

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-0198
www.sccplanning.org



STAFF MEMORANDUM Zoning Administration February 7, 2019 **Item #1**

Staff Contact: Mark J. Connolly – Senior Planner
(408) 299-5786, mark.connolly@pln.sccgov.org

File: 11203-18G-18DR
Grading Approval and Design Review Approval for a new single-family residence]
Address: 15487 Bohlman Road, Saratoga, CA

DISCUSSION

The subject application was originally scheduled for the December 7, 2018 Zoning Administration hearing. The application was continued to a date uncertain when Staff was informed by the applicant that the story poles were not satisfactorily constructed to meet the 7-day deadline for inspection. The item was then scheduled for the Thursday January 17th Zoning Administration hearing. The applicant tried to install the story poles by January 9, 2019 to allow the story poles to be erected for seven full days before the January 17th hearing. Due to weather, the story poles did not maintain integrity for the full 7 days mandated by Ordinance and the item was continued to February 7, 2019. Staff visited the site on January 30, 2019 and the story poles were deemed to be sufficient to meet the story pole guidelines. Staff will provide an oral presentation at the public hearing regarding the status of the story poles and to ensure that there are no new impacts related to Design Review findings.

ADDITIONAL INFORMATION

Permit Streamlining Act

The subject application was deemed complete for processing on November 26, 2018, with a Permit Streamlining Act deadline of January 26, 2019 (60-days). As noted above, at the January 9, 2019 hearing, the applicant granted the County a one-time, 90-day extension to the Permit

Streamlining Act deadline to allow for additional time to correct the story poles. The Permit Streamlining Act deadline is now April 25, 2019.

Public Hearing

At the hearing concerns regarding view impairment, the location of the driveway and vehicular lighting impacts, privacy impacts from second-story windows, structure size, septic capacity, compliance with CEQA were discussed. Staff addressed what could be regulated and / or mitigated and the Zoning Administrator urged the Applicant to work with concerned neighbors regarding some of the concerns.

Since the last meeting the applicant has met to discuss privacy noise and lighting impacts with adjacent concerned neighbors. The results of the meeting will be heard and discussed at the February 7, 2019 hearing and considered by the Zoning Administrator in making a decision.

ATTACHMENTS

- 1) Amended "Attachment B" Amended Conditions of Approval
- 2) December 7, 2018 Zoning Administration staff report and January 17, Memo
- Includes staff report with full analysis, findings and conditions
- 2) Public Correspondence

REVIEWED BY

Prepared by: Mark J. Connolly, Senior Planner.



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ATTACHMENT B

Amended Conditions of Approval

Preliminary Conditions of Approval

DESIGN REVIEW and GRADING CONDITIONS OF APPROVAL

Owner/Applicant: Zia Malik

File Number: 11203-18G-18DR

Location: 15487 Bohlman Road, Saratoga CA (APN: 517-32-005)

Project Description: The proposed project is to construct a new 5,536 square-foot two-story residence. Proposed grading is 563 c.y. of cut and 648 c.y. of fill. The property is served by an onsite well and septic system. No trees would be removed.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Mark Connolly	(408) 299- 5786	mark.connolly@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@pln.sccgov.org
Geology	Jim Baker	(408) 299 – 5735	jim.baker@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Building Inspection		(408) 299-5700	
Land Development Engineering	Ed Duazo	(408) 299 5733	Ed.duazo@pln.sccgov.org

STANDARD CONITIONS OF APPROVAL

Planning

1. Development must take place in accordance with the approved plans, prepared by Metro Design Group, submitted to the County on September 18, 2018. If the project is

considered a rebuild, all height and setback must conform to current zoning development standards.

2. Existing zoning is HS-dl. Maintain the following minimum setbacks:

Front:	30 feet
Sides:	20 feet
Rear:	25 feet
Maximum Height:	35 feet
Stories:	3

3. The exterior color surfaces (including walls, roof, window trim/accent, retaining walls, fences) of the structure must be of muted colors with light reflectivity value (LRV) of 45 or lower.
4. Maintain the existing landscaping and provide tree protection for north and easterly property lines per County tree protection standards during construction. Existing mature trees shall be protected to soften the appearance of the structure as seen from the valley floor.
5. All recommendation of the Arborist Report prepared by Live Oak and Associates on May 9, 2018 shall be followed.
6. In the event that previously unidentified historic or prehistoric archaeological resources are discovered during construction, the contractor shall cease work in the immediate area and the County Planning Office and Campus Archaeologist shall be contacted. An independent qualified archaeologist retained by the County at the expense of Stanford shall assess the significance of the find and make mitigation recommendations.
7. If archeological resources are discovered as described above, construction monitoring shall be conducted at any time ground-disturbing activities (greater than 12 inches in depth) are taking place in the immediate vicinity of the identified resources. If monitoring does not produce evidence of significant cultural resources within the project area, further mitigation shall be limited to construction monitoring, unless additional testing or other specific mitigation measures are determined by a qualified archaeologist to be necessary to ensure avoidance of damage to significant archaeological resources. A technical report of findings describing the results of all monitoring shall be prepared in accordance with professional standards. The archaeological monitoring program shall be implemented by an individual meeting the Secretary of Interior Professional Qualifications Standards in Archaeology (36 CFR 61); individual field monitors shall be qualified in the recognition of cultural resources and possess sufficient academic and field training as required to conduct the work effectively and without undue delay.
8. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner

shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

9. In the event that fossilized shell or bone is uncovered during any earth-disturbing operation, contractors shall stop work in the immediate area of the find and notify the Campus Archaeologist and the County Building Inspector assigned to the project. The Campus Archaeologist shall visit the site and make recommendations for treatment of the find (including but not limited to consultation with a paleontologist and excavation, if warranted), which would be sent to the County Building Inspection Office and the County Planning Office. If a fossil find is confirmed, it will be recorded with the United States Geological Survey and curated in an appropriate repository.

Environmental Health

10. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.
11. Maintain garbage service with the local service provider. Garbage service is mandatory within unincorporated areas of Santa Clara County.
12. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

Geology

13. All recommendations from the March 9, 2018 report by UPP Geotechnology shall be followed.

Fire Marshal

IMPORTANT: Fire protection water system shall be functioning prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

14. WATER SOURCE: 2-5,000 gallon above ground water tanks for wharf hydrant and 1-5,000 gallon above ground tank for domestic/fire sprinklers.

15. FIRE SPRINKLER SYSTEM: An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure.
16. NOTE: The fire sprinkler system shall be installed and finalized by this office prior to occupancy. A separate permit shall be obtained from this office by a state licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.
17. WHARF HYDRANT: One on-site wharf hydrant with 2-1/2-inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.
- A) Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 150 ft. from the furthest portion of the structure (measured along path of travel).
- B) Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.
- C) Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.
- D) Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration.
- NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

FIRE DEPARTMENT ACCESS

18. GENERAL REQUIREMENTS:

- A) These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
- B) Construction of access roads and driveways shall use good engineering practice.
- C) All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.

ACCESS ROADS (roads serving more than two lots) for fire department access shall comply with the following:

- A) Width: Clear drivable width of 18 ft. plus a 3 ft. shoulder on each side.

B) Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).

C) Curve Radius: Inside turn radius for curves shall be a minimum of 42 ft.

D) Grade: Maximum grade shall not exceed 15%.

E) Surface: All driving surfaces shall be all-weather and capable of sustaining 65,000-pound gross vehicle weight.

19. DRIVEWAYS shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).

A) Width: Clear width of drivable surface of 12 ft.

B) Vertical Clearance: Minimum vertical clearance of 13 ft. 6 in. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).

C) Grade: Maximum grade shall not exceed 16%.

D) Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.

E) Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.

MISCELLANEOUS:

20. This property is in the Wildland/Urban Interface Fire Area. All the following conditions shall apply:

A) A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.

B) Provide a 1/2-inch spark arrester for the chimney.

C) Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

21. MAINTENANCE: Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.

22. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

23. Property is located within the State Response Area (SRA) and the Wildland Urban Interface (WUI) area.

Building Inspection Office

24. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

Planning

25. The non-egress required window sill heights of the windows on the southeast elevation shall be raised to clerestory windows with five-foot tall sills
26. Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided **prior to building permit issuance**.

Environmental Health

27. Based upon a percolation rate of 4.8 minutes per inch with a sewage application rate of 1.2 gallons per day per square feet, sewage disposal conditions have been determined at 141 plus 141 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 1500-gallon septic tank will be required. This septic system is adequate to serve a six bedroom house.
28. Onsite wastewater treatment plans shall be overlaid onto a revised grading and drainage plans and to be submitted to the Department of Environmental Health (DEH) for review.
29. Call the Department of Environmental Health office (DEH) at 408-918-3400 for septic clearance. This is a separate submittal to DEH and additional fees may be required. One plan signed by DEH (3 if septic permit required) are needs to issue permit.

Geology

30. A Plan review letter demonstrating the plans conform to the recommendations in the March 9, 2018 report by UPP Geotechnology shall be followed

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO GRADING PERMIT ISSUANCE

Planning

31. For all trees to be retained with a canopy in the development area or interfaces with the limits of any proposed development on-site, the trees shall be protected by the placement

of 5-foot tall rigid tree protective fencing as shown on final building plans and must include the following:

- a. Fencing should be placed along the outside edge of the dripline of the tree or grove of trees,
- b. The fencing should be maintained throughout the site during the entire construction period and should be inspected periodically for damage and proper functions,
- c. Fencing should be repaired, as necessary, to provide a physical barrier from construction activities,
- d. The following sign shall be placed on all tree protection fencing and must remain until final occupancy. The sign must read: "Warning. This fencing shall not be removed without permission from the Santa Clara County Planning Office. County of Santa Clara tree protection measures may be found at: <http://www.sccplanning.gov>, or call (408) 299-5770 for additional details."

Land Development Engineering

32. Obtain a Grading Permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading permits can be applied for concurrently). The process for obtaining a Grading Permit and the forms that are required can be found at the following web page:

www.sccplanning.org > I Want to. > Apply for a Permit > Grading Permit

Please contact LDE at (299-5734) for additional information and timelines.

33. Final plans shall include a single sheet which contains the County standard notes and certificates as shown on County Standard Cover Sheet. Plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information.
34. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The driveway approach shall be per modified County Standard Detail SD4, as generally shown in the conditionally approved plans on file with the Planning Office, and the driveway per County Standard Detail SD5. The following standards are available on-line:
☐ March 1981 Standards and Policies Manual, Volume 1 (Land Development)
www.sccplanning.org > Plans & Ordinances > Land Development Standards and Policies

35. Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors' Act with the County Surveyor.
36. The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County's Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.
37. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
38. Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.
39. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
40. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.
41. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional

information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website:

□ www.scvurppp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (June 2016)

42. Submit one copy of the signed and stamped of the geotechnical report for the project.
43. Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendation in the above geotechnical report have been incorporated into the improvement plan.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT, WHICHEVER COMES FIRST

Planning

44. **Prior to final inspection**, contact Mark J. Connolly at 408 299 5786, at least a week in advance to schedule a site visit to verify the approved exterior colors have been installed as approved and existing landscaping is maintained.

Fire Marshal

45. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure (including existing residences when square footage is added).

NOTE: The fire sprinkler system shall be installed and finalized by this office **prior to occupancy**. A separate permit shall be obtained from this office by a state licensed C-16 contractor **prior to installation**. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

Land Development Engineering

46. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
47. Construct all the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

48. Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

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STAFF REPORT
Zoning Administration
December 7, 2018
Item #5

Staff Contact: Mark Connolly
(408) 299-5786, mark.connolly@pln.sccgov.org

File: 11203-18G-18DR
Grading Approval and Design Review Approval for a new single-family residence

Summary: GRADING APPROVAL AND DESIGN REVIEW APPROVAL, to construct a new 5,536 square-foot two-story residence. Proposed grading is 563 c.y. of cut and 648 c.y. of fill.

Owner: Zia Malik
Applicant: Tom Sloan
Lot Size: 42,689 square feet
APN: 517-32-005
Supervisory District: 5

Gen. Plan Designation: Hillside
Zoning: HS-d1
Address: 15487 Bohman Road, Saratoga CA
Present Land Use: Vacant
HCP: N/A

RECOMMENDED ACTIONS

- A. Accept a Categorical Exemption, under Section 15303 Class 3(a) outlined in Attachment A.
- B. Grant Grading Approval and Design Review, subject to conditions outlined in Attachment B.

