

341 Bella Vista Avenue



***This Page
Intentionally
Left Blank***



SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE 341 BELLA VISTA AVENUE PROJECT

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Timing and Monitoring	Monitoring Compliance Record (Name/Date)
AQ-1: BAAQMD-Recommended Basic Construction Mitigation Measures	Project Engineer and Construction Contractor	Prior to issuance of grading permit / during construction	Planning Division, Community Development Department (CDD)	Review specifications; monitor prior to and during regular inspections	Initials: _____ Date: _____
To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:					Initials: _____ Date: _____
a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Recycled water should be used wherever feasible.					Initials: _____ Date: _____
b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.					Initials: _____ Date: _____
c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.					
d. All vehicle speeds on unpaved roads shall be limited to 15 mph.					
e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.					
f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.					
g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in					



SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE 341 BELLA VISTA AVENUE PROJECT (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Timing and Monitoring	Monitoring Compliance Record (Name/Date)
proper condition prior to operation.					
h. Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.					
<u>BIO-1: Special-status and Migratory Bird Species</u> In order to avoid impacts to special-status and migratory bird species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided.	Applicant-contracted biologist	Prior to tree pruning or removal.	Planning Division, Community Development Department (CDD)	Prior to issuance of grading permit, ensure measures are incorporated into project plans; monitor during construction	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.					
a. The removal of trees and shrubs shall be minimized to the extent feasible.					
b. If tree removal, pruning, grubbing and demolition activities are necessary, such activities shall be conducted outside of the breeding season (i.e., between September 1 and January 31), to avoid impacts to nesting birds.					
c. If tree removal, pruning, grubbing and demolition activities are scheduled to commence during the bird breeding season (i.e., between February 1 and August					



SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE 341 BELLA VISTA AVENUE PROJECT (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Timing and Monitoring	Monitoring Compliance Record (Name/Date)
31), a preconstruction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of work. The preconstruction survey shall include the project footprint and up to a 300-foot buffer, access and sight-lines permitting. If no active nests of migratory birds are found, work may proceed without restriction and no further measures are necessary. If work is delayed more than two weeks, the preconstruction survey shall be repeated, if determined necessary by the project biologist.					
d. If active nests (i.e. nests with eggs or young birds present, or hosting an actively breeding adult pair) of special-status or migratory birds are detected, the project biologist shall designate non-disturbance buffers at a distance sufficient to minimize disturbance based on the nest location, topography, cover, species, and the type/duration of potential disturbance. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. The appropriate buffer size shall be determined in cooperation with the CDFW and/or the USFWS. If, despite the establishment of a non-disturbance buffer it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.					
e. If project activities must occur within the non-disturbance buffer, a qualified biologist shall monitor the nest(s) to document that no take of the nest (i.e., nest failure) will result. If it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.					



SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE 341 BELLA VISTA AVENUE PROJECT (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Timing and Monitoring	Monitoring Compliance Record (Name/Date)
BIO-2: Special-status Bats In order to avoid impacts to special-status bat species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided. Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents. a. Prior to the removal or significant pruning of trees and the demolition of buildings, a qualified bat biologist shall assess them for the potential to support roosting bats. Suitable bat roosting sites include trees with snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, and structures with cracks, joint seams and other openings to interior spaces. If there is no evidence of occupation by bats, work may proceed without further action. b. If suitable roosting habitat is present, the bat biologist shall recommend appropriate measures to prevent take of bats. Such measures may include exclusion and humane eviction (see "c" below) of bats roosting within structures during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30), partial dismantling of structures to induce abandonment, or other appropriate measures. c. If bat roosts are identified on the site, the following measures shall be implemented:	Applicant-contracted biologist	Prior to tree pruning or removal.	Planning Division, Community Development Department (CDD)	Prior to issuance of grading permit, ensure measures are incorporated into project plans; monitor during construction	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____



SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE 341 BELLA VISTA AVENUE PROJECT (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Timing and Monitoring	Monitoring Compliance Record (Name/Date)
<ul style="list-style-type: none">If non-breeding/migratory bats are identified on the site within a tree or building that is proposed for removal, then bats shall be passively excluded from the tree or building. This is generally accomplished by opening up the roost area to allow airflow through the cavity/crevice, or installing one-way doors. The bat biologist shall confirm that the bats have been excluded from the tree or building before it can be removed.If a maternity roost of a special-status bat species is detected, an appropriate non-disturbance buffer zone shall be established around the roost tree or building site, in consultation with the CDFW. Maternity roost sites may be demolished only when it has been determined by a qualified bat biologist that the nursery site is not occupied. Demolition of maternity roost sites may only be performed during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30).No additional mitigation for the loss of roosting bat habitat is required.					
<u>GEO-1: Geotechnical Report Recommendations</u> The project applicant shall implement all of the recommendations of the project geotechnical report, and any associated updates or revisions, related to site preparation and grading, foundation design, driveways, retaining walls, and drainage improvements. To ensure correct implementation, the geotechnical engineer shall review project plans and observe geotechnical-relevant	Applicant-contracted engineer	Prior to any land-clearing activities	Planning Division, Community Development Department (CDD) and Parks and Public Works	Prior to issuance of grading permit, ensure measures are incorporated into grading and improvement plans; monitor during construction	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____



SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE 341 BELLA VISTA AVENUE PROJECT (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Timing and Monitoring	Monitoring Compliance Record (Name/Date)
aspects of proposed initial construction of roads and infrastructure. The geotechnical engineer shall submit an "as built" letter to the Director of Public Works stating that the project has been constructed in conformance with the recommendations of the geotechnical report.					Date: _____ Initials: _____ Date: _____
<u>MM HWQ-1: Construction Erosion Control Measures</u> Prior to the issuance of grading permits or improvement plans in lieu of grading permits, the applicant shall: Demonstrate to the satisfaction of the Town Engineer that the project's stormwater quality control measures, including the erosion control features described in the project's final Erosion Control Plan have been incorporated into the project design.	Project applicant	Prior to issuance of grading permit / during construction	Planning Division, Community Development Department (CDD) and Parks and Public Works	Prior to issuance of grading permit, ensure measures are incorporated into project plans; monitor during construction	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>MM TR-1: Horizontal Stopping Sight Distance</u> Prior to the issuance of a building permit, the applicant shall: Demonstrate to the satisfaction of the Town Engineer that adequate horizontal stopping sight distance exists for the project driveway in each direction on Bella Vista Avenue. The applicant shall prepare an exhibit that has been stamped by a registered engineer or a professional land surveyor stating that adequate sight distance is provided. The horizontal stopping sight distance requirements shall be consistent with the Caltrans Highway Design Manual as specified in the Town's Street Design Standards.	Project applicant	Prior to issuance of building permit	Planning Division, Community Development Department (CDD) and Parks and Public Works	Prior to issuance of building permit, ensure measure is shown on project plans	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

PUBLIC COMMENTS AND RESPONSES REGARDING

DRAFT MITIGATED NEGATIVE DECLARATION
AND
INITIAL STUDY AND ENVIRONMENTAL CHECKLIST

**341 BELLA VISTA AVENUE
LOS GATOS, CALIFORNIA**

ARCHITECTURE AND SITE APPLICATION S-12-103
Subdivision Application M-12-008
Mitigated Negative Declaration ND-16-001

PREPARED FOR
TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
110 E. MAIN STREET
LOS GATOS, CA 95030

APRIL 2016



Written Comments and Responses

Index to Response to Comments

All letters received during the public review period for the Notice of Intent to adopt the proposed Mitigated Negative Declaration are listed in the table, *Index of Comments Received*, below. Each comment letter is reproduced in its entirety with the issues of concern numbered in the left margin. Correspondingly numbered responses to the comments follow each letter.

Index of Comments Received

Letter	Commenter
A	Nicholas Williamson
B	Laura Williamson
C	Eleanor Leishman
D	Debra Chin
E	Patrick Tillman
F	Erin Johnson
G	Janet Carmona
H	Ken Lown

148 Maggi Court
Los Gatos
California 95032

March 23, 2016

Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos
California 95031

Dear Madams and Sirs,

Re. Objections to Negative Mitigated Declarations (341 Bella Vista Avenue, Negative Declaration ND-16-001)

I am writing in relation to the proposed development located at 339 and 341 Bella Vista Avenue in Los Gatos. As residents of 148 Maggi Court, in Bella Vista Village, this project will be directly behind my home. Needless to say, I believe the development will significantly negatively impact me. I also believe strongly that it will significantly negatively impact my neighbors, and in the bigger scheme of things, the people of the town of Los Gatos.

I have read the Mitigated Negative Declaration and Initial Study and Environmental Checklist (ISEC) and I disagree with its conclusions and believe this project should be denied. I believe that anyone being reasonable, taking profit out of their minds and giving this a little more consideration will see the same as me.

I am not an expert on everything in the ISEC and I haven't had a lot of time to consider it so I cannot comment fully on all points, never-the-less I would like to comment on a few specific points. I will use/refer to the numbering used in the ISEC and refer to the Town as the author even though it may be based mostly on submissions from the Applicant:

Project Description

I will not comment on the Project itself in this letter, I will write separately about that, however I note the size of the project and certain points about its design which I will mention later.

1. Aesthetics

This project will have a significant negative impact on the aesthetics of the hillside in particular it will:

a) Have a substantial adverse effect on a scenic vista. The report does not consider the impact on people looking at the hillside which will be significant and negative certainly in the case of me and my neighbors. I believe anyone visiting my house would, like me, prefer to see the natural woodland and native oaks on the hillside rather than a multi-story building towering above them; we all would put a far greater value, financial and emotional, on the woodland view.

c) Substantially degrade the existing visual character or quality of the site and its surroundings. It is not possible to replace trees which are more than 100 years old and which support a range of life with something which is man made and unavoidable and unmissable and frankly intimidating to me and my neighbors because it will be intimidating, and say the existing visual character is not substantially degraded. I am confident that any reasonable person standing in my bedroom or in my living room or in my backyard would agree with me. The Applicant's drawings are misleading showing the house from mostly side and obscure angles. There are now story poles and netting and I would encourage the Town to visit the site and see the hillside from the perspective of the town home owners. I am also including a couple of drawings I could find of the project from an angle approaching my perspective (see Attachment 1). I strongly believe the loss to the visual character of this hillside cannot be mitigated.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. At present the hillside is completely black at night so this will certainly present a new source of light and you only have to look at the number of planned windows and patios and roof decks along the back of the house to see that this would also be a substantial source. And again the proximity of the house means its impact would be substantial and negative toward me and my neighbors in Maggi Court. Effective mitigation cannot be guaranteed: the height and size of the building is too big and the slope too steep to be screened effectively and we simply cannot rely on the occupants to dim their lights or turn them off when they leave a room. I'm also concerned about day time glare from afternoon sunlight, which is intense during summer months, being reflected off the walls and windows of the project.

3. Biological Resource

This project will have a significant negative impact on the biological resources of the hillside in particular it will:

d) Interfere substantially with the movement of native resident species and with established native resident wildlife corridors. This cannot be 'no impact'. There is clear evidence of many native resident species including skunks, raccoons, and owls, and I've even noted coyote scat at the end of the well trod 'game trail' that cuts through the land. Maybe not all the species are significant in their own right but they are part of an ecosystem and to me the hoot of the resident screech owl and signs of the coyote are reassuring signs that the local rodent population is being kept under control. What are the measures for that in the future I wonder, because there will likely need to be some. Until recently there were even peacocks resident here but sadly they were killed by traffic on Bella Vista Avenue.

e) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The removal of the two large native oaks contravenes the Town's Tree Protection Ordinance both in intent, which is perfectly captured in these two trees (see Attachment 2), and implementation. It is not possible to mitigate for removal of something

that shall not be removed.

6. Geology and Soils

This project will have a significant negative impact on the geology and soils of the hillside in particular it will:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

ii) Strong seismic ground shaking

iii) Seismic-related ground failure, including liquefaction

iv) Landslides.

b) Result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

The Town's comments cannot be right, surely. First of all I don't know why the Town says there will be no impact from seismic related ground failure. If the ground the town homes are standing on liquifies which it might because the land is showing on or very close to an area of potential liquefaction on the Santa Clara County Geologic Hazards Map (see Attachment 3), then it seems fair to me that an event could have a knock-on impact to the stability of the adjacent hillside, or that the hillside itself is also at risk of liquefaction. But I'm not an expert, I'm just asking the Town to consider this is possible, or otherwise I'll consider it the Town's guarantee that it won't happen. What worries me right now though is that the Town acknowledges there is a potential impact for (a)(ii), (iv), (b), (c) and (d). Let's take a moment here: the Town acknowledges that this project creates a potential exposure of people to loss, injury or DEATH and in the case of strong seismic ground shaking and landslides the impact is less than significant ONLY AFTER effective mitigation. Maybe the Applicant is happy taking this risk for himself and maybe that is how the Town has considered this, but this house is built on a slope directly above my house and my neighbor's house so actually the impact if there is to be a landslide is just as much to me and my family and my friends and neighbors as it is to the people who will occupy this house. Which means that there are risks to my property and more importantly to my family dying including risks which the Town believes are serious in a couple of cases, and I should somehow trust the Town and the Applicant to do the right thing. And the Town and the Applicant both felt able to make this decision about my family's life without even consulting me? Maybe in some other project where the house falls down on top of itself and so it's mostly up to the owner to take his or her chances you can do this sort of thing, but this isn't an ordinary project. It's far from an ordinary project. It is a project to build a very large house on a very steep slope which is at risk of landslide even before the very large oak trees helping to anchor it are removed, and it's RIGHT ABOVE me and my neighbors literally yards away. THE

IMPACT OF THIS PROJECT IS TO ME, and we are talking about a life or death impact and I don't believe anyone has the right to make decisions here without consulting me and then without seeking my agreement as to the acceptability of those risks.

