

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



****VIA Emails Only****

April 5, 2024

Dang Nguyen

Via email @ dang@re-bi.com

FILE NUMBER: PLN23-132

SUBJECT: Grading Approval to abate VIO21-0128

SITE LOCATION: 15900 Simoni Drive, San Jose, CA 95127 (APN: 612-10-004)

DATE RECEIVED: March 6, 2024

Dear Dang Nguyen,

Your application for Grading Approval to abate VIO21-0128 at 15900 Simoni Drive, San Jose (APN 612-10-004) was received on the above date and is **incomplete**. For application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with Reva Kakaria, the assigned project manager/planner, and must include all requested information. To resubmit, follow the instructions at the following URL: <https://plandev.sccgov.org/how/apply-permit/planning-resubmittal-procedures>. Once the information is resubmitted, 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 particular specialty or division and can provide details about the requested information.

A VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL ME TO SCHEDULE AN APPOINTMENT.

Please submit electronic copies of the revised plans/resubmittal documents (PDF) with a written response letter addressing each incomplete comment. All items must be addressed and included in the submittal.

PLANNING OFFICE

Contact Reva Kakaria at (408) 299-5792 or reva.kakaria@pln.sccgov.org regarding the following comments:

1. Per comment #1 in the incomplete letter dated 8/23/23, submitted plans must portray current site conditions and specify the previously unpermitted grading that is proposed to

be legalized. The most recently submitted plans do not distinguish between grading that was permitted under LDE04-6912G and the out-of-scope unpermitted grading that subsequently occurred, nor do they state the amount of unpermitted grading proposed to be abated versus the amount proposed to be legalized. On the cover sheet of the grading plans, please revise the grading table and plans as necessary to address this incomplete item, and clearly label all areas of unpermitted grading.

2. Per comment #3 on the incomplete letter dated 8/23/23, to determine coverage of the Habitat Conservation Plan, please show on the site plans the limits of the permanently disturbed areas created by this project, and include the square footage of the total land area that is permanently affected by the project (i.e. all new impervious surfaces, landscaping, retaining walls, and structures).
3. Per comment #26 on the incomplete letter dated 8/23/23, the proposed project area has the possibility of containing unrecorded archaeological site(s). Please provide a study by a qualified professional archaeologist.

LAND DEVELOPMENT ENGINEERING

Contact Darrell Wong at (408) 299-5735 or darrell.wong@pln.sccgov.org regarding the following comments:

4. Per the previous comments, provide updated earthwork calculations and quantities of the earthwork shown on the plans and state the quantities on the table of the cover sheet. There is clear unpermitted grading on the site that must be accounted for. While the existing topography is currently shown on the plans and not shown on the original set of plans and topographic survey, this difference in the field conditions must be separately quantified in terms of grading quantities. Provide sections and calculations reflecting the additional grading including but not limited to (a) the extended storage bench created in 2013 to the Southeast of the main residence, (b) the storage bench behind the house and above the upper retaining wall, (c) the area to the west of the cul-de-sac extending to the property line, and (d) the dirt access roads extending from the storage area in the aforementioned area (c) up the hill along the western property line to the access road across the hillside to the water tank pad.
5. Per the previous comments 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 with the difference between the previous approval and the current proposal clearly stated. All new road and rock storage areas are to be considered impervious per the Regional Board requirements. Fill out a Clean Water Questionnaire as necessary.
6. Per the previous comments, clearly show all of the unpermitted work on the plan set, documenting all of the additional grading, drainage, and ground disturbance with spot grades, cross sections including the current grades and the pre-violation surface, existing and pre-violation contours, and top and bottom of cut and fill areas. The plans shall include, but are not limited to:
 - a. The cut and fill of the elongated pad located to the south of the residential

development;

