

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



November 23, 2020

Amanda Musy-Verdel
7651 Egleberry Street
Gilroy, CA, 95020

FILE NUMBER: PLN20-139
SUBJECT: Grading Abatement Application
SITE LOCATION: 0 Pacheco Pass, Hollister (APN: 898-19-003, -005, -043)
DATE RECEIVED: October 22, 2020

Dear Mr. and Ms. Bourdet,

Your application for Grading Abatement Application has 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.

Resubmittals are made via the internet, to do so, follow the instructions at the following URL: <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/Permits.aspx>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and / or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, Planning Office personnel will distribute the plans, reports, etc. to the appropriate staff or agency for their 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 specialty or office and can provide details about the requested information.

AS NOTED ABOVE, PRIOR TO RESUBMITTAL PLEASE E-MAIL ME TO DISCUSS THE PROCESS.

Please submit one (1) electronic copy of the revised plans / resubmittal documents with a written response addressing the following items.

PLANNING OFFICE

Contact Xue Ling at (408) 299-5784 or xue.ling@pln.sccgov.org regarding the following comments:

Lot Legality

1. Parcel configuration described on deed # 3120100 (Book 7510 of deeds, page 712) **does not** match the configuration of the current deed.

Please submit recorded documentation showing the legal creation of the project site. Submit recorded deed prior to June 25, 1969, the next consecutive deed conveying ownership from 6/25/1969 owner and the current deed. This information is necessary to ensure that the lot in its current configuration was conveyed before 1969 and thereafter.

The following deeds submitted with this application have been reviewed:

- Grant Deed #3120100 (Bk 7510 of deeds, page 712) recorded September 20, 1966.
- Grant Deed #5145962 (Bk B709 of deeds, page 572) recorded November 7, 1975.
- Grant Deed #4439999 (Bk O211 of deeds, page 656) recorded January 26, 1973.
- Grant Deed dated June 2/2011 – Please submit a recorded copy with the recorded date and document number.

All requested documents must be complete with no missing pages, the deeds must be legible, and if the deed includes more than one lot or parcel, note on the deed which description pertains to the requested parcel.

Site Plan

2. The submitted site plans (Sheet 2-15) do not provide all the required information for review. Please provide dimensioned and comprehensive site plans, including information as follows:
 - a. Pre-violation topography identified with contour lines in dashed grey lines (see LDE comment #37 & 53).
 - b. Pre-violation top of bank and water-bed location of any watercourses (see LDE comment #43).
 - c. Pre-violation of all existing trees identified with the location, common names, and sizes (measured 4.5 feet above grade), if the driplines of the subject trees extend into the unpermitted grading areas. Please also mark the trees being removed (see LDE comment #38 and HCP comment #21).
 - d. Topography of unpermitted grading in black lines, particularly for areas where the watercourses have been altered (see LDE comment #36 & 53).
 - e. Unpermitted improvements, including the edge of pavement of the gravel roads and any impervious surfaces from the entrance of the property to the ADU by the lake.
 - f. Unpermitted structures with the use noted on them, such as the residences, barns, kennel, cargo container, battery shed, bridge, retaining walls, etc.
 - g. Limits of unpermitted grading with boundaries that identify areas to be restored, legalized, or partially legalized in detail (also see LDE comments #36 & 73).

Cross-sections

3. Please provide accurate site sections with consistent symbols that identify the unpermitted cut and fill (also see LDE comments #45, 46, & 67). (pre-violation & post violation)

Areas to be identified

Multiple areas of unpermitted grading or structures identified by County staffs and State review agencies have not been addressed in the application. Please provide the information as listed below, and identify whether the unpermitted grading, structures, or deposit of debris are proposed to be restored to the original condition, legalized, or partially legalized:

