

FILE NUMBER: PLN23-144

SUBJECT: Grading Approval and Design Review for a new single-family residence with Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU).

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

DATE RECEIVED: August 17, 2023

RESPONSES TO INCOMPLETE LETTER – 1.

PLANNING

Contact your project planner Lulu Pang at (408) 299-5718 or lulu.pang@pln.sccgov.org regarding the following comments:

Plans

1. Please clarify if any tree removal is proposed. If no tree removal is proposed, add a note “no tree removal is proposed” on the cover sheet. Otherwise, provide the species/common name and trunk sizes of all existing trees to be removed in table format and include the table in the plan set.

Response: "No tree removal is proposed". The note 'No tree removal is proposed' has been added under Additional Notes on Sheet C0.1

2. Provide the proposed separation between the detached garage and the main house. Note: per County Zoning Ordinance § 4.20.020 - Accessory Buildings and Structures, “*Separation from any dwelling shall not be less than six (6) feet.*”

Response: Following the discussion with planner Lu Lu and subsequent discussion with the planner Batbaatar Buyan, it was concluded that the detached garage situated near the main house encroached within the 30ft of the ROW. Consequently, the detached garage has been relocated to the south of the main house. We have maintained a 6ft gap between the main house and the detached garage in the new location. Please refer to the sheet C2.1.

Please note that a staircase, measuring 5 feet, still remains and according to county ordinance, structures under 6 feet are permissible within the 30ft of the ROW.

3. On sheet A3.01, clarify if the courtyard is less than 30 inches above the finished grade.

Response: Courtyard is less than 30 inches above finished grade. See Sheet A3.01.

4. On the site plan, show the top of bank of Tularcitos Creek and the required 35 ft. creek buffer from the top of bank.

Response: The plan set has been updated to display the 'Top of Bank.' We've clearly delineated the 'Top of Bank,' including the line marking the 35 ft creek buffer. For specific details, please refer to Sheet C0.2

- Provide details of all proposed retaining walls, including the length and height of each wall, and top/bottom of wall elevations.

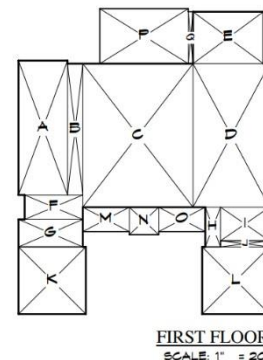
Response: The plan set has been revised to incorporate the display of Retaining Wall profiles, showcasing the length, height, and top/bottom of wall elevations. Please refer to Sheet C2.3 for detailed information.

Floor Area Calculation

- As the project is in the “-d2” design review district, floor area calculation is required to be shown on the submitted site plans as defined in the Zoning Ordinance Section 1.30. Place calculation diagrams on a separate plan sheet and utilize polygons (such as rectangles, squares, triangles) to scale, with each polygon area calculation noted in the tabular form. The polygons are to match the building footprint exactly. Definition of “floor area” per County of Santa Clara Zoning Ordinance, 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.*” Please note where the vertical distance between any floor and the ceiling above exceeds 15 feet, the floor area shall be counted twice. Per Zoning Ordinance § 3.20.050 -d2 District (Milpitas Hillside), “*For lots that are 10 acres or greater, the gross floor area of dwellings shall not exceed 8,000 square feet*”.

Link to Zoning Ordinance: <https://stgenpln.blob.core.windows.net/document/ZonOrd.pdf>

Polygon/Area Designation	Dimensions	Area
A	10 x 10	100
B	10 x 10	100
C	10 x 10	100
TOTAL		300



Response: We have updated the plans to show the floor area calculation. Please refer to the sheets ‘A3.01 for SFR and A3.01 for ADU / JADU’ of the titled document ‘Plans – 2’

Grading

7. The site (future Lot B) has several active permits in progress. All proposed grading shall be reflected in the *Project Earthwork Quantities Table* shown in C2.1.

Response: Following internal discussions with Rob, Darrel, and Parya on 11/20/2023, it has been determined that the proposed grading for this project and all future developments within Lot B will be incremental to the grading quantities approved under PLN20-125 MOD1 / DEV23-1588. The project earthwork quantities table in Sheet C2.2 will reflect the grading associated with this project in Lot B.

Lot Legality

8. Please submit proof that lots A and B shown on the site plan were created legally. A copy of the parcel map that records the two-lot subdivision can satisfy this requirement.

Response: We currently have an active application with the county for map recordation, associated with the Dev number DEV23-3159. We will promptly upload a copy of the recorded parcel map once it becomes available.

