County of Santa Clara
Planning Commission

**AGENDA**

In compliance with the Americans with Disabilities Act and the Brown Act, those requiring accommodations in this meeting should notify the Clerk of the Planning Commission no less than 24 hours prior to the meeting at (408) 299-6714, or TDD (408) 993-8272.

Please note: To contact the Commission and/or to inspect any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to all or a majority of the Board of Supervisors (or any other commission, or board or committee) less than 72 hours prior to that meeting, visit our website at [http://www.sccgov.org](http://www.sccgov.org) or contact the Clerk at (408) 299-6714 or 70 West Hedding Street, San Jose, CA 95110, during normal business hours.

Persons wishing to address the Commission on a regularly scheduled item on the agenda are requested to complete a request to speak form and give it to the Deputy Clerk. (Government Code Section 54953.3.) Individual speakers will be called by the Chairperson and are requested to limit their comments to two minutes. Groups of speakers on a specific item are asked to limit their total presentation to a maximum of twenty minutes for each side of the issue.

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including public transit, bicycles, carpooling, and hybrid vehicles.

For public transit trip planning information, contact the VTA Customer Service Department at (408) 321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at [www.vta.org](http://www.vta.org).

Bicycle parking racks are available in the James McEntee, Sr., Plaza in front of the County Government Center building. If this Board or Commission does not meet in the County Government Center, please contact VTA for related routes.

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**Notice to the Public**

The Planning Commission may take other actions relating to the issues as may be determined following consideration of the matter and discussion of the recommended actions.

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**Opening**

1. Call to Order/Roll Call.
2. Pledge of Allegiance.
3. Public Comment.

This item is reserved for persons desiring to address the Commission on any matter within the subject matter jurisdiction of the Commission that is not on this agenda. Members of the public who wish to address the Commission on any item not listed on the agenda should complete a Request to Speak Form and place it in the tray near the podium. The Chairperson will call individuals to the podium in turn.
Speakers are limited to the following: three minutes if the Chairperson or designee determines that five or fewer speakers wish to address the Commission; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Commission; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Commission.

The law does not permit Commission action or extended discussion of any item not on the agenda except under special circumstances. If Commission action or response is requested, the Commission may place the matter on a future agenda. Statements that require a response may be referred to staff for reply in writing.

**Regular Agenda - Items for Discussion**

4. Presentation of Certificate of Appreciation to Aaron Resendez for his service on the Planning Commission. (ID# 100553)

5. Approve minutes of the January 23, 2020 Regular Meeting.


   Possible action:

   a. Deny the appeal and uphold the Zoning Administrator's Interpretation of Regulations, classifying Pinecrest Drive to be the front lot line for the property located at 13005 Fircrest Drive, San Martin.

   b. Uphold the appeal, classifying Fircrest Drive to be the front lot line for the property located at 13005 Fircrest Drive, San Martin.


   Possible action:

   a. Accept or reject categorical exemption under Section 15301, Class 1, of the CEQA Guidelines.
b. Grant or deny the Use Permit, ASA, and Grading Approval subject to Conditions of Approval.

8. Public hearing to consider modifications to an Ordinance, originally considered by the Commission on January 23, 2020, amending various sections of County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating Accessory Dwelling Units (ADUs) in accordance with State law, including Junior Accessory Dwelling Units (JADUs) and Movable Tiny Homes. California Environmental Quality Act (CEQA): Statutorily exempt pursuant to California Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines. Location: Countywide. Supervisorial District: All. File No.: PLN20-001.

Possible action:

a. Forward a favorable or unfavorable recommendation to the Board of Supervisors to find the Ordinance is statutorily exempt from CEQA pursuant to Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provision of Section 65852.2 of the Government Code relating to ADUs.

b. Forward a favorable or unfavorable recommendation to the Board of Supervisors to amend County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating ADUs in accordance with State law, including JADUs and Movable Tiny Homes.

**Other Business**

9. Receive report from Chairperson.

10. Receive reports from Commissioners.


12. Receive report from County Counsel.

13. Receive report from Planning Commission Secretary and Planning Manager, Department of Planning and Development.

14. Receive report from Director, Department of Planning and Development.

**Announcements**

15. Announcements and correspondence:

   a. There is currently one vacancy on the Commission. For internet access to the vacancies list and applications, visit http://www.sccgov.org/sites/cob/bnc.

   b. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information, please contact the Office of the Clerk of the Board at (408) 299-5001.
c. Receive correspondence. (ID# 100278)

Adjourn

16. Adjourn to the next regular meeting on Thursday, March 26, 2020 at 1:30 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose.
DATE: February 27, 2020
TO: Planning Commission
FROM: Peggy Doyle, Deputy Clerk
SUBJECT: Aaron Resendez Commendation

RECOMMENDED ACTION
Presentation of Certificate of Appreciation to Aaron Resendez for his service on the Planning Commission.

ATTACHMENTS:
- Commendation (PDF)
CERTIFICATE OF APPRECIATION

WHEREAS, Aaron Resendez was appointed to the Santa Clara County Planning Commission on February 24, 2015, and served for over four years as the District 3 Commissioner, and served on the Architecture and Site Approval Committee; and

WHEREAS, Mr. Resendez, acting out of a personal commitment to the future well-being of Santa Clara County, has invested hundreds of hours of personal time supporting the work of the Planning Commission; and

WHEREAS, Mr. Resendez is valued for his independence and commitment to social equality, including in his consideration of land use legislation and projects throughout Santa Clara County; and

WHEREAS, Mr. Resendez’s balanced and practical approach to complex issues, combined with his strong sense of community, were relied upon by his fellow Commissioners and contributed to the standing and effectiveness of the Planning Commission; and

WHEREAS, Mr. Resendez’s influence and legacy will live on through his contributions to the Planning Commission, including adoptions of a new Health Element, Local-Serving Zoning Updates, San Martin Overlay Zoning, and numerous other project approvals.

NOW, THEREFORE, BE IT CERTIFIED on this 27th day of February, 2020, that the Santa Clara County Planning Commission and the Department of Planning and Development are deeply grateful for and thankful to

AARON RESENDEZ

for his dedication to the public interest, his contributions to the community, and his years of service to Santa Clara County.
DATE: January 23, 2020, Regular Meeting  
TIME: 1:30 PM  
PLACE: Board of Supervisors' Chambers, County Government Center  
70 West Hedding Street, 1st Floor, San Jose, CA 95110

MINUTES

Opening

1. Call to Order/Roll Call.

Chairperson Rauser called the meeting to order at 1:34 p.m. A quorum was present.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
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<tbody>
<tr>
<td>Marc Rauser</td>
<td>Chairperson, Seat No. 1</td>
<td>Present</td>
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<tr>
<td>Aimee Escobar</td>
<td>Vice Chairperson, Seat No. 2</td>
<td>Present</td>
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<tr>
<td>Robert Levy</td>
<td>Commissioner, Seat No. 3</td>
<td>Present</td>
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<td>Kathryn Schmidt</td>
<td>Commissioner, Seat No. 4</td>
<td>Present</td>
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<td>Vicki Moore</td>
<td>Commissioner, Seat No. 6</td>
<td>Present</td>
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<tr>
<td>Erin Gil</td>
<td>Commissioner, Seat No. 7</td>
<td>Present</td>
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2. Pledge of Allegiance.

The Pledge of Allegiance was recited.

3. Public Comment.  (ID# 100183)

One individual addressed the Commission.

Regular Agenda - Items for Discussion

4. Approve minutes of the December 19, 2019 Regular Meeting.

4 RESULT: APPROVED [6 TO 0]  
MOVER: Kathryn Schmidt, Commissioner, Seat No. 4  
SECONDER: Vicki Moore, Commissioner, Seat No. 6  
AYES: Rauser, Escobar, Levy, Schmidt, Moore, Gil

5. Public hearing to consider an Ordinance amending various sections of County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating Accessory Dwelling Units (ADUs) in accordance with State law, including Junior Accessory Dwelling Units (JADUs) and Movable Tiny Homes. California Environmental Quality Act (CEQA): Statutorily exempt pursuant to...
California Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines. Location: Countywide. Supervisorial District: All. File No.: PLN20-001. (ID# 99866)

Possible action:

a. Forward a favorable or unfavorable recommendation to the Board of Supervisors to find the Ordinance is statutorily exempt from CEQA pursuant to Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provision of Section 65852.2 of the Government Code relating to ADUs.

b. Forward a favorable or unfavorable recommendation to the Board of Supervisors to amend the County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating ADUs in accordance with State law, including JADUs and Movable Tiny Homes.

Joanna Wilk, Associate Planner, Department of Planning and Development, provided an overview of the proposed regulations, including information relating to nomenclature; JADU, parking, owner occupancy, and procedural requirements; new development standards; inclusion of Movable Tiny Homes not required by State law; requisite findings; and, public outreach. Leza Mikhail, Zoning Administrator, Department of Planning and Development, read changes to revised Sections 4.10.015(C), 4.10.015(D)(2)-(3), 4.10.015(F)(2), and 4.10.015(I)(2) of the proposed Ordinance in response to late comments from the California Renters Legal Advocacy and Education Fund and Californians for Homeownership. Ms. Wilk stated that staff recommends forwarding favorable advisory recommendations to the Board of Supervisors to find the project is exempt from CEQA and to approve the proposed amendments.

Discussion ensued relating to square footage for ADUs, permits, other jurisdictional response to new State laws regarding ADUs, and the necessity of a primary residence for an ADU.

Chairperson Rauser opened the public hearing. One individual addressed the Commission. Chairperson Rauser closed the public hearing.

Further discussion ensued relating to definitions and use classifications for ADUs, exclusion of recreational vehicles and travel trailers from the definition of Movable Tiny Homes, impact fees, and service connections for Movable Tiny Homes.

Chairperson Rauser reopened the public hearing. One individual addressed the Commission. Chairperson Rauser closed the public hearing.
Further discussion ensued relating to Section 4.10.015(E)(4) regarding transportation of Movable Tiny Homes on public highways, estimated number of ADU applications after reduced restrictions in 2017, application of proposed Section 4.10.015(C)(4) regarding permissible use of space within a legally established multifamily dwelling structure, and roof specifications.

Chairperson Rauser recessed the meeting at 3:17 p.m. Chairperson Rauser reconvened the meeting at 3:32 p.m. with all members present.

Further discussion ensued relating to occupancy requirements and code enforcement, service requirements, design criteria to exclude recreational vehicles and travel trailers from the definition of Movable Tiny Homes, and permissible height of ADUs.

The Commission approved forwarding favorable recommendations to the Board of Supervisors to find the proposed Ordinance is statutorily exempt from CEQA pursuant to Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provision of Section 65852.2 of the Government Code relating to ADUs; and, to amend County of Santa Clara Ordinance Code Appendix I (Zoning) for the purpose of regulating ADUs in accordance with State law, including JADUs and Movable Tiny Homes, subject to incorporating revised Sections 4.10.015(C), 4.10.015(D)(2)-(3), 4.10.015(F)(2), and 4.10.015(I)(2) read into the record by Ms. Mikhail; deleting Section 4.10.015(E)(4) regarding the transportation of Movable Tiny Homes on public highways; and, including language that distinguishes and excludes recreational vehicles and travel trailers from Movable Tiny Homes.

| RESULT: | APPROVED AS AMENDED [6 TO 0] |
| MOVER:  | Kathryn Schmidt, Commissioner, Seat No. 4 |
| SECONDER: | Robert Levy, Commissioner, Seat No. 3 |
| AYES: | Rauser, Escobar, Levy, Schmidt, Moore, Gil |

### Other Business

6. **Receive report from Chairperson.**
   
   No report was received.

7. **Receive reports from Commissioners.**
   
   No report was received.

8. **Receive report relating to San Martin Planning Advisory Committee.**
   
   Chairperson Rauser stated that on January 22, 2020, the San Martin Planning Advisory Committee (SMPAC) considered the proposed ADU Ordinance considered during Item No. 5 and noted that SMPAC’s comments were included in staff’s presentation to the Commission. Chairperson Rauser also stated a presentation relating to Reach Codes...
was provided to SMPAC on January 22, 2020. Chairperson Rauser announced that SMPAC currently has vacancies and directed those interested to apply to the Office of Supervisor Mike Wasserman.

8 RESULT: RECEIVED

9. Receive report from County Counsel.

No report was received.

10. Receive report from Planning Commission Secretary and Planning Manager, Department of Planning and Development.

Rob Eastwood, Planning Manager, Department of Planning and Development, reported that Commissioner Resendez resigned from the Commission effective December 2019. Mr. Eastwood also reported that the Department has identified more immediate needs in its work plan that are affecting the General Plan Update schedule. Mr. Eastwood stated the Housing Element update is the only State law with an imminent compliance deadline, and he will provide the Commission with an updated schedule for the General Plan Update at a future meeting. In response to an inquiry from Commissioner Schmidt, Mr. Eastwood referred the Commission to the Department's web page for current information relating to quarries. Mr. Eastwood stated the Department can also provide an off-agenda report relating to completion status of all pending Lehigh applications and provide verbal reports during meetings when the Department is better able to estimate when applications may come to the Commission.

10 RESULT: RECEIVED

11. Receive report from Director, Department of Planning and Development.

No report was received.

Announcements

12. Announcements and correspondence:

a. There are currently no vacancies on the Commission.
   Chairperson Rauser stated the Commission currently has one vacancy.

b. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information, please contact the Office of the Clerk of the Board at (408) 299-5001.

   c. Receive correspondence (ID# 99924)

12.c RESULT: RECEIVED
13. Adjourn to the next regular meeting on Thursday, February 27, 2020, at 1:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.

Chairperson Rauser adjourned the meeting at 3:58 p.m.

Respectfully submitted,

Peggy Doyle
Deputy Clerk
DATE: February 27, 2020
TO: Planning Commission
FROM: Mark Connolly, Senior Planner / Deputy Zoning Administrator
SUBJECT: Appeal of the Zoning Administrator's Interpretation of Regulations for a front lot line designation

RECOMMENDED ACTION

Possible action:
   a. Deny the appeal and uphold the Zoning Administrator's Interpretation of Regulations, classifying Pinecrest Drive to be the front lot line for the property located at 13005 Fircrest Drive, San Martin.
   b. Uphold the appeal, classifying Fircrest Drive to be the front lot line for the property located at 13005 Fircrest Drive, San Martin.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission deny the appeal of the Zoning Administrator’s Interpretation of Regulations, thereby classifying the front lot line as Pinecrest Drive for the property located at 13005 Fircrest Dr. (APN 825-55-001), and the exterior side lot line as Fircrest Dr.

