



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: August 27, 2014

ITEM NO: 1

PREPARED BY: Erwin Ordoñez, Acting Advance Planning Manager
eordonez@losgatosca.gov

APPLICATION NOs: M-14-002 and S-14-010

LOCATION: **550 Hubbell Way** (north side of Hubbell Way, east of University Avenue)

APPLICANT: Richard Hartman, Hometech Architecture

PROPERTY OWNER: 17230 Buena Vista Partners, LLC

CONTACT PERSON: Gregory Howell

**APPLICATION
SUMMARY:**

Requesting approval of a Tentative Map and an Architecture and Site Application for the demolition of the existing structure and construction of four attached units on property zoned RM:12-20. APN 529-09-036.

DEEMED COMPLETE: August 22, 2014

FINAL DATE TO TAKE ACTION:

- a. Subdivision Application: October 11, 2014
- b. Architecture and Site applications: February 18, 2015

RECOMMENDATION: Approval, subject to conditions.

PROJECT DATA:

General Plan Designation:	High Density Residential
Zoning Designation:	R-M:12-20
Applicable Plans & Standards:	General Plan Subdivision Map Act
Parcel Size:	15,165 square feet
Surrounding Area:	

	Existing Land Use	General Plan	Zoning
North	Multi-Family Residential	High Density Residential	R-M:12-20
East	Multi-Family Residential	High Density Residential	R-M:12-20
South	Multi-Family Residential	High Density Residential	R-M:12-20
West	Single-Family Residence	High Density Residential	R-M:12-20

CEQA: The project is Categorically Exempt pursuant to Section 15315 for minor land division and Section 15303 for construction of a multi-family development with six or fewer units.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction and Section 15315: Minor Land Divisions.
- As required by Section 29.40.635 of the Zoning Ordinance for the specific density for a building site in a RM zone.
- As required by Policy HOU-9.1 of the Housing Element for new housing developments of three units or more.
- As required by Section 66474 of the Subdivision Map Act if the Planning Commission denies the subdivision application.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

ACTION: The decision of the Planning Commission is final unless appealed within ten days.

EXHIBITS:

1. Location map (one page)
2. Required Findings and Considerations (three pages)
3. Recommended Conditions of Approval (14 pages)
4. Project data sheet (one page)
5. Project description and letter of justification, received June 11, 2014 (two pages)
6. Color & material exhibits, received June 11, 2014 (one page)
7. Resolution 2014-040-Role of the Consulting Architect (three pages)
8. Consulting Architect report, received April 29, 2014 (five pages)
9. Copy of October 7, 2013 Town Council Meeting Actions Summary (one page)
10. Arborist report, received March 6, 2013 (25 pages)
11. Previous Plans reviewed by Consulting Architect per Resolution 2014-040, received February 7, 2014 (four sheets)
12. Development Plans, received June 11, 2014 (11 sheets)

BACKGROUND:

The subject property is located on the north side of Hubbell Way, one parcel east of University Avenue. The existing building on the site was most recently used for a community center. The building was vacated prior to the current owner purchasing the property in January 2013.

On February 15, 2013, the property owner submitted an application to construct a condominium development for individual detached houses. The application was reviewed by the Planning Commission on July 10, 2013 and continued in order for the developer to address concerns regarding use of shared driveways, no common open space, bulk and mass, visibility of rear units, and clarification of the public versus private status of Hubbell Way. On September 11, 2013, the Planning Commission denied the application due to the concerns noted. The property owner filed an appeal of the Planning Commission decision on September 12, 2013.

On October 7, 2013, the Town Council heard the appeal and upheld the Planning Commission's decision denying the development applications. The Council found that the proposed detached single-family house development was not consistent with the Town's ordinances and development standards. Several members of the Council noted support for allowing alternate housing types to allow a mix of housing in Town, but determined that the detached house condominium concept was not an appropriate method to do that. As part of its review, the Council directed staff to process any subsequent application for development by the property owner on a time and materials fee basis.

On February 7, 2014, the property owner submitted a new development application that consisted of two separate duplex buildings connected by a trellis-structure which spanned a shared driveway (Exhibit 11). Town staff reviewed the plans at two successive Staff Technical Review meetings and noted that the proposed plans did not address the prior Planning Commission and Town Council concerns.

On May 16, 2014, the applicant submitted revised plans for a four-unit development with fully attached units, common and private open space areas, additional visitor parking, and better defined entries for all four units. On June 11, 2014, the applicant further refined their plans (Exhibit 12) to address additional comments from Staff Technical Review meetings and the Town's Consulting Architect (see Exhibit 8). On June 16, 2014, the Town Council adopted Resolution 2014-040, modifying and clarifying the role of the Consulting Architect as purely advisory to the Town and its deciding bodies (see Exhibit 7).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is located on the north side of Hubbell Way, one parcel east of University Avenue. The adjacent property to the west contains a two-story single-family residence.

The Mira Loma Apartments abut the project site on the east side (225 Avery Lane). Behind the site to the north are the Tamarack Apartments (570 University Avenue). Across the street to the south are apartments located at 222 Avery Lane and two single-family residences. The site and all surrounding properties are zoned RM:12-20. All but one of the surrounding apartment buildings and the adjacent residence are two stories. The apartment building to the north is two stories over parking.

