



MEETING DATE: 1/20/09

ITEM NO.

13

COUNCIL AGENDA REPORT

DATE: January 9, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

A handwritten signature in black ink, appearing to be "G. Larson", written over the printed name.

SUBJECT: CONSIDER A REQUEST FOR APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO ALLOW ACCESSORY STRUCTURES. APN 567-24-010 THROUGH 023. PROPERTY LOCATION: **SHANNON VALLEY RANCH, SHANON OAKS LANE & MOUNTAIN LAUREL LANE**. PROPERTY OWNER/APPLICANT: KEVIN THOMPSON & GHC SHANNON VALLEY RANCH. FILE #PD-08-03.

RECOMMENDATION:

1. Open and hold the public hearing and receive public testimony.
2. Close the public hearing.
3. Uphold the Planning Commission's recommendation and approve Planned Development Application PD-08-03 as follows:
 - a. Make the required findings (Attachment 1) and approve the application subject to the conditions included in the Planned Development Ordinance (Attachment 2) (**motion required**);
 - b. Direct the Clerk Administrator to read the title of the ordinance (no motion required);
 - c. Move to waive the reading of the ordinance (**motion required**);
 - d. Introduce the ordinance to effectuate Planned Development PD-07-01 (**motion required**).

BACKGROUND

On March 18, 2002, the Town Council adopted a Planned Development Ordinance allowing a 14-lot subdivision of an 80 acre property located at the northeast corner of Shannon & Hicks Roads. The developer of the project is Greenbriar Homes and the project is called Shannon Valley Ranch.

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

Reviewed by: Assistant Town Manager Town Attorney _____ Clerk _____ Finance
 Community Development

Revised: 1/9/09 9:06 AM

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL

SUBJECT: SHANNON VALLEY RANCH PD AMENDMENT II; FILE #PD-08-03.

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The Planning Commission approved the Tentative Map on January 22, 2003 and Architecture and Site applications for 13 new homes on January 14, 2004. The 14th lot was retained by the seller of the property and has yet to be redeveloped. The previous home on the lot 14 site burned down prior to Greenbriar acquiring the property.

On June 19, 2006, the Town Council adopted an ordinance amending the Planned Development (PD) to allow additional grading on the upslope lots (#6 through 11). No other conditions of the original PD approval were modified.

The PD restricts the allowable floor area of the properties and does not include provisions for future structures. A number of new homeowners are developing and installing landscape plans and would like to add accessory buildings such as a pool or guest house. The subject application was initially filed by one property owner who would like to construct a game room in the rear yard of his property at 297 Mountain Laurel Lane (lot 11). The developer has since partnered with the owner so the question of allowing accessory buildings can be addressed for the entire project rather than a single home site.

On March 12, 2008 the Conceptual Development Advisory Committee (CDAC) considered the request for construction on an accessory structure on lot 11 and amendment of the PD. The Committee comments are attached as Exhibit 4 of Attachment 4.

On November 12, 2008 the Planning Commission considered the subject PD amendment and voted unanimously to forward a recommendation for approval to the Council. Attachment 3 is a verbatim transcript of the Commission meeting.

PROJECT SUMMARY:

The applicants are requesting approval of a PD amendment to allow an increase in the allowable floor area. Staff has received a number of inquiries from other homeowners and prospective buyers (Greenbriar still owns three of the homes in the development) and anticipates that there will be more applications of this type. PD Ordinance 2097 does not expressly prohibit accessory structures, although it does not include provisions for any additional floor area beyond what was approved for the residences and garages through the PD and A&S processes.

If the PD amendment is approved, homeowners will have the ability to propose accessory structures in compliance with the HDS&G and within the 6,400 square foot floor area limit allowed by the HDS&G. This allows for an increase in the allowable floor area of between 750 and 950 square feet per lot depending on the existing floor area total. The Planning Commission recommended restricting the size of accessory structures to 750 square feet.

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DISCUSSION:

Shannon Valley Ranch is surrounded by hillside residential properties, although only one is in close proximity to the new homes (the residence at 17311 Hicks Road). Other homes in the area are separated by the large open space areas that were dedicated with the development and/or roadways. Lands to the east are in the City of San Jose and are separated from the project by Hicks Road and Guadalupe Creek.

The average lot size in the development is three acres. The homes vary in size, the largest being 4,850 square feet, with an average size of 4,650 square feet. The garages are about 800 square feet. If applied to the project, the HDS&G floor area criteria would allow a maximum of 6,400 square feet total. The maximum floor area would be inclusive of the house, garage and any accessory structures. The existing floor area range for the 13 developed lots is 5,450 to 5,650 square feet.

Approval processes for accessory structures vary depending on the size. Structures larger than 450 square feet require approval of a Minor Residential Development application, which includes written notification to immediate neighbors. Structures larger than 600 square feet are required to be approved by the Development Review Committee through a noticed public hearing. Structures that do not exceed 450 square feet may be constructed with a building permit.

The proposed accessory structure for lot 11 is compliant with required setbacks for the HR zone and within the 15 foot height maximum allowed for accessory structures. The owner shared his plans with surrounding neighbors and provided a supporting petition signed by nearby residents on Hicks and Shannon Roads as well as those on Mountain Laurel and Shannon Oaks Lanes (see Attachment 5). Story poles have been in place since mid-October and written notice was mailed to over 40 property owners and residents living in the vicinity of the Shannon Valley Ranch development. Other than the applicant, there was no public testimony at the Planning Commission meeting.

If the PD amendment is approved, an Architecture and Site application will be required for the proposed accessory structure on lot 11 as it exceeds 600 square feet. The application may be approved at a Development Review Committee public hearing unless the Council decides that accessory structures of this size should be reviewed by the Planning Commission (see discussion below).

PLANNING COMMISSION REVIEW:

The Planning Commission considered this project on November 12, 2008. The Commission voted unanimously to forward the application to the Council with a recommendation for approval. Condition #9 was modified to restrict the size of accessory structures to 750 square feet, allow one structure per lot and to require structures that are 600 square feet or larger to be reviewed by the Commission as a consent item.

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Staff recommends that accessory structures not be required to be reviewed by the Planning Commission. In the event a proposed accessory structure does not comply with the Hillside Development Standards & Guidelines (HDS&G), is a visual impact, or is otherwise inappropriate for a particular site, staff will forward the application to the Commission. Additionally it is recommended that accessory structures not be limited to 750 square feet unless that is the maximum allowed for a particular lot based on the existing floor area. Adoption of a size restriction and a change in policy for review of accessory structures would be inconsistent with the process for other properties governed by the HDS&G.

PUBLIC COMMENTS:

There was no public testimony at the Planning Commission meeting. However, a property owner on Santa Rosa Drive recently submitted a letter stating their objection to the proposed amendment because the PD Ordinance established a floor area limitation for the houses (see Attachment 6). As previously stated, a primary reason for limiting the floor area of the homes within the Shannon Valley Ranch PD was the lack of any floor area restrictions for lots larger than 30,000 square feet. In addition, the hillside standards in existence at the time the PD was approved were not nearly as detailed or complete as the HDS&G adopted in 2004.

ENVIRONMENTAL ASSESSMENT:

An Environmental Impact Report (EIR) and Addendum were previously prepared for the Planned Development. The EIR Addendum was certified by the Town Council on March 4, 2002. No further environmental analysis is required for the proposed PD amendment.

CONCLUSION:

At the time the PD was approved, the Town did not have a floor area cap for lots larger than 30,000 square feet. The floor area limits were placed on the PD in the absence of an applicable FAR or other floor area limitation. The HDS&G were subsequently adopted in January 2004. Application of the HDS&G to the PD will allow the homeowners the same ability to have accessory structures as any other hillside property in the Town. Staff supports allowance of accessory structures within the limits prescribed by the HDS&G and recommends that the Council approve the PD amendment as outlined in the recommendation section.

Staff recommends that accessory structures not be required to be reviewed by the Planning Commission as this would be deviating from the process that any other homeowner in the Hillside Area would be allowed to follow. In the event a proposed accessory structure does not comply with the HDS&G, is a visual impact, or is otherwise inappropriate for a particular site, staff will forward the application to the Commission. It is also recommended that the size of accessory structures be governed by the HDS&G and a 750 square foot limitation not be imposed.

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FISCAL IMPACT: None

Attachments:

1. Required Findings (one page)
2. Planned Development Ordinance (18 pages)
3. November 12, 2008 Planning Commission Minutes (27 transcribed pages)
4. November 12, 2008 Planning Commission Report with Exhibits 1 through 6
5. Petition in support of accessory structure on lot 11 (one page)
6. Letter from Alex & Suzy Leupp (one page), received January 14, 2009

Distribution:

Kevin Thomspson, 297 Mountain Laurel Lane, Los Gatos, CA 95032

Tim Stanley, Greenbriar Homes Communities, Inc., 43160 Osgood Road, Fremont, CA 94539

BNL:SD

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TOWN COUNCIL – DECEMBER 15, 2008
REQUIRED FINDINGS FOR:

Shannon Valley Ranch

Planned Development Application PD-08-03

Requesting approval of an amendment to a Planned Development to allow an accessory structure(s) on property zoned HR-5:PD. APNs 567-24-010 through 023.

PROPERTY OWNER/APPLICANT: Kevin C. Thomson & GHC Shannon Valley Ranch, LLC

FINDINGS:

Required consistency with the Town's General Plan:

- That the proposed Zone Change is internally consistent with the General Plan and its Elements.

Required compliance with the Hillside Development Standards & Guidelines

- That the proposed amendment is in compliance with the Hillside Development Standards & Guidelines.

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**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING PLANNED DEVELOPMENT PD-99-02 RELATIVE TO ACCESSORY
STRUCTURES AND REPEALING ORDINANCE 2150 FOR THE SHANNON VALLEY
RANCH PROJECT AT SHANNON & HICKS ROADS
(SHANNON OAKS AND MOUNTAIN LAUREL LANES)**

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at Shannon and Hicks Roads (Santa Clara County Assessor Parcel Numbers 567-24-010 through 025) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development) to HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development).

SECTION II

The PD (Planned Development Overlay) zone established by Ordinance 2150 is hereby amended to authorize the following construction and use of improvements:

1. Demolition of two existing pre-1941 and two post-1941 single family residences and one pre-1941 barn.
2. Construction of 13 new single-family dwelling units and reconstruction of one single-family dwelling that was destroyed by fire.
3. Landscaping, streets, trails, and other improvements shown and required on the Official Development Plan.
4. Dedication of 45.4 acres of hillside and riparian open space as shown on the Official Development Plans.
5. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
6. Revised grading shown on the plan attached as Exhibit D.
7. Accessory structures in compliance with the Hillside Development Standards & Guidelines.
8. Ordinance 2150 is hereby repealed.
9. Uses permitted are those specified in the HR (Hillside Residential) zone by Sections

29.40.235 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

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

SECTION V

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

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. EXPIRATION/USE OF APPROVAL. The approval for the requested grading modifications shall expire two years from the date of approval unless the application has been vested pursuant to Town Code Section 29.20.320.
2. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site application and approval is required for the residential units proposed.

3. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final footprints and building designs shall be determined during the architecture and site approval process.
4. HOUSE SITING. The siting of the homes shall be determined during the Architecture & Site approval process.
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 and the issuance of any building permits.
6. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for the removal of any ordinance sized tree prior to the issuance of a Building, Grading or Encroachment Permit.
7. FENCING. Fence locations shall be reviewed and approved during the Architecture & Site review(s), including privacy and yard fencing. Developer will include in the CC&R's for the project a restriction limiting the home owners from replacing the fence type as installed by the Developer and as shown on the Official Development Plans, or as otherwise approved during the Architecture & Site review(s). Any replacement or addition of other fence types shall be restricted to open fence types including wood with wire mesh and wood or concrete split-rail fencing. Solid fencing will be permitted only where installed by the Developer and as shown on the approved development plans. CC&R's shall require fences to be set back a minimum of 10 feet for from property lines.
8. BUILDING SQUARE FOOTAGE. All project homes will be limited to a maximum size of 4,850 square feet with an average of 4,650 square feet, and at least 2/3 of the homes shall be limited to a one story design. Final building design and size will be determined during Architecture and Site review. No further expansion of the homes will be allowed unless this Ordinance is amended by the Town Council. Lot 14 shall be developed under guidelines of a replacement structure and shall be similar is size, mass and scale to the original home that was destroyed by fire.

