



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/25/2023

ITEM NO: 2

DATE: January 20, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 2172 to Increase the Maximum Residence Size Allowed on Lot 14 on Property Zoned HR-5:PD. **Located at 300 Mountain Laurel Lane.** APN: 567-24-023. Planned Development Amendment PD-22-001. This Request for Modification of a Planned Development Ordinance is not Considered a Project Under the California Environmental Quality Act. PROPERTY OWNER: Bright Smile Dental Office Defined Benefit Plan. APPLICANT: Kunling Wu, Trustee. PROJECT PLANNER: Sean Mullin.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council on a request for modification of Planned Development Ordinance 2172 to increase the maximum residence size allowed on Lot 14 on property zoned HR-5:PD, located at 300 Mountain Laurel Lane.

PROJECT DATA:

General Plan Designation: Hillside Residential
Zoning Designation: HR-5:PD, Hillside Residential - Planned Development Overlay
Applicable Plans & Standards: General Plan, Hillside Development Standards and Guidelines, Hillside Specific Plan
Parcel Size: 354,459 square feet (8.14 acres)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-1
South	Residential; Institutional	Hillside Residential	HR-1; HR-5:PD
East	Residential; Institutional	Hillside Residential	HR-1
West	Residential; Open Space	Hillside Residential	HR-5:PD

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

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

CEQA:

The request to modify Planned Development Ordinance 2172 is not considered a project under the California Environmental Quality Act.

REQUIRED FINDINGS:

- As required by Section 29.80.095 of the Town Code for granting approval of a Planned Development Overlay Zone; and
- That the amendment to the Planned Development Overlay is consistent with the General Plan.

ACTION:

Forward a recommendation regarding Planned Development application PD-22-001 to the Town Council.

BACKGROUND:

The subject property is approximately 8.14 acres located in the northern portion of the Shannon Valley Ranch subdivision (Exhibit 1). A single-family residence was once located on the property, but was destroyed by fire in 1997, prior to the 2004 subdivision. The property is the last undeveloped residential property in the subdivision.

In March 2002, the Town Council considered a Planned Development (PD) application at 17101 Hicks Road and 14045 Shannon Road. Town Council approved Ordinance 2097; amended the General Plan land use designation from Agricultural to Hillside Residential; and approved a PD to change the zoning from HR-5:Prezone to HR-5:PD to allow subdivision of the property into 14 single-family lots and three open space lots (Exhibit 3). Architecture and Site applications for new residences on Lots 1 through 13 were approved in 2002 and 2003. The subdivision was completed in November 2004 and subsequent Building Permits were issued in December of 2004. The 13 new residences were completed by 2007. In 2009, the Town Council approved PD Ordinance 2172 amending the original PD to allow accessory structures on all 14 lots, provided they comply with the Hillside Development Standards and Guidelines (HDS&G) (Exhibit 4).

The original PD application was considered numerous times by the Development Review Committee and the Planning Commission prior to the Council's action in March 2002. During the final Planning Commission meeting on January 23, 2002, two members of the public spoke on the project, offering comments specific to the size of the replacement residence on Lot 14 (Exhibit 5, highlighted text). Both commenters expressed concern on whether developing Lot 14 was appropriate, with one commenter adding that if Lot 14 is to be developed, it should be rebuilt in the original footprint and not turned into a 4,600 or 4,800 square foot home. The

BACKGROUND (continued):

motion to forward a recommendation of approval to the Town Council included an additional performance standard that Lot 14 be developed under the guidelines of a replacement structure, similar in square footage, mass, and scale to the original residence that was destroyed by fire. This additional performance standard was forwarded to the Council and included in Ordinance 2097 and the amended Ordinance 2172 (Exhibits 3 and 4, Performance Standard #8). The Town Council approved the PD application in March 2002 with the additional performance standard as recommended by the Planning Commission.

Town records for Lot 14 do not provide much detail on the original residence that was destroyed by fire. An April 20, 2016, letter from Greenbriar Homes Communities (applicant under the original PD application) to Mr. Alan Barbie of the Sereno Group indicates that the original home was one story and approximately 2,400 square feet (Exhibit 6). Other anecdotal information indicates that the size of the original residence was closer to 3,000 square feet. Given the incomplete nature of the records for Lot 14, staff has messaged that the lot could be developed with a single-story residence with a maximum size of 3,000 square feet to be located in the general area of the previous residence subject to Architecture and Site approval.

In addition to Lot 14, Performance Standard #8 limits the sizes of the residences on Lots 1 through 13 to a maximum of 4,850 square feet, with an average size of 4,650 square feet (Exhibit 4, Performance Standard #8). Additionally, two-thirds of the 13 residences are limited to a one-story design. The table below provides a summary of the development on Lots 1 through 13.

Summary of Developed Lots					
Lot	Address	Residence	Stories	Garage	Accessory Structure
1	280 Shannon Oaks Ln	4,656 sf	1	768 sf	--
2	282 Shannon Oaks Ln	4,815 sf	2	799 sf	--
3	286 Mountain Laurel Ln	4,655 sf	1	811 sf	--
4	288 Mountain Laurel Ln	4,612 sf	1	781 sf	--
5	290 Mountain Laurel Ln	4,815 sf	2	799 sf	--
6	299 Mountain Laurel Ln	4,327 sf	1	806 sf	--
7	297 Mountain Laurel Ln	4,635 sf	1	811 sf	--
8	293 Mountain Laurel Ln	4,611 sf	1	781 sf	--
9	291 Mountain Laurel Ln	4,655 sf	1	811 sf	--
10	289 Mountain Laurel Ln	4,315 sf	1	806 sf	--
11	287 Mountain Laurel Ln	4,814 sf	2	799 sf	636 sf
12	283 Shannon Oaks Ln	4,605 sf	1	781 sf	960 sf
13	281 Shannon Oaks Ln	4,808 sf	2	799 sf	--
AVERAGE RESIDENCE: 4,640 sf			69 percent single-story		

BACKGROUND (continued):

On May 11, 2022, the Conceptual Development Advisory Committee (CDAC) reviewed and provided preliminary feedback on the proposed PD amendment. The feedback of the CDAC is detailed below.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 8.14 acres located in the northern portion of the Shannon Valley Ranch subdivision (Exhibit 1). A single-family residence was once located on the property, but was destroyed by fire in 1997, prior to the 2004 subdivision. The property currently takes access from the east end of Mountain Laurel Lane via a dirt driveway along the western property line accessing the northeastern portion of the property, where the original residence once stood. This portion of the property contains the Least Restrictive Development Area (LRDA), encompassing approximately 131,196 square feet (3.01 acres). The majority of the remaining portions of the property are steeply sloped and are held in a scenic conservation easement. The property is currently vacant and is the last undeveloped residential property in the subdivision.

B. Project Summary

The property owner is requesting an amendment to Planned Development Ordinance 2172 to increase the maximum residence size allowed on the subject property. No construction or site development is proposed with this application. A development proposal for construction of a new residence would be processed and reviewed under a future Architecture and Site application.

DISCUSSION:

A. Planned Development Amendment

The subject property has a gross lot area of 354,458 square feet (8.14 acres) with an average lot slope of 28 percent (Exhibit 17). When adjusted for slope per the HDS&G, the net lot area is 163,051 square feet (3.74 acres); which would allow for 6,000 square feet of development under the standard floor area calculation from the HDS&G. The existing PD Ordinance 2172 further restricts the maximum allowed floor area to be similar in square footage, mass, and scale to the original residence that was destroyed by fire, which is estimated to be approximately 3,000 square feet. While much of the property is characterized by steep slopes, the northeastern portion of the property contains the LRDA, encompassing approximately 131,196 square feet (3.01 acres).

DISCUSSION (continued):

The applicant requests an amendment to the PD to allow for construction of a 4,850 square foot, one-story residence (Exhibit 7). This request also requires an increase in the average size of the residences allowed by Performance Standard #8 from 4,650 square feet to 4,655 square feet. The applicant's letter indicates that they wish to construct a single-story residence of 4,850 square feet. The applicant's Letter of Justification indicates that the proposed residence size increase would be reasonable for the 8.14-acre property that includes an LRDA of 3.01 acres and would be consistent with the development on Lots 1 through 13 in the Shannon Valley Ranch subdivision (Exhibit 8).

The table below summarizes the size of development on properties within the Shannon Valley Ranch subdivision and those immediately adjacent to the north. The property sizes range from 2.02 to 8.44 acres. Based on Town and County records, the square footage of the residences in this area range from 4,315 square feet to 5,720 square feet. In terms of square feet, the proposed increase to the allowable residence size on Lot 14 would allow for development of the largest residence within the Shannon Valley Ranch subdivision and the third largest when considering the adjacent properties. In terms of FAR, the proposed increase would allow the smallest FAR in the Shannon Valley Ranch subdivision and adjacent properties.

FAR Comparison - Neighborhood Analysis							
Lot	Address	Gross Lot Area SF	Residence Size	Garage SF	Total SF*	FAR	No. of Stories
	550 Santa Rosa Dr	91,040	5,720	975	6,695	0.07	2
	16767 Hicks Rd	367,646	5,274	748	6,022	0.02	2
1	280 Shannon Oaks Ln	141,968	4,656	768	5,424	0.04	1
2	282 Shannon Oaks Ln	111,124	4,815	799	5,614	0.05	2
3	286 Mountain Laurel Ln	96,576	4,655	811	5,466	0.06	1
4	288 Mountain Laurel Ln	103,879	4,612	781	5,393	0.05	1
5	290 Mountain Laurel Ln	136,865	4,815	799	5,614	0.04	2
6	299 Mountain Laurel Ln	125,092	4,327	806	5,133	0.04	1
7	297 Mountain Laurel Ln	147,556	4,635	811	5,446	0.04	1
8	293 Mountain Laurel Ln	191,693	4,611	781	5,392	0.03	1
9	291 Mountain Laurel Ln	156,824	4,655	811	5,466	0.03	1
10	289 Mountain Laurel Ln	111,783	4,315	806	5,121	0.05	1
11	287 Mountain Laurel Ln	124,583	4,814	799	5,613	0.05	2
12	283 Shannon Oaks Ln	88,045	4,605	781	5,386	0.06	1
13	281 Shannon Oaks Ln	94,082	4,808	799	5,607	0.06	2
14	300 Mountain Laurel Ln	354,458	4,850	400	5,250	0.01	1
Proposed average residence within subdivision: 4,655 sf				71 percent single-story			
* Does not include accessory structures							

DISCUSSION (continued):

Future development of the site would require an Architecture and Site application, which would be subject to the requirements of the Town Code, PD Ordinance, the Residential Design Guidelines, the HDS&G, and the Hillside Specific Plan. A future Architecture and Site application will require review and preliminary approval by the Planning, Building, Engineering, and Fire Departments. The application would be considered in a public hearing by either the Development Review Committee or Planning Commission based on the merits of the application.

B. Conceptual Development Advisory Committee

On May 11, 2022, the CDAC reviewed and provided preliminary feedback on a proposal to amend the PD to allow for a 6,000 square-foot residence (Exhibits 9 and 10). Committee members discussed the matter and provided feedback to the applicant, including concerns related to:

- Lighting impacts;
- LRDA analysis;
- Placement on a ridge;
- Compatibility of a 6,000 square-foot residence with the residences in the Shannon Valley Ranch development;
- Driveway length, slope, and secondary access; and
- Future development requiring review by the Shannon Valley Ranch Homeowners Association.

In response to the CDAC's feedback, the applicant revised their request to a 4,850 square-foot residence and provided a written response to the CDAC's feedback (Exhibit 11). The applicant's response to the CDAC's feedback is summarized below, followed by staff analysis in *italic font*.

1. Lighting impacts.

The applicant indicates that light impacts from a future residence would not create an impact because the residence would be limited to one-story, and all exterior lighting would be required to meet the Town's regulations.

Any Architecture and Site application for a future residence will be reviewed to ensure compliance with the Town Code, PD Ordinance, and HDS&G requirements for exterior lighting. Approval of any future residence would include a condition of approval requiring that all exterior light fixtures meet the Town's requirements to be shielded and directed to the ground surface so that light does not spill onto neighboring parcels or produce a glare when seen from nearby homes.

DISCUSSION (continued):

2. LRDA analysis.

The applicant indicates that an LRDA analysis was completed prior to submittal of this application.

The LRDA is included on the provided Site Plan (Exhibit 17). Evaluation of the LRDA will be conducted with any future Architecture and Site application.

3. Placement on a ridge.

The applicant indicates that there are many residences located nearby the proposed building site, some larger than the 4,850 square feet being proposed. Additionally, the applicant indicates that any proposed residence would follow Town regulations.

The HDS&G defines a ridgeline as a line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another. The LRDA of the subject property is located on an outcropping in the northeastern portion of the property located approximately 58 vertical feet below the ridgeline along Santa Rosa Drive. The area of LRDA is not identified by the HDS&G as a significant ridgeline. The applicant is requesting approval to increase the allowable residence size for the subject property and has not requested modification of the existing language in Performance Standard #8 restricting the residence to a single-story and a maximum height of 25 feet. Full Architecture and Site review would be required for any future residence.

4. Compatibility of a 6,000 square-foot residence with the residences in the Shannon Valley Ranch subdivision.

The applicant has revised their request to a 4,850 square-foot residence.

Performance Standard #8 included in PD Ordinance 2172 currently limits the maximum residence size to 4,850 square feet on Lots 1 through 13. The applicant proposes allowing for a residence of 4,850 square feet on Lot 14, consistent with those allowed on other properties in the subdivision. The applicant also requests an increase in the allowed average residence size within the subdivision from 4,650 square feet to 4,655 square feet, which is needed when including Lot 14 in the calculation. The proposed residence size would be the largest residence in terms of floor area by 35 square feet in the Shannon Valley Ranch subdivision and the smallest in terms of FAR.

DISCUSSION (continued):

5. Driveway length, slope, and secondary access.

The applicant indicates that the plans were reviewed and approved by the Santa Clara County Fire Department.

The provided Site Plan shows that an existing dirt road serves as access to the previously developed portion of the property (Exhibit 17). Should the applicant propose to improve this dirt road to provide access to a future residence under an Architecture and Site application, it is probable that exceptions to the HDS&G would be required for driveway length and slope. No secondary access is currently shown at this time.

Project plans and supporting documents for this application were routed to the Santa Clara County Fire Department (SCCFD) for review of the request to modify the PD Ordinance to increase the allowable residence size. As noted in their letter approving the project, SCCFD's review was limited to the request and did not include a review for construction of a new single-family residence, which would be the subject of a future Architecture and Site application. The SCCFD approved the request at hand and provided some potential requirements that may apply to a proposal for construction of a new residence. These items are provided in as items four through 16 of Exhibit 12. Several of the requirements relate to the Fire Safe Regulations enacted by Public Resources Code 4290. Staff has and will continue to stress to the applicant the importance of consulting with the SCCFD early and often, as well as the potential profound impact that the Fire Safe Regulations can have on proposed development in the hillside area. Any future Architecture and Site application for a new residence will require review by the SCCFD.

6. Future development requiring review by the Shannon Valley Ranch Homeowners Association.

The applicant has provided a letter from the Shannon Valley Ranch Homeowners Association approving the proposed allowable residence size increase (Exhibit 13).

C. Planned Development Analysis

The purpose and intent of the Town's Planned Development Overlay Zone is to preserve, enhance, and/or promote:

1. The Town's natural and historic resources;
2. The production of affordable housing;
3. The maximization of open space; and/or
4. A project that provides a public benefit to the citizens of the Town.

DISCUSSION (continued):

An application for a PD overlay shall only be considered if it meets the purpose and intent of the overlay zone, and meets one of nine criteria listed in the Town Code, including property that is designated within the HDS&G map. The proposed amendment to PD Ordinance 2172 meets these criteria in that it would continue to maximize open space by requesting no change to the existing scenic conservation easements on the subject property and is located within the hillside area.

Section 29.80.095 of the Town Code requires that four findings be made in order to approve a PD overlay. These findings are listed below, followed by staff analysis in *italic font*.

1. The proposed PD is in compliance with all sections of Chapter 29, Article VIII, Division 2 of the Town Code for a Planned Development Overlay Zone.

As discussed in this report, the proposed PD amendment complies with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a PD overlay zone and is located in the hillside area. Except for the requested increase to allowable residence size on Lot 14 and maximum average square footage, the performance standards included in the previously approved PD Ordinance 2172 would be carried over to an amended ordinance.

2. The proposed PD is in conformance with the goals, policies, and applicable land use designation(s) and standards of the Town's General Plan.

The proposed amendment to PD Ordinance 2172 to allow for an increased residence size on Lot 14 is consistent with the goals and policies of the 2020 General Plan Land Use Element, including, but not limited to:

- *Policy LU-1.3 encourages preservation of existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments;*
- *Policy LU-1.4 states, infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area;*
- *Policy LU-6.8 states, new construction, remodels, and additions shall be compatible and blend with the existing neighborhood; and*
- *Policy LU-7.3 states, infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life.*

DISCUSSION (continued):

3. The proposed PD is in conformance with all other applicable land use regulations, including but not limited to Town Council adopted guidelines, except as otherwise provided in Section 29.80.095(4).

As discussed in this report, the proposed PD amendment is consistent with the Town Code, HDS&G, and Hillside Specific Plan.

4. Any proposed use or development standards that deviate from the underlying zoning district(s) result in innovative and creative site planning to develop:
 - a. Housing with a minimum of forty (40) percent of the units affordable to households of very low, low, or moderate income; or
 - b. Mixed commercial, or mixed residential, or mixed commercial and residential development; or
 - c. A development designed and sited to protect, preserve and enhance conservation and enrichment of hillsides, natural and/or historic resources, ridgelines, a tree or stand of trees, creek and riparian corridors, geologic hazard or fault zone, and open space; or
 - d. A project that maximizes open space; or
 - e. The proposed PD provides a public benefit to the citizens of the Town.

The proposed PD amendment to increase the allowable residence size on Lot 14 does not deviate from the underlying zone in that the proposed residence size of 4,850 square feet is less than what would be allowed by the underlying HR-5 zone; therefore, this finding is not applicable. However, the proposal is consistent with items c and d above.

Based on staff analysis, the required findings for amending PD Ordinance 2172 can be made. A draft version of amended Performance Standard #8 is included as Exhibit 14.

D. Neighbor Outreach

Exhibit 15 includes a summary from the applicant of their neighborhood outreach efforts.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 600 feet of the subject property. Public comments received by 11:00 a.m., Friday, January 20, 2023, are included as Exhibit 18.

ENVIRONMENTAL REVIEW:

The request to modify Planned Development Ordinance 2172 is not considered a project under the California Environmental Quality Act.

CONCLUSION:

A. Summary

The property owner is requesting an amendment to PD Ordinance 2172 to increase the maximum residence size allowed on the subject property. No construction or site development is proposed with this application. Any future development proposal for a new residence would be processed and reviewed under an Architecture and Site application.

B. Recommendation

Based on the summary above, staff recommends the Planning Commission take the following actions to forward the PD amendment application to the Town Council with a recommendation of approval:

1. Recommend that the Town Council make the findings required by Section 29.80.095 of the Town Code for a Planned Development Ordinance (Exhibit 2); and
2. Recommend that the Town Council adopt the amended Planned Development Ordinance.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation for approval of the application with modified performance standards to the Town Council; or
2. Forward a recommendation of denial of the application to the Town Council; or
3. Continue the matter to a date certain with specific direction.

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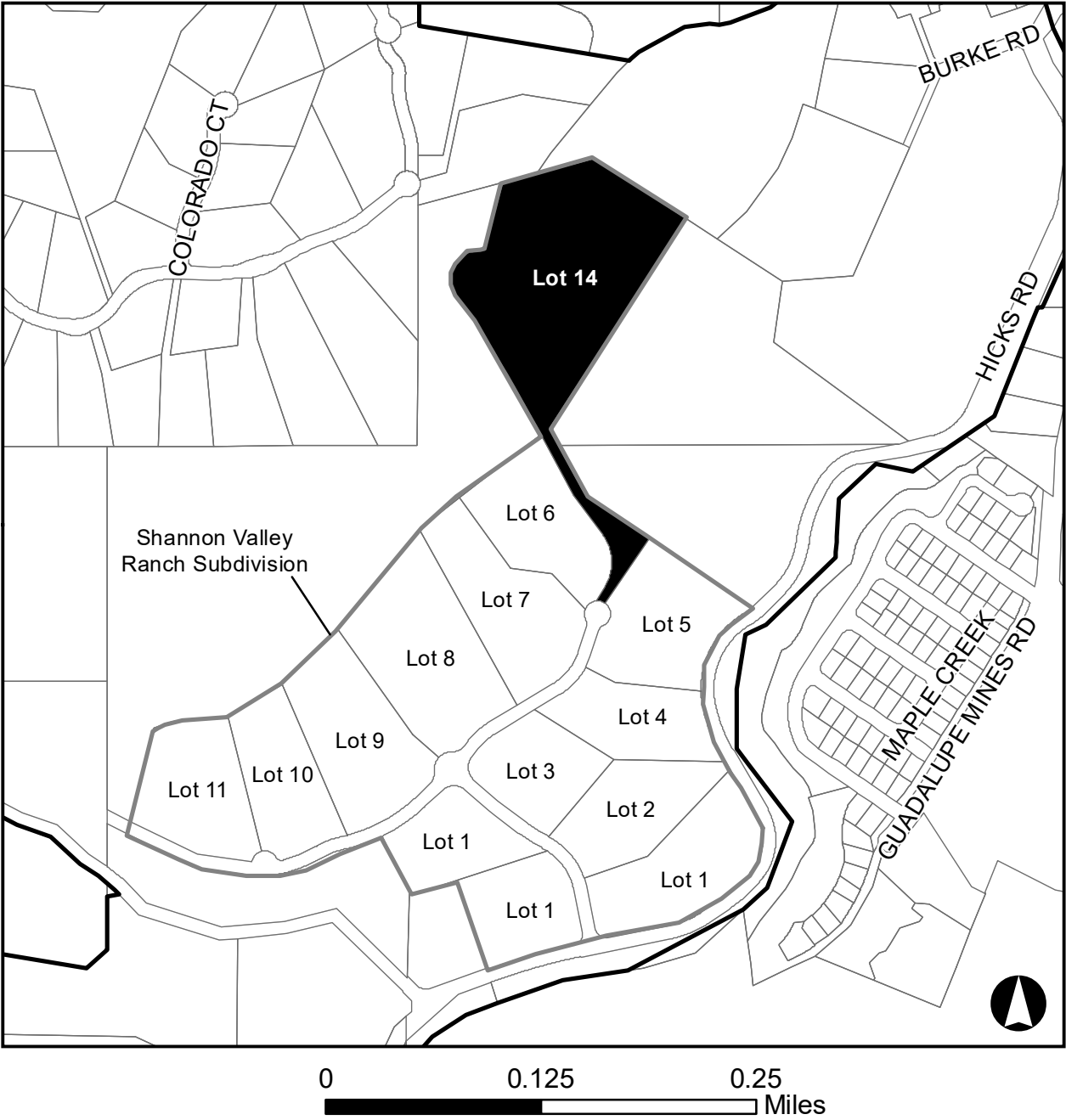
SUBJECT: 300 Mountain Laurel Lane/PD-22-001

DATE: January 20, 2023

EXHIBITS:

1. Location Map
2. Required Findings
3. Planned Development Ordinance 2097
4. Planned Development Ordinance 2172
5. Planning Commission Minutes of January 23, 2002
6. Letter from Greenbriar Homes Communities, dated April 20, 2016
7. Project Description
8. Letter of Justification
9. Conceptual Development Advisory Committee Staff Report without Attachments, May 11, 2022
10. Conceptual Development Advisory Committee Minutes, May 11, 2022
11. Applicant's Response to CDAC Feedback
12. Letter of Approval from the Santa Clara County Fire Department, dated November 7, 2022
13. Letter from the Shannon Valley Ranch Homeowners Association, dated October 18, 2022
14. Amended Performance Standard #8
15. Summary of Neighbor Outreach
16. Site Photos
17. Site Plan
18. Public Comments received by 11:00 a.m., Friday, January 20, 2023

300 Mountain Laurel Lane



PLANNING COMMISSION – January 25, 2023
REQUIRED FINDINGS FOR:

300 Mountain Laurel Lane
Planned Development Amendment PD-22-001

Requesting Approval for Modification of Planned Development Ordinance 2172 to Increase the Maximum Residence Size Allowed on Lot 14 on Property Zoned HR-5:PD. This Request for Modification of a Planned Development Ordinance is not Considered a Project Under the California Environmental Quality Act.

PROPERTY OWNER: Bright Smile Dental Office Defined Benefit Plan
APPLICANT: Kunling Wu, Trustee
PROJECT PLANNER: Sean Mullin

FINDINGS

Required compliance with the Town Code:

- As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:
 - Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay;
 - Is in conformance with the goals, policies, and applicable land use designations and standards of the Town’s General Plan, including but not limited to Policies LU-1.3, LU-1.4, LU-6.8, and LU-7.3;
 - Is in conformance with the Town Code, Hillside Development Standards and Guidelines, and the Hillside Specific Plan; and
 - Does not include an amendment that would deviate from the residence size allowed by the underlying zone.

Required consistency with the Town’s General Plan:

- That the amendment to the Planned Development Overlay is consistent with the 2020 General Plan and its Elements, including but not limited to Policies LU-1.3, LU-1.4, LU-6.8, LU-7.3, and LU-7.4; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

EXHIBIT 2

ORDINANCE 2097

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE FROM RC AND HR-5 PREZONE TO HR-5:PD FOR PROPERTY LOCATED AT 17101 HICKS ROAD AND 14045 SHANNON ROAD

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at 17101 Hicks Road and 14045 Shannon Road (Santa Clara County Assessor Parcel Numbers 537-18-001, 567-24-008 and 567-23-041) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from RC (Resource Conservation) and HR-5 (Hillside Residential, 5 Acres per Dwelling Unit) to HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development).

SECTION II

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

1. Demolition of two existing pre-1941 and two post-1941 single family residences and one pre-1941 barn.
2. Construction of 13 new single-family dwelling units and reconstruction of one single-family dwelling that was destroyed by fire.
3. Landscaping, streets, trails, and other improvements shown and required on the Official Development Plan.
4. Dedication of 45.4 acres of hillside and riparian open space as shown on the Official Development Plans.
5. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
6. Uses permitted are those specified in the HR (Hillside Residential) zone by Sections 29.40.235 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is

allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

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

SECTION V

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

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

1. EXPIRATION/USE OF APPROVAL. The approval for the requested zone change from RC (Resource Conservation) and HR-5 prezone (Hillside Residential, 5 Acres per Dwelling Unit) to HR-5:PD (Hillside Residential, 5 Acres per Dwelling Unit, Planned Development) shall expire two years from the date of approval unless the application has been vested pursuant to Town Code Section 29.20.320.
2. ARCHITECTURE AND SITE APPROVAL REQUIRED. A separate Architecture and Site application and approval is required for the residential units proposed.
3. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided is conceptual in nature. Final footprints and building designs shall be determined during the architecture and site approval process.
4. HOUSE SITING. The siting of the homes shall be determined during the Architecture & Site approval process.

5. RECYCLING. All wood, metal, glass and aluminum materials generated from the demolished structures shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection and the issuance of any building permits.
6. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for the removal of any ordinance sized tree prior to the issuance of a Building, Grading or Encroachment Permit.
7. FENCING. Fence locations shall be reviewed and approved during the Architecture & Site review(s), including privacy and yard fencing. Developer will include in the CC&R's for the project a restriction limiting the home owners from replacing the fence type as installed by the Developer and as shown on the Official Development Plans, or as otherwise approved during the Architecture & Site review(s). Any replacement or addition of other fence types shall be restricted to open fence types including wood with wire mesh and wood or concrete split-rail fencing. Solid fencing will be permitted only where installed by the Developer and as shown on the approved development plans. CC&R's shall require fences to be set back a minimum of 10 feet for from property lines.
8. BUILDING SQUARE FOOTAGE. All project homes will be limited to a maximum size of 4,850 square feet with an average of 4,650 square feet, and at least 2/3 of the homes shall be limited to a one story design. Final building design and size will be determined during Architecture and Site review. No further expansion of the homes will be allowed unless this Ordinance is amended by the Town Council. Lot 14 shall be developed under guidelines of a replacement structure and shall be similar in size, mass and scale to the original home that was destroyed by fire.
9. SETBACKS. The minimum setbacks are those specified by the HR-5 zoning district.
10. HEIGHT. The maximum height for single-story homes shall be 25 feet and the maximum height for two-story homes shall be 30 feet.
11. EXTERIOR LIGHTING. All exterior lighting shall be reviewed and approved as part of the Architecture & Site review(s). Lighting shall be down directed, and no street lighting shall be included in the development. If it is determined that lighting is needed for safety reasons at the intersection of Hicks Road and the new road into the development, a street light may be required, but only if there is not alternative safety devices that can adequately delineate the intersection. If it is determined that a new light must be installed, it shall be designed to only illuminate the minimum area necessary for safety.
12. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3a.** During the design phase, the property owner/developer shall implement the following measures:
 - a. Any plan affecting trees shall be reviewed by the Consulting Arborist to ensure that improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans will not adversely affect the tree to be retained.
 - b. The horizontal and vertical elevations of trees to be preserved within development areas shall be established and included on all plans.
 - c. The Consulting Arborist shall identify a Tree Protection Zone for trees to be preserved in which no soil disturbance is permitted. For design purposes, the Tree Protection Zone shall be defined by the dripline. Where development must encroach

- within the dripline, the Consulting Arborist shall identify an appropriate Tree Protection Zone.
- d. No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone.
 - e. Tree Preservation Notes shall be included on all plans.
 - f. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
 - g. Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone.
13. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3b.** During the pre-construction phase, the property owner/developer shall take the following measures:
- a. A fence shall be constructed around all trees to be retained and it shall completely enclose the Tree Protection Zone prior to demolition, grubbing, or grading. Fencing shall be 6-foot chain link or equivalent. Fencing shall be placed at the dripline or as otherwise directed by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
 - b. All trees to be retained shall be pruned within and adjacent to development areas shall be reviewed by a certified arborist to determine which trees should be pruned to clean the crown, reduce end weight and/or provide clearance. Tree #201 will require pruning to reduce weight throughout the crown. Clearance shall be provided by selectively thinning low-hanging lateral branches.
 - c. All pruning shall be performed by a Certified Arborist or Tree Worker in accordance with the Tree Pruning Guidelines of the International Society of Arboriculture.
 - d. Prior to the start of any demolition and clearing, the Consulting Arborist will meet with the demolition, grading and other relevant contractors to review limits of construction activity, identify areas requiring fencing, identify trees to be removed and review work procedures.
14. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3C.** Prior to the construction phase of the project, the applicant shall take the following measures:
- a. Any grading, construction demolition, or other work within the Tree Protection Zone shall be monitored by the Consulting Arborist.
 - b. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
 - c. If any injury to a tree should occur during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be made.
 - d. Root-injured trees have a limited capacity to absorb water. Therefore, it is important to ensure adequate soil moisture in the area of active roots. One to several irrigations may be needed for trees that are at risk of impacts. Irrigations shall be specified by the Consulting Arborist.
 - e. No excess soil, chemical, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone.
 - f. Any additional pruning required to provide clearance during construction shall be performed by a Certified Arborist and not construction personnel.
15. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3d.** Following construction,

a comprehensive management plan for the trees shall be developed that considers the broad objectives of development as well as the needs of the specific species. This management plan shall specify pruning, fertilization, mulch, pest management, replanting and irrigation requirements. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, the management plan must include an annual inspection for hazard potential.

16. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-4.** To minimize impacts on nesting raptors, the applicant shall complete necessary pre-construction surveys and monitoring. If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.
17. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5a.** To minimize impacts on yellow warblers, the property owner/developer shall retain sycamore riparian habitat along Shannon Creek and shall maintain setbacks of at least 50 feet between proposed development and sycamore riparian habitat. If a small amount of development encroaches into this 50-foot setback, then this encroachment (indirect impact) shall be mitigated by planting riparian habitat at a 1:1 ratio.
18. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5b.** The property owner/developer shall implement the following measures to minimize potential impacts on any roosting bats:
 - a. Surveys shall be conducted up to one year in advance of building demolition and tree removal, if possible, to determine if active roosts are present. These surveys shall not substitute for pre-construction/pre-disturbance surveys for nesting raptors, as bats could move on or adjacent to the site between survey periods. If roosting bats are found during these surveys, either avoidance of the maternity roost season, establishment of buffer zones or exclusion of bats shall be implemented as appropriate.
 - b. Avoidance: Construction activities involving potential roost sites shall be conducted outside the maternity roost season if the project commences after young are volant by July 31 and finished before the formation of maternity roosts begins (as early as March 1).
 - c. Pre-demolition Surveys and Buffer Zones: If the project schedule does not allow for early detection surveys to occur, a pre-demolition survey for roosting bats shall be conducted by a qualified bat biologist 14 days prior to construction as determined by a Memorandum of Understanding with the California Department of Fish & Game

(CDFG) prior to any removal of buildings, particularly those with closed areas such as an attic space, or trees 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted. If a maternity roost were present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any active nurseries within the construction zone.

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

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

- a. Avoidance to the extent possible.
- b. Minimization. The project shall be designed, built and operated in the following ways that will minimize both direct and indirect impacts to these species. Any construction near or adjacent to the Shannon Creek drainage will be preceded by a pre-construction survey. The existing culvert over the Shannon Creek drainage will not be widened and will only be used as an EVA road. The primary egress and ingress for the project will be off of Hicks Road. In addition, impacts relating to the construction of the outfalls for the project are likely to be covered by the Programmatic Section 7 for the red-legged frog. If formal consultation (via Section 7) for the red-legged frog is required, then the project applicant shall implement all of the Minimization measures outlined in the Programmatic Section 7 Biological Opinion.
- c. Compensation by Wetland Creation. Any impacts from the project (i.e., outfalls) shall be mitigated by creating habitat on-site at a minimum of 1:1 ratio.
- d. Compensation by Riparian Restoration. A riparian restoration plan for mitigation shall be developed by a qualified biologist. The mitigation area(s) should be designed to expand existing riparian vegetation and re-create high quality riparian habitat along the Shannon Creek drainage and northern drainage. The mitigation

- goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than those existing along the Shannon Creek drainage and northern drainage. The final species selection and configuration shall be determined during final mitigation design. The trees and shrubs to be installed should be of local origin, preferably contract grown from seed or cuttings from within five miles of the site.
- e. A detailed monitoring plan including specific success criteria shall be developed and submitted to The Town of Los Gatos for approval. The mitigation area will be monitored in accordance with the plan approved by the Town. The basic components of the monitoring plan are final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures and reporting requirements.
 - f. Specific success criteria and characteristics shall be developed during preparation of the mitigation and monitoring plan. At a minimum, the final success criteria shall include absolute percent cover by native trees and shrubs of 60% and 40%, respectively. The performance criteria should include tree and shrub survival at three years of 80% of the original planting. If the final encroachment estimates exceed 1.0 acre, monitoring of the mitigation site shall be conducted for 10 years. Annual monitoring reports shall be sent to the appropriate agencies. If the required mitigation planting is less than 1.0 acres, monitoring shall be conducted annually for five years.
 - g. During the development of the riparian restoration plan, an appropriate area (or areas) shall be identified to replace encroachment impacts at a 1:1 basis.
 - h. Maintain Water Quality of the Watershed. The project shall be designed, constructed and built in such a way as to maintain the water quality in the adjacent drainage channels and ponds. Appropriate best management practices (BMPs) shall be developed for the project.
- 20. SOLAR WATER SYSTEM. Each residence shall be pre-plumbed for a solar water heater system prior to issuance of a certificate of occupancy.
 - 21. COLOR REFLECTIVITY DEED RESTRICTION. Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with the Town's Hillside Development Standards.
 - 22. SUBDIVISION REQUIRED. A separate tentative map application submittal and approval is required for the proposed project prior to the issuance of building permits.
 - 23. BELOW MARKET PRICE (BMP) IN-LIEU FEE: A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
 - 24. FINAL CC&R's. Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.

