

Kathryn Janoff, Chair Kendra Burch, Vice Chair Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, Commissioner Reza Tavana, Commissioner Emily Thomas, Commissioner

## TOWN OF LOS GATOS PLANNING COMMISSION AGENDA APRIL 14, 2021 110 EAST MAIN STREET LOS GATOS, CA

## PARTICIPATION IN THE PUBLIC PROCESS

<u>How to participate</u>: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

<u>Effective Proceedings</u>: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk's Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
  - $\circ~$  For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays at 7:00 p.m. Live and Archived Planning Commission meetings can be viewed by going to: <u>https://www.kcat.org/government-meetings</u>

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

## IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <a href="https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0">https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0</a>. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.

## PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <a href="https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg">https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg</a>.

If you are interested in providing oral comments in real-time during the meeting, you must join the Zoom webinar at:

https://losgatosca-gov.zoom.us/j/82730570394?pwd=bVRZMXhhUmxhTkFaVit1SFVxc3ppZz09 Passcode: 954047.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press \*9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to <u>PlanningComment@losgatosca.gov</u> with the subject line "Public Comment Item # " (insert the item number relevant to your comment) or "Verbal Communications – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

## **REMOTE LOCATION PARTICIPANTS**

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR KATHRYN JANOFF, VICE CHAIR BURCH, COMMISSIONER BARNETT, COMMISSIONER HANSSEN, COMMISSIONER SUZUKI, COMMISSIONER TAVANA, AND COMMISSIONER THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.

## TOWN OF LOS GATOS PLANNING COMMISSION AGENDA APRIL 14, 2021 7:00 PM

#### **MEETING CALLED TO ORDER**

#### **ROLL CALL**

**VERBAL COMMUNICATIONS** (Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)** (Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)

- 1. Draft Minutes from March 10, 2021 Planning Commission Meeting
- 2. Requesting Approval for Demolition of an Existing Single-Family Residence, Construction of a New Single-Family Residence, and Site Improvements Requiring a Grading Permit on Property Zoned R-1:8 Located at **16666 Topping Way**. APN 532-09-018. Architecture and Site Application S-19-044. Property Owner/Applicant: Arthur Lin. Project Planner: Sean Mullin.

**PUBLIC HEARINGS** (Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)

3. Requesting Approval for Demolition of an Existing Detached Garage and Construction of a New Single-Family Residence on Property Zoned R-1:8 Located at **14300 Lora Drive**. APN 409-15-028. Architecture and Site Application S-20-019. Property Owner: Amrito Chaube. Applicant: Krislani Mulia. Project Planner: Sally Zarnowitz.

**OTHER BUSINESS** (Up to three minutes may be allotted to each speaker on any of the following *items.*)

- <u>4.</u> Discuss and Provide Input to the Town Council Regarding the Planning Commission Application.
- 5. Review and Discuss the Land Use 101 Paper Provided by the Town Attorney.

## REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

### SUBCOMMITTEE REPORTS / COMMISSION MATTERS

**ADJOURNMENT** (*Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time*)

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



TOWN OF LOS GATOS PLANNING COMMISSION REPORT

MEETING DATE: 04/14/2021

ITEM NO: 1

## DRAFT MINUTES OF THE PLANNING COMMISSION MEETING MARCH 24, 2021

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 24, 2021, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

## **MEETING CALLED TO ORDER AT 7:00 P.M.**

## **ROLL CALL**

Present: Chair Kathryn Janoff, Vice Chair Kendra Burch, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, and Commissioner Emily Thomas Absent: Commissioner Reza Tavana

## **VERBAL COMMUNICATIONS**

None.

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

- 1. Approval of Minutes March 10, 2021
- MOTION:Motion by Commissioner Hanssen to approve adoption of the Consent<br/>Calendar. Seconded by Vice Chair Burch.
- VOTE: Motion passed unanimously.

## **PUBLIC HEARINGS**

2. <u>140 Arroyo Grande Way</u>

Architecture and Site Application S-20-013 APN 424-23-048 Property Owner/Applicant: Yogesh Jhamb Project Planner: Sean Mullin

## PAGE **2** OF **4** MINUTES OF PLANNING COMMISSION MEETING OF MARCH 24, 2021

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence on property zoned R-1:8.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Yogesh Jhamb (Owner/Applicant):

The project is driven by the need for more space for family. Their home fits in well with the neighborhood because there are homes across the street that are around 16 feet tall. They have no windows with views into the living and yard spaces of the adjacent homes because there are no aligned windows. The floor level of the proposed home is the same as the current home. Side windows are only used when street and back yard facing windows are not possible. Their fence is 7-feet on one side and 6-feet on the other and they are willing to share the expense to increase the fence height. Their photos show that the proposed home would not block sunlight to their neighbors. The front extension of the home would not block the street view of the adjacent home.

Charlene Land, 124 Arroyo Grande Way:

- They live to the north of the subject site. They support neighborhood improvements and have remodeled their own house, but the size and scale of the proposed project pushes every setback and the story poles indicate the house would loom over the neighborhood. They would like the roof to be lowered because it impacts their south-facing windows. The home's height would reduce the amount of sky they would see out of their windows. They also have privacy concerns due to the window size.

Ian Land, 124 Arroyo Grande Way:

- The houses in the immediate area are the same height. Their sky view would be eliminated by the proposed home, leaving only tiny slivers. The typical roof in the neighborhood is hip and gable. They are asking for windows to be no higher than their fence height. They have top-down window blinds that they would use and are willing to work with the applicants on the fence height.

Anna Hellmer:

 They live kitty-corner to the subject site. This project is too large and complex as proposed. The applicants did no outreach to neighbors other than their two adjacent neighbors. This huge mass and structure would eliminate the sunlight in their yard, the viewscapes they have enjoyed for 25 years, and would be a huge house in the middle of a block of one-story homes, mostly Craftsman bungalows. There may not be a second story to the proposed home, but it looks like it is two stories. They would like to see the scale of the home reduced.

## PAGE **3** OF **4** MINUTES OF PLANNING COMMISSION MEETING OF MARCH 24, 2021

Mark Hellmer:

- He is concerned regarding privacy with the height of the windows looking over the fences. The applicant has offered to raise the fence height, but anything over 6 feet would exceed the Los Gatos fence height requirement. The proposed house would block most of the view from their back yard and blocks out the tree line they see.

Romia (phonetic):

- They are the neighbors behind the subject site and they have not been consulted at all regarding the project. They are concerned about privacy because they would be greatly affected if the house were built. They are also concerned about such large construction so close by because she has asthma.

Joe Feng, 144 Arroyo Grande Way:

- They live next door to the subject site. The Los Gatos residential design guidelines state that windows should be placed to minimize views into the living and yard space of adjacent properties. The proposed windows are too large, too high, and look over the fence.

Yogesh Jhamb (Owner/Applicant):

- They did not reach out to all the nearby households because of COVID, but they can work with anyone. The two homes in back of their property are on ground that is raised by 2 feet, so the fence is not 6 feet, it is 8 feet, but they can share the cost to raise it. The sunlight to 124 Arroyo Grande Way is blocked by two huge trees in their back yard, not their roof. The neighbors are concerned that the proposed home would not fit into the neighborhood, but they believe the neighborhood will eventually transition into larger homes like the one they are trying to build. They have been mindful of window size and placement because their floor level stays the same.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment.

Commissioners asked a question of the applicant regarding continuing the item.

Closed Public Comment.

Commissioners discussed the matter.

MOTION:Motion by Commissioner Hanssen to continue the public hearing for 140Arroyo Grande Way to a date certain of May 12, 2021, with direction.Seconded by Vice Chair Burch.

## PAGE **4** OF **4** MINUTES OF PLANNING COMMISSION MEETING OF MARCH 24, 2021

## VOTE: Motion passed unanimously.

## **OTHER BUSINESS**

### **REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Joel Paulson, Director of Community Development

• None.

## SUBCOMMITTEE REPORTS/COMMISSION MATTERS

### **General Plan Update Advisory Committee**

Commissioner Hanssen

- GPAC met on March 18, 2021:
  - o Completed review of the Community Design Element.
  - Set timeline to finish review of the General Plan update before it is sent to the Planning Commission and Town Council.
  - GPAC will meet April 1, 2021 to review the Racial, Social, and Environmental Justice Element. The public is encouraged to attend and provide feedback.

### **Historic Preservation Committee**

Vice Chair Burch

- HPC met on March 24, 2021; considered three items:
  - o 44 Bayview Avenue
  - o 17631 Bruce Avenue
  - o 445 Los Gatos Boulevard

## **ADJOURNMENT**

The meeting adjourned at 8:21 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the March 24, 2021 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



DATE:	April 9, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Requesting Approval for Demolition of an Existing Single-Family Residence, Construction of a New Single-Family Residence, and Site Improvements Requiring a Grading Permit on Property Zoned R-1:8 Located at 16666 Topping Way. APN 532-09-018. Architecture and Site Application S-19-044. Property Owner/Applicant: Arthur Lin. Project Planner: Sean Mullin.

### <u>REMARKS</u>:

Following the February 24, 2021 Planning Commission meeting, staff was informed by the applicant that the subject property has been sold. Staff recommends continuing the application to June 9, 2021, to allow the new property owner time to evaluate how they would like to proceed with the pending application.

PREPARED BY: Sea

Sean Mullin, AICP Associate Planner

Reviewed by: Planning Manager and Community Development Director

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DATE:	April 9, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Requesting Approval for Demolition of an Existing Detached Garage and Construction of a New Single-Family Residence on Property Zoned R-1:8 Located at 14300 Lora Drive. APN 409-15-028. Architecture and Site Application S-20-019. Property Owner: Amrito Chaube. Applicant: Krislani Mulia. Project Planner: Sally Zarnowitz.

### BACKGROUND:

On February 24, 2021, the Planning Commission considered the application and continued the matter to April 14, 2021, with the following direction:

- Address concerns with the height of the structure;
- Address privacy concerns by providing additional tree screening;
- Ensure that the architectural and civil plans match; and
- Return the revised project plans to the Town's Consulting Architect for review.

## DISCUSSION:

The applicant has revised the development plans (Exhibit 18) in response to the comments received from the Planning Commission and provided a revised letter of justification (Exhibit 13).

The overall height has been reduced by three feet, eight and one-half inches by lowering the foundation, first floor level, and roof pitch. The second floor has been reoriented and stepped back on the left side, resulting in an overall increase of 125 square feet. On the left elevation, window heights have been raised and bathroom windows will be obscured to increase privacy. A projecting roof element has been introduced between the first and second floors, the void has been reduced, and a portion of the second floor on the rear elevation has been stepped back around the void and loft area to address concerns about eave heights,

PREPARED BY: SALLY ZARNOWITZ Planning Manager

Reviewed by: Community Development Director

PAGE **2** OF **4** SUBJECT: 14300 Lora Drive/S-20-019 DATE: April 9, 2021

#### **DISCUSSION** (continued):

continuous solid walls, and privacy. The civil plans have been revised to match the architectural plans. Additional tree screening has been included at the rear property line to increase privacy. The recommended conditions of approval have been revised to address the bathroom windows, tree screening, and rear fence height extension (Exhibit 17).

The Town's Consulting Architect reviewed the revised project, noted that the changes have been thoughtfully implemented and the resulting design has a strong traditional Mediterranean Style with appropriate details carried around all sides of the house, and had no recommendations for additional changes (Exhibit 14).

### PUBLIC COMMENTS:

Story poles and project signage were installed on the site in anticipation of the February 24, 2021, Planning Commission hearing. The installed story poles have been maintained and updated to reflect the revised project. Public comments received between 11:01 a.m., Wednesday, February 24, 2021 and 11:00 a.m., Friday, April 9, 2021, are included as Exhibit 15. The applicant has submitted a response to the adjacent neighbors' comments (Exhibit 16).

### CONCLUSION:

## A. <u>Summary</u>

The applicant has submitted revised development plans responding to the Planning Commission's direction (Exhibit 18).

## B. <u>Recommendation</u>

Should the Planning Commission determine that the revised project meets the direction provided, the Commission can take the actions below to approve the Architecture and Site application:

- 1. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
- 2. Make the findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
- 3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
- 4. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);

#### CONCLUSION (continued):

- 5. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
- 6. Approve Architecture and Site Application S-20-019 with the revised conditions contained in Exhibit 17 and the revised development plans in Exhibit 18.
- C. <u>Alternatives</u>

Alternatively, the Commission can:

- 1. Continue the matter to a date certain with specific direction; or
- 2. Approve the application with additional and/or modified conditions; or
- 3. Deny the application.

### EXHIBITS:

## Previously received with the February 24, 2021 Staff Report:

- 1. Location Map
- 2. Required Findings and Considerations
- 3. Recommended Conditions of Approval
- 4. Project Description and Letter of Justification
- 5. Consulting Architect's Report, dated September 8, 2020
- 6. Applicant's Response to the Consulting Architect's Report, dated September 30, 2020
- 7. Consulting Arborist's Report, dated September 25, 2020
- 8. Applicant's Neighborhood Outreach, dated August 19, 2020
- 9. Public Comments received by 11:00 a.m., Friday, February 19, 2021
- 10. Applicant's Response to Public Comments, dated February 18, 2021
- 11. Development Plans, received February 1, 2021

## Previously received with the February 24, 2021 Desk Item Report:

12. Public Comments received between 11:00 a.m. Tuesday, February 23, 2021 and 11:00 a.m. Wednesday, February 24, 2021

## Received with this Staff Report:

- 13. Revised Letter of Justification, dated March 22, 2021
- 14. Consulting Architect's Report, dated March 26, 2021
- 15. Public Comments received between 11:01 a.m., Wednesday, February 24, 2021 and 11:00 a.m., Friday, April 9, 2021
- 16. Applicant's Response to Public Comments, dated March 22, 2021 and April 6, 2021
- 17. Revised Recommended Conditions of Approval
- 18. Revised Development Plans, received March 22, 2021

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Planning Division Community Development Department, Town of Los Gatos 110 E. Main Street Los Gatos, CA 95030

## **RE: ARCHITECT CONSULTANT SECOND REVIEW**

On behalf of Sonali and Amrito Chaube and their family, below are our revised design report for the house on the above address for the Architect Consultant second review.

## INTRODUCTION

We received Architecture Consultant Review, written by Larry L. Cannon from Cannon Design Group, dated September 8, 2020. After carefully studied the recommendation, we decided to implement APPROACH 2 (page 6 on the letter), which stated:

"Revise the design to simplify the building and roof forms to be consistent with the version of the Mediterranean Style that emphasizes more formality".



APPROACH 2: FORMAL MEDITERRANEAN STYLE

All recommendation as stated and illustrated in the Architecture Consultant letter on Page 8-9, had been implemented, submitted to the city planners, and presented at Town Council Meeting on February 24, 2021. (Notes: For easy reference, all illustrative recommendation is included on Page 5-11 of this letter)

Page 1

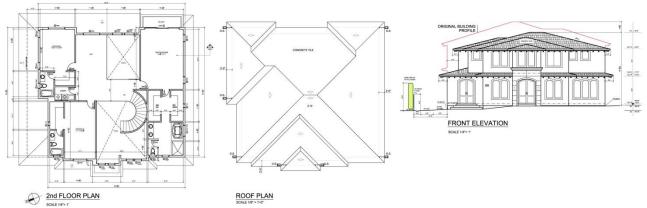
March 22, 2021

Subsequent to the Town Council Meeting presentation, a number of issues were brought up by the Neighbors, as part of Neighbor outreach. Various revisions have been implemented as our response, which includes:

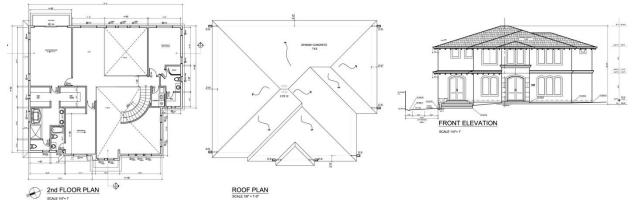
## 1. MASS BULK AND SCALE, SOLAR, PRIVACY CONCERNS.

- The overall height has been reduced by 3'-8.5" by lowering the foundation, First Floor Finish level, and roof pitch.
- Left side of L2 is setback by 4' to provide privacy and visual relief to the left neighbor at 14298 Lora Dr.
- The second floor has been reoriented to provide additional privacy to the left neighbor.
- Balcony has been positioned to the right side, increasing the distance from the left neighbor.
- Voids have been reduced by 254sf (30% reduction in size).
- All around roof between the 1st and 2nd floor has been introduced to accommodate neighbors concern about the continuous solid wall as well as privacy concern.
- Portion of 2nd floor rear elevation is setback around the void and loft area to break the continuous wall and to further reduce roof height.
- The proposed 4,467 sf. is still under the limit of Town of Los Gatos ordinance (max. limit 4,590 sf.).

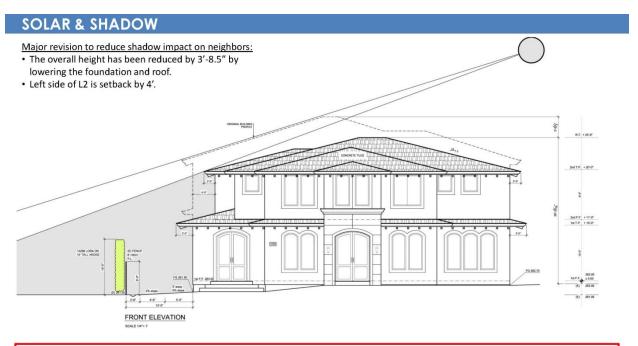
## The revised design



## The previous design (as presented on 02/24/2021)



## THE A. CHAUBE RESIDENCE, 14300 Lora Drive, Los Gatos, CA 95032



CONCLUSION: REDUCED HEIGHT RESULTING A REDUCED SHADOW IMPACT ON NEIGHBORS

## 2. TWO STORY FORMAL MEDITERRANEAN HAS BEEN CHANGED TO INFORMAL MEDITERRANEAN STYLE.



## The previous design (as presented on 02/24/2021)



Page 17



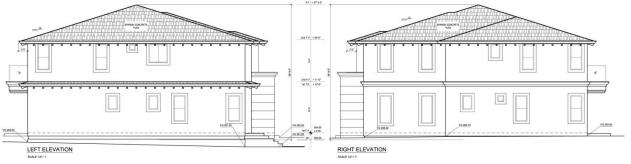
REAR ELEVATION

Page 3



## The revised design

The previous design (as presented on 02/24/2021)



## **Reference of Formal Entry from immediate neighbors**



17525 Wedgewood Ave.

14238 Lora Dr.

September 30, 2020

#### ITEM: 14300 Lora Drive

Architecture and Site Application S-20-019Requesting approval for construction of a new single-family residence on property zoned R-1:8.APN 409-15-028.PROPERTY OWNER: A. ChaubeAPPLICANT: Krislani MuliaPROJECT PLANNER: Jocelyn ShoopmanLAST REVIEWED BY STAFF: Second Review

#### **ARCHITECT CONSULTANT RESPONSE:**

We received Architecture Consultant Review, written by Larry L. Cannon from Cannon Design Group, dated September 8, 2020. After carefully studied the recommendation, we decided to implement APPROACH 2 (page 6 on the letter), which stated:

"Revise the design to simplify the building and roof forms to be consistent with the version of the Mediterranean Style that emphasizes more formality".

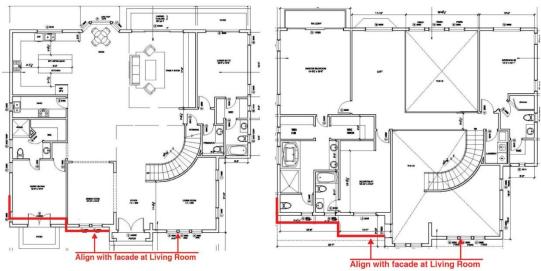


APPROACH 2: FORMAL MEDITERRANEAN STYLE

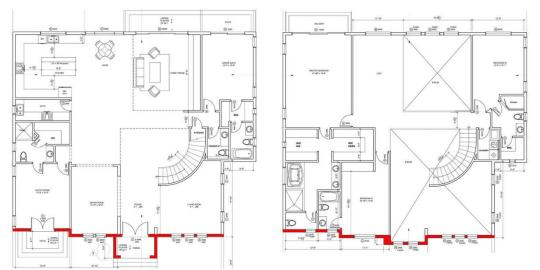
All recommendation No. 1-10 as stated and illustrated in the Architecture Consultant letter on Page 8-9, are implemented and followed:

## 1. Simplify the front façade form to allow a building envelope more typical of the formal Mediterranean Style.

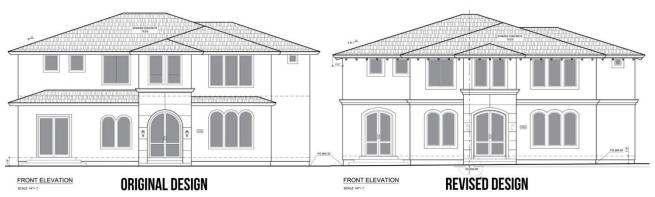
**Response**: The simplified front building envelope resulted into clearer and simpler architectural mass and manages to avoid complex roof forms to be consistent with Residential Design Guideline 3.3.1. (Develop the house plans and elevations together). The simplified front façade eliminates a more irregular front profile on the original design and also eliminates the need for first floor roofs which is inconsistent with the chosen Approach 2 (Formal Mediterranean Style). Some plan modification on the area that got affected by the changes resulted into a slightly larger GFA of 4,342 S.F. compare to the original of 4,195 S.F. that the owner has agreed to compromise in compliance to the Architecture Consultant recommendation. The increase GFA is reflected in Project Data on the revised Sheet A-1.



Architecture Consultant recommendation



The modified Plans



Summary of the Revised Design:

- Overall massing: 1' less overall massing height, with Level 1 height got reduced from 11' to 10' to create a less bulky massing and better proportion.
- Simpler architectural mass.
- Elimination of first story roofs to avoid complex roof.
- More uniform windows height and style.
- Projecting Porch massing also got increased to create more prominent entrance as an important central axis of the Formal Mediterranean Style (refer to Left/Right Elevation for clarity).

# 2. Select windows with substantial sash and wood or cast stone trim width to match traditional windows appropriate to the style.

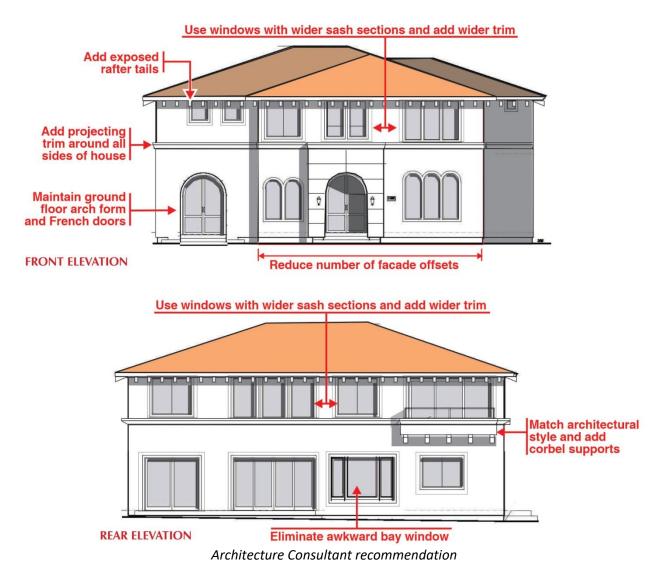
**Response**: All windows sash (from 1.5" to 2.5") and trim width (from 3" to 6") has been substantially increased as reflected in all our revised elevations to match the intended architecture style and consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity) and 3.7.4. (Design the windows with attention to matching the traditional details of the architectural style).



## **ORIGINAL DESIGN**

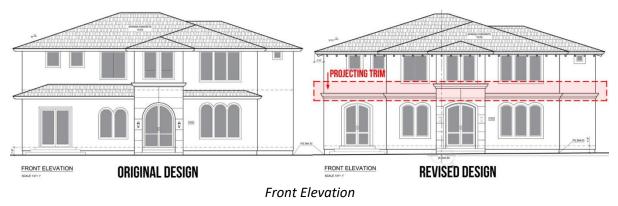
Page 21

**REVISED DESIGN** 



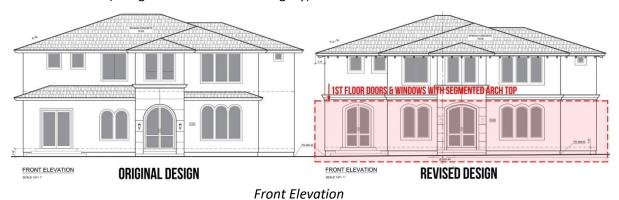
3. Provide cast stone projecting trim below second floor windows on all four sides of the house. Response: A suitable profile projecting trim is added below second floor windows on all four sides of

the house to provide visual relief for two story walls which is especially common in Formal Mediterranean Style. The added element is also responsive to Residential Design Guideline 3.3.3. (Provide visual relief for two story walls).



#### 4. Use arched window forms on all front elevation first floor windows and doors.

**Response**: All front elevation first floor windows and doors have been modified with arched forms. We implemented 'segmented arch' top compare to the Architecture Consultant illustrated 'half arch' top, as it is aesthetically preferred by the owner. Knowing 'segmented arch' top is also common practice in Mediterranean Style. This implementation is consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity).



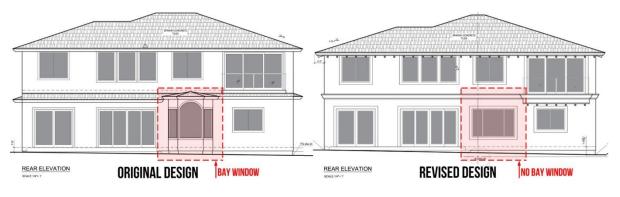
#### 5. Add exposed rafter tails at the roof eaves.

**Response**: Rafter tails which are common practice in Mediterranean Style are added into the roof design. This implementation is consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity).



#### 6. Eliminate the rear elevation bay window.

**Response**: The rear elevation bay window is changed into regular window similar to other windows design. This approach is to achieve clearer intended architectural style without mixing inconsistent architectural elements. This implementation is consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity).



7. Revise the design and supports for the second floor balcony to better relate it to the overall house design.

**Response**: The design and supports for the second floor balcony has been revised to be consistent with the overall house design and style, with dimension that are large enough to clearly provide structural support for the balcony. This implementation is consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity) and 3.10.2 (Balconies).



#### 8. Revise side elevation to match front and rear elevations.

Page 24

**Response**: Left and right elevations have been revised to be consistent with the front and rear elevations. This implementation is consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity).







### 9. Add additional architectural detail appropriate to the architecture style.

**Response**: For roof material, Spanish colonial concrete style will be used. Mediterranean style light lanterns are included into front porch design. This implementation is consistent with Residential Design Guideline 3.2.2. (Design for architectural integrity).

#### **10.** Add buffer landscaping in side and rear setback.

**Response**: Buffer landscaping in side and rear setback is always intended to be incorporated as part of the new house complete design.

Sincerely,

Krislani Mulia

Krislani Mulia Designer

Page 25

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ARCHITECTURE PLANNING URBAN DESIGN



March 26, 2021

Ms. Jocelyn Shoopman Community Development Department Town of Los Gatos 110 E. Main Street Los Gatos, CA 95031

#### RE: 14300 Lora Drive

Dear Jocelyn:

I reviewed the drawings, evaluated the site context and prepared a review letter in September. I have previously reviewed one other house on this block. My comments and recommendations on the newly revised design are as follows:

#### Neighborhood Context

The site is a deep lot located in an established neighborhood of largely one-story homes with a scattering of two-story homes. Photographs of the neighborhood are shown on the following page.



14300 Lora Drive Design Review Comments March 26, 2021 Page 2



The Site and existing house



House to the immediate left



Nearby house to left



Aerial Photo



House immediately across Lora Drive



House to the immediate right



Nearby house across Lora Drive



Nearby multifamily homes across Lora Drive

### **OVERVIEW**

The proposed house is two-stories in height, and would be located behind an existing one-story home on the site which will remain. - See air photo with superimposed site plan below and the aerial photo on the previous page



The proposed house has a site footprint that is similar to others in the immediate neighborhood. When the previous design was presented to the Planning Commission, public feedback from nearby neighbors raised a number of issue regarding the proposed building height and mass. Since that hearing the applicant has worked with staff and the neighbors to formulate an approach for mitigating those concerns.