9. **ACCESSORY STRUCTURES.** Accessory structures that are in compliance with the Hillside Development Standards & Guidelines (HDS&G) and do not require a grading permit may be considered on individual lots. One accessory structure shall be allowed per lot, and shall not exceed 750 square feet. Accessory structures shall be reviewed through the appropriate approval process specified by the HDS&G.
10. **SETBACKS.** The minimum setbacks are those specified by the HR-5 zoning district.
11. **HEIGHT.** The maximum height for single-story homes shall be 25 feet and the maximum height for two-story homes shall be 30 feet. The maximum height for accessory structures shall be 15 feet.
12. **EXTERIOR LIGHTING.** All exterior lighting shall be reviewed and approved as part of the Architecture & Site review(s). Lighting shall be down directed, and no street lighting shall be included in the development. If it is determined that lighting is needed for safety reasons at the intersection of Hicks Road and the new road into the development, a street light may be required, but only if there is not alternative safety devices that can adequately delineate the intersection. If it is determined that a new light must be installed, it shall be designed to only illuminate the minimum area necessary for safety.
13. **BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3a.** During the design phase, the property owner/developer shall implement the following measures:
 - a. Any plan affecting trees shall be reviewed by the Consulting Arborist to ensure that improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans will not adversely affect the tree to be retained.
 - b. The horizontal and vertical elevations of trees to be preserved within development areas shall be established and included on all plans.
 - c. The Consulting Arborist shall identify a Tree Protection Zone for trees to be preserved in which no soil disturbance is permitted. For design purposes, the Tree Protection Zone shall be defined by the dripline. Where development must encroach within the dripline, the Consulting Arborist shall identify an appropriate Tree Protection Zone.
 - d. No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone.

- e. Tree Preservation Notes shall be included on all plans.
 - f. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
 - g. Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone.
13. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3b. During the pre-construction phase, the property owner/developer shall take the following measures:
- a. A fence shall be constructed around all trees to be retained and it shall completely enclose the Tree Protection Zone prior to demolition, grubbing, or grading. Fencing shall be 6-foot chain link or equivalent. Fencing shall be placed at the dripline or as otherwise directed by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
 - b. All trees to be retained shall be pruned within and adjacent to development areas shall be reviewed by a certified arborist to determine which trees should be pruned to clean the crown, reduce end weight and/or provide clearance. Tree #201 will require pruning to reduce weight throughout the crown. Clearance shall be provided by selectively thinning low-hanging lateral branches.
 - c. All pruning shall be performed by a Certified Arborist or Tree Worker in accordance with the Tree Pruning Guidelines of the International Society of Arboriculture.
 - d. Prior to the start of any demolition and clearing, the Consulting Arborist will meet with the demolition, grading and other relevant contractors to review limits of construction activity, identify areas requiring fencing, identify trees to be removed and review work procedures.
14. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3C. Prior to the construction phase of the project, the applicant shall take the following measures:
- a. Any grading, construction demolition, or other work within the Tree Protection Zone shall be monitored by the Consulting Arborist.
 - b. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
 - c. If any injury to a tree should occur during construction, it should be evaluated as soon

- as possible by the Consulting Arborist so that appropriate treatments can be made.
- d. Root-injured trees have a limited capacity to absorb water. Therefore, it is important to ensure adequate soil moisture in the area of active roots. One to several irrigations may be needed for trees that are at risk of impacts. Irrigations shall be specified by the Consulting Arborist.
 - e. No excess soil, chemical, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone.
 - f. Any additional pruning required to provide clearance during construction shall be performed by a Certified Arborist and not construction personnel.
15. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3d. Following construction, a comprehensive management plan for the trees shall be developed that considers the broad objectives of development as well as the needs of the specific species. This management plan shall specify pruning, fertilization, mulch, pest management, replanting and irrigation requirements. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, the management plan must include an annual inspection for hazard potential.
16. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-4. To minimize impacts on nesting raptors, the applicant shall complete necessary pre-construction surveys and monitoring. If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted 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 biologist 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.

17. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5a. To minimize impacts on yellow warblers, the property owner/developer shall retain sycamore riparian habitat along Shannon Creek and shall maintain setbacks of at least 50 feet between proposed development and sycamore riparian habitat. If a small amount of development encroaches into this 50-foot setback, then this encroachment (indirect impact) shall be mitigated by planting riparian habitat at a 1:1 ratio.
18. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5b. The property owner/developer shall implement the following measures to minimize potential impacts on any roosting bats:
 - a. Surveys shall be conducted up to one year in advance of building demolition and tree removal, if possible, to determine if active roosts are present. These surveys shall not substitute for pre-construction/pre-disturbance surveys for nesting raptors, as bats could move on or adjacent to the site between survey periods. If roosting bats are found during these surveys, either avoidance of the maternity roost season, establishment of buffer zones or exclusion of bats shall be implemented as appropriate.
 - b. Avoidance: Construction activities involving potential roost sites shall be conducted outside the maternity roost season if the project commences after young are volant by July 31 and finished before the formation of maternity roosts begins (as early as March 1).
 - c. Pre-demolition Surveys and Buffer Zones: If the project schedule does not allow for early detection surveys to occur, a pre-demolition survey for roosting bats shall be conducted by a qualified bat biologist 14 days prior to construction as determined by a Memorandum of Understanding with the California Department of Fish & Game (CDFG) prior to any removal of buildings, particularly those with closed areas such as an attic space, or trees 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted. If a maternity roost were present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any

active nurseries within the construction zone.

- d. Surveys: Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts shall be conducted prior to March 1. If indications of a maternity roost are present, the structure can be removed or modified before a maternity roost becomes reestablished.
- e. Exclude Bats Prior to Construction Near Roost: Bats can be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device should be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one-half of the expansion joints should be sealed at any one given time during the maternity colony-nesting season. This should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. After construction, all exclusion devices shall be removed to allow bats to re-establish habitat for colonies.

19. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-6. The property owner/developer shall implement the following protection measures to mitigate impacts to the red-legged frog (*see Addendum to the project EIR for additional details*):

- a. Avoidance to the extent possible.
- b. Minimization. The project shall be designed, built and operated in the following ways that will minimize both direct and indirect impacts to these species. Any construction near or adjacent to the Shannon Creek drainage will be preceded by a pre-construction survey. The existing culvert over the Shannon Creek drainage will not be widened and will only be used as an EVA road. The primary egress and ingress for the project will be off of Hicks Road. In addition, impacts relating to the construction of the outfalls for the project are likely to be covered by the Programmatic Section 7 for the red-legged frog. If formal consultation (via Section 7) for the red-legged frog is required, then the project applicant shall implement all of

the Minimization measures outlined in the Programmatic Section 7 Biological Opinion.

- c. Compensation by Wetland Creation. Any impacts from the project (i.e., outfalls) shall be mitigated by creating habitat on-site at a minimum of 1:1 ratio.

- d. Compensation by Riparian Restoration. A riparian restoration plan for mitigation shall be developed by a qualified biologist. The mitigation area(s) should be designed to expand existing riparian vegetation and re-create high quality riparian habitat along the Shannon Creek drainage and northern drainage. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than those existing along the Shannon Creek drainage and northern drainage. The final species selection and configuration shall be determined during final mitigation design. The trees and shrubs to be installed should be of local origin, preferably contract grown from seed or cuttings from within five miles of the site.
- e. A detailed monitoring plan including specific success criteria shall be developed and submitted to The Town of Los Gatos for approval. The mitigation area will be monitored in accordance with the plan approved by the Town. The basic components of the monitoring plan are final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures and reporting requirements.
- f. Specific success criteria and characteristics shall be developed during preparation of the mitigation and monitoring plan. At a minimum, the final success criteria shall include absolute percent cover by native trees and shrubs of 60% and 40%, respectively. The performance criteria should include tree and shrub survival at three years of 80% of the original planting. If the final encroachment estimates exceed 1.0 acre, monitoring of the mitigation site shall be conducted for 10 years. Annual monitoring reports shall be sent to the appropriate agencies. If the required mitigation planting is less than 1.0 acres, monitoring shall be conducted annually for five years.
- g. During the development of the riparian restoration plan, an appropriate area (or areas) shall be identified to replace encroachment impacts at a 1:1 basis.
- h. Maintain Water Quality of the Watershed. The project shall be designed, constructed and built in such a way as to maintain the water quality in the adjacent drainage channels and ponds. Appropriate best management practices (BMPs) shall be

developed for the project.

20. SOLAR WATER SYSTEM. Each residence shall be pre-plumbed for a solar water heater system prior to issuance of a certificate of occupancy.
21. COLOR REFLECTIVITY DEED RESTRICTION. Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with the Town's Hillside Development Standards.
22. SUBDIVISION REQUIRED. A separate tentative map application submittal and approval is required for the proposed project prior to the issuance of building permits.
23. BELOW MARKET PRICE (BMP) IN-LIEU FEE: A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
24. FINAL CC&R's. Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.

Building Division

25. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
25. CONSTRUCTION PLANS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
26. SIZE OF PLANS. The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.
27. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
28. DEMOLITION REQUIREMENTS. Contact the Bay Area Air Quality Management District at (495) 771-6000 and complete their process as necessary before obtaining a demolition

permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.

29. SOILS REPORT. Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
30. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
31. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
 - ff. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - gg. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - hh. Door buzzer, bell or chime shall be hard wired.
32. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.
33. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR- IR and MF-IR shall be printed on the construction plans.

34. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
35. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
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 any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.
36. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
37. ADDITIONAL AGENCY APPROVALS REQUIRED. The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Lots 1-13: Los Gatos School District: 335-2000
 - d. Lot 14: Union School District: 377-8010

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

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

Engineering Division

39. GRADING. Grading shall be kept to a minimum to construct the roads within the project. Any future grading will be considered at the time of Architecture & Site review(s).
40. GRADING PERMIT. A grading permit is required for all on-site grading, erosion control and improvements (roadway, storm drainage, utilities, lighting, etc.). A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department. The grading plans shall include final grading, drainage,

retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks & Public Works, the grading permit will be issued concurrently with the building permit.

41. SOILS REPORT. One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
42. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.
43. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
 - a. Hicks Road. A 40-foot half street right-of-way with the chord of a 20-foot radius at the intersection with the new street.
 - b. Shannon Road. A 20-foot half street right-of-way.
 - c. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - d. Public Service Easement (PSE). Ten (10) feet wide, next to the new street right-of-ways.
 - e. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - f. Trail Easement. Ten (10) to twenty (20) feet wide, as shown on the Official Development Plan.
 - g. Emergency Access Easement. Twenty (20) feet wide, from the new public road to Shannon Road, as shown on the Official Development Plans.
44. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building

permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

- a. New Streets. Curb, gutter, new street paving, signing, striping, storm drainage and sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.

45. 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.
46. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,730. 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. Credit shall be given for the house on Lot 14, where a house was previous located, and for the three residences to be demolished.
47. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
48. 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.

49. 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.
50. GRADING MORATORIUM. No grading or earth-disturbing activities shall be initiated in hillside areas between October 1 and April 15 of each year. For grading operations commenced before October 1, all grading or earth-disturbing activities shall cease October 15 and will not be allowed to restart until April 15. Grading permits will not be issued between September 15 and April 15. These limitations include, but are not limited to these items: driveways, building pads, foundation trenches and drilled piers, retaining walls, swimming pools, tennis courts, outbuildings and utility trenches. Install interim erosion control measures, shown on the approved interim erosion control plan, by October 1, if final landscaping is not in place. Maintain the interim erosion control measures throughout the October 1 to April 15 period.
51. GRADING INSPECTIONS. The soils engineer or her/his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
52. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
- a. Retaining wall--top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 - c. Top of future curb along one side of the new street.
53. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Parks & Public Works Department. A Notice of Intent (NOI) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Town Engineering Division concurrently with the grading permit application. Grading activities shall be limited to the period of least rainfall (April 15 to

October 1). A maximum of two weeks is allowed between clearing of an area/building on an area if grading is allowed during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install fiber berms, check dams, retention basins, silt fences, erosion control blankets and fiber rolls as needed on the project site, to protect down stream water quality during winter months.

54. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains or creeks.
55. **NPDES REQUIREMENTS.** All work within the project shall be in conformance with the National Pollution Discharge Elimination System permit issued to local agencies within Santa Clara County by the San Francisco Bay Regional Water Quality Control Board on October 17, 2001.
56. **FISH & GAME REQUIREMENTS.** A "1603" permit shall be obtained for the California Department of Fish & Game for proposed improvements in or near riparian areas within that agency's jurisdiction. A copy of the permit shall be provided to the Parks & Public Works Department before any permits are issued/final map is recorded.
57. **UTILITIES.** The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.
58. **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.

59. DRIVEWAY APPROACH. The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
60. LOT 14 DRIVEWAY. The driveway to Lot 14 shall be the minimum width required to provide fire access. The intent is to minimize the visibility of the driveway.
61. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, 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 Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.
62. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line of each new lot.
63. 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 Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
64. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
65. CURB RAMPS. The developer shall construct curb ramp according to State Standard Drawings at all intersections. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase of the project.

66. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-3. Energy dissipaters should be provided at the outfalls of proposed storm drains to minimize the increased potential for erosion hazards due to project development.
67. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-4. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to start of construction. The SWPPP and project plans shall be reviewed by the Town Engineering staff. The SWPPP shall be in conformance with the Santa Clara County NPDES Permit as amended by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on October 17, 2001. The SWPPP shall be approved concurrently with the grading, drainage and erosion control plans. Reference the Addendum to the EIR for additional details.
68. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE The project design shall incorporate water quality mitigation measures in accordance with current NPDES requirements. Water quality measures should include use of biofilters, drainage swales, and detention facilities to mitigate non-point source impacts. In addition, the SCVWD and RWQCB recommend the incorporation of site planning design measures to help reduce potential contributions of urban pollutants from the project. See the Addendum to the EIR for additional details.
69. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-2. In order to minimize potential traffic safety impacts the property owner/developer shall take the following measures:
- a. Adequate sight distance shall be provided for the project access road/Hicks Road intersection through removal of vegetation and grading of the embankment.
 - b. A stop sign shall be installed to control traffic on the project access road to Hicks Road. The stop sign for the proposed driveway shall be located along and parallel to the north edge of pavement on Hicks Road.
 - c. Warning signs shall be installed indicating a "T" intersection along Hicks Road approaching the new driveway. These signs shall be located approximately 300 feet east and west of the project entrance/Hicks Road intersection.

