

# County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



March 24, 2022

Hicks Land LLC  
3323 Surry Place  
Fremont, CA 94536

\*\*\*SENT VIA E-MAIL TO SUBMITTALS.MHENGINEERING@GMAIL.COM\*\*\*

FILE NUMBER: PLN22-014  
SUBJECT: Building Site Approval and Architecture and Site Approval and Grading  
Approval  
SITE LOCATION: 21631 Hicks Road; APN 575-11-009  
DATE RECEIVED: January 11, 2022—extension of time granted February 9, 2022

Dear Hicks Land LLC Representative:

Your submittal for Building Site Approval with Architecture and Site Approval and Grading Approval was received on the above date and has been deemed **incomplete**. For the application processing to resume, you must resolve the following issues and submit the information listed below.

Resubmittals are made via the internet, to do so, follow the instructions at the following URL: <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/Permits.aspx>. Before resubmitting, please consult me as this process is dynamic and at the time you choose to resubmit the process may have changed and / or been enhanced. The resubmitted materials must include all requested information. Once the information is submitted, Planning Office personnel will distribute the plans, reports, etc. to the appropriate staff or agency for their review.

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

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

Please submit electronic copies of the revised plans / resubmittal documents with a written response addressing the following items.

**Planning Office:**

Contact Carl Hilbrants at (408) 299-5781 / [carl.hilbrants@pln.sccgov.org](mailto:carl.hilbrants@pln.sccgov.org) for information regarding the following items:

1. Provide Floor Area Ratio (FAR) calculations prepared per instructions shown at the following URL: <https://stgenpln.blob.core.windows.net/document/FloorAreaRatio.pdf>. Ensure the calculations are stamped and signed by a licensed professional. These calculations will verify the level of public outreach necessary for the proposed development.
2. Depending on the proposed square footage as determined by the FAR calculations, the project will either require public noticing pursuant to Level 1 or Level 2 of the document found at the following URL:  
[https://stgenpln.blob.core.windows.net/document/EarlyNotification\\_ProjectTypes.pdf](https://stgenpln.blob.core.windows.net/document/EarlyNotification_ProjectTypes.pdf). Additional public noticing information can be found at the following URL:  
<https://plandev.sccgov.org/policies-programs/early-outreach>. When resubmitting, provide photographs showing contextual background evidence of proper placement of the erected sign.
3. As APN 575-11-024 is used as the access to APN 575-11-009; provide documentation of legal legality and legal ownership of APN 575-11-024 by the property owner of APN 575-11-009. For instructions of demonstrating lot legality, go to the following URL:  
<https://stgenpln.blob.core.windows.net/document/DeedLotLegality.pdf>. Alternatively, if a legally prepared and recorded easement to use APN 575-11-024 exists, provide that documentation when resubmitting.
4. Provide the earthwork quantities on Page 3 of 7 in tabular format.
5. Provide a statement of justification for proposed grading. This statement must demonstrate how the proposed grading adheres to the County Grading Ordinance. The justification may be in conflict with the County Scenic Road Combining District requirements and, if so, discussion with County Staff may be necessary.
6. Revise the submitted average slope calculation to ensure the calculation is signed by the preparing engineer. For instructions on preparing an average slope calculation, go to the following URL:  
[https://stgenpln.blob.core.windows.net/document/BSA\\_HS\\_RHS\\_R1E.pdf](https://stgenpln.blob.core.windows.net/document/BSA_HS_RHS_R1E.pdf).
7. Provide a color board demonstrating all exterior colors. The color board must include the color name, manufacturers name and Light Reflectivity Value (LRV) of each color. A template for the color board can be found at the following URL:  
[https://stgenpln.blob.core.windows.net/document/DR\\_ColorMatBoard.pdf](https://stgenpln.blob.core.windows.net/document/DR_ColorMatBoard.pdf).
8. Provide a preliminary landscape plan. The landscape plan must include any existing and all proposed on-site landscaping, including any fencing and / or screening. All trees at least 12" in diameter must be shown. All trees within the development area must be listed in tabular format regarding type, size and general health of the tree. Also, specifically note those trees proposed for removal.

