

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 with 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:

Staff has reviewed the materials submitted on January 11, 2022 and would like to provide staff assessment of the proposed design with respect to, among other things, Architecture and Site Approval, Guidelines for Grading and Hillside Development and Design Review Guidelines.

The information in this section are not incomplete items and are not required to deem the application complete for processing. The information in this section is informational only and can be discussed further if desired with County Staff. Some of the issues noted can be addressed through clarification or in the additional information requested in the Incomplete Letter dated March 24, 2022.

Planning Office:

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

#1. we have no other justification to offer. Our justification analysis provided with the Pre-App dated 3/2021 had determined the middle site to be superior in comparison to the lower site, but Planning had sent us back to the drawing board and asked to re-design the preferred house location at the lower site. Original justification is hereby re-submitted.

1. The currently proposed location of the residence is within the 100-foot scenic road setback of Hicks Road. To satisfy Zoning Ordinance requirements, the residence should be relocated to be at least 100 feet from the Hicks Road right-of-way. If it is desired for the residence to remain in the currently proposed location, or anywhere within the 100-foot right-of-way of Hicks Road, prepare an alternative location comparative analysis of the grading impacts of the project showing how the currently proposed location is demonstrably superior to the residence being located at the 100-foot setback location. A residence more than 100 feet from the scenic road would incur additional and excessive grading and would not be supported.
2. As a Grading Violation exists on the parcel, acknowledged as part of this submittal as a Grading Abatement, a Compliance Agreement will need to be entered into prior to approval of this Building Site Approval with Architecture and Site Approval and Grading Approval

Gloria has emailed request for CA from J. Stephens on 9-21-22 . Copy of that email is enclosed. Grading abatement plan has been prepared and submitted herewith on sheets 7 and 8.

application. **Contact James Stephens at (408) 299-5794 / james.stephens01@pln.sccgov.org for information regarding this matter.**

CAL FIRE

Contact Carlos Alcantar at carlos.alcantar@fire.ca.gov regarding the following comments:

NOTE: The following CalFire comments may not be relevant at this time, but are included to ensure knowledge of CalFire requirements and any enduring responsibility of the property owner to comply with those requirements.

3. Roads: Ensure the driveway meets specifications in §1273.02 to support at least 40,000 pounds. [Driveway & turn-around design has been prepared to meet comment#3 thru 5](#)
4. §1273.02. Road Surfaces:
 - a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.
 - b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.
5. §1273.06. Turnouts
 - a) Turnouts: Ensure turnouts meet specifications in §1273.06 of the Fire Safe Regulations.
 - b) Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.
6. §1276.01. Setback for Structure Defensible Space.
 - a) Defensible Space: Maintain defensible space specifications described in Public Resource Code 4291. [With the current design we've met the 30' defensible space to meet Title 14 regulations. Architectural Site Plan and Prelim. Landscape plan show compliance to this requirement.](#)
 - b) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

Santa Clara Valley Water District:

Contact Jourdan Alvarado at (408) 265-2607 / jalvarado@valleywater.org for the following items:

7. Sheet 1 incorrectly notes the site is on FEMA FIRM panel 06085C0629H; the site is on Firm panels 06085C0384H & 06085C0403H. The zone D designation is correct. [This correction has been made on sheet 1 of 8.](#)
8. The reference to the City of Burlingame in Note #3 on Sheet No. A001 should be removed or revised. [Architect has removed this reference.](#)

9. The plans should include a legend that defines features such as the proposed storm drain system. [A legend has been added to sheet 4 of 8.](#)
10. The plans should include details for the rock-lined swale and rock at the ditch inlets shown on Sheet 3. [Driveway section on sheet 3 has been updated for rock lining of ditch .](#)
11. Rock slope protection should be included at the outlet to the ditch shown on Sheet 3. [Rock lining has been added in plan view on sheet 3 for the entire ditch.](#)
12. The profile for section S1 on Sheet 4 appears to be incorrectly labeled on Sheet 3 as “S2” and vice versa. [This has been corrected.](#)
13. The profile on Sheet 4 should clearly show the required grading for the proposed stormwater basin. [Basin has been replaced with a below ground rain-tank.](#)

Midpeninsula Regional Open Space District (Midpen):

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

14. Midpen requests that the required defensible space area be located within the owner’s parcel. If the owner needs to enter, or reduce vegetation on, the adjacent Midpen owned property, they must comply with Midpen’s Defensible Space Permit program guidelines, including applying for and obtaining a Defensible Space Permit and completing all necessary environmental review. [Defensible space has been confirmed at 30 feet. It will not be necessary to enter MidPen property as we are able to meet this requirement within our parcel boundary.](#)
15. Midpen requests to review and comment on the development’s planting plan when prepared. [Preliminary Landscape Plantings plan has been prepared and will be submitted for review and comment.](#)

Below are excerpts from County policies, regulations, findings and guidelines whereby Staff is having difficulty supporting the project as currently designed.

Guidelines for Grading and Hillside Development:

The project is subject to a Grading Approval which requires meeting the intent of the County Design Review Guidelines for Grading and Hillside Development to minimize grading within hillside areas and reducing the potential for visual impacts.

