

# 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](http://www.sccplandev.org)



April 24, 2024

Sanjeet Sen  
24001 Stevens Creek Blvd.  
Cupertino, CA 95014

[sanjeet.sen@heidelbergmaterials.com](mailto:sanjeet.sen@heidelbergmaterials.com)

\*\*\*BY EMAIL ONLY\*\*\*

**FILE NUMBER:** PLN24-054  
**SUBJECT:** Grading Approval for the restoration of a segment of Permanente Creek by the removal of a concrete dam and culverted road crossing at Lehigh Quarry. Restoration includes grading and installing engineered streambed material, weir boulders, rock-linked channel and revegetating the unmaintained access road and temporary construction access road.  
**SITE LOCATION:** 24001 Stevens Creek Blvd. Cupertino, CA 95014 (APN: 351-10-035 & -038; 342-64-003)

Dear Mr. Sen:

The application for Grading Approval is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are made electronically with the Project Manager/Planner and must include all requested information along with a completed application form (which is used to track the resubmittal). 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 there are any questions about the information requested, please contact the specific staff for that item.

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

Please submit *all* electronic copy of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

### **PLANNING OFFICE**

Contact the Project Manager at (408) 299-5707 or [eunice.ban@pln.sccgov.org](mailto:eunice.ban@pln.sccgov.org) regarding the following comments:

1. Please complete payment for the initial planning fee of \$4,188.75.
2. Provide grading table on the cover sheet of the plans in tabular format as shown in the [checklist](#) and please correct the discrepancy between the grading quantities shown on the plans (Sheet C 9), and the grading quantities specified in the environmental information form.
3. Please verify lot legality for Assessor's Parcel number 342-64-003. Lot legality can be verified by following the [guideline](#). In this particular case, deed of record as of June 25, 1969 or prior would suffice for verification.
4. Please provide an archaeological report for the project area. The proposed project area has the possibility of containing unrecorded archaeological sites, and previous archaeological surveys of the property do not appear to have fully covered the project area.

### **LAND DEVELOPMENT ENGINEERING**

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

5. Please provide a table of the estimated earthwork quantities per C12-424(g). Quantities should be separated into the different bodies of work for the project.
6. Please 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. (These are required to determine whether a drainage permit or whether Clean Water requirements are triggered creating further grading requirements.)
7. Please clearly show the limits of the disturbed area as a result of the proposed development.
8. Provide a preliminary Hydrogeomorphologist Report with recommendations on the creek restoration. The proposed restoration shall comply with the recommendations of the geomorphologist.
9. Clearly identify and show the locations of the geologic hazard zones on the plans.
10. Please include all applicable easements affecting the parcel with benefactors and recording information on the site plan as well as the boundaries of all of the parcels included with the development. 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.
11. A significant portion of the work appears to be within the Southern Pacific Transportation Parcel. Please provide evidence of legal access for the proposed work or provide a notarized letter of authorization for the work within the neighboring property.
12. Show location of the existing flood plain and floodway on the plan with the zone labeled, base flood elevation, and the grading plans clearly tied to the datum for the floodplain which is clearly identified. The proposed floodplain and floodway shall also be shown on the plans.
13. Provide a Hydraulic and Hydrologic study included with a CLOMR submittal to modify the floodplain and floodway per the FEMA and County Ordinance requirements. The CLOMR documents shall be submitted to FEMA prior to Preliminary Approval.
14. Demonstrate that the proposed changes to the floodplain and floodway do not increase the impact of floodwaters to the existing infrastructure including but not limited to the existing railway and bridge structure.

15. Clearly show the location of the existing railroad and any associated easements on the subject parcels.

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

Contact Kristin Garrison at 707-944-5534 or [Kristin.Garrison@wildlife.ca.gov](mailto:Kristin.Garrison@wildlife.ca.gov) regarding the following comments:

1. There is a lot of ESM and rock proposed along the creek channel and channel to the culverts before Pond 14. It is recommended that a hydrologic and hydraulic study be conducted to see if it is possible to reduce the amount of rock and ESM so that a more natural channel bed of native material may be possible. It is recommended that designs show the 100 year event flows and be designed to accommodate such flows.
2. There is a more sinuous thalweg and bed for the stream proposed. On the east bank, opposite of the temporary construction access road, the designs appear to show an area of bank erosion. However, there is not proposed work to address this erosion. It is recommended that this area be addressed to prevent ongoing erosion of the creek bank and need for potential future bank stabilization that may be needed to protect the access road. It is recommended that a geomorphologist study the proposed stream alignment to ascertain the best stream thalweg/bed location. It is recommended that designs show the 100 year event flows and be designed to accommodate such flows.
3. It is recommended that the sacked concrete on the downstream side of Culvert 1 be removed and replaced with rock slope protection, as needed to prevent erosion.
4. It is recommended that the pool depth be evaluated by a fisheries expert to ascertain if the pools and boulder sills allow for fish passage.
5. It is unclear how Permanente Creek designs will impact Pond 14 water levels. It is recommended that a hydraulic and hydrologic study be done to evaluate flows and pond levels and designs be modified for the most beneficial levels for riparian vegetation and any special status aquatic species that may be present.
6. Designs show a “tee fitting” on diversion pipe outlets. It is unclear what this fitting is or how it functions. Pipes should allow for free flow of creek channel water from the upstream end of the dewatered area through the downstream end of the dewatered area. I recommend providing clarification on tee fittings and that any fitting allows flow to pass through the dewater area to the reach of stream that is not dewatered.
7. It is recommended that the applicant submit a Notification of Lake or Streambed Alteration to CDFW for this Project work.

Please ensure that comments are incorporated into 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 Approval application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

PLN24-054  
April 22, 2024

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 the application, please contact (408) 299-5707 or [eunice.ban@pln.sccgov.org](mailto:eunice.ban@pln.sccgov.org).

Sincerely,

A handwritten signature in cursive script that reads "Eunice Ban".

Eunice Ban, AICP  
Senior Planner