

**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)

**PLANNING OFFICE**

Contact Lara Tran at (408) 299-5759 or [lara.tran@pln.sccgov.org](mailto: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?).

The activity in the Big Barn includes the production and sale of Jars of Spiced Indian Pickles using locally grown vegetables, spices and fruits. See details below. We will also be producing and selling Vermicompost/Organic Manure – Worm Castings and Spray. High-quality worm castings made from organic feed and manure from special breeds of livestock will be sold to local consumers. Additionally, premium-quality bales of Orchard Grass will be sold to local consumers who are looking for a nutritious fresh feed for their livestock. We have called out the vermicompost area in the livestock shelter. Please refer to the sheet C2.2. We have uploaded the approved manure management plan also in Accela. Please refer to the document ‘Signed\_Manure Management Plan - Gokulam Quarry, Old Calaveras Rd 2425’.

It also includes a commercial kitchen, which involves pickling and jarring activities. These activities consist of the following steps:

- Vegetables grown on the site are collected and washed.
- The vegetables are then cut and sautéed.
- After sautéing, the vegetables are packed in jars with oil and spices (see photo below).
- After setting for a period of time, the jars are sold in the Ag Sales building
- In order to facilitate customers to taste the pickles before buying, we have samples of pickles available paired with tasting meals in the Ag sales building.
- The expected daily production is 750 Jars of Pickle/Tasting Meals



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

Response: 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	7	9
	7am to 8pm	Saturday	4	116	120
	7am to 8pm	Sunday	2	7	9

- 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 table above for the estimated number of people visiting per day and weekend during operational hours:

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

Response: There will be 2 employees / volunteers from Sunday through Friday and 4 employees / volunteers on Saturday to take care of the agricultural sales and processing.

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

Response: The proposed number of parking spaces for agricultural sales and processing is 53. The breakup is as follows:

- Parking A (13 spots)
  - 7 for Customers (3 ADA & 4 EV charging)- 3 per car x 7 = 21 customers
  - 4 spaces for Employees / Volunteers
  - 2 for loading and unloading
- Parking B (40 spots)
  - 32 for customers (3 per car x 32=96) Includes 2 EV charging
  - 3 spaces for the tractor & equipment
  - 3 space for the cow trailer, hay trailer, medical trailer
  - 2 for ATV and equipment

We have identified additional parking spaces in the planset and would like to clarify their purposes as follows:

Parking C (7 spots): Located near the bull pens, this parking area is designated for agricultural operations. Approval for this parking area was obtained as part of Dev3201, 3202, 3206 & 3207.

Parking D (5 spots): Situated near the grazing shed, this parking area is designated for agricultural operations. Approval for this parking area was obtained as part of Dev3196.

Parking E (4 spots): Adjacent to the main agricultural pad and orchard, this parking area will be used for agricultural operations such as parking tractors, equipment, and trucks.

Parking F (3 spots): Designated for the relocated livestock shed, this parking area is also intended for agricultural operations.

We have added the call outs for the above parking areas in the plans. Please refer to the sheet C0.1.

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.

Response: We have updated the plans to include the callouts for Tularcitos creek, centerline, and top of bank. Please refer to the following sheet numbers in the document titled 'Plans – 2': C0.0, C0.1, C0.4, C0.5, C1.15, and C1.16.

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.

Response: This comment is not applicable as there are no proposed improvements like upgrade to the culvert or bridge across Tulacritos Creek for the access road from Old Calaveras Road.

4. Provide a table that summarize the grading quantities for the project.

Response: We have included two tables to summarize the grading quantities- one for areas needing grading permit and another for areas within reclamation plan boundary and thus exempt from grading permit. Please refer to sheet C0.0 of the document titled 'Plans – 2'.

Some of the proposed improvements fall within the reclamation area, and the grading quantities of these structures are exempt from obtaining a grading permit (for details please refer to sheet C0.5).

5. Clearly identify the Reclamation Plan boundary on the civil sheets in a different color so it is very visible.

Response: The plans are updated. We have identified the reclamation plan boundary in Red so that it can be very visible. Refer to sheets C0.5, C1.15 and C1.16 of the titled document 'Plans – 2'.

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.”

