

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, CA 95110  
Phone: (408) 299-5700  
www.sccplandev.org



**April 27, 2023**

Vietnamese Bhikkhuni Buddhist Congregation  
2054 Old Piedmont Rd  
San Jose, CA 95132

[txnh9@yahoo.com](mailto:txnh9@yahoo.com)

\*\*\* VIA EMAIL \*\*\*

**FILE NUMBER:** PLN22-204  
**SUBJECT:** Grading Abatement of Existing Grading Violation (VIO20-0136).  
**SITE LOCATION:** 2054 Old Piedmont Rd, San Jose (APN: 092-34-015)  
**DATE RECEIVED:** April 03, 2023

Dear Vietnamese Bhikkhuni Buddhist Congregation,

Your application for Grading Abatement of Existing Grading Violation (VIO20-0136) received on the above date is 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://plandev.sccgov.org/how/apply-permit/planning-resubmittal-procedures>. 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, the Planning Office will distribute the plans, reports, and/or information to the appropriate staff or agency for 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. They represent a specialty or office and can provide details about the requested information.

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

Please submit *all* electronic copies of the revised plans/resubmittal documents (PDF) with a written response letter addressing each incomplete comment.

## PLANNING

Contact your project planner Lulu Pang at (408) 299-5718 or [lulu.pang@pln.sccgov.org](mailto:lulu.pang@pln.sccgov.org) regarding the following comments:

### *Tree Preservation and Removal Information*

1. The submitted plans did not sufficiently address the previous incomplete comment (NO.2) from the incomplete letter dated December 12, 2022. The specific incomplete comment is related to tree removal and no tree removal summary was provided in this submission as required by the previous incomplete item. Please provide the species and trunk sizes of all existing trees to be removed (or have been removed) in a table format and include the tree removal table in the plan set (see a sample table below, add more rows as needed).

If no tree removal is proposed, then state “no tree removal is proposed” on the cover sheet.

Tree Removal Summary		
Tree Number	Common Name	DBH (inches)
1		
2		
3		
etc		

Note: The subject parcel is zoned “R1-2.5s-d1”. Tree Removal Approval is required prior to any tree removal on the subject parcel. A protected tree on this parcel requiring removal approval is any tree having a main trunk or stem measuring 12 inches or more in diameter at a height of 4½ feet above ground level, or in the case of multi-trunk trees a total of 24 inches or more in diameter of all trunks.

- A. The subject parcel is located in the “-d1” Design Review Combining District. According to *Santa Clara County Guidelines for Tree Protection and Preservation for Land Use Applications*, tree replacement will be required based on the sizes and species of the removed trees. The following tree replacement ratios apply:
- For the removal of one small tree (5- 18 inches):  
(3) 15-gallon trees, or (2) 24-inch box trees.
  - For the removal of one medium tree (18 – 24 inches):  
(4) 15-gallon trees or (3) 24-inch box trees.
  - For the removal of a tree larger than 24 inches  
(5) 15-gallon trees or (4) 24-inch box trees.

**If the tree located near item #10 on the site plan is to be removed, please indicate the locations and common names for the replacement trees on the site plan.** For example, if the tree size is 15 inches in diameter, (3) 15-gallon trees **or** (2) 24-inch box trees shall be replaced. **Note:** Replacement trees are required for each protected tree that will be removed. Replacement trees should be California native. Oak trees shall be replaced by oak trees (no exceptions).

### *Riparian*

2. The submitted plans did not sufficiently address the previous incomplete comment (NO.4) from the incomplete letter dated December 12, 2022. The specific incomplete comment is related to the site plan indicating the required riparian setback for Berryessa Creek. This information was not provided

in this submission, please clearly indicate the top of the bank and 35-foot setback line in black solid lines on the project site plan. Note: No development shall be within the 35-foot riparian setback area.