APN: 898-19-043

4. A large base rock stockpile was identified near the entrance to the property and adjacent to Harper Canyon Creek floodplain. Please identify the stockpile on the site plan with a note to remove it (see LDE comment #39).
5. The Notice of Violation issued by Fish and Wildlife identified '*grading of the creek bed, bank, and floodplain occurred along approximately 1,870 linear feet (0.36 mile) of Harper Canyon Creek, and along approximately 870 linear feet of an unnamed tributary to the west and approximately 400 linear feet of an unnamed tributary on the east.*' 'The total area graded was measured to be approximately 4.66 acres.' Please provide a site plan that identifies the unpermitted grading from upstream extent at 37.009120° N and 121.330541° W to downstream extent at 37.012868° N and 121.334512° W. In addition, please provide the pre-violation and post-violation stream bed and channel location to identify the recorded creek realignment (see LDE comment #43).
6. Multiple inspection reports identified two single 24-inch diameter culverts along two unnamed tributaries to Harper Canyon Creek downstream from the bridge. Please identify the location and sections of the culverts (see LDE comment #74).
7. Please identify the full extent of the building pad adjacent to the bridge and the building footprints of all unpermitted structures with current uses noted. According to Staff's inspection, unpermitted structures in proximity to the bridge area include a hay barn, a cargo container, a dog kennel, loading pens, a battery room equipped with a generator, and water tanks. Please note a) separate permits might be required to legalize the uses, b) a cargo container is not allowed in any Zoning Districts within the County jurisdiction.

APN: 898-19-005

8. Please identify the unpermitted grading at the paved staging area to the northwest of the primary residence. The staging area is located adjacent to the gravel road and connects a ranch road that climbs up the hills to the north (see LDE comment #48).
9. Please identify the entire paved impervious areas and complete footprints of all unpermitted structures at Area D (Sheet 5 and 6). Please also revise the names of the structures from 'existing' to 'unpermitted (residence, horse arena, etc.) to be legalized'.
10. Multiple inspection reports identified that a dam was created on the north shore of the lake with significant cut. '*The banks had been eroded and were 10 feet high with a close to vertical slope.*' (Notice of Violation by CDFW). Please identify the unpermitted grading at this location.
11. In addition, the spillway had been rerouted from the west of the bank to the east of the bank. Please identify the unpermitted grading on the site plan with sections and details of current spillways (see LDE comment #50).
12. Notice of Violation by CDFW identified a total of approximately 17 concrete blocks installed within the eastern spillway, and 23 concrete blocks deposited within the creek bed and bank

downstream of the lake. Please identify the concrete blocks on the site plan (see LDE comment #52).

13. Notice of Violation by CDFW identified the creek bed and channel (37.004666° N and 121.324691° W) had been diverted approximately 105 feet to the northeast to 37.004890° N and 121.324522° W. Please identify the pre-violation contours and top of bank, and post-violation contours and top of bank for Staff to verify.
14. A plastic double culvert of 30-inch diameter was installed with cast-in-place concrete. Please provide the location and details of the culvert. It appears the culvert was installed incorrectly, and *'the channel water would not be properly directed into the culverts.'* Should you propose to legalize the culvert at this location, please provide proper engineering details prepared by a licensed civil engineer to reinstall the culvert.
15. Please provide the pre-violation and post-violation contours of the horse arena to identify the unpermitted grading recorded in the inspection report.
16. One unpermitted accessory dwelling unit (ADU) is located on the west bank of the lake. Please provide the 35-foot riparian setback measured from the top of the bank and the floor area of the ADU. The ADU shall be located outside of the riparian setback with a maximum floor area of 1,200 square feet. NOTE: please be aware of the location of the ADU is dependent upon County staff being able to make all the Grading Findings on the lot. See Issues of Concerns below.

Archaeological Review

17. The proposed project area has the possibility of containing unrecorded archaeological site(s). Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Santa Clara County have been found throughout the Santa Clara Valley near intermittent and perennial watercourses and near the hill to valley interface. The proposed project area is located within alluvial valley lands of Santa Clara Valley in an area between former tributaries, as depicted on historic maps. Given the similarity of one or more of these environmental factors, there is a moderate potential for unrecorded Native American resources in the proposed project area. Please provide an archaeological report prepared by a professional archaeologist listed on the Secretary of the Interior's Standards as shown at <http://www.chrisinfo.org/> -The study must include, but not be limited to: field study, hand auger sampling, shovel test units or other geoarchaeological analyses which are used to identify the presence of archaeological resources.

