

# 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



July 30, 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:** July 1, 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, which includes the “location of existing and proposed improvements” (refer to the County's SB330 – Housing Crisis Act Planning Submittal Checklist pg 3-4). As previously requested, show all of the proposed electrical and joint trench utilities on the plans. The map shall contain the location of public utilities including the electrical/joint trench service. Without the preliminary locations shown on the Tentative Map documents, it is unclear where the locations of the parcels will be connected to utilities. Easements for all improvements, including utilities, shall be provided on the submitted plans.

### **ROADS AND AIRPORTS**

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

2. 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. As previously requested, please identify and label each line and dimension on the plan on each sheet (the current plans do not do so consistently), so that staff can discern what each line represents.
3. 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). As previously requested, please identify and label each line and dimension on the plan on each sheet (the current plans do not do so consistently), so that staff can discern what each line represents.

### **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:

4. Based upon the number of proposed connections, it appears the proposed water system will be under the jurisdiction of California State Water Resources Control Board, Division of Drinking Water. As required by the County of Santa Clara Department of Planning and Development checklist for SB 330, “Housing Crisis Act Planning Submittal Checklist,” submit a Technical, Managerial and Financial (TMF) report.

July 31, 2024  
File #PLN23-237-SB330  
1320 Diana Ave, et al. (APN 728-17-015, et al.)

Pursuant to the State Water Resources Control Board, Division of Drinking Water (July 23, 2024) letter, a preliminary technical report was reviewed and deemed complete by the Division of Drinking Water.

5. 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 that the project has been approved by either the San Francisco Bay RWQCB or the Central Coast RWQCB. Alternatively, the applicant may submit a feasibility study that complies with state requirements for wastewater and provides adequate access to wastewater under state law.

Although the applicant has provided a community onsite wastewater treatment system plan to the Central Coast Regional Water Quality Control Board, neither the Department of Environmental Health nor the Department of Planning and Development have received a feasibility study or documentation regarding project clearance/approval (as noted within SB330 "Housing Crisis Act Planning Submittal Checklist").

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:

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