PROJECT DESCRIPTION
Project Setting
The subject parcel is located at 13005 Fircrest Dr. (APN 825-55-001) and is approximately 1.2 acres (gross) in size. The property is developed with a single-family residence and associated site improvements. The Zoning is RR-5ac. (Rural Residential)
and the General Plan land use designation is Rural Residential. The property is located within the San Martin Planning Area.

Pursuant to Zoning Ordinance Section 1.30.030, the subject property is considered a “corner” lot, as it abuts two public rights-of-way, Fircrest Dr. to the east, and Pinecrest Dr. to the south. The subject property also abuts a similarly sized residential property located on Pinecrest Dr. to the west, and a larger residential property to the north that appears to be developed with horse barns and riding arenas. The immediate neighborhood, which includes eight residential properties located along Pinecrest Drive. (See Exhibit ‘A’ to Attachment A), is characterized by similarly sized parcels, and developed with residential uses. These eight residential properties are also characterized with distinct front yards and consistent front yard setbacks of 30 feet or greater along Pinecrest Dr.

The property located immediately east of the subject project site (APN 825-50-010) is also considered a “corner” lot, as it abuts two public rights-of-way, Fircrest Dr. to the west, and New Ave. to the north. Nearby properties that abut New Ave. are characterized with distinct front yards and consistent front yard setbacks of 30 feet or greater along New Ave.

Discussion of Applicable Zoning Ordinance Sections and Interpretation Requirements

The project before the Planning Commission is an appeal of an Interpretation of Regulations by the Zoning Administrator regarding classification of the front lot line. Below is a discussion of the applicable sections of the Zoning Ordinance associated with the process for an Interpretation of Regulations by the Zoning Administrator, the required classification of lot lines, and residential and accessory structure setbacks requirements.

Interpretation of Regulations by the Zoning Administrator

Pursuant to Section 1.20.040(A) (Interpretation of Regulations – Zoning Administrator) of the Zoning Ordinance, “the Zoning Administrator shall have authority to decide any question involving the interpretation or application of any provisions of the zoning ordinance ...[and]...shall consider all relevant ‘purpose’ language,...ensure consistency with the general plan, and...assure protection of the public health, safety, comfort, convenience and general welfare”.

Pursuant to Section 1.20.040(B), the Planning Commission “may consider...any zoning administrator interpretation that is being contested through the appeal process.” The owner
has appealed the Zoning Administrator’s interpretation of the County Zoning Ordinance regarding designation of the front lot line for property at 13005 Fircrest Dr.

Classification of Lot Lines

The provisions of the Zoning Ordinance which define lot lines and the procedures for classifying lot lines are specified in Chapter 1.30 (Definitions: General Terms). The purpose of this chapter is to provide definitions for terms that have meanings specific to the interpretation of the Zoning Ordinance. According to Zoning Ordinance Section 1.30.030 (Lot Lines: No. 2), “[t]he front lot line of a corner lot is normally the shorter line (representing the narrower lot dimension) of the two lot lines abutting a street.” The definition of a “front lot line of a corner lot” further provides an alternative determination for the front lot line if the “lot's” (emphasis added) depth-to-width dimensions and configuration would yield a larger and more beneficial building envelope for development of the property.

The Zoning Ordinance contains provision for the Zoning Administrator to classify the lot lines on an unusually configured lot that does not meet the standard definitions for traditional lot line classifications. The determination shall consider the following in order of importance: a) the general depth-to-width orientation of the lot and the establishment of a practical and reasonable building envelope, b) the orientation of the lot and orientation of the determined building envelope as it would most harmoniously concur with development and/or building envelopes on the adjacent lots, c) the existing development on the subject lot and the degree to which it may conform to more than one possible determination, and d) other factors specific to the lot that would affect the practicality and reasonableness of a determined building envelope.

Applicable Residential and Accessory Structure Setback Requirements

Pursuant to Section 3.10.030 (Standard Lot-Size and Setbacks Combining Districts), and Table 3.10-1 of the Zoning Ordinance, the required setbacks for a single-family residence for the Rural Residential zoning district (RR-5ac.) are all applied equally, requiring 30 feet from the front, 30 feet from the side(s), and 30 feet from the rear.

Pursuant to Section 4.20.020(E)(2) of the Zoning Ordinance, the required setback for an accessory building or structure (example: barn), which is ancillary to the primary use, is “75 feet from the front property line or edge of ultimate right-of-way.” Additionally, pursuant to Section 4.20.020(F)(3) (Corner lot abutting two streets), “when a corner lot abuts a key lot, no such [detached] accessory building shall be located nearer to the right-of-way of the streets upon which such key lot faces than the distance equal to the depth of the front yard required on the key lot.” For a corner lot in the Rural Residential
Zoning District (RR-5ac.), a primary residence shall be setback 30 feet from all property lines, and an accessory structure shall be setback 75 feet from a front property line right-of-way and 30 feet from an exterior side property line right-of-way.

**REASONS FOR RECOMMENDATION**

**Zoning Administrator’s Interpretation of Regulations**

On November 25, 2019, the Zoning Administrator issued an Interpretation of Regulations (see Attachment A) relating to the classification of lot lines for the subject property at 13005 Fircrest Drive. The letter summarized the property information, the methodology used to determine the lot line classification, the characteristics of the surrounding neighborhood and General Plan conformance. As described in Attachment A, the Zoning Administrator determined that the Pinecrest Dr. property line is the front lot line and the Fircrest Dr. property line is the exterior side lot line. This determination was based on the following facts (in summary and expanded):

- The property is considered a “corner” lot, as it abuts two public rights-of-way (Pinecrest Dr. To the south and Fircrest Dr. to the east).
- The property line abutting Pinecrest Dr. has a lot line dimension of 161.00 feet.
- The property line abutting Fircrest Dr. has a lot line dimension of 345.09 feet.
- The shorter lot line abutting a right-of-way is Pinecrest Dr., meeting the definition of a front lot line for a corner lot as defined the Zoning Ordinance.
- The property exhibits a standard/typical lot configuration for a corner lot. The property is not unusually configured so that traditional lot line classifications cannot be applied. As such, an alternative lot line classification analysis is not required.
- The primary use of the lot is a single-family residence, with required setbacks of 30 feet equally applied from all property lines. As the setbacks are equally applied, the lot’s depth-to-width dimensions would not yield a larger or more beneficial building envelope for development on the property if the lot line designations were altered, as provided by the Zoning Ordinance. Furthermore, greater weight is given to the primary use of a lot, as opposed to ancillary uses, such as accessory structures.
- Altering the property line designation would not yield a larger or more beneficial building envelope for development on the property. As requested by the Applicant, they would like to demolish an existing, unpermitted barn and construct a new barn in the same general location. The applicant’s barn would be required to be setback 75 feet from a front property line right-of-way and 30 feet from all other property lines and rights-of-way. Any configuration of the lot lines on this
property would require the applicant’s unpermitted barn to be relocated from its current location.

- Maintaining Pinecrest Dr. as the front property line ensures continued and future neighborhood compatibility and consistency of development along Pinecrest Dr. All other residences along Pinecrest Dr. have existing, and legally established, residences fronting Pinecrest Dr., with no accessory structures within the respective front yards.

- Maintaining Pinecrest Dr. as the front property line encourages consistency with General Plan Policy R-LU136. Applying standard lot determinations and setback requirements within the San Martin Planning Area will maintain and restore the intended character of development by continuing to enforce a consistent front yard setback pattern along Pinecrest Dr.

**Appeal Summary**

On December 5, 2019, the owner of 13005 Fircrest Drive (Appellant) appealed the Zoning Administrator’s Interpretation of Regulations, classifying the front property line as Pinecrest Dr. The Planning Commission is being asked to consider the merits of the appeal and the Zoning Administrator’s Interpretation of Regulations. The appeal application and grounds for appeal are attached as Attachment B. In summary, the Appellant would like to define the front lot line of the property to be Fircrest Drive and Pinecrest Dr. would instead be an exterior side yard property line.

Within the submitted appeal of the Zoning Administrator’s Interpretation of Regulations relating to lot line determinations, the owner states that they intend to demolish an unpermitted detached accessory building (barn) located within the front yard of Pinecrest Dr., in order to construct a new accessory building (barn) in the same general location.

**Response to Appeal**

The Appellant’s appeal letter (Attachment B) identifies six specific grounds of appeal by which the Appellant believes the Zoning Administrator’s Interpretation of Regulations are not factually correct. A summary of the Appellant’s grounds is listed below, followed by Staff’s response to the appeal notes.

1. **Purpose of the County Zoning Ordinance:** The Appellant suggests that the Zoning Administrator’s Interpretation of Regulations, as it relates to lot line classifications, is in conflict with the general purpose of the entire Zoning Ordinance. Specifically, the Appellant notes that their requested determination for Fircrest Dr. to be the front property line would “encourage and support beneficial use” of their property.
Staff Response: Pursuant to Section 1.10.020 (Function), the Zoning Ordinance establishes regulations “limiting the use of land and structures, the location, height and bulk of structures, the open space about buildings and principal uses, and provides for such other measures that will accomplish the purposes of the zoning ordinance and the general plan.” The purpose of the County Zoning Ordinance is to promote and protect public health, safety, peace, comfort, convenience and general welfare of the residents/public. This includes establishing development standards, such as setbacks that are derived from lot line classifications, that “minimize adverse effects…resulting from inappropriate…use or design of building sites…” (Section 1.10.030(C)). The designation of Pinecrest Dr. follows the definitions in the zoning ordinance and continues to allow a large development envelope on the property for use by the property owner. Staff is of the opinion that classifying lot line designations based on unpermitted structures would not “encourage and support beneficial use and orderly development of lands within the county” (Section 1.10.030(B)).

2. Corner Lot Depth-to-Width Dimension: The Appellant believes that the Zoning Administrator did not properly consider the subject lot’s depth-to-width dimensions when applying the County codes. More specifically, the Appellant states that a determination of Fircrest Dr. as the front property line should be made in their favor because “the lot’s depth-to-width dimension are such that…Fircrest Dr....would yield a larger building envelope” to allow for more space to build an accessory structure.

Staff Response: The primary use of the subject lot is a single-family residence. The Zoning District (RR-5ac.) prescribes an equally applied setback of 30 feet from all property lines for a residence. As more weight is given to the primary/principal use of the lot, there is no larger building envelope that would be achieved when considering the lot’s depth-to-width dimension. Furthermore, the County’s setback requirements for accessory structures (barn) requires 75 feet from a front right-of-way and 30 feet from an exterior side right-of-way. If an accessory structure were to be considered for the depth-to-width dimension analysis for a larger building envelope, a 75-foot setback from Fircrest Dr. (the longer property line; 345.09 feet) would establish a smaller building envelope. This would be in strict conflict with the County’s zoning ordinance.

3. Surrounding Neighborhood Character: The Appellant opines that the existing neighborhood character confirms how Fircrest Dr. should be their front property line. The Appellant states that “[w]hat could be more consistent with the neighborhood character than replacing a barn that has been in this location for 42 years with another barn?” The Appellant further believes that the Zoning Administrator failed to take into consideration a previous lot line classification rendered on a neighboring property and failed to consider the impacts to Fircrest Dr.
Staff Response: As noted in the Zoning Administrator Interpretation of Regulations letter (Attachment A), part of the methodology used to conclude the final determination for application of the lot line classifications included a complete review of the administrative record, public hearing recordings and merits of the findings by the Planning Commission for File No. 10042-09ZI on March 4, 2010. No evidence in the record lead Staff to believe that Fircrest Dr. should be the front lot line for the Appellant. Additionally, the Zoning Administrator considered the Appellant’s lot configuration, reviewed aerial photographs, analyzed permitted development patterns and lot configurations within the immediate neighborhood, including development along Fircrest Dr, and New Ave. The County does not consider the unpermitted structures as part of an analysis for development patterns.

4. General Plan Conformance: The Appellant believes that the Zoning Administrator inaccurately applied General Plan Policy R-LU 136 (Residential Land Uses). The Appellant believes that R-LU136 “has nothing to do with re-designation of lot lines…and is meant to keep San Martin as a rural environment to maintain the residential character and quality of life of the community.”

Staff Response: R-LU136 specifically states, “Residential land use and development patterns shall remain the preferred and predominant use pattern in the San Martin Planning Area. Establishment of allowed non-residential uses in areas of existing or planned rural residential land use should be allowed only with the utmost consideration for the potential adverse impact of such uses upon the residential character and quality of life of the community.” As noted in Attachment A, the subject property is located within the San Martin Planning Area. When considering strict application of the Zoning Ordinance lot line designation of Pinecrest Dr, as the front property line, as well as setback requirements for related residential and accessory uses, the location of residential land use and development patterns is encouraged and consistent with this policy. Maintaining standard and straight-forward applications for lot lines and setbacks will maintain the intended character of a neighborhood through development standards.

5. Prior Permit Issued Noted Fircrest Dr. as “Front”: The Appellant believes that because the plans they prepared and submitted to the County for a building permit noted Fircrest Dr. as the “front,” the approval of that building permit establishes the final determination.

Staff Response: The most recent set of building plans on file with the County (BP 26933 and 26934) were for an addition to the existing residence and a new detached garage. These permits were approved by Planning on October 24, 2003. At that time, the Planner determined Pinecrest Dr. to be the front property line. This is evidenced by
the Planning stamps and plans (see Attachment C), which indicate that a reduced side yard setback (emphasis added) was applied to Fircrest side of the lot.

6. **Neighbor Support:** The Appellant has provided a total of thirteen letters of support from his neighbors, indicating that they are okay with the unpermitted barn to be reconstructed in the same general location. For this reason, he believes that the Zoning Administrator Interpretation of Regulations is inaccurate, and Fircrest Drive should be designated the front property line.