ATTACHMENTS INCLUDED

- Attachment A – Proposed CEQA Determination
- Attachment B – Proposed Conditions of Approval
- Attachment C – Location & Vicinity Map
- Attachment D – Arborist Report prepared by Live Oak Associates on March 26, 2018
- Attachment E – Biologic Report prepared by Live oak Associates on March 12, 2018
- Attachment F – Proposed Plans

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

PROJECT DESCRIPTION

The proposed project is to construct a new 5,536 square-foot two-story residence. Proposed grading is 563 c.y. of cut and 648 c.y. of fill. No trees would be removed. All other ordinance size protected trees are proposed for protection pursuant to County tree protection measures and Arborist recommendations. The new residence would be served by an onsite wastewater system and well. The parcel frontage is physically located along Quail Run Court and, at the time of a building permit, will be reassigned a Quail Run Court address. However, because the lot is vacant it currently identified as Bohlman Road.

Setting/Location Information

The subject parcel is approximately one acre in size, and is currently vacant. Access to the subject property is via Bohlman Road and Quail Run Court, public, non-county-maintained roads. The property is located in the unincorporated Saratoga hills area.

The subject property is downward sloping from Bohlman Road, with a 50-foot drop in elevation from the road to the rear of the property. The average slope of the property is 21%. The lot has a mixture of trees and shrubs, including 9 trees on the site, 8 of which are Coast Live Oak trees. All trees are proposed to be protected during construction. Parcels surrounding the subject property are larger developed and vacant lots developed with a mixture of one (1) to two (2) story single-family residences. Hakone Gardens, a City of Saratoga Park, is located below the subject property.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3a) for one single-family residence, or a second dwelling unit in an urbanized residential zone.

B. Project/Proposal

1. **General Plan:** The project is a single-family residence within the HS-d1 combined zoning district, with no jurisdictional Urban Service Area. However, the property is within the Sphere of Influence of the City of Saratoga. The General Plan land use designation for the subject parcel Hillsides, which is intended to allow low density single-family residential use
2. **Building Site Approval:** The parcel is an approved building site per a Parcel Map recorded in January 5, 2015 (PM 317-54).
3. **Zoning Standards.** The proposed project satisfies the required development standards as summarized below:

Front Setback:	30 feet
Side Setbacks:	30 feet
Rear Setback:	30 feet
Height:	35 feet
Stories:	3 stories

C. Design Review Findings:

All Design Review applications are subject to the scope of review as listed in §5.50.040 of the County Zoning Ordinance. The overall purpose of design review is to encourage quality design and mitigate potential adverse visual impacts of development. In the following discussion, the scope of review criteria is in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;

The property is downward sloping from Quail Run Ct. / Bohlman Road, and the driveway curves between two existing mature Oak trees. The two existing mature Oak trees along the frontage of the property will partially screen the proposed residence and driveway, as viewed from the street. Retention of these Oak trees is required and will help the project blend into the natural environment. A condition of approval requiring maintenance of these trees has been included. Furthermore, the proposed building footprint is located approximately in the middle of the property, with a finished floor elevation of approximately 1120. The elevation of the street level is approximately 1150, so the residence is approximately 30 below the street, with a total height of 33 feet tall proposed for the residence. The combination of existing topography and mature trees will ensure that the proposed residence and retaining walls will be adequately screened from the road and upslope neighboring properties. There is one immediate rear yard residence on parcel 517-32-005 that has mature Oak trees facing the subject lot that provides some screening of the proposed residence that would be upslope from the neighboring property.

The Santa Clara Valley Floor is to the rear of the property and presents the biggest viewshed impact to the immediate neighborhood and the valley floor. A two-story façade and retaining walls that vary between 2-5.5 feet tall are proposed to be facing toward the valley floor. A combination of mature oak trees both on the subject property and below the property, plus one mature Madrone, create a large canopy that will help blend the proposed residence into the surrounding environment and screen the proposed residence from the valley floor. The retaining walls are proposed to be screened with vines and shrubs, as well as be painted earthen tones with a Light Reflectivity Value (LRV) of 45 or less. The body, trim and roof of the two-story residence is also proposed to be less than 45 LRV.

An Arborist Report prepared by Live Oak Associates on March 26, 2018 provides construction impact analysis and tree preservation measures to ensure the long-term survival of mature trees that will help blend the residence into the environment.

The project has been designed and sited to help minimize views from the immediate street and valley floor below, thus mitigating any adverse visual impacts from the residence and grading retaining walls. Implementation of the landscape elements will

further mitigate any adverse visual impacts. As such, Staff recommends that this finding can be made.

2. Compatibility with the natural environment;

The proposed residence is located on a suitable location on the site, with modest grading. The project does not propose any tree removal and all existing mature trees on site are proposed to be protected. An Arborist Report provides long term preservation measures to maintain mature tree habitat on the site. Additionally, a Biology report, prepared by Live Oak and Associates, evaluated the potential habitat and species occurrence on the site of the Kangaroo rat, which was an identified species of concern by the California Natural Diversity Database (CNDDB). The results of the report indicated that the habitat was not suitable for the species to occur.

Thus, the proposed residence is designed to be compatible with the natural environment. The grading and retaining walls will not leave a lasting scar in the natural environment and would not create any impacts to special status species or habitat. Therefore, this finding can be made.

3. Conformance with the "Design Review Guidelines," adopted by the Board of Supervisors;

The proposed project conforms to the Design Review Guidelines, as the siting of the proposed residence utilizes a reasonable footprint and its related improvements are designed to follow the natural contours and to minimize excessive grading. The bulk and mass of the building has been designed to minimize long and tall wall planes and is broken up by incorporating varied roof planes and undulating facade. As a condition of approval, exterior colors for the house facade, trim and roof materials are to have a Light Reflectivity Value less than or equal to 45. As conditioned, Staff recommends this finding can be made.

4. Compatibility with the neighborhood and adjacent development;

The proposed residence is in keeping with the characteristics of the surrounding neighborhood. The neighboring parcels are developed with low density single-family development and surrounded by dense trees to minimize impacts on privacy and views of neighboring properties, which the subject project is also consistent with. The architectural styles and stories are varied through the immediate neighborhood. The proposed residence is a two-story design with a basement, designed at 33 feet in height. The project will not be obtrusive or stand out compared to the other developed parcels in the immediate vicinity and is compatible with the immediate neighborhood. As such, Staff recommends that this finding can be made.

5. Compliance with applicable zoning district regulations; and

Residential use is an allowed use in HS Hillside zoning district, and the project complies with the HS zoning regulations. The proposed residence exceeds all required setbacks (30-feet from all property lines) and is below the maximum allowed building height at 33 feet tall (maximum of 35-feet). The proposed design is also in keeping with the -d1 design standards, building massing standards, and natural exterior colors and materials. As such, Staff recommends that this finding can be made.

6. Conformance with the general plan, any applicable specific plan, or any other applicable guidelines.

The General Plan Growth and Development Chapter for Rural Unincorporated Areas contains specific policies under Strategy #3, to *Ensure Environmentally Safe and Aesthetic Hillside Development*. To address policies intended to minimize or avoid unnecessary grading and for development of lots which propose hilltop or ridgeline development, the applicant has designed the project beginning with a suitable building footprint and has located the residence away from the front slope of the property, as well as minimized retaining walls and viewshed impacts to the rear of the property.

The subject parcel is not located on or near a ridgeline. The elevation and location of the residence, as viewed from the valley floor immediately below, would not be perceived as projecting above the natural topography.

As such, as conditioned, the project would be in conformance with the General Plan and this finding can be made.

D. Grading Findings:

Pursuant to Section C12-433, all Grading Approvals are subject to specific findings. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.

The project includes 563 c.y. of cut and 648 c.y. of fill to accommodate the new residence and associated site improvements, which is modest and well balanced. The majority of the proposed grading is necessary to establish the onsite driveway and fire-truck turn-around for the residence. The amount, design, location and the nature of proposed grading is necessary and appropriate to establish the single-family residential use, which is a permissible use in the HS zoning district and this finding can be made.

- 2. The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.**

Due to the sloping topography, the project includes retaining walls down the driveway, ranging from 0 to 5.5 feet tall. The driveway curves to meet the Fire Marshal slope requirements, thus necessitating the proposed retaining walls. These walls are not excessive, will not create a visual scar and are typical in height for the construction of driveway retaining walls on sloping lots.

Behind the residence and facing the valley floor are two retaining wall systems ranging from 2-5.5 feet tall, with contour grading downslope from the proposed residence toward the leach field, as opposed to steep cuts and retaining walls near the proposed residence and toward the valley floor. The grading is mostly contour cuts and blends slopes to avoid unnecessary fills. The driveway is proposed along an existing dirt driveway, and the footprint of the structures are proposed on the flattest portions of the site. All remaining export will be deposited at an approved disposal site. Standard conditions of approval and requirements of final grading plans will ensure that grading around the building pad and driveway will not result in slope instability, or erosion.

- 3. Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.**

The proposed grading has been designed to blend with the natural topography to the maximum extent possible, with the residence sited on the most suitable building pad location. The majority of the proposed grading is for access and yard improvements, such as the driveway and retaining walls for yard space. An Arborist Report and Biological report prepared for the project resulted in recommendations and mitigations to ensure that the grading will not impose any impacts to the natural landscape, biological, or aquatic resources. Furthermore, maximum cuts for the proposed grading will generally not exceed 5.5 feet in height in most areas, and are consistent with design guidelines for retaining walls located in the -d1 zoning district.

- 4. For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.**

The majority of the proposed grading is related to the onsite driveways, yardspace and improvements to serve the new residence. The grading is designed to follow the natural contours to the maximum extent possible. No on-site alternative location would minimize grading amounts. All other alternatives upslope, or downslope of the

proposed location would greatly exacerbate grading amounts and would be found unnecessary and excessive, as well as aesthetically inferior.

- 5. Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.**

The proposed grading is designed to conform with natural terrain and existing topography and will not create any significant visual scar, because the grading is designed to blend with the natural contours to the maximum extent possible. Additionally, all retaining walls are proposed to be natural colors and landscaped to minimize impacts of a visual scar from the proposed grading, and have been conditioned to ensure mitigation of impacts.

- 6. Grading conforms with any applicable general plan or specific plan policies; and**

The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The proposed grading is designed to follow the natural terrain, to minimize grading to that which is necessary for the primary use (single-family residence), and to reduce visual impacts from hillside development in keeping with General Plan policies R-GD 22- 33, which address visual impacts and minimal grading necessary to establish the use.

- 7. Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.**

The proposed grading is in conformance with the adopted "Guidelines for Grading and Hillside Development," in particular, the specific guidelines for siting, driveway design, building form and design, and landform grading. The proposed residence will be located in a suitable footprint in the middle of the site, which minimizes the need for grading for longer driveways. The driveway is designed in keeping with Guidelines 5, 7, 8 and 9 that require the proposed driveway design is curved to follow the existing contours. The project must meet the minimum emergency access standards for width and slope of driveway and turnarounds.

BACKGROUND

On January 12, 2018, an application was submitted to the Planning Department for Grading and Design Review. After working with Staff on the design of the residence and grading, and addressing all incomplete items, the application was ultimately deemed complete on November 8, 2018. A public notice was mailed to all property owners within a 300-foot radius on November 27, 2018 and was also published in the Post Record Newspaper on November 26, 2018.