Santa Clara Valley Habitat Plan Review

Contact Colleen Tsuchimoto at (408) 299-5797 or colleen.tsuchimoto@pln.sccgov.org regarding the following comments:

18. Updated HCP Screening Form signed by the property owner.
 - a. Project Description should show describe all work associated with the Grading Abatement including also the ranch roads, stock ponds, restoration of grading to pre-graded conditions.

- b. The site is not located in Area 2 – Rural Development Equal to or Greater than 2 Acres Covered; therefore Question B should not be filled out.
 - c. Question C – Is the project site currently developed? - Fill out Yes as there are existing structures on the site. Currently the box is checked no which is incorrect.
19. Land Cover Verification with Mapping prepared by a qualified biologist to verify the habitat land covers impacted and species impacts within the proposed development area. HCP covered species include but are not limited to Tri Colored Blackbird, San Joaquin Kit Fox, CA Red Legged Frog, CA Tiger Salamander, CA foothill yellow legged frog). HCP serpentine plant species include Smooth lessingia, Fragrant fritillary, Metcalf Canyon jewelflower, Most beautiful jewelflower, Tiburon Indian paintbrush, Coyote Ceanothus, Santa Clara Valley dudleya, , Mount Hamilton thistle, Coyote ceanothus, and Loma Prieta hoita. Within the land cover verification and mapping report – provide survey for potential impacts to grassland, riparian species, and serpentine species.
20. Site Plan should be revised to show the proposed development and all grading abatement areas, land cover types in the development and any relevant landforms – including but not limited to: roads, water bodies, the creek top of bank and centerline, rock outcrops, the edge of pavement, road shoulders, existing and proposed structures that will be impacted by the proposed project, and all proposed improvements (i.e. drainage, landscaping, culverts etc.). Please label creek setback from top bank of Pacheco Creek – 200 ft. setback (Category 1 HCP stream), and all other tributaries and swales setbacks of 25 ft. from top of bank of waterway (Category 2 HCP stream), including but not limited to tributaries of Pacheco Creek and Harper Canyon.
21. Tree removal plan - (provide type (species) and approximate diameter of all trees that were removed. CDFW's violation report notes numerous CA native sycamore and oak trees removed.

Williamson Act Contract

Please contact Joanna Wilk (408) 299 5799 or joanna.wilk@pln.sccgov.org if you have any questions regarding the Compatible Use Review.

22. The subject property, located at 0 Pacheco Pass (APN: 898-19-003, 898-19-005, 898-19-043, etc.), is restricted by Williamson Act contract. The estimated new impervious area associated with the proposed work exceed 500 square feet and a Compatible Use Determination is required. Please submit a complete Williamson Act Compatible Use Determination application with required submittal materials to the Planning Division for review. The Guideline for Compatible Use Development on Restricted Lands and Williamson Act Compatible Use Determination application checklist are available at the Planning Office website located at <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/WA.aspx>
NOTE: As the information was not submitted, Staff was unable to analyze the project for Williamson Act Compatible Use. As such, more comments may arise at the resubmittal of the application.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Contact Kristin Garrison at Kristin.Garrison@wildlife.ca.gov for information regarding the following items.

Area D, Sheet 7 - Areas around the Harper Canyon Creek impoundment.

23. Staff finds it challenging to support the proposal to “legalize” the current condition. Based on inspection and viewing from Googleearth, both the western and eastern drainage from the Harper Canyon Creek impoundment had extensive bank erosion. Please propose remediation activities designed by a geomorphologist with stream restoration expertise to stabilize the bank and bed of both the western and eastern drainage.
24. The eastern drainage existing condition includes 17 very large concrete blocks installed within the bank and bed of the drainage. Please provide designs for stabilization of the eastern drainage bed and bank based upon the condition after the removal of the concrete blocks.
25. Please provide grading design of the upstream end of the eastern drainage with analysis by a qualified biologist to provide appropriate flows for downstream habitats and special-status species.

