

**LAFCO MEETING
AGENDA**

**Wednesday, June 9, 2004
1:15 p.m.**

**Chambers of the Board of Supervisors
70 West Hedding Street, First Floor, East Wing
San Jose, CA 95110**

CHAIRPERSON: Susan Vicklund-Wilson

COMMISSIONERS: Donald F. Gage, Linda J. LeZotte, Blanca Alvarado, John Howe

ALTERNATES: Pete McHugh, Chuck Reed, Terry Trumbull, Roland Velasco

The items marked with an asterisk (*) are included on the Consent Agenda and will be taken in one motion. At the beginning of the meeting, anyone who wants to discuss a consent item should make a request to remove that item from the Consent Agenda.

If you wish to participate in the following proceedings, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, in the proceeding that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Pursuant to Government Code Sections 56700.1 and 81000 et seq., any person or combination of persons who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Santa Clara County LAFCO and will require an election must comply with the disclosure requirements of the Political Reform Act of 1974 which apply to local initiative measures. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information about the requirements pertaining to the local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

- 1. ROLL CALL**
- 2. WELCOME NEW COMMISSIONERS**
- 3. RESOLUTION OF COMMENDATION FOR COMMISSIONER MARY LOU ZOGLIN**
- 4. PUBLIC PRESENTATIONS**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda. Speakers are limited to

THREE minutes. All statements that require a response will be referred to staff for reply in writing.

- 5. **APPROVE MINUTES OF APRIL 7, 2004 MEETING**
- 6. **APPROVE CORRECTION TO MINUTES OF FEBRUARY 11, 2004 MEETING**
- 7. **APPROVE CONSENT CALENDAR**
 - 7.1* **WEST VALLEY SANITATION DISTRICT 2004-02 (FORRESTER ROAD)**

A petition by landowners to annex approximately 2.89 acres (APN 537-21-008) located at 237 Forrester Road in Los Gatos into the West Valley Sanitation District.

PUBLIC HEARINGS

- 8. **SARATOGA 2004 USA AMENDMENT (BIG BASIN WAY)**

A request by the City of Saratoga to amend its urban service area (USA) to include two parcels (APNs 503-48-028 and 029).
Possible Action: Consider the request for USA amendment and staff recommendation.
 - 9. **FINAL LAFCO BUDGET FOR FISCAL YEAR 2004-2005**

Possible Action: Consider and adopt the Final LAFCO Budget for fiscal year 2004-2005.
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- 10. **EXECUTIVE OFFICER'S REPORT (Oral Report)**
 - 10.1 **Update on Countywide Water Service Review**
For Information Only.
 - 10.2 **Update on Measure P and Holiday Lake Estates Issues**
For Information Only.
 - 10.3 **Update on Mid-Peninsula Regional Open Space District's Annexation of Coastal Lands in San Mateo County**
For Information Only.
 - 10.4 **Report back on 2004 CALAFCO Clerks and Staff Workshop**
For Information Only.
 - 10.5 **2004 CALAFCO Annual Conference (September 8-10, 2004) in Anaheim, CA**
Possible Action: Authorize LAFCO Commissioners and staff to attend the workshop and authorize travel expenses funded by LAFCO budget.
 - 10.6 **LAFCO Staffing Changes**
For Information Only.

12. UPDATE ON PENDING LEGISLATION (Oral Report)

Possible Action: Consider information on pending legislation and authorize letters of support or opposition, as necessary.

13. PENDING APPLICATIONS (Information Only)

11.1 Petition for Formation of Redwood Estates Community Services District

14. WRITTEN CORRESPONDENCE

15. ADJOURN

Adjourn to the next regular business meeting on Wednesday, August 11, 2004.

NOTE TO COMMISSIONERS:

Upon receipt of this agenda, please contact LAFCO Clerk, Lena Vasquez at (408) 299-6415 if you are unable to attend the LAFCO meeting.

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 24 hours prior to the meeting at (408) 299-4321, TDD (408) 993-8272.

Local Agency Formation Commission of Santa Clara County

MINUTES OF LAFCO MEETING WEDNESDAY, APRIL 7, 2004 (Revised Copy)

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes the 7th day of April 2004 at 1:20 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California, with the following members present: Chairperson Susan Vicklund Wilson, Commissioners Donald Gage, Linda J. LeZotte and Mary Lou Zoglin. The following member absent: Commissioner Blanca Alvarado.

The LAFCO staff in attendance includes Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; Dunia Noel, LAFCO Analyst; and Ginny Millar, LAFCO Surveyor.

The meeting is called to order by Chairperson Wilson and the following proceedings are had, to wit:

2. PUBLIC PRESENTATION

There are no public presentations.

3. APPROVE MINUTES OF FEBRUARY 11, 2004 MEETING

On motion of Commissioner Gage, seconded by Chairperson Wilson, it is unanimously ordered that the minutes of February 11, 2004 be approved, as submitted.

4. APPROVE CONSENT CALENDAR

On motion of Commissioner Gage, seconded by Chairperson Wilson, it is unanimously ordered that the consent calendar be approved to include in Item No. 4.1.

4.1* WEST VALLEY SANITATION DISTRICT 2004-01 (SUVIEW DRIVE: LANDS OF DONNELLY)

On motion of Commissioner Gage, seconded by Chairperson Wilson, it is unanimously ordered that the annexation to the West Valley Sanitation District of a parcel (APN 537-24-026) with a total area of approximately 15.053 acres, located on the west side of Suview Drive and south side of Shannon Road in Los Gatos, designated as West Valley Sanitation District

Annexation 2004-01, be approved (LAFCO Resolution No. 04-04) and the protest proceedings be waived.

5. **ADOPTION OF THE FINAL COUNTYWIDE FIRE PROTECTION SERVICE REVIEW REPORT AND RESOLUTION MAKING DETERMINATIONS**

Neelima Palacherla, LAFCO Executive Officer, reports that the draft Fire Protection Service Review Report was distributed and comments were received from the public and various agencies. The consultants have responded to comments and she notes that the comments and responses were included in the packets that were distributed to cities and agencies and posted on the LAFCO Website. She states that responses and corrections based on the comments will be included in the final Service Review report. Service review determinations were slightly revised since the draft report was published and are included in the staff report. She points out that state law requires that LAFCO make determinations on nine evaluation categories.

Ms Palacherla continues by stating that at a previous LAFCO meeting, the Commission requested staff to provide additional information on the implementation of the alternatives. She states that five key issues were identified regarding fire services in Santa Clara County. The first issue is relative to providing fire protection services to areas that are outside the fire district or fire agency's boundaries. She comments that there are several remote areas in Santa Clara County that are not within fire district jurisdiction. She reports that the second issue is in South County. Due to specific factors relating to growth protection and geographical separation from other parts of the County, it may be beneficial to have regional service providers in South County.

Ms Palacherla advises that the third issue is regarding the area surrounding Saratoga and service being provided by two agencies, Saratoga Fire District and Central Fire District. The fourth issue is to review regional approaches in providing fire support services and emergency communications for the different fire agencies in the County. Finally, Ms Palacherla reports that the last issue is to determine if there are any inefficiencies in fire service to the Los Altos Hills area.

In terms of implementation of the options identified, Ms. Palacherla advises that LAFCO has the ability to initiate and take lead action only on the Saratoga and Los Altos Hills County Fire Protection issues. The two issues that would require LAFCO approval but which LAFCO could not initiate include the regional fire protection issue in South County and the issue

regarding service to under protected areas. LAFCO would have no authority over the issue relative to regional approaches for fire service support which could be addressed through a Joint Powers Authority. She concludes by stating that the next step is for LAFCO to begin the sphere review and updates for the four fire districts. In response to an inquiry by Ann Walton Smith, Mayor of Saratoga, regarding further clarification on the Saratoga alternatives, Ms Palacherla responds that LAFCO cannot initiate the detachment of the City of Saratoga from County Fire and annex to Saratoga Fire.

In response to an inquiry by Chairperson Wilson regarding what action needs to be taken on this agenda item, Ms Palacherla responds that the staff report lists the recommendations for Commission action and notes that comments at the public hearing should be considered.

On motion of Commissioner Gage, seconded by Chairperson Wilson, it is unanimously ordered that the Countywide Fire Protection Service Review Final Report and resolution making determinations be approved.

6. PROPOSED LAFCO FEE SCHEDULE REVISION

Ms Palacherla reports that staff proposes revising the LAFCO fees and that the last revision to the fee schedule was in June 2002. She explains that since that time, staff costs have risen and that some of the current fees under estimated staff time spent on applications. She points out that the staff report shows the changes in hourly rates and that the report provides detailed information on how staff arrived at the fees.

Regarding district formations and incorporations, Ms. Palacherla informs the Commissioners that staff is proposing a mandatory pre-application meeting due to complicated issues involved. She states that if LAFCO receives approximately the average number of applications received in the past five years, the new fee schedule would generate a 50 percent increase in revenues. If the fee schedule were adopted, the effective date would be June 1, 2004.

On motion of Commissioner LeZotte, seconded by Commissioner Gage, it is unanimously ordered that the proposed LAFCO fee schedule revision be adopted.

7. PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2005

Ms Palacherla states that the budget sub-committee consists of Commissioners Gage, Zoglin and LAFCO staff and recommends approval of the draft budget for fiscal year 2005. She states that the budget is approximately \$600,000 which is slightly higher than last year. There are no proposed increases in staffing or program costs. Increases are due to additional overhead

and staffing costs transferred from the County to LAFCO. Staff is projecting to collect higher revenues due to fee revisions and savings from the balance of last year's fund.

Ms Palacherla advises that the net cost for operating LAFCO would be \$382,846 of which \$191,000 will be paid by the County, \$96,000 will be paid by City of San Jose and the balance of \$96,000 will be paid by the remaining cities. She advises that LAFCO is required to submit a draft budget by May 1, 2004 and that the final budget is due June 15, 2004. Further, she adds that the final budget is likely to be slightly different as staff salaries may be lowered by two to three percent. She states the final budget public hearing will be held at the June 9, 2004 LAFCO meeting and that, in the interim, the budget will be forwarded to the cities.