**Staff Response:** The Zoning Ordinance does not acknowledge the support of the neighbors regarding the decision to be able to rebuild the unpermitted accessory structure in the same general location. It should be noted that if either Fircrest Dr. or Pinecrest Dr. was designated as the front property line, a new barn would not be permitted to be constructed in the same general location as the existing unpermitted barn as the accessory structure will be required to be setback 30 feet from the edge of the right-of-way for the exterior side property line and 75 feet from the edge of the right-of-way for the front property line. If the Appellant wishes to reconstruct a barn within a required setback, a different land use entitlement (likely a Variance) would need to be applied for and considered with a noticed public hearing.

**Planning Commission’s Consideration**

In considering the merits of the appeal of the Interpretation of Regulations, the Planning Commission shall consider all relevant “purpose” language in the Zoning Ordinance, shall ensure consistency with the general plan and shall assure protection of the public health, safety, comfort, convenience and general welfare.

Should the Planning Commission determine that the Zoning Administrator Interpretation of Regulations was not accurate because the subject lot, which is a “corner” lot, is so unusually configured that traditional lot line classifications are not straightforward, the Planning Commission is required to determine the lot line classifications based on the following, in order of importance:

a. The general depth-to-width orientation of the lot and the establishment of a practical and reasonable building envelope,

b. The orientation of the lot and orientation of the determined building envelope as it would most harmoniously concur with [permitted] development and/or building envelopes on the adjacent lots,

c. The existing [permitted] development on the subject lot and the degree to which it may conform to more than one possible determination, and
d. Other factors specific to the lot that would affect the practicality and reasonableness of a determined building envelope.

**Conclusion**

In summary, the Zoning Administrator evaluated all the possible reasons or basis for considering a different lot line classification for the subject property, as required by the Zoning Ordinance, and concluded there was no appropriate basis for reclassifying the lot line abutting Fircrest Drive as the front lot line. As such, the Department that the Planning Commission uphold the Zoning Administrator’s Interpretation of Regulations, thereby classifying Pinecrest Dr. as the front property line.

**STAFF REPORT REVIEW**

Project Planner: Mark J Connolly, Senior Planner & Deputy Zoning Administrator, (408) 299-5786, mark.connolly@pln.sccgov.org.

Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator, (408) 299-5773, leza.mikhail@pln.sccgov.org

Reviewed by: Rob Eastwood, Planning Manager, (408) 299-5792, rob.eastwood@pln.sccgov.org

**ATTACHMENTS:**

- Attachment A - Zoning Administrator Interpretation of Regulation Letter (PDF)
- Attachment B - Acker Appeal Letter (PDF)
November 25, 2019

James Acker,
13005 Fircrest Drive
San Martin, CA 95046

RE: Zoning Interpretation
13005 Fircrest Drive (APN 825-50-001)
File No. PLN19-0153

Dear Mr. Acker;

This letter is in to inform you of the Zoning Interpretation that has been made by the County of Santa Clara Zoning Administrator regarding the property line designations for your property. On July 29, 2019, an application for a formal Zoning Interpretation, requesting that the front property line be designated along Fircrest Dr. (east property line), was submitted to the County. Staff understands that you wish for Fircrest Dr. to be your front property line so that you can construct an accessory structure within 75 feet of Pinecrest Dr., which you wish to be your exterior side property line.

Property Information
The subject parcel is located at 13005 Fircrest Drive (APN 825-55-001), and is zoned RR-5ac. (Rural Residential five acres). The property has a General Plan designation of Rural Residential. The subject property is approximately 5 acres in size and is currently developed with a single-family residence and associated site improvements. Pursuant to Zoning Ordinance Section 1.30.030, the property is considered a “corner” lot, as it abuts two (2) public rights-of-way, Fircrest Dr. to the east and Pinecrest Dr. to the south. The property also abuts a residential property located on Pinecrest Dr. to the west and a residential property to the north that appears to be developed with horse barns and riding arenas.

Methodology for Interpretation
County Staff and the Zoning Administrator have reviewed a considerable amount of information in the County records to finalize a lot line determination. Staff reviewed the lot configuration of your property by applying the County’s Zoning Ordinance definitions of lot lines, reviewing aerial photographs on file with the County, and analyzing permitted development patterns and lot configurations within the immediate neighborhood of your property. In addition, pursuant to your request to apply the same findings of your neighbor’s property to the east, located at 12995 Fircrest Dr., Staff reviewed the administrative record, public hearing recordings and merits of the findings by the Planning Commission from County File No. 10042-09ZI on March 4, 2010.

Zoning Administrator Interpretation
According to County Zoning Ordinance Section 1.30.030 (Lot lines: No. 2), “[t]he front lot line of a corner lot is normally the shorter line (representing the narrower lot dimension) of the two lines abutting a street.” Fircrest Dr. has a lot line dimension of approximately 345.09 feet, and Pinecrest Dr.
has a lot line dimension of approximately 161.00 feet. With strict application of the Zoning Ordinance, the longer lot line abutting a street, Fircrest Dr., is considered an exterior side property line. The shorter lot line abutting a street, Pinecrest Dr., is the front lot line. As such, the required setback, as noted in County Zoning Ordinance 4.20.020 (E)(2)&(3), for an accessory structure on the Pinecrest frontage (the front lot line) “shall be in the rear half of the lot, within the rear yard, or at least 75 feet from the front property line.” Please see Exhibit A, attached, for an aerial of the existing neighborhood development patterns, as well as property line designations.

Staff does not find any compelling reason to alter the application of the Zoning Ordinance lot line determinations for your property.

**Surrounding neighborhood / character**
The determination established above is in compliance with the County’s Ordinance. Additionally, the determination would ensure neighborhood compatibility and consistency of development along Pinecrest Dr. To that end, when viewing the Pinecrest Dr. neighborhood, all other residences (2045 Pinecrest, 2035 Pinecrest, 2025 Pinecrest, 2015 Pinecrest, 1990 Pinecrest, 2000 Pinecrest, 2050 Pinecrest and 2090 Pinecrest) have existing, and legally established, residences fronting Pinecrest Dr., with no accessory structures within the respective front yards. The existing and proposed replacement structure (barn) on your property, would not be consistent with the existing character of the street / neighborhood, as it would be much closer to Pinecrest Drive than your main residence. Furthermore, Staff is of the opinion that there is ample room on your property to construct a new barn that meets a County Zoning Ordinance setback requirement of 75 feet, as measured from Pinecrest Dr.

**General Plan conformance / support**
According the Santa Clara County General Plan, the subject property has a General Plan designation of Rural Residential, and is located within the County’s San Martin Planning Area. Strict application of the County Zoning Ordinance lot line determinations, as well as setback requirements, encourages consistency with General Plan Policy R-LU136. More specifically, maintaining the standard lot line determinations and setback requirements that development patterns within the San Martin Planning Area will maintain the existing character of the immediate neighborhood by continuing to enforce a consistent front setback pattern of development along Pinecrest Dr.

**Conclusion**
For the above reasons, Staff, in consultation with the Zoning Administrator, has determined that for development purposes, the Pinecrest Dr. frontage will be the front lot line and the Fircrest Drive property line will be an exterior side lot line.

**Appeals**
Pursuant to Section § 5.30.020 of the County Zoning Ordinance, this determination is appealable to the Planning Commission subject to filing an application with justification and the filing fee to the Planning Department. The appeal shall be accompanied by the applicable fee and must be filed prior to the close of business on the fifteenth calendar day after the decision of the granting authority, which is this letter issued by the Zoning Administrator. The application shall clearly identify the appellant(s) and all grounds for the appeal.
Please do not hesitate to contact me if you have any further questions or need of assistance. I can be reached at 408-299-5773, or via e-mail at: leza.mikhail@pln.sccgov.org for any additional questions. Additionally, you can reach out to Deputy Zoning Administrator, Mark Connolly at 408-299-5786, or via email at: mark.connolly@pln.sccgov.org.

Sincerely,

[Signature]

Leza Mikhail
Zoning Administrator

Copy: Mark Connolly, Deputy Zoning Administrator and Project Planner

Attachment: Exhibit A – Property Line Determination & Existing Neighborhood Development Patterns
**Exhibit A:** Property Line Designation & Existing Neighborhood Development Patterns

**Address:**
13005 Fircrest Dr.
(APN 825-50-001)

**Zoning:** RR-5ac
(Rural Residential)

**General Plan:** RR
(Rural Residential)

**Special District:**
San Martin Planning Area

**Lot Size:**
Approximately 1.3 acres

Attachment: Attachment A - Zoning Administrator Interpretation of Regulation Letter (100174 : Appeal of the Zoning Administrator's
County of Santa Clara  
Planning Commission  
70 West Hedding Street  
San Jose, CA 95110

Regarding:  
Zoning Interpretation  
13005 Fircrest Drive (APN 825-50-001)  
File No. PLN19-0153  

December 4, 2019

To the Santa Clara County Planning Commission:

This letter is in support of our appeal of the zoning interpretation letter provided to us by Planning department staff on November 25, 2019.

BACKGROUND
Our home sits on the corner of Fircrest and Pinecrest Drives in San Martin. The house and driveway both face Fircrest Drive and we have a Fircrest Drive mailing address. We have a barn on the Pinecrest side of the property that has been there for 42-plus years. The barn was built in 1977 which was about 10 years prior to our purchasing the property. We were not aware that the barn was built without permits until recently when we attempted to get a permit to replace the old barn with a new one. Due to how the Santa Clara County zoning ordinance is worded, the Pinecrest side of the property is considered the legal front of the property and as such, the barn is not allowed to sit where it currently sits. However, since it’s construction date, there have been no complaints by any of the neighbors about the location of the current barn. The county has told us that by policy, unless there is a complaint filed, the current barn is just fine where it is.

The current barn has worn out. It was not built very well originally and it has become difficult to maintain. In an effort to improve our property, we would like to remove the old barn and replace it with a new and nicer looking barn. Architectural drawings of the proposed barn are attached to this letter.

In order to get a permit to build a new barn, we need to re-designate Fircrest Drive from that of a side frontage to that of a front frontage so that the barn would not be on the front of our property as it is now.

13005 Fircrest Drive  
San Martin, Ca 95046
Jim & Nancy Acker
(408) 710-6078
jimfire@ips.net

REQUEST TO COUNTY
We made an official request to the Santa Clara County Planning Department to obtain a property line designation to convert the Fircrest Road side of the property to the front, and this was denied by Planning Department staff. Their denial letter is attached.

APPEAL AND JUSTIFICATION
We are filing this appeal using the following 4 points as justification to allow the requested designation change.

1) Santa Clara County Zoning Ordinance Section 1.10.030 (Purpose) Section “A” provides for this determination to be made in our favor.

This section states:

1.10.030 Purpose

The zoning ordinance is adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and for the following more particularly specified purposes:

A. To implement the general plan and to guide and manage the future growth of the unincorporated areas within the County of Santa Clara in accordance with that plan, as described in the goals and objectives of the general plan;

B. To regulate land use and development in a manner that will encourage and support the beneficial use and orderly development of lands within the county;

C. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development;

D. To protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the County General Plan; and

E. To assist the public in identifying and understanding regulations affecting the development and use of land.

Section B above clearly indicates the County’s intention to “encourage and support the beneficial use” of property. The staff report dated November 25, 2019 ignores this basic goal and forces an undue waste of property to create a situation that has not existed in this neighborhood previously.

13005 Fircrest Drive
San Martin, Ca 95046
2) Santa Clara County Zoning Ordinance Section 1.30.030 (Definition of Terms) “Lot Lines” provides for this determination to be made in our favor.

This section states:

Lot lines:
The lines bounding a lot as defined herein, with the following specific classifications and criteria for determining setbacks. For purposes of this definition, “street” shall mean “right-of-way,” as defined herein.

1. The front lot line is normally the line that abuts a street.

2. The front lot line of a corner lot is normally the shorter line (representing the narrower lot dimension) of the two lines abutting a street. If a corner lot’s overall depth-to-width dimensions are more strongly representative of the lot’s orientation such that an alternate frontage determination would yield a larger building envelope, the right-of-way line that corresponds to the lot width (longer line in that case) shall be deemed the front lot line for setback purposes. In the case of a curved corner, a determination may be made by the zoning administrator that an appropriately situated point along that curve shall demarcate the front lot line from the exterior side lot line.

As is stated in the highlighted section above, the lot’s depth-to-width dimension are such that establishing Fircrest Drive as the front property line would yield a larger building envelope. This is due in part to current requirements for septic leech lines that consume a greater amount of space and limit the available areas for accessory structures like barns. None of the other properties in the neighborhood have this limitation because they are not on corner lots and they are allowed to build closer to the common edges of their property.

3) The Staff Report’s “Surrounding Neighborhood character” argument is actually in our favor.
The Staff Report acknowledges that our neighbors all have horse barns and/or riding arenas, yet the county objects to us putting a new barn where our old barn currently sits stating that “this would not be consistent with the existing character of the street/neighborhood...” What could be more consistent with the neighborhood character than replacing a barn that has been in this location for 42 years with another barn?

Additionally, the property across the street from us located at 12995 Fircrest Drive, petitioned for the exact same interpretation that we are requesting (to have their property frontage be placed on Fircrest Drive) and that request was approved. See County File # 10042-09Z) on March 4, 2010. The County has already approved the same request across the street on Fircrest Drive. Again, our request falls completely inline with what the County has already allowed for our neighborhood.

13005 Fircrest Drive
San Martin, Ca 95046
Jim & Nancy Acker  
(408) 710-6078  
jimfire@jps.net

Our property only accounts for about 16% of the total length of Pinecrest Drive and we are situated on the end of the street. By contrast, our property fronts 100% of Fircrest Drive. Any differences in property set-backs and lot line differences has a much lesser visual effect on the Pinecrest side of the property than on the Fircrest Side, especially since we are on the corner and the layout of our property is visually different that that of every other property in the area just by the fact that we are on the corner and not located mid-block. Since the County has designated our neighbor across the street with a Fircrest Drive frontage, then designating our property with a Fircrest Drive frontage provides the most possible neighborhood continuity. There are only two houses on Fircrest. The County staff report has overlooked this and continues to point to the Pinecrest side while ignoring the much greater impacted area of Fircrest Drive.