Building Division

25. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
26. CONSTRUCTION PLANS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
27. SIZE OF PLANS. The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.
28. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
29. DEMOLITION REQUIREMENTS. Contact the Bay Area Air Quality Management District at (495) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.
30. SOILS REPORT. Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
31. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
32. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
 - a. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - b. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - c. Door buzzer, bell or chime shall be hard wired.
33. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.
34. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR-IR and MF-IR shall be printed on the construction plans.
35. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
36. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
37. SPECIAL INSPECTIONS. When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted

to the Building Official for approval prior to issuance of any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.

38. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
39. ADDITIONAL AGENCY APPROVALS REQUIRED. The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Lots 1-13: Los Gatos School District: 335-2000
 - d. Lot 14: Union School District: 377-8010

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

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

40. GRADING. Grading shall be kept to a minimum to construct the roads within the project. Any future grading will be considered at the time of Architecture & Site review(s).
41. GRADING PERMIT. A grading permit is required for all on-site grading, erosion control and improvements (roadway, storm drainage, utilities, lighting, etc.). A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks & Public Works, the grading permit will be issued concurrently with the building permit.
42. SOILS REPORT. One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
43. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.
44. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
 - a. Hicks Road. A 40-foot half street right-of-way with the chord of a 20-foot radius at the intersection with the new street.
 - b. Shannon Road. A 20-foot half street right-of-way.
 - c. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - d. Public Service Easement (PSE). Ten (10) feet wide, next to the new street right-of-

- ways.
- e. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - f. Trail Easement. Ten (10) to twenty (20) feet wide, as shown on the Official Development Plan.
 - g. Emergency Access Easement. Twenty (20) feet wide, from the new public road to Shannon Road, as shown on the Official Development Plans.
45. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- a. New Streets. Curb, gutter, new street paving, signing, striping, storm drainage and sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.
46. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.
47. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,730. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy. Credit shall be given for the house on Lot 14, where a house was previous located, and for the three residences to be demolished.
48. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
49. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
50. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection ow work that went on without inspection.
51. GRADING MORATORIUM. No grading or earth-disturbing activities shall be initiated in

hillside areas between October 1 and April 15 of each year. For grading operations commenced before October 1, all grading or earth-disturbing activities shall cease October 15 and will not be allowed to restart until April 15. Grading permits will not be issued between September 15 and April 15. These limitations include, but are not limited to these items: driveways, building pads, foundation trenches and drilled piers, retaining walls, swimming pools, tennis courts, outbuildings and utility trenches. Install interim erosion control measures, shown on the approved interim erosion control plan, by October 1, if final landscaping is not in place. Maintain the interim erosion control measures throughout the October 1 to April 15 period.

52. GRADING INSPECTIONS. The soils engineer or her/his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
53. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 - c. Top of future curb along one side of the new street.
54. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Parks & Public Works Department. A Notice of Intent (NOI) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Town Engineering Division concurrently with the grading permit application. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area/building on an area if grading is allowed during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install fiber berms, check dams, retention basins, silt fences, erosion control blankets and fiber rolls as needed on the project site, to protect down stream water quality during winter months.
55. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains or creeks.
56. NPDES REQUIREMENTS. All work within the project shall be in conformance with the National Pollution Discharge Elimination System permit issued to local agencies within Santa Clara County by the San Francisco Bay Regional Water Quality Control Board on October 17, 2001.
57. FISH & GAME REQUIREMENTS. A "1603" permit shall be obtained for the California Department of Fish & Game for proposed improvements in or near riparian areas within that agency's jurisdiction. A copy of the permit shall be provided to the Parks & Public Works Department before any permits are issued/final map is recorded.
58. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.

59. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
60. DRIVEWAY APPROACH. The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
61. LOT 14 DRIVEWAY. The driveway to Lot 14 shall be the minimum width required to provide fire access. The intent is to minimize the visibility of the driveway.
62. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.
63. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line of each new lot.
64. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
65. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
66. CURB RAMPS. The developer shall construct curb ramp according to State Standard Drawings at all intersections. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase of the project.
67. **HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-3. Energy dissipaters should be provided at the outfalls of proposed storm drains to minimize the increased potential for erosion hazards due to project development.
68. **HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-4. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to start of construction. The SWPPP and project plans shall be reviewed by the Town Engineering staff. The

SWPPP shall be in conformance with the Santa Clara County NPDES Permit as amended by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on October 17, 2001. The SWPPP shall be approved concurrently with the grading, drainage and erosion control plans. Reference the Addendum to the EIR for additional details.

69. ****HYDROLOGY AND WATER QUALITY MITIGATION MEASURE** The project design shall incorporate water quality mitigation measures in accordance with current NPDES requirements. Water quality measures should include use of biofilters, drainage swales, and detention facilities to mitigate non-point source impacts. In addition, the SCVWD and RWQCB recommend the incorporation of site planning design measures to help reduce potential contributions of urban pollutants from the project. See the Addendum to the EIR for additional details.
70. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-2.** In order to minimize potential traffic safety impacts the property owner/developer shall take the following measures:
- a. Adequate sight distance shall be provided for the project access road/Hicks Road intersection through removal of vegetation and grading of the embankment.
 - b. A stop sign shall be installed to control traffic on the project access road to Hicks Road. The stop sign for the proposed driveway shall be located along and parallel to the north edge of pavement on Hicks Road.
 - c. Warning signs shall be installed indicating a "T" intersection along Hicks Road approaching the new driveway. These signs shall be located approximately 300 feet east and west of the project entrance/Hicks Road intersection.
 - d. Traffic reflectors shall be installed on the south side of Hicks Road at the intersection with the entrance road to the project.
71. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-3.** A separate pedestrian trail shall be installed along the north side of Hicks Road.
72. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-4.** Use of trails by bicyclists, particularly the trail parallel to Hicks Road, shall be considered during Architecture and Site review. In addition, design issues such as the appropriateness of trail widths, pavement versus compacted earth, and trailhead facilities shall be considered during Architecture and Site Review.
73. **GEOTECHNICAL REVIEW OF SUBDIVISION IMPROVEMENT PLANS.** The project geotechnical consultant shall review and approve all geotechnical aspects of the subdivision improvement plans to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the Town Engineer for review, prior to issuance of permits for construction of subdivision level improvements.
74. **GEOTECHNICAL PLAN REVIEW (LOTS 1 THROUGH 13).** The project geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans for individual residences on Lots 1 through 13. To ensure that their recommendations have been properly incorporated. The consultant shall verify that recommended measures to address potential debris flows on Lot 6, and potential co-seismic ground deformation on Lots 1 and 13 have been incorporated.
75. **GEOTECHNICAL INVESTIGATION (LOT 14).** The project geotechnical consultant shall

complete a site specific soil and foundation investigation as a basis for preparing recommended geotechnical design parameters for Lot 14 residential improvements. The results of this investigation shall be submitted to the Town for review by the Town Engineer and Town Geotechnical Consultant prior to approval of a site specific development plan.

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

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

Parks Division

77. AERATION TUBES. All impervious surface encroaching under the dripline of existing trees shall have aeration tubes installed and these tube locations shown on the plans.
78. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and vegetation.
79. BUILDING FOUNDATIONS: Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize impact on existing trees.
80. TREE STAKING: All newly planted trees are required to be double staked to Town standards.
81. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
82. IRRIGATION SYSTEM. Water efficient irrigation systems shall be utilized to conserve water in all project irrigation of publicly landscaped areas.
83. VEGETATIVE SCREENING. Vegetative screening shall be used along the development edges, where appropriate, to soften views of peripheral buildings and to integrate landscaping and native vegetation.
84. WATER EFFICIENT ORDINANCE. This project is subject to the Town's Water Efficient Ordinance. A fee of \$472 is required when the landscape, irrigation plans, and water calculations are submitted for review.
85. TREE PROTECTION. Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
86. ORNAMENTAL LANDSCAPING. All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
87. LANDSCAPE GUIDELINES. The adopted landscape guidelines and native plant lists shall include the recommendations of the Town consulting arborist, except that lawn areas shall

not exceed 5,000 square feet. The landscape guidelines are attached as Exhibit C.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

88. **WATER SUPPLY.** Two water tanks with a capacity of 10,000 Gallons and one wharf style hydrant shall be provided unless the proposed public water system can be extended to provide appropriate lot protection, or other acceptable means of fire protection can be provided as authorized by the Fire Department. Installations shall conform with Fire Department Standard Details and Specifications W-1.
89. **FIRE APPARATUS(ENGINE) ACCESS.** Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.
90. **FIRE APPARATUS (ENGINE) TURN-AROUND REQUIRED.** Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 64 feet.
91. **FIRE APPARATUS (HYDRANT).** Where buildings exceed 150 feet travel distance from the street either an on-site (private) hydrant or an approved residential fire sprinkler system shall be provided.
92. **PUBLIC FIRE HYDRANT(S) REQUIRED.** Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,750 GPM at 20 psi, residual. Consult with San Jose Water Company relative to main sizing requirements and hydrant spacing. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible.
93. **TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS.** Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be delayed until required installations are completed, tested, and accepted.
94. **TIMING OF REQUIRED ROADWAY INSTALLATIONS.** Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. Building permit issuance may be delayed until installations are completed.
95. **FIRE APPARATUS (HYDRANT).** Prior to project inspection, the general contractor shall ensure that a "Blue" dot has been placed in the roadway as directed by the Fire Department.
96. **HOUSE NUMBERS.** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los

Gatos on March 4, 2002, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on March 18, 2002 and takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski,
Mayor Randy Attaway.

NAYS: None

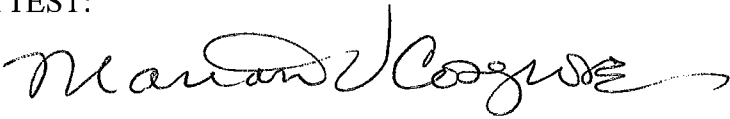
ABSENT: None

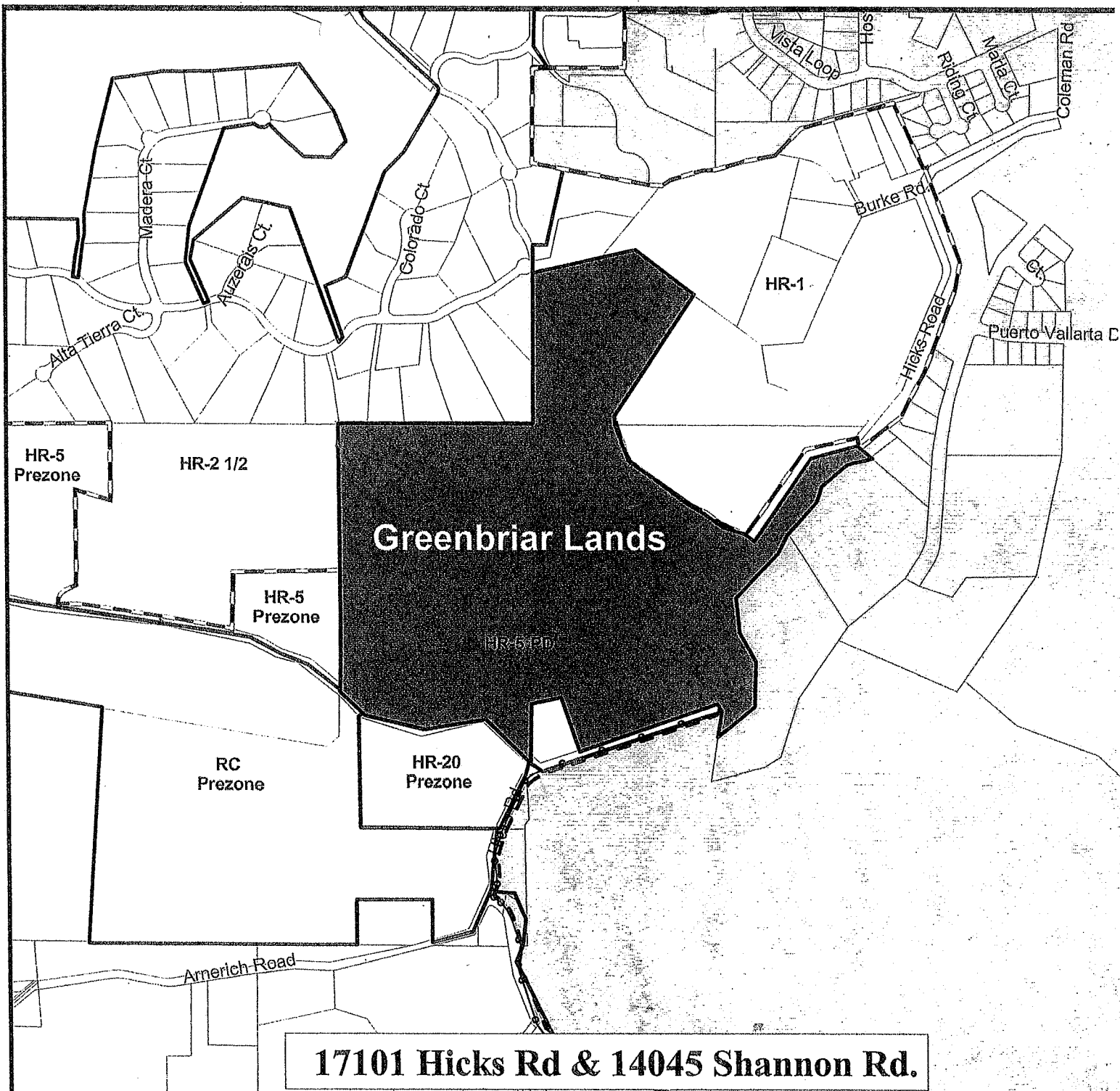
ABSTAIN: None

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA



TOWN OF LOS GATOS

Application No. DEV-99-02 . A.P.N. # 567-24-008, 567-23-041, 537-18-001

Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change

☐ Prezoning

From: RC, HR-5 Prezone To: HR-5:PD

Recommended by Planning Commission

Approved by Town Council

Town Clerk

Date: 3/18/02

Mayor

Date: 1/23/02

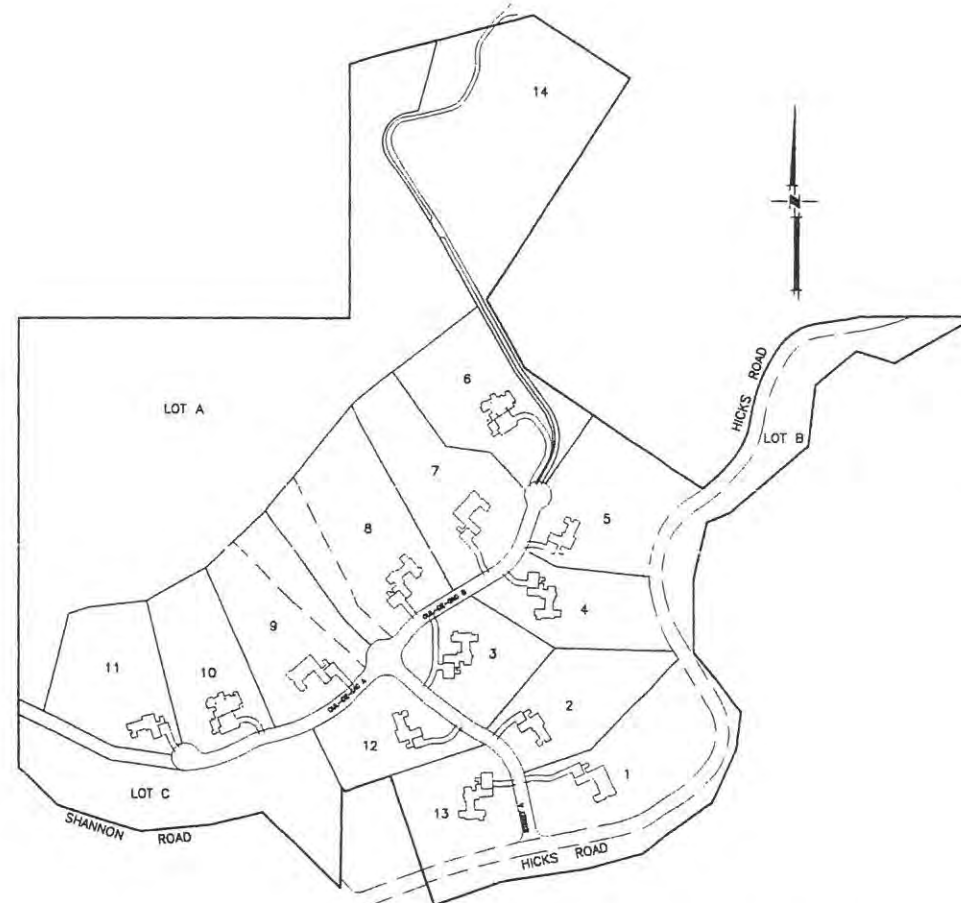
Ord: 2097

EXHIBIT A

GENERAL DEVELOPMENT PLAN

LANDS OF THE DAGNEY GROUP, LLC

TOWN OF LOS GATOS, CALIFORNIA



SHANNON VALLEY RANCH BY GREENBRIAR HOMES COMMUNITIES, INC.

TABLE OF CONTENTS

SHEET NO.	DESCRIPTION
1.	COVER SHEET
2.	CONCEPTUAL LAND USE PLAN
3.	CONCEPTUAL SITE PLAN / CIRCULATION PLAN
4.	LEAST RESTRICTIVE DEVELOPMENT AREA
5.	CONCEPTUAL GRADING PLAN
6.	UTILITY PLAN
7.	SITE SECTIONS
8.	TREE NOTES
9.	SCHEMATIC LANDSCAPE PLAN

RECEIVED

JAN - 3 2002

TOWN OF LOS GATOS
PLANNING DEPARTMENT

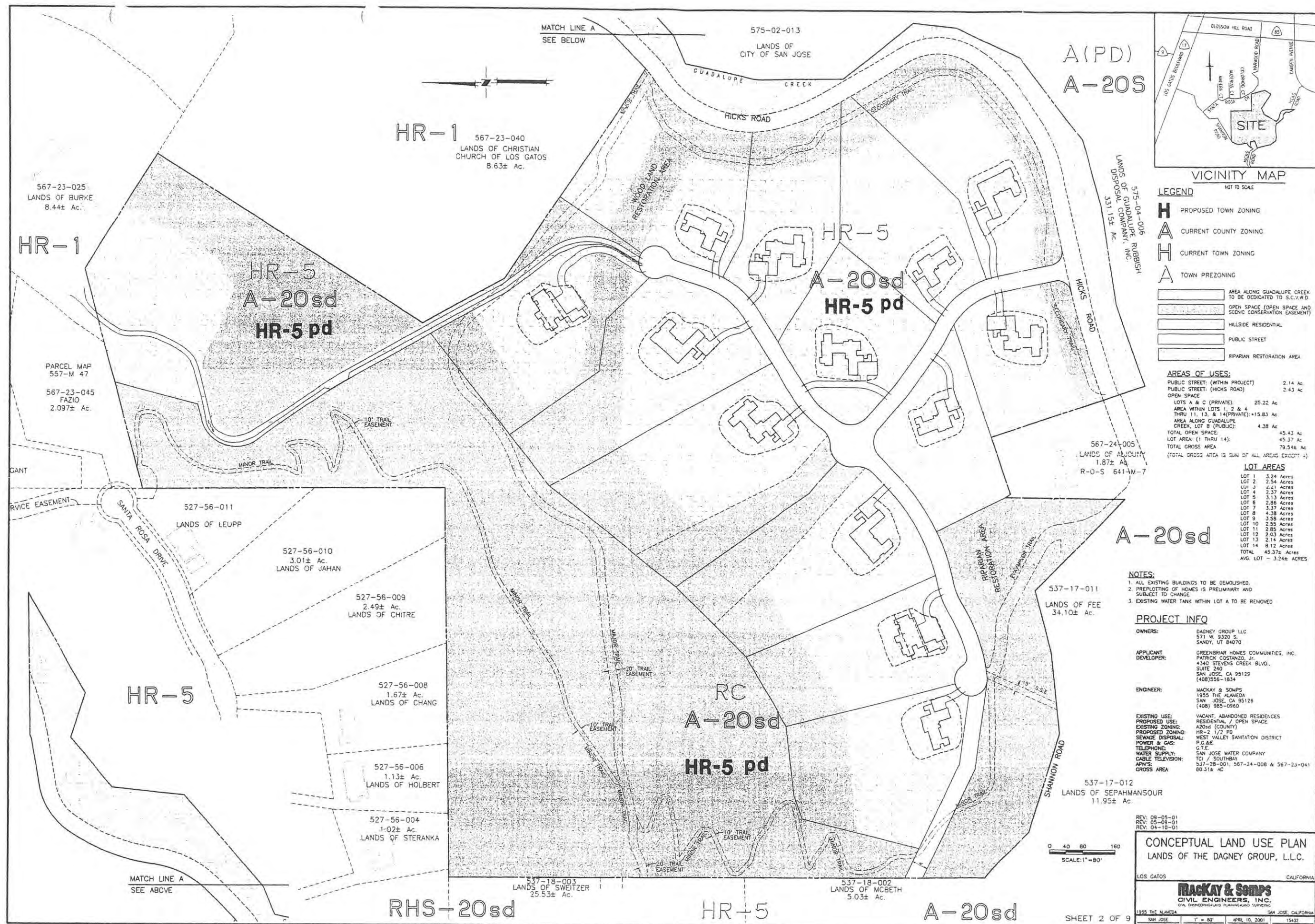
REV: 9-05-01
REV: 4-11-01

Exhibit B

MACKEY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING PLANNING SURVEYING

SHEET 1 OF 9

DATE	SCALE	DATE	DATE
01/18/02	1"=40'	01/18/02	01/18/02



VICINITY MAP
NOT TO SCALE

LEGEND

H	PROPOSED TOWN ZONING
A	CURRENT COUNTY ZONING
H	CURRENT TOWN ZONING
A	TOWN PREZONING
[Pattern]	AREA ALONG GUADALUPE CREEK TO BE DEDICATED TO S.C.V.W.D.
[Pattern]	OPEN SPACE (OPEN SPACE AND SCENIC CONSERVATION EASEMENT)
[Pattern]	HILLSIDE RESIDENTIAL
[Pattern]	PUBLIC STREET
[Pattern]	RIPARIAN RESTORATION AREA

AREAS OF USES:

PUBLIC STREET (WITHIN PROJECT)	2.14 Ac.
PUBLIC STREET (HICKS ROAD)	2.43 Ac.
OPEN SPACE	
LOTS A & C (PRIVATE)	25.22 Ac.
AREA WITHIN LOTS 1, 2 & 4	
THRU 11, 13, & 14 (PRIVATE)	15.83 Ac.
AREA ALONG GUADALUPE CREEK, LOT 8 (PUBLIC)	4.38 Ac.
TOTAL OPEN SPACE	45.43 Ac.
LOT AREA (1 THRU 14)	45.37 Ac.
TOTAL GROSS AREA	79.548 Ac.
(TOTAL GROSS AREA IS SUM OF ALL AREAS EXCEPT +)	

LOT AREAS

LOT 1	3.24 Acres
LOT 2	2.54 Acres
LOT 3	2.41 Acres
LOT 4	2.37 Acres
LOT 5	3.13 Acres
LOT 6	2.86 Acres
LOT 7	3.37 Acres
LOT 8	4.38 Acres
LOT 9	3.58 Acres
LOT 10	2.55 Acres
LOT 11	2.85 Acres
LOT 12	2.03 Acres
LOT 13	2.14 Acres
LOT 14	8.12 Acres
TOTAL	45.372 Acres
AVG. LOT	3.242 Acres

- NOTES:**
1. ALL EXISTING BUILDINGS TO BE DEMOLISHED.
 2. PREPLOTING OF HOMES IS PRELIMINARY AND SUBJECT TO CHANGE.
 3. EXISTING WATER TANK WITHIN LOT A TO BE REMOVED.

PROJECT INFO

OWNERS:
DAGNEY GROUP LLC
571 W. 9320 S.
SANDY, UT 84070

APPLICANT DEVELOPER:
GREENBRIAR HOMES COMMUNITIES, INC.
PATRICK COSTANZO, JR.
4340 STEVENS CREEK BLVD., SUITE 240
SAN JOSE, CA 95129
(408) 556-1834

ENGINEER:
MACKAY & SONS
1955 THE ALAMEDA
SAN JOSE, CA 95126
(408) 985-0960

EXISTING USE:
VACANT, ABANDONED RESIDENCES

PROPOSED USE:
RESIDENTIAL / OPEN SPACE

EXISTING ZONING:
A20sd (COUNTY)

PROPOSED ZONING:
HR-2 1/2 PD

SEWAGE DISPOSAL:
WEST VALLEY SANITATION DISTRICT

POWER & GAS:
P.G.&E.

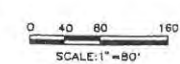
TELEPHONE:
G.T.E.

WATER SUPPLY:
SAN JOSE WATER COMPANY

CABLE TELEVISION:
TCL / SOUTHBAY

APN'S:
537-28-001, 567-24-008 & 567-23-041

GROSS AREA:
80.312 AC



REV: 09-09-01
REV: 05-09-01
REV: 04-10-01

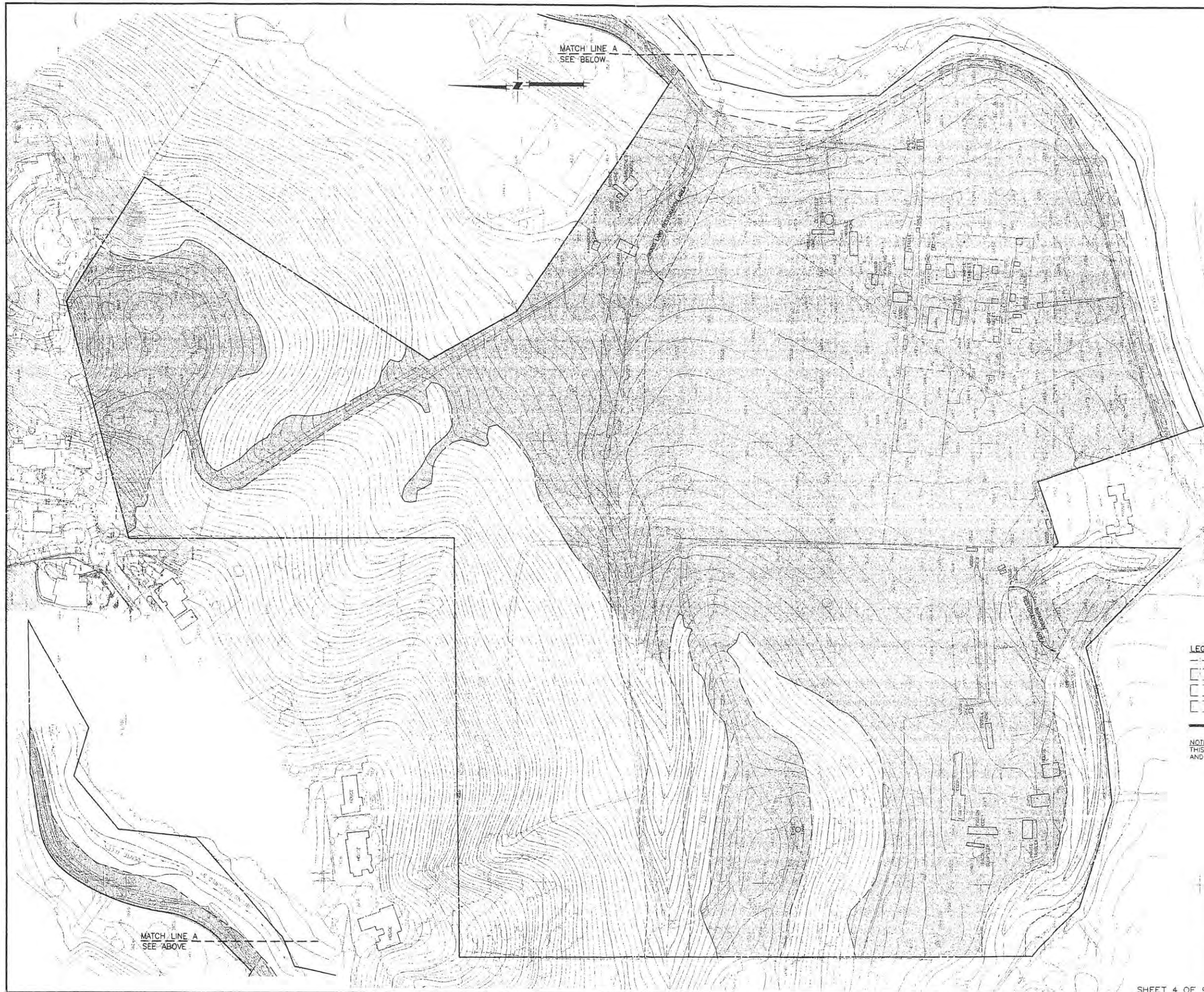
CONCEPTUAL LAND USE PLAN
LANDS OF THE DAGNEY GROUP, L.L.C.

LOS CATOS CALIFORNIA

Mackay & Sons
CIVIL ENGINEERS, INC.
1955 THE ALAMEDA
SAN JOSE, CA 95126
(408) 985-0960

SAN JOSE	1" = 80'	APRIL 10, 2001	15432
OFFICE	SCALE	DATE	JOB NO.

SHEET 2 OF 9



VICINITY MAP
NOT TO SCALE

- LEGEND**
- 30% SLOPE LINE
 - LEAST RESTRICTIVE DEVELOPMENT AREA (LRDA)
 - ENVIRONMENTALLY SENSITIVE AREA DUE TO NATURAL WATERSHED VEGETATION
 - RIPARIAN OR WOOD LAND RESTORATION AREA FOR WATERSHED VEGETATION
 - RIDGE LINE

NOTE
THIS SITE IS NOT VISIBLE FROM THE VALLEY FLOOR
AND THERE ARE NO KNOWN ACTIVE FAULTS.

0 40 80 160
SCALE: 1" = 80'

REV: 04-11-01

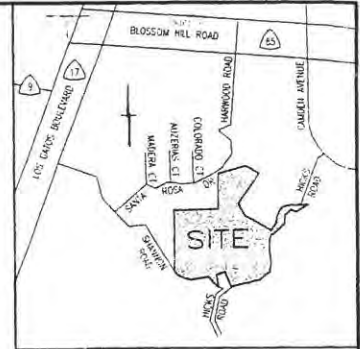
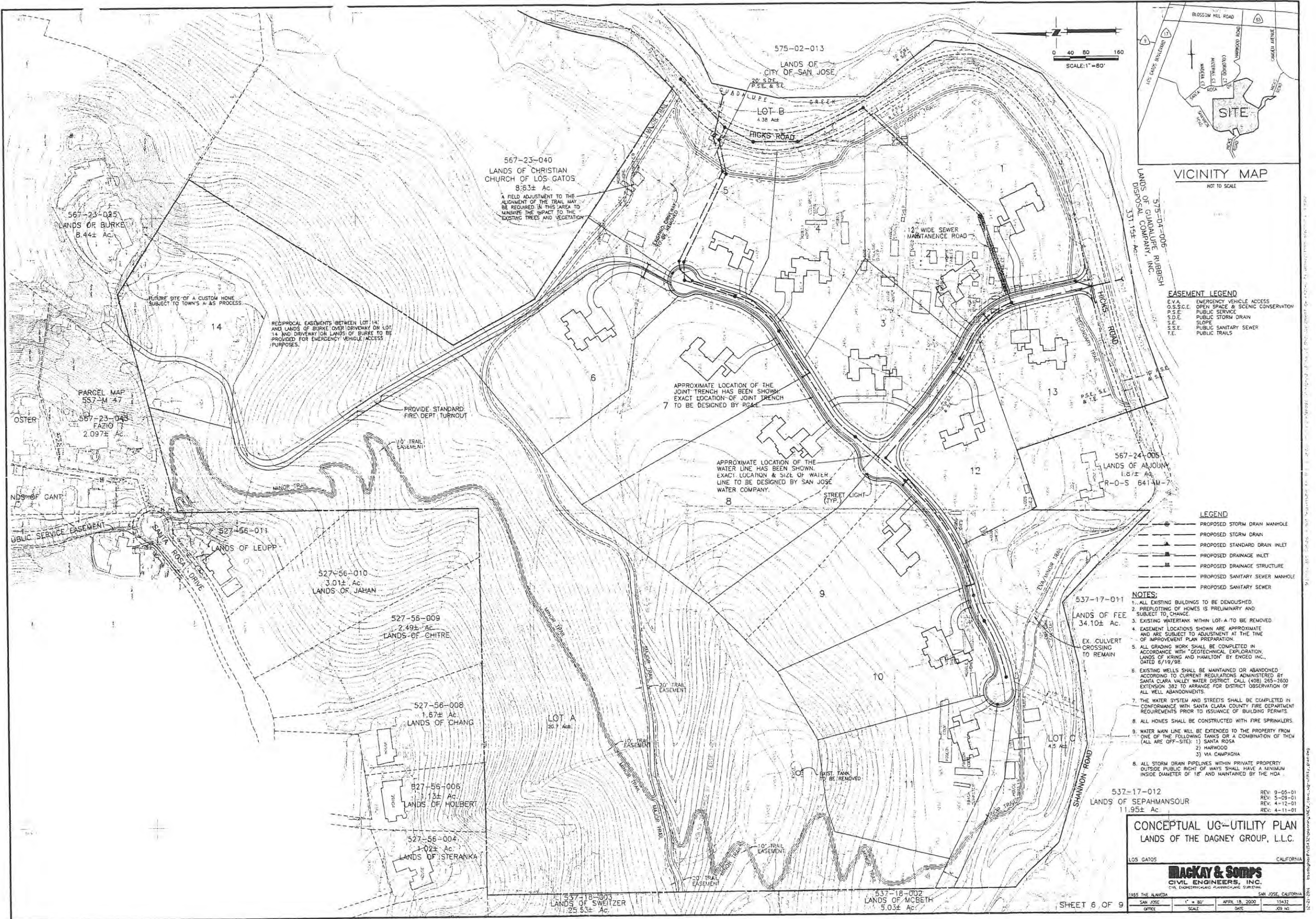
LEAST RESTRICTIVE
DEVELOPMENT AREA
LANDS OF THE DAGNEY GROUP, L.L.C.
LOS GATOS CALIFORNIA

Mackay & Samps
CIVIL ENGINEERS, INC.
ONE DOWNSIDE DRIVE, SAN JOSE, CALIFORNIA 95128

1955 THE ALAMEDA	1" = 80'	APRIL 11, 2001	15432
SAN JOSE OFFICE	SCALE	DATE	JOB NO.

SHEET 4 OF 9

1955 THE ALAMEDA		SAN JOSE, CALIFORNIA	
SAN JOSE	1" = 80'	MAY 10, 2000	15432
OFFICE	SCALE	DATE	NO. 00



VICINITY MAP
NOT TO SCALE

- EASEMENT LEGEND**
- E.V.A. EMERGENCY VEHICLE ACCESS
 - O.S.S.C.E. OPEN SPACE & SCENIC CONSERVATION
 - P.S. PUBLIC SERVICE
 - P.S.D. PUBLIC STORM DRAIN
 - S.P. SLOPE
 - S.S.E. PUBLIC SANITARY SEWER
 - T.E. PUBLIC TRAILS

- LEGEND**
- PROPOSED STORM DRAIN MANHOLE
 - PROPOSED STORM DRAIN
 - PROPOSED STANDARD DRAIN INLET
 - PROPOSED DRAINAGE INLET
 - PROPOSED DRAINAGE STRUCTURE
 - PROPOSED SANITARY SEWER MANHOLE
 - PROPOSED SANITARY SEWER

- NOTES:**
1. ALL EXISTING BUILDINGS TO BE DEMOLISHED.
 2. PREPLOTING OF HOMES IS PRELIMINARY AND SUBJECT TO CHANGE.
 3. EXISTING WATERTANK WITHIN LOT A TO BE REMOVED.
 4. EASEMENT LOCATIONS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO ADJUSTMENT AT THE TIME OF IMPROVEMENT PLAN PREPARATION.
 5. ALL GRADING WORK SHALL BE COMPLETED IN ACCORDANCE WITH "GEOTECHNICAL EXPLORATION, LANDS OF KRING AND HAMILTON" BY ENGEO INC., DATED 6/19/98.
 6. EXISTING WELLS SHALL BE MAINTAINED OR ABANDONED ACCORDING TO CURRENT REGULATIONS ADMINISTERED BY SANTA CLARA VALLEY WATER DISTRICT. CALL (408) 265-2600 EXTENSION 382 TO ARRANGE FOR DISTRICT OBSERVATION OF ALL WELL ABANDONMENTS.
 7. THE WATER SYSTEM AND STREETS SHALL BE COMPLETED IN CONFORMANCE WITH SANTA CLARA COUNTY FIRE DEPARTMENT REQUIREMENTS PRIOR TO ISSUANCE OF BUILDING PERMITS.
 8. ALL HOMES SHALL BE CONSTRUCTED WITH FIRE SPRINKLERS.
 9. WATER MAIN LINE WILL BE EXTENDED TO THE PROPERTY FROM ONE OF THE FOLLOWING TANKS OR A COMBINATION OF THEM (ALL ARE OFF-SITE): 1) SANTA ROSA 2) HAWKWOOD 3) VIA CAMPAGNA
 10. ALL STORM DRAIN PIPELINES WITHIN PRIVATE PROPERTY OUTSIDE PUBLIC RIGHT OF WAYS SHALL HAVE A MINIMUM INSIDE DIAMETER OF 18" AND MAINTAINED BY THE HOA.