9. Hydrology and Water Quality

This project will have a significant negative impact on the hydrology and water quality of the hillside in particular it will:

- c) Substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site
- d) Substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site

Again I cannot understand how the Town can say categorically there will be no impact here. The two great oak trees that are marked for removal have canopies that span more than half the entire lot and cover an area much bigger than the proposed property. The role these canopies will play in dissipating the force and impact of heavy rainfall will undoubtedly be very significant (rain hits the canopy first which slows it down, then rain falls to the next level of vegetation and same again, and then finally to the ground with greatly reduced force giving best possible opportunity to be absorbed into the ground. It is well documented this is how trees help prevent erosion) so it must be reasonable to suggest that removing them would have a significant negative impact. The Town indicates they feel the trees play no role whatsoever which just doesn't make sense, even the Town's own Tree Protection Ordinance recognizes the role that trees play in protecting against erosion. As for drainage I don't know but I would think that the vegetation again plays a role in locking and absorbing some of the water that runs down this hillside. I honestly can't see that removing very large trees that must have very large and established root systems which must grow right across the slope and the plane of the slope, that must have taken years to grow, can have no impact whatsoever. Rather I think removing them should have a significant negative impact. This would certainly be worth more investigation in an Environmental Impact Report.

There are other areas of this report I haven't had time to look into in detail (e.g. impact on land use and planning) but I would like the Town to consider that noise levels will be increased 'above levels without the project'. It is noted today that the hillside is quiet and rural. The project house will be near double the size of one of the town homes, will have multiple outdoor areas and parking for at least four cars, and then will be raised up above the town homes so that any noise coming from it will carry further and louder. I believe there is a potential significant negative impact from new noise which should be investigated further.

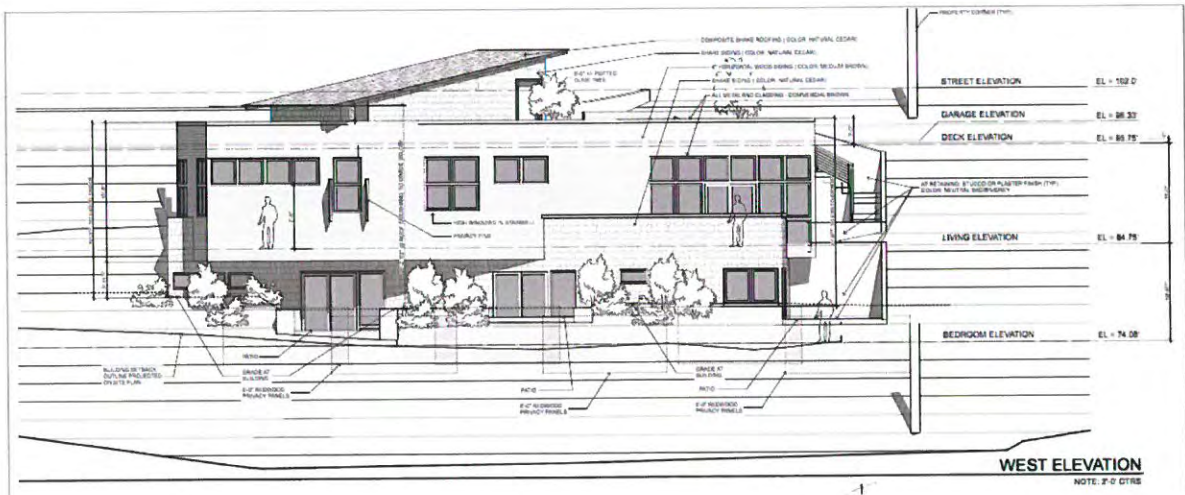
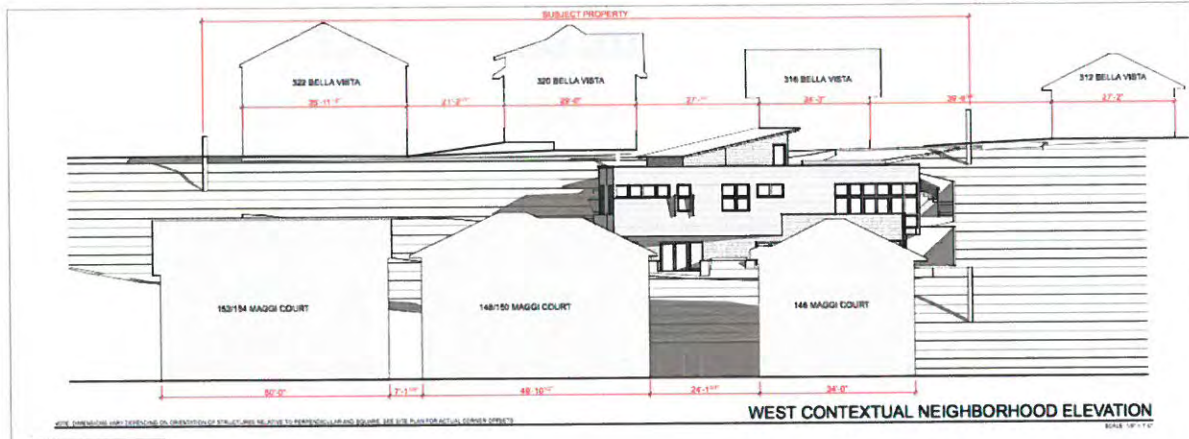
I reserve my rights.

Yours faithfully,

Nicholas P. Williamson

Attachment 1

Building to replace two 150 year old oak trees and a natural, rural, woodland setting, and to be only forty seven feet away from my backdoor.

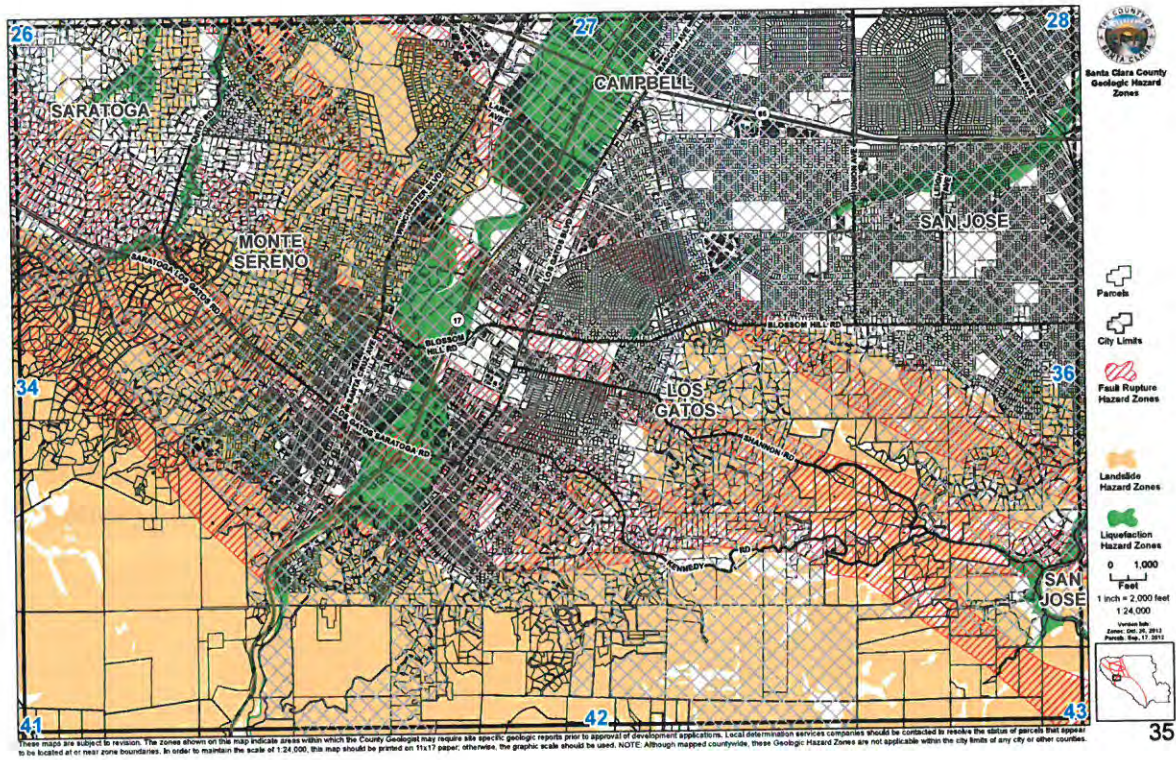


Sec. 29.10.0950. Intent.

This division is adopted because the Town of Los Gatos is forested by many native and non-native trees, and contains individual trees of great beauty. The health and welfare of the citizens of the Town require that these trees be saved in order to preserve the scenic beauty of the Town, prevent erosion of topsoil, provide protection against flood hazards and risk of landslides, counteract pollutants in the air, maintain climatic balance and decrease wind velocities. Trees contribute significantly to the value of land in the Town. It is the intent of this division to regulate the removal of trees within the Town in order to retain as many trees as possible consistent with the purpose of this section and the reasonable use of private property. It is the intent of this division to preserve as many protected trees as possible throughout the Town through staff review and the development review process. Special provisions regarding hillsides are included in Section 29.10.0987 of this division in recognition of the unique biological and environmental differences between the hillside and non-hillside areas of the Town. This section does not supersede the provisions of Chapter 26 of this Code.

Attachment 3 - Santa Clara County Geologic Hazards Map (from sccgov.org website, most recent)

Showing (may have to zoom in) that the project is located in a 'perfect storm' of geological hazards - risk of landslide on the hillside, risk of liquefaction in the town homes and all of it very close to a fault zone.



Letter A – Nicholas Williamson

A-1 Responses to the comments raised in regards to Initial Study/Environmental Checklist are provided in the responses below.

A-2 The Town does not concur with this comment. The Town of Los Gatos General Plan 2020 Community Design Element (CD-I) generally defines the scenic resources within the town to be the views of the hillside areas of Santa Cruz Mountains, particularly the Sierra Azul ridge, rather than individual slopes interspersed within the Town. Scenic resources are generally designated as those places or areas that can be view by many residents or visitors throughout the town rather than more isolated areas. Furthermore, in the context of the California Environmental Quality Act (CEQA), it is important to distinguish between public and private views.

Private views are those views seen from privately-owned land, including views from private residences, and are typically enjoyed by individuals. Public views are experienced by the collective public. These include views of significant landscape features such as the Santa Cruz Mountains, as seen from public viewing spaces, not privately-owned properties. CEQA (Pub. Resources Code, § 21000 et seq.) case law has established that only public views, not private views, need be analyzed under CEQA. For example, in *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal. App. 4th 720 [3 Cal. Rptr.2d 488] the court determined that “we must differentiate between adverse impacts upon particular persons and adverse impacts upon the environment of persons in general. As recognized by the court in *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188 [129 Cal.Rptr. 739]: ‘[A]ll government activity has some direct or indirect adverse effect on some persons. The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general’” (California Environmental Quality Act, 2011). Therefore, for this analysis, only public views will be considered when analyzing the visual impacts of implementing the proposed project.

While the project would result in the removal of three mature oak trees, it would not significantly alter or change a designated scenic vista or scenic hillsides identified in the Town’s General Plan. As such, potential impacts are less than significant.

A-3 The Town does not concur with this comment. The proposed project is one single-family residence in a residential neighborhood surrounded on two sides by single-family and multi-family residences. An existing house on the same side of the street is located just north of the project site at 331 Bella Vista Drive. The proposed project does not substantially change the make-up or the character of the surrounding area.

As shown in Figure 3 of the Initial Study/Environmental Checklist, the project site has 24 trees on site. The project proposes to remove three oak trees from the project site. These three trees are located within the interior of the site and away from the project property line. All of the trees located closest to the western property line (closest to the Maggi Court residences) would remain in place. It should be noted that the trees left in place are mature trees of substantial height and with large canopies. Table 1, below, provides a summary of the canopy height and width of the trees that are the closest to the western property line.

Table 1: Summary of Existing Trees

Tree Number	Tree Type	Tree Height x Canopy Width (In Feet)
16	Olive	25 x 20
17	Coast Live Oak	50 x 30
18	Coast Live Oak	20 x 20
19	Canary Island Pine	60 x 18
20	Almond	28 x 15
21	Coast Live Oak	18 x 16
22	Coast Live Oak	20 x 12
23	Coast Live Oak	18 x 15
24	Coast Live Oak	18 x 16

Source: Arborist Report, 2014

As such, the proposed project would leave many of the existing mature trees onsite that would provide some screening of the proposed house. Figure 9, of the Initial Study shows a cross-section of the proposed house with the existing tree canopy. In addition to the tree canopy, the landscape screening plan shows that the project would plant screening vegetation along the western the property line to provide a visual screening barrier between the existing homes on Maggi Court and the project site. The landscape plan shows that the project would plant 8 Western Redbud trees, 14 Toyon shrubs, and 26 California Coffee Berry plants. This screening vegetation would provide a visual screen of the house at lower heights than the existing mature trees onsite. Therefore, potential visual impacts are considered less than significant.

