

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

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February 22, 2024

Gokulam LLC
Attn: Vijay Datt
680 E. Calaveras Blvd.
Milpitas, CA 95035

vijay.datt@ihf-usa.org

BY EMAIL ONLY

FILE NUMBER: PLN24-017
SUBJECT: Design Review and Grading Approval of an 8,000 square foot (s.f) single-family residence, a 1,198.75 s.f. ADU, a 499 s.f. JADU with small-scale agricultural processing and small-scale agricultural sales on Lot A.
SITE LOCATION: 2425 Old Calaveras Blvd., Milpitas (Lot A of APN: 029-34-004)

Dear Mr. Datt:

The application for Design Review and Grading Approval associated to an 8,000 square foot (s.f) single-family residence, a 1,198.75 s.f. ADU, a 499 s.f. JADU with small-scale agricultural processing and small-scale agricultural sales on Lot A of 2425 Old Calaveras Blvd., Milpitas (APN: 029-34-004) is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with the project manager/planner and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

AN VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL TO SCHEDULE AN APPOINTMENT.

Please submit *all* electronic copy of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

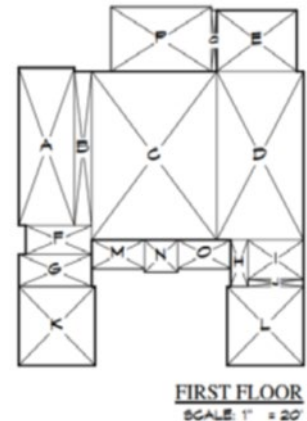
PLANNING OFFICE

Contact Lara Tran at (408) 299-5759 or lara.tran@pln.sccgov.org regarding the following comments:

1. Provide a business management plan or project description on the proposed agricultural sales and processing. The business management plan or project description needs to specify the following:
 - Type of agricultural sales and processing proposed on the property (i.e., what kind of agricultural commodity is the applicant processing and selling?).
 - Hours and frequency of the agricultural sales and processing per week.
 - 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.
 - Number of staff (if any) proposed for the agricultural sales and processing.
 - Amount of parking spaces proposed for the agricultural sales and processing.
2. Label Tulacritos Creek on all the sheets in the civil plan along Old Calaveras Road and identify the centerline and top of bank of the creek.
3. Clarify if there are any access improvements from Old Calaveras Road that is required by Roads and Airports and/or County Fire Marshal Office on Sheet C3.1 and C6.1. If there are required upgrade to the culvert or bridge across Tulacritos Creek for the access road from Old Calaveras Road, permits from the Water Board and CDFW, and possibly the Army Corps of Engineers will be required.
4. Provide a table that summarize the grading quantities for the project.
5. Clearly identify the Reclamation Plan boundary on the civil sheets in a different color so it is very visible.
6. Identify and label existing grade on Sheet A.4. Clarify if the lower portion of the residence will be underground as the “East Elevation” on Sheet A.4 show a portion of the residence below the “upper grade.”
7. Provide a “Floor Area Diagram” to show separate levels of the primary residence and garage. As the project is in a -d2 (Milpitas Hillside) combined zoning district, staff needs to verify the proposed project has a maximum floor area of 8,000 square feet on a lot greater than 10 acres. Place the 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 horizontal area of an interior stairway at each of the two or more stories to which the stairway provide access.” If ceiling height exceeds 15 feet, floor area shall be counted twice. Covered porches and/or patios that are more than 50% enclosed shall be counted as part of floor area.

Example:

Polygon/Area Designation	Dimensions	Area
A	18 x 28	504
B	30 x 40	1200
C	8 x 12	96
TOTAL		1800



8. Provide a line-of-sight analysis for the proposed residence and all structures more than 16 feet in height to ensure that no structure protrudes above the perceived crestline, as delineated on the official City of Milpitas zoning map per County Zoning Ordinance Section [3.20.050\(D\)](#).
9. Revise the floor plan to remove the extra plumbing fixtures in the three (3) proposed bathrooms on Sheet A3.02 or the applicant will need to apply for a Special Permit per Zoning Ordinance Section [4.20.020\(I\)](#).

Santa Clara Valley Habitat Conservation Plan (HCP)

10. Revise the HCP Screening form on page 3 to select the appropriate HCP coverage. The property (Lot A) is located in HCP Area 2 but a portion of Lot A has an HCP landcover of Mixed Riparian Forest and Woodland (within the area of Turlacitos Creek) to the south of the parcel. If improvements are required in the HCP landcover area and/or creek, HCP coverage will be required.
11. Revise the HCP Exhibit (Landcover Verification Site Plan) to label Turlacitos Creek south of the property and identify the centerline and top of bank of the creek. If access improvements are required as part of the project within the Mixed Riparian Forest and Woodland landcover and/or creek, the HCP Exhibit needs to show the area of improvement and the permanent and temporary buffers of those improvements.
12. Revise the biology report (“Memo”) by Madrone Ecological Consulting (dated November 16, 2023) to clarify if any proposed access improvements will have an impact on the Mixed Riparian Forest and Woodland landcover and/or Turlacitos Creek to the south of the property.
13. Revise Figure 2 and Figure 3 within the biology report (“Memo”) by Madrone Ecological Consulting (dated November 16, 2023) to include centerline and top of bank of the Turlacitos Creek.

