



MEETING DATE: 4/04/05
ITEM NO. 7

COUNCIL AGENDA REPORT

DATE: March 25, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: ORRY P. KORB, TOWN ATTORNEY *OK*
SUBJECT: ADOPT ORDINANCE AMENDING ORDINANCE NO. 1396 AND ORDINANCE NO. 2092 RELATING TO THE DEVELOPMENT OF THE EXISTING COMMERCIAL PORTION OF THE SITE AND AMENDING THE ZONING MAP FROM R-1:8:PD TO RM:5-12 PD FOR THE PROPERTY LOCATED AT 15350 WINCHESTER BOULEVARD

RECOMMENDATION:

1. Adopt ordinance that was introduced at the Council meeting of March 21, 2005.
2. Instruct the Clerk Administrator to either:
 - (a) publish the ordinance within 15 days after adoption, or
 - (b) publish a summary no more than 15 days after adoption (if summary published before adoption).

DISCUSSION:

On March 21, 2005, Council introduced the attachment which amends Ordinances 1396 and 2092, and the Zoning Map relating to the development of an existing commercial portion of the property located at 15350 Winchester Boulevard.

Attachment Ordinance

Distribution: Santa Clara Development Co., 2185 The Alameda, San Jose, CA 95126
Donald Bersano, 15350 Winchester Boulevard, Los Gatos, CA 95030

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\ATY\Villa-Felice.TCR.wpd]

Reviewed by: *OK* Town Manager *PSJ* Assistant Town Manager _____ Clerk Administrator
_____ Finance _____ Community Development

Rev: 3/25/05 11:04 am

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File# 301-05

ORDINANCE

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING ORDINANCE NO. 1396 AND ORDINANCE NO. 2092 RELATING TO THE DEVELOPMENT OF THE EXISTING COMMERCIAL PORTION OF THE SITE AND AMENDING THE ZONING MAP FROM R-1:8:PD TO RM:5-12 PD FOR THE PROPERTY LOCATED AT 15350 WINCHESTER BLVD.

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning at 15350 Winchester Blvd as shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from R-1:8:PD (Single Family Residential, minimum lot size 8,000 square feet, Planned Development) to RM:5-12 PD (Multiple Family Residential, 5 to 12 dwelling units per acre, Planned Development).

SECTION II

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

1. Demolition of the existing one story duplex, detached garage and shed.
2. Demolition of the Villa Felice restaurant including administrative offices and support services and the motel.
3. Construction of 28 market rate single family residences and five Below Market Price units.
4. Landscaping, streets, parking, open space and other site improvements shown and required on the Official Development Plan.
5. All other residential uses and improvements listed in Ordinance No. 1396 for the existing Villa Felice Townhouse development are still valid.
6. Uses permitted are those specified in the underlying RM (Multiple Family Residential) zone by Sections 29.40.610 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future, subject to any restrictions or other requirements specified elsewhere in this ordinance including, but not limited to, the Official Development Plan.

However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

Architecture and Site Approval is required before the demolition of the duplex and construction work for the new dwelling units, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Zoning Ordinance.

SECTION V

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

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT (Planning Division)

1. **ARCHITECTURE AND SITE APPROVAL REQUIRED.** The Official Development Plans and this ordinance establish the allowed uses and intensity of development. The Official Development Plans are conceptual in nature such that minor deviations may be approved through the Architecture and Site approval process if necessary to achieve architectural excellence. These deviations may include finished floor elevations, minor grade changes, increase of separation between houses, plate height reductions and other design features which reduce the intensity of the development without impacting the quality of the life for the future residents. The Development Review Committee may be the deciding body of the Architecture and Site applications.
2. **SETBACKS.** The minimum setbacks permitted are documented on the approved Horizontal Control Plan attached as Exhibit B.
3. **HOUSE SIZES.** No additional square footage shall be permitted for any of the units.
4. **TREE REMOVAL PERMIT.** A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
5. **RECYCLING.** All wood, metal, glass and aluminum materials generated from the demolished

structures shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.

