

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

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November 22, 2023

Tom Kais
7673 Braid Court
Gilroy, CA 95020

tk_mks@yahoo.com

BY EMAIL ONLY

FILE NUMBER: PLN21-176 (R3)
SUBJECT: Grading Approval and Design Review (Tier II) for a 5,815 s.f., two-story barn on an existing vineyard.
SITE LOCATION: 1975 Hayes Lane, San Martin (APN: 779-46-007)

Dear Mr. Kais:

The application for Grading Approval and Design Review (Tier II) for a 5,815 s.f., two-story barn on an existing vineyard at 1975 Hayes Lane, San Martin (APN: 779-46-007) is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with the project manager/planner and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

AN VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL TO SCHEDULE AN APPOINTMENT.

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

PLANNING OFFICE

Contact Lara Tran at (408) 299-5759 or lara.tran@pln.sccgov.org regarding the following comments:

1. Please reduce the size of the proposed barn to a maximum of 2,400 square feet per Zoning Ordinance Section [2.10.040](#) under *Agricultural Processing – Small Scale*. As the zoning for the property is HS-d1 (Hillsides with a Design Review combining district), Agricultural Processing is an allowed use only for Small Scale, where the covered space of agricultural processing (which includes storage, packaging, processing, and shipping of agricultural commodities grown in Santa Clara County) is not more than 2,400 square feet. Structures that are more than 2,400 square feet are considered Medium Scale and Large Scale, which is not an allowed use in the Hillsides zoning district (per [Table 2.20.-1](#) within the County Zoning Ordinance). Or the owner can revise their Agricultural Operation Statement (dated June 6, 2022) to include only *Wineries – Small Scale*, per Zoning Ordinance Section [2.10.040](#) and Zoning Ordinance Section [4.10.395](#).

2. Provide a Tree Replacement/Tree Replanting Sheet as part of the landscaping plan. The landscaping plan, the civil plan, and arborist report from ISA Certified Arborist, David Hamilton (of Might Tree Removal), identify a total of eight (8) oak trees proposed for removal due to health and location within the development area. The County of Santa Tree Replacement and Tree Protection Guidelines require oak trees replacement for any oak trees removed. The Tree Replacement/Tree Replanting Sheet shall identify the location of the oak trees for replacement based on the following ratio:
 - Removal of one small tree (5- 18 inches) requires (3) 15-gallon trees, or (2) 24-inch box trees.
 - Removal of one medium tree (18 – 24 inches) requires (4) 15-gallon trees or (3) 24-inch box trees.
 - Removal of a tree larger than 24 inches requires (5) 15-gallon trees or (4) 24-inch box trees.

3. As mentioned in the previous comment letter, revise the civil plans to identify grading that is proposed for abatement and/or legalization as there is a current violation (VIO19-00565) on the property. The grading table on the cover sheet of the civil plan need to include any and all unpermitted grading on the property. The response letter from the applicant (dated July 2, 2023) mentioned removal of the unpermitted recreational vehicle and structures. Provide evidence the RV and unpermitted structures have been removed. Also, staff was recently notified of unpermitted grading on property as of November 15, 2023 by Code Enforcement. Please clarify on the civil sheet and in a response letter the specific amount of grading that was imported, the purpose of the grading, and future intention of the grading on the property. Please note that a land-use entitlement or any permits cannot be issued until existing violations are abated and/or the applicant enters into a compliance agreement in accordance with County Ordinance [C1-71](#).

Santa Clara Valley Habitat Plan (HCP)

4. The property is in the Santa Clara Valley Habitat Plan (HCP) area and the Private Development Area is designated Area 1: Private Development Covered. Landcover on the 21.1-acre property is designated as Blue Oak woodland (15.1 acres), California Annual Grassland (7.5 acres), and Serpentine Bunchgrass Grassland (0.6 acres). Santa Clara Valley Habitat Plan fees and conditions are based on field verified land cover by a qualified biologist.

