



MEETING DATE: 10-16-06

AGENDA ITEM:

4

## COUNCIL AGENDA REPORT

DATE: October 12, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ADOPT AN ORDINANCE OF THE TOWN OF LOS GATOS APPROVING A ZONE CHANGE FROM RM:5-12 TO RM:5-12:PD FOR A SEVEN LOT RESIDENTIAL SUBDIVISION AND APPROVAL TO DEMOLISH A SINGLE FAMILY RESIDENCE AND A 3-UNIT APARTMENT BUILDING BUILT PRIOR TO 1941. PLANNED DEVELOPMENT APPLICATION PD-05-01, ARCHITECTURE AND SITE APPLICATION S-05-015, NEGATIVE DECLARATION ND-05-03. APN 529-16-021 AND 045. PROPERTY LOCATION: 17005 AND 17017 ROBERTS ROAD. PROPERTY OWNER: KHURRAM IQBAL. APPLICANT: DONNA AND LOUIE LEU.

### RECOMMENDATION:

Adopt the ordinance introduced by Council on October 2, 2006.

### DISCUSSION:

On October 2, 2006, Council voted to adopt an ordinance approving a Planned Development application amending the Zoning Code to permit a seven (7) lot subdivision at 17005 and 17017 Roberts Road. In the same action Council also approved an Architecture and Site application permitting the demolition of existing structures. Adoption of the ordinance completes Council's action on this matter. The ordinance amending Town Code becomes effective 30 days after adoption.

Attachment: Proposed Ordinance (Exhibits A & B included with master copy only which are available in the Clerk Department)

### Distribution:

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PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\MGR\AdminWorkFiles\Town Attorney\Council Reports\Report Roberts Road PD-05-01.wpd]

Reviewed by: *OK* Town Manager \_\_\_\_\_ Assistant Town Manager \_\_\_\_\_ Clerk \_\_\_\_\_  
Finance \_\_\_\_\_ Community Development \_\_\_\_\_

Rev: 10/12/06 11:16 am

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File# 301-05



## ORDINANCE

### ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE EFFECTING A ZONE CHANGE FROM RM:5-12 TO RM:5-12 PD FOR PROPERTIES LOCATED AT 17005 AND 17017 ROBERTS ROAD.

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 17005 and 17017 Roberts Road as shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from RM:5-12 (Multiple Family Residential, 5 to 12 dwelling units per acre) 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 an existing single family residence.
2. Demolition of a 3-unit apartment building built prior to 1941.
3. Construction of 7 market rate single family residences.
4. Landscaping, streets, parking, open space and other site improvements shown and required on the Official Development Plan.
5. 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 single family home and 3-unit apartment building built prior to 1941 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. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as

Attachment 14 (Option D) of the October 2, 2006 report to the Town Council. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, Development Review Committee, Planning Commission or the Town Council, depending on the scope of the change(s).

2. SALVAGING OF MATERIALS: Prior to issuance of a permit for demolition, the developer shall provide to the Town written documentation on the salvaging of materials on site. No salvaging of building materials shall occur until a demolition permit has been approved by the Community Development Department.
3. 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.
4. HOUSE SIZES: No additional square footage shall be permitted for any of the units.
5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained prior to the issuance of a Demolition, Building, Grading or Encroachment Permit.
6. \*ARBORIST REPORT: The project applicant shall implement recommendations made by Deborah Ellis, Consulting Arborist & Horticulturist, in her July 5, 2005 report (included in Attachment 1 of the Initial Study) to ensure protection of trees to be retained and compliance with the Town's Tree Protection Ordinance.
7. \*CONSULTING ARBORIST: To ensure conformance with the Town's Tree Protection Ordinance, the Town's Consulting Arborist, Arbor Resources, specifies the following:
  1. The locations, assigned numbers and canopy dimensions of Trees #40-48 and #50-53

shall be shown on Sheets A-1, C1, C3, C4, L1.0 and L2.0. The removal vs. retention of trees shall also be distinguished on these plans.

2. Appropriate tree protection zones and locations of protective fencing shall be shown on the Site Plan (Sheet A-1).
3. Plans showing grading and drainage, landscaping (planting and irrigation) and underground utilities shall be reviewed and approved for tree impacts prior to the issuance of building permits.
8. ARBORIST REPORTS: All applicable recommendations from the applicant's arborist reports dated July 29, 2004, July 5, 2005 and July 8, 2005, as well as those contained in the Town's Consulting Arborist's reports dated May 23, 2005 and August 1, 2005 shall be incorporated into the plans prior to the issuance of any permits.
9. TREE #28, 29, AND 30: Tree #28, 29, and 30 shall be retained. Additional recommendations shall be provided for the retention of these trees prior to Architecture and Site approval for the proposed homes.
10. STREET TREES: The existing street trees along Blossom Hill Road, adjacent to the project site, shall be replaced to the satisfaction of the Director of Community Development and Director of Parks and Public Works.
11. 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.
12. NEW TREES: The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.
13. PROTECTIVE FENCING: Prior to any construction or building permits being issued, the applicant shall install the required tree protection fencing.