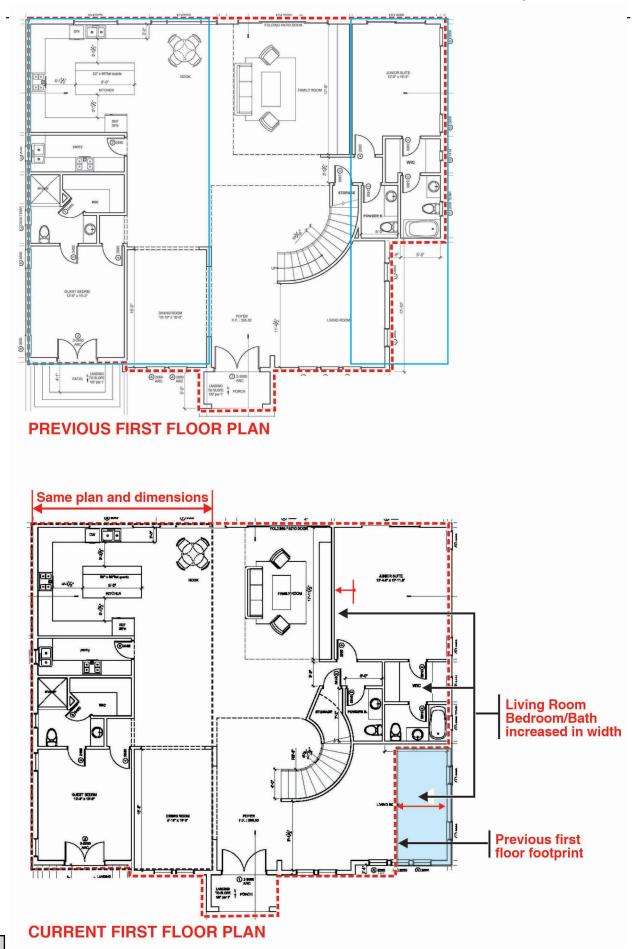
#### CURRENT DESIGN EVALUATION

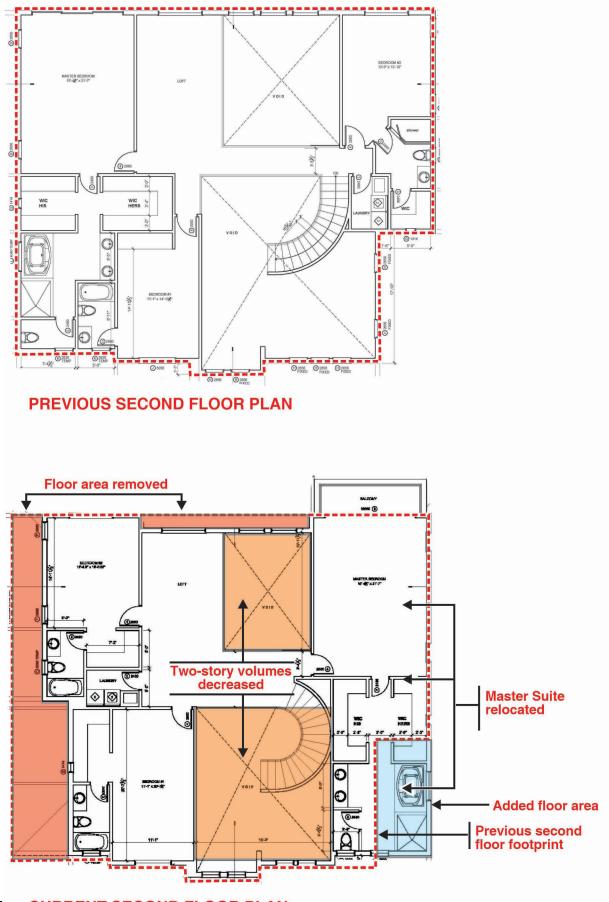
The applicant has been working corroboratively with the neighbors to address the issues raised in the Planning Commission hearing. The changes made to the design include:

#### MASS BULK AND SCALE, SOLAR, PRIVACY CONCERNS

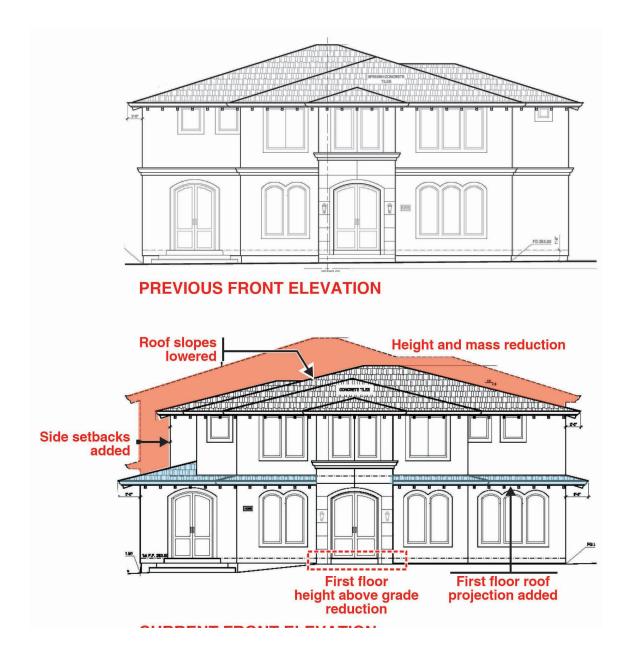
- The overall height has been reduced by 3'-8.5" by lowering the foundation, first floor finish level, and roof pitch.
- The second floor on the left side elevation has been set back by 4' to provide privacy and visual relief to the left neighbor at 14298 Lora Dr.
- The second floor plan layout has been reoriented to provide additional privacy to the left neighbor.
- The balcony has been positioned to the right side of the rear facade, increasing the distance from the left neighbor.
- The two-story interior volumes have been reduced by 254 square feet (30% reduction in size).
- A projecting roof element between the 1st and 2nd floor has been introduced to accommodate neighbor's concern about the continuous solid wall as well as privacy concern.
- A portion of the 2nd floor on the rear elevation has been setback around the void and loft area to break the continuous wall and to further reduce roof height.
- The proposed 4,467 sf. is still under the limit of Town of Los Gatos ordinance (max. limit 4,590 sf.).

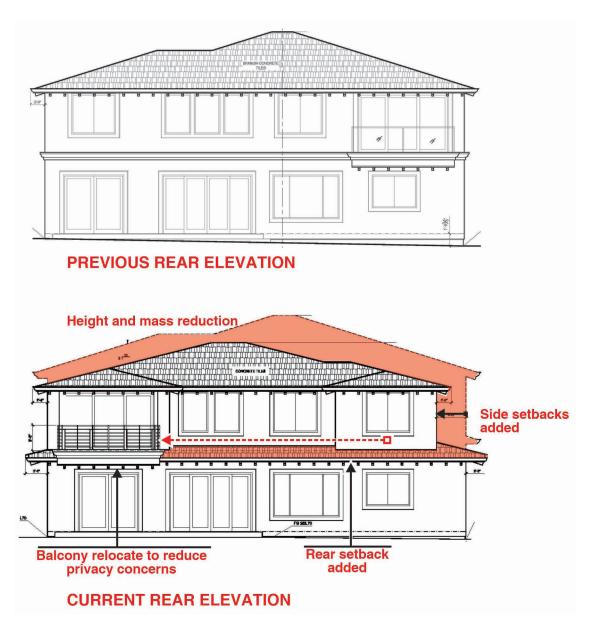
14300 Lora Drive Design Review Comments





## Page 31 CURRENT SECOND FLOOR PLAN





#### RECOMMENDATIONS

The changes made to the design reviewed by the Planning Commission are significant, and have been thoughtfully implemented by the applicant. The resulting design has a strong traditional Mediterranean Style with appropriate details carried around all sides of the house.

I have no recommendations for additional changes.

Jocelyn, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely, CANNON DESIGN GROUP

ann

Larry L. Cannon

This Page Intentionally Left Blank Town of Los Gatos and Amrito Chaube,

Please accept this followup letter as a summary of the concerns my family has with the proposed project. It is also a recap of themes from the Town Council Meeting and a review of my discussions with Amrito this past weekend.

The February 25th Town Council Meeting produced consistent themes in regard to the project:

- 1. House would be the largest in the immediate area this is not advisable.
- 2. Mass/ Bulk/ Scale is extensive and does not support our neighborhood.
- 3. The 2nd Story Mass/ Bulk/ Scale could be reduced with no impact to you usable square footage.
- 4. Formal Architectural Design is not indicative of the immediate area, where Informal would be.
- 5. There are various ways to reduce the finished floor height- to include reducing below ground level, which would be consistent with how the garage will be constructed.
- 6. An extended height foundation is not suitable as it raises the finished floor to between 5'-6' above existing and adjacent grades.
- 7. Sun Exposure is blocked by the structure and various solutions are available.
- 8. Privacy is Impeded and can be remedied with viable solutions.
- 9. Balconies are not appropriate if they negatively impact privacy.
- 10. Extensive amounts of exterior lights will have an unanticipated impact.
- 11. Curb appeal concerns due to the existing structure not being part of the provided Elevation Plans.
- 12. Accurate Drawings and Plans are needed to understand the proposed home.
- 13. Another review from the Town's Consulting Architect is needed.

## **Our Family's Consistent Concerns:**

- 1. Mass/ Bulk/ Scale Negatively Impacts our Property and Lifestyle
- 2. Proposed Structure Completely Blocks Winter Sun Exposure
- 3. Diminished Privacy our Home and Active Use Areas

## **1 Mass/ Bulk/ Scale - Reduce the Height at least 4 feet w/ Attention to Left Elevation Side Wall**

We are specifically seeking a reduction of the finished floor elevation as well as a reduction of the overall height, at our setback, by stepping back the second floor. Our specific concern is the height of the left elevation walls. As this seems to be indicative of Formal Mediterranean Architecture, perhaps Informal Mediterranean is more appropriate for our neighborhood.

Amrito asked me various ways to reduce the Mass, Bulk and Scale. While his architect is the best to determine this, I provided him the following ideas:

- 1. Remove fill dirt/ construction debris which was discarded on the property and install the foundation at an appropriate level.
- 2. Use sub-surface 1st floor foundation similar to how he plans to build your garage.
- 3. Install slab on grade foundation.
- 4. Reduce 1st and/or 2nd floor plate heights from 10' and 9' to lower values.

- 5. Install vaulted ceilings on the 2nd floor Left Elevation starting at 7' or 8' instead of flat ceiling at 9'.
- 6. Reduce roof pitch from 3.75/12 to 3/12. Note the garage is 4/12 both should match.
- 7. Start the first floor completely under grade as the Town Council member inquired which is consistent with how the immediate neighbor to the south has done.
- 8. Drop the roof line of the home to be more similar to a Triangle as opposed to a Square in shape.

The Below Images Illustrate the extensive Mass, Bulk and Scale





## **2 Sun Exposure - Reduce Impact of Structure Blocking Access to the Sun**

The provided Shadow Survey demonstrates that in December, there is total obstruction to a significant portion of our house as well as the complete coverage of our defined outdoor Active Use Areas. It is essential to minimize this impact to a more acceptable level.

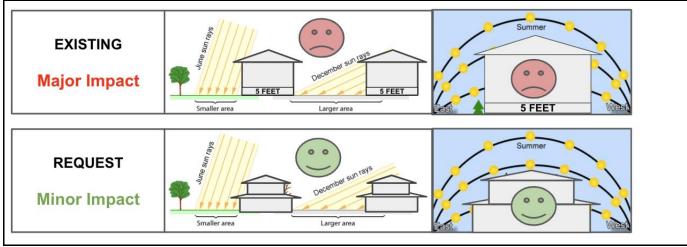
The reduction of Mass/ Bulk and Scale is the only way to reduce this impact. We are not seeking complete access to the sun, but are very concerned that the planned structure will have significant impacts between November, December and January. Besides the obvious concerns with ensuring we have access to the sun, we have a specific health concern which we are asking for specific consideration.

I have previously provided several photos of the shadows cast from the story poles. The shadows in February are similar to what the provided Shadow Study demonstrates in December. I would like to ensure the Shadow Survey was conducted correctly.

#### The Below Images Illustrate Block Sun Exposure



Images Illustrate How Step-Backs and Reduction in Height & 2nd Floor Mass, Bulk, Scale Can Help



#### 3 Establish Suitable Privacy - Reduce Impact from 2nd Story Windows

The windows on the 2nd floor provide absolute and clear visibility into our Kitchen/ Dining Area as well as provide stadium views of our complete backyard and clearly defined active use areas. The reduction of the 1st floor's finished floor height, along with the 2nd Floor Step-Back will aid tremendously with improving our privacy. Raising the window sills to 5 feet from the floor will also help this. The installation of opaque glass on bathroom windows will also improve. The balcony creates a visual vantage point, which needs to be addressed. Screen trees have been proposed, however due to the location there will be insufficient sunlight to be effective within 2 years. I would also prefer a species that would not have such a large crown which would also negatively impact our Sun Exposure.



#### This Images Demonstrate our Privacy Concerns

#### 4 Exterior Lighting - (New) Concern Identified During Council Meeting

We are in agreement that the proposed lighting will have a negative impact, as the amount and placement of the lights will essentially illuminate their entire sides of the structure. We are requesting that exterior mounted lighting is installed no higher than the midline of the structure on the Front and Left Elevations.

#### **My Efforts to Self Implement Solutions**

When I was advised that a 2 story home was to be built, I have purposefully been trying to increase the existing hedge height from 10 feet to as high as practically possible. As the hedge species is <u>'Prunus Caroliniana</u> <u>'Compacta'</u> I am beyond the recommended height capability of the species. I have landed on the ability for me to maintain a 12 foot hedge (11' above neighboring grade). As demonstrated in the below images, this is the tallest I am comfortable with maintaining, without significant expense and an increased risk to workers



#### Images Demonstrate Highest I Feel Safe Maintaining Privacy Hedge



#### Neighbor Partnership, Resource Outreach, and Collaborative Assistance

I am actively trying to partner with Amrito to illustrate unintentional consequences of the proposed project. I am also focused to ensure his project is successfully welcomed into our neighborhood.

Here are a few areas I have been engaged:

#### Laser Grade Level Demonstration

I set up a grade level laser and marked and demonstrated the proposed height of the finished floor in relation to the fence lines and existing home. I also demonstrated the area and depth of where and fill dirt/ construction debris would need to be reduced - which is minimal. I have also dug down to demonstrate that there is a retaining wall that was covered by the introduction of the Fill Dirt.

## Assistance in Aiding with Cost Effective Fill Dirt/ Construction Debris Removal

I connected Amrito to a neighbor who is offering to remove the fill dirt/ construction rubble, at direct cost with no markup. The resource is licensed, bonded, and insured - and has the core competency for the scope of work.

#### Geotechnical Consultant/ Engineer

Provided a reputable Geotechnical Engineer to aid in understanding the effects of fill dirt/ construction debris as a medium to install a foundation as well as be able to guide them in how to properly reduce the foundation and finished floor height - while maintaining needed site drainage.

#### Commitment Partner for the Success of Their Project & the Benefit of the Neighborhood

My Grandparents purchased the 1st Model Tract Home in 1961 (249 Mattson Ave). I have been part of this neighborhood my entire life. I have been focused on being a good neighbor and have been working to improve the neighborhood in many ways. One of the more visible examples was to enhance the beautification of the Lora Drive

Condominiums, where I provided and installed 10 Trees around their property. I have also donated a significant amount of new/ excess landscape construction materials and have loaned tools to various neighbors to improve their properties.



Thank you for your consideration, Joe Clark and Family

#### 14300 Lora Drive - Post Council Meeting Followup

Hello Amrito.

March 15, 2021

Thank you for your partnership over the past few days to land on reasonable compromises. Here is a recap of the agreed solutions:

• The overall height of the house has been reduced by 3' 81/2", a few inches short of 4 ft as you requested. Agreed - Thank you.

• The foundation is 2 ft lower as you had suggested as well. Agreed - Thank you. Finished Floor Height Installed at 263.5 - w/ survey elevation confirmation.

• The drainage also has been planned with no impact to the common fence as per your feedback. Agreed - Thank you. I am still very interested in seeing the engineered plans that are to be designed with the Building Department.

• Additional Stepback, as requested, has been introduced, 7' 61/2" towards the front of the house closer to your home, and 4 ft towards the backyard. Agreed. Thank you. If further chances in size are necessary, we would prefer this wall to be brought to 7' 6 1/2" across the entire side.

• An additional roof therefore has been introduced similar to a non formal architectural style as per your suggestion. Agreed. Thank you. I am assuming this is in reference to the roof under the step backs.

• The pitch of the roof has been reduced as you had suggested, to allow for more sun to come into your background. The Solar mpact is now minimal due to reduced height. Agreed. Thank you. Based on the provided solar study, this seems like a good compromise.

• The bathroom windows will have opaque glass and so will the bedroom windows till 5ft as per your request. We had agreed to 5.5.ft when the stepback was not in the picture, so 5ft with the stepback should provide similar privacy, which is what you have mentioned above as well.

Agreed - With Modification. Thank you. For clarification, I understand all the windows on the Left Elevation and the one on the Front/ Left Elevation will be constructed to have the window sills starting at least 5 feet above the 2nd floor's finished floor. The bathroom windows would be obscure glass. The sizes windows will be:

• All Windows Sills constructed with Minimum 5' above finished floor.

- Left Elevation 2nd Floor Bedroom 2 quantity 2.5' wide
- Left Elevation Bathroom 1 quantity 2' wide Obscure
- Front Left 2nd floor bathroom 1 quantity 2.5' wide Obscure

• Furthermore the balcony will not overlook your backyard to ensure additional privacy. Agreed. Thank you.

• We Agreed to ensure exterior lighting is set no higher than the 1st floor on the Left and Front Elevations of the home.

• We also agreed that the exterior HVAC Equipment and any other exterior mechanical equipment will be located on the Right Elevation - near the Utility service entrance.

• We also agreed to continue working on an appropriate screen tree species - if screen trees are even necessary at this point.

We both recognize that the Consulting Architect, as well as others within the community, may influence your home's design. With that in mind, I will continue to be prompt and accommodating to aid the success of your project. With these principles implemented, we do not foresee us having further concerns. We look forward to seeing the revised plans.

#### More importantly - we look forward to your project starting and welcoming you to the neighborhood.

#### With Gratitude, Joe Clark

On Mon, Mar 8, 2021 at 6:32 PM Amrito Chaube <<u>amritochaube@gmail.com</u>> wrote: Joe

As discussed here is the revised plan. We have taken into account all your asks and have modified the design accordingly.

- 1. The overall height of the house has been reduced by 3' 81/2", a few inches short of 4 ft as you requested.
- 2. The foundation is 2 ft lower as you had suggested as well.
- 3. The drainage also has been planned with no impact to the common fence as per yoru feedback.
- 4. Additional Stepback, as requested, has been introduced, 7' 61/2"" towards the front of the house closer to your home, and 4 ft towards the backyard.
- 5. An additional roof therefore has been introduced similar to a non formal architectural style as per your suggestion.
- 6. The pitch of the roof has been reduced as you had suggested, to allow for more sun to come into your background. The Solar mpact is now minimal due to reduced height.
- 7. The bathroom windows will have opaque glass and so will the bedroom windows till 5ft as per your request. We had agreed to 5.5.ft when the stepback was not in the picture, so 5ft with the stepback should provide similar privacy, which is what you have mentioned above as well.
- 8. Furthermore the balcony will not overlook your backyard to ensure additional privacy.

You can study the drawings which capture these changes. The Solar study has also been updated to reflect the changes. Hope that resolves your concerns.

We will also reduce the lighting in the backyard in the formal submission to the city.

Regards Amrito

#### 14300 Lora Drive Architectural Design

Hello Jocelyn and Sally,

I hope everyone is healthy and doing well.

I am writing regarding concerns to the style and height of a home that is being proposed at 14300 Lora Drive, Los Gatos. One of the reasons my husband and I decided to choose the town of Los Gatos to build a home and raise our family in, was because of the charm throughout the town.

We fell in love with the golf course views off of Wedgwood Ave and the rolling hills to walk right outside our front door.

When looking at the plans for 14300 Lora Drive, I don't see the charm in the architecture that makes Los Gatos special. Honestly, from the street view design posted at the sight, the house looks like a large square box with no architectural design. Please don't take short cuts when approving this design. Please look at it with a careful eye, as the town has done for so many years with each home.

This is a beautiful part of Los Gatos with desirable schools. Please don't treat this part of Los Gatos with any less attention than you would other neighborhoods in the town. This is a hidden gem of an area, that if treated with the same attention as the other neighborhoods in Los Gatos will shine with the Los Gatos charm we all love.

Please reach out to me if there is anything more I can do to voice my concern for the height and style of the home that is being proposed. Thank you,

Jeannie DaQuino

Thank you for your email, thoughts and kind words.

I did go over the drawings, and report from your designer.

I have some *questions* from your email regarding overall mass:

- Overall the height of 14300 Lora Dr is now 7'55" lower than 14333 Mulberry Dr => <u>this means 7 ft and 55</u> inches = (11 ft and 7 inches). Is this correct?
- 14333 Lora Dr. has been lowered to be 5' 36" below Mulberry Dr. first floor => <u>this means 5 ft and 36 inches</u> = (8 ft). Is this correct?

I did not see much changes from last email with exception of drainage. Clearly we are not on the same page regarding the mass, scale & bulk of your proposed structure and the kind of privacy issues that will create.

I am confused and extremely frustrated with the drawings and the report from your designer. I don't know what I should trust. There are so many inconsistencies & errors in numbers and claims.

Here are some examples:

- On the report the claim is that Mulberry structure is 6 inches wider than proposed structure of Lora dr. The actual data is <u>Mulberry structure width is 24ft 8 inches</u> and Lora Dr. proposed structure width is 57 ft. Could somebody please tell me, <u>Which one is wider</u>? (page 2 of her report, plan Bulk dimension).
- On last drawing sheet 15, it shows there are 4 trees on Mulberry property "missing trees per plan". I don't understand how they showed up and why only on sheet 15. These trees were on Lora dr. property not Mulberry dr. Why did these trees show up on Mulberry?
- Your designer is forgetting that you are building a brand new house not me. Her analysis around scale and mass is interesting. Mass Bulk Scale. For example have her count up all the square footage of every house that received a flyer to comment. The average square footage of all 16 houses is 1990sqft. The house she is proposing is over DOUBLE the average and 1200 sqft larger than the largest house within all 16. The proposed house's square footage is out of scale and does not fit the surrounding neighborhood.
- The Distance from your proposed structure to my seating area near the fence is ~<u>60 ft</u> not 123 ft or 113 ft.
- Balcony comments, Please have her read the Town of Los Gatos Design Guidelines regarding privacy around the 2nd floor balcony & windows.

I believe your intentions are good; however, this set of drawings and report from your designer don't do justice to anyone. They create confusion and mistrust. We have to be able to see things from each other's perspective. Unfortunately, I don't see anything was done to address the mass, bulk and scale of the proposed structure and the kind of privacy issues that will create.

I look forward to hearing back from you with a revised set of drawings & report.

Best regards Hooman Dear Krislani,

Thank you for your email and update.

I see the new style of proposed structure is <u>Informal Mediterranean</u> (page 14 of your word document). I saw that the revised drawings were uploaded on the Town of Los Gatos Website; unfortunately, I didn't see the revised CANNON DESIGN GROUP report.

I have 2 questions:

- 1. Could you please let me know when you will get the report of the revised drawings back from CANNON DESIGN GROUP (page 16 of your word document)?
- 2. Could you please let me know the precise square footage of the revised
  - $\circ$  1st floor,
  - $\circ \quad \text{2nd floor} \quad$
  - Voids on the 2nd floor.

I look forward to hearing back from you.

Best regards Hooman On Thu, Apr 8, 2021 at 12:53 PM Joe Clark <<u>joe.clark@gmail.com</u>> wrote: April 8, 2021 Hello Amrito (et all)

I noticed that the revised plans are now posted on the Town's website. Upon review, it seems like a few of the agreed upon items have not been included or correctly specified in your drawings. Is it possible to have these updated and have a correct file be reloaded on the website? This will remove the need for discussion at the town meeting.

- 1. **Page A-3 2nd Floor Plan** does not clarify that both bathroom glass windows are to be opaque. We Agreed:
  - Left Elevation Bathroom 1 quantity 2' wide Obscure
  - Front Left 2nd floor bathroom 1 quantity 2.5' wide Obscure
- 2. **Page A-13 Site Lighting Plan** shows 1 light for each entry door of the Front Elevation and 1 light on the Left Elevation.
  - Pages A-4 & A-5 do not have consistent lighting illustrated.
  - We Agreed to ensure exterior lighting is set no higher than the 1st floor on the Left and Front Elevations of the home.
- 3. Page A-1 Cover Sheet illustrates that the 1st and 2nd Floor Left Setback is at 12'.
  - This should be updated to be correct as there are now stepbacks introduced on the 2nd Floor.

I am also interested in reviewing the Consulting Architects second report. When will that be made available?

Much Thanks, Joe



March 22, 2021

Planning Division Community Development Department, Town of Los Gatos 110 E. Main Street Los Gatos, CA 95030

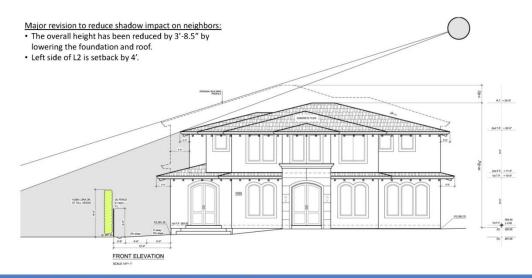
#### **RE: RESPONSE TO JOE CLARK - NEIGHBOR ON 14298 LORA DRIVE**

On behalf of Sonali and Amrito Chaube and their family, below are our responses to various subjects during the outreach and subsequent negotiations. <u>Notes:</u> Joe Clark responses and acceptance are highlighted in Cyan.

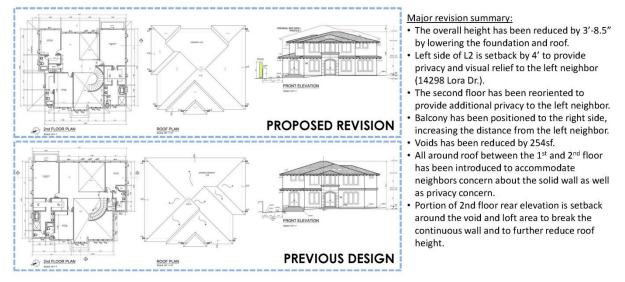
- 1. The overall height of the house has been reduced by 3'-8.5", a few inches short of 4 ft. as you requested. Agreed Thank you.
  - a. The foundation is 2 ft lower as you had suggested as well. Agreed Thank you. Finished Floor Height installed at 263.5 w/ survey elevation confirmation.
  - b. Additional step back, as requested, has been introduced, 7'-6.5" towards the front of the house closer to your home, and 4 ft. towards the backyard. Agreed. Thank you. If further chances in size are necessary, we would prefer this wall to be brought to 7'-6.5" across the entire side.
  - c. An additional roof therefore has been introduced similar to a non-formal architectural style as per your suggestion. Agreed. Thank you. I am assuming this is in reference to the roof under the step backs.
  - d. The pitch of the roof has been reduced as you had suggested, to allow for more sun to come into your background. The Solar impact is now minimal due to reduced height.
     Agreed. Thank you. Based on the provided solar study, this seems like a good compromise.

SOLAR & SHADOW

#### THE A. CHAUBE RESIDENCE, 14300 Lora Drive, Los Gatos, CA 95032



#### **DESIGN REVISION & IMPROVEMENT**



#### TOTAL PROPOSED HOUSE S.F. COMPLIES TOWN OF LOS GATOS ORDINANCE

#### CONCLUSION: PROPOSED REVISION IMPROVES THE OVERALL DESIGN OF THE HOUSE

Kris & Associates - 3484 Mission View Dr., Fremont CA 94538 - (510) 252 1212

#### **DESIGN REVISION & IMPROVEMENT**



Major revision summary:

- The overall height has been reduced by 3'-8.5" by lowering the foundation and roof.
- Left side of L2 is setback by 4' to provide privacy and visual relief to the left neighbor (14298 Lora Dr.).

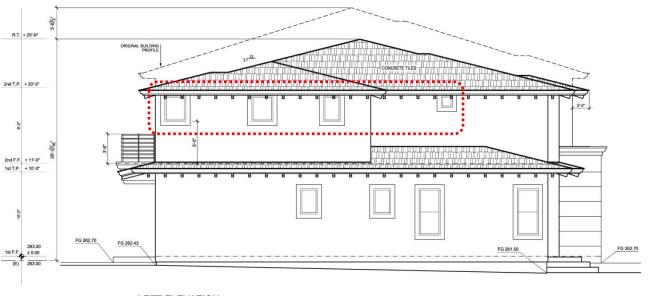
The second floor has been reoriented to provide additional privacy to the left neighbor.
Balcony has been positioned to the right side, increasing the distance from the left neighbor.
Voids has been reduced by 254sf.

 All around roof between the 1<sup>st</sup> and 2<sup>nd</sup> floor has been introduced to accommodate neighbors concern about the solid wall as well as privacy concern.

Portion of 2nd floor rear elevation is setback around the void and loft area to break the continuous wall and to further reduce roof height.

#### CONCLUSION: PROPOSED REVISION IMPROVES THE OVERALL DESIGN OF THE HOUSE

2. The bathroom windows will have opaque glass and so will the bedroom windows till 5ft as per your request. We had agreed to 5.5.ft when the step back was not in the picture, so 5ft with the step back should provide similar privacy, which is what you have mentioned above as well. Agreed - with Modification. Thank you. For clarification, I understand all the windows on the Left Elevation and the one on the Front/ Left Elevation will be constructed to have the window sills starting at least 5 feet above the 2nd floor's finished floor. The bathroom windows would be obscure glass.



LEFT ELEVATION

- 3. The drainage also has been planned with no impact to the common fence as per your feedback. Agreed Thank you. I am still very interested in seeing the engineered plans that are to be designed with the Building Department.
- 4. Furthermore the balcony will not overlook your backyard to ensure additional privacy. Agreed. Thank you.
- 5. We agreed to ensure exterior lighting is set no higher than the 1st floor on the Left and Front Elevations of the home.

Krislani Mulia

Krislani Mulia Designer



March 22, 2021

Planning Division Community Development Department, Town of Los Gatos 110 E. Main Street Los Gatos, CA 95030

#### RE: RESPONSE TO HOOMAN BOLANDI - NEIGHBOR ON 14333 MULBERRY DR.

On behalf of Sonali and Amrito Chaube and their family, below are our responses to various subjects during the outreach and subsequent negotiations. <u>Notes:</u> Hooman Bolandi comments are highlighted in Cyan.

1. Overall Mass Bulk & Scale (please see attached file slides 4-8):

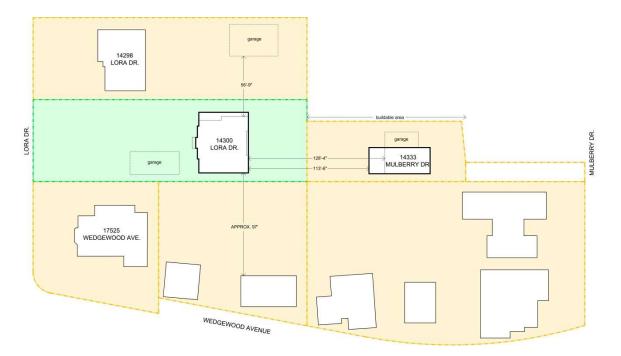
While my family & I appreciate your effort on reducing the proposed height by 3 ft 8 inches and introducing a setback of 4 ft on one side, unfortunately, the overall mass (width of the 2nd floor) and height of structure is still towering over our property. Looking at the 2nd floor floor plan layout, there is plenty of "void" space (~800 sqft) that allows for more mass (width) reduction which results in further reduction of overall height. **Our Ask** is to please reduce the overall mass (width) of the 2nd floor proposed structure. This will further reduce the overall height.