B. Land Uses Allowed in the Multi-Family Residential (RM) Zone

On October 21, 2013, the Town Council approved Town Code Amendments related to the State's certification of the 2007-2014 Housing Element. One required amendment to maintain consistency with State Law allows multi-family uses, including condominium developments, to be a permitted use in Multi-Family Residential zones. Prior to the Council's action, multi-family uses required a Conditional Use Permit and were not allowed in any zoning district in Los Gatos as a permitted use.

C. Architecture and Site Approval

Architecture and Site approval is required for construction of the attached units. Considerations for the review of Architecture and Site applications are included in Exhibit 2.

D. Subdivision Application

The applicant is requesting to subdivide the development into four condominiums. If approved, the map will be recorded. The State Subdivision Map Act includes seven findings to deny applications for subdivisions of land (see Exhibit 2). If any of the findings can be made, it is grounds for denial of the Subdivision application.

E. Zoning Compliance

The proposed project is compliant with maximum height, lot coverage, allowable density and setbacks. The proposed project has a front setback of 20 feet which is allowed by Town Code Section 29.40.055. The Code allows a reduction by using an average of the required setback for the R-M zone (25 feet) and the existing front setback for the adjacent residence to the west (under 10 feet). The front setback could have been reduced to 17.5 feet under this Code provision; however, the applicant has proposed a 20-foot setback.

F. Open Space

The Town Code requires a minimum of 200 square feet of private open space per unit and 100 square feet per unit for community open space for condominiums. As a four unit proposal, the project needs to provide a total of 800 square feet of private open space and

400 square feet of community open space. The development plans submitted show a minimum of 400 square feet of private open space per unit (i.e., 424, 516, 596, and 1,192 respectively) and the minimum of 400 square feet of total community open space being provided.

ANALYSIS:

A. Architecture and Site

The applicant is proposing to construct four attached residential units. The units are two-story and range in size from 2,000 to 2,200 square feet with attached two-car garages. The height of the proposed four-unit building is approximately 26 feet and is compatible with the building heights of the surrounding neighborhood which includes two-story homes and apartment buildings. Each residence has a private yard area with a paved patio. The two rear units will also have individual interior elevators for accessing the second floor.

The architectural theme of the proposed structure is Craftsman Style. A color and materials board is attached as Exhibit 6. General project data is shown in Exhibit 4.

The Consulting Architect has reviewed the plans and his comment letter is provided as Exhibit 8. The Consulting Architect noted that the development plans were substantially improved from prior designs and only raised an issue with the size of the porches for the front two units. The applicant subsequently increased the size of the front porches to address the Consulting Architect's written comments (see Exhibit 5, Letter of Justification). On July 16, 2014, the Town Council adopted Resolution 2014-040 to modify and clarify the role of the Consulting Architect (see Exhibit 7).

Story poles have been placed on the site to aid in the review of the project. The poles and netting have been in place since July 18, 2014.

B. Neighborhood Compatibility

The density of the proposed project is 11.5 units per acre which is at the low end of the density scale for the Zoning District (12 to 20 units per acre). This density appears to be compatible given the existing neighborhood mix of single-family homes and apartments, and provides a transition between the two uses. Additionally, the previous Planning Commission comments for the applicant to include enhanced private open space, community open space, and additional on-site visitor parking would make incorporating additional units on this size lot and configuration very difficult without reducing the size of units.

C. Trees and Landscaping

The development plans were reviewed by the Town's Consulting Arborist, Deborah Ellis, and a report was prepared (see Exhibit 10). In addition to two Pepper trees that were previously removed, four Acacia trees will be removed, all of which are in fair to poor condition. A total of 32 new trees will be planted on the site to replace the trees being removed and to screen and soften the view of the new residences from off-site locations (see Development Plans, Exhibit 12).

D. Parking

A total of ten on-site parking spaces are proposed for the four units: two carport visitor spaces and eight spaces in the four two-car garages.

The Town Code requires one and a half parking spaces per multiple dwelling unit. Single-family, residential condominiums and two-family dwellings are required to provide two parking spaces per unit. Outside of the downtown, one additional parking space per residential unit is required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing units proposed.

The application currently complies with the multi-family parking per unit and visitor parking requirements (i.e. 1.5 spaces per unit x 4 plus 1 visitor space per unit X 4 = 10 spaces).

The application would be short two visitor parking spaces at the condominium per unit parking requirement (i.e. 2 spaces per unit x 4 plus 1 visitor space per unit X 4 = 12 spaces) unless the Planning Commission is able to make the required finding that the visitor parking provided by the project is sufficient.

If approved, the applicant is required to dedicate 138 feet of property frontage on Hubbell Way as a half-street dedication. The required dedication is 25 feet deep across the entire frontage of the lot to allow up to four on-street parking spaces that will be available for the general public (including as additional visitor parking).

E. Traffic

The proposed development will not result in an increase in traffic over the previous use of a community center.

F. General Plan Conformance

Applicable goals and policies of the 2020 General Plan include, but are not limited to the following:

- Policy LU-1.4: Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
- Goal LU-4: To provide for well-planned, careful growth that reflects the Town's existing character and infrastructure.
- Goal LU-6: To preserve and enhance the existing character and sense of place in residential neighborhoods.
- Policy LU-6.5: The type, density and intensity of new land use shall be consistent with that of the immediate neighborhood
- Goal LU-7: To use available land efficiently by encouraging appropriate infill development.
- Policy HOU-2.4: Demonstrate that all new residential development is sufficiently served by public services and facilities, including pedestrian and vehicular circulation, water and wastewater services, police, fire, schools, and parks.
- Goal HOU-4: Ensure that all persons have equal access to housing opportunities.
- Policy HOU-9.1: All approvals of residential developments of three or more units shall include a finding that the proposed development is consistent with the Town's Housing Element and addresses the Town's housing needs as identified in the Housing Element.

G. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act Section 15315 for minor land division and Section 15303 for new construction with six or fewer units.

PUBLIC COMMENTS:

Public hearing notices were sent to surrounding property owners within 300 feet of the project site. Tenants are noticed in addition to the property owner when the owner does not reside on the property. As of the date of this report, no written correspondences have been received.

CONCLUSION AND RECOMMENDATION:

A. Conclusion

The project complies with applicable zoning regulations. Attached multi-family units are a permitted use in the R-M zone. Four units does not exceed the allowable density range for the zone and the proposed building is compatible with surrounding development in terms of the architectural style, size, height and massing. Staff recommends that the Planning Commission take the actions outlined in the recommendation section below to approve the subject applications.

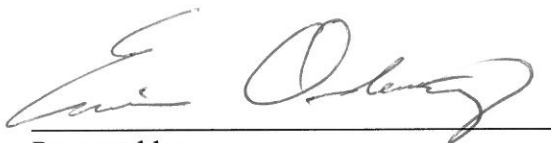
B. Recommendation

Staff recommends that the Planning Commission take the following actions to approve the application:

1. Find that the project is Categorically Exempt pursuant to CEQA (Exhibit 2);
2. Make the required findings for density (Exhibit 2);
3. Make the required Housing Element findings for a residential project with three or more units (Exhibit 2);
4. Find that the project is consistent with the considerations for approval of Architecture and Site applications (Exhibit 2); and
5. Approve Subdivision application M-14-002 and Architecture and Site application S-14-10, subject to the conditions in Exhibit 3 and the Development Plans (Exhibit 12).

Alternatively, the Commission may take one of the following actions:

1. Approve the applications with additional and/or modified conditions of approval; or
2. Continue to a date certain with specific direction to staff and the applicant; or
3. Make the findings to deny the subdivision and deny the applications.



Prepared by:
Erwin Ordoñez, AICP
Acting Advanced Planning Manager



Approved by:
Laurel R. Prevetti,
Assistant Town Manager/
Director of Community Development

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August 27, 2014

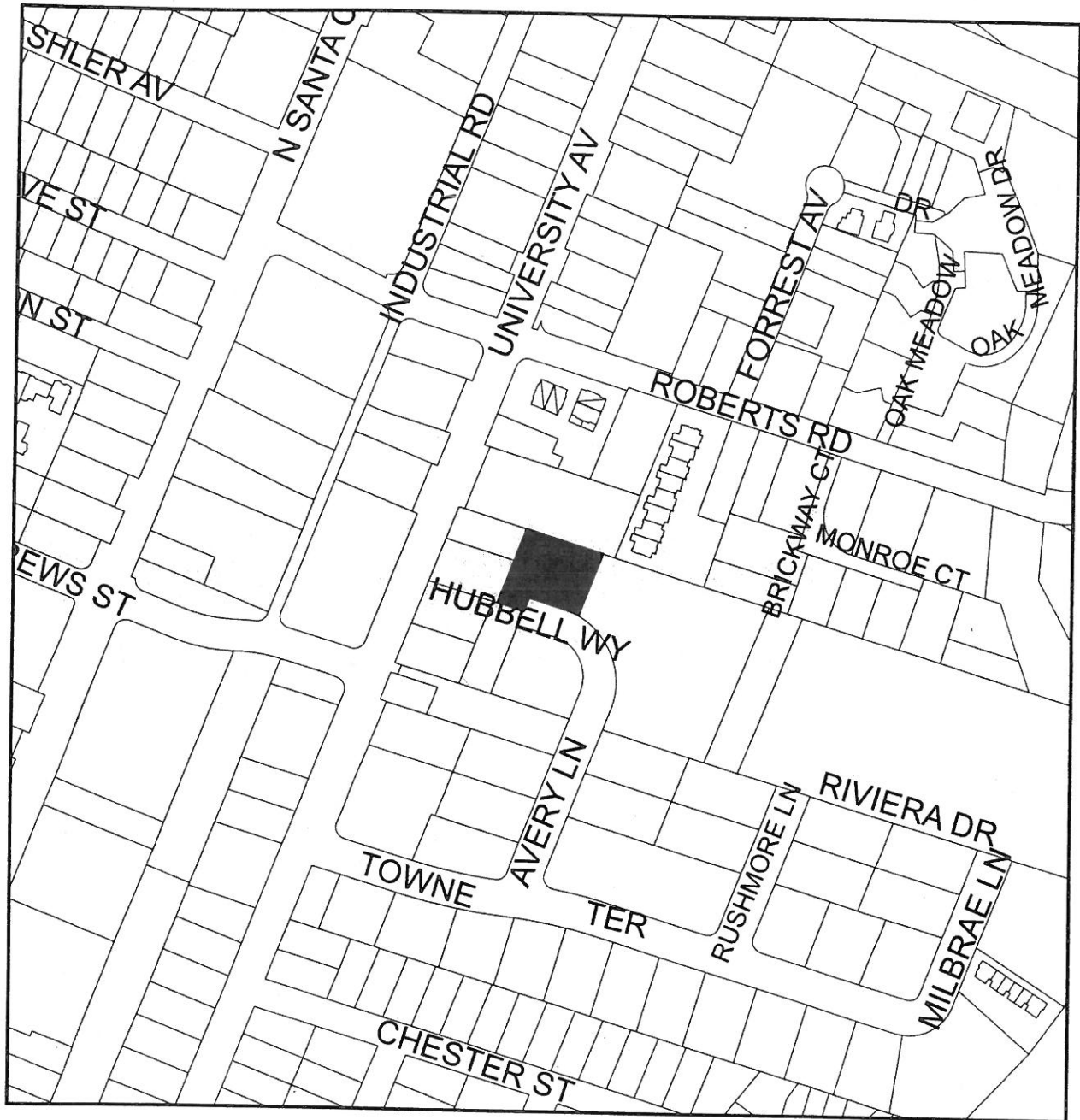
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cc: Gregory Howell, 410 N. Santa Cruz Avenue, Los Gatos, CA 95030
Mark DeMattei, DeMattei Construction, 1794 The Alameda, San Jose, CA 95126

