

# County of Santa Clara

Department of Planning and Development  
Planning Office

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April 11, 2024

Pavagada Anil & Vijaya Datt  
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Fremont, CA  
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**\*\* SENT BY EMAIL ONLY \*\***

**FILE NUMBER:** PLN22-006  
**SUBJECT:** Building Site Approval, Design Review, Grading Approval, and Planning Clearance for a new single-family residence, ADU/JADU, livestock shelter, temporary agricultural employee housing, and associated improvements.  
**SITE LOCATION:** Old Calaveras Road, (APN:029-35-007)

Pavagada Anil & Vijaya Datt,

Please see a list of Additional Information regarding your Building Site Approval, Design Review, Grading Approval, and Planning Clearance for a new single-family residence, ADU/JADU, livestock shelter, temporary agricultural employee housing, and associated improvement. **These are informational items only and do not need to be addressed in order to deem the application complete.**

## ADDITIONAL INFORMATION/ AREAS OF CONCERN

*The items below are informational only. These items are not required to deem the application complete for processing.*

### PLANNING.

1. In order for Staff to make a favorable recommendation for the proposed development, Staff must find that the Grading Approval findings are met. As currently proposed, Staff cannot make a favorable recommendation for the proposed development due to conflicts with the required findings. Staff is concerned with the quantity of grading and the impacts the proposed grading has on the natural terrain of the hillside.

Grading Approval finding C12-433(a) states: *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*

Grading Approval finding C12-433(c) states: *Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.*

Grading Approval finding C12-433(e) states: *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.*

Grading Approval finding C12-433(f) states: *Grading conforms with any applicable general plan or specific plan policies.*

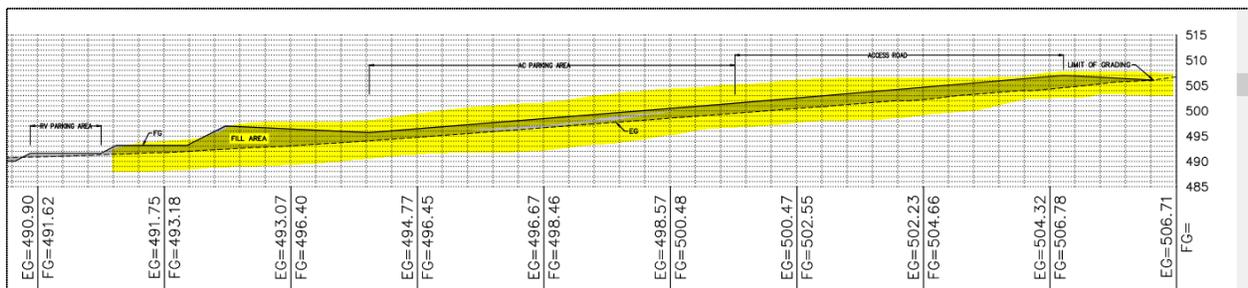
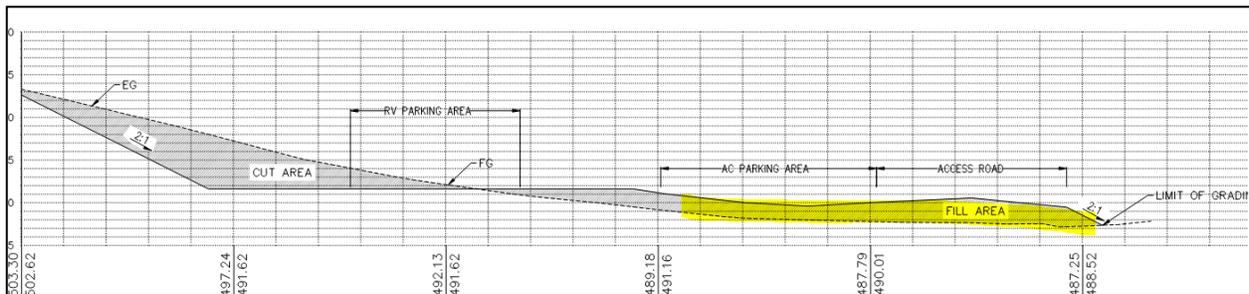
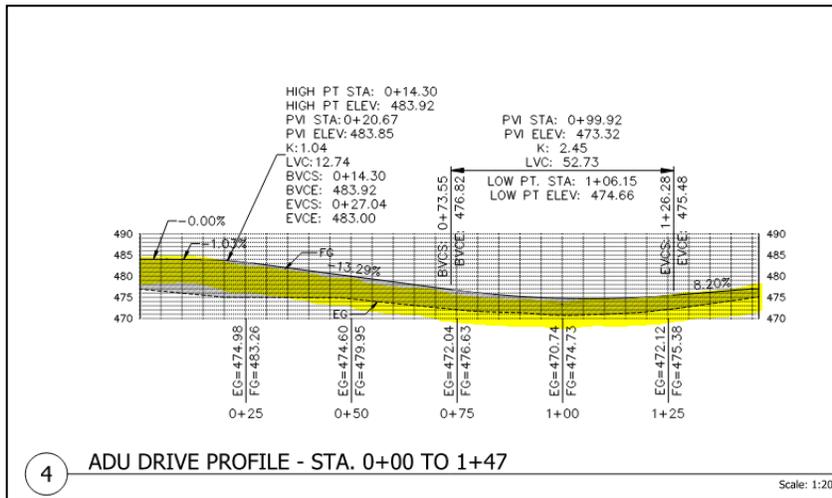
Grading Approval finding C12433(g) states: *Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.*