- A-3 The Town does not concur with this comment. Please see Response A-2 regarding visual impacts. The project would remove 3 of the existing 24 trees on site and would replace the trees with 8 trees. The proposed development would construct one new single-family residential house on a street with single-family residential homes and adjacent to multi-family homes on Maggi Court. The development of the site is generally limited to the footprint of the house, and does not include other additional grading for yard space, detached garages, or other ancillary development. The Town does not concur that the building elevations are misleading. The building elevations are provided to illustrate how the house would be designed to fit into the existing hillside. Comments on the attachment are provided in Response A-13.
- A-4 The Town does not concur with this comment. The Town does not concur that the house is too big and the property too steep to be screened effectively. The Town does not have any design or architectural requirements that new homes must not be visible to existing homes. While the house may be visible at night, all lighting on the exterior of the house must comply with the Town's buildings codes which prohibit light trespass over the property line. Exterior lights must be shielded to reflect the light downward and not outward. Light fixtures are reviewed by Town staff during the review of the building plans prior to the issuance of a building permit stage. The existing tree vegetation would block much of the direct sunlight on the proposed house during the day. To meet current Cal-Green building code requirements, the house must include energy efficient window glazing which include anti-reflective coatings to minimize the glare off of the glass surface. As shown in Figure 10 of the Initial Study, the house would be constructed of a

mostly wood facade which is not considered a highly reflective surface capable of creating substantial light and glare impacts on neighboring properties. Potential impacts are considered less than significant.

- A-5 The Town does not concur with this comment. The project site is an isolated patch of vegetation surrounded by development and existing roadways. The project site does not provide connectivity between other known larger habitat areas that would provide for the long-term viability of native plant or animal species. As such, the project site is not considered a wildlife movement corridor. The project would remove three of the existing 24 trees onsite and replace those trees with native trees and shrubs in accordance with the Town's Tree Preservation Ordinance. Additionally, the project would include Mitigation Measures BIO-1 and BIO-2 to ensure that bird nests (including owls) and bat roosts are protected during construction activities. Skunks and raccoons are considered non-native species and are not considered a protected species with regards to native wildlife corridors. Potential impacts are considered less than significant.
- A-6 The Town does not concur with this comment. The Tree Preservation Ordinance does not prohibit the removal of trees, but that the intent of the ordinance is to, "regulate the removal of trees within the Town in order to retain as many trees as possible consistent with the purpose of this section and the reasonable use of private property." Of the 24 trees on the property, 21 trees are of a protected size, and the project would remove a total of three protected trees. As noted in Section 4e of the Initial Study, the project proposes mitigation for the removal or protected trees in accordance with the Tree Protection Ordinance. Potential impacts are considered less than significant.
- A-7 The Town does not concur that the project site would result in significant impacts to ground failure. A site specific geotechnical report (Upp Geotechnology, June 2015) was prepared for the project site by the applicant, and the report was peer-reviewed by the Town's geotechnical consultant AMEC Foster Wheeler. The geotechnical report included a review of 12 previous geotechnical studies prepared for the property between 1997 and 2014. No significant geologic hazards were identified in those reports. The geotechnical report provides this summary of the overall seismic risk to the property:

"In addition, the site is partially mapped within a State Seismic Hazard Zone for earthquake-induced landsliding. In summary, we conclude that, from a geologic and geotechnical engineering perspective, the site is suitable for the proposed residential development. We judge that there is a low potential for surface fault rupture to manifest on the site from an earthquake or co-seismic event, or for slope instability to affect the proposed improvements."

Because the a portion of the project site is within a State Seismic Hazard Zone, the geotechnical report prepared a Landslide Screening Evaluation to assess the risk of landslides on the project site. The screening analysis is provided below for convenience.

LANDSLIDE SCREENING EVALUATION

The northwestern edge of the subject site is mapped within the State Seismic Hazard zone for earthquake-induced landsliding. The purpose of this qualitative screening evaluation is to

evaluate the severity of the potential for earthquake-induced landsliding to occur on the subject site and to determine if further analysis is warranted (CDMG, 1996). In accordance with Special Publication 117A by the California Geological Survey (2008), our screening analysis includes an evaluation of the following questions:

- **Are existing landslides, active or inactive, present on, or adjacent (either uphill or downhill) to the project site?** No. Our study and the prior studies for the subject site revealed no mapped landslides within the site or immediate vicinity and we observed no evidence of landslides on the subject property during our site reconnaissance.
- **Are there geologic formations or other earth materials located on or adjacent to the site that are known to be susceptible to landslides?** No. According to the geologic map, Pleistocene age alluvial fan deposits underlie the subject site and immediate site vicinity. These materials are not known to be susceptible to landsliding in the general site area.
- **Do slope areas show surface manifestations of the presence of subsurface water (springs and seeps), or can potential pathways or sources of concentrated water infiltration be identified on or upslope of the site?** No. Slope areas on the site are generally uniform. We did not observe any evidence of springs or seeps in areas that could affect the proposed building site.
- **Are susceptible landforms and vulnerable locations present? These include steep slopes, colluvium-filled swales, cliffs or banks being undercut by stream or wave action, areas that have recently slid.** No. The site slopes are generally uniform and moderately steep, with general slope gradients of about 2:1 that are comprised of a thin veneer of fill and colluvium over alluvial fan deposits. In our opinion, these slopes and underlying materials do not represent susceptible landforms.
- **Given the proposed development, could anticipated changes in the surface and subsurface hydrology (due to watering of lawns, on-site sewage disposal, concentrated runoff from impervious surfaces, etc.) increase the potential for future landsliding in some areas?** No. In our opinion, the current development concept will not increase the potential for landsliding on the subject site.

The geotechnical report also specifically reviewed the project site for the potential for liquefaction and made the following conclusion: "The subject site is not mapped within a State Seismic Hazard Zone for earthquake-induced liquefaction, and in our opinion the potential for liquefaction to affect the proposed development is negligible." As such, potential impacts from seismic events including unstable soils landslides and liquefaction are considered less than significant.

- A-8 The Town does not concur that there is significant risk associated to any neighboring properties. As noted on Response A-7, the project specific geotechnical report prepared for the project did not identify and seismic hazards or unstable soils that would adversely affect development on the project site. The mitigation related to geology and soils for this project is a mechanism to ensure recommendations from the geotechnical report are incorporated into final the grading and building plans for the project. No evidence has been provided or observed that this project would result in a significant risk to loss, injury or death as a result of seismic activity or unstable soils.

- A-9 The Town does not concur that this project presents a substantial risk from landslides. Please see Response A-7.
- A-10 The Town does not concur with this comment. The project would not result in increased impacts to the existing drainage patterns onsite. As shown in Figure 7 of the Initial Study, the project includes a grading and drainage plan that demonstrates how the project would collect storm water runoff from impervious surfaces and then release the water in a bio-retention trench that would allow the water to infiltrate into the ground. Currently there is no water collection or treatment system in place to collect water running off of Bella Vista Avenue onto the hillside. As noted in Section 9 of the Initial Study/Environmental Checklist, the proposed project would also implement at least one of six stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the Town's Municipal Regional Permit (MRP) Section C.3.iii. As a requirement of the stormwater control measures, the applicant must demonstrate that the project would not increase the flow rate of surface water flowing off the project site compared to the existing condition. Additionally, the applicant must demonstrate that the surface water collection and treatment systems are sized adequately to accommodate the surface water collected onsite. The project would not significantly alter existing drainage patterns on or off site that would result in erosion or flooding onsite or offsite. Potential impacts are considered less than significant.
- Please see Response A-3 regarding the preservation and replacement of trees on the project site.
- A-11 The Town does not concur with this comment. Please see Responses A-10 and A-3 above.
- A-12 The Town does not concur that the project would result in potential noise impacts. Noise impacts are evaluated in Section 12 of the Initial Study/Environmental Checklist. The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. Noise generated by project residential activities from the project site would be similar to noise generated by adjacent or nearby residences and would not conflict with the existing residential noise environment in the neighborhood. The project would not generate a substantial amount of traffic that would result in a significant increase in traffic noise. Potential impacts are considered less than significant.
- A-13 Attachment 1. Please see response A-3 regarding the preservation and replacement of trees on the project site. The project would comply with the Town Code for required setbacks on all sides of the property. The building is setback 22 feet and 3 inches from the edge of the western property line. The nearest building on Maggi Court is 48 feet from the nearest edge of the proposed house. It should be noted that 48 feet is approximately double the distance of separation of any of the adjacent homes on Maggi Court or Bella Vista Avenue.
- A-14 Attachment 2. Please see Response A-6 regarding the Tree Preservation Ordinance.
- A-15 Attachment 3. Please see Responses A-7 and A-8.

148 Maggi Court
Los Gatos
California 95032

March 24, 2016

Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos
California 95031

Dear Madams and Sirs,

Re. Objections to Negative Mitigated Declarations (341 Bella Vista Avenue, Negative Declaration ND-16-001)

I am an owner of 148 Maggi Court, Los Gatos, California, and my home is within 45 feet of this project. I and my young family will be seriously negatively impacted if the above-referenced application is granted.

I read the Mitigated Negative Declaration pertaining to the above and respectfully disagree with the findings, in particular:

Aesthetics

1a Scenic Vistas

The project site includes a road easement, designated bicycle route, and thoroughfare to the public high school. At a public vantage point, the scenic view includes protected trees and steep slopes. Replacing protected oak trees with a garage and replacing topography with building mass will impact the site significantly by blocking and removing views. The General Plan and governing Town documents place great significance and value in our hillsides, views and rural character it is inconsistent to state that there will be less than significant impact. The impact will be great. Mitigating the loss of 150 year old trees and topography of a designated hillside is not feasible.

1c Visual Character

The massiveness of the rear elevation from 45 feet away, rising some 30 to 35 feet in the air from an elevated position of around 20 feet, significantly impacts the views and character of the Maggi Court town home neighborhood. And yet the Study total omits to mention the impact on the town homes. This is simply not credible. Furthermore its not credible to say that the design and screening will mean that the impact of loss of privacy will be less than significant. The loss of privacy will be very significant The picture below is taken from my bedroom looking at a

gentleman marking out the project site on the hillside. Even with trees that have been growing for years, he had a full view in through every window of my house.



1d Light and Glare

There will be significant negative impact on the town homes from night time lighting from all the windows, patios and roof decks. This amount of potential lighting cannot be properly mitigated by the type of screening that is feasible here.

Figure 11 (provided by the applicant) is misleading in scale and depiction. Tree canopies allow for filtered sunlight whereas building mass blocks sunlights. Building mass shadows are in excess of three hours on residences that are already shadowed from the north and south due to the design of planned developments sharing common walls. Loss of solar access in excess of three hours is significant.

6 Geology and Soils

Slopes in excess of 30 percent are considered "hazardous". This project is on a hillside with slopes averaging 53%, near double what is considered hazardous and intends to place a large building directly above existing home owners and no more than 50 feet away. This project is very different to other projects and the Town and the Applicant must consider the impacts to the town home owners for possible loss of property, injury and death. No amount of mitigation

can ensure protection for human life in the event of a catastrophic or man-made event in such a hazardous setting and the Applicant and the Town have acknowledged that there is potential significant impact. The Town really needs to consider its moral responsibility to the town home owners in not considering them part of this application.

10 Land Use and Planning

a) - c) By omission of the Maggi Court neighborhood the study is implicit that the project is inconsistent with the existing planned development town homes and would physically divide an existing community. In addition the project conflicts with the General Plan, Tree Protection Ordinance, Cellar Policy, Infill Policy, Residential Guidelines, and Hillside Standards and Guidelines. The Town's vision for protecting the natural environment of its hillsides is significantly impacted (e.g. topography removed and replaced with building mass). By its omission, the study concedes that the project is not consistent with the Hillside Standards and Guidelines, for example completely ignoring sections I - III - Constraints Analysis and Site Selection - most importantly: "AVOID HAZARDOUS BUILDING SITES WITH SLOPES IN EXCESS OF 30 PERCENT."

12 Noise

a) Noise levels in excess of standards established in the Noise Ordinance are significant in exposure to residents. The study cannot guarantee that levels would be reduced to meet the levels of the ordinance due to heavy earthmoving and impact equipment and close proximity to Maggi Court. The US Department of Health and Human Services National Institute on Deafness reports repeated exposure, even for a brief time, to sounds at or above 85 decibels can cause hearing loss. For prevention it advises moving away from it something which is not possible for people living in the town homes. The Town has to see that the proximity of the project to other houses and its elevated position must create a substantial level of noise which will have a significant negative impact and risk to injury. It is unreasonable for people not living in the area to say otherwise.

18 Significant Impacts on the Natural and Man-Made Environments

a) - c) The study concludes that there is no impact (direct or indirect) to human beings and yet several significant impacts have been identified to the contrary. It is not believable that there can be no impacts.

Conclusion

The Mitigated Negative Declarations should be rejected along with the project application.

All my rights are reserved.

