

Melanie Hanssen, Chair Kathryn Janoff, Vice Chair Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Matthew Hudes, Commissioner Reza Tavana, Commissioner

# TOWN OF LOS GATOS PLANNING COMMISSION AGENDA NOVEMBER 11, 2020 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
  - For inclusion in any Addendum: by 11:00 a.m. the Monday 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 NOVEMBER 11, 2020 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 real-time during the meeting, you must join the Zoom webinar at:

https://losgatosca-gov.zoom.us/j/85351571794?pwd=OTM4WVIBajJBTm1rOU1pL1lqeVp6UT09 Passcode: 996096.

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 MELANIE HANSSEN, VICE CHAIR JANOFF, COMMISSIONER BADAME, COMMISSIONER BARNETT, COMMISSIONER BURCH, COMMISSIONER HUDES, AND COMMISSIONER TEVANA. All votes during the teleconferencing session will be conducted by roll call vote.

# TOWN OF LOS GATOS PLANNING COMMISSION AGENDA NOVEMBER 11, 2020 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. Approval of Minutes - October 28, 2020 Planning Commission Meeting

**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.)

- Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence with Reduced Setbacks on Nonconforming Property Zoned R-1:8.
  Located at 15 Loma Alta Avenue. APN 532-29-073. Architecture and Site Application S-19-023. Property Owner: BAB Investment Group LLC. Applicant: Babak Homayouni. Appellants: Kelly Luoma and Rick Rutter. Project Planner: Jennifer Armer
- 3. Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit (U-20-009) for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044. Property Owner: SRI Old Town LLC. Applicant: Amber DeMaglio. Project Planner: Sean Mullin.

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

4. Interim appointment of Planning Commissioners to the Historic Preservation Committee and Conceptual Development Advisory Committee by the Chair.

## REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

#### SUBCOMMITTEE REPORTS / COMMISSION MATTERS

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: 11/11/2020

ITEM NO: 1

# DRAFT MINUTES OF THE PLANNING COMMISSION MEETING OCTOBER 28, 2020

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, October 28, 2020, 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 Melanie Hanssen, Vice Chair Kathryn Janoff , Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, and Commissioner Matthew Hudes Absent: Commissioner Reza Tavana

# **VERBAL COMMUNICATIONS**

None.

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

- 1. Approval of Minutes October 14, 2020
- MOTION: Motion by Commissioner Hudes to approve adoption of the Consent Calendar. Seconded by Commissioner Badame.
- VOTE: Motion passed unanimously.

# **PUBLIC HEARINGS**

2. 101 Broadway

Architecture and Site Application S-20-003 APN 510-45-041 Applicant: Jay Plett, Architect Property Owner: ZKJ LLC Project Planner: Sean Mullin Consider an Appeal of a Development Review Committee decision approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Singlefamily Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

## Karen Kurtz, 107 Broadway (Appellant)

- She has lived in Los Gatos for 54 years and on her property for 32 years. She is a local realtor who has remodeled and refurbished 12 homes in Los Gatos and surrounding areas. The staff report bases its support of the height approval on incorrect drawings that do not show the true negative impact the proposed home would have on the surrounding neighbors. Statements that the height of the proposed house is consistent with the neighboring properties are false. She also requests that the fire hazard be reassessed. The results of the shadow study bear no resemblance to reality.

## Jay Plett, Architect (Applicant)

- The shadow study was based on the GIS and Town data. His October 26, 2020 summary shows the most extreme shadows cast on 107 Broadway will pass by mid-morning, with no noticeable shadows as the season goes on. The home is five feet from the property line and 107 Broadway's main structure is 16 feet from the property line, so from their house to 107 Broadway is approximate 21 feet, and the windows on that elevation have been minimized and one has been eliminated. They propose to move the garage back five feet, move the main level and upstairs mass back, and are stepping up the hillside per the design guidelines. They have met all the criteria of the historic regulations, design guidelines, and hillside guidelines.

## Tami Kurtz

- She is the daughter of the Appellant. The story poles tell the picture of the mass of the proposed home. The view from the interior and back yard of the Appellant's home has been of the east foothills and entire valley for over a century, but will now see a wall if the proposed home is built. The only portion of the Appellant's yard where she could see the view is a steep hill, not a usable portion of the back yard. The proposed home is highly out of context for the neighborhood and character of historic Broadway.

# Paul Clark, 117 Broadway

- One of the reasons the back of the proposed home is so high is because it sits on the upper floor above an Accessory Dwelling Unit (ADU), and that ADU is excluded from the application plans, but the presence of that ADU is what forces the building so high at the back. He asked if the applicant had considered an alternative design that does not include that?

## Larry Brandhorst, 93 Broadway

 He supports the appeal, as decisions of both the Historic Preservation Committee and the Development Review Committee were based upon misleading, deceptive, and inaccurate information submitted by the applicant in their Letter of Justification and other materials. He hoped the Commissioners had read this information before taking action on this appeal. He focused on the impact the project would have on the quality of life for the occupants of 93 Broadway and neighboring homes.

## Ilona Merli, 89 Broadway

- The inaccuracies the Applicant has put forth still have not been addressed. An entire story pole section on the front of the house was ignored and just put up last week after two months of asking people to look at them. It was suggested their picture was superimposed, but the measurements have been reviewed by two architects and are correct. Her biggest concern is the balcony which would be hanging over her yard.

## Jay Plett, Architect (Applicant)

- His team met three times with Mr. Brandhorst. They agreed to move the balcony back five feet to accommodate him and to erect the fence from their ground floor for privacy, which they were not required to do. They addressed all Mr. Brandhorst's concerns and he agreed to them. Windows have been set way back from Mr. Brandhorst's property and there are no two-story windows near the property line.

# Karen Kurtz, 107 Broadway (Appellant)

- She suggested designing the house more towards the front to reduce the scale and to utilize the basement better than it is now. She liked the design of 93 Broadway and the way it fits into the site without obstructing views or privacy, and for its tandem garage rather than a side-by-side, two-car garage. The proposed building would cover all of 94 Broadway and all of her living area. Contrary to what the Applicant has said, 101 Broadway would have views from their first story. The front of 101 would shut off her views from the north.

## Closed Public Comment.

Commissioners discussed the matter.

MOTION:Motion by Commissioner Badame to continue the public hearing for 101<br/>Broadway with direction to the meeting of December 9, 2020.

Commissioners discussed the matter.

## Seconded by Commissioner Hudes.

Commissioners discussed the matter.

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## VOTE: Motion passed unanimously.

#### 3. 15415 National Avenue

Subdivision Application M-18-008 APN 424-12-006 Applicant: Kurt B. Anderson Property Owner: Ramya Muddada Project Planner: Sean Mullin

Consider approval of a Request for Subdivision of One Lot into Two Lots on property zoned R-1:8.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Kurt Anderson (Applicant)

- A letter of complaint from adjacent property owners at Leila Court contained unfounded concerns. There are great community benefits from their project, such as improvements on National Avenue, undergrounding utilities along the frontage, blending in with the surrounding neighborhood, and keeping the scale of future residences in line with what is adjacent to the property. They meet the subdivision requirements of the lot and are looking for an approval.

Donna and Paul Nelson, 15425 National Avenue

- They live alongside the subject site. They are not against the corridor, or flag lot, however she thought they were frowned upon. If this application is approved they will have a flag lot on each side of their property and she wondered if they are allowed.

Kurt Anderson (Applicant)

- The Nelsons support the corridor and their concern is that their lot is also large enough to support a corridor lot and would like to do the same thing in the future, but they want to know what their potential is.

Closed Public Comment.

Commissioners discussed the matter.

MOTION:Motion by Commissioner Badame to approve a Subdivision Application<br/>for 15415 National Avenue. Seconded by Commissioner Hudes.

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Commissioner Barnett requested the motion be amended to include the findings pursuant to LU-4.5.

The Maker of the Motion accepted the amendment to the motion.

The Seconder of the Motion accepted the amendment to the motion.

VOTE: Motion passed unanimously.

## **OTHER BUSINESS**

## REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- Town Council met October 20, 2020:
  - Considered a second reading for the modifications to the Zoning Ordinance for Lighting and BMP regulations.
  - Adopted revisions to the Hillside Design Standards and Guidelines regarding Visibility Analysis.
  - Denied an appeal of a Planning Commission decision denying the North 40 Market Hall underground parking removal.

## SUBCOMMITTEE REPORTS/COMMISSION MATTERS

#### Historic Preservation Committee

**Commissioner Hudes** 

- HPC met October 28, 2020 and considered four items:
  - o 15 Ellenwood Avenue.
  - o 225 Wilder Avenue.
  - 432 Los Gatos Boulevard.
  - o 15 Chestnut Avenue.

## **General Plan Update Advisory Committee**

**Commissioner Hanssen** 

- GPAC met October 15, 2020 and considered the Environment and Sustainability Element second draft.
- GPAC will meet November 5, 2020 to discuss the Land Use and Community Design Elements.

#### **Commission Matters**

None.

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# **ADJOURNMENT**

The meeting adjourned at 9:24 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 28, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



DATE:	November 6, 2020
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence with Reduced Setbacks on Nonconforming Property Zoned R-1:8. Located at 15 Loma Alta Avenue. APN 532-29-073. Architecture and Site Application S-19-023. Property Owner: BAB Investment Group LLC. Applicant: Babak Homayouni. Appellants: Kelly Luoma and Rick Rutter. Project Planner: Jennifer Armer

## **RECOMMENDATION:**

Consider an appeal of a Development Review Committee (DRC) decision approving a request for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on nonconforming property zoned R-1:8, located at 15 Loma Alta Avenue.

## PROJECT DATA:

General Plan Designation:	Low Density Residential
Zoning Designation:	R-1:8
Applicable Plans & Standards:	General Plan and Residential Design Guidelines
Parcel Size:	0.126 acres (5,500 square feet)

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
West	Residential	Medium Density Residential	R-1D

PREPARED BY: JENNIFER ARMER, AICP Associate Planner

Reviewed by: Planning Manager and Community Development Director

# PAGE **2** OF **12** SUBJECT: 15 Loma Alta Avenue/S-19-023 DATE: November 6, 2020

## <u>CEQA</u>:

The 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.

## FINDINGS:

- The 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.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
  - 1. The Town's housing stock will be maintained as the single-family residence will be replaced.
  - 2. The existing structure has no architectural or historical significance and is in poor condition.
  - 3. The property owner does not desire to maintain the structures as they exist; and
  - 4. The economic utility of the structures was considered.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), with the exception for setbacks, as described below.
- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements:
  - 1. The subject property is nonconforming with regard to lot size and frontage.
  - 2. The proposed reduced setbacks are compatible with the neighborhood.
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas.
- The project design is in compliance with the Residential Design Guidelines in that the architects have responded to all recommendations from the Town's Consulting Architect by changing the siding to stucco, extending the eave and gable overhangs, simplifying the porch columns, refining building corner material details, providing belly bands, adding windows to right side elevation, and recessing the garage door. The applicant has further revised the design to respond to the concerns of the neighbors about the size of the house by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs. The project is not the largest for floor area or FAR in the neighborhood, and meets the objective standards of the zoning code, except as described above.

#### **CONSIDERATIONS:**

 As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

#### ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

#### BACKGROUND:

The subject property is located on the northeast side of Loma Alta Avenue (Exhibit 1). The lot is 5,500-square feet with an existing 1,462-square foot single-story residence with a 468-square foot detached garage. The immediate low- and medium-density residential neighborhood contains one- and two-story residences.

On May 3, 2019, the applicant submitted an Architecture and Site application for the demolition of an existing single-family dwelling, and construction of a new two-story residence and detached garage with reduced setbacks.

The proposed project meets all technical requirements of the Town Code including parking, height, floor area, and building coverage, with the exception for setbacks, as described below.

On September 8, 2020, the DRC held a public hearing for approval of the Architecture and Site application and continued the hearing to allow the applicant to work with the neighbors to address their concerns. Prior to this DRC hearing, staff forwarded public comments received to the DRC members (Exhibit 9). Meeting minutes are available as Exhibit 10.

On September 22, 2020, the DRC considered the application, noting that the applicant had revised the project to address the neighbors' concerns about the size and design of the house and privacy by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs.

Prior to this hearing, staff forwarded additional public comments received after the previous DRC hearing to the DRC members (Exhibit 12). The DRC made the required findings and considerations and approved the Architecture and Site application for the revised project with conditions of approval as noted in the meeting minutes (Exhibit 13).

On October 1, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbors (appellants), due to concerns regarding compliance with the Residential Design Guidelines (Exhibit 14).

#### **PROJECT DESCRIPTION:**

#### A. Location and Surrounding Neighborhood

The subject site is located on the northeast side of Loma Alta Avenue, on the corner with Panighetti Place (Exhibit 1). The surrounding properties in the low- and medium-density residential neighborhood are one- and two-story single-family residences.

#### B. Project Summary

The applicant is proposing to construct a new 1,870-square foot two-story single-family residence with a detached 483-square foot garage (Exhibit 15).

#### C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The existing property is 5,500 square feet with 50 feet of frontage, where the minimum lot size is 8,000 square feet and the minimum frontage for a corner lot is 80 feet, and therefore it is considered a nonconforming lot due to size and frontage. The proposed residence is in compliance with the allowable floor area, height, and on-site parking requirements for the property, and includes a request for an exception for the street side setback for the proposed residence and detached garage, and for the rear setback for the detached garage, as allowed by the zoning regulations for nonconforming lots and discussed below.

## DISCUSSION:

## A. Architecture and Site Analysis

The applicant is proposing to construct a new two-story single-family residence with 1,870 square feet of living space, and a 483-square foot detached garage. The maximum height of the proposed residence is 28 feet, where a maximum of 30 feet is allowed.

The proposed project materials include a standing seam metal roof, metal awnings, cement plaster, and metal windows and trim. The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 4).

## B. Building Design

The Town's Consulting Architect reviewed the design of the proposed project twice within the neighborhood context to provide recommendations regarding the building design. The site is in a low- and medium-density residential neighborhood of one- and two-story homes traditional in architectural style, form, and details. In the Issues and Concerns background section of the Consulting Architect's first report (Exhibit 5), the Consulting Architect noted

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

that the proposed house is modest in size, and consistent with the scale of other nearby homes in the areas, but identified issues with the Town's Residential Design Guidelines. The applicant revised the plans and provided a written response to the initial recommendations (Exhibit 6). In the second report from the Town's Consulting Architect (Exhibit 7), the Recommendations section included the following recommendation(s) to address consistency with the Residential Design Guidelines:

- 1. Update and coordinate the drawings to show stucco rather than metal panels on all walls of the house.
- 2. Extend eave and gable overhangs more, and add wall caps at the flat roof portions of the house.
- 3. Simplify the porch columns and eliminate the center support.
- 4. Resolve the issue of the metal strips shown at some building corners. Smooth stucco corners would be the preferred solution.
- 5. Provide more substantial bellybands.
- 6. Add windows to the tall walls on the right side elevation.
- 7. Resolve the issue of recessing the garage door.

The applicant revised the project to incorporate the Consulting Architect's recommendations and reduced the size of the second story by 414 square feet in response to neighbor concerns about the proposed house size prior to the September 8, 2020 DRC public hearing.

Following the September 8, 2020 DRC hearing, the applicant further revised the design to respond to the concerns of the neighbors by replacing the flat roofs with gable roof forms (Exhibit 11) prior to DRC approval.

## C. Neighborhood Compatibility

The immediate low- and medium-density residential neighborhood is made up of one- and two-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 1,262-square feet to 3,792-square feet. The floor area ratios range from 0.20 to 0.39. The proposed residence would be 1,870-square feet with a floor area ratio of 0.34. Pursuant to Town Code, the maximum allowable square footage for the 5,500-square foot lot is 1,903 square feet with a maximum floor area ratio of 0.35. The table below reflects the current conditions of the immediate neighborhood:

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

Address	Zoning	House	Garage	Total	Lot	FAR	No. of
					Size		Stories
15 Loma Alta Ave (Ex.)	R-1:8	1,276	492	1,768	5 <i>,</i> 500	0.23	1
15 Loma Alta Ave (Prop.)	R-1:8	1,870	483	2,353	5 <i>,</i> 500	0.34	2
18 Loma Alta Ave	R-1D	1,549	350	1,899	5,046	0.31	1
19 Loma Alta Ave	R-1:8	1,572	336	1,908	5,500	0.29	1
20 Loma Alta Ave	R-1D	1,712	396	2,108	5,046	0.34	1
23 Loma Alta Ave	R-1:8	1,445	594	2,039	5,500	0.26	1
24 Loma Alta Ave	R-1:8	2,204	220	2,424	7,000	0.31	1
54 Los Gatos Blvd	R-1D	3,792		3,792	9,657	0.39	2
100 Los Gatos Blvd	R-1D	1,262	480	1,742	6,375	0.20	1

The proposed residence would not be the first two-story home, nor the largest home in the immediate neighborhood in terms of square footage or FAR.

#### D. Tree Impacts

The Town's Arborist prepared a report for the site and recommendations for the project (Exhibit 8). The project site contains five protected trees. The applicant is proposing to remove one protected tree. The existing protected tree proposed for removal is a Catalina cherry tree located on the south side of the property.

If the project is approved, tree protection measures would be implemented prior to and during construction. Replacement trees would also be required to be planted pursuant to Town Code.

#### E. Development Review Committee

The DRC held a public hearing for approval of the Architecture and Site application on September 8, 2020. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property. Several neighbors submitted email correspondence and/or spoke on the item during the meeting. Written comments were provided to the DRC members prior to the hearing (Exhibit 9). The DRC continued the item to September 22, 2020 to allow the applicant to address neighbor concerns (Exhibit 10).

