

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)

RESPONSES TO INCOMPLETE LETTER – 7 ARE PROVIDED IN BLUE

PLANNING

Contact Joanna Wilk at joanna.wilk@pln.sccgov.org for information regarding the following items:

1. To gain a better understanding of the proposed sale and production of vermicompost associated with the livestock shelter, please provide a business management plan or project description on the proposed agricultural use. The business management plan or project description needs to specify the following.
 - a. Type of agricultural sales and processing proposed on the property (i.e., what kind of agricultural commodity is the applicant processing and selling?).

Response: As previously stated in our response letter to comment #1 in the additional information request for incomplete – 2, the activity in the livestock shelter includes 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 a nutritious fresh feed for their livestock.

The livestock structure also includes a greenhouse within. We will be growing herbs and flowers in the greenhouse.

- b. Hours and frequency of the agricultural sales and processing per week.

Response: b. Hours and frequency of the agricultural sales and processing per week is as follows:

Type	Hours	Day	Employees / volunteers	Customers	Total
Agricultural Sales and processing	7am to 1pm & 4pm to 8pm	Monday to Friday	2	4	6
	7am to 8pm	Saturday	2	45	47
	7am to 8pm	Sunday	2	4	6

- c. Are the public coming to property for the agricultural sales activities? If yes, provide the estimated amount of people per day and weekend during operational hours.

Response: Yes, The public will be visiting the property for agricultural sales activities. Please refer to the above table for the estimated number of people visiting per day and weekend during operational hours. All our operations will be by appointment only and we will be using this appointment system to ensure that the daily limits proposed above are adhered to.

This is consistent with our approved drinking water clearance SR0870798 and regularly serves an average of less than 25 individuals daily. If the number is found to serve 25 people or more for at least 60 days out of the year property-wide, then we will be applying for the public water system from California state water board . This is also consistent with the approved preliminary OWTS design shown on sheet WW-1

- d. Number of staff (if any) proposed for the agricultural sales and processing.

Response: There will be 2 employees / volunteers on all days of the week to take care of the agricultural sales and processing.

- e. Amount of parking spaces proposed for the agricultural sales and processing.

This information is needed to determine the required width of the driveways, parking requirements, and impacts to California Environmental Quality Act (CEQA) review.

Response: The proposed number of parking spaces for agricultural sales and processing 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

We have called out the above parking areas in the planset. We have also added the parking table. Please refer to the sheet C2.0.

2. Provide a completed [Color Samples board form](#) for the proposed structures.

Response: We have attached the completed color samples board form for the proposed structures. Please refer to the attachment 'DR_ColorMatBoard'

3. Provide a separate landscaping plan for the vines, shrubs, and trees utilized to screen the proposed structures from the neighboring property to the north. Additionally, to minimize visibility of the proposed development from neighboring properties and the valley floor, include the following on the landscape plan:

- a. The placement of four (4) 24-inch box trees that are native, drought-tolerant, and evergreen located to the north of the proposed residence to screen the structure from the neighboring property.
- b. The planting of shrubs and vines along the northern exposed retaining walls to minimize the visibility from the northern neighboring property.

Response: We will provide the landscaping plan during the building permit phase, as the proposed landscaping development is less than 500 sqft. The landscaping plan will include vines, shrubs, and (4) 24-inch box trees that are native, drought-tolerant and evergreen used to screen the proposed structures from the neighboring property to the north. However, as part of the response to comment # 1b in the additional information letter R5, we have already provided the botanical names for the vines and shrubs (Sheet number C1.0 & C2.0), We are providing the names here for your immediate reference:

Vines: *Campsis radicans*

Shrubs: *Nerium oleander*

- c. The planting of fruit trees along the driveway accessing the proposed development to minimize visibility from the valley floor, as shown on sheets C1.2, C1.3, and C1.24 of the approved site plan.

