

# 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  
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**\*\*VIA Emails Only\*\***

May 24, 2024

Paul Van

Thomas Nguyen

Kathy Van

Via email @ [pvan56@yahoo.com](mailto:pvan56@yahoo.com) and [thomastdnguyen@yahoo.com](mailto:thomastdnguyen@yahoo.com)

**FILE NUMBER:** PLN24-076

**SUBJECT:** Grading Abatement to remove unpermitted grading work associated with VIO-9208. Grading quantities consist of 2,450 cubic yards of cut and 2,450 cubic yards of fill. Related to PLN24-003-PRE.

**SITE LOCATION:** 15690 Rica Vista Way, San Jose, CA 95127-2721 (APN: 612-08-080)

**DATE RECEIVED:** April 24, 2024

Dear Paul Van, Thomas Nguyen, and Kathy Van,

Your application for Grading Abatement 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 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](mailto:reva.kakaria@pln.sccgov.org) regarding the following comments:

1. The following items, required by the [Non-Residential Planning Submittal Checklist](#) for Grading Abatement, are missing or do not follow the requirements stated on the checklists. As such, this application is incomplete. Please include or correct the following items:
  - a. A full, completed copy of the [Planning Master Application Form](#), signed by the property owner. Currently, several out-of-order pages of the Application Form are included throughout the file titled "RICA VISTA\_SUBMISSION," but no signature page is included. Please provide the completed form as a separate pdf document.
  - b. A full copy of the current recorded grant deed. No legal description accompanies the document on page 13 of the file titled "RICA VISTA\_SUBMISSION," and as such this is not a complete grant deed. Please provide this as a separate pdf document.
  - c. Evidence showing legal creation of the lot. Please see the [Deeds & Lot Legality Handout for details](#). Provide the necessary evidence as separate pdf document(s).
  - d. Project plans in an electronic format that include a cover sheet with a detailed project description/scope of work, including grading quantities in a tabular format. No cover sheet is included with the most recent plans. Please compile all sheets of the planset into one separate pdf document.
  - e. Completed [Environmental Information Forms](#), including photos of the project site. Please provide this as a separate pdf document.
2. The provided site plans are missing the following items required on the [Sample Site Plan](#) handout and are incomplete. Please include the following required items:
  - a. Location of nearby creeks. Miguelita Creek is located directly southwest of the site and must be shown on the site plan. Identify the top-of-bank of the creek and label the distance between the proposed grading and the top-of-bank.
  - b. Location of existing and proposed structures. Photographs provided in the pre-screening for this application (PLN24-003-PRE), as well as aerial imagery, indicate several structures within the area of proposed work. Show these on the grading plan and state on the plans that they are to be removed in order for the grading work to be performed.
  - c. Location and width of all easements and rights-of-way. Identify the centerlines and edges of Miguelito Road and Rica Vista Way as shown on Parcel Map 363M14, and label whether these roads are County-maintained. Identify and label the water line easement shown on that map. Identify if any work is proposed to be performed within any easement or right-of-way.

- d. Identify whether any trees are proposed to be removed. Several trees appear to be located within the proposed area of work.

**SANTA CLARA VALLEY HABITAT CONSERVATION PLAN**

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

The subject property is in the Santa Clara Valley Habitat Plan Area 1: Private Development Covered and Area 2: Rural Development Equal to or Greater Than 2 Acres Covered. According to the HCP Geobrowser mapping, land cover on the 2.21-acre property includes Mixed Riparian Forest and Woodland and Urban - Suburban. The property is also in the HCP wildlife survey area for Tricolored Blackbird.

The application is for a Grading Abatement.