During the continuance, the applicant met with the neighbors and further revised the design to respond to the concerns by reducing the size of the second floor and changing the flat roofs for gable roofs as described in their summary of outreach efforts (Attachment 11).

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

On September 22, 2020, the DRC approved the application, noting that the applicant had revised the project to address the neighbors' concerns about the size and design of the house and privacy by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs.

On October 1, 2020, the decision of the DRC was appealed to the Planning Commission (Exhibit 14).

#### F. <u>Appeal</u>

On October 1, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbor, Kelly Luoma and Rick Rutter (Exhibit 14). The specific reasons for the appeal are provided below, followed by analysis in *italic* font.

"The applicant has chosen a Victorian style and massing then detailed this mass with modern features. The applicant has NOT carried out a design consistent with the Victorian style. The applicant has chosen stucco finishes, metal roofs materials, aluminum windows and doors, plexiglass railing and laminate doors. None of these are consistent details to the Victorian style."

The applicant has chosen to use the Victorian style as inspiration for the forms of the proposed modern design. While the Consulting Architect's first report included concerns with the initial roof and wall materials, the second report noted that the applicant had changed the wall material to a more traditional stucco as recommended, and the redesign submitted by the applicant had responded to the other recommendations in the Consulting Architect's reports, including longer eves/overhangs and resolution of the front porch column design.

"The applicant does not meet this section [Section 1.4 of the Residential Design Guidelines] specifically that the home as designed does not respect the scale of the immediate neighbors. The home which reaches 28' in height, towers over the 14' home (double the height) to the immediate right. Further, the selection of the Victorian style and massing is not in keeping with the character of the bungalow enclave on this portion of Loma Alta.

Secondly, the proposal has no architectural integrity. It is a mishmash of design elements lifted from neighboring homes as documented by the applicants "Read your Neighborhood" submission rather than a comprehensive holistic design. Further, the applicant has responded to the comments of the Town's consulting architect as an incremental fashion to "check the box" on the comments to get the design through DRC. Finally, this is not a 360-degree design as expected by the Town as it relates to design excellence.

PAGE **8** OF **12** SUBJECT: 15 Loma Alta Avenue/S-19-023 DATE: November 6, 2020

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

The applicant has transitioned from Victorian forms in the front to Modern flat glass forms in the rear. There is inconsistency in fenestration – placement, types and sizes – throughout the proposal."

The immediate low- and medium- density residential neighborhood is a mix of one- and twostory homes of different styles. The applicant has modified the roof forms to replace the flat roofs with sloped roofs throughout the structure.

"While the proposal is within the FAR requirements, the home as proposed has significantly more mass bulk and scale that the neighboring homes. This is driven by interior elements of vaulted ceilings and open two-story space as well as 9' plate heights in the 2nd floor. Additionally, the use of the Victorian style – 12/12 pitch roof increases the height and mass of the structure."

The proposed project is below the maximum allowed floor area, for both house and garage, and below the maximum allowed height for the house.

"The home is NOT using the roof mass to minimize the impact of the second story. In fact, with the vertical facades, the height of the structure is emphasized, not minimized thus not blending with the smaller homes in the area."

Within the chosen style, the applicant has fully responded to the recommendations to create a substantial belly band, and extend eves and gable overhangs to reduce the visual impact of tall forms.

"The applicant's selection of Victorian form and mass is not sensitive the surrounding neighborhood of single-story bungalows. A more appropriate style would be a low-pitched roof Craftsman style, or Spanish style bungalow taking cues from the existing home – that would allow for low pitch and parapet roof structures to reduce the height, bulk and mass."

Within the chosen style, the applicant has fully responded to the recommendations to create a substantial belly band, and extend eves and gable overhangs to reduce the visual impact of tall forms. The massing and roof forms are broken into bays, while stepping down and respecting the privacy concerns of the adjacent neighbors.

"It is clear that the rear of this design has no relation to the front. The front tries poorly to be a Victorian design, while the rear tries to be a Modern Contemporary house. There is no 360-degree design that supports architectural integrity."

Through the design process the applicant has implemented modifications to windows, roof, and walls to increase consistency around the building while stepping down and respecting

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

#### the privacy concerns of the adjacent neighbors.

"The project as designed has a mishmash of window styles, types and proportions. On the front elevation alone, there are 5 different window sizes and styles. As you take this to the rear and side of the house, there this just grows exponentially. There is no consistency in the design.

Further, the neighboring homes have primarily wooden double hung or casement windows – there are no large floor to ceiling plate glass windows in the area."

Through the design process the applicant has implemented modifications to windows to increase consistency around the building while respecting the privacy concerns of the adjacent neighbors.

#### G. Environmental Review

The 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.

#### PUBLIC COMMENTS:

Prior to the September 8, 2020 DRC hearing, the story poles were modified to represent the reduced size, a sign was posted on the site, and written notice of the DRC hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. Staff forwarded public comments to the DRC members prior to the September 8, and September 22, 2020 hearings. These comments are included as Exhibits 9 and 12.

Following the appeal, the onsite sign was updated and written notice of this Planning Commission hearing was sent to neighboring property owners and occupants within 300 feet of the subject property.

#### CONCLUSION:

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

The proposed project is in compliance with the Residential Design Guidelines and Town Code, with the exception for the requested reduced setbacks. The applicant has modified their proposal in an effort to address the privacy and massing concerns of the adjacent neighbors. Conditions of Approval capture the proposed changes that are not specifically shown in the approved plans (Exhibit 3).

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#### **CONCLUSION** (continued):

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

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the DRC, and approve the Architecture and Site application:

- Find 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 required findings as required by Section 29.10.09030(e) of the Town Code for the demolition of a single-family residence (Exhibit 2);
- 3. Make the finding required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots (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);
- 5. Make the required 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-19-023 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 15.
- C. <u>Alternatives</u>

Alternatively, the Commission can:

- 1. Continue the matter to a date certain with specific direction;
- 2. Deny the appeal and approve the application with additional and/or modified conditions;
- 3. Grant the appeal and remand the application to the DRC with direction for revisions; or
- 4. Grant the appeal and deny the Architecture and Site application.

## EXHIBITS:

- 1. Location Map
- 2. Required Findings and Considerations
- 3. Recommended Conditions of Approval
- 4. Project Description and Letter of Justification
- 5. Consulting Architect's First Report, dated May 24, 2019
- 6. Applicant's Response to the Consulting Architect's First Report
- 7. Consulting Architect's Second Report, dated February 25, 2020
- 8. Consulting Arborist's Report, dated September 2, 2019
- 9. Public Comments received prior to 10:00 a.m., Friday, September 4, 2020
- 10. September 8, 2020 Development Review Committee meeting minutes

# PAGE **11** OF **12** SUBJECT: 15 Loma Alta Avenue/S-19-023 DATE: November 6, 2020

# EXHIBITS (continued):

- 11. Applicant's neighbor outreach efforts
- 12. Public Comments received prior to 10:00 a.m., Monday, September 21, 2020
- 13. September 22, 2020 Development Review Committee meeting minutes
- 14. Appeal of Development Review Committee received October 1, 2020
- 15. Development Plans, received September 21, 2020

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# 15 Loma Alta Avenue



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# **PLANNING COMMISSION –** *November 11, 2020* **REQUIRED FINDINGS & CONSIDERATIONS FOR:**

# **<u>15 Loma Alta Avenue</u>** Architecture and Site Application S-19-023

Requesting Approval for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence with Reduced Setbacks on Nonconforming Property Zoned R-1:8. APN 532-29-073.

PROPERTY OWNER: BAB Investment Group LLC APPLICANT: Babak Homayouni PROJECT PLANNER: Jennifer Armer

#### FINDINGS

## **Required finding for CEQA:**

The 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.

## Required finding for the demolition of a single-family residence:

- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
  - 1. The Town's housing stock will be maintained as the single-family residence will be replaced.
  - 2. The existing structure has no architectural or historical significance and is in poor condition.
  - 3. The property owner does not desire to maintain the structures as they exist; and
  - 4. The economic utility of the structures was considered.

## **Required compliance with the Zoning Regulations:**

■ The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), with the exception for setbacks, as described below.

## Required finding for reduced side setbacks on a nonconforming lot:

- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements:
  - 1. The subject property is nonconforming with regard to lot size and frontage.
  - 2. The proposed reduced setbacks are compatible with the neighborhood.

## **Required compliance with the Residential Design Guidelines:**

- The project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas.
- The project design is in compliance with the Residential Design Guidelines in that the architects have responded fully to all recommendations from the Town's Consulting Architect by changing the siding to stucco, extending the eave and gable overhangs, simplifying the porch columns, refining building corner material details, providing belly bands, adding windows to right side elevation, and recessing the garage door. The applicant has further revised the design to respond to the concerns of the neighbors about the size of the house by reducing the size of the second story and total floor area, and changing the proposed flat roofs to pitched roofs. The project is not the largest for floor area or FAR in the neighborhood, and meets the objective standards of the zoning code, except as described above.

## CONSIDERATIONS

## **Required considerations in review of Architecture & Site applications:**

■ As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

# **PLANNING COMMISSION –** *November 11, 2020* **CONDITIONS OF APPROVAL**

# **<u>15 Loma Alta Avenue</u>** Architecture and Site Application S-19-023

Requesting Approval for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence with Reduced Setbacks on Nonconforming Property Zoned R-1:8. APN 532-29-073.

PROPERTY OWNER: BAB Investment Group LLC APPLICANT: Babak Homayouni PROJECT PLANNER: Jennifer Armer

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. GARAGE BACKUP: The garage or carport shall be relocated to provide 25-foot backup, as required by Town Code 29.10.155(c)(7), including the width of the alley.
- 4. SECOND FLOOR BALCONY: Plant screening shall be planted to screen the view of the second floor balcony prior to building permit final inspections, to the satisfaction of the Community Development Director.
- 5. FENCING: New property line fencing shall be installed along boundary with the property at 45 Whitney once the detached garage has been demolished, to the satisfaction of the Planning Director.
- 6. 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.
- 7. 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.
- 8. 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.

- 9. 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.
- 10. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
- 11. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
- 12. 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.
- 13. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
- 14. 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.
- 15. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

## **Building Division**

- 16. PERMITS REQUIRED: A Demolition Permit is required for each existing structure. A separate Building Permit is required for the construction of the new single-family residence and attached garage.
- 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.
- 18. 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.
- 19. SIZE OF PLANS: Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
- 20. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service

Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.

- 21. 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.
- 22. 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.
- 23. 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
- 24. 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.
- 25. 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 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.
- 26. 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.
- 27. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.

- 28. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2016 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
- 29. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
- 30. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
- 31. 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 www.losgatosca.gov/building.
- 32. BLUE PRINT 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 Blue Print for a fee or online at www.losgatosca.gov/building.
- 33. 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

34. 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.

- 35. 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.
- 36. 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.
- 37. 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.
- 38. 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.
- 39. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
- 40. 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.
- 41. 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.
- 42. PLANS AND STUDIES: Any studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
- 43. DRIVEWAY: The driveway conform to existing pavement on Panighetti Place shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
- 44. DRAINAGE IMPROVEMENT: Prior to the issuance of any grading/improvement permits, the Owner and/or Applicant shall: a) design provisions for surface drainage; and b) design all

necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.

- 45. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit.
- 46. 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.
- 47. SOILS REPORT: One copy 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.
- 48. SOILS REVIEW: Prior to Town approval of a development application, the Owner and/or Applicant'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 and/or Applicant, and subsequent approval by the Town. The Owner and/or Applicant'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 and/or Applicant'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).
- 49. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner and/or Applicant'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 and/or Applicant's soils engineer and submitted to the Town before a certificate of occupancy is granted.
- 50. 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 and/or Applicant'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 and/or Applicant.
- 51. WATER METER: The existing water meter, currently located within the Loma Alta Avenue right-of-way, shall be relocated within the property in question, directly behind the public

right-of-way line. The Owner and/or Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

- 52. SANITARY SEWER CLEANOUT: The existing sanitary sewer cleanout, currently located within the Loma Alta Avenue right-of-way, shall be relocated within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner and/or Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
- 53. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Owner and/or Applicant. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permits or the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
  - a. Loma Alta Avenue: 2" overlay from the centerline to the northeastern lip of gutter, or alternative pavement restoration measure as approved by the Town Engineer.
  - b. Panighetti Place: 2" overlay from the centerline to the southeastern edge of pavement, or alternative pavement restoration measure as approved by the Town Engineer.
- 54. 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.
- 55. 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), pavement, etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 56. UTILITIES: The Owner and/or Applicant 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 and/or Applicant 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.
- 57. SIDEWALK REPAIR: The Owner and/or Applicant shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and 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 sidewalk 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.

- 58. CURB AND GUTTER REPAIR: The Owner and/or Applicant shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and 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 curb and 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.
- 59. 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.
- 60. 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.
- 61. CONSTRUCTION HOURS: All 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 and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 62. 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.
- 63. 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 Project Schedule, employee parking, construction staging area, materials

storage area(s), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's <u>Construction Management Plan Guidelines</u> document for additional information.

- 64. WVSD (West Valley Sanitation District): 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.
- 65. 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.
- 66. BEST MANAGEMENT PRACTICES (BMPs): The Owner and/or Applicant 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.
- 67. 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.
- 68. 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.

- 69. 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-five (25) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
- 70. 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.
- 71. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. 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. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
- 72. 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.
- 73. 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 and/or Applicant'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 and/or Applicant's expense.
- 74. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
- TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:
- 75. 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.

- 76. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A0.1) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 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. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC.
- 77. 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.
- 78. 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. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
- 79. ADDRESS IDENTIFICATION: 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. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. 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. Address numbers shall be maintained. CFC Sec. 505.1.
- 80. WILDLAND-URBAN INTERFACE: This project is located within the designated Wildland-Urban Interface Fire Area. The building construction shall comply with the provisions of the California Building Code (CBC) Chapter 4A. Note that vegetation clearance shall be in

compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.

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## 15 Loma Alta Avenue Proposed Project By: Utopia DESIGN & CONSTRUCTION

License Number 1003593



## <u>Context</u>

- Written Description of Proposed Project Pg. 3-5
- Layouts & Setbacks Pg. 6-11
- Architectural Style Pg. 12-3
- Proposed Design Pg. 14-19
- How We Read Our Neighborhood Pg. 20-23
- Letter of Justification Pg. 24-33

## WRITTEN DESCRIPTION OF PROPOSED PROJECT

### WRITTEN DESCRIPTION OF PROPOSED PROJECT

- New Construction of Two-Story Single-Family home with a "Modernized Victorian" architectural style.
- The exciting house will be fully deconstructed.
- Lot Description:

The 15 Loma Alta lot is a 100' x 50' corner lot with Loma Alta St. as main street and Panighetti St. as side street.

#### Project Data:

Address: 15 Loma Alta

APN:		532-29-073	
Lot Size:		0.126 Acres (5500 ft <sup>2</sup> )	
Net Lot Size:		0.126 Acres (5500 ft <sup>2</sup> )	
Zoning District:		R 1:8	
Occupancy:		Currently Unoccupied	
Construction Type:		Residential	
<u>Setbacks</u> Front:	Allowed	Existing 19'-6"	Proposed 25'
Side:	8'	8′	8'
Panighetti St:	15′	8′	8'
Rear:	8′	1′	3′
<u>FAR</u>	Allowed	Existing	<b>Proposed</b>
House:	1,903 ft <sup>2</sup>	1,462 ft <sup>2</sup>	First Floor:1,269 ft <sup>2</sup>
		S	econd Floor:601 ft <sup>2</sup>
Garage:	542.3 ft <sup>2</sup>	468 ft <sup>2</sup>	483 ft <sup>2</sup>
Total:	2,995.3 ft <sup>2</sup>	1,930 ft <sup>2</sup>	2,386 ft <sup>2</sup>
Basement: With	in the Bounda	ary of First Floor	
	1,274 ft <sup>2</sup>		708 ft <sup>2</sup>

Total Proposed Living Area Including Basement: 2,578 ft2Total Proposed Floor Area Including Basement: 3,061 ft2Total Proposed Living Area Excluding Basement: 1,870 ft2Total Proposed Floor Area Excluding Basement: 2,353 ft2Total Allowable Floor Area Excluding Basement: 1,903 ft2Total Requested Extra Floor Area:0.00 ft2

Proposed Floor Area:

First Floor:		
Livir	ng Area:	1,269 ft <sup>2</sup>
<u>Gar</u>	age:	483 ft <sup>2</sup>
Tota	al:	1,752 ft <sup>2</sup>
Second Flo	or:	
Livir	ng Area:	601 ft <sup>2</sup>
Iotal First & Second Floor:		1,870 ft <sup>2</sup>
Basement:		708 ft <sup>2</sup>

# LAYOUT & SETBACKS

## LAYOUT & SETBACKS





- 1- Attention to the nature of the lot as being a corner lot and providing architectural detail at the corner.
- 2- Understanding the location of oak tree and emphasizing it in the design and using it beauty as an added value to the property.
- 3- Giving more setback at the corner to serve two purposes:
  - a- Having a better perspective of the house
  - b- Eliminating a mass volume at the corner.
- 4- Providing as much as possible backyard space and locating it next to neighbor's backyard. This layout helps both to receive maximum light and air.
- 5- Using Panighetti St, side street, for garage access and locating the garage as far away from Loma Alta, main street, and the important corner spot.
- 6- Having proper height next to neighbors and prevent blocking their indirect light. Please note that there is no direct light blocking. See also diagram #7



7- Building mass has designed according to daylights from Dec.21<sup>st</sup> to Jun.21st. It won't create any shadow over neighbor's house from 9 am to 3 pm during summer and winter on any month.











