



MEETING DATE: 2/02/04
ITEM NO. //

COUNCIL AGENDA REPORT

DATE: January 28, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER 
SUBJECT: CONSIDER AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO APPROVE A GRADING PERMIT FOR LANDSCAPING IMPROVEMENTS AND TO INSTALL SOLAR PANELS ON PROPERTY ZONED HR-2 1/2. ARCHITECTURE AND SITE APPLICATION S-01-98 AND NEGATIVE DECLARATION ND-04-03. PROPERTY LOCATION: 15220 KENNEDY ROAD PROPERTY OWNER/APPLICANT/APPELLANT: JIM DEISCHSTETTER

RECOMMENDATION:

- 1. Hold the public hearing and receive public testimony.
- 2. Close the public hearing.
- 3. Uphold the Planning Commission's decision and approve Architecture and Site Application S-01-98 with conditions.
- 4. Refer to the Town Attorney for the preparation of the appropriate resolution.

If the Town Council determines that the appeal should be granted and that the Planning Commission's decision should be reversed or modified:

- 1. The Council needs to find one or more of the following:
 - (A) Where there was error or abuse of discretion on the part of the Planning Commission;
 - (B) The new information that was submitted to the Council during the appeal process that was not readily and reasonably available for submission to the Commission; or
 - (C) An issue or policy over which the Commission did not have discretion to modify or address, but which is vested in the Council for modification or decision.

PREPARED BY:


BUD N. LORTZ

DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: PSJ Assistant Town Manager OK Town Attorney _____ Clerk _____ Finance
V Community Development Revised: 1/28/04 2:53 pm

If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in subsection (B) above, it is the Town's policy that the application be returned to the Commission for review in light of the new information unless the new information has a minimal effect on the applicant.

2. Refer to the Town Attorney for preparation of the appropriate resolution.

PROJECT SUMMARY

The applicant is requesting approval for landscaping improvements and installation of a series of 10, ground mounted solar panels. The subject property is approximately 2.53 acres and is located on Kennedy Road, just east of Top of the Hill Road.

The proposed solar array is located south of the existing home, on an approximate 37% slope. The ten solar panels will be arranged in two rows of four panels and one row of two panels. Each solar panel is spaced four feet apart. Each solar panel is 10.3' wide by 16.3' long with a maximum height of four feet above the ground surface which includes the mounting poles. The panels are mounted on a pole and connected by a conduit that leads to the existing house. The purpose of the solar panels is to generate power for the existing home.

The proposed landscaping is located on the existing leach field area near the northeast corner of the site. The proposal includes importing approximately 100 cubic yards spread over 8,500 square feet of soil to cover the leach field area.

PLANNING COMMISSION

The Planning Commission considered this matter on December 10, 2003 and approved the project with the following added conditions (Attachment 4). Please see staff report for additional information (Attachment 6).

1. Solar panels shall be moved closer the home to the flatter developed area around the house to the satisfaction of the Director of Community Development. The use of photo simulation should be used to determine the visibility of the solar panels. Visibility of the solar panels shall be minimized.
2. The leach field area shall not be irrigated.
3. All perimeter fencing shall allow for wildlife migration.
4. Solar panels shall be limited to the size that the California Energy Commission (CEC) allows or the amount of solar panels necessary to provide electricity for the house, whichever is less.

The Planning Commission was concerned with the location of the solar panels and directed the applicant to work with staff to move the solar panels closer to the home and to a flatter developed area around the house. The Planning Commission's intent is to encourage the applicant to find a location that best protects the natural features of the land. In addition, the Commission wanted to reduce the

visual impacts from the open space through strategic landscape screening around the base of the solar array that will not impact the performance of the solar panels.

APPELLANT'S POSITION

On December 22, 2003, the applicant appealed the decision of the Planning Commission (Attachment 1). The basis for the appeal is as follows:

1. After further analysis, the applicant asserts that the solar panels can not be moved closer to the house or on flatter ground without increasing the panel size and, therefore, increasing visibility of the panels. The applicant has submitted additional information to staff (Attachment 2).
2. The applicant quotes General Plan Section C.I.7.1.G which states, "Identify any current Town regulation that may limit feasible energy conservation or solar energy applications and consider modifications." (Attachment 7). The applicant states that the Planning Commission did not have discretion to address this implementation strategy. The applicant has commented on the policies that he believes limit feasible energy conservation (Attachment 2).

DISCUSSION

Subsequent to the Planning Commission hearing, the applicant met with staff and proposed to move the solar panels 15' to the north and east of the existing proposal. Staff determined that this location did not satisfy the direction of the Planning Commission in that the panels were not located on the flatter developed area around the house. Staff requested an energy audit for the house to determine the possibility of achieving energy conservation through alternative measures. Perhaps there is an opportunity to conserve more energy by adjusting the systems of the house and therefore the need for solar panels can be reduced or eliminated. Instead the applicant has conducted a home energy analysis report through PG and E and will present the results during his presentation. Staff attempted to work with the applicant to come up with acceptable design alternatives including the possibility of locating some of the panels on the roof of the home or on the vegetable garden area, but these were not acceptable to the applicant. The applicant would prefer to locate the panels in an area that is not visible from his house.

The applicant states that locating the panels on flat land would require the panels to be angled at thirty degrees to the land which causes the height of the panel to be eight feet high. Thirty degrees to the land is the most efficient angle for the solar panels, but there are alternatives to consider. If the applicant locates the panels on the flat part of the land, it is possible to angle the panels at an angle that is less than thirty degrees. For example, if the panels were angled at 20 degrees then the height of the panels would be 6 feet in height. 10 degrees would create a 3 foot tall panel and so on. However, the lower the angle of the panels, the more inefficient the panels will be and therefore requiring the number of required panels to increase and the overall area to increase. On a previous application, testimony was offered that panels installed in a horizontal manner would reduce performance by 12%. Therefore, locating the panels on flatter land and reducing the angle of the panels might cause the number of total panels to increase if the desire is to eliminate energy consumption from the

commercial electrical grid. With this information, staff suggested that the applicant consider locating the panels on the vegetable garden, which is relatively flat and face the panels towards the south. At this location, the back of the panels would be visible from Kennedy Road. Staff suggested installation of a landscape screen combined with an earth berm to screen the back of the solar panels. The applicant considered this suggestion and decided that it was not economically feasible and not desirable for him to pursue this approach. The applicant states that it would cost him too much money to wire the solar panels to that location and that he didn't want the panels visible from his home.

There are goals and policies that pertain to open space and hillside development that relate to this application which the Planning Commission considered in attempting to find balance between the Town's support for alternative energy technologies and the desire to preserve our hillside areas from the impact of development. These goals and policies are provided in the following sections of the General Plan (Attachment 7):

1. Land Use Element, Issue #8, Maintain the Natural Environmental Setting
2. Open Space Element, Issue #4, Open Space and Hillside Preservation
3. Conservation Element, Issue #7, Energy

The Town routinely approves applications for solar panels. Clearly, the Town supports the use of alternative energy technologies as reflected in the Town's General Plan. However, these policies must be applied in conjunction with the Town's other practices and policies intended to preserve the natural hillside open space character, natural environment and rural atmosphere. In this instance, the Planning Commission attempted to balance these goals and policies through a conditional approval that will not impact the performance of solar panels and will protect the character and ecological health of our fragile hillsides.

ENVIRONMENTAL ASSESSMENT:

As required by the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration have been prepared (Exhibit D and E of Exhibit 6).

FISCAL IMPACT: None

Attachments:

1. Notice of Appeal (one page) received on December 22, 2003.
2. Additional Information from Applicant received on January 23, 2004 (14 pages)
3. Required Considerations (3 pages)
4. Recommended Conditions of Approval (4 pages)
5. Excerpts from the Planning Commission minutes for December 10, 2003
6. Report to the Planning Commission from the Development Review Committee dated December 10, 2003 (minus development plans and pictures for justification letter)
7. Excerpts from the General Plan (8 pages)
8. Pictures for justification letter, staff report exhibit C- Solar panels (3 pages)

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MAYOR AND TOWN COUNCIL

RE: APPEAL OF 15220 KENNEDY ROAD

January 28, 2004

9. Pictures for justification letter, staff report exhibit C- Landscaping (1 page)
10. Development Plans (5 pages)

Distribution:

Jim Deichstetter, 15220 Kennedy Road, Los Gatos, CA 95032

BNL:JSG:mdc

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FILING FEES
\$250.00 Residential
\$1000 per Commercial, Multi-family or Tentative Map Appeal

#918
PAID MR
DEC 9 2003
TOWN OF LOS GATOS
OFFICE OF TOWN CLERK

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION: 12/10/03
PROJECT / APPLICATION NO: 2-01-98
ADDRESS LOCATION: 15220 KENNEDY RD

FILED
DEC 22 2003
MR
TOWN OF LOS GATOS
OFFICE OF TOWN CLERK

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Council members. Please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because _____

RECEIVED

DEC 22 2003

2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is SOLAR PANELS CANNOT BE MOVED CLOSER TO THE HOUSE ON FLATTER GROUND, WITHOUT INCREASING THE ARRAY SIZE AND THUS INCREASE VISIBILITY.

TOWN OF LOS GATOS
PLANNING DEPARTMENT ; OR

(please attach the new information if possible): OR

The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: GENERAL PLAN SECTION C.I.7.1 G: IDENTIFY ANY CURRENT TOWN REGULATION THAT MAY LIMIT FEASIBLE ENERGY CONSERVATION OR SOLAR ENERGY APPLICATIONS AND CONSIDER MODIFICATIONS.

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
2. The Town Clerk will set the hearing withing 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
3. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
4. Once filed, the appeal will be heard by the Town Council.
5. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: JIM DEICHSSTETTER
DATE: 12/22/03
PHONE: (408) 356-0965

SIGNATURE: Jim Deichstetter
ADDRESS: 15220 KENNEDY RD
LOS GATOS CA 95032

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: Feb 2, 2004
Pending Planning Department Confirmation

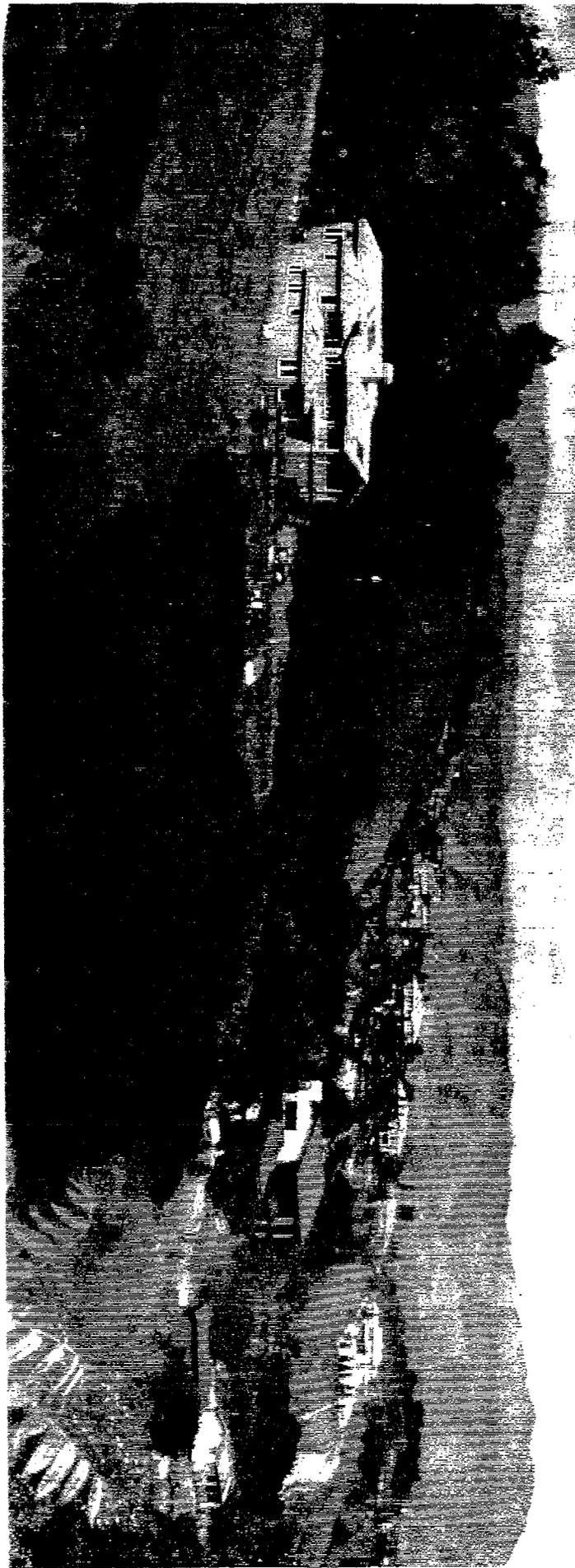
CONFIRMATION LETTER SENT: Date: _____

TO APPLICANT & APPELLANT BY: _____

DATE TO SEND PUBLICATION: 1/15/04

DATE OF PUBLICATION: 1/22/04





Background Solar Information

A solar array is composed of individual panels that are about 62" x 32.5" x 2". These panels mount to a support structure. The support structure chosen for this project mounts on single post; each post is capable of supporting up to 12 panels. This support structure was chosen because it is less susceptible to seismic damage. In the following document I will refer to a post with a number panels attached to it as a cluster. Wires are laid from the clusters to a power room where inverters are mounted on the wall (an inverter converts DC to AC). The output of the inverters is connected to PG&E, where service enters the house. A fully configured inverter is capable of supporting 16 panels. With 12 panels per cluster and 16 Panels per inverter, clusters must be grouped to account for this. For this project there are four clusters in a row for a total of 48 panels which provide power to three inverters. The third row of clusters has two clusters of 8.

Panels need to be mounted at a 30 degree angle to maximize solar collection.

Each panel is made up of rows of cells. These cells are like batteries, connected like batteries in a flashlight. With a flash light if you have one dead battery, and all the rest of them are good, the flashlight doesn't work. In a similar manner if one cell in a row is in the shade, that cell is dead and the output from the entire row is blocked.

The panels are sensitive to heat: The hotter they are the less power they produce, and they can be destroyed by too much heat. The non-generating surfaces on the panel are aluminum in order to dissipate heat.

The DC current generated by the solar panels does not travel as well as AC, power losses over distance are much greater for DC than for AC. To compensate for this power loss the conduit and wires that connect the array to the power room must be larger, and must increase even more if the distance to the power room increases. In my experience contractors are looking for the shortest distance, and after some point the system is no longer practical.

Town of Los Gatos Hillside and General Plans Applicable Quotes and Commentary

General Plan:

In section 10 CD.G.2.1:

"To preserve the natural beauty and ecological health of the hillsides"

Also in section 10 CD.P.2.2:

"Consideration shall be given to the siting of homes for privacy, livability, protection of natural plant and wildlife habitat and migration corridors, adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant ecological or visual impacts affecting open spaces, public places, or other properties".

In Section 6 O.P.4.1:

"Preserve natural open space character of prominent visible hillside lands."

*As an environmentalist, I agree completely. All the "Landscaping" I am doing to improve my property is being done with the native vegetation in mind, but there is another step that can be taken beyond just preserving, and that is restoration. Attached you will find pages from the Open Space's Resource Management Five-year Strategic Plan. Note: the intention is to restore the Open Space to a native state. The hillside south of my house is not a beautiful meadow, but an area that was long ago stripped of its native vegetation and planted with European grasses for grazing cattle. Since then the "invasive non-native species" (chiefly Star Thistle) the Open Space talked about in their plan have taken over the area. It is a continual struggle to keep the star thistle from spreading to areas I have already restored. I intend, with the help of the Open Space to restore this hillside to it's native appearance. Once I have completed my own property, I intend to ask the Open Space if they would like me to continue my restorations on their property. As much as I want to preserve and restore our natural environment there is an even larger concern and that is what the burning of fossil fuels is doing to our atmosphere. As we continue to dump tons and tons of carbon dioxide and other green house gases into our atmosphere we are changing our climate. And this change will ultimately result in changing our local environment into one that looks more like the LA area. **There are always trade-offs, and although I know that no matter where I put the solar array on my property it will still be visible from Kennedy Rd. and the Open Space (The best I can do is minimize its size, and keep it low to the ground), this visual impact must be weighed against the fact that it will be eliminating the addition of 20 tons of carbon dioxide, and many more tons of other pollutants from the atmosphere each year. That on a hot summer day, the array will be adding 17 KW of power to the grid thus reducing the town's demand for power.** Included is a modified picture of the hillside showing what the solar array would look like on the hillside once I have restored area.*

(Please note: As a do it yourselfer, I do all my own landscaping. When it comes to landscaping the hillside I have a lot of work to do in determining what I should plant, much less plant it. In order to get the CEC rebate the city must final project before the expiration date of my reservation (see Economics below). If I am required to plant the hillside before the project can be finalized, I will have to select the plants not knowing if they will grow, and a hire a landscaper to plant them (something I cannot afford). Please let me do this at my own pace. I will get the plants required for screening planted before the end of 2004. I also need to base the size of the plants on the soil conditions. I usually plant 5 gallon plants (it is what I am able to carry down the hill), but in some situations when I am planting in a rocky area I have to use 1 Gallon's plants between the rocks)

In section 7 on Conservation there are several places that encourage the use of Solar Energy. But I will only quote from The Goal and the Implementing Strategies.

Goal: C.G.7.1:

"To Foster development that reduces the use of non-renewable energy resources and expand the use of renewable resources and alternative fuels"

Implementing Strategies: C.I.7.1G

"Identify any current Town regulation that may limit feasible energy conservation or solar energy applications and consider modification."

These General Plan Quotes seem to indicate that the Town is prepared to interpret and/or adjust regulations to encourage solar.

Hillside Plan:

From Hillside Plan 1.0 Land Use: 1.1 Findings:

“Both County and Town Zoning Ordinances make provision for clustering of dwelling units to discourage the development of steeper slopes and encourage use of the level areas. In addition, in order to promote design harmonious with the mountain environment, the Town requires architectural and site review”

From Hillside Plan 1.0 Land Use: 1.3 Policies: 3. Clustering of Dwelling Units:

“Clustering of dwelling units should be encouraged to preserve the scenic nature of the hillsides and to allow for economies in construction of required public and private facilities”

When I first read these quotes, I thought they applied to subdivisions not to installing a solar array on a hillside. But if a solar array is included in the term “Dwelling Unit”, I would point out that the quotes use the words “encourage” and “discourage” and not require or prohibit. The second quote shows a concern for the economies of construction, for this project the most economical and least visible location is the one that was originally proposed.

These quote I assume are what prompted the planning commission to pass the following:

CONDITIONS OF APPROVAL

Item number four of the Planning commissions **CONDITIONS OF APPROVAL** states:

Solar panels shall be moved closer to the home to the flatter developed area around the house to the satisfaction of the Director of Community Development. The use of photo simulation should be used to determine the visibility of the solar panels. Visibility of the solar panels shall be minimized.

Due to the nature of solar arrays the two underlined sentences above are contradictory. (See the attached solar array cross section). On a hillside with a 30 degree slope the panels can be located 4ft. off the ground, providing a relatively low visibility profile. From the side you essentially see the 2 in. wide edge 4ft. off the ground. From the cross section you see that on flat ground a cluster is 12ft. tall. And to avoid one cluster shading the cluster behind it, each succeeding row must be higher up or further back. On flat ground rows of clusters must be located 30 to 35 feet apart to avoid shading. The flatter the ground the larger the array field! When I chose the location for the array field I did so with visibility in mind. The contractor wanted to put it farther up the hill toward the house to shorten the electrical run. He also wanted 6ft. tall poles. I insisted on minimizing the height and moving it further down the hill to reduce visibility from Kennedy Rd.

Putting the clusters on flatter ground has another visual impact; the metal structure supporting the panels is exposed (see attachment).

I have attempted to meet this requirement by examining three areas; the east side yard, which is relatively flat, the vegetable garden area south of the east side yard, which is also relatively flat, and 15ft. up the hill from the originally proposed site. I took photographs from various locations of my son holding a 12ft. pole to simulate what a cluster in that location would look like.

The east side yard: Contains my leach field, construction is not allowed. It is too far from my PG&E connector and would be highly visible from not only Kennedy Rd. but also by my east neighbor and the living area of my property. This location would also have a shading issue, being partially shaded in morning by the neighbors house and in the late afternoon by my house.

The vegetable garden area: Is the same distance from the PG&E connection, as the original site. However, the use of that route would require laying conduit under the house, patio, and swimming pool. If I go around these obstacles, it would almost double the electrical run, making it prohibitively expensive. It would be highly visible from Kennedy Rd, unless I built a 4' high berm at the edge of my leach field and planted a row of 4 ft. to 5 ft. tall bushes on top of the berm. (When I visualize a straight 4 foot tall berm running parallel to Kennedy with a 4ft. to 5ft. hedge on top what I see is totally inconsistent with the topology and the natural environment.) The second and third rows of clusters would have to be 30ft. to 35ft. away from the first row and this would locate them on the slope south of the vegetable garden. This 12 ft. tall structure would be located within 50ft. of my east neighbor's front door. This proximity to my neighbor's house would also result in shading of the array by the house for most of the morning. And lastly, from my house this huge metal structure would right in my living area.

The third location, 15ft. up the hill from the originally proposed location is fine with my contractor (it's a shorter run). Although it is closer to the house it is still on a slope, but a slope that is not as steep as the originally proposed site. It is highly visible from Kennedy Rd. and from my house, especially from the second floor balcony. This high visibility is the result of the first row of clusters being up to 12ft. above ground exposing the support structure under the panels. From the Open Space visibility is unchanged. The visibility issue is worse from Kennedy Rd. than from my house, and I can't imagine that it would be more acceptable to the Town than the original site.

Economics

The California Energy Commission gives rebates for installing solar power. Last June when I contracted with them to install this system, the rebate was \$4.00 per watt (On July first the rate dropped to \$3.50 and it may also have dropped to \$3.00 on January first). The CEC limits systems size based on yearly power utilization. For me this was based on my PG&E bills for the last three years. I was approved for 17,192 watts, or a rebate of \$68,768. This along with the solar electric income tax credit will pay for about half of the \$150,000 cost of the system. This contract has a 9 month duration, so I must either have the system installed, up and running and finalized by the Town of Los Gatos by 3/28/04, or I must have apply for an extension by 2/27/04, or I will lose my rebate. But before I can apply for an extension certain conditions must be met (see attached CEC Request for Substantive Changes). Any further delay in getting a building permit is going to make it impossible to meet the criteria for the extension.

By adding the cost of the system to my mortgage, my house payment will go up by approximately what I pay on average to PG&E. It will take about 25 years to recover my cost for the solar system. The panels have a 25 yr warranty. Financially this is not a very good investment, so anything that drives the cost up essentially makes the project unfeasible.

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

**RESOURCE MANAGEMENT
FIVE-YEAR STRATEGIC PLAN**

February 25, 2003
Final

**Table 1. Resource Management Goals
Five-Year Strategic Plan**

PLANNING GOALS

1. Adopt a Resource Management Planning Process
2. Develop a Resource Inventory Mapping System Using Geographic Information System (GIS) and Global Positioning System (GPS) Technology
3. Prepare Resource Management Plans for Key Open Space Preserves and High Priority Sites to Address Specific Resource Management Issues or Critical Issues

PROTECTION AND RESTORATION GOALS

4. Protect and Enhance Natural Biodiversity and Habitat for Special Status Species of the District's Preserves
5. Restore Seriously Disturbed or Degraded Sites to Natural Conditions, Including Removal of Invasive Non-Native Species

SPECIFIC PRACTICES

6. Protect Resources through Continued Compliance with Environmental Regulations, Standards and Practices
7. Use Best Management Practices to Protect Natural Resources

Goal 4

Protect and Enhance Natural Biodiversity and Habitat for Special Status Plant and Animal Species of the District's Preserves

(Resource Management Policies 4.3, 5.2, 5.3, 5.4)

Objectives

- Inventory, protect and enhance native populations of plants and animals to preserve the natural biodiversity of the District's preserves.
- Inventory and map special status plant and animal species and their habitats at each preserve and prepare habitat protection and enhancement plans for special status species on District lands.

