

County of Santa Clara

Department of Planning and Development
Planning Office

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September 28, 2020

Christopher Ranch LLC.
c/o Cari Ellis
305 Bloomfield Avenue
Gilroy, CA 95020

FILE NUMBER: PLN20-093
SUBJECT: Use Permit and Architecture Site Approval (ASA) Modification
SITE LOCATION: 305 Bloomfield Avenue, Gilroy
DATE RECEIVED: September 1, 2020

Dear Mrs. Ellis:

Your application for a Use Permit and Architecture and Site Approval (ASA) Major Modification is **incomplete**. In order for application processing to resume, you must resolve the following issues and submit the information listed below. Resubmittals are made electronically following a virtual meeting with the Planner and reviewing agencies. Once the information is verified to be sufficient for review, complete a Development Application along with the materials and submit them into the Public Portal. The Planning Office will electronically distribute the plans, reports and/or information to the appropriate staff or agency for review.

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. He or she represents a particular specialty or office and can provide details about the requested information.

**AN APPOINTMENT IS REQUIRED FOR THIS RESUBMITTAL.
PLEASE CALL ME AT (408) 299-5791 TO SCHEDULE AN APPOINTMENT.**

Of note, the subject project was referred to the Santa Clara Valley Water District during the review period however as of the date of this letter staff has not received comments. If any comments are received, we will forward them over to you.

PLANNING

Contact: Valerie Negrete (valerie.negrete@pln.sccgov.org 408-299-5791).

Site Plans:

1. Elevations and floor plans are required for each building. Each elevation shall include the labeling of height from grade to the highest point of the structure. Plans show elevations and flood plans for only certain buildings. If a building is not proposed to change please state so with the plans.

2. Identify signage on the plans. Please include location, dimensions and colors/materials of any existing signage or proposed signage. Staff will be including this as part of the legalization of structures on the property and bringing the Use Permit and ASA up to date.
3. Submit a conceptual landscape plan which indicates the percentage of existing landscaping trees and shrubs throughout the site, specifically in the parking area. Staff encourages landscaping that is consistent with the [ASA guidelines](#). Additional landscaping at key entry points is also encouraged.
4. In 2011, there was a Condition of Approval (2011-COA No. 13) to maintain an existing chain link fence. Please clearly label where this fence is located, and whether it still exists.
5. The Acknowledgements and Agreements page (Page 2 of the Development Application) was signed by one person however, the title is held in an LLC. Please either acquire signatures from all owners within the LLC or furnish a letter stating the signator is authorized to act on behalf of the LLC.
6. Identify pedestrian walkways on the plans. See also comments from Building Department related to accessibility.
7. Clarify the lines to the west of the Main Office.
8. Identify and label all structures on the property. For example, there is a structure located in between Building C3 and Building AL and a structure north of Building E. These structures on the site plan should be consistent with the table submitted as well.
9. Indicate on plans, the 431 parking spaces on-site. Include any loading or temporary parking spaces along with the ADA spaces. This information is necessary to ensure that the project meets County parking requirements, pursuant to Chapter 4.30.

Additionally, please review and provide information/compliance with parking requirements in Chapter 4.30, with special attention to Sections 4.30.040, 4.30.060, 4.30.070(B) – (I), 4.30.080, 4.30.090.

10. Indicate on plans, the width of the roadway and access to the property and main campus area. Interior driveways widths shall also be labeled.
11. Label all easements on the property. Specifically, there is a Water District easement that does not appear on the plans.
12. Provide a lighting plan. Indicate all proposed lighting on the exterior of the buildings and within the parking lot area. Indicate foot candles and wattages for all lighting. Please note that during the CEQA review process a photometric plan may be required in order to ensure that lighting is low glare and will not spill over the property line.
13. Provide an updated color sample for the buildings. Paint chips and exterior color description is acceptable.