4) **General Plan Conformance.** Our request is completely within that of the general plan.

The staff report letter references General Plan Policy R-LU136. This policy states:

*Residential Land Uses R-LU 136*

*Residential land use and development patterns shall remain the preferred and predominant use pattern in the San Martin Planning Area. Establishment of allowed non-residential uses in areas of existing or planned rural residential land use should be allowed only with the utmost consideration for the potential adverse impact of such uses upon the residential character and quality of life of the community.* [Amended Dec. 5, 1995; File #: 6009-00-00-95GP; Mar. 9, 1999; File# 7200-00-00-98GP]

Obviously, Policy R-LU 136 has nothing to do with re-designation of lot lines. This policy is actually a part of the larger San Martin Planning Area land use policy document and is meant to keep San Martin as a rural environment and to maintain “the residential character and quality of life of the community.” Our application to rebuild the existing barn is exactly what this describes.

5) **Prior Permits listing Fircrest Drive as the “FRONT” of the property**

In 2004 we substantially rebuilt the house on our property. Full permits were obtained using blueprints submitted to the County with Fircrest Drive clearly labeled as the FRONT of the property. The Pinecrest side of the property is listed as the side. At no time was there ever any mention by the county that Fircrest Drive was not the front of the property.

6) **Entire Neighborhood Support**

Recently, every homeowner/neighbor was contacted and asked their opinion about our barn and replacing it with a new barn. The set-back issue was explained. Each and every neighbor on Pinecrest, Fircrest and New Avenue signed a letter in support of our project and stated that they did not object to the new barn being built. Copies of the letters are attached as is a graphic map showing the locations of each neighbor that signed the letters of support. Not a single neighbor objected.

---

13005 Fircrest Drive  
San Martin, Ca 95046
Letters of Support from Neighbors

- Orange box indicates location of Acker Property. 13005 Fircrest Drive, San Martin = Proposed barn
- Green boxes indicate locations of neighbor that have signed letters supporting this request.
- Copies of signed letters are attached. Note, there is unanimous support from all residents on the two streets involved as well as several adjacent neighbors on New Avenue.

<table>
<thead>
<tr>
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<th>13005 Fircrest Dr.</th>
<th>2045 Pinecrest Dr.</th>
<th>2035 Pinecrest Dr.</th>
<th>2025 Pinecrest Dr.</th>
<th>2015 Pinecrest Dr.</th>
<th>1990 Pinecrest Dr.</th>
<th>2000 Pinecrest Dr.</th>
<th>2050 Pinecrest Dr.</th>
<th>2090 Pinecrest Dr.</th>
<th>13035 New Ave.</th>
<th>12995 Fircrest Dr.</th>
<th>12975 New Ave.</th>
<th>12955 New Ave.</th>
<th>12935 New Ave.</th>
</tr>
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</table>
To:  **Santa Clara County Planning Department**

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker's to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed:  

Date:  6-13-2019

Printed:  Mike Froess

Address:  2045 Pinecrest Dr
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker's to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: Suydee Neuher  Date: June 13, 2019

Printed: Suydee Neuher

Address: 2035 Pinecrest Dr.
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker's to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: [Signature] Date: 6/13/19

Printed: Michelle Hinch

Address: 2025 Pinecrest Dr.
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker's to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: John Acker  Date: 4/13/19

Printed: John Payne

Address: John Payne 2815 Pinecrest Dr
San Martin, CA 95046
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: Charlotte Paterson  Date: 6-13-19

Printed: Charlotte Paterson

Address: 1990 Pinecrest Dr. San Martin
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed:    Date: 6/13/19

Printed:  DIANNE A QUESADA

Address:  2000 PINECREST DR, SAN MARTIN, CA 95047
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN 825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: [Signature]  Date: 0/13/19

Printed: Janet Gallo

Address: 2050 Pinecrest Drive San Martin
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: [Signature]  
Date: [Date]

Printed: Daniel Shoresman

Address: 2090 Pinecrest Dr.
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN 825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: Robert Niemeyer  Date: 6/13/19
Printed: Robert Niemeyer
Address: 13035 New Ave, San Martin
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker's to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: Linda Harris Moreno Date: 6/13/19

Printed: Linda Harris Moreno

Address: 12995 Fircrest Dr. San Martin CA 95046
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: [Signature]

Date: 6/13/19

Printed: Kylea Reigenser

Address: 12975 New Ave SM 95046
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: [Signature] Date: 6/3/19

Printed: Ronald H Harrison

Address: 12955 New Ave San Martin CA 95046
To: Santa Clara County Planning Department

This letter serves to notify you that the undersigned person(s) are aware of the request made by Jim & Nancy Acker at 13005 Fircrest Drive, San Martin (APN-825-50-001) to re-designate the front of their property from Pinecrest Drive to Fircrest Drive. The net result of this request would be to allow the Acker’s to build a new barn on the Pinecrest side of the property in approximately the same location as the existing barn. A tentative example of the new barn design is shown below.

I support this and urge you to please favorably consider this request.

Thank you very much.

Signed: [Signature] Date: 12/19

Printed: Kimberly E. Lynch

Address: 13935 New Avenue
Jim & Nancy Acker Residence
Proposed Barn Design

EXTERIOR ELEVATIONS
½" = 1'-0"
DATE: February 27, 2020
TO: Planning Commission
FROM: Valerie Negrete, Associate Planner
SUBJECT: Christopher Ranch Agricultural Employee Housing Use Permit

RECOMMENDED ACTION
Possible action:
   a. Accept or reject categorical exemption under Section 15301, Class 1, of the CEQA Guidelines.
   b. Grant or deny the Use Permit, ASA, and Grading Approval subject to Conditions of Approval.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission:
   a. Accept the determination that the project is categorically exempt from environmental review under Section 15301, Class 1, of the CEQA Guidelines; and
   b. Grant the Use Permit, ASA, and Grading Approval subject to the Conditions of Approval in Attachment A.

PROJECT DESCRIPTION
The proposed Use Permit and Architecture and Site Approval (ASA) application is to establish a permanent Agricultural Employee Housing facility on a 3-acre property that will serve approximately 200 employees. The application includes retrofitting five (5) existing 3,600 square foot (sf.) buildings; rehabilitation of a laundry/restroom building (1,460 sf.), and the placement of a modular home (750 sf.) residence for a site manager. The Applicant has also requested a reduction in parking spaces required for this type of use. The site will
provide housing for seasonal agricultural employees and be in operation between April and November each year.

The Applicant, Christopher Ranch LLC., proposes to utilize the H2A Visa program. Christopher Ranch has stated to the County that they intend to use labor contractors to provide skilled employees for crop harvesting and to perform task in their off-site agricultural processing plant. The H2A Visa program allows U.S. employers or U.S. agents, who meet specific regulatory requirements, to bring foreign nationals to the United States to fill temporary agricultural jobs.

According to the Applicant, skilled agricultural labor is a fundamental component to the success of their operation. As part of participation in the H2A program, employers are required to provide housing. Accordingly, Christopher Ranch as submitted the subject application.

There are five (5) existing 3,600 square foot (sf.) buildings. Four of the five employee housing buildings (Attachment B) will contain eight units, and each unit would be approximately 3,600 square feet with a common area, equipped with a mini refrigerator and microwave, and a sleeping room with bunk beds, housing 2-6 persons per unit (See Attachment B1 Conceptual Layout Figure 1), with no more than 42 beds per building.

Building A is proposed to have six (6) housing units and a 900 sf. indoor recreational area in which food delivery will take place with no more than 32 beds.

Meals are proposed to be provided to employees by catering vehicles that will be on-site daily between 4:00AM-7:00AM and 4:00PM-7:00PM delivering food boxes. A rehabilitated restroom and laundry building (Bldg. F) is situated northwest of the employee housing units.

A modular home, site manager residence, is proposed to be constructed 30 feet from the front property line behind the existing fence.

Employees will work a minimum of nine hours a day, six days a week. A typical work-day would begin with bus pick-up between 4:00AM - 4:30AM with afternoon drop-off between 4:00PM – 4:30PM per Christopher Ranch’s proposed operation plan (Attachment B2), labor contractors will be responsible for: 1) transportation of employees; 2) providing meals; 3) cleaning of the units and; 4) laundry service for employees. Two (2) site maintenance workers will be responsible for pest control, landscaping and general maintenance of the property. No more than four foremen will leave and arrive with employees each day. Visitors of the employees will be allowed daily between 6:00AM-8:00PM.

Bus drivers remain on-site and stay in the living quarters, as well as work alongside the agricultural workers in the field. The Applicant proposes 17 parking spaces, including 1 loading space, five bus parking spaces and eleven automobile parking spaces.

See Attachment B2 for Applicant’s Project Description and Attachment B for Project Plans.

Utilities

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The City of Gilroy jurisdictional boundary is located immediately south of the site along Southside Drive. The site currently receives wastewater services from the City of Gilroy. Potable water previously was provided via a groundwater well located on the site. However, sometime in the 1990’s the well became contaminated and was deemed no longer viable for human consumption by the State Water Resources Control Board. Since purchasing the property, the Applicant has been working to attain a viable potable water source. A new groundwater well would require the State to approve a new public water system, but the State has strongly discouraged the Applicant from this option and encouraged the Applicant to alternatively pursue attaining a water connection from the City. The City of Gilroy has expressed support of extending the City’s water service if the Use Permit is approved (Attachment F).

**Parking**

Seventeen (17) parking spaces, including one (1) loading space, five (5) bus parking spaces and eleven (11) automobile parking spaces are proposed to accommodate operational needs. Buses will remain on-site when not transporting employees. County Zoning Ordinance section 4.30.030 requires one (1) parking space per bedroom for agricultural employee housing, which would require 38 parking spaces for the number of bedrooms (38 proposed). The Applicant is requesting a reduction in parking in accordance with Zoning Code Section 4.30.100.B.

**Tree Removal**

The site has been vacant for several years. In order to provide adequate fire access, 18 ornamental fruit trees are proposed for removal. Additional native trees are proposed to be replanted to replace the trees removed and are indicated on the conceptual landscape plan.

**Grading**

Grading for the proposed project includes approximately 790 cubic yards of cut and 790 cubic yards of fill for landscaping, driveway improvements, and stormwater detention basin. The majority of cut and fill is needed for the establishment of a detention basin with a small portion needed for the driveway and landscaping.

**Landscaping**

Existing landscaping is located along the adjacent rear property boundary. Ten-foot depth perimeter landscaping is proposed along the side perimeter property lines in areas not already landscaped and within the front property boundary. Additional landscaping is proposed to the north of the property frontage to screen the trash enclosure area.

Existing perimeter fencing of chain-link with wood slats will remain.

**Project Setting**

The subject property is located at 935 Southside Drive and is 3-acres. The general plan land use designation is Agricultural Large Scale and the zoning is Exclusive Agriculture 40-acre minimum (A-40). The entire site, which previously operated as an agricultural employee housing complex for approximately forty years, is located within the 100-year flood zone and
contains seven abandoned buildings located towards the front half of the property. The rear of the property is vacant.

The site is situated at the end of a cul-de-sac, across from the City of Gilroy’s wastewater treatment plant, located south, known as South County Regional Wastewater Authority (SCRWA). It is bordered to the east by a seasonal Agricultural Employee Housing complex, known as the Arturo Ochoa Migrant Center, operated by EAH Housing and contracted by the State of California and the Department of Labor’s Office of Migrant Services (OMS), which is also used as an emergency shelter during the winter months. The surrounding parcel to the north is part of the SCRWA treatment facility. See Attachment B – Location Map.

The facility was constructed and operated as a farm labor camp between 1957 and the mid-1990s and included housing for up to 200 agricultural employees. Following the closure of the facility sometime in the 1990s, several of the onsite buildings were converted to residential units. The facility received several building violations from the County, and the State identified that the potable water for the facility, provided by an onsite well, did not meet state potable water standards. After several years of ongoing violations, the site was vacated and placed for sale. Approximately two years ago, the site was purchased by Christopher Ranch LLC with the intention of rehabilitating the units and bringing the property back to its former use.

**REASONS FOR RECOMMENDATION**

*Environmental Review (CEQA)*

The proposed project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and was found to qualify for a Categorical Exemption, CEQA Guidelines Section 15301, Existing Facilities, Class 1. This exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

The site operated as an agricultural employee housing complex, known as the Rodriguez camp, from the 1950’s to the 1990’s, for at least 200 agricultural employees (Attachment B2). The proposed use will re-use the existing structures for the same use as the former Rodriguez camp, which housed up to 200 workers when the camp was in operation. A new house is proposed to accommodate the manager’s residence, which would be a negligible expansion of the use. Each unit is proposed to be upgraded with double paned windows, new exterior and interior doors, new sheet rock siding, electrical upgrades, new roofing and interior and exterior paint. The laundry/restroom building (Bldg. F) will be equipped with the same improvements along with replacement of 19 toilets, 4 urinals, and 6 sinks for use by the employees. Throughout the site, in between buildings, there will be benches and tables for seating and/or recreation. Just outside of Building A is a proposed covered patio area with an outdoor television. The rear of the site will remain unimproved but is referred to as a recreational area.
As stated in the Project Setting above, the site is located at the end of a cul-de-sac just outside of the City of Gilroy’s Industrial district. Adjacent to the SCRWA treatment facility, the area is relatively unraveled with little traffic. To the rear of the site is another agricultural employee housing complex, known as Arturo Ochoa Migrant Center. Activity on the site will be the same or less than the activity level on the Ochoa site. A water extension is proposed to be obtained from the City of Gilroy which is immediately adjacent to the site. A sewer connection to the City’s Wastewater System already exists. The water connection will replace the onsite well which does not meet potable water standards. The resolution adopted by the City of Gilroy authorizing water service to the facility only contemplates extension of a water line to this facility and property and no additional water service extension to any other facilities or properties.

Since the current proposal would maintain the same intensity as the former use (up to 200 agricultural employees), the new manager’s house would be a negligible expansion of the use, and no unusual circumstances exist indicating that there is a reasonable possibility that the project would have a significant effect on the environment, Staff is recommending the Planning Commission accept the Categorical Exemption determination (See attached Statement of Exemption).

