



CITY COUNCIL

S T A F F R E P O R T

PUBLIC HEARING
JUNE 2, 2020
JEANNIE HAMILTON, AICP, CITY PLANNER
jeannie@cityofmontesereno.org

4-Lot Tentative Parcel Map

Request for a Tentative Parcel Map to subdivide one approximately 0.96 acres parcel into four (4) lots including three residential lots and a private cul-de-sac lot in the R-1-8 zoning district at 18081 Saratoga-Los Gatos Road.

RECOMMENDATION

Site and Architectural Commission

The Site and Architectural Commission recommends the City Council deny the Tentative Parcel Map based on incompatibility with the surrounding neighborhood and the amount of grading.

Planning Staff

Staff recommends the City Council approve the Tentative Parcel Map in that the proposed subdivision is consistent with the City's General Plan goals, policies, and land use designation of single-family residential 3-5 DU/Acre; complies with the development standards of the R-1-8 zoning district and the slope density requirements; and, meets all the applicable requirements of the City's subdivision regulations.

BACKGROUND

On August 17, 2019, an application was submitted to subdivide the property at 18081 Saratoga-Los Gatos Road. In June of 2015, a fire destroyed the home on this property and the site remains vacant to date. The proposed application is to subdivide the site which is approximately 41,927 square feet (.96 acres) into three (3) single family lots

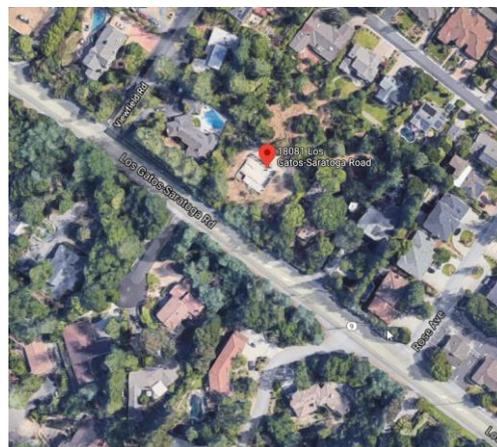
served by a private cul-de-sac. The original applicant worked with City Staff to revise the proposal to comply with the City's subdivision regulations and at the time proposed house designs to inform the community and decision makers on how the new lots could be developed.

In February of 2019, and again in March of 2020, a draft Mitigated Negative Declaration was circulated for public review. Comments related to that document will be addressed later in this report. The applicant presented the proposed subdivision at the April 3, 2019 Site & Architectural Commission for their review and recommendation on the proposed project. The Commission heard testimony from the applicant and several area residents. They discussed not only the proposed architecture but also the design of the subdivision. The Commission voted 5-0 to recommend denial of the project based on incompatibility with the surrounding neighborhood and the amount of grading (see attached minutes).

Since the April 3, 2019 meeting, several outstanding items were required to be submitted for staff to move the project forward to City Council. Since that time, the application has been transferred to a new applicant who has been working diligently with City Staff to address the concern related to grading and has modified the grading plan to reduce the amount of grading in the subdivision design. The new applicant is not including house designs for the lots. Development of the lots will occur at a later date and the individual house designs will be subject to a Site Development Permit to be reviewed by the Site & Architectural Commission for review and recommendation to the City Council for final consideration and action.

ANALYSIS

The project site is 0.96-acre located at 18081 Saratoga Los Gatos Road/State Route 9 (Highway 9) within the incorporated limits of the City of Monte Sereno. The project site is comprised of one parcel. The project site is surrounded by single-family residential to the north, east, west, and to the south across Saratoga Los Gatos Road (Figure 2). The subject parcel is rectangular in shape with approximately 159 linear feet along Saratoga Los Gatos Road, approximately 262 linear feet along its western boundary, approximately 162 linear feet along its northern boundary, and 261 feet along its eastern boundary. The proposed subdivision has been designed to conform with the City's General Plan land use designation and the City's subdivision and zoning regulations. This report will detail how the proposed subdivision meets or exceeds these requirements.



Subject Site at 18081 Saratoga-Los Gatos Road

General Plan Conformance

The City of Monte Sereno’s General Plan land use element contains goals and policies including a land use map designating specific residential densities citywide. The subject site is designated as single-family residential at a density of 3-5 dwelling units per acre (DU/acre). The subject site at 0.96 could potentially support 4 dwelling units, however once accommodating for the slope and access road the potential units drops to three dwelling units. In addition to the land use designation, the General Plan contains goals and policies related to land use and the development of new residential uses. Below are those goals and policies relevant to the subject project and how the project supports those goals and is consistent with the policies.