On motion of Commissioner Zoglin, seconded by Commissioner Gage, it is unanimously ordered that the proposed LAFCO Budget for fiscal year 2005 be adopted.

8. UPDATE ON COUNTYWIDE WATER SERVICE REVIEW

Dunia Noel, LAFCO Analyst, informs the Commission that the consultant selection committee interviewed three consultant firms to conduct the Countywide Water Service Review. It was determined that Dudek & Associates with Crosthwaite Consulting will perform the service review and that staff anticipates completion of the service review by the end of this year. LAFCO staff and representatives from the Santa Clara Valley Water District are compiling information on various water providers by way of electronic questionnaire and that it was sent to districts and cities in the County.

Ms. Noel comments that there is a Technical Advisory Committee (TAC) consisting of LAFCO staff, Chairperson Wilson and different water service providers. The TAC was formed in February of this year and will serve as liaison between LAFCO and agencies and serve as a technical resource for the service review. Ms. Noel concludes by stating that LAFCO staff will keep the Commission abreast of the progress on the water service review.

9. UPDATE ON ISLAND ANNEXATIONS IN SANTA CLARA COUNTY

Ms. Palacherla provides an update on island annexations by cities in Santa Clara County. She notes that in February, Cupertino annexed one of the most fragmented pockets, Monta Vista, and that the only pocket remaining in Cupertino is Creston.

Further, Ms. Palacherla notes that Los Gatos initiated annexation of a portion of the Blossom Hill Manor pocket. Due to the amount of protest, the approval of the annexation will be subject to majority vote in an election in November. Ms Palacherla states that the City of

Campbell has expressed some interest to the County Planning Office about annexing entire pockets.

10. LEGISLATIVE REPORT

Ms Palacherla reports on pending legislation affecting LAFCO and refers to the CALAFCO legislative report. She summarizes the bills most relevant to Santa Clara LAFCO -- Assembly Bills 2634 and 2067 and Senate Bill 1266.

11. PENDING APPLICATIONS

11.1 PETITION FOR FORMATION OF REDWOOD ESTATES

Ms. Palacherla informs the Commission that LAFCO has received the petition for formation of the Redwood Estates Community Services District. The District is near Summit Road and is currently being served by the Redwood Estates Mutual Water Company. She reports that the petition has been sent to the Registrar of Voters for signature verification and that she will keep the Commission informed of the status of this application.

12. WRITTEN CORRESPONDENCE

There is no written correspondence.

13. ADJOURNMENT

On motion of the Chairperson, there being no objection, the meeting is adjourned at 1:57 p.m. to the next regular meeting to be held on Wednesday, June 9, 2004 at 1:15 in the Chamber of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Susan Vicklund-Wilson, Chairperson
Local Agency Formation Commission

ATTEST:

Lena Vasquez, LAFCO Clerk

REPORT OF THE EXECUTIVE OFFICER

Type of Application: Annexation to the West Valley Sanitation District (WVSD)
Designation: WEST VALLEY SANITATION DISTRICT 2004-02 (FORRESTER RD.)
Filed By: Landowner Petition (100% Consent)
Supported By: WVSD, per Resolution No. 04.05.12 dated May 12, 2004
LAFCO Meeting Date: June 9, 2004

1. REVIEW OF PROPOSAL:

a. Acreage and Location of Proposal:

The proposal consists of approximately 2.89 acres (APN: 537-21-008) and is located at 237 Forrester Road in the Town of Los Gatos.

b. Proposal is Inhabited Uninhabited

c. Are boundaries Definite and Certain? Yes No

d. Does project conform to Sphere of Influence? Yes No

e. Does project create island, corridor or strip? Yes No

f. Does project conform to road annexation policy? Yes No

g. Does project conform to lines of assessment? Yes No

If no, explain _____

h. Present land use: Single Family Home

i. Proposed land use: Same

j. Involves prime agricultural land or Williamson Act land? No

2. ENVIRONMENTAL REVIEW:

The Town of Los Gatos is the Lead Agency and has prepared a Mitigated Negative Declaration,

3. SUGGESTED CONDITIONS OR OTHER COMMENTS:

None

4. PROTESTS:

None

5. CONSENT TO WAIVE PROTEST PROCEEDINGS (received from the following):

1. Town of Los Gatos
2. West Valley Sanitation District

6. RECOMMENDATIONS:

1. Approve annexation to the West Valley Sanitation District (WVSD) of area depicted in Exhibit A & B.
2. Waive protest proceedings.
3. Take CEQA action as recommended in the LAFCO Analyst Report (Attachment 1).

By: _____

Date: _____

Neelima Palacherla, Executive Officer

EXHIBIT "A"

LEGAL DESCRIPTION
PROPOSED ANNEXATION TO THE WEST VALLEY SANITATION DISTRICT
W.V.S.D. 2004-2, FORRESTER ROAD (APN 537-21-008)
SANTA CLARA COUNTY, CITY OF LOS GATOS, CALIFORNIA

APRIL 20, 2004

Being all that certain real property designated as "Parcel One" within that certain Grant Deed, whereas Yves Audebert and Gia Audebert, Husband and Wife as Joint Tenants grants to Yves L. Audebert and Gia Audebert, Husband and Wife as Joint Tenants, Document: 14793800, recorded May 6, 1999 Official Records in the office of the Recorder of Santa Clara County, State of California, said "Parcel One" is as shown on that certain "Record of Survey of Land of Geo. Davis", filed and recorded April 29, 1953 in Book 43 of Maps at Page 12, Official Records in the office of the Recorder of Santa Clara County, State of California, said "Parcel One" being more particularly described as follows:

BEGINNING at a point on the easterly line of a 4.796 acre tract of land as described in that certain grant deed to Katherine Hayes, recorded April 20, 1951 in Book 2195 at Page 394, Official Records in the office of the Recorder of Santa Clara County, State of California, being the southwesterly corner of a 2.95 acre tract of land as described in that certain grant deed to V. G. Sutton, et ux, recorded April 14, 1954 in Book 2853 at Page 436, Official Records in the office of the Recorder of Santa Clara County, State of California, being the northwesterly corner of the herein described "Parcel One"; Thence from said beginning point as described herein, South 89° 52' 00" East along the southerly line of said 2.95 acre tract of land, 541.50 feet to the southeasterly corner of said 2.95 acre tract of land, being the northeasterly corner of the herein described "Parcel One"; thence South 01° 59' 00" West 234.46 feet to the southeasterly corner of the herein described "Parcel One"; thence North 89° 56' 00" West 528.00 feet to a point on the easterly line of said 4.796 acre tract of land being the southwesterly corner of the herein described "Parcel One"; thence North 01° 19' 00" West along the easterly line of said 4.796 acre tract of land, 235.00 feet to the southwesterly corner of said 2.95 acre tract of land being the northwesterly corner of the herein described "Parcel One" and the **POINT OF BEGINNING**.

Containing 125,453 square feet of land (2.88 acre), more or less.

The westerly and southerly line of said "Parcel One" as described within this legal description is contiguous and adjacent to the existing West Valley Sanitation District Boundary as established by Resolution recorded in Book 1699, Pages 197-204, Official Records in the office of the Recorder of Santa Clara County, State of California

This description is based on record information. The Basis of Bearings is that as referenced within said Document: 14793800. The attached Plat Map is made a part of this description and shows the intent of this description.



Exhibit B

(S 89°52'00" E
S89°52'00"E



APN 537-21-14

APN 537-21-15
PARCEL B
R/S - 201 M 48

(S 07°45'00" W 236.91')
N07°49'57"E 236.96'

(N 01°34'34" E 234.89')
S01°40'00"W 234.91'

P.O.B.

S89°52'00"E 319.45'
(S 89°52'00" E 541.50')

(222.05')
S89°52'00"E 222.02'

APN 537-21-10

(N 01°19'00" W 235.00')
S01°19'00"E 235.00'

APN 537-21-08
R/S - 43 M 12
AUDEBERT
(14793800)
237 FORRESTER ROAD
2.88 ACRES±
(125,453 SQ FT±)

(N 01°59' E 234.46')
S01°58'21"W 234.43'

S89°56'00"E 528.00'
(S 89°56'00" E 528.00')

EXISTING WEST VALLEY SANITATION DISTRICT
BOUNDARY AS ESTABLISHED BY RESOLUTION
(BOOK 1699, PAGES 197-204, OFFICIAL
RECORDS OF SANTA CLARA COUNTY)

APN 537-21-24
239 FORRESTER ROAD

40' RIGHT OF WAY

FORRESTER RD

PRIVATE ROAD

20' RIGHT OF WAY

--- BOUNDARY LINE OF PROPOSED ANNEXATION
- - - EXISTING DISTRICT BOUNDARY
- - - RIGHT OF WAY

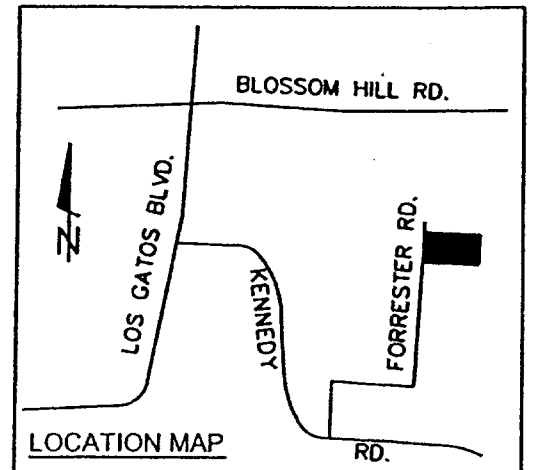


EXHIBIT B



PROPOSED ANNEXATION

TO: WEST VALLEY SANITATION DISTRICT
ENTITLED: W.V.S.D. 2004-2, FORRESTER ROAD
LOS GATOS CALIFORNIA

DRAWN BY
SAR
CHECKED BY
RWA
DATE
4/20/04
SCALE
1"=100'



ENGINEERS ● SURVEYORS ● PLANNERS ● LANDSCAPE ARCHITECTS

3440 VINCENT ROAD, PLEASANT HILL, CA 94523
(925) 975-1550 FAX: (925) 256-1250

Date prepared: May 26, 2004

Hearing Date: June 9, 2004

To: The Santa Clara County Local Agency Formation Commission

From: Dunia Noel, LAFCO Analyst *DN*

Subject: West Valley Sanitation District Annexation 2004-02 (Forrester Drive)

Recommended CEQA Action:

As a Responsible Agency under CEQA, LAFCO must take the following actions regarding the Negative Declaration for any project approved by the Commission:

1. Find that [a] the *Initial Study and Mitigated Negative Declaration* approved by the City of Los Gatos was completed in compliance with CEQA and is an adequate discussion of the environmental impacts of the project, [b] prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as shown in the *Initial Study and Mitigated Negative Declaration*.
2. Find that the Town of Los Gatos submitted a monitoring program, and that the monitoring program ensures compliance with the mitigation measures identified in the *Mitigated Negative Declaration* that would mitigate or avoid significant impacts associated with the annexation to the West Valley Sanitation District, over which LAFCO has responsibility.