Area C, Sheet 6 - Creek Crossing Area Downstream of the Harper Canyon Creek impoundment

26. Staff objects to the proposal to “legalize” the creek realignment. The creek bed and channel had been diverted approximately 105 feet to the northeast in the low water crossing area, resulting in a loss of approximately 34 linear feet of stream. The grading abatement should include re-establishing the creek to the pre-violation location. Please provide designs developed in coordination with geomorphologist with stream restoration expertise.
27. The existing crossing condition includes 23 large concrete blocks installed within the bank and bed of the drainage. Please provide designs based upon the condition after the removal of the concrete blocks.

Double Culvert Crossing on a Tributary to Harper Canyon Creek

28. There was erosion of bed and bank observed around the double culverts located at 37.007039° N and 121.326002° W. It seemed that the culverts were not properly aligned or of appropriate length. Poured concrete at the downstream end of the culverts was not preventing erosion. Please propose a culvert design with sufficient diameter to convey debris and sediment loads, as determined through hydraulic calculations. Associated grading design should include appropriate slope protection to stabilize the road fill, tributary banks, and tributary bed.

Single Culvert Crossings on Tributaries to Harper Canyon Creek

29. Two single culvert crossings had been installed at 37.010242° N and 121.330686° W and 37.012771° N and 121.335371° W. Please propose a culvert design with sufficient diameter to convey debris and sediment loads, as determined through hydraulic calculations. Associated grading design should include appropriate slope protection to stabilize the road fill, tributary banks, and tributary bed.

Area A, Sheet 3 - Bridge on Harper Canyon Creek and Areas Graded to the South of the Bridge.

30. Staff finds it challenging to support the proposal to “legalize” the bridge as is. The low flow channel is located along the western bridge footing, and erosion along the western footing was observed. Please provide a hydraulic analysis to assess the appropriate bridge dimensions that will convey debris and sediment loads and to resist the erosion of the creek bed and banks in the bridge location. If the hydraulic analysis supports requires replacing or realigning the bridge, please propose grading design accordingly.
31. Staff objects to the proposal to “legalize” the graded area. In the review of Google Earth aerials, an extensive area of Harper Canyon Creek had been graded and realigned upstream and downstream of the bridge. The creek bed and channel had been diverted approximately 170 feet to the west, resulting in a loss of approximately 170 linear feet of stream. Please propose grading abatement that includes re-establishing the creek bed/low flow channel to the pre-violation location. Designs should be developed in coordination with geomorphologist with stream restoration expertise.

Road Construction

32. The road along Harper Canyon Creek had been widened, and crumbled asphalt had been placed on top of the road surface. Only a portion of the road was addressed (Area B). The NOV discusses concerns over crumbled asphalt toxins potentially being released into groundwater or channel water. The NOV recommends analysis and potential removal of crumbled asphalt. If the crumbled asphalt needs to be removed, please propose a grading design for the area of the existing road.

Sheet 1 and Sheet 17

33. Sheet 1, Air Quality Landscaping and Erosion Control, #11 it says that all exposed disturbed areas be seeded with brome. Please note that Bromus is a very large genus of grass that includes many non-native species. Staff recommends using native Bromus seed (or other native grass).
34. Sheet 17, #13 states that hydroseeding may be required and lists three species: common barley, annual ryegrass, and crimson clover. The species names were not provided; however, all three of these species appear to be non-native. Staff recommends proposing native species. The erosion control design map is still under review, and the comments will be forwarded to you shortly.

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD

Contact Mark Cassady at Mark.Cassady@Waterboards.ca.gov for information regarding the following items.

35. Only portions of the unpermitted activities on the subject property are addressed in the application. The applicant proposes to “legalize” the majority of the grading addressed in the application. It is implied that the existing (post-violation) conditions are being proposed to remain as-is, and remedial work is only proposed at the three ponds and removal of some ranch access roads. The Central Coast Regional Water Quality Control Board (Central Coast

Water Board) requires that grading violations that resulted in damage to State waters (Harper Canyon Creek and its tributaries) be remediated, and the impacts be mitigated through appropriate compensatory restoration.

Please submit engineered designs with input from qualified hydrologists, geomorphologists, biologists, and restoration ecologists as necessary to restore creek beds and banks to natural conditions, in order to repair erosion, construct properly sized and stabilized creek crossings, and restore Central California sycamore alluvial woodland.

