

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



January 17, 2024

North Diana, LLC

Attn: Scott Murray

175 E. Main Avenue, Suite 130

Morgan Hill, CA, 95037

*****via email*****

FILE NUMBER: PLN23-237-SB330

SUBJECT: SB 330 Housing Development, Lot Merger, Subdivision

SITE LOCATION: 1220, 1250, 1320 Diana Avenue, 1250 Condit Road, Morgan Hill, CA, 95037 (APN: 728-17-013, 728-17-014, 728-17-015, 728-17-037)

DATE RECEIVED: December 19, 2023

Dear Mr. Murray,

Your application for a voluntary lot merger, subdivision, and housing development under Senate Bill 330 (2019) was received on the above date and is deemed **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

This letter solely addresses whether your application is complete, not whether the proposed project is or is not consistent, in compliance, or in conformity with applicable plans, programs, policies, ordinances, standards, or requirements. The County has not assessed whether the proposed project is consistent, in compliance, or in conformity with applicable plans, programs, policies, ordinances, standards, or requirements, and nothing in this letter shall be construed as the County making any determination as to such plans, programs, policies, ordinances, standards, or requirements.

Resubmittals are made by appointment over video chat or in person with the Planning Division counter and must include all requested information. The Department does not accept resubmittals via email. Please contact me to schedule a virtual meeting at (408) 299-5706 or via email at robert.cain@pln.sccgov.org.

Submit revised electronic plans and a written response addressing the following items. All items must be addressed and included in the submittal. If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that

item. They represent a specialty or office and can provide details about the requested information. Once the information is submitted, the Planning Division will distribute the plans, reports and/or information to the appropriate staff or agency for review.

Please note that no demolition, construction, earthwork, or tree removal shall occur prior to the issuance of the appropriate permit from the County.

PLANNING OFFICE

Contact Robert Cain at (408) 299-5706 or robert.cain@pln.sccgov.org regarding the following comments:

General Plan Conformance / Contiguity Statement

1. The project is directly adjacent to the City of Morgan Hill. Please submit a General Plan Conformance / Contiguity Statement signed by a representative of the Morgan Hill Planning Department.

Lot Legality

2. The information provided does not confirm the lot legality of APN 728-17-015, 1320 Diana Avenue. Please provide one of the following:
 - A Parcel or Tract Map establishing the current legal boundaries of this parcel, which is in conformance with the Subdivision Map Act.
 - The series of deeds, including the deed which was in effect on June 25, 1969, the deed showing the first transfer of title after June 25, 1969, and the current deed, all with matching descriptions of the property.
 - A recorded Certificate of Compliance issued by the County of Santa Clara.
 - A recorded certificate of lot merger or lot line adjustment.
 - A Record of Survey, certified by the Clerk of the Board of Supervisors and recorded with the County Clerk-Recorder stating that this is a legal lot.
 - Evidence that the lot is the remainder of a legal lot where a portion was acquired by a government agency.

Site Plan

3. The plans do not show the required tree replacements as described in the County's Sample Site Plan. The plan set identifies 48 trees to be removed, including 22 Coast Live Oak trees and 1 Blue Oak Tree. Pursuant to the County's Guidelines for Tree Protection and Preservation for Land Use Applications, all healthy native trees 5 inches in diameter or more (at 4.5 feet above the ground) proposed for removal shall be replaced. Additionally, replacement trees should be native and like for like. Oak trees shall be replaced with oak trees, with no exceptions. Each small tree (5" to 18" in diameter) removed shall be replaced with three 15-gallon trees or two 24-inch box trees. Each medium tree (18" to 24") removed shall be replaced with four 15-gallon trees or three 24-inch box trees. Each large tree (24" or more) shall be replaced with five 15-gallon trees or four 24-inch box trees. The landscape plan does not provide sufficient detail to determine if this requirement is met, however, the proposal appears not to meet this requirement.

Floor Plans

4. The applicant is required to submit floor plans for all existing and proposed structures. The only floor plan for an existing structure included in the plan set is for the residence to be demolished. There are multiple other existing structures, both to be demolished and to remain, which must also have floor plans included in the plan set.

Elevations

5. Finished grade elevation callouts shall also be indicated at each corner of all proposed structures. Refer to the height handout for additional information (<https://stgenpln.blob.core.windows.net/document/BuildingHeight.pdf>).

Energy Conservation Plan

6. Subdivision applications that include one or more proposed lots under one acre require an Energy Conservation Plan. Such a plan was not provided in the plan set.

Arborist Report

7. Please submit an updated arborist report which is based on the current proposal and includes recommendations for tree replacements.

Affordability

8. The developer shall provide documentation of legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of Government Code section 65589.5 for 30 years.