STAFF REPORT REVIEW

Prepared by: Mark J. Connolly, Senior Planner & Deputy Zoning Administrator



Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator




ATTACHMENT A

Notice of Exemption from CEQA

To: ☒ County Clerk-Recorder
County of Santa Clara

☐ Office of Planning & Research
PO Box 3044, Room 222
Sacramento, CA 95812-3044

Project Title Grading and Design Review	File Number (if applicable) File 11203-18G-18DR	
Project Location 15487 Bohlman Road, Saratoga CA		
Public Agency Approving Project County of Santa Clara	Person or Agency Carrying Out Mark J Connolly, Senior Planner	
Project Description (including purpose and beneficiaries of project) The proposed project is to construct a new 5,536 square-foot two-story residence. Proposed grading is 563 c.y. of cut and 648 c.y. of fill. The property is served by an onsite well and septic system. No trees would be removed.		
Exempt Status check one/indicate type of State CEQA Guidelines section number: <input checked="" type="checkbox"/> Categorical Exemption [CEQA Guidelines 15301-15333]: <input type="checkbox"/> Statutory Exemption [CEQA Guidelines 15260-15285]: <input type="checkbox"/> Declared Emergency [15269(a)]: <input type="checkbox"/> Emergency Project [15269(b)(c)]: <input type="checkbox"/> General Rule [CEQA Guidelines 15061(b)(3)]:		
Reasons the project is exempt: Class 15303 (a) One single-family residence, or a second dwelling unit in an urbanized residential zone.		
County Contact Person Mark J. Connolly	Title Senior Planner	Telephone Number (408) 299-5786
Signature:  Date: 11/26/2018		

ATTACHMENT B

Conditions of Approval

DESIGN REVIEW and GRADING APPROVAL

Owner/Applicant: Zia Malik

File Number: 11203-18G-18DR

Location: 15487 Bohlman Road, Saratoga CA (APN: 517-32-005)

Project Description: The proposed project is to construct a new 5,536 square-foot two-story residence. Proposed grading is 563 c.y. of cut and 648 c.y. of fill. The property is served by an onsite well and septic system. No trees would be removed.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Mark Connolly	(408) 299- 5786	mark.connolly@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@pln.sccgov.org
Geology	Jim Baker	(408) 299 – 5735	jim.baker@pln.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Building Inspection		(408) 299-5700	
Land Development Engineering	Ed Duazo	(408) 299 5733	Ed.duazo@pln.sccgov.org

STANDARD CONITIONS OF APPROVAL

Planning

1. Development must take place in accordance with the approved plans, prepared by Metro Design Group, submitted to the County on September 18, 2018. If the project is considered a rebuild, all height and setback must conform to current zoning development standards.
2. Existing zoning is HS-dl. Maintain the following minimum setbacks:

Front:	30 feet
Sides:	20 feet
Rear:	25 feet
Maximum Height:	35 feet
Stories:	3

3. The exterior color surfaces (including walls, roof, window trim/accent, retaining walls, fences) of the structure must be of muted colors with light reflectivity value (LRV) of 45 or lower.
4. Maintain the existing landscaping and provide tree protection for north and easterly property lines per County tree protection standards during construction. Existing mature trees shall be protected to soften the appearance of the structure as seen from the valley floor. Should any existing trees be removed, they shall be replaced to the satisfaction of the Zoning Administrator.
5. All recommendations of the Arborist Report, prepared by Live Oak and Associates on May 9, 2018, shall be followed.
6. In the event that previously unidentified historic or prehistoric archaeological resources are discovered during construction, the contractor shall cease work in the immediate area and the County Planning Office and Campus Archaeologist shall be contacted. An independent qualified archaeologist retained by the County at the expense of Stanford shall assess the significance of the find and make mitigation recommendations.
7. If archeological resources are discovered as described above, construction monitoring shall be conducted at any time ground-disturbing activities (greater than 12 inches in depth) are taking place in the immediate vicinity of the identified resources. If monitoring does not produce evidence of significant cultural resources within the project area, further mitigation shall be limited to construction monitoring, unless additional testing or other specific mitigation measures are determined by a qualified archaeologist to be necessary to ensure avoidance of damage to significant archaeological resources. A technical report of findings describing the results of all monitoring shall be prepared in accordance with professional standards. The archaeological monitoring program shall be implemented by an individual meeting the Secretary of Interior Professional Qualifications Standards in Archaeology (36 CFR 61); individual field monitors shall be qualified in the recognition of cultural resources and possess sufficient academic and field training as required to conduct the work effectively and without undue delay.
8. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.
9. In the event that fossilized shell or bone is uncovered during any earth-disturbing operation, contractors shall stop work in the immediate area of the find and notify the

Campus Archaeologist and the County Building Inspector assigned to the project. The Campus Archaeologist shall visit the site and make recommendations for treatment of the find (including but not limited to consultation with a paleontologist and excavation, if warranted), which would be sent to the County Building Inspection Office and the County Planning Office. If a fossil find is confirmed, it will be recorded with the United States Geological Survey and curated in an appropriate repository.

Environmental Health

10. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.
11. Maintain garbage service with the local service provider. Garbage service is mandatory within unincorporated areas of Santa Clara County.

Geology

12. All recommendations from the March 9, 2018 report by UPP Geotechnology shall be followed.

Fire Marshal

IMPORTANT: Fire protection water system shall be functioning prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

13. Provide 2-5,000 gallon above ground water tanks for wharf hydrant and 1-5,000 gallon above ground tank for domestic/fire sprinklers.
14. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure. The fire sprinkler system shall be installed and finalized by this office **prior to occupancy**. A separate permit shall be obtained from this office by a state licensed C-16 contractor **prior to installation**. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.
15. **WHARF HYDRANT:** One on-site wharf hydrant with 2-1/2-inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.
 - A) Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 150 ft. from the furthest portion of the structure (measured along path of travel).

B) Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.

C) Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.

D) Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration.

NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

FIRE DEPARTMENT ACCESS

16. GENERAL REQUIREMENTS:

- A) These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
- B) Construction of access roads and driveways shall use good engineering practice.
- C) All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.

ACCESS ROADS (roads serving more than two lots) for fire department access shall comply with the following:

- A) Width: Clear drivable width of 18 ft. plus a 3 ft. shoulder on each side.
- B) Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
- C) Curve Radius: Inside turn radius for curves shall be a minimum of 42 ft.
- D) Grade: Maximum grade shall not exceed 15%.
- E) Surface: All driving surfaces shall be all-weather and capable of sustaining 65,000-pound gross vehicle weight.

17. DRIVEWAYS shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).

- A) Width: Clear width of drivable surface of 12 ft.
- B) Vertical Clearance: Minimum vertical clearance of 13 ft. 6 in. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
- C) Grade: Maximum grade shall not exceed 16%.
- D) Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000-pound gross vehicle weight.

E) **Gates:** Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.

MISCELLANEOUS:

18. This property is located in the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:

- A) A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
- B) Provide a 1/2-inch spark arrester for the chimney.
- C) Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

19. **MAINTENANCE:** Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.

20. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

21. Property is located within the State Response Area (SRA) and the Wildland Urban Interface (WUI) area.

Building Inspection Office

22. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

Planning

23. Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided **prior to building permit issuance.**

Environmental Health

24. Based upon a percolation rate of 4.8 minutes per inch with a sewage application rate of 1.2 gallons per day per square feet, sewage disposal conditions have been determined at 141 plus 141 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 1500-gallon septic tank will be required. This septic system is adequate to serve a six bedroom house.
25. Onsite wastewater treatment plans shall be overlaid onto a revised grading and drainage plans and to be submitted to the Department of Environmental Health (DEH) for review.
26. Call the Department of Environmental Health office (DEH) at 408-918-3400 for septic clearance. This is a separate submittal to DEH and additional fees may be required. One plan signed by DEH (3 if septic permit required) are needs to issue permit.
27. Call Nicole Jorgensen at 408-918-3492 for water system clearance. Additional fees may be required. A well log showing a 50-foot sanitary seal, pump test & water testing are required.

Geology

28. A Plan review letter demonstrating the plans conform to the recommendations in the March 9, 2018 report by UPP Geotechnology shall be followed

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO GRADING PERMIT ISSUANCE

Planning

29. For all trees to be retained with a canopy in the development area or interfaces with the limits of any proposed development on-site, the trees shall be protected by the placement of 5-foot tall rigid tree protective fencing as shown on final building plans and must include the following:
 - a. Fencing should be placed along the outside edge of the dripline of the tree or grove of trees,
 - b. The fencing should be maintained throughout the site during the entire construction period and should be inspected periodically for damage and proper functions,
 - c. Fencing should be repaired, as necessary, to provide a physical barrier from construction activities,
 - d. The following sign shall be placed on all tree protection fencing and must remain until final occupancy. The sign must read: "Warning. This fencing shall not be removed without permission from the Santa Clara County Planning Office. County of Santa Clara tree protection measures may be found at: <http://www.sccplanning.gov>, or call (408) 299-5770 for additional details."

Engineering

30. Obtain a Grading Permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading permits can be applied for concurrently). The process for obtaining a Grading Permit and the forms that are required can be found at the following web page:

www.sccplanning.org > I Want to. > Apply for a Permit > Grading Permit

Please contact LDE at (299-5734) for additional information and timelines.

31. Final plans shall include a single sheet which contains the County standard notes and certificates as shown on County Standard Cover Sheet. Plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information.

32. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The driveway approach shall be per modified County Standard Detail SD4, as generally shown in the conditionally approved plans on file with the Planning Office, and the driveway per County Standard Detail SD5. The following standards are available on-line:

☐ March 1981 Standards and Policies Manual, Volume 1 (Land Development)
www.sccplanning.org > Plans & Ordinances > Land Development Standards and Policies

☐ 2007 Santa Clara County Drainage Manual
www.sccplanning.org > Plans & Ordinances > Grading and Drainage Ordinance

33. Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file

appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

34. The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County's Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.
35. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
36. Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.
37. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
38. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.
39. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to include multiple site design measures in the project design. For additional information, please refer to the C.3 Stormwater Handbook (June 2016) available at the following website:

☐ www.scvurppp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (June 2016)
40. Submit one copy of the signed and stamped of the geotechnical report for the project.
41. Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendation in the above geotechnical report have been incorporated into the improvement plan.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY OR
ONE YEAR FROM THE DATE OF THE LAND DEVELOPMENT AGREEMENT,
WHICHEVER COMES FIRST**

Planning

42. **Prior to final inspection**, contact Mark J. Connolly at 408 299 5786, at least a week in advance to schedule a site visit to verify the approved exterior colors have been installed as approved and existing landscaping is maintained.

Fire Marshal

43. An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure (including existing residences when square footage is added).

NOTE: The fire sprinkler system shall be installed and finalized by this office **prior to occupancy**. A separate permit shall be obtained from this office by a state licensed C-16 contractor **prior to installation**. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

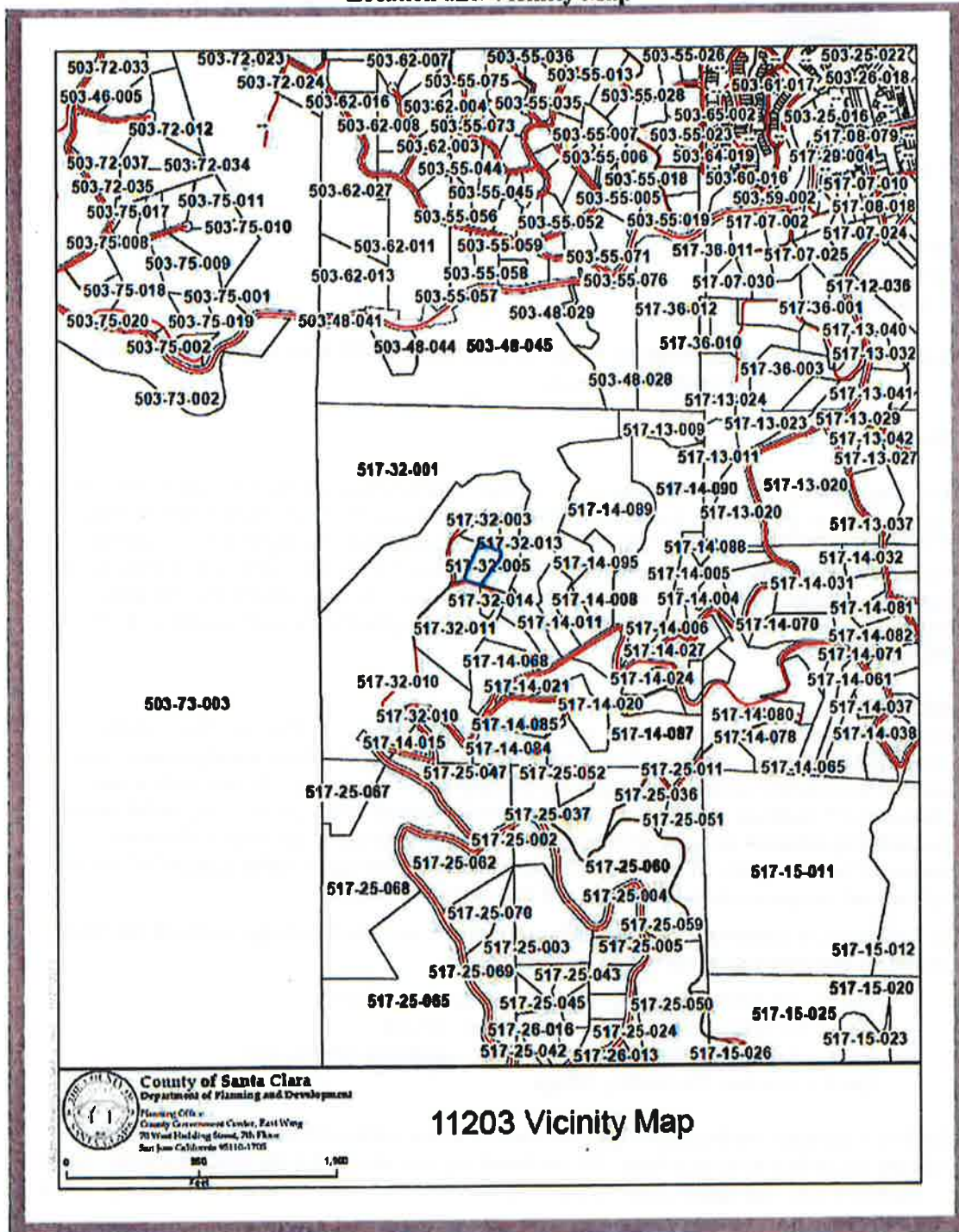
Engineering

44. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
45. Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