Yours faithfully,

Laura A. Williamson



Parcels



City Limits



Fault Rupture
Hazard Zones



Landslide
Hazard Zones

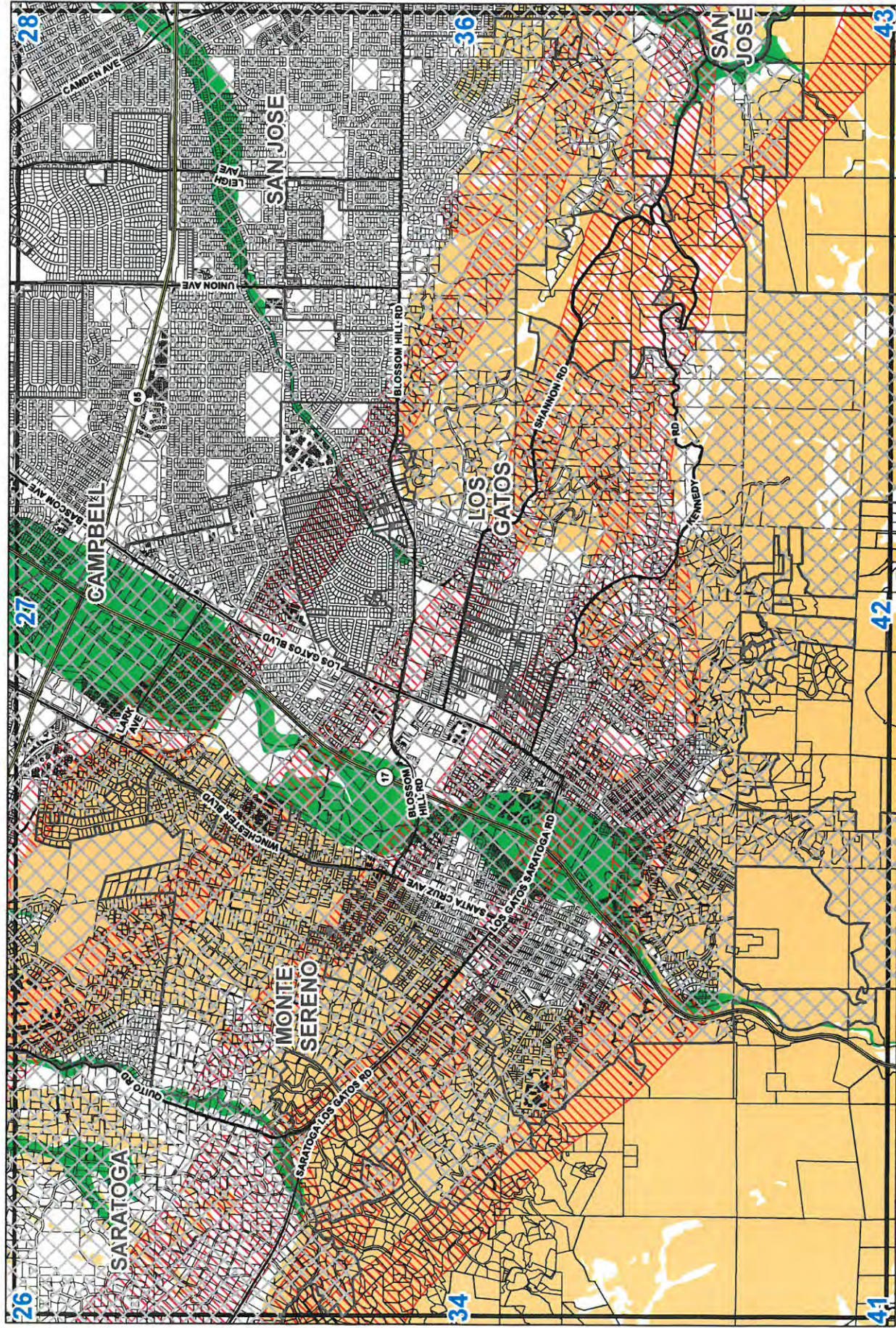


Liquefaction
Hazard Zones

0 1,000
Feet

1 inch = 2,000 feet
1:24,000

Version Info:
Zones: Oct. 28, 2012
Parcels: Sep. 17, 2012



These maps are subject to revision. The zones shown on this map indicate areas within which the County Geologist may require site specific geologic reports prior to approval of development applications. Local determination services companies should be contacted to resolve the status of parcels that appear to be located at or near zone boundaries. In order to maintain the scale of 1:24,000, this map should be printed on 11x17 paper; otherwise, the graphic scale should be used. NOTE: Although mapped countywide, these Geologic Hazard Zones are not applicable within the city limits of any city or other counties.

Letter B – Laura Williamson

- B-1 The Town does not concur with this comment. Figure 10 of the Initial Study provided a visual simulation of the proposed project prepared using software specifically created for developing realistic simulations of proposed development. The visual simulations take into account the existing topography of the project site and the surrounding area, the proposed grading and architectural plans, and the existing and proposed landscaping. The visual simulations show the proposed project from several different vantage points along Bella Vista Avenue, the nearest public thoroughfare to the project site. Although the project proposes to remove 3 of the 24 trees onsite, a significant tree canopy still remains. The proposed project would be developed into the hillside, and as such, the height of the building would not exceed the height of any of the existing trees. As a result, the proposed house would not block any existing views of the nearby mountains or ridgelines designed as scenic resources in the Town's General Plan. Potential visual impacts are considered less than significant.
- B-2 The Town does not concur with this comment. Please see Response A-2 regarding the evaluation of private views. Potential visual impacts are considered less than significant.
- B-3 The Town does not concur with this comment. The project would comply with the towns required setbacks on all sides of the property. The building is setback 22 feet and 3 inches from the edge of the western property line. The nearest building on Maggi Court is 48 feet from the nearest edge of the proposed house. It should be noted that 48 feet is approximately double the distance of separation of any of the adjacent homes on Maggi Court or Bella Vista Avenue.
- B-4 The Town does concur with this comment. Please see Response A-4 regarding potential impacts from light and glare.
- B-5 The Town does not concur with this comment. As noted in Response B-1, the majority of the existing tree canopy onsite would remain onsite. Please see Response A-3 for a summary of the height and width of the existing tree canopies for existing trees located closest to the Maggi Court residences. As shown in Figure 10, the existing tree heights would remain much higher than the height of the proposed house, which would be approximately 5 feet higher than the existing elevation of Bella Vista Avenue. Additionally, Figure 11 shows that on the longest days of year that little to no shadows are cast on the Maggi Court residences from the east. On the shortest day of the year, morning and some afternoon shadows come from the east between the hours of 8:00 am to 10:00 am. These shadows would be cast by the existing tree canopy and would occur with or without the proposed residence. Potential impacts are considered less than significant.
- B-6 The Town concurs that the project has a slope greater than 30% across the entire property. The project applicant proposes to combine two existing parcels to establish a least restrictive development area that takes into account the existing trees, access to the property, and other existing constraints such as the existing access road at the western edge of the property. The Town's Hillside Development Standards and Guidelines do permit development in areas when there is no other building site available on the property. The Town does not concur that the project would result in geotechnical hazards risking life and property. Please see Response A-7 regarding geotechnical hazards. Potential impacts are considered less than significant.

- B-7 The Town does not concur with this comment. The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. No inconsistencies with any of the Town Code or policies have been identified. Please see Response B-1 regarding visual impacts. Please see Response B-6 with regard to development on steep slopes.
- B-8 The Town does not concur with this comment. As noted in Section 12 of the Initial Study/Environmental Checklist, construction activities at the project site would be temporary and would be required to conform to existing Town regulations (Town Noise Ordinance, Chapter 16) limiting the hours of the day and the days of the week that construction activities would be allowed. Construction and demolition activities are permitted to exceed the Town's noise limits when construction and demolition activities are performed Monday through Friday from 8:00 am to 8:00 pm; and 9:00 am to 7:00 pm on weekends and holidays. Construction activities would vary as the project development transitions from grading and paving to constructing the house. The project site is approximately 0.23-acre and proposes the excavation of 692 cubic yards of soil. Therefore, construction activities involving heavy construction equipment would not be onsite for extended periods of time. Section 12.d of the Initial Study/Environmental Checklist estimates that the excavation process using two small bobcat excavators would take approximately four weeks. No other temporary or periodic activities that would generate substantial increases in noise have been identified. Therefore, potential impacts are considered less than significant.
- B-9 The Town does not concur with this comment. As noted in Section 18.c of the Initial Study/Environmental Checklist, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections 1. Aesthetics, 3. Air Quality, 6. Geology and Soils, 8. Hazards and Hazardous Materials, 9. Hydrology and Water Quality, 12. Noise, 13. Population and Housing, and 16. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Potential impacts are considered less than significant.

Eleanor Leishman
332 Bella Vista Ave.
Los Gatos, CA 95032-5415

March 24, 2016

Lead agency: Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95030

Project Title and
Location: 341 Bella Vista Avenue
Architecture and Site Application S-12-103
Subdivision Application M-12-008
Negative Declaration ND-16-001

Regarding: Objections to MITIGATED NEGATIVE DECLARATION

To whom it may concern:

I live at 332 Bella Vista Ave, a few houses north and across the street from the proposed development at 341 Bella Vista Ave. Our property was purchased by my family in 1957, and family members have lived here almost continuously since then. My husband David and I have owned and occupied the property since 2007.

I'm writing to express my strong disagreement with, and specific objections to, the "Mitigated Negative Declaration" determination given to this project by the Community Development Department in its "Initial Study and Environmental Checklist," which it prepared for the Town of Los Gatos and published February, 2016 (see application numbers referenced above). I find it inconceivable, as this study concludes, that the proposed residential building project at 341 Bella Vista will create "no significant impact" on the aesthetics and scenic views; trees and wildlife; geology and soils; neighborhood character; light pollution and noise levels; or parking and traffic congestion on Bella Vista Ave. ALL of these areas will be significantly impacted by this project!

The owner(s) of the property in question have a long history of submitting plans that were too big, too dangerous, and too disruptive to the neighborhood to be built, and have faced ongoing vigorous opposition from neighbors and the Planning Commission alike. In fact, the Los Gatos Planning Commission has decisively dismissed all previous plans to build on this site. The planning history of this project alone should have alerted the Community Development Department not to attempt to minimize the inevitable disruptions and damage to the environment that this project would cause. In its Initial Study for the Town of Los Gatos, it has done just that.

Based on the list of categories of objection (which I have summarized above and will spell out in more detail below), I urge the Community Development Department to order a full Environmental Impact Report on the proposed project at 341 Bella Vista Ave.

Aesthetics and Scenic Views

I couldn't disagree more with the Initial Study's determination that the project would not significantly affect the aesthetics and views of the area immediately surrounding the proposed house from Bella Vista Ave. While scenic views (e.g. of the mountains) are not in question here, the existing trees provide very attractive and effective

visual screening from the dense development and freeways down the hill. If several of these heritage trees are removed, as the project proposes, that visual screening will be lost. Instead, "views" will feature the proposed Bella Vista house as well as the previously screened housing developments and freeway interchanges below.

Trees and Wildlife

The Initial Study states that the removal of three Protected Oak Trees (in addition to three Protected Non-native Trees) would have no significant potential impact. How is the habitat destruction caused by removing them NOT going to create a major negative impact on the birds and other wildlife that currently depend on these trees for foraging, nesting and cover?

In item 4a-4d Special-Status Species, Sensitive Habitat/Communities, Wetlands, Fish and Wildlife Movement, Corridors, and Nursery Sites, the Initial Plan outlines Mitigation Measure for Special Status Migratory Birds:

"Direct and indirect impacts on special-status and migratory bird species would be considered significant under CEQA guidelines. However, implementation of Mitigation Measure BIO-1 would reduce significant impacts on special-status and migratory bird species to a less than significant level."

A number of questions arise for me, for example: Who will monitor and enforce the implementation of these Mitigation Measures? Surely these issues and concerns require a more thorough environmental investigation. Concerns listed in the Initial Study about these significant direct and indirect impacts on special-status migratory bird species strongly suggest that a full Environmental Impact Report should be done on this property, in order to more thoroughly assess these and other impacts to birds and other wildlife species on the proposed building site.

Geology and Soils

In spite of the extreme slope of the property, the Initial Study's assertion is that there are no geologic dangers inherent the project. This assertion is troubling to say the least. Soil excavation and construction work involved in building the proposed house on this steep site, located as it is directly above a densely populated housing area and given other geologic and seismic safety factors, warrant very serious consideration and study. Who will be responsible if the house slides down the hill during a major earthquake?

Neighborhood character, light and noise pollution, parking/traffic congestion

The proposed building project at 341 Bella Vista will have a negative effect on the character of our neighborhood by diminishing its tree views and peaceful quality, and by adding to building density, light and noise pollution. It will contribute to the already difficult parking and dangerous traffic congestion on the street. These topics deserve much more discussion. And they require a more complete study by the Town Planners as they consider the impacts this project will have on Bella Vista Ave.

The land use issues involved with this project are enormous, and are fraught with many significant questions regarding public safety, and relating to questions about whether this project adheres to Town Building Standards.

In summary, I respectfully (but strongly!) request again that the Town require that a full Environmental Study be completed before proceeding further with any consideration of this proposed project.

Yours truly,

Eleanor Leishman
332 Bella Vista Ave.
Los Gatos, C 95032-5415

Letter C – Eleanor Leishman

- C-1 The Town does not concur with this comment. Please see Responses A-2 and B-1 regarding visual impacts. Please see Responses A-3 and A-5 regarding impacts on biological resources. Please see Response A-4 regarding light pollution, and Responses A-12 and B-8 regarding noise impacts. With regard to traffic impacts, the Initial Study/Environmental Checklist did evaluate potential traffic impacts in Section 16. The Town's Traffic Impact Policy (Resolution 2014-59) specifies that a project with a traffic impact of 19 or less additional AM or PM peak hour trips does not require a comprehensive traffic report. The proposed single-family residence would result in a net increase of 10 trips per day, with 1 trip occurring during the AM peak hour and 1 trip occurring during the PM peak hour. According to the Town's traffic determination, traffic generated by the proposed project would represent a minor impact on the circulation system and would not conflict with the Congestion Management Program. No additional traffic studies are required by the Town. However, the project would be subject to payment of a traffic mitigation fee in accordance with the Traffic Impact Policy. Potential impacts are considered less than significant.
- C-2 The Town acknowledges and appreciates this comment. However, the comments are not at variance with the content of the Mitigated Negative Declaration/Initial Study/Environmental Checklist and no further response is required. This letter will be included in the administrative record as part of the response to comments and will be provided to the Town of Los Gatos decision-making bodies for their review and consideration.
- C-3 The Town does not concur that an Environmental Impact Report is required. Responses to the specific issues raised are addressed as they are raised within this letter.
- C-4 The Town does not concur with this comment. Please see Response B-1 regarding views from Bella Vista Avenue. Please see Response A-3 regarding the preservation and replacement of trees on the project site. Potential impacts are considered less than significant.
- C-5 Please see Responses A-3 and A-5 regarding impacts on trees and wildlife resources. It should be noted that the Initial Study/Environmental Checklist has been updated to remove the reference that three non-native trees would be removed. The project would only remove the trees noted on the protected trees noted in Figure 3.
- C-6 The Town does not concur with this comment. The mitigation measures identified in the Mitigated Negative Declaration would be adopted with the proposed project. Town staff are responsible for ensuring that the applicant has satisfactorily satisfied the mitigation measure prior to issuing permits that would result in an impact. In the case of migratory bird species, the applicant would be required to demonstrate that Mitigation Measure BIO-1 (protecting nesting birds) has been completed by a qualified biologist prior to the issuance of any grading or improvement plans.

