



MEETING DATE: 09/02/08

ITEM NO. 6

COUNCIL AGENDA REPORT

DATE: August 21, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: TOWN MANAGER *P Jacobs*

SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING THE CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE AND CONVERSION OF A PRE-1941 RESIDENCE TO A GUEST HOUSE ON PROPERTY ZONED R-1:8. APN 510-42-052. ARCHITECTURE & SITE APPLICATION S-07-211: 18 PALM AVENUE. APPLICANT: DAVID ZICOVICH. PROPERTY OWNER: RICK & NICKI ODERIO. APPELLANT: LEE QUINTANA.

RECOMMENDATION:

- 1. Open and hold the public hearing and receive public testimony.
2. Close the public hearing.
3. Uphold the Planning Commission's decision to approve Architecture & Site application S-07-211 (motion required).
4. Refer to the Town Attorney for the preparation of the appropriate resolution if approved or denied (no motion required).

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

- 1. The Council needs to find one or more of the following:
(1) Where there was error or abuse of discretion on the part of the Planning Commission; or

PREPARED BY: Bud N. Lortz, Director of Community Development

Reviewed by: PSS Assistant Town Manager OK Town Attorney Clerk Finance
Community Development Revised: 8/21/08 12:27 PM

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- (2) 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
  - (3) 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.
2. If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in Subsection (2) 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 application.
  3. If the appeal is approved, use the findings and consideration of the Architecture and Site applications (Attachment 1), and modify the conditions in Attachment 2 as appropriate.
  4. Refer to the Town Attorney for preparation of the appropriate resolution(s).

BACKGROUND:

The subject property is zoned R-1:8 and is located on the east side of Palm Avenue, just south of Hernandez Avenue. The 16,000 square foot parcel is developed with a 1,421 square foot two-story pre-1941 residence with attached carport and a swimming pool. Adjacent properties are all occupied by single family residences. Most of the homes in the immediate area are two-stories, and all are taller than the proposed residence (refer to the streetscape plan on sheet A9 of the development plans, Exhibit 3).

Although the Development Review Committee has the authority to take action on new single family homes in R-1 zones, the application was referred to the Planning Commission because of a neighborhood concern about the architectural style, and the proposed residence will be one of the largest in the immediate neighborhood. The property is unique in that it is the largest parcel on the street and has a greater amount of frontage.

PROJECT SUMMARY:

The applicant is proposing to construct a new residence and detached garage and to downsize and remodel an existing pre-1941 residence. The carport and second story will be removed and the remodeled accessory building will be used as a guest house. Two sheds and a pool will be removed from the site.

DISCUSSION:

Architectural Review

The plans were evaluated using the current Residential Development Standards, and with consideration of the design principles contained in the draft Residential Design Guidelines. The Town's Consulting Architect reviewed the proposal and commented that the new residence is well designed with good proportions, quality materials and interesting details, and that the Craftsman style architecture is appropriate for the neighborhood (see Exhibit 5 of Attachment 11). A recommendation to modify the dormer window on the front elevation has been incorporated into the plans. General project data is included in Exhibit 4 of Attachment 11. The applicant's letter includes a detailed description of design considerations and the evolution of the project (see Exhibit 6 of Attachment 11). Story poles have been in place since June 18, 2008.

Neighborhood Compatibility

The project is consistent with the following design principles from the draft Residential Design Guidelines:

- *Encourage a diversity of architectural styles consistent with the neighborhood context.*
- *Design to blend into the neighborhood rather than stand out.*
- *Reinforce prevailing neighborhood development patterns.*
- *Maintain home entries with a strong visual connection to the street.*
- *Avoid garages and carports that dominate a home's street frontage.*
- *Utilize roof forms and pitches similar to those in the immediate area.*
- *Design with architectural integrity on all sides of the structure.*
- *Use materials that are consistent or compatible with the neighborhood.*
- *Relate auxiliary structures to the style and detail of the main house.*
- *Use quality materials and workmanship.*
- *Select colors to blend with the neighborhood.*
- *Preserve mature landscaping whenever possible.*

While the proposed house is somewhat larger than others in the immediate neighborhood, it is on a larger lot and is within the range of FARs for the immediate neighborhood. The garage is located at the rear of the property and is not a highly visual element. Many of the structures along the alley are located close to or on the rear property lines. The applicant set the garage back nine feet from the rear property line so it is not as imposing from the alley. Although the data on the plans indicates that the garage is 1,107 square feet, the applicant decided to reduce it from a four-car to a three-car structure. A condition of approval restricts the garage size to 650 square feet.

