**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 06/11/2025

ITEM NO: 2

DATE: June 6, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Construct a New Single-Family Residence with a Reduced Rear Yard Setback, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Project Planner: Sean Mullin.

BACKGROUND:

On January 8, 2025, the Planning Commission considered the application, including written and verbal public comments, and approved the request (Exhibit 4, Attachments 1 through 4).

On January 17, 2025, the decision of the Planning Commission was appealed to the Town Council by an interested person, Mary J. Vidovich, property owner of 47 Reservoir Road (Exhibit 4, Attachment 5). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission.

On March 4, 2025, the Town Council discussed the item and received public testimony (Exhibits 4 through 7). The Town Council directed staff to prepare a resolution granting the appeal of a decision of the Planning Commission, and remanding the application back to the Planning Commission with specific direction including the following:

1. Reduce the building footprint in consideration of the least restrictive development area (LRDA); and
2. Reduce the volume/massing of the residence.

Additionally, the Mayor asked that the Planning Commission be provided with more detailed information regarding the circumstances under which the denial of a requested exception from Town standards will constitute a regulatory taking.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

On March 18, 2025, the Town Council passed and adopted Resolution 2025-009 granting the appeal of the decision of the Planning Commission approving a request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a grading permit, and removal of large protected trees on a nonconforming vacant property zoned R-1:20, and remanding the application back to Planning Commission with specific direction as described above (Exhibit 8).

DISCUSSION:

In response to the Town Council's direction, the applicant submitted a Letter of Justification detailing the revisions to the project (Exhibit 9) and revised development plans (Exhibit 10). A summary of the applicant's response to the Town Council's direction follows.

1. Reduce the building footprint in consideration of the (LRDA):

   The LRDA on the subject property is concentrated in the southern (rear) portion of the property and the area of the existing private road (Exhibit 10, Sheet A-3). The LRDA at the rear of the lot is further constrained with the majority of it being located with the required rear setback of 25 feet and side setbacks of 15 feet. This leaves a very limited area of LRDA outside of the required setbacks.

   Due to these constraints, the applicant continues to pursue an exception to the rear yard setbacks, proposing a minimum rear setback of 19 feet, seven and one-half inches, where 25 feet is required. Staff notes that this minimum setback occurs at one location at the center of the rear of the residence and the proposed setback increases moving away from this point in either direction.

   In their letter responding to the Council's direction included in Exhibit 9, the applicant notes the following:

   - The portion of the proposed residence projecting into the setback would not be visible from the road;
   - The minimum setback is exacerbated by the acute angle of the lot shape;
   - There will still be plenty of distance to the rear fence;
   - The proposed siting of the residence moves it away from the road and allows more of the residence to be located within the LRDA; and
   - Moving the residence back further would further increase the amount of grading and trigger another retaining wall height exception.

2. Reduce the volume/massing of the residence:

The subject property is zoned R-1:20, which requires a minimum lot size of 20,000 square feet; a lot width of 100 feet; and minimum setbacks of 30 feet in the front, 25 feet in the rear, and 15 feet on the sides. The subject property was the product of a 2015 merger of six lots into three lots. What resulted was a lot that is nonconforming with an area of 10,000 square feet and a width of 83 feet. In addition to these nonconforming characteristics, the lot is further burdened with a private access road that bisects the property near the middle. As a result, the building envelope is limited to the southern portion of the property, south of the private road, with a very limited area of LRDA outside of the required setbacks.

In response to the Council's direction to reduce the volume/massing of the residence, the applicant reduced its width by two and one-half feet on the west side and one to three feet on the east side. The revised residence now meets the required side setbacks eliminating the need for an exception to the side setback requirements. As a result, the gross size of the narrowed residence is reduced by 244 square feet (including the ADU). The applicant also pulled back the front porch wall by two and one-half feet, reducing its footprint by 30 square feet and increasing the distance between the porch and the private road from 18 inches to three and one-half feet. The following table summarizes the revisions to the gross floor area from the original proposal to the revised proposal.

| **Floor Area** | | | | | | |
|---|---|---|---|---|---|---|
| | **Original Proposal** | | | **Revised Proposal** | | |
| | **Non-Exempt Floor Area*** | **Exempt Floor Area** | **Total** | **Non-Exempt Floor Area*** | **Exempt Floor Area** | **Total** |
| Lower Floor | 313 | 1,287 | 1,600 | 321 | 1,135 | 1,456 |
| Main Floor | 1,327 | 0 | 1,327 | 1,272 | 0 | 1,272 |
| Garage Floor | 163+63 | 338 | 564 | 147+75 | 352 | 574 |
| Total | 1,866 | 1,625 | 3,491 | 1,815 | 1,487 | 3,302 |
| ADU | 516 | 0 | 516 | 461 | 0 | 461 |
| * Non-Exempt Floor Area includes above grade square footage and portions of below grade square footage projecting beyond the enclosed building footprint above. | | | | | | |

3. Information regarding regulatory taking:

Included in the adopted Resolution from the Council, the Mayor requested that the Planning Commission be provided with more detailed information regarding the circumstances under which the denial of a requested exception from Town standards will constitute a regulatory taking. In response to this request, the Town Attorney provides the following information and will be available at the Planning Commission meeting on June 11, 2025, to answer any questions.

A land use regulation that goes too far is a regulatory taking. *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922). A regulation goes too far and constitutes a per se taking when the regulation deprives the property owner of all economically viable use of the property, *Lucas v. South Carolina Coastal Council*, 505 U.S. 1002, 1013 (1992). A regulation that leaves the property owner with some economically viable use of the property may still be a taking. The determination of whether such a regulation is a taking is on a case-by-case basis and depends on three factors: (1) the economic impact of the regulation on the property owner; (2) the extent to which the regulation has interfered with the property owner's investment-backed expectations; and (3) the character of the government action, *Penn Cent. Transp. Co v. City of New York,* 438 U.S. 104, 124 (1978).

4. Exceptions:

In addition to the response to the direction from the Town Council, the applicant also provided an additional discussion of and justification for the requested exceptions. As listed below, the revised project requires approval of the following exceptions to the Town Code, HDS&G, and HSP. The previously requested exceptions to the side setback exception and dimensions for required parking spaces have been eliminated with the revised project. The exceptions in *italics* would likely be required for any single-family residence developed on the existing lot.

- Required 25-foot rear setback (Town Code);
- Tandem configuration of the two off-street parking spaces (Town Code);
- Driveway depth of at least 18 feet in length (Town Code);
- Four guest parking spaces shall be provided (HSP);
- *Driveway/access road with a minimum width of 18 feet (Town Code);*
- Grading depths shall not exceed four feet of cut (HDS&G);
- *Grading depths shall not exceed three feet of fill (HDS&G);*
- *Retaining wall heights should not be higher than five feet (HDS&G); and*
- *Buildings shall be located within the LRDA (HDS&G).*

PUBLIC COMMENTS:

The installed story poles were not updated to reflect the revised plans. The reduce massing of the residence is summarized above and in the applicant's letter. The project sign was updated to provide the June 11, 2025, hearing date with the Planning Commission. Written notice was sent to property owners and tenants located within 500 feet of the subject property. At the time of drafting the report no public comments have been received.

CONCLUSION:

A. Summary

The applicant submitted a response letter summarizing the revisions to the project (Exhibit 9) and revised development plans (Exhibit 10) in response to the Town Council's direction provided at the March 4, 2025, Town Council meeting.

B. Recommendation

Should the Planning Commission determine that the revised project meets the direction provided by the Town Council and find merit with the proposed project, the Commission can take the actions below to approve the Architecture and Site application:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
2. Make the finding as required by Section 29.10.265 of the Town Code to allow exceptions to rear setback, driveway/access road width, and driveway depth on a nonconforming property (Exhibit 2);
3. Make the finding as required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements when a lot does not have adequate area to provide parking as required;
4. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the rear setback, driveway/access road width, parking configuration, and driveway depth (Exhibit 2);
5. Make the finding that the project is in compliance with the Residential Design Guidelines for single-family residences (Exhibit 2);
6. Make the finding that due to the constraints of the site, exceptions to grading depths, retaining wall heights, and buildings located outside of the Least Restrictive Development Area (LRDA) are appropriate, and the project is otherwise in compliance with the applicable sections of the Hillside Development Standards and Guidelines (Exhibit 2);
7. Make the finding that other than an exception to the guest parking requirement, the project complies with the Hillside Specific Plan (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-22-048 with the conditions contained in Exhibit 3 and the revised development plans in Exhibit 10.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. March 4, 2025, Town Council Staff Report with Attachments 1 through 7
5. March 4, 2025, Town Council Addendum Report with Attachment 8
6. March 4, 2025, Town Council Desk Item Report with Attachment 9
7. March 4, 2025, Town Council Meeting Minutes
8. March 18, 2025, Town Council Resolution 2025-009
9. Applicant's Letter of Justification
10. Revised Development Plans

# 45 Reservoir Road

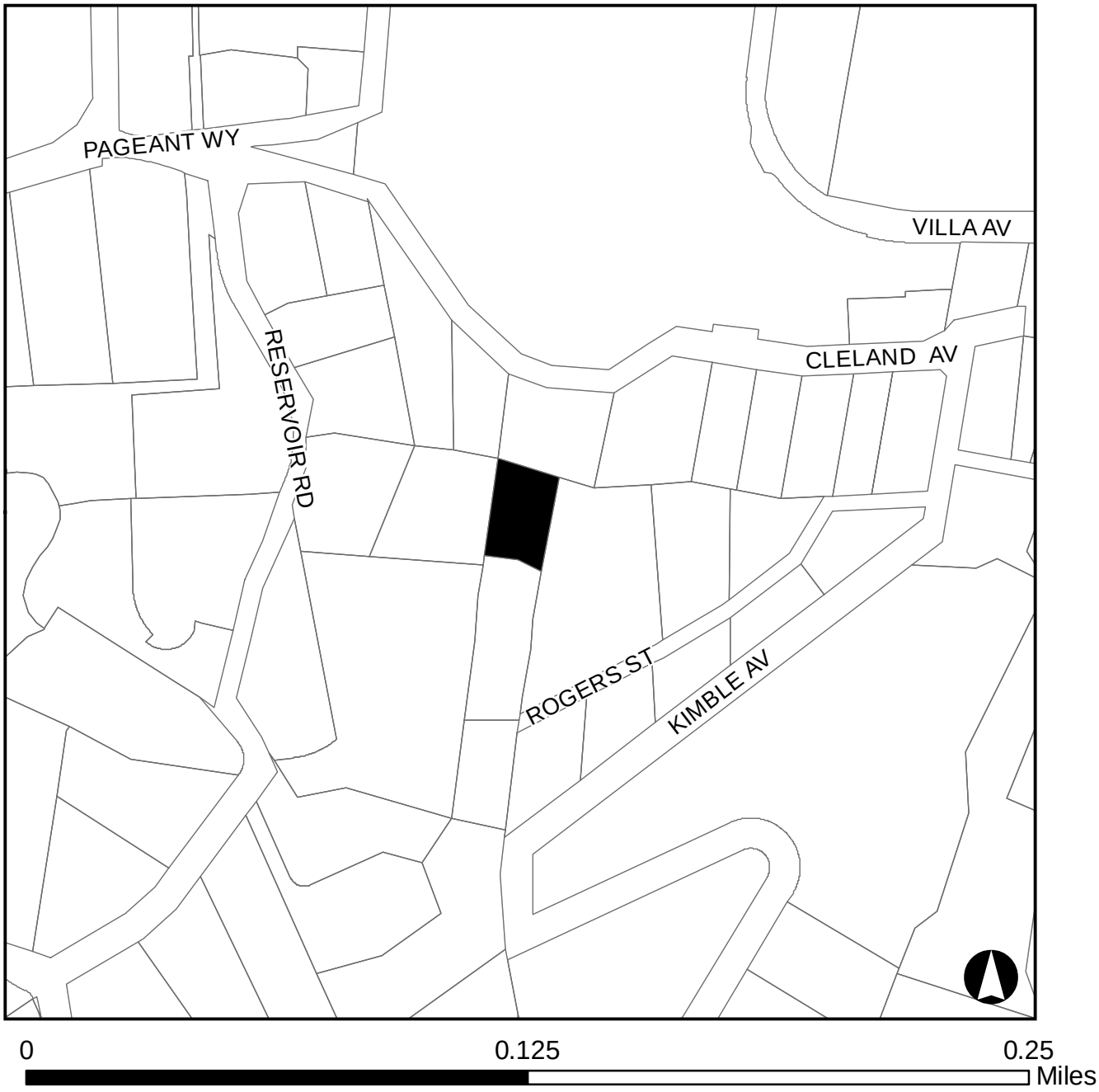


EXHIBIT 1

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**DEVELOPMENT REVIEW COMMITTEE –** *June 11, 2025*
**REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

**45 Reservoir Road**
**Architecture and Site Application S-22-048**

**Consider a Request for Approval to Construct a New Single-Family Residence with a Reduced Rear Yard Setback, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. APN 529-33-054. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.**

**Property Owner: Farnaz Agahian**
**Applicant: Gary Kohlsaat, Architect**
**Project Planner: Sean Mullin**

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**FINDINGS**

**Required finding for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

**Required finding for a setback exception on a non-conforming property:**

- As required by Section 29.10.265 of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements, driveway/access road width, and driveway depth:

    1. The subject property is nonconforming with regard to lot size; and
    2. The rear setback, driveway/access road width; and driveway depth of the new residence are compatible with the neighborhood.

**Required finding for exemption to parking requirements:**

- As required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements, the lot does not have adequate area to provide parking as required.

**Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the rear setback, driveway/access road width, parking

configuration, and driveway depth and the findings for these exceptions can be made.

**Required compliance with the Residential Design Guidelines:**

- The project complies with the Residential Design Guidelines for single-family residences.

**Required compliance with the Hillside Development Standards and Guidelines:**

- The project complies with the Hillside Development Standards and Guidelines except for the exceptions to grading depths, retaining wall heights, and buildings located outside of the least restrictive development area.

**Required compliance with the Hillside Specific Plan:**

- As required, the project complies with the Hillside Specific Plan except for the exception to the guest parking requirement.

**CONSIDERATIONS**

**Required considerations in review of Architecture and Site applications:**

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

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**PLANNING COMMISSION –** *June 11, 2025*
**CONDITIONS OF APPROVAL**

**45 Reservoir Road**
**Architecture and Site Application S-22-048**

**Consider a Request for Approval to Construct a New Single-Family Residence with a Reduced Rear Yard Setback, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. APN 529-33-054. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.**

**Property Owner: Farnaz Agahian**
**Applicant: Gary Kohlsaat, Architect**
**Project Planner: Sean Mullin**

TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: Protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.

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9. LANDSCAPE SPECIES: Revise all landscape species to be consistent with the Hillside Development Standards and Guidelines.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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.
12. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. EXTERIOR COLORS: The exterior colors of all structures shall comply with the Hillside Development Standards & Guidelines.
14. DEED RESTRICTION: Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior materials be maintained in conformance with the Town's Hillside Development Standards & Guidelines.
15. MAINTENANCE AGREEMENT: Following the issuance of a certificate of occupancy, the property owner shall execute a five-year maintenance agreement with the Town that the property owner agrees to protect and maintain the trees shown to remain on the approved plans, trees planted as part of the tree replacement requirements, and guarantees that said trees will always be in a healthy condition during the term of the maintenance agreement.
16. TREE DEED RESTRICTION: Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that identifies the on-site trees that were used to provide screening in the visibility analysis and requires their replacement if they die or are removed.
17. NESTING BIRDS: To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction starts, if work is scheduled to start or if work already occurring during the nesting season stops for at least two weeks and is scheduled to resume during the bird nesting season, then a qualified biologist shall conduct a pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. If

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the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

18. SPECIAL-STATUS BATS: Approximately 14 days prior to tree removal or structure demolition activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

    If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further measures are required.

    If bats or roosting sites are found, a letter report and supplemental documents will be prepared prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures will be implemented:

    a. If bats are found roosting outside of the nursery season (May 1 through October 1), they will be evicted as described under (b) below. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats will be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

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b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

If needed, other methods conducted under the direction of a qualified bat biologist could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance of any structures will be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

19. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:
    a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
    b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
    c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5( e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
    d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
20. DUSKY-FOOTED WOODRATS: This project will implement the following standard measures to minimize impacts on woodrats and active woodrat nests on the project site.

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a. PRECONSTRUCTION SURVEY. A qualified biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrat nests within 30 days of the start of work activities. If active woodrat nests are determined to be present in, or within 10 feet of the impact areas, the conditions below (Avoidance and/or Nest Relocation) will be implemented, as appropriate. If no active woodrat nests are present on or within 10 feet of impact areas, no further conditions are warranted.
b. AVOIDANCE. Active woodrat nests that are detected within the work area will be avoided to the extend feasible. Ideally, a minimum 10-foot buffer will be maintained between project activities and woodrat nests to avoid disturbance. In some situations, a small buffer may be allowed if, in the opinion of a qualified biologist, nest relocation (below) would represent a greater disturbance to the woodrats than the adjacent work activities.
c. NEST RELOCATION. If avoidance of active woodrat nests within and immediately adjacent to (within 10 feet of) the work areas is not feasible, then nest materials will be relocated to suitable habitat as close to the project site as possible (ideally, within or immediately adjacent to the project site).

   Relocation efforts will avoid the peak nesting season (February-July) to the maximum extent feasible. Prior to the start of construction activities, a qualified biologist will disturb the woodrat nest to the degree that all woodrats leave the nest and seek refuge outside of the construction area. Disturbance of the woodrat nest will be initiated no earlier than one hour before dusk to prevent the exposure of woodrats to diurnal predators. Subsequently, the biologist will dismantle and relocate the nest material by hand. During the deconstruction process, the biologist will attempt to assess if there are juveniles in the nest. If immobile juveniles are observed, the deconstruction process will be discontinued until a time when the biologist believes the juveniles will be capable of independent survival (typically after 2 to 3 weeks). A no-disturbance buffer will be established around the nest until the juveniles are mobile. The nest may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur.

21. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded

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basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

22. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

23. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System that is required by the California Energy Code.
24. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
25. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
26. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
27. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
28. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
29. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
30. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation

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c. Foundation corner locations
d. Retaining wall(s) locations and elevations

31. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
32. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
    d. A door buzzer, bell or chime shall be hard wired at primary entrance.
33. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
34. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
35. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
36. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
37. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
38. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
39. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
40. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:

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a. Community Development – Planning Division: (408) 354-6874
b. Engineering/Parks & Public Works Department: (408) 399-5771
c. Santa Clara County Fire Department: (408) 378-4010
d. West Valley Sanitation District: (408) 378-2407
e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

*Engineering Division*

41. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction 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 an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner'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 issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
42. PAYMENT OPTIONS:
    a. All payments regarding fees and deposits can be mailed to:
    Town of Los Gatos PPW – Attn: Engineering Dept
    41 Miles Avenue
    Los Gatos, CA 95030

    Or hand deliver/drop off payment in engineering lock box
    Checks made out to **"Town of Los Gatos"** and should mention **address and application number** on memo/note line.
43. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
44. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
45. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
46. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to

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the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.

47. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their 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 penalties and rejection of any work that occurred without inspection.
48. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative'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. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed, therefore. 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. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
49. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
50. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
51. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
52. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
53. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
54. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of

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the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.

55. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
    a. 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 (3) 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 shall 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 (1) 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 twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
56. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
57. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner 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.
58. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
59. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person, or persons authorized to do so at all times during working hours. The Owner'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 penalties and/or the Town performing the required maintenance at the Owner's expense
60. SITE DESIGN MEASURES: This project shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.

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d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
e. Use landscaping to treat stormwater.

61. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
62. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, 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 from the source. 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.
63. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question.
64. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, Applicant and/or Developer, attend a pre-construction meeting with the Town Inspector 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 as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
65. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of- way will only be allowed if it does not cause access or safety problems as determined by the Town.
66. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
67. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). Grading work taking place either simultaneously, on-site is considered eligible for the grading permit process and could be counted toward quantities, depending on permit status. After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works

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Department located at 41 Miles Avenue. The grading plans shall include topographic map/existing conditions, final grading, drainage, retaining wall location(s), driveway, utility sheet and 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). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

68. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one (1) or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney
    a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
    b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
69. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
70. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
71. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
72. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading permits, the Owner, Applicant and/or Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the

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proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

73. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary.
74. 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.
75. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
76. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
77. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the issuance of a sewer connection permit. Written confirmation of payment of these fees shall be provided prior to issuance of the Grading Permit.
78. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
79. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner'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 shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
80. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
81. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building or grading permit, the Owner shall pay the project's proportional share of transportation improvements

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needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued.

82. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Reservoir Road and the connecting private access driveway. The results shall be documented in a report and submitted to the Town for review.
83. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey covering the same sections of roads documented in the Preconstruction Pavement Survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.
84. ON-SITE/OFF-SITE PARKING: Parking spaces shall be paved with a compacted base not less than four (4) inches thick, surfaced with asphaltic concrete or Portland cement concrete pavement or other surfacing (e.g.: permeable paving materials, interlocking pavers and ribbon strip driveways) approved by the Town Engineer.
85. TRAFFIC CONTROL PLAN: If a traffic control plan is required, it must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
    b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
    c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
86. 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.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division 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 Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities or providing additional traffic

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control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris.

87. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed portable restroom locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
88. SHARED PRIVATE STREET: The private street accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
89. EMERGENCY VEHICLE ACCESS: The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
90. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner, Applicant and/or Developer shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.
91. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required at the property line, within one (1) foot of the property line, or at a location specified by the Town.
92. 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 backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. 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 in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition.

    Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
93. RELOCATION OF TRASH AND RECYCLING COLLECTION LOCATION: Prior to the issuance of any permits, an approval letter from West Valley Collection & Recycling accepting the

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trash and recycling collection locations shall be provided to the Town.

94. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
95. INFILTRATION TRENCHES: The following requirements apply to the proposed infiltration trenches:
    a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration trenches and retaining walls along the portion of the road within the property boundary and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
    b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the development. If the infiltration rate is lower, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
    c. The infiltration trench shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
    d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.
96. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
97. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department during the grading permit application process. A maximum of two (2) 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.
98. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant

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emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

99. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading and drainage plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
100. WATER FEATURES: New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
101. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. On-site drainage

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systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used, they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure will not adversely affect the adjacent property. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

102. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
103. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08. All comments below that result from PRC 4290 are identified by **.
104. **WIDTH: (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads. (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units. (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (c) All driveways

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shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6”). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Articles 1-5, § 1273.01.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

105. **ROAD SURFACES: (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds. (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.02.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
106. **GRADES: (a) At no point shall the grade for all roads and driveways exceed 16 percent. (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.03.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
107. **RADIUS: (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet. (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.04.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
108. **TURNAROUND: (As noted on sheet A-4 and sheet 4) (a) Turnarounds are required on driveways and dead- end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

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109. PRC 4290 REQUEST FOR EXCEPTION CONDITIONS OF APPROVAL:
    a. A copy of the Alternate Means/Methods application form including approval signature, exhibits, and these comments shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.
    b. Sign(s) to be provided:
        - At Reservoir St indicating the turnaround is onsite.
        - At turnaround indicating the turnaround location and no parking in the turn around.
    c. Language and location of these signs to be provided on building permit drawings, and approved prior to building permit issuance.
110. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
111. REQUIRED FIRE FLOW: (Letter received) The minimum require fireflow for this project is 875 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
112. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED: (As noted on sheet A-4 and sheet 4) Provide an approved fire department engine driveway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Maximum grade in any direction shall be a maximum of 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. CFC Sec. 503.
    -Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
113. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
114. WATER SUPPLY REQUIREMENTs: (As Noted on Sheet A1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

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115. ADDRESS IDENTIFICATION: (As Noted on Sheet A1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
116. CONSTRUCTION SITE FIRE SAFETY: (As Noted on Sheet A1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
117. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: (As Noted on Sheet A1) Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed.
118. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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**TOWN OF LOS GATOS**

**COUNCIL AGENDA REPORT**

MEETING DATE: 03/04/2025

ITEM NO: 11

DATE: February 27, 2025

TO: Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider an Appeal of a Planning Commission Decision to Approve a Request to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Appellant: Mary J. Vidovich. Project Planner: Sean Mullin.

RECOMMENDATION:

Adopt a resolution (Attachment 6) denying an appeal of a Planning Commission decision to approve a request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20, located at 45 Reservoir Road.

BACKGROUND:

The subject property is located east of Reservoir Road and accessed via a private road serving several lots between Reservoir Road and Rogers Street (Attachment 1, Exhibit 1). The subject property is undeveloped and approximately 0.23 acres (10,000 square feet) with an average slope of 28 percent. In 2015, the Town issued Certificates of Compliance for six lots and approved a lot merger to combine the six lots into three lots. The three separate parcels include 55 and 60 Rogers Street, and the subject property at 45 Reservoir. The subject property is zoned R-1:20 and nonconforming as to size and width.

On November 17, 2022, the applicant submitted an Architecture and Site application for the construction of a two-story single-family residence with a cellar and associated site grading on

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

the subject vacant property.

On January 8, 2025, the Planning Commission considered the application, including written and verbal public comments, and approved the request (Attachments 1 through 4).

On January 17, 2025, the decision of the Planning Commission was appealed to the Town Council by an interested person, Mary J. Vidovich, property owner of 47 Reservoir Road (Attachment 5). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission.

Pursuant to the Town Code, any interested person as defined by Section 29.10.020 may appeal to the Council any decision of the Planning Commission. For residential projects, an interested person is defined as "a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision." The appellant meets the requirements.

Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing, in this case by March 5, 2025. The Council must at least open the public hearing for the item and may continue the matter to a date certain if the Council does not complete its deliberations.

Pursuant to Town Code Section 29.20.295, in the appeal and based on the record, the appellant bears the burden to prove that either there was an error or abuse of discretion by the Planning Commission, or the decision was not supported by substantial evidence in the record. If neither is proved, the appeal should be denied. If the appellant meets the burden, the Council shall grant the appeal and may modify, in whole or in part, the determination from which the appeal was taken or, at its discretion, return the matter to the Planning Commission. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

DISCUSSION:

A. Project Summary

The applicant proposes construction of a new 1,640-square foot, two-story residence with an attached two-car garage in a tandem configuration and an attached accessory dwelling unit (ADU) (Attachment 1, Exhibit 12). In addition to the 1,640 square feet countable toward the floor area ratio (FAR), the residence includes 1,287 square feet of below-grade square footage. The residence includes an attached 564 square-foot garage in a tandem configuration. The proposed garage includes 338 square feet of below grade square footage that does not count toward FAR. The garage also includes other areas that do count toward FAR: 163 square feet of above grade square footage; and 63 square feet of below grade square footage that extends beyond the footprint of the residence above. These areas are

within the 400 square feet allowed for a garage on the property. An attached ADU is included on the second story of the residence. Consistent with state law, the ADU will be processed with a separate ministerial Building Permit, which is not the subject of this application. Much of the proposed residence would be located outside of the LRDA due to site and access constraints. The proposed residence, absent the ADU, would not be visible pursuant to the Hillside Development Standards and Guidelines (HDS&G), as only 22 percent would be visible from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17 (Attachment 1, Exhibit 12). Within the immediate neighborhood, the proposed project results in the seventh largest residence in terms of total square footage and the third largest in terms of FAR.

A single-family residence is permitted in the R-1:20 zone. The proposed residence is in compliance with the zoning regulations for allowable floor area, height, and on-site parking requirements for the property. The project requires a Grading Permit for site improvements with earthwork quantities exceeding 50 cubic yards. The project also requires exceptions to setbacks, road width, parking, driveway depth, grading depths, retaining wall heights, and least restrictive development area (LRDA). A full discussion and analysis of the application is provided in the January 8, 2025, Planning Commission Staff Report (Attachment 1).

B. Planning Commission

On January 8, 2025, the Planning Commission received the Staff Report and Desk Item (Attachment 1 and 2). After receiving public comment and asking questions of the applicant, the Planning Commission closed the public hearing and discussed the project. The Planning Commission voted four to two to approve the application. Attachment 3 contains the verbatim minutes.

C. Appeal to Town Council

The decision of the Planning Commission was appealed on January 17, 2025, by an interested person, Mary J. Vidovich (Attachment 5). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission based on the following:

- Side and rear setbacks have been violated;
- Removal of protected mature oaks;
- Too many trees are being destroyed; and
- Some proposed plants are fire hazards.

Included with the appeal form were several exhibits supporting the main appeal points and raising additional points. A summary of the specific reasons listed in the appeal form and exhibits is provided below followed by staff's response.

1. Appellant: There was an error or abuse of discretion by the Planning Commission as the side and rear setbacks have been violated. Exhibit A included with the appeal documents provides the development standards in the R-1 zone.

   Staff Response: The applicant requested an exception to the required setbacks for the nonconforming property under Section 29.10.265 (3) of the Town Code, providing evidence and justification for the request. The Planning Commission was able to make the findings to grant the exception and approve the project. A full discussion of the proposed setbacks is included in the January 8, 2025, Planning Commission Staff Report (Attachment 1).

2. Appellant: There was an error or abuse of discretion by the Planning Commission as the project includes the removal of protected oaks and too many trees are being destroyed. Exhibit C included with the appeal documents provides information from the Town's Tree Protection Ordinance and notes, documents, and pictures related to tree removal carried out by the previous property owner. Exhibit D includes excerpts from the Arborist Report prepared for the project.

   Staff Response: The development plans were reviewed by the Town's Consulting Arborist who inventoried 18 protected trees within the project area and made recommendations for their preservation (Attachment 1, Exhibit 8). The project proposes the removal of 10 protected trees to accommodate the new residence. The Landscape Plans indicate that 32 new trees will be planted on site to offset the proposed tree removal. The Planning Commission was able to make the findings for the project, including the proposed tree removal, and approved the project.

3. Appellant: There was an error or abuse of discretion by the Planning Commission as the project includes proposed plants that are fire hazards. Exhibit B included with the appeal documents includes excerpts from the Hillside Development Standards and Guidelines related to plants to avoid due to fire hazard.

   Staff Response: The proposed trees in question are located at the base of the proposed retaining wall. The applicant indicated that the tree species, Thuja Green Giant, were selected for their fast-growing nature and slender form, given the limited space available for screening plantings. The January 8, 2025, Planning Commission Staff Report notes that the selected trees are located greater than 30 feet from the residence and would not be consistent with the Hillside Development Standards and Guidelines requirement that plant species in this zone be native and indigenous. Staff included a Condition to revise this species to be consistent with this requirement. The Planning Commission received feedback from the applicant who wished to keep the species as proposed because they could not find a viable alternative given the planting constraints. The Planning Commission discussed the issue and chose not to modify the conditions in their approval of the project. The approved conditions require that the plans be revised

such that all landscape species to be consistent with the Hillside Development Standards and Guidelines. Prior to the issuance of a Building Permit, the Thuja Green Giant trees at the base of the retaining wall will need to be replaced in response to this Condition.

4. Appellant: Exhibit E included with the appeal documents provides Town Code Section 24.10.080 – Town Initiated Parcel Mergers. Notes on the exhibit question the legality of the lot and whether there was a public hearing for the lot merger.

   Staff Response: The Town issued Certificates of Compliance recognizing the legality of six underlying lots at 60 Rogers Street in 2015. A lot merger application was approved by the Development Review Committee at a duly noticed meeting on June 2, 2015. This lot merger combined the underlying lots into three lots: 55 and 60 Rogers Street; and 45 Reservoir Road. The approved lot merger was initiated by the property owner and was not initiated by the Town. Section 24.10.080 of the Town Code is not relevant and the 2015 lot merger is not the subject of this application.

5. Appellant: Exhibit F included with the appeal documents provides excerpts from the Town's Consulting Architect report for the proposed project.

   Staff Response: The Consulting Architect raised a concern related to the close proximity of the proposed resident to the private road. The Consulting Architect recognized that there may be little viable alternatives, and that the configuration may be acceptable given the private access road. The applicant responded to this concern, noting that the property shape and access through the lot is highly unusual and creates an undue hardship on the allowable building envelope that cannot be overcome, and that the road has been moved away from the building envelope as much as possible. The Planning Commission evaluated this issue in their deliberation and ultimately approved the project.

PUBLIC COMMENTS:

Story poles and signage were installed on the site by November 21, 2024, and have been maintained since the January 8, 2025, Planning Commission meeting. Written notice of the Town Council hearing was sent to property owners and tenants within 500 feet of the subject property. Public comments received between 11:01 a.m., Wednesday, January 8, 2025, and 11:00 a.m., Thursday, March 4, 2025, are included as Attachment 7.

ENVIRONMENTAL REVIEW:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

CONCLUSION:

A. Recommendation

For the reasons stated in this report, it is recommended that the Town Council uphold the decision of the Planning Commission and adopt a resolution (Attachment 6) denying the appeal.

B. Alternatives

Alternatively, the Town Council could continue the application to a date certain and:

1. Provide direction to staff to prepare a resolution to grant the appeal and remand the application back to the Planning Commission with specific direction;
2. Provide direction to staff to prepare a resolution granting the appeal and denying the application; or
3. Continue the application with other specific direction.

ATTACHMENTS:

1. January 8, 2025, Planning Commission Staff Report, with Exhibits 1 through 12
2. January 8, 2025, Planning Commission Desk Item, with Exhibit 13
3. January 8, 2025, Planning Commission Verbatim Minutes
4. January 8, 2025, Planning Commission Action Letter with Conditions of Approval
5. Appeal of the Planning Commission Decision, received January 17, 2025
6. Draft Resolution to Deny Appeal and Approve Project
7. Public comments received between 11:01 a.m., Wednesday, January 8, 2025, and 11:00 a.m., Thursday, February 27, 2025

**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 01/08/2025

ITEM NO: 7

DATE: January 3, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Project Planner: Sean Mullin.

RECOMMENDATION:

Consider a request for approval to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on property zoned R-1:20, located at 45 Reservoir Road.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:20, Single-Family Residential 20,000 square feet minimum
Applicable Plans & Standards: General Plan; Residential Design Guidelines; Hillside Development Standards and Guidelines; Hillside Specific Plan
Parcel Size: 10,000 square feet (0.23 acres)
Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|---|---|---|---|
| North | Residential | Medium Density Residential | R-1D |
| South | Residential | Low Density Residential | R-1:20 |
| East | Residential | Low Density Residential | R-1:10 |
| West | Residential | Low Density Residential | R-1:20 |

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.
- As required by Section 29.10.265 of the Town Code for modification of zoning rules on nonconforming lots to allow exceptions to side and rear setbacks, driveway/access road width, and driveway depth on a nonconforming property.
- As required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements when a lot does not have adequate area to provide parking as required.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the side and rear setbacks, driveway/access road width, parking configuration and dimensions, and driveway depth.
- The project is in compliance with the Residential Design Guidelines for single-family residences.
- As required, that other than the exceptions to grading depths, retaining wall heights, and buildings located outside of the least restrictive development area (LRDA), the project complies with the Hillside Development Standards and Guidelines (HDS&G).
- As required, that other than an exception to the guest parking requirement, the project complies with the Hillside Specific Plan (HSP).

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located east of Reservoir Road and accessed via a private road serving several lots between Reservoir Road and Rogers Street (Exhibit 1). The subject property is undeveloped and approximately 0.23 acres (10,000 square feet) with an average slope of 28 percent. In 2015, the Town issued Certificates of Compliance for six lots and approved a lot merger to combine the six lots into three lots. The three separate parcels include 55 and 60 Rogers Street, and the subject property at 45 Reservoir. The subject property is zoned R-1:20

and nonconforming as to size and width. The Architecture and Site application has been referred to the Planning Commission based on concerns related to the proposed intensity of development and the applicant's request for exceptions to setback requirements, road width, parking, driveway depth, grading depths, retaining wall heights, and LRDA.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located east of Reservoir Road and accessed via a private driveway that bisects the property and serves several lots between Reservoir Road and Rogers Street (Exhibit 1). Single-family residential development surrounds the property. The property ascends approximately 14 feet from north-to-south to the private road, from which the property ascends an additional 30 feet to the south property line. The LRDA is concentrated in the southern (rear) portion of the property and the area of the existing private road.

B. Project Summary

The applicant proposes construction of a two-story residence with an attached two-car garage. The project includes areas of below-grade square footage that would not count toward the size of the residence. An attached ADU is included on the second story of the residence. Consistent with state law, the ADU will be processed with a separate ministerial Building Permit and is not the subject of this application. Much of the proposed residence would be located outside of the LRDA due to site and access constraints. The proposed residence, absent the ADU, would not be visible pursuant to the HDS&G, as only 22 percent would be visible from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17 (Exhibit 12). The project requires a Grading Permit for site improvements for earthwork quantities exceeding 50 cubic yards. The project also requires exceptions to setbacks, road width, parking, driveway depth, grading depths, retaining wall heights, and LRDA.

C. Zoning Compliance

A single-family residence is permitted in the R-1:20 zone. The proposed residence is in compliance with the zoning regulations for allowable floor area, height, and on-site parking requirements for the property. The applicant requests exceptions to the zoning standards for side and rear setbacks, parking, and driveway depth.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes construction of a new 1,640-square foot, two-story residence with an attached two-car garage in a tandem configuration and an attached ADU (Exhibit 12). The project proposes a traditional Mediterranean style residence with subdued colors to blend with the surrounding hillside environment (Exhibit 4). The applicant has provided a Letter of Justification detailing the project and the requested exceptions to the requirements of the Town Code, HDS&G, and HSP (Exhibit 5). In addition to the 1,640 square feet of countable FAR, the residence includes 1,287 square feet of below-grade square footage. The residence includes an attached 564 square-foot garage in a tandem configuration. The proposed garage includes 338 square feet of below grade square footage that does not count toward FAR. The garage also includes areas that do count toward FAR: 163 square feet of above grade square footage; and 63 square feet of below grade square footage that extends beyond the footprint of the residence above. These areas are within the 400 square feet allowed for a garage on the property. A summary of the floor area for the proposed residence is included in the table below.

| **Floor Area** | | | | |
|---|---|---|---|---|
| | **Above Grade** | **Below Grade** | **Below Grade Beyond Footprint** | **Totals** |
| Lower Floor | 313 sf | 1,287 sf | 0 sf | 1,600 sf |
| Main Floor | 1,327 sf | 0 sf | 0 sf | 1,327 sf |
| Garage (Lower Floor) | 163 sf | 338 sf | 63 sf | 564 sf |
| Totals | 1,803 sf | 1,625 sf | 63 sf | 3,491 sf |
| Table does not include 516 sf attached ADU. | | | | |

The proposed residence would be sited in the middle of the property, uphill from the private road (Exhibit 12). The residence would extend outside of the LRDA and requires reduced side and rear setbacks. The maximum height of the proposed residence is 24 feet, nine inches, where a maximum of 30 feet is allowed by the Town Code and a maximum of 25 feet is allowed by the HDS&G for nonvisible homes. The project requires a Grading Permit for site improvements for earthwork quantities exceeding 50 cubic yards. The project also requires exceptions to setbacks, road width, parking, driveway depth, grading depths, retaining wall heights, and LRDA.

B. Building Design

The applicant proposes a traditional Mediterranean style residence with subdued colors to blend with the surrounding hillside environment (Exhibit 12). Proposed exterior materials include: a concrete tile roof; integral-colored smooth coat stucco siding with a belly band; metal-clad wood windows and doors; cast stone columns, trim, and windowsills; and

painted metal railings (Exhibit 4). The proposed exterior materials comply with the HDS&G standard for nonvisible homes, each having a light reflectivity value (LRV) less than 30.

The proposed residence has been designed to bench into the hillside to reduce building height and locate a significant portion of the massing below grade. The residence strategically incorporates hipped and flat roof forms to maintain compliance with the HDS&G maximum height standard of 25 feet. The proposed tandem garage configuration reduces the prominence of the street-facing garage while providing two parking spaces; although only one of the spaces meets the dimension requirements by the Town Code. An additional compliant on-site guest parking space is located north of the private road.

The Town's Consulting Architect reviewed the proposed residence and noted that the site slope, the fragmentation of the site into two parts, and the resultant small amount of developable area on the site are major constraints for this project (Exhibit 6). The Consulting Architect identified two issues and concerns and provided recommendations for changes to increase compatibility with the Residential Design Guidelines and the immediate neighborhood. In response to these recommendations, the applicant made modifications to the design of the residence and submitted a letter responding to the recommendations (Exhibit 7). The Consulting Architect's issues and recommendations are provided below, followed by the applicant's response in *italics*.

1. The tall side walls are not consistent with Residential Design Guideline 3.3.3. Recommendation: Add projecting molding at the proposed color change. Note that the use of two wall colors or the use of a single color would both be acceptable.

   *A projecting molding has been added at the horizontal color change location around the entire perimeter of the building.*

2. A second issue is of more concern and may not have a viable alternative aside from a smaller building footprint and volume. The issue is that the proposed house is quite close to the road and appears to be closer to the road than other nearby homes. This may be acceptable given the private access road, but it seems out of character with its current semirural, wooded environment.

   *The property shape and access through the lot is highly unusual and creates an undue hardship on the allowable building envelope that we cannot overcome. The road has been moved away from the building envelope as much as possible.*

C. <u>Height</u>

The proposed residence would not be visible, as defined by the HDS&G, being 22 percent visible from the viewing area located at Los Gatos-Saratoga Road and Highway 17 (Exhibit 12, Sheets A-12 and A-13). Heights of nonvisible homes are limited by the HDS&G to a

maximum of 25 feet at any point and a low-to-high dimension of 35 feet. The proposed residence complies with these standards having a maximum height of 24 feet, nine inches; and a low-to-high dimension of 26 feet, three inches.

D. Neighborhood Compatibility

Pursuant to the Town Code, the maximum allowable floor area for the subject property is 1,656 square feet for the residence and 400 square feet for the garage. The following table reflects the current conditions of the homes in the immediate area and the proposed project.

| FAR Comparison - Neighborhood Analysis | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Address** | **Zoning** | **Gross Lot Area SF** | **House SF** | **Garage SF** | **Total SF** | **House FAR** | **No. of Stories** |
| 56 Cleland Ave | R-1D | 9,580 | 1,372 | 251 | 1,623 | 0.14 | 1 |
| 80 Cleland Ave | R-1D | 15,649 | 972 | 341 | 1,313 | 0.06 | 1 |
| 90 Cleland Ave | R-1D | 19,038 | 1,728 | 264 | 1,992 | 0.09 | 1 |
| 36 Rogers Rd | R-1:10 | 39,472 | 4,833 | 704 | 5,537 | 0.12 | 2 |
| 26 Rogers Rd | R-1:10 | 17,275 | 3,081 | 462 | 3,543 | 0.18 | 2 |
| 49 Reservoir Rd | R-1:20 | 18,613 | 3,012 | 962 | 3,974 | 0.16 | 2 |
| 47 Reservoir Rd | R-1:20 | 19,151 | 1,799 | 180 | 1,979 | 0.09 | 1 |
| 60 Rogers Rd | R-1:20 | 15,512 | 2,592 | 857 | 3,449 | 0.17 | 1 |
| **45 Reservoir Rd (P)** | **R-1:20** | **10,000** | **1,640** | **226** | **1,640** | 0.16 | **2** |

The eight properties in the immediate area are developed with one- and two-story residences and include a mix of architectural styles. The property sizes within the immediate area range from 0.22 to 0.91 acres. Based on Town and County records, the size of the residences located in the immediate area range from 972 square feet to 4,833 square feet. The applicant is proposing a residence of 1,640 square feet with an attached garage of 226 square feet. The 0.23-acre parcel allows for a maximum residence size of 1,656 square feet and a maximum garage size of 400 square feet by the Town Code. The proposed residence would be the seventh largest in terms of total square footage and the third largest in terms of FAR.

E. Site Design

The undeveloped property is approximately 10,000 square feet, located east of Reservoir Road and accessed via a private road that bisects the property and serves several lots between Reservoir Road and Rogers Street (Exhibit 1). The property has an average slope of 28 percent and ascends approximately 14 feet from north-to-south to the private road, from which the property ascends an additional 30 feet to the south property line (Exhibit 12). The LRDA is concentrated in the southern (rear) portion of the property and in the road area. The proposed residence is located on the south side of the private road, benched into

the hillside and extending outside of the limits of the LRDA. The proposed rear yard area is limited in size and formed by two retaining walls with maximum heights of five feet. Exterior access around the residence is provided by a stairway along the left side of the residence. The front yard area includes the existing private road, a guest parking space, and a firetruck turnaround. The required turnaround is located downslope of the residence utilizing a portion of the private road and requiring construction of retaining walls with a maximum height of 15 feet, six inches.

The proposed site design requires approval of several exceptions to the Town Code, HDS&G, and HSP including:

- Required 15-foot side and 25-foot rear setbacks (Town Code);
- Driveway/access road with a minimum width of 18 feet (Town Code);
- Two off-street parking spaces, configuration, and dimensions (Town Code);
- Driveway depth of at least 18 feet in length (Town Code);
- Grading depths shall not exceed four feet of cut and/or three feet of fill (HDS&G);
- Retaining wall heights should not be higher than five feet (HDS&G);
- Buildings shall be located within the LRDA (HDS&G); and
- Four guest parking spaces shall be provided (HSP)

Setbacks:

The R-1:20 zone requires a minimum lot size of 20,000 square feet; a lot width of 100 feet; and minimum setbacks of 30 feet in the front, 25 feet in the rear, and 15 feet on the sides. The subject property was the product of a 2015 merger of six lots into three lots. What resulted was a lot that is nonconforming with an area of 10,000 square feet and a width of 83 feet. In addition to these nonconforming characteristics, the lot is further burdened with a private access road that bisects the property near the middle. As a result, the building envelope is limited to the southern portion of the property, south of the private road.

The proposed two-story residence meets the required front setback, and includes a rear setback of 19 feet, seven inches, and sides setbacks of 12 feet, 10 inches, and 12 feet, six inches. The applicant's Letter of Justification notes that the nonconforming characteristics of the lot and the location of the existing private road necessitate reduced side and rear setbacks (Exhibit 5). The requested reduced setbacks allow the residence, with the desired architectural program, to be less visible and comply with the height limitations.

Town Code Section 29.10.265 (3) allows the Planning Commission to modify any rule of the zone including front, side, and rear setback requirements so that the building and its use will be compatible with the neighborhood. A review of Town records shows that the proposed setbacks would be compatible with three residences in the immediate neighborhood that include setbacks that do not meet the requirements of the zone.

Driveway/Access Road Width:

Town Code Section 29.10.155 requires driveways/access roads to be at least 18 feet wide. The existing private road varies in width as it traverses six properties between Reservoir Road and Rogers Street. The road width does not meet Town Code standards in numerous locations. The applicant proposes to widen portions of the road on their property to meet the 18-foot requirement, but notes in their Letter of Justification that they do not control the portions of the road that are not on the subject property (Exhibit 5). The applicant continues that they balanced the road widening with fire access, tree preservation, and existing conditions in addressing this requirement. The applicant requests an exception to the road width requirement.

Required Off-Street Parking:

Pursuant to Town Code Section 29.10.155 (d)(3), when a garage is used to accommodate the two required parking spaces for single-family dwellings, the garage must have interior clear dimensions of at least 20 feet by 20 feet. This requirement results in a side-by-side parking configuration. The applicant proposes an attached two-car garage in a tandem configuration. Of the two provided parking spaces within the garage, one meets the minimum dimensions for a single-car garage parking space of 11 feet by 20 feet. The applicant requests an exception to allow the tandem configuration and the dimensions of the second parking space to be reduced to 11 feet by 18 feet. Section 29.10.150 (h)(2) allows the deciding body to consider an exception when the lot does not have adequate area to provide parking as required. In their Letter of Justification, the applicant notes that an 18-foot-long parking space is still practical and would provide for additional backup space (Exhibit 5).

Driveway/Backup Distance:

The Town Code requires that garages opening up onto a street be served by a driveway with a length not be less than 18 feet. Given the site constraints, a complaint driveway is not feasible. The proposed driveway is approximately three feet, six inches at its shortest point. The width of the roadway and firetruck turnaround adjacent to the garage is 49 feet, five inches and would provide ample back up distance for vehicles exiting the garage. The private road serves five other properties and vehicular traffic is anticipated to be minimal, limiting potential conflicts with the proposed driveway configuration. The applicant requests an exception to the driveway depth requirement due to the constraints of the site.

Grading Depths:

The HDS&G limits grading depths outside of the footprint of a primary residence to four feet of cut and three feet of fill. The proposed site work includes cut depths of eight feet, three inches in the rear yard area where retaining walls would be used to create a limited outdoor

living area. The required firetruck turnaround requires backfill of the proposed retaining walls with depths up to 15 feet, six inches. In their Letter of Justification, the applicant notes that inclusion of an on-site turnaround is unavoidable due to the configuration of the private road (Exhibit 5). The applicant also notes that the required backfill for the turnaround will help reduce soil off haul from the excavation for the residence by allowing the spoils to be used as fill.

Retaining Wall Heights:

The HDS&G includes a guideline that retaining walls should not exceed a height of five feet and that when additional retained heights are needed due to extreme site conditions, the use of multiple terraced retaining walls is preferred. The proposed on-site firetruck turnaround is required since the private roadway connecting Reservoir Road and Rogers Street includes a turn onto Rogers Street with a radius that is too sharp for firetruck circulation. Due to the numerous constraints of the site and the dimension and slope requirements of a turnaround, the applicant proposes retaining walls on the north portion of the property with heights between five feet and fifteen feet, six inches. Due to the limited space available to provide a turnaround, the use of terraced retaining walls is not feasible. In their Letter of Justification, the applicant requests an exception and notes the dimension and slope requirements of the turnaround area, which necessitates the tall retaining walls (Exhibit 5). The applicant proposes soldier pile and wood lagging retaining walls to provide a natural appearance. The Landscape Plans show that nine 24-inch box Thuja green giant trees would be planted at the base of the wall to provide screening and reduce the visual impact of the walls. These proposed trees are located greater than 30 feet from residence and would not be consistent with the HDS&G requirement that plant species in this zone be native and indigenous. The draft conditions of approval include a condition to revise this species to be consistent with this requirement.

Buildings Outside of the LRDA:

The HDS&G includes a standard requiring that buildings be located in the LRDA. The LRDA on the subject property is concentrated in the southern (rear) portion of the property and the area of the existing private road. Much of the proposed residence would extend outside of the LRDA limits due to the limited areas of LRDA and other site constraints. In their Letter of Justification, the applicant describes the limited LRDA and that there is not enough area to allow the construction of a new residence. Due to site constraints, the applicant requests an exception to allow the building to be located outside of the limited LRDA.

Guest Parking:

Four additional guest parking spaces are required by the HSP. One guest space is proposed on the north side of the private road. The applicant's Letter of Justification notes that the size and configuration of the lot, along with the prioritization of site access for residents and

the fire department, have made it challenging to provide all four guest spaces (Exhibit 5). The applicant requests an exception to allow only one guest parking space.

F. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who inventoried 18 protected trees within the project area and made recommendations for their preservation (Exhibit 8). The project proposes removal of 10 protected trees to accommodate the new residence. Tree protection measures are included on Sheet A-5 of the development plans (Exhibit 12). In response to the Consulting arborists recommendations, the applicant adjusted the location of drainage infrastructure to reduce impacts to existing oak trees. The Landscape Plans indicate that 32 new trees will be planted on site to offset the proposed tree removal. If the project is approved, tree protection measures would be implemented prior to construction and maintained for the duration of construction activity. Arborist recommendations for tree protection have been included in the Conditions of Approval to mitigate impacts to protected trees (Exhibit 3).

G. Visibility

Pursuant to the HDS&G, a visible home is defined as a single-family residence where 24.5 percent or more of an elevation can be seen from any of the Town's established viewing areas. The applicant's visibility analysis provides a perspective of the proposed residence from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17 (Exhibit 12). The provided analysis shows that the proposed residence would be 22 percent visible and is considered not visible by the HDS&G. Nonvisible homes shall not exceed a height of 25 feet and a low-to-high height of 35 feet. As discussed above, the proposed residence complies with these HDS&G height standards. Several on-site trees screen the residence and meet the health requirements for inclusion in the visibility calculation. Conditions of approval are included in Exhibit 3 requiring maintenance of the existing trees to remain and replacement of any trees used in the visibility analysis if they die or are removed. Additionally, the LRV of all exterior materials for nonvisible residences may be averaged and may not exceed an average LRV of 30. The proposed residence would meet the LRV limitations as shown on the provided color and materials board (Exhibit 4).

H. Grading

The Site Planning Section of the HDS&G limits site grading cut depths to a maximum of four feet and fill depths to a maximum of three feet. As discussed above, the applicant is requesting an exception to the cut depth limitations to allow a maximum cut of eight feet, three inches in the rear yard area where retaining walls would be used to create a limited outdoor area. Additionally, the applicant is requesting an exception to the fill depth limitations to allow a maximum fill depth of 15 feet, six inches in portions of the driveway and fire truck turnaround area to meet the requirements of the Santa Clara County Fire

Department. The applicant has included a Letter of Justification addressing the requested exceptions (Exhibit 5). This application has been reviewed and approved by the Town's Engineering Division and the Santa Clara County Fire Department.

The project also includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. The Town's Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 3).

I. Neighbor Outreach

In their Letter of Justification, the applicant provides a summary of their neighbor outreach efforts (Exhibit 5).

J. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by November 21, 2024, in anticipation of the January 8, 2025, Planning Commission hearing (Exhibit 9). Public comments received by 11:00 a.m., Friday, January 3, 2025, are included as Exhibit 11.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for construction of a new a single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on a nonconforming vacant property. The residence is well designed and compatible with the immediate area. The project is consistent with the Zoning and General Plan Land Use Designation for the property. Due to the desired architectural program and the constraints of the site, the applicant is requesting exceptions to setbacks, road width, parking, driveway depth, grading depths, retaining wall heights, and LRDA, and has provided a Letter of Justification discussing these requested exceptions (Exhibit 5). Aside from the requested exceptions, the project complies with the Zoning Code, Hillside Development Standards and Guidelines, and Hillside Specific Plan.

B. Recommendation

Staff recommends that the Planning Commission consider the request and, if merit is found with the proposed project, take the following steps to approve the Architecture and Site application:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
2. Make the finding as required by Section 29.10.265 of the Town Code to allow exceptions to side and rear setbacks, driveway/access road width, and driveway depth on a nonconforming property (Exhibit 2);
3. Make the finding as required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements when a lot does not have adequate area to provide parking as required;
4. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the side and rear setbacks; driveway/access road width; parking configuration and dimensions; and driveway depth (Exhibit 2);
5. Make the finding that the project is in compliance with the Residential Design Guidelines for single-family residences (Exhibit 2);
6. Make the finding that due to the constraints of the site, exceptions to grading depths, retaining wall heights, and buildings located outside of the Least Restrictive development Area (LRDA) appropriate, and the project is otherwise in compliance with the applicable sections of the Hillside Development Standards and Guidelines (Exhibit 2);
7. Make the finding that other than an exception to the guest parking requirement, the project complies with the Hillside Specific Plan (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-22-048 with the conditions contained in Exhibit 3 and the development plans in Exhibit 12.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Color and Materials Board
5. Letter of Justification
6. Consulting Architect's Report
7. Applicant's Response to Consulting Architect's Report
8. Consulting Arborist's Report
9. Story Pole Photos
10. Site Photos
11. Public comments received by 11:00 a.m., Friday, January 3, 2025
12. Development Plans

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# 45 Reservoir Road

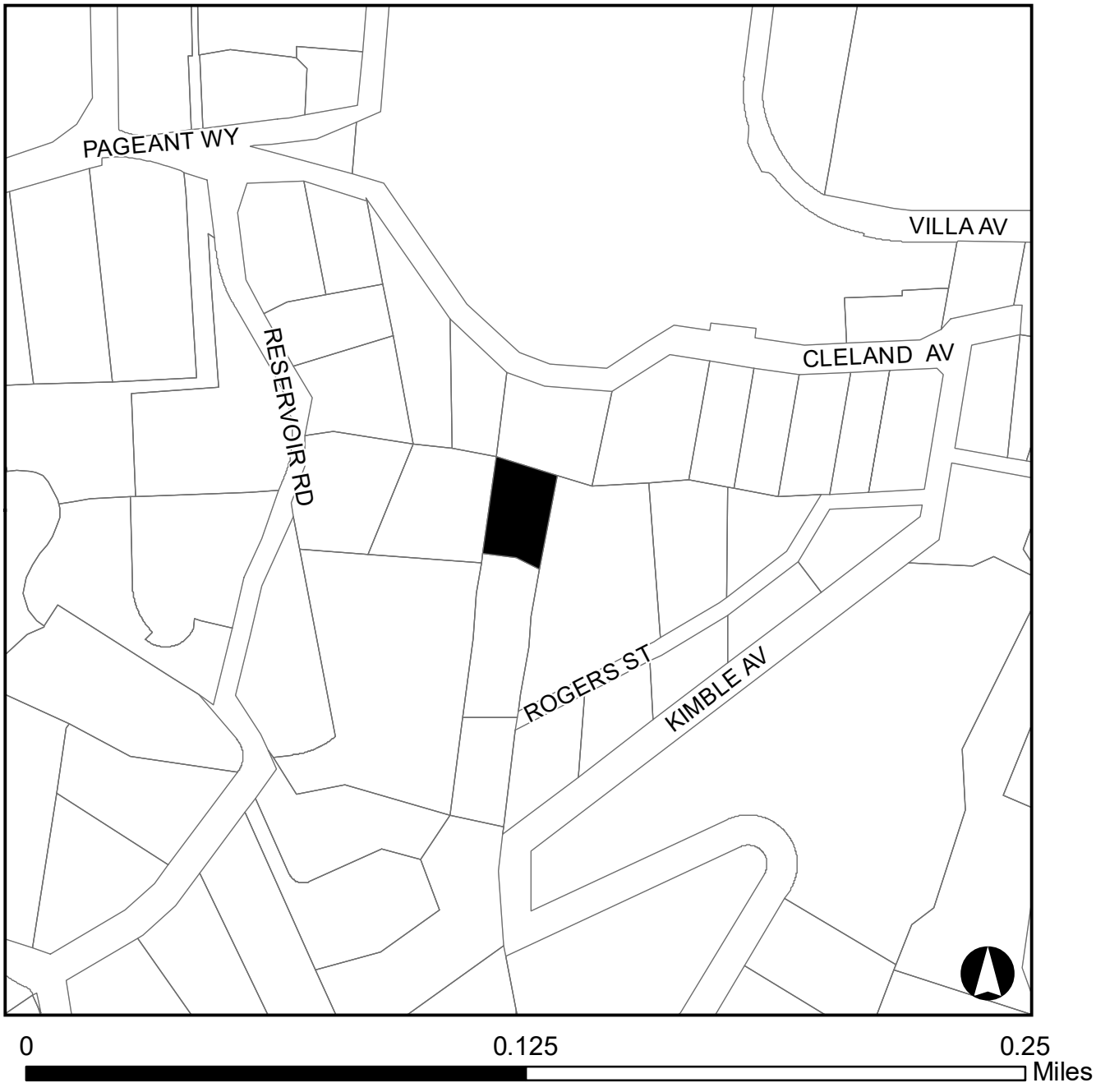


EXHIBIT 1

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**DEVELOPMENT REVIEW COMMITTEE –** *January 8, 2025*
**REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

**45 Reservoir Road**
**Architecture and Site Application S-22-048**

**Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. APN 529-33-054. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.**

**Property Owner: Farnaz Agahian**
**Applicant: Gary Kohlsaat, Architect**
**Project Planner: Sean Mullin**

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**FINDINGS**

**Required finding for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

**Required finding for a setback exception on a non-conforming property:**

- As required by Section 29.10.265 of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements, driveway/access road width, and driveway depth:

    1. The subject property is nonconforming with regard to lot size; and
    2. The side and rear setbacks, driveway/access road width; and driveway depth of the new residence are compatible with the neighborhood.

**Required finding for exemption to parking requirements:**

- As required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements, the lot does not have adequate area to provide parking as required.

**Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the side and rear setbacks, driveway/access road width,

parking configuration and dimensions, and driveway depth and the findings for these exceptions can be made.

**Required compliance with the Residential Design Guidelines:**

- The project complies with the Residential Design Guidelines for single-family residences.

**Required compliance with the Hillside Development Standards and Guidelines:**

- The project complies with the Hillside Development Standards and Guidelines except for the exceptions to grading depths, retaining wall heights, and buildings located outside of the least restrictive development area.

**Required compliance with the Hillside Specific Plan:**

- As required, the project complies with the Hillside Specific Plan except for the exception to the guest parking requirement.

**CONSIDERATIONS**

**Required considerations in review of Architecture and Site applications:**

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

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**PLANNING COMMISSION –** *January 8, 2025*
**CONDITIONS OF APPROVAL**

**45 Reservoir Road**
**Architecture and Site Application S-22-048**

**Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. APN 529-33-054. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.**

**Property Owner: Farnaz Agahian**
**Applicant: Gary Kohlsaat, Architect**
**Project Planner: Sean Mullin**

TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: Protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.

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9. LANDSCAPE SPECIES: Revise all landscape species to be consistent with the Hillside Development Standards and Guidelines.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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.
12. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. EXTERIOR COLORS: The exterior colors of all structures shall comply with the Hillside Development Standards & Guidelines.
14. DEED RESTRICTION: Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior materials be maintained in conformance with the Town's Hillside Development Standards & Guidelines.
15. MAINTENANCE AGREEMENT: Following the issuance of a certificate of occupancy, the property owner shall execute a five-year maintenance agreement with the Town that the property owner agrees to protect and maintain the trees shown to remain on the approved plans, trees planted as part of the tree replacement requirements, and guarantees that said trees will always be in a healthy condition during the term of the maintenance agreement.
16. TREE DEED RESTRICTION: Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that identifies the on-site trees that were used to provide screening in the visibility analysis and requires their replacement if they die or are removed.
17. NESTING BIRDS: To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction starts, if work is scheduled to start or if work already occurring during the nesting season stops for at least two weeks and is scheduled to resume during the bird nesting season, then a qualified biologist shall conduct a pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. If

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the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

18. SPECIAL-STATUS BATS: Approximately 14 days prior to tree removal or structure demolition activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

    If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further measures are required.

    If bats or roosting sites are found, a letter report and supplemental documents will be prepared prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures will be implemented:

    a. If bats are found roosting outside of the nursery season (May 1 through October 1), they will be evicted as described under (b) below. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats will be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

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b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

If needed, other methods conducted under the direction of a qualified bat biologist could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance of any structures will be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

19. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:
    a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
    b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
    c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5( e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
    d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
20. DUSKY-FOOTED WOODRATS: This project will implement the following standard measures to minimize impacts on woodrats and active woodrat nests on the project site.

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a. PRECONSTRUCTION SURVEY. A qualified biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrat nests within 30 days of the start of work activities. If active woodrat nests are determined to be present in, or within 10 feet of the impact areas, the conditions below (Avoidance and/or Nest Relocation) will be implemented, as appropriate. If no active woodrat nests are present on or within 10 feet of impact areas, no further conditions are warranted.
b. AVOIDANCE. Active woodrat nests that are detected within the work area will be avoided to the extend feasible. Ideally, a minimum 10-foot buffer will be maintained between project activities and woodrat nests to avoid disturbance. In some situations, a small buffer may be allowed if, in the opinion of a qualified biologist, nest relocation (below) would represent a greater disturbance to the woodrats than the adjacent work activities.
c. NEST RELOCATION. If avoidance of active woodrat nests within and immediately adjacent to (within 10 feet of) the work areas is not feasible, then nest materials will be relocated to suitable habitat as close to the project site as possible (ideally, within or immediately adjacent to the project site).

   Relocation efforts will avoid the peak nesting season (February-July) to the maximum extent feasible. Prior to the start of construction activities, a qualified biologist will disturb the woodrat nest to the degree that all woodrats leave the nest and seek refuge outside of the construction area. Disturbance of the woodrat nest will be initiated no earlier than one hour before dusk to prevent the exposure of woodrats to diurnal predators. Subsequently, the biologist will dismantle and relocate the nest material by hand. During the deconstruction process, the biologist will attempt to assess if there are juveniles in the nest. If immobile juveniles are observed, the deconstruction process will be discontinued until a time when the biologist believes the juveniles will be capable of independent survival (typically after 2 to 3 weeks). A no-disturbance buffer will be established around the nest until the juveniles are mobile. The nest may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur.

21. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded

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basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

22. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

23. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System that is required by the California Energy Code.
24. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
25. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
26. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
27. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
28. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
29. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
30. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation

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c. Foundation corner locations
d. Retaining wall(s) locations and elevations

31. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
32. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
    d. A door buzzer, bell or chime shall be hard wired at primary entrance.
33. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
34. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
35. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
36. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
37. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
38. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
39. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
40. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:

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a. Community Development – Planning Division: (408) 354-6874
b. Engineering/Parks & Public Works Department: (408) 399-5771
c. Santa Clara County Fire Department: (408) 378-4010
d. West Valley Sanitation District: (408) 378-2407
e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

*Engineering Division*

41. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction 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 an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner'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 issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
42. PAYMENT OPTIONS:
    a. All payments regarding fees and deposits can be mailed to:
    Town of Los Gatos PPW – Attn: Engineering Dept
    41 Miles Avenue
    Los Gatos, CA 95030

    Or hand deliver/drop off payment in engineering lock box
    Checks made out to **"Town of Los Gatos"** and should mention **address and application number** on memo/note line.
43. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
44. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
45. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
46. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to

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the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.

47. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their 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 penalties and rejection of any work that occurred without inspection.
48. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative'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. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed, therefore. 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. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
49. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
50. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
51. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
52. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
53. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
54. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of

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the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.

55. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
    a. 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 (3) 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 shall 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 (1) 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 twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
56. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
57. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner 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.
58. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
59. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person, or persons authorized to do so at all times during working hours. The Owner'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 penalties and/or the Town performing the required maintenance at the Owner's expense
60. SITE DESIGN MEASURES: This project shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.

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d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
e. Use landscaping to treat stormwater.

61. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
62. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, 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 from the source. 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.
63. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question.
64. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, Applicant and/or Developer, attend a pre-construction meeting with the Town Inspector 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 as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
65. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of- way will only be allowed if it does not cause access or safety problems as determined by the Town.
66. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
67. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). Grading work taking place either simultaneously, on-site is considered eligible for the grading permit process and could be counted toward quantities, depending on permit status. After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works

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Department located at 41 Miles Avenue. The grading plans shall include topographic map/existing conditions, final grading, drainage, retaining wall location(s), driveway, utility sheet and 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). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

68. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one (1) or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney
    a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
    b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
69. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
70. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
71. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
72. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading permits, the Owner, Applicant and/or Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the

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proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

73. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary.
74. 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.
75. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
76. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
77. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the issuance of a sewer connection permit. Written confirmation of payment of these fees shall be provided prior to issuance of the Grading Permit.
78. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
79. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner'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 shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
80. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
81. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building or grading permit, the Owner shall pay the project's proportional share of transportation improvements

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needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued.

82. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Reservoir Road and the connecting private access driveway. The results shall be documented in a report and submitted to the Town for review.
83. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey covering the same sections of roads documented in the Preconstruction Pavement Survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.
84. ON-SITE/OFF-SITE PARKING: Parking spaces shall be paved with a compacted base not less than four (4) inches thick, surfaced with asphaltic concrete or Portland cement concrete pavement or other surfacing (e.g.: permeable paving materials, interlocking pavers and ribbon strip driveways) approved by the Town Engineer.
85. TRAFFIC CONTROL PLAN: If a traffic control plan is required, it must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
    b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
    c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
86. 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.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division 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 Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities or providing additional traffic

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control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris.

87. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed portable restroom locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
88. SHARED PRIVATE STREET: The private street accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
89. EMERGENCY VEHICLE ACCESS: The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
90. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner, Applicant and/or Developer shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.
91. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required at the property line, within one (1) foot of the property line, or at a location specified by the Town.
92. 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 backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. 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 in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition.

    Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
93. RELOCATION OF TRASH AND RECYCLING COLLECTION LOCATION: Prior to the issuance of any permits, an approval letter from West Valley Collection & Recycling accepting the

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trash and recycling collection locations shall be provided to the Town.

94. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
95. INFILTRATION TRENCHES: The following requirements apply to the proposed infiltration trenches:
    a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration trenches and retaining walls along the portion of the road within the property boundary and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
    b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the development. If the infiltration rate is lower, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
    c. The infiltration trench shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
    d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.
96. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
97. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department during the grading permit application process. A maximum of two (2) 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.
98. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant

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emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

99. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading and drainage plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
100. WATER FEATURES: New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
101. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. On-site drainage

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systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used, they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure will not adversely affect the adjacent property. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

102. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
103. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08. All comments below that result from PRC 4290 are identified by **.
104. **WIDTH: (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads. (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units. (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (c) All driveways

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shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6”). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Articles 1-5, § 1273.01.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

105. **ROAD SURFACES: (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds. (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.02.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
106. **GRADES: (a) At no point shall the grade for all roads and driveways exceed 16 percent. (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.03.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
107. **RADIUS: (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet. (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.04.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
108. **TURNAROUND: (As noted on sheet A-4 and sheet 4) (a) Turnarounds are required on driveways and dead- end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

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109. PRC 4290 REQUEST FOR EXCEPTION CONDITIONS OF APPROVAL:
    a. A copy of the Alternate Means/Methods application form including approval signature, exhibits, and these comments shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.
    b. Sign(s) to be provided:
        - At Reservoir St indicating the turnaround is onsite.
        - At turnaround indicating the turnaround location and no parking in the turn around.
    c. Language and location of these signs to be provided on building permit drawings, and approved prior to building permit issuance.
110. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
111. REQUIRED FIRE FLOW: (Letter received) The minimum require fireflow for this project is 875 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
112. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED: (As noted on sheet A-4 and sheet 4) Provide an approved fire department engine driveway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Maximum grade in any direction shall be a maximum of 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. CFC Sec. 503.
    -Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
113. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
114. WATER SUPPLY REQUIREMENTs: (As Noted on Sheet A1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

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115. ADDRESS IDENTIFICATION: (As Noted on Sheet A1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
116. CONSTRUCTION SITE FIRE SAFETY: (As Noted on Sheet A1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
117. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: (As Noted on Sheet A1) Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed.
118. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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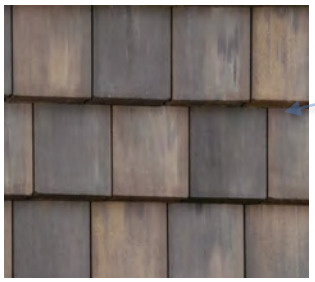
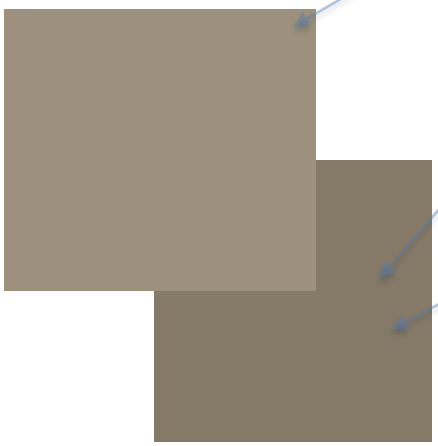
KOHLSAAT & ASSOCIATES
ARCHITECTURE

# COLOR SAMPLES BOARD
## 45 RESERVOIR ROAD



**ROOF COVER: FLAT SHAPE CONCRETE TILE**
EAGLE ROOFING, flat profile concrete tile
- Color Concord Blend or similar (LRA 19.71)

**EXTERIOR WALLS: SMOOTH STUCCO**
BENJAMIN MOORE
Color Raccoon Hollow 978 or similar (LRV 27.93)

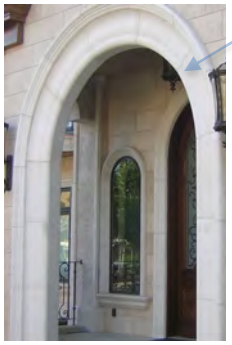


**EXTERIOR WALLS: SMOOTH STUCCO**
BENJAMIN MOORE
Color Stampede 979 or similar (LRV 19.00)

**PATIO AND COLUMNS:**
BENJAMIN MOORE. Cast stone decorative columns.
Color Stampede 979 or similar (LRV 19.00)

**WINDOW AND DOOR:**
Combination of aluminum clad & steel window and door
Color ranges from dark bronze to black (LRV 2.48)

**TRIM:**
Decorative cast stone trim.



**LIGHT FIXTURE:**
Wall mounted fixture with shield (similar).
Matte texture in black finish.

**RAIL/ GUARD:**
Combination of solid low wall with stucco finish & open decorative iron rail with matte black painted finish.

**GUTTER:**
Painted, matte finish. Color ranges from dark bronze to black.

EXHIBIT 4

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KOHLSAAT & ASSOCIATES
ARCHITECTURE

Planning Department
Community Development Department, Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

July 30, 2024

**Re: The Agahian Residence, 45 Reservoir Road, Los Gatos**
**Project Description/ Letter of Justification (ver 2.0)**
**Updated 11.26.24**

To Whom it May Concern:

On behalf of the property owner Ms. Farnaz Agahian, I am pleased to present this project for an Architecture and Site application. The proposed project includes the construction of a new two-story residence with an attached two car garage, as well as an attached accessory dwelling unit (ADU). The letter, accompanies the building plans and supplemental exhibits, contains descriptions of the property, the neighborhood. It also describes how the proposed development complies with the Hillside Development Standards and Guidelines.

## DESCRIPTION OF EXISTING PROPERTY

Access
The property is located along a private access road of Reservoir Drive, connecting both the public portion of Reservoir Drive and Roger Street with access gates on both ends. This private road serves a total of 5 properties including the subject property. The 10,000sf vacant lot was sub-divided via a lot merger application back in 2015 (from 60 Rogers Street) and was zoned R-1-20. The property borders a group of R-1-10 lots on the eastern side and a group of R-1D lots on the northern side. An easement was established along Reservoir Drive for ingress/ egress, with utility easements (gas and sanitary sewer) going back to 60 Rogers Street.

Topography
This site has a north facing slope that averages at 28%, with the least restrictive development areas (LRDA) mainly on the access road and a few small graded areas throughout. A series of mature oak trees cover the rear, eastern and western property lines. Remnants of old stone steps and retaining walls can be seen where the new perimeter wood fence is erected. An asphalt paved access road cuts thru the property and a relatively steep cut bank can be seen downhill from the road (likely from the creation of the road). Overall, apart from being visible to the immediately adjacent neighbors, the property is relatively private and isolated.

## DESCRIPTION OF PROPOSED RESIDENCE

Early Development and Challenges:
With the lot sized at 83ft wide by 126ft long, this 10,000sf lot was zoned R-1-20 with associated setbacks: side setback is 15ft, the rear setback is 25ft and the front setback is 30ft. In addition, the majority of the LRDA area is over the access road, which cuts through and takes up 1/3 of the building envelope, leaving the rest of the building envelope very limited and at a slope over 30%.

An early application back in 2018 was submitted by a different owner for a 2,400sf, 2.5-story home with a basement. A couple issues were brought up during the development review regarding the massing of the building, high hillside visibility and the large amount of retaining wall and road expansion work to accommodate a fire-truck turnaround.

The hillside overlay design standards further restricted the building envelope with their 18ft /28ft height limits, allowable floor area (FAR), fire access, among other hillside challenges.

Final Design and Solutions:
The top priorities for the final design are working with the existing road, fitting the program efficiently in the tight building envelope, balancing the building mass and reducing the hillside visibility. A couple strategies were applied included using a tandem garage to limit facade massing, going with a reverse floor plan (with bedrooms on the lower floor and main living spaces on the upper floor) to make best use of the limited windows/views, and limiting the building to a two-story design with a stepped facade/shape following the road and the topography contour. In working with a steep topography, a sizable amount of the lower floor (70%) is located below grade to reduce visible bulk and mass.

Even with all these methods, development exceptions to build outside of the LRDA as well as going into the side and rear setbacks are still unavoidable to make the design work. We will explain more in detail below.

Floor Plan Arrangement and Connectivity
The house features a reversed floor plan with a tandem garage and 2 bedroom suites on the lower floor. The main living spaces (kitchen, living and dining rooms) are on the main floor, where a 530sf attached accessory dwelling unit (ADU) is also located with separate living amenities and entrance through the side yard. A covered porch (loggia) is located on the main floor to provide outdoor living space and exterior definition as the hillside terrain doesn’t always allow for conventional, widespread patios.