LAND DEVELOPMENT ENGINEERING (LDE)

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

14. Further itemize the areas of grading for the table of the estimated earthwork quantities per C12-424(g). The street grading should be broken up further identifying the grading as a result of the access to the SFR/ADU, the extra parking for the Agricultural facility.
15. 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. The areas of proposed impervious or compacted soil areas shall be clearly itemized and identified with a quantity stated in a table.
16. Please show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the grading, construction staging and septic field.
17. Show all of the proposed utilities on the plans from the proposed structures to the connection points. The plan Sheets C1-1 and C1.2 show the locations of the utilities around the structures, but it isn't clear how the domestic and fires service lines are connected to the original sources to the west on Sheet C1.2 and to the southwest on sheet C1.1. The connection points suggest that there are existing utility lines, but it is not clear. Will easements be necessary to access the original source of water? Are the easements included in the parcel map that is to be recorded? This should be clarified on the revised set.
18. The limit of grading shall be clearly depicted on the plans.
 - A. The limit of work appears to extend beyond the edge of the plans on Sheet C2.2 and must be corrected.
 - B. The conform of the contour grading at the parking area on the "Main Access Road" should be clarified.
 - C. The grading for the parking area along the access road near the primary residence shall be clearly depicted on the plans.
 - D. A limit of work line shall be shown on the plans to identify the extent of the scope of work associated with this application versus other improvements that may be a part of other applications.
19. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of Section C12-407 of the County Grading & Drainage Ordinance. Please provide a revised Drainage Plan that addresses the following items:
 - A. The drainage from the access road above the parking area near the Agricultural facility is properly treated and detained before discharge. Discharge directly to the creek along Old Calaveras without either treatment or drainage mitigation is not allowed.
 - B. The routing of the runoff from the Ag facility area and surrounding improvements shall be clearly shown to be collected and flow to a detention/retention facility for treatment.

- C. The discharge or overflow design of the basin at the SFR should be clearly shown so that it is demonstrated that the discharge from the site doesn't impact the surrounding properties.
 - D. 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.
20. Please include a driveway approach per SD4/SD4A 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 at the location at which Access Road A connects to the Main Access Road.
 21. Provide typical sections for all access driveways. The sections should show typical grading surrounding the driveway and the thickness and widths of the structural elements of the pavement such as shoulders and curbs for drainage. Provide shoulders or curbing as necessary to structurally support the driveway and the fire turnaround and turnout locations where the pavement is in a fill condition.
 22. Provide an SD4A standard driveway approach at the connection of the "SFR ROAD A" to the "MAIN ACCESS ROAD" or provide an interior turning radius that meets all Fire Marshal Requirements at the turn at that intersection.
 23. Please provide driveway turnarounds with a maximum slope of 5% in any direction. The turnaround between the ADU and the main residence appears to be steeper than the required maximum slope.
 24. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of the preliminary title report, prepared within the current ownership of the property, with a statement from the owner that no subsequent encumbrances have been recorded since the preparation of the title report. The plans should reflect the recent lot line adjustment and eliminate the old lot line.
 25. Clarify the TW/BW elevations for the retaining walls necessary to establish the grading. The retaining wall heights called on the range (0-5 Feet) do not appear to match the top and bottom of all elevations which indicate 5.5-foot-high walls. Please provide a cross section of the grading, including the proposed wall, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance.
 26. Provide a cross section of the grading necessary for the detention/bioretenion pond at the SFR.
 27. Provide a stormwater control plan identifying the separate drainage management areas and indicating where the runoff will be flowing for treatment.

28. Provide all grading necessary for the walks to the Ag. Facility to provide the necessary access to meet accessibility requirements of the building code. These details are necessary for the preliminary plans to demonstrate that the grading design is feasible.
29. Provide a grading justification why there is a 24' wide fire access road is necessary as the road forks away from Access Road A near the parking area for the Ag. Sales Office or otherwise minimize and revise the proposed development improvements. Grading and impervious area should be minimized for the development. Are some of these roads existing? If so, please clearly identify the specific roads which are existing.
30. Demonstrate that the length of the Main Access Road below the connection of Access Road A is a 22' minimum drivable width. This may be shown on Sheet C3.1. Please revise Main Access Road driveway plan and section beyond this point, as well as SFR Roads A and B to conform to County Standard Detail SD5 or as required by the County Fire Marshal's Office, whichever is greater on Sheets C3.1 and C3.2 as well as reflecting that on the Grading Plan sheets. The access to the ADU and the primary residence appears to be proposed to be widened to well beyond the SD5 standard width with necessary turnouts. The grading and impervious area for the development should be minimized for the development per the Grading Ordinance the Regional Board Permit requirements.

DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)

Contact Darrin Lee at (408) 918-3435 or darrin.lee@deh.sccgov.org regarding the following comments:

31. Although a Department of Environmental Health drinking water clearance letter was included within the application to the Department of Planning and Development, water connections were not identified on the proposed plans to determine the intended use of the drinking water system. On a revised site grading and drainage plan, locate all water wells, identify each water well by its official Valley Water/ California State identification number and clarify its intended use and connections (for example processing barn, housing unit, accessory dwelling unit, etc).
32. Through the provided chart on page SS2, the Department of Environmental Health has identified the number of persons/ individuals exceeds the minimum threshold for a public water system. Per Section 116275 of the California Safe Drinking Water Act, a public water system is defined as "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year."
 - A. Through the page SS2 "Preliminary OWTS Design For Big Barn, Lot A", the Department of Environmental Health calculates 29 individuals by the following accounting of persons/ individuals:
 - Day worker/ showers as 2 individuals plus volunteers and customers as 7 individuals, totaling 9 individuals per day. 9 individuals multiply by 6 days equals 54 individuals Sunday through Friday.

- For Saturday, the chart identifies 4-day workers plus 150 volunteers and customers totaling 154 individuals.
 - For Sunday through Saturday, the 7-day period the total of users equals 208 individuals.
 - The 7-day average users equate to 208 individuals divided by 7 days totaling 29 individuals.
33. As the proposal appears to include continuous operation throughout the year, the calculated average would apply to a 60-day window, which would exceed the minimum threshold for a public water system.
34. For the proposed domestic and commercial onsite wastewater treatment systems (OWTS), submit OWTS plans directly to the Department of Environmental Health for review and for approvals by completing a Land Use Plan Check Service Application. This is a separate application to the Department of Environmental Health and subject to plan submittal and applicable fees. The OWTS plan shall be overlaid onto the final grading and drainage plan as submitted to Land Development and Engineering.
35. As proposed, the commercial onsite wastewater treatment system (OWTS) design flow exceeds 2,500 gallons per day and includes industrial high-strength wastewater from pickling and jarring activities, which requires the OWTS design to be referred to the appropriate Regional Water Quality Control Board for review.
36. For the pickling and jarring activities, contact the California Department of Public Health Food Drug Branch for the either a cannery license or to obtain a Processed Food Registration (PFR), as it may require a permit through the State of California. Contact information: (800) 495-3232 and/or FDBfood@cdph.ca.gov. Additional permits and plan review from the Department of Environmental Health Plan Check Program may be require for the process and handling of meals (for consumption) within a 'kitchen' facility.

COUNTY FIRE MARSHAL'S OFFICE

Contact Alex Goff at (408) 341-4420 or alex.goff@sccfd.org

37. Provide a Response Letter addressing comments below, clarify what sheet comments are addressed. More comments may be made when more information is supplied.
38. Cover Sheet "Project Data" at bottom left corner is missing the square footage of the proposed structures. The "Scope of Work" on the Cover Sheet appears to have different sizes than the counties Accela description, an example is the size of the ADU. Ensure the Scope of Work matches in all areas.
39. Plans are to show standard fire hydrants located within 400 ft. exterior path of travel to all portions of non-residential structures and 600 ft. exterior path of travel to sprinklered residential structures [CFC Section 507.5.1].

40. Fire department turnaround/s meeting CFMO-SD16 needed for dead end roads and driveways greater than 150 ft. in length. Plans to clearly label the turnarounds and show the dimensions [CFMO-A1 Section II.C and CFMO-SD16].
41. As this review is for site grading, include a copy of the NFPA-1142 analysis to ensure the water tank is properly sized. Modification to the tank could affect grading quantities due to the size of the tank. The water tank analysis is to provide water requirements for each structure to ensure the size is properly sized.

VALLEY WATER

Contact Andrew Quan at (408) 630-1667 or aquan@valleywater.org

42. This project will not modify or use a Valley Water facility or easement. However, Tularcitos Creek is located on or next to the site. Valley Water staff is interested in reviewing and providing consultation on the project because of impacts the proposed project may have on Valley Water's adjacent facility or on water resources. Please consider the comments below and send revised drawings for our review and comment.
43. Valley Water records indicate the site contains 3 wells. Any abandoned wells, or wells that are no longer in use, must be properly destroyed. Any wells in use that will be impacted by project activities must be protected. As required by Valley Water Ordinance 90-1, an application must be filed with Valley Water for a permit to construct or destroy any well or to drill any exploratory borings deeper than 45 feet. Contact Valley Water's Wells and Water Measurement Unit at (408) 630-2660, for more information.
44. Please revise the plans to accurately show Tularcitos Creek and the location of the proposed septic system and leach field. The septic system and leach field should be located 100 feet from the top of bank and wells.
45. According to the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) 06085C0080H, effective May 18, 2009, the entire site is located within Zone D, an area in which flood hazards are undetermined but possible.

Prior to a resubmittal, please schedule an appointment to discuss any comments regarding the project if needed.

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 manager.** If the requested information is not submitted within **180 days**, you are 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 the incomplete letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Note the Design Review and Grading Approval applications were charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific 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 (408) 299-5759 or lara.tran@pln.sccgov.org.

Warm regards,



Lara Tran
Senior Planner

cc:

Darrell Wong, LDE

Alex Goff, FMO

Darrin Lee, DEH

Andrew Quan, Valley Water