

County of Santa Clara

Department of Planning and Development
Planning Office

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January 11, 2021

****Sent via email only****

Jason Voss
Stevens Creek Quarry, Inc.
12100 Stevens Canyon Road
Cupertino, CA 95014
Email: JVoss@sqinc.com

FILE NUMBER: PLN20-119
SUBJECT: Use Permit with Architecture and Site Approval (ASA),
Reclamation Plan Amendment and Zoning Interpretation
SITE LOCATION: 12100 Stevens Canyon Road
DATE RECETVED: 9/21/2020

Dear Jason Voss:

The purpose of this letter is to inform you that the application for a Use Permit, ASA, Reclamation Plan Amendment (“Application”), and Zoning Interpretation as resubmitted by Stevens Creek Quarry Inc. (“SCQ”) on December 11, 2020 has been deemed **incomplete** by the County of Santa Clara (“County”) Department of Planning and Development. Incomplete comments that must be addressed in the Application resubmittal are listed in Section I, concerns related to the project design, as identified by regional and state regulatory agencies are identified in Section II, and areas of concern are listed in Section III.

As noted in Section I of this incomplete letter, the Department of Planning and Development (“Department”) has identified a list of issues that SCQ must remedy prior to issuing a completeness determination.

I. INCOMPLETE COMMENTS

PLANNING

Contact Robert Salisbury (408) 299-5785 / robert.salisbury@pln.sccgov.org for information regarding the following items.

1. There are multiple structures on the project site that appear to be constructed without required building permits, such as the office, scale house, quarry maintenance shed, and Voss Trucking buildings. Please submit a list of all

existing structures with the approximate date of construction and, if available, the permit number or proof of legal establishment.

For buildings without prior approvals that are proposed to remain, provide floor plans to indicate usage, and elevations including the height, design, materials, and color of structures. Labeled photographs may suffice in lieu of elevations for existing structures.

The Building Inspection Office and Code Enforcement staff will contact you to schedule an inspection to identify buildings that were constructed without permits. Any unpermitted structures and buildings will either need to be removed or permitted through obtaining appropriate retroactive approvals and permits.

2. The lease agreement with Hanson Permanente, Inc. that allows SCQ to access and reclaim the portions of parcels owned by Hanson Permanente, Inc. has expired. A copy of a new lease agreement with Hansen Permanente, Inc. or their successor in interest that grants SCQ the legal right to use and reclaim the portions of APNs 351-10-017, -033, -039, and 351-11-001 within the existing Reclamation Plan boundary must be submitted to the Department of Planning and Development.

LAND DEVELOPMENT AND ENGINEERING

Contact Ed Duazo at (408) 299-5733 / ed.duazo@pln.sccgov.org for information regarding the following items.

3. Both reclamation plans (Option A and Option B) generally show reclaimed contours perpendicular to overland flow paths with no discernable swale or channel to convey drainage through the reclaimed areas. Topographic maps indicate that the upstream watershed is generally conveyed via swales that discharge concentrated flow into the reclaimed areas. Without any discernable swales/channels to convey drainage through the reclaimed areas, clarify how the upstream, concentrated flows will not create drainage and erosion/sediment problems.
4. The drainage study notes that, *“The analyses in this report modeled overall drainage basins as initial subareas without the need to model downstream routing.”* Why hasn’t the downstream routing been analyzed? It is unclear whether existing downstream swales, creeks/tributaries, culverts, etc., have sufficient capacity to accommodate the calculated flows? Provide additional information to demonstrate that the drainage flows from the reclaimed areas will not create downstream drainage and erosion/sediment problems.
5. The drainage study notes that desiltation basins may be placed at the *“downstream end of the reclaimed areas to control runoff and sedimentation...”* However, desiltation basins require on-going maintenance

and the sizing methodologies referenced in the drainage study are not applicable. The Santa Clara Valley Urban Runoff Pollution Prevention Plan (SCVURPPP) sizing method is intended for sizing stormwater treatment Best Management Practices (BMP) that reduce pollutants from impervious area runoff. The State Water Resources Control Board (SWRCB) sizing method is for temporary basins used during construction.

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 918-3435 / darrin.lee@cep.sccgov.gov for more information regarding the following items.

