

**DRAFT**

**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 ~~17101 Hicks Road and 14045 Shannon and Hicks Roads~~ (Santa Clara County Assessor Parcel Numbers ~~537-18-001, 567-24-008 and 567-23-041~~ **567-24-010 through 025**) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from ~~RC (Resource Conservation) and 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 ~~this Ordinance 2097~~ **is hereby amended to** 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. Revised grading shown on the plan attached as Exhibit D.
7. Ordinance 2087 is hereby repealed.

**DRAFT**

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 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

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

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.

- 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.

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.

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

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 ow 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

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.

- 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

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.

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on \_\_\_\_\_, 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 effect 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

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**PLANNING COMMISSION - APRIL 12, 2006**  
**REQUIRED FINDINGS FOR:**

17101 Hicks Road

Planned Development Application PD-06-04

Requesting approval to modify an approved Planned Development to modify the grading for lots 6 through 11 (287, 289, 291, 293, 297 & 299 Mountain Laurel Lane) on property zoned HR-5:PD. APNS 537-18-001, 567-23-042 and 567-24-008.

PROPERTY OWNER/APPLICANT: GHC Shannon Valley Ranch, LLC

**FINDINGS**

*Required consistency with the Town's General Plan:*

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

NADEV\FINDINGS\Hicks17101-PDA.wpd



**Greenbriar Homes Communities<sup>SM</sup>**

*The Premier Living Experience*

**RECEIVED**

**FEB 28 2006**

February 27, 2006

TOWN OF LOS GATOS  
PLANNING DIVISION

Ms. Suzanne Davis  
**TOWN OF LOS GATOS**  
110 East Main Street  
Los Gatos, CA 95031

**RE: RETAINING WALL MODIFICATION FOR PD PERMIT NUMBERS:**

<b>LOT 6</b>	<b>B04-0752</b>	<b>LOT 9</b>	<b>B04-0526</b>
<b>LOT 7</b>	<b>B04-0528</b>	<b>LOT 10</b>	<b>B04-0753</b>
<b>LOT 8</b>	<b>B04-0527</b>	<b>LOT 11</b>	<b>B04-0754</b>

Dear Suzanne:

The purpose of this letter is to provide background information and justification for Greenbriar's PD Amendment proposal of February 2, 2006. In that proposal, Greenbriar wishes to add retaining walls in the rear yards of Lots 6, 7, 8, 9, 10 and 11.

Greenbriar's history with the Hicks property dates back to 1998, when it started processing approvals to build what ultimately will be 13 homes on an 80 acre parcel. During the approval process, there were numerous public meetings to discuss all aspects of construction, including fine grading.

As the project has evolved, and grading operations were completed, it became apparent that the spaces created in the rear yard of some of the homes appeared to be inadequate for the type and scale of house being constructed. Under further consideration and after review of the completed graded product, Greenbriar feels the request for additional retaining walls is a natural consequence following the completion of mass grading. Given the final topography of these lots, Greenbriar has received considerable feedback from prospective homeowners that there is a need to "capture" additional space in the rear yards. We believe that this proposal should be considered for the following reasons:

- 1) The retaining walls as proposed would only extend into slopes that were previously disturbed. No natural terrain would be touched.

**RECEIVED** Project No.  
FEB 28 2006 4502.5.100.01

February 24, 2006

Mr. Tim Stanley  
Greenbriar Homes Communities  
43160 Osgood Road  
Fremont, CA 94539

TOWN OF LOS GATOS  
PLANNING DIVISION

Subject: Shannon Valley Ranch  
Los Gatos, California

### REAR YARD SITE RETAINING WALLS

- References:
1. ENGEO Inc.; Geotechnical Exploration, Lands of Kring and Hamilton, Los Gatos, California; June 19, 1998; Project No. 4502-W1.
  2. ENGEO Inc.; Review of Grading Plans, Shannon Valley Ranch, Los Gatos, California; July 23, 2004; Project No. 4502.5.100.01.