As public access improvements are planned during the process described under Goal 1, the biodiversity of the District's preserves will be assessed and protected. The mapping processes in Goal 2 will also assist in biodiversity protection by mapping valuable wildlife habitats, such as wildlife movement corridors, watering sources, and sensitive nesting areas; unique plant communities, such as wetlands, serpentine grasslands and riparian corridors; and other special landscape features, such as cliffs and talus slopes.

For purposes of this plan, native plants and animals are defined as those species that were present in the Santa Cruz Mountains region of California prior to the large scale development of the American continent by European humans after 1769. Generally, these native species are more integrated with local natural conditions, support complex ecological systems and are more sustainable. Land development and introduction of new species will continue in areas surrounding open space preserves, therefore complete preservation of prior conditions is not always possible. An emphasis will be placed on controlling those species that are invasive – those that take over large areas and reduce biodiversity.

At some locations, non-native species may be maintained on preserves where they provide an historic or aesthetic value or otherwise meet the mission of the District. An example would be the historic vineyards at Picchetti Ranch.

Enhancement is defined as an activity to increase the number of native species or the amount of their habitat above existing levels. Enhancement activities are generally taken when disturbed conditions are returned to natural conditions or when an opportunity is provided for increasing population numbers or habitat area for rare species. A decision to increase a population must take into account the carrying capacity of the land and the potential for effects on other species. The cyclical patterns of populations must also be considered. A decision to introduce or reintroduce populations of rare species into a currently unpopulated area will require review by the Board.

Implementation

1. Monitor the status of wildlife populations of significant value.
2. Protect sensitive biological areas.
3. Identify special status species and their habitats.
4. Conduct protection or restoration work to promote healthy special status species populations.
5. Monitor status of special status species and collect relevant information.
6. Provide training to staff on identifying and avoiding impacts to special status species.

Staff Roles and Tools

- Lead Staff – Resource Management Specialist will coordinate species surveys, habitat restoration, and develop monitoring programs.
- Supporting Staff – Planning Department will prepare preserve-wide inventories and plans, and incorporate wildlife and vegetation studies into resource management plans. Operations Department field staff will assist in the collection of baseline data, implement restoration work, coordinate contractors, and conduct monitoring.
- Consultants – May survey for special status species and make recommendations regarding habitat protection and enhancement.
- Training – Will be provided to Planning and Operations Department staff on identifying and avoiding impacts to special status species.

Work Products and Deliverables

- Monitoring programs for wildlife of significant value.
- Information tables, survey reports, and maps of special status species and their habitats on District preserves.

Goal 5

Restore Disturbed or Degraded Sites to Natural Conditions, Including Removal of Invasive Non-Native Species

(Resource Management Policies 3.1, 4.2, 6, 8.1, 9.1)

Objectives

- Identify disturbed or degraded conditions that adversely affect watersheds and natural resource biodiversity on existing preserves and new acquisitions.
- Remove or control invasive non-native species on District lands
- Restore sites to minimize the effects of erosion and to prevent the invasion of non-native species.
- Prevent or limit new outbreaks of invasive species.

Restoration is defined as restoring a site to natural conditions. This can either be to natural conditions that existed prior to human disturbance, or could be conditions supporting diverse native plant and animal species adapted to the existing features of the site.

Disturbed or degraded sites are those that have been altered so as to no longer support diverse native plant and animal species in a sustainable manner.

Implementation

1. Inventory disturbed or degraded conditions of natural resources during acquisition and preliminary Use And Management planning. These conditions can include, but are not limited to, former structure sites, abandoned roads, off-road vehicle areas, illegal trails, dumpsites, quarries, gun ranges, graded areas, and landings.
2. Determine priorities for restoration of currently identified disturbed or degraded areas on new acquisitions, and newly discovered disturbed or degraded areas on existing preserves.
3. Monitor progress and analyze methods used in restoring sites through the use of pre-project and post-project photographs and surveys. Adapt restoration techniques as necessary and apply successful techniques to other sites.
4. Use education and enforcement to manage visitor impacts to natural resources.
5. Utilize restoration techniques to mitigate encroachments that have disturbed or degraded District land.
6. Inventory invasive non-native species and continually monitor for new outbreaks.

7. Continue to control or eradicate non-native plants based on the Invasive Exotic Plant inventory (Kan, 1997) and Monitoring of High Priority Weed Sites (Kan, 2001).
8. Determine feasibility of controlling populations of non-native, invasive species.
9. Continue the feral pig control program and coordinate a regional control effort with other public agencies and District neighbors.
10. Follow guidelines for long-term weed control on all sites where invasive plants have been removed.
11. Continue use of prescribed fire as a management tool to reduce non-native plant populations.
12. Coordinate invasive control programs with neighboring property owners.
13. Work with the Weed Management Areas of San Mateo and Santa Clara Counties, the Santa Cruz Mountains Bioregional Council, and other related agencies and organizations on regional invasive species control efforts.

Staff Roles and Tools

- Lead Staff – Resource Management Specialist will coordinate restoration efforts and invasive control, and serve as liaison with local agencies, organizations and neighbors.
- Supporting Staff – Field staff will implement restoration and control efforts, assist in identification of disturbed or degraded sites, and monitor changed conditions primarily through the field staff's Resource Management Days and by directing special work crews, such as volunteers and contractors. The Planning Department will assist in identification of disturbed or degraded conditions and sites, and prioritization, including regional efforts and GPS mapping. The Acquisition Department will coordinate mitigation of encroachment-related degradation of natural resources.
- Contract Labor, Consultants and Volunteers – Contract labor and consultants may design and restore sites. Volunteers and other labor, such as the California Conservation Corps and California Youth Authority, will be used to control invasive plants and perform other restoration activities.

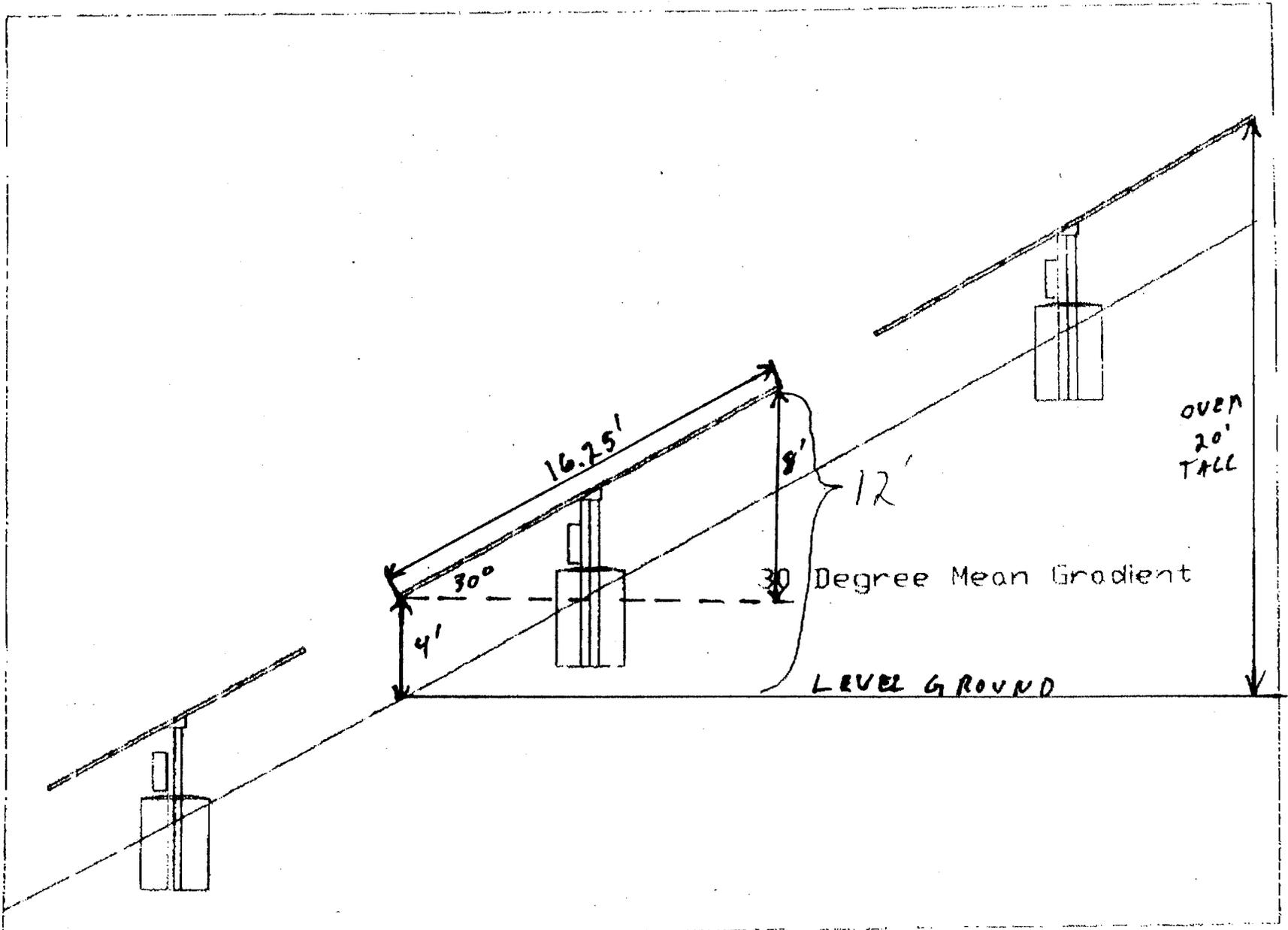
Work Products and Deliverables

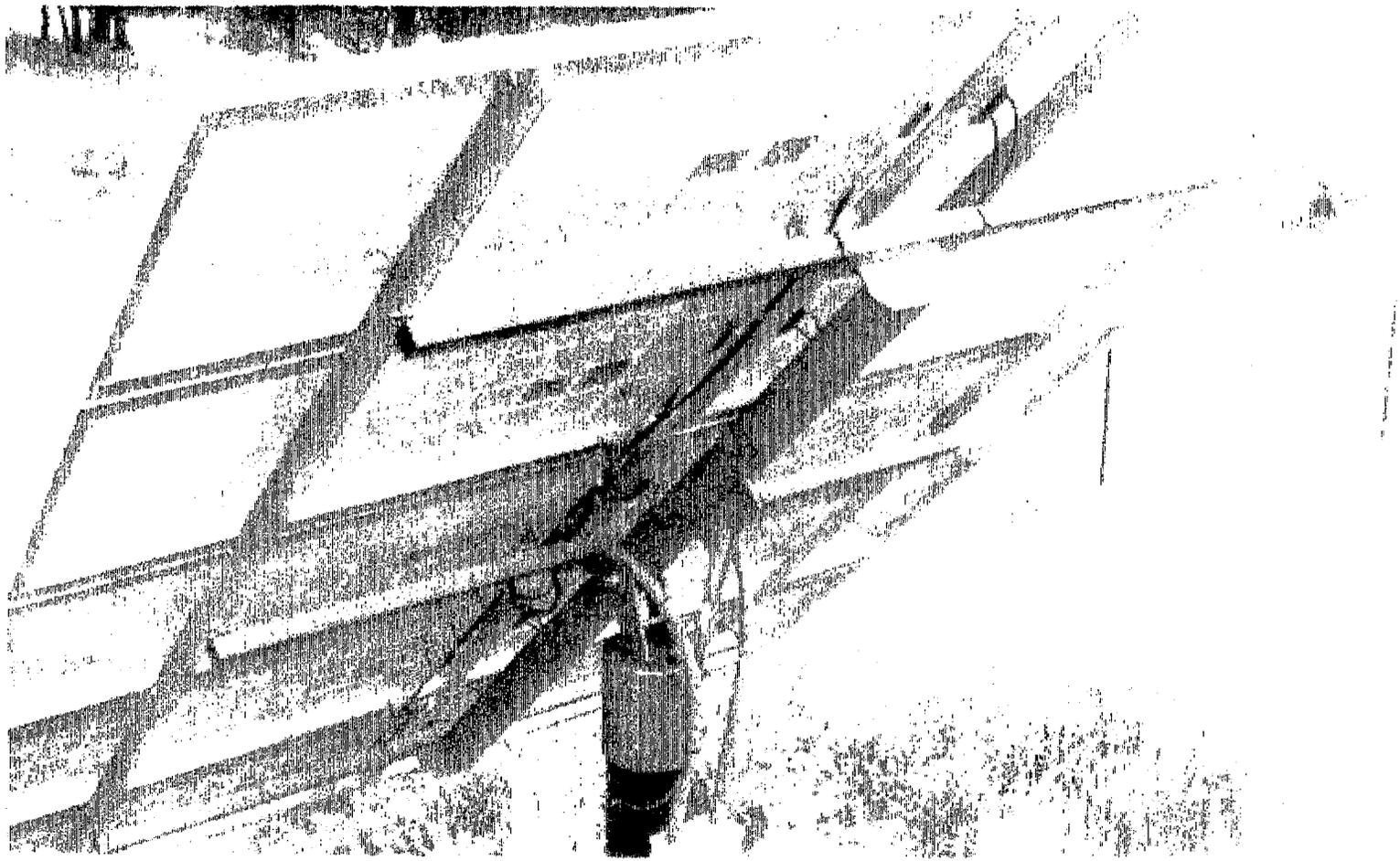
- Criteria for prioritizing restoration of disturbed and degraded areas.
- Lists of areas currently under restoration and successful restoration methods.
- Updated inventory of invasive species and feasible control methods.

SOLAR ARRAY CROSS SECTION

AUG-04-03 11:36 AM

7/23/2003 7:45 AM FROM: FAN MUYARD SOLAR ELECTRIC TO: 1-707-942-3756 PAGE: 001 OF 001





Emerging Renewable Resources Account Requests for Substantive Changes

(Extensions, change of location and other requests)

The following was copied out of the Emerging Renewable Resources Program guidebook and identifies the criteria you must document to be considered for an extension or other substantive change. The guidebook is available at www.consumerenergycenter.org/erprebate/forms.html or by calling (800) 555-7794.

Substantive changes, such as change of purchaser, location or expiration date of reservation, require prior approval by the Commission's Renewables Committee and can be considered if requested in writing. The request must be filed prior to the expiration date of the reservation to be considered. Each request must describe the need for the change and must document the following:

1. Circumstances beyond the control of the reservation holder that prevent the system from being installed as described under the reservation.
2. Neither the holder, retailer or installer knew or had reason to know of the above circumstances (criteria 1) at the time the current reservation was issued.
3. The holder, retailer or installer has incurred documentable costs or expenses, either through the purchase of system equipment or by other construction costs expressly for the purpose of installing the reserved system, equaling no less than 25 percent of the reserved system's total cost, and said costs or expenses are unrecoverable unless the requested change is approved.
4. There are no other known obstacles in the way of completing the project.
5. The requested change would otherwise comport with all of the eligibility requirements of the Buydown Program.

A request to change the expiration date of the reservation must be limited to 3 months of additional time for reservations concerning single small systems and 6 months of additional time for all other system sizes and group reservations for multiple systems.

Any requests made within 30 days of the reservation expiration date shall include an explanation of why a more timely request was not possible under the circumstances. The Buydown Program Manager will notify requesting parties of a decision on their request within 30 days of the receipt of a complete request. Approval of a request for a change in purchaser location or expiration date will not change or modify any other reservation condition.

Please send your request for an extension with supporting documentation to Dale Trenchel by fax to (916) 653-2543 or by mail to:

California Energy Commission
Emerging Renewables Program
1516 9th Street, MS-45
Sacramento, CA 95814

REQUIRED CONSIDERATIONS FOR:

15220 Kennedy Road

Architecture and Site Application S-01-98

Negative Declaration ND-04-3

Requesting approval of a grading permit for landscaping improvements and approval to install solar panels on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 537-15-004.

PROPERTY OWNER/APPLICANT: Jim Deichstetter

CONSIDERATIONS IN REVIEW OF APPLICATIONS

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

The deciding body shall consider all relevant matter including, but not limited to, the following:

- (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.

A. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:

1. The ability of critical roadways and major intersections to accommodate existing traffic;
2. Increased traffic estimated for approved developments not yet occupied; and
3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.

B. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:

1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available

capacities.

Any project receiving Town determination subsection (1)b.1. may proceed. Any project receiving Town determination subsection (1)b.2. must be modified or denied if the deciding body determines that the impact is unacceptable. In determining the acceptability of a traffic impact, the deciding body shall consider if the project's benefits to the community override the traffic impacts as determined by specific sections from the general plan and any applicable specific plan.

- (2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. Specialized lighting and sign systems may be used to distinguish special areas or neighborhoods such as the downtown area and Los Gatos Boulevard.
- (3) *Considerations relating to landscaping.* The location, height, and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, parking lots or unsightly development; the planting of ground cover or other surfacing to prevent dust and erosion; and the unnecessary destruction of existing healthy trees. Emphasize the use of planter boxes with seasonal flowers to add color and atmosphere to the central business district. Trees and plants shall be approved by the Director of Parks, Forestry and Maintenance Services for the purpose of meeting special criteria, including climatic conditions, maintenance, year-round versus seasonal color change (blossom, summer foliage, autumn color), special branching effects and other considerations.
- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of the buildings with adjacent development.

Buildings should strengthen the form and image of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

- (5) *Considerations relating to drainage.* The effect of the site development plan on the adequacy of storm and surface water drainage.
- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site

approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.

- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.
- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.
- (9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.

CONDITIONS OF APPROVAL FOR:

15220 Kennedy Road

Architecture and Site Application S-01-98

Negative Declaration ND-04-3

Requesting approval of a grading permit for landscaping improvements and approval to install solar panels on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended.

APN 537-15-004.

PROPERTY OWNER/APPLICANT: Jim Deichstetter

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT

(Planning Division)

1. **EXPIRATION OF APPROVAL:** This Architecture and Site application will expire two years from the date of approval unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
2. **MITIGATION MONITORING PLAN:** The applicant shall implement the proposed project according to the approved mitigation monitoring plan for this project.
3. **PLANS:** Development plans received on September 3, 2003.
4. **Solar panels shall be moved closer the home to the flatter developed area around the house to the satisfaction of the Director of Community Development. The use of photo simulation should be used to determine the visibility of the solar panels. Visibility of the solar panels shall be minimized.**
5. **The leach field area shall not be irrigated.**
6. **All perimeter fencing shall allow for wildlife migration.**
7. **Solar panels shall be limited to the size that the California Energy Commission (CEC) allows or the amount of solar panels necessary to provide electricity for the house, whichever is less.**

(Building Division)

8. **PERMITS REQUIRED:** A building permit application shall be required for the proposed structure. Separate Electrical/Mechanical/Plumbing permits shall be required as necessary.
9. **CONDITIONS OF APPROVAL:** All Conditions of approval shall be stated in full on the cover sheet of the construction plans submitted for the building permit.
10. **SIZE OF PLANS:** The maximum size of construction plans submitted for building permits shall be 24" x 36".
11. **PLAN PREPARATION:** The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538).
12. **SOILS REPORT:** Two copies of 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.

13. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and 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 on structural calculation on photo array attachment.

14. 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 Permits, in accordance with UBC Section 106.3.5. Please obtain a town Special Inspection form from the Building Department Service Counter. The Town Special Inspection schedule shall be blue-lined on the construction plans.

15. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification shall be part of the plan submittal. The specification sheet is available at the Building Division Service Counter.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)

16. 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.

17. SOILS REPORT. One copy of the soils report shall be submitted with the grading permit * public improvement 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.

18. 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.

19. 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.

20. 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 of work that went on without inspection.

21. **EROSION CONTROL.** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division 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 methods 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 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.

22. **NONPOINT SOURCE POLLUTION PREVENTION.** On-site drainage systems shall include a filtration device such as a bio-swale.

23. **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.

24. **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.

25. **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.

26. **PRIVATE SEWAGE DISPOSAL SYSTEMS.** A plan approval letter from the Environmental Health Department shall be provided prior to issuance of a grading permit.

N:\DEV\CONDITNS\15220 Kennedy Rd.wpd

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- (1) changing my mind and will support it if – if Staff
 (2) has that leeway.
 (3) CHAIRMAN DUBOIS: Okay.
 (4) COMMISSIONER MICCICHE: Thank you.
 (5) CHAIRMAN DUBOIS: Are there any other
 (6) questions or comments, then? We have a motion on
 (7) the floor. Commissioner Quintana.
 (8) COMMISSIONER QUINTANA: I –
 (9) CHAIRMAN DUBOIS: Almost got through this.
 (10) COMMISSIONER QUINTANA: I just want to add
 (11) that the fact that this is a transition neighborhood
 (12) is what makes it so important, and – and the fact
 (13) that it's in the County, and this is the first house
 (14) that's coming into Los Gatos makes it even more
 (15) important that it fit Los Gatos's guidelines.
 (16) CHAIRMAN DUBOIS: And I think also it's
 (17) important, I think it was raised tonight that this
 (18) is like the fourth largest parcel size that we're
 (19) looking at here, too, so it's not necessarily – it
 (20) is a little bit larger than most of the sizes there,
 (21) so, yeah.
 (22) COMMISSIONER QUINTANA: Yeah, but in
 (23) respect to that, corner lots often are to
 (24) accommodate for the fact that they need greater
 (25) setbacks and that they're more prominent, also.

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- (1) CHAIRMAN DUBOIS: Okay. Good comment.
 (2) Okay, there's a motion on the floor. All those in
 (3) favor of the motion, signify by saying aye.
 (4) MR. LORTZ: I just wanted to –
 (5) CHAIRMAN DUBOIS: Hang on. Hang on, hang
 (6) on, hang on, hang on.
 (7) MR. LORTZ: I just wanted to restate the
 (8) motion just for clarification.
 (9) CHAIRMAN DUBOIS: Okay. Please do.
 (10) MR. LORTZ: It's that there's a motion and
 (11) a second and to approve the project, but with
 (12) direction to Staff that the floor area be reduced
 (13) overall, including specifically the second floor.
 (14) And the goal here is to achieve neighborhood
 (15) compatibility. Correct.
 (16) COMMISSIONER TALESFORE: And I think it
 (17) could be and/or second floor.
 (18) MR. LORTZ: Yes.
 (19) COMMISSIONER TALESFORE: (Inaudible.)
 (20) MR. LORTZ: Okay.
 (21) CHAIRMAN DUBOIS: So everyone clear now?
 (22) Okay. All those in favor of the motion, signify by
 (23) saying aye.
 (24) (Ayes.)
 (25) CHAIRMAN DUBOIS: Opposed? Motion carries

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- (1) unanimously. Appeal –
 (2) MR. LORTZ: This approval is appealable to
 (3) the Town Council. There are appeal forms in the
 (4) Clerk's Office. There's a fee for filing an appeal.
 (5) And the appeal must be filed within ten days.
 (6) CHAIRMAN DUBOIS: Okay. Moving on down
 (7) the agenda, Item Number 4, 15220 Kennedy Road,
 (8) Architecture and Site Application S-01-98, and
 (9) Negative Declaration ND-04-3, requesting approval
 (10) for a grading permit for landscaping improvements
 (11) and approval to install solar panels on property
 (12) zoned HR-2. Is the applicant here?
 (13) JIM DEICHSTETTER: I sure am.
 (14) CHAIRMAN DUBOIS: Would you identify
 (15) yourself, sir.
 (16) JIM DEICHSTETTER: Hi. I'm Jim
 (17) Deichstetter. And I'm the owner at 15220
 (18) Kennedy Road. And let's see. I'm very interested
 (19) in natural, that's part of why I'm living up in the
 (20) hills; and so what I'm looking to do here is to look
 (21) at my piece of property, and I want to landscape it,
 (22) the whole thing, okay.
 (23) The original landscape that was on the
 (24) property as I bought it were European grasses that
 (25) don't belong there, and noxious weeds like star

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- (1) thistle, okay. I've got the house on the property.
 (2) This is the kind of landscaping that I'm putting in,
 (3) okay. That's part of what I've already done. And
 (4) the first piece of the request here is that I be
 (5) allowed to grade the east side yard. That is –
 (6) there's a road going off to the right, so it's off
 (7) to the right of this, okay.
 (8) And what I intend to do is that's my leach
 (9) field, I cannot plant any shrubs or bushes or
 (10) anything like that that have deep roots. I have to
 (11) plant grass, some sort of grass over the top of the
 (12) leach field. Otherwise I'll just ruin my leach
 (13) field.
 (14) Then around the perimeter of the leach
 (15) field, I intend to put berms. The intention of the
 (16) berms is to get more dirt between the leach field
 (17) and the shrubs that I'd like to plant along the
 (18) edge, okay. So that's the first half of it.
 (19) The second half of it is my solar. And
 (20) what I'd like to do is I would like to reduce my
 (21) family's impact on the planet. I've got sufficient
 (22) space on my property that I can totally eliminate
 (23) what I pay in electric bill. What I'll wind up
 (24) doing is paying for the solar system, but at least
 (25) I'm not putting 20 tons of carbon dioxide into the

Attachment 5

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- (1) air every year.
 (2) I've got a signed contract with the CEC,
 (3) and the CEC has determined that this is the size of
 (4) an array that I need to produce the electricity I
 (5) need to support my house, okay.
 (6) I have looked at the Hillside Plan, and
 (7) I've looked at the General Plan. In my
 (8) justification, I quoted from the hillside plan, so
 (9) what I would like to do is cover a couple things
 (10) here about on the General Plan.
 (11) The solar panel - I should probably put
 (12) those up here. This is sort of a guess work as to
 (13) what they would look like. They're only four feet
 (14) tall, okay. We're keeping them low to the ground.
 (15) The glass on these panels are textured so that they
 (16) don't have glare, okay.
 (17) In the General Plan, there's - I think
 (18) it's Section 7, they talk about conservation. And
 (19) the goal of that Section 7, Subsection 7, it's on
 (20) energy, they say to foster the development that
 (21) reduces the use of non-renewable energy, and more
 (22) importantly, to use renewable sources and
 (23) alternative fuels. This is a renewable source,
 (24) okay.
 (25) Policies say encourage construction of

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- (1) technology, and then there's another one that says
 (2) encourage the use of renewable energy sources and
 (3) alternative fuels. And the last one, although I
 (4) don't think I need to use it, under implementation
 (5) strategies, it says identify any current Town
 (6) regulations that may limit feasible energy
 (7) conservation or solar energy applications and
 (8) consider their modifications. I don't think I need
 (9) that, because if you - you've read the packets.
 (10) There are negative declarations. There's -
 (11) nobody's complaining.
 (12) I've gone around to all my neighbors, and
 (13) I have not found a single neighbor who's complained.
 (14) They're per - they see what the intent is. And
 (15) they're - they said okay.
 (16) If you look at the roads, as you come up
 (17) Kennedy Road, for a split second on your right-hand
 (18) side, you can see it. If you come up Kennedy Road
 (19) the other direction, as you're going through a
 (20) hairpin turn, it's up on the hill above you.
 (21) There's very little impact.
 (22) You had some pictures from the open space,
 (23) and the open space - I don't see anybody here, but
 (24) we'll see. I talked to them, and they said they
 (25) have no objections.