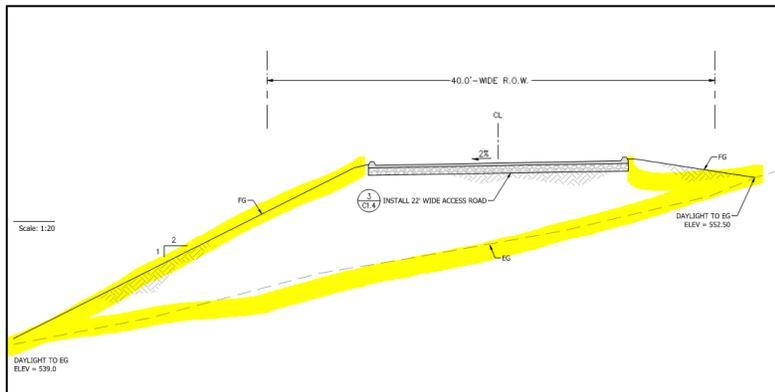
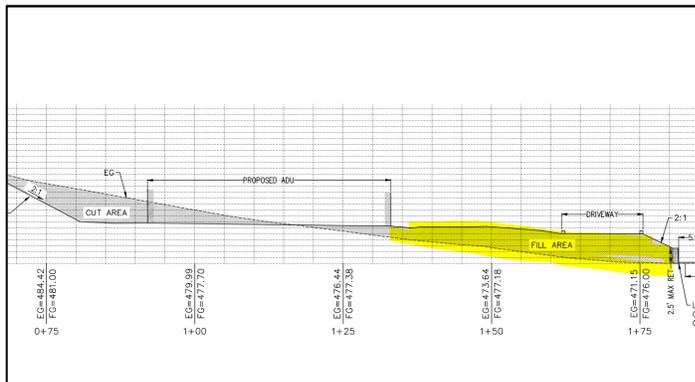
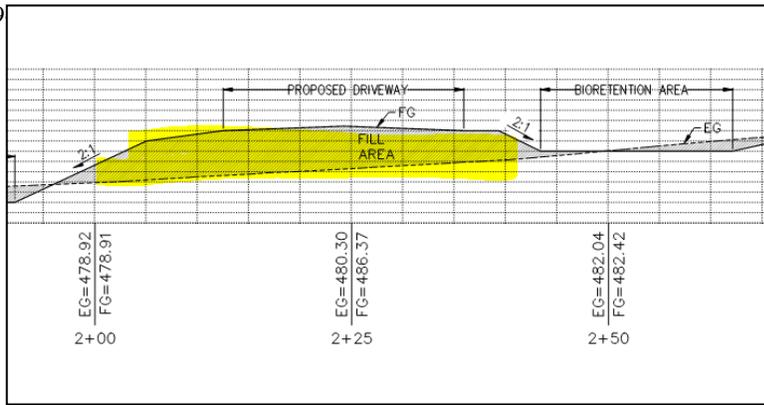
Portions of the proposed project do not meet these grading findings, each of which are discussed below.

Driveways

The proposed grading does not conform with these grading approval findings as there appears to be **excessive fill beneath the driveways** accessing the development site (refer to screen shots below). Please reduce the fill beneath the driveways so they are closest to grade as possible (refer to Guidelines for Grading and Hillside Development).

**NOTE:** If no members of the public are accessing the property, then the residential road width standard is a 15-foot driveway width. If this is the case, please reduce the driveway width so it meets the minimum requirement. This is applicable for all driveways, including the driveway utilized on APN: 029-34-004. Please refer to comment #1 of the incomplete letter.





