

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor

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San Jose, CA 95110

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October 7, 2024

**\*\*Sent via email\*\***

MH Engineering Co

PO Boc 1029

Morgan Hill, CA 95037

[submittal.engineering@gmail.com](mailto:submittal.engineering@gmail.com)

**FILE NUMBER:** PLN23-158

**SUBJECT:** Design Review (Tier 1) and Grading Approval for a detached garage and driveway.

**SITE LOCATION:** 1560 W. Edmundson Avenue, Morgan Hill (APN: 774-21-029)

**DATE RECEIVED:** February 14, 2024

Dear MH Engineering Co,

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](#) 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.

### Grading Design

1. The grading work for this project involves grading for the garage pad, driveway, and stormwater treatment area. The majority of the grading associated with the project is related to the garage pad, comprising of 1,715 cubic yards of cut and 1,455 cubic yards of fill, with a maximum vertical height of cut of 5.9 feet and maximum height of fill of 9.2 feet. While the scope of work has been revised to limit the extent of grading, staff have difficulty making the following finding pursuant to Sec. C12-433 of the County Ordinance 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;

The proposed grading is necessary for the driveway and the proposed garage, but the graded area to the rear of the proposed garage is not required to establish the use. Staff recommend revising the project to reduce the size of the parking area to the minimum size necessary to access the garage.

### Building Form and Massing

2. The proposed 4,960 square foot accessory structure is subject to Tier 1 Design Review pursuant to Section [§ 3.20.040](#) of the County Zoning Ordinance. Portions of the east and west wall planes of the structure measure to exceed 24 feet in height. 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) (2): **Maximum height of a wall plane, including foundation and other continuous components, shall be 24 feet**, with the following exceptions:

- a. Any architectural component where facade dimension does not exceed 18 horizontal feet, or,
- b. Multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25 percent of the total horizontal dimension of the façade.

The project is not eligible for the above exceptions because the dimensions of the wall planes exceed 18 horizontal feet. Additionally, County GIS staff conducted a visibility analysis and concluded that the structure is potentially visible from the valley floor. Therefore, the massing restrictions may not be waived for the proposed structure (§3.20.040 (G)). As such, staff recommend reducing the maximum height of the east and west wall planes of the proposed structure to comply with the 24-foot maximum. For example, this may be achieved by revising the roof pitch style from a gable to a hip-style roof, or, breaking up the bulk of the wall planes by offsetting those portions of the wall plane by at least five horizontal feet (§3.20.040 (C) (3)). Pursuant to Section 3.20.040 (A) (1) (d) of the County Zoning Ordinance, when an exception is proposed to deviate from the massing standards, design review subject to a public hearing shall be required.

3. Sheet No. 10 of the architectural plans shows an elevation with wall planes that exceed 15 feet and may count as floor area as described in the *floor area, gross* definition of the County Zoning Ordinance:

§ 1.30.030: *floor area, gross*: The sum of the gross horizontal areas of the several floors of a building, as measured from the rough exterior faces of the exterior walls, or (if applicable) from the centerline of a common wall between two attached buildings. "Floor area, gross" also includes the total area of any attached garage, and includes any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50 percent enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two or more stories to which the stairway provides access. Any attic space that has a minimum clearance of seven feet in each of three dimensions for at least 70 contiguous square feet shall be included. Basement space that has a minimum clearance of seven feet in each of three dimensions for at least 70 contiguous square feet shall be included in floor area when determining:

- a. Required nonresidential parking spaces as stipulated in [§ 4.30.040](#);

- b. Floor area limitations applicable to accessory dwelling units;
- c. Cumulative floor area that may be subject to building site approval (Ordinance Code Division C12, Chapter II); and
- d. Floor area that may be subject to regulations of the Department of Environmental Health, County Fire Marshal, or other government department or agency.

**Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.**

For the next submittal, provide elevations that show the elevations of finished grade, finished floor, top of wall plate, ceiling, and roof ridge. Clearly label any portions of the building that have an elevation greater than 15 feet as measured from finished floor to the ceiling. For any portions of the building with an elevation greater than 15 feet as measured from finished floor to the ceiling, include this in the floor area calculation on sheet C1 of the plans. The double-counted area may be called out separately from the remainder of the floor area.

Note that if the proposed floor area exceeds 5,000 square feet, the project will be reclassified as Design Review (Tier II), per §3.20.040 (A) (2), and subject to a Zoning Administration public hearing and installation of [story poles](#).

Design Review (Tier II) projects are also subject to Level I Early Outreach, which requires the following, pursuant to [Section 4](#) of the *Santa Clara County Department of Planning and Development Early Public Notification and Outreach Policy for Development Projects*:

- On-Site Sign: The owner / applicant will be required to post sign(s) on site(s) within thirty days of land use application(s) submitted to the Department for projects identified as Level I and Level II as indicated in section 3 and consistent with Department of Planning and Development Public Outreach Sign Guidelines.
- Mailing Notice: Within 30 days of land use application submittal to the Department, mailing notice of the proposed development project will be sent by the Department to properties within 300 feet radius of subject property or a minimum of 24 properties. The notices will include information about the project such as the description, location, and other relevant information about the project.

Below is the current, minimum billable fee for Design Review (Tier II), per the [Planning Division Fee Schedule](#). If applicable, the fee must be paid prior to the project resubmittal:

- Design Review - ZA Hearing      \$4,041.32

Permitted Uses

4. The response letter included in the resubmittal package and the statement of justification of grading state that the garage and parking area behind the garage will be used for accessing the garage with large vehicles and trucks with trailers, and parking for a truck. The proposed use

described classifies as truck storage. Truck storage falls under the use category of “Truck Sales and Services: Storage (Limited), and includes the following:

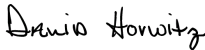
§2.10.040: Truck Sales and Services. (Industrial) Facilities for repair, sales or storage of heavy-duty, commercial trucks, truck trailers, and recreational vehicles. All uses within this classification shall fit within one of the following subcategories:

1. Repair. Establishments for repair of trucks and related equipment. The repair of light-duty trucks is classified as Automotive Services: General Repair.
2. Sales. Establishments for the sales or leasing of trucks and related equipment. The sale of light-duty trucks is classified as Automotive Services: Sales and Rentals.
3. Storage. Establishments for the storage of truck and related equipment. The storage of light-duty trucks is classified as Automotive Services: Storage.

The property is zoned Rural Residential with a design review and scenic road overlay (RR-d1-sr). Pursuant to Table 2.20-2 of the County Zoning Ordinance, truck storage is not a permitted use under this zoning designation. As such, the site cannot be used for truck storage. Staff recommend revising the proposed use by removing truck storage from the submittal documents, and asserting on the statement of justification that the proposed garage will be used for residential use only, for the storage of the property owner’s personal RV and boat.

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

Sincerely,

DocuSigned by:  
  
7066FCE5977A4A3...

David Horwitz  
Assistant Planner

cc:

Samuel Gutierrez, Principal Planner