Applicability

Anyone excavating, grading, installing onsite storm drainage or constructing retaining walls within the City of San Jose is required to obtain a "Notice of Exemption" or "Grading Permit" from the City of San Jose, Department of Public Works per City ordinance. The excavation and grading ordinance is intended to establish uniform standards to safeguard life, limb, property, water quality and natural resources, and to promote the public welfare by regulating grading (SJMC 17.04.280 thru 17.04.450).

The grading and drainage permit is usually the final development step prior to breaking ground. Therefore, all Planning Department permits should be secured prior to the issuance of a grading permit.

Project Review Procedure

Schedule an Appointment with Staff
An appointment is required to submit a Grading & Drainage Permit application. Generally, most projects proposing grading have been through the Planning Permit process, at which time a Public Works Project Engineer was assigned to the Project. The Public Works Project Engineer will be your single point of contact for all Public Works permits related to this project. If you already know the name of the PW Project Engineer, please contact him/her directly to schedule an appointment for plan submittal. If you are unsure of the PW Project Engineer assigned to your project, please contact counter staff at (408) 535-7802 with your Planning Permit number, and who will look up the name of the Project Engineer assigned to your project.

However, if your project did not require a Planning Permit, a Project Engineer will need to be assigned to your project. Submit a completed Application for Grading & Drainage Permit form and a map showing the project’s location directly to the Public Works Counter on the 1st Floor of City Hall or by emailing pwgeneralinfo@sanjoseca.gov. A Project Engineer will be assigned to your project who will then call you to schedule an appointment for submittal.

Notice of Exemption
A "Notice of Exemption" may be issued if it is determined that your project meets the specific code criteria (see Attachment A).

Submittal Instructions

For any Grading Permit the following documents need to be submitted:

1) **Application for Grading & Drainage Permit**: Completely filled out along with the applicant’s name and signature. Please also indicate who is to be the main contact person for all project related issues.

2) **Grading & Drainage Plan**:
   - Must be in compliance with the requirements of the Grading Ordinance. Any variation from code requirements must be noted on the plan and supported by evidence that the variation will not pose any hazards to public health and safety or be expensive to maintain (See Attachment B).

If your project is proposing to install any storm drainage structures or pipes, your plans should include a drainage plan that shows the installation of the storm pipes which includes, but not limited to, pipe type, slope and size. Hydraulic calculations must also be designed based on a 10 year flood analysis in which
the Hydraulic Grade Line (HGL) shall not be above an inlet pipe crown, or a backwater condition be induced in any reach of pipe entering a structure or manhole.

- Submit three (3) copies of the original (24"x36") plans.

3) **Retaining Walls:** As of May 2011, the Department of Public Works is now responsible for the review and inspection of all earth retaining structures that are strictly associated with site grading (not associated with the building). A retaining wall is defined as a wall built to support or prevent the advance of a mass of earth or water and may be constructed of wood, masonry, concrete, metal and other products. A retaining wall that requires a Public Works permit must be covered by a Development permit, please contact the Planning Department at (408) 535-3555 in order to determine the specific Planning requirements. Per Municipal Code section 24.02.120, a Public Works permit is required for the following:

- A retaining wall that measures 4’-0” in height or greater, measured from top of wall to bottom of footing.

- A retaining wall that is less than 4’-0” but **does** support a surcharge. A surcharge is defined as a pressure from earth/fill acting upon the retaining wall with a back slope of 3:1 or greater (3’ horizontal to 1’ vertical).

- Three (3) copies of the structural plans on 24” x 36” sheets should be included with the Grading and Drainage plan along with two (2) original, signed and stamped structural calculations.

4) **Soils and Geologic Report:**

- A Geologic Hazard Clearance will also be required prior to issuance of the Grading Permit if the site is in the City Geologic Hazard Zone or the State Landslide Seismic Hazard Zone. If the project is in the State Seismic Liquefaction Zone, a soils report addressing liquefaction prepared in accordance with State guidelines will be required.