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550 Hubbell Way



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PLANNING COMMISSION – August 27, 2014
REQUIRED FINDINGS & CONSIDERATIONS FOR:

550 Hubbell Way
Subdivision Application M-14-002
Architecture and Site Applications S-14-010

Requesting approval of a Tentative Map and an Architecture and Site Application for the demolition of the existing structure and construction of four attached units on property zoned R-M:12-20. APN 529-09-036.

PROPERTY OWNER: 17230 Buena Vista Partners, LLC

APPLICANT: Richard Hartman, Hometech Architecture

FINDINGS:

Required findings for CEQA:

- The project is Categorically Exempt pursuant to Section 15315: Minor Land Divisions and 15303: New Construction of the adopted Guidelines for the Implementation of the California Environmental Quality Act.

Required findings for density in an R-M zone:

- As required by Section 29.40.635 of the Town Code, the deciding body shall determine the specific density for a building site:
 1. The use will be adequately accommodated by streets serving the development in its existing configuration and the development will not overburden the existing streets or other public improvements and the provision of public services to the general area will not be impaired.
 2. The architectural design of the development, the site planning and the characteristics of the lot will not result in adjacent properties being adversely affected.
 3. The individual dwelling units will be serviced by light, air, off-street parking, open space, privacy and other such amenities that are normally incident to well-designed residential development.

Required findings required by Housing Element Policy HOU-9.1:

The proposed development is consistent with the Town's Housing Element and addresses the Town's housing needs as identified in the Housing Element.

Subdivision Map Act findings for denial:

- In order to deny the application, the deciding body must make one or more of the following findings, as required by Section 66474 of the California Subdivision Map Act:
 - a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - c. That the site is not physically suitable for the type of development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the design 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 to 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:

Required considerations in review of 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. The multi-family residential building is well designed, is of an appropriate size for the neighborhood, and will be compatible with the surrounding residential uses.

PLANNING COMMISSION –August 27, 2014
CONDITIONS OF APPROVAL

550 Hubbell Way

Subdivision Application M-14-002

Architecture and Site Application S-14-010

Requesting approval of a Tentative Map and an Architecture and Site Application for the demolition of the existing structure and construction of four attached units on property zoned RM:12-20. APN 529-09-036.

PROPERTY OWNER: 17230 Buena Vista Partners, LLC

APPLICANT: Richard Hartman, Hometech Architecture

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 listed below and in substantial compliance with the plans approved by the Planning Commission on August 27, 2014, and noted as received by the Town on June 11, 2014. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission, depending on the scope of the changes.
2. **EXPIRATION.** The Tentative Map and Architecture and Site approvals will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval is used prior to expiration.
3. **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, and may be secured to the satisfaction of the Town Attorney.
4. **RECYCLING.** All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Towns demolition inspection.
5. **GREEN BUILDING.** The new residences shall be designed to achieve compliance with GreenPoint Rated Standards for green building certification. The GreenPoint checklist shall be completed by a Certified Green Building Professional.
6. **OUTDOOR LIGHTING.** House exterior and landscape lighting shall be kept to a minimum, and shall be down directed and shielded fixtures that will not reflect or create undue glare impacts for adjacent properties. The outdoor lighting plan will be reviewed during building plan check. Any changes to the lighting plan shall be approved by the Planning Division prior to installation.
7. **TREE REMOVAL PERMIT.** A Tree Removal Permit shall be issued for the trees proposed to be removed. Replacement trees shall be planted based on the Canopy Replacement Table in the Tree Protection Ordinance, prior to final inspection.

8. TREE FENCING. Protective tree fencing shall be placed at the drip line of the existing trees in the vicinity of construction prior to issuance of any permits and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart.
9. TREE PRESERVATION. All recommendations of the Town's Consulting Arborist shall be followed throughout all phases of construction. Refer to the report prepared by Deborah Ellis dated March 6, 2013 for details. Tree protection specifications shall be printed on the construction plans.
10. STORY POLES. The story poles on the project site shall be removed within 30 days of approval of the Architecture and Site application.

