

# 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



May 9, 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:** April 9, 2024 (resubmittal)

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 does not contain analysis of whether the application is consistent with all of the relevant and applicable State or County laws, regulations, or standards. Absence of such analysis shall not be construed as the County making any determination on the project's consistency with such laws, regulations, or standards. The attached supplemental letter is provided for informational purposes; it is **not** the County's written documentation identifying the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity with applicable development standards pursuant to SB 330, Gov. Code sec. 65589.5(j)(2); the County will make that determination 30 days after the application is determined to be complete. Additionally, this letter is not intended as a response to any legal arguments you have made in your submission regarding the applicability and/or requirements of SB 330.

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](mailto:robert.cain@pln.sccgov.org). Once the information is submitted, the Planning Division will distribute the plans, reports and/or information to the appropriate staff or agency for review.

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.

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

### **LAND DEVELOPMENT ENGINEERING**

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

1. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a “Site plan that identifies all the relevant information described in the County’s Sample Site Plan,” which includes the “location of existing and proposed improvements.” As previously requested, show all of proposed electrical and joint trench utilities on the plans.
2. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a “site plan that identifies all the relevant information described in the County’s Sample Site Plan,” which includes the “location of existing and proposed improvements” and “the breakdown of total grading quantities (cut/fill, vertical height of cut or fill) for the various improvements.” As previously requested, please clearly identify all retaining walls necessary to establish the grading shown between lots 16 and 17 and lots 53 and lots 51/52 with appropriate top and bottom of wall elevations on the preliminary grading plans. Please demonstrate how the proposed wall and associated grading complies with the setback requirements of the County Grading Ordinance. The retaining wall should be located on one lot or the other in the preliminary grading design.
3. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply plans which identify “all existing and new drainage components.” 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 that provides further details of the drainage line connecting to the City of Morgan Hill system at Condit Road. Show the invert elevations at the connection point to the catch basin and the storm drainage main at Condit Road.
4. The County's SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a “site plan that identifies all the relevant information described in the County’s Sample Site Plan,” which includes a demonstration of “how proposed improvements comply with the Fire Marshal Office (FMO) and Land Development Engineering’s (LDE) access standards.” As previously requested, please demonstrate that the access roads James Drive and Mimosa Drive conform to County Standard Detail. Applicant shall use SD1 with a 60’ right of way to accommodate two lane access, parking, driveway and a sidewalk with a planter strip per County Roads and Airports Standards B2.

5. The County’s SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a “site plan that identifies all the relevant information described in the County’s Sample Site Plan,” which includes a demonstration of “how proposed improvements comply with the Fire Marshal Office (FMO) and Land Development Engineering’s (LDE) access standards.” As previously noted, where lots have frontage on a roadway which is not designed to permit parking, off-street parking shall be provided. Either individual lot or common parking areas may be used. Common parking areas to serve several dwelling units shall be designed for two spaces per dwelling unit, exclusive of garage or carport. If common parking areas are not used, each lot shall be improved to provide off-street parking spaces for four cars in addition to parking provided within garages or carports. Driveways may be used to provide this parking. Please verify sufficient parking is available for lots along Diana Ave. and Murphy Ave. and area located outside of the ultimate right of way. Please redesign to meet this standard.
6. The County’s SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to supply a “site plan that identifies all the relevant information described in the County’s Sample Site Plan,” which includes a demonstration of “how proposed improvements comply with the Fire Marshal Office (FMO) and Land Development Engineering’s (LDE) access standards.” As previously noted, 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 redesign to meet this standard.

### **ROADS AND AIRPORTS**

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

7. The County’s SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to “illustrate centerline, edge line, edge of pavement and existing right-of-way on plans. Future Width Lines (FWL) or Official Plan Lines (OPL) shall be identified on the plans.” Murphy Avenue has a Future Width Line (FWL) for a 46-foot half street width (92-foot full street). Show on the revised plans, on all plan sheets, the existing centerline, existing edge of pavement, limits of the existing Murphy Avenue right-of-way (ROW) and the limits of the FWL. Continue to indicate that a curvilinear dedication to public right-of-way will be required. As previously requested, please label each line and dimension on the plan on each sheet (the current plans do not do so consistently).
8. The County’s SB330 – Housing Crisis Act Planning Submittal Checklist requires an applicant to “illustrate centerline, edge line, edge of pavement and existing right-of-way on plans. Future Width Lines (FWL) or Official Plan Lines (OPL) shall be identified on the plans.” Diana Avenue has a Future Width Line (FWL) for a 30-foot half street width (60-foot full street). Show on the revised plans, on all plan sheets, 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). Continue to indicate that a curvilinear dedication to public right-of-way will be required. As previously requested, please label each line and dimension on the plan (the current plans do not do so consistently).

**ENVIRONMENTAL HEALTH**

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

9. 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.
10. Obtain OWTS clearance from the Department of Environmental Health for verification of setback requirements. To obtain clearance follow the URL: [Plan Check Application Form](https://www.sccgov.org/Plan-Check-Application-Form) (sccgov.org) 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 of its recommendation through a digital approval recommended stamp, pursuant to County Ordinance Section B11-66 (d). Plan check submittal for commercial development will be required. Within the plan check service application, under the “Commercial” heading, provide a project description/proposal.

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

Note: The State Water Resources Control Board Division of Drinking Water determined that the applicant’s January 16, 2024 Preliminary Technical Report was incomplete. Please refer to the attached letter.

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](mailto:robert.cain@pln.sccgov.org).

Warm regards,



Robert Cain  
Senior Planner

Attachments: Supplemental Letter

May 9, 2024  
File #PLN23-237-SB330  
1320 Diana Ave, et al. (APN 728-17-015, et al.)

California State Water Control Board Letter

**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  
Benjamin Hwang, Valley Water  
City of Morgan Hill