

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

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San Jose, CA 95110

Phone: (408) 299-5700

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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,

Staff has reviewed the application, submitted on April 9, 2024 (resubmittal), and is providing this courtesy letter to provide additional information regarding the proposed project application as it relates to County requirements related to objective design standards and to public safety.

This letter 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. This letter is also not intended as a response to any legal arguments you have made in your submission regarding the applicability and/or requirements of SB 330. The comments listed below are being provided for the Applicant's information only and can be discussed further with County Staff if desired.

PLANNING OFFICE

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

Lot Legality

1. Lot legality of all lots will be required to process a lot merger and/or subdivision. The information provided does not confirm the lot legality of APN 728-17-013, 1320 Diana Avenue. The justification provided by the applicant is not sufficient for legality verification.

The following information would establish lot legality for this parcel:

- 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.
- Recorded conveyance documents related to Condit Road and this property.

Site Plan

2. The plans do not show required tree replacements. 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. Replacement trees should not be located within the County right-of-way.

Arborist Report

3. The updated arborist report does not include recommendations for tree replacements.

Annexation

4. The City of Morgan Hill has indicated its opposition to an out of agency request for utility service for the project. If the applicant wishes to connect to the City's infrastructure, the City has indicated it will require annexation, subject to approval by the City Council and the Santa Clara County Local Agency Formation Commission (LAFCO).

LAND DEVELOPMENT ENGINEERING

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

5. The application currently uses City of Morgan Hill road standards in places instead of the County standards. If City of Morgan Hill road standards are to be utilized, the project should be annexed into the City of Morgan Hill. Please note that Murphy Avenue is designated as a primary arterial street in the City of Morgan Hill General Plan.
6. The grading design along the property lines does not include the required 5' setback per the County Ordinance Code section C12-558.

ROADS AND AIRPORTS

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

7. The submission does not identify designated entry points. Murphy Avenue is designated in the 1971 Future Width Line Study (adopted by the Board) as a 92-foot ROW intended for four-

lane arterial with planned northern extension to Mission View Drive, with limited driveway access. The Murphy Avenue/Diana Avenue intersection will be signalized per applicant's traffic study, and therefore limiting driveways in the functional area of the intersection. As a result, and based on highway design manuals and transportation safety design principals, the designated entry points for the development will be restricted to 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.

8. All designated entry points and property frontage improvements will be required to be improved to County Standard A/3 and B/1. Any conflicts that will need to be resolved (i.e., utility poles, trees, culverts, etc.) are required to be identified.
9. 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. Landscaping plans and the intent of any existing or future items in the ROW will need to be reviewed by the County.
10. Additional review and discussions may be warranted with both the County and City of Morgan Hill for the developer to contribute funds for future signalized intersections as identified in the traffic study.

FIRE MARSHAL OFFICE

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

11. Standard fire hydrants are to have a maximum spacing of 500 feet path of travel per CFC Appendix "C". It appears that some hydrants exceed this distance.
12. Plans show a 180,000-gallon water tank; however, tanks are to be sized larger than the gallons required to allow an air gap.
13. Fire protection water tanks are required to refill in a time not exceeding 8 hrs.
The plans appear to show the water line feeding a domestic tank prior to the fire protection tank, which would likely affect the refill time of the fire protection tank as the tank is typically a combined tank (domestic and fire protection).

VALLEY WATER

The following comments were provided by Valley Water, an outside agency. Contact Benjamin Hwang at BHwang@valleywater.org for information regarding the following items.

14. Plans prepared by MH Engineering still propose onsite storm and sewer lines that connect to the City of Morgan Hill's (City) existing infrastructure. More specifically, Sheet C.09 is

proposing a connection the City's existing storm drain line along Condit Road. All connections to the City's existing storm and sewer lines will require the City's review and approval. Furthermore, Sheet C.16, which details the proposed sanitary sewer system, requires some additional clarification. The terminus for the proposed 8-inch PVC SS line along James Drive needs to be specified. In general, the project should be planned under the assumption there will be no future connections to the City's existing infrastructure unless the City provides documentation that such connections will be approved. It is understood that the applicant wants to design the utilities in a manner that will accommodate future connections, however, building out utilities that may never be used would create extraneous impacts from the project.

15. The submittal does not adequately address the project's potential to increase flooding downstream along Madrone Channel and East Little Llagas Creek. Plans show a stormwater detention basin pond within the southwesterly corner of the development; however, it is not clear whether the pond has been adequately sized to avoid increased flooding downstream, both in terms of frequency and magnitude. The City of Morgan Hill commissioned a drainage study for the Madrone Channel subbasin (Akel Engineering), and one of the conclusions of that study is that there is an existing capacity constraint along Madrone Channel at the Tennant Avenue crossing. Until improvements are completed at the Tennant Avenue crossing, developments within the subbasin need to ensure runoff under post-project conditions do not exceed that under pre-project conditions, both in terms of volume and rate. Additionally, the project needs to manage runoff for a range of events including the 2-, 10-, 25-, and 100-year, 24-hr. storm events.

Questa Wastewater Facilities Report

16. For the proposed sewer systems, Questa's report asserts "Older sewers are most notorious for experiencing high amounts of I/I [Infiltration and inflow]. In newer installations I/I contribution can be small to nil (Page 9)." The report essentially concludes that I/I will not need to be considered because the proposed wastewater system is new; Valley Water does not agree with this assumption, especially over the long-term, since all pipes are subject to general wear and tear.

Should the applicant voluntarily choose to modify the project design based on the information provided above, to better meet the County's Findings, Guidelines and Policies, please include with the resubmittal to address the items listed in the Incomplete Letter dated May 9, 2024. For questions regarding this letter, please call me at (408) 299-5706 or robert.cain@pln.sccgov.org to discuss by telephone or to schedule an appointment to do so.

Warm regards,



Robert Cain
Senior Planner

cc: Samuel Gutierrez, Principal Planner

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1320 Diana Ave, et al. (APN 728-17-015, et al.)

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