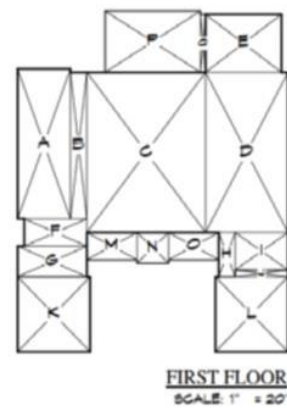
Response: We have updated the plans to reflect grade lines on elevations and sections (A03-A05).

The lower level is split into Level 1 and Level 1.5 due to changes in grade, with a top level labeled as Level 2.

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



Response: The plans have been updated to include the Floor Area Diagram and tabulations on sheet A00 in the titled document 'Plans – 2'.

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\(D\)](#).

Response: We are providing the line – of – sight analysis for the proposed residence and all structures more than 16 feet in height ensuring 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\(D\)](#). Please refer to the document titled ‘Visual Simulation – 2’.

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\(I\)](#).

Response: We would like to clarify that the Special Permit requirement does not apply to the agricultural building. A similar comment was issued for our other application PLN22-006. Our project Planner had an internal meeting with the zoning administrator, Rob Salisbury, and confirmed that the livestock shelter can be interpreted as an agricultural accessory structure and therefore is not limited by Zoning Ordinance Section [4.20.020\(I\)](#) as that section applies specifically to residential accessory buildings.

The email correspondence regarding this matter is attached below for your reference.

Additionally, we conferred with Bart Hechtman, who assists us with legal issues on our projects. He confirmed that the Special Permit for more than two plumbing fixtures requirement specifically applies only to structures that are accessory to a residential use (Code Section 4.20.20.I). The County had determined that the agricultural building is not accessory to the residential use in imposing non-residential requirements on that building. Section 4.20.20.C specifically provides that the only requirements in 4.20 that apply to agricultural buildings are the setback and height requirements. There is no Special Permit requirement in the County Code to have three plumbing fixtures in an agricultural building.



**Deepa dhatri Prashanth** <deepa.prashanth@ihf-usa.org>  
to Rob, Kishore, Joanna, Vijay ▾

Mon, Mar 4, 12:52 PM ☆ ↶ ⋮

Rob and Joanna,

During the hearing, we realized that a special permit is being required for the three plumbing fixtures, hence the necessity for a public hearing. However, we believe this issue was previously resolved last year with the conclusion that the special permit is not required. We would greatly appreciate your assistance in confirming this. Please see our explanation below:

Joanna raised this issue in Planning Comment No. 3 of the incomplete letter dated 11/9/22. In our resubmission on 4/18/23, we addressed this in our response to Planning Comment No. 3 (see below), stating that the Special Permit requirement did not apply to the agricultural building. In the County's response on 5/25/23 to that resubmission, Joanna's Planning Comments did not reference this issue, confirming that it had been resolved.

Now that it's being raised again, we wanted to point out this history. We also conferred with Bart Hechtman, who assists us with legal issues on our projects, and he confirmed that the Special Permit for more than two plumbing fixtures requirement specifically applies only to structures that are accessory to a residential use (Code Section 4.20.20.I), that the County had determined that the agricultural building is not accessory to the residential use in imposing non-residential requirements on that building, and that Section 4.20.20.C specifically provides that the only requirements in 4.20 that apply to agricultural buildings are the setback and height requirements. There is no Special Permit requirement in the County Code to have three plumbing fixtures in an agricultural building.

Please confirm that this issue is resolved. Can you both please discuss and confirm our understanding that we can obtain administrative approval directly rather than needing a public hearing?

Thank you for your attention to this matter.

Best regards  
Deepa



**Wilk, Joanna** <joanna.wilk@pln.sccgov.org>  
to me, Vijay, Kishore, Jessica ▾

Mar 25, 2024, 2:58 PM ☆ ↶ ⋮

Hi Deepa & team,

Thank you for your patience while I worked internally on addressing your question.

The livestock shelter can be interpreted as an agricultural accessory structure and therefore is not limited by Zoning Ordinance Section 4.20.020(I) as that section applies to specifically *residential* accessory buildings. However, the project is still subject to a Design Review **permit** and requires a hearing before the Zoning Administrator as it includes the development of a single-family residence in the -d2 combining district.