- d. Traffic reflectors shall be installed on the south side of Hicks Road at the intersection with the entrance road to the project.
- 70. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-3. A separate pedestrian trail shall be installed along the north side of Hicks Road.
- 71. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-4. Use of trails by bicyclists, particularly the trail parallel to Hicks Road, shall be considered during Architecture and Site review. In addition, design issues such as the appropriateness of trail widths, pavement versus compacted earth, and trailhead facilities shall be considered during Architecture and Site Review.
- 72. GEOTECHNICAL REVIEW OF SUBDIVISION IMPROVEMENT PLANS. The project geotechnical consultant shall review and approve all geotechnical aspects of the subdivision improvement plans to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the Town Engineer for review, prior to issuance of permits for construction of subdivision level improvements.
- 73. GEOTECHNICAL PLAN REVIEW (LOTS 1 THROUGH 13). The project geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans for individual residences on Lots 1 through 13. To ensure that their recommendations have been properly incorporated. The consultant shall verify that recommended measures to address potential debris flows on Lot 6, and potential co-seismic ground deformation on Lots 1 and 13 have been incorporated.
- 74. GEOTECHNICAL INVESTIGATION (LOT 14). The project geotechnical consultant shall complete a site specific soil and foundation investigation as a basis for preparing recommended geotechnical design parameters for Lot 14 residential improvements. The results of this investigation shall be submitted to the Town for review by the Town Engineer and Town Geotechnical Consultant prior to approval of a site specific development plan.

75. GEOTECHNICAL FIELD INVESTIGATION. The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The results of these inspections and the as-built conditions of the project shall be described by the project geotechnical consultant in a letter and submitted to the Town Engineer for review prior to final inspection.

For further detail on conditions 71 through 74, see the letter from Cotton, Shires & Associates dated February 12, 2002.

Parks Division

76. AERATION TUBES. All impervious surface encroaching under the dripline of existing trees shall have aeration tubes installed and these tube locations shown on the plans.
77. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and vegetation.
78. BUILDING FOUNDATIONS: Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize impact on existing trees.
79. TREE STAKING: All newly planted trees are required to be double staked to Town standards.
80. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
81. IRRIGATION SYSTEM. Water efficient irrigation systems shall be utilized to conserve water in all project irrigation of publicly landscaped areas.
82. VEGETATIVE SCREENING. Vegetative screening shall be used along the development edges, where appropriate, to soften views of peripheral buildings and to integrate landscaping and native vegetation.
83. WATER EFFICIENT ORDINANCE. This project is subject to the Town's Water Efficient Ordinance. A fee of \$472 is required when the landscape, irrigation plans, and water calculations are submitted for review.

84. TREE PROTECTION. Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
85. ORNAMENTAL LANDSCAPING. All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
86. LANDSCAPE GUIDELINES. The adopted landscape guidelines and native plant lists shall include the recommendations of the Town consulting arborist, except that lawn areas shall not exceed 5,000 square feet. The landscape guidelines are attached as Exhibit C.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

87. WATER SUPPLY. Two water tanks with a capacity of 10,000 Gallons and one wharf style hydrant shall be provided unless the proposed public water system can be extended to provide appropriate lot protection, or other acceptable means of fire protection can provided as authorized by the Fire Department. Installations shall conform with Fire Department Standard Details and Specifications W-1.
88. FIRE APPARATUS (ENGINE) ACCESS. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.
89. FIRE APPARATUS (ENGINE) TURN-AROUND REQUIRED. Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 64 feet.

90. FIRE APPARATUS (HYDRANT). Where buildings exceed 150 feet travel distance from the street either an on-site (private) hydrant or an approved residential fire sprinkler system shall be provided.
91. PUBLIC FIRE HYDRANT(S) REQUIRED. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,750 GPM at 20 psi, residual. Consult with San Jose Water Company relative to main sizing requirements and hydrant spacing. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible.
92. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be delayed until required installations are completed, tested, and accepted.
93. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. Building permit issuance may be delayed until installations are completed.
94. FIRE APPARATUS (HYDRANT). Prior to project inspection, the general contractor shall ensure that a "Blue" dot has been placed in the roadway as directed by the Fire Department.
95. HOUSE NUMBERS. 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.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on December 15, 2008, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on January ___, 2009 and becomes effective 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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A P P E A R A N C E S:

Los Gatos Planning
Commissioners: Michael Kane, Chair
John Bourgeois
Marcia Jensen
Phil Micciche
Marico Sayoc
Joanne Talesfore

Director of Community
Development: Bud Lortz

Assistant Director of
Community Development:

Town Attorney: Orry Korb

Transcribed by: Vicki L. Blandin
(510) 337-1558

P R O C E E D I N G S:

LOS GATOS PLANNING COMMISSION 11/12/2008
Item #2, Shannon Valley Ranch

CHAIR KANE: We go on to new public hearings, and tonight we have four, our first being Item #2 on tonight's agenda, Shannon Valley Ranch; that's Shannon Oaks Drive and Mountain Laurel Lane. This is Planned Development Amendment PD-08-003, requesting approval of a Planned Development Amendment to allow an accessory structure (S). The Applicant and property owner is Kevin C. Thompson and Greenbriar Homes. Ms. Hamilton, do we have a Staff Report?

JEANNE HAMILTON: Yes, Ms. Davis will give the Staff Report this evening.

CHAIR KANE: Ms. Davis, thank you.

SUZANNE DAVIS: Good evening. Shannon Valley Ranch is an 80-acre Planned Development located at the corner of Shannon and Hicks Roads, the new street name for Shannon Oaks Lane and Mountain Laurel Lane. We have 13 lots that were already developed with new homes by Greenbriar, the developer, and there is a fourteenth lot that has yet to be developed, and that was retained by the seller of the property and at some point we'll see a new house there, but it's still in development, and that's the one up at the top on the knoll.

The maximum floor area for the houses was established by the Planned Development and that was a maximum size of 14,850 square feet with an average of 4,650

LOS GATOS PLANNING COMMISSION 11/12/2008
Item #2, Shannon Valley Ranch

1 square feet. The question of floor area did come up during
2 the Architecture and Site approval for the homes and at that
3 time the Town Council approved 800 square foot garages, but
4 we didn't have any discussion about accessory buildings, so
5 now that they've subsequently sold a number of the homes--the
6 developer still owns three of them and the remainder have
7 been sold--a number of the homeowners are asking to add
8 accessory buildings.

9 The PD doesn't have provisions for or against
10 accessory structures, so we have one homeowner right now
11 that was interested in doing one and submitted an
12 application, and that's Kevin Thompson; he owns Lot #11. The
13 CDAC considered a specific request by Mr. Thompson in March,
14 and those minutes are attached. Subsequently the developer
15 added onto this application so that we could answer the
16 question for the whole project and not do this lot-by-lot or
17 look at a single lot independently.

18 I think that one of the reasons we got into a
19 floor area maximum on this particular project was the PD was
20 originally approved in 2002. At that time we didn't have a
21 floor area restriction, floor lots greater than 30,000
22 square feet. The Hillside Standards were adopted in January
23 2004 following approval of the PD. We are following those
24 when people come in with landscape plans, and under the
25 Hillside Development Standards and Guidelines these lots
would each be allowed 6,400 square feet inclusive of house,

1 garage and any outbuildings, so the question is being asked
2 whether we should apply the Hillside Standards to this
3 property like we do with all other hillside lots.

4 There is a specific proposal for Lot #11. That
5 does not need to be decided on specifically this evening,
6 but the owner gave us enough information in terms of the
7 style that he wanted to do to match his home, where it would
8 be located, and put up story poles so that the question of
9 whether it was visible or whether it would impact any
10 neighbors could be answered. If the Planned Development
11 Amendment is approved, then an Architecture and Site
12 Application will be required for that specific structure. So
13 you don't need to make a specific decision on Lot #11 at
14 this point, the question is do we want to allow accessory
15 buildings in this development? You could potentially approve
16 it on just Lot #11 since we have a specific proposal, but
17 then we might have more of these coming forward on an
18 individual basis and it gets very time consuming for
19 everybody involved and it's very expensive for an individual
20 to amend the PD to add a structure like this, so it seemed
21 appropriate to answer the question for the whole development
22 one way or the other.

23 The Commission is a recommending body in this
24 case. Because it's a Planned Development and it's
25 technically a zone change we wouldn't be changing the
zoning from the existing HR-5 PD, but we are amending the

1 ordinance that governs the property, so it's still
2 considered a zone change and the Council is the deciding
3 body, so the Commission will be making a recommendation to
4 Council on this. There is a required finding that the
5 Planned Development Amendment must be in compliance with the
6 General Plan, and we also would want to say that the
7 proposed structure and then any subsequent structures that
8 might be allowed will be compliant with the Hillside
9 Development Standards and Guidelines.

10 Right now there are three ways of approving an
11 accessory structure for a hillside parcel. If it's smaller
12 than 450 square feet it is done with a building permit; if
13 it is between 450 and 600 square feet we do what's called a
14 Minor Residential Development Application; and if it's
15 larger than 600 square feet it's an Architecture and Site
16 Application. This particular structure for Lot #11 would be
17 an Architecture and Site Application, because it's 650
18 square feet.

19 Depending on what amount of floor area an existing
20 lot has right now, the potential increase in floor area with
21 enclosed structures would be between 750 to 950 square feet
22 on independent lots and still meet the 6,400 square foot
23 maximum established by the Hillside Standards.

24 That concludes the presentation. We're happy to
25 answer any questions you may have.

1 CHAIR KANE: Thank you, Ms. Davis. Commissioners,
2 any questions for Staff? Commissioner Bourgeois.

3 COMMISSIONER BOURGEOIS: Thank you, Ms. Davis.
4 Just to be clear, this is only applying to accessory
5 structures and the building square footage limitations that
6 are set forth in existing PD will not change?

7 SUZANNE DAVIS: Correct. The houses couldn't be
8 expanded under this.

9 COMMISSIONER BOURGEOIS: Okay. And not having
10 been around when this original PD was developed, or I was
11 not on the Conceptual Development Advisory Committee, I
12 noticed they expressed some hesitancy to change the PD
13 based on how much work went into the PD itself, so I was
14 just wondering if you could comment, and if any of my
15 fellow commissioners were on the CDAC at that time I'd like
16 to hear what those concerns were and if Staff has an
17 opinion on it.

18 SUZANNE DAVIS: Commissioner Talesfore was on
19 CDAC at that time.

20 COMMISSIONER MICCICHE: And on the Planning
21 Commission at that time.

22 SUZANNE DAVIS: Yes, and we had also one of the
23 Council members expressed that concern that so much went
24 into this PD, should we change anything, so that was
25

1 something that was raised. We had another Council member
2 that felt it was appropriate if it was consistent with the
3 Hillside Development Standards and Guidelines, so we can't
4 tell which way the Council would want to go on this issue
5 since one was one way and one was the other.

6 Staff feels it's reasonable to allow them to
7 develop to the Hillside Development Standards and
8 Guidelines, because that is something that would be allowed
9 for any other hillside lot in the Town and we didn't have
10 that document in place at the time this thing was approved,
11 so now we have rules and regulations set up to govern the
12 accessory building.

14 COMMISSIONER BOURGEOIS: And each accessory
15 building would still go through the process, whatever of
16 those steps is appropriate?

17 SUZANNE DAVIS: Right.

18 COMMISSIONER BOURGEOIS: It just wouldn't require
19 a zone change?

20 SUZANNE DAVIS: Correct. And of course if we felt
21 that something wasn't appropriate we wouldn't necessarily
22 approve it. It could come to the Planning Commission, which
23 would not be typical, but any time we have an application
24 we don't think is appropriate for a site we do forward it
25

1 to Planning Commission, whether it's required to do that or
2 not.

3 CHAIR KANE: Commissioner Micciche.

4 COMMISSIONER MICCICHE: Refresh my memory, but as
5 I recall the original application came in for 19 homes. It
6 was the Planning Commission that dropped it back down.

7 SUZANNE DAVIS: The original came in for 30.

8 COMMISSIONER MICCICHE: Well that was 30.

9 SUZANNE DAVIS: They were trying to down some to
10 HR-2½, and the Planning Commission did not want to downzone
11 and the Council concurred, and at that time they indicated
12 that HR-5 was appropriate, HR-2½ wasn't. The HR-5 zoning
13 allowed 14 and that's where we came up with the 14.