The following chart provides a comparison of house, garage and FARs for neighboring homes. Data was obtained from County and Town records.

Address	House sf	Garage sf	Lot Size sf	Stories	FAR
55 Hernandez Ave.	2,906	-	18,295	two	.16
6 Palm Avenue	2,142	456	8,480	two	.25
8 Palm Avenue	2,040	492	8,480	two	.24
5 Palm Avenue	2,046*	154	12,632	two	.16
9 Palm Avenue	3,357	-	12,632	two	.27
21 Palm Avenue	1,816	400	8,276	two	.23
35 Palm Avenue	3,283*	414	12,632	two	.26
45 Palm Avenue	3,177	480	12,632	two	.25
<b>18 Palm Avenue</b>	<b>3,513</b>	<b>675</b>	<b>16,000</b>	<b>two</b>	<b>.22</b>

\*property also has a second unit that is not included in this total – if the second units are factored in the FAR for 5 Palm is .19, 35 Palm is .29 and the project is .26

- House sizes range from 1,816 to 3,357 square feet
- Garage sizes range from 154 to 492 square feet
- Lot sizes range from 8,276 to 18,295 square feet
- FARs range from .16 to .27.
- All neighboring homes are two-stories

Trees

The applicant submitted an arborist report that was peer reviewed by the Town’s Consulting Arborist. The applicant intends to retain all the existing trees on the property. The project arborist notes that four trees may be impacted by construction and provided specific measures and construction methods to be used to ensure the survival of these trees. The Consulting Arborist believes that the large Monterey Pine at the front of the property (tree #4) could be impacted enough that it may prematurely decline (see Exhibit 9 of Attachment 11). Should the tree eventually need to be removed, it would open up more of a view into the site. However, based on the canopy spread of the Pine, a minimum of two 24-inch, two 36-inch and two 48-inch box trees would be required to mitigate its loss.

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HISTORIC PRESERVATION COMMITTEE

On July 16, 2008, the Historic Preservation Committee considered the proposed changes to the existing pre-1941 residence. The Committee approved the changes and required the existing siding to be retained unless it can be determined through an historic investigation that it is not original (refer to Attachment 7).

PLANNING COMMISSION ACTION:

The Planning Commission considered the application on June 25, 2008. Commissioners Talesfore did not participate on this item as she lives within 500 feet of the project site. The Commission voted 3-2 to approve the application with an added condition requiring the front porch to be modified to provide more articulation.

APPEAL:

The Planning Commission's decision was appealed by Lee Quintana based on her desire to have additional architecture and massing modifications made to the new residence beyond those made by the applicant in response to the Planning Commission's direction (refer to Attachment 7). Ms. Quintana also has concerns about preservation of the trees on the site and new landscaping between the house and the front property line.

The applicant has worked with staff and the Consulting Architect to modify the front porch and break up the roof lines. The applicant has also consulted with the appellant and two other neighbors who were interested in the design modifications. Alternate elevations (Attachment 4) were acceptable to two neighbors, but the appellant would like to see further changes. Staff believes that the proposed revisions meet the Planning Commission's direction and recommends that the project be approved as presented in the alternate elevations.

ENVIRONMENTAL REVIEW:

It was determined that the project is Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town (single family residence not in conjunction with the building of two or more units).

CONCLUSION:

If the Council agrees with the Planning Commission's decision, the following actions should be taken to deny the appeal and approve Architecture and Site application S-07-211:

1. Find that the project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act (Attachment 1);

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2. Find that the project is consistent with the Central Los Gatos Redevelopment Plan (Attachment 1);
3. Find that the project is consistent with the considerations for approval of Architecture and Site applications (Attachment 1); and
4. Approve Architecture and Site application S-07-211 subject the conditions in Exhibit 2 and as shown in the development plans (Attachment 3).

If the Council decides that further revisions to the architectural design are needed, conditions can be added and staff will work with the applicant and Consulting Architect to achieve the desired plan changes. The matter may be referred back to the Planning Commission if significant resign is required.