537-17-011
LANDS OF FEE
34.10± Ac.
EX. CULVERT
CROSSING
TO REMAIN

537-17-012
LANDS OF SEPAHMANSOOR
11.95± Ac.

CONCEPTUAL UG-UTILITY PLAN
LANDS OF THE DAGNEY GROUP, L.L.C.

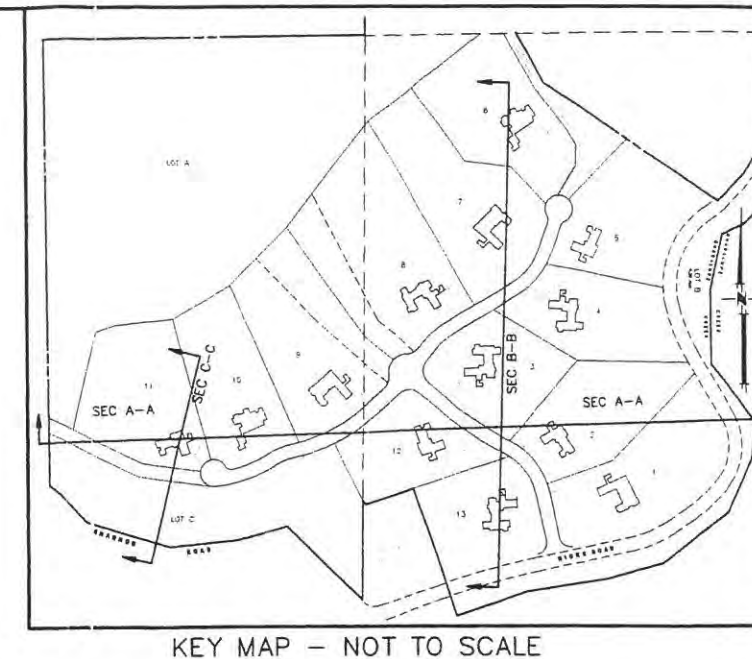
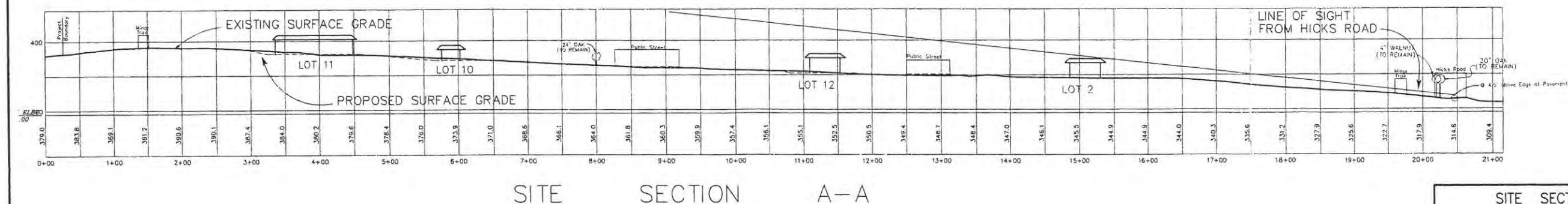
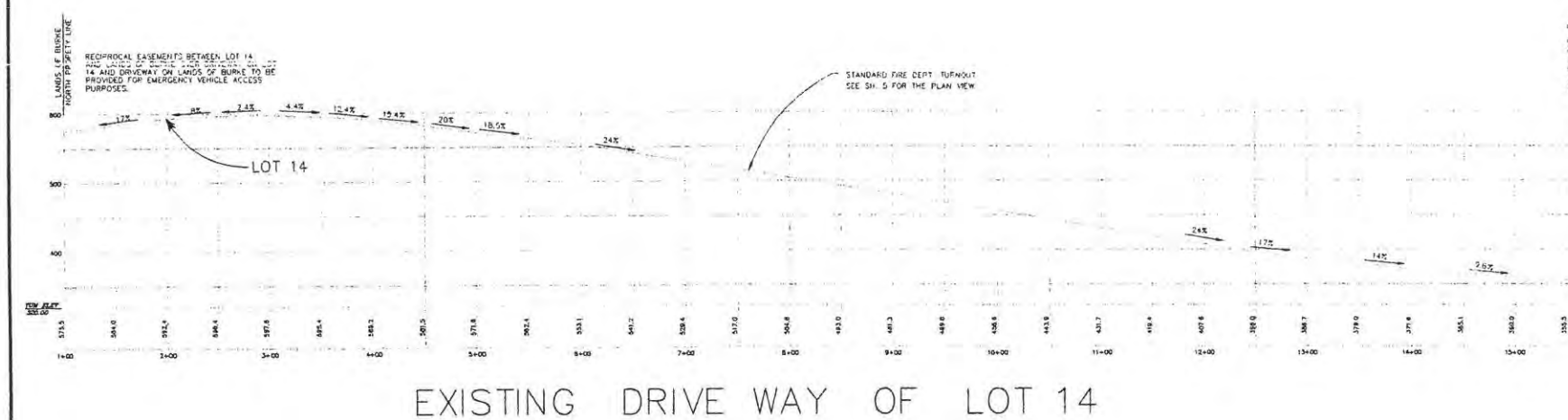
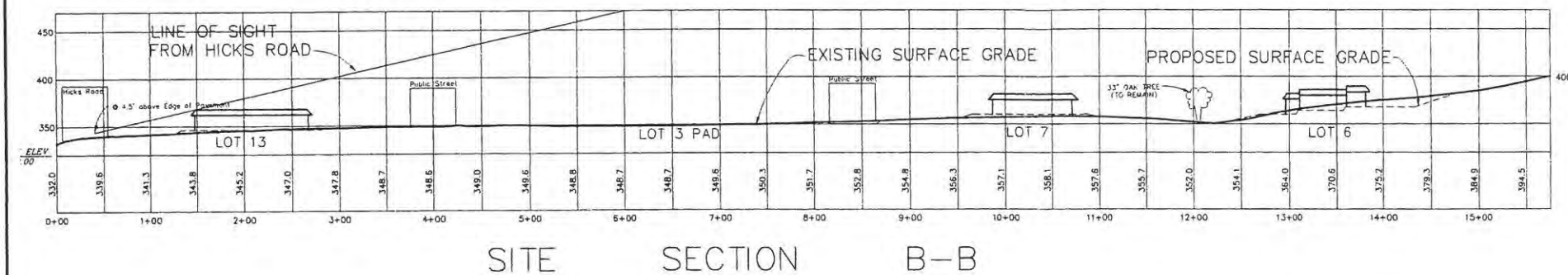
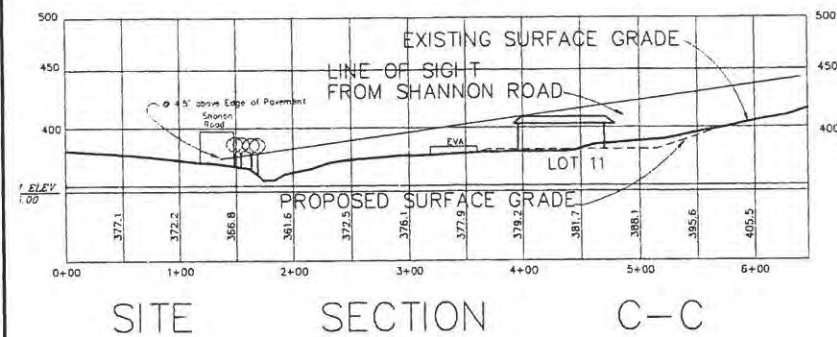
LOS GATOS CALIFORNIA

Mackay & Somp
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING ARCHITECTURAL SURVEYING

1955 THE ALAMIDA SAN JOSE, CALIFORNIA

SAN JOSE	1" = 80'	APRIL 18, 2000	15432
OFFICE	SCALE	DATE	JOB NO.

12-21-2000



0 30 60 120
SCALE: 1"=60'

SHEET 7 OF 9

SITE SECTIONS
LANDS OF DAGENEY GROUP, L.L.C.

LOS GATOS CALIFORNIA

MACKEY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING AND PLANNING SURVEYING

1955 THE BLANEDA, SAN JOSE, CA 95128 FAX (408) 985-0668 / PH (408) 985-0660

SAN JOSE	1"=60'	MAY 10, 1999	15432
OFFICE	SCALE	DATE	JOB NO.

REV: 9-05-01
REV: 5-09-01
REV: 4-11-01



RECIPROCAL EASEMENTS BETWEEN LOT 14 AND LANDS OF BURKE OVER DRIVEWAY ON LOT 14 AND DRIVEWAY ON LANDS OF BURKE TO BE PROVIDED FOR EMERGENCY VEHICLE ACCESS PURPOSES

- NOTES:**
1. ALL EXISTING BUILDINGS TO BE DEMOLISHED.
 2. PREPLOTING OF HOMES IS PRELIMINARY AND SUBJECT TO CHANGE.
 3. EXISTING WATER TANK WITHIN LOT A TO BE REMOVED.
 4. EXISTING PROPANE TANK WITHIN LOT 4 TO BE REMOVED.
 5. SIGNING FOR TRAILS TO BE DETERMINED AT TIME OF FINAL DESIGN IN COORDINATION WITH THE TOWN OF LOS GATOS DEPARTMENT OF PARKS AND FORESTRY.
 6. FINAL TRAIL ALIGNMENT AND LOCATION OF POINT OF CONNECTION TO ADJACENT PROPERTY TO THE WEST SHALL BE DETERMINED IN COORDINATION WITH THE TOWN OF LOS GATOS TRAILS AND BIKEWAYS COMMITTEE AT THE TIME OF FINAL DESIGN.
 7. OPEN SPACE AREAS, EXCEPT LOT B SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION (H.O.A.) AND/OR INDIVIDUAL LOT OWNERS. TRAILS SHALL BE MAINTAINED BY THE H.O.A.
 8. E.V.A. WITHIN LOT C WILL BE MAINTAINED BY THE H.O.A.

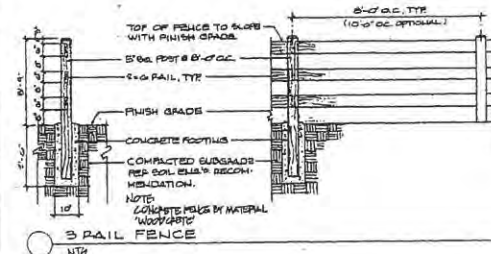
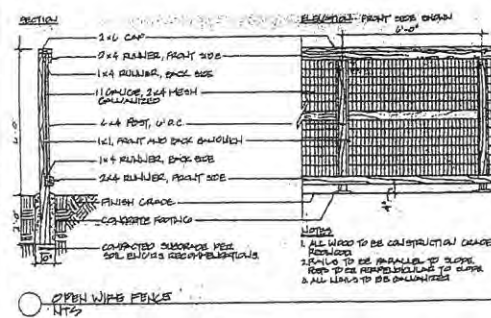
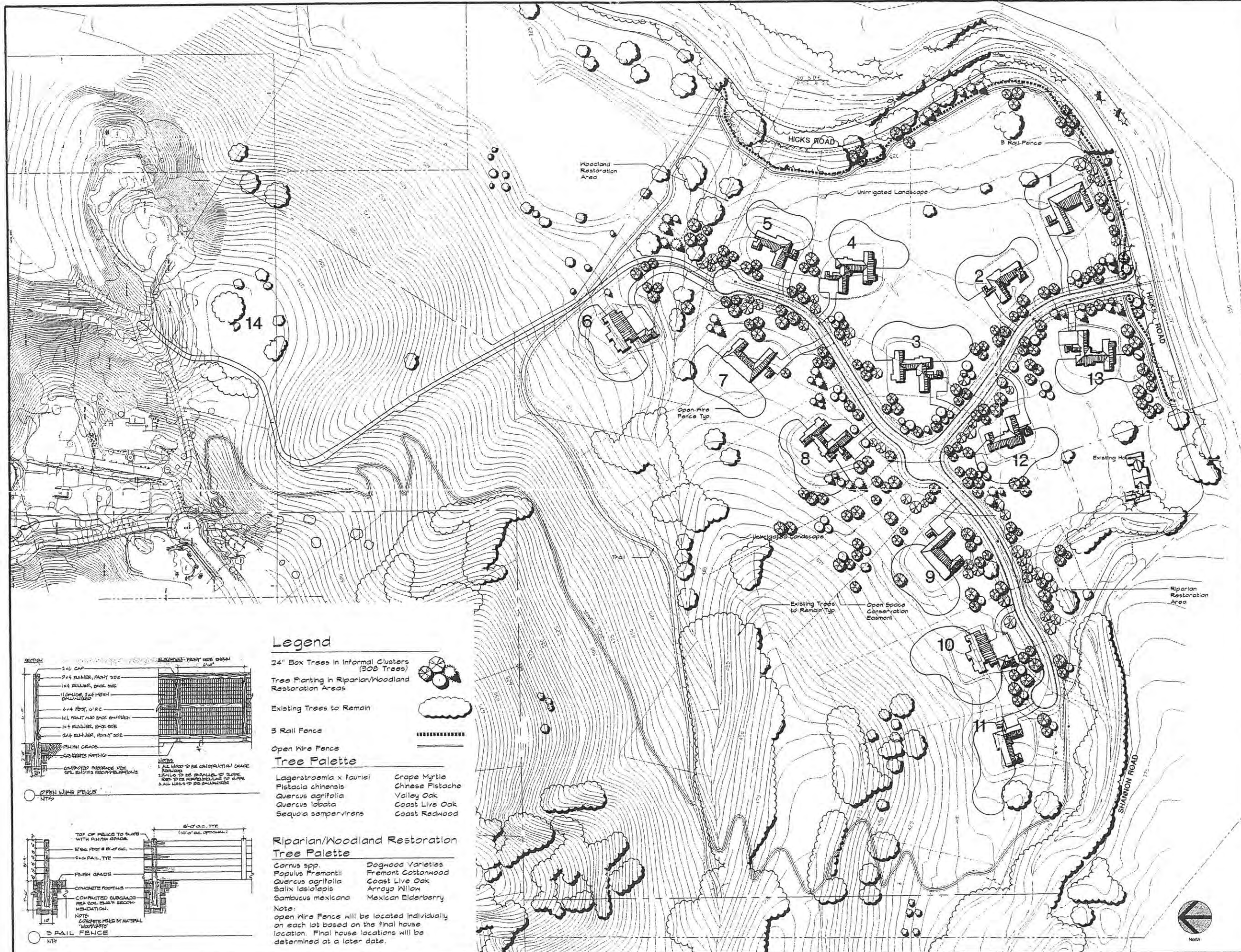
REV: 9-05-01
REV: 4-11-01

CONCEPTUAL SITE PLAN /CIRCULATION PLAN
LANDS OF THE DAGNEY GROUP, L.L.C.
LOS GATOS, CALIFORNIA

MACKEY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERS/PLANNERS/ARCHITECTS/SURVEYORS

1855 THE ALAMEDA SAN JOSE, CALIFORNIA 95126

SAN JOSE	1" = 80'	MAY 10, 2000	15432
OFFICE	SCALE	DATE	SHEET NO.



Legend

- 24" Box Trees in Informal Clusters (300 Trees)
 - Tree Planting in Riparian/Woodland Restoration Areas
 - Existing Trees to Remain
 - 3 Rail Fence
 - Open Wire Fence
 - Tree Palette
- | | |
|-------------------------|------------------|
| Lagerstroemia x fauriei | Grape Myrtle |
| Pistacia chinensis | Chinese Pistache |
| Quercus agrifolia | Valley Oak |
| Quercus lobata | Coast Live Oak |
| Sequoia sempervirens | Coast Redwood |

Riparian/Woodland Restoration Tree Palette

- | | |
|-------------------|--------------------|
| Cornus spp. | Dogwood Varieties |
| Populus fremontii | Fremont Cottonwood |
| Quercus agrifolia | Coast Live Oak |
| Salix lasiolepis | Arroyo Willow |
| Sambucus mexicana | Mexican Elderberry |
- NOTE:**
open Wire Fence will be located individually on each lot based on the final house location. Final house locations will be determined at a later date.

835 Montgomery Street
San Francisco, CA 94133
T 415 833 4877
F 415 333 3881

THE GUZZARDO PARTNERSHIP INC.
Landscape Architects - Land Planners

Shannon Valley Ranch
Los Gatos, California
Greenbriar Homes Communities, Inc.
4940 Stevens Creek Blvd Suite 504
San Jose, California 95128

Schematic Landscape Plan

Issues/Revisions

No.	Date	Description

SCALE
1"=80'-0"

0 40 80 160

DATE
9.24.01

SHEET NUMBER

L1.0

TREE LIST

TREE No.	SPECIES	TRUNK DIAMETER	LOCATION	PROPOSED ACTION	COMMENT
1	Japanese black pine	18	Lot 14	Preserve	
2	Coast live oak	16	Lot 14	Preserve	
3	Purpleleaf plum	5.4	Lot 14	Preserve	
4	Coast live oak	4	Lot 14	Preserve	
5	Coast redwood	21	Lot 14	Preserve	
6	Silk oak	17	Lot 14	Preserve	
7	Southern magnolia	10	Lot 14	Preserve	
8	Camphor	13	Lot 14	Preserve	
9	Poinsettia	6.6	Lot 14	Preserve	
10	Sweetgum	16	Lot 14	Preserve	
11	Sweetgum	14	Lot 14	Preserve	
12	Scots pine	12	Lot 14	Preserve	
13	Japanese maple	6.8	Lot 14	Preserve	
14	Cherry	7	Lot 14	Preserve	
15	Purpleleaf plum	15	Lot 14	Preserve	
16	Japanese maple	8	Lot 14	Preserve	
17	Japanese black pine	5	Lot 14	Preserve	
18	Rusty Min. juniper	8.6,6	Lot 14	Preserve	
19	Mayten	10	Lot 14	Preserve	
20	Mayten	5	Lot 14	Preserve	
21	Mayten	5	Lot 14	Preserve	
22	Mayten	8	Lot 14	Preserve	
23	Mayten	9	Lot 14	Preserve	
24	Mayten	11	Lot 14	Preserve	
25	European beech	8	Lot 14	Preserve	
26	Olive	6.3,3.2,2	Lot 14	Preserve	
27	Cherry	5.4	Lot 14	Preserve	
28	Silver dollar gum	18	Lot 14	Preserve	
29	Japanese black pine	8	Lot 14	Preserve	
30	Japanese black pine	7	Lot 14	Preserve	
31	Plum	4	Lot 14	Preserve	
32	Plum	9.6,6.5,4	Lot 14	Preserve	
33	Plum	4.3,2.2	Lot 14	Preserve	
34	Plum	5	Lot 14	Preserve	
35	Plum	5.2	Lot 14	Preserve	
36	Apple	6	Lot 14	Preserve	
37	Calif. black walnut	9.8,7.5,6.6	Lot 14	Preserve	
38	David's cedar	10.7	Lot 14	Preserve	
39	Calif. black walnut		Lot 14	Preserve	
40	Coast live oak	7.6	Lot 14	Preserve	
41	Plum	4	Lot 14	Preserve	
42	Monterey pine	7	Lot 14	Preserve	
43	Monterey pine	25	Lot 14	Preserve	
44	Monterey pine	23	Lot 14	Preserve	
45	Monterey pine	18	Lot 14	Preserve	
46	Valley oak	29	Lot 14	Preserve	
47	Coast live oak	5	Lot 14	Preserve	
48	Japanese black pine	14	Lot 14	Preserve	
49	Almond	2.7	Lot 14	Preserve	
50	Blue oak	29	Lot 14	Preserve	
51	Coast redwood	10	Lot 14	Preserve	
52	Valley oak	49	Lot 14	Preserve	
53	Cordylone	12,10.9,9.7,7	Lot 14	Preserve	
54	Hollywood juniper	8.5,4	Lot 14	Preserve	
55	Coffeeterry	4	Lot 14	Preserve	
56	Plum	12	Lot 14	Preserve	
57	Hollywood juniper	9	Lot 14	Preserve	
58	Glossy privet	12,10,10.9,8.4	Lot 14	Preserve	
59	Elderberry	11	Lot 14	Preserve	
60	Hollywood juniper	8	Lot 14	Preserve	
61	Hollywood juniper	6	Lot 14	Preserve	
62	Olive	8.5	Lot 14	Preserve	
63	Olive	6.3,3	Lot 14	Preserve	
64	Olive	11	Lot 14	Preserve	
65	Olive	8.7,7.8,5.3,3	Lot 14	Preserve	
66	White mulberry	21	Lot 14	Preserve	
67	Coast live oak	42	Lot 14	Preserve	
68	Valley oak	70	Lot 14	Preserve	
69	Calif. black walnut	31	Lot 14	Preserve	
70	Calif. black walnut	6.4,3	Lot 14	Preserve	
71	Calif. black walnut	4	Lot 14	Preserve	
72	Calif. black walnut	5	Lot 14	Preserve	
73	Valley oak	10	Lot 14	Preserve	
74	Calif. black walnut	5	Lot 14	Preserve	
75	Calif. black walnut	5	Lot 14	Preserve	
76	Alseps pine	4	Lot 14	Preserve	
77	Calif. black walnut	24	Lot 14	Preserve	
78	Alseps pine	20	Lot 14	Preserve	
79	Almond	9	Lot 14	Preserve	
80	Calif. black walnut	18	Lot 14	Preserve	
81	Valley oak	52	Lot 14	Preserve	
82	Oriental arbutus	7.4,4	Lot 14	Preserve	
83	Calif. black walnut	18	Lot 14	Preserve	
84	Calif. black walnut	11	Lot 14	Preserve	
85	Coast live oak	8	Lot 14	Preserve	
86	Valley oak	15	Lot 14	Preserve	
87	Coast live oak	20	Lot 14	Preserve	
88	Blue gum	77	Lot 14	Preserve	
89	Valley oak	42	Lot 14	Preserve	
90	Yellow willow	9.8,6	Lot 14	Preserve	
91	Valley oak	29	Lot 14	Preserve	
92	Valley oak	48	Lot 14	Preserve	
93	Valley oak	22	Lot 14	Preserve	
94	Calif. black walnut	7.5,5	Lot 14	Preserve	
95	Calif. bay	17,12,11,11,10,10,6	Lot 14	Preserve	
96	Calif. black walnut	18	Lot 14	Preserve	
97	Coast live oak	8	Lot 14	Preserve	
98	Calif. bay	11	Lot 14	Preserve	
99	Calif. bay	18.7	Lot 14	Preserve	
100	Valley oak	33	Lot 14	Preserve	
101	Coast live oak	22,18	Lot 14	Preserve	
102	Valley oak	20	Lot 14	Preserve	
103	Calif. black walnut	7.3	Lot 14	Preserve	
104	Elderberry	4.4,4.3	Lot 14	Preserve	
105	Valley oak	7	Lot 14	Preserve	
106	Valley oak	11	Lot 14	Preserve	
107	Valley oak	6	Lot 14	Preserve	
108	Coast live oak	22	Lot 14	Preserve	
109	Valley oak	27	Lot 14	Preserve	
110	Valley oak	23	Lot 14	Preserve	
111	Valley oak	18	Lot 14	Preserve	
112	Valley oak	20	Lot 14	Preserve	
113	Valley oak	22	Lot 14	Preserve	
114	Calif. black walnut	6	Lot 14	Preserve	
115	Coast live oak	21	Lot 14	Preserve	
116	Coast live oak	25,22	Lot 14	Preserve	
117	Valley oak	20	Lot 14	Preserve	
118	Valley oak	26,10	Lot 14	Preserve	
119	Calif. black walnut	7	Lot 14	Preserve	
120	Calif. black walnut	8	Lot 14	Preserve	
121	Western sycamore	42	Lot 14	Preserve	
122	Valley oak	27	Lot 14	Preserve	
123	Monterey pine	2	Lot 14	Preserve	
124	Calif. black walnut	20	Lot 14	Preserve	
125	Orange	6	Lot 14	Preserve	
126	Red river gum	8.7,4	Lot 14	Preserve	
127	Almond	8.7,5.4,3	Lot 14	Preserve	
128	Coast redwood	32	Lot 14	Preserve	
129	English walnut	14	Lot 14	Preserve	
130	Calif. black walnut	13	Lot 14	Preserve	
131	Blue gum	9	Lot 14	Preserve	
132	Olive	13	Lot 14	Preserve	
133	Blue gum	5	Lot 14	Preserve	
134	Blue gum	4	Lot 14	Preserve	
135	Blue gum	4	Lot 14	Preserve	
136	Almond	4.2,2	Lot 14	Preserve	
137	English walnut	17,13	Lot 14	Preserve	
138	Blue gum	6	Lot 14	Preserve	
139	Almond	18	Lot 14	Preserve	
140	Calif. buckeye	4.2,2,2,2	Lot 14	Preserve	

TREE LIST

TREE No.	SPECIES	TRUNK DIAMETER	LOCATION	PROPOSED ACTION	COMMENT
141	Calif. black walnut	19	Lot 2	Remove	Poor health and/or structure
142	Calif. black walnut	11.9	Lot 2	Remove	Poor health and/or structure
143	Calif. black walnut	18	Lot 2	Remove	Poor health and/or structure
144	Calif. black walnut	9	Lot 2	Preserve	
145	Calif. black walnut	21	Lot 1	Preserve	
146	Calif. black walnut	15	Lot 1	Preserve	
147	Calif. black walnut	18	Lot 1	Preserve	
148	Calif. black walnut	19	Lot 1	Preserve	
149	Almond	9.6	Hicks Road	Preserve	
150	Valley oak	26	Hicks Road	Preserve	
151	Elderberry	12	Hicks Road	Preserve	
152	Coast live oak	21	Hicks Road	Preserve	
153	Coast live oak	30	Hicks Road	Preserve	
154	Coast live oak	29	Hicks Road	Preserve	
155	Calif. black walnut	7	Hicks Road	Preserve	
156	Calif. black walnut	4	Hicks Road	Preserve	
157	Valley oak	20	Hicks Road	Preserve	
158	Coast live oak	7.8	Hicks Road	Preserve	
159	Coast live oak	12	Hicks Road	Preserve	
160	Plum	9	Hicks Road	Preserve	
161	Coast live oak	17	Hicks Road	Preserve	
162	Coast live oak	14	Hicks Road	Preserve	
163	Calif. buckeye	7.5,4	Hicks Road	Preserve	
164	Plum	8.6,6.5,5.4,2.3	Hicks Road	Preserve	
165	Coast live oak	17	Hicks Road	Preserve	
166	Valley oak	5.1	Hicks Road	Preserve	
167	Elderberry	6.5,4.4,3	Hicks Road	Preserve	
168	Valley oak	22	Hicks Road	Preserve	
169	Calif. pepper	19	Hicks Road	Preserve	
170	Calif. black walnut	9.8	Hicks Road	Preserve	
171	Coast live oak	20	Hicks Road	Preserve	
172	Valley oak	9	Hicks Road	Preserve	
173	Valley oak	25	Hicks Road	Preserve	
174	Coast live oak	28,28,22,20,18	Hicks Road	Preserve	
175	Coast live oak	25,20,19,15	Hicks Road	Preserve	
176	Calif. black walnut	6.4	Hicks Road	Preserve	
177	Elderberry	7.5,4	Hicks Road	Remove	In triangle of visibility required.
178	Calif. black walnut	9	Hicks Road	Remove	In triangle of visibility required.
179	Valley oak	19,15	Hicks Road	Remove	In triangle of visibility required.
180	Plum	3.3,3.3	Hicks Road	Remove	In triangle of visibility required.
181	Valley oak	5	Hicks Road	Preserve	In triangle of visibility required.
182	Calif. buckeye	multi	Hicks Road	Remove	In triangle of visibility required.
183	Valley oak	23	Hicks Road	Preserve	In triangle of visibility required.
184	Coast live oak	5.6	Hicks Road	Preserve	In triangle of visibility required.
185	Valley oak	16.16,14.9	Hicks Road	Remove	Development impacts
186	Valley oak	15	Hicks Road	Remove	Poor health and/or structure
187	Coast live oak	19	Hicks Road	Remove	Tree has exposed roots
188	Coast live oak	24	Lot 9	Preserve	
189	Calif. pepper	18,10,10,6.6	Lot 9	Remove	Dead
190	Almond	12.5,7.6	Lot C	Preserve	
191	Almond	12	Lot C	Preserve	
192	Almond	12,11,4.3	Lot C	Preserve	
193	Signal maple	38,10	Lot C	Remove	Poor health and trail location
194	Valley oak	51	Lot C	Preserve	
195	Coast live oak	8	Lot C	Preserve	
196	Almond	5.4	Lot C	Preserve	
197	Eucalyptus	8	Lot C	Preserve	
198	Coast redwood	12,10.9	Lot C	Preserve	
199	Valley oak	45	Lot C	Preserve	
200	Valley oak	30	Lot C	Preserve	
201	Valley oak	32	Lot 11	Preserve	Prune crown to reduce weight
202	Almond	7.8	Lot C	Preserve	Poor condition and specimen
203	Valley oak	8	Lot C	Preserve	Retain on site
204	Arbutus	5	Lot C	Remove	Poor health & structure, trail location
205	Coast live oak	28	Lot A	Preserve	
206	Coast live oak	17,16	Lot A	Preserve	
207	Coast live oak	40	Lot A	Preserve	
208	Valley oak	21	Lot 10	Preserve	
209	Coast live oak	18,19,14.9	Lot A	Preserve	
210	Coast live oak	25,20.8	Lot A	Preserve	
211	Coast live oak	21,14	Lot A	Preserve	
212	Coast live oak	21,15	Lot A	Preserve	
213	Valley oak	16	Lot A	Preserve	
214	Valley oak	18	Lot A	Preserve	
215	Valley oak	22	Lot A	Preserve	
216	Valley oak	17	Lot A	Preserve	
217	Valley oak	33	Lot A	Preserve	
218	Valley oak	18	Lot A	Preserve	
219	Valley oak	18	Lot A	Preserve	
220	Valley oak	22	Lot A	Preserve	
221	Valley oak	13	Lot A	Preserve	
222	Valley oak	21	Lot A	Preserve	
223	Valley oak	15	Lot A	Preserve	
224	Valley oak	26	Lot A	Preserve	
225	Valley oak	17	Lot A	Preserve	
226	Valley oak	9.7	Lot A	Preserve	
227	Coast live oak	14,12,12,10.8	Lot A	Preserve	
228	Coast live oak	18,18,13	Lot A	Preserve	
229	Valley oak	9	Lot A	Preserve	
230	Valley oak	22	Lot A	Preserve	
231	Valley oak	26	Lot A	Preserve	
232	Valley oak	24,17	Lot A	Preserve	
233	Valley oak	30	Lot A	Preserve	
234	Coast live oak	35	Lot A	Preserve	
235	Coast live oak	28	Lot A	Preserve	
236	Coast live oak	15	Lot A	Preserve	
237	Coast live oak	15	Lot A	Preserve	
238	Coast live oak	12	Lot A	Preserve	
239	Coast live oak	12	Lot A	Preserve	
240	Coast live oak	37	Lot A	Preserve	
241	Coast live oak	8	Lot A	Preserve	
242	Coast live oak	8	Lot A	Preserve	
243	Coast live oak	6	Lot A	Preserve	
244	Coast live oak	10.5	Lot A	Preserve	
245	Elderberry	11,10,10.8,7.6	Lot A	Preserve	
246	Coast live oak	8.7	Lot A	Preserve	
247	Coast live oak	11	Lot A	Preserve	
248	Coast live oak	8	Lot A	Preserve	
249	Coast live oak	16	Lot A	Preserve	
250	Coast live oak	8	Lot A	Preserve	
251	Coast live oak	23	Lot A	Preserve	
252	Coast live oak	17	Lot A	Preserve	
253	Coast live oak	24	Lot A	Preserve	
254	Valley oak	14	Lot A	Preserve	
255	Valley oak	8	Lot A	Preserve	
256	Valley oak	18	Lot A	Preserve	
257	Plum	6.5	Lot A	Preserve	
258	Calif. bay	32,18,17	Lot A	Preserve	
259	Calif. bay	14,12,11,11,6.5	Lot B	Preserve	
260	Calif. bay	11,15,22,19,26,11	Lot B	Preserve	
261	Valley oak	37	Lot B	Preserve	
262	Coast live oak	13	Lot 9	Preserve	
263	Coast live oak	22,22,17	Lot 11	Preserve	
264	Blue oak	19	Lot 11	Preserve	
265	Blue oak	16	Lot 11	Preserve	
266	Blue oak	13.9	Lot 11	Preserve	
267	Blue oak	27	Lot 11	Preserve	
268	Valley oak	17	Lot 11	Preserve	
269	Blue oak	15,13	Lot 11	Preserve	
270	Blue oak	13	Lot 11	Preserve	
271	Blue oak	14,12	Lot 10	Preserve	
272	Valley oak	17	Lot 10	Preserve	
273	Blue oak	14	Lot 10	Preserve	
274	Blue oak	15	Lot 10	Preserve	
275	Blue oak	14,11	Lot 10	Preserve	
276	Blue oak	17,9	Lot 10	Preserve	
277	Blue oak	16	Lot 10	Preserve	
278	Blue oak	6	Lot 10	Preserve	
279	Blue oak	15	Lot 10	Preserve	
280	Blue oak	18,15,18	Lot 10	Preserve	
281	Blue gum	7	Lot 2	Remove	Poor health
282	Blue gum	7.4	Lot 2	Remove	Poor health

**PROPOSED LANDSCAPE GUIDELINES
FOR
SHANNON VALLEY RANCH**

1. Use native plants, particularly along property boundaries or in corridors viewed from nearby properties. Select trees from the Town's List of Approved Trees and shrubs and ground cover from the Suggested and Supplemental native plant lists attached.
2. Use the landscape plan to address the particular needs of the property such as controlling erosion, providing privacy, creating shade, and softening or mitigating the appearance of structures.
3. Create a SIMPLE and elegant planting scheme that is not elaborate.
4. Make use of existing plant material, especially indigenous grasses, chaparral and oaks. Do not replace with incompatible plant materials. Refer to the Town's List of Approved Trees and the attached Suggested and Supplemental plant lists.
5. Plant in random groupings (cluster planting) rather than in linear form. Allow plants and shrubs to appear to flow across property lines. Avoid a cultivated, formal appearance.
6. Whenever possible leave large areas in grasses and other indigenous plants.
7. Use appropriate plant material in each location such as Alders and Redwoods in damp, shady locations and Oaks in dry, open areas.
8. Consider the future height of trees and shrubs such that major views on-and off-site will not become obstructed.
9. Avoid the introduction of non-indigenous trees that would dramatically alter the character of the landscape.
10. Planting or building of any types of structures within trail easements or conservation easements is prohibited.
11. Adjacent to street rights-of-way or trail easements avoid plantings that would restrict sight distance, require unusual maintenance to keep easements open, or interfere with already established indigenous plantings.
12. Utilize drip or bubbler irrigation to establish plantings. Minimize the use of spray irrigation.
13. Spray irrigation may be used to water lawn areas and to assist in fire suppression adjacent and/or near structures.
14. Lawns shall be limited to 10% of a lot's area and shall be drought tolerant.
15. Fencing is not allowed at property lines. Any new or replacement fences shall be open and rural, such as a wood, a wood-look polymer, or a concrete 3 or 4-rail fence, with or without wire mesh backing. Any wire mesh should be of a color that blends into the background and not white.
16. The use of uplighting is prohibited.
17. Fountains and statues are prohibited in front yard spaces.