Goal	Policy	Project Consistency
Goal LU-1 <i>Ensure that development enhances the residential character of the community</i>	LU-1.1 Protect Monte Sereno neighborhoods from the intrusion of incompatible land uses and disruptive traffic to the extent reasonably possible.	The proposed project is located along Highway 9 offering direct access to the new single-family homes compatible with the surrounding single-family neighborhood and minimizing cut through traffic to existing neighboring properties in the Rose/Andrews neighborhood.
	LU-1.2 Require new development to complement and enhance existing neighborhood character	The proposed 3-lot subdivision with lots between 11,000 and 12,000 square feet complements and is compatible with the surrounding neighborhood of lots at similar size in the Rose/Andrew neighborhood; and mimics the cul-de-sac development of Serena Vista directly across from the subject site.
	LU-1.3 Continue to review new development proposals to ensure that they do not	The proposed 3-lot subdivision provides for lots in excess of 11,000 square feet and accommodates a 40-foot-

Goal	Policy	Project Consistency
	<p>overwhelm their sites or their neighborhood.</p>	<p>wide private access with full fire-truck turnaround in the cul-de-sac. This proposal is not imposing on any adjacent neighborhood with its access off Highway 9 and is not creating more lots that can reasonably be accommodated on this lot.</p>
<p>Goal LU-2 <i>Promote development that is harmoniously integrated into the natural environment.</i></p>	<p>LU-2.1 Require development to be designed to protect natural resources, preserve open spaces and natural topography</p>	<p>The subject site is not located in the hillside but rather along Highway 9. The topography of the lot is a result of the imposition and widening of Highway 9 over the years with a slight elevation at the front then sloping back to the homes along Arlee. The proposed project is preserving much of the natural topography while grading the front of the property slightly down to the east to meet the new cul-de-sac. In doing this existing drainage issues with the current property draining back to Arlee with no intervention will be designed to take most of the drainage out to the Highway 9 and across to an existing storm drain system.</p>
	<p>LU-2.2 Encourage residential uses to merge naturally with surrounding land uses through the gradual change of densities and the preservation of the natural topography.</p>	<p>The proposed subdivision with its increased density of two units merges naturally with the surrounding land uses by keeping a single unit and access point along Highway 9 with the two other units accessed off</p>

Goal	Policy	Project Consistency
		<p>the cul-de-sac. Again, much of the natural topography is being retained with reducing the amount of grading. Modification to the grading from the original proposal was done to respond to the concerns of the Site and Architectural Commission related to grading.</p>
	<p>LU-2.4 Carefully review development in areas of high scenic value</p>	<p>The subject site is located along a scenic corridor. The proposed subdivision would allow for the development of a new home site along Highway 9 including the installation of new and fresh landscaping to replace an overgrown and unmaintained landscape. The review of the potential impact on the scenic corridor has been analyzed through the CEQA process and it has been determined that there will not be a significant impact.</p>
<p>Goal LU-3 <i>Coordinate growth and development with other agencies.</i></p>	<p>LU-3.1 Continue to take an active role in coordinating land use decisions with federal, state, and regional agencies, Santa Clara County, special districts, and surrounding cities. Coordination shall address issues including but not limited to flood control, air quality and climate protection, transportation, water supply, sewage treatment, solid waste</p>	<p>The proposed project was referred out to local agencies, adjacent cities, school districts, and utility providers. Staff completed a Mitigated Negative Declaration (MND) in accordance with the requirements of CEQA. The MND was circulated and recirculated for the required 30-day period and sent to the State Clearinghouse for referral to select state agencies.</p>

Goal	Policy	Project Consistency
	disposal and recycling, hazardous waste management and natural resource protection.	
<p>Goal LU-4 <i>Provide for orderly growth consistent with the City's existing character.</i></p>	<p>LU-4.2 Consider the cumulative effects of individual development projects throughout the planning process.</p>	<p><i>Through the CEQA review the project was analyzed against the existing conditions and the potential impacts identified. The project is not proposing anything that is inconsistent with the General Plan and as such the density and cumulative topics regarding the project site and area were analyzed as part of CEQA review of the General Plan.</i></p>
	<p>LU-4.3 Require that prior to approval, development proposals demonstrate that the site will be served by adequate infrastructure.</p>	<p>The project was referred to CalTrans and the utilities. Responses indicated that there were adequate facilities to support the three homes.</p>
	<p>LU-4.4 Evaluate fiscal impacts of development proposals to assure that new development does not reduce service standards or increase the burden upon existing residents of the city.</p>	<p>The proposed development will have all private infrastructure maintained by the property owners. Police and fire have indicated that there is capacity to serve the new homes.</p>

Subdivision Regulations

The City's subdivision regulations, Title 13 of the City's Municipal Code, contain standards related to the design of a subdivision, access, and the individual lots. Below is a detailed analysis of the relevant regulations and how the proposed subdivision conforms to them.