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- (1) So I leave you with nine seconds. Thank
 (2) you.
 (3) CHAIRMAN DUBOIS: Don't go away. There's
 (4) a question for you. Commissioner Talesfore.
 (5) COMMISSIONER TALESFORE: It seems to me
 (6) that the issue here really is about the location,
 (7) relationship of the location between the panels
 (8) where you're proposing them and your house.
 (9) JIM DEICHSTETTER: Okay.
 (10) COMMISSIONER TALESFORE: So my question to
 (11) you is wouldn't it be more efficient, isn't it my -
 (12) I think it's my understanding that it's more
 (13) efficient when solar panels are placed closer to
 (14) their point of impact or what they -
 (15) JIM DEICHSTETTER: The shorter -
 (16) COMMISSIONER TALESFORE: - (inaudible).
 (17) JIM DEICHSTETTER: The shorter the wires,
 (18) the more efficient - okay.
 (19) COMMISSIONER TALESFORE: Is that true?
 (20) And if it is, why -
 (21) JIM DEICHSTETTER: That is true.
 (22) COMMISSIONER TALESFORE: - wouldn't you
 (23) consider that? I think that was an issue that the
 (24) Staff had, according to the -
 (25) JIM DEICHSTETTER: Okay. Well, I haven't

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- (1) heard of any -
 (2) COMMISSIONER TALESFORE: - report here.
 (3) JIM DEICHSTETTER: - issues, but I
 (4) have - there are two components. There is the
 (5) array component that you're going to see out in the
 (6) field, and then there are these modules that convert
 (7) the DC to AC, and, you know, feed it into the power
 (8) line. The room that I have is located in the north
 (9) side of the house. Also, my power panel is located
 (10) on the north side of the house.
 (11) This array is located on the far western
 (12) edge of my property, what it - minus the setback.
 (13) And the pipe goes directly up the side of the house
 (14) and into where the power panel is. This is where
 (15) the power has to go no matter what. This is the
 (16) shortest distance.
 (17) Moving it further up the hill, it's just a
 (18) matter of - of the contours of the ground. We
 (19) wanted to get it down close to the ground. I - the
 (20) ground is like this. It's a 30 degree angle, and up
 (21) here it gets a little less. Now, when - as you put
 (22) the - you're going to have to spread them out more
 (23) if you're on a flatter level. And that's going to
 (24) cause a larger area.
 (25) Also - let's see, what else is there? I

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- (1) hadn't thought of moving them any – it seemed like
 (2) the reasonable place to put them is where I've got
 (3) them. We want to keep them close to the ground and
 (4) out of people's view.
 (5) COMMISSIONER TALESFORE: So you – now,
 (6) you play – it appeared to me from your drawing – I
 (7) mean, your photographs –
 (8) JIM DEICHSTETTER: Uh-huh.
 (9) COMMISSIONER TALESFORE: – it's in the
 (10) middle of a – an open field. And you're saying you
 (11) can't move it closer to your house. I mean, I think
 (12) a vegetable garden was mentioned –
 (13) JIM DEICHSTETTER: Umm.
 (14) COMMISSIONER TALESFORE: – or
 (15) (inaudible). I mean, I'm just curious, what –
 (16) JIM DEICHSTETTER: The vegetable –
 (17) COMMISSIONER TALESFORE: – you're
 (18) thinking about not moving –
 (19) JIM DEICHSTETTER: The vegetable garden is
 (20) on the far eastern side.
 (21) COMMISSIONER TALESFORE: Uh-huh.
 (22) JIM DEICHSTETTER: Okay. I have a wing
 (23) coming out of my house on the western side, and it
 (24) is no more than like, what is it? Like 50 feet from
 (25) the house to the solar panels.

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- (1) COMMISSIONER TALESFORE: Okay. What's the
 (2) distance now?
 (3) JIM DEICHSTETTER: What do you mean what's
 (4) the distance?
 (5) COMMISSIONER TALESFORE: Between where the
 (6) solar panels are now and the house? Is that 50
 (7) feet?
 (8) JIM DEICHSTETTER: It's about 50 feet.
 (9) COMMISSIONER TALESFORE: Oh, okay.
 (10) JIM DEICHSTETTER: I think it's about 50
 (11) feet. It's about – it's 120 feet from where the
 (12) power goes into the house to the solar panels. And
 (13) I have – Andy Perry is my electrical contractor,
 (14) and he might speak to the distances and power
 (15) consum –
 (16) COMMISSIONER TALESFORE: Well, okay. It
 (17) appears to me to be more than 50 feet, but then I'm
 (18) just looking at that photograph, so –
 (19) JIM DEICHSTETTER: Umm, it was – we did
 (20) measure 120 feet from the entry point into the
 (21) house.
 (22) CHAIRMAN DUBOIS: Let's address the
 (23) Commission.
 (24) JIM DEICHSTETTER: Okay.
 (25) COMMISSIONER TALESFORE: What is the –

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- (1) what other all – so did you consider any other
 (2) alternative of placement of these?
 (3) JIM DEICHSTETTER: Of where to put them?
 (4) COMMISSIONER TALESFORE: Yeah. Did
 (5) anyone – I mean, did –
 (6) JIM DEICHSTETTER: No one has – no one
 (7) has ever suggested –
 (8) COMMISSIONER TALESFORE: Staff never
 (9) suggested another –
 (10) JIM DEICHSTETTER: No one has ever
 (11) suggested –
 (12) COMMISSIONER TALESFORE: – place to put
 (13) these?
 (14) JIM DEICHSTETTER: – any other place.
 (15) COMMISSIONER TALESFORE: Thank you.
 (16) JIM DEICHSTETTER: Umm, and it was –
 (17) COMMISSIONER MICCICHE: Follow-up
 (18) question.
 (19) CHAIRMAN DUBOIS: Hang on a second.
 (20) Commissioner Burke has had his hand up for a long
 (21) time.
 (22) COMMISSIONER TALESFORE: Thank you.
 (23) COMMISSIONER BURKE: Okay, thank you.
 (24) Would you pronounce your last name again so when I
 (25) address you, I don't want to –

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- (1) JIM DEICHSTETTER: Deichstetter.
 (2) COMMISSIONER BURKE: Deichstetter, okay.
 (3) I'm going to ask some hard hitting questions, and
 (4) please don't take any offense –
 (5) JIM DEICHSTETTER: Okay.
 (6) COMMISSIONER BURKE: – they're meant with
 (7) respect. You started off by saying you like
 (8) natural.
 (9) JIM DEICHSTETTER: Uh-huh.
 (10) COMMISSIONER BURKE: But yet you're going
 (11) to landscape the entire two and a half acres of
 (12) your property on what looks like a non-natural
 (13) type setting for up there. I mean, it looks
 (14) like –
 (15) JIM DEICHSTETTER: That's not natural?
 (16) Every single plant on that is on your – every
 (17) single plant on that picture is in – on the list of
 (18) native species. I have hunted down various native
 (19) species lists and –
 (20) COMMISSIONER BURKE: Then I stand
 (21) corrected. Are you going to be needing to fence off
 (22) the two and a half acres to keep wildlife from
 (23) eating that? I'm just curious.
 (24) JIM DEICHSTETTER: No. I plant plants
 (25) that deer don't like.

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- (1) COMMISSIONER BURKE: In that case, I stand
 (2) corrected, and this is one of the reasons I ask
 (3) questions, because a lot of times I make assumptions
 (4) that are wrong.
 (5) JIM DEICHSTETTER: Uh-huh.
 (6) COMMISSIONER BURKE: Okay. The solar
 (7) panels. 17 KW.
 (8) JIM DEICHSTETTER: Right.
 (9) COMMISSIONER BURKE: That's 70 percent
 (10) larger than you could have with a - with a net
 (11) metering agreement with PG&E; is that correct?
 (12) JIM DEICHSTETTER: I have no idea.
 (13) CHAIRMAN DUBOIS: He's calling up -
 (14) JIM DEICHSTETTER: Andy -
 (15) CHAIRMAN DUBOIS: - his consultant,
 (16) Andy -
 (17) JIM DEICHSTETTER: I'm calling up Andy
 (18) Perry, who is the electrical contractor, who
 (19) supposedly knows all the -
 (20) CHAIRMAN DUBOIS: Mr. Perry, would you
 (21) come up and identify yourself for the record, and if
 (22) you can respond to this question.
 (23) ANDREW PERRY: My name is Andrew Perry. I
 (24) live on 17811 Comanche Trail, Los Gatos. I'm a
 (25) licensed electrical contractor and electrical

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- (1) engineer. I've been hired by Minard Solar Electric,
 (2) who is the designer of this system, who's been in
 (3) business for 25 years. He was supposed to be here
 (4) tonight, but his daughter and wife had the flu, so
 (5) he couldn't make it. But I'm here to field any
 (6) questions.
 (7) Commissioner, your question again, please.
 (8) COMMISSIONER BURKE: Well, it's my
 (9) understanding, and I have done a fair amount of
 (10) research in solar, is that the maximum array size
 (11) you can have for a net metering agreement with PG&E
 (12) is 10,000 kilowatts - or ten kilowatts. And this would
 (13) be 70 percent more than that.
 (14) ANDREW PERRY: Actually, I believe it's
 (15) 30. I believe it's 30.
 (16) COMMISSIONER BURKE: That -
 (17) ANDREW PERRY: This was arrived at for the
 (18) net metering based on his last - average of last
 (19) year's PG&E bills, so the State has already
 (20) contracted us to put in this size. Had we put in
 (21) something bigger, they would have - they don't want
 (22) to give money away that they don't have. So this
 (23) is - this was the size based on the fact that he
 (24) has pool equipment and a hot tub. That's why it's
 (25) higher than ten.

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- (1) COMMISSIONER BURKE: So he heats his pool
 (2) with electricity?
 (3) ANDREW PERRY: Correct.
 (4) JIM DEICHSTETTER: No.
 (5) ANDREW PERRY: Oh, I'm sorry.
 (6) JIM DEICHSTETTER: I don't heat my pool
 (7) with elec - I don't heat my pool at all.
 (8) COMMISSIONER BURKE: Okay. You don't -
 (9) JIM DEICHSTETTER: I have a hot tub that's
 (10) heated with electricity.
 (11) ANDREW PERRY: I stand corrected. Hot
 (12) tub.
 (13) COMMISSIONER BURKE: Would it be more
 (14) efficient from a square footage standpoint to heat
 (15) the - the water with a hot water style solar
 (16) heater, which tends to be - you know, because
 (17) electricity is not a very efficient way to heat
 (18) water. I'm just - you know, one of the concerns I
 (19) have, and I think other people have is the size of
 (20) its array, and if there's a more efficient way to do
 (21) it which has less spatial impact.
 (22) ANDREW PERRY: I think the - the fact
 (23) that there's a rebate, which saves the client
 (24) almost 50 percent in installation costs, actually
 (25) makes it cheaper, less expensive to heat it with

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- (1) electricity than to heat it with gas or to do a
 (2) solar plumbing installation. Solar plumbing is
 (3) not for the - applicable for the rebate program
 (4) right now.
 (5) JIM DEICHSTETTER: The question on the
 (6) heating the spa with solar is a very good idea, but
 (7) the spa that I have happens to be one of these
 (8) self-contained units that the - I can't imagine -
 (9) it's up on a balcony. I don't know how I would -
 (10) you know, I'd have to take the thing apart and
 (11) rearrange all the plumbing and run it up to the
 (12) roof.
 (13) COMMISSIONER BURKE: Okay. Can I continue
 (14) with this (inaudible)?
 (15) CHAIRMAN DUBOIS: Go ahead.
 (16) COMMISSIONER BURKE: Okay. One of the -
 (17) actually, before this meeting, at 5:15, we had a
 (18) discussion on - discussion on green building. I
 (19) don't know if you - if you were here for that, but
 (20) it was - the - the green building consultant, you
 (21) know, made the comment that photovoltaic is the last
 (22) thing you do after everything else, because it is
 (23) the least efficient thing to do. You know, you do
 (24) your maximum installation, you do everything else,
 (25) and then you do photovoltaic at the last.

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- (1) So your house, does it exceed Title 24 by
 (2) any - I mean, when you -
 (3) JIM DEICHSTETTER: What's Title 24?
 (4) COMMISSIONER BURKE: Is that the correct
 (5) term? Maybe I - excuse me. Do you know, have you
 (6) taken all the other energy efficient issues you can
 (7) on your house?
 (8) JIM DEICHSTETTER: I have fluorescent
 (9) bulbs all over the place, okay. What I do have a
 (10) lot of is pumps. I'm on a very small water company
 (11) up in the hills, Kenyon Water Company, and I have
 (12) tanks and pumps and all sorts of stuff that go on
 (13) and off all over the place. And I have gone around
 (14) and looked at everything that I could possibly do to
 (15) reduce the amount of power the house uses.
 (16) And yes, I have a pool, and yes, I have a
 (17) spa, and I've added these things because, frankly, I
 (18) like the lifestyle that I live.
 (19) COMMISSIONER BURKE: Okay.
 (20) JIM DEICHSTETTER: And I don't know what
 (21) else I can do to reduce the amount of power I
 (22) consume.
 (23) COMMISSIONER BURKE: Okay, that's fair.
 (24) And if I may, and you do not have to answer this
 (25) question, but can you - when you did the energy

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- (1) audit, can you tell me what, like, your monthly
 (2) kilowatt usage was or dollars? And if you don't
 (3) answer, that's fine.
 (4) JIM DEICHSTETTER: It's been so long.
 (5) COMMISSIONER BURKE: Okay.
 (6) JIM DEICHSTETTER: I mean, it's - we're
 (7) talking about the average of about, like somewhere
 (8) between three and \$400 a month for electricity.
 (9) COMMISSIONER BURKE: Okay.
 (10) JIM DEICHSTETTER: And basically the CEC,
 (11) when they accepted this plan, they took my
 (12) electrical bills and went through them and
 (13) determined that this is what was needed.
 (14) COMMISSIONER BURKE: And as a last
 (15) question I'll ask is do you know, is PG&E going to
 (16) require two meters or one meter for him, or do you
 (17) know?
 (18) ANDREW PERRY: I believe they - they
 (19) changed the meter style, but what - whatever they
 (20) need to do so that they get their money's worth,
 (21) they'll do. And that's part of their agreement. We
 (22) just provide - they change the meter, we provide a
 (23) lockout box so that they can disconnect the power,
 (24) whatever things they need to do. But I'm not aware
 (25) of exactly what they do on their end.

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- (1) COMMISSIONER BURKE: Okay, thank you.
 (2) CHAIRMAN DUBOIS: Okay. Commissioner
 (3) Micciche.
 (4) COMMISSIONER MICCICHE: I'm not sure the
 (5) question was answered. Let me rephrase it. It may
 (6) have been answered, but have you looked at
 (7) alternative sites, including the roof, to put these
 (8) on, rather than that open area?
 (9) JIM DEICHSTETTER: No. The shortest
 (10) answer is no. And, well, number one, it's a tile
 (11) roof. Number two, it wouldn't have fit - it
 (12) wouldn't fit on the roof. And part of reason that I
 (13) didn't choose the roof is that one of the things I
 (14) want to do is I want to put solar hot water heaters
 (15) on the roof.
 (16) COMMISSIONER MICCICHE: Later on?
 (17) JIM DEICHSTETTER: Later on. So base -
 (18) this - the location for the solar panels is purely
 (19) based on the shortest distance to my electric meter.
 (20) CHAIRMAN DUBOIS: Okay. Commissioner -
 (21) ANDREW PERRY: If I - I want to add to
 (22) that, 'cause it was brought before why couldn't it
 (23) be a little further up on the hill. Part of when
 (24) you install solar panels, they have to be at a
 (25) certain incident angle to - to catch the sun, and

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- (1) the way his property works is, as he says, it starts
 (2) off gently rolling, and then it - and then it - it
 (3) drops off to a sharp 30 degrees, which is the exact
 (4) same angle that the solar panels are going to be at.
 (5) So as soon as it starts the dropping off,
 (6) that's where we put the array, because we - it
 (7) needs to be a minimum of four feet over the ground,
 (8) because at some point the weeds start to grow too
 (9) high and will shield it, so it needs to be four
 (10) feet.
 (11) If we had actually put it further up the
 (12) house, the - the lower end would be four feet, but
 (13) to maintain that angle -
 (14) JIM DEICHSTETTER: The upper end -
 (15) ANDREW PERRY: - the upper end would
 (16) probably run seven or eight feet, and then you may
 (17) be able to see it from the road.
 (18) CHAIRMAN DUBOIS: Commissioner Talesfore.
 (19) COMMISSIONER TALESFORE: This is a
 (20) follow-up question to my original question to the
 (21) applicant, and I'll ask it of Staff, if I could do
 (22) that. I'm understanding from the report that you -
 (23) that Staff, although the applicant didn't think so,
 (24) but the Staff had suggested alternate placement of
 (25) these solar panels. If that's correct -

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- (1) MR. LORTZ: Well, yeah, the Assistant
 (2) Community Development Director did meet with the
 (3) applicant and – and the whole point of this
 (4) exercise has been, you know, how is there a way that
 (5) we could do this through a building permit process.
 (6) And we weren't able to get to a place that we could
 (7) do that, and that's why there's a paragraph in the
 (8) Staff Report that alludes to the fact that, you
 (9) know, there was conversations about alternative
 (10) locations, but as the applicant has indicated, those
 (11) were not acceptable.
 (12) COMMISSIONER TALESFORE: Thank you.
 (13) CHAIRMAN DUBOIS: Commissioner Quintana.
 (14) COMMISSIONER QUINTANA: I need some
 (15) clarification. I missed where is the metering box
 (16) located?
 (17) JIM DEICHSTETTER: It's located on the
 (18) western wall.
 (19) COMMISSIONER QUINTANA: (Inaudible.)
 (20) JIM DEICHSTETTER: On the north – it's on
 (21) the western wall at the north end.
 (22) COMMISSIONER QUINTANA: (Inaudible) north
 (23) end. Okay. One question – okay, one question I
 (24) have is, as Commissioner Burke said, at the General
 (25) Plan meeting, we had a presentation today, and they

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- (1) talked about photovoltaics was the last thing that
 (2) you do. You do everything else first. You just
 (3) indicated that down the road you're going to put –
 (4) JIM DEICHSTETTER: Solar hot water.
 (5) COMMISSIONER QUINTANA: – solar hot
 (6) water.
 (7) JIM DEICHSTETTER: That's because I use
 (8) gas to heat my water.
 (9) COMMISSIONER QUINTANA: Okay. In
 (10) addition, they emphasize that one of the reasons for
 (11) doing photovoltaics last is that the material that
 (12) they're made out of are not environmentally
 (13) friendly. So you're gaining something here, and
 (14) you're losing something there to – you know, to a
 (15) certain extent. There's a balance there.
 (16) I guess my question, and I don't know
 (17) that – who can answer it, but if the issue of
 (18) moving the panels to the – the area of the
 (19) vegetable garden, where it seems like they would be
 (20) less visible from the road, is the metering box, can
 (21) that be moved?
 (22) JIM DEICHSTETTER: The metering? You're
 (23) talking about my electrical panel, the main
 (24) electrical panel for the entire house?
 (25) COMMISSIONER QUINTANA: Yeah, I'm talking

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- (1) about you said it was the closest distance to
 (2) wherever it needed to be hooked up to.
 (3) JIM DEICHSTETTER: Right. It needs to be
 (4) hooked up to the main electrical panel. You know
 (5) where your meter is on the –
 (6) COMMISSIONER QUINTANA: Uh-huh.
 (7) JIM DEICHSTETTER: – (inaudible). And to
 (8) move it from the northwest corner of the house to
 (9) the southeast corner of the house, it's like
 (10) re-wiring the entire house.
 (11) ANDREW PERRY: He has a hundred –
 (12) underground service entrance to his meter.
 (13) COMMISSIONER QUINTANA: Okay. Uh, I do
 (14) have another question. In terms of conservation of
 (15) energy, what other types of things do you do to
 (16) reduce your need for air-conditioning and heating?
 (17) Do you have – what kind of windows do you have?
 (18) JIM DEICHSTETTER: I have, you know, low E
 (19) double (inaudible) pane glass, you know, the top of
 (20) the line on all of that. And I shut off my
 (21) air-conditioning whenever I can possibly do it. My
 (22) air-conditioning is like 85 degrees, and if the
 (23) temperature outside is cool enough, I just turn it
 (24) off and open the windows.
 (25) COMMISSIONER QUINTANA: And do you have

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- (1) trellises or –
 (2) JIM DEICHSTETTER: I have been putting
 (3) in –
 (4) COMMISSIONER QUINTANA: – screens?
 (5) JIM DEICHSTETTER: Right along the house,
 (6) my wife has been putting in rose bushes, climbers.
 (7) And I've got trellises on the sides of the house, on
 (8) the south side of the house.
 (9) COMMISSIONER QUINTANA: And window
 (10) coverings?
 (11) JIM DEICHSTETTER: No. There's no –
 (12) there aren't any window coverings.
 (13) COMMISSIONER QUINTANA: Thank you.
 (14) CHAIRMAN DUBOIS: I have two questions.
 (15) If it's not practical to move – obviously it's not
 (16) practical to move your house meter, your main intake
 (17) panel, is it possible to conduit from an alternate
 (18) location to that – that location, underground
 (19) conduit, so you can get your – you can get
 (20) connection between your solar panels and this meter?
 (21) ANDREW PERRY: I'm not sure I understand
 (22) your question. Could you rephrase it, please.
 (23) CHAIRMAN DUBOIS: Okay. Previously you
 (24) just said you'd have to – you know, to move the
 (25) main electrical panel on the house, which I would