Exhibit C

SUGGESTED NATIVE PLANT LIST

The first section of this list describes trees, shrubs, and ground covers which are indigenous to – or living naturally in – Los Gatos. Therefore, not only for their beauty and contribution to the rural aspect of the valley, but also because they are plants most likely to thrive with the least care, they are highly recommended choices for use here.

A supplemental list follows the first and contains plants which, while not indigenous to Los Gatos, are native to other parts of California and will perform well here.

NATIVE TREES

COAST LIVE OAK	<i>Quercus agrifolia</i>
BLACK OAK	<i>Quercus kelloggii</i>
VALLEY OAK	<i>Quercus Lobata</i>
COAST REDWOOD	<i>Sequoia sempervirens</i> , including cultivars
DOUGLAS FIR	<i>Pseudotsuga menziesii</i>
CALIFORNIA BAY LAUREL	<i>Umbellularia californica</i>
BIG LEAF MAPLE	<i>Acer macrophyllum</i>
MADRONE	<i>Arbutus menziesii</i>
ISLAY OR WILD CHERRY	<i>Prunus ilifolia</i>
CALIFORNIA BUCKEYE	<i>Aesculus californica</i>

NATIVE SHRUBS

MANZANITA	<i>Arctostaphylos</i> ssp., including hybrids
CALIFORNIA WILD LILAC	<i>Ceanothus</i> ssp., including hybrids
COMMON FLANNEL BUSH	<i>Fremontodendro californicum</i>
SILK TASSEL BUSH	<i>Garrya elliptica</i>
TOYON, CHRISTMAS BERRY	<i>Heteromeles arbutifolia</i>
COFFEEBERRY	<i>Rhamnus californica</i>

NATIVE GROUND COVERS

CALIFORNIA WILD LILAC	<i>Ceanothus</i> , low growing species
MANZATTA	<i>Arctostaphylos</i> , low growing species
DWARF COYOTE BUSH	<i>Baccharis pilularis pilularis</i>
NATIVE GRASSES	Meadow Fescues – Bromes, Oats, Rye

SUPPLEMENTAL PLANT LIST
CALIFORNIA NATURALIZED

TREES

WHITE ALDER
WESTERN DOGWOOD, PACIFIC DOGWOOD
TANBARK, OR TAN OAK
BISHOP PINE
CALIFORNIA SYCAMORE
CANYON LIVE OAK
BLUE OAK

Alnus rhombifolia
Cornus nuttallii
Lithocarpus densiflorus
Pinus muricata
Platanus racemosa
Quercus chrysolepis
Quercus douglasii

SHRUBS

CHAMISE
COAST OR CALIFORNIA SAGEBRUSH
SPICE BUSH
BUSH ANEMONE
WESTERN REDBUD
SUMMER HOLLY
CALIFORNIA HAZELNUT
ISLAND BUSH POPPY
BUSH POPPY
CALIFORNIA BUCKWHEAT
ST. CATHERINE'S LACE
FLANNEL BUSH
ISLAND SNAPDRAGON
CREAM BUSH
WHITE PITCHER SAGE
OREGON GRAPE
CALIFORNIA HOLLY GRAPE
BUSH MONKEY FLOWER
PLUMAS MONKEY FLOWER
PACIFIC WAX MYRTLE
LEATHER OAK
REDBERRY
COAST RHODODENDRON
LEMONADE BERRY
SUGARBUSH
ANY CALIFORNIA CURRANT OR GOOSEBERRY
MATILJA POPPY
CALIFORNIA WILD ROSE
EVERGREEN HUCKLEBERRY

Adenostoma fasciculatum
Artemisia californica
Calycanthus occidentalis
Carpenteria californica
Cercis occidentalis
Comarostaphylis diversifolia var. *Planifolia*
Corylus cornuta variety *californica*
Dendromecon harfordii
Dendromecon rigida
Eriogonum fasciculatum
Eriogonum giganteum
Fremontodendron – any are fine
Galvesia speciosa
Holodiscus discolor
Lepechinia calycina
Mahonia aquifolium
Mahonia pinnata
Mimulus aurantiacus
Mimulus bifidus
Myrica californica
Quercus durata
Rhamnus crocea
Rhododendron occidentale
Rhus integrifolia
Rhus ovata
Ribes or *Grossularia*
Romneya coulteri
Rosa californica
Vaccinium ovatum

Proposed Addresses for Shannon Valley Ranch, Los Gatos
Tract #9505
as of 6/7/04



Homesite #	Street #	Street Name
1	280	Shannon Oaks Lane
2	282	Shannon Oaks Lane
3	286	Mountain Laurel Lane
4	288	Mountain Laurel Lane
5	290	Mountain Laurel Lane
6	299	Mountain Laurel Lane
7	297	Mountain Laurel Lane
8	293	Mountain Laurel Lane
9	291	Mountain Laurel Lane
10	289	Mountain Laurel Lane
11	287	Mountain Laurel Lane
12	283	Shannon Oaks Lane
13	281	Shannon Oaks Lane

SHANNON VALLEY RANCH
STREET ADDRESS EXHIBIT

LOS GATOS

CALIFORNIA

MACKEY & SOMPS
CIVIL ENGINEERS, INC.
CIVIL ENGINEERING-LAND PLANNING-LAND SURVEYING

1955 THE ALAMEDA, SAN JOSE CA 95126 FAX:(408) 985-8668 / PH:(408) 985-0960
SAN JOSE 1"=200' MAY 4, 2004 15432-1
OFFICE SCALE DATE JOB NO.

ORDINANCE 2172

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

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

SECTION I

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

SECTION II

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

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

8. Ordinance 2150 is hereby repealed.
9. Uses permitted are those specified in the HR (Hillside Residential) zone by Sections 29.40.235 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

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

SECTION V

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

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

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

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

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

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

may be needed for trees that are at risk of impacts. Irrigations shall be specified by the Consulting Arborist.

- e. No excess soil, chemical, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone.
 - f. Any additional pruning required to provide clearance during construction shall be performed by a Certified Arborist and not construction personnel.
15. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3d. Following construction, a comprehensive management plan for the trees shall be developed that considers the broad objectives of development as well as the needs of the specific species. This management plan shall specify pruning, fertilization, mulch, pest management, replanting and irrigation requirements. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, the management plan must include an annual inspection for hazard potential.
16. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-4. To minimize impacts on nesting raptors, the applicant shall complete necessary pre-construction surveys and monitoring. If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.
17. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5a. To minimize impacts on yellow warblers, the property owner/developer shall retain sycamore riparian habitat along Shannon Creek and shall maintain setbacks of at least 50 feet between proposed development

and sycamore riparian habitat. If a small amount of development encroaches into this 50-foot setback, then this encroachment (indirect impact) shall be mitigated by planting riparian habitat at a 1:1 ratio.

18. BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5b. The property owner/developer shall implement the following measures to minimize potential impacts on any roosting bats:

- a. Surveys shall be conducted up to one year in advance of building demolition and tree removal, if possible, to determine if active roosts are present. These surveys shall not substitute for pre-construction/pre-disturbance surveys for nesting raptors, as bats could move on or adjacent to the site between survey periods. If roosting bats are found during these surveys, either avoidance of the maternity roost season, establishment of buffer zones or exclusion of bats shall be implemented as appropriate.
- b. Avoidance: Construction activities involving potential roost sites shall be conducted outside the maternity roost season if the project commences after young are volant by July 31 and finished before the formation of maternity roosts begins (as early as March 1).
- c. Pre-demolition Surveys and Buffer Zones: If the project schedule does not allow for early detection surveys to occur, a pre-demolition survey for roosting bats shall be conducted by a qualified bat biologist 14 days prior to construction as determined by a Memorandum of Understanding with the California Department of Fish & Game (CDFG) prior to any removal of buildings, particularly those with closed areas such as an attic space, or trees 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted. If a maternity roost were present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any active nurseries within the construction zone.
- d. Surveys: Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats.

A survey for indications of nursery roosts shall be conducted prior to March 1. If indications of a maternity roost are present, the structure can be removed or modified before a maternity roost becomes reestablished.

- e. **Exclude Bats Prior to Construction Near Roost:** Bats can be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device should be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one-half of the expansion joints should be sealed at any one given time during the maternity colony-nesting season. This will allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. After construction, all exclusion devices shall be removed to allow bats to re-establish habitat for colonies.

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

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

shall be mitigated by creating habitat on-site at a minimum of 1:1 ratio. Compensation by Riparian Restoration. A riparian restoration plan for mitigation shall be developed by a qualified biologist. The mitigation area(s) should be designed to expand existing riparian vegetation and re-create high quality riparian habitat along the Shannon Creek drainage and northern drainage. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than those existing along the Shannon Creek drainage and northern drainage. The final species selection and configuration shall be determined during final mitigation design. The trees and shrubs to be installed should be of local origin, preferably contract grown from seed or cuttings from within five miles of the site.

- d. A detailed monitoring plan including specific success criteria shall be developed and submitted to The Town of Los Gatos for approval. The mitigation area will be monitored in accordance with the plan approved by the Town. The basic components of the monitoring plan are final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures and reporting requirements.
- e. Specific success criteria and characteristics shall be developed during preparation of the mitigation and monitoring plan. At a minimum, the final success criteria shall include absolute percent cover by native trees and shrubs of 60% and 40%, respectively. The performance criteria should include tree and shrub survival at three years of 80% of the original planting. If the final encroachment estimates exceed 1.0 acre, monitoring of the mitigation site shall be conducted for 10 years. Annual monitoring reports shall be sent to the appropriate agencies. If the required mitigation planting is less than 1.0 acres, monitoring shall be conducted annually for five years.
- f. During the development of the riparian restoration plan, an appropriate area (or areas) shall be identified to replace encroachment impacts at a 1:1 basis.
- g. Maintain Water Quality of the Watershed. The project shall be designed, constructed and built in such a way as to maintain the water quality in the adjacent drainage channels and ponds. Appropriate best management practices (BMPs) shall be

developed for the project.

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

Building Division

25. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
25. CONSTRUCTION PLANS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
26. SIZE OF PLANS. The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.
27. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
28. DEMOLITION REQUIREMENTS. Contact the Bay Area Air Quality Management District at (495) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.

29. SOILS REPORT. Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
30. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
31. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
 - a. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - b. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - c. Door buzzer, bell or chime shall be hard wired.
32. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.
33. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR- IR and MF-IR shall be printed on the construction plans.
34. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
35. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.

SPECIAL INSPECTIONS. When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.

36. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
37. ADDITIONAL AGENCY APPROVALS REQUIRED. The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Lots 1-13: Los Gatos School District: 335-2000
 - d. Lot 14: Union School District: 377-8010

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

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

Engineering Division

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

governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

42. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.
43. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
 - a. Hicks Road. A 40-foot half street right-of-way with the chord of a 20-foot radius at the intersection with the new street.
 - b. Shannon Road. A 20-foot half street right-of-way.
 - c. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - d. Public Service Easement (PSE). Ten (10) feet wide, next to the new street right-of-ways.
 - e. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - f. Trail Easement. Ten (10) to twenty (20) feet wide, as shown on the Official Development Plan.
 - g. Emergency Access Easement. Twenty (20) feet wide, from the new public road to Shannon Road, as shown on the Official Development Plans.
44. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
 - a. New Streets. Curb, gutter, new street paving, signing, striping, storm drainage and sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.
45. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town

- harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.
46. **TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL).** The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,730. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy. Credit shall be given for the house on Lot 14, where a house was previous located, and for the three residences to be demolished.
 47. **GENERAL.** All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
 48. **ENCROACHMENT PERMIT.** All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
 49. **PUBLIC WORKS INSPECTIONS.** The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
 50. **GRADING MORATORIUM.** No grading or earth-disturbing activities shall be initiated in hillside areas between October 1 and April 15 of each year. For grading operations

commenced before October 1, all grading or earth-disturbing activities shall cease October 15 and will not be allowed to restart until April 15. Grading permits will not be issued between September 15 and April 15. These limitations include, but are not limited to these items: driveways, building pads, foundation trenches and drilled piers, retaining walls, swimming pools, tennis courts, outbuildings and utility trenches. Install interim erosion control measures, shown on the approved interim erosion control plan, by October 1, if final landscaping is not in place. Maintain the interim erosion control measures throughout the October 1 to April 15 period.

51. GRADING INSPECTIONS. The soils engineer or her/his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
52. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 - c. Top of future curb along one side of the new street.
53. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Parks & Public Works Department. A Notice of Intent (NOI) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Town Engineering Division concurrently with the grading permit application. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area/building on an area if grading is allowed during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install fiber berms, check dams, retention basins, silt fences, erosion control blankets and fiber rolls as needed on the project site, to protect down stream water quality during winter months.
54. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a

daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains or creeks.

55. NPDES REQUIREMENTS. All work within the project shall be in conformance with the National Pollution Discharge Elimination System permit issued to local agencies within Santa Clara County by the San Francisco Bay Regional Water Quality Control Board on October 17, 2001.
56. FISH & GAME REQUIREMENTS. A "1603" permit shall be obtained for the California Department of Fish & Game for proposed improvements in or near riparian areas within that agency's jurisdiction. A copy of the permit shall be provided to the Parks & Public Works Department before any permits are issued/final map is recorded.
57. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.
58. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
59. DRIVEWAY APPROACH. The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
60. LOT 14 DRIVEWAY. The driveway to Lot 14 shall be the minimum width required to provide fire access. The intent is to minimize the visibility of the driveway.
61. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by

the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.

62. **SANITARY SEWER LATERAL.** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line of each new lot.
63. **SIDEWALK REPAIR.** The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
64. **CURB AND GUTTER.** The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
65. **CURB RAMPS.** The developer shall construct curb ramp according to State Standard Drawings at all intersections. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase of the project.
66. **HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-3.** Energy dissipaters should be provided at the outfalls of proposed storm drains to minimize the increased potential for erosion hazards due to project development.
67. **HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-4.** A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to start of construction. The SWPPP and project plans shall be reviewed by the Town Engineering staff. The SWPPP shall be in conformance with the Santa Clara County NPDES Permit as amended by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on October 17, 2001. The SWPPP shall be approved concurrently with the grading, drainage and erosion control plans.

Reference the Addendum to the EIR for additional details.

68. **HYDROLOGY AND WATER QUALITY MITIGATION MEASURE** The project design shall incorporate water quality mitigation measures in accordance with current NPDES requirements. Water quality measures should include use of biofilters, drainage swales, and detention facilities to mitigate non-point source impacts. In addition, the SCVWD and RWQCB recommend the incorporation of site planning design measures to help reduce potential contributions of urban pollutants from the project. See the Addendum to the EIR for additional details.
69. **TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-2.** In order to minimize potential traffic safety impacts the property owner/developer shall take the following measures:
 - a. Adequate sight distance shall be provided for the project access road/Hicks Road intersection through removal of vegetation and grading of the embankment.
 - b. A stop sign shall be installed to control traffic on the project access road to Hicks Road. The stop sign for the proposed driveway shall be located along and parallel to the north edge of pavement on Hicks Road.
 - c. Warning signs shall be installed indicating a "T" intersection along Hicks Road approaching the new driveway. These signs shall be located approximately 300 feet east and west of the project entrance/Hicks Road intersection.
 - d. Traffic reflectors shall be installed on the south side of Hicks Road at the intersection with the entrance road to the project.
70. **TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-3.** A separate pedestrian trail shall be installed along the north side of Hicks Road.
71. **TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-4.** Use of trails by bicyclists, particularly the trail parallel to Hicks Road, shall be considered during Architecture and Site review. In addition, design issues such as the appropriateness of trail widths, pavement versus compacted earth, and trailhead facilities shall be considered during Architecture and Site Review.
72. **GEOTECHNICAL REVIEW OF SUBDIVISION IMPROVEMENT PLANS.** The project geotechnical consultant shall review and approve all geotechnical aspects of the subdivision

improvement plans to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the Town Engineer for review, prior to issuance of permits for construction of subdivision level improvements.

73. GEOTECHNICAL PLAN REVIEW (LOTS 1 THROUGH 13). The project geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans for individual residences on Lots 1 through 13. To ensure that their recommendations have been properly incorporated. The consultant shall verify that recommended measures to address potential debris flows on Lot 6, and potential co-seismic ground deformation on Lots 1 and 13 have been incorporated.
74. GEOTECHNICAL INVESTIGATION (LOT 14). The project geotechnical consultant shall complete a site specific soil and foundation investigation as a basis for preparing recommended geotechnical design parameters for Lot 14 residential improvements. The results of this investigation shall be submitted to the Town for review by the Town Engineer and Town Geotechnical Consultant prior to approval of a site specific development plan.
75. GEOTECHNICAL FIELD INVESTIGATION. The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The results of these inspections and the as-built conditions of the project shall be described by the project geotechnical consultant in a letter and submitted to the Town Engineer for review prior to final inspection.

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

Parks Division

76. AERATION TUBES. All impervious surface encroaching under the dripline of existing trees shall have aeration tubes installed and these tube locations shown on the plans.
77. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and vegetation.

78. BUILDING FOUNDATIONS: Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize impaction on existing trees.
79. TREE STAKING: All newly planted trees are required to be double staked to Town standards.
80. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
81. IRRIGATION SYSTEM. Water efficient irrigation systems shall be utilized to conserve water in all project irrigation of publicly landscaped areas.
82. VEGETATIVE SCREENING. Vegetative screening shall be used along the development edges, where appropriate, to soften views of peripheral buildings and to integrate landscaping and native vegetation.
83. WATER EFFICIENT ORDINANCE. This project is subject to the Town's Water Efficient Ordinance. A fee of \$472 is required when the landscape, irrigation plans, and water calculations are submitted for review.
84. TREE PROTECTION. Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
85. ORNAMENTAL LANDSCAPING. All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
86. LANDSCAPE GUIDELINES. The adopted landscape guidelines and native plant lists shall include the recommendations of the Town consulting arborist, except that lawn areas shall not exceed 5,000 square feet. The landscape guidelines are attached as Exhibit C.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

87. WATER SUPPLY. Two water tanks with a capacity of 10,000 Gallons and one wharf style hydrant shall be provided unless the proposed public water system can be extended to

provide appropriate lot protection, or other acceptable means of fire protection can provided as authorized by the Fire Department. Installations shall conform with Fire Department Standard Details and Specifications W-1.

88. FIRE APPARATUS (ENGINE) ACCESS. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.
89. FIRE APPARATUS (ENGINE) TURN-AROUND REQUIRED. Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 64 feet.
90. FIRE APPARATUS (HYDRANT). Where buildings exceed 150 feet travel distance from the street either an on-site (private) hydrant or an approved residential fire sprinkler system shall be provided.
91. PUBLIC FIRE HYDRANT(S) REQUIRED. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,750 GPM at 20 psi, residual. Consult with San Jose Water Company relative to main sizing requirements and hydrant spacing. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible.
92. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be delayed until required installations are completed, tested, and accepted.
93. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. Building permit

issuance may be delayed until installations are completed.

94. FIRE APPARATUS (HYDRANT). Prior to project inspection, the general contractor shall ensure that a "Blue" dot has been placed in the roadway as directed by the Fire Department.
95. HOUSE NUMBERS. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on January 20, 2009, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on February 2, 2009 and becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

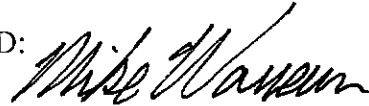
AYES: Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, and Mayor Mike Wasserman

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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- (1) dissatisfied with the decision of the Planning
 (2) Commission may appeal the decision to the Town
 (3) Council. The appeal must be filed within ten days.
 (4) It must be filed in the clerk's office on forms
 (5) available in the clerk's office, and there is fee for
 (6) filing an appeal.
- (7) CHAIRMAN LYON: The next item on our agenda
 (8) under new public hearings is 17101 Hicks Road and
 (9) 14045 Shannon Road, Development Application
 (10) DEV-99-002, Environmental Impact Report, EIR-00-2, and
 (11) Architecture and Site Application S-99-5.
- (12) COMMISSIONER QUINTANA: I'm afraid I'm going
 (13) to have to recuse myself from this one. My - my
 (14) husband has worked with the developer.
- (15) CHAIRMAN LYON: Okay.
- (16) RAY DAVIS: That'll do it to them.
- (17) CHAIRMAN LYON: And so I - Ms. Camingara
 (18) (phonetic), I'll give you a minute or so to get set.
 (19) Okay. Ms. Camingara, you are ready, and I
 (20) know you've got a big project here, so we'll give you
 (21) a little extra time. I'm going to give you eight
 (22) minutes, because you've got a little bit to go
 (23) through, and hopefully we can keep it under that.
- (24) KATIA CAMINGARA: Okay, thank you.
- (25) CHAIRMAN LYON: So please proceed.

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- (1) KATIA CAMINGARA: Good evening Honorable
 (2) Chairman and Members of the Planning Commission. I'm
 (3) Katia Camingar, director of development at Greenbriar
 (4) Homes, the applicant.
- (5) I'm here this evening to present to you our
 (6) 14 home proposal for this 80 acre property. And given
 (7) that you are already fairly familiar with the prior
 (8) project, as well as with the property, I will focus my
 (9) presentation primarily on a review of the specific
 (10) direction that we have received from Council and an
 (11) illustration of how we have responded to that
 (12) direction.
- (13) And based on that, I will ask for your
 (14) recommendation of approval for the applications that
 (15) are in front of you this evening.
- (16) So let's start by reviewing the direction
 (17) that has been given to Greenbriar. In case there is
 (18) anyone in the audience here this evening who's new to
 (19) this project, I'd like to point out that this property
 (20) has been reviewed at 20 different public hearings over
 (21) the past three and a half years, so much thought and
 (22) planning has gone into the plan that is before you
 (23) this evening.
- (24) Most recently, the Council reviewed the
 (25) previous proposal of 19 homes at their July 2001

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- (1) hearing. And they came back with the following very
 (2) specific direction.
- (3) They asked us to redesign the site plan at
 (4) the HR-5 density designation. They asked us to
 (5) eliminate their widening at Hicks and Shannon Roads.
 (6) And they asked us to leave the open space acreage the
 (7) same and the home sizes as we had proposed them.
- (8) Similarly, you, the Planning Commissioners,
 (9) had asked us to maintain the HR-5 zoning designation.
- (10) And also you had asked us to look at further reducing
 (11) the amount of grading.
- (12) So let's start with the first comment, which
 (13) was the request to stay at the HR-5 density
 (14) designation. We have responded to that by removing
 (15) five homes from our prior proposal and by requesting
 (16) to change the application to an HR-5:PD.
- (17) So what's in front of you this evening is 14
 (18) homes, which is the number of homes that is allowed
 (19) under the HR-5 zoning designation. And by staying
 (20) with the HR-5:PD zoning, we're thus eliminating the
 (21) concerns regarding setting any kind of undesirable
 (22) precedents by approving the density that we're
 (23) proposing.
- (24) The second comment from Council was to
 (25) eliminate the proposed widening along Hicks Road and

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- (1) Shannon Roads. And we have responded to that by
 (2) simply eliminating any kind of widening that we had
 (3) previously proposed on Hicks Road, thus leaving both
 (4) Hicks and Shannon Roads in their current rural
 (5) format.
- (6) The third comment was to keep the open space
 (7) acreage the same and also maintain the house sizes as
 (8) we had proposed them, and we again have done precisely
 (9) that. What's before you this evening is a proposal
 (10) that whereby Greenbriar would dedicate 45 acres of the
 (11) 80 acres as permanent open space, and although the
 (12) average lot size has now increased after we have
 (13) removed five homes, it's increased to 3.2 acres, we
 (14) are still maintaining the maximum house size at 4,850
 (15) square feet and an average of 4,650 square feet as we
 (16) had proposed, and again in keeping with the direction
 (17) given to us by Council.
- (18) The fourth comment was to reduce the amount
 (19) of grading further. And with the new site plan we
 (20) have significantly been able to reduce grading
 (21) further. In fact, the grading has gone from what was
 (22) originally 88,000 cubic yards to 23,000 cubic yards
 (23) for the 14 homesites. This represents a two-thirds
 (24) reduction in the grading and, in our view, it
 (25) represents a very, very restrained approach to grading

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- (1) a property with 80 acres and 14 homesites.
- (2) Of course, given the number of hearings that
- (3) this project has been to, we have also received a
- (4) tremendous amount of other feedback along the way.
- (5) And much of that has focused on insuring that whatever
- (6) gets built here will look very rural when it's
- (7) complete.
- (8) And to that end, I would like to highlight
- (9) for you just some of the many things that we have done
- (10) to address these concerns. And I will show you also a
- (11) representative of one of our lots. This is just one
- (12) lot. But basically what we have done is we have
- (13) unprecedented landscape restrictions with limitations
- (14) on the amount of lawn that anybody can have on their
- (15) property.
- (16) We have restrictions on fence types, where
- (17) they can be located. They can't be located on
- (18) property lines, thereby insuring that we have
- (19) biological movement corridors. We have introduced
- (20) rolled curbs for a more rural approach.
- (21) We have restrictions on the type of lighting
- (22) and the amount of lighting that can be – it's minimal
- (23) street lighting as per the direction of the
- (24) Engineering Department, all with the goal of
- (25) minimizing lights so light doesn't shine off and

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- (1) doesn't generate glare, it just shines down.
- (2) We have variation in the lot sizes and in
- (3) the way the houses are oriented to one another. That
- (4) was another comment, to – that will achieve more of a
- (5) rural look as the development could have occurred over
- (6) time.
- (7) We've also committed to having two-thirds of
- (8) the homes single story, 'cause that seemed to be the
- (9) preference. We have variations in the setbacks and
- (10) the distances between the homes. The distance between
- (11) homes, for example, ranges from 90 feet to 260 feet,
- (12) with an average of 160 feet. And the houses are
- (13) spaced very far apart, very rural feeling.
- (14) So again, those are just some of the few
- (15) things that we have done. But obviously, I've given
- (16) you the landscape restrictions, our suggested CC&Rs
- (17) that illustrate in more detail all the magnitude and
- (18) the depth of the various restrictions that will be
- (19) placed on this property to insure that it remains
- (20) rural.
- (21) As you know, an EIR was certified by Council
- (22) for the 19 home proposal. And subsequently the Town
- (23) also – the Town's consultant also prepared an
- (24) addendum to the EIR, which analyzed this particular
- (25) proposal with 14 homes, and concluded that all the

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- (1) potential impacts can be mitigated to less than
- (2) significant with all the mitigation measures and the
- (3) conditions of approval.
- (4) So having said all that, we're asking you
- (5) this evening for you to recommend approval of our
- (6) project and also the EIR addendum, as well as the
- (7) architecture and site for the demolition of the three
- (8) homes. And I'd be happy to answer any questions you
- (9) may have. Thank you.
- (10) CHAIRMAN LYON: Thank you. Commissioners,
- (11) questions for Ms. Camlingar? Commissioner Muller.
- (12) COMMISSIONER MULLER: Yes. One thing was a
- (13) letter we had received from Michael Burke, and I know
- (14) you've already made arrangements with him on water for
- (15) the fire safety, and he was also asking about overhead
- (16) utilities in showing those. Could you address that?
- (17) KATIA CAMINGARA: Sure. Basically, lot 14
- (18) is, I believe, currently served off of Santa Rosa
- (19) Drive, and that is how we would envision it would be
- (20) served in the future, and that's how it would continue
- (21) to be. So I think he may have suggested in his
- (22) letter – I just briefly saw it – that we would bring
- (23) the utilities through the driveway up to lot 14, which
- (24) is something I didn't envision you wanting, because
- (25) the utilities are already up there.

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- (1) So we would propose that those kinds of
- (2) details can be worked out at the A and S for that
- (3) particular lot.
- (4) COMMISSIONER MULLER: Okay, thank you. And
- (5) then I had another question on – and on an eight acre
- (6) lot that could be like over three-quarters of an acre
- (7) of lawns and, as you know, we discourage that. Would
- (8) you be amenable to renegotiating that downwards, your
- (9) maximum lawn size? Even on a two-acre lot – I mean,
- (10) we're looking at 35, 38,000 square foot lawns. This
- (11) is out of line with our hillside guidelines.
- (12) KATIA CAMINGARA: Yeah, I did get that also
- (13) from Chairman Lyon, I recall, at one of the previous
- (14) hearings and, to tell you the truth, basically I put
- (15) forth what we would suggest. I had not heard really
- (16) any other comments to that effect, but we could
- (17) certainly consider placing some kind of a – saying
- (18) ten percent, or let's say, 13,000 square feet,
- (19) whichever is less.
- (20) COMMISSIONER MULLER: 13,000 square feet?
- (21) We'll talk about it later, but thank you.
- (22) CHAIRMAN LYON: Commissioner Micciche.
- (23) COMMISSIONER MICCICHE: How many different
- (24) model styles are there that you're planning out of the
- (25) 14 – of the 13, really?

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- (1) KATIA CAMINGARA: How many? I'm sorry.
 (2) COMMISSIONER MICCICHE: It appears like
 (3) you've got multiple use of the single models here.
 (4) You've got four types of homes you're planning?
 (5) KATIA CAMINGARA: Yeah, we basically have
 (6) four types of floor plans, and then each has four
 (7) different elevations.
 (8) CHAIRMAN LYON: Commissioner Quintana.
 (9) COMMISSIONER QUINTANA: I have a bunch of
 (10) questions. Sorry about that.
 (11) I still want some clarification on the
 (12) grading. 23,000 cubic yards seems like a lot of
 (13) grading for 14 homesites. Could you please clarify
 (14) that? It's more than 1,500 cubic yards per homesite
 (15) on land that's in the hillside, but is relatively not
 (16) steep where you're proposing to build the homes.
 (17) KATIA CAMINGARA: Yeah. 23,000 cubic yards
 (18) for the 13 homesites, it's roughly 1,600 cubic yards
 (19) per homesite. And that is, in my estimation, and also
 (20) having looked at some other applications that have
 (21) been approved by this very same Planning Commission
 (22) fairly recently, I don't think it's that much for
 (23) average 3.2 acre property. And really, the grading
 (24) approach is really restricted to be basically the
 (25) homesite and then the driveway.

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- (1) COMMISSIONER QUINTANA: So you're not going
 (2) to be moving earth over the entire site.
 (3) KATIA CAMINGARA: Not any more, no.
 (4) COMMISSIONER QUINTANA: Not any more, okay.
 (5) Same question still related to that is the grading for
 (6) the street seems fairly reasonable. Is it possible to
 (7) do the grading for the streets without doing the
 (8) grading to the homesites so that that can be put off
 (9) to A and S?
 (10) KATIA CAMINGARA: I'm not sure if I
 (11) understood your question. Is it possible to have the
 (12) grading for the streets -
 (13) COMMISSIONER QUINTANA: Okay. When you
 (14) submit a tentative map, and it has the improvements
 (15) required with the tentative map, the streets, can that
 (16) be done without grading the homesites at the same
 (17) time?
 (18) KATIA CAMINGARA: Yeah, why don't you answer
 (19) that one.
 (20) PAT COSTANZA: Good evening, Commissioners,
 (21) Pat Costanza with Greenbriar.
 (22) Commissioner Quintana, with the grading,
 (23) it's - it's right now graded to balance on site and
 (24) the grading. The quantities you see is not just for
 (25) the pads, it's also for drainage, to make sure you get

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- (1) appropriate drainage through the streets for the
 (2) streets.
 (3) So to commit to just grading of the streets
 (4) without the lots, that doesn't meet the intent of
 (5) designing a site that will balance on site. So
 (6) there's no import or export. Plus, the homes that we
 (7) have worked over the last three years to design are
 (8) split lots where we saw a steepness in the hillside,
 (9) and we introduced that, as you may recall, many
 (10) meetings ago when it was asked to reduce the grading
 (11) along the hillside. We put step lots in there, and
 (12) then the remaining lots are flat building areas.
 (13) But around that, we have contoured to the
 (14) natural grades. I think what Katia was referring to,
 (15) she did look at some of the past applications in the
 (16) Town to see how many yards they were grading per lot,
 (17) and this is substantially less, and it is
 (18) substantially less to any - anything else that we've
 (19) ever done. I mean, it really is a minimal grading of
 (20) quantity.
 (21) COMMISSIONER QUINTANA: Thank you. Also,
 (22) could you tell me what the greatest cut and fill
 (23) heights are for the pads.
 (24) KATIA CAMINGARA: John. I'll have my
 (25) engineer figure that out.

