

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

Below is a list of the different Grading and Drainage Permit Application types with a brief description of each type.

Standard Grading Permit – This is the typical grading and drainage permit that would be applied for and are typically for construction sites in which the project site is flat with slopes less than <5% slope across the entire site. These sites also typically propose more than 150 cubic yards of cut and/or fill as a part of the project.

Hillside Grading Permit – These permits are for projects that are located in areas of have slopes that are greater than 5% over the entire site. These areas also typically located in Geohazard Zones and requires a separate clearance typically obtained in conjunction with a Planning Permit application.

Grading Exemption Permit – These permits are for projects that are very small in nature. Under the San Jose Municipal Code Section 17.04.310 all projects are required to obtain a Grading Permit regardless of project site. A "Notice of Exemption" may be issued if it is determined that your project meets the specific code criteria (see Attachment B).

Site Work Only Permit – These permits are the same as Grading Exemption Permit Applications, as indicated above but also includes the installation of onsite storm drainage facilities.

Hydrant Exemption Only Permit – For demolition projects that are not proposing any grading activities. Utility companies are prohibited to provide the use of potable water from fire hydrants without the prior approval of the City. Projects applying for this permit must provide evidence that no other alternative to potable water, such as reclaimed water obtained from reclaimed water fill stations, is reasonably available. If you are submitting or have already submitted for a Grading and Drainage permit, you would include the hydrant exemption application with your Grading and Drainage application.

Submission Methods:

- 1) **Online Application for Grading and Drainage Permit:** Visit the following site to apply for your Grading and Drainage Permit online: www.sjpermits.org. You will need to have an online account which you can create on the website. You will also need to attach all required documents as attachments during your online application; or

When applying online you will have the option to create both the permit application and to initiate a San Jose ePlan project. If you initiate an ePlan project you will receive a separate invitation email

with log-in information and submission instructions for the project. The benefit of submitting via SJePlans is that the platform integrates with the City's permitting system and provides one place for you to upload plans digitally, receive plan check comments, monitor project status, and obtain copies of issued permits. Please visit our [SJePlans Resources page](#) for more information.

For ePlan submissions you will upload all required documents directly to the SJePlan Project. All other submissions you will need to attach all required documents as attachments during your online application.

For a list of required ePlans and Attachments for each type of online Grading and Drainage Permit Application refer to Attachment A

Schedule an Appointment with Staff (Optional): Prior to or after you have made the online application submittal you may wish to contact the Project Engineer or team member assigned to your project to schedule an intake meeting. This meeting will help the applicant determine what documents are required for a full submittal, what documents were missing from the online submittal or the required corrections of the online submitted documents prior to being accepted for review. The Project team will also be able to provide the invoice for payment at the meeting, if not provided previously. If the meeting is scheduled prior to making the submittal, the online application must be made prior to the meeting.

2) **Standard Application - Schedule an Appointment with Staff**

Project Related – Schedule an appointment or submit directly to the Public Works Development Review Team. If you already know the name of the PW Development Review Team members, please contact them directly to schedule an appointment for plan submittal. If you are unsure of the PW Development Review Team assigned to your project, please contact staff at (408) 535-7802 with your Planning Permit number, and we will look up the name of the Project Engineer assigned to your project.

Stand Alone - Submit a completed **Application for Grading and Drainage Permit** with the items listed below directly to the Public Works Counter on the 1st Floor of City Hall or by emailing the submission to pwgeneralinfo@sanjoseca.gov. Questions can be emailed or by calling the number above.

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:** The plans 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 C).

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.

- 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 greater than 4'-0" in height, measured from top of wall to bottom of footing.
 - A retaining wall that is less than or equal to 4'-0" in height and **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).
- 4) **Shoring Plans:** Shoring is required when grading or excavating activities require construction shoring this is typically when a vertical cut of 5' or greater is proposed as part of the construction project. Temporary shoring plans must be prepared in accordance with all applicable State regulations. A shoring system that is part of the permanent structural foundation for the building shall be permitted by the Building Division as a Foundation Permit. Refer to the Shoring Instructions document on the Development Services website for more information on Shoring Plan requirements.
- 5) **Erosion Control Plans (If Applicable):** Projects disturbing one acre or more of land or are located on a Hillside are required to have an Erosion Control Plan included as part of the Grading Plans. These projects are also required to have a valid a Storm Water Pollution Prevention Plan (SWPPP) approved by the State. The purpose of Erosion Control Plans is to reduce pollutant discharge, including sediment resulting from construction activities during the winter months as required by the Municipal Regional Stormwater Permit (MRP) for the San Francisco Bay Region. Projects that are less than one acre but still required to file for a Standard Grading Permit must include the Clean Bay Blueprint as part of the Grading Plans.
- 6) **Ground Improvement Plans (If Applicable):** Ground Improvement Plans are also required to provide a written review letter from the Project Geotechnical Engineer. This letter would need to state that the Geotechnical Engineer has reviewed the Ground Improvement Plans and that they are consistent with their recommendations. Some typical ground improvements that have utilized to mitigate the liquefaction potential are:
 - Drilled Displacement Columns (DDC). The DDC process uses a displacement drill to compact soil in the ground, resulting in higher capacity and lower spoils. The displaced soil produces the increased strength and ground improvement which are enhanced by the pressure grout effect during construction. DDC's increase bearing capacity, increases soil stiffness, reduces soil compressibility, increases soil resistance to liquefaction, and increases composite soil shear strength.
 - Rammed Aggregate Piers ("Geopiers").
 - Vertical and horizontal over excavation with placement of select fill or lime treated base in the areas of the proposed structures.

7) **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.