Background

A property owner has petitioned LAFCO for approval to annex a 2.89 acres parcel into the West Valley Sanitation District. The parcel (Assessor Parcel No. 537-21-08) is located at 237 Forrester Road in the Town of Los Gatos. The property is located on a hillside between Forrester Road and Wooded View Drive, and approximately 400 feet northeast from the east end of Forrester Road. From the end of Forrester Road, a private road extends approximately 700 feet to the north and then turns southeastward for another 300 to 400 feet. This private road provides access to a total of three homes.

On July 9, 2003, the Planning Commission of the Town of Los Gatos approved the replacement of the single-family home that currently exists on the property with a new single family home. The home is currently served by a septic tank. One of the Town's conditions of approval was for the parcel to be annexed into the West Valley Sanitation

District. According to the applicant, the sewer line would be extended from the end of Forrester Road to the proposed home. Two adjacent parcels are already within the West Valley Sanitation District.

The parcel is located within the town limits, urban service area and sphere of influence of the Town of Los Gatos. The 2.89 acres parcel is currently zoned HR 2-1/2 (Hillside Residential – 2.5 acres to 10 acres minimum lot size, based on slope density). Since the proposed single-family residence would be located on a 2.89-acre site, it would be consistent with the densities allowed by the Town of Los Gatos' Zoning Ordinance. The Los Gatos General Plan designates the project site as "Hillside Residential" and this designation allows for residential uses at densities of zero to one unit per acre. Since the site is 2.89 acres, the General Plan could allow up to two single-family residences and the proposed single-family residence would be within allowable densities. The parcel is located within West Valley Sanitation District's Sphere of Influence. The applicants are not proposing any change to the existing zoning or general plan designations.

Environmental Assessment

A Mitigated Negative Declaration was prepared for the project and adopted by the Town of Los Gatos on July 9, 2003. The applicant has submitted a mitigation monitoring program adopted by The Town of Los Gatos and that monitoring program ensures compliance with the mitigation measures identified in the *Mitigated Negative Declaration* that would mitigate or avoid significant impacts associated with the annexation to the West Valley Sanitation District, over which LAFCO has responsibility.

Environmental Factors of Concern to LAFCO

Premature Conversion of Agricultural and Open Space Lands

The project site is developed with a single-family home and is zoned for residential uses. None of the site is considered prime agricultural land. Therefore, there are no impacts on agriculture. In addition, there would be no significant impacts on open space resources.

Growth Inducement

The 2.89 acres property is zoned HR 2-1/2 (Hillside Residential – 2.5 acres to 10 acres minimum lot size, based on slope density). The property is therefore not eligible for further subdivision. No more than 1 principal residential structure per lot is permitted in the "Hillside Residential" Zoning District. The Los Gatos General Plan designates the project site for "Hillside Residential" and this designation allows for residential uses at densities of zero to one unit per acre. Since the site is 2.89 acres, the General Plan could allow up to two single-family residences (1 principal residence and a secondary residence). However, the proposed project would replace one single-family residence with another single-family residence and would not result in intensification of residential uses. Because the proposed development is consistent with the density allowed under the General Plan and Zoning, and would not result in any further development potential under the current General Plan designation, the project would have no direct growth inducing impacts.

Provision of Public Services

According to the *Mitigated Negative Declaration*, the parcel already receives several urban services, such as water, electricity, fire protection, police, and garbage. The West Valley Sanitation District has indicated that the District does have adequate sewer capacity to provide services to the property without detracting from the existing service levels within this area. As such, the overall impact on the service is minimal.

Attachments:

- A. July 9, 2003 City of Los Gatos Planning Commission Meeting Action Minutes
- B. 237 Forrester Road *Mitigation Negative Declaration*
- C. 237 Forrester Road Mitigation Monitoring Plan



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, JULY 9, 2003 -- 7:00 P.M.

Please refer to compact disk # 7-9-03 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Paul Dubois, Chair; Michael Burke, Jeanne Drexel, Phil Micciche, Lee Quintana, Joanne Talesfore, Morris Trevithick

Absent: None

Others: Assistant Director of Community Development Tom Williams; Town Attorney Orry Korb, Planner Joel Paulson

VERBAL COMMUNICATION:

Ray Davis Comments on 4th of July celebration.

APPROVAL OF MEETING MINUTES

Motion by Commissioner Micciche and seconded by Commissioner Quintana to approve meeting minutes of June 11, 2003. Carries unanimously.

CONTINUED PUBLIC HEARING

ITEM 1. 188 Villa Avenue
Architecture and Site Application S-03-2

Requesting approval to demolish a pre-1941 single family residence and construct a new residence and a detached accessory structure that will project into the required setbacks on property zoned R-1D. APN 529-34-050.

PROPERTY OWNER: Dan Ross

APPLICANT: E. Gary Schloh

(Continued from May 28, 2003)

PUBLIC TESTIMONY by Gary Schloh.

MOTION: Commissioner Drexel moved and Commissioner Micciche seconded to approve application S-03-2. The required findings were made and the application incorporated conditions as noted in Exhibit K and development plans as shown in Exhibit N of the report dated July 2, 2003 with the following added conditions:

1. **SCREENING:** Screen trees shall be planted on the east side to the satisfaction of the Director of Community Development and the affected neighbor if deemed trees are necessary.
2. **BUILT-INS:** Built-ins may be permitted in the attic area of the second story. The mass and scale of this project is appropriate and any interior second story expansion may be permissible.

Carries unanimously 7-0 to approve.

Appeal rights recited by Mr. Korb.

NEW PUBLIC HEARINGS

- ITEM 2. 237 Forrester Road
Architecture and Site Application S-02-73
Negative Declaration ND-03-2

Requesting approval to demolish an existing residence and to construct a new residence on property zoned HR-2 ½. No significant environmental impacts have been identified as a result of this project, and a Mitigated Negative Declaration is recommended. APN 537-21-008.

PROPERTY OWNER: Mr. and Mrs. Yves Audebert

APPLICANT: Bob Flury Design Group

PUBLIC TESTIMONY by Bob Bryant and David Fox.

MOTION: Commissioner Drexel moved and Commissioner Talesfore seconded to approve applications S-02-73 and ND-03-2. The required findings were made and the application incorporated the conditions in Exhibit D with the following added conditions:

- 1) **APPROVAL:** This application shall be completed in accordance ... and as shown on Revised Layout #2 for the outdoor area including the pool, spa and pool house as submitted at the July 9, 2003 Planning Commission meeting.
- 2) **RETAINING WALLS:** The Director of Community Development shall determine the retaining walls that need to be screened with planting. Plants species shall be approved by the Consulting Arborist.
- 3) **DEED RESTRICTION:** Final exterior colors shall be approved by the Director of Community Development and the Consulting Architect prior to issuance of building permits.

- 4) **WINDOWS:** Windows shall have low reflectivity glass that limits nighttime light emanation. Tinted glass is preferred.
- 5) **SOLAR PANELS:** The roof mounted solar panels shall be screened to the satisfaction of the Consulting Architect and the Director of Community Development.
- 6) **LANDSCAPE PLAN:** The final landscape plan shall be approved by the Consulting Arborist and the Director of Community Development. Plants that are less combustible should be used around the house and low water using species shall be used where appropriate.
- 7) **GRADING PERMIT:** A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department.
- 8) **DRIVEWAY & TURNAROUND:** Interlocking pavers shall be used for the driveway and turnaround as deemed appropriate by the Town Engineer and Director of Community Development.

Carries 6-1 to approve. Commissioner Quintana voting nay.

Appeal rights recited by Mr. Korb.

ITEM 3. 47 E. Main Street
Conditional Use Permit U-03-9

Requesting approval to operate an auto sales and display business on property zoned C-2. APN 529-28-032.

PROPERTY OWNER: A.L. Diffenderfer and Peter Hofman

APPLICANT: Silicon Valley Auto Group, LLC

PUBLIC TESTIMONY by Marc Chase, Mark Reed, Tom Spilsbury, Gary Hansen, Al Friesen, Marilyn Gordon.

MOTION: Commissioner Drexel moved and Commissioner Talesfore seconded to approve application U-03-9. The required findings were made and the application incorporated the conditions in Exhibit D with the following added conditions:

- 1) **SHOWROOM DISPLAY:** A maximum of four (4) cars may be displayed in the showroom only. **No outdoor display of cars is permitted.**
- 2) **AUTO DELIVERY:** No multiple delivery of vehicles shall occur in a car carrier or flatbed truck or equivalent. All automobiles shall be delivered individually.
- 3) **SUNDAY HOURS OF OPERATION:** The auto showroom shall limit the hours of operation from 11:00 am to 5:00 pm on Sundays.
- 4) **LIGHTING:** An exterior and interior lighting plan shall be submitted to the satisfaction of the Director of Community Development and Chief of Police.