The project site is an isolated patch of vegetation surrounded by development and existing roadways. The project site does not provide connectivity between other known larger habitat areas that would provide for the long-term viability of native plant or animal species. As such, the project site is not considered a wildlife movement corridor. There are no known sensitive plant or animal species in this area, and none have been identified on the project site. Potential impacts

are considered less than significant with the implementation of the mitigation measures included in the Mitigated Negative Declaration.

- C-7 The Town does not concur that there are geologic dangers associated with the proposed project. Please see Responses A-7 and A-8. Potential impacts are considered less than significant with the implementation of the mitigation measures included in the Mitigated Negative Declaration.
- C-8 The Town does not concur with this comment. The issues raised in this comment have all been addressed in the Initial Study/Environmental Checklist document supporting the Environmental Negative Declaration. The proposed project is one single-family residence in a residential neighborhood surrounded on two sides by single-family and multi-family residences. An existing house on the same side of the street is located just north of the project site at 331 Bella Vista Drive. The proposed project does not substantially change the make-up or the character of the surrounding area. Please see Response B-1 regarding visual impacts, Response A-4 regarding nighttime lighting, and Responses A-12 and B-8 regarding noise impacts. Please see Response C-1 regarding traffic impacts. No specific impacts are raised in the comment. The Town does not concur that additional study is required for this project. Potential impacts are considered less than significant.
- C-9 The Town does not concur with this comment. The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. The project is subject to the Town's Architectural and Site Design review and no conflicts with any Town building standards have been identified.

March 22, 2016

Lead agency: Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031

Project Location: 341 Bella Vista Avenue

To Whom It May Concern:

I have lived in Los Gatos for over 15 years and am the owner of 154 Maggi Court, one of the townhomes that are west of the site for 341 Bella Vista Ave. I am writing to express my strenuous objections to the Mitigated Negative Declaration for this application.

The hearing scheduled for April 13, 2016 will be the fifth such meeting by the Planning Commission and Town Council of Los Gatos and will be the third plan submitted by the applicant Dan Ross for this site. As the Town Council and Mr. Ross are well aware, the applications from 2013 and 2012 were unanimously denied due to non-compliance with the Hillside Development Standards and Guidelines and neighborhood compatibility.

The flagrant and consistent disregard for the counsel given to Mr. Ross by both the Planning Commissioners and Town Council members during prior hearings can only be explained by a motivation to maximize his personal financial gain at the expense of the community's well-being. The current plans still do not address any of the major concerns previously raised by the community and Town officials, most notably the glaring violations of the Hillside Standards and Guidelines:

1. The proposed plan for this home grossly violates the standard to minimize bulk, mass and volume from surrounding properties outlined in the Code and Guidelines.
 - a. Instead of reducing the mass and scale of the two 2,760 square foot homes planned in the 2012 and 2013 applications, the applicant's current plan is to combine the lots and build one massive 3,139 square foot home with three stories, a roof top deck, and 5 exterior patios.
 - b. The allowable FAR for this lot area is 1,620 square feet. Discounting the 501 square feet of garage space in the applicant's plan, the total living area is 2,638 square feet compared to the larger town homes in the Bella Vista Village at 1,650 square feet.
 - c. The intent of the Cellar and Attic Policy adopted by the Town of Los Gatos in 2002 is to reduce the bulk, mass and scale of new and remodeled homes. Instead Mr. Ross has used it as justification to add 1,156 square feet of living space, nearly equivalent in size to the "main"/below ground living area planned at 1,278 square feet.

2. According to the Mitigated Negative Declaration, there will be no significant impacts on protected trees and the visual impact on neighboring properties. However, if the development proceeds as planned:
 - a. 3 "protected" oak trees (including two above 35" in height) and three protected non-native/non-protected trees will be destroyed despite the Tree Protection Ordinance.
 - b. The proposed development would eliminate the pristine view of wildlife and trees for several houses on Bella Vista Avenue only to be replaced by views of the proposed home.
3. The Hillside Standards and Guidelines place a high priority on protecting the privacy of neighboring homes. Specifically, they require that the site and design for a new home follow standards to ensure privacy to surrounding neighbors.
 - a. I work from my home office and the noise created during the construction process and by the inhabitants of the new home would not only be an inconvenience, but would have a significant negative impact on my ability to conduct business and earn a livelihood.
 - b. The ambient noise levels associated with a home of this mass and scale with its multiple outdoor living spaces would not be similar to noise levels generated by any existing adjacent or nearby residences.
 - c. As noted in the mitigated negative declaration, "exterior and interior lighting also could have nighttime illumination effects on existing townhomes to the west."
 - d. Line of sight from the roof top deck or someone looking over the edges of the multiple exterior balconies into several of the town homes on Maggi Court would serve as an material invasion of privacy.

In the application filed on September 16, 2013, Mr. Ross stated that he will reach out to neighbors and hopes that "they will take a constructive approach to working together to achieve the best outcomes for all." I received a letter under my doormat 2 days ago. Strategically timing the delivery of this letter 3 days before responses are due is another thinly veiled attempt to claim compliance with due process and consideration for neighbors.

I understand the applicant has a right to build on the lots which he purchased at 339 – 341 Bella Vista Drive, but ask that the plans adhere to the Los Gatos Town Building Code and the Hillside Development Standards and Guidelines that were written to protect our hillsides and community against the negative effects of overdevelopment. The project, if allowed to proceed as outlined in the current plan, would have a significant negative impact on the environment, quality of life, and character of the neighborhood.

Sincerely,

Debra Chin

154 Maggi Court

Letter D – Debra Chin

- D-1 The Town acknowledges and appreciates this comment. However, the comments are not at variance with the content of the Mitigated Negative Declaration/Initial Study/Environmental Checklist and no further response is required. This letter will be included in the administrative record as part of the response to comments and will be provided to the Town of Los Gatos decision-making bodies for their review and consideration.
- D-2 The Town does not concur that the project violates the Town's Hillside Development Standards and Guidelines. The Town does concur that the proposed house is 3,139 square feet and three stories.
- D-3 The Town concurs that the FAR is 0.15 or 1,620 square feet. The Town concurs with that the project proposes a total living area of 2,638 square feet.
- D-4 The proposed project is consistent with the Town's development codes and is not requesting any exceptions or variances. No conflicts have been identified. Potential impacts are considered less than significant.
- D-5 The Town does not concur with this comment. Please see Responses A-2 and A-6 regarding the preservation of trees and Response B-1 with regard to visual impacts on Bella Vista Avenue.
- D-6 No conflicts with the Town's Hillside Development Standards and Guidelines have been identified. As such, the proposed project would leave many of the existing mature trees onsite that would provide some screening of the proposed house. Figure 9, of the Initial Study shows a cross-section of the proposed house with the existing tree canopy. In addition to the tree canopy, the landscape screening plan shows that the project would plant screening vegetation along the western the property line to provide a visual screening barrier between the existing homes on Maggi Court and the project site. The landscape plan shows that the project would plant 8 Western Redbud trees, 14 Toyon shrubs, and 26 California Coffee Berry plants. This screening vegetation would provide a visual screen of the house at lower heights than the existing mature trees onsite. Therefore, potential visual impacts are considered less than significant.
- D-7 The Town does not concur that the project would have significant construction noise impacts. Please see Response B-8.
- D-8 The Town does not concur that the proposed project would result in significant noise impacts. No evidence linking the mass and scale to increased noise has been presented. The project proposes a single-family residence on a street with other single family residential uses. The proposed house would be approximately 48 feet from the nearest building on Maggi Court. At 48 feet, that distance is nearly twice the separation distance of any of the existing houses in Maggi Court or Bella Vista Court. The project is not requesting any exceptions or variances to the Town's setback requirements. Potential impacts are considered less than significant.
- D-9 Please see Response A-4 regarding exterior lighting.

- D-10 In addition to the tree canopy, the landscape screening plan prepared for the project shows that the project would plant screening vegetation along the western the property line to provide a visual screening barrier between the existing homes on Maggi Court and the project site. The landscape plan shows that the project would plant 8 Western Redbud trees, 14 Toyon shrubs, and 26 California Coffee Berry plants. This screening vegetation would provide a visual screen of the house at lower heights than the existing mature trees onsite. Therefore, potential visual impacts are considered less than significant.
- D-11 The Town acknowledges and appreciates this comment. However, the comments are not at variance with the content of the Mitigated Negative Declaration/Initial Study/Environmental Checklist and no further response is required. This letter would be included in the administrative record as part of the response to comments and would be provided to the Town of Los Gatos decision-making bodies for their review and consideration.
- D-12 The Town does not concur that the proposed project would have a significant impact on the environmental, quality of life, and character of the neighborhood. The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. No conflicts with the Town of the Los Gatos Building Code or the Hillside Development Standards and Guidelines have been identified.

PATRICK K. TILLMAN

Attorney at Law

March 24, 2016

*Sent via e-mail to: MMoseley@losgatosca.gov
and planning@losgatosca.gov*

Marni Moseley
Los Gatos Planning Department
110 E. Main Street
Los Gatos, CA 95030

Re: 339 & 341 Bella Vista Avenue Applications
Applicant: Dan Ross
Mitigated Negative Declaration ND-16-001

Dear Ms. Moseley:

I live at 150 Maggi Court, Los Gatos, with Planning Committee Chairperson, Mary Badame.

An application is pending for construction of one (1) single-family home to be built at 339 & 341 Bella Vista Avenue, Los Gatos, directly above us. The application should be rejected. Mitigated Negative Declaration ND-16-001 ("MND") should also be rejected.

The MND should be rejected because it lacks appropriate scrutiny of a project previously deemed "difficult," at best, by Town Council. Little to no insightful narrative is given; the tone being more that of a person simply reading a map. The Graphics do not reflect the 53° slope, making them misleading. The up-close-and-personal relationship this home, if built, will have with its downhill neighbors, goes untouched. As with the last MND, submitted by a company with which the Town of Los Gatos will no longer deal, this MND is skewed toward satisfying the spec-home builder, not the neighborhoods (2) this project will impact.

Their conclusion: *Oh yeah, it fits just fine.*

Just because you can put something on, does not mean you should wear it.

Specifics omitted, glossed over, or wrong include:

1. **“The 0.23-acre (10,155 s.f.) project site is generally surrounded by residential uses.”** (Pg. 8) No it’s not. To the south are multiple 8-12 ft. bush-trees that serve as a sound barrier for Saratoga-Sunnyvale Road – Hwy 9; they, too, beautify the area. To the north and west are more trees – big ones. This area was deemed so pleasant that it warranted the special protections afforded by the Hillside Development Standards and Guidelines. This is not a track-home community/ neighborhood; it should not be painted as one.

2. **“Townhomes on Maggi Court are located to the west and below the project site.”** (Pg. 8) Yes, we are west and below the project site, but the project is being jammed into our backyards. We are not *yonder down the hill*.

The land drops off dramatically (to the west) from Bella Vista Avenue (53° slope), right into the small back yards of townhome owners.

Buried in the MND (@ pg. 33, ¶2), they estimate the distance from Applicant’s cellar sliding glass doors to their patio, to the glass sliders on our 3rd floor bedroom – they share the same elevation – is approximately 48 feet. Looking at the flags, it seems a lot closer.

Could they get any less descriptive? Such close proximity and the steep slope should have been highlighted and addressed in a serious manner.

3. **Aesthetics.** (Pgs. 32-33)

a. **Definition:**

The branch of philosophy dealing with such notions as the beautiful, the ugly, the sublime, the comic, etc., as applicable to the fine arts, with a view to establishing the meaning and validity of critical judgments concerning works of art, and the principles underlying or justifying such judgments.

(Dictionary.com)

b. Trees: (Pgs. 32-34, 40) How is it possible to fell six (6) “*protected*” +100 year old trees with massive canopies, including a 45” Oak tree, and not have a significant impact on the neighborhood?

Concern about viewing these trees was restricted to those residing on the opposite side of the street on Bella Vista Avenue. The trees will be gone. They get to see the roof of a house. “*No impact*” or “*Less than significant impact.*” The townhome residents below, Bella Vista Avenue walkers, bikers, and drivers, also enjoy the ambiance supplied by these trees. No mention made of them.

Those trees are gorgeous and make the neighborhood what it is.

As to the proposed mitigation; THERE IS ABSOLUTELY NO WAY to mitigate the loss of these trees. Certainly not with “*24-inch box-size trees or [their] equivalent.*” (Pg. 40 @ 4e) The proposed mitigation is nonsense.