- 8) **Project Earthwork Specifications:** One copy, submitted under a separate cover from the soils report and titled "Grading Specifications". If no soils report is required, the Civil Engineer shall provide the earthwork specifications. Specifications shall contain information pertaining to grading construction and material requirements, methods, and scheduling.

- 9) **Non-Potable Water Exception** (if applicable): If the project site is located further than 3 miles from any available Reclaimed Water Fill Station and the applicant opts to apply for a Non-Potable Water Exception. A map of all active Reclaimed Water Fill Stations may be found on our Application and Resources page under the Grading, Geology, and Erosion Control section at:
<https://www.sanjoseca.gov/devresources>.

- 10) **Haul Route (if applicable):** 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:
<https://www.sanjoseca.gov/?navid=1629>

- 11) **City Fees:** Initial permit review fees will be supplied once the permit application has been submitted. Final permit fees will be determined prior to issuance of the permit for construction. See the current "Public Works Permit Fees" Fee Schedule. Located at the Application and Resources page listed above.

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 and the revised Grading and Drainage plans 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 (missing documents, missing map, 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.



GRADING & DRAINAGE PERMIT

Department of Public Works, Development Services
200 East Santa Clara Street, San Jose, CA 95113
<http://www.sanjoseca.gov/pwdev>
(408) 535-3555

Other Requirements

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.

ePlan and Online Application Attachment Requirements

Note: If your application was started as an ePlan Application, submit the plans and documents in the indicated folder. If you did not initiate this project as an ePlan application, submit the documents indicated in the “Online Application Only” section during the “Attachments” section of the online application. Please note that the City reserves the right to convert the project from being Online only to an ePlan application during the project intake review.

ePlan Application: Refer to the City of San Jose [SJePlans Resources](#) page for more information.

Plans Folder – Uploaded as single sheets per the [Public Works file naming convention](#)

- **Grading and Drainage Plans**
- **Erosion Control Plans** (if applicable)
- **Retaining Wall Plans** (if applicable)
- **Shoring Plans** (if applicable)
- **Ground Improvement Plans** (if applicable)

Documents Folder

- **ePlan Information Form**
- **Application for Grading & Drainage Permit** (filled in from site information down)
- **Soils and Geologic Report**
- **Project Earthwork Specifications**
- **Hydraulic Calculations**
- **Haul Route Permit** (if applicable)
- **Non-Potable Water Exception Application** (if applicable)
- **Retaining Wall Structural Calculations** (if applicable)
- **Shoring Structural Calculations** (if applicable)
- **Ground Improvement Specifications** (if applicable)
- **Ground Improvements Plan Review Letter** (if applicable)

ePlan and Online Application Attachment Requirements

Online Application Only

When attaching these documents during the Add Application stage or using the “Add Attachments” on the My Permit Detail page of your permit application on SJPermits, make sure to select the following Attachment Type indicated after the dash. Each document will be required to provide a description of the uploaded attachment.

- **Grading and Drainage Plans** – Grading/Erosion Control Plan
- **Erosion Control Plans** (if applicable) – Grading/Erosion Control Plan
- **Retaining Wall Plans** (if applicable) – Grading/Erosion Control Plan
- **Shoring Plans** (if applicable) – Grading/Erosion Control Plan
- **Ground Improvement Plans** (if applicable) – Grading/Erosion Control Plan
- **Application for Grading & Drainage Permit** – Miscellaneous Document
- **Soils and Geologic Report** – Soils Report
- **Project Earthwork Specifications** – Miscellaneous Document
- **Hydraulic Calculations** – Miscellaneous Document
- **Haul Route Permit** (if applicable) – Miscellaneous Document
- **Non-Potable Water Exception Application** (if applicable) – Miscellaneous Document
- **Retaining Wall Structural Calculations** (if applicable) – Miscellaneous Document
- **Shoring Structural Calculations** (if applicable) – Miscellaneous Document
- **Ground Improvement Specifications** (if applicable) – Miscellaneous Document
- **Ground Improvements Plan Review Letter** (if applicable) – Miscellaneous Document

NOTICE of EXEMPTION CRITERIA

You may be exempted from obtaining a Grading Permit from the City of San Jose if your grading project meets any of the criteria below and **is** located in an urban area less than 2 acres, and the project **is not** in a **Geologic Hazard Zone** and does not affect / is not located in ponds, wetlands, riparians, streams or burrowing owl nesting habitat.

- 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:

APPROVED FOR GRADING AND DRAINAGE ONLY DEPARTMENT OF PUBLIC WORKS CITY OF SAN JOSE, CALIFORNIA	
Project Engineer	Date
Senior Engineer	Date
Permit Number	Expiration Date

- 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.).

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 Patrick Hansen at 408-945-3000.

14. Stormwater Treatment Signage:

- A. Contractor shall install stormwater treatment measure signage in the form of a city approved medallion # STDM-19323-SSPS, or equivalent. The medallion must be commercial grade stainless-steel, aluminum, brass or bronze and either stamped from sheet metal or cast.
- B. The medallion color must be nonreflective blue or green and be affixed to a clean, prepared surface with adhesives, fasteners or heat as recommended by the manufacturer. The medallion must include the words “Stormwater Treatment Measure - Do Not Alter or Remove” and be weatherproof.
- C. Medallion shall be installed at each curb opening location or 10' apart if multiple curb openings". If there are no curb opening(s) then place 10' apart.
- D. **For information only:** Medallion Part # STDM-19323-SSPS can be purchased through Almetek Industries, Inc.: www.almetek.com or call (800) 248-2080. However, the contractor may purchase from any source subject to review and approval. Call the city of San Jose Environmental Services Department at (408) 945-3000 for more info.

15. 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.**

STANDARD GRADING & DRAINAGE PLAN NOTES

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

STANDARD GRADING & DRAINAGE PLAN NOTES

22. 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