14 COMMISSIONER MICCICHE: And I remember at the
15 time of the 19 the application was for the maximum, for the
16 square footage on the homes as they are now at 4,700 square
17 feet, and I believe at that time we allowed them the
18 maximum, because we cut it back down to 14, and I believe
19 we would have at that time increased it to the six if in
20 fact we would have been allowed by the Hillside
21 Specifications at that time. So I think there was quite a
22 bit of work that was done on that to bring it back down to
23 that area, and I'm only mentioning that because I see no
24
25

1 problem with the 600' addition to this place at all. They
2 are very large lots and can take that type of building.

3 SUZANNE DAVIS: We would have a few restrictions
4 on location. For example, the uphill lots, #6 through #11,
5 we allowed some additional grading through a Planned
6 Development Amendment in 2006, and those lots have
7 retaining walls and have a valley gutter for drainage above
8 them, and they couldn't put an accessory building beyond
9 that point.

10
11 They also have open space easements within this
12 project, because forty-five acres of this site was granted
13 as open space, and so none of the structures could go in
14 within that open space area, so all those uphill lots have
15 open space easements over portions of their property, and
16 the ones along Shannon Road and Hicks Road do as well.

17 CHAIR KANE: Commissioner Sayoc.

18 COMMISSIONER SAYOC: Ms. Davis, if the project
19 had been subdivided under our normal process and this were
20 to go forward, would there have been limitations on
21 accessory sizes or accessory buildings, or is it just
22 because it's a Planned Development?

23 SUZANNE DAVIS: It's because it's a Planned
24 Development and because a Planned Development is very
25

1 specific in what we're allowing, and at the time I think
2 accessory structures just weren't really contemplated. It's
3 a lesson to be learned; when we have a future PD in the
4 hillside we need to write that into it.

5 COMMISSIONER SAYOC: And then the subsequent
6 question to that is why was it worked as a Planned
7 Development versus just regular subdivisions?

8 SUZANNE DAVIS: I don't know why it originally
9 came in as a PD, except that they were asking to downzone
10 the property from HR-5 to HR-2½, and they were doing a
11 rezoning and a General Plan Amendment with that. The
12 process wouldn't have been any different if it was a
13 straight subdivision, they could have potentially done
14 that, but they weren't asking for exceptions in terms of
15 height or coverage or setbacks or anything like that. We
16 didn't make any exceptions to any of the rules of the zone
17 to approve that project.

18
19 CHAIR KANE: Commissioner Talesfore.

20 COMMISSIONER TALESFORE: The only thing I will
21 add, since my fellow commissioner asked if any of the CDAC
22 members could elaborate a bit, was that the CDAC review for
23 me is paramount because of who makes up the composition of
24 the committee, which is the mayor, the vice-mayor and three
25

1 planning commissioners, and the gist of the whole thing,
2 the intent for all the eleven comments they made, was that
3 we maintain a rural atmosphere and ambience of that area
4 out there, and the four comments that I am reminded of and
5 I reviewed was that we would have better rationale for the
6 increase in floor area ratio, try to minimize the number of
7 buildings within the PD, visibility was an issue and no
8 more excavation besides being hesitant in modifying the PD,
9 but those were the reasons to modify this PD was the three
10 I mentioned before modifications, so it wasn't like wow,
11 let's do this, but not that we can't be reasonable, so I
12 think that as we continue to discuss we can maybe draw out
13 what is reasonable. So I think we need to be cautious.

14 CHAIR KANE: Commissioner Bourgeois.

15 COMMISSIONER BOURGEOIS: Thank you, Ms. Davis. If
16 I could follow-up, you talked about limitations on where
17 these could be located on Lots #6 through #11. Are there
18 any limitations on the other lots, because if I remember
19 correctly there's like three landscaping zones? There's
20 like an intense one right around, then there's kind of a
21 natural one, then it's supposed to be natural area.

22 SUZANNE DAVIS: We restricted the fencing
23 location. We also restricted the amount of turf that could
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1 go on these properties to 5,000 square feet maximum. When
2 they do landscaping we are looking that they don't put
3 ornamentals beyond 30' of the construction area. An
4 accessory building could potentially go outside those fence
5 lines, but we do have open space easements over the other
6 lots as well. There's an easement that runs all along Hicks
7 where the trail is, so there are limitations on some of the
8 other lots, not just #6 through #11.

9 COMMISSIONER BOURGEOIS: Okay, thank you.

10 CHAIR KANE: Commissioner Talesfore.

11 COMMISSIONER TALESFORE: And I do have one more
12 question. In the original approval process for this PD we
13 did ask for a community benefit, isn't that correct? So my
14 question to you is in this modification would there also be
15 some kind of an incremental community benefit request?

16 SUZANNE DAVIS: It's not required. The community
17 benefit offering is triggered by traffic usually or an
18 infill project. When they're adding traffic impact, which
19 this project did, the community benefit, the big one on
20 this was the 45 acres of open space out of the 88 existing.

21 COMMISSIONER TALESFORE: Right.
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1 SUZANNE DAVIS: And then they put some trails in
2 and connected up to Santa Rosa. They all got Alta
3 (inaudible).

4 COMMISSIONER TALESFORE: Yeah, incremental to me
5 could be something like maintaining or improving a trail,
6 or improving landscaping along Hicks, something like that.
7 I don't know, would that be something we need to look at or
8 we should consider? Who could answer that?

9 SUZANNE DAVIS: It wouldn't be typical, but
10 perhaps the Town Attorney could weigh in on that.

11 COMMISSIONER TALESFORE: But then this isn't
12 typical either, is it? Thank you.

13 CHAIR KANE: Ms. Davis, one of my primary
14 concerns comes from the CDAC minutes of March 12, 2008, and
15 there were 11 comments recorded, and we've covered
16 visibility and excavation.

17 The one I'm having trouble with is the last one,
18 that there was a hesitancy to modify a Planned Development
19 which had been through so much public input and scrutiny
20 when first adopted. I believe one of the proponents of that
21 idea was Commissioner Talesfore, and I believe the other
22 was Mayor Spector. I don't think in my four years we've
23 amended a PD, so can you address my comfort level?
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1 SUZANNE DAVIS: We did in this particular PD in
2 2006, and it's not out of the ordinary to amend a PD, but
3 it's not something we do on a regular basis. The Sobrato
4 development, the PD was amended twice before that whole
5 thing got built, so sometimes things change and then they
6 come in and ask to change it. You're correct, Mayor Spector
7 was the other person that made that particular comment, and
8 we record all comments at CDAC whether one person says it
9 or six do, and it was heard from two people at that
10 meeting.

11 CHAIR KANE: Okay. Commissioner Talesfore, you
12 have any comment on that concern, amending a PD?

13 COMMISSIONER TALESFORE: Other than the fact that
14 it was a concern and an issue that we weren't really... It
15 meant that will all PDs now have the--I guess they would--
16 have the right to come back for amending? I mean this went
17 under such public scrutiny, lots of hours, lots of people,
18 and I think that the generous offering of the Council to
19 include 800 square feet beyond what the original house
20 square footage was allowed was something they thought was
21 extremely more than generous and would cover the garages
22 plus the extra storage that seemed to be needed for, I
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1 don't even know, other vehicles or just plain storage, and
2 so we thought that would be covered.

3 The point is that we were trying to keep the
4 intensity at a level that would maintain this rural
5 ambience, and when I went out there today I was reminded of
6 how successful I think we have been with this PD. It is
7 absolutely spectacular, so that's my comments.

8 CHAIR KANE: Thank you. Other questions for
9 Staff? I'm going to open the public hearing and shortly
10 we'll call up the Applicant, who will have up to five
11 minutes to speak. After other public members speak the
12 Applicant may then have three additional minutes to rebut
13 what was said. If there are members of the public who wish
14 to speak on this matter after the Applicant, please turn in
15 a speaker card. You will each have up to three minutes to
16 speak. Now I call the Applicant, Kevin Thompson.

17 KEVIN THOMPSON: Good evening, Commissioners. My
18 name is Kevin Thompson, 287 Mountain Laurel Lane. I'm the
19 owner. I'm the guy that's trying to put the structure in
20 the backyard. My intent is to put a single-story structure,
21 approximately 650 square feet, in the backyard. I won't
22 elaborate or repeat the items Suzanne talked about, but I
23 would like to address some of the comments that I've heard
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1 and that have come up in the many previous review sessions
2 we've had on this.

3 Grading. As far as grading is, there is no grading
4 required for this. This structure will be put on the
5 existing building pad in the backyard although with a 4'
6 retaining wall, so in no way is it going to disturb the
7 ground above the retaining wall, and that retaining wall as
8 you are aware is part of the first amendment to the PD,
9 which was Ordinance #2150 that was done in June of 2006, so
10 I'm conforming with that requirement and I'm not putting
11 anything above the retaining wall.

12 As far as the intended rural nature of the area
13 and the building intensity, I'm stating that putting that
14 structure back there will not impact it. If you look at the
15 FAR from the Hillside Development Standards and Guidelines,
16 the floor area ratio, even with this structure in there and
17 you calculate it discounting for the 18% slope there, which
18 you probably wouldn't have to do on a flat pad but I
19 included that in there, again that ratio is still less than
20 7%, and if you look at the Hillside Development Standards
21 and Guidelines the lowest numbers there are about 18% to
22 19%, so I'm still one-third of what would be granted by the
23 Hillside Development Standards and Guidelines.

24 As far as the amount of impervious area under use
25 there, I calculate it to be about 10% of the total area, so
including all these structures, swimming pool, hardscaping

1 and the new structure, it's still a fairly low percentage,
2 and of that the new structure is only one-half of 1%, so
3 it's still, again, maintaining the rural nature of the area
4 and complies with what I think is the intent of the PD.

5 Visibility was another issue brought up. Lot #11
6 is fairly unique in that it's enclosed by two sides by the
7 hills and so you're down in a hole there, and the third side
8 is enclosed by the house, so the visibility is very limited
9 in what you see unless you walk up on the trail and you can
10 look down and see it. It's also concealed by trees and
11 foliage from direct visibility from the public roads and
12 Shannon and Hicks, so you have a hard time actually seeing
13 in the backyard there. What I've done as part of the
14 landscaping on the exposed eastern side where I'm closest to
15 the neighbor, who isn't in yet, that house wasn't sold yet,
16 I planted trees and bushes to conceal on that side, so I've
17 tried to limit the exposure, the neighbor's view, on that
18 side.

19 Last, one of the items that came up was neighbor's
20 input. I generated a petition which I walked around and went
21 to all the neighbors inside the development and immediately
22 on Shannon and Hicks Roads, and I've actually got very
23 positive support from the neighbors within the development,
24 as you can expect, because I've talked to two of the
25 neighbors, the newest ones, and they have expressed interest
to include closed structures in the backyard as part of

1 their landscaping. So these are the two newest neighbors;
2 the rest didn't have much of an interest.

3 The other item was there is really no negative
4 impacts from the neighbors that were outside of the property
5 on Shannon and Hicks Roads, and they actually didn't seem to
6 mind, they didn't care about this.

7 So those were the comments I kind of made. Again,
8 I didn't want to repeat the issues that Suzanne had brought
9 up. That's all I have.

10 CHAIR KANE: Thank you. Are there questions for
11 Mr. Thompson? Seeing none, thank you. I have one speaker
12 card. Citizen Ray.

13 RAY DAVIS: Speaking in the community interest,
14 okay? Ladies and gentlemen, I've got to tell you I continue
15 to be outraged by the performance of these employees who
16 abuse their status by using a recommendation, and I ask you,
17 where in the Town Code does an employee get the authority to
18 use their discretionary judgment without any public input or
19 input from the Commission and getting a recommendation for
20 approval? After many years doing what I do, I can only ask a
21 question: Are these people on the take? Is that what
22 motivates them to exceed their authority? I will continue to
23 ask that over and over again until we get some answer from
24 what I perceive to be very corrupt and dishonest and
25 deceitful performances by these employees. I'll be back.

1 CHAIR KANE: Mr. Thompson, if you wish to rebut
2 anything you heard, you have three minutes to do so.

3 KEVIN THOMPSON: I don't think I will at this
4 time.

5 CHAIR KANE: All right. I'm going to close the
6 public hearing and turn to the Commission for discussion or
7 a motion. Will the Commission give a show of hands those who
8 visited the site, and are there any disclosures or
9 additional evidence that needs to be put on the record? Then
10 let us begin with Commissioner Micciche and move to his
11 left.

12 COMMISSIONER MICCICHE: I'd like to announce I'm
13 not on the take, but I have no problem with this request.

14 CHAIR KANE: You sound defensive to me,
15 Commissioner Micciche.

16 COMMISSIONER MICCICHE: I can't believe it.

17 RAY DAVIS: Thank you.

18 COMMISSIONER MICCICHE: I was with this
19 application from the very beginning when they were asking
20 for 30 lots. In particular knowing that this thing is not
21 going to be visible, that it's well within the standards of
22 the Hillside Specific right now, my comment is I have no
23 issue with it. I'd like to hear my other fellow
24 commissioners, but hearing no negatives I probably would
25 make a motion to go ahead with this thing.

CHAIR KANE: All right. Commissioner Sayoc.