Carries 5-1 to approve. Commissioner Trevithick recused. Commissioner Quintana voting nay.

Appeal rights recited by Mr. Korb.

ITEM 4. 15491 Francis Oaks Way
 Architecture and Site Application S-03-55

Requesting approval of a time extension to construct a new residence on property zoned HR-1. APN 527-10-012.

PROPERTY OWNER/APPLICANT: John Magner

PUBLIC TESTIMONY by John Magner and Mike Moffat.

MOTION: Commissioner Quintana moved and Commissioner Micciche seconded to approve application S-03-55 for a time extension. The required findings were made and the application incorporated the conditions in Exhibit B with no new conditions.

Carries 7-0 to approve the time extension.

Appeal rights recited by Mr. Korb.

CONTINUED OTHER BUSINESS

Chair Dubois stated that there was no continued other business for tonight's agenda.

NEW OTHER BUSINESS

Sub-Committee Reports

None

Report from Director of Community Development

Mr. Williams stated he had no report.

Commissioner Micciche requested staff evaluate feasibility of sending staff reports by e-mail.

ADJOURNMENT

Chair Dubois adjourned the meeting at approximately 11:45 p.m.

Planning Commission Agenda - July 9, 2003
Action Meeting Minutes
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TOWN OF LOS GATOS PLANNING COMMISSION
July 9, 2003

Paul Dubois, Chair

APPROVED AS TO FORM:

ATTEST:

Bud N. Lortz
Director of Community Development

Tom Williams
Assistant Director of Community
Development

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NOTICE

Town of Los Gatos Environmental Impact Review

Recommended Mitigated Negative Declaration

Lead Agency: Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031

**Project Title and
Location:** 237 Forrester Road
Architecture and Site Application S-02-73

Project Description: The project applicant is requesting Architecture and Site approval to demolish an existing single-family residence and to construct a new residence.

The 2.89-acre project site is currently developed with a 3,000 square-foot (s.f.) single-family residence. This residence is two stories (maximum height of 27 feet) and was constructed in 1946. The residence includes an attached two-car garage (400 s.f.) and large, paved driveway entrance that provides two additional uncovered spaces and turnaround area.

The proposed home would be constructed at the same location as the existing home, but would be 6,108 s.f., including a four-car garage (911 s.f.). It would also be two stories and similar in height (maximum height of 25 feet). However, the footprint of the house would be greater, 5% lot coverage compared to 2.4% lot coverage for the existing home. The proposed home's footprint would extend over the existing driveway and home, while also extending 5 to 20 feet further to the south (downhill), 25 feet to the east, and 25 feet to the west. In general, the proposed home would extend into areas developed with concrete patios and landscaping.

In addition to the proposed home, a new driveway area would be developed to the west of the existing driveway, extending approximately 55 feet west of the existing home. A pool, 576 square-foot detached pool house, spa, three decks/patios, and walkways would be developed below the house. An arbor and fireplace are also proposed adjacent to the pool. These facilities would generally occupy the area currently developed with a landscaped slope and terraced lawn, but would extend slightly into undeveloped hillside areas.

The existing driveway that provides access to the existing home and an adjacent home would be improved to Town standards as part of this project. An automatic fire sprinkler system would be installed in the proposed home and a 10,000-gallon water tank would be constructed north of the house. Sanitary sewer, gas, and storm drain lines are proposed to be extended from the proposed home, across the slope to the west (along a graded bench that is identified as a dirt road on the topographic survey), then south to the end of Forrester (where the private road intersects Forrester Road).

Determination: Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures listed below have been added

to the project, mitigating potential impacts to a less-than-significant level. An Environmental Impact Report will not be required.

Statement of Reasons to Support Finding:

1. Aesthetics: Views of the existing home on the project site are available from lower elevations, principally from the east end of Forrester Road. However, these views are mostly screened by existing oak trees located on the slope below the house. The project site is also visible from the adjacent home to the north, nearby homes located on adjacent ridges to the northwest and northeast (accessed from Hill Top and Wooded View drives), and more distant homes to the southwest (across and down the canyon). Views of the project site primarily consist of an oak-covered hillside, with views of the home from adjacent and nearby homes mostly screened by the site's existing tree cover.

Project development is not expected to significantly alter existing views of the site. Since all but six trees surrounding the proposed home would be retained, the existing tree cover would continue to screen the proposed home from adjacent homes. However, it is important that mitigation measures in this Initial Study are implemented to ensure long-term viability of this tree cover. The six trees to be removed would be four small oaks and two yuccas, and their removal would not significantly reduce the screening effectiveness of the site's existing tree cover. The proposed home would be larger and its flat roof would vary from the pitched roof design of the existing home, but the overall height of the proposed home would not exceed the maximum height of the existing home. Therefore, the existing tree cover is expected to screen views of the proposed home. Since views of the proposed home from surrounding areas would be mostly screened, the project is not expected to significantly alter any existing scenic vistas available in this area.

Outdoor lighting would be provided on the exterior of the home. Project exterior lighting would not be expected to adversely affect nighttime views in the area due to screening provided by the existing tree cover and distance between the project and surrounding residences. In addition, the Zoning Ordinance (Section 29.10.09035) would prohibit the production of direct or reflected glare (such as that produced by floodlight) onto any area outside the project boundary.

2. Agriculture Resources: The project site is developed with a single-family home and zoned for residential use. The project site's sloping topography limits its agricultural potential. Therefore, the project would not adversely affect any existing agricultural resources at the site. Since the site is not in agricultural use, the project would not adversely affect any existing agricultural operations.

3. Air Quality: The proposed project would replace one existing residence with a new residence. Therefore, the project would not generate any new traffic. Since the project would not increase traffic, the project also would have a less-than-significant impact on local and regional air quality.

Construction activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard construction notes that are included with all projects require the contractor to "meet or exceed the requirements of the appropriate air quality management agencies..." Therefore, standard Town requirements would require implementation of the BAAQMD's standard dust control measures (required on sites of three acres or less) to mitigate the project's construction-related air quality impacts to a less-than-significant level.

4. **Biological Resources:** Policies 11 and 12 of the Open Space Element of the Los Gatos General Plan emphasize preservation of public and private landscaping. The Los Gatos Landscaping Policy states that any tree over 12 inches in circumference that is removed by a project shall be replaced with a minimum of three 15-gallon trees. When it is not possible to replace trees removed at a 3:1 ratio, the new trees planted are required to be larger in size than 15 gallons to adequately mitigate for those trees removed; this policy satisfies the Town Tree Protection Ordinance and Town landscaping policies.

The Town retained Arbor Resources to conduct an arboricultural survey and review of the project site. This survey was completed in April 2003. However, plans were revised and Arbor Resources reviewed these plans and updated their report in June 2003, and report findings and recommendations are included as Appendix A of the Initial Study. Arbor Resources identifies 94 ordinance-size trees in the vicinity of the proposed residence: 80 coast live oaks (*Quercus agrifolia*), 2 valley oaks (*Quercus lobata*), 1 blue oak (*Quercus douglasii*), 7 Monterey pines (*Pinus radiata*), 1 Italian stone pine (*Pinus pinea*), 1 xylosma (*Xylosma congestum*), and 2 Yucca (*Yucca sp.*). The project applicant proposes removal of eight existing trees as part of project development: five small oaks (5- to 9-inch diameters; Trees #9, 44, 44a, 44b, 47b shown in Appendix A of the Initial Study), one moderate-size oak (18-inch diameter, Tree #48), and two yuccas (Trees #74 and 75). Trees #74 and 75 are insignificant trees of low value and are proposed for removal. Tree #43 appears to be dying and beyond recovery and removal is recommended.

The Town's consulting arborist recommends replacement of the six oaks to be removed with ten, 24-inch box size trees. Tree replacements (eight trees, 24-inch box size) are recommended to mitigate potential damage to both Trees #47 and 67. If Tree #91 is removed or significantly affected, replacement with one tree (24-inch box size) is recommended. The Parks and Public Works Department or the Town's consulting arborist will ultimately determine the adequacy of the project's landscape plan with respect to compliance with the Town's Tree Protection Ordinance and Landscaping Policy, as well as the appropriate selection of replacement tree species, reducing potential conflicts with local policies and ordinances to a less-than-significant level.

In addition to proposed tree removals, proposed plans would also affect the survival and longevity of the following trees:

- *Trees #1 through 5, and 8:* Proposed roadway modifications could adversely affect these trees (Recommendation #11, Appendix A of the Initial Study).
- *Trees #10, 11, 31, and 32:* The proposed wharf hydrant supply line could significantly affect these trees. This line must be installed without excavating soil beneath their canopies. (Recommendation #19, Appendix A of the Initial Study).
- *Trees #47 and 67:* The survival and longevity of Tree #47 would be threatened from excavation of the trench and storm drains beneath its canopy. Tree replacements are recommended to mitigate the damage (Recommendation #26, Appendix A of the Initial Study). The survival and longevity of Tree #67 would be threatened from constructing the pool. Tree replacements (eight trees, 24-inch box size) are recommended to mitigate potential damage to both trees (Recommendation #26, Appendix A of the Initial Study).
- *Tree #32:* The staircase proposed beneath Tree #32's canopy would require severance of two, four-inch diameter surface roots, but this is not expected to significantly affect this tree.
- *Trees Along Dirt Road:* The roots of trees located along the existing dirt road would be significantly affected by proposed extension of storm water and sanitary sewer lines. The trenches for these lines

would need to be installed by careful hand digging and all roots two-inches and greater in diameter shall be retained during the process (Recommendation #17, Appendix A of the Initial Study).

