



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

ITEM NO: 4

PREPARED BY: Joel Paulson, Planning Manager
jpaulson@losgatosca.gov

APPLICATION NO.: PD-14-003

LOCATION: 15574, 15588, 15602, 15615, 15630, 15644, 15657, 15672, 15685 Shady Lane and 15315, 15310, 15330, 15343, 15358, 15365, 15371 Santella Court and 15415 Santella Drive and 15675, 15685 Gum Tree Lane. (Located in the Highlands of Los Gatos Planned Development on Shady Lane east of Short Road)

APPLICANT/PROPERTY OWNERS: Davidon Homes

CONTACT PERSON: Steve Abbs

APPLICATION SUMMARY: Requesting approval to modify the existing Planned Development (Ordinance 2147) to modify the requirement for exterior colors on property zoned HR-2½:PD. An Environmental Impact Report (EIR) was prepared for the Planned Development (Ordinance 2147) and was certified by the Town Council on December 19, 2005 and no further environmental analysis is required for this application. APNs 527-09-010 through 024 and 030 through 033.

DEEMED COMPLETE: August 15, 2014

FINAL DATE TO TAKE ACTION: Rezoning applications are legislative acts and are therefore not governed by the Permit Streamlining Act.

RECOMMENDATION: Forward a recommendation to Town Council for denial of the Planned Development modification application.

PROJECT DATA:

General Plan Designation:	Low Density Residential
Zoning Designation:	HR-2½:PD
Applicable Plans & Standards:	PD Ordinance 2147 Hillside Development Standards & Guidelines Hillside Specific Plan

CEQA: An Environmental Impact Report (EIR) was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the proposed Planned Development modification.

FINDINGS:

- The Planning Commission must make a finding that the Planned Development Ordinance modification is consistent with the General Plan if their recommendation is for approval.
- That the proposed Planned Development modification is consistent with the Hillside Development Standards and Guidelines.

ACTION: Provide a recommendation to Town Council regarding the proposed Planned Development modification.

EXHIBITS:

1. Location map (one page)
2. Planned Development Ordinance 2147 (Includes Exhibit A, but not Exhibit B, which are the Official Development Plans)
3. Required Findings (one page)
4. Consulting Architect report (17 pages), dated May 23, 2014
5. Letter of Justification from the applicant (three pages), received May 19, 2014
6. Front Elevation Color Schemes (14 sheets), received August 20, 2014
7. LRV Averaging Example (three sheets), received August 20, 2014

BACKGROUND:

On December 19, 2005, the Town Council considered a Planned Development (PD) for subdivision of a 66-acre property at the terminus of Shady Lane into 19 single-family residential lots. At that meeting the Council certified the Environmental Impact Report (EIR) and introduced the PD Ordinance for the project. PD Ordinance 2147 was adopted by the Council on January 17, 2006 (see Exhibit 2).

In 2011 the property was purchased by Davidon Homes. The Planning Commission has reviewed and approved Architecture and Site (A&S) applications for homes on lots 3 and 12. A&S applications for homes on lots 1, 2, 4, 5, 6, 11, 14, 15, 16, 17, 18, and 19 have been approved by the DRC because the home sizes were less than 5,000 square feet and compliant with the Hillside Development Standards and Guidelines (HDS&G), the Hillside Specific Plan, and PD Ordinance 2147.

PD Ordinance 2147 and all A&S applications that have been approved require the homes to have a Light Reflective Value (LRV) of 30 or less pursuant to the HDS&G (page 41).

PROJECT DESCRIPTION:

A. Project Summary

The applicant is requesting approval of the following:

- A modification of the existing PD, Ordinance 2147 to allow for an alternative method of complying with the LRV requirement for the Highlands of Los Gatos properties.

The applicant has submitted a Letter of Justification/Written Description detailing their request (Exhibit 5). Additionally, the applicant has provided exhibits (Exhibit 6) for each of the lots that have been approved showing color schemes for: the originally submitted color; a LRV compliant color; and a LRV averaging color. Finally, the applicant submitted an exhibit (Exhibit 7) showing details on how their proposed LRV averaging color scheme was applied for the house on Lot 2.

B. Planned Development Compliance

The property is governed by PD Ordinance 2147 rather than the Zoning Ordinance. Ordinance 2147 contains performance standard 15 which reads:

COLOR REFLECTIVITY 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 states that all exterior paint colors shall not exceed a light reflectivity value of 30, shall blend with the natural color of the vegetation that surrounds the site, and shall be maintained in conformance with the Town's Hillside Development Standards as may be amended by the Town.

The PD Ordinance must be amended to allow for an alternative method of complying with the LRV requirement for the Highlands of Los Gatos properties.

C. Hillside Development Standards and Guidelines

Colors for homes in the hillsides are governed by the requirements of the HDS&G. Page 41 Section I. 2. of the HDS&G states:

Exterior colors shall not exceed a reflectivity value of 30 and shall blend with the natural vegetation.

ANALYSIS:

A. LRV Averaging

The applicant was aware of the Town's current LRV requirement as they went through the A&S application process for the 14 lots that have been approved to date. However, as they move forward with construction they are finding that the LRV requirement would result in a lack of variety on individual homes and between different homes in the subdivision. Additionally, they believe that compliance with the LRV results in colors that do not honor the historic character of some of the styles of architecture.

In Exhibit 5, the applicant provides additional information and justification for their request. Generally, the applicant is requesting to be allowed to use three different methods to comply with the LRV requirement as summarized below:

1. Lots 3, 4, 7, 9, 10, 11, 12, and 18 would comply with the LRV requirement;
2. Lots 13, 15, and 17 would use LRV averaging to comply with the LRV requirement;
and
3. Lots 1, 2, 5, 6, 8, 14, 16, and 19 would not comply with the proposed LRV averaging or the LRV requirement.

The applicant's request was reviewed by the Town's Consulting Architect. The results of that review are included in Exhibit 4. While the Consulting Architect found that the applicant's proposal may have merit or be acceptable the decision on whether one or more of their alternative methods are appropriate is at the discretion of the Planning Commission and Town Council. Pursuant to Resolution 2014-040, the role of the Consulting Architect is advisory.

CEQA Determination

An Environmental Impact Report was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the proposed Planned Development modification.

CONCLUSION AND RECOMMENDATION:

A. Conclusion

While staff understands the applicant's justification and appreciates the applicant's creative proposal for dealing with this issue, staff cannot support the applicant's request because it would involve a deviation from the Town's HDS&G's relating to this matter.

Therefore, staff recommends that the Planning Commission forward a recommendation of denial of the PD Ordinance modification to the Town Council, as outlined in the recommendation section below.

However, if the Planning Commission finds merit with one or more of their proposed alternative methods then staff would revise performance standard 15 of Ordinance 2147 to reflect the Planning Commission's determination for Town Council consideration.

B. Recommendation

If the Planning Commission agrees with the conclusion above, staff recommends that the Planning Commission take the following actions:

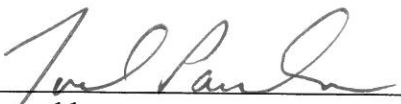
1. Find that the proposed PD modification is not consistent with the HDS&G; and
2. Forward a recommendation of denial to the Town Council for the proposed PD Ordinance modification.


If the Planning Commission finds merit with the proposed PD modification, the Planning Commission may take the following actions:

1. Find that no further environmental analysis is required for the proposed PD modification (Exhibit 3);
2. Find that the proposed PD modification is consistent with the General Plan (Exhibit 3);
3. Find that the proposed PD modification is consistent with the HDS&G (Exhibit 3); and
4. Forward a recommendation of approval to the Town Council for the proposed PD Ordinance modification.

Alternatively, the Commission may take the following action:

1. Continue the matter to a date certain with direction to staff and the applicant for desired revisions or additional information.