CEQA Analysis

9. Please submit a study by a qualified professional archaeologist examining the existence or potential for archaeological, Native American, or other cultural resources on site; a noise study; and a traffic study. All studies should address the potential impacts of the project related to the study subject.

LAND DEVELOPMENT ENGINEERING

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

10. The map shall match the scale noted on the plans. The map states that it is drawn to 1"=30', but the measurements on the map itself do not match. The map shall contain the following information:
 - a. The proposed subdivision name or other designation.
 - b. Sufficient description to define the location and boundaries of the proposed subdivision. The curve radii shall be stated on the map along with the length of the segment.
 - c. The approximate grades of all streets in the subdivision depicted in a plan and profile view.
 - d. The locations and approximate widths of all easements for the water system, storm water treatment and control, drainage, sewage, or public utilities. Identify the specific parcels to be utilized for particular uses and functions such as stormwater treatment, water treatment,

distribution and storage, wastewater treatment, etc. The parcels should be identified on the cover sheet.

- e. Approximate radii of all curves.
 - f. Approximate dimensions of all lots including the curve radii.
 - g. Public areas proposed, if any.
 - h. Statement of the dedications and improvements proposed to be made or installed.
 - i. Typical cross-sections of all streets (not less than two sections) showing any proposed road widths and maximum cuts and fills at intervals not exceeding 500 feet. They shall accurately depict topographic conditions not less than 100 feet outside the future rights-of-way. The vertical dimensions of cuts and fills on each section shall be shown.
 - j. Provisions for drainage and flood control which are proposed.
 - k. Clearly show the existing mapping on the neighboring development to the South, specifically the limits of the Open Space Easement.
 - l. Clearly show the limits between the County Maintained Road Dedication and the privately maintained road dedication.
 - m. Clearly identify on the Tentative Map the difference in lot line types between parcels for SFR and townhome/condo units. Provide a legend as necessary in general.
11. Show all of the proposed electrical and joint trench utilities on the plans. Show the connection of the water main to the proposed source.
 12. Demonstrate evidence of legal access to the extension of Mimosa Dr. on the neighboring subdivision for access as well as storm drainage improvement. Provide the resolution of acceptance of the offer of dedication to the City of Morgan Hill accepting said street/easement. Provide the evidence of legal access if otherwise.
 13. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of the preliminary title reports, prepared within the current ownership of each property, with a statement from the owners that no subsequent encumbrances have been recorded since the preparation of the respective title report.
 14. Please clearly identify all retaining walls necessary to establish the grading shown with appropriate top and bottom of wall elevations. Please provide a cross-section of the grading, including the proposed wall, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance. The vertical separations between the lots should be clearly identified on the plans as to how they will be graded if no retaining walls are included in the design.
 15. Submit a completed Central Coast Watershed Questionnaire (MRP 3.0). Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.

16. 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 revised Drainage Plan that demonstrates the following items:
 - a. the site can be adequately drained showing the grading and drainage to the street from the developed lots, the preliminary invert elevations of the storm drainage lines or ditches to the treatment /detention facility and then subsequently to the City of Morgan Hill storm Drainage Connection,
 - b. the proposed development will control overflow in such a manner that will not impact the nearby properties, as the overflow of the treatment/detention area appears to connect to a discharge line at Condit Road in the City of Morgan Hill. Provide further details of the drainage line connecting to the City of Morgan Hill system and the necessary storm drainage easement through Parcel 7 on the map and plan,
 - 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. Provide preliminary storm drainage calculations and existing infiltration rates as a result of field investigations and testing to demonstrate that the detention system provided at the southerly corner of the development is designed pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual and sufficient for Hydromodification requirements of the Central Coast Regional Water Quality Control Board.

17. Please demonstrate that the access roads James Drive and Mimosa Drive conform to County Standard Detail SD3 with a 60' right of way to accommodate two-lane access, roadside drainage ditches, and 10' deep driveway flares.

18. James Drive does not connect to an existing street and therefore the final one foot shall be granted in fee to the County to prohibit ingress or egress across it to the adjoining property until such time as an extension of the road on which the reservation is placed is dedicated to public use and said dedication is recorded. After the extension of the street pursuant to County approval, the one-foot fee dedication shall be null and void. Alternatively, the extension of James Drive to Condit Avenue shall be dedicated and improved to the full improvement standard consistent with the other portions of the subdivision.

19. The southerly end of Mimosa Drive is proposed to connect to a City of Morgan Hill maintained road. Provide approval from the City of Morgan Hill for this connection. If one cannot be provided, the road shall terminate at the southerly boundary of the subdivision in an SD16 cul-de-sac bulb with a maximum of 800' in dead-end length. The owners of the neighboring subdivision are responsible for the maintenance of the existing Mimosa Drive and the County suggests coordinating with the property owners of the neighboring development.

