

# County of Santa Clara

Department of Planning and Development  
County Government Center, East Wing, 7<sup>th</sup> Floor  
70 West Hedding Street  
San Jose, California 95110



<b>Administration</b>	<b>Development Services</b>	<b>Fire Marshal</b>	<b>Planning</b>
Phone: (408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5760
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## Notice of Intent to Adopt a Mitigated Negative Declaration (Recirculated)

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.) that the following project will not have a significant effect on the environment.

<b>File Number</b>	<b>TAZ</b>	<b>APN(s)</b>	<b>Date</b>		
11008-17GA-17EA	57	898-34-003	4/22/2019		
<b>Project Name</b>	<b>Project Type</b>				
Vietnamese Sangha Congregation Grading Abatement	Grading Abatement				
<b>Person or Agency Carrying Out Project</b>	<b>Address</b>	<b>Phone Number</b>			
Vietnamese Sangha Congregation Grading Abatement	3555 Dryden Avenue Gilroy	(408) 609-7117			
<b>Name of Applicant</b>	<b>Address</b>	<b>Phone Number</b>			
Thomas Nguyen	5 Scharff Avenue San Jose	(408) 609-7117			
<b>Project Location</b>	3555 Dryden Avenue Gilroy				
<b>Project Description</b>	<p>This application is for a Grading Abatement to restore the site to pre-graded conditions. Approximately 2.19 acres of the site was converted into a flat surface for parking that required approximately 9,842 cubic yards of grading with up to 25 ft. in height of fill material. A new pond was excavated that resulted in 7,777 cubic yards of cut volume and 7 feet cut height, which altered a natural drainage swale that leads to Alamias Creek. The grading violation also include an additional 4,215 cubic yards of fill which will be removed and hauled away from site as surplus backfill created from alteration of pipeline utilities. The proposed project will entail 10,558 cubic yards of cut and 6,343 cubic yards of fill to restore the site to prior existing conditions by regrading the property to original contours. In addition to this Grading Abatement a number of building violations are required to be abated. On February 1, 2019 the Building Dept issued a violation report noting that the following buildings do not have permits: 1) accessory storage structure 2) greenhouse 3) carport 4) secondary dwelling 5) 200 sq. ft. deck over 30 inches in height, and 6) two trellises. The Grading Abatement conditions will require obtaining building permits for all these structures prior to final grading abatement permit issuance. If any of the structures can not meet County codes, demolition permits will be required to remove the structures.</p>				
<b>Purpose of Notice</b>	<p>The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, <b>finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur.</b> The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).</p> <p>The proposed project is tentatively scheduled to be approved or denied on or after May 28, 2019 in the County Planning Dept. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.</p>				

<b>Public Review Period:</b> 30 days	<b>Begins:</b> 4/24/19	<b>Ends:</b> 5/24/19
<p>Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the attention of Colleen Tsuchimoto at the <b>County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5797</b>. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Negative Declaration, please contact Colleen Tsuchimoto at (408) 299-5797 or Colleen.Tsuchimoto@pln.sccgov.org</p>		
<p><b>The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:</b></p>		
<p>(1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7<sup>th</sup> Floor, San Jose, CA 95110  (2) Planning &amp; Development website <a href="http://www.sccgov.org/sites/dpd">www.sccgov.org/sites/dpd</a> (under "Development Projects" &gt; "Current Projects")  (3) Gilroy Library</p>		
<p><b>Responsible Agencies sent a copy of this document</b></p>		
<p>CA Dept. of Fish and Wildlife, Regional Water Quality Control Board, Army Corp of Engineers, Santa Clara Valley Water District, National Marine Fisheries Service</p>		
<p><b>Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:</b></p>		
<p><b><u>Biological</u></b></p> <p>[BIO-MIT No. 1]: Best Management Practices shall be implemented to protect water quality in near proximity to Alamas Creek and its tributary during project implementation in compliance with the State Stormwater Pollution Prevention Program (SWPPP) and the County's grading ordinance.</p> <p>[BIO-MIT No. 2]: Dewatering of the pond shall occur during the late summer/early fall when water levels are at the lowest to limit potential downstream impacts from dewatering.</p> <p>[BIO-MIT No. 3]: Erosion control plantings shall be installed to prevent further erosion in the pond area as part of the grading restoration work.</p> <p>[BIO-MIT No. 4]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.</p>		
<p><b><u>Archaeological</u></b></p> <p>CUL-MIT No. 1]: Prior to final grading abatement permit issuance, submit copy of contract with archaeologist to conduct archaeological monitoring during the grading restoration work.</p> <p>[CUL-MIT No. 2]: Prior to final inspection, submit archaeological monitoring report prepared by archaeologist to document that the recorded archaeological resource is not impacted. Work shall be halted on-site if the archaeological resource is at risk.</p> <p>[CUL-MIT No. 3]: If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Dept. No further disturbance of the artifacts may be made except as authorized by the County Planning Dept.</p>		
<p><b><u>Hydrological</u></b></p> <p>[HWQ-MIT No. 1]: Best Management Practices shall be implemented to protect water quality in near proximity to Alamas Creek and its tributary during project implementation in compliance with the State Stormwater Pollution Prevention Program (SWPPP) and the County's grading ordinance.</p> <p>[HWQ-MIT No. 2]: Dewatering of the pond shall occur during the late summer/early fall when water levels are at the lowest to limit potential downstream impacts from dewatering.</p> <p>[HWQ-MIT No. 3]: An erosion control plan is required to minimize erosion and siltation impacts during the grading work. Erosion control plan shall be incorporated into final grading abatement permit plans.</p>		