Prepared by:
Joel Paulson, AICP
Planning Manager


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

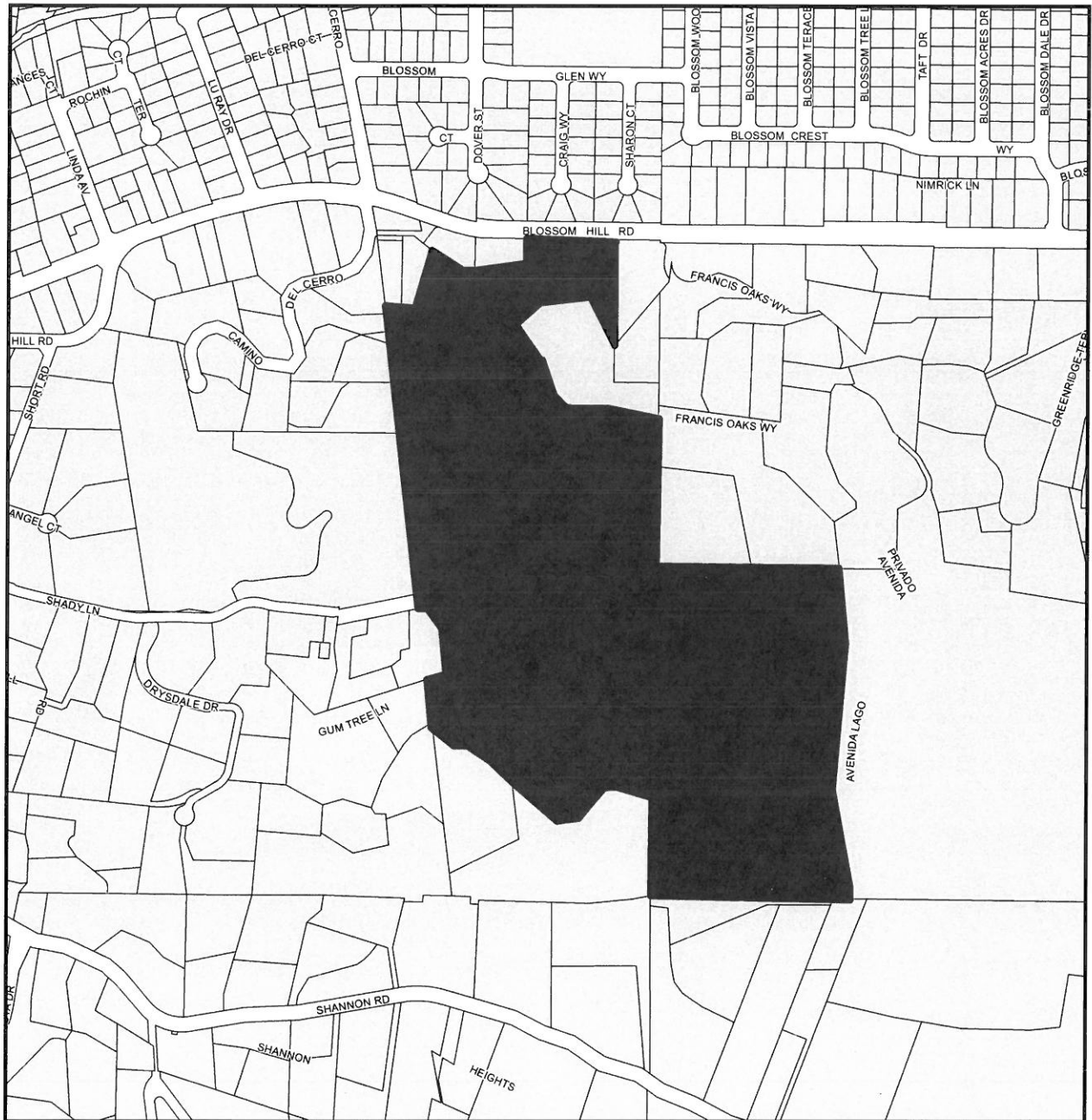
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August 27, 2014

LRP:JP:ct

cc: Steve Abbs, Davidon Homes, 1600 S. Main Street, Suite 150, Walnut Creek, CA 94596

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Highlands of Los Gatos



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ORDINANCE 2147

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE FROM HR-2½ TO HR-2½:PD FOR PROPERTY LOCATED AT THE TERMINUS OF SHADY LANE (APNs 527-12-001, 527-09-001 & 004)

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS
FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at te terminus of Shady Lane (Santa Clara County Assessor Parcel Numbers 527-12-001, 527-09-001 & 004) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from HR-2½ (Hillside Residential, 2½ Acres per Dwelling Unit) to HR-2½:PD (Hillside Residential, 2½ Acres per Dwelling Unit, Planned Development).

SECTION II

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Construction of 19 new single-family dwelling units.
2. Landscaping, streets, trails, and other improvements shown and required on the Official Development Plan.
3. Dedication of 42.87 acres of scenic easements as shown on the Official Development Plans.
4. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
5. Uses permitted are those specified in the HR (Hillside Residential) zone by Sections 29.40.235 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION IV

A recorded subdivision map and Architecture and Site Approval and Subdivision Approval are required before construction work for the dwelling units is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code.

SECTION V

The attached Exhibit A (Map), and Exhibit B (Official Development Plans), are part of the Official Development Plan. The following conditions must be complied with before issuance of any grading, or construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site application and approval is required for each of the new single family homes and for the infrastructure improvements. The Development Review Committee may be the deciding body of the infrastructure improvements and for Architecture and Site applications where the proposed home is in compliance with the Hillside Development Standards & Guidelines, except for lots 2 and 12 which shall be reviewed by the Planning Commission due to concerns about visibility.
2. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building designs shall be determined during the architecture and site approval process.

3. SUBDIVISION REQUIRED. A tentative map application shall be approved for the project prior to the issuance of building permits. The Development Review Committee may be the deciding body of the tentative map.
4. ARCHITECTURAL RESTRICTIONS. The applicant shall submit the proposed architectural restrictions for the project through an Architecture and Site application for review and approval by the Planning Commission, prior to recordation of the Final Map.
5. ENTRY MONUMENT. The entry monument shall be modified to be consistent with the Hillside Development Standards & Guidelines as part of the Architecture & Site approval for the infrastructure improvements.
6. HOUSE SITING. New homes shall be sited within the grading envelopes shown on the Official Development Plans unless it can be demonstrated that another location is more appropriate for the lot. The burden of proof is on the applicant to justify any deviation from the approved grading envelope.
7. BUILDABLE LOT AND LANDSCAPE AREAS. Any improvement or planting within the buildable lot and landscape areas shown on the Official Development Plans must comply with the Hillside Development Standards & Guidelines.
8. FENCING. Fence locations shall be reviewed and approved during the Architecture & Site review(s). The developer will include in the CC&R's for the project a restriction limiting the home owners from replacing the fence type approved during the Architecture & Site review(s). Fencing shall be restricted to open design, such as wood with wire mesh and wood or concrete split-rail fencing. CC&R's shall prohibit fencing within scenic easements.
9. CONCEPTUAL LANDSCAPE PLAN. The conceptual landscape plan shall be revised to be consistent with the scenic easements shown on the conceptual site plan, sheet 2 of the Official Development Plans.
10. SETBACKS. The minimum setbacks are those specified by the HR zoning district.
11. HEIGHT. The maximum height for homes shall be 25 feet unless it is determined that a home will be visible from a Town viewing platform, in which case the height shall be restricted to 18 feet.