6. For the existing, potentially unpermitted, office trailers, wastewater is reportedly held/stored onsite via a holding tank. For the purposes of onsite sewage disposal, Sec B11.65 (a) and (b) of County of Santa Clara Onsite Wastewater Treatment System Ordinance requires the office trailers to utilize an onsite wastewater treatment system (OWTS) for sewage disposal and treatment. Therefore, contact the Department of Environmental Health to conduct the following activities to determine OWTS feasibility: site assessment, soil profiles, and percolation tests. These activities are subject to completion of a separate service application and fees payable to the Department of Environmental Health. For additional information regarding OWTS requirements, please refer to County of Santa Clara Onsite Manual:

https://www.sccgov.org/sites/cpd/programs/LU/Documents/LU_Onsite_Systems_Manual.pdf

This manual provides procedural and technical specifications for an OWTS design. Per County code, holding tanks (trailer) are deemed a public nuisance and prohibited. (Refer to B11.76 (a) of County of Santa Clara Onsite Wastewater Treatment System Ordinance).

7. For the office trailer, clarify the source of water utilized for the flush toilets and urinals. Clarify the water source used for purposes of handwashing within the restroom facility. Clarify the source of water used for dishwashing and handwashing activities within a break room setting.
8. Reportedly the quarry receives 600-800 gallons (twice per month) of potable water through a third-party vendor. Clarify its use and how/where is the delivered water stored.

II. OTHER AGENCY COMMENTS

The Department received two comment letters from other reviewing agencies, which are attached for reference. The Department requests SCQ work with these agencies as appropriate to resolve any issues that affect the project design and description. These issues would affect the resulting environmental analysis once the application is deemed complete.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The California Department of Fish and Wildlife (CDFW) submitted comments on the resubmittal Application on December 31, 2020, see Attachment 1. Contact Kristin Garrison, Environmental Scientist, CDFW at Kristin.Garrison@wildlife.ca.gov for information regarding CDFW comments.

CITY OF CUPERTINO

The City of Cupertino (City) submitted comments on the resubmittal Application to the County on December 30, 2020, see Attachment 2. Contact Roger Lee, Director of Public Works, City of Cupertino at (408) 777-3354 Ext 3350 / RogerL@cupertino.org for information regarding the City's comments.

III. AREAS OF CONCERN


In addition to the incomplete items listed above, the County has identified the following issue(s). Where necessary, these issues need to be addressed and submittal materials revised accordingly.

- The proposed importation of unprocessed material from Lehigh Permanente was identified as an area of concern in the first incomplete letter dated October 21, 2020. This use is considered a Manufacturing-Intensive Use, which is not allowed within the Hillside zoning designation of the subject site. In response, SCQ submitted a request for a Zoning Interpretation that will be scheduled for consideration by the Planning Commission over the next few months. Depending on the decision of the Planning Commission, SCQ can choose to revise the application as appropriate.

Pursuant to the Amended Compliance Agreement and Stipulated Order to Comply (Attachment 1) under Public Resources Code Section 2774.1 between the County and SCQ, effective September 3, 2020, SCQ must obtain a complete determination for the Application by January 11, 2021. However, some of these are new issues that have recently been identified by County staff, and therefore, in order to provide SCQ with sufficient time to comply with the requirements outlined in this incomplete letter, the Department agrees to extend the January 11, 2021 deadline to Monday, July 12, 2021.

If you have any additional questions regarding this application or would like to meet to clarify Planning's incomplete comments, please call me at (408) 299-5785 to schedule an appointment to do so.

Sincerely,

DocuSigned by:

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Robert Salisbury
Senior Planner

Attachments

1. California Department of Fish and Wildfire Comments on Stevens Creek Quarry resubmittal Application
2. City of Cupertino Comments on Stevens Creek Quarry Application

cc: Jacqueline Onciano, Director of Planning and Development, County of Santa Clara
Rob Eastwood, Planning Manager, AICP, County of Santa Clara
Manira Sandhir, Principal Planner, AICP, County of Santa Clara
Jim Baker, County Geologist, County of Santa Clara
Pat Angell, Ascent Environmental
Claudia Garcia, Ascent Environmental
Elizabeth G. Pianca, Lead Deputy County Counsel, County of Santa Clara
Kristina Loquist, Office of Supervisor Simitian, County of Santa Clara
Kristin Garrison, Environmental Scientist, California Department of Fish and Wildlife
Deborah Feng, City Manager, City of Cupertino