# ARCHITECTURAL STYLE

### ARCHITECTURAL STYLE

#### Reference:

- A field Guide to American Houses (Recommended by Town of Los Gatos)
- Elements of Victorian Houses.
  - 1- Steep pitched gabled roof
  - 2- Dormer's "shed or gabled"
  - 3- Shallow porch, usually one-story height and extended over entrance or main and side wall both.
  - 4- Double vertical windows
  - 5- Diagonal porch-support braces
  - 6- Top bracketed windows

# Proposed Design

#### Human perspective from corner of Loma Alta St. and Panighetti Pl.



Bird eye view from corner of Loma Alta St. and Panighetti Pl.













## How We Read Our Neighborhood



Proposed Design 15 Loma Alta Avenue

Existing Design Example
205 Loma Alta Avenue







## LETTER OF JUSTIFICATION

### LETTER OF JUSTIFICATION

1- Justifying Two-story Design: There are number of immediate neighbors with two-story houses which justifies our two-story design.



2- Justifying Set Back: Panighetti PI. provides access to garages of houses that their main entrances are either on Los Gatos Blvd. or Whitney Ave. Which makes it an access road not a street. Please refer to code 29.10.155 based on this code we are allowed to include the width of Panighetti PI. for garage access turn calculation. It also allows us to have an 8' setback along Panigheti PI. on livable areas.





#### Lot Examples in Panighettis PI. with Little or no Set Backs





Lot Examples with Same Situation as 15 Loma Alta & Panighettis PI. with Little or no Set Backs









3- Justifying Metal Roof: Our immediate neighbor across Loma Alta St. has metal roof.



4- Justifying Modernization of Traditional Houses:



Example of Houses with completely Modern Architectural Style





### 380 Los Gatos Blvd Los Gatos, CA 95032

3 beds · 3 baths · 1,824 sqft

Zestimate<sup>®</sup>: \$2,240,776 Rent Zestimate<sup>®</sup>: \$5,500 /mo

OFF MARKET

Est. refi payment: \$9,986/mo

### Home Shoppers are Waiting



380 Los Gatos Blvd, Los Gatos, CA is a single family



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#### ARCHITECTURE PLANNING URBAN DESIGN



May 24, 2019

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

#### RE: 15 Loma Alta Avenue

Dear Jennifer:

I reviewed the drawings, and evaluated the site context. My comments and recommendations are as follows:

#### Neighborhood Context

The site is narrow and very deep compared to its street frontage. It is a corner lot by virtue of the adjacent alley. Neighboring homes are a variety of one and two-stories in height. All are traditional in architectural style, form and details. The site is shown on the aerial photo below, and photos of the site and its surroundings are on the following page.



#### **EXHIBIT 5**

15 Loma Alta Avenue Design Review Comments May 24, 2019 Page 2



The Site and Existing Building



House to the immediate Left across Panighetti Place



Nearby House to the Right



Nearby House across Loma Alta Avenue



House immediately across Loma Alta Avenue



House to the immediate Right



Nearby House to the Right



Nearby House across Loma Alta Avenue

#### **Issues and Concerns**

The proposed house is modest in size, and consistent with the scale of other nearby homes in the area.

However, there are some issues relating to the Town's Residential Design Guidelines regarding compatibility with the immediate neighborhood.

1. The proposed house would have a substantial amount of its taller masses composed of continuous metal wall and roof panels - see photo examples below,

# Metal roof and siding in this neighborhood may be hard to reconcile with the Town's Residential Design Guidelines



Tall walls and flat roof in this neighborhood may be hard to reconcile with the Town's Residential Design Guidelines

#### COMMENTS: RIGHT SIDE ELEVATION







Reconciling this roof and wall material approach with the Town' Residential Design Guidelines may be difficult given the strongly traditional forms, styles and details of nearby homes and the Town's strong emphasis on neighborhood compatibility.

- 2. The flat roof element at the Living Room is not well integrated with the reminder of the house which is more similar in form to nearby homes.
- 3. The tall walls on the right side elevation would not be consistent with Residential Design Guideline 3.3.3.

#### 3.3.3 Provide visual relief for two story walls

Some techniques include:

- Belly bands (see photo below left)
- Pop outs and bay windows
- Material and color changes
- Chimneys
- Wide overhangs with projecting brackets
- Juliet balconies (see photo below left)
- Window boxes and pot shelves
- Landscaped trellises and lattices

4. Asymmetrical eave lines on the left side elevations may be an issue.



Paighetti Place elevation is well scaled for this site COMMENTS: LEFT SIDE ELEVATION

5. The projecting second floor windows on the front elevation may be a problem, and need further study as the design progresses. While they might seem acceptable for the proposed metal wall and roof elements, they may not work with more traditional design and single family detailing.



COMMENTS: FRONT ELEVATION

- 6. The supports for the awnings seem too large for the house.
- 7. The tall glass wall in the flat-toped building form might create some light spill problem.



#### COMMENTS: REAR ELEVATION

8. The large amount of paving in the setback along Panighetti Place would not be consistent with Residential Design Guideline 2.4.5.

2.4.5 Mitigate the impact of driveways on the streetscape

• Limit the width of curb cuts to the minimum size needed to access the garage. This will reduce the amount of paving

in the front setback, and preserve on-street parking spaces.



Large amount of paving within the street setback COMMENTS: SITE PLAN

• Utilize modular paving materials or special patterns or colors to break up paved driveway areas in front setbacks.

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15 Loma Alta Avenue Design Review Comments May 24, 2019 Page 5

#### Recommendations

- 1. Add roof eaves and projections at the gable ends
- 2. As noted in the Issues and Concerns, the use of metal roofing and siding may be difficult to reconcile with a strict interpretation of the Town's Residential Design Guidelines which place a strong emphasis on neighborhood compatibility regarding building styles, forms, materials and details. There is one metal roof in the immediate neighborhood, but no metal used for siding.

Over recent months, we have been seeing a trend toward more Contemporary expressions of traditional home styles. Metal roofing is perhaps the most frequently seen proposal. These proposals have been addressed by staff on a case-by-case basis in the context of the specific neighborhood. Because the forms and scale of the proposed house are very well related to other homes in the immediate neighborhood, this seems like occasion where staff might have greater flexibility in the accommodation of alternative materials. I would recommend in any roof/wall condition that roof eaves and projections be included as noted in Recommendation #1 above. That given, other reasonable options might include the following:

a) Consider eliminating the metal roof and wall panels in favor of more traditional materials drawn from the immediate adjacent neighborhood (e.g., Composition roofing and wood or stucco siding).

b) Use different colors for the metal roof and wall panels - see photo example below.



c) Use a metal roof with a combination of stucco and board and batten wood siding - see photo example below.



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3. Revise the right side elevation of the house by addressing the tall blank walls to be consistent with Residential Design Guideline 3.3.3. Revisions should include a better integration of the Living Room mass with the rest of the design. Options might include emphasize glazing at the Living Room and Stair and/or eliminating the flat roof and better integrating the Living Room into the overall design by adding a sloped roof over the Living Room - illustrative diagrams of two approaches are shown below.



4. Consider adding a trellis light screen at the second level of the Living Room - see photo example below.



- 5. Deep set garage door.
- 6. Select windows to match the wall materials. Use wood windows or clad wood windows to achieve the traditional scale of wider window jambs for wood or stucco siding. High quality metal windows would be acceptable for use with metal siding.
- 7. Add landscaping to break up paving along Panighetti Place, and use permeable paving see photo examples below.





Deep set garage door Add landscaping RECOMMENDATIONS: LEFT SIDE ELEVATION



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

Sincerely, CANNON DESIGN GROUP Kang Camm

Larry L. Cannon

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#### Response to Cannon Design Group\_ Feb.6<sup>th</sup> 2020

To: Ms. Jennifer Armer Project Planner Town of Los Gatos

From: Utopia Design & Construction

Re: 15 Loma Alta Ave. APN: 532-29-073 Architecture & Site application S-19-023

#### Issues & Concerns Response:

- 1- We understood the concern and have changed metal sidings to smooth stucco. Please review sheet A3.1
- 2- There was some drafting error in site plan that has been corrected. Please see Sheet A1.2 and new 3D modeling on Sheet A3.2 & Sheet A3.3. It is well integrated now.
- 3- Privacy of the neighbor @ 19 Loma Alta was our main concern in the design. This facade is facing them directly and relatively doesn't have as much impact on the street view. We intentionally didn't put any window on the second floor, as it would have open toward their master bedroom window. On the other hand they only have 2' set back to the fence. With our 8' setback, there will be only 10' distance and any kind of window/balcony will have major impact on their privacy.

Per this recommendation we added:

- Bellybands to provide visual relief.
- An exposed down spout
- Larger windows for bathrooms, second floor bathroom will have a frosted glazing.
- Glazing for staircase.
- Extended one module of living room glazing in Rear Elevation to this Side Elevation. Please review sheets A2.1, A2.2, A3.1
- 4- There are quite few similar asymmetrical eave lines throughout the neighborhood. Please review "How We Read Our Neighborhood" section, Pg. 20 in the booklet we have submitted. The house @ 205 Loma Alta has an asymmetrical eave line.

- 5- We took the advice and redesigned that particular dormer from modern style to more traditional style.
- 6- Please review Sheet A3.2 for a detailed drawing of awning. Let us know if you still think they are too large.
- 7- We have reduced the size of top glazing. Please review Sheet A3.1 Rear Elevation and Sheet A3.2 Section 1
- 8- Hardscape area has been reduced. Please see Sheet A1.2 Proposed Site Plan

## **Recommendation:**

- 1- Has been addressed in the design.
- 2- Metal siding has been replaced with smooth stucco. Please see Sheet A3.1
- 3- Considering your recommendation here is what we did:
  - Bellybands to provide visual relief.
  - An exposed down spout
  - Larger windows for bathrooms, second floor bathroom will have a frosted glazing.
  - Glazing for staircase.
  - Extended one module of living room glazing in Rear Elevation to this Side Elevation. Please review sheets A2.1, A2.2, A3.1
- 4- We have reduced the size of glazing in living room. Please see sheet A3.1
- 5- Please review First Floor Plan on sheet A2.1 we gave the garage door a 12" depth.
- 6- We will use KOLBE for windows.
- 7- We have added trees, Pittosporum 24g. Please review Sheet A1.2 Proposed Site Plan.

#### ARCHITECTURE PLANNING URBAN DESIGN



February 25, 2020

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

#### RE: 15 Loma Alta Avenue

Dear Jennifer:

I previously reviewed this project last May, and prepared a review letter with recommendations. I have reviewed the applicant's response to the comments in that letter and their new drawings. In that response letter the applicant drew upon a house in the 200 block of Loma Alta as an example for a design justification. I would remind them that the Town's Residential Design Guidelines clearly define the immediate neighborhood for the primary context within which a project will be evaluated, and explicity notes that examples at some distance from the site will not be considered. My comments and recommendations are as follows:

#### Neighborhood Context

The site is narrow and very deep compared to its street frontage. It is a corner lot by virtue of the adjacent alley. Neighboring homes are a variety of one and two-stories in height. All are traditional in architectural style, form and details. The site is shown on the aerial photo below, and photos of the site and its surroundings are on the following page.



15 Loma Alta Avenue Design Review Comments February 25, 2020 Page 2



The Site and Existing Building



House to the immediate Left across Panighetti Place



Nearby House to the Right



Nearby House across Loma Alta Avenue



House immediately across Loma Alta Avenue



House to the immediate Right



Nearby House to the Right



Nearby House across Loma Alta Avenue

#### **Issues and Concerns**

In the May review letter, I noted that the proposed house is modest in size, and consistent with the scale of other nearby homes in the area, but there were several issues relating to the Town's Residential Design Guidelines regarding compatibility with the immediate neighborhood. Concerns identified in the review letter included the following:

- The proposed house would have a substantial amount of its taller masses composed of continuous metal wall and roof panels. Reconciling this roof and wall material approach with the Town' Residential Design Guidelines would be difficult given the strongly traditional forms, styles and details of nearby homes and the Town's strong emphasis on neighborhood compatibility.
- The flat roof element at the Living Room was not well integrated with the reminder of the house which had sloped roofs and was more similar in form to nearby homes.
- The tall walls on the right side elevation would not be consistent with Residential Design Guideline 3.3.3.
  3.3.3 Provide visual relief for two story walls
- Asymmetrical eave lines on the left side elevations might be an issue.
- The projecting second floor windows on the front elevation might be a problem, and needed further study as the design progresses. While they might seem acceptable for the proposed metal wall and roof elements, they might not work with more traditional design and single family detailing.
- The supports for the awnings seemed too large for the house.
- The tall glass wall in the flat-toped building form might create some light spill problem.
- The large amount of paving in the setback along Panighetti Place would not be consistent with Residential Design Guideline 2.4.5.

2.4.5 Mitigate the impact of driveways on the streetscape

The applicant has made some changes to improve the design - the major one being the removal of the metal wall siding in favor of more traditional stucco. There are, however, several remaining issues that staff may wish to consider.



Porch columns seem very awkward

- 1. The perspective sketch still shows metal panelling on the walls.
- 2. The roof eave and gable overhangs are still very small.
- 3. The porch columns are very awkward.



#### Wall material does not match the B & W elevation drawings Change to Stucco

- 4. It is unclear why a metal strip appears to be run down the corners of some walls. In any event, there are conflicts among the drawings as to the extent of the metal strips.
- 5. Bellybands have been added to break up tall walls, but they are to weak to make a visual difference in the apparent wall height, and are not robust enough to satisfy the intent of the Residential Design Guidelines.
- 6. The tall two-story wall on the right side elevation is very blank, and the front portion will be seen from the street and sidewalk.



7. The applicant stated in their response letter that the garage door had been recessed by one foot, but the drawings do not clearly show that - see illustration below, The general solution of a projecting frame at the edges and over the garage door shown on the perspective sketch could work, but would require additional encroachment into the side setback or moving the garage back from the side street.



#### Recommendations

- 1. Update and coordinate the drawings to show stucco rather than metal panels on all walls of the house.
- 2. Extend eave and gable overhangs more, and add wall caps at the flat roof portions of the house.
- 3. Simplify the porch columns and eliminate the center support.
- 4. Resolve the issue of the metal strips shown at some building corners. Smooth stucco corners would be the preferred solution.
- 5. Provide more substantial bellybands.
- 6. Add windows to the tall walls on the right side elevation.
- 7. Resolve the issue of recessing the garage door.



Resolve garage door recess issue

Jennifer, 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

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## Assessment of Five (5) Protected-Size Trees at 15 Loma Alta Los Gatos, California

Prepared for: Jennifer Armer, Senior Planner Town of Los Gatos Community Development Department 110 E. Main Street Los Gatos, CA 95030

Field Visit: Walter Levison, Contract Town Arborist (CTA) 8/27/2019

> Report by CTA 9/2/2019



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## 1.0Summary

a. Matrix style overview of protected-size trees (non-exempt species, 4-inches diameter at 4.5 feet above grade). Below, the CTA (Contract Town Arborist) has outlined expected impacts to each tree, along with suggestions for adjustments to the plan set (if applicable) that will optimize tree survival over the long term.

The CTA calculated the appraised value of each tree, which can be used as a tool for determining the proper security bond amount to have the applicant post with the Town as a hedge against site plan-related tree damages (if applicable). Appraised values can also be used to determine damage fees if trees are determined during or after construction to have been damaged such that mitigation is required.

Mitigation replacement rate and size is noted for each tree in the case that removal or damage to trees occurs.

Note: Only trees within relatively close proximity of proposed work are included in this tree study (e.g. tree trunks located between approximately zero and 15 linear feet of current proposed new grading, trenching, excavation, haul routes, landscaping, etc. as shown on proposed plans, and trees with canopy driplines that encroach onto the subject property.