Project Description (dated August 26, 2020):

14. Provide a general statement of what the business is and what the site processes. Include what is brought to the site, what products are processed and produced, and what activities happen in each building for context. This information is necessary to provide in the record for the decision-making body (Planning Commission).
15. Clarify the number of employee shifts along with the total number of employees within each shift.
16. Include the hours of operation as well as any special events or other activities that occur on-site. If there are known, annual events that occur on-site, Staff would like to consider these as part of the overall approval.
17. Are there any tours or other activities that involve the general public that occur on-site?
18. Provide information about the on-site day care center. When did it open and what are the hours of operation? How many children does this center serve? How are the children dropped off and picked up (circulation)?
19. Describe any specific changes to occur within each building from agricultural exempt to another use. Include why some buildings will remain un-changed. In an effort to ensure a smooth process through the entitlement to building permit issuance, Staff would like to make sure we are clear on this information.

Project Phasing

20. Please provide a project phasing plan that indicates the phasing timeline proposed by Christopher Ranch to bring all structures into compliance. This phasing plan shall include identifying the specific structure and completion of construction date. As a phasing plan was not submitted with the initial project submittal, Staff will leave it up to the applicant to provide a phasing plan for consideration. This information, once analyzed and presented to the Planning Commission, will be incorporated into the Conditions of Approval and CEQA (see below). If you would like to discuss options for how to present this information, please feel free to request a meeting. You may want to consider proposing the phasing on the table submitted with the application. Staff has provided a theoretical example below:

Building ID	Construction Requirement	Timeline to Complete Construction
Building A	Fire Sprinklers Only	1-year after PC Approval
Building B	Building Permit	1-year after PC approval
Building C	Building Permit	3-years after PC approval
Septic Improvement	Septic Permit	1-year after PC approval
Building D	Building Permit	5 years after PC approval
Building E	Building Permit	8 years after PC approval

*Please note that this information, once approved, will also require an amendment to the Compliance Agreement. Staff is open to hearing the proposed timelines for all relevant structures on-site.

California Environmental Quality Act

21. In an effort to expedite the review of this application, Staff is requesting the following information to accommodate the determination for the California Environmental Quality Act (CEQA). The following studies are needed to determine if the proposed development

will consist of a significant impact to the environment:

- a. **Air Quality.** Please describe or list any odors the operation may omit. Depending on the response, the County may require further assessment to complete the CEQA process. Additionally, please provide a response to how the project will or will not affect Green House Gas (GHG) emissions. If there is an increase in employees since the 2011 Use Permit, an Air Quality Study will be required.
- b. **Biology Report.** A biological report and assessment will be needed in order to determine whether or not there are any impacts to sensitive or protected species and habitats as a result of the conversion of the buildings. Of particular concern are the buildings located closest to the northern edge of the property, adjacent to Carnadero Creek. As part of our CEQA assessment, we will need to find that there is no conflict with any adopted plan.
- c. A **drainage report** that specifies if the proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces. A Hydrology Report may be required. Submitting any other recent studies (LOMR-F) or approvals would also help in supporting this portion of CEQA.
- d. Please provide a **conceptual Stormwater Management/Low Impact Development plan** (refer to Land Development Engineering – LDE) for requirements.
- e. **Hazardous Materials.** Provide a list of any hazardous materials to be stored on site. Please provide a plan for their containment or safe storage.
- f. **Noise.** Provide a list of any noise generating tools, operations or activities on-site. A Noise Study may be needed in order to ascertain any noise generating impacts and/or mitigation measures as part of the on-going operation.
- g. **Traffic.** Describe the truck and employee routes to and from the site. If there are any alternative routes, please provide this. Please provide an **on-site circulation study**. A Parking Study may be required, depending on the information submitted in No. 9, 15- 18 above.
- h. Please provide a conceptual **Site Accessibility Plan** illustrating that the project will comply with the Americans with Disabilities Act.
- i. Provide a **Construction Management Plan**, indicating hours of operation for construction, consistent with traffic impacts, location of any temporary roads/contractor mobile units, construction parking, and deliveries. If no temporary construction units/trailers will be utilized, please make note. Staff would like to make certain that the project is conditions to accommodate construction management.
- j. **Project Phasing.** Please provide a project phasing timeline. This information is necessary to ensure that the CEQA analysis accommodates and addresses project phasing.
- k. **Fire Site Access Plan.** Please illustrate on a plan how the project complies with fire department access. See Fire comment below.
- l. A **Cumulative Impact Report** consisting of a *Ground Water Mounding Analysis* and *Nitrate Loading Analysis* is required to be submitted. See DEH comments below.