On our existing lot, the construction of a Primary house, ADU, or JADU is permitted. Following discussions with Rob Salisbury, it was determined that the applications for improvements in Lot A will be deemed complete upon the completion of map recordation.

LAND DEVELOPMENT ENGINEERING

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

9. Please provide a table of the estimated earthwork quantities per C12-424(g). Quantities should be separated into the different bodies of work for the project. The grading for the entirety of future Lot B should be included in the Grading Approval. Alternatively, there must be a clear distinction for the different phases and scopes of work of the project.

Response: Following internal discussions with Rob, Darrel, and Parya on 11/20/2023, it has been determined that the proposed grading for this project and all future developments within Lot B will be incremental to the grading quantities approved under PLN20-125 MOD1 / DEV23-1588. The project earthwork quantities table in Sheet C2.2 will reflect the grading associated with this project in Lot B.

To answer your question regarding maintaining the clear distinction for the different phases and scopes of work of the project, We have made enhancements to our package to address your request for clearer and more detailed information. The update includes an additional sheet, C2.5 'Grading Process Permit Overview,' which illustrates all building and design permits using varied colors and locations. Please find this sheet in the titled document 'Plans – 2'.

10. Please provide a table of the estimated impervious areas that are created as a part of the development. The net change in impervious areas shall be clearly stated on the plans and include all of the impervious are required for this development. If impervious areas are to be created as a part of a separate application, the plans shall clearly indicate the application of which the improvements area a part of.

Response: The plans have been updated to include a table with estimated impervious areas associated with the development. The net change in impervious areas is clearly stated on the plans, including all impervious areas required for this development, as shown on Sheet C2.1. Below is a screenshot of the impervious table for your reference:

NEW IMPERVIOUS AREAS		
DESCRIPTION	MAIN RESIDENCE (SF)	ADU/JADU (SF)
BUILDING & GARAGE	9898	3348
ASPHALT DRIVEWAY	2769	4241
ASPHALT PARKING STALLS	1870	648
CONCRETE	2672	1362
TOTAL (N) IMPERVIOUS AREA	17209	9599
EXISTNG IMPERVIOUS AREA TBR	0	0
NET INCREASE OF IMPERVIOUS AREA	17209	9599
% OF ENTIRE LOT	0.50%	0.28%

11. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the septic field and any construction staging areas as well.

Response: The Limits of the disturbed area as a result of the proposed development are shown on Sheet C2.1.

The septic design for this lot is already approved under SR#0853368 as part of the planning approval under PLN20-125 and we are not making any modifications to this approved plan.

12. Provide cross sections through the structures depicting the maximum extents of grading. Demonstrate how the development minimizes the grading necessary. The sections should be taken in both directions of both structures.

Response: We have incorporated cross-sectional views within the plans, depicting the maximum extents of grading within both structures. These sections will effectively demonstrate how our development minimizes necessary grading. The sections are taken in both directions for each structure, as requested." For more information, please refer sheet C2.4.

13. Show all of the existing and proposed utilities on the plans. Show the location of the septic lines for the proposed development. The domestic water and electrical services shall be shown on the plans for the residences.

Response: The plans have been updated. The plans now demonstrate all the existing and proposed utilities on the plans. The location of the septic lines, domestic water, and electrical services for the residences are shown on sheet C2.1.

14. The proposed driveway and access road appears to drain to discharge without any detention or hydromodification. Please provide a revised Drainage Plan that the driveway and access road:

- a. the site can be adequately drained,
- b. the proposed development will not cause problems to the nearby properties,
- c. the on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.

Response: Bioretention areas with stormwater storage chambers have been incorporated into the proposed drainage system. All drainage from the northwestern portion of the site and lower portion of the main residence will drain to one bioretention area north of the main residence. All drainage from the eastern portions of the site and southern portion of the main residence will drain to another bioretention area south of the main residence. These measures will provide both detention and hydromodification to eliminate potential for causing problems for nearby properties and to prevent increase in peak flow or potential for hazards. For more details please refer to sheets 2.2 and 5.1 of the titled document 'Plans – 2'.

15. The driveway drainage appears to be discharged in a concentrated fashion on slopes above the proposed fire turnaround and near station 15+85 where the drainage will flow directly back on to the pavement area. Please revise to avoid this drainage impact in these areas as well as others.

Response: The plans have been updated to illustrate that the driveway drainage is now directed towards an adjacent swale with riprap. Subsequently, the drainage flows along a small valley-like area adjacent to the northeast side of the fire turnaround. These alterations should not impact the turnaround or pavement.