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- (1) JOHN COUZIA: (Inaudible.) It's a few feet
 (2) in most cases.
 (3) CHAIRMAN LYON: Sir, I'll have you step up
 (4) to the microphone, and we'll get your name and
 (5) address - name for the record so you're not an
 (6) inaudible voice from the audience.
 (7) JOHN COUZIA: Thank you. I'm John Couzia
 (8) with MacKay and Soms Civil Engineers. And I'll tell
 (9) you what, let me take a minute and look at that and
 (10) answer your question.
 (11) You've asked that question before, and over
 (12) the various plans we've answered it. It varies from
 (13) lot to lot, and the contours change - and to give you
 (14) a meaningful answer, let me look at it one more time.
 (15) COMMISSIONER QUINTANA: Thank you.
 (16) CHAIRMAN LYON: Okay. We'll come back, sir,
 (17) thanks.
 (18) COMMISSIONER QUINTANA: If somebody has more
 (19) questions -
 (20) CHAIRMAN LYON: Okay.
 (21) COMMISSIONER QUINTANA: - and then I'll
 (22) come back.
 (23) CHAIRMAN LYON: Commissioner Dubois, you
 (24) have some questions?
 (25) COMMISSIONER DUBOIS: As the direction is to

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- (1) not widen Hicks Road at this point under the Council
 (2) directions, could you briefly discuss what treatments
 (3) you're going to provide on the Intersection with Hicks
 (4) Road and the development, how we're going to safely
 (5) transition vehicles both in and out given that there's
 (6) perhaps obstructions to sight lines and the recorded
 (7) speeds of vehicles out there on Hicks Road.
 (8) KATIA CAMINGARA: Sure. Basically our
 (9) traffic consultant reviewed the proposed intersection
 (10) with the Hicks Road, and then their recommendations
 (11) were also peer reviewed by the Town's peer review
 (12) consultant, or the consultant who worked on the EIR,
 (13) also. And both of them concurred that the way it
 (14) would be handled is there would be, first of all,
 (15) warning signs about 300 feet, I think, from each
 (16) direction, coming on each direction, warning people
 (17) that there is going to be a side street there.
 (18) There is also going to be a stop sign for
 (19) the people coming out of the community. So when
 (20) they're approaching Hicks, obviously they have to
 (21) stop, and there's a line to delineate that.
 (22) And then also we in very careful detail
 (23) analyzed the needed – improvements that need to be
 (24) made to provide the appropriate sight distance, which
 (25) is 330 feet, and to the west of the – towards the

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- (1) Hicks and Shannon Road intersection, there were really
 (2) no additional, you know, widening, tree removal,
 (3) anything like that, required to provide that sight
 (4) distance. That sight distance is fairly good, as you
 (5) probably know. But to the other direction, there was
 (6) going to be a slight bit of grading to provide a
 (7) embankment that is not as high as it is right now just
 (8) to provide that sight distance and the removal of
 (9) eight trees.
 (10) COMMISSIONER DUBOIS: Do you envision –
 (11) KATIA CAMINGARA: I'm sorry, I forgot one
 (12) more thing. They had also at one point considered
 (13) putting in a guardrail on the other side of Hicks
 (14) Road, and both consultants recommended against that,
 (15) and they said but instead they would have reflectors
 (16) there. So when someone's coming out of the community,
 (17) you know, they see a stop sign, they stop, but then
 (18) there's also reflectors so at night you can see that,
 (19) that you have to go one or other direction.
 (20) COMMISSIONER DUBOIS: Have you envisioned a
 (21) left turn transition lane on Hicks Road for those
 (22) vehicles making a left into the –
 (23) KATIA CAMINGARA: Neither one of the traffic
 (24) consultants recommended that.
 (25) CHAIRMAN LYON: Commissioners, other

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- (1) questions? Commissioner Quintana.
 (2) COMMISSIONER QUINTANA: I guess I'm up
 (3) again. Excuse me while I check my notes.
 (4) In the packet that you delivered to all the
 (5) Commissioners, you mentioned commitment to many
 (6) things, and in the landscape guidelines, the
 (7) prohibition of several things.
 (8) Our general plan has a statement that things
 (9) that are stated by the applicant in the hearings that
 (10) we use to impart or fully base our considerations of
 (11) approval on should be incorporated as conditions of
 (12) the project. Would you have any objection to that?
 (13) KATIA CAMINGARA: Would I have any objection
 (14) to having the – our proposed landscape guidelines
 (15) incorporated into the project?
 (16) COMMISSIONER QUINTANA: No, not guidelines
 (17) per se, but in your document in the guidelines, you
 (18) indicate that you're going to prohibit lighted tennis
 (19) courts, you're going to prohibit fountains in the
 (20) front yards and several other things. Those are the
 (21) kind of things that I'm talking about from the
 (22) guidelines and from, I believe it's your Section 3,
 (23) where you indicated how you've addressed some of the
 (24) various issues that were brought up by the public.
 (25) You've indicated a commitment to certain

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- (1) things. That's what I –
 (2) KATIA CAMINGARA: Yeah, I don't have a
 (3) problem with any of those things, and that's why I've
 (4) put them forward.
 (5) COMMISSIONER QUINTANA: Okay. One concern I
 (6) have, and I don't want you to get the impression that
 (7) I'm totally negative towards your proposal, but one
 (8) other concern I have is the sample landscape plan that
 (9) you showed, informal landscaping, or even a natural
 (10) state between the fenced area and the property line,
 (11) and in looking at the guidelines, I'm not sure that
 (12) you've – that you're proposing for the CRCs, I'm not
 (13) sure that I can get from those to insuring that
 (14) particular image.
 (15) I just want you to comment – part of my
 (16) concern is what does non-irrigated space mean?
 (17) I think what we're trying to get is some kind of
 (18) a natural blending of the landscaped areas of the
 (19) house or the property – the parcel itself, and the
 (20) open space easement areas, that we don't wind up
 (21) with – basically that we don't wind up with
 (22) something, in my opinion, like we have on Santa Rosa
 (23) Drive, where when you look up there, you see the
 (24) property lines demarcated by fences and formal
 (25) landscaping, and there's an abrupt change from the

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- (1) open space area to the garden –
 (2) (Pause in Tape.)
 (3) (Beginning of Tape Two, Side One.)
 (4) COMMISSIONER QUINTANA: – indicated that he
 (5) recommended prior to the adoption of the conceptual
 (6) development plan or the tentative map, and I want to
 (7) ask you if you have any objection to the earlier so
 (8) that the information is before the Council before they
 (9) actually make their final decision, since that could
 (10) affect lot six.
 (11) KATIA CAMINGARA: Yeah, I don't have a
 (12) problem making it a condition that we do that work
 (13) prior to it going to Council.
 (14) COMMISSIONER QUINTANA: And my final
 (15) question to you has to do with the open space
 (16) easements on lots six, five and eight. The open space
 (17) all seems to be very contiguous until you reach that
 (18) point. And my question is: Is it possible to modify
 (19) the open space easement on lot six so that the trail
 (20) is within that easement and that it's made contiguous
 (21) with lot eight?
 (22) And then on lot five, there's an isolated
 (23) spot that is dividing the lot by an easement, and the
 (24) trail is not in the open space easement and is –
 (25) would you be agreeable to looking at extending the

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- (1) open space easement from the area that's designated as
 (2) the woodland restoration area to the property line so
 (3) that the trail is actually within the easement?
 (4) I know you didn't – you probably didn't
 (5) even consider that, because the Council's directions
 (6) were not to – to keep the same amount of open space,
 (7) but it creates sort of an awkward island.
 (8) KATIA CAMINGARA: And I guess my preference
 (9) really would be to keep it as we had proposed it,
 (10) simply because that's a fairly sizable lot, and it's a
 (11) very, you know, flat usable area. And actually, in
 (12) the past, we had had a home there, but, you know,
 (13) that's no longer there.
 (14) But the point is that it's, you know,
 (15) usable. It's a very sizable – you've seen that area,
 (16) I think. It has some structures in it now, so our
 (17) preference would probably be to keep that, but let me
 (18) make sure I understand your comment on lot six.
 (19) You said make that contiguous with – did
 (20) you say with lot eight? I mean, it – it kind of
 (21) seems like it is.
 (22) COMMISSIONER QUINTANA: I guess I'm
 (23) referring to the segment of the trail that is outside
 (24) the easement.
 (25) KATIA CAMINGARA: Outside the easement.

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- (1) COMMISSIONER QUINTANA: On lot six –
 (2) KATIA CAMINGARA: You know –
 (3) COMMISSIONER QUINTANA: – it's just a small
 (4) section.
 (5) KATIA CAMINGARA: – actually, it's not,
 (6) because if you look at – do you happen to have –
 (7) okay, the reduced, where it says conceptual site plan
 (8) slash –
 (9) COMMISSIONER QUINTANA: Yeah.
 (10) KATIA CAMINGARA: So it's – that dash
 (11) indicates the trail easement. And as far as I can
 (12) tell, the trail is always in it except when it crosses
 (13) over that driveway.
 (14) COMMISSIONER QUINTANA: Most of it.
 (15) KATIA CAMINGARA: Okay.
 (16) CHAIRMAN LYON: Commissioners, other
 (17) questions for Ms. Camingar? I don't think we've got
 (18) an answer to your depth of cut and fill, and I'm sure
 (19) we're going to get that right now.
 (20) KATIA CAMINGARA: I'm have John Couzia.
 (21) JOHN COUZIA: As you may remember, when we
 (22) set all these lot elevations, we picked the centroid
 (23) of the house to be the existing ground elevation. And
 (24) the fall of the land in most cases is four or five
 (25) feet across where the house sits, therefore, there's a

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- (1) couple feet of cut in the upper end and a couple feet
 (2) of fill in the lower end. And that's for almost all
 (3) of the houses except for the ones that are along the
 (4) upper road, and there's as much as seven feet of cut
 (5) in the back corner on lot ten and four feet of fill in
 (6) the front of that one.
 (7) CHAIRMAN LYON: Now, let me ask you a
 (8) question on lot ten specifically. You've got that
 (9) house located very, I guess horizontal or
 (10) perpendicular to the street. If you were to rotate
 (11) that site so that it more followed the contour, could
 (12) you reduce the amount of cut and fill if you were to
 (13) rotate it 30 degrees counterclockwise?
 (14) JOHN COUZIA: You might be able to do
 (15) something slightly.
 (16) CHAIRMAN LYON: Uh-huh.
 (17) JOHN COUZIA: It depends on sort of a
 (18) hierarchy of what's important in siting the house.
 (19) CHAIRMAN LYON: Uh-huh.
 (20) JOHN COUZIA: So if it was twisted a
 (21) little bit counterclockwise, it could – it could
 (22) line up more with the contours, and so perhaps step
 (23) more closely with the land, but then it would be,
 (24) you know, at an odd angle to the street. So something
 (25) like that could be done. I'm not sure that would

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- (1) be of much value.
 (2) CHAIRMAN LYON: Okay. Commissioners, other
 (3) questions? None. Okay.
 (4) Seeing none, we will move into testimony
 (5) from the public. I have a number of cards here. I
 (6) remind you all that you have – each have three
 (7) minutes for your comments. The first card I have is
 (8) Mr. Ireland. Following Mr. Ireland is Ms. Rask.
 (9) Since we have a lot of cards, I will pre-call names so
 (10) we can keep things moving along.
 (11) JON IRELAND: Thank you for your time. I'm
 (12) Jon Ireland. I've been a resident of Los Gatos for 36
 (13) years.
 (14) I've been following this project because I'd
 (15) like to have one of these homes, and it's very unique
 (16) the fact that it's not very often that you find that
 (17) big of a selection for a new one-story house.
 (18) My wife is handicapped, and I need to move
 (19) out of my house. I want to stay in Los Gatos. And
 (20) there's not that many options for me to find a new
 (21) one-story home in Los Gatos. It's a very attractive
 (22) project. And I just can't say enough about how I
 (23) don't want to leave Los Gatos. I've been here that
 (24) long, and I'd like to stay here forever.
 (25) I – so I could go on and on and say about

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- (1) how nice the project is, but as a citizen for as long
 (2) as I have, I've seen a lot of developments in Los
 (3) Gatos, and I feel this is one of the finer ones.
 (4) And how often do you get a selection of that
 (5) many homes that are one-story houses? So I can't say
 (6) enough for it. And thank you very much for your
 (7) time.
 (8) CHAIRMAN LYON: Thank you, Mr. Ireland. Any
 (9) questions for Mr. Ireland? Thank you, sir.
 (10) Ms. Rask. And after Ms. Rask, we have Mr. Anderson.
 (11) JULIE RASK: Thank you. My name is Julie
 (12) Rask. And I was here at the July hearing, and I just
 (13) wanted to reiterate my feelings for when I had in July
 (14) is I still have now.
 (15) I have a young family. I live in Los Gatos,
 (16) and I have all my life. I was born and raised here,
 (17) and like the gentleman before me, I'd like to stay
 (18) here, and with a young family, Commissioner Muller in
 (19) the previous application indicated that it'd be nice
 (20) to have open space with projects and this project
 (21) presents an open space.
 (22) It would be nice to have trails. The Los
 (23) Gatos Lexington trail is so over – over populated.
 (24) Every week end it's just – it's a traffic jam, and
 (25) it's nice to see a project that address it is trails

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- (1) and the open space and the type of project that I feel
 (2) that this town needs and – and takes into account
 (3) what the people here in the town are looking for in
 (4) open space rural looking project.
 (5) And so I came back. I was here in July, and
 (6) I'm here again now just to say that I support the
 (7) project, and I – I'd like to Commission to take a
 (8) look at it, and thank you for your time.
 (9) CHAIRMAN LYON: Thank you, ma'am. Any
 (10) questions? Thank you. Mr. Anderson. Following
 (11) Mr. Anderson is Mr. Fee.
 (12) KEN ANDERSON: I was wondering if the
 (13) traffic engineer is here today by any chance? Is
 (14) there a traffic engineer? Okay.
 (15) I mean, there's a Town one, right? Okay.
 (16) RAY DAVIS: I don't think so.
 (17) KEN ANDERSON: My name is Ken Anderson. I
 (18) live on Diduca Way off of Shannon, about a mile from
 (19) the intersection of Short and Shannon and Hicks and
 (20) Shannon. About a mile, I think, by road from this
 (21) development.
 (22) I'd like to state I'm in support of it. I
 (23) know people like to keep open space, and I think
 (24) that's not a reality in today's world, but it seems –
 (25) what is a reality is compromise. And I think the

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- (1) Town, the citizens and Greenbriar have all compromised
 (2) on this proposal.
 (3) The town wanted 14 homes, and Greenbriar
 (4) came up with 14 homes. We have 45 acres of open
 (5) space. And we have trails for hiking, hopefully
 (6) equestrians, and I guess possibly bicycles.
 (7) One thing I think I heard in one of the
 (8) meetings was a three-way stop sign at Hicks. I'm
 (9) opposed to this. Once in a while I do make a left
 (10) turn onto Hicks, and it's probably the freest
 (11) intersection in this whole town.
 (12) The traffic impact fee I noticed, I
 (13) calculated out to \$80,000. I went to Los Altos High
 (14) School, so maybe – I don't know, maybe the Los Gatos
 (15) High students can figure that one out.
 (16) But what I'd like to see that money go to,
 (17) instead of just a general fund, is Shannon Road is
 (18) cobblestones in a couple of spots between Short Road
 (19) and the County line. And I just can't believe after
 (20) two years of that condition of that road it's never
 (21) been fixed. And I just – I feel that someone in the
 (22) Town must drive on that road once in a while.
 (23) And so I've never complained about it, but I
 (24) thought okay, I'm going to complain about it now and
 (25) just let you guys know that that road, we've basically

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- (1) got to be off, you know, either in the middle of it or
- (2) on the side trying to avoid this cobblestones.
- (3) The other two intersections I think will be
- (4) impacted by this development, but minimally, it's just
- (5) a cumulation of development, is the Roberts Road,
- (6) Shannon, Los Gatos Boulevard. Why that road isn't
- (7) aligned up, and why we gave permission for the Honda
- (8) guys to build out without taking some of their land
- (9) and straighten that intersection out, I don't know.
- (10) And Cherry Blossom and Blossom Hill is also
- (11) a nightmare. Both those roads bottleneck, and the
- (12) school's there, if you go there at 8:45, I'm sure
- (13) you'll - you'll understand what I mean.
- (14) Thank you very much.
- (15) CHAIRMAN LYON: Thank you, Mr. Anderson.
- (16) Questions for Mr. Anderson? Sir, feel free to give
- (17) Mr. Curtis a call at the Town. He's the Director of
- (18) Public Works, and I'm sure he can address your
- (19) concerns relative to the condition of Shannon Road.
- (20) KEN ANDERSON: Is he the traffic engineer?
- (21) CHAIRMAN LYON: He is the Director of Public
- (22) Works. So the traffic engineers work for him.
- (23) KEN ANDERSON: Got you. Thanks.
- (24) CHAIRMAN LYON: Next person up I have is
- (25) Mr. Fee, followed by Mr. Davis.

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- (1) HENRY FEE: Good evening. My name's Henry
- (2) Fee, and I live across the street. I have 35 acres
- (3) that in large part borders the project here.
- (4) There obviously are more citizens than there
- (5) are developers in Los Gatos, and that makes it a
- (6) little tough on developers. But I think we all have
- (7) to be a little careful of what some writers have
- (8) talked about as the tyranny of the majority.
- (9) There needs to be a sense of equity, a sense
- (10) of fairness, and when a person comes in with a project
- (11) and reads the rules and tries to follow the rules and
- (12) are now in their fourth year, I think somebody's
- (13) dropped the ball. And I think that translates into
- (14) higher costs for houses. So at the same time we're
- (15) fussing that we want a nicer environment, we're
- (16) fussing that we want affordable houses. We need to
- (17) see where some of those problems come from.
- (18) Tonight you'll hear from a number of people
- (19) who say they don't want to see that area, quote,
- (20) spoiled. If you would ask them about their particular
- (21) lots, you'll find that what they did was move out to a
- (22) little postage stamp and then look around and not want
- (23) their neighbors to subdivide their land. I think that
- (24) is somewhat unfair.
- (25) And so I would like to say that I think this

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- (1) developing organization over the last four years, as
- (2) I've come to various meetings and seen your
- (3) suggestions, which sometimes are contrary to your
- (4) suggestion from the meeting before. Sometimes they're
- (5) inconsistent with the guidelines you've given before.
- (6) Each time they've jumped through the hoops, and now I
- (7) think it's time to, in the interest of fairness, to
- (8) recognize that more than half of this private land,
- (9) which was bought at market value and taxes were paid
- (10) on, is being given to the people. Not exactly right
- (11) of eminent domain, but very close without
- (12) compensation. I think fairness speaks for a move
- (13) forward now in granting them their permit. Thank
- (14) you.
- (15) CHAIRMAN LYON: Thank you, Mr. Fee. Any
- (16) questions for Mr. Fee? Seeing none, thank you, sir.
- (17) Next person up I have is Mr. Davis.
- (18) RAY DAVIS: I'm afraid I'm going to have to
- (19) differ from the previous speakers. You know, I don't
- (20) stand to make a buck off this, so, you know, it's a
- (21) problem for me, you know, to give you biased comments
- (22) as we've heard previously.
- (23) I'm going to say right off the bat that this
- (24) is a general plan amendment, a rezoning, therefore,
- (25) you have a duty under the law, State of California, to

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- (1) see that it is appropriate to the community.
- (2) Your instructions from the Council, in my
- (3) opinion, are unlawful. You are not restricted to
- (4) anything. It's a brand new plan. Brand spanking
- (5) new. Totally different, significantly different. You
- (6) have your original duty to make sure that it conforms
- (7) with all the public documents. So please be advised,
- (8) don't spend these meetings on your knees cow towing to
- (9) a Town Council who is - are just uninformed, okay, on
- (10) this issue.
- (11) Peer review. The peer review was done. How
- (12) marvelous. At long last, after 120 years we now have
- (13) peer reviews in Los Gatos. And we now have engineers
- (14) in Los Gatos. How marvelous.
- (15) So let me read you the most important
- (16) comment, in my opinion, (inaudible) peer review. We
- (17) recommend that the following supplemental lot six
- (18) investigation be completed either prior to approval of
- (19) the conceptual development plans or prior to approval
- (20) of the tentative map. Then it goes on to say the same
- (21) thing, okay.
- (22) You know, do you understand the problem with
- (23) the peer reviewer? He doesn't understand that a PUD,
- (24) which is what you have before you, planned unit
- (25) development, is in essence a tentative map. If there

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- (1) are any corrections, it's - this is the time to make
 (2) it.
 (3) So what he's saying to you is, ladies and
 (4) gentlemen, if you're going to serve the public, do not
 (5) approve this tonight under any circumstances until
 (6) this additional geotechnical work is done, okay. I
 (7) hope you understand that.
 (8) I know this type of project doesn't come
 (9) along every day, okay.
 (10) The other thing - some other things. No
 (11) slope analysis. You've got 50 - I want to talk to
 (12) Mr. Dubois there. Slopes are 55 percent or more,
 (13) okay. Not a word in the peer review about the
 (14) steepness of the slope.
 (15) And not a word in anywhere in any of the
 (16) documents that I can find about future ownership of
 (17) the open space. Is there a homeowner association
 (18) that's going to assume jurisdiction of it? Or is this
 (19) going to be given to the Town? I mean, I think
 (20) they're taking advantage of you, okay.
 (21) Now, you can correct me if I'm wrong, maybe
 (22) I just didn't read it -
 (23) CHAIRMAN LYON: Thank you, Mr. Davis.
 (24) RAY DAVIS: - but believe me, it is
 (25) crucial -

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- (1) CHAIRMAN LYON: Thank you, Mr. Davis.
 (2) RAY DAVIS: - don't be country bumpkins
 (3) like they think you are.
 (4) CHAIRMAN LYON: Thank you, Mr. Davis.
 (5) Hopefully I get this one right. Mr. Kokinus. Did
 (6) I -
 (7) MICHAEL KOKINUS: Right on.
 (8) CHAIRMAN LYON: All right.
 (9) MICHAEL KOKINUS: Good evening folks. Thank
 (10) you very much for the time to come before you again
 (11) and to speak some of our opinions and perspectives of
 (12) the area.
 (13) My name's Mike Kokinus, and I have a home
 (14) that overlooks the planned development, and it would
 (15) drastically impact my visual line of sight of the
 (16) valley in front of me.
 (17) I want to make a subtle, but I think very
 (18) important point, and the point made by the Council was
 (19) that this project could be developed up to 14 homes.
 (20) It does nowhere stipulate that 14 homes a priori will
 (21) be built on this site.
 (22) As a result of a lot of the discussion
 (23) that's gone on and a lot of the thoughtfulness that
 (24) the Council put into it, they said up to 14. So
 (25) having said that, I also want to say that I think the

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- (1) developers do have a right to build the homes, but I
 (2) think if they're going to put all 14 in, they should
 (3) earn the right to put all 14 in and not consider it
 (4) from the start that it's theirs to put in all 14.
 (5) Towards that end, they negotiated
 (6) settlement, because I think that's very important,
 (7) should be considered. Specifically, I'd like to talk
 (8) about a couple points.
 (9) I think if they're going to put in the 14
 (10) homes in that area, I think lighting has to be
 (11) drastically reduced. Specifically, I mean the
 (12) streetlights, the proposed streetlights, the four
 (13) proposed streetlights have to be taken out. There's
 (14) no need for them. If you take a look at that
 (15) community, and you say well, you need them in that
 (16) area, I don't want to use this as a comparison, but
 (17) there's no streetlights in Silver Creek.
 (18) I think landscape design, the home - home
 (19) designs in terms of lights, no over - no lights
 (20) should be allowed to be shining upwards. I think all
 (21) the homes should be single story.
 (22) I think the fact there's only four house
 (23) plans that have been proposed turns a rural area into
 (24) a tract development. Again, as mentioned by Dr. Fee,
 (25) people moved out into this area to get away from that

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- (1) exact density. We paid a lot of money for our homes.
 (2) We have value there. We're taxpayers. We have the
 (3) right to be in that area, and that's the reason why we
 (4) want to be there. We left the high density because we
 (5) didn't want to be there.
 (6) So again, the lighting, and again, I think
 (7) the houses should be all single story.
 (8) I think that because there is a proposal to
 (9) develop the house on top, the ridge line lot, if that
 (10) lights - if that home's going to be going in there, I
 (11) think that the number of homes should be reduced to
 (12) counter the impact of a ridge line lot. If in fact
 (13) that ridge line lot is going to be put in there, I
 (14) think it should be rebuilt as per the guidelines of
 (15) the General Plan and of the Council, not turned into a
 (16) 4,600 or 4,800 square foot home. Have it rebuilt on
 (17) the original footprint so it'll be restored as it has
 (18) been already talked about.
 (19) We've discussed issues of grading. And I
 (20) think the issues of limits on future house expansions,
 (21) what happens with the open space from an association
 (22) definitely needs to go ahead and be looked at.
 (23) I want to close by saying I've been coming
 (24) to these meetings for about three and a half years
 (25) now. I think one of the reasons it's taken over 20

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- (1) meetings to get these points taken care of is because
 (2) there's been a lot of people not listening to one
 (3) another. I think along the way the Council and the
 (4) Commission have been very clear about questions that
 (5) they have asked the developer, and I think the
 (6) developer has been – has not taken those opinions to
 (7) heart.
 (8) Thank you very much for your time.
 (9) CHAIRMAN LYON: Thank you, sir. Do we have
 (10) any questions? None.
 (11) The next gentleman, I'm sorry, I cannot read
 (12) your writing very well, but I – it looks as if it is
 (13) A-j-l-o-u-n-y.
 (14) MIKE AJLOUNY: Ajlouny.
 (15) CHAIRMAN LYON: Ajlouny. I'm sorry, sir.
 (16) MIKE AJLOUNY: My name is Mike Ajlouny. I
 (17) live right on the corner of Hicks and Shannon, so the
 (18) development hits three sides of my property, a
 (19) definite impact.
 (20) When moving to that property, I always hoped
 (21) to have homes near the property, so I'm real glad
 (22) there'll be homes behind me. So I am in support of
 (23) the project.
 (24) A couple things, I was kind of – didn't
 (25) like was, and I'll make note of it now, they haven't

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- (1) met with me at all as far as this new development. I
 (2) think they should keep communications open with
 (3) someone so close. The pamphlet they issued to you
 (4) all, I didn't even get a copy of, just the public
 (5) notice for the hearing so I could better prepare for
 (6) it.
 (7) A big issue I have is when I was looking
 (8) forward for them to build this development, we could
 (9) someday tie into sewer and water. And I thought they
 (10) would expand Hicks, but with the idea of my neighbors
 (11) not wanting that drive expanded, which is no problem,
 (12) as long as they run city water and city sewer to that
 (13) end right where the trail ends right at the edge of my
 (14) property so I can tie in.
 (15) I have designed my house I can someday tie
 (16) into that property. It is a public interest not to
 (17) have a septic system and have public sewer.
 (18) Lot 14 on the top of the hill should never
 (19) be built. That thing should be properly removed.
 (20) Hilltop housing is a thing of the past. There's no
 (21) room to build a house up there. It's going to be an
 (22) eyesore any way you look at it. It should never be –
 (23) lot 14 should never be, ever be built.
 (24) The – I need a clarification of the area on
 (25) the west side of my property where the creek is.

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- (1) Access road I think – I don't – you know, it needs a
 (2) lot of clarification of what's going on over there.
 (3) We have a public nuisance in that hidden area. It
 (4) should be blocked off as well as these trails up on
 (5) the hilltops should not exist. Hicks is a place for
 (6) people who party and have a good time on weekends.
 (7) Opening an entire private area unguarded, unsecured,
 (8) would be a huge, huge liability and a breach of our
 (9) neighborhood security.
 (10) Lots number one and – one and 13, I really
 (11) think they should be tilted towards, angled towards
 (12) Shannon – I mean, towards Hicks a little bit,
 (13) respectively, so it kind of will transition my house
 (14) sticking straight onto the road. It'll make a nice
 (15) transition onto – onto the new development instead of
 (16) hitting directly into the new road. So it'll be a
 (17) nice transition point. And something very pleasing to
 (18) look at is probably very, very important.
 (19) Did you guys understand that, what I wanted
 (20) on one and three? Just a little tilt towards the
 (21) corner would be nice. They designed it very well.
 (22) There's a hundred foot setback. I don't
 (23) think on – from Hicks Road. I don't think one and 13
 (24) meet that setback, but that's another issue that can
 (25) be solved later.

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- (1) I have some other issues. I know I'm so
 (2) close, and there's a lot of things here.
 (3) CHAIRMAN LYON: Actually, sir, you've run
 (4) out of time, but –
 (5) MIKE AJLOUNY: Being where I am?
 (6) CHAIRMAN LYON: I'm going to ask you a
 (7) couple of questions.
 (8) MIKE AJLOUNY: Sure.
 (9) CHAIRMAN LYON: Why don't you tell me about
 (10) one of the other issues that you have on your list
 (11) there.
 (12) MIKE AJLOUNY: Okay. Thank you very much.
 (13) That white fence along Shannon, I don't
 (14) really oppose it, but you have to have openings every
 (15) 20 to 40 feet to allow for the migration of the deer.
 (16) There's like 20 deer families that come in and live
 (17) off the river and go back up to the hills during the
 (18) night, and they can't – the young deer will not be
 (19) able to cross those – that fence if you do it.
 (20) They're just everywhere. So you've got to keep
 (21) openings –
 (22) CHAIRMAN LYON: Let me ask you another
 (23) question, sir.
 (24) MIKE AJLOUNY: Yes.
 (25) CHAIRMAN LYON: Basically, are the points

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- (1) that you have on your list relative to the overall
 (2) project or kind of specifics to what one would
 (3) consider architecture and site approvals, i.e.,
 (4) placement of homes, fencing, things of that sort?
 (5) MIKE AJLOUNY: Yes. More floor plans. And
 (6) the blind spot on Shannon, on Hicks Road to the
 (7) entrance. Right when you come up, people come up fast
 (8) on that, and when people are coming out of the – I
 (9) drive out of that road all the time, and when the
 (10) equestrian park was there, there was a lot of
 (11) accidents right there, because when the car would
 (12) creep over, and the car would run into them and smash
 (13) them every time. It was very common once every three
 (14) or four months there'd be a collision.
 (15) So got to work that – somehow work that
 (16) out. The caution signs would be nice. Please extend
 (17) those caution signs past my property so they can be
 (18) warned from my driveway, not just two driveways, so
 (19) they can put entrance – caution driveways
 (20) approaching, you know. Just so we can share the
 (21) problem.
 (22) CHAIRMAN LYON: I think some of those
 (23) traffic safety concerns you have are very valid, sir,
 (24) and I'm sure that we can tie those into conditions of
 (25) approval.

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- (1) MIKE AJLOUNY: And if possible, stop signs
 (2) at that intersection would probably eliminate any risk
 (3) there and slow down the traffic.
 (4) CHAIRMAN LYON: I know coming out of the
 (5) development, sir, the developer has proposed to have a
 (6) stop sign on the way out.
 (7) MIKE AJLOUNY: Of course. But I'm talking
 (8) about actually on Shannon, on Hicks, putting a double
 (9) stop – a three-way stop. I think it would really
 (10) slow things down, and I really think it will make that
 (11) intersection a lot safer.
 (12) CHAIRMAN LYON: Okay. Thank you, sir.
 (13) MIKE AJLOUNY: Sure. Thanks.
 (14) CHAIRMAN LYON: Mr. MacBeth.
 (15) ED MacBETH: Thanks very much. I guess
 (16) I've been up here quite a bit over the last three
 (17) and a half years, too, and I think they have made
 (18) quite a bit of headway in terms of getting this
 (19) project done and to a lot of things that we've talked
 (20) about.
 (21) As I remember back in July, the list that
 (22) they left with was pretty lengthy compared to what was
 (23) discussed earlier with regard to looking into
 (24) geological foundations, construction, getting away
 (25) slab foundations, those kinds of things, so just

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- (1) curious whether or not that's still on your agenda to
 (2) look at.
 (3) The other issue is still looking at lot
 (4) number 14. That still seems like they haven't
 (5) necessarily addressed the whole issue of accessibility
 (6) and safety getting up there. That's one hellacious
 (7) driveway to get up, and I don't know whether or not
 (8) there's – there's still a way for them to avoid the
 (9) problems that they had when it originally burned
 (10) down.
 (11) So, you know, I think I agree with
 (12) Mr. Ajlouny, one of the things that he noted about
 (13) the – about the safety issues of the – of the open
 (14) space. And living right next door, I do know that
 (15) there are an awful lot of people that sort of enjoy
 (16) themselves into – in the what's currently going to be
 (17) the safety entrance off of – off of Shannon. I
 (18) think there is a good point of putting some
 (19) restrictions on the use of that open space and when it
 (20) is available. If it's available at all hours, it
 (21) could create some pretty interesting safety situations
 (22) in the neighborhood.
 (23) So thanks very much.
 (24) CHAIRMAN LYON: Thank you, sir.
 (25) Mr. Frankle.