12. ****AESTHETICS MITIGATION MEASURE 4.2-2a.** Proposed lots on the westerly and easterly ridge lines (lots 2, 9, 11, 12, 14, 15, 17 and 19) shall be subject to a view analysis in accordance with the Town's Hillside Development Standards & Guidelines.
13. ****AESTHETICS MITIGATION MEASURE 4.2-2b.** As part of the Architecture and Site review, the Town will require home designs to be consistent with the Hillside Development Standards & Guidelines (HDS&G) for site planning, development intensity, architectural design site elements and landscape design.
14. **EXTERIOR LIGHTING.** All exterior lighting shall be reviewed and approved as part of the Architecture & Site review(s) and shall comply with the HDS&G. Lighting shall be down directed and shall not reflect or encroach onto neighboring properties. Flood lights shall not be installed unless it can be demonstrated that they are clearly needed for safety.
15. **COLOR REFLECTIVITY 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 states that all exterior paint colors shall not exceed a light reflectivity value of 30, shall blend with the natural color of the vegetation that surrounds the site, and shall be maintained in conformance with the Town's Hillside Development Standards as may be amended by the Town.
16. **BELOW MARKET PRICE (BMP) IN-LIEU FEE:** A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
17. **COMMUNITY BENEFIT.** The applicant shall enter into an agreement with the Town for provision of the community benefits being offered with the project. The agreement shall include details on the timing and implementation of each item and shall be approved by the Town Attorney and the Director of Community Development prior to issuance of any building permits for the project.

18. PROJECT CC&R's. CC&R's shall be provided with the Tentative Map application and shall address the following:
 - a. maintenance of landscaping in the public right-of-way
 - b. maintenance of storm drain system
 - c. landscape guidelines (shall be compliant with the Hillside Development Standards & Guidelines, EIR and safe fire protocol).
19. FINAL CC&R's. Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.
20. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for the removal of any ordinance sized tree prior to the issuance of a Building, Grading or Encroachment Permit. The only trees to be removed are those identified in the September 17, 2004 arborist report prepared by Arbor Resources. If it becomes necessary to remove any additional trees, a separate Tree Removal Permit shall be submitted for review by the Town. Review by the Town's Consulting Arborist may be required at the discretion of the Director of Community Development.
21. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-1a.** Focused surveys shall be conducted for the three special status plant species having the potential to occur in the oak woodland habitat. If mitigation plantings occur in grassland or chaparral, surveys for three special status plant species having the potential to occur in these habitats shall also be done.
22. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-1b.** If any special status species would be affected by the project, a Special Status Plant Species Mitigation and Monitoring Plan should be required to either avoid, minimize or compensate for the impact.
23. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-3a.** Prior to recordation of the Final Map a formal wetland delineation shall be completed and submitted to the USACE for verification. If the USACE, CDFG and/or RWQCB claim jurisdiction over the seasonal wetlands and seasonal drainages on the site, the project applicant shall submit appropriate permit applications to those agencies claiming jurisdiction prior to project construction and comply with the terms of the permits.

24. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-3b.** The section of the proposed Shady Lane Extension located west of the site boundary (where the seasonal drainage channel extends along the north side) shall be widened to the south to the extent feasible to avoid impacts on the riparian corridor and avoid identified tree removal along this corridor.
25. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-4.** Due to the temporal loss associated with proposed tree removal, replacement trees shall be planted at a 3:1 replacement/loss ratio. Based on a maximum potential removal of approximately 122 to 142 trees, mitigation planting of 366 to 426 oak trees in specified areas will be required. A Tree Protection and Preservation Plan shall be developed by the applicant and individual lot owners to ensure survival of trees to be retained and appropriate compensation for impacts on mixed oak woodlands.
26. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-5.** The applicant and future lot owners shall replace trees removed in accordance with the Los Gatos Tree Protection Ordinance 2114 which is as follows:
- a. Two replacement trees (24-inch box size) for each impacted tree assigned a high suitability rating.
 - b. One replacement tree (24-inch box size) for each impacted tree assigned a moderate suitability rating.
- A total of approximately 105 replacement trees shall be required for road, lot, and driveway development.
27. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 4.3-8.** A protocol-level, pre-construction survey for nesting raptors shall be conducted by a qualified ornithologist. The preconstruction surveys shall be conducted no more than 14 days prior to the initiation of demolition and/or construction activities during the early part of the breeding season and no more than 30 days prior to the initiation of these activities during the late part of the breeding season. During this survey, the ornithologist will inspect all trees and electrical towers in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction/demolition area to be disturbed by these

activities, the ornithologist, in consultation with the DFG, will determine the extent of a construction-free buffer zone (typically 75 meters [250 feet]) to be established around the nest to remain until the young have fledged.

28. ****HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURE 4.5-2b.** Prior to recordation of the Final Map a wildlife management plan shall be prepared to provide guidelines for establishment of defensible space and fuel breaks, use of appropriate building materials, selection of appropriate landscape species, and implementation of appropriate vegetation management practices to minimize fuel loads.

Building Division

29. ***GEOLOGY AND SOILS MITIGATION MEASURE 4.4-1a.** Project plans shall demonstrate compliance with 1997 Uniform Building Code requirements for structural and seismic loads and recommendations made by Terrasearch.
30. ****AIR QUALITY MITIGATION MEASURE 4.9-1.** The project shall comply with BAAQMD basic, enhanced, and applicable optional control measures to minimize short-term emissions.
31. ****NOISE MITIGATION MEASURE 4.9-1** Truck noise shall be minimized by limiting truck operations to the less noise-sensitive daytime working hours, as well as limiting travel speeds and avoiding compression braking as trucks travel downhill along Shady Lane.
32. ****PUBLIC SERVICES AND UTILITIES MITIGATION MEASURE 4.11-1.** Affected school districts will charge the project applicant impact fees based on the size of new homes (per square foot basis) and by supplemental parcel taxes on the new residential parcels.
33. **PERMITS REQUIRED:** A building permit shall be required for the construction of site retaining walls and the proposed water tank pad.
34. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans.
35. **SIZE OF PLANS.** The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.

36. **STREET NAMES & HOUSE NUMBERS:** Submit requests for new street names and/or house numbers from the Office of the Town clerk prior to the building permit application process.
37. **SOILS REPORT:** A soils report, prepared to the satisfaction of the Building Official, containing retaining wall and pad foundation design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. **ALTERNATE:** Design the foundation for an allowable soils 1,000 psf design pressure (Uniform Building Code Volume 2 - Section 1805).
38. **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, the 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. On-site retaining wall location
 - b. Finish floor elevation
 - c. Foundation corner locations
39. **RESIDENTIAL TOWN ACCESSIBILITY STANDARDS.** The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
- a. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - b. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - c. Door buzzer, bell or chime shall be hard wired.
40. **SPECIAL INSPECTIONS:** When a special inspection is required by UBC 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.

41. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.
42. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR-IR and MF-IR shall be printed on the construction plans.
43. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
44. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
45. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538).
46. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
47. APPROVALS REQUIRED: The project requires the following agencies approval before issuing a building permit:
 - a. Community Development: Suzanne Davis at 354-6875
 - b. Engineering Department: Fletcher Parsons at 395-3460
 - c. Parks & Public Works Department: (408) 399-5777
 - d. Santa Clara County Fire Department: (408) 378-4010

Note: Obtain the school district forms from the Town Building Department, after the Building Department has approved the building plans.

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

Engineering Division

48. **AESTHETICS MITIGATION MEASURE 4.2-3 (STREET LIGHTING). Lighting shall be kept to a minimum and shall be installed only at intersections, dangerous curves, end of

cul-de-sacs and multi-use parking areas if needed for safety as determined by the Town Engineer. Developer shall submit detailed plans of proposed street lighting, including photometrics, for lighting to be installed prior to approval of Final Map.

