



MEETING DATE: 04/20/09

ITEM NO.

7

COUNCIL AGENDA REPORT

DATE: April 15, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: CONSIDER A REQUEST TO DEMOLISH A CONVALESCENT FACILITY AND THREE PRE-1941 SINGLE-FAMILY RESIDENCES AND APPROVAL OF A PLANNED DEVELOPMENT TO CHANGE THE ZONE FROM R-1D:LHP TO R-1D:LHP:PD & RM:5-12:PD TO CONSTRUCT 19 NEW RESIDENCES AND RENOVATE THE HISTORIC THRASH HOUSE (20 UNITS TOTAL) ON PROPERTY ZONED R-1D:LHP. APN 529-22-044. PROPERTY LOCATION: **371 LOS GATOS BOULEVARD**. PROPERTY OWNER: THRASH HOUSE INVESTORS LLC. APPLICANT: SANTA CLARA DEVELOPMENT COMPANY. FILE #PD-07-143 & ND-07-145.

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-07-143 as follows:
 - a. Make the Mitigated Negative Declaration (Attachment 19) (**motion required**);
 - b. Adopt the Mitigation Monitoring Program (Attachment 2) (**motion required**);
 - c. Make the required findings (Attachment 1) and approve the application subject to the conditions included in the Planned Development Ordinance (Attachment 3) (**motion required**);
 - d. Direct the Clerk Administrator to read the title of the ordinance (no motion required);
 - e. Move to waive the reading of the ordinance (**motion required**);
 - f. Move to introduce the ordinance to effectuate Planned Development PD-07-143 (**motion required**).

PREPARED BY:

Wendie R. Rooney, Director of Community Development

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

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BACKGROUND

The 2.6 acre site is located on the southwest corner of Los Gatos Boulevard and Caldwell Avenue and is currently occupied by the historic Thrash House, a three-building convalescent facility, and three pre-1941 single family residences that front on Caldwell Avenue. The convalescent facility ceased operation in late 2007.

On March 8, 2006, the Conceptual Development Advisory Committee (CDAC) considered a proposal to redevelop the subject property from a convalescent facility and three single family homes to a 29 unit residential development. CDAC minutes are included as Exhibit 6 to Attachment 17.

The applicant has been working on this project since 2006, and has evolved the plans from what was originally a 31-unit design to the current proposal for 20 units. Neighborhood meetings were held in March 2006 and March 2008. The Planned Development and Architecture and Site applications were submitted in May 2007. Since that time the applicant made eight full resubmittals as the project evolved in response to recommendations from staff, Town consultants, and other reviewers such as the Fire Department and Historic Preservation Committee. Technical reports that were completed during the planning process include historical, archaeological, traffic, geotechnical, arborist, architectural and hazardous materials evaluations. The conclusions and recommendations from these reports were incorporated into the Initial Study and Mitigated Negative Declaration for the project (Attachment 19).

On May 16, 2007, February 20, 2008 and December 17, 2008 the Historic Preservation Committee considered the demolition of the three pre-1941 residences and renovation of the historic Thrash House (see Exhibits 7 and 8). On December 17, 2008, the Committee considered final plans for the Thrash House renovation (see Exhibit 9 to Attachment 17).

On March 11, 2009, the Planning Commission considered the applications. The Commission approved the Architecture and Site application for demolition of the three single family residences on the site and recommended that the Town Council approve the Mitigated Negative Declaration and Planned Development application.

PROJECT SUMMARY:

The applicant is proposing to demolish a convalescent facility including three pre-1941 single-family residences, to renovate the historic Thrash House and construct 19 new residences (20 units total). Two of the 19 new homes will be affordable units. With proposed additions, the Thrash House will be 5,742 square feet. A detached three-car garage will be constructed on the lot containing the historic house.

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Single family homes are proposed on the remaining 19 lots. The 17 market rate units will range in size from 2,434 to 3,125 square feet. Two Below Market Price (BMP) units will be located at the corner of Caldwell Avenue and Los Gatos Boulevard. The BMP residences will be 1,150 and 1,250 square feet and are located on lots 17 and 18 (see sheet C-2 of the development plans).

The property will be rezoned to R-1D:LHP:PD (*Residential Single-Family Downtown, Landmark Historic Preservation Overlay, Planned Development Overlay*) for the parcel containing the Thrash House and RM:5-12:PD (*Multiple Family Residential, 5 to 12 units per acre, Planned Development Overlay*) for the remainder of the project site. The Historic Preservation Committee recommended having the Landmark Preservation Overlay (LHP) designation only on the Thrash House parcel as it is the only component of the project that will retain historic significance.

DISCUSSION:

Location and Surrounding Neighborhood

The project site is located on the southwest corner of Caldwell Avenue and Los Gatos Boulevard. Abutting properties and those located across Caldwell Avenue and Los Gatos Boulevard are all developed with single family residences. There are a variety of architectural styles and a mix of one and two story homes surrounding the site. Homes that directly abut the site are accessed from Caldwell Avenue, Los Gatos Boulevard, Bella Vista Avenue and Bella Vista Court. Exhibit 10 to Attachment 17 includes photos of existing homes on Caldwell Avenue and an aerial photo of the site and surrounding properties.

Planned Development Application

The purpose of a PD overlay zone is to provide for alternative uses and development plans that are more consistent with site characteristics than are allowed in other zones, to create optimum quantity and use of open space, and to encourage good design. A PD is required to include only conceptual development plans. Detailed architectural plans are being provided as part of the PD process. The applicant has prepared well developed plans that demonstrate excellence in architecture and a high quality project. The PD Ordinance indicates that the Development Review Committee may approve the Architecture and Site applications for the project.

Architecture and Site Application

Architecture and Site approval is required for the demolition of the three existing pre-1941 single family residences. There are four required findings for the demolition of a single family residence (see Exhibit 1). The Historic Preservation Committee considered the demolition of the three houses at three meetings and voted unanimously to support demolition. The Committee's findings are included in Exhibit 8 to Attachment 17. The Planning Commission approved the A&S application on March 11, 2009. This approval is contingent upon Council's approval of the PD.

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Zoning Compliance

The project complies with required setbacks and height limitations with the following exceptions:

- a. House Plan 1 is 31 feet high (30 feet is allowed by Code).
- b. The 15 foot height limit for accessory structures will be exceeded for proposed studios over detached garages (Plan 3).
- c. The new homes have reduced setbacks (minimum 8 foot side, 25 foot front and 20 foot rear yards required by Code).
- d. Some of the detached garages have reduced side setbacks (3 to 5 feet required by Code).

These exceptions may be allowed through approval of the PD. Performance standards (conditions) have been included in the PD Ordinance allowing the reduced setbacks shown on the development plans and height increase for Plan 1 homes. The Planning Commission recommended approval of the reduced setbacks and height allowance for Plan 1 homes, but did not support the optional studios over the detached garages. The Commission found it preferable to restrict accessory buildings to 15 feet for consistency with the neighborhood. Performance standard #9 in the PD Ordinance was modified to reflect the Commission's recommendation. If the Council decides to approve the optional studios, performance standard #9 will need to be revised by direction of the Council.

Sheet C-2 of the development plans shows all proposed setbacks. Building setbacks are compliant with those required in the R-1D zone with the following exceptions:

- Lot 3 has one reduced side yard (less than 5 feet)
- Lots 2, 6 and 12 have reduced front yards (less than 15 feet)
- Lots 1 through 12, 17, 18 and 20 have reduced rear yards (less than 20 feet)
- Lots 1 and 11 through 18 have reduced side and/or rear setbacks for detached garages (less than three feet)

There are a number of accessory buildings in the surrounding neighborhood that have reduced setbacks, including two garages on properties on Caldwell that extend over the common property line with the project (behind proposed lot 12). In addition, there are existing homes in the neighborhood with nonconforming setbacks.

Thrash House Renovation

The proposed project includes additions to and renovation of the historic Thrash House. The house was built around 1900 and was designated as a Town historic resource in 1984. Numerous additions and alterations were made to the house, masking the original form and compromising the historic integrity. In addition, the house was not well maintained by the previous property owner and fell into a dilapidated state.

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A design review of the proposed rehabilitation of the Thrash House was completed by Leslie Dill of Archives & Architecture (A&A). It was determined that the proposed project will meet the Secretary of the Interior's Standards for Rehabilitation and five minor recommendations were made. Revised plans were prepared by the applicant and reviewed by A&A. The supplemental review determined that renovation plans address all but two of the original five recommendations. These recommendations are included as mitigation measures in the Mitigated Negative Declaration and as performance standards in the PD Ordinance.

On May 16, 2007, February 20, 2008 and December 17, 2008, Historic Preservation Committee considered plans for the renovation of the Thrash House. At the December 17, 2008 meeting the Committee voted unanimously to recommend approval of the project with the following conditions:

1. The siding on the addition shall match the existing siding.
2. The chimney material shall be changed to brick.

The applicant is in agreement with the Committee's recommendations and a performance standard has been incorporated into the PD Ordinance (Attachment 3).

Architecture

The Town's Consulting Architect, Larry Cannon, reviewed the plans and provided comments and recommendations (see Exhibit 9 to Attachment 17). The applicant has incorporated the recommendations into the plans. Staff and the Consulting Architect will work with the applicant to refine the architectural details and final placement of homes as part of the Architecture and Site process. A performance standard has been included in the PD Ordinance stating this requirement.

Density

The proposed density range for the property is five to 12 units per acre. As specified in the Housing Element, affordable housing units are excluded from density calculations. The proposed project density is seven units per acre excluding the two Below Market Price (BMP) residences. The actual density of the development is 7.7 units per acre factoring in the BMP units. Comparative densities for other medium density PD's are shown in the table below.

<i>Project</i>	<i>Density (no BMPs)</i>	<i>Density including BMPs</i>
Boyer Lane	5.9 units/acre	6.7 units/acre
Vasona Ranch	8.2 units/acre	8.6 units/acre
Villa Felice	4.7 units/acre	5.6 units/acre
Thrash House PD	7.0 units/acre	7.7 units/acre

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Neighborhood Compatibility

The proposed project will have complementary architectural styles and home sizes that are similar to those in the surrounding area. Single family homes will be more compatible with the surrounding neighborhood than the previous convalescent facility. The homes on lots 13, 14, 15 and 16 have been oriented to face Caldwell Avenue and are similar sized lots to existing lots. Lots on Caldwell are 5,500 square feet while the proposed lots are 5,575, 4,978, 4,888 and 5,742 square feet. The two BMP units (lots 17 and 18) have been paired to present an appearance of a single home that is similar in size to neighboring homes. Lot 19 facing (Los Gatos Boulevard) is 5,742 square feet and the Thrash House will sit on a larger lot commensurate with its size and stature as an historic home. The other new homes are internal to the site and will not relate directly to the Caldwell or Los Gatos Boulevard streetscapes.

Parking and Circulation

Access to the 19 new residences will be from Caldwell Avenue. Four houses front directly onto Caldwell Avenue. The BMP units front onto Los Gatos Boulevard with the south side elevation facing Caldwell. Two new homes will have driveway access directly off Caldwell. The BMP units have a shared driveway on Caldwell. Access to the remaining homes will be from a 20-foot private street that extends from Caldwell Avenue at the northern project boundary, turning west and terminating in the western portion of the site.