#### Response:

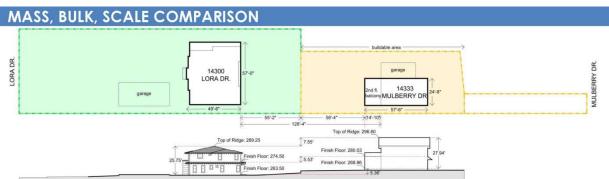
- Overall the height of 14300 Lora Dr is now 7'55" lower than 14333 Mulberry Dr
- 14333 Lora Dr. has been lowered to be 5' 36" below Mulberry Dr. first floor
- Second floor height has been lowered to be 5'5" below mulberry drive 2nd floor height

#### MASS, BULK, SCALE COMPARISON

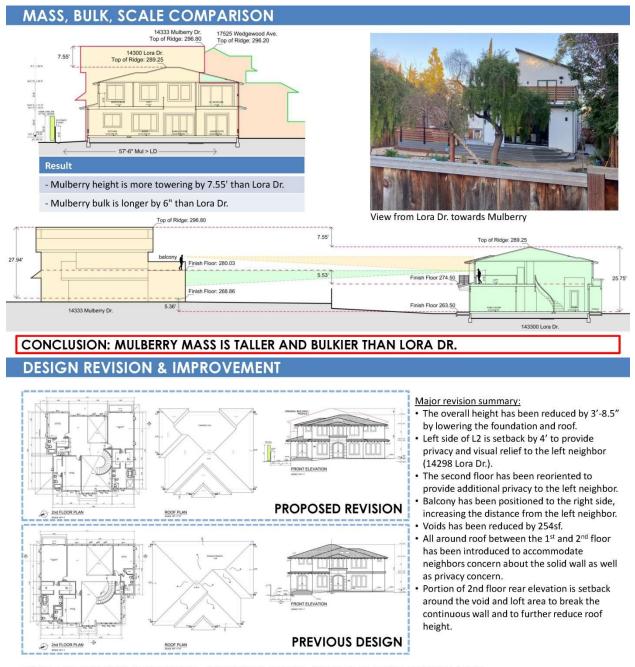
Page 51



COMPARISON (2 STORY HOUSE)	LOT (s.f.)	LIVING (s.f.)	FLOOR AREA RATIO	TOP OF RIDGE (ft.)
14333 MULBERRY DR.	8,378	2,609	0.3114	296.80 (7.55' higher)
17525 WEDGEWOOD AVE.	14,474	3,749	0.2590	296.20 (6.95' higher)
14300 LORA DR.	19,853	4,467	0.2250 (smallest)	289.25 (lowest height)



COMPARISON	14300 LORA DR.	14333 MULBERRY DR.	RESULT	
Top of Ridge	289.25	296.80	Mulberry is 7.55' higher than Lora Dr.	
Finish 1 <sup>st</sup> Floor Level	263.50	268.86	Mulberry is 5.36' higher than Lora Dr.	
Finish 2 <sup>nd</sup> Floor Level	274.50	280.03	Mulberry is 5.53' higher than Lora Dr.	
Building Height (ft.)	25.75	27.94	Mulberry is 2.19' higher than Lora Dr.	
Plan Bulk Dimension	57'-0" x 49'-6"	57'-6" x 24'-8"	Mulberry is 6" wider than Lora Dr.	
Buildable Lot Size (s.f.)	19,853	8,378	Lora Dr. Lot is 237% significantly larger than Mulberry's	
Building Coverage	2,672/19,853 = 13.46%	1,418/8,378 = 16.92%	Mulberry has larger building coverage than Lora Dr.	
CONCLUSION: MULBERRY MASS IS TALLER AND BULKIER THAN LORA DR.				



TOTAL PROPOSED HOUSE S.F. COMPLIES TOWN OF LOS GATOS ORDINANCE

CONCLUSION: PROPOSED REVISION IMPROVES THE OVERALL DESIGN OF THE HOUSE

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#### **DESIGN REVISION & IMPROVEMENT**



Major revision summary:

- The overall height has been reduced by 3'-8.5" by lowering the foundation and roof.
- Left side of L2 is setback by 4' to provide privacy and visual relief to the left neighbor (14298 Lora Dr.).

The second floor has been reoriented to provide additional privacy to the left neighbor.
Balcony has been positioned to the right side, increasing the distance from the left neighbor.
Voids has been reduced by 254sf.

 All around roof between the 1<sup>st</sup> and 2<sup>nd</sup> floor has been introduced to accommodate neighbors concern about the solid wall as well as privacy concern.

Portion of 2nd floor rear elevation is setback around the void and loft area to break the continuous wall and to further reduce roof height.

#### CONCLUSION: PROPOSED REVISION IMPROVES THE OVERALL DESIGN OF THE HOUSE

2. Privacy & Shadow (please see attached file slides 9-12):

Unfortunately, planting trees by the fence of Mulberry dr. will diminish the value and effort of reduced overall height of 3ft 8 inches. The trees should be planted against your proposed house and they can be in a staggered pattern to create a shaded patio area for your backyard. This will be a Win-Win for both of our families.

<u>Our Ask</u> is to please plant trees against your proposed house, reduce the overall mass (width) of the 2nd floor proposed structure, install privacy screen lattice on the fence and around balcony

#### Response:

#### PRIVACY

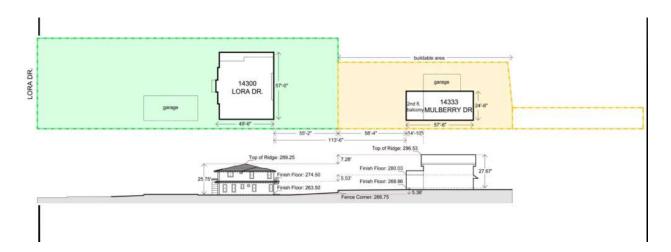
- Several existing trees already provide privacy
- Rails on the balcony to provide privacy as requested.

#### THE A. CHAUBE RESIDENCE, 14300 Lora Drive, Los Gatos, CA 95032



- 14333 Lora Dr. has been lowered to be 5' 36" below Mulberry Dr. first floor
- First Floor privacy will be provided through additional lattice on the fence till 8 ft.
- Second floor height has been lowered to be 5'5" below mulberry drive 2nd floor height
- Distance including the setbacks between the second floors of the two houses is a total 123' 6"
- Additional Screen trees will be added to provide additional privacy. Screen trees will be added 5ft from the property line to minimize shadow. Shadow study has been created to depict minimal impact.

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<sup>w</sup>ris & Associates - 3484 Mission View Dr., Fremont CA 94538 - (510) 252 1212

#### SHADOW STUDY - RESPONSE TO 14333 MULBERRY DR.

As shown on the shadow study for all season below, only very small part of 14333 Mulberry Dr. will get afternoon shadow from trees on 14300 Lora Dr. backyard.



CONCLUSION: VERY SMALL SHADOW FROM LORA DR. TREES ON MULBERRY

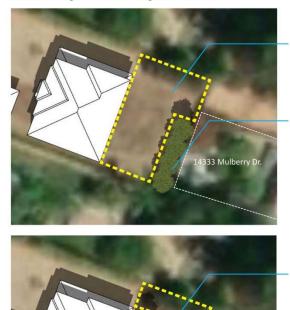
#### THE A. CHAUBE RESIDENCE, 14300 Lora Drive, Los Gatos, CA 95032



SHADOW STUDY - RESPONSE TO 14333 MULBERRY DR.

#### THE A. CHAUBE RESIDENCE, 14300 Lora Drive, Los Gatos, CA 95032

We appreciate your suggestion about staggering the trees and place them close to our building. However, the suggested location of the trees is not aligned with our design and intention.



The placing of the trees by the back fence created a big active space on the backyard.

These evergreen trees give privacy for both our property and yours. Furthermore, the mature height of these slow-growing trees is 20-25' (which is as tall existing trees on the backyard of 14333 Mulberry Dr.), which could also create privacy from 14333 Mulberry Dr.'s 2nd floor and vice versa.

These staggered trees placement creates segmented backyard space. The close distance of the trees from the building also blocking the sunlight to the house.

The backyard of 14300 Lora Dr. does not have privacy from the back neighbor because of the absence of the trees along the fence.

CONCLUSION: TREES PLACEMENT BY THE BACK FENCE OF LORA DR.

4333 Mulberry Dr.

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#### SHADOW STUDY - RESPONSE TO 14333 MULBERRY DR.

The mass of the proposed building has been revised. As seen on the shadow study over every season below, clearly no shadow from 14300 Lora Dr. will cast on 14333 Mulberry Dr., therefore 14333 Mulberry Dr. will not get impacted by the shadow despite the mass and scale of the proposed building.



CONCLUSION: NO SHADOW FROM LORA DR. MASS ON MULBERRY

**3. Drainage** (please see attached file slide 12): Unfortunately, I didn't see any notes or design to address the drainage near the Mulberry dr. fence.

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<u>Our Ask</u> is to Reinforced all fence posts with Mulberry dr., Establish positive drainage, install rainwater management system.



- On the new plan I did not see any note regarding drainage near Mulberry fence
- Re-establish positive drainage.
- Install rain water management system
- Reenforce the fence posts

#### Response:

A: - REVISED C1 GRADING & DRAINAGE IS SHOWING POSITIVE DRAINAGE AND DEFINITELY WATER RUN-OFF PER CODE - REINFORCE THE FENCE WILL BE DONE AS NECESSARY

## COMMISSIONER'S COMMENTS DURING THE 2/24/21 HEARING (PLEASE SEE ATTACHED FILE SLIDE 3):

#### 1. Compatibility study around mass & volume of 2 Story Formal Mediterranean Style.

#### Response:

See previous pages. Two story Formal Mediterranean has been changed to informal Mediterranean Style

#### 2. The largest house in the neighborhood over 4500 sf.

#### Response:

- a. The proposed 4,467 sf. is still under the limit of TLG ordinance (max. limit 4,590 sf.).
- b. There are 2 condominium complexes in neighborhood, which must be more than 4,500 sf.:
  - 14225 Lora Dr.
  - 14245 Lora Dr.

#### 3. Town Architecture Report suggested an informal architecture

#### Response:

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The current Architecture design turned to an Informal Mediterranean style.

#### 4. Two story building with a basement to act as 1st floor.

#### Response:

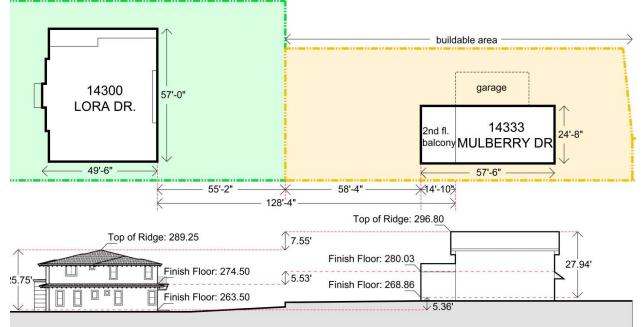
- a. The proposed 2-story height of 26'-3" is still under the limit of TLG ordinance.
- b. The proposed 4,467 sf. is still under the limit of TLG ordinance (max. limit 4,590 sf.).
- c. There is no basement implementation precedent on houses around the block.

#### 5. No balcony

#### Response:

Our adjacent rear neighbor at 14333 Mulberry has a full house width balcony (30'x14'-10"). Our balcony is only 15'x4'-8".





#### 6. Ask the town architect to relook at the proposed design

#### Response:

Proposed revised design will be submitted to Architect Consultant for review.

Sincerely,

Krislani Mulia

Krislani Mulia Designer

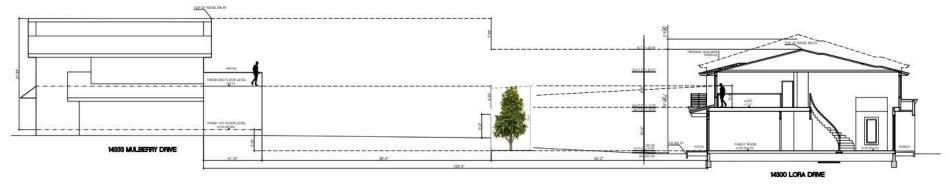
## MR H BOOLANDI'S CONCERNS ADDRESSED

	Area	Actioned
1.	Privacy	
2.	Mass	
3.	Solar Access	
4.	Drainage	
5.	Others	

6 April 2021

## PRIVACY

## Privacy will be provided by the distance, height and screen trees



SECTION Y-Y THROUGH 14333 MULBERRY DRIVE

## Towering Mulberry has 7.55' higher ridge Distance between the second floors 128'

## Privacy through Engineering

The floor height comparison for both floors both have Mulberry at the more than 5 ft advantage reducing privacy issues

COMPARISON	14300 LORA DR.	14333 MULBERRY DR.	RESULT
Top of Ridge	289.25	296.80	Mulberry is 7.55' higher than Lora Dr.
Finish 1 <sup>st</sup> Floor Level	263.50	268.86	Mulberry is 5.36' higher than Lora Dr.
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Building Height (ft.)	25.75	27.94	Mulberry is 2.19' higher than Lora Dr.

## Towering Mulberry floors are >5' higher

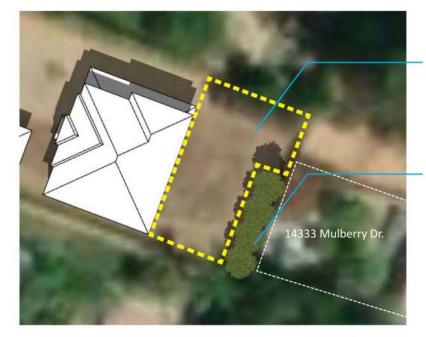
# Steps to satisfy Hooman Boolandi's request

### **PRIVACY**

- Install lattice on the fence
- Balcony : Install rails to act as privacy screen
- Screen Trees



We appreciate your suggestion about staggering the trees and place them close to our building. However, the suggested location of the trees is not aligned with our design and intention.



The placing of the trees by the back fence created a big active space on the backyard.

These evergreen trees give privacy for both our property and yours. Furthermore, the mature height of these slow-growing trees is 20-25' (which is as tall existing trees on the backyard of 14333 Mulberry Dr.), which could also create privacy from 14333 Mulberry Dr.'s 2nd floor and vice versa.



These staggered trees placement creates segmented backyard space. The close distance of the trees from the building also blocking the sunlight to the house.

The backyard of 14300 Lora Dr. does not have privacy from the back neighbor because of the absence of the trees along the fence.

#### Screen Trees will be placed 5 ft into Lora Drive to preserve active backyard taking into Account Mr. Boolandi's request

#### **Extremenly Minimal shadow from Screen Trees**



June

Sept













ie 21st 9.00 am







12.00 pm

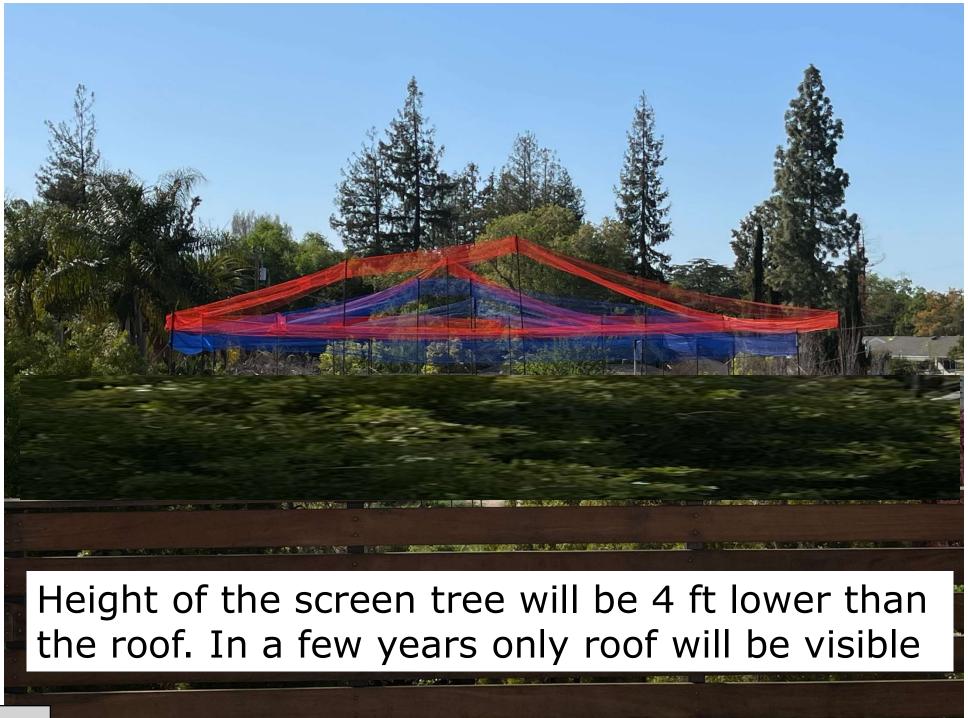


## MASS

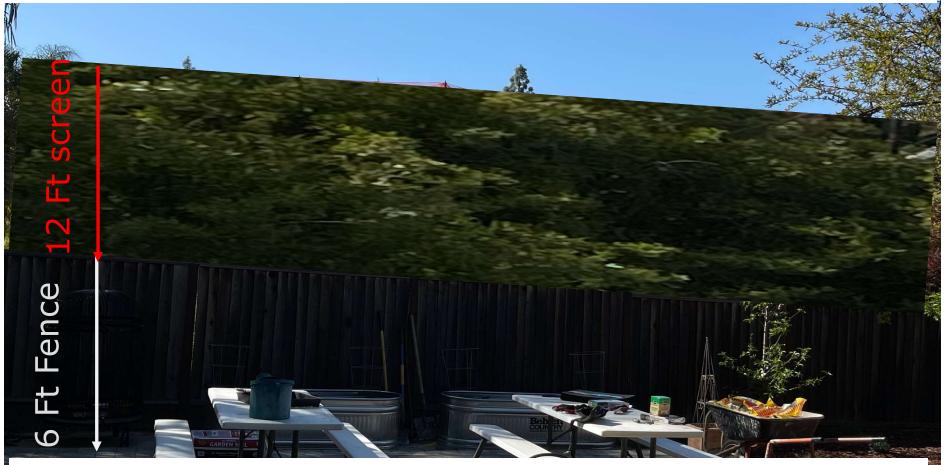
# Steps to satisfy Hooman Boolandi's request

## <u>MASS</u>

- Eliminate the need for an extended height foundation, significantly lower the exterior wall.
   Mulberry FF is 5.36 higher
- Reduce the overall exterior wall height of the proposed structure Mulberry ridge is 7.55' higher
- Reduce 2<sup>nd</sup> story mass
- Roof Pitch has been reduced
- Roof has been added between 1<sup>st</sup> and 2<sup>nd</sup> floor to break a single wall
- Void has been reduced by 254 sq ft

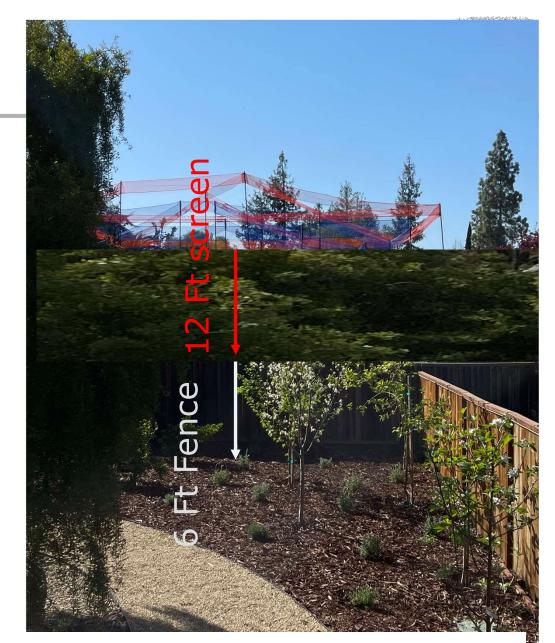


# Minimal roof line will be visible with a 12ft screen tree –*fence height referenced for comparison*



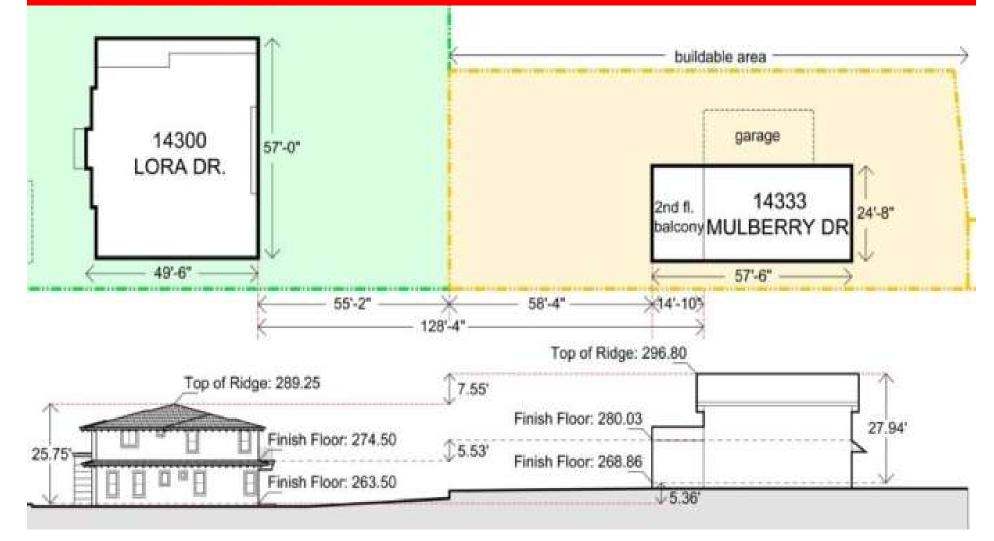
# 15 ft screen trees have been proposed

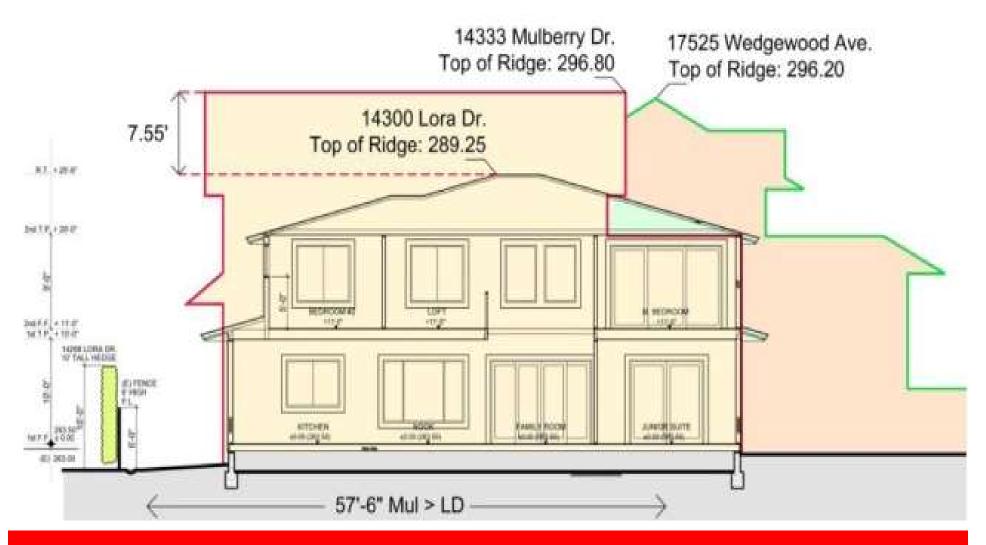
Only roof will be visible with a 12ft screen tree - fence height referenced for comparison



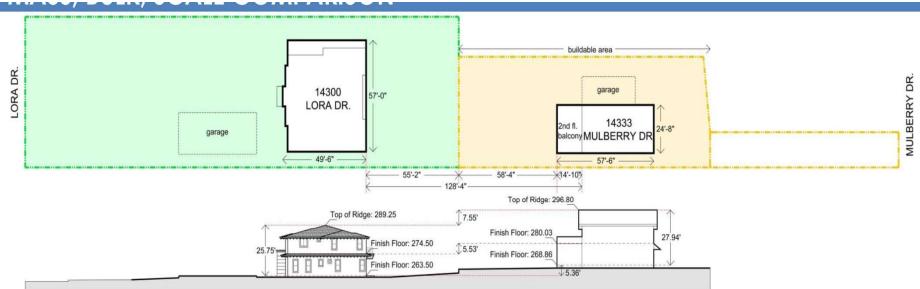
15 ft screen trees have been proposed

# Towering Mulberry is 7.55' higher Lora Buildable area is 2.4 X Mulberry's





Towering Mulberry is bigger in 2 of the 3 dimensions although Lora Buildable area is 2.4 X Mulberry's



COMPARISON	14300 LORA DR.	14333 MULBERRY DR.	RESULT
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### Towering Mulberry is bigger in 2 of the 3 dimensions although Lora Buildable area is 2.4 X Mulberry's

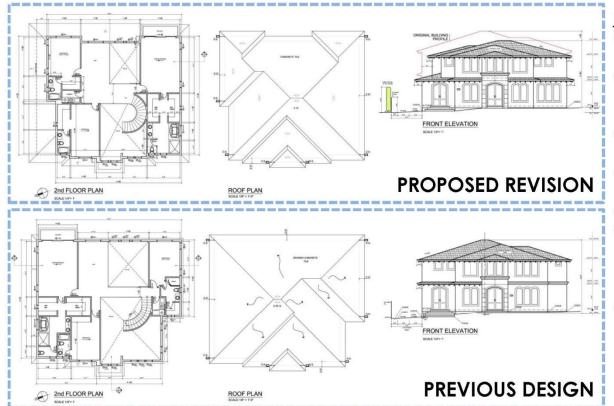
### MASS, BULK, SCALE COMPARISON



COMPARISON (2 STORY HOUSE)	LOT (s.f.)	LIVING (s.f.)	FLOOR AREA RATIO	TOP OF RIDGE (ft.)
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14300 LORA DR.	19,853	4,467	0.2250 (smallest)	289.25 (lowest height)

# Lora has smallest FAR in block

### **DESIGN REVISION & IMPROVEMENT**



#### Major revision summary:

• The overall height has been reduced by 3'-8.5" by lowering the foundation and roof.

• Left side of L2 is setback by 4' to provide privacy and visual relief to the left neighbor (14298 Lora Dr.).

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Voids has been reduced by 254sf.

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Portion of 2nd floor rear elevation is setback around the void and loft area to break the continuous wall and to further reduce roof height.

### TOTAL PROPOSED HOUSE S.F. COMPLIES TOWN OF LOS GATOS ORDINANCE

# 2<sup>nd</sup> Floor mass has been reduced

### **DESIGN REVISION & IMPROVEMENT**



#### Major revision summary:

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- Portion of 2nd floor rear elevation is setback around the void and loft area to break the continuous wall and to further reduce roof height.

### CONCLUSION: PROPOSED REVISION IMPROVES THE OVERALL DESIGN OF THE HOUSE

# SHADOW

# No shadow on Mulberry



June

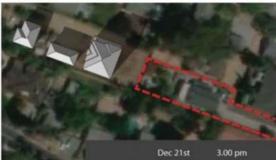












9.00 am





Sept 21st 12.00 pm

12.00 pm



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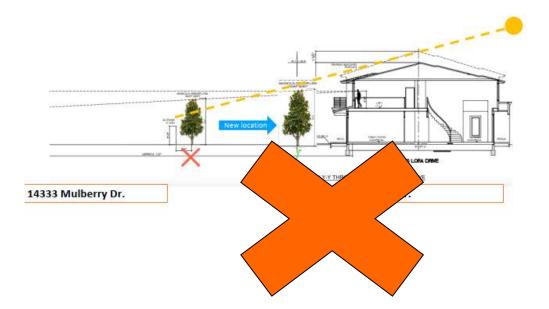
## Mass & Scale → Sun Blockage & Shadowing



This is going to be a problem for my mother who is 85+ years old and is required to get sun.

Inaccurate representation – shadow from Towering Mulberry on Lora

# **Privacy & Shadow**



- Planting Trees by the fence of Mulberry dr. will diminish the value of reduced exterior wall height.
- Planting trees by the fence with create Shadow on 14333 Mulberry dr.

The overall massive scale of the proposed house is towering over 14333 Mulberry Dr.

# Inaccurate representation –Shadow study provides accurate solar impact

### Mass & Scale $\rightarrow$ Sun Blockage & Shadowing



This is going to be a problem for my mother who is 85+ years old and is required to get sun.

### PICTURE SHOWS SHADOW FROM 14333 MULBERRY DRIVE ON TO 14330 LORA DRIVE



INACCURATE REPRESENTATION: BACKYARD SHADOW FROM EXISTING FOLIAGE AND STRUCTURES NOT FROM STORY POLE OF 14300 LORA DRIVE

Redo the shadow calculation for different time of the day during all seasons and determine the correct height & 2<sup>nd</sup> story mass.

Reduce the overall exterior wall height of the proposed structure.

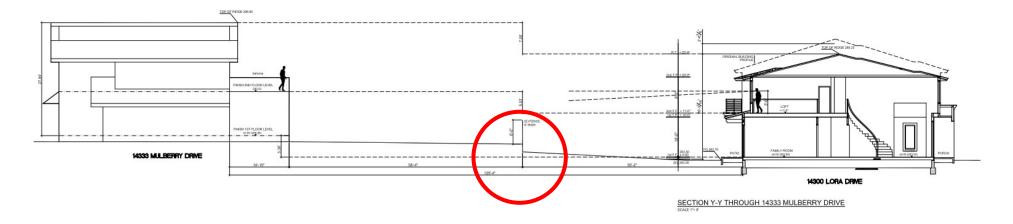
Reduce 2<sup>nd</sup> story mass of the proposed structure

Redo the shadow calculation with the new proposed height & 2<sup>nd</sup> story mass for different seasons.

