

**FILE NUMBER:** PLN22-006  
**SUBJECT:** Building Site Approval, Design Review (Tier II), Special Permit, and Grading Approval for a new single-family residence, ADU/JADU, animal shelter with three plumbing fixtures, seasonal agricultural employee housing, and associated improvements.  
**SITE LOCATION:** Old Calaveras Road, (APN:029-35-007)  
**DATE RECEIVED:** November 9, 2022

Responses to the Income letter R3. Please see our response in [Blue](#)

#### **PLANNING OFFICE**

Contact Joanna Wilk at (408) 299-5799, or [joanna.wilk@pln.sccogv.org](mailto:joanna.wilk@pln.sccogv.org) for information regarding the following items:

1. Please revise the visual simulation to include the revised design with the animal shelter and the seasonal agricultural housing and ALL retaining walls. Please include a visual simulation from the north of the subject property as well.

**Response:** As discussed on January 19, 2023, we have submitted a revised visual simulation, which includes the revised, livestock shelters and temporary agricultural housing and all retaining walls; including the retaining wall north of the ADU unit identified in the additional information letter.

As discussed in the 1/19/2023 meeting, we have added a visual simulation from the north of the subject property using a location on ‘Country Club Drive, Milpitas, CA’ we identified in the meeting (37°27'20"N 121°52'48"W@425 ft elevation called ViewPoint VP-10). The Milpitas Valley Floor is to the South of the property. To the North of the property are a golf course and a few houses on four roads which are mostly at higher elevations between 500’ and 600’ from sea level. The four roads are - County Club Drive (where the property is visible in a few places), Pebble Beach Court (which has no visibility to the property), Tularcitos Drive (where the property is visible in a few places) and Augusta Drive (which has no visibility to the property).

2. Please submit a revised grading justification form as the proposal has changed since the original submittal. Please explain the need for the grading utilized for the parking area for the seasonal agricultural employee housing, the new animal shelter, the berm on the western side of the home, and the fill under the driveways. Staff is looking for an explanation of how the grading is the *minimal* grading necessary for the proposed use.

**Response:** We have submitted a revised grading justification form, which includes all the changes like the livestock shelter and the temporary agricultural housing. As discussed in the meeting on January 19, 2023, we have removed the berm on the western side of the primary home and significantly reduced the fill on the driveways to the houses to reduce the grading quantity and to better integrate with the natural topography of the property.

Please also refer to sheet C6.1. We have looked at an alternate location at the property and determined that the proposed project is significantly lower grading necessary than any alternatives. Given the landlocked nature of this property and its distance from the county-maintained road the proposed approach is the minimum grading necessary for the proposed use while adhering to county regulations like the need of 22' access road for commercial agricultural operations.

3. The project scope has changed since the last submittal to include an animal shelter with a full bathroom (3 or more plumbing fixtures with a sink, toilet and shower) and seasonal agricultural housing. Both of which require two separate Special Permits. Please pay the additional invoiced fee in the Public Portal.

We would like to clarify that the proposed livestock shelter is part of our commercial non-residential agricultural livestock activities that is allowed by right in the HS zoning district. It is does not subject to the residential accessory structure regulation under section 4.20.020.I regarding three or more plumbing fixtures. Thus, we will not need a special permit for this use.

**Response:** As we had clarified in our response to the additional info letter R2 dated April 20, 2022, the proposed uses on the property includes a commercial agricultural activity in the form of a Livestock shelter and a RV to be used as a temp. agricultural housing to support this commercial agricultural activity. This activity includes rearing livestock, production and sale of Vermicompost / Organic Manure – Worm Castings and Spray. High quality worm castings made from organic feed and manure from special breed of livestock will be sold to local consumers. Also, premium quality bales of Orchard Grass will be sold to local consumers who are looking for nutritious fresh feed for their livestock.

As we have clarified above, the RV is a temporary agricultural residence, which is allowed as an over-the-counter application under section 4.10.385. We will be submitting this application as part of the response to this letter. Thus, we will not need a special permit for this use. This temporary agricultural residence is intended to be approved by the county for five years and will be removed after this time. It will be connected to the OWTS septic system which has been designed to include 300 gallons per day for this use and drinking water clearance for the well located on the property includes a connection for this RV.

4. Seasonal Ag Housing is only allowed on the property for 180 days of the year. The property owner shall declare the specific occupancy period dates for each housing unit annually and submit that information to the Planning Director by January 31 of each year. All such housing shall be removed from the site outside of the declared occupancy period dates. Please submit materials specifying what dates the seasonal agricultural employee housing will be onsite.

**Response: As we have clarified above, we are not proposing a seasonal ag housing, but a temporary agricultural residence. We understand that this will be permitted for a maximum of five years under section 4.10.385 and the RV will be removed from the property at the end of five years.**

5. All seasonal agricultural housing shall include on-site access to either individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom. Please submit materials noting where the seasonal agricultural workers will have access to the services cited above.