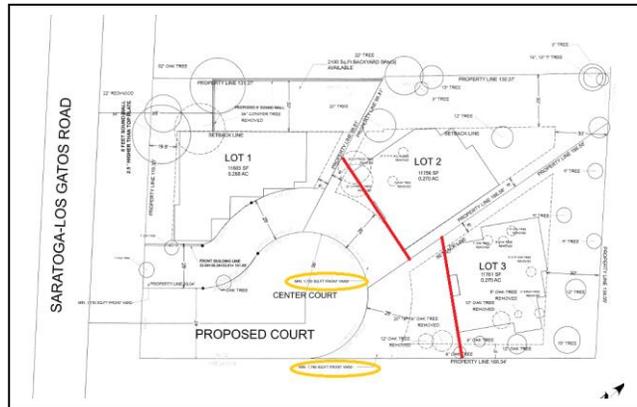
Lot Size

Section 13.04.080 - *Lot size/slope density formula and cluster development*, a formula to determine the minimum lot size when subdividing a lot where the average slope is 10% or greater. The subject site has an average slope of 13.78%. When calculating the minimum lot size required using the average slope, the resulting minimum lot size required in the R-1-8 zoning district is 10,315 square feet. Each of the proposed lots exceed this by over 1,000 square feet as shown in the table below.

<i>Proposed Lot</i>	<i>Proposed Square Footage</i>	<i>Square Footage in Excess of Required</i>
1	11,665	1,350
2	11,756	1,441
3	11,761	1,446

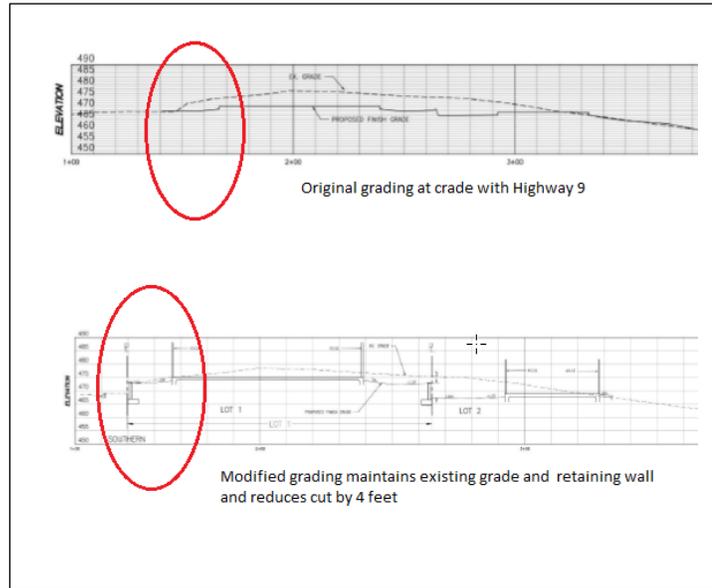
Lot Frontage

Per Section 13.02.290 – *Frontages*, each lot shall meet the minimum frontage required per the zoning regulations. The minimum lot frontage for the R-1-8 zoning district is 70 feet. However, per Section 13.02.300 - *Lot lines, corner lots, irregular-shaped lots, setbacks*, there is an exception to that frontage requirement for irregular -shaped lots such as those on the end of a cul-de-sac. The Frontage for those lots can be reduced down to 50% of the required frontage as long as they still provide for the same amount of front yard area as would otherwise be provided with a standard lot, and the building line is set back to the point where the lot is 70 feet wide. Lot 1 meets the minimum frontage requirement of 70 feet. Lots 2 and 3 have a reduced frontage so are required to set the building line back further than the minimum setback of 25 feet. Sheet T1 indicates the building envelope per the standard setbacks and the building line for those two lots with less than 70 feet of frontage.

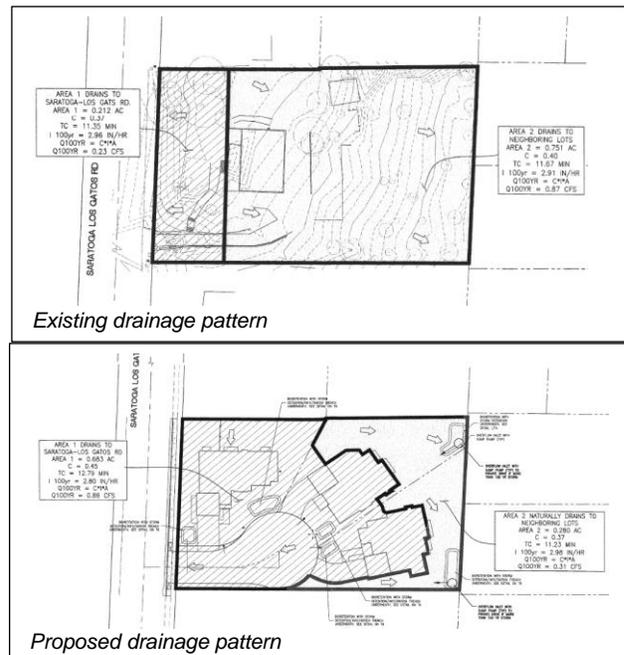


Grading and Drainage

Section 13.02.410 - *Overall and lot grading plans*, a grading plan is required to show the adjacent properties and how the overall grading and individual lots will affect the adjacent properties. Sheet T2 includes the overall grading for the proposed subdivision with the contours extending out to the surrounding properties. The proposed grading for the subdivision has been modified in response to the Site and Architectural Commissions comments related to the amount of grading. The proposed grading in Lot 1 has been modified to match the existing grade. The existing retaining wall will be replaced in kind due to existing wall failing. The proposed house will step up from the garage to finished floor to better follow the terrain. Previously the finished floor was at an elevation of 471.50. The new grading plan has the finished 475.20 resulting in approximately 4 feet less cut. The grade on lot one is tapered down to the east to accommodate the cul-de-sac at grade coming off Highway 9. Section B on sheet T3 illustrates this.



