

April 28, 2024

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)

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 15foot 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.

Response: The Livestock shelter is open to public and as noted by the county in the 'Preliminary Conditions of Approval' for 2/2/2024 hearing, LDE required the road to be 22' wide. We have also clarified this in our Additional info letter received as part of Incomplete Letter 2 in response to Comment 1 submitted on 4/20/2022.

The road width of 22ft is designed as per the guidance from LDE for the neighboring parcel Gokulam LLC (PLN-20-125) as part of incomplete letter1, Comment no. 26 saying that commercial agricultural uses need a road of width 22ft. Please find below the previous comment from LDE in **Green:**

26) Please demonstrate that the access road to the driveway shown on the plan conforms to County Standard Detail SD1 with a 22' width. Please include a driveway approach per SD4 that conforms to County standard slopes of less than 5% grade 20 feet from the edge of pavement or to the right of way, whichever is greater.

Please note that the overall grading quantity has slightly increased due to moving the Livestock shelter towards the south of the property based on discussions with the neighboring Golf Club and the county planner. In the hearing on 2/2, the zoning administrator urged us to work with the Golf club to address their concerns that the earlier location, though reducing the grading quantity, would have been constantly hit by golf balls being in the path of the nearby putting green. We subsequently met with them and then the county planner who requested us to submit our application with the changed location.

In addition, the Livestock shelter is open to public and thus needs an ADA parking spot that has less than 5% slope in all directions. The road to the north of the Livestock shelter has an uniform slope of around 8%. So, we updated the road height to the west of the new position of the Livestock Shelter so that the ADA parking provided here would be compliant.

Based on the discussion with Joanna and ED on 4/29/24, we are providing the fire marshal's comment that was included in the incomplete letter 2, which resulted in moving the fire department turnaround. Please find below the comment and our response:

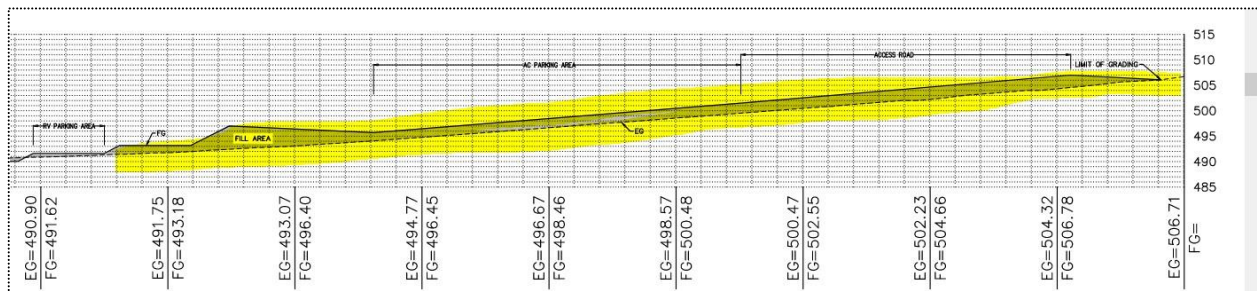
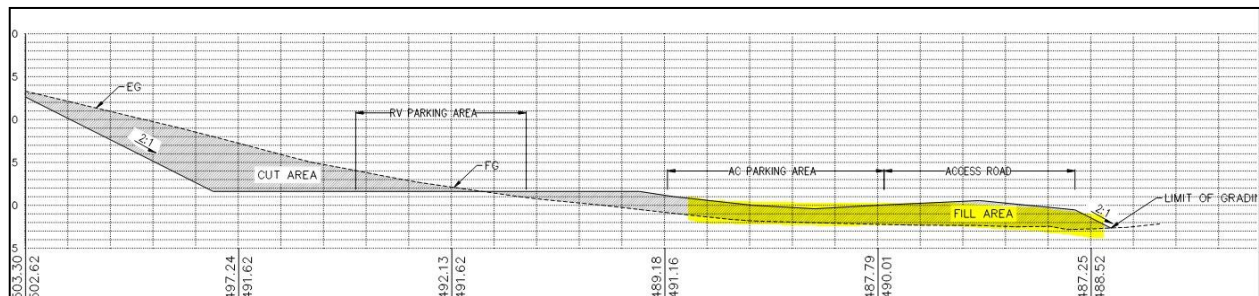
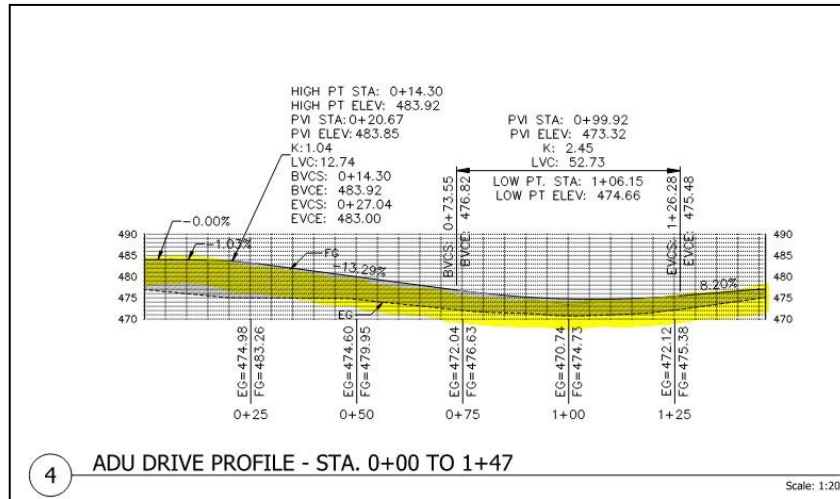
FIRE MARSHAL