Table 1.0(a) (REFER TO THE CTA'S TREE MAP MARKUP WHEN REVIEWING THIS MATRIX)

Line Number	Tree Tag Number / Common Name	Estimated Root Radius to the Historical Foundation, Driveway, or Other Impediments	Critical Root Zone (CRZ) Radius Suggested for Optimal Structural Stability	Large Protected Tree (LPT)? Conservation Suitability Rating (CSR)?	Appraised Value	Suggested Changes to Applicant's Proposed Plans to Boost Conservation Suitability Rating (CSR) to "Good"	Replacement Rate Per Canopy Lost	Replacement Size Tree
1	Oak #1	(Unknown)	5 feet		\$3,570.	No changes required, though the routing of the proposed sewer pipe may change in relation to tree #3 protection, which will in turn mean that the route of this trench (or trenchless installation) will likely be different from that shown on the plans.	\$250 X 3 = \$750.	24" Box





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Line Number	Tree Tag Number / Common Name	Estimated Root Radius to the Historical Foundation, Driveway, or Other Impediments	Critical Root Zone (CRZ) Radius Suggested for Optimal Structural Stability	Large Protected Tree (LPT)? Conservation Suitability Rating (CSR)?	Appraised Value	Suggested Changes to Applicant's Proposed Plans to Boost Conservation Suitability Rating (CSR) to "Good"	Replacement Rate Per Canopy Lost	Replacement Size Tree
2	Oak #2	(Unknown)	5 feet		\$4,520.	No changes required. The street trees will be fitted with fencing enclosures that account for the proposed water and sewer trenching work, so that the fences can remain erected in-place before, during, and after the trenching work (see the CTA's tree map markup.	\$250 X 3 = \$750.	24" Box
3	Strawberry tree #3	15 to 30 feet or more.	5 to 7 feet		\$7,500.	The sanitary sewer pipe alignment proposed on the applicant's plans is roughly 5 feet offset from trunk. The CTA suggests pushing this pipe alignment to 10 or 15 feet offset from trunk, or alternatively using a trenchless technology such as "burst in place" to install the new sewer along its current-proposed route without any trenching at all.	\$250 X 4 = \$1,000.	24" Box
4	Oak #4	8 feet to historical foundation south of trunk. Distances of root extension north, east, and west: unknown.	10 to 12 feet.	YES	\$9,700.	The CTA suggests pushing out the current-proposed area drain and storm drain piping to outside of the Root Protection Zone fence enclosure. I suggest keeping all new work at least 9 feet southeast of trunk edge, and erecting the RPZ at least 7 feet southeast of trunk.	\$250 X 4 = \$1,000.	24" Box

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Line Number	Tree Tag Number / Common Name	Estimated Root Radius to the Historical Foundation, Driveway, or Other Impediments	Critical Root Zone (CRZ) Radius Suggested for Optimal Structural Stability	Large Protected Tree (LPT)? Conservation Suitability Rating (CSR)?	Appraised Value	Suggested Changes to Applicant's Proposed Plans to Boost Conservation Suitability Rating (CSR) to "Good"	Replacement Rate Per Canopy Lost	Replacement Size Tree
5	Catalina cherry #5	n/a	n/a		\$1,130.	(Tree to be removed)	\$250 X 3 = \$750.	24" Box

#### 2018-19 Town of Los Gatos In-lieu fee equivalent = \$250 per each required 24" box mitigation tree planting not installed on the site.

1.0 (b) Summary of tree disposition and tree issues, based on the set of plans dated August, 2019:

- 1. TREE IMPACTS EXPECTED IF THE PROJECT WERE TO BE BUILT AS CURRENTLY PROPOSED BY THE APPLICANT:
  - 1.1. Two (2) of the five (5) study tree specimens #3 and #4 will be significantly impacted by storm drain pipe trenching and sanitary sewer pipe trenching, if the project were to be built as currently proposed.

The sanitary sewer (SS) pipe should either be pushed to 10 or 15 feet offset from trunk of **tree #3**, or the work can proceed along the current proposed alignment if the pipe is installed as a flexible pipe pulled horizontally through the subgrade using trenchless technology such as the common "burst in place" system.

Storm drain (SD) pipe and area drain construction currently shown just southeast of **tree #4** should be able either eliminated or simply rerouted to at least 9 feet southeast of trunk edge, in order to keep all new work outside of the RPZ chain link fencing enclosure. The RPZ will be erected at least 7 feet southeast of trunk edge, and at much farther offset distances northeast and southwest of trunk edge.

1.2. Joint Trench:

Joint trench work that is shown on the applicant's plans to occur in the area just west of the existing older residence foundation footing to be demolished may or may not cause severe loss of or damage to roots. It is likely that the tree extended roots out to the old footing, and that those roots were then deflected along the length of the existing footing. The sizes, quantities, depths, etc. of these deflected woody roots are not known at the time of writing. However, use of **water-jetting and/or Airspade air excavation** using a supersonic air wand may allow for the roots to be exposed and thereby more cleanly-severed using a Sawzall, to clear a trench for the utilities to be buried in the "Joint Trench".

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1.3 Arborist Monitoring / Historical Footing Demolition & Joint Trench Creation:

The CTA suggests that a portion of the old residence foundation footing **demolition within 8 to 25 feet of the trunk edge of oak #4** be monitored by the applicant's project arborist (PA), who needs to be at minimum an ISA Certified Arborist or ASCA Registered Consulting Arborist, to ensure that the RPZ fences and trunk buffer wraps are all in place around trees #1, 2, 3, and 4 prior to this demolition.

The **joint trench excavation** using an Airspade supersonic air wand and/or water-jetting in close proximity to **oak #4** will also require arborist monitoring.

Root severing inside of the joint trench (JT) itself, prior to installation of pipes, conduit, wires, etc. proposed to be installed within the JT, is also recommended to be performed by or under direct site supervision of the project arborist.

1.4 Large Protected Trees (LPT) / Required Town Staff Findings:

Note that **large protected tree #4 (LPT)** is governed by the Town's tree ordinance **section 29.10.0992**. This section states that in order to prune (which includes root pruning of roots above 4 inches diameter, per section 29.10.1010 "Pruning and Maintenance" section of the tree ordinance), severely prune any Town-regulated size tree, or remove an LPT specimen from a private property, one or more of the ordinance-stated findings in section 29.10.0992 must be made by Town Staff.

Note also that tree #4 is a joint-owned tree that appears to be partially owned by one or more additional private property owners, which means that maintenance work in the canopy and/or construction work in the root zone should be cleared with all of the tree owners in writing, prior to start of any work. Severe pruning work to remove a 13" diameter limb over the existing residence proposed to be demolished already occurred in the recent past, which may or may not have been performed with permission from the joint tree owners.

#### 2. LANDSCAPE AND IRRIGATION

The CTA is not in receipt of irrigation or landscape planting plan sheets as of the date of writing. Therefore, these plans have not been reviewed as part of this initial tree study report.

Irrigation pipe trenching is typically one of the most damaging impacts, or in many cases the most damaging impact, to horizontally extended woody tree root systems. The CTA suggests that irrigation and planting plan sheets be routed to the CTA for review and comment prior to Town approval of the building plan set.

3. APPRAISAL:

See the summary table above for the appraised dollar value of each individual tree specimen. The values of the on-site trees and trees adjacent to the site were determined using the new completely revamped trunk formula technique (TFT) per the 2018 10th edition of *Guide for Plant Appraisal*.

A transparent appraisal worksheet with the calculations used for the appraisal determinations is attached to the end of this arborist report.

The total value of all 5 study trees is \$26,420 as noted at the end of the appraisal worksheet.

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The value of tree #5 which is proposed by the applicant to be removed is \$1,130. Therefore, the net value of the four (4) trees expected to be retained on and adjacent to the site is \$26,420 - \$1,130 = **\$25,290**.

#### 4. SECURITY BONDING:

The new 2015 iteration of the Town tree ordinance section 29.10.1000 (c)3 includes wordage that requires that all trees being retained on a development site need to be appraised for dollar value at the applicant's expense prior to building or grading permits being issued by the Town. Part 'f' of this same tree ordinance section states that the Town may condition a security bond prior to issuance of a permit, in the sum of \$5,000 per each tree being preserved, or \$25,000, whichever is less. It is likely that at least four (4) of the five (5) study trees in this report will be protected and preserved, which activates a minimum bond of 4 X \$5,000 = \$20,000.

It would be reasonable, based on the actual appraised values of trees being retained at this site (i.e. \$25,290.), for the Town to condition the project approval upon posting of a security bond in the amount of **\$20,000**, to ensure that the trees being retained and protected actually survive the construction process and maintain their pre-project condition ratings into the future. A smaller, more reasonable bond on the order of 50% of the value of the four trees being preserved on site would be \$25,290 X 0.50 = \$12,645. Given that two of the four trees being preserved are Town-owned street trees, and that a third tree, oak #4, is the most valuable tree being preserved, with an appraised value of \$9,700, it is not unreasonable to expect that a bond of 50% to 100% of the trees' value is held as a security bond by the Town. A bond also makes sense for this site, given that oak #4 is actually a joint-owned tree, with at least two or more tree owners who hold legal jurisdiction over the tree's health and structure, while proposed construction activity is to be commenced in the vicinity of the tree by only one of those joint owners.

#### 5. REMOVALS:

It is suggested that the Town permit the removal of tree #5 proposed by the applicant.

The removal fee for this tree would be a payment of \$750 to the Town, or installation of three (3) 24" box size tree specimens on the property (species to be determined), with appropriate high flow-type irrigation using at least two (2)  $\frac{1}{2}$ " diameter flood bubblers with 2 gallon per minute (2GPM) flow rate, set directly over the rootball of each tree.

Alternatively, a combination of fees and plantings would also be appropriate. For example, Installation of two (2) 24" box size native trees on site with stakes, ties, and very high flow-type flood bubblers, plus payment of \$250.



## 2.0 Assignment & Background

Walter Levison, Contract Town Arborist (CTA) was directed to tag and assess all Protected-Size (4-inch diameter and greater) trees in relatively close proximity to the proposed site plan project area, including off-site trees on neighboring properties which were expected to be negatively impacted by the applicant's planned work.

The site is an older single story residence property, on which the existing structures are all to be demolished. The CTA assessed the proposed grading and drainage plan sheets C2.0 and C2.1 which show both the existing residence and existing structures, in addition to all proposed new foundation work, utility trenching, storm drain pipe alignments, etc. For the purposes of this initial study, the CTA assumed that tree roots were impeded at the closest known structural footing, and that the laterally-extended woody roots did not grow past the locations of those structural foundations, such as the older residence at 15 Loma Alta. However, it is not known whether roots may have extended into the asphalt roadways such as the private access road known as "Panighetti Way" which runs directly adjacent to the trunk of oak #4. It is possible that past root damage to tree #4 may have occurred during asphalt and base course renovation work along Panighetti Way (not verified).

The site was assessed by the CTA on 8/27/22019.

Trees were tagged by the CTA at eye level using racetrack shaped tags numbering "1" through "5".

Tree data was collected and assembled by the CTA in section 11.0 of this report.

The CTA's recommendations in section 4.0 of this report are based on published information in various standard arboriculture texts, such as the series of *Best Management Practices* (BMP) companion publication (booklets) published by International Society of Arboriculture that are periodically updated over time. The series of BMP booklets accompany the ANSI-A300 USA standards for tree care used by U.S.-based tree care companies.

Additional supporting information includes digital images archived by the CTA and included in section 10.0, a full appraisal worksheet based on the guidelines in the new 10<sup>th</sup> edition of *Guide for Plant Appraisal* (2018) attached as section 13.0, and a tree map markup attached as section 12.0.

The sheet used to prepare the CTA's tree map markup is the applicant's sheet C-2.0 "grading and drainage plan" dated 8/09/19 by Lea and Braze, Engineering, Inc. of Hayward, California.

The CTA utilized a forester's D-tape to determine tree mainstem (trunk) diameters at 4.5 feet above grade. The D-tape is a circumferential tape that converts actual trunk circumference to an averaged diameter in inches and tenths of inches.

Tree heights were determined using a digital Nikon Forestry Pro 550 hypsometer.

Tree canopy spread diameters were estimated visually or paced off, and the approximate distances noted on the CTA's tree map markup.

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## 3.0 Town of Los Gatos – What Trees are Protected?

Per the most recent (2015) iteration of the Town of Los Gatos tree ordinance (Town Code Chapter 29 – Zoning Regulations, Article 1), the following regulations apply to all trees within the Town's jurisdiction (wordage adjusted):

- 1. All trees with at least a single mainstem measuring four (4) inches diameter or greater at 4.5 feet above grade are considered "**Protected Trees**" when removal relates to any development review.
- 2. 12 inch diameter (18 inch multistem total) trees on developed residential property not currently subject to development review.
- 3. 8 inch diameter (8 inch multistem total) blue oak (*Quercus douglasii*), black oak (*Quercus kellogii*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) on developed residential lots not currently subject to development review.
- 4. 8 inch diameter (8 inch multistem total) trees on developed residential property not currently subject to development review, on lots in the designated **Hillside Area** per the official Town map.
- 5. All trees with a single mainstem or sum of multiple mainstems totaling 48 inches diameter or greater at 4.5 feet above grade are considered "Large Protected Trees" (LPT).
- 6. All oak species (*Quercus spp.*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) with one or more mainstems totaling 24 inches diameter or more at 4.5 feet above grade are considered "**Large Protected Trees**" (LPT).
- 7. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a threeyear period, affecting 25% or more of any **Protected Tree** (including below ground root system).
- 8. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, or cut any branch or root greater than four (4) inches in diameter of a **Large Protected Tree**.
- Section 29.10.0965. Prohibitions: A permit is required to conduct severe pruning on any protected tree. Severe pruning is defined in section 29.10.0955 as "topping or removal of foliage or significant scaffold limbs or large diameter branches so as to cause permanent damage and/or disfigurement of a tree, and/or which does not meet specific pruning goals and objectives as set forth in the current version of the International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub, and Other Woody Plant Management-Standard Practices, (Pruning)."
- 10. Exceptions:

Severe Pruning Exception in Town Code section 29.10.1010(3) "....except for pollarding of fruitless mulberry (*Morus alba*) or other species approved by the Town Arborist....".

Protected Tree Exceptions:

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- a. Edible fruit or nut bearing trees less than 18 inches diameter (multistem total or single stem), including fruiting olive trees.
- b. Acacia melanoxylon (blackwood acacia) less than 24 inches (multistem total or single stem)
- c. Liriodendron tulipifera (tulip tree) less than 24 inches (multistem total or single stem)
- d. Ailanthus altissima (tree of heaven) less than 24 inches (multistem total or single stem)
- e. Eucalyptus globulus (Tasmanian blue gum) less than 24 inches (multistem total or single stem)
- f. Eucalyptus camaldulensis (River red gum) less than 24 inches (multistem total or single stem)
- g. Other eucalyptus species (E. spp.) not noted above, less than 24 inches (multistem total or single stem) (REMOVAL O.K. ONLY AT HILLSIDE AREA LOCATIONS PER OFFICIAL TOWN MAP): www.losgatosca.gov/documentcenter/view/176
- h. All palm species (except Phoenix canariensis) less than 24 inches (multistem total or single stem)
- i. *Ligustrum lucidum* (glossy privet) less than 24 inches (multistem total or single stem) Note that per the exception in part 'a' above, fruiting olive trees with stems totaling less than 18 inches are considered nonprotected.

### **4.0 Recommendations**

1. Project Arborist ("PA"):

Initial Signoff

It is recommended that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to Ms. Jennifer Armer, Senior Planner (jarmer@losgatosca.gov). Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

"The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town. A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the Town planner associated with this project (jarmer@losgatosca.gov) beginning with the initial tree protection verification approval letter".

#### 1. (Continued) PROJECT ARBORIST / SPECIAL SITE MONITORING:

The PA shall work with the project team to directly monitor a portion of the following items such as, but not limited to the following:

1a. Demolition of existing concrete perimeter beam foundation footing materials within 25 feet of the trunk edge of large protected tree (LPT) #4.

1b. Joint trench (JT) excavation using either a supersonic Airspade or AirKnife air wand or water-jetting, and subsequent root pruning using sharp tools such as a Sawzall, to clear the JT for installation of utilities, etc.

#### 2. Project Team Pre-Project Adjustments, Clarifications, and Limits Suggested or Required:

2a. Tree#1: Keep proposed water line centered between trees #1 and #2 as currently shown, in order to limit root loss during trenching related to fire water and drinking water service pipe upgrades.

2b. Tree #2: Move proposed sewer pipe to near to the water service pipe alignment, after adjusting the sewer pipe route to at least 10 or 15 feet offset from the trunk edge of tree #3. Keep the sewer pipe routing centered between trees #1 and #2 to minimize root loss/damage to these Town-owned street trees. Ideally, both the water pipe and sewer pipe would be aligned in close proximity to one another, in order to allow for a single closed perimeter RPZ fencing protection enclosure to be erected around each of trees #1 and #2.

2c. Tree #3: Push the proposed sewer pipe alignment to 10 or 15 feet northwest of the trunk edge, such that fencing can be erected as a closed perimeter roughly at the canopy dripline of the tree, as shown on the CTA's tree protection map markup attached to the end of the Town arborist report. If the sewer cannot be relocated to this offset distance, then utilize a "trenchless" construction technology such as "burst in place" or equivalent, to pull flexible piping through the subgrade without requiring any new trenching (see sample image at right showing this work). If trenchless technology is utilized, then the sewer alignment can be per the route shown on the applicant's current proposed plans.

2d. Tree #4: Pull out the area drain (AD) and associated storm drain (SD) work that is located within the CTA's suggested RPZ fence enclosure around the tree's open soil root zone. The fencing is suggested to be at least 7 or more feet offset to the southeast of the trunk edge of tree #4, while the AD and SD work is suggested to be at least 9 feet or more offset southeast from the trunk edge.







2e. Tree #4: (Optional) Install a through-bolt bracing system (see sample image at right<sup>1</sup>) at the bark inclusion type fork at the codominant mainstem system attachment zone located in the lower trunk area of the tree. Install through-bolt bracing rods per the specifications noted in the most recent edition of:

Best Management Practices / Tree Support Systems / Cabling, Bracing, and Guying.<sup>2</sup>

2f. Tree #4: Project Arborist (PA) retained by the applicant shall perform special monitoring of the demolition of the existing concrete perimeter beam foundation footing areas within 25 linear feet of the trunk of tree #4. The PA shall recommend any additional maintenance or protection for tree #4 related to demolition, such as root pruning of roots comingled with the foundation footing during the demolition work itself, heavy irrigation of the RPZ chain link fenced enclosure around the open soil section of root zone being protected and preserved, etc.



Figure 1. Bracing system types: (a) Single, (b) Parallel, (c) Alternate, and (d) Crossing *Credit: Tree Care Industry Association* 

2g. Tree #4: the PA retained by the applicant shall also monitor joint trench (JT) work to be performed using Airspade or Airknife or Waterjetting tools to clear out the proposed trench that will run northeast-southwest along the east side the RPZ fence protection zone of oak #4, within 25 feet of the trunk of the tree.

