

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****

October 12, 2023

Kobe Wang

Via Email @ kwang@engeo.com

FILE NUMBER: PLN23-157

SUBJECT: Grading Abatement Application

SITE LOCATION: 18951 Bear Creek Road, Los Gatos, CA 95033-9544 (APN: 544-27-025)

DATE RECEIVED: September 13, 2023

Dear Kobe Wang,

Your application for Grading Abatement to abate VIO20-0237 and repair landslide damage 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 via the internet. To do so, follow the instructions at the following URL: <https://plandev.sccgov.org/how/apply-permit/planning-resubmittal-procedures>. Resubmittals are made electronically with Reva Kakaria, the assigned project manager/planner, and must include all requested information. 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 requested, please contact the specific staff for that item.

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. Records indicate a watercourse (Black Creek) runs through this property and is not shown on the submitted site plans. As such, the site plan is incomplete. Please label Black Creek on site/grading plans. Include the top-of-bank location and the distance between top-of-bank and proposed grading activity/previous grading activity to be legalized.
2. Aerial imagery indicates tree removal occurred for previous grading work to occur, including in oak woodlands as classified by the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program. Provide an arborist report from a licensed arborist assessing the number, species, and size of all trees removed. Include the percentage of trees over 12 inches in diameter (as measured 4.5 feet above the ground) removed per year as well as the decrease in native oak canopy within the oak woodland as a result of the unpermitted work and tree removal on the site. The arborist report may also include replanting recommendations.

LAND DEVELOPMENT ENGINEERING

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

3. Please provide a table of the estimated earthwork quantities per County Grading Ordinance [Section C12-424\(g\)](#). Quantities should be separated into the different bodies of work for the project. Quantities shall include all of the unpermitted grading in the area of the dirt trail, vineyard, and all unpermitted grading that was initially performed in an attempt to address the previous landslide. The quantities proposed to take the site from the current state to the final proposed condition should be quantified on the table separately. All slide repairs shall be quantified separately.
4. Please show the limits of the disturbed area as a result of the proposed development including all permitted and unpermitted work areas. Include the disturbed areas of the septic field and any stockpile areas as well.
5. Please comply with the Grading setbacks to property line per County Grading Ordinance [Section C12-558](#). The proposed landslide repair appears to extend beyond the limits of the property and on to the neighboring property. Provide a notarized letter of authorization from the neighboring property owner for the proposed work.
6. Show all existing utilities on the plans.
7. The plans must show the topography of three phases in time; the contours which precede the unpermitted grading, the contours of the current topography including all of the unpermitted grading, and the contours of the final proposed conditions. The contour grading, as well as any typical sections cut through the area of grading must show all of these phases. Please adjust/add to the contour grading on the plans and reflect the pre-violation conditions on all of the sections shown.
8. The proposed development impacts drainage flows, thereby not meeting the exemption requirements of [Section C12-409](#) of the County Grading & Drainage Ordinance. Please provide a Drainage Plan that demonstrates the following items:

- a. The site can be adequately drained addressing any run-on drainage from the rest of the site which might affect the landslide areas;
 - b. The proposed development will not cause problems to the nearby properties.
9. Please include all applicable easements affecting the parcel(s) with benefactors and recording information on the site plan. Please supply a copy of the preliminary title report, prepared within the current ownership of the property, with a statement from the owner that no subsequent encumbrances have been recorded since the preparation of the title report.
 10. Show the location of the nearby creek on the plans with the top of banks and flow lines clearly identified on the topographic survey.
 11. Provide cross sections of each area of the maximum grading heights. Show the location of the property lines and creek on the sections. Include a cross section of the area of grading for the jeep trail clearly depicting the pre-violation ground level and the post violation contours. Document the depth and horizontal extent of the fill between the creek and the vineyard. Investigative trenching may be required if a properly justified estimate of the fill depth is not provided.
 12. Demonstrate how the final grading for the proposed development, compared to the initial pre-violation conditions, is minimized per the requirements of the Grading Ordinance.

DEPARTMENT OF ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5748 or darrin.lee@deh.sccgov.org regarding the following comments:

13. Accurately locate and show the existing onsite wastewater treatment system (OWTS) on a revised grading and drainage plan. Provide/show distance(s) between the existing OWTS and the proposed landslide repair.

COUNTY GEOLOGIST

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

14. The draft geotechnical exploration for landslide repair report by ENGE0, dated June 16, 2023, provides geotechnical recommendations for repair of two landslides that are located in open space areas on the property and away from any habitable structures. The draft report adequately characterizes the extent of the landslides and their repair and is conditionally approved. In order to obtain final geology approval please submit a signed and stamped copy of the report.

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.

Note the Grading Abatement application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

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:

Robert Cain, Senior Planner
Samuel Gutierrez, Principal Planner
Darrell Wong, LDE
Darrin Lee, DEH
David Seymour, County Geologist
MaryEllen Luna, Code Enforcement Officer