NOTE: please refer to Attachment B for complete comments from Water Board.

LAND DEVELOPMENT ENGINEERING

Contact Darrell Wong at (408) 299-5735 or darrell.wong@pln.sccgov.org for information regarding the following items.

36. Clearly show the limits of all the disturbed area as a result of the unpermitted site work on the plans. Provide a quantity table on the cover sheet broken down by the different areas of the unpermitted and remedial work. Please reference historical aerial photos in conjunction with topography to aid in determining limits of disturbance.
37. Clearly differentiate the topographic survey lines from before the violation and after the violation. The current topographic survey is very difficult to differentiate.
38. Clearly identify all the existing trees in the disturbed areas and identify all of the trees that were removed as a part of the unpermitted grading.
39. Address the stockpile of material at the front of the property. The stockpile must be removed and the original grade restored or it shall be legalized if that is even possible.
40. Address the turnaround area at the corral at the front of the property. That area appears to have been filled and raised up slightly. Photos from 2018 show stockpiles of material near the corral that appears to be eventually spread in that area. Please provide a plan for abatement or legalization of that fill or demonstrate that the area consists of original ground with the appropriate field site investigation and report.
41. Show location of flood plain on plan. All grading and site development shall be subject to the requirements of the County Floodplain Ordinance and the FEMA Floodplain requirements. All restorative work and work to legalize the bridge will require a no rise certificate.
42. Demonstrate that the bridge is constructed as a free-span crossing that provides a minimum of two feet of free board above the base flood elevation.
43. Verify the topography of the site dated prior to the grading work being performed in the creek. The creek appears to have been straightened from the aerial photos dated in the winter

of 2015-2016. The creek bed and route of the creek should be shown to be restored to the maximum extent practical.

44. Please provide stationing along the gravel roads so that the extent of the improvements are clearly shown on the plans.
45. Clarify the section details. Some areas of fill/cut are hatched, while others are not. Please be consistent.
46. Please double check the vertical depths on the section details. The vertical intervals are divided into twenty foot intervals and the vertical labels appear to be identified as ten-foot intervals. Depending on what needs to be adjusted, the grading quantities may require to be adjusted and recalculated to account for the discrepancy.
47. If all the work on Sheet 4 is to remain, demonstrate how that work is the minimum necessary to establish the use of the property. How is the grading to support a 20' wide road the minimum necessary for the development? How is the fill on the southwest side of the creek shown on sections C1, C2, and C3 on Sheet C4 necessary for the development?
48. Show the widening and the new/widened crossing along the road prior to the final slop up to the main residence. The area where the road forks up to the residence has been completely regraded. There is an additional area prior to the final crossing before the road finally slopes up to the residence that have been re-graded into a staging area at the intersection of the ranch road leading up the hillside. These areas of violation shall be fully documented/abated. Section details will be required through these areas.
49. Please provide documentation that the berm at the existing stock pond where the spillway was relocated was not raised. Provide field evidence such as exploratory boring that additional material wasn't placed on top of the existing berm. If this can't be demonstrated, please restore the berm to its original grade or apply for legalization of the heightened berm.
50. Provide a plan to restore the original spillway to its original location and a restoration of the eroded relocated spillway location with engineered fill and slope stabilization.
51. Remove all concrete placed on the site in the spillway violation.
52. Show the full extent of the gravel grindings placement along the ranch roads in general. There is a large placement of grindings to expand the ranch road just before reaching the secondary dwelling unit that either must be removed and restored, or must be legalized.
53. Supplemental topographic survey is required in addition to the aerial topography provided. There are just not sufficient details shown on the aerial topography to adequately document the limits of the disturbance and the unpermitted grading and improvements, especially with regards to the widening and improvements of the ranch roads and driveways, as well as the cut and fill pads.