49. ****GEOLOGY AND SOILS MITIGATION MEASURE 4.4-1b.** A screening level slope stability analysis shall be completed for Cross-section H-H.
50. ****GEOLOGY AND SOILS MITIGATION MEASURE 4.4-3a.** The applicant shall repair the debris flows/landslides located on Lots 1 and 10.
51. ****GEOLOGY AND SOILS MITIGATION MEASURE 4.4-3b.** Prior to development of each home site, a lot-specific geologic and geotechnical investigation shall be conducted to identify and address potential geotechnical hazards. Each individual report shall be peer reviewed by the Town's Geotechnical Consultant.
52. ****GEOLOGY AND SOILS MITIGATION MEASURE 4.4-3c.** To the extent feasible, proposed development should avoid slopes over 30% unless designed in accordance with the Town's Hillside Standards and Guidelines.
53. ****GEOLOGY AND SOILS MITIGATION MEASURE 4.4-3d.** Grading associated with development of homes and driveways shall be minimized.
54. ****GEOLOGY AND SOILS MITIGATION MEASURE 4.4-3e.** All utilities located on slopes over 30% shall be directional drilled.
55. ****HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 4.6-1.** To mitigate the project's impact on downstream flood hazards, the proposed detention basin shall be adequately sized to accommodate surface runoff generated on project streets and lots during the 100-year design storm, prior to recordation of the Final Map. Specifically, the final system shall be designed to satisfy both the HMP (continuous modeling) and 100-year storm criteria, that it shall provide two feet of freeboard for the 10-year storm and zero feet for the 100-year, and that the road shall be designed to act as a spillway in the event of "overflowing" from an event larger than the 100-year.
56. ****OPEN SPACE AND RECREATION MITIGATION MEASURE 4.12-1a.** New trails shall meet Town requirements regarding ownership, maintenance, materials, alignments, width, grade, parking, and signage.

57. ****OPEN SPACE AND RECREATION MITIGATION MEASURE 4.12-3a.** If a tennis court and/or par course is to be installed, the Town will require a detailed soils investigation; grading, drainage, and utilities extension to be shown on plans; proof of maintenance and construction access rights from Francis Oaks Way; and preparation of a traffic control plan for Francis Oaks Way.
58. ****OPEN SPACE AND RECREATION MITIGATION MEASURE 4.12-3b.** Project CC&R's shall prohibit project residents from using Francis Oaks Way for access or parking while using the par course, if installed.
59. **CERTIFICATE OF LOT LINE ADJUSTMENT.** A Certificate of Lot Line Adjustment shall be recorded for the off-site parcels as shown on the Official Development Plans. Two copies of the legal description for each new lot configuration, a plat map (8-½ in. X 11 in.) and two copies of the legal description of the land to be exchanged shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than 90 days old and the appropriate fee. The certificate shall be recorded before any permits may be issued.
60. **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 Department on E. Main Street is needed for grading within the building footprint.
61. **SOILS REPORT.** One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

62. 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.
63. 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.
64. DEVELOPMENT AGREEMENT. The Applicant shall enter an agreement to construct public improvements in accordance with Town Code §24.40.020.
65. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.
66. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
- a. Shady Lane extension (west of project site boundary): 40 foot street right-of-way with a 10 foot wide Public Service Easement (PSE) on each side.
 - b. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - c. Public Service Easement (PSE). Ten (10) feet wide, next to the new street rights-of-way.
 - d. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - e. Trail Easement. Ten (10) feet wide, as shown on the Official Development Plan.
 - f. Trail easement. Over the area between the overlook and Blossom Hill Road for installation of a trail should the Town decide to implement this trail connection.

67. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- a. New Streets. Curb, gutter, new street paving, signing, striping, lighting, storm drainage and sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.
 - b. Shady Lane. Curb as required in the vicinity of Drysdale Drive to reduce overbank erosion in the roadside ditch.
68. PUBLIC IMPROVEMENT SECURITY. The applicant shall supply suitable securities for all public improvements that are a part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and material) prior to issuance of any permit. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department.
69. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.
70. 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.
71. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer'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 approval from the Town Engineer (§ 15.40.070).

72. 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.
73. PRECONSTRUCTION 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 be conducted across the full extent of Francis Oaks Way, Drysdale Drive, Gum Tree Lane and Shady Lane. The results shall be documented in a report and submitted to the Town for review.
74. POST-CONSTRUCTION PAVEMENT SURVEY. The project Applicant will complete a pavement condition survey and pavement deflection analysis to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition and strength shall be determined using State of California procedures for deflection analysis. The results 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 the faithful performance bond.
75. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). 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 request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,742.

The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for building permit.

76. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.7-1** Construction truck traffic shall be minimized on Drysdale Drive and Gum Tree Lane. Prior to issuance of any permits the applicant shall work with the Town to develop a traffic control plan that reduces traffic safety hazards.
77. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.7-3.** Access roads are recommended to be widened to 22 feet of paved width, where practical. Curve warning signs, delineators, and advisory speeds, should be installed to enhance the traffic safety. A guard rail shall be installed along the north side of Gum Tree Lane (just west of the project's western boundary) where the road extends directly above existing homes to the north. Repaving of the access roads should also be considered. At the intersection of Shady Lane, two driveways and the project entrance, a stop sign should be installed for traffic exiting the project if the angle and elevation constraints cannot be improved.
78. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.7-5.** The Town may require provision of parking bays along project roadways (wherever topography allows). Parking bay analysis shall be done as part of the Architecture & Site review for the infrastructure improvements.
79. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.7-6.** During Architecture and Site review for each proposed lot, proposed driveways shall be reviewed for adequate sight distance at the driveway intersections. On lots with long driveways, driveways should be designed to allow vehicles to turnaround near the garage so that drivers could exit long driveways going forward.
80. **GENERAL.** All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. 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.

81. 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.
82. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an 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 rejection ow work that went on without inspection.
83. GRADING. No grading or earth-disturbing activities shall be initiated in hillside areas between October 1 and April 15 of each year unless approved by the Town Engineer.
84. 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.
85. 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.
 - c. Top of future curb along one side of the new street.
86. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. 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, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order 01-024 of the amended Santa Clara County NPDES Permit.

87. 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.
88. DUST CONTROL (SITES > 4 ACRES). The following measures should be implemented at construction sites greater than four acres in area:
- a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)

- c. Limit traffic speeds on unpaved roads to 15 mph.
 - d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - e. Replant vegetation in disturbed areas as quickly as possible.
89. 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 or creeks.
90. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.
91. UTILITY COMPANY REVIEW. Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.
92. ABOVE GROUND UTILITIES. The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by Community Development prior to issuance of any permit.
93. WATER SYSTEM DESIGN. Water plans prepared by SJWC must be reviewed and approved prior to issuance of any permit.
94. DESIGN CHANGES. The Applicant's registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
95. JOINT TRENCH PLANS. Joint trench plans shall be reviewed and approved by the Town prior to issuance of any permit.

96. **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.
97. **DRIVEWAY APPROACH.** The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
98. **AS-BUILT PLANS.** After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
99. **SANITARY SEWER LATERAL.** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line of each new lot.

100. **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.
101. **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 Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
102. **SITE DRAINAGE.** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
103. **NPDES.** On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
104. **STORM WATER MANAGEMENT PLAN.** A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3 of Order 01-024 of the amended Santa Clara County NPDES Permit. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.

105. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
106. 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.
107. 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.
108. 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 Department 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. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.
109. EXISTING WATER WELLS. Prior to issuance of any permit, all existing wells affected by this project shall be identified and properly registered with the District, and either be maintained or destroyed in accordance with District standards. Destruction of any well and the construction of any new wells proposed, including monitoring wells, require a permit from the District prior to construction. Property owners or their representative should contact the District Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information.

110. OFFSITE EASEMENTS. Formal easements and/or agreements shall be recorded concurrently with the Final Map documenting the following:
- a. Emergency Access rights to Shannon Road via private driveways.
 - b. Emergency Access rights to Blossom Hill Road via Francis Oaks Way if an emergency access road is approved.
 - c. Public Access rights through 15777 and 15769 Shady Lane for a off-street trail. Additional rights through 15980 Short Road and 104 Angel Court are also required if not already in-place.
 - d. Waterline easement rights as required including, but not limited to, Francis Oaks Way and the Ganal, Greiner, and Moffat properties.
111. SHADY LANE TRAIL. An off-site trail shall be provided between existing trail facilities near the intersection of Shady Lane & Short Road and the project site. The specific trail alignment shall be determined during Architecture and Site review of the infrastructure and shall be reflected on the Tentative Map.
112. ONSITE TRAILS. On-site trails shall be provided generally as specified in Figure 3 of the Los Gatos Hillside Specific Plan and as shown on the Official Development Plans. The specific trail alignments shall be determined during Architecture and Site review of the infrastructure and shall be reflected on the Tentative Map. The trail connection shown in Figure 3, connecting the project site and Blossom Hill Road, shall terminate at the ridge line and not extend fully to Blossom Hill Road.
113. TRAIL SPECIFICATIONS. On-Site trails shall be as wide as 6-feet where practical. Trail width may be reduced to 4-feet in locations where a 6-foot width would require retaining wall, grading beyond the edge of trail, or would result in a maximum combined cut and fill depth of 2-feet. Vertical earth slopes of up to 1-foot high may be utilized to maximize trail width. Trailhead signage and gates shall be provided per Midpeninsula Regional Open-space standard details.
114. UTILITY COMPANY REVIEW. Prior to recordation of the Final Map, the applicant shall submit letters from SJWC, WVSD, and PG&E stating that they have reviewed the map and have no objection to recording the map.

