



August 27, 2021

Xue Ling
County of Santa Clara Planning
70 W Hedding St, 7th floor
San Jose, CA 95120

Re: Response to Incomplete Letter Dated November 23, 2020
PLN20-139
Pacheco Pass
APN 898-19-003,-005,-029,-033.-036,-037

Dear Ms. Ling,

The following are responses to your incomplete letter:

1. Chain of title submitted to County with pre1969 deed to current.
2. Revised the plan set to include the following:
 - a. Pre-violation topography light grey and post-violation topography is dark grey through out the set
Pre-violation topography provided from processed raw 2006 LiDAR point cloud data at 1-ft contours. See walls land+water (WLW) / geomorphDesign group (GDG) Preliminary Design Plans Sheets R3, R5, R8, and R10. Note 2006 LiDAR point density and coverage is not sufficient for accurate channel bed mapping. See WLW Design Basis Report (DBR) for discussion of the limitations.
 - b. Pre-violation top of bank and thalweg (waterbed) locations were mapped using 2006 LiDAR topography and 2006 Santa Clara County orthomosaic. See WLW/GDG Sheets R3, R5, R8, and R10, and WLW DBR Figures 8 and 10. See WLW DBR for discussion of the limitations.
 - c. Sequoia performed a tree inventory and documented location, common names and sizes of trees for all existing trees if the driplines extended into the unpermitted grading areas, provided as Appendix E to the Biological Resource Report. An assessment of pre-violation condition of removed trees is provided as Appendix F to the Biological Resource Report. No trees are being removed pursuant to the abatement project. See plans prepared by Hanna Brunetti and WLW
 - d. Topography of unpermitted grading in watercourses displayed WLW/GDG Sheets R3, R5, R8, and R10 where existing top of bank (orange lines) differ from pre-violation top of bank (green lines). Added label to all buildings that are unpermitted
 - e. Gravel road are shown in plan set
 - f. Unpermitted structure names added to plan set, plan to legalize all structures except the ADU

- g. Added limits of grading to HB and WLW plan set
3. Revised cross sections to have consistent symbols
4. Added base rock pile to grading violation area, as to be removed
5. Site plan of unpermitted grading. Pre-violation and post-violation streambed and channel locations displayed on WLW / GDG Sheets R3 and R5.
6. See WLW / GDG Sheet R2 for culvert locations (Culverts #1 and #2), and BDR Report Chapter 8 and Appendix A-2 – Tech Memo #2 - Harper Canyon Roadway Culvert Capacity Evaluation for culvert locations, sections, and recommendations
7. Added the names of the buildings to the commercial area
8. Added area to violation as disturbed and to remain
9. No areas of the site are paved
10. Unpermitted grading at the spillway channel is shown on WLW / GDG Sheet R10. Note not all the existing conditions contours were graded, much resulted from after the spillway relocation. Please see WLW plans
11. Unpermitted grading of spillway channel displayed on WLW / GDG Sheet R11. Note not all the existing conditions contours were graded, much resulted from after the spillway relocation. Current spillway sections and details displayed on Sheet R12. Please see WLW plans
12. Concrete blocks displayed on WLW / GDG Sheets R8, R9 and R10, R11 site plans. HB plan sheet 6 show pre and post grading contours of the riding arena
13. Pre and post-violation contours and top of bank provided on WLW / GDG Sheet R8.
14. See WLW / GDG Sheet R2 for culvert locations (Culvert #6), and BDR Report Chapter 8 and Appendix A-2 – Tech Memo #2 - Harper Canyon Roadway Culvert Capacity Evaluation for culvert locations, sections, and recommendations
15. Added contours to the riding arena, both pre and post.
16. The ADU is going to be demolished and only a 120 sf structure will remain. This will not require a building permit or fire access.
17. Archeological report to follow
18. Sequoia prepared an updated HCP screening form, to be signed by the property owner. Project description was updated on screening form, and design plans show all work associated with the grading abatement. A detailed project description is provided in Section 3 of the Biological Resources Report – the HCP Screening Form does not provide sufficient space for the level of detail needed for the abatement project description. Project location was changed to ‘Private Development Covered’ and Question C was filled out accordingly. See Sequoia report
19. Land cover verification with mapping was performed by qualified biologists and submitted with the previous application. The HCP landcover map is provided as Figure 6 in the Biological Resource Report. The Biological Resource Report acknowledges that project areas overlap mapped “Wildlife Survey Areas” per the Valley Habitat Plan geobrowser for San Joaquin kit fox, least Bell’s vireo, and tricolored blackbird. However, on the September 9, 2020 Sequoia biologists conducted habitat assessments (consistent with requirements of HCP Conditions 16, 17 and 18) at the project areas and determined that no suitable habitat components for these species were present at the “Wildlife Survey Areas.” There are no serpentine soils in the project area, and the project area does not overlap with any geobrowser “Plant Survey Areas” or any “riparian species” as referenced in the comment letter. The Biological Resource Report provides a discussion for potential impacts to sensitive plant and wildlife species. Other HCP covered species mentioned in the comment do not have HCP survey requirements either generally (e.g., CRLF and CTS), or applicable to the project (e.g., burrowing owl). See Sequoia Report