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- (1) understand would be a major big deal, that's like
 (2) re-wiring the entire house, but is there anything
 (3) that's prohibiting you should the - should the
 (4) panels be located at another location, other than
 (5) where you're proposing them in the vegetable garden,
 (6) just for the sake of conversation? Is there
 (7) anything prohibiting you from running conduit from
 (8) that location, underground conduit, so that you can
 (9) connect those panels to that main connect - that
 (10) main electrical panel?
 (11) ANDREW PERRY: Yes. Actually, that's
 (12) PG - those are PG&E's wires, and to - to do that,
 (13) it's not - even as an electrical contractor, I
 (14) can't just dig a trench and extend their service
 (15) entrance cables. I have to apply for - or he'd
 (16) have to apply for engineering permits. It'd
 (17) probably take him six to nine months, probably cost
 (18) him close to \$10,000 to do something like that.
 (19) CHAIRMAN DUBOIS: Okay. The second
 (20) question, you - this is regarding your grass that
 (21) you have to plant in the leach field.
 (22) JIM DEICHSTETTER: Right.
 (23) CHAIRMAN DUBOIS: What are we talking
 (24) about here? What kind of grass? Is this natural
 (25) grass that we always see in the hills you're

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- (1) replacing out there?
 (2) JIM DEICHSTETTER: California red fescue
 (3) is what I intend to put in.
 (4) CHAIRMAN DUBOIS: Is that - that natural
 (5) to the hillside -
 (6) JIM DEICHSTETTER: And I -
 (7) CHAIRMAN DUBOIS: - environment?
 (8) JIM DEICHSTETTER: - I have researched
 (9) all the kinds of grasses that I can get. Most of
 (10) the native species of California grass are bunch
 (11) grasses, that if you plant a bunch of it, you have
 (12) gaps in between that you step in, you could break
 (13) your ankle.
 (14) The California red fescue that I'm talking
 (15) about has been hybridized so that it's more like
 (16) regular grass.
 (17) CHAIRMAN DUBOIS: Like a lawn?
 (18) JIM DEICHSTETTER: Yeah.
 (19) CHAIRMAN DUBOIS: Okay.
 (20) JIM DEICHSTETTER: I had one other thought
 (21) for moving the solar panels. I talked to the three
 (22) neighbors or - that are across the valley from me,
 (23) and the neighbor who's right next door to me on the
 (24) east. The vegetable garden is located on the east
 (25) side, and I - that would be putting the solar

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- (1) panels right under their noses for my eastern
 (2) neighbor. And I currently have only one neighbor
 (3) across the valley who can see it. If I move the
 (4) panels to the east side, I'd have all three of them
 (5) being able to see it because of their view between
 (6) the trees.
 (7) CHAIRMAN DUBOIS: Okay. Commissioner
 (8) Burke.
 (9) COMMISSIONER BURKE: I'm going to follow
 (10) up on a couple of questions here, and just to let
 (11) you know, I've - I've - in past votes, I've
 (12) usually been the most supportive of - of solar
 (13) panels, so please don't take these questions wrong.
 (14) You said that you didn't want to put the
 (15) solar panels on your roof because you wanted to put
 (16) solar hot water.
 (17) JIM DEICHSTETTER: Correct.
 (18) COMMISSIONER BURKE: Having just looked at
 (19) that about a month or two ago, it seems to me that I
 (20) think at my house I could do my solar hot water
 (21) for - in about 48 square feet, but most people with
 (22) about twice that much. So that seems like that
 (23) would be a lot of room still available to put
 (24) photovoltaics on your roof.
 (25) JIM DEICHSTETTER: What we're talking

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- (1) about here for the array that I need is like 2,900
 (2) square feet.
 (3) COMMISSIONER BURKE: Okay.
 (4) JIM DEICHSTETTER: No way do I have enough
 (5) roof space for that. And I also have two hot water
 (6) heaters in the house. And I'm going to - I've got
 (7) a skylight in the middle, and on this side I was
 (8) going to put one set to run this hot water heater,
 (9) and on this side I was going to put another set to
 (10) run that hot water heater. And I haven't done the
 (11) research yet.
 (12) COMMISSIONER BURKE: Okay.
 (13) JIM DEICHSTETTER: This is just guessing
 (14) at what I'm going to do.
 (15) COMMISSIONER BURKE: Okay.
 (16) JIM DEICHSTETTER: Yes.
 (17) COMMISSIONER BURKE: And -
 (18) JIM DEICHSTETTER: Oops.
 (19) COMMISSIONER TALESFORE: Oh, I'm sorry.
 (20) JIM DEICHSTETTER: I thought you were
 (21) done.
 (22) COMMISSIONER BURKE: No. The last
 (23) question is this is a grid type system I assume,
 (24) obviously. Are you going to have battery backups?
 (25) No, okay, thank you.

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- (1) JIM DEICHSTETTER: Yes.
- (2) COMMISSIONER TALESFORE: So it would - if
- (3) you moved it, you said three neighbors might see it?
- (4) JIM DEICHSTETTER: Yes. Rather -
- (5) COMMISSIONER TALESFORE: There's no way to
- (6) plant something around that -
- (7) JIM DEICHSTETTER: Actually -
- (8) COMMISSIONER TALESFORE: - to shield
- (9) that, because will they be looking down on it?
- (10) JIM DEICHSTETTER: Yes, they would be.
- (11) COMMISSIONER TALESFORE: So is there some
- (12) way that you could possibly shield it by planting
- (13) trees.
- (14) JIM DEICHSTETTER: Well, if you're
- (15) interested in planting, okay, what I'm interested -
- (16) what I would be interested in doing is that for
- (17) where they're currently located, you have a very
- (18) short view as you're coming down Kennedy Road. If
- (19) you're looking to shield that, I could put bushes up
- (20) the hill above the panels that would not block the
- (21) panels from the sun, that would get in the way of
- (22) your view from the road.
- (23) I can also put bushes down below. I mean,
- (24) the - the other side of Kennedy Road is
- (25) considerably below the panels. And you have to, you

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- (1) know, look up the hill in order to see. I can put
- (2) bushes down at the bottom and there. And all I have
- (3) to do is get the bushes to be four feet tall, and
- (4) you can't see the panels any more.
- (5) COMMISSIONER TALESFORE: Okay. Another
- (6) question. Is there any other equipment associated
- (7) with the solar panels that you'd have to install?
- (8) JIM DEICHSTETTER: It's all - it's all
- (9) inside the house.
- (10) COMMISSIONER TALESFORE: It's inside -
- (11) JIM DEICHSTETTER: Yes, there is.
- (12) COMMISSIONER TALESFORE: - the house. So
- (13) batteries?
- (14) JIM DEICHSTETTER: Not batteries. They
- (15) are -
- (16) COMMISSIONER TALESFORE: (Inaudible)
- (17) batteries? Okay.
- (18) JIM DEICHSTETTER: They're devices that
- (19) convert to DC to AC.
- (20) COMMISSIONER TALESFORE: Okay. And then I
- (21) was wondering if you did have - if you did - I
- (22) don't know, but I'm going to ask it. If - is there
- (23) any rebate associated with re-conduiting? Is that
- (24) such a word? Your electrical outlet to the, you
- (25) know, over so it would be closer to the vegetable

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- (1) garden? If you had to dig another - dig a trench
- (2) or whatever -
- (3) JIM DEICHSTETTER: You mean move - moving
- (4) my - my electrical meter to the other side of the
- (5) house?
- (6) COMMISSIONER TALESFORE: Right. Well,
- (7) you're not going to move the electrical -
- (8) CHAIRMAN DUBOIS: No.
- (9) COMMISSIONER TALESFORE: - meter, you're
- (10) going to conduit, re-conduit? Is that a word?
- (11) Okay, (inaudible) a word.
- (12) JIM DEICHSTETTER: Run - run the conduit
- (13) from the array field all the way -
- (14) COMMISSIONER TALESFORE: Right. Is there
- (15) any -
- (16) JIM DEICHSTETTER: - around the house to
- (17) the -
- (18) COMMISSIONER TALESFORE: Yeah. Is there
- (19) any rebate -
- (20) JIM DEICHSTETTER: - other side?
- (21) COMMISSIONER TALESFORE: - associated
- (22) with that? I mean, you said it was \$10,000. I just
- (23) was curious if there might be a rebate.
- (24) ANDREW PERRY: Actually, if he - if he
- (25) moved the array further away, we'd have to use much

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- (1) larger conduit and much larger wires to compensate
- (2) for the voltage drop over that distance. It
- (3) would - it would cost him several thousand. Also,
- (4) I just had time to think about the moving the panel.
- (5) The - it would actually be very, very expensive
- (6) to - to do that because service entrance cables are
- (7) not allowed to have splices in them, so they would
- (8) have to pull new cables from the street all the way
- (9) underground. And so it would be hugely expensive to
- (10) do that.
- (11) CHAIRMAN DUBOIS: I want to go back to
- (12) that question. Excuse me just a moment.
- (13) COMMISSIONER TALESFORE: Yeah.
- (14) CHAIRMAN DUBOIS: I want to go back to
- (15) that question, because I think you misunderstood
- (16) what I said earlier, and I'm getting old and muddled
- (17) with a Santa Claus hat on tonight, you know. I'm -
- (18) I'm not suggesting you move the panel, and I think
- (19) you misunderstood what I said. Because I'm sitting
- (20) here figure out - trying to figure out how in the
- (21) heck do you con - put conduit in between where
- (22) you're proposing to put the array and run it up to
- (23) the service panel. I'm talking about putting the
- (24) array at another location and running conduit. It
- (25) the same thing. PG&E doesn't have any - have :

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- (1) that.
- (2) ANDREW PERRY: Forgive me. I thought your
- (3) first question was can you move where the meter is
- (4) going to be.
- (5) CHAIRMAN DUBOIS: No, I don't - I want
- (6) to - I want to - what I'm saying is can you
- (7) connect where the meter is to any location via
- (8) conduit?
- (9) ANDREW PERRY: Oh, of course.
- (10) CHAIRMAN DUBOIS: Okay.
- (11) ANDREW PERRY: Of course.
- (12) CHAIRMAN DUBOIS: That's - that's where
- (13) we're - that's what I'm getting to.
- (14) ANDREW PERRY: (Inaudible.) I thought you
- (15) were talking about moving the service panel.
- (16) CHAIRMAN DUBOIS: So it is - it is
- (17) possible, then, to even move the arrays off the hill
- (18) even up higher and closer to the house at more along
- (19) the ridge line, right? And run - and even shorten
- (20) your conduit run.
- (21) JIM DEICHSTETTER: That has to do with the
- (22) slope that he was talking about.
- (23) CHAIRMAN DUBOIS: I understand that, but I
- (24) said it's still possible to move it up -
- (25) ANDREW PERRY: Right. I mean, as an

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- (1) electrician, we would like to be closer if we could.
- (2) CHAIRMAN DUBOIS: That's right. You'd
- (3) need a smaller gauge wire up there.
- (4) ANDREW PERRY: Right.
- (5) CHAIRMAN DUBOIS: Okay, I understand that.
- (6) Okay. I'm sorry, Commissioners, I jumped in on top
- (7) of you because of that clarification.
- (8) COMMISSIONER TALESFORE: No, that - no,
- (9) I'm glad - I'm glad you did, you clarified that.
- (10) But I do have one other question, and it's in the
- (11) little - your justification here, for clarification
- (12) for me. It says this extra energy will be going
- (13) back into PG&E's grid providing power for my
- (14) neighbors, thereby increasing the Town's energy
- (15) resources. How can you insure that that - that -
- (16) that energy will specifically be out here and used
- (17) for Los Gatos residents. I thought when that went
- (18) back to the grid, how do you know where it goes?
- (19) JIM DEICHSTETTER: I'm out - I'm out on
- (20) Kennedy Road, right?
- (21) COMMISSIONER TALESFORE: Right.
- (22) JIM DEICHSTETTER: There's power lines
- (23) that go from home to home to home all the way out
- (24) Kennedy Road.
- (25) COMMISSIONER TALESFORE: Yeah.

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- (1) JIM DEICHSTETTER: Okay. When we're on
- (2) the brightest, sunniest day during the summer, those
- (3) panels are producing 17 kilowatts.
- (4) COMMISSIONER TALESFORE: Okay. That's not
- (5) my question -
- (6) JIM DEICHSTETTER: I can't - I can't use
- (7) all that power, right? So it goes into the grid,
- (8) and it's going to flow back along the lines and all
- (9) of the houses that are on the way are going to be -
- (10) be able to use that energy, and PG&E is going to
- (11) have to put in less at their end. The - the houses
- (12) that are closest to mine -
- (13) COMMISSIONER TALESFORE: Okay.
- (14) JIM DEICHSTETTER: - are the ones that -
- (15) COMMISSIONER TALESFORE: All right. Thank
- (16) you.
- (17) CHAIRMAN DUBOIS: You've answered the
- (18) question. Okay, any other Commission -
- (19) Commissioner Burke.
- (20) COMMISSIONER BURKE: Couple final
- (21) energy-related questions. How do you heat your
- (22) house?
- (23) JIM DEICHSTETTER: Gas.
- (24) COMMISSIONER BURKE: Gas.
- (25) JIM DEICHSTETTER: Propane.

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- (1) COMMISSIONER BURKE: Propane, okay. Okay.
- (2) CHAIRMAN DUBOIS: Commissioner Quintana.
- (3) COMMISSIONER QUINTANA: Two questions.
- (4) One is of Staff. Has - when Staff looked at
- (5) alternative sites for the solar panels, did they
- (6) analyze the visibility at the alternate sites?
- (7) MR. LORTZ: No. There was no graphic that
- (8) the applicant provided to be able to address that.
- (9) The issue was to try to get the human activity area
- (10) centralized on the property as possible. And that
- (11) was really our goal is to try to take these panels
- (12) off of what is, you know, native hillside area and
- (13) try to get it up closer to the home.
- (14) COMMISSIONER QUINTANA: Okay. So not
- (15) closer to the home. It could be on the same
- (16) hillside directly above it, or did you look at what
- (17) locations were actually looked at?
- (18) MR. LORTZ: Well, as I studied it with the
- (19) Assistant Director - I never spoke with this
- (20) applicant myself, personally, but - can we put an
- (21) overhead on?
- (22) The - the Commission was talking about
- (23) putting the panels out in this general area, and the
- (24) discussion was that the run was too far to the
- (25) panel. The panel's over here. So then the question

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- (1) was is there any way to put them up closer to the
 (2) home. I know the pool is here, along the edge here,
 (3) perhaps centralized over in this area. And if you
 (4) measure from your – your grid area where the panels
 (5) were going to go up to your panel, and you swing
 (6) them – swing that same distance, you get over to
 (7) about here.
 (8) So what we're trying to do is be as
 (9) sensitive to your run as possible, but try to keep
 (10) the panels off of the natural hillside and get them
 (11) up closer to the developed area of the property.
 (12) JIM DEICHSTETTER: May I have a word?
 (13) Okay. He's talking about the natural hillside.
 (14) When I opened my original statement, I said there is
 (15) nothing natural about this hillside. It is full of
 (16) European grasses. I've got a report here of, you
 (17) know, the type of things that are growing out there.
 (18) And it's European grasses and weeds, and I intend to
 (19) take all of that and replace it with what belongs
 (20) there. I mean, this is going to be a long-term
 (21) project for me, but I intend to, you know, put
 (22) bushes and shrubs and, you know, everything off of
 (23) the plant list.
 (24) CHAIRMAN DUBOIS: Okay. Commissioner
 (25) Quintana, do you have a question?

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- (1) COMMISSIONER QUINTANA: I have a question
 (2) of Staff. Do we have any knowledge about what the
 (3) typical native plants that grow in that area are as
 (4) opposed to just taking plants off a native plant
 (5) list? Some native plants are not adaptable to all
 (6) areas. So I'm curious about that.
 (7) MR. LORTZ: I'm sorry. You had a question
 (8) of Staff?
 (9) COMMISSIONER QUINTANA: Oh, I thought you
 (10) were checking it out.
 (11) CHAIRMAN DUBOIS: Repeat your question,
 (12) would you please.
 (13) COMMISSIONER QUINTANA: My question, well
 (14) it has – it had to do with the vegetation that the
 (15) applicant was proposing to eventually plant both
 (16) there and on the berms.
 (17) MR. LORTZ: Yes.
 (18) COMMISSIONER QUINTANA: In the solar area
 (19) and the berms. I know we talked on the hillside
 (20) during the design, developing the Hillside Standards
 (21) about the type of vegetation that should be planted,
 (22) that it should be consistent with the vegetation,
 (23) native vegetation that is already growing in the
 (24) area and has adapted to that particular environment.
 (25) Do we have any knowledge of what those plants would

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- (1) be as opposed to the applicant says he's taking
 (2) everything off of the native plant list, but hasn't
 (3) indicated anything about the habitat requirements of
 (4) those plants? Complicated question. Not well said.
 (5) MR. LORTZ: We are familiar with what
 (6) types of plant materials grow out there. As the
 (7) gentleman alluded to, the applicant alluded to, it's
 (8) his assertion that that is not native grass on that
 (9) hillside. It's well established. It's been there
 (10) an awful long time, but may not be native from some
 (11) senses.
 (12) The question is can he plant that
 (13) hillside? Well, he can – yes, he can plant the
 (14) hillside. He can't grade the hillside. So if there
 (15) was a grading request, it would be before this
 (16) Commission. But if somebody wants to plant their
 (17) property with native materials, and he did get those
 (18) off the native plant list, then that seems
 (19) reasonable to do.
 (20) The only issue there is are – you know, I
 (21) think the question that you were raising is is this
 (22) an ornamental landscaping extension, and I think –
 (23) COMMISSIONER QUINTANA: Exactly.
 (24) MR. LORTZ: – the answer to that is no,
 (25) because the applicant's using native plants. But

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- (1) they are taking a very grassy meadow hillside area
 (2) and converting that over to a landscaped native
 (3) vegetated area.
 (4) COMMISSIONER QUINTANA: That doesn't seem
 (5) to be consistent with the areas around it. I'm a
 (6) little concerned about that. I also am concerned
 (7) about the extent of the turf grass that's being
 (8) proposed. By my calculations, it's about 9,000
 (9) square feet.
 (10) A VOICE: Nine thousand?
 (11) CHAIRMAN DUBOIS: Okay. Is there a
 (12) question there? Any other questions for the
 (13) applicant? Commissioner Burke.
 (14) COMMISSIONER BURKE: I – this may have
 (15) been a miscon – understanding by the Commissioners,
 (16) but I'm going to ask you. Maybe I misunderstand it.
 (17) This California red fescue you're going to plant –
 (18) JIM DEICHSTETTER: Right.
 (19) COMMISSIONER BURKE: – you're not going
 (20) to be mowing that for (inaudible), that's just going
 (21) to go down as a – as a – as a natural grass, like
 (22) you would at oats or a wheat, and it will go to seed
 (23) every year, or are you actually going to be mowing
 (24) it, landscaping it, that type of thing?
 (25) JIM DEICHSTETTER: By the Fire Department,

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- (1) you have to keep things cut.
 (2) COMMISSIONER BURKE: Okay.
 (3) JIM DEICHSTETTER: It'd be like any other
 (4) grass that would be out there, it'd have to be cut.
 (5) Maybe it's going to be cut long, but it's going to
 (6) need - it still needs to be cut.
 (7) COMMISSIONER BURKE: I thought they only
 (8) needed to be cut if it was within a certain distance
 (9) to -
 (10) JIM DEICHSTETTER: Well -
 (11) COMMISSIONER BURKE: - your house.
 (12) JIM DEICHSTETTER: And that distance is,
 (13) you know, like 30 feet?
 (14) COMMISSIONER BURKE: Yeah. And how far is
 (15) this going to extend from there?
 (16) JIM DEICHSTETTER: And this is
 (17) considerably more than that. But, you know, I give
 (18) you odds that down in Los Angeles, during that last
 (19) big fire, there had - there were people there who
 (20) had their stuff mowed to 30 feet away from their
 (21) house, and their house burned anyways. It is best
 (22) to keep things as far away from your house as you
 (23) can and, you know, the grass to be kept, you know,
 (24) six inches tall, whatever.
 (25) COMMISSIONER BURKE: Okay.

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- (1) JIM DEICHSTETTER: One other thing -
 (2) could I read from this about the grasses?
 (3) CHAIRMAN DUBOIS: Actually, if we don't
 (4) have a question for it, no.
 (5) JIM DEICHSTETTER: Just - just a
 (6) couple - it answers - it answers his -
 (7) CHAIRMAN DUBOIS: Not unless one of the
 (8) Commissioners has a question about it.
 (9) COMMISSIONER BURKE: Would you read from
 (10) that paper on the grasses -
 (11) CHAIRMAN DUBOIS: Very good.
 (12) JIM DEICHSTETTER: Thank you.
 (13) CHAIRMAN DUBOIS: Now you - now you can.
 (14) JIM DEICHSTETTER: It says between about
 (15) 1770, which is a long time ago, and 1870, a
 (16) collection of Eurasian annual grasses - grasses,
 (17) largely supplanted California's native perennial
 (18) grasses. These newer annual grasses are a dominant
 (19) feature of what has been termed the State's de facto
 (20) native flora. Okay. So - and then what you're
 (21) calling this is native flora, and it's not. It is
 (22) not what belongs there. And I have spoken to the
 (23) open space, who is my neighbors to the west, and
 (24) they have projects where they go around and replace
 (25) whatever is in a certain location with the native

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- (1) species.
 (2) And I was actually discussing with
 (3) somebody at the open space what belongs on that
 (4) hillside. And she wasn't sure if it was chaparral
 (5) or if it was some sort of grasses that belonged
 (6) there. But I will be working it out with the open
 (7) space, and not only will my property be done, I will
 (8) continue on and, at my own expense, do some of this
 (9) stuff to the open space in the future, because we
 (10) need to restore our native plants. This stuff
 (11) doesn't belong here.
 (12) CHAIRMAN DUBOIS: Okay. Thank you. Are
 (13) there any other questions for the applicant? I
 (14) thank you, sir. Is - I have no cards from anyone
 (15) in the audience. Is there anyone in the audience
 (16) that wishes to speak to this issue? Seeing none,
 (17) nobody jumping forward, then I'm going to go ahead
 (18) and close the public hearing, return this to the
 (19) Commission for questions of Staff, a motion or some
 (20) form of conversation.
 (21) Commissioner Quintana, you look like you
 (22) want to say something.
 (23) COMMISSIONER QUINTANA: I thought I wanted
 (24) to make a motion, but I'm - I'm fairly confused
 (25) now. Let me clarify, first of all, what we are

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- (1) doing here. We are - we have two things in front
 (2) of us. We have the solar panels, and we have the
 (3) landscaping; is that correct? And the landscaping
 (4) aspect includes the berm and the turf area and the
 (5) dry stream?
 (6) MR. LORTZ: You have a grading permit in
 (7) front of you.
 (8) COMMISSIONER QUINTANA: Oh, we have a
 (9) grading permit in front of us?
 (10) MR. LORTZ: You have a grading permit, and
 (11) you have the solar panels.
 (12) COMMISSIONER QUINTANA: And the grading is
 (13) for?
 (14) MR. LORTZ: The berms.
 (15) COMMISSIONER QUINTANA: The berms.
 (16) MR. LORTZ: More than 50 yards.
 (17) COMMISSIONER QUINTANA: Okay. So we have
 (18) no discretion over the landscaping planting per se.
 (19) MR. LORTZ: No.
 (20) COMMISSIONER QUINTANA: Okay.
 (21) MR. LORTZ: If you wanted to - if you
 (22) wanted to approve the grading permit on the
 (23) condition that XYZ happens -
 (24) COMMISSIONER QUINTANA: With the
 (25) landscaping -

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- (1) MR. LORTZ: - that's fine.
- (2) COMMISSIONER QUINTANA: - we can do that?
- (3) MR. LORTZ: But - because that then
- (4) becomes a condition of the permit. If you deny the
- (5) grading permit, then - then it's denied and - and
- (6) there's no conditions you can impose in terms of the
- (7) way that he intends to use that area in terms of,
- (8) you know, maybe red fescue, without the berms.
- (9) COMMISSIONER QUINTANA: Okay. My other
- (10) question. My inclination was to make a motion that
- (11) would approve it with - with conditions, and one of
- (12) the conditions is to move the - the array of the
- (13) photovoltaics -
- (14) CHAIRMAN DUBOIS: Let's make a motion if
- (15) you're going to make a motion. Let's move forward.
- (16) COMMISSIONER QUINTANA: I want to ask a
- (17) question, though, of Staff -
- (18) CHAIRMAN DUBOIS: Okay.
- (19) COMMISSIONER QUINTANA: - because I'm
- (20) concerned that without having analyzed the visual
- (21) aspects of it, that it might be more appropriate to
- (22) continue it and ask that we have some mock ups put
- (23) up in the various possible locations for the
- (24) photo - for the photovoltaics to check out the
- (25) aesthetic impacts.