NOTE: Pursuant to CEQA laws, the County may require additional studies after the application is deemed complete for processing, in order to finalize an environmental review/analysis.

FIRE MARSHALL OFFICE

Contact Alex Goff at 408-299-5763, Alex.Goff@sccfd.org regarding the following:

20. Plans to show fire department access within 150 ft path of exterior travel to all portions of a structure. A number of structures don't meet this distance including Buildings AB and AC.
21. Fire hydrants are to be located along fire department access. Many hydrants on the Site Plan (A1.1) aren't shown near fire department access routes.
 - a. Plans are to clarify what type of hydrants are installed (standard fire hydrants are required for this project).
22. The Site Plan is to clearly show where the fire hydrants are receiving water. This includes water tanks (size in gallons), fire pumps, wells, etc.
 - a. A previous 610,000 gallon water tank was applied for under permit 2012-49474. This tank and any associated pumps are to be shown on the plans if they have been installed and permitted.
23. Fire department access is to be made of an "all weather" material capable of holding 75,000 pounds. This it to be noted on the Site Plan.
24. The Site Plan Legend (bottom right corner) and the Building Legend have contradicting information on what structures have existing fire sprinklers (an example is Building AG). Clarify what structures currently have fire sprinklers.
25. Title Sheet (T1.1) states buildings are Type V-B Construction and have fire sprinklers. The plans are to clarify what structures are proposed to have NFPA 13 fire sprinklers installed as part of the project.
 - a. All structures greater than 3,600 sf that change from a lower occupancy type to a higher occupancy type will require NFPA 13 fire sprinklers per the 2020 Santa Clara County Ordinance, Division B7, Section 903.2(5).

LAND DEVELOPMENT ENGINEERING (LDE)

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

26. Upon review of the project plans and the geotechnical report, the subject report shows a new building being proposed where the demolished Building 'L' used to be located. The preliminary plans and project description do not show/mention this new building. The report is two years old so it is assumed that there is no longer a building being proposed by the applicant (or at least will not be part of this current Use Permit request). Applicant shall confirm that no new building is being proposed now as part of this Use Permit request. FYI: If a new building is proposed in the future, then the applicant will have to comply with the Central Coast Stormwater Provision E-12 requirements if the new/replaced impervious area threshold is triggered.
27. Show all new structures outside of the buildings that may increase stormwater runoff. Show the existing/proposed driveway surfaces and any existing/proposed striping on the plans. Show parking spaces as asphalt concrete or better per previous Use Permit requirements. Will there be an increase in the amount of runoff as a result of any proposed facilities outside of the building?
28. Show the floodplain on the plans. Clearly show which buildings/facilities, if any, are within the SFHA limits.

29. Provide a copy of the FEMA documents, e.g. LOMR-F, etc. as required by the previous Use Permit Modification (project #3113-79-13-11P--11A-11G) for our records.

DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)

Contact: Darrin Lee Darrin.Lee@cep.sccgov.org 408-299-5748

Portal Toilets:

30. Provide clarification on the use of portable toilets onsite. Are they temporary or permanent? Per County Sewage Ordinance B11-65 Every place of business must be provided with a water flush toilet connected to an approved OWTS. Additionally, Per B11-76 (b) Portable Toilets. *Portable toilets are intended to serve non-residential, limited use activities, such as field labor operations, special events, and temporary construction sites where connection to a sanitary sewer system or installation of an OWTS is not practicable. Excluding those activities covered under California labor and sanitation Code requirements, the use of portable toilets at a particular location or event shall not exceed three consecutive days duration unless otherwise exempted by the director. Such exemption, where approved, may require the issuance of an operating permit in accordance with section B11-92 of this chapter, which will specify the terms and conditions for extended use of the portable toilet(s), including maintenance in accordance with requirements of section B11- 227.*

DEH Onsite Wastewater Treatment System (OWTS):