9. If the proposed project disturbs more than one (1) acre of land, submit to the State Water Resources Control Board a Notice of Intent to Comply with National Pollutant Discharge Elimination System (NPDES) requirements. For information regarding details related to this item call (408) 299-5737.
10. Complete and submit the "Identification of Structures for Historic Significance Form" as part of the resubmittal due the structure is at least 50 years old.

**Land Development Engineering:**

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

11. Provide an updated table of the estimated earthwork quantities per C12-424(g).
12. 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.
13. Show the limits of the disturbed area as a result of the unpermitted grading and the proposed development and grading abatement. Include the disturbed areas of the septic field and any stockpile areas as well.
14. Adjust the grades for the driveway turnaround to ensure that the grade is 5% maximum in any direction for entire extent of the turnaround as required by the County Fire Marshal's Office or CalFire, whichever is greater. Currently it appears that along the station profile the slope is 5%, but diagonally through the turnaround and within the approach to the turnaround the slope appears to be greater than 5%. Adjust the grading accordingly.
15. Relocate proposed retaining walls outside of the right-of-way.
16. Provide an overflow for the detention pond and evidence that the pond, when filled, will infiltrate within 72 hours without creating a hazard to the hillside. A supplemental letter from the soils engineer may be required to address the infiltration and discharge of the overflow.
17. The proposed right-of-way appears to be angular in dimension. Verify with County Roads and Airports as to whether a curvilinear right-of-way is necessary or desirable.

**Fire Marshal Office:**

Contact Alex Goff at alex.goff@sccfd.org for information regarding the following items:

18. Property is within the State Response Area (SRA) and the Wildland Urban Interface (WUI)- High.

- a. Plans are to comply with PRC-4290.
  - b. Plans are to meet Chapter 7A at Building Permit review.
19. Sheet 4 of 7 shows a slope greater than 15%. To allow this slope, a signed exception from CALFIRE must be submitted.
  20. Sheet 4 of 7 shows a 217-foot length of slope at 17.7%, this appears to cross into the turnaround area that is shown with a maximum slope of 5%. Plans are to clarify the slope of the turnaround does not exceed 5%.
  21. Plans to state driveway will be made of an "all weather" material capable of holding 75,000 pounds.
  22. Sheet 3 of 7 shows a van-turning model. Plans are to show a minimum 42-foot interior turning radius per CFMO-A1.
  23. Wharf hydrant to be located per CFMO-W4. This includes, but isn't limited to, a minimum of 55 feet from a structure. Plans appear to show a hydrant 24 feet from the garage.
  24. Fire department turnaround to be kept clear at all times. Plans show a Rain-Tank in this area, clarify if this is below ground or above.
  25. Plans to state the size of the proposed structures to ensure fire protection water amount is adequate. It appears the minimum water required will be two (2) 5,000-gallon above ground water tanks for the wharf hydrant and one (1) 3,000-gallon water tank for domestic / fire sprinkles per CMFO-W1.
  26. Fire sprinklers to be listed as a deferred submittal.

**Department of Environmental Health**

Contact Darrin Lee at [darrin.lee@cep.sccgov.org](mailto:darrin.lee@cep.sccgov.org) for information regarding the following items:

27. Contact the Department of Environmental Health (DEH) to obtain water clearance for the onsite water well. Water clearance is required prior to receiving Building Site Approval (Santa Clara County Standards and Policies Manual Vol.2, Section 1.3.3 B (1)). Water clearance is a separate submittal to DEH subject to completion of water clearance service application, submittal of well construction log, well yield test data, and Title 22 water testing. For additional information regarding water clearance, contact Ross Kakinami at 408-918-3479 or by email at [ross.kakinami@cep.sccgov.org](mailto:ross.kakinami@cep.sccgov.org).