Environmental Health

46. Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

ATTACHMENT C **Location and Vicinity Map**





LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

March 26, 2018

RECEIVED
MAY 09 2018

COUNTY OF SANTA CLARA
PLANNING OFFICE

Mr. Zia Malik
15505 Archibald Road
Saratoga, CA 95070

Subject: Arborist Assessment for Property Located at 15487 Bohlman Road, Saratoga, Santa Clara County, California

Dear Mr. Malik,

Per your request, Live Oak Associates, Inc. (LOA) conducted an arborist assessment for trees on and adjacent to the property located at 15487 Bohlman Road, Saratoga, Santa Clara County, California (APN 517-32-005). The approximately 1 acre Bohlman Road property is currently vacant land and a new single family residence is proposed for the site. This tree assessment and report documents existing trees on and immediately adjacent to the property and evaluates potential project impacts to trees based on a proposed site plan for the new residence dated March 14, 2018.

METHODS

A site visit for this survey and report was conducted on March 21, 2018, by LOA Certified Arborist Neal Kramer. Existing fences surrounding the 15487 Bohlman Road property were used to approximate project boundaries for the purposes of the report. All trees with a trunk diameter of 5 inches or greater at 54 inches above the ground on the project site, and all trees immediately adjacent with any portion of their canopy overhanging the project site were surveyed for this report. In addition to trunk diameter, the survey included a record of the tree species and an approximate tree height and tree canopy spread.

A limited visual assessment of tree health and structure was used to assign a general condition rating for each tree according to the following scale:

- Good** = 80-100% healthy foliage and no significant defects;
- Fair** = 50-79% healthy foliage and/or minor defects;
- Poor** = 5-49% healthy foliage and/or other significant defects; and
- Dead** = less than 5% healthy foliage.

Each tree surveyed on the project site was marked with a numbered aluminum tag. For trees outside the project boundary fence, the numbered tag was attached to the fence at a point closest to the tree trunk. The approximate location of each tree was noted on an aerial field map during the site visit.

San Jose: 6840 Via Del Oro, Suite 220 • San Jose, CA 95119 • Phone: (408) 224-8300 • Fax: (408) 224-1411
Oakhurst: P.O. Box 2697 • 33930 Sierra Way, Suite B • Oakhurst, CA 93644 • Phone: (559) 642-4880 • (559) 642-4883
Truckee: 11050 Pioneer Trail, Suite 203 • Truckee, CA 96161 • Phone: (530) 214-8947

www.loainc.com

11203-186^{R1}-18 DE ^{R1}

SURVEY RESULTS AND DISCUSSION

A total of 9 trees were recorded for this survey. Approximate locations for all trees surveyed are shown on Figure 1, and a summary of information collected for each surveyed tree is provided below in Table 1.

Trees surveyed include 8 coast live oaks (*Quercus agrifolia*) and 1 madrone (*Arbutus menziesii*). Two of the coast live oak trees surveyed (Trees 5 and 6) are located just outside the project's northern property boundary, but have canopy overhanging the project site and could potentially be affected by project development.

All trees surveyed for this report are native to the area.

Development Impacts

It is the intent of the project applicant to retain all trees surveyed.

Retained trees near construction activities may be vulnerable to impacts from site grading, excavation and/or trenching requirements. These activities will alter the natural terrain and drainage patterns, can result in soil compaction, and can cause physical damage to tree root systems, trunks and canopies. As such, the long term health and survival of individual trees could be adversely affected.

In consideration of the driveway alignment and septic system layout proposed on the March 14, 2018 Site Plan, the following design/construction recommendations are provided in order to minimize the risk of tree damage and maximize the survivability of trees to be retained:

- To the extent practical, grading, excavation, trenching, and/or activities that may result in soil compaction should be avoided within the canopy dripline of retained trees.
- **Tree 1** – The driveway alignment should be reconfigured so that grading cut and fill requirements occur as far as possible from, and in no case closer than 12 feet from the base of this tree.

Lower branches on this tree directly above the driveway alignment should be raised (pruned up) to the degree necessary to insure adequate clearance for grading and construction equipment. Pruning should occur prior to the commencement of any grading or construction activities. Pruning operations should be conducted under the direction of a certified arborist by a qualified tree service provider and conform to International Society of Arboriculture (ISA) best pruning practices.

- **Tree 2** – The driveway alignment should be configured so that grading cut and fill requirements occur as far as possible from, and in no case closer than 10 feet from the base of this tree.
- **Trees 8 & 9** – Driveway grading cut and fill requirements should be configured to occur as far as possible from, and in no case closer than 6 feet from the base of these trees.
- **Trees 4, 5 & 6** – Septic leach lines proposed in the vicinity of these trees should be configured to avoid trenching within the canopy dripline of the trees.
- **A Tree Protection Plan** should be developed by a certified arborist and implemented prior to the commencement of any grading or construction activities in order to insure trees to be retained are properly protected during project development.

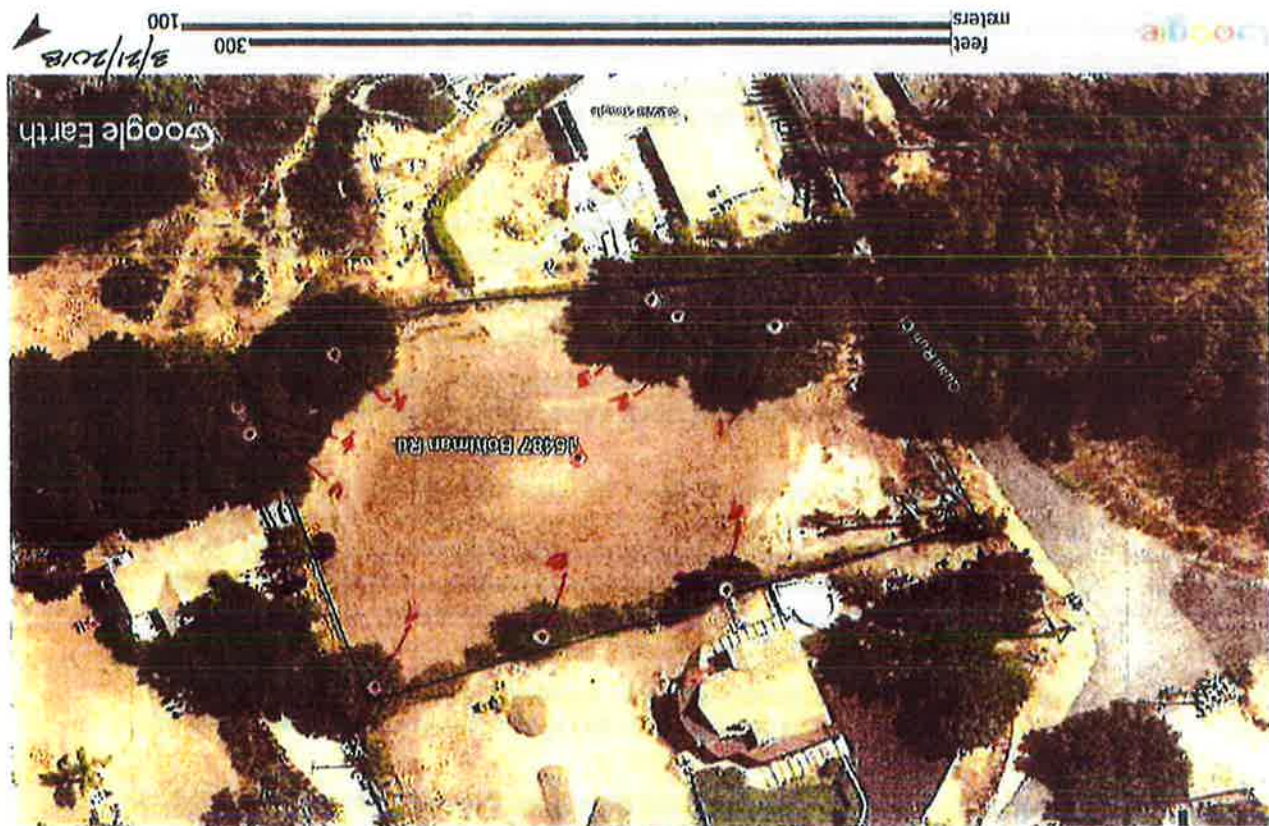


Figure 1: Approximate Tree Locations 15437 Bolman Rd, Saratoga

**TABLE 1. Results of Tree Survey Results, 15487 Bohlman Road, Saratoga, CA
March 21, 2018**

Tree #	Species	Trunk diameter @ 54" above ground (inches)	Approx. Canopy Spread (feet)	Approx. Height (feet)	General Condition*	Protected Tree
1	Coast live oak	27+25	52	36	Good	Yes
2	Coast live oak	20	30	40	Fair	Yes
3	Coast live oak	19+19	42	34	Fair	Yes
4	Coast live oak	34 (@ 24")	40	40	Good	Yes
5	Coast live oak ¹	27+28	62	45	Fair	Yes
6	Coast live oak ¹	14	18	34	Fair	Yes
7	Madrone	23	36	36	Good	Yes
8	Coast live oak	13	26	32	Fair	Yes
9	Coast live oak	17	22	34	Fair	Yes

¹ Tree outside project boundary, but canopy overhangs project site and tree could be affected by project development.

* Condition: **Good** = 80-100% healthy foliage and no significant defects; **Fair** = 50-79% healthy foliage and/or minor defects; **Poor** = 5-49% healthy foliage and/or other significant defects; **Dead** = less than 5% healthy foliage

Unless expressed otherwise, the evaluation of trees discussed in this report is limited to a visual examination of accessible parts without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees in question may not arise in the future.

If you have any questions regarding findings or other elements of this report, please feel free to contact me at (650) 563-9943 or (650) 208-0061.

Sincerely,



Neal Kramer
Certified Arborist #WE-7833A



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

March 12, 2018

RECEIVED
MAY 09 2018

Zia Malik
15505 Archibald Road
Saratoga, CA 95070

COUNTY OF SANTA CLARA
PLANNING OFFICE

RE: Results of the Santa Cruz kangaroo rat assessment for the property located at 15487 Bohlman Road, Saratoga, Santa Clara County, California

Dear Mr. Malik:

Live Oak Associates, Inc. (LOA) has conducted a Santa Cruz kangaroo rat (*Dipodomys venustus venustus*) assessment for the property located at 15487 Bohlman Road, Saratoga, Santa Clara County, California. This was conducted to help satisfy item #4 of the County's Response letter.

Existing Conditions.

LOA ecologist Katrina Krakow conducted a site visit on March 12, 2018. The site currently consists of low-growing ruderal vegetation with some large native oak trees along the margins of the site, particularly in the northeastern and southeastern corners of the property. Only one open burrow was observed on the property, which was made by a Botta's pocket gopher (*Thomomys bottae*).

Assessment of the Likelihood of the Santa Cruz Kangaroo Rat to Occur Onsite.