- In the event that proposed depth below grade of the lowest building finish floor level will be near or below the historically highest ground water level or the current ground water level, temporary ground water control recommendations shall be included in the soils report. The effect of dewatering on adjacent structures shall also be included in the soils report with calculations and mitigation recommendations, if needed, for review and approval.

5) **Project Earthwork Specifications:** Two copies each, submitted under a separate cover from the soils report and titled “Grading Specifications”. Specifications shall contain information pertaining to grading construction and material requirements, methods, and scheduling.

6) **Non-Potable Water Exception** (if applicable): If the project site is south of Trimble Road and the applicant opts to apply for a Non-Potable Water Exception.

7) **City Fees:** See the current “Public Works Permit Fees” Fee Schedule.

Upon receipt, City staff will review the plans for completeness.

- If the initial submittal is complete, staff will review the plans and return comments to the applicant or the applicant’s representative. Any corrections or clarifications that are required shall be made. The plans and City checkprints will be resubmitted to the City for further review. Once the plans are ready for approval, the applicant is ready to make the final submittal.
• If the initial submittal is incomplete (incomplete design, missing plans, etc) staff will return the plans to the applicant for completion prior to any review taking place. This can potentially delay the issuance of a Public Works Clearance, which is required to get a building permit.

Other Requirements

**Haul Route**
If your project will be moving more than 10,000 C.Y. of earth, then a Haul Route Permit from the Department of Transportation (DOT) is required. The most up-to-date haul route permit application may be obtained at the DOT website at: [http://sanjoseca.gov/your-government/departments/transportation/permits](http://sanjoseca.gov/your-government/departments/transportation/permits)

**Final Report**
If a Final Report is required, adhere to the "Final Report Guidelines" shown on Attachment D.

**Permit Extension**
The term of a valid Grading Permit can be extended at the discretion of the PW Development Services Project Engineer (see the current “Public Works Permit Fees” Fee Schedule).

The renewal of an expired Grading Permit can be allowed at the discretion of the PW Development Services Project Engineer (see the current “Public Works Permit Fees” Fee Schedule).

*For any further questions or inquiries, contact the Counter Staff at (408) 535-7802.*
NOTICE of EXEMPTION CRITERIA

If your grading project meets any of the criteria below, and your project is not in a Geologic Hazard Zone, a Flood Hazard Zone, or contains wetlands, you may be exempted from obtaining a Grading Permit from the City of San Jose.

1) An excavation below finished grade for basement or footings of a building, retaining wall, or other structures authorized by a valid building permit. This shall not exempt any excavation having an unsupported height greater than five feet after completion of such structure;

2) Excavations for cemetery graves, swimming pools, wells, tunnels, utilities, storm drains and sanitary sewers;

3) Refuse disposal sites controlled by other regulations;

4) Mining, quarrying, excavation, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or the pressure upon any adjacent or contiguous property;

5) Exploratory excavations under the direction of soil engineers or engineering geologists;

6) Grading or temporary stockpiling in an isolated, self-contained area if there is no danger apparent to private or public property;

7) Any project meeting all of the following conditions:
   • No excavation greater than two feet and no embankment greater than three feet;
   • No engineered slope steeper than two to one or having a slope distance greater than five feet;
   • Earthwork which will not penetrate or disturb any permanent or seasonal spring, or any permanent, seasonal or perched aquifer and will not obstruct any surface drainage course;
   • All embankments for the support of structures are less than one foot in depth and placed on terrain having a natural slope of five percent or flatter; and
   • The total quantity of cut or fill does not exceed one hundred fifty (150) cubic yards.

8) Earthwork entirely within public rights-of-way or easements and/or which is authorized and administered by a public agency.

A grading permit exemption shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the grading ordinance or any other laws or ordinances of the City of San Jose.
REQUIREMENTS FOR PREPARATION OF PLANS & SPECIFICATIONS

Plans should....

1) Be drawn to scale and must be of sufficient clarity to indicate the nature and extent of the work proposed.

2) Be prepared under the direction of a Registered Civil Engineer and signed by the engineer with his/her registration number, and seal (for engineered grading or grading in excess of 5,000 cubic yards).