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- (1) JON FRANKLE: Thank you. I'm John Frankle.
 (2) 17491 Hicks, one block further – further down Hicks
 (3) past the proposed development.
 (4) I'd also like to express as group of
 (5) neighbors, we're not happy every step of the way, but
 (6) we appreciate there has been a lot of response in
 (7) this. And I see maybe not everything has come quite
 (8) as far as we'd like, and lighting could be further
 (9) reduced, but there's been a lot of movement there,
 (10) effort to conserve the trees and (inaudible)
 (11) two-thirds of the homes single story. Maybe – maybe
 (12) more single story would be good, but I've seen a lot
 (13) of movement. So I think we appreciate that.
 (14) And there has been a little less interaction
 (15) with the neighbors than in the early going. They're
 (16) certainly – I see that Greenbriar has listened.
 (17) I do concur, however, that one area I don't
 (18) see too much listening, it has to do again with the
 (19) lot at the top of the hill, which I guess is 14. I
 (20) believe the Council was pretty clear against
 (21) developing here, and I see it coming back on the – on
 (22) the new proposal. So little surprising, and then
 (23) again, if it's – if it's a must that this – the
 (24) development requires this, then again, I believe that
 (25) our guidelines, that it should be perhaps smaller than

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- (1) the other proposal, back on the order of 3,000 square
 (2) feet as before, rather than the 4,700 or so.
 (3) The variety is another issue. I hear at
 (4) most four plans proposed, and that's at most four. If
 (5) everybody buying these homes liked one, could we end
 (6) up with all of them being done off the same floor
 (7) plan? I'd like to see something about enforced
 (8) variety and probably more than four plans to choose
 (9) from would be - would be reasonable and avoid this
 (10) potential of looking like tract homes.
 (11) And finally, again, you know, this is
 (12) approved for up to 14. 14 is still a big change.
 (13) I've - you know, I've spoken before. I've - I was
 (14) more on the side of around 10 or something, but if 14
 (15) is a big change, and then again 4,650 square feet
 (16) average, those are big houses. So put those together
 (17) and I might - I'd prefer something - something give
 (18) a little bit, you know, slightly fewer houses or
 (19) slightly smaller footprints, but I don't know that
 (20) that's a must. That's - those are just my
 (21) preferences.
 (22) And finally, it's just - it's about impact
 (23) to the neighborhood - the neighborhood. I'd like to
 (24) see something not mentioned yet is restrictions on
 (25) noise, and it's come up before. Something with

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- (1) restrictions about outside speakers and ground source
 (2) heating and cooling would be good ways to keep the -
 (3) the noise down. And similar vein, that houses are
 (4) starting out at this size, some limits on future
 (5) expansions, if the houses - if this could be built in
 (6) as conditions so that they don't have the houses
 (7) growing - growing even larger in the future, and it
 (8) could be handled with perhaps built in undeveloped
 (9) basements or something that could be developed
 (10) invisibly.
 (11) But I appreciate the movement. I hope we're
 (12) in the end game now. Thank you.
 (13) CHAIRMAN LYON: Thank you, sir. Questions?
 (14) None. Next person I have is Ms. Hirsch.
 (15) LORRAINE HIRSCH: Hi. I live down Hicks
 (16) Road. I have two quick comments.
 (17) Mr. MacBeth, or was it Ajlouny? Anyway,
 (18) it's definitely correct that teenagers come and
 (19) party on Hicks Road now, so that is something you
 (20) want to think about in terms of trails. We're opening
 (21) up new space for people to come and hang out at
 (22) night.
 (23) And the second thing I wanted to point out
 (24) is that at the beginning of school and the end of
 (25) school, about, I don't know, 8:30 in the morning, and

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- (1) I don't know, 2:30 in the afternoon, the traffic backs
 (2) up from the Christian school down Hicks Road as it
 (3) is. And in the morning I guess it's a bigger concern,
 (4) because that's also when people are trying to get to
 (5) work. If we add in the increased traffic, I think
 (6) that will be a problem.
 (7) I also have one quick question. Is there a
 (8) way to get a report from a qualified ornithologist in
 (9) front of you?
 (10) MR. LORTZ: We can get any report you want.
 (11) If the Commission so desires, we'll continue the
 (12) project and ask for a qualified ornithologist -
 (13) LORRAINE HIRSCH: Oh, no, I mean, I have the
 (14) orin - I mean, I - this is - this would not be a
 (15) city ordered one.
 (16) MR. LORTZ: If you have it, we can copy it
 (17) right now for you.
 (18) LORRAINE HIRSCH: No, I don't have a - I
 (19) don't have a copy of the report, but I'm just
 (20) wondering if I have a report prepared not at city
 (21) expense, can I submit it to you?
 (22) MR. LORTZ: That would be fine.
 (23) LORRAINE HIRSCH: Okay.
 (24) MR. LORTZ: Submit that either to the
 (25) Commission or the Council.

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- (1) LORRAINE HIRSCH: Okay, thank you.
 (2) CHAIRMAN LYON: Thank you, ma'am.
 (3) Mr. Lincoln.
 (4) JOHN LINCOLN: Good evening. Thank you. A
 (5) couple of points.
 (6) I - I would like to see a more selective
 (7) variety of designs. I think four homes is far beyond
 (8) their capabilities. I think Greenbriar's architects
 (9) and designers can come up with more than four homes.
 (10) There's a lot of homes out there.
 (11) I'm not opposed to the development
 (12) entirely. There's a few locations that I think some
 (13) of the earlier speakers have hit upon, so I don't need
 (14) to go into those.
 (15) But the other issue is, again, every home
 (16) out there, whether it be on five acres, 18, 20, 30,
 (17) 40, they're all unique, individual, custom built
 (18) homes. They're not on slab foundations. They're on
 (19) pier and post and beam. And I think there's an
 (20) opportunity here for Greenbriar to step up and be a
 (21) benchmark with regards to designing in the Town. It's
 (22) an opportunity for everybody to make a good show as
 (23) opposed to just coming in and building a bunch of
 (24) tract homes at a high end price.
 (25) Thank you.

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- (1) CHAIRMAN LYON: Thank you, sir.
 (2) Mr. Sweitzer.
 (3) WILLIAM SWEITZER: How are you doing? I'm
 (4) Bill Sweitzer. I have the property on their northern
 (5) boundary up on the hillside.
 (6) Except for the house up on the hillside,
 (7) which I had always hoped that would be preserved as
 (8) hillside, the rest of the plan, I mean, is a good
 (9) compromise, I think, between the Town and the
 (10) developer.
 (11) My only concern is relating to the
 (12) Intensified use of the area, especially in the open
 (13) space area. There's no contingency for any fire
 (14) control on the hillside. With the intensified use,
 (15) that's always a fear of mine, since my property is on
 (16) their upper hillside. And if a fire starts, there is
 (17) absolutely no way to stop it from going, you know, up
 (18) that ridge and all the way up to Santa Rosa and then
 (19) down below on my end.
 (20) So I would like to see some sort of fire
 (21) control put in place continuous with the -- with the
 (22) trails.
 (23) Security of the trails is also an issue, not
 (24) necessarily use of them.
 (25) And then lastly is the dedication of open

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- (1) space. I've been involved -- or am aware of the
 (2) situations now in Saratoga, which is my current home,
 (3) where a developer has promised trails and open space
 (4) only to develop the homes, put them in, renege on that
 (5) offer and have the neighborhood going to a lawsuit to
 (6) force the issue. It's lengthy. It's expensive.
 (7) Before any permits or approval is made of
 (8) the project, I would like a physical dedication to the
 (9) open space preserve for the 43 acres that they're
 (10) proposing. It's -- it's a nice proposal. It's a good
 (11) compromise. It keeps the bulk of the hillside free.
 (12) Having built a postage stamp lot on a big
 (13) hillside, I would like to make sure that I never have
 (14) to see a home on those hillsides, especially if you're
 (15) going to make compromises on the zoning. Thank you.
 (16) CHAIRMAN LYON: Thank you, sir. At this
 (17) time I have no other cards on this item.
 (18) Ms. Camingar, come on back up. You've got
 (19) three minutes to address any comments that you've
 (20) heard from the public, and then we'll have final
 (21) questions from the Commission.
 (22) KATIA CAMINGARA: Thank you. I'd like to
 (23) address a few of the comments that some of the
 (24) neighbors have made.
 (25) One was the question about why don't we put

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- (1) a three-way stop at the Hicks Road and the project
 (2) entry, and I wanted to point out that that was
 (3) actually considered by both of the traffic
 (4) consultants, and they both concluded that it would not
 (5) be a wise choice because the traffic volumes on Hicks
 (6) Road, according to them, did not warrant a stop
 (7) there. But, I mean, I would be happy if that was put
 (8) in if that is what you choose, but I'm just giving a
 (9) little bit of background on that.
 (10) Regarding the streetlights. Someone also
 (11) mentioned that they would like to not see four
 (12) streetlights. And I want to point out again, I have
 (13) mentioned this in the past, if you don't want any
 (14) streetlights, we're fine with that also, however, in
 (15) my discussions with the Department of Engineering of
 (16) the Town, they've indicated that they'd like to see
 (17) lights at the intersection and the end of cul-de-sacs,
 (18) but we can work obviously to make sure that they
 (19) direct light down, not up, and there's different kinds
 (20) of lights for that.
 (21) As far as the open space ever converting for
 (22) any other use, in my opinion, it cannot be done
 (23) because what -- it would be encumbered by an open
 (24) space conservation easement in perpetuity. The way we
 (25) have proposed it.

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- (1) Regarding lot 14, I'd like to mention I did
 (2) not hear direction from Council to eliminate that
 (3) lot. And furthermore, we would like to continue
 (4) having that house because it is a house that burned
 (5) down. If anybody else's house up on Santa Rosa today
 (6) burnt down, we would hope that they could also build
 (7) it. And if you would want to restrict that house
 (8) size, I mean, we'd certainly be open to that, and
 (9) obviously it will be reviewed at A and S.
 (10) I'd also like to mention that, you know, the
 (11) past three and a half years has been about seeking the
 (12) balance between the neighbors' desires for a very
 (13) rural community and also with the right to the
 (14) property owner to develop the property. And I would
 (15) submit to you that we have reached that balance, and
 (16) we think the project has improved.
 (17) I think there is tremendous amount of
 (18) restrictions, I think probably unprecedented in
 (19) anything else I've ever seen done, and I think the end
 (20) result will be a very rural community and have the
 (21) restrictions in place to keep it that way.
 (22) And I seek your approval this evening.
 (23) Thank you.
 (24) CHAIRMAN LYON: Thank you. Commissioners,
 (25) questions for Ms. Camingar? Commissioner Muller.

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- (1) COMMISSIONER MULLER: Yes. There was one
 (2) thing that I didn't hear you address that was
 (3) expressed by a number of members that spoke tonight,
 (4) and that regards the diversity of design within the
 (5) project itself. Four designs?
 (6) KATIA CAMINGARA: That's correct. What we
 (7) have proposed is four floor plans. And we had done an
 (8) extensive survey with the neighbors to also elicit
 (9) their feedback in terms of what kinds of architectural
 (10) styles do they view as suitable for this property,
 (11) what represents rural to them. Because what's rural
 (12) to one person can be very different for another. And
 (13) based on that feedback, we came up with our designs,
 (14) which are craftsman traditional country cottage and
 (15) early California.
 (16) And so even though you - you know, we have
 (17) four plans, each of those homes has four different
 (18) elevations. So - and when you vary them with colors,
 (19) the heights of the homes vary, the massing. Even from
 (20) one house to another, even if it's the same floor
 (21) plan, you'll see that the massing, like the hip roof
 (22) versus a gable, they're different, and you can vary
 (23) the colors and the materials so that no house, no two
 (24) houses will look the same in the community is our
 (25) intent.

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- (1) CHAIRMAN LYON: Commissioners, other
 (2) questions? Seeing none, I will close the public
 (3) hearing, return - oh, Commissioner Dubois, I'm sorry.
 (4) COMMISSIONER DUBOIS: I'm a little confused.
 (5) Can you clarify what is the proposed access to lot
 (6) 14? How do you get there?
 (7) KATIA CAMINGARA: It is proposed to be up
 (8) the same driveway that exists there now. And - but
 (9) in our discussions with the fire department and also
 (10) with Mr. Burke, we have also proposed - you can
 (11) probably see it on your site plan, going - - there's
 (12) another driveway. It would be basically a reciprocal
 (13) easement between the owner of lot 14 and Mr. Burke
 (14) such that if - there's always a second way out for
 (15) each of those, including Mr. Burke, so it's improving
 (16) the situation for both.
 (17) COMMISSIONER DUBOIS: Thank you.
 (18) CHAIRMAN LYON: Commissioners, any other
 (19) questions? Seeing none, I will close the public
 (20) hearing, return this item to the Commission for
 (21) comments, questions of staff or a motion.
 (22) I'll start off with a question of staff.
 (23) Mr. Lortz, this is a PD application in which I think
 (24) is some of the conditions. There's stipulations
 (25) that the proposed homes would come back to - at an

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- (1) AS hearing, but as part of this PD, once that - those
 (2) homes are decided upon and approved at that level,
 (3) they would need to go through a zoning change for
 (4) a change in square footage, et cetera; is that
 (5) correct?
 (6) MR. LORTZ: Yes. The PD establishes a
 (7) maximum floor area, so anybody that would want to add
 (8) on after the home is approved through architecture and
 (9) site approval would have to amend the zoning.
 (10) CHAIRMAN LYON: Okay. Commissioner
 (11) Quintana.
 (12) COMMISSIONER QUINTANA: Would that extend to
 (13) requests for accessory structures as well?
 (14) MR. LORTZ: The PD is very specific about
 (15) what can be built on the property, so there's not a
 (16) lot of latitude there.
 (17) COMMISSIONER QUINTANA: So if it doesn't
 (18) specifically mention the ability to add accessory
 (19) structures, they're not included in the zoning?
 (20) MR. LORTZ: Well, that would be my
 (21) interpretation of it, because it was so specific on
 (22) the front end.
 (23) COMMISSIONER QUINTANA: Could we add that
 (24) language -
 (25) MR. LORTZ: Certainly.

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- (1) COMMISSIONER QUINTANA: - to make it
 (2) absolutely clear?
 (3) MR. LORTZ: Absolutely.
 (4) CHAIRMAN LYON: Commissioner Micciche.
 (5) COMMISSIONER MICCICHE: I just wanted to
 (6) point out on Exhibit A the - under required findings,
 (7) they have the write-up that existed for the two and a
 (8) half requirement. It was - looks like it was
 (9) preprinted from a previous one. That should be
 (10) changed.
 (11) MR. LORTZ: Yes. The request is for the
 (12) HR-5, which would be consistent across the entire
 (13) property.
 (14) CHAIRMAN LYON: Okay, Commissioners, other
 (15) questions of Mr. Lortz, since we seem to be hitting
 (16) him first? Commissioner Muller.
 (17) COMMISSIONER MULLER: I guess we go through
 (18) this sort of with every PD, but how much latitude are
 (19) we going to have at the architectural and site?
 (20) MR. LORTZ: One of the things that I would
 (21) want to make sure, and we're running that off as we
 (22) speak, but if we don't have it for you before you
 (23) decide to make a motion, I would ask that you add to
 (24) the PD that the official development plan is
 (25) conceptual in nature. That is what we've been doing

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- (1) the last year and a half.
- (2) (End of Tape Two, Side One.)
- (3) (Beginning of Tape Two, Side Two.)
- (4) COMMISSIONER MARCUCCI: - and the land
- (5) rural and keeping the open space and actually doing
- (6) some development on there, because it is going to be a
- (7) beautiful place for people to live, and so I just - I
- (8) do appreciate the fact that we - although it has
- (9) probably taken longer than either one of us have
- (10) liked, I think that we have come to some real quality
- (11) projects here. So I would like to say that.
- (12) I think that is all that I had. I would
- (13) ask - and we've had some concerns about, you know,
- (14) promising trails and then having, you know, issues
- (15) with, you know, developers not putting in trails, and
- (16) so I just would ask that as we condition this project
- (17) and get your agreement up here tonight, that we
- (18) wouldn't have any troubles going forward in
- (19) implementing those types of things.
- (20) CHAIRMAN LYON: Okay. Any other comments,
- (21) Commissioners? Commissioner Dubois.
- (22) COMMISSIONER DUBOIS: Yeah. I've only seen
- (23) this thing for a year, but it has definitely come a
- (24) long way, so I do want to applaud the developers for
- (25) the direction they're going in. If I have any

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- (1) concerns, they're still going to be in the area of
- (2) traffic on the Hicks Road entrance area. I'm bothered
- (3) by it a little bit out there. And I'm not quite
- (4) sure - you know, the traffic people have been looking
- (5) at it, and I'm not quite sure - I mean, they're not
- (6) probably seeing what my concerns are, I guess. I'm -
- (7) it seems to be a road that has high speed, reduced
- (8) visibility, and we're going to introduce now turning
- (9) movements in that area, and I'm a little bothered by
- (10) it that it has had a history of some accidents out
- (11) there in the past, apparently, according to one of the
- (12) neighbors who testified here tonight.
- (13) So I guess that's the only area of concern
- (14) that I have in terms of comments.
- (15) CHAIRMAN LYON: Okay. Commissioner
- (16) Quintana.
- (17) COMMISSIONER QUINTANA: You've already heard
- (18) the concerns that I've had, but I have to agree with
- (19) my fellow Commissioners that this project has come a
- (20) long way, and I think you've met the Council's
- (21) direction. And I would also like to add that you, in
- (22) your list of community benefits, you did not include
- (23) under improved hillside fire safety the granting of
- (24) the easement that would make the home from above have
- (25) more than better access so there's two ways to get in

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- (1) and out in an emergency.
- (2) CHAIRMAN LYON: Okay. Well, I'm going to
- (3) get things moving along here. Everybody's had some
- (4) nice comments, but I'm going to make a motion to
- (5) recommend approval to the Town Council for the - for
- (6) this project, for the zone change, planned development
- (7) and the A and S approval with the conditions as stated
- (8) in the - that Mr. Lortz has just supplied the
- (9) correction to us, the 22 pages of conditions, and I do
- (10) have a few more to add.
- (11) Those would be as follows:
- (12) One, that the soil study and geotechnical
- (13) report on lots 1, 6 and 13 be conducted prior to this
- (14) item going - and be peer reviewed prior to this item
- (15) going to the Commission and adoption of a - or
- (16) Council, I'm sorry, prior to adoption of a tentative
- (17) map.
- (18) That the siting of the homes be subject to
- (19) the A and S process.
- (20) That - let me find it here. I apologize.
- (21) That condition 59 - oop, I'm sorry, it is not 59.
- (22) Condition 62 in our updated conditions of approval
- (23) state that there shall be no street lighting in the
- (24) development.
- (25) Condition 61, on final exterior lighting, it

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- (1) shall be reviewed at A and S, and all lighting shall
- (2) be down lighting in nature.
- (3) In terms of grading, any grading done shall
- (4) be at a minimum to construct the roads. Any future
- (5) grading to the project will be considered at A and S.
- (6) From a landscaping perspective, all formal
- (7) landscaping will be within 30 feet of the houses.
- (8) All fencing shall be reviewed at A and S.
- (9) The lawn size be limited to 5,000 square
- (10) feet.
- (11) Any landscaping beyond the 30 foot perimeter
- (12) beyond the house shall be native vegetation in natural
- (13) clustering.
- (14) Fence locations, as determined at A and S,
- (15) shall be the maximum - shall be - let me state this
- (16) appropriately. The fence locations, as determined in
- (17) A and S, shall be the maximum they will be allowed
- (18) from the house with any future fence changes. Meaning
- (19) that they can move closer, but they can't move further
- (20) away.
- (21) As previously stated, but as a condition of
- (22) approval, there shall be no future expansion of the
- (23) homes after approval of the A and S process without
- (24) going through a zone change.
- (25) Lot 14 shall be developed under guidelines

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- (1) of a quote, replacement structure, unquote, meaning
 (2) that it will be similar in square footage, mass and
 (3) scale to the original house that burned down.
 (4) And I would also like to incorporate the
 (5) packages submitted by Greenbriar as part of conditions
 (6) of approval in terms of there's a - Ms. Camingar's
 (7) put forth a lot of information here that I think would
 (8) be appropriate to incorporate as our conditions of
 (9) approval, including landscaping guidelines, CC&Rs, et
 (10) cetera.
- (11) So with that is my motion. Is there a
 (12) second?
 (13) It's been moved and seconded. Comments,
 (14) Commissioners, before going into findings?
 (15) Commissioner Dubois.
 (16) COMMISSIONER DUBOIS: Would the maker of the
 (17) motion consider modifying his recommendations on 62
 (18) with respect to street lighting? I believe that the
 (19) intersection Hicks and the entry to the development
 (20) deserves a streetlight for safety at nighttime to
 (21) enhance visibility in that area. I think it's needed
 (22) for safety.
 (23) CHAIRMAN LYON: I'm actually not going to
 (24) modify that condition. When I look at that area out
 (25) there and, you know, the corner of Shannon and Hicks

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- (1) is not lit, nothing in that area is lit. I don't want
 (2) to set a precedent out there.
 (3) Any other comments Commissioners?
 (4) Commissioner Quintana.
 (5) COMMISSIONER QUINTANA: Just a
 (6) clarification. Does your motion intend to incorporate
 (7) the landscape guidelines as they're currently proposed
 (8) by the developer?
 (9) CHAIRMAN LYON: Yes, with the exception of
 (10) that the lawn limit shall be 5,000 square feet.
 (11) Commissioner Muller. I'm sorry, Commissioner
 (12) Quintana.
 (13) COMMISSIONER QUINTANA: Could I request that
 (14) the Town Arborist look at those and comment on - on
 (15) them before it goes to the Town as part of Staff
 (16) Report to the Council.
 (17) MR. LORTZ: We can do that. We can make
 (18) sure that the consulting arborist look those over and
 (19) provide input to the Council.
 (20) COMMISSIONER QUINTANA: Thank you.
 (21) CHAIRMAN LYON: Commissioner Muller.
 (22) COMMISSIONER MULLER: A point of
 (23) clarification. We were speaking earlier with
 (24) Mr. Lortz about making items such as the grading
 (25) conceptual in nature. Did you incorporate that

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- (1) concept in your motion?
 (2) CHAIRMAN LYON: My comment was that grading
 (3) shall be kept to a minimum to construct the roads, and
 (4) any future grading will be considered at A and S.
 (5) COMMISSIONER MULLER: Okay, that's even more
 (6) specific. Thank you.
 (7) CHAIRMAN LYON: Commissioner Quintana.
 (8) COMMISSIONER QUINTANA: I'm not clear on
 (9) that, because the applicant seemed to indicate that
 (10) all the grading was necessary to construct the road
 (11) because it was a question of drainage and balancing
 (12) cut and fill.
 (13) MR. LORTZ: I think what the maker of the
 (14) motion, the way I interpreted that, is when you get
 (15) the final construction grading drawings, that
 (16) engineering was directed to look at that and make sure
 (17) that it's the minimum necessary to achieve that goal
 (18) and build the roads.
 (19) CHAIRMAN LYON: If you look at previous
 (20) applications, for instance, the McCarthy project there
 (21) at Guadalupe College, we allowed them to construct the
 (22) road and stage dirt such that, you know, the amount of
 (23) cut and fill was minimized on that - on that site.
 (24) And, you know, we would look at balancing it at an A
 (25) and S process with potential export as well.

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- (1) COMMISSIONER QUINTANA: With that
 (2) explanation, I think I can support that. I'm just -
 (3) was a little concerned that that indicated that all
 (4) the grading was going to be done at that time as
 (5) proposed.
 (6) MR. LORTZ: What we're trying to avoid doing
 (7) is partial grading where the developer may walk away
 (8) from the project, and we end up with a problem. So we
 (9) want to make sure that what is done there is the
 (10) minimum necessary to achieve some natural drainage
 (11) conditions, achieve appropriate drainage, but also
 (12) build the roads.
 (13) But I also hear the Planning Commission
 (14) saying try to minimize the amount of grading necessary
 (15) to accomplish that, and that's the direction that's
 (16) been given to the Director of Parks and Public Works.
 (17) COMMISSIONER QUINTANA: Okay, thank you.
 (18) CHAIRMAN LYON: Commissioner Marcucci.
 (19) COMMISSIONER MARCUCCI: I just have one
 (20) quick one. It has to do with the landscaping
 (21) language, and because of the history on this site, and
 (22) especially on lot 14 and the danger of fire, could
 (23) some language be included that the majority of trees
 (24) native - or shrubbery is also - and the word's
 (25) escaping me, but, you know, greenbelt type of planting

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- (1) so like -- it's not fire retardant, but --
 (2) CHAIRMAN LYON: Drought resistant, fire
 (3) resistant --
 (4) COMMISSIONER MARCUCCI: Yeah.
 (5) CHAIRMAN LYON: -- planting.
 (6) COMMISSIONER MARCUCCI: Yes, yes.
 (7) Especially in that area.
 (8) CHAIRMAN LYON: I would -- Commissioner
 (9) Quintana.
 (10) COMMISSIONER QUINTANA: Along those same
 (11) lines, could we consider using a zoned approach to the
 (12) landscaping?
 (13) CHAIRMAN LYON: Could you explain that for
 (14) me?
 (15) COMMISSIONER QUINTANA: The area close to
 (16) the -- closest to the house would be -- and this is
 (17) very approximate, I'm sure that the arborist, the
 (18) consulting arborist for the Town, could define this
 (19) better. The areas closest to the house would be those
 (20) areas that would have higher water use plants that
 (21) also act as fire safety. A little bit further out,
 (22) formal landscaping, predominantly natives, and then
 (23) beyond that, more naturalized landscaping.
 (24) It's very broad in concept, but that's the
 (25) concept so that you will achieve a natural boundary

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- (1) between the parcels and -- between the parcels for the
 (2) building sites and the open space easements so it
 (3) appears natural.
 (4) MR. LORTZ: Mr. Chair, if I may, what I'm
 (5) hearing is -- of course, this is a PD. There's going
 (6) to be architecture and site approval subsequent to
 (7) this, but in terms of the -- the item that you
 (8) attached as a condition of approval that talks about
 (9) the landscape scheme and all of that, we'll ask the
 (10) consulting arborist to take a look at that and
 (11) integrate in if the motion is to incorporate that for
 (12) fire safety purposes.
 (13) COMMISSIONER QUINTANA: If I may, I realize
 (14) that normally specific landscape plans are left to A
 (15) and S, and I totally agree with that. In this case, I
 (16) think we're really talking about land use in laying
 (17) down some principals for the landscaping, and I would
 (18) like to see them included in the PD.
 (19) CHAIRMAN LYON: I actually don't disagree
 (20) with where you're coming from Commissioner Quintana,
 (21) and I -- I don't think I put it as eloquently as you
 (22) did, but I was trying to, you know, set boundaries in
 (23) my additional conditions about, you know, landscaping
 (24) beyond 30 feet from the house would be native
 (25) vegetation, et cetera, to kind of set that zoned -- as

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- (1) you call it, zoned approach, and I'm just trying to
 (2) think of a way to actually eloquently word that.
 (3) I don't know --
 (4) COMMISSIONER QUINTANA: I think what you
 (5) said is fine.
 (6) CHAIRMAN LYON: Okay.
 (7) COMMISSIONER QUINTANA: If the Council wants
 (8) to change it, they can change it.
 (9) CHAIRMAN LYON: Yeah. I'm not quite sure
 (10) how to actually, you know, tie it in specifically.
 (11) But I will -- but I will adopt -- or I will amend my
 (12) comments about native vegetation that they be drought
 (13) resistant and fire resistant outside of that 30 foot
 (14) perimeter around the house -- the houses. Does the
 (15) seconder accept? Okay.
 (16) Any other comments, Commissioners?
 (17) COMMISSIONER QUINTANA: I just have one
 (18) more. I'm a little concerned about the extent of the
 (19) turf area that you've indicated. 5,000 square feet.
 (20) CHAIRMAN LYON: Five thousand.
 (21) COMMISSIONER MULLER: Max. That's a maximum.
 (22) CHAIRMAN LYON: That's a maximum. 5,000
 (23) square feet is -- Mr. Lortz, how big is this room?
 (24) MR. LORTZ: Well, it -- one of the smaller
 (25) downtown lots is 5,000 square feet.

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- (1) CHAIRMAN LYON: Right.
 (2) MR. LORTZ: So you spread that around a
 (3) house.
 (4) CHAIRMAN LYON: It's not a -- it's not
 (5) much. Okay. Any other comments, Commissioners, to
 (6) the motion? So it has been moved and seconded with
 (7) additional conditions and amendments.
 (8) Now the fun part. I do need to make
 (9) findings for this. I have the required findings.
 (10) Commissioner Quintana, you're always so good
 (11) at making all of these findings, so I'm going to put
 (12) you on the spot and have you help me out with these.
 (13) The findings required here for this project
 (14) is that there is required consistency with the Town's
 (15) General Plan. That the proposed general plan
 (16) amendment and zone changes are internally consistent
 (17) with the general plan. And this area has been
 (18) pre-zoned HR-5, and is being annexed in the Town,
 (19) therefore, by having a zone change of HR-5:PD, it
 (20) would be consistent with the General Plan.
 (21) Secondly, that the -- that it has
 (22) consistency with the Hillside Specific Plan, that the
 (23) proposed General Plan amendment and zone change is
 (24) consistent with the Hillside Specific Plan. This area
 (25) is within the Blossom Hill --

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- (1) COMMISSIONER QUINTANA: Sub area one.
 (2) CHAIRMAN LYON: - sub area one, and has
 (3) been - go ahead Commissioner.
 (4) COMMISSIONER QUINTANA: Can I help you out?
 (5) CHAIRMAN LYON: Please help me out on that
 (6) one. I'm -
 (7) COMMISSIONER QUINTANA: It's in sub area
 (8) one, which identified the areas of least restrictive
 (9) development, and the project falls within those
 (10) areas. All the development areas proposed are within
 (11) that area.
 (12) Also, identify riparian areas to be
 (13) preserved.
 (14) CHAIRMAN LYON: And restored.
 (15) COMMISSIONER QUINTANA: And restored as well.
 (16) CHAIRMAN LYON: That the project's community
 (17) benefit as noted, which is in tab six of the
 (18) submission from Ms. Camingar, which provides the
 (19) following community benefits:
 (20) A new housing alternative, public trail
 (21) amenity, dedication of open - 45 acres of open space,
 (22) improve hillside fire safety, improve storm water
 (23) management. As required, an in lieu fee to the below
 (24) market priced program, and as also required, paying
 (25) traffic mitigation fees. Those community benefits

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- (1) outweigh the project's associated traffic impacts.
 (2) In addition to the infill - findings for
 (3) the infill policy, first is that the project
 (4) contributes to the further development of the
 (5) surrounding neighborhood. The development in this
 (6) HR-5:PD zone would contribute to the development
 (7) through the - through improved circulation by
 (8) providing additional fire safety access and would not
 (9) detract from the existing quality of life through the
 (10) dedication of 45 acres of open space.
 (11) Secondly, that the project is designed in
 (12) context with the neighborhood and surrounding zoning
 (13) to the existing scale, character of surrounding
 (14) structures, open space, setback, density, providing
 (15) adequate circulation and on street parking.
 (16) I think as we got this down to the HR-5:PD
 (17) zone, it is in context. It is a transitional piece
 (18) between the other areas of HR-5 and HR-2 and a half
 (19) above it, transitioning out to areas that are
 (20) pre-zoned at HR-20. And that the large lot size,
 (21) large separations between houses, setbacks and density
 (22) of 14 houses is in context with the surrounding area.
 (23) Thirdly, that the planned development
 (24) demonstrates excellence in design. From a land use
 (25) perspective, having a project that has half of its

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- (1) space as dedicated open space and the site circulation
 (2) plan do demonstrate excellence in design. The
 (3) remainder we shall see at A and S from an
 (4) architectural perspective.
 (5) That the project demonstrates strong
 (6) community benefits, and that the findings were made
 (7) into the public record. As I already stated, the
 (8) community benefits have been so noted.
 (9) From an architecture and site, findings
 (10) required for demolition. A demolition of a - a
 (11) demolition permit for a historic structure may be only
 (12) granted if one, the structure poses an imminent safety
 (13) hazard.
 (14) Having seen those houses out there, they are
 (15) imminent safety hazards, and they have been deemed of
 (16) no special historic, architectural or aesthetic value
 (17) by the Historic Preservation Committee of the Town.
 (18) And additionally, we will - we can make the
 (19) finding that with the demolition of those historic
 (20) structures, as well as the one dwelling unit on the
 (21) site, that we will actually be increasing the Town's
 (22) housing stock through the replacement of one destroyed
 (23) home and 13 new.
 (24) Secondly, that the preservation of the
 (25) historic or architecturally significant structures is

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- (1) not possible because of their state of decay and the
 (2) owner's desire or capacity to maintain the structure,
 (3) they have none because it is in such a state of decay,
 (4) and the economic utility of the building has long
 (5) since passed.
 (6) Those are the findings for the said
 (7) proposal. So it has been moved and seconded with
 (8) conditions and findings made.
 (9) Are there any other comments,
 (10) Commissioners? Commissioner Quintana.
 (11) COMMISSIONER QUINTANA: Just a question. Do
 (12) we need to include a finding regarding the
 (13) Environmental Impact Report?
 (14) MR. LORTZ: I was thinking that you would do
 (15) that as next motion.
 (16) CHAIRMAN LYON: Okay. So on the proposal
 (17) for the Development Application DEV-99-002 and
 (18) Architecture and Site Application S-99-5, as so
 (19) stated with conditions and findings. All those in
 (20) favor?
 (21) (Ayes.)
 (22) CHAIRMAN LYON: Aye. Opposed? Passes
 (23) unanimously.
 (24) We now need to adopt the supplemental EIR.
 (25) The previous EIR was -

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- (1) COMMISSIONER QUINTANA: It's an addendum to
 (2) the EIR.
 (3) CHAIRMAN LYON: It is a, I'm sorry, an
 (4) addendum to the EIR.
 (5) MR. KORB: And what we would recommend is
 (6) that the motion recommend certification of the
 (7) addendum.
 (8) CHAIRMAN LYON: Okay. I would then move to
 (9) recommend certification of the addendum to the EIR
 (10) under the auspices that the previous EIR was adopted
 (11) and all impacts were mitigated to less than
 (12) significant. Is there a second?
 (13) COMMISSIONER QUINTANA: Second.
 (14) COMMISSIONER MULLER: Second.
 (15) CHAIRMAN LYON: All those in favor?
 (16) (Ayes.)
 (17) CHAIRMAN LYON: Aye. Passes unanimously.
 (18) MR. KORB: Anybody following this matter, it
 (19) will be - this is a recommendation to the Town
 (20) Council, which means that a hearing will be scheduled
 (21) for the Town Council and will be separately noticed.
 (22) CHAIRMAN LYON: At this point we will take a
 (23) ten minute recess and reconvene -
 (24) (Interruption in tape.)
 (25) CHAIRMAN LYON: - Marchmont Drive. This is

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- (1) an Architecture and Site Application. It is not a
 (2) conditional use. It is focused strictly on
 (3) replacement of existing buildings.
 (4) Will the owner-applicant please come
 (5) forward.
 (6) SARAH BAYNE: Sarah Bayne, head of Hillbrook
 (7) School. Are you ready for me to start?
 (8) Good evening. We are here to hopefully
 (9) complete the final stage of preparing to complete our
 (10) master plan for Hillbrook.
 (11) I'd like to spend most of the time answering
 (12) specific questions that you have, but before I open it
 (13) up to you, I just wanted to bring several items to
 (14) your particular attention.
 (15) First of all, the plan that we have
 (16) submitted, the architecture and site plan, is one that
 (17) maintains the very low and modest profile
 (18) architecturally over all the buildings present and
 (19) planned for Hillbrook. We have been able to produce a
 (20) square footage plan which is in compliance with our
 (21) conditional use permit and also fits the needs and
 (22) requirements of the school going forward.
 (23) There has been, I'm sure you have noticed,
 (24) some change in square footage from one building to the
 (25) other. That has been done to meet the requirements of

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- (1) our accreditation for the addition of an additional
 (2) lavatory and nurse's station in the administration
 (3) building. In exchange, we have reduced square footage
 (4) in other parts of the campus, so therefore our
 (5) actual - even though the master plan was deemed
 (6) conceptual in its writing at the Commission level last
 (7) spring, we have submitted a plan which is of reduced
 (8) square footage to that plan.
 (9) There was a question raised in the staff
 (10) report, which I wanted to just address up front for
 (11) you, which is one about the stucco versus wood siding
 (12) in the art building. Our recommendation for the
 (13) stucco siding for the art building was that stucco was
 (14) also close in - and the building closest to the art
 (15) building. However, if the Commission deems it
 (16) appropriate, as other buildings, including the library
 (17) and the administration building, are wood sided, we
 (18) would be more than happy to go in that direction.
 (19) This is not an issue that we have a particular stance
 (20) on.
 (21) Finally, at the recommendation of the
 (22) Commission in December, we have held a neighborhood
 (23) meeting, and I know that you have a desk item from
 (24) Mrs. Myers about a construction plan, which for this
 (25) project and the project being completed that was

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- (1) started in the year 2000, we have a construction
 (2) plan. In the year 1999, which forms the substance of
 (3) most of her comments, there was no construction plan.
 (4) So this is going forward. We of course have a very
 (5) full conditional use permit with very specific
 (6) restrictions, which the school works daily to meet.
 (7) And at this time I would be happy to answer
 (8) any questions that you might have about the projects.
 (9) CHAIRMAN LYON: Commissioners, questions.
 (10) Commissioner Marcucci.
 (11) COMMISSIONER MARCUCCI: In your neighborhood
 (12) meeting, did you discuss the master plan as we have
 (13) before us tonight? I'm just wondering if the
 (14) neighbors had any particular comments or brought up
 (15) that had already been addressed.
 (16) SARAH BAYNE: The neighbors - the issues
 (17) brought up - actually there's a letter that you
 (18) received as a desk respond - basically summarizing
 (19) the issues that the neighbors brought up in the
 (20) meeting, which had to do with car speed, location of
 (21) signs, telling Hillbrook parents to slow down and
 (22) not - not specifically about the buildings, which
 (23) actually, quite frankly, have not been the center of
 (24) their concerns. Their concerns in general have been
 (25) the impact of Hillbrook traffic on the neighborhood.

