



**TOWN OF LOS GATOS**  
**BUILDING DIVISION CONDITIONS OF APPROVAL**

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**STAFF TECHNICAL REVIEW**

**Building Division**

**August 24, 2021**

**ITEM: 16660 Cypress Way**  
**Architecture and Site Application S-21-024**  
First Review

Request for approval for site improvements requiring a grading permit on property zoned HR-2-1/2. APN: 532-23-106.

PROPERTY OWNER: Theodore and Laurie Deffenbaugh  
APPLICANT: Terence J. Szewczyk  
PROJECT PLANNER: Erin Walters

**GENERAL COMMENTS:**

1. A comprehensive plan review has not been completed for this project under consideration by the Development Review Committee or Town Council. Advisory Comments may be provided by the Building Division as part of a cursory review. Comprehensive Plan review will be part of the separate building permit application process. Once the Development Review Committee and/or Planning Commission approvals have been obtained and the requisite appeal period has passed, submit complete sets of construction drawings and documents to the Building Counter. No construction work can be commenced without an appropriate building permit.
2. Please include on the drawings, any unpermitted work that has been completed, or is in progress on the subject property that would require a Building or Planning permit.
3. Please label all unpermitted retaining walls and provide a chart that defines the length, max height, and top and bottom elevations.
4. Please provide construction details of all unpermitted retaining walls including foundation, backfill, and drainage.
5. Please provide a signed and stamped letter from a structural engineer stating that each unpermitted retaining wall is adequately constructed to minimum code or accepted industry standard.

**DRAFT CONDITIONS:**

**TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:**

(Building Division)

1. **PERMITS REQUIRED:** A Building Permit will be required for all structures exceeding 120 sq. ft. and all retaining walls that support a surcharge.
2. **APPLICABLE CODES:** The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
3. **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.

4. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
5. **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.
6. **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 conform to the Cal/OSHA regulations.
7. **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
  - c. Foundation corner locations
  - d. Retaining wall(s) locations and elevations
8. **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.
9. **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.
10. **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.
11. **HAZARDOUS FIRE ZONE:** All projects in the Town of Los Gatos require Class A roof assemblies.
12. **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.
13. **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.
14. **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.

15. 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 from the Building Division Service Counter or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).
16. 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 at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at [www.losgatosca.gov/building](http://www.losgatosca.gov/building).
17. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - 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.

Robert Gray, CBO  
Chief Building Official  
[rgray@losgatosca.gov](mailto:rgray@losgatosca.gov)

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# SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. **21 3367**

BLDG PERMIT No.

## DEVELOPMENTAL REVIEW COMMENTS

### Plans and Scope of Review:

#### This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

#### The scope of this project includes the following:

No scope provided. In letter of justification there is mention of legalization of grading done without permit and addition of a private fire protection water system.

#### Plan Status:

Plans are **NOT APPROVED**. Revise and resubmit drawings and provide a response letter addressing comments on this plan review.

#### Plan Review Comments:

1. 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.

2. Provide project scope on the plans.

3. **Fire Department (Engine) Driveway Turnaround Required:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. 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 5%. Installations shall conform with Fire Department Standard Details and Specifications D-1. [CFC Section 503.2.5]. **Show on the plans a conforming driveway turnaround.**

4. **Fire Apparatus (Engine) Access Driveway Required:** Provide an access driveway with a paved all-weather surface, a minimum unobstructed width of 14 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 Fire Department Standard Details and Specifications sheet D-1. **Indicate on the plans the width and slope of the driveway.**

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Ts Civil Engineering	08/10/2021	1 OF 3
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				Site Work			
NAME OF PROJECT						LOCATION				
SFR						16660 Cypress Way Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI		BY	
									Flanagan, Caleb	





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PLAN REVIEW No. **21 3367**

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## DEVELOPMENTAL REVIEW COMMENTS

**5. Private Fire Protection System:** Residential fire protection systems shall comply with Fire Department Standards W-1 and manufacturer's requirements. Fire protection water systems shall be permitted, installed and approved by the Fire Prevention Office. The wharf hydrant shall be accessible at all times. Tank systems providing both the domestic supply and supply to the sprinkler system and/or hydrant may require cross contamination protection. Check with the local Building Department for specific requirements related to protection of the domestic supply. Hydrants and tank outlets shall be installed such that the center of the hose connection is not less than eighteen (18") inches nor more than thirty (30") inches above the final grade. *Two new 5000 gallon water tanks to be installed. Indicate on plans. Indicate on the plans that the private fire protection system will conform with the W-1 standard.*