A minimum of 96 parking spaces will be provided including 39 garage spaces, 10 guest spaces on the private street, six guest spaces on Caldwell Avenue and 41 driveway guest spaces. The 41 guest spaces are counting two spaces in each driveway. Some driveways have a greater capacity and will allow more than two vehicles to be parked.

Traffic

A traffic impact study was completed by TJKM Transportation Consultants in July 2006. The consultant evaluated project related traffic impacts, trip generation, traffic safety and site access. TJKM concluded that the project is not expected to have any significant traffic safety impacts on the local street network.

The Town's Traffic Impact Policy (Resolution 1991-174) requires preparation of a traffic study for any project with the potential to generate 20 or more additional AM or PM peak hour trips. When traffic generated by the previous convalescent hospital and residences is taken into account, the proposed project would result in a net decrease in traffic. The proposed project would generate approximately 15 AM peak hour trips and 20 PM peak hour trips. The previous convalescent hospital use and residences on the site generated approximately 21 AM peak hour trips and 24 PM peak hour trips.

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The crosswalk on Los Gatos Boulevard at the south side of Caldwell Avenue will be relocated to the north side of Kennedy Road. This will improve traffic flow through the intersection as the crosswalk will no longer interfere with turning movements from Caldwell (right) and Kennedy Road (left) onto Los Gatos Boulevard.

Tree Impacts

The Town's Consulting Arborist, Arbor Resources, completed a tree inventory and report in December 2008. The arborist report identifies a total of 37 trees of 14 various species on the project site. Of these trees, 11 are exempt by Town Code (they are fruit- or nut-bearing trees with trunks less than 18 inches in diameter) and 26 are protected by the tree ordinance. Sixteen trees are proposed for removal because they conflict with proposed development. They consist of three coast redwoods (#250, 275, and 285), two Coast Live Oaks (#252 and 267), one California Pepper (#253), four Southern Magnolias (#254, 259, 260, and 269), one Incense Cedar (#255), one Chinese Pistache (#265), one Canary Island Pine (#268), one Eucalyptus (#271), and two White Birches (#283 and 284). The arborist made the following recommendations which are included in the Mitigation Monitoring Program and PD Ordinance (performance standard #11):

- Trees #260, 265, and 285 appear in vigorous and stable condition and are recommended for relocation. If any of these trees are removed, they will be required to be replaced with large specimen trees (minimum 36-inch box size).
- Tree #271 is a Eucalyptus that appears to be situated on an adjacent property. Removal of this tree will require written permission from that property owner. If this tree were to remain, it is recommended that the proposed grading plan be revised so no fill, cuts, or trenching occur within seven feet of its trunk.
- Trees #266, 272, 276, and 279 are proposed to be retained, but will likely be severely impacted by proposed development and subject to premature decline. Some minor redesign, grading modification, and increased setbacks from the trees will be necessary if retention of these trees is desired.

Drainage/NPDES Compliance

The project must comply with NPDES requirements since new impervious coverage will exceed 10,000 square feet. Engineering staff reviewed the preliminary Grading and Drainage and Stormwater Management Plans (sheets C-3 and C-6 of the development plans) and found that the information and analysis provided by the applicant is adequate to make a determination that the project can fully comply with NPDES requirements. On-site water treatment can be achieved through various means, including infiltration trenches, bio-swales, pervious paving for the driveways and/or mechanical structures that are placed underground. Further analysis will be done as part of the A&S review and all final details on the location and type of treatment will be determined and approved by the Town Engineer as part of the construction plan review.

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PLANNING COMMISSION REVIEW:

On March 11, 2009, the Planning Commission considered the project. Three Commissioners did not participate on this item; two live within 500 feet of the project site and one purchased a home from the developer (elsewhere in Town) and still has dealings with the company. The Commission voted unanimously to approve the A&S application for demolition of the three residences on Caldwell Avenue, and to forward the project to the Council with a recommendation for adoption of the Mitigated Negative Declaration and approval of the PD application with modifications to the height of accessory buildings (Attachment 3 - Section V, Condition #9). Attachment 14 is a verbatim transcript of the Commission hearing.

ENVIRONMENTAL ASSESSMENT:

As required by the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration have been prepared (see Attachment 19). The environmental review was completed by the Town's consultant, Geier & Geier Consulting. The public comment period ended on February 26, 2009. No written comments were received.

Potentially significant impacts will be mitigated by the recommended mitigation measures. The mitigations are for tree protection and preservation; procedures that are to be taken in the event any cultural resources are discovered during construction, noise, hazardous materials and implementation of geotechnical recommendations. All mitigation measures have been included as conditions of approval (see Attachment 3). In addition, a Mitigation Monitoring Program has been prepared to designate the responsible department or agency, and timing of each mitigation measure (see Attachment 2).

CONCLUSION:

The project is within the allowable density range, proposes architectural styles and home sizes that are compatible with the surrounding neighborhood and will result in the renovation of the historic Thrash House in addition to removal of the dilapidated convalescent facility. Potentially significant impacts will be mitigated by inclusion of appropriate mitigation measures and conditions of approval. It is recommended that the Town Council uphold the Planning Commission's recommendation to adopt the environmental documents and approve the Planned Development application as outlined in the Recommendation Section.

FISCAL IMPACT: None

Attachments:

1. Required Findings (one page)
2. Mitigation Monitoring Plan (four pages)

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3. Planned Development Ordinance (18 pages) with Rezoning Exhibit (one page)
note: Conceptual Development Plans, Exhibit B to the PD Ordinance, were previously distributed under separate cover
18. Project FAR calculations (one page)
19. Mitigated Negative Declaration

The following attachments were previously distributed under separate cover:

4. Letter from Pamela Warren Ruggieri (two pages with one page attachment), received March 11, 2009
5. Letter from Marnya Campbell (one page), received March 11, 2009
6. Letter from Rochelle Stone-Noon (one page), received March 11, 2009
7. Letter from H. Campbell (one page), received March 11, 2009
8. Letter from Sue & Marshall Heller (one page), received March 11, 2009
9. Letter from Chris Hutchinson (one page), received March 11, 2009
10. Letter from Donald Knight (one page), received March 11, 2009
11. Letter from Stuart Ferguson (one page), received March 11, 2009
12. Letter from Karen McDermott (one page), received March 11, 2009
13. Packet from Leo Cunningham (18 pages), received March 11, 2009
14. March 11, 2009 Planning Commission Minutes (80 transcribed pages)
15. March 11, 2009 Planning Commission Desk Item with Exhibits 14 & 15
16. March 11, 2009 Planning Commission Addendum with Exhibit 13
17. March 11, 2009 Planning Commission report with Exhibits 1-12

Distribution:

Mark Robson, Santa Clara Development, 2185 The Alameda, San Jose, CA 95128

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PLEASE NOTE:

Attachments 4-17 referenced above are available for review in the:

- Clerk Department**
- Library**
- Town Website**

TOWN COUNCIL – APRIL 20, 2009
REQUIRED FINDINGS FOR:

371 Los Gatos Boulevard

Planned Development PD-07-143

Architecture and Site Application S-07-159

Negative Declaration ND-07-145

Requesting approval to demolish an existing convalescent hospital and three pre-1941 single family residences and approval of a Planned Development to change the zone from R-1D:LHP to R-1D:LHP:PD & RM:5-12:LHP:PD to construct 19 new residences and renovate the historic Thrash house (total of 20 units). No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 529-22-044

PROPERTY OWNER: Thrash House Investors

APPLICANT: Santa Clara Development Co.

FINDINGS:

Required consistency with the Town's General Plan:

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

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<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
<i>BIOLOGICAL RESOURCES</i>			
All recommendations of the Town's Consulting Arborist shall be implemented to eliminate or minimize the construction-related impacts on the trees to be retained. Refer to the report prepared by Arbor Resources dated December 11, 2008 for details.	Required as a condition of approval.	Director of Community Development	Building plan check and during construction
<i>CULTURAL RESOURCES</i>			
<i>a. Historical Resources</i>			
A general note conveying the overall intent of Standard 6 shall be included in the construction documents and the individual drawing notes shall be clarified to specifically address replacement of historic features (Standard 6).	Required as a condition of approval.	Director of Community Development	Building plan check
Proposed materials shall be specified during the construction document phase and reviewed as part of the ongoing design review and approval process (Standard 9).	Required as a condition of approval.	Director of Community Development	A&S and Building plan check
<i>b. Archaeological Resources</i>			
In the event that archaeological traces are encountered, all construction within a 20-foot radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.	Required as a condition of approval.	Director of Community Development	During construction

MITIGATION MONITORING PLAN

DATE: March 11, 2009

PROJECT: 371 Los Gatos Boulevard/S-07-159, PD-07-143, ND-07-145

<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
<i>b. Archaeological Resources</i>			
Mitigation can take the form of additional data retrieval through hand excavation combined with archaeological monitoring of all additional soil removal inside the zone of archaeological sensitivity to ensure that significant cultural resources are recorded and/or removed for further analysis before work is allowed to recommence.	Required as a condition of approval.	Director of Community Development	During construction
<i>GEOLOGIC HAZARDS</i>			
The recommendations of the geotechnical report by Donald E. Banta & Associates, Inc. in April 2007 shall be implemented. These recommendations address site preparation, earthwork operations, drainage, and foundations.	Required as a condition of approval.	Director of Community Development	Building plan check and during construction
<i>HAZARDS AND HAZARDOUS MATERIALS</i>			
The abandoned septic tank and its contents shall be removed from the site. Soil beneath the septic tank shall be tested for TPH and any contaminated soil shall be removed.	Required as a condition of approval.	Director of Community Development	Prior to issuance of building permits
Prior to renovation or demolition activities, a demolition-level survey of asbestos and lead-based paints shall be conducted at the property and materials found to contain asbestos or lead-based paints shall be properly abated.	Required as a condition of approval.	Director of Community Development	Prior to demolition

MITIGATION MONITORING PLAN

DATE: March 11, 2009

PROJECT: 371 Los Gatos Boulevard/S-07-159, PD-07-143, ND-07-145

<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
<i>HAZARDS AND HAZARDOUS MATERIALS</i>			
Prior to issuance of building permits, identified hazardous materials/waste associated with the former hospital use and automotive batteries in the Thrash House shall be properly disposed of.	Required as a condition of approval	Director of Community Development	Prior to issuance of permits
Aged light ballasts and other electrical equipment that are removed as part of proposed demolition of existing structures on the site shall be evaluated for the presence of PCBs and managed appropriately.	Required as a condition of approval	Director of Community Development	During construction
<i>NOISE</i>			
To minimize construction noise impacts on existing adjacent residences, existing boundary fencing shall be retained throughout the noisier earthmoving phase of construction or proposed fencing shall be constructed as early as possible (prior to project grading activities if feasible). To maximize the fence noise attenuation effects, proposed fencing shall be solid with are no gaps, cracks, or openings (e.g., high quality air-tight tongue-and-groove, board and batten, or shiplap design).	Required as a condition of approval	Director of Community Development	During construction
To the extent feasible, outdoor use areas associated with project homes on Caldwell Avenue and Los Gatos Boulevard shall be protected with fencing so that outdoor noise levels meet the Town's 55-dBA outdoor noise goal	Required as a condition of approval	Director of Community Development	Prior to final inspection

MITIGATION MONITORING PLAN

DATE: March 11, 2009

PROJECT: 371 Los Gatos Boulevard/S-07-159, PD-07-143, ND-07-145

<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
<i>NOISE</i>			
Mechanical ventilation (fresh air supply systems) or air conditioning shall be provided in project homes located adjacent to Los Gatos Boulevard as necessary to ensure that interior noise levels meet State Land Use Compatibility Noise Guidelines for single-family residences (45 dBA, Ldn or CNEL).	Required as a condition of approval	Director of Community Development	During construction

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE
FROM R-1D:LHP TO R-1D:LHP:PD & RM:5-12:PD FOR PROPERTY
FOR PROPERTY LOCATED AT
371 LOS GATOS BOULEVARD**

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 371 Los Gatos Boulevard (Santa Clara County Assessor Parcel Number 529-22-044) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from R-1D:LHP (Single-Family Residential Downtown, Landmark Historic Preservation) to R-1D:LHP:PD (Single-Family Residential Downtown, Landmark Historic Preservation, Planned Development) and RM::5-12:PD (Multiple-Family Residential, Planned Development).

