

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,

Staff has reviewed your application, submitted on the date above. The comments below are not incomplete items and are not required to deem this application complete for processing. This section is informational only and can be discussed further if desired with County Staff.

PLANNING OFFICE

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

1. The Planning Office may not be able to grant Grading Approval due to zoning violation conditions on the property. Please reach out to the Code Enforcement Officer assigned to this case, Tyson Green, at 408-299-5793 or tyson.green@pln.sccgov.org to discuss the full abatement of all violations.
2. Pursuant to County Ordinance [Section C12-433](#), Grading Approval may only be granted if all applicable findings are made. The first finding requires that the amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property. Based on the current submission, it is unclear whether any of the unpermitted grading is to be removed.
The provided Statement of Justification does not adequately demonstrate that the unpermitted grading is necessary to maintain the present residential use on the subject site, particularly in the areas labeled as Areas 1, 2, and 3; nor does it address the unpermitted retaining walls with surcharge that were constructed in Area 1 and 3. Note that if all findings cannot be made, Grading Approval will not be granted.
3. The grading quantities shown on Sheet C1 of the most recently submitted plan set are inconsistent with the grading quantities discussed in the submitted Statement of Justification. Please clarify and correct as necessary.

4. Please remove and/or correct the County File Number shown on the bottom of each sheet in the submitted plan set. This application is being reviewed under the file number PLN23-132.
5. The original submittal for this application, received on 7/24/23, did not include the correct Acknowledgements and Agreements form for a Planning application. Please submit a signed copy of the current [Planning Master Application Form](#).

COUNTY GEOLOGIST

Contact David Seymour at (408) 299-6711 or david.seymour@pln.sccgov.org regarding the following comments:

6. The parcel is located in a State Seismic Hazard Zone for Earthquake-Induced Landslides, which is also a County Landslide Hazard Zone. The potential for earthquake-induced landslides to occur was evaluated by Geotechnical Engineering, Inc. (GEI) and presented in their report dated July 31, 2008. This report was reviewed and approved by the County Geologist prior to issuance of building and grading permits for the existing residence.

As part of my review, I compared the as-built topography recently provided by the applicant with the topography used for the slope stability analyses included in the approved geotechnical design report by Geotechnical Engineering, Inc. (GEI), dated July 31, 2008. The Factor of Safety (FS) under earthquake loading (pseudo-static) conditions provided in the GEI report was 1.73, which is greater than the minimum required value of 1.1. Based on my review, it is unlikely that revised slope stability analyses using the as-built topography would result in a FS less than 1.1. Therefore, a geologic report reassessing the stability of the slope will not be required.

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:

David Seymour, County Geologist
Tyson Green, Code Enforcement Officer
Samuel Gutierrez, Principal Planner