- A. As mentioned in the previous comment letter, revise the land cover verification map (site plan – Exhibit 1)) to show the building pad of the barn, driveway, and other permanent improvements. The land cover verification map shows the land cover and the permanent and temporary buffers but not the building pads of any permanent structures. The land cover verification map (Exhibit 1) needs to clearly show the development areas are not within
- B. Although response letter from the applicant stated that the “development has no impact on Population 3 or Population 5” in Figure 3 from the plant survey dated December 7, 2021, by Live Oak Associates, the biologist need to provide a supplemental update to the biology report to confirm the Land Cover Verification Map (Exhibit 1) will not have impact to any of the sensitive plant surveyed.

LAND DEVELOPMENT ENGINEERING (LDE)

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

5. Please include all quantities of earthwork, including all unpermitted work, on table of the estimated earthwork quantities per C12-424(g). Quantities should be separated into the different bodies of work for the project. The plans and earthwork quantities shall include:
 - A. The unpermitted earthwork along the driveway.
 - B. The unpermitted earthwork to create the terraces in 2018.
 - C. The unpermitted earthwork for the fill on the downhill side of the driveway between stations 1+50 and 2+50 which appears to have occurred in 2019.
6. Please provide a table of the estimated impervious areas that are created as a part of the development. The net change in impervious areas shall be clearly stated on the plans.
7. Please show the outline of the proposed barn and deck/storage area on the site plan.
8. Please clarify the grading on the exterior of the barn storage area on the north side of the structure. The plans indicate a flat pad on that side of the barn, but the topography indicates an elevation of approximately 636 with the finished floor of the barn and associated pad at elevation 643.
9. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the unpermitted grading to be legalized or abated, any septic field installation and any construction staging areas as well.
10. Show the existing water tanks on the plans. Is any grading required to be legalized for the tanks? Please show on the plans as necessary.

11. There appear to be unpermitted drainage culverts installed in the drainage swales crossing the property and the jeep trails. Please identify whether these culverts to be removed or to be legalized and permitted.
12. Please demonstrate that the drainage line doesn't conflict with the septic tank and system installation. Relocate the septic tank or drainage lines as necessary.
 - A. The existing retaining walls to remain for the terraced area shall be legalized as a part of this grading approval if they are to remain.
 - B. The proposed retaining wall along the driveway shall have top and bottom of wall elevations. The wall appears to be taller than 1.5' maximum according to the proposed contours on the plans.
13. Submit a completed Central Coast Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans.

DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)

Contact Jeff Camp at (408) 918-3413 or jeff.camp@deh.sccgov.org regarding the following comments:

14. As mentioned in the previous comment letter, the latest grading site plan show the proposed septic and pump tanks situated within the proposed fire truck turnaround. Relocate either the turn-around or location of septic and pump tanks outside of the fire truck turnaround. Provide plans to the Department of Environmental Health (Peter Estes) for 'clearance'. This is a separate submittal to Environmental Health subject to completion of a service application and payment of applicable fees.

FIRE MARSHAL OFFICE (FMO)

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

15. Previous fire review comment stated the plans are to remove note stating NFPA 1142 tanks will be a deferred submittal. The response letter states the note was removed; however, the Cover Sheet still states this under the Project Data. Please make the revision.
16. Provide a fire hydrant map with the fire hydrant flow data. This is to clarify what hydrants were used for the flow test.
17. The new (N) standard fire hydrant is to be listed as a deferred submittal.
18. Sheet 3 (5 of 16) shows a four (4) inch pipe running to the new (N) standard fire hydrant. The pipe serving a standard hydrant is to be a minimum of six (6) inches. The plans are to reflect this. A more detailed review of the hydrant will be conducted during the deferred submittal.
 - A. The minimum fire flow meeting the current fire code and adopted ordinances will need to be observed during the hydrant inspection.

Prior to a resubmittal, please schedule an appointment to discuss any comments regarding the project if needed.

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 manager.** If the requested information is not submitted within **180 days**, you are 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 the incomplete letter. PARTIAL RESUBMITTALS WILL NOT BE PROCESSED. Fees required at the time of resubmittal will be those in effect at that time.

Note the Grading Approval application was charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific 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 (408) 299-5759 or lara.tran@pln.sccgov.org.

Warm regards,

A handwritten signature in blue ink, appearing to read 'Lara Tran', with a stylized flourish at the end.

Lara Tran
Senior Planner

cc:

Darrell Wong, LDE
Alex Goff, FMO
Jeff Camp, DEH