

# County of Santa Clara

Department of Planning and Development  
Planning Office

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July 9, 2021

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

Mr. Jason Voss  
Stevens Creek Quarry, Inc.  
12100 Stevens Canyon Road  
Cupertino, CA 95014  
Email: [JVoss@sqinc.com](mailto:JVoss@sqinc.com)

**FILE NUMBER:** PLN20-119

**SUBJECT:** Use Permit with Architecture and Site Approval and Reclamation  
Plan Amendment

**SITE LOCATION:** 12100 Stevens Canyon Road

**DATE RECEIVED:** 6/11/2021

Dear Mr. Voss:

The application for a Use Permit and Reclamation Plan Amendment (“Application”), resubmitted by Stevens Creek Quarry Inc. (“SCQ”) on June 11, 2021, has been deemed **incomplete** by the County of Santa Clara (“County”) Department of Planning and Development (“Department”). Incomplete comments that must be addressed in the Application resubmittal are listed in Section I, and comments from regional and state regulatory agencies are identified in Section II.

## **I. INCOMPLETE COMMENTS**

### **PLANNING**

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

#### **January 11, 2021, Incomplete Letter Comments**

1. In the January 11, 2021, Incomplete Letter, the Department requested floor plans and labeled photographs or elevations specifying the height, design, and materials for all on-site structures without prior approvals that are proposed to remain. This

information was not included in the June 11, 2021, resubmittal, and is necessary to process SCQ's request for a Concurrent Land Use Application for a Use Permit, Architecture and Site Approval, and Reclamation Plan Amendment.

### **LAND DEVELOPMENT AND ENGINEERING**

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

2. In the January 11, 2021, Incomplete Letter, Land Development and Engineering comments identified a discrepancy in the reclamation plan drainage map and requested additional information to demonstrate that post reclamation drainage flows would not create downstream drainage and erosion/sediment problems. In response, you submitted a drainage report entitled, "Drainage Report for the Stevens Creek Quarry Mine and Reclamation," prepared by Chang Consultants, and dated June 9, 2021. That drainage report calculated post reclamation drainage flows from the Active Quarry area (north of the Upper Pond) and determined culvert sizes necessary to convey these flows.

**The report did not provide details of where these culverts were to be located, or provide details of how flows from the Active Quarry area would be conveyed to Stevens Creek Reservoir (Reclamation Plan - Option A) or Stevens Creek Reservoir and Stevens Creek (Reclamation Plan - Option B).**

Please submit information about where these culverts will be located or provide details on how the flows will be conveyed from the Active Quarry Area to Stevens Creek Reservoir or Stevens Creek Reservoir and Stevens Creek. As previously requested, include downstream routing in the hydrology/hydraulic analysis. In plans and calculations, clarify the post-reclamation drainage paths and demonstrate that the downstream drainage facilities (both natural and to be constructed) have sufficient capacity to safely accommodate the flows.

### **ENVIRONMENTAL HEALTH**

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

3. As stated in the January 11, 2021, Incomplete Letter, the Department of Environmental Health ("DEH") must conduct a site assessment, soil analysis and percolation testing to evaluate feasibility for installation of an onsite wastewater treatment system ("OWTS") prior to deeming the application complete. The onsite holding tanks are a public nuisance and are prohibited under County Ordinance Code section B11-76(a) unless the Director grants an exception to this prohibition. Exceptions are only available if (1) it is necessary to use a holding tank to abate a nuisance or health hazard caused by a failing OWTS or (2) installation of an OWTS is infeasible for a publicly-owned nonresidential facility necessary for the public health, safety or welfare and a holding tank provides the safest and most acceptable method of sewage disposal for this facility.

4. The Resubmittal dated June 11, 2021, states that water for the flush toilets, urinals, handwashing with the restroom facility, and dishwashing is provided by the City of Cupertino. Provide verification and any agreement with the City of Cupertino for the provision of water.

## II. OTHER AGENCY COMMENTS

The Department received a comment letter from the State Water Resources Control Board (“Water Board”), dated June 30, 2021, which is attached for reference, see Attachment 1. The Department requests SCQ work with the Water Board to resolve any issues that affect the project design and description. Because resolution of these issues would affect the resulting environmental analysis if the application is deemed complete, it is imperative that these issues be resolved. Contact Lisa Horowitz-McCann at [lisa.mccann@waterboards.ca.gov](mailto:lisa.mccann@waterboards.ca.gov) for more information.

Pursuant to the Amended Compliance Agreement and Stipulated Order to Comply (Attachment 2) under Public Resources Code section 2774.1 between the County and SCQ, effective September 3, 2020, and the January 11, 2021 Incomplete Letter (Attachment 3), SCQ was required to obtain a completeness determination for the Application by July 12, 2021. SCQ has not met this timeline and the County reserves the right to levy administrative fines under the Amended Compliance Agreement for SCQ’s failure to obtain a completeness determination within the specified time period.

All resubmittal documents must follow Department naming conventions and procedures. Refer to procedures as outlined on the Department website: <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/PlanningResubmittalProcedures.aspx>.

In submitting this land use application, the owner/applicant included an initial County application fee and provided a portion of the County consultant’s fee (\$94,637 of the total contract amount of \$183,184). As of the date of this letter, approximately 45% of the application fees and 40% of the consultant fees paid to the County have been exhausted.

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. Water Board Comments on Stevens Creek Quarry Resubmittal Application
2. Amended Compliance Agreement and Stipulated Order to Comply
3. January 11, 2021, Incomplete Letter

cc: Jacqueline Onciano, Director of Planning and Development, County of Santa Clara  
Leza Mikhail, Interim Planning Services Manager, County of Santa Clara  
Manira Sandhir, Principal Planner, AICP, County of Santa Clara  
Elizabeth G. Pianca, Lead Deputy County Counsel, County of Santa Clara  
Kristina Loquist, Office of Supervisor Simitian, County of Santa Clara  
David Rader, Engineering and Geology Unit Manager, Division of Mine Reclamation  
Lisa Horowitz-McCann, Assistant Executive Officer, SF Bay Regional Water Board