**6. 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). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

**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.

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Ts Civil Engineering	08/10/2021	2 OF 3
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Residential Development				Site Work			
NAME OF PROJECT						LOCATION				
SFR						16660 Cypress Way Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS	REQUIRED FIRE FLOW @ 20 PSI	BY		
						<input type="text"/>		Flanagan, Caleb		



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## DEVELOPMENTAL REVIEW COMMENTS

**8. Construction Site Fire Safety:** 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.

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]

City	PLANS	SPECS NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE	
LGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Ts Civil Engineering	08/10/2021	3 OF 3	
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
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TABULAR FIRE FLOW			REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI			BY		
			<input type="text"/>					Flanagan, Caleb		





**TOWN OF LOS GATOS  
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**STAFF TECHNICAL REVIEW  
PLANNING DIVISION  
August 25, 2021**

**16660 Cypress Way  
Architecture and Site Application S-21-024**

Request for approval for site improvements requiring a grading permit on property zoned HR-2-1/2. APN: 532-23-106.

PROPERTY OWNERS: Theodore and Laurie Deffenbaugh

APPLICANT: Terence J. Szewczyk

**PROJECT PLANNER:** Erin Walters, Associate Planner

**LAST REVIEWED BY STAFF:** First Review

**Urgency Ordinance 2305 Suspending Deadlines re: Land Use Entitlements**

Please note that all provisions of laws, ordinances, regulations, resolutions, rules and statutes, including but not limited to, provisions contained in the California Permit Streamlining Act (PSA), the California Environmental Quality Act (CEQA), the California Subdivision Map Act (SMA), the Housing Accountability Act (HAA), SB 35, Town Subdivision Regulations, Town Zoning Regulations, and Town application policies and procedures, establishing review deadlines and authorizing automatic approvals are suspended for the duration of urgency Ordinance 2305, adopted March 24, 2020, in response to the COVID-19 pandemic outbreak, and in effect 45 days from and after the date of its adoption, unless the same is extended.

**NOTE:** This Architecture and Site Application submittal is NOT COMPLETE. This item will be heard at a Planning Commission public hearing once the item is deemed complete and noticed.

This project is subject to the Hillside Development Standards and Guidelines (HDS&G) <https://www.losgatosca.gov/1117/Hillside-Development-Standards-Guideline> and the Town Code.

1. The Town's Consulting Arborist report is pending. Once provided provide a separate letter describing how each recommendation have been addressed.
2. Provide the average slope.
3. Provide the net lot size.
4. Update Letter of Justification/Project Description to include:
  - a. What is the full scope of work?
  - b. Does the project meet the (HDS&G)?
  - c. Describe the proposed design that will mitigate the unpermitted work completed and will bring the project into conformance with the HDS&G.
  - d. What exceptions from the HDS&G are being requested?
  - e. Max linear cut/fill?



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- f. Max retaining wall height.? (5 feet max), etc.
  - g. How does the project meet the defensible space requirements? HDS&G and <https://www.losgatosca.gov/2581/Be-Wildfire-Ready>
  - h. How does the project mitigate the tree damage/ removal due to the unpermitted work? See arborist report.
5. Has there been any modification to the historic residence without the benefit of permits?
6. Is there any unpermitted work that has been completed or is in progress on the subject property that would require a building or planning permit? If so, please denote on plans, and provide a separate letter providing a description, justification, and photos.
7. Provide additional photos of the work completed without permits- each retaining wall and area.
8. Complete the HDS&G compliance checklist.  
<https://www.losgatosca.gov/DocumentCenter/View/1103/Hillside-Development-Compliance-Checklist?bidId=>
9. Provide complete development plans per the Community Development requirements for preparation of development plans-  
<https://www.losgatosca.gov/DocumentCenter/View/361/Development-Review-Application-Package?bidId=>  
Page 1-6. See the following sections.
  - a. General Requirements
  - b. Site Plan
  - c. Landscape/Tree Plan
  - d. WELO
  - e. Exterior Lighting
  - f. Other Information
10. Label all buildings on property, label addresses and type of building and if permitted or not permitted.
11. Provide (3) site plans (topo):
  - a. Pre-construction without permits;
  - b. Current conditions (work without permits); and
  - c. Proposed mitigation design of project to meet the HDS&G.
12. Dimension all roads or paths and label material.
13. Provide details of retaining walls (proposed and built without permits). Provide a keyed chart referring to each retaining wall- provide max height, max cut or max fill and call out finish and material.
  - a. See HDS&G for retaining wall standards and guidelines.
14. Provide sections for each retaining wall - dimensioning the max linear cut and max fill.
15. Provide a landscape plan and tree plan per the HDS&G, Town Code and the arborist report.
16. We encourage you to speak with your neighbors (property owners, tenants, residents, and customers) about your proposal. Please submit a separate letter with the following information as part of your resubmittal materials.
  - a. What neighbors you have spoken to (name and address).
  - b. What neighbors you did not speak to and why.
  - c. When you met with neighbors.