The Department is currently reviewing the latest submittal with the re-designed livestock shelter and will send out a review letter on or before April 11, 2024.

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Thank you,



**JOANNA WILK**  
Senior Planner  
**Department of Planning and Development**  
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*Santa Clara Valley Habitat Conservation Plan (HCP)*

10. Revise the HCP screening form on page 3 to select the appropriate HCP coverage. The property (LotA) 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 Tularcitos creek) to the south of the parcel. If improvements are required in the HCP landcover area and / or creek, HCP coverage will be required.

Response: We have revised the HCP screening form. Please refer to the document titled 'HCP - 2'.

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.

Response: The plans have been updated. We have labeled the Tularcitos creek south of the property, and the centerline and top of bank of the creek are also labeled. Please refer to the sheets C0.0,C0.1,C0.4, C0.5,C1.5 and C1.6 of document titled 'Plans - 2'.

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.

Response: The biology report has been updated and confirms that the proposed access improvements will have no impact on the mixed riparian forest and woodland landcover and/or Tularcitos creek to the south of the property. Please refer to the document titled 'HCP - 2'.

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.

Response: The figure 2 have been updated. We have labeled the Tularcitos creek south of the property, and the centerline and top of bank of the creek are also labeled. Please refer to the document titled 'HCP - 2'.

**LAND DEVELOPMENT ENGINEERING (LDE)**

Contact Darrell Wong at (408) 299-5735 or [darrell.wong@pln.sccgov.org](mailto: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.

Response: We have included two tables to summarize the grading quantities- one for areas needing grading permit and another for areas within reclamation plan boundary and thus exempt from grading permit. Please refer to sheet C0.0 of the document titled 'Plans - 2'.

Some of the proposed improvements fall within the reclamation area, and the grading quantities of these structures are exempt from obtaining a grading permit (for details please refer to sheet C0.5).

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.

Response: The plans have been updated to include an estimated impervious area table that identifies the net change in impervious areas and the areas of proposed impervious or compacted soil areas. Please refer to sheet C1.15 of the titled document 'Plans – 2'. Below is the impervious area table for your reference:

NEW IMPERVIOUS AREA TABLE			
DESCRIPTION	AREA (SF)	AREA (ACRES)	EQUIVALENT AREA (ACRES)
PRIMARY RESIDENCE AND DWY	12,086	0.28	0.28
ADU,JADU,DWY & GAZEBO	4,070	0.09	0.09
BIG BARN AND AG SALES	19,283	0.44	0.44
AC ROAD	28,961	0.66	0.66
NET INCREASE IN IMPERVIOUS AREA	64,400	1.48	1.48
TOTAL AREA	1,616,512	37.11	37.11
PERCENT OF TOTAL LOT			3.98%

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.

Response: The plans have been updated to show the limits of the disturbed area resulting from the proposed development. This includes the disturbed areas for grading, construction staging, and the septic field. Please refer to sheet C0.1, C2.1 to C2.3, 2.8 and 2.9 and Sheets C3.1 to 3.13 of the titled document 'Plans – 2' for details.

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.

Response: The plans have been updated and now include the following:

- EASEMENT EXHIBIT: Please refer to sheet C1.14 of the document titled 'Plans – 2'. This exhibit aligns with the plats and legals that are submitted as part of the final map recordation (DEV23-3159).

- UTILITY PLANS: These have been revised to demonstrate the connection points from the proposed structures. Please refer to sheets C1.1 TO C1.13 of the document titled 'Plans – 2'.

Additionally, we would like to clarify that there is an existing water sharing agreement between Lot A and Lot B. Please refer to the document titled 'Tank Facilities Sharing Agreement'.

18. The limit of grading shall be clearly depicted on the plans.

- The limit of work appears to extend beyond the edge of the plans on Sheet C2.2 and must be corrected.

Response: The plans have been updated. The limits of the grading do not extend beyond the edge of the plans. The limits of the grading are shown on grading plans and plan and profile sheets. Please refer to the sheets C0.1, C2.1 to C2.3, 2.8 and 2.9 and Sheets C3.1 to 3.13. We have added Sheet C2.3 to show areas to the north of C2.2.

- The conform of the contour grading at the parking area on the "Main Access Road" should be clarified.