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

**Prepared by:**

Colleen Tsuchimoto, Senior Planner

*Colleen Tsuchimoto*

*4/22/19*

Signature

Date

**Approved by:**

Leza Mikhail, Principal Planner

*[Signature]*

*4-22-19*

Signature

Date

# ROAD AND AIRPORTS DEPARTMENT NOTES

1. ROCKS, TREES, DIRT AND STRUCTURES THAT HAVE BEEN DAMAGED AND CAPTURED BY THE FLOOD ALONG THE COUNTY HIGHWAY SHALL BE REMOVED AND RESTORED TO ITS ORIGINAL CONDITION.
2. DRAIN WATERS AND OTHER DEBRIS CONTROL MEASURES SHALL BE REINSTALLED AROUND THE BROCKWELL AREAS TO PREVENT ROCKS, DEBRIS, DIRT AND OTHER STRUCTURES TO ACCUMULATE AT DRAINAGE SINKS AND ROAD BYWAYS.

## SANTA CLARA VALLEY WATER DISTRICT NOTES

THE DRAINAGE SINKS IMPACTED BY THE CREATING OF FLOOD AND FILL SHOULD BE RESTORED AND PLANTED WITH PROPER CONTROLS. PLANTINGS IN ACCORDANCE WITH THE DRAINAGE AND CATCHMENTS FOR LAND USE. HIGH STRENGTH SOILS ALONG CREEKS WHICH THE SINKS DRAIN TO WILL NOT BE IMPACTED BY THE INCREASED OF SEDIMENTATION FROM BARE SLOPES OR NEWLY GRADED AREAS.

APN 893 - 34 - 009

APN 893 - 34 - 003  
345 DRYDEN AVENUE  
AREA = 47.02 ACRES

## GRADING STATEMENT AND JUSTIFICATION

THE PURPOSE OF THIS GRADING ABATEMENT PLAN IS TO REMOVE ALL VEGAS DETRIMENTED BY THE UNLAWFUL BACKFILL AND THE EXCAVATION OF THE FLOOD TIDE SHALL BE BACKFILLED AND RESTORED INTO ITS ORIGINAL CONDITION.  
THE GRADING ABATEMENT WORK SHALL COMMENCE UPON APPROVAL OF THE PLAN. ALL BACKFILL MATERIALS AT AREA 1, AREA 2 AND AREA 3 SHALL BE FULLY REMOVED AND BACKFILLED TO THE POINT TO RESTORE ALL THE AREAS OCCUPIED BY THESE BACKFILL. THE FLOOD WHICH WAS EXCAVATED DURING A PERIOD OF FIVE YEARS AS SO BE RESTORED TO ITS ORIGINAL CONDITION.  
THE GRADING ABATEMENT DESIGN SHALL CONFORM WITH THE GEOLOGICAL RECORD PREPARED BY SLOTTON VALLEY ENGINEERING, DATED BY 1984 AND WITH THE APPROVAL OF THE COUNTY.  
THE GRADING ABATEMENT SHALL BE CONSIDERED WITH SECTION C-14-03 (AS TO) OF THE COUNTY GRADING ORDINANCE. EXCEPTING THIS GRADING ABATEMENT TO THE AREAS CONSIDERED BY THIS NON PERMITTED BACKFILL AND EXCAVATION WILL RESTORE THIS AREAS TO ITS ORIGINAL CONDITION.  
THE DRAINAGE PAVING AREAS IN THE SOUTH SIDE OF THE INTERSECTION WOULD ALSO BE REMOVED IN ORDER TO RESTORE THE AREA ALSO TO ITS ORIGINAL CONDITION.