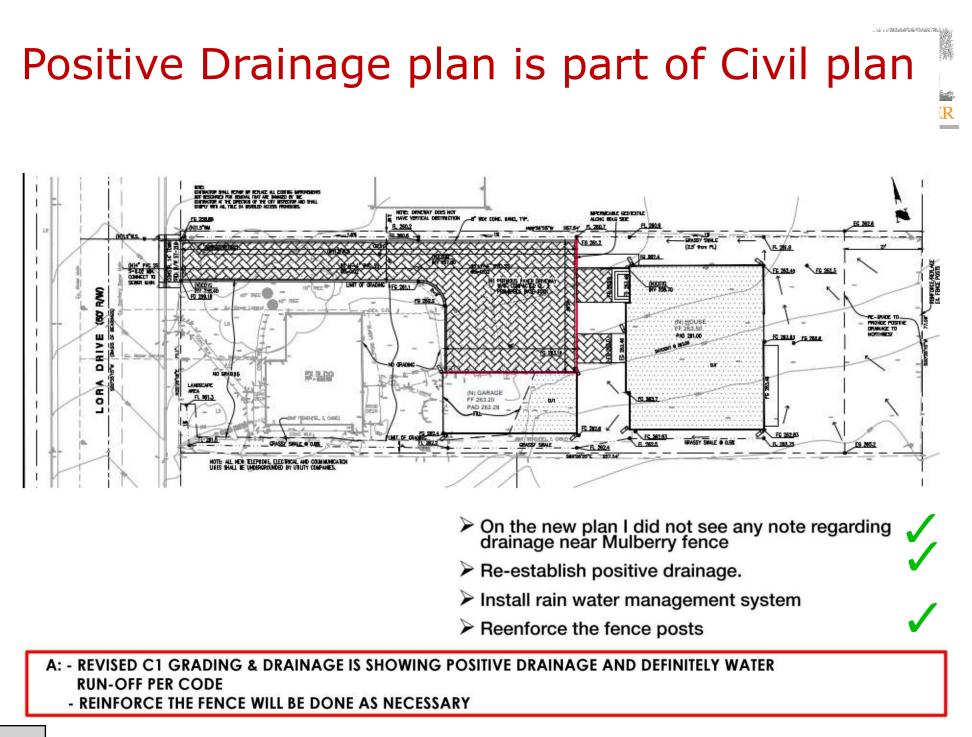
# DRAINAGE

### DRAINAGE





# **Inaccurate representation** – Mulberry Lot grade is much higher than Lora



# OTHERS

# Balcony

 Balcony: Your beautiful house and its balcony is a wonderful example which we have factored in as well as design guidelines, e.g we have a 55' ft distance from my rear property much more than the recommended 20ft. We have also accepted your proposal earlier of using railings instead of glass sides. This Page Intentionally Left Blank

### **PLANNING COMMISSION –** *April 14, 2021* **CONDITIONS OF APPROVAL**

### **<u>14300 Lora Drive</u>** Architecture and Site Application S-20-019

Requesting Approval for Demolition of an Existing Detached Garage and for Construction of a New Single-Family Residence on Property Zoned R-1:8. APN 409-15-028. Architecture and Site Application S-20-019.

### PROPERTY OWNER: Amrito Chaube APPLICANT: Krislani Mulia PROJECT PLANNER: Jocelyn Shoopman

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

### Planning Division

- 1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
- 2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
- 3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
- 4. ACCESSORY DWELLING UNIT PERMIT: An Accessory Dwelling Unit permit shall be obtained from the Planning Division prior to issuance of a building permit.
- 5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any protected trees to be removed, prior to the issuance of a building or grading permit.
- 6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan and must remain on the site.
- 7. TREE FENCING: Protective tree fencing, and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
- 8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
- 9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
- 10. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable. A Compliance Memorandum shall be prepared by the applicant

and submitted with the building permit application detailing how the recommendations have or will be addressed.

- 11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the requirements of the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. Submittal of a Landscape Documentation Package pursuant to WELO is required prior to issuance of a building permit. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review. A completed WELO Certificate of Completion is required prior to final inspection/certificate of occupancy.
- 12. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
- 13. <u>SECOND FLOOR BATHROOM WINDOWS:</u> Second floor bathroom windows on the north (left) elevation shall be obscured glass.
- 14. <u>TREE SCREENING: Tree screening shall be included at the rear property line to the</u> satisfaction of the Community Development Director.
- 15. <u>REAR FENCE: An eight-foot high privacy fence extension shall be constructed along the east</u> (rear) property line.
- 16. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval and may be secured to the satisfaction of the Town Attorney.
- 17. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

### **Building Division**

- 18. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
- 19. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
- 20. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
- 21. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
- 22. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
- 23. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent

property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.

- 24. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
  - a. Building pad elevation
  - b. Finish floor elevation
  - c. Foundation corner locations
  - d. Retaining wall(s) locations and elevations
- 25. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
- 26. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
  - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
  - b. All passage doors shall be at least 32-inch wide doors on the accessible floor level.
  - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
  - d. A door buzzer, bell or chime shall be hard wired at primary entrance.
- 27. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
- 28. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
- 29. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at <u>www.losgatosca.gov/building</u>.
- 30. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.

- 31. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development Planning Division: (408) 354-6874
  - b. Engineering/Parks & Public Works Department: (408) 399-5771
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

#### **Engineering Division**

- 32. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
- 33. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
- 34. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
- 35. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
- 36. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
- 37. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner/Applicant/Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be

submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.

- 38. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
- 39. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
- 40. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
- 41. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
- 42. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
- 43. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
- 44. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any grading or building permits or recordation of the Parcel / Final Map.
- 45. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
- 46. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other

studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.

- 47. GRADING PERMIT: A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner/Applicant/Developer's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.
- 48. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner/Applicant/Developer for review and approval by the Development Review Committee prior to applying for a grading permit.
- 49. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
- 50. DRIVEWAY: The driveway conform to existing pavement on Lora Drive shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
- 51. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
- 52. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall

runoff which may be expected from all storms up to and including the theoretical 100-year flood.

- 53. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
  - a. Along with the Owner, Applicant and/or Developer, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
  - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
- 54. SOILS REPORT: One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
- 55. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
- 56. SOILS REVIEW: Prior to issuance of a building permit, the Owner, Applicant and/or Developer's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Owner, Applicant and/or Developer, and subsequent approval by the Town. In the event that the deciding body requests as such, the peer review shall be completed prior to approval of a development application. The Owner, Applicant and/or Developer's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Owner, Applicant and/or Developer's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of grading or building permit(s).
- 57. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner, Applicant and/or Developer's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner, Applicant and/or Developer's soils engineer and submitted to the Town before a certificate of occupancy is granted.
- 58. SOIL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological

investigation as prepared by the Owner, Applicant and/or Developer's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner, Applicant and/or Developer.

- 59. SUPPLEMENTAL GEOLOGIC AND GEOTECHNICAL STUDIES: Supplemental geologic and geotechnical engineering studies shall be performed in support of the design of the infrastructure and the house, and the reports and plans shall be submitted to the Town for review.
- 60. JOINT TRENCH PLANS: Joint trench plans shall be reviewed and approved by the Town prior to recordation of a map. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public street light billing will by Rule LS2A, and that private lights shall be metered with billing to the homeowners' association. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.
- 61. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
- 62. GREEN INFRASTRUCTURE MEASURES: Projects which propose work within the Town's rightof-way, including but not limited to pavement restoration, street widening, construction of curb, gutter and/or sidewalk, right-of-way dedication, etc., will be evaluated by Staff to determine its potential for the implementation of Green Infrastructure measures and associated improvements.
- 63. FRONTAGE IMPROVEMENTS: The Owner and/or Applicant shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach(es), curb ramp(s), signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, traffic signal(s), street lighting (upgrade and/or repaint) etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 64. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
- 65. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.

- 66. UTILITY EASEMENTS: Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, structures or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The Town will prepare the deed language and the Owner, Applicant and/or Developer's surveyor shall prepare the legal description and plat. The Owner, Applicant and/or Developer shall pay any recordation costs. The documents shall be recorded before any grading or permits are issued.
- 67. PRIVATE EASEMENTS: Agreements detailing rights, limitations and responsibilities of involved parties shall accompany any proposed private easement. Access driveway shall be within the recorded access easement. A new private access easement shall be recorded, and an electronic copy (PDF) of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to issuance of a grading or building permit. A realigned access driveway shall be completed prior to the issuance of grading or building permit.
- 68. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
  - a. The Town standard "T" trench detail shall be used.
  - b. A Town-approved colored controlled density backfill shall be used.
  - c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.
  - d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt.
  - e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
  - f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.
- 69. SIDEWALK/CURB IN-LIEU FEE: A curb and sidewalk in-lieu fee of **\$10.780.00** shall be paid prior to issuance of a building permit. This fee is based on 77 linear feet of curb at \$68.00 per linear foot and 346 square feet of 4.5-foot wide sidewalk at \$16.00 per square foot in accordance with Town policy and the Town's Comprehensive Fee Schedule. The final curb and sidewalk in-lieu fee for this project shall be calculated using the current fee schedule and rate schedule in effect at the time the fee is paid.
- 70. VALLEY GUTTER REPAIR: The Owner/Applicant shall repair and replace to existing Town standards any valley gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New valley gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names,

graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of valley gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

- 71. DRIVEWAY APPROACH: The Owner, Applicant and/or Developer shall install 1 Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
- 72. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
- 73. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-ofway will only be allowed if it does not cause access or safety problems as determined by the Town.
- 74. TRAFFIC CONTROL PLAN: A traffic control plan is required and must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
  - a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
  - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
  - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.
- 75. CONSTRUCTION TRAFFIC CONTROL: All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for review and approval by the Town Engineer prior to the issuance of an encroachment, grading or building permit.
- 76. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
- 77. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the

issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

- 78. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 79. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
- 80. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's <u>Construction Management Plan Guidelines</u> document for additional information.
- 81. MAINTENANCE ACCESS: Prior to the issuance of any grading or building permits, the Owner, Applicant and/or Developer shall propose maintenance access improvements for the Town Engineer to review, comment on, and approve. The Engineering Division of the Parks and Public Works Department shall approve the surface materials over each public easement.
- 82. EMERGENCY VEHICLE ACCESS: The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
- 83. EMERGENCY VEHICLE ACCESS EASEMENT: Prior to the issuance of any grading or building permits, the Owner, Applicant and/or Developer shall coordinate with the Santa Clara County Fire Department to ensure that any proposed modifications to the Emergency Vehicle Access Easement that traverses the Project Site are curvilinear, allows for the Department's equipment to travel across said easement, and meets all Department

specifications. Plans shall be submitted to the Santa Clara County Fire Department for approval prior to construction.

- 84. WVSD (West Valley Sanitation District): Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required for each property at the property line, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.
- 85. SANITARY SEWER BACKWATER VALVE: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
- 86. RELOCATION OF TRASH AND RECYCLING COLLECTION LOCATION: Prior to the issuance of any permits, an approval letter from West Valley Collection & Recycling accepting the change with the trash and recycling collection location shall be provided to the Town.
- 87. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
- 88. NPDES STORMWATER COMPLIANCE: In the event that, during the production of construction drawings for the plans approved with this application by the Town of Los Gatos, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.
- 89. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
  - a. Protect sensitive areas and minimize changes to the natural topography.
  - b. Minimize impervious surface areas.
  - c. Direct roof downspouts to vegetated areas.
  - d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
  - e. Use landscaping to treat stormwater.

- 90. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
- 91. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
- 92. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
  - 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, or otherwise kept dust-free.
  - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
  - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
  - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
  - e. 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, or as deemed appropriate by Town

Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.

- f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
- g. 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.
- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
- j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- 93. DETAILING OF STORMWATER MANAGEMENT FACILITIES: Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
- 94. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
- 95. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
- 96. OFF-SITE DRAINAGE: The Owner, Applicant and/or Developer shall construct and install a private on-site storm drain system that is adequately sized to collect and convey adjacent

off-site tributary drainage. Hydraulic calculations for a 100-year storm event shall provide documentation that the proposed storm drain system can convey said off-site drainage as well as on-site drainage during this event over, within, through and off the site, and ultimately into the Town's storm drain system.

- 97. PUBLIC STORM DRAINAGE CONVEYANCE AGREEMENT: The Owner, Applicant and/or Developer shall enter into a Public Storm Drainage Conveyance Agreement with the Town to allow for the conveyance of storm drainage from the adjacent public right-of-way through the on-site private storm drain system and within the private street(s) to be constructed with the project. The Owner, Applicant and/or Developer shall be solely responsible for maintaining the storm drain system at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Town Attorney, and an electronic copy (PDF) of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department, prior to the issuance of any grading or building permits.
- 98. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
- 99. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
- 100. NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN: Immediately upon approval of an encroachment permit, the Owner, Applicant and/or Developer shall initiate a weekly neighborhood email notification program to provide project status updates. The email notices shall also be posted on a bulletin board placed in a prominent location along the project perimeter.
- 101. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
- 102. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

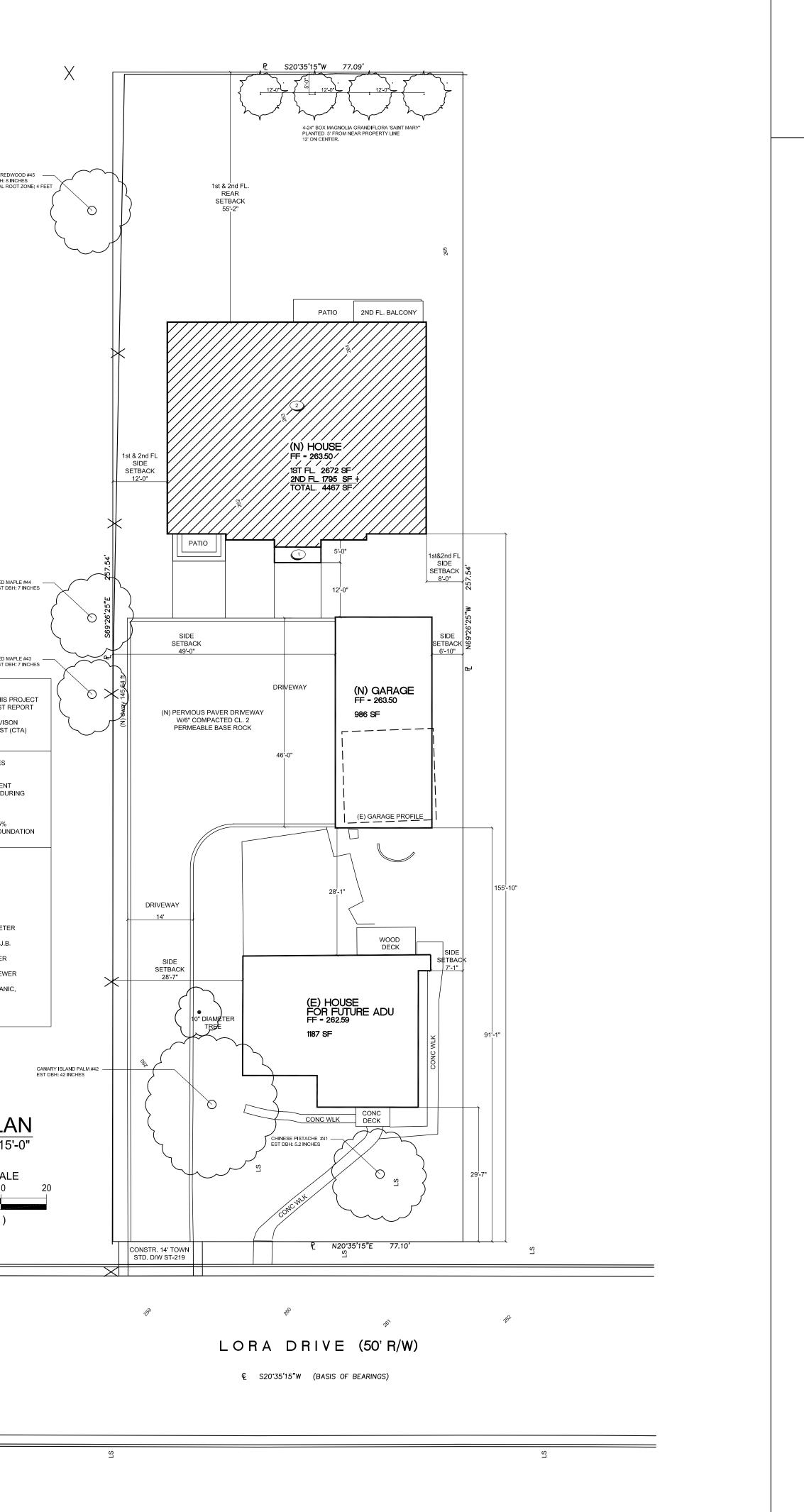
- 103. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
- 104. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A-1) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and

two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Note: A fire sprinkler system is required for the new residence as well as the new/existing combined garage structure (the structure exceeds 1,000 square feet).

- 105. FIRE APPARATUS (ENGINE)ACCESS DRIVEWAY REQUIRED: (As noted on Sheet C-1) Provide an access driveway with a paved all weather surface, a minimum unobstructed width of 12 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1 and CFC Section 503.
- 106. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7
- 107. ADDRESS IDENTIFICATION: (As noted on Sheet A-2) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. CFC Sec. 505.1.
- 108. CONSTRUCTION SITE FIRE SAFETY: (As noted on Sheet A-2) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
- 109. General: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

S:\PLANNING COMMISSION\2021\4-14-21\14300 Lora Dr\17. Rev Conditions of Approval.docx

ſ	GENERAL NOTES	PROJECT DATA	
	<ol> <li>ALL CONSTRUCTION WORK AND ITS FINISHED PRODUCT SHALL COMPLY WITH STATE CODES, CITY ORDINANCES,</li> <li>THE ISSUANCE OF A BUILDING PERMIT SHALL NOT NOT BE CONSTRUED AS A GUARANTEE THAT ALL CODE REQUIREMENTS ARE REFLECTED IN THE DOCUMENTS. NO GUARANTEE OF CONSTRUCTION QUALITY IS IMPLIED OR INTENDED BY THIS ARCHITECTURAL DOCUMENTS. THE GENERAL CONTRACTOR SHALL BE ULTIMATELY</li> </ol>	A.P.N. NO. : ZONING : R-1-8 OCCUPANCY GROUP : R3 - U TYPE OF CONSTRUCTION : V-B sprinklered LOT AREA : 19,853 S.F.	
	RESPONSIBLE FOR ANY OR ALL CONSTRUCTION DEFICIENCIES. 3. BUILDER SET DEFINITION : THESE PLANS ARE A "BUILDER SET", IT CONTAINS INFORMATION FOR BUILDING PERMIT AND GENERAL CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED NOR ARE FULLY SPECIFIED. THIS HAVE BEEN PRODUCED FOR THE USE OF A KNOWLEDGEABLE AND EXPERIENCED CONTRACTOR, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY, SELECT, SOLVE, AND INSTALL ALL MATERIALS & EQUIPMENT	MAX.ALLOWABLE LOT COVERAGE=40%x19,853=7,941 S.F. <u>LOT COVERAGE :</u> (N) HOUSE = 2,672 S.F. (N) GARAGE = 986 S.F. (E) <u>HOUSE = 1,187 S.F. +</u> TOTAL = 4,845 S.F. < 7,941 S.F>> <b>OK</b>	- COAST RED
	CORRECTLY. 4. BY EXECUTING CONTRACTS, PRIOR TO COMMENCING ANY WORK OR ORDERING ANY MATERIAL, CONTRACTOR REPRESENT THAT THEY HAVE : 4.1. VERIFIED EXISTING JOB SITE CONDITIONS AND SURROUNDINGS, LOCATIONS OF ALL UTILITY LINES, CONDUITS, SURFACE OR SUBSURFACE STRUCTURES, ETC.	$\frac{\text{MAXIMUM ALLOWABLE HABITABLE AREA :}}{\text{MAX AREA = 4,590 S.F.}}$ $\frac{\text{HABITABLE AREA :}}{\text{(N)}  \text{HOUSE 1st FLOOR = 2,672 S.F.}}{\text{2nd FLOOR = 1,795 S.F. +}}$	EST DBH: 8 CRITICAL RC
	<ul> <li>AND OF ANY NATURE THAT MAY BE AFFECTED BY THE</li> <li>WORK AND MADE DUE ALLOWANCES FOR DIFFICULTIES.</li> <li>4.2. CONTRACTOR TO VERIFY ALL MEASUREMENTS SHOWN</li> <li>ON THESE DRAWINGS WHICH SUPERCEDES SCALE OF</li> <li>DRAWINGS.</li> <li>5. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE</li> <li>ARCHITECT OR OWNER OF ANY CONFLICTS,</li> </ul>	<u>ZIM FLOOK = 1,793 S.F. +</u> TOTAL       = 4,467 S.F. < 4,590 S.F>> OK <u>MAXIMUM DETACHED ACCESSORY BUILDING AREA:</u> 15% x 19,853 = 2,978 S.F.	
	INCONSISTENCIES THEY DISCOVER WITHIN THE DRAWINGS OR EXISTING FIELD CONDITION PRIOR TO CONTINUE THE WORK IN THE AFFECTED AREA. IF THE AFFECTED AREA WORK IS CONTINUED WITHOUT ARCHITECT/ENGINEER CLARIFICATION, INSTRUCTION, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY CHANGES, DEFECT. 6. THE CONTRACTOR SHALL HOLD HARMLESS, INDEMNIFY	DETACHED ACCESSORY BUILDING AREA: 986 S.F. (N) GARAGE < 2,978 S.F>> <b>OK</b> SET BACK ALLOWED PROPOSED	
	AND DEFEND THE ARCHITECT AND HIS/HER CONSULTANTS FROM ANY ACTION INITIATED BY THE OWNER OR ANY SUB-SEQUENT OWNERS FOR CONSTRUCTION DEFICIENCIES, MODIFICATIONS OR SUCH CONDITIONS WHICH MAY BE BEYOND THE CONTROL OF THE ARCHITECT AND ITS ASSOCIATES CONSULTANT. 7. CONTRACTOR SHALL ACCEPT AND MAINTAIN THE EXISTING	FRONT         25'         154'-7" (E) 29'-7"           RIGHT SIDE         8'         8'           LEFT SIDE         8'         12'           REAR         25'         55'-2"	
	<ul> <li>SITE, SURROUNDING, CONDITION. AND PROTECT NEW AND EXISTING WORK, EQUIPMENT, MATERIALS. DAMAGES CAUSED BY CONTRACTOR NEGLECTNESS, SHALL BE REPAIRED, REPLACE AS GOOD CONDITON AS BEFORE, AT THE EXPENSE OF THE CONTRACTOR.</li> <li>8. DEMOLITION SHALL BE DONE IN A SAFE, ORDERLY MANNER WITHOUT DAMAGING TO OTHER PARTS OF THE PREMISES OR ADJACENT PROPERTIES. ALL DEMOLISHED/REMOVED ITEMS SHALL BE DISPOSED OFF BY THE CONTRACTOR PER</li> </ul>	AFES SPRINKLER PROVIDED : NFPA 13D SYSTEM	
	CITY OF FREMONT CONSTRUCTION & DEMOLITION WASTE MANAGEMENT ORDINANCE, AND VERIFY WITH THE OWNER ON ITEMS TO BE SAVED AND STORED. ALL REMOVED ITEMS TO BE SAVED FOR REUSE SHALL BE HANDLED WITH CARE.	<b>SCOPE OF WORK :</b> THIS PROJECT IS TO BUILD NEW 2 STORY SINGLE FAMILY RESIDENCE, DEMOLISH THE EXISTING GARAGE, AND BUILD NEW 4 CARS GARAGE.	RED M. EST DE
ł	PROJECT CONSULTANT		
	CIVIL ENGINEER : SURVEYOR	and the second s	RED M. EST DE
	LC ENGINEERING T 408.806.7187 GRADING & DRAINAGE PAUL LEUNG P.E. 408.370.8615	And a second sec	NOTES: OWNER, APPLICANT OF THIS F WILL IMPLEMENT ARBORIST R RECOMMENDATION PROVIDED BY WALTER LEVISO CONTRACT TOWN ARBORIST ( DATED ON 09/25/2020
	MILPITAS, CA <b>PROJECT DESIGNER-CONTACT PERSON</b> KRISLANI MULIA T/F 510.252.1212 3484 MISSION VIEW DR. FREMONT, CA 94538	La Rinconada Park	CALGREEN 2019 MEASURES CG.4.106.2 CONTRACTOR TO IMPLEMENT STORMWATER DRAINAGE DUF CONSTRUCTION CG 4.106.3 FINISH GRADE TO SLOPE 5% WITHIN 10' AWAY FROM FOUN
	SHEET INDEX	Lata Uras Cl.	LEGEND: (N) 1st FL (N) 2nd FL
	A 1 TITLE SHEET		(E) ELECTRIC METE (E) GAS (E) TELEPHONE J.B.
	<ul> <li>A 2 1st FLOOR PLAN</li> <li>A 3 2nd FLOOR PLAN</li> <li>A 4 ELEVATIONS</li> <li>A 5 ELEVATIONS</li> <li>A 6 ELEVATIONS</li> <li>A 7 SECTIONS &amp; ROOF PLAN</li> <li>A 8 GARAGE PLAN, ROOF PLAN, ELEVATIONS</li> <li>A 9 STREET SCAPE AND SITE PLAN</li> <li>A 10 PERSPECTIVE</li> <li>A 11 MATERIAL BOARD</li> </ul>		(E) WATER METER (E) S.S. (E) SANITARY SEWE (C) GARBAGE, ORGANIC RECYCLE CART
	A 12 SHADOW STUDY A12.1 SHADOW STUDY ON 14333 MULBERRY DR. A 13 SITE LIGHTING A 14 NEIGHBORHOOD PRIVACY A 15 ELEVATIONS WITH SHADOW ILLUSTRATION A 16 SECTIONS WITH NEIGHBORS		SITE PLA
	C 1 GRADING & DRAINAGE C 2 EROSION CONTROL C 3 BAY CLEAN MANAGEMENT T TOPO SURVEY		SCALE 1" = 15 GRAPHIC SCAL 10 0 5 10
			( IN FEET )
	2019 CALIFORNIA BUILDING CODE 2019 CALIFORNIA RESIDENTIAL CODE (CRC) 2019 CALIFORNIA ELECTRICAL CODE		
	2019 CALIFORNIA MECHANICAL CODE 2019 CALIFORNIA PLUMBING CODE 2019 CALIFORNIA ENERGY CODE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE 2019 CALIFORNIA FIRE CODE RESIDENTIAL BUILDINGS 6-STORIES OR LESS IN	All construction activities shall be limited to the following hours: Monday through Friday : 7 AM to 7 PM Saturday	
	HEIGHT-MANDATORY TIER I MEASURES	Saturday : 9 AM to 6 PM Sundays & Holidays : No construction activities allowed	
		THE PROPOSED FIRE SPRINKLERS WILL BE A DEFERRED SUBMITTAL	



# A. CHAUBE RESIDENCE

14300 LORA DR.

LOS GATOS, CA 95032

owner

Amrito & Sonali

RESIDENCE

. CHAUBE RESIDENC 14300 LORA DR. LOS GATOS, CA 95032

•  $\triangleleft$ 

PROJECT NEW BUILD SHEET TITLE COVER SHEET Kris & associates design services T 510.252.1212 Email : krism21@gmail.com Krislani Mulia REVISION  $\triangle$ 2 2Cres 10-06-20 3 3Cres 11-25-20 403.22.21 DATE DRAWN BY KM SCALE AS SHOWN SHEET A-1

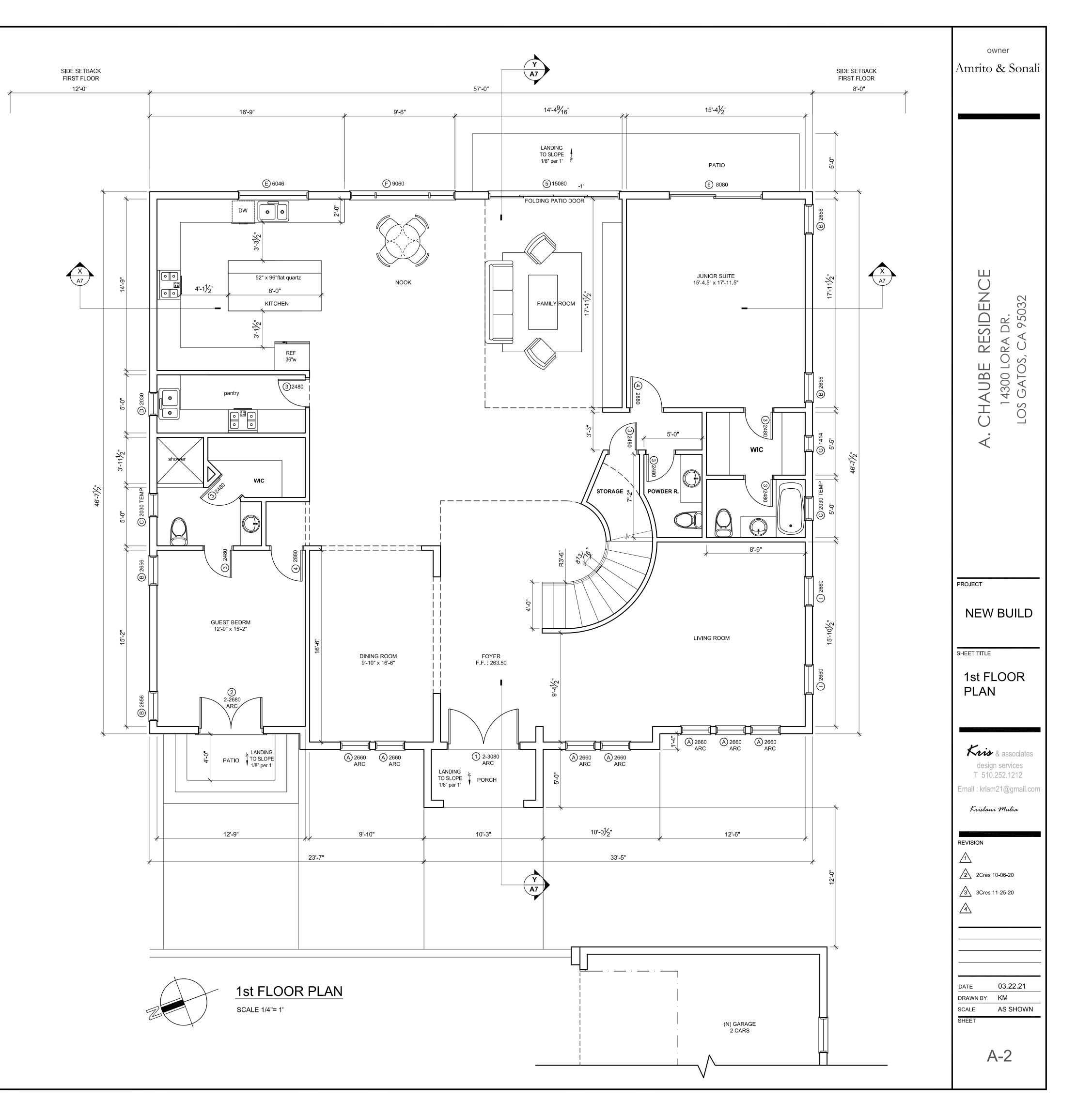
EXHIBIT 18

## SANTA CLARA COUNTY FIRE DEPARTMENT NOTES:

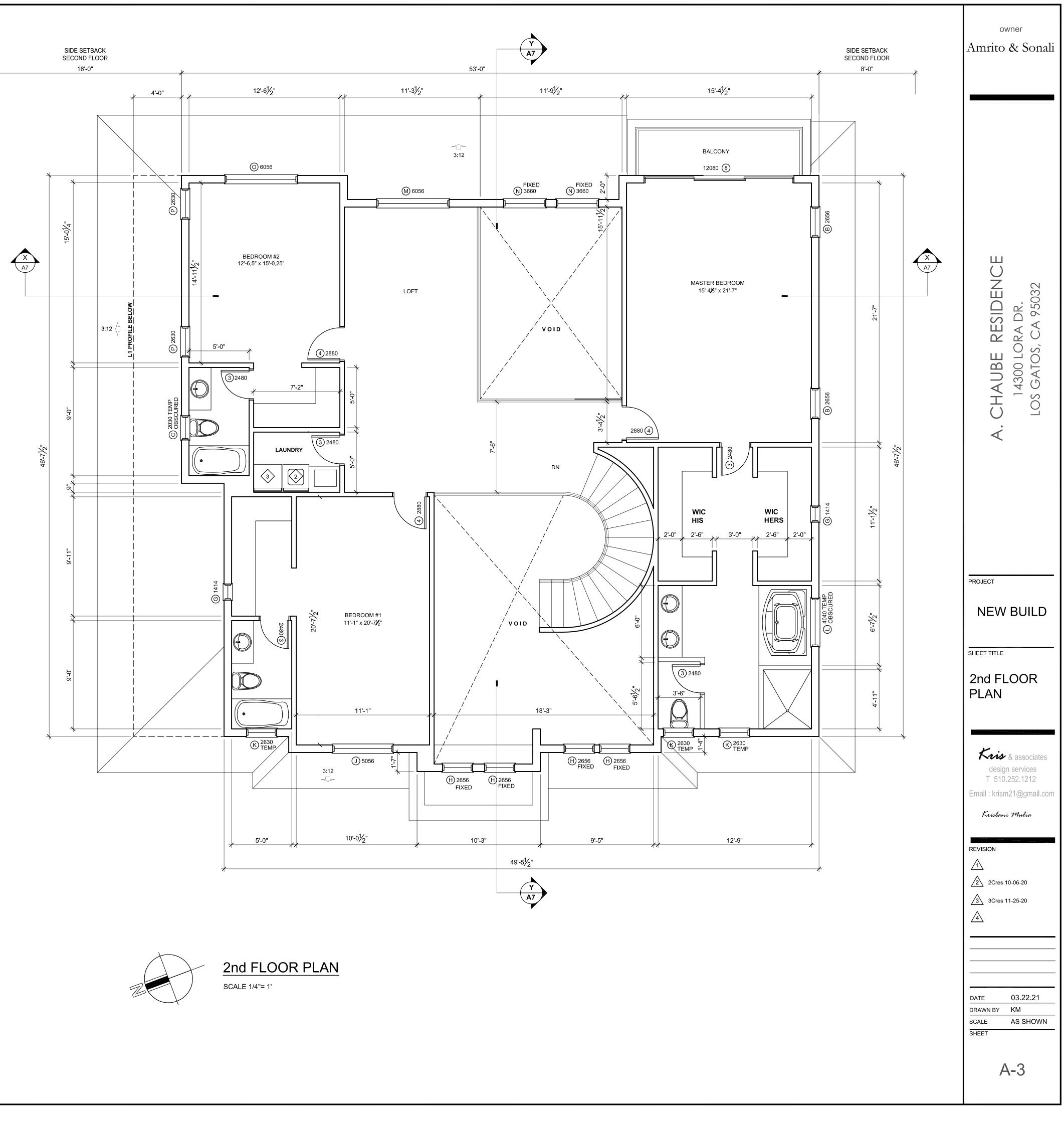
- 1. NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY
- 2. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND
- 3. WHERE REQUIRED BY THE THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSES.
- ADDRESS NUMBERS SHALL BE IN ARABIC NUMBERS OR ALPHABETICAL LETTERS . NUMBERS SHALL BE A MINIMUM OF 4" (101.6) HIGH WITH A MINIMUM STROKE WIDTH OH 0.5 INCH (12,7 MM)
- 5. WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CAN NOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE, OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE.
- 6. ADDRESS NUMBER SHALL BE MAINTAINED