3) Include the following information:
   - Vicinity map, north arrow, legend, and scale
   - Approval signature block as shown below:

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APPROVED FOR GRADING
AND DRAINAGE ONLY
DEPARTMENT OF PUBLIC WORKS
CITY OF SAN JOSE, CALIFORNIA

________________________________________          ____________
Project Engineer                                    Date

________________________________________          ____________
Permit Number                                      Expiration Date

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- Quantities (cubic yards):
  Cut ______ Fill ______ Import ______ Export ______

- All applicable standard grading & drainage notes, as included in this package (see Attachment C);

- Property limits and accurate contours of existing ground and details of terrain and area drainage; including off-site data relating to slopes and drainage;

- Plans of all surface and subsurface drainage devices, septic tanks, septic tank drain fields, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, or subsequent to the proposed work;

- Plans for all off-site mitigation measures required under the Geologic Hazard Ordinance;

- Location of any proposed or existing buildings, structures or wells on the property where the work is to be performed and the location of any building, structures or wells on adjacent land which are within 15 feet of the property or which may be affected by the proposed grading operations;

- Location of all trees 18 inches or greater in diameter at a height of 2 feet above the adjacent ground and appropriate tree protection details for them;

- Include an erosion control plan, if deemed necessary by the City Project Engineer; and

- List of exceptions from standards established by this Code, as stated in the application.
STANDARD GRADING & DRAINAGE PLAN NOTES

Note: This drawing is approved subject to:

1. All grading is subject to observation by the City. Permittee or representative shall notify the City of San Jose Department of Public Works Project Inspector at least 48 hours before start of any grading.

   The Project Inspector is __________________________ Voicemail No. (408) 975-__________

2. Approval of this plan applies only to (A) the excavation, placement, and compaction of natural earth materials, (B) the installation of on-site (i.e. private property) storm water conveyance and treatment facilities that are outside of the 5-foot Building envelope, and (C) the installation of retaining structures that are independent of any building structure (see note 3 below). This approval does not confer any rights of entry to either public property or the private property of others. Approval of this plan also does not constitute approval of any improvements with the exception of those listed above. Proposed improvements, with the exception of those listed above, are subject to review and approval by the responsible authorities and all other required permits shall be obtained.

3. Unless otherwise noted on the plan, any depiction of a retaining structure on this plan shall not constitute approval for construction of the retaining structure unless a separate structural review, by the Department of Public Works is completed and approved.

4. It shall be the responsibility of the Permittee or agent to identify, locate and protect all underground facilities.

5. The permittee or agent shall maintain the streets, sidewalks and all other public rights-of-way in a clean, safe and usable condition. All spills of soil, rock or construction debris shall be removed from the publicly owned property during construction and upon completion of the project. All adjacent property, private or public shall be maintained in a clean, safe and usable condition.

6. All grading shall be performed in such a manner as to comply with the standards established by the Air Quality Management District for airborne particulates.

7. This project has been designed to comply with the Flood Hazard Area Regulations as stated in Chapter 17.08 of the San Jose Municipal Code.

8. All known well locations on the site have been included and such wells shall be maintained or abandoned according to current regulations administered by the Santa Clara Valley Water District. Call (408) 265-2600 Extension 2660 to arrange for District observation of all well abandonments.

9. In the event that Human Remains and/or Cultural Materials are found, all project-related construction should cease within a 100-foot radius. The contractor shall, pursuant to section 7050.5 of the Health and Safety code, and section 5097.94 of the Public Resources Code of the State of California, notify the Santa Clara County Coroner immediately.

10. This plan does not approve the removal of trees. Appropriate tree removal permits and methods of tree preservation should be obtained from the City’s Planning Department and the City Arborist.

11. For non-residential projects, any non-hazardous export resulting from project related excavation or land clearing shall be 100% reused and recycled per California Green Building Standards Code section 5.408.

12. Bolt-down storm drain manhole covers shall be used when storm drain manholes are not in the street (i.e. when located in landscaped areas, sidewalks, on-site easements, etc.).