1 COMMISSIONER SAYOC: I was not with the Commission
2 when this was first brought forward, and I do appreciate
3 Commissioner Micciche's comments, because in general when
4 Planned Developments come forward I like to be respectful of
5 the Commission and Staff and all the work that went into the
6 decision of the Planned Development, and I echo what some
7 members of the CDAC had said, that there was a lot of public
8 comment, there was a lot of work, there were a lot of Staff
9 hours that went into this, and when this application was
10 brought forward to CDAC I had also mentioned that to the
11 Applicant that I understand the Applicant's concern that he
12 would like some consistency with the Hillside Development
13 Standards and Guidelines, and that to me is fair. However,
14 when you do have a Planned Development and it's brought
15 forward and there's significant public comment to it, you're
16 assuring people that what they see is what they get, and
17 oftentimes these amendments that come afterwards, the public
18 may not be as involved, and so is that a disservice to those
19 that had spent so much time and effort reviewing it the
20 first time?

21 So I'm really grappling with that, a Planned
22 Development and what was decided upon and all the
23 justification put forward into that versus an Applicant's
24 preference to change that to suit their own personal need,
25 and so I do appreciate Commissioner Micciche since he was
there and he was involved with the discussion that went

1 forward at that time, and I would like to hear my other
2 commissioners and their thoughts on the matter before I make
3 my own decision.

4 CHAIR KANE: Commissioner Jensen.

5 COMMISSIONER JENSEN: I appreciate both comments
6 that we've heard already. I was not here in 2002 for the
7 consideration of the Planned Development or on the CDAC at
8 the time it was considered.

9 It strikes me with respect to what Commissioner
10 Sayoc has said, the Hillside Design Standards and Guidelines
11 were not in place at the time of the Planned Development.
12 There was a lot of public input and work that went into
13 those and how the hillsides should be developed and what
14 should happen. It strikes me that the Planned Development at
15 the time it was developed was more restrictive than what we
16 have in the Hillside Guidelines and Standards, and I think a
lot of work and public input went into those.

17 So my position is rather than consider these kinds
18 of things piecemeal and come in for a zoning change every
19 time that someone wants to do something, my position would
20 be to forward, because all we're doing is recommending this
21 to the Town Council. The Town Council seems to me can decide
22 whether it's appropriate to amend the Planned Development or
23 not, because after all, it's their authority to do that. But
24 it seems to me that by recommending that, what we're really
25 doing is saying we will treat these lots as we treat every

1 other lot in the hillside, and by not amending it I think
2 we're actually not treating them the same, so I agree with
3 Commissioner Micciche.

4 CHAIR KANE: Commissioner Bourgeois.

5 COMMISSIONER BOURGEOIS: I came into this meeting
6 a little hesitant to... Actually I prefer to be deferential to
7 previous decisions. I know a lot of work from a lot of smart
8 people went into this PD, but I would concur with what
9 Commissioner Jensen says.

10 However, I would like to see maybe a little more
11 specificity in Condition #9. I like the recommendation of
12 possibly limiting the number of accessory structures to one
13 per lot, and perhaps even to put a square footage number on
14 that, because in Condition #8 when we talked about the
15 residents, we have hard numbers, and so I think for the
16 residents to know what they can and can't do, I think it
17 would be nice to have a little more specificity in that
18 condition. For example, I think they would be allowed up to
19 6,400 square feet, and if the house size is 4,850, garages
20 are about 800, that's 5,650, which leaves about 750 square
21 feet for an accessory building, and what we're looking at
22 tonight is 650, so I think that's a reasonable request, but
23 I would like to maybe have that maximum number in the
24 condition just so that we don't come in with these huge
25 multi-part accessory structures. So if we can make that
change to Condition #9, I would go ahead and make a motion

1 to find that the PD Amendment is consistent with the General
2 Plan. I'll hold off making a motion if you'd like to make
3 comments.

4 CHAIR KANE: Commissioner Bourgeois, make your
5 motion.

6 COMMISSIONER BOURGEOIS: Okay. So I would make the
7 findings that the PD Amendment is consistent with the
8 General Plan, that the proposed accessory structure for Lot
9 #11 is consistent with the Hillside Development Standards
10 and Guidelines and I would like to forward a recommendation
11 for approval of the PD Amendment to the Town Council with
12 the amendment to Condition #9 as stated.

13 CHAIR KANE: Do we have a second?

14 COMMISSIONER MICCICHE: I'll second.

15 CHAIR KANE: Commissioner Micciche, thank you.
16 Discussion? Commissioner Talesfore.

17 COMMISSIONER TALESFORE: Thank you. I was going to
18 second it if there could be some additional conditions.

19 CHAIR KANE: Well provide the maker of the motion
20 with those.

21 COMMISSIONER TALESFORE: Okay. So I could agree
22 with us modifying this PD or recommending the modification
23 for accessory structures, but I have to understand that
24 we're not... Are we approving this particular?

25 COMMISSIONER BOURGEOIS: No.

1 COMMISSIONER TALESFORE: That's what I thought.

2 Okay, because what I would suggest, since one of the CDAC
3 concerns was to minimize the number of buildings within this
4 PD that bringing it up to 6,400 square feet is fine, but we
5 do have to come to a finite number. Now I think 750 square
6 feet additional, I think that's too much. I think it's too
7 much to add two buildings of 300 square feet. Do you know
8 what I'm saying? So I think we need to keep that in mind.
9 That would be my recommendation.

10 CHAIR KANE: Why don't we see if we get that piece
11 in?

12 COMMISSIONER TALESFORE: All right.

13 CHAIR KANE: To the maker of the motion?

14 COMMISSIONER BOURGEOIS: So it's my understanding
15 that that was part of my condition, to limit one accessory
16 building per lot to a maximum of 750 square feet, and if
17 it's over 600 it has to go through the A&S application
18 process, and I'm confident that that process would serve
19 this development well.

20 COMMISSIONER TALESFORE: Okay, fine.

21 CHAIR KANE: Is that acceptable, Commissioner?

22 COMMISSIONER TALESFORE: Yes.

23 CHAIR KANE: What's your second point?

24 COMMISSIONER TALESFORE: My second point was even
25 though 450 square feet can be approved at the Staff level,
450 square feet could be a small house. I would to at least,

1 especially with this PD modification, I would to recommend
2 that any structure that might be approved out at this
3 Shannon Valley Ranch, it would come back on consent to this
4 commission, because of all the work and scrutiny that has
5 gone before us, I would be very pleased with that I think,
6 and I would like to make that recommendation.

7 CHAIR KANE: To the maker of the motion?

8 COMMISSIONER BOURGEOIS: Through the Chair, if I
9 could ask maybe a clarification. I sounds like Commissioner
10 Talesfore was concerned about the use of that outbuilding
11 when she was referencing that it could be a residence.

12 COMMISSIONER TALESFORE: Oh, no. I'm sorry; I was
13 trying to make that a comparison. Because of the size its
14 architecture would be extremely important in these cases,
15 period. Architecture and Site would be extremely important;
16 because it could also.. In this one case of the project in
17 front of us the 650 square feet isn't impacting; I mean
18 there won't be any excavation. However, we don't know what
19 could happen in the future. I would just like to be assured
20 that we could see it on consent.

21 COMMISSIONER BOURGEOIS: I would be amenable to
22 any application that required an A&S application to come to
23 us on consent, but I'd look to the seconder and perhaps even
24 Staff for some comment on that.

25 CHAIR KANE: Let me ask a question. Your motion is
for this specific lot?

1 COMMISSIONER TALESFORE: No.

2 COMMISSIONER MICCICHE: No.

3 COMMISSIONER BOURGEOIS: No, we're not making a
4 decision on Lot #11 tonight. We're making an amendment to
5 the PD, and my understanding is they still have to go
6 through the A&S process.

7 CHAIR KANE: So we still could see potentially 14
8 separate applications? We're not approving everything at
9 once right now, is that correct?

10 COMMISSIONER BOURGEOIS: That's correct.

11 CHAIR KANE: Good.

12 SUZANNE DAVIS: What Commissioner Bourgeois is
13 suggesting is that if it requires an Architecture and Site
14 approval, which would be a structure 600 square feet or
15 larger, then that come back to the Planning Commission, as
opposed to all accessory buildings.

16 CHAIR KANE: Okay, thank you. And you wanted 450,
17 Commissioner?

18 COMMISSIONER TALESFORE: Yes, as consent.

19 CHAIR KANE: So let's stay with that narrow
20 question, to the maker of the motion.

21 COMMISSIONER BOURGEOIS: No, I would like to stick
22 with my saying that if it requires an A&S; we would like to
23 see it on consent.

24 CHAIR KANE: All right.

1 COMMISSIONER BOURGEOIS: I think that's a good
2 line in the sand.

3 CHAIR KANE: I got it. Further discussion?

4 COMMISSIONER TALESFORE: Also this is a
5 recommendation, do we do it in the form of a motion? We do,
6 okay.

7 CHAIR KANE: Yes. And if you have reservations
8 about the motion, since it is a recommendation we'll make
9 extra certain that your reservations are made known to
10 Council.

11 COMMISSIONER TALESFORE: Thank you very much.

12 CHAIR KANE: As they have been on the record so
13 far.

14 COMMISSIONER TALESFORE: Thank you.

15 CHAIR KANE: Other discussion? Seeing none, I'm
16 going to call the question, if we understand the motion. All
17 those in favor, say aye. Opposed? Motion passes 6-0. Ms.
18 Hamilton, do we have appeal rights? Do we have appeal rights
19 with a recommendation?

20 ANNE HAMILTON: No, this is a recommendation
21 forwarded on to Council and their legislative action would
22 then make its way to the court if anybody had issue with it.

23 CHAIR KANE: Thank you. Thank you, Mr. Thompson.
24
25



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: November 12, 2008

ITEM NO.: 2

PREPARED BY: Suzanne Davis, Associate Planner

APPLICATION NO.: PD-08-003

LOCATION: **Shannon Valley Ranch** (Shannon Oaks Lane & Mountain Laurel Lane; access on west side of Hicks Road, north of Shannon Road)

APPLICANT: Kevin Thompson & Greenbriar Homes

PROPERTY OWNERS: Kevin C. Thompson, GHC Shannon Valley Ranch, LLC, et al

APPLICATION SUMMARY: Requesting approval of an amendment to a Planned Development to allow an accessory structure(s) on property zoned HR-5:PD. APNs 567-24-010 through 023.

DEEMED COMPLETE: October 14, 2008

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

RECOMMENDATION: Approval, subject to conditions.

PROJECT DATA:

General Plan Designation: Hillside Residential

Zoning Designation: HR-2½:PD

Applicable Plans & Standards: PD Ordinance 2150
Hillside Development
Standards & Guidelines
Hillside Specific Plan

Parcel Size: 80 acres (14 residential lots)

Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|-------|------------------------------------|----------------------|--------|
| North | Hillside Residential | Hillside Residential | HR-1 |
| East | Guadalupe Creek - City of San Jose | | - |
| South | Hillside Residential | Hillside Residential | HR-20 |
| West | Hillside Residential | Hillside Residential | HR-2½ |

CEQA: An Environmental Impact Report (EIR) and Addendum were prepared for the Planned Development. The EIR Addendum was certified by the Town Council on March 4, 2002. No further environmental analysis is required.

FINDINGS: ■ That the rezoning is consistent with the General Plan.
■ That the proposed accessory structure is consistent with the Hillside Development Standards & Guidelines.

ACTION: Recommendation to Town Council.

EXHIBITS: 1. Location map (one page)
2. Required Findings (one page)
3. Draft Planned Development Ordinance (24 pages)
4. March 12, 2008 CDAC Summary Minutes (two pages)
5. Applicant's letter and petition (three pages), received July 14, 2008
6. Development Plan (one sheet), received September 17, 2008

BACKGROUND:

On March 18, 2002, the Town Council adopted a Planned Development Ordinance allowing a 14-lot subdivision of an 80 acre property located at the northeast corner of Shannon & Hicks Roads. The developer of the project is Greenbriar Homes and the project is called Shannon Valley Ranch.

The Planning Commission approved the Tentative Map on January 22, 2003 and Architecture & Site applications for 13 new homes on January 14, 2004. The 14th lot was retained by the seller of the property and has yet to be redeveloped (the previous home on the site burned down prior to Greenbriar acquiring the property).

On June 19, 2006, the Town Council adopted a new ordinance amending the Planned Development (PD) to allow additional grading on the upslope lots (#6 through 11). No other conditions of the original approval were modified.

The PD restricts the allowable floor area of the properties and does not include provisions for future structures. A number of new homeowners are developing and installing landscape plans and would like to add accessory buildings such as a pool or guest house. The subject application was initially filed by one property owner who would like to construct a game room in the rear yard of his property on Mountain Laurel Lane (lot 11). The developer has since partnered with

the owner so the question of allowing accessory buildings can be addressed for the entire project rather than a single lot.