Building Division

11. PERMITS REQUIRED. A demolition permit is required for the demolition of the existing building and building permits are required for the construction of the four new residences. Separate permits are required for electrical, mechanical and plumbing work as necessary.
12. 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.
13. SIZE OF PLANS. Four sets of construction plans, maximum size 24" x 36."
14. BUILDING ADDRESSES. Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
15. DEMOLITION REQUIREMENTS. Obtain a Building Division Demolition Application and a Bay Area Air Quality Management Application from the Building Division service counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Division service counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
16. 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 Chapter 18).
17. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor may be required to 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, the building pad elevation, on-site retaining wall locations and elevations are 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
18. TITLE 24 ENERGY COMPLIANCE. All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed) onto a sheet of the plans.
19. TOWN FIREPLACE STANDARDS. New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
20. 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-inch x 8-inch 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
21. 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.
22. 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, signed by all requested parties, and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or at www.losgatosca.gov/building.
23. NONPOINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program sheet (or 24x36 Clean Bay sheet) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Counter for a fee of \$2 or at San Jose Blue Print for a fee.
24. APPROVALS REQUIRED. The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development – Planning Division: Erwin Ordonez at (408) 354-6806
 - b. Public Works Dept. – Engineering Division: Trang Tu-Nguyen at 354-5236
 - 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.**
- f. Bay Area Air Quality Management District: (415) 771-6000

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

Engineering Division

- 25. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. 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 a special permit is issued. The developer'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 developer's expense.
- 26. 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/developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), SBC, Comcast, Santa Clara Valley Water District, California Department of Transportation. Copies of any approvals or permits must be submitted to the Town Engineering Department prior to releasing of any permit.
- 27. PUBLIC WORKS INSPECTIONS. The developer or representative shall notify the Engineering Inspector at least 24-hours before starting any work pertaining to on-site drainage facilities. Grading or paving, and all work in the public right-of-way. Failure to do so will result in rejection of work that went on without an inspection.
- 28. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer'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. 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. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
- 29. SITE SUPERVISION. The general contractor shall provide qualified supervision on the job site at all times during construction.
- 30. STREET/SIDEWALK CLOSURE. Any proposed blockage or partial closure of the sidewalk requires an encroachment permit. Special provisions such as limitations on work hours, protective enclosures or other means to facilitate public access in a safe manner may be required.

31. 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.
32. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
33. DESIGN CHANGES TO IMPROVEMENTS. Any proposed change(s) to the approved plans is/are subject to approval of the Town prior to start of altered work. The project engineer shall notify the Town Engineer in writing at least 72 hours in advance of proposed changes. Any approved changes shall be incorporated in the "as-built" plans.
34. PARKING. Any proposed parking restriction must be approved by the Town of Los Gatos Community Development Department.
35. PLANS AND STUDIES. All required plans and studies for improvements shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the Town Engineer for review and approval.
36. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & 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 Division on E. Main Street is needed for grading within the building footprint.
37. DRAINAGE IMPROVEMENTS. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or 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 recorded copy of any required easements to the Town.
38. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
39. 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
40. 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 prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
- 41. **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.
- 42. **PARCEL MAP.** A parcel map shall be recorded. Two copies of the parcel map shall be submitted to the Engineering Division of Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before any permits for new construction are issued..
- 43. **DEMOLITION.** The existing building shall be demolished prior to recordation of the parcel map affected by the building.
- 44. **DEDICATIONS.** The following shall be dedicated on the parcel map. The dedication shall be recorded prior to issuance of any permits:
 - a. Hubbell Way. A 20-foot half street right-of-way.
 - b. Public Services Easement (PSE). Ten (10) feet wide, next to the Hubbell Way right-of-way.
- 45. **WEST VALLEY SANITATION DISTRICT.** All sewer connection and treatment plant capacity fees shall be paid either immediately prior to recordation of the parcel map or immediately prior to issuance of sewer connection permits, whichever occurs first. Written confirmation of payment of these fees shall be provided prior to recordation of the parcel map.
- 46. **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.
- 47. **SOILS REVIEW.** Prior to issuance of any permit, 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. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
- 48. **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 should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.

49. SOIL RECOMMENDATIONS. The project shall incorporate the geotechnical/geological recommendations contained in the Geotechnical Investigation by JF Consulting, Inc. Geotechnical Services, dated February 25, 2013, 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.
50. FRONTAGE IMPROVEMENTS. The applicant shall improve the project's public frontage to current Town standards. These improvements may include but are not limited to curb, gutter, sidewalk, driveway approaches, curb ramps, street lighting (upgrade and/or paint), etc.
51. UTILITIES. The Developer 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. Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
52. UTILITY SETBACKS. House foundations shall be set back from the utility lines a sufficient distance to allow excavation of the utility without undermining the foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the soils engineer and the type of foundation.
53. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details.
54. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details.
55. DRIVEWAY APPROACH. The developer shall install Town standard residential driveway approaches. The new driveway approach shall be constructed per Town Standard Details.
56. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
57. SIGHT TRIANGLE AND TRAFFIC VIEW AREA. Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Section 23.10.080, 26.10.065, 29.40.030.
58. AS-BUILT PLANS. An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming Traffic Control Devices (MUTCD), 2003, and standard construction practices. Final construction plans and specifications shall be approved by the Town Engineer and released for construction prior to the issuance of the encroachment permit.
59. TRAFFIC IMPACT MITIGATION FEE. The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council