Response: The grading plans have been revised to show conform grading at intersections. Daylight grading lines have been added to the grading plans, plan, and profile sheets. Please refer to sheet number C2.1 of the titled document 'Plans – 2'.

- The grading for the parking area along the access road near the primary residence shall be clearly depicted on the plans.

Response: The plans have been updated to show the grading for the parking area along the access road near the primary residence. Please refer to sheet C2.1 of the titled document 'Plans – 2'.

- 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.

Response: Limits of grading lines have been added to the grading plans and plan and profile sheets. Please refer to the sheets C2.2 in the titled document 'Plans – 2'.

The buildings that are next to the Big Barn are not part of this phase. The grading for these structures are already approved under DEV3201, 3202, 3206 & 3207.

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:

- 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.

Response: Please refer to sheet C2.3 and the hydrology exhibit sheet C7.3 prepared by C2G. As depicted on these sheets, runoff from the specified areas mentioned does not drain toward the creek



adjacent to Old Calaveras Road. Instead, the flow will be diverted to a catch basin on Access Road A. Storm runoff will then enter a storm drain pipe and outfall west of the intersection of Access Road A and Lower Access Road. From there, runoff will flow north and eventually enter the onsite detention basin identified on Lot B. The drainage from the access road above the parking area near the agricultural facility is properly treated and detained before discharge.

- 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.

Response: The routing of the runoff from the Ag facility area and surrounding improvements is clearly shown, which will be discharged into the detention basin in Lot B. Please refer to sheet C2.2 & C7.3. We have provided the BAHM Calculations. Please refer to the titled document 'BAHM Calculations – Ag facility'.

- 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.

Response: The plans have been updated. Please see Sheet C8.1 Hydrology Exhibit of plans '2'. Runoff drains into the multipurpose basin, where it gets treated and stored. Flow restrictors will be used to release runoff at the pre-development rate. Runoff follows the existing runoff pattern and gets discharged into the adjoining property.

- 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: The plans have been updated. Please see Sheet C8.1 Hydrology Exhibit of Plans '2'. Runoff drains into the multipurpose basin, where it gets treated and stored. Flow restrictors will be used to release runoff at the pre-development rate. Runoff follows the existing runoff pattern and gets discharged into the adjoining property. This do not cause a hazard or public nuisance. We have provided the BAHM Calculations. Please refer to the titled document 'BAHM Calculations – SFR'.

Existing conditions runoff coefficient is 0.25. Post development composite runoff coefficient is 0.31 so the increase in runoff coefficient is very minimal. To address this minimal increase in runoff we are providing a multi purpose basin which acts as treatment and flow control facility. Runoff enters the basin gets treated in the bioretention soil and gets stored in gravel layer. Runoff then enters the 4 inch perforated pipe at the bottom of the basin and enter the flow control structure. Flow control structure has metal plate with weir opening. This metal plate will act as the flow restrictor to maintain the release rates from the basin at or below predevelopment condition flow rate.

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.

Response: We have included 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. Please refer to Sheet C3.10 of the titled document 'Plans – 2'.

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.

Response: The plans have been updated to show the typical sections for all access driveways. The street typical sections are shown on Sheet C4.1 and pavement section is shown on C4.2. The sections also demonstrate the grading surrounding the driveway and the thickness and widths of the structural elements of the pavement such as shoulders and curbs for drainage. The plans also demonstrate the 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.

Response: The plans have been revised to show the SD4A standard driveway approach at the connections of the 'SFR ROAD A' to the 'MAIN ACCESS ROAD'. Please refer to Sheet C3.5 of the titled document 'Plans – 2'.

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.

Response: The plans have been updated to show the maximum slope of 5% in any direction in the driveway turnarounds between the ADU and the main residence. Slope callouts around curb returns have been added to the plans. Please refer to Sheet C2.1 of the titled document 'Plans – 2'.

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.

Response: The plans have been revised to demonstrate all applicable easements affecting the parcel(s) with benefactors and recording information. Please refer to Sheet C1.18 of the document titled 'Plans – 2'. This exhibit aligns with the plats and legals that are submitted as part of the final map recordation (DEV23-3159).

We have also uploaded the preliminary title report in Accela and the associated documents. Please refer to the document titled 'Preliminary Title Report' and 'PrelimtitleptDocs' for the recorded documents that are listed in the title report. We confirm that no subsequent encumbrances have been recorded since the preparation of the title report.