Sheets T-8 and T-9 show the existing drainage and the proposed drainage per the modified grading. Currently most of the site drains unchecked down towards the homes on Arlee Drive. The proposed grading shifts this to most of the drainage flowing away from the homes on Arlee Drive out to the private drive and into a storm drain that will connect with an existing storm drain on the south side of Highway 9. The back of lots 2 and 3 will drain into detention basins and be pumped to this same system if necessary. This drainage was also modified from the original proposal to direct even more drainage to the front of the site and having only the drainage from the rear of lots 2 and 3 directed to the detention basins. This drainage has also been modified to be sized for the 100-year flood and not the 10-year



as otherwise required. This will help minimize any dependence on the need for emergency pumping.

Street Design

Per Section 13.02.040 - *Right-of-way widths and lengths*, the minimum width of an access to more than two lots is 40 feet and can be done with a cul-de-sac upon approval by the City Council, and is reiterated in Section 13.04.050(c)- *Street design and right-of-way requirements* in the regulations for Hillside and Scenic Corridors. Much of the emphasis in these regulations is intended for hillside subdivisions, however it has been applied to the scenic corridor with respect to the width and radius of the turnaround. The proposed cul-de-sac design includes a 40-foot width as required and an outside turning radius of 36 feet in accordance with the current standards from the Fire Department.

Per Section 13.02.100 - *Grades and curves*, with the exception of hillside subdivisions, all streets “shall have at least five-tenths of one percent (0.5%) grade. The proposed cul-de-sac has been designed with a maximum slope of 2% at the bulb with a 0.5% coming off Highway 9 (see sheet T2 on plans). This design conforms with the requirements of this section and the project will be conditioned to provide the required Portland cement concrete gutters as required.

This street design provides for ease of access off Highway 9 for any traffic generated by the proposed three lots and will be able to accommodate two way in and out. There is a center lane in Highway 9 directly opposite the proposed cul-de-sac which can be used in turning into or out of the proposed subdivision. The proposed cul-de-sac design provides a single point of access for the three homes thus eliminating multiple driveways that would create a greater risk for vehicular and pedestrian conflicts along the busy Highway 9.

Landscaping

Per Section 13.04.130 - *Grading and landscaping plans*, a landscape plan is required to be submitted by a licensed landscape architect for review and approval prior to the



View after 10-years



View after 1-Year

Final
Parcel
Map

approval. Although this is a tentative parcel map, for purposes of CEQA review a conceptual landscape plan has been created to analyze whether the proposed subdivision will have a significant effect on the aesthetics. It has been determined that although the

proposed subdivision with its eventual development would require removal of some significant trees, it would not have a significant impact on any scenic vistas from the site and the introduction of new landscaping along Highway 9 would replace the existing overgrown scrub landscaping with new trees and landscaping similar to adjacent properties along the portion of Highway 9. Installation of landscape along Highway 9 will be required when the street improvements are done.

Noise

As part of the environmental review for the subdivision, a noise analysis was conducted to ensure that the minimum noise standard required for new construction including private open space can be met with the location along the busy Highway 9. As a result of the noise study, it was determined that a sound barrier is required to be placed to bring the noise level down to 65 dB in the rear yard area of Lot 1. And since any fence or wall is limited to 6 feet in height throughout the City, the placement of this sound wall is approximately 35 feet setback from the roadway. It is also required to run north along the western property line the length of the lot.

As a result of this new wall between the two properties, there was a concern expressed by the adjacent property owner that this wall could create an increase in the noise level on the adjacent property. A supplemental analysis was done to address this concern and concluded that although there may be a slight increase in noise from the eastbound traffic with reflection off the wall, the noise from the westbound traffic will be decreased. The overall net effect would be a slight decrease in the noise level.

Height

Although there are no homes on the lots proposed at this time, it is worth noting that there is a special height limitation for any new subdivision along a scenic corridor. Per Section 13.04.080(D) - *Lot size/slope density formula and cluster development* there is an overall height limit of 15 feet above the highest natural point on the lot before grading. Additionally, the highest part of any structure shall not exceed the maximum building height prescribed by the City Zoning Code. This limitation is significant because regardless of grading, the overall height of any structure is based on the existing grades and elevations for each proposed lot. Below are the elevations for each lot that the 15-foot maximum would be measured from.

Lot 1 – Highest natural grade approximately 478' MSL, plus 15 feet = 493' MSL
Lot 2 – Highest natural grade approximately 477' MSL, plus 15 feet = 492' MSL
Lot 3 – Highest natural grade approximately 467' MSL, plus 15 feet = 482' MSL

Any future development of the proposed lots would be required to adhere to the above limitations.