The Bella Vista residences will never see those replacement trees, they are down the hill. As to the downhill townhome residents, I mentioned the 53° slope, we will be looking over them – all of them, for +15 years, at least. Applicant’s resources would be better spent planting a vineyard.

As to the Town’s Tree Protection Ordinance, the mitigation suggestion is simply a numbers game, applying primarily to flat land. This area is special. It should be treated with respect.

c. Visibility. (Pg. 32) The trees to be cut down are visible from viewing platform areas, a fact established in Town council meetings going all the way back to 12-12-97. It could not have been made more plain in the multiple meetings that resulted in +2 prior project rejections of similar plans from this same applicant. The proposed house will be more visible than the trees – which is the point.

To avoid prior Town conclusions, the MND says the trees and house are not visible based on “*photosimulations ... and a site visit.*” That is not the standard for establishing visibility.

Unacceptable.

d. Light or Glare. (Pg. 33) The “*glow*” from the house will be the Bella Vista Avenue neighbors’ to enjoy. From downhill, we are looking at a lamp – a large lamp.

The MND provides: “*Exterior and interior lighting also could have nighttime illumination effects on existing townhomes to the west, although ... [assorted] ... proposed landscape screening would minimize the potential for impacts associated with nighttime illumination.*” (Pg. 33)

Really. Light may shine on those beneath the lamp? But some box trees will eliminate that?

For Christ’s sake! (See tree mitigation garbage, above) That explanation passed muster?

e. Shadow study. (Pg. 33) Applicant says the project/house will not change the shadow patterns from those of the trees. A house. A tree. Same thing. Who believes that?

The graphic provided (Figure 11) shows more of the homes across the street than the Townhomes below. Our Townhomes are the only residences that could be affected by a shadow.

#??. Privacy. Not addressed ... unless that box-tree thing was it.

4. Traffic. (Pgs. 56-58) That section of the road is a dangerous place for a driveway. Someone will get hurt.

A large tree and those bush-trees of the Hotel block the view southbound. Applicant proposes a driveway that slopes downhill, meaning you have to back up going uphill ... into a blind intersection.

“*No impact.*”

The Mitigated Negative Declaration ND-16-001 is flawed. It is not reliable. It should be rejected.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'P. Tillman', with a long horizontal flourish extending to the right.

Patrick K. Tillman

cc: Mary Badame (*by e-mail*)

Letter E- Patrick Tillman

- E-1 The Town does not concur that that the Mitigated Negative Declaration is skewed or that it does not address potential impacts. The Initial Study/Environmental Checklist evaluates the potential impacts associated with the proposed project. Figure 9 of the Initial Study shows an elevation of the proposed project relative to the existing slope and the adjacent homes located on Maggi Court. Figure 10 shows elevations with the existing landscaping included. Potential impacts are less than significant.
- E-2 This section of the Initial Study is describing the surrounding land uses. The surrounding land uses are described as residential as single-family residences are located to across Bella Vista Avenue and Multi-family residences are located adjacent the site along Maggi Court.
- E-3 The Town concurs that the project site steeply slopes towards the townhomes on Maggi Court. As noted in Section 1.c of Initial Study/Environmental Checklist, the proposed project would be subject to design review as part of the Architecture and Site Review process. During this process, the proposed design is evaluated for consistency with the Town's HDS&G. As part of Architecture and Site review, the Town determined that the project would be consistent with the HDS&G policies for site planning, development intensity, architectural design, site elements, and landscape design. The HDS&G emphasizes minimizing grading and preserving natural features (including drainage channels and trees). Three of the site's trees are proposed to be removed to accommodate the proposed home, but trees along the site margins would be retained and landscape screening is proposed along the western project boundary. It should be noted that at 48 feet, that distance is nearly twice the separation distance of any of the existing houses in Maggi Court or Bella Vista Avenue. The project is not requesting any exceptions or variances to the Town's setback requirements. Potential impacts are considered less than significant.
- E-4 The Town acknowledges and appreciates this comment. However, the comments are not at variance with the content of the Mitigated Negative Declaration/Initial Study/Environmental Checklist and no further response is required. This letter will be included in the administrative record as part of the response to comments and will be provided to the Town of Los Gatos decision-making bodies for their review and consideration.
- E-5 The Town does not concur with this comment. The proposed project would remove 3 protected trees. Please see Responses A-3, A-6, and B-1.
- E-6 Please see Responses A-6 and E-3.
- E-7 Please see Response A-2 regarding views from private residences. The project is consistent with the Town's Tree Protection Ordinance.
- E-8 The Town does not concur that the proposed project would obstruct designated scenic views. Please see Response B-1. The Town of Los Gatos General Plan 2020 Community Design Element (CD-I) generally defines the scenic resources within the town to be the views of the hillside areas of Santa Cruz Mountains, particularly the Sierra Azul ridge, rather than individual slopes interspersed within the Town. The Town of Los Gatos Hillside Area and Viewing Platform Map

does not designate Bella Vista Avenue or Maggi Court as viewing platform areas. Los Gatos-Saratoga Road is considered a viewing platform, however, the existing tree canopy between the project site and Los Gatos-Saratoga Road would remain in place. The proposed house would have an elevation of approximately 5 feet higher than the elevation of Bella Vista Road and would not obstruct any view of the designated hillside areas. Potential impacts are less than significant.

- E-9 The Town does not concur with this comment. While the house may be visible at night, all lighting on the exterior of the house must comply with the Town's buildings codes which prohibit light trespass over the property line. Exterior lights must be shielded to reflect the light downward and not outward. Light fixtures are reviewed by Town staff during the review of the building plans prior to the issuance of a building permit stage. Potential impacts are considered less than significant.
- E-10 Please see Response B-5.
- E-11 The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. The project is subject to the Town's Architectural and Site Design review and no conflicts with any Town building standards have been identified.
- E-12 The Town does not concur with this comment. Section 16 of the Initial Study/Environmental Checklist evaluated potential impacts associated with the proposed construction and long-term use of the proposed house. The analysis identified the requirement for a traffic control plan to safely and adequately manage construction traffic. The analysis also includes a mitigation measure in which the applicant has to demonstrate that adequate stopping sight distance is provided for cars traveling on Bella Vista Avenue. This mitigation measure is to ensure that cars traveling on Bella Vista Avenue can see the project driveway from far enough away to safely stop or slow down when cars are entering or leaving the proposed driveway. The required stopping sight distance must be determined by a registered civil engineer or professional land surveyor and submitted to the satisfaction of the Town Engineer. Potential impacts are less than significant.
- E-13 The Town does not concur with this comment. The Mitigated Negative Declaration, supported by the Initial Study/Environmental Checklist has evaluated the proposed project pursuant to the guidelines of the California Environmental Quality Act. With the incorporation of the proposed mitigation measures all potential impacts have been reduced to less than significant.

Erin Johnson

150 Maggi Court

Los Gatos, CA 95032

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

March 23, 2016

RE: Mitigated Negative Declaration – ND-16-001

To whom it may concern,

Who can judge neighborhood character better than one who grew up in Town, attended the local schools, and resides in the neighborhood in question?

Degrading the existing visual character, quality of the site and surroundings with the removal of 150 year old Coast Oak trees and 692 cubic yards of dirt will have a significant impact that cannot be mitigated. How does this maintain the so-called rural character?

From 60 feet above and 45 feet away, the quality of the site has changed to an urban setting with five patios and a rooftop deck serving as spectator seats to Maggi Court. It most certainly will have a significant impact to aesthetics and rural character of the neighborhood. It will be public nuisance.

Attached is a San Jose Mercury News article dated 01-30-16. The exhibit is of a three-story multimillion-dollar house sliding down a hill, threatening other homes. It too, passed inspection and geology and soils reports.

Building a home adjacent to an area with high erosion potential, on a steep slope with slope stability hazard, with high potential for fault rupture and strong ground shaking in the event of an earthquake does not provide me comfort or restful sleep at night. Furthermore, 63 window panes illuminating light at 60 feet above me and my neighbors would, no doubt, dictate how much shut eye I get. At least I could count on some extensive bedtime reading.

Do we really want to play Dominoes with this scenario?

Sincerely,

Erin Johnson

Local News

MORE LOCAL NEWS ||| WWW.MERCURYNEWS.COM ||| WWW.SANMATEOCOUNTYTIMES.COM

San Francisco

Crews demolish sliding hi

Multimillion-dollar structure is threatening other homes, officials say

By Janie Har and Jeff Chiu
Associated Press

SAN FRANCISCO — Crews on Friday tore down a multimillion-dollar house that is sliding down a hill, threatening other homes.

The three-story, midcentury house has separated more than a foot from the curb and sunk

more than a foot, said homeowner Ronald Martell, who was on-site Friday to oversee demolition work.

It's unclear what is causing the home to slide, although El Niño storms that have drenched the Bay Area could be partly to blame. Martell said one neighbor has reported basement flooding, and there appears to be too much water on his property for the amount of rain that's fallen.

The city ordered five other homeowners — one on either side of Martell's house and three at the bottom of the hill behind

his house — to hire engineers to show their homes are safe.

Records show the Martells bought the house for roughly \$2 million in October. But the family hadn't moved in yet, pending a possible remodel.

It's been a bad week for Martell, a biotech chief executive who was attending his father's out-of-state funeral Tuesday when he learned the city had red-tagged the house, deeming it unsafe for occupation.

A neighbor initially sent a text message to Martell on Sat-

See **Demolish** on Page 5



Workers on Fri
14 inches away

Demolish

Continued from Page 1

urday to tell him about a crack in the driveway parallel to the curb. The next day, the neighbor sent a photo.

On Monday, a contractor spotted a second crack. By Tuesday, the city had red-tagged the house, deeming it unsafe for occupation, and informed Martell that his house was sliding — a shock because a buyer's inspection indicated nothing was wrong.

Martell and his family rushed back to San Francisco on Wednesday, a birthday he shares with his 13-year-old son, to meet with engineers. On Thursday, the city ordered an emergency demolition.

By then, the house had slipped 14 inches away from the curb and dropped 12 inches. The gaps have continued to grow.

William Strawn, a spokesman for San Francisco's Department of Building Inspection, said the city ordered an immediate teardown because of the "imminent public safety hazard." Strawn said the cause of the un-

Letter F – Erin Johnson

- F-1 Please see Responses A-2, A-3 and B-1. The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. The project is subject to the Town's Architectural and Site Design review and no conflicts with any Town building standards have been identified.
- F-2 The Town does not concur with this comment. Please see Response F-1.
- F-3 Please see Response A-7.
- F-4 The Town does not concur that the proposed project represents a hazard from erosion, steep slopes, slope stability, or fault rupture. Please see Response A-7 regarding the site specific geotechnical analysis prepared for the project. With regard to nighttime lighting, while the house may be visible at night, all lighting on the exterior of the house must comply with the Town's buildings codes which prohibit light trespass over the property line. Exterior lights must be shielded to reflect the light downward and not outward. Light fixtures are reviewed by Town staff during the review of the building plans prior to the issuance of a building permit stage. Potential impacts are considered less than significant.

Marni Moseley

From: Janet Carmona <janetcarmona7@gmail.com>
Sent: Thursday, March 24, 2016 4:50 PM
To: Planning
Cc: Marni Moseley
Subject: 341 Bella Vista

Dear Planning Commission,

I urge you to deny the current application of 341 Bella Vista Avenue for the following reasons:

- I. Disregard for Los Gatos Hillside Standards and Guidelines. This proposed development would be a three story structure.
- II. This proposed development exceeds the FAR. The applicant is counting the sq. of the main floor and the second level. Leaving out the sq. of the "cellar" with windows and bedrooms at an additional 1,156 square feet.
- III. This proposed development DOES NOT fit with the neighborhood. The plan calls for a rooftop deck?

Please, I urge you to visit the site. This proposed development should not be approved.

Regards,

Janet Carmona
160 Maggi Court
408-807-2426

Letter G – Janet Carmona

- G-1 The Town does not concur with this comment. Please see Response E-3.
- G-2 The Town does not concur with this comment. The FAR or Floor Area Ratio for the project site is 1,620 square feet or 0.15. The allowable FAR for this site has been reduced because of the existing slope at the project site. The project has a total coverage of 1,564 square feet which is less than the maximum allowed. Cellar area and garage area are not counted towards the FAR calculation. The Town of Los Gatos Cellar and Attic policy does not restrict any uses within cellars. The FAR calculations have been reviewed by Town staff and no conflicts have been identified.
- G-3 The Town does not concur with this comment. The proposed single family house is consistent with the existing General Plan land use designation of Medium Density Residential, and the existing zoning designation of R-1-8 permitting single-family residential development. The project is not requesting any amendments or variances to the Town Code and would comply with all standard setback requirements. The project is subject to the Town's Architectural and Site Design review and no conflicts with any Town building standards have been identified.