Dear Mr. Stanley:

As requested, we are providing geotechnical information for rear yard retaining walls within your Shannon Valley Ranch project in Los Gatos, California. The purpose of our letter is to discuss the proposed improvements and provide recommended design criteria and construction considerations.

### PROPOSED IMPROVEMENTS

Exterior site retaining walls, up to a maximum of 4 feet in exposed height, are planned for construction at the rear of Lots 6 through 11 prior to homeowner occupancy. The subject walls are intended to enlarge the rear yard area by cutting into the toe of the existing rear cut and/or engineered fill slopes. The walls behind Lots 7 through 11 are anticipated to be single walls up to 4 feet in exposed height. The wall system behind Lot 6 may be a terraced wall system, with each wall up to 4 feet in exposed height. The general configuration at the wall locations, therefore, consists of level terrain in front of the wall system with 2:1 (horizontal:vertical) or flatter backfill slope conditions.

For the given locations and heights, construction of the subject unrestrained walls is geotechnically suitable, provided the walls are appropriately designed by a Structural Engineer and constructed, backdrained, and backfilled with engineered fill under the observation of a qualified Geotechnical Engineer. The following provides recommended soil criteria for use in foundation and stem design of the subject retaining walls.

### DESIGN CRITERIA

Unrestrained drained retaining walls less than 10 feet in vertical height and constructed on level ground may be designed for active equivalent fluid pressures determined as follows.

Exhibit E

### CONSTRUCTION CONSIDERATIONS AND OBSERVATIONS

All backfill should be placed in accordance with the recommendations provided in the referenced reports. Light equipment should be used during backfill compaction to minimize possible overstressing of the walls.

If footing-supported walls are planned, it is important that footing excavations be observed and approved by ENGEEO prior to placement of steel reinforcement. The footings will be observed and approved for minimum embedment depth, general configuration, cleanliness, and bearing soils.

If pier-supported walls are planned, it is important that pier drilling be observed and approved by ENGEEO. Additionally, the pier layout should take into consideration subdrain lines that may have been installed during mass grading activities. Prior to pier drilling, a field survey should be performed to stake subdrain lines in proximity to the walls, and ENGEEO should review the layout of the walls. If a subdrain line is encountered during drilling activities, pier drilling should be terminated at that location, and appropriate methods to adjust the pier layout and repair the severed line should be determined. Pier drilling and concrete placement should be coordinated so that pier holes are left open a minimum amount of time. Pier holes should not be allowed to desiccate visibly before placing concrete. Pier holes should be cleaned of loose materials, and any water at the base of the pier hole should be pumped prior to concrete placement, or displaced during concrete placement using the tremie method. The contractor should also consider placing concrete into the pier shaft by inserting the pumper hose down into the pier shaft to avoid dislodging soil from the sidewalls.

### CLOSING

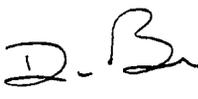
The design calculations and wall locations should be reviewed by ENGEEO prior to construction to determine if the designs incorporated the information provided herein and those in the referenced reports.

However, from a geotechnical standpoint and for the given locations and planned heights, construction of the proposed rear yard site walls is suitable, provided the walls are appropriately designed by a Structural Engineer and constructed, backdrained, and backfilled with engineered fill under the observation of a qualified Geotechnical Engineer.

If you have any questions, please call.

Very truly yours,

ENGEEO INCORPORATED

  
Julia A. Moriarty, P.E.  
jam/jb:retwalls



Reviewed by:

  
Paul C. Guerin, GE

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

Los Gatos Planning  
Commissioners:

Phil Micciche, Chair  
John Bourgeois  
Michael Kane  
Tom O'Donnell  
Lee Quintana  
Steve Rice  
Joanne Talesfore

Assistant Director of  
Community Development:

Randy Tsuda

Town Attorney:

Orry Korb

Transcribed by:

Vicki L. Blandin  
(510) 526-6049

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

CHAIR MICCICHE: We're going to open up Item #4.  
This 17101 Hicks Road, Planned Development Application PD-06-04, requesting approval to modify an approved Planned Development to modify the grading for lots #6 through #11 and the lot numbers are listed on Mountain Lane, on property zoned HR-5:PD, APNS 537-18-001, 567-23-042, and 567-24-008. Is the applicant here?