CONCLUSION

In reviewing the proposed subdivision, staff analyzed the proposal and how it conforms with the City's General Plan goals and policies as well as land use designation. Additionally, staff analyzed the proposed subdivision against the applicable subdivision regulations. In the review of the City's General Plan, the proposed subdivision is consistent with the land use designation of single-family residential at a density of 3-1 DU/acre. The proposed density of 3 units falls within the allowed density based on the net lot area of 0.80 which would support 2-4 dwelling units. The proposed subdivision also supports many of the land use goals and policies in the General Plan as detailed earlier in this report. The proposed subdivision design meets or exceeds the required minimum lot size of 10,315 required by the slope density formula, and the individual lots meet the required design standards allowing for a sufficient area for house placement.

In consideration of its approval or conditional approval of a tentative map, the City Council must find that the proposed subdivision design is consistent with the requirements of the zoning district applicable to the site. In this case, the proposed subdivision is consistent with the zoning regulations for lots with an average slope of 10% or greater in the R-1-8 zoning district. Additionally, before acting on a tentative map in a scenic corridor the City Council must consider the following:

1. In its approval or conditional approval of a tentative map the City Council shall refer to the preliminary grading and landscaping plans prescribed conditions to achieve the objectives of this Chapter. Specifically, but not exclusively, no trees larger than six (6) inches in diameter may be removed without the City Council's approval.

Although there are some significant trees proposed to be removed, many of them are the aged landscape trees from the previous home development. Subsequent development of the lots would require removal of some significant trees, however there will be a requirement to plant replacement trees at a minimum of a 1:1 ratio with a California native species. Implementation of this mitigation measure will take place at the development stage. Overall, the project could pose to remove up to 11 trees considered significant by the City's Tree Preservation Ordinance. The project would also include significant landscape improvements along Highway 9 to enhance the scenic value of the corridor, including Coast Live Oak and other California native species planted along the frontage.

2. When any part of the property under review lies within a designated Scenic Corridor of an official State Scenic Highway or County Scenic Road, the City Council shall specifically consider the appearance of the development as viewed from the Highway or Road so that service yards, parking areas, utility tanks, or other such features will be screened from view from the Highway or

Road. The City Council's action shall also avoid blocking, and encourage opening, views of aesthetic value as seen from the Highway or Road. No alteration in the ridgeline of a Scenic Corridor shall be made without prior approval of the appropriate State or County authorities. All structures proposed within three hundred (300) feet of a Scenic Highway or Road shall be subject to review and approval by the City Council.

The project does not include any service yards or parking areas along the Scenic Corridor. With the exception of the cul-de-sac, all parking and circulation occur within the project out of view from the highway. As demonstrated with the photo simulation to the right, the landscape installation along Highway 9 will grow to sufficient height and will fill in to create a natural landscape buffer between the Corridor and the much of the homes on the site.



The proposed subdivision is consistent with the vision and direction of the City's General Plan with new development and meets or exceeds the relevant subdivision and zoning regulations for lots with an average slope of 10% or greater in the R-1-8 zoning district. The findings specific to the development along a scenic corridor have also been considered. Therefore, staff recommends that the City Council approve the proposed tentative parcel map as designed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

In accordance with the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate potentially significant adverse environmental effects of the project. The IS/MND identified potentially significant effects on the environment; however, mitigation measures were identified that reduced these effects to a less than significant level. A separate staff report was prepared to discuss environmental clearance process and outcome.

FISCAL IMPACT

No fiscal analysis was not conducted as part of the project review. However, if the subject property were developed with the additional residential lots noted in the project proposal the amount of property tax collected will most likely increase from that currently collected for the site.

ALTERNATIVES

1. The City Council could deny the proposed subdivision should it find that they cannot make the required findings.
2. The City Council could propose modifications to the proposed subdivision, said modifications shall be consistent with the City's General Plan and subdivision regulations.

PUBLIC NOTICING

The City Council agenda was posted at City Hall and the agenda and this report appear on the City's website. On Friday, May 22, 2020 a public hearing notice was mailed to all property owners within a 500' radius. A public hearing notice was posted at the site on Friday, May 22, 2020

Attachments:

1. Proposed Tentative Map plans
2. Draft Tentative Map Resolution

RESOLUTION NO. 20-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING THE TENTATIVE PARCEL MAP (TM 17-01)
FOR THE 4-LOT SUBDIVISION
LOCATED AT 18081 SARATOGA-LOS GATOS ROAD**

WHEREAS, Annette Seaborn (“Applicant”) has an application with the City of Monte Sereno (“City”) for a tentative parcel map supporting a 4-lot residential development project, on a 0.96-acre site located at 18081 Saratoga/Los Gatos Road and bounded by single-family residential uses to the north, south, and east, and a residence and the Quito Fire Station immediately to the west; and

WHEREAS, the project site is comprised of one existing parcel, Assessor’s Parcel Numbers 410-20-036 (“Subject Property”); and

WHEREAS, the subdivision and redevelopment of the Subject Property consists of 3 single-family residential lots and a private cul-de-sac off of Saratoga-Los Gatos Road; and