**TOWN OF LOS GATOS  
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**GENERAL COMMENTS:**

This application will be heard at a Planning Commission public hearing.

1. This application will be heard at a Planning Commission public hearing. There will be public noticing, and
2. Pursuant to the adopted fee schedule, in the event additional processing services by the Town are required due to changes, modifications, additions, errors, omissions, or discrepancies caused by the applicant or his/her agents or representatives, the applicant shall pay an additional fee as determined by the Director of Community Development to cover the actual cost.
3. Pursuant to the adopted fee schedule, if the requested information from any of the Tech Review Staff is not submitted within 180 days of this meeting, the applicant will be required to pay a fee of 10% of the current application fee at the time the requested information is submitted. Any resubmittal after one year will be processed as a new application, subject to new fees.
4. Pursuant to the adopted fee schedule, if after three meetings, any additional review is required by the Technical Review Committee and/or DRC, there will be an additional fee based on time and material cost.

**PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL STAFF TECHNICAL REVIEW COMMENTS.**

Erin Walters  
Associate Planner  
[EWalters@losgatosca.gov](mailto:EWalters@losgatosca.gov)



**TOWN OF LOS GATOS**  
**PARKS AND PUBLIC WORKS COMMENTS**

**STAFF TECHNICAL REVIEW**  
**Engineering Division**  
**August 25, 2021**

**ITEM:** 16660 Cypress Way; APN: 532-23-106  
Architecture and Site Application S-21-024  
Request for approval for site improvements requiring a grading permit on property zoned HR-2-½.  
PROPERTY OWNER: Theodore and Laurie Deffenbaugh  
APPLICANT: Terence J. Szewczyk

**PROJECT PLANNER:** Erin Walters  
**LAST REVIEWED:** First Submittal

**DEFICIENCIES: (GENERAL)**

- 1) Please update the plan set to include a vicinity map, legend, list of abbreviations, index sheet, and adjacent properties labeled as to use or owner.
- 2) For clarification, please include sheet(s) that shows individual site plans for the original conditions, existing conditions and proposed improvements.
- 3) Please update the plan set:
  - a) Update the scale to show the completed improvements at a larger size and with more detail.
  - b) Display all existing public and private easements as referenced in the submitted Title Report.
  - c) Show the locations of all existing public and private utilities and services, including but not limited to PG&E, telephone, cable television, sewage, water, fire hydrants, etc.
  - d) Illustrate and label all existing and planned development including but not limiting to building, driveway, walkway, decks, patios, trees, accessory structures, etc.
  - e) Provide a table of pre-existing and now current impervious areas, also identifying the square footage of impervious area that was created and/or replaced with the improvements.
  - f) Provide a table of earthwork quantities (in cubic yards) with identification of individual areas of cut and fill (driveway, landscape, etc.). Include the maximum completed cut and fill depths for each area per the Maximum Graded Cuts and Fills as found in Table 1 in Section III of the Town's Hillside Development Standards and Guidelines.
  - g) Provide additional topographic information, including now current contours in addition to the pre-existing contours, drainage features of the area, etc.
  - h) List the total disturbed area in square feet or acre.





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**PARKS AND PUBLIC WORKS COMMENTS**