SECTION II

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

1. Demolition of three pre-1941 single-family residences and a convalescent facility.
2. Renovation and expansion of the Historic Thrash House.
3. Construction of seventeen (17) market rate single family residences and two (2) Below Market Price (BMP) residences.
4. Landscaping, private street, parking and other improvements shown and required on the Official Development Plan.
5. Uses permitted are those specified in the RM (Multiple-Family Residential) zone by Sections 29.40.610 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. 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 is required before construction work for the new single-family residences and the renovation and expansion of the Thrash House, 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), and Exhibit B (Official Development Plans), are part of the Official Development Plan. The following conditions must be complied with before issuance of any grading, or construction permits (mitigation measures are so noted and are flagged with an asterisk):

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building designs shall be determined during the Architecture and Site approval process. Colors and building materials shown on the Official Development Plan are not approved and shall be reviewed during the Architectural and Site approval process. The Development Review Committee may be the deciding body for the Architecture and Site applications.
2. TOWN INDEMNITY. Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

3. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site application and approval is required for each of the single-family residences and the expansion and renovation of the Thrash House. Architectural details shall be refined as part of this process with input from the Town's Consulting Architect. The Development Review Committee may be the deciding body for the Architecture and Site applications.
4. SUBDIVISION REQUIRED. A tentative map application shall be approved for the project prior to the issuance of building permits. The Development Review Committee may be the deciding body of the tentative map.
5. BELOW MARKET PRICE (BMP) UNITS. The developer shall provide two (2) BMP units. A deed restriction shall be recorded prior to the issuance of any building permits, stating that the BMP residences must be sold and maintained as below market price units pursuant to the Town's BMP Ordinance and requirements.
6. FINAL LANDSCAPE PLAN. A final landscape plan shall be reviewed by the Town's Consulting Arborist and approved as part of the Architecture and Site process. Minimum tree size at time of planting shall be 24-inch box.
7. WATER CONSERVATION ORDINANCE REQUIREMENT. The proposed landscaping shall meet the Town of Los Gatos Water Conservation Ordinance. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review prior to the issuance of a building permit.
8. SETBACKS. The minimum setbacks are those specified by the RM zoning district or as otherwise shown on the Conceptual Development Plans.
9. BUILDING HEIGHT. The maximum height of the new single-family residences shall be 30 feet with the exception of Plan 1 which may be up to 31 feet. The maximum height for detached garages shall be 15 feet, ~~except for Plan 3 which may be up to 21 feet 6 inches if the optional studio is added.~~
10. OUTDOOR LIGHTING. All exterior building and outdoor lighting shall be shielded and directed away from neighboring properties to shine on the project site only. Lighting shall be the minimum needed for pedestrian safety and security. Lighting specifications shall be reviewed as part of the Architecture and Site process.

11. *BIOLOGICAL RESOURCES MITIGATION MEASURE. All recommendations of the Town's Consulting Arborist shall be implemented to eliminate or minimize the construction-related impacts on the trees to be retained. Refer to the report prepared by Arbor Resources dated December 11, 2008 for details.
12. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees approved for removal prior to the issuance of demolition permits.
13. REPLACEMENT TREES. New trees shall be planted to mitigate the loss of trees being removed. The number and size shall be determined using the canopy replacement table in the Tree Protection Ordinance.
14. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
15. RECYCLING. All wood, metal, glass and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Towns demolition inspection.
16. FINAL UTILITY LOCATIONS. The applicant shall submit plans showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plans shall be submitted for review and approval prior to issuance of building permits for new construction.
17. *HISTORICAL RESOURCES MITGATION MEASURE-1. A general note conveying the overall intent of Standard 6 shall be included in the construction documents and the individual drawing notes shall be clarified to specifically address replacement of historic features (Standard 6).
18. *HISTORICAL RESOURCES MITGATION MEASURE-2. Proposed materials shall be specified during the construction document phase and reviewed as part of the ongoing design review and approval process (Standard 9).

19. HISTORIC PRESERVATION. The following modifications shall be incorporated into the final plans for the Thrash House renovation:
 - a. The siding on the addition shall match the existing siding.
 - b. The chimney material shall be changed to brick.
20. *ARCHAEOLOGICAL RESOURCES MITIGATION MEASURE-1. In the event that archaeological traces are encountered, all construction within a 20-foot radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.
21. *ARCHAEOLOGICAL RESOURCES MITIGATION MEASURE-2. Mitigation can take the form of additional data retrieval through hand excavation combined with archaeological monitoring of all additional soil removal inside the zone of archaeological sensitivity to ensure that significant cultural resources are recorded and/or removed for further analysis before work is allowed to recommence.
22. *NOISE MITIGATION MEASURE-1. To minimize construction noise impacts on existing adjacent residences, existing boundary fencing shall be retained throughout the noisier earthmoving phase of construction or proposed fencing shall be constructed as early as possible (prior to project grading activities if feasible). To maximize the fence noise attenuation effects, proposed fencing shall be solid with are no gaps, cracks, or openings (e.g., high quality air-tight tongue-and-groove, board and batten, or shiplap design).
23. *NOISE MITIGATION MEASURE-2. To the extent feasible, outdoor use areas associated with project homes on Caldwell Avenue and Los Gatos Boulevard shall be protected with fencing so that outdoor noise levels meet the Town's 55-dBA outdoor noise goal.

Building Division

24. DEMOLITION REQUIREMENTS: Obtain a Demolition Application and a Bay Area Air Quality Management Application from the Building Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.

25. STREET NAMES & HOUSE NUMBERS: Submit requests for new street names and house numbers to the Building Division prior to submitting for the building permit application process.
26. *HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURE-1. The abandoned septic tank and its contents shall be removed from the site. Soil beneath the septic tank shall be tested for TPH and any contaminated soil shall be removed.
27. *HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURE-2. Prior to renovation or demolition activities, a demolition-level survey of asbestos and lead-based paints shall be conducted at the property and materials found to contain asbestos or lead-based paints shall be properly abated.
28. *HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURE-3. Prior to issuance of the building permit, identified hazardous materials/waste that were associated with the former hospital use and automotive batteries in the Thrash House shall be properly disposed of.
29. *HAZARDS AND HAZARDOUS MATERIALS MITIGATION MEASURE-4. Aged light ballasts and other electrical equipment that are removed as part of proposed demolition of existing structures on the site shall be evaluated for the presence of PCBs and managed appropriately.
30. *NOISE MITIGATION MEASURE-3. Mechanical ventilation (fresh air supply systems) or air conditioning shall be provided in project homes located adjacent to Los Gatos Boulevard as necessary to ensure that interior noise levels meet State Land Use Compatibility Noise Guidelines for single-family residences (45 dBA, Ldn or CNEL).

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

Engineering Division

31. *GEOLOGY AND SOILS MITIGATION MEASURE. The recommendations of the geotechnical report by Donald E. Banta & Associates, Inc. in April 2007 shall be implemented. These recommendations address site preparation, earthwork operations, drainage, and foundations.
32. DEVELOPMENT AGREEMENT. The Applicant shall enter an agreement to construct public improvements in accordance with Town Code §24.40.020.

33. PUBLIC IMPROVEMENT SECURITY. The applicant shall supply suitable securities for all public improvements that are a part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and material) prior to issuance of any permit. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department.
34. UTILITY COMPANY REVIEW. Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.
35. ABOVE GROUND UTILITIES. The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by Community Development prior to issuance of any permit.
36. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
37. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction.
38. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
39. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.

40. 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
41. RETAINING WALLS. A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
42. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.
43. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
44. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
- a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

45. 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 reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
46. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
47. DEMOLITION. Existing buildings crossing future lot lines shall be demolished prior to recordation of the final map.
48. FINAL TRACT MAP. A final track map shall be recorded. Two copies of the final track map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before any permits are issued.
49. DEDICATIONS. The following shall be dedicated on the final parcel map or by separate instrument. The dedication shall be recorded before any permits are issued.
 - a. Additional R/W and easements to accommodate future widening of Los Gatos Blvd. and Caldwell Ave. as required.
50. INTERSECTION IMPROVEMENTS. Applicant will construct improvements to relocate the existing cross walk crossing Los Gatos Blvd from the South side of Caldwell Ave. to the North side of Kennedy Road. Improvements to include installation or modification of facilities including all signage, striping, ADA ramps, pedestrian signal heads and controller cabinet as required.
51. JOINT TRENCH PLANS. Joint trench plans shall be reviewed and approved by the Town prior to recordation of a map. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public street light billing will be by Rule LS2A, and that private lights shall be metered with billing to the homeowners association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

52. STREET LIGHTS. Photometric design and proposed locations of future streetlights to be reviewed and approved prior to issuance of any permit.
53. WATER DESIGN. Water plans prepared by SJWC must be reviewed and approved prior to issuance of any permit.
54. 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. Curb, gutter, sidewalk, ADA curb ramps, street lights, tie-in paving, signing, striping, storm drainage and sanitary sewers, as required.
55. PUBLIC IMPROVEMENT PLANS. Plan and profile sheets shall be provided for Private Street and Caldwell Ave during Improvement Plan review.
56. INDEMNITY AGREEMENT. An indemnity agreement to the Town of Los Gatos shall be required for any non-standard construction in the Public Right of Way (i.e. walls, intersection details, steps, etc.).
57. DESIGN CHANGES. The Applicant's registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
58. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.

59. **EROSION CONTROL.** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit.
60. **DUST CONTROL.** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

61. CONSTRUCTION MANAGEMENT PLAN. The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
62. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street that abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
63. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit.
64. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
65. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed without the approval of the Town Engineer
66. NPDES. On-site drainage systems shall include a filtration device such as a bio-swale, permeable pavement, or other approved equivalent. Specific on-lot systems to be reviewed and approved in subsequent approvals.
67. STORM WATER MANAGEMENT PLAN. A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3.d. of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit No. CAS029718. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.

68. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner*homeowner's association shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by Town's Stormwater Discharge Permit No. CAS029718 and modified by Order No. R2-2005-0035. The agreement will specify that certain routine maintenance shall be performed by the property owner*homeowner's association and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.
69. 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.
70. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service.
71. 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.
72. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.

73. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
74. STREET RESURFACING. Resurfacing of Caldwell Ave (half-street) along project frontage shall be required. Slurry seal, overlay or other methods to be determined by Engineering Construction Inspector and Town Engineer.
75. PRIVATE STREET SIDEWALK. The internal private sidewalk shall be ADA compliant.
76. DRIVEWAY APPROACH. The developer shall install 5 (five) Town standard residential approaches. The new driveway approach shall be constructed per Town Standard Details or detailed on plans and approved by Town Engineer.
77. CURB RAMPS. The developer shall construct 2 (two) curb ramps at the entrance to the development and 1 (one) curb ramp at the project corner of Caldwell Avenue & Los Gatos Boulevard in compliance with ADA Standards.
78. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
79. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.

80. **SANITARY SEWER BACKWATER VALVE.** Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative (Sec. 6.50.025). The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve, as defined section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.
81. **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.
82. **CONSTRUCTION NOISE.** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
83. **GOOD HOUSEKEEPING.** Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division.
84. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.
85. **HAULING OF SOIL.** Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town

Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

86. EXISTING EASEMENTS. All existing easements quitclaims shall be completed prior to Final Map approval.
87. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: The applicant shall initiate a weekly neighborhood e-mail notification program to provide project status updates. The e-mail notices will also be posted on a bulletin board placed in a prominent location along the project perimeter.
88. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

89. REQUIRED FIRE FLOW. The required fire flow for the project is 2,500 GPM at 20 psi residual pressure.
90. AUTOMATIC FIRE SPRINKLER SYSTEM. An approved automatic fire sprinkler system is required for all buildings requiring a fire flow in excess of 2,000 GPM., hydraulically designed per National Fire Protection Association (NFPA) Standard #13D. A State of California licensed fire protection contractor shall submit plans, calculations a completed permit application and appropriate fees to the Fire Department for review and approval, prior to beginning work. It has been determined that the Thrash House will require a full automatic fire sprinkler system.
91. FIRE APPARATUS (ENGINE) ACCESS ROADS. 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.

92. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire services and hydrants shall be tested and accepted by the Fire Department prior to start of framing or delivery of bulk combustible materials. Building permit issuance may be withheld until required installations are completed, tested and accepted.
93. PUBLIC FIRE HYDRANT. Provide public fire hydrants at locations to be determined jointly by the Fire Department and San Jose Water Company. Maximum fire hydrant spacing shall be 500 feet with a minimum single hydrant flow of 2500 GPM at 20 psi, residual.
94. FIRE HYDRANT LOCATION IDENTIFIER. Prior to final inspection the general contractor shall ensure that an approved fire hydrant location identifier ("blue dot") has been placed in the roadway for each new hydrant as directed by the Fire Department.
95. FIRE DEPARTMENT (ENGINE) ROADWAY TURNAROUND 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 Specification sheet A-1.
96. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required access roads. Up through the first lift of asphalt, shall be installed and accepted by the Fire Department prior to the start of combustible construction. During construction, emergency access roads shall be maintained clear and unimpeded. Building permit issuance may be held up until installations are completed.
97. FIRE LANE MARKING REQUIRED. Provide marking in conformance with Fire Department requirements for all roadways within the project. Installations shall conform to Local Government Standards and Fire Department Standard Details and Specifications A-6..
98. PARKING ALONG ROADWAYS. The required fire access road shall not be obstructed in any manner and parking shall not be allowed along roadways less than 28 feet wide. Parking is permitted along one side of roadways 28-35 feet in width. For roadways equal to or greater than 26 feet, parking will be allowed on both sides. Roadways widths shall be measured curb to curb face with parking space based on an eight foot width.
99. PREMISE IDENTIFICATION. Approved numbers or addresses shall be placed on all new and 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 April 20, 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 _____, 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

NADEV\ORDS\LG-SARA55-TC.DOC



371 Los Gatos Boulevard

TOWN OF LOS GATOS

Application No. PD-07-143.

A.P.N. # 529-22-044

Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change

From: R-1:D:LHP To: RM:5-12:PD,
R-1:D:LHP:PD

☐ Prezoning

Forwarded by Planning Commission

Date:

Approved by Town Council

Date:

Ord:

Clerk Administrator

Mayor

371 LOS GATOS FAR CALC

LOT #	Plan	UNIT SQ. FT.	LOT SQ. FT.	FAR
1	3B	2565	5,284	0.485
2	2A	2539	4,116	0.617
3	2B	2539	5,642	0.450
4	1A	2660	3,588	0.746
5	1B	2660	3,950	0.678
6	2B	2539	4,601	0.552
7	1A	2660	4,241	0.631
8	2A	2539	4,297	0.591
9	1B	2660	4,878	0.549
10	1A	2660	3,903	0.686
11	3A	2480	4,931	0.516
12	3Cx	2630	5,503	0.490
13	3C (+S)	2960	5,575	0.543
14	3A	2480	4,978	0.511
15	3C	2480	4,888	0.521
16	3B (+S)	3045	5,742	0.542
17	BMR	1250	2,600	0.481
18	BMR	1150	2,434	0.472
19	4	3125	5,742	0.550
20	Thrash	4435	14,579	0.304
NET		52,056	101,472	0.513
GROSS		52,056	112,820	0.461

Living Space

PLAN 1	2660
PLAN 2	2539
PLAN 3 A&C	2480
PLAN 3C (+ STUDIO)	2960
PLAN 3B	2565
PLAN 3B (+ STUDIO)	3045
PLAN 3Cx	2630
PLAN 4	3125
BMR	1250/1150
Thrash	4435

NOTICE

Town of Los Gatos Environmental Impact Review

Mitigated Negative Declaration

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

Project Title and

Location: 371 Los Gatos Boulevard
Planned Development Application PD-07-143
Architecture and Site Application S-07-159
Negative Declaration ND-07-145

Project Description: The 2.59-acre project site (APN 529-22-044) is currently developed with three buildings associated with a convalescent hospital facility, the historic Thrash House (fronting on Los Gatos Boulevard), and three single-family residences (fronting on Caldwell Avenue). The project applicant is requesting approval of a Planned Development (including PD rezoning) and Architecture and Site review, which would allow the following to occur on the project site:

- Demolish the convalescent hospital facilities and three single-family residences
- Renovate the historic Thrash House
- Construct 19 single-family detached homes (including two BMR units)

Except for the Thrash House, all existing structures are currently vacant and would be demolished. The historic Thrash House would be rehabilitated (including additions and alterations) and a detached garage would be constructed on the 14,579 square-foot parcel, representing the 20th home on the project site.

Single-family homes are proposed to be constructed on 19 lots, ranging in size from 2,434 to 5,742 square feet (s.f.). There would be two below market price (BMP) units, both two stories and immediately adjacent to each other and appearing as one building (two-family dwelling). They would be located at the corner of Caldwell Avenue and Los Gatos Boulevard and would be the smallest units (1,150 and 1,250 s.f., two bedrooms and two baths plus a one-car garage). Three floor plans ranging from 2,480 to 3,125 s.f. in size (plus attic/basement/studio and garage) are proposed for the remaining 17 single-family detached homes; all would have 4 bedrooms, 2½ to 4½ baths, two-car garage, and an attic or basement level with either additional rooms (bonus room, rumpus room, etc.) or separate studio above a detached garage in the larger floor plans. The proposed site plan is included as Attachment 1.

Access to all project homes would be from Caldwell Avenue except the Thrash House. The Thrash House fronts onto Los Gatos Boulevard and the proposed detached garage and driveway would be located on Los Gatos Boulevard at approximately the same location as the existing access driveway to the convalescent hospital. There are proposed homes that front onto Caldwell Avenue and there are a number of proposed homes that have driveway access directly onto Caldwell. Access to the remaining

homes would be provided by a 20-foot private street that would extend from Caldwell Avenue at the northern project boundary, through the site, and terminate in the western portion of the site.

A total of 96 parking spaces would be provided: 39 garage (covered) spaces, 10 guest spaces on the private street, 41 driveway guest spaces (minimum of two per unit, some driveways have a greater capacity), and 6 guest spaces on Caldwell Avenue (off-site).

Determination: Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures listed below have been added to the project, mitigating potential impacts to a less-than-significant level. An Environmental Impact Report will not be required.

Statement of Reasons to Support Finding:

1. Aesthetics: Existing views of the project site are limited to site frontage along Los Gatos Boulevard, Caldwell Avenue, and adjacent residences to the west and south. Views of the site from Los Gatos Boulevard (to the east) consist of views of the historic Thrash House, an existing hospital-related building, and mature landscape trees. Views of the site from Caldwell Avenue consist of the three existing single-family homes, hospital-related buildings and parking facilities, and landscaping located on the northern portion of the site. Views of the site from adjacent properties to the west and south are limited to second floor windows of three residences located adjacent to the southern boundary and backyards of existing residences to the north. Residences to the west are single story or setback sufficiently so that existing landscaping and fencing block views of the project site.

Views of proposed development would be limited to the project's site frontage along Caldwell Avenue and Los Gatos Boulevard and adjacent properties to the south, west, and northwest. Project development would not significantly alter views from Caldwell Avenue or Los Gatos Boulevard. Views of the site from Caldwell Avenue would change from four structures (three homes and a larger, hospital-related structure) and a hospital-related parking lot to five homes. Since there are five existing homes located across Caldwell, the development of five homes along the Caldwell site frontage would be more consistent with the visual character of the neighborhood than the existing convalescent hospital facilities. While existing homes are a mix of one and two-story homes across Caldwell from the site (mostly one-story homes), all project homes along Caldwell would be two stories. Views of the site from Los Gatos Boulevard would change from two structures (Thrash House and a hospital-related structure) to three (Thrash House with a detached garage and two project homes). There are two homes and a street located across Los Gatos Boulevard from the site. Proposed rehabilitation of the historic Thrash House and replacement of hospital-related facilities with two new residences would also increase the site's consistency with the residential character of the area. The appropriateness of proposed home designs along these site frontages will be reviewed by the Town as part of Architecture and Site review.

Proposed homes along the northwestern, western, and southern boundaries would back up to existing adjacent homes. Along the southern project boundary, proposed homes would be located approximately 30 feet (minimum of 22 feet) from existing homes to the south and 15 feet from an existing home to the southwest. Along the western boundary, project homes would be located 50 feet or more from an existing home to the west, while the home on Lot 12 would be located 7 feet from the northwestern project boundary. Since these homes are proposed to be two stories high, adjacent residences along these boundaries would be subject to a loss of privacy. Some adjacent lots already have mature landscape screening or backyard structures (garages) along the boundary shared with the project (e.g., the home to the southwest that would be 15 feet from a proposed home), and this would help reduce the potential for

loss of privacy. In addition, the proposed landscaping plan indicates that trees and shrubs would be planted along the southern, western, and northwestern boundaries, which would eventually reduce privacy loss. Street trees would be planted along Caldwell Avenue to help buffer existing homes across Caldwell from privacy loss.

The only places where landscape buffers would not be provided are the north side of the proposed home on Lot 12, the southeast project boundary adjacent to the proposed detached garage for the historic Thrash House, and the site's frontage along Los Gatos Boulevard. The proposed home on Lot 12 would be located immediately adjacent to two detached garages associated with existing homes to the north, which would provide a buffer between existing and proposed residences. The proposed detached garage for the Thrash House would also buffer the home to the south from the Thrash House, and the existing setback of Thrash House from this home would remain unchanged. Existing mature trees in front of the Thrash House along the Los Gatos Boulevard site frontage would also be retained, which would help minimize changes in existing views from Los Gatos Boulevard.

Street lighting would be provided along the proposed private street and exterior lighting would be provided on the 19 proposed homes. The proposed private street would be located within the interior of the site and project homes are proposed along both sides of the street. The Zoning Ordinance (Section 29.10.09035) prohibits the production of direct or reflected glare (such as that produced by floodlights) onto any area outside the project boundary.

2. Agriculture Resources: The project site is currently developed with a convalescent hospital facility and four single-family residences, and the site's agricultural potential is limited by its small size (2.59 acres) and surrounding residential development. There are no existing agricultural uses/operations at or near the site.

3. Air Quality and Climate Change: The project would be consistent with the Bay Area Air Quality Management District's (BAAQMD) most recently adopted regional air quality plan, the *Bay Area 2005 Ozone Strategy (BAOS)*. The consistency of the proposed project with the *BAOS* is determined by comparing the project's consistency with the Los Gatos General Plan. Since the *BAOS* is based on population projections of the Association of Bay Area Governments (ABAG) that are based on the Town's General Plan in effect at the time the *BAOS* was approved, consistency of the project with the General Plan would indicate consistency with the *BAOS*. The project would be consistent with the uses and densities allowed on the project site by the Los Gatos General Plan, and therefore, the project would be consistent with the *BAOS*.

The San Francisco Bay Area Air Basin is classified by the BAAQMD as non-attainment for ozone and inhalable particulates (PM₁₀). When traffic generated by the previous convalescent hospital and residences are taken into account, the proposed project would result in a net decrease in traffic. Therefore, air emissions increases associated with the proposed project would be considered less than significant since the size of the proposed project would not exceed the Bay Area Air Quality Management District's (BAAQMD) threshold levels for potential significance. The BAAQMD threshold level for potential significance is 375 single-family units or 2,000 trips per day. At or above this size, traffic generated by the project would have the potential to generate significant local and regional air quality impacts, and an air quality impact assessment would need to be prepared and submitted to the BAAQMD for review.

Adjacent residential uses are considered to be sensitive receptors. Proposed grading activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter

and equipment exhaust emissions. The project parcel is 2.59 acres, and project construction would result in surface disturbance over most of the site. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard dust control conditions require implementation of the BAAQMD's standard dust control measures (required on sites of three acres or less), which will mitigate the project's construction-related air quality impacts to a less-than-significant level.

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.), which limits statewide greenhouse gas (GHG) emissions to 1990 levels and establishes a goal of achieving these emissions reductions by 2020 (representing a 25 percent reduction in emissions). AB 32 requires the California Air Resources Board (CARB) to adopt a comprehensive blueprint for limiting greenhouse gas emissions by the end of 2008 and complete the necessary rulemaking to implement that plan by the end of 2011. Pursuant to this requirement, CARB released their Proposed Scoping Plan in October 2008, which estimates reductions from the combination of a cap-and-trade program and a set of measures in the transportation (emissions reductions), energy efficiency and conservation (solar and renewable energy), and industrial measures (such as recycling and waste).

Since the CARB has not adopted a methodology or defined quantitative thresholds that can be applied to a specific development project to evaluate an individual project's contribution to GHG emissions (particularly, for a project as small as one single-family residence), no significance determination for the proposed project can be made at this time. However, until such time that a methodology is adopted and mitigation can be applied, it is recommended that energy efficiency measures be incorporated into the proposed building to the maximum extent feasible. While the proposed building is required to comply with energy efficiency requirements of the California Energy Code (Title 24, Part 6 of the California Administrative Code), the Town will also require completion of the GreenPoint Rated checklist (pursuant to the Town's adoption of near-term policy recommendations from the Santa Clara County Cities Association Green Building Collaborative in April 2008). The project applicant completed the GreenPoint Rated checklist and based on proposed energy efficiency features, the project would be considered "green" with 53 points (completed checklist is on file at the Community Development Department). To provide for future use of renewable energy, it is also recommended that solar access to the project homes as well as existing adjacent structures be maintained to the maximum extent feasible. The project's shadow study indicates the proposed homes would not shade other project residences or surrounding residences most of the day during the summer, but could cause some shading during mornings and late afternoon during the winter. The shadow study does not account for current shading by existing mature trees located on the site or along site boundaries. These trees currently shade adjacent homes and will need to be considered when evaluating shading effects of project homes. Shading is a design issue that is reviewed as part of the Architecture and Site review process to determine whether the proposed project would shade any adjacent homes.

4. Biological Resources: The project site is currently developed with three structures and appurtenances associated with the Emmanuel Convalescent Hospital, three single-family residences fronting on Caldwell Avenue, and the historic Thrash House. Vegetation on the site consists of landscape trees, shrubs, and groundcover/turf. Trees located on adjacent properties screen views of the site from some of the adjacent homes.

The habitat value of site vegetation is limited to urban-adapted species, and project development would have a less-than-significant effect on species that currently use the property. The project would not have

an impact on any protected wildlife. There are no listed wildlife species known to occur or potentially occur on the site based on the lack of suitable habitat. While disturbance of raptor nests is always a possibility when mature trees are being removed, the potential would be low on this site due to the lack of suitable support habitat and human activity associated with surrounding residential development.

Policy O.P.3.3 of the Open Space Element of the Los Gatos General Plan emphasizes preservation of public and private landscaping along Town streets. The Los Gatos Tree Protection Ordinance states that the preferred tree replacement is two or more trees of a species and size designated by the Director of the Parks and Public Works Department. Tree replacement requirements are based on canopy size as defined in Table 3-1 of the Ordinance, *Tree Canopy – Replacement Standard*. Tree canopy replacement requirements range from two to six 24-inch box size trees or two 36-inch and/or 48-inch box size trees, depending on the canopy size of the tree to be removed.

Arbor Resources (AR) completed an arboricultural survey for the proposed project in December 2008, and a copy of this report is on file with the Los Gatos Community Development Department. AR identified a total of 37 trees of 14 various species on the project site. Coast redwoods and coast live oaks comprise 22% of the total, while Canary date palms, Canary Island pines, white birch, and southern magnolias comprise 27% of the total. The remaining eight tree species consist of one tree each. Of the 37 trees, 11 trees are exempt by Town Code (they are fruit- or nut-bearing trees with trunks less than 18 inches in diameter), while 26 trees are “protected” or regulated by Town Ordinance. Of the 26 trees, seven are located on proposed Lot 20, the property containing the Thrash House, five have trunks located partially or entirely on neighboring properties, and three were in very poor, dying or dead conditions and appear to have been removed.

Of the 26 regulated trees on the site, 16 trees would be removed because they would conflict with proposed development of 19 new homes. They consist of three coast redwoods (#250, 275, and 285), two coast live oaks (#252 and 267), one California pepper tree (#253), four southern magnolias (#254, 259, 260, and 269), one incense cedar (#255), one Chinese pistache (#265), one Canary Island pine (#268), one eucalyptus (#271), and two white birches (#283 and 284). Of the 16 proposed for removal, AR found the following:

- Trees #260, 265, and 285: These trees appear in vigorous and stable condition, and AR recommends that these three trees be relocated rather than removed. If any of these trees are removed, they will be required to be replaced with large specimen trees (minimum 36-inch box size).
- Tree #271: This eucalyptus appears to be situated on an adjacent property and removal would require written permission from the tree’s owner (or co-owner). If this tree were to remain, AR recommends that the proposed grading plan be revised so no fill, cuts, or trenching occur within seven feet of its trunk.
- Trees #252, 268, and 269: AR notes that Tree #252, a 33-inch coast live oak is healthy and viable but its structural integrity is compromised. Tree #268, a healthy 25-inch Canary Island pine is partially uprooted and poses a potential safety hazard, while Tree #269, a 23-inch Southern magnolia is in marginal health and structural condition. For these reasons, AR concluded that proposed removal would seemingly conform to Town Code.

Trees #266, 272, 276, and 279 are proposed to be retained, but would be severely impacted by proposed development and subject to premature decline. AR provides recommendations for redesign, grading, and setbacks that will be required if retention of these trees is desired.

The following measure will be required to reduce impacts on trees to be retained and adequately replace trees to be removed:

MITIGATION: Recommendations made by Arbor Resources (December 11, 2008) shall be implemented to eliminate or minimize the construction-related impacts on the trees to be retained.

Recommendations are listed under Section 4.0, Recommendations, of the arborist's report but Section 3.0 also includes additional design recommendations. These include design guidelines section addressing tree location mapping, utility locations, fill placement, drainage facilities, and landscape design. The report also provides protection measures before and during construction, addressing fencing, demolition, work within tree canopies, etc. The report's findings and recommendations are included as Attachment 2.

MITIGATION MONITORING: The Planning Division of the Community Development Department will be responsible for ensuring that all recommendations made by the arborist are reflected in final project plans. The Parks Division of the Parks and Public Works Department will be responsible for ensuring that all tree protection measures are properly implemented during construction.

5. Cultural Resources: Historical Resources. The project site contains the Thrash House, which was originally built around the turn of the century. It is one of the few remaining estates on the original Los Gatos-San Jose road, today known as Los Gatos Boulevard. The original house was built before indoor plumbing, and the kitchen was a detached structure. Over the 100 years of the life span of the structure, numerous additions and alterations have occurred, masking the original form and severely compromising the historic integrity of the structure. Project implementation would result in the rehabilitation of the historic house, and the project applicant proposes to rehabilitate the home consistent with Secretary of Interior Standards for Historic Rehabilitation.

A design review of the proposed rehabilitation project for the Thrash House was completed by Archives & Architecture (A&A) to determine whether the project would meet *Secretary of the Interior's Standards for Rehabilitation* (Standards). This report is included as Attachment 3. A&A determined that the proposed project would meet these Standards and there were five minor recommendations. Project plans were revised in response to these recommendations and A&A reviewed these plans. The supplemental A&A review indicates that revised plans address all but two of the recommendations. These recommendations will be required to ensure that these Standards are met (reducing potentially significant impacts on historical resources to a less-than-significant level):

MITIGATION: A general note conveying the overall intent of Standard 6 shall be included in the construction documents and the individual drawing notes shall be clarified to specifically address replacement of historic features (Standard 6).

MITIGATION: Proposed materials shall be specified during the construction document phase and reviewed as part of the ongoing design review and approval process (Standard 9).

MITIGATION MONITORING: The Planning Division of the Community Development Department will be responsible for ensuring that the above recommendations are reflected in final project plans.

Archaeological Resources. An archaeological literature review was undertaken by Holman & Associates at the Northwest Information Center (NWIC) located at Sonoma State University (file no. 07-1308) to obtain information about recorded historic and prehistoric archaeological sites in and around the project area, and information about previous archaeological field studies of the project area and its surroundings.

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A copy of the Holman report is on file and available for public review at the Los Gatos Community Development Department.

No archaeological sites have been recorded either on the project site or within one-fourth mile of the project area. There have been no previous archaeological field studies of the project area or any property within one-fourth mile of it. The historic Thrash House, which is located on the project site, is not formally recorded at the NWIC. There have been no formal archaeological inspections of the project area, and only one within a fourth mile of it along Los Gatos Boulevard.

Holman & Associates conducted a visual inspection of the project site on March 13, 2008. No evidence of historical or archaeological resources was discovered during either the field inspection or the literature review. Holman concluded that the project site has a low to moderate potential for containing buried cultural resources, and therefore, mechanical subsurface presence/absence testing is not warranted, nor is it recommended that an archaeologist be present during construction-related earthmoving activities. However, since over 90% of the ground surface on the project site is covered either by buildings, pavement, and/or landscaping, the potential for discovery of obscured cultural resources during future development of the project site would still remain. In particular, there is some potential that the project site could contain historic materials associated with the historic Thrash House, in the form of concentrated trash deposits either in dumps or in filled in wells or privy pits associated with the house when it was first built.

The following measures shall be required to reduce the potential for impacts on any potential historical archaeological resources to a less-than-significant level:

MITIGATION: Construction personnel involved with earthmoving shall be alerted to the potential for the discovery of prehistoric materials and in particular, concentrations of historic artifacts. Prehistoric archaeological resources could include but not be limited to the following: darker than surrounding soils of a friable nature, concentrations of stone, bone or fresh water shellfish, artifacts of these materials, and evidence of fire (ash, charcoal, fire altered earth or rock) and of course, burials, both human and animal.

MITIGATION: In the event that archaeological traces are encountered, all construction within a 20-foot radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.

MITIGATION: In the event that it appears further earthmoving will affect a resource eligible for the California Register of Historic Resource (CRHR), a plan for evaluation of the resource through limited hand excavation should be submitted to the City Planning Office for approval. If evaluative testing demonstrates that the project will affect a CRHR eligible resource, a plan for the mitigation of impacts to the resource should be submitted to the Community Development Department for approval before construction is allowed inside the zone designated as archaeologically sensitive.

MITIGATION: Mitigation can take the form of additional data retrieval through hand excavation combined with archaeological monitoring of all additional soil removal inside the zone of archaeological sensitivity to ensure that significant cultural resources are recorded and/or removed for further analysis before work is allowed to recommence.

MITIGATION MONITORING: The Planning and Building Divisions of the Community Development Department will be responsible for ensuring that these measures are implemented appropriately during construction as the need arises.

6. Geology and Soils: The project site is relatively level with an elevation change of four to five feet, sloping downhill toward the northeast with slopes averaging less than one percent. The proposed plan would be a balanced cut and fill (1,420 cubic yards of cut and 1,420 cubic yards of fill). Town requirements will include provision of an interim and final erosion control plans. Such measures will reduce potential erosion hazards to a less-than-significant level. Due to the site's relatively level topography, no slope stability or debris flow hazards were identified in the Town's hazards map for the site.

In April 2007, a geotechnical report was completed for the project by Donald E. Banta & Associates, Inc., while a screening investigation of engineering geologic hazards was completed by Louis Richardson in April 2008. Copies of these studies are on file at the Los Gatos Community Development Department. The Banta study involved a site reconnaissance, subsurface exploration (seven borings), laboratory testing, and engineering analysis of field and lab data. From a geotechnical engineering standpoint, Banta concluded the site is suitable for two-story, wood-frame residential construction provided recommendations are incorporated into the design and construction. Richardson concludes that there is no evidence of geologic conditions that would preclude prudently designed residential development at the site.

The project site is located in an area underlain by siliceous marine shale of the Monterey Formation with surficial alluvial fan deposits of unsorted boulders, gravel, sand, silt and soil. Banta indicated that the potential for damage to project structures due to liquefaction of soils underlying the site is very low. However, Banta indicates that the site is located within the Monte Vista-Shannon fault zone.

The site lies within the seismically active Bay Area, but is not within any of the "Earthquake Fault Zones" established by the Alquist-Priolo Earthquake Fault Zoning Act of 1972. From the Los Gatos vicinity northward to Los Altos, the west side of the Santa Clara Valley is underlain by a concealed, deep sediment-filled basin known as the Cupertino Basin, and this basin is bounded on the southwestern margin by a continuity of thrust faults that override the basin. In the project area, thrust faults associated with the Monte Vista – Shannon fault system are well concealed at the surface. Mapped fault traces in the valley areas, such as the project area, generally represent possible surface projections of bedrock fault features that are deeply buried by basin sediments. Santa Clara County and the Town of Los Gatos have established geologic hazard zones along perceived surface projections of these fault traces.

Concealed, deeply buried fault traces exist in the Los Gatos area, but the Santa Clara County Geologic Hazards Zones maps indicate that the project site lies between two mapped fault traces. The site is within a zone of identified lineaments that may be associated with a broad band of contractional ground deformation related to occasional movements on deeply buried traces of the Shannon fault. Therefore, the Town's Fault Map indicates that the site is located in the vicinity of an area mapped as "Lineation Indicative of Faulting." The Town's hazards maps indicate the northern half of the site has a moderate potential for fault rupture, while the southern half is in an area of "high" hazard. It should be noted that the faults are deeply buried in this area, with surface expressions that are not well defined. The fault movements can generate subtle surface deformation on a broad scale that is often difficult to discern or measure until it accumulates through multiple events that occur over a long period of time. The occasional incidence of relatively small displacement on the underlying thrust faults generally attenuates and becomes diffuse as it propagates from the bedrock through the unconsolidated alluvial deposits in the

project vicinity, commonly dying out upward in deposits that exceed the practical limits of trench excavations. Therefore, it is unlikely that further exploration at this site, such as trenching in the deep alluvial deposits, would generate effective information regarding fault traces.

Local instances of subtle surface distress and compressional surface features have been documented in and around the range front faults in Los Gatos and elsewhere after large earthquakes on the San Andreas fault. Based on the seismic history of the region and presence of deep sedimentary basins within the Santa Clara Valley that can greatly amplify earthquake shaking, it is apparent that very strong ground shaking is likely to occur at the site during the anticipated lifetime of the proposed project. The most recent 30-year probability calculation for a magnitude 6.7 or greater earthquake in the San Francisco region is placed at 63%. The Town's hazards maps indicate that the project site has a "moderate to high" potential for seismic shaking in the southwest corner, "moderate" potential for seismic shaking over the rest of the site, moderate shrink-swell potential, and very low potential for liquefaction. The following measure shall be required to reduce potential differential settlement and related seismic impacts to a less-than-significant level:

MITIGATION: The recommendations of the geotechnical report by Donald E. Banta & Associates, Inc. in April 2007 shall be implemented (included as Attachment 4). These recommendations address site preparation, earthwork operations, drainage, and foundations.

MITIGATION MONITORING: The Building Division of the Community Development and Engineering Division of the Parks and Public Works Departments will be responsible for ensuring that all recommendations are incorporated into the project design and properly implemented during construction.

7. Hazards and Hazardous Materials: A Phase I Environmental Site Assessment (ESA) and Phase II Environmental Site Investigation (ESI) were completed for the project by ENVIRON International Corporation in October 2005. This report is available for review at the Los Gatos Community Development Department. The ESA/ESI included a field survey of the project site, review of sources of historical information, interviews with representatives of the current property owner, and review of regulatory agency databases. ENVIRON determined there were no recognized environmental conditions (RECs) or historical RECs at the site. ENVIRON identified the following conditions on the site related to hazardous materials and public health:

- Heating Oil Underground Storage Tank (UST) and Abandoned Septic Tank: The heating oil UST was removed and soils were sampled below the filled UST excavation pit. While total petroleum hydrocarbons (TPH) were detected, levels did not exceed the San Francisco Regional Water Quality Control Board's (RWQCB) environmental screening level for residual fuels in soils in areas where ground water is not a potential source of drinking water. TPH and motor oil were detected in a water sample collected from an abandoned septic tank, which is located approximately 15 feet from the UST.
- Asbestos-Containing Materials (ACMs): ENVIRON conducted a visual survey for suspect asbestos-containing materials (ACMs) and collected samples, and determined that ACMs could be present that were not previously identified or sampled. ACMs were reported in the previous (1995) Phase I ESA for the site. Since ACMs are present, demolition could result in airborne release of hazardous building materials. Proposed demolition will be required to comply with state and federal regulations for inspection and removal of hazardous building materials, including asbestos-containing materials and lead-containing substances. If found to be present in building materials to be removed, asbestos

and/or lead abatement practices such as containment and removal would be required prior to demolition or renovation. The project applicant will be required to obtain clearance for asbestos removal from the Bay Area Air Quality Management District prior to issuance of a demolition permit. Although existing regulations would reduce potential for public health hazards associated with ACMs to less than significant, a demolition-level survey will be required to ensure proper identification and disposal of all ACMs on the property.

- Lead-Based Paints (LBPs). Based on the age of some on-site buildings, it is possible that LBPs were used in buildings on the site. Paint conditions at the property were observed to vary from good to poor with areas of significantly peeling and chipped paint. The previous 1995 Phase I ESA confirmed the presence of LBPs at the site. A more comprehensive survey of LBPs is recommended by ENVIRON.
- Agricultural Site Use. Based on ENVIRON's review of historical aerial photographs, the western portion of the site was developed with orchards prior to at least 1937 and properties in the immediate vicinity were also developed as orchards (some as recent as 1990). Given the likelihood of historical pesticide use, ENVIRON collected seven shallow soil samples and found that organochlorine pesticides, dieldrin, and metals were present. All but one of the samples were below California Human Health Screening Levels (CHHSL) and RWQCB Environmental Screening Levels. Although one sample (near the main building) slightly exceeded the CHHSL, the other two Dieldrin detections were below the CHHSL. Based on the distribution of pesticide detections on the site and low levels reported, no further action was recommended by ENVIRON to address historical application of pesticides at the property.
- Other Sources/Facilities. Three patched boreholes were observed by ENVIRON and were drilled some time after January 2005. No documentation for these boreholes was available for review by ENVIRON. Other identified potential sources of hazardous materials included two aboveground storage tanks for propane, the potential presence of polychlorinated biphenyls (PCBs) in transformers, light ballasts, or other electrical equipment, and two automotive batteries stored in the crawl space of the Thrash House. The storage and use of other hazardous materials (e.g., laundry products, janitorial chemicals, paints, adhesives, solvents, biohazard waste) were identified as being associated with the convalescent hospital use, which is no longer in operation.

The Louise Van Meter Elementary School is located approximately one-fourth mile from the site. The project applicant will be required to implement the following measures to reduce identified public health risks to a less-than-significant level:

MITIGATION: The abandoned septic tank and its contents shall be removed from the site. Soil beneath the septic tank shall be tested for TPH and any contaminated soil shall be removed.

MITIGATION: Prior to renovation or demolition activities, a demolition-level survey of asbestos and lead-based paints shall be conducted at the property and materials found to contain asbestos or lead-based paints shall be properly abated.

MITIGATION: Prior to issuance of the building permit, identified hazardous materials/waste that were associated with the former hospital use and automotive batteries in the Thrash House shall be properly disposed.

MITIGATION: Aged light ballasts and other electrical equipment that are removed as part of proposed demolition of existing structures on the site shall be evaluated for the presence of PCBs and managed appropriately.

MITIGATION MONITORING: The Building Division of the Community Development Department will be responsible for ensuring that these measures are implemented prior to construction.

8. Hydrology and Water Quality: The project site is located within an urbanized area of the Los Gatos Creek watershed. Runoff from the property drains to Los Gatos' storm drain system and discharges indirectly into Los Gatos Creek. The creek flows into the Guadalupe River, and eventually into the San Francisco Bay.

Storm Drainage. The subject property's terrain is generally level with slight local variations in elevation on the site. The 2.59-acre project site is currently developed with the Emmanuel Convalescent Hospital and four single-family residences. Runoff from these structures' roofs drains to open portions of associated yards for on-site percolation. Unabsorbed sheet flows from the property drain into the Los Gatos storm drain system through inlets on Los Gatos Boulevard. The extensive impervious surfaces for driveways and parking associated with the convalescent hospital generate storm flows that are directed to the center of the facility. A concrete-lined surface channel that extends north-northeast through the site collects accumulated runoff and conveys surface flows into a gutter on Caldwell Avenue. Aggregated on- and off-site flows drain southeastward along Caldwell Avenue to a storm drain inlet at the intersection of Caldwell and Los Gatos Boulevard. Existing facilities and paving on the project site cover approximately 2.2 acres of the site.

The project applicant has submitted a stormwater plan for the site that was prepared by Civil Engineering Associates, a consulting civil engineering firm. The project plans indicate that the proposed development would reduce impervious surfaces from the existing 2.2 acres to 1.38 acres, resulting in a decrease in the total impervious surface coverage from the current 85% to 53.3%. Increased open areas would result from the creation of new yards for the proposed residential development. Based on the design plans, the site area for approximately 12 lots and the entire proposed private street would drain to a porous concrete filtration trench for on-site treatment and percolation. Runoff from the remaining lots and Thrash House (approximately 0.91 acre) would be treated on-site at each of the residential lots. Treated storm flows unabsorbed at the project site would be collected in a storm drain on the eastern edge of the property, connecting with the municipal storm drains in Caldwell Avenue and Los Gatos Boulevard. Since the project would result in a net reduction in impervious surfaces, the project would not adversely affect the capacity of existing storm drains.

Flood Hazards. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the project area, the project site is not within the 100-year floodplain. The Town of Los Gatos Safety Element Flood Plain maps also show the project site does not lie within a flood zone. Therefore, no significant flood hazard impacts are expected.

Water Quality. Stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay, as evidenced by such observations as violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories. These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. 01-024 of the NPDES permit program.

Since the project site is located within the Los Gatos Creek watershed, runoff from the site would discharge indirectly into Los Gatos Creek, flow into the Guadalupe River, and eventually into the Bay. The Guadalupe River is on the Clean Water Act Section 303(d) List of Water Quality Limited Segments due to the presence of diazinon, a pesticide, and mercury. Best Management Practices (BMPs) outlined by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for treatment control of pesticides are bioretention, infiltration, and media filter with adsorption/absorption as the removal process.

After project completion, surface runoff from the site is expected to carry typical urban pollutants generated by roadways, building surfaces, and landscape areas. As a condition of project approval, the Town will require: (1) preparation and submittal of interim and final erosion control plans to the Engineering Division of the Parks and Public Works Department; and (2) implementation of non-point source pollution prevention measures to reduce pollutant levels in the water that will eventually discharge to Los Gatos Creek and Guadalupe River. Since the proposed project would create more than 10,000 s.f. of impervious surfaces, the Town has determined that the C.3 numerical requirements apply to the proposed project. The project's stormwater plan includes treatment of approximately one acre with the provision of a porous concrete infiltration trench in the proposed private street, while the remaining areas would be treated on-site at each of the residential lots. The Town has determined that these measures would meet C.3 requirements. Also, since the area of disturbance would involve more than one acre, a Storm Water Pollution Prevention Plan (SWPPP) will be required by the Town. With proposed drainage improvements, erosion control plan and SWPPP, the project will comply with current non-point source requirements as well as SWPPP and erosion control portions of the NPDES permit program. Consequently, the project's potential impacts on water resources in the project area would be less than significant.

9. Land Use and Planning: The Los Gatos General Plan designates the project site as *Medium Density Residential*. This designation allows for residential uses at densities of 5 to 12 units per acre. Since the site is 2.59 acres, the General Plan allows up to 31 dwelling units. The project applicant proposes a total of 20 single-family residences at a density of 7.7 units per acre, which would be consistent with the General Plan. The project's consistency with pertinent General Plan policies is presented in Table 1 of the Initial Study. As indicated in this table, the project would be consistent with all pertinent General Plan policies.

The General Plan designates the project site and all adjoining areas as *Medium Density Residential* (allowing 5 to 12 units per acre). The proposed project would replace a convalescent hospital facility and three single-family homes with 19 single-family homes; the historic Thrash House would be retained and renovated. The project's proposed density of 7.7 units per acre would be consistent with densities allowed by the General Plan.

The project site is zoned for *R-1D, Single-Family Residential Downtown Zone* (minimum lot areas of 5,000 s.f. for single-family dwellings and 8,000 s.f., for two-family dwellings). Since the project site is 2.59 acres, this zoning designation could allow up to 22 single-family residential units. The Zoning Ordinance would allow the proposed single-family residential use and the proposed density of 7.7 units per acre would be consistent with the Zoning Ordinance. There are 21 lots proposed, but the private street would be located on one of these lots. Twelve of the 20 residential lots would be smaller than 5,000 s.f. but three lots are almost 5,000 s.f., resulting in approximately 45% not meeting the 5,000 s.f. minimum lot size. The project applicant proposes to rezone the property R-1D-PD. Proposed lot sizes smaller than the 5,000 s.f. minimum may be approved as part of the PD (Planned Development). Reduced setbacks may also be approved through the PD zoning. The R-1D zone allows a maximum height of 30

feet and project residences would not exceed this height (Plan 1 would have a maximum height of 31 feet and an exception to height could be allowed through approval of the PD). The PD (Planned Development) designation would limit the project to 20 units, as proposed, but would allow the project design to vary from Zoning Ordinance requirements inclusive of minimum lot sizes and widths, building height (Plan 1), as well as overall site and lot setbacks.

There are five houses on the north side of Caldwell Avenue across the street from the Caldwell site frontage. With the project, there would be also be five residential structures on the south side of Caldwell Avenue (five proposed structures with one having two attached units). There are six houses located adjacent to the southern project boundary and there would be seven new project homes plus the existing Thrash House (eight total) located along this boundary. There are two homes adjacent to the western project boundary and three project homes would be located along this boundary. The proposed density of 7.7 units per acre would be higher than existing residential densities of 6.8 units per acre on Caldwell Avenue and 5.5 units per acre on Bella Vista Court. Although the overall project density would be slightly higher than the adjacent neighborhood, replacement of a convalescent hospital facility with single-family residential uses would increase land use compatibility between the site and adjacent areas. At present, there are hospital buildings, parking lots, and driveways located along project boundaries and the project would replace these facilities with residences. The proposed residential project would also generate less traffic than the existing convalescent hospital use (see Section XV, Transportation/Traffic, for more discussion). Proposed location of the project's access road in the center of the site (away from project boundaries) would also help to reduce the potential for land use compatibility problems by minimizing traffic-related noise levels at adjacent residences.

10. Mineral Resources: The Los Gatos General Plan does not identify any regionally or locally-important mineral resources on the project site or in its vicinity.

11. Noise: Project construction would result in temporary short-term noise increases due to the operation of heavy equipment. Construction noise sources range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA at 50 feet for certain types of earthmoving and impact equipment. If noise controls are installed on construction equipment, the noise levels could be reduced by 1 to 16 dBA, depending on the type of equipment. The potential for construction-related noise increases to adversely affect nearby residential receptors would depend on the location and proximity of construction activities to these receptors.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at 25 feet or 85 dBA at the property line. The project site is surrounded by residential uses and building setbacks from the project site boundaries vary from five feet to 50 feet. Three homes have sideyards that abut the project boundary and these homes are located five feet from the project boundary. Approximately four homes are set back 15 to 30 feet from the property boundary, while five homes are located about 40 feet or more from the property boundary. Operation of heavy equipment along the site boundaries during the site grading phase could occur as close as approximately 5 to 10 feet from one home on Caldwell Avenue, one home on Bella Vista Avenue, and one home on Los Gatos Boulevard. At five feet, the ordinance noise limit would result in maximum noise levels of 99 dBA, while at 40 feet, the ordinance noise limit would result in maximum noise levels of 81 dBA. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 45 to 60 dBA. To maintain such interior noise levels, exterior noise levels at the closest residences (with windows closed) should not exceed 70 to 80 dBA and this exterior noise level is used as a significance threshold or criterion. Maximum construction noise levels could periodically exceed this

threshold when grading occurs closer than 45 feet from adjacent receptors, which could occur at approximately eight or nine adjacent homes. However, it should be noted that such levels of construction noise would be reduced by existing boundary wood fencing and would only occur for a short period when grading equipment is operating immediately adjacent to these homes, not during the entire project construction period. Due to the proximity of these existing residences to proposed construction, construction-related noise increases could be significant periodically, and implementation of the following measure, in conjunction with enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance, will be required to reduce temporary noise impacts to a less-than-significant level:

MITIGATION: To minimize construction noise impacts on existing adjacent residences, existing boundary fencing shall be retained throughout the noisier earthmoving phase of construction or proposed fencing shall be constructed as early as possible (prior to project grading activities if feasible). To maximize the fence's noise attenuation effects, proposed fencing shall be solid with are no gaps, cracks, or openings (e.g., high quality air-tight tongue-and-groove, board and batten, or shiplap design).

MITIGATION MONITORING: The Building Division of the Community Development Department will be responsible for ensuring that this measure is implemented during construction.

Long-term noise increases associated with the project would result from increased traffic along Caldwell Avenue as well as residential activities (i.e., operation of appliances and maintenance equipment such as lawnmowers, blowers, etc.) on the project site. When traffic generated by the previous convalescent hospital and residences are taken into account, the proposed project would result in a net decrease in traffic. Therefore, when compared to baseline conditions (when the convalescent hospital and residences were occupied and operating), the project would result in a decrease in traffic-related noise along Caldwell Avenue. Noise generated by project residential activities is expected to be similar to noise generated by adjacent or nearby residential uses and would not conflict with the existing residential noise environment in the neighborhood.

Noise Compatibility of Proposed Residences. Project residences would be subject to traffic noise from Caldwell Avenue and Los Gatos Boulevard. A 24-hour noise measurement was taken near the northern project boundary on Caldwell Avenue, and existing noise levels along Caldwell Avenue were measured to be approximately 59 dBA (Ldn) at approximately 35 feet from the road centerline. Proposed homes on Caldwell Avenue would be located 54 feet from the centerline of Caldwell Avenue, and would be subject to noise levels of approximately 57 dBA (Ldn). Project homes located along the private street in the interior of the site would be subject to lower noise levels. A short-term (10-minute) noise measurement was taken on Wednesday, August 22, 2007 at 3:00 p.m., and noise levels were measured at 60 dBA (Leq) at the front porch of the Thrash House, which is approximately 80 feet from the roadway centerline. Using the same Leq-Ldn relationship that was measured on Caldwell Avenue, the Thrash House and proposed home on Lot 19 would be subject to 63 dBA (Ldn), while the project home on Lot 20 (located 75 and 65 feet, respectively) would be subject to slightly higher noise levels of 64 dBA (Ldn).

The Los Gatos General Plan identifies an outdoor noise limit of 55 dBA (Ldn) as a long range noise goal for residential uses. However, the General Plan acknowledges that this goal may not be presently attainable in every case. The State Land Use Compatibility Noise Guidelines indicate that noise levels up to 60 dBA (Ldn) are considered *Normally Acceptable* for single-family residences, while noise levels between 60 and 70 dBA (Ldn) are considered *Conditionally Acceptable*, whereby conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally

suffice. Noise levels would be *Normally Acceptable* at project residences proposed on Caldwell Avenue, while noise levels would be *Conditionally Acceptable* project residences on Los Gatos Boulevard. In addition, proposed homes on Caldwell Avenue and Los Gatos Boulevard would be subject to noise levels that would exceed the Town's 55-dBA noise goal, although outdoor use areas associated with these homes could be subject to lower noise depending on the location of outdoor use areas and the type of fencing provided around these areas. When compared to state and local noise guidelines, noise levels on Caldwell Avenue and Los Gatos Boulevard are considered to be potentially significant and the following measures will be required to reduce noise impacts to less-than-significant levels:

MITIGATION: Mechanical ventilation (fresh air supply systems) or air conditioning shall be provided in project homes located adjacent to Los Gatos Boulevard as necessary to ensure that interior noise levels meet State Land Use Compatibility Noise Guidelines for single-family residences (45 dBA, Ldn or CNEL).

MITIGATION: To the extent feasible, outdoor use areas associated with project homes on Caldwell Avenue and Los Gatos Boulevard shall be protected with fencing so that outdoor noise levels meet the Town's 55-dBA outdoor noise goal.

MITIGATION MONITORING: The Building Division of the Community Development Department will be responsible for ensuring that these measures are implemented during construction.

12. Population and Housing: The project would add population associated with the net increase of 16 single-family homes, but would also reduce population that was associated with the convalescent hospital. Existing zoning would allow development of up to 31 residential units in total, which could generate approximately 78 additional residents (assuming 2.5 persons per unit). The proposed project, with a total of 20 residential units, could generate approximately 50 new residents. The project's addition of 50 persons would represent a 0.17% increase over the Town's current population of 28,592 (as indicated in the 2000 census) and 0.14% increase over the Town's 2005 population of 35,700 as projected by the Association of Bay Area Governments (ABAG). Such increases in population also would be within ABAG's projected 5% growth rate between 2000 and 2015, and therefore would not represent a significant increase in local or regional population. Since surrounding lands are already developed, the project would not be considered growth-inducing.

13. Public Services: Police and fire services are already provided to existing buildings on the project site. No significant increase in demand on public services are expected to be required for the proposed project since services were previously provided to the convalescent hospital and adjoining residences on the site.

The Santa Clara County Fire Department has reviewed the proposed site plan for site access and water supply, and the project will be required to meet Department requirements for minimum fire flow, automatic fire sprinklers, hydrant spacing/location, building access requirements, etc. The project will be required to meet minimum fire flow requirements (or install automatic fire sprinkler systems) and install public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. An automatic fire sprinkler system will be required in the Thrash House. Adequate fire apparatus (engine) access will need to be provided on the private street (including minimum width of 20 feet, vertical clearance of 13 feet 6 inches, unobstructed pavement width, minimum turning radius of 36 feet outside and 23 feet inside, a maximum slope of 15%), and the turnaround at the end of the street will need to meet Department standards. An engine roadway turnaround that meets Fire Department standards will also be required. The Fire Department also specifies timing of required water supply and roadway

installations to ensure that adequate fire protection services can be provided during project construction. The proposed plan will be subject to formal plan review by the Santa Clara County Fire Department to determine compliance with adopted model codes.

The project would generate a minor increase in the Town population that would potentially result in additional park use by future residents. The project's potential impact on the demand for recreational facilities is discussed in Section XIV, *Recreation*, below.

The project would add new students to the Los Gatos Union School District and Los Gatos-Saratoga High School District. Project students would attend Louise Van Meter Elementary School, Fisher Middle School, and Los Gatos High School. To offset potential additional service costs for enrolling new students from the proposed project, the Los Gatos Union School District and Los Gatos-Saratoga High School District will charge the project applicant impact fees based on the size of new homes (per square foot basis) and by supplemental parcel taxes on the new residential parcels. Payment of impact fees and supplemental taxes would mitigate the project's impacts on school services to a less-than-significant level.

14. Recreation: The proposed net addition of 19 residential units would increase local population, and thereby incrementally increase demand for recreational facilities. No common open space areas are proposed as part of the project, but private open space (backyards) are proposed as part of each residential unit and would comprise approximately 58% of the site (1.49 acres). Nearby recreational facilities include Louise Van Meter Elementary School (one-fourth mile to the north), Los Gatos High School (one-third mile to the southwest), and Worcester Park (one-third mile to the southeast). The project's incremental increase is considered to be less than significant given the small size of the project, the project's proximity to existing recreational facilities, and provision of small, usable open space on each lot (see Table 1, discussion under Policy L.P.2.5)

15. Transportation and Traffic: A detailed traffic impact study was completed by TJKM Transportation Consultants (TJKM) in July 2006 and this report is available for review at the Town Community Development Department.

Trip Generation. The Town's Traffic Impact Policy (Resolution 1991-174) requires preparation of a detailed traffic study for any project with the potential to generate 20 or more additional AM or PM peak hour trips. When traffic generated by the previous convalescent hospital and residences are taken into account, the proposed project would result in a net decrease in traffic. The proposed project would generate approximately 15 AM peak hour trips and 20 PM peak hour trips. However, since the previous convalescent hospital use and residences on the project site generated approximately 21 AM peak hour trips and 24 PM peak hour trips, the proposed project would result in a net decrease in traffic (-6 AM peak hour trips, -4 PM peak hour trips).

Project-related Traffic Impacts. TJKM evaluated the project's impact at the adjacent signalized intersection: Los Gatos Boulevard/Caldwell Avenue/Kennedy Road. Under Existing Conditions, this intersection operates acceptably during the AM and PM peak hours, LOS C- and C, respectively. With approved projects in the project area (Existing Plus Background Conditions), this intersection is expected to continue to operate acceptably but with increased average delay (LOS D+) during the AM peak hour and not change (LOS C) during the PM peak hour.

With the proposed project (Background Plus Project Conditions), this intersection is expected to continue operating at the same level of service as Background Conditions (LOS D+ during the AM peak hour and

LOS C during the PM peak hour).

Traffic Safety. Based on accident reports provided by the Town from January 1, 2004 through March 31, 2006, there were 19 accidents along the section of Los Gatos Boulevard between Spencer Avenue and Harding Avenue, which included five intersections south of Spencer Avenue. Eighteen of these accidents were intersection accidents. The collision rate is estimated to be 0.17 collisions per million vehicles at the Los Gatos Boulevard/Kennedy Road/Caldwell Avenue intersection, 0.06 collisions per million vehicles at the Los Gatos Boulevard/Spencer Avenue intersection, 0.37 collisions per million vehicles at the Los Gatos Boulevard/Fillmer Avenue intersection, and 0.49 collisions per million vehicles at the Los Gatos Boulevard/Harding Avenue intersection.

Based on the 2003 Collision Data on California State Highways, the average statewide collision rate for a suburban (non four-way) stop-controlled intersection is 0.34, while the average statewide collision rate for a suburban signalized intersection is 0.58 collisions per million vehicles. The estimated collision rates for the Los Gatos Boulevard intersection with Spencer Avenue and Caldwell Avenue/Kennedy Road (0.06 and 0.17, respectively) are lower than the corresponding statewide collision rates. However, the estimated accident rates at the Los Gatos Boulevard intersections with Fillmer and Harding Avenues (0.37 and 0.49, respectively) would be higher than the corresponding statewide accident rate of 0.34 collisions per million vehicles. Closer examination of the accident reports indicates that rear end collisions were quite frequent at Los Gatos Boulevard intersections with Fillmer and Harding Avenues (both exceed the statewide accident rate). Of the nine rear end collisions that occurred at these intersections, eight were in the northbound direction and all were due to unsafe speed or inattention of the driver. Rear end collisions are not easy to prevent with the addition of traffic control devices such as stop signs. In fact, stop signs may increase the frequency of rear end collisions if the lead driver brakes suddenly to stop. Since there was no pattern for the non-rear end collisions, no safety improvements were recommended. Since the project would result in a net reduction in traffic on local streets, the proposed project is not expected to affect the accident rate or traffic safety at any of these four intersections along Los Gatos Boulevard.

Site Access. Access to all project homes would be from Caldwell Avenue except the Thrash House. The Thrash House fronts onto Los Gatos Boulevard and the proposed detached garage and driveway would be located on Los Gatos Boulevard at approximately the same location as the existing access driveway to the convalescent hospital. There are proposed residential structures (one structure has two BMP attached units) that would front onto Caldwell Avenue and driveways for these homes as well as the driveway for the home on Lot 19 would extend directly to Caldwell Avenue. Access to the remaining 12 homes would be provided by a 20-foot wide private street that would extend from Caldwell Avenue, through the site, and terminate in the western portion of the site. It should be noted that the convalescent hospital has two access driveways on Caldwell Avenue and there are three driveways associated with the three existing homes located on the project site, resulting in a total of five existing driveways on Caldwell Avenue that are associated with the project site. The project would add one more driveway (the two BMP units would share one driveway) and the private street intersection on Caldwell, a total of six driveways and one street intersection. Given the low net increase in traffic on Caldwell that would be associated with the project, TJKM concluded the project is not expected to have any significant traffic safety impacts on the local street network.

Parking. A total of 96 parking spaces would be provided: 39 garage (covered) spaces, 10 guest spaces on the private street, 41 driveway guest spaces (minimum of two per unit), and 6 guest spaces on Caldwell Avenue (off-site). The Los Gatos Parking Code requires three parking spaces for residential unit. At this

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rate, the proposed 20-unit residential development would require 60 parking spaces and the project would meet this requirement. Therefore, proposed parking facilities would be adequate.

Cumulative Impacts. When pending projects are added (Background Plus Project Plus Pending Conditions), the Los Gatos Boulevard/Caldwell Avenue/Kennedy Road intersection is expected to continue to operate at the same level of service as Background Plus Project Conditions (LOS D+ during the AM peak hour and LOS C during the PM peak hour). Therefore, the project's contribution to service level operation of this intersection would be less than significant and not cumulatively considerable.

Utilities and Service Systems: Utility facilities are currently provided to the project site. Project homes would connect to the existing water and sewer lines located in Caldwell Avenue, while the Thrash House would continue to connect to lines in Los Gatos Boulevard. Project development would also include construction of storm drainage facilities (see Section VIII, Hydrology and Water Quality). The project will be required to install public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. The required fire flow for this project is 2,500 gpm (gallons per minute) at 20 psi (pounds per square inch) and the Fire Department determined that the adjusted fire flow is available from area water mains. It should be noted that the Thrash House will be required to have a full automatic fire sprinkler system, and sprinkler systems will also be required at any project residences requiring a fire flow in excess of 2,000 gpm. Adequate fire apparatus (engine) access will need to be provided on the private street (including minimum width of 20 feet, vertical clearance of 24 feet 6 inches, unobstructed pavement width, minimum turning radius of 36 feet outside and 23 feet inside, a maximum slope of 15%), and the turnaround at the end of the street will need to meet Department standards. The proposed plan will be subject to formal plan review by the Santa Clara County Fire Department to determine compliance with adopted model codes. Other utilities (electrical, gas, telephone, cable TV facilities) will be upgraded as necessary.

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

1/23/09
Date

Bud N. Lortz, Director of Community Development