## SURPLUS BACKFILL NOTE:

SURPLUS BACKFILL SHALL BE EXPORTED AWAY FROM THE PROJECT SITE. NO SURPLUS BACKFILL ARE ALLOWED TO REMAIN ON SITE. GRADING WORK SHALL BE CONSIDERED WITH SECTION C-14-03 OF THE COUNTY GRADING ORDINANCE.

## AREA AND VOLUME TABULATIONS:

DESCRIPTION	AREA (SQ)	VOLUME (CY)	REMARKS
BACKFILL AREA 1	34.126 SQ	4,095 CY	0.01
BACKFILL AREA 2	22.277 SQ	3,505 CY	0.01
BACKFILL AREA 3	10.877 SQ	2,252 CY	0.01
EXCAVATED FILL	16.677 SQ	2,611 CY	0.01
EXCAVATED FILL	16.342 SQ	2,190 CY	0.01

SURPLUS VOLUME (188.1) = 4,211 CY (10.18) EXPORTED AWAY FROM SITE

## NOTE:

1. VOLUMES OF BACKFILL WERE CALCULATED USING END AREA METHOD.
2. END AREA NOTE SHOWN AT THE RESPECTIVE STATION LOCATIONS.

## BACKFILL AREA 1 VOLUME CALCULATIONS

STATION LINE	SECTION AREA (SQ)	DISTANCE (FT)	VOLUME BETWEEN STATIONS
0+00	0	0	144.20 CY
0+54.02	129	15.62	212.02 CY
0+58.01	215	39.48	284.66 CY
1+28.97	193	13.47	782.03 CY
2+75.36	262	88.41	123.18 CY
3+00	136	21.62	174.90 CY
3+54.81	45	54.81	54.21 CY
4+04.80	214	48.01	123.79 CY
4+48.15	212	41.78	124.74 CY
4+80.15	234	42.53	364.31 CY
5+32.30	180	49.21	32.27 CY
5+27.37	0	5.21	

TOTAL VOLUME = 3714.34 x 1.10 = 4,095 CY

## BACKFILL AREA 2 VOLUME CALCULATIONS

STATION LINE	SECTION AREA (SQ)	DISTANCE (FT)	VOLUME BETWEEN STATIONS
0+21.62	0	0	322.83 CY
0+53.81	764	32.24	22,86.41 CY
0+54.53	1064	14.72	882.63 CY
0+75.88	1195	21.36	625.41 CY
3+05.49	0	29.78	

TOTAL VOLUME = 5142.54 CY x 1.10 = 5,557 CY

## BACKFILL AREA 3 VOLUME CALCULATIONS

STATION LINE	SECTION AREA (SQ)	DISTANCE (FT)	VOLUME BETWEEN STATIONS
0+00	0	0	87.48 CY
0+9.46	428	9.46	273.06 CY
0+26.30	218	15.47	89.52 CY
0+27.88	126	12.58	298.08 CY
1+16.75	18	29.84	57.85 CY
1+54.88	0	40.12	

TOTAL VOLUME = 740.87 CY x 1.10 = 815 CY

## POND AREA (FILL) VOLUME CALCULATIONS

STATION LINE	SECTION AREA (SQ)	DISTANCE (FT)	VOLUME BETWEEN STATIONS
0+00	0	0	3.80 IN. CY
0+27.21	566	27.21	158.43 CY
0+56.43	693	28.78	1044.74 CY
1+18.02	304	49.52	172.81 CY
1+26.30	420	18.87	121.16 CY
2+87.53	420	29.54	1013.36 CY
3+04.16	0	18.82	98.80 CY

TOTAL VOLUME = 2,796.39 CY x 1.10 = 3,076 CY

## LOCATION OF GRADING ABATEMENT AREAS

SCALE: 1" = 50'

## LEGEND:

- PROPERTY LINE
- EXISTING LINE
- MOVEMENT LINE
- LIMIT OF WORK
- MAJOR CONTOUR
- MINOR CONTOUR
- FINISH CONTOUR
- FLOW LINE