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- (1) MR. LORTZ: We'd be happy to do that. I
- (2) think if you have an imagination that would allow
- (3) you to visualize on a couple of the exhibits where
- (4) the pictures were taken from the - from the land -
- (5) from the open space area, you might be able to
- (6) visualize a slanted photo array of that nature up on
- (7) the more flatter areas of the property.
- (8) COMMISSIONER QUINTANA: Okay. I think I'm
- (9) going to try a motion.
- (10) MR. LORTZ: But we'd be happy to do a mock
- (11) up for you if you're inclined to want to go that
- (12) direction. I mean, actually, something - I think
- (13) Ms. Quintana may want to go up into the open space
- (14) area and look down on it for herself with a, you
- (15) know, a sample mock up or - or maybe, you know, a
- (16) computer generated photo mock up of the picture that
- (17) was included in the Staff Report with the panels
- (18) placed in various locations -
- (19) COMMISSIONER QUINTANA: I think I've just
- (20) come up with -
- (21) MR. LORTZ: Those are all options.
- (22) COMMISSIONER QUINTANA: - a solution for
- (23) my particular dilemma. So I'm going to make a
- (24) motion.
- (25) CHAIRMAN DUBOIS: Okay.

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- (1) COMMISSIONER QUINTANA: And that motion is
- (2) to approve - what's the application number? Site
- (3) and Architecture Application S-01-98, and that
- (4) includes - get this - make sure I get this right,
- (5) that includes both the photovoltaics and the grading
- (6) permit.
- (7) MR. LORTZ: Correct.
- (8) COMMISSIONER QUINTANA: Okay. With the
- (9) following conditions:
- (10) One, that the solar array be moved to a
- (11) location to the satisfaction of the Director of
- (12) Planning and Community Development.
- (13) That some photo simulations or some other
- (14) method of looking at the visibility of the panels
- (15) off site be part of the Director's decision-making
- (16) process to insure that they don't increase
- (17) visibility of the panels.
- (18) To approve the grading permits for the
- (19) berms, because that would allow the applicant to
- (20) have some landscaping that would show both the house
- (21) and the area, but that the leach field be left in
- (22) its natural state, and the hillside be left in the
- (23) natural state.
- (24) And I think that's it.
- (25) CHAIRMAN DUBOIS: Okay. Do we have a

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- (1) second for the motion? Commissioner Micciche?
- (2) COMMISSIONER MICCICHE: I believe I'm
- (3) going to second the motion. I am going to -
- (4) CHAIRMAN DUBOIS: Put your microphone on
- (5) to say that.
- (6) COMMISSIONER MICCICHE: I have it on.
- (7) CHAIRMAN DUBOIS: Oh, is it?
- (8) COMMISSIONER MICCICHE: I have it on,
- (9) yeah.
- (10) CHAIRMAN DUBOIS: All right.
- (11) COMMISSIONER MICCICHE: But I'd like to
- (12) expand the option that the Community Development
- (13) Director has that if in his opinion the visibility
- (14) issues, either from the neighbors or others, where
- (15) they might plan on moving it, are such restricted
- (16) moving it there that they do have it in the place
- (17) where it is now, that landscaping be provided to
- (18) block the view from Kennedy Road.
- (19) MR. LORTZ: That would be fine if the
- (20) Commission decides to do that. The other option
- (21) would be that if we run into a snag visually on the
- (22) flatter area up close to the home, I'd bring the
- (23) matter back to this Commission.
- (24) COMMISSIONER QUINTANA: That's what I w
- (25) going to suggest.

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- (1) COMMISSIONER MICCICHE: Okay. Rather than
 (2) have that option.
 (3) COMMISSIONER QUINTANA: At -
 (4) MR. LORTZ: Yeah.
 (5) COMMISSIONER MICCICHE: Okay, fine. I'm
 (6) going to -
 (7) CHAIRMAN DUBOIS: You're going to second
 (8) this, okay. Commissioner Burke.
 (9) COMMISSIONER BURKE: I'm going to ask the
 (10) maker of the motion if they'll accept a - and the
 (11) seconder if they'll accept an amendment. Would they
 (12) accept amendment limiting the size of the array to
 (13) the lesser of the amount that the State
 (14) documentation says they need to on the house, or the
 (15) maximum amount that PG&E allows for - for net
 (16) metering?
 (17) Because I'm concerned if we get into a
 (18) situation where it's no longer in that metering,
 (19) they're actually become a co-generation facility for
 (20) PG&E, and I don't know if I like the precedence of
 (21) setting a - the idea of a co-generation facility
 (22) for PG&E in the hillsides.
 (23) COMMISSIONER QUINTANA: As I understand
 (24) the motion, I'd be willing to add - add that.
 (25) CHAIRMAN DUBOIS: Commissioner Micciche.

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- (1) COMMISSIONER MICCICHE: (Inaudible.)
 (2) CHAIRMAN DUBOIS: Commissioner Talesfore.
 (3) COMMISSIONER TALESFORE: I would just like
 (4) to comment that I'll support this motion -
 (5) CHAIRMAN DUBOIS: Okay.
 (6) COMMISSIONER TALESFORE: - unless -
 (7) anybody - do you have another comment to make -
 (8) CHAIRMAN DUBOIS: No.
 (9) COMMISSIONER TALESFORE: - or
 (10) condition -
 (11) CHAIRMAN DUBOIS: No, but we - we still
 (12) have to adopt the Negative Declaration and -
 (13) MR. LORTZ: Just a clarification on the -
 (14) on the grading portion of your discussion. You
 (15) had mentioned that the - that the berm - that
 (16) the leach field be kept in a natural state, and what
 (17) the applicant intends to do through the grading
 (18) permit is bring in, you know, probably mulch and
 (19) topsoil so that it becomes then a garden area. So
 (20) if that's not your intent, then we just want to
 (21) clarify.
 (22) COMMISSIONER QUINTANA: In other words, he
 (23) would move his garden area to the leach fields and
 (24) raise - and raise beds?
 (25) JIM DEICHSTETTER: This is what's native.

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- (1) This is what's there now. That's the way I've had
 (2) (inaudible).
 (3) MR. LORTZ: So the applicant intends to
 (4) improve that -
 (5) COMMISSIONER QUINTANA: My - my concern
 (6) is I think 9,000 square feet of turf is excessive.
 (7) It's essentially a lawn, and -
 (8) MR. LORTZ: How about if the concern is
 (9) use of irrigated water, that there be no irrigation
 (10) allowed to that area?
 (11) COMMISSIONER QUINTANA: I think I could
 (12) live with that.
 (13) CHAIRMAN DUBOIS: That would solve the
 (14) problem.
 (15) COMMISSIONER TALESFORE: That's good.
 (16) COMMISSIONER MICCICHE: I'll live with
 (17) that.
 (18) CHAIRMAN DUBOIS: Commissioner Burke.
 (19) COMMISSIONER BURKE: One further thing
 (20) is the applicant said he had no intention of at
 (21) least putting a wildlife fence around the property,
 (22) and I think that that also tends to limit the
 (23) landscape options, because those deer make wonderful
 (24) mowers.
 (25) COMMISSIONER QUINTANA: Yeah, I would

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- (1) accept that. And I'll also note that the project
 (2) next door on the house next door, it has some very
 (3) wonderful mowers in the form of two goats. That
 (4) might be an option, too. I - I just - I want to
 (5) comment that none of us are against the solar
 (6) aspects, although we want to keep it to the minimum
 (7) because the - of the aesthetic issue.
 (8) I lost my train of thought, I'm sorry.
 (9) CHAIRMAN DUBOIS: Okay. So we have a
 (10) motion before us and second. We'll deal with that
 (11) first before we deal with the other. All - yes,
 (12) Commissioner Burke.
 (13) COMMISSIONER BURKE: I just want to get
 (14) clarification from Mr. Lortz that he understood and
 (15) that the Commission understood what my two
 (16) amendments were. One -
 (17) CHAIRMAN DUBOIS: Would you read it back
 (18) to us, Commissioner Burke.
 (19) COMMISSIONER BURKE: One was the limiting
 (20) the array to the - to the minimum either the,
 (21) whatever the document this gentleman has from the
 (22) State saying the size of the array he needs or the
 (23) maximum allowed by PG&E for net metering.
 (24) MR. LORTZ: Whichever's less.
 (25) COMMISSIONER BURKE: Whichever's less.

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- (1) MR. LORTZ: Correct.
- (2) COMMISSIONER BURKE: And the other one was
- (3) that the – the fencing for the landscaping would be
- (4) a non-wildlife-proof fencing, like a split rail or
- (5) nothing or whatever or low or –
- (6) MR. LORTZ: The fencing for the what?
- (7) COMMISSIONER BURKE: Just that the
- (8) property would not be fenced in a wildlife-proof
- (9) fence.
- (10) COMMISSIONER QUINTANA: Oh.
- (11) CHAIRMAN DUBOIS: Do you want to expand
- (12) the motion to adopt the mitigated Negative
- (13) Declaration and the monitoring plan and the required
- (14) considerations and deal with all that stuff?
- (15) COMMISSIONER QUINTANA: Yes. But first I
- (16) want to clarify that my – Commissioner Burke's
- (17) motion on the fence. I'm not sure I understood what
- (18) I was accepting.
- (19) COMMISSIONER BURKE: You seemed concerned
- (20) about the landscaping and turf, and one of the
- (21) things I suggested was that if the – the property
- (22) was not fenced in a wildlife-proof fence, that the
- (23) native wildlife would tend to keep down on native
- (24) landscaping as well as, you know, keeping the – the
- (25) fescue mowed.

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- (1) COMMISSIONER QUINTANA: So you're
- (2) proposing that if a fence is put up, it's a fence
- (3) that wildlife can get through?
- (4) COMMISSIONER BURKE: Yes.
- (5) COMMISSIONER QUINTANA: Okay. That's what
- (6) I thought you –
- (7) COMMISSIONER BURKE: Whether that be split
- (8) rail or a low fence or whatever.
- (9) COMMISSIONER QUINTANA: Okay. Sorry.
- (10) I – as part of my motion, I propose that we'll
- (11) make the Negative Declaration and adopt the
- (12) mitigation monitoring plan and state that we've made
- (13) the considerations in Exhibit A. And that we've
- (14) approved the application subject to the conditions
- (15) of approval in Exhibit B and in addition to
- (16) the ones that we have added through the motion
- (17) process.
- (18) CHAIRMAN DUBOIS: Okay. Secunder?
- (19) COMMISSIONER MICCICHE: I agree.
- (20) CHAIRMAN DUBOIS: Okay. There's a motion
- (21) on the floor. All those in favor of the motion,
- (22) signify by saying aye.
- (23) (Ayes.)
- (24) CHAIRMAN DUBOIS: Opposed? Motion carries
- (25) unanimously. Appeal rights.

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- (1) MR. LORTZ: This is an action of the
- (2) Planning Commission that is appealable to the Town
- (3) Council. Forms are – are available from the
- (4) Clerk's Office. You must file the appeal within ten
- (5) days, and there is a fee for filing an appeal.
- (6)
- (7) (End of Items 2, 3 and 4.)
- (8)
- (9) -oOo-
- (10)
- (11)
- (12)
- (13)
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- (24)
- (25)

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- (1)
- (2) I, LISA A. GLANVILLE, C.S.R. #9932, a
- (3) Certified Shorthand Reporter in and for the State of
- (4) California, do hereby certify:
- (5) That the preceding tape transcription was
- (6) taken down by me in shorthand to the best of my
- (7) ability and thereafter reduced to computerized
- (8) transcription under my direction and supervision,
- (9) and I hereby certify the foregoing transcript is a
- (10) full, true and correct transcript of my shorthand
- (11) notes so taken.
- (12) I further certify that I am neither
- (13) counsel for nor related to any party to said action
- (14) nor interested in the outcome of this action.
- (15) Witness my hand this day of
- (16) December, 2003.
- (17)
- (18)
- (19) LISA A. GLANVILLE
- (20) CSR No. 9932
- (21) State of California
- (22)
- (23)
- (24)
- (25)

Date: December 4, 2003
For Agenda Of: December 10, 2003
Agenda Item: 4

REPORT TO: The Planning Commission
FROM: The Development Review Committee
LOCATION: 15220 Kennedy Road
Architecture and Site Application S-01-93
Negative Declaration ND-04-3

Requesting approval of a grading permit for landscaping improvements and approval to install solar panels on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 537-15-004.

PROPERTY OWNER/APPLICANT: Jim Deichstetter

DEEMED COMPLETE: December 3, 2003

FINAL DATE TO TAKE ACTION BY: May 3, 2004

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.

ENVIRONMENTAL ASSESSMENT: It has been determined that this project will not have a significant impact on the environment and a mitigated Negative Declaration has been prepared for this proposal.

EXHIBITS:

- A. Required Considerations (3 pages)
- B. Recommended Conditions of Approval (4 pages)
- C. Letter of Justification (8 pages)
- D. Initial Study
- E. Mitigated Negative Declaration
- F. Mitigation Monitoring Plan
- G. Development Plans (5 pages), received September 3, 2003

A. REMARKS:

The applicant is requesting approval for landscaping improvements and installation of a series of 10, ground mounted solar panels. The subject property is approximately 2.53 acres and is located on Kennedy Road, just east of Top of the Hill Road.

Declaration (Exhibit E). The following is a summary of potentially significant impacts and their recommended mitigation:

Potentially Significant Impact	Recommended Mitigation
<p>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.</p>	<p>If complaints about light reflection from the solar array are received from any affected neighbors (as verified by Town Staff), the project applicant will be required to alter the angles of the solar panels as necessary to minimize this effect.</p>
<p>Create a significant hazard to the public of the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials (asbestos) into the environment.</p>	<p>A continuous water misting operation using a spray nozzle adjusted to provide as fine a mist as possible will be applied in the immediate serpentine excavation and drilling operation areas.</p> <p>The excavated material should be buried under planting berms as soon as possible and at depths to ensure no surface exposure. Any stockpiled soils containing serpentine will be kept wet and covered with a 10-mil polyethylene plastic layer until they are buried and covered under planting berms.</p> <p>The Engineering Division of the Parks and Public Works Department will be responsible for ensuring proper handling and placement of serpentine materials as part of the grading permit plan check and inspection process.</p>
<p>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in the substantial erosion or siltation on- or off-site.</p>	<p>Energy dissipaters shall be installed below each solar panel to minimize erosion hazards associated with changes in surface drainage. Energy dissipaters can be similar in design to those already constructed at the top of the slope just above solar array area and below the landscaped pool area.</p>

All the conditions in the Mitigated Negative Declaration have been included in the conditions of approval (Exhibit B) to reduce the impacts to a less-than-significant level. Staff has prepared a mitigation monitoring plan (Exhibit F) to itemize the mitigation, monitoring action and timing of action.

C. RECOMMENDATION:

On September 9, 2003, the Development Review Committee (DRC) deemed the plans to be complete and referred the project to the Planning Commission. An environmental review was necessary due to the amount of area the solar panels covered and the slope of the land. The DRC was also concerned about aesthetic impacts of the solar array. The initial study analyzed the environmental issues relating to the proposed project (Exhibit D). A mitigated negative declaration was prepared for the project (Exhibit E).

If the Planning Commission is satisfied with the current proposal, it should:

1. Adopt the Mitigated Negative Declaration (Exhibit E).
2. Adopt the Mitigated Monitoring Plan (Exhibit F).
3. Make the Required Considerations (Exhibit A).
4. Approve the application subject to the recommended Conditions of Approval (Exhibit B).

If the Commission does not find merit with the application, it can either be continued to a date certain with specific directions to the applicant and/or staff or the application could be denied.

- 1) Approve the proposed application with additional conditions; or
- 2) Refer the application back to staff for further work as directed; or
- 3) Deny the application.

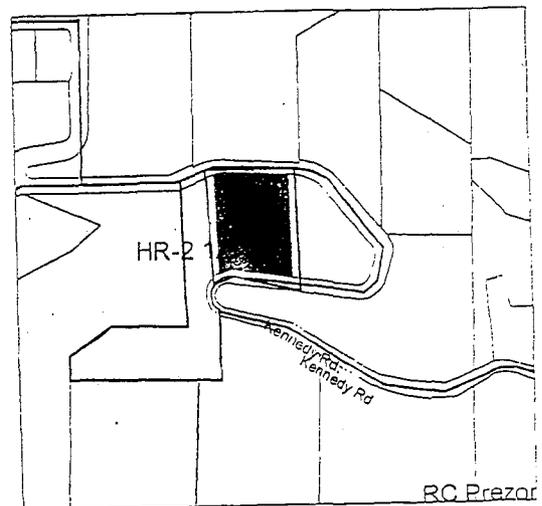
Bud Lortz

Bud Lortz, Director of Community Development

Prepared by: Judie Gilli, Assistant Planner

BNL:JG

cc: Jim Deichstetter, 15220 Kennedy Road,
Los Gatos, CA 95032



REQUIRED CONSIDERATIONS FOR:

15220 Kennedy Road

Architecture and Site Application S-01-98

Negative Declaration ND-04-3

Requesting approval of a grading permit for landscaping improvements and approval to install solar panels on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 537-15-004.

PROPERTY OWNER/APPLICANT: Jim Deichstetter

CONSIDERATIONS IN REVIEW OF APPLICATIONS

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

The deciding body shall consider all relevant matter including, but not limited to, the following:

- (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.
 - A. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:
 1. The ability of critical roadways and major intersections to accommodate existing traffic;
 2. Increased traffic estimated for approved developments not yet occupied; and
 3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.
 - B. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:
 1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
 2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available

approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.

- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.
- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.
- (9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.

CONDITIONS OF APPROVAL FOR:

15220 Kennedy Road

Architecture and Site Application S-01-03

Negative Declaration ND-04-3

Requesting approval of a grading permit for landscaping improvements and approval to install solar panels on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 537-15-004.

PROPERTY OWNER/APPLICANT: Jim Deichstetter

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT

(Planning Division)

1. EXPIRATION OF APPROVAL: This Architecture and Site application will expire two years from the date of approval unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
2. MITIGATION MONITORING PLAN: The applicant shall implement the proposed project according to the approved mitigation monitoring plan for this project.
3. PLANS: Development plans received on September 3, 2003.

(Building Division)

4. PERMITS REQUIRED: A building permit application shall be required for the proposed structure. Separate Electrical/Mechanical/Plumbing permits shall be required as necessary.
5. CONDITIONS OF APPROVAL: All Conditions of approval shall be stated in full on the cover sheet of the construction plans submitted for the building permit.
6. SIZE OF PLANS: The maximum size of construction plans submitted for building permits shall be 24" x 36".
7. PLAN PREPARATION: The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538).
9. SOILS REPORT: Two copies of 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.
10. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and 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 on structural calculation on photo array attachment.

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 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.

15. NONPOINT SOURCE POLLUTION PREVENTION. On-site drainage systems shall include a filtration device such as a bio-swale.
16. 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.
17. 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.
18. 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.
19. PRIVATE SEWAGE DISPOSAL SYSTEMS. A plan approval letter from the Environmental Health Department shall be provided prior to issuance of a grading permit.

To: Los Gatos planning & building Departments
RE: Permit application for residential Photovoltaic power system

Justification

This Photovoltaic system is proposed, in an effort to eliminate, on average, my consumption of PG&E electrical power, there by reducing the amount of air pollution created on my behalf and/or freeing up generating capacity for the use by others.

Considering the California power crisis of 2001, and the recent blackouts back east, all levels of government are encouraging energy conservation and use of renewable energy resources. The state of California is extremely interested in home owners installing Photovoltaic electrical systems. The state has passed a bill committing to have 20% of the states electrical consumption contributed by renewable sources by 2017. The Town of Los Gatos has also shown its concern over energy consumption in its Hillside Plan. The following is a quote from that plan:

"The use shall not impose any more burden upon the Town's energy resources or services than would a single-family residence approvable under current hillside standards."

The proposed PV system eliminates my homes burden on the Town's energy resources, as a matter of fact on a hot summer day this PV system will be producing 17KW of power, far exceeding the houses electrical demand. This extra energy will be going back into PG&E's grid, providing power for my neighbors, there by increasing the town's energy resources.

This PV system will also reduce pollution of CO₂ by 10 tons per year, along with substantial amounts of other pollutants.

Jim Deichstetter

15226 KELLWOOD RD

SEP 23 2003

PLANNING & BUILDING DEPARTMENT

15220 Kennedy Road East Side Yard Landscaping Description

Most of the east side yard of the property is used as a leach field for the septic system. The leach field cannot be planted with shrubs, trees or any other deep rooted plants, the only class of plants that can be planted are grasses. I have explored the Internet and nurseries looking for native California grasses to use for this purpose. I was unable to find a native California species that was not a bunch grass. Bunch grasses grow in little tufts, with small spaces in between, and are deep rooted. Most grow to heights of 18" to 24". I have two issues with this: the Fire Marshall wants all grass cut short and it is unsafe for my three year old. A child running through a field of tufted grass is liable to trip and break an ankle on the uneven surface created by the tufts. The only acceptable alternative I have found is a turf grass that is a hybridized California Red Fescue. This grass is slow growing and drought tolerant, an excellent choice for this area.

Along the west side of the grass, which is closest to the house, I intend to put a quartz cobble dry stream, as a point of interest and to catch any run off from the grass during winter rains. On the north and east sides of the grassed area will be a four foot wide crushed granite walking path. Under the walking path on the east side will be a French Drain consisting of a 4" perforated drainpipe surrounded by drain rock and filter fabric. This drain is to catch the run off from the other half of the grass. The grass area will be 9" taller in the center than along the east and west edges to facilitate drainage.

On the outside of the Dry Stream and Walking Path will be burms (to get the plants further from the leach field) planted with Native California drought tolerant plant species. In selecting the plants close attention will be paid to the depth of there root system.

Letter of Justification

East Side Yard Leach Field Landscaping

Something needs to be done to permanently get rid of the weeds and create an aesthetically pleasing environment. In its native state what is now the east side yard was covered by trees and scrubs, I would love to restore it to that condition, but I can't do that. Most of the east side yard is occupied by the leach field for home's septic system, which limits what can be done with that area.

Objectives:

- 1) Get rid of all noxious non native weeds and grasses.
- 2) Don't destroy the leach field with deep rooted plants.
- 3) Create an aesthetically pleasing environment.
- 4) Safety of my 3 ½ year old son.
- 5) Stay as close to native California landscaping as possible.