WHEREAS, the subject site is designated on the City’s General Plan Land Use Map as Single-Family Residential at a density of 3-5 dwelling units per acre; and

WHEREAS, the subject site is zoned R-1-8 single-family residential; and

WHEREAS, the subject site has an average slope of 13.78% and is subject to the slope density formula to determine the minimum required lot square footage; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387), has prepared an Initial Study to evaluate the potentially significant environmental effects of the Project; and

WHEREAS, THE City, as lead agency recirculated the proposed Mitigated Negative Declaration beginning on February 26, 2020- through March 30, 2020; and

WHEREAS, on June 2, 2020, by Resolution No. 20-XX, the Council adopted the Mitigated Negative Declaration (MND) and adopted a Mitigation Monitoring and Reporting Program (MMRP) in accordance with Section 15070 et seq. of the CEQA Guidelines; and

NOW THEREFORE, BE IT RESOLVED by the City Council of Monte Sereno, as follows:

SECTION 1: The City Council of Monte Sereno hereby specifically makes the following findings as required by the Subdivision Map Act and Monte Sereno Municipal Code Section 13.04.030:

1. The map is consistent with General Plan Land Use designation of Single-Family Residential, 3-5 dwelling units per acre (du/ac);
2. The design of the proposed subdivision is consistent with the General Plan in that with lot sizes in excess of 11,000 square feet it is compatible with the surrounding residential neighborhood with lots in the range of 8,000 square feet to ½ acre;
3. The site is physically suitable for the type of development in that it is developed at a density within the allowable range of 3-4 units on the 0,96 acres;
4. The design of the subdivision or type of improvement is not likely to cause serious public health problems in that an air quality and noise assessment determined that with mitigation measures incorporated the project would have less than a significant impact on public health;
5. The design of the subdivision supports the natural terrain of the subject site with the exception of the front of the site which is being gradually graded to the elevation of Saratoga-Los Gatos Road to better accommodate the new cul-de-sac entering off Saratoga-Los Gatos Road and address the drainage of the site to accommodate surface drainage to flow south off the property into an existing storm drain system instead of north towards adjacent properties on Arlee Drive..
6. While the proposed subdivision does include the removal of trees larger than 6 inches in diameter, many of them are the aged landscape trees from the existing development that are not in good health. Final disposition of the trees will require approval through a separate Tree Removal Permit at the time grading is to occur for the improvement and development of the individual lots, pursuant to Condition of Approval No. 12 and in compliance with Mitigation Measure BIO-3 to avoid impacts from tree removal.
7. The proposed subdivision lies within a designated Scenic Corridor of an official State Scenic Highway (Highway 9); however, the project does not include any service yards or parking areas along the Scenic Corridor. With the exception of the main entrance into the project, all parking and circulation occur within the project out of view from the highway. As demonstrated with the photo simulations, the landscape installation along Highway 9 will grow to sufficient height and will fill in to create a natural landscape buffer between the Corridor and future homes on the site.

SECTION 2: After careful consideration of the MND, comments received and responses thereto, and in reliance on the MND, the City Council of Monte Sereno hereby approves the Project's Tentative Parcel Map, subject to the conditions attached hereto as Exhibit A, and further directs staff to:

1. Apply the adopted MMRP and implement the mitigation measures which

- are included in the Exhibit A conditions of approval; and
2. Prepare and properly file and post a Notice of Determination.

PASSED AND ADOPTED by the City Council of Monte Sereno on **June 2, 2020**
by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

By: _____
Liz Lawler, Mayor

Attest: _____
Gloisy Gonzalez-Langarica, Deputy City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

1. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Monte Sereno.
2. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
3. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans.
4. It is applicant's responsibility to get permits or approvals from all affected agencies or private parties, including, but not limited to, Caltrans, San Jose Water Co., West Valley Sanitation District, and PG&E. A copy of these permits or approval shall be required as part of the building permit application submittal.
5. Prior to or concurrent with Final Parcel Map recordation, developer shall dedicate necessary easements needed to accommodate the project development. The private street shall be designated as a Public Service Easement (PSE), Public Access Easement (PAE), Water Line Easement (WLE), and Emergency Vehicle Access Easement (EVAE).
6. Prior to recordation, a proposed Final Parcel Map shall be submitted for review by the City. The Final Parcel Map shall be presented to the City Council for review and action.
7. Prior to the recordation of the Final Parcel Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
8. Prior to final parcel map recordation, the developer shall obtain design approval, Caltrans permit, and bond for all necessary public improvements along Saratoga-Los Gatos Road, including but not limited to the following:
 - a. Installation of new curb, gutter, walkway, and Accessibility Ramps along entire project frontage on Saratoga Los Gatos Road.
 - b. Install catch basin and 24" storm drain main line crossing Saratoga-Los Gatos Road.
 - c. Install Storm Drain outfall to the drainage ditch along the Saratoga-Los Gatos Road.
 - d. Install new landscaping along the project frontage.