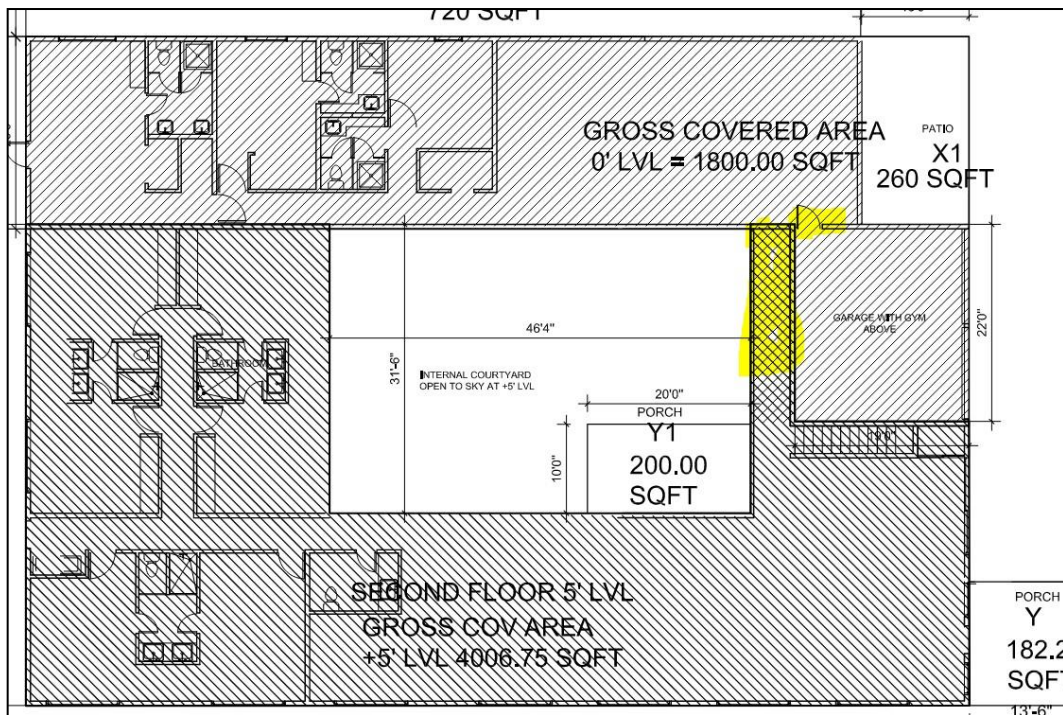
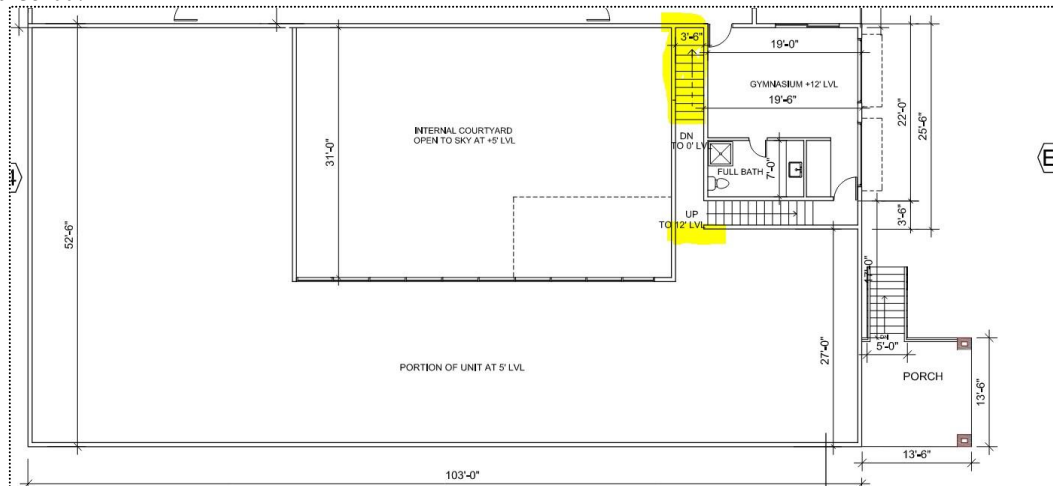
Response: The fruit trees that are proposed to screen the portion of the driveway is done as part of the development of orchard in the neighboring land (Gokulam APN 029 34 004) which falls under commercial Agriculture use and is exempted from Landscape plan submission per Santa Clara Ordinance Section 490.1.(c)(2).

(c) This division shall not apply to

(2) Any commercial or educational cultivation of agricultural products, including but not limited to, products of farms, orchards, production nurseries and forests.

This response was provided in the previous incomplete letter comment #1 of Incomplete letter – 2 which was submitted and agreed upon by you.

4. On the floor plan and the floor area calculations, please clarify how the garage gains access to the living room floor. The stair accesses shown on the screen shots below are confusing. An understanding of where they go and to what floors is needed to verify the floor area.



Response: The proposed primary house is a split-level home. Staircase 1 provides access from level 0 to level 5, as there is a 5-foot difference between these levels. Additionally, level 12 is also a split-level home, and staircase 2 is required to access from level 5 to level 12.

LAND DEVELOPMENT ENGINEERING

Contact Ed Duazo at ed.duazo@pln.sccgov.org for information regarding the following items:

1. To help clarify the changes in the proposed grading quantities, please provide a narrative explanation of the changes. In addition, clarify why, in the earthwork summary table, additional line items and grading quantities have been provided for “Main Residence Site Grading & Driveway” and “Livestock and

Greenhouse Shed Site Grading and Dwy.” Was the grading associated with this work embedded in different line items in the previous plans?