Surrounding the residence is a series of of walkways and steps for circulation. Using tiered grading and retaining walls, a modest yard space was carved out at the back yard, as well as a narrow walkway around the back of the house. A series of access stairs is located on the east side and a light well on the west side of the house. Together they allow for egress, air and light access, and being able to walk around the house. This 2-story house is connected on the inside via a stairway as well as an elevator, with access on each level that leads to the outside space.

Exterior Styling
Proposed residence is of a simple Mediterranean styling with subdued terra cotta colors to blend in with the natural hillside environment. Low-sloped, hipped roofs with flat roof tiles cover

over the house and a flat roof covers the loggia. Walls have two-tone stucco finish and dark-color gridded windows and doors. Stepped building forms, plus solid and open volumes are used to break up the massing. A sizable portion of the building is buried into the hillside as much as practical to diminish the two-story appearance. Lastly the building facade is adorned with subtle architectural elements to add interest to the styling.

There is a mixture of eclectically styled, one and two-story homes, with floor areas ranging from 1,500sf to 3,500sf within the neighborhood. We expect the proposed residence to be compatible to the neighborhood, both architecturally and in size.

Private Road Fire Access and Plans For Downhill Area:

Despite the Reservoir private road being a through path that connects Rogers Street and Reservoir Road, the hair-pin turn in front of 36 Rogers Street makes the road impossible for a fire truck to drive up and thru, rendering our project site a dead-end site. We've been working with the Fire Department on an AMMR (Alternative Materials, Methods of Construction, or Modification of Code) and after evaluating multiple options, we have to go with a fire truck turn-around area in order to allow the emergency vehicles to come on site, while permit the local ingress/egress traffic on the private road. A modified turnaround area of roughly 40ft by 45-50ft has been added in front of the garage, set at the same level as the road.

The construction of the turn-around area will no doubt be challenging: with substantial grading and tall retaining walls that require grading exceptions. However it is necessary to do this to prioritize the fire safety of our residents and the neighborhood. In addition, careful considerations are made to address the visibility of the retaining walls, drainage and to provide landscape screening to our neighbors.

* See further explanation below for grading and retaining wall exceptions.

Fire Water Supply:
A number of hydrants are available within reach of the subject property, with the closest one located on Reservoir Road (in front of 39 Reservoir Rd) with a total travel distance of 483ft from the farthest corner of the house to the hydrant. The new residence will be equipped with fire sprinkler protection system as well, among other fire protection measures.

Visibility:
With visibility dictating our allowable building heights, it is a high priority in our design. To evaluate its impact to our design, we set up temporary, partial story-poles of the proposed building shape and superimposed simulations of the proposed residence to conduct studies from the town's designated viewing areas. Compare with 6 years ago when the last application was filed, many of the same screening trees have grown and are providing excellent screening for the proposed residence. Further, a shorter and slightly wider re-design allows us to take better advantage of the screening trees. The result is a very encouraging reduction of the visibility percentage: from 62% down to 22% of the front elevation. Among the visible portions are the loggia and a small section of the powder room. The main house portion is setback by a good amount, or is shielded by the screening trees. This percentage categorizes the house as a non-visible home with an allowable height of 28ft. The proposed new building design is mostly below the 18ft height plane (see sections and elevations).

Neighbor Outreach:
With this property been years in development, many of the neighbors (long-term and those who recently moved in) are aware of the development and have been in touch with the owner. It gave us a chance to review the project with them, listen and take in their concerns and feedbacks. Ranging from road expansion, privacy and utility issues. This is, however, an on-going activity and we will continue to do so as we progress in our application with the town. We have included a separate list documenting our correspondence with our neighbors.

## EXCEPTION REQUESTS AND JUSTIFICATIONS

Below is a list of our effort of minimizing the exceptions requested for the project and our justifications.

EXCEPTION TO TOWN CODE REQUIREMENTS:

1. Parking configuration and stall size: due to the existing road elevation, the garage works best being on the east side of the property. However even with a reduced rear setback having (2) 20ft long parking spaces will push the garage facade really close to the road and on-coming traffic. We are requesting an exemption to reduce the second parking space from 20ft long down to 18ft long. A 18ft long parking space is still a very practical size and it can potentially avoid a bottleneck between the garage and the road.

2. Setback Encroachment: (refer to architectural site plan on A1)
   - This 10,000sf vacant lot was subdivided from a much bigger lot zoned R-1-20 and was given the same zoning designation with the associated setbacks. However the actual lot size, widths and lengths are in fact more similar and compatible with its bordering properties that are zoned with R-1D and R-1-10 zones. Having to follow the R-1-20 setbacks, compounded with the reduction of the building envelope due to the pre-existing road location, undoubtedly would have forced the design into a 3-story home (as seen in past application design). It would have exceeded both the 18ft and 28ft height limits and adversely increased the hillside visibility percentage by a great amount, making it a very visible home.

   - Our alternative is to propose a small amount of encroachment into the standard side and rear setbacks. This allows us to keep to a 2-story design. Stretching the building wider rather than taller also makes better use of the existing screening trees. An exception is hereby requested to allow partial encroachment into the rear and side setbacks.

EXCEPTIONS TO HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES
1. Retaining wall height exception at the fire truck turn-around: (refer to architectural site plan on A4 and civil sheet C4)

- The required turn-around space, with even a modified footprint, requires an area of roughly 40ft by 50ft and a slope of no more than 5%. It needs to be on the same level as the existing road and expands towards the downhill area. Retaining walls that are needed to create this pad will vary between 5ft to 15.5ft high. They can be constructed out of soldier pile and wood lagging, which has a natural rustic appearance that is commonly seen in the hillside area. It also allows for natural drainage and avoids the need of complex drainage lines that is normally required for concrete wall construction.

- In addition of the retaining wall appearance, 4ft of landscape buffer zones are planned around the turn-around area to screen the walls from neighbors.

2. Grading (Fill) exception along the outer edge of the widened road: (refer to architectural site plan on A4 and civil sheet C4)

- Fill areas of up to 15.5 ft is necessary for the construction of the turn-around area. While this is a significant height and will require an exception, it can significant offset and amount of soil off-haul created by the house grading.

3. Structure outside of the least restrictive development area: (refer to sheet A3 and A4) this property used to be the yard space of 60 Rogers Street, so the only LRDA were created for the private road, as well as a few small, graded areas for the remnant landscape steps. The rest of the property, including the building envelope remains an ungraded, steep hill. There is not enough LRDA on this property that will allow the construction of a new residence. Hence we are hoping to apply for exception to this requirement.

EXCEPTIONS TO HILLSIDE SPECIFIC PLAN

1. Guest parking spaces at Hillside Specific Plan: the size and configuration of the lot has made it challenging to provide all the hillside specific street parking, and we want to prioritize getting ingress/egress and fire truck access while being sensitive with grading and road expansion. So instead of the 4 required spaces we are requesting to reduce it to 1 parking space.

EXCEPTIONS TO TOWN CODE:

SEC 29.10.155(c)(2) Driveway/ access road must be a minimum of 18 feet in width for the <u>full</u> length to Reservoir Road:

1. The creation of the access road granted a 12 ft easement for ingress and egress purposes across the 5 neighboring properties. While our property owner can make improvements on her property, she has no control over her neighbors' portion of the road.
2. We have to prioritize spaces for fire access and maneuvering, off street parking, tree preservation and visibility screening, all along a very limited road frontage. We have widened about 60% of our road, including the choke point at the 2 brick pillars, to get at least a 12 ft wide road as well as a space for a fire truck turn-around. The rest of the road is widened as much as possible to accommodate some parking, while leaving us about 15'-9" of egress width, some space for tree preservation and drainage management.
3. The current road varies from 12 to 24 ft in width and has separate, widened parking and maneuvering space in front of each property it serves, providing turn-out spaces that have worked well with these residences for years.

## COMPLIANCE WITH HILLSIDE DEVELOPMENT STANDARDS & GUIDELINES

In addition to what was identified above, the proposed home specifically addresses the Hillside Development Standards and Guidelines as follows:

III Site Planning:

- All the site constraints have been carefully analyzed in planning the building position, size and configuration.
- An infill project within a developed neighborhood to minimize substantial impacts to public services.
- New building pad elevation was chosen to work with the existing road slope and and elevations to minimize impacts to neighbors. Road expansion work was kept to a reasonable extent with minimal amount of grading and retaining wall.
- Trees downhill from road are preserved to maintain visibility screening. New trees are proposed to screen retaining wall from neighbors.
- Grading locations and quantities were carefully applied to minimize extents and impacts.
- Permanent retaining walls for house and yard were kept to 5ft or less, and in discreet locations to minimize visibility and grading needs.

V Development Intensity and Architectural Design:

- Proposed house size and a two-story configuration are compatible to the neighboring homes.
- The proposed contemporary mediterranean style blends in well with natural hillside setting and among the wide-ranging home styles of the neighborhood.
- Minimized number and size of windows facing neighbors. Positioned deck and outdoor spaces away from neighbors.
- Used simple forms, low, hipped rooflines, as well as varying wall planes to break up elevation and massing into smaller units.
- All exterior materials are natural to blend in with the environment, meet WUI classification for fire resistance and to have a light reflective value (LRV) or less than 30.

Privacy:

- With the proposed residence set into the hill, the majority of the windows are directed downhill and away from the nearby neighbors.
- The outdoor gathering areas such as Loggia and yard are located on the private side of the residence, away from the adjacent neighbors.
- New trees are proposed on the downhill size of the lot to increase privacy screening.

VI. SITE ELEMENTS

The use of retaining walls: (refer to architectural site plan on A1 and civil sheet C4)

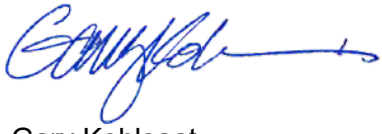
- To limit and amount of grading and avoid creating large flat areas, the rear yard used permanent retaining walls to create a tier configuration of landscaped area, a small yard and a walkway around the back of the house.
- Retaining walls are used to create egress light well for the lower floor bedroom, as well as egress stair on the side of the house.
- Retaining walls at rear yard are split up to minimize wall mass and height.

**CONCLUSION**

Designing a home on this site has proven to be quite challenging. In particular, the extremely constrained development area, the steep slope and visibility of the site have complicated the effort. Several iterations of the design and extensive analysis were required before we arrive at this present version.

In the end, I am very happy with the results. The size, mass, color and exterior style of this house are in keeping with the intent of the Hillside Development Standards and Guidelines. Through the use of the hillside guidelines and exception requests for the creation of a fire truck turn-around, we hope to achieve the owner' goals, makes the best use of the property, while respecting the neighborhood and its natural environment. We believe this will be a high-quality addition to this neighborhood. We appreciate your time to review our application and hope to get your support and approval.

Sincerely,



Gary Kohlsaat
Architect  C19245

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CDG
CANNON
DESIGN
GROUP

ARCHITECTURE PLANNING URBAN DESIGN

November 28, 2022

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

**RE: 45 Reservoir Road**

Dear Sean:
I reviewed the drawings and evaluated the site context. My comments and recommendations are as follows:

**NEIGHBORHOOD CONTEXT**
The site is located on a steep sloping parcel within a semi-rural wooded environment. Photos of the site and surrounding neighborhood context are shown on the following page.

THE SITE

## Streetview photos below provided by the applicant

Private Road: Site on the left

Private Road: Site on the right

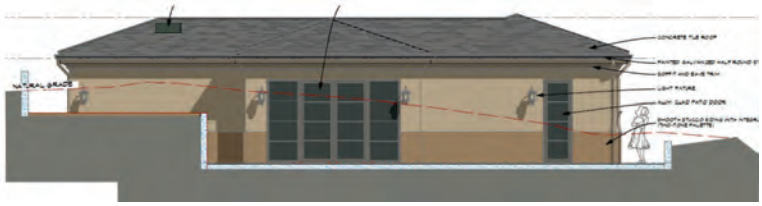
Private Road: Site on the left

Private Road: View of site downhill segment

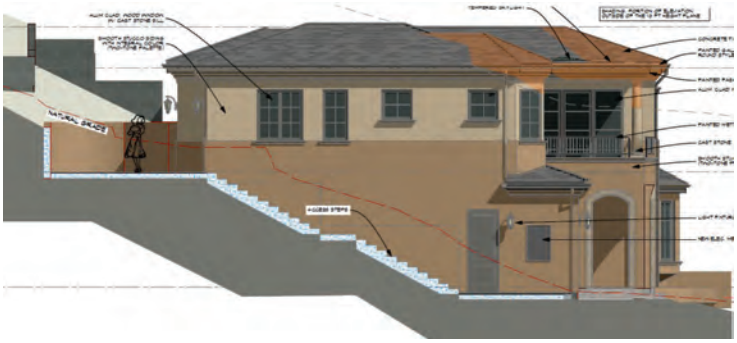
**PROJECT OVERVIEW**

The proposed two-story house is designed in a Traditional Mediterranean Style. See proposed elevations and sections below.

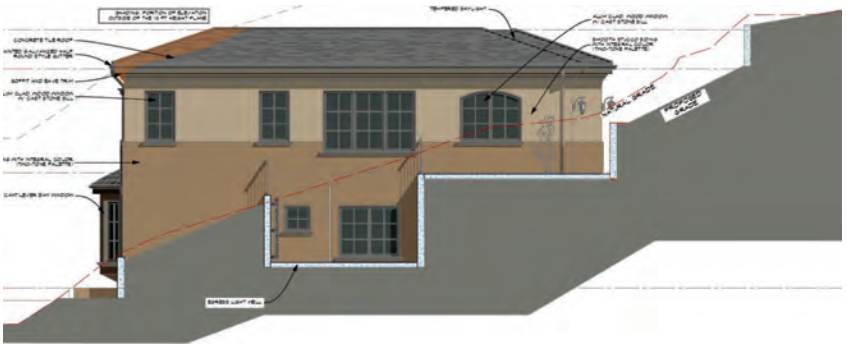
*PROPOSED FRONT ELEVATION (Entry)*



*PROPOSED REAR ELEVATION*



*PROPOSED LEFT SIDE ELEVATION*



*PROPOSED RIGHT SIDE ELEVATION*

**ISSUES AND CONCERNS**

The site slope, the fragmentation of the site into two parts and the resultant small amount of developable area on this site are major constraints for this project. I have only a couple of observations for staff's consideration.

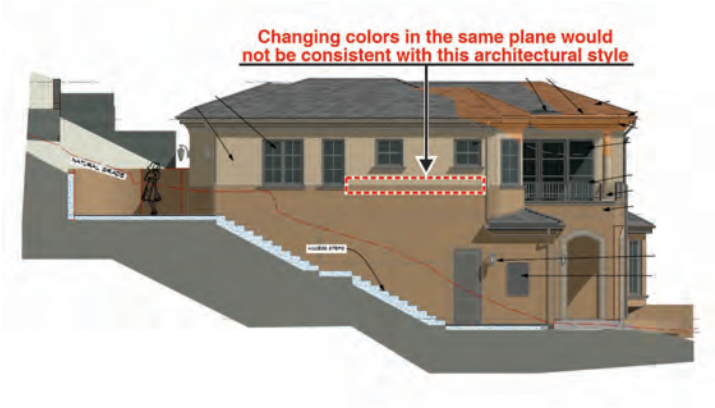
The tall side walls are not consistent with Residential Design Guideline 3.3.3.

**3.3.3 Provide visual relief for two story walls**

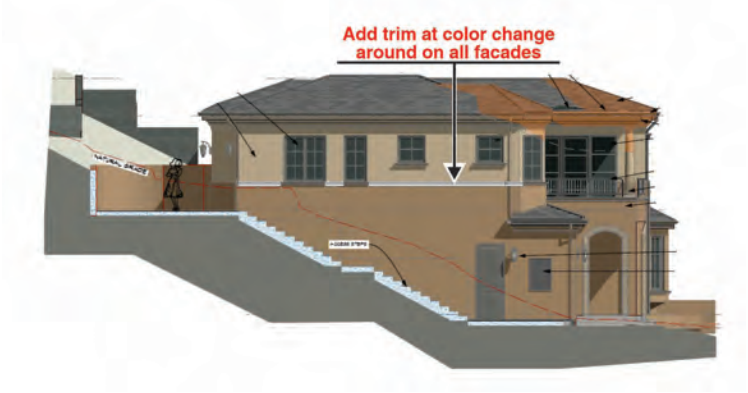
The color change proposed between the lower and upper portions of the walls helps, but that would not be total consistent with the intent of Residential Design Guideline 3.8.4.

**3.8.4 Materials changes**

- *Make materials and color changes at inside corners rather than outside corners to avoid a pasted on look.*

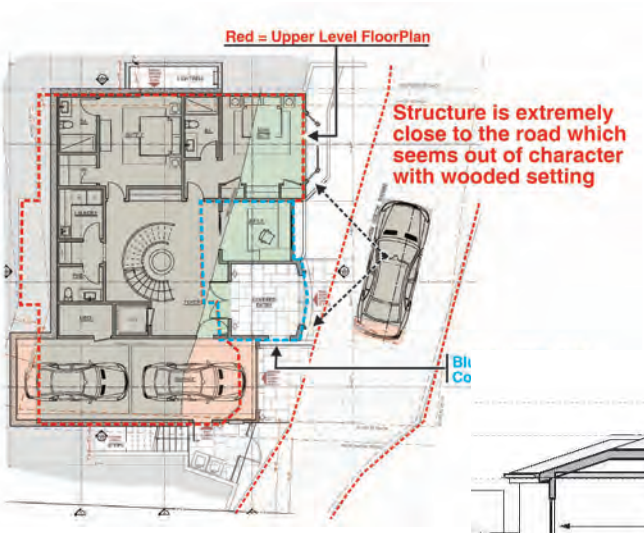


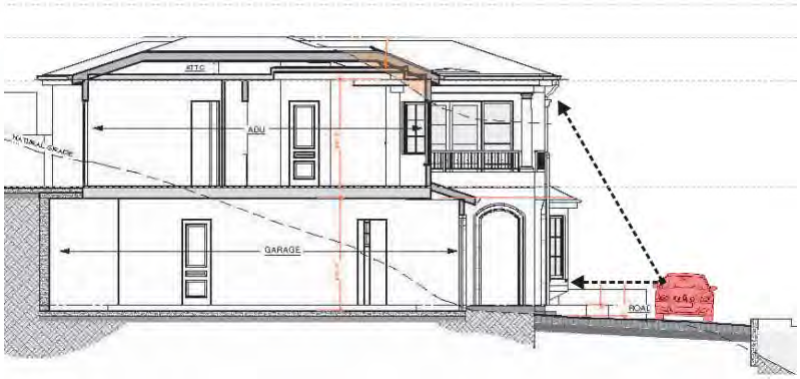

Recommendation: Add projecting molding at the proposed color change. Note that the use of two wall colors or the use of a single color would both be acceptable - see photo examples below.



A second issue is of more concern and may not have a viable alternative aside from a smaller building footprint and volume. However, I do feel it is important to identify the issue because of its potential impact on the character of the private drive.

The issue is that the proposed house is quite close to the road and appears to be closer to the road than other nearby homes. This may be acceptable given the private acces road, but it seems out of character with its current semi-rural, wooded environment - see illustrations below.






Sean, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon

KOHLSAAT & ASSOCIATES
ARCHITECTURE

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

March 20, 2023

Re: The Agahian Residence, 45 Reservoir Road,
Architecture & Site App.: S-22-048

Attn: Sean Mullin

In response to architectural consultant response letter, by Larry Cannon, dated November 28, 2022, is our response letter below.

1. A projecting molding has been added at the horizontal color change location around the entire perimeter of the building.

2. The property shape and access through the lot is highly unusual and creates an undue hardship on the allowable building envelope that we can not over come. The road has been moved away from the building envelope as much as possible.

If you have any questions regarding the revisions made, please give me a call.

Sincerely,

Jaclyn Greenmyer

51 University Ave., Suite L Los Gatos, CA 95030 Tel: (408) 395-2555

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# Tree Inventory, Assessment, and Protection Report

## 45 Reservoir Road
## Los Gatos, CA 95032

**Prepared for:**

**Town of Los Gatos**

**December 4, 2022**

**Prepared By:**

**Monarch Consulting Arborists**

Richard Gessner
P.O. Box 1010 - Felton, CA 95018
1 831 331 8982
www.monarcharborists.com

EXHIBIT 8

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# Summary

The applicant is requesting approval for construction of a new single-family residence and site improvements requiring a grading permit on vacant property Zoned R-1:20. APN 529-33-054. The inventory contains twenty (20) trees comprised of eight (8) different species. Six oaks are Large Protected with three originating on the adjacent property and fruit trees #309 and #317 are Exempt. Trees #302, #303, #313, #317, #319, #314, #315, and #316 are not indicated on the plans and #303, #320, #314, #315, and #316 are all located on adjacent properties. Twelve trees are in good condition, three fair, four poor and one coast live oak (#308) is in very poor shape. There are discrepancies between the civil, landscape, and architectural plans. Fifteen trees are to be highly impacted and five moderate to highly depending on their actual location. Tree protection will focus on those located on adjacent sites #314, #315, #316, #303, and #320 and wether or not tree #318 is to be preserved. Trees #314, #315, #316, and #303 need to be located to help determine impacts. The applicant will be required to replace fifteen protected trees according to the ordinance. There were twenty trees appraised for a rounded depreciated value of $235,440.00 ($146,200 are the three blue oaks on the adjacent site).

# Introduction

## Background

The Town of Los Gatos asked me to assess the site, trees, and proposed footprint plan, and to provide a report with my findings and recommendations to help satisfy planning requirements.

## Assignment

- Provide an arborist’s report including an assessment of the trees within the project area and on the adjacent sites. The assessment is to include the species, size (trunk diameter), condition (health, structure, and form), and suitability for preservation ratings. Affix number tags on the trees for reference on site and on plans.
- Provide tree protection specifications, guidelines, and impact ratings for those affected by the project.
- Provide appraised values using the Trunk Formula Technique.

## Limits of the assignment

- The information in this report is limited to the condition of the trees during my inspection on December 2, 2022. No tree risk assessments were performed.
- Tree heights and canopy diameters are estimates.

- The plans reviewed for this assignment were as follows (Table 1)

Table 1: Plans Reviewed Checklist

| Plan | Date | Sheet | Reviewed | Source |
|---|---|---|---|---|
| Existing Site Topographic | | | | |
| Proposed Site Plan | | A4 | Yes | Kohlsaat & Associates |
| Erosion Control | | | | |
| Grading and Drainage | | C-4 | Yes | TS Engineering |
| Utility Plan and Hook-up locations | | C-5 | Yes | TS Engineering |
| Exterior Elevations | | | | |
| Landscape Plan | | A5 | Yes | Kohlsaat & Associates |
| Irrigation Plan | | | | |
| T-1 Tree Protection Plan | | | | |

## Purpose and use of the report

The report is intended to identify all the trees within the plan area that could be affected by a project. The report is to be used by the Town of Los Gatos and the property owners as a reference for existing tree conditions to help satisfy planning requirements.

# Observations

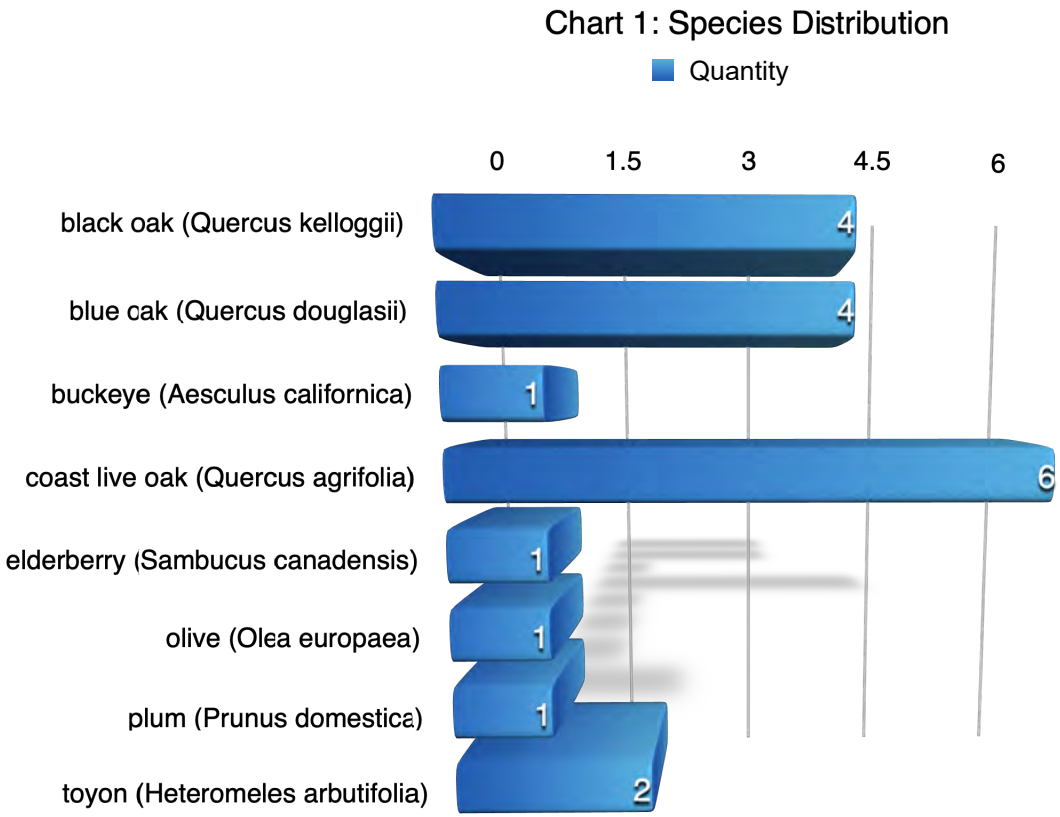
## Tree Inventory

The inventory consists of trees protected by the Town of Los Gatos located on site and those in close proximity on neighboring properties. Sec. 29.10.0960. - Scope of protected trees. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required. (Appendix A and B). Los Gatos Town Ordinance 29.10.0970 Exceptions (1) states the following: “A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

## Plans

The applicant is requesting approval for construction of a new single-family residence and site improvements requiring a grading permit on vacant property Zoned R-1:20. APN 529-33-054.

The inventory contains twenty (20) trees comprised of eight (8) different species (Chart 1). Six oaks are considered Large Protected[1] with three of those originating on the adjacent property (blue oaks #314, #15, and #316) and three coast live oaks (#304, #305, and #318) on site. Fruit trees olive #309 and plum #317 are Exempt[2]. Trees #302, #303, #313, #317, #319, #314, #315, and #316 are not indicated on the plans. Trees #303, #320, #314, #315, and #316 are all located on adjacent properties.




[1] Large protected tree means any oak (*Quercus spp.*), California buckeye (*Aesculus californica*), or Pacific madrone (*Arbutus menziesii*) which has a 24-inch or greater diameter (75-inch circumference); or any other species of tree with a 48-inch or greater diameter (150-inch circumference).

[2] A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

# Analysis

Tree appraisal was performed according to the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal 10th Edition, 2019* (CLTA) along with Western Chapter International Society of Arboriculture *Species Classification and Group Assignment, 2004*. The trees were appraised using the "Cost Approach" and more specifically the "Trunk Formula Technique" (Appendix B).

"Trunk Formula Technique" is calculated as follows: Basic Tree Cost = (Unit tree cost x Appraised trunk area), Appraised Value = (Basic tree cost X functional Limitations (percentage) X Condition (percentage) X External Limitations (percentage)).

The trunk formula valuations are based on four tree factors; size (trunk cross sectional area), condition, functional limitations, and external limitations. There are two steps to determine the overall value. The first step is to determine the "Basic Tree Cost" based on size and unit tree cost. Unit tree cost is calculated by dividing the nursery wholesale cost of a 24 inch box specimen and its replacement size (cost per square inch trunk caliper) which is determined by the *Species Classification and Group Assignment, 2004 Western Chapter Regional Supplement*. The cost of the 24 inch box wholesale specimen was determined through personal communications with BrightView and Normans nurseries in Farmington and Central Wholesale in San Jose for an average of $214.00.

The second part is to depreciate the tree's Basic Cost through an assessment of condition, functional limitations, and external limitations. The condition assessment guidelines and percentages are defined in the "Condition Rating" section of this report. Functional limitations are based on factors associated with the tree's interaction to its planting site that would affect condition, limit development, or reduce the utility in the future and include genetics, placement, and site conditions for the individual tree. External limitations are outside the property, out of control of the owner and also affect condition, limit development, or reduce the utility in the future (i.e power lines, municipal restrictions, drought adaptations, or species susceptibility to pests).

There were twenty trees appraised for a rounded depreciated value of $235,440.00 ($146,200 are the three blue oaks on the adjacent site).

Appraisal worksheets are available upon request.

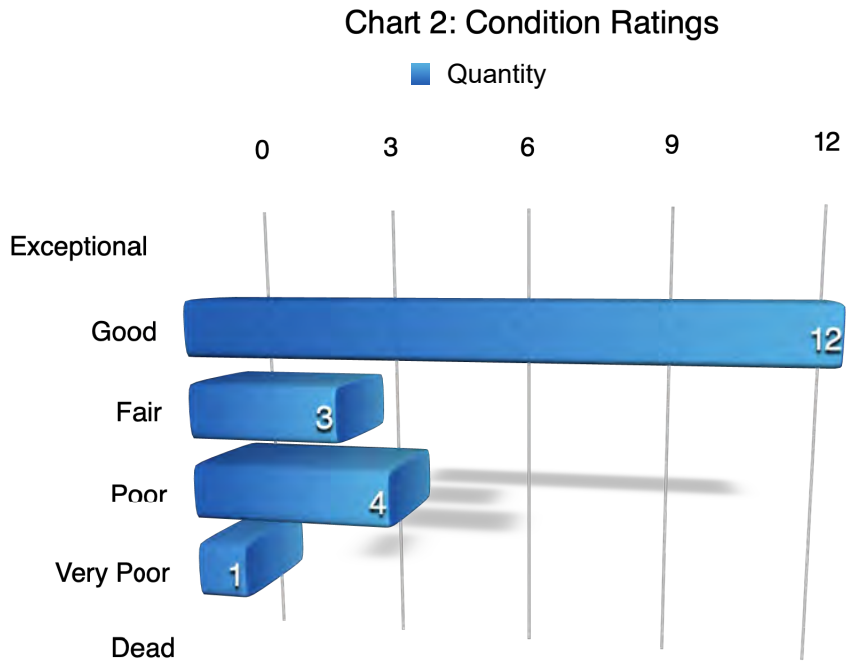
# Discussion

## Condition Rating

A tree's condition is a determination of its overall health, structure, and form. The assessment considered all three criteria for a combined condition rating.

- 91- 100% - Exceptional = Good health and structure with significant size, location or quality.
- 61-80% - Good = Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.
- 41-60 % - Fair = Reduced vigor, damage, dieback, or pest problems, at least one significant structural problem or multiple moderate defects requiring treatment. Major asymmetry or deviation from the species normal habit, function and aesthetics compromised.
- 21-40% - Poor = Unhealthy and declining appearance with poor vigor, abnormal foliar color, size or density with potential irreversible decline. One serious structural defect or multiple significant defects that cannot be corrected and failure may occur at any time. Significant asymmetry and compromised aesthetics and intended use.
- 6-20% - Very Poor = Poor vigor and dying with little foliage in irreversible decline. Severe defects with the likelihood of failure being probable or imminent. Aesthetically poor with little or no function in the landscape.
- 0-5% - Dead/Unstable = Dead or imminently ready to fail.

Twelve trees are in good condition, three fair, four poor and one coast live oak (#308) is in very poor shape (Chart 2). The lot and the trees have not been maintained or maintained very well. Several trees #304, #311, and #312 are either topped or poorly maintained to avoid overhead high voltage lines.



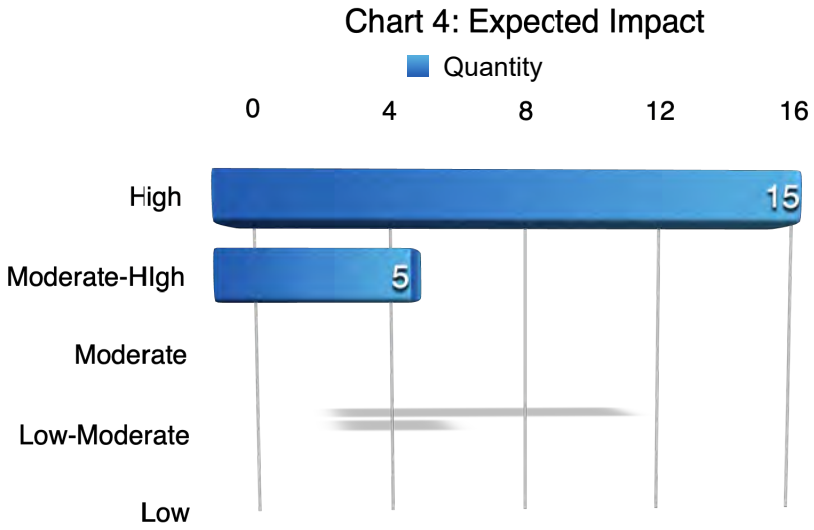
## Expected Impact Level

Impact level defines how a tree may be affected by construction activity and proximity to the tree, and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

Trees #302, #303, #313, #317, #319, #314, #315, and #316 are not indicated on the plans. There are discrepancies between the civil, landscape, and architectural plans. The architectural plans (A4 ), landscape plan (A5), civil drawings (C-7) indicate the lower coast live oak #318 is to be retained but the Grading and Drainage Plan C-4 clearly indicates this tree would be highly impacted by the keyway and grading in this area. I believe this tree (#318) is critical for screening. Architectural sheets A4 and A5 also indicate coast live oak #320 is to be removed, however the tree is indicated to be on the adjacent property.

Looking at the civil plans all the trees on site would be required to be removed. The architectural plans indicate #301, #310, and #318 are to be preserved but again are in conflict with the grading and drainage plans. There are five trees that could be moderately impacted located on the adjacent properties which are #314, #315, #316, #303, and #320. Trees #314, #315, #316 will need to be located to obtain exact distances from the excavation to the trees. #303, and #320 are near the road improvements and will need to be preserved. Fifteen trees are to be highly impacted and five moderate to highly (Chart 4).



## Mitigation for Removals

The table below indicates the recommended replacement values (Table 2). The applicant will be required to replace fifteen protected trees according to the ordinance. Alternatively it may be possible to create an approved landscape plan or provide an in-lieu payment.

Table 2: Town of Los Gatos Tree Canopy - Replacement Standard

| Canopy Size of Removed Tree (1) | Replacement Requirement (2)(4) | Single Family Residential Replacement Option (3)(4) |
|---|---|---|
| 10 feet or less | Two 24 inch box trees | Two 15 gallon trees |
| More than 10 feet to 25 feet | Three 24 inch box trees | Three 15 gallon trees |
| More than 25 feet to 40 feet | Four 24 inch box trees or two 36 inch box trees | Four 15 gallon trees |
| More than 40 feet to 55 feet | Six 24 inch box trees; or three 36 inch box trees | Not available |
| Greater than 55 feet | Ten 24 inch box trees; or five 36 inch box trees | Not available |

[1]To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.

[2]Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.

[3]Single Family Residential Replacement Option is available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24" box tree rates as adopted by Town Council.

[4]Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillsides shall comply with the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions—Hillsides.

## Tree Protection

Typically there are three different tree protection schemes which are called Type I (Appendix D1), Type II and Type III (Appendix D2) trunk protection only. Tree protection focuses on avoiding damage to the roots, trunk, or scaffold branches (Appendix D). The most current accepted method for determining the TPZ is to use a formula based on species tolerance, tree age/vigor, and trunk diameter (Matheny, N. and Clark, J. 1998) (Fite, K, and Smiley, E. T., 2016). Preventing mechanical damage to the trunk from equipment or hand tools can be accomplished by wrapping the main stem with straw wattle or using vertical timbers (Appendix D).

Tree protection will focus on those located on adjacent sites #314, #315, #316, #303, and #320 and wether or not tree #318 is to be preserved. Trees #314, #315, #316, and #303 need to be located to help determine what exactly the impacts are expected. Fence around these trees no closer than six times their trunk diameter distance would likely be adequate. Obtaining eight to ten times the trunk diameter in radius from trees  #314, #315, #316 would be ideal.

# Conclusion

The applicant is requesting approval for construction of a new single-family residence and site improvements requiring a grading permit on vacant property Zoned R-1:20. APN 529-33-054. The inventory contains twenty (20) trees comprised of eight (8) different species. Six oaks are Large Protected with three originating on the adjacent property (blue oaks #314, #15, and #316) and three coast live oaks (#304, #305, and #318) on site. Fruit trees olive #309 and plum #317 are Exempt. Trees #302, #303, #313, #317, #319, #314, #315, and #316 are not indicated on the plans and #303, #320, #314, #315, and #316 are all located on adjacent properties. Twelve trees are in good condition, three fair, four poor and one coast live oak (#308) is in very poor shape.

There are discrepancies between the civil, landscape, and architectural plans. The architectural plans (A4 ), landscape plan (A5), civil drawings (C-7) indicate the lower coast live oak #318 is to be retained but the Grading and Drainage Plan C-4 clearly indicates this tree would be highly impacted by the keyway and grading in this area. I believe this tree (#318) is critical for screening. Architectural sheets A4 and A5 also indicate coast live oak #320 is to be removed, however the tree is on the adjacent property. Looking at the civil plans all the trees on site would be required to be removed. The architectural plans indicate #301, #310, and #318 are to be preserved but are in conflict with the grading and drainage plans. There are five trees that could be moderately impacted on the adjacent properties which are #314, #315, #316, #303, and #320. Trees #314, #315, #316 will need to be located to obtain exact distances from the excavation to them. #303, and #320 are near the road improvements and will need to be preserved. Fifteen trees are to be highly impacted and five moderate to highly depending on their actual location.

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The applicant will be required to replace fifteen protected trees according to the ordinance. There were twenty trees appraised for a rounded depreciated value of $235,440.00 ($146,200 are the three blue oaks on the adjacent site).

# Recommendations

1. Place tree numbers on all the plans. Make sure the trees are clearly indicated for removal on all the plans. The trees should also be very clearly marked on site prior to removal.

2. Locate trees #302, #303, #313, #317, #319, #314, #315, and #316 on the plans.

3. Coordinate trees to be preserved or removed between the civil engineer and architect (#301, #310, #318, #320).

4. Place tree protection fence at least eight times the trunk diameter distance from the trunks of trees to be retained.

5. Install temporary irrigation or soaker hoses in all tree protection zones and provide supplemental watering during construction within all TPZ areas. Monitor watering times or amounts to ensure adequate soil saturation. (A 5/8" soaker hose requires about 200 minutes to deliver one inch of water to a garden. This number is affected by the length of the hose and the overall rate of flow from the faucet. A good rule of thumb is to expect about ½ GPM as a standard faucet flow rate.). Infrequent deeper watering is preferred.

6. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.

7. Refer to Appendix D for general tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within a trees drip line or designated TPZ/CRZ.

8. Place all the tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Alternatively create a separate plan sheet that includes all three protection measures labeled "T-1 Tree Protection Plan."

9. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.

10. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

# Bibliography

American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management : Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction)(Part 5). Londonderry, NH: Secretariat, Tree Care Industry Association, 2019. Print.

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# Glossary of Terms

**Basic Tree Cost:** The cost of replacement for a perfect specimen of a particular species and cross sectional area prior to location and condition depreciation.

**Cost Approach:** An indication of value by adding the land value to the depreciated value of improvements.

**Defect:** An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

**Diameter at breast height (DBH):** Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

**Drip Line:** Imaginary line defined by the branch spread or a single plant or group of plants. The outer extent of the tree crown.

**Form:** describes a plant's habit, shape or silhouette defined by its genetics, environment, or management.

**Health:** Assessment is based on the overall appearance of the tree, its leaf and twig growth, and the presence and severity of insects or disease.

**Mechanical damage:** Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

**Scaffold branches:** Permanent or structural branches that for the scaffold architecture or structure of a tree.

**Straw wattle:** also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials,
and have an average weight of 35 pounds.

**Structural evaluation:** focused on the crown, trunk, trunk flare, above ground roots and the site conditions contributing to conditions and/or defects that may contribute to failure.

**Tree Protection Zone (TPZ):** Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

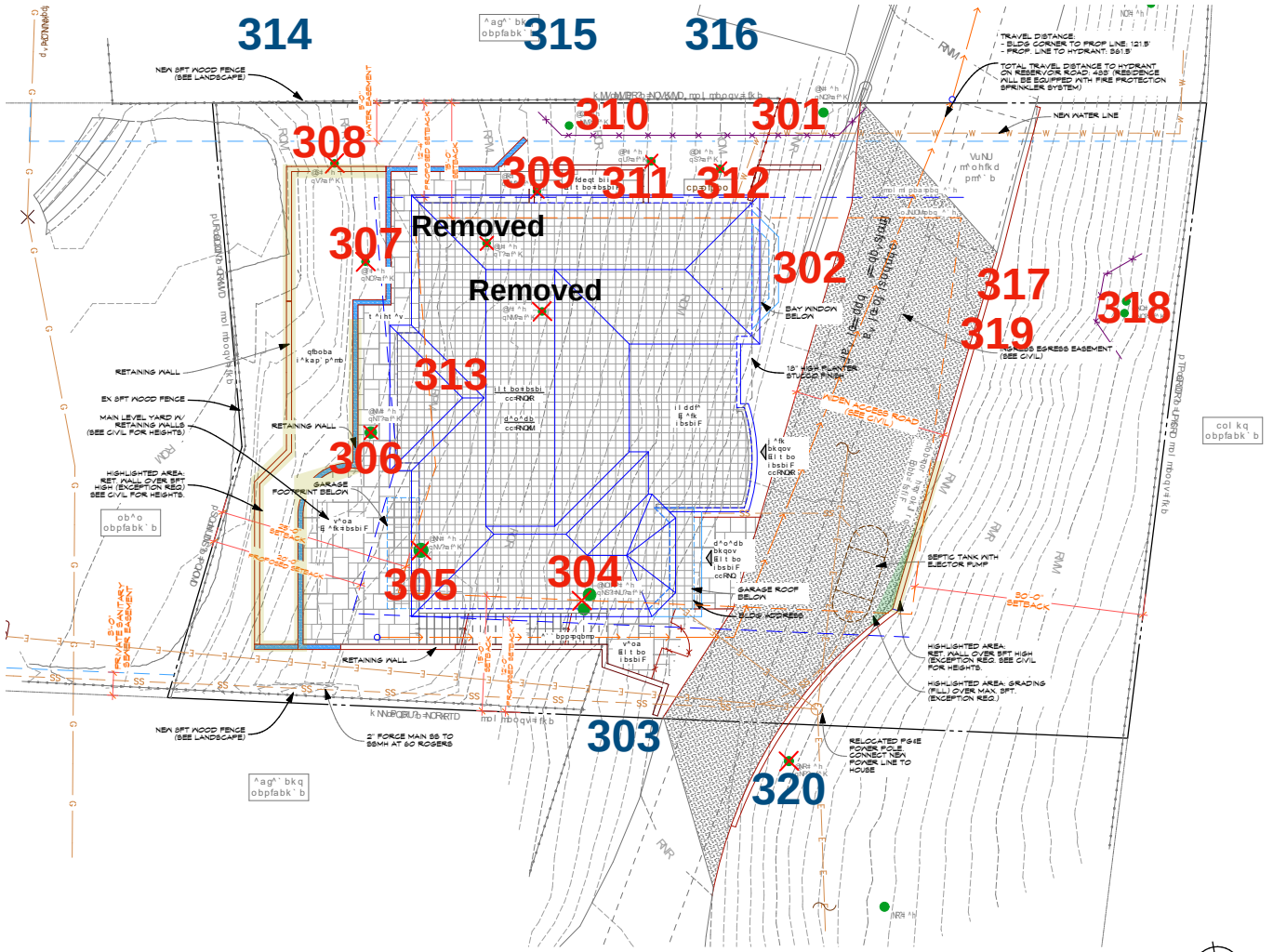
**Tree Risk Assessment:** Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

**Trunk:** Stem of a tree.

**Trunk Formula Technique:** Method to appraise the monetary value of trees considered too large to be replaced with nursery or field grown stock. Based on developing a representative unit cost for replacement with the same or comparable species of the same size and in the same place, subject to depreciation for various factors. Contrast with replacement cost method.

**Volunteer:** A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.

# Appendix A: Tree Inventory Map and Proposed Site Plan



# Appendix B: Tree Inventory and Assessment Tables

Table 3: Inventory and Assessment Summary

| Tree Species | I.D. # | Trunk Diameter (in.) | ~ Canopy Diameter (ft.) | Condition/ Percent | Expected Impact | Protection Status | Rounded Depreciated Value | Tree Protection Radii (8X DBH ft.) |
|---|---|---|---|---|---|---|---|---|
| black oak (*Quercus kelloggii*) | 301 | 18 | 35 | Fair/50% | High | Protected | $10,900.00 | 12 |
| toyon (*Heteromeles arbutifolia)* | 302 | 4, 3 | 8 | Good/70% | High | Protected | $1,270.00 | 3 |
| buckeye (*Aesculus californica*) | 303 | 5 | 10 | Good/70% | Moderate-High | Protected | $670.00 | 3 |
| coast live oak (*Quercus agrifolia*) | 304 | 19, 20 | 35 | Poor/30% | High | Large Protected | $9,400.00 | 19 |
| coast live oak (*Quercus agrifolia*) | 305 | 26 | 35 | Fair/50% | High | Large Protected | $13,400.00 | 17 |
| black oak (*Quercus kelloggii*) | 306 | 18 | 25 | Good/70% | High | Protected | $15,300.00 | 12 |
| blue oak (*Quercus douglasii*) | 307 | 12 | 20 | Fair/50% | High | Protected | $4,860.00 | 8 |
| coast live oak (*Quercus agrifolia*) | 308 | 12 | 20 | Very poor | High | Protected | $860.00 | 8 |
| olive (*Olea europaea*) | 309 | 10 | 20 | Good/70% | High | Exempt | $2,790.00 | 7 |
| coast live oak (*Quercus agrifolia*) | 310 | 10 | 20 | Poor/30% | High | Protected | $1,190.00 | 7 |
| black oak (*Quercus kelloggii*) | 311 | 10 | 10 | Poor/30% | High | Protected | $2,020.00 | 7 |

| Tree Species | I.D. # | Trunk Diameter (in.) | ~ Canopy Diameter (ft.) | Condition/ Percent | Expected Impact | Protection Status | Rounded Depreciated Value | Tree Protection Radii (8X DBH ft.) |
|---|---|---|---|---|---|---|---|---|
| black oak (*Quercus kelloggii*) | 312 | 6 | 10 | Poor/30% | High | Protected | $730.00 | 4 |
| toyon (*Heteromeles arbutifolia)* | 313 | 5 | 10 | Good/70% | High | Protected | $1,270.00 | 3 |
| blue oak (*Quercus douglasii*) | 314 | 36 | 45 | Good/70% | Moderate-High | Large Protected | $61,200.00 | 24 |
| blue oak (*Quercus douglasii*) | 315 | 30 | 45 | Good/70% | Moderate-High | Large Protected | $42,500.00 | 20 |
| blue oak (*Quercus douglasii*) | 316 | 30 | 45 | Good/70% | Moderate-High | Large Protected | $42,500.00 | 20 |
| plum (*Prunus domestica*) | 317 | 4, 4 | 15 | Good/70% | High | Exempt | $940.00 | 4 |
| coast live oak (*Quercus agrifolia*) | 318 | 14, 18 | 35 | Good/70% | High | Large Protected | $14,700.00 | 15 |
| elderberry (*Sambucus canadensis*) | 319 | 4, 4 | 15 | Good/70% | High | Protected | $940.00 | 4 |
| coast live oak (*Quercus agrifolia*) | 320 | 17 | 35 | Good/70% | Moderate-High | Protected | $8,000.00 | 11 |

# Appendix C: Photographs

## C1: #303 and #320

## C2: #301 and #302

## C3: #318

## C4: Trees #315 and #316 (Adjacent site)

## C5: #308 and #314

## C6: #309, #310 and #311

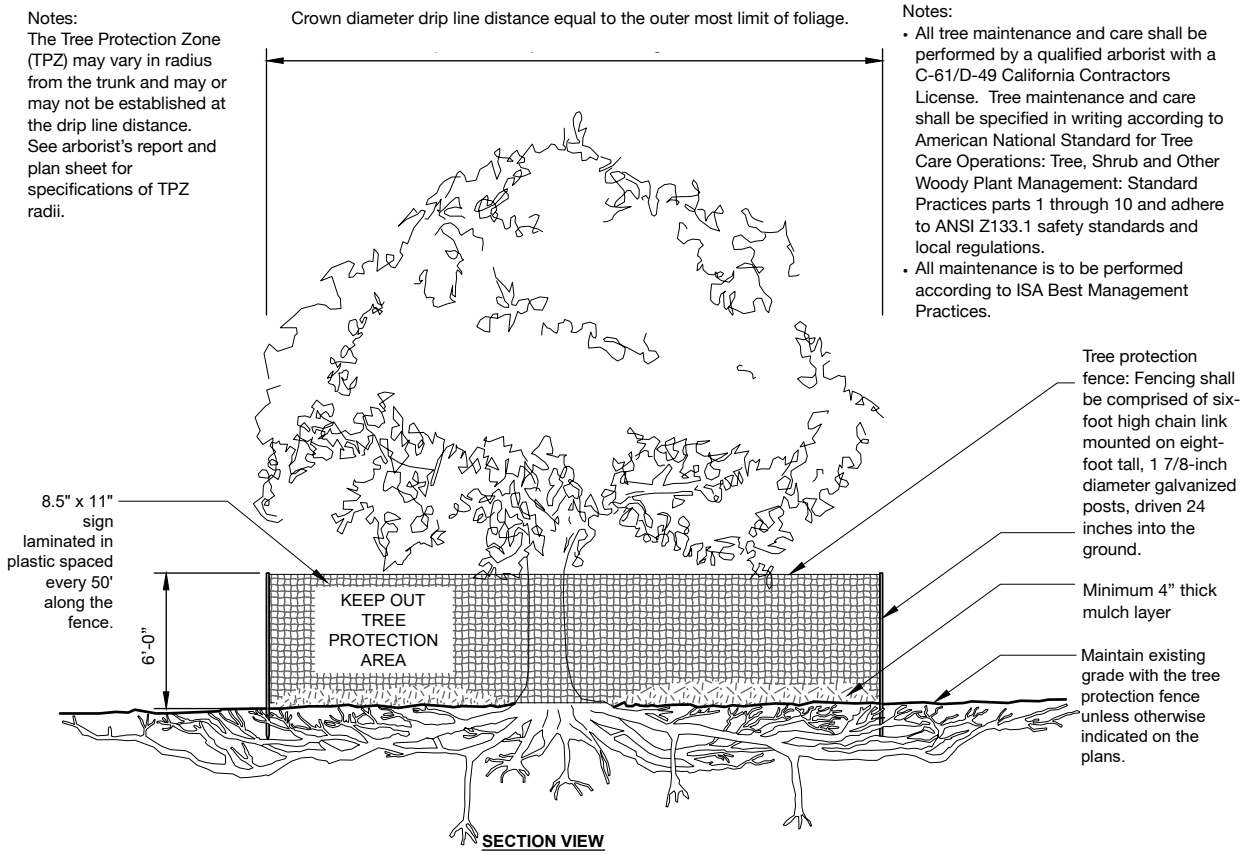
## C7: #306, #313, and #307

## C8: #304

## C9: #305

# Appendix D: Tree Protection Guidelines

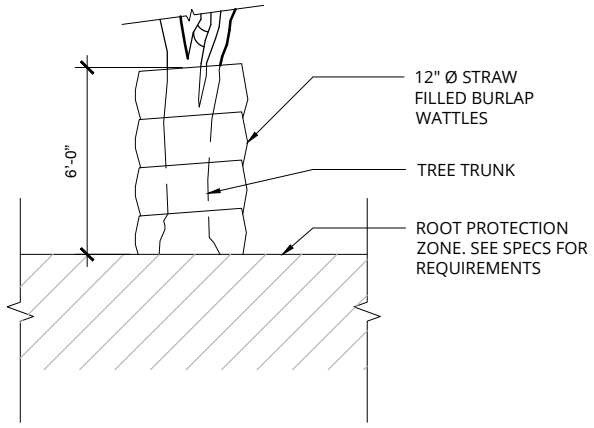
## D1: Plan Sheet Detail S-X (Type I)




S-X TREE PROTECTION

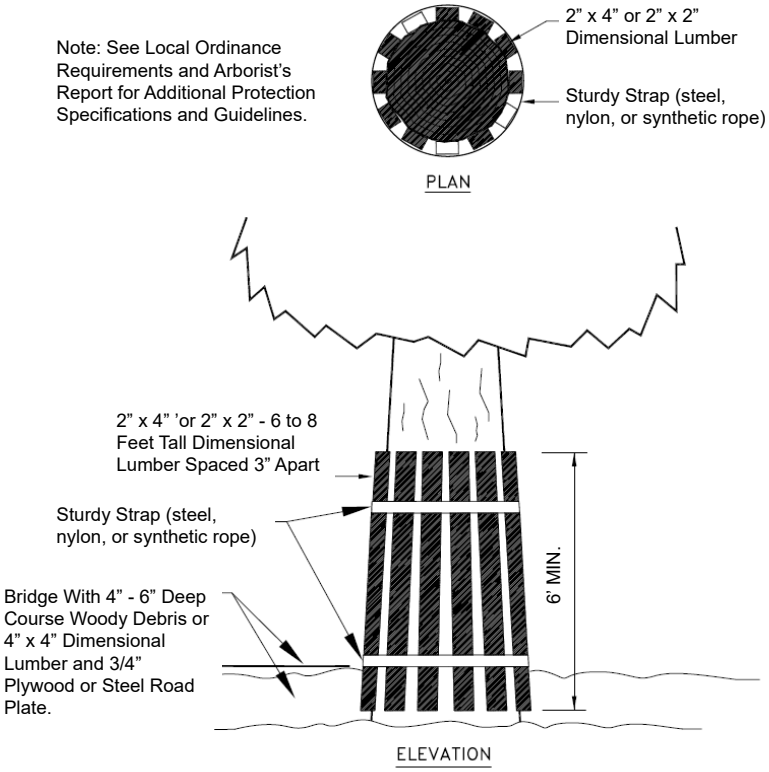
URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE
Modified by Monarch Consulting Arborists LLC, 2019

# D2: Plan Sheet Detail S-Y (Type III)




SECTION VIEW

S-Y TRUNK PROTECTION WITH WATTLE




**Trunk Protection Vertical Timber Detail**

# D3: Section 29.10.1005. - Protection of Trees During Construction

## Tree Protection Zones and Fence Specifications

1. **Size and materials:** Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
2. **Area type to be fenced:** Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
3. **Duration of Type I, II, III fencing:** Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
4. **Warning Sign:** Each tree fence shall have prominently displayed an eight and one-half-inch by eleven-inch sign stating: "Warning —Tree Protection Zone—This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025.” Text on the signs should be in both English and Spanish (Appendix E).

### All persons, shall comply with the following precautions

1. Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
2. Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.
3. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
4. Prohibit the attachment of wires, signs or ropes to any protected tree.
5. Design utility services and irrigation lines to be located outside of the dripline when feasible.
6. Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
7. The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

## Prohibited Activities

The following are prohibited activities within the TPZ:

- Grade changes (e.g. soil cuts, fills);
- Trenches;
- Root cuts;
- Pedestrian and equipment traffic that could compact the soil or physically damage roots;
- Parking vehicles or equipment;
- Burning of brush and woody debris;
- Storing soil, construction materials, petroleum products, water, or building refuse; and,
- Disposing of wash water, fuel or other potentially damaging liquids.

## Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

## Root Pruning

Roots greater than two inches in diameter shall not be cut. When roots over two inches in diameter are encountered and are authorized to be cut or removed, they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

## Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

## Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Treatment, including pruning, shall be specified in writing according to the most recent ANSI A-300A Standards and Limitations and performed according to ISA Best Management Practices while adhering to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.

## Appendix E: Tree Protection Signs

### E1: English

# Warning
# Tree Protection Zone

This Fence Shall Not Be Removed
And Is Subject To Penalty According To
Town Code 29.10.1025

**E2: Spanish**

# Cuidado
# Zona De Arbol Pretejido

Esta valla no podrán ser sacados
Y está sujeta a sanción en función de
Código Ciudad del 29.101025

# Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant’s fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.

# Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner

ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

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Story Poles installed at 45 Reservoir Road – AS No.: S22-048

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On private road approaching lot (building envelope on left side)

On private road (building envelope on right side), pillars mark the edge of property

On private road, building pad on left side, road cut on the right

Looking downhill from private road

Left over retaining walls at rear yard

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Paul and Pamela Paspa
[redacted]
Los Gatos, CA. 95030

RECEIVED
MAY 25 2023
TOWN OF LOS GATOS
PLANNING DIVISION

May 20, 2023

Sean Mullin
Senior Planner, Los Gatos Planning Department
110 E Main St.
Los Gatos, CA 95030

Dear Sean,

I wanted to follow up our earlier conversation with a letter summarizing the conversations I had with yourself and Gary Kohlsaat, the architect for the proposed development at 45 Reservoir Road. I discussed everything with my wife and there are a couple points I hope you consider as the project moves through the planning and building approval processes.

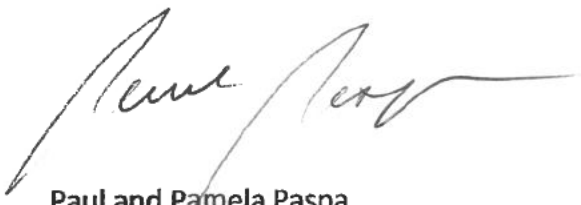
In terms of the house design our only takeaway is the project is oversize for the lot. I think it should be implicit when anyone purchases a small property that they should expect to build a home that is proportional to the property and complies with local code. Instead the plans are for a substantial home with and ADU that exceeds the required setbacks on at least 3 sides and possibly height too. I told Gary the size of the home and setbacks are mostly a concern for the adjacent neighbors and do not directly impact us so not something I will 'complain' about, but something I think should be considered with any other feedback you receive.

What does concern us is the project is large and challenging due to assess via the private drive with little to no parking on the property for construction vehicles. The required excavation, trucking of materials in and out for construction of retaining walls, foundation, and concrete work will all negatively impact everyone that lives along the private drive for a long time. Trucking dirt off site alone will require between 70-80 trips for large dump trucks to haul off dirt. Then importing concrete, gravel, lumber and other building materials will likely double or triple that number of trucking trips. That's a lot of traffic for a very small road and property and will impact everyone with noise, dust, and traffic. I discussed this with Gary he understood this would be a unique issue due to the property size and location and at the time Gary didn't have an answer as to how the owners planned to manage this and only said it would be something to discuss with the contractors. I told him I disagreed with that approach as contractors will do what's easiest to get their jobs done and not necessarily what works best for the people living in the area. I had a similar issue when I built our home 20+ years ago and personally had to be on top of the workers on a daily basis or they would park anywhere that was convenient, even blocking the public road and/or private drive. I'd urge you, due to the access and location, that

you make it a condition of approval that the application include a clearly stated plan for how vehicles should enter and leave the jobsite, and where builders are allowed park their vehicles if there is insufficient parking available on the construction site. The private drive should not be blocked for any extended periods of time or double as a contractor parking lot while the work is performed.

And the last thing I'd ask is there should be an understanding that any damage or wear and tear to properties or landscaping from all the vehicle traffic through the properties along the private drive be mitigated and repaired within a defined period of time after occupancy is granted. The private drive was just resurfaced less than a year ago and I expect after this project the resurfacing may need to be redone to restore it to the current condition.

Best regards,



Paul and Pamela Paspa
[redacted]

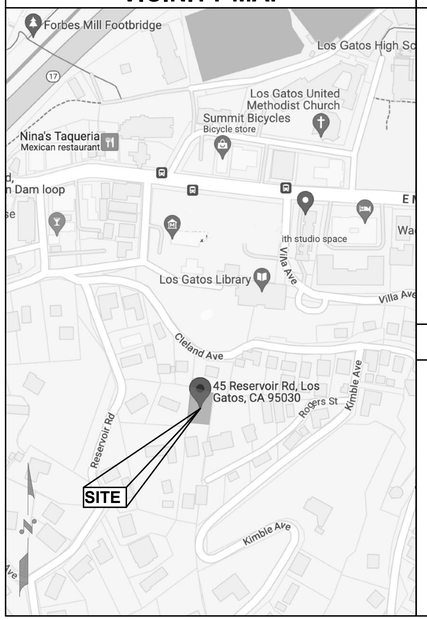
ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD

LOS GATOS, CA 95030

## VICINITY MAP




## PROJECT DIRECTORY


PROPERTY OWNER:
FARNAZ AGAHIAN
1558 THUNDERBIRD DRIVE
SAN JOSE, CA 95131
TEL: (408) 234-5780

ARCHITECT:
KOHLSAAT & ASSOCIATES
51 UNIVERSITY AVENUE, SUITE L
LOS GATOS, CA 95030
TEL: (408) 395-2555

CIVIL ENGINEERING:
HANNA-BRUNETTI
1651 EIGLEBERRY STREET
GILROY, CA 95020
TEL: (408) 842-2173

SURVEYOR:
HANNA-BRUNETTI
1651 EIGLEBERRY STREET
GILROY, CA 95020
TEL: (408) 842-2173


## SCOPE OF WORK

SITE AND ARCHITECTURAL DEVELOPMENT ON AN EXISTING VACANT R1-20 ZONED LOT (HILLSIDE OVERLAY).

WORK TO INCLUDE:
BUILDINGS:
1. CONSTRUCTION OF A NEW RESIDENCE WITH AN ATTACHED ACCESSORY DWELLING UNIT, AN ATTACHED GARAGE AND BELOW GRADE BASEMENT.
2. COVERED DECK
3. EGRESS, VENTILATION WELLS AND ACCESS STAIRS.

SITE IMPROVEMENTS (REFER TO CIVIL PLANS):
1. MODIFY EXISTING PRIVATE ROAD TO PROVIDE PARKING AND FIRE TRUCK TURN-AROUND.
2. SITE RETAINING WALLS AND PAVED YARDS
3. UTILITY TRENCHING AND CONNECTIONS
4. TREE REMOVAL AND NEW TREE PLANTING

## FIRE / BUILDING NOTES

• FIRE SPRINKLERS: An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Note: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC.

• WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requiremeTnts of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

• ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. (CFC Sec. 505.1).

• EMERGENCY GATE/ACCESS GATE REQUIREMENTS: Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. Knox Key-switch is required for the automatic gate.

• FIRE APPARATUS (ENGINE) ACCESS DRIVEWAY REQUIRED: Provide an access driveway with a paved all weather surface, a minimum unobstructed width of 12 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 to the Fire Department Standard Details Specifications D-1 and CFC Section 503.

• CONSTRUCTION SITE FIRE SAFETY: All construction site must comply with applicable provisions of the CFC chapter 33 and County of Santa Clara Standard Detail and Specification S1-7.

• REACH CODE COMPLIANCE: This residence will comply with the town's electric appliance, electric vehicle and energy storage system requirements in accordance with town code section 6.70.020 and 6.120.020.

## PROJECT DATA

| | |
|---|---|
| PROJECT ADDRESS: | 45 RESERVOIR ROAD<br>LOS GATOS, CA 95030 |
| APN#: | 529-33-054 |
| ZONING: | R-1-20 (IN HILLSIDE OVERLAY) |
| OCCUPANCY GROUP: | R-3, U |
| CONSTRUCTION TYPE: | V-B |
| AVERAGE LOT SLOPE: | 28% (SEE SLOPE CALCS. ON CIVIL PLANS) |
| GROSS & NET SITE AREA: | 10,000SF GROSS, 4,600SF NET (SEE CALCS BELOW) |
| STORIES: | NEW (2) STORY RESIDENCE<br>NEW ATTACHED ACCESSORY DWELLING UNIT<br>ATTACHED GARAGE<br>BELOW GRADE BASEMENT |
| PARKING: | 2 COVERED SPACES, 1 UNCOVERED SPACE |
| FIRE SPRINKLER: | WILL PROVIDE |

REDUCTION OF NET SITE AREA ON SLOPING LOT
(50% PLUS 3% FOR EACH 1% OF SLOPE OVER 20%)
USING AVERAGE SLOPE OF 28%:
-> 30% + 24% = 54% REDUCTION

NET LOT AREA:
GROSS LOT AREA - REDUCTION %
10,000SF * (1-54%) = 4,600SF

ALLOWABLE FAR
= 0.40 - [(4.5-2)/3 X 0.05]
= 0.4 - 0.0435
= 0.3567

ALLOWABLE FLOOR AREA:
NET LOT AREA * FAR
= 4,600SF * 0.3567
= 1640.82SF

FLOOR AREAS:

| | FLOOR AREA (A) | EXCLUSION (B) | (A) + (B) |
|---|---|---|---|
| MAIN FLOOR | 1,327 SF | | 1,327 SF |
| LOWER FLOOR | 313 SF | 1287 SF (1) | 1,600 SF |
| GARAGE | 0 SF | 338SF (1) | |
| | | 169 + 69SF (2) | 564 SF |
| SUB-TOTAL | 1,640 SF | | 3,491 SF |
| ADU | 516 SF | | 516 SF |
| TOTAL FLOOR AREAS | 2,156 SF | | 4,007 SF |

* EXCLUSIONS:
(1) BELOW GRADE BASEMENT AREA
(2) GARAGE EXEMPTION UP TO 400SF

STRUCTURAL COVERAGE:

| | | |
|---|---|---|
| RESIDENCE + ADU + GARAGE | 2,195 SF | |
| PATIOS, BALCONIES (OUTSIDE RESIDENCE FOOTPRINT) | 148 SF | |
| TOTAL | 2,343 SF | = 23.43% |

## SHEET INDEX


| | |
|---|---|
| A-1 | COVER SHEET |
| A-2 | NEIGHBORHOOD SITE PLAN |
| A-3 | DEMO/EXISTING SITE PLAN |
| A-4 | ARCHITECTURAL SITE PLAN |
| A-5 | PRELIMINARY LANDSCAPE PLAN |
| A-6 | LOWER LEVER FLOOR PLAN |
| A-7 | MAIN LEVEL FLOOR PLAN |
| A-8 | ROOF PLAN |
| A-9 | ELEVATIONS |
| A-10 | ELEVATIONS |
| A-11 | SECTIONS |
| A-12 | VISIBILITY STUDY |
| A-13 | VISIBILITY STUDY |
| A-14 | SHADOW STUDIES |
| C-1 | CIVIL COVER SHEET |
| C-2 | BLUEPRINT FOR A CLEAN BAY |
| C-3 | EXISTING TOPO SURVEY & DEMO PLAN |
| C-4 | GRADING AND DRAINAGE PLAN |
| C-5 | UTILITY PLAN |
| C-6 | UTILITY PLAN |
| C-7 | CROSS SECTIONS & DETAILS |
| C-8 | EROSION CONTROL PLAN |


| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
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| | |


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THE AGAHIAN RESIDENCE
45 RESERVOIR ROAD LOS GATOS, CA 95030

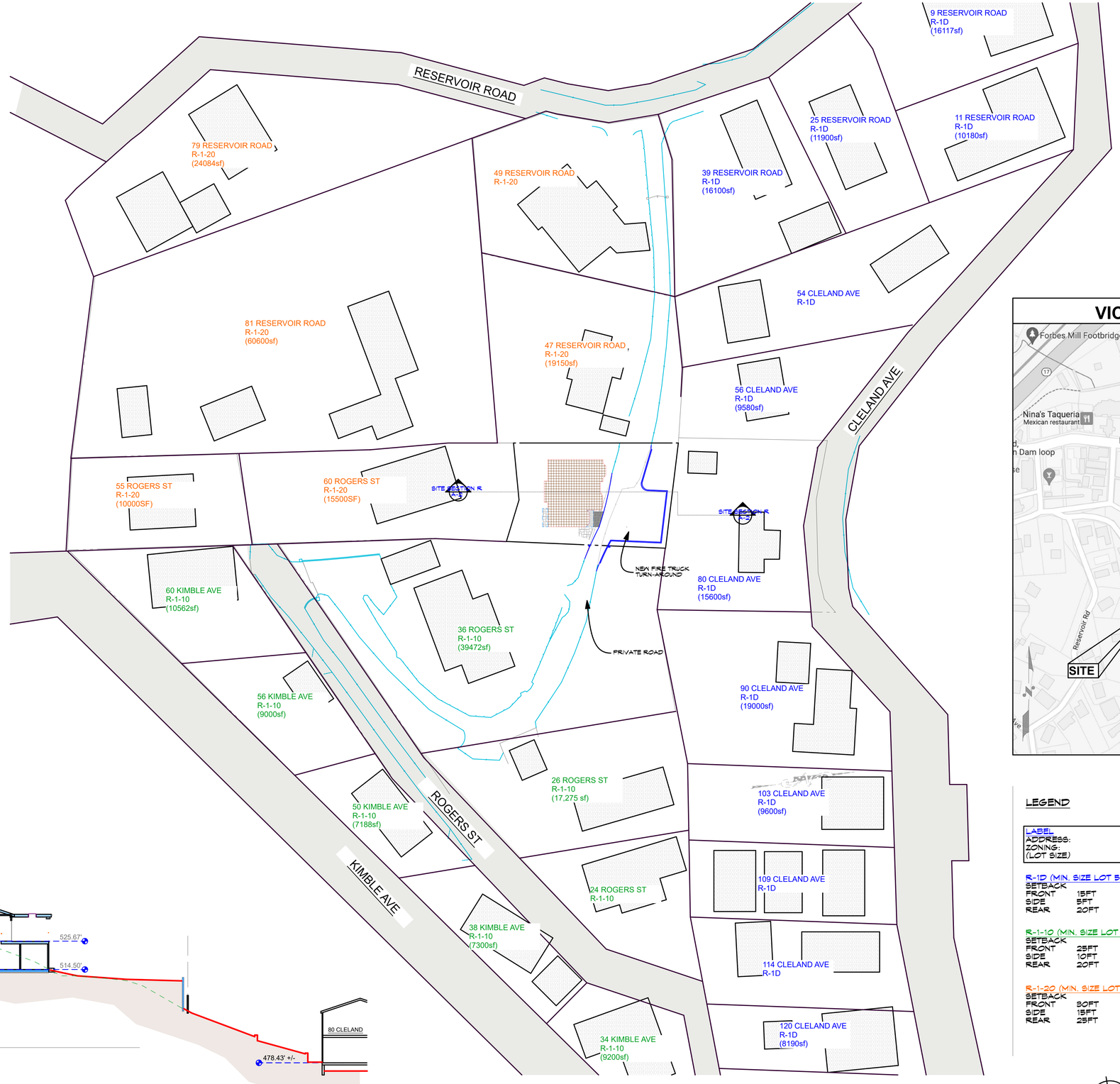

COVER SHEET

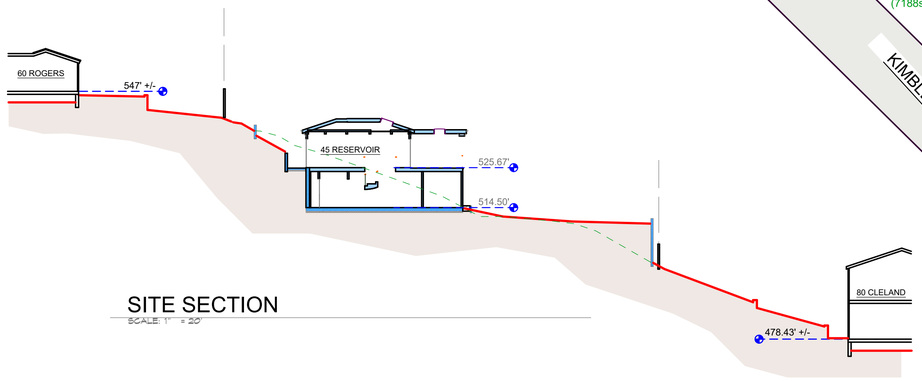
DATE: 11/08/22

SCALE: AS SHOWN

SHEET
A-1
1 OF -

EXHIBIT 12



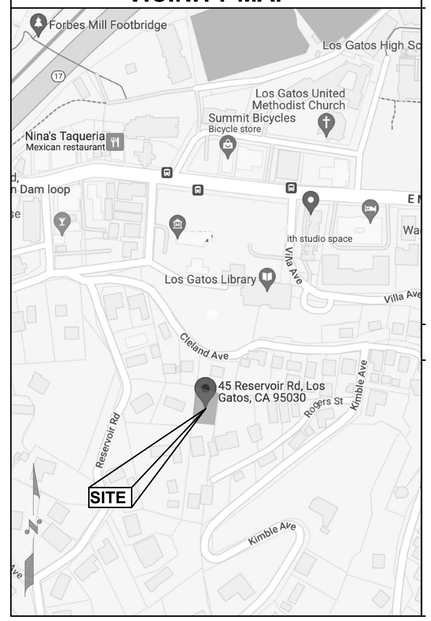

SITE SECTION

SCALE: 1" = 20'

NEIGHBORHOOD SITE PLAN

SCALE: 1" = 40'

## VICINITY MAP




### LEGEND

LABEL
ADDRESS:
ZONING:
(LOT SIZE)

R-1D (MIN. SIZE LOT 5000SF)

| SETBACK | |
|---|---|
| FRONT | 15FT |
| SIDE | 5FT |
| REAR | 20FT |

R-1-10 (MIN. SIZE LOT 10,000SF)

| SETBACK | |
|---|---|
| FRONT | 25FT |
| SIDE | 10FT |
| REAR | 20FT |

R-1-20 (MIN. SIZE LOT 20,000SF)

| SETBACK | |
|---|---|
| FRONT | 30FT |
| SIDE | 15FT |
| REAR | 25FT |

N

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
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# THE AGAHIAN RESIDENCE

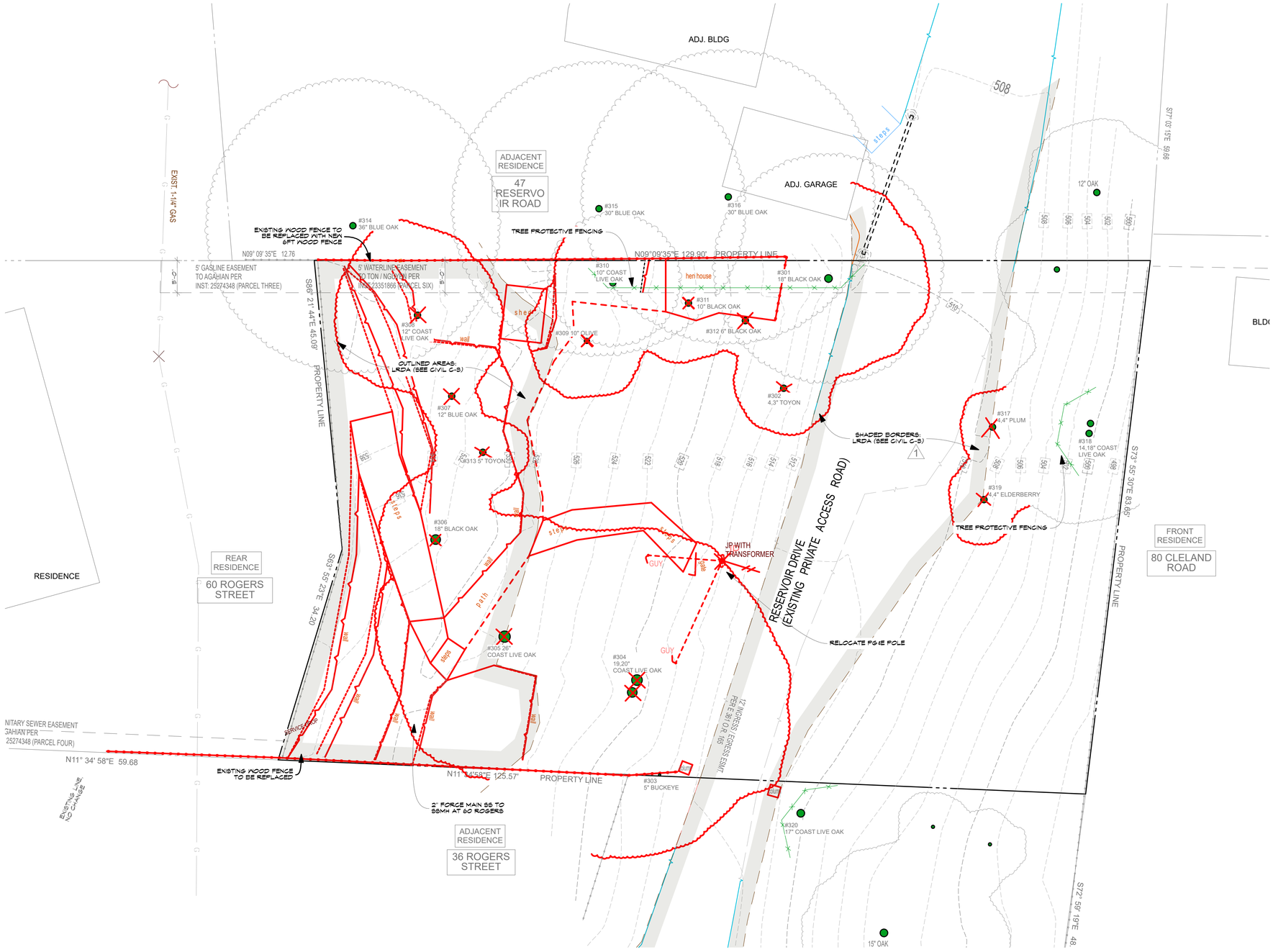
45 RESERVOIR ROAD LOS GATOS, CA 95030

NEIGHBORHOOD SITE PLAN

DATE: 11/08/22

SCALE: AS SHOWN

SHEET
A-2
2 OF -




EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

N

## LEGEND

- EXISTING PROPERTY LINE
- EXISTING CONSTRUCTION TO BE DEMOLISHED
- EXISTING LANDSCAPE RETAINING WALLS
- EXISTING WOOD FENCE
- TREE PROTECTION FENCE
- ELECTRICAL METER
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- EXISTING ASPHALT PAVED PRIVATE ROAD
- LEAST RESTRICTIVE DEVELOPMENT AREA

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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# THE AGAHIAN RESIDENCE

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## DEMO/ EXISTING SITE PLAN

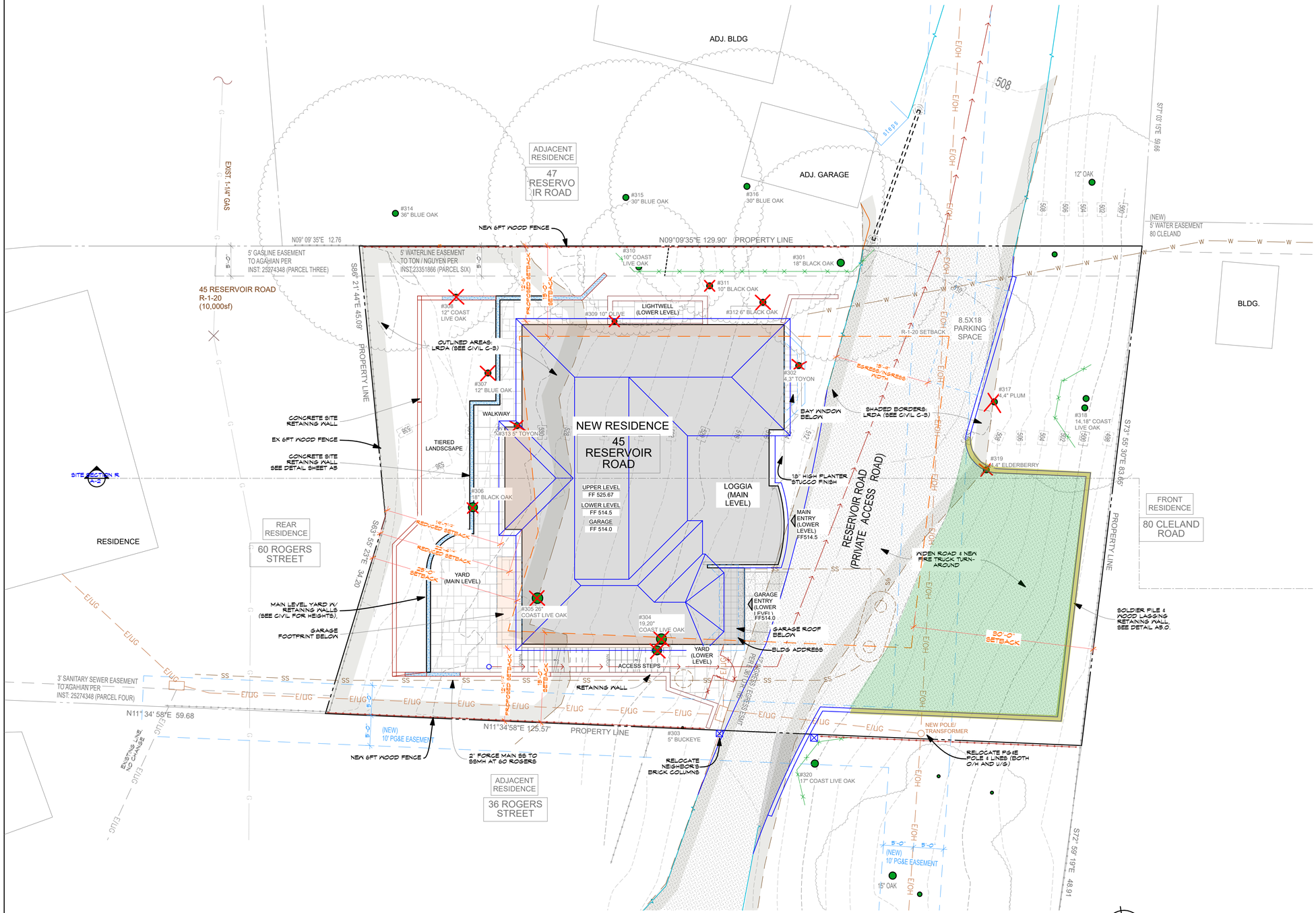
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-3

3 OF -




PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

## SCOPE OF WORK

SITE AND ARCHITECTURAL DEVELOPMENT ON AN EXISTING VACANT R1-20 ZONED LOT (HILLSIDE OVERLAY).

