

# 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](http://www.sccplandev.org)



May 3, 2024

Mike LaBarbera  
c/o Kurt Anderson  
873 Blossom Hill Road  
San Jose, CA 95123

\*\*\*via email - [kanderson@andarchinc.com](mailto:kanderson@andarchinc.com)\*\*\*

**FILE NUMBER:** PLN24-062-SB330  
**SUBJECT:** SB 330 Housing Development, Subdivision  
**SITE LOCATION:** 6591 Woodcliff Ct., San Jose, CA (APN: 575-20-037)  
**DATE RECEIVED:** April 5, 2024

Dear Kurt Anderson:

Your application for a 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 pursuant to the application checklist in effect on the date the application was submitted (see Government Code sections 65940, 65942, and 65943), not whether the proposed project is or is not consistent, in compliance, or in conformity with all 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 all 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. 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) 299-5791 or via email at [valerie.negrete@pln.sccgov.org](mailto:valerie.negrete@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**

Contact Valerie Negrete at (408) 299-5791 or [valerie.negrete@pln.sccgov.org](mailto:valerie.negrete@pln.sccgov.org) regarding the following comments:

*Lot Legality*

1. The information provided does not confirm the lot legality for the parcel included in the proposal. Please provide one of the following:
  - a. A Parcel or Tract Map establishing the current legal boundaries of this parcel, which is in conformance with the Subdivision Map Act.
  - b. A chain of title, or series of deeds, including the deed which was in effect prior to January 31, 2020. Include the first transfer of title through the current deed, all with matching descriptions of the property.
  - c. A recorded Certificate of Compliance issued by the County of Santa Clara.
  - d. A recorded certificate of lot merger or lot line adjustment.
  - e. 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.
  - f. Evidence that the lot is the remainder of a legal lot where a portion was acquired by a government agency.
2. The title report indicates more than one easement recorded on the property. Please provide an easement map from the title company which clearly delineates the easements recorded on the property.

*Site Plan*

3. The Site Plan shall include:
  - a. All structures on-site with any associated improvements.
  - b. Legal access to the property. Please note evidence of legal access must also be accompanied by recorded documents providing the access to the property from a publicly maintained road.
  - c. Proposed grading quantities and their location on the site. Sheet TM-06 indicates preliminary grading and drainage however there is no breakdown of the grading quantities for improvements proposed. Grading quantities shall be provided in the suggested format below:

Earthwork Quantities					
	Cut	Fill	Net	Max Cut Ht.	Max Fill Ht.
Building Pads (new addition)					
Driveway (any improvements to existing driveway)					
Site Grading					
Retaining Wall					
Total					

*Floor Plans*

4. Provide floor plans for all existing and proposed structures.
5. Provide elevation drawings illustrating height. Finished grade elevation call outs shall also be indicated at each corner of all proposed structures.

*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. An arborist report prepared by Calyx Tree + Landscape Consulting, LLC dated April 4, 2023, was provided; however, it was conducted for the incorrect jurisdiction. Please correct the report for County standards and include recommendations for tree replacement. In addition, the report shall state whether or not the removal of the 230 oak trees will be considered a conversion of oak woodlands and why or why not.
8. Please include trees that would be required to be removed to meet defensible space or vegetation management in accordance with California Fire Code, section 4903 for all parcels located in the Urban Wildland Interface (WUI). Also, please refer to the [Guidelines for Tree Protection and Preservation](#) for tree replanting ratio (page 7).

*Affordability*

9. 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.

*Williamson Act*

10. The property is under a Williamson Act contract (Contract No. 70.034) and the application will require a Compatible Use Determination (CUD) in order to assess whether or not the project is compatible with the existing Williamson Act contract. Please apply for a CUD through the Department of Planning and Development using the instructions at: [https://stgenpln.blob.core.windows.net/document/Checklist\\_WA\\_CUD.pdf](https://stgenpln.blob.core.windows.net/document/Checklist_WA_CUD.pdf) and **provide the approved CUD.**

*CEQA Analysis*

11. Please submit a study by a qualified professional archaeologist examining the existence or potential for archaeological, Native American, or other cultural resources on site. In addition, provide a noise study; a traffic study; a biological report, conceptual landscape plan with tree replacement, a wildfire management plan, and a lighting plan. All studies should address the potential impacts of the project related to the study subject. Additional studies may be required once the project is deemed complete.

*Habitat Conservation Plan*

12. Please submit land cover mapping prepared by a qualified biologist to determine if the proposed development impacts any sensitive land covers on and/or near the property. Please note that there is potential Serpentine land cover located to the rear of the property that must be delineated on the land cover mapping.

**LAND DEVELOPEMNT ENGINEERING**

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

13. The map shall be prepared by a registered civil engineer or licensed land surveyor, and shall be preferably 18 inches by 26 inches, but in no case larger than 24 inches by 36 inches, be prepared by a registered civil engineer or licensed land surveyor, and contain the following information:
  - a. Sufficient description to define the location and boundaries of the proposed subdivision.
  - b. Names, addresses, and signatures of record owners, subdivider, and name of engineer or surveyor under whose direction the map was prepared.
  - c. The approximate grade the proposed street in the subdivision.
  - d. The locations and approximate widths of all easements for access, water system, flood control, drainage, sewage, or public utilities.
  - e. Approximate radii of all curves.
  - f. All existing structures and development on the current parcel with specifications as to whether they are to be removed and abated or otherwise legalized through permitting and approval to address the violations.
  - g. Proposed outline of restrictions on the remainder parcel, if any, including any setbacks or limits of the buildable area for lots.
  - h. Proposed outline of proposed restrictions on the lots and parcels including any building setbacks or envelopes, if any. Sheet TM-05 provides some detail, but additional detail is required. Why is 16 circled? What are the limitations of Lots A and B? What limitation is here for the remainder lot, if any? What are Parcels A and B?
  - i. Public areas proposed, if any.

- j. Statement of the dedications and improvements proposed to be made or installed. This shall include all easements for sanitary sewer/storm drain (SS and SD) utilities as well as the dedication for Street A.
- k. Typical cross-sections of all streets (not less than two sections) showing any existing road widths and surfacing, proposed road widths and maximum cuts and fills. 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.
- L. The approximate known soil or geologic hazard areas.
- m. Provisions for drainage and flood control which are proposed.
- n. Lot lines shall run at right angles to the street upon which the lot faces.
- o. Clearly identify any required proposed storm drainage and stormwater treatment easements though Lots 1, 5, 16 and B.
- p. Clearly identify any proposed sanitary easements through lots 1, 2, 3, and 4. The sanitary sewer line currently runs though lots without an easement.
- q. Provide an offer of dedication for a Drainage Easement for the creek that passes through the southwest corner of the property being developed. The width of the easement must be adequate for maintenance.

*Grading*

- 14. Please clearly show the line for the city limits on the plans and proposed map.
- 15. Please provide a table of the estimated earthwork quantities per County Ordinance Code sec. C12-424(g). Quantities should be separated into the different bodies of work for the project.
- 16. Please provide a table of the estimated impervious areas that are created as a part of the development including the proposed residential structures and the unpermitted structures and associated development to be abated or legalized. The net change in impervious areas shall be clearly stated on the plans.
- 17. Please demonstrate how the proposed slopes along the development's western boundary conform to County Standard Detail SD6 and Section C12-543 and C12-553 of the County Ordinance Code with regard to slope height and probable use of drainage terraces.
- 18. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the septic field and any legalization or abatement of any unpermitted improvements on the existing parcel. Please note that the existing development doesn't appear to have legal rights of access to Woodcliff Court.
- 19. Please demonstrate compliance with the grading setbacks to property line per County Ordinance Code sec. C12-558. The County Ordinance Code requires a five-foot grading setback.

20. Sets of continuous retaining walls through properties crossing multiple property lines do not comply with the grading setbacks and restrict access within a parcel. Provide grading plans that comply with this requirement.
21. Provide a profile of the proposed Street A demonstrating the line and grade of the proposed road. The stations shall be clearly shown on the preliminary grading plans.
22. Show all of the grading required to construct the proposed bioretention areas on the preliminary grading plan.
23. Show all of the grading and a driveway approach required to utilize Lot A as an access road. The grades do not appear to allow for feasible access to vehicles with the proposed steep final grades.
24. Show all of the existing and proposed electrical utilities on the plans.
25. The existing v-ditch to remain conflicts with the proposed improvements including but not limited to the intersection of Street A with Circle Hill Drive, as well as the sanitary sewer main along the development's eastern boundary. Resolve this conflict in revised plans.
26. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of Section C12-407 of the County Ordinance Code. Please provide a Drainage Plan and preliminary calculations that demonstrate the following items:
  - a. The site can be adequately drained, and the City of San Jose storm drainage facilities have appropriate capacity to drain the increased runoff.
  - b. The proposed development will not cause problems to the nearby properties.
  - 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. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.
  - d. The drainage runoff in each drainage management area shall be clearly shown to drain to the treatment facility in each area on the preliminary grading and drainage plans.
27. Please include a driveway approaches per County Roads and Airports Standard B2 for all residential properties.
28. Provide a Traffic Engineer's report and recommendation to address the location of the driveway proposed with respect to the location of the return at the intersection of Street A with Circle Hill Drive. The recommendations shall clearly state the minimum distance between the return of the intersection from the nearest driveway approach.
29. Based upon County Standards and policy, a continuous and curvilinear right-of-way dedication of sixty feet per SD1 would be required with this development to accommodate for a 12' wide travel lane. The radius for the right-of-way for the bulb

turnaround shall be a 42' radius with returns of 20' radius. The face of curb for the turnaround shall be a 34' radius or as required by the County Fire Marshal's Office or CalFire, whichever is greater. The returns for the intersection with Circle Hill Dr. shall be 20' radius for the curb return with a 30' radius for the right-of-way.