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.

Response: The plans have been revised. The retaining wall heights now match the top and bottom of all elevations. We have also provided a cross-section of the grading, including the proposed wall on sheet C3.14, per section C12-424 (j) and (k) of the county grading and drainage ordinance. Please refer to the callouts on Sheet C2.1 of the titled document 'Plans – 2'.

26. Provide a cross section of the grading necessary for the detention/bioretenion pond at the SFR.

Response: The plans have been revised and now demonstrates the cross section of the grading necessary for the detention/bioretenion pond at the SFR. Please refer to sheet C7.2 of the titled document 'Plans – 2'.

27. Provide a stormwater control plan identifying the separate drainage management areas and indicating where the runoff will be flowing for treatment.

Response: We have provided the stormwater control plan. Please refer to the sheets C7.1 & C7.3 of the titled document 'Plans – 2'. The plans demonstrate 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.

Response: Plans have been updated and now demonstrates the grading required for the ADA ramp in front of the barn building. Please refer the grading plan in sheet C2.2 of the titled document 'Plans – 2'.

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.

Response: These existing access roads were approved under the 2015 reclamation amendment plan file no. 2071-15P, as subsequently confirmed by Santa Clara County.

In the meeting with Lara Tran and Darrell Wong on March 1st, 2024, we clarified that Access Road A is 20 feet in width because there is 90-degree parking along the road. Since it's a one-way

road in the north-west direction, Santa Clara County ordinance specifies that the width of the road adjoining 90-degree parking should be 20 feet. Similarly, the lower access road also has parking, and this 20-foot width road is essential to facilitate parking along the road. These existing roads are in the base rock condition and will be recompacted and paved with AC pavement as part of these developments. As part of the main access road near the parking of the Big Barn building, part of the road is being re-graded to different elevations to match the proposed pads of the Big Barn and Ag sales building.

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.

Response: At the end of SFR Road A, there is a firetruck turnaround that meets the requirements of CalFire and Santa Clara County ordinances. Given that our commercial agricultural vehicles and visitors for our agricultural operations will be using SFR Road A to access this fire truck turnaround, the road has been designed to be 22 feet wide.

SFR Road B has 90-degree parking adjacent to it and is a two-way road. Therefore, this road width has been designed to be 22 feet wide to comply with Santa Clara County ordinances regarding 90-degree parking.

**DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)**

Contact Darrin Lee at (408) 918-3435 or [darrin.lee@deh.sccgov.org](mailto: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).

Response: Please refer to the top left corner of sheet C0.1. We have added the well schedule, which illustrates the number of wells on the property, their associated well numbers, drinking water clearance numbers, and their intended use. Below is the same information for your immediate reference:

Existing Well	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

Well number 2 and Well number 3 (highlighted in blue) will be serving the Lot A.

The plans have been updated to demonstrate the connections of the utility lines. The necessary callouts have been made to determine the intended use of the drinking water system and fire suppression, as well as connections to the processing barn, housing unit, accessory dwelling unit, etc. We have also included a callout of all the wells on the property along with their associated well numbers. Please refer to the utility plan sheets C1.1 to C1.13 of the titled document ‘Plans – 2’.

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:

Response: Page SS2 “Preliminary OWTS Design For Big Barn, Lot A” has been updated and now shows the calculation of 24.85 individuals per day.

- 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.

Response: Yes.

- For Saturday, the chart identifies 4-day workers plus 150 volunteers and customers totaling 154 individuals.

Response: The number has been revised as follows: Saturday we will have 4 employees / volunteers and 116 customers which will be totaling to 120 individuals.

- For Sunday through Saturday, the 7-day period the total of users equals 208 individuals.

Response: For Sunday through Saturday, the 7 day period the total of users equals to 174 individuals

- The 7-day average users equate to 208 individuals divided by 7 days totaling 29 individuals.

Response: The 7-day average users equate to 174 individuals divided by 7 days totaling 24.85 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.

Response: We have revised the number of customers to 116. The average number for a 60-day window will not exceed 25. Therefore, we would not need 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.

Response: The proposed domestic and commercial onsite wastewater treatment systems (OWTS) will be submitted to the Department of Environmental Health for review and for approval once the preliminary design is reviewed and approved.