[Proposed grading creates the smallest pad for 1st floor and is optimum in volume & overall scope, which has been engineered following these guidelines.](#)

*Guideline 2: Based on the location of existing access roads and existing improvements, development within the Hicks Road scenic road setback may be allowed **if, and only if**, other building sites are not available and extensive grading and terrain alteration is avoided. In this instance, buildings should be sited to preserve hillsides in their natural state and sited to minimize visual impacts.*

Guideline 3: Development should be sited to avoid encroachment into areas with sensitive biological and cultural resources, such as Santa Clara Valley Habitat Agency designated sensitive areas, riparian corridors, wetlands, oak woodlands, serpentine habitat, and known archeological sites.

Guideline 12: For grading projects that require new large fill slopes, use landformgrading to resemble natural features instead of the conventional sharp angles and unnatural uniform slope treatments.

Architecture and Site Approval Findings (§ 5.40.040):

ASA may be granted if the Zoning Administrator makes all of the following findings:

- A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;*
- B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;*
- C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;*
- D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;*
- E. No adverse effect of the development on flood control, storm drainage, and surface water drainage;*
- F. Adequate existing and proposed fire protection improvements to serve the development;*
- G. No significant increase in noise levels;*
- H. Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance;*
- I. Conformance with the general plan and any applicable area or specific plan, or, where applicable, city general plan conformance for property located within a city's urban service area; and*
- J. Substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and any other applicable guidelines adopted by the County.*

Design Review Findings (§ 3.20.040):

Where aspects of the project have not been addressed through the above noted Architecture and Site Approval findings; the following findings would also apply. Development is required to substantially meet the intent of the Design Review Findings and Guidelines to maintain the predominantly natural character of hillsides areas and areas along designated scenic roads:

(C) Building Form and Massing. Buildings shall be designed following the massing guidelines: [Architect has re-designed the building form and massing to comply with these guidelines.](#)

- 1. Maximum horizontal length of a continuous wall plane shall be 80 feet.*

2. *Maximum height of a wall plane, including foundation and other continuous components, shall be 24 feet, with the following exceptions: (a) Any architectural component where façade dimension does not exceed 18 horizontal feet, or (b) multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25% of the total horizontal dimension of the façade. This limitation may be varied through the design review process for wall planes not facing the valley floor or otherwise having demonstrably low visibility.*
3. *Portions of a wall plane must be offset by at least five (5) horizontal feet to be deemed discontinuous for the purposes of this provision.*

Design Review Guidelines:

Objective I: To minimize the visibility of new structures from the valley floor and designated scenic roads.

Building Mass:

- a. *The slopes of the roof should follow the natural contours of the land.*
- b. *Bulk of the building should be broken up by incorporating varied roof heights rather than having just one or two massive roof planes.*
- c. *Expansive facades shall be avoided by offsetting walls and by using architectural elements such as windows and cornices to produce patterns of light and shade.*
- d. *The second and the third stories should be set back from the first-floor facade to step with the land and reduce apparent bulk.*
- e. *Additions to buildings should not result in a major increase in the apparent bulk of the building.*

Landscaping:

- a. *Where necessary, vegetation shall be used to blend the structure with the surrounding landscape and soften the impact of development.*
- b. *Ground cover, shrubs and trees should be used to mitigate visual impacts of development.*
- c. *All landscaping will be subject to approval by the Fire Marshal Office to make sure that the landscaping does not create a fire hazard.*

As currently designed, Staff has concerns with site location and may not be able to support the project. To better meet the intent of the County's policies, regulations, findings, and guidelines stated above, Staff recommends revising the plans to comply with the required scenic road setback from Hicks Road. If it is clearly demonstrated that the currently proposed location, that

is, within the 100-foot scenic road setback of Hicks Road, is superior in design and reduces impacts to the parcel, vegetative screening and specific architectural articulation to minimize visual bulk of the proposed buildings would need to be incorporated into the design of the residence and associated buildings and improvements. The need for aesthetic details, regardless of being within 100 feet of Hicks Road, must be incorporated into the design of the residence

and associated buildings and improvements. Employing these aesthetic details will ensure compliance with building massing requirements of the County Zoning Ordinance which is necessary as the parcel is located a design review (-d1) zoning district. The approved residence, regardless of elevation and location, must adhere to the Light Reflectivity Value (LRV) standard of 45 or less.

Building Site Approval with Architecture and Site Approval and Grading Approval involve a staff-level review which requires an action to either grant, deny, or continue the project. The decision may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the Board of Supervisors. Should the applicant voluntarily choose to modify the project design based on the information provided above to better meet the County's Findings, Guidelines and Policies, please include with the resubmittal the mandatory items listed in the Incomplete Letter dated March 24, 2022. For questions regarding this letter, please e-mail me at carl.hilbrants@pln.sccgov.org to schedule an appointment to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Hilbrants', followed by a long horizontal line extending to the right.

Carl Hilbrants
Senior Planner

cc: Leza Mikhail, Planning Manager
Carlos Alcantar, CalFire
Jourdan Alvarado, SCVWD
Gretchen Laustsen, MidPen