9. Plans for all public and private improvements shall be prepared on Mylar (22"x34" sheets) and developer shall submit a digital format of the Record Drawings upon completion of improvements. All improvements must be in accordance with the City of Monte Sereno's Public Works Standard Details and built to the City Engineer's satisfaction and accepted by the City prior to issuance of any first certificate of occupancy for the project.
 - a. Monuments shall be set per section 13.02.020 of the Monte Sereno Municipal Code including but not limited to setting permanent pipe monuments at all boundary corners, in all street intersections, and at the beginning and ending of curves.
10. Prior to issuance of the first permit to develop the property (i.e. grading, building), developer shall execute a subdivision improvement agreement and post bonds with the City that shall secure the construction of the public and private improvements required by the Conditions. Insurance shall be provided per the terms of the agreement.
11. All public improvements, including but not limited to, curb, gutter, sidewalk, street light and landscaping along project frontage on Saratoga Los Gatos Road shall be designed and installed, at no cost to the City of Monte Sereno, and the future maintenance of these improvements shall be responsibility of the Homeowners Association of the Project.
12. TREES – Any significant trees to be removed, as defined per Section 10.05.015, shall be subject to a Tree Removal Permit prior to issuance of any grading permit and/or site development permit. Trees to be removed should not be approved unless and until required per the approved grading, or the review and approval of a Site Development Permit for individual lots.
13. WATER QUALITY – Prior to issuance of any grading or building permits, a detailed drainage plan shall be approved by the City Engineer. Plans shall:
 - a. Comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the City of Monte Sereno Municipal Code regarding stormwater pollution prevention. Specifically, the project must include source control, site design and treatment measures to achieve compliance with Provision C.3. of the NPDES Permit. Measures may include, but are not limited to, minimization of impervious surface area, vegetated swales, infiltration areas, and treatment devices.
 - b. Include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
14. WATER QUALITY – Prior to recordation of the Final Parcel Map:
 - a. The applicant's designer or engineer shall submit the required certification indicating that sizing, selection, and design of treatment BMP's for the project

site has been completed to meet the requirements of the City of Monte Sereno's NPDES permit, Provision C.3.

- b. A Stormwater Treatment Measures Maintenance Agreement and Stormwater Management Plan shall be submitted to the City Engineer for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Santa Clara County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity. The applicant shall provide the City with proof of recordation.
15. WATER QUALITY – Prior to issuance of any grading or building permits the applicant shall comply with the NPDES General Construction Permit requirements including paying fees, filing a Notice of Intent and providing a Stormwater Pollution Prevention Plan (SWPPP). The applicant shall provide the City with a copy of the filed Notice of Intent and SWPPP. This applies to all projects which disturb a land area of one acre or more. Disturbance, includes grading, filing, grubbing, clearing, vegetation removal, building, demolition etc.
 16. SEWER - The on-site Sewer system is privately owned and maintained by the homeowner association.
 17. WATER - Water service is available from San Jose Water Company; and project is subject to SJWC fees and requirements.
 18. UTILITIES - All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Frontier (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
 19. UTILITIES - All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Street frontages shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
 20. UTILITIES - All utilities shall be designed in accordance with the requirements of the City of Monte Sereno and applicable public agency standards.
 21. All private and public improvements, including the complete installation of all improvements relative to streets, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

22. Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&R's) creating a homeowners association for the proposed residential project shall be reviewed and approved by the Planning Director, City Engineer, and City Attorney. The CC&R's shall describe how landscaping and private road shall be maintained by the association and reference the Stormwater Treatment Measures Maintenance Agreement.

Environmental Conditions

Air Quality

- AQ-1. Future development of the site shall include applicable control measures from the Air District's current air quality plan. These control measures include, but are not limited to, the following:
- a. Provision of internal bicycle facilities with connection to State Route 9;
 - b. Incorporation of solar hot water or solar electricity in the homes;
 - c. Incorporation of "cool roofing" and "cool paving" technologies into the development; and
 - d. Inclusion of shade trees in landscaping plans.
- AQ-2. The following basic construction mitigation measures shall be incorporated into project construction documents:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
 - b. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered;
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
 - d. All vehicle speeds on unpaved surfaces shall be limited to 15 mph;
 - e. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
 - h. Post a publicly visible sign with telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone

number shall also be visible to ensure compliance with applicable regulations.

Biological Resources

- BIO-1 To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (February through August). If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct a preconstruction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey shall be conducted no more than seven (7) days prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 250 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 250 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction would not impact the active nest. Implementation of this mitigation measure will be the responsibility of project site developers.
- BIO-2 To avoid impacting active pallid bat roosts, if present, all vacant buildings proposed for removal that are unoccupied and boarded up at the time of development approval (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as maternity roosts. In addition, any mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. Implementation of this mitigation measure will be the responsibility of project site developers.
- BIO-3 For each tree removed, the developer shall plant a California native tree species with at least a one-to-one replacement ratio on the project site, unless inconsistent with good forestry practices, and obtain a permit prior to removal of any tree, in compliance with the City of Monte Sereno's Tree Preservation Ordinance and/or Subdivision Ordinance. A qualified arborist shall recommend the appropriate replacement ratio and also survey any trees to be preserved, including the trunk diameter, canopy spread, species, condition, and location, and recommend specific steps that must be taken during construction to ensure that those trees are not impacted during construction. Implementation of this mitigation measure will be the responsibility of project

site developers.