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.

Response: Please refer to sheet SS2. The average design flow for the OWTS is 2,268 gallons per day. As discussed during the meeting with DEH on 3/1/2024, the number before the flow equalization was exceeding 2,500 gallons per day, which was calculated by mistake. The updated plans demonstrate that the average design flow calculation is within the 2,500 gallons per day limit, so we do not require approval by the Regional Water Quality Control Board.

In response to your question about the industrial high-strength wastewater from pickling and jarring activities, there was some confusion about what kind of pickles are being prepared and the effect of the wastewater release from this process. We would like to clarify that our pickling process involves minimal steps and do not produce high-strength waste water. The pickling process are listed below:

- Vegetables grown on the site are collected and washed.
- The vegetables are then cut and sautéed.
- After sautéing, the vegetables are packed in jars with oil and spices (see photo below).
- After setting for a period of time, the jars are sold in the Ag Sales building
- In order to facilitate customers to taste the pickles before buying, we have samples of pickles available paired with tasting meals in the Ag sales building.
- The expected daily production is 750 Jars of Pickel/Tasting Meals



Our septic consultant has recommended the inclusion of an industrial standard 5000 gallon grease interceptor. This addition is intended to effectively treat wastewater generated from pickling and jarring activities conducted on-site. Furthermore, we have incorporated a secondary treatment unit to ensure comprehensive treatment of the wastewater.

For detailed information on the OWTS design, including specifications and schematics, please refer to sheet SS2 of the provided documentation.

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](mailto: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.

Response: For the pickling and jarring activities, we have contacted the California Department of Public Health Food and Drug Branch. As part of this process, we were requested to apply for a Processed Food Registration license. We submitted the “Processed Food Registration” application on 04/14/2024 and received a response on 05/09/2024. The department requires an inspection of the facility after it has been built to issue the license. The email correspondence with the California Department of Public Health Food and Drug Branch has been uploaded to Accela. Please refer to the titled document ‘CDPHFDB Letter’.

At this point, we request the DEH to provide feedback on our commercial kitchen design so that

the remaining part of the application process can be completed after the facility has been built according to DEH specifications.

**COUNTY FIRE MARSHAL'S OFFICE**

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

Response: Noted

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.

Response: The plans have been updated to include the "Project Data" at the bottom left corner and the square footage of the proposed structures. The square footage of different structures has also been updated to match the description in Accela to maintain consistency. Please refer to sheet C0.0 of the titled document 'Plans – 2'.

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].

Response: The plans have been updated to include two standard fire hydrants. One fire hydrant is located within 400 feet exterior path of travel to all portions of non-residential structures, at the intersection of access road A and lower access road (near the big barn). The second standard fire hydrant is within 600 feet exterior path of travel to sprinklered residential structures, located on SFR Road A next to the ADU and JADU. This meets the requirement of CFC section 507.5.1. Please refer to the sheet C1.6 and C1.11 of the titled document 'Plans – 2'.

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].

Response: The plans are updated to demonstrate the Hammer Head turnaround which meets CFMO-SD16. Please refer to the sheet C2.1

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.

Response: We have uploaded the latest tank analysis report in Accela. Please refer to the titled



document 'IHF Tank Analysis & Report Rev 12-04-23'

**VALLEY WATER**

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

Response: Noted.

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.

Response: This is to confirm that all the wells in the property are in good condition. The proposed project will not have any impact on the wells. We will promptly file an application with valley water for a permit to construct or destroy any well or to drill any exploratory borings deeper than 45 feet in the future if needed.

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.

Response: We have updated the plans to include the callouts for Tularcitos Creek, the centerline, and the top of the bank. Please refer to the following sheet numbers in the document titled 'Plans - 2': C0.0, C0.1, C0.4, C0.5, C1.15, and C1.16. There are two separate septic systems proposed for this project: one for residential purposes and one for the big barn and Ag Sales building. Both of these septic systems and their leach fields are located 100 feet away from the top of the bank and the 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.

Response: The proposed finished floor levels of the structures are at elevations 532 and 606 significantly higher than the water bodies anywhere on the property. Therefore, there will not be any need for Federal Emergency Management Agency (FEMA) flood insurance.