On March 12, 2008 the Conceptual Development Advisory Committee (CDAC) considered the request for construction on an accessory structure on lot 11. The Committee comments are attached as Exhibit 4.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

Shannon Valley Ranch is surrounded by hillside residential properties, although only one is in close proximity to the new homes (the residence at 17311 Hicks Road). Other homes in the area are separated by the large open space areas that were dedicated with the development and/or roadways. Lands to the east are in the City of San Jose and are separated from the project by Hicks Road and Guadalupe Creek.

B. Architecture & Site Approval

If the PD amendment is approved, an Architecture and Site application will be required for the proposed accessory structure on lot 11 as it exceeds 600 square feet. The application may be approved at a Development Review Committee public hearing.

C. Zoning Compliance

The proposed accessory structure is compliant with required setbacks for the HR zone and within the 15 foot height maximum allowed for accessory structures. PD Ordinance 2097 does not expressly prohibit accessory structures, although it does not include provisions for any additional floor area beyond what was approved for the residences and garages through the PD and A&S processes.

ANALYSIS:

A. Architecture & Site

The owner of lot 11 is proposing to construct a 650 square foot detached structure that will be used as a game room and changing facilities for the pool and yard area (see Exhibit 5). He intends to construct a building that will match the exterior style, color and materials of the residence and to install solar panels on the roof to heat the swimming pool. Story poles have been placed on the site. The new structure can be constructed in compliance with accessory structure regulations and the Hillside Development Standards

& Guidelines (HDS&G). However, given that the PD does not allow any expansion beyond the approved floor area, the project cannot be allowed without amending the PD.

The applicants are requesting approval of a PD amendment to allow an increase in the allowable floor area. Staff has received a number of inquiries from other homeowners and prospective buyers (Greenbriar still owns three of the homes) and anticipates that there will be more applications of this type.

If the PD amendment is approved, homeowners will have the ability to propose accessory structures in compliance with the HDS&G and within the 6,400 square foot floor area limit allowed by the HDS&G. This allows for an increase in the allowable floor area of between 750 and 950 square feet per lot depending on the existing floor area total. Approval processes for accessory structures vary depending on the size. Structures larger than 450 square feet require approval of a Minor Residential Development application, which includes notification of immediate neighbors. Structures larger than 600 square feet require approval by the Development Review Committee through a noticed public hearing. Structures that do not exceed 450 square feet may be constructed with a building permit.

B. Neighborhood Compatibility

The average lot size in the development is three acres. The homes vary in size, the largest being 4,850 square feet, with an average size of 4,650 square feet. The garages are about 800 square feet. If applied to the project, the HDS&G floor area criteria would allow a maximum of 6,400 square feet total. The maximum floor area would be inclusive of the house, garage and any accessory structures. The existing floor area range for the 13 developed lots is 5,450 to 5,650 square feet.

C. CEQA Determination

An Environmental Impact Report (EIR) and Addendum were previously prepared for the Planned Development. The EIR Addendum was certified by the Town Council on March 4, 2002. No further environmental analysis is required for the proposed PD amendment.

PUBLIC COMMENTS:

The owner of lot 11 shared his plans with surrounding neighbors and provided a supporting petition signed by nearby residents on Hicks and Shannon Roads as well as those on Mountain Laurel and Shannon Oaks Lanes. Story poles have been in place for the past month and written notice was mailed to over 40 property owners and residents living in the vicinity of the Shannon Valley Ranch development. Staff has not had contact from any neighbors.

CONCLUSION AND RECOMMENDATION:

A. Conclusion

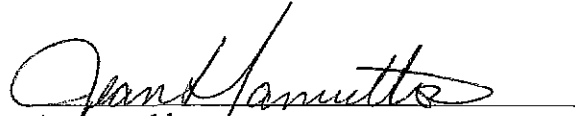
At the time the PD was approved the Town did not have a floor area cap for lots larger than 30,000 square feet. The floor area limits were placed on the PD in the absence of an applicable FAR or other floor area limitation. The HDS&G were subsequently adopted in January 2004. Application of the HDS&G to the PD will allow the homeowners the same ability to have accessory structures as any other hillside property in the Town. Staff supports allowance of accessory structures within the limits prescribed by the HDS&G and recommends that the Planning Commission forward a recommendation for approval of the PD amendment to the Town Council, as outlined in the recommendation section below. A revised PD Ordinance has been prepared for the Commission's consideration (see Exhibit 3).

B. Recommendation

1. Find that the Planned Development amendment is consistent with the General Plan;
2. Find that the proposed accessory structure for lot 11 is consistent with the HDS&G;
3. Forward a recommendation for approval of the PD amendment to the Town Council.



Prepared by:
Suzanne Davis
Associate Planner



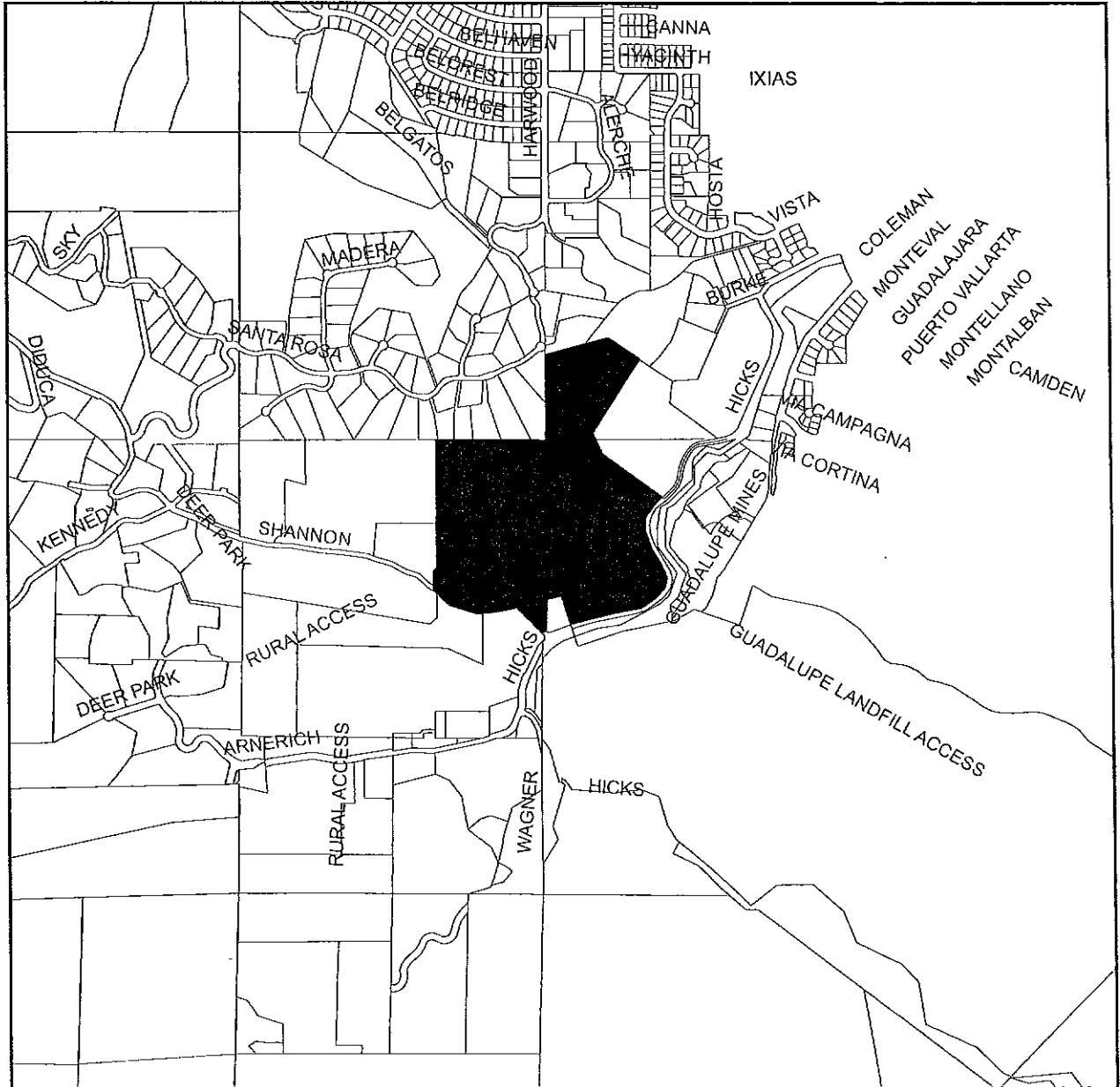
Approved by:
For Brad N. Lortz, AICP
Director of Community Development

BNL:SD

cc: Kevin Thompson, 287 Mountain Laurel Lane, Los Gatos, CA 95032
Tim Stanley, Greenbriar Homes Communities, Inc., 43160 Osgood Road, Fremont, CA 94539

Shannon Valley Ranch

Mountain Laurel Lane & Shannon Oaks Lane



PLANNING COMMISSION – NOVEMBER 12, 2008
REQUIRED FINDINGS FOR:

Shannon Valley Ranch

Planned Development Application PD-08-03

Requesting approval of an amendment to a Planned Development to allow an accessory structure(s) on property zoned HR-5:PD. APNs 567-24-010 through 023.

PROPERTY OWNER/APPLICANT: Kevin C. Thomson & GHC Shannon Valley Ranch, LLC

FINDINGS:

Required consistency with the Town's General Plan:

- That the proposed Zone Change is internally consistent with the General Plan and its Elements.

Required compliance with the Hillside Development Standards & Guidelines

- That the proposed amendment is in compliance with the Hillside Development Standards & Guidelines.

NADEV\FINDINGS\2008\SVR-PDA2.DOC

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING PLANNED DEVELOPMENT PD-99-02 RELATIVE TO ACCESSORY
STRUCTURES AND REPEALING ORDINANCE 2150 FOR THE SHANNON VALLEY
RANCH PROJECT AT SHANNON & HICKS ROADS
(SHANNON OAKS AND MOUNTAIN LAUREL LANES)**

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at Shannon and Hicks Roads (Santa Clara County Assessor Parcel Numbers 567-24-010 through 025) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development) to HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development).

SECTION II

The PD (Planned Development Overlay) zone established by Ordinance 2150 is hereby amended to authorize the following construction and use of improvements:

1. Demolition of two existing pre-1941 and two post-1941 single family residences and one pre-1941 barn.
2. Construction of 13 new single-family dwelling units and reconstruction of one single-family dwelling that was destroyed by fire.
3. Landscaping, streets, trails, and other improvements shown and required on the Official Development Plan.
4. Dedication of 45.4 acres of hillside and riparian open space as shown on the Official Development Plans.
5. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
6. Revised grading shown on the plan attached as Exhibit D.
7. Accessory structures in compliance with the Hillside Development Standards & Guidelines.
8. Ordinance 2150 is hereby repealed.
9. Uses permitted are those specified in the HR (Hillside Residential) zone by Sections

29.40.235 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

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

SECTION V

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

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. EXPIRATION/USE OF APPROVAL. The approval for the requested grading modifications shall expire two years from the date of approval unless the application has been vested pursuant to Town Code Section 29.20.320.
2. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site application and approval is required for the residential units proposed.

3. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final footprints and building designs shall be determined during the architecture and site approval process.
4. HOUSE SITING. The siting of the homes shall be determined during the Architecture & Site approval process.
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 and the issuance of any building permits.
6. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for the removal of any ordinance sized tree prior to the issuance of a Building, Grading or Encroachment Permit.
7. FENCING. Fence locations shall be reviewed and approved during the Architecture & Site review(s), including privacy and yard fencing. Developer will include in the CC&R's for the project a restriction limiting the home owners from replacing the fence type as installed by the Developer and as shown on the Official Development Plans, or as otherwise approved during the Architecture & Site review(s). Any replacement or addition of other fence types shall be restricted to open fence types including wood with wire mesh and wood or concrete split-rail fencing. Solid fencing will be permitted only where installed by the Developer and as shown on the approved development plans. CC&R's shall require fences to be set back a minimum of 10 feet for from property lines.
8. BUILDING SQUARE FOOTAGE. All project homes will be limited to a maximum size of 4,850 square feet with an average of 4,650 square feet, and at least 2/3 of the homes shall be limited to a one story design. Final building design and size will be determined during Architecture and Site review. No further expansion of the homes will be allowed unless this Ordinance is amended by the Town Council. Lot 14 shall be developed under guidelines of a replacement structure and shall be similar is size, mass and scale to the original home that was destroyed by fire.

9. ACCESSORY STRUCTURES. Accessory structures that are in compliance with the Hillside Development Standards & Guidelines (HDS&G) and do not require a grading permit may be considered on individual lots. Accessory structures shall be reviewed through the appropriate approval process specified by the HDS&G.
10. SETBACKS. The minimum setbacks are those specified by the HR-5 zoning district.
11. HEIGHT. The maximum height for single-story homes shall be 25 feet and the maximum height for two-story homes shall be 30 feet. The maximum height for accessory structures is 15 feet.
12. EXTERIOR LIGHTING. All exterior lighting shall be reviewed and approved as part of the Architecture & Site review(s). Lighting shall be down directed, and no street lighting shall be included in the development. If it is determined that lighting is needed for safety reasons at the intersection of Hicks Road and the new road into the development, a street light may be required, but only if there is not alternative safety devices that can adequately delineate the intersection. If it is determined that a new light must be installed, it shall be designed to only illuminate the minimum area necessary for safety.
13. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3a. During the design phase, the property owner/developer shall implement the following measures:
 - a. Any plan affecting trees shall be reviewed by the Consulting Arborist to ensure that improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans will not adversely affect the tree to be retained.
 - b. The horizontal and vertical elevations of trees to be preserved within development areas shall be established and included on all plans.
 - c. The Consulting Arborist shall identify a Tree Protection Zone for trees to be preserved in which no soil disturbance is permitted. For design purposes, the Tree Protection Zone shall be defined by the dripline. Where development must encroach within the dripline, the Consulting Arborist shall identify an appropriate Tree Protection Zone.
 - d. No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone.
 - e. Tree Preservation Notes shall be included on all plans.