6. TENTATIVE MAP. The Development Review Committee may be the deciding body of the tentative map.
7. *EXISTING MASONRY WALL. Existing masonry walls along project boundaries should be maintained at all times during construction to protect all adjacent residents from construction noise. The existing masonry wall along the northern project boundary that is proposed to be replaced either, 1) should be retained until the noisier phases of project construction are complete (ie: grading, paving, house framing, etc) or 2) should be replaced at the commencement of project construction, prior to project grading activities.
8. FENCES. All fencing and walls shall be reviewed during the Architecture and Site approval process.
9. *CONSULTING ARBORIST. All recommendations identified in the Arborist Report and prepared by Arbor Resources, dated December 17, 2004, and any other supplemental report(s) by the Arborist in relationship to this project, shall be implemented and incorporated during the Architecture and Site approval process and in the final building plans. The applicant shall continue to work with the consultant regarding the grade changes around existing trees prior to Architecture and Site approval.
10. FINAL LANDSCAPE PLAN. The Town's Consulting Arborist shall review the final plans during the Architecture and Site approval process. At that time, the arborist shall determine the required tree protection measures and the proposed tree removal mitigation which shall be incorporated in the final building plans.
11. ADDITIONAL TREES. To mitigate the removal of the Monterey Pine trees along the southern property boundary, 15 -36 inch box trees and five 48 to 86 inch box trees shall be planted in the backyards of Lots 1 through 12. Twelve additional 36 inch box trees shall be planted along the northern property line. The applicant shall work with the adjacent homeowner associations to determine the tree specie(s). These trees shall be included in the final landscape plan.
12. GENERAL. All existing trees shown to remain on the plan and newly planted trees are specific subjects of approval of this plan and must remain on site.
13. NEW TREES. The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.
14. *RAPTORS. If it is not possible to schedule construction between September and January, the project applicant shall be required to conduct a pre-construction survey for nesting raptors by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.
15. NEIGHBORHOOD SIGN. A neighborhood identification sign is permitted and shall be reviewed during the Architecture and Site approval process.
16. SHARED DRIVEWAYS. Small scale residential no driveway parking signs shall be installed where there are shared driveways. These signs and placement will be reviewed during the Architecture and Site approval process and shall be installed prior to final occupancy of those units.

17. **BMP UNITS.** The developer shall work with the Director of Community Services during the Architecture and Site approval process to make the required arrangements for the BMP units. The BMP units must receive approved building permits prior to the issuance of the building permit for the 28th market rate unit. The BMP contract shall be completed prior to issuance of a building permit.
18. **DEED RESTRICTION.** Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's office, stating that the required BMP units must be sold as a below market priced unit pursuant to the Town's BMP regulations.
19. **SOLAR.** During the Architecture and Site approval process, all new residences, to the extent feasible, shall be designed to take full advantage of passive solar opportunities.
20. **WINDOWS.** All second story windows with a north orientation along the northern property line (lots 17 through 21), shall be recessed high clerestory windows. All first and second story windows along a side elevation which immediately abuts a yard of a neighboring property, shall be recessed high clerestory windows or frosted to allow for privacy. These windows shall be further reviewed during the Architecture and Site approval process.
21. **ADDITIONAL UNIT.** One additional unit may be permitted if the applicant and the adjacent Villa Felice Townhouse development agree to eliminate the existing parking easement. The addition of this unit will require a minor amendment to the Planned Development and Architecture and Site approval, both of which may be approved by the Development Review Committee. Additional environmental review may be required for this unit.
22. **GATE CONNECTIONS.** During the Architecture and Site process, the applicant shall explore the possibility of providing gate connections to the northern and southern neighborhoods. The applicant shall meet with and receive input from these neighborhoods regarding the connections.
23. **HOUSE SIZES.** No additional square footage shall be permitted for any of the units except for cellars if approved during the initial Architecture and Site approval process.
24. **PARKING.** During the Tentative Map/Architecture and Site process, the applicant shall explore the possibility of adding "pocket" visitor parking spaces. These spaces shall not impact the proposed ambiance of the main roadway the ambiance of a living unit nor shall it impact pedestrian circulation.

(Building Division)

25. ***CULTURAL RESOURCES.** In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
26. ***REMAINS.** If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans.
27. ***REPORT.** If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in Appendix K of the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for

consideration and approval, in conformance with the protocol set forth in Section 15064.5 of the CEQA Guidelines.