Project demolition and construction could damage the trees proposed for retention. The potential for damage to trees to be retained by proposed use of a pier-and-grade foundation for the pool house. As indicated above, trenching associated with the proposed utility extensions would traverse the slope to the southwest of the proposed home and this trenching could damage roots of oak trees that are proposed to be retained. In addition, grading associated with proposed development could result in changes in drainage conditions near root zones of existing trees to be retained. Such changes could threaten the long-term viability of existing trees to be retained. To minimize potential damage to trees that are proposed to be retained (particularly those described above), the following measures will be required by the Town and these measures will reduce potential biological impacts to a less-than-significant level:

Mitigation: The project applicant shall be required to implement the 40 recommendations made by the Town's consulting arborist, Arbor Resources, in their report dated June 19, 2003 and Addendum No. 1 dated June 25, 2003. These measures are included in Appendix A of the Initial Study.

Mitigation Monitoring: The Parks Division of the Parks and Public Works Department will be responsible for ensuring that all tree protection measures are properly implemented during construction, while the Community Development Department will be responsible for reviewing and approving proposed landscaping plans to ensure that the arborist's recommendations are incorporated into project plans.

5. Cultural Resources: The project site is currently developed with a single-family residence. In general, the proposed replacement home and pool facilities would be located in the same location as the existing home, driveway, garden, and septic system; therefore, extensive surface disturbance has already occurred in the areas proposed for development. The potential for encountering cultural resources during project construction would be low due to the site's relatively steep topography, its elevated location away from nearby Ross Creek, and developed nature of the area where new construction would occur. There is typically a higher potential for encountering archaeological resources in areas adjacent to or near a river or creek.

6. Geology and Soils: A review of the Town's hazards maps indicates that the project site has high potential for fault rupture, low to high potential for seismic shaking, low shrink-swell potential, no potential for liquefaction, and very high erosion hazard. Debris flow hazards were identified for the western and eastern portions of the site. The Town's Fault Map indicates that the site is traversed by a lineation indicative of faulting based on aerial photograph analysis.

A detailed geotechnical and geological investigation was prepared by Kern Consulting, Inc. (KCI) in August, 2001. A copy of this study and other studies referenced in this section are on file at the Los Gatos Community Development Department. This study involved review of available geologic maps and aerial photographs, drilling four borings, and soil testing. This investigation concluded that development of the site is feasible from a geotechnical standpoint, provided recommendations in the KCI report are followed. The following discussion is based on information presented by KCI.

The site lies within the seismically active Bay Area, but is not within any of the "Earthquake Fault Zones" established by the Alquist-Priolo Earthquake Fault Zoning Act of 1972. Although Town geologic maps indicate that a fault trace traverses the property, geologic maps presented by KCI indicate the closest fault trace is located several hundred feet to the south. This and other traces are part of the

Negative Declaration – 237 Forrester Road

complex merging of the Berrocal and Shannon Fault systems. The nearest fault trace is shown to separate the Monterey Formation shale on the north from the Temblor Sandstone on the south. Since the entire site is underlain by Monterey Shale (based upon the exposures and on the borrow castings), KCI concludes that the fault trace lies off the property to the south and indicates that no faults are known to pass through the site. KCI determined that the potential for fault rupture through the site is very low, but the project will be subject to severe and prolonged seismic shaking during its design life. However, it should be noted that most of the Bay Area as well as surrounding residences are subject to groundshaking hazards. KCI specifies criteria and standards in accordance with the Uniform Building Code (UBC) for site grading, drainage, pavement design, retaining wall design, erosion control, and foundation design. Compliance with applicable UBC requirements would be adequate to address regional seismic safety concerns such as groundshaking.

Under certain circumstances, seismic waves can be focused along ridgelines. Under such conditions, ground cracking and fissuring can occur. Since such ground fissuring is currently unpredictable, no mitigation is possible, other than to follow current standards of construction.

No landslides were found on the property and KCI determined that the potential for landsliding would remain low assuming compliance with their recommendations and that no changes in drainage or grading are made without consulting a geologist or geotechnical engineer. Given the site's sloping topography, there would be a potential for erosion hazards if soils are subject to concentrated flows. Town requirements will include provision of a complete erosion control plan (including interim erosion control measures and drainage controls such as energy dissipators.). Such measures would reduce potential erosion hazards to a less-than-significant level. Since existing fill on the site is loose and poorly compacted, these fills would have the potential for consolidation, settlement, or slumping. KCI also concluded that there were no hazards associated with expansive soils, lurching/lateral spreading, liquefaction, or flooding.

A peer review of the KCI report was completed for the Town by Geomatrix Consultants in January, 2002. Geomatrix made the following comments and identified the following discrepancies between the KCI report and project plans:

- KCI did not discuss the conditions/performance of the existing residence; KCI's conclusion of low landslide potential seems inappropriate, since KCI did not appear to have performed any explicit analysis of slope stability; subsurface exploration was not performed to the minimum recommended pier depth of 8 feet; it is unclear whether recommendations made for the residence's foundation and walls would also apply to other structures such as pool facilities; and project location indicated on Figures 4 and 5 are inconsistent.
- Proposed plans do not appear to indicate that existing fill soils would be removed per KCI recommendations; project plans do not include foundation plans or other structural plans for the home or pool facilities, so conformance with KCI recommendations cannot be determined at this time; it is unclear if project plans incorporate all recommendations addressing erosion hazards (e.g., proposed storm drainage outfalls on slopes around the residence and pool could affect erosion potential and may not conform to KCI recommendations.

The following measures shall be required to reduce identified potentially significant seismic, landslide, erosion, and compressible soil hazards to less-than-significant levels:

Mitigation: The project design shall incorporate all applicable recommendations in Kern Consulting Inc.'s (KCI) geotechnical investigation (August, 21, 2001) for the proposed project (included as

Attachment 2) in order to minimize the potential impacts resulting from regional seismic activity and soil engineering constraints.

Mitigation: Prior to issuance of the building permit(s), Geomatrix Consultants shall review the construction plans submitted with the building permit application. The construction plans shall include foundation plans and other structural plans for all structures and should reflect KCI's August 22, 2001 recommendations and any other supplemental recommendations.

Mitigation: Prior to issuance of the building permit(s), KCI shall review the final construction plans, including foundation and structural plans, and Geomatrix's January 6, 2003 peer review letter to ensure that final plans conform with all KCI (August 22, 2001) and Geomatrix recommendations. In particular, proposed changes in surface drainage and drainage improvements should be reviewed by KCI with respect to slope stability and erosion hazards. A Plan Review letter shall be submitted to the Town.

Mitigation: During construction, KCI shall observe and document the geotechnical engineering aspects of construction, including grading, excavations for foundations, and fill placement. During construction observation, KCI should confirm that potentially adverse (out-of-slope) bedding/structure is not present in cut slopes, and shall provide supplemental recommendations to mitigate this condition if found to be present. Prior to project completion, KCI shall submit an "as-built" construction observation letter to the Town.

Mitigation Monitoring: The Building Division of the Community Development Department and the Engineering Division of the Parks and Public Works Department will be responsible for ensuring that all recommendations are incorporated into the project design and properly implemented during construction.

7. Hazards and Hazardous Materials: The project site is not included on any Hazardous Wastes and Substances Sites List. There is one existing single-family residence that is proposed to be demolished as part of the project. If this building contains asbestos or lead-based paint, demolition could result in airborne release of hazardous building materials, such as asbestos fibers or lead dust. Proposed demolition would be required to comply with state and federal regulations for inspection and removal of hazardous building materials, including asbestos-containing materials and lead-containing substances. If found to be present in building materials to be removed, asbestos and/or lead abatement practices such as containment and removal would be required prior to demolition or renovation. In addition, the applicant of this project will be required to obtain clearance for asbestos removal from the Bay Area Air Quality Management District prior to issuance of a demolition permit. Therefore, due to existing regulations, the potential for public health hazards associated with the release of airborne asbestos fibers or lead dust at the project site would be considered less than significant.

According to the Los Gatos General Plan, the project site is located in a fire hazard area. General Plan Policy S.P.2.3 encourages design and siting of new development in fire hazard areas to minimize hazards to life and property, such as fire preventive site design, access, landscaping and building materials, and use of fire suppression techniques. Emergency access and fire flows to the existing home on the project site are currently inadequate. As part of project development, the Santa Clara County Fire Department will require an automatic fire sprinkler system in the proposed home, 10,000 gallon water tank, and wharf-head fire hydrant as well as improvement of the access driveway to fire department standards.

8. Hydrology and Water Quality: Elevations on the site range from a high of about 600 feet in the northeast portion of the property to a low of about 420 feet in the southwest corner. The site consists of a

Negative Declaration – 237 Forrester Road

north-south trending ridge along the center of the property, with a north-south trending swale on either side of the ridge. The property slopes generally toward the south with natural slopes ranging from approximately 30% along the spine of the ridge to 20% along the bottoms of swales. In general, the two swales drain to the south as sheet flow, with no incised drainage channel in either swale. Sheet flow on the rest of the site drains to the south. No groundwater was encountered in the four soil borings conducted on the site as part of the geotechnical investigation by Kern Consulting, Inc.

The proposed drainage system consists of concrete v-ditches located on the uphill side of the proposed home and pool deck and various area drains that would collect runoff generated on the proposed home's impervious surfaces (roof, driveway, walkways, stairways, and pool deck). These drains would connect to a system of storm drains located along the perimeter of the proposed home and pool deck. From the home, the proposed storm drain would extend over 400 feet to the west and south, connecting with an existing storm drain at the end of Forrester Road. Three segments of infiltration trench also would be provided at three locations along the alignment, allowing runoff collected upstream to infiltrate into the soil. Since runoff generated on-site currently drains as sheet flow across the site's slopes, the proposed drainage system could reduce the amount of surface water currently available to trees located on the site. Given the maturity of existing oaks located below the existing home, this change in surface drainage is not expected to significantly affect their long-term viability.

The site is currently covered with approximately 9,872 s.f. of impervious surfaces. With project development, impervious surface area would increase by 32% to 13,127 s.f. The net change in impervious surfaces would be 0.08 acre or 3,255 s.f. Such an incremental increase in peak surface flows would not be significant due to the small size of affected area.

New, more stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay. Evidence includes violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories. These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. 01-024 of the NPDES permit program.