TIM STANLEY: Yes.

CHAIR MICCICHE: Go ahead.

TIM STANLEY: Members of the Commission, I'm Tim Stanley with Greenbriar Homes. I represent the developer. We feel the Staff Report is actually very complete; there are just a few points of the report that we want to emphasize.

First of all, the retaining walls themselves that we are proposing are professionally engineered and will be professionally inspected by third party structural and third party soil engineers. There will be a full sub-drain behind the retaining walls; I know there was a question

LOS GATOS PLANNING COMMISSION 4/12/2006  
Item #4, 17101 Hicks Road

LOS GATOS PLANNING COMMISSION 4/12/2006  
Item #4, 17101 Hicks Road

1 acceptable type of finish, and the color of the wall, which  
2 we would design to blend in with the hillside.

3 COMMISSIONER TALESFORE: In your letter, that's  
4 Exhibit D?

5 TIM STANLEY: Yes.

6 COMMISSIONER TALESFORE: You state that, "The  
7 grading options were completed. It became apparent that the  
8 spaces created in the rear yard of some of the homes  
9 appeared to be inadequate for the type and scale of housing  
10 being constructed."

11 TIM STANLEY: Yes.

12 COMMISSIONER TALESFORE: So could you explain to  
13 this commission then what you consider a rear yard or a  
14 backyard to constitute in your definition? And by the way,  
15 I did visit the site.

16 TIM STANLEY: What I was trying to describe in  
17 the letter, and maybe I didn't do as good a job as I would  
18 like, is that the individual property parcels and the rear  
19 yards, the average size is in the order of magnitude of two  
20 acres. However, the rear usable area of the lots behind the  
21 house, which are of a fairly large size, 4,000-plus square  
22 feet, are relatively small for the size and scale of the

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1 home that we have in terms of the utility that a typical  
2 homeowner might expect for this type of home.

3 And the reality was as we have toured prospective  
4 homeowners out to the project site, our experience has  
5 been, and I would ask the staff to comment on it as well,  
6 is that typically homeowners might be looking to augment  
7 the usable square footage in the rear yards of these homes.

8 What we're offering the Town is an opportunity to  
9 install some permanent construction to kind of set the  
10 boundaries for the usable square footage in such a way  
11 that's controllable for the quality physically and the  
12 aesthetic quality of construction for retaining walls,  
13 which are permanent.

14 COMMISSIONER TALESFORE: When I walked out there,  
15 my view of the backyard was totally taken over by the  
16 hillside. That is the backyard. It is absolutely right  
17 there in your face. I don't know if Greenbriar employs any  
18 landscape architects, but do you think a landscape  
19 architect could probably work with the yards that are  
20 there? I thought they looked very usable.

21 TIM STANLEY: What we would think would happen in  
22 a circumstance like this is that a landscape architect  
23 would come in and they would probably propose installing  
24

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1 TIM STANLEY: Yes, I believe that is Lot #6,  
2 where we already have a single retaining wall approved and  
3 we're proposing an additional one.

4 COMMISSIONER O'DONNELL: Because when I looked at  
5 what you gave us this evening, the double retaining wall on  
6 page three of your exhibit strikes me as not particularly  
7 attractive, and so I can be sympathetic I think to the fact  
8 that if I bought a home out there I probably would be  
9 coming in saying, Gosh, I need some more flat space. And I  
10 like the idea that if that if you folks do it, it will  
11 probably get uniformly done and probably better than most  
12 homeowners would do it, so that's all kind of persuasive.