28. Submitted onsite wastewater treatment system (OWTS) site plan and grading / drainage plans do not show existing well location. Locate and show the well location on a revised OWTS plan and grading / drainage plan.
29. DEH approved an OWTS design on July 09, 2019, for a six-bedroom single family residence (SFR) and a two-bedroom accessory dwelling unit (ADU) for a combined design flow equivalent to 975 gallons per day. However, the currently provided OWTS plan design shows the following proposal: a six-bedroom SFR, a one-bedroom ADU and one-bedroom junior ADU. Resubmit a revised OWTS plan to the Department of Environmental Health and to the Department of Planning and Development that reflects the current project scope.

**County Geologist:**

Contact Jim Baker at (408)-299-5774 / jim.baker@pln.sccgov.org regarding the following item:

30. ATC's "... Additional Recommendations" letter (dated 12-21-2021) indicated 4 figures were attached: "Updated Project Site Engineering Geologic Map" and three Updated cross-sections. However, those figures are not included in the Documents portal. Submit the missing figures.

**Roads & Airports Department:**

Contact Leo Camacho at (408) 573-2464 / leo.camacho@rda.sccgov.org regarding the following items:

31. All driveways accessing the property will be required to be improved to County Standard B/4 approach. Currently plans call for pavers up to the roadway edge, revised plans should show asphalt driveway approach in the right-of-way.
32. Show the "No Right Turn Sign" (R3-1) on plans per the recommendation in the sight distance and geometric analysis.
33. Gates, fences, retaining walls, fixed appurtenances, etc. shall be located outside the limits of the County maintained road right-of-way (ROW). If any items must remain in the ROW a Maintenance and Indemnification Agreement (MIA) recorded against the property will be required. Indicate on plans the intent of any existing or future items in the ROW.

**Santa Clara County Parks & Recreation:**

Contact Kimberly Brosseau at (408) 355-2230 / kimberly.brosseau@prk.sccgov.org regarding the following item:

34. The conceptual route of the Almaden / Hicks Road Connector Loop Trail is located adjacent to the project site, within the Hicks Road right-of-way. Label this trail route on the resubmitted plans. To minimize any impacts to the proposed Almaden / Hicks Road Connector Loop Trail the proposed development should account for future bicycle improvements adjacent to the site and should remain within property boundaries and out of the Hicks Road right-of-way.

**Midpeninsula Regional Open Space District (MidPen):**

Contact Gretchen Laustsen at (650) 691-1200 regarding the following items:

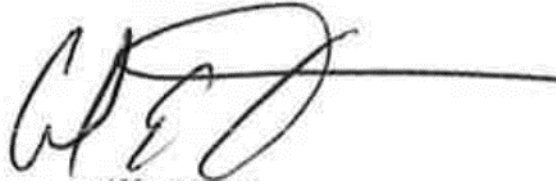
35. The plans indicate that access to the existing water tank, existing well and proposed septic require access through the adjacent MidPen parcel. Provide evidence of an easement over the necessary road segments, and if not available, show the alternative access route for construction and maintenance.
36. While the development is described as residential, the plans indicate a left-hand turn approach off Hicks Road for passenger shuttle vans. Provide details of activities, if any, beyond the stated residential purpose. If none, please state so in a narrative as part of the resubmittal.
37. Clarify location of proposed well versus existing well, and, if relevant, show the access to the well site.

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

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

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If you have questions regarding the application, please contact me at (408) 299-5781 or [carl.hilbrants@pln.sccgov.org](mailto:carl.hilbrants@pln.sccgov.org).

A handwritten signature in black ink, appearing to be 'CH', with a long horizontal line extending to the right.

Regards,  
Carl Hilbrants  
Senior Planner

cc: David Cheung, Planning Technician  
Lara Tran, HHC  
Darrell Wong, LDE  
Alex Goff, FMO  
Darrin Lee, DEH  
Jim Baker, County Geologist  
Leo Camacho, RDA  
Kimberly Brosseau, County Parks  
Gretchen Laustsen, MidPen

Resubmittal: Referral to Greg Bazhaw (copy of application and letter only)