31. On the site plans change the setback around the wells to 150 feet as this is a Public Water System.
32. Include a note on the plan “No process wastewater can discharge into the OWTS system.”
33. Due to the prior paving over existing leach fields onsite, this new leach field must be protected. Bollard’s or fencing must completely surround the leach field to protect it from driving on. Include bollards or fencing requirements on the plans and their locations as well as a note on plans “No driving or paving of leach field permitted.
34. A Cumulative Impact Report consisting of a Ground Water Mounding Analysis and Nitrate Loading Analysis is required to be submitted.
35. Acorn requested that the system be approved as pressure distribution with 8 sq. ft. of trench. The County OWTS Ordinance and Management do not approve this request. The County OWTS Ordinance states pressure distribution has a maximum of 4 sq. ft. of trench area. Revise plans accordingly.
36. Can you specify on the plans the method of tree removal so that the contractor does not create large holes when ripping out the trees that cause cross connections between the leach lines and leach fields? Provide a separate map of the trees on the plan sheet?
37. In the 1.5-day emergency capacity for 20,000 gallon pump tank please confirm if it is from high water alarm to inlet and not to top of tank.
38. Provide a chart detailing each building and the plumbing fixtures within each building so a base line can be established.

Central Coast RWQCB OWTS Comments:

39. Christopher Ranch will need to apply to the Central Coast Regional Water Quality Control Board for a wastewater discharge permit due to design flow rates exceeding Santa Clara County's maximum allowed permitted flow rate of 10,000 gallons per day. Here are links to the application for enrollment into Order No. 2014-0153-DWQ Discharges to Land By Domestic Wastewater Systems and the Order itself.
Application: https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf
Order: https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2014/2014%20small%20domestic%20GP.pdf
40. The proposed OWTS is within 600-feet of an impaired surface water body, Carnadero Creek, for nutrients as presented in the Pajaro River Basin Nutrient TMDL. All treatment and OWTS design measures must be employed in order to ensure antidegradation of Carnadero Creek.
41. The proposed leaching trench total length must be designed using a maximum disposal field infiltration area of 4 square feet per linear foot of trench. The current design's infiltration area is based on 8 square feet per linear foot. There is no reduced infiltration area allowance for pressure dosed systems.
42. The average percolation rate for 3M, 2M, 5A, 3A, and 4A is 18 MPI. The minimum separation to groundwater from the bottom of the leaching trench must be a minimum of 8-feet, otherwise enhanced treatment must be employed to reduce total nitrogen.
43. The average percolation rate for 4M, 5M, 6M, 1M, and 2A is 5.78 MPI. The results for percolation 1A is considered an outlier due to it having a percolation test result that is 30 MPI greater than then the other percolation results in the same area. The minimum separation to groundwater from the bottom of the leaching trench must be a minimum of 20-feet, otherwise enhanced treatment must be employed to reduce total nitrogen.
44. The soil profiles indicate groundwater is between 11 to 12-feet below grade surface. Groundwater quality must be protected of total nitrogen contaminants therefore enhanced treatment will be required if minimum separation to groundwater standards cannot be met.
45. This project must ensure that all minimum setbacks to structures, water supply wells, and surface water bodies are maintained as per the Santa Clara County ordinances.
46. Christopher Ranch currently disposes of their process wastewater in an area near to the proposed domestic wastewater disposal field location. Please indicate on the plans where the process wastewater is disposed of in relation to the proposed domestic wastewater dispersal field location.

BUILDING DIVISION

Contact: Matthew O'Brien Matthew.O'Brien@pln.sccgov.org 408-299-5257

A building permit is required for each building that will revise its occupancy group or use from its originally permitted condition. Buildings that will be removed require a demolition permit. The information requested below is to assist in making sure the land use entitlement will ultimately be

consistent with the design requirements once submitted into Building for plan check. Additional comments are provided under “Additional Information / Areas of Concern”

47. Buildings and areas of the site that are open to the public and/or employee common use areas of buildings or the site must comply with all applicable provisions of the accessibility requirements for persons with disabilities. See Planning comment for conceptual site accessibility plan
48. Buildings and areas of the site that are not open to the public and/or do not have employee common use areas will need to comply with at least the employee work area provisions of accessibility regulations for persons with disabilities. Please include this information in the conceptual site accessibility plan.
49. Publicly accessed and employee common use buildings and site amenities require exterior routes of travel that comply with accessibility provisions. Any site work to provide these required exterior routes must be included in the scope of this project. To ensure that design changes to location of structures or height of structures will not be impacted, please consider this requirement during the entitlement phase.
50. Please review the existing and new occupancies and Types of Construction that are noted on the cover sheet project data and the sheet A1.1 building legend for inconsistencies and amend as needed to correct them.