17101 Hicks and 14045 Shannon

Recommend approval to TC 7-0.

1. The soil Study and Geotech Study on lots #1,6,and 13, be peer reviewed prior to project being heard by the Town Council and prior to adoption of Tentative Map.
2. The siting of the homes are subject to the A&S process.
3. Condition #62 to state that there shall be no street lighting in the development.
4. Condition #61 to state that all exterior lighting shall be reviewed in the A&S process.
5. All exterior lighting shall be down lighting.
6. All grading shall be kept at a minimum to construct the roads.
7. Any future grading for the project shall be considered in the A&S process.
8. All fencing shall be considered in the A&S process.
9. All formal landscaping will be within 30 feet of the houses.
10. The lawn size shall be limited to 5000 square feet.
11. Any landscaping beyond the 30 foot perimeter of the house shall be native vegetation, drought resistant, fire resistant, and placed into natural clustering.
12. Fence locations shall be determined in the A&S process and shall be the maximum they will ever be allowed from the house. Fences can move closer, but never further away.
13. There shall be no future expansion of the homes after the A&S approval process, unless a zone change is applied for.
14. Lot #14 shall be developed under guidelines of a "replacement structure" and shall be similar in size, mass, and scale as the original home that burned down.
15. All CC&R's are to be incorporated into the Town's conditions of approval.
16. The Town Arborist shall review the landscape guidelines before the project is heard by the Town Council.



Greenbriar Homes CommunitiesSM
The Premier Living Experience

April 20, 2016

Mr. Alan Barbic
Serenio Group
214 Los Gatos-Saratoga Road
Los Gatos, California 95030

Dear Mr. Barbic:

Attached is a copy of the Los Gatos PD Ordinance for Shannon Valley Ranch. Section V, Condition 8, on page 3 speaks to the size, mass and scale of a house allowed on Lot 14, which you have listed.

The old, burned one-story house on this lot contained, as I recall, approximately 2,400 square feet of livable space.

Feel free to call me if you have any questions about the existing homes in the community. You can reach me through my assistant, Cynthia Kretzer, at (510) 497-8273.

You might talk to Joel Paulson, the Community Development Director in Los Gatos, about the details of the PD ordinance.

Very truly yours,

Gilbert M. Meyer
President

Attachments

Cc: Joel Paulson, Community Development Director, City of Los Gatos

Office Outlook Web Access Type here to search This Folder Address Book Options Log Off

Mail
Calendar
Contacts
Deleted Items (7312)
Drafts (43)
Inbox (373)
Junk E-mail
Sent Items
Click to view all folders
Conflicts (41)
Manage Folders...

Reply Reply to All Forward Move Delete Junk Close

FW: Lot 14 at Shannon Valley Ranch
Cynthia Kretzer
Sent: Tuesday, March 08, 2016 1:57 PM
To: Mike Meyer

See email below regarding Lot14.

*Cynthia Kretzer
Office Manager & Executive Assistant to CEO
Greenbriar Homes Communities, Inc.*

Please note that our office is closed on Fridays.

From: Jennifer Savage [mailto:jsavage@losgatosca.gov]
Sent: Tuesday, December 09, 2008 9:08 AM
To: Tim Stanley
Subject: Lot 14 at Shannon Valley Ranch

Tim,

I let Suzanne know that the BMP fee was submitted.

I looked through a few of the main documents for the subdivision application. I did not find any record of the square footage for the home that was destroyed by fire. Since the residence was built when the property was outside of our jurisdiction, the Santa Clara County Recorder's office may have something in their records. Ultimately, it would be the burden of the applicant to provide the previous square footage.

The Planned Development (PD) states the Lot 14 should be built with a similar size home. If the proposed replacement structure is indeed similar, then an amendment to the PD would not be necessary. If the proposed replacement structure is not similar in size, then an amendment would become necessary.

Feel free to contact me if you have any other questions.

Sincerely,

Jennifer L. Savage
Assistant Planner
Community Development Department
Town of Los Gatos
phone: 408.399.5702
email: jsavage@losgatosca.gov
website: www.losgatosca.gov/planning



MEETING DATE: 06-19-2006
AGENDA ITEM: 7A.
DESK ITEM

COUNCIL AGENDA REPORT

DATE: June 19, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ADOPT AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING PLANNED DEVELOPMENT PD-99-02 RELATIVE TO GRADING AND REPEALING ORDINANCE 2097 FOR THE SHANNON VALLEY RANCH PROJECT AT SHANNON & HICKS ROADS (PREVIOUSLY ADDRESSED AS 17101 HICKS ROAD AND 14045 SHANNON ROAD). APNS 537-18-001, 567-23-042 AND 567-24-008. PROPERTY LOCATION: 17101 HICKS ROAD. FILE # PD-06-04. PROPERTY OWNER: GHC SHANNON VALLEY RANCH, LLC.

The conditions of approval attached to the proposed ordinance do not contain a condition added by Council limiting grading up slope of the retaining walls on Lots 6 through 11 and adding a deed restriction to that effect. The revised ordinance, attached hereto, includes a new condition 25 addressing these issues. The remaining conditions are renumbered accordingly.

Staff will make clear on the record that the approval of item 7A. as part of the consent calendar includes this revised ordinance.

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY OPK/wp [N:\ATY\Shannon Valley Ranch Project (Greenbriar)\desk item Greenbriar Ord.wpd]

Reviewed by: *[Signature]* Town Manager *PSJ* Assistant Town Manager _____ Clerk Administrator
Finance _____ Community Development

Rev: 6/19/06 2:11 pm
Reformatted: 7/19/99

File# 301-05

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING PLANNED DEVELOPMENT PD-99-02 RELATIVE TO GRADING AND
REPEALING ORDINANCE 2097 FOR THE SHANNON VALLEY RANCH PROJECT
AT SHANNON & HICKS ROADS
(PREVIOUSLY ADDRESSED AS 17101 HICKS ROAD AND 14045 SHANNON ROAD)**

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

SECTION I

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

SECTION II

The PD (Planned Development Overlay) zone established by Ordinance 2097 is hereby amended to authorize the following construction and use of improvements:

1. Demolition of two existing pre-1941 and two post-1941 single family residences and one pre-1941 barn.
2. Construction of 13 new single-family dwelling units and reconstruction of one single-family dwelling that was destroyed by fire.
3. Landscaping, streets, trails, and other improvements shown and required on the Official Development Plan.
4. Dedication of 45.4 acres of hillside and riparian open space as shown on the Official Development Plans.
5. Dedication of trail easements to the Town of Los Gatos as shown on the Official Development Plans.
6. Revised grading shown on the plan attached as Exhibit D.
7. Ordinance 2087 is hereby repealed.

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

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

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

SECTION IV

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

SECTION V

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

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

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

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

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

13. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3b.** During the pre-construction phase, the property owner/developer shall take the following measures:
- a. A fence shall be constructed around all trees to be retained and it shall completely enclose the Tree Protection Zone prior to demolition, grubbing, or grading. Fencing shall be 6-foot chain link or equivalent. Fencing shall be placed at the dripline or as otherwise directed by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
 - b. All trees to be retained shall be pruned within and adjacent to development areas shall be reviewed by a certified arborist to determine which trees should be pruned to clean the crown, reduce end weight and/or provide clearance. Tree #201 will require pruning to reduce weight throughout the crown. Clearance shall be provided by selectively thinning low-hanging lateral branches.
 - c. All pruning shall be performed by a Certified Arborist or Tree Worker in accordance with the Tree Pruning Guidelines of the International Society of Arboriculture.
 - d. Prior to the start of any demolition and clearing, the Consulting Arborist will meet with the demolition, grading and other relevant contractors to review limits of construction activity, identify areas requiring fencing, identify trees to be removed and review work procedures.
14. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3C.** Prior to the construction phase of the project, the applicant shall take the following measures:
- a. Any grading, construction demolition, or other work within the Tree Protection Zone shall be monitored by the Consulting Arborist.
 - b. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
 - c. If any injury to a tree should occur during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be made.
 - d. Root-injured trees have a limited capacity to absorb water. Therefore, it is important to ensure adequate soil moisture in the area of active roots. One to several irrigations may be needed for trees that are at risk of impacts. Irrigations shall be specified by the Consulting Arborist.

- e. No excess soil, chemical, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone.
 - f. Any additional pruning required to provide clearance during construction shall be performed by a Certified Arborist and not construction personnel.
15. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-3d.** Following construction, a comprehensive management plan for the trees shall be developed that considers the broad objectives of development as well as the needs of the specific species. This management plan shall specify pruning, fertilization, mulch, pest management, replanting and irrigation requirements. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases. Therefore, the management plan must include an annual inspection for hazard potential.
16. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-4.** To minimize impacts on nesting raptors, the applicant shall complete necessary pre-construction surveys and monitoring. If it is not possible to schedule construction between August and February, then pre-construction surveys for nesting raptors will be conducted by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the biologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.
17. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5a.** To minimize impacts on yellow warblers, the property owner/developer shall retain sycamore riparian habitat along Shannon Creek and shall maintain setbacks of at least 50 feet between proposed development and sycamore riparian habitat. If a small amount of development encroaches into this 50-foot setback, then this encroachment (indirect impact) shall be mitigated by planting riparian habitat at a 1:1 ratio.

18. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-5b.** The property owner/developer shall implement the following measures to minimize potential impacts on any roosting bats:
- a. Surveys shall be conducted up to one year in advance of building demolition and tree removal, if possible, to determine if active roosts are present. These surveys shall not substitute for pre-construction/pre-disturbance surveys for nesting raptors, as bats could move on or adjacent to the site between survey periods. If roosting bats are found during these surveys, either avoidance of the maternity roost season, establishment of buffer zones or exclusion of bats shall be implemented as appropriate.
 - b. Avoidance: Construction activities involving potential roost sites shall be conducted outside the maternity roost season if the project commences after young are volant by July 31 and finished before the formation of maternity roosts begins (as early as March 1).
 - c. Pre-demolition Surveys and Buffer Zones: If the project schedule does not allow for early detection surveys to occur, a pre-demolition survey for roosting bats shall be conducted by a qualified bat biologist 14 days prior to construction as determined by a Memorandum of Understanding with the California Department of Fish & Game (CDFG) prior to any removal of buildings, particularly those with closed areas such as an attic space, or trees 12 inches in diameter. No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action is warranted. If a maternity roost were present, a qualified bat biologist shall determine the extent of construction-free zones around active nurseries located during surveys. CDFG shall also be notified of any active nurseries within the construction zone.
 - d. Surveys: Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts shall be conducted prior to March 1. If indications of a maternity roost are present, the structure can be removed or modified before a maternity roost becomes reestablished.

- e. Exclude Bats Prior to Construction Near Roost: Bats can be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such non-breeding bats can be safely evicted, under the direction of a qualified bat biologist, by sealing crevices and providing them one-way exclusion doors. Such a device should be employed in all expansion joints during dark hours as a temporary device to prevent the formation of a maternity colony. In order not to exclude all potential maternity roost habitat at once, only one-half of the expansion joints should be sealed at any one given time during the maternity colony-nesting season. This should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. After construction, all exclusion devices shall be removed to allow bats to re-establish habitat for colonies.
19. ****BIOLOGICAL RESOURCES MITIGATION MEASURE 6-6.** The property owner/developer shall implement the following protection measures to mitigate impacts to the red-legged frog (*see Addendum to the project EIR for additional details*):
- a. Avoidance to the extent possible.
 - b. Minimization. The project shall be designed, built and operated in the following ways that will minimize both direct and indirect impacts to these species. Any construction near or adjacent to the Shannon Creek drainage will be preceded by a pre-construction survey. The existing culvert over the Shannon Creek drainage will not be widened and will only be used as an EVA road. The primary egress and ingress for the project will be off of Hicks Road. In addition, impacts relating to the construction of the outfalls for the project are likely to be covered by the Programmatic Section 7 for the red-legged frog. If formal consultation (via Section 7) for the red-legged frog is required, then the project applicant shall implement all of the Minimization measures outlined in the Programmatic Section 7 Biological Opinion.
 - c. Compensation by Wetland Creation. Any impacts from the project (i.e., outfalls) shall be mitigated by creating habitat on-site at a minimum of 1:1 ratio.
 - d. Compensation by Riparian Restoration. A riparian restoration plan for mitigation shall be developed by a qualified biologist. The mitigation area(s) should be

designed to expand existing riparian vegetation and re-create high quality riparian habitat along the Shannon Creek drainage and northern drainage. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than those existing along the Shannon Creek drainage and northern drainage. The final species selection and configuration shall be determined during final mitigation design. The trees and shrubs to be installed should be of local origin, preferably contract grown from seed or cuttings from within five miles of the site.

- e. A detailed monitoring plan including specific success criteria shall be developed and submitted to The Town of Los Gatos for approval. The mitigation area will be monitored in accordance with the plan approved by the Town. The basic components of the monitoring plan are final success criteria, performance criteria, monitoring methods, data analysis, as-built plans, monitoring schedule, contingency/remedial measures and reporting requirements.
- f. Specific success criteria and characteristics shall be developed during preparation of the mitigation and monitoring plan. At a minimum, the final success criteria shall include absolute percent cover by native trees and shrubs of 60% and 40%, respectively. The performance criteria should include tree and shrub survival at three years of 80% of the original planting. If the final encroachment estimates exceed 1.0 acre, monitoring of the mitigation site shall be conducted for 10 years. Annual monitoring reports shall be sent to the appropriate agencies. If the required mitigation planting is less than 1.0 acres, monitoring shall be conducted annually for five years.
- g. During the development of the riparian restoration plan, an appropriate area (or areas) shall be identified to replace encroachment impacts at a 1:1 basis.
- h. Maintain Water Quality of the Watershed. The project shall be designed, constructed and built in such a way as to maintain the water quality in the adjacent drainage channels and ponds. Appropriate best management practices (BMPs) shall be developed for the project.

20. SOLAR WATER SYSTEM. Each residence shall be pre-plumbed for a solar water heater system prior to issuance of a certificate of occupancy.
21. COLOR REFLECTIVITY DEED RESTRICTION. Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with the Town's Hillside Development Standards.
22. SUBDIVISION REQUIRED. A separate tentative map application submittal and approval is required for the proposed project prior to the issuance of building permits.
23. BELOW MARKET PRICE (BMP) IN-LIEU FEE: A Below Market Price (BMP) in-lieu fee shall be paid by the property owner/developer pursuant to Town Code Section 29.10.3025 and any applicable Town Resolutions. The fee amount shall be based upon the Town Council fee resolution in effect at the time a final or vesting tentative map is approved.
24. FINAL CC&R's. Final CC&R's shall be approved by the Town Attorney prior to the recording of the Final Map. The CC&R's shall include provisions for traffic circulation, vehicle parking enforcement procedures, and landscaping, exterior lighting and fencing restrictions. The approved CC&R's shall become conditions of this Ordinance.
25. GRADING & REAR YARD RETAINING WALLS. Grading and/or earth disturbance of any kind is prohibited upslope of the retaining walls on Lots 6 through 11 as shown on Exhibit D of the Planned Development Ordinance unless otherwise approved by the Town. Planting of native species is permitted upslope of the retaining walls within the landscape zones. A deed restriction shall be recorded on each lot reciting this condition. This condition shall be effectuated upon construction of the retaining walls.

Building Division

26. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
27. CONSTRUCTION PLANS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
28. SIZE OF PLANS. The maximum size of construction plans submitted for building permits shall be 24 inches by 36 inches.

29. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
30. DEMOLITION REQUIREMENTS. Contact the Bay Area Air Quality Management District at (495) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.
31. SOILS REPORT. Two copies of a soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics.
32. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report and the building pad elevation and on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
33. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS. The residences shall be designed with adaptability features for single-family residences per Town Resolution 1994-61.
 - a. Wooden backing (no smaller than 2-inches by eight-inches) shall be provided in all bathroom walls at water closets, showers and bathtub, located at 34-inches from the floor to the center of the backing, suitable for installation of grab bars.
 - b. All passage doors shall have a 36-inch wide door including a five foot by five foot level landing no more than one-inch out of plane with the immediate interior floor level, with an 18-inch clearance at interior strike edge.
 - c. Door buzzer, bell or chime shall be hard wired.

34. SOLAR HOT WATER HEATING. The residences shall be pre-plumbed for solar hot water heating. The plans shall show the location of a stub and valve located in the attics for solar heating use.
35. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR-IR and MF-IR shall be printed on the construction plans.
36. HAZARDOUS FIRE ZONE. This project requires Class A roofing assembly.
37. TOWN FIREPLACE STANDARDS. New fireplaces shall be EPA Phase II approved appliances per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
38. SPECIAL INSPECTIONS. When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of any building permits, in accordance with UBC Section 106.3.5. Please obtain Town Special Inspection form from the Building Division Service Counter. The Town Special Inspection schedule shall be printed on the construction plans.
39. NON-POINT SOURCE POLLUTION STANDARDS. The Town standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet is available at the Building Division service counter.
40. ADDITIONAL AGENCY APPROVALS REQUIRED. The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Lots 1-13: Los Gatos School District: 335-2000
 - d. Lot 14: Union School District: 377-8010

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

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

Engineering Division

41. GRADING. Grading shall be kept to a minimum to construct the roads within the project. Any future grading will be considered at the time of Architecture & Site review(s).
42. GRADING PERMIT. A grading permit is required for all on-site grading, erosion control and improvements (roadway, storm drainage, utilities, lighting, etc.). A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks & Public Works, the grading permit will be issued concurrently with the building permit.
43. SOILS REPORT. One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The report shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
44. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title report and appropriate fees. The map shall be recorded prior to issuance of any building permits for the project.
45. DEDICATIONS. The following shall be dedicated prior to issuance of any permits:
 - a. Hicks Road. A 40-foot half street right-of-way with the chord of a 20-foot radius at the intersection with the new street.
 - b. Shannon Road. A 20-foot half street right-of-way.
 - c. New interior streets. A 40-foot street right-of-way with the chord of a 20-foot radius at all intersections and a standard 42-foot radius cul-de-sac.
 - d. Public Service Easement (PSE). Ten (10) feet wide, next to the new street right-of-ways.
 - e. Ingress-egress, storm drainage and sanitary sewer easements, as required.
 - f. Trail Easement. Ten (10) to twenty (20) feet wide, as shown on the Official Development Plan.

- g. Emergency Access Easement. Twenty (20) feet wide, from the new public road to Shannon Road, as shown on the Official Development Plans.
- 46. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
 - a. New Streets. Curb, gutter, new street paving, signing, striping, storm drainage and sanitary sewers, as required. Curbs shall be rolled concrete to the satisfaction of the Director of Parks and Public Works.
- 47. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.
- 48. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for each new house in this project using the current fee schedule is \$5,730. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy. Credit shall be given for the house on Lot 14, where a house was previous located, and for the three residences to be demolished.
- 49. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications or as otherwise approved by the Director of Parks and Public Works. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be

allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.

50. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
51. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection ow work that went on without inspection.
52. GRADING MORATORIUM. No grading or earth-disturbing activities shall be initiated in hillside areas between October 1 and April 15 of each year. For grading operations commenced before October 1, all grading or earth-disturbing activities shall cease October 15 and will not be allowed to restart until April 15. Grading permits will not be issued between September 15 and April 15. These limitations include, but are not limited to these items: driveways, building pads, foundation trenches and drilled piers, retaining walls, swimming pools, tennis courts, outbuildings and utility trenches. Install interim erosion control measures, shown on the approved interim erosion control plan, by October 1, if final landscaping is not in place. Maintain the interim erosion control measures throughout the October 1 to April 15 period.
53. GRADING INSPECTIONS. The soils engineer or her/his qualified representative shall continuously inspect all grading operations. The soils engineer shall submit a final grading report before occupancy/Certificate of Completion.
54. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
 - c. Top of future curb along one side of the new street.

55. **EROSION CONTROL.** Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Parks & Public Works Department. A Notice of Intent (NOI) shall be submitted to the San Francisco Bay Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Town Engineering Division concurrently with the grading permit application. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area/building on an area if grading is allowed during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install fiber berms, check dams, retention basins, silt fences, erosion control blankets and fiber rolls as needed on the project site, to protect down stream water quality during winter months.
56. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains or creeks.
57. **NPDES REQUIREMENTS.** All work within the project shall be in conformance with the National Pollution Discharge Elimination System permit issued to local agencies within Santa Clara County by the San Francisco Bay Regional Water Quality Control Board on October 17, 2001.
58. **FISH & GAME REQUIREMENTS.** A "1603" permit shall be obtained for the California Department of Fish & Game for proposed improvements in or near riparian areas within that agency's jurisdiction. A copy of the permit shall be provided to the Parks & Public Works Department before any permits are issued/final map is recorded.
59. **UTILITIES.** The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). Cable television capability shall be provided to all new lots.
60. **RESTORATION OF PUBLIC IMPROVEMENTS.** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks,

driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

61. DRIVEWAY APPROACH. The developer shall install a minimum of one (1) Town standard residential driveway approach for each lot. The new driveway approaches shall be constructed per Town Standard Detail.
62. LOT 14 DRIVEWAY. The driveway to Lot 14 shall be the minimum width required to provide fire access. The intent is to minimize the visibility of the driveway.
63. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.
64. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line of each new lot.
65. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Detail. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
66. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Detail. The limits of curb and gutter repair will be

determined by the Engineering Construction Inspector during the construction phase of the project.

67. CURB RAMPS. The developer shall construct curb ramp according to State Standard Drawings at all intersections. The actual "Case" as shown on the standard to be used will be decided by the Engineering Construction Inspector during the construction phase of the project.
68. ****HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-3.** Energy dissipaters should be provided at the outfalls of proposed storm drains to minimize the increased potential for erosion hazards due to project development.
69. ****HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 7-4.** A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to start of construction. The SWPPP and project plans shall be reviewed by the Town Engineering staff. The SWPPP shall be in conformance with the Santa Clara County NPDES Permit as amended by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on October 17, 2001. The SWPPP shall be approved concurrently with the grading, drainage and erosion control plans. Reference the Addendum to the EIR for additional details.
70. ****HYDROLOGY AND WATER QUALITY MITIGATION MEASURE** The project design shall incorporate water quality mitigation measures in accordance with current NPDES requirements. Water quality measures should include use of biofilters, drainage swales, and detention facilities to mitigate non-point source impacts. In addition, the SCVWD and RWQCB recommend the incorporation of site planning design measures to help reduce potential contributions of urban pollutants from the project. See the Addendum to the EIR for additional details.
71. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-2.** In order to minimize potential traffic safety impacts the property owner/developer shall take the following measures:
 - a. Adequate sight distance shall be provided for the project access road/Hicks Road intersection through removal of vegetation and grading of the embankment.
 - b. A stop sign shall be installed to control traffic on the project access road to Hicks

- Road. The stop sign for the proposed driveway shall be located along and parallel to the north edge of pavement on Hicks Road.
- c. Warning signs shall be installed indicating a "T" intersection along Hicks Road approaching the new driveway. These signs shall be located approximately 300 feet east and west of the project entrance/Hicks Road intersection.
 - d. Traffic reflectors shall be installed on the south side of Hicks Road at the intersection with the entrance road to the project.
72. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-3.** A separate pedestrian trail shall be installed along the north side of Hicks Road.
73. ****TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 8-4.** Use of trails by bicyclists, particularly the trail parallel to Hicks Road, shall be considered during Architecture and Site review. In addition, design issues such as the appropriateness of trail widths, pavement versus compacted earth, and trailhead facilities shall be considered during Architecture and Site Review.
74. **GEOTECHNICAL REVIEW OF SUBDIVISION IMPROVEMENT PLANS.** The project geotechnical consultant shall review and approve all geotechnical aspects of the subdivision improvement plans to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the Town Engineer for review, prior to issuance of permits for construction of subdivision level improvements.
75. **GEOTECHNICAL PLAN REVIEW (LOTS 1 THROUGH 13).** The project geotechnical consultant shall review and approve all geotechnical aspects of the project building and grading plans for individual residences on Lots 1 through 13. To ensure that their recommendations have been properly incorporated. The consultant shall verify that recommended measures to address potential debris flows on Lot 6, and potential co-seismic ground deformation on Lots 1 and 13 have been incorporated.
76. **GEOTECHNICAL INVESTIGATION (LOT 14).** The project geotechnical consultant shall complete a site specific soil and foundation investigation as a basis for preparing recommended geotechnical design parameters for Lot 14 residential improvements. The

results of this investigation shall be submitted to the Town for review by the Town Engineer and Town Geotechnical Consultant prior to approval of a site specific development plan.

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

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

Parks Division

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

85. WATER EFFICIENT ORDINANCE. This project is subject to the Town's Water Efficient Ordinance. A fee of \$472 is required when the landscape, irrigation plans, and water calculations are submitted for review.
86. TREE PROTECTION. Tree protection fencing shall be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented. The fencing must be inspected and approved by the Parks Superintendent and must be installed prior to issuance of a grading and/or building permit.
87. ORNAMENTAL LANDSCAPING. All formal landscaping shall be within 30 feet of the perimeter of the houses. Any planting beyond the 30-foot perimeter shall be native vegetation that is drought and fire resistant, and planted in natural clusters.
88. LANDSCAPE GUIDELINES. The adopted landscape guidelines and native plant lists shall include the recommendations of the Town consulting arborist, except that lawn areas shall not exceed 5,000 square feet. The landscape guidelines are attached as Exhibit C.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

89. WATER SUPPLY. Two water tanks with a capacity of 10,000 Gallons and one wharf style hydrant shall be provided unless the proposed public water system can be extended to provide appropriate lot protection, or other acceptable means of fire protection can be provided as authorized by the Fire Department. Installations shall conform with Fire Department Standard Details and Specifications W-1.
90. FIRE APPARATUS(ENGINE) ACCESS. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.

91. FIRE APPARATUS (ENGINE) TURN-AROUND REQUIRED. Provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 64 feet.
92. FIRE APPARATUS (HYDRANT). Where buildings exceed 150 feet travel distance from the street either an on-site (private) hydrant or an approved residential fire sprinkler system shall be provided.
93. PUBLIC FIRE HYDRANT(S) REQUIRED. Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 500 feet, with a minimum single hydrant flow of 1,750 GPM at 20 psi, residual. Consult with San Jose Water Company relative to main sizing requirements and hydrant spacing. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants proximal to the site. To prevent building permit delays, the developer shall pay all required fees to the water company as soon as possible.
94. TIMING OF REQUIRED WATER SUPPLY INSTALLATIONS. Installations of required fire service(s) and fire hydrants(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be delayed until required installations are completed, tested, and accepted.
95. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required driveways and/or access roads up through first lift of asphalt shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. Building permit issuance may be delayed until installations are completed.
96. FIRE APPARATUS (HYDRANT). Prior to project inspection, the general contractor shall ensure that a "Blue" dot has been placed in the roadway as directed by the Fire Department.
97. HOUSE NUMBERS. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on June 5, 2006, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on June 19, 2006. This ordinance becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

N:\DEV\ORDS\17101Hicks-ShannonValleyRanch-PDA-AP.wpd

Kunling Wu
Trustee of the Bright Smile Dental Office Defined Benefit Plan
703 Chatsworth Place, San Jose, CA 95128
Phone: 650-796-1887

July 27, 2022

RE: WRITTEN DESCRIPTION OF PROPOSED PROJECT

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

Dear Sir and Madam,

We plan to build an One Story Single House with the size of 4850 square feet on Lot 14 of Shannon Valley Ranch, which is located at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (APN 567-24-023).

This project is to apply for:

1. increasing the size of an One Story Single House to be built at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (Lot 14) to 4,850 Square Feet;
2. increasing the average size of all homes for Lot 1 to Lot 14 from 4,664 square feet to 4,678 square feet.

Sincerely,



Kunling Wu

Kunling Wu
Trustee of the Bright Smile Dental Office Defined Benefit Plan
703 Chatsworth Place, San Jose, CA 95128
Phone: 650-796-1887

July 27, 2022

RE: LETTER OF JUSTIFICATION

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

Dear Sir and Madam,

My name is Kunling Wu, Trustee of the Bright Smile Dental Office Defined Benefit Plan. On behalf of Bright Smile Dental Office Defined Benefit Plan, I am apply for building an One Story Single House with the size of 4850 Square Feet at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (Lot 14, APN 567-24-023).

APPLICATION:

1. Apply for increasing the size of an One Story Single House to be built at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (Lot 14) to 4,850 Square Feet;
2. Apply for increasing the average size of all homes for Lot 1 to Lot 14 from 4,664 square feet to 4,678 square feet.

REASONS:

1. The size of Lot 14 is 8.137 acres with Least Restricted Buildable Area of 131,196 square feet (Please see Document 15 COMPLETE DEVELOPMENT PLANS AS AN ELECTRONIC COPY).

To build a single story house with 4,850 square feet within a Least Restricted Buildable Area of 131,196 square feet is reasonable rather than overutilization of the property lot.

2. The Ordinance 2172 (Please see Attachment 1) states: "All project homes will be limited to a maximum size of 4,850 square feet with an average of 4,650 square feet, and at least 2/3 of the homes shall be limited to a one story design."

Allowing Lot 14 to build a single story house with 4,850 square feet is within the limit of Ordinance 2172.

3. The houses that have been built on Lot 1 through Lot 13 of the Shannon Valley Ranch are between 4,302 square feet and 4,908 square feet, of which four houses are bigger than 4,850 square feet, and the average house size is 4,664 square feet (please see Attachment 2).

Allowing Lot 14 to build a single story house with 4,850 square feet is within the range of 4,302 square feet to 4,908 square feet of the existing houses in Shannon Valley Ranch.

4. The average house size of Lot 1 through Lot 13 of Shannon Valley Ranch is already 4,664 square feet (please see Attachment 2).

Increasing the average house size for Lot 1 to Lot 14 from 4,664 square feet to 4,678 square feet is a minor change and within reasonable limit.

Thank you very much for considering my application.

Best regards,

A handwritten signature in blue ink, appearing to read 'Kunling Wu', with a long horizontal flourish extending to the right.

Kunling Wu



TOWN OF LOS GATOS
CONCEPTUAL DEVELOPMENT
ADVISORY COMMITTEE REPORT

MEETING DATE: 05/11/2022

ITEM NO: 2

DATE: May 6, 2022

TO: Conceptual Development Advisory Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Conceptual Development Advisory Committee Application CD-22-003. Project Location: **300 Mountain Laurel Lane**. APN: 567-24-023. Property Owner: Bright Smile Dental Office Defined Benefit Plan. Applicant: Kunling Wu, Trustee. Requesting Preliminary Review of a Proposal to Amend the Planned Development Ordinance to Increase the Maximum Residence Size Allowed on Lot 14 on Property Zoned HR-5:PD.

ROLE OF THE CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE:

The Conceptual Development Advisory Committee (Committee) advises a prospective applicant on the overall consistency of a project with Town policies prior to submitting a formal application and investing in the development review process. The Committee also endeavors to identify the potential issues that will need to be addressed during the development review process should the applicant wish to submit an application. The issues identified by the Committee are not intended to be all-inclusive and other additional issues may be identified during the formal development review process.

None of the Committee's comments are binding on the Town and in no way are they intended to indicate whether the project will be received favorably by the various review bodies that are charged with evaluating and deciding the application. As noted in this report, if an application is filed, technical analysis would need to be done during the evaluation of the proposal. In addition, public input is a required and essential component in the development review process. Notice has been sent to residents and property owners within 600 feet of the project site and to all properties within the Shannon Valley Ranch subdivision. In addition to the public comments received at this meeting, all applicants are strongly encouraged to hold neighborhood meetings to receive input as the design of the project evolves should they decide to proceed with the development review process.

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND:

The subject property is approximately 8.14 acres located in the northern portion of the Shannon Valley Ranch subdivision (Attachment 1). A single-family residence was once located on the property, but was destroyed by fire prior to the 2004 subdivision. The property is the last undeveloped residential property in the subdivision.

In March 2002, the Town Council considered a project at 17101 Hicks Road and 14045 Shannon Road and approved Ordinance 2097, amending the General Plan land use designation from Agricultural to Hillside Residential and a Planned Development (PD) to change the zoning from HR-5:Prezone to HR-5:PD to allow subdivision of the property into 14 single-family lots and three open space lots (Attachment 3). Architecture and Site applications for new residences on Lots 1 through 13 were approved in 2002 and 2003. The subdivision was completed in November 2004 and subsequent Building Permits were issued in December of 2004. The 13 new residences were completed by 2007. In 2009, the Town Council approved an amendment to the PD to allow accessory structures on all 14 lots, provided they comply with the Hillside Development Standards and Guidelines (HDS&G) (Attachment 4).