- resolution in effect at the time the building permit is issued. The fee shall be paid before issuance of a building permit. The final fee shall be calculated from the final plans using the rate schedule in effect at the time the building permit is issued.
60. PRE-CONSTRUCTION PAVEMENT SURVEY. Prior to issuance of a Grading Permit, the project Applicant shall complete a pavement condition survey documenting the extent of existing pavement defects using a 35-mm or digital video camera. The survey shall extend the full length of Hubbell Way between the project site and University Avenue. The results shall be documented in a report and submitted to the Town for review.
61. POST-CONSTRUCTION PAVEMENT SURVEY. The project applicant shall complete a pavement condition survey to determine whether road damage occurred as a result of project construction. Rehabilitation improvements required to restore the pavement to pre-construction condition shall be documented in a report and submitted to the Town for review and approval. The applicant shall be responsible for completing any required road repairs prior to release of any certificate of occupancy.
62. TRAFFIC CONTROL PLAN. The project sponsor will be required to work with the Engineering Division of the Parks and Public Works Department to develop a traffic control plan for incorporation into the construction bid documents (specifications), and this plan will include, but not be limited to, the following measures:
- a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
 - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
63. 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. 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.
64. CONSTRUCTION MANAGEMENT PLAN. The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
65. 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 developer shall work with the Town Building and Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This

may include, but is not limited to provisions for the developer/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 or require all trucks to maintain at least two feet of freeboard.

66. **SANITARY SEWER LATERAL.** Sanitary sewer laterals shall be 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 shall be installed at the property line.
67. **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 Administrative (Sec. 6.50.025). 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 section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.
68. **BEST MANAGEMENT PRACTICES (BMP's).** Best Management Practices (BMPs) shall be placed and maintained for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Temporary removal of BMPs during construction activities shall be placed at the end of each working day.
69. **SITE DESIGN MEASURES.** All projects must incorporate the following measures to the maximum extent practicable:
 - a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas where feasible.
 - d. Use permeable pavement surfaces where feasible.
 - e. Use landscaping to treat stormwater.
70. **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 ABAG Manual of Standards for Erosion & Sediment Control Measures, 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.
71. **EROSION CONTROL.** Interim and final erosion control plans shall be prepared and submitted to the Engineering Department of the Parks & Public Works Department. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets,

- Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, and erosion control plans shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of most current Santa Clara County NPDES MRP Permit. The Town of Los Gatos Engineering and Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
72. **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 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 will 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 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 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.
73. **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 ABAG Manual of Standards for Erosion & Sediment Control Measures, 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.
74. **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 10' minimum from adjacent property line and/or right of way.
75. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner 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.

76. **GOOD HOUSEKEEPING.** Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed 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 a special permit is issued by the Engineering Division. 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 a special permit is issued. The developer'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 developer's expense.
77. **COVERED TRUCKS.** All trucks transporting materials to and from the site shall be covered.
78. **PRIVATE EASEMENTS.** Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

79. **AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED.** An approved automatic fire sprinkler system is required for the new residence, hydraulically designed per National Fire Protection Association (NFPA) Standard #13D. A State of California (C-16) Fire Protection contractor shall submit plans, calculations, a completed permit application and appropriate fees to the Fire Department for approval, prior to beginning their work.
80. **POTABLE WATER SUPPLIES.** Potable water supplies shall be protected from contamination caused by fire protection water supplies. The applicant shall contact the providing water purveyor and shall comply with all requirements of that purveyor. The fire sprinkler system shall be designed in compliance with water purveyor requirements; final approval of the system will not be granted by the Fire Department until written confirmation is received from the water purveyor.
81. **CONSTRUCTION FIRE SAFETY.** The construction site shall comply with applicable provisions of the California Fire Code, Chapter 14 and Fire Department Standard Detail and Specification SI-7.
82. **PREMISE IDENTIFICATION.** Approved addresses shall be placed on all new buildings so they are clearly visible and legible from Hubbell Way. Numbers shall be a minimum of four inches high and shall contrast with their background.

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550 HUBBELL WAY - PROJECT DATA			
	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED BY TOWN CODE
Zoning district	R-M:12-20	-	-
Land use	Community Center	4 attached housing units (multi-family)	-
General Plan Designation	High Density Residential	-	-
Lot size (sq. ft.)	15,165	-	8,000 sq. ft. minimum
Exterior materials:			
• siding	stucco	stucco/shingles	-
• trim	wood	cast stone, wood	-
• windows	aluminum	wood clad	-
• roofing	composition shingle	composition shingle	-
Building floor area:			
• first floor	2,784	853 / 872 / 877 / 873	-
• second floor	-	1211 / 1292 / 1310 / 1166	-
• cellar	-	-	-
• garage	-	427	-
Setbacks (ft.):			
• front	18'	20'	25 feet, but may be reduced (i.e. abutting property setbacks)
• rear	.9'	20'	20 feet minimum
• side	.07'	8'	8 feet minimum
• side	90'	8'	8 feet minimum
Maximum height (ft.)	24'	26'	30 feet maximum
Building coverage (%)	18.3	34.9%	40% maximum
Floor Area Ratio (%)			
• house		8457	No FAR for MF uses
• garage		1708 11.2%	No FAR for MF uses
Parking		10	8 spaces minimum
Total Trees	8 existing	2 remaining	canopy replacement as noted on landscape plan
Sewer or septic	sewer	same	-