ROADS AND AIRPORTS

Contact: Leo Camacho Leo.Camacho@rda.sccgov.org

51. Clarify if there will be changes to the number of employees from current levels.
52. Specify the use of the Northeast driveway access to the site.

ADDITIONAL INFORMATION / AREAS OF CONCERN

The items below are informational only. These items are not required to deem the application complete for processing.

Planning

53. Please note that any additional grading that would be required by LDE or Fire, may necessitate the need for a Grading Approval, along with associated fees.
54. Please note that staff charged the Petition for Prior Use of CEQA, however a full CEQA review may be required with additional fees. Staff will make this determination as we review the project for completeness. If a new Negative Declaration or Mitigated Negative Declaration are required, Staff will inform you.
55. It has come to staffs attention that Christopher Ranch may want to request the ability to utilize the square footage that will be lost with the demolition of Buildings L and M for future construction. For any request to utilize future square footage that is not depicted on the site plan will need to be included in the updated Project Description. Staff will consider this request and may include a condition of approval that satisfies County codes and the applicants request.
56. Please note that any structures that are proposed to be rebuild or trigger a “[rebuild](#)”

calculation may require compliance with current Zoning Ordinance standards with regard to setbacks and/or heights. Pursuant to Zoning Ordinance Section 4.50.030(A):

“Any setback-nonconforming or height-nonconforming portions of a building may remain only if they substantially maintain their structural form and integrity. In the course of construction, if walls become disconnected from supporting ceiling and roof joists and all bracing perpendicular walls, they relinquish their right to maintain a nonconforming setback encroachment”

If the applicant is concerned with this, please feel free to contact Staff to obtain additional information related to required setbacks and/or heights. Additionally, please note that any structures that are required to be rebuilt, may require additional setbacks from the Creek, or a study to substantiate the proposed location within the setback.

Building

Contact: Matthew Thompson Matthew.Obrien@PLN.SCCGOV.ORG 408-299-5752

57. Construction done without any permits are considered code violations that must also be abated through the permitting process. Please note that any building that is revising its occupancy group must comply with the current code provisions for the proposed occupancy, including but not limited to:

- The maximum allowable area of the building based on the proposed occupancy group(s) and the Type of Construction;
- Fire rated occupancy separations, if applicable, between different occupancy groups within a given building;
- Fire separation distances of exterior walls for both a revised occupancy building and the existing surrounding buildings. Depending on the analysis approach, assumed property lines between different buildings on the site may be required (which may affect required fire ratings of exterior walls and their openings). See the links below for additional information on the building and demolition permit application processes:

<https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/BP.aspx>

<https://www.sccgov.org/sites/dpd/Iwantto/Demolish/Pages/Demolition.aspx>

Santa Clara County Habitat Plan

Contact: Valerie Negrete Valerie.negrete@pln.sccgov.org 408-299-5791

58. The property is located in the HCP Coverage area and as proposed would not be subject to habitat coverage. It is important to note however that Calderon Creek is located to the rear of the property and any changes to any of the structures on the site could subject the project to habitat plan coverage.

If the requested information is not submitted within 180 days, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted within 1 year of the date of this letter and will not be accepted after 1 year. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

If you have any additional questions regarding this application or Planning's incomplete comments, please call me at (408) 299-5791 or to schedule an appointment to do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valerie Negrete', with a stylized, cursive script.

Valerie Negrete

cc: Leza Mikhail, Principal Planner
Rob Eastwood, Planning Manager
Matthew O'Brien, Building Department
Darrin Lee, Department of Environmental Health
Leo Camacho, Roads and Airports
Darell Wong, Land Development Engineering
Alex Goff, Fire Marshall's Office