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- i) Delineate the limit of grading/disturbed area.
- j) Provide rim and invert elevations for all existing gravity structures.
- k) Label the pipe diameter, material and slope for all proposed and existing storm drain and sanitary sewer pipe.
- l) Show the Least Restrictive Development Area (LRDA) per Section II of the Town's Hillside Development Standards and Guidelines. The LRDA shall be shown as a dashed line on all site and grading plans for the entire site.
- m) Please provide the property's average slope.
- n) Please enlarge text as needed to ensure that all information provided is legible.
- 4) Additional plan check comments are likely to be provided upon submittal of more complete plan set with the data and information requested in comments 2 and 3 inclusive above.
- 5) If this project created and/or replaced more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies will be required. Please confirm.
- 6) Please provide a cut/fill site plan map with the various depths of cut/fill represented by differing colors. This should be a color-coded grid map with cut and fill depths that displays the earthwork quantities that were part of the previously completed grading activities and retaining wall construction.
- 7) Please provide cost estimates for all previously completed work associated with grading, drainage, and erosion/sediment control.
- 8) A Soils Report for Geologic and Geotechnical Review is required. The report must discuss the geologic and seismic hazards, and conclude that there is a geotechnically feasible building envelope on each proposed lot, in addition to providing geotechnical design recommendations. A deposit in the amount of **\$5,750.00** for report review along with a copy of the Report and Plan will be required for this step.

**Please provide a compliance memorandum showing how all the deficiencies and comments have been addressed. PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL PLAN CHECK COMMENTS OR CONDITIONS.**

**GENERAL COMMENTS:**

- 1) Retaining walls shall include provisions for drainage.
- 2) Final grading plans shall include a complete erosion control plan. 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, etc.



**TOWN OF LOS GATOS**  
**PARKS AND PUBLIC WORKS COMMENTS**

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**DRAFT CONDITIONS:**

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

(Engineering Division)

- 1) **GENERAL:** 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 street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner and/or Applicant'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 and/or Applicant's expense.
- 2) **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.
- 3) **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](#).
- 4) **GENERAL LIABILITY INSURANCE:** The property owner shall provide proof of insurance to 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.
- 5) **SITE SUPERVISION:** The General Contractor shall provide qualified supervision on the job site at all times during construction.
- 6) **GRADING PERMIT 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. All remaining fees shall be deposited prior to the issuance of a grading permit.
- 7) **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). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off





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- and closing out on the issued grading permit, the Owner/Applicant'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.
- 8) **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.
  - 9) **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 and/or Applicant'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.
  - 10) **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 studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
  - 11) **GRADING ACTIVITY RESTRICTIONS:** Upon receipt of a grading permit, any and all grading activities and operations shall not commence until after/occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15), has ended.
  - 12) **COMPLIANCE WITH HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES:** All grading activities and operations shall be in compliance with Section III of the Town's Hillside Development Standards and Guidelines. All development shall be in compliance with Section II of the Town's Hillside Development Standards and Guidelines.
  - 13) **DRAINAGE IMPROVEMENT:** Prior to the issuance of any grading/improvement permits, whichever comes first, the Owner and/or Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
  - 14) **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.
  - 15) **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.
  - 16) **PRECONSTRUCTION MEETING:** Prior to issuance of any grading or building permits, the general contractor shall:



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- a) Along with the Owner and/or Applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
  - b) Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them 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.
- 17) **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 reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
- 18) **SOILS REPORT:** One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
- 19) **SOILS REVIEW:** Prior to Town approval of a development application, the Owner and/or Applicant's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Owner and/or Applicant, and subsequent approval by the Town. The Owner and/or Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Owner and/or Applicant's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of grading or building permit(s).
- 20) **SOILS ENGINEER CONSTRUCTION OBSERVATION:** During construction, all excavations and grading shall be inspected by the Owner and/or Applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner and/or Applicant's soils engineer and submitted to the Town prior to Engineering signing off and closing out on the issued grading permit.
- 21) **SOIL RECOMMENDATIONS:** The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner and/or Applicant's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner and/or Applicant.





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- 22) **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.
- 23) **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 control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
- 24) **CONSTRUCTION HOURS:** All 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, holidays excluded. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 25) **CONSTRUCTION NOISE:** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet 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.
- 26) **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, Project Schedule, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's [Construction Management Plan Guidelines](#) document for additional information.
- 27) **BEST MANAGEMENT PRACTICES (BMPs):** The Owner and/or Applicant 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



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- with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
- 28) **SITE DESIGN MEASURES:** All projects 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.
  - d) Use porous or pervious pavement surfaces on the driveway, at a minimum.
  - e) Use landscaping to treat stormwater.
- 29) **EROSION CONTROL:** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. 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. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
- 30) **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.
- 31) **AIR QUALITY:** To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-





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- 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.
- 32) **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 plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
- 33) **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.



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- 34) **SITE DRAINAGE:** No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
- 35) **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.
- 36) **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 and/or Applicant'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 and/or Applicant's expense.
- 37) **PERMIT ISSUANCE:** Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
- 38) **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

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