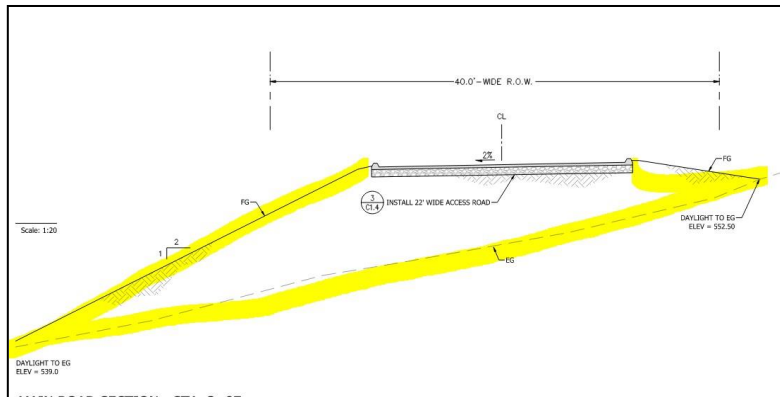
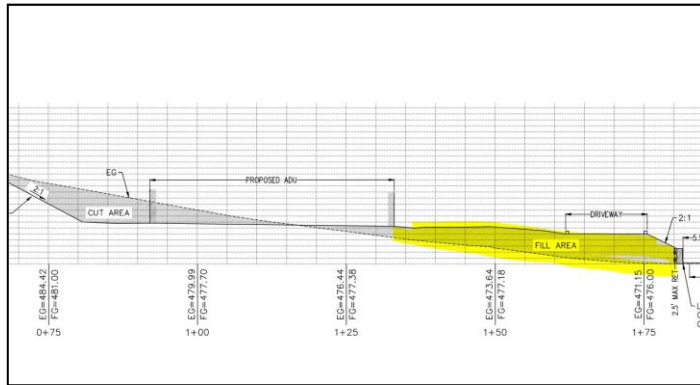
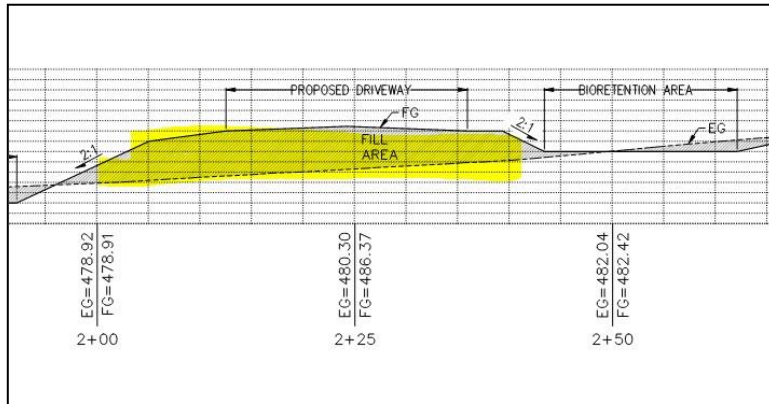
Contact Alex Goff at Alex.Goff@sccfd.gov regarding the following:

11. Fire department access is to be within 200 ft. exterior path of travel to all portions of a structure, this is currently being met. Fire department turnarounds are to be within 150 ft. exterior path of travel to all access area to reduce the amount of distance fire apparatus would need to reverse. Currently, a fire truck would need to reverse more than 150 ft. from the Main House to the turnaround. The distance between the structure and the turnaround would need to be reduced.