115. **SANITARY SEWER EJECTOR PUMPS.** Sanitary sewer ejector pumps shall be provided at Lots 9, 12, 14, 17, and 21. A rear lot sewer gravity sewer will not be allowed.
116. **ACCESS TO PARCEL 527-12-002.** A 40-foot right of way shall be dedicated across Lots 19 and 21 to create future access to parcel 527-12-002 (Greiner parcel). A No Access easement in favor of the Town shall be recorded across the full right of way width at the project site boundary. Town Council must approve the removal of the No Access easement. The right of way and No Access easement shall be reflected on the Tentative Map.
117. **NO ACCESS EASEMENT.** Prior to recordation of the Final Map, the applicant shall enter an agreement with The Town of Los Gatos specifying the conditions for removal of the No Access Easement across Lots 19 and 21.
118. **OFFSITE WATER ALIGNMENT.** Detailed off-site water alignment alternatives shall be studied for conformance with the Town's Hillside Development Standards & Guidelines (HDS&G) during the Architecture and Site review of project infrastructure. The applicant shall implement the alternative that best conforms to the HDS&G as determined by the Town.
119. **NEW WATER SYSTEM.** The properties shown on the map attached as Exhibit C shall be connected to the new water system. The applicant shall provide all necessary water infrastructure up through the water meter at no cost to the residents. The residents shall be responsible for any improvements between the meter and the house (such as storage facilities, pressure pumps, piping, etc.). The water system shall be installed prior to issuance of the first occupancy permit for the project.
120. **ELIMINATION OF SHADY LANE MUTUAL WATER COMPANY.** The applicant shall provide public water and public fire hydrants to all members of the Shady Lane Mutual Water Company. The applicant shall provide all necessary water infrastructure up through the water meter at no cost to the residents. The residents shall be responsible for any improvements between the meter and the house (such as storage facilities, pressure pumps, piping, etc.). The residents will also be responsible for dissolution of the existing water company including any applications to the State or Local agencies, and demolition of existing facilities, if any. The water system shall be installed prior to issuance of the first occupancy permit for the project.

121. MAINTENANCE OF PUBLIC FACILITIES. Prior to recordation of the Final Map, the applicant shall enter into a maintenance agreement with the Town. The Homeowner's Association shall maintain all landscaping within the public right of way for the new on-site roadways, as well as landscaping within the Shady Lane extension west of the project site boundary, and shall perform routine maintenance on the public storm drain system within the project boundaries. The Town shall be responsible for storm drain infrastructure repairs. The agreement shall include provisions to address paragraph C.3 of the Town's Regional Board permit.
122. FUTURE STUDIES. Any post project traffic or parking counts, or other studies imposed by Planning Commission or Town Council shall be funded by the applicant.
123. PLAN CHECK FEES. Plan check fees shall be deposited with the Town prior to submittal of plans to the Engineering Division of the Parks and Public Works Department.
124. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.

Parks Division

125. AERATION TUBES. All impervious surface encroaching under the dripline of existing trees shall have aeration tubes installed and these tube locations shown on the plans.
126. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and vegetation.
127. BUILDING FOUNDATIONS: Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize impact on existing trees.
128. TREE STAKING: All newly planted trees are required to be double staked to Town standards.
129. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
130. IRRIGATION SYSTEM. Water efficient irrigation systems shall be utilized to conserve water in all project irrigation of publicly landscaped areas.

131. **WATER EFFICIENT ORDINANCE.** This project is subject to the Town's Water Efficient Ordinance. A deposit of \$5,000 is required when the landscape, irrigation plans, and water calculations are submitted for review. The review fee will be based on actual cost.
132. **TREE PROTECTION.** Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
133. **ORNAMENTAL LANDSCAPING.** All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
134. **LANDSCAPE GUIDELINES.** The adopted landscape guidelines and plant lists shall be incorporated into the CC&Rs for the project.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

135. ****HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURE 4.5-2a.** Trees should be pruned to ensure that branches do not overhang roofs of proposed homes, and understory vegetation (brush or shrubs) under existing trees should be cleared.
136. ****PUBLIC SERVICES AND UTILITIES MITIGATION MEASURE 4.11-2.** The project shall meet all Department requirements in order to mitigate the project's increased demand on fire protection services.
137. **AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED.** New homes shall be protected throughout by an approved automatic fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standard #13d.
138. **FIRE HYDRANTS REQUIRED.** Provide fire hydrants at locations to be determined jointly by the Fire Department and San Jose Water Company. Hydrants shall have a minimum single flow of 1,000 GPM at 20 psi residual, with spacing not to exceed 500 feet. Prior to

applying for building permits, the applicant shall provide civil drawings reflecting all fire hydrants serving the site. The final determination of placement and number of hydrants shall be to the satisfaction of the Fire Department.

139. FIRE HYDRANT LOCATION IDENTIFIER. Prior to project inspection, the general contractor shall ensure that an approved ("Blue" Dot") fire hydrant location identifier has been placed in the roadway as directed by the Fire Department.
140. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be withheld until required installations are completed, tested, and accepted.
141. FIRE APPARATUS(ENGINE) ACCESS ROADS. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.
142. FIRE APPARATUS (ENGINE) TURN-AROUND. Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-de-sac diameters shall be no less than 72 feet.
143. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are complete. During construction emergency access roads shall be maintained clear and unimpeded. Note that building permit issuance may be withheld until installations are completed.
144. EMERGENCY GATES/ACCESS GATES. Gate installations shall conform with Fire Department Standard Details and Specifications G-1 and when open, shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be Fire Department approved prior to installation. This condition applies to single family home sites as well as gated emergency access roadways.

145. **PARKING ALONG ROADWAYS.** The required width of fire access roadways shall not be obstructed in any manner and parking shall not be allowed along roadways less than 28 feet in width. Roadway widths shall be measured curb face to curb face, with parking spaces based on an eight foot width.
146. **FIRE LANE MARKING REQUIRED.** Roadways deemed necessary to facilitate emergency vehicle access shall be identified in accordance with Fire Department Standard Details and Specification A-6 and Local Government Standards. This condition shall apply through the length of access roads as well as at emergency access roadway gates.
147. **REQUIRED ACCESS TO BUILDINGS.** Provide access to all portions of all residences within 150 feet travel distance from fire apparatus access points.
148. **PREMISE IDENTIFICATION.** Approved numbers or addresses shall be placed on all new and buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.
149. **EMERGENCY ACCESS ROADWAYS.** Emergency access roadways shall conform to Standard Detail and Specification A-4 regarding circulation radius, gradient and pavement widths.
150. **WATER SYSTEM.** San Jose Water Company shall provide plans for the new water system to the Fire Department upon completion of engineering and system design. The applicant shall help facilitate this.

TO THE SATISFACTION OF THE POLICE CHIEF:

151. ****PUBLIC SERVICES AND UTILITIES MITIGATION MEASURE 4.11-3.** The project shall comply with Police Department's specified basic requirements.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on December 19, 2005, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on January 17, 2006 and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steve Glickman Joe Pirzynski, Mike Wasserman,
Mayor Diane McNutt.