CONSTRUCTION SITE FIRE SAFETY

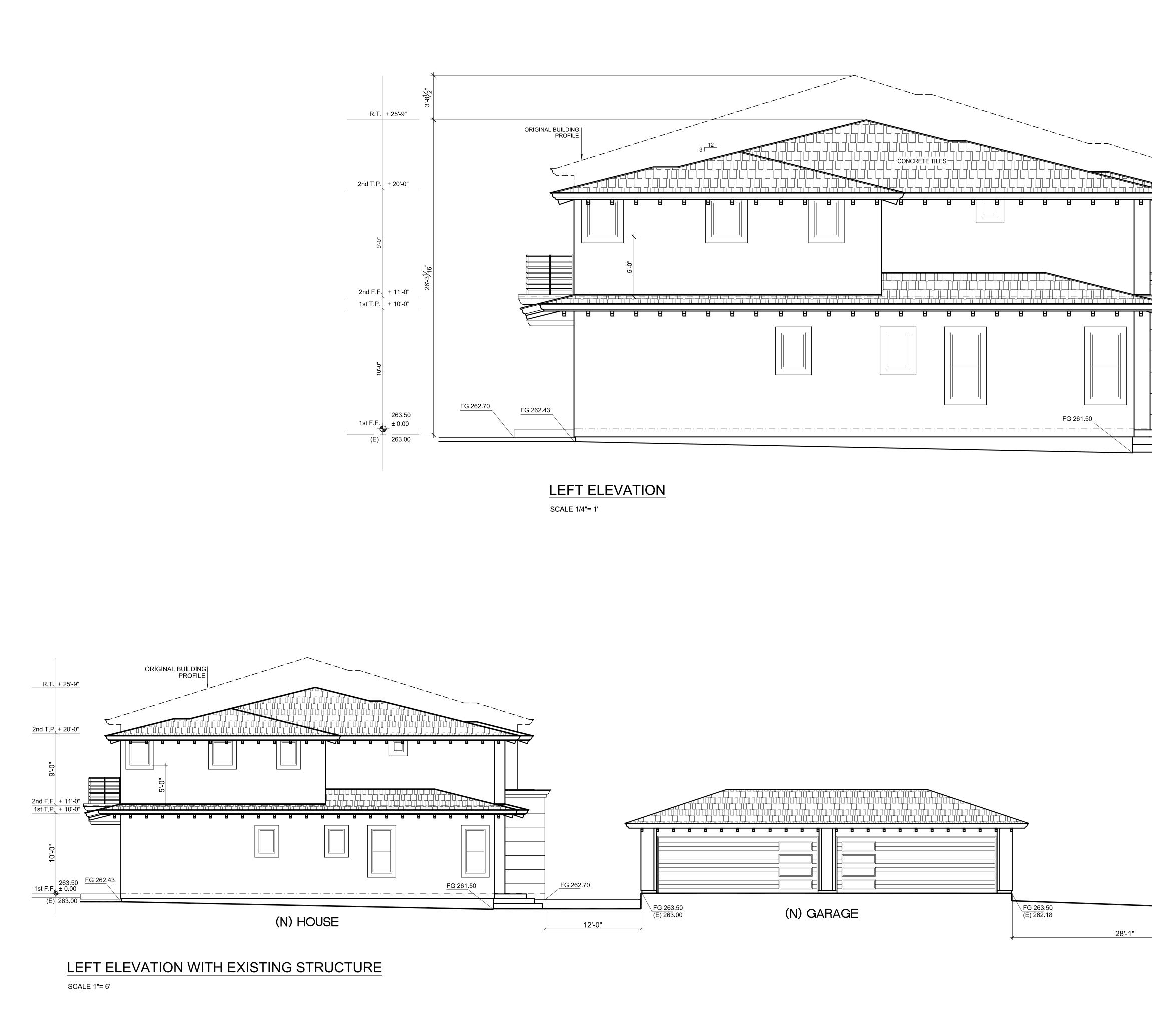
ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION S1-7



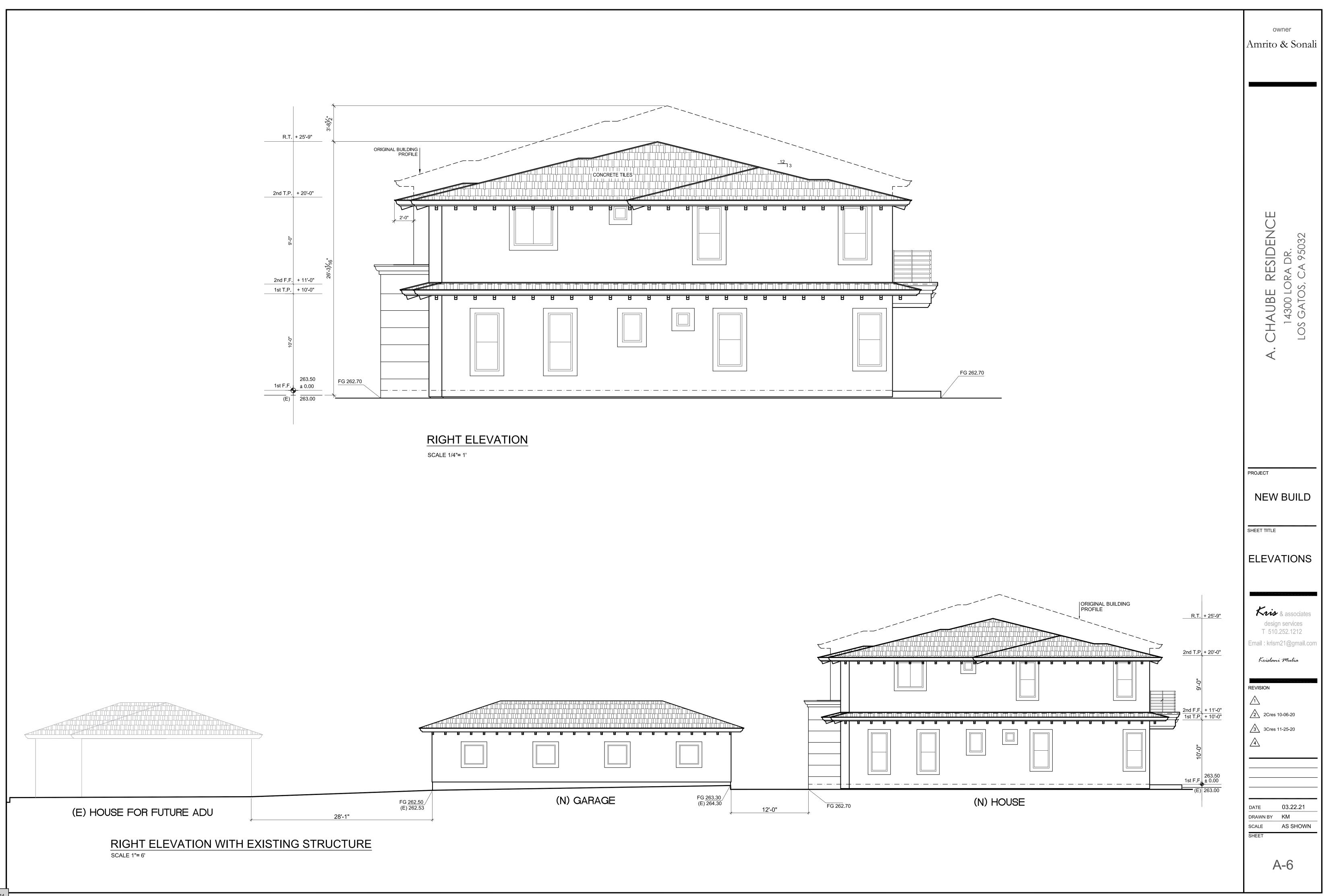
	DOOR & WINDOW SCHEDULE						
DOOR CALL-OUT, 2 RAISED PANEL, HOLLOW CORE DR U.N.O				WINDOW CALL-OUT, U FACTOR MAX 0.31, SHGC 0.37			
DOOR HEADER AT 8'-0" A.F.F., U.N.O.				WINDOW HE	ADER AT	8'-0" ABOVE F.F, U.N.O.	
1	2-3080 HINGED ARC TOP	1 EA	MAIN ENTRANCE	A	2660 SH ARC TOP	7 EA	LIVING RM, DINING RM
2	2-2680 HINGED ARC TOP	1 EA	GUEST BEDROOM	B	2656 SH	8 EA	GUEST RM, JUNIOR SUITE, BEDRM #2, MASTER BEDRM
3	2480 HINGED	12	JUNIOR SUITE, BATHRM #* MASTER BATHRM	,©	2030 TEMPERED	3 EA	BATHROOMS
			POWDER, STORAGE, PANTRY, W/C, LAUNDRY	D	2030 SH	1 EA	PANTRY
4	2880 HINGED	5	BEDROOMS #1,2. JUNIOR SUITE	E	6046 SLD XO	1 EA	KITCHEN
5	16080 SLIDING DOOR	1	FAMILY ROOM	F	9060 FIXED SH	1 EA	BREAKFAST NOOK
6	8080 SLIDING DOOR	1	JUNIOR SUITE	(j)	1414 FIX	3 EA	WALKING CLOSET
7	20080 OVERHEAD DOOR	2 EA	GARAGE	Œ	2656 FIXED	4 EA	VOID LIVING RM
8	12080 SLIDING DOOR	1 EA	MASTER BEDROOM	$\bigcirc$	2660 SH	2 EA	LIVING RM
★ THRESHOLD AT ALL DOORWAYS SHALL BE 3/4", 7- 3/4" MAX.			$\bigcirc$	5056 SLD XO	1 EA	BEDROOM #1	
			$(\mathbb{R})$	2630 TEMPERED	3 EA	MASTER BATHRM, BATHRM #1	
					4040 TEMPERED	1 EA	MASTER BATHRM
				$\bigcirc$	6056 SLD XO	2 EA	LOFT & BEDROOM #2
					3660 FIXED	3 PCS	2ND FLOOR VOID
				0	3030 SH	3 EA	GARAGE
				P	2630 SH	2 EA	BEDROOM #2
LEGEND & NOTES :			۲	TANKLESS WAT HEATER	ER		
1 HR FIRE RESISTIVE WALL, 5/8" TYPE"X" GYP. BD. GARAGE A SIDE1 2020DOOR-WINDOW CALL OUT			<	ONE HOUR ASS TYPE "X" GYP. B APPLIED TO ALL UNDER USABLE	D. SHALL WALLS A	. BE ND SOFFITS	
	2nd FLOOR LINE						



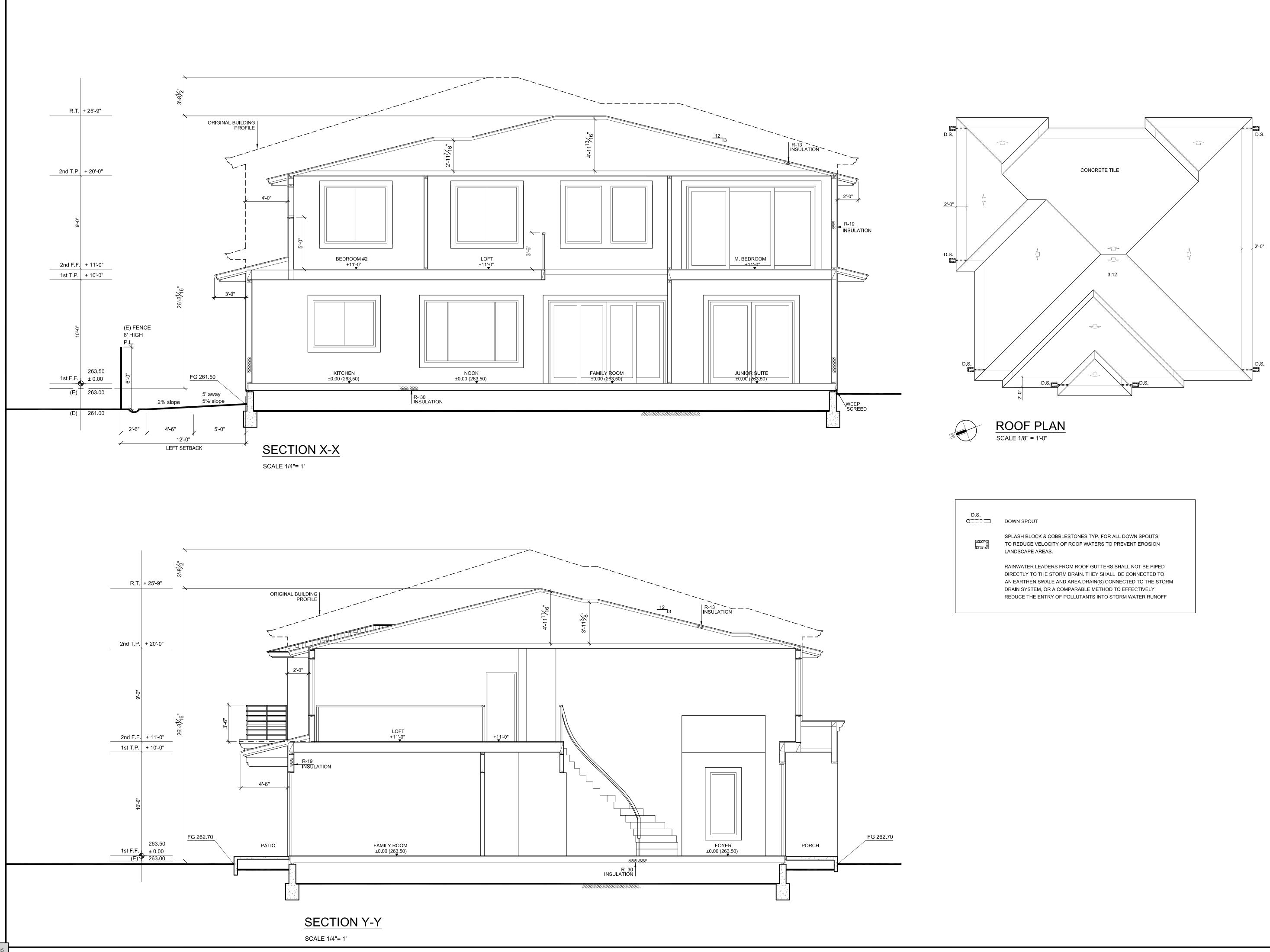




	<sup>owner</sup> Amrito & Sonali
	A. CHAUBE RESIDENCE 14300 LORA DR. LOS GATOS, CA 95032
	Kriss & associates   design services   T 510.252.1212   Email : krism21@gmail.com Kristani Mulia REVISION
(E) HOUSE FOR FUTURE ADU	DATE 03.22.21 DRAWN BY KM SCALE AS SHOWN SHEET
	A-5



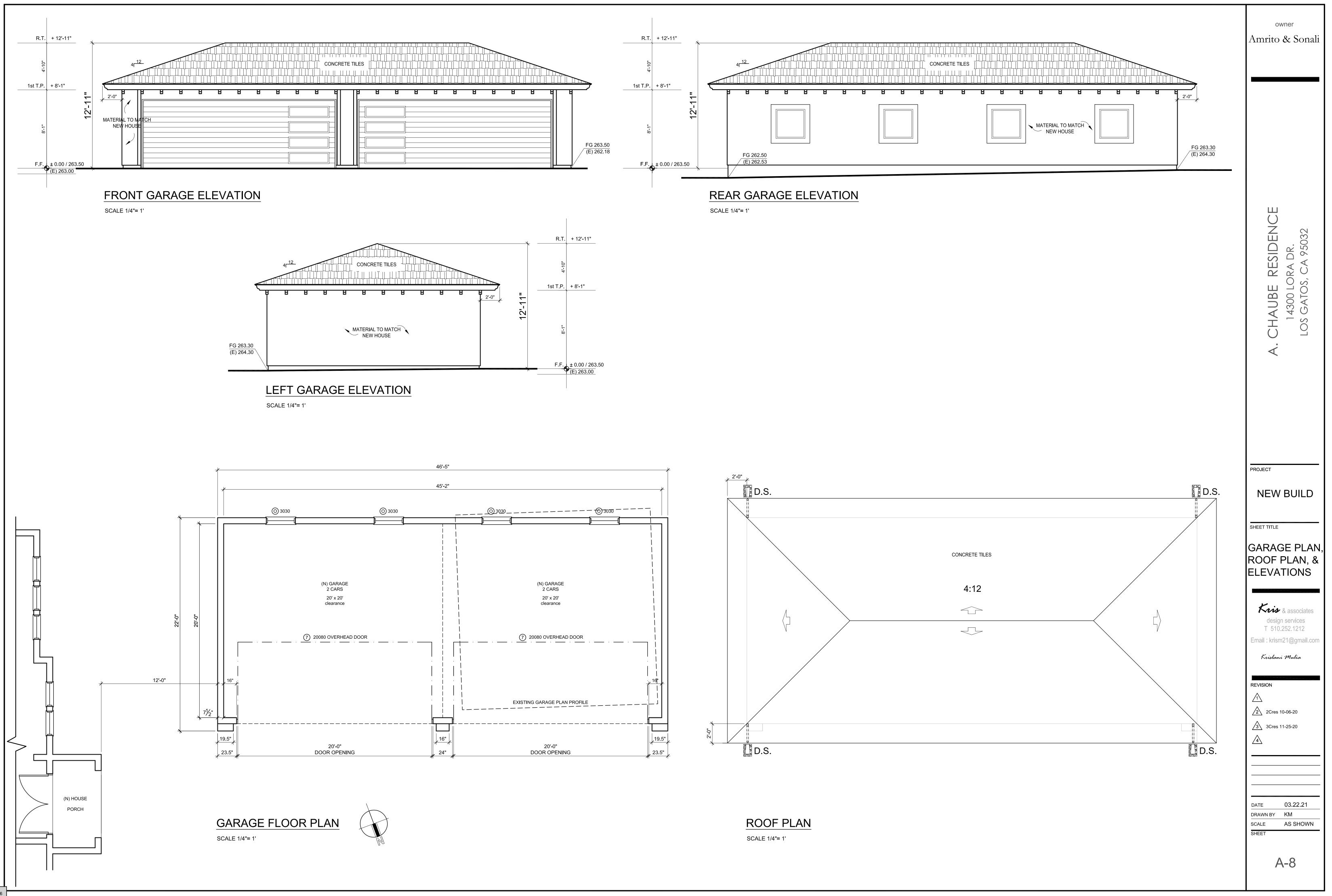
		5		
(N) GARAGE	FG <u>263.30</u> (E) 264.30	12'-0"	FG 262.70	



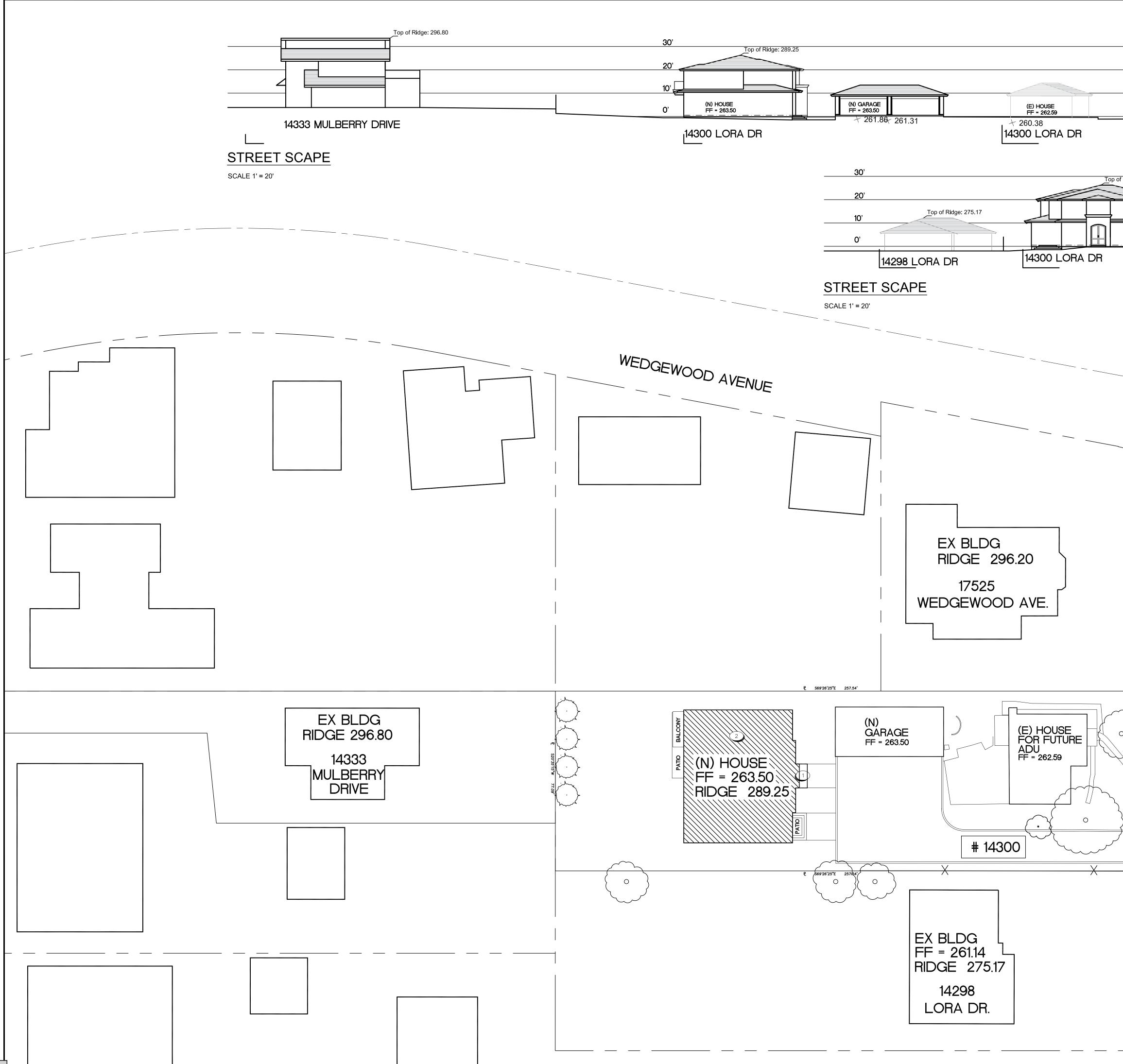
A. CHAUBE RESIDENCE 14300 LORA DR. LOS GATOS, CA 95032						
PROJECT NEW BUILD SHEET TITLE SECTIONS & ROOF PLAN						
<b>Kris</b> & associates design services T 510.252.1212 Email : krism21@gmail.com Krisłani Mulia						
REVISION         1         2       2Cres 10-06-20         3       3Cres 11-25-20         4						
DATE 03.22.21 DRAWN BY KM SCALE AS SHOWN SHEET						

owner

Amrito & Sonali



Page 116



FRIdge: 289.25	30' 20' 10' 14301 LORA DR 10' 10' 0' 20' 0' 0' 20' 0' 0' 20' 0' 0' 20' 0' 0'	Amrito & Sonali 14300 LORA DR. 14300 LORA DR. LOS GATOS, CA 95032
LORA DRIVE (50'R/W) E 22035'15"W (BASIS OF BEARINGS)	EX BLDG   RIDGE 276.95   14301 LORA DR.	PROJECT NEW BUILD SHEET TITLE STREETSCAPE & N'BORHOODD SITE PLAN



14300 Lora Drive Los Gatos, CA 95032

design services P 510.252.1212



WINDOWS Manufacture: Jeld Wen Door & Window Auralast Pine Wood



TRIM & WINDOW SILL Manufacture : FlexStone Faux natural stone : Mocha Travertine



ENTRY PORCH Natural Stone Veneer Ledgerstone Cape Cod Gray



ROOF Manufacture : Boral Roof Saxony 900 Slate Color : Camelot

## A.Chaube Residence

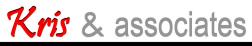
14300 Lora Drive Los Gatos, CA 95032 MATERIAL PROPOSAL color scheme



CORBEL Manufacture : Ekena Millwork Olympic Brace Western Red Cedar



GARAGE DOOR Manufacture : C.H.I Overhead Doors Planks Collection : Mahogany Woodtone With frosted glass windows insert



design services P 510.252.1212













owner

A-12

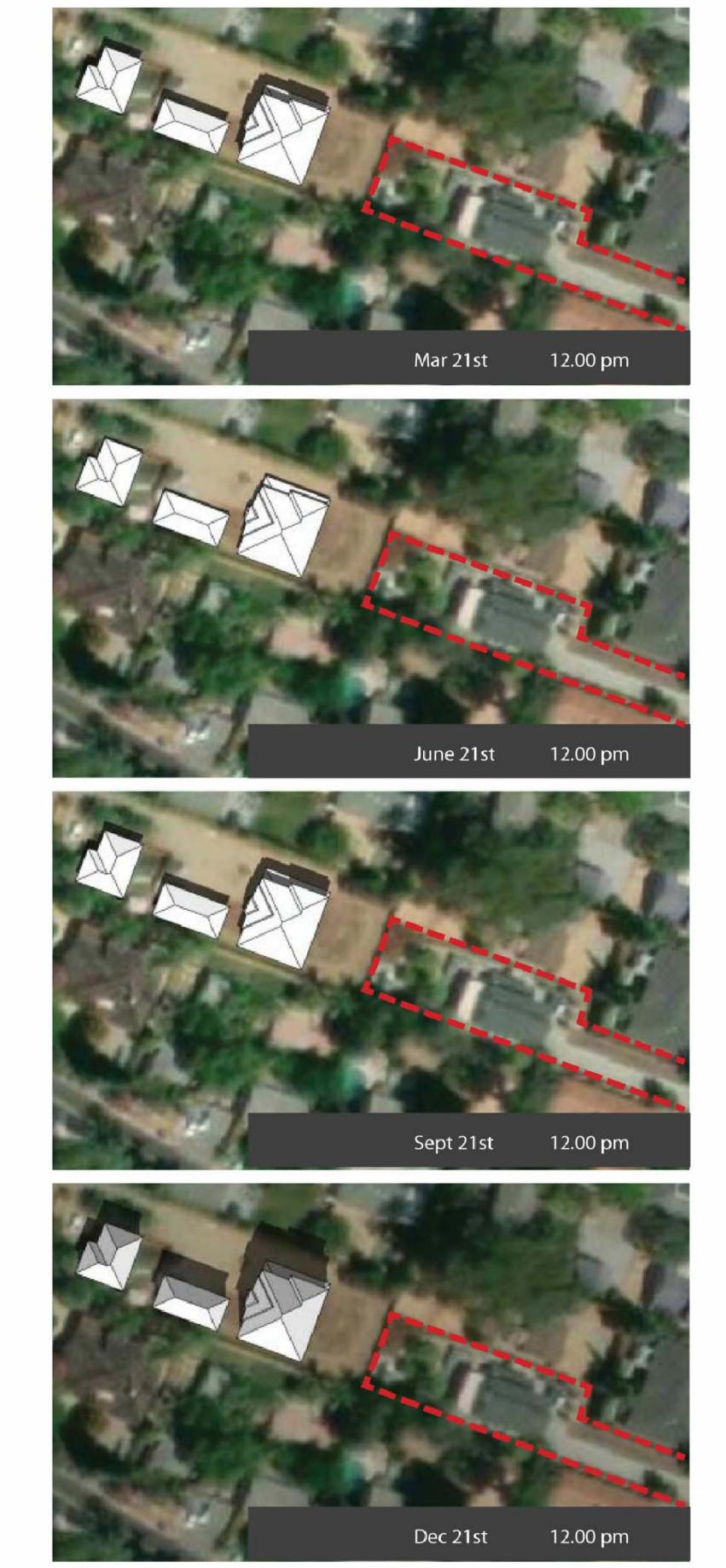
# Shadow Study - response to 14333 Mulberry Dr.