54. Please provide a Drainage Plan that demonstrates the following items:
 - a. the site including all the site development can be adequately drained,
 - b. the proposed development will not cause problems to the nearby properties,
 - c. the proposed development is not subject to significant damage from the one percent flood,
 - d. 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.
55. Please demonstrate that the driveway shown on the plan conforms to County Standard Detail SD5. The current driveway appears to be much wider than the standard SD5 driveway section. Please demonstrate why the driveway must remain so wide and how the amount of grading for the development is the minimum necessary. If this can't be demonstrated, the width of the driveway must be reduced and the grading for the driveway restored/reduced to match that of the SD5 standard.
56. Please revise the driveway plan and section to conform to County Standard Detail SD5.
57. Please provide the necessary driveway turnarounds at the structures which conform to County Standard Detail SD16.
58. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply two copies of a preliminary title report, dated within 60 days of the day of submittal with the next submittal.
59. Please provide a drainage system to adequately route flows from the developed site to the natural outfall.
60. Please clearly identify all retaining walls necessary to establish the grading shown with appropriate top and bottom of wall elevations. Please provide typical sections of all proposed walls. Any site walls located within the limits of the floodplain shall be identified and comply with the requirements of the Floodplain Ordinance. The necessary flood vents shall be provided as necessary.
61. Show drainage system from the drivable surfaces and roof drains on plan. Provide an appropriately sized storm water detention and treatment area as necessary to comply with the Central Coast Regional Board requirements and the requirements of the County grading ordinance.
62. This project is located within the Central Coast watershed and includes greater than 5000sf (non-SFR) of net new impervious area. Please provide Stormwater Treatment Measures per section E.12 of the Central Coast Regional Board requirements. Show any grading required to provide such treatment on the plans.

63. This project is located within the Central Coast watershed and includes greater than 15,000sf of new impervious area. Please provide Stormwater Treatment and Control Measures per section E.12 of the Central Coast Regional Board requirements. Show any grading required to provide such treatment on the plans.
64. Fill out the Post Construction Requirement packet for the Central Coast Watershed. Provide Post Construction Requirement improvements, as necessary.
65. Document all excavated material from the pond at area #4 which was piled on the outer berm of the pond. The elevation difference of the pond shall be clearly shown in the plans. If that fill is proposed to be legalized in place on the berm, a geotechnical engineer's investigation and letter will be required to verify the stability of the heightened berm. Any work to stabilize the berm as a result of years of erosion as a result of the overtopping of the berm shall be shown on the plans. Provide section details through the berm.
66. Any additional impoundment of runoff as a result of the proposed expansion or creations of the stock ponds shall be permitted appropriately by any concerned state and federal agencies. Please apply for the necessary clearances and authorizations from the necessary agencies.
67. Adjust the cross-section details H1, H2, and H3 with more exaggeration. The vertical scale doesn't show much of any detail for these sections.
68. Provide rough grading details as to how the swale will be restored. What will come of the concentrated flow along the dirt ranch road? Will the roadside drainage be modified in such a manner so that the flow is no longer concentrated?
69. Does a spillway need to be re-created for the stock pond shown on sheet 9? How will erosion as a result of overtopping the limits of the berm be controlled otherwise?
70. Provide a section detail through the earthen dam to be removed on Sheet 10.
71. Clearly show the access roads associated with the access to the construction and access of the new stock pond to be removed on Sheet 10. The in-line culvert under the new ranch road should be show to be removed if this area is to be restored.
72. Clearly show the rough grading required to restore the area shown on sheets 10 and 11. Label the proposed and existing contours on the sheet.
73. Clearly show the limits of the grading and disturbance on the grading, both unpermitted, and restorative on the plans.
74. Show existing unpermitted culverts to be removed on sheets 11,12, and 13.
75. Clearly show the gravel road section that is proposed to serve the development. Show any ancillary grading that is required to lay down the pavement surface.

76. Show the creek crossing and the bridge on the driveway profile.

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5746 or darrin.lee@cep.sccgov.org for information regarding the following items:

77. On a revised set of grading plans, locate and show the existing septic tank and leach fields serving the main house and the lake house. Graphically show the extent of the proposed grading abatement activity in and around the vicinity of the existing septic systems.

FIRE MARSHAL OFFICE

Contact Alex Goff at (408) 299-5763 or alex.goff@sccfd.org for information regarding the following items.