Because the use of the facility does not involve more intensity or employees than what previously existed, there would be nominal impacts in traffic to and from the site and all buildings will be re-furbished thereby minimizing the amount of construction needed to upgrade the site, staff has determined that the project also qualifies for exemption from Environmental Review under CEQA per Categorical Exemption 15301 / Class 1 pertaining to Existing Facilities, which applies to the repair or maintenance of existing structures where there is negligible or no expansion of existing or former use.

**Use Permit Findings**

All Use Permits are subject to the findings per Zoning Ordinance Section 5.65.030, included below in underline. An explanation of how this project meets the required findings is presented in italics.

A. The proposed use conforms with the General Plan, with the Zoning Ordinance, and with all other standards and guidelines applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors:

*The subject application is for Agricultural Employee Housing. County Zoning Ordinance Section 2.10.030 defines the “Agricultural Employee Housing” residential use classification as “Dwellings occupied by employees engaged primarily in direct agricultural operations on land owned or rented by the agricultural operator. Family members of such agricultural employees may also live in the same unit.”*

*“Dwelling purposes” are further defined in Code Section 1.30.030 as “The use of a building for human habitation, which is designed, intended or used for sleeping, cooking, eating, and sanitation.” The existing cooking facility, as shown in Building A, Sheet A-2 in plans received January 28, 2020 will be conditioned to be accessible to*
the common open area, consistent with the County’s requirements. With a cooking facility, the project will be consistent with the County Zoning Ordinance definition of an Agricultural Employee Housing use.

The application requests a reduction in parking spaces required in the County Zoning Ordinance for the above use, discussed in Finding D below. With a condition of approval requiring the Applicant to provide the parking prescribed in the County Zoning Ordinance, the project will be in conformance with the County Zoning Ordinance.

General Plan Consistency Analysis

The subject property is designated as Agriculture – Large Scale by the general plan. The following policies in bold would apply along with required analysis in italics below.

R-LU 11: Allowable land uses shall be limited to:

a. Agriculture and ancillary uses;
b. Uses necessary to directly support local agriculture; and
c. Other uses compatible with agriculture which clearly enhance the long-term viability of local agriculture and agricultural lands.

General Plan land use policy R-LU 11, quoted above, applies to the project, and states in part that allowable uses are those which directly support and enhance local agricultural operations.

The project is consistent with R-LU 11, as the agricultural employee housing facility would directly support a local agriculture operation and enhance the long-term viability of local agriculture. The Applicant has stated that the use of the property for agricultural employee housing is critical for them to sustain their operation within Santa Clara County.

R-RC 62: Residential uses in agricultural areas may be allowed for persons directly involved in on-site agricultural operations as an ancillary or supportive use of agriculture.

The use is a housing facility for skilled agricultural employees directly involved in agricultural operations owned by Christopher Ranch. These agricultural employees

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work at the ranch’s processing plant in Gilroy or harvesting products in the fields owned by the ranch. Their work is critical for the ranch’s viability and directly effects Christopher Ranch’s ability to continue to operate in Santa Clara County.

**R-RC 63:** Farm worker housing shall be an allowable use in the zoning districts governing agricultural areas.

This project is for the re-establishment of a former agricultural employee housing site. Nominal changes to the site would be necessary to bring the site back to its former use.

**R-GD 2:** For lands outside cities’ Urban Service Areas (USAs) under the County’s land use jurisdiction, only non-urban, low density uses shall be allowed.

The use has historically existed on this site, and currently is connected to the City of Gilroy’s sewer system. The number of employees the site served when it was operated for over forty years as a farm labor camp is the same as what is being requested now. Agricultural employee housing is an allowed use in the rural agricultural zoning district and the subject request is to re-establish this previously approved use.

The proposed project would receive water and sewer services through the City of Gilroy. According to the applicant, a sewer connection exists on-site, previously established for the prior labor camp use. A water service connection service would be necessary in order to support the proposed use, as the onsite well has failed and the State Water agency is not supportive of drilling a new well. The project re-establishes a former use on the project and is not growth inducing because it reinstates what previously existed.

**R-GD 6:** Urban types and levels of services shall not be available outside of cities’ Urban Service Areas from either public or private service providers.

Sanitation sewer services are currently provided from the City of Gilroy several years ago and the city expressed support in providing water service as the State would not be supportive of a new onsite potable water system given the contaminated well at this site. The new water service would merely serve to re-instate an existing use and therefore is not considered a new “urban” type or level of service.

**R-GD 7:** In rural unincorporated areas, if there is an unpreventable areawide problem which can only be solved by extension of services by special district, assessment district, or private utility, then this form of service may be approved, with the following restrictions:

a. The amount of increased service capacity will not exceed the identified need and the planned level of development; and
b. The level of service capacity is consistent with that of other services provided or planned for the area.

The site was vacated almost ten years ago due to building code violations and the contamination of the groundwater well which was determined unusable for human consumption. Efforts to drill a new groundwater well and establish a new water system approved by the State has not been successful and no other water source is available to service the site unless the adjacent City water connection is made available. No other habitable structures, except for an on-site manager trailer, are proposed and the use is a re-establishment of an existing use. All structures exist and will be re-used for the same use as formerly existed on the property.

R-GD 8: No development proposal may be approved in areas requiring services provided by a special district, assessment district, or other private service provider unless the needed services will be available to the development at the time of the development’s approval.

The project does not seek the extension of services from a special district, assessment district or other private service provider. The City of Gilroy currently provides sewer services to the site and has declared its intent to provide a water connection once the Applicant is granted a use permit from the County.

Zoning District Intent

The proposed project site has a zoning designation of A-40, Exclusive Agriculture. The intent of Exclusive Agriculture zoning is to preserve and encourage the long-term viability of agriculture and agricultural lands. Of note, within the Exclusive Agriculture district, Zoning Ordinance Section 2.20.050, applies to new uses which require additional findings to ensure compatibility to adjacent agricultural uses. In this case, the use is one that supports the viability of agriculture and is a supportive of an existing agricultural operation.

B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

The site is three acres and contains seven buildings situated towards the front portion of the site. Minimal changes are required to refurbish the buildings to their former use. The property is situated adjacent to the City of Gilroy boundary and the SCRWA treatment plant is south and east of the site. The rear of the site will remain in its natural state and is straddled by an existing agricultural employee housing complex, known as the Arturo Ochoa Migrant Center.
In order to buffer the use from the surrounding SCRWA wastewater treatment plant, the perimeter of the site will be landscaped in areas that are not already landscaped. With perimeter fencing and landscaping, it is not anticipated that the SCRWA wastewater treatment plant will need additional buffering. During early public outreach, a member of the SCRWA wastewater treatment plant attended, and no adjacency issues were identified which would conflict with the re-establishment of the agricultural employee housing project at the proposed site. The southeast shared property boundary contains open fields associated with the wastewater treatment plant and during portions of the year the plant’s remaining effluent is disposed of in percolation ponds. The ponds allow water to soak into the soil and eventually add water to the underground aquifer.

The rear of the site is currently proposed to be undeveloped, however, the Department has recommended adoption of a condition of approval requiring the rear of the property to be developed into a usable open recreational space for employees consistent with Architecture and Site Approval Guidelines to provide adequate recreational/community space for multi-unit residential developments. The site is flat and will require minimal grading for improvements associated with access, fire turnaround, detention basin and new landscaping.

The site has adequate room for the proposed development.

C. The proposed use, by its nature, scale, intensity or design, will not impair the integrity and character of the zoning district and will not be significantly detrimental to any important and distinctive features of the site's natural setting:

The site was developed in the early 1950’s as an agricultural employee housing complex within the seven existing buildings. The site is located adjacent to the heavier Industrial zoning district of the City of Gilroy and is adjacent to the SCRWA treatment facility. The property is located at the end of a quiet cul-de-sac, and the adjacent property to the west of the site is developed and operated as an agricultural employee housing operation, known as Arturo Ochoa Migrant Center, which serves as an emergency shelter in the winter months.

Minimal site changes are needed to refurbish the units and therefore the proposed use will not create significant changes to the site’s natural features. The rear of the site will remain in its natural setting as usable open recreational space for employees and new landscaping will be provided along the side and entry property boundaries which will further screen the buildings from the road.
Located within the “A-40” Exclusive Agriculture zoning district, Zoning Ordinance section 2.20.010(A) states, in part, that the purpose of this district is “to preserve and encourage the long-term viability of agriculture and agricultural lands, recognizing the vital contributions agriculture makes to the economy and quality of life within the county.” The site is supportive of primary uses in this district.

D. The proposed use would not be detrimental to public health, safety, or general welfare. In this respect, the Planning Commission shall further find, without limitation, that:

1. Adequate off-street parking, loading and unloading areas (if applicable), and handicapped access will be provided;

The use classification for the proposed project is for a permanent Long-Term Agricultural Employee Housing Facility. The Zoning Ordinance requires 1 parking space per bedroom and the Applicant is requesting a reduction to this requirement given the operations proposed by the Applicant, which will provide transportation to and from the site. Seventeen parking spaces are proposed for five buses, one loading space, and eleven automobile parking spaces.

In accordance with County Zoning Ordinance Section 4.30.100, an exception to the parking requirements can be applied for under four circumstances detailed below:

§ 4.30.100 Parking Exception

For uses subject to discretionary review, the approving authority may allow a reduction in required parking spaces if it finds that one or more of the following circumstances apply:

a. The use or building is situated in an area characterized by older buildings which historically have not provided off-street parking consistent with current requirements.

b. The use or building is in close proximity to public transit facilities, or the client base is demonstrably less inclined to use automobiles than the general public.

c. The nature or design of a specific use or facility is uniquely different from more standard examples of uses or facilities within the use classification, such that a reduction in required parking is warranted. The reduction in required parking shall be supported by a parking study prepared by a qualified parking or transportation expert.

d. The lot size and configuration, as well as the existing or potential building size, do not allow a reasonable use of the lot unless parking requirements are modified.

Parking reductions may only be allowed if the impacts of such reduced parking are not significantly contrary to the findings required under the applicable
permitting process.

The Applicant proposes to participate in the H2A agriculture worker program. Although employers are required to provide free housing and transportation, workers are not required to accept the housing and transportation (Senate Bill SB60, amending Chapter 524: Statutes of 2013\(^3\)). H-2A visas do not restrict the ability of the visa holders to obtain driver licenses, for example. In California, AB 60 allows residents to apply for a driver license with only proof of identity and proof of California residency. In addition, H-2A housing could also be used to house domestic workers. The domestic workers could already possess driver licenses, so may choose to opt out of transportation provided by the employer.

As such, the Department is recommending that the Planning Commission reject the Applicant’s request for the parking exception and instead require the Applicant to provide commensurate parking for each bedroom pursuant to the County Zoning Ordinance Section 4.30.040. A total of 38 parking stalls would be required for a total of 38 bedrooms.

In addition, and as required by County code 4.30.060, up to one (1) Americans with Disabilities Act (ADA) compliant spaces must also be provided for up to 25 spaces. (See Attachment A, Parking Condition 9)

2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the Fire Marshal);

The site access is through an existing driveway off a City-maintained road (Southside Drive), which is appropriately designed to provide safe access for visitors, fire, and other emergency vehicles.

The Fire Marshal’s Office has reviewed the proposed project and found that adequate access for emergency vehicles and a fire truck turnaround has been provided. Additional conditions by the Fire Marshal’s Office have also been added to the preliminary conditions (See Attachment A). Therefore, the proposed project meets the Fire Marshal’s standards.

3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;

The project will not have any adverse impacts on flood control, storm drainage and surface water drainage, through compliance with conditions of approval proposed by County Land Development Engineering, including the requirement to submit a Storm Water Control Plan. Two detention basins are proposed to capture stormwater runoff resulting from the project. No grading is proposed within a 150-foot riparian buffer area from the top of bank of any creek.

\(^3\) Department of Motor Vehicles, [https://www.dmv.ca.gov/portal/dmv/detail/ab60/index?lang=en](https://www.dmv.ca.gov/portal/dmv/detail/ab60/index?lang=en) accessed 2/19/20
Both domestic water and fire protection water supplies are proposed to be obtained from the City of Gilroy. According to correspondence between the City of Gilroy and Applicant, the site is already receiving sewer service, and following approval of the Use Permit, the City will consider approval of the water connection to the facility. Proposed conditions of approval require connection to the City’s water system to be verified by the County’s Department of Environmental Health (“DEH”) and the Fire Marshal’s Office prior to issuance of building permits.

4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;

The activity on site will not be detrimental to the adjacent area as employees will be picked up between 4:00 to 4:30AM and arrive back on-site between the hours of 4:00PM to 4:30PM. Two maintenance employees could be on-site as needed and other service personnel such as landscapers and delivery service will be on-site between 4:00AM to 4:30PM. There are no noise generating activities proposed other than initial construction related activities that may generate noise. All construction activities have been conditioned to conform with the Santa Clara County Noise Ordinance Section B11-154 which prohibits noise between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

The property to the west of the site is also an agricultural employee housing facility and emergency shelter, and thus would not be affected by this project.

No odor generating activities are proposed. Dust will be minimal and only associated with construction of improvements such as the two detention ponds.

Any proposed lighting on site has been conditioned to be downward directed illuminating only the area intended, so as to not result in off-site glare, and designed to eliminate light spillover onto adjacent properties.

5. The use will not substantially worsen traffic congestion affecting the surrounding area;

Seventeen parking spaces are proposed to accommodate up to five (5) transportation buses and other operational parking needs such as for service workers and maintenance staff. Buses will remain on-site when not transporting employees.

The vehicle trips to and from the site are prior to morning or afternoon peak hours and will not change the level of service of Southside Drive. Five buses will arrive at the site twice a day to transport employees from 4:00 to 4:30AM and then return between the hours of 4:00PM to 4:30PM, approximately 58 daily trips with 1 in the AM street peak hour (1 in and 0 out) and 14 in the PM street peak hour (7 in and 7 out). According to the traffic consultant, Keith Higgins, the City of Gilroy considers 7:00AM-9:00AM and 4:00PM-6:00PM as peak hours.
weekday traffic times on Southside Drive, Rossi Lane, Luchessa Avenue, Chestnut Street (Automall Parkway), and Monterey Road near Luchessa Avenue. No additional vehicle trips are proposed to occur on the weekends.