WORK TO INCLUDE:
BUILDINGS:
1. CONSTRUCTION OF A NEW RESIDENCE WITH AN ATTACHED ACCESSORY DWELLING UNIT, AN ATTACHED GARAGE AND BELOW GRADE BASEMENT.
2. COVERED DECK AND BALCONY
3. EGRESS, VENTILATION WELLS AND ACCESS STAIRS.

SITE IMPROVEMENTS (REFER TO CIVIL AND LANDSCAPE PLANS):
1. MODIFY EXISTING PRIVATE ROAD TO PROVIDE PARKING AND FIRE TRUCK TURNOUT.
2. DRIVEWAY ACCESS TO GARAGE
3. SITE RETAINING WALLS AND PAVED YARDS
4. LANDSCAPE AND IRRIGATION
5. UTILITY TRENCHING AND CONNECTIONS.

## TREE PROTECTION

1. SIX-FOOT HIGH CHAIN LINK FENCING MOUNTED ON TWO-INCH DIAMETER GALVANIZED IRON POSTS SHALL BE DRIVEN INTO THE GROUND AT LEAST TWO-FEET DEEP AT NO MORE THAN TEN-FOOT SPACING, WHEN STIPULATED, FOR EXISTING PAVING AREAS THAT WILL NOT BE DEMOLISHED, POSTS MAY BE SUPPORTED BY CONCRETE BASE.

2. POSTED EIGHT AND ONE-HALF-INCH BY ELEVEN-INCH SIGN ON EACH TREE FENCE STATING: "WARNING – TREE PROTECTION ZONE – THIS FENCE SHALL NOT BE REMOVED AND IS SUBJECT TO PENALTY ACCORDING TO TOWN CODE 29.10.1025"

3. TREE PROTECTION FENCING IS REQUIRED TO REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

## SITE ADDRESS

ADDRESS SHALL BE PLACED IN A POSITION THAT IS PLAINLY LEGIBLE & VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MIN. 4" HIGH WITH A MIN. STROKE WIDTH OF ½". WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD & THE BUILDING ADDRESS CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE, OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. CBC R319.1. SEE FRONT ELEVATION ON A12. FOR LOCATION.

## LEGEND

- EXISTING PROPERTY LINE
- BUILDING SETBACK LINE (R-1-20)
- BUILDING SETBACK LINE (PROPOSED)
- MAIN LEVEL STRUCTURE FOOTPRINT
- LOWER LEVEL STRUCTURE FOOTPRINT
- OVERHEAD ROOF LINE
- LIGHT WELL, ACCESS STAIR, YARDS
- CONCRETE RETAINING WALL
- EXISTING/NEW WOOD FENCE
- TREE PROTECTION FENCE
- EXISTING TREE TO BE REMOVED
- E/OH — ELECTRICAL LINE (OVERHEAD)
- E/UG — ELECTRICAL LINE (UNDERGROUND)
- W — WATER METER
- SS — SEWER CLEAN-OUT
- AREA DRAIN LOCATIONS
- TRAVEL DISTANCE FROM HYDRANT TO FARTHEST BLDG CORNER
- EXCEPTION AREA WITH RETAINING WALLS OVER 4FT HIGH
- EXCEPTION AREA WITH FILL OVER 3FT HIGH
- FLOOR AREA ENCROACHING INTO SETBACK
- LEAST RESTRICTIVE DEVELOPMENT AREA

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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45 RESERVOIR ROAD LOS GATOS, CA 95030

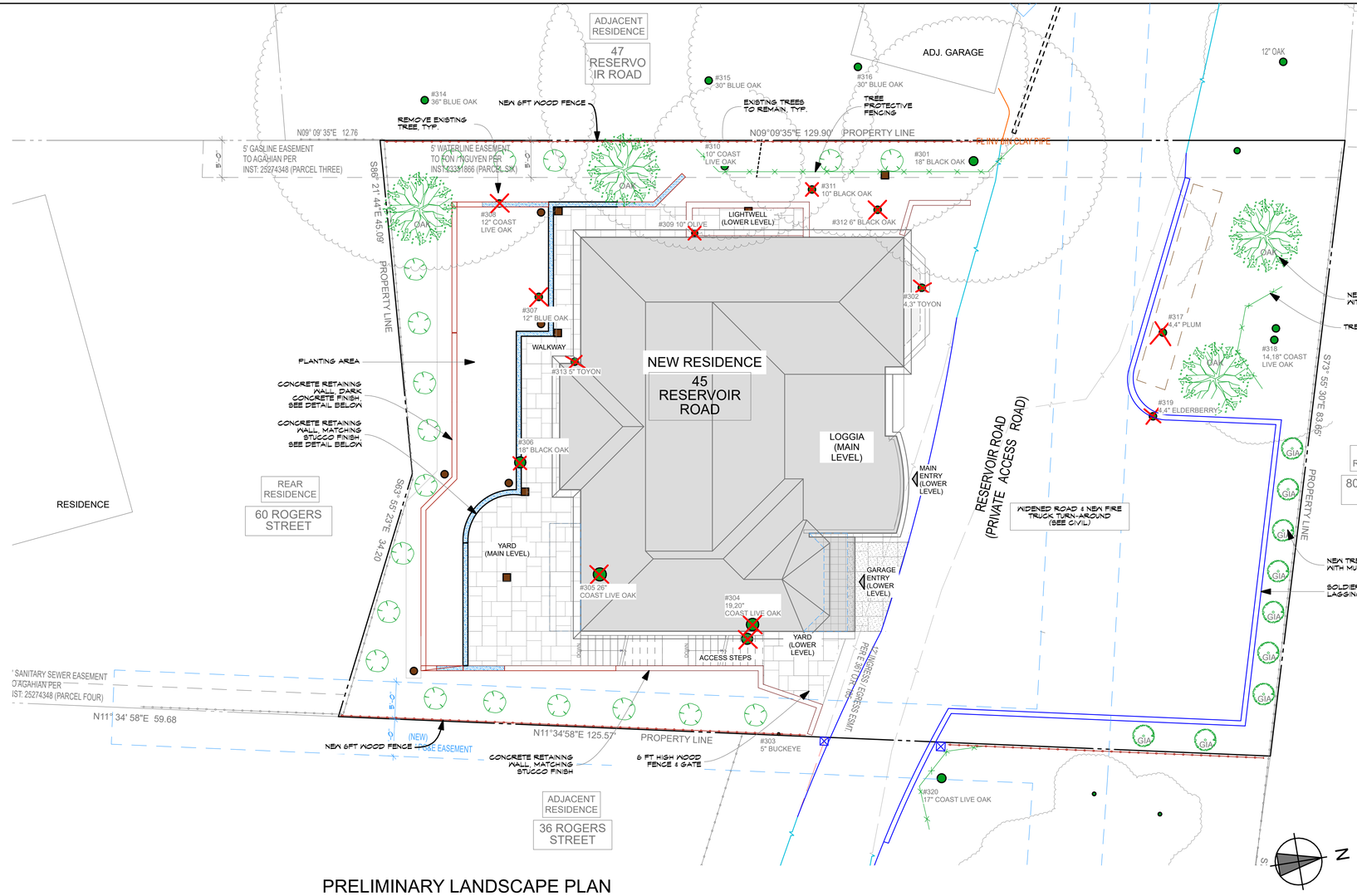
**ARCHITECTURAL SITE PLAN**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET A-4

4 OF -




## PRELIMINARY LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"

## LEGEND

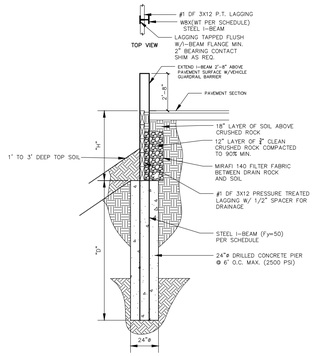
- DRIVEWAY: STONE PAVER O/ CONCRETE SLAB
- WALKWAY, YARD, SITE STAIR: STONE PAVER O/ CONCRETE SLAB
- ROAD: ASPHALT PAVING
- LANDSCAPE AREA W/ MULCH COVER
- CONCRETE RETAINING WALLS FINISH TO BE SANDBLASTED WITH STAINED CONCRETE, OR SMOOTH STUCCO FINISH, BOTH TO HAVE LRV OF 30 OR LESS.
- TREE — EXISTING TREE (AND DRIB LINE) TO REMAIN
- EXISTING TREE TO BE REMOVED
- (4) OAK
- (19) BAY LAUREL, PODOCARPUS, OR PITTOSPORUM (WITHIN 30' FROM RESIDENCE)
- (9) 24 BOX THUJA GREEN GIANT

## TREE INVENTORY

| ID | SPECIES | CANOPY | STATUS | REPLACEMENT |
|---|---|---|---|---|
| 301 | BLACK OAK | 35' | REMAIN | |
| 302 | TOYON | 8' | REMOVE | (2) 15 GAL. |
| 303 | BUCKEYE | 10' | REMAIN | |
| 304 | LIVE OAK | 35' | REMOVE | (4) 15 GAL. |
| 305 | LIVE OAK | 35' | REMOVE | (4) 15 GAL. |
| 306 | BLACK OAK | 25' | REMOVE | (3) 15 GAL. |
| 307 | BLUE OAK | 20' | REMOVE | (3) 15 GAL. |
| 308 | LIVE OAK | 20' | REMOVE | (3) 15 GAL. |
| 309 | OLIVE | 20' | REMOVE | EXEMPT |
| 310 | LIVE OAK | 20' | REMAIN | |
| 311 | BLACK OAK | 10' | REMOVE | (2) 15 GAL. |
| 312 | BLACK OAK | 10' | REMOVE | (2) 15 GAL. |
| 313 | TOYON | 10' | REMOVE | (2) 15 GAL. |
| 314 | BLUE OAK | 45' | REMAIN* | |
| 315 | BLUE OAK | 45' | REMAIN* | |
| 316 | BLUE OAK | 45' | REMAIN* | |
| 317 | PLUM | 15' | REMOVE | EXEMPT |
| 318 | LIVE OAK | 35' | REMAIN | |
| 319 | ELDERBERRY | 15' | REMOVE | EXEMPT (neighbor's property) |
| 320 | LIVE OAK | 35' | REMAIN* | |

TOTAL REPLACEMENT TREES = (25) 24" BOX. 1

* INDICATES TREES LOCATED ON ADJACENT PROPERTIES.

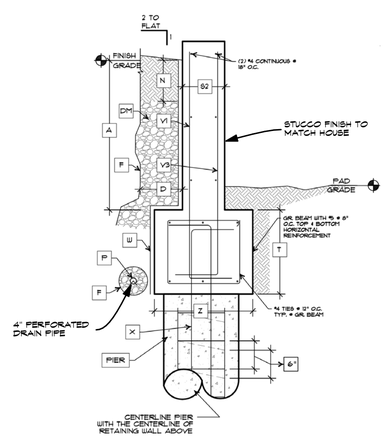



SECTION A–A

SCALE: 3/8" = 1'

SITE RETAINING WALL DETAIL

SCALE: 1:1.42




SITE RETAINING WALL DETAIL

SCALE: 1:1.42

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

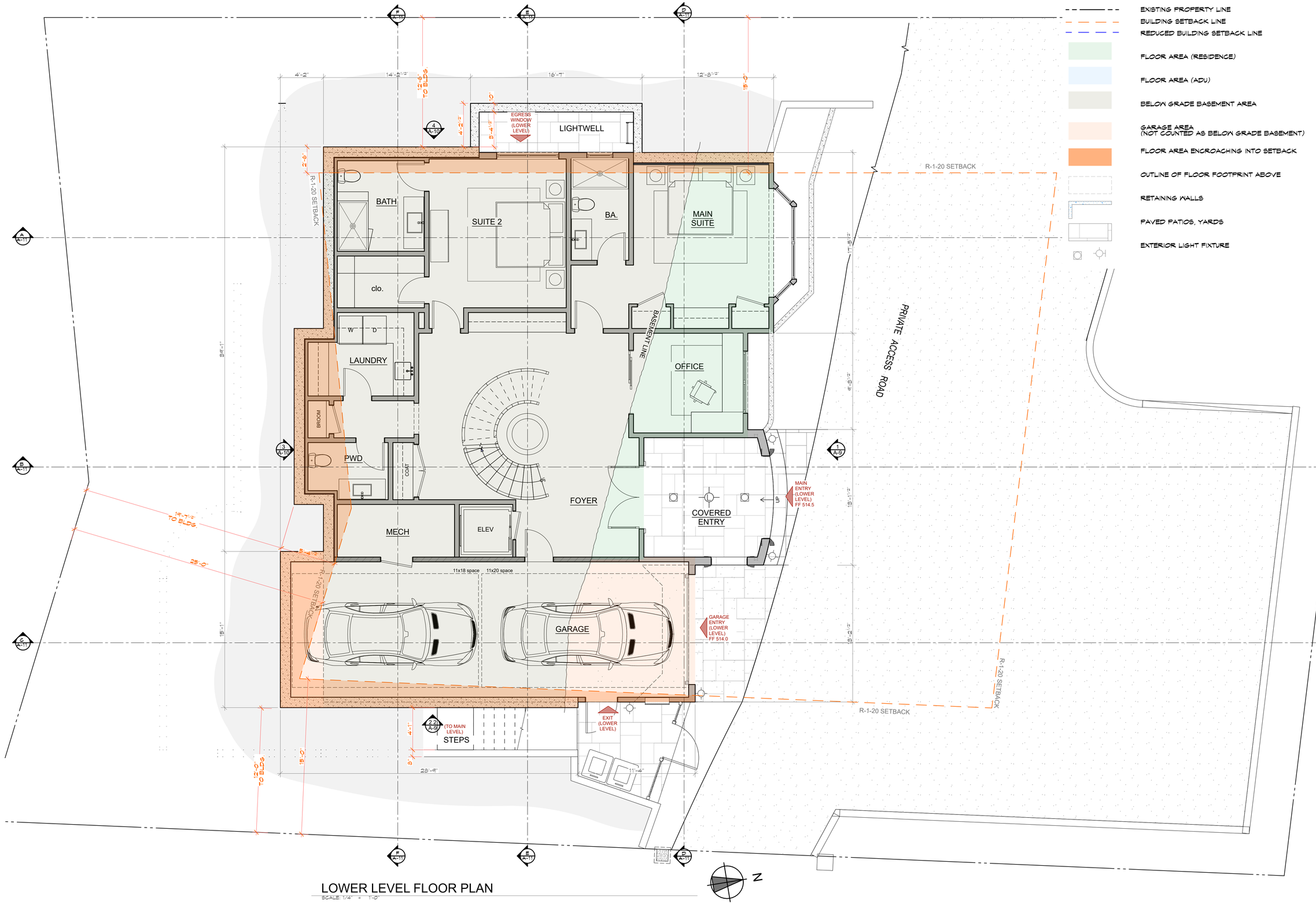
**PRELIMINARY LANDSCAPE PLAN**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET A-5

5 OF -




LOWER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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45 RESERVOIR ROAD LOS GATOS, CA 95030

## LOWER LEVER FLOOR PLAN

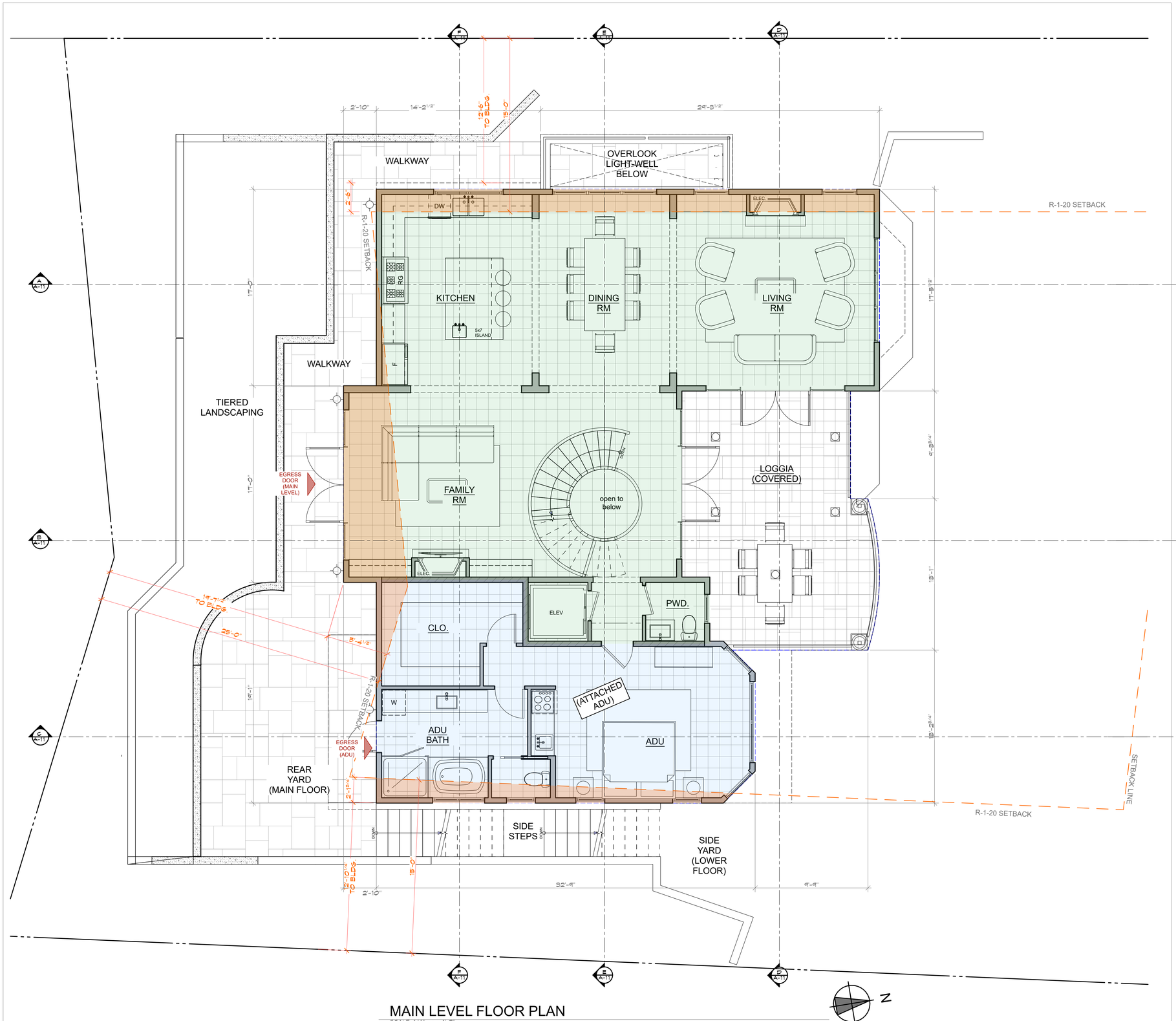
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-6

6 OF -




MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

## LEGEND

- EXISTING PROPERTY LINE
- BUILDING SETBACK LINE
- REDUCED BUILDING SETBACK LINE
- FLOOR AREA (RESIDENCE)
- FLOOR AREA (ADU)
- BELOW GRADE BASEMENT AREA
- GARAGE AREA (NOT COUNTED AS BELOW GRADE BASEMENT)
- FLOOR AREA ENCROACHING INTO SETBACK
- OUTLINE OF FLOOR FOOTPRINT ABOVE
- RETAINING WALLS
- PAVED PATIOS, YARDS
- EXTERIOR LIGHT FIXTURE

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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**MAIN LEVEL FLOOR PLAN**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-7

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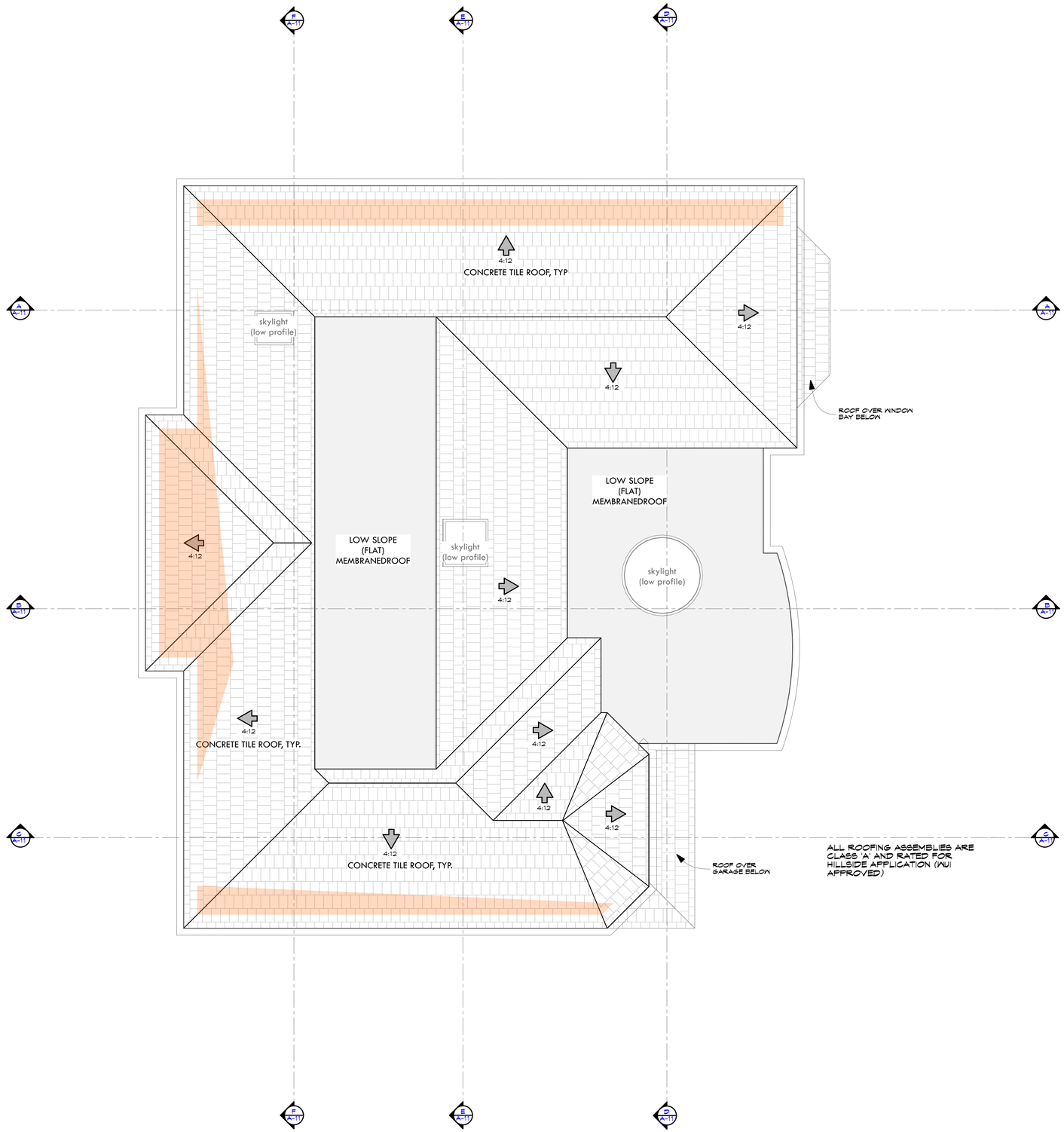


ROOF PLAN
SCALE: 1/4" = 1'-0"

N

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

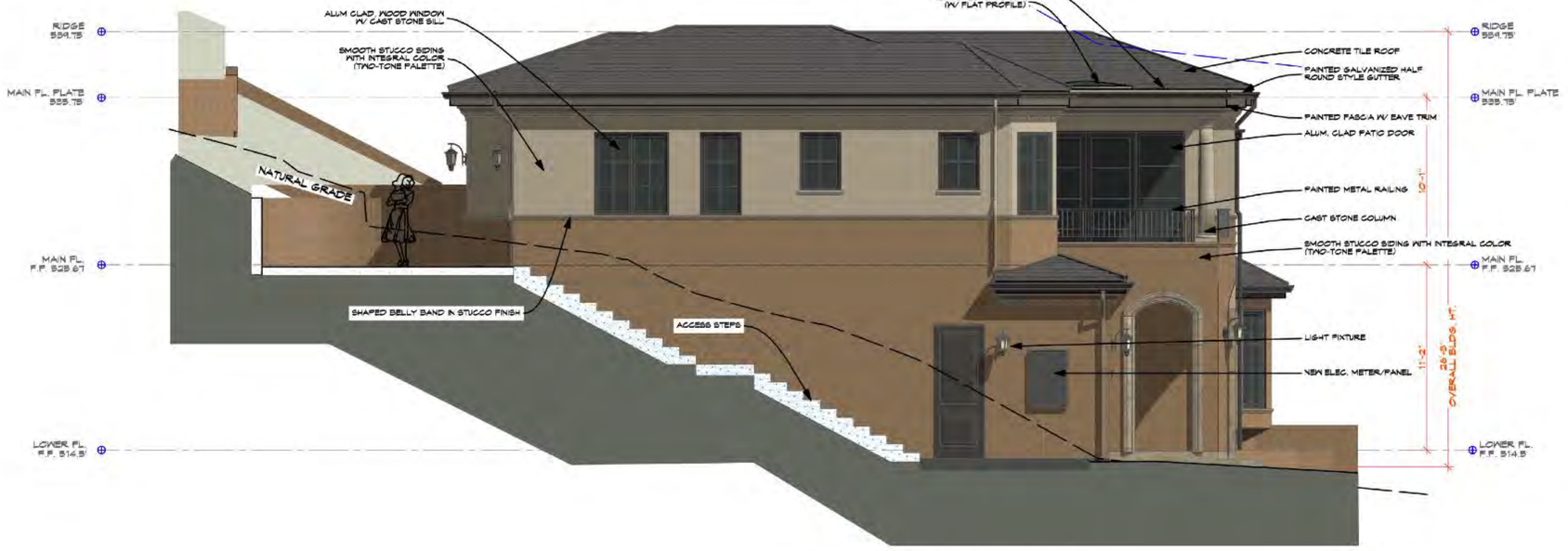
45 RESERVOIR ROAD LOS GATOS, CA 95030

## ROOF PLAN

DATE: 11/08/22
SCALE: AS SHOWN
SHEET
A-8
8 OF -

## NORTH (FRONT) ELEVATION

SCALE: 1/4" = 1'-0"




## EAST (LEFT) ELEVATION

SCALE: 1/4" = 1'-0"

### Front Elevation

| Material | Area | Specification | LRV | LRV x Area |
|---|---|---|---|---|
| Stucco-Lighter | 206 | BM-Huntington Biege HC-21 | 40 | 8240 |
| Stucco-Darker | 419 | BM-Free Spirit 245 | 24.4 | 10225.6 |
| Gutters | 35 | BM-Kendall Charcoal | 15 | 525 |
| Cast Stone | 26 | Siena Stone-Oatmeal | 50 | 1300 |
| D/W Frames | 196 | Fleetwood-Black Anodized | 3.3 | 646.8 |
| Total = | 882 | | Total = | 20935.4 |
| | | | LRV = | 23.73628 |

### Left Elevation

| | | | | |
|---|---|---|---|---|
| Stucco-Lighter | 225 | BM-Huntington Biege HC-21 | 40 | 9000 |
| Stucco-Darker | 426 | BM-Free Spirit 245 | 24.4 | 10394.4 |
| Gutters | 25 | BM-Kendall Charcoal | 15 | 375 |
| Cast Stone | 18 | Siena Stone-Oatmeal | 50 | 900 |
| D/W Frames | 70 | Fleetwood-Black Anodized | 3.3 | 231 |
| Total = | 764 | | Total = | 20900.4 |
| | | | LRV = | 27.35654 |

## AVERAGE LRV CALCULATIONS

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| | |
| | |

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**ELEVATIONS**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-9

9 OF -

## Rear Elevation

| | | | | |
|---|---|---|---|---|
| Stucco-Lighter | 293 | BM-Huntington Biege HC-21 | 40 | 11720 |
| Stucco-Darker | 117 | BM-Free Spirit 245 | 24.4 | 2854.8 |
| Gutters | 23 | BM-Kendall Charcoal | 15 | 345 |
| Cast Stone | | Siena Stone-Oatmeal | 50 | 0 |
| D/W Frames | 38 | Fleetwood-Black Anodized | 3.3 | 125.4 |
| Total = | 433 | | Total = | 14919.8 |
| | | | LRV = | 34.45681 |

## Right Elevation

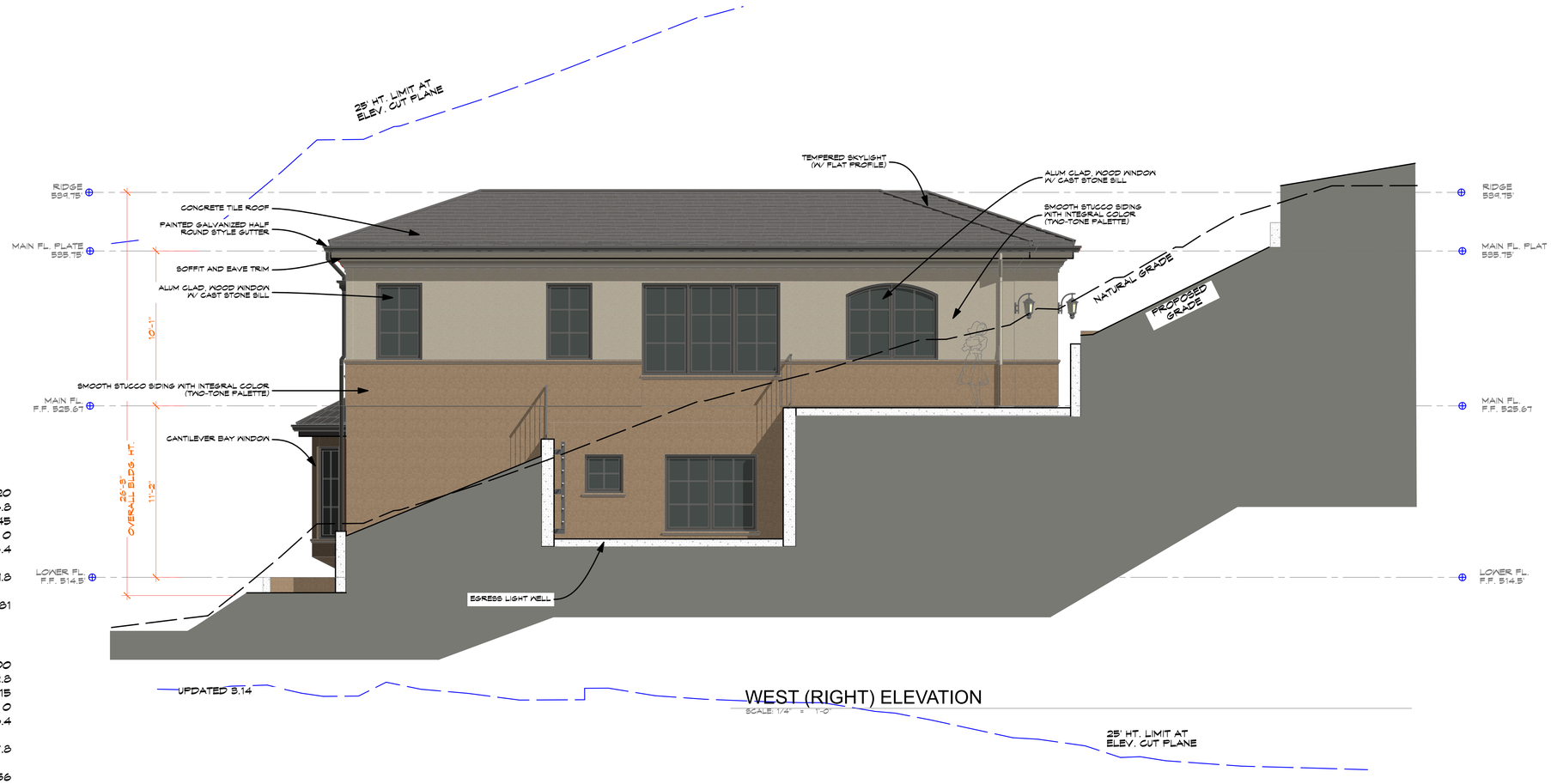
| | | | | |
|---|---|---|---|---|
| Stucco-Lighter | 225 | BM-Huntington Biege HC-21 | 40 | 9000 |
| Stucco-Darker | 312 | BM-Free Spirit 245 | 24.4 | 7612.8 |
| Gutters | 21 | BM-Kendall Charcoal | 15 | 315 |
| Cast Stone | 0 | Siena Stone-Oatmeal | 50 | 0 |
| D/W Frames | 48 | Fleetwood-Black Anodized | 3.3 | 158.4 |
| Total = | 558 | | Total = | 16927.8 |
| | | | LRV = | 30.33656 |

## Total Average LRV

| | |
|---|---|
| Front Elevation | 23.7 |
| Left Elevation | 27.4 |
| Rear Elevation | 34.5 |
| Right Elevation | 30.3 |
| | 116 |
| Average LRV = | **29** |

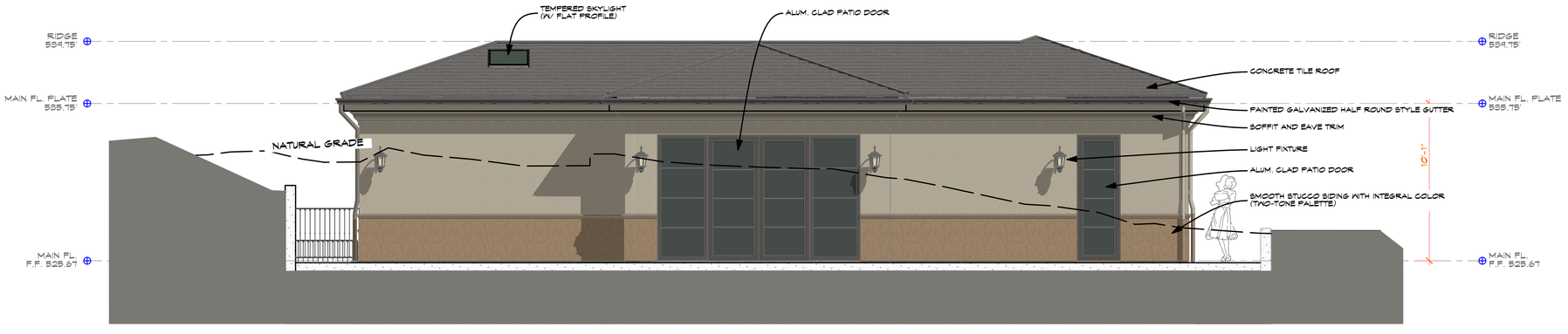
AVERAGE LRV CALCULATIONS

SCALE: 1:0.67




WEST (RIGHT) ELEVATION

SCALE: 1/4" = 1'-0"




SOUTH (REAR) ELEVATION

SCALE: 1/4" = 1'-0"

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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**ELEVATIONS**

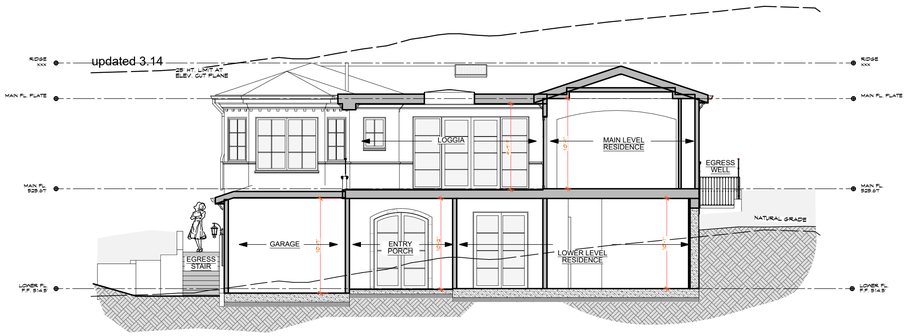
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

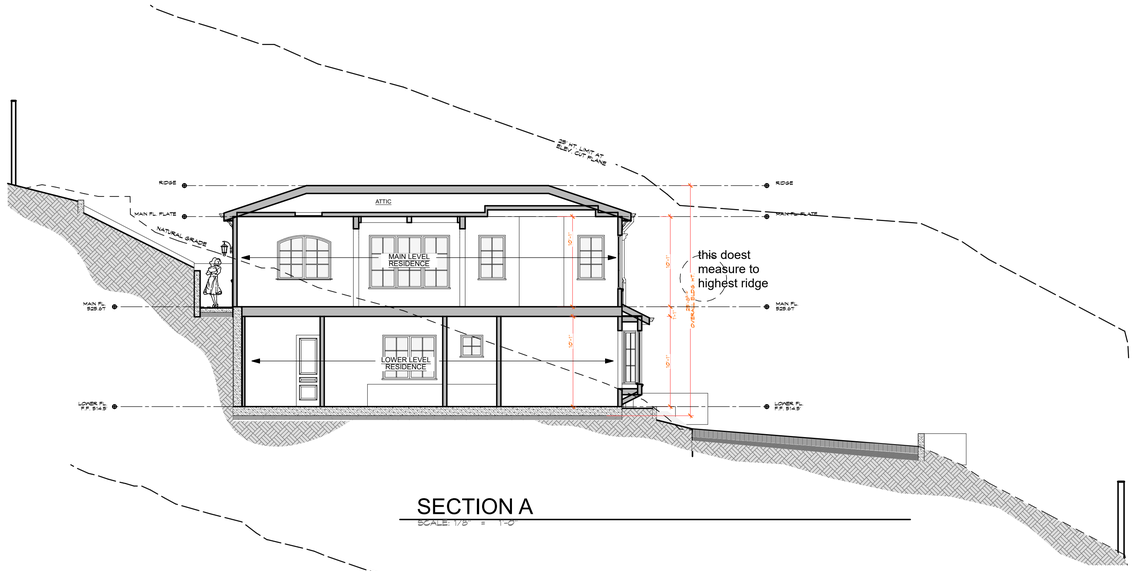
A-10

10 OF -



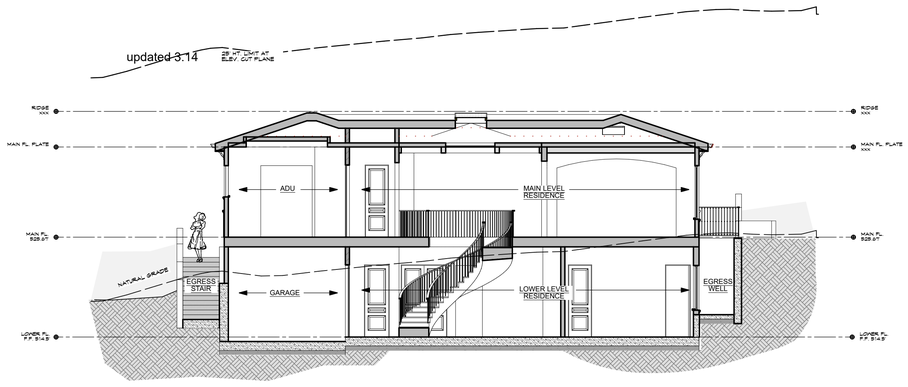

## SECTION D

SCALE: 1/8" = 1'-0"



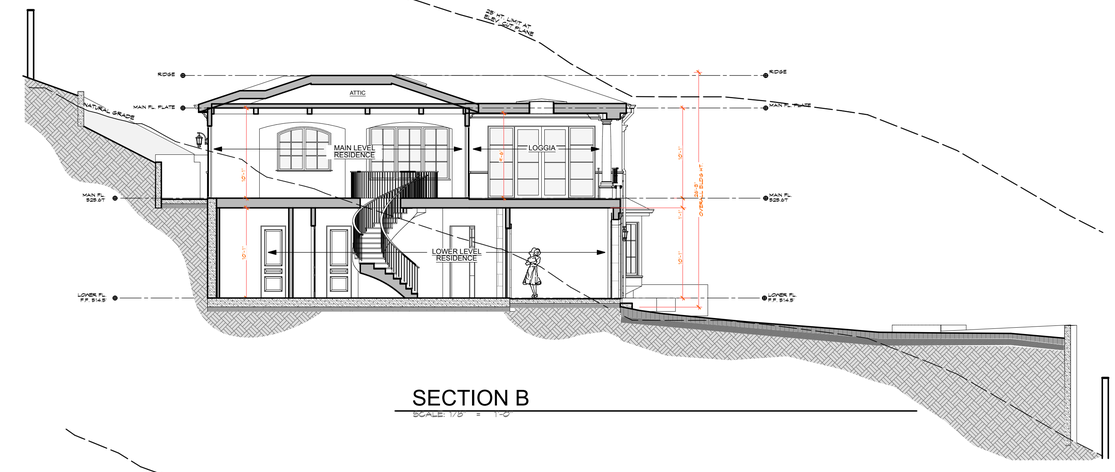

## SECTION A

SCALE: 1/8" = 1'-0"



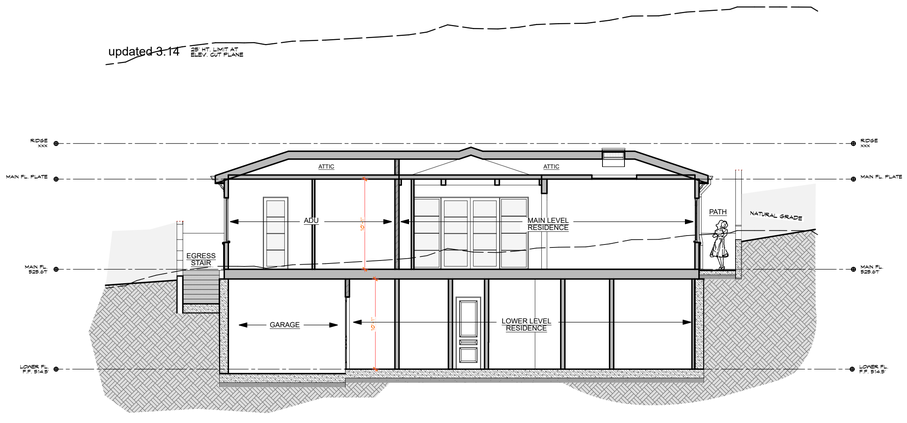

## SECTION E

SCALE: 1/8" = 1'-0"



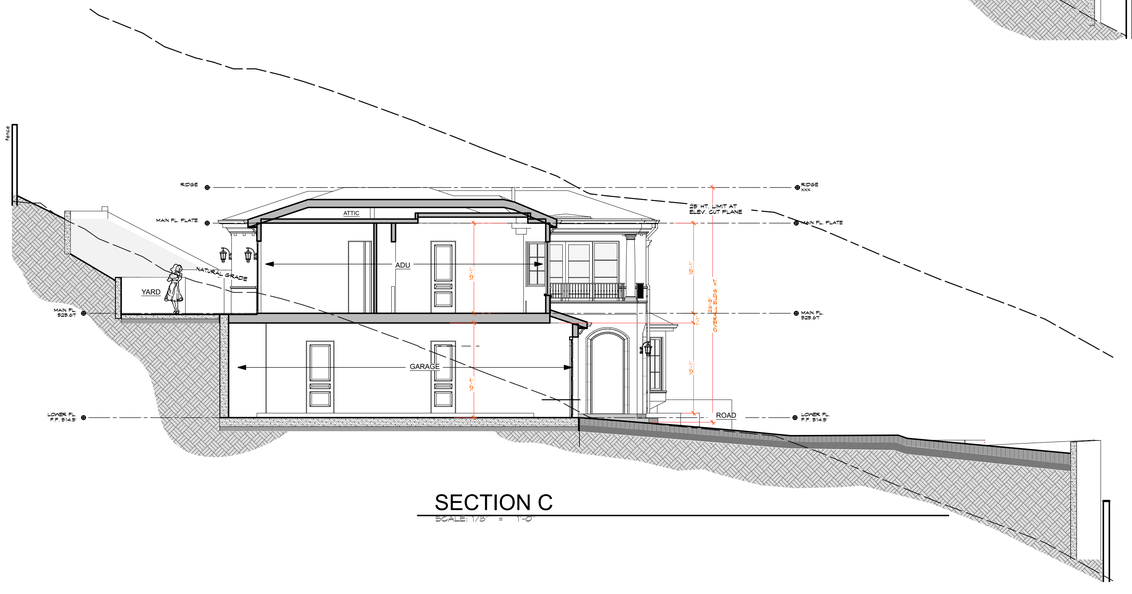

## SECTION B

SCALE: 1/8" = 1'-0"




## SECTION F

SCALE: 1/8" = 1'-0"




## SECTION C

SCALE: 1/8" = 1'-0"

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

**SECTIONS**

DATE: 11/08/22

SCALE: AS SHOWN

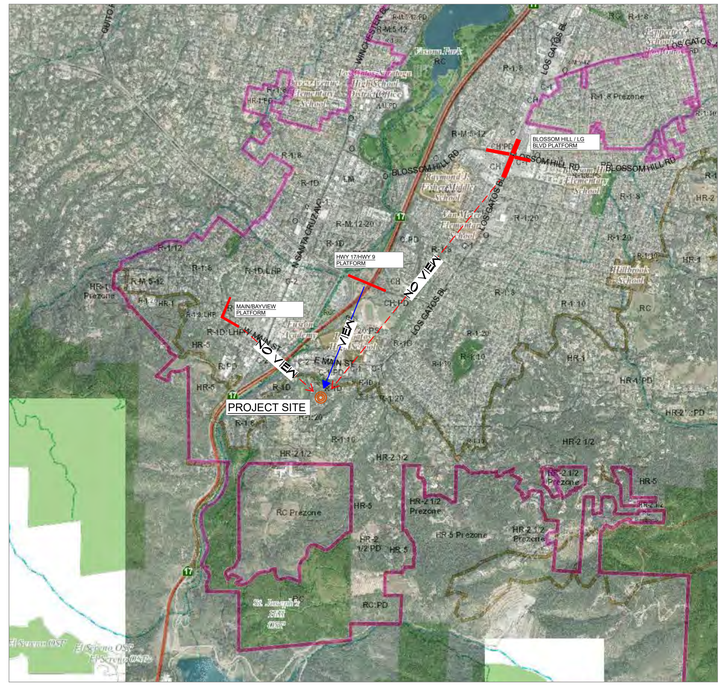
SHEET

A-11

11 OF -

PHOTO TAKEN WITH 50MM LENS

REPRESENT THE VISIBILITY OF THE PROPOSED RESIDENCE FROM THE NAKED EYE




MAP

SHOWING PROJECT SITE IN RELATIONSHIP TO VIEWING PLATFORMS

N

PHOTO TAKEN WITH 300MM LENS

REPRESENT AN UP-CLOSE PERSPECTIVE TO IDENTIFY VISIBLE STORY POLES, NETTING, TREES AND/OR SHRUBBERY.

### REQUIREMENT

CONDUCT A VISIBILITY ANALYSIS AS REQUIRED BY THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES FOR PROJECTS WITH THE POTENTIAL FOR BEING VISIBLE FROM ANY ESTABLISHED VIEWING AREA.

### OBSERVATION LOCATIONS

| | |
|---|---|
| BLOSSOM HILL/LG BLVD | VERIFIED, NO VIEW TO PROJECT SITE, STRUCTURE NOT VISIBLE |
| MAIN & BAYVIEW | VERIFIED, NO VIEW TO PROJECT SITE, STRUCTURE NOT VISIBLE |
| SELINDA WAY & LG ALMADEN ROAD | TOO FAR, NO VIEW TO PROJECT SITE |
| HWY 17 & HWY 9 | VIEW TO PROJECT SITE, SEE ANALYSIS BELOW |

### METHOD

1. USING PRELIMINARY PARTIAL STORY POLES* AND ORANGE NETTING TO CALL OUT CRITICAL HEIGHTS AND BUILDING CORNERS.

2. PHOTOGRAPHS OF THE STORY POLES WERE TAKEN USING 50MM AND 300MM LENSES.

3. SEE PHOTOS FOR RESULTS AND ANALYSIS.

* CERTIFIED, COMPLETE STORY POLES COMPLIANT TO TOWN'S STANDARDS WILL BE INSTALLED AT LATER DATE.

### ANALYSIS RESULTS

3 OUT OF 4 ELEVATIONS OF THE PROPOSED HOME ARE NOT VISIBLE TO THE VIEWING PLATFORM.

PART OF THE FRONT ELEVATION IS SHOWN TO BE PARTIALLY VISIBLE TO THE VIEWING PLATFORM. THE RATIO BETWEEN VISIBLE PART VS. NON-VISIBLE PART IS 22 : 78.

ADU PORTION OF THE RESIDENCE IS EXCLUDED FROM THE VISIBILITY CALCULATION.

### PLANNING CONSIDERATIONS TO MINIMIZE VISIBILITY OF PROPOSED HOME

1. MINIMIZE BUILDING WIDTH ON VISIBLE SIDE OF THE LOT.

2.EMPLOY TIERED BUILDING CONFIGURATION, FOLLOWING THE HILLSIDE NATURAL CONTOUR.

3. USE OF AN AVERAGE LRV BELOW 30 FOR EXTERIOR FINISHES INCLUDING: ROOF COVERING, WALL SIDING AND EXTERIOR TRIM.

4. SITE PLANNING TO PRESERVE EXISTING MATURE TREES, WHICH PROVIDE SUBSTANTIAL SCREENING OF HOME.

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
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| REV. | 10.29.24 |
| | |

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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**VISIBILITY STUDY**

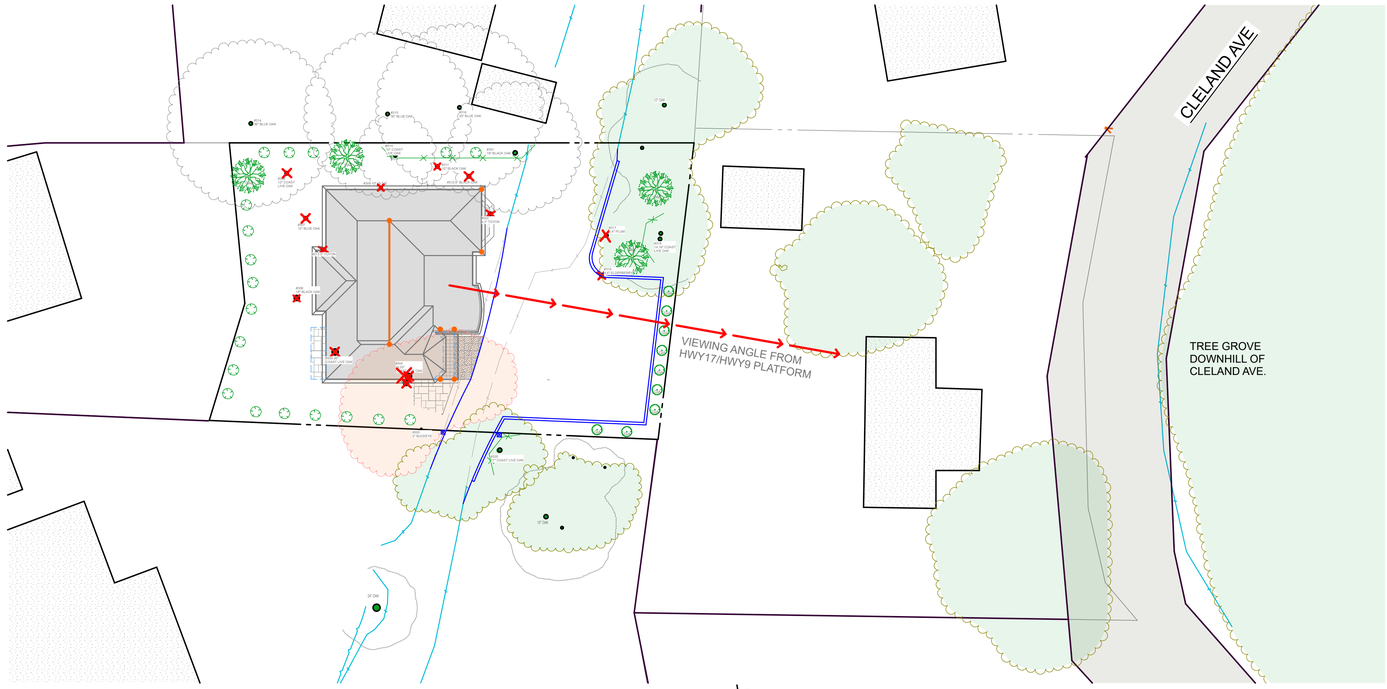
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-12

12 OF -




SITE PLAN

SCALE: 1" = 20'

N

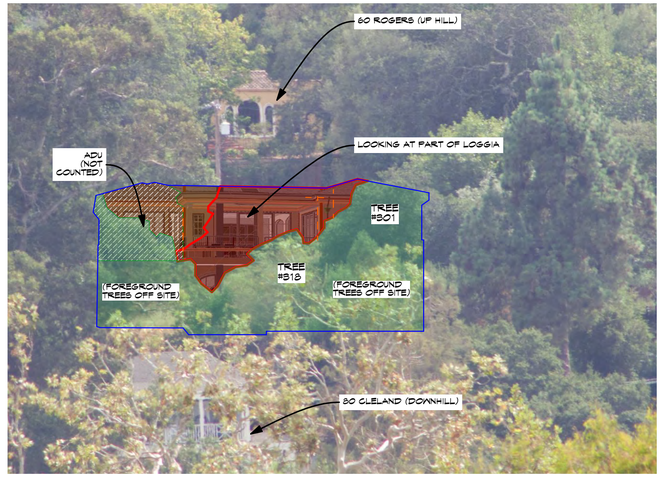
ANALYSIS RESULT:
RED SHADED AREA INDICATED VISIBLE AREA.

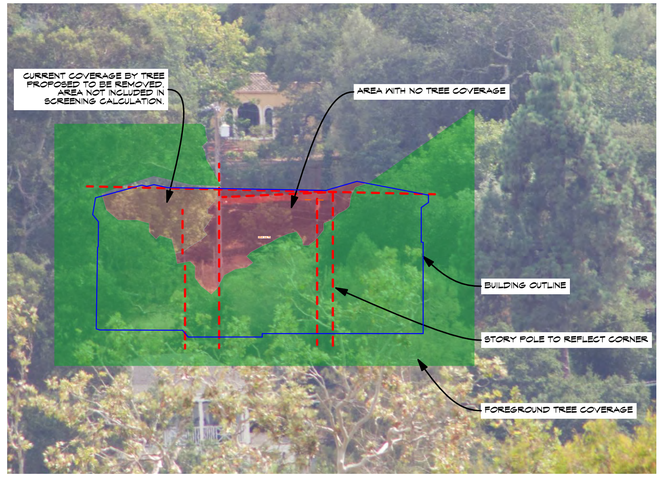
ORANGE AREA INDICATES AREA NOW VISIBLE DUE TO TREE REMOVAL.

(ADU EXCLUDED FROM CALCULATIONS)

THE TOTAL VISIBLE PART EQUALS TO 22% OF THE ELEVATION.

NO OTHER SIDE OF THE HOUSE IS VISIBLE.




TREE COVERAGE AND BUILDING VISIBILITY ANALYSIS

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |
| | |

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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**VISIBILITY STUDY**

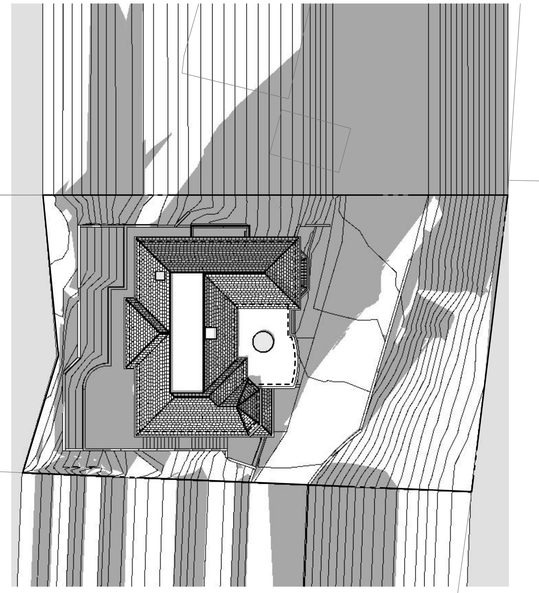
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-13

13 OF -

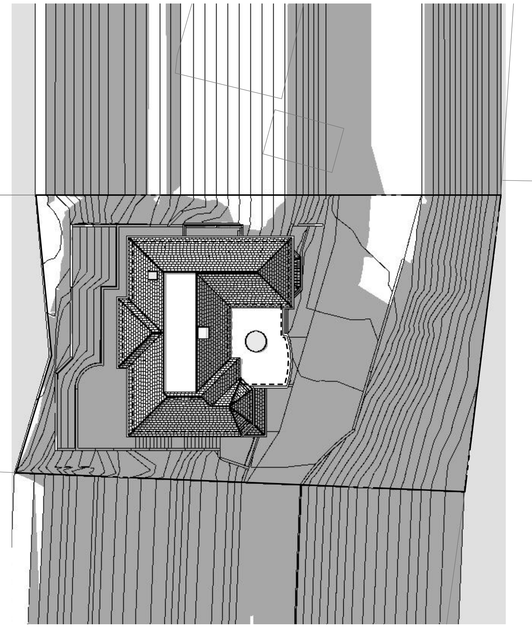


Dec 21, 9am

SCALE: 1" = 20'-0"

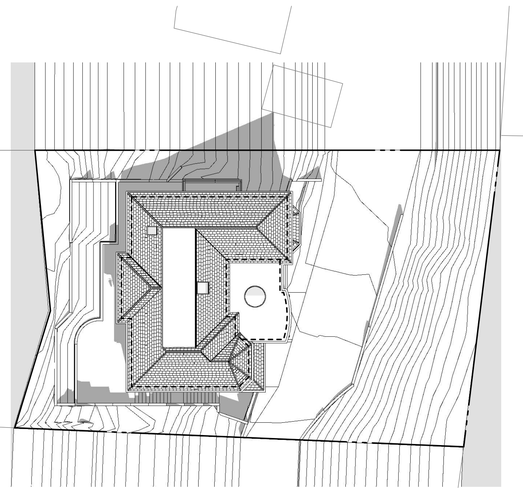
Dec 21, 12pm

SCALE: 1" = 20'-0"



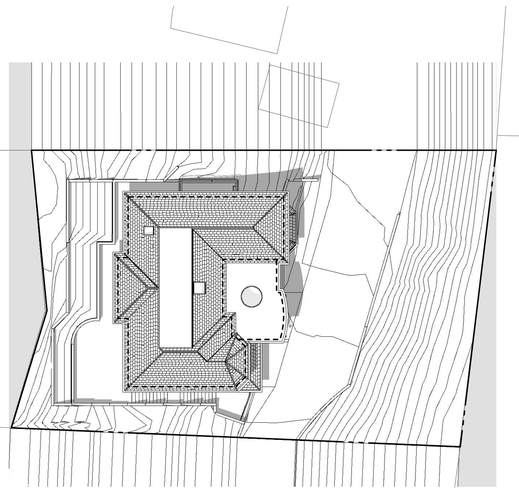
Dec 21, 3pm

SCALE: 1" = 20'-0"



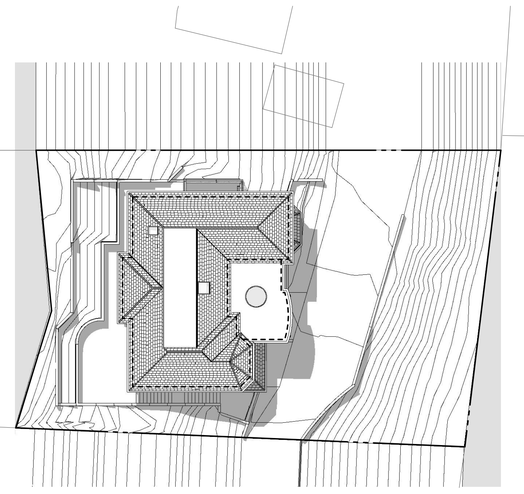
June 21, 9am

SCALE: 1" = 20'-0"



June 21, 12pm

SCALE: 1" = 20'-0"



June 21, 3pm

SCALE: 1" = 20'-0"

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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**SHADOW STUDIES**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-14

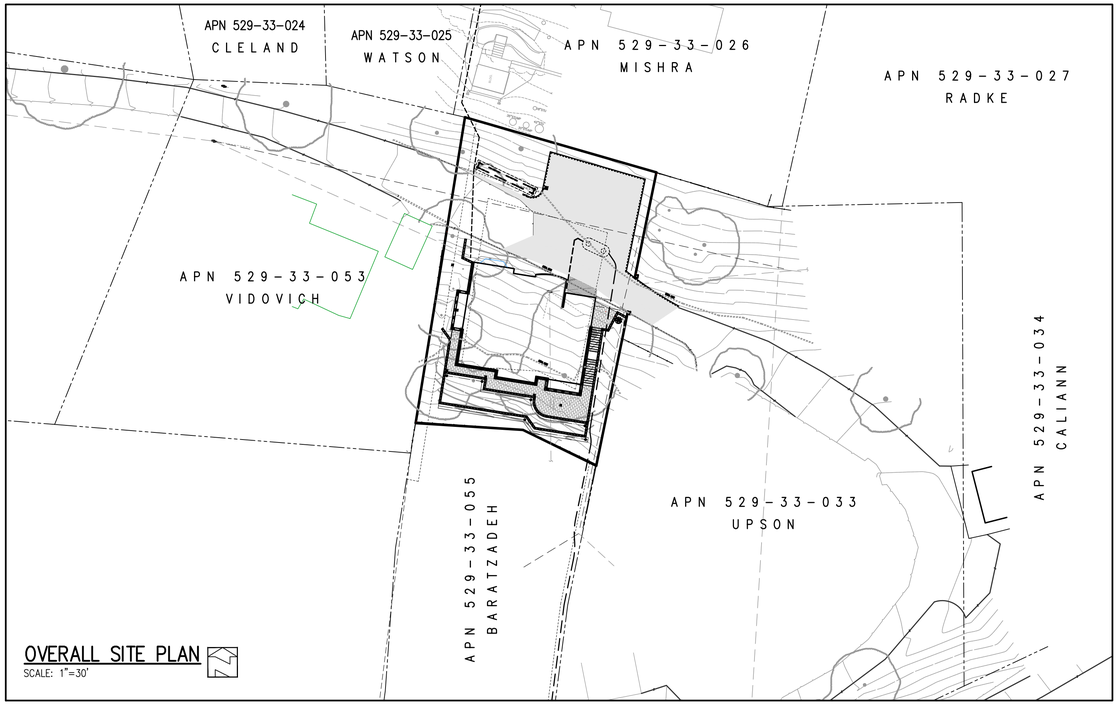
14 OF -

PLAN FOR THE IMPROVEMENT OF

# GRADING & DRAINAGE PLANS

TOWN OF LOS GATOS

ARCHITECTURAL & SITE APPLICATION NO. S-22-048




OVERALL SITE PLAN

SCALE: 1"=30'

VICINITY MAP

## SHEET INDEX


1. TOWN NOTES, PROJECT DATA, LEGEND & ABBREVIATIONS
2. BLUEPRINT FOR A CLEAN BAY SHEET
3. EXISTING TOPOGRAPHY AND DEMOLITION PLAN
4. GRADING & DRAINAGE PLAN
5-6. UTILITY PLAN
7. CROSS SECTIONS & DETAILS
8. EROSION CONTROL PLAN


### GRADING QUANTITIES

| SITE ELEMENT | CUT | FILL | HEIGHT |
|---|---|---|---|
| RESIDENCE | 882± C.Y. | 0± C.Y. | 18.8'±/0'± |
| DRIVEWAY | 15± C.Y. | 283± C.Y. | 1.0'±/15.5'± |
| YARD | 510± C.Y. | 65± C.Y. | 8.2'±/6'± |
| TOTAL | 1,407± C.Y. | 348± C.Y. | |

### TABLE OF PROPOSED PERVIOUS AND IMPERVIOUS AREAS

| TOTAL SITE AREA: 9,973 SF | TOTAL SITE AREA DISTURBED: 8,188 SF *(INCLUDING CLEARING, GRADING OR EXCAVATING)* | | | |
|---|---|---|---|---|
| | EXISTING AREA (SF) | PROPOSED AREA (SF) | | TOTAL AREA POST-PROJECT (SF) |
| | | REPLACED | NEW | |
| IMPERVIOUS AREA | 3,884 SF | 3,884 SF | 2,401 SF | 6,285 SF |
| TOTAL NEW & REPLACED IMPERVIOUS AREA | | 6,285 SF | | |
| PERVIOUS AREA | 6,089 SF | | 1,448 SF | 3,688 SF |

TOWN OF LOS GATOS STANDARD PUBLIC IMPROVEMENT NOTES

1. ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH THE FOLLOWING:
   a. TOWN OF LOS GATOS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS (UNLESS SPECIFICALLY STATED OTHERWISE ON THE PLANS).
   b. ALL TOWN OF LOS GATOS CONDITIONS OF APPROVAL RELATED TO THE PROJECT.
   c. THESE PLANS AND DETAILS.
   d. RECOMMENDATIONS OF THE PROJECT SOILS INVESTIGATION
      SOILS ENGINEER C2EARTH, INC.
      REFERENCE REPORT NO. 22118C-01R1, DATED 01-20-23
      LETTER NO. _____, DATED _____, SHALL BE THOROUGHLY COMPLIED WITH. BOTH THE MENTIONED REPORT AND ALL UPDATES/ADDENDUMS/LETTERS ARE HEREBY APPENDED AND MADE A PART OF THESE PLANS.
2. NO WORK MAY BE STARTED ON-SITE WITHOUT AN APPROVED GRADING PLAN AND A GRADING PERMIT ISSUED BY THE TOWN OF LOS GATOS, PARKS AND PUBLIC WORKS DEPARTMENT LOCATED AT 41 MILES AVENUE, LOS GATOS, CA 95030.
3. A PRE-JOB MEETING SHALL BE HELD WITH THE TOWN ENGINEERING INSPECTOR FROM THE PARKS AND PUBLIC WORKS DEPARTMENT PRIOR TO ANY WORK BEING DONE. THE CONTRACTOR SHALL CALL THE INSPECTIONS LINE AT (408) 399-5771 AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO ANY GRADING OR ONSITE WORK. THIS MEETING SHOULD INCLUDE:
   a. A DISCUSSION OF THE PROJECT CONDITIONS OF APPROVAL, WORKING HOURS, SITE MAINTENANCE AND OTHER CONSTRUCTION MATTERS;
   b. ACKNOWLEDGEMENT IN WRITING THAT CONTRACTOR AND APPLICANT 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.
4. APPROVAL OF PLANS DOES NOT RELEASE THE DEVELOPER OF THE RESPONSIBILITY FOR THE CORRECTION OF MISTAKES, ERRORS, OR OMISSIONS CONTAINED THEREIN. IF, DURING THE COURSE OF CONSTRUCTION OF THE IMPROVEMENTS, PUBLIC INTEREST AND SAFETY REQUIRES A MODIFICATION OR DEPARTURE FROM THE TOWN SPECIFICATIONS OR THESE IMPROVEMENT PLANS, THE TOWN ENGINEER SHALL HAVE FULL AUTHORITY TO REQUIRE SUCH MODIFICATION OR DEPARTURE AND TO SPECIFY THE MANNER IN WHICH THE SAME IS TO BE MADE.
5. APPROVAL OF THIS PLAN APPLIES ONLY TO THE GRADING, EXCAVATION, PLACEMENT, AND COMPACTION OF NATURAL EARTH MATERIALS. THIS APPROVAL DOES NOT CONFER ANY RIGHTS OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS AND DOES NOT CONSTITUTE APPROVAL OF ANY OTHER IMPROVEMENTS.
6. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR CONTRACTOR TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES. PERMITTEE OR CONTRACTOR SHALL NOTIFY USA (UNDERGROUND SERVICE ALERT) AT 1-800-227-2600 A MINIMUM OF FORTY-EIGHT (48) HOURS BUT NOT MORE THAN FOURTEEN (14) DAYS PRIOR TO COMMENCING ALL WORK.
7. ALL WORK SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
8. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL LAWS, CODES, RULES AND REGULATIONS GOVERNING THE WORK IDENTIFIED ON THESE PLANS. THESE SHALL INCLUDE, WITHOUT LIMITATION, SAFETY AND HEALTH RULES AND REGULATIONS ESTABLISHED BY OR PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OR ANY OTHER APPLICABLE PUBLIC AUTHORITY.
9. THE GENERAL CONTRACTOR SHALL PROVIDE QUALIFIED SUPERVISION ON THE JOB SITE AT ALL TIMES DURING CONSTRUCTION.
10. CONTRACTOR SHALL EXERCISE ALL NECESSARY CAUTION TO AVOID DAMAGE TO ANY EXISTING TREES, SURFACE IMPROVEMENTS, DRAINAGE, WATER, SEWER, ELECTRICAL OR TELECOMMUNICATION FACILITIES WHETHER ABOVE GROUND OR UNDERGROUND. CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE THERETO.
11. HORIZONTAL AND VERTICAL CONTROLS SHALL BE SET AND CERTIFIED BY A LICENSED SURVEYOR OR REGISTERED CIVIL ENGINEER QUALIFIED TO PRACTICE LAND SURVEYING.
12. DURING CONSTRUCTION, ALL APPLICABLE WORK (SUBGRADE, PAVING, ETC.) SHALL BE INSPECTED BY THE APPLICANT'S SOILS ENGINEER. THE ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING SUCH WORK. THE ENGINEER SHALL BE ON-SITE TO VERIFY CONDITIONS AS REQUIRED IN HIS REPORT. SHOULD ANY CHANGES TO THE REPORT RECOMMENDATIONS BE NECESSARY, TOWN APPROVAL SHALL BE OBTAINED PRIOR TO ANY ASSOCIATED WORK.
13. THE RESULTS OF THE CONSTRUCTION OBSERVATION AND TESTING SHALL BE DOCUMENTED IN AN "AS-BUILT" LETTER/REPORT PREPARED BY THE APPLICANTS' SOILS ENGINEER AND SUBMITTED FOR THE TOWN'S REVIEW AND ACCEPTANCE BEFORE FINAL RELEASE OF ANY OCCUPANCY PERMIT IS GRANTED.
14. ALL PRIVATE AND PUBLIC STREETS ACCESSING PROJECT SITE SHALL BE KEPT OPEN AND IN A SAFE, DRIVABLE CONDITION THROUGHOUT CONSTRUCTION. IF TEMPORARY CLOSURE IS NEEDED, THEN FORMAL WRITTEN NOTICE TO THE ADJACENT NEIGHBORS AND THE TOWN OF LOS GATOS PARKS AND PUBLIC WORKS DEPARTMENT SHALL BE PROVIDED AT LEAST ONE WEEK IN ADVANCE OF CLOSURE, AND NO CLOSURE SHALL BE GRANTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE TOWN. NO MATERIAL OR EQUIPMENT SHALL BE STORED IN THE PUBLIC OR PRIVATE RIGHT-OF-WAY.
15. THE CONTRACTOR SHALL INSTALL AND MAINTAIN FENCES, BARRIERS, LIGHTS AND SIGNS THAT ARE NECESSARY TO GIVE ADEQUATE WARNING AND PROTECTION TO THE PUBLIC AT ALL TIMES.
16. OWNER/APPLICANT: FARNAZ AGAHIAN PHONE: 408-234-5780
17. GENERAL CONTRACTOR: _____ PHONE: _____
18. A TOWN ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY. A STATE ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN STATE RIGHT-OF-WAY (IF APPLICABLE). THE PERMITTEE AND/OR CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING INSPECTION PERFORMED BY OTHER GOVERNMENTAL AGENCIES.
19. 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. THE ADJACENT PUBLIC RIGHT-OF-WAY SHALL BE KEPT CLEAR OF ALL JOB RELATED DIRT AND DEBRIS AT THE END OF THE DAY. FAILURE TO MAINTAIN THE PUBLIC RIGHT-OF-WAY ACCORDING TO THIS CONDITION MAY RESULT IN PENALTIES AND/OR THE TOWN PERFORMING THE REQUIRED MAINTENANCE AT THE DEVELOPER'S EXPENSE.