NAYS: Barbara Spector

ABSENT: None

ABSTAIN: None

SIGNED:

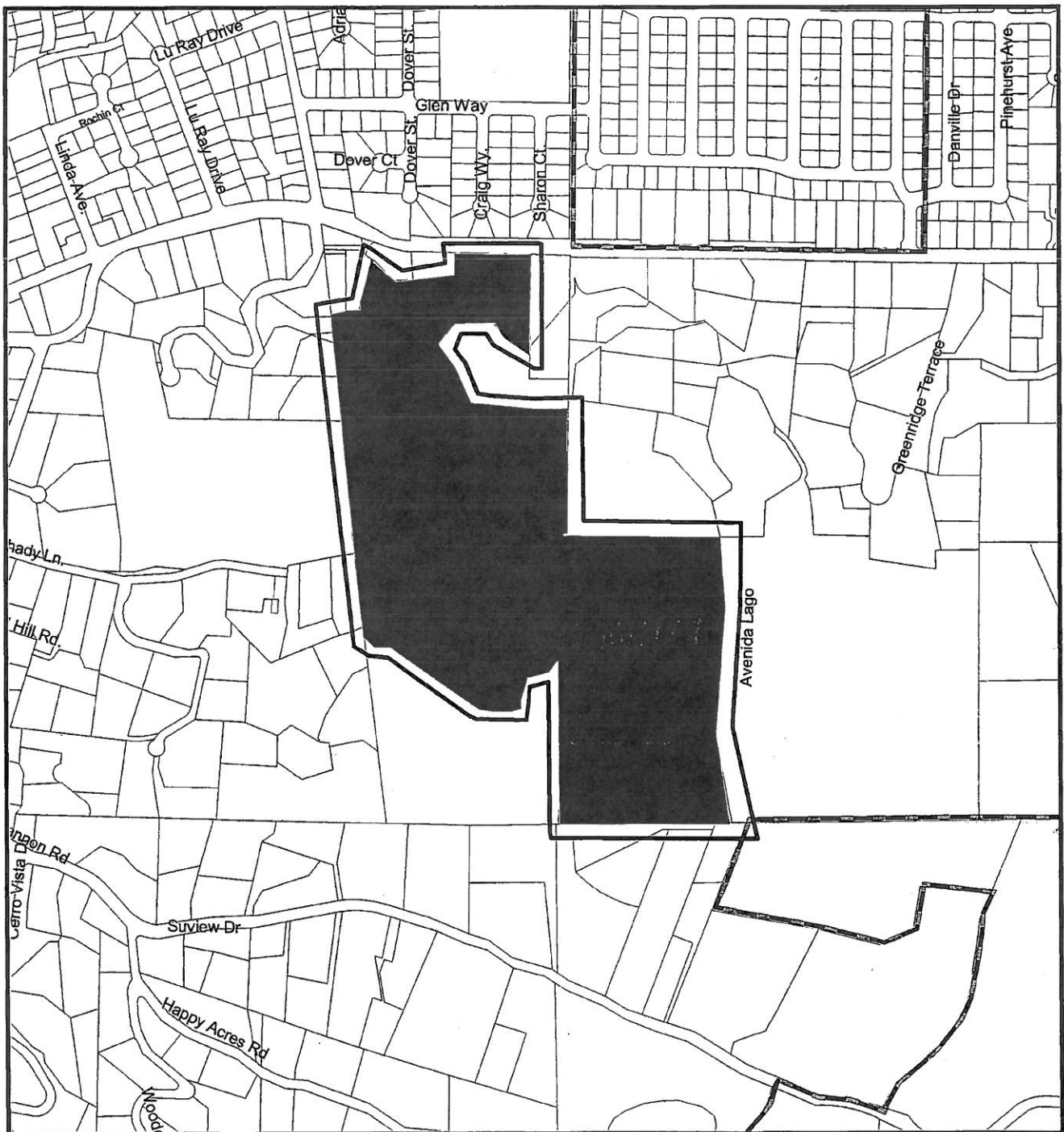
Diane McNutt
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

Matt Rasmussen

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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TOWN OF LOS GATOS

Exhibit A

Application No. PD-04-03

Change of zoning map amending Town Zoning Ordinance

Zone Change from HR 2 1/2 to HR-2 1/2: PD

APPROVED by Planning Commission

Date November 15, 2005

APPROVED by Town Council

Date January 17, 2006

Town Clerk *[Signature]*

Mayor *[Signature]*

EXHIBIT A of Exhibit 2

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PLANNING COMMISSION – August 27, 2014
REQUIRED FINDINGS FOR:

15574, 15588, 15602, 15615, 15630, 15644, 15657, 15672, 15685 Shady Lane and 15315, 15310, 15330, 15343, 15358, 15365, 15371 Santella Court and 15415 Santella Drive and 15675, 15685 Gum Tree Lane

Planned Development Application PD-14-003

Requesting approval to modify the existing Planned Development (Ordinance 2147) to modify the requirement for exterior colors on property zoned HR-2½:PD. An Environmental Impact Report (EIR) was prepared for the Planned Development (Ordinance 2147) and was certified by the Town Council on December 19, 2005 and no further environmental analysis is required for this application. APN 527-09-010 through 024 and 030 through 033.

PROPERTY OWNER/APPLICANT: Davidon Homes

FINDINGS:

California Environmental Quality Act (CEQA):

- An Environmental Impact Report was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the proposed Planned Development modification.

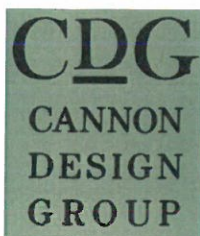
Compliance with the General Plan:

- The Planned Development Ordinance modification is consistent with the General Plan.

Compliance with the Hillside Development Standards and Guidelines:

- The proposed Planned Development modification is consistent with the Hillside Development Standards and Guidelines.

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May 23, 2014

Ms. Suzanne Avila
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: Highlands Color Evaluation

Dear Suzanne:

Following the meeting at Town Hall with the applicant and architect on February 12, I visited the site and met with the developer to look at the large exhibits which they had prepared to illustrate the options for color choices. The overall issue is compliance with the *Hillside Development Standards and Guidelines*, and the appropriateness of individual colors for the distinctively designed homes - all of which reflect rather specific traditional architectural styles.

The primary issue relates to the requirement for exterior colors to not exceed a Light Reflectivity Value (LRV) of 30. The major section of the *Hillside Development Standards and Guidelines* relating to colors and materials is as follows:

I. Materials and colors.

Standards:

- 1. The contrast between manmade buildings and the environment shall be minimized. A building's color and materials shall complement and blend with the predominant colors and values of the surrounding natural environment.*
- 2. Exterior colors shall not exceed a reflectivity value of 30 and shall blend with the natural vegetation.*
- 3. Roofs shall be a dark earth tone color with a variety of shades of that color that blend with the environment.*
- 4. Exposed metal surfaces shall be painted to compliment adjacent materials, be anodized a dark color, or have the ability to develop a patina (e.g., copper).*
- 5. Mirror-like window tinting is prohibited.*
- 6. Contrasting color accents shall be kept to a minimum.*

Staff has looked primarily at the wall color in interpreting this standard. That can be appropriate when homes stand out on valley hillsides, and draw a great deal of attention to themselves by virtue of very light colors and substantial exposed vertical wall areas which stand out starkly from their natural hillside setting. In other circumstances, that interpretation can lead to some overly somber home colors. An LRV of 30 is a relatively dark value, as shown on the LRV value scale below.