### **LAND DEVELOPMENT ENGINEERING**

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

3. Please provide an updated table of the estimated earthwork quantities per C12-424(g). The quantities must include the entire unpermitted scope of work to be legalized. The quantities must also include the proposed scope of work including such grading as the modifications to the storm drainage detention basin. Any rock imported for the purpose of the expansion of the impervious paving shall also be included in the quantity.
4. Per the previous comments, provide an updated/revised table of the estimated impervious areas that are created or legalized as a part of the development. The net change in impervious areas shall be clearly stated on the plans. The plans shall clearly distinguish the previously permitted impervious area from the expanded impervious area based on the previous drainage permit approval per Record # LDE15-10648DP. Only the porch and step for the main residence was included in the drainage calculations for the previous permit. Any unpermitted impervious area constructed, not included as a part of the previous permit, (tank pads, saw cut concrete walk areas, rock areas, etc.) must be permitted and mitigated for storm drainage peak flow, or otherwise proposed to be restored to previously approved conditions and abated. Note that the area identified by #4 in your plans must continue to be considered to be unpermitted except for the one-foot sections that are proposed to be saw-cut out unless the entire section is to be certified as an engineered pervious system with the appropriate underdrain system. If you are proposing to consider this area pervious, you shall provide certification of the engineered pervious paving and system which was installed without permit or call for the unpermitted concrete to be removed and an engineered system installed. (If the unpermitted concrete walk areas will be modified to be pervious, please note that the project will be conditioned to provide an engineering detail of the pervious paving system which is to be installed. This engineered system will be required to have the appropriate rock and sand layers with a designed sub-drainage system. Verification of the installation of the engineered system will be required along with certification by an Engineer.)
5. Per the previous comments, fully show the extent of the soil placement on the hillside. The owners communicated that the fill was spread on the hillside to the investigating inspector on site and acknowledged the placement with the Compliance Agreement. The topographic contours also indicate a disturbance on the plans, especially when compared with the previous topographic survey from the previously approved plans. The previous topo in this area depicts a different condition and grade for this area. Consider utilizing the previous topo and comparing the current topo to depict the unpermitted fill in this area behind the house. The disturbed area needs to be revised to include the areas of grading indicated by the two different topographic surveys. The Engineer verbally indicated that the owner took the spread material and used it for their potted plants working through the Stop Work Order to gather that material, but the current topography when compared with the topographic survey from the previously approved plans doesn't indicate that. If that is the case, this area must still be included in the disturbed area and the work appropriately documented with the appropriate revisions to the plans and matching topography.

6. Please revise the limits of the disturbed area as a result of the proposed legalization, abatement and development. Include the disturbed areas of the spread material, landscaping and any stockpile area. The plans do not include the proposed landscaping within the disturbed area. The limits of the disturbed area shall include the revisions to the plan as a result of the comments above.
7. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of Section C12-407 of the County Grading & Drainage Ordinance. The remaining unpermitted hardscape around the buildings must still be considered impervious. The gravel/rock areas, listed as #9 on the plans, must be considered impervious for the accounting for the SF Bay watershed questionnaire. The increased impervious area appears to drain by way of a unpermitted/revised toward the pipe leading to the existing detention basin constructed as a part of the original development and therefore the detention system will likely require modification pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual. Show the existing piping and any required modification to the existing drainage basin on the grading and drainage plans.
8. Per the previous comments, provide a cross section of the grading, including the proposed wall, per Section C12-424 (j) and (k) of the County Grading & Drainage Ordinance as necessary. No section of the wall and the surrounding area has been provided on the plans. No section of the grading on the hillside behind the house has been shown on the plans. Utilize the previous topo survey on the previously approved plans and the current topo survey to create your section.
9. Per the previous comments, identify the datum for the topographic survey and the floodplain. The topographic survey and grading plan shall be on the same survey datum as the floodplain.
10. Submit a corrected San Francisco Bay Watershed Questionnaire with the appropriate impervious area additions. The areas of the tank pads must be included in the impervious area additions. The gravel/rock areas, listed as #9 on the plans, must be considered impervious for the accounting for the SF Bay watershed questionnaire. The areas of the remaining unpermitted concrete shall be considered impervious and the space between them if compacted with rock, shall also be considered impervious. Those rock and concrete areas totaled together will exceed the minimum threshold requiring stormwater treatment for a single family residence and certainly much more than what was reported with the first submittal of the questionnaire. Based on the results of the revised Questionnaire, incorporate the applicable stormwater treatment measures in the plans. **Please note that requirements for the SF Bay watershed will change for projects not approved by June 30, 2023 for all projects that have not yet obtained approval by that date.**

**Prior to resubmittal, please feel free to contact me to schedule an appointment so we can meet virtually 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 assigned 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.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

Any future application submittals must address all comments listed above. If you have questions regarding the application, please contact me your project planner at (408) 299-5718 or [lulu.pang@pln.sccgov.org](mailto:lulu.pang@pln.sccgov.org).

Sincerely,

A handwritten signature in black ink, consisting of the letters 'L' and 'P' in a cursive, stylized font.

Lulu Pang  
Assistant Planner

**cc:**

Samuel Gutierrez, Principal Planner  
MaryEllen Luna, Code Enforcement Officer II  
Darrell Wong, Senior Civil Engineer