Cultural Resources

- CR-1. Due to the remote possibility that significant buried prehistoric cultural resources might be found during construction activities, the following language shall be included in all construction documents associated with development of the project site:

“If prehistoric archaeological resources are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The city shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”

Implementation of this mitigation measure will be the responsibility of project site developers.

- CR-2. In the event of an accidental discovery or recognition of any human remains, the following language shall be included in all construction documents associated with redevelopment of the project site in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Monte Sereno or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The City of Monte Sereno or its authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the City of Monte Sereno or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

Implementation of this mitigation measure will be the responsibility of project

site developers.

Geology and Soils

- GEO-1 Prior to issuance of a grading permit, the applicant shall provide evidence that the recommendations in the February 21, 2017 project geotechnical report are included in the project grading and building plans.
- GEO-2 Prior to issuance of a grading permit, the developer shall submit an erosion control plan to ensure that erosion is controlled during grading and construction activities and does not result in deposition of soil off site.

Noise

- N-1 Prior to issuance of a grading permit, the following measures shall be included in the grading and construction plans:

Operational and Situational Controls

- (1) All work on site should be restricted to 8:00 a.m. to 8:00 p.m. Weekdays, 9:00 a.m. to 8:00 p.m., Saturdays and no work allowed on Sundays and Federal Holidays.
- (2) All construction noise control measures currently imposed on the project shall be maintained unless the measures outlined herein are more restrictive.
- (3) All exterior stationary equipment shall be kept at least 100 ft. from neighboring residential property line unless acoustically shielded.
- (4) No material deliveries are allowed on Sundays or Federal Holidays.
- (5) Cranes shall be located at least 100 ft. from any neighboring residential property line with the exception of cranes or lifts necessary to dismantle scaffolding.
- (6) Locate stockpiles adjacent to residential neighbors as much as possible to help shield residences from on-site noise generation.
- (7) Driveways and other vehicle travel paths shall be graded smooth to minimize vibration and "bangs" from vehicles traveling over rough surfaces.
- (8) Music shall not be audible off site.
- (9) Place long-term stationary equipment as far away from the residential areas as possible.
- (10) Keep mobile equipment (haul trucks, concrete trucks, etc.) off of local streets near residences as much as possible.
- (11) Keep vehicle paths graded smooth as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces. Loud bangs and ground-borne vibration can occur.

- (12) Limit the extent of heavy diesel engine equipment work to less than 10 consecutive days when working within 40 feet of the property lines.

Interior Work

- (1) For interior work, the windows of the interior spaces facing neighboring residences where work is being performed shall be kept closed while work is proceeding.
- (2) Noise generating equipment indoors should be located within the building to utilize building elements as noise screens.

Equipment

- (1) Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- (2) Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.
- (3) Ground Preparation: Use a motor grader rather than a bulldozer for final grading. Wheeled heavy equipment is less noisy than track equipment. Utilize wheeled equipment rather than track equipment whenever possible.
- (4) Building Construction: Nail guns should be used where possible as they are less noisy than manual hammering.
- (5) Generators and Compressors: Use generators, compressors and pumps that are housed in acoustical enclosures rather than weather enclosures or none at all.
- (6) Utilize temporary power service from the utility company in lieu of generators wherever possible.
- (7) All stationary equipment shall be rated no higher than 85 dBA @ 25 feet under the equipment's most noisy condition.
- (8) Circular saws, miter/chop saws and radial arm saws shall be used no closer than 50 feet from any residential property line unless the saw is screened from view by any and all residences using an air-tight screen material of at least 2.0 lbs/square feet surface weight, such as $\frac{3}{4}$ " plywood.
- (9) Use electrically powered tools rather than pneumatic tools whenever possible.
- (10) Mitigation of the construction phase noise at the site can be accomplished by using quiet or "new technology" equipment.
- (11) The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers.
- (12) It is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer.
- (13) All equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engines, drive-trains and

other components. Worn, loose or unbalanced parts or components shall be maintained or replaced to minimize noise and vibration.

- (14) Utilize wheeled equipment rather than tracked equipment whenever possible.
- (15) Diesel vibrating compaction equipment shall not be used within 100 feet of a residential structure.

Noise Complaint Management

- (1) Designate a noise complaint officer. The officer shall be available at all times during construction hours via both telephone and email. Signs shall be posted at site entries.
- (2) Notify, in writing, all residents within 300 feet of the site of construction. The notification shall contain the name, phone number and email address of the noise complaint officer. A flyer may be placed at the doors of the residences.
- (3) A log of all complaints shall be maintained. The logs shall contain the name and address of the complainant, the date and time of the complaint, the nature/description of the noise source, a description of the remediation attempt or the reason remediation could not be attempted.