3. The submitted HCP screening form is incorrectly filled out as this project appears to be located within Area 2, not Area 1. Please submit a revised form as a separate pdf document.
4. Provide a biology survey/report from a qualified biologist to confirm if the existing habitat land covers and/or wildlife species are impacted by the proposed grading. HCP covered species on this parcel include Tricolored Blackbird.
5. Provide Land Cover Verification Mapping prepared by a qualified biologist to verify the habitat land covers within the area of proposed grading. The land cover mapping shall be overlain by the revised site plan and identify the development area, including all permanent and temporary impacts. The grading for this project is a temporary impact.
  - a. Temporary development area is defined as land that will be temporarily affected during development (construction laydown areas, subsurface utilities) that will be restored within one year of completing construction, plus a 10-foot buffer surrounding these areas.
  - b. Permanent development area is defined as all land that will have permanent improvements (removal of land cover, structures, driveway, landscaping, off-site road improvements, etc.), plus a 50-foot buffer surrounding these areas.

**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:

6. Please clearly show the limits of the right-of-way along the Rica Vista and Miguelito frontage.
7. Please show the existing structures on the plans as they currently exist in the field and indicate whether they are to be removed or what is otherwise proposed.
8. Please clearly show the location of the sections shown on Sheet 3 of the planset provided.

Provide a typical section for any keying and benching required for the slope restoration as required by the Geotechnical or Soils Engineer.

9. Please clearly show the proposed final contours that are proposed for the Grading Abatement. The plans do not indicate what the original contours are estimated to be. The original contours would generally be similar to that of the original permit and approval, but they must be shown on the plans.
10. The plans currently call for the reprocessing of the fill and for it to be removed, but it is unclear where it is to be placed. If the site is to be regraded to original conditions, how will the vertical condition of the pre-existing retaining wall which was removed be dealt with? Is there a slope to support the previous condition to be constructed? If so, please provide a detail of the toe of the slope and the re-engineered fill on the plans and provide a preliminary soils report with a design for the reconstruction of the slope included in the resubmittal.

### **ROADS AND AIRPORTS**

Contact Thomas Esch at 408-573-2450 or [tom.esch@rda.sccgov.org](mailto:tom.esch@rda.sccgov.org) regarding the following comments:

11. For both Miguelito Road and Rica Vista Way, show the existing limits of the County right-of-way (ROW), the existing ROW centerline, roadway centerline, and edge of pavement. Indicate on plans that Miguelito Road and Rica Vista Way are County-Maintained Roads.
12. Improvement plans must clearly indicate both existing and proposed site conditions within the County ROW.
13. The property's frontage appears to include erosion control measures within the County ROW; grading work appears to have contributed to additional soil material encroaching into the ROW/paved roadway. Include in the plans the following:
  - a. Extent of the excess debris that has been deposited into the ROW/paved roadway;
  - b. Description and extent of the restoration area for debris removal, stabilization of the slope, and type of restoration of the slope that abuts the County ROW.
14. Failed or failing fence posts and fencing that is within the ROW must be identified for replacement and for relocation to be outside of the ROW.
15. In addition to the fence and posts, indicate on the plans the intent of any existing or future items in the ROW. Gates, fences, retaining walls, fixed appurtenances, etc. shall be located outside the limits of the County-maintained road ROW. Gates shall be located 30 feet from edge of pavement.
16. Indicate on the plans any trees or shrubs to be trimmed or removed, or any objects or fences to be relocated, in accordance with County Ordinances [B17-68](#) and [B17-69](#), within the lines of a triangle which has sides 20 feet from the point of intersection of the

curbline/edge of pavement and the driveway(s).

17. Preliminary site development/drainage plans shall clearly identify how the property drains. The topographic survey shall also identify property drainage, and uninterrupted flow of water in swales, channels, and along the driveway. The drainage plan and drainage calculations shall demonstrate that any post-development runoff onto the County-maintained road ROW (not including areas to be dedicated to the County) is equal to or less than pre-development runoff and shall not cause a hazard or public nuisance.

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](mailto:reva.kakaria@pln.sccgov.org).

Sincerely,



Reva Kakaria  
Assistant Planner

**CC:**

Samuel Gutierrez, Principal Planner  
Darrell Wong, LDE  
Tom Esch, RAD  
Tyson Green, Code Enforcement Officer