The Santa Cruz kangaroo rat is a small kangaroo rat that is endemic to California, and specifically to the Santa Cruz Mountains sandhill habitats, and has been extirpated from many locations; of the 14 California Natural Diversity Database (CNDDB) locations in California, four currently are presumed to be extirpated. Many locations currently considered to be extant are known from only museum specimens in the early 1900s without updated information in the CNDDB. The 10 locations currently presumed extant by the CNDDB are from 1933 (Redwood City), 1936 (Near Bear Creek 2 miles NE of City of Boulder Creek), 1938 (2 miles SW of Saratoga; Stanford University), 1940 (1.8 miles E of Mt. Herman along Bean Creek Road), 1941 (Jasper Ridge), 1942 (Pleasant Valley Canyon 2 miles NW of Corralitos), 1961 (Doyle Gulch), 2001 (Kaiser Quarry adjacent to Mt. Hermon), and 2002 (adjacent to Henry Cowell State Park).

The nearest CNDDB record to the project site (occurrence #1) is located approximately 1 mile to the northwest of the site and is from 1938 and is considered by the CNDDB to be presumed extant, although observations at that location have not been updated since 1938 and the original record is known from 7 specimens collected in July of 1938.

San Jose: 6840 Via Del Oro, Suite 220 • San Jose, CA 95119 • Phone: (408) 224-8300 • Fax: (408) 224-1411
Oakhurst: P.O. Box 2697 • 33930 Sierra Way, Suite B • Oakhurst, CA 93644 • Phone: (559) 642-4880 • (559) 642-4883
Truckee: 11050 Pioneer Trail, Suite 203 • Truckee, CA 96161 • Phone: (530) 214-8947

www.loainc.com

11203-186 R1-18 De (R)

The site does not support sandhill habitat or chaparral habitat, as required by this species. Additionally, this species is not currently listed as Endangered, Threatened, or a species of special concern under the California Department of Fish or Wildlife or the U.S. Fish and Wildlife Service.

Conclusions and Recommendations.

We conclude the project site does not support potentially suitable habitat for the Santa Cruz kangaroo rat, and therefore, no additional mitigations are necessary for the project regarding this species.

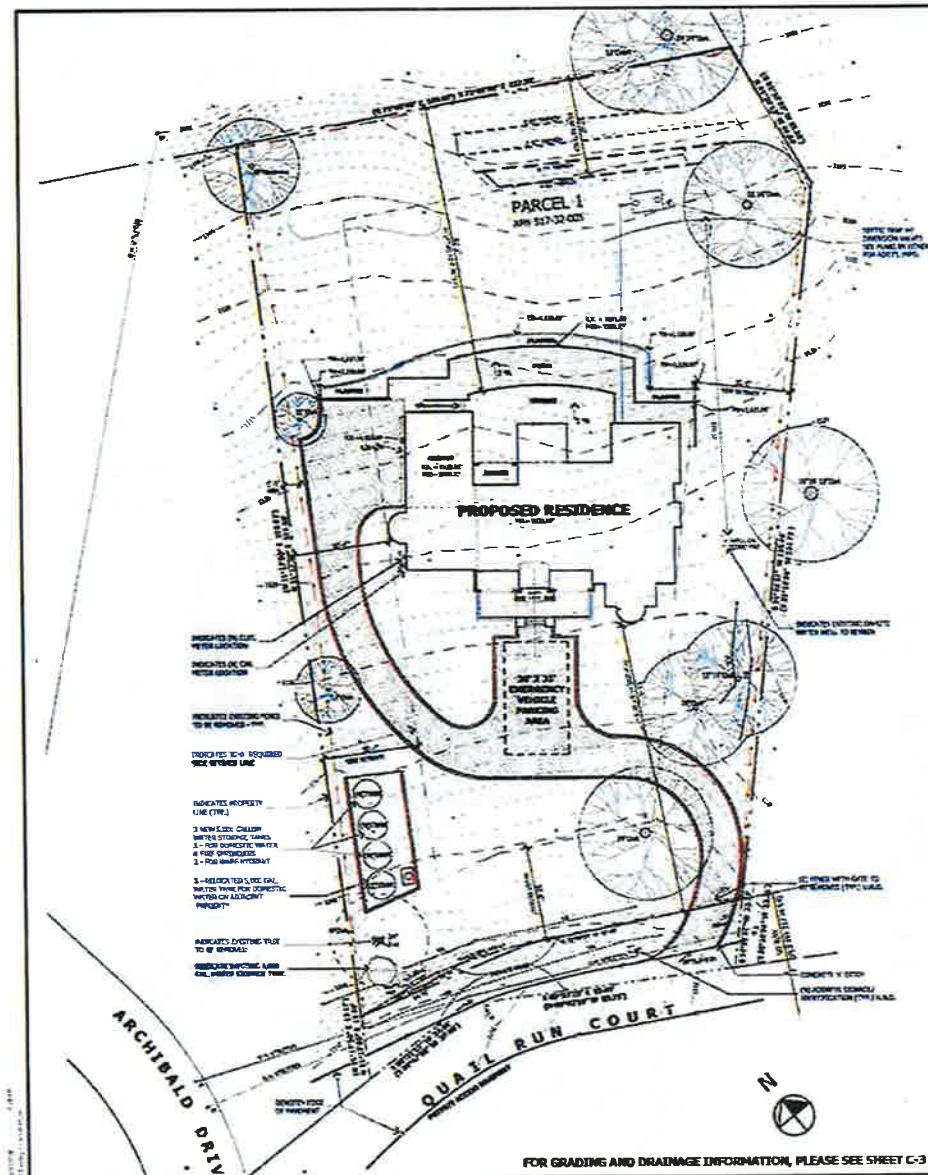
If you have any questions or concerns regarding this letter report, please contact me at (408) 281-5889 or Rick Hopkins at (408) 281-5885, at your convenience.

Sincerely,



Katrina Krakow, M.S.
Project Manager
Staff Ecologist

ATTACHMENT D
Proposed Plans





4011 GARDEN AVENUE, SUITE 100
CARMEL, CA 96301
831.921.1000
www.metrodesigngroup.com

No other, that appears on the drawing, shall be construed as a representation of the architect's liability for the work. The architect shall not be responsible for any errors or omissions in the drawings, or for any consequences of the use of the drawings, or for any consequences of the use of the drawings, or for any consequences of the use of the drawings.

PROJECT NAME

PROPOSED RESIDENCE

15487 BOHANNAN ROAD
SARATOGA, CA 95070

REVISIONS

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

PROPOSED EXTERIOR ELEVATIONS

SOUTHWEST (FRONT) ELEVATION

SOUTHWEST (FRONT) ELEVATION

DATE : 11/01/2013

SCALE : 1/4" = 1'-0"

DRAWN BY : H.S.

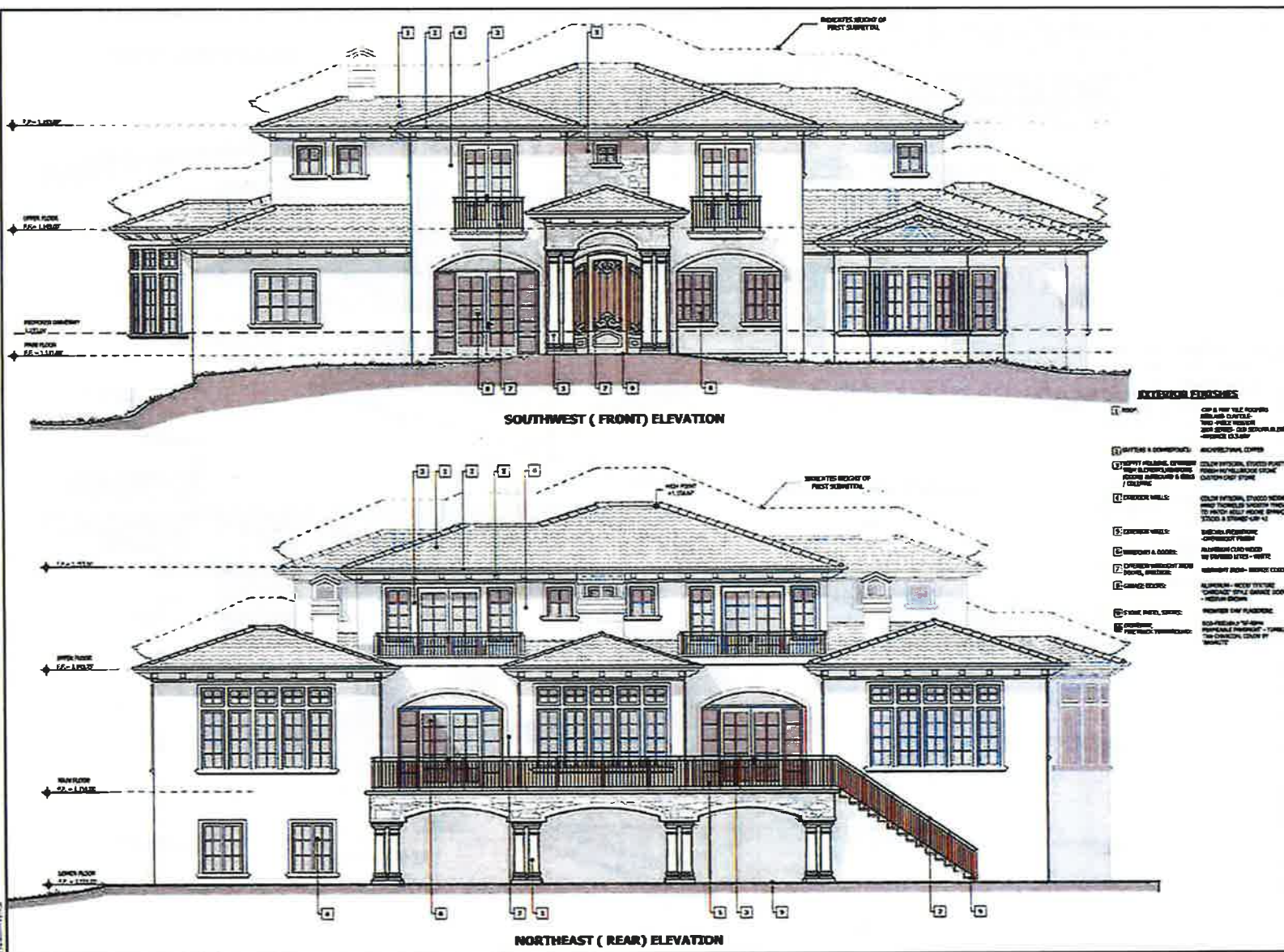
CHECKED BY : TS

ARCHITECT : TOM SLAHER

PROJECT NO : 17642

SHEET NUMBER

A-4.0



County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-0108
www.sccplanning.org



STAFF MEMORANDUM

Zoning Administration

January 8, 2019

Item #1

Staff Contact: Mark J. Connolly – Senior Planner
(408) 299-5786, mark.connolly@pln.sccgov.org

File: 11203-18G-18DR

Grading Approval and Design Review Approval for a new single-family residence

Address: 15487 Bohlman Road, Saratoga, CA

DISCUSSION

The subject application was originally scheduled for the December 7, 2018 Zoning Administration hearing. The application was continued to a date uncertain when Staff was informed by the applicant that the story poles were not satisfactorily constructed to meet the 7-day deadline for inspection. The applicant noted that they would try to install the story poles by January 9, 2019. As of the preparation of this report, Staff is still awaiting completion of the story poles. Staff will provide an oral presentation at the public hearing to ensure that story poles do not present any new impacts related to Design Review findings. Should the inspection reveal that the story poles were not constructed pursuant to the County guidelines for story pole construction, Staff will recommend continuance of the application, pending an extension to the Permit Streamlining Act deadline granted by applicant.

ADDITIONAL INFORMATION

Permit Streamlining Act

The subject application was deemed complete for processing on November 26, 2018, with a Permit Streamlining Act deadline of January 26, 2019 (60-days). As noted above, should the applicant not construct the story poles pursuant to the County guidelines, the applicant will need to be denied, unless the applicant grants the County a one-time, 90-day extension to the Permit Streamlining Act deadline to allow for additional time to correct the story poles.

Public Comments

As a result of public noticing the project and partial construction of story poles for the first public hearing on December 7, 2018, staff received correspondence from the adjacent neighbor at 15500 Quail Run Court. The neighbor relayed concerns with view impairment, the location of the driveway and vehicular lighting impacts, privacy impacts from second-story windows, structure size, septic capacity, compliance with CEQA etc. Staff's response and discussion of these issues, as they relate to the Design Review application, are listed below.