FISCAL IMPACT: None

Attachments:

1. Required Findings & Considerations (four pages)
2. Recommended Conditions of Approval (eight pages)

*Previously received under separate cover:*

3. Development plans (nine sheets), received March 12, 2007
4. Alternate elevations (four pages), received July 24, 2008
5. Letter from Pamela Gunderson (one page), received July 24, 2008
6. Letter from Fellow C. Stearns (one page), received July 17, 2008
7. July 16, 2008 Historic Preservation Committee Minutes (one page)
8. Appeal Statement (two pages)
9. Exhibit presented at June 25, 3008 Planning Commission meeting (two pages)
10. June 25, 2008 Planning Commission Minutes (42 page document)
11. June 25, 2008 Planning Commission Desk Item (one page)
12. June 25, 2008 Planning Commission report with Exhibits 1-11
13. May 28, 2008 Planning Commission report with Exhibit 1

Attachments:

14. Correspondence received from Town residents

Distribution:

David Zicovich, Zicovich Builders, 17510 Farley Road West, Los Gatos, CA 95030

Mike Rowe, Britt/Rowe, 108 N. Santa Cruz Avenue, Los Gatos, CA 95030

Rick & Nicki Oderio, 18 Palm Avenue, Los Gatos, CA 95030

Lee Quintana, 5 Palm Avenue, Los Gatos, CA 95030

BNL:SD

**TOWN COUNCIL – SEPTEMBER 2, 2008**  
***REQUIRED FINDINGS & CONSIDERATIONS FOR:***

18 Palm Avenue  
Architecture and Site Application S-07-211

Requesting approval to construct a new single family residence and to convert an existing pre-1941 residence to an accessory structure on property zoned R-1:8. APN 510-42-052.  
PROPERTY OWNER: Rick & Nicki Oderio  
APPLICANT: David Zicovich

**FINDINGS:**

***Required finding for CEQA:***

- The project is Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town.

***Required finding for projects within the Central Los Gatos Redevelopment Area:***

- The project is consistent with the Town's General Plan as required by Section IV.B of the Redevelopment Plan for the Central Los Gatos Redevelopment Project.

**CONSIDERATIONS:**

***Section 29.20.150, Required considerations in review of Architecture & 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 non-accessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a non-accessible 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.

**TOWN COUNCIL – SEPTEMBER 2, 2008**  
**CONDITIONS OF APPROVAL**

18 Palm Avenue

Architecture and Site Application S-07-211

Requesting approval to construct a new single family residence and to convert an existing pre-1941 residence to an accessory structure on property zoned R-1:8. APN 510-42-052.

PROPERTY OWNER: Rick & Nicki Oderio

APPLICANT: David Zicovich

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 on June 25, 2008 and noted as received by the Town on May 20, 2008. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission depending on the scope of the change(s).
2. **EXPIRATION OF APPROVAL:** The Architecture and Site application will expire two years from the date of the approval pursuant to Section 29.20.335 of the Town Code, unless the approval is used prior to expiration.
3. **TOWN INDEMNITY.** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.
4. **ARCHITECTURE.** The detached garage shall be reduced, not to exceed 675 square feet and the front porch shall be modified to increase the articulation. A revised plan shall be submitted and approved prior to acceptance of plans for building plan check.
5. **PRE-1941 RESIDENCE.** The modifications to the pre-1941 residence shall be reviewed by the Historic Preservation Committee prior to acceptance of plans for building plan check.
6. **RECYCLING.** All wood, metal, glass and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Towns demolition inspection.
7. **OUTDOOR LIGHTING.** House exterior and landscape lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. The outdoor lighting plan can be reviewed during building plan check. Any changes to the lighting plan shall be approved by the Planning Division prior to installation.

8. FENCING. Any fencing within the front setback shall not exceed three-feet in height and shall be of an open design. The rear yard shall be enclosed with a solid six foot high fence as described in the applicant's letter dated June 17, 2008, prior to issuance of an occupancy permit.
9. STORY POLES. The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
10. GENERAL. All existing trees are specific subjects of approval of this plan and must remain on the site.
11. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
12. TREE PRESERVATION. All recommendations of the Project and Town's Consulting Arborist shall be followed throughout all phases of construction. Refer to the reports prepared by Arbor Resources dated December 10, 2007 and Barrie Coate & Associates dated September 11, 2007 for details. Tree protection specifications shall be printed on the construction plans. Any pruning of the Pine trees shall be done under the supervision of a certified arborist.