The original PD application was considered numerous times by the Development Review Committee and the Planning Commission prior to the Council's action in March 2002. During the final Planning Commission meeting on January 23, 2002, two members of the public spoke on the project, offering comments specific to the size of the replacement residence on Lot 14 (Attachment 5, highlighted text). Both commenters expressed concern on whether developing Lot 14 was appropriate, with one commenter adding that if Lot 14 is to be developed, it should be rebuilt in the original footprint and not turned into a 4,600 or 4,800 square foot home. The motion to forward a recommendation of approval to the Town Council included an additional performance standard that Lot 14 be developed under the guidelines of a replacement structure, similar in square footage, mass, and scale to the original residence that was destroyed by fire. This additional performance standard was forwarded to the Council and included in Ordinance 2097 and the amended Ordinance 2172 (Attachments 3 and 4, Performance Standard #8). The Town Council approved the project in March 2002 with the additional performance standard as recommended by the Planning Commission.

Town records for Lot 14 do not provide much detail on the original residence that was destroyed by fire. An April 20, 2016, letter from Greenbriar Homes Communities (applicant under the original PD application) to Mr. Alan Barbie of the Sereno Group indicates that the original home was one story and approximately 2,400 square feet (Attachment 6). Other anecdotal information indicates that the size of the original residence was closer to 3,000 square feet. Given the incomplete nature of the records for Lot 14, staff has messaged that the lot could be developed with a single-story residence with a maximum size of 3,000 square feet to be located in the general area of the previous residence subject to Architecture and Site approval.

BACKGROUND (continued):

In addition to Lot 14, Performance Standard #8 limits the sizes of the residences on Lots 1 through 13 to a maximum of 4,850 square feet, with an average size of 4,650 square feet (Attachment 4, Performance Standard 8). Additionally, two-thirds of the 13 residences are limited to a one-story design. The table below provides a summary of the development on Lots 1 through 13.

Summary of developed lots.					
Lot	Address	Residence	Stories	Garage	Accessory Structure
1	280 Shannon Oaks Ln	4,656 sf	1	768 sf	--
2	282 Shannon Oaks Ln	4,815 sf	2	799 sf	--
3	286 Mountain Laurel Ln	4,655 sf	1	811 sf	--
4	288 Mountain Laurel Ln	4,612 sf	1	781 sf	--
5	290 Mountain Laurel Ln	4,815 sf	2	799 sf	--
6	299 Mountain Laurel Ln	4,327 sf	1	806 sf	--
7	297 Mountain Laurel Ln	4,635 sf	1	811 sf	--
8	293 Mountain Laurel Ln	4,611 sf	1	781 sf	--
9	291 Mountain Laurel Ln	4,655 sf	1	811 sf	--
10	289 Mountain Laurel Ln	4,315 sf	1	806 sf	--
11	287 Mountain Laurel Ln	4,814 sf	2	799 sf	636 sf
12	283 Shannon Oaks Ln	4,605 sf	1	781 sf	960 sf
13	281 Shannon Oaks Ln	4,808 sf	2	799 sf	--
AVERAGE RESIDENCE: 4,640 sf			69 percent single story		

PROJECT DESCRIPTION:

The applicant has submitted a Conceptual Development Advisory Committee application (Attachment 2) and a project description letter (Attachment 7) requesting preliminary review of a proposal to amend the PD to allow for the construction of a residence larger than what the PD currently permits on the subject property. The applicant's letter indicates that they wish to construct a single-story residence of 6,000 square feet. The applicant indicates that a larger residence is needed to accommodate a large family and offers the following as justification for the residence size:

- The proposed 6,000 square foot single-story residence would be consistent with the development on neighboring properties;
- The current size limitation is not proportional to the size of the property (8.14 acres) or the developable area (75,000 sf); and
- The high cost to develop a residence on the site is not proportional to the current size limitation for a residence.

PROJECT DESCRIPTION (continued):

The applicant has provided a Site Plan showing a developable area of approximately 75,000 square feet (1.72 acres) served by a proposed 1,483-foot paved driveway with an average slope of 17.1 percent (Attachment 7). The proposed driveway would follow the path of the existing dirt driveway, taking access from the eastern end of Mountain Laurel Lane, rising approximately 250 feet along the western property line to the developable area identified by the applicant. The slope of the proposed driveway would require an exception to the HDS&G, which limits driveway slopes to a maximum of 15 percent and a maximum length of 300 feet.

Future development of the site as proposed would require an amendment to the PD Ordinance and an Architecture and Site application, which would be subject to the Residential Design Guidelines, HDS&G, and the Hillside Specific Plan.

EXISTING GENERAL PLAN, ZONING, AND PLANNING AREA:

1. General Plan land use designation: Hillside Residential, which provides for very low density (0-1 dwelling units per net acre; up to 3.5 persons per acre), rural, large lot or cluster, single-family residential development. This designation allows for development that is compatible with the unique mountainous terrain and vegetation of parts of the Town.
2. Zoning designation: HR-5:PD, Hillside Residential (five to 40 acres for each dwelling unit) with a Planned Development overlay. The intent and purpose of the HR zone is to provide for an orderly, harmonious development of the foothills and mountains resulting in the minimum amount of disturbance of the natural terrain through existing residential density to the natural slope to encourage and provide incentive for excellence in design principles and engineering techniques, and to provide for a variety of dwelling types where land assembly and a unified development scheme are more appropriate. Slope-density regulations will be utilized to assist in relating the intensity of development to the steepness of terrain in order to minimize grading, removal of vegetation, runoff, erosion, geologic hazards, fire hazards, and to help ensure utilization of land in balance with its natural capabilities to support development.
3. Surrounding zoning designations: HR-1 to the north and east, HR-5 to the west and south.

EXISTING CONDITIONS:

The subject property has a gross lot area of 354,458 square feet (8.14 acres) with an average lot slope of 28 percent. When adjusted for slope per the HDS&G, the net lot area is 163,051 square feet (3.74 acres); which would allow for 6,000 square feet of development without the limitations imposed by the existing PD Ordinance. The subject property takes access from the east end of Mountain Laurel Lane via a dirt driveway along the western property line accessing the northeastern portion of the property, where the original residence once stood. This portion of the property is relatively flat encompassing approximately 75,000 square feet (1.72 acres).

EXISTING CONDITIONS (continued):

The majority of the remaining portions of the property are steeply sloped and are held in a scenic conservation easement.

POTENTIAL CONSIDERATIONS AND ISSUES:

The following is a brief list of issues and topics for consideration by the Committee. Staff has not reached conclusions on these topics. Staff is identifying them here to help frame the discussion and to solicit input. The main question for the Committee is whether or not the applicant's concept for the project creates a high-quality plan appropriate for Los Gatos in this location. If an application is filed, staff would evaluate the technical issues.

1. General Plan
 - a. Policy LU-1.3 encourages preservation of existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments.
 - b. Policy LU-1.4 states, infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
 - c. Policy LU-6.8 states, new construction, remodels, and additions shall be compatible and blend with the existing neighborhood.
 - d. Policy LU-7.3 states, infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life.
 - e. Policy LU-7.4 states, infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
2. Zoning
 - a. Is the proposed residence size consistent with the PD zoning of the Shannon Valley Ranch subdivision and the development on surrounding properties?
3. Circulation
 - a. Adequate access, that meets Town roadway and/or driveway requirements.
 - b. Driveway slopes would exceed the 15 percent limit in the HDS&G.
 - c. Driveway length would exceed the 300-foot limit in the HDS&G.
 - d. The Hillside Specific Plan prohibits access roads that result in excessive grading. Would access and driveways require excessive grading?
 - e. Is a second means of emergency access/egress available?

POTENTIAL CONSIDERATIONS AND ISSUES (continued):

4. Visibility
 - a. The potential visibility of the future single-family residences from the Town's established viewing areas will need to be analyzed pursuant to the HDS&G. The applicant proposes a single-story residence, which may be more compatible with the limitations for a visible residence.
5. Potential Tree Impacts
 - a. An arborist report will be required during the development review process to evaluate the potential impacts to trees.
 - b. Will the proposed driveway be located to avoid tree impacts?
 - c. Do underground electrical and telephone utility lines impact trees?
 - d. Do the water and sanitary sewer lines impact trees?
6. Other
 - a. The project would be evaluated for utilities, stormwater management, and other engineering considerations.
 - b. Would the proposed residence be located within the Least Restrictive Development Area (LRDA) as required by the HDS&G?

PUBLIC COMMENTS:

Public comments received by 11:00 a.m., Friday, May 6, 2022, are included as Attachment 8.

ATTACHMENTS:

1. Location Map
2. CDAC Application
3. Ordinance 2097
4. Ordinance 2172
5. Planning Commission Minutes of January 23, 2002
6. Letter from Greenbriar Homes Communities, dated April 20, 2016
7. Project Description Letter with exhibits
8. Public comments received by 11:00 a.m., Friday, May 6, 2022



**TOWN OF LOS GATOS
CONCEPTUAL
DEVELOPMENT ADVISORY
COMMITTEE REPORT**

**DRAFT
MINUTES OF THE CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE MEETING
MAY 11, 2022**

The Conceptual Development Advisory Committee of the Town of Los Gatos conducted a Regular Meeting on May 11, 2022, at 4:00 p.m.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044 this meeting will not be physically open to the public and the Council and/or Commissioners will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar.

MEETING CALLED TO ORDER AT 4:00 PM

ROLL CALL

Present: Chair Jeffrey Barnett, Vice Chair Mary Badame, Vice Mayor Maria Ristow, and Planning Commissioner Kathryn Janoff.

Absent: Planning Commissioner Reza Tavana

VERBAL COMMUNICATIONS

- None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – March 9, 2022

Amendment: Remove “and if positioned too close to the freeway.”

MOTION: **Motion by Vice Chair Badame** to approve the consent calendar with the amendment proposed by Chair Barnett. **Seconded by Vice Mayor Ristow.**

VOTE: **Motion passed unanimously.**

MINUTES OF CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE MEETING
OF MAY 11, 2022

PUBLIC HEARINGS

2. 300 Mountain Laurel Lane

Conceptual Development Advisory Committee Application CD-22-003.

Requesting Preliminary Review of a Proposal to Amend a Planned Development Ordinance to Increase the Maximum Residence Size Allowed on Property Zoned HR-5:PD. APN: 567-24-023.

PROPERTY OWNER: Bright Smile Dental Office Defined Benefit Plan

APPLICANT: Kunling Wu, Trustee of the Bright Smile Dental Office Defined Benefit Plan

PROJECT PLANNER: Sean Mullin

Project Planner presented the staff report.

Committee asked questions of the Staff.

Opened Public Comment.

Applicant presented the proposed project.

Tao Ning, Speaker for the Applicant

- They are applying for a single-story home. They want to be allowed to build up to but not necessarily at 6,000 square feet. The houses on the current lots 1 to 13, range in size from 4,500 to 6,441 square feet in the immediate surroundings. The proposed house will only have a single-story and hopefully lighting will not be a concern. The lot size is 8.1 acres with 7,500 square feet of buildable area. Current development estimates list a land value of \$1.7 million and a building cost of \$1 million. If a residential house were to be built, the cost would be \$2.7 million. If restricted to only 2,400 to 3,000 square feet, that would vastly undervalue what they can develop on this property. SB 9 was passed to promote development.

Committee asked questions of the Applicant.

Tao Ning, Speaker for the Applicant

- The definition of a big family includes the extended family of cousins, grandparent, parents, one unmarried son, and any future grandchildren. Currently there are four adults.
- There is a tentative plan for sale to a third-party developer. If the restriction of 2,400 to 3,000 square feet cannot be amended, they would consider selling it to a third party. A third party has not been defined.

MINUTES OF CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE MEETING
OF MAY 11, 2022

Kim Willingham, Neighbor

- The driveway for lot 14 is adjacent to their driveway. It is a very long steep way up. They are concerned about the driveway speed and noise on the right side of their house. The neighborhood is quiet with mainly retired residents and very few kids. They cannot tell people how many can live in a home, but it does impact them. Does the 6,000 square feet include an accessory structure? They are limited to the amount square feet they can have in the HOA. Lot 14 is a part of the HOA.

Mitch, Secretary of Shannon Valley Ranch HOA

- Some of the house size comps used were part of another subdivision and not part of the Shannon Valley Ranch HOA. The HOA home sizes are limited to 4,800 square feet. The size of a lot 14 home was discussed at their board meeting when lot 14 was sold. They did not object to lot 14 expanding beyond the original 2,500 sf size. But no other home in the HOA is 6,000 square feet. The structure should stay within with the HOA home size limit. The CCRs and board thought lot 14 was part of the HOA restrictions.

Tao Ning, Speaker for the Applicant

- The noise and traffic on the driveway should not be a significant burden to the community. The grandparent will not be driving, just the other three adults. They work consistently throughout the week and weekend. The traffic level would be nothing equal to a commercial entity such as a preschool. There would be no young children coming in and out.

Closed Public Comment.

Committee members discussed the matter and provided the following questions and comments:

- The title was transferred in October 2020.
- No secondary access is planned at this time. Secondary access was considered from the bottom of the hill at Mount Laurel Lane.
- CDAC is not here to approve, but to bring up what could be potential issues. What can be built is regardless of who might or will live there. Projects might change after approval. People move. Who will be living there, is a secondary consideration.
- How does SB 9 tie into this? With the HOA there are restrictions on how many structures, how big a development, etc. For example, FAR vs HOA restriction, which takes precedence?
- According to staff the SB 9 ordinance is not applicable to the PD. The PD is an overlay zone. If there's a limitation on FAR in the PD it takes precedence over any underlying zone.
- This is a recently established development. It has a cohesive spread out look. The lot should be under the HOA restrictions.

MINUTES OF CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE MEETING
OF MAY 11, 2022

- The driveway length will probably require an exception for length and grading.
- It's a recently established planned development. There are advantages and disadvantages for living in a planned development. It's hard for a deciding body to change that.
- Concerned about the lack of secondary access for fire safety. Making an exception is a tough call. Fire safety and the lives of people should be the number one concern.
- The driveway seems excessively long. Is it possible to gain secondary access from Santa Rosa or a street closer to the building site?
- According to staff, secondary access from Santa Rosa requires easements from one or two private parties. Staff would check should an application come forward.
- If the committee allowed a 6,000 square foot expansion, would that open it up to the other lots? The committee is concerned about creating a problem.
- Lighting would double when expanding from a 3,000 to 6,000 square foot structure.
- This PD was already looked at by DRC, the Planning Commission, and twice by the Town. The circumstances have not changed. I am reluctant to see that change.
- There is a history of compatibility of the house being at 6,000 square feet to the remaining lots 1 to 13 at 4,850 square feet. The General Plan policy requires compatibility with the scale and character of the surrounding structures.
- Placement on the ridge causes concern.
- Concerned about the slope and length of the driveway for fire safety and other reasons.
- According to staff, a formal LRDA analysis was probably not done before this meeting. It was probably identified by just looking at the topo map for the flattest portion of the property and where the former home was located. With an Architecture and Site application, staff would look at the LRDA, etc.

OTHER BUSINESS

- None.

ADJOURNMENT

The meeting adjourned at 4:37 p.m.

This is to certify that the foregoing is a true
and correct copy of the minutes of the
May 11, 2022 meeting as approved by the
Conceptual Development Advisory Committee.

/s/ Joel Paulson, Community Development Director

Kunling Wu
Trustee of the Bright Smile Dental Office Defined Benefit Plan
703 Chatsworth Place
San Jose, CA 95128
Phone: 650-796-1887

November 11, 2022

**RE: Proposal Responding to the Issues Involved in Conceptual Development Advisory
Committee Meeting of May 11, 2022**

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

Dear Sir and Madam,

The main Issues/concerns involved in Conceptual Development Advisory Committee Meeting of May 11, 2022 are as follows:

● **THE HOME SIZE TO BE BUILT**

➤ **ISSUE/CONCERN:**

— The structure should stay within with the HOA home size limit.

➤ **RESPONSE TO THE ISSUE:**

- We are currently applying for building an **one story single house** with the size of **4850 square feet** at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (Lot 14, APN # 567-24-023), **NOT 6,000 square feet**. The home size of **4850 square feet** is the size allowed by the Shannon Valley Ranch Home Owners Association.
- The Shannon Valley Ranch Home Owners Association has approved our application of building the house with **4850 square feet** (please see the Attachment-1 Letter from the Shannon Valley Ranch Home Owners Association).
- The neighbor (Mr. Kim Willingham) that is the closest our property (Lot 14) has also supported us to build the house with **4850 square feet** (please see the Attachment-2 Document Signed by Mr. Kim Willingham and his wife).

● **THE FORMAL LRDA ANALYSIS**

➤ **ISSUE/CONCERN:**

— A formal LRDA analysis was probably not done before this meeting.

➤ **RESPONSE TO THE ISSUE:**

— We have completed a formal Least Restricted Building Area (LRBA) (please see the Attachment-3 Formal Least Restricted Building Area drawing).

● **THE DRIVEWAY SPEED AND NOISE**

➤ ISSUE/CONCERN:

- They are concerned about the driveway speed and noise on the right side of their house.

➤ RESPONSE TO THE ISSUE:

- The driveway speed is controlled by related regulations no matter how big the house's size is.
- The driveway noise should NOT have an obvious increase compared to build a house with 3000 square feet because of no big increase of the population living in the house.

● THE DRIVEWAY SLOPE AND LENGTH FOR FIRE SAFETY

➤ ISSUE/CONCERN:

- Concerned about the slope and length of the driveway for fire safety.

➤ RESPONSE TO THE ISSUE:

- Plans are Approved as submitted by Santa Clara County Fire Department (please see the Attachment-4 Plan Review No. 22 3293).

● THE LIGHTING

➤ ISSUE/CONCERN:

- Lighting would double when expanding from a 3,000 to 6,000 square foot structure.

➤ RESPONSE TO THE ISSUE:

- The lighting should NOT be a issue based on the following reasons: Firstly, the house that we are currently applying to build is an ONE STORY single house with the size of 4850 square feet. Secondly, the house will be built following related regulations.

● PLACEMENT ON THE RIDGE

➤ ISSUE/CONCERN:

- Placement on the ridge causes concern.

➤ RESPONSE TO THE ISSUE:

- There are many houses located close by the house that we will build.
- Some of the houses are bigger than 4850 square feet and the locations of many houses are higher than the location of our house to be built.
- We'll build the house following related regulations.

Sincerely,

Kunling Wu

Enclosures: **Included as exhibits to Staff Report**

- Attachment-1 Letter from the Shannon Valley Ranch Home Owners Association
- Attachment-2 Document Signed by Mr. Kim Willingham and his wife
- Attachment-3 Formal Least Restricted Building Area drawing
- Attachment-4 Plan Review No. 22 3293



SANTA CLARA COUNTY FIRE DEPARTMENT

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

PLAN
REVIEW No. **22 4104**

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:

Modification to a Planned Development to modify the allowable size of a new single-family residence.

Note: This is not a review for the new single family dwelling construction.

Plan Status:

Plans are **APPROVED** as submitted.

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. The fire department has no comments or conditions. The plans are approved as submitted.

3. **Items #4-#16 are the potential requirement when constructing the new single family dwelling and for information only at this time.**

4. **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. All comments below that result from PRC 4290 are identified by **. 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.

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
LGA	☒	☐	☒	☐	☐				11/07/2022	1 of 4
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
1	4850		Residential Development				Design Review			
NAME OF PROJECT						LOCATION				
NEW SFR						300 Mountain Laurel Lane Los Gatos				
TABULAR FIRE FLOW						REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI		BY
										Ip, Kenny

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.



SANTA CLARA COUNTY FIRE DEPARTMENT

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

PLAN REVIEW No. **22 4104**

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

****5. 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 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.

****6. 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.

****7. 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.

****8. 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.

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LGA	☒	☐	☒	☐	☐				11/07/2022	2 of 4
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
1	4850		Residential Development				Design Review			
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****9. Turnaround:** (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.

****10. Turnout:** Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.06.

****11. Dead-end Roads:** (a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served: parcels zoned for less than one acre - 800 feet. Parcels zoned for 1 acre to 4.99 acres - 1,320 feet. Parcels zoned for 5 acres to 19.99 acres - 2,640 feet. Parcels zoned for 20 acres or larger - 5,280 feet. All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply. (b) See 14 CCR § 1273.05 for dead-end road turnaround requirements. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08.

12. Fire Hydrant Systems Required: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, onsite fire hydrants and mains shall be provided where required by the fire code official. Exception: For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the

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distance requirement shall be not more than 600 feet. [CFC, Section 507.5.1]

13. Fire Department (Engine) Roadway 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].

14. Fire Apparatus (Engine) Access Driveway Required: An access driveway shall be provided having an all-weather surface of either asphalt, concrete or other engineered surface capable of supporting 75,000 pounds and approved by a civil engineer. It shall have a minimum unobstructed width of 12 feet, vertical clearance of 13 feet 6 inches, minimum turning radius of 40 feet outside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1.

15. Fire Department (Engine) Driveway Turnaround Required: 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.

16. Full plan review for water and access is still required and is to be completed upon development of the property.

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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SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
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October 18, 2022

Kunling Wu
Trustee of the Bright Smile Dental Office Defined Benefit Plan
703 Chatsworth Place
San Jose, CA 95128

RE: Construction of single-story home at 300 Mountain Laurel Lane, Los Gatos, CA 95032 Lot 14 on
Property Zoned HR-5:PD. APN: 567-24 -023

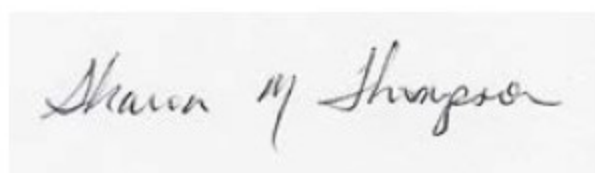
Dear Karen,

Thank you for providing the information concerning your desire to construct a single-story family home on Lot 14 at 300 Mountain Laurel Lane, Los Gatos, CA 95032. As we discussed, this lot and future home is part of the Shannon Valley Ranch Home Owners Association. As you have stated, the home you intend to build will be no larger than 4850 sq. feet. This size is inline with the other homes in the development and the Board of Directors agrees with giving you our approval for the home size and single-story design.

As I stated in my email of October 4, 2022, the Board of Directors would appreciate if you could provide a concept drawing of the home that you intend to build once you have an architectural drawing you are comfortable with. The style of the homes in the Association are similar in style and it would be appreciated if the home you plan to build on Lot 14 was of a similar style. You can submit an elevation drawing to me and I will share it with the other members of the Board who also act at the Architectural review committee. I have provided a copy of the Association CC&R's to guide you as you begin the design process for your home and subsequent landscaping.

Please feel free to reach out to me with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Sharon M. Thompson". The signature is written in dark ink on a light-colored background.

Sharon Thompson
President Shannon Valley Ranch Home Owners Association
287 Mountain Laurel Lane
Los Gatos, CA 95032
(408)507-5028

Amended Performance Standard #8

BUILDING SQUARE FOOTAGE. All project homes will be limited to a maximum size of 4,850 square feet with an average of ~~4,650~~ 4,655 square feet, and at least 2/3 of the homes shall be limited to a one-story design. Final building design and size will be determined during Architecture and Stie review. No further expansion of the homes will be allowed unless this Ordinance is amended by the Town Council. ~~Lot 14 shall be developed under guidelines of a replacement structure and shall be similar in size, mass, and scale to the original home that was destroyed by fire.~~ The home on Lot 14 shall be limited to a one-story design.

EVIDENCE OF SPEAKING WITH OUR NEIGHBOR(S)

Kunling Wu
Trustee of the Bright Smile Dental Office Defined Benefit Plan
703 Chatsworth Place, San Jose, CA 95128
Phone: 650-796-1887

September 22, 2022

**RE: TO BUILD AN ONE STORY SINGLE HOUSE WITH THE SIZE OF 4850 SQUARE FEET
AT 300 MOUNTAIN LAUREL LANE, LOS GATOS, CA 95032 (LOT 14, APN 567-24-023)**

To: Neighbor in Shannon Valley Ranch

Dear Sir and Madam,

My name is Kunling Wu, Trustee of the Bright Smile Dental Office Defined Benefit Plan. On behalf of Bright Smile Dental Office Defined Benefit Plan, I am apply for building an One Story Single House with the size of 4850 Square Feet at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (Lot 14, APN 567-24-023).

The size of Lot 14 is 8.137 acres with Least Restricted Buildable Area of 131,196 square feet (please see Attachment 1).

The houses that have been built on Lot 1 through Lot 13 of the Shannon Valley Ranch are between 4,302 square feet and 4,908 square feet, of which four houses are bigger than 4,850 square feet (please see Attachment 2).

Building one single story house with 4,850 square feet in Lot 14 is within the range of 4,302 square feet to 4,908 square feet of the existing houses in Shannon Valley Ranch.

We sincerely appreciate your opinion for us to build the One Story Single House with the size of 4850 Square Feet at 300 Mountain Laurel Lane, Los Gatos, CA 95032 (Lot 14, APN 567-24-023).

Please kindly give us your feedback regarding support or concerns below.

SUPPORT: ☒ CONCERNS: ☐
YOUR NAME: Tyrone & Kim Willingham YOUR SIGNATURE: Tyrone Willingham
YOUR ADDRESS: 299 Mountain Laurel Lane Los Gatos, CA 95032
DATE: 9/26/22

Thank you very much for your support.

Kunling Wu
Enclosures:
Attachment 1 — Complete Development Plan
Attachment 2 — House Sizes in the Shannon Valley Ranch, Los Gatos

PHOTOS OF PROPERTY

300 MOUNTAIN LAUREL LANE
LOS GATOS, CA 95032 (LOT 14, APN 567-24-023).















TOP OF THE HILL

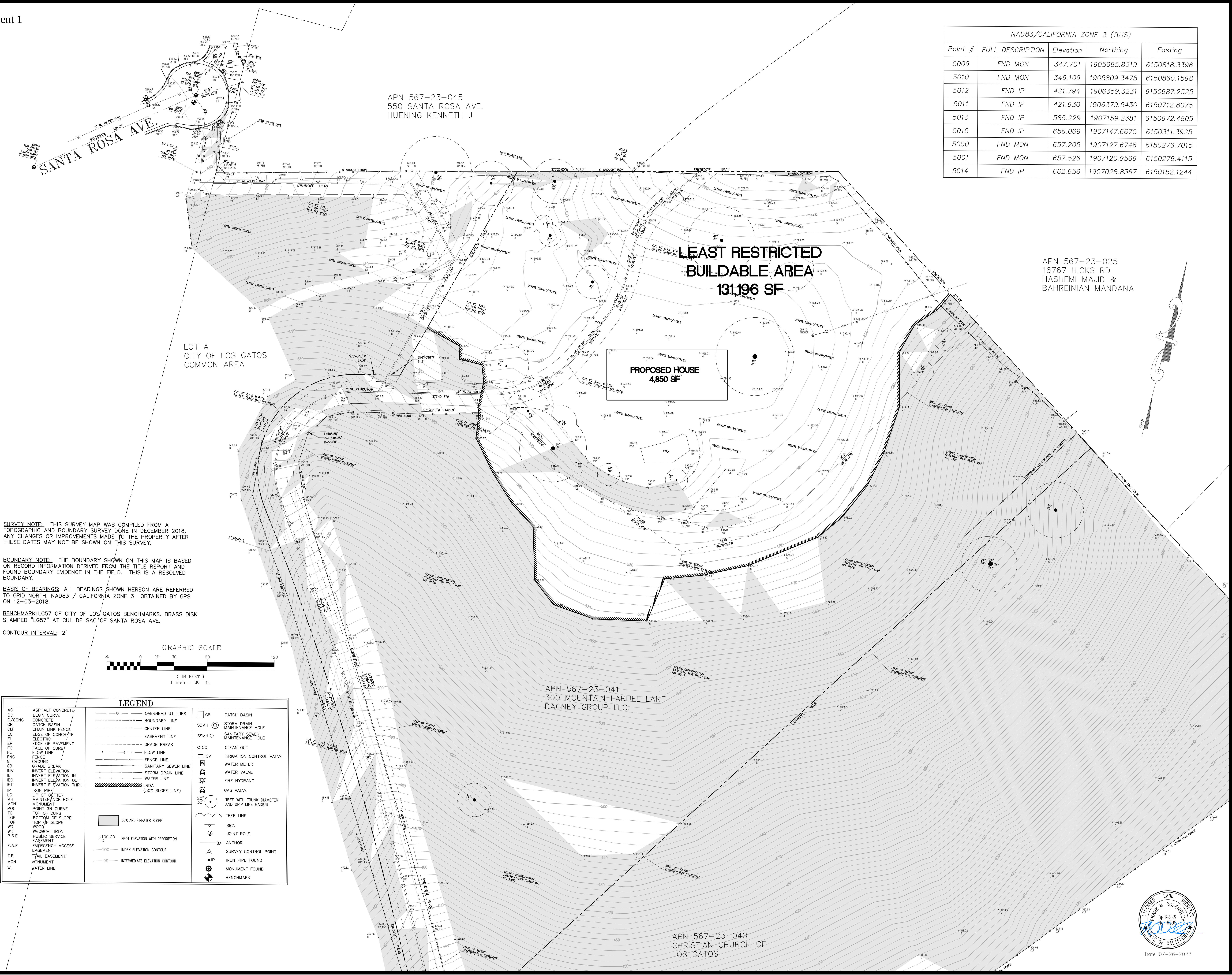


TOP OF THE HILL





F:\2022\12077 Mountain Laurel Lane - 300\Draw\12077TOPO.dwg, 7/26/2022, 2:08:14 PM



SURVEY NOTE: THIS SURVEY MAP WAS COMPILED FROM A TOPOGRAPHIC AND BOUNDARY SURVEY DONE IN DECEMBER 2018, ANY CHANGES OR IMPROVEMENTS MADE TO THE PROPERTY AFTER THESE DATES MAY NOT BE SHOWN ON THIS SURVEY.

BOUNDARY NOTE: THE BOUNDARY SHOWN ON THIS MAP IS BASED ON RECORD INFORMATION DERIVED FROM THE TITLE REPORT AND FOUND BOUNDARY EVIDENCE IN THE FIELD. THIS IS A RESOLVED BOUNDARY.

BASIS OF BEARINGS: ALL BEARINGS SHOWN HEREON ARE REFERRED TO GRID NORTH, NAD83 / CALIFORNIA ZONE 3 OBTAINED BY GPS ON 12-03-2018.

BENCHMARK: LG57 OF CITY OF LOS GATOS BENCHMARKS. BRASS DISK STAMPED "LG57" AT CUL DE SAC OF SANTA ROSA AVE.

CONTOUR INTERVAL: 2'

LEGEND			
AC	ASPHALT CONCRETE	— OH —	OVERHEAD UTILITIES
BC	BEGIN CURVE	— B —	BOUNDARY LINE
C/CONC	CONCRETE	— C —	CATCH BASIN
CB	CATCH BASIN	— CL —	CATCH BASIN
CUF	CHAIN LINK FENCE	— E —	EASEMENT LINE
EC	EDGE OF CONCRETE	— G —	GRADE BREAK
EL	ELECTRIC	— F —	FLOW LINE
EP	EDGE OF PAVEMENT	— S —	SANITARY SEWER LINE
FL	FACE OF CURB	— W —	WATER LINE
FW	FLOW LINE	— W —	WATER LINE
G	GROUND	— W —	WATER LINE
GB	GRADE BREAK	— W —	WATER LINE
INV	INVERT ELEVATION	— W —	WATER LINE
IEI	INVERT ELEVATION IN	— W —	WATER LINE
IEO	INVERT ELEVATION OUT	— W —	WATER LINE
IEI	INVERT ELEVATION IN	— W —	WATER LINE
IP	IRON PIPE	— W —	WATER LINE
LG	UP OF GUTTER	— W —	WATER LINE
MH	MAINTENANCE HOLE	— W —	WATER LINE
MON	POINT ON CURVE	— W —	WATER LINE
POC	TOP OF CURB	— W —	WATER LINE
TC	TOP OF CURB	— W —	WATER LINE
TOE	BOTTOM OF SLOPE	— W —	WATER LINE
TOP	TOP OF SLOPE	— W —	WATER LINE
WD	WOOD	— W —	WATER LINE
WR	WROUGHT IRON	— W —	WATER LINE
P.S.E	PUBLIC SERVICE EASEMENT	— W —	WATER LINE
E.A.E	EMERGENCY ACCESS EASEMENT	— W —	WATER LINE
T.E	TRAIL EASEMENT	— W —	WATER LINE
MON	MONUMENT	— W —	WATER LINE
WL	WATER LINE	— W —	WATER LINE

NAD83/CALIFORNIA ZONE 3 (HUS)				
Point #	FULL DESCRIPTION	Elevation	Northing	Easting
5009	FND MON	347.701	1905685.8319	6150818.3396
5010	FND MON	346.109	1905809.3478	6150860.1598
5012	FND IP	421.794	1906359.3231	6150687.2525
5011	FND IP	421.630	1906379.5430	6150712.8075
5013	FND IP	585.229	1907159.2381	6150672.4805
5015	FND IP	656.069	1907147.6675	6150311.3925
5000	FND MON	657.205	1907127.6746	6150276.7015
5001	FND MON	657.526	1907120.9566	6150276.4115
5014	FND IP	662.656	1907028.8367	6150152.1244

DATE

REVISIONS

DESC.

UNDERWOOD & ROSENBLUM, INC.

civil engineers and surveyors

1080 4351222

www.underwood.com

300 MOUNTAIN LAUREL LANE

LOS GATOS

CALIFORNIA

TOPOGRAPHIC SURVEY

Date 07-26-2022

Scale 1"=30'

Dwn by: BD/RB

Checked: FR

Job J22077

Sheet

1 OF 2

EXHIBIT 17

From: [REDACTED]
Sent: Friday, January 20, 2023 12:02 AM
To: Planning <Planning@losgatosca.gov>
Subject: Modification of Planned Development Ordinance 2172 to increase the Maximum Residence Size Allowed on Lot 14

EXTERNAL SENDER

To: Planning Commission,

As residents of Shannon Valley Ranch, we welcome our new neighbors of Lot 14 and want to be proactive in communicating potential issues and concerns with the development of their new home. We do not oppose the maximum square footage for their home that already exists in the community, as long as it meets the safety standards for the Town of Los Gatos.

Our concerns are listed below:

- 1) Will the culvert be properly addressed in building their driveway to maintain proper creek drainage?
- 2) If a shared portion of our driveway is required, will the existing structures be restored (electrical, irrigation, plants, etc.)?
- 3) Potential creation of a river of rainfall runoff with improper build of driveway and responsibility for damage incurred.
- 4) Potential safety hazard with intersection of walking trail (walkers/bikers) and driveway.
- 5) Adherence to HOA CC&Rs on hours and days of work.
- 6) During construction, storage and placement of machinery not in use and after hours of work.
- 7) Proper planning and maintenance of fire protection for Lot 14 and community. Access for Fire Department to Lot 14.
- 8) Who will be our contact person for issues and questions?

Again, we welcome our new neighbors to Shannon Valley Ranch.

Thank you,

Lionel Willingham
[REDACTED]

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