

**RESOLUTION NO. 3697**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
APPROVING THE VESTING TENTATIVE SUBDIVISION MAP (VTM 18-01)  
FOR THE MONTALVO OAKS SUBDIVISION  
LOCATED AT 18840 SARATOGA-LOS GATOS ROAD**

**WHEREAS**, Hacienda Realty, LLC (“Applicant”) submitted an application to the City of Monte Sereno (“City”) for a vesting tentative subdivision map supporting a multi-family residential development project, also known as the Montalvo Oaks Subdivision (“Project”), on a 4.45-acre site located at 18840 Saratoga/Los Gatos Road and bounded by residential uses to the north, south, and east, and a residence and the Quito Fire Station immediately to the west; and

**WHEREAS**, the project site is comprised of two existing parcels, Assessor’s Parcel Numbers 510-08-018 and 510-08-019 (“Subject Property”); and

**WHEREAS**, the subdivision and redevelopment of the Subject Property consists of 36 single-family residential units consisting of 15 attached units and 21 detached units, a private drive, a public service and emergency vehicle access easement, and a private open space hillside area; and

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

**WHEREAS**, on June 12, 2018, by Resolution No.3692, the Council adopted the Mitigated Negative Declaration in accordance with Section 15070 et seq. of the California Environmental Quality Act guidelines; and

**WHEREAS**, on June 12, 2018, by Resolution No. 3694, the Council approved an amendment to the City of Monte Sereno General Plan to modify the language of the Multi-Family Residential to allow up to 9 units per acre; and

**WHEREAS**, on June 12, 2018, the Council held a first reading of Ordinance No. NS-216 to prezone the Subject Property Multi-Family Planned Development RM(PD); and

**WHEREAS**, on June 12, 2018, by Resolution No. 3695, the Council approved annexation of the Subject Property into the Monte Sereno city limits, subject to the successful second reading of the prezone Ordinance; and

**WHEREAS**, the Vesting Tentative Map includes the removal of 66 trees from the Subject Property, all of which are considered significant by the City’s Tree Preservation Ordinance (Chapter 10.15); and

**WHEREAS**, the Applicant submitted an application for a Tree Removal Permit for the removal of the 66 trees, and as a condition of approval and a mitigation measure in the Mitigated Negative Declaration, the developer will be required to prepare and implement a satisfactory replacement tree plan in conjunction with development of the Subject Property; and

**WHEREAS**, the Council desires to subdivide the Subject Property consistent with the Vesting Tentative Subdivision Map.

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

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

1. The map is consistent with General Plan Land Use designation of Multi-Family Residential, up to 9 dwelling units per acre (du/ac);
2. The design of the proposed subdivision is consistent with the General Plan in that it respects the natural terrain and does not include excessive grading on site;
3. The site is physically suitable for the type of development in that it is developed at a density of 8.08 per acre and preserves the natural hillside as part of the project;
4. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that a biological assessment was completed and determined that with mitigation measures incorporated the project would have less than a significant impact on the environment or fish and wildlife or their habitat;
5. The design of the subdivision or type of improvement is not likely to cause serious public health problems in that an air quality and noise assessment and determined with mitigation measures incorporated the project would have less than a significant impact on public health;
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision in that there are no public access easements through the property;
7. The design of the subdivision provides for, to the extent feasible, future passive or natural heating and cooling opportunities in that the homes are designed with windows to allow sunlight into the homes and the landscape plan includes extensive landscaping supporting significant shade opportunities;

8. The design of the subdivision supports the natural terrain of the subject site in that the subject site has a gentle upslope as you move south on the property until you meet the toe of the mixed oak woodland where there is a significant increase in slope. The project has been designed to work with the slope on site and the homes along the perimeter walk up the site. The townhomes at the south edge of the project are built into the base of the hill to minimize the height of the structures on site and to work with the topography of the site.
  
9. The proposed subdivision does include the removal of trees larger than 6 inches in diameter; however, many of them are the aged landscape trees from the existing development. The project is proposing to remove some trees from the mixed oak woodland, however there will be a requirement to develop a plan to strengthen that habitat. Overall, the project proposes to remove 66 trees considered significant by the City's Tree Preservation Ordinance. As part of the mitigation for the removal of these trees, the proposed landscape plan includes the planting of 85 24"-box trees and 15 15-gallon trees. The project includes significant landscape improvements along Highway 9 to enhance the scenic value of the corridor, including Coast Live Oak and Coast Redwoods planted along the frontage.
  
10. The proposed subdivision lies within a designated Scenic Corridor of an official State Scenic Highway (Highway 9) however, the project does not include any service yards or parking areas along the Scenic Corridor. With the exception of the main entrance into the project, and the emergency vehicle access, all parking and circulation occur within the project out of view from the highway. As demonstrated with the photo simulations, the landscape installation along Highway 9 will grow to sufficient height and will fill in to create a natural landscape buffer between the Corridor and the homes on the site. The view of the hillside further south will still be visible.

SECTION 2: After careful consideration, the City Council of Monte Sereno hereby approves the Project's Vesting Tentative Subdivision Map, subject to the successful second reading of the Ordinance No.NS-216, and the conditions attached hereto as Exhibit A.

**PASSED AND ADOPTED** by the City Council of Monte Sereno on June 12, 2018 by the following vote:

AYES: Council Members Turner, Wolsheimer and Mayor Craig

NOES: Council Members Anstandig and Rogers

ABSTAIN: None

ABSENT: None

By:   
 Burton Craig, Mayor

Attest:

  
*Andrea Chelemengos*

Andrea Chelemengos, City Clerk

## EXHIBIT A

### CONDITIONS OF APPROVAL

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

- c. Install new landscaping along the project frontage.
10. All public improvements must be completed prior to the issuance of occupancy for the 19<sup>th</sup> units.
  11. Plans for all public improvements shall be prepared on Mylar (22"x34" sheets) and developer shall submit a digital format of the Record Drawings upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Monte Sereno standard detail and specs and built to the city Engineer's satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.
  12. Prior to building permit issuance, developer shall execute a public improvement agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the agreement.
  13. All public improvements, including but not limited to, curb, gutter, sidewalk, street light and landscaping along project frontage on Saratoga Los Gatos Road shall be designed and installed, at no cost to the City of Monte Sereno, by \_\_\_\_\_; and the future maintenance of these improvements shall be responsibility of the Homeowners Association of the Project.
  14. WATER QUALITY - Developer shall comply with the regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit.
  15. WATER QUALITY - The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
    - a. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works Engineering Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
    - b. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
    - c. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.

- d. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Santa Clara County NPDES permit.
- e. The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) with a minimum infiltration rate of 5 inches per hour.
- f. The following documents pursuant to the Cleanwater Program requirements:
  - i. Hydromodification Management Worksheet;
  - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
  - iii. Development and Building Application Information Impervious Surface Form;
  - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
  - v. C.3 and C.6 Data Collection Form; and,
  - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).

16. WATER QUALITY - Construction activities which disturb 1 acres or greater are viewed as a source of pollution and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction.

Following are the specific requirements for regulated construction sites:

- a. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
- b. Before commencing any grading or construction activities at the project site, the developer may need to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.

17. WATER QUALITY - The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

18. STORM - The on-site storm drain system is privately owned and maintained by the home owner association.

19. STORM - A detailed drainage plan, to be approved by the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage study shall be approved prior to issuance of any construction or grading permit.

20. STORM - The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
21. STORM - Improvements for storm drain systems shall incorporate the following:
- a. Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
  - b. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
  - c. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
  - d. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
  - e. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
  - f. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
  - g. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
22. SEWER - The on-site Sewer system is privately owned and maintained by the home owner association.
23. WATER - Water service is available from San Jose Water Company; and project is subject to SJWC fees and requirements.
24. WATER - Water mains and services, including the meters must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572.

25. UTILITIES - All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Frontier (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
26. UTILITIES - All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Street frontages shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
27. UTILITIES - All utilities shall be designed in accordance with the requirements of the City of Monte Sereno and applicable public agency standards.
28. UTILITIES - The improvements associated with the Pacific Gas and Electric Company, Frontier (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
29. All private and public improvements (with the exception of those in Condition #10), including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
30. Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&R's) creating homeowners association for the proposed residential shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.
31. Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
  - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
  - b. Engineer's estimate of costs, including landscape improvements;
  - c. Easement document;
  - d. Signed Public Improvement Agreement; and
  - e. Public Improvement bonds.
32. Prior to occupancy permit issuance the developer shall submit "as build" plans indicating the following:
  - a. Approved landscape and irrigation improvements.
  - b. All underground facilities, sanitary sewer mains and laterals, water services, (including meter locations:, PG&E, phone facilities, local cable

- c. compant, etc.
- c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
- d. Final Geotechnical Report.

## **Environmental Conditions**

### Air Quality

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

## Biology

**BIO-1.** To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum survey radius surrounding each work area is typical 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities.

If the qualified biologist documents active nests within the project site or in nearby surrounding areas, and appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior. (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). IF buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

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

**BIO-2.** To avoid impacting active special-status bat roosts, if present, all vacant

buildings proposed for removal that are unoccupied and boarded up at the time of development approval (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as maternity roosts. In addition, any mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate.

Approximately 14 days prior to start of construction, a qualified biologist shall conduct a habitat assessment for bats within the project area, which will include a visual inspection of potential roosting features (bats need not be present) and search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable features found during the survey shall be lagged or married.

If maternity roosts are observed during the pre-construction survey, a 50-foot buffer shall be established around maternity roosts adjacent to the work area to avoid roost disturbance. Construction proposed adjacent to roosts, including adjacent tree removal, shall not occur within the buffer area until the time of year in which young are able to fly.

If pre-construction surveys determine that there are bats present in the trees to be removed, exclusion structures (e.g. one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly. Information on placement of exclusion structures shall be provided to the CDFW prior to construction.

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

BIO-3. For the impacted portion of the oak woodland habitat, a qualified arborist shall develop a tree protection plan to include measures that must be taken before, during, and after construction to ensure that the majority of the woodland is not impacted during construction. The arborist shall also provide recommendations that shall be incorporated in the project landscaping phase to enhance the habitat value of the oak woodland. Examples of such measures include the removal or replacement of non-native understory growth and the removal of trash and other human disturbances.

During project construction in and adjacent to the oak woodland, the

following measures shall be imposed:

- a. Construction activities shall be restricted to daylight hours;
- b. Elevated floodlights shall not be permitted; any exterior lighting shall be directed inward and not illuminate the oak woodland;
- c. Dust control must be practiced during demolition and grading;
- d. Fencing shall be installed to protect the oaks at a distance recommended by the qualified arborist, at a minimum of five (5) feet from the trunks of the retained trees;
- e. Other protective measures recommended by the arborist's report shall be implemented; and
- f. Permanent exterior lighting shall be directed inward and not illuminate the oak woodland.

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

BIO-4.

Prior to initiation of ground disturbance or construction activities that would impact the on-site drainage ditch, the appropriate project site developer shall retain a qualified biologist to determine the extent of the drainage ditch regulated by the U.S. Army Corps of Engineers, Department of Fish and Wildlife, and/or Regional Water Quality Control Board. The U.S. Army Corps of Engineers may issue a negative jurisdictional determination; however, if the U.S. Army Corps of Engineers claims jurisdiction, the project site developer shall retain a qualified biologist to obtain a Clean Water Act Section 404 Nationwide Permit. If the proposed ditch impact does not qualify for a Nationwide Permit, the project site developer shall proceed with the qualified biologist in obtaining an Individual Permit from the U.S. Army Corps of Engineers.

The project site developer shall also retain a qualified biologist to coordinate with the California Department of Fish and Wildlife to determine whether the ditch meets their jurisdictional requirements. If so, the biologist shall assist the developer to obtain a Streambed Alteration Agreement pursuant to California Fish and Game Code Section 1600.

The project site developer shall then retain a qualified biologist to coordinate with the Regional Water Quality Control Board to obtain a Clean Water Act Section 401 Water Quality Certification, or obtain Regional Water Quality Control Board approval through project-specific post-construction requirements through design of the new site drainage system to protect water quality. The project site developer shall comply with any compensatory mitigation or other conditions of approval specified in U.S. Army Corps of Engineers, the Department of Fish and Wildlife, and Regional Water Quality Control Board project permits/approvals. Implementation of this mitigation measure will be the responsibility of

project site developers.

- BIO-5. For each tree removed, the developer shall plant a California native tree species with at least a one-to-one replacement ratio on the project site, unless inconsistent with good forestry practices, and obtain a permit prior to removal of any tree, in compliance with the City of Monte Sereno's Tree Preservation Ordinance and/or Subdivision Ordinance. A qualified arborist shall recommend the appropriate replacement ratio and also survey any trees to be preserved, including the trunk diameter, canopy spread, species, condition, and location, and recommend specific steps that must be taken during construction to ensure that those trees are not impacted during construction. Implementation of this mitigation measure will be the responsibility of project site developers.

### Cultural Resources

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

"If prehistoric archaeological resources are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The city shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented." Implementation of this mitigation measure will be the responsibility of project site developers.

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

"If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Monte Sereno or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods

as provided in Public Resources Code Section 5097.98. The City of Monte Sereno or its authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the City of Monte Sereno or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

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

### Geology

- GEO-1. Prior to issuance of a grading permit, the applicant shall provide evidence that the recommendations in the April 24, 2018 project geotechnical report are included in the project grading and building plans.
- GEO-2. Prior to issuance of a grading permit, the developer shall submit an erosion control plan to ensure that erosion is controlled during grading and construction activities and does not result in deposition of the soil off site.

### Noise

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

#### *Operational and Situational Controls*

- a. All work on site should be restricted to 8:00 a.m. to 8:00 p.m. Weekdays, 9:00 a.m. to 5:00 p.m., Saturdays and no work allowed on Sundays and Public Holidays.
- b. All construction noise control measures currently imposed on the project shall be maintained unless the measures outlined herein are more restrictive.
- c. All exterior stationary equipment shall be kept at least 100 ft. from neighboring residential property line unless acoustically shielded.
- d. No material deliveries are allowed on Sundays or Federal Holidays.
- e. Cranes shall be located at least 100 ft. from any neighboring residential property line with the exception of cranes or lifts necessary to dismantle scaffolding.
- f. Minimize material movement along the south and west sides of the site.

- g. Locate stockpiles adjacent to residential neighbors as much as possible to help shield residences from on-site noise generation.
- h. Driveways and other vehicle travel paths shall be graded smooth to minimize vibration and “bangs” from vehicles traveling over rough surfaces.
- i. Music shall not be audible off site.
- j. Dirt berming and stockpiling materials whenever possible can also help reduce noise to sensitive receptor locations.
- k. Place long-term stationary equipment as far away from the residential areas as possible.
- l. Keep mobile equipment (haul trucks, concrete trucks, etc.) off of local streets near residences as much as possible.
- m. Keep vehicle paths graded smooth as rough roads and paths can cause significant noise and vibration from trucks (particularly empty trucks) rolling over rough surfaces. Loud bangs and ground-borne vibration can occur.
- n. Limit the extent of heavy diesel engine equipment work to less than 10 consecutive days when working within 40 feet of the east property line.

#### *Interior Work*

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

#### *Equipment*

- a. Earth Removal: Use scrapers as much as possible for earth removal, rather than the noisier loaders and hauling trucks.
- b. Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders.
- c. Ground Preparation: Use a motor grader rather than a bulldozer for final grading. Wheeled heavy equipment is less noisy than track equipment. Utilize wheeled equipment rather than track equipment whenever possible.
- d. Building Construction: Nail guns should be used where possible as they are less noisy than manual hammering.
- e. Generators and Compressors: Use generators, compressors and pumps that are housed in acoustical enclosures rather than weather enclosures or none at all.
- f. Utilize temporary power service from the utility company in lieu of generators wherever possible.
- g. All stationary equipment shall be rated no higher than 85 dBA @ 25

- feet under the equipment's most noisy condition.
- h. Circular saws, miter/chop saws and radial arm saws shall be used no closer than 50 feet from any residential property line unless the saw is screened from view by any and all residences using an airtight screen material of at least 2.0 lbs/square feet surface weight, such as ¾" plywood.
  - i. Use electrically powered tools rather than pneumatic tools whenever possible.
  - j. Mitigation of the construction phase noise at the site can be accomplished by using quiet or "new technology" equipment.
  - k. The greatest potential for noise abatement of current equipment should be the quieting of exhaust noises by use of improved mufflers.
  - l. It is recommended that all internal combustion engines used at the project site be equipped with a type of muffler recommended by the vehicle manufacturer.
  - m. All equipment should be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engines, drive-trains and other components. Worn, loose or unbalanced parts or components shall be maintained or replaced to minimize noise and vibration.
  - n. Utilize wheeled equipment rather than tracked equipment whenever possible.
  - o. Diesel vibrating compaction equipment shall not be used within 100 feet of a residential structure.

#### *Noise Complaint Management*

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