6. Erosion on the site will adequately be controlled:

   Grading and erosion control measures were reviewed by Land Development Engineering and found applied conditions of approval, to be consistent with Santa Clara County’s Policies and Standards Pertaining to Grading and Erosion.

7. Adequate storm drainage exists or will be provided and will comply with all applicable local, state and federal requirements.

   Two detention basins are proposed with the subject use. One basin will be located along the property frontage on Southside Drive and the other is proposed just south of the parking area. Because the site is within the 100-year floodplain, it is subject to floodplain requirements. As a condition of approval, prior to issuance of building permits the Applicant’s engineer shall provide a “No Adverse Impact Certificate” and corresponding documentation and calculations demonstrating there will be no impact to the floodplain as a result of the project. In addition, site drainage plans were submitted and reviewed by the LDE office and found to comply with all local, state, and federal requirements subject to a drainage permit.

§ 2.20.050 A Districts: Agricultural Preservation Criteria

New Uses. Any newly proposed use in an A district must be found to be in compliance with all of the following general criteria.

1. The use must be compatible with and not substantially interfere with the continuation of any on- or off-site agricultural operation.

2. The use should not be of a sensitive nature that would itself be negatively impacted by any existing or future on-site or off-site agricultural use.

3. The use will not require public urban services or infrastructure, or establishment of special districts or similar entities.

4. The use should be consistent with the rural image of the agricultural area.

5. Any new non-agricultural use should be sited to avoid taking the most viable agricultural lands out of active agricultural production.

6. Any new use should not significantly inhibit the future development of adjacent parcels consistent with general plan land use designations of nearby cities.

7. The use must clearly enhance the long-term viability of local agriculture and agricultural lands.

The above findings are applicable to new uses in the A zoning district. The proposed Agricultural Employee housing project is not considered a new use because it will occupy an existing facility that was previously constructed and operated for the same
Findings for Architecture and Site Approval

All Architectural and Site Approvals are subject to findings per Zoning Ordinance Section 5.40.040, included below in underline. An explanation on how the project meets the required findings is present in italics.

A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;

On-site circulation was reviewed by the County Fire Marshal’s Office and found to be sufficient. The existing entry to the site is 30 feet in width, and located off of Southside Drive, spanning to the rear of Bldg. F, where there is a proposed fire truck turnaround.

Southside Drive extends from the project site to Rossi Lane on the west. Rossi Lane transitions into East Luchessa Avenue, which connects with Automall Parkway and Monterey Road within the City of Gilroy. Some project trips will disperse at Automall Parkway. Access points and site circulation have been reviewed by the County Roads and Airports Department and Fire Marshal’s office and no issues were found to exist with the proposed configuration.

The site would be open for 8 months out of the year. Transportation staff will be parked onsite within the five (5) designated bus parking spaces. Each bus driver would have a dual job: as the daily bus driver and as field crew. Bus drivers would live onsite and stay in the living quarters. Each bus seats up to approximately 40-45 agricultural employees.

Typical workday begins with bus pick up at the project site around 4:00AM to 4:30AM and drop off in the afternoon at 4:00PM to 4:30PM. According to the traffic consultant, Keith Higgins, there will be 58 daily trips during the AM peak time and 14 daily trips during the PM peak hour. The average annual trip rates per occupant are 0.1913 daily trips, 0.0044 AM street peak hour trips and 0.0478 PM street peak hour trips.

As discussed under Use Permit Finding D.5. above, no traffic congestion issues were found to exist given the nature of the proposed vehicle trips to and from the site during the week. Employees will not need vehicles and will be picked up to and from their work site each weekday.
The Fire Marshal’s office reviewed the project and found the site has adequate on-site circulation for emergency vehicles. On-site circulation and parking, as conditioned, is adequately designed to support the proposed use, and the proposed project would not have any adverse impact to traffic safety or traffic movement in the area.

B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;

The site is located at the end of a cul-de-sac just outside of the City of Gilroy’s Industrial district and adjacent to the City’s wastewater treatment facility. The Arturo Ochoa Migrant Center, another agricultural employee housing complex, is to the rear of the site. The proposed project would be compatible with these existing uses. No new structures, except the security trailer are proposed. The site is located at the curvature of Southside Drive and is not visible from the main road. New lighting is proposed at the exterior of each building and within the parking area. Should any new lighting be proposed, it would be subject to review and approval by the Planning office to ensure that it is directed downwards to minimize spillover and visibility from adjacent properties per recommended condition of approval.

One directional sign is proposed. The directional sign is proposed to be 48” in area and 66” tall with white aluminum background and black lettering situated along the property frontage and will provide a map of the housing complex.

C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;

The site has remained vacant for several years and the property boundary to the west has existing mature landscaping along the property perimeter. The rear of the property is shown as unimproved. New landscaping is proposed to be added along the side perimeter lines and property frontage in areas without existing landscaping.

Perimeter fencing is chain link with wood slats and no changes are proposed to this fencing. As a condition of approval, fencing shall be maintained and repaired as needed to ensure property is secured (Attachment A, Condition No. 13).

D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;

Proposed improvements would not result in new environmental impacts, including but not limited to traffic, noise, construction, biological resources, or air quality. The project was reviewed and conditioned by County’s Land Development Engineering Division, Department of Environmental Health, the Fire Marshals’ Office, and Roads
and Airports. As conditioned, the project would not result in adverse effects related to public health, safety or the environment.

E. No adverse effect of the development on flood control, storm drainage, and surface water drainage:

The site is located within the floodplain. Except for the manager office trailer, no new structures are proposed. The site manager trailer will be required to adhere to the floodplain standards and will be conditioned so as not to increase the floodplain. Two detention basins are proposed to capture stormwater runoff resulting from the project. The project will not have any adverse impacts on flood control, storm drainage and surface water drainage, through the addition of conditions of approval by County Land Development Engineering, including the requirement to submit a Storm Water Control Plan.

F. Adequate existing and proposed fire protection improvements to serve the development:

Proposed improvements would not result in inadequate fire protection. The project was reviewed by the Fire Marshals’ Office, and Roads and Airports and, as conditioned, would not result in adverse effects related to fire protection or inadequate access for emergency vehicles.

G. No significant increase in noise levels:

The nearest residential use is 42 feet from the west property line and is a developed migrant camp. No new noise generating activities are proposed with this use. Buses will come to and from the site Monday through Friday between 4:00AM to 4:30AM and arrive back on-site between the hours of 4:00PM to 4:30PM. Any noise associated with the recreational use of the rear of the site would still be subject to the County Noise Ordinance.

Grading on site and construction of the driveway, fire turnaround, landscaping and detention basin is not anticipated to take longer than a year to complete. In compliance with the County Noise Ordinance, and per project conditions of approval, construction would be limited to daytime hours.

H. Conformance with zoning standards. Standards applicable to non-residential uses may be varied by the ASA committee to promote excellence of development provided that the deviation from standards will better accomplish the purposes of this chapter:

The site is surrounded by industrial, agricultural uses and a wastewater treatment plant adjacent to the property. An agricultural employee housing use lies immediately to the west of the site. The proposed reduction in parking requirements coincides with the Applicant’s plan to transport their employees to and from the site via buses.
With the exception of the parking standard, the project satisfies all of the required zoning standards, as stipulated in the County Zoning Ordinance. Staff recommends that the Planning Commission grant the Applicant’s request to allow reduced parking and has conditioned the project to provide commensurate transportation to compensate for the reduction in parking spaces.

I. Conformance with the general plan and any applicable specific plan;

A detailed explanation for General Plan conformance is provided above under Use Permit Finding “A.”

J. Substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and other applicable guidelines adopted by the County, or by the appropriate city for land within the city's urban service area.

ASA Guidelines adopted by the Planning Commission on 3/19/81, provide that residential projects over 6 units should provide an outside common area. In addition, “all residential units should have adjacent private, outdoor open space with a screening fence, wall or vegetation. The space may be in the form of a yard, patio, balcony or deck. For single family, duplex or triplex there is recommended a minimum of 250 square feet of private open space, with 150 square feet for other multi-family units.”

For 38 bedrooms, 150 square feet per unit of private space would equate to a minimum of 5,700 sf of outdoor open space. As a condition of approval, the Applicant shall provide a site plan which clearly designates common areas and areas of private open space for residence (Attachment A, Condition No. 24). Staff suggests utilizing the rear of the property for an active open space area.

All structures are existing and will require minimal improvement to re-use the property for its original agricultural employee housing use. Each unit will be equipped with a mini-refrigerator, microwave, heater, and ceiling fans. The structures are existing and not visible from Southside Drive; however, the project was designed to be consistent with the “Guidelines for Architecture and Site Approval”. Specifically, perimeter landscaping is being added along the side property lines and project frontage. Screening of the trash collection area is also proposed by a solid enclosure with landscaping for further screening.

Colors of the units will be natural earth tones of “Wise Owl” beige and “Swiss Coffee” trim on doors and windows for contrast.
**Findings for Agricultural Employee Housing – Long Term**

All dwellings proposed for use as long-term Agricultural Employee Housing may be established on properties within those zoning districts where such uses are permitted, as set forth in County Zoning Code Section 4.10.040, included below in underline with the required analysis in *italics*, subject to all of the following:

1. **There shall be a demonstrated need to provide long-term residences for bona-fide agricultural employees based on the nature and intensity of the agricultural operation;**

   According to the Applicant, the need for skilled workers is critical to their operation in Santa Clara County. Christopher Ranch uses contractors to supply seasonal H2A workers for its harvest and production areas. A shortage of agricultural employee housing has compelled the Applicant to find its own means to ensure crops get harvested, packaged, and ready to be shipped. To this end, the Applicant purchased the project site property to re-purpose it for agricultural employee housing during their peak harvest season.

2. **The occupants of such units shall be individuals or families engaged in significant agricultural pursuit from actual farming practices, including growing, harvesting, tilling, cultivating, and post-harvesting of crops, or the raising of animals, fowl, or bees;**

   Employees will be brought to the United States through the H2A program for the sole purpose of filling the need for skilled, reliable labor to sustain the Applicant’s existing agricultural operation. Employees will be housed on-site within five housing buildings (Bldgs. A, B, C, D, E) containing eight units and mini-refrigerator and microwave in each unit, to fulfill labor needs during the harvest and production periods.

3. **The occupants of such homes shall be engaged in an agricultural pursuit on land owned, leased or rented by the agricultural operator;**

   The site was purchased by Christopher Ranch LLC approximately two years ago in the hopes of repurposing the site to house employees from April to November. The site is proposed to be operated by labor contractors for the H2A program.

4. **The units shall be of an appropriate size and design for the intended use;**

   As a former agricultural labor housing camp, the site will be re-furbished and re-used for the agricultural employee housing in compliance with the current requirements of the County Ordinance Code, including the Zoning Ordinance. Each unit will provide a sleeping area for employees with a shared microwave and mini refrigerator.

5. **Residential setbacks and other development standards of the base district shall apply; and**

   Development standards stipulate front, rear, and side property line setbacks to be no less than 30 feet. The only new structure proposed is the site manager trailer which
will be situated 30 feet from the front property line. The existing housing structures are situated 32 feet and 20 feet from the side property lines. The existing structures were approved and issued building permits from the County in 1957; therefore, their placement is legally established and considered legal non-conforming. As a condition of approval, any further additions to or changes in the location of these structures will be subject to review by the County.

6. Once the agricultural use has ceased, the units must either be demolished, removed from the premises, or converted into a different authorized use.

   The project is being proposed to be a permanent agricultural employee housing use. Any changes to the project will be subject to further review and approval by the County. Moreover, if the agricultural use of the site ceases, then the units will have to be converted to a different use subject to review and approval by the County in accordance with County Code Section 4.10.040 [See condition of approval No. 7].

**Findings for Grading Approval**

All Grading Approvals are subject to the findings per County Grading Ordinance Section C12-433, included below in underline. Facts supporting each finding are shown in italics.

A. 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.

   According to project plans, there will be approximately 790 cubic yards of cut and 790 cubic yards of fill. The majority of grading will be for the establishment of the access driveway and drainage detention basins. No other grading is needed as the structures on-site are existing.

B. The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right of way, or impair any spring or existing watercourse.

   All proposed grading will be for the construction of the project and will not endanger public and/or private property and will maintain the public health and safety of nearby properties. No excessive grading will be conducted, as all grading will be associated with the development of the site for the refurbishing of the former agricultural worker housing units. No grading is proposed within a 150-foot riparian buffer area from the top of bank of any creek.

C. Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.

   The site is relatively flat and the proposed grading has been designed to follow contours of the natural topography of the site to the maximum extent possible. The
majority of the proposed grading is for access and a fire turnaround within the site. No scenic, biological or aquatic resources are on-site, and no grading is proposed within a 150-foot riparian buffer area from the top of bank of any creek.

D. For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.

The project site is flat and the proposed site work is limited to that needed for emergency access to the site.

E. Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.

The site is relatively flat and the proposed grading is designed to conform with the natural topography of the land. No retaining walls are proposed; thus, there would be no visual scars as a result of the grading for the project.

F. Grading conforms with any applicable general plan or specific plan policies;

The site is relatively flat and the proposed grading is in conformance with specific findings and policies identified in the County General Plan policies R-GD 20 and R-GD 22, which provide that grading shall be minimal and cause minimal disturbance to the site’s natural terrain. The proposed grading is consistent with the property’s natural topography and is the minimum necessary to redevelop the site.

G. Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.

The proposed development is minimizing grading as much as possible by balancing cut and fill on-site. The development is not in a hillside area and is proposed in order to improve the driveway access and fire turnaround. The site is not located within the County’s hillside area.

BACKGROUND

Previous Approvals

The site was first developed and operated as agricultural employee housing with building permits in 1957 and operated as such until at least the 1980’s. According to County records, the site began receiving wastewater service from the City of Gilroy sometime prior to 2001. Once the use ceased, the site was used as multi-family housing and several interior improvements were made without any County permits or authorization, resulting in building
and housing violations. The site was subsequently vacated and sold to Christopher Ranch LLC with the intent to establish agricultural employee housing.