LRV Scale (not the same as grayscale) © LORI SAWAYA

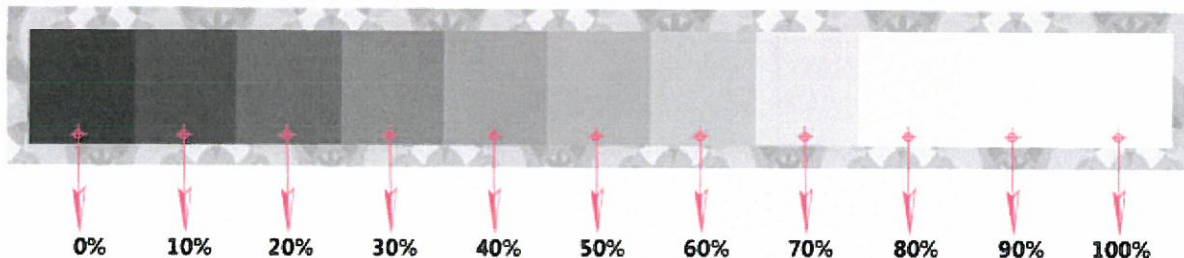


EXHIBIT 4

The Los Gatos standard of 30 LRV is relatively low in my experience. I have seen an LRV of 45 included in hillside design guidelines for Santa Clara County and also in a few places near Phoenix and Scottsdale where the traditional adobe wall colors fit comfortably with that color value. I worry that here in the Highlands development, the use of such dark wall colors would lead to a sense of a "Darth Vader Village". The homes so far have been carefully designed with identifiable historic architectural styles with a great deal of attention to authenticity of detail. The colors that would be required by adherence to a wall color LRV of 30 would, in some cases, work very much against that authenticity.

The applicant has studied alternatives, and has proposed a solution that seeks, in most cases, to achieve an overall average LRV of 30 or less by calculating the weighted average of all visible exterior surfaces (e.g., wall colors, stone, roofs, trim, etc.). Their conceptual thinking to date has divided the parcels into four categories.

- Visible homes that are LRV 30 compliant per past standards interpretations (i.e., wall colors are LRV 30 or less).
- Homes that are not visible from off-site, but which would be compliant with the LRV 30 wall color limitation.
- Homes that are not visible from off-site, but which would be compliant with a LRV 30 average wall color limitation.
- Homes that are non-compliant with the LRV 30 wall color because of architectural style reasons.

The table and chart below summarizes the approach and calculations for LRV wall colors and overall averaged LRV values for the three options studied by the applicant:

- Originally Proposed Colors
- Modified Wall Color to bring the average LRV within the LRV 30 standard.
- Modified Wall Color to bring the wall color within the LRV 30 standard.

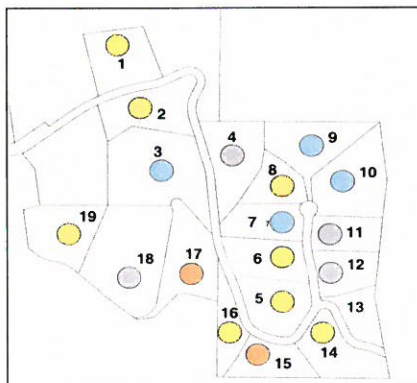
The chart shows only calculations for those parcels where information has been provided. Note the percentage of the visible painted wall areas to the overall visible surface area of the homes. In most cases, it is less than one-third of the visible area.

HIGHLANDS COLOR EVALUATION

FRONT ELEVATIONS							
LOT	ORIGINAL		AVERAGING		COMPLIANT		WALL % OF TOTAL
	WALL LRV	OVERALL LRV	WALL LRV	OVERALL LRV	WALL LRV	OVERALL LRV	
1	80	56.1	70	50.3	28	28	58%
2	70	35	50	28.6	26	20.58	32%
3	31	16.6	27	19.0	27	19	30%
4	62	40.6	23	30.2	23	30.2	26%
5	75	26.87	58	25.1	30	22.2	10%
6	62	38.9	38	30.2	29	27.36	32%
7							
8							
9							
10							
11	23	30.2	23	30.2	23	30.2	19%
12	30	23.1	30	23.1	30	23.1	28%
13							
14	83	49.8	43	28.8	30	26.4	45%
15	61	24	49	22.2	25	18.5	16%
16	62	29	46	25.2	29	21.2	23%
17							
18	49	24	26	19.6	26	19.6	14%
19	46	38.8	31	31.3	31	31.3	19%

APPLICANT'S CONCEPT	
30 LRV COMPLIANT	
NOT VISIBLE/BUT LRV COMPLIANT	
NOT VISIBLE/LRV AVERAGING	
ARCH STYLE/NON-COMPLIANT	

REAR ELEVATIONS							
LOT	ORIGINAL		AVERAGING		COMPLIANT		WALL % OF TOTAL
	WALL LRV	OVERALL LRV	WALL LRV	OVERALL LRV	WALL LRV	OVERALL LRV	
1	80	48.5	70	43.8	28	23.6	48%
2	70	35	50	28.6	26	19.9	29%
3	31	26.1	27	19.4	27	19.4	26%
4							
5	75	26.87	58	29.5	30	22.5	25%
6	62	38.9	38	31.5	29	27.36	45%
7							
8							
9							
10							
11							
12							
13							
14	83	51	18	29.4	30	26	48%
15	61	36.9	49	28.9	25	20.9	44%
16	62	24	46	22.3	29	20.3	12%
17							
18	49	28.53	26	22.3	26	22.3	27%
19	46	36	31	29.2	31	29.2	23%



For reference, the original color scheme, the compliant color scheme, and the LRV averaged color scheme for all of the homes for which we have information are included as an appendix to this letter.

The applicant's proposal to consider the overall weighted averaging of the LRV values appears to have merit. Many of the homes will not be visible from areas outside of the immediate development neighborhood. In looking at the color studies, I find most of the wall colors which have been modified to be much too dark for good design and for their appropriateness to the individual architectural styles of the homes.

Five the homes for which the applicant is seeking to utilize their original proposed color schemes would have an overall averaged LRV value exceeding 30. In looking at the original color schemes for these homes, my feeling is that most of the originally proposed colors would be acceptable. In support of that conclusion, I would offer the following comments and suggestions.

Parcel 1: This parcel is located at the low entry point of the project, and the visibility of the structure will be heavily screened from view by the substantial existing natural tree vegetation and planned additional landscaping. Because of the proposed architectural style of the home, I do believe that a light color is needed for architectural authenticity. However, I would feel more comfortable with the proposal if a somewhat softer wall color LRV were used rather than the proposed LRV 80. A wall LRV in the 60 to 70 range should be considered. This would be similar to the original wall color proposed for the home on Parcel 2.

Parcel 2: I feel that the originally proposed colors are appropriate and traditional to the architectural style. The overall LRV value of 35 is only slightly above the standard of 30. It is also sited at the bottom of the valley.

Parcel 6: The proposed main body color for this house is very much in keeping with its architectural style. Utilizing a darker color would, in my judgment, be undesirable on a house of this size. My only suggestion would be to tone down the brightness a bit at the base of the walls and on the columns.

Parcel 14: The applicant has proposed utilizing the original proposed wall color (wall LRV of 83) for this home. However, because of the very light proposed color and the relatively large amount of vertical wall surface, I would not be in support of that color. However, because of the proposed architectural style of the home, I do believe that a light color is needed for architectural authenticity. An LRV for the wall color in the 60 to 70 range would subdue the color while still being true to the style. This is similar to my comments on Parcel 1.

Parcel 19: While the overall average LRV value of the original colors is 38.8, the calculation is skewed by the relatively light color (LRV 80) of the entry and trim elements. All of that is appropriate to the style, and these light elements would not have nearly as much visual impact as the wall areas.

Suzanne, please let me know if you have any questions, or if there are specific issues of concern that I did not address.

