into one plan set to streamline the routing and review process.

To reiterate, while the above comments are not incomplete items, Staff may not be able to support the project due to inconsistencies with the County Grading Ordinance (C12-433), Guidelines for Grading and Hillside Development, Santa Clara County Design Review Guidelines, and requirements of the Santa Clara County Zoning Ordinance.

If there are questions regarding the applications, please contact David Horwitz at (408) 299-5795 or david.horwitz@pln.sccgov.org to schedule a meeting to discuss the comments regarding this project.

Sincerely,

DocuSigned by:

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David Horwitz
Assistant Planner

cc:

Samuel Gutierrez, Principal Planner
Lara Tran, Senior Planner