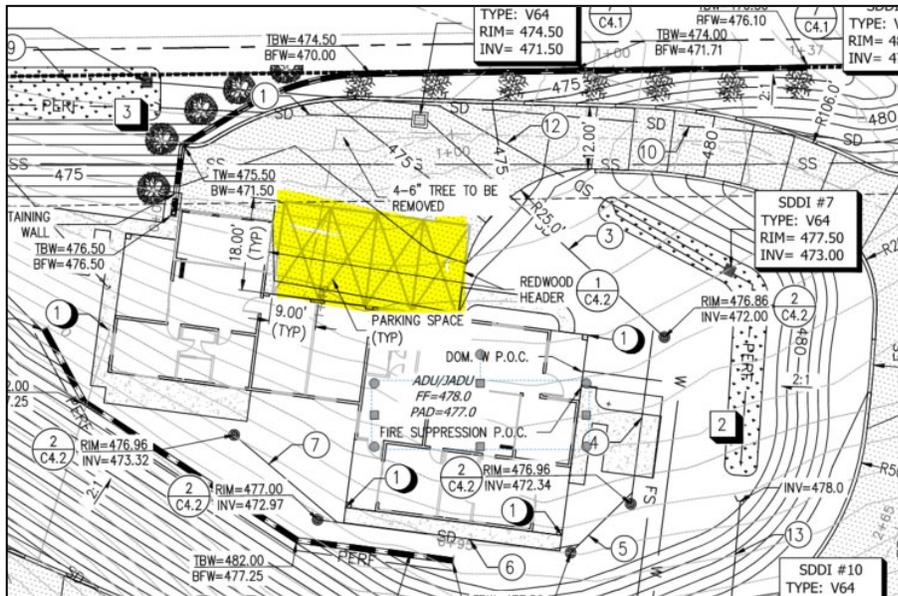
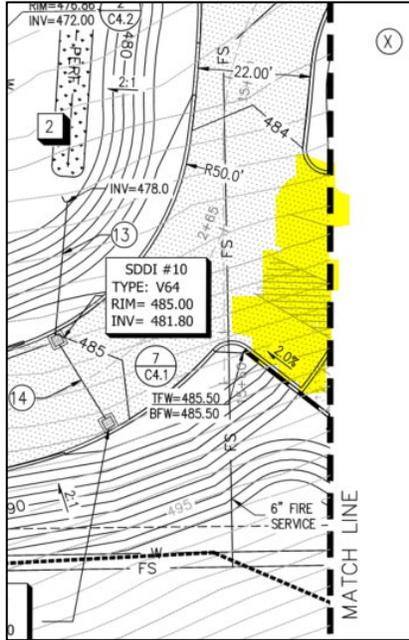
Temporary Agriculture Residence

Additionally, there are permanent cuts proposed for the temporary agricultural employee housing. Zoning Ordinance Section 4.10.385(D) notes that the Temporary Agriculture Residence shall be removed from the property no later than five years after the Planning Clearance is issued. Performing permanent cuts for a use that will not be present on the property in five years is not in conformance with Grading Ordinance finding C12-433(a). **In five years from the issuance of the Planning Clearance, no Temporary Agriculture Residence will be on the property, and therefore the proposed grading has no use associated with it.** As such, please propose a different location for the Temporary Agriculture Residence that requires minimal to no grading.

Parking Areas

General Plan Policy R-GD22 notes that grading may be approved if it is determined to be the **minimum necessary** given the various site characteristics, constraints and potential environmental impacts that may be involved. The proposed single-family residence, ADU and JADU require a total of three parking spaces total. The proposal includes three garages (attached and detached) and three graded parking areas. This is in excess of what

is the minimum necessary to establish the use on the property. Additionally, the creation of the parking areas (north of the ADU/JADU, west of the livestock shelter, and north of the Temporary Agriculture Residence area) results in excess cuts and fills that are not the minimum necessary for the use. Please revise the proposal to remove the parking areas and overall grading so it is in conformance with the General Plan. Refer to the below screenshots for the parking areas of concern.



2. Please remove the second kitchen in the main residence. Zoning Ordinance Code Section 2.10.030 notes that two-family residences or multi-family residences are multi-dwelling units within one structure that individually has their own kitchen. As such, the proposed single-family residence must clearly indicate on the plan set only one full kitchen.
3. Junior ADUs are limited to 500 square feet. The proposed Junior ADU is approximately 700 square feet as it includes the garage. Please revise the design of the Junior ADU so it conforms with Zoning Ordinance Code Section 2.10.030.

If you have any additional questions regarding these items, please call me at (408) 299-5799 or [joanna.wilk@pln.sccgov.org](mailto:joanna.wilk@pln.sccgov.org) to discuss or schedule an appointment.

Sincerely,



Joanna Wilk  
Senior Planner