- f. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
 - g. Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone.
13. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3b. During the pre-construction phase, the property owner/developer shall take the following measures:
- a. A fence shall be constructed around all trees to be retained and it shall completely enclose the Tree Protection Zone prior to demolition, grubbing, or grading. Fencing shall be 6-foot chain link or equivalent. Fencing shall be placed at the dripline or as otherwise directed by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
 - b. All trees to be retained shall be pruned within and adjacent to development areas shall be reviewed by a certified arborist to determine which trees should be pruned to clean the crown, reduce end weight and/or provide clearance. Tree #201 will require pruning to reduce weight throughout the crown. Clearance shall be provided by selectively thinning low-hanging lateral branches.
 - c. All pruning shall be performed by a Certified Arborist or Tree Worker in accordance with the Tree Pruning Guidelines of the International Society of Arboriculture.
 - d. Prior to the start of any demolition and clearing, the Consulting Arborist will meet with the demolition, grading and other relevant contractors to review limits of construction activity, identify areas requiring fencing, identify trees to be removed and review work procedures.
14. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3C. Prior to the construction phase of the project, the applicant shall take the following measures:
- a. Any grading, construction demolition, or other work within the Tree Protection Zone shall be monitored by the Consulting Arborist.
 - b. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
 - c. If any injury to a tree should occur during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be made.

- d. Root-injured trees have a limited capacity to absorb water. Therefore, it is important to ensure adequate soil moisture in the area of active roots. One to several irrigations may be needed for trees that are at risk of impacts. Irrigations shall be specified by the Consulting Arborist.
 - e. No excess soil, chemical, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone.
 - f. Any additional pruning required to provide clearance during construction shall be performed by a Certified Arborist and not construction personnel.
15. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3d. Following construction, a comprehensive management plan for the trees shall be developed that considers the broad objectives of development as well as the needs of the specific species. This management plan shall specify pruning, fertilization, mulch, pest management, replanting and irrigation requirements. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, the management plan must include an annual inspection for hazard potential.
16. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-4. To minimize impacts on nesting raptors, the applicant shall complete necessary pre-construction surveys and monitoring. If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted 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 biologist 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.

17. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5a. To minimize impacts on yellow warblers, the property owner/developer shall retain sycamore riparian habitat along Shannon Creek and shall maintain setbacks of at least 50 feet between proposed development and sycamore riparian habitat. If a small amount of development encroaches into this 50-foot setback, then this encroachment (indirect impact) shall be mitigated by planting riparian habitat at a 1:1 ratio.
18. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5b. The property owner/developer shall implement the following measures to minimize potential impacts on any roosting bats:
 - a. Surveys shall be conducted up to one year in advance of building demolition and tree removal, if possible, to determine if active roosts are present. These surveys shall not substitute for pre-construction/pre-disturbance surveys for nesting raptors, as bats could move on or adjacent to the site between survey periods. If roosting bats are found during these surveys, either avoidance of the maternity roost season, establishment of buffer zones or exclusion of bats shall be implemented as appropriate.
 - b. Avoidance: Construction activities involving potential roost sites shall be conducted outside the maternity roost season if the project commences after young are volant by July 31 and finished before the formation of maternity roosts begins (as early as March 1).
 - c. Pre-demolition Surveys and Buffer Zones: If the project schedule does not allow for early detection surveys to occur, a pre-demolition survey for roosting bats shall be conducted by a qualified bat biologist 14 days prior to construction as determined by a Memorandum of Understanding with the California Department of Fish & Game (CDFG) prior to any removal of buildings, particularly those with closed areas such as an attic space, or trees 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted. If a maternity roost were present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any

active nurseries within the construction zone.

- d. Surveys: Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts shall be conducted prior to March 1. If indications of a maternity roost are present, the structure can be removed or modified before a maternity roost becomes reestablished.
- e. Exclude Bats Prior to Construction Near Roost: Bats can be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device should be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one-half of the expansion joints should be sealed at any one given time during the maternity colony-nesting season. This should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. After construction, all exclusion devices shall be removed to allow bats to re-establish habitat for colonies.

19. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-6. The property owner/developer shall implement the following protection measures to mitigate impacts to the red-legged frog (*see Addendum to the project EIR for additional details*):
- a. Avoidance to the extent possible.
 - b. Minimization. The project shall be designed, built and operated in the following ways that will minimize both direct and indirect impacts to these species. Any construction near or adjacent to the Shannon Creek drainage will be preceded by a pre-construction survey. The existing culvert over the Shannon Creek drainage will not be widened and will only be used as an EVA road. The primary egress and ingress for the project will be off of Hicks Road. In addition, impacts relating to the construction of the outfalls for the project are likely to be covered by the Programmatic Section 7 for the red-legged frog. If formal consultation (via Section 7) for the red-legged frog is required, then the project applicant shall implement all of

the Minimization measures outlined in the Programmatic Section 7 Biological Opinion.

- c. Compensation by Wetland Creation. Any impacts from the project (i.e., outfalls) shall be mitigated by creating habitat on-site at a minimum of 1:1 ratio.
- d. Compensation by Riparian Restoration. A riparian restoration plan for mitigation shall be developed by a qualified biologist. The mitigation area(s) should be designed to expand existing riparian vegetation and re-create high quality riparian habitat along the Shannon Creek drainage and northern drainage. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than those existing along the Shannon Creek drainage and northern drainage. The final species selection and configuration shall be determined during final mitigation design. The trees and shrubs to be installed should be of local origin, preferably contract grown from seed or cuttings from within five miles of the site.
- e. A detailed monitoring plan including specific success criteria shall be developed and submitted to The Town of Los Gatos for approval. The mitigation area will be monitored in accordance with the plan approved by the Town. The basic components of the monitoring plan are final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures and reporting requirements.
- f. Specific success criteria and characteristics shall be developed during preparation of the mitigation and monitoring plan. At a minimum, the final success criteria shall include absolute percent cover by native trees and shrubs of 60% and 40%, respectively. The performance criteria should include tree and shrub survival at three years of 80% of the original planting. If the final encroachment estimates exceed 1.0 acre, monitoring of the mitigation site shall be conducted for 10 years. Annual monitoring reports shall be sent to the appropriate agencies. If the required mitigation planting is less than 1.0 acres, monitoring shall be conducted annually for five years.
- g. During the development of the riparian restoration plan, an appropriate area (or areas) shall be identified to replace encroachment impacts at a 1:1 basis.

- h. Maintain Water Quality of the Watershed. The project shall be designed, constructed and built in such a way as to maintain the water quality in the adjacent drainage channels and ponds. Appropriate best management practices (BMPs) shall be developed for the project.
- 20. SOLAR WATER SYSTEM. Each residence shall be pre-plumbed for a solar water heater system prior to issuance of a certificate of occupancy.
- 21. COLOR REFLECTIVITY DEED RESTRICTION. Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with the Town's Hillside Development Standards.
- 22. SUBDIVISION REQUIRED. A separate tentative map application submittal and approval is required for the proposed project prior to the issuance of building permits.
- 23. BELOW MARKET PRICE (BMP) IN-LIEU FEE: A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
- 24. FINAL CC&R's. Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.

Building Division

- 25. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
- 25. CONSTRUCTION PLANS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
- 26. SIZE OF PLANS. The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.
- 27. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).

28. DEMOLITION REQUIREMENTS. Contact the Bay Area Air Quality Management District at (495) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.
29. SOILS REPORT. Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
30. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
31. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
 - ff. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - gg. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - hh. Door buzzer, bell or chime shall be hard wired.
32. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.

33. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR- IR and MF-IR shall be printed on the construction plans.
34. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
35. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.

36. 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 any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.
37. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
38. ADDITIONAL AGENCY APPROVALS REQUIRED. The project requires the following agencies approval before issuance of a building permit:
- a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Lots 1-13: Los Gatos School District: 335-2000
 - d. Lot 14: Union School District: 377-8010

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

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

Engineering Division

39. GRADING. Grading shall be kept to a minimum to construct the roads within the project. Any future grading will be considered at the time of Architecture & Site review(s).
40. GRADING PERMIT. A grading permit is required for all on-site grading, erosion control and improvements (roadway, storm drainage, utilities, lighting, etc.). A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks & Public Works, the grading permit will be issued concurrently with the building permit.

41. SOILS REPORT. One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
42. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.
43. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
 - a. Hicks Road. A 40-foot half street right-of-way with the chord of a 20-foot radius at the intersection with the new street.
 - b. Shannon Road. A 20-foot half street right-of-way.
 - c. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - d. Public Service Easement (PSE). Ten (10) feet wide, next to the new street right-of-ways.
 - e. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - f. Trail Easement. Ten (10) to twenty (20) feet wide, as shown on the Official Development Plan.
 - g. Emergency Access Easement. Twenty (20) feet wide, from the new public road to Shannon Road, as shown on the Official Development Plans.
44. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
 - a. New Streets. Curb, gutter, new street paving, signing, striping, storm drainage and

sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.

45. **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.
46. **TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL).** The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,730. 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. Credit shall be given for the house on Lot 14, where a house was previous located, and for the three residences to be demolished.
47. **GENERAL.** All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
48. **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.

49. 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.
50. GRADING MORATORIUM. No grading or earth-disturbing activities shall be initiated in hillside areas between October 1 and April 15 of each year. For grading operations commenced before October 1, all grading or earth-disturbing activities shall cease October 15 and will not be allowed to restart until April 15. Grading permits will not be issued between September 15 and April 15. These limitations include, but are not limited to these items: driveways, building pads, foundation trenches and drilled piers, retaining walls, swimming pools, tennis courts, outbuildings and utility trenches. Install interim erosion control measures, shown on the approved interim erosion control plan, by October 1, if final landscaping is not in place. Maintain the interim erosion control measures throughout the October 1 to April 15 period.
51. GRADING INSPECTIONS. The soils engineer or her/his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
52. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
- a. Retaining wall--top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 - c. Top of future curb along one side of the new street.
53. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Parks & Public Works Department. A Notice of Intent (NOI) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Town Engineering Division concurrently with the grading permit application. Grading activities shall be limited to the period of least rainfall (April 15 to

October 1). A maximum of two weeks is allowed between clearing of an area/building on an area if grading is allowed during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install fiber berms, check dams, retention basins, silt fences, erosion control blankets and fiber rolls as needed on the project site, to protect down stream water quality during winter months.

54. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains or creeks.
55. **NPDES REQUIREMENTS.** All work within the project shall be in conformance with the National Pollution Discharge Elimination System permit issued to local agencies within Santa Clara County by the San Francisco Bay Regional Water Quality Control Board on October 17, 2001.
56. **FISH & GAME REQUIREMENTS.** A "1603" permit shall be obtained for the California Department of Fish & Game for proposed improvements in or near riparian areas within that agency's jurisdiction. A copy of the permit shall be provided to the Parks & Public Works Department before any permits are issued/final map is recorded.
57. **UTILITIES.** The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.
58. **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.

59. DRIVEWAY APPROACH. The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
60. LOT 14 DRIVEWAY. The driveway to Lot 14 shall be the minimum width required to provide fire access. The intent is to minimize the visibility of the driveway.
61. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, 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 Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.
62. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line of each new lot.
63. 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 Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
64. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
65. CURB RAMPS. The developer shall construct curb ramp according to State Standard Drawings at all intersections. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase of the project.

66. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-3. Energy dissipaters should be provided at the outfalls of proposed storm drains to minimize the increased potential for erosion hazards due to project development.
67. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-4. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to start of construction. The SWPPP and project plans shall be reviewed by the Town Engineering staff. The SWPPP shall be in conformance with the Santa Clara County NPDES Permit as amended by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on October 17, 2001. The SWPPP shall be approved concurrently with the grading, drainage and erosion control plans. Reference the Addendum to the EIR for additional details.
68. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE The project design shall incorporate water quality mitigation measures in accordance with current NPDES requirements. Water quality measures should include use of biofilters, drainage swales, and detention facilities to mitigate non-point source impacts. In addition, the SCVWD and RWQCB recommend the incorporation of site planning design measures to help reduce potential contributions of urban pollutants from the project. See the Addendum to the EIR for additional details.
69. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-2. In order to minimize potential traffic safety impacts the property owner/developer shall take the following measures:
 - a. Adequate sight distance shall be provided for the project access road/Hicks Road intersection through removal of vegetation and grading of the embankment.
 - b. A stop sign shall be installed to control traffic on the project access road to Hicks Road. The stop sign for the proposed driveway shall be located along and parallel to the north edge of pavement on Hicks Road.
 - c. Warning signs shall be installed indicating a "T" intersection along Hicks Road approaching the new driveway. These signs shall be located approximately 300 feet east and west of the project entrance/Hicks Road intersection.

- d. Traffic reflectors shall be installed on the south side of Hicks Road at the intersection with the entrance road to the project.
70. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-3. A separate pedestrian trail shall be installed along the north side of Hicks Road.
71. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-4. Use of trails by bicyclists, particularly the trail parallel to Hicks Road, shall be considered during Architecture and Site review. In addition, design issues such as the appropriateness of trail widths, pavement versus compacted earth, and trailhead facilities shall be considered during Architecture and Site Review.
72. GEOTECHNICAL REVIEW OF SUBDIVISION IMPROVEMENT PLANS. The project geotechnical consultant shall review and approve all geotechnical aspects of the subdivision improvement plans to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the Town Engineer for review, prior to issuance of permits for construction of subdivision level improvements.
73. GEOTECHNICAL PLAN REVIEW (LOTS 1 THROUGH 13). The project geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans for individual residences on Lots 1 through 13. To ensure that their recommendations have been properly incorporated. The consultant shall verify that recommended measures to address potential debris flows on Lot 6, and potential co-seismic ground deformation on Lots 1 and 13 have been incorporated.
74. GEOTECHNICAL INVESTIGATION (LOT 14). The project geotechnical consultant shall complete a site specific soil and foundation investigation as a basis for preparing recommended geotechnical design parameters for Lot 14 residential improvements. The results of this investigation shall be submitted to the Town for review by the Town Engineer and Town Geotechnical Consultant prior to approval of a site specific development plan.

75. GEOTECHNICAL FIELD INVESTIGATION. The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The results of these inspections and the as-built conditions of the project shall be described by the project geotechnical consultant in a letter and submitted to the Town Engineer for review prior to final inspection.

For further detail on conditions 71 through 74, see the letter from Cotton, Shires & Associates dated February 12, 2002.

Parks Division

76. AERATION TUBES. All impervious surface encroaching under the dripline of existing trees shall have aeration tubes installed and these tube locations shown on the plans.
77. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and vegetation.
78. BUILDING FOUNDATIONS: Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize impact on existing trees.
79. TREE STAKING: All newly planted trees are required to be double staked to Town standards.
80. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
81. IRRIGATION SYSTEM. Water efficient irrigation systems shall be utilized to conserve water in all project irrigation of publicly landscaped areas.
82. VEGETATIVE SCREENING. Vegetative screening shall be used along the development edges, where appropriate, to soften views of peripheral buildings and to integrate landscaping and native vegetation.
83. WATER EFFICIENT ORDINANCE. This project is subject to the Town's Water Efficient Ordinance. A fee of \$472 is required when the landscape, irrigation plans, and water calculations are submitted for review.

84. TREE PROTECTION. Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
85. ORNAMENTAL LANDSCAPING. All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
86. LANDSCAPE GUIDELINES. The adopted landscape guidelines and native plant lists shall include the recommendations of the Town consulting arborist, except that lawn areas shall not exceed 5,000 square feet. The landscape guidelines are attached as Exhibit C.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

87. WATER SUPPLY. Two water tanks with a capacity of 10,000 Gallons and one wharf style hydrant shall be provided unless the proposed public water system can be extended to provide appropriate lot protection, or other acceptable means of fire protection can provided as authorized by the Fire Department. Installations shall conform with Fire Department Standard Details and Specifications W-1.
88. FIRE APPARATUS (ENGINE) ACCESS. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.
89. FIRE APPARATUS (ENGINE) TURN-AROUND REQUIRED. Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 64 feet.

90. FIRE APPARATUS (HYDRANT). Where buildings exceed 150 feet travel distance from the street either an on-site (private) hydrant or an approved residential fire sprinkler system shall be provided.
91. PUBLIC FIRE HYDRANT(S) REQUIRED. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,750 GPM at 20 psi, residual. Consult with San Jose Water Company relative to main sizing requirements and hydrant spacing. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible.
92. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be delayed until required installations are completed, tested, and accepted.
93. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. Building permit issuance may be delayed until installations are completed.
94. FIRE APPARATUS (HYDRANT). Prior to project inspection, the general contractor shall ensure that a "Blue" dot has been placed in the roadway as directed by the Fire Department.

HOUSE NUMBERS. 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.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 2009, 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

TOWN OF LOS GATOS
110 East Main Street, Los Gatos, CA 95032 (408) 354-6872

SUMMARY OF DISCUSSION OF A REGULAR MEETING OF THE **CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE** OF THE TOWN OF LOS GATOS FOR MARCH 12, 2008 HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 4:30 P.M.

ATTENDANCE

Members Present: Absences:

Barbara Spector
Mike Wasserman
Stephen Rice
Marico Sayoc
Joanne Talesfore

Staff Present: Bud Lortz, Director of Community Development
Suzanne Davis, Associate Planner

ITEM 1: **287 Mountain Laurel Lane**
Conceptual Development Application CD-08-001

Requesting preliminary review to amend Planning Development PD-99-02
(Ordinance 2150) to increase the square footage allowed on Lot 11 for property zoned
HR-5:PD. APN 567-24-020.

PROPERTY OWNER/APPLICANT: Kevin C. Thompson

General consensus of the Committee is that hearing applications on a case by case basis for the projects part of the overall Planning Development PD-99-02 is appropriate. Could be problematic in amending PD considering what went into the original approval of this PD.

Comments:

1. **Excellence in design is important.**
2. **Concerned about size of structure.**
3. **Neighborhood input is important.**
4. **Try to minimize number of buildings within the Planned Development.**
5. **Natural looking structures preferred.**
6. **Visibility may be a concern.**
7. **Square footage is within what is allowed by HDS&G.**
8. **No more excavation.**
9. **Need better rationale for increase in floor area.**
10. **May apply as separate PD amendment and do not need to wait for neighbors.**

11. Hesitancy to modify a Planned Development which had been through so much public input and scrutiny when first adopted.

ADJOURNMENT Meeting adjourned at 5:15 p.m. The next regular meeting of the Conceptual Development Advisory Committee is Wednesday, April 9, 2008.

Prepared by:

Bud N. Lortz, Director of Community Development

cc: Planning Commission Chair

NADEVACDACMINUTES\2008\3-12-08.cdadmin.doc

THOMPSON PETITION FOR SHANNON VALLEY RANCH LOT 11

BACKGROUND

It is proposed by Kevin and Sharon Thompson, Owners, 287 Mountain Laurel Lane, to construct an accessory structure on Lot 11 of the Greenbriar Shannon Valley Ranch Development (SVR), Tract No. 9505, located at the corner of Hicks and Shannon Roads, Los Gatos, Ca.

Whereas the proposed construction of the accessory structure described below requires an amendment to Ordinance 2150, dated June 19, 2006;

Whereas any modifications to an approved Planned Development PD- 99-02 requires public notification of intent;

It is the purpose of this document to notify neighbors within the Development and immediately adjacent to it, of the nature of the proposed construction and to obtain information regarding neighbor concerns or to confirm there will be no objections to the construction.

RECEIVED

JUL 14 2008

TOWN OF LOS GATOS

THOMPSON PETITION FOR SHANNON VALLEY RANCH LOT 11

DESCRIPTION

The Project consists of the planned construction of a detached single story Change/Game Room (C/G R). The C/G R would be located at the northwest corner of the existing building pad below the retaining wall in the rear of Lot 11. The structure would be consistent with the existing architecture of the main home in composition and texture of building materials and color tones of the exterior paint. The C/G R would be erected on a concrete slab foundation and include services and utilities such as water, sewage, power, and lighting. This structure will not contain any living quarters for full time occupancy. In addition, the structure would provide a platform for the roof installation of south facing solar panels to provide heating for the proposed SVR Architectural Review Committee and Town of Los Gatos swimming pool. It is estimated that the proposed structure will not exceed 650 square feet and will not be greater than 15 feet in height.

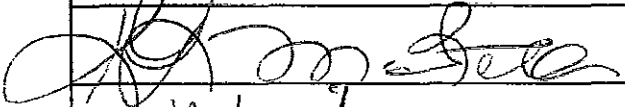
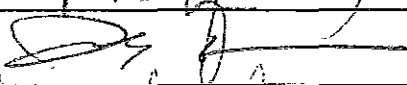

The structure would be located in the backyard below an existing 4 foot high retaining wall. The yard is enclosed on two sides by the surrounding hillside and is concealed by trees and foliage from direct visibility from the public roads. The site will be landscaped with trees and screening bushes to minimize visibility from the neighbors on the exposed sides of the yard.

It is envisioned that this structure will not impact the intended rural nature of the Shannon Valley Ranch Development, nor create negative visual impacts on the scenic easements or with the neighbors.

THOMPSON PETITION FOR SHANNON VALLEY RANCH LOT 11

PETITION

We the undersigned, based on the information presented to us at this time, have no objections to the proposed construction of the described accessory structure on Lot 11, Greenbriar Shannon Valley Ranch Development.

| SIGNATURE | ADDRESS | DATE |
|---|--------------------------|-------------|
| Debbie Kinslow | 291 Mountain Laurel Lane | 6-26-08 |
| Anna Daniels | 288 Mountain Laurel Ln. | 6-26-08 |
| Theresa J. Jundt | 280 SHANNON OAKS LN | 6-26-08 |
|  | 14205 SHANNON RD | 7/2/08 |
| Mike Jundt | 17311 Hicks Rd. Rd | 7-2-08 |
|  | 281 Shannon Oaks Ln. | 7-2-08 |
| Helen Sepahmanian son - | 14096 Shannon Rd | 7-10-08 |
| John Sepahmanian | 14096 Shannon Rd | 7-10-08 |
|  | 286 MT LAUREL LN | 7-13-08 |
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THOMPSON PETITION FOR SHANNON VALLEY RANCH LOT 11

PETITION

We the undersigned, based on the information presented to us at this time, have no objections to the proposed construction of the described accessory structure on Lot 11, Greenbriar Shannon Valley Ranch Development.

| SIGNATURE | ADDRESS | DATE |
|-------------------|--------------------------|----------|
| Debbie Kinslow | 291 Mountain Laurel Lane | 6-26-08 |
| Anna Dineen | 288 Mountain Laurel Ln. | 6-26-08 |
| Wendy Smith | 280 SHANNON OAKS LN | 6-26-08 |
| John D. Smith | 14205 SHANNON RD | 7/2/08 |
| Mike Jones | 17311 Hicks Rd. Rd | 7-2-08 |
| Dee J. | 281 Shannon Oaks Ln. | 7-2-08 |
| Helen Sepahmanian | 14090 Shannon Rd | 7-10-08 |
| Jed Sepahmanian | 14090 Shannon Rd | 7-10-08 |
| HR | 286 MT LAUREL LN | 7-13-08 |
| Carla Everett | 293 Mountain Laurel Ln | 11-10-08 |
| Ju Ann Mortimer | 290 Mountain Laurel Lane | 11-10-08 |
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| | | |

RECEIVED

JAN 14 2009

MAYOR & TOWN COUNCIL

Town Council of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

January 13, 2009

Subject: PD-08-003
Planned Development Amendment to allow accessory
structure, Shannon Valley Ranch

Dear Members of the Town Council,

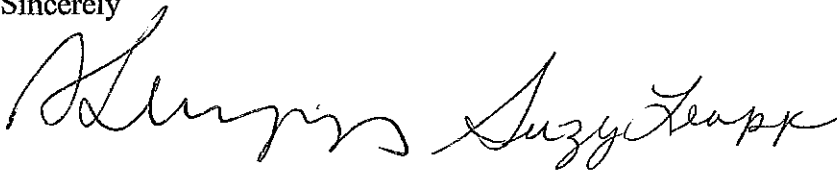
Unfortunately we cannot appear in person at your next scheduled hearing of January 20, 2009. But we would like to voice our objection to the subject Planned Development Amendment.

The original Greenbriar Project (Shannon Valley Ranch) was approved after several Town Council hearings and a solution was found that satisfied the concerns of the neighbors as well as the needs of the developer and the town. In the meantime additional grading requests were approved as well as the exclusion of a generous garage space from the overall 4850 sqft building limit. Now there is another request to allow additional buildings on the same lot. This is just another way of getting around the guidelines set earlier. These guidelines limiting the overall size of the homes were set for very good reasons and specific to the Greenbriar Development.

The Planning Commission is recommending to treat this development now like any other Hillside project. This would be wrong because the Greenbriar project was from the beginning treated as a special development. As mentioned before it took several hearings at the Town Council to come up with the rules and guidelines and they are still valid and justified today. There is no reason to change them now.

The real question is would the Town Council approve a 650 - 850 sqft addition to all of the main houses? If such a request would be approved then why set guidelines. We strongly urge the members of the Town Council to reject this request.

Sincerely



Alex & Suzy Leupp
530 Santa Rosa Drive
Los Gatos, CA 95032