

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



January 26, 2023

Pavagada Anil and Vijay Datt

Gokulam LLC

680 East Calaveras Blvd

Milpitas, CA 95035

FILE NUMBER: PLN22-234

SUBJECT: Special Permit and Design Review Application for Small Scale Permanent Agricultural Employee Housing

SITE LOCATION: 2425 Old Calaveras Road, Milpitas 95035 (APN: 029-34-004)

DATE RECEIVED: December 27, 2022

Dear Pavagada Anil and Vijay Datt,

Your application for a Special Permit and Design Review was received on the above date and is deemed **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made via the internet, to do so, follow the instructions at the following URL: <https://plandev.sccgov.org/how/apply-permit/planning-resubmittal-procedures>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and/or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that item. He or she represents a specialty or office and can provide details about the requested information.

AS NOTED ABOVE, PRIOR TO RESUBMITTAL PLEASE E-MAIL ME TO DISCUSS THE PROCESS.

Please submit all electronic copies of the revised plans/resubmittal documents (PDF) with a written response letter addressing each incomplete comment.

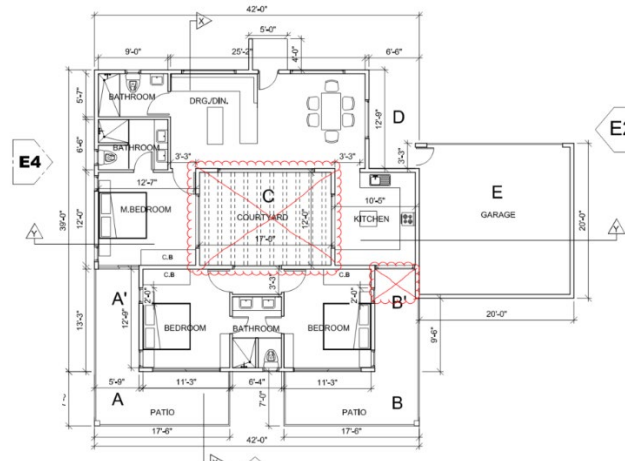
PLANNING OFFICE

Contact your Project Planner Parya Seif at (408)299-5783 or parya.seif@pln.sccgov.org regarding the following comments:

Plan Set

1. The submitted plan set is incomplete as it does not provide a project description on Sheet C0.1. Please clearly describe all the proposed buildings, structures and improvement in this application.
2. The submitted site plan does not provide consistent information on page C0.1, C1.1, SS1, and H1 regarding the proposed/existing improvement. Please remove all the unapproved/future improvements from your plan set to prevent any confusion and clearly label all the existing buildings/improvements with (E) and Proposed Buildings/improvements with (N).
3. The submitted plan set is not properly scaled. Note that the measurements cannot be done if the scaling is off. As such, please submit properly scaled plan set.
4. The submitted site plan does not provide information about the height of fences. Please identify the height of the existing/proposed fences on your site plan.
5. The floor area of the proposed agricultural housing is not correctly calculated. Please update the floor area calculation on Sheet A01 to include the area of the covered porch (~20 sq.ft.) and Courtyard (204 sq.ft.) [shown in the bellow picture]. As per the County of Santa Clara Zoning Ordinance section §1.30.030, "floor area" includes "the total area of any attached garage, and any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls."

Note: Per Section 4.10.040(C), individual units used as small scale permanent agricultural employee housing shall not exceed 1,200 square feet.



Elevation

6. The submitted colored elevations do not provide enough information for the staff to review the elevations of the project. Please provide uncolored elevation drawings and update your drawings with following information.

7. Revise the elevation drawings of the proposed building on Sheet A03, A04, and A05 to indicate the final grade level and correct where the building height is being measured from. Per Section 1.30 of the Zoning Ordinance, building height is measured as the vertical distance from the final grade to the top of a building or structure. The elevation drawings appear to measure the building height from the finished floor level.

Note: The elevation measurement shall be indicated by a vertical line showing the top point and the bottom point of the measurement.

8. Update the spot point elevation on Sheet A03, A04, and A05 to represent the actual elevation according to the submitted civil plans. Please make sure that the scaling and point of measurements are correctly represented.
9. Identify height of ridgeline for all elevation plans. Note that the grade elevations on the architectural sheets shall be consistent with the grade elevations on the civil sheets.

Tree Removal Information

10. Please provide a tree removal plan to identify the common names, trunk sizes, and canopy profiles of all trees proposed to be removed and a tree removal summary table in the recommended format below on Sheet C1.1 of the proposed plan set or provide a note on the Sheet that no tree removal is proposed. Please note that tree replacement will be required based on the sizes and species of the removed trees (for the replacement ratio, refer to comment #12 in the Policy Issue Letter).

Tree Removal Summary		
Tree Number	Common Name	DBH (inches)
1		
2		
3		

11. Please provide the species and trunk sizes of all existing trees in table format if the proposed improvements, including the driveways and accessory structures, extend into the dripline of existing trees. According to *Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications* (see enclosed document), a report prepared by an ISA certified arborist is required to provide assessment for all existing trees if the proposed construction is located within the driplines of the trees. The arborist report shall also provide recommendations or mitigation measures for tree protection from pre-construction through post-construction.

Design Review

12. As part of the requirements for Design Review in the Milpitas Hillside (-d2), submit color samples that show manufacturer specifications to ensure the Light Reflective Value (LRV) on the paint swatches have a value of 45 LRV or less per Section 3.20.050(C). Please note, the zoning administrator may additionally specify subdued chroma (color saturation) for a structure deemed to have high visibility. Color/paint samples are required prior to deeming

the Design Review application and project complete. You can find the form at the following weblink: [DR_ColorMatBoard.pdf \(windows.net\)](#)

13. Please specify if outdoor lighting is proposed. If no outdoor lighting is proposed with this application, please include a note on Sheet C1.1 of the plans stating that no outdoor lighting is proposed.
14. Your submitted visual simulation documents proposes planting of 16 trees to mitigate the visibility of the proposed structures from the valley floor. As such, please show the location, type, and size of the proposed trees on the site plan.