20. Please include driveway approaches per County Standard SD4. The minimum driveway flares shall be 10' deep and the right of way shall be located a minimum 20' distance from the edge of the private road pavement.

21. Demonstrate how the drainage runoff from the improved areas of Murphy Avenue and Diana Avenue will drain and be routed to the storm water treatment area by way of the roadside ditches.
22. Where lots have frontage on a roadway which is not designed to permit parking such as Murphy Avenue, common parking areas to serve several dwelling units shall be designed for two spaces per dwelling unit exclusive of a garage or carport. Driveways may be used to provide this parking. Please provide a revised plan that demonstrates common parking areas.
23. Residential lots adjacent to a major collector street shall be designed to front on a street one lot depth removed from the major street or on an intersecting side street. Please provide a revised plan that demonstrates such design.
24. Demonstrate how the runoff from the entirety of the new pavement within Murphy Avenue and Diana Avenue will be captured for treatment. Currently, the design appears to drain a portion of the runoff from the improved areas away from the captured Drainage Management Area avoiding the treatment facility, but the runoff draining from the proposed improvements should all be routed to be treated.
25. The grading design along the property lines shall include the required 5' setback per the County Ordinance Code. Retaining walls may be included in the grading design as an alternative. Please provide a revised plan that complies with the Grading setbacks to the property line per County Grading Ordinance C12-558. There appear to be vertical separations between some lots (16 and 17 for example) that do not appear to comply with the ordinance requirements.
26. The side lines of the lots shall run at right angles to the street upon which the lot faces as far as practical. Please provide a revised plan that demonstrates such side lines.

ROADS AND AIRPORTS

Contact Tom Esch at (408)-573-2450, tom.esch@rda.sccgov.org regarding the following:

27. Murphy 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, existing edge of pavement, limits of the existing Murphy Avenue right-of-way (ROW) and the limits of the FWL (identify as FWL). A curvilinear dedication to public right-of-way will be required.
28. Diana Avenue has a Future Width Line (FWL) for a 30-foot half street width (60-foot full street). Show on the revised plans the existing centerline, edge of pavement, limits of the existing Diana Avenue right-of-way (ROW) and the limits of the FWL (identify as FWL). A curvilinear dedication to public right-of-way will be required.
29. Indicate designated entry points. Murphy Avenue is designated as a two-lane arterial with planned northern extension to Mission View Drive with limited driveway access. The

designated entry points for the development will be at James Drive/Murphy Avenue and at Mimosa Drive/Diana Avenue. All residential driveways must be internal to the development except for the designated entry points.

30. All designated entry points and property frontage improvements will be required to be improved to County Standard A/3 and B/1, and the revised plans should indicate as such. Include County standard details on the plan sets. Indicate improvements on the revised plans to identify any conflicts that will need to be resolved (i.e., utility poles, trees, culverts, etc.).
31. Provide a Traffic Study (TS). The TS should include, at the minimum, the following elements:
 - a. Existing conditions;
 - b. Existing plus project conditions;
 - c. Trip generation study for AM peak hour, PM peak hour, peak hour of generator, weekend peak hour;
 - d. Site circulation analysis, including emergency vehicle access;
 - e. Site access analysis;
 - f. Sight distance analysis for driveways and entry points;
 - g. Truck turning templates;
 - h. Queuing analysis;
 - i. Feasibility of acceleration and deceleration lane at proposed entry points;
 - j. Existing transit, pedestrian, and bike facilities;
 - k. Evaluation of intersections for 2-way stop control.
32. Provide a Sight Distance Analysis (SDA) for designated entry points. 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 they have 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.
33. Provide a crosswalk at Diana Avenue/Mimosa Drive. Keep crosswalks as a straight alignment if sight distance is adequate for both Murphy Avenue/James Drive and Diana Avenue/Mimosa Drive.
34. As a result of the TS/SDA, indicate on plans if any conflicts will require mitigation, such as tree or shrub removal or trimming, fence removal, or additional grading.
35. Improvement plans must clearly indicate existing and proposed site conditions within the ROW (and within the FWL if applicable), including but not limited to, above and below-ground utility lines, easements, drainage facilities, trees, landscaping, and other structures and features.

All utility relocations, replacements, and abandonments, and temporary and new facilities, shall be shown.