Ken Lown
156 Maggi Ct.
Los Gatos, CA 95032

March 22, 2016

Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031

RE: Mitigated Negative Declaration ND-16-001

I live at 156 Maggi Ct., part of the Bella Vista Village community below the proposed project with my wife, Mary Ann. We are both opposed to the proposed development by Dan Ross at 341 Bella Vista Lane directly above our town home. There are many aspects of the Initial Study and Environmental Checklist Form (ISEC) that misrepresent that actual negative impact of this proposed development to the Town Homes below and violate the Hillside Development Standards and Guidelines (HDSG) adopted by the Town of Los Gatos in January, 2004 including:

1. As stated in the submitted ISEC, the square footage of the two story home (three story including the garage and the roof deck) is 1,278 s.f. (Main Level) + 1,360 s.f. (Lower Level) for a total of 2,638 s.f. far in excess of the 1620 s.f. maximum allowed by the HDSG on pages 27 and 28 when reduced for slope. Please note that the Lower Level as highlighted in Figure 6 – Lower Level Floor plan of the submitted ISEC is a living area including the Master Bedroom/bath + 2 additional bedrooms and a shared bath in some sort of split level fashion which drives this to at least a 2-1/2 story structure not counting the garage. It is not a cellar by any definition I have ever heard in my 60 years of life and 39 years of professional life as a Mechanical Engineer (now Senior Engineering Manager for the last 16 years) holding a Master's Degree in Mechanical Engineering.
2. Figure 9 – Building Elevation Cross-Section of the submitted ISEC attempts to show line of site from the interior of the structure but also from the roof deck. The chosen location of a person on roof deck is substantially back from the railing. If you move that person to the railing then the line of site would go to all the way to base of the Town Home structures below imposing a significant adverse impact to privacy. Even from the Main Level the diagram is deceptive as someone right at the window or hanging their head out the window (I assume the windows open for ventilation) would have a much improved view of the Town home's backyards and into the bedroom windows.
3. Page 32 of the ISEC indicates under 1.c) Substantially degrade the existing visual character or quality of the site and its surroundings as “Less than a significant impact”. Less than significant to who? Certainly not less than significant to the current residents of Maggi Ct. in the Bella Vista Village community who now look up a beautiful landscape of old Oaks and other trees on a small section of very steep land. Certainly not to the residents of Bella Vista Avenue across the street who's view is also a beautiful natural landscape of old Oaks and other trees on a small section of very steep land.

4. Page 33 of the ISEC indicates under 1d. Light or Glare “Exterior and interior lighting also might have nighttime illumination effects on existing townhomes to the west...” and then it goes on about intervening landscaping. This is weak! Any lighting on the back side of the proposed development will have an impact on the townhomes to the west and nothing prevents either the 1st occupants, or the 2nd occupants, or the 3rd to change the lighting if they so desired so the townhomes (my home) will certainly be impacted and my neighbors homes to the south of mine ever more so as they are more directly beneath the proposed building itself.
5. Page 40 of the ISEC section 4e discusses Tree and Biological Protection Ordinances. It says the proposal is to remove 7 trees including 3 protected Oak Trees and 3 protected non-native/non-protected trees. First that doesn't add up to seven and I have no idea what a “protected/non-protected” tree means. Two of the Oak trees are listed as 45 feet tall and one as 35 feet tall. Then it refers to “A1-D” for more information. I am assuming this is referring to the A1 attachment which appears to be blank starting after page 62. Well ... the three Oak trees are big old trees that have been there a very long time. In a town that prides itself on tree preservation I do not see how it can be OK to allow these three trees to be removed. This section, further, goes on to say “The ordinance allows for payment in-lieu fees for those trees not planted on-site”. This is with respect to the required qty 30 of 24” box trees to be planted to make up for the old Oak Tree removed. I think it is saying that Dan Ross could just pay the town for removing these old Oaks which is a poor substitute for the current view now enjoyed by both the residents of Bella Vista Avenue above and the residents of Bella Vista Village below.
6. Page 50 of the ISEC section 91 -9j. Water Quality, Groundwater Resources Drainage, Flood Hazards states: Storm Drainage. According to the Erosion Control Plan prepared for the proposed project, potential water quality impacts could include short-term construction-related erosion/sedimentation ...” then it goes on to say “... if not managed properly... “. Well ... that's the crux of it, isn't it. If not managed properly. There are properties in Aptos, specifically up Cliff Drive in Rio Del Mar that are at risk of sliding down the hillside into the street below due to erosion of “not managed properly” drainage and assessment of the viability of the hillside. Pacifica is facing similar issues except those apartments are being torn down. This is risky and the residents of Bella Vista Village are not willing to bear that risk!
7. Page 53 of the ISEC section 12b. Groundborne Noise and Vibration states “Since construction of the project facilities would not involve the use of impact equipment ...”. I do not know that this is true. I do not know that support columns which could require the use of pile drives will not be needed to support this structure on this hillside. I employ the Town Government in the form of the Planning Commission to become sure.
8. Now let's talk about short term noise increases. Page 54 of the ISEC section 12d. Short-term Noise Increases. It states “Project construction would result in temporary short-term noise increases due to the operation of heavy equipment.” Then it goes on to say “Construction noise sources range from about 82 to 90 dBA at 25 feet for most types of construction equipment, and slightly higher levels of about 94 to 97 dBA at 25 feet for certain types of earthmoving equipment”.

The reason OSHA (and the Town ordinances) limit noise levels to 85 dBA sound pressure (that is, the pressure of the acoustic output at the measured location, like your ear) is that is the level to be determined that a person can withstand indefinitely without hearing damage. Make no mistake, though, it is loud. Also, it accounts only for the noise level, not the noise frequency content which goes to “annoyance”. We all know that some noises are more annoying than others and if you have been by a construction site (I am sure you all have) you know that construction noises are annoying! The Bella Vista Town homes are only 45 feet from the edge of this proposed construction project and will be able to thank the sloping hillside for acting as a reflection surface directing all (and potentially amplifying) the sound directly into our homes. This will be intolerable for anyone that works from home (and some of the residents in Bella Vista Village do work from home) or the school age children trying to concentrate on homework after school hours but well within the proposed construction hours.

You might think I was done, but not quite yet. The dB scale is logarithmic. Every 3 db represents approximately a doubling of sound level. 90 dBA, for example as quoted in the ISEC, is nearly 4 times as loud as 85 dBA and 97 dBA, also quoted in the ISEC, is over 10x as loud as 85 dBA. Anything over 85 dBA requires hearing protection for people exposed to it over an extensive period of time (i.e., hours like during construction hours). I get that the town is being developed (significantly over developed in my opinion) but this construction site is in close proximity to the townhomes on Maggi Ct. and we (me and my wife along with my neighbors) **will be significantly** negatively impacted! There is no way at this time without an extensive acoustic study (which I would like a reference to if it exists) that the developer (Dan Ross) can know that the acoustic levels will be reduced as the ISEC is stating. It talks about “with windows closed” so I am assuming the residents of Bella Vista Village on Maggi Ct. are expected to keep our homes shut up tight as a drum for the convenience of a proposed project on an odd and predominantly unbuildable lot of land with excessive slopes. I would hope the Town does not think so. The residents of Bella Vista Village do have back yards (they are small backyards) but they are enjoyable and usable backyards. This will not be the case during construction of this project.

9. Page 55 and 56 of the ISEC section 14a. Public Services. It states “The Department (referring to the Santa Clara County Fire Department) has reviewed the proposed project only with respect to site access and water supply as they pertain to fire department operations. The Department will require that the proposed residence be equipped with an automatic residential fire sprinkler system.”. Now why would they require a sprinkler system in a single family home except that access is limited on the extreme slope surrounding the house making it dangerous for Fire Fighters to gain access to the sides and rear of the structure. I do not believe the narrow gravel trail between the 324 Bella Vista Avenue property and the Bella Vista Village townhomes on Maggi Ct. will act as a fire break in the event of a building fire that reaches the rear the proposed development which Fire Fighters will find difficult and dangerous to access allowing the fire to rip down the hillside into the buildings below. Of course they are requiring a residential fire sprinkler system! This is fundamentally a bad idea to put a building on this steep hillside with limited access for the health and safety of the development's residence and the residents of the townhomes below (again, myself, my wife, and my neighbors).

Not to mention the extensive construction traffic on a small road heavily used by local high school students going to and from Los Gatos High School before, during, and after school hours.

Regards,

Ken Lown

Letter H – Ken Lown

- H-1 The Town does not concur that the Initial Study/Environmental Checklist misrepresents the negative impacts associated with the project or that the project conflicts with the Hillside Development Standards and Guidelines. The comments raised in this letter are addressed in the responses below.
- H-2 The Town does not concur with this comment. The FAR or Floor Area Ratio for the project site is 1,620 square feet or 0.15. The allowable FAR for this site has been reduced because of the existing slope at the project site. The project has a total coverage of 1,564 square feet which is less than the maximum allowed. Cellar area and garage area are not counted towards the FAR calculation. The Town of Los Gatos Cellar and Attic policy does not restrict any uses within cellars. The FAR calculations have been reviewed by Town staff and no conflicts have been identified.
- H-3 The cross-section in Figure 9 of the Initial Study provides a view from the south looking north. The cross section does not show any of the existing tree canopy on the south side of the proposed house that would screen view from the upper levels of the house. The landscape screening plan prepared for the project shows that western redbud trees and toyon plants along the western perimeter property line to provide a visual screen between the proposed project and the adjacent residences on Maggi Court.
- H-4 Please see Response A-2.
- H-5 Please see Response A-4
- H-6 It should be noted that the Initial Study/Environmental Checklist has been updated to remove the reference that three non-native trees would be removed. Protected trees are mature trees as defined by the Town's Tree Preservation Ordinance. The project would only remove the trees noted on the protected trees noted in Figure 3. Figure 3 refers to Sheet A.1.0 which is the Tree Canopy-Lot Coverage Statistics on file at the Los Gatos Community Development Department. The project includes a landscape plan that includes the replanting of trees.
- H-7 The initial study text refers to the requirements of site specific Storm Water Prevention Pollution plan which specifically addresses erosion during construction to ensure that potential impacts from erosion are minimized. Potential Impacts are less than significant.
- H-8 The preliminary geotechnical report for the project recommends that the lower basement level be built on a mat-slab foundation. No use of pile drivers is proposed.
- H-9 Please see Response B-8 regarding construction noise.
- H-10 As noted in the, Initial Study/Environmental checklist, due to the small size of the project potential construction noise impacts are considered less than significant. As noted above, the project does not propose to use pile-drivers or other large-impact types of construction equipment that are typically associated with the highest levels of noise from construction equipment. As noted in

Response B-8, the project would use two small bobcat excavators during the grading phase of the project and larger pieces of construction equipment that would generate more noise would not be used. As such, potential impacts are less than significant.

- H-11 The Town does not concur that sprinklers are required because the proposed project is a fire safety hazard. The Fire Department requires residential fire sprinkler systems in all new single-family residential units. With regard to construction traffic, the Town of Los Gatos requires the applicant to prepare a traffic control plan to safely manage traffic during construction of the project. As such, potential impacts are considered less than significant.

REQUIRED FINDINGS & CONSIDERATIONS FOR: *April 13, 2016*

341 Bella Vista Avenue

Subdivision Application M-12-008

Architecture and Site Application S-12-103

Negative Declaration ND-16-001

Requesting approval to merge two lots and to construct a new single family residence and remove large protected trees on property zoned R-1:8. No significant environmental impacts have been identified and a Mitigated Negative Declaration is recommended. APN 529-23-015, and 016.

PROPERTY OWNER: Jake Peters and Dan Ross

APPLICANT: Dan Ross

FINDINGS

Required finding for CEQA:

- No significant impacts have been identified as a result of the project and a Mitigated Negative Declaration is recommended.

Compliance with Hillside Development Standards & Guidelines:

- The project is in compliance with the Hillside Development Standards and Guidelines with the exception of development outside the LRDA due to the existing slopes on the site and the below grade terrace wall exceeding five feet in height. The existing site contains only slopes over 30 percent. The applicant has proposed development in the most appropriate location on the site given its constraints in regards to slope, tree canopy, and privacy impacts to adjacent neighbors. The retaining wall around the patio is required to provide egress from the master bedroom and provides a limited amount of usable outdoor space where privacy impacts on adjacent neighbors is limited.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**
 - a. That the proposed map is not consistent with all elements of the General Plan.
 - b. That the design and improvement of the proposed subdivision is not consistent with all elements of the General Plan.
 - c. That the site is not physically suitable for the proposed development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the designs of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. That the design of the subdivision or type of improvements is likely cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

CONSIDERATIONS

Section 29.20.150 - Required considerations in review of Architecture & Site applications:

As required by Section 29.20.150 of the Town Code, the considerations in review of an architecture and site application were all made in reviewing this project.

N:\DEV\FINDINGS\2016\Bella Vista-341.doc

CONDITIONS OF APPROVAL – April 13, 2016

341 Bella Vista Avenue

Subdivision Application M-12-008

Architecture and Site Application S-12-103

Negative Declaration ND-16-001

Requesting approval to merge two lots and to construct a new single family residence and remove large protected trees on property zoned R-1:8. No significant environmental impacts have been identified and a Mitigated Negative Declaration is recommended. APN 529-23-015, and 016.

PROPERTY OWNER: Jake Peters and Dan Ross

APPLICANT: Dan Ross

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission/Town Council, depending on the scope of the changes.
2. **EXPIRATION OF APPROVAL:** The Architecture and Site application will expire two years from the date of approval unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. **STORY POLES:** The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
4. **EXTERIOR COLORS:** The exterior colors of all structures shall comply with the Hillside Development Standards & Guidelines.
5. **DEED RESTRICTION:** Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with the Town's Hillside Development Standards & Guidelines.
6. **GENERAL:** All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations made by the Town's Consulting Arborist identified in the Arborist's reports, dated October 28, 2013 and September 24, 2014, on file in the Community Development Department. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the recommendations have or will be addressed. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
8. **TREE STAKING:** All newly planted trees shall be double-staked using rubber tree ties.
9. **TREE FENCING:** Protective tree fencing shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts driven 18 inches into the ground and spaced no further than 10 feet apart.