2h. Tree #4: The PA shall either personally perform or oversee performance of root pruning of any oak #4 woody roots measuring 1 inch diameter or greater, that need to be cleanly severed to clear out the trench area for installation of utilities, etc. If possible, retain all roots inside the trench measuring 1 inch diameter or greater, by slipping pipes, conduits, etc. around those woody roots, and simply backfilling the trench with parent soil.

2i. Tree #4: The applicant shall attempt to contact the joint owner(s) of oak #4 in writing to notify them of residential construction-related impacts to the tree that are expected to be performed as part of the proposed entitlement currently under review by Town of Los Gatos planning division, and gain permission from those owner(s) for any maintenance work that will be occurring in close proximity to the tree (e.g. root pruning, trenching, demolition of existing foundation materials, construction of new residence, etc.).

<sup>2</sup> Published by International Society of Arboriculture.

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<sup>&</sup>lt;sup>1</sup> <u>https://extension.tennessee.edu/publications/Documents/SP659.pdf</u> from University of Tennessee Extension online docs (open-source document).

#### 3. Pruning & Tree Maintenance:

3a. ISA Certified Arborist:

Retain the services of an **ISA Certified Arborist** to perform pruning work on trees requiring clearance pruning or other tree maintenance.

All pruning work on trees at this project will need to be performed directly by an ISA Certified Arborist, or under full-time on-site direct supervision of an ISA Certified Arborist.

All pruning shall conform to the most current iteration (2017) of ANSI-A300 *tree, shrub, and other woody plant maintenance / pruning* and the Best Management Practices companion pamphlet to the ANSI-A300 pruning standards, published by International Society of Arboriculture.

3b. Optional: Through-bolt brace installation at the bark inclusion type fork of oak #4 at lower trunk (see recommendation #2e).

4. New Irrigation Piping and Landscape Plantings:

4a. Review:

Provide a landscape plan sheet to Town Staff for review. All new irrigation hard PVC pipe trenching shall be offset at least 25 feet from the trunk edge of any tree being retained both on and off site.

For areas within 25 feet of a tree being retained, use only over-grade "trenchless" systems such as flexible  $\frac{1}{2}$ " diameter tubing that is UV-resistant and rated for installations on-grade, in order to avoid trenching which would destroy tree root systems.

5. Trunk Buffer Wrap Type III Protection:

Prior to demolition commencement, install trunk buffers around all trees being retained both onsite.

Wrap one (1) entire roll of orange plastic snow fencing around the trunk of each single tree, between grade and 6 to 8 feet above grade to create a padding of at least 1 to 2 inches thickness around each tree trunk.

Stand 2x4 wood boards upright, side by side, around the entire circumference of the orange plastic wraps. Affix using duct tape (do not use wires or ropes). See spec image at right showing the wooden boards correctly mounted against one entire roll of orange snow fencing, such that the wood does not actually touch the trunk at all.



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6. Chain Link Fencing Type I and/or Type II Root Protection Zone (RPZ):

Prior to demolition commencement, erect chain link fencing panels set on moveable concrete block footings (see sample image below right). Wire the fence panels to iron layout stakes pounded 24 inches into the ground at the ends of each fence panel to keep the fence route stabilized and in its correct position. Do <u>not</u> wire the fence panels to the trunks of the trees. These panels are available commonly for rent or purchase.

Alternative Fencing / Tube Posts and Rolled Chain Link: Using a professional grade post bounder, pound 7-foot long 2-inch diameter iron tube posts 24-inches into the ground, at 6 to 10-foot spacing maximum on-center, and hang steel chain link fencing material minimum 5-feet height on the tube posts. These materials are available for purchase at many retail and wholesale construction supply houses such as Home Depot, Lowe's, Grainger's, White Cap, Harbor Freight, etc.

# Pre-construction fence routes for trees #1, 2, 3, 4: See the CTA's red dashed lines indicating chain link fence routing, on the attached tree map markup.

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".

#### No storage, staging, work, or other activities will be allowed inside the RPZ except with PA monitoring.







7. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 15 linear feet of fencing, minimum 8"X11" size each, plastic laminated or printed with waterproof ink on waterproof paper, with wordage that includes the Town Code section that refers to tree fence protection requirements (wordage can be adjusted):

## TREE PROTECTION ZONE FENCE ZONA DE PROTECCION PARA ARBOLES

# -NO ENTRE SIN PERMISO--LLAME EL ARBOLISTA-

# **REMOVAL OF THIS FENCE IS** SUBJECT TO PENALTY ACCORDING TO LOS GATOS TOWN CODE 29.10.1025

**PROJECT ARBORIST: TELEFONO CELL:** 

EMAIL:

#### 8. Water Spray:

Spray off foliage of all trees within 20 feet of construction activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function.

Spray should be applied approximately **once-monthly**, or when ambient airborne dust concentration is unusually high.







#### 9. Tree Removal Permitting / Removal of Protected-Size Trees / Mitigation:

The applicant's removal of **trees #5** will require that a canopy replacement of a minimum three (3) 24" box size replacement tree plantings be installed on site with high flow type (e.g. 2 gallon per minute bubblers, two per each tree) irrigation set directly over the rootball of each new tree, or payment of an in-lieu fee of \$750 (\$250 X 3 = \$750). Alternatively, a combination of one or more site plantings plus a partial in-lieu fee payment can be utilized by the applicant to meet this requirement.

Ideally, two (2) high flow type adjustable bubblers each emitting 2 gallons per minute (2GPM) are set over the rootball of each single tree planting, and each tree is installed with two (2) wooden planting stakes (not the shipping stake), with a set of figure-8 Cinch Ties <sup>™</sup> affixed per the standard spec image below right.

Note how the tree stakes are cut to just above the elevation of the Cinch-Ties to avoid abrasion between the stakes and the limbs and trunk during wind movement.

A watering berm consisting of site soil is formed around the outside edge of the rootball to force irrigation water to pool up directly over the rootball, as seen in the image below right.

10. Temporary Irrigation During Construction:

Volume per week: **TBD**.

Application locations: TBD.

Application methods: TBD.

See image at right showing a 100-foot long soaker hose setup with wood chip mulch around a large coast redwood specimen being retained during construction on a Walter Levison project. Palo Alto, California.

Other over-grade temporary irrigation techniques can be used, including a tow-behind water tank/spray apparatus, water truck, garden hose, high flow type bubblers, etc.

The most important location for application of water during construction will probably be the joint trench (JT) which will be cut at roughly 7 to 9 feet southeast of the trunk edge of oak #4. Heavy application of water at this location may need to occur on at least a 1x/monthly basis, using 100 to 200 gallons of water, applied on a single day, directly over the trench's soil backfill.



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## 5.0 Tree Protection and Maintenance Directions per Town Code

The following is excerpted directly from the 2015 iteration of the Town of Los Gatos tree ordinance sections which provide specific tree protection directions and limitations on root pruning and above-ground pruning:

#### Sec. 29.10.1000. New property development.

(a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:

- (1) Location of all existing trees on the property as described in section 29.10.0995;
- (2) Identify all trees that could potentially be affected by the project (directly or indirectly-immediately or in long term), such as upslope grading or compaction outside of the dripline;
- (3) Notation of all trees classified as protected trees;
- (4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.

(b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;

(c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:

- (1) The final approved tree preservation report shall be included in the building permit set of development plans and printed on a sheet titled: Tree Preservation Instructions (Sheet T-1). Sheet T-1 shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur;
- (2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;

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(3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:

a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.

b. The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980, for each tree to be removed to satisfy the purpose of this division.

(d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For protected trees, which were removed, the developer shall pay a penalty in the amount of the appraised value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.

(e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.

(f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars (\$5,000.00) for each tree required to be preserved, or twenty-five thousand dollars (\$25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars (\$5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.

(g) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.

(h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

(Ord. No. 2114, §§ I, II, 8-4-03)

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#### Sec. 29.10.1005. Protection of trees during construction.

- (a) Protective tree fencing shall specify the following:
  - (1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than 10-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
  - (2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
  - (3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
  - (4) Warning sign. Each tree fence shall have prominently displayed an 8.5 x 11-inch sign stating: "Warning-Tree Protection Zone-this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025".
- (b) All persons, shall comply with the following precautions:
  - (1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
  - (2) Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.
  - (3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
  - (4) Prohibit the attachment of wires, signs or ropes to any protected tree.
  - Design utility services and irrigation lines to be located outside of the dripline when feasible. (5)
  - Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
  - (7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

(Ord. No. 2114, §§ I, II, 8-4-03)

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#### Sec. 29.10.1010. Pruning and maintenance.

All pruning shall be in accordance with the current version of the International Society of Arboriculture Best Management Practices—Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management—Standard Practices, (Pruning) and any special conditions as determined by the Director. For developments, which require a tree preservation report, a certified or consulting arborist shall be in reasonable charge of all activities involving protected trees, including pruning, cabling and any other work if specified.

- (1) Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a protected tree shall obtain permission from the Director before performing any work, including pruning, which may cause injury to a protected tree. (e.g. cable TV/fiber optic trenching, gas, water, sewer trench, etc.).
- (2) Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part 1)- Pruning, Section 5.9 Utility Pruning. Using spikes or gaffs when pruning, except where no other alternative is available, is prohibited.
- (3) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any protected tree without first obtaining a permit pursuant to this division except for pollarding of fruitless mulberry trees (*Morus alba*) or other species approved by the Town Arborist. Applications for a pruning permit shall include photographs indicating where pruning is proposed.
- (4) No person shall remove any Heritage tree or large protected tree branch or root through pruning or other method greater than four (4) inches in diameter (12.5" in circumference) without first obtaining a permit pursuant to this division.

(Ord. No. 2114, §§ I, II, 8-4-03)

## 6.0 Tree Replacement Standards – Los Gatos Town Code

(Excerpted from Town Code 29.10.0985 and 29.10.0987)

- (1) Two (2) or more replacement trees, of a species and size designated by the Director, shall be planted on the subject private property. Table 3-1 The Tree Canopy—Replacement Standard shall be used as a basis for this requirement. The person requesting the permit shall pay the cost of purchasing and planting the replacement trees.
- (2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:
  - a. Add or replace trees on public property in the vicinity of the subject property; or
  - b. Add or replace trees or landscaping on other Town property; or
  - c. Support the Town's urban forestry management program. (Ord. No. 2114, §§ I, II, 8-4-03)

Table 3-1 - Tree Canopy - Replacement Standard

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Canopy Size of Removed Tree <sup>1</sup>	(Staff is using 24" box size as the Replacement Standard for SFR Projects as of 2016) <sup>2,4</sup>	Single Family Residential Replacement <sup>3,4</sup>
10 feet or less	Two 24 inch box trees	Two 15 gallon trees
More than 10 feet to 25 feet	Three 24 inch box trees	Three 15 gallon trees
More than 25 feet to 40 feet	Four 24 inch box trees; or Two 36 inch box trees	Four 15 gallon trees
More than 40 feet to 55 feet	Six 24 inch box trees; or Three 36 inch box trees	Not Available
Greater than 55 feet	Ten 24 inch box trees; or Five 36 inch box trees	Not Available

#### Notes

<sup>1</sup>To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.

<sup>2</sup>Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.

<sup>3</sup>Single Family Residential Replacement Option is available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24" box tree rates as adopted by Town Council.

<sup>4</sup>Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillsides shall comply with the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions--Hillsides.

### Sec. 29.10.0987. Special Provisions—Hillsides

The Town of Los Gatos recognizes its hillsides as an important natural resource and sensitive habitat which is also a key component of the Town's identity, character and charm. In order to maintain and encourage restoration of the hillside environment to its natural state, the Town has established the following special provisions for tree removal and replacement in the hillsides:

- (1) All protected trees located 30 or more feet from the primary residence that are removed shall be replaced with native trees listed in Appendix A Recommended Native Trees for Hillside Areas of the Town of Los Gatos Hillside Development Standards and Guidelines (HDS&G).
- (2) All protected trees located within 30 feet of the primary residence that are removed shall be replaced as follows:

(a) If the removed tree is a native tree listed in Appendix A of the HDS&G, it shall only be replaced with a native tree listed in Appendix A of the HDS&G.

(b) If the removed tree is not listed in Appendix A, it may be replaced with a tree listed in Appendix A, or replaced with another species of tree as approved by the Director.

(c) Replacement trees listed in Appendix A may be planted anywhere on the property.

(d) Replacement trees not listed in Appendix A may only be planted within 30 feet of the primary residence.

- (3) Replacement requirements shall comply with the requirements in Table 3-1 Tree Canopy Replacement Standard of this Code.
- (4) Property owners should be encouraged to retain dead or declining trees where they do not pose a safety or fire hazard, in order to foster wildlife habitat and the natural renewal of the hillside environment.



## 7.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California Community Development Department / Planning Division 2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board) 2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000
- Associate Consulting Arborist Barrie D. Coate and Associates 4/99-8/99
- Contract City Arborist, City of Belmont, California Planning and Community Development Department 5/99-present
- ISA Certified Arborist #WE-3172A
- Peace Corps Soil and Water Conservation Extension Agent Chiangmai Province, Thailand 1991-1993
- B.A. Environmental Studies/Soil and Water Resources UC Santa Cruz, Santa Cruz, California 1990

UCSC Chancellor's Award, 1990

(My full curriculum vitae is available upon request)

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## 8.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:

a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and

b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement:

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Tree are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborist cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

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# 9.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant

# **10.0 Digital Images**

Below: Digital Images by the CTA archived 8/27/19 (the date imprint showing "8/26/19" is incorrect):









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Cell: (415) 203-0990 / Email: walterslevisonjr@yahoo.com



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## **11.0 Tree Data Table**

NOTE 1: Fruit and nut trees measuring less than 18" diameter (total of all mainstems), including fruiting olive trees, both on the site and on adjacent neighbor properties are excluded from the CTA's tree studies as "exemption trees" per the Town tree ordinance.

NOTE 2: Tree conservation suitability ratings (TCS) are now based on the 2016 version of *Best Management Practices: Managing Trees During Construction, 2<sup>nd</sup> Edition,* published by the International Society of Arboriculture. These ratings are linked to tree health, desirability, distance between tree trunk edges and construction impacts such as root cuts and graded fill soil as shown on the applicant's current-proposed set of plan sheets, species' tolerance to construction impacts, etc. See the worksheet at the end of this data table for the full breakdown of TCS rating determinations and definitions.

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	<mark>(R)emove Tree</mark>	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction )	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
1	Quercus x ganderi (street tree)	California black oak hybrid	9.7			9.7	35/18	75/65	70% Good		x		Mod to Good	S				Some drought stress noted, probably from soil moisture deficit in the planting strip. Tree has likely not been irrigated for years.	See CTA's tree map markup for RPZ chain link fence routing.	TB, RPZ, and relocate the current proposed sewer pipe to work around tree #3.





Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	<mark>Sum of All Trunk</mark> Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction )	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
2	Quercus x ganderi (street tree)	California black oak hybrid	9.7	5.7		<mark>15.4</mark>	35/20	77/65	74% Good		x		Mod to Good	s				Some drought stress noted, probably from soil moisture deficit in the planting strip. Tree has likely not been irrigated for years. Note that the existing sidewalk slab has been replaced near this tree, assumedly due to heave damage from oak root expansion (?).	See CTA's tree markup for RPZ chain link fence routing.	TB, RPZ, and relocate the current proposed sewer pipe to work around tree #3. This will place the sewer in closer proximi- ty to the water service pipe route.
3	Arbutus 'Marina'	'Marina' strawberry tree (cultivar not verified)	9.0	5.5	4.2	<mark>18.7</mark>	28/28	78/83	80% Good		x		"Mod" if current proposed sewer cut at 5 feet offset. "Good" if move sewer to 10 or 15 ft. west.					Canopy extends NE- SW. Push sewer pipe to 10 or 15 feet offset, or use trenchless "burst in place" to avoid trenching.	See CTA's tree map for RPZ chain link fence routing.	W, TB, RPZ, and relocate the current proposed sewer to 10 or 15 feet offset.

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction )	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
4	Quercus agrifolia Joint- owned tree (it is not clear who the other tree owner(s) are)	Coast live oak	19.6	16.2		35.8	35/35	70/60	67% Good		x		Mod	w				East side of canopy has been limbed up severely to clear the existing residence. A 13" diameter limb was removed on this side of tree at 10 feet elevation, which downgrades the tree's health and structural ratings. Expect some root damage during joint trench cuts, and during removal of the existing residence perimeter beam foundation footing concrete (see photos). It is suggested that this portion of the work be monitored by an arborist.	See CTA's tree map markup for RPZ chain link fence routing.	TB, RPZ, and remove the proposed area drain and piping from within the CTA's proposed RPZ fence- enclosed area. Consider installing a through- bolt brace rod or two at the bark inclusion type fork (lower trunk). Needs arborist to oversee demoli- tion of old footing.