**Response: As we have clarified above, we are not proposing a seasonal ag housing, but a temporary agricultural residence.**

6. All seasonal agricultural housing facilities that generate wastewater shall be directly connected to approved water and wastewater systems that comply with the Ordinance Code. Please show on the site plan the wastewater systems associated with the seasonal agricultural residences.

**Response: As we have clarified above, we are not proposing a seasonal ag housing, but a temporary agricultural residence. The on-site wastewater treatment and disposal plan submitted last time included temporary agricultural housing with two bedrooms and a total of 300 gallons per day as part of our proposed waste water system. See sheet WW-1.**

7. Please note *how many* seasonal agricultural employee units will be located on the property. Where mobile homes and movable tiny homes are used for agricultural employee housing, additional state permitting requirements may apply under the Mobile Home Parks Act (Health & Safety Code § 18200 et seq.) or the Special Occupancy Parks Act (Health & Safety Code § 18860 et seq.) and regulations promulgated thereunder.

**Response: As we have clarified above, we are not proposing a seasonal ag housing, but one temporary agricultural residence.**

8. Seasonal agricultural housing units are permitted by utilizing Movable Tiny Homes. Please demonstrate how the seasonal agricultural units adhere to the following Movable Tiny Home regulations. Additional detail can be found on the Movable Tiny Home [checklist](#).

- a. Shall adhere to all setback, height, and floor area limitations pursuant to Section 4.10.015(D).
- b. Shall be a self-contained unit that complies with all State of California requirements, is constructed in compliance with American National Standards Institute (ANSI) 119.5 standard as certified by an accredited qualified third party inspector and is licensed and registered with the California Department of Motor Vehicles.
- c. Shall not move under its own power.
- d. Shall be no larger than allowed by state law for movement on public highways.
- e. Shall have at least 100 square feet of enclosed space.
- f. Shall be directly connected to an approved water source, an onsite wastewater treatment system or sanitary sewer system, and electric utilities. Holding tanks that are incorporated into the original design of the structure shall not be used for the purposes of waste storage and shall be directly connected to the approved onsite wastewater treatment system or sanitary sewer.
- g. The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- h. All wheels and leveling or support jacks shall sit on a surface acceptable to the County Building Official or designee. 9
- i. Mechanical equipment shall be incorporated into the original design of the structure, and shall not be located on the roof or added on to the exterior of the unit.
- j. Shall have the following design elements to maintain the character of the residential neighborhood:
  - i. Shall not include corrugated aluminum or fiberglass siding and shall not be a shipping container or cargo container.
  - ii. Shall use cladding and trim materials on the exterior of movable tiny homes for residential appearance and to provide adequate thermal insulation and weather resistance. Materials may include, but are not limited to, single piece composite, vinyl siding, laminates, or interlocked sheathing.
  - iii. Windows shall be at least double pane glass and labeled for building use and shall include exterior trim.

**Response: This is not applicable. As we have clarified above, we are not proposing a seasonal ag housing, but a two-bedroom RV to be used as a temporary agricultural residence.**

## **LAND DEVELOPMENT ENGINEERING**

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

9. Previously, it was unclear whether the proposed animal shelters were residential or non-residential in nature. Based on the current plans, the livestock shelter appears to be non-residential in nature, with a store, bathroom, and office. Based

on the non-residential nature of the animal shelter, the project is subject to NPDES Municipal Regional Permit (MRP) stormwater treatment requirements. Submit a C.3 Questionnaire and demonstrate how run-off from the regulated impervious areas (generally, the access road leading up to the animal shelter, the animal shelter, and any associated impervious area) is being addressed with regards to stormwater treatment. The C.3 Questionnaire is available on-line at: [https://stgenpln.blob.core.windows.net/document/Stormwater\\_CWP\\_Questionnaire\\_NC.pdf](https://stgenpln.blob.core.windows.net/document/Stormwater_CWP_Questionnaire_NC.pdf). (Note: Effective July 1, 2023, based on the newly adopted MRP, gravel and base rock surfaces will be considered impervious area. If conditional approval is not obtained prior to July 1, 2023, then the gravel parking area and gravel pad should be considered impervious.)

**Response: C.3 questionnaire has been submitted with this application outlining how the run-off from the regulated impervious areas (the access road leading up to the animal shelter, the animal shelter, and any associated impervious area) is being addressed with regards to stormwater treatment. The gravel parking area and gravel pad has been considered impervious in our calculations.**

10. The easement agreement shows the general location of the easements (Exhibit C); however, the agreement does not define the location of the easements. Provide easement documentation that includes metes and bounds to define and specify the location of the easements.

**Response: Plats and legals are being prepared for each proposed easement by Alpha Land Surveys. These will be submitted by 2<sup>nd</sup> week of April so that they can be reviewed and signed off by LDE as part of this re-submittals.**

11. Clarify how all impervious run-off leading up to the animal shelter is being routed to stormwater treatment. It's unclear where road run-off captured from the catch basins at approximately Sta 9+50 and beyond reach stormwater treatment.