Response: This is to clarify that in the latest submission, we have separated the grading quantities into two categories: Building + 5 feet perimeter and ‘site grading and driveway’. This was done based on the county feedback provided for the grading permit application for the neighboring parcel, as it is required to be shown during the grading permit for this application. All the grading associated with this application was previously shown, but now it is presented as a separate item to align with county requirements.

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 2/2/2024, 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.

2. For the access road on APN: 029-34-004, a portion of the roadway appears to have been re-aligned; however, this has resulted in larger grading quantities and taller cuts/fills.

Response: We have an easement with Gokulam LLC (APN 029-34-004), which is considered a right of way and requires a 30ft setback from any structures to meet county regulations. In the application PLN 23-144 for a primary residence on the neighboring Gokulam property, LDE Darrel Wong gave a comment (see below) to maintain 30’ setback from our proposed right of way to the proposed structure. This resulted in the realignment of the road and a change in the height of the road. This adjustment was necessary to comply with county requirements and is a non-discretionary item. Due to the 30ft setback requirement from the property line the house cannot be moved in any direction (north or west) as it is bound by this setback. The only option we had was to realign the roadway to achieve the 30ft setback.

Please see the comment received from Darrel Wong for the application PLN 23-144 in the incomplete letter 1 and the response below in green:

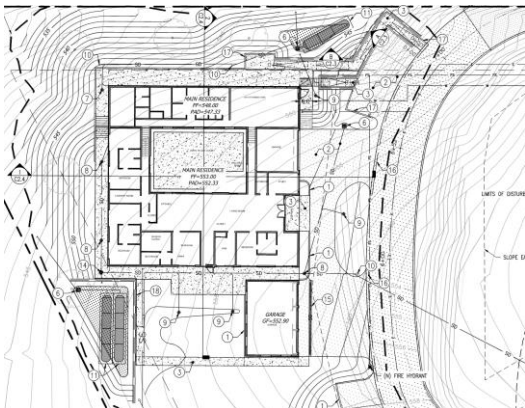
20. Please verify that the main residence meets the setback requirements of the zoning ordinance as it appears to be located adjacent to the 40’ wide EVAE, PUE & PAE.

Response: Based on the discussion with Lu Lu and Darrell Wong on 11/12/2023 We have made the following modifications to meet the setback requirements of the zoning ordinance.

- We are proposing to reduce our EVA easement to our neighbor Barsana LLC from the current 40’ to 22’ needed for their commercial livestock shelter access road.
- We are proposing changing the alignment of this 22’ access road and EVA easement as shown in sheet C1.5.
- Then, the Primary residence will be outside the 30’ setback from the 22’ EVA easement as shown in sheet C2.1

- We have relocated the detached garage to the new location to the south of the primary residence as shown so that it is also outside the 30' setback from the 22' EVA easement.
- Please note that less than 6' of the staircase in the Northeast corner of the Primary residence to the parking area will encroach into the 30' setback as allowed by county regulations.
- According to the Santa Clara County municode 4.20.110.3, retaining walls within the setback area are exempt from setback requirements for the ADA ramp. Therefore, we have not removed the retaining walls coming from the road to the main residence patio, as it serves as an ADA ramp. Please refer to the screenshot below of the county ordinance:.

3. *Accommodation for disabled.* Wheelchair ramps, elevators, mechanical access devices and other structures intended to facilitate access for the disabled may be **exempted** from **setback** requirements or other development standards, permit requirements or building regulations, pursuant to the County's procedures for "Requests for Reasonable Accommodation" as defined in the County of Santa Clara Housing Element; Appendix 4 of the General Plan, and applicable state and federal regulations.



In addition, the road on APN: 029-35-007 has increased in both grading quantities and cut height. Clarify the purpose of the proposed road alignment and elevation revisions. Are these changes necessary to support the revisions being made to the livestock/ greenhouse shed area.

Response: 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.

3. Please revise all affected section details. For example, Detail 4/C1.5 appears to have been unchanged, even though the road was re-aligned in this area and the conform elevations should be different.

Response: Detail 4/C1.5 was the only section detail affected by the road realignment. This detail has been updated to reflect these changes.

4. Per Sheet C1.7, the impervious area has increased, and the calculated storage elevation has risen. Revise Section 1/C1.7 to reflect the revised storage elevation.

Response: Section 1 on Sheet C1.7 has been revised to reflect the revised storage elevation.

5. In the Sections (1 and 2) on Sheet C3.3, locate property line to clarify how the revised grading will meet grading setbacks (5-feet from property line). Based on the revised sections, the conform with existing grade has moved closer to the neighboring property line.

Response: Sections 1 and 2 now show property line. Limits of grading for both sections are more than five feet from the property line. See Sheet C3.3.