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Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	<mark>Sum of All Trunk</mark> Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Conservation Suitability Ratings (TCS)	Lopsided Canopy (note direction)	Trunk Lean (note direction )	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
5	Prunus ilicifolia or P. ilicifolia ssp. Iyonii	Holly-leaf cherry or Catalina cherry (semi-native Northern California species)	4.2	2.8		7.0	18/15	90/68	79% Good	x			"Poor", due to proximity of proposed work to the canopy and root system.					This is a very good species for use as a screening tree in coastal California landscapes. Native to the Catalina Islands. Tree to be removed due to construction conflicts.	Tree to be removed	Tree to be removed

Overall Tree Condition Ratings / Breakdown of Numeric Ranges (New, Per *Guide for Plant Appraisal, 10<sup>th</sup> Edition*):

00 - 05% = Dead 06 - 20% = Very Poor 21 - 40% = Poor 41 - 60% = Fair 61 - 80% = Good 81 - 100% = Exceptional

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# Tree Conservation Suitability (TCS) Ratings<sup>3</sup>

A tree's suitability for conservation is determined based on its health, structure, age, species and disturbance tolerances, proximity to cutting and filling, proximity to construction or demolition, and potential longevity using a scale of good, fair, or poor (Fite, K, and Smiley, E. T., 2016). The following list defines the rating scale:

TPS Ratings	Range of values	
Good	80-100	Trees with good health, good structural stability and good expected longevity after construction.
Moderate	60-79	Trees with fair health and/or structural defects that may be mitigated through treatment. These trees require more intense management and monitoring, before, during, and after construction, and may have shorter life expectancy after development.
Poor	<59	Trees are expected to decline during or after construction regardless of management. The species or individual may possess characteristics that are incompatible or undesirable in landscape settings or unsuited for the intended use of the site.

## TCS Ratings Worksheet Factors (Total Possible: 100 Points)

Health (1-15)
Root Cut/Fill Distance from Trunk (1-15)
Structure Defects (1-15)
Construction Tolerance of the tree species (1-15)
Age relative to typical species lifespan (1-10)
Location of construction activity (1-10)
Soil quality/characteristics (1-10)
Species desirability (1-10)

dress: 15 Loma Alta, Los Gatos, CA

<sup>&</sup>lt;sup>3</sup> Derived from Fite and Smiley, 2016. Best Management Practices: Managing Trees During Construction, 2<sup>nd</sup> Edition. International Society of Arboriculture.



# Tree Maintenance and Protection Codes Used in Data Table:

RPZ: Root protection zone fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing. Alternative material: chain link fence panels set over concrete block-type footings, with the fence panels wired to steel pins pounded 24 inches into the ground at both ends of each panel.

RB: Root buffer consisting of wood chip mulch lain over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDRP: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per 'root pruning'.

RCX: Root crown excavation. Retain an experienced ISA-Certified arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree's buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

MON: A Project Arborist must be present to monitor specific work as noted for each tree.

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ldress: 15 Loma Alta, Los Gatos, CA



# 12.0 Attached: Tree Location & Protection Fence Map Mark-up by the CTA

The CTA marked up the applicant's grading and drainage plan sheets C2.0 and C2.1 dated 8/09/2019 by Lea & Braze Engineering, Inc. of Hayward, CA. These markups are attached to the end of the arborist report as a 2-page PDF.

The CTA added the following color-coded items to this sheet for reference purposes:

- a. Red dashed lines indicate the CTA's proposed root protection zone (RPZ) fence enclosures constructed of chain link fencing. Two sections of trenching proposed by the applicant are suggested to be pushed to outside the RPZ fencing:
  - i. The sanitary sewer pipe shown within the RPZ of Marina strawberry tree #3 should either be pushed 10 or 15 feet offset from the trunk in order to clear the RPZ, or, alternatively, the pipe could be aligned as currently proposed, but simply constructed using a trenchless technology such as "burst in place" to run flexible new piping along an existing older clay sewer pipe. Either of these options is acceptable.
  - ii. The area drain and piping system that is currently shown within the oak #4 RPZ should be pushed to outside the RPZ.
- b. Yellow highlighting indicates the CTA's suggested trunk buffer wraps.
- c. Magenta highlighting indicates the applicant's current proposed alignment of various sections of storm drain, sewer, joint trench, etc. around the site. The sections that conflict with trees #3 and #4 are suggested to be pushed to outside the red dashed lines of the CTA's RPZ protection fence enclosures.
- d. Red highlight with opacity was added to the areas within the RPZ chain link protection fencing enclosures around trees #1, 2, 3, and #4 to show clearly defined root protection zones in relation to the proposed construction project and associated trenching for utilities, etc.
- e. Black clouding indicates the approximate-scale canopy driplines of the four (4) survey trees located on site that are to be retained and protected during construction. The canopy of tree #5 is not drawn.
- f. Oversize black dots were added to more clearly indicate the locations of the applicant's surveyor-plotted tree trunk points. The tree trunk plot points indicated by the surveyor on the set of plan sheets were assumed to be accurate.

# 13.0 Attached: Appraisal Worksheet per 10<sup>th</sup> Edition of *Guide for Plant Appraisal* by the CTA

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		FLATWORK FINISHED GRADES AT BUILDING PERIMETER SHALL BE SLOPED AT A MINIMUM OF 5% FOR THE FIRST 10' AWAY FROM THE BUILDING PER CBC 1804.4 OR TO AN APPROVED DRAINAGE SWALE OR STRUCTURE. GRADES SHALL CONTINUE TO SLOPE TOWARDS POSITIVE DRAINAGE AND A POSITIVE OUTFALL. MAINTAIN 8" CLEARANCE BETWEEN FINISH EARTHEN GRADE AND BOTTOM OF MUD SILL AT ALL TIMES PER CBC 2304.12.1.2 UNLESS STRUCTURAL DETAILING ALLOWS LESS. REFER TO STRUCTURAL PLANS FOR FOUNDATION DESIGN AND DETAILS.	No. C796555
	<ul> <li>2</li> <li>3</li> <li>4</li> <li>5</li> </ul>	SLOPE GARAGE SLAB 1% MINIMUM (1/8" PER FOOT) FROM BACK TO FRONT TO ALLOW FOR ADEQUATE DRAINAGE. MAINTAIN 1/2" TO 1" LIP BETWEEN GARAGE SLAB AND DRIVEWAY. SEE PLANS FOR SPECIFIC DROP PROVIDE 2% SLOPE ACROSS FLAT WORK AND/OR PAVING PER CBC 1804.4. SLOPE TOWARDS POSITIVE DRAINAGE AS SHOWN ON PLAN. (N) CONCRETE DRIVEWAY. (N) CONCRETE PATIOS/WALKWAYS.	E ENGINEERING, INC. S • LAND SURVEYORS SACRAMENTO REGION 3017 DOUGLAS BLVD, # 300 ROSEVILLE, CA 95661 (P) (916)966-1338 (F) (916)797-7363 AZE.COM
	  	(N) WOOD DECK. STORM DRAIN KEYNOTES $10$ to $18$ INSTALL (N) ON-SITE STORM DRAIN SYSTEM. USE MINIMUM 6" PVC (SDR 35) OR HDPE (ADS N-12 W/ SMOOTH INTERIOR WALLS). MAINTAIN 24" MINIMUM COVER AND SLOPED AT 1% MINIMUM AT ALL TIMES UNLESS OTHERWISE NOTED. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90' BENDS AND INSTEAD USE (2) 45' BENDS AND WYE CONNECTIONS. INSTALL (N) SUBDRAIN. USE PERFORATED 4" PVC (SDR-35) WITH HOLES	LEA & BRAZE LEA & BRAZE CIVIL ENGINEER: AY AREA REGION 495 INDUSTRIAL PKWY WEST AYWARD, CALIFORNIA 94545 AYWARD, CALIFORNIA 94545 (510) 887–4086 (510) 887–3019 WWW.LEABR,
IES =	(11) (12)	DOWN AND SLOPED AT 1% MINIMUM SURROUND WITH 3/4" DRAIN ROCK WRAPPED IN FILTER FABRIC (MIRAFI 140N). MIRADRAIN OR OTHER LEA & BRAZE PREAPPROVED DRAINAGE SYSTEM MAY ALSO BE USED. AVOID USING 90° BENDS AND INSTEAD USE (2) 45° BENDS AND WYE CONNECTIONS. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION AND AT 100' MAXIMUM INTERVALS. SUBDRAIN SHALL REMAIN A DEDICATED SEPARATE SYSTEM UNTIL IT CONNECTS TO STORM DRAIN SYSTEM OR OUTFALL AS SHOWN.	E INUE RNIA Apn: 532-29-073
/ DRAIN NALE	<ul> <li>3</li> <li>13</li> <li>14</li> </ul>	POSITIVE OUTFALL. DIRECT DOWNSPOUTS TO 24" LONG PRECAST CONCRETE SPLASHBLOCKS OR OTHER HARD SURFACE. DIRECT AWAY FROM ANY STRUCTURE AND TOWARDS POSITIVE DRAINAGE. INSTALL (N) 4" DIAMETER HEAVY DUTY PLASTIC BLACK GRATE IN LANDSCAPE OR PLANTER AREAS (NDS PART 78 OR 90 FOR 6" DIAMETER	SIDENC TA AVE CALIFO
T'S SUR'	15 VEY 17 18	HEAVY DUTY PLASTIC BLACK GRATE). INSTALL (N) LIGHTWELL OVERFLOW DRAIN. INSTALL (N) SUMP PUMP FOR SUBDRAIN SYSTEM. INSTALL (N) SUMP PUMP FOR LIGHTWELL DRAINAGE. INSTALL (N) BUBBLER BOX. INSTALL (N) BUBBLER BOX.	LOMA RE LOMA AL' S GATOS,
STIC SNO D BY 2x4 WITH DU		UTILITIES KEYNOTES V TO V INSTALL (N) SANITARY SEWER LATERALS. USE 4" PVC (SDR-26) SLOPED AT 2% MINIMUM. CONNECT TO (E) SEWER MAIN AS SHOWN. PROVIDE CLEANOUT TO GRADE AT BUILDING AND BEHIND PROPERTY LINE AND AT MAJOR CHANGES IN DIRECTION AS SHOWN. REUSE (E) LATERAL IF POSSIBLE. CONNECT PER DISTRICT STANDARDS. INSTALL (N) ENVIRONMENTAL ONE SEWER EJECTOR SYSTEM.	15 LO
DSED SE I TRUNK	33 ₩E ØF	CONNECT (N) WATER SERVICE PER WATER DISTRICT STANDARDS. UPGRADE (E) WATER METER PER WATER DISTRICT STANDARDS AS APPLICABLE. INSTALL (N) 2" MINIMUM SERVICE LINE TO (N) RESIDENCE OR AS DIRECTED BY FIRE SPRINKLER DESIGNER. INSTALL (N) JOINT TRENCH FOR SERVICES INCLUDING GAS, CATV & HELECTRIC FROM NEAREST POINT OF CONNECTION. DESIGN BY OTHERS. TREE #3. DEMOLITION KEYNOTES 41 TO 43	r & PLAN
ST IN PL	ACE 41) 42) 43)	-DEMOLISH (E) IMPROVEMENTS AS NECESSARY TO ACCOMMODATE (N) CONSTRUCTION. NO DEMOLITION SHALL COMMENCE WITHOUT REQUIRED DEMOLITION PERMITS. REMOVE (E) TREE. CONTRACTOR SHALL OBTAIN THE PROPER TREE REMOVAL PERMITS AS REQUIRED. PROVIDE TREE PROTECTION AROUND TREES TO REMAIN. SEE DETAIL 6 ON SHEET ER-2.	GRADIN( RAINAGE
ONFLICT POSED FA ENCH SET FRO	S OM	** SEWER NOTE: PROJECT SURVEY DID NOT LOCATE SEWER	
RENCHL CE", TO	ES: AV(	S S S S S S S S S S S S S S	
NOTE: FOR CONS SCHEDUL PLEASE C AT LEA & (510)887- aabaya@	STRUC ING O ONTA BRAZI 4086 E leabra	TION STAKING R QUOTATIONS CT ALEX ABAYA E ENGINEERING XT 116. ze.com	JOB NO:       2190761         DATE:       08–09–19         SCALE:       AS NOTED         DESIGN BY:       DY/AQ         DRAWN BY:       WA         SHEET NO:       03 OF 10 SHEETS



Walter Levison

Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition* (2018) "Functional Replacement Method / Trunk Formula Technique" 9/2/2019

15 Loma Alta, Los Gatos, CA

		,			,												
								Depreciat	ion Factors				Line 9		Line 10	Line 11	
Tree Tag #	Name (Initials)	WCISA Speces Group Classification Booklet Page	Health (Weighted 0.15)	Structure (Weighted 0.70)	Form (Weighted 0.15)	Overall Condition Rating (OCR) "Weighted Method"	Diameter Inches at 4.5 ft. Above Grade	Functional Limitations	External Limitations	WCISA Species Group Number	Trunk Square Inches for Replacement-Size Specimen of This Species	Average SF Bay Area Cost of 24 Inch Box Tree (2019)	(UTC) Unit Tree Cost per Sq Inch (M Divided by L)	Trunk Area (TA) ((dia. x dia.) x 0.785)	Basic Functional Replacement Cost (BFRC) = (OxN)	Depreciated Functional Replacement Cost (DFRC) = PxGxlxJ	Rounded-off Appraised Values
1	Qk	31	0.75	0.65	0.8	69%	9.7	70%	90%	2	2.24	\$250.00	\$111.61	73.86	\$ 8,243	\$ 3,570	\$3,570
2	Qk	31	0.77	0.65	0.8	69%	(Adjusted Trunk Area - "ATA")	70%	90%	2	2.24	\$250.00	\$111.61	93.00	\$ 10,379	\$ 4,515	\$4,520
3	AM	5	0.78	0.83	0.75	81%	(Adjusted Trunk Area - "ATA")	90%	90%	2	2.24	\$250.00	\$111.61	102.00	\$ 11,384	\$ 7,474	\$7,500
4	Qa	30	0.7	0.6	0.85	65%	(Adjusted Trunk Area - "ATA")	50%	90%	3	3.8	\$250.00	\$65.79	500.00	\$ 32,895	\$ 9,659	\$9,700
5	Pil	28	0.9	0.68	0.6	70%	(Adjusted Trunk Area - "ATA")	80%	90%	2	2.24	\$250.00	\$111.61	20.00	\$ 2,232	\$ 1,127	\$1,130

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Walter Levison

Valuation Appraisal Worksheet Based on *Guide for Plant Appraisal, 10th Edition* (2018) "Functional Replacement Method / Trunk Formula Technique"

9/2/2019

15 Loma Alta, Los Gatos, CA

	-			-												
							Depreciati	on Factors				Line 9		Line 10	Line 11	
Tree Tag # Name (Initials)	WCISA Speces Group Classification Booklet Page	Health (Weighted 0.15)	Structure (Weighted 0.70)	Form (Weighted 0.15)	Overall Condition Rating (OCR) "Weighted Method"	Diameter Inches at 4.5 ft. Above Grade	Functional Limitations	External Limitations	WCISA Species Group Number	Trunk Square Inches for Replacement-Size Species Species	Average SF Bay Area Cost of 24 Inch Box Tree (2019)	(UTC) Unit Tree Cost per Sq Inch (M Divided by L)	Trunk Area (TA) ((dia. x dia.) x 0.785)	Basic Functional Replacement Cost (BFRC) = (OxN)	Depreciated Functional Replacement Cost (DFRC) = PxGxlxJ	Rounded-off Appraised Values
Notes: (NEWLY RE Excellent: 8 Good: 61-8 Fair: 41-60 Poor: 21-40 Very Poor: Dead: 0-5%	EVISED) Overall co 31-100% 0% % % 6-20%	ndition rat	ing range	per the n	new 10th edition of	Guide for Plant	Appraisal (:	2018):							Total Appraised Value of All Study Trees	\$26,420

From: James Lyon <lyon.james.ward@gmail.com> Sent: Thursday, September 12, 2019 5:28 PM To: Jennifer Armer <JArmer@losgatosca.gov> Subject: 15 Loma Alta Avenue

Hello Jennifer,

I was browsing the pending planning projects and ran across the 15 Loma Alta Ave Project. As a nearby neighbor living in Johnson Ave, former Planning Commissioner and former member of the Historic Preservation Commission, I have concerns about the proposal.

My concerns are related to design - the design as proposed does not fit the fabric and context the lower Loma Alta Avenue. The section of the street is characterized by small bungalow houses with low pitch roofs and simple designs.

The proposal does not fit this context. Steep pitched meal roofing, modern plexiglass rails, etc are not in keeping with the historic character of the block. Yes, there are larger two story homes across the street and up Loma Alta, but the applicant is trying to squeeze too much home into too small a lot.

Thank you for your consideration.

Regards,

James Lyon 239 Johnson Ave. From: James Lyon <lyon.james.ward@gmail.com> Sent: Tuesday, May 26, 2020 5:55 PM To: Jennifer Armer <JArmer@losgatosca.gov> Subject: Re: 15 Loma Alta Avenue

#### Hello Jennifer,

I see the story poles are up for the aforementioned project. I would like to reiterate my objections to this project as designed.

- The design does not fit the fabric and streetscape of lower Loma Alta. The immediate neighborhood is characterize by small bungalow houses with low pitched roofs – all single story from Los Gatos Boulevard to Whitney Avenue. There are a few 1½ story houses up the block between Whitney and Cross, but nothing at 27' high. Did the applicant review and understand the Town's Residential Design Guidelines which are very clear on how to read a neighborhood?
- 2. The overall architectural style is not compatible with the neighborhood. The front façade (as well as every other elevation) it too vertical, with limited articulation and no attempt to set the second story back. It is an "in your face" design that is not in keeping with the historic nature of the block. Introducing steep pitch metal roofing, modern plexiglass railings is not compatible with the fabric of the streetscape. I would have privacy concerns if I lived next door due to the massive terrace extending over the garage roof.
- 3. The FAR requested is too large for the lot the applicant is requesting almost 400 sqft more than allowed this is 20% over the FAR. Totally unheard of! In addition, they have included a basement ADU. If they want the square footage for the primary house, lose the ADU and use the basement as primary residence living space reducing the above grade area to meet the FAR requirements. But I suspect it is the applicant's intent to use the ADU as primary living space, given the door between ADU and primary residence.
- 4. Why not preserve and renovate the existing home to maintain the neighborhood fabric and streetscape? Look to 268 Los Gatos Boulevard/10 Charles Street as an example of what can be done with a pre-1941 house in need of renovation though there are significant structural issues.