Options:

- 1) Kill all the weeds each year and leave it dirt (this is what I am currently doing). This doesn't meet objectives 3, 4, or 5.
- 2) Plant a smaller area with turf grass. Planting of deep rooted plants should be kept at least 10 feet from the edge of the leach field; I have already reduced the size of the grass with a dry creek on one side, and a walking path on two sides. I could leave a perimeter of dirt around the grass, depending on its size I don't think it would meet objectives 3 or 5
- 3) Use native California grasses: I have explored using native California grasses and discovered they are all bunch grasses. They grow in balls with shoots going up 18 to 36 inches and are deep rooted. A leach field is not a natural feature. Bunch grasses don't grow in fields, so a field of bunch grass would look strange. It would also be a safety hazard. My son is sure to run around in this field, and is likely to trip and break an ankle because of the uneven surface created by the bunch grass. I don't think this option meets objectives 2, 3, 4, or 5.
- 4) Put the vegetable garden in the field: This option doesn't meet objectives 3 or 5. I chose to put the vegetable garden where I did because it is inconsistent with the landscaping and is easier to hide below the grade of the east side yard
- 5) **I think that the most viable choice is a turf grass. My concern with turf grass is the amount of water it consumes. In my explorations of California Grasses I discovered a bunch grass, "California Red Fescue" that has been hybridized into a turf grass. This Option meets the first four objectives and almost meets the fifth. Because of its origins, California Red Fescue is drought tolerant.**

**California Native Plant Collection (Native Hill)
Partial Plant List as of April, 2001**

NATIVE BULBS

- | | | |
|---|---------------------------------------|----------------------------|
| 1 | <i>Allium unifolium</i> | Wild Onions, Meadow Onions |
| 2 | <i>Chlorogalum pomeridianum</i> | Soap Plant, Amole |
| 3 | <i>Dichelostemma capitatum</i> | Blue Dicks |

NATIVE PERENNIALS

- | | | |
|----|---|--------------------------------------|
| 4 | <i>Achillea millefolium</i> | Common Yarrow, Milfoil |
| 5 | <i>Epilobium</i> sp. (<i>Zauschneria</i> sp.)..... | California Wild Fuchsia, Zauschneria |
| 6 | <i>Eriogonum</i> sp..... | Buckwheats |
| 7 | <i>Iris douglasiana</i> | Douglas' Iris |
| 8 | <i>Iris innominata</i> | Mountain Iris |
| 9 | <i>Mimulus</i> sp..... | Monkeyflowers |
| 10 | <i>Penstemon heterophyllus</i> | Blue Bedder Penstemon |
| 11 | <i>Sisyrinchium bellum</i> | Blue-eyed Grass |

NATIVE SHRUBS

- | | | |
|----|---|--|
| 12 | <i>Arctostaphylos</i> sp. (<i>A. densiflora</i> 'Howard McMinn,'
<i>A. manzanita</i> 'Dr. Hurd,' others)..... | Manzanitas |
| 13 | <i>Baccharis pilularis</i> 'Twin Peaks'..... | Dwarf Coyote Brush |
| 14 | <i>Calycanthus occidentalis</i> | Spice Bush |
| 15 | <i>Ceanothus</i> sp..... | California Lilacs |
| 16 | <i>Cercis occidentalis</i> | Western Redbud |
| 17 | <i>Cercocarpus betuloides</i> | Mountain Mahogany |
| 18 | <i>Cornus stolonifera</i> var. <i>californica</i> (<i>Cornus sericea</i>)..... | Creek Dogwood |
| 19 | <i>Eriogonum</i> sp. (<i>E. arborescens</i> , <i>E. giganteum</i> , others)..... | Buckwheats |
| 20 | <i>Fremontodendron californica</i> | Fremontia, Flannel Bush |
| 21 | <i>Galvesia speciosa</i> | Island Snapdragon |
| 22 | <i>Heteromeles arbutifolia</i> | Toyon, Christmas Berry, California Holly |
| 23 | <i>Mahonia nevinii</i> (<i>Berberis nevinii</i>)..... | Nevin's Barberry, Nevin Mahonia |
| 24 | <i>Mahonia pinnata</i> (<i>Berberis pinnata</i>)..... | California Barberry, California Holly |
| | Grape | |
| 25 | <i>Physocarpus capitatus</i> | Ninebark |
| 26 | <i>Rhamnus californica</i> | California Coffeeberry |
| 27 | <i>Rhus integrifolia</i> | Lemonade Berry |
| 28 | <i>Romneya coulteri</i> | Matilija Poppy, Fried-Egg Plant |
| 29 | <i>Salvia clevelandii</i> | Cleveland's Sage |
| 30 | <i>Trichostema lanatum</i> | Woolly Blue Curts |

NATIVE TREES

- | | | |
|----|-----------------------------------|-----------------------|
| 31 | <i>Aesculus californica</i> | California Buckeye |
| 32 | <i>Cupressus sargentii</i> | Sargent Cypress |
| 33 | <i>Quercus agrifolia</i> | Coast Live Oak |
| 34 | <i>Quercus kelloggii</i> | California Black Oak |
| 35 | <i>Quercus lobata</i> | Valley Oak, White Oak |

NATIVE GRASSES

- | | | |
|----|--|--------------------------|
| 36 | <i>Festuca rubra</i> | Red Fescue |
| 37 | <i>Hordeum brachyantherum</i> | California Meadow Barley |
| 38 | <i>Melica californica</i> | Western Melica |
| 39 | <i>Nasella cernua</i> (<i>Stipa cernua</i>)..... | Nodding Needlegrass |
| 40 | <i>Nasella pulchra</i> (<i>Stipa pulchra</i>)..... | Purple Needlegrass |

NATIVE WILDFLOWERS (ANNUALS)

- | | | |
|----|--|------------------|
| 41 | <i>Clarkia</i> sp. (<i>C. amoena</i> , <i>C. unguiculata</i> , others)..... | Clarkias |
| 42 | <i>Eschscholzia californica</i> | California Poppy |
| 43 | <i>Lupinus</i> sp. (<i>L. densiflorus</i> , others)..... | Lupines |

Initial Study

Proposed Photovoltaic Array and
Landscaping Improvements at
15220 Kennedy Road
Los Gatos, California

Architecture and Site Application S-04-07

Prepared for
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95031

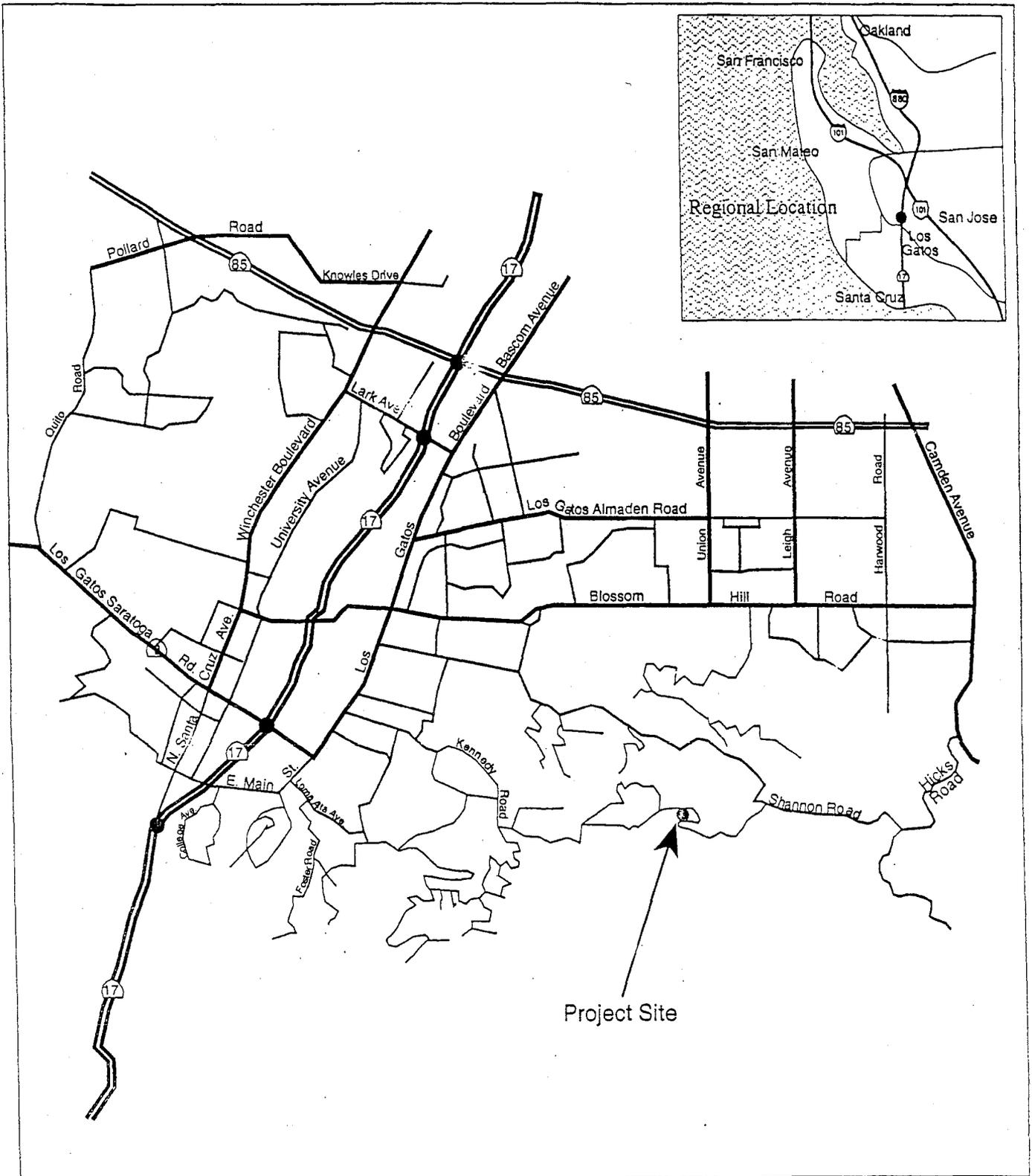
October 2003

Prepared by
Geier & Geier Consulting, Inc.
P.O. Box 5054
Berkeley, CA 94705-5054
510/644-2535

Exhibit D

Project Location

Figure 1



Source: Geier & Geier Consulting, Inc. (2003)



15220 Kennedy Road, Los Gatos, California

● Project Site



No Scale

Determination: (to be Completed by the Lead Agency)

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Bud N. Lortz, Director of Community Development

Date

Initial Study – 15220 Kennedy Road

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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While the objective of solar panels is to absorb sunlight and not reflect it, each panel is covered with tempered glass to protect the solar cells. It is possible that some sunlight will reflect off the glass surface. When the Law of Reflectance (the angle of incidence equals the angle of reflection) is applied to the proposed solar array, it is possible that reflected light could be visible at distant residences to the southeast when the sun is low in the west horizon (near sunset). However, it is possible that the ridge to the west (which is at approximately 850 feet or more) would block the sun, before reflected light (at its angle of reflection) would reach these homes, which are at or below 800 feet in elevation). Similarly, reflected light could reach areas to the west when the sun is low in the east horizon (at sunrise). Potentially affected receptors would be users of the public trail and backyard facilities of a home to the west.

If any reflected light from the solar array reached a receptor, it would be noticeable given the size of the solar array (approximately 1,600 square feet (s.f.) of solar panel area). However, this reflected light would affect any given location for only a brief period during the day due to the earth's rotation and only during certain times of the year due to seasonal fluctuations in the sun's position. In addition, weather conditions (e.g., cloud cover) could further reduce potential reflection effects on any given receptor.

Given the wide range of potential reflection effects due to variations in the sun's position relative to the solar array, there remains some potential, albeit low, that some receptors could be affected by reflected light from the array. This potential effect would be reduced to a less-than-significant level by applicant's proposal to modify the position of the solar panels, if any nearby uses are adversely affected by reflected light. The panels have two positions, winter and summer (to maximize absorption of sunlight) and the applicant proposes to move the panels to the alternate position (winter or summer) if reflection becomes a problem for any neighbors. To ensure that light reflection does not adversely affect any adjacent uses, the following measure will be required to reduce this potential impact to a less-than-significant level:

1. *If complaints about light reflection from the solar array are received from any affected neighbors (as verified by Town staff), the project applicant will be required to alter the angles of the solar panels as necessary to minimize this effect.*

II. Agriculture Resources - Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The project site is currently developed with a residence and the site's agricultural potential is limited by existing development and the site's steeply sloping topography. In addition, the site is underlain

Initial Study – 15220 Kennedy Road

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

The site is underlain with serpentine rock. Since it is an uncommon substrate, the Calflora database² was consulted to determine the potential for encountering any sensitive, rare, or endangered species that could occur on this unique rock type. The Calflora database identified four rare or threatened species for Santa Clara County: *Androsace elongata ssp. Acuta*, *Calandrinia breweri*, *Carpenteria californica*, and *Quercus dumosa*. None of these herbs or shrubs was identified as being associated with serpentine or rocky substrate. Therefore, the potential for encountering these species on this site would be low.

In addition, the project would not significantly reduce potential habitat for any of these species given the small area of disturbance (approximately 5 s.f. per pole mount or 50 s.f. for all ten pole mounts). Since there would be a four-foot separation between the solar panels, the 2,700 s.f. area would have available light to support plant growth, interspersed with large, shaded areas beneath the ten solar panels.

Both the solar array site, area to be landscaped, and vegetable garden area have been cleared of vegetation and there are no existing trees. No ordinance trees would be removed as part of project construction. The project applicant proposes to landscape planting berms with trees and shrubs, while the area over the existing leachfields would be planted with grass. Town staff has reviewed the proposed plant list and determined it conforms with the Town's Landscaping Policy.

V. Cultural Resources - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?			X	

Initial Study – 15220 Kennedy Road

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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northeast corner of the property, while approximately 100 cubic yards of topsoil would be imported to the site. An additional 6.5 cubic yards of excavated material would be generated from installation of the solar array, and this material would be buried under planting berms.

A review of the Town's hazards maps³ indicates that the project site has a high erosion potential, moderate shrink-swell potential, moderate to high slope stability hazard (due to slope steepness), high potential for fault rupture, low potential for seismic shaking, and low to moderate liquefaction potential. The Town's Fault Map indicates that a fault trace traverses the project site.⁴ Since the project would not involve construction of any structures, identified potential seismic hazards would not pose risks to people or structures.

As a standard project condition, the Town will require preparation of a soils report as part of the grading permit process; this report will specify criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. This report will address any soil constraints and implementation of recommendations will mitigate potential geologic impacts to a less-than-significant level. Potential erosion hazards are discussed below under Section VIII, Hydrology and Water Quality.

VII. Hazards and Hazardous Materials - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

Initial Study – 15220 Kennedy Road

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

The northern half of project parcel consists of an upper terrace, while the southern half is a steep, south-facing slope. The northern half of the site already has been graded to accommodate the existing home, driveway, pool, patio, backyard, and leachfields. Proposed landscaping of the northeastern portion of the site would not involve any significant changes in grades or drainage. Since existing leachfields must remain undisturbed, proposed landscaping would involve surface grading to create planting berms along the perimeter of the leachfields. According to the project applicant, the slope between the existing leachfield area and proposed vegetable garden would remain approximately in its current condition. The entire leachfield area, planting berms, and slope between the leachfield and vegetation garden would be covered with imported topsoil and then landscaped. Until landscaping is established, proposed planting berms could be subject to erosion. According to the applicant, topsoil would be placed in raised beds in the vegetable garden area.

The area where the solar array is proposed has already been cleared of annual grasses. Proposed drilling of ten pole mounts, installation of the solar array in this ±2,700 s.f. area, and excavation of the main DC conduit would increase the potential for erosion in this area. After installation of solar panels, surface runoff generated on the solar panels would collect at the lower edges of the panels and drain directly onto the steep slopes below each panel. Due to the steep terrain, such changes in surface drainage could increase erosion hazards. Remaining portions of the steeply sloping southern half of the site would not be disturbed and no vegetation removal would occur. To minimize erosion

Initial Study – 15220 Kennedy Road

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet. Project construction would result in temporary short-term noise increases due to the operation of heavy equipment. Construction noise sources range from about 82 to 90 dBA at 25 feet for most types of construction equipment, and slightly higher levels of about 94 to 97 dBA at 25 feet for certain types of earthmoving and impact equipment. If noise controls are installed on construction equipment, the noise levels could be reduced to 80 to 85 dBA at 25 feet, depending on the type of equipment. With controls, construction noise levels could be made to comply with the Town Noise Ordinance.

Residential uses are generally considered to be noise-sensitive uses or sensitive receptors. The closest neighbor is an existing residence located contiguous to the eastern property boundary. This residence is located a minimum of approximately 75 feet from proposed landscaping improvements and 200 feet from the proposed solar array. Other residences to the north and south would be located farther from proposed construction. At 75 feet, the Ordinance noise limit (85 dBA at 25 feet) would result in maximum noise levels of 75 dBA at this residence, when construction equipment is operated adjacent to this residence. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 45 to 60 dBA.⁵ To maintain such interior noise levels, exterior noise levels at the closest residences (with windows closed) should not exceed 70 to 80 dBA and this exterior noise level is used as a significance threshold or criterion. Therefore, construction noise increases would be less than significant. It should be noted that proposed grading activities would only occur for a short period, and most heavy equipment operations would occur at greater distances for most of the time. Due to the short-term nature of proposed grading activities, enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance would maintain construction-related noise impacts at a less-than-significant level.

Initial Study – 15220 Kennedy Road

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Transportation and Traffic - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

The Town's Traffic Impact Policy (Resolution 1991-174) specifies that a project with a traffic impact of 19 or less additional AM or PM peak hour trips could be approved without a comprehensive traffic report if it is determined that the benefits of the project to the Town would outweigh the impact of increased traffic. The proposed solar array and landscaping improvements would not directly result in any traffic increases. Therefore, no long-term traffic impacts would result from the proposed project.

Construction-related traffic would consist of equipment and material deliveries as well as construction workers. Construction-related traffic increases would be greatest when topsoil (±100 cubic yards) is delivered to the site, resulting in a temporary increase of approximately 10 trucks. Such a small, temporary traffic increase at the site and along Kennedy Road would not be significant from a traffic safety standpoint. The existing paved driveways on-site appear to be adequate to accommodate truck deliveries and construction worker parking needs.

XVI. Utilities and Service Systems – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

LIST OF SUPPORTING INFORMATION SOURCES
(Indicated as endnotes under specific issues of Initial Study)

- ¹ U.S. Geological Survey topographic maps for Los Gatos/San Jose [web application], 1998. TerraServer USA. Available: <http://terraserver-usa.com/>. [Accessed: October 9, 2003].
- ² Information on California plants for education, research and conservation [web application], 2000. Berkeley, California: The CalFlora Database [a non-profit organization]. Available: <http://www.calflora.org/>. [Accessed: October 10, 2000].
- ³ Nolan Associates, 1999. *Draft Erosion Potential Map, Shrink-Swell Potential of Soils, Slope Stability Hazard Map, Debris Flow Hazard Map, Liquefaction Hazard Zones Map, Seismic Shaking Hazards Map, Geologic Map, Fault Rupture Hazard Zones Map for the Town of Los Gatos General Plan Update*. January 17.
- ⁴ Nolan Associates, 1999. *Draft Fault, Lineament & Coseismic Deformation Map for the Town of Los Gatos General Plan Update*. January 17.
- ⁵ In indoor noise environments, the highest noise level that permits relaxed conversation with 100% intelligibility throughout the room is 45 dBA. Speech interference is considered to become intolerable when normal conversation is precluded at 3 feet, which occurs when background noise levels exceed 60 dBA (U.S. Environmental Protection Agency, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (Condensed Version, 1974).

NOTICE

Town of Los Gatos Environmental Impact Review

Recommended Negative Declaration

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

Project Title and Location: Proposed Photovoltaic Array and Landscaping Improvements
15220 Kennedy Road
Architecture and Site Application S-04-07

Project Description: The project applicant is requesting Architecture and Site approval for landscaping improvements and installation of a photovoltaic array (solar array or solar power system) on a 2.53-acre property located on the south side of Kennedy Road, just east of Top of the Hill Road. The photovoltaic array would cover a 2,700 square-foot area and would be located on a slope located below and south of the existing home. According to the proposed plan, the array would be located on slopes of approximately 37.5 percent.

The photovoltaic array would consist of ten solar panels and the panels would be spaced four feet apart and placed in three rows. The first two rows would consist of eight 185-watt modules, with four modules per row. Each module would be approximately 10.3 feet wide by 16.3 feet long, with a maximum height of four feet above the ground surface. There would be two smaller modules (10.3 feet by 10.7 feet) in the third and lowest row. Each panel would be mounted on a single pole. These mounts would be rated to withstand winds of up to 100 miles per hour (mph) and would have two positions, one maximizing solar exposure during the summer and one maximizing solar exposure during the winter.

From the array, a main DC conduit would extend northward (up the slope) along the western property boundary and the west side of the house. The conduit would connect the array with the power room, which is proposed to be located inside the existing home, in the northwest corner of the home.

In addition to the array, the project applicant proposes to landscape the area where the home's existing leachfields are located. The home has two leachfields which are located in the northeast corner of the property, on the upper, more level portion of the parcel, east of the home. They extend from the existing driveway to within approximately 12 feet of the eastern property boundary. Proposed landscaping would involve placement of fill over the leachfield, construction of planting berms along the western, northern, and eastern perimeters of the leachfields, and planting of native shrubs and plants on berms and grass over the leachfields. There is approximately 100 to 150 cubic yards of fill that are stockpiled along the eastern property boundary (previously imported), and this fill would be used to construct proposed planting berms. An additional 6.5 cubic yards would be generated from installation of the solar array (excavation for pole mounts), and this fill would be buried under planting berms. Approximately 100 cubic yards of topsoil would be imported to prepare the leachfield area and berms for landscaping.

The existing downslope on the south side of the leachfield is also proposed to be planted. Just south of (below) the leachfields and proposed planted slope is a level area. This area is proposed to be developed with raised planter beds for a vegetable garden.

Negative Declaration – 15220 Kennedy Road

east horizon (at sunrise). Potentially affected receptors would be users of the public trail and backyard facilities of a home to the west.

If any reflected light from the solar array reached a receptor, it would be noticeable given the size of the solar array (approximately 1,600 square feet (s.f.) of solar panel area). However, this reflected light would affect any given location for only a brief period during the day due to the earth's rotation and only during certain times of the year due to seasonal fluctuations in the sun's position. In addition, weather conditions (e.g., cloud cover) could further reduce potential reflection effects on any given receptor.

Given the wide range of potential reflection effects due to variations in the sun's position relative to the solar array, there remains some potential, albeit low, that some receptors could be affected by reflected light from the array. This potential effect would be reduced to a less-than-significant level by applicant's proposal to modify the position of the solar panels, if any nearby uses are adversely affected by reflected light. The panels have two positions, winter and summer (to maximize absorption of sunlight) and the applicant proposes to move the panels to the alternate position (winter or summer) if reflection becomes a problem for any neighbors. To ensure that light reflection does not adversely affect any adjacent uses, the following measure will be required to reduce this potential impact to a less-than-significant level:

Mitigation: If complaints about light reflection from the solar array are received from any affected neighbors (as verified by Town staff), the project applicant will be required to alter the angles of the solar panels as necessary to minimize this effect.

Mitigation Monitoring: The Community Development Department will be responsible for evaluating the validity of any neighbor complaints about reflection.

2. Agriculture Resources: The project site is currently developed with a residence and the site's agricultural potential is limited by existing development and the site's steeply sloping topography. In addition, the site is underlain by serpentine rock deposits, significantly diminishing its agricultural potential. Therefore, the project would not adversely affect any existing agricultural resources at the site. Since the site is not in agricultural use, the project would not adversely affect any existing agricultural operations.

3. Air Quality: Proposed grading activities associated with landscaping and installation of the solar array would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard construction notes that are included with all projects require the contractor to "meet or exceed the requirements of the appropriate air quality management agencies..." Therefore, standard Town requirements would require implementation of the BAAQMD's standard dust control measures (which are required on sites of three acres or less), which would mitigate the project's construction-related air quality impacts to a less-than-significant level.

4. Biological Resources: The site is underlain with serpentine rock. Since it is an uncommon substrate, the Calflora database was consulted to determine the potential for encountering any sensitive, rare, or endangered species that could occur on this unique rock type. The Calflora database identified four rare or threatened species for Santa Clara County: *Androsace elongata ssp. Acuta*, *Calandrinia breweri*, *Carpenteria californica*, and *Quercus dumosa*. None of these herbs or shrubs was identified as being associated with serpentine or rocky substrate. Therefore, the potential for encountering these species on this site would be low.

Negative Declaration – 15220 Kennedy Road

potential health risks associated with exposure to excavated serpentine rock, the following measures will be required:

Mitigation: A continuous water misting operation using a spray nozzle adjusted to provide as fine a mist as possible will be applied in the immediate serpentine excavation and drilling operation areas.

Mitigation: These materials should be buried under planting berms as soon as possible and at depths to ensure no surface exposure. Any stockpiled soils containing serpentine will be kept wet and covered with a 10-mil polyethylene plastic layer until they are buried and covered under planting berms.

Mitigation Monitoring: The Engineering Division of the Parks & Public Works Department will be responsible for ensuring proper handling and placement of serpentine materials as part of the grading permit plan check and inspection process.