EXHIBIT 4

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JUN 11 2014

TOWN OF LOS GATOS
PLANNING DIVISIONLetter of Justification
550 Hubbell Way

This project consists of a single building format with four two-story condo units with attached two-car garages and two on-site guest parking spaces. The building will be a visual upgrade to an area populated with older apartment block buildings built in the 1950's and 60's with very little attention paid to architectural character. All units have a 1st floor great-room design with large windows to private front and/or rear areas depending on the unit. Additionally, there is a common area in the back of the property for all units to enjoy. These above mentioned items are all changes that were made based on previous concerns expressed from Planning Commission meetings. The Hubbell Way project that is in front of you is a culmination of staff, planning, and neighborhood feedback. We have gone over all items of concern expressed by staff, planning and the neighbors to bring you a project that now meets or exceeds all of the Town's guidelines. The proposed development is consistent with the Town's Housing Elements and addresses the Town's housing needs as identified in the Housing Element. The project was reviewed by Staff and the Town's consulting Architect and was determined to be in compliance with Residential Guidelines.

Some of the specific changes that were made to address concerns raised by the Planning Commission, Staff, and neighbors are as follows:

1. All units are attached to make the Hubbell Way Community a traditional condominium building. The building's style has been worked on with the consulting Architect and has been refined. The project now demonstrates Old California Craftsman styling. The front porches have been revised and enlarged to provide a more gracious appearance. Architectural details have been added with wood trim; gable knee braces and tapered Craftsman porch posts. Every effort has been made to reduce the bulk and mass of this four unit building, with low roof pitch and a large amount of architectural articulation.
2. The curb cuts and drive ways were reduced from 4 to 1 as suggested thus there is only one driveway accessing the units and not four as in the previous plans.
3. The driveway depth outside the front units' garages has been reduced to 3' between the garage doors and the main auto court so as to prevent vehicles from parking in front of the garage door. However, the rear two garage doors have a 7' deep driveway as the result of forestalling a long, flat wall at the rear units. Articulating this wall provides more architectural interest.
4. Community open space was added to the back of the property as directed.
5. Windows were eliminated, and or moved to accommodate neighbors' concerns.
6. Two on-site parking spaces were added to accommodate neighbors' concerns on parking although this is not a Town requirement for this project.
7. Neighbors requested that the project remain 4 units as this is the lowest density for this site per Los Gatos Zoning.
8. The ambiguity of the right of way of Hubbell Way has been addressed with further explanation to Staff and Public Works. Detailed title information was provided to clarify the issue. It is our understanding; this is no longer a concern of Staff or Planning.

9. An extra community benefit has been added to two of the units with the addition of elevators to the units. Elevators were added to the two rear units in response to the number of people downsizing and seeking a home where they would be able to “age in place”. These units will allow the opportunity for some longtime residents to stay in the area with these accommodations.

This project endeavors to provide a design that satisfies the desire of the Town to increase the density of units near the downtown core. We have done our best to come up with a design that we believe is supported by our team of professionals, the Town Architect, Staff, neighbors, and sincerely hope, the Planning Commission.

Regards,

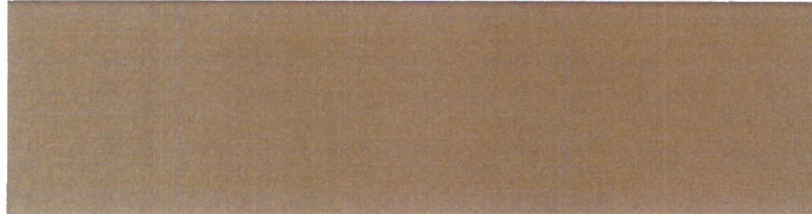
Rick Hartman, Mark De Mattei and Gregory Howell

Materials Board 550 Hubbell Way

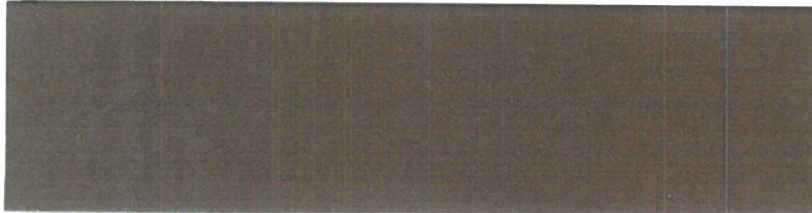
Roof = CertainTeed, Aged Bark



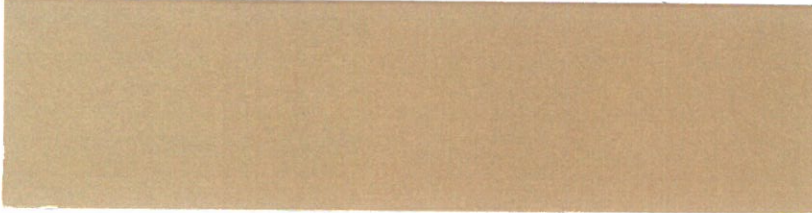
Shingle = Kelly-Moore, HLS4272, Frontier Shingle