As a nearby neighbor living in Johnson Ave, former Planning Commissioner and former member of the Historic Preservation Commission, this project should be outrightly denied and sent back for a complete redesign by an architect who understands the Town's Residential Design Guidelines and how to design sympathetically to fit into a historic neighborhood.

Thank you for your consideration.

Regards,

James Lyon 239 Johnson Ave. From: Rick Rutter
Sent: Saturday, May 30, 2020 4:49:05 PM (UTC-08:00) Pacific Time (US & Canada)
To: Planning
Subject: 15 Loma Alta

Hi, I'm the owner at 23 Loma Alta Avenue. I'm very concerned with the plans I've seen for 15 Loma Alta Ave. I noticed the house square footage is almost 50% over the allowed amount, which seems excessive. Is this seriously being considered? Have there been exceptions made to the allowed amount in the past? If so, what is the maximum overage that you allowed? When is the hearing scheduled?

Thanks, Rick Rutter Dear Los Gatos planning commission,

My name is Julian Goodstein, I live at 19 Loma Alta, adjacent to the proposed project at 15 Loma Alta.

I've been involved as a concerned neighbor in discussion and review of the plans with the Utopia team, Bahar and Babak. They've been attentive and responsive to my questions & concerns from the beginning and have made all efforts to be communicative and responsive. I'm extremely supportive of this project for the following reasons:

-The design has the concept and elements of a Victorian house which blends well into the neighborhood and enhances the property value, a stark contrast from an old and dilapidated structure.

-I'm comfortable with the proposed setback, height and square footage.

-I have zero concern about the shadow coverage. Based on utopia shadow and day light plane study there is no light or shadow issue towards my house.

I'm supportive of the project as proposed, and hope the planning department will support the proposal as well. I look forward to the commencement of construction to breathe new vibrancy to our neighborhood.

Very best regards,

Julian Goodstein 19 Loma Alta Ave.

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From: James Lyon <lyon.james.ward@gmail.com> Sent: Tuesday, August 18, 2020 1:11 PM To: Jennifer Armer <JArmer@losgatosca.gov> Subject: Re: 15 Loma Alta Avenue

Hello Jennifer,

I have seen that the above project will have a public hearing on Sept 8<sup>th</sup>. I will try to attend in person, but in the event I cannot, I have outlined my continued objection to the project.

While the project proposal has scaled down its ambitions, the proposed residence still does not fit this SINGLE STORY neighborhood and should be rejected. Let me details my objections in the event the project moves forward in any way:

- The proposed ultra-modern take on a Victorian is not in fitting with the bungalow neighborhood of lower Loma Alta. The houses in the Loma Alta cluster are all small single story bungalows with low pitched roofs. Any replacement should be taken in that direction – a simple bungalow style that fits the context of the block.
- 2. The house is far too tall compared to its adjacent neighbors. The house towers over 19 Loma Alta – two times the overall height. The proposal does not address the overall height by reducing plate heights and tucking the second story into the roof mass – instead, the design has full 9' plate heights and a steep pitched roof – reaching almost to the residential height limits.



- 3. The applicant tries to justify a 2 story design by referencing houses that are NOT in the immediate neighborhood. Further, examples sighted at basically 1 ½ story houses with low plate lines on the second story.
- 4. The applicant's Reading of Our Neighborhood examples compared to 15 Loma Alta:
  - a. 205 Loma Alta story and a half example of how to tuck mass and bulk under the roof mass. The applicant missed the read.
  - b. 54 Whitney story and a half Victorian with bay window with shed roof. Applicant compares to the massive two story façade with a faux bay window of their design again missing the read.
  - c. 128 Loma Alta traditional Victorian design with low plate line on the second story gable end. Again, missed the read.

- 5. Finishes and fenestration are not compatible with the design and the neighborhood. The massive scale metal roof is not appropriate. The mix of windows (double-hung, sliders, fixed glass) with "confused" lighting does not fit the Victorian style (note that fenestration details are NOT called out). By the way, what is that window tucked in the corner over the front door? Far from Victorian!
- 6. The site plan has problems. There is not adequate back up space from the garage by Town code, 25' back up is required and the alley can be used. But Panighetti Place is only 13' wide plus an 8' setback to the garage door does not allow adequate space. The reference to 14 Cross Way misses the point that ReadHead Lane is 20' and the garage has a 5' setback, meeting Town code.



- 7. The use of the "modernized" interpretation is not appropriate for the traditional neighborhood. The bulk around the windows to try to create bays does not work adopt a traditional approach and make the windows truly a bay window.
- 8. The "modern" justification examples are NOT in the same context of a well preserved historic neighborhood. Alta Heights Court is a cul-de-sac of mid-century ranch homes. 380 Los Gatos Blvd is NOT in a historic neighborhood. 26 Alpine is barely visible from the street due to lot topography. The applicant's use of modern flat roof structures (garage) is not appropriate for a traditional streetscape of Loma Alta.

The design is not harmonious with the neighborhood and continues to be an "in your face" design. I again refer the applicant to 268 Los Gatos Boulevard/10 Charles Street as an example of what can be done with a pre-1941 house in need of renovation though there are significant structural issues. That final product will be appropriate for the Boulevard. The applications proposal is NOT appropriate for Loma Alta Avenue.

Regards,

James Lyon 239 Johnson Ave. From: Constance Christodulis <<u>constance christodulis@yahoo.com</u>>
Sent: Wednesday, September 2, 2020 1:01 PM
To: Planning Comment <<u>PlanningComment@losgatosca.gov</u>>
Subject: planned house at 15 Loma Alta Ave

Hello, I'm the owner and occupant of the house just next to 15 Loma Alta (at 100 Los Gatos Blvd). I've reviewed the plans on line. I believe that the house is too large for the size of the lot, is too tall, and has a style inconsistent with the neighborhood. If the house is built per plans available on the website, then my view of the mountains will be blocked and I will have shade on my home in December. I would like to see a smaller, shorter home which has a more traditional style built on this small lot.

**Constance Christodulis** 

From: Jeffrey Cristina <<u>jeffreycristina@gmail.com</u>> Sent: Wednesday, September 2, 2020 9:41 PM To: Planning Comment <<u>PlanningComment@losgatosca.gov</u>> Subject: 15 Loma Alta

I request this correspondence is attached to the planning commission packet. My name is Jeff Cristina and I live on Los Gatos Blvd. This project will be a great addition to the community and I am in full support of it. This will beautify the neighborhood and any impact from the development toward traffic or parking will not be noticeable. They own the land and should be allowed to build as requested. This will have a direct impact on my land impacting my view. As 15 Loma Alta goes up, I hope they can enjoy the view of the mountains that I currently do.

I request that you please pass this proposal with no or minimal conditions and allow our neighborhood to grow.

The Town of Los Gatos needs to allow for landowners to use their land as they see fit, within the current laws, and not limit development. I would like to hear that this project and many others are passed and move along quickly. As a community we need to ensure land owners have rights to their land and a neighbor or the town are not taking those rights away.

Thank you,

Jeff Cristina



## MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING SEPTEMBER 8, 2020

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on September 8, 2020, at 10:00 a.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 COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online.

## **ROLL CALL**

Present: Sally Zarnowitz, CDD Planning; Robert Gray, CDD Building; Corvell Sparks, PPW Engineering; and Katherine Baker, SCCFD. Absent: None

Staff: Jennifer Armer, CDD Planning; Robert Schultz, TAO; Lynne Lampros, TAO; and Kenny Ip, SCCFD.

## **MEETING CALLED TO ORDER AT 10:00 AM**

## **VERBAL COMMUNICATIONS**

- None.

## **CONSENT ITEMS**

- 1. Approval of Minutes August 4, 2020
- 2. Approval of Minutes August 18, 2020

MOTION:Motion by Robert Gray to approve the consent calendar. Seconded by<br/>Katherine Baker.

VOTE: Motion passed unanimously 4-0.

## PAGE **2** OF **4** DEVELOPMENT REVIEW COMMITTEE MINUTES OF SEPTEMBER 8, 2020

### **PUBLIC HEARINGS**

### 3. <u>15 Loma Alta Avenue</u>

Architecture and Site Application S-19-023

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on a nonconforming property zoned R-1:8. APN 532-29-073. PROPERTY OWNER: BAB Investment Group LLC APPLICANT: Babak Homayouni PROJECT PLANNER: Jennifer Armer

Jennifer Armer, Senior Planner, presented the staff report.

#### Opened Public Comment.

#### Bahar Masarati

She is a member of the architectural team for the project, speaking on behalf of the request. The proposed project is a two-story house which is smaller than the maximum allowed. It is a three-bedroom, three-bathroom, with below grade square footage. The style is an up-to-date take on the Victorian style, designed to make sure that it fits with the privacy and beauty of the immediate neighborhood, including the Oak trees and views. Being on a corner lot, garage access is taken from Panghetti, so that the Loma Alta Avenue side would remain as a beautiful façade.

#### James Lyon

He is a neighbor and has submitted written comments. He appreciates the reductions made to the project, but does not believe that his concerns about the compatibility of the modern style, materials, and height of the plates and steeply pitched metal roof with the historic enclave of single story bungalows on this side of the street, have been adequately addressed by the applicant. The comparable designs provided by the applicant are not in the neighborhood.

#### **Constance Christodulis**

She is a neighbor. She appreciates the reductions made to the project and understands the need for more square footage, but has concerns about her partially distorted view of the mountains, the overall height, and the compatibility of the modern style with the traditional styles in the neighborhood.

#### **Rick Rutter**

He is a neighbor and has submitted written comments. He has concerns about the compatibility of the modern style with the historic homes in the vicinity, the size and height, and the privacy presented by the second floor, with the neighborhood.

## PAGE **3** OF **4** DEVELOPMENT REVIEW COMMITTEE MINUTES OF SEPTEMBER 8, 2020

#### Kelly Luoma

She is an adjacent neighbor and would welcome a new home on the lot as the current property is in poor condition. She is asking for something more reasonable for the size of the lot. The current project size, scale, and design are not compatible with the existing homes and the comparable designs provided by the applicant are not in the neighborhood. The project blocks sunset and skyscape views from her backyard and she has privacy concerns.

#### Bahar

She is a member of the architectural team for the project making closing comments on behalf of the request. Most of the concerns have been addressed in the written description submitted for the project. There is no longer a deck posing direct privacy concerns to the neighbor. For the views, diagrams were provided addressing neighbors' concerns from their yards. For the style of the house, it is not ultra-modern in that it is not composed of steel, concrete, or large glazing. The Victorian style would not be a copy but would use elements of Victorian styles and existing homes in the neighborhood, as described in the project description.

#### Babak Homayouni

He is the owner. Asked about the size of the home, he states that the project originally proposed a larger size home, but that reductions to the height and square footage of the proposed project were made.

Closed Public Comment.

Committee members discussed the matter.

MOTION: Motion by Robert Gray to continue to September 22, 2020 to allow the applicant to further respond to the concerns of the neighbors voiced at the hearing regarding size, height, and style. Seconded by Kathy Baker.

VOTE: Motion passed unanimously 4-0.

#### **OTHER BUSINESS**

- None

**ADJOURNMENT** The meeting adjourned 10:36 a.m.

## PAGE **4** OF **4** DEVELOPMENT REVIEW COMMITTEE MINUTES OF SEPTEMBER 8, 2020

This is to certify that the foregoing is a true and correct copy of the minutes of the September 08, 2020 meeting as approved by the Development Review Committee.

Prepared by:

/s/Sally Zarnowitz, Planning Manager

## Detailed Description of Neighbors' Outreach, Their Concern, & UTOPIA's Response

Concerned Neighbors, image 01:

- 23 Loma Alta Ave.
- 100 Los Gatos Blvd.
- 45 Whitney Ave.

## **Overall Concerns:**

- 1- Privacy
- 2- View Of 15 Loma Alta From Their House/Backyard
- 3- 15 Loma Alta Shadow Over Their House/Backyard
- 4- Overall Architectural Design

All neighbors provided photos of their backyard. Image 01

### Individual Concern:

- Resident of <u>23 Loma Alta</u> concerns about the roof garden and if the future resident overlook to their backyard. Also didn't like the view of flat roof from their backyard.
- Resident of <u>45 Whitney Ave.</u> concerns about the roof garden and overlooking to their backyard. Also blocking their sunset view.
- Resident of 100 Los Gatos Blvd. concerns about the view from their kitchen window and needs explanation on how much the future house will block it. Also, if the future house will shade over their house.
- All three neighbors weren't happy with the architectural design.

## Reports & Summeries:

We set up two meetings on Friday Sep.11th 2020

- ZOOM call with the neighbor at 23 Loma Alta.
- In person meeting at 15 Loma Alta with the other two neighbors. Please see image 05-07

1- The roof garden is removed, and a gable roof is proposed. The roof starts from 5 to 6 feet from the balcony side sloping down towards north! It blocks both access and sight to 45 Whitney Ave. and 23 Loma Alta. And will put that specific concern in bed. Image 02-04

2- We are proposing to replace flat roof of living room with a sloped roof. This way the resident of 23 Loma Alta won't look at a flat roof from their backyard. Image 02-04

3- We are planting some greeneries in the left-over balcony in order to block the look of future structure tfrom 100 Los Gatos Blvd Kitchen window. The resident at 100 Los Gatos Blvd will see only greeneries with mountains in background.

4- On the garage we are proposing to either remodel the existing garage or replace the flat roof of proposed garage with a hip roof. There won't be any possibility of using garage roof as a balcony in future. Image 02-04

5- We agreed to install fences at the border of the project and 45 Whitney Ave if we demolish the existing garage.

6- we have explained to resident of 100 Los Gatos Blvd. that the future house shadow won't impact their house more than the existing elements such as two large oak trees and their own garage structure.

7- Based on the photo provided by 45 Whitney Ave. resident (image 01) the future house doesn't impact the sunset view from their backyard. The tip of trees is still higher from the future house structure.

## Conclusion:

All 3 neighbors fully understood and agreed that there won't be:

- No additional shadow will hover over their houses/backyard created by future house.
- No view blockage caused by future house after our new roof proposal presentation.
- No possibility of overlooking to their backyard and invasion of their privacy.

All 3 neighbors don't like the architectural style of the house.

- The architectural style of the house has been approved by Town architect, Canon Design Group, and Town of Los Gatos. We have followed all of Town's rules and guidelines and agreed to all Town's recommendations. It is impossible to make every single neighbor's happy and satisfy their taste.

## IMAGE 01



## IMAGE 02












This Page Intentionally Left Blank From: James Lyon <lyon.james.ward@gmail.com>
Sent: Thursday, September 10, 2020 5:57 PM
To: Jennifer Armer <JArmer@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>
Subject: 15 Loma Alta Ave

Hi Jennifer,

Thank you for the meeting information and the ability to attend/participate via Zoom. I hope the Town continues this post-pandemic, as it allows for easy public participation.

Regarding the project comments by the architect to my concerns, they have not addressed my concerns in any way.

In response to their comments below:

1. The proposed modern Victorian is not appropriate for the neighborhood and is in conflict with the **Residential Design Guidelines**. Unfortunately, it seems the Town Architect did not look at the project in context of the neighborhood and his comments did not go far enough to address the design beyond minor tweaks.

According to **Section 1.4 – Community Expectations**, the project as propose does not meet the following:

- Homes will respect the scale and character of their immediate neighborhoods.
- Structures will be designed with architectural integrity with design and material consistency on all facades.
- Attention will be given to architectural details consistent with the individual architectural style.
- Attention will be given to parcel landscaping that is sympathetic to the neighborhood.
- Homes will be designed with respect for the views, privacy and solar access of their neighbors.

According to **Section 2.1 - General Neighborhood Design Principles**, the project as propose does not meet the following:

• Residential development shall be similar in mass, bulk and scale to the immediate neighborhood. Consideration will be

given to the existing FAR's, residential square footages and lot size in the neighborhood.

According to Section 2.3.4 - Use roof forms and pitches that are similar to other houses in the **neighborhood.** The adjacent houses are all low pitched bungalows – a steep pitch roofed Victorian is not in compliance with this section.

The applicant should look at alternative architecture to better fit the bungalow enclave. Recommendations are to take queues from the existing home – Spanish style bungalow – that would allow for low pitch and parapet roof structures to reduce the height, bulk and mass. Alternatively, a Greene & Greene inspired bungalow again with a low pitched roof would fit the setting (and allow for a varied wall materials – stucco on the lower floor, shingle on the upper).

- 2. The height of the structure is a major concern to the surrounding neighbors beyond the 19 Loma Alta neighbor. Is 19 Loma Alta an owner or renter? This makes a big difference in point of view.
- 3. As far as a two story design, I have no objection. BUT the design <u>needs to be compatible</u> with the neighborhood what is proposed is NOT. 10 foot first floor and 9 foot second floor plate heights plus a steep pitched roof drive the overall height, mass and scale this is due to the mistaken choice of Victorian massing. Many of the homes referenced by the applicant are story and a half, with lower 2<sup>nd</sup> floor plate heights to reduce bulk and mass. Again, a change in architectural style as noted above can address these issues.
- 4. The applicant has not implemented a Victorian design, as the detailing is not true to the style. According to **Section 3.2.2 Design for architectural integrity**:

• In general, it is best to select a clear and distinctive architectural style rather than utilizing generic design elements

or mixing elements from different architectural styles. <u>[as the applicant has displayed in pages</u> <u>20-23 of their justification, their design is a jumble of different styles and elements]</u>

• Building massing, roof pitches, materials, window types and proportions, design features (e.g., roof dormers), and other architectural features should be consistent with the traditions of the selected style [applicant has selected material – stucco, aluminum windows, metal roof, not consistent with the traditions of the selected style].