13 But I just am troubled, and I'm not saying it's  
14 you, but I'm trying to get some thoughts on it, this double  
15 retaining wall may be something you have to do if you're  
16 going to do anything, I don't know. You were very honest,  
17 and I appreciate your giving (inaudible).

18  
19 TIM STANLEY: I was trying to be more descriptive  
20 about what a double retaining wall might look like just for  
21 the purposes of the Town. The actually steepness of the  
22 slope in this particular case is much greater than what we  
23 might see beyond Lot #6. In Lot #6 we might be able to  
24 illustrate that in greater detail for the Council in that  
25

1 circumstance to see whether or not they would be okay with  
2 it.

3  
4 This idea is that these walls are intended to  
5 really project themselves only slightly above the actual  
6 existing grade that we have out there. When you come down  
7 from the top of the V-ditch down the slope, they really cut  
8 into the hillside.

9 Obviously these are walls that are in their  
10 infancy. You can see that the rear yard is not even  
11 landscaped at this particular point in time. The intention  
12 is that these walls are landscaped in between in the front,  
13 and I would point you to the first two pictures; they kind  
14 of illustrate what might happen after about a year.

15 I'd also make the point that at the end of the  
16 day we have made the assertion, and I think if you've been  
17 out to the project to see, that these walls would not be  
18 visible to anyone other than the individual homebuyer.

19 COMMISSIONER O'DONNELL: I'm just wondering for  
20 example, I agree with you that the hillside in the  
21 photograph you gave us tonight appears to be more acute  
22 than what we're looking at in #6, and therefore it does  
23 seem to me that if you put a 4' retaining wall closest to  
24

1 TIM STANLEY: I just say that that is the maximum  
2 height, and I don't have off the top of my head what the  
3 individual heights of the walls are around the back of Lot  
4 #6.

5 CHAIR MICCICHE: Commissioner Bourgeois.

6 COMMISSIONER BOURGEOIS: Thank you. I did go out  
7 to the site this weekend and I walked all the lots in  
8 question, and out in the field I can understand what you're  
9 trying to do; it makes sense, it's logical.

10 But what I keep coming back to is I wasn't here  
11 on the first approvals, but my understanding of the history  
12 of this project, there was a lot of back and forth, there  
13 was a lot of compromise on both sides, there was concern  
14 expressed about the quantity of grading. We're looking at  
15 850 cubic yards, not much, but in the original project  
16 there was a lot of concern about the quantity of material  
17 that was being moved.

18 The question that keeps coming back in my mind is  
19 didn't your marketing research and experience show... Why  
20 is this a surprise that these backyards are all of a sudden  
21 too small? Why wasn't that caught the first time around?  
22 That to me keeps coming back as a nickel here, a nickel  
23  
24  
25

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1 there, but why wasn't that caught when this whole thing was  
2 under such scrutiny?

3 TIM STANLEY: I as well was not there for the  
4 public approval process initially to be able to correctly  
5 answer that. The only thing I can tell you is that really  
6 we've worked hand in hand with Staff on the site since  
7 we've started to develop it.

8 It was an issue that came up when we graded;  
9 that's when we discovered it, when it really became visual  
10 to us. We are professional developers, but we are not  
11 perfect. But I can tell you that it was not, at least from  
12 my understanding, something that we were kind of holding in  
13 our pocket to come back to the Planning Commission later on  
14 down the road, at least from my perspective. But we just  
15 saw it when we saw it, and it became pretty apparent.

16 We're fairly on through the project, but  
17 discussions with Staff started occurring when the project  
18 was graded almost a year ago. We had numerous discussions  
19 about how to pursue this, what the appropriate way was, and  
20 after that discussion Staff felt most comfortable pursuing  
21 a PD amendment, and that's why we're here.

22 CHAIR MICCICHE: Okay. Commissioner Kane.  
23 Commissioner Quintana.  
24  
25

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