16. Revise the plan and profile sheets C1.3 and C1.4 so that the profile view corresponds to the plan view above.

Response: Plan and profile sheets C1.3 and C1.4 have been revised to show the profile view corresponding to the plan view above.

17. Provide a plan and profile for the access road between the residential structures and the driveway from the fire turnaround to the ADU/JADU structure and turnaround shown on C2.1.

Response: The plans have been revised to include the Plan and Profile for the access road between residential structures, along with the driveway to ADU/JADU. For comprehensive details, please refer to Sheets C1.5 and C2.3 of the titled document 'Plans – 2'.

18. Please revise the driveway turnaround for the ADU/JADU to conform to County Standard Detail SD16 or as required by the County Fire Marshal's Office or CalFire, whichever is greater.

Response: The plans have been updated to display the driveway turnaround for ADU/JADU, including annotated dimensions to comply with County standard detail SD16 or as specified by the county fire marshal's office or Calfire. Please review Sheet C2.3 for further details.

19. Please include all applicable easements affecting the parcel with benefactors and recording information on the site plan, especially those that will be created as a part of the proposed parcel map. Please supply a copy of the preliminary title report, once the parcel map is recorded.

Response: All applicable easements affecting the parcel, along with benefactors and recording information, are shown on the site plan. Please refer to sheet C2.1 for details. This exhibit aligns with the plats and legal documents submitted as part of the final map recordation process (DEV23-3159).

We currently have an active application with the county for map recordation, associated with Dev number DEV23-3159. We will promptly upload a copy of the recorded parcel map once it becomes available.

Additionally, we have uploaded the preliminary title report in Accela, along with associated documents. Please refer to the documents titled 'Preliminary Title Report' and 'PrelimtitlelrptDocs' for the recorded documents listed in the title report.

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 LotB Primary residence will be outside the 30' setback from the 22' EVA easement as shown in sheet C2.1 (PLN 23-144).
- 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.

21. The access right of way / ingress egress easement limits should be curvilinear. Please revise the easements accordingly.

Response: The plans have been updated to illustrate the curvilinear limits of the Access right-of-way/ingress-egress easement. For further details, please refer to Sheet C2.1 of the titled document 'Plans – 2'.

22. The access road section indicates that there will be a gravel parking area located along the road. The plan view isn't consistent with depicting that. Please be consistent with the plan and section view. If there is to be a parking area, please justify the need for the extra parking for the single-family residence for the length of the access road.

Response: The plans have been updated to be consistent with the plan and section views. Regarding the justification for the need for extra parking for the single-family residence along the access road, we would like to clarify that this road is a fire access road and there is no parking allowed on either side. Additionally, the proposed development is on a hillside area with no shoulder for parking.

We have created 10 parking spaces to accommodate the guest parking for 8,000 sq ft primary house, 1,200 sq ft ADU, and 500 sq ft JADU. Five spots will be allocated for the primary house, three spots for the ADU, and two spots for the JADU as there are no other provisions for guest parking.

23. Submit a revised San Francisco Bay Watershed Questionnaire. Based on the results of the Questionnaire, incorporate the applicable stormwater treatment measures in the plans. The questionnaire shall include all of the improvements included on the parcel. The new impervious area shall include all of the paved surfaces for the road access to the parcel unless it is already installed as a part of a separate approval and permit. The other proposals for improvements on the parcel are not yet approved, so unless they are separated into different phases and clearly separated on the plans, the Questionnaire shall include all of the improvements for the parcel.

Response: The questionnaire has been updated and includes all improvements for this project. Please refer to the titled document 'Stormwater_CWP_Questionnaire_NC_1'.

24. Demonstrate how the impervious area is minimized with the proposal of the 22'-24' wide access road. The SD2 standard access road is 18-feet of drivable surface with shoulder or adequate edge restraints. The Fire Marshal requirements may be greater, but generally don't require 24' of drivable surface. The impervious area shall be minimized for the development per the SF Bay Regional Board requirements. The minimized surface area would also minimize grading requirements.

Response: Based on the discussion and guidance with the Planner Lu Lu and Darrell Wong on 11/12/2023, we clarified the necessity for and approval of 22'-24' access roads to accommodate commercial agricultural activity for the Barsana Project (PLN22-006). Rob Salisbury has also confirmed that existing 24' roads are in compliance with approved Reclamation Plan Amendment for the aforementioned project.