The mass of the proposed building has been revised. As seen on the shadow study over every season below, clearly no shadow from 14300 Lora Dr. will cast on 14333 Mulberry Dr., therefore 14333 Mulberry Dr. will not get impacted by the shadow despite the mass and scale of the proposed building.



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Sept

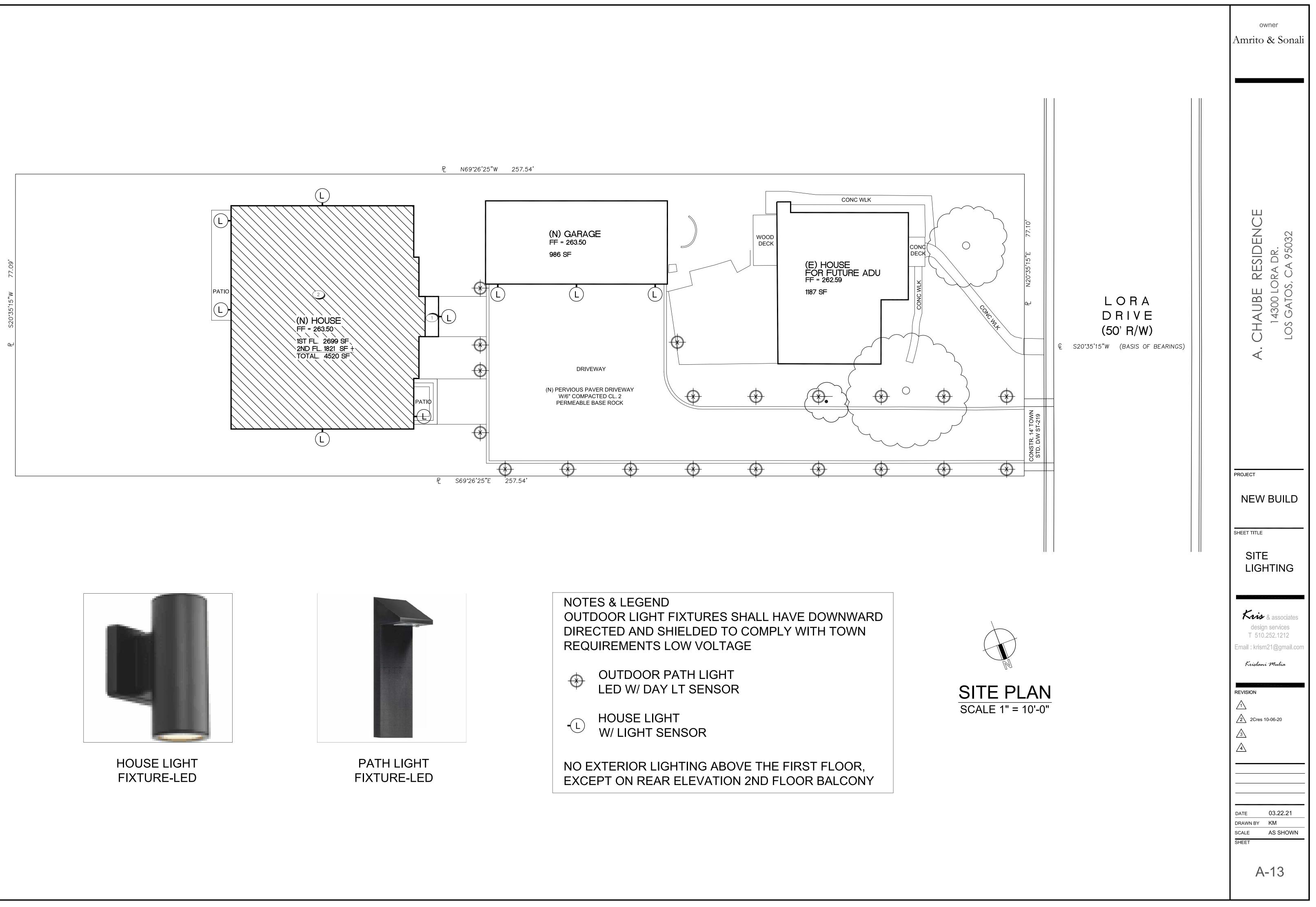








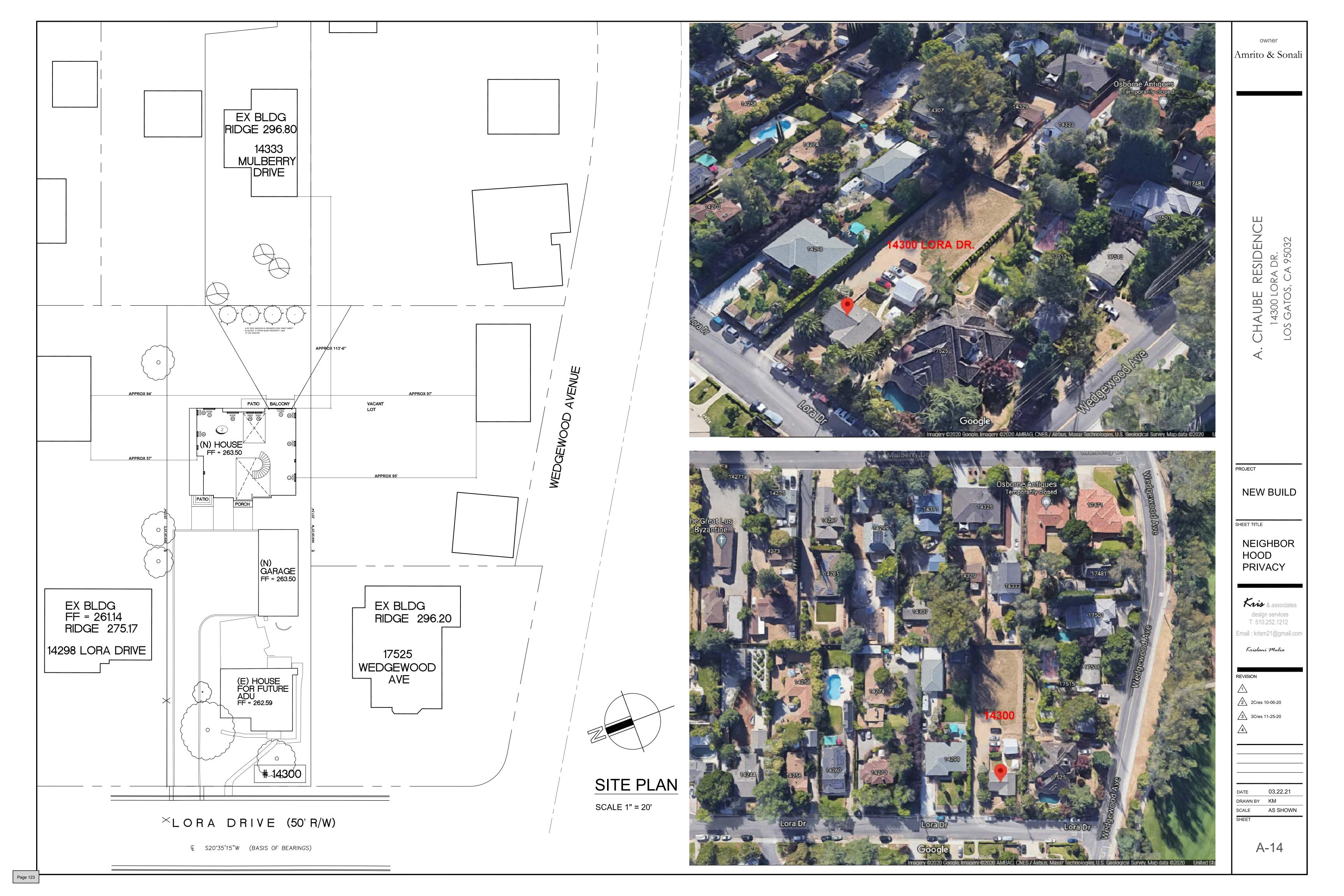


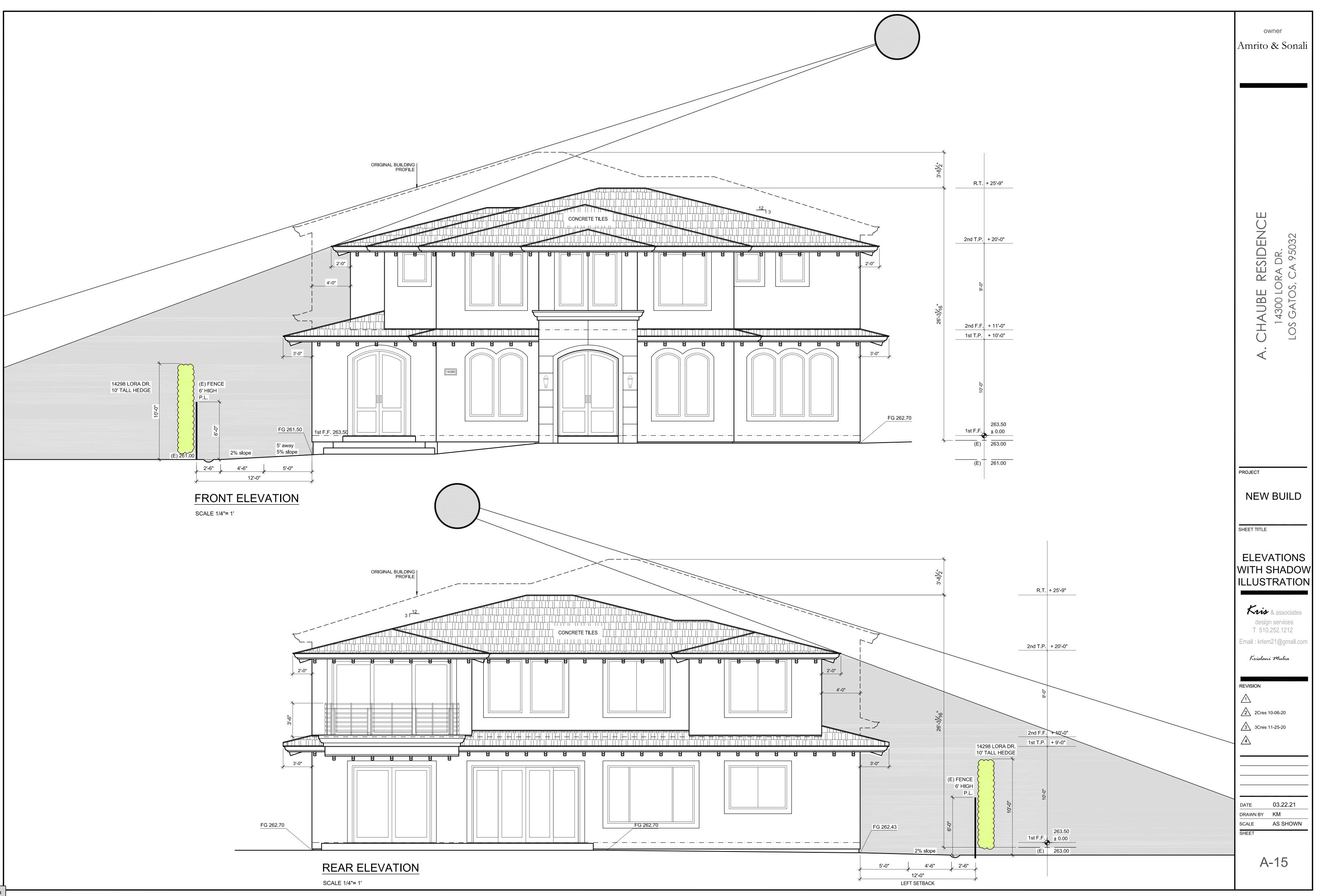


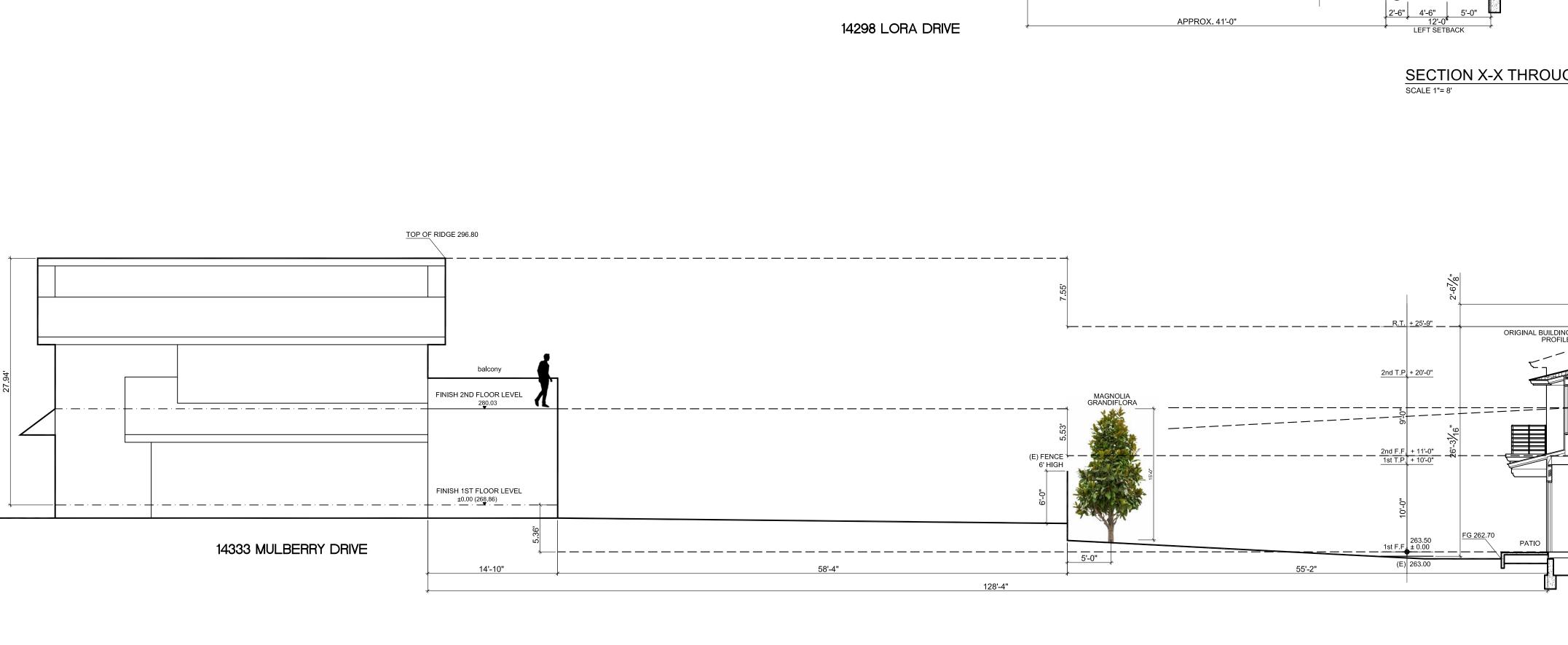












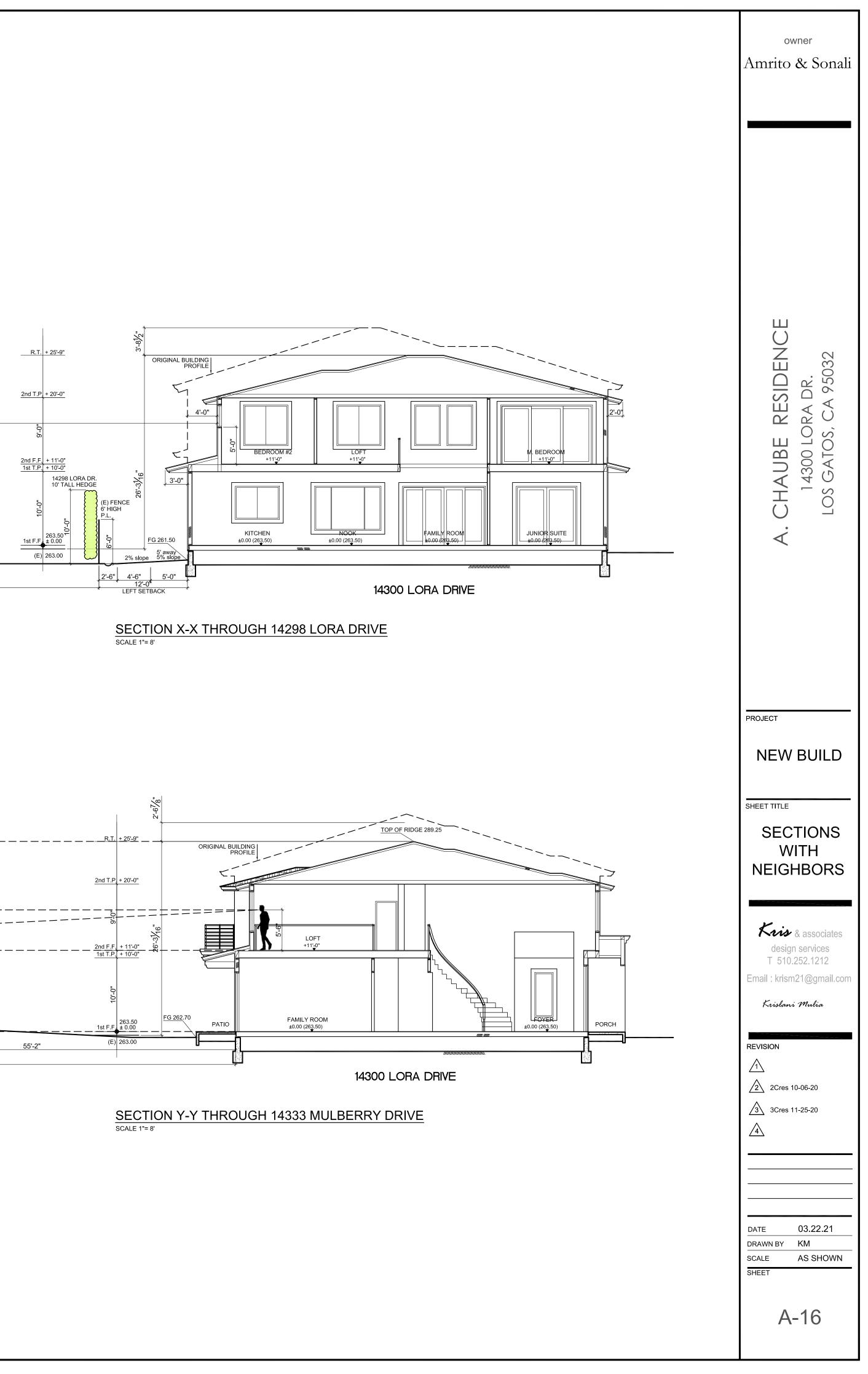
GARAGE

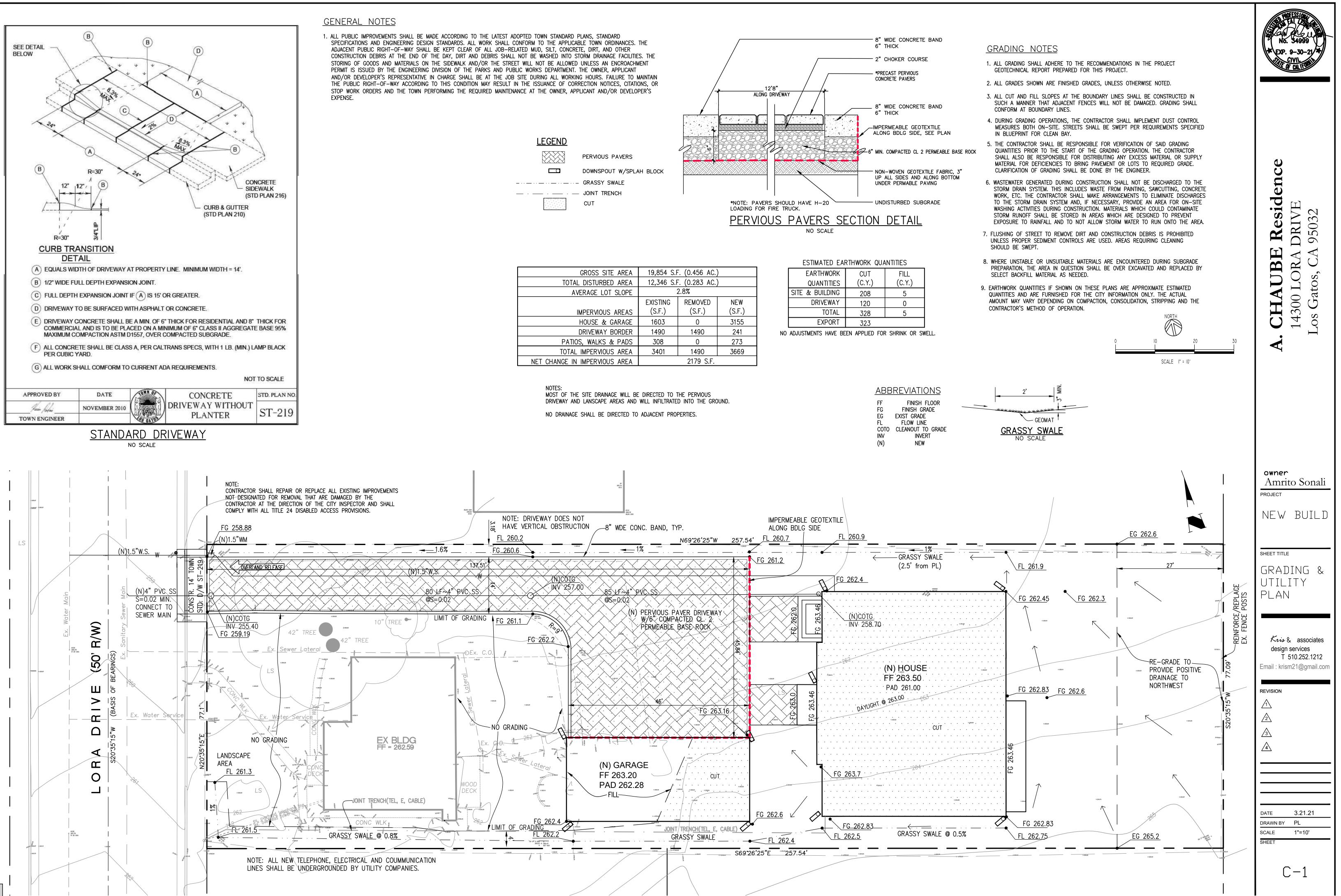
\_\_\_\_\_R.T. + 25'-9"

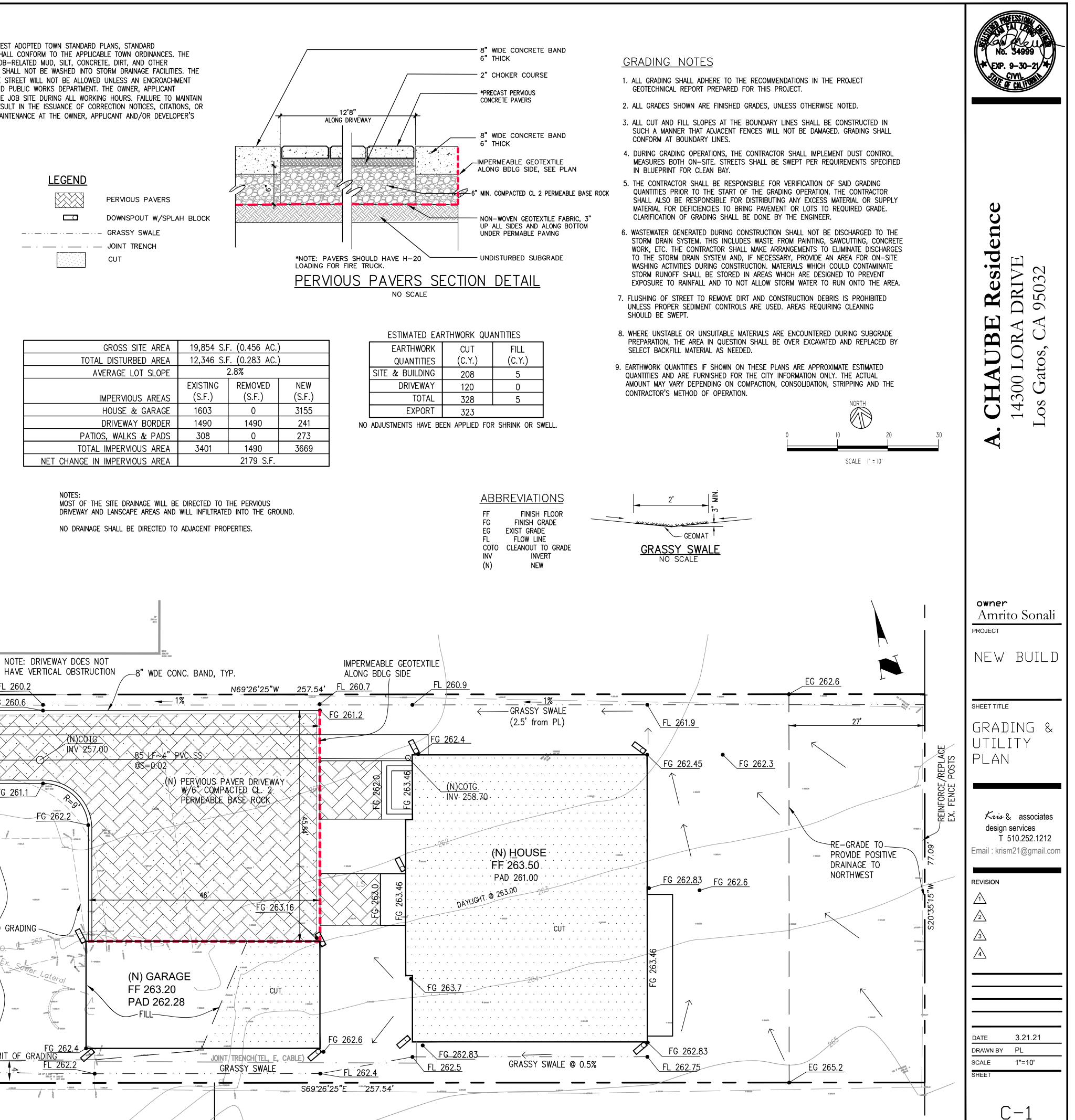
2nd T.P. + 20'-0"

263.50 1st F.F. ± 0.00 (E) 263.00

APPROX. 57'

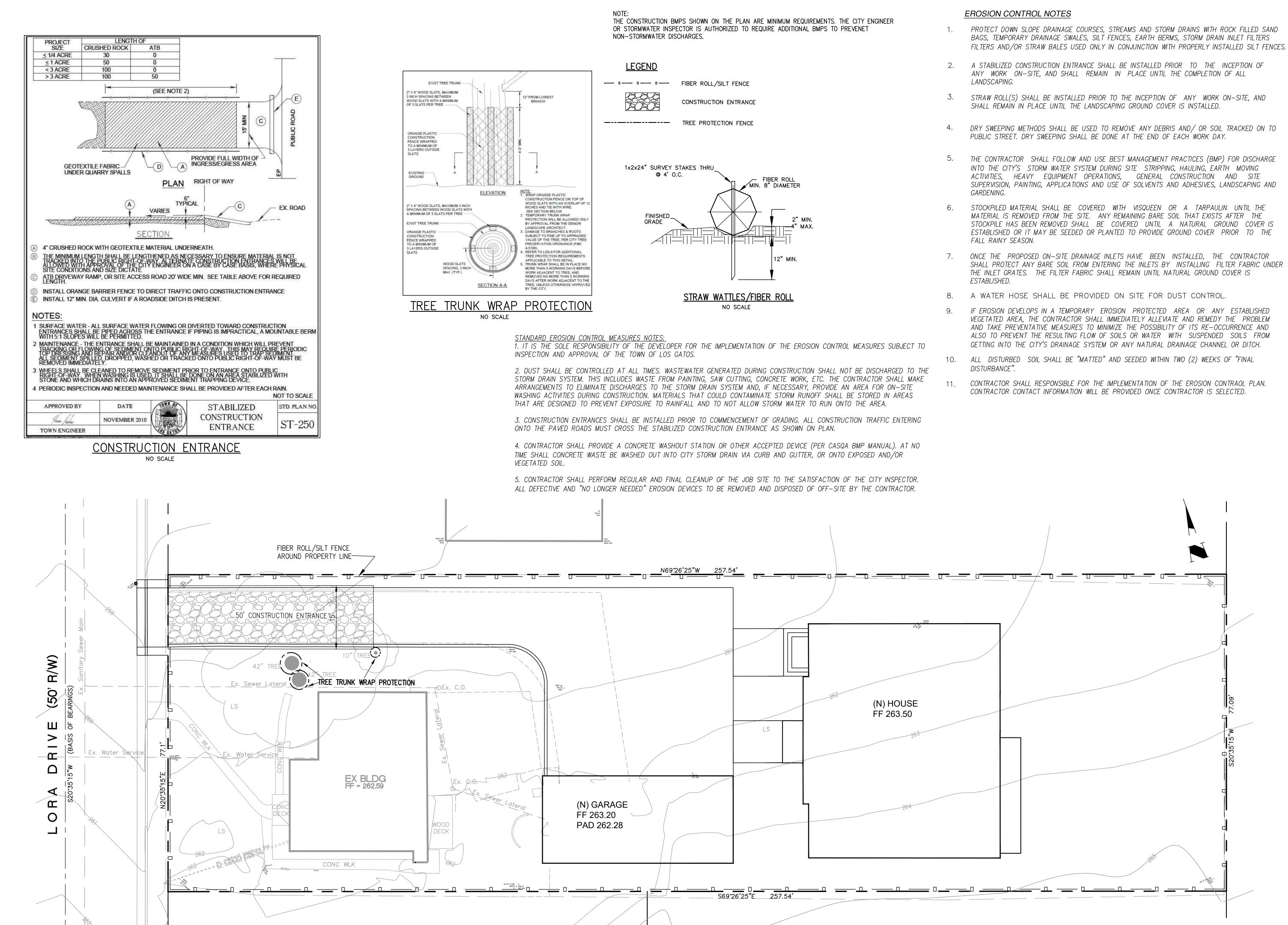


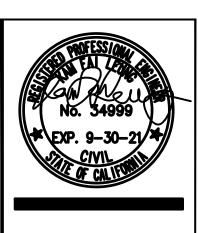




GROSS SITE AREA	19,854 S.F	F. (0.456 AC.)	)
TOTAL DISTURBED AREA	12,346 S.F. (0.283 AC.)		
AVERAGE LOT SLOPE	2.8%		
	EXISTING	REMOVED	NEW
IMPERVIOUS AREAS	(S.F.)	(S.F.)	(S.F.)
HOUSE & GARAGE	1603	0	3155
DRIVEWAY BORDER	1490	1490	241
PATIOS, WALKS & PADS	308	0	273
TOTAL IMPERVIOUS AREA	3401	1490	3669
NET CHANGE IN IMPERVIOUS AREA		2179 S.F.	

