

County of Santa Clara

Department of Planning and Development
Planning Office

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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 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. [FAR calcs provided on sheet A0.01.](#)
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. 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. [Proposed structure is determined to be Tier 2/Level 1.](#)
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. [Updated Title report dated, Feb 2022 showing title to APN 575-11-024 has been submitted. Also, quitclaim deed by Valley Water is provided with this filing.](#)
4. Provide the earthwork quantities on Page 3 of 7 in tabular format.
[Added on sheet 3 of 8](#)
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.
[Grading Statement is enclosed. Additionally, Building Site Comparison Analysis \(justification\) provided with 03/2021 Pre-App is hereby re-submitted.](#)
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: [Revised avg slope calc exhibit is included in the refile.](#)
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. [Color board by the Architect is presented on A500 submitted.](#)
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. [Prelim Landscape Planting Plan is included in the package.](#)

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. [Noted. An NOI will be filed prior to obtaining the grading permit.](#)
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.

[We have already requested appraisal documents from the Co. tax assessor's to determine age of existing structure. Included in the package is that application](#)

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).
[An updated table has been added to sheet 3 of 8.](#)
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.
[A table has been added to sheet 6 of 8.](#)
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. [This info. has been added to sheet 2 of 8.](#)
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.
[Driveway profile and grading plan has been revised. A 10 scale turn-around grading detail has been added to sheet 4 of 8.](#)
15. Relocate proposed retaining walls outside of the right-of-way.
[A note has been placed on sheet 3 of the civil plan to indicate applicant's intent to enter MIA with R&A.](#)
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. [Basin has been replaced with an underground rain-tank. Drawdown times based on the lowest percolation rate provided by the soils engineer have been computed in the SCM sizing table on page 6 of 8. Both tanks will fully infiltrate under 48 hours.](#)
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.
[Harry has reached to Leo Camacho of R&A with no response re. this comment. The entire length of Hicks road per submitted County Survey Map 2A-2F is angular in configuration. There is not even a single curvilinear segment. In fact, placement of curvature fronting this parcel will reduce the right of way.](#)

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.

An exceptions letter re. comment# 19 & 22 has been included per Carlos Alcantar of CALFIRE. We intend to offer additional fire water and exterior sprinklers on the eves of both buildings as mitigation for these exceptions. Note re these exceptions has also been added on sheet 2 of 8.

- a. Plans are to comply with PRC-4290. [Comment a & b are noted.](#)
- 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%. [See response above to comment#14](#)
21. Plans to state driveway will be made of an "all weather" material capable of holding 75,000 pounds. [A note on the driveway section on sheet 3 has been added.](#)
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. [Location of hydrant has been revised. See sheet 2 and 3.](#)
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. [Rain-tank is below ground as shown on grading section S1, sheet 5 of 8](#)
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. [Required water volume has been noted on sheet 2 of 8.](#)
26. Fire sprinklers to be listed as a deferred submittal.
[A note has been added to sheet 2 of 8.](#)

Department of Environmental Health

Contact Darrin Lee at 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.

[We already have water. Well completion report is included in the package.](#)

Well is uphill and too distant from the proposed septic field, which is shown with an inset on the civil site plan, sheet 2 of 8. OWTS dated 12-17-21 calls out the well location with an approximate distance label.

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 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.

Bio-sphere has been in touch with Ross Kakinami to get a clarification that DEH may have reviewed an older version of the plan. OWTS plan dated 12-17-21, resubmitted in the package is designed for a 6 bedroom main house, 1br ADU & 1br JADU with 975gpd flow.

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 no included in the Documents portal. Submit the missing figures. According to Soils Engineer this info was indeed provided with the 1st filing, which is re-submitted with this re-submittal.

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.

Driveway approach has been revised for PCC paving. See sheet 3.

32. Show the "No Right Turn Sign" (R3-1) on plans per the recommendation in the sight distance and geometric analysis. This sign has been added on sheet 3.

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.

Due to existing steep slopes above Hicks Road, placement of these improvements are not feasible on the private property and must stay within the Co. right of way. Gloria Ballard spoke with Leo Camacho on 9-20-22, who is going to ask his replacement Tom Esch to get the MIA started as consented by the Applicant. A note related to MIA has been placed on civil plan, sheet 3 of 8.

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. This note has been placed on civil plan, sheet 3 even though project frontage along Hicks road is not suitable for a bike trail. In fact, property owner is going to enter MIA with Roads & Airport for placement of private improvements such as retaining walls for supporting minor road grading in the County 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. Response to this comment is provided by Applicant's attorney, Bart Hechtman in the submitted letter.
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. It was the Traffic Engineer who had studied the largest passenger vehicular access from the south with AutoTurn tracking software. This property is pursuing a building permit for a single family house.
37. Clarify location of proposed well versus existing well, and, if relevant, show the access to the well site. There's only a single existing well as shown on sheet 1 and 2. No other wells are proposed. A portion of current access lies on MidPen parcel (APN575-11-008). If the Applicant is unable to workout access easement through MidPen, they will be self sufficient to access well and septic with an ATV from within their own parcel.

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.

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)