- View Impairment:

As discussed through the findings in the attached staff report (pages 3-5), staff finds that overall the project meets the County Design Review Guidelines in terms of massing and articulation of the proposed residence, and the required Findings can be made.

As viewed from the property to the east, the footprint of the proposed residence and the neighbor's property are approximately equal in elevation. The proposed residence would introduce a sheer two-story wall element that is approximately 21 feet in height and 20 feet wide, that the neighbor feels will block some of their northerly views of the valley floor. The County's Design Review Guidelines and Findings do not protect views from neighboring properties.

- Driveway/Vehicular Lighting:

The easterly neighbor is concerned that the proposed driveway that curves along the shared property line would create nighttime headlight glare. Due to Fire Marshal slope and angle requirements, the driveway cannot be altered without grading Quail Run Court. Staff explored options with the Fire Marshal's office and Land Development Engineering for a superior alternative, however the proposed driveway development was determined to be superior. Nonetheless, due to the fact that there may be headlight impacts, Staff has added a condition of approval for the applicant to provide a solid fence to be constructed to the maximum height possible. Additionally, landscaping along this fence may also be required.

- Privacy Impacts:

The area of the proposed residence that could create privacy impacts toward the neighboring property to the east include large windows, with short window sills, as seen on page A-3.1 of the project plans. In keeping with the County Design Review Guidelines, and to mitigate privacy impacts, staff has included a condition of approval requiring that any non-egress windows facing the property to the east are designed to be clerestory windows, with five-foot tall window sill. This will limit the applicants views to the neighboring property. Staff has discussed this with the Applicant, who has agreed to this solution.

- Structure Size:
Concerns regarding structure size have been submitted to Planning staff. The proposed residence is approximately 5,536 square feet in size, which is not unusual for the neighborhood that ranges from older ranch style homes to modern estate homes. Furthermore, the County does not have a maximum Floor Area Ratio (FAR) for this zoning district, but as discussed in the attached staff report, staff finds that the project meets the applicable findings and design guidelines in terms of bulk, mass and neighborhood compatibility.
- Septic Capacity/Location:
The neighbor noted that they were concerned with the location and capacity of the proposed septic system. The Department of Environmental Health (DEH) has reviewed the septic system plan, and conditioned the sizing, capacity and location of the system. The neighborhood has no urban services and properties must be served by wells and onsite wastewater systems. The location of the proposed leachfield is at the bottom of the property along the northerly property line and is not unreasonably close to adjacent properties. T
- CEQA Compliance: As noted in the December 7, 2018 Staff Report, Staff determined that the project is exempt from the California Environmental Quality Act (CEQA) under a Categorical Exemption for new single-family residences. More specifically, CEQA Section 15303(a) states that "*One single-family residence, or a second dwelling unit in an urbanized residential zone... [may be deemed exempt from CEQA]*". As such, Staff continues to use Section 15303(a) to exempt the project, and no new information has been submitted into the record that creates a new environmental impact under CEQA.

For the reasons described in the December 7, 2018 Staff Report and as discussed above, Staff continues to recommend approval of the project, pending a final inspection of the story poles. Given the addition of new conditions of approval, as noted in this memo, a revised set of Conditions of Approval have been attached for approval.

ATTACHMENTS

- 1) Amended "Attachment B" Amended Conditions of Approval
- 2) December 7, 2018 Zoning Administration staff report
- 2) Public Correspondence

REVIEWED BY

Prepared by: Mark J. Connolly, Senior Planner

Reviewed by: Leza Mikhail, Principal Planner / Zoning Administrator



Public Correspondence

Mikhail, Leza

From: Ming Li <mingli_95014@yahoo.com>
Sent: Monday, December 17, 2018 8:14 AM
To: Connolly, Mark
Cc: Mikhail, Leza
Subject: RE OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Mark, thanks so much for your prompt response and diligence.

- If we can not eliminate all windows facing us, please ask to eliminate second story windows facing us. Windows facing West-Side neighbor (Kothari) have been removed.
- The driveway can be moved 5-6 feet away from our property-line without compromise fire marshal or slope requirements. The potential buyer may be a car fanatic owning many loud-motor cars. Not only car-lights shine onto our home, but also loud-noise disturbance.
- In addition, we ask to build a concrete barrier of minimal 6' tall on their property-line. This barrier should have acceptable finish on the side facing us.

Thank you Mark!

On Sunday, December 16, 2018 08:11:43 PM PST, Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG> wrote:

Hi Ming-

You're welcome. I think we had a very productive meeting onsite. Again I apologize for being a bit tardy getting up the hill to your property, but Mr. Malik caught me down below when I arrived.

To clarify, I think it may be impossible to completely eliminate ALL windows facing you, because of the fire marshal egress requirements, but as we discussed, is your request to modify the windows facing you on the second-story to be pedestrian height sills, to avoid light and views toward your property?

The driveway is very close to your property, but no easement is required to be granted by you and your husband, as the driveway is proposed entirely on the Malik property. I think the idea of a fence along that portion of the driveway at the property line will prevent vehicle lights from shining onto your property.

About a year ago, I proposed moving the driveway toward the other property line to the Applicant and they couldn't meet fire grade to get a fire truck down the first part of the driveway. Flipping the design of the driveway makes the turn too acute coming up Quail Run. So it remains a concern for Staff, but neither the Applicant or Staff can find a more suitable solution. But we remain open to ideas that maintain privacy and preserve trees if you can think of any to suggest.

Mark J. Connolly

Senior Planner / Deputy Zoning Administrator / Airport Land Use Commission Program Manager

County of Santa Clara Planning Division

70 West Hedding Street

East Wing 7th Floor

San Jose, CA 95010

408-299-5786

DEPARTMENT OF PLANNING AND DEVELOPMENT WILL BE CLOSED FOR BUSINESS!

PLEASE NOTE: The Department of Planning & Development will be closed for services from 4:00 PM on Thursday, December 13 and will reopen for business on Tuesday, December 18, 2019 at 8:00 AM. The Department needs this critical time to prepare to launch InSite, our new digital permit system. What to expect: initiate request or apply for a permit online or on site; check the status of your project, submit digital documents, and make payments online or on site; get better customer service through smooth & efficient internal routing

Please visit our [website](#).

Click [here](#) to look up unincorporated property zoning information.

Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Ming Li <mingli_95014@yahoo.com>
Sent: Sunday, December 16, 2018 7:06 PM
To: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>
Cc: Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Subject: RE OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hi Mark, Thanks again for coming to our home, even ever so brief! As we discussed on Friday, we ask:

Eliminate all WINDOWS facing us.

Move DRIVEWAY far away from our property-line (too noisy). Is current driveway on top of our property line? We don't give easement-right to this neighbor.

Look forward to hearing your thoughts. -Ming

Mikhail, Leza

From: Ming Li <mingli_95014@yahoo.com>
Sent: Thursday, December 13, 2018 8:29 AM
To: Connolly, Mark; Mikhail, Leza
Subject: Land use

Mark, look forward to seeing you at tomorrow at 9. It's cold muddy here these days, please wear warm/boots:) Darrin Lee of Environmental Dept. provided some info regarding septic (Below), will read. We are not familiar with "Land-Use/Zoning regulations", but it doesn't seem right that neighbor builds a house to block your view? - Ming

On Tuesday, December 11, 2018 02:30:12 PM PST, Lee, Darrin <Darrin.Lee@cep.sccgov.org> wrote:

Hello Ming,

The story pole/ height simulation of the proposed building appears to rise to height of your building. I'm unfamiliar with zoning requirements and unable to speak to the height issue of the proposed building. Please contact the Planning Department at 408-299-5770 for information regarding allowable building height values and possibly inquire whether this proposed building site has gone through a public hearing (if required).

In the past 4 years, septic requirements have become more lenient since the promulgation and passage of a new County septic ordinance. The leniency occurs with the sizing of the leach field and/or through the use of enhanced filtration thereby providing supplemental treatment in the processing of wastewater. Although leach field sizing requirements changed, standards and setbacks to septic system and wells remain in place (minimally 100 feet between septic and wells).

My apologies as I'm unable to provide additional insight to this matter.

Please see attached link for current links to development projects in Saratoga, specially, under file #11220 (assuming this is the neighbor in question).

<https://www.sccgov.org/sites/dpd/Development/Current/Pages/Current.aspx>

Regards,

Darrin

From: Ming Li <mingli_95014@yahoo.com>
Sent: Tuesday, December 11, 2018 1:05 PM
To: Lee, Darrin <Darrin.Lee@cep.sccgov.org>
Subject: Land use

Darrin, So nice to hear from you! As you know, we remodeled Saratoga mountain house, enjoy peaceful mountain life, drinking water from water well...:)

Our next lot neighbor is a realtor, who's been trying to sell his sub-acre lot for decades without offers. We thought he would never be able to sell this small lot, because the County will not allow to build a large house on it. Recently, this neighbor decided to build A New House (about 6,000sf, 2 floor) on this sub-acre lot to sell it for profit.

Not to mention the proximity of wells to septic (though I hear the County approved smaller-leach field), our road is too narrow. Here we attach 2 photos of how the New House Construction blocks our views, which can reduce our home value and leave us no privacy. Look forward to your insight, advise. Really appreciate your time. -Min

From: "Lee, Darrin" <Darrin.Lee@cep.sccgov.org>
To: Ming Li <mingli_95014@yahoo.com>
Sent: Tuesday, December 11, 2018 10:18 AM
Subject: RE: Hi from Ming, Re: Septic

Good Morning Ming,

It has been 10 years since you last septic approval. Thank you again for the referral to your colleague (you have an excellent memory). I have been free of issues since the operation. I'm still the same Darrin you met 10 years ago. If I may ask, are you making improvements to your home? Please share and/or contact me at 408-918-3435.

Regards

Darrin

Mikhail, Leza

From: Ming Li <mingli_95014@yahoo.com>
Sent: Thursday, December 6, 2018 8:37 PM
To: Connolly, Mark; Mikhail, Leza
Subject: Attached 2 more photos of how the construction blocks our views Re: Not Have Sufficient Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR
Attachments: blocks our views from balcony.jpg; blocks our views from 2nd fl Master Bedroom.jpg

Mark, here we attached 2 more photos of how the instruction blocks our views. Thank you for your time. -Ming

Mikhail, Leza

From: Ming Li <mingli_95014@yahoo.com>
Sent: Thursday, December 6, 2018 8:33 PM
To: Connolly, Mark; Mikhail, Leza
Subject: Attached 2 more photos of how the construction blocks our views Re: Not Have Sufficient Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR
Attachments: blocks our views from balcony.jpg; blocks our views from 2nd fl Master Bedroom.jpg

Mark, here we attached 2 more photos of how the instruction blocks our views. Thank you for your time. -Ming

On Thursday, December 06, 2018 04:46:00 PM PST, Ming Li <mingli_95014@yahoo.com> wrote:

perfectly. Look forward to meeting you at 9AM Friday, 14th of Dec. Take care,
Ming

From: "Connolly, Mark" <Mark.Connolly@PLN.SCCGOV.ORG>
To: Ming Li <mingli_95014@yahoo.com>; "Mikhail, Leza" <leza.mikhail@pln.sccgov.org>
Sent: Thursday, December 6, 2018 2:59 PM
Subject: RE: Not Have Sufficient Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hi Ming-

It would be nice if we could do this sooner to be able to address issues sooner, but at this point two or three days is of little consequence.

I need to do it in the morning because have an afternoon obligation to cover the public service counter. I live near Los Gatos, so I would like to do it at 9:00 Friday the 14th if that works for you.

Mark J. Connolly
Senior Planner / Deputy Zoning Administrator / Airport Land Use Commission Program Manager
County of Santa Clara Planning Division
70 West Hedding Street
East Wing 7th Floor
San Jose, CA 95010
408-299-5786

COMING SOON: The Department of Planning & Development's new digital permit system: InSite! What to expect: Initiate request or apply for a permit online or on site; check the status of your project, submit digital documents, and make payments online or on site; get better customer service through smooth & efficient internal routing. Please be advised that as the Department transitions to InSite we will be closed for service for two days. More details will be forthcoming.