ESTIMATED EARTHWORK QUANTITIES						
EARTHWORK	CUT	FILL				
QUANTITIES	(C.Y.)	(C.Y.)				
SITE & BUILDING	208	5				
DRIVEWAY	120	0				
TOTAL	328	5				
FYDORT	707					





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owner

PROJECT

SHEET TITLE

PLAN

REVISION

DATE

SCALE

DRAWN BY PL

3.21.21

1"=10'

C-5

EROSION

CONTROL

Kris & associates

T 510.252.1212

design services

Email : krism21@gmail.com

Amrito Sonali

NEW BUILD

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DATE:	April 13, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Requesting Approval for Demolition of an Existing Detached Garage and Construction of a New Single-Family Residence on Property Zoned R-1:8 Located at 14300 Lora Drive. APN 409-15-028. Architecture and Site Application S-20-019. Property Owner: Amrito Chaube. Applicant: Krislani Mulia. Project Planner: Sally Zarnowitz.

### <u>REMARKS</u>:

Exhibit 19 includes additional public comments received between 11:01 a.m., Friday, April 9, 2021 and 11:00 a.m., Tuesday, April 13, 2021. Exhibit 20 includes the applicant's response to the additional public comments received between 11:01 a.m., Friday, April 9, 2021 and 11:00 a.m., Tuesday, April 13, 2021.

### EXHIBITS:

Previously received with the February 24, 2021 Staff Report:

- 1. Location Map
- 2. Required Findings and Considerations
- 3. Recommended Conditions of Approval
- 4. Project Description and Letter of Justification
- 5. Consulting Architect's Report, dated September 8, 2020
- 6. Applicant's Response to the Consulting Architect's Report, dated September 30, 2020
- 7. Consulting Arborist's Report, dated September 25, 2020
- 8. Applicant's Neighborhood Outreach, dated August 19, 2020
- 9. Public Comments received by 11:00 a.m., Friday, February 19, 2021
- 10. Applicant's Response to Public Comments, dated February 18, 2021
- 11. Development Plans, received February 1, 2021

PREPARED BY: SALLY ZARNOWITZ Planning Manager

Reviewed by: Community Development Director

PAGE **2** OF **3** SUBJECT: 14300 Lora Drive/S-20-019 DATE: April 13, 2021

Previously received with the February 24, 2021 Desk Item Report:

12. Public Comments received between 11:00 a.m. Tuesday, February 23, 2021 and 11:00 a.m. Wednesday, February 24, 2021

### Previously received with the April 14, 2021 Staff Report:

- 13. Revised Letter of Justification, dated March 22, 2021
- 14. Consulting Architect's Report, dated March 26, 2021
- 15. Public Comments received between 11:01 a.m., Wednesday, February 24, 2021 and 11:00 a.m., Friday, April 9, 2021
- 16. Applicant's Response to Public Comments, dated March 22, 2021 and April 6, 2021
- 17. Revised Recommended Conditions of Approval
- 18. Revised Development Plans, received March 22, 2021

### Received with this Addendum Report:

- 19. Public Comments received between 11:01 a.m., Friday, April 9, 2021 and 11:00 a.m., Tuesday, April 13, 2021
- 20. Applicant's response to Public Comments received between 11:01 a.m., Friday, April 9, 2021 and 11:00 a.m., Tuesday, April 13, 2021

Amrito,

Thank you for your email and update.

I did answer your question regarding setback, and the answer is NO, please <u>put setback exactly like what</u> <u>you did for your left neighbor</u>. We are not in agreement, and this shouldn't be surprise for you. You can see I have been consistent since day one on my ask regarding reducing the mass, bulk and size.

My takeaways are:

- According to your timeline 3/22 was the date you submitted the drawings/plan to the town of Los Gatos. Your decision was made before 3/22, because you had to get the drawings/plan ready to submit to the town. Since, you submitted your plans to the town and you didn't want to make any changes. <u>Now it make sense!</u>
- I had to ask for the revised Cannon report twice on 4/1 & 4/6 to get a report that was dated 3/26 on 4/6. *Do you know why?*
- Cannon report Clearly analyzed the work you did to address your left side neighbor at 14298
  Lora Drive concerns. In fact there are pictures of your house and your neighbor's house and lists
  of their concerns. I don't see why would the consultant completely forgets your rear side 14333
  mulberry that gets impacted the most and review your left side 14298 Lora Drive. <u>Do you know</u>
  <u>why?</u>
- What is interesting to me is that you have 2 neighbors one on your left side 14298 Lora Drive and another one on rear side 14333 mulberry that have voiced their concerns regarding your proposed structure. They both have the same concerns MASS BULK AND SCALE, SOLAR, & PRIVACY. Your left side neighbor at 14298 Lora Drive gets a solution set that addresses their concerns and your rear neighbor doesn't even get their voice mentioned or heard. <u>Do you</u> <u>know why?</u>

### For your info. list of events:

2/24 I have asked at the last hearing to <u>significantly reduce the mass, bulk and size of the 2nd floor & run</u> the shadow study for a privacy solution as well as a new overall size of the house.

3/10 I received the revised plan from you.

3/11 I responded that you will have our answer by 16th due to some urgent issue.

3/16 I asked to <u>significantly reduce the mass, bulk and size of the 2nd floor & Not put the trees near the</u> property line because they will create shadow.

3/22 you or your designer submitted the set of plans to the planning dept., which meant your decision was made days before 3/22.

3/25 I got a response back from you with the set of plans & email <u>which didn't answer the question</u> <u>about reducing the mass bulk and size of the 2nd floor.</u>

**4/1** I did compare all the files and data you sent me on March 25th with previous files and responded "Clearly we are not on the same page regarding mass, scale & bulk of your proposed structure and the kind of privacy issues that will create + When do you get the report back from Cannon"

4/1 We had a long 1.5 hr phone conversation where you agreed that the trees will cast shadow on 14333 mulberry drive (sheet A-12 of your plan clearly shows that). *I asked you please solve the root cause which is reduce the mass.* 

4/6 I did send a txt regarding <u>reducing mass, bulk and size of the 2nd floor put setback exactly same as</u> <u>what you did for your left neighbor</u> + the 8ft tall fence and lattice this will eliminate the need for privacy trees (we had txt back & forth on this matter) 4/6 you send an email confirming you got the text "I am not clear about the ask what will achieve for you"

**4/6** I did send an email to your Designer Krislani <u>"Could you please let me know When you will get the</u> report of revised drawing back from Cannon"

4/6 I got an email from you with the attachment file the report from Cannon dates 3/26

4/8 I did send you an email explaining how Cannon report did not have our perspective in the report & the only thing we have in agreement is drainage + <u>Please reduce mass, bulk and size of the 2nd floor put</u> <u>setback exactly like what you did for your left neighbor + the 8ft tall fence and lattice this will eliminate</u> the need for privacy trees

4/8 I got an email from you "I am glad we are in agreement on drainage + 8ft Fence & lattice. (I wish the consultant would call out the rear neighbor)"

4/8 I got an email from you that the architecture style has also changed from Formal to Informal mediterranean.

4/9. I did send an email to you regarding <u>"we are not in alignment"</u>, my displease about the cannon report, unfair treatment that I have been getting + <u>Please reduce mass, bulk and size of the 2nd floor put</u> <u>setback exactly like what you did for your left neighbor + the 8ft tall fence and lattice this will eliminate</u> <u>the need for privacy trees</u>

## 4/11 I got an email from you regarding the timelines and it showed 3/22 you submitted the plans to town of Los Gatos

### It is not loot late to come together and have a win-win solution:

Again, I am asking for a fair treatment and to get the same solution set that you have clearly provided to your left side neighbor at 14298 Lora Drive. Because from our point of view, this will help reduce the overall Bulk, Mass & Scale, improve privacy and shadow, also it will eliminate the need of building a 18 ft wall of vegetation. You also agreed on 4/1, based on your own shadow study (see the attach file), that the proposed 18 ft trees near the property line will cast shadow & block sun on your rear side neighbor at 14333 Mulberry dr. property.

Again, the solution is super simple, clearly within your reach and we can move on:

- Set-back on the rear 2nd floor exactly like what you provided for your left side neighbor at 14298 Lora Drive.
- 8 ft Fence with Lattice we are in agreement
- No need for 18 ft wall of trees or trees near the property line of 14333 Mulberry (*This will save* <u>you \$\$\$\$\$</u>)

I appreciate your understanding and I thank you for your consideration. I look forward to hearing back from you.

Best regards Hooman

## Hi Hooman April 12, 2021 Can you please spell out what exactly does the phrase " *put setback exactly like what you did for your left neighbor* " entail?

The left neighbor has different setbacks, different orientation, and different needs. There is an existing screen as well on the left side. Your house is more than 113'ft away and the distance from your second floor is 128'. That there are hundred of 2 story houses in Los Gatos with the standard setback of 25'x2 ft. This is what I meant with " "I am not clear about what will achieve for you"

Again: Please help me understand what problem of yours we are trying to solve, as we already have a setback and roof to divide the first and second floor mass. I have been struggling with this since our conversation on 4/1, where we had agreed you will check with your wife about the changes that have been incorporated, on privacy, which till date I have not got a response for.

Looking forward to hearing from you.

Regards Amrito This Page Intentionally Left Blank



DATE:	April 14, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Requesting Approval for Demolition of an Existing Detached Garage and Construction of a New Single-Family Residence on Property Zoned R-1:8 Located at 14300 Lora Drive. APN 409-15-028. Architecture and Site Application S-20-019. Property Owner: Amrito Chaube. Applicant: Krislani Mulia. Project Planner: Sally Zarnowitz.

### REMARKS:

Exhibit 21 includes additional public comments received between 11:01 a.m., Tuesday, April 13, 2021 and 11:00 a.m., Wednesday, April 14, 2021.

### EXHIBITS:

### Previously received with the February 24, 2021 Staff Report:

- 1. Location Map
- 2. Required Findings and Considerations
- 3. Recommended Conditions of Approval
- 4. Project Description and Letter of Justification
- 5. Consulting Architect's Report, dated September 8, 2020
- 6. Applicant's Response to the Consulting Architect's Report, dated September 30, 2020
- 7. Consulting Arborist's Report, dated September 25, 2020
- 8. Applicant's Neighborhood Outreach, dated August 19, 2020
- 9. Public Comments received by 11:00 a.m., Friday, February 19, 2021
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12. Public Comments received between 11:00 a.m. Tuesday, February 23, 2021 and 11:00 a.m. Wednesday, February 24, 2021

PREPARED BY: SALLY ZARNOWITZ Planning Manager

Reviewed by: Community Development Director

PAGE **2** OF **2** SUBJECT: 14300 Lora Drive/S-20-019 DATE: April 14, 2021 EXHIBITS (continued):

Previously received with the April 14, 2021 Staff Report:

- 13. Revised Letter of Justification, dated March 22, 2021
- 14. Consulting Architect's Report, dated March 26, 2021
- 15. Public Comments received between 11:01 a.m., Wednesday, February 24, 2021 and 11:00 a.m., Friday, April 9, 2021
- 16. Applicant's Response to Public Comments, dated March 22, 2021 and April 6, 2021
- 17. Revised Recommended Conditions of Approval
- 18. Revised Development Plans, received March 22, 2021

Previously received with the April 14, 2021 Addendum Report:

- 19. Public Comments received between 11:01 a.m., Friday, April 9, 2021 and 11:00 a.m., Tuesday, April 13, 2021
- 20. Applicant's response to Public Comments received between 11:01 a.m., Friday, April 9, 2021 and 11:00 a.m., Tuesday, April 13, 2021

Received with this Desk Item Report:

21. Public Comments received between 11:01 a.m., Tuesday, April 13, 2021 and 11:00 a.m., Wednesday, April 14, 2021.

From: Jason Oderio
Sent: Tuesday, April 13, 2021 4:17 PM
To: Planning Comment <<u>PlanningComment@losgatosca.gov</u>>
Subject: Public Comment Item 14300 Lora Drive, Application S-20-019-Planning Commission Meeting on April 14, 2021

In response to the proposed construction at 14300 Lora Dr, and the Planning Commission Meeting on April 14, 2021, our concerns are the following:

-Height and mass of structure are out of place in this neighborhood. Such a structure would fit in much better on the other side of the golf course. While the revised plan is better, it still seems a bit much for the street. I speak from personal experience, as we purchased one of the other pre-existing "blocky" two story homes in the neighborhood. Even though we are only one house on a similar size lot, we still found it difficult to soften the features and make the home blend in with the surrounding smaller homes.

-The location of the proposed house so close to the rear fence of the property causes the house to "look down" into multiple neighbor's yards. With the number of flag lots in the immediate vicinity, proximity of one house to another is already a serious issue. Tall homes, near fences, with many windows greatly exacerbates this issue and cause privacy concerns. How many 2nd floor windows look into existing homes?

-Parking. Lora Drive already has MAJOR parking issues. So bad, that the residents' vehicles often fill up all the street parking on Lora, and even Wedgewood, and spill onto Mulberry Dr. I understand Lora residents are currently renting parking spaces on this subject property? It appears the existing garage is to be replaced with a larger garage that solely serves the rear house, is this correct? If so, where would tenants of the proposed ADU park? It would be unacceptable to approve a plan that would force 1-2 more cars to park on Lora Drive. To proceed with this plan, parking for two vehicles for the ADU must be provided on the lot itself.

-We are familiar with the current laws in California allowing homeowners to create ADU's. But what safeguards are in place to keep this builder from building a second residence, then subdividing the two properties and selling the front home as a stand alone SFR? I understand the ADU process, but this design lends itself to a subdivision and sale, and that should not be the future result of any approval. If that is the goal, then two, smaller, more appropriate sized homes, with adequate off street parking should be designed.

If these concerns can be adequately addressed, then we would not have an objection to the project.

Sincerely, Jason Oderio 14299 Mulberry Dr. This Page Intentionally Left Blank



DATE:	April 9, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Discuss and Provide Input to the Town Council Regarding the Planning Commission Application.

### **RECOMMENDATION:**

Discuss and provide input to the Town Council regarding the Planning Commission application.

### BACKGROUND:

The Town of Los Gatos currently has 13 Boards, Commissions, and Committees which act in various advisory and regulatory roles to the Town Council. The Planning Commission is one of seven of the Town's Commissions that serve a specific function.

On February 23, 2021, the Town Council directed staff to work with each of the Town Boards, Commissions, and Committees to review and discuss their application for new members, keeping in mind that requiring specific professional or degree qualifications can hinder recruitment. The Commission should therefore review the application and forward any suggested changes or general input to the Town Council.

### <u>CEQA</u>:

This is not a project defined under CEQA, and no further action is required.

### EXHIBITS:

1. Planning Commission Application and Case Study

PREPARED BY: Joel Paulson Community Development Director

Reviewed by: Parks and Public Works Director, Planning Manager, and Community Development Director

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## TOWN OF LOS GATOS BOARD, COMMISSION, COMMITTEE APPLICATION

Contact: Clerk Department 110 East Main Street, Los Gatos, CA 95030 (408) 354-6888 or Clerk@LosGatosCA.gov

General eligibility requirements: A resident of the incorporated limits of the Town of Los Gatos. Other requirements may apply to specific Boards, Commissions, or Committees.

If you would like to apply for more than one Board, Commission, or Committee, place a number next to the Board, Commission, or Committee, in order of your preference, for which you would like to apply. A separate application is required to be submitted for each Board, Commission, or Committee you are applying for. Only applications for current openings will be considered at this time. Applications for future openings will be kept on file for one year. Qualified applicants will be notified for an interview with Town Council.

- \_\_\_ Arts and Culture Commission
- \_\_\_\_ Building Board of Appeals
- \_\_\_ Community Health and Senior Services Commission
- \_\_\_ Complete Streets and Transportation Commission
- \_\_\_ Council Finance Committee Resident
- \_\_\_ General Plan Committee
- \_\_\_ Historic Preservation Committee
- \_\_\_ Library Board
- \_\_\_ Parks Commission
- \_\_\_ Personnel Board
- \_\_\_ Planning Commission
- \_\_\_ Sales Tax Oversight Committee

## **IMPORTANT NOTICES**

Please note that all information provided on the application becomes a public record after it is officially filed. All appointed applicants are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. Applicants appointed to the Planning Commission are also required to complete Ethics Training AB 1234 every two years.

## PLANNING COMMISSION APPLICATION

Contact: Clerk Department 110 East Main Street, Los Gatos, CA 95030 (408) 354-6888 or Clerk@LosGatosCA.gov

Note: Only the text that shows in the boxes is visible. Please do not go beyond the borders of the boxes.

FIRST NAME:	LAST NAME:				
ADDRESS:	CITY:	ZIP CODE:			
CELL PHONE:	WORK PHONE:				
EMAIL ADDRESS:	HOME PHONE:				
EMPLOYER:	JOB TITLE:				
HOW LONG HAVE YOU LIVED IN LOS GATOS?					

\*If appointed your name, phone number, and email address will be made available to the public.

Please list all previously held elected or appointed governmental positions. Include the Position/Office held and the associated dates. (e.g. Mayor, City of San Jose, 1990-1994)	
Please list any civic charitable organizations you have belonged to. Include the Position/Office held and the associated dates. (e.g. Coach, Little League, 1982-1989)	
Please list any schools that you have attended or are currently attending. Include your major subject area and/or grade level. (e.g. San Jose State University, BA in History)	

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Why are you interested in serving on the Planning Commission?

Have you ever attended a Planning Commission meeting? If yes, please provide a summary of your observation. If not, why not?

How do you view the role of a Planning Commissioner in relation to the Town Council in planning matters?

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How will you balance your personal interests with the broader role of the Commission?

What design or land use experience do you have that would be useful on the Commission?

How do you describe your philosophy of planning?

The Planning Commission meets at least twice a month and requires a significant amount of homework. Are you prepared to make the commitment to spend the amount of time required to attend regular meetings, committee meetings, do site visits, and study the packet material?



**CASE STUDY**: All Planning Commission applications <u>must</u> include a completed case study (see next page. Please complete the case study before submitting your signed application. Thank you.

**CONTINUE TO PAGE 6** 

# PLANNING COMMISSION CASE STUDY

PROPERTY LOCATION:	170 Smith Boulevard	
PROPERTY OWNER:	John Smith	
APPLICANT:	Superior Commercial Develo	ppment
OVERVIEW:	Existing	Proposed
General Plan Designation	Neighborhood Commercial	Neighborhood Commercial
Zoning Designation	C-1	C-1
Existing Use	Vacant	Vacant
Property Size	15,000 Square Feet	

#### **PROJECT DESCRIPTION:**

The applicant proposes to construct a 10,000-square foot two-story office building with underground parking that will be 32 feet tall. The maximum height allowed by Town Code is 35 feet and the maximum lot coverage would allow a 15,000-square foot building. The surrounding area on Smith Boulevard is comprised of other commercial buildings and single-family homes are located behind the existing parcel.

#### **NEIGHBORHOOD REACTION:**

The surrounding neighborhood is divided on the issue of development. Some of the neighboring property owners are in support of the project and think it will provide needed office space, while others are opposed to the project because they feel it will create a significant traffic impact.

#### PROCESS:

- The proposed project has been reviewed by staff and complies with all of the Town's technical requirements.
- A Traffic Impact Analysis has been prepared by the Town's Traffic Consultant.
- The Traffic Impact analysis shows that there would not be a significant traffic impact based on the Town's existing traffic policies.
- There are a number of residents at the Planning Commission meeting opposing the proposed project based on potential traffic impacts.

What is your initial reaction to the above referenced project?

What issues do you feel will need to be investigated further?

How would you weigh your personal observations or experience regarding traffic and the professional input and recommendations of Town staff and Town consultants?

All applicants are required to be interviewed to be considered for appointment as a Commissioner.

Applicants will be contacted via email with the interview date and time.

Submit Via Email

Signature:

Date:

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE INTERVIEW PROCESS, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834.

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NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY [28 CFR §35.102-35.104] This Page Intentionally Left Blank



DATE:	April 9, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Review and Discuss the Land Use 101 Paper Provided by the Town Attorney.

### REMARKS:

The Town Attorney has prepared a paper titled Land Use 101 (Exhibit 1). This paper provides a general overview of the fundamental principles and legal concepts of Land Use and Planning Law. Its purpose is to explain, in general terms, how the Town of Los Gatos regulates land use and to define some commonly used planning terms. We hope you find the paper helpful and that it serves as an easy to use resource for Planning Commissioners and the public. The Town Attorney and staff look forward to the discussion with the Planning Commission regarding the topics covered in this paper.

### EXHIBIT:

1. Land Use 101 Paper from the Town Attorney

PREPARED BY: Joel Paulson Community Development Director

Reviewed by: Community Development Director

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# TOWN OF LOS GATOS

OFFICE OF THE TOWN ATTORNEY PHONE (408) 354-6818

CIVIC CENTER 110 E. MAIN STREET LOS GATOS, CA 95031

# Land Use 101

# **INTRODUCTION**

This paper provides a general overview of the fundamental principles and legal concepts of Land Use and Planning Law. Its purpose is to explain, in general terms, how the Town of Los Gatos regulates land use and to define some commonly used planning terms. We hope you find the paper helpful and that it serves as an easy to use resource for Planning Commissioners.

### STATE LAW, LOCAL PLANNING, AND POLICE POWER

State law is the foundation for local planning in California. The California Government Code (Sections 65000 et seq.) contains many of the laws pertaining to the regulation of land uses by local governments including: the general plan requirement, specific plans, subdivisions, and zoning.

Virtually every reference guide on Land Use begins with the premise that a city has the police power to protect the public health, safety, and welfare of its residents. See Berman v. Parker, (1954) 348 U.S. 26, 32-33, DeVita v. County of Napa, (1995) 9 Cal. 4th 763, 782; see also Big Creek Lumber Co. v. City of Santa Cruz, (2006) 38 Cal. 4th 1139, 1159. This right is set forth in the California Constitution, which states "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." Cal. Const. at. XI, section 7. The ability to enact ordinances to protect the health, safety, and welfare is important in the land use context because it confers very broad rights to adopt regulations that implement local land use vision and values, so long as laws enacted by a city are not in conflict with state general laws. In Village of Belle Terre v. Boraas, (1974) 416 U.S. 1, the U.S. Supreme Court addressed the scope of such power and stated: "The police power is not confined to elimination of filth, stench and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people." Id at 9.

One seminal land use and zoning case underscoring a city's police power was Wal-Mart Stores Inc. v. The City of Turlock, (2006) 138 Cal. App. 4th 273, 303 where, in response to concerns over the impacts of big box stores, particularly Wal-Mart, the City of Turlock adopted an ordinance prohibiting the development of discount superstores. Wal-Mart challenged the ordinance, stating the city had exceeded its police power, but the Court disagreed. The court found the police power allows cities to "control and organize development within their boundaries as a means of serving the general welfare." Id at 303. The important issue to understand in that case was the language of the ordinance itself. The ordinance did not, and legally could not, target specific tenants which were perceived as causing the certain impacts. However, the city could control the use and development standards of property within its community which, in effect, prohibited only a handful of big box retailers, including Wal-Mart.

Another case that highlights the city's police power, especially at the micro-level, is Disney v. City of Concord, (2011) 194 Cal.App.4th 1410. In that case, the City of Concord adopted an ordinance restricting the storage and parking of recreational vehicles in residential yards and driveways. Among other things, the City of Concord's ordinance limited the number of RVs on any residential property to two, required RVs to be stored in side and rear yards behind a six foot high opaque fence, prohibited RVs from being stored on front yards and driveways (with some exceptions), and established maintenance standards for RVs within the public view. James Disney filed suit. His main argument was that the ordinance was a valid exercise of the city's police power, where the ordinance had an aesthetic purpose. Citing Metromedia, Inc. v. City of San Diego (1980) 26 Cal.3d 848, 858, the Court stated "It is within the power of the Legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled." Again, as echoed by Village of Belle, supra, a city's police power is not limited to regulating just stench and filth.

# Preemption

Although a city's police power is broad, it is not absolute, and cannot conflict with the State's general laws. A conflict exists between a local ordinance and state law if the ordinance "Contradicts or enters an area fully occupied by general law, either expressly or by legislative implication." Viacom Outdoor Inc. v. City of Arcata, (2006)140 Cal. App. 4th 230, 236.

# THE GENERAL PLAN, SPECIFIC PLANS, AND ZONING REGULATIONS

There are currently 533 incorporated cities and counties in California. State law requires each of these jurisdictions to prepare and adopt "...a comprehensive, long term general plan for the physical development of the...city, and of any land outside its boundaries..." Gov. Code section 65300. Under Gov. Code Section 65302, each General Plan must include the following elements:

- 1. Land Use Element;
- 2. Circulation Element;
- 3. Housing Element;
- 4. Conservation Element;
- 5. Open Space Element;
- 6. Noise Element;
- 7. Safety Element;
- 8. Air Quality Element; and
- 9. Environmental Justice Element.

Gov. Code Section 65302 also sets forth particular requirements that must be included in each of the nine elements. One of the more scrutinized elements of a General Plan is the Housing Element which, among other things, must show that the agency's land use and zoning designations contribute to the attainment of State housing goals regarding affordable, transitional, and supportive housing.

Government Code section 65583(c) requires the Housing Element to establish a program setting forth a schedule of actions to implement the Housing Element's policies. Over the course of the last ten years or so, we have seen a shift towards more specific program/schedule language required by Housing and Community Development ("HCD") for each Housing Element update.

Adoption and amendment of a General Plan is a "project" under CEQA and therefore, environmental review must be performed. City of Santa Ana v City of Garden Grove (1979) 100 CA3d 521. Adopting or amending the General Plan must be done in accordance with Government Code section 35350 et seq. A general law city may not amend any of the seven mandatory elements of its General Plan more than four times per year. Gov. Code section 65358(b).

Because of the comprehensive nature of General Plan documents, they often take months, if not years, to adopt or significantly update and the legal issues surrounding the adequacy of a General Plan are certainly the subject of treatises beyond the scope of this paper. However, the "take away" is that the General Plan needs to be visionary, but also must give enough guidance and particularity to provide clear context for the subsequent planning decisions and approvals that will flow from and must be consistent with the General Plan (i.e., specific plans, zoning regulations, and map, project, and permit approvals).

### **Specific Plans**

Specific Plans are hybrid documents that act as a bridge between the General Plan and Zoning Regulations for future development of a particular area. Government Code section 65450 states that a city may prepare a Specific Plan "for the systematic implementation of the general plan..." A Specific Plan is adopted in the same manner as a General Plan (Gov. Code section 65453) and is considered a legislative act.

There are no black and white rules governing when a Specific Plan is required. Instead, a Specific Plan is a tool that public agencies and developers use to achieve better specificity on the vision and development potential of a particular tract of land without having to go through extensive site-specific land use analysis and entitlement proceedings. It is "programmatic" in nature and usually deals with major infrastructure, development and conservation standards and includes an implementation program. See Gov. Code section 65451. Often, a specific plan will establish the "look" and "feel" of what future development on the property will be and it can provide a more clear and refined definition of the parameters in which development will be allowed and the responsibilities for major infrastructure area developers will be expected to fulfill. Specific plans can be very useful to agencies in setting realistic development expectations and signaling important big picture limitations or constraints unique to a particular area; they can be very useful to development in helping to size the potential and costs of development.

### **Development Agreements**

Development Agreements are a unique planning tool authorized by statute pursuant to Government Code section 65864 – 65869.5. A Development Agreement is an agreement between the City and a property owner in which the parties agree to "freeze" all rules, regulations, and policies that are in place as of the execution of the agreement. Gov. Code

section 65866; Santa Margarita Area Residents Together v San Luis Obispo County Bd. of Supervisors (2000) 84 CA4th 221. The Development Agreement structure, because it is a voluntary, arm's length negotiation process between a developer and city, may also allow a city to negotiate developer concessions or contributions that it could not otherwise obtain from a developer through normal exactions or conditions of approval. In some circumstances, Development Agreements can provide both greater flexibility and greater certainty in the development of large or complex projects. However, it should be noted that Development Agreements are legislative acts and subject to referendum, so the flexibility afforded by the tool is also limited by community values.

# Zoning

The general plan is a long-range policy document that looks at the future of the community. A zoning ordinance is the local law that spells out the immediate, allowable uses for each piece of property within the community.

The purpose of zoning is to implement the policies of the general plan. Under the concept of zoning, various kinds of land uses are grouped into general categories or "zones" such as single-family residential, multi-family residential, neighborhood commercial, light industrial, agricultural, etc. A typical zoning ordinance describes 20 or more different zones which may be applied to land within the community. Each piece of property in the community is assigned a zone listing the kinds of uses that will be allowed on that land and setting standards such as minimum lot size, maximum building height, and minimum setbacks. The distribution of residential, commercial, industrial, and other zones will be based on the pattern of land uses established in the community's general plan. Maps are used to keep track of the zoning for each piece of land.

### Variances

A variance is a limited waiver of development standards for a use that is otherwise permitted in that zone. The city or county may grant a variance in special cases where: (1) application of the zoning regulations would deprive property of the uses enjoyed by nearby, similarly zoned lands; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege. A city or county may not grant a variance that would permit a use that is not otherwise allowed in that zone (for example, a commercial use could not be approved in a residential zone by variance). Typically, variances are considered when the physical characteristics of the property make it difficult to develop. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed. Variance requests require a public hearing and neighbors are given the opportunity to testify. The local hearing body then decides whether to approve or deny the variance.