The project site is located within the Ross Creek watershed; runoff from the site eventually discharges to piped systems that discharge into this creek and eventually into the Bay. As a condition of project approval, the Town will require preparation and submittal of interim and final erosion control plans to the Engineering Division of the Parks and Public Works Department as well as submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the San Francisco Bay Regional Water Quality Control Board, if area of disturbance (including the driveway and underground utilities) exceeds one acre. The Town has determined that the project complies with the SWPPP and erosion control portions of the NPDES permit program.

9. Land Use: The Los Gatos General Plan designates the project site for "Hillside Residential" and this designation allows for residential uses at densities of zero to one unit per acre. Since the site is 2.89 acres, the General Plan could allow up to two single-family residences and the proposed single-family residence would be within allowable densities. The Zoning Ordinance designates the project site as "Hillside Residential," which allows 2.5 to 10 acres per dwelling with a minimum lot size of one acre. Since the proposed single-family residence would be located on a 2.89-acre site, it would be consistent with densities allowed by the Zoning Ordinance.

The project site is located adjacent to residential uses. Access is from Forrester Road and a private driveway, which also provide access to two other residences. The project parcel is already developed with one single-family residence and located adjacent to developed residential lots to the north, south, and east. The proposed single-family residence replaces an existing residence and does not alter the existing use on the project site. Therefore, the proposed project would not pose any land use compatibility problems.

10. Noise: The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet. Project construction would result in temporary short-term noise increases due to the operation of heavy equipment. Construction noise sources range from about 82 to 90 dBA at 25 feet for most types of construction equipment, and slightly higher levels of about 94 to 97 dBA at 25 feet for certain types of earthmoving and impact equipment. If noise controls are installed on construction equipment, the noise levels could be reduced to 80 to 85 dBA at 25 feet, depending on the type of equipment. With controls, construction noise levels could be made to comply with the Town Noise Ordinance.

Residential uses are generally considered to be noise-sensitive uses or sensitive receptors. There are five single-family residences located from 150 to 475 feet from the proposed home. The closest homes are located 150 to the north (above the proposed home) and 250 feet to the southeast (below the proposed home). At 150 feet, the ordinance noise limit (85 dBA at 25 feet) would result in maximum noise levels of 66 dBA at the adjacent residence to the north. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 45 to 60 dBA. To maintain such interior noise levels, exterior noise levels at the closest residences (with windows closed) should not exceed 70 to 80 dBA and this exterior noise level is used as a significance threshold or criterion. Maximum construction noise levels would not exceed this criterion. Therefore, enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance would maintain construction noise levels at acceptable levels and speech interference effects would not be expected when heavy equipment is operated on the project site.

Since the proposed residence would replace an existing home, there would be no significant long-term noise increases associated with the project-related driveway use and residential activities. Although there is an existing small, portable pool below the house, the proposed pool, spa, and pool house would be more extensive and noise associated with use of these facilities would likely increase. However, noise generated by use of these facilities would be similar to noise generated by pool/recreational facilities at adjacent or nearby residential uses and therefore, would not conflict with the existing residential noise environment in the neighborhood.

11. Population and Housing: The proposed project would replace one single-family residence with another residence and therefore, would not result in intensification of residential uses or significantly increase local or regional population. Since the project would not extend new roadways or utilities to any adjacent undeveloped lands, the project would not induce new growth.

12. Public Services: Services are currently provided to the existing residence on the project site. Therefore, the project would not significantly increase demand for public services since this is an in-fill development and services are already provided to the surrounding area. The Santa Clara County Fire Department has reviewed the proposed site plan, and the Department will require: installation of an approved fire sprinkler system (since required fire flow is not available) in the residence and pool house; a 10,000 gallon water tank and wharf-head fire hydrant; and improvement of the existing access road and driveway to meet Department fire apparatus access and driveway turnaround standards. The Department

Negative Declaration – 237 Forrester Road

will also require that access road and driveway improvements be completed prior to the start of proposed home construction, and the driveway and turnaround (nearest the house) shall not be allowed to double as guest parking. In addition, an outdoor fireplace is proposed east of the pool. The Department will require the fireplace to be located more than 30 feet from any combustible vegetation, and use of an approved spark arrestor (as regulated by the 2001 California Fire Code, Appendix II-A).

13. Recreation: The proposed project would replace one single-family residence with another residence and therefore, would not add new population to the area, and thereby would not increase the demand for recreational services.

14. Transportation and Traffic: The Town's Traffic Impact Policy (Resolution 1991-174) specifies that a project with a traffic impact of 19 or less additional AM or PM peak hour trips could be approved without a comprehensive traffic report if it is determined that the benefits of the project to the Town would outweigh the impact of increased traffic. The proposed single-family residence would replace an existing single-family residence, which would not result in a traffic increase. Therefore, no traffic mitigation fee would be required. According to the Town's traffic determination, traffic generated by the proposed project would represent a minor impact and no additional traffic studies would be required.

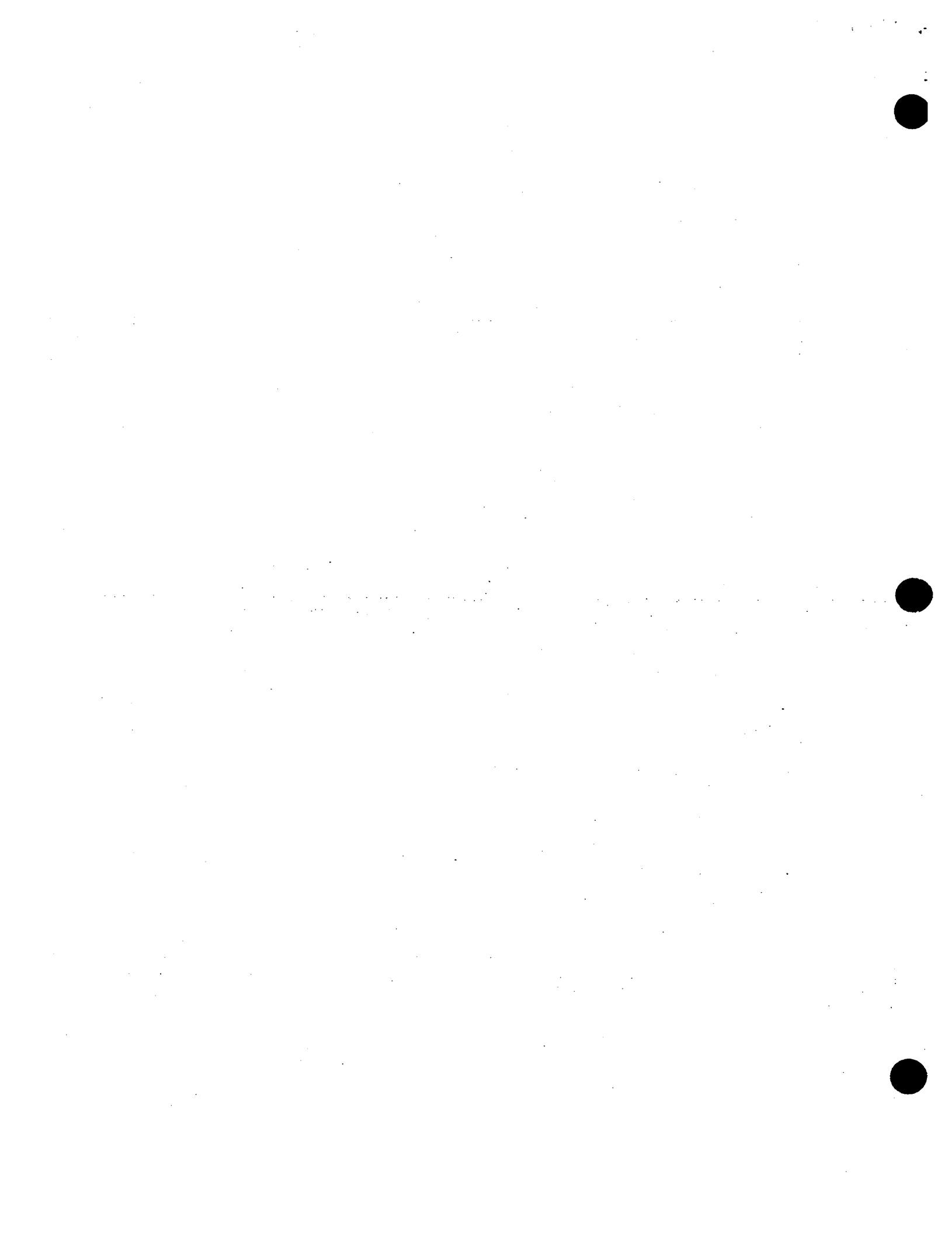
The proposed plan was reviewed by the Town's consulting architect, Cannon Design Group (CDG). CDG identified concerns with the driveway circulation since the garage is proposed one floor below the main floor. Vehicles using spaces #3 and #4 in the proposed garage must back out and up the ramp to leave the site. CDG recommends modification of the retaining walls and driveway to the extent feasible (without requiring undue additional grading or total redesign) to alleviate this problem. This is a design issue, not an environmental issue and therefore, this recommendation is not considered to be a mitigation measure

15. Utilities and Service Systems: Water and electricity are currently provided to the existing residence. However, wastewater disposal is currently provided by an existing septic tank (located below the residence). In addition, there is an existing propane tank located northeast of the residence. As part of project development, the existing propane tank and septic tank would be removed per County standards. Sewer and gas lines would be extended from the end of Forrester Road to the proposed home. Although storm drainage facilities also are proposed to be extended from the proposed home to the end of Forrester Road, the Town will require that storm drainage be discharged at the bottom of the swale located west of the proposed home. Proposed construction of these utilities and removal of the septic tank would pose erosion hazards on affected slopes. The Town's requirement of an erosion control plan (including interim erosion control measures,) would reduce potential erosion hazards to a less-than-significant level. However, the interim erosion control plan will need to include specific provisions to minimize erosion hazards associated with the utility trench that is proposed to extend from the proposed home to the end of Forrester Road as well as proposed septic tank removal.