**Response: Additional grading and drainage information has been provided to clarify intent of how impervious area runoff at the Animal shelter is routed to the bio-retention area. See revised Sheet C2.0**

12. Provide preliminary drainage calculations to demonstrate that the two existing infiltration ponds have capacity to serve not only as stormwater treatment, but also to mitigate the increase in run-off created by the new impervious areas. Per County drainage policy, increased run-off is to be mitigated such that post developed flows do not exceed pre-project peak rates for the 10-year and 100-year design storms. It's unclear whether the infiltration ponds have sufficient capacity to meet the mitigation requirement. In addition, the infiltration ponds are intended to provide stormwater treatment and run-off mitigation for the improvements associated with

County Record No. PLN20-125. Demonstrate that the infiltration ponds provide sufficient treatment and capacity for both projects

**Response: Preliminary calculations have been added to sheet C1.7. The increased runoff from the new access road increases the water elevation of the existing 15,400 square foot infiltration pond by less than an inch. Refer to sheet C1.7, detail 2 for the Santa Clara County approved stormwater calculation table. Storage volume that is required is 386 cubic feet. Based on the infiltration rate and the size of the existing infiltration pond, the increased height of runoff caused by the new access road is 3/4".**

**This volume is minimal due to the large existing infiltration pond area provided and the excellent infiltration rates found per the attached document 'Old Calaveras 2425 - Retention Pond Percolation Test 2021-03-19'.**

13. On Sheet C1.4, road improvements are shown extending beyond the 40-foot ingress/egress easement. Revise the plans (or easement) so that all proposed offsite improvements are contained within easements. If these improvements are within the emergency access easement, then show the location and limits of the emergency access easement.

**RESPONSE: Easement limits have been revised to include all proposed offsite improvements. See revised Sheet C1.4**

#### **DEPARTMENT OF ENVIRONMENTAL HEALTH**

Contact Darrin Lee at (408) 299-5748, or [darrin.lee@cep.sccgov.org](mailto:darrin.lee@cep.sccgov.org) for information regarding the following:

14. Septic feasibility testing results have been uploaded to Accela along with a septic design narrative. The required geotechnical report related to septic functionality and slope stability has been uploaded into Accela however the area addressed in this geotechnical report is not the same area as the proposed septic system and is thus incomplete. Please submit this geotechnical report and any required edits to Monica Huato (408)918-3451 [monica.huato@deh.sccgov.org](mailto:monica.huato@deh.sccgov.org) for review. This is a separate submittal to DEH and additional review fees may apply.

**Response: As part of our previous investigation of this site, we performed a supplemental test pit investigation by geologists of our staff to review the soils and geologic conditions. The attached Site Development Plan Figure 2 and Site Test Pit Location Plan Figure 3, shows the location of our investigation points for the entire site development. In the Barsana area, we performed three test pits, TP-8, TP-9, and TP-11. We excavated test pits using a rubber tire backhoe equipped with a 30-inch-wide bucket. The test pits were logged by a staff engineer with oversight by a Certified Engineering Geologist. Bulk samples were obtained for additional classification and lab testing as needed. We have also reviewed the soil profile logs and pictures at locations A1, A2 & A3**

prepared by Questa and used them as part of our evaluation. As you can see from Fig4, the area AA' evaluated for the leach field stability report passes right through A1, A2 & A3. Thus, our leach field stability report addresses the same area as the proposed septic system.

Please see fig 3, 4 & 5 in the attached report 'Leach field stability report'.

15. For the depicted well, contact Dept. of Environmental Health (Jeff Camp, 408918-3473) to obtain water clearance prior to Building Site Approval. Please see County of Santa Clara Standards and Policies Manual Vol.2 Section 1.3.3 B.1.

**Response: Drinking water clearance has been issued by Dept. of Environmental Health for the depicted well under application number SR0870798. Please see attached document 'Drinking water clearance SR0870798'. This clearance anticipates four connections which covers all proposed uses on the property; on connect each for:**

- Primary house
- ADU
- JADU
- RV Temporary Agricultural Residence

#### **FIRE MARSHAL**

Contact Alex Goff at [Alex.Goff@sccfd.gov](mailto:Alex.Goff@sccfd.gov) regarding the following:

16. Per last meeting, the site proposes a commercial Animal Shelter and Ag Housing near the entrance to the site. A standard fire hydrant is to be shown along the path of travel to these structures to ensure the hydrant is easily located if a fire were to occur. Currently, the only hydrant is located after these structures. Hydrant to be located within 400 ft. exterior path of travel to all portions of the structure.

**RESPONSE: Fire Hydrant has been relocated per last meeting with Alex Goff to be easier to locate. See revised Sheet C2.0. Hydrant is located within 400 ft. to all sides of Animal Shelter and ADU/JADU and has a hose laydown length of 575' to the furthest point of the main residence. During the meeting it was expressed that the hydrant placement (to be locatable) outweighed the hose laydown length to the main residence as long as they are within 600 ft exterior path of travel to all portions of all structures.**