From: Ming Li <mingli_95014@yahoo.com>
Sent: Thursday, December 6, 2018 2:38 PM
To: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>; Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Subject: Re: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Thanks Mark. You are welcome to come any time next Friday (Dec. 14th) from 9-4. It's dark after 4PM.
Address: 15500 Quail Run Ct. Saratoga, CA 95070. My cell: 408-234-7643. -Ming

From: "Connolly, Mark" <Mark.Connolly@PLN.SCCGOV.ORG>
To: Ming Li <mingli_95014@yahoo.com>; "Mikhail, Leza" <leza.mikhail@pln.sccgov.org>
Sent: Thursday, December 6, 2018 11:53 AM
Subject: RE: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hi Ming-

Don't reschedule. Focus on the next hearing. This one will be continued to the next hearing and I don't want to see you affect your business or schedule unnecessarily. Let's meet on the property next week to discuss issues then we can discuss the hearing and correspondence.

Mark J. Connolly
Senior Planner / Deputy Zoning Administrator / Airport Land Use Commission Program Manager
County of Santa Clara Planning Division
70 West Hedding Street
East Wing 7th Floor
San Jose, CA 95010
408-299-5786

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From: Ming Li <mingli_95014@yahoo.com>
Sent: Thursday, December 6, 2018 11:40 AM
To: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>; Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Subject: Re: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hi Mark, Thank you for following through.

My staff and I have been working hard to re-schedule the coming Friday's Patients. Two of surgical procedures already scheduled on the coming Friday are difficult to postpone (likely malignant), and we are trying to re-schedule those to Thursday. I look forward to meeting you the coming Friday and I will let you know for sure on Monday.

Thank you very much for your concern and effort. I do appreciate your time.

Ming

From: "Connolly, Mark" <Mark.Connolly@PLN.SCCGOV.ORG>
To: Ming Li <mingli_95014@yahoo.com>; "Mikhail, Leza" <leza.mikhail@pln.sccgov.org>
Sent: Wednesday, December 5, 2018 10:35 PM
Subject: RE: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Ming-

That will work just fine. Please review your calendar for next week and let me know a good time to come out there. Next Thursday or Friday work good for me.

Mark J. Connolly
Senior Planner / Deputy Zoning Administrator / Airport Land Use Commission Program Manager
County of Santa Clara Planning Division
70 West Hedding Street
East Wing 7th Floor
San Jose, CA 95010
408-299-5786

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From: Ming Li <mingli_95014@yahoo.com>
Sent: Tuesday, December 4, 2018 3:53 PM
To: Mikhail, Leza <leza.mikhail@pln.sccgov.org>; Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>
Subject: Re: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Leza, so good of you to reply.

I relayed your email to my husband. It seems that either of us can make the HEARING this Friday (both have had full patient-schedules this week), and it is too short a notice for a good representative to present us at the HEARING this Friday.

We appreciate very much Mark's willingness in coming to our property. We will make arrangement for the following week in order to meet him at his convenience.

We are grateful, thank YOU!

Ming

From: "Mikhail, Leza" <leza.mikhail@pln.sccgov.org>
To: Ming Li <mingli_95014@yahoo.com>; "Connolly, Mark" <Mark.Connolly@PLN.SCCGOV.ORG>
Sent: Tuesday, December 4, 2018 2:02 PM
Subject: RE: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hello Ming,

The public notice was issued within the requirements of the law (10-day notice before the meeting). We have received your objections in writing to the proposed project, and those objections are part of the administrative record.

Mark spoke with you over the phone last week, and he also left a voicemail for you today. The public hearing will occur this Friday, and we would highly recommend that you (or a representative for you) attend the meeting and give additional public testimony at the hearing.

It should be noted that we will be continuing the public hearing to the first meeting in January due to the fact that the Applicant did not construct the story poles within the required timeframe.

I recommend that you attend the meeting this Friday, and also schedule a meeting at your property with Mark Connolly sometime next week so that he observe your concerns.

Leza Mikhail

Zoning Administrator & Principal Planner



County of Santa Clara

Department of Planning and Development

Planning Division Inquiries: (408) 299-5770

Direct Line: (408) 299-5773

County Government Center, East Wing, 7th Floor
70 W. Hedding Street, San Jose, CA 95110

Please visit our [website](#).

Click [here](#) to look up unincorporated property zoning information.

Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Ming Li <mingli_95014@yahoo.com>

Sent: Tuesday, December 4, 2018 1:34 PM

To: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>; Mikhail, Leza
<leza.mikhail@pln.sccgov.org>

Subject: Not Have Sufficent Time, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hi Mark and Leza, Hope all is well. We are waiting for your reply regarding if we could meet with you before or after work this week, as we have already had patients scheduled in full this week.

We wish we were give **SUFFICIENT TIME** in this case, as you are aware of:

- we received the "Dec. 7th Public Hearing Notice" in the mail on the evening of 11-29-18 (after work).
- On 11-30-18, we attempted to communicate, via emails and phone calls, with Planning Office regarding our objection
- On 12-1-18 (Sat), Zia Malik began to build the Model; completed the Model on 12-2-18 (Sun).
- On 12-3-18 (Mon), We attempted to communicate, via emails, with Planning Office regarding our objection.
- On 12-3-18 (Mon), Mark kindly asked us to come to discuss the project this week. But this week, we have already had patients booked in full.

We sincerely hope we were given sufficient time to prepare and substantiate our objection.

We are grateful for your concerns and kind consideration.

Ming Li, MD
Zhenggang Zhang, MD

From: Ming Li <mingli_95014@yahoo.com>
To: "Connolly, Mark" <Mark.Connolly@PLN.SCCGOV.ORG>; "Mikhail, Leza" <leza.mikhail@pln.sccgov.org>
Sent: Monday, December 3, 2018 10:03 AM
Subject: Re: 4th email communication RE OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Hi Mark, We just double checked our patient-schedules, booked in full this week. However, we will make time to come either, before or after seeing patients (7am-8:30AM or 6-8pm) this week. If that's not convenient for you, we will make time to come between Dec 24 to Jan. 1st, that is the time we have blocked for our vacation.

We are grateful for your concern and your kind consideration.

Ming

From: "Connolly, Mark" <Mark.Connolly@PLN.SCCGOV.ORG>
To: Ming Li <mingli_95014@yahoo.com>; "Mikhail, Leza" <leza.mikhail@pln.sccgov.org>
Sent: Monday, December 3, 2018 9:30 AM
Subject: RE: 4th email communication RE OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Good Morning Ming. Do you have time this week to come in to our offices at 70 W. Hedding Street and go over the project with me?
Mark

From: Ming Li <mingli_95014@yahoo.com>
Sent: Monday, December 3, 2018 8:28 AM
To: Connolly, Mark <Mark.Connolly@PLN.SCCGOV.ORG>; Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Subject: 4th email communication RE OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Dear Mr. Mark Connolly, Ms. Leza Mikhail: Hope you are well.

This is our 4th communication regarding our strong objection to Mr. Zia Malik's request, as his proposed construction is not "consists of construction of small structure" (Categorical Exemption from CEQA 15303 Class 3 (a)); it has significant negative effects (please refer our earlier emails regarding the negative effects) on our environment (Categorical Exemption from CEQA 15303 Class 3 (a)).

In addition, this construction also invades our privacy, and blocks the views that we used to have. Attached 3 more photos, from our Ling-room, 2nd-floor Master-bedroom, Living-room, respectively. Thank you for your precious time.

Sincerely,
Ming Li, MD
Zhenggang Zhang, MD

----- Forwarded Message -----
From: Ming Li <mingli_95014@yahoo.com>

To: mark.connolly@pln.sccgov.org <mark.connolly@pln.sccgov.org>
Cc: leza.mikhail@pln.sccgov.org <leza.mikhail@pln.sccgov.org>
Sent: Friday, November 30, 2018 11:00:07 AM PST
Subject: OBJECTION TO RECOMMENDATION FILE11203-18G-18DR

Dear Mr. Connolly, We are grateful for your spending valuable time reading the following; we look forward to hearing from you.

Ming Li, and Zhenggang Zhang
Property Owner of 15500 Quail Run Ct.
Saratoga, CA 95070 (APN517-32-013)
408-872-4887

RE: File 11203-18G-18DR
Owner: Zia Malik
Property Address: 15487 Bohlman Road, Saratoga, CA
APN: 517-32-005
Planner: Mark J. Connolly (408-299-5786; email: mark.connolly@pln.sccgov.org)

Dear Mr. Mark J. Connolly:

Hope all is well with you.

We are unable to attend the Public Hearing scheduled on 12-07-18 regarding the above File. We are reaching you to express our strong objection to Mr. Zia Malik's (FILE 11203-18G-18DR, APN: 517-32-005) request for "Grading Approval and Design Review Approval for a new 5,536 SF two-story residence." Our objection is based on the following:

This new 5,536SF two-story residence shall have significant negative effects on the environment.

- We live on the mountain, sharing a narrow "one-lane" mountain road. The existing 4 homes adjacent to Mr. Zia Malik's proposed "**new 5,536SF two-story residence**" are 2,000-3,000SF homes. A "new 5,536 SF two-story residence" adds significant traffic and potential automobile-related accidents to our already too narrow road.
- In the mountain, we endure not only drought but also incredible landslide/mudslide. The proposed "grading of 563 c.y. of cut and 648 c.y. of fill" for the "new 5,536 SF two-story residence" may worsen the already bad enough landslide/mudslide.
- In the mountain, our water source is from the well. We pump out underground water, store in the well. In summer time, our well is often exhausted. We are forced to purchase more powerful pumps, consuming more electricity to pump out deeper

underground water. A "new 5,536 SF two-story residence" worsens the water crisis in the environment.

- In the mountain, we have no city sewers. We use leach fields and septic tanks to handle human waste (Feces, urine). Human waste enters underground water. Our neighborhood is tiny, our septic tanks, water pumps/wells are in close proximity. We are informed that our well-water is contaminated with unhealthy-levels of nitrogen, coming from human feces and urine. A "new 5,536 SF two-story residence" significantly worsens the contaminated environment.

- Mr. Zia Malik proposed "new 5,536 SF two-story residence" is on a sub-acre parcel, which is immediately up-slope to our existing home on APN517-32-013. The proposed "new 5,536 SF two-story residence" overlooks our home" inside-out". We lose our privacy completely.

- Mr. Zia Malik may use concrete among other building materials to build the "new 5,536 SF two-story residence". The building site is up-slope adjacent to our drinking water-pump-well. Our drinking water may be contaminated.

We object Mr. Zia Malik's request because this is not "consists of construction of small structure" (Categorical Exemption from CEQA 15303 Class 3 (a)). Neighbors of our tiny community consider it a huge monstrous construction. It has significant negative effects on our environment (Categorical Exemption from CEQA 15303 Class 3 (a)).

We thank you very much for your valuable time and kind consideration.