Refer to the report prepared by the Town's Consulting Arborist identified in the Arborist's report, dated October 28, 2013 and September 24, 2014, for details. Include a tree protection fencing plan with the construction plans.

10. **AIR QUALITY MITIGATION MEASURE - 1:** To limit the project's construction-related dust and criteria pollutant emissions, the following BAAQMD-recommended Basic Construction Mitigation Measures shall be included in the project's grading plan, building plans, and contract specifications:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Recycled water should be used wherever feasible.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
11. **BIOLOGICAL MITIGATION MEASURE - 1:** Special-status and Migratory Bird Species. In order to avoid impacts to special-status and migratory bird species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided. Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.
 - a. The removal of trees and shrubs shall be minimized to the extent feasible.
 - b. If tree removal, pruning, grubbing and demolition activities are necessary, such activities shall be conducted outside of the breeding season (i.e., between September 1 and January 31), to avoid impacts to nesting birds.
 - c. If tree removal, pruning, grubbing and demolition activities are scheduled to commence during the bird breeding season (i.e., between February 1 and August 31), a preconstruction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of work. The preconstruction survey shall include the project footprint and up to a 300-foot buffer, access and sight-lines permitting. If no

project footprint and up to a 300-foot buffer, access and sight-lines permitting. If no active nests of migratory birds are found, work may proceed without restriction and no further measures are necessary. If work is delayed more than two weeks, the preconstruction survey shall be repeated, if determined necessary by the project biologist.

- d. If active nests (i.e. nests with eggs or young birds present, or hosting an actively breeding adult pair) of special-status or migratory birds are detected, the project biologist shall designate non-disturbance buffers at a distance sufficient to minimize disturbance based on the nest location, topography, cover, species, and the type/duration of potential disturbance. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. The appropriate buffer size shall be determined in cooperation with the CDFW and/or the USFWS. If, despite the establishment of a non-disturbance buffer it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.
- e. If project activities must occur within the non-disturbance buffer, a qualified biologist shall monitor the nest(s) to document that no take of the nest (i.e., nest failure) will result. If it is determined that project activities are resulting in nest disturbance, work shall cease immediately and the CDFW and the USFWS shall be contacted for further guidance.

12. **BIOLOGICAL MITIGATION MEASURE - 2: Special-status and Migratory Bird**

Species. In order to avoid impacts to special-status bat species during project implementation, the measures outlined below shall be implemented. With the incorporation of the following measures, significant impacts on these species would be avoided. Prior to the issuance of any grading permits or improvements plans, the applicant shall submit to the satisfaction of the Director of Community Development, evidence that the following measures have been completed or have been incorporated into the construction documents.

- a. Prior to the removal or significant pruning of trees and the demolition of buildings, a qualified bat biologist shall assess them for the potential to support roosting bats. Suitable bat roosting sites include trees with snags, rotten stumps, and decadent trees with broken limbs, exfoliating bark, cavities, and structures with cracks, joint seams and other openings to interior spaces. If there is no evidence of occupation by bats, work may proceed without further action.
- b. If suitable roosting habitat is present, the bat biologist shall recommend appropriate measures to prevent take of bats. Such measures may include exclusion and humane eviction (see "c" below) of bats roosting within structures during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30), partial dismantling of structures to induce abandonment, or other appropriate measures.
- c. If bat roosts are identified on the site, the following measures shall be implemented:
 - If non-breeding/migratory bats are identified on the site within a tree or building that is proposed for removal, then bats shall be passively excluded from the tree or building. This is generally accomplished by opening up the roost area to allow airflow through the cavity/crevice, or installing one-way doors. The bat biologist shall confirm that the bats have been excluded from the tree or building before it can be removed.

- If a maternity roost of a special-status bat species is detected, an appropriate non-disturbance buffer zone shall be established around the roost tree or building site, in consultation with the CDFW. Maternity roost sites may be demolished only when it has been determined by a qualified bat biologist that the nursery site is not occupied. Demolition of maternity roost sites may only be performed during seasonal periods of peak activity (e.g., February 15 - April 15, and August 15 - October 30).
 - No additional mitigation for the loss of roosting bat habitat is required.
13. **OUTDOOR LIGHTING:** Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless first approved by the Planning Division. The outdoor lighting plan can be reviewed during building plan check. Any changes to the lighting plan shall be approved by the Planning Division prior to installation.
 14. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.

Building Division

15. **PERMITS REQUIRED:** A building permit shall be required the construction of the new single family residence. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
16. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. **SIZE OF PLANS:** Four sets of construction plans, maximum size 24" x 36".
18. **SOILS REPORT:** A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. California Building Code Chapter 18.
19. **SHORING:** Shoring plans and calculations will be required for all excavations which exceed four (4) feet in depth or which remove lateral support from any existing building, adjacent property or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
20. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and that the building pad elevation, on-site retaining wall locations and elevations have been prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation

- c. Foundation corner locations
 - d. Retaining Walls
21. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
- a. Wooded backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs located 34-inches from the floor to the center of the backing, suitable for the installation of grab bars.
 - b. All passage doors shall be at least 32-inches wide on the accessible floor.
 - c. Primary entrance shall a 36-inch wide door including a 5'x5' level landing, no more than 1-inch out of plane with the immediate interior floor level with an 18-inch clearance at interior strike edge.
 - d. Door buzzer, bell or chime shall be hard wired at primary entrance.
22. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance forms must be blue-lined on the plans.
23. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
24. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.
25. HAZARDOUS FIRE ZONE: The project requires a Class A assembly.
26. WILDLAND-URBAN INTERFACE: This project is located in a Wildlife Urban Interface Fire Area and must comply with Chapter 7A of the 2007 California Building Code.
27. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources code 4291 and California Government Code Section 51182.
28. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
29. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
30. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print for a fee or online at www.losgatosca.gov/building.

31. PLANS: The construction plans shall be prepared under the direct supervision of the licensed architect or engineer. (Business and Professionals Code Section 5538)
32. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5770
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

33. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued. The Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the Applicant's expense.
34. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
35. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Applicant to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
36. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Town Attorney, and a copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the issuance of any permits.
37. PUBLIC WORKS INSPECTIONS: The Applicant or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way.

Failure to do so will result in penalties and rejection of work that went on without inspection.

38. **RESTORATION OF PUBLIC IMPROVEMENTS:** The Applicant shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Applicant's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. The Applicant shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
39. **SITE SUPERVISION:** The General Contractor shall provide qualified supervision on the job site at all times during construction.
40. **STREET CLOSURE:** Any proposed blockage or partial closure of the street requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
41. **PLAN CHECK FEES:** Plan check fees shall be deposited with the Town prior to plan review at the Engineering Division of the Parks and Public Works Department.
42. **INSPECTION FEES:** Inspection fees shall be deposited with the Town prior to the issuance of any Permit.
43. **PLANS AND STUDIES:** All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval.
44. **GRADING PERMIT:** A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street, is needed for grading within the building footprint.
45. **DRIVEWAY.** The driveway conform to existing pavement on Bella Vista Avenue shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
46. **DRAINAGE STUDY:** Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood

- water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
47. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading/improvement permits, whichever comes first, the Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
 48. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
 49. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall: top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 50. PAD CERTIFICATION: A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
 51. PRECONSTRUCTION MEETING: Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
 - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
 52. RETAINING WALLS: A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
 53. CERTIFICATE OF LOT MERGER: A Certificate of Lot Merger shall be recorded. Two (2) copies of the legal description for exterior boundary of the merged parcel and a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded before any permits may be issued.
 54. SOILS REPORT: One copy of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
 55. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility

trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.

56. **SOILS REVIEW:** Prior to issuance of any permits, the Applicant's engineers shall prepare and submit a design-level geotechnical/geological investigation for review and approval by the Town. The Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Applicant's soils engineer shall then be conveyed to the Town either by letter or by signing the plans.
57. **SOILS ENGINEER CONSTRUCTION OBSERVATION:** During construction, all excavations and grading shall be inspected by the Applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Applicant's soils engineer and submitted to the Town before final release of any occupancy permit is granted.
58. **SOIL RECOMMENDATIONS:** The project shall incorporate the geotechnical/geological recommendations contained in the Updated Geologic and Geotechnical Study by Upp Geotechnology, dated June 25, 2015, and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Applicant.
59. **WATER DESIGN:** Water plans prepared by San Jose Water Company must be reviewed and approved prior to issuance of any permit.
60. **FRONTAGE IMPROVEMENTS:** Applicant shall be required to improve the project's public frontage to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approaches, curb ramps, traffic signal, street lighting (upgrade and/or repaint), etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
61. **UTILITIES:** The Applicant shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
62. **UTILITY SETBACKS:** House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
63. **TRENCHING MORATORIUM:** Trenching within a newly paved street will be allowed subject to the following requirements:
 - a. The Town standard "T" trench detail shall be used.
 - b. A Town-approved colored controlled density backfill shall be used.
 - c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.

- d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt.
 - e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
 - f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.
64. SIDEWALK/CURB IN-LIEU FEE: A curb and sidewalk in-lieu fee of \$22,984.00 shall be paid prior to issuance of a building permit. This fee is based on 169 LF of curb at \$64/LF and 761-square feet of 4.5-foot wide sidewalk at \$16/SF in accordance with Town policy and the Town's Fee Schedule.
65. DRIVEWAY APPROACH: The Applicant shall install one (1) Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
66. MITIGATION MEASURE TRANSPORTATION AND TRAFFIC-1: Horizontal stopping sight distance. Prior to the issuance of a building permit, the applicant shall Demonstrate to the satisfaction of the Town Engineer that adequate horizontal stopping sight distance exists for the project driveway in each direction on Bella Vista Avenue. The applicant shall prepare an exhibit that has been stamped by a registered engineer or a professional land surveyor stating that adequate sight distance is provided. The horizontal stopping sight distance requirements shall be consistent with the Caltrans Highway Design Manual as specified in the Town's Street Design Standards.
67. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
68. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
69. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
70. CONSTRUCTION STREET PARKING: No vehicle having a manufacture's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior to approval from the Town Engineer.

71. **HAULING OF SOIL:** Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the Applicant shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off of the project site. This may include, but is not limited to provisions for the Applicant/Owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
72. **CONSTRUCTION HOURS:** All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
73. **CONSTRUCTION NOISE:** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
74. **CONSTRUCTION MANAGEMENT PLAN:** Prior to the issuance of any permits, the Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse location(s).
75. **WVSD (West Valley Sanitation District):** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. A Sanitary Sewer Clean-out is required for each property at the property line, or at a location specified by the Town.
76. **SANITARY SEWER BACKWATER VALVE:** Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
77. **BEST MANAGEMENT PRACTICES (BMPs):** The Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed

for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.

78. MITIGATION MEASURE HYDROLOGY AND WATER QUALITY-1: Construction Erosion Control Measures. Prior to the issuance of grading permits or improvement plans in lieu of grading permits, the applicant shall demonstrate to the satisfaction of the Town Engineer that the project's stormwater quality control measures, including the erosion control features described in the project's final Erosion Control Plan have been incorporated into the project design.
79. SITE DESIGN MEASURES: All projects shall incorporate the following measures:
 - a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas.
 - d. Use permeable pavement surfaces on the driveway, at a minimum.
 - e. Use landscaping to treat stormwater.
80. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty-five (25) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
81. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
82. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If dry wells are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line

and/or right-of-way. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

83. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY:** It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
84. **GOOD HOUSEKEEPING:** Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued. The Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Applicant's expense.
85. **NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN:** The Applicant shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
86. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

87. **AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED:** An approved automatic fire sprinkler system is required for the new residence and barn, hydraulically designed per National Fire Protection Association (NFPA) Standard #13D. A State of California licensed fire protection contractor shall submit plans, calculations a completed permit application and appropriate fees to the Fire Department for review and approval, prior to beginning work.
88. **PREMISE IDENTIFICATION:** Approved addresses shall be placed on all new buildings so they are clearly visible and legible from the road. Numbers shall be a minimum of four inches high and shall contrast with their background.

***This Page
Intentionally
Left Blank***

341 Bella Vista - PROJECT DATA

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
<i>Zoning district</i>	R-1:8	same	-
<i>Land use</i>	Vacant	Single family residence	Single family residential
<i>Lot size:</i>			
\$ Square feet/acres		10,155	8,000
<i>Exterior materials:</i>			
\$ siding	N/A	Natural Cedar	-
\$ trim	N/A	Natural Cedar	-
\$ windows	N/A	Non-reflective aluminum	-
\$ roofing	N/A	Earthtone Comp and Green living	-
<i>Building floor area:</i>			
\$ first floor	N/A	185	
\$ second floor	N/A	1278	
\$ garage	N/A	501	
\$ cellar	N/A	1179	-
<i>Setbacks (ft.):</i>			
\$ front	N/A	12ft,7in to 20ft,9in	12.5 feet minimum
\$ rear	N/A	23ft,7in to 36',4in	20 feet minimum
\$ side	N/A	11ft,7in	8 feet minimum
\$ side street	N/A	86ft	15 feet minimum
<i>Maximum height (ft.)</i>	N/A	House 17'6" at south, 22'1" at north. Garage 25' at west corner.	25 feet maximum
<i>Floor Area Ratio (%)</i>		14.6%	
SF house	N/A	1482	

SF garage	N/A	501	
<i>Parking</i>	N/A	2 in garage, 2 on driveway, 2 on street.	two spaces minimum
<i>Sewer or Septic</i>	Sewer	Sewer	-
<i>Grading (cu. yds.)</i>			
\$ house	N/A		-
\$ driveway	N/A		-
\$ landscape area	N/A		-