FIRE MARSHAL OFFICE

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

General Note- Project is located within the State Response Area (SRA) and the Wildland Urban Interface (WUI).

- a. Chapter 7A of the CBC to be met at Building Permit submittal.
- b. Defensible space to be maintained at all times.
- c. PRC-4290 compliance will be reviewed by CAL FIRE.

Response: The Notes have been incorporated into Sheet C0.2 from overall site plan under "Fire Protection Notes".

Provide a Response Letter addressing comments below. More comments may be made when more information is supplied.

25. Plans are to show minimum interior turning radius of 30 ft. and exterior turning radius of 50 ft. The turning radius isn't clear making a left hand turn off Old Calaveras Rd. on sheet 4 of 26. [Santa Clara County Ordinance No NS-110.136 Section D103.3].

Response: The plans have been updated. The Proposed interior turning radius is 97.9 ft and the exterior turning radii is 118.9 ft, making a left hand turn off Old Calaveras Road. For more details please refer to sheet C1.1.

26. Plans are to clarify the length of proposed slope exceeding 15%. Sheet C1.3 Road Profile shows 225 ft. of grooved concrete, however the plans aren't clear what the length of access is greater than 15%. Per CFMO-A1, the maximum slope for fire department access is to be 15%. However, Fire may allow portions to exceed 15% on a case-by-case scenario. If a slope exceeding 15% is proposed, it's

to be no greater than 300 ft. consecutive and have a minimum 100 ft. break not exceeding 15%.
[CFMO-A1 Section II.C]

Response: The plans have been updated to show 300 ft of consecutive road with slopes greater than 15% . Please refer to detail 2 on Sheet C1.3.

Furthermore, we have uploaded the slope variance approval letter from Calfire for your reference. Please refer to the document titled 'Calfire letter for slope variance'.

27. Plans are to clarify the slope of the fire department turnaround. The maximum slope for the turnaround is to be 5%.

Response : This is to clarify that the Fire department turnaround have maximum slopes of 5% or less. We have added the Slope labels in Sheet C2.2.

28. Fire department access to be made of an "all weather" material capable of holding 75,000 pounds, this is to be noted on the plans. [CFC Section D102 and CFMO-A1 Section II.G]

Response: We have added a note under fire protection notes stating, 'FIRE DEPARTMENT ACCESS SHALL BE MADE OF AN ALL-WEATHER MATERIAL CAPABLE OF HOLDING 75,000 LBS'. Please refer to Sheet C2.1.

29. Fire sprinklers are to be listed as a deferred submittal. [CFC Section 903.2 and Santa Clara County Ordinance No NS-110.136 Section B7-9.d]

Response: We have added a note under fire protection notes stating, 'FIRE SPRINKLERS SHALL BE UNDER A DEFERRED SUBMITTAL'. Please refer to Sheet C2.1.

30. Plans to show hydrant as (N) or (E) standard fire hydrant.

Response: The plans have been updated to show the Standard Fire hydrant as (N). Please refer to sheet C2.1.

31. Fire hydrant to be a minimum of 55 ft. from a structure, sheet 8 of 26 (C2.1) currently shows a hydrant within this distance.

Response: Standard Fire hydrant has been relocated to be more than 55 ft from structures. Please refer to the Sheet C2.1.

32. Clarify the slope of fire access at the standard fire hydrant. The maximum slope of access at a fire hydrant is to be 5%.

Response: This is to clarify that the Fire access slope at the standard fire hydrant is 2%. Please refer sheet C2.1.

33. Well serving water tanks appears to be on neighboring parcel. Provide a Shared Water Agreement if well is on a separate land parcel.

Response: We would like to clarify that the well serving the water tank is located within the same lot. Additionally, this lot contains two wells that feed water to this tank, namely well#1 and well#3. We have obtained drinking water clearance for both wells, the numbers are SR0865661 and SR0870797 respectively. Each of these wells is approved to have four connections. Well #1 will serve the Primary residence, ADU, JADU (PLN23-144), and Small-Scale permanent employee housing (PLN22-234). It's also important to note that this water tank serves neighboring parcels Lot A (Gokulam LLC) and Barsana LLC for fire suppression purposes. The well schedule, detailing their intended use, has been included in the plans for your reference (please see sheet C0.2). Since the well and the tank are located in the same parcel shared water agreement is not needed.