Revision 11/16/2018
STANDARD GRADING & DRAINAGE PLAN NOTES

13. Storm Drain Inlets:
   A. Stenciling Location: Contractor shall stencil all storm drain inlets and catch basins with the “NO DUMPING - FLOWS TO NEIGHBORHOOD CREEK” stencil. The “No Dumping” message should be applied to both the top of the curb and the face of the curb next to the storm drain inlet, preferably on the left side. If this is not feasible, place the message in the street in front of the inlet.
   B. Previously Marked Inlets: Inlets that have already been labeled with permanent plastic “No Dumping” markers do not need stenciling. If the inlet has been previously stenciled, paint over the old paint and apply a fresh stencil.
   C. Colors and Materials: Use white traffic striping paint for the background and blue traffic striping paint for the lettering. Traffic striping paint can be purchased at commercial paint retailers or through specialty traffic control or construction suppliers. The use of ordinary paint for storm drain marking is not allowed. The stencils may be obtained, at no charge, through the Environmental Service Department. Contact Amber Schat at 408-945-3000.

14. Civil Engineer Information and Statements:
   A. The Civil Engineer for this project is: (Name and Address)
   B. This Rough Grading Plan has been prepared under the direction of a licensed engineer and designed based on the recommendations of the referenced project Geotechnical Report.
   C. The stormwater conveyance system has been designed in accordance with the appropriate Building and Plumbing Codes or has been proven to be designed with adequate capacity through signed and sealed hydraulic calculations.

15. Soils Engineer Information and Requirements:
   A. The Soil Engineer for this project is: (Name and Address)
   B. The Geotechnical Report for this project is:
   C. All grading work shall conform to the recommendations of the project Geotechnical Report and/or the project Soil Engineer.
   D. All grading work shall be observed and approved by the Soil Engineer. The Soil Engineer shall be notified at least 48 hours before beginning any grading. Unobserved and/or unapproved grading work shall be removed and replaced under observation.

16. A post construction "Final" Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the construction stating:
   A. “That the construction conforms to the lines and grades on the approved plans;” or
   B. “that all significant changes were reviewed and approved in advance by the Department of Public Works” and the Civil Engineer shall submit a "Record Drawing" plan.
STANDARD GRADING & DRAINAGE PLAN NOTES

17. A post construction "Final" Report is required by the Director of Public Works from a Soil Engineer, and also from an Engineering Geologist if the project is in a Geologic Hazard Zone, stating:

   A. "that the anticipated conditions and materials and actual site conditions and materials were compatible," and supply supporting data; or

   B. “that the design was modified to meet the new conditions and was reviewed and approved in advance by the Department of Public Works;” and provide supporting data for these statements.

18. According to the City's Waste Water Ordinance, the use of potable (piped or hydrant) water for building or construction purposes including consolidation of backfill or dust control is prohibited.

   Reclaimed water is available at multiple locations across the City. To certify for a recycled water meter, please call Lyle Frohman at (408) 794-6805.

   An application for an Exception Permit to approve use of hydrant water can be considered in the PW Development Services Office. Fax-back service is provided for this permit application -- contact (408) 535-7802.

19. A Haul Route Permit is required for all projects moving more than 10,000 C.Y. of earth. This Grading Permit is invalid without the Haul Route Permit. Haul Route Permits should be obtained from the City's Transportation Department.

20. Grading will not be allowed between October 1st and April 30th of any year without Erosion Control plans and measures approved by the Director of Public Works. Stormwater pollution prevention measures in accordance with City specifications and with the document “Clean Bay Blueprint” shall be implemented throughout the year to the satisfaction of the Director of Public Works.

21. A post construction “as-built” plan is required by the Director of Public Works from a Civil or Soils Engineer retained by the owner to provide the final horizontal and vertical locations of the improvements approved with this plan such as subdrains, on-site storm water conveyance and treatment systems, and on-site retaining structures.

   Items 14 through 21, in bold, should only be included if applicable to the project