- b. The widened pad and development to the north-northwest of the cul-de-sac;
 - c. The grading to create and widen access to the unpermitted water tank area;
 - d. The grading to create the water tank pad area;
 - e. The flattened grading between and behind the retaining walls;
 - f. The grading to expand the paved area at the front of the house along the western property line;
 - g. The grading required for the shoulder supporting the driveway and the wood header;
 - h. The top and bottom of wall elevations for the retaining walls between the westerly corner of the house and the cul-de-sac.
7. Per the previous comments, show the limits of the disturbed area as a result of the proposed development. Include the disturbed areas of the septic field and any stockpile areas as well. The area of disturbance as a result of the unpermitted grading shall be included within this area and quantity.
8. The proposed legalization of unpermitted work increases the impervious surfaces of the property per [Section C12-409](#) of the County Grading & Drainage Ordinance. Per the previous comments, provide a revised Drainage Plan that demonstrates the following items:
- a. The site can be adequately drained;
 - b. The proposed development will not cause problems to the nearby properties;
 - c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the [2007 Santa Clara County Drainage Manual](#).
9. Per the previous comments, clearly identify all retaining walls necessary to establish the grading shown with appropriate top and bottom of wall elevations. Please provide a cross section of the grading, including the proposed wall(s), per [Section C12-424](#) (j) and (k) of the County Grading & Drainage Ordinance. The grading of the walls and slope behind the house shall be clearly shown with a section including a comparison to the original native ground.
10. Per the previous comments correct the plans to clearly identify the retaining walls constructed without a permit. There are retaining walls near the cul-de-sac that were not a part of the original approval that need to be identified as either “to be legalized and

permitted” or “to be removed” with the pre-violation grades restored.

11. Per the previous comments, provide the rear and side elevations for the structure. The grading elevations have significantly changed around the rear and the sides of the structure and must be reflected in the proposal for modification and grading abatement.
12. Per the previous comments, provide a typical section cut through the retaining wall and grading extending toward the northerly property line depicting the maximum area of cut slope retention.
13. Per the previous comments, provide the surveyor’s information for the documentation of the property lines and the improvements documented on the plans. Provide the Land Surveyor’s information for the underlying topographic survey showing the property lines and boundary.
14. Per the previous comments, document all of the improvements that have been made outside of the dedicated right of way at the cul-de-sac bulb. There appears to be improvements behind the curb on the photos for the site, but the plans provided simply show the existing condition.
15. Per the previous comments, all areas of rock surfacing shall be documented around the pad area created adjacent to the cul-de-sac and the access along the northern end of the property. The quantity of the import of rock must be documented on the grading quantities of the plans.
16. Per the previous comments, provide an accounting of the impervious area compared to the originally approved plans. There have been impervious areas added to the project after the initial permit, especially that in the flatter area near the cul-de-sac and the gazebo. That addition must be accounted for and shown on the plans in the form of a table.

FIRE MARSHAL’S OFFICE

Contact Alex Goff at (408) 299-5763 or alex.goff@sccfd.org regarding the following comments:

17. Plans are to clearly show what the scope of work is. It’s not clear what the intent of the review was supposed to be. Fire’s review will include ensuring that fire department access and fire protection haven’t been affected.
18. Plans are to show any gates crossing fire department access. Gates are to be labeled as (N) new or (E) existing and manual or mechanical. All mechanical gates are to have a Knox Key Switch shown as (N) or (E). [CFMO-A3 and CFC Section 503.5 and Section 506]
 - a. A topic of a recent meeting with the applicants was regarding fencing crossing the access to the site. The plans would need to show any gates or fencing crossing fire access to a structure.

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 manager.** If the requested information is not submitted within **180 days**, you are 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 the incomplete letter. PARTIAL RESUBMITTALS WILL NOT BE PROCESSED. Fees required at the time of resubmittal will be those in effect at that time.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific 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.

If you have questions regarding this application, please contact (408) 299-5792 or reva.kakaria@pln.sccgov.org.

Sincerely,

Reva Kakaria

Reva Kakaria
Assistant Planner

CC:

Samuel Gutierrez, Principal Planner
Darrell Wong, LDE
Alex Goff, FMO
Tyson Green, Code Enforcement Officer