28. *FINAL REPORT. A final report will be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
29. PERMITS REQUIRED: A building permit shall be required for demolition of existing structures and the construction of the new residences. Separate building permits are required for site retaining walls; separate electrical, mechanical, and plumbing permits shall be required as necessary.
30. CONDITIONS OF APPROVAL: The Conditions of Approval for the Architecture and Site applications must be blue-lined in full on the cover sheet of the construction plans.
31. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
32. DEMOLITION REQUIREMENTS: Obtain a Building Department Application and a Bay Area Air Quality Management Application from the Building Service Counter. Once the demolition form has been completed and all signatures obtained, return the completed form to the Building Service Counter with the J# Certificate, three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
33. *GREASE TRAP. The abandoned grease trap and affected surrounding soils shall be removed as part of the demolition process.
34. *LEAD-BASED PAINT. Lead-based paint should be handled in compliance with federal and state OSHA requirements as described in the lead survey report.
35. STREET NAMES & HOUSE NUMBERS: The developer shall submit requests for new street names and/or house numbers from the Office of the Town clerk prior to the building permit application process.
36. SOILS REPORT: A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. ALTERNATE: Design the foundation for an allowable soils 1,000 psf design pressure. (Uniform Building Code Volume 2 - Section 1805)
37. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
38. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residences shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
 - a. Wooden backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers and bathtubs located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars.
 - b. All passage doors shall be at least 32 inches wide on the accessible floor.

- c. Primary entrance shall have a 36-inch wide door including a 5' x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level with an 18-inch clearance.
 - d. Door buzzer, bell or chime shall be hard wired at primary entrance.
39. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.
 40. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.
 41. SPECIAL INSPECTIONS: When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out, signed by all requested parties and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov.
 42. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print.
 43. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
 44. APPROVALS REQUIRED: The project requires the following agencies approval before issuing a building permit:
 - a. Community Development: Sandy Baily at 354-6873
 - b. Engineering Department: Fletcher Parsons at 395-3460
 - c. Parks & Public Works Department: (408) 399-5777
 - d. Santa Clara County Fire Department: (408) 378-4010
 - e. West Valley Sanitation District: (408) 378-2407
 - f. Local School District: (Contact the Town Building Service Counter for the appropriate school district and to obtain the school form.)
 - g. Bay Area Air Quality Management District: (415) 771-6000

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

45. NPDES MAINTENANCE COVENANT. The homeowner's association shall enter into a maintenance covenant with the Town for maintenance of the stormwater filtration device. The covenant will specify that certain routine maintenance shall be performed by the homeowner's association and will specify maintenance reporting requirements. The covenant shall be recorded prior to release of the first occupancy permit.
46. ABOVE GROUND UTILITY LAYOUT. The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by the Community Development Department prior to issuance of the grading permit.

47. **JOINT TRENCH PLANS.** Joint trench plans shall be reviewed and approved by the Town prior to issuance of the grading permit.
48. **PUBLIC IMPROVEMENT SECURITY.** The applicant shall supply suitable securities for all public improvements that are a part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and material) prior to recordation of the final map. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department.
49. **PUBLIC IMPROVEMENTS.** The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town prior to release of the final three Certificates of Occupancy.
 - a. **Winchester Boulevard Sidewalk.** The pedestrian travel path at the project entrance shall be modified to comply with ADA cross-slope requirements. This may require realignment of the public sidewalk as well.
 - b. **Private Fire Service.** The FDC and valve boxes associated with the private fire service shall be removed under the demolition permit. The curved portion of walk in the vicinity of the valve boxes shall be removed and replaced in a straight alignment prior to acceptance of the public improvements.
50. **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.
51. **PRECONSTRUCTION MEETING.** Prior to issuance of a grading or demolition permit or the commencement of any site work, the general contractor shall:
 - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
52. **RETAINING WALLS.** A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
53. **SOILS REPORT.** One copy of the soils report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

54. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
55. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants soils engineer and submitted to the Town before final release of any occupancy permit is granted.
56. *GEOTECHNICAL RECOMMENDATIONS. The geotechnical recommendations presented in the report titled "Geotechnical Report, Villa Felice Residential, 15350 Winchester Blvd, Los Gatos, CA" shall be incorporated into the final design.
57. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before grading or building permits are issued.
58. FINAL CC&R'S. Final CC&R's shall be approved by the Town Attorney prior to recordation of the final map. The CC&R's shall include provisions for road improvements, vehicle parking enforcement procedures and the use and restrictions for the side yard easements.
59. EXISTING EASEMENTS. Existing easements shall be abandoned concurrently with recordation of the final map.
60. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
61. UTILITY COMPANY REVIEW. Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.
62. DEMOLITION. Existing buildings shall be demolished prior to recordation of the final map.
63. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
64. SIDEWALK/CURB IN-LIEU FEE. A curb and sidewalk in-lieu fee of \$13,275 shall be paid prior to Map recordation. This fee is based on 295-feet of 4.5-foot wide sidewalk at \$10/SF in accordance with Town policy and as specified in the Town FY2004-05 Comprehensive Fee Schedule. This measurement corresponds to the University Avenue property frontage.
65. PRIVATE SIDEWALK. The on-site private sidewalk shall be connected to the public sidewalk on Winchester Boulevard.
66. PUBLIC SIDEWALK. The public sidewalk in the vicinity of the project entrance shall be modified to comply with ADA cross-slope requirements.
67. DESIGN CHANGES. The applicant's registered engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.

68. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.
69. PLAN CHECK FEES. Plan check fees shall be deposited with the Town prior to submittal of plans to the Engineering Division of the Parks and Public Works Department.
70. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
71. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a demolition permit.
72. 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.
73. 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.
74. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
75. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations
 - b. Toe and top of cut and fill slopes
76. NEIGHBOR ACCESS. Access to neighboring properties shall be maintained at all times during construction.
77. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order 01-024 of the amended Santa Clara County NPDES Permit.
78. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on

all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

79. *DUST CONTROL (SITES > 4 ACRES). The following measures shall be implemented at construction sites greater than four acres in area:
- a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
 - c. Limit traffic speeds on unpaved roads to 15 mph.
 - d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - e. Replant vegetation in disturbed areas as quickly as possible.
80. CONSTRUCTION MANAGEMENT PLAN. The applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
81. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
82. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
83. NONPOINT SOURCE POLLUTION PREVENTION. Stormwater treatment measures shall be certified in accordance with C3 requirements. On-site drainage systems shall include filtration devices such as a bio-swales, sediment basins and/or permeable pavement. Infiltration trenches shall be provided along the private street system. Filtration systems shall satisfy C.3 numeric sizing criteria.
84. STORM DRAINAGE. Private storm drain systems shall be designed to accommodate the 10-yr peak storm runoff within the pipe, and the 100-yr peak within the street (between curbs). One-foot minimum freeboard shall be provided between the 100-yr water surface elevation and the adjacent finished floor elevation. The overland release path between the new private street (near Lot 16) and University Avenue shall be "hardened" to accommodate the 100-year event. As an alternative to "hardening" the surface, gallery inlets and underground pipe capable of accommodating the 100-year event may be provided. Surface drainage at Lots 12 through 16 shall be directed towards the new street and away from the top of slope. The overland release path and "hardened" surface and surface drainage for Lots 12 through 16 shall be evaluated as part of the Architecture and Site review.
85. 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.

86. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service.
87. 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.
88. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
89. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or final Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
90. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
91. 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.
92. *HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or ff the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control.
93. SITE LIGHTING. Site lighting on the Planned Development drawings is conceptual. Site lighting shall be reviewed during Architecture and Site review. Fixture details, mounting heights, and site

- photo metrics should be included for review in the Architecture and Site application package.
94. **PERMIT SEQUENCING.** Flexibility in the sequencing of permits as specified in these conditions will be allowed subject to the approval of both the Director of Community Development and the Director of Parks and Public Works. A bond will be required for the demolition work if demolition is allowed to occur subsequent to map recordation.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT

95. **PUBLIC FIRE HYDRANTS.** Public fire hydrant(s) shall be provided at location(s) to be determined by the Fire Department and the San Jose Water Company. Hydrant(s) shall have a minimum single flow of 1,000 GPM at 20 psi residual, with spacing not to exceed 500 feet. Prior to applying for a building permit, the applicant shall provide civil drawings reflecting all fire hydrants serving the site. To prevent building permit delays, the developer shall pay all required fees to the water company ASAP.
96. **HYDRANT LOCATION IDENTIFIER.** Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the Fire Department.
97. **TIMING OF REQUIRED WATER SUPPLY HYDRANTS.** Installations of required fire service(s) and fire hydrant(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be withheld until required installations are completed, tested and accepted.
98. **FIRE ACCESS ROADS.** The applicant shall provide access roadways with a paved all weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet six inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications sheet A-1.
99. **FIRE LANE MARKINGS.** The applicant shall provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6.
100. **TIMING OF ROADWAY INSTALLATIONS.** Required access roads, up through first lift of asphalt, shall be installed and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installation is complete. During construction, emergency access roads shall be maintained clear and unimpeded unless alternative solutions are approved by the Fire Department. Prior to issuance of a building permit, the developer shall contact the Fire Department to discuss their plan for maintaining the emergency access road during construction. Note that building permit issuance may be withheld until installations are completed.
101. **PREMISES IDENTIFICATION.** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

*Required as Mitigation Measures

SECTION VI

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be

severed from the remaining portions which shall remain in full force and effect.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 2005, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____, 2005 and takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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The map and development plans
(identified as Exhibits A and B)
are on file with the
Town Clerk's office