Sincerely yours,

Ming Li
Zhenggang Zhang

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Property Address: 15487 Bohlman Road, Saratoga, CA

APN: 517-32-005

Planner: Mark J. Connolly (408-299-5786; email: mark.connolly@pln.sccgov.org)

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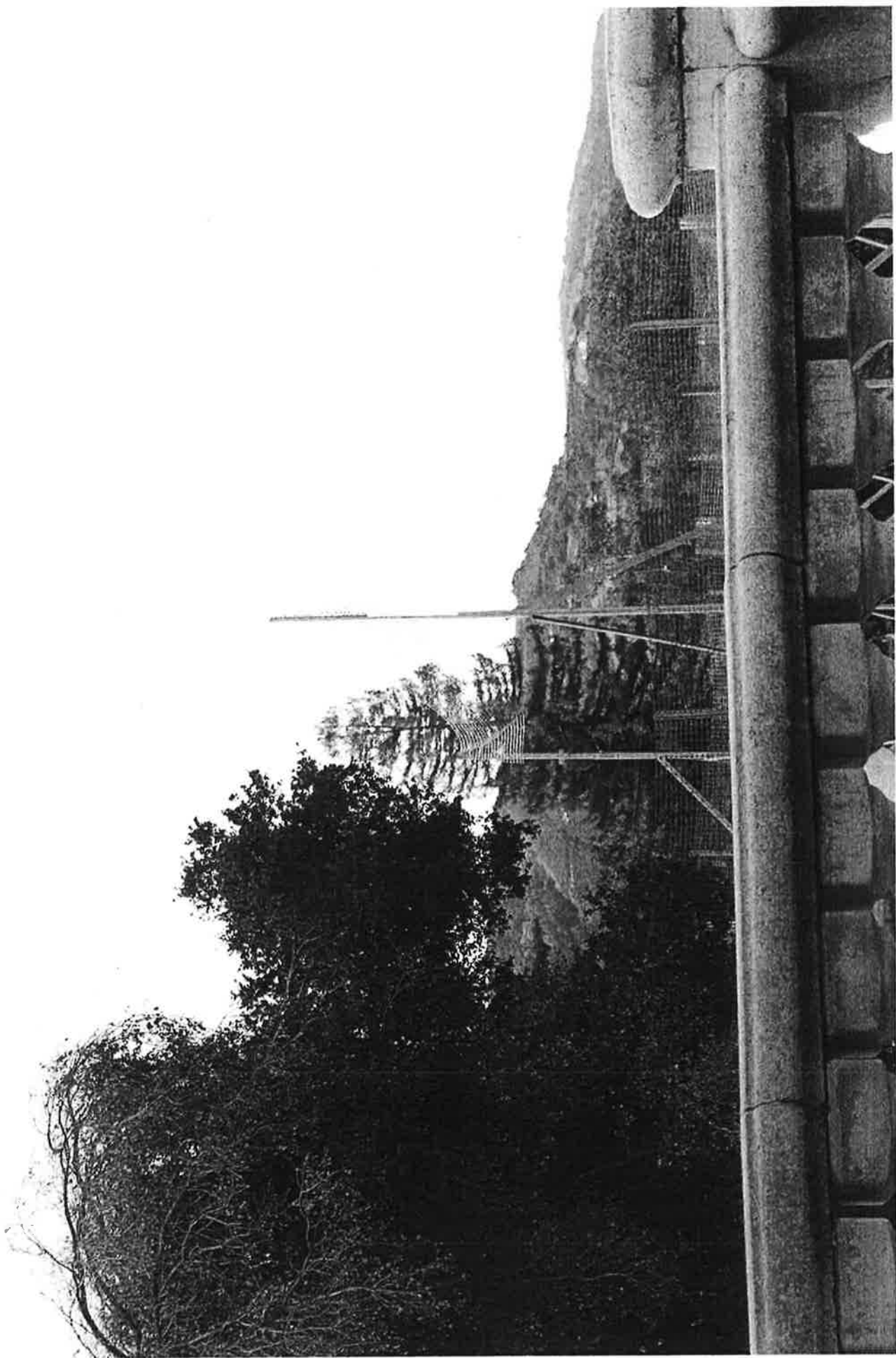
We thank you very much for your valuable time and kind consideration.

Sincerely yours,

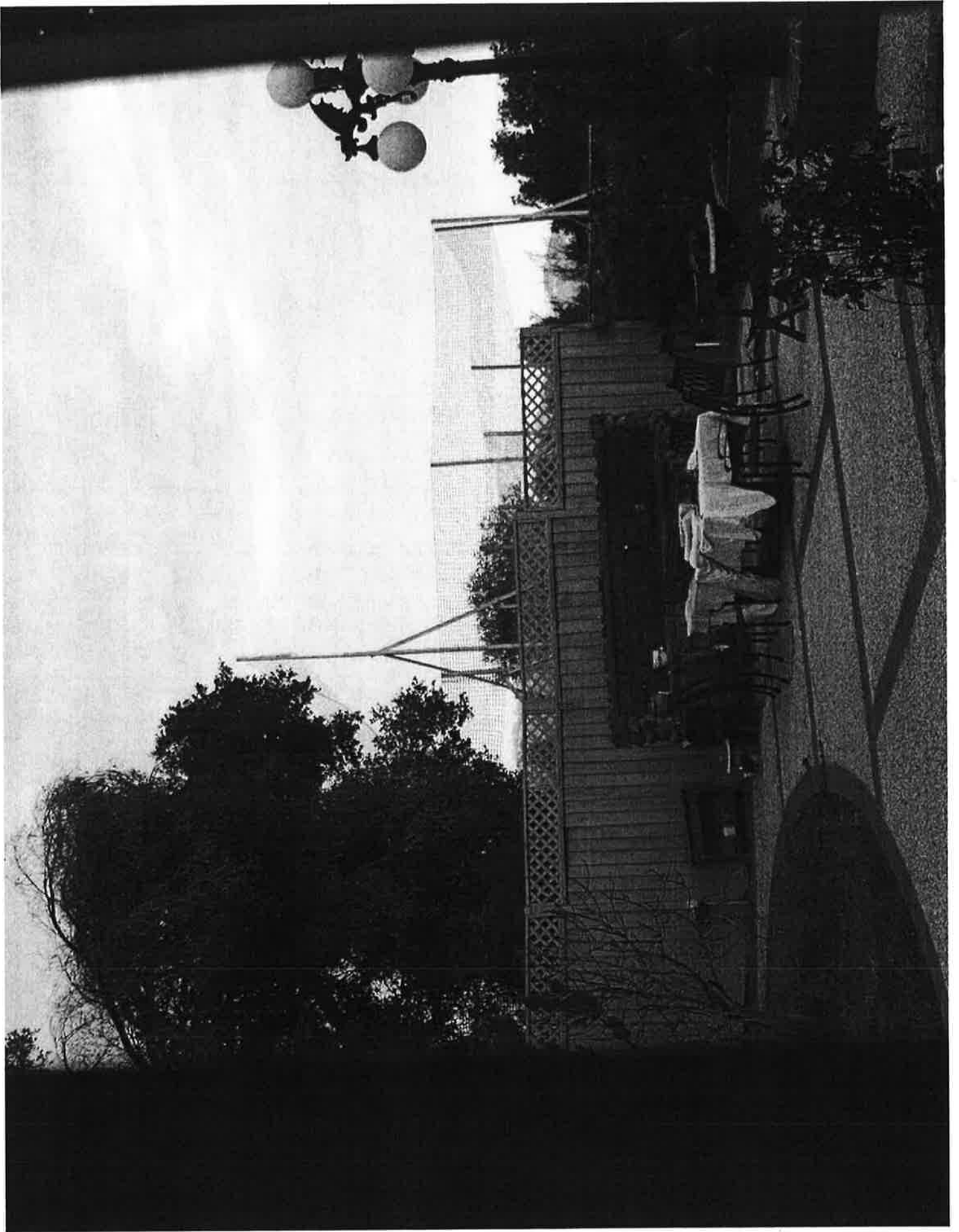
Ming Li

Zhenggang Zhang

Home owners of
15500 Quail Run Ct.
Saratoga, CA 95070
APN: 517-32-013
408-872-4887











Mikhail, Leza

From: Ming Li <mingli_95014@yahoo.com>
Sent: Friday, November 30, 2018 3:49 PM
To: Connolly, Mark
Cc: Mikhail, Leza
Subject: 2 more Photos, OBJECTION TO RECOMMENDATION FILE11203-18G-18DR
Attachments: dying oak.jpg; site constructing 11-30-18.jpg

Hi Mark, so good of you to take our call! Attached 2 more photos: dying oak on the property line; and construction workers working on the site today. Both my husband and I are physicians committed to our community health. We are not able to make Dec 7th Hearing, but we will make time to come to the Planning Office soon. Thank you,
Ming Li, MD
Zhenggang Zhang, MD

On Friday, November 30, 2018 02:43:15 PM PST, Ming Li <mingli_95014@yahoo.com> wrote:

Hi Mr. Connolly, hope our earlier email has reached you safely.

This morning, we noticed construction workers working on the site (attached pic), where Zia Malik proposed a "new 5,536SF two-story residence". Leach field has been installed on the site (attached pic). It's odd to begin construction prior to Public Hearing (Scheduled on 12-7-18), unless he has already had permits for breaking ground. We thought we ought to let you know. Please kindly inform us that Mr. Zia Malik does have permit for the installed Leach Field. Thank you for your time and your advice.

Ming Li, and Zhenggang Zhang, owners of
15500 Quail Run Ct., Saratoga, CA 95070

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To: mark.connolly@pln.sccgov.org <mark.connolly@pln.sccgov.org>
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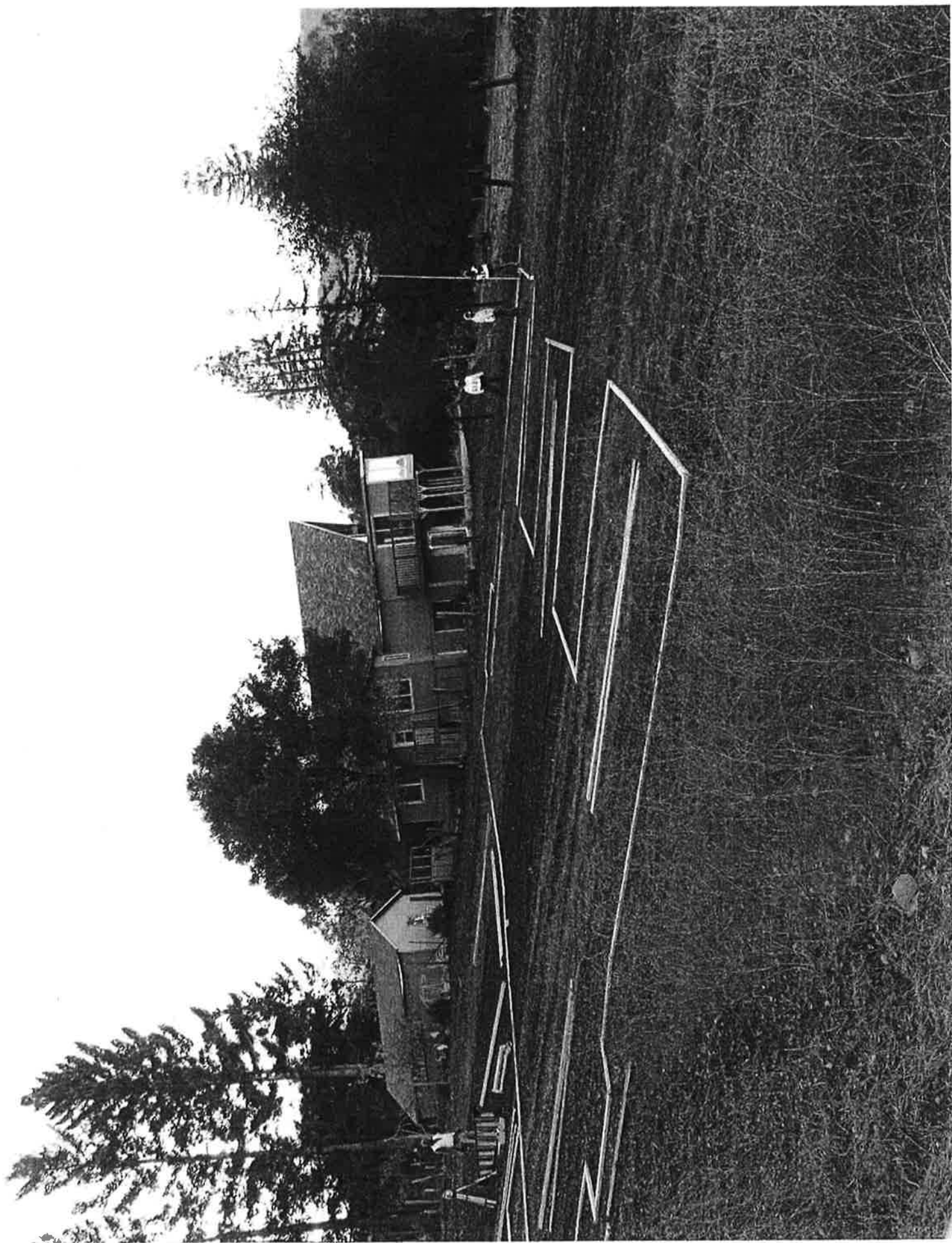
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Sincerely yours,

Ming Li
Zhenggang Zhang

Home owners of
15500 Quail Run Ct.
Saratoga, CA 95070
APN: 517-32-013
408-872-4887





January 8, 2019.


Mr. Mark J. Connolly, Senior Planner
Airport Land Use Commission Program Manager
County of Santa Clara Planning Division

Ref: Project at 15487 Bohlman Road.

Dear Sir,

We are the residents of 15491 Bohlman Road since 1989, and are in full support of the plans shared by Malik's for their proposed project located at 15487 Bohlman Road, and look forward to additional value this project will bring to our neighborhood.

Malik's have also been very helpful in private road maintenance, and keeping it clean, as well as helping us with any security, water and land maintenance issues.



Idris & Sakina Kothari
15491 Bohlman Road
Saratoga, CA. 95070