**Public Outreach**

A community meeting was held on December 18, 2019 as required under the County’s Early Outreach and Notification Policy for a Use Permit. Only one member of the public attended the community meeting, where the Applicant presented its proposed project. In addition, the Applicant posted a Project Notification sign at the property entry to notify neighbors of the intent to develop the site. Project information was also placed on the County’s public Planning and Building website for interested parties.

A notice for the Planning Commission hearing was mailed (see Attachment G), pursuant to the County Zoning Ordinance noticing requirements, on February 10, 2020.

**Public Comments**

The County has not received any public comments as of the date of this report.

**Project Timeline**

The Applicants applied for a pre-application on March 9, 2018. The County has been in discussions with the Applicant, various County Departments, and other public agencies, including the City of Gilroy and LAFCO, since early 2018. A site visit was conducted by staff to assess the site and provide input as to the re-development of the subject site for agricultural employee housing on April 4, 2018. A pre-app letter summarizing comments from various County departments regarding the proposed application was sent to the Applicant on March 22, 2019.

The current application for Use Permit, Architectural and Site Approval, and Grading Approval was submitted October 21, 2019 and deemed incomplete on November 18, 2019. Subsequent submittals were made on December 30, 2019, January 8, 2020 and January 28, 2020. The project application was deemed complete on February 19, 2020.

**STAFF REPORT REVIEW**

Project Planner: Valerie Negrete, Senior Planner, 408-299-5791, valerie.negrete@pln.sccgov.org

Reviewed by: Manira Sandhir, Principle Planner, 408-299-5787, manira.sandhir@pln.sccgov.org

**ATTACHMENTS:**

- Attachment B - Proposed Plans (PDF)
- Attachment B1 - Conceptual Floor Plans (PDF)
- Attachment C - CEQA Statement of Exemption (PDF)
- Attachment D - Colors and Materials (PDF)
USE PERMIT & ARCHITECTURAL AND SITE APPROVAL
935 SOUTHSIDE DRIVE
SANTA CLARA COUNTY, CALIFORNIA
## SHEET REVISIONS

### DATE

- January 29, 2020
- 01/02/2020 PER COUNTY EMAIL COMMENTS DATED 12/31/2019.

## LEGEND

- EXISTING CONDITIONS
- EXISTING BOUNDARY
- EDGE OF PAVEMENT
- EX FENCE
- EX WATER
- EX GAS
- EX STORM DRAIN INLET
- EX TREE TO BE REMOVED
- EX TREE TO REMAIN
- EX EASEMENT
- EX ELECTRICIANS
- EX SANITARY SEWER
- EX ELECTRICIERS
- EX WATER MAINS
- EX HANGER

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### Additional Notes

- APPROVAL BY: CHRISTOPHER RANCH, LLC.
- 01/02/2020 PER COUNTY EMAIL COMMENTS DATED 12/31/2019.
PRELIMINARY STORMWATER SIZING CALCULATIONS

Storm Water Management Notes:


2. This stormwater runoff management plan is conceptual and subject to revision based on final design and site-specific implementation testing.

3. Stormwater calculations were made using the "Stormwater Design Method" described in Sections II and III of the City of Morgan Hill Stormwater Management Manual. The project may use alternatives listed in the Morgan Hill Stormwater Manual as long as they meet the overall criteria and standards of the Management Plan.

4. All stormwater calculations shown herein are preliminary and subject to change during final design. The lead designer and stormwater control consultant may be contacted for assistance during design as all stormwater management plans must be consistent with the City of Gilroy and Corps of Engineers post-construction stormwater runoff standards.

Bioswale Design:

- Stormwater BMP, see details sheet
- Earth swale

Legend:

- Existing
- Boundary
- Face of curb
- Storm drain
- Water main
- Manhole
- Sidewalk
- Sanitary sewer
- Fire hydrant
- Handicap ramp
- Paved surface
- Crushed rock
- Crushed rock & asphalt
- Crushed rock & gravel
- Crushed rock & dirt
- Crushed rock & gravel & dirt
- Crushed rock & gravel & stone
- Crushed rock & gravel & asphalt
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PLANTING LEGEND

PLANTING NOTES:

1. Shrub layout as shown on plan indicates “shrub masses.” Quantities are as shown on legend, on existing planting as shown on legend. Contractor is responsible for calculating additional cost to the owner or may require a man-day design change due to existing conditions and potential changes during design. This could include but not be shown on grade or legend. Landscape architect to approve final layout at final project inspection.

2. Plants shown on plan will be determined where conditions allow for plant installation prior to final plant area specifications.

3. Contractor is responsible for providing and maintaining plant equipment, and installing species which are not available per plan and specifications.

4. Refer to planting specifications for irrigation/irrigation system design. Planting system design is to be installed per specifications prior to installation of plant materials.

5. Trees and shrubs shall be planted after concrete placement, but not before irrigation coverage test no. 1 has been approved. (see specifications).

6. Clean-up shall take place on a daily basis unless otherwise approved by the landscape architect.

7. The recommendations of the soil report shall supersede the soil amendment unless otherwise approved by the landscape architect.

8. Shrub layout as shown on plan indicates “shrub masses.” Quantities are as shown on legend, on existing planting as shown on legend. Contractor is responsible for calculating additional cost to the owner or may require a man-day design change due to existing conditions and potential changes during design. This could include but not be shown on grade or legend. Landscape architect to approve final layout at final project inspection.

9. Planting area shall be determined where conditions allow for plant installation prior to final plant area specifications.

10. REFER TO PLANTING SPECIFICATIONS FOR NATURAL PLANT SPECIES.

11. REFER TO PLANTING SPECIFICATIONS FOR NATURAL PLANT SPECIES.
**LIVING QUARTERS & INDOOR HZ 1**

- New 1 1/2" water meter per Civil Eng.
- Sleeves sized as needed.
- PLD-Loc fittings.

**JOB NO.**

- Approved SCH. 40 PVC Sleeves, sized 2X larger than pipe to be inserted, unless otherwise noted. Wire from above items.
- Approved building permit prior to construction.

**3. Connect dripline to supply tubing with footings.**
- Maintain a minimum of 12" clearance prepared and submitted to the County for.

**4. Locate flush valve at lowest and furthest sub-contractors for location of pipe sleeves installation**

**5. Mainline feeder between point of connection, racers, and landscape waterers to all material required by current water district.**
- Final location of the automatic controller enclosure and the backflow prevention device shall be approved by the county's and owner's representative, and/or landscape architect, where applicable.

**6. Mainline & lateral lines shown for clarity only.**
- Hunter ICV Series - 50 Electronic remote control valve, 50 PSI regulator, size as shown.

**7. In addition to the sleeves shown on the plan, the irrigation contractor shall be responsible sufficient size order of on-site areas prior to digging prior approval of the owner's representative. If required to operate systems.**
- In the event that this notification is not performed, the contractor shall be responsible for any required costs including costs for items not shown on the plans.

**8. Irrigation contractor shall flush all lines and adjust all tests for maximum performance and prevent overspray onto walks, streets, and buildings as much as possible.**
- This shall include installing the best cost-effective the irrigation system on any pavement or near non-viable area.

**9. Quality control observation sequences are found in the specifications.**
- Control observation number and date shall be submitted within 48 hours in advance for repetitive tests.

**10. Clean-up on a daily basis per owner's request.**
- Attend site and stop work at end of day.

**DATES**
- DATED 11/19/2019.
- DATED 12/31/2019.
- DATED 01/02/2020.
- DATED 01/21/2020.

**SYMBOLS AND MANUFACTURER**

**COMMUNICATIONS**
- Mailbox header between point of connection, racers, and landscape waterers to all material required by current water district.

**CONTRACTOR NOTE:**
- All subcontractors for location of pipe sleeves.
- Final location of the automatic controller enclosure and the backflow prevention device shall be approved by the county's and owner's representative, and/or landscape architect, where applicable.

**IRRIGATION NOTES:**

1. This system is diagrammatic, air, pipes, valves, etc. shown within sand areas are for design clarification only and shall be installed in actual areas wherever possible.
2. Do not willfully install the sprinkler system as indicated on the drawings when it is obvious in the field that unknown obstructions or grade deflections exist and should be brought to the attention of the irrigation designer immediately before system installation. In the event that the notification is not performed, the contractor shall assume full responsibility for revisions necessary.
3. System design is based on minimum pressures on site prior to construction to planting areas wherever possible.
4. To the responsibility of the irrigation contractor to furnish same with all grade differences, location of walls, house, trees, etc. They shall cooperate with the general contractor and other sub-contractors in the location of pipe sleeves through walls, under roads, paving and sidewalks.

**TOLERANCE OF GRADE:**
- Pipe sleeves, size as shown, miniature 1/8" cover.
- Sleeves, size as shown, miniature 1/8" cover.
- Irrigation contractor shall furnish same with all grade differences, location of walls, house, trees, etc. They shall cooperate with the general contractor and other sub-contractors in the location of pipe sleeves through walls, under roads, paving and sidewalks.

**All irrigation lines and equipment shown on this plan shall be to the satisfaction of the owner.**
- This plan is for show purposes only. Final construction documents shall be as approved by the owner.
- Final construction documents shall be as approved by the owner.
1/4" = 1'-0"

NORTH EXTERIOR ELEVATION

WEST EXTERIOR ELEVATION

EAST EXTERIOR ELEVATION

SOUTH EXTERIOR ELEVATION

LIVING QTRS EXTERIOR ELEVATIONS - BLDG 'A'
PROPOSED FLOOR PLAN

RICHARD PEDLEY
ARCHITECT
INTERIORS * PLANNING
547 MIDDLECREST RD
LAKE OSWEGO, OR 97034
Tel: 408.348.1966
Ca. Lic. No. C-14419

CABINET ELEVATION

SECTION THRU TYP. CABINET
Two bunk beds and two double lockers per unit

Housing Facility
935 Southside Dr
Gilroy, CA
# Statement of Exemption from the California Environmental Quality Act (CEQA)

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**Project Name**
Christopher Ranch Agricultural Employee Housing

**Project Type**
Agricultural

**Owner**
Christopher Ranch LLC.

**Applicant**
Joe Giacalone

**Project Location**
935 Southside Drive, Gilroy

**Project Description**
The proposed application is a Use Permit, Architecture and Site Approval, and Grading Approval for Long-Term Agricultural Employee housing and includes the retrofit of five (5) existing 3,600 square foot (sq.ft.) for permanent agricultural employee housing for up to 200 employees with an approximate 1,460 sq.ft. building for laundry/restroom use, an approximate 750 sq.ft. security trailer and a request for a reduction in parking proposed.

All development permits processed by the County Planning Office which require discretionary approval must be evaluated for compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended). Certain projects which meet criteria listed under CEQA may be deemed exempt from environmental review. The project described above has been evaluated by County Planning Staff under the provisions of CEQA and has been deemed to be exempt from any further environmental review per the provision(s) listed below.

**CEQA (Guidelines) Exemption Section:**
Section 15301, Existing Facilities (Class 1) for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use beyond that existing at the time of the lead agency's determination.

**Comments:**
Qualifies for exemption. Project includes no significant environmental impacts to retro-fit seven existing agricultural employee housing units.

**Prepared by:**
Valerie Negrete, Associate Planner

Signature __________________________ Date __________

Attachment: Attachment C - CEQA Statement of Exemption (100485 : Christopher Ranch Agricultural Employee Housing Use Permit)
COLOR BOARD

HOUSING FACILITY AT

935 SOUTHSIDE DR
GILROY, CA

COLOR #1
EXTERIOR WALLS
STUCCO WALLS
KELLY MOORE
'WISE OWL' KM1245-42
REFLECTIVITY VALUE 42%

COLOR #2
EXTERIOR TRIM
KELLY MOORE
'SWISS COFFEE' KM1245-23

COLOR #3
DOORS, DOOR FRAMES AND
WINDOWS FRAMES
KELLY MOORE
'SWISS COFFEE' KM1245-23

COLOR #4
FIBERGLASS ROOFING
CERTAINTEED 'FLINTASTIC SA
COLOR: WHITE

RICHARD PEDLEY ARCHITECT
DATE: February 27, 2020
TO: Planning Commission
FROM: Peggy Doyle, Deputy Clerk
SUBJECT: Receive Correspondence

RECOMMENDED ACTION
Receive correspondence.

ATTACHMENTS:
- Sargent Ranch Public Comments (PDF)
- Stanford GUP Public Comment (PDF)
- Assessor's Parcel No. 562-28-005 Public Comment (PDF)
Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

We call on you to uphold the indigenous rights of the Amah Mutsun Tribal Band to maintain and protect their religious and cultural sites as enshrined in the United Nations Declaration on the Right of the Indigenous Peoples. Preserving Juristac is a necessary and significant step in addressing the historical and continuing dispossession and destruction of the indigenous peoples of Santa Clara County.

--

Guillermo Sandoval

Orange, Ca 95028
Dear County of Santa Clara Officials,

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--

Sharat G. Lin
San Jose, CA 95112
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We call on you to uphold the indigenous rights of the Amah Mutsun Tribal Band to maintain and protect their religious and cultural sites as enshrined in the United Nations Declaration on the Right of the Indigenous Peoples. Preserving Juristac is a necessary and significant step in addressing the historical and continuing dispossession and destruction of the indigenous peoples of Santa Clara County.