Violations or Conflicts of Laws

15. The subject property has a verified violation (VIO19-00082). County Zoning Ordinance § 5.20.140 states that the decision-making body may deny an application for any permit or approval if there is a recorded notice of violation for any zoning, grading, building code, housing code, or other land use violation on the property. Pursuant to the County Ordinance Code C1-71, due to the existing violations on the property, the requested Special Permit and Design Review (d2) may not be issued until all violations have been expunged or a compliance agreement covering all violations has been finalized.

LAND DEVELOPMENT ENGINEERING

Contact Darrell Wong at (408)-299-5735, darrell.wong@pln.sccgov.org regarding the following:

16. Apply for a Grading Permit for your development.
17. Submit a completed San Francisco Bay Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans. This project is a part of a larger common plan of development and its impervious area (not single family residential) shall be combined with the impervious areas of the other portions of the project when calculating stormwater treatment requirements. The stormwater treatment measures shall be clearly shown on the plans with all necessary grading reflected. **Please note that requirements for the SF Bay watershed will change for projects not approved by June 30, 2023, for all projects that have not yet obtained approval by that date.**
18. Show the location of the future subdivided lots with all future easements required to support the proposed development. If the subdivision is no longer proposed, it doesn't need to be shown on the plans.
19. Clearly identify what improvements are a part of this development proposal and distinguish them from those proposed as a part of a separate development proposal. The utilities, specifically water service, shall be specified what improvements are associated with what development proposal.

ROADS AND AIRPORTS

Contact Leo Camacho at (408)-299-5780, leo.camacho@rda.sccgov.org regarding the following:

20. Old Calaveras Road has a Future Width Line (FWL) for a 30-foot half street width (60-foot full street). A curvilinear dedication to public right-of-way will be required.
21. Provide a Sight Distance Analysis (SDA) for both driveway approaches. The SDA shall be based on County Standard driveway approach layouts consistent with Caltrans Highway Design Manual Section 200 and prepared by a licensed civil engineer demonstrating adequate stopping sight distance in both directions is available. The SDA is to include the following: (a) The design speed used to determine the stopping sight distance; (b) The basis of the design speed, i.e., the engineer's statement that he/she has determined the speed by driving the section of roadway or the engineer's calculation of the speed based upon the existing measured roadway geometry; (c) The limits of any obstruction(s) to be removed between the edge of pavement and the sight line.
22. As a result of the SDA, indicate on plans if any conflicts will require mitigation, such as tree or shrub removal, fence removal, or additional grading.
23. Indicate on plans the existing barbwire fencing at the east driveway (as shown on plan sheet C2). This fencing in the travel way of the ROW is considered a hazard and will be required to be removed to outside of the ROW.
24. Gates, fences, retaining walls, fixed appurtenances, etc. shall be located outside the limits of the County maintained road right-of-way (ROW). If any items must remain in the ROW a Maintenance and Indemnification Agreement (MIA) recorded against the property will be required. Non-breakaway fixed appurtenances must be located outside the ROW (will not be permitted to be retained under an MIA). Indicate on plans the intent of any existing or future items in the ROW.

FIRE MARSHAL OFFICE

Contact Alex Goff at (408) 299-5763 or alex.goff@sccfd.org regarding the following:

25. Plans are to clarify fire hydrant location as plans appear to show 2 different locations (sheet 7 of 20 differs from sheet 20 of 20). Ensure that the hydrant is located in the path of travel to the structures, is at a 20 ft. drivable width and will be kept clear and accessible at all times.
 - a) Sheet 7 appears to show a hydrant behind parking spaces, this wouldn't be accessible at all times.
 - b) Sheet 20 doesn't appear to show a hydrant in the path of travel to the house.
26. The proposed water tank shows different sizes on different sheets, all sheets are to match. An example is sheet 2 of 20 shows a 209,292 gallon tank for Fire and a 10,000 gallon Domestic tank, sheet 17 of 20 shows a 158,368 gallon Fire tank and a 10,000 gallon Domestic tank and sheet 20 of 20 shows a 128,427 gallon Fire tank (no 10,000 gallon Domestic tank).
27. Clarify how the tank was sized as the Fire Tank Calculation Report shows 89,654 gallons is required for Fire. However, it appears that some information including the Occupancy

Hazard Classification Number may be incorrect (a 6 was used, but a Commercial Barn is listed as a 4).

CALFIRE

Contact Carlos Alcantar at carlos.alcantar@fire.ca.gov for information regarding the following items.

This project is located within the State Responsibility Area (SRA) and is recommended to follow all minimum wildfire protection standards of **California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 - Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5.**

28. **Access:** Ensure existing road that leads to the new fire access road is to be designed and constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping to the new fire access road per § 1273.01.

Article 2 Emergency Access and Egress

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

- a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.
- b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.
 - 1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.
 - 2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.
- c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

29. **Defensible Space:** Maintain defensible space specifications described in Public Resource Code 4291

§ 1276.01. Setback for Structure Defensible Space.

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet and discuss my comments regarding the project.

Please make sure the requested changes are made for the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project planner.** If the requested information is not submitted within **180 days**, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of this letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

If you have questions regarding the application, please contact me at (408)299-5783 or parya.seif@pln.sccgov.org.

Sincerely,

Parya Seif

Parya Seif
Associate Planner

cc:

Robert Salisbury, Senior Planner
Samuel Gutierrez, Principal Planner