Existing Well	County Well #	Drinking water clearance SR#	Serving area	Application no.	APN No.
1	06S01E04A001	SR0865661	Lot B (Gokulam) water service for Primary Residence, ADU, JADU	PLN23-144	029-34-004
			Small scale permanent Employee housing	PLN22-234	
2	05S01E33K001	SR0867334	Lot A (Gokulam) water service for Primary Residence, ADU, JADU & Livestock shed	PLN24-017	029-34-004
3	05S01E33L002	SR0870797	Lot A (Gokulam) water service for Big Barn and Ag sales	PLN24-017	029-34-004
4	05S01E33L001	SR0870798	Lot 15 (Barsana) water service for Primary Residence, ADU, JADU & Livestock shed/Green house	PLN22-006	029-35-007

ROADS AND AIRPORTS

Contact Tom Esch at (408) 573-2450, tom.esch@rda.sccgov.org regarding the following:

34. Old Calaveras Rd has a Future Width Line (FWL) for a 30-foot half street width (60-foot full street). Show on the revised plans, including all driveway entrance plans, the existing centerline, edge of pavement, limits of the Old Calaveras Rd right-of-way (ROW) and the limits of the FWL. A curvilinear dedication to public right-of-way will be required.

Response: The FWL on old Calaveras Rd for 30-foot half street width shown on all driveway entrance plans along with existing centerline, edge of pavement, limits of ROW, and limits of FWL. Please See Sheets C0.3 and C0.4.

35. Improvement plans must clearly indicate existing and proposed site conditions within the ROW, including but not limited to, edge of pavement, existing ROW line, FWL, above and below ground utility lines, easements, drainage facilities, trees, landscaping, and other structures and features. All

utility relocations, replacements, abandonments, temporary facilities, and new facilities shall be shown.

Response: There are no proposed improvements within the ROW and all of the aforementioned requested elements are shown on sheets C0.3 and C0.4.

36. Both driveways accessing the property will be required to be improved to County Standard B/4. Include County standard details on the plan sets.

Response: Both driveways accessing the property conform to County Standard B4. Please refer to the sheets C0.3 and C0.4. The standard details are shown on sheet C4.4.

37. Sight Distance Analysis for the main entrance needs to be revised as follows: a) include set-back distance from travel way to the driver, and 2) resolve conflict between notes referring to Stopping Sight Distance versus the included Decision Sight Distance chart (not referenced in the notes).

Response: The Set-back distance from travel way and driver for the main entrance is shown on viewport 1, in Sheet C0.3. There is not conflict between stopping sight distance and decision sight distance references in notes and chart as all refer to a 30 mph design speed per the existing speed limit.

38. A result of the Sight Distance Analysis, indicate on plans the conflicts that will require mitigation, such as tree or shrub removal, fence removal, or additional grading. Applicant stated there were no conflicts, but the SDA clearly shows obstructions that must be addressed and identified on the plans for mitigation.

Response: All tree and shrub removal and fence removal have been denoted on plans. No additional grading has been proposed. See Sheets C0.3 and C0.4.

39. Main driveway: Indicate on the plans the existing barbwire fencing and posts. Applicant provided pictures and statements, but plans must include: 1) all existing fencing and posts, 2) fencing and posts within the 30-foot half street width (dedication area) that is to be removed, 3) dimensions between fencing for a clear driveway width. Include the existing centerline, edge of pavement, limits of the Old Calaveras Rd ROW and the limits of the FWL. Revise detail 3 title to reflect B/4 County Standard (not City standard).

Response : All existing barbwire fencing and posts to remain shown on plans. No barbwire fencing or posts are proposed to be removed. Dimensions between fencing have been added. Centerline, edge of pavement, limits of ROW, and limits of FWL are all shown. All titles have been revised to refer to B/4 County Standard where applicable. See Sheet C0.3.

40. Private Emergency Vehicle Access driveway: Include plans for this driveway. Indicate on the plans the following: 1) all existing fencing and posts, 2) fencing and posts within the 30-foot half street width (dedication area) that is to be removed, 3) dimensions between fencing for a clear driveway

width. Include the existing centerline, edge of pavement, limits of the Old Calaveras Rd ROW and the limits of the FWL.

Response: No need for separate driveway. Existing driveways on Sheets C0.3 and C0.4 now designated as private emergency vehicle access driveways.

41. Gates, fences, retaining walls, fixed appurtenances, etc. shall be located outside the limits of the County maintained road ROW. Indicate on plans the intent of any existing or future items in the ROW including mailboxes (breakaway post).

Response: All gates, fences, retaining walls, etc are located outside of the County road ROW. There is no intent of any items in the ROW.