Copies of the Initial Study used to make the above recommendation are on file and available for public inspection during regular business hours at the Town Community Development Department, 110 East Main Street, Los Gatos, California.

Date

Bud N. Lortz, Director of Community Development



MITIGATION MONITORING PLAN
 DATE: June 26, 2003
 PROJECT: 237 Forrester Road/S-02-73, ND-03-2

Mitigation
Monitoring Action
Responsibility
Timing

CULTURAL RESOURCES

The project applicant shall be required to implement the 40 recommendations made by the Town's consulting arborist, Arbor Resources, in their report dated June 19, 2003 and Addendum No. 1 dated June 25, 2003.

Required as a condition of approval.
 Director of Community Development and Director of Parks & Public Works
 Prior to and during construction

GEOLOGIC HAZARDS

The project design shall incorporate all applicable recommendations in Kern Consulting Inc.'s (KCI) geotechnical investigation (August, 21, 2001) for the proposed project in order to minimize the potential impacts resulting from regional seismic activity and soil engineering constraints.

Required as a condition of approval.
 Director of Parks & Public Works and Building Division
 Building plan check process.

Geomatrix Consultants shall review the construction plans submitted with the building permit application. The construction plans shall include foundation plans and other structural plans for all structures and should reflect KCI's August 22, 2001 recommendations and any other supplemental recommendations.

Required as a condition of approval.
 Director of Parks & Public Works (Engineering)
 Prior to issuance of building permit.

MITIGATION MONITORING PLAN

DATE: June 26, 2003

PROJECT: 237 Forrester Road, S-02-73, ND-03-2

Mitigation

Monitoring
Action

Responsibility

Timing

GEOLOGIC HAZARDS

KCI shall review the final construction plans, including foundation and structural plans, and Geomatrix's January 6, 2003 peer review letter to ensure that final plans conform with all KCI (August 22, 2001) and Geomatrix recommendations. In particular, proposed changes in surface drainage and drainage improvements should be reviewed by KCI with respect to slope stability and erosion hazards. A Plan Review letter shall be submitted to the Town.

Required as a condition of approval.

Director of Parks & Public Works (Engineering)

Prior to issuance of building permit.

During construction, KCI shall observe and document the geotechnical engineering aspects of construction, including grading, excavations for foundations, and fill placement. During construction observation, KCI should confirm that potentially adverse (out-of-slope) bedding/structure is not present in cut slopes, and shall provide supplemental recommendations to mitigate this condition if found to be present. Prior to project completion, KCI shall submit an "as-built" construction observation letter to the Town.

Required as a condition of approval.

Building Division, Director of Parks & Public Works

Prior to final inspection.

Date Prepared: June 1, 2004
LAFCO Meeting: June 9, 2004

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer *NP*

SUBJECT: **Saratoga Urban Service Area (USA) Amendment (2004)**
Big Basin Way
Agenda Item # 8

STAFF RECOMMENDATION

1. CEQA Action

As a responsible agency, approve the categorical exemption from CEQA under Class 19, Section 15319(a).

2. Project Action

Approve Saratoga's request for expansion of the urban service area boundary to include APNs 503-48-028 & 029 located on Big Basin Way, west of Hakone Gardens.

PROJECT DESCRIPTION

The City of Saratoga is requesting LAFCO consideration of its Urban Service Area (USA) boundary amendment to include 2 parcels (APNs 503-48-028 & 029) located on Big Basin Way, west of the Hakone Gardens which is a Japanese style garden listed on the City's and County's Historic Resource Lists.

LAFCO maps indicate that a portion of APN: 503-48-028 is already located within the City's USA. Therefore LAFCO will consider in this proposal, inclusion of only the portion of the parcel outside the City's USA. See attached map of proposal area. (Attachment A)

BACKGROUND

As stated in the application material, Saratoga is seeking this USA amendment to gain greater influence over any future development of the properties near the

city owned Hakone Gardens. The City recognizes that inclusion of the area in the City's USA in itself will not impact land use on the parcels. However, if a major project were proposed on one of the properties, the City would have the option of annexing the property if it is located within the City's USA. If the City or property owner wishes to pursue annexation of a property, it must first be located within the City's USA.

Hakone Gardens is an 18-acre site owned by the City of Saratoga and leased to the Hakone Foundation. The site is on the City and County's Historic Resource Lists. The site was created in 1915 as a Japanese style garden.

ENVIRONMENTAL ANALYSIS

The project is exempt from CEQA Class 19, Section 15319 (a) which states:

Section 15319(a): Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive.

CONSISTENCY WITH LAFCO POLICIES

Conversion of Prime Agricultural Lands and Open Space

The two properties are currently developed with single-family homes. No agricultural or open space lands would be impacted by inclusion of area within the City's USA.

Logical and Orderly, Efficient Boundaries

The proposed expansion is adjacent to the city's existing USA boundary and city limits. It is within the City's SOI.

Five-Year Supply of Vacant Land

The parcels proposed for inclusion in the USA are already developed with single-family homes. The inclusion of the parcels in the USA is not for development purposes. There will be no impact on the supply of vacant land in the City.

Ability to Provide Urban Services

Currently sewer service is provided to the two parcels by West Valley Sanitation District and water is provided by San Jose Water Company. Inclusion in the USA and eventual annexation to the City will not result in a

change in service providers to the parcels. Fire and police protection will continue to be provided by Saratoga Fire Protection District and the Sheriffs Department respectively upon eventual annexation. As the inclusion in the USA will not generate new development or new residents in the area, there is likely to be no impact on the service levels.

Growth Inducing Impacts

As mentioned earlier, each of the parcels is currently developed with a single-family home. The proposal area is designated in the City's General Plan as Hillside Open Space similar to the County's General Plan designation for the area. This designation allows uses that support and enhance a rural character. The City's pre-zoning for the area is ROS (Residential Open Space), which allows for a minimum of 20-acre sites with at least 30% of the lot dedicated to open space. The two properties included in this proposal total about 9 acres. There is no possibility of further subdivision of these parcels.

Furthermore, the lands adjacent to the proposal and outside the USA are part of the County parklands and therefore it is not likely that the City would seek further USA expansion in the area.

Fiscal Impacts to Affected Agencies

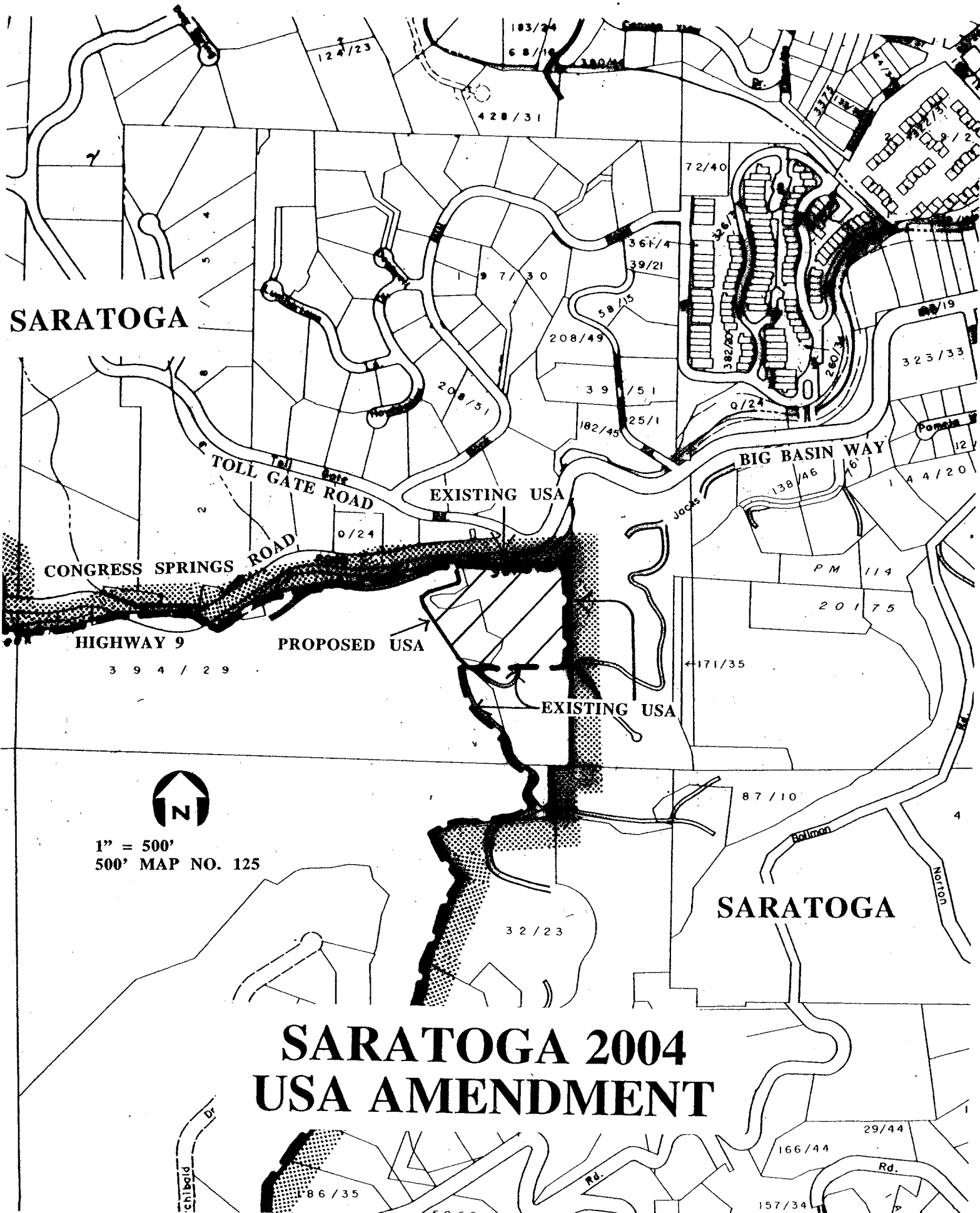
Inclusion of these properties within the City's USA will not generate any new residents or service population and therefore the fiscal impacts to the affected agencies will be minimal. However, upon annexation, the City will receive a share of the property taxes generated from the two parcels.

