

# 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



**July 31, 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)

Dear Vietnamese Bhikkhuni Buddhist Congregation:

Your application for Grading Abatement of Existing Grading Violation (VIO20-0136) 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:

### *Riparian*

1. The submitted plans did not sufficiently address the previous incomplete comment (NO.2) from the incomplete letter dated April 27, 2023. The specific incomplete comment is related to the site plan indicating the required riparian setback for Berryessa Creek. [Please see sheet 2 showing riparian setback.](#)

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. [See sheet 2 showing setback and black lines showing limits of construction area.](#)

### *Plans*

2. Please separate any required forms such as the clean water questionnaire from the plans. [Updated questionnaire provided as a separate document.](#)

## **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. Per the previous comments, 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 and summarized on the table including the rock imported for the construction of the concrete surfacing around the structures and tanks. 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. [See demolition plan sheet 2 and sheet 1 showing un-permitted work in areas to be removed and restored and to remain and legalized and quantities.](#)
4. If there are no proposed changes for the detention/treatment basin, provide preliminary calculations demonstrating the capacity of the existing basin is sufficient for the additional impervious area of the development. If that can not be demonstrated, propose appropriate expansion to the basin as necessary. [See sheets 4 and 5 showing detail and preliminary calculations for new basins and water treatment.](#)
5. The area of rock installed around the water tanks shall be quantified for import of rock and additional impervious area as it relates to the SF Bay permit. Per the previous comments, be sure to include this area and rock quantity in your accounting and questionnaire. [Noted, area to be included in area to be drained. See sheets 3 and 4 for drainage and storm water plan draining into new basins for treatment. See sheet 1 for quantities.](#)
6. 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 revised 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. [See sheets 3, 4 and 5 showing drainage and storm water plans showing intent to legalize un-permitted work including revised calculations. Water to be diverted to new basins.](#)

7. Quantify the square footage of area #9 on the plans for the SF Bay permit requirements. This area must be considered impervious unless the section includes the necessary rock storage section and subdrainage system. [See sheets 3, 4 and 5 of new plans showing water to be diverted to new treatment basins.](#)
8. The topographic contours (existing v. pre-violation) should indicate a disturbance on the plans in the area of the material placement on the hillside, 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. [Supplemental survey of topography to be provided during building permit stage of project if necessary.](#)
9. The imported top soil on the hillside appears to be proposed to remain in place. Please demonstrate how this is the minimum grading necessary for the approved legal use on the site. [Top soil to be put into planters/pots with planted planters/pots to be distributed throughout the property.](#)
10. Please revise the limits of the disturbed area as a result of the proposed legalization, abatement and development. Include the disturbed areas of the landscaping and any stockpile area. The plans shall include the proposed landscaping to remain within the disturbed area limits and quantities. The disturbed areas on the plans shall include the placement of the rock (item #9), the rock around the tanks, and the removal of the bamboo within the creek. The limits of the disturbed area shall include the revisions to the plan and originally approved design as a result of the comments above. [Noted, please see sheets 2, 3, 4 and 6 showing proposed demolition plan, including removal of fence, bamboo and shack. and proposed plans to legalize un-permitted work.](#)
11. 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 an unpermitted/ revised toward the pipe leading to the existing detention basin constructed as a part of the original development and therefore the detention system may 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. [Noted, please see sheets 3,4 and 5 showing revised plans to legalize un-permitted work showing drainage to new basins.](#)
12. Per the previous comments, identify the datum for the floodplain. Please note that if the topographic survey benchmark is not on an appropriate floodplain datum, the topographic survey shots may require vertical adjustment. The topographic survey and grading plan shall be on the same survey datum as the floodplain and may require adjustment. [Noted, revised survey to be provided if needed.](#)
13. Submit a corrected San Francisco Bay Watershed Questionnaire with the appropriate impervious area additions. The questionnaire submitted indicates 0SF of new or replacement impervious area which is clearly not accurate. 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, noted as #4 on the plans, shall be considered impervious. Area #2 shall be designed with an appropriate rock storage section with an elevated subdrain system providing adequate storage volume to be considered pervious for the sake of the stormwater questionnaire. Those rock and concrete areas totaled together may exceed the minimum threshold requiring stormwater treatment for a single family residence and certainly much more than what was reported with the current

submittal of the questionnaire. Based on the results of the revised Questionnaire, incorporate the applicable stormwater treatment measures in the plans. [Noted, please see revised questionnaire.](#)

14. Show the previous existing grade in section B-B on sheet 1 of 2. The pre-violation existing ground must be shown in the cross section. [Noted, please see sheet 2 showing existing conditions in demolition plans.](#)
15. A cross section of the graded area north of the structure shall be show on the plans which includes the pre-violation condition and the proposed final condition. Per our discussions, please utilize the topographic survey from the previous drainage permit in comparison with the existing conditions to document the extent of the unpermitted fill on the property. [Noted, please see sheet 2 showing new grading and drainage plan.](#)

**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,



Lulu Pang  
Assistant Planner

**cc:**

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