14. BMP IN-LIEU FEE: The BMP in-lieu fee must be paid prior to issuance of building permits for the construction of the first unit.
15. ARCHITECTURE AND SITE REQUIRED: A separate Architecture and Site application and approval is required for each of the new single family homes and for the infrastructure improvements. The Development Review Committee may be the deciding body for the Architecture and Site applications.
16. SUBDIVISION REQUIRED: A tentative map application shall be approved prior to the submittal of building permits. The Development Review Committee may be the deciding body for the tentative map.
17. VICTORIANA REAR YARD ACCESS: The Proposal for rear yard access in Exhibit A of Attachment 13 of the report to the Town Council for the October 2, 2006 meeting must be finalized to the satisfaction of the Town Attorney.

(Building Division)

18. \*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.
19. \*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.

20. **\*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 Appendix K of the CEQA Guidelines.
21. **\*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.
22. **\*LEAD-BASED PAINT:** A state certified lead-based paint professional shall be retained to perform a lead-based paint survey of the existing structures and the recommendations of the professional shall be followed for abatement of any identified lead-based paint prior to demolition of the structures.
23. **\*HAZARDOUS MATERIALS:** The identified hazardous materials being stored on the site shall be carefully removed prior to demolition and grading, and legally disposed of in accordance with local, county, and state regulations.
24. **\*GELATINOUS MATERIAL:** The identified "gelatinous" material shall be removed and disposed of in accordance with local, county, and state regulations.



25. \*INTERIOR NOISE: Project homes shall incorporate into their designs all acoustical treatments necessary to ensure that home interior noise levels do not exceed 45 dBA (Ldn) and conform to California Building Code requirements. This includes use of STC-rated windows (STC rating of 30 for homes adjacent to Blossom Hill Road and 27 for all other homes) and provision of mechanical ventilation for rooms subject to exterior noise levels of 60 dBA (Ldn) or greater. An acoustical engineer shall review adequacy of final home designs to ensure that interior noise levels will not exceed 45 dBA (Ldn).

26. \*EXTERIOR NOISE: An eight-foot high solid barrier (or combination barrier and natural berm) shall be provided between project homes and Blossom Hill Road. The barrier must be high enough and extend far enough along the southern, western, and northern boundaries so as to reduce exterior noise levels to 60 dBA (Ldn) or less in all outdoor use areas of project residences. Barrier design shall be reviewed by an acoustical engineer to ensure that all outdoor use areas in the final project design will not exceed 60 dBA (Ldn).

27. PERMITS REQUIRED: A building permit shall be required for demolition of existing structures **and** the construction of the new single family residences. **Separate building permits** are required for site retaining walls, water tanks, and swimming pools; separate electrical, mechanical, and plumbing permits shall be required as necessary.

28. CONDITIONS OF APPROVAL: The Conditions of Approval **must be blue-lined** in full on the **cover sheet** of the construction plans.

29. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."

30. DEMOLITION REQUIREMENTS: Obtain a Building Department Application and a Bay Area Air Quality Management Application from the Building Service Counter. To obtain a Demo permit, submit the demolition 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. Demolition of existing structures shall be done prior to Final Map Recordation.

31. STREET NAMES & HOUSE NUMBERS: Submit requests for new street names and/or house numbers from the Building Division **prior** to the building permit application process.

32. 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)

33. 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:

1. Building pad elevation
2. Finish floor elevation
3. Foundation corner locations

34. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:

1. 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.

2. All passage doors shall be at least 32 inches wide on the accessible floor.
3. 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.
4. Door buzzer, bell or chime shall be hard wired at primary entrance.

35. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R **must be blue-lined** on the plans.

36. 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.

37. 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](http://www.losgatosca.gov).

38. 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.

39. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)

40. APPROVALS REQUIRED: The project requires the following agencies approval before issuing a building permit:

1. Community Development: Joel Paulson at 354-6879
2. Engineering Department: Fletcher Parsons at 395-3460
3. Parks & Public Works Department: (408) 399-5777
4. Santa Clara County Fire Department: (408) 378-4010
5. West Valley Sanitation District: (408) 378-2407
6. Local School District: (Contact the Town Building Service Counter for the appropriate school district and to obtain the school form.)
7. Bay Area Air Quality Management District: (415) 771-6000

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

(Engineering Division)

41. \*GEOTECHNICAL RECOMMENDATIONS: The project design shall incorporate all applicable recommendations in the geotechnical investigation by Donald E. Banta nad Associates, Inc. (DBA) for the proposed project (included as Attachment 2 of the Initial Study) in order to minimize the potential impacts resulting from identified geotechnical constraints.
42. \*STORM DRAIN: The applicant shall demonstrate the existing storm drain system has capacity to accommodate the project. On-site storm water detention shall be provided to restrict the 10-year peak discharge to pre-project rates in the event that sufficient off-site capacity is not available.
43. \*RIGHT-TURN LANE: A right-turn lane shall be added on the Roberts Road northbound

approach so that a shared left turn-through lane and exclusive right-turn lane are provided.

44. \*SIDEWALK: A new, continuous sidewalk will be required on the east side of Roberts Road adjacent to the project site frontage.

45. \*INGRESS/EGRESS: Left turns to and from the project's Bella Vasona Drive shall be prohibited during Fisher Middle School's peak periods.

46. DEVELOPMENT AGREEMENT: The Applicant shall enter an agreement to construct public improvements in accordance with Town Code §24.40.020.

47. PUBLIC IMPROVEMENT SECURITY: The applicant shall supply suitable securities for all public improvements that are a part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and material) prior to issuance of any permit. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department.

48. 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.

49. PRECONSTRUCTION MEETING: Prior to issuance of any permit or the commencement of any

site work, the general contractor shall:

- a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
- b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

50. 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.

51. 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.

52. 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.

53. 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.

54. DEMOLITION: Demolition shall be complete prior to recordation of the final map.

55. 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 any permits are issued.

56. DEDICATIONS: The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued.

1. Roberts Road. A 30-foot half-street right-of-way.
2. Bella Vasona Drive. A 22-foot public service easement.
3. Ingress-egress, storm drainage and sanitary sewer easements, as required.

57. TRAFFIC CONTROL: Detailed traffic control plans will be required for any work on both Roberts Road and on Blossom Hill Road. Work within these two roadways will be restricted to occur between the hours of 9:00 AM and 2:00 PM. Traffic control plans are subject to the review and approval of the Director of Public Works and/or the Town Engineer.

58. BLOSSOM HILL ROAD: A slurry backfill will be required for all trenching within Blossom Hill Road. Trench plates shall be set flush with the pavement surface and must be tack welded and wedged to avoid rocking.

59. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the developer.

Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

1. Roberts Road. Curb, gutter, sidewalk, tie-in paving, signing, striping, storm drainage, sanitary sewers, joint pole relocation, as required. The curb and sidewalk shall extend across the full Roberts Road frontage, and through the return on Blossom Hill Road to provide a 35-foot radius at the face of curb. An access ramp shall be provided in the return. The existing signal poles shall be relocated/replaced as necessary to accommodate the new curb return and access ramp geometry. Signage shall be provided indicating that no left turns will be allowed in/out of the project entry during peak school pick-up and drop-off hours (approximately 8 - 9 AM and 2 - 3 PM).
  2. Blossom Hill/Roberts Road Traffic Signal. Add video detection for the Roberts Road approach. Add a streetlight to the southeast corner of the intersection and move signal lights to the new pole. The existing curb ramp shall be relocated if the new pole location, as determined by the Town Engineer, encroaches into the existing access ramp. Eliminate the existing signal pole at this location. Provide ADA compliant pedestrian push buttons together with pedestrian countdown signals on all legs of the intersection. The signal controller cabinet shall be modified as necessary to accommodate the signal modifications.
  3. Blossom Hill Road. Remove the mid block access ramp near the Hummer Dealership.
60. FENCING: The fence adjacent to Roberts Road shall be a maximum of 3-feet high and shall be of a "transparent" construction such as wrought iron. The fence on Blossom Hill Road near Lot



7 (adjacent to Hummer Dealership) shall be set back from the sidewalk 5-feet to allow visibility of pedestrian/bicycle traffic in the sidewalk for cars coming out of the adjacent commercial driveway

61. 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.

62. 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.

63. TRAFFIC IMPACT MITIGATION FEE: The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy of each unit. The traffic impact mitigation fee for this project using the current fee schedule is \$3,171 per unit. This fee accounts for a 30 ADT credit for the existing single family home and 3 unit apartment building on the site. The credit is distributed equally across all seven lots. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy.