CONCLUSION

The proposed USA amendment is consistent with LAFCO policies as discussed above. It is unlikely that inclusion of the area in the City's USA will increase potential for further development of the land or adversely impact nearby open space lands. Staff recommends approval of the urban service area expansion request.

ATTACHMENTS

Attachment A: Map of the Proposal Area



SARATOGA 2004 USA AMENDMENT

Date Prepared: June 2, 2004
LAFCO Meeting: June 9, 2004

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer *NP*

SUBJECT: LAFCO Final Budget FY 2004-2005
Agenda Item # 9

STAFF RECOMMENDATION

1. Adopt the Final LAFCO Budget for fiscal year 2004-2005. (Attachment A)
2. Find that the Final FY-05 Budget is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorize staff to transmit the final budget adopted by the Commission including the estimated agency costs to each of the cities, the County and the Cities Association.
4. Direct the County Auditor-Controller to apportion LAFCO costs to cities and the County and collect payments pursuant to Government Code Section 56831.

BACKGROUND

The CKH Act requires LAFCO to annually adopt a proposed budget by May 1 and a final budget by June 15 at noticed public hearings. Both the proposed and the final budgets are required to be transmitted to the cities and the County. The CKH Act establishes that at a minimum, the budget must be equal to that of the previous year unless the Commission finds that reduced staffing or program costs will nevertheless allow it to fulfill its statutory responsibilities. Any unspent funds at the end of the year may be rolled into next fiscal year budget. After the adoption of the final budget, the County Auditor is required to apportion the net operating expenses of the Commission to the agencies represented on LAFCO.

CHANGES TO THE DRAFT BUDGET

The Commission on April 7, 2004, adopted the preliminary budget for Fiscal Year 2004-2005. The preliminary budget was prepared using the best information available at that time. Since then, new information has become available and staff is proposing revisions to the draft budget items based on this information. Also, LAFCO has received significantly higher revenues in the current year than was estimated. Staff proposes to use these funds to offset costs for the next year budget. Taking all these changes into consideration, the total

LAFCO budget increases by only \$3,363, bringing it to total of \$606,679. However, **the actual operating expenses are reduced by about \$17,657, which is almost a 5% reduction in LAFCO's net operating costs from the draft budget.** Presented below are some key items with proposed revisions:

**Object 1. Salary and Benefits
(Decrease from \$185,233 to \$180,552)**

This reduction of about 3% reflects the salary reduction for County employees based on union contracts.

**5255650 Data Processing Services
(Increase from \$6,776 to \$11,897)**

In the Draft Budget, staff had not included any funds for web site maintenance as the migration to the County system was to be covered by the County. However, after more detailed discussion, it has been made clear that while the site itself will be migrated at no cost to LAFCO, there will be a cost to transferring the contents of the site and for any customized design of the site. An amount to \$5,841 is being budgeted for 64 hours of web site maintenance service. The total amount also includes \$5,983 (64 hours) for LAN services support and \$73 to cover annual Lotus Notes licensing costs for 3 users.

**5285800 Business Travel
(Increase from \$7,000 to \$8,000)**

This item is being increased by \$1,000 to fund travel and lodging expenses as necessary, for Commissioner Wilson who has been elected to the CALAFCO Executive Board. The Board meets four times a year.

**5275200 Computer Hardware
(Increase from \$1,000 to \$2,000)**

This item is being increased by \$1,000 in order to allow LAFCO obtain necessary computer hardware.

**5250800 Computer Software
(Increase from \$1,000 to \$2,000)**

This item is being increased by \$1,000 in anticipation of needing software upgrades next year.

**4103400 LAFCO Application Fees (end of year projection for FY 2004)
(Increase from \$55,000 to \$75,850)**

LAFCO so far this current fiscal year, has collected about \$ 30,000 more than was anticipated in its current budget (\$45,000). The significant increase in

revenues from application fees is a result of an increase in the application activity during this fiscal year, and especially in the last few months. Depending on application activity prior to the close of this fiscal year, it is possible that additional revenues may be collected.

NET LAFCO OPERATING EXPENSES
(Decrease from \$382,846 to \$365,189)

As a result of the increase in revenues collected, the net operating expenses of LAFCO for FY-04 are reduced from \$382,846 in the Draft Budget to \$365,189 in the Final Budget. This would correspondingly reduce the costs to the agencies.

COST APPORTIONMENT TO CITIES AND COUNTY

The CKH Act requires LAFCO costs to be split in proportion to the percentage of an agency's representation (excluding the public member) on the Commission. Since the City of San Jose has a permanent membership on Santa Clara LAFCO, the law requires costs to be split between the County, the City of San Jose and the remaining cities. Hence the County pays half the LAFCO cost, the City of San Jose a quarter and the remaining cities the other quarter. The cities' share (other than San Jose's) is apportioned in proportion to each city's total revenue as reported in the most recent edition (2000-2001) of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county.

The CKH Act requires the County Auditor to apportion the costs to the various agencies and request payment from the cities and the County no later than July 1 of each year for the amount each agency owes based on the net operating expenses of the Commission and the actual administrative costs incurred by the Auditor in apportioning costs and requesting payment. Provided below is the draft apportionment to the agencies based on LAFCO's net operating expenses for FY-05 (\$365,189). Cost to individual cities is detailed in Attachment B.

Costs to Agencies

	FY 03-04 Costs	FY 04-05 Costs
County of Santa Clara	\$175,021	\$182,595
City of San Jose	\$87,510	\$91,297
Remaining 14 cities in the County	\$87,510	\$91,297

ATTACHMENTS

- Attachment A. Final Budget for FY 2004-2005
- Attachment B. 2004-2005 LAFCO Cost Apportionment

**FINAL LAFCO BUDGET
FISCAL YEAR 2004 - 2005**

ITEM #	TITLE	APPROVED FY 03-04 BUDGET	END OF YEAR PROJECTIONS	FINAL FY 04-05 BUDGET
EXPENDITURES				
Object 1	Salary and Benefits	\$168,130	\$168,130	\$180,552
Services and Supplies				
5258200	Intra-County Professional	\$189,986	\$189,986	\$200,618
5255500	Consultant Services	\$100,000	\$75,000	\$100,000
5210100	Food	\$750	\$500	\$750
5220200	Insurance	\$288	\$266	\$84
5250100	Office Expenses	\$3,000	\$2,000	\$2,000
5255650	Data Processing Services	\$7,500	\$4,000	\$11,897
5225500	Commissioners' Fee	\$1,500	\$1,500	\$1,500
5260100	Publications and Legal Notices	\$3,000	\$500	\$1,000
5245100	Membership Dues	\$2,070	\$2,070	\$2,113
5250750	Printing and Reproduction	\$1,500	\$600	\$1,500
5285800	Business Travel	\$7,000	\$5,200	\$8,000
5285300	Private Automobile Mileage	\$500	\$500	\$500
5285200	Transportation&Travel (County Car Usage)	\$500	\$300	\$500
5281600	Overhead	\$8,918	\$8,918	\$28,165
5275200	Computer Hardware	\$2,000	\$2,000	\$2,000
5250800	Computer Software	\$2,000	\$1,000	\$2,000
5250250	Postage	\$2,500	\$1,500	\$2,000
5252100	Staff Training Programs	\$1,500	\$1,500	\$1,500
5701000	Reserves	\$60,000	\$0	\$60,000
TOTAL EXPENDITURES		\$562,642	\$465,470	\$606,679
REVENUES				
4103400	Application Fees	\$45,000	\$75,850	\$75,000
4301100	Interest: Deposits and Investments	\$2,000	\$2,270	\$2,000
Total Interest / Application Fee Revenue		\$47,000	\$78,120	\$77,000
4600100	Cities (Revenue from other Agencies)	\$175,021	\$175,021	
5440200	County	\$175,021	\$175,021	
Savings/Fund Balance from previous FY		\$165,601	\$201,799	\$164,490
TOTAL REVENUE		\$562,643	\$629,961	
NET LAFCO OPERATING EXPENSES		\$350,041		\$365,189
COSTS TO AGENCIES				
	County	\$175,021		\$182,595
	City of San Jose	\$87,510		\$91,297
	Other Cities	\$87,510		\$91,297

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2004/2005 LAFCO COST APPORTIONMENT

LAFCO Net Operating Expenses for 2004/2005				\$365,189
Jurisdictions	Revenue per 2000/2001 Report	Percentage of Total Revenue	Allocation Percentages	Allocated Costs
County	N/A	N/A	50.0000000%	\$182,594.50
San Jose	N/A	N/A	25.0000000%	\$91,297.25
Campbell	36,271,878	2.0398036%	0.5099509%	\$1,862.28
Cupertino	43,313,943	2.4358247%	0.6089562%	\$2,223.84
Gilroy	58,512,057	3.2905136%	0.8226284%	\$3,004.15
Los Altos	25,913,960	1.4573105%	0.3643276%	\$1,330.48
Los Altos Hills	8,184,330	0.4602581%	0.1150645%	\$420.20
Los Gatos	29,520,650	1.6601382%	0.4150345%	\$1,515.66
Milpitas	99,212,928	5.5793883%	1.3948471%	\$5,093.83
Monte Sereno	1,907,200	0.1072543%	0.0268136%	\$97.92
Morgan Hill	54,922,004	3.0886215%	0.7721554%	\$2,819.83
Mountain View	141,605,713	7.9634103%	1.9908526%	\$7,270.37
Palo Alto	345,255,600	19.4159681%	4.8539920%	\$17,726.24
Santa Clara	634,280,747	35.6697321%	8.9174330%	\$32,565.48
Saratoga	34,048,750	1.9147827%	0.4786957%	\$1,748.14
Sunnyvale	265,254,646	14.9169941%	3.7292485%	\$13,618.81
Total	1,778,204,406	100.0000000%	100.0000000%	\$365,188.98
Total Cities				\$91,299.23

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