20. See Biological Resource Report, Appendix H mapbook for requested land cover mapping within impact areas and associated buffers (10 feet for temporary, 50 feet for permanent), and creek setbacks.
21. See Biological Resource Report, Appendix F for the tree removal memorandum.
22. Submitted Williamson Act CUD 7/26/2021
23. See Walls Land + Water preliminary design plans, and project description in Biological Resource Report Section 3. Also see WLW Sheet R11 and R12
24. See WLW / GDG Sheets R11 and R12 for concrete block removal and stabilization plans. WLW BDR Report Chapter 5 for design considerations and rationale.
25. Sequoia interprets this comment to pertain to the stock pond impoundment, violation V-10 as referenced in the Biological Resource Report and Area #5 in the Hanna-Brunetti preliminary design plans. The dam will be modified to include an outlet pipe with a sluice gate to allow pond drainage for controlling populations of invasive bullfrogs, and maintain breeding conditions for California red-legged frog as the pond was documented as a breeding pond for the threatened frog species after its construction.
26. See WLW / GDG Sheet 9 for Ford Crossing Improvement Plans. See WLW BDR Report Chapter 6 for design considerations and rationale.
27. See WLW / GDG Sheet 9 for Ford Crossing Improvement Plans. See WLW BDR Report Chapter 6 for design considerations and rationale.
28. See WLW / GDG Sheet R2 for culvert locations (Culvert #6), and BDR Report Chapter 8 and Appendix A-2 – Tech Memo #2 - Harper Canyon Roadway Culvert Capacity Evaluation for culvert locations, sections, and recommendations.
29. See WLW / GDG Sheet R2 for culvert locations (Culvert #6), and BDR Report Chapter 8 and Appendix A-2 – Tech Memo #2 - Harper Canyon Roadway Culvert Capacity Evaluation for culvert locations, sections, and recommendations.
30. The existing bridge will be removed and replaced to meet County ordinances, FEMA, and address CDFW concerns. See WLW hydraulic study for analysis and HB plans for redesign. See WLW BDR Report Chapter 9 and WLW / GDG Sheet R4 and R6 for plans to remove the existing bridge, regrade the banks to pre-violation conditions, and replace the existing bridge with a clear-spanning replacement bridge.
31. See WLW BDR Report Chapter 5 and WLW / GDG Sheet R4 and R6 for plans restore Harper Canyon Creek to an alignment and channel geometry similar to its pre-violation condition, a grade new floodplains and a secondary channel suitable for restoration of Sycamore Alluvial Woodland (SAW) habitat
32. Per NOW the asphalt toxins will be addressed in the lake and streambed alteration agreement
33. Revised note 13 on Sheet 19 to address
34. Revised note 13 on Sheet 19 to address
35. Plans are revised to restore Harper Canyon Creek, see plans and report from WLW
36. Sheet 2 revised to show the limits of the violation, also see report from Sequoia
See WLW BDR Report and WLW / GDG Preliminary Design Plans for proposed proposal to restore creek beds, banks, and floodplain to natural / enhanced conditions, prevent erosion, construct properly sized and stabilized creek crossings, and restore Central California sycamore alluvial woodland.
37. The existing topography is dark lines and the pre-violation topographic contours are light grey