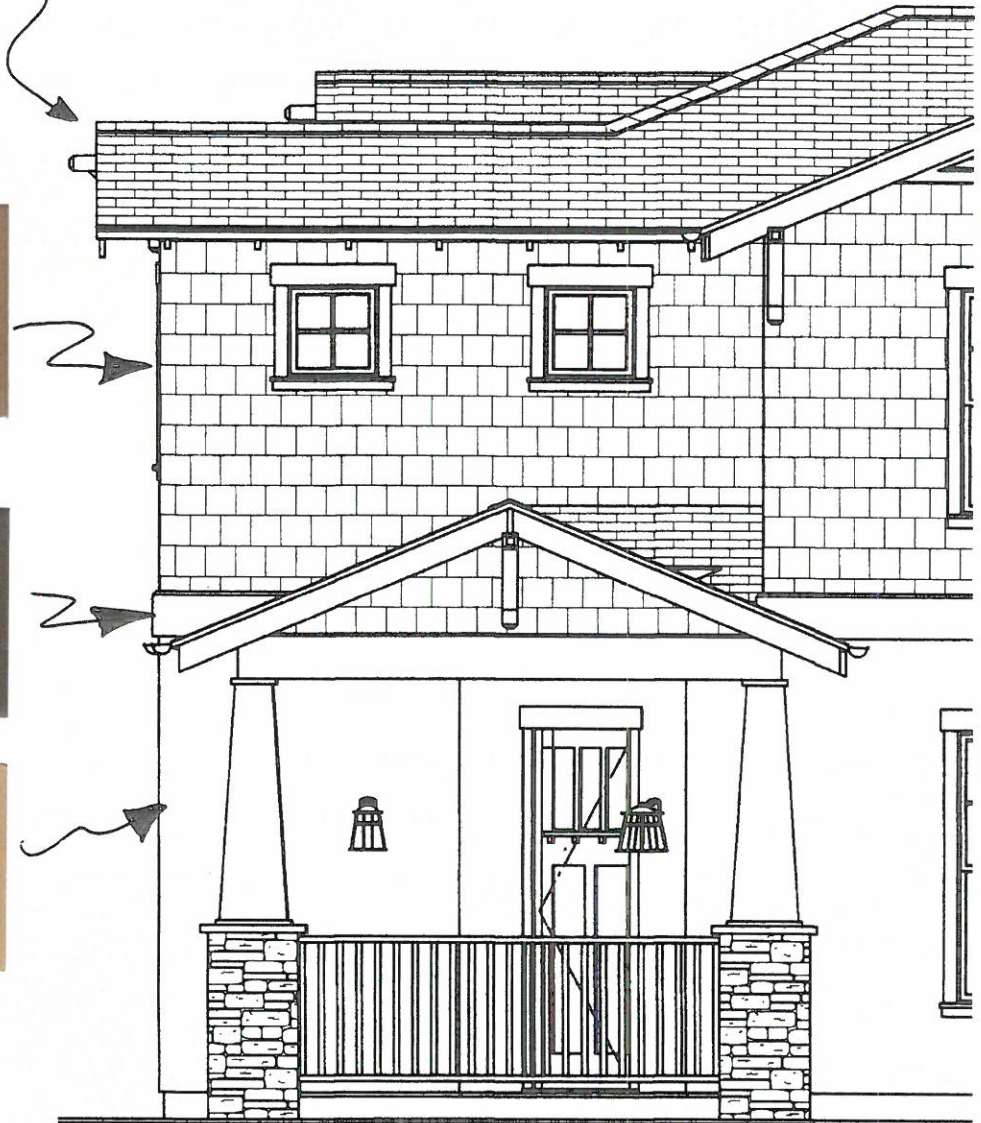
Trim at Fascia / Windows / Posts / Railing / Front Door /
Garage Door = Kelly-Moore, 417, Oxford Brown



Siding = Kelly-Moore, KM5722, Partridge Knoll



Stone = El Dorado Stone, Oakridge Mountain Ledge



Note: All materials and colors are
'or similar'

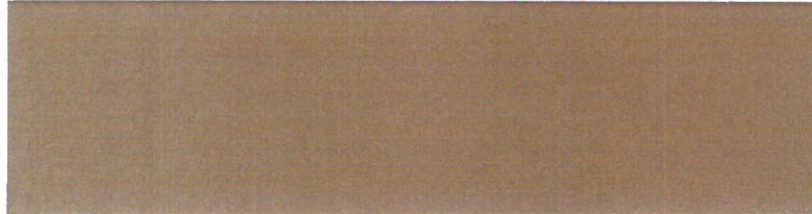
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Materials Board 550 Hubbell Way

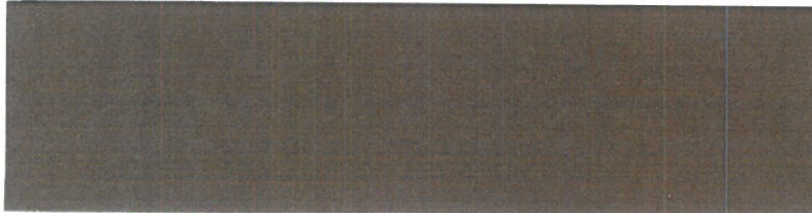
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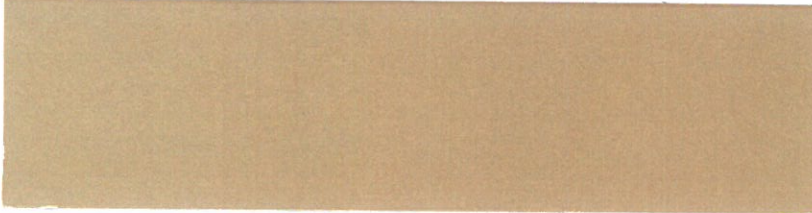
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Trim at Fascia / Windows / Posts / Railing / Front Door /
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