### **Conditional Use Permits**

Most zoning ordinances identify certain land uses which do not precisely fit into existing zones, but which may be allowed upon approval of a conditional use permit (sometimes called a special use permit or a CUP). These might include community facilities (such as hospitals or schools), public buildings or grounds (such as fire stations or parks), temporary or hard-to-classify uses

(such as Christmas tree sales or small engine repair), or land uses with potentially significant environmental impacts. The local zoning ordinance specifies those uses for which a conditional use permit may be requested, which zones they may be requested in, and the public hearing procedure.

As with variances, a public hearing must be held to consider a CUP. If the local planning commission or zoning board approves the use, it will usually do so subject to certain conditions being met by the permit applicant. Alternatively, it may deny uses which do not meet local standards.

### Subdivisions

In general, land cannot be divided in California without local government approval. Dividing land for sale, lease, or financing is regulated by local ordinances based on the State Subdivision Map Act (commencing with Government Code Section 66410). The local general plan, zoning, subdivision, and other ordinances govern the design of the subdivision, the size of its lots, and the types of improvements (street construction, sewer lines, drainage facilities, etc.). In addition, the city or county may impose a variety of fees upon the subdivision, depending upon local and regional needs, such as school impact fees, park fees, etc. Developers can contact their local planning department for information on local requirements and procedures.

There are basically two types of subdivisions: parcel maps, which are limited to divisions resulting in fewer than five lots (with certain exceptions); and subdivision maps (also called tract maps), which apply to divisions resulting in five or more lots. Applications for both types of land divisions must be submitted to the local government for consideration in accordance with the local subdivision ordinance and the Subdivision Map Act.

### HEARINGS AND DUE PROCESS

The Due Process clause of the Fourteenth Amendment is inextricably intertwined with land use law. Due process requires reasonable notice and an opportunity to be heard by an impartial decision maker for administrative proceedings that affect liberty or property interests. See Gov. Code section 65905(a); Fuchs v County of Los Angeles Civil Serv. Comm'n (1973) 34 CA3d 709. Due process issues can be fairly apparent, for example in the case of an issuance or revocation of a conditional use permit.

State law requires that local governments hold public hearings prior to most planning actions. At the hearing, the council, board, or advisory commission will explain the proposal, consider it in light of local regulations and environmental effects, and listen to testimony from interested parties. The council, board, or commission will vote on the proposal at the conclusion of the hearing.

One of the most important perspectives on Land Use and Planning Law is to understand the basis and procedures by which a city's decisions are challenged. By understanding "which hat" your wearing (legislative or adjudicative/quasi-judicial), you will better navigate the contours of legally defensible decisions and how to develop the administrative record to support your decision. One way to explain the difference between a quasi-legislative decision and a quasijudicial decision is by taking legislative action, you are being asked to formulate general policies or rules that will apply to future projects, applications, or factual circumstances of a given type. In contrast, a quasi- judicial/adjudicative decision is one in which a specific project, application, or set of facts is being evaluated for compliance with the policy or rule that you have already developed (the development of law (legislative) versus the application of law to facts (adjudicative).

### Administrative Writ of Mandate – the Quasi-judicial Hat.

An adjudicative or quasi-judicial administrative decision may be challenged by Administrative Mandamus when: a hearing in the underlying administrative proceeding is required by law in which evidence is taken and the decision maker is vested with the discretion to determine contested factual issues. Code of Civ. Proc. 1094.5. Review of these decisions is usually limited to the administrative record. Code of Civ. Proc. section 1094.5(a). The scope of review in Administrative Mandamus proceedings is limited to: whether the agency has proceeded without, or in excess of, jurisdiction; whether there was a fair hearing; or whether there was any prejudicial abuse of discretion. Code of Civ. Proc. section 1094.5(b). "Abuse of discretion" is established when: the agency has not proceeded in the manner required by law; the order or decision is not supported by the findings; or the findings are not supported by the evidence. See Leal v. Gourley, (2002) 100 CA 4th 963, 968.

The standard of review for Administrative Mandamus is usually the substantial evidence test, however, when the underlying decision substantially affects a fundamental vested right, the independent judgment test applies. Code of Civ. Proc. section CCP §1094.5(b)-(c); Goat Hill Tavern v City of Costa Mesa (1992) 6 CA4th 1519, 1525. Under the substantial evidence test, a court determines if there is substantial evidence to support the findings and if the findings support the decision. Under this test, the court accords significant deference to the administrative fact-finder. Bedoe v. County of San Diego (2013) 215 CA 4th 56, 61. Courts have consistently refused to substitute judicial judgment for the legislative judgment of the governing body of a local agency. So long as the legislative decision bears a reasonable relationship to the public welfare, it is upheld. See Ass'n. Home Builders, Inc. v. City of Livermore, (1976) 18 Cal. 3d 582, 604. California Hotel & Motel Ass'n v. Indust Welfare Comm'n, (1979) 25 Cal. 3d 200, 211-212 [judicial review is limited "out of deference to the separate of powers between the Legislature and the judiciary [and] and to the legislative delegation of administrative authority to the agency."] Of course, there is a caveat if some sort of heightened scrutiny is involved.

Pursuant to the landmark case of Topanga Assn. For A Scenic Community v. County of Los Angeles (1974), the Planning Commission must explain land use decisions through the adoption of findings. Topanga defined findings as legally relevant sub-conclusions which expose the agency's mode of analysis of facts, regulations, and policies, and bridge the analytical gap between raw data and ultimate decision. Therefore, the findings of the Planning Commission must be relevant to adopted, applicable criteria in statutes, ordinances or policies. In a way, The Planning Commission operates as a court in that the Planning Commission must apply the Town's local land use regulations to a specific application just as a court applies the law to a specific set of facts. Basically, the findings of the Planning Commission are an explanation of how they progressed from the facts through established fixed rule, standard, law, or policies to the decision.

Based upon the forgoing, and as I have explained in meetings, findings such as the proposed modification is a "cost saving/profit increasing strategy" or that "they stand to make millions of dollars" or that the developers must "stick with their commitment" or "uphold the agreement" or that this is a "bait and switch" or "will force visitors, shoppers & residents to find parking elsewhere" or that the developers "are bullies and are ruining our town" are inadequate and improper findings pursuant to Topanga Assn. For A Scenic Community v. County of Los Angeles (1974). Although all of these statements may not lack evidentiary support, they lack legal relevance and even if they are assumed to be correct, those findings simply do not meet the legal requirements set forth in code and case law.

# THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA (commencing with Public Resources Code Section 21000) requires local and state governments to consider the potential environmental effects of a project before deciding whether to approve it. CEQA's purpose is to disclose the potential impacts of a project, suggest methods to minimize those impacts, and discuss alternatives to the project so that decision makers will have full information upon which to base their decision. The term "project" is defined broadly in CEQA. It includes all of the actions discussed in this paper -- from annexations to zoning.

CEQA is a complex law with a great deal of subtlety and local variation. The following discussion is extremely general. The basic requirements and administrative framework for local governments' CEQA responsibilities are described in the California Environmental Quality Act: Statutes and Guidelines.

# Lead Agency

The "lead agency" is responsible for seeing that environmental review is done in accordance with CEQA and that environmental analyses are prepared when necessary. The agency with the principal responsibility for issuing permits to a project (or for carrying out the project) is deemed to be the "lead agency." As lead agency, it may prepare the environmental analysis itself or it may contract for the work to be done under its direction. In practically all local planning matters (such as rezoning, conditional use permits, and specific plans) the planning department is the lead agency.

# **Preliminary Review**

Analyzing a project's potential environmental effect is a multistep process. Many minor projects are exempt from the CEQA requirements. Typically, these include single-family homes, remodeling, accessory structures, and minor lot divisions (for a complete list refer to California Environmental Quality Act: Statutes and Guidelines). No environmental review is required when a project is exempt from CEQA.

When a project is subject to review under CEQA, the lead agency prepares an "initial study" to assess the potential adverse physical impacts of the proposal.

### Negative Declarations, Mitigated Negative Declarations, and EIRs

If the initial study shows that the project will not cause a "significant" impact on the environment or when it has been revised to eliminate all such impacts, a "negative declaration" is prepared. The negative declaration describes why the project will not have a significant impact and may require that the project incorporate a number of measures (called "mitigation measures") ensuring that there will be no such impact. If the Initial Study indicates that there could be significant impacts, but those impacts can be mitigated to a less than significant level, then a Mitigated Negative Declaration (MND) can be prepared. Most projects, especially those involving any sort of construction activity, will include conditions or mitigation measures within the negative declaration calculated to reduce any potential environmental impacts to be less than significant. However, conditions or mitigation measures in the MND will not preclude the need to prepare an EIR if information meeting the fair argument standard is introduced into the record. See Pub. Res. Code section 21064.5; CEQA Guidelines section 15070(b)(2).

If significant environmental effects are identified, then an Environmental Impact Report (EIR) must be written before the project can be considered by decision makers. An EIR discusses the proposed project, its environmental setting, its probable impacts, realistic means of reducing or eliminating those impacts, its cumulative effects, and alternatives to the project. CEQA requires that draft Negative Declarations and EIRs be made available for review by the public and other agencies prior to consideration of the project. The review period allows concerned citizens and agencies to comment on the completeness and adequacy of the environmental review prior to its completion.

If an ND or MND is prepared, the city must provide the public and specified agencies with a notice of intention. Pub. Res. Code section 21092; CEQA Guidelines section 15072. The public review period must be no less than 20 days. Pub. Res. Code section 21092. If the State Clearinghouse is used, the review period is at least 30 days. Pub. Res. Code section 21091(b).

When the decision making body approves a project, it must certify the adequacy of the environmental review. If its decision to approve a project will result in unavoidable significant impacts, the decision making body must not only certify the EIR, but also state, in writing, its overriding reasons for granting the approval and how the impacts are to be addressed.

### CONCLUSION

The world of land use law and regulation is comprehensive and the sheer volume of legal concepts, statutes governing land use decisions, and procedural requirements can be daunting. However, land use regulation is at the heart of some of the most significant decisions local governments make and represents the single most powerful tool that communities have to define, establish, and maintain their "sense of place." If each land use decision can be evaluated starting with the constitutional foundations of the authority to regulate and the various statutes and processes can be viewed as tools to help answer the important questions and order important land use decisions, the process starts to seem less overwhelming. Fundamentally, this paper is presented from the perspective that the law is supposed to make sense and that the objective of the law is good planning. It is our hope that the paper can be used as one of many tools to navigate the legal complexities through that lens.



DATE:	April 14, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Review and Discuss the Land Use 101 Paper Provided by the Town Attorney.

### REMARKS:

Staff is also providing the Town Council Code of Conduct and Planning Commission Policies and Procedures in the event that any questions regarding these topics arise during the Commission's discussion.

### EXHIBIT:

Previously received with the April 14, 2021 Staff Report:

1. Land Use 101 Paper from the Town Attorney

### Received with this Desk Item Report:

- 2. Town Council Code of Conduct
- 3. Planning Commission Policies and Procedures

<u>PREPARED BY</u>: Joel Paulson Community Development Director

Reviewed by: Community Development Director

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# COUNCIL POLICY MANUAL

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TITLE: Town Council Code of Conduct	POLICY NUMBER: 2-04
<b>EFFECTIVE DATE:</b> 5/3/2004	PAGES: 8
<b>ENABLING ACTIONS:</b> 2004-059; 2006-111	<b>REVISED DATES:</b> 12/17/2012; 3/3/2015; 12/17/2019
APPROVED: March Jens	

#### I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

### II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

### III. Town Council Roles and Responsibilities

LOS GATOS

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

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# IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special\_meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

# V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

### Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.<sup>1</sup> This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, and members of the public. In this capacity, the Mayor serves as the Town "spokesperson" representing the Council in official and ceremonial occasions.
- D. As the official Town spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.<sup>2</sup> The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> Council Agenda Format and Rules Policy

<sup>&</sup>lt;sup>2</sup> Council Commendation and Proclamation Policy

<sup>&</sup>lt;sup>3</sup> Resolution 1999-167

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### Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.<sup>4</sup>
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

## VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. Use formal titles. The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. Honor the role of the presiding officer in maintaining order and equity. Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. Council decisions should be reserved until all applicable information has been presented.
- E. Conduct during public hearings. During public testimony, Council Members should refrain from engaging the speaker in dialogue. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

### VII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

# A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

- 1. The Ralph M. Brown Act
- 2. Town / CA State Law on Conflict of Interest (AB 1234)
- 3. Government Section 1090
- 4. Incompatible Offices
- 5. The Fair Political Practices Commission Forms
- 6. Bias
- 7. Town / CA State Law on Harassment (SB 1343)

<sup>&</sup>lt;sup>4</sup>Council Agenda Format and Rules Policy

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# B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

# C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

# D. Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

# E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

# VIII. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

# IX. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

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# Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors. Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. The Town Manager and staff are responsible for implementing Town policy and/or Council action. The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings. Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council. The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. Council Members should not attend department staff meetings unless requested by the Town Manager.
- G. All Council Members should have the same information with which to make decisions. Information requested by one Council Member will be shared with all members of the Council.
- H. Concerns related to the behavior or work of a Town employee should be directed to the Town Manager. Council Members should not reprimand employees.
- 1. Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment. Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

# X. Council Communication with the Public and other Council Members

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on issues or projects raised. Any such preliminary statement shall not constitute a prejudgment or create a presumption of bias on any issue or a project. In addition, Council Members may from

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time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies. Such statements are permissible if clearly characterized as personal opinion or policy change objectives.

### XI. Enforcement

### A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

- 1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
- 2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

### **B.** Procedures

1. <u>Reporting of Complaints</u>

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

### 2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

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# 3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

# 4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

# 5. <u>Report of Findings</u>

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

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# 6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

# C. Disciplinary Action

# 1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

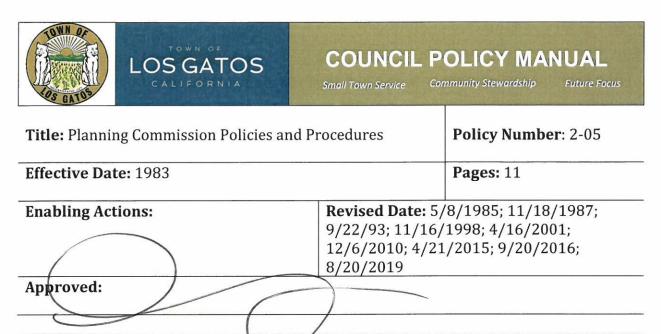
- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

# 2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. Revocation of Special Privileges A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM: Robert Schultz, Town Attorney



#### PURPOSE

This Policy is to inform Planning Commission Members of their roles, responsibilities, and functions, as well as operating procedures for meetings.

#### SCOPE

Since 1983, the Town Council has adopted Planning Commission Policies and Procedures. The Procedures address topics including the agenda format, Commissioner conduct at Planning Commission meetings, absences, evidence outside of formal hearings, findings, voting, and other issues. Periodically, the Town Council adopts revisions to the Procedures.

#### **POLICY AND PROCEDURES**

#### **1. ORGANIZATION, OFFICERS, DUTIES**

#### 1.1 Organization.

The Planning Commission consists of seven voting members and shall be organized as prescribed by Town Code Section 29.20.750 and the Town Council. All Planning Commissioners shall be appointed by the Town Council. Commissioners serve at the pleasure of the Town Council and may be removed prior to the end of his or her term by a four-fifths vote of the Town Council.

#### 1.2 Officers.

A Chairperson (hereinafter Chair) and Vice-Chairperson (hereinafter Vice Chair) shall be elected annually from among the Commission's membership at the first meeting in January, to serve at the pleasure of the Commission for a term of office of one year.

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The Chair shall:

- a) Preside at all meetings of the Commission.
- b) Sign documents of the Commission.
- c) Determine meeting schedule and agenda items consistence with state law noticing requirements.

During the absence, disability or disqualification of the Chair, the Vice-Chair shall perform all the duties and be subject to all the responsibilities of the Chair.

The Vice-Chair shall succeed the Chair if he or she vacates the office before his or her term is completed and shall serve the unexpired term of the vacated office. (A new Vice-Chair shall be elected at the next regular meeting.)

In the absence of the Chair and Vice-Chair, any other Commissioner shall call the Commission to order whereupon a Chair pro tem shall be elected from the Commissioners present to preside.

### 1.3 Duties.

The functions, powers and duties of the Planning Commission shall consist of all those functions, powers and duties of a Planning Commission as provided in Chapters 3 and 4 of Title 7, commencing with Section 65100 of the California Government Code (Planning and Zoning Law) and as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated in Town Code and by the Town Council.

### 1.4 Support.

The Secretary of the Planning Commission is the Community Development Director or designee. The Chair shall set the Agenda in consultation with the Secretary.

### 2. LEGAL AND ETHICAL STANDARDS

Planning Commissioners must serve as a model of leadership and civility to the community and treat all members of the public, each other, and the issues before them with respect to ensure open and effective government.

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To ensure the highest standards of respect and integrity during public meetings, Planning Commissioners shall:

- 1. Use formal titles. The Commissioners shall refer to one another formally during Commission meetings such as Chair, Vice Chair, Commissioner, or Mr., Mrs., or Ms., followed by the individual's last name.
- 2. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. This does not allow, however, Commissioners to make abusive, slanderous, and personal comments, and/or physical actions that could be construed as threatening. During public discussions, Commissioners shall be respectful of others and diverse opinions, practice objectivity, and allow for the debate of issues.
- 3. Honor the role of the Chair in maintaining order and equity, and respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason.
- 4. Demonstrate effective problem-solving approaches. Commissioners are role models for residents, business people, and other stakeholders involved in public debate.
- 5. Base decisions on the -.written evidence, arguments or testimony and decisions should be made objectively and based upon the merits and substance of the matter at hand, not through established coalitions or well-defined voting blocks. Judgment of decisions should be reserved until all applicable information has been presented.
- 6. Be prepared and knowledgeable. To effectively lead and inform the public, Commissioners shall be prepared and informed about issues on the agenda.
- 7. Be respectful of other people's time. Commissioners should stay focused, listen attentively, and act efficiently during public meetings. During public testimony, Commissioners should refrain from engaging the speaker in dialogue; however, for purposes of clarification, Commissioners may ask the speaker questions. Commission comment and discussion should commence upon the conclusion of all public testimony.

### 3. MEETINGS, STUDY SESSIONS, AGENDAS, AND STAFF REPORTS

#### 3.1 Quorum and Attendance at Meetings.

A quorum to conduct business shall consist of a majority of the total number of filled seats consistent with Town Council Resolution 2014-041. For example, if all seven Commissioners are seated, then a quorum consists of a minimum total of four members of the Commission. A quorum is not required for workshops.

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Requests by Commissioners to attend a Commission meeting via telephonic appearance are actively discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family, or similar emergency requiring a Commissioner's absence or in the event the Commissioner is out of the area on official Town business. In addition, at least a quorum of the Commission must participate from a location within the Town.

### 3.2 Public Meetings.

All meetings shall be held in full compliance with the provisions of state law, ordinances of the Town, and these Policies and Procedures.

### 3.3 Regular Meetings.

Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month in Town Council Chambers at 110 E. Main Street, Los Gatos, unless otherwise determined by the Commission. All regular meetings of the Commission will be called to order at 7:00 p.m., unless advertised otherwise, canceled, or rescheduled.

The Commission with the consent of the majority of the Commission, adjourn its meetings on or before 11:30 p.m. with any unfinished business being continued to the next regular, adjourned, or special meeting, unless the Commission votes to extend the meeting. At approximately 11:15 p.m., the Chairperson will call for review of any remaining agenda items to consider whether they will likely be completed by 11:30 p.m., or whether continuances should be considered. The Secretary of the Planning Commission, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

### 3.4 Special Meetings.

A special meeting may be called at any time by the Chairperson of the Commission, or by a majority of its membership on its own motion, or at the direction of the Town Council. Notice shall be sent in compliance with the Ralph M. Brown Act, Government Code section 54950, *et seq.* ("Brown Act") and the Los Gatos Town Code.

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### 3.5 Adjourned Meetings.

The Commission may adjourn any regular or special meeting to a time and place specified pursuant to the procedures set forth in the Brown Act.

### 3.6 Workshops/Study Sessions.

The Commission may hold a workshop as part of a regular or special meeting. When a matter is set for a workshop, public testimony on each item will generally be limited to three (3) minutes per person, at the discretion of the Chair. A workshop shall be for discussion only and the Commission will take no action on the workshop item.

### 3.7 Agendas.

At least seventy-two (72) hours before a regular meeting, copies of the Commission's agenda shall be posted in a location that is available for viewing by the public and made available on the Town website and at the Community Development Department. In accordance with the Brown Act, the Commission may not take action on any item that did not appear on the posted agenda, unless an exception is made as permitted under Government Code section 54954.2. The Chair may rearrange the order of presentation of items appearing on the agenda as he or she may deem necessary or desirable for the conduct of the meeting. No person shall be entitled to rely upon the order in which public hearing items appear on the posted agenda, and any public hearing on any agenda may commence immediately upon the time the meeting is called to order.

### 3.8 Staff Reports.

Staff Reports shall be made public whenever they are distributed to the Commission, except in the case of attorney/client privilege memoranda. Staff reports will usually be prepared with recommendations and shall include the basis for these recommendations and included in the hearing record on any application.

If, in reviewing a staff report, a Commissioner sees omissions, has questions, or is looking for specific information, it is advisable that the Commissioner contact the Community Development Director or designee prior to the hearing.

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#### 3.9 Order of Meetings.

The Order of Business shall be as follows subject to the Chairperson's final approval:

- 1. Roll Call
- 2. Pledge of Allegiance
- 3. Written Communications
- 4. Requested Continuances
- 5. Sub-Committee Reports
- 6. Verbal Communications
- 7. Consent Calendar
- 8. Continued Public Hearings
- 9. New Public Hearings
- 10. Continued Other Business
- 11. New Other Business
- 12. Adjournment

### 3.10 Chair's Rules of Order.

After issuing a warning, the Chair may order from the meeting location any person(s) who commit the following acts with respect to a regular or special meeting of the Commission:

- 1. Disorderly, contemptuous or insolent behavior toward the Commission, or any member thereof, which interrupts the due and orderly course of said meeting.
- 2. A breach of the peace, boisterous conduct or violent disturbance which interrupts the due and orderly course of said meeting.

After a warning by the Chair, if more than one individual at a given meeting continues to engage in disruptive or unruly behavior to the extent that it is preventing Commissioners from adequately participating in the meeting, the Chair may order that the meeting location be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption), and/or (c) adjournment of the meeting to another time or place so that the meeting may continue uninterrupted.

Any Commissioner may move to require the Chair at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require him or her to so act.

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#### 4. PRESENTATION OF AGENDA ITEMS

#### 4.1 Minutes and Recording.

Commission meetings are recorded and the recording is permanently preserved by the Town. The recording of the meeting is used by the Secretary of the Commission to prepare minutes of the hearing which must be approved by the Commission. The minutes of the Commission's proceedings shall show the vote of each Commissioner, including if they were absent or failed to vote on a matter considered.

#### 4.2 Order of Presentation.

The order of the presentation shall be as follows:

- 1. The Chair shall announce the subject of the agenda item.
- 2. Presentation of staff report, including any environmental analysis or recommendation.
- 3. Questions of staff by Commissioners.
- 4. Public hearing opened.
- 5. Presentation of the applicant(s) or appellant(s).
- 6. Public comment.
- 7. Rebuttal comments by the applicant(s) or appellant(s).
- 8. Public hearing closed.
- 9. Commission discussion and action.

#### 4.3 Public Participation.

The Commission welcomes participation and comment on any matter within its subject matter jurisdiction. It is the Commission's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the Town's public meetings. To maintain civility and respect and to allow the Commission to complete its work in a timely manner, the Commission requests that all attendees and participants show respect for every speaker regardless of his or her viewpoint, and to refrain from conduct that may inhibit others from addressing the Commission. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The Commission also discourages profane remarks or personal attacks or insults to any member of the Commission, staff, other attendees or speakers, or the general public. Accordingly, the Commission requests the cooperation of all in maintaining a meeting

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environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

### 4.4 Rules of Evidence.

Hearings and meetings before the Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which reasonable persons are accustomed to rely on in the conduct of serious affairs.

### 4.5 Written Evidence.

Written evidence that members of the public wish to submit to the Commission in advance of a Commission agenda item should be submitted by 11:00 a.m. on the Wednesday one week prior to the Commission meeting in order for such evidence to be provided to the Commission with its agenda packet in advance of the meeting. Any written evidence submitted after this day and time but prior to 11:00 a.m. on the day of the hearing will be distributed to the Commission in an Addendum or Desk Item.

Written or pictorial evidence distributed to the Commission at the meeting may not be effective, as the Commission may not have enough time to absorb its content. Although late correspondence is highly discouraged for this reason, any participant may submit written and pictorial evidence to the Commission during the public hearing on an item.

### 4.6 Oral Evidence, Time Limits, and Number of Speakers.

A speaker's card to speak on an item should be submitted to the Secretary of the Commission or designee.

The Chair's instructions to the audience will generally follow these guidelines:

- 1. Any person desiring to speak must first be recognized by the Chair.
- 2. All participants must speak from the podium.
- 3. All speakers are requested to first state their full name and full address, and to speak into the microphone as all meetings are recorded. To ensure correct spelling of names and addresses, all speakers are encouraged to submit a speaker's card to the Secretary of the Commission or designee.

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4. All comments shall be directed to the Commission as a body, and not to any particular Commissioner, staff person or audience. No person, other than Commissioners, staff, and the person having the floor shall be permitted to enter into the discussion. Commissioners shall only ask questions of the speakers through the Chair. Each applicant and appellant shall be limited to a five (5) minute presentation at the start of the public hearing and a three (3) minute rebuttal after all other speakers have been heard. All members of the applicant's or appellant's team shall be heard as a group within these time limits. Questions by the members of the Commission do not count against the time. Members of the public who wish to speak on any items will be limited to up to 3 minutes each. No person shall be allowed to speak a second time per item. In order to assure the opportunity for all those desiring to speak before the Commission, there is no yielding of time to another speaker. The Chair, at his or her discretion, may allocate more or less time for speakers due to the complexity of the issues and/or due to a large number of speakers on a particular item. Except for the applicant or appellant, all speakers shall be limited to the same amount of time to speak.

#### 4.7 Evidence Received Outside a Hearing.

Applications before the Planning Commission involve quasi-judicial matters, legislative matters and matters that have attributes of each. On quasi-judicial matters California law requires decisions to be based on findings, and findings to be based on evidence presented at the hearing. Accordingly, the actual decision of the Commission on a quasi-judicial matter must be supported by evidence presented at the hearing, i.e. the staff report, testimony given during the hearing and comments from other Commissioners. A Commissioner may not state or predetermine his or her decisions on an application prior to the hearing.

In order to avoid the appearance of bias or impropriety, individual Commissioners are prohibited from discussing, outside of the public hearing process, the substance of any project with project proponents, opponents and member of the public. This prohibition shall apply to all projects, whether conceptual or proposed, that can be considered by the Commission in reviewing an application, on appeal or on remand. Study sessions may be used as a means of facilitating informal communication. Individual Commissioners who have engaged in prohibited discussions shall recuse themselves from consideration of the project.

Incidental contacts that do not address the substance of any project are not prohibited. Incidental contacts are those that are not reasonably understood to influence a Commissioner's decision and include speaking with an interested party to obtain approval to enter a property and to

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obtain information intended to orient the Commissioner about the physical aspects of the property or a project.

### 5. MOTIONS

Action upon an order, resolution, ordinance, or any other action of the Commission may be proposed by any Commissioner by a motion. Before a motion can be considered or debated it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion dies for lack of a second and shall be so declared by the Chair. Substitute motions and other parliamentary procedures shall follow Robert's Rules of Order.

Pursuant to Planning Commission Resolution No. 78-4, adopted May 10, 1978, the Planning Commission will not accept requests for continuances from applicants after 12:00 noon of the Friday preceding any Commission meeting, provided, however, that the Commission retains the right to make exceptions when it finds that a genuine emergency exists which was not known to the applicant.

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter, any verbal staff report, and other evidence presented during the hearing.

### 6. VOTING AND ABSENTEES

Voting of not less than three (3) votes shall be required to carry a motion, unless a larger number of votes is required by applicable ordinance or other law.

If a Commissioner is not eligible to participate in the consideration of an item due to a conflict of interest, the Commissioner shall be disqualified and shall recuse him or herself from the voting, in which case the Commissioner cannot be included in the quorum. Prior to consideration of the matter, the conflicted Commissioner shall recuse on the record, stating the basis for the recusal, and shall then leave the room, unless legally entitled to remain under applicable law.

If a majority of the Commission shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Commission shall select by lot, or other means of random

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selection, that number of disqualified Commissioners which, when added to the Commissioners eligible to vote, shall constitute a quorum.

A Commissioner who expects to be absent should notify the Chair and the Community Development Department prior to the meeting.

Pursuant to Resolution 2011-012, any Commissioner who is absent from eight (8) regular meetings held in a twelve (12) consecutive month period, shall, as a result, surrender his or her office on the Planning Commission and the office shall be considered vacant.

A Commissioner who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon, provided that he or she viewed the video recording of the entire portion of the hearing from which he or she was absent, and he or she has examined all of the staff reports and minutes presented during the portion of the hearing from which he or she was absent; and he or she states for the record before voting that the Commissioner deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

### 7. LEGAL REQUIREMENTS

The Planning Commission operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Commission on these matters.

The Ralph M. Brown Act requires that meetings of the Planning Commission be open and public. "Meetings" occur whenever four (4) or more members of the Commission hear, discuss, or deliberate on any matter that is relevant to the Town. This includes discussions that occur face to face, serially, through third parties, or through written, telephonic, or e-mail communications.

The Political Reform Act controls conflicts of interests through disclosure of financial interests and prohibition in participating in decision making. Commissioners are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Financial interests can arise out of property ownership, business investment, leadership in a business entity, and receipt of money or gifts.

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### 8. CONSTRUCTION AND EFFECT

These Policies and Procedures shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the Commission. Failure to comply with the strict provisions of these Policies and Procedures shall not necessarily invalidate any action taken by the Commission.

### 9. RULES OF ORDER.

Except as otherwise provided in these Policies and Procedures, Roberts Rules of Order shall be used as a guide for the conduct of the meetings of the Planning Commission. No omission to conform to said rules of order shall in any instance be deemed to invalidate any action taken by the Commission.

### **10. AMENDMENT**.

These Policies and Procedures may only be amended by the Town Council.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney