

# 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  
873 Blossom Hill Road  
San Jose, CA 95123

[thelobs@aol.com](mailto:thelobs@aol.com)

\*\*\*BY EMAIL ONLY\*\*\*

**FILE NUMBER:** PLN24-063-SB330  
**SUBJECT:** SB330 Housing Development, Subdivision, and Grading Approval for subdivision of a single parcel to create 49 single family residential lots on an 18.99-acre lot.  
**SITE LOCATION:** 19780 Almaden Road, San Jose, CA (APN: 742-07-001)  
**DATE RECEIVED:** April 5, 2023

Dear Mr. LaBarbera:

Your application for a subdivision, grading approval, and housing development under Senate Bill 330 (2019) was received on the above date and is deemed **incomplete**. For the application processing to resume, please 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) 299-5707 or via email at [Eunice.ban@pln.sccgov.org](mailto:Eunice.ban@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 Eunice Ban at (408) 299-5707 or [eunice.ban@pln.sccgov.org](mailto:eunice.ban@pln.sccgov.org) regarding the following comments:

*Lot Legality*

1. Provide a copy of current recorded Grand Deed.
2. Provide evidence showing [legal creation of lot](#). Lot legality can be determined by providing 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. 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.
  - 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.

*Site Plan*

3. Cover sheet shall provide a detailed project description/scope of work, including an existing and proposed square footage calculation and grading quantities in tabular format as shown in [SB330 - Housing Crisis Act Planning Submittal Checklist](#) (cut/fill depth & cubic yardage) and 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					

4. 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).
5. Provide topographic contours with elevations clearly identified. County Staff require that topographic plan be stamped by a licensed land surveyor or licensed engineer.

*Floor Plans*

6. Provide floor plans of each dwelling proposed.
7. Provide elevation drawings illustrating height. Finished grade elevation call outs shall also be indicated at each corner of all proposed structures. Heights of each proposed structure shall be delineated on plans as measured from finished grade.
8. Parking plan showing the proposed number of parking spaces.

*Energy Conservation Plan*

9. 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. Please include information listed in Section 12-173.2 of the County Ordinance Code.

*Affordability*

10. 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*

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 will be required after a review of the submitted application and the application 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.

**LAND DEVELOPMENT ENGINEERING**

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

Tentative Map

13. The sheet size shall be preferably 18 inches by 26 inches, but in no case larger than 24 inches by 36 inches. If necessary, more than one sheet should be used. The map shall be prepared by a registered civil engineer or licensed land surveyor, and shall contain the following information:
  - a. Name of engineer or surveyor under whose direction the map was prepared.
  - b. The locations and approximate widths of all easements for access, water system, flood control, drainage, sewage, or public utilities. At the minimum, a storm drainage easement is required for the storm drainage line to cross Lot 14 and discharge at the eastern boundary of the development.
  - c. Approximate radii of all curves.
  - d. Approximate dimensions of all lots including curves and radii.
  - e. Approximate boundaries of areas subject to inundation or storm water overflow and of all areas covered by water and the location, width and direction of flow of all watercourses, flowing or dry.
  - f. Existing structures to remain, wells, pipelines, sewage disposal installations and any other existing use or uses of the property. Please clearly identify the improvements and uses of the improvements for access along the northeasterly end of the development on Lot 14. Any unpermitted improvements, including structures and access roads shall be identified and any quantities of imported material for the access shall be clearly documented and quantified.
  - g. Proposed uses of the property and an outline of proposed restrictions, if any. Include any setbacks as necessary.
  - h. Public areas proposed, if any.
  - i. Provide accurate topographic information to show exact center line of Alamos Creek, top of low and high banks, direction of flow and existing obstructions within and adjacent to the watercourse. Where the Alamos Creek lies outside of a parcel, but the top of bank lies within 25 feet of the property line or discharge location, show exact location of the top of bank relative to property line.
  - j. Statement of the dedications and improvements proposed to be made or installed. The cover sheet shall specify the restrictions of all easements and rights-of-way proposed for the development.
  - k. The approximate location of known Seismic and Liquefaction hazard zones shall be shown on the Tentative Map.
  - l. Provisions for flood control to demonstrate no impact to the base flood elevation which are proposed.
  - m. The traffic engineer shall provide recommendations in the traffic report for the separation distance between the residential driveways and the returns for the corners. The locations of the driveways shall be adjusted accordingly as necessary.
  - n. Clearly define the limits of the County Roads and Airports right-of-way and the limits of the County Maintained improvements.

#### Grading

14. 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.
15. Please provide a table of the estimated impervious areas that are created as a part of the development. The net change in impervious areas shall be clearly stated on the plans.

16. 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 construction staging areas as well.
17. Please show the locations of any existing improvements along the Almaden Road frontage extending across the street from the development and on to the frontage of the neighboring property including any of the improvements and utilities.
18. 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 including the preliminary retaining wall design and the location of the property line with respect to the retaining wall. Sections A and B show the retaining wall on property line located on the uphill parcel. There is no detail regarding the location of the footing of the retaining wall. If the wall is located on the property line, a maintenance easement may be required to be shown on the plans.
19. Please demonstrate compliance with the grading setbacks to property line per County Ordinance Code sec. C12-558. Retaining walls and top and toe of slopes shall be setback from the property lines per the grading ordinance. Sections A, B and C do not comply with the County Ordinance Code as currently proposed.
20. Show all of the existing and proposed utilities on the plans including the proposed stubs and laterals serving each of the parcels.
21. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of Section C12-407 of the County Ordinance Code. Please provide preliminary drainage calculations supporting the Drainage Plan that demonstrates the following items:
  - a. The proposed development will not cause problems to the nearby properties.
  - b. The proposed development is not subject to significant damage from the one percent flood.
  - 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 revised detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.
22. Please revise the access roads to comply with County Standard SD1 with a 60' right-of-way.
23. Please include a driveway approach per County Roads and Airports Standard B2 for all of the parcels requiring driveway access.
24. The development shall identify the base flood elevation (BFE) for the areas within the floodplain. As the current BFE has not been identified, a Hydraulic and Hydrologic Study is required to identify the BFE. All subdivision improvements including the grading,

septic, stormwater treatment and detention basin facilities shall be designed and constructed to minimize flood damage and well as reduce exposure to flood hazards.

25. Please demonstrate that the septic field complies with County Ordinance Code sec. C12-817 to avoid impairment during the one-percent flood. Relocate the waste disposal system as necessary. All new sanitary sewer systems shall be designed for eliminate infiltration of flood waters into the system and discharge from the system into the flood water. On-site waste disposal systems shall be located to avoid impairment to the or contamination from them during flooding. The septic field shall be located outside of the flood zone.
26. Submit a revised 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 questionnaire provided is outdated, and an updated form must be used for this application. The impervious area quantities shall take into account an estimated impervious area for each lot based on the footprint of the structures as well as the proposed hardscape including but not limited to the driveway. The impervious areas of the entire development include not just the residential parcels, but also the common areas including but not limited to, the common access right-of-way and waste disposal system.
27. Please include the areas of planting, seeding, and or landscaping for the proposed grading on the preliminary plans.
28. Improvements shown along the right-of-way of Almaden Road shall be located within the public right-of-way or within the parcel being developed. The edge of improvements shall not extend into the neighboring properties without appropriate legally easement or notarized letter of authorization.
29. The septic field area appears to be located beneath the graded fill. Please verify with the Department of Environmental Health as to whether this is an acceptable proposal.

### **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:

30. The Vesting Tentative Subdivision Map (page TM-02) identifies San Jose Water Company as the service provider for potable water. (See Project Notes on page TM-02.) 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, forty-nine housing units.
31. As the anticipated wastewater flow will exceed 2,500 gallons per day, the review and approval of the onsite wastewater treatment system (OWTS) will be conducted by the Department of Environmental Health. The following analyses shall be required:
  - a) ground water mounding and nitrate loading (comprehensively known as Cumulative Impact Assessment).
  - b) Upon completion of the Cumulative Impact Assessment and its associated analyses, submit an onsite wastewater treatment system site plan/design and cumulative impact assessment report with its findings to the Departments of Planning and Development and Environmental Health.

32. As a community onsite wastewater treatment system is proposed, the method of treatment and dispersal must be approved by San Francisco Bay Regional Water Quality Control Board. Provide to the Departments of Planning and Development and Environmental Health documentation from San Francisco Bay Regional Water Quality Control Board addressing OWTS feasibility/approval.

### **FIRE MARSHAL'S OFFICE**

Contact Alex Goff at (408) 299-5763 or [alex.goff@sccfd.org](mailto:alex.goff@sccfd.org) regarding the following comments:

33. Plans are to clarify water source, such as the water mutual or a private well.
34. Plans to show fire hydrants as (N) or (E) and as standard fire hydrants.
35. Sheet TM-06 shows an (E) fire hydrant being removed as it's located in the proposed access. A hydrant is to be located at the entrance and plans should show it's not affecting fire hydrant spacing of the (E) home adjacent to the project (APN 742-06-026).
36. Provide fire hydrant flow data for hydrant located within distance requirements. Data to be recorded within 1 year and show a minimum gpm available at 20 psi. [CFC Table B105.1(1) and Table B105.1(2)]
  - a) Contact water purveyor for flow data.
37. 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]
38. Plans are to show minimum interior turning radius of 30 ft. and exterior turning radius of 50 ft. [Santa Clara County Ordinance No NS-110.136 Section D103.3].
39. Sheet TM-06 shows a cul-de-sac, plans are to clearly show the dimensions meeting CFMO-SD16. [CFMO-A1 Section II.C and CFMO-SD16]
40. Plans are to state project is located within the Wildland Urban Interface (WUI) and will maintain defensible space at all times.

### **GEOLOGY**

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

41. The northeastern portions of the property fall within State of California and County Seismic Hazard Zones for Liquefaction. The County zone is wider than the State zone, and some of the proposed residences fall within the County liquefaction hazard zone. As such, the liquefaction potential of the soils underlying this portion of the project will need to be assessed. A geotechnical evaluation of the liquefaction potential needs to be performed in general accordance with the guidelines provided in California Geological Survey Special Publication 117A (2008). Subsurface exploration to an approximate depth of 50 feet will be required as part of the evaluation. The report must be signed by a California Certified Engineering Geologist (CEG).

## **ROAD AND AIRPORTS**

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

42. Almaden Road has a Future Width Line (FWL) for a 55-foot half street width (110-foot full street). Show on the revised plans the existing centerline, edge of pavement, and limits of the Almaden Rd right-of-way (ROW) and the limits of the FWL. A curvilinear dedication to public right-of-way will be required.
43. Indicate on plans that Almaden Rd is a County Maintained Road beginning at the city boundaries. Identify City of San Jose and County jurisdictional boundaries.
44. All proposed access roads will be non-County maintained roads and should be indicated as private roads on plans.
45. 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, abandonments, temporary facilities, and new facilities shall be shown.
46. Residential entrances along Almaden Rd will be required to be improved per County Standard A4. The revised plans should indicate as such.
47. The property's frontage will be required to be developed to include sidewalks per a modified County Standard A4. Ensure sidewalk connectivity to Almaden Road, including sidewalk continuance to south of property with connection to City sidewalk north of the property. The revised plans should indicate as such. Indicate improvements on the revised plans to identify any conflicts that will need to be resolved (i.e. utility poles, trees, culverts, etc.).
48. Include County Standard details on the plan sets. While not required during the planning review process, driveway and frontage details with dimensions and specifics will be required during the encroachment permit process, in sufficient detail to fully demonstrate application of the County standards that will apply to the driveway, driveway gates, frontage and drainage to be constructed (i.e., not only referencing the County details).
49. Provide a Traffic Study (TS) as it pertains to Use Permit application. 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. Stopping sight distance analysis for entrances; g. Truck turning templates and analysis at entrances; h. Queuing analysis at project entrance and at the turn pockets of County signalized intersections within 1 mile radius of project site; i. Feasibility of acceleration and deceleration lane at proposed entrances; j. Existing transit, pedestrian, and bike facilities.



