

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



****Via Email Only****

January 26, 2023

Gokulam LLC

deepa.prashanth@ihf-usa.org

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,

Staff has reviewed your application documents, submitted on December 27, 2022, and would like to provide staff's assessment of the proposed project with respect to the County General Plan, Zoning Ordinance, and Design review guideline.

The information in this section is/are not incomplete item(s) and are not required to deem the application complete for processing. The information in this section is informational only and can be discussed further if desired with the County Staff.

PLANNING OFFICE

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

Agricultural Employee Housing

1. Note that uses classified as *Small Scaled Agricultural Employee Housing* shall comply with all requirements of the section 4.10.40. As such, if your project is approved, the following comments (#2 to #5) will be provided as the conditions of approval.
2. The owner of each parcel containing agricultural employee housing shall submit a completed annual verification form to the Department of Planning and Development no later than January 31 of each year.
3. For permanent agricultural employee housing, a notice shall be recorded pursuant to § 5.20.125 that such housing shall be used only for agricultural employee housing and the conditions and requirements applicable to such use. A property owner shall also provide written disclosure of all such conditions and requirements before any sale, lease or financing of the property.

4. Any owner or operator of agricultural employee housing shall comply with all state and federal requirements applicable to such housing, including but not limited to the following:
 - I. Where required by state law, a person intending to operate agricultural employee housing shall obtain and maintain a permit to operate (or exemption) from the California Department of Housing and Community Development pursuant to the Employee Housing Act (Health & Safety Code §17000 et seq.) and regulations promulgated thereunder (California Code of Regulations, Title 25, § 600 et seq.).
5. If permanent agricultural employee housing ceases to be occupied by agricultural employees for more than two consecutive calendar years then such housing and ancillary facilities shall be removed from the property within six months and the property owner may be subject to administrative citations, administrative fines, or other enforcement measures until the property is brought into full compliance. In the case of an emergency or other extenuating circumstance such as drought or wildfire, which may temporarily impede ongoing agricultural operations, discontinuance of agricultural employee housing use for longer than two consecutive calendar years may be allowed subject to approval by the Planning Director.

Grading

6. The project proposes 155 cubic yards of fill and 23 cubic yards of cut for construction of the driveway and site grading. Please note that grading permit is required when the total volume of cut or fill material is 150 cubic yards or more. Since your project passes the threshold of 150 cubic yards, please apply for a grading permit prior to a building permit.

Story Pole

7. As the property is in a combined Design Review in the Milpitas Hillside (-d2) zoning district, the project will be heard at a future Zoning Administration Hearing after the project is complete. Story poles is required to be constructed at least seven (7) days prior to a scheduled Zoning Administration hearing. However, staff strongly recommends construction of the story poles at least two (2) weeks before the public hearing date to accommodate any corrections or adjustments if needed.

Color and Materials

8. The submitted color sample on Sheet A04 identifies that the proposed door, window frame, and trims color are white and have a LRV of more than 45 (LRV: 99.2), which does not conform to the Zoning Ordinance 3.20.050 (C). Please revise the proposed color sample and note that the light reflectivity value of exterior surfaces shall not exceed 45. The zoning administrator may waive this light reflectivity requirement for minimal trim or other minor architectural features. However, staff recommend you modify the proposed color for door, window frame, and trims to have LRV less than 45.
9. Pursuant to Zoning Ordinance Section 3.20.050, all projects subject to design review shall comply with applicable provisions of the adopted Design Review Guidelines document

(enclosed document). Following are the guidelines for the color and materials. Please make sure that your project complies with the following guidelines

- a) Exterior colors of all structures (walls, roof, window trim / accent, retaining walls, fences) shall use natural dark earth tones such as hues of brown, green and shades of gray. (The colors used must also comply with light reflectance standards in the County Zoning Ordinance)

For parcels zoned "-d2" within the unincorporated Milpitas hillsides, in order to mitigate the potential visibility and contrast of a dark building against a lighter background, the exterior colors of all structures shall be earth tones which blend with the color of the predominant natural background.

- b) Light, bright and reflective materials shall be avoided on the exterior surfaces of buildings.

Landscape Plan

10. According to the County GIS system, the proposed building is in high visibility zone. Per Santa Clara County Design Review Guidelines vegetation shall be used to blend the structure with the surrounding landscape and soften the impact of development. The demarcation of 6 trees as screening coverage on Sheet C4 do not provide adequate screening for the proposed project as they were proposed to screen the Agricultural shed. Please provide a landscape plan with trees and shrubbery vegetation to screen the proposed agricultural housing from the valley floor (the Western facade). The landscape plan shall include the required replacement trees and provide information such as type, size, canopy, etc. Please note that all the proposed trees shall be California Native trees.
11. Per the County's Sustainable Landscape Ordinance (October 2017), if a project is proposing more than 500 square feet of landscaping, a Landscaping Permit will be required prior to issuance of a building permit. Please note a Landscape Permit will be triggered if the result of the total disturbed area minus the impervious area exceeds 500 square feet.
12. Retaining walls should be landscaped by using vines, shrubbery or planters to reduce their apparent height and to ensure that they blend with the natural surroundings.

Tree Protection and Replacement

13. If the project proposes any tree removal, they shall be replaced according to the ratios listed below per the *County Tree Protection Guidelines*.
 - For the removal of one small tree (5- 18 inches):
(3) 15-gallon trees, or (2) 24-inch box trees.
 - For the removal of one medium tree (18 – 24 inches):
(4) 15-gallon trees or (3) 24-inch box trees.
 - For the removal of a tree larger than 24 inches:

(5) 15-gallon trees or (4) 24-inch box trees.

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408)-299-5748, Darrin.Lee@deh.sccgov.org regarding the following comments:

14. At time of commenting, DEH conducted the following accounting:

Proposed future use/occupancy is 11 people for future single-family residence, accessory dwelling unit (ADU) and junior ADU, 3 people for Ag Housing, 2 employees and 8 volunteers/customers, totaling 24 people proposed at the site.

If the number of drinking water connections increases, or if the property found to serve 25 people or more for at least 60 days out of the year, then public water system approval from California State Water Board will be required.

GEOLOGY

Contact David Seymour at (408) 299-6711 or david.seymour@pln.sccgov.org regarding the following:

15. The geotechnical engineering report prepared by Geo-Engineering Solutions, dated December 2, 2021, is approved.

Prior to issuance of a development permit, provide a Plan Review Letter prepared by the geotechnical consultant that confirms the plans conform with the recommendations presented in the approved report.

For questions regarding this letter, please call me at (408) 299-5783 or schedule an appointment.

Sincerely,



Parya Seif, Associate Planner

cc:

Robert Salisbury, Senior Planner

Samuel Gutierrez, Principal Planner