64. 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.

65. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to issuance of any

Permit or recordation of the Final Map.

66. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.

67. 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.

68. 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.

69. 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.

70. PUBLIC WORKS INSPECTOR: The applicant shall fund a full time public works inspector for the duration of the demolition and grading operations. The applicant will be charged on a time and materials basis. A deposit for the full amount, to be estimated by the Town based on the Contractor's approved schedule, shall be paid prior to issuance of the demolition permit.

71. 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:

1. Retaining wall--top of wall elevations and locations
2. Toe and top of cut and fill slopes

72. 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.

73. 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 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.

74. CONSTRUCTION STREET PARKING: No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
75. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Basement sumps shall be connected directly to the storm drain system.
76. NONPOINT SOURCE POLLUTION PREVENTION: On-site drainage systems shall include bio-swales and permeable pavement to filter storm runoff.
77. HYDRAULIC CALCULATIONS: The applicant shall demonstrate the existing storm drain system has capacity to accommodate the project. On site storm water detention shall be provided to restrict the 10-year peak discharge to pre-project rates in the event that sufficient off-site capacity is not available.
78. 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.

79. 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.

80. 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.

81. SIDEWALK REPAIR: The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.

82. CURB AND GUTTER: The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the

project.

83. DRIVEWAY APPROACH: The developer shall install a non-standard commercial driveway approach at the Roberts Road entry, and one standard commercial driveway approach at the emergency entry on Blossom Hill Road. The non-standard driveway approach shall be similar to Boyer Lane at University Avenue.

84. FENCING: Any fencing proposed within 200-feet of an intersection shall comply with Town Code Sections §23.10.080, §26.10.065 and §29.40.030 with regard to traffic visibility.

85. AS-BUILT PLANS: After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention:

a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.

86. 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.

87. 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.

88. TRAFFIC CONTROL PLAN: A traffic control plan will be required for the demolition operation as well as for any work within the public right of way.

89. HAULING OF SOIL: Hauling of soil on or off-site shall be restricted to the hours of 9:00 a.m. to 2:00 p.m. when school is in session, and 9:00 a.m. to 4:00 p.m. when school is not in session. Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control.

90. COVERED TRUCKS: All trucks transporting soil materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT

91. REQUIRED FIRE FLOW: The fire flow for this project is 1,500 gpm at 20psi residual pressure. The required fire flow is available from area water mains and fire hydrant(s) which are **not**

spaced at the required spacing.

92. PRIVATE ON-SITE FIRE HYDRANT(S) REQUIRED: Provide one private on-site fire hydrant installed per NFPA Std. #24, at the northeast bend of Lot 2 on the site plan received 9/17/04. Maximum hydrant spacing shall be 500 feet, with a minimum acceptable flow of 1,500 gpm at 20 psi residual pressure. Prior to design, the project civil engineer shall meet with the fire department water supply officer to jointly spot the required fire hydrant locations.

93. ON-SITE PRIVATE FIRE SERVICE MAINS AND/OR HYDRANTS: Installation of private fire service mains and/or fire hydrants shall conform to National Fire Protection Association (NFPA) Standard #24, and Fire Department Standard Details and Specifications W-2. If the supply piping is "combined" (sprinkler system & hydrants), a U.L. approved 4-way FDC shall be provided. A separate installation permit from the fire department is required.

94. 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.

95. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS: 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.

96. UNDERGROUND FIRE SERVICE DRAWINGS: Prior to installation, a copy of the fire department "approved" underground fire service drawings shall be provided to the San Jose Water Company for record purposes. To prevent engineering delays, the underground contractor shall submit to the fire department 3 sets of shop drawings designed per NFPA Std. #24, a completed permit application, and applicable fees for review and approval ASAP.



97. FIRE APPARATUS (ENGINE) ACCESS ROADS REQUIRED: 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.

98. FIRE LANE MARKINGS REQUIRED: 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.

99. PARKING ALONG ROADWAYS: The required width of fire access roadways shall not be obstructed in any manner and parking shall not be allowed along roadways less than 28' in width. Parking may be permitted along one side of roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking shall be measured curb face to curb face, with parking space based on an 8 foot width.

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.

\* Required as mitigation measures

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on , 2006, 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 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 ADMINISTRATOR OF THE TOWN OF LOS GATOS

LOS GATOS, CALIFORNIA

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**EXHIBITS A & B  
ARE AVAILABLE IN THE CLERK  
DEPARTMENT**