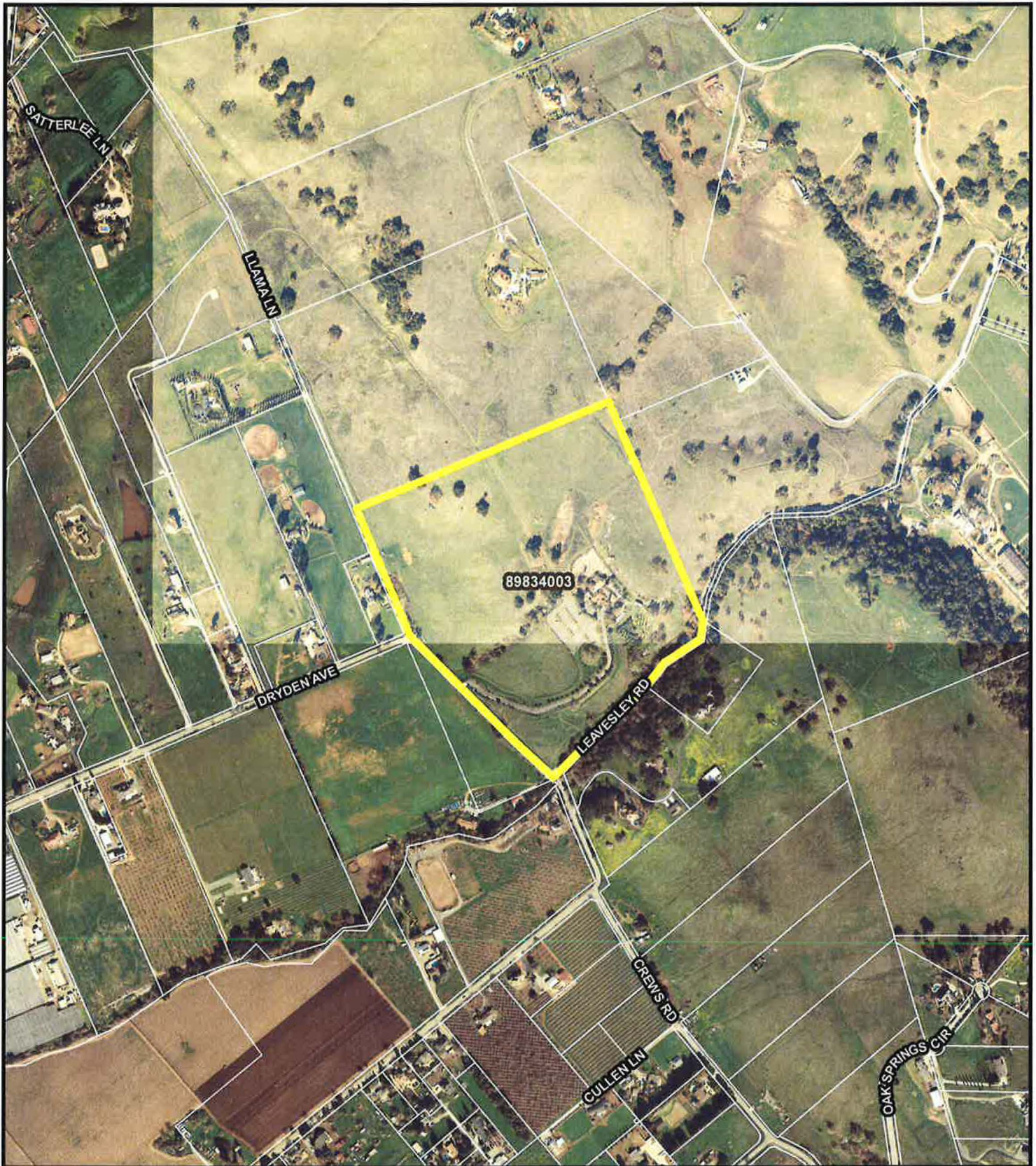
PROPOSED GRADING ABATEMENT PLAN  
APN 893-34-003  
VIETNAMESE SANGHA  
CONGREGATION IN AMERICA  
ADDRESS: 8555 DRYDEN AVENUE  
CITY: GILROY

DRAWN: JH  
CHECKED: PBC  
SCALE:  
DATE: 10/01/16

## SITE PLAN

PROJ. NO. 16-028  
REVISIONS:  
06/25/17  
08/25/17  
02/26/18  
SHEET NO:  
C-4  
SHEET 4 OF 9





## Project Location Map

File 11008-17EA

Attachment B

0 250 500 1,000  
Feet



The map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability 5/11/2019 9:58:05 AM Y:\GIS\Report\1100811008\_vchng\_map.mxd



Project Location