*Building Division*

13. PERMITS REQUIRED: A building permit is required for the demolition of the existing single family residence and construction of the new single family residence and accessory structure. Separate permits are required for electrical, mechanical and plumbing work as necessary.
14. APPLICABLE CODES. The project will be required to conform to the 2007 California Building, Fire, Mechanical, Electrical, and Plumbing Codes. The CC's are based on model codes; 2006 International Building Code and Fire Code and 2006 Uniform Plumbing and Mechanical Codes and the 2005 National Electrical Code.
15. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A compliance memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. HOUSE NUMBERS. Submit requests for new house numbers to the Building Division prior to submitting for the building permit application process.
18. DEMOLITION REQUIREMENTS. Obtain a Building Department Demolition Application and a Bay Area Air Quality Management Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
19. SOILS REPORT: A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics (California Building Chapter 18).

20. SHORING. Shoring plans and calculations will be required for all excavations that exceed four (4) feet in depth or that remove lateral support from any existing building, adjacent property or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to Cal/OSHA regulations.
21. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor may be required to be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
  - a. Building pad elevation
  - b. Finish floor elevation
  - c. Foundation corner locations
  - d. Retaining Walls
22. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
  - a. Wooded backing (2" 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 a 36-inch wide door including a 5'x5' level landing, no more than 1-inch out of plane with the immediate interior floor level with an 18-inch clearance at interior strike edge.
  - d. Door buzzer, bell or chime shall be hard wired at primary entrance
23. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CF-1R, MF-1R, and WS-5R must be blue-lined on the plans.
24. BACKWATER VALVE. The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
25. SPECIAL INSPECTIONS. When a special inspection is required by CBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out, signed by all requested parties, and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).
26. TOWN FIREPLACE STANDARDS. New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
27. FIRE HAZARD ZONE. The project requires a Class A roof assembly. If submitted to the Building Division after final approval of Fire Hazard Severity Zone, the project shall conform with the following:

- a. WILDLAND-URBAN INTERFACE: This project is located in a Wildlife Urban Interface Fire Area and must comply with Chapter 7A of the 2007 California Building Code.
  - b. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN prepared by a California licensed architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
  - c. PRIOR TO FINAL INSPECTION, provide a letter from a California registered architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
28. 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.
29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development - Planning Division: Suzanne Davis at 354-6875
  - b. Engineering/Parks & Public Works Department: Fletcher Parsons at 395-3460
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
  - f. Bay Area Air Quality Management District: (415) 771-6000

TO THE SATFISFATION OF THE DIRECTOR OF PARKS &PUBLIC WORKS

*Engineering Division*

30. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application 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.
31. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
32. 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

33. 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.
34. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
35. 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.
36. 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.
37. 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.
38. 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.
39. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
  - a. Palm Avenue. Pave parking apron with drainage swale or berm.
40. 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.

41. **TRAFFIC IMPACT MITIGATION FEE.** The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The fee shall be paid before issuance of a building permit. The traffic impact mitigation fee for this project using the current fee schedule is \$5,742. The final fee shall be calculated form the final plans using the rate schedule in effect at the time the building permit is issued
42. **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.
43. **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.
44. **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 No. R2-2005-0035 of the amended Santa Clara County NPDES Permit.
45. **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.
46. 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).
  47. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
  48. NPDES. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
  49. 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.
  50. 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.
  51. 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.
  52. SIDEWALK/CURB IN-LIEU FEE. A curb and sidewalk in-lieu fee of \$12,900.00 shall be paid prior to issuance of a building permit. This fee is based on 100 linear of curb at \$57/LF and 100 square feet of 4.5-foot wide sidewalk at \$16/SF in accordance with Town policy. This fee will be reduced by the dollar value of the public improvements required.
  53. AS-BUILT PLANS. An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming 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.
  54. SANITARY SEWER BACKWATER VALVE. Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through

the backwater valve, unless first approved by the Administrative (Sec. 6.50.025). The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve, as defined section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.

55. **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.
56. **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.
57. **HAULING OF SOIL.** Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard
58. **GOOD HOUSEKEEPING.** Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division.
59. **HAULING OF SOIL.** Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.
60. **PERMIT ISSUANCE:** Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
61. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

62. **REQUIRED FIRE FLOW.** Required fire flow is 2,000 GPM at 20 psi. residual pressure.
63. **AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED.** An approved automatic fire sprinkler system is required for the new residence and garage, hydraulically designed per National Fire Protection Association (NFPA) Standard #13D and local ordinances. The fire sprinkler system supply valving shall be installed per Fire Department Standard Detail & Specifications W-1/SP-6.
64. **PREMISE IDENTIFICATION.** Approved addresses shall be placed on all new buildings so they are clearly visible and legible from Palm Avenue. Numbers shall be a minimum of four inches high and shall contrast with their background.

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