Property is located in the SRA and is also to meet PRC-4290. Per PRC-4290, all structures are to be within 50 ft. of a fire department turnaround.

Response: The fire truck turnaround location is changed and is within 50 ft to meet PRC-





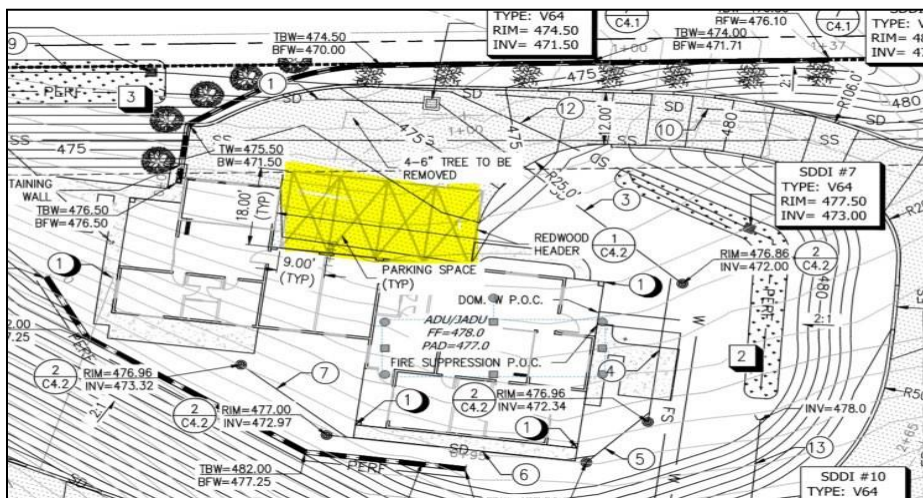
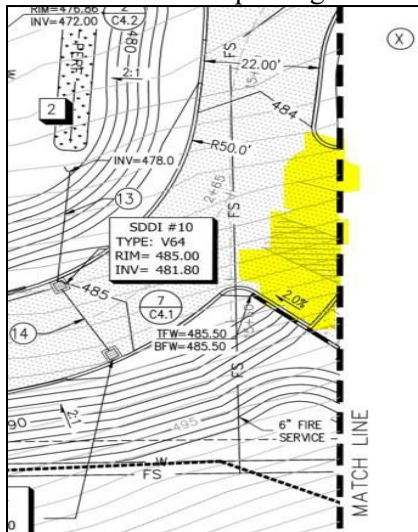
Temporary Agriculture Residence

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 C12433(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.

Response: Based on the discussion with Joanna and Ed on 4/29/24, we clarified that the graded pads adjacent to the Temporary Agricultural Residence will have permanent use for agricultural purposes such as growing herbs. Additionally, the pad containing the Temporary Agricultural Residence will also be utilized for the same purpose after the Temporary Agricultural Residence has been removed.

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.



Response: In response to your comment regarding the parking space near the ADU/JADU, we would like to clarify that we have created space to park two cars for the ADU and two cars for the JADU; two inside the garage and two outside away from the garage entrance. The rest of the driveway and road cannot be used as they are fire lanes and no parking is allowed. We have minimized the area here to what is needed to park and safely turn around.

Additionally, the clarification for the creation of the parking areas (north of the ADU/JADU, west of the livestock shelter, and north of the Temporary Agriculture Residence area) is as follows:

2 spaces for workers

15 for customers (3 per car x15=45)

- Includes 1 ADA compliant space, as it is a commercial building open to the public

1 space for the tractor

1 space for tractor equipment

1 space for the cow trailer

1 space for ATV/ trailer

The parking on the west side of the livestock shelter is the only parking that has less than a 5% slope suitable for ADA parking, and one ADA parking spot is shown there. The road in this area had to be raised to reduce the slope to less than 5% to comply with ADA regulations for parking.

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.

Response: The primary residence has only one full kitchen. The entertainment area is about 150 feet away from the kitchen and down a flight of stairs in the split level house. That is why a sink and heating area is shown here to entertain guests who will access the deck overlooking the golf course. It is not a full-fledged second 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.

Response: Per the zoning ordinance Code 4.10.015(D) 4, An attached garage or carport of up to 400 square feet in floor area may be incorporated in the design of a detached accessory dwelling unit, provided the dwelling portion of the building does not exceed the applicable maximum floor area for the detached accessory dwelling unit (1,200 square feet). Our design incorporates a 400 sft attached garage and the dwelling area of ADU is 1200 sft and JDAU is 500 sft. We are thus in compliance with the county ordinances.