

## Emi Sugiyama

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**From:** Jennifer Chu, P.E.  
**Sent:** Thursday, September 12, 2024 2:33 PM  
**To:** Leon Chen; Monica Diaz  
**Cc:** Chad Mosley; Luke Connolly; Sean Hatch, CASp; City of Cupertino Public Works - Engineering Div; Emi Sugiyama  
**Subject:** RE: G&D Violations - APNs 356-05-007, 356-05-008, 356-27-026

Hi Leon,

Thank you for the information. Public Works is aware of the previous correspondence we've had regarding the exploratory excavation work. During our preliminary discussion, it was our understanding that this work would only involve cutting back vegetation from the path, not clearing and grubbing of vegetation from the ground surface. The amount of clearing and land disturbance that has occurred is significant enough to require remediation of the work. The City must ensure that erosion and sediment control facilities are in place to protect local water bodies and adjacent properties. Exposed soils on hillside areas are very susceptible to erosion and must be stabilized.

Please proceed with the corrective actions as noted in the email below. Should you have any questions on the submittal process to Public Works, please feel free to reach out to me directly.



**Jennifer Chu, P.E.**

Senior Civil Engineer  
Public Works  
JenniferC@cupertino.gov  
(408) 777-3237



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**From:** Leon Chen [REDACTED]  
**Sent:** Wednesday, September 11, 2024 10:23 AM  
**To:** Monica Diaz <MonicaD@cupertino.gov>  
**Cc:** Chad Mosley <ChadM@cupertino.gov>; Luke Connolly <LukeC@cupertino.gov>; Sean Hatch, CASp <SeanH@cupertino.gov>; City of Cupertino Public Works - Engineering Div <engineering@cupertino.gov>; Emi Sugiyama <EmiS@cupertino.gov>  
**Subject:** Re: G&D Violations - APNs 356-05-007, 356-05-008, 356-27-026

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Hi Monica,

Thank you for raising this issue! We're aware of the grading permit requirements, however, per Cupertino Municipal Code (CMC) Chapter 16.08.070, "Exploratory excavations under the direction of soil engineers or engineering geologists" are always exempt from the permit requirements, that's exactly what we were doing.

We communicated with Planning and Public Works prior to the geotech exploration, and got confirmation from Public Works that we were OK to proceed without the grading permit. Planning and Public Works should have those communications on record, but for your information, below is from one of the emails (subject "Vista Park") I sent to Planning, Public Works, Cotton & Shires, and our geotech engineers from Engeo:

Last time when we met at the City Hall, Chad mentioned that we should be OK to do the subsurface exploration, but we should inform the city anyway. This is consistent with the city code which says that the grading permit will be exempted for "Exploratory excavations under the direction of soil engineers or engineering geologists". So this serves as a notice to the city that we'll start the subsurface exploration in the coming weeks.

Thanks,  
Leon

P.S. We're indeed in the process of applying for a grading permit (in an email subject "grading permit application for Stevens Creek Trail in Leon's property"), but that is for the 6 feet wide trail we plan to create as part of the City General Plan.

On Tue, Sep 10, 2024 at 4:49 PM Monica Diaz <[MonicaD@cupertino.gov](mailto:MonicaD@cupertino.gov)> wrote:

Good afternoon Mr. Chen,

This is to inform you of pending violations related to your properties: APNs 356-05-007, 356-05-008, and 356-27-026. There are active code enforcement cases related to work which requires permits, and for which valid permits are not on file. The Cupertino Municipal Code requires that a grading permit be obtained prior to working on or disturbing land at a property. The following is a list of the pending issues:

1. Unpermitted grading work: *Based on recent observations from the City, the project site has experienced significant land disturbance that would require a grading permit per Cupertino Municipal Code (CMC) Chapter 16.08.060. You must obtain a retroactive grading permit and then immediately address erosion and sediment control issues as a result of the unpermitted grading work. Please complete the following corrective actions as soon as possible:*
  - ***Stop all work at the subject properties*** which is of a type that requires permits and/or approvals from the City of Cupertino. No further alterations of the property, earth moving activities or expansions may take place until authorized to do so.
  - *Submit a grading permit application for processing.*
  - *Submit a complete Grading plan prepared by a licensed civil engineer, which includes earthwork quantities and the limits of disturbed area(s).*
  - *Submit an erosion and sediment control plan.*
  - *Provide the engineer's cost estimate of the grading work.*
  - *Provide a grading bond and the payment of fees (to be assessed at the time of submission).*

2. Remediation required. *Once the plans are approved and the grading permit is issued, erosion and sediment control issues need to be addressed immediately. Any disturbed area(s) and/or project site(s) shall be stabilized, and erosion control work completed on or before October 1, 2024.*

The issues described above would create an unsafe condition as seasons and weather conditions change. These may be significant in nature and may lead to enforcement actions, which can include the issuance of citations, and/or the posting of an Unsafe Placard (i.e., “Redtag”) at the property. I would appreciate your help to avoid that process by applying for the required permits as soon as possible. Please work with your respective contractors and our Public Works staff, who can be reached via email at [engineering@cupertino.gov](mailto:engineering@cupertino.gov). I will be reviewing this case on or after Wednesday, September 25, 2024, for any progress made and any next level enforcement actions needed.

Please reach out to me if you have any questions concerning this matter.

Thank you,



**Monica Diaz**

Senior Code Enforcement Officer  
Community Development  
MonicaD@cupertino.gov  
(408)777-3266