Sincerely,

CANNON DESIGN GROUP



Larry L. Cannon

Appendix: Original, Compliant, and LRV Averaged colored elevations

APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

**LOT 1 - SPANISH ECLECTIC
FRONT ELEVATION COLOR SCHEMES**

THE HIGHLANDS AT LOS GATOS

LOS GATOS, CALIFORNIA



DAVIDSON HOMES
Bassenian | Lagoni
ARCHITECTURE • PLANNING • INTERIORS

APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

**LOT 2 - ANDALUSIAN
FRONT ELEVATION COLOR SCHEMES**

THE HIGHLANDS AT LOS GATOS



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DAVIDSON HOMES

Bassenian | Lagoni

ESTABLISHED 1983

APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT (same as averaging)



LRV AVERAGING (same as compliant)

LOT 3 - GREENE & GREENE
FRONT ELEVATION COLOR SCHEMES

THE HIGHLANDS AT LOS GATOS

LOS GATOS, CALIFORNIA

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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT (same as averaging)



LRV AVERAGING (same as compliant)

LOT 4 - ITALIAN
FRONT ELEVATION COLOR SCHEMES

THE HIGHLANDS AT LOS GATOS



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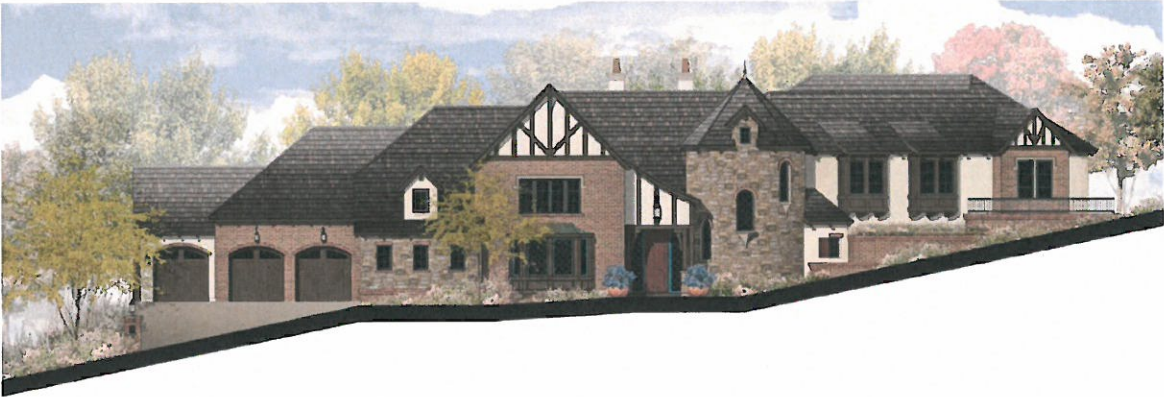
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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

LOT 5 - ENGLISH TUDOR
FRONT ELEVATION COLOR SCHEMES

THE HIGHLANDS AT LOS GATOS



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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

LOT 6 - ITALIAN VILLA
FRONT ELEVATION COLOR SCHEMES

THE HIGHLANDS AT LOS GATOS



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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT (same as averaging)



LRV AVERAGING (same as compliant)

LOT 11 - PRAIRIE
FRONT ELEVATION COLOR SCHEMES

THE HIGHLANDS AT LOS GATOS

LOS GATOS, CALIFORNIA

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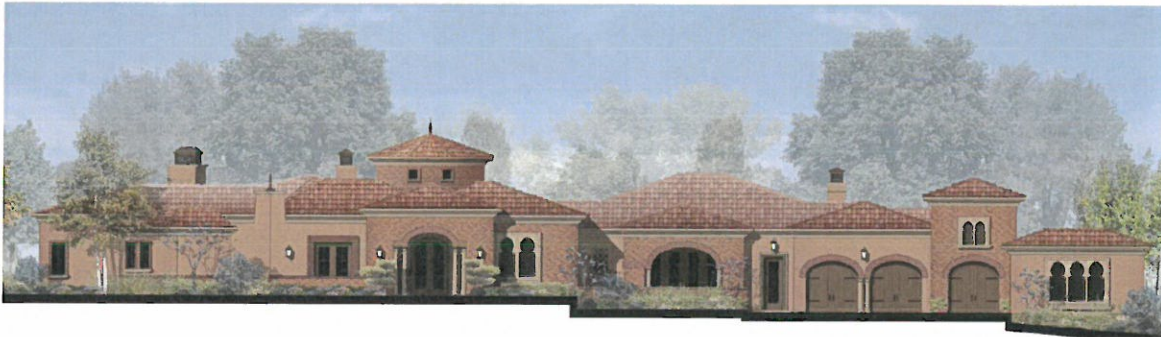


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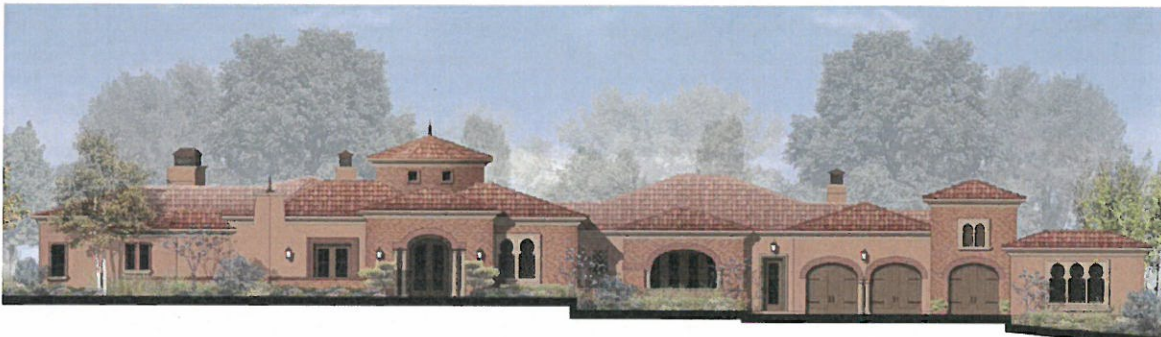
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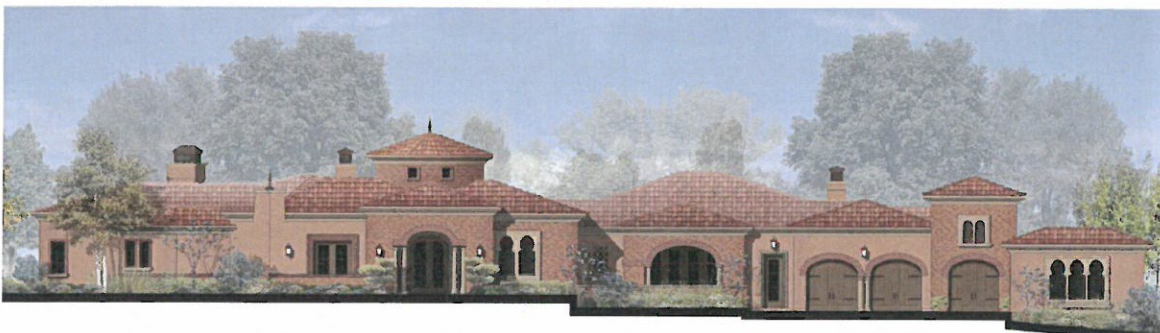
APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT (same as original)



LRV AVERAGING (same as original)

LOT 12 - ALHAMBRIAN
FRONT ELEVATION COLOR SCHEMES

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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

LOT 14 - HACIENDA
FRONT ELEVATION COLOR SCHEMES

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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

LOT 15 - PROVENCE
FRONT ELEVATION COLOR SCHEMES

THE HIGHLANDS AT LOS GATOS

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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

LOT 16 - WRIGHTIAN
FRONT ELEVATION COLOR SCHEMES

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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT



LRV AVERAGING

LOT 17 - FOOTHILL CONTEMPORARY
FRONT ELEVATION COLOR SCHEMES

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APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT (same as averaging)



LRV AVERAGING (same as compliant)

LOT 18 - TUSCAN
FRONT ELEVATION COLOR SCHEMES

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RIKKS

APPENDIX: COLOR SCHEME ILLUSTRATIONS



ORIGINAL



COMPLIANT (same as averaging)



LRV AVERAGING (same as compliant)

**LOT 19 - CRAFTSMAN
FRONT ELEVATION COLOR SCHEMES**

THE HIGHLANDS AT LOS GATOS



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