--
Joshua Musial
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--

Peter Rasmussen
Santa Cruz, Ca 95062
Thank you. In solidarity
Dear County of Santa Clara Officials,

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--

Dominic Verutti

Marina, Ca 93933
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--

Jessica Terry
Sunnyvale, CA 94086
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--

David Troetschler
Corralitos, CA 95076

I believe it is irresponsible and unnecessary to put a quarry in this location.
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--
Chelsey Drake
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--
Kenny Mullen
Lodi, CA 95240
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--
Wes Bracken
San Luis Obispo, CA 93401
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--
Josephine Fox
SAN JOSE, California 95124
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--

Geoffrey Fox
San Jose, CA 95124
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--

Chika Okoye
Oakland, CA 94610
Dear County of Santa Clara Officials,

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--
Lori Fox
Burlingame, CA 94010
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--

Matt Darmalingum
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--

William Kramer
Belmont, California 94002
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--
Nancy Chang
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--

Anna Reeves
Sacramento, CA 95818
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--

Tim Mattson
San Jose, CA 95112
Ho-Chunk
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--

Kim Mavrinac

Windale, NSW 2306
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--
Angelica Cornejo
San Jose, CA 95112
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--
Gary Sanders
Visalia, Calif. 93277
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--
Alicia Hedges
Sunnyvale, CA 94087
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--

Mary Nordkvelle
EDINBORO, PA 16412
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--

Gwendolyn Forrest
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--

Louise Dunlap
Oakland, CA 94609
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--

Sarah Arain
SAN JOSE, California 95116

Are we in the stone age? No one wants a Quarry and it'll be an eyesore to look at for flyers. Oh yeah and environmental damage.
Dear County of Santa Clara Officials,

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--

Joshua Goldberg
Lkwungen Territory, aka 'victoria, bc, canada' V8Z 2X7
Here up north colonial governments are also not addressing the reality of wrong relationship with Indigenous lands and peoples. In this time there is great urgency to move away from being here as invaders and to come into respectful relationship.
Dear County of Santa Clara Officials,

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--

Mojgan Mahdizadeh
Santa Clara, CA 95054
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--

Juanita Rice
Lincoln, NE 68510
(Part-time Sacramento resident)
Dear County of Santa Clara Officials,

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--
Helen Cooluris
Fairfax, CA 94930
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--
Frances Neel
Martinsville, Virginia 24115
one small step for better at a time
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--
Rev. Meredith Anderson
Orwell, Vermont 05760
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--

Stephen Branz
Palo Alto, CA 94306
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--

Janet McDonnell  
Arlington Heights, IL 60004-4735
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--
Kathy Howell
Lexington, KY 40503
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--

Catherine Gao
San Jose, California 95120
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--

Gabriel Sandosham
San Jose, California 95112

I urge you to respect native land and indigenous rights.
Dear County of Santa Clara Officials,

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--

Shelby Parks
Denver, Co 80246
Dear County of Santa Clara Officials,

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--

Allison Solis
San Jose, CA 95112
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--
Vanessa Ramirez-flores
San Lorenzo, CA 94580-1733
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--
Jessica Hardy
Poteet, Texas 78065
Sacred places must be protected
Dear County of Santa Clara Officials,

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--

Nova Meurice

Stanford, CA 94305
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--
Sara Manning
Bishop, CA 93514
Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

We call on you to uphold the indigenous rights of the Amah Mutsun Tribal Band to maintain and protect their religious and cultural sites as enshrined in the United Nations Declaration on the Right of the Indigenous Peoples. Preserving Juristac is a necessary and significant step in addressing the historical and continuing dispossession and destruction of the indigenous peoples of Santa Clara County.

--
Allyson Magana
San Jose, CA 95112
Dear County of Santa Clara Officials,

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--

Justin Wilck

[Address redacted]

Stanford, California 94305
Dear County of Santa Clara Officials,

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--
Gloria Martinez
San Jose, CA 95112
Dear County of Santa Clara Officials,

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--

Rachael Wong
San Jose, CA 95112
Dear County of Santa Clara Officials,

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--

Sally Oh
San Francisco, CA 94131
Dear County of Santa Clara Officials,

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--
Nolan Pack
Oakland, CA 94601
Dear County of Santa Clara Officials,

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--
Erin Pang
Stanford, CA 94305
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--
Hannah Smith
Stanford, CA 94305
Dear County of Santa Clara Officials,

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--
Lia Kim-Woodward
Stanford, CA 94305
Dear County of Santa Clara Officials,

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--
Lois Mac
Dear County of Santa Clara Officials,

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--
Jennifer Lucero
San Francisco, Ca 94131
Dear County of Santa Clara Officials,

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--

Maria Castro
San Francisco, California 94158
Dear County of Santa Clara Officials,

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--

Sabrina Rigor
Santa Cruz, Ca 95062
Hi there,

I have been a San Jose resident for over 22 years. I am writing to inform you of my strong opinion that you deny approval of the Sargent Quarry Project and protect Juristac. I am sure you are aware of the centuries of egregious violations of Indigenous land rights in both the US and specifically in California. Please do not turn a blind eye and continue the oppression of the Amah Mutsun Tribal Band. There are plenty of places to build quarries, and yet somehow we always pick ones that are economically or spiritually significant to Indigenous folks and not to affluent white Californians (like me).

Do the right thing. Deny these permits, or do what you can to make sure they get denied. There is only one Juristac, and stopping the systematic erasure of Indigenous culture and people is up to you.

Thank you for your time,
Jessica Terry
Zip code 95138
Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

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--
Sarah Tang
Dear County of Santa Clara Officials,

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--
George Shaub
Ewing, NJ 08618-2541
Dear County of Santa Clara Officials,

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--
Annabel Anderson
Santa Cruz, CA
Dear Santa Clara County planning commission and Rob Eastwood,

This is Catherine, a current college student in the area and a resident in Almaden Valley. I'm reaching out to ask you to oppose the proposed Sargent Quarry Project, and protect Juristac (the sacred lands of the Amah Mutsun Tribal Band). I and many in my immediate community are opposed to the quarry project, and we do not want to see it continue. We hope to see you stand with the communities you represent, and oppose this project as well.

Warmly,

Catherine Gao (she/her)
Stanford University | Class of 2020
From: Mario Galvan
To: Planning Commission; BoardOperations
Subject: [EXTERNAL] Please Protect Amah Mutsun Sacred Grounds from Proposed Sargent Quarry
Date: Monday, February 10, 2020 8:02:39 AM

Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

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--
Mario Galvan
Dear County of Santa Clara Officials,

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--
Paul Colbert
Ranch Cordova, CA 95670
Dear County of Santa Clara Officials,

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--
Ashley Martin
Roseville, CA 95747
Dear County of Santa Clara Officials,

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--

Ethan Roos
94043
Dear County of Santa Clara Officials,

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--

Mora Rogers
Eugene, Oregon 97405
Dear County of Santa Clara Officials,

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--
Annette Hays
Santa Cruz, CA 95062
Dear County of Santa Clara Officials,

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--
Ana-Maria Perez
Ca
Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Alum Rock language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

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--

Sheila Smith  
Salinas, CA 93907
Dear County of Santa Clara Officials,

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--
andre salo

Adelaide, South Australia 5000
Cant these morons leave our sacred earth alone?
Dear County of Santa Clara Officials,

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--
Craig Wilson
Soquel, CA 95073
Dear County of Santa Clara Officials,

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--

Allyson Pimentel
Culver City, CA 90232
Dear Supervisors, Planning Commissioners, and Board/Planning Staff,

Please consider the enclosed letter and resolution opposing the Sargent Quarry Project.

Please make the letter and resolution of record as a statement of opposition to the project.

Please feel free to contact me if you have any questions.

Regards, Bill James
Santa Clara County Democratic Party Chair
February 13, 2020

Dear Santa Clara County Supervisors:

The Santa Clara County Democratic Party stands with the Amah Mutsun Tribal Band and its supporters, including environmental and community organizations, elected officials, and other civic leaders, in urging you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

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I enclose a Resolution adopted by the Santa Clara County Democratic Central Committee on this subject on July 11, 2019, and urge you to deny the Sargent Quarry Project when it comes before you for consideration, which it appears from the public record could occur sometime later this year.

Sincerely,

Bill James
Chair, Santa Clara County Democratic Party
chair@sccdp.org
Resolution to Protect Juristac

WHEREAS the Amah Mutsun Tribal Band is composed of descendants of Indigenous peoples who inhabited their ancestral lands in the Greater Monterey Bay region for thousands of years and hundreds of generations before they were forcibly removed and taken to Missions San Juan Bautista and Santa Cruz; who experienced three periods of colonization under Spanish, Mexican, and U.S. Californian rule, in which the colonizer attempted to dehumanize the Amah Mutsun and destroy their culture, spiritual beliefs, and environment, and in which the colonizer stole their land and waged genocide to the point that their population decreased by over 96%; and

WHEREAS the creation story of the Amah Mutsun tells them that it is their responsibility to take care of Mother Earth and all living things, and the surviving descendants of the Amah Mutsun are working to restore their indigenous knowledge and practices so they can honor their ancestors, fulfill their sacred obligation to Creator and heal from their historic trauma; and

WHEREAS the Sargent Ranch Management Company has applied to the County of Santa Clara (File #10747-15P), to obtain the permits necessary to commence operating a quarry that would destroy Juristac: the most sacred ceremonial site of the Amah Mutsun, the traditional home of their spiritual leader, and the location of known cultural resources, including burial grounds; and

WHEREAS the proposed quarry threatens to disrupt the natural ecosystem in an area that has remained relatively undeveloped for thousands of years, that is home to threatened and endangered species, that is an important wildlife corridor connecting the Santa Cruz, Gabilan, and Diablo Ranges, and that is situated within a sensitive watershed; while other areas of Juristac are already suffering environmental damage, including the use of injection technologies for oil extraction; therefore

BE IT RESOLVED that the Santa Clara County Democratic Party supports the efforts by the Amah Mutsun Tribal Band to protect their most sacred ceremonial site, Juristac, to restore their culture, and to recover from their historic trauma; and

BE IT FURTHER RESOLVED that the Santa Clara County Democratic Party urges the Santa Clara County Board of Supervisors, Planning Commissioners, and other relevant government agencies to affirm the cultural, spiritual, and conservation values of Juristac by denying Sargent Ranch Management Company the permits necessary to operate its proposed quarry; and will make this known to the Supervisors and other relevant agencies by letter before the end of July 2019.

Adopted by the Santa Clara County Democratic Central Committee on July 11, 2019
Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

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--

Lilah Penner Brown
San Jose, CA 95125
Dear County of Santa Clara Officials,

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--

Tom Newsom
Hollister, CA 95023
Dear County of Santa Clara Officials,

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--

Eda Benites
Orange, California 92868
Dear County of Santa Clara Officials,

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--

CORINA ARELLANO
SAN JOSE, CA 95128
Dear County of Santa Clara Officials,

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--

Julie Fukunaga
Dear County of Santa Clara Officials,

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--
Heather Sully
Santa Cruz, CA 95060

Native People deserve respect. The shameful history of their treatment is an unfortunate reality and reparations in the form of significant sites should be pursued.
Dear County of Santa Clara Officials,

We respectfully urge you to protect and preserve Mutsun cultural heritage by rejecting the proposed Sargent Quarry Project. The land threatened by the quarry, known as Juristac in the Mutsun language, is of immense cultural, historical, environmental and spiritual importance to the Amah Mutsun Tribal Band. Juristac is not an appropriate location for a sand and gravel quarry under any circumstances.

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--

Deborah Fetzer
Ben Lomond, CA 95005
Dear Commissioners - I listened to today’s comments and questions with great interest and was generally impressed with and appreciative of the effort, intelligence and commitment shown by the commissioners until the subject turned to traffic and the counting of trips in and out of “the cordon.”

When the discussion about trips and the cordon started up, it was clear to me that you all don’t have anything close to an accurate picture of the reality of traffic patterns and vehicle use in the area immediately surrounding Stanford. I’ve lived in Palo Alto (Birch St - literally across the street from the University) for fiftysix years. I have a very good picture.

There are two huge problems that affect traffic. One is the fact that Palo Alto (and Menlo Park and Los Altos and San Mateo and . . .) have not been building density housing. They aren’t even trying. The second one is the fact that people won’t use their bikes. I know this because I have been talking to people relentlessly about biking for decades. I ride my bike for about half of my transportation needs. Everywhere I go, people say, “Oh but that’s so dangerous! Be careful!” Took me a while to figure out, but their protestations were the excuses they tell themselves to justify their laziness in choosing to drive.

Relative to Palo Alto and Menlo Park and Los Altos and pretty much all of the rest of the bay area, when it comes to building housing and getting people out of their cars Stanford has done an amazing job. When the surrounding municipalities start hounding Stanford about the added traffic their development will bring and demanding a cap on trips, the hypocrisy makes me want to tear my hair out. Put a cordon around Palo Alto and start counting. Put a cordon around Menlo Park and start counting. If you want to cap trips in and out of Stanford then you’ve got to do it to Palo Alto and Menlo Park and Los Altos and so on and so forth.

Scrutinize every other aspect of that plan, but trying to cap the trips, in my opinion, is good water after bad.

Deb Goldeen, Palo Alto, 94306,
Hello Mr Stephens and Mr Girard,

As a reminder, we are a group of concern citizens that have been monitoring this situation for the last 10 years.

It appears that another deadline has passed (Dec 15, 2019) and the property still does not appear to be in compliance with both the agreement AND the addendums and extensions to the agreement.

We are very upset about this property and the county. The property owners have lived illegally on the property for almost 10 years putting our community at a higher risk of fire and allowing the owners to live on the property without paying their fair share of property taxes. The delays of enforcement are unheard of in any other county.

Although your office has claimed that the owner were not living on the property, the information we have received from neighboring properties can disprove that. And, now that the trailer has been finally moved to a foundation, a simple check of the septic system should confirm that the property is being used as a residence in direct violation of every agreement with the county.

Additionally, the property still does not appear to have satisfied the other elements required by the agreement. There are still parts of siding missing indicating that construction is not complete and/or up to current code. The former site of the trailer has not been regraded as per the agreement and the deck from that location still appears to be in place (and encroaching on another parcel). Last we saw there were still suspicious wiring and plumbing arrangements. We’re sure there are probably still more issues than we just stated. Lastly, the property seem to also be accumulating vehicles. The last chance someone was able to count, there were AT LEAST 8 vehicles in various states of drivability and registration status. The accumulation of debris, vehicles, and other brush is creating a public nuisance and a fire hazard.

The leniency and accommodation by your office is obviously not conducive to actually resolving the issues. The property owners appear to know that your office will continue to extend the deadlines and not fully inspect property at night and have used that to their advantage. Our community is extremely disappointed with the handling of this situation and that it continues to put our community in danger. This situation has taken way too long to resolve and has to end.

Please provide us with an update as soon as possible.

Thank you.