50. Provide a Sight Distance Analysis (SDA) for driveway approach/es. 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 he/she has 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.
51. Indicate on plans if any conflicts will require mitigation as a result of studies or analysis, such as tree or shrub removal or trimming, fence removal, or additional grading.
52. Demonstrate that the post-development maximum flow rate into the County Road right-of-way 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. Confirm that no storm water generated from this development will be allowed to drain onto County right-of-way.
53. Gates, fences, retaining walls, fixed appurtenances, etc. shall be located outside the limits of the County maintained road ROW. Gates shall be located 30 feet from edge of pavement. Indicate on plans the intent of any existing or future items in the ROW. All fences and landscape at the intersections with Almaden Rd are to demonstrate compliance with the Zoning Ordinance regarding placement and fence height.
54. Plan development along Almaden Rd frontage will encroach into City of San Jose ROW. Contact City of San Jose with development and encroachment plans.

### **CALFIRE**

Contact Carlos Alcantar at [carlos.alcantar@fire.ca.gov](mailto:carlos.alcantar@fire.ca.gov) regarding the following comments:

This project is located within the State Responsibility Area (SRA) and is recommended to follow all minimum wildfire protection standards of **California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 - Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5.**

55. **Access:** Ensure All access roads in the development meet specifications in § 1273.01 in the Fire Safe Regulations and provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to all the building sites.

#### **Article 2 Emergency Access and Egress**

##### **§ 1273.00. Intent**

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

**§ 1273.01. Width.**

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.

(2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

56. **Driveway:** Ensure all roads are designed and maintained to support 75,000 pounds.

**§ 1273.02. Road Surfaces**

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

(b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

57. **Defensible Space:** Maintain defensible space specifications described in Public Resources Code 4291

**§ 1276.01. Setback for Structure Defensible Space.**

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

**PARKS AND RECREATION**

Although this item is not necessary for complete application, please contact Kelly Gibson at [Kelly.gibson@prk.sccgov.org](mailto:Kelly.gibson@prk.sccgov.org) regarding comments related to Parks and Recreation:

58. This proposed development file shared with County Parks does not note the conceptual trail listed below, which is part of the 1995 Countywide Trails Master Plan. We would like to request that this conceptual trail is shown and noted on the plans for clarification.

Conceptual Trail Affected:

- **Almaden/Hicks Road Loop Trail (C17):** an on-street bicycle route encircling Almaden Quicksilver County Park and connecting with Upper Guadalupe Trail (C16), the Bay Area Ridge Trail (R5-C) and Juan Bautista de Anza National Historic Trail (R1-A).

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County Parks is currently in process to update the CWTMP Map which may affect conceptual trail routes in this area. It is important that these routes be maintained for on-street connectivity. We suggest that you reach out to Ben Aghegnehu ([ben.aghegnehu@rda.sccgov.org](mailto:ben.aghegnehu@rda.sccgov.org)) with County Roads regarding on-street connections and the Active Transportation Plan under development.

Please ensure that comments are incorporated into the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project manager.**

If you have questions regarding the application, please contact (408) 299-5707 or [eunice.ban@pln.sccgov.org](mailto:eunice.ban@pln.sccgov.org).

Sincerely,

Eunice Ban, AICP  
Senior Planner

**Cc:** Robert Salisbury, Principal Planner  
Darrell Wong, Land Development Engineering  
Tom Esch, Roads and Airports  
Alex Goff, Fire Marshal's Office  
Darrin Lee, Department of Environmental Health  
David Seymour, Geology  
Carlos Alcantar, CAL Fire  
Kelly Gibson, Parks and Recreation  
Nicole Collins, County Counsel  
Cristina Stella, County Counsel