TOWN OF LOS GATOS NPDES NOTES

1. SEDIMENT FROM AREAS DISTURBED BY CONSTRUCTION SHALL BE RETAINED ON SITE USING STRUCTURAL CONTROLS AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
2. STOCKPILES OF SOIL SHALL BE PROPERLY CONTAINED TO MINIMIZE SEDIMENT TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES OR ADJACENT PROPERTIES VIA RUNOFF, VEHICLE TRACKING, OR WIND AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
3. APPROPRIATE BEST MANAGEMENT PRACTICES (BMPS) FOR CONSTRUCTION-RELATED MATERIALS, WASTES, SPILL OR RESIDES SHALL BE IMPLEMENTED TO MINIMIZE TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES, OR ADJOINING PROPERTY BY WIND OR RUNOFF AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
4. RUNOFF FROM EQUIPMENT AND VEHICLE WASHING SHALL BE CONTAINED AT CONSTRUCTION SITES AND MUST NOT BE DISCHARGED TO RECEIVING WATERS OR TO THE LOCAL STORM DRAIN SYSTEM.
5. ALL CONSTRUCTION CONTRACTOR AND SUBCONTRACTOR PERSONNEL ARE TO BE MADE AWARE OF THE REQUIRED BEST MANAGEMENT PRACTICES (BMPS) AND GOOD HOUSEKEEPING MEASURES FOR THE PROJECT SITE AND ANY ASSOCIATED CONSTRUCTION STAGING AREAS.
6. AT THE END OF EACH DAY OF CONSTRUCTION ACTIVITY, ALL CONSTRUCTION DEBRIS AND WASTE MATERIALS SHALL BE COLLECTED AND PROPERLY DISPOSED IN TRASH OR RECYCLE BINS.
7. CONSTRUCTION SITES SHALL BE MAINTAINED IN SUCH A CONDITION THAT A STORM DOES NOT CARRY WASTE OR POLLUTANTS OFF OF THE SITE. DISCHARGES OF MATERIAL OTHER THAN STORMWATER (NON-STORMWATER DISCHARGES) ARE PROHIBITED EXCEPT AS AUTHORIZED BY AN INDIVIDUAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT OR THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT. POTENTIAL POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEALANTS, SOLVENTS, DETERGENTS, GLUES, LIME, PESTICIDES, HERBICIDES, FERTILIZERS, WOOD PRESERVATIVES AND ASBESTOS FIBERS, PAINT FLAKES OR STUCCO FRAGMENTS; FUELS, OILS, LUBRICANTS, AND HYDRAULIC, RADIATOR OR BATTERY FLUIDS; CONCRETE AND RELATED CUTTING OR CURING RESIDUES; FLOATABLE WASTES; WASTES FROM ENGINE/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGREASING; WASTES FROM STREET CLEANING; AND SUPERCHLORINATED POTABLE WATER FROM LINE FLUSHING AND TESTING. DURING CONSTRUCTION, DISPOSAL OF SUCH MATERIALS SHOULD OCCUR IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE PHYSICALLY SEPARATED FROM POTENTIAL STORMWATER RUNOFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS.
8. DISCHARGING CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING GROUNDWATER THAT HAS INFILTRATED INTO THE CONSTRUCTION SITE IS PROHIBITED. DISCHARGING OF CONTAMINATED SOILS VIA SURFACE EROSION IS ALSO PROHIBITED. DISCHARGING NON-CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING ACTIVITIES REQUIRES A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD.

**NOTE:**

WHERE THE FIRM OF HANNA & BRUNETTI DOES NOT PROVIDE CONSTRUCTION STAKES, SAID FIRM WILL ASSUME NO RESPONSIBILITY WHATSOEVER FOR IMPROVEMENTS CONSTRUCTED THEREFROM.

**NOTE TO CONTRACTOR**

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

**NOTE:**

ADVANCE NOTICE SHALL BE PROVIDED TO NEIGHBORING PROPERTY OWNERS AND SCHOOLS OF HEAVY CONSTRUCTION ACTIVITIES AND HEAVY CONSTRUCTION SHALL NOT START BEFORE 8:30 AM ON DAYS WHEN SCHOOLS ARE IN SESSION. NO CONSTRUCTION IS ALLOWED ON SUNDAYS.

### ABBREVIATIONS

| | |
|---|---|
| AB | AGGREGATE BASE |
| AC | ASPHALT CONCRETE |
| AD | AREA DRAIN |
| ARV | AIR RELEASE VALVE |
| BC | BACK OF CURB |
| BFP | BACKFLOW PREVENTER |
| BW | BOTTOM OF WALL |
| CATV | CABLE TELEVISION |
| CB | CATCH BASIN |
| CFS | CUBIC FEET PER SECOND |
| C/L | CENTERLINE |
| CMP | CORRUGATED METAL PIPE |
| CO | CLEANOUT |
| CY | CUBIC YARD |
| DCVA | DOUBLE CHECK VALVE ASSEMBLY |
| DI | DROP INLET |
| DIA | DIAMETER |
| DIP | DUCTILE IRON PIPE |
| DWY | DRIVEWAY |
| (E) | EAST |
| EG | EXISTING GRADE |
| ELEC | ELECTRICAL |
| EP | EDGE OF PATH |
| EVAE | EMERGENCY VEHICLE ACCESS EASEMENT |
| EX | EXISTING |
| FC | FACE OF CURB |
| FDC | FIRE DEPARTMENT CONNECTION |
| FF | FINISHED FLOOR ELEVATION |
| FG | FINISHED GRADE |
| FH | FIRE HYDRANT |
| FL | FLOW LINE |
| FM | FORCED MAIN |
| FS | FIRE SERVICE |
| FT | FEET |
| G | GAS |
| GA | GAUGE |
| GB | GRADE BREAK |
| GM | GAS METER |
| GS | GAS SERVICE |
| HDPE | HIGH-DENSITY POLYETHYLENE |
| HP | HIGH POINT |
| IEE | INGRESS/EGRESS EASEMENT |
| IN | INCH |
| INV | INVERT ELEVATION |
| LAT | LATERAL |
| LG | LIP OF GUTTER |
| LP | LOW POINT |
| MAX | MAXIMUM |
| MH | MANHOLE |
| MIN | MINIMUM |
| MPH | MILES PER HOUR |
| (N) | NORTH |
| N.T.S. | NOT TO SCALE |
| O.C. | ON CENTER |
| O.D. | OUTSIDE DIAMETER |
| PAD | PAD ELEVATION |
| PCC | PORTLAND CEMENT CONCRETE |
| PERF | PERFORATED |
| PG&E | PACIFIC GAS & ELECTRIC COMPANY |
| PIEE | PRIVATE INGRESS/EGRESS EASEMENT |
| PL | PROPERTY LINE |
| PR | PROPOSED |
| PSDE | PRIVATE STORM DRAIN EASEMENT |
| PSE | PUBLIC SERVICE EASEMENT |
| PSSE | PRIVATE SANITARY SEWER EASEMENT |
| PUE | PUBLIC UTILITY EASEMENT |
| PVC | POLYVINYL CHLORIDE |
| R | RADIUS |
| RCP | REINFORCED CONCRETE PIPE |
| RIM | RIM ELEVATION |
| R/W | RIGHT-OF-WAY |
| (S) | SOUTH |
| S | SLOPE |
| SCC | SANTA CLARA COUNTY |
| SCCFD | SANTA CLARA COUNTY FIRE DEPARTMENT |
| SD | STORM DRAIN |
| SDCO | STORM DRAIN CLEANOUT |
| SDE | STORM DRAIN EASEMENT |
| SDMH | STORM DRAIN MANHOLE |
| SDR | STANDARD DIMENSION RATIO |
| SF | SQUARE FEET |
| SJWC | SAN JOSE WATER COMPANY |
| SS | SANITARY SEWER |
| SSCO | SANITARY SEWER CLEANOUT |
| SSE | SANITARY SEWER EASEMENT |
| SSMH | SANITARY SEWER MANHOLE |
| STD | STANDARD |
| S/W | SIDEWALK |
| TC | TOP OF CURB |
| TELE | TELEPHONE |
| TLG | TOWN OF LOS GATOS |
| TW | TOP OF WALL |
| TYP | TYPICAL |
| VCP | VITRIFIED CLAY PIPE |
| (W) | WEST |
| W | WATER |
| WM | WATER METER |
| WS | WATER SERVICE |
| WV | WATER VALVE |
| WVSD | WEST VALLEY SANITATION DISTRICT |
| XING | CROSSING |

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; AND THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

REV.: DEC. 2015

REGISTERED PROFESSIONAL ENGINEER * VINOD MUSY-VERDEL * No. 69278 EXP. 6-30-_____ CIVIL * STATE OF CALIFORNIA

DATE: SEPTEMBER 4, 2024
SCALE: AS SHOWN
DESIGN: AM
DRAWN: TM
CHECK: XX
ENGR: AM
PROJECT NO.: 23067

PLAN FOR THE IMPROVEMENT OF
LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
COVER SHEET
ARCHITECTURAL & SITE APPLICATION NO. S-22-048
PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

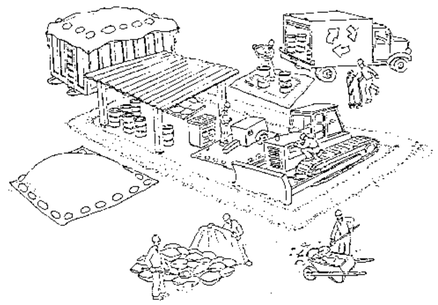

HANNA-BRUNETTI EST. 1970
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL- ENGINEERING @ HANNABRUNETTI.COM


| DATE | BY | REVISIONS |
|---|---|---|
| | | |

SHEET 1 OF 8

JOB NO. 23067

# Pollution Prevention — It's Part of the Plan



## Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

## Materials storage & spill cleanup

### Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

### Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

### Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc. ) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

## Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

## Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use hay bales, silt fences, or other control measures to minimize the flow of silt off the site.

- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place hay bales down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.
- ✓ Manage disposal of contaminated soil according to Fire Department instructions.

## Dewatering operations

- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

## Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, hay bales, sand bags, or fine gravel dams to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

## Paving/asphalt work

- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

## Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.

- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

## Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

**Storm drain polluters may be liable for fines of up to $10,000 per day!**

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

REV.: SEPT. 2016

REGISTERED PROFESSIONAL ENGINEER ★ AMANDA J. MUSY-VERDEL ★ NO. 69278 ★ EXP. 6-30- CIVIL ★ STATE OF CALIFORNIA

DATE: SEPTEMBER 4, 2024
SCALE: NONE
DESIGN: AM
DRAWN: TM
CHECK: XX
ENGR: AM
PROJECT NO.: 23067

GRADING & DRAINAGE PLANS
LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
BLUEPRINT FOR A CLEAN BAY
ARCHITECTURAL & SITE APPLICATION NO. S-22-048
PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

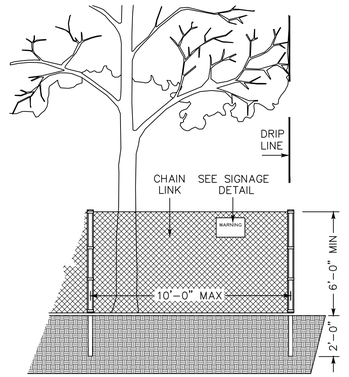
HANNA-BRUNETTI EST. 1910
CIVIL ENGINEERS - LAND SURVEYORS
CONSTRUCTION MANAGERS
7661 EDLEBERRY STREET - GILROY - 95020 - CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

| BY | DATE | REVISIONS |
|---|---|---|
| | | ◇ |



JOB NO. 23067

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.




## EXISTING TREE PROTECTION DETAILS

1. PRIOR TO THE COMMENCEMENT OF ANY GRADING, TREE PROTECTIVE FENCING SHALL BE IN PLACE IN ACCORDANCE WITH THE TREE PRESERVATION PLAN AND INSPECTED BY A CERTIFIED ARBORIST. THE ARBORIST SHALL MONITOR CONSTRUCTION ACTIVITY TO ENSURE THAT THE TREE PROTECTION MEASURES ARE IMPLEMENTED AND ADHERED TO DURING CONSTRUCTION. THIS CONDITION SHALL BE INCORPORATED INTO THE GRADING PLANS.
2. FENCE SHALL BE MINIMUM 5 FEET TALL CONSTRUCTED OF STURDY MATERIAL (CHAIN–LINK OR EQUIVALENT STRENGTH/ DURABILITY).
3. FENCE SHALL BE SUPPORTED BY VERTICAL POSTS DRIVEN 2 FEET (MIN) INTO THE GROUND AND SPACED NOT MORE THAN 10 FEET APART.
4. TREE FENCING SHALL BE MAINTAINED THROUGHOUT THE SITE DURING THE CONSTRUCTION PERIOD, INSPECTED PERIODICALLY FOR DAMAGE AND PROPER FUNCTION, REPAIRED AS NECESSARY TO PROVIDE A PHYSICAL BARRIER FROM CONSTRUCTION ACTIVITIES, AND REMAIN IN PLACE UNTIL THE FINAL INSPECTION.
5. A SIGN THAT INCLUDES THE WORDS, "WARNING: TREE PROTECTION ZONE – THIS FENCE SHALL NOT BE REMOVED AND IS SUBJECT TO PENALTY ACCORDING TO TOWN CODE 29.10.1025," SHALL BE SECURELY ATTACHED TO THE FENCE IN A VISUALLY PROMINENT LOCATION.

GRAPHIC SCALE

20 0 10 20 40 80
( IN FEET )
1 inch = 20 ft.

DEMOLITION NOTES:

1. EXISTING WALLS TO BE REMOVED & DISPOSED.
2. EXISTING STRUCTURES TO BE REMOVED & DISPOSED.
3. EXISTING UTILITY POLE TO BE RELOCATED BY "OTHERS".
4. EXISTING TREES TO BE REMOVED (PER PLAN)

## BENCHMARK:

BENCHMARK ID: LG36
ELEVATION: 384.56 FEET
ORGANIZATION: TOWN OF LOS GATOS

DESCRIPTION:
INTERSECTION OF EAST MAIN STREET AND CHURCH STREET

## BASIS OF BEARINGS:

THE BEARINGS SHOWN ON THIS TOPOGRAPHIC SURVEY IS BASED ON THE FOUND MONUMENTS AS SHOWN IN THE RECORD OF SURVEY FILED APRIL 13th, 1998 IN BOOK 700 OF MAPS AT PAGE 44. RECORDER OF SANTA CLARA COUNTY.

## FLOOD ZONE:

PANEL NUMBER: 060343–06085C0376H
REVISION DATE: MAY 18, 2009
COMMUNITY NAME: LOS GATOS

ZONE X
AN AREA INUNDATED BY 500–YEAR FLOODING; AN AREA INUNDATED BY 100–YEAR FLOODING WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; OR AN AREA PROTECTED BY LEVEES FROM 100–YEAR FLOODING.

APN 529–33–022
KLT PROPERTIES LLC
APN 529–33–024
CLELAND
APN 529–33–025
WATSON
APN 529–33–026
MISHRA
APN 529–33–027
RADKE
APN 529–33–052
PASPA
APN 529–33–053
VIDOVICH
APN 529–33–034
CALIANN
APN 529–33–033
UPSON
APN 529–33–055
BARATZADEH

RESERVOIR ROAD
ROGERS STREET
LRDA LINE
5' WATERLINE EASEMENT TO TON / NGUYEN PER INST: 23351866 (PARCEL SIX)
12' INGRESS / EGRESS ESMT PER B 361 O.R. 166
5' GASLINE EASEMENT TO AGAHIAN PER INST: 25274348 (PARCEL THREE)
3' SANITARY SEWER EASEMENT TO AGAHIAN PER INST: 25274348 (PARCEL FOUR)
GATE KEYPAD
GUY POST
OUTLET
FL INV 6IN CLAY PIPE
PT6 FD 3/4 IPO
PT5 FD 1/2 IP LS3295
FD 3/4 IPO
FD 2.5IN BD WILSON LS 5571
FD 3/4 IPP LS 6235
FD CONC NAIL
FD MS IN PAV WILSON LS 5571
FD 3/4 IPP LS6235
PT28 FD RBR CAP PLS6438 STK MARK
PT27 FD MS IN PAV LS6738
PT26 FD RR SPIKE IN PAV

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REV.: DEC. 2015

JOB NO. 23067

REGISTERED PROFESSIONAL ENGINEER * YINNA MUSY-VERDEL * No. 69278 EXP. 6-30- CIVIL * STATE OF CALIFORNIA

DATE: SEPTEMBER 4, 2024
SCALE: 1"=20'
DESIGN: AM
DRAWN: TM
CHECK: XX
ENGR: AM
PROJECT NO.: 23067

PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## EXISTING TOPOGRAPHIC SURVEY AND DEMOLITION PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048
TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS DEPARTMENT

HANNA-BRUNETTI
EST. 1993
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

| DATE | BY | REVISIONS |
|---|---|---|
| | | |

SHEET 3 OF 8

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

#314
123
542.74
PK FD 3/4 IPO
124
543.33
1/2 IP LS3295
N09° 09' 35"E
12.76
5.0' WATERLINE EASEMENT TO TON / NGUYEN PER INST: 23351866 (PARCEL SIX)
N09° 09' 35"E
129.90
PROPOSED 10.0' PG&E EASEMENT
PROPOSED PARKING AREA 8.5'x18'
PROVIDE TREE PROTECTION PER DETAIL; TYPICAL
PROPOSED 5.0' WIDE WATER LINE EASEMENT
PROVIDE DRAINAGE SWALE (GRADE TO DRAIN TO DI)
2:1 SLOPE OR FLATTER TYPICAL
#310
#311
#312
#301
#308
#309
#307
#313
#306
#305
#304
#303
#302
#317
#318
#319
#320
TW 530.5 BW 525.5 5' HIGH
TW 527.5 END WALL
TW 528.6 BW 525.5 3.1' HIGH
TW 522.1 BW 514.5 7.6' HIGH
DI TG 518.5± INV 513.0
TW 518.5 BW 513.8 4.7' HIGH
TW 512.5 END WALL
FG 511.12
FG 513.80
FG 525.45
FG 525.52
DI (V12) TG 514.4 INV 512.0
DI TG 525.5± INV 522.0
DI TG 528.6± INV 523.0
TW 529.1 BW 525.5 3.6' HIGH
TW 539.0 BW 534.0 5' HIGH
CONSTRUCT RETAINING WALL
LIGHTWELL TO LOWER FLOOR ELEV 514.5
EX TREE TO BE REMOVED TYPICAL
BAY WINDOW TO LOWER FLOOR ELEV 514.5
15' BUILDING SETBACK
PROPOSED DRIVEWAY ASPHALT OVER BASEROCK MATCH EXISTING SECTION
EP 511.08± CONFORM
CONFORM TO EXISTING PAVEMENT
EP 509.59± CONFORM
EP 509.75
PVC RISER W/SOLID CAP 6" ABOVE EX 507.4± INV 504.0
(2) 25 LF 6" DIA PERFORATED PIPE (FLAT) 48" WIDE x 36" DEEP TRENCH (BOTTOM 503) ¾" DRAINROCK. SEE DETAIL ON SHEET 5
PROVIDE TREE PROTECTION PER DETAIL; TYPICAL
TC 511.10 AC 510.60 END CURB
EP 510.64± CONFORM
TW 509.6 END WALL TW 510.7 BW 510.0± 0.7' HIGH PVC RISER W/SOLID CAP 6" ABOVE EX 508.6± INV 504.0
TC 511.21 AC 510.71
EP 511.03± CONFORM
EP 511.39± CONFORM
TW 510.8 BW 508.2± 2.6' HIGH END GUARDRAIL
TC 511.32 TC 510.82 INV 508.5
TC 511.50 AC 511.00
TW 511.0 BW 498.9± 12.1' HIGH
24.3'
45.3'
83.52
S73° 55' 30"E
S72° 59' 19"E
S63° 35' 23"E
S86° 21' 44"E
45.09
34.20
HOUSE
FF 525.67 (UPPER FLOOR)
FF 514.5 (LOWER FLOOR)
PAD 513.5 (LOWER FLOOR)
GARAGE
FF 514.0
PAD 513.0
EX UTILITY POLE AND LINES (BOTH O/H AND U/G) TO BE RELOCATED "BY OTHERS"
LEDA LANE
25' BUILDING SETBACK
30' BUILDING SETBACK
CONSTRUCT CONCRETE LINED DITCH
GRADE TO DRAIN
PAVER WALKWAY
PROPOSED DRIVEWAY PAVER SURFACE
EX. 3.0' WIDE SANITARY SEWER EASEMENT TO AGAHIAN PER INST: 25274348 (PARCEL FOUR)
PROPOSED 10.0' PG&E EASEMENT
OVERLAND RELEASE PATH, TYP.
PROVIDE DRAINAGE SWALE
2:1 SLOPE 12.9' OR FLATTER TYPICAL
TW 537.3 BW 532.3 5' HIGH
TW 529.6 FG 525.67 3.9' HIGH
TW 529.6 FG 525.67 4' HIGH
TW 535.3 BW 530.3 5' HIGH
TW 530.7 FG 525.67 5' HIGH
TW 527.3 FG 525.67 1.7' HIGH
TW 529.1 FG 525.67 3.4' HIGH
TW 530.7 BW 525.7 5' HIGH
TW 527.0 BW 523.2 3.8' HIGH
TW 518.6 BW 514.2 4.4' HIGH
TW 538.0 BW 533.0 5' HIGH
TW 535.7 BW 530.7 5' HIGH
9 LF 6" PVC SO @ S=0.50
PROVIDE ROCK RIP-RAP AT END OF SWALE 2"-4" ROCK SIZE 2 COURSES
PROVIDE SIGN "NO PARKING FIRE TRUCK TURNAROUND LOCATION"
PROVIDE GUARDRAIL PER DETAIL A-5
PROVIDE 6" HIGH CONCRETE CURB ON TOP OF WALL
PROVIDE WEEP HOLES ALONG THE LENGTH OF RETAINING WALL WITH 10-FOOT SPACING
NEW FENCE ALONG PROPERTY LINE
PROPOSED UTILITY POLE
PROPOSED UTILITY BOX BY OTHER
TW 513.6 BW 511.4± 2.2' HIGH BEGIN GUARDRAIL
TW 513.0 BW 507.8± 5.2' HIGH
TW 511.6 BW 496.1± 15.5' HIGH
TC 514.06 AC 513.56
TC 513.53 AC 513.03
TC 512.13 AC 511.63
TC 514.28 AC 513.78
TC 514.83± AC 514.33± BEGIN CURB CONFORM
TW 514.3 BW 514.0± END WALL
TW 514.4± END WALL
EP 514.09
EP 513.26
EP 513.82
EP 514.43± CONFORM
CONFORM TO EXISTING PAVEMENT
CONSTRUCT RETAINING WALL
PROPOSED 10.0' PG&E EASEMENT
AC 512.18
AC 512.76
TC 514.11
FG 514.17
DI TG 515.4± INV 513.40
DI TG 534.8 INV 528.0
DI TG 528.8± INV 523.5
DI TG 525.6± INV 523.0
DI TG 525.5± INV 523.5
DI TG 528.7± INV 523.8
DI TG 535.2± INV 528.0
DI TG 528.46± INV 523.0
DI TG 525.6± INV 522.5
EX 538.49± FL 537.50 HIGH PT
FL 530.50
FL 530.56 HIGH PT
FL 538.50
FL 537.76
EX 539.76± FG 538.76±
FG 530.67
N11° 34' 58"E
125.57
53.2'
40.0'
49.4'
12.1'
34.20
MODIFIED FIRE TRUCK TURNAROUND AREA
EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS. LOCATION MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AT LEAST 2 WORKING DAYS IN ADVANCE OF CONSTRUCTION TO FIELD LOCATE UTILITIES. CALL UNDERGROUND SERVICE ALERT (U.S.A.), AT 1-800-642-2444. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF UTILITIES SHOWN ON THESE PLANS, INDICATED IN THE FIELD BY LOCATING SERVICES, OR EVIDENCE BY FACILITIES VISIBLE AT OR ADJACENT TO THE JOB SITE. ANY ADDITIONAL COST INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR AND IS DEEMED INCLUDED AND MERGED IN THE CONTRACT UNIT PRICE.
GRAPHIC SCALE
5 0 2.5 5 10 20
( IN FEET )
1 inch = 5 ft.
PRELIMINARY PLANS
NOT FOR CONSTRUCTION
REV.: DEC. 2015
JOB NO. 23067

REGISTERED PROFESSIONAL ENGINEER * VINNIE MUSY-VERDEL * NAHAIA_VOR NO. 69278 EXP. 6-30- CIVIL STATE OF CALIFORNIA

| | |
|---|---|
| DATE: | SEPTEMBER 4, 2024 |
| SCALE: | 1"=5' |
| DESIGN: | AM |
| DRAWN: | TM |
| CHECK: | XX |
| ENGR: | AM |
| PROJECT NO.: | 23067 |

PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## GRADING & DRAINAGE PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048
PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS


HANNA-BRUNETTI EST. 1980
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM


| BY | DATE | REVISIONS |
|---|---|---|
| | | |

SHEET 4 OF 8

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

123
542.74
PT6 FD 3/4 IPO

124
543.33
D 1/2 IP LS3295

N09° 09' 35"E
12.76

5.0' WATERLINE EASEMENT TO TON / NGUYEN PER INST: 23351866 (PARCEL SIX)

N09° 09' 35"E 129.90

PROPOSED 10.0' PG&E EASEMENT

PROPOSED 5.0' WIDE WATER LINE EASEMENT

PROVIDE DRAINAGE SWALE (GRADE TO DRAIN TO DI)

DI
TG 518.5±
INV 513.0

5 LF 6" PVC SD @ S=0.38

PROPOSED DOMESTIC WATER

61 LF 8" PVC SD
SLOPE VARIES

PVC RISER
W/SOLID CAP
6" ABOVE
EX 507.4±
INV 504.0
(2) 25 LF 6" DIA
PERFORATED PIPE (FLAT)
48" WIDE x 36" DEEP
TRENCH (BOTTOM 503)
¾" DRAINROCK.
SEE DETAIL ON SHEET 5

MATCH LINE
SEE 6.1 - SHEET 6

DI
TG 528.6±
INV 523.0

DI
TG 525.5±
INV 522.0

26 LF 6" PVC SD @ S=0.38

DI (V12)
TG 514.4
INV 512.0

16 LF 6" PVC SD @ S=0.031

DI
TG 528.46±
INV 523.0

DI
TG 525.6±
INV 522.5

22 LF 6" PVC SD @ S=0.023

S86° 21' 44"E
45.09

DI
TG 534.8
INV 528.0

DI
TG 528.8±
INV 523.5

DI
TG 525.6±
INV 523.0

12 LF 6" PVC SD @ S=0.04

13 LF 6" PVC SD @ S=0.023

DI
TG 525.5±
INV 523.5

EX UTILITY POLE AND LINES
(BOTH O/H AND U/G)
TO BE RELOCATED
'BY OTHERS'

LEIGH LANE

PVC RISER
W/SOLID CAP
6" ABOVE
EX 508.6±
INV 504.0

5 LF 6" PVC SD @ S=0.02

DI
TG 511.32
TG 510.82
INV 508.5

41± LF 4" PVC SS @ S=0.02

63 LF 6" PVC SD @ S=0.13

S73° 55' 30"E
83.52

S63° 55' 21"E
34.20

SEE 6.2 - SHEET 6
MATCH LINE

EX. 3.0' WIDE
SANITARY SEWER EASEMENT
TO AGAHIAN PER
INST: 25274348 (PARCEL FOUR)

DI
TG 528.7±
INV 523.8
6" PVC

DI
TG 535.2±
INV 529.0

694± LF 2" HDPE FORCEMAIN SS

PROVIDE DRAINAGE SWALE

PROPOSED 10.0' PG&E EASEMENT

PROPOSED UNDERGROUND JOINT TRENCH
(ELECTRIC & COMMUNICATION)

PROVIDE 694± 2" HDPE FORCEMAIN TO EXISTING SEWER MANHOLE IN ROGERS STREET

N11° 34' 58"E
125.57

DI
TG 515.4±
INV 513.40

PROPOSED UTILITY BOX BY OTHER

PROPOSED UTILITY POLE

SEE SHEET 5
MATCH LINE

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| UTILITY PROVIDERS: | |
|---|---|
| WATER | SAN JOSE WATER |
| SANITARY SEWER | WEST VALLEY SANITATION DISTRICT |
| GAS/ELECTRIC | PG&E |
| COMMUNICATION | TBD |

GRAPHIC SCALE
5 0 2.5 5 10 20
( IN FEET )
1 inch = 5 ft.

INFILTRATION TRENCH DETAIL
NO SCALE

PVC RISER W/SOILID CAP
6" ABOVE GRADE
EXISTING GROUND
BACKFILL
WITH NATIVE SOIL
95% REL. COMP.
3/4"
UNIFORMLY GRADED
CRUSHED GRAVEL
DRAIN ROCK
6" MIN.
36"
12"
(2) 25 LF 6"
PERFORATED PIPE
ELEV. 503
48"
6" MIN.

REV.: DEC. 2015

JOB NO. 23067

REGISTERED PROFESSIONAL ENGINEER
MARINA V. MUSY-VERDEL
No. 69278
EXP. 6-30-
CIVIL
STATE OF CALIFORNIA

DATE: SEPTEMBER 4, 2024
SCALE: 1"=5'
DESIGN: AM
DRAWN: TM
CHECK: XX
ENGR: AM
PROJECT NO.: 23067

PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## UTILITY PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI
EST. 1980
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE: (408) 842-2173
EMAIL: ENGINEERING@HANNABRUNETTI.COM

| DATE | BY | REVISIONS |
|---|---|---|
| | | |

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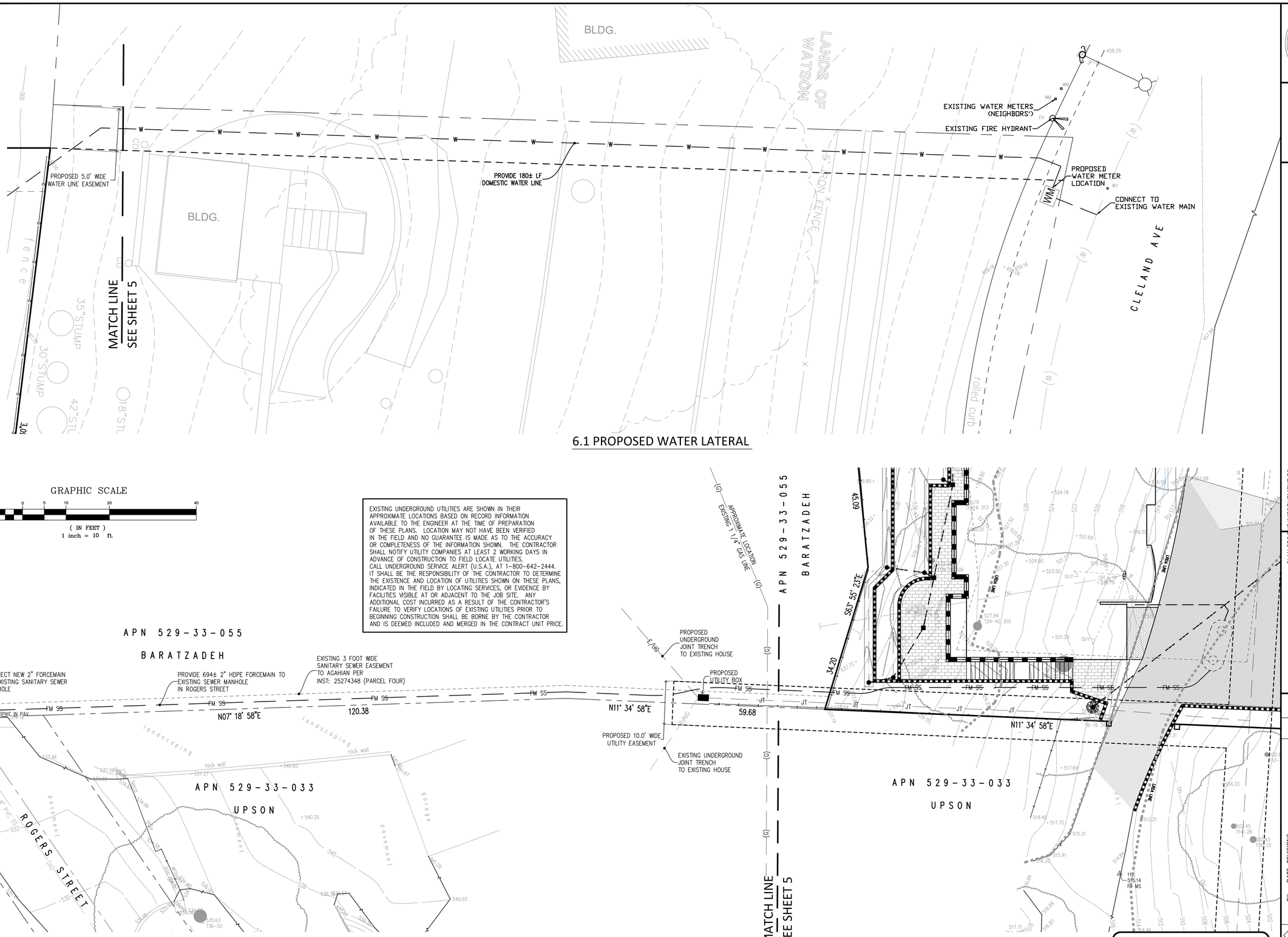


6.1 PROPOSED WATER LATERAL

GRAPHIC SCALE

10 0 5 10 20 40

( IN FEET )
1 inch = 10 ft.

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6.2 PROPOSED SANITARY SEWER LATERAL

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER ★ MARIA VERDEL ★ STATE OF CALIFORNIA
No. 69278 EXP. 6-30- CIVIL

| | |
|---|---|
| DATE: | SEPTEMBER 4, 2024 |
| SCALE: | AS SHOWN |
| DESIGN: | AM |
| DRAWN: | TM |
| CHECK: | XX |
| ENGR: | AM |
| PROJECT NO.: | 23067 |

# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE

APN 529-33-054

## UTILITY PLAN

ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT

PLAN FOR THE IMPROVEMENT OF

TOWN OF LOS GATOS

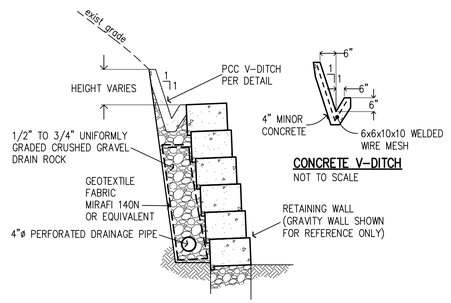
HANNA-BRUNETTI
EST. 1980
CIVIL ENGINEERS - LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET - GILROY - 95020 - CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING@HANNABRUNETTI.COM

| BY | DATE | REVISIONS |
|---|---|---|
| | | |

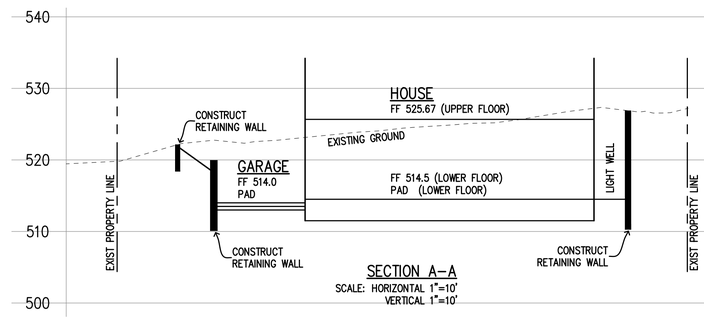


JOB NO. 23067

REV.: DEC. 2015

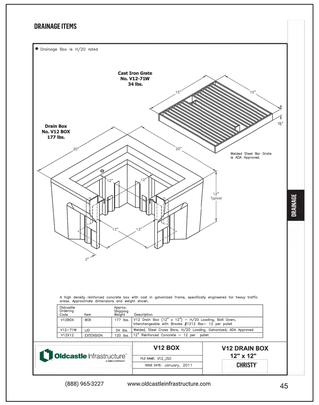


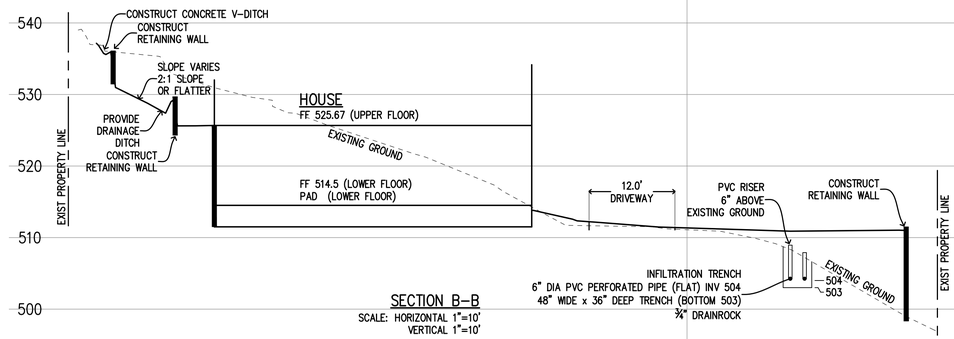

CONCRETE V-DITCH
NOT TO SCALE




SECTION A–A
SCALE: HORIZONTAL 1"=10'
VERTICAL 1"=10'

## CONCRETE–LINED DITCH AT BACK OF RETAINING WALL
NO SCALE




SECTION B–B
SCALE: HORIZONTAL 1"=10'
VERTICAL 1"=10'

SEE SHEET 5
MATCH LINE

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PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REV.: DEC. 2015

JOB NO. 23067

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REGISTERED PROFESSIONAL ENGINEER * VINOD MUSY-VERDEL * NO. 69278 EXP. 6-30- CIVIL * STATE OF CALIFORNIA

| | |
|---|---|
| DATE: | SEPTEMBER 4, 2024 |
| SCALE: | 1"=5' |
| DESIGN: | AM |
| DRAWN: | TM |
| CHECK: | XX |
| ENGR: | AM |
| PROJECT NO.: | 23067 |

PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## CROSS SECTIONS & DETAILS
ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI EST 1910
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
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EMAIL ENGINEERING@HANNABRUNETTI.COM

| | DATE | BY | REVISIONS |
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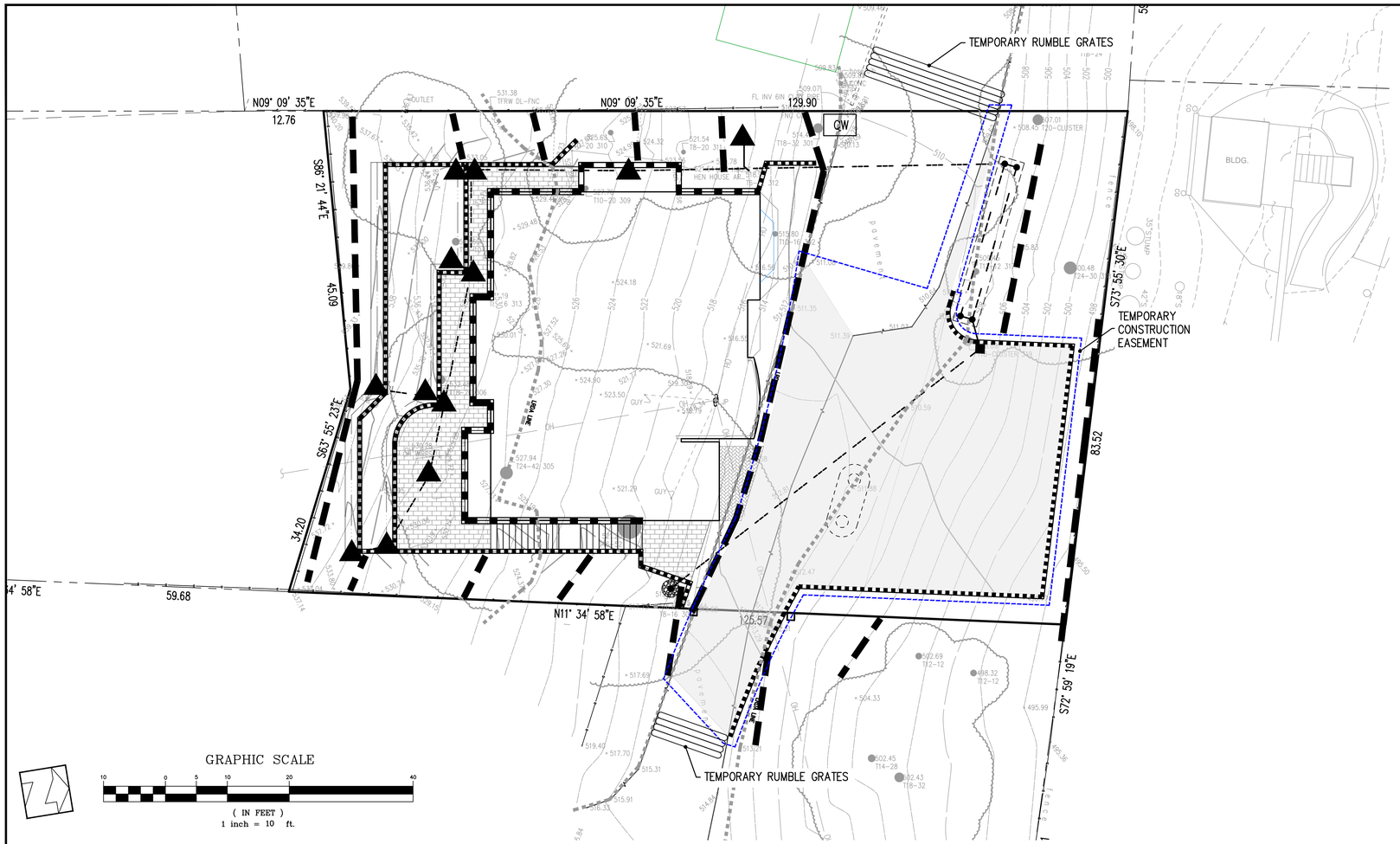



EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE EFFECTIVE FOR CONSTRUCTION DURING THE RAINY SEASON; OCTOBER 15 THROUGH APRIL 15.

2. NO STORM WATER RUNOFF SHALL BE ALLOWED TO DRAIN INTO THE EXISTING AND/OR PROPOSED UNDERGROUND STORM SYSTEM UNTIL SUITABLE EROSION CONTROL MEASURES ARE FULLY IMPLEMENTED. NO STORM WATER RUNOFF SHALL BE ALLOWED TO ENTER THE STORM DRAIN SYSTEM THAT IS NOT CLEAR, AND FREE OF SILTS.

3. A FIBER ROLL PER "FIBER ROLL DETAIL SE-5" SHALL BE INSTALL ALONG THE PERIMETER OF THE PROJECT SITE. THE LOCATION OF THE FIBER ROLL ALONG THE PERIMETER SHALL BE ADJUSTED TO ELIMINATE SEDIMENT LADEN RUNOFF FROM LEAVING THE SITE. A FIBER ROLL SHALL ALSO BE REQUIRED AROUND THE PERIMETER OF ANY STOCKPILE OR OTHER SITE OF BARE, LOOSE EARTH.

4. ALL STORM DRAIN MANHOLES, CATCH BASINS, AND/OR DROP INLETS THAT ARE TO ACCEPT STORM WATER SHALL HAVE INLET PROTECTION MEASURES PER DETAIL SE-10. STORM WATER RUNOFF SHALL BE DIRECTED TO THESE INLETS ONLY. STORM DRAIN CATCH BASINS THAT ARE NOT COMPLETE, SHALL BE BLOCKED OFF COMPLETELY.

5. THE NAME, ADDRESS, AND 24 HOUR TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR THE IMPLEMENTATION OF THE EROSION CONTROL PLAN SHALL BE PROVIDED TO THE TOWN.

6. ALL AREAS OF BARE, TURNED OR DISTURBED EARTH SHALL BE STABILIZED BY USE OF HYDROSEED OR NON-VEGETATIVE STABILIZATION PER EC-16, PER THE TABLE BELOW. ALL STOCKPILES, AND/OR BORROW AREAS SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES SUCH AS A PERIMETER SILT FENCE, AND OTHER METHODS TO PREVENT ANY EROSION OR SILTS MIGRATION.
ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THE EROSION CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS, BUT ONLY WITH THE APPROVAL OF, OR AT THE DIRECTION OF THE QSD.
THE STORM DRAIN SYSTEM SHALL MAINTAIN A FORM OF DRAIN INLET PROTECTION UNTIL TOWN ACCEPTS THE FINAL STREET IMPROVEMENTS. THE DRAIN INLET PROTECTION SHALL BE MAINTAINED, EFFECTIVE AND SUBJECT TO TOWN ENGINEER'S APPROVAL.

7. ALL PAVED STREET, AND AREAS ADJACENT TO THE SITE SHALL BE KEPT CLEAR OF EARTH MATERIALS AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO ELIMINATE SEDIMENT LADEN RUNOFF FROM ENTERING THE STORM DRAIN SYSTEM.

8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INSPECT AND REPAIR ALL EROSION CONTROL FACILITIES AT THE END OF EACH DAY. ANY DAMAGED STRUCTURAL MEASURES ARE TO BE REPAIRED BY END OF THE DAY. TRAPPED SEDIMENT IN "SD INLETS" (AND OTHER EROSION CONTROL MEASURES) SHALL BE REMOVED TO MAINTAIN TRAP EFFIIENCY. REMOVED SEDIMENT SHALL BE DISPOSED BY SPREADING ON SITE, WHERE IT WILL NOT MIGRATE.

9. IT IS THE RESPOSIBILITY OF THE CONTRACTOR TO PREVENT THE FORMATION OF AIRBORNE DUST NUISANCE AND SHALL BE RESPOSIBILE FOR ANY DAMAGE RESULTING FROM A FAILURE TO DO SO.

10. ALL DRAIN SWALES SHALL BE PER DETAIL EC-9.

11. INCOMPLETE GRADING SHALL NOT BE ALLOWED. CONTRATOR SHALL MAINATIN A DRAIN PATH AS SHOWN ON THIS PLAN. SAID DRAIN PATH SHALL BE MAINTAINED LINED DRAIN SWALES, AND INLET PROTECTION AT A MINIMUM.
IF PONDING DOES OCCUR ON THE SITE AFTER GRADING, THE WATER MUST BE FREE AND CLEAR OF SEDIMENT PRIOR TO DISCHARGE TO THE STORM DRAIN SYSTEM. THIS REQUIREMENT MAY NECESSITATE THE USE OF NATURAL AND/OR MECHANICAL DESILTING METHODS, SUBJECT TO APPROVAL BY THE TOWN ENGINEER.

12. IF THESE EROSION CONTROL MEASURE PROVE INADEQUATE, STRAW MULCH, TACKIFIER, AND ADDITIONAL HYDROSEEDING MAY BE REQUIRED.

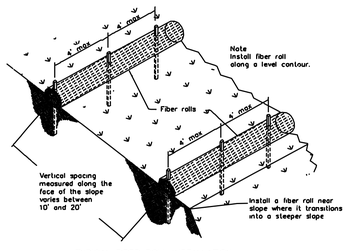
HYDROSEED TABLE

| ITEM | LBS/ACRE |
|---|---|
| COMMON BARLEY | 45 |
| ANNUAL RYEGRASS | 45 |
| CRIMSON CLOVER | 10 |
| FERTILIZER 7-2-3 | 400 |
| FIBER MULCH | 2000 |
| TACKIFIER | 100 |

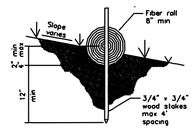
LEGEND

- FIBER ROLL BARRIER PER DETAIL SE-5
- STORM DRAIN INLET PROTECTION PER DETAIL SE-10
- CW CONCRETE WASHOUT AREA

SE-5 Fiber Rolls

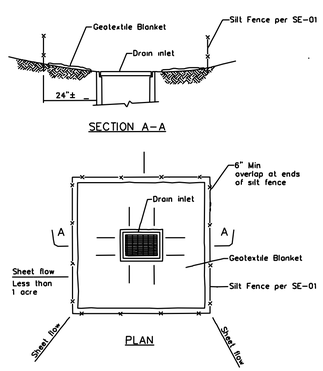



TYPICAL FIBER ROLL INSTALLATION
N.T.S



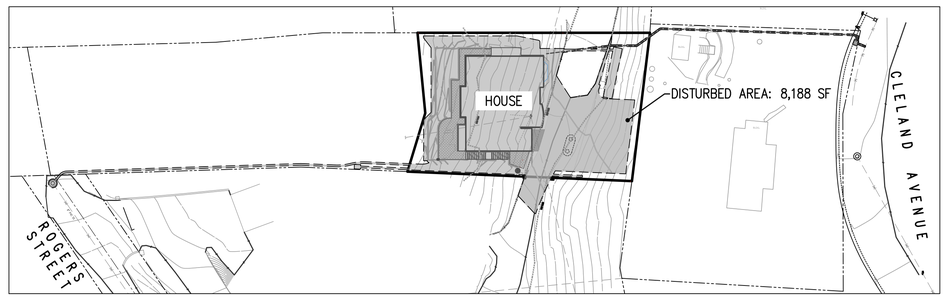

ENTRENCHMENT DETAIL
N.T.S.

SE-10 Storm Drain Inlet Protection




DI PROTECTION TYPE 1
NOT TO SCALE

NOTES
1 For use in areas where grading has been completed and final soil stabilization and seeding are pending
2. Not applicable in paved areas
3 Not applicable with concentrated flows.

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REV.: DEC. 2015

REGISTERED PROFESSIONAL ENGINEER * VINCENT MUSY-VERDEL * No. 69278 EXP. 6-30- CIVIL * STATE OF CALIFORNIA

DATE: SEPTEMBER 4, 2024
SCALE: AS SHOWN
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DRAWN: TM
CHECK: XX
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PROJECT NO.: 23067

PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## EROSION CONTROL PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI
EST 1995
CIVIL ENGINEERS - LAND SURVEYORS
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| DATE | BY | REVISIONS |
|---|---|---|
| | | |

SHEET 8 OF 8

JOB NO. 23067

**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 01/08/2025

ITEM NO: 7

DESK ITEM

DATE: January 8, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Project Planner: Sean Mullin.

REMARKS:

Exhibit 13 includes additional public comments received between 11:01 am, Friday, January 3, 2025 and 11:00 am, Wednesday, January 8, 2025.

EXHIBITS:

Exhibits previously received with the January 8, 2025, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Color and Materials Board
5. Letter of Justification
6. Consulting Architect's Report
7. Applicant's Response to Consulting Architect's Report
8. Consulting Arborist's Report
9. Story Pole Photos
10. Site Photos

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Planning Manager and Community Development Director

11. Public comments received by 11:00 a.m., Friday, January 3, 2025
12. Development Plans

Exhibit received with this Desk Item Report:

13. Public comments received between 11:01 a.m., Friday, January 3, 2025, and 11:00 a.m., Wednesday, January 8, 2025

From: quintana <[redacted]>
Sent: Tuesday, January 7, 2025 2:09 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Reservoir Road

[EXTERNAL SENDER]

Grading impacts:
Is there any part of this site that will not be disturbed by grading?
The grading plan does not show a"grading limit line". Given the amount of grading, ( (1407 cubic yards/348 fill), height of retaining walls (up to 15'), and their close proximity to the sites's property lines, proposed project result in greater impact grading impacts and/ or require grading beyond the property line.
How can these issues be addressed as part of the project approval process, rather than after approval during the Grading Permit/Building permit application?

Floor Plan:
Is the ADU really an ADU or is it really a master suit renamed an ADU.
It makes no sense that the bedrooms/bath/closets on the main floor are smaller than the "ADU" on the main living floor.
To be used as a rental the door to the main floor would have to be closed and the "ADU" would have booth ingress and egress through the bathroom.
The "Closet" would likely be turned into a bedroom without egress .
By calling this area an ADU the area also escapes included in the visibility analysis.

Lee

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# A P P E A R A N C E S:

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

CHAIR RASPE: Moving on now to Item 7, a request for approval for construction of a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large, protected trees on a nonconforming vacant property zoned R-1:20, located at 45 Reservoir Road. APN 529-33-054. Architecture and Site Application S-22-048. The project is categorically exempt pursuant to CEQA Guideline 15303: New Construction. Property owner is Farnaz Agahian, and Applicant Gary Kohlsaat.

Members of the Planning Commission, those have visited the site, please indicate by raising your hand. Thank you, and any disclosures? Seeing none, Mr. Mullin, I believe you're preparing a Staff Report on this. Thank you.

SEAN MULLIN: Yes, thank you, and good evening again. Before you this evening is a proposal to construct a new two-story residence with reduced side and rear setbacks, site improvements requiring a Grading Permit, and removal of large, protected trees located at 45 Reservoir Road.

The project site is located east of Reservoir Road and accessed via a private roadway that bisects the property and serves several lots between Reservoir Road and Rogers Street.

The Applicant proposes a 1,640 square foot residence with an attached tandem garage in a traditional Mediterranean style. The residence includes 1,287 square feet of below-grade square footage and an attached ADU. Staff notes that consistent with State law the ADU is not the subject to this application.

The proposed residence would be the seventh largest in terms of floor area when compared to those in the immediate neighborhood, and the third largest in terms of FAR.

Due to the constraints of the site and the desired architectural program, the Applicant is requesting the following exceptions:

From the Town Code an exception to the required 15-foot side and 25-foot rear setbacks; an exception to driveway access road requiring a minimum width of 18 feet; a requirement for two off-street parking spaces relative to the configuration and the dimensions; and the driveway depth of at least 18 feet. Those were all relative to the Town Code.

Relative to the Hillside Development Standards and Guidelines, the exceptions requested are for grading depths exceeding 4’ of cut and 3’ of fill; retaining wall heights taller than 5’; and buildings located outside of the LRDA.

Lastly, from the Hillside Specific Plan, the requirement to provide four onsite or four guest parking spaces.

Discussion of each of these exceptions is provided in your Staff Report.

The consulting architect reviewed the project and provided a recommendation addressing the two-story side walls, which the Applicant implemented. Additionally, the consulting architect noted that the residence is sited quite close to the road, recognizing the constraints of the site. The Applicant provided a response noting that their residence is pushed as far away from the road as is feasible given the constraints of the site.

Should the Planning Commission find merit in their request, Staff is recommending that the Planning Commission approve the Architecture and Site Application subject to the conditions in Exhibit 3.

Staff notes that a Desk Item was distributed today with additional public comments, and this concludes my presentation. We're available to answer any questions.

CHAIR RASPE: Thank you very much, Mr. Mullin. Commissioners, any questions for Staff? Seeing none, I'll open the public portion of this matter and invite the Applicant to come forward and speak for up to five minutes. I have two cards from the Applicant, Gary Kohlsaat and Farnaz Agahian, and just a reminder, together you'll have a combined five minutes to speak, so you can divide that any way you wish.

FARNAZ AGAHIAN: Good evening, everyone. My name is Farnaz Agahian and I am the owner of the property at 45 Reservoir. I am a color/imaging scientist and working for a tech company in the Bay Area. My mom and I purchased this property in April 2022 with the hope of building our dream home where we can live together and support each other.

We are a very close and small family; it's just the two of us. I realize that as she's getting older, she needs to be close by, and at the same also she needs to have her own space, independence, and comfort. Therefore, we plan to build a single-family house that includes separate living space for her, which is our ADU, attached to the main property, and we believe this arrangement would

allow her to have her independence and at the same time she can live with me and have my support and companionship.

This is about the plan, and finally we totally understand the importance of responsible development, so we are fully committed to working with the Town to make sure that our project meets the necessary guidelines and requirements, and also at the same time we understand construction is not fun for our neighbors, so we will do our best to minimize any disturbance to our neighbors and neighborhood.

CHAIR RASPE: Thank you for your comments. I think your architect would like to jump in with the remainder of your time.

GARY KOHLSAAT: Thank you. Good evening, everybody. I wanted to shout out to Sean Mullin for doing such an excellent Staff Report, very detailed. It’s a very difficult and complex project that we have here, as obviously it’s a challenging site.

I wanted to just briefly touch on a couple of items. I think Sean described our design approach very well; I don’t have much to add to that. But I do want to talk about a couple of the exceptions that we’re asking for, in particular the setback exception.

This lot is 83’ wide in a zone that requires a minimum of 100’, so if you look at the setbacks for an R-1:20, it’s 15’, which is 15%. What we’re asking for is 14% of the width as if it was an R-1:10; the size of this is actually more applicable of this property. That just gives us a few extra feet, 2.5’-3’, of extra width on this house due to the narrowness of the lot.

I also wanted to talk about the process. We tried very hard to avoid the firetruck turnaround. We’ve had several submittals, we’ve been in here for two years now, working with the Fire Department; they just would not budge. We went through an AMMR process, and with that process we were able to get fire clearance with the caveat that we put in this fire truck turnaround, which is why you have 15.5’ tall walls.

However, we see this as a community benefit in many ways. It makes the area safer. It will also save quite a bit of excavation off haul; we can use all of that, all the spoils from the excavation from the house that is benched into the hill and fill that thing, and that will happen right away, so now we have construction staging, which we never had before. Now we have parking for six to eight vehicles throughout the process, because it doesn’t

need to be for the Fire Department until the very end, so that's a huge benefit that I think we need to do.

I want to ask for one more exception. It's the trees that we're proposing to plant between that wall and the properly line; we're asking for the Green Giants or an Italian Cypress or something like that. These are 50'-55' away from the house, and so since we're in this Hillside Overlay, we have to abide by that. This is the only species of plant that we have that will reach 15'-20' in 4', so I'm asking for that.

CHAIR RASPE: Thank you for that presentation from both of you, and before you sit down, Commissioners, do we have questions or comments for either speaker? Commissioner Burnett.

COMMISSIONER BARNETT: Yes, thank you. You mentioned that you would use the soil from the house side for the fire pad you want to build there, is that correct?

GARY KOHLSAAT: That's correct, yes.

COMMISSIONER BURNETT: Now, you have to add additional though. I mean, you can't really use that totally. Isn't there some additional fill that would have to be?

GARY KOHLSAAT: There would still be some off haul. Yes, there will be some export, but it's greatly

reduced. My design team is here, and for technical questions I can refer to my civil engineer who can give us exact data on that, if you want, but it is in the package.

COMMISSIONER BURNETT: Yes, it was my understanding that you can't totally use that kind of soil for what you propose for a fire pad, basically.

GARY KOHLSAAT: If it's engineered properly. We've talked to our soils engineer about that and it depends on what the quality of the material is, but we're counting on that at this point until we know different.

COMMISSIONER BURNETT: Okay, thank you.

CHAIR RASPE: Commissioner Burch.

COMMISSIONER BURCH: You were a little rushed at the end, and so I was a little confused about the tree statement. Could you go back to that and explain it again.

GARY KOHLSAAT: I'll refer to the Staff Report, and it's not under trees, it's in the section under the retaining wall heights exceptions, and it's towards the end and it is pointed out that these trees are outside of the 30' zone for residents; you have to use natives outside of 30', because this is in a Hillside Design Overlay. It's not really a hillside property; it's not hillside zoning. Anybody else has the freedom to do what they want, but

since we have an application right now, we have to abide by that.

I'm asking for that exception, because we're trying to screen the wall for the neighbor down below who has been very patient with us actually and granted us a water easement as well, but we also want to create something that's going to be a little bit taller than that. We're going to have a guardrail at the edge of this wall, vehicular guardrail, but we also realize that we're elevated and we might be looking down upon them. Not that anybody is going to be there, but there is that possibility, and so we'd like to get plants that grow 20'-24' tall, and the only thing that we have in our arsenal are non-natives.

If you look at the complete list of the Town's approved trees, none of them. We have 4', and even that we're just barely making this fire truck turnaround work, so that's why I'm asking for that exception.

COMMISSIONER BURCH: Thank you. I appreciate the explanation.

CHAIR RASPE: Thank you. Yes, Commissioner Stump.

COMMISSIONER STUMP: The question that I had back in May of 2023, you obviously met with one of the neighbors, the Paspas. His takeaway was that the project is

just oversized for this lot. I'm sure you had some conversation with him. Was there any sort of outcome of that conversation, or was it just kind of agree to disagree, that we need to do what we need to do, and the neighbor has his opinion about this being oversized for the lot?

GARY KOHLSAAT: I think I would summarize that as agree to disagree. The house is 1,608, under 1,800 square feet. It's not a large home by any means. We're only asking for slight exceptions into the side setbacks and one exception into the rear setback, and mostly that's because of the shape of the lot; it has a little kink to it, and that kink is where we need the rear setback exception. But it is our opinion that this is a fairly modest home and that it is compatible size-wise, as Mr. Mullin has pointed out in his chart. It's certainly not the largest home in the area, and it doesn't have the most FAR as well, and I believe that the neighbor has the exact same FAR and a much larger home, and it's also very visible; everybody sees his home on a daily basis if you ever go drive up and down Main Street. This house is really not going to be visible.

CHAIR RASPE: Thank you. Yes, Commissioner Barnett.

COMMISSIONER BARNETT: As I understand, the exceptions you're asking for with respect to setbacks are the rear and the side, but when I saw the property, the house appeared to be right at the road. Can you comment on that?

GARY KOHLSAAT: Yeah, I'd love to. Actually, the property goes all the way down past that access road that cuts across our property and it goes all the way down to the lower fence, and that's where we're going to be building out the fire truck turnaround. That is a private drive, and so there are no setbacks from that private drive, so we're well out of the front setback.

COMMISSIONER BARNETT: I see. Well, it is a challenging lot, I'll agree with you on that.

CHAIR RASPE: Thank you. Other questions, Commissioners? I just have two quick questions.

First of all, I think it's implied in the packet and in your comments, but the Fire Department has signed off on this project as currently designed, is that correct?

GARY KOHLSAAT: That's correct, or we wouldn't be here.

CHAIR RASPE: My second is I went through my notes and there are quite few moving parts on this one. You've got the setback requests, the request with respect

to driveway, with respect to parking, driveway distance, grading depth, retaining walls, LRDA, guest parking, etc., and I think you've tried to address most of those issues, and we've previously talked about grading.

Could you briefly discuss the retaining wall height? I know we are on at least a portion of the property higher than we are customarily permitting, and this lot doesn't appear to permit the terracing of retainings. Can you address that for us?

GARY KOHLSAAT: There are two areas where we have retaining walls that are exceeding the allowable height, and one of them is in the rear. Since we're pushed up into the hillside quite a bit, we wanted to have some daylight in the back and have a very modest little yard in the back yard. In order to do that we have to have doors to come out, so we can't bring the hillside down to the home; otherwise, you'd have windows and that would be it, so when you start to move that wall, that cutback, it increases in height as the hillside continues to climb up behind the home so we're asking for minor exceptions. These walls will still be at the 5' or less height, so you're not going to see tall walls, but you wouldn't see them anyway because they're all very blocked behind the home.

There is one exception that we're up to about 8', which we're doing a double wall, we're doing a tiered wall design there, to minimize the effect of a taller wall, and it's really just to get the hillside off of the second story, the upper floor, which by the way, is a reverse floor plan, so that's where the kitchen and the dining room are, and so if you're entertaining or you just want to go outside, that's where you want to go on terra firma, because we do have a small roof deck that's built out over the home to the front, but that's still like apartment living. I mean, it's a roof deck, it's not on the ground, so if you want to have a garden, if you want to go out and be on the ground. So, that's that wall.

The other wall, the big wall, is for the fire truck turnaround.

CHAIR RASPE: Thank you for that answer. I appreciate it. Commissioners, any other questions for the Applicant? Commissioner Burch.

COMMISSIONER BURCH: Did you say you have your civil engineer here?

GARY KOHLSAAT: Yes, we do.

COMMISSIONER BURCH: Can I ask some questions about the proposed drainage on the lot? Since you are on quite hill to the road and then you've got neighbors below,

I would like to understand how you're going to mitigate draining just flowing down to the downhill neighbors.

CIVIL ENGINEER: Below the roadway we have an infiltration trench where the water will infiltrate into the ground to mitigate the pre- and post-flow rate and meet stormwater quality requirements.

COMMISSIONER BURCH: I keep trying to find your civil drawing and my computer keeps not liking this, so that's why I'm asking these questions. On the hillside itself though, how are you handling drainage from the property down to the road to mitigate excessive…

CIVIL ENGINEER: With a storm drain system. The whole storm drain is going into like an infiltration trench.

COMMISSIONER BURCH: Oh, the whole thing goes into the same?

CIVIL ENGINEER: Yes.

CHAIR RASPE: Yes, Commissioner Burnett.

COMMISSIONER BURNETT: Yes, thank you. Of the 118 conditions of approval, which are quite a few here, it's mentioned frequently that you would not be able to park any vehicles there during construction, because it is a very narrow, private road, which to me is going to be a real issue for the neighbors, and as the conditions of approval

say, you cannot park there at all; you cannot block that street. How in the world are you going to be taking up dump trucks and hauling dirt away? It seems like a real feat.

GARY KOHLSAAT: For sure, it's going to be a challenge. We have already spoken to two excellent contractors with extensive experience in hillside properties. We acknowledge that it would be a great idea, and I think we've even conceded to that maybe in the conditions—I'm not sure, I haven't read every one—that we would do a construction plan, and that we would use software that could update that construction plan on a daily or weekly basis throughout the duration of the project.

There will be times when we temporarily will have to block that access road. Given that there is another exit, we don't think it's going to be that large of any issue. The neighbor to the west of us doesn't even traverse across our property as far as I know; they just go in and out from Reservoir Road. There is another neighbor who does use that, and that's on the other side, they're 26, I believe, below Irene and Tom, and they often will use that road, and so it's just a matter of communicating with them that we may have to block the road for a little while.

PG&E just recently did that, and unfortunately, even though we requested several times for notification and signage to the neighbors, they just kind of did their PG&E thing and came out one day and just blocked the roads, so everyone got pissed off. Excuse my French.

As soon as we start excavating, we can start filling, and we will create this parking and construction pad that's just going to be amazing. It's expensive and it's extensive, but it is going to be very worthy.

COMMISSIONER BURNETT: Thank you for that. Just a follow-up, if I may, Chair?

CHAIR RASPE: Please.

COMMISSIONER BURNETT: Thank you. Do you have comments regarding what our Town Architect's comments were about the project, that it's really not a viable project, it has major constraints, and that he's very concerned about its impact on the character of the neighborhood? The frontage of the home is going to be practically right on the street itself where all the other homes are quite a few feet back from the street itself, so he did have some concerns there about the viability actually of the project.

GARY KOHLSAAT: His biggest concern, if I can paraphrase him, was that the home was very, very close to this access road. It's not a public street; it's used by

two other neighbors. We've moved it as far away from that road as possible. It's not unlike many of the other homes in the area. If you drive up Rogers Street, there are homes right on the street all up and down that road. Even on Cleland Avenue there are several homes and garages that are right on the road, and that is a public road and that's a well-traveled road, and so there are situations all over in this little pocket, so it's not different in many ways. Even the neighbor, their garage is 6' or 7', and they don't have the backup space either.

So, the exceptions that we're asking for for parking and all the kind of stuff, it's not like we're the only one that doesn't have it; nobody has parking up there. It's very old, established probably in the 1880s on this hill, so it is what it is. I think we've done a great job getting this house to be a viable project.

COMMISSIONER BURNETT: Thank you.

CHAIR RASPE: Thank you. Commissioner Stump.

COMMISSIONER STUMP: I realize this road is a private road having driven it myself and actually overshooting and then having to do a 40-point turn in the neighbor's driveway to make a U-turn. My question is do the residents on that roadway consider that to be a one-way road? In practice is that a one-way road?

GARY KOHLSAAT: No. To be honest, from my observation, it's not used as a one-way. It's used one way in and one way out, or it could be one way in and one way out, or you could just thoroughly… There are no rules on that road.

COMMISSIONER STUMP: So, the gates at the bottom of that roadway, the owners then have a clicker that they can open that gate?

GARY KOHLSAAT: Yes. Well, coming in, and entering from Reservoir proper, because this is called Reservoir Road, but on the way out there's an automatic gate opener.

COMMISSIONER STUMP: But that gate can be opened by the residents themselves?

GARY KOHLSAAT: That's correct, yes.

COMMISSIONER STUMP: Thank you.

GARY KOHLSAAT: There's really nothing formally set up, but I believe that if there is maintenance to be done on the road it would be shared pro rata, and I'm sure that that would be interesting to be a fly on the wall in that one. I have to give credit to Mary who has repaved that part of that road from her house down; I believe that she's responsible for that. I don't know if she ever got reimbursed from the other people. Irene and Tom are the

ones at the very beginning where they have the gates and house that you see there, the old Victorian home, and they just come in and out there; they rarely drive through, but they have the ability and they can if they want.

CHAIR RASPE: Very good. Commissioners, any further questions for the Applicant? Commissioner Barnett.

COMMISSIONER BARNETT: Inferring from your last comment, you're not aware of a recorded road use agreement among those property owners?

GARY KOHLSAAT: I think that came up. I don't recall if there is or not, so I'll just say that.

COMMISSIONER BARNETT: Okay, maybe this is for Staff.

GARY KOHLSAAT: Not that we're aware of.

COMMISSIONER BARNETT: Okay, then I guess the conditions might address any damage to the roadway and caused in connection with the project; I think that's one of the conditions.

GARY KOHLSAAT: Right. Yes, we'll videotape it and we'll repair anything to the satisfaction of the neighbors.

COMMISSIONER BARNETT: Okay, thank you.

CHAIR RASPE: Thank you. Commissioner, any other questions for the Applicant? Seeing none, thank you so much, and you may speak again at the end.

We have a number of speaker cards then from members of the public who wish to be heard. In no particular order, Kia Baratzadeh. If you'll approach the podium and you state your name for the record, and you'll have three minutes to speak.

KIA BARATZADEH: Good evening, my name is Kia Baratzadeh; I live at 60 Rogers Street, just the house above the proposed site of 45 Reservoir.

I am speaking as someone who approves of this project as a neighbor. I've gotten to know Farnaz, her family, and Gary over the last couple of years. They've been pretty straightforward with us, very transparent, and we see the story poles; they're giving all this information to you.

It is a challenging site, that's admitted, but we are living in the year 2025 and I think there are a lot of great solutions that can technically resolve these issues. I don't see anything here that is of concern to me as someone living above, and I would love to have Farnaz a neighbor someday, so I'd just like to say that I speak an approval of it.

CHAIR RASPE: Thank you for those comments. Commissioners, any questions? No. Thank you, sir. Next is Paul Paspa. You'll approach, state your name for the record, and you'll have three minutes to speak, sir.

PAUL PASPA: Paul Paspa. I'm at 49 Reservoir Road, and I guess we agree to disagree on at least the size of the home.

I think one thing that would be very helpful for me to really understand this project better, and maybe just for everyone here, is floor area versus how big the home is. The floor area is 1,640 square feet; that's because a number of the square footage is excluded based on the Los Gatos code that says you don't count something that's below grade, or you don't count garage space, and so a lot of the square footage of the house is not included in that 1,640 number.

The code, I believe, for that is to calculate floor area for FAR. The actual home, I believe, is 3,400 square feet living space, and so there's a big disparity between comparing 1,640 square feet floor area to what is probably listed. I mean, if I go to sell my home, I'm not going to worry about floor area, I'm going to tell them how many square feet it is. There is a big disconnect, I think, in this particular project between what is FAR, floor area,

and what is the actual livable space, and so 3,400 square feet for this area is big. Without the ADU, it's 3,000; it's still on the larger side, and it is a small, very challenging lot, no doubt about that.

So, I'm curious if we can maybe have someone, Mr. Mullin or Mr. Kohlsaat, actually talk to how they're comparing floor area to the homes in the area in terms of their actual size, because I don't consider floor area, I consider livable space; it's a big difference.

CHAIR RASPE: Thank you for your comments. Before you sit, Commissioners, any questions? Commissioner Barnett.

COMMISSIONER BARNETT: Thanks for being here tonight. You acknowledge your understanding of the Town Code, that the subterranean space would not be counted for FAR.

PAUL PASPA: Right.

COMMISSIONER BARNETT: That's a law that you understand and agree with, right?

PAUL PASPA: Do I understand and agree with it?

COMMISSIONER BARNETT: Yes.

PAUL PASPA: If for the purposes of FAR, that's fine, but for the purposes of evaluating a home's

suitability for the neighborhood, I don't think that's the right number to be using.

COMMISSIONER BARNETT: The follow-up question was for the remaining portion of the house above the grade level. Do you still object to the size of the home; is that what I heard?

PAUL PASPA: My objection is that we have a home with a livable space of 3,400 square feet and we're comparing it to homes in the area that are between 1,500 and 3,500 square feet and we're saying this is a small home and it's a challenging lot and we're kind of boxed in, but I think there is actually size to be had to scale this so that it does not encroach as much as it does today.

COMMISSIONER BARNETT: Okay, thanks.

CHAIR RASPE: Thank you. Any other questions for the speaker? Thank you, sir, for your comments. Next speaker, Andrew Watson. Mr. Watson, if you would approach, give us your name and address, and you'll have three minutes to speak.

ANDREW WATSON: My name is Andrew Watson, I'm here with my wife Kathleen, and we live at 56 Cleland Avenue, which is one of the homes just below the property in question.

We moved to our house in 1987, so we've been there for about 37 years in the same small house, about 1,500 square feet. We expect to live there for the rest of our lives. We raised two daughters there; one of them lives in Los Gatos and she may well occupy that house after we're gone.

We stayed in that house and we stayed in Los Gatos primarily because of the particular neighborhood that we're in, and part of the reason we love that neighborhood is that even though it's only a few steps from downtown Los Gatos, it is this beautiful, leafy, rural enclave, and part of that is the result of the trees in that area and in that neighborhood.

We are sympathetic to the difficulties of building. We're sympathetic to the need for new housing. We're sympathetic to these particular applicants, but we are very concerned about the removal of trees from that neighborhood. Trees die of natural causes, they die through human activity, and you can plant more, but they take a long time to grow. If you don't resist this progress, there will be a general depletion of the leafy canopy that makes that neighborhood special, so that is what we are very concerned about.

For these reasons we urge the Commission to decline permission to remove the trees. We have many other concerns about this property: about its size, about the degree to which it is going to be visible from our property, the degree to which the turnaround on the other side of the road is going to impinge on our property. Again, we're sympathetic to the needs of the Applicant, but the trees we particularly are concerned about. Thank you for listening to me.

CHAIR RASPE: Thank you for your comments. Commissioners, any questions? Vice Chair Thomas.

VICE CHAIR THOMAS: Hi, thank you, Mr. Watson, for coming tonight. My question for you is if you're concerned about the trees being removed, what changes would you want to see if you're in support of… You said you're still in support of developing the property in some way, shape, or form, but is there a specific quest?

ANDREW WATSON: I think the previous speaker suggested that if the property were scaled back in some way that maybe there wouldn't be such a need to remove those trees. Because the property is on a private road, I can't actually get access to where the trees are, so I'm not absolutely certain of which trees they are, but if they're the ones I think they are, they are impinging upon the

planned structure, so without removing them you'd have to scale the structure back a bit.

VICE CHAIR THOMAS: Okay, thank you.

CHAIR RASPE: Thank you. Any other Commissioners have questions? No. Thank you very much for your comments. Next speaker is Mary Jane Vidovich. If you'll approach and give us your name and address, and you'll have three mins to speak.

MARY JANE VIDOVICH: My name is Mary Jane Vidovich and I live next door at 47 Reservoir Road since 1990, and my daughter Janie Marie since 2007.

I see the site being challenging in that it might pose a danger. It's kind of a dangerous construction site, because it's a 20,000 square foot zoning, and after you take the road through there it's like 5,000 square feet to build the house.

There are mature oaks that I'm not sure which ones are going to be removed, but I thought the trees were already removed. There was some clearcutting by the previous owner, and then they had tree reparations. They were supposed to plant the trees and they just went and did them themselves and I think they're dead, so they didn't take that seriously, and the trees are what make the area

so beautiful, provides shade, and it's just magnificent, the trees.

I don't think the easement can handle the heavy construction equipment the way it is. It's actually not a road, the easement is all part of our lots, and actually the neighbor, Ann Cali, her property created the easement. It was proved that her garage was an old stagecoach… This was the Macabee Gopher Trap family, where they lived, and so that was to access her home. She goes out both ways, but the way she does out in the back, it hasn't been maintained or paved since I've been there since 1990, and it's very steep and it's dangerous. I just don't see the large trucks, I don't know how they're going to go in and out of there. When I get a delivery, I ask for a small truck. I think the site is too small.

This is the view out my kitchen window. It is going to be a massive structure just blocking my view, and I actually witnessed a deer getting all tangled up in that plastic when it was just put up the first time; it was very alarming to see that. I don't see this as a viable site. The day she told me she bought the property I said, "Don't buy it. There are so many other things that are of better economic value."

CHAIR RASPE: Thank you for your comments. Before you are seated, Commissioners, any questions for the speaker? No. Thank you, again, for your comments. Appreciate that. Final card from in-chamber speakers is Lee Quintana. Ms. Quintana, if you'll approach, state your name for the record, and you'll have three minutes.

LEE QUINTANA: I'm Lee Quintana. I'm a member of the Historic Preservation Committee, but I am speaking as an individual.

There are several things in my email which I had sent to Sean Mullin to ask some questions; I figured out some of those questions.

First of all, 82% of the site will be graded, and the grading goes pretty close to all the properly lines. It's going to require 1,407 cubic yards of cut and 329 cubic yards of fill. The grading goes beyond the LRDA and almost to the properly line. How much of the LRDA is graded? I don't know. How much of the home is beyond the LRDA? Again, I couldn't find those figures.

The application states that they're requesting seven exceptions; I counted between seven and twelve, depending on how you're counting them, and I came up with another one, which is regarding the underground area of the

garage that goes beyond the footprint of the house itself. So those are things I'm concerned about.

The Town Architect said that the house was consistent with other houses, but not consistent with the rural setting, and that the only way that that could be addressed is for the house to be redesigned based on the analysis of the site constraints. Everybody admits this is a very constrained site, but that's why we have the Hillside Guidelines.

Staff has said that they're concerned about whether this site has been overdeveloped; that's my concern as well.

In addition, the Applicant has admitted that the architectural program and the constraints of the site will require exceptions. One of the first things the Hillside Development Standards and Guidelines says is that before developing a program analyze the site's constraints and build to those constraints. My question is given the extent of the disruption from grading and the size of the house, whether all these exceptions are reasonable.

But in addition, if I could mention that if the ADU were considered a master bedroom suite, which it actually looks like, it would be counted as square footage

and it would be visible so that this would not qualify as a 24-foot house.

CHAIR RASPE: Thank you for your comments. Your time has expired, but before you sit down, Commissioners, any questions? Yes, Commissioner Burnett.

COMMISSIONER BURNETT: Yes, Ms. Quintana, you mentioned the ADU in your letter that you gave to the Commissioners. Could you clarify what you were talking about in that?

LEE QUINTANA: It just looks to me that what's called the ADU was planned as a master bedroom and was discovered that if it were considered a master bedroom it would exceed the FAR, because clearly the master bedroom that is on the plans on the bottom floor is much, much smaller and has a much smaller bathroom, has a much smaller closet, and the ADU as it is designed here has a huge closet with no windows or access to the outside. The only real access to this ADU, were the next owners to close off the door between the ADU and the home, would be through the bathroom; that doesn't make much sense to me. So, while it's not technically part of this application, it affects the intensity of the development on the site.

COMMISSIONER BURNETT: Thank you.

CHAIR RASPE: Thank you. Any other questions for this speaker? None. Thank you very much, Ms. Quintana. Mr. Paulson, are there any speakers on Zoom who wish to be heard on this matter?

DIRECTOR PAULSON: Thank you, Chair. I don't see any hands raised on Zoom.

CHAIR RASPE: Very good. Having received public comment, I will invite the Applicant to then come to the podium, and you'll have three minutes to address any issues which you haven't addressed previously or you wish to now speak to, having heard from the public.

GARY KOHLSAAT: Thank you very much, and we appreciate all the comments. This is a very tight-knit community. We've been working with them for quite a bit. I've gotten to know most of the neighbors through my work with just dealing with the utilities. We're removing the electric pole that's in the middle of the property; we're relocating that at our cost. We are reconnecting everybody else's electrical service. We've had to do water and sewer and the Fire Department and the shared road and everything like that, so we understand the very, very unique area and it's a very unique site.

We are confident that this home will be able to be built in a safe and effective manner with oversight by the Town.

If you look at the home, it's a two-bedroom plus an office plus an ADU. I don't have to tell you guys that we can't really talk about the ADU. Talking about FAR is how we all compare our homes, no matter what. Who knows if the homes that Sean Mullin put together in his table have basements or subterranean stuff that is not counted. So, we've done apples-to-apples; I just want to put that on the record.

I also empathize with Mary Vidovich, because she has enjoyed this open space forever, and we've done our best to minimize the impact that she would have. We're proposing landscape screening along that side; we have quite a bit of room to do that. We've put our walkway on the other side of the house, the less sensitive side, for the neighbors. So, we've really done our best to work with what we have.

Someone mentioned that we're taking out quite a bit of trees. Even if we did a smaller home, you'd still take out the same number of trees. All the trees we're taking out are in our building footprint, which yes, there's no LRDA to work with, so even if you did a smaller

home, you're still talking about the same LRDA exceptions. The only thing you're not talking about is maybe a setback exception.

I think you ought to consider all that in your decision, and again, we're here to answer any other questions that may have arisen.

CHAIR RASPE: Thank you for those comments. Commissioners, any final questions for the Applicant? Seeing none, thank you, again.

I will now close the public portion of Item 7 and invite my fellow commissioners to ask questions, provide comments, and if appropriate, to make a motion. Commissioner Burnett.

COMMISSIONER BURNETT: Thank you. I have a question for Staff. Sean, when a project comes before the Town like this, how many variances is the average? It seems like there are so many requests on this one, I'm just wondering, is this highly unusual or is this more than usual for a hillside single-family home?

SEAN MULLIN: Thank you for that question. I'll just clarify that no variances are requested, which is a technical process that's different than what we're facing here, which is exceptions that are allowed through the fact that it's a nonconforming lot—we saw a similar project

tonight on that—and the exceptions to the Hillside Guidelines, just to put that out there.

I couldn't wager a guess at the average number. I think they're probably proportional to the constraints on the site. I think it would be extremely rare to see a vacant lot in the hillside that doesn't request some sort of variances. Staff works with our applicants from the very beginning to ensure that the exceptions are minimized and that they're responsive to the site from the Town's side, so that by the time we're providing an application for consideration to the Planning Commission we've really worked hard with the Applicant to look at these carefully to see if there are opportunities to minimize them or eliminate them.

CHAIR RASPE: Thank you. Commissioners, any other questions or comments? Commissioner Barnett.

COMMISSIONER BARNETT: For Staff. We all understand that the ADU is not part of the application, but can you comment regarding Ms. Quintana's issue that there may be a question as to the validity of ADU?

SEAN MULLIN: Thank you for that question. Staff will not comment on the ADU as it is not part of this application.

COMMISSIONER BARNETT: Thank you.

CHAIR RASPE: Very good. Commissioner Stump.

COMMISSIONER STUMP: I guess full disclosure, I am a hillside resident, so to a degree I am sympathetic with what it takes to do development and realize this is not just zoned Hillside, but it's falling under the hillside… It's obvious in this particular case that this is too much house for this size of lot.

My major concerns, because I'm a safety guy, wildfire guy, is I take a look at where this house is going to sit, and like I say, I'm very sympathetic to somebody who is trying to develop, but when you take a look, the distance for the driveway from the edge of the private road is somewhere between 3'-6" and about 7'; that's my measurement, I didn't have the right scale. So, I look at that and go oh my gosh, and this is a private road. Granted, not a lot of traffic going down there, but what if somebody has a bad day driving? They have no room for error before they do what? Before they hit that house.

Then also, the distance to the covered entryway, which happens to be right on the roadway, is anywhere from 18" to 3'-6" off the roadway. Incredibly tight, and again, I realize that we probably aren't here to evaluate things on a safety basis, but to me that's a major safety issue for the resident if they are in a house that is struck by a

vehicle, and I'm sure some size trucks come down there at some point in time, so that would be my concern.

The other thing is, again, too much house and too little buildable property to address all the potential safety issues for the owner and the public in general. Again, I realize there's not a lot of public traveling down that roadway; first of all, it's nearly impossible to find.

But there are exceptions being sought to the Los Gatos Zoning ordinance, the Hillside Development Standards and Guidelines, and the Los Gatos Hillside Specific Plan, so it seems like a reduction in the scale of the residence would help to address some of the exceptions that are being requested.

I also think in light of what we're witnessing right now in Los Angeles, California we should all be sobered about development in the hillside. In fact, I want to recommend to our Commissioners that we go back and review our Hillside Development Standards and Guidelines. Why? They were developed in 2004. Were we really concerned about wildfire in 2004? I don't think so. Life has changed. It doesn't affect what we're talking about here tonight, but in the broader sense we need to go back and review our Hillside Development Standards and Guidelines. Thank you.

CHAIR RASPE: Thank you for those comments, Commissioner. Commissioners, other comments? Vice Chair Thomas, please.

VICE CHAIR THOMAS: I have a kind of random question for Staff, and I don't know if you'll be able to answer this, Mr. Mullin, but does the County allow for something other than asphalt for a fire truck turnaround? You guys might know this.

SEAN MULLIN: Thank you for that question. So, clarifying County Fire Department?

VICE CHAIR THOMAS: Yes.

SEAN MULLIN: I think they can consider that under an Alternative Means and Methods Request, which is part of what was used to grant the approval fire for the current configuration. That's not what's proposed, and I think what I've typically seen is concrete or asphalt. The surface does need to support, I believe, 75,000 pounds.

VICE CHAIR THOMAS: I don't know if it's like even engineering possible, but I was just wondering because the runoff and the non-permeability of the surface has come up multiple times, so it was something that I was kind of curious about, because it obviously could reduce some of that, and I know that gravel is not allowed on a driveway,

but this is off of a private road, so it would be a different situation with regard to Town Code.

I do have some other comments too. First, I want to say thank you to Mr. Mullin and the Applicant. I feel like we were presented with and given a lot of very thorough information, and I do really appreciate all of that tonight, and I do know from past experiences that one of the major challenges of building in an area like this is dealing with the requirements from County Fire about getting a fire truck up there and turning around, and this is an issue that has come up before.

I think with that being said, it does seem that it is difficult to build on this lot, and in a way, it seems like this really is the only solution of the space to build.

I understand that the property seems very close to the road and when I first visited it, I was like wait, what? But then I remembered it was a private road and the neighborhood is a funky neighborhood, and not just in the immediate neighborhood. There are structures right on a lot of those roads up in that area, and so I don’t necessarily have a problem with how close it is to the private road, but I am curious to hear what my fellow commissioners think about the rest of the project.

CHAIR RASPE: Thank you for those comments. Commissioners? Yes, Commissioner Burnett.

COMMISSIONER BURNETT: Yes, thank you. For me the scope of the project and the requirements to make it feasible seem to just not compute. There are so many findings that we have to go along with, and most of the findings, I don't feel that I can make them, and there are about ten of them.

I think it's too large for the property. I think there are so many constraints that I think we should recommend a redesign. It's way out of the LRDA. It's really falling flat on our Hillside Design Guidelines in so many areas. So those are my feelings.

CHAIR RASPE: Thank you for those thoughts. Vice Chair Thomas.

VICE CHAIR THOMAS: Thank you. I do have an additional question I guess for Town Staff. I don't even know if this is applicable, but at what point are…

Before I actually ask Town Staff, I do want to say that now that I've been on the Planning Commission for a couple of years, we haven't had a project in the hillsides for a while. As per my experience there is always a list of all these requests, and I know that the first time that I saw that list in a much larger development in a

much different part of town, I, too, was taken aback, because it's just not what we're used to seeing on a normal application, and I think that now that I've seen so many different projects, I do want to say that this is similar to what I've seen with the requests that they are making. I know that, Mr. Mullin, we don't have the figures or numbers on any of this and we can't compare it to previous projects as to what decision we make, but I did just want to say that from my own personal experience.

My other question is at what point—and this is for Staff-are we putting too many restrictions and not being allowed to develop the property? Are we at risk of any…if we feel like we're denying this? Thank you.

ATTORNEY WHELAN: The standard is: are the restrictions denying any economically viable use of the property? Typically, a takings argument would not come into play if a requested exception to a setback requirement or any exceptions were being requested.

VICE CHAIR THOMAS: So, if an exception is being requested, then there is no…

ATTORNEY WHELAN: The bottom-line question is does the denial make it impossible to make any economically viable use of the property? And that's a high bar.

Then, while I have the mic, there was some discussion about restoration of the private road based on damage, and the applicable Condition of Approval is #48, and the right heading reads, “Restoration of Public Improvements,” Since it’s a private road, my recommendation would be that the Commission ask that the condition heading be revised to say, “Restoration of Public Improvements and Private Road.”

VICE CHAIR THOMAS: Okay, thank you.

SEAN MULLIN: Through the Chair, if I may also add, a little bit farther down Conditions #82 and #83 require a pre- and post-pavement study, so the evaluation of the conditions before construction, and then evaluation after, and restoration of the pavement all the way up to the property site and down to Reservoir Road, those two conditions with the change suggested by the Town Attorney would cover damage to the road, as I read them.

VICE CHAIR THOMAS: Thank you. I’m not sure if this would be the case, but for any reason would the construction vehicles need to come in from the other direction and not the Reservoir Road side?

SEAN MULLIN: Thank you for that question. At the Architecture and Site level we don’t typically look that closely. We know that this is a constrained site. I have

experience working on the sister property from the lot merger from 2015; that's at the top of Rogers Street.

Construction management, traffic management, and staging is going to be a critical component on any Building Permit review. This isn't the Town's first time through a very constrained site to provide access and traffic control, so I'm confident that through the Parks and Public Works and Planning divisions that that can be handled through the Building Permit process.

VICE CHAIR THOMAS: Okay, thank you. I was just wondering if that condition of approval should be changed to the whole entirety of the road just to cover all the bases. Thank you.

SEAN MULLIN: That certainly could be included in any motion.

VICE CHAIR THOMAS: Perfect. Thanks.

CHAIR RASPE: Thank you. Yes, Commissioner Barnett.

COMMISSIONER BARNETT: A further question for Staff. What is the practical basis for the side setbacks, and if, for example, fire safety or privacy, and a connection… I didn't hear objections from the neighbors regarding the side setbacks, but the question comes to mind

about whether we should take into consideration the underlying factors of a side setback.

SEAN MULLIN: Thank you for that question. I think the foundational point of setbacks is for light, air, and space in between residences when you get down to just zoning law.

In this case, we have a property that is substandard in size by 50%, but the setbacks are still being applied from the rule of the zone, so 15’ on the sides, and they’re requesting a 2-3’ intrusion into that setback. It’s the Planning Commission’s consideration of whether that’s appropriate for the project given the constraints and the pattern in the neighborhood.

CHAIR RASPE: Thank you. Commissioner Stump.

COMMISSIONER STUMP: I need to make one last comment about this roadway. Why would you ever think of having a house on top of a road, whether it’s private or whether it’s public? You would just say that’s nuts to have it literally 18” from the roadway. I’m sorry, it just is beyond imagination, and particularly, people don’t think about it, but at some point, that road could be an emergency evacuation route. Why? Because something happens on Rogers Street. Look at what happened on Sunset Boulevard in Los Angeles. They had to move cars out with a bulldozer

because people were told to flee on foot. A tree goes down, people will say gotta go a different location. That road is not intended to be that, but desperate times call for desperate measures, and so, again, I look at a house that close to the roadway and it just does not make safety sense. Thanks.

CHAIR RASPE: Thank you for those comments. Commissioners? Is there a motion pending perhaps from one of our previous speakers, or do I have consensus yet? I don't think we have consensus. Here, let me give you some not necessarily novel thoughts.

It seems to me that, as the Town Counsel indicated, we can't deny the ability to build anything. There has to be an economically viable use of that property, so we can't say no to everything. What we can do is say let's build the most reasonable house there, but that also works for the residents. Otherwise, the Town faces legal action if we don't allow any kind of use, but more than that, it just simply isn't right. We have to let people build their homes where it is safe.

Is that this home? That's what I'm torn on. This lot should be developed, and this lot should be developed into somebody's dream home where they can care for themselves, care for their aging parents, their children,

whatever the situation is. I'm not 100% certain that that's what we're presented with this evening.

My understanding is that there was a previous attempt to develop this lot and that that also didn't proceed because there are so many challenges to this lot, so I don't know what the structure on this residence ultimately will look like, and it may be this structure; I'm not saying this one shouldn't be developed, I'm just saying we have to let something develop here. Can we do better? I'm not sure.

My question to my Commissioners is how would we improve this structure? I think Commissioner Stump would say move it back off the street and perhaps make it smaller. Commissioners, I look forward to your thoughts. Are there any suggestions on this? Either we allow it tonight as it has been presented, or we have to give some constructive criticism as to what is it that will work on this lot? Vice Chair Thomas.

VICE CHAIR THOMAS: I agree with the Chair, and I want to echo what you just said. I hope that we can come to some sort of consensus as a commission about this. It is a difficult property to develop on, however, I do not think that we can deny it because it's close to the private road. There are other houses on this private road that are on the

road also, so I don't think that that is a safety concern that we are being asked to look at in the zoning regulations and the Residential Design Guidelines, because it's a private road.

I don't think that's what we should be considering right now, and I am concerned that with any development on this property there are going to be issues. There are going to have to be some trees that are possibly removed. There are going to have to be obviously a lot of grading that's done. There is obviously going to have to be the fire truck turnaround put in.

So, considering those things, are there any suggestions? Which I know you kind of just asked that, but I do agree. I think that if there are any suggestions from fellow commissioners about any changes that could address any of the issues that were here spoken, I would love to hear that.

CHAIR RASPE: Commissioner Burch.

COMMISSIONER BURCH: To me, the best way to attack it is to maybe go down the list. We've got the driveway access road width, off-street parking, and grading depth. If I, myself, say let's take that structure, I think maybe that's the easiest for us rather than we jump all over the place.

The access road width is what it is, and it sounds like it’s going to be somewhat widened, which I think is good at that point for a fire truck. My one question I had written down even before getting here was double check about fire.

Off-street parking: I don’t really see where there is off-street parking anywhere else on this road.

The driveway backup distance: I don’t see that what they have is any different necessarily with the neighbor house, because I also had like a 75-point turn in front of their house; I was so worried I was going to go off the hill.

The grading depths: I don't know that there is going to be anything built on this property that is not going to have extensive grading.

The retaining wall height: I actually think the fact that you’re putting in the 15’ retaining wall to allow for the fire truck, I don't know how you get around that. Anything else on this that is going to be built is going to have to have retaining walls; that’s just based on the slope.

The buildings outside the LRDA: the LRDA doesn’t look buildable.

Guest parking: I have never made a decision based on guest parking, so I'm not going to today.

Tree impacts: I walked the perimeter and the site and all around and I feel like anything that is going to be built there has got the trees being removed. I think probably what's important really is to talk about what is going to be planted back for privacy for the neighbors, for soil erosion, for all those things.

I have a hard time saying the setbacks on the sides; this is a nonconforming tiny lot. I also have a hard time seeing how you build in something… I've got a couple of kids; I'm not going to tell anyone else you can't build a house that at some point couldn't house kids.

So, I'm uncomfortable saying I'm going to either deny of continue something based on it just doesn't feel right. We have to be here to be constructive, and so I think we should each go down this ourselves and say here's where I have issues, and then provide something constructive, because my recommendation will be if we're not going to improve it, we continue this, but we continue it with clear direction.

CHAIR RASPE: Thank you. I thought that was a very useful discussion. Commissioners, you've heard the checklist items of what Commissioner Burch has, and we all

have it in our packet. If there are any specific items off that list that you would like to see changed in this project, starting on page 7 of our Staff Report, you could list those now during open session; that would be great. Or, if you have none and are willing to approve the project as it is, you can say that as well. I'll just go down the line.

I'll start with the Vice Chair. I'll do it this way: I'll raise the topic and each Commissioner can state whether they have a suggestion on that. Setbacks: the rear and side setbacks. Commissioners, challenges? Everybody is fine with setbacks as is? Okay.

VICE CHAIR THOMAS: I just want to second that I feel like I can make the findings, because it is a nonconforming lot.

CHAIR RASPE: Very good. The driveway width: I think as Vice Chair Burch said, it is what it is. They're doing the best they can on their lot.

The parking: the side-by-side versus the tandem. No, no issues there.

Driveway distance: Commissioner Stump, is this the issue you have, the 18' versus 3'-6"?

COMMISSIONER STUMP: Still, being so close to the roadway, and again, you would say how can that be

addressed? Well, can they offer something less than about a 3,500 square foot home? Can this home be drawn back a little bit? Maybe they need to skuttle the patio; it's on the back side. I don't know what kind of excavation that's going to be under. Probably not a lot, so that probably is not… I don't know, is that included in the setback, the patio? No. But anyway, I'm just saying that perhaps we could be offered a project that has a smaller footprint, and they can keep everything on the sides and in the back. That would be my recommendation of at least an immediate solution for this evening.

CHAIR RASPE: Very good. Commissioner Barnett.

COMMISSIONER BARNETT: Just to follow-up on that comment, I haven't heard from Staff that we have jurisdiction to address the proximity of the house to the road, because it's a private road, and I was shocked to look at it and see it right on the verge of the read there. I guess I need clarification as to whether we're allowed to consider that or not.

SEAN MULLIN: I can start, and if the Director wants to jump in to assist. The Town Code does not require setbacks from private easements for ingress and egress like this. Does it meet the Zoning Code perspective? It does meet the Zoning Code perspective. The Planning Commission

can consider some of the things that you're talking about regarding whether it's appropriate and fitting for the site.

DIRECTOR PAULSON: I'll just add, through the Chair, I think the purview here is not a setback issue in the technical realm of setbacks, but it is the driveway depth, which is what is being called out, so that's what the purview is in this instance for the Planning Commission.

CHAIR RASPE: Any other comments on driveway distance or (inaudible)? Seeing none, then the grading depth. Looks like there is a request to take more than usually permissible amount of grade. Concerns? Seeing none.

The retaining wall heights: We've had a pretty vigorous discussion on retaining wall heights. Any further problems? Yes, Vice Chair Thomas.

VICE CHAIR THOMAS: I just wanted to say that when I visited the site and looked at it, this was one of the things that I really considered and thought about in addition to the visibility on all the other roads in the neighborhood and from downtown and everything; because again, 15' seems high, like tall, but it seemed like because of the location of the lot away from the public roads, and obviously this is necessary, so that's why I

feel like I don’t personally have an issue with the retaining wall height.

CHAIR RASPE: Thank you for those comments. Next issue, the LRDA: Apparently, I think we’ve addressed that there is not a reasonable workaround on the LRDA issue. Yes, Commissioner Burnett.

COMMISSIONER BURNETT: I think that’s one of my major concerns, because our Design Guidelines are very clear about the LRDA, Least Restrictive Development Area, and this home extends way outside of it. I think it’s there for a reason. When the Design Guidelines for hillsides was made up it was based on facts about hillside quality and the structure in a hillside. That’s probably the one I have the most problem with.

As well as length of the driveway, backing out, and you’re going to have a tandem parking which is also unusual. Usually, you’re supposed to have two spaces, but it’s going to be tandem, so you’re going to have two cars in there and you have a 3’ driveway.

And then you have a private road, and they can probably use the fire pad to pull out, but you can’t park there ever; it can’t be used as a parking space.

Then you have neighbors coming up the hill.

I think it's just fraught with issues, so I'm for a redesign; that's my feelings. There are so many questions and so many issues.

CHAIR RASPE: I appreciate your comments. Commissioner Barnett, on the LRDA?

COMMISSIONER BARNETT: On the LRDA, what we heard from the architect is there's no way to build a house up there without violating the LRDA, and in light of our Town Attorney's comment, I think we have to go along with what is proposed.

CHAIR RASPE: Thank you for those comments. Anything else on our LRDA?

Next will be guest parking: As we discussed, there is less than the usual number of guest parking spots. Yes, Commissioner Stump.

COMMISSIONER STUMP: Okay, I like guests. There are going to be two parking spaces that are going to be tandem, and then they're offering one guest. I realize we're not talking about an ADU tonight, but this attached ADU has no parking requirement, so if at some point it were used as a non-family ADU, someone may have a car and that may take up the one guest parking space.

Across from 47 Reservoir Road there is a parking strip that probably allows probably up to four cars. How do

I know? Because it says, “No Parking,” and I parked in it while I was visiting, because there was no other place to park, so I figured if they kick me out, they kick me out.

But there is parking obviously for 47 Reservoir Road, and I think we shouldn’t be too hasty to say two parking spaces plus a guest if that is a totally impossible place to have guests because of the location and, say, you need to walk up from downtown to get to our home, or I’m going to bring you in via bus, etc. I realize it’s a very personal thing for the owner. Does the owner really do any entertaining? Is that a challenge? That’s certainly a factor to think about from her perspective, not necessarily ours, but wouldn’t be giving up all of that parking at this point in time. I realize there may be no option, because obviously the Fire Truck turnaround cannot be used for parking.

CHAIR RASPE: Thank you very much. And the last issue, trees: We’ve heard about the removal of ten protected trees, 32 new trees be planted in, and I think we’ve had some discussion about sizing and location of those trees. Any further comments, Commissioners?

COMMISSIONER STUMP: By the way, even though my last name is Stump, I do like trees, but keep in mind, we’re in a very high fire hazard severity zone. I do not

know where 32 trees are going to go up there or what their size are. I heard mention of Italian Cypress, and I'm like Roman candle, because that's exactly what they are as far as their ability to burn; they're like a juniper. So, I don't get to whacked out about tree removal and tree replacement, because I think they will do a fine job. I would just question is 32 the right number, and are we requiring that? That seems like an extensive amount of trees.

CHAIR RASPE: Very good. Vice Chair Thomas.

VICE CHAIR THOMAS: But actually, Staff, could you address when the tree replacement occurs, and then also in lieu possibilities for certain sites in the Town Code? Thanks.

SEAN MULLIN: Thank you for that question. Based on the canopy size and the requirements in the Town Code, it looks like 25 trees at the 24" box size are required to offset the proposed removal. The Applicant, I believe, is pursuing that at a minimum.

Regarding in lieu, the Applicant always has the option with a Tree Removal Permit to request in lieu fees rather than planting onsite, depending on the shape of any approval of the project.

VICE CHAIR THOMAS: Thank you.

CHAIR RASPE: Very good. Yes, Commissioner Burnett.

COMMISSIONER BURNETT: I just wanted to clarify about the LRDA; I think there may have been some confusion. It is in the Staff Report that much of the proposed residence would extend outside of the LRDA limits due to the limited area of the LRDA; I just wanted to clarify that.

CHAIR RASPE: I think the point is, and Counsel can correct me if I'm wrong, there's no way to build on that site without violating the LRDA, and we can't completely prohibit construction on that site.

DIRECTOR PAULSON: I'll start, through the Chair. I think Sheet 3-A shows where the LRDA is, which consists of the existing roadway, and then the upper third of the lot, which is at the top of the lot, which would be predominantly in the setback. Everything else is not in the LRDA, so the statement the Chair has made is correct, and we can go over that with you offline as well.

COMMISSIONER BURNETT: Thank you.

CHAIR RASPE: Per my notes, that takes care of the list of exceptions being sought. The ones that the Planning Commission finds troublesome would be the driveway distance; guest parking, which I will throw in there the

overall parking situation; and I think trees were mentioned, but I think trees is resolved.

It seems to me that the open issues, as far as we are concerned, are the parking and driveway issues, taking aside from perhaps just the overall size of the project, which again, my understanding, if Staff is correct, they're within legal limit on size; they're not asking for a variance on size.

SEAN MULLIN: Thank you for that question. That's correct.

CHAIR RASPE: So those are the only issues for us: driveway size and guest parking; those are the only trouble spots we see. I guess we could ask, Commissioners, are you ready to approve the project with the current allocation on those two issues, or are we doing to ask for a redesign on those two issues? Commissioners, I welcome your thoughts. Yes, Commissioner Burch.

COMMISSIONER BURCH: Based on the discussion I heard, I would be approving the application as it stands tonight.

CHAIR RASPE: Thank you. Vice Chair Thomas.

VICE CHAIR THOMAS: I agree, and I think that if we were asking for a redesign with regard to parking, it would require additional fill and basically making the

turnaround larger so that it could add parking spots, which I think would cause other issues for not just drainage, but extra grading, and other issues that neighbors brought up, so I'm not sure if there's really a good solution to that problem.

CHAIR RASPE: Thank you. Any other Commission thoughts? Commissioner Barnett.

COMMISSIONER BARNETT: I think that the request for the exceptions is valid and warranted.

CHAIR RASPE: Very good. It also strikes me that we are in a position with an even number of Commissioners; hopefully that's not an issue.

I'm going to just echo my previous comments, and I think going through Commissioner Burch's exercise has actually proved helpful. I think it's right to say that there are certain things here that are troublesome, but once you go through the list, it seems to me, again, it's an imperfect project, but it's probably among the best we're going to see for this location, so I would vote to approve the project as presented.

Commissioners, with that, Commissioner Burch, can I ask you to make the motion on your first night?

COMMISSIONER BURCH: I'm so rusty at this. Yes, thank you. I move to approve the single-family residence

located at 45 Reservoir Road, APN 529-33-054, Architecture and Site Application S-22-048. I can make the findings… Do I need to read all these, or can I say make the findings as listed?

ATTORNEY WHELAN: You could make the findings as listed in the Staff Report.

COMMISSIONER BURCH: As listed in the Staff Report.

ATTORNEY WHELAN: Did you want to include the amendment to the conditions of approval?

COMMISSIONER BURCH: Oh, yes, thank you. Can we make an amendment to #48 in the Condition of Approval that the restoration of the roads is not just public but private road?

DIRECTOR PAULSON: Thank you, and through the Chair, then just the last piece is with the conditions in Exhibit 3 and the development plans in Exhibit 12.

CHAIR RASPE: Motion so amended?

COMMISSIONER BURCH: Yes.

CHAIR RASPE: Thank you. Do I have a second? Commissioner Barnett.

COMMISSIONER BARNETT: Second the motion.

CHAIR RASPE: Thank you. I have a first and a second. Discussion? Then by a show of hands, all those in

favor. Those opposed? The motion carries 4-2. Mr. Paulson, do we have appeal rights?

DIRECTOR PAULSON: Yes, thank you. Anyone not satisfied with the decision of the Planning Commission can appeal to the Town Council. There is a fee for filing the appeal. The appeal must be filed within ten days, and the forms are available here at Town Hall and online.

CHAIR RASPE: Thank you so much.

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# TOWN OF LOS GATOS

**COMMUNITY DEVELOPMENT DEPARTMENT**
**PLANNING DIVISION**
**(408) 354-6872 Fax (408) 354-7593**

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030


January 9, 2025

Gary Kohlsaat
51 University Avenue, Suite L
Los Gatos, CA 95030
Via Email

**RE:** **45 Reservoir Road**
Architecture and Site Application S-22-048

Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. Located at 45 Reservoir Road. APN 529-33-054.. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.
Property Owner: Farnaz Agahian
Applicant: Gary Kohlsaat, Architect
Project Planner: Sean Mullin

At its meeting of January 8, 2025, the Town of Los Gatos Planning Commission approved the above referenced application.

The attached conditions of approval will not be final until the Planning Commission has approved the January 8, 2025, meeting minutes at their next meeting, confirming any additional or modified conditions of approval for the project in the underlined font. You will be notified in writing once the Planning Commission has approved the minutes.

PLEASE NOTE: Pursuant to Section 29.20.275 of the Town Code, this approval may be appealed to the Town Council within 10 days of the date the approval is granted. Therefore, this action for approval should not be considered final, and no permits by the Town will be issued until the appeal period has passed.

If you have any questions, I can be contacted by email at smullin@losgatosca.gov.

Best regards,

Sean Mullin, AICP
Planning Manager

Cc: Farnaz Agahian, via email

**PLANNING COMMISSION –** *January 8, 2025*
**CONDITIONS OF APPROVAL**

**45 Reservoir Road**
**Architecture and Site Application S-22-048**

**Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. APN 529-33-054. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.**

**Property Owner: Farnaz Agahian**
**Applicant: Gary Kohlsaat, Architect**
**Project Planner: Sean Mullin**

TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: Protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.

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9. LANDSCAPE SPECIES: Revise all landscape species to be consistent with the Hillside Development Standards and Guidelines.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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.
12. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. EXTERIOR COLORS: The exterior colors of all structures shall comply with the Hillside Development Standards & Guidelines.
14. DEED RESTRICTION: Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior materials be maintained in conformance with the Town's Hillside Development Standards & Guidelines.
15. MAINTENANCE AGREEMENT: Following the issuance of a certificate of occupancy, the property owner shall execute a five-year maintenance agreement with the Town that the property owner agrees to protect and maintain the trees shown to remain on the approved plans, trees planted as part of the tree replacement requirements, and guarantees that said trees will always be in a healthy condition during the term of the maintenance agreement.
16. TREE DEED RESTRICTION: Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that identifies the on-site trees that were used to provide screening in the visibility analysis and requires their replacement if they die or are removed.
17. NESTING BIRDS: To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction starts, if work is scheduled to start or if work already occurring during the nesting season stops for at least two weeks and is scheduled to resume during the bird nesting season, then a qualified biologist shall conduct a pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. If

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the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

18. SPECIAL-STATUS BATS: Approximately 14 days prior to tree removal or structure demolition activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

    If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further measures are required.

    If bats or roosting sites are found, a letter report and supplemental documents will be prepared prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures will be implemented:

    a. If bats are found roosting outside of the nursery season (May 1 through October 1), they will be evicted as described under (b) below. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats will be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

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b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

If needed, other methods conducted under the direction of a qualified bat biologist could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance of any structures will be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

19. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:
    a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
    b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
    c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5( e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
    d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
20. DUSKY-FOOTED WOODRATS: This project will implement the following standard measures to minimize impacts on woodrats and active woodrat nests on the project site.

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a. PRECONSTRUCTION SURVEY. A qualified biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrat nests within 30 days of the start of work activities. If active woodrat nests are determined to be present in, or within 10 feet of the impact areas, the conditions below (Avoidance and/or Nest Relocation) will be implemented, as appropriate. If no active woodrat nests are present on or within 10 feet of impact areas, no further conditions are warranted.
b. AVOIDANCE. Active woodrat nests that are detected within the work area will be avoided to the extend feasible. Ideally, a minimum 10-foot buffer will be maintained between project activities and woodrat nests to avoid disturbance. In some situations, a small buffer may be allowed if, in the opinion of a qualified biologist, nest relocation (below) would represent a greater disturbance to the woodrats than the adjacent work activities.
c. NEST RELOCATION. If avoidance of active woodrat nests within and immediately adjacent to (within 10 feet of) the work areas is not feasible, then nest materials will be relocated to suitable habitat as close to the project site as possible (ideally, within or immediately adjacent to the project site).

   Relocation efforts will avoid the peak nesting season (February-July) to the maximum extent feasible. Prior to the start of construction activities, a qualified biologist will disturb the woodrat nest to the degree that all woodrats leave the nest and seek refuge outside of the construction area. Disturbance of the woodrat nest will be initiated no earlier than one hour before dusk to prevent the exposure of woodrats to diurnal predators. Subsequently, the biologist will dismantle and relocate the nest material by hand. During the deconstruction process, the biologist will attempt to assess if there are juveniles in the nest. If immobile juveniles are observed, the deconstruction process will be discontinued until a time when the biologist believes the juveniles will be capable of independent survival (typically after 2 to 3 weeks). A no-disturbance buffer will be established around the nest until the juveniles are mobile. The nest may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur.

21. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded

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basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

22. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

23. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System that is required by the California Energy Code.
24. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
25. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
26. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
27. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
28. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
29. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
30. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation

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c. Foundation corner locations
d. Retaining wall(s) locations and elevations

31. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
32. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
    d. A door buzzer, bell or chime shall be hard wired at primary entrance.
33. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
34. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
35. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
36. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
37. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
38. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
39. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
40. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:

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a. Community Development – Planning Division: (408) 354-6874
b. Engineering/Parks & Public Works Department: (408) 399-5771
c. Santa Clara County Fire Department: (408) 378-4010
d. West Valley Sanitation District: (408) 378-2407
e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

*Engineering Division*

41. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction 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 an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner'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 issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
42. PAYMENT OPTIONS:
    a. All payments regarding fees and deposits can be mailed to:
    Town of Los Gatos PPW – Attn: Engineering Dept
    41 Miles Avenue
    Los Gatos, CA 95030

    Or hand deliver/drop off payment in engineering lock box
    Checks made out to **"Town of Los Gatos"** and should mention **address and application number** on memo/note line.
43. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
44. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
45. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
46. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to

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the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.

47. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their 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 penalties and rejection of any work that occurred without inspection.
48. RESTORATION OF PUBLIC AND PRIVATE IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative'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. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed, therefore. 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. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
49. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
50. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
51. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
52. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
53. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
54. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of

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the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.

55. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
    a. 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 (3) 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 shall 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 (1) 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 twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
56. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
57. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner 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.
58. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
59. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person, or persons authorized to do so at all times during working hours. The Owner'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 penalties and/or the Town performing the required maintenance at the Owner's expense
60. SITE DESIGN MEASURES: This project shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.

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d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
e. Use landscaping to treat stormwater.

61. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
62. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, 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 from the source. 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.
63. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question.
64. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, Applicant and/or Developer, attend a pre-construction meeting with the Town Inspector 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 as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
65. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of- way will only be allowed if it does not cause access or safety problems as determined by the Town.
66. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
67. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). Grading work taking place either simultaneously, on-site is considered eligible for the grading permit process and could be counted toward quantities, depending on permit status. After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works

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Department located at 41 Miles Avenue. The grading plans shall include topographic map/existing conditions, final grading, drainage, retaining wall location(s), driveway, utility sheet and 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). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

68. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one (1) or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney
    a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
    b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
69. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
70. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
71. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
72. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading permits, the Owner, Applicant and/or Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the

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proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

73. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary.
74. 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.
75. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
76. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
77. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the issuance of a sewer connection permit. Written confirmation of payment of these fees shall be provided prior to issuance of the Grading Permit.
78. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
79. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner'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 shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
80. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
81. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building or grading permit, the Owner shall pay the project's proportional share of transportation improvements

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needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued.

82. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Reservoir Road and the connecting private access driveway. The results shall be documented in a report and submitted to the Town for review.
83. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey covering the same sections of roads documented in the Preconstruction Pavement Survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.
84. ON-SITE/OFF-SITE PARKING: Parking spaces shall be paved with a compacted base not less than four (4) inches thick, surfaced with asphaltic concrete or Portland cement concrete pavement or other surfacing (e.g.: permeable paving materials, interlocking pavers and ribbon strip driveways) approved by the Town Engineer.
85. TRAFFIC CONTROL PLAN: If a traffic control plan is required, it must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
    b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
    c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
86. 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.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division 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 Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities or providing additional traffic

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control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris.

87. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed portable restroom locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
88. SHARED PRIVATE STREET: The private street accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
89. EMERGENCY VEHICLE ACCESS: The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
90. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner, Applicant and/or Developer shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.
91. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required at the property line, within one (1) foot of the property line, or at a location specified by the Town.
92. 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 backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. 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 in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition.

    Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
93. RELOCATION OF TRASH AND RECYCLING COLLECTION LOCATION: Prior to the issuance of any permits, an approval letter from West Valley Collection & Recycling accepting the

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trash and recycling collection locations shall be provided to the Town.

94. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
95. INFILTRATION TRENCHES: The following requirements apply to the proposed infiltration trenches:
    a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration trenches and retaining walls along the portion of the road within the property boundary and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
    b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the development. If the infiltration rate is lower, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
    c. The infiltration trench shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
    d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.
96. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
97. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department during the grading permit application process. A maximum of two (2) 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.
98. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant

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emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

99. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading and drainage plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
100. WATER FEATURES: New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
101. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. On-site drainage

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systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used, they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure will not adversely affect the adjacent property. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

102. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
103. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08. All comments below that result from PRC 4290 are identified by **.
104. **WIDTH: (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads. (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units. (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (c) All driveways

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shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6”). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Articles 1-5, § 1273.01.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

105. **ROAD SURFACES: (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds. (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.02.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
106. **GRADES: (a) At no point shall the grade for all roads and driveways exceed 16 percent. (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.03.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
107. **RADIUS: (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet. (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.04.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
108. **TURNAROUND: (As noted on sheet A-4 and sheet 4) (a) Turnarounds are required on driveways and dead- end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

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109. PRC 4290 REQUEST FOR EXCEPTION CONDITIONS OF APPROVAL:
    a. A copy of the Alternate Means/Methods application form including approval signature, exhibits, and these comments shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.
    b. Sign(s) to be provided:
        - At Reservoir St indicating the turnaround is onsite.
        - At turnaround indicating the turnaround location and no parking in the turn around.
    c. Language and location of these signs to be provided on building permit drawings, and approved prior to building permit issuance.
110. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
111. REQUIRED FIRE FLOW: (Letter received) The minimum require fireflow for this project is 875 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
112. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED: (As noted on sheet A-4 and sheet 4) Provide an approved fire department engine driveway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Maximum grade in any direction shall be a maximum of 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. CFC Sec. 503.
    -Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
113. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
114. WATER SUPPLY REQUIREMENTs: (As Noted on Sheet A1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

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115. ADDRESS IDENTIFICATION: (As Noted on Sheet A1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
116. CONSTRUCTION SITE FIRE SAFETY: (As Noted on Sheet A1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
117. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: (As Noted on Sheet A1) Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed.
118. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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**FILING FEES**
**$523.00 (PLAPPEAL) Residential**
**$2,102.00 (PLAPPEAL), per Commercial, Multi-family, or Tentative Map Appeal**

**TRANSCRIPTION $500 (PLTRANS)**

# Town of Los Gatos
## Office of t
## 110 E. Main St

## APPEAL OF PLAN

I, the undersigned, do hereb
follows: (PLEASE TYPE OR PR

TOWN OF LOS GATOS
RECVD BY: MBARRERA BPD00042201
PAYOR: 45 RESERVOIR RD
TODAY'S DATE: 01/17/25
REGISTER DATE: 01/17/25 TIME: 09:37
DESCRIPTION AMOUNT
CUST ID:S-22-048
APPEALS $523.00
CUST ID: 1.000
TRANSCRIPTION DEPOSIT $500.00
TOTAL DUE: $1,023.00
TENDERED: $1,023.00
CHANGE: $.00
CHECK : $1,023.00
REF NUM: 6749 MARY J VIDOVICH

DATE OF PLANNING COMMISSION DECISION 01/08/25

PROJECT / APPLICATION NO: S-22-048

ADDRESS LOCATION: 45 Reservoir Road

Pursuant to the Town Code, any interested person as defined in Section 29.10.( Planning Commission.

*Interested person* means:

1. *Residential projects*. Any person or persons or entity or entities who ov for which a decision has been rendered, and can demonstrate that thei
2. *Non-residential and mixed-use projects*. Any person or persons or entit will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claime Commission or wherein its decision is not supported by substantial evidence in th

1. There was an error or abuse of discretion by the Planning Commission:
   R:20 Zoning side & rear setbacks have been violat Oaks
   East side 12' 1½" vs 15' West side 12'6" vs 15' R sed
2. The Planning Commission's decision is not supported by substantial evide hed.

see Exhibits A-E

Abuse- too many trees being destroyed. 12"-39" diameter Oaks

**IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.**

**IMPORTANT:**

1. **Appellant is responsible for fees for transcription of minutes. A $500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10th day following the decision. If the 10th day is a Friday, the appeal must be filed by 1:00 P.M. If the 10th day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: Mary J. Vidovich SIGNATURE:

DATE: 01/16/25 ADDRESS: 47 Reservoir Road

PHONE: (408)386-6444 EMAIL: MJVidovich@hotmail.com

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____

**Pending Planning Department Confirmation**

DATE TO SEND PUBLICATION: _____ DATE OF PUBLICATION: _____

**FILING FEES**
**$523.00 (PLAPPEAL) Residential**
**$2,102.00 (PLAPPEAL), per Commercial, Multi-family, or Tentative Map Appeal**

**TRANSCRIPTION $500 (PLTRANS)**

# Town of Los Gatos
# Office of the Town Clerk
# 110 E. Main St., Los Gatos CA 95030

## APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION 01/08/25

PROJECT / APPLICATION NO: S-22-048

ADDRESS LOCATION: 45 Reservoir Road

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

*Interested person* means:

1. *Residential projects*. Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects*. Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:
R:20 Zoning side & rear setbacks have been violated. See attached. Protected Mature Oaks East side 12' 1½" vs 15' West side 12'6" vs 15' Rear 19'7½" vs 25' Fire Hazard proposed plants. See attached.

, OR

2. The Planning Commission's decision is not supported by substantial evidence in the record:
see Exhibits A-E
Abuse- too many trees being destroyed. 12"-39" diameter Oaks

**IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.**

**IMPORTANT:**

1. **Appellant is responsible for fees for transcription of minutes. A $500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10th day following the decision. If the 10th day is a Friday, the appeal must be filed by 1:00 P.M. If the 10th day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
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4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: Mary J. Vidovich SIGNATURE: [signature]

DATE: 01/16/25 ADDRESS: 47 Reservoir Road

PHONE: (408)386-6444 EMAIL: MJVidovich@hotmail.com

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____

**Pending Planning Department Confirmation**

DATE TO SEND PUBLICATION: _____ DATE OF PUBLICATION: _____

"Exhibit A"
Zoning Law

# R-1 ZONE

## R-1 or Single-Family Residential Zone

A low density residential zone that provides a means to create the best possible location and development standards for single-family dwellings.

## Find Zoning Requirements

Go to Chapter 29, Article IV, Division 4 of the Town Code to check the Zoning Requirements for R-1 Zone or Single-Family Residential Zone, or you may contact the Town of Los Gatos Community Development Department. Please supply

- Street Address
- Nearest Cross Street
- Assessor's Parcel Number (APN) if available

## Lot Size Requirements

R-1 Zones are categorized into the following six minimum lot areas:

- R-1:8 ... 8,000 S.F.
- R-1:10 ... 10,000 S.F.
- R-1:12 ... 12,000 S.F.
- R-1:15 ... 15,000 S.F.

- R-1:20 ... 20,000 S.F.
- R-1:30 ... 30,000 S.F.

## Permitted Uses In R-1 Zones

The following uses are permitted in a R-1 Zone:

- Single-family dwelling
- Non-commercial raising of trees, vegetables and horticulture specialties (commercial uses not permitted)
- Small family day care home
- Residential care facility, small family home
- ** Additional uses may be allowed if a Conditional Use Permit (CUP) is approved. Please contact the Planning Department for further information

## Minimum Lot Frontage and Depth Requirements

| R-1 Zone | Frontage (Interior lot/Corner) | Depth |
|---|---|---|
| R-1:8 | 60' / 80' | 90' |
| R-1:10 | 80' / 90' | 100' |
| R-1:12 | 90' / 95' | 100' |
| R-1:15 | 100' / 100' | 100' |
| R-1:20 | 100' / 115' | 140' |
| R-1:30 | 100' / 120' | 145' |

## Notes

1. The minimum frontage for a lot on a cul-de-sac bulb is 30' with a 60' minimum width;
2. The minimum depth of lots facing or backing freeways, arterials, railroad rights-of-ways, schools, or parks is 125';
3. The frontage for lots on the outside of a street curve with a deflection angle of 75 degrees or more may be reduced to 30' depending on the radius of the curve.

## Minimum Setback Requirements for Principle Buildings

| R-1 Zone | Front | Side | Rear | Street |
|---|---|---|---|---|
| R-1:8 | 25' | 8' | 20' | 15' |
| R-1:10 | 25' | 10' | 20' | 15' |
| R-1:12 | 25' | 10' | 20' | 15' |
| R-1:15 | 25' | 12' | 25' | 15' |
| R-1:20 | 30' | 15' | 25' | 20' |
| R-1:30 | 30' | 16' | 25' | 20' |

## Height Requirements

The maximum height of any principle building in the R-1 Zone is 30' from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade.

**Note**: The maximum height for accessory buildings is 15', measured from natural of finished grade, whichever is lower and creates a lower profile. Please contact the Planning Department for further questions.

## Lot Coverage

The maximum building coverage, including any type of accessory buildings, is 40%.

## Other Requirements

For Development Standards, see the Town of Los Gatos Residential Design Guidelines for all Single-Family and Two-Family Dwellings in all zones except the Resources Conservation and Hillside Residential Zones.

Government Websites by CivicPlus®

"Exhibit B"
Fire Hazard Junipers



**Riparian Habitats**

| | |
|---|---|
| Gaultheria shallon | Salal |
| Mahonia pinnata | California Holly Grape |
| Myrica californica | Pacific wax myrtle |
| Ribes aureum | Golden currant |
| Ribes sanguineum | Pink winter currant |

# Recommended Native Groundcovers, Low Growing Shrubs, and Perennials

**Chaparral and Oak Woodland Habitats**

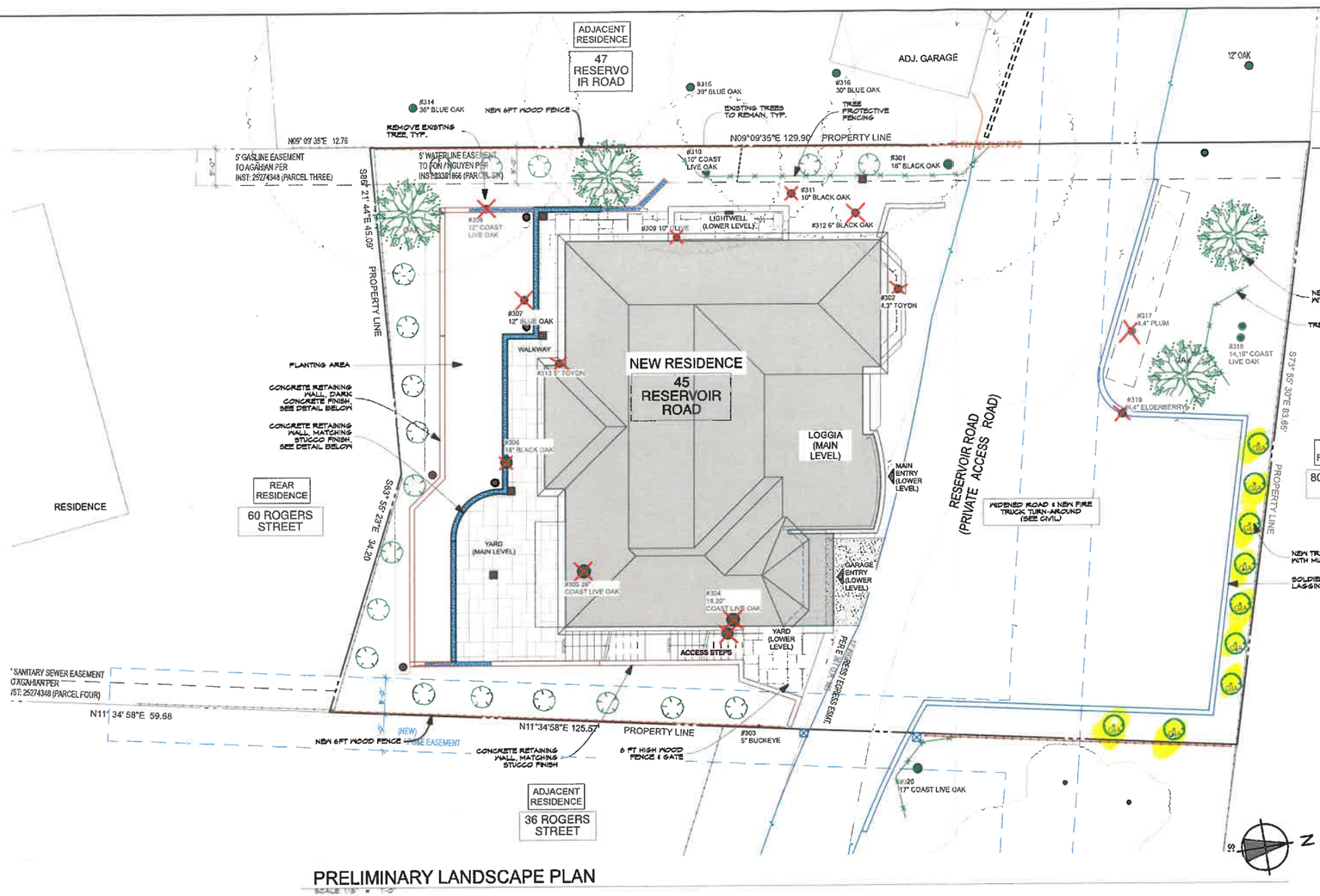
| | |
|---|---|
| Achillea millefolium | Common yarrow |
| Arctostaphylos species | (low-growing species or cultivars) |
| Ceanothus gloriosus | (and other low-growing Ceanothus species) |

**Riparian Habitats**

| | |
|---|---|
| Mahonia repens | Creeping Mahonia |
| Ferns: | |
| • Adiantum aleuticum | Five-finger fern |
| • Blechnum spicant | Deer fern |
| • Dryopteris expansa | Spreading wood fern |
| • Polystichum munitum | Sword fern |
| Aquilegia Formosa | Western columbine |
| Iris | Pacific Coast hybrids |
| Asarum caudatum | Wild ginger |

# Plants to avoid due to fire hazard

Acacia (most species)
Conifers (most, especially pine, Pinus species - particularly P. radiata, Monterey pine).
Incense cedar (Calocedrus decurrens).
Junipers (Juniperus species, particularly tall-growing types)
Eriogonum species
Wild buckwheat
Eucalyptus (most species, definitely E. globulus)
Greasewood (also called chamise), Adenostoma fasciculatum
Hall's honeysuckle (Lonicera japonica "Halliana")
Species with shedding bark and heavy litter drop (e.g., Eucalyptus species)




PRELIMINARY LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"

**LEGEND**

- DRIVEWAY: STONE PAVER O/ CONCRETE SLAB
- WALKWAY, YARD, SITE STAIR: STONE PAVER O/ CONCRETE SLAB
- ROAD: ASPHALT PAVING
- LANDSCAPE AREA W/ MULCH COVER
- CONCRETE RETAINING WALLS FINISH TO BE SANDBLASTED WITH STAINED CONCRETE, OR SMOOTH STUCCO FINISH, BOTH TO HAVE LRV OF 30 OR LESS.
- TREE — EXISTING TREE (AND DRIB LINE) TO REMAIN
- EXISTING TREE TO BE REMOVED
- (4) OAK
- (19) BAY LAUREL, PODOCARPUS, OR PITTOSPORUM (WITHIN 50' FROM RESIDENCE)
- (9) 24 BOX THUJA GREEN GIANT (Juniper)

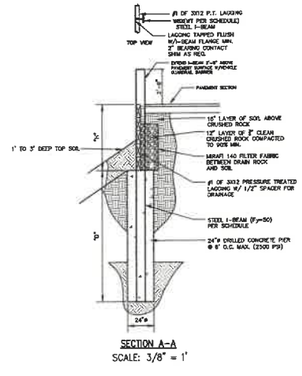
**TREE INVENTORY**

| ID | SPECIES | CANOPY | STATUS | REPLACEMENT |
|---|---|---|---|---|
| 301 | BLACK OAK | 35' | REMAIN | |
| 302 | TOYON | 8' | REMOVE | (2) 15 GAL. |
| 303 | BUCKEYE | 10' | REMAIN | |
| 304 | LIVE OAK | 35' | REMOVE | (4) 15 GAL. |
| 305 | LIVE OAK | 35' | REMOVE | (4) 15 GAL. |
| 306 | BLACK OAK | 25' | REMOVE | (3) 15 GAL. |
| 307 | BLUE OAK | 20' | REMOVE | (3) 15 GAL. |
| 308 | LIVE OAK | 20' | REMOVE | (3) 15 GAL. |
| 309 | OLIVE | 20' | REMOVE | EXEMPT |
| 310 | LIVE OAK | 20' | REMAIN | |
| 311 | BLACK OAK | 10' | REMOVE | (2) 15 GAL. |
| 312 | BLACK OAK | 10' | REMOVE | (2) 15 GAL. |
| 313 | TOYON | 10' | REMOVE | (2) 15 GAL. |
| 314 | BLUE OAK | 45' | REMAIN* | |
| 315 | BLUE OAK | 45' | REMAIN* | |
| 316 | BLUE OAK | 45' | REMAIN* | |
| 317 | PLUM | 15' | REMOVE | EXEMPT |
| 318 | LIVE OAK | 35' | REMAIN | |
| 319 | ELDERBERRY | 15' | REMOVE | EXEMPT (neighbor's property) |
| 320 | LIVE OAK | 35' | REMAIN* | |

TOTAL REPLACEMENT TREES = (25) 24" BOX. 1

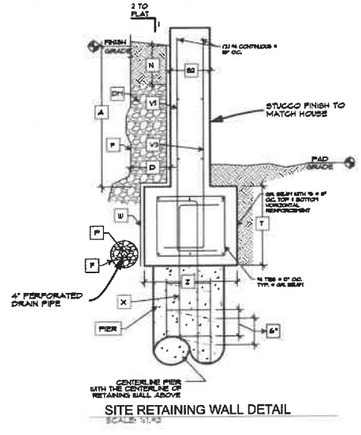
* INDICATES TREES LOCATED ON ADJACENT PROPERTIES.

* Thuja is a Greek name for a type of juniper.




SITE RETAINING WALL DETAIL

SCALE: 1"=2




SITE RETAINING WALL DETAIL

SCALE: 1"=2

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |

KOHLSAAT & ASSOCIATES
51 UNIVERSITY AVE. "1" • LOS GATOS, CA. • 95030 • (408) 395-2355

ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**PRELIMINARY LANDSCAPE PLAN**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET A-5

5 OF -

Sec. 29.10.1000. - New property development. Exhibit C

Illegal Tree Removal Responsibility

(a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one (1) or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. Tree survey inventory number tags in place from previous tree surveys, if easily visible, shall be retained and used in any new tree survey report. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:

(1) Location of all existing trees on the property as described in section 29.10.0995;

(2) Identify all trees that could potentially be affected by the project (directly or indirectly-immediately or in long term), such as upslope grading or compaction outside of the dripline;

(3) Notation of all trees classified as protected trees;

(4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.

(b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;

(c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:

(1)

The final approved tree preservation report shall be included in the building permit set of development plans and printed on a sheet titled: Tree Preservation Instructions (Sheet T-1). Sheet T-1 shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur;

(2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;

(3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:

a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.

b. The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980, for each tree to be removed to satisfy the purpose of this division.

(d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant, or their Yu's successor successors, will then be responsible for the removal or loss of any tree at any time during development that was not previously approved for removal. For protected trees which were removed, the developer shall pay a penalty in the amount of the appraised

value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.

(e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.

(f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars ($5,000.00) for each tree required to be preserved, or twenty-five thousand dollars ($25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars ($5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.

(g) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.

(h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

(Ord. No. 2240, § I(Exh. B), 6-2-15; Ord. No. 2331, § 1, 5-3-22)

Print Mem

Just FOIA Notification

Tree

Sec. 29.10.1025. - Enforcement—Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the Town for violation of this division. While these remedies can be levied against any person, property owner, firm or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, it is not the Town's intention to pursue such remedies against homeowners who unintentionally have minor violations of this chapter. These remedies are reserved for those entities who should have knowledge of such regulations from previous interactions or activity with the Town, such as information given during a previous or current application, and have nevertheless intentionally violated this chapter:

(1) *Tree removals in absence of or in anticipation of development.*

a. If a violation occurs in the absence of or prior to proposed development, then discretionary applications and/or building permit applications will not be accepted or processed by the Town until the violation has been remedied to the reasonable satisfaction of the Director. Mitigation measures as determined by the Director may be imposed as a condition of any subsequent application approval or permit for development on the subject property. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed or damaged illegally with a new tree(s) in the same location(s) as those illegally removed or damaged tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.

b. The second violation of any provisions in this division during the conduct by any person or business of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town.

(2) *Pending development applications.*

a.

Incomplete applications will not be processed further until the violation has been remedied. If an application has been deemed complete, it may be denied by the Director or forwarded to the Planning Commission with a recommendation for denial at the Director's discretion. Mitigation measures as determined by the director may be imposed as a condition of approval. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed or damaged illegally with a new tree(s) in the same location(s) as those illegally removed tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.

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(3) *Projects under construction.*

a. If a violation occurs during construction, the Town may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the Director, agreed to in writing by the property owner(s) or the applicant(s) or both, and either implemented or guaranteed by the posting of adequate security in the discretion of the Director. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed illegally with a new tree(s) in the same location(s) as those illegally removed tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance

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(4) *Criminal penalties.* Notwithstanding section 29.20.950 relating to criminal penalty, any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment of not more than six (6) months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day and for every violation, as defined in Sec. 29.10.1031, during any portion of which any violation is committed.

(5) *Civil penalties.* Notwithstanding section 29.20.950 and Section (4) above, relating to criminal penalty, any person, property owner, firm, or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, shall be liable to pay the Town a civil penalty as prescribed in subsections a. through d.

a. As part of any administrative and/or civil action brought by the Town, a hearing officer and/or court may assess against any person who commits, allows, or maintains a violation of any provision of this division an administrative and/or civil penalty in an amount not to exceed five thousand dollars ($5,000.00) per violation. For damaged trees, in addition to civil penalties, the property owner will be required to obtain the services of an ISA certified arborist to determine the future viability of the tree and if salvageable, create a maintenance plan to restore the tree.

b. Where the violation has resulted in removal of a protected tree, the civil penalty shall be in an amount not to exceed five thousand dollars ($5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. If the tree removal is related to any development or subdivision then the civil penalties shall be the value of the tree times four, plus all related staff costs. Such amount shall be payable to the Town and deposited into the Tree Replacement Fund. Replacement value for the purposes of this section shall be determined utilizing the most recent

edition of the Guide for Plant Appraisal, as prepared by the Council of Tree and Landscape Appraisers and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture.

c. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town.

d. The cost of enforcing this division, which shall include all costs, staff time, and attorneys' fees.

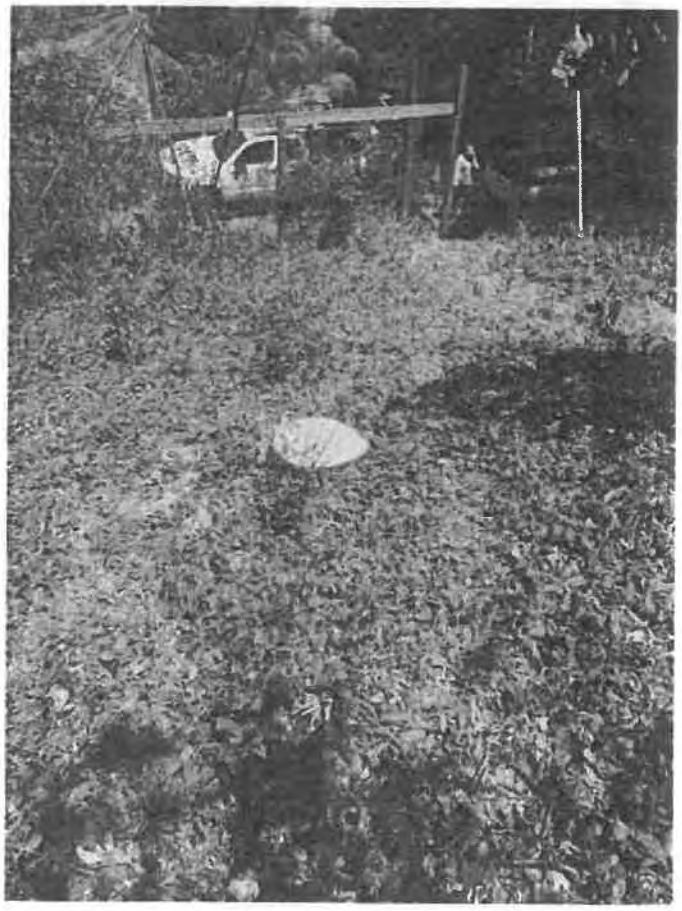
(6) *Injunctive relief.* A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

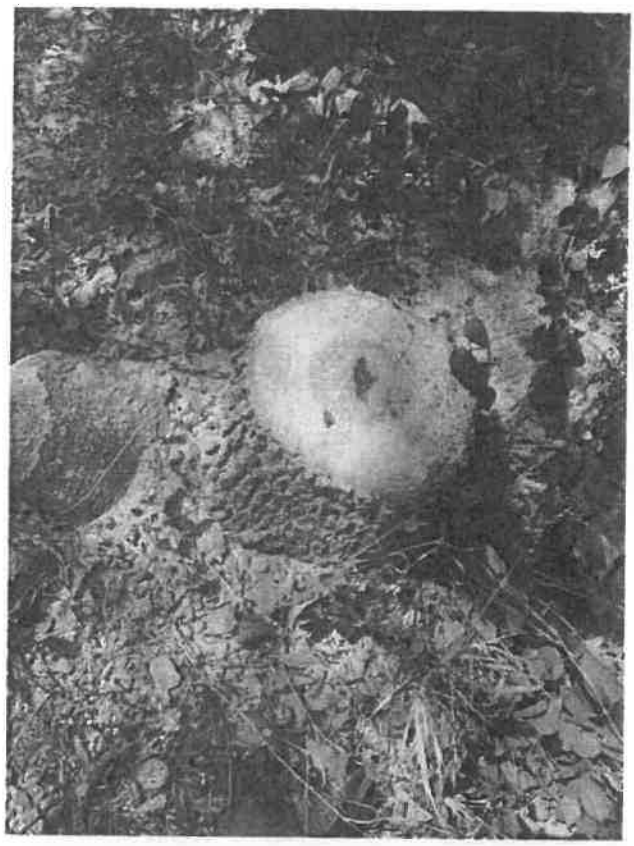
(7) *Costs.* In any civil action brought pursuant to this division in which the Town prevails, the court shall award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

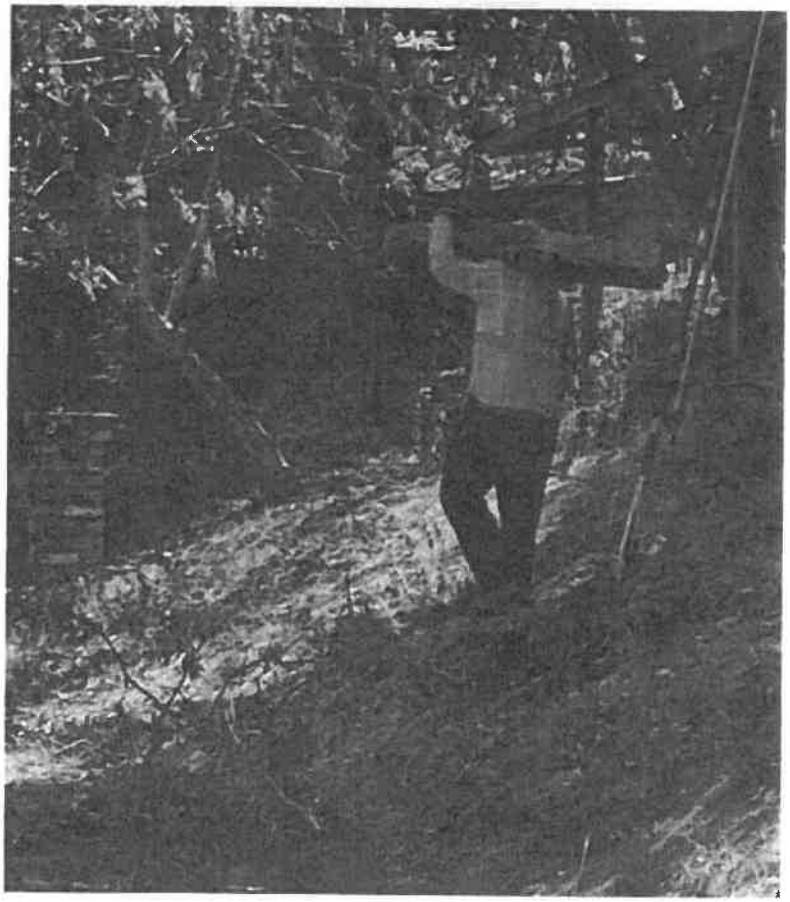
(8) *Remedies not exclusive.* To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or limit any and all other provided for herein shall be cumulative and not exclusive.

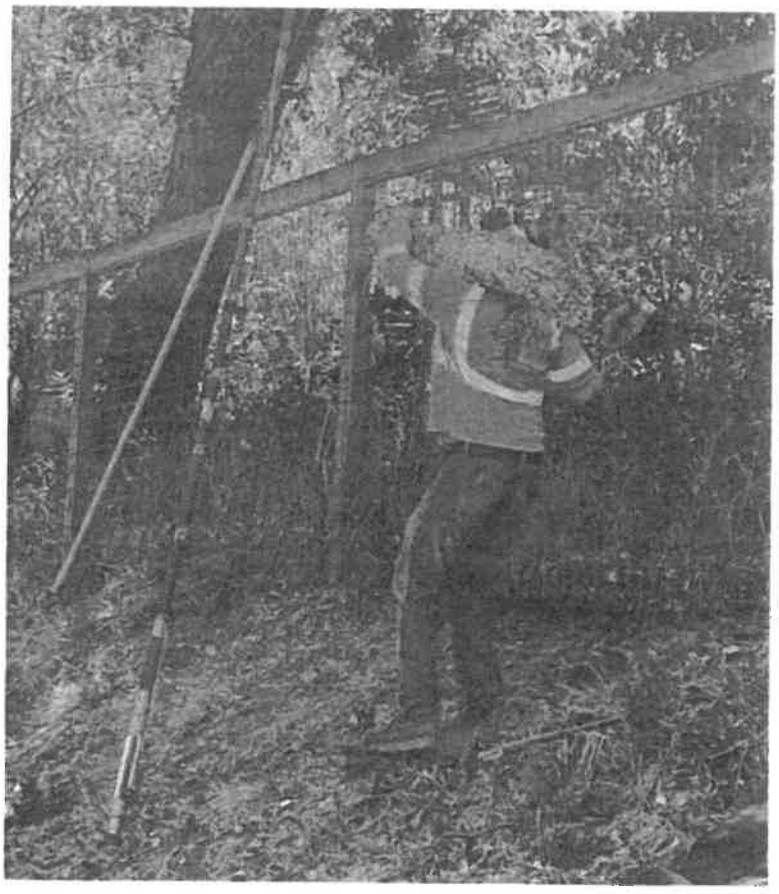
(Ord. No. 2240, § I(Exh. B), 6-2-15; Ord. No. 2331, § 1, 5-3-22)

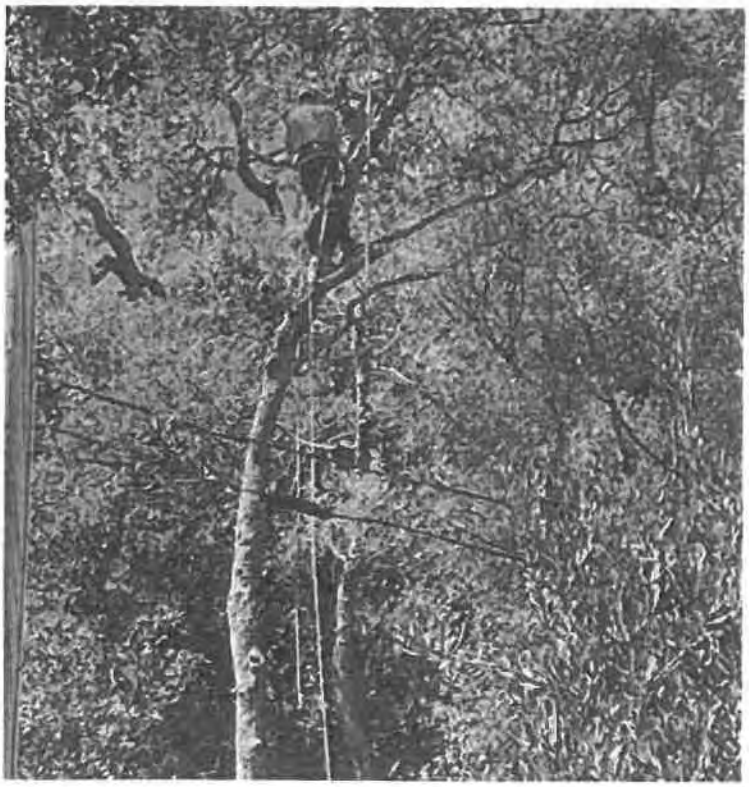
45 Reservoir Rd, tree removal without permit on July 24, 2021, New Sky Tree Service Inc.



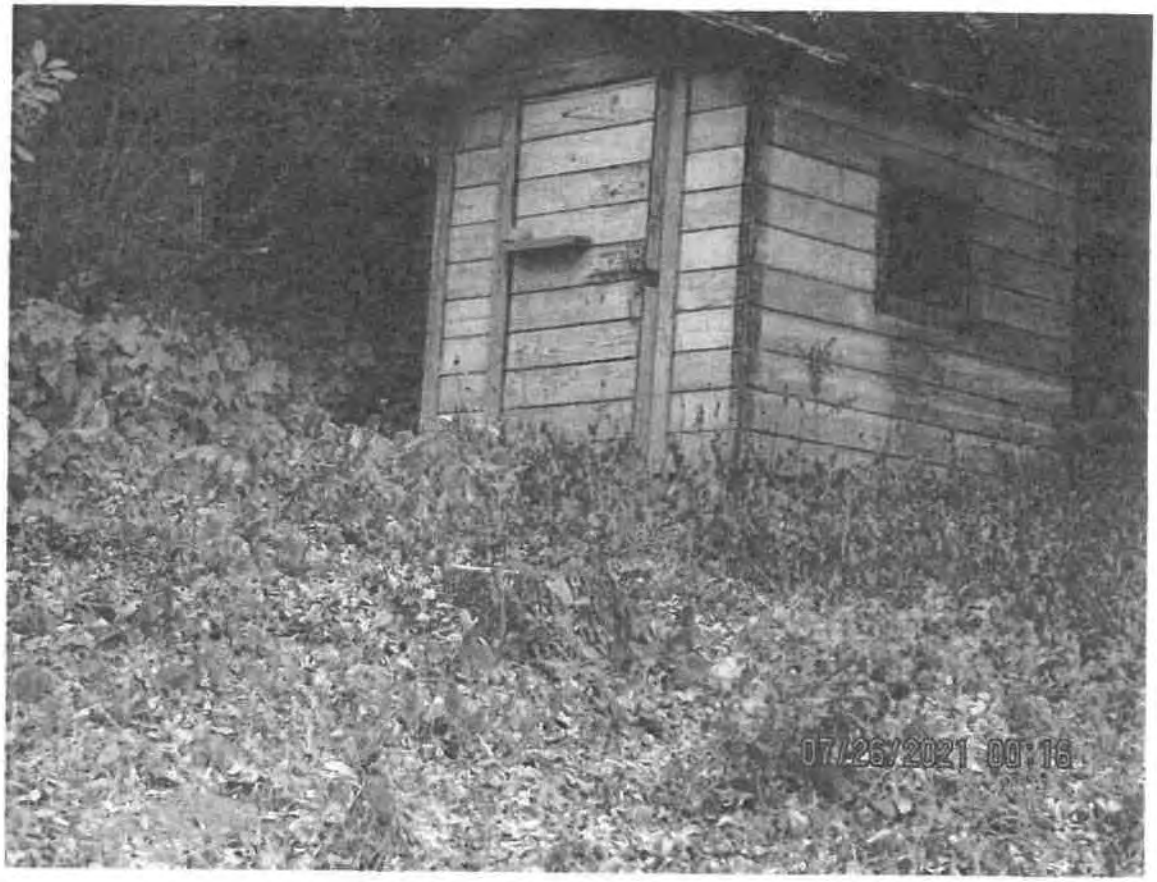








45 Reservoir Rd, Story poles and unpermitted tree removal


07/26/2021 00:16

07/26/2021 00:16

BP324113

PAID
SEP 24 2021
TOWN OF LOS GATOS

# Town of Los Gatos

## Administrative Warning/Citation

Code Compliance
110 E. Main Street
Los Gatos. CA 95030
(408) 399-5746
PLADMCIT

Date Issued: July 28, 2021 Time: _____

Code Compliance Violation NO. VL- 21-255 Zone: _____

Violation Address: 45 Reservoir Road Town: Los Gatos State: CA Zip: 95030

Name (Responsible person/business): GC §7922.000

Mailing Address: GC §7922.000

Town/City: GC §7922.000 ◯ Same as Violation Address

**Document Issued:** ◯ WARNING ◯ CORRECTION NOTICE ◉ ADMINISTRATIVE CITE

Issuing Department: Community Development Dept. Compliance Date: Immediately Inspection Date: July 26, 2021

**The total penalty is now due. Instructions for payment are listed on reverse page.**

In order to comply with the Los Gatos Town Code, you will need to:

Remove all story pole wires and netting from the property and dispose of them properly.

Cease and desist removing/cutting down protected trees on the property. Obtain retroactive tree removal permits for the removal of tree #8 and #9 on Saturday July 24, 2021.

| Code Section | Description | Penalty Amount |
|---|---|---|
| 11.10.020 | Failure to remove story pole wires and netting within 30 days of Planning Action | $250.00 only |
| 29.10.0960(7) | Removal of protected trees (2) without a permit ($5000.00 per tree) | $10,000.00 |
| | | |
| | | |

Photos Taken: (Circle one) (YES) / NO Quantity: 11 photos Total: $10,250.00

Appeal of this Administrative Citation may be made by filling out a Hearing Request. Contact the Town of Los Gatos Community Development Department, 110 E. Main Street, Los Gatos, CA 95030 or by e-mail at CodeCompliance@LosGatosCA.gov for an application. Additional citations may be issued each day the violation exists.

NOTE: PERMIT(S) FROM THE PLANNING, BUILDING AND/OR PARKS AND PARKS AND PUBLIC WORKS DEPARTMENTS MAY ALSO BE REQUIRED FOR VIOLATIONS INVOLVING STRUCTURES, GRADING, ENCROACHMENTS AND TREE REMOVALS. WORK PERFORMED WITHOUT THE REQUIRED PERMIT(S) AND TOWN INSPECTION IS A VIOLATION OF THE TOWN OF LOS GATOS TOWN CODE AND WILL NOT QUALIFY AS COMPLIANCE.

Issuing Official: Allen Meyer Badge/Title NO.: Code Compliance Officer

Signature: Allen Meyer Date: July 28, 2021 Phone: 408-399-5746

Signature: _____ Print Name: _____

Proof of Service: Regular mail

Revised June 28, 2019

# TOWN OF LOS GATOS PARKS AND PUBLIC WORKS DEPARTMENT
# REPLACEMENT CANOPY WORKSHEET

## Tree Replacement Requirements

| Canopy Size of Removed Tree [1] | Replacement Requirement[2,4] | Single Family Residential Replacement Option[3,4] |
|---|---|---|
| 10 feet or less | Two 24 inch box trees | Two 15 gallon trees |
| More than 10 feet to 25 feet | Three 24 inch box trees | Three 15 gallon trees |
| More than 25 feet to 40 feet | Four 24 inch box trees; or Two 36 inch box trees | Four 15 gallon trees |
| More than 40 feet to 55 feet | Six 24 inch box trees; or Three 36 inch box trees | Not Available |
| Greater than 55 feet | Ten 24 inch box trees; or Five 36 inch box trees | Not Available |

[1]The widest measurement shall be used to determine canopy size.

[2]If approved by the Town Arborist, in-lieu fees are as follows:

| | |
|---|---|
| 24" Box Tree | $250 |
| 36" Box Tree | $500 |

[3]Single Family Residential Replacement Option is only available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15 gallon trees must be planted on-site. Any approved in-lieu fee for single family residential shall be based on the 24" Box Tree fee above.

[4]Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. See attached FAQs for replacement requirements in designated Hillside Areas, which shall comply with Appendix A of the Town's Hillside Development Standards and Guidelines.

| Tree # | Canopy Feet | Required Replacement | Proposed Size and Species of Replacement | Proposed In-Lieu Fee |
|---|---|---|---|---|
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| | | | **Total Fee** | |

***Town arborist approval is required for all in lieu fee payment options***

# TOWN OF LOS GATOS

## APPLICATION FOR TREE REMOVAL AND/OR PRUNING PERMIT

PARKS & PUBLIC WORKS
SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030
(408) 399-5770

**Purpose of Application (check all that apply):** ☒ **Protected Tree Removal** ☐ **Protected Tree Pruning (more than 25% in a 3 year period)** ☐ **Heritage or Large Protected Tree Removal** ☐ **Heritage or Large Protected Tree Pruning**

☐ **Check here if removal or pruning is in compliance with an approved development application. Photos and site plan required.**

Name of CDD Planner:_____ Project Application #:_____ Date of Approval: _____

☐ **Check here if removal or pruning deviates in some way from an approved development application (describe on separate sheet if needed)**

☐ **Check here if property is located within the designated Town of Los Gatos Hillside Area (See FAQ sheet for additional provisions)**

Property Owner Name: GC §7922.000 95030
Property Location/Address 45 Reservoir Road
Mailing Address (if different from above) GC §7922.000
Applicant Name (if different from above) _____ Phone: _____
Phone: GC §7922.000 Email: GC §7922.000

*I hereby certify that I am the owner of record of the property described above, and that I approve of the action(s) requested herein. I also hereby grant the Town or the Town's agent permission to visit the property to inspect the tree(s) that are covered by this application.*

**Property Owner's Signature (required):** GC §7922.000 **Date:** 9/24/2021

| Tree # | List of species of all trees. Show corresponding # on Site Plan | Diameter Inches | Canopy Feet | List birds living in tree If any | Remove or Prune | DESCRIBE REASON FOR REMOVAL AND/OR PRUNING |
|---|---|---|---|---|---|---|
| #8 | | 8" | | | | Tree is Too high, reach wires |
| #9 | | 6" | | | | Tree is too high, reach wires |
| | | | | | | |
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Copy to another sheet if more than 10 trees.

Notes:

- *Tree numbers* should match those in arborist report where applicable.
- *Diameter* is measured at a height of 4.5' above the average grade.
- *Canopy* measurement is the widest dimension of the canopy spread.
- *Inspect* trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
- *Replacement Trees* are not required if the tree being removed is dead or has a Tree Risk Rating of Extreme or High, as determined by the Town Arborist.
- Fee is $250 for first tree, and $125 for each additional tree. Please make check payable to "**Town of Los Gatos**"

***For Office Use Only***

Application Number: T21-138
Total Number Tree(s): 2
Payment Amount Received: $375 [TREEREM] #ED3350
Check Number: 1087
Credit Card Auth.: _____
Inspection Date 9-29-21 Approved ☑ Denied ☐ Initials RM

☐ **Check here if replacement trees cannot be reasonably replanted on site and payment of an in-lieu fee is requested. Town arborist approval is required for all in-lieu fee payment options.** ***See reverse for more information on replacement requirements.***

**IMPORTANT: Be sure to provide the following required documents when submitting the application:**

☑ Photos and site plan of tree(s) proposed for removal or pruning. *For pruning, proposed cuts should be indicated on photo.*
☐ Completed Tree Replacement Worksheet. *Please see next page for replacement tree requirements and worksheet.*
☑ Fee payment made using cash, check or credit card (VISA/MasterCard only).
☐ Notification required for Heritage and Large Protected Tree Permits only. *See attached FAQs for guidelines.*

# TOWN OF LOS GATOS

## TREE REMOVAL AND/OR PRUNING PERMIT

PARKS & PUBLIC WORKS
SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030
(408) 399-5771

**Application Number:** T21-138 **Approved:** 10/2 **Denied:** _____ **Permit Number:** T21-138 **Expires:** 12-29-21

**Permit for (check all that apply):** ☒ Protected Tree Removal ☐ Protected Tree Pruning (more than 25% in a 3 year period) ☐ Heritage or Large Protected Tree Removal ☐ Heritage or Large Protected Tree Pruning

Property Owner Name: GC §7922.000
Property Location/Address: 45 Reservoir Road, Los Gatos, CA 95030
Mailing Address (if different from above): GC §7922.000
Applicant Name (if different from above): _____

Phone: GC §7922.000
E-Mail: _____
Phone: _____

| Tree # | Approved | Required Finding(s) | Denied | Reason for Denial | Replacement Requirement | In Lieu Fee |
|---|---|---|---|---|---|---|
| 8 | Yes | Illegal | | | 2-24" box trees | N/A |
| 9 | Yes | Illegal | | | 2-24" box trees | N/A |
| | | | | | | |
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| | | | | | Total In-Lieu Fees | $0 |

☐ **All or some of the required replacement trees cannot be reasonably replanted on site and payment of the in-lieu fee as indicated above has been approved. Permit will not be issued until all in-lieu fees are paid in full.**

**General Permit Conditions**

1. Notify the Town of Los Gatos Parks and Public Works Department at 408-399-5770 48 hours before work begins.
2. All underground utilities shall be located and protected from damage due to removal, stump grinding, or root pruning activities. Contact **Underground Service Alert (USA) by dialing 811 or 800-227-2600 or online at www.usanorth.org at least 48 hours before tree removal activities.**
3. Inspect trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
4. The use of gas-powered leaf blowers is prohibited in the Town of Los Gatos. Use of electric powered leaf blowers is permitted.
5. Approved pedestrian and vehicular traffic control shall be used and maintained at all times. Depending on the location of the work, time of day, and the required equipment, an encroachment permit may be required.
6. All contractors performing tree work in the Town of Los Gatos are required to have a Town Business License. Contractors performing work valued at more than $500 must also hold a current, valid license from the Contractors State License Board (CSLB).
7. The permit must be posted on site at all times while tree removal or pruning is taking place.
8. Permit holder is required to submit photographs of replacement trees along with replanting date to the Town of Los Gatos Parks and Public Works Department prior to permit expiration date.

**Special Permit Conditions**

OK Rem
4-19-21

COMPLETED

Rob Moulden, Town Arborist

9-29-21
Date

Revised April 17, 2020

# Appendix A: Tree Inventory Map and Proposed Site Plan

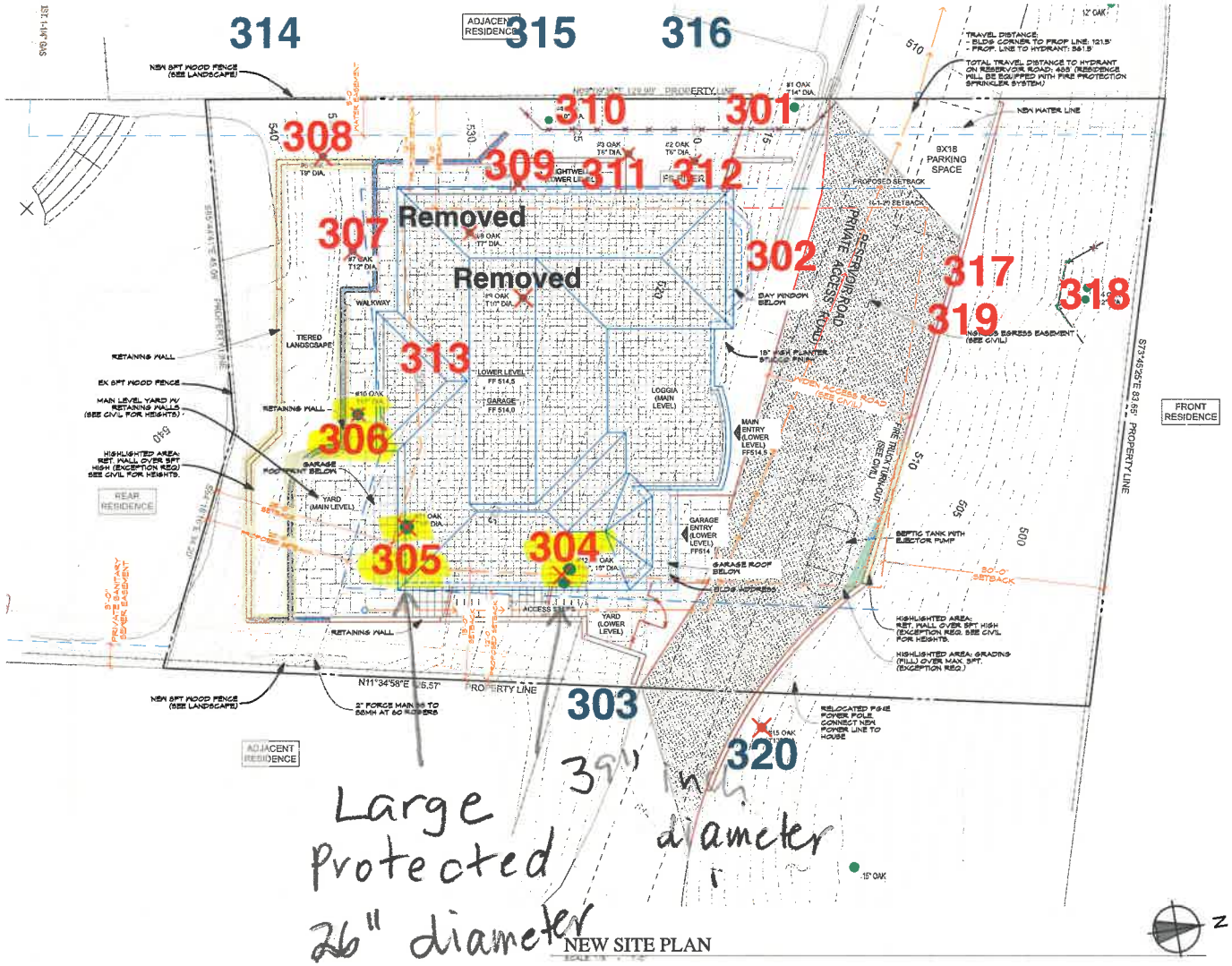



Exhibit D

Tree Many Trees Being Removed

Environmental Impact & Changes

Rural Character of the Neighborhood

**Structural evaluation:** focused on the crown, trunk, trunk flare, above ground roots and the site conditions contributing to conditions and/or defects that may contribute to failure.

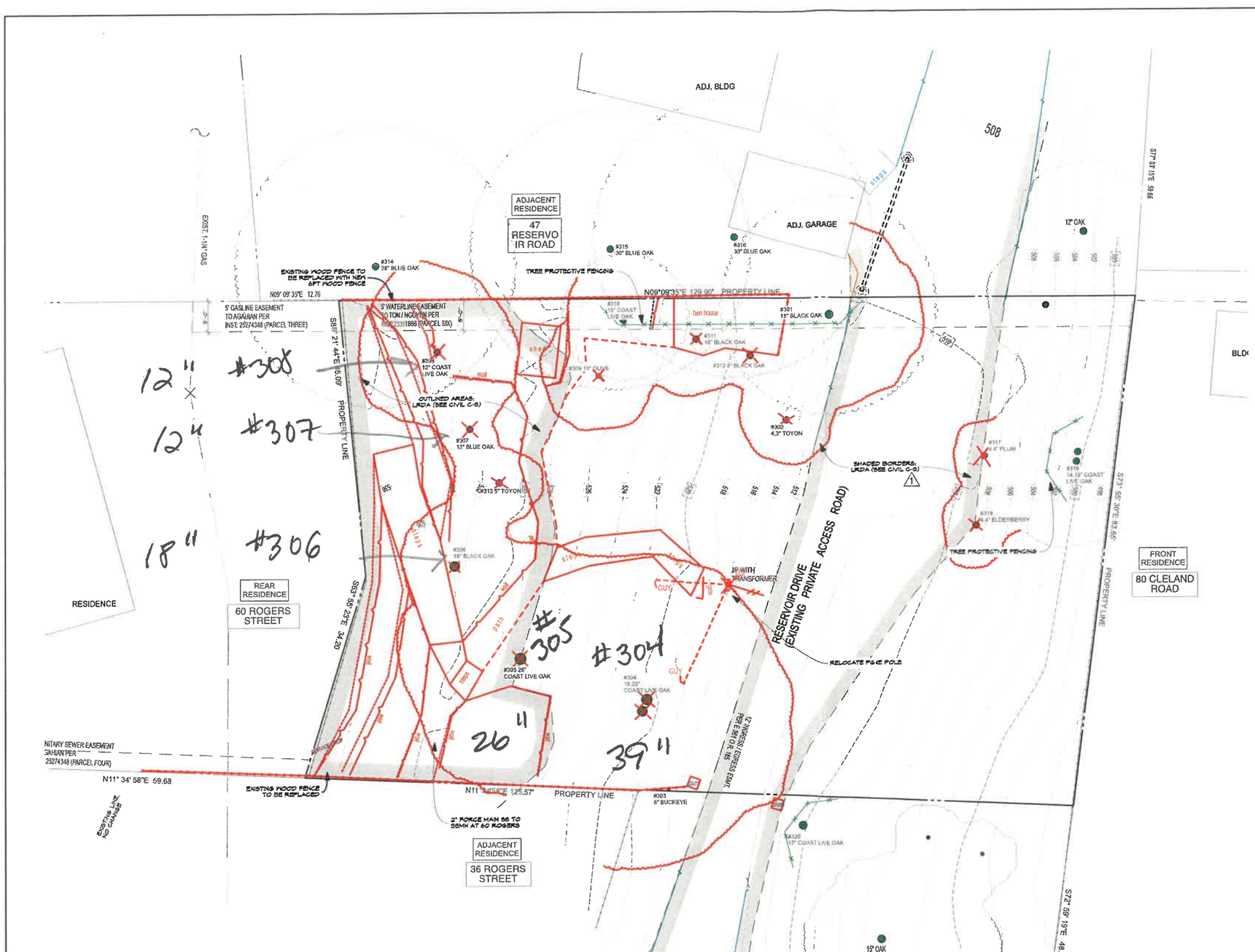
**Tree Protection Zone (TPZ):** Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

**Tree Risk Assessment:** Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

**Trunk:** Stem of a tree.

**Trunk Formula Technique:** Method to appraise the monetary value of trees considered too large to be replaced with nursery or field grown stock. Based on developing a representative unit cost for replacement with the same or comparable species of the same size and in the same place, subject to depreciation for various factors. Contrast with replacement cost method.

**Volunteer:** A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.




EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

N

LEGEND

- EXISTING PROPERTY LINE
- EXISTING CONSTRUCTION TO BE DEMOLISHED
- EXISTING LANDSCAPE RETAINING WALLS
- EXISTING WOOD FENCE
- TREE PROTECTION FENCE
- ELECTRICAL METER
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- EXISTING ASPHALT PAVED PRIVATE ROAD
- LEAST RESTRICTIVE DEVELOPMENT AREA

| REVISIONS | |
|---|---|
| REV. | 7.30.24 |
| REV. | 9.25.24 |
| REV. | 10.29.24 |

KOHLSAAT & ASSOCIATES
51 UNIVERSITY AVE. #1 • LOS GATOS, CA. • 95030 • (408) 395-2555

ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

**DEMO/ EXISTING SITE PLAN**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET A-3

3 OF -

# Appendix B: Tree Inventory and Assessment Tables

Table 3: Inventory and Assessment Summary

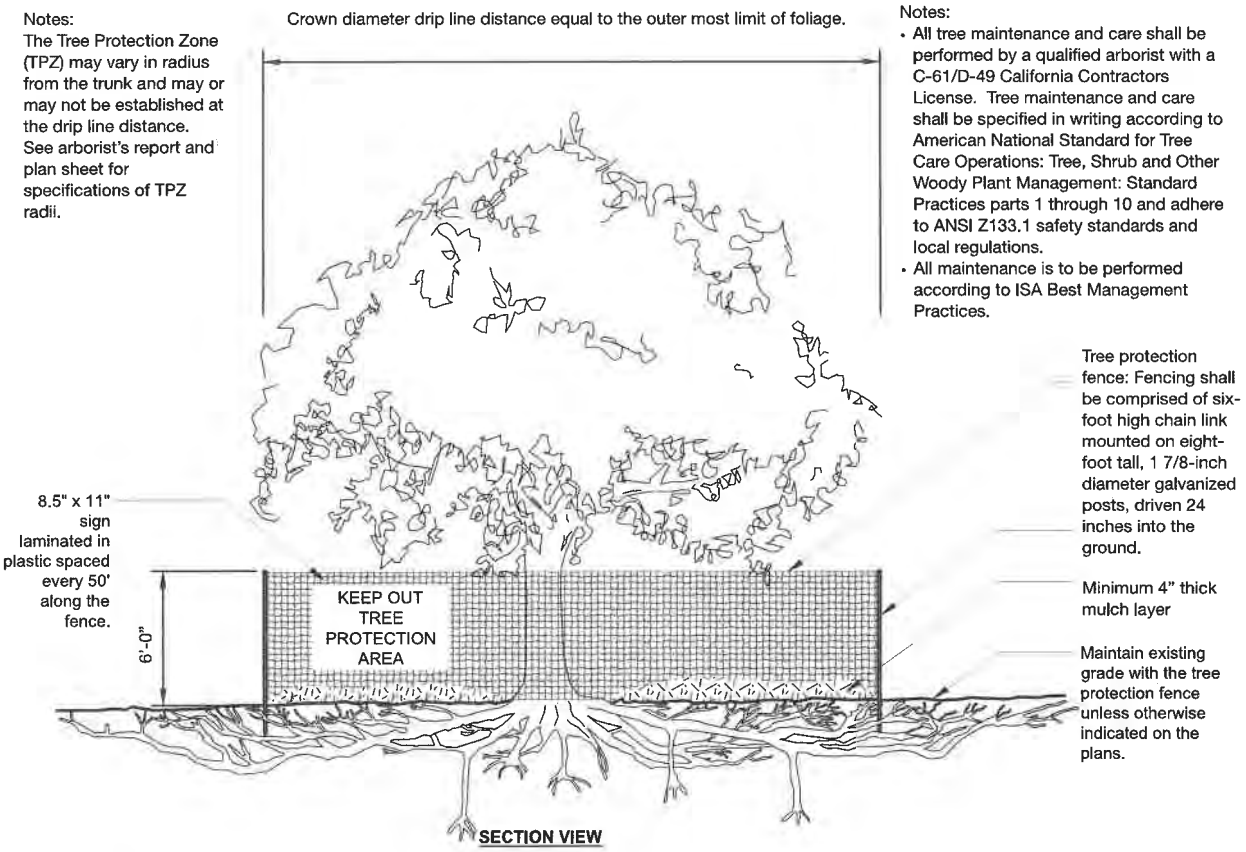
| Tree Species | I.D. # | Trunk Diameter (in.) | ~ Canopy Diameter (ft.) | Condition/ Percent | Expected Impact | Protection Status | Rounded Depreciated Value | Tree Protection Radii (8X DBH ft.) |
|---|---|---|---|---|---|---|---|---|
| black oak (*Quercus kelloggii*) | 301 | 18 | 35 | Fair/50% | High | Protected | $10,900.00 | 12 |
| toyon (*Heteromeles arbutifolia*) | 302 | 4, 3 | 8 | Good/70% | High | Protected | $1,270.00 | 3 |
| buckeye (*Aesculus californica*) | 303 | 5 | 10 | Good/70% | Moderate-High | Protected | $670.00 | 3 |
| coast live oak (*Quercus agrifolia*) | 304 | 19, 20 | 35 | Poor/30% | High | Large Protected | $9,400.00 | 19 |
| coast live oak (*Quercus agrifolia*) | 305 | 26 | 35 | Fair/50% | High | Large Protected | $13,400.00 | 17 |
| black oak (*Quercus kelloggii*) | 306 | 18 | 25 | Good/70% | High | Protected | $15,300.00 | 12 |
| blue oak (*Quercus douglasii*) | 307 | 12 | 20 | Fair/50% | High | Protected | $4,860.00 | 8 |
| coast live oak (*Quercus agrifolia*) | 308 | 12 | 20 | Very poor | High | Protected | $860.00 | 8 |
| olive (*Olea europaea*) | 309 | 10 | 20 | Good/70% | High | Exempt | $2,790.00 | 7 |
| coast live oak (*Quercus agrifolia*) | 310 | 10 | 20 | Poor/30% | High | Protected | $1,190.00 | 7 |
| black oak (*Quercus kelloggii*) | 311 | 10 | 10 | Poor/30% | High | Protected | $2,020.00 | 7 |

| Tree Species | I.D. # | Trunk Diameter (in.) | ~ Canopy Diameter (ft.) | Condition/ Percent | Expected Impact | Protection Status | Rounded Depreciated Value | Tree Protection Radii (8X DBH ft.) |
|---|---|---|---|---|---|---|---|---|
| black oak (*Quercus kelloggii*) | 312 | 6 | 10 | Poor/30% | High | Protected | $730.00 | 4 |
| toyon (*Heteromeles arbutifolia)* | 313 | 5 | 10 | Good/70% | High | Protected | $1,270.00 | 3 |
| blue oak (*Quercus douglasii*) | 314 | 36 | 45 | Good/70% | Moderate-High | Large Protected | $61,200.00 | 24 |
| blue oak (*Quercus douglasii*) | 315 | 30 | 45 | Good/70% | Moderate-High | Large Protected | $42,500.00 | 20 |
| blue oak (*Quercus douglasii*) | 316 | 30 | 45 | Good/70% | Moderate-High | Large Protected | $42,500.00 | 20 |
| plum (*Prunus domestica*) | 317 | 4, 4 | 15 | Good/70% | High | Exempt | $940.00 | 4 |
| coast live oak (*Quercus agrifolia*) | 318 | 14, 18 | 35 | Good/70% | High | Large Protected | $14,700.00 | 15 |
| elderberry (*Sambucus canadensis*) | 319 | 4, 4 | 15 | Good/70% | High | Protected | $940.00 | 4 |
| coast live oak (*Quercus agrifolia*) | 320 | 17 | 35 | Good/70% | Moderate-High | Protected | $8,000.00 | 11 |

## C9: #305

# Appendix D: Tree Protection Guidelines

## D1: Plan Sheet Detail S-X (Type I)




S-X TREE PROTECTION

URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE
Modified by Monarch Consulting Arborists LLC, 2019

## C8: #304

## C7: #306, #313, and #307

# Appendix E: Tree Protection Signs

## E1: English

# Warning
# Tree Protection Zone

This Fence Shall Not Be Removed
And Is Subject To Penalty According To
Town Code 29.10.1025

**E2: Spanish**

# Cuidado
# Zona De Arbol Pretejido

## Esta valla no podrán ser sacados
## Y está sujeta a sanción en función de
## Código Ciudad del 29.101025

## C4: Trees #315 and #316 (Adjacent site)

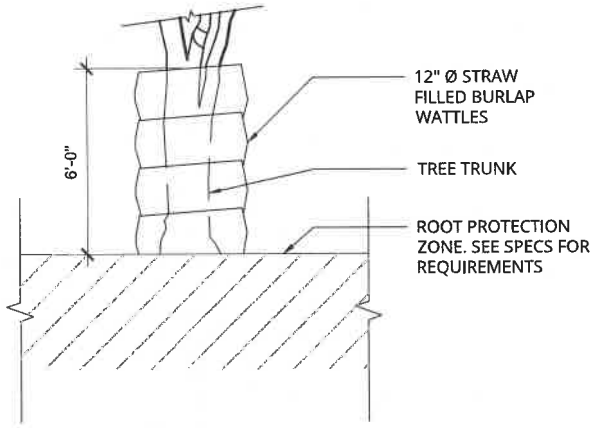
## C3: #318

## D3: Section 29.10.1005. - Protection of Trees During Construction

### Tree Protection Zones and Fence Specifications

1. **Size and materials:** Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
2. **Area type to be fenced:** Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
3. **Duration of Type I, II, III fencing:** Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
4. **Warning Sign:** Each tree fence shall have prominently displayed an eight and one-half-inch by eleven-inch sign stating: "Warning —Tree Protection Zone—This fence shall not be removed and is subject to penalty according to Town Code 29.10.1025." Text on the signs should be in both English and Spanish (Appendix E).

# D2: Plan Sheet Detail S-Y (Type III)

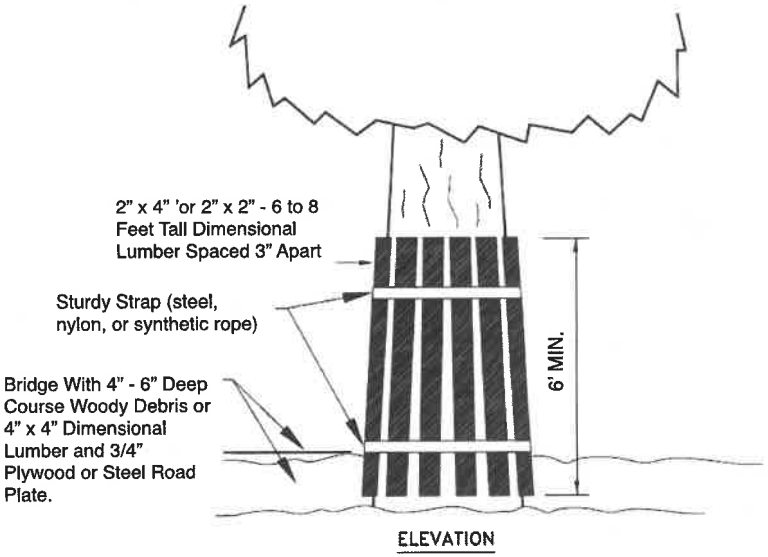



SECTION VIEW

S-Y TRUNK PROTECTION WITH WATTLE

Note: See Local Ordinance Requirements and Arborist's Report for Additional Protection Specifications and Guidelines.

PLAN




ELEVATION

**Trunk Protection Vertical Timber Detail**

Sec. 24.10.080. - Town-initiated parcel merger. "Exhibit E" Legality of the Lot"

(a) The Town may initiate a merger of a parcel with a contiguous parcel held by the same owner if any one (1) of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance applicable to the parcel and if, in accordance with Government Code Section 66451.11, all of the following requirements are satisfied:

(1) At least one (1) of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel.

(2) With respect to any affected parcel, one (1) or more of the following conditions exists:

a. Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;

b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;

c. Does not meet current standards for sewage disposal and domestic water supply;

d. Does not meet slope stability standards;

e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;

f. Its development would create health or safety hazards; or

g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

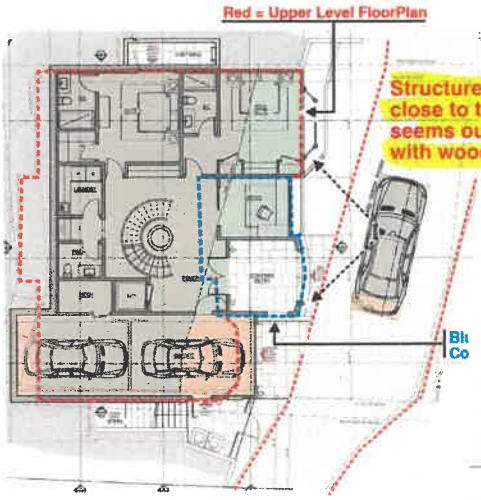
(b) Before initiating a parcel merger, the Town will notify the owner of the affected parcels and provide the owner with the opportunity for a public hearing. The public hearing will be conducted by the Planning Commission. The decision of the Planning Commission may be appealed to the Town Council within ten (10) days of the decision of the Planning Commission. The decision of the Town Council shall be final.

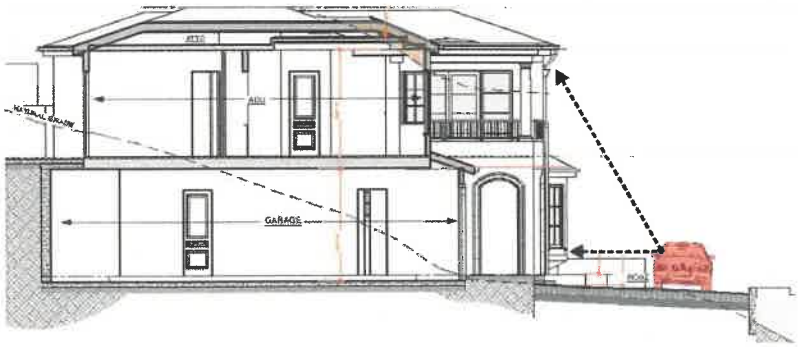
(Ord. No. 2337, § II, 2-22-23)

There was no public hearing on this lot. Was it created out of a merger?

A second issue is of more concern and may not have a viable alternative aside from a smaller building footprint and volume. However, I do feel it is important to identify the issue because of its potential impact on the character of the private drive.

The issue is that the proposed house is quite close to the road and appears to be closer to the road than other nearby homes. This may be acceptable given the private acces road, but it seems out of character with its current semi-rural, wooded environment - see illustrations below.






Sean, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon

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Draft Resolution to be modified by Town Council deliberations and direction.

**DRAFT RESOLUTION**

# RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVAL OF A REQUEST FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH REDUCED SIDE AND REAR YARD SETBACKS, SITE IMPROVEMENTS REQUIRING A GRADING PERMIT, AND REMOVAL OF LARGE PROTECTED TREES ON VACANT PROPERTY ZONED R-1:20 AND UPHOLDING THE APPROVAL.

**APN 529-33-054**
**ARCHITECTURE AND SITE APPLICATION: S-22-048**
**PROPERTY LOCATION: 45 RESERVOIR ROAD**
**APPELLANT: MARY J. VIDOVICH**
**PROPERTY OWNER: FARNAZ AGAHIAN**
**APPLICANT: GARY KOHLSAAT, ARCHITECT**

**WHEREAS,** on January 8, 2025, the Planning Commission held a public hearing and considered a request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20, located at 45 Reservoir Road. The Planning Commission approved the Architecture and Site application;

**WHEREAS,** on January 17, 2025, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20 located at 45 Reservoir Road;

**WHEREAS,** this matter came before the Town Council for public hearing on March 4, 2025, and was regularly noticed in conformance with State and Town law;

**WHEREAS,** the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on March 4, 2025, along with any and all subsequent reports and materials prepared concerning this application; and

**WHEREAS,** Town Code Sections 29.20.275 and 29.20.295 provide that an appellant bears the burden of proof to demonstrate that there was error or abuse of discretion by the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED:**

In accordance with Town Code section 29.20.275, the Town Council finds that:

1. The appellant has not demonstrated that there was error or abuse of discretion by

the Planning Commission in approving the Architecture and Site application.

2. The Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings and considerations were properly made by the Planning Commission:

Finding for the California Environmental Quality Act (CEQA):

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

Finding required for a setback exception on a non-conforming property:

As required by Section 29.10.265 of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements, driveway/access road width, and driveway depth:

1. The subject property is nonconforming with regard to lot size in that the subject property is 10,000 square feet where 20,000 square feet is required by the R-1:20 zone;
2. The side and rear setbacks would be compatible with three residences in the immediate neighborhood that include setbacks that do not meet the requirements of the zone
3. The driveway/access road includes portions that do not meet the 18-foot requirement and the applicant demonstrated that the plan balances the road widening with private property limitations, fire access, tree preservation, and existing conditions;
4. The driveway depth does not meet the required length of 18 feet and the applicant demonstrated that due to site constraints and the requirement for a firetruck turnaround, a compliant driveway depth is not feasible. While the proposed driveway is approximately three feet, six inches at its shortest point, the width of the roadway and firetruck turnaround adjacent to the garage is 49 feet, five inches and would provide ample back up distance for vehicles exiting the garage. The private road serves five other properties and vehicular traffic is anticipated to be minimal, limiting potential conflicts with the proposed driveway configuration.

Finding required for exemption to parking requirements:

As required by Section 29.10.150 (h)(2) of the Town Code to allow an exception to parking requirements, due to site constraints, including nonconforming lot size, slopes, and the private road bisecting the lot, the lot does not have adequate area to provide the two required parking spaces within the proposed garage. The applicant has provided parking to the greatest extent feasible with an attached garage in a tandem configuration. Pursuant to Town Code Section 29.10.155 (d)(3), when a garage is used to accommodate the two required parking spaces for single-family dwellings, the garage must have interior clear dimensions of at least 20 feet by 20

feet, resulting in a side-by-side parking configuration. The applicant proposes an attached two-car garage in a tandem configuration. Of the two provided parking spaces within the garage, one meets the minimum dimensions for a single-car garage parking space of 11 feet by 20 feet, while the second parking space would be reduced to 11 feet by 18 feet.

Finding for compliance with the Zoning Regulations:

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the side and rear setbacks, driveway/access road width, parking configuration and dimensions, and driveway depth and the findings for these exceptions can be made, as provided above.

Findings for compliance with the Residential Design Guidelines:

The project complies with the Residential Design Guidelines for single-family residences. The Town's Consulting Architect reviewed the project and provided recommendations for changes to increase compatibility with the Residential Design Guidelines and the immediate neighborhood. In response to these recommendations, the applicant made modifications to the design of the residence and submitted a letter responding to the recommendations.

Findings for compliance with the Hillside Development Standards and Guidelines:

The project complies with the Hillside Development Standards and Guidelines except for the exceptions to grading depths, retaining wall heights, and buildings located outside of the least restrictive development area and due to site constraints, including nonconforming lot size, slopes, and the private road bisecting the lot the findings for these exceptions can be made.

Findings for compliance with the Hillside Specific Plan:

As required, the project complies with the Hillside Specific Plan except for the exception to the guest parking requirement. Due to site constraints, including nonconforming lot size, steep slopes, requirement for a firetruck turnaround, and the private road bisecting the lot, there is not adequate room to provide the four required guest parking spaces. The applicant provided one guest parking space, which is to the greatest extent feasible given the site constraints.

Considerations required in review of Architecture and Site applications:

As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project, including but not limited to, neighborhood compatibility, architectural design, site layout, and landscaping.

3. The Planning Commission decision is supported by substantial evidence in the

record.

4. The appeal of the decision of the Planning Commission approving a request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20, located at 45 Reservoir Road, is denied and the application approval is upheld, subject to the attached Conditions of Approval (Exhibit A).

5. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 4th day of March 2025, by the following vote:

COUNCIL MEMBERS:
AYES:
NAYS:
ABSENT:
ABSTAIN:

SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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**TOWN COUNCIL –** *March 4, 2025*
**CONDITIONS OF APPROVAL**

**45 Reservoir Road**
**Architecture and Site Application S-22-048**

**Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on a Nonconforming Vacant Property Zoned R-1:20. APN 529-33-054. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction.**

**Property Owner: Farnaz Agahian**
**Applicant: Gary Kohlsaat, Architect**
**Project Planner: Sean Mullin**

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TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DIRECTOR:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC, or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: Protective tree fencing and other protection measures consistent with Section 29.10.1005 of the Town Code shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.

9. LANDSCAPE SPECIES: Revise all landscape species to be consistent with the Hillside Development Standards and Guidelines.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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.
12. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. EXTERIOR COLORS: The exterior colors of all structures shall comply with the Hillside Development Standards & Guidelines.
14. DEED RESTRICTION: Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior materials be maintained in conformance with the Town's Hillside Development Standards & Guidelines.
15. MAINTENANCE AGREEMENT: Following the issuance of a certificate of occupancy, the property owner shall execute a five-year maintenance agreement with the Town that the property owner agrees to protect and maintain the trees shown to remain on the approved plans, trees planted as part of the tree replacement requirements, and guarantees that said trees will always be in a healthy condition during the term of the maintenance agreement.
16. TREE DEED RESTRICTION: Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that identifies the on-site trees that were used to provide screening in the visibility analysis and requires their replacement if they die or are removed.
17. NESTING BIRDS: To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction starts, if work is scheduled to start or if work already occurring during the nesting season stops for at least two weeks and is scheduled to resume during the bird nesting season, then a qualified biologist shall conduct a pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction. If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. If

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the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

18. SPECIAL-STATUS BATS: Approximately 14 days prior to tree removal or structure demolition activities, a qualified biologist shall conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in trees within 50 feet of the development footprint, and within and surrounding any structures that may be disturbed by the project. These surveys will include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit. Potential roosting features found during the survey shall be flagged or marked.

    If no roosting sites or bats are found, a letter report confirming absence will be prepared and no further measures are required.

    If bats or roosting sites are found, a letter report and supplemental documents will be prepared prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures will be implemented:

    a. If bats are found roosting outside of the nursery season (May 1 through October 1), they will be evicted as described under (b) below. If bats are found roosting during the nursery season, they will be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats will be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the CDFW) will be established around the roosting site within which no construction activities including tree removal or structure disturbance will occur until after the nursery season.

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b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures scheduled to be disturbed by project activities, the individuals will be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

If needed, other methods conducted under the direction of a qualified bat biologist could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance of any structures will be conducted no earlier than the following day (i.e., at least one night will be provided between initial roost eviction disturbance and tree removal/structure disturbance). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

19. ARCHAEOLOGICAL RESOURCES AND HUMAN REMAINS:
    a. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
    b. If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines the remains are not subject to his authority, he will notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.
    c. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in CEQA Guidelines Section 15064.5( e). If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
    d. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
20. DUSKY-FOOTED WOODRATS: This project will implement the following standard measures to minimize impacts on woodrats and active woodrat nests on the project site.

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a. PRECONSTRUCTION SURVEY. A qualified biologist will conduct a preconstruction survey for San Francisco dusky-footed woodrat nests within 30 days of the start of work activities. If active woodrat nests are determined to be present in, or within 10 feet of the impact areas, the conditions below (Avoidance and/or Nest Relocation) will be implemented, as appropriate. If no active woodrat nests are present on or within 10 feet of impact areas, no further conditions are warranted.
b. AVOIDANCE. Active woodrat nests that are detected within the work area will be avoided to the extend feasible. Ideally, a minimum 10-foot buffer will be maintained between project activities and woodrat nests to avoid disturbance. In some situations, a small buffer may be allowed if, in the opinion of a qualified biologist, nest relocation (below) would represent a greater disturbance to the woodrats than the adjacent work activities.
c. NEST RELOCATION. If avoidance of active woodrat nests within and immediately adjacent to (within 10 feet of) the work areas is not feasible, then nest materials will be relocated to suitable habitat as close to the project site as possible (ideally, within or immediately adjacent to the project site).

   Relocation efforts will avoid the peak nesting season (February-July) to the maximum extent feasible. Prior to the start of construction activities, a qualified biologist will disturb the woodrat nest to the degree that all woodrats leave the nest and seek refuge outside of the construction area. Disturbance of the woodrat nest will be initiated no earlier than one hour before dusk to prevent the exposure of woodrats to diurnal predators. Subsequently, the biologist will dismantle and relocate the nest material by hand. During the deconstruction process, the biologist will attempt to assess if there are juveniles in the nest. If immobile juveniles are observed, the deconstruction process will be discontinued until a time when the biologist believes the juveniles will be capable of independent survival (typically after 2 to 3 weeks). A no-disturbance buffer will be established around the nest until the juveniles are mobile. The nest may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur.

21. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

    Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded

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basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

22. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

23. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System that is required by the California Energy Code.
24. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
25. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
26. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
27. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
28. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
29. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
30. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation

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c. Foundation corner locations
d. Retaining wall(s) locations and elevations

31. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
32. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
    d. A door buzzer, bell or chime shall be hard wired at primary entrance.
33. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
34. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
35. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
36. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
37. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
38. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
39. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
40. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:

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a. Community Development – Planning Division: (408) 354-6874
b. Engineering/Parks & Public Works Department: (408) 399-5771
c. Santa Clara County Fire Department: (408) 378-4010
d. West Valley Sanitation District: (408) 378-2407
e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

*Engineering Division*

41. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction 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 an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner'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 issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
42. PAYMENT OPTIONS:
    a. All payments regarding fees and deposits can be mailed to:
    Town of Los Gatos PPW – Attn: Engineering Dept
    41 Miles Avenue
    Los Gatos, CA 95030

    Or hand deliver/drop off payment in engineering lock box
    Checks made out to **"Town of Los Gatos"** and should mention **address and application number** on memo/note line.
43. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
44. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
45. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
46. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to

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the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.

47. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their 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 penalties and rejection of any work that occurred without inspection.
48. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative'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. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed, therefore. 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. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
49. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
50. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
51. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
52. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
53. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
54. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of

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the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.

55. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
    a. 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 (3) 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 shall 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 (1) 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 twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
56. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
57. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner 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.
58. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
59. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person, or persons authorized to do so at all times during working hours. The Owner'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 penalties and/or the Town performing the required maintenance at the Owner's expense
60. SITE DESIGN MEASURES: This project shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.

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d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
e. Use landscaping to treat stormwater.

61. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
62. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, 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 from the source. 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.
63. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question.
64. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, Applicant and/or Developer, attend a pre-construction meeting with the Town Inspector 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 as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
65. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of- way will only be allowed if it does not cause access or safety problems as determined by the Town.
66. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
67. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). Grading work taking place either simultaneously, on-site is considered eligible for the grading permit process and could be counted toward quantities, depending on permit status. After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works

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Department located at 41 Miles Avenue. The grading plans shall include topographic map/existing conditions, final grading, drainage, retaining wall location(s), driveway, utility sheet and 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). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

68. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one (1) or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney
    a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
    b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
69. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
70. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
71. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
72. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading permits, the Owner, Applicant and/or Developer shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the

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proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

73. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary.
74. 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.
75. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
76. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
77. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the issuance of a sewer connection permit. Written confirmation of payment of these fees shall be provided prior to issuance of the Grading Permit.
78. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
79. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner'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 shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
80. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
81. TRAFFIC IMPACT MITIGATION FEE: Prior to the issuance of any building or grading permit, the Owner shall pay the project's proportional share of transportation improvements

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needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued.

82. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Reservoir Road and the connecting private access driveway. The results shall be documented in a report and submitted to the Town for review.
83. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey covering the same sections of roads documented in the Preconstruction Pavement Survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements required to restore the pavement to pre-construction condition. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building can be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.
84. ON-SITE/OFF-SITE PARKING: Parking spaces shall be paved with a compacted base not less than four (4) inches thick, surfaced with asphaltic concrete or Portland cement concrete pavement or other surfacing (e.g.: permeable paving materials, interlocking pavers and ribbon strip driveways) approved by the Town Engineer.
85. TRAFFIC CONTROL PLAN: If a traffic control plan is required, it must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
    a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
    b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
    c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
86. 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.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division 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 Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities or providing additional traffic

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control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris.

87. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed portable restroom locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
88. SHARED PRIVATE STREET: The private street accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
89. EMERGENCY VEHICLE ACCESS: The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
90. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner, Applicant and/or Developer shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.
91. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required at the property line, within one (1) foot of the property line, or at a location specified by the Town.
92. 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 backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. 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 in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition.

    Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
93. RELOCATION OF TRASH AND RECYCLING COLLECTION LOCATION: Prior to the issuance of any permits, an approval letter from West Valley Collection & Recycling accepting the

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trash and recycling collection locations shall be provided to the Town.

94. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
95. INFILTRATION TRENCHES: The following requirements apply to the proposed infiltration trenches:
    a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration trenches and retaining walls along the portion of the road within the property boundary and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
    b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the development. If the infiltration rate is lower, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
    c. The infiltration trench shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
    d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.
96. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
97. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department during the grading permit application process. A maximum of two (2) 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.
98. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant

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emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

99. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading and drainage plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
100. WATER FEATURES: New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
101. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. On-site drainage

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systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used, they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure will not adversely affect the adjacent property. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

102. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
103. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08. All comments below that result from PRC 4290 are identified by **.
104. **WIDTH: (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads. (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units. (2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road. (c) All driveways

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shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6”). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Articles 1-5, § 1273.01.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

105. **ROAD SURFACES: (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds. (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.02.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
106. **GRADES: (a) At no point shall the grade for all roads and driveways exceed 16 percent. (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.03.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
107. **RADIUS: (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet. (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.04.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
108. **TURNAROUND: (As noted on sheet A-4 and sheet 4) (a) Turnarounds are required on driveways and dead- end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.(d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.
-Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.

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109. PRC 4290 REQUEST FOR EXCEPTION CONDITIONS OF APPROVAL:
    a. A copy of the Alternate Means/Methods application form including approval signature, exhibits, and these comments shall be made part of the building permit drawing set, to be routed to Santa Clara County Fire Department for final approval.
    b. Sign(s) to be provided:
        - At Reservoir St indicating the turnaround is onsite.
        - At turnaround indicating the turnaround location and no parking in the turn around.
    c. Language and location of these signs to be provided on building permit drawings, and approved prior to building permit issuance.
110. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
111. REQUIRED FIRE FLOW: (Letter received) The minimum require fireflow for this project is 875 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
112. FIRE DEPARTMENT (ENGINE) DRIVEWAY TURNAROUND REQUIRED: (As noted on sheet A-4 and sheet 4) Provide an approved fire department engine driveway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Maximum grade in any direction shall be a maximum of 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. CFC Sec. 503.
    -Approved Request of Exception PC 24-2558. See comment number 108 for conditions of approval.
113. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
114. WATER SUPPLY REQUIREMENTs: (As Noted on Sheet A1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

DRAFT

115. ADDRESS IDENTIFICATION: (As Noted on Sheet A1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
116. CONSTRUCTION SITE FIRE SAFETY: (As Noted on Sheet A1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
117. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: (As Noted on Sheet A1) Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. If the gates are operated electrically, an approved Knox key switch shall be installed; if they are operated manually, then an approved Knox padlock shall be installed.
118. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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Gmail irene upson [redacted]

# PLANNING COMISSION JOEL PAULSON PLANNER ITEM 7

**irene upson** [redacted] Wed, Jan 8, 2025 at 12:58 PM
Draft

45 RESERVOIR ROAD, LOS GATOS

I WOULD LIKE YOU TO CONSIDER THE FOLLOWING ITEMS:

1.THE PRIVATE EASEMENT IS NOT BUILT FOR HEAVY TRUCK EQUIPMENT.

2. WE DON'T WANT A BEAUTIFUL 500 YEARS OAK TREE CUT DOWN.

3. CUTTING THE TREE(s) OPENS OUR PROPERTY UP TO HIGH WINDS AND TO BE SEEN FROM IN THE TOWN.

4. PLEASE ANALYZE THE HISTORY OF THE CURRENT SITUATION OF THE PRIVATE EASEMENT IN REGARDS TO TRAFFIC AND PARKING.

THANK YOU FOR YOUR CONSIDERATION.

THOMAS AND IRENE UPSON
[redacted]

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**TOWN OF LOS GATOS**

**COUNCIL AGENDA REPORT**

MEETING DATE: 03/04/2025

ITEM NO: 11

ADDENDUM

DATE: March 3, 2025

TO: Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider an Appeal of a Planning Commission Decision to Approve a Request to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Appellant: Mary J. Vidovich. Project Planner: Sean Mullin.

REMARKS:

Attachment 8 includes additional public comments received between 11:01 am, Thursday, February 27, 2025, and 11:00 am, Monday, March 3, 2025.

ATTACHMENTS:

Attachments previously received with the March 4, 2025 Staff Report:

1. January 8, 2025, Planning Commission Staff Report, with Exhibits 1 through 12
2. January 8, 2025, Planning Commission Desk Item, with Exhibit 13
3. January 8, 2025, Planning Commission Verbatim Minutes
4. January 8, 2025, Planning Commission Action Letter with Conditions of Approval
5. Appeal of the Planning Commission Decision, received January 17, 2025
6. Draft Resolution to Deny Appeal and Approve Project
7. Public comments received between 11:01 a.m., Wednesday, January 8, 2025, and 11:00 a.m., Thursday, February 27, 2025

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

Attachments received with this Addendum Report:

8. Public comments received between 11:01 am, Thursday, February 27, 2025, and 11:00 am, Monday, March 3, 2025

-----Original Message-----
From: pmhsubscribe@icloud.com [redacted]
Sent: Friday, February 28, 2025 10:15 AM
To: Sean Mullin <SMullin@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; rristow@losgatosca.gov; mbadame@losgatoca.gov
Cc: Mary Vidovich <[redacted]>
Subject: Appeal for 45 Reservoir Road

[EXTERNAL SENDER]

I have attached written comments from Mary Vidovich regarding her appeal regarding 45 Reservoir Road.

February 28, 2025

Written Comments
45 Reservoir Road Appeal
Town Council March 4, 2025

From: Mary Vidovich
[redacted]

This lot was created as part of a subdivision of 60 Rogers. When created, the lot was essentially unbuildable due to steep slope (average 28%) and the roadway occupying much of the Least Restrictive Development Area.
Rather than accept these limitations, the developer relies on numerous (at least 7 of them) development exceptions to "make the design work" (as stated in the Letter of Justification).
The result is a maximum development with maximum exceptions.
Rather than place a priority on "making the design work" the priority should be to work within the minimize the development exceptions and accept a more modest structure on the site.
Although nominally a 10,000 sq. ft. lot, it is functionally much smaller, perhaps the equivalent of a 5,000 sq. ft. lot. The plans show the "net site area" as 4,600 sq. ft.
Instead of having frontage on a public road and being relatively level as contemplated in the zoning ordinances, this lot is both steep and cut in half by the private road, with the remaining downhill portion too steep to support development without a massive retaining wall. In addition, perhaps a third of the lot will be used for roadway and the turnaround.
Any development should be limited to the LRDA on the uphill portion of the lot

The following is a summary of some of the concerns with this proposed development.

1. House and footprint are too large for this lot.
Squeezing this large house onto the portion of the lot that is available for building requires numerous exceptions to normal development standards and the removal of more trees than can be justified.
Any development should be limited to the LRDA on the uphill portion of the lot

2. The proposed house is much larger than the average of the houses in the neighborhood.

3. Inadequate parking.
There is a two car garage that uses tandem parking, and only one surface parking space. The development includes an ADU, so this is a two household development.

4. Setback requirements are ignored.
The developer argues that should not be required to meet the setback requirements applicable to the lot's R1-20 zoning. A better solution is to build a smaller house.

5. Excessively high retaining walls.
A 15' tall retaining wall a few feet from the downhill neighboring lot is excessive. The neighbor will no longer be looking at a natural hill side, but will now face a massive block wall.

6. The proposed storm drainage appears to be inadequate.

Although staff has reviewed the proposed grading and drainage plan, we remain concerned that the "natural drainage" is inadequate.
There is a great increase in the impermeable surface area. Together with the removal of over 13 trees with result in an increase in both surface and subsurface flows of storm waters. The plans state that the impermeable area has increased to approximately 6,300 sq. ft. But the plans also show the "disturbed area" of approximately 8,200 sq. ft.
Flows are directed to the turnaround, and then drained into a 100 sq. foot by 3 feet deep trench. Presumably the water will then percolate underground onto the neighboring properties for them to live with. This strikes us a less than optimal solution.

7. The development requires an excess amount of imported fill.
The plans show the need for more than 2,000 cubic feet of fill to be brought onto site. Total fill needed is approximately 3,500 cubic feet, with construction generating approximately 1,400 cubic feet of cut.

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**TOWN OF LOS GATOS**

**COUNCIL AGENDA REPORT**

MEETING DATE: 03/04/2025

ITEM NO: 11

DESK ITEM

DATE: March 4, 2025

TO: Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider an Appeal of a Planning Commission Decision to Approve a Request to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Appellant: Mary J. Vidovich. Project Planner: Sean Mullin.

REMARKS:

Attachment 9 includes exhibits prepared by the applicant showing the existing slopes within the footprint of the proposed residence and the area of least restrictive development area (LRDA) within the footprint of the proposed residence.

ATTACHMENTS:

Attachments previously received with the March 4, 2025 Staff Report:

1. January 8, 2025, Planning Commission Staff Report, with Exhibits 1 through 12
2. January 8, 2025, Planning Commission Desk Item, with Exhibit 13
3. January 8, 2025, Planning Commission Verbatim Minutes
4. January 8, 2025, Planning Commission Action Letter with Conditions of Approval
5. Appeal of the Planning Commission Decision, received January 17, 2025
6. Draft Resolution to Deny Appeal and Approve Project
7. Public comments received between 11:01 a.m., Wednesday, January 8, 2025, and 11:00 a.m., Thursday, February 27, 2025

PREPARED BY: Sean Mullin, AICP
Planning Manager

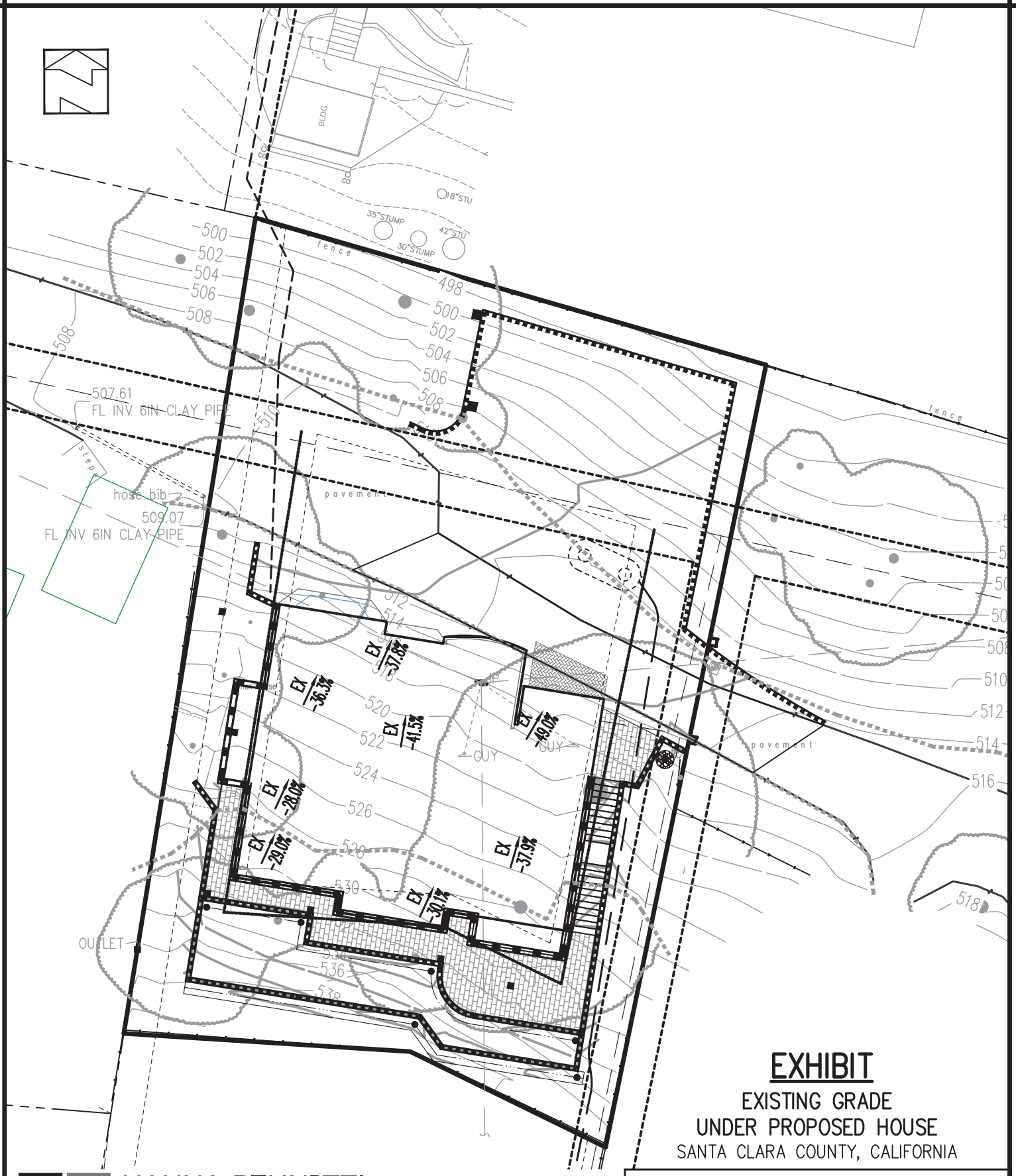
Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

Attachments previously received with the March 4, 2025 Addendum Report:

8. Public comments received between 11:01 am, Thursday, February 27, 2025, and 11:00 am, Monday, March 3, 2025

Attachment received with this Desk Item Report:

9. Slope and LRDA exhibits by applicant




# EXHIBIT

## EXISTING GRADE UNDER PROPOSED HOUSE

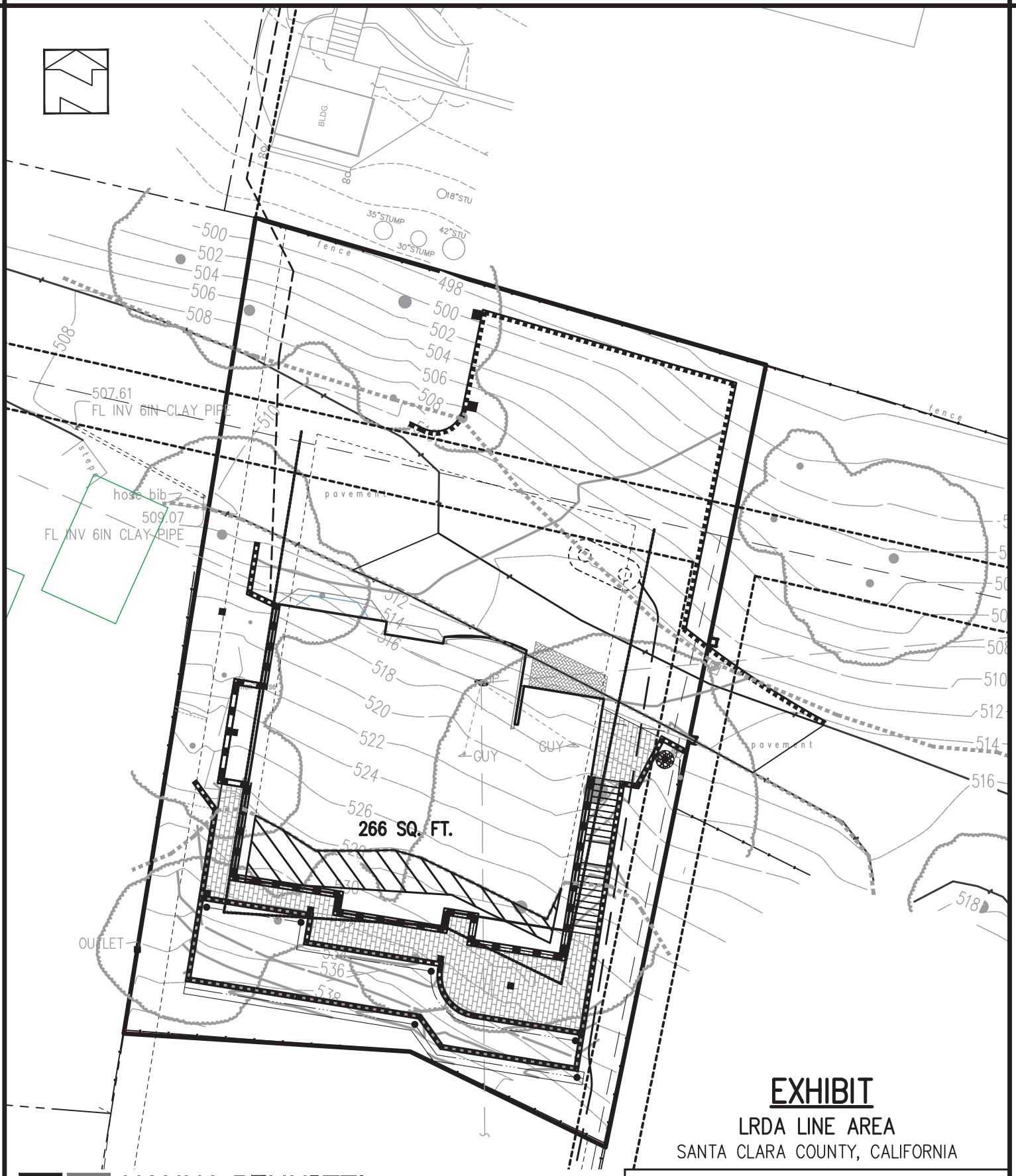
SANTA CLARA COUNTY, CALIFORNIA

APN 529-33-054
45 RESERVOIR DRIVE
TOWN OF LOS GATOS

HANNA-BRUNETTI
EST. 1910
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

| LOCATION: | SANTA CLARA COUNTY, CA | DATE | 3/3/25 |
|---|---|---|---|
| JOB NUMBER: | 23067 | SCALE: | 1"=20' |
| SHEET | 1 OF 1 | | |

ATTACHMENT 9




# EXHIBIT

## LRDA LINE AREA

SANTA CLARA COUNTY, CALIFORNIA

APN 529-33-054
45 RESERVOIR DRIVE
TOWN OF LOS GATOS

HANNA-BRUNETTI
EST. 1910
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

| LOCATION: | SANTA CLARA COUNTY, CA | DATE | 3/3/25 |
|---|---|---|---|
| JOB NUMBER: | 23067 | SCALE: | 1"=20' |
| SHEET | 1 OF 1 | | |

**MOTION:** **Motion** by **Council Member Rennie** to adopt the draft resolution in Attachment 2 and make the required findings and approve the Architecture and Site, the Conditional Use Permit, the Subdivision Applications, and the Conditions of Approval. **Seconded** by **Council Member Ristow.**

**VOTE:** **Motion passed 4-0. Council Member Badame recused.**

Council Member Badame returned to the Council Chambers.

11. Consider an Appeal of a Planning Commission Decision to Approve a Request to Construct a New Single-Family Residence with Reduced Side and Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on Vacant Property Zoned R-1:20. **Located at 45 Reservoir Road.** APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt according to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaat, Architect. Appellant: Mary J. Vidovich. Project Planner: Sean Mullin.

Sean Mullin, Planning Manager, presented the staff report.

Council provided the following disclosures:
- Council Member Rennie stated he met with the appellant and a neighbor and visited the site.
- Vice Mayor Moore stated he visited and met with the appellant.
- Council Member Ristow stated she visited the site, walked the access road, and met with the appellant.
- Council Member Badame stated she met with the appellant and walked the site and roadway.
- Mayor Hudes stated he met with the appellant and walked the site.

Mayor Hudes opened public comment.

Mary J. Vidovich, Appellant, provided opening comments and discussed the reasons for the appeal.

Gary Kohlsaat, Architect, provided opening comments and discussed the project.

Paul Paspa
- Commented on concerns with the size of the proposed project.

Kathleen Watson
- Commented on concerns with safety, tree protection, and the size of the proposed project.

Gary Kohlsaat, Architect, provided closing comments and addressed speaker comments.

Mary J. Vidovich, Appellant, provided closing comments stating her concerns with the project.

Mayor Hudes closed public comment.

Council asked questions and discussed the item.

**MOTION:** **Motion** by **Council Member Badame** to have staff prepare a resolution to grant the appeal, remand the application back to the Planning Commission with direction to reduce the building footprint and consideration of the (least restrictive development areas) LRDA and reduce the volume. **Seconded** by **Vice Mayor Moore.**

**VOTE:** **Motion passed 4-1. Council Member Ristow voted no.**

**MOTION:** **Motion** by **Council Member Ristow** [to extend the meeting to] no later than 12:30 [a.m.] **Seconded** by **Vice Mayor Moore.**

**VOTE:** **Motion passed unanimously.**

Mayor Hudes called a recess at 11:33 p.m.
Mayor Hudes reconvened the meeting at 11:42 p.m.

12. Conduct a Public Hearing for Appeal of Administrative Citation VL-19-362 (16660 Cypress Way) for Violations of the Los Gatos Town Code Related to Grading and Building and Adopt a Resolution Upholding the Administrative Citation and Imposing Costs According to Proof. **RESOLUTION 2025-008**

Mayor Hudes stated the process of the appeal. Gabrielle Whelan, Town Attorney, stated the appeal is limited to the December 13, 2024, and January 16, 2025, correspondence submitted by the appellants.

Mayor Hudes opened public comment.

Lance Bayer, Special Counsel, provided opening comments and addressed the concerns stated in the December 13, 2024, correspondence.

Josh Balsur, Counsel for Appellant, provided opening comments and provided an update on the required permits.

Scott Watson, Neighbor
- Commented on the citations and litigation with the appellant.

# RESOLUTION 2025-009

## RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING A REQUEST FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH REDUCED SIDE AND REAR YARD SETBACKS, SITE IMPROVEMENTS REQUIRING A GRADING PERMIT, AND REMOVAL OF LARGE PROTECTED TREES ON VACANT PROPERTY ZONED R-1:20 AND REMANDING THE APPLICATION BACK TO PLANNING COMMISSION WITH SPECIFIC DIRECTION

**APN 529-33-054**
**ARCHITECTURE AND SITE APPLICATION: S-22-048**
**PROPERTY LOCATION: 45 RESERVOIR ROAD**
**APPELLANT: MARY J. VIDOVICH**
**PROPERTY OWNER: FARNAZ AGAHIAN**
**APPLICANT: GARY KOHLSAAT, ARCHITECT**

**WHEREAS,** on January 8, 2025, the Planning Commission held a public hearing and considered a request to construct a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a grading permit, and removal of large protected trees on vacant property zoned R-1:20. The Planning Commission approved the Architecture and Site application subject to conditions of approval;

**WHEREAS,** on January 17, 2025, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for construction of a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a grading permit, and removal of large protected trees on vacant property zoned R-1:20;

**WHEREAS,** this matter came before the Town Council for a public hearing on March 4, 2025, and was regularly noticed in conformance with State and Town law; and

**WHEREAS,** the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on March 4, 2025, along with any and all subsequent reports and materials prepared concerning this application; and

**WHEREAS,** the Town Council directed staff to prepare a resolution granting the appeal of a decision of the Planning Commission and remanding the application back to the Planning Commission with specific direction including the following:

1. Reduce the building footprint in consideration of the least restrictive development

area (LRDA); and

2. Reduce the volume/massing of the residence.

**WHEREAS,** the Mayor asked that the Planning Commission be provided with more detailed information regarding the circumstances under which the denial of a requested exception from Town standards will constitute a regulatory taking; and

**WHEREAS,** the Town Council directed staff to return to the Town Council with an updated resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

In accordance with Town Code Section 29.20.295, the Town Council finds that:

1. The Planning Commission erred in approving the Architecture and Site application, because the application does not comply with the objectives of the Hillside Development Standards and Guidelines, specifically regarding constraints analysis and site selection, selecting sites to minimize susceptibility to fire hazards, and minimizing the bulk and mass of a building.
2. The appeal of the decision of the Planning Commission approval of a request for construction of a new single-family residence with reduced side and rear yard setbacks, site improvements requiring a grading permit, and removal of large protected trees on vacant property zoned R-1:20 is granted and the application has been remanded back to the Planning Commission with specific direction.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of March 2025, by the following vote:

COUNCIL MEMBERS:
AYES: Maria Ristow, Rob Rennie, Rob Moore, Mary Badame, Mayor Matthew Hudes
NAYS: None
ABSENT: None
ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

KOHLSAAT & ASSOCIATES
ARCHITECTURE

Planning Department
Community Development Department, Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

May 2, 2025

**Re: The Agahian Residence, 45 Reservoir Road, Los Gatos**
**Project Description/ Letter of Justification**

To Whom it May Concern:

On behalf of the property owner Ms. Farnaz Agahian, I once again present this project for an Architecture and Site application. The proposed project includes the construction of a new two-story residence with an attached two car garage, as well as an attached accessory dwelling unit (ADU).

Project History:
- Project was heard during a Planning Commission meeting on 1/3/2025. Project was approved subject to conditions of approval.
- Project was appealed by a neighboring resident on 1/17/2025. Project was submitted to the City Council for a public meeting on 3/4/2025. The appeal was granted with the resolution remanding the application back to the Planning Commission with specific direction including the following: **1) Reduce the building footprint in consideration of the least restrictive development area (LRDA) and 2) reduce the volume/massing of the residence**.

This letter, accompanies by the attached development plans, contain descriptions of the revision in an effort to address the directions. Refer to previously submitted plans and justification letter for the description of the original project and exceptions requested.

**Reduce the volume/massing of the residence.**
The original proposed design asked for two side setback reductions, yet we did not ask for extra floor area beyond what is allowed. The reason we wanted this extra 'width' was because we wanted to keep the building lower in height and less visible to the valley floor, and not some kind of split level or third story.

In this revision we reduced the width of the house and shaved off 2.5 ft across the entire building on the west side, plus a varying of 1ft to 3ft across the whole building on the east side which includes stepping the garage side wall back to conform to the side setback. This reduced the floor area (FAR) by 47sf and the whole structure by 244sf. We also pulled back the front porch wall by 2.5 ft, cutting back another 30sf of covered area. Together, we shrank the structure footprint (structural coverage) by 168ft and the residence is no longer encroaching into the side setbacks.

**Reduce the building footprint in consideration of the least restrictive development area (LRDA)**

The existing road takes up one-third of the building envelope and one of the two only LRDA on this lot. This not only pinches the remaining available building envelope, it also means the only LRDA we could work with is the one within the rear yard. Because of this, we are continuing to propose a part of the house to encroach into the rear yard with a reduced rear setback varying from 19.5ft to 21.5ft. This portion of the encroachment is exacerbated by the acute angle of the lot shape, but it will not be visible from the road and there will still be plenty of distance to the rear fence. Further it moves the house away from the road and allows us to place more of the residence within the LRDA. Potentially we could move the house even farther back, but then this would further increase the amount of grading and trigger another retaining wall height exception that we prefer to avoid.

Dia 1.0 Floor plan exhibit showing the areas of house size reduction

**Exceptions:**
Besides from the two responses to the City Council directions, we also want to take this opportunity to provide further justification to other exception requests.

Most of the time the hillside guidelines are used on hillside zoned lots that in generally are a lot bigger (a min of 40,000sf). Our lot is zoned R-1-20, but is only 10,000sf. This severely difference in size plus the set of unique conditions (road, LRDA, slope, etc) have made conforming to all the hillside guidelines extremely difficult and in our case impossible. The only way we can make any development viable, and to quote the guidelines 'select the best area on the property for the development' relies on getting reasonable exceptions.

As mentioned in the original proposal, the hair pin turn in front of 36 Rogers Street could not be accessible by the Fire Trucks. According to Matt McKenna, Senior Deputy Fire Marshal of the Santa Clara County Fire Department, even if they come in from Reservoir Road, the chance of them being stuck blocking the road and egress will pose a great threat to everyone. There has to be a turn-around area to allow them to fight fires and maneuver, while allowing the residents to evacuate. Even without a house, such an area is needed and the only way to create it is through grading and retaining walls.

There has to be some exceptions permitted to create the minimum amount of space to allow the construction of any structure and life-saving spaces on this sub-standard lot. We identified the following exceptions as part of the must-haves in order to achieve that, regardless of the size of the house;

1) Grading fill (over 3ft) exceeding the hillside standard (for the turn-around)
2) Retaining wall height exceeding the hillside standard (for the turn-around)
3) Development outside of the LRDA zone (for any size house)
4) Entire roadway (in this case the entire private portion of Reservoir Road) required to be at min of 18ft wide.

However, with this revision, these previously requested exceptions are removed:
5) Not having two full size parking spaces in the garage - the floor plan is modified to provide 2 full size parking spaces.
6) Reduced side setback - size of the house is reduced and the proposed design is no longer encroaching into the side setback.

These are the remaining exceptions directly related to the house that are still needed:
7) Reduced rear setback due to limited building envelope, the angle of the rear property line, the need to move the house away from the road and make better use of the LRDA.
8) Grading cut exceeding the hillside standard along the rear walkway in order to create an egress and circulation path for the exit doors.
9) A shorter than typical driveway (less than 18ft) exiting the garage
10) Not being able to provide 4 guest parking spaces on site per the Hillside Specific Plan.

**Private Road:**
We acknowledge the comments regarding the house being close to the private road, but with the road cutting through the lot, any proposed house is going to be close to the road. We cut back the front porch in the revision. The tightest point went from just 18 inches to now 3.5ft to the road, from there it flares out to 4-8 feet.

A majority of this road will also be multi-tasked as the fire truck turn-around and the back-up space for the garage. Our civil engineer has explored many configurations with the Fire Department, and we were approved with a modified turn-around area (shown on civil sheet 4). This large flat area needs to be created with grading/fill and retaining walls. It is also the reason we don't have room for 4 guest parking spaces on our lot and why our driveway is shorter than the required 18ft length. Moving the road any more than proposed will not only take away the turn-around area, it will create more problems for our neighbors since we will need to extend the grading work well into their properties.

**Tree Removal:**
This is a never been developed lot and there are trees throughout the property. About half of them are in poor condition and quite a few ones criss-crossing the existing PG&E overhead lines. Aside from the trees for being in the way and having potential fire hazard, a number of these trees are of poor condition and will not survive the construction. Instead, we proposed to plant native replacement trees (such as oaks and toyon or similar fire tolerant types) at carefully selected locations to enforce a 5ft defensible space around the structure.

The appeal brought up a rumored tree violation left behind by the previous property owners. Since the hearing Ms Agahian has reached out to the Code Compliance Officer Mr Allen Meyer about this.  He confirmed that such violation was resolved by the previous owners and all fines were paid. Any related exhibit presented on this matter should not be used against Ms Agahian's application.

We are also working with PG&E to re-install portion of the PG&E line running through our property to an underground line, including a branch line going to 60 Rogers Street, to further mitigate potential fire risk.

**Impervious Areas and Drainage:**
The reduced footprint of the structure (as tabulated on sheet A1) takes up only 21% of the lot. The circulation around the house takes up another 10.68 %, but the majority of the impervious area comes from the road and the turn-around, which takes up about 32% of the total lot area. Even with a differently-sized house, the impervious areas for the circulation, road and fire truck turn-around will still be required to take up the same amount of space.

One change we did make is instead of using an infiltration trench uphill of the 2 remaining oak trees, we replaced it with 2 retention chambers and located them underneath the turn-around area instead. These chambers are large enough to capture the site run off and allow it to be slowly re-absorbed on site. This relieves the impact on the existing oak trees and free up space for new ones.

**In Summary**
We have been working with the owner, staff and neighbors to make this development possible on this uniquely shaped and sub-standardly sized lot. Despite our greatest effort there are some exceptions that are inevitable for any economically viable development. While not perfect and exception free, every decision of this project was made to minimize the impact to our neighbors and be a responsible and fire safe development on the hillside. This lot has been vacant and unimproved for a long time, with neglected trees, overgrown wild bushes, uncontrolled run off,

intertwined overhead power lines and sub-standard fire access. This project will invest the much needed improvements that this property needs.

## EXCEPTION REQUESTS AND JUSTIFICATIONS

Below is a list of our effort of minimizing the exceptions requested for the project and our justifications.

EXCEPTION TO TOWN CODE REQUIREMENTS:

1. Setback Encroachment: (refer to architectural site plan on A1)
    - As explained earlier, we reduced the building footprint to eliminate the side setback exception. But we are continuing to ask for a rear yard encroachment for a small part of the house because of the cut-short building envelope, the road and the LRDA.

EXCEPTIONS TO HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

1. Retaining wall height exception at the fire truck turn-around: (refer to architectural site plan on A4 and civil sheet C4)

- The required turn-around space, with even a modified footprint, requires an area of roughly 40ft by 50ft and a slope of no more than 5%. It needs to be on the same level as the existing road and expands towards the downhill area. Retaining walls that are needed to create this pad will vary between 5ft to 15.5ft high. They can be constructed out of soldier pile and wood lagging, which has a natural rustic appearance that is commonly seen in the hillside area. It also allows for natural drainage and avoids the need of complex drainage lines that is normally required for concrete wall construction.
- In addition of the retaining wall appearance, 4ft of landscape buffer zones are planned around the turn-around area to screen the walls from neighbors.

2. Grading (Fill) exception at the fire truck turn-around: (refer to architectural site plan on A4 and civil sheet C4)

- Fill areas of up to 15.5 ft is necessary for the construction of the turn-around area. While this is a significant height and will require an exception, it can significant offset and amount of soil off-haul created by the house grading.

3. Grading (Cut) exception along the rear retaining wall and walkway (refer to arch site plan on A4 and section )

- A cut depth of roughly 7’-6” ft is needed at this area to create a circulation walkway around the house and to the keep the house back and away from the road. This cut depth is also chosen to allow for the 2 stepped retaining walls at allowable height and not trigger another exception.

4. Structure outside of the least restrictive development area (LRDA): (refer to sheet A3 and A4) There are only 2 LRDA on this lot and the road takes up one of them. The only remaining LRDA we could use is within the rear yard and outside of our building envelope. We proposed to put the building as far back as we could and partially encroaching into the rear yard, to allow for more of the residence to be on the LRDA.

EXCEPTIONS TO HILLSIDE SPECIFIC PLAN

1. Guest parking spaces at Hillside Specific Plan: the size and configuration of the lot has made it challenging to provide all the hillside specific street parking, and we want to prioritize

getting ingress/egress and fire truck access while being sensitive with grading and road expansion. So instead of the 4 required spaces we are requesting to reduce it to 1 parking space.

EXCEPTIONS TO TOWN CODE:
SEC 29.10.155(c)(2) Driveway/ access road must be a minimum of 18 feet in width for the full length to Reservoir Road:

1. The creation of the access road granted a 12 ft easement for ingress and egress purposes across the 5 neighboring properties. While our property owner can make improvements on her property, she has no control over her neighbors' portion of the road.
2. We have to prioritize spaces for fire access and maneuvering, off street parking, tree preservation and visibility screening, all along a very limited road frontage. We have widened about 60% of our road, including the choke point at the 2 brick pillars, to get at least a 12 ft wide road as well as a space for a fire truck turn-around. The rest of the road is widened as much as possible to accommodate some parking, while leaving us about 15'-9" of egress width, some space for tree preservation and drainage management.
3. The current road varies from 12 to 24 ft in width and has separate, widened parking and maneuvering space in front of each property it serves, providing turn-out spaces that have worked well with these residences for years.

Sincerely,

Gary Kohlsaat
Architect  C19245

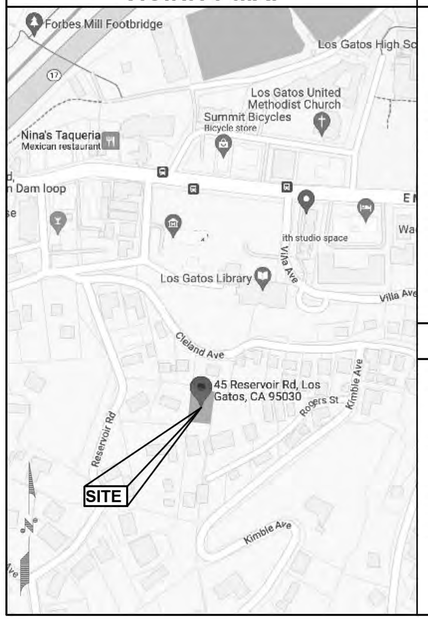
ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD

LOS GATOS, CA 95030

## VICINITY MAP




## PROJECT DIRECTORY

PROPERTY OWNER:
[redacted] AGAHIAN
[redacted]

ARCHITECT:
KOHLSAAT & ASSOCIATES
51 UNIVERSITY AVENUE, SUITE L
LOS GATOS, CA 95030
TEL: (408) 395-2555

CIVIL ENGINEERING & SURVEYING:
HANNA-BRUNETTI
1651 EGLEBERRY STREET
GILROY, CA 95020
TEL: (408) 842-2173

GEOTECHNICAL ENGINEERING:
GBEARTH
730 CAMDEN AVENUE, SUITE A
CAMPBELL, CA 95008
TEL: (408) 866-5486

## SCOPE OF WORK

SITE AND ARCHITECTURAL DEVELOPMENT ON AN EXISTING VACANT R1-20 ZONED LOT (HILLSIDE OVERLAY).

WORK TO INCLUDE:
BUILDINGS:
1. CONSTRUCTION OF A NEW RESIDENCE WITH AN ATTACHED ACCESSORY DWELLING UNIT, AN ATTACHED GARAGE AND BELOW GRADE BASEMENT
2. COVERED DECK
3. EGRESS, VENTILATION WELLS AND ACCESS STAIRS.

SITE IMPROVEMENTS (REFER TO CIVIL PLANS):
1. MODIFY EXISTING PRIVATE ROAD TO PROVIDE PARKING AND FIRE TRUCK TURN-AROUND
2. SITE RETAINING WALLS AND PAVED YARDS
3. UTILITY TRENCHING AND CONNECTIONS
4. TREE REMOVAL AND NEW TREE PLANTING

## FIRE / BUILDING NOTES

• FIRE SPRINKLERS: An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: in all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Note: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A state of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC.

• WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7

• ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. (CFC Sec. 505.1).

• EMERGENCY GATE/ACCESS GATE REQUIREMENTS: Gate installations shall conform with Fire Department Standard Details and Specification G-1 and, when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access devices. Knox Key-switch is required for the automatic gate.

• FIRE APPARATUS (ENGINE) ACCESS DRIVEWAY REQUIRED: Provide an access driveway with a paved all weather surface, a minimum unobstructed width of 12 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 to the Fire Department Standard Details Specifications D-1 and CFC Section 503.

• CONSTRUCTION SITE FIRE SAFETY: All construction site must comply with applicable provisions of the CFC chapter 33 and County of Santa Clara Standard Detail and Specification S1-7.

• REACH CODE COMPLIANCE: This residence will comply with the town's electric appliance, electric vehicle and energy storage system requirements in accordance with town code section 6.70.020 and 6.120.020.

## PROJECT DATA

| | |
|---|---|
| PROJECT ADDRESS: | 45 RESERVOIR ROAD<br>LOS GATOS, CA 95030 |
| APN#: | 529-33-054 |
| ZONING: | R-1-20 (IN HILLSIDE OVERLAY) |
| OCCUPANCY GROUP: | R-3, U |
| CONSTRUCTION TYPE: | V-B |
| AVERAGE LOT SLOPE: | 28% (SEE SLOPE CALCS. ON CIVIL PLANS) |
| GROSS & NET SITE AREA: | 10,000SF GROSS, 4,600SF NET (SEE CALCS BELOW) |
| STORIES: | NEW (2) STORY RESIDENCE,<br>NEW ATTACHED ACCESSORY DWELLING UNIT<br>ATTACHED GARAGE<br>BELOW GRADE BASEMENT |
| PARKING: | 2 COVERED SPACES, 1 UNCOVERED SPACE |
| FIRE SPRINKLER: | WILL PROVIDE |

REDUCTION OF NET SITE AREA ON SLOPING LOT
(50% PLUS 3% FOR EACH 1% OF SLOPE OVER 20%)
USING AVERAGE SLOPE OF 28%:
-> 50% + 24% = 54% REDUCTION

NET LOT AREA:
GROSS LOT AREA - REDUCTION %
10,000SF * (1-54%) = 4,600SF

ALLOWABLE FAR
= 0.45 - [(4.6-2)/3 X 0.05]
= 0.4 - 0.0433
= 0.3567

ALLOWABLE FLOOR AREA:
NET LOT AREA * FAR
= 4,600SF * 0.3567
= 1640.82SF

FLOOR AREAS:

| | FLOOR AREA (A) | EXCLUSION (B) | (A) + (B) |
|---|---|---|---|
| MAIN FLOOR | 1,272 SF | | 1,272 SF |
| LOWER FLOOR | 321 SF | 1,135 SF (1) | 1,456 SF |
| GARAGE | 0 SF | 352 SF (1) | |
| | | 147 + 75 SF (2) | 574 SF |
| SUB-TOTAL | 1,593 SF | | 3,302 SF |
| ADU | 461 SF | | 461 SF |
| TOTAL FLOOR AREAS | 2,054 SF | | 3,763 SF |

* EXCLUSIONS:
(1) BELOW GRADE BASEMENT AREA
(2) GARAGE EXEMPTION UP TO 400SF

STRUCTURAL COVERAGE:

| | | |
|---|---|---|
| RESIDENCE + ADU + GARAGE | 2,057 SF | |
| PATIOS, BALCONIES (OUTSIDE RESIDENCE FOOTPRINT) | 118 SF | |
| TOTAL | 2,175 SF | = 21.75% |

## SHEET INDEX


| | |
|---|---|
| A-1 | COVER SHEET |
| A-2 | NEIGHBORHOOD SITE PLAN |
| A-3 | DEMO/EXISTING SITE PLAN |
| A-4 | ARCHITECTURAL SITE PLAN |
| A-5 | PRELIMINARY LANDSCAPE PLAN |
| A-6 | LOWER LEVER FLOOR PLAN |
| A-7 | MAIN LEVEL FLOOR PLAN |
| A-8 | ROOF PLAN |
| A-9 | ELEVATIONS |
| A-10 | ELEVATIONS |
| A-11 | SECTIONS |
| A-12 | VISIBILITY STUDY |
| A-13 | VISIBILITY STUDY |
| A-14 | SHADON STUDIES |
| C-1 | CIVIL COVER SHEET |
| C-2 | BLUEPRINT FOR A CLEAN BAY |
| C-3 | EXISTING TOPO SURVEY & DEMO PLAN |
| C-4 | GRADING AND DRAINAGE PLAN |
| C-5 | UTILITY PLAN |
| C-6 | UTILITY PLAN |
| C-7 | CROSS SECTIONS & DETAILS |
| C-8 | EROSION CONTROL PLAN |


| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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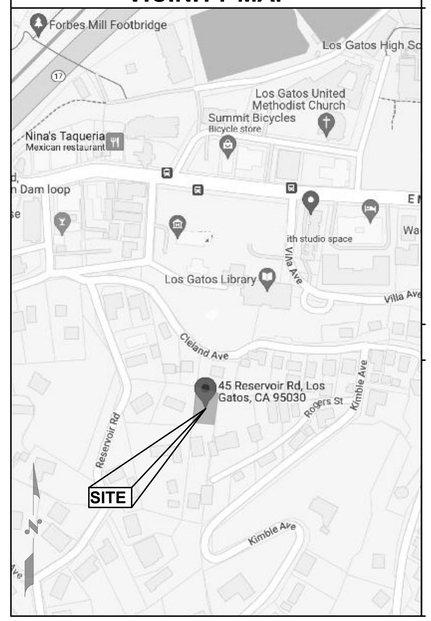
ARCHITECTURE AND SITE APPLICATION FOR
**THE AGAHIAN RESIDENCE**
45 RESERVOIR ROAD LOS GATOS, CA 95030

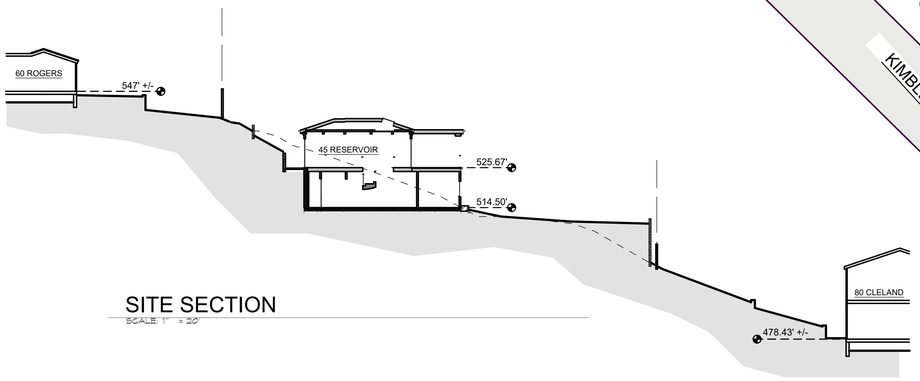
**COVER SHEET**

DATE: 11/08/22
SCALE: AS SHOWN
SHEET
A-1
1 OF -

EXHIBIT 10

## VICINITY MAP




SITE SECTION
SCALE: 1" = 20'

NEIGHBORHOOD SITE PLAN
SCALE: 1" = 40'

N

LEGEND

LABEL
ADDRESS:
ZONING:
(LOT SIZE)

R-1D (MIN. SIZE LOT 8000SF)
SETBACK
FRONT 15FT
SIDE 5FT
REAR 20FT

R-1-10 (MIN. SIZE LOT 10,000SF)
SETBACK
FRONT 25FT
SIDE 10FT
REAR 20FT

R-1-20 (MIN. SIZE LOT 20,000SF)
SETBACK
FRONT 30FT
SIDE 15FT
REAR 25FT

REVISIONS

| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

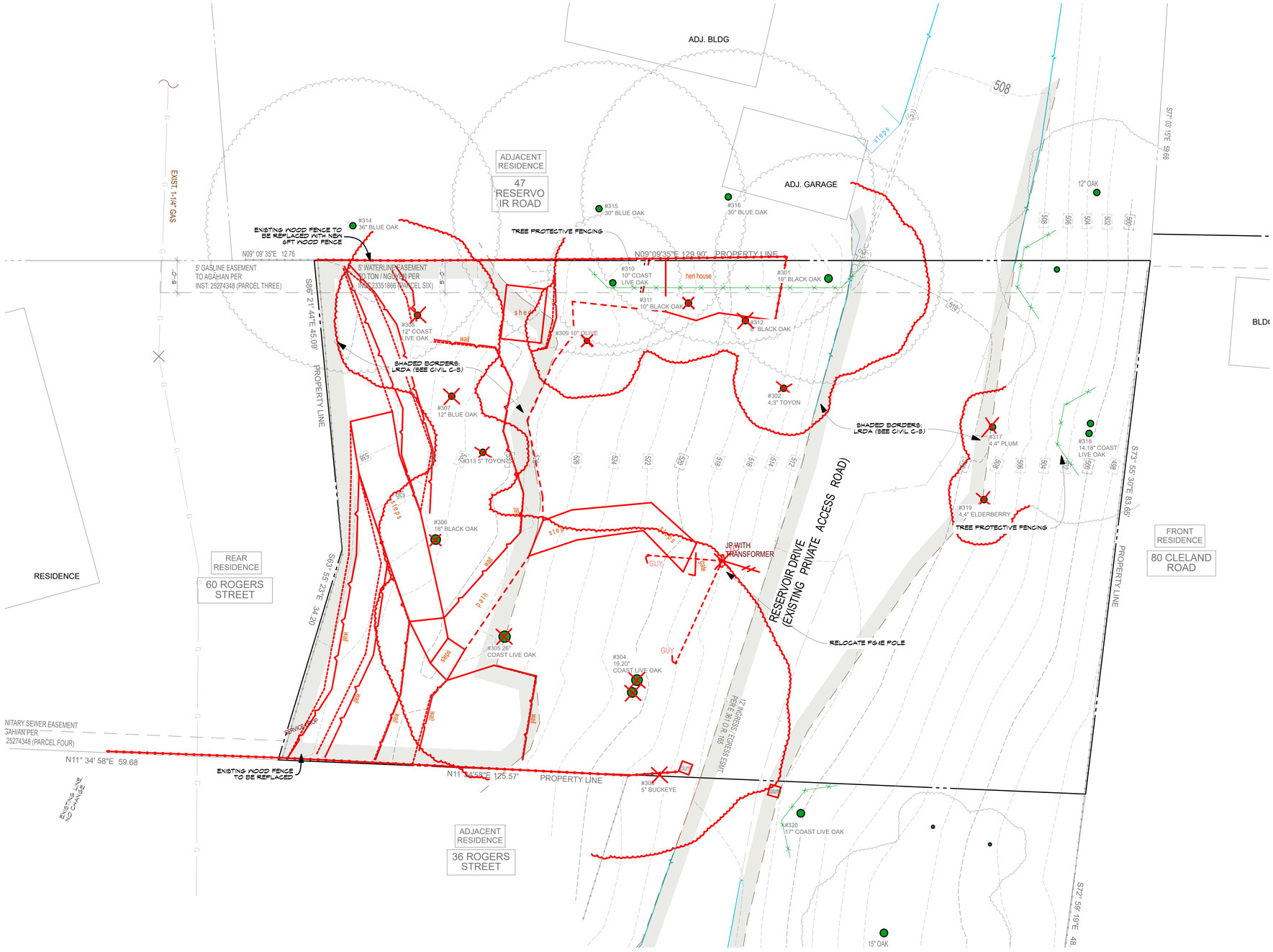
45 RESERVOIR ROAD LOS GATOS, CA 95030

NEIGHBORHOOD SITE PLAN

DATE: 11/08/22

SCALE: AS SHOWN

SHEET
A-2
2 OF -




EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"

N

## LEGEND

- EXISTING PROPERTY LINE
- EXISTING CONSTRUCTION TO BE DEMOLISHED
- EXISTING LANDSCAPE RETAINING WALLS
- EXISTING WOOD FENCE
- TREE PROTECTION FENCE
- ELECTRICAL METER
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- EXISTING ASPHALT PAVED PRIVATE ROAD
- LEAST RESTRICTIVE DEVELOPMENT AREA

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

**DEMO/ EXISTING SITE PLAN**

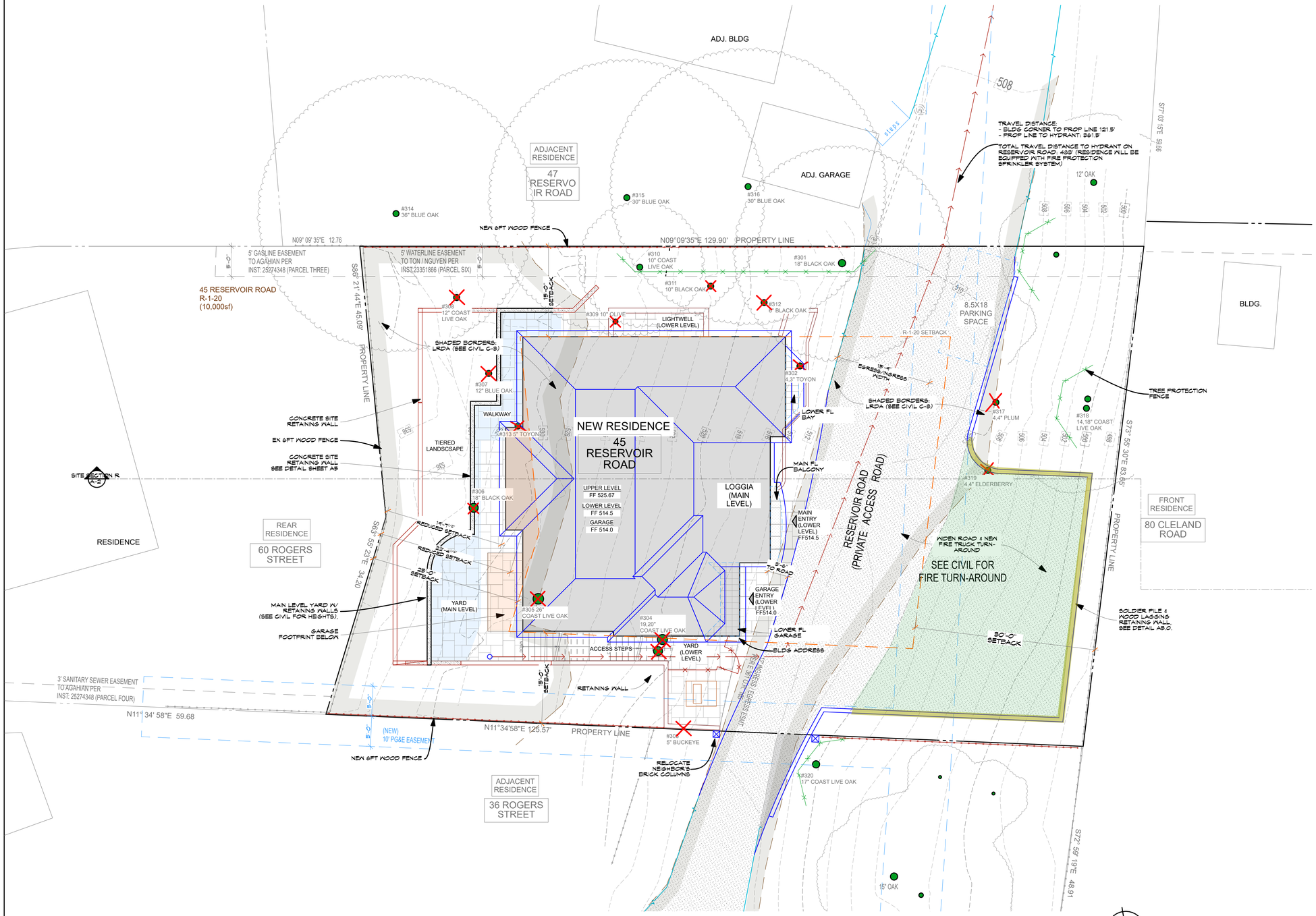
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-3

3 OF -




## PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

## SCOPE OF WORK

SITE AND ARCHITECTURAL DEVELOPMENT ON AN EXISTING VACANT R1-20 ZONED LOT (HILLSIDE OVERLAY).

WORK TO INCLUDE:
BUILDINGS:
1. CONSTRUCTION OF A NEW RESIDENCE WITH AN ATTACHED ACCESSORY DWELLING UNIT, AN ATTACHED GARAGE AND BELOW GRADE BASEMENT.
2. COVERED DECK AND BALCONY
3. EGRESS, VENTILATION WELLS AND ACCESS STAIRS.

SITE IMPROVEMENTS (REFER TO CIVIL AND LANDSCAPE PLANS):
1. MODIFY EXISTING PRIVATE ROAD TO PROVIDE PARKING AND FIRE TRUCK TURNOUT.
2. DRIVEWAY ACCESS TO GARAGE
3. SITE RETAINING WALLS AND PAVED YARDS
4. LANDSCAPE AND IRRIGATION
5. UTILITY TRENCHING AND CONNECTIONS.

## TREE PROTECTION

1. SIX-FOOT HIGH CHAIN LINK FENCING MOUNTED ON TWO-INCH DIAMETER GALVANIZED IRON POSTS SHALL BE DRIVEN INTO THE GROUND AT LEAST TWO-FEET DEEP AT NO MORE THAN TEN-FOOT SPACING, WHEN STIPULATED, FOR EXISTING PAVING AREAS THAT WILL NOT BE DEMOLISHED, POSTS MAY BE SUPPORTED BY CONCRETE BASE.

2. POSTED EIGHT AND ONE-HALF-INCH BY ELEVEN-INCH SIGN ON EACH TREE FENCE STATING: "WARNING – TREE PROTECTION ZONE – THIS FENCE SHALL NOT BE REMOVED AND IS SUBJECT TO PENALTY ACCORDING TO TOWN CODE 29.10.1025"

3. TREE PROTECTION FENCING IS REQUIRED TO REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

## SITE ADDRESS

ADDRESS SHALL BE PLACED IN A POSITION THAT IS PLAINLY LEGIBLE & VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MIN. 4" HIGH WITH A MIN. STROKE WIDTH OF ½". WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD & THE BUILDING ADDRESS CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE, OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. CBC R319.1. SEE FRONT ELEVATION ON A12. FOR LOCATION.

## LEGEND

- EXISTING PROPERTY LINE
- BUILDING SETBACK LINE (R-1-20)
- MAIN LEVEL STRUCTURE FOOTPRINT
- LOWER LEVEL STRUCTURE FOOTPRINT
- OVERHEAD ROOF LINE
- LIGHT WELL, ACCESS STAIR, YARDS
- CONCRETE RETAINING WALL
- EXISTING/NEW WOOD FENCE
- TREE PROTECTION FENCE
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- E/OH — ELECTRICAL LINE (OVERHEAD)
- E/UG — ELECTRICAL LINE (UNDERGROUND)
- W — WATER METER
- SS — SEWER CLEAN-OUT
- AREA DRAIN LOCATIONS
- TRAVEL DISTANCE FROM HYDRANT TO FARTHEST BLDG CORNER
- EXCEPTION AREA WITH RETAINING WALLS OVER 4FT HIGH
- EXCEPTION AREA WITH FILL OVER 3FT HIGH
- EXCEPTION AREA WITH CUT OVER 4FT DEEP
- FLOOR AREA ENCROACHING INTO SETBACK
- LEAST RESTRICTIVE DEVELOPMENT AREA

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

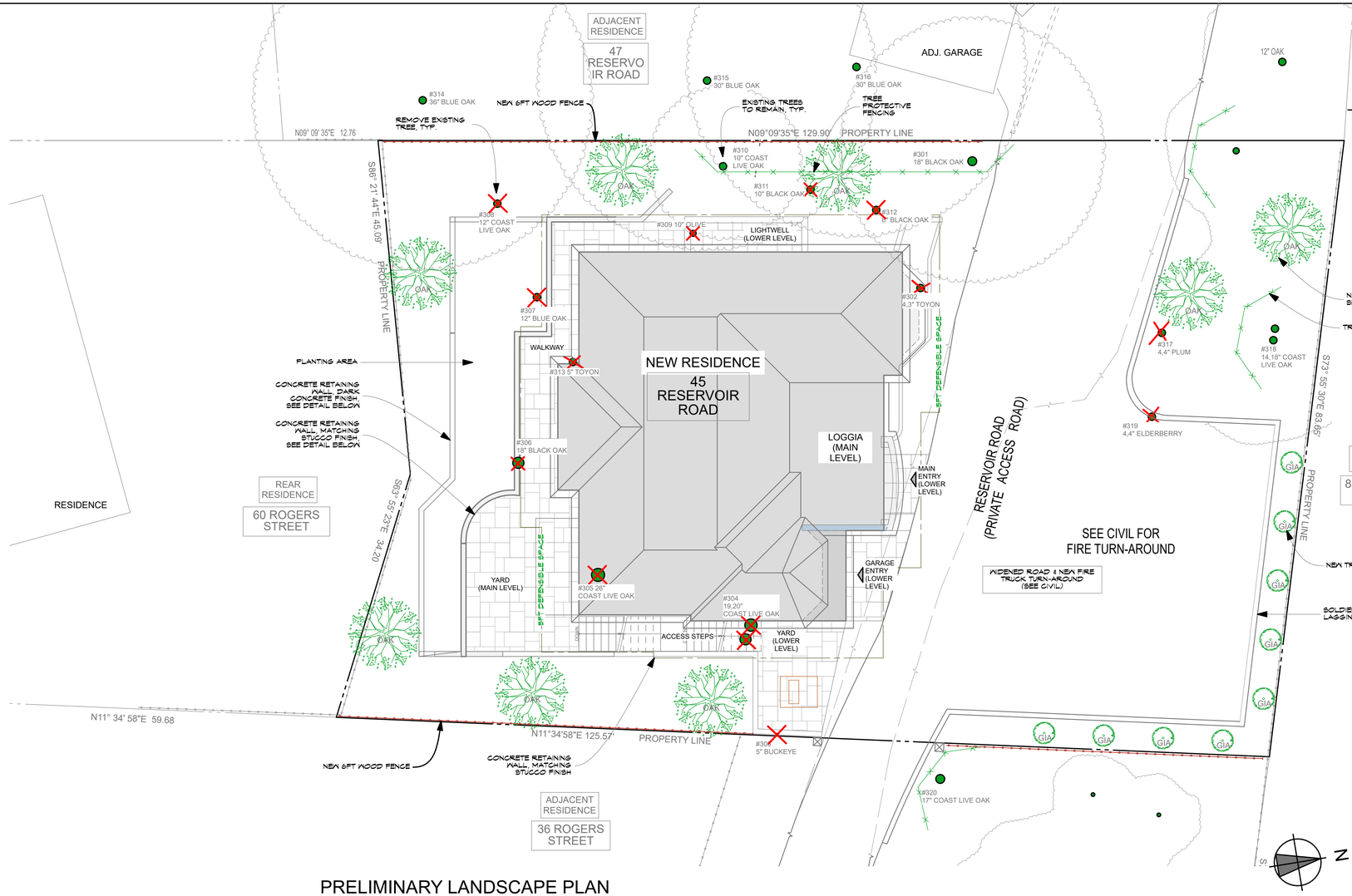
**ARCHITECTURAL SITE PLAN**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET A-4

4 OF -




## PRELIMINARY LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"

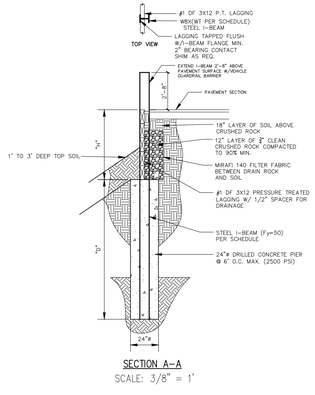
### LEGEND

- DRIVEWAY: STONE PAVER O/ CONCRETE SLAB
- WALKWAY, YARD, SITE STAIR: STONE PAVER O/ CONCRETE SLAB
- ROAD: ASPHALT PAVING
- LANDSCAPE AREA W/ MULCH COVER
- CONCRETE RETAINING WALLS FINISH TO BE SANDBLASTED WITH STAINED CONCRETE, OR SMOOTH STUCCO FINISH, BOTH TO HAVE LRV OF 30 OR LESS.
- TREE — EXISTING TREE (AND DRIB LINE) TO REMAIN
- EXISTING TREE TO BE REMOVED
- (8) OAK TREES
  - COAST LIVE OAK (QUERCUS AGRIFOLIA)
  - BLACK OAK (QUERCUS VELUTINA)
- (9) TOYON TREES (HETEROMELES ARBUTIFOLIA)

### TREE INVENTORY

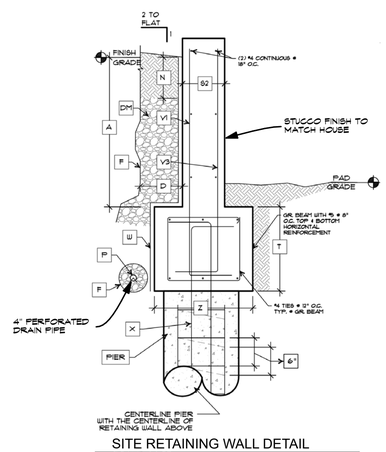
| ID | SPECIES | CANOPY | STATUS | REPLACEMENT |
|---|---|---|---|---|
| * INDICATES TREES LOCATED ON NEIGHBOR'S PROPERTIES. | | | | |
| 301 | BLACK OAK | 35' | REMAIN | |
| 302 | TOYON | 8' | REMOVE | (2) 15 GAL. |
| 303 | BUCKEYE | 10' | REMOVE | (2) 15 GAL. |
| 304 | LIVE OAK | 35' | REMOVE | (4) 15 GAL. |
| 305 | LIVE OAK | 35' | REMOVE | (4) 15 GAL. |
| 306 | BLACK OAK | 25' | REMOVE | (3) 15 GAL. |
| 307 | BLUE OAK | 20' | REMOVE | (3) 15 GAL. |
| 308 | LIVE OAK | 20' | REMOVE | (3) 15 GAL. |
| 309 | OLIVE | 20' | REMOVE | EXEMPT |
| 310 | LIVE OAK | 20' | REMAIN | |
| 311 | BLACK OAK | 10' | REMOVE | (2) 15 GAL. |
| 312 | BLACK OAK | 10' | REMOVE | (2) 15 GAL. |
| 313 | TOYON | 10' | REMOVE | (2) 15 GAL. |
| 314 | BLUE OAK | 45' | REMAIN* | |
| 315 | BLUE OAK | 45' | REMAIN* | |
| 316 | BLUE OAK | 45' | REMAIN* | |
| 317 | PLUM | 15' | REMOVE | EXEMPT |
| 318 | LIVE OAK | 35' | REMAIN | |
| 319 | ELDERBERRY | 15' | REMOVE | EXEMPT |
| 320 | LIVE OAK | 35' | REMAIN* | |

TOTAL REQUIRED REPLACEMENT TREES = 27
PROPOSED TREES TO BE PLANTED = 17
REMAINING TREES TO BE ENTERED INTO TOWN IN-LIEU PLANTING PROGRAM = 10




SECTION A–A
SCALE: 3/8" = 1'

SITE RETAINING WALL DETAIL
SCALE: 1:1.42




SITE RETAINING WALL DETAIL
SCALE: 1:1.42

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**PRELIMINARY LANDSCAPE PLAN**

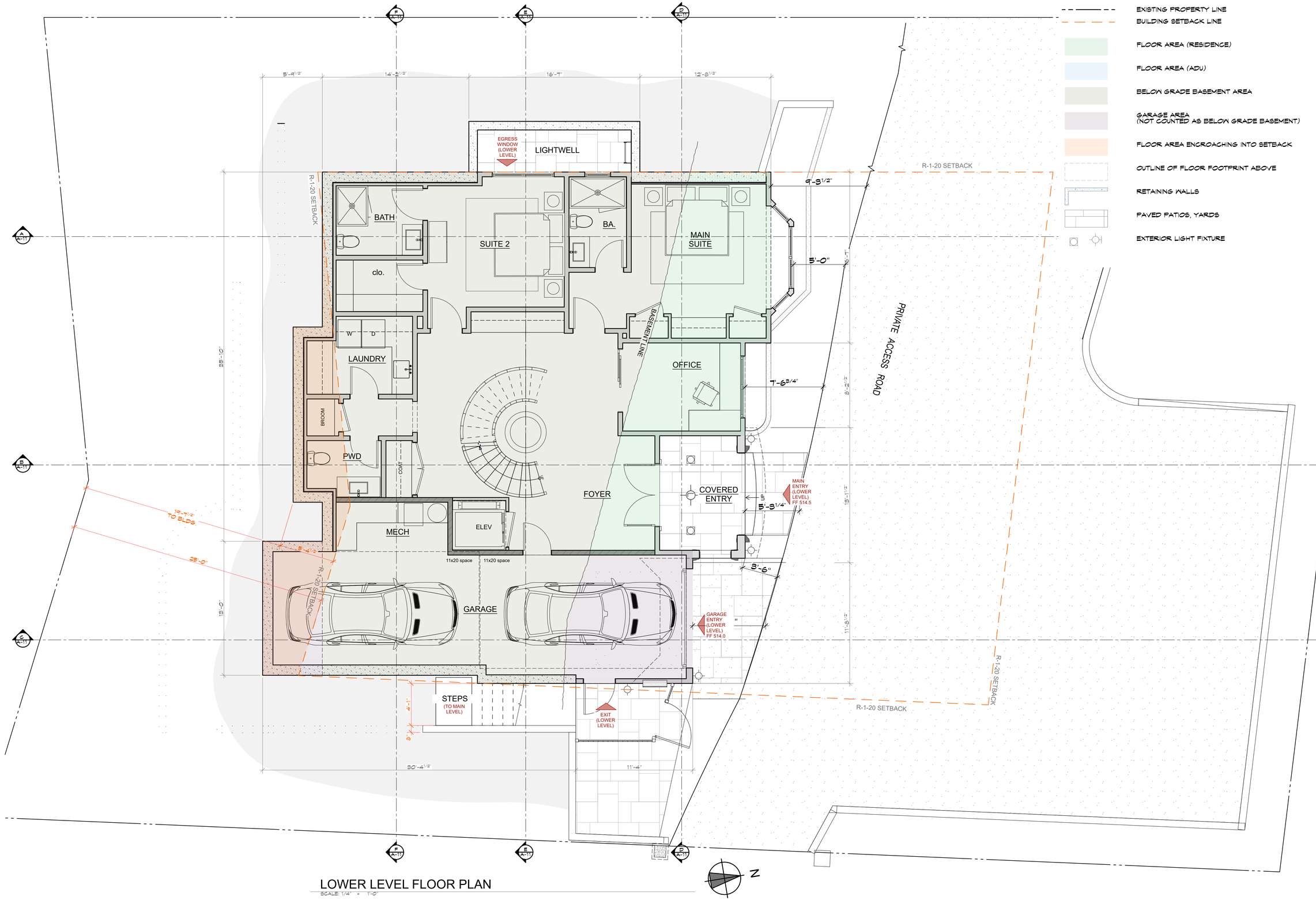
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-5

5 OF -




LOWER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

## LOWER LEVER FLOOR PLAN

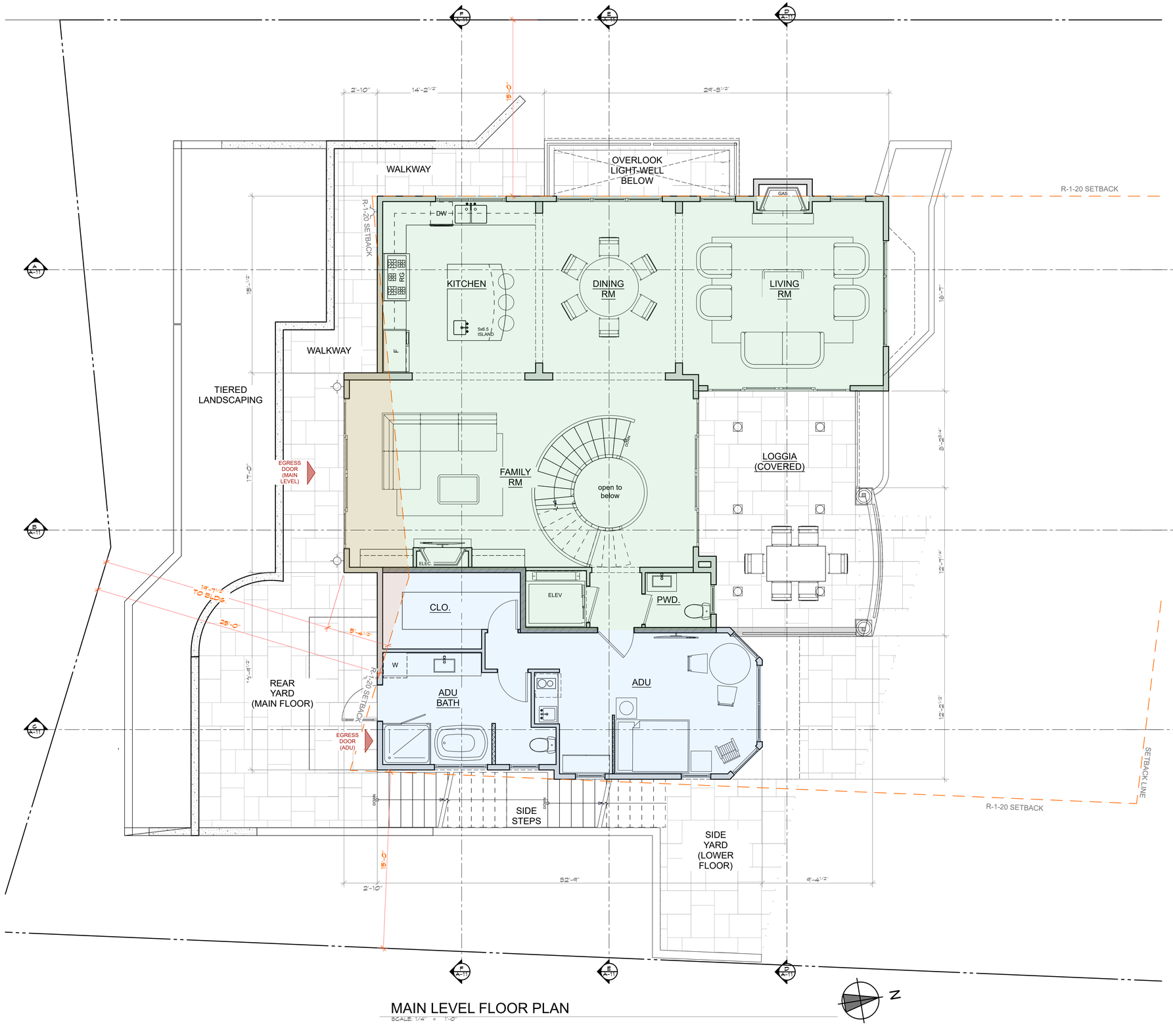
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-6

6 OF -




MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

## LEGEND

- EXISTING PROPERTY LINE
- BUILDING SETBACK LINE
- FLOOR AREA (RESIDENCE)
- FLOOR AREA (ADU)
- BELOW GRADE BASEMENT AREA
- GARAGE AREA (NOT COUNTED AS BELOW GRADE BASEMENT)
- FLOOR AREA ENCROACHING INTO SETBACK
- OUTLINE OF FLOOR FOOTPRINT ABOVE
- RETAINING WALLS
- PAVED PATIOS, YARDS
- EXTERIOR LIGHT FIXTURE

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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KOHLSAAT & ASSOCIATES
51 UNIVERSITY AVE. "L" • LOS GATOS, CA • 95030 • (408) 395-2555

ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

**MAIN LEVEL FLOOR PLAN**

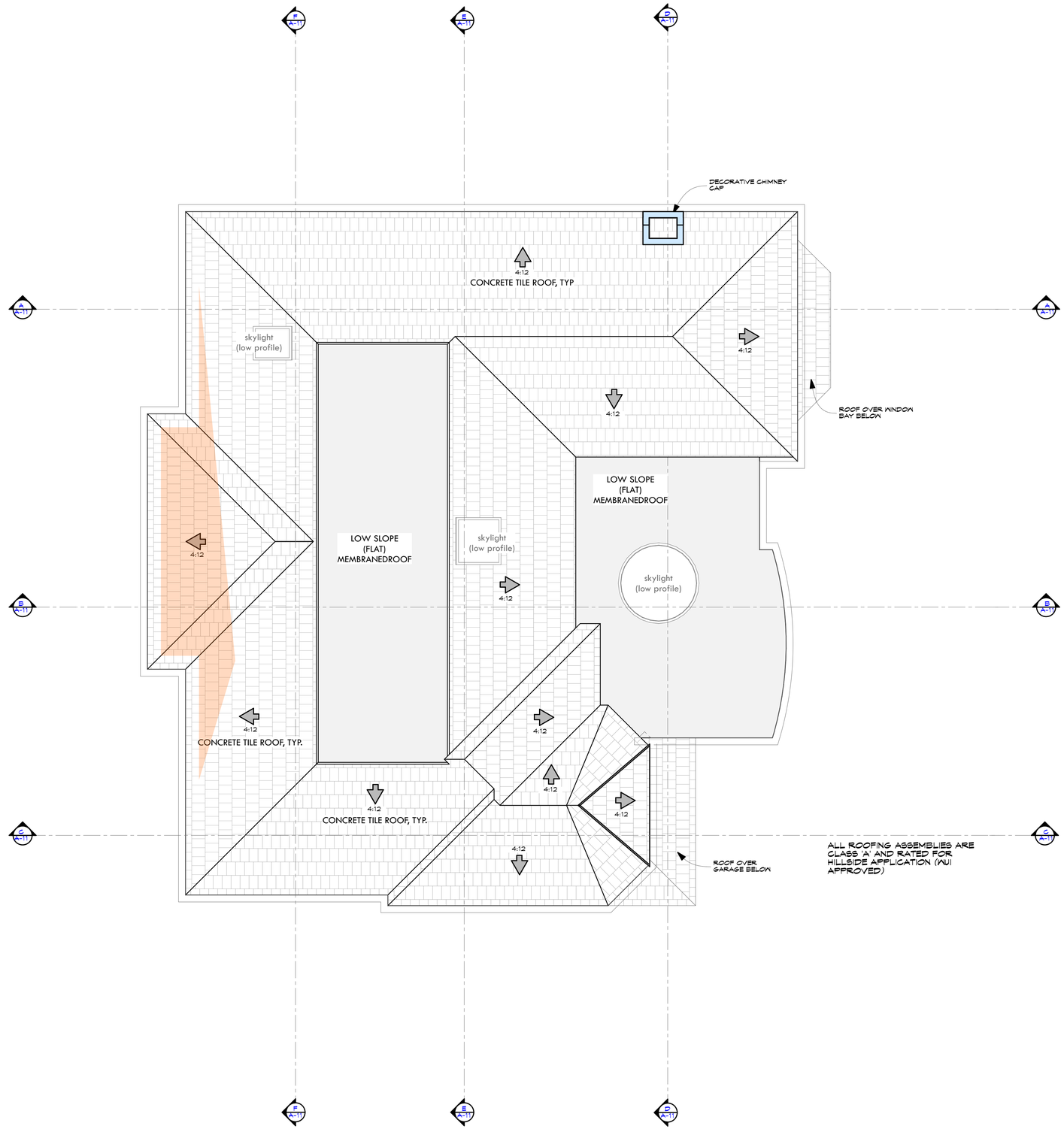
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-7

7 OF -




ROOF PLAN
SCALE: 1/4" = 1'-0"

N

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

## ROOF PLAN

DATE: 11/08/22

SCALE: AS SHOWN

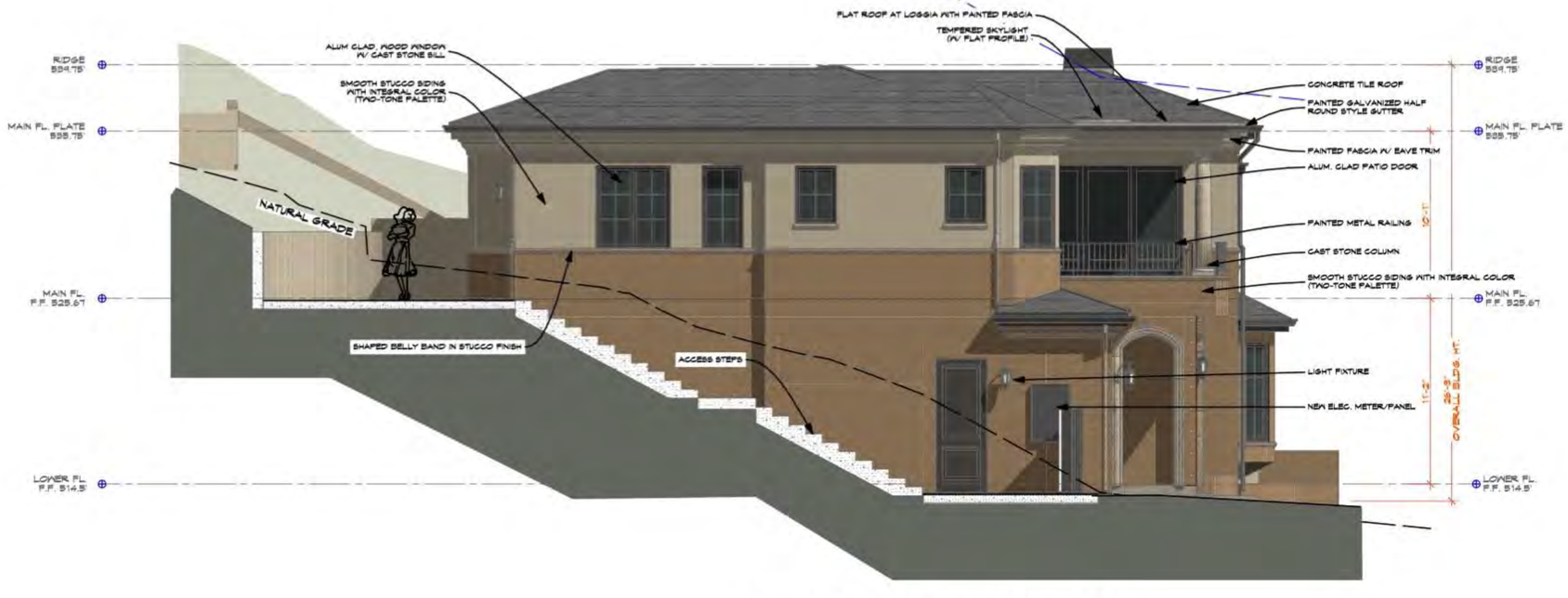
SHEET

A-8

8 OF -

## NORTH (FRONT) ELEVATION

SCALE: 1/4" = 1'-0"




## EAST (LEFT) ELEVATION

SCALE: 1/4" = 1'-0"

### Front Elevation

| Material | Area | Specification | LRV | LRV x Area |
|---|---|---|---|---|
| Stucco-Lighter | 206 | BM-Huntington Biege HC-21 | 40 | 8240 |
| Stucco-Darker | 419 | BM-Free Spirit 245 | 24.4 | 10223.6 |
| Gutters | 35 | BM-Kendall Charcoal | 15 | 525 |
| Cast Stone | 26 | Siena Stone-Oatmeal | 50 | 1300 |
| D/W Frames | 196 | Fleetwood-Black Anodized | 3.3 | 646.8 |
| Total = | 882 | | Total = | 20935.4 |
| | | | LRV = | 23.73628 |

### Left Elevation

| | | | | |
|---|---|---|---|---|
| Stucco-Lighter | 225 | BM-Huntington Biege HC-21 | 40 | 9000 |
| Stucco-Darker | 426 | BM-Free Spirit 245 | 24.4 | 10394.4 |
| Gutters | 25 | BM-Kendall Charcoal | 15 | 375 |
| Cast Stone | 18 | Siena Stone-Oatmeal | 50 | 900 |
| D/W Frames | 70 | Fleetwood-Black Anodized | 3.3 | 231 |
| Total = | 764 | | Total = | 20900.4 |
| | | | LRV = | 27.35654 |

## AVERAGE LRV CALCULATIONS

REVISIONS

| REV | 5.7.25 |
|---|---|
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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**ELEVATIONS**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-9

9 OF -

## Rear Elevation

| | | | | |
|---|---|---|---|---|
| Stucco-Lighter | 293 | BM-Huntington Biege HC-21 | 40 | 11720 |
| Stucco-Darker | 117 | BM-Free Spirit 245 | 24.4 | 2854.8 |
| Gutters | 23 | BM-Kendall Charcoal | 15 | 345 |
| Cast Stone | | Siena Stone-Oatmeal | 50 | 0 |
| D/W Frames | 38 | Fleetwood-Black Anodized | 3.3 | 125.4 |
| Total = | 433 | | Total = | 14919.8 |
| | | | LRV = | 34.45681 |

## Right Elevation

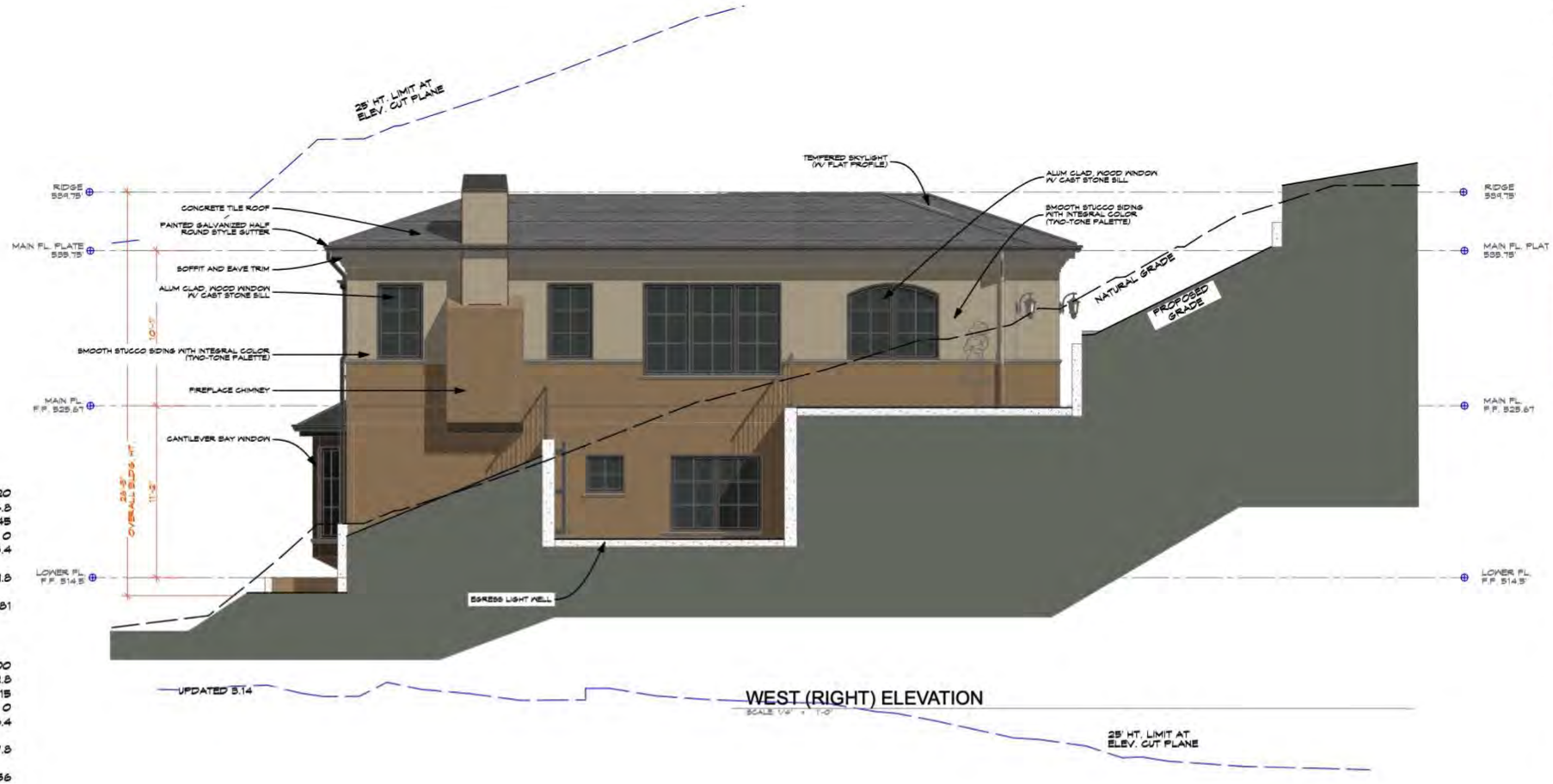
| | | | | |
|---|---|---|---|---|
| Stucco-Lighter | 225 | BM-Huntington Biege HC-21 | 40 | 9000 |
| Stucco-Darker | 312 | BM-Free Spirit 245 | 24.4 | 7612.8 |
| Gutters | 21 | BM-Kendall Charcoal | 15 | 315 |
| Cast Stone | 0 | Siena Stone-Oatmeal | 50 | 0 |
| D/W Frames | 48 | Fleetwood-Black Anodized | 3.3 | 158.4 |
| Total = | 558 | | Total = | 16927.8 |
| | | | LRV = | 30.33656 |

## Total Average LRV

| | |
|---|---|
| Front Elevation | 28.7 |
| Left Elevation | 27.4 |
| Rear Elevation | 34.5 |
| Right Elevation | 30.3 |
| | 116 |
| Average LRV = | **29** |

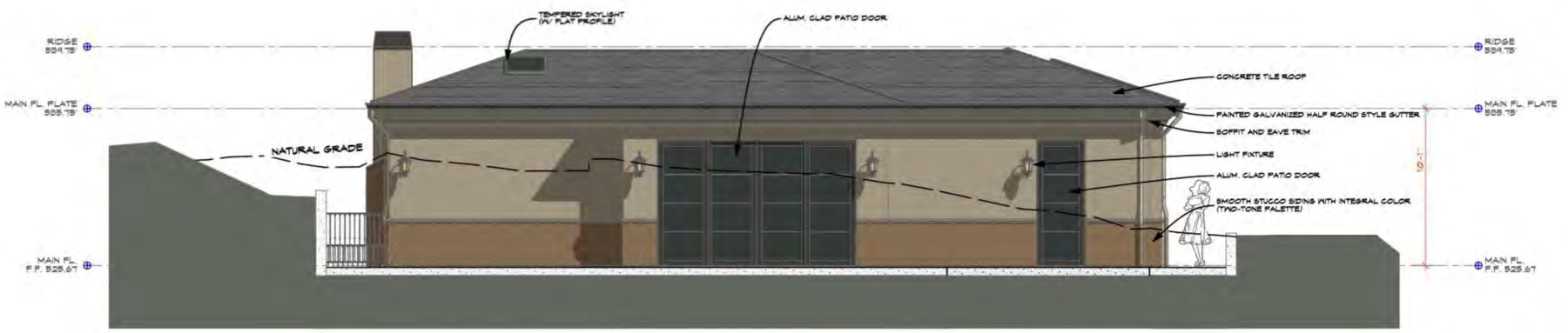
AVERAGE LRV CALCULATIONS

SCALE: 1:0.67




WEST (RIGHT) ELEVATION

SCALE: 1/4" = 1'-0"




SOUTH (REAR) ELEVATION

SCALE: 1/4" = 1'-0"

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**ELEVATIONS**

DATE: 11/08/22

SCALE: AS SHOWN

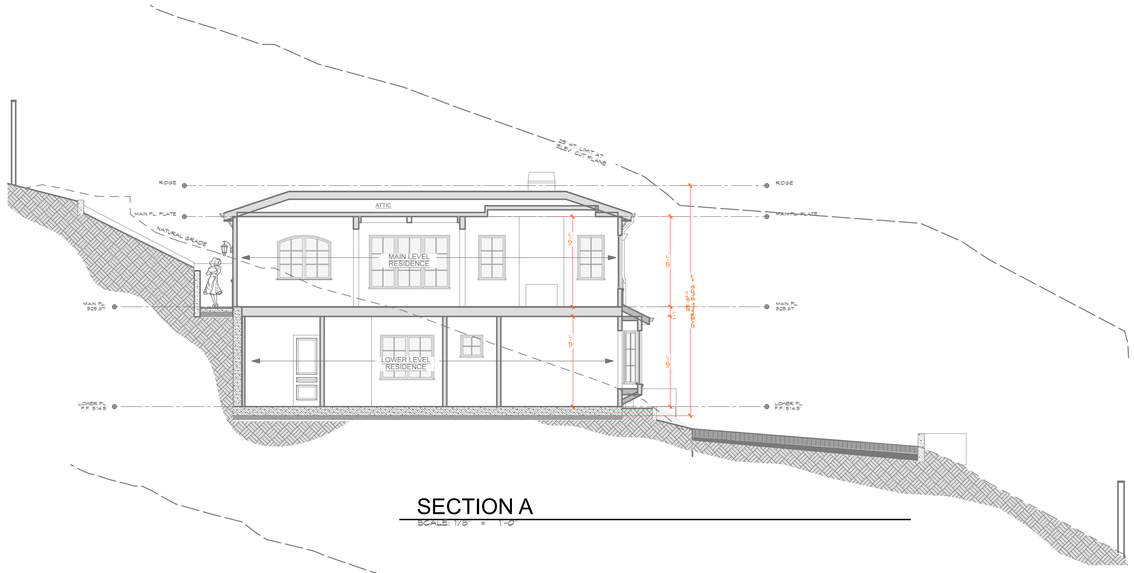
SHEET

A-10

10 OF -

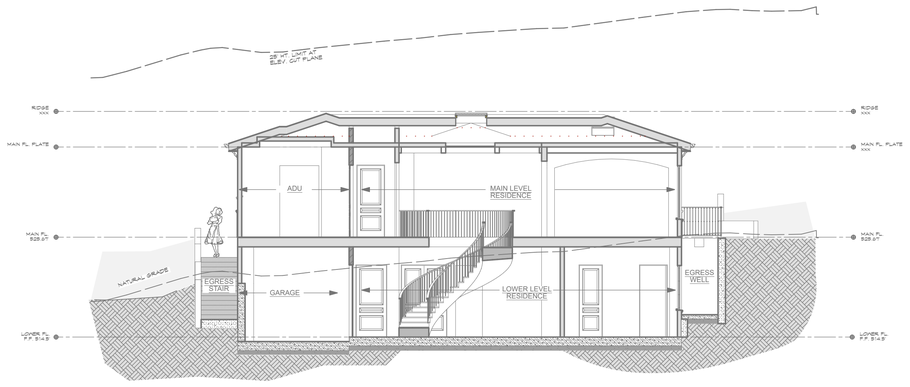
SECTION D

SCALE: 1/8" = 1'-0"



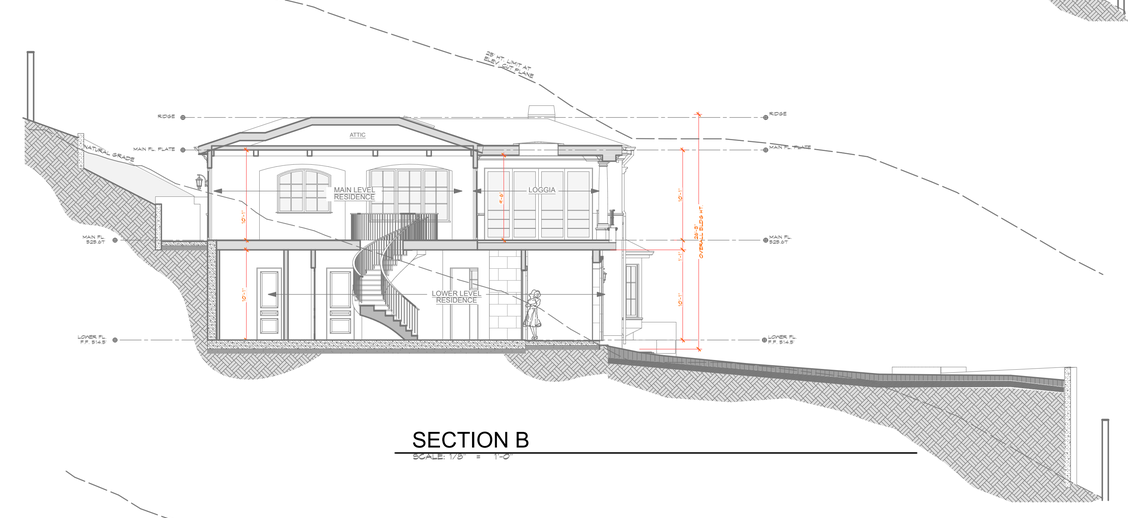

SECTION A

SCALE: 1/8" = 1'-0"



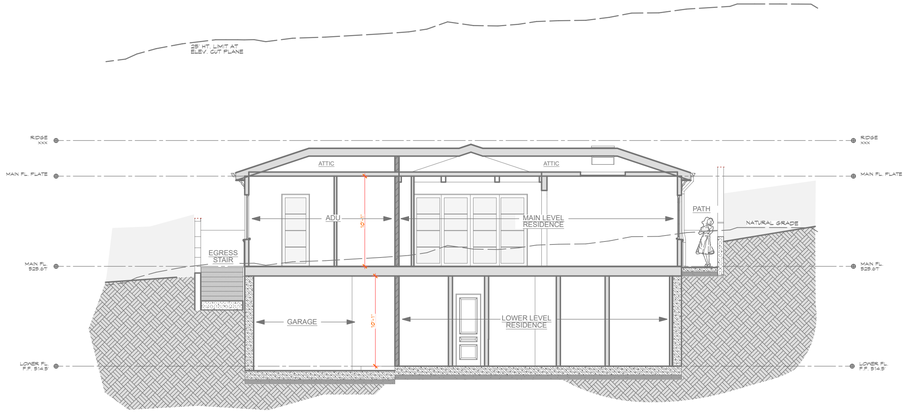

SECTION E

SCALE: 1/8" = 1'-0"



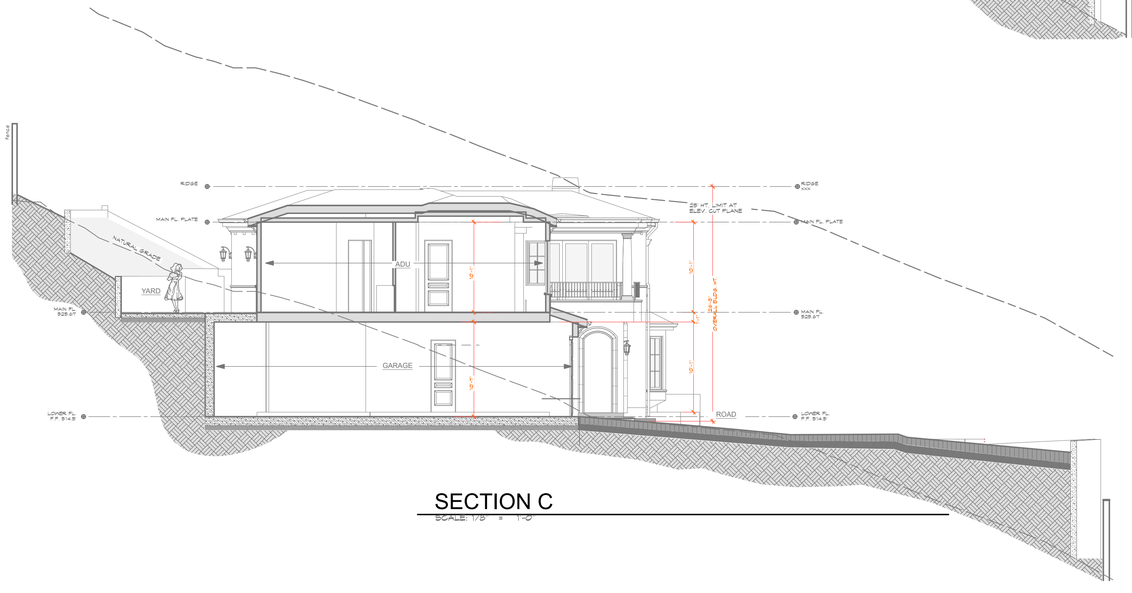

SECTION B

SCALE: 1/8" = 1'-0"




SECTION F

SCALE: 1/8" = 1'-0"




SECTION C

SCALE: 1/8" = 1'-0"

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

**SECTIONS**

DATE: 11/08/22

SCALE: AS SHOWN

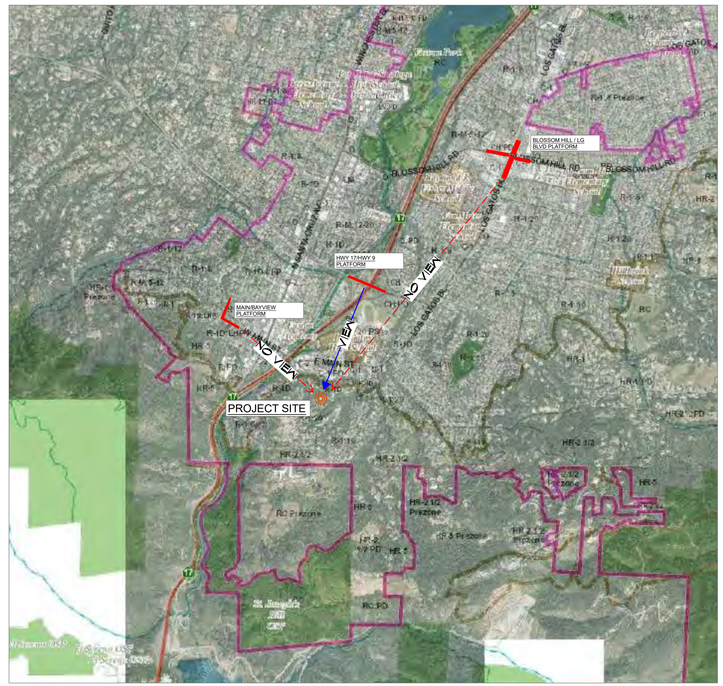
SHEET

A-11

11 OF -

PHOTO TAKEN WITH 50MM LENS

REPRESENT THE VISIBILITY OF THE PROPOSED RESIDENCE FROM THE NAKED EYE




MAP

SHOWING PROJECT SITE IN RELATIONSHIP TO VIEWING PLATFORMS

N

PHOTO TAKEN WITH 300MM LENS

REPRESENT AN UP-CLOSE PERSPECTIVE TO IDENTIFY VISIBLE STORY POLES, NETTING, TREES AND/OR SHRUBBERY.

## REQUIREMENT

CONDUCT A VISIBILITY ANALYSIS AS REQUIRED BY THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES FOR PROJECTS WITH THE POTENTIAL FOR BEING VISIBLE FROM ANY ESTABLISHED VIEWING AREA.

## OBSERVATION LOCATIONS

| | |
|---|---|
| BLOSSOM HILL/LG BLVD | VERIFIED, NO VIEW TO PROJECT SITE, STRUCTURE NOT VISIBLE |
| MAIN & BAYVIEW | VERIFIED, NO VIEW TO PROJECT SITE, STRUCTURE NOT VISIBLE |
| SELINDA WAY & LG ALMADEN ROAD | TOO FAR, NO VIEW TO PROJECT SITE |
| HWY 17 & HWY 9 | VIEW TO PROJECT SITE, SEE ANALYSIS BELOW |

## METHOD

1. USING PRELIMINARY PARTIAL STORY POLES* AND ORANGE NETTING TO CALL OUT CRITICAL HEIGHTS AND BUILDING CORNERS.

2. PHOTOGRAPHS OF THE STORY POLES WERE TAKEN USING 50MM AND 300MM LENSES.

3. SEE PHOTOS FOR RESULTS AND ANALYSIS.

* CERTIFIED, COMPLETE STORY POLES COMPLIANT TO TOWN'S STANDARDS WILL BE INSTALLED AT LATER DATE.

## ANALYSIS RESULTS

3 OUT OF 4 ELEVATIONS OF THE PROPOSED HOME ARE NOT VISIBLE TO THE VIEWING PLATFORM.

PART OF THE FRONT ELEVATION IS SHOWN TO BE PARTIALLY VISIBLE TO THE VIEWING PLATFORM. THE RATIO BETWEEN VISIBLE PART VS. NON-VISIBLE PART IS 22 : 78.

ADU PORTION OF THE RESIDENCE IS EXCLUDED FROM THE VISIBILITY CALCULATION.

## PLANNING CONSIDERATIONS TO MINIMIZE VISIBILITY OF PROPOSED HOME

1. MINIMIZE BUILDING WIDTH ON VISIBLE SIDE OF THE LOT.

2.EMPLOY TIERED BUILDING CONFIGURATION, FOLLOWING THE HILLSIDE NATURAL CONTOUR.

3. USE OF AN AVERAGE LRV BELOW 30 FOR EXTERIOR FINISHES INCLUDING: ROOF COVERING, WALL SIDING AND EXTERIOR TRIM.

4. SITE PLANNING TO PRESERVE EXISTING MATURE TREES, WHICH PROVIDE SUBSTANTIAL SCREENING OF HOME.

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

# THE AGAHIAN RESIDENCE

45 RESERVOIR ROAD LOS GATOS, CA 95030

**VISIBILITY STUDY**

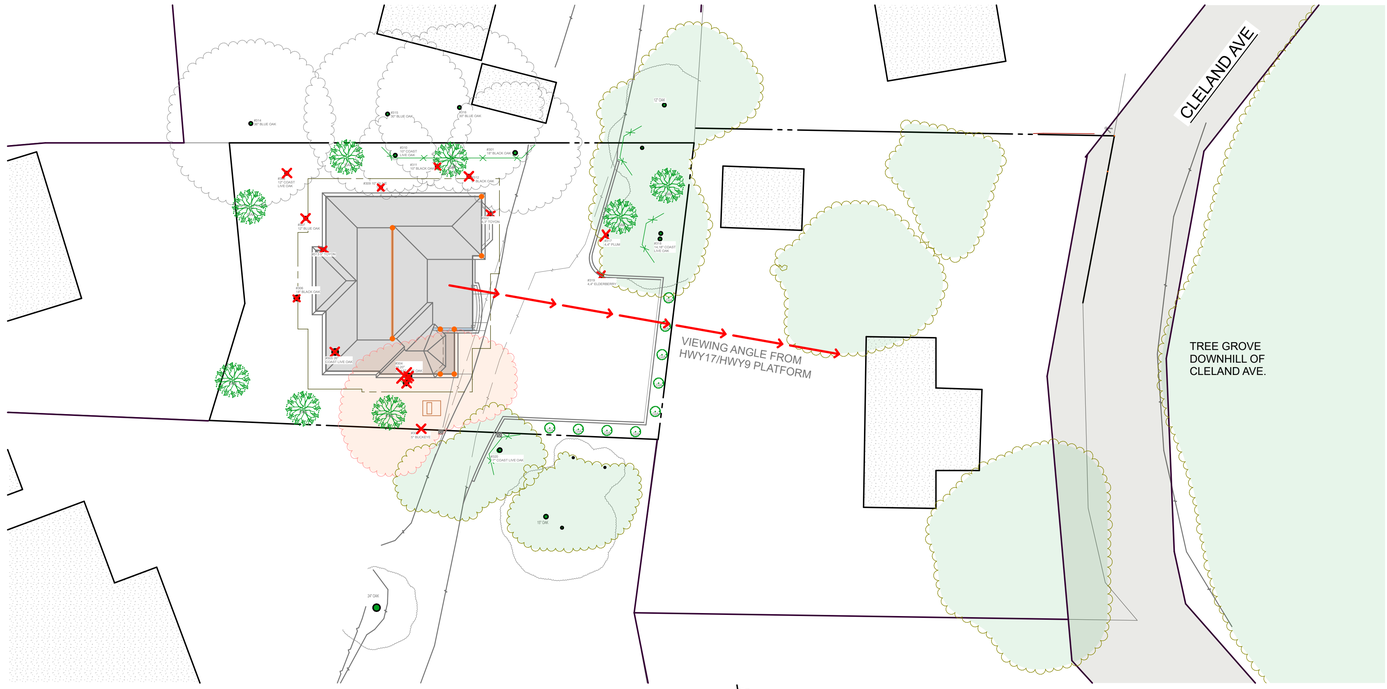
DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-12

12 OF -




SITE PLAN
SCALE: 1" = 20'

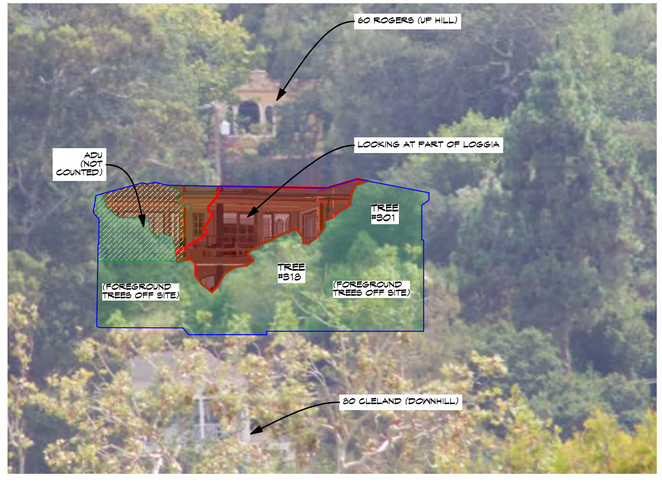
ANALYSIS RESULT:
RED SHADED AREA INDICATED VISIBLE AREA.

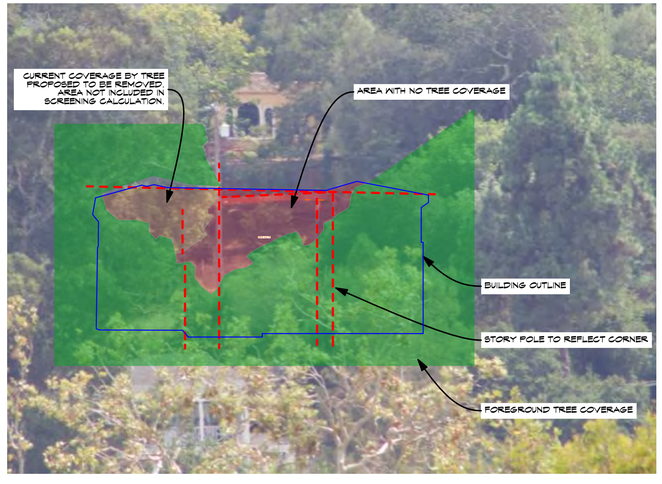
ORANGE AREA INDICATES AREA NOW VISIBLE DUE TO TREE REMOVAL.

(ADU EXCLUDED FROM CALCULATIONS)

THE TOTAL VISIBLE PART EQUALS TO 22% OF THE ELEVATION.

NO OTHER SIDE OF THE HOUSE IS VISIBLE.




TREE COVERAGE AND BUILDING VISIBILITY ANALYSIS

| REVISIONS | |
|---|---|
| REV | 5.7.25 |
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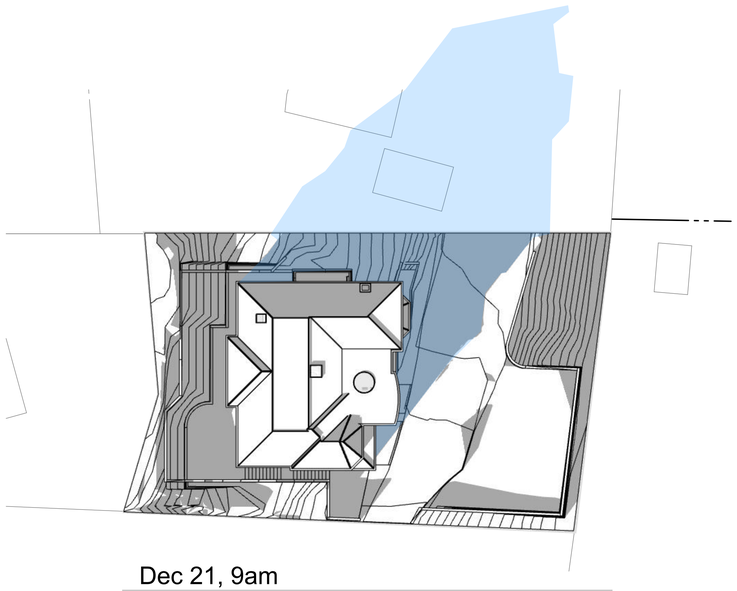
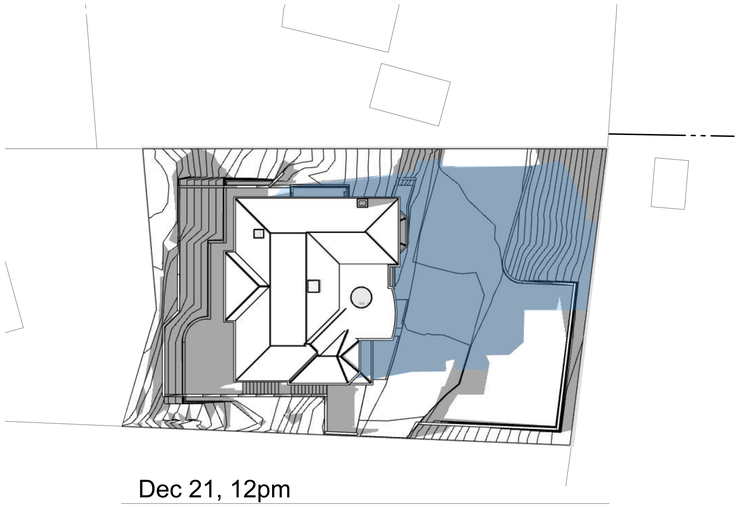
ARCHITECTURE AND SITE APPLICATION FOR
**THE AGAHIAN RESIDENCE**
45 RESERVOIR ROAD LOS GATOS, CA 95030

**VISIBILITY STUDY**

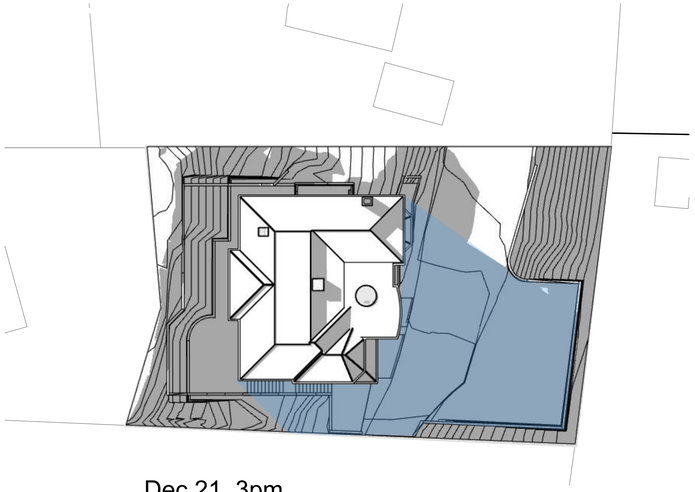
DATE: 11/08/22
SCALE: AS SHOWN
SHEET
A-13
13 OF -



Dec 21, 9am



Dec 21, 12pm

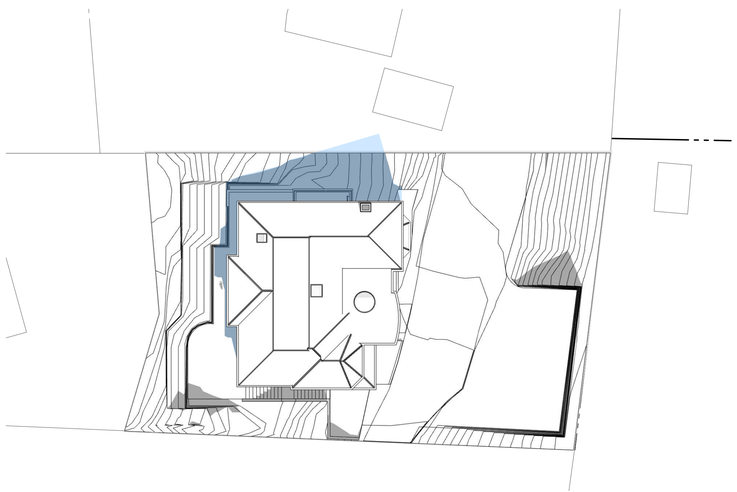


Dec 21, 3pm

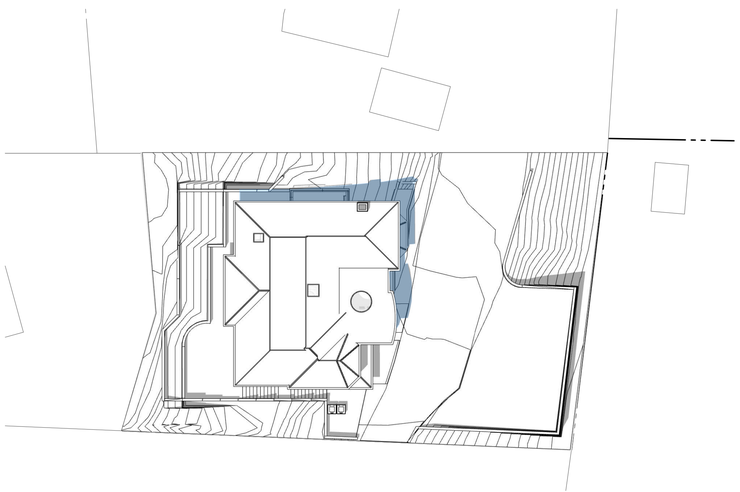
WINTER

BUILDING SHADOWS DURING
SHORTEST (WINTER SOLSTICE) AND
LONGEST (SUMMER SOLSTICE)
DAYLIGHT DAYS

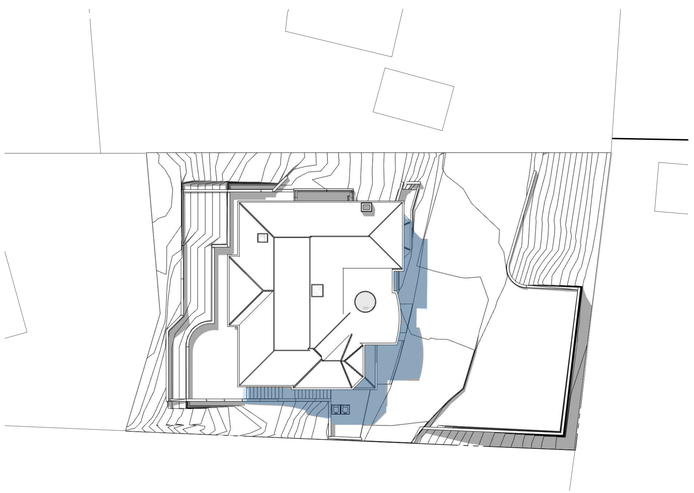
N



June 21, 9am



June 21, 12pm



June 21, 3pm

SUMMER

REVISIONS

| REV | 5.7.25 |
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ARCHITECTURE AND SITE APPLICATION FOR

**THE AGAHIAN RESIDENCE**

45 RESERVOIR ROAD LOS GATOS, CA 95030

**SHADOW STUDIES**

DATE: 11/08/22

SCALE: AS SHOWN

SHEET

A-14

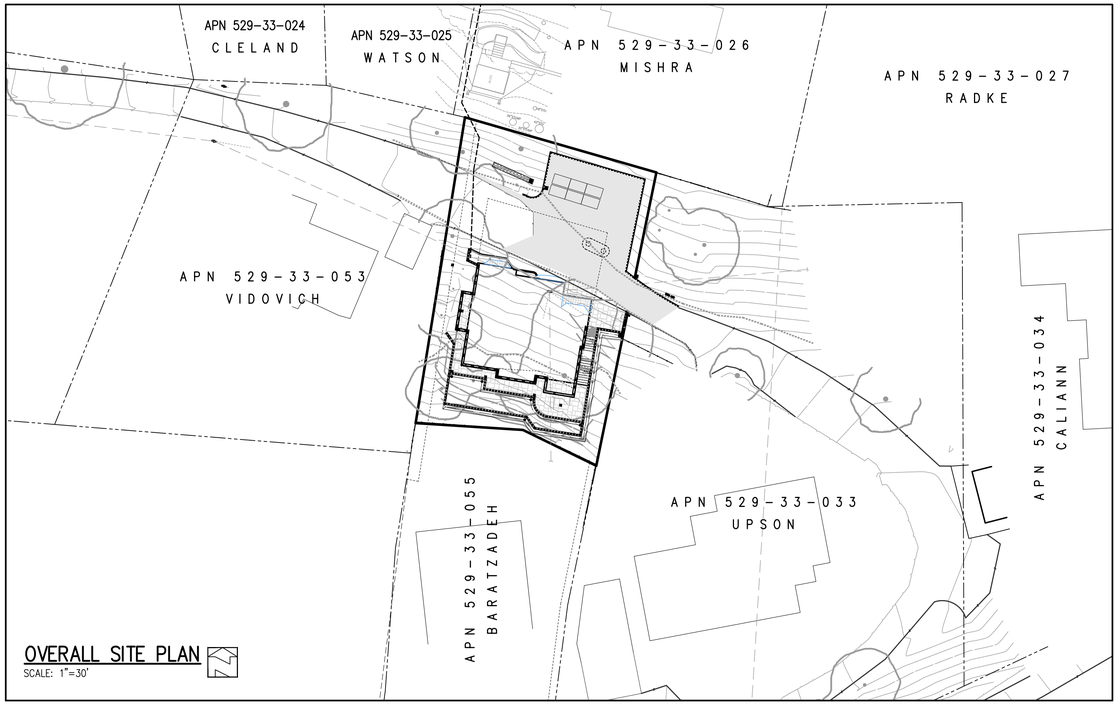
14 OF -

PLAN FOR THE IMPROVEMENT OF

# GRADING & DRAINAGE PLANS

TOWN OF LOS GATOS

ARCHITECTURAL & SITE APPLICATION NO. S-22-048




OVERALL SITE PLAN

SCALE: 1"=30'

VICINITY MAP

## SHEET INDEX


1. TOWN NOTES, PROJECT DATA, LEGEND & ABBREVIATIONS
2. BLUEPRINT FOR A CLEAN BAY SHEET
3. EXISTING TOPOGRAPHY AND DEMOLITION PLAN
4. GRADING & DRAINAGE PLAN
5-6. UTILITY PLAN
7. CROSS SECTIONS & DETAILS
8. EROSION CONTROL PLAN


### GRADING QUANTITIES

| SITE ELEMENT | CUT | FILL | HEIGHT |
|---|---|---|---|
| RESIDENCE | 834± C.Y. | 0± C.Y. | 18.2'±/0'± |
| DRIVEWAY | 15± C.Y. | 283± C.Y. | 1.0'±/15.5'± |
| YARD | 289± C.Y. | 339± C.Y. | 8.9'±/15.4'± |
| TOTAL | 1,138± C.Y. | 622± C.Y. | |

### TABLE OF PROPOSED PERVIOUS AND IMPERVIOUS AREAS

| TOTAL SITE AREA: 9,973 SF | TOTAL SITE AREA DISTURBED: 8,188 SF *(INCLUDING CLEARING, GRADING OR EXCAVATING)* | | | |
|---|---|---|---|---|
| | EXISTING AREA (SF) | PROPOSED AREA (SF) | | TOTAL AREA POST-PROJECT (SF) |
| | | REPLACED | NEW | |
| IMPERVIOUS AREA | 3,884 SF | 3,884 SF | 2,575 SF | 6,459 SF |
| TOTAL NEW & REPLACED IMPERVIOUS AREA | | 6,459 SF | | |
| PERVIOUS AREA | 6,089 SF | 3,514 SF | | 3,514 SF |

### TOWN OF LOS GATOS STANDARD PUBLIC IMPROVEMENT NOTES

1. ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH THE FOLLOWING:
   a. TOWN OF LOS GATOS ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS (UNLESS SPECIFICALLY STATED OTHERWISE ON THE PLANS).
   b. ALL TOWN OF LOS GATOS CONDITIONS OF APPROVAL RELATED TO THE PROJECT.
   c. THESE PLANS AND DETAILS.
   d. RECOMMENDATIONS OF THE PROJECT SOILS INVESTIGATION
   SOILS ENGINEER C2EARTH, INC.
   REFERENCE REPORT NO. 22118C-01R1, DATED 01-20-23
   LETTER NO. _____, DATED _____, SHALL BE THOROUGHLY COMPLIED WITH. BOTH THE MENTIONED REPORT AND ALL UPDATES/ADDENDUMS/LETTERS ARE HEREBY APPENDED AND MADE A PART OF THESE PLANS.
2. NO WORK MAY BE STARTED ON-SITE WITHOUT AN APPROVED GRADING PLAN AND A GRADING PERMIT ISSUED BY THE TOWN OF LOS GATOS, PARKS AND PUBLIC WORKS DEPARTMENT LOCATED AT 41 MILES AVENUE, LOS GATOS, CA 95030.
3. A PRE-JOB MEETING SHALL BE HELD WITH THE TOWN ENGINEERING INSPECTOR FROM THE PARKS AND PUBLIC WORKS DEPARTMENT PRIOR TO ANY WORK BEING DONE. THE CONTRACTOR SHALL CALL THE INSPECTIONS LINE AT (408) 399-5771 AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO ANY GRADING OR ONSITE WORK. THIS MEETING SHOULD INCLUDE:
   a. A DISCUSSION OF THE PROJECT CONDITIONS OF APPROVAL, WORKING HOURS, SITE MAINTENANCE AND OTHER CONSTRUCTION MATTERS;
   b. ACKNOWLEDGEMENT IN WRITING THAT CONTRACTOR AND APPLICANT 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.
4. APPROVAL OF PLANS DOES NOT RELEASE THE DEVELOPER OF THE RESPONSIBILITY FOR THE CORRECTION OF MISTAKES, ERRORS, OR OMISSIONS CONTAINED THEREIN. IF, DURING THE COURSE OF CONSTRUCTION OF THE IMPROVEMENTS, PUBLIC INTEREST AND SAFETY REQUIRES A MODIFICATION OR DEPARTURE FROM THE TOWN SPECIFICATIONS OR THESE IMPROVEMENT PLANS, THE TOWN ENGINEER SHALL HAVE FULL AUTHORITY TO REQUIRE SUCH MODIFICATION OR DEPARTURE AND TO SPECIFY THE MANNER IN WHICH THE SAME IS TO BE MADE.
5. APPROVAL OF THIS PLAN APPLIES ONLY TO THE GRADING, EXCAVATION, PLACEMENT, AND COMPACTION OF NATURAL EARTH MATERIALS. THIS APPROVAL DOES NOT CONFER ANY RIGHTS OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS AND DOES NOT CONSTITUTE APPROVAL OF ANY OTHER IMPROVEMENTS.
6. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR CONTRACTOR TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES. PERMITTEE OR CONTRACTOR SHALL NOTIFY USA (UNDERGROUND SERVICE ALERT) AT 1-800-227-2600 A MINIMUM OF FORTY-EIGHT (48) HOURS BUT NOT MORE THAN FOURTEEN (14) DAYS PRIOR TO COMMENCING ALL WORK.
7. ALL WORK SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
8. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL LAWS, CODES, RULES AND REGULATIONS GOVERNING THE WORK IDENTIFIED ON THESE PLANS. THESE SHALL INCLUDE, WITHOUT LIMITATION, SAFETY AND HEALTH RULES AND REGULATIONS ESTABLISHED BY OR PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OR ANY OTHER APPLICABLE PUBLIC AUTHORITY.
9. THE GENERAL CONTRACTOR SHALL PROVIDE QUALIFIED SUPERVISION ON THE JOB SITE AT ALL TIMES DURING CONSTRUCTION.
10. CONTRACTOR SHALL EXERCISE ALL NECESSARY CAUTION TO AVOID DAMAGE TO ANY EXISTING TREES, SURFACE IMPROVEMENTS, DRAINAGE, WATER, SEWER, ELECTRICAL OR TELECOMMUNICATION FACILITIES WHETHER ABOVE GROUND OR UNDERGROUND. CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE THERETO.
11. HORIZONTAL AND VERTICAL CONTROLS SHALL BE SET AND CERTIFIED BY A LICENSED SURVEYOR OR REGISTERED CIVIL ENGINEER QUALIFIED TO PRACTICE LAND SURVEYING.
12. DURING CONSTRUCTION, ALL APPLICABLE WORK (SUBGRADE, PAVING, ETC.) SHALL BE INSPECTED BY THE APPLICANT'S SOILS ENGINEER. THE ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING SUCH WORK. THE ENGINEER SHALL BE ON-SITE TO VERIFY CONDITIONS AS REQUIRED IN HIS REPORT. SHOULD ANY CHANGES TO THE REPORT RECOMMENDATIONS BE NECESSARY, TOWN APPROVAL SHALL BE OBTAINED PRIOR TO ANY ASSOCIATED WORK.
13. THE RESULTS OF THE CONSTRUCTION OBSERVATION AND TESTING SHALL BE DOCUMENTED IN AN "AS-BUILT" LETTER/REPORT PREPARED BY THE APPLICANTS' SOILS ENGINEER AND SUBMITTED FOR THE TOWN'S REVIEW AND ACCEPTANCE BEFORE FINAL RELEASE OF ANY OCCUPANCY PERMIT IS GRANTED.
14. ALL PRIVATE AND PUBLIC STREETS ACCESSING PROJECT SITE SHALL BE KEPT OPEN AND IN A SAFE, DRIVABLE CONDITION THROUGHOUT CONSTRUCTION. IF TEMPORARY CLOSURE IS NEEDED, THEN FORMAL WRITTEN NOTICE TO THE ADJACENT NEIGHBORS AND THE TOWN OF LOS GATOS PARKS AND PUBLIC WORKS DEPARTMENT SHALL BE PROVIDED AT LEAST ONE WEEK IN ADVANCE OF CLOSURE, AND NO CLOSURE SHALL BE GRANTED WITHOUT THE EXPRESS WRITTEN APPROVAL OF THE TOWN. NO MATERIAL OR EQUIPMENT SHALL BE STORED IN THE PUBLIC OR PRIVATE RIGHT-OF-WAY.
15. THE CONTRACTOR SHALL INSTALL AND MAINTAIN FENCES, BARRIERS, LIGHTS AND SIGNS THAT ARE NECESSARY TO GIVE ADEQUATE WARNING AND PROTECTION TO THE PUBLIC AT ALL TIMES.
16. OWNER/APPLICANT: FARNAZ AGAHIAN PHONE: 408-234-5780
17. GENERAL CONTRACTOR: _____ PHONE: _____
18. A TOWN ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY. A STATE ENCROACHMENT PERMIT IS REQUIRED FOR ANY WORK WITHIN STATE RIGHT-OF-WAY (IF APPLICABLE). THE PERMITTEE AND/OR CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING INSPECTION PERFORMED BY OTHER GOVERNMENTAL AGENCIES.
19. 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. THE ADJACENT PUBLIC RIGHT-OF-WAY SHALL BE KEPT CLEAR OF ALL JOB RELATED DIRT AND DEBRIS AT THE END OF THE DAY. FAILURE TO MAINTAIN THE PUBLIC RIGHT-OF-WAY ACCORDING TO THIS CONDITION MAY RESULT IN PENALTIES AND/OR THE TOWN PERFORMING THE REQUIRED MAINTENANCE AT THE DEVELOPER'S EXPENSE.

### TOWN OF LOS GATOS NPDES NOTES

1. SEDIMENT FROM AREAS DISTURBED BY CONSTRUCTION SHALL BE RETAINED ON SITE USING STRUCTURAL CONTROLS AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
2. STOCKPILES OF SOIL SHALL BE PROPERLY CONTAINED TO MINIMIZE SEDIMENT TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES OR ADJACENT PROPERTIES VIA RUNOFF, VEHICLE TRACKING, OR WIND AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
3. APPROPRIATE BEST MANAGEMENT PRACTICES (BMPS) FOR CONSTRUCTION-RELATED MATERIALS, WASTES, SPILL OR RESIDES SHALL BE IMPLEMENTED TO MINIMIZE TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES, OR ADJOINING PROPERTY BY WIND OR RUNOFF AS REQUIRED BY THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT.
4. RUNOFF FROM EQUIPMENT AND VEHICLE WASHING SHALL BE CONTAINED AT CONSTRUCTION SITES AND MUST NOT BE DISCHARGED TO RECEIVING WATERS OR TO THE LOCAL STORM DRAIN SYSTEM.
5. ALL CONSTRUCTION CONTRACTOR AND SUBCONTRACTOR PERSONNEL ARE TO BE MADE AWARE OF THE REQUIRED BEST MANAGEMENT PRACTICES (BMPS) AND GOOD HOUSEKEEPING MEASURES FOR THE PROJECT SITE AND ANY ASSOCIATED CONSTRUCTION STAGING AREAS.
6. AT THE END OF EACH DAY OF CONSTRUCTION ACTIVITY, ALL CONSTRUCTION DEBRIS AND WASTE MATERIALS SHALL BE COLLECTED AND PROPERLY DISPOSED IN TRASH OR RECYCLE BINS.
7. CONSTRUCTION SITES SHALL BE MAINTAINED IN SUCH A CONDITION THAT A STORM DOES NOT CARRY WASTE OR POLLUTANTS OFF OF THE SITE. DISCHARGES OF MATERIAL OTHER THAN STORMWATER (NON-STORMWATER DISCHARGES) ARE PROHIBITED EXCEPT AS AUTHORIZED BY AN INDIVIDUAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT OR THE STATEWIDE GENERAL CONSTRUCTION STORMWATER PERMIT. POTENTIAL POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEALANTS, SOLVENTS, DETERGENTS, GLUES, LIME, PESTICIDES, HERBICIDES, FERTILIZERS, WOOD PRESERVATIVES AND ASBESTOS FIBERS, PAINT FLAKES OR STUCCO FRAGMENTS; FUELS, OILS, LUBRICANTS, AND HYDRAULIC, RADIATOR OR BATTERY FLUIDS; CONCRETE AND RELATED CUTTING OR CURING RESIDUES; FLOATABLE WASTES; WASTES FROM ENGINE/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGREASING; WASTES FROM STREET CLEANING; AND SUPERCHLORINATED POTABLE WATER FROM LINE FLUSHING AND TESTING. DURING CONSTRUCTION, DISPOSAL OF SUCH MATERIALS SHOULD OCCUR IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE PHYSICALLY SEPARATED FROM POTENTIAL STORMWATER RUNOFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS.
8. DISCHARGING CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING GROUNDWATER THAT HAS INFILTRATED INTO THE CONSTRUCTION SITE IS PROHIBITED. DISCHARGING OF CONTAMINATED SOILS VIA SURFACE EROSION IS ALSO PROHIBITED. DISCHARGING NON-CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING ACTIVITIES REQUIRES A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD.

**NOTE:**

WHERE THE FIRM OF HANNA & BRUNETTI DOES NOT PROVIDE CONSTRUCTION STAKES, SAID FIRM WILL ASSUME NO RESPONSIBILITY WHATSOEVER FOR IMPROVEMENTS CONSTRUCTED THEREFROM.

**NOTE TO CONTRACTOR**

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

**NOTE:**

ADVANCE NOTICE SHALL BE PROVIDED TO NEIGHBORING PROPERTY OWNERS AND SCHOOLS OF HEAVY CONSTRUCTION ACTIVITIES AND HEAVY CONSTRUCTION SHALL NOT START BEFORE 8:30 AM ON DAYS WHEN SCHOOLS ARE IN SESSION. NO CONSTRUCTION IS ALLOWED ON SUNDAYS.

### ABBREVIATIONS

| | |
|---|---|
| AB | AGGREGATE BASE |
| AC | ASPHALT CONCRETE |
| AD | AREA DRAIN |
| ARV | AIR RELEASE VALVE |
| BC | BACK OF CURB |
| BFP | BACKFLOW PREVENTER |
| BW | BOTTOM OF WALL |
| CATV | CABLE TELEVISION |
| CB | CATCH BASIN |
| CFS | CUBIC FEET PER SECOND |
| C/L | CENTERLINE |
| CMP | CORRUGATED METAL PIPE |
| CO | CLEANOUT |
| CY | CUBIC YARD |
| DCVA | DOUBLE CHECK VALVE ASSEMBLY |
| DI | DROP INLET |
| DIA | DIAMETER |
| DIP | DUCTILE IRON PIPE |
| DWY | DRIVEWAY |
| (E) | EAST |
| EG | EXISTING GRADE |
| ELEC | ELECTRICAL |
| EP | EDGE OF PATH |
| EVAE | EMERGENCY VEHICLE ACCESS EASEMENT |
| EX | EXISTING |
| FC | FACE OF CURB |
| FDC | FIRE DEPARTMENT CONNECTION |
| FF | FINISHED FLOOR ELEVATION |
| FG | FINISHED GRADE |
| FH | FIRE HYDRANT |
| FL | FLOW LINE |
| FM | FORCED MAIN |
| FS | FIRE SERVICE |
| FT | FEET |
| G | GAS |
| GA | GAUGE |
| GB | GRADE BREAK |
| GM | GAS METER |
| GS | GAS SERVICE |
| HDPE | HIGH-DENSITY POLYETHYLENE |
| HP | HIGH POINT |
| IEE | INGRESS/EGRESS EASEMENT |
| IN | INCH |
| INV | INVERT ELEVATION |
| LAT | LATERAL |
| LG | LIP OF GUTTER |
| LP | LOW POINT |
| MAX | MAXIMUM |
| MH | MANHOLE |
| MIN | MINIMUM |
| MPH | MILES PER HOUR |
| (N) | NORTH |
| N.T.S. | NOT TO SCALE |
| O.C. | ON CENTER |
| O.D. | OUTSIDE DIAMETER |
| PAD | PAD ELEVATION |
| PCC | PORTLAND CEMENT CONCRETE |
| PERF | PERFORATED |
| PG&E | PACIFIC GAS & ELECTRIC COMPANY |
| PIEE | PRIVATE INGRESS/EGRESS EASEMENT |
| PL | PROPERTY LINE |
| PR | PROPOSED |
| PSDE | PRIVATE STORM DRAIN EASEMENT |
| PSE | PUBLIC SERVICE EASEMENT |
| PSSE | PRIVATE SANITARY SEWER EASEMENT |
| PUE | PUBLIC UTILITY EASEMENT |
| PVC | POLYVINYL CHLORIDE |
| R | RADIUS |
| RCP | REINFORCED CONCRETE PIPE |
| RIM | RIM ELEVATION |
| R/W | RIGHT-OF-WAY |
| (S) | SOUTH |
| S | SLOPE |
| SCC | SANTA CLARA COUNTY |
| SCCFD | SANTA CLARA COUNTY FIRE DEPARTMENT |
| SD | STORM DRAIN |
| SDCO | STORM DRAIN CLEANOUT |
| SDE | STORM DRAIN EASEMENT |
| SDMH | STORM DRAIN MANHOLE |
| SDR | STANDARD DIMENSION RATIO |
| SF | SQUARE FEET |
| SJWC | SAN JOSE WATER COMPANY |
| SS | SANITARY SEWER |
| SSCO | SANITARY SEWER CLEANOUT |
| SSE | SANITARY SEWER EASEMENT |
| SSMH | SANITARY SEWER MANHOLE |
| STD | STANDARD |
| S/W | SIDEWALK |
| TC | TOP OF CURB |
| TELE | TELEPHONE |
| TLG | TOWN OF LOS GATOS |
| TW | TOP OF WALL |
| TYP | TYPICAL |
| VCP | VITRIFIED CLAY PIPE |
| (W) | WEST |
| W | WATER |
| WM | WATER METER |
| WS | WATER SERVICE |
| WV | WATER VALVE |
| WVSD | WEST VALLEY SANITATION DISTRICT |
| XING | CROSSING |

REGISTERED PROFESSIONAL ENGINEER ★ MARINA J. MUSY-VERDEL ★ NO. 69278 EXP. 6-30-_____ CIVIL ★ STATE OF CALIFORNIA

| | |
|---|---|
| DATE: | APRIL 28, 2025 |
| SCALE: | AS SHOWN |
| DESIGN: | AM |
| DRAWN: | TM |
| CHECK: | XX |
| ENGR: | AM |
| PROJECT NO.: | 23067 |

PLAN FOR THE IMPROVEMENT OF

LANDS OF AGAHIAN - 45 RESERVOIR DRIVE

APN 529-33-054

COVER SHEET

ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT

TOWN OF LOS GATOS


HANNA-BRUNETTI EST. 1950

CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS

7951 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL- ENGINEERING @ HANNABRUNETTI.COM

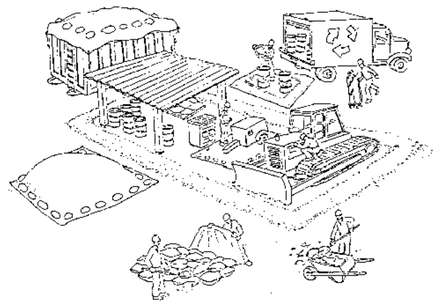

| DATE | BY | REVISIONS |
|---|---|---|
| | | |

SHEET 1 OF 8

JOB NO. 23067


CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

# Pollution Prevention — It's Part of the Plan



## Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

## Materials storage & spill cleanup

### Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

### Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

### Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc. ) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

## Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

## Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use hay bales, silt fences, or other control measures to minimize the flow of silt off the site.

- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place hay bales down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.
- ✓ Manage disposal of contaminated soil according to Fire Department instructions.

## Dewatering operations

- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

## Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, hay bales, sand bags, or fine gravel dams to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

## Paving/asphalt work

- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

## Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.

- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

## Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

BASMAA Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

**Storm drain polluters may be liable for fines of up to $10,000 per day!**

REV.: SEPT. 2016

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

REGISTERED PROFESSIONAL ENGINEER ★ AMANDA J. MUSY-VERDEL ★ NO. 69278 ★ EXP. 6-30- CIVIL ★ STATE OF CALIFORNIA

DATE: APRIL 28, 2025
SCALE: NONE
DESIGN: AM
DRAWN: TM
CHECK: XX
ENGR: AM
PROJECT NO.: 23067

GRADING & DRAINAGE PLANS
LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
BLUEPRINT FOR A CLEAN BAY
ARCHITECTURAL & SITE APPLICATION NO. S-22-048
PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI EST. 1910
CIVIL ENGINEERS - LAND SURVEYORS
CONSTRUCTION MANAGERS
7661 EAGLEBERRY STREET - GILROY - 95020 - CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM

| BY | DATE |
|---|---|
| | |

REVISIONS



JOB NO. 23067

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.




## EXISTING TREE PROTECTION DETAILS

1. PRIOR TO THE COMMENCEMENT OF ANY GRADING, TREE PROTECTIVE FENCING SHALL BE IN PLACE IN ACCORDANCE WITH THE TREE PRESERVATION PLAN AND INSPECTED BY A CERTIFIED ARBORIST. THE ARBORIST SHALL MONITOR CONSTRUCTION ACTIVITY TO ENSURE THAT THE TREE PROTECTION MEASURES ARE IMPLEMENTED AND ADHERED TO DURING CONSTRUCTION. THIS CONDITION SHALL BE INCORPORATED INTO THE GRADING PLANS.
2. FENCE SHALL BE MINIMUM 5 FEET TALL CONSTRUCTED OF STURDY MATERIAL (CHAIN-LINK OR EQUIVALENT STRENGTH/ DURABILITY).
3. FENCE SHALL BE SUPPORTED BY VERTICAL POSTS DRIVEN 2 FEET (MIN) INTO THE GROUND AND SPACED NOT MORE THAN 10 FEET APART.
4. TREE FENCING SHALL BE MAINTAINED THROUGHOUT THE SITE DURING THE CONSTRUCTION PERIOD, INSPECTED PERIODICALLY FOR DAMAGE AND PROPER FUNCTION, REPAIRED AS NECESSARY TO PROVIDE A PHYSICAL BARRIER FROM CONSTRUCTION ACTIVITIES, AND REMAIN IN PLACE UNTIL THE FINAL INSPECTION.
5. A SIGN THAT INCLUDES THE WORDS, "WARNING: TREE PROTECTION ZONE - THIS FENCE SHALL NOT BE REMOVED AND IS SUBJECT TO PENALTY ACCORDING TO TOWN CODE 29.10.1025," SHALL BE SECURELY ATTACHED TO THE FENCE IN A VISUALLY PROMINENT LOCATION.

GRAPHIC SCALE

20 0 10 20 40 80

( IN FEET )
1 inch = 20 ft.

DEMOLITION NOTES:

1. EXISTING WALLS TO BE REMOVED & DISPOSED.
2. EXISTING STRUCTURES TO BE REMOVED & DISPOSED.
3. EXISTING UTILITY POLE TO BE RELOCATED BY "OTHERS".
4. EXISTING TREES TO BE REMOVED (PER PLAN)

## BENCHMARK:

BENCHMARK ID: LG36
ELEVATION: 384.56 FEET
ORGANIZATION: TOWN OF LOS GATOS

DESCRIPTION:
INTERSECTION OF EAST MAIN STREET AND CHURCH STREET

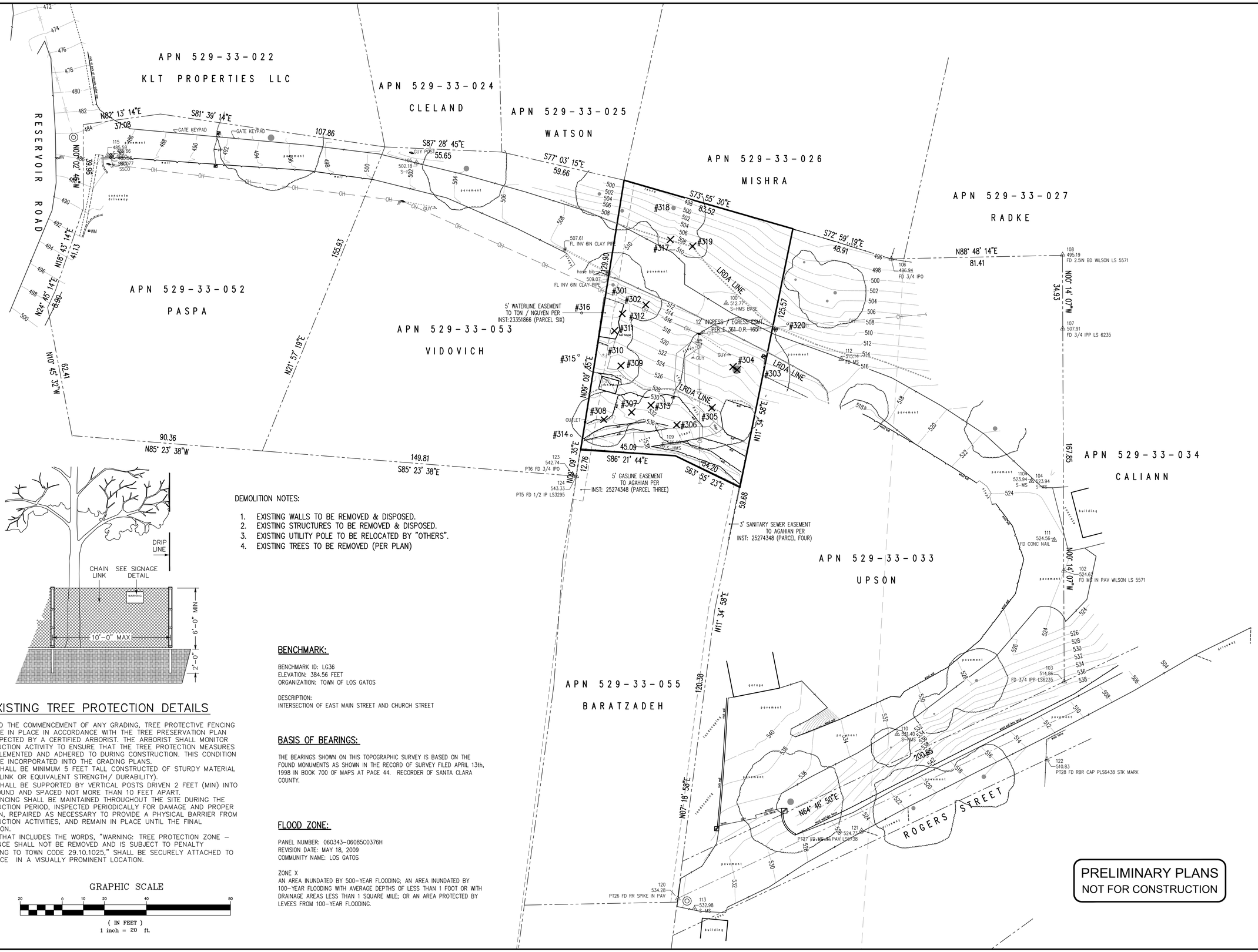
## BASIS OF BEARINGS:

THE BEARINGS SHOWN ON THIS TOPOGRAPHIC SURVEY IS BASED ON THE FOUND MONUMENTS AS SHOWN IN THE RECORD OF SURVEY FILED APRIL 13th, 1998 IN BOOK 700 OF MAPS AT PAGE 44. RECORDER OF SANTA CLARA COUNTY.

## FLOOD ZONE:

PANEL NUMBER: 060343-06085C0376H
REVISION DATE: MAY 18, 2009
COMMUNITY NAME: LOS GATOS

ZONE X
AN AREA INUNDATED BY 500-YEAR FLOODING; AN AREA INUNDATED BY 100-YEAR FLOODING WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; OR AN AREA PROTECTED BY LEVEES FROM 100-YEAR FLOODING.




PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER * VINNIE MUSY-VERDEL * NO. 69278 EXP. 6-30- CIVIL * STATE OF CALIFORNIA

| | |
|---|---|
| DATE: | APRIL 28, 2025 |
| SCALE: | 1"=20' |
| DESIGN: | AM |
| DRAWN: | TM |
| CHECK: | XX |
| ENGR: | AM |
| PROJECT NO.: | 23067 |

PLAN FOR THE IMPROVEMENT OF

# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE

APN 529-33-054

## EXISTING TOPOGRAPHIC SURVEY AND DEMOLITION PLAN

ARCHITECTURAL & SITE APPLICATION NO. S-22-048

TOWN OF LOS GATOS

PARKS AND PUBLIC WORKS DEPARTMENT


HANNA-BRUNETTI
EST. 1970
CIVIL ENGINEERS - LAND SURVEYORS
CONSTRUCTION MANAGERS
765 EDGEBERRY STREET - GILROY - 95020 - CALIFORNIA
OFFICE (408) 842-2173
EMAIL ENGINEERING @ HANNABRUNETTI.COM


| DATE | BY | REVISIONS |
|---|---|---|
| | | |

SHEET 3 OF 8

REV.: DEC. 2015

JOB NO. 23067

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

REV.: DEC. 2015

N09° 09' 35"E 12.76

N09° 09' 35"E 129.90

5.0' WATERLINE EASEMENT TO TON / NGUYEN PER INST: 23351866 (PARCEL SIX)

PROPOSED 10.0' PG&E EASEMENT

PROPOSED 5.0' WIDE WATER LINE EASEMENT

PROVIDE ROCK LINED DITCH (GRADE TO DRAIN TO DROP INLET)

2:1 SLOPE OR FLATTER TYPICAL

CONSTRUCT RETAINING WALL

PAVER WALKWAY

GRADE TO DRAIN

OVERLAND RELEASE PATH, TYP.

S86° 21' 44"E 45.09

S63° 55' 21"E 34.20

CONSTRUCT CONCRETE LINED DITCH

EX. 3.0' WIDE SANITARY SEWER EASEMENT TO AGAHIAN PER INST: 25274348 (PARCEL FOUR)

PROPOSED 10.0' PG&E EASEMENT

25' BUILDING SETBACK

LRDA LINE

15' BUILDING SETBACK

30' BUILDING SETBACK

HOUSE
FF 525.67 (UPPER FLOOR)
FF 514.5 (LOWER FLOOR)
PAD 513.5 (LOWER FLOOR)

UPPER LEVEL FF 525.67
LOWER LEVEL FF 514.5
GARAGE FF 514.0

GARAGE
FF 514.0
PAD 513.0

LIGHTWELL TO LOWER FLOOR ELEV 514.5

BAY WINDOW TO LOWER FLOOR ELEV 514.5

EX TREE TO BE REMOVED TYPICAL

EX UTILITY POLE AND LINES (BOTH O/H AND U/G) TO BE RELOCATED 'BY OTHERS'

PROPOSED DRIVEWAY PAVER SURFACE

PROPOSED DRIVEWAY ASPHALT OVER BASEROCK MATCH EXISTING SECTION

PROPOSED PARKING AREA 8.5'x18'

CONFORM TO EXISTING PAVEMENT

2' WIDE x 18" LONG ROCK LINED SWALE

PROVIDE TREE PROTECTION PER DETAIL; TYPICAL

PROVIDE SIGN "NO PARKING FIRE TRUCK TURNAROUND LOCATION"

PROVIDE GUARDRAIL PER DETAIL A-5

PROPOSED UTILITY POLE

PROVIDE 6" HIGH CONCRETE CURB ON TOP OF WALL

NEW FENCE ALONG PROPERTY LINE

PROVIDE WEEP HOLES ALONG THE LENGTH OF RETAINING WALL WITH 10-FOOT SPACING

CONSTRUCT RETAINING WALL

CONFORM TO EXISTING PAVEMENT

PROPOSED 10.0' PG&E EASEMENT

(P) TRANSFORMER PAD AND BOLLARDS BY OTHER

PAVER WALKWAY

MODIFIED FIRE TRUCK TURNAROUND AREA

EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS. LOCATION MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AT LEAST 2 WORKING DAYS IN ADVANCE OF CONSTRUCTION TO FIELD LOCATE UTILITIES. CALL UNDERGROUND SERVICE ALERT (U.S.A.), AT 1-800-642-2444. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF UTILITIES SHOWN ON THESE PLANS, INDICATED IN THE FIELD BY LOCATING SERVICES, OR EVIDENCE BY FACILITIES VISIBLE AT OR ADJACENT TO THE JOB SITE. ANY ADDITIONAL COST INCURRED AS A RESULT OF THE CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR AND IS DEEMED INCLUDED AND MERGED IN THE CONTRACT UNIT PRICE.

GRAPHIC SCALE
5 0 2.5 5 10 20
( IN FEET )
1 inch = 5 ft.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER * VINOD MUSY-VERDEL * No. 69278 EXP. 6-30-CIVIL * STATE OF CALIFORNIA

| | |
|---|---|
| DATE: | APRIL 28, 2025 |
| SCALE: | 1"=5' |
| DESIGN: | AM |
| DRAWN: | TM |
| CHECK: | XX |
| ENGR: | AM |
| PROJECT NO.: | 23067 |

PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## GRADING & DRAINAGE PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS


HANNA-BRUNETTI EST. 1980
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EIGLEBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE (408) 842-2173
EMAIL: ENGINEERING @ HANNABRUNETTI.COM


| DATE | BY | REVISIONS |
|---|---|---|
| | | |

SHEET 4 OF 8

JOB NO. 23067

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

123
542.74
PT6 FD 3/4 IPO

124
543.33
D 1/2 IP LS3295

N09° 09' 35"E
12.76

5.0' WATERLINE EASEMENT TO TON / NGUYEN PER INST: 23351866 (PARCEL SIX)

N09° 09' 35"E 129.90

PROPOSED 10.0' PG&E EASEMENT

PROPOSED 5.0' WIDE WATER LINE EASEMENT

PROPOSED DOMESTIC WATER

MATCH LINE
SEE 6.1 - SHEET 6

S86° 21' 44"E
45.09

S63° 55' 21"E
34.20

S73° 55' 30"E
83.52

S72° 59' 19"E

N11° 34' 58"E
125.57

DI
TG 518.5±
INV 513.0

5 LF 6" PVC SD
@ S=0.38

DI
TG 528.6±
INV 523.0

DI
TG 525.6±
INV 522.0

26 LF 6" PVC SD @ S=0.38

DI (V12)
TG 514.4
INV 512.0

SD @ S=0.03

16 LF 6" PVC

DI
TG 528.46±
INV 523.0

DI
TG 525.6±
INV 522.5

22 LF 6" PVC SD @ S=0.023

DI
TG 534.8
INV 528.0

DI
TG 528.8±
INV 523.5

DI
TG 525.6±
INV 523.0

12 LF 6" PVC SD @ S=0.04

DI
TG 525.5
INV 523.5

12 LF 6" PVC SD @ S=0.03

DI
TG 528.9±
INV 523.8

UPPER LEVEL
FF 525.67
LOWER LEVEL
FF 514.5
GARAGE
FF 514.0

EX UTILITY POLE AND LINES (BOTH O/H AND U/G) TO BE RELOCATED 'BY OTHERS'

DI(V12)
BUBBLE UP
TG 507.0
INV 505.0

7 LF 6" SD

TC 511.32
TG 510.82
INV 504.2 TO CHAMBERS
INV 505.1 TO BUBBLE UP

82 LF 8" PVC SD (SLOPE VARIES)

INV
504.11

AC 510.95

AC 511.10

STORM CHAMBERS
(6) SC-800 CHAMBERS
TOP OF CHAMBER 506.86
CHAMBER BOTTOM 504.11

41± LF 4" PVC SS @ S=0.02

AC 511.92

INV
504.11

AC 511.64

15 LF 6" PVC SD @ S=0.12

INV
504.73

47 LF 6" PVC SD @ S=0.19

694± LF 2" HDPE FORCEMAIN SS

(P) TRANSFORMER PAD AND BOLLARDS BY OTHER

DI
TG 516.6±
INV 513.40

PROPOSED UTILITY POLE

PROPOSED 10.0' PG&E EASEMENT

EX. 3.0' WIDE SANITARY SEWER EASEMENT TO AGAHIAN PER INST: 25274348 (PARCEL FOUR)

PROPOSED UNDERGROUND JOINT TRENCH (ELECTRIC & COMMUNICATION)

PROVIDE 694± 2" HDPE FORCEMAIN TO EXISTING SEWER MANHOLE IN ROGERS STREET

SEE 6.2 - SHEET 6
MATCH LINE

SEE SHEET 5
MATCH LINE

LANDA LINE

E/OH
FM SS
JT
SS
W
fence
pavement
OUTLET
OH WIRES
GUY

UTILITY PROVIDERS:

| | |
|---|---|
| WATER | SAN JOSE WATER |
| SANITARY SEWER | WEST VALLEY SANITATION DISTRICT |
| GAS/ELECTRIC | PG&E |
| COMMUNICATION | TBD |

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GRAPHIC SCALE
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( IN FEET )
1 inch = 5 ft.

REGISTERED PROFESSIONAL ENGINEER * VINNIE MUSTY-VERDEL * No. 69278 EXP. 6-30-CIVIL * STATE OF CALIFORNIA

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PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## UTILITY PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS


HANNA-BRUNETTI
EST. 1980
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CONSTRUCTION MANAGERS
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| REVISIONS | BY | DATE |
|---|---|---|
| | | |

SHEET 5 OF 8

REV.: DEC. 2015

JOB NO. 23067

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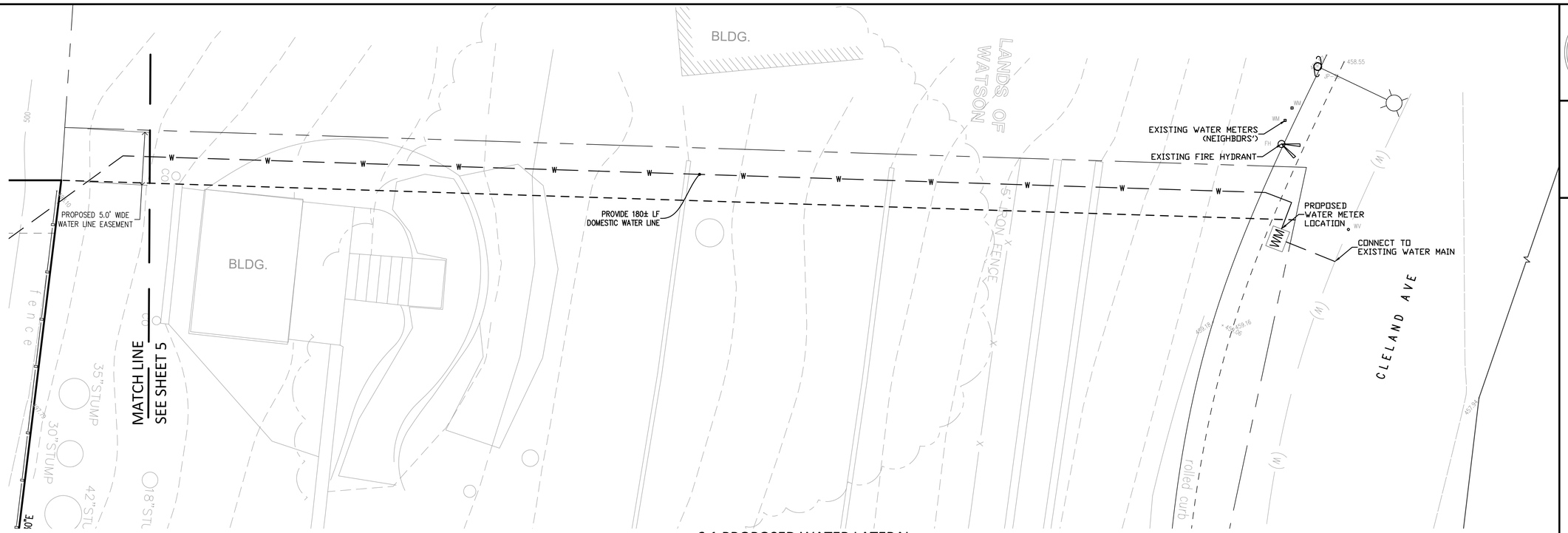
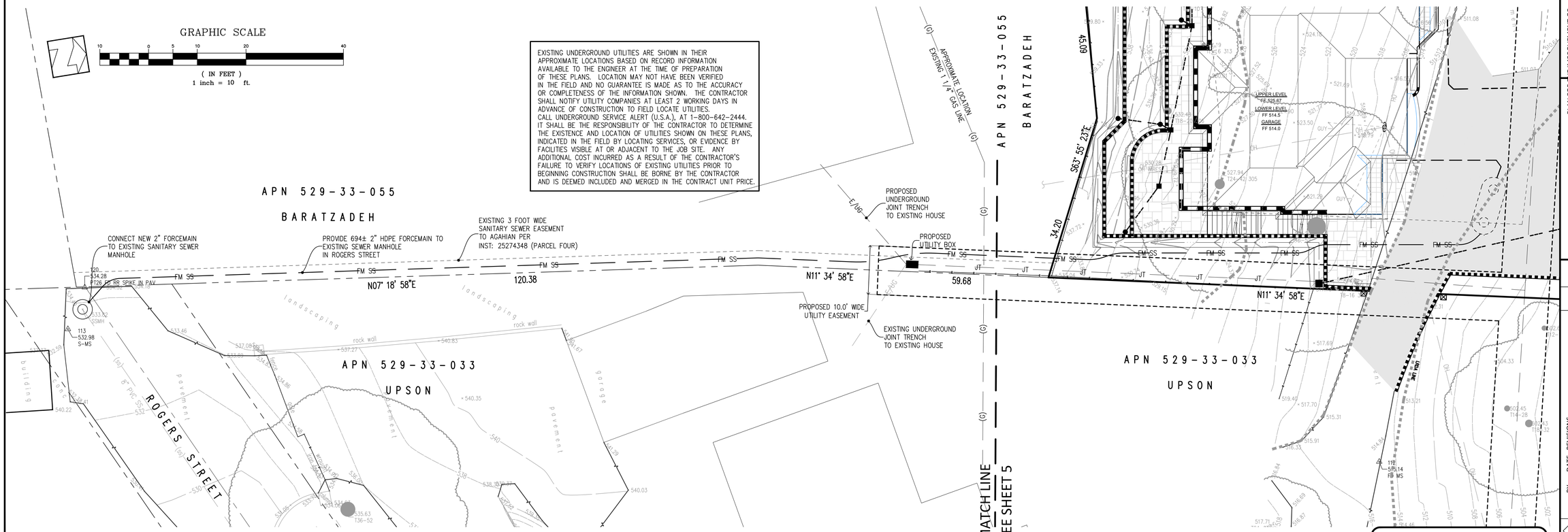



6.1 PROPOSED WATER LATERAL




6.2 PROPOSED SANITARY SEWER LATERAL

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER ★ MARIA L. MUSY-VERDEL ★ NO. 69278 EXP. 6-30- CIVIL ★ STATE OF CALIFORNIA

| | |
|---|---|
| DATE: | APRIL 28, 2025 |
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| DESIGN: | AM |
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PARKS AND PUBLIC WORKS DEPARTMENT

# PLAN FOR THE IMPROVEMENT OF LANDS OF AGAHIAN - 45 RESERVOIR DRIVE

APN 529-33-054

## UTILITY PLAN

ARCHITECTURAL & SITE APPLICATION NO. S-22-048

TOWN OF LOS GATOS


HANNA-BRUNETTI
EST. 1980
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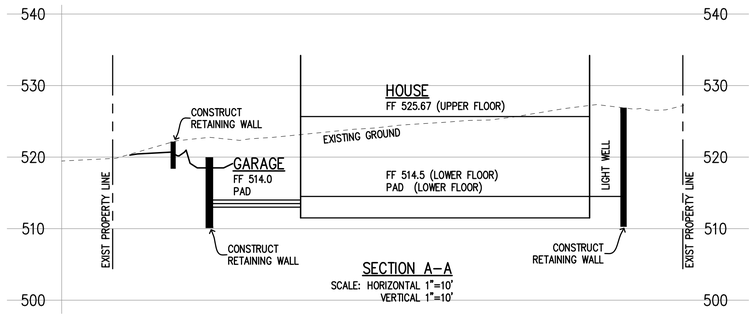
| BY | DATE | REVISIONS |
|---|---|---|
| | | |

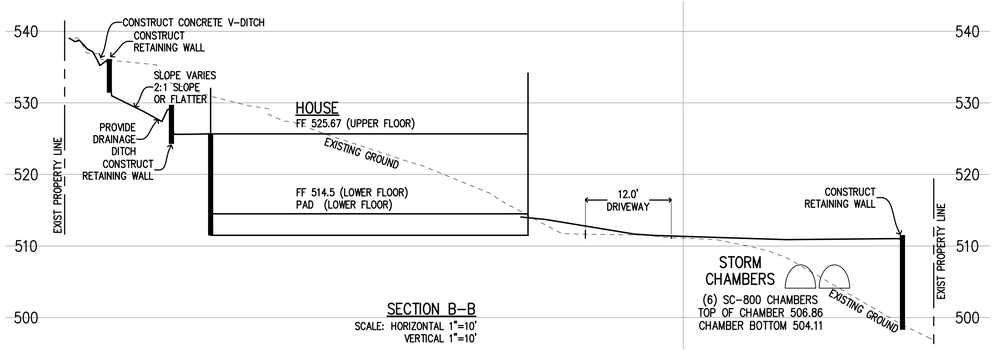


JOB NO. 23067

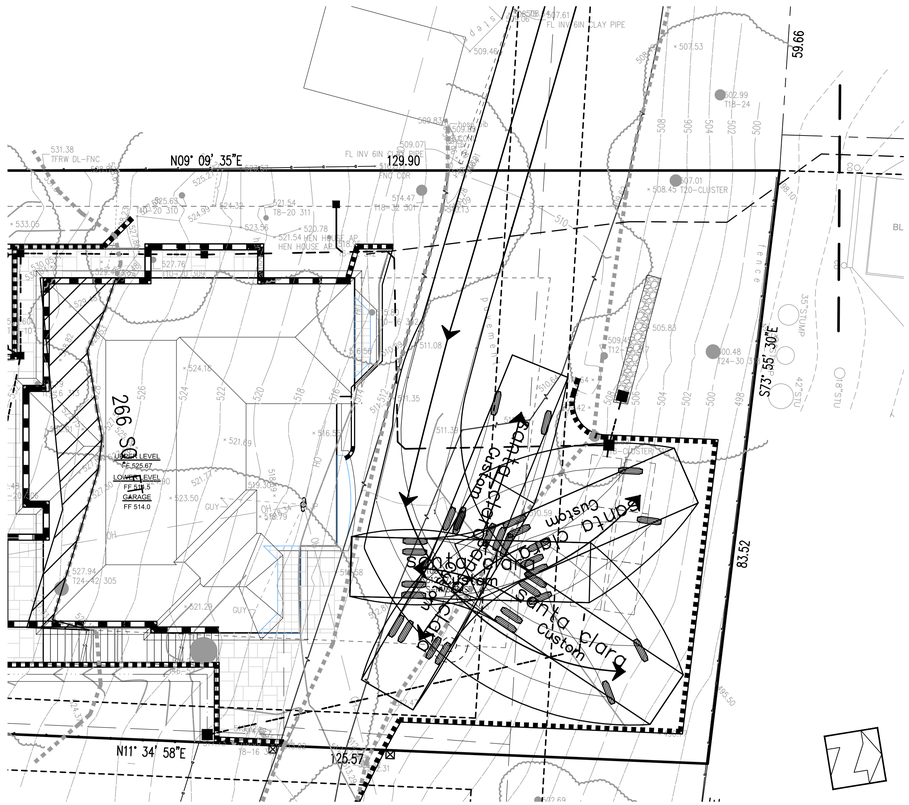
REV.: DEC. 2015




SECTION A–A
SCALE: HORIZONTAL 1"=10'
VERTICAL 1"=10'



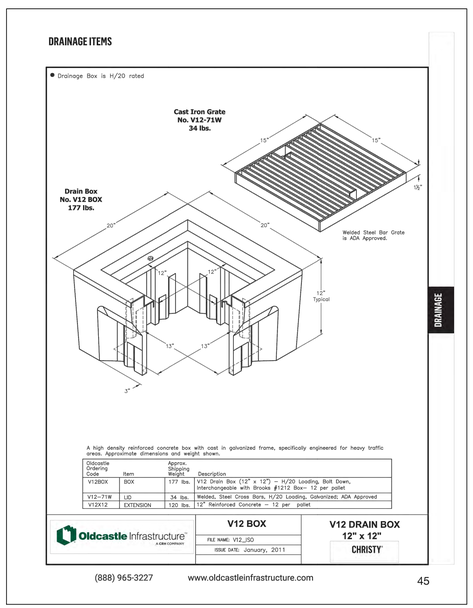

SECTION B–B
SCALE: HORIZONTAL 1"=10'
VERTICAL 1"=10'

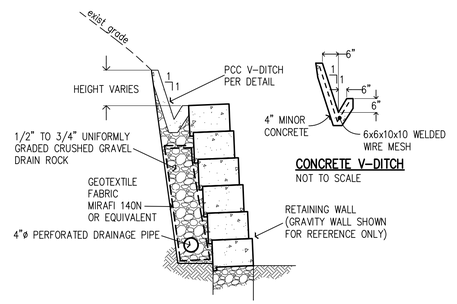



Modified Fire Truck Turnaround Diagram
scale: 1"=10'

Note:
Signs to be provided:

1. at Reservoir Street indicating the turn around is onsite.
2. at turnaround indicating the turnaround location and no parking in the turnaround.




CONCRETE V–DITCH
NOT TO SCALE

CONCRETE–LINED DITCH AT BACK OF RETAINING WALL
NO SCALE

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER ★ MAHNAZ MUSY-VERDEL ★ STATE OF CALIFORNIA
NO. 69278 EXP. 6-30- CIVIL

| | |
|---|---|
| DATE: | APRIL 28, 2025 |
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PLAN FOR THE IMPROVEMENT OF
LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
CROSS SECTIONS & DETAILS
ARCHITECTURAL & SITE APPLICATION NO. S-22-048
PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI
EST. 1980
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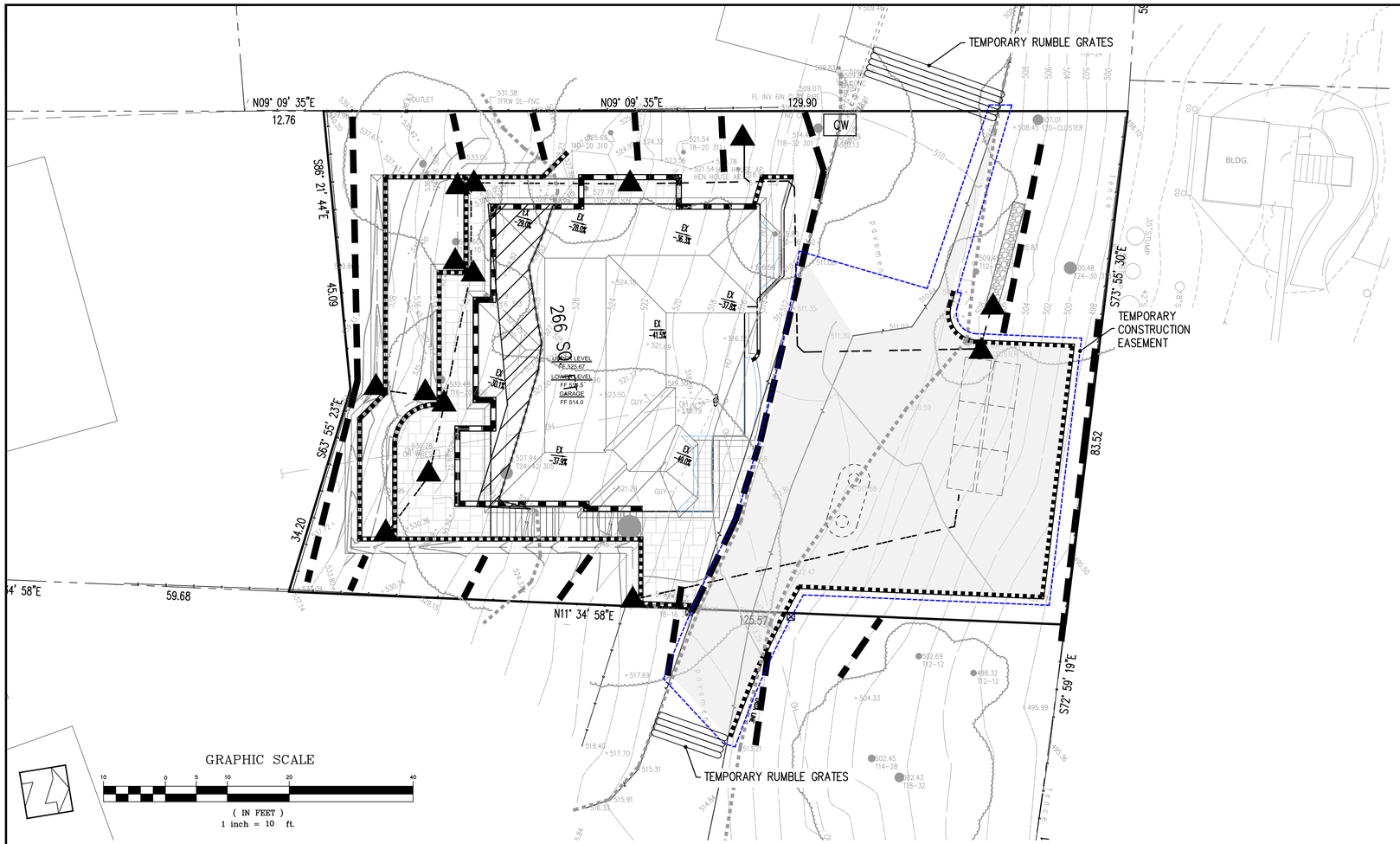
|---|---|---|
| | | |

SHEET 7 OF 8

JOB NO. 23067

REV.: DEC. 2015

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

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EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE EFFECTIVE FOR CONSTRUCTION DURING THE RAINY SEASON; OCTOBER 15 THROUGH APRIL 15.

2. NO STORM WATER RUNOFF SHALL BE ALLOWED TO DRAIN INTO THE EXISTING AND/OR PROPOSED UNDERGROUND STORM SYSTEM UNTIL SUITABLE EROSION CONTROL MEASURES ARE FULLY IMPLEMENTED. NO STORM WATER RUNOFF SHALL BE ALLOWED TO ENTER THE STORM DRAIN SYSTEM THAT IS NOT CLEAR, AND FREE OF SILTS.

3. A FIBER ROLL PER "FIBER ROLL DETAIL SE-5" SHALL BE INSTALL ALONG THE PERIMETER OF THE PROJECT SITE. THE LOCATION OF THE FIBER ROLL ALONG THE PERIMETER SHALL BE ADJUSTED TO ELIMINATE SEDIMENT LADEN RUNOFF FROM LEAVING THE SITE. A FIBER ROLL SHALL ALSO BE REQUIRED AROUND THE PERIMETER OF ANY STOCKPILE OR OTHER SITE OF BARE, LOOSE EARTH.

4. ALL STORM DRAIN MANHOLES, CATCH BASINS, AND/OR DROP INLETS THAT ARE TO ACCEPT STORM WATER SHALL HAVE INLET PROTECTION MEASURES PER DETAIL SE-10. STORM WATER RUNOFF SHALL BE DIRECTED TO THESE INLETS ONLY. STORM DRAIN CATCH BASINS THAT ARE NOT COMPLETE, SHALL BE BLOCKED OFF COMPLETELY.

5. THE NAME, ADDRESS, AND 24 HOUR TELEPHONE NUMBER OF THE PERSON RESPONSIBLE FOR THE IMPLEMENTATION OF THE EROSION CONTROL PLAN SHALL BE PROVIDED TO THE TOWN.

6. ALL AREAS OF BARE, TURNED OR DISTURBED EARTH SHALL BE STABILIZED BY USE OF HYDROSEED OR NON-VEGETATIVE STABILIZATION PER EC-16, PER THE TABLE BELOW. ALL STOCKPILES, AND/OR BORROW AREAS SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES SUCH AS A PERIMETER SILT FENCE, AND OTHER METHODS TO PREVENT ANY EROSION OR SILTS MIGRATION. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THE EROSION CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS, BUT ONLY WITH THE APPROVAL OF, OR AT THE DIRECTION OF THE QSD. THE STORM DRAIN SYSTEM SHALL MAINTAIN A FORM OF DRAIN INLET PROTECTION UNTIL TOWN ACCEPTS THE FINAL STREET IMPROVEMENTS. THE DRAIN INLET PROTECTION SHALL BE MAINTAINED, EFFECTIVE AND SUBJECT TO TOWN ENGINEER'S APPROVAL.

7. ALL PAVED STREET, AND AREAS ADJACENT TO THE SITE SHALL BE KEPT CLEAR OF EARTH MATERIALS AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO ELIMINATE SEDIMENT LADEN RUNOFF FROM ENTERING THE STORM DRAIN SYSTEM.

8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO INSPECT AND REPAIR ALL EROSION CONTROL FACILITIES AT THE END OF EACH DAY. ANY DAMAGED STRUCTURAL MEASURES ARE TO BE REPAIRED BY END OF THE DAY. TRAPPED SEDIMENT IN "SD INLETS" (AND OTHER EROSION CONTROL MEASURES) SHALL BE REMOVED TO MAINTAIN TRAP EFFIENCY. REMOVED SEDIMENT SHALL BE DISPOSED BY SPREADING ON SITE, WHERE IT WILL NOT MIGRATE.

9. IT IS THE RESPOSIBILITY OF THE CONTRACTOR TO PREVENT THE FORMATION OF AIRBORNE DUST NUISANCE AND SHALL BE RESPOSIBILE FOR ANY DAMAGE RESULTING FROM A FAILURE TO DO SO.

10. ALL DRAIN SWALES SHALL BE PER DETAIL EC-9.

11. INCOMPLETE GRADING SHALL NOT BE ALLOWED. CONTRATOR SHALL MAINATIN A DRAIN PATH AS SHOWN ON THIS PLAN. SAID DRAIN PATH SHALL BE MAINTAINED LINED DRAIN SWALES, AND INLET PROTECTION AT A MINIMUM.
IF PONDING DOES OCCUR ON THE SITE AFTER GRADING, THE WATER MUST BE FREE AND CLEAR OF SEDIMENT PRIOR TO DISCHARGE TO THE STORM DRAIN SYSTEM. THIS REQUIREMENT MAY NECESSITATE THE USE OF NATURAL AND/OR MECHANICAL DESILTING METHODS, SUBJECT TO APPROVAL BY THE TOWN ENGINEER.

12. IF THESE EROSION CONTROL MEASURE PROVE INADEQUATE, STRAW MULCH, TACKIFIER, AND ADDITIONAL HYDROSEEDING MAY BE REQUIRED.

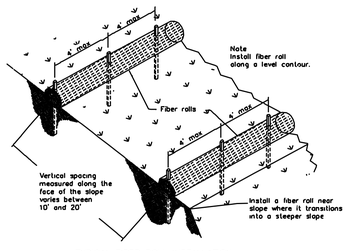
HYDROSEED TABLE

| ITEM | LBS/ACRE |
|---|---|
| COMMON BARLEY | 45 |
| ANNUAL RYEGRASS | 45 |
| CRIMSON CLOVER | 10 |
| FERTILIZER 7-2-3 | 400 |
| FIBER MULCH | 2000 |
| TACKIFIER | 100 |

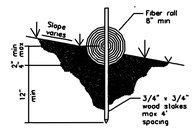
LEGEND

- FIBER ROLL BARRIER PER DETAIL SE-5
- STORM DRAIN INLET PROTECTION PER DETAIL SE-10
- CW CONCRETE WASHOUT AREA

SE-5 Fiber Rolls

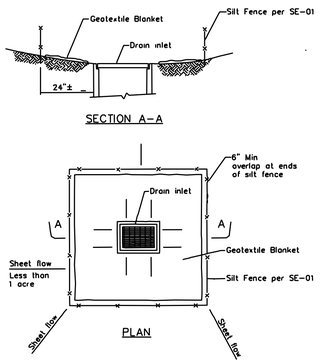



TYPICAL FIBER ROLL INSTALLATION
N.T.S



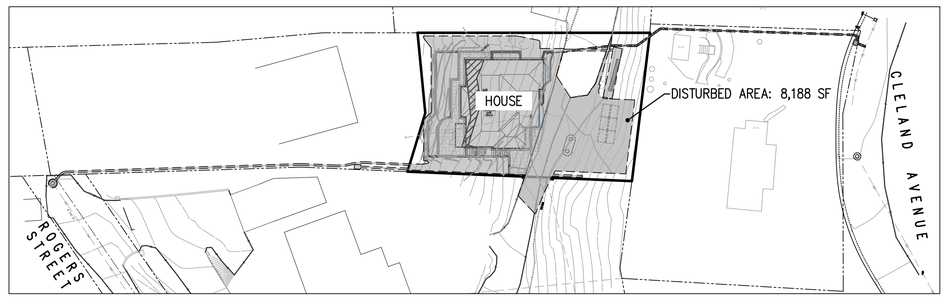

ENTRENCHMENT DETAIL
N.T.S.

SE-10 Storm Drain Inlet Protection




DI PROTECTION TYPE 1
NOT TO SCALE

NOTES
1 For use in areas where grading has been completed and final soil stabilization and seeding are pending
2. Not applicable in paved areas
3 Not applicable with concentrated flows.




REGISTERED PROFESSIONAL ENGINEER * VINOD MUSY-VERDEL * No. 69278 EXP. 6-30- CIVIL * STATE OF CALIFORNIA

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PLAN FOR THE IMPROVEMENT OF
# LANDS OF AGAHIAN - 45 RESERVOIR DRIVE
APN 529-33-054
## EROSION CONTROL PLAN
ARCHITECTURAL & SITE APPLICATION NO. S-22-048

PARKS AND PUBLIC WORKS DEPARTMENT
TOWN OF LOS GATOS

HANNA-BRUNETTI
EST 1995
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SHEET 8 OF 8

REV.: DEC. 2015

JOB NO. 23067