According to the Los Gatos General Plan, the project site is located in a fire hazard area. There is one General Plan policy relevant to this project that addresses fire hazards:

S.P.2.3: Design and site new development located in or adjacent to fire hazard areas to minimize hazards to life and property, such as fire preventive site design, access, landscaping and building materials, and use of fire suppression techniques.

The proposed project would add landscaping over the eastern portion of the site and reduce hillside fuel loads on the slope where the solar array is proposed to be located, thereby incrementally reducing fire hazards on the project parcel.

8. Hydrology and Water Quality: The northern half of project parcel consists of an upper terrace, while the southern half is a steep, south-facing slope. The northern half of the site already has been graded to accommodate the existing home, driveway, pool, patio, backyard, and leachfields. Proposed landscaping of the northeastern portion of the site would not involve any significant changes in grades or drainage. Since existing leachfields must remain undisturbed, proposed landscaping would involve surface grading to create planting berms along the perimeter of the leachfields. According to the project applicant, the slope between the existing leachfield area and proposed vegetable garden would remain approximately in its current condition. The entire leachfield area, planting berms, and slope between the leachfield and vegetation garden would be covered with imported topsoil and then landscaped. Until landscaping is established, proposed planting berms could be subject to erosion. According to the applicant, topsoil would be placed in raised beds in the vegetable garden area.

The area where the solar array is proposed has already been cleared of annual grasses. Proposed drilling of ten pole mounts, installation of the solar array in this ±2,700 s.f. area, and excavation of the main DC conduit would increase the potential for erosion in this area. After installation of solar panels, surface runoff generated on the solar panels would collect at the lower edges of the panels and drain directly onto the steep slopes below each panel. Due to the steep terrain, such changes in surface drainage could increase erosion hazards. Remaining portions of the steeply sloping southern half of the site would not be disturbed and no vegetation removal would occur. To minimize erosion hazards both in the solar array area and the leachfield area, the Town will require preparation and implementation of an erosion control plan. The erosion control plan will make appropriate recommendations to address potential erosion hazards during and after construction (including interim measures). Implementation of such measures will mitigate potential erosion hazards to a less-than-significant level. The erosion control plan shall include the following:

Negative Declaration – 15220 Kennedy Road

14. Recreation: The project would not increase local population or demand for recreational services.

15. Transportation and Traffic: The Town's Traffic Impact Policy (Resolution 1991-174) specifies that a project with a traffic impact of 19 or less additional AM or PM peak hour trips could be approved without a comprehensive traffic report if it is determined that the benefits of the project to the Town would outweigh the impact of increased traffic. The proposed solar array and landscaping improvements would not directly result in any traffic increases. Therefore, no long-term traffic impacts would result from the proposed project.

Construction-related traffic would consist of equipment and material deliveries as well as construction workers. Construction-related traffic increases would be greatest when topsoil (± 100 cubic yards) is delivered to the site, resulting in a temporary increase of approximately 10 trucks. Such a small, temporary traffic increase at the site and along Kennedy Road would not be significant from a traffic safety standpoint. The existing paved driveways on-site appear to be adequate to accommodate truck deliveries and construction worker parking needs.

16. Utilities and Service Systems: Since the project would connect to the region's power grid, a beneficial effect of the project would be that it would contribute any excess electricity to the region's power supplies. Utilities currently extend to the existing residence and the project would reduce demand for electricity at this residence. Therefore, no major off-site utility improvements are expected to be required. The project would involve extension of water lines in the area proposed to be landscaped and a main DC conduit would be extended from the solar array to the power room that is proposed in the northwest corner of the house. Erosion hazards associated with excavation of these utility extensions are discussed above under Section VIII, Hydrology and Water Quality.

Copies of the Initial Study used to make the above recommendation are on file and available for public inspection during regular business hours at the Town Community Development Department, 110 East Main Street, Los Gatos, California.

Date

Bud N. Lortz, Director of Community Development

MITIGATION MONITORING PLAN

PROJECT: 15220 Kennedy Road S-01-98, Negative Declaration ND-04-3

IMPACT	MITIGATION	MONITORING ACTION	RESPONSIBILITY	TIMING
Aesthetics	If complaints about light reflection from the solar array are received from any affected neighbors (as verified by Town Staff), the project applicant will be required to alter the angles of the solar panels as necessary to minimize this effect.	Condition of Approval	Director of Community Development	On-going
Hazards and Hazardous Materials	A continuous water misting operation using a spray nozzle adjusted to provide as fine a mist as possible will be applied in the immediate serpentine excavation and drilling operation areas.	Condition of Approval	Director of Community Development	During excavation process.
Hazards and Hazardous Materials	The excavated material should be buried under planting berms as soon as possible and at depths to ensure no surface exposure. Any stockpiled soils containing serpentine will be kept wet and covered with a 10-mil polyethylene plastic layer until the are buried and covered under planting berms.	Condition of Approval	Director of Community Development	Prior to Final Inspection
Hazards and Hazardous Materials	The Engineering Division of the Parks and Public Works Department will be responsible for ensuring proper handling and placement of serpentine materials as part of the grading permit plan check and inspection process.	Condition of Approval	Director of Parks and Public Works	Prior to Issuance of Grading Permit
Hydrology and Water Quality	Energy dissipaters shall be installed below each solar panel to minimize erosion hazards associated with changes in surface drainage. Energy dissipaters can be similar in design to those already constructed at the top of the slope just above solar array area and below the landscaped pool area.	Condition of Approval	Director of Parks and Public Works	Prior to Final Inspection

*Maintain the
Natural
Environmental
Setting*


*Conservation &
Open Space Elements*

*Community Design
Element
Issue 2 - Hillsides*



L.I.7.8 North of Los Gatos-Almaden Road: Encourage new or relocating auto-related businesses to relocate to available property north of Los Gatos-Almaden Road.

Time Frame: On-going
Responsible Party: Town Manager, Planning and Chamber of Commerce

L.I.7.9 Seven Mile Reservoir: Explore use of "air space" over Seven Mile Reservoir for landscaped passive open space.

Time Frame: 2000 - 2005
Responsible Party: Planning, Parks and Public Works

L.I.7.10 South of Los Gatos-Almaden Road: Encourage replacement of vacated business south of Los Gatos-Almaden Road with neighborhood commercial, multi-family, or office uses.

Time Frame: On-going
Responsible Party: Planning

ISSUE: 8

Los Gatos is outstanding in its respect for the natural environment. The Santa Cruz Mountains are a major natural feature and form the backdrop for Los Gatos. Maintaining the tree cover, the creeks, streams and riparian corridors, and accommodating wildlife is a major part of the community's identity.

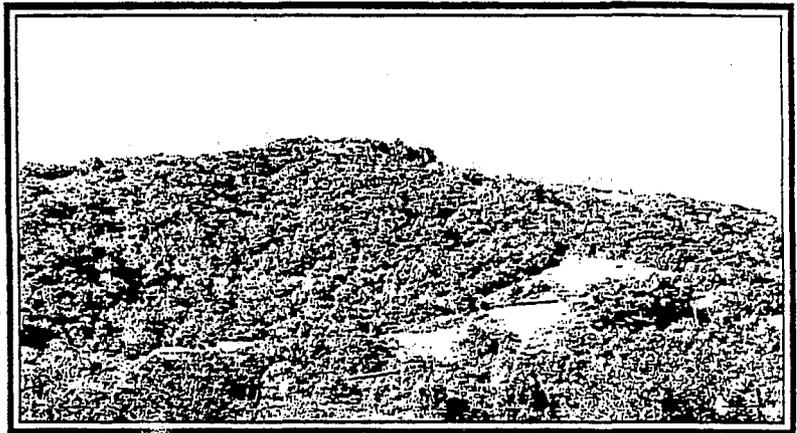
Goals:

- L.G.8.1 To preserve the natural topography and ecosystems within the Town's Sphere of Influence.
- L.G.8.2 To promote a sustainable community by protecting environmental needs without compromising the ability of future generations to meet their needs.

Policies:

- L.P.8.1 Preserve the Town's distinctive and unique environment by preserving and maintaining the natural topography, wildlife and vegetation and by mitigating and reversing the harmful effects of traffic congestion, pollution and environmental degradation on our urban landscape.
- L.P.8.2 Limit hillside development to that specified in the Hillside Specific Plan. Minimize development and enhance the rural atmosphere and natural plant and wildlife habitats in the hillside.
- L.P.8.3 Preserve and protect the natural states of the Santa Cruz Mountains and surrounding hillsides by, among other things, discouraging development on and near the hillsides as well as development that blocks the views of the hillsides.
- L.P.8.4 Emphasize preserving the natural land forms by minimizing grading. Grading should be limited only to the area needed to place the main house on the property.
- L.P.8.5 Allow development only if it is environmentally suitable to such use.

- L.P.8.6 Preserve existing creeks and riparian habitat in as natural state as possible.
- L.P.8.7 When a development project is adjacent to a creek, the approval shall include a condition that the creek be dedicated to the Town in fee with a maintenance easement granted to the Santa Clara Valley Water District.
- L.P.8.8 Existing specimen trees shall be preserved and protected as a part of any development proposal.
- L.P.8.9 Encourage innovative and efficient management of natural resources.
- L.P.8.10 Limit hillside development to that which can be safely accommodated by our rural two lane roads.
- L.P.8.11 Encourage the use of scenic easements to preserve viewsheds.
- L.P.8.12 Work with Santa Clara County to ensure that projects developed in the County meet Town policies and standards, do not induce further development, and do not unduly burden the Town.



Implementing Strategies:

- L.I.8.1 Grading Permits: Require Architecture and Site approval for grading permits.
Time Frame: On-going
Responsible Party: Planning and Engineering
- L.I.8.2 Grading Permits: Require grading permits to insure that the grading of slopes and sites proposed for development will be minimized.
Time Frame: On-going
Responsible Party: Planning and Engineering
- L.I.8.3 Story Poles: Require the erection of story poles prior to the approval of new development.
Time Frame: On-going
Responsible Party: Planning



- L.I.8.4 Limit Impervious Surfaces: Revise Town codes to limit the impervious surfaces in most zones. Alternative materials and designs shall be encouraged for driveways, parking areas and parking lots in all zones except the C-2 zone. Examples include but are not limited to: "ribbon strip" driveways (pavement in tire areas, grass or gravel in the middle), pervious paving material, gravel surface for overflow parking lots. Design parking lots to drain into landscaped areas.
- Time Frame: 2000 - 2005
Responsible Party: Planning and Engineering
- L.I.8.5 Limit Size of Hillside Houses: Amend the Town Code to limit the size of houses in the hillside area.
- Time Frame: 2000-2001
Responsible Party: Planning and Architectural Standards Hillside Committee
- L.I.8.6 Hillside Development Standards: The Town shall continue to work with the County in updating hillside development standards, and annexations shall be encouraged within the Urban Service Boundary.
- Time Frame: On-going
Responsible Party: Planning
- L.I.8.7 Landscape Design Standards: Prepare landscape design standards that are environmentally conscious, maximize the use of native and drought-tolerant species, and encourage well planned planting schemes, that include appropriate sized plant material in sufficient density to add to the thoughtfulness and beauty of the Town.
- Time Frame: On-going
Responsible Party: Parks
- L.I.8.8 Open Space: Maximize preservation of open space and scenic vistas by requiring dedications in fee (preferred) or easements and by restricting buildable areas on lots. Where buildable areas are restricted through clustering, planned developments, or other means, these means shall not allow higher overall density on the parcel than would otherwise be allowed by the zoning. Dedications should be made jointly to Town and Mid-Peninsula Regional Open Space District.
- Time Frame: On-going
Responsible Party: Planning, Engineering and Parks
- L.I.8.9 Open Space: Sponsor an existing agency or create a new agency to encourage private property owners to dedicate open space easements to the Town.
- Time Frame: On-going
Responsible Party: Town Manager
- L.I.8.10 Hillside Design Standard: Houses shall be designed to step down the contours rather than be designed for flat pads.
- Time Frame: On-going
Responsible Party: Planning and Architectural Standards Committee



- L.I.8.11 Ridge lines: Review all subdivisions and house plans to avoid having structures project above the ridge lines when seen from the valley floor. Avoid grading that would alter the natural ridge line.
- Time Frame: On-going
Responsible Party: Planning and Deciding Body
- L.I.8.12 Grading Moratorium: Prohibit grading in hillside areas between October 1 and April 15. Install interim erosion control measures shown on the approved interim erosion control plan by October 1.
- Time Frame: On-going
Responsible Party: Planning and Engineering
- L.I.8.13 Soils and Geologic Reports: For projects with potential grading, erosion and sediment control problems, soils and geologic reports will be provided during the development review process.
- Time Frame: On-going
Responsible Party: Planning, Building and Engineering
- L.I.8.14 Geologic Reports: Require geologic reports to specify construction methods to protect the proposed project as well as existing residences in the vicinity from identified hazards.
- Time Frame: On-going
Responsible Party: Applicant, Planning, Building and Engineering
- L.I.8.15 Environmental Impact Reports: Staff should err on the side of requiring an Environmental Impact Report to ensure adequate consideration of environmental concerns associated with projects.
- Time Frame: On-going
Responsible Party: Planning
- L.I.8.16 Reverse and prevent harmful development impacts: The Town shall design and implement programs and procedures to mitigate the effects of past developments, and to review and prevent or mitigate the impacts of future development on community sustainability.
- Time Frame: On-going
Responsible Party: Planning



*Open Space and
Hillside
Preservation*



Implementing Strategies:

O.I.3.1 -ps Overlay zone: Use the -ps - Public School Overlay Zone to keep closed school sites in public ownership and to preserve the playing fields as developed recreation space.

Time Frame: On-going
Responsible Party: Planning, Parks and Town Council

ISSUE 4:

The Town's Hillside areas are unique and add to the quality of life of Town residents and visitors. Open space areas in the Hillside areas should be preserved. The viewsheds and existing character of the hillsides should be maintained in open space planning.

Goal:

O.G.4.1 To provide for open space areas in the hillsides. The provision of these open space areas should not detract from the existing character of the Town's hillsides.

Policies:

- O.P.4.1 Preserve the natural open space character of prominent visible hillside lands.
- O.P.4.2 Protect the natural ridge lines as defined in the Hillside Specific Plan.
- O.P.4.3 Preserve open space in hillside areas as natural open space.
- O.P.4.4 Require the provision of permanent open space in hillside developments.
- O.P.4.5 Preserve natural open space character of hillside lands, including natural topography, natural vegetation, wildlife habitats and migration corridors, and viewsheds.

Implementing Strategies:

O.I.4.1 Ridge lines: Preservation of ridge lines, trees and open space along scenic roadways shall be considered in reviewing every proposed development or circulation system improvement.

Time Frame: On-going
Responsible Party: Planning and Deciding Body

O.I.4.2 Open space dedications: In all hillside developments, require the dedication of open space in fee or as an easement to protect unique natural features, habitats and migration corridors, and to preserve the rural atmosphere.

Time Frame: On-going
Responsible Party: Parks, Planning and Deciding Body



- C.P.6.2 Encourage recycling and reuse of building materials from remodeled and demolished buildings.
- C.P.6.3 Cooperate with nearby jurisdictions and regional jurisdictions to design and implement coordinated recycling plans.
- C.P.6.4 Encourage reductions in use of nonrenewable resources in building construction, maintenance, and operations.

Implementing Strategies:

C.I.6.1 Continue and expand programs through the local waste hauler for recycling.

Time Frame: On-going
Responsible Party: Community Services

C.I.6.2 Consider implementing a reuse center for building materials from remodeled and demolished buildings.

Time Frame: 2002 - 2003
Responsible Party: Community Services

C.I.6.3 Continue to work with other West Valley Cities through the West Valley Cities Solid Waste Joint Powers Agreement to design and implement expanded recycling programs.

Time Frame: On-going
Responsible Party: Community Services

C.I.6.4 Continue to work with the Santa Clara County Solid Waste Commission.

Time Frame: On-going
Responsible Party: Community Services

C.I.6.5 Develop policies, incentives, and design guidelines that encourage the public and private purchase and use of durable and nondurable items, including building materials, made from recycled materials or renewable resources.

Time Frame: 2002 - 2003
Responsible Party: Community Services

ISSUE 7:

Energy resources, while varied, are not limitless. The traditional energy resources used (gas, electricity) are non-renewable, and conservation of these resources for future generations is imperative.

Goal:

C.G.7.1 To foster development that reduces the use of non-renewable energy resources and expands the use of renewable resources and alternative fuels.

Energy



Policies:

- C.P.7.1 Encourage construction and use of technologies that maximize energy conservation.
- C.P.7.2 Encourage the use of energy conservation techniques and technology in existing development.
- C.P.7.3 Design structures to maximize natural heating and cooling (passive solar heating and cooling.)
- C.P.7.4 Utilize landscaping for passive cooling and protection from prevailing winds.
- C.P.7.5 Protect existing development from loss of solar access.
- C.P.7.6 Continue to pursue energy-efficiency in Town operations.
- C.P.7.7 Encourage use of renewable energy sources and alternative fuels.
- C.P.7.8 Promote local employment opportunities to reduce consumption of fuel used for commuting.
- C.P.7.9 Require higher levels of energy efficiency as house size increases.

Implementing Strategies: (Non-transportation programs)

- C.I.7.1 Code Amendments: Amend the Town Code to establish regulations, in addition to Title 24 requirements, that promote and require the conservation of energy and the use of renewable energy sources as follows:
 - A. Protect solar access to existing buildings and all installed solar energy systems.
 - B. Develop specific design guidelines for energy efficient architectural designs, site plans and landscaping to be used during plan review of all new developments.
 - C. Require the provision and protection of solar access in all new development through the dedication of private solar access covenants.
 - D. Require that all new developments be designed to take advantage of passive solar heating and cooling opportunities as specified by Section 66473.1 of the Subdivision Map Act. The word "feasible" is as defined in Sec. 66473.1.
 - E. Require the use of solar water heaters on all new residential buildings where solar access is available and natural gas is not available. Require pre-plumbing for solar water heaters on all other new residential construction where solar access is available.
 - F. Require solar energy as the primary means of heating new swimming pools, where solar access is available.
 - G. Identify any current Town regulation that may limit feasible energy conservation or solar energy applications and consider modification.

Time Frame: 2001 - 2003 and On-going
Responsible Party: Planning and Building



C.I.7.2 Energy Rating System: The Town, in conjunction with the local board of realtors and local developers and architects, shall participate in the development and implementation of an energy efficiency rating system for existing and new residential structures to assist home buyers in selecting energy efficient homes.

Time Frame: 2000 - 2005
Responsible Party: Building

C.I.7.3 Weatherization: The Town shall continue to promote the rapid weatherization of all homes through publicizing available utility energy audit and financing programs and investigate possible contracting with PG & E to identify participants.

Time Frame: On-going
Responsible Party: Building and Community Services

C.I.7.4 Sustainable Los Gatos Information Center: Establish and maintain a "sustainability information center" at the Town Hall to inform the public and distribute available brochures.

Time Frame: 2000 - 2005 and On-going
Responsible Party: Building

C.I.7.5 Energy Conservation Programs: The Town shall continue to adopt the following energy saving steps for Town facilities and operations:

- A. Conduct, with assistance from PG&E, a thorough energy audit of all Town facilities to identify cost-effective opportunities for conservation and use of solar energy systems.
- B. Designate a high-level staff person as the Town Energy Manager who is responsible for coordinating and meeting in-house energy conservation goals.
- C. Establish realistic yearly goals for reductions in Town energy costs and keep Town personnel aware of program status.
- D. Establish a fuel conservation program for Town vehicle fleet and require Gas Cap driver training for all employees who use fleet vehicles.

Time Frame: On-going
Responsible Party: Public Works





To create this photo I took two 45 foot long X 1 foot wide black plastic sheets and laid them on the hillside along the east and west edges of the photo voltaic array location. I then walked the open space trail and photographed my property at the first three locations where the plastic could be seen. At each point I took multiple photos to create the panoramas.

This is the panorama from the first location. The photo voltaic array will consists of posts and frames supporting photo voltaic panels. The panels that are only a few inches thick will be about four feet off the ground and for the most part parallel to the ground. In the picture you can see the foot wide black plastic on the near and far sides of the array area. The Mines road Land Fill is clearly visible in the picture



SMOG

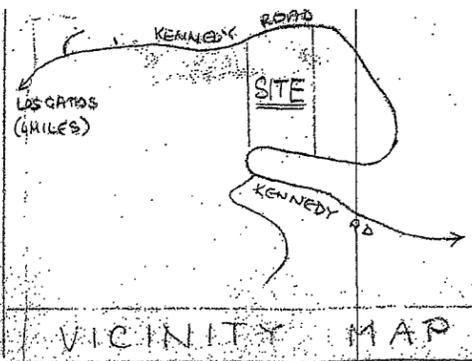
To create this photo I took two 45 foot long X 1 foot wide black plastic sheets and laid them on the hillside along the east and west edges of the photo voltaic array location. I then walked the open space trail and photographed my property at the first three locations where the plastic could be seen. At each point I took multiple photos to create the panoramas.

This is the panorama from the second location. This view was taken a short distance up the trail from the first and is therefore very similar to the first. But it does start the other housing in the area. When you first start out on the open space trail my property is visible almost continuously either right in front of you or behind you. Once you get beyond this section my property is visible only infrequently

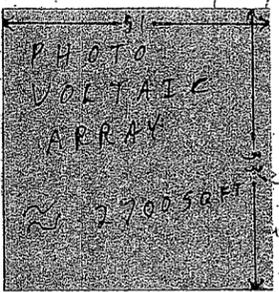
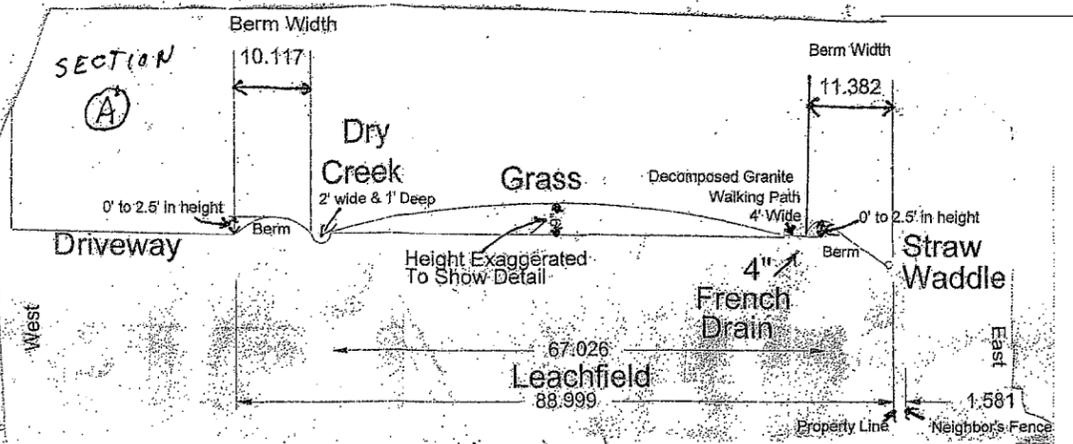
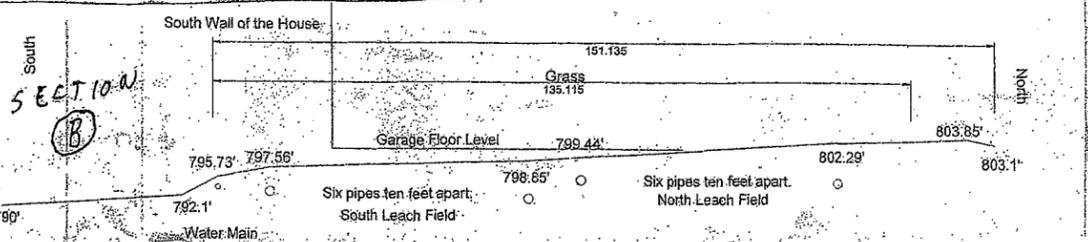


To create this photo I took two 45 foot long X 1 foot wide black plastic sheets and laid them on the hillside along the east and west edges of the photo voltaic array location. I then walked the open space trail and photographed my property at the first three locations where the plastic could be seen. At each point I took multiple photos to create the panoramas.