78. Scope of Work to clarify the project proposal. The current Scope of Work appears to state this is to restore areas to original condition on the Cover Page of the Plans. The online workflow and the justification for grading state's grading for ranch roads, stock ponds, driveway, bridge, house, arena, cottage, barn, and other structures.

- The following comments are for access to existing structures, Fire comments may change when further information is given.
- Review of the structures were not conducted at this time (water supply, sprinklers, etc.).

79. Driveway (serving no more than 2 lots) to have a minimum drivable width of 12 ft.

80. Driveway to be made of an "all weather" material capable of holding 75,000 pounds.

81. Fire department turnaround meeting CFMO-SD16 and PRC-4290 to be clearly shown on the plans.

82. Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic lane conditions, shall reflect the capability of each bridge.

- Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17).
- Documentation that the bridge can hold 75,000 pounds is needed if the bridge is a part of the fire department access.

ADDITIONAL INFORMATION / ISSUES OF CONCERN

1. The applicant proposes to legalize the majority unpermitted grading that are addressed in current application. Staff has concerns with the existing conditions being proposed to remain as is and may not be able to make the required Grading Findings. Unpermitted activities on the property include replacement of a low-water crossing with an archway bridge across Harper Canyon Creek, grading of the creek bed and banks upstream and downstream of the bridge, rerouting of the creek upstream of the bridge, installation of dual culverts under the road leading to the new home driveway, relocation of the reservoir spillway, placement of

concrete blocks and rerouting of Harper Canyon Creek at the spillway and downstream of the reservoir, modifications/construction of stock ponds with resultant creek diversions and erosion, and significant grading for crossing, building pads and horse arenas. The above-mentioned grading endangers public and private property, impairs the existing watercourse, creates significant impacts to the natural landscape, scenic, biological and aquatic resources, and results in erosion. Please note each area or item to be legalized is subject to all seven Grading Findings per County Ordinance Code (See Attachment A).

2. The grading approval is subject to the requirement of the California Environmental Quality Act (CEQA). An environmental assessment (EA) undertaken by or under contract to the Planning Office at the applicant's expense might be required to determine the impact of the project on the surrounding environment.

Unpermitted Structure

83. There are multiple unpermitted structures including one single-family residence and one ADU. Please note for grading associated with a new building or development site, Grading Approval shall be granted to the building site that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project. Staff has concerns with the current house location.

Santa Clara Valley Habitat Plan Review

Contact Colleen Tsuchimoto at (408) 299-5797 or colleen.tsuchimoto@pln.sccgov.org regarding the following comments:

3. The subject property is located in the Santa Clara Valley Habitat Plan area and the Private Development Area is designed Area 1: Private Development Covered. According to the HCP Geobrowser mapping, land cover appears to include CA Annual Grassland, Seasonal Wetland, Mixed Serpentine Chaparral, Northern Mixed Chaparral/Chamise Chaparral, Mixed Oak Woodland and Forest, Blue Oak Woodland, Serpentine Rock outcrop/Barren, Serpentine Seep, Serpentine Bunchgrass/Grassland, Mixed Riparian Forest and Woodland, Pond. See attached comprehensive HCP Geobrowser landcover map, and GIS waterways map for reference.
4. Wildlife and Plant surveys for grassland species, riparian species and serpentine species are required. The site is located in CA Red Legged Frog Critical Habitat of US Fish and Wildlife Service, and CA Natural Diversity Database shows recent sightings of CA Tiger Salamander, CA Red Legged Frog and CA Foothill yellow legged frog on the subject property and adjacent properties.
5. Note: Habitat Plan coverage will be required. Any development that affected any wildlife and/or plant species covered by the Habitat Plan, or any unmapped burrowing owl occupied nesting habitat, riparian, stream, pond, wetland, oak woodland, and serpentine habitat requires coverage under the Habitat Plan. See Fees & Conditions Worksheet and Fee Schedule for reference.

HCP documents including the HCP screening form, Habitat Plan Application, and Fees information are at the below weblink:

<https://scv-habitatagency.org/250/Private-Applicant>

NOTE: please note there are cost differences between temporary and permanent habitat impact fees. Permanent fees are more costly. Please take special notes of the potential costs associated with the remediating / legalizing the improvements on this property.

Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet and discuss my comments regarding the project.

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 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 no later than **one (1) year** from the date of this letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Please note that the Grading Abatement Application have been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

If you have questions regarding the application, please contact me at (408) 299-5784 or xue.ling@pln.sccgov.org.

Warm regards,



Xue Ling
Associate Planner

cc:

Darrell Wong, LDE
Darrin Lee, DEH
Alex Golf, FMO
Glen Jia, PLN
Colleen Tsuchimoto, PLN
Joanna Wilk, PLN
Kristin Garrison, CDFW
Mark Cassady, Waterboards

ATTACHMENT A

Grading Approval Findings

*underlined emphasis added for areas of concern. These findings would be further evaluated if an application is submitted, deemed complete, and reviewed for environmental impacts.

Municipal Code Section C12-433

Finding Letter	Finding Language	Finding Concern "X"
A.	<u>The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property;</u>	X
B.	The grading will not <u>endanger public and/or private property</u> , endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or <u>impair any spring or existing watercourse;</u>	X
C.	Grading will <u>minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.</u>	X
D.	For grading associated with a new building or development site, the subject <u>site shall be one that minimizes grading</u> in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.	X
E.	Grading and associated improvements will <u>conform with the natural terrain and existing topography</u> of the site as much as possible and should not create a significant visual scar.	X
F.	<u>Grading conforms with any applicable general plan or specific plan policies; and;</u>	X
G.	Grading substantially conforms with the adopted " Guidelines for Grading and Hillside Development " ¹ and other applicable guidelines adopted by the County.	X

¹ https://www.sccgov.org/sites/dpd/DocsForms/Documents/Grading_Guidelines.pdf

From: [Cassady, Mark@Waterboards](mailto:Cassady.Mark@Waterboards)
To: [Ling, Xue](#); [Garrison, Kristin@Wildlife](mailto:Garrison.Kristin@Wildlife); [Northwest Information Center](#); gregory.g.brown@usace.army.mil; info@valleywater.org
Cc: [Hammer, Phillip@Waterboards](mailto:Hammer.Phillip@Waterboards)
Subject: [EXTERNAL] RE: REFERRAL DUE DATE November 11: File PLN20-139 - Pacheco Pass
Date: Monday, November 9, 2020 8:36:09 AM
Attachments: [image001.png](#)

Hi Xue:

Thank you for sending the Grading Abatement Plans for the Lands of Bourdet on the Pacheco Pass Highway.

Unpermitted activities on the property included replacement of a low-water crossing with an archway bridge across Harper Canyon Creek, grading of the creek bed and banks upstream and downstream of the bridge, rerouting of the creek upstream of the bridge, installation of dual culverts under the road leading to the new home driveway, relocation of the reservoir spillway, placement of concrete blocks and rerouting of Harper Canyon Creek at the spillway and downstream of the reservoir, and modifications/construction of stock ponds with resultant creek diversions and erosion.

Some, but not all, of these unpermitted activities are included in the Grading Abatement Plans. Several of the grading violation locations are listed "to be legalized." It is not clear what this means but it is taken to imply that the existing (post-violation) conditions are being proposed to remain as-is. Based on this interpretation, remedial work is only proposed at the three ponds as well as removal of some ranch access roads. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) requires that grading violations that resulted in damage to State waters (Harper Canyon Creek and its tributaries) be remediated, and the impacts be mitigated through appropriate compensatory restoration.

The Central Coast Water Board supports the requirements outlined in the California Department of Fish and Wildlife Notice of Violation dated October 15, 2020. These include development of engineered designs with input from qualified hydrologists, geomorphologists, biologists, and restoration ecologists as necessary to restore creek beds and banks to natural conditions, repair erosion, construct properly sized and stabilized creek crossings, and restore Central California sycamore alluvial woodland.

The Bourdets will be responsible for obtaining all necessary permits for work in waters of the U.S. and waters of the State, including a Section 401 Water Quality Certification from the Central Coast Water Board.

Sincerely,

Mark Cassady
Environmental Scientist
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