38. The trees removal is shown in the report from Sequoia
39. The stockpile shown on sheet 3, to be removed
40. Added limits of violation added to sheet 3, area to be legalized
41. FEMA limits shown on sheet 4
42. The bridge is being reconstructed and raised to meet FEMA. See HB plans sheet 4, plans from WLW and report from WLW.
43. The topographic pre-development Lidar is from 2006, the Lidar contours in the area or 5 ft contours.
44. Stations and cross sections for the main driveway are added to the set on sheets 15 -17.
45. Revised section details for consistency through out the set
46. Revised sections details, grading quantities are not generated off of the sections, only the contour TIN.
47. The are of the violation in Harper Canyon Creek is being restored. The width of the 20 ft driveway is necessary for the tractors and trailers to pass and traverse the driveway for a working cattle ranch and residence.
48. Added violation area to be legalized for the hay storage area northwest of the existing house.
49. Lidar to lidar shows no grading on this area of the dam
50. Per discussion meeting regarding the comment letter with CDFW and LDE the new spill way is more stable, see WLW report. Plan set shows the new spill way to remain and legalize the grading for the old spillway.
51. See plans from WLW.
52. Plans show to remove the ADU to 120 Sf, the gravel areas in front are shown on Sheet 8 and are to be legalized.
53. Added cross sections to plan and have 1' contours to show the full extent of the current grading. The LIDAR in this area is 5' contours and is the only historic digital information we have available to us on this site.
54. The grading plans have been updated to show a detention/bioretenion ponds below the developments on sheet 4 and sheet 6. This shall mitigate the increase in post construction flow rate.
55. The driveway width is required to maintain two way traffic on the driveway. This is needed for the operation of the cattle business in conjunction with the residence. The driveway has several turns in an out which give poor line of sight for tractors, trailers, and vehicles to see and pull over. A two lane road allows for the agricultural cattle ranch operation to navigate the property safely with the residential vehicles.
56. See response above, the section exceeds SD5
57. Turn out locations shown on Sheet 15-16
58. Title report submitted
59. Drainage system shown on plans. WLW plans show the existing culverts and HB plans show the proposed detention ponds.
60. No walls proposed
61. See responses above
62. Bio retention was added to the commercial components of the site and a detention pond was added below the house, and horse barn.
63. See above
64. Post construction is shown on plans, will submit check list
65. The fill didn't raise the height of the dam, but expanded it down the hillside. The fill on the downhill side of the dam should not affect the stability of the dam.
66. The only pond large enough to need permits is the pond near the existing ADU.
67. Change section to 20 scale
68. The ditch will filled in with dirt, the concentrated flow along the ranch road will continue to go down hill to the existing outlet.
69. There is a spillway on the right side of the existing pond that has vegetation to stabilize the hillside.
70. Added sections
71. Due to discussions with CDFW the new stock pond will remain. The pond is a Red Legged Frog breeding ground and we request to keep this habitat.

72. Request to keep the pond above. The plan added a pipe with a gate so that the pond can be drained to keep the RLF habitat.
73. Added to plan set
74. Culverts shown on WLW plans. The culverts need to remain to keep the drainage controlled
75. Gravel road shown on plan set. There are no laydown areas that are not already shown on the plans.
76. Added
77. Will provide once house location is finalized
78. The scope of work is to keep the driveways, house, barn, and buildings to support the residential use and agricultural use of the property. The only structure that will be demolished is the ADU. It will be reduced to 120 sf shed.
79. Driveway is serving one residence
80. Note added to plans
81. Turnaround and turnouts added to the plans
82. This will be noted on the plans and provided when we submit bridge design.

Additional Information/SCVHP Review

- Comment 3: Biological Resource Report, Figure 6 provides verified HCP land cover mapping.
- Comment 4: see response to County comment 19. The Biological Resource Report discusses potential project impacts to the listed amphibian species mentioned in this comment, and participation in the SCVHP provides take coverage for the covered species. There are no VHP-required surveys for these species.
- Comment 5: see Biological Resource Report, Appendix K for mapped impacts to HCP landcover types, and Appendix L for the FY 21/22 Exhibits 2 and 3 fee calculations for the proposed design. The updated screening form is included as Appendix G. The Habitat Plan Application will be completed upon acceptance of the proposed design.

If you have any questions, please call our office.

Sincerely,

Amanda Musy-Verdel