30. The right-of-way dedication for Street A appears to be disjointed at Lot B on Sheet TM-04. Please provide a curvilinear offer for right-of-way dedication to meet County standards and policies.
31. Please include all applicable easements affecting the parcels with benefactors and recording information on the site plan as shown on the preliminary title report. Provide a statement from the owner that no subsequent encumbrances have been recorded since the preparation of the title report.
32. 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 Ordinance Code. Provide the necessary easements for maintenance of the retaining walls.
33. Submit a completed San Francisco Bay Watershed Questionnaire (MRP 3.0). Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans. The entirety of the runoff falling upon the impervious area of the development shall be captured shall be routed for treatment and drainage mitigation as necessary.
34. Provide the necessary brow ditch and associated easement to drain the hillside runoff prior to reaching the graded slopes.

### **ENVIRONMENTAL HEALTH**

Contact Darrin Lee at 408-299-5748 or [Darrin.Lee@deh.sccgov.org](mailto:Darrin.Lee@deh.sccgov.org) regarding the following comments:

35. As the projected design flow exceeds 10,000 gallons per day (GPD), the review and approval of the onsite wastewater treatment system (OWTS) shall be conducted by the applicable California Regional Water Quality Control Board. Provide to the Department of Environmental Health and the Department of Planning and Development documentation from the applicable Regional Water Quality Control Board for project clearance addressing project feasibility/approval.
36. Obtain OWTS clearance from the Department of Environmental Health for verification of setback requirements. To obtain clearance follow the URL Plan Check Application Form ([sccgov.org](http://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 (See. SEC B11.66 (d)).

Note: Plan check submittal for commercial development will be required. Within the plan check service application, under the "Commercial" heading, provide a project description/proposal.

37. The Vesting Tentative Subdivision Map (page TM-03) identifies San Jose Water Company as the service provider for potable water. (See Project Notes on page TM-03.) Obtain from San Jose Water Company and provide to the Department of Environmental Health and Department of Planning and Development a water will serve letter. This letter shall express the water company's intent and ability to provide potable water to the entirety of the proposed development, twenty housing units.
38. Alternatively, if the proposed community development is unable to connect to a public water system and subsequently develop its own potable water service provider/water company, contact California State Water Resources Control Board, Division of Drinking Water for requirements to become a public water system.

If the project requires a public water system, California State Water Resources Control Board, Division of Drinking Water will be the regulatory and permitting authority for potable water, not the Department of Environmental Health. Obtain written documentation from the Division of Drinking Water that states the studies and/or reports it has received meet the State Drinking Water requirements for adequate access to water and is consistent with the State Preliminary Technical Report Guidance, and also include a Technical, Managerial and Financial report.

**FIRE MARSHAL'S OFFICE** Contact Alex Goff at 408-299-5760 or [alex.goff@sccfd.org](mailto:alex.goff@sccfd.org) regarding the following comments:

39. Plans are to state project is located within the Wildland Urban Interface (WUI) and will maintain defensible space at all times.
40. Plans are to clarify water source, such as the water mutual or a private well.
41. Plans to show fire hydrant as (N) or (E) and as a standard fire hydrant.
42. Provide fire hydrant flow data for hydrant located within distance requirements. Data to be recorded within 1 year and show minimum gpm available at 20 psi. [CFC Table B105.1(1) and Table B105.1(2)]
  - a) Contact water purveyor for flow data.
  - b) Clarify Fire Flow Summary on sheet TM-08 as this doesn't appear to meet CFC Appendix "C". An example is 2,750 gpm for a non-sprinklered structure.
43. Fire department access to be made of an "all weather" material capable of holding 75,000 pounds, this is to be noted on the plans. [CFC Section D102 and CFMO-A1 Section II.G]
44. Plans are to show slope of fire department access not exceeding 15%. [CFMO-A1 Section II.C]
45. Fire department turnaround meeting CFMO-SD16 to be clearly labeled including the dimensions. [CFMO-A1 Section II.C and CFMO-SD16]



**GEOLOGY**

Contact David Seymour at 408-299-6711 or [david.seymour@pln.sccgov.org](mailto:david.seymour@pln.sccgov.org) regarding the following comments:

46. The property is located in a State of California Earthquake-Induced Landslide Hazard Zone and County Landslide Hazard Zone, and a County Fault Rupture Hazard Zone. An in-depth site-specific geologic investigation report prepared in accordance with guidelines provided in California Geological Survey Special Publication 117A (2008), Special Publication 42 (2018), and the current County Geologic Ordinance will be required. The report must be signed by a California Certified Engineering Geologist (CEG).

**CODE ENFORCEMENT**

Contact Belen Ortiz at 408-299-5770 or [belen.ortiz@pln.sccgov.org](mailto:belen.ortiz@pln.sccgov.org) regarding the following comments:

47. The Subject Property is in violation and will require a Compliance Agreement in order for the County to issue any permits. Please provide a plan to abate the total violations specified in the Notice of Violation letter dated May 5, 2022.

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 any questions regarding the application, please call (408) 299-5791, or at [valerie.negrete@pln.sccgov.org](mailto:valerie.negrete@pln.sccgov.org).**

Sincerely,



Valerie Negrete  
Senior Planner

cc: Robert Salisbury, Principal Planner  
Belen Ortiz, Code Enforcement Officer