36. Demonstrate that the post-development maximum flow rate into the County Road ROW is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.
37. Identify bio-retention facilities for runoff due to new pavement and hardscape created in the County ROW.
38. Gates, fences, retaining walls, fixed appurtenances, bio-retention facilities, etc. shall be located outside the limits of the County-maintained road ROW. Gates shall be located 30 feet from edge of pavement. Landscaping and any items remaining in the ROW will be required to have a Maintenance and Indemnification Agreement (MIA) recorded against the property. Indicate landscaping on plans and the intent of any existing or future items in the ROW.
39. Plans state Mimosa Drive and James Drive are not County Maintained, and plans indicate possible hardscape or landscape within County ROW. Identify maintenance responsibility for the non-County maintained roads, bio-retention facilities, and landscaping/hardscape in County ROW.
40. Identify on plans the lines of a triangle which has sides 40 feet from the point of intersection of the curblineline/edge of pavement and the designated access point, in accordance with County Ordinances B17-68 and B17-69, in order to verify trees, shrubs, fencing, signage, etc., are not an obstruction to approaching traffic.

FIRE MARSHAL'S OFFICE

Contact Alex Goff at (408) 299-5760 or alex.goff@sccfd.org for information regarding the following items.

41. Standard fire hydrants are to have a maximum spacing of 500 feet per CFC Appendix "C". It appears that some hydrants exceed this distance. Provide revised plans reflecting this spacing.
42. Sheet WW1 shows a 180,000-gallon water tank based on 1,500 gallons per minute for 2 hours. Provide a more detailed explanation of the sizing including air gap, refill rate and Appendix "B" of the CFC.
43. Ensure all Engineering stamps are current.

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5746 or darrin.lee@cep.sccgov.org for information regarding the following items:

44. As provided, the onsite wastewater treatment system (OWTS) design for community dispersal field for 86 housing units with a total design flow equaling 12,900 gallons per day (86 x 150 gallons per day). The OWTS plan (sheet WW5) calls for a primary leach field with 4 zones (4-100 linear feet) totaling 1600 linear feet.
 - a. Per B11-62, For every property where there is a proposed residence and abuts to a street where exists an approved sanitary sewer, or which property line is within 300 feet of an approved available sanitary sewer, must be connected to the sanitary sewer in the most direct manner possible. Clarify/ show the distance to the nearest available sewer line.
 - b. The provided OWTS plan (WW4) shows a total of 4 percolation test holes in the “primary leach field”. The plan lacks soil profile locations. Locate and show all soil profile locations on a revised site plan.
 - c. The provided OWTS plan calls for the installation of a drip dispersal field at 8 inches; however, soil profiles and percolation tests were not conducted at the proposed operating depth. Conduct additional soil profiles and percolation tests at the proposed operating depth.
 - d. As the projected design flow exceeds 10,000 gallons per day (GPD), the review and approval of the OWTS shall be conducted by the applicable California Regional Water Quality Control Board. Provide to the Department of Environmental Health documentation from the applicable Regional Water Quality Control Board for project clearance addressing project feasibility/approval.
 - e. As the projected wastewater design flow appears to exceed 2,500 gallons per day, cumulative impact assessment for groundwater mounding and nitrate loading shall be reviewed and approved by the applicable California Regional Water Quality Control Board.
 - f. Obtain OWTS clearance from the Department of Environmental Health for verification of setback requirements. To obtain clearance follow the URL https://cpd.sccgov.org/sites/g/files/exjcpb706/files/applications-fees/2023.07%20LU_Plan%20Review_Application_Fillable%20Version.pdf and complete the service application. Note: DEH performs limited plan review. Upon achieving OWTS clearance, DEH will forward/ provide the applicable California Regional Water Quality Control Board its recommendation through a digital approval recommended stamp.

45. As proposed, the community development consists of 86 proposed water service connections. The proposed service connection exceeds the County of Santa Clara Department of Environmental Health's jurisdiction. Note: Environmental Health is responsible for less than 14 service connections.
 - a. Based upon the number of connections, it appears the proposed water system will be under the jurisdiction of California State Water Resources Control Board, Division of Drinking Water. Obtain from the Division of Drinking Water written documentation that states the provided study meets the State Drinking Water requirements for adequate access to water

January 17, 2024
File #PLN23-237-SB330
1320 Diana Ave, et al. (APN 728-17-015, et al.)

and is consistent with the State Preliminary Technical Report Guidance, and also includes a Technical, Managerial and Financial report.

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 planner.** If you have questions regarding the application, please call (408) 299-5706 or email robert.cain@pln.sccgov.org.

Warm regards,



Robert Cain
Senior Planner

cc: Samuel Gutierrez, Principal Planner
Darrell Wong, Land Development Engineering
Tom Esch, Roads and Airports
Alex Goff, Fire Marshal's Office
Darrin Lee, Department of Environmental Health