This is the panorama from the third location. I was barely able to make out the plastic sheets, so I enhanced them with pen. The area is not rectangular due to the topology of the area. In this photo you can see not only the house and photo voltaic array but also, to the right of the house, the leach field area to be landscaped. In back of my house is my swimming pool and around it a lawn, in this picture you can barely make it out, the grass area in the east side yard would look like a small patch of green that could hardly be seen in first two pictures.



AFTER



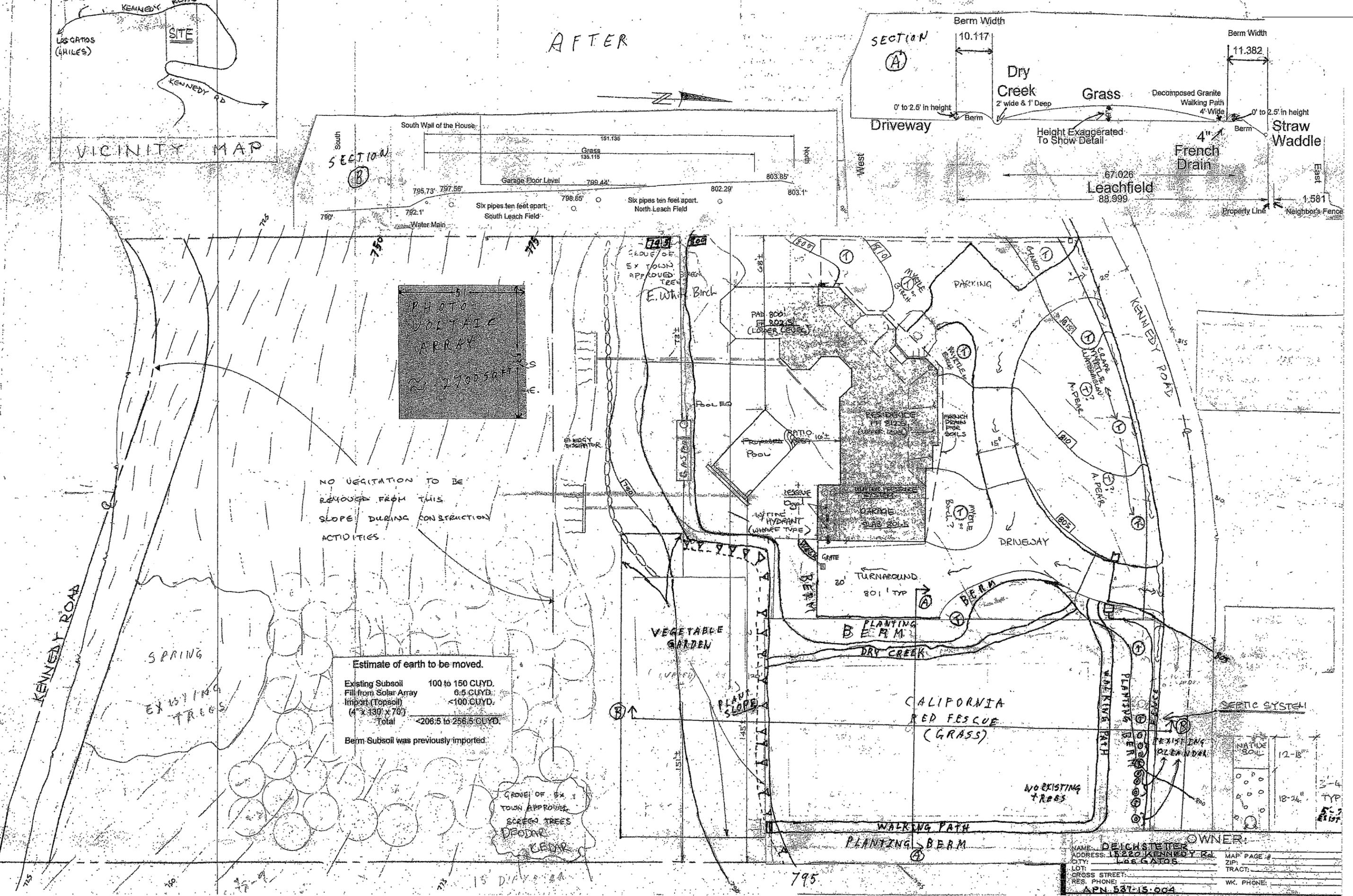
NO VEGETATION TO BE REMOVED FROM THIS SLOPE DURING CONSTRUCTION ACTIVITIES.

Estimate of earth to be moved.

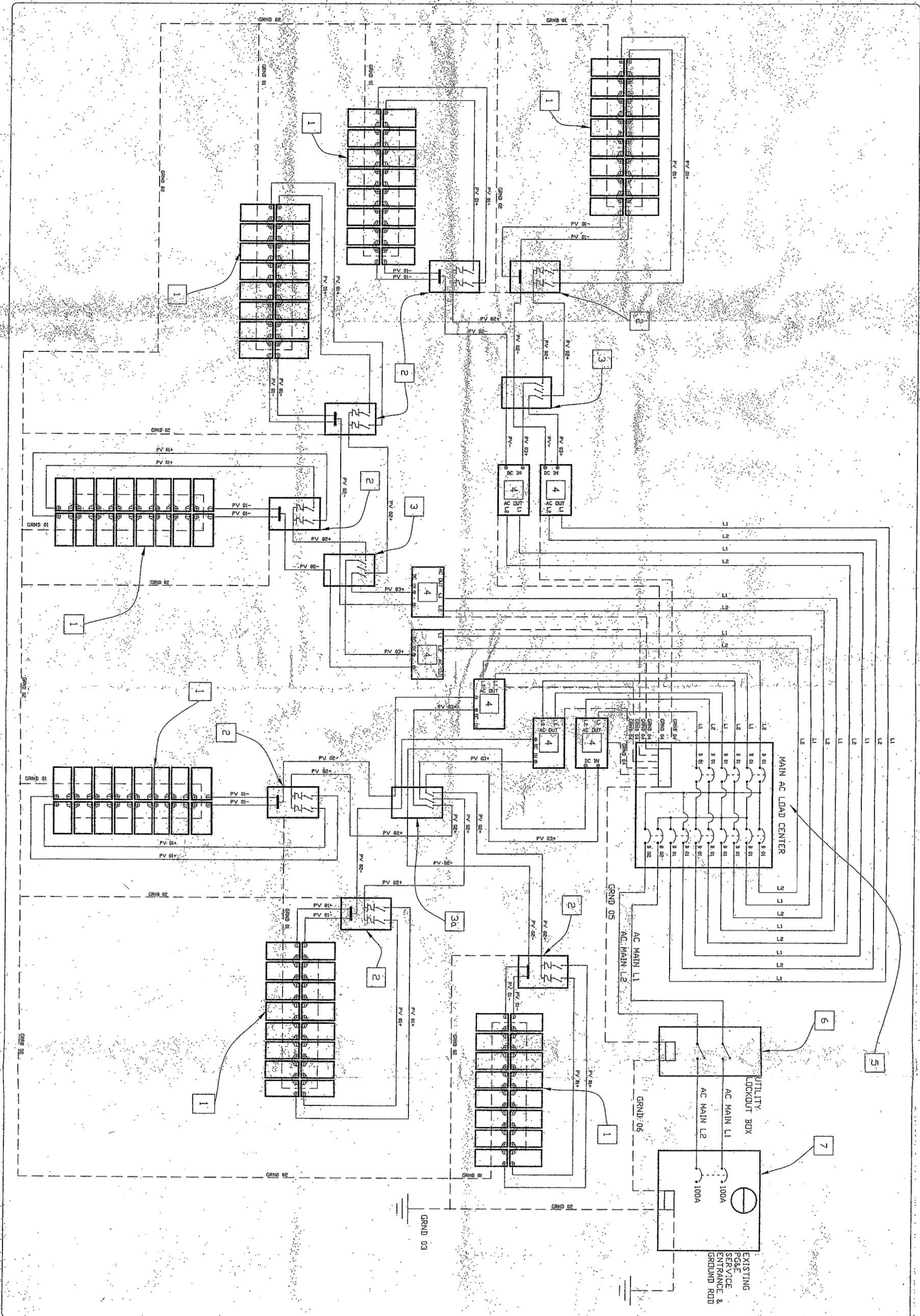
Existing Subsoil	100 to 150 CUYD.
Fill from Solar Array	6.5 CUYD.
Import (Topsoil) (4' x 130' x 70')	<100 CUYD.
Total	<206.5 to 256.5 CUYD.

Berm-Subsoil was previously imported.

GROVE OF SIX TOWN APPROVED SCREEN TREES DEODAR CEDAR



OWNER: DEICHSTETTER
 ADDRESS: 15220 KENNEDY RD.
 CITY: LOS GATOS
 LOT: _____ TRACT: _____
 CROSS STREET: _____
 RES. PHONE: _____ WK. PHONE: _____
 APN: 537-15-004



DATE: 7/12/2003
 SCALE: NA
 JOB No: LG-01
 DRAWN BY: A. Lockert
 CHECKED BY: - X
 PROJ. MGR. G. Minyard

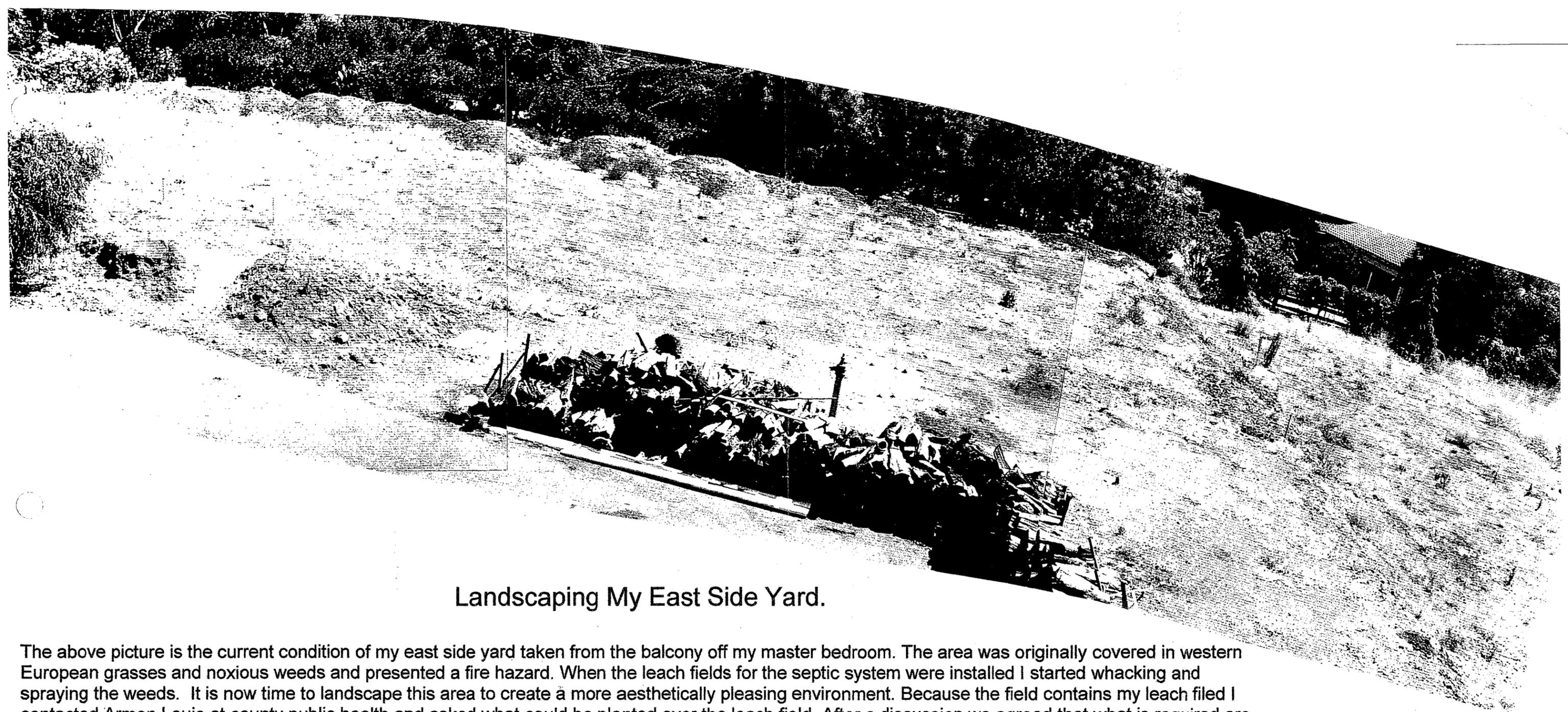
NO.	BY	DATE	REVISIONS

A PROJECT FOR:
 Jim Deichstetter
 15220 Kennedy Rd.
 Los Gatos, CA
 95032

WIRING DIAGRAM

DESIGNED BY: GLEN MINYARD
 MINYARD SOLAR ELECTRIC
 PHONE# (707) 984-8868
 P.O. BOX 177
 WILLITS, CA 95490
 CA# 796408

E-01



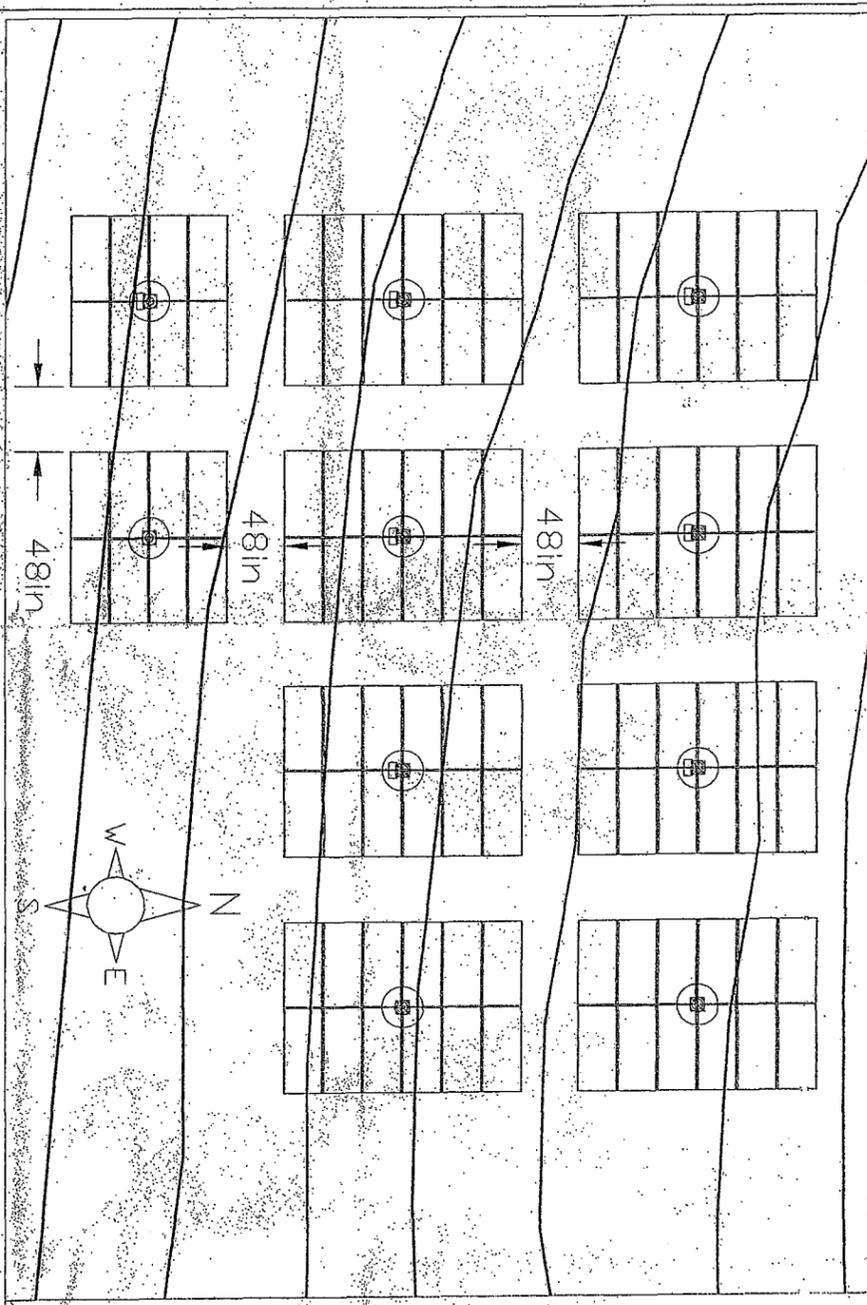
Landscaping My East Side Yard.

The above picture is the current condition of my east side yard taken from the balcony off my master bedroom. The area was originally covered in western European grasses and noxious weeds and presented a fire hazard. When the leach fields for the septic system were installed I started whacking and spraying the weeds. It is now time to landscape this area to create a more aesthetically pleasing environment. Because the field contains my leach field I contacted Armon Louie at county public health and asked what could be planted over the leach field. After a discussion we agreed that what is required are plants that are shallow rooted and don't require a lot of watering (like grasses). Other plants should be kept further away from the leach fields depending on the depth of their root systems. By putting plants on berms I am able to increase the distance between plants and leach lines, and thus use plants I wouldn't otherwise be able to use. For the grass area I have chosen California Red Fescue because of its shallow roots and drought tolerance.

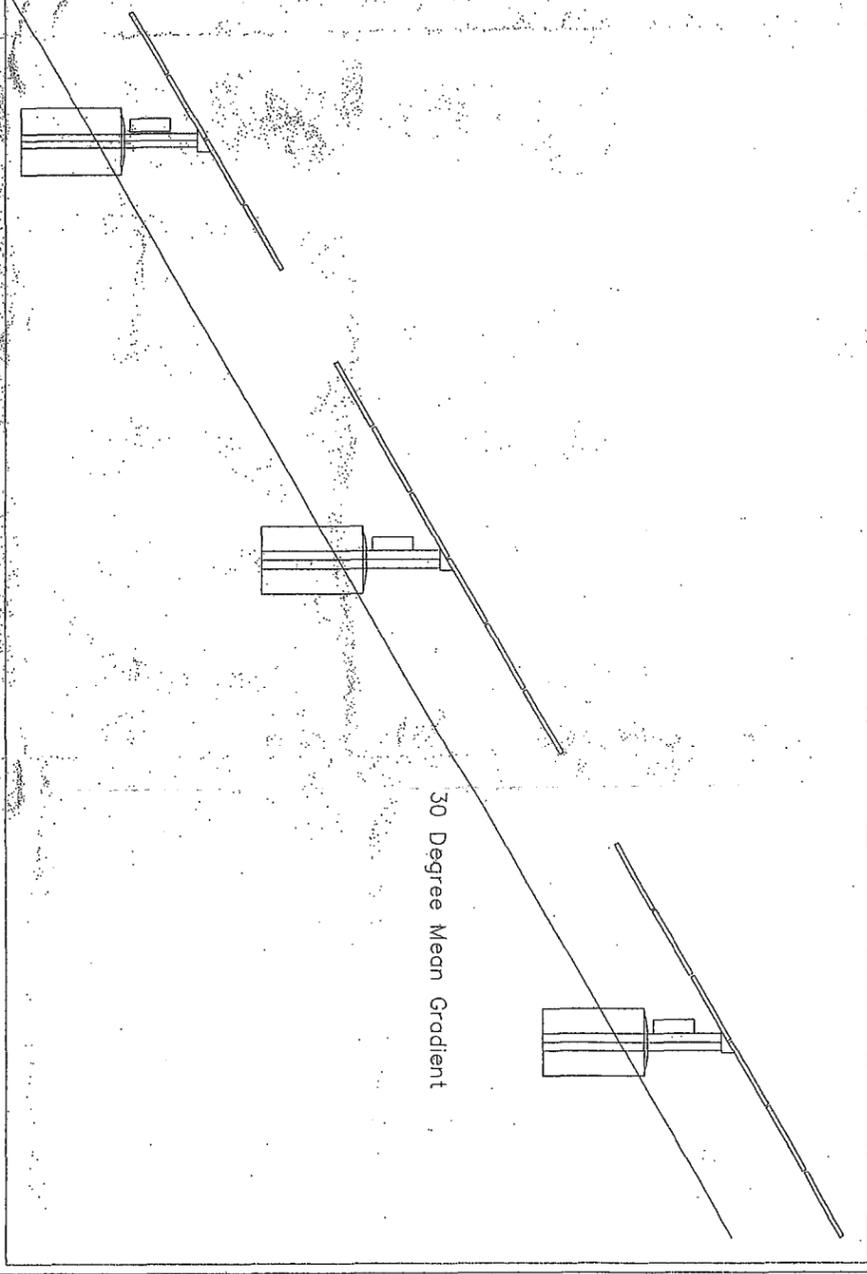
What needs to be done: The three white pipes sticking out of the ground in the foreground are three of the four inspection pipes on the west side of the leach fields (the fourth pipe is off to the left, the view of which is blocked by a tree). On the other side of the field are a similar set of four inspection pipes on the east side of the leach fields, they are behind the mounds of dirt in the back ground. The mounds of dirt need to be moved about four to eight feet east to create planting berms just outside of the leach field. Berms also need to be created in the area currently occupied by my wood pile. On the North end of the leach field, where the leach lines are eight feet down, the ground needs to be cut for the walking path and to make the berm more distinct. Finally at least four inches of topsoil needs to be added over the entire grass area.

Note: The area on the right edge of the photo is the vegetable garden area, the slope between the east side yard and the vegetable garden will not change.

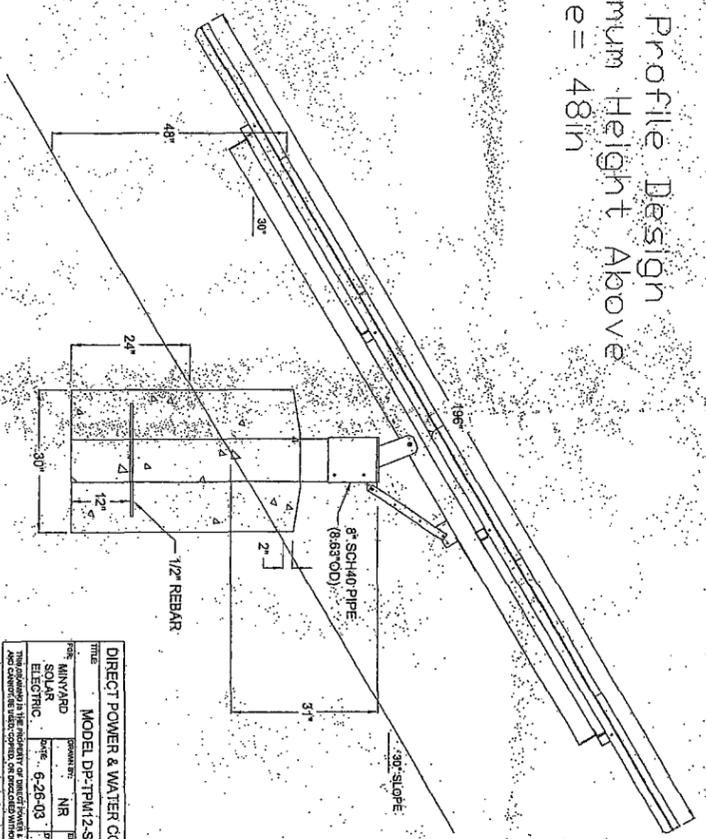
TOP VIEW



SIDE VIEW



Low Profile Design
 Maximum Height Above
 Slope = 48in



DIRECT POWER & WATER CORPORATION			
TITLE	MODEL	DATE	DESIGNED BY
MINYARD SOLAR ELECTRIC	DP-TPM12-SH165-30°	7/12/2003	G. Minyard
DATE	NO.	BY	REVISIONS
7/12/2003			

DATE: 7/12/2003				
SCALE: X				
JOB No: LG-01				
DRAWN BY: A. Lockert				
CHECKED BY:	- X			
PROJ. MGR. G. Minyard	NO.	BY	DATE	REVISIONS

A PROJECT FOR:
Jim Deichstetter
 15220 Kennedy Rd.
 Los Gatos, CA
 95032

PV ARRAY PROFILES
 FOUNDATION DETAIL

DESIGNED BY: GLEN MINYARD
 MINYARD SOLAR ELECTRIC
 PHONE# (707) 984-8868
 P.O. BOX 177
 WILLITS, CA 95490
 CA# 796408

SHEET NO.
A-02