• Carry wall materials, window types and architectural details around all sides of the house. Avoid side and rear elevations that are markedly different from the front elevation [as the applicant has done with a change in fenestration at the rear of the property].

• Develop floor plans that allow the location and size of windows to match the selected architectural style [as the applicant has NOT done as they have placed a "funny" window of the front door area]. For example, some styles emphasize the placement of windows in a symmetrical relationship to the entry.

The applicant has not met this threshold of a Victorian design. The design is confused and jumbled with varying windows and fenestration, unrelated design elements, and material selection.

Further, the applicant does not meet **Section 3.7.3** - **Match window materials to the architectural style and to the surrounding neighborhood**:

• Wood windows are common in Los Gatos. Wood is still the desired choice for styles that traditionally used wood. However, today there are some window materials, such as vinyl clad wood windows that are not noticeably different from wood at a short distance. They may be used if their visual appearance matches wood.

• Generally, avoid metal windows. They may be considered acceptable for a Modern Style house, **but would be strongly discouraged for all other styles**.

- 5. Showing a photo of a metal roof is NOT a justification. It is a photo of a metal roof. There is no explanation or justification. Accordingly, a metal roof is NOT appropriate for a Victorian unless it is an outback Australia.
- 6. Backup requirement has been addressed by Staff as a Condition of Approval.

- 7. Not addressed by the application and would be mute with a redesign.
- 8. The applicant references Modern homes that are NOT in the same neighborhood context as their proposal. None of the references homes are next to a 1920's bungalow or adjacent to a Bell Ringer property. Modern is not appropriate for this location.

Overall, the application does not meet the Residential Design Guidelines and should undertake a complete redesign. Further I hope that applicant listened to the feedback and concerns of the immediate neighbors at the DRC and will make substantive changes prior to the next meeting.

Regards,

James Lyon

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TOWN OF LOS GATOS DEVELOPMENT REVIEW COMMITTEE REPORT

#### DRAFT MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING SEPTEMBER 22, 2020

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on September 22, 2020, at 10:00 a.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 COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online and not in the Council Chamber.

#### **ROLL CALL**

Present: Sally Zarnowitz, CDD Planning; Robert Gray, CDD Building; Mike Weisz, PPW Engineering; Corvell Sparks, PPW Engineering; and Tracy Staiger, SCCFD. Absent: None

Staff: Jennifer Armer, CDD Planning; Ryan Safty, CDD Planning; Sean Mullin, CDD Planning; Erin Walters, CDD Planning, Robert Schultz, TAO; WooJae Kim, PPW Engineering; and Kenny Ip, SCCFD.

#### **MEETING CALLED TO ORDER AT 10:00 AM**

#### **VERBAL COMMUNICATIONS**

-None.

#### **CONSENT ITEMS**

- 1. Approval of Minutes September 15, 2020
- MOTION: Motion by Robert Gray to approve the consent calendar. Seconded by Tracy Staiger.
- VOTE: Motion passed unanimously.

#### **PUBLIC HEARINGS**

#### 2. <u>15 Loma Alta Avenue</u> Architecture and Site Application S-19-023

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on a nonconforming property zoned R-1:8. APN 532-29-073. PROPERTY OWNER: BAB Investment Group LLC APPLICANT: Babak Homayouni PROJECT PLANNER: Jennifer Armer *Continued from September 8, 2020* 

The project planner presented the staff report.

Opened public comment.

#### Babak Homayouni

He is the applicant speaking on behalf of the request. They are available to answer questions.

#### James Lyon

He is a neighbor. He believes that the project does not comply with the Residential Design Guidelines.

#### **Rick Rutter**

He is a neighbor. He commented in support of James Lyon's concerns, and expressed significant design concerns. He is concerned that the project does not fit with the homes around it.

#### Kelly Luoma

She is a neighbor. She commented in support of James Lyon and Rick Rutter, and has concerns about the design, scope, and scale of the project in relationship to adjacent houses.

#### Will Luoma

He is a neighbor. He requested a response to the neighbors' comments.

#### Babak Homayouni (applicant for 15 Loma Alta)

He is the owner making closing comments on behalf of the request. They have reached out to James Lyon. Regarding the concerns about the design, the house size is not the largest in the neighborhood. The setbacks have been addressed. They have tried to explain the architectural style and to work with the neighbors. Closed public comment.

Committee members discussed the item.

MOTION:Motion by Robert Gray to approve the application with the required<br/>findings and considerations and the recommended conditions of<br/>approval. Seconded by Tracy Staiger

#### VOTE: Motion passed unanimously.

3. <u>33 Tait Avenue</u> Architecture and Site Application S-20-022

Requesting approval for construction of a new front porch with reduced setbacks on a pre-1941 residence on a nonconforming property zoned R-1:D. APN 510-44-005. PROPERTY OWNER/APPLICANT: Christopher Potter and Lisa Mammel APPLICANT: Chris Spaulding, Architect PLANNER: Sean Mullin

The project planner presented the staff report.

Opened public comment.

#### **Chris Spaulding**

He is the applicant speaking on behalf of the request.

Lisa Mammel

She is the property owner speaking on behalf of the request.

Closed public comment.

MOTION: Motion by Tracy Staiger to approve the application with the required findings and considerations and the recommended conditions of approval. Seconded by Robert Gray.

VOTE: Motion passed unanimously.

#### PAGE **4** OF **6** DEVELOPMENT REVIEW COMMITTEE MINUTES OF SEPTEMBER 22, 2020

#### 4. <u>79 Reservoir Road and 81 Reservoir Road</u> Subdivision Application M-20-004

Requesting approval for a lot line adjustment between two lots (79 Reservoir and 81 Reservoir Road) on properties zoned R:1-20. APNs 529-33-019 and 529-33-039. PROPERTY OWNERS: Donald Prolo, Dennis L. McEnvoy and Kim Worsencroft APPLICANT: Terence J. Szewczyk, TS Civil Engineering PROJECT PLANNER: Erin Walters

The project planner presented the staff report.

Opened public comment.

#### Terence Szewczyk

He is the applicant speaking on behalf of the request.

Closed public comment.

MOTION: Motion by Tracy Staiger to approve the application with the required findings and considerations and the recommended conditions of approval. Seconded by Corvell Sparks.

#### VOTE: Motion passed unanimously.

5. <u>400 Surmont Drive</u> Subdivision Application M-19-003

Requesting approval for subdivision of one lot into two lots with one remainder parcel on property zoned HR-2 1/2. APN 527-20-003. PROPERTY OWNER: Sandra K. Anderson APPLICANT: Terence Szewczyk PROJECT PLANNER: Ryan Safty

The planner presented the staff report.

Opened public comment.

#### Terence Szewczyk

He is the applicant speaking on behalf of the request. He noted that several concerns have been raised by the surrounding neighbors, and that he has submitted response letters to the questions. However, a continuance would allow further consideration and response.

#### Edward Laveroni

He is a neighbor to the west. He is concerned that approving this subdivision would result in the future subdivision of neighboring hillside lots. He is also concerned with the resulting drainage and fire potential associated with the future construction work.

#### Eva Fleischer

She is a neighbor to the east, on Westhill Drive. She submitted written comments and received a detailed response from the applicant. She is concerned about the wildlife, watershed, and fire potential related to the future construction. She does not think two new homes are appropriate for the HR-2½ zone.

#### Paul Consentino

He is an adjacent neighbor to the north. He has drainage concerns associated with the future construction. He is also concerned that the future driveway will encroach onto his property and be located too close to the storm drain and the existing drainage feature.

#### Terence Szewczyk

He is the applicant for the project making closing comments in response to public comments. The project would meet the Town's standard C-3 requirements for drainage. The future development proposal would have excellent fire access and a full fire turn-around area. The HR-2½ zone, per the Town's slope density calculation, would allow five homes on this lot. The biologist reviewed impacts to potential wildlife and determined there was no impact. The future driveway would not encroach onto the adjacent property, and a new retaining wall would be built along the existing drainage feature.

Closed public comment.

Committee members asked questions of staff and discussed the item.

MOTION: Motion by Mike Weisz to continue this application to October 6, 2020 to allow the applicant to review and respond to the concerns of the neighbors. Seconded by Robert Gray.

VOTE: Motion passed unanimously.

#### PAGE **6** OF **6** DEVELOPMENT REVIEW COMMITTEE MINUTES OF SEPTEMBER 22, 2020

#### **OTHER BUSINESS**

-None.

#### **ADJOURNMENT**

The meeting adjourned 10:57 a.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 22, 2020 meeting as approved by the Development Review Committee.

Prepared by:

Sally Zarnowitz, AIA, LEED AP, Planning Manager



#### **TOWN OF LOS GATOS** COMMUNITY DEVELOPMENT DEPARTMENT

110 E. Main Street Los Gatos, CA 95030

#### APPEAL OF THE DECISION OF **DEVELOPMENT REVIEW COMMITTEE**

#### PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DEVELOPMENT REVIEW COMMITTEE as follows

DATE OF DECISION:

9/22/2020
15 Loma Alter Ave
15 Loma Alta Ave

PROJECT/APPLICATION:

#### LOCATION:

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

- 1. Residential projects. Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
- 2. Non-residential and mixed-use projects. Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

#### LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

See Attached papers for details (13 page

#### IMPORTANT:

- 1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. If the tenth (10<sup>th</sup>) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Monday.
- 2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the planning commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
- 3. You will be notified, in writing, of the appeal date.
- Contact the project planner to determine what material is required to be submitted for the public hearing. 4.

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BP29742

#### Appeal of DRC approval decision for 15 Loma Alta Avenue

#### Architecture and Site Application S-19-023

#### Decision Date: September 22, 2020

#### 1. Introduction:

The basis of this appeal is that the applicant has NOT met the Town's Residential Design Guidelines and that the Town Consulting Architect erred in his assessment of the neighborhood and his guidance to the applicant by recommending incremental changes to a design that was in no way compatible with the Loma Alta Avenue neighborhood.

In this document, it will be demonstrated how the design as approved by the DRC on September 22, 2020 does not meet the Residential Design Guidelines and should be returned to Staff with direction for the applicant to redesign to be in compliance with the aforementioned guidelines.

The Town of Los Gatos prides itself on delivering two objectives to its residents through the robust Community Development process when it comes to residential development – neighborhood compatibility and design excellence. This project meets neither of these objectives.

We ask that the Planning Commission grant the appeal and return this project to Staff with specific directions on the design.

#### 2. Background:

This project started back in 2019 with an original submission from the developer that was well over FAR and integrated many modern steel roof features. The developer is a specialist in modern architecture reviewing their website portfolio. They seem to have limited experience developing in Los Gatos and designing traditional homes with traditional materials.



Residential references from Developer website - no traditional home designs

The Town Consulting Architect first reviewed the project on May 24, 2019 and subsequently on February 25, 2019. Each resubmission by the developer was comprised of incremental design changes to just "meet" the town architect's suggestions rather than taking a holistic view of the project to fit the neighborhood.

The project went to DRC on September 8, 2020 where there was substantial neighborhood objection over the architectural design and style. The project was continued until September 22, 2020 to allow the developer to address the neighborhood concerns. While the develop did meet with the neighbors, there was no compromise on the architectural design as the developer took the position: *"At the end it is important to mention that "Canon Design Group" has approved our architectural style and design. "The proposed design is modest in size and is consistent with the scale of other nearby homes in the area." This alone should be sufficient enough to not question the design."*<sup>1</sup>

This type of attitude has never been accepted in Los Gatos, particularly when the home is being developed for sale rather than as a primary residence. The developer only wants to quick turn the project and leave the Town with an eyesore.

#### 3. Neighborhood Expectations:

The neighborhood does not object to development of the property. On the contrary, the current home is neglected and dilapidated and in need of replacement. The neighborhood expects a **traditional design with traditional materials** to be fitting with the bungalow enclave on lower Loma Alta Avenue, to have excellence in that design and to use traditional materials to enhance and not detract from the neighborhood. The neighborhood does not object to a two-story home on the property, but expected the design to minimize bulk and mass to appear small and diminutive since this section of lower Loma Alta is all single-story homes. The neighborhood prefers a design in the style of the 10's block of Loma Alta – bungalow style with a low-pitched roof.

#### 4. Failure to Comply with the Residential Design Guidelines:

The following will detail how this proposed design does not meet the Residential Design Guidelines with reference to page and/or section of the Guidelines. Throughout this section the quotation of the design guidelines will be in *ITALICS*.

Page 6: **Architectural Style:** While a wide range of architectural styles is acceptable, there is an expectation that any specific style selected will be carried out with an integrity of forms and details that are consistent with that style.

The applicant has chosen a Victorian style and massing then detailed this mass with modern features. The applicant has NOT carried out a design consistent with the Victorian style. The applicant has chosen stucco finishes, metal roofs materials, aluminum windows and doors, plexiglass railing and laminate doors. **None of these are consistent details to the Victorian style**.

<sup>&</sup>lt;sup>1</sup> Bahar Masarati email September 7, 2020 responding to concerns of James Lyon



#### FRONT ELEVATION @ LOMA ALTA AVE.

#### Section 1.4 – Community Expectations:

- Homes will respect the scale and character of their immediate neighborhoods.
- Structures will be designed with architectural integrity with design and material consistency on all facades.
- Attention will be given to architectural details consistent with the individual architectural style.
- Attention will be given to parcel landscaping that is sympathetic to the neighborhood.
- Homes will be designed with respect for the views, privacy and solar access of their neighbors

The applicant does not meet this section specifically that the home as designed does not respect the scale of the immediate neighbors. The home which reaches 28' in height, towers over the 14' home (**double the height**) to the immediate right. Further, the selection of the Victorian style and massing is not in keeping with the character of the bungalow enclave on this portion of Loma Alta.

Secondly, the proposal has no architectural integrity. It is a mishmash of design elements lifted from neighboring homes as documented by the applicants "Read your Neighborhood" submission rather than a comprehensive holistic design. Further, the applicant has responded to the comments of the Town's consulting architect as an incremental fashion to "check the box" on the comments to get the design through DRC. Finally, this is not a 360-degree design as expected by the Town as it relates to design excellence.

The applicant has transitioned from Victorian forms in the front to Modern flat glass forms in the rear. There is inconsistency in fenestration – placement, types and sizes – throughout the proposal. See the elevations below:



# FRONT ELEVATION @ LOMA ALTA AVE.





Page 165

#### Section 2.1 - General Neighborhood Design Principles:

• Residential development shall be similar in mass, bulk and scale to the immediate neighborhood. Consideration will be given to the existing FAR's, residential square footages and lot size in the neighborhood.

While the proposal is within the FAR requirements, the home as proposed has significantly more mass bulk and scale that the neighboring homes. This is driven by interior elements of vaulted ceilings and open two-story space as well as 9' plate heights in the 2<sup>nd</sup> floor. Additionally, the use of the Victorian style – 12/12 pitch roof increases the height and mass of the structure.



#### 2.3.1 Design two story houses in predominantly one story neighborhoods to blend with the smaller homes.

Two-story houses may not be appropriate for every neighborhood. For neighborhoods dominated by one-story homes, an effort should be made to limit the house to one-story in height or to accommodated second floor <u>space within the</u> <u>existing roof</u>. If <u>a two-story house is proposed in this type of a neighborhood, the house shall be designed to blend with the smaller homes</u>.

As shown in the illustration below from the applicant's submission, the home is NOT using the roof mass to minimize the impact of the second story. In fact, with the vertical facades, the height of the structure is emphasized, not minimized thus not blending with the smaller homes in the area.



2.3.4 Use roof forms and pitches that are similar to other houses in the neighborhood

The adjacent houses are all low-pitched bungalows – a steep pitch roofed Victorian is not in compliance with this section. The immediate homes are all low-pitched roofed bungalows.

The applicant should look at alternative architecture to better fit the bungalow enclave. Recommendations are to take cues from the existing home – Spanish style bungalow – that would allow for low pitch and parapet roof structures to reduce the height, bulk and mass. Alternatively, a Greene & Greene inspired bungalow again with a low-pitched roof would fit the setting (and allow for a varied wall materials – stucco on the lower floor, shingle on the upper).

#### 2.3.6 Locate second floor mass to minimize impacts on the streetscape and adjacent neighbors

- In one story neighborhoods, place additions at grade level behind the existing house whenever possible.
- Place second story mass in locations appropriate to the height of adjacent homes.



The use of full 9' plate heights on the second story increases the bulk, mass and scale of the house. The height towers over the adjacent house, not relating to the context of the neighborhood.

#### 3.2 Architectural Style

#### 3.2.1 Select an architectural style with sensitivity to the surrounding neighborhood

The applicant's selection of Victorian form and mass is not sensitive the surrounding neighborhood of single-story bungalows. A more appropriate style would be a low-pitched roof Craftsman style, or Spanish style bungalow taking cues from the existing home – that would allow for low pitch and parapet roof structures to reduce the height, bulk and mass.

#### 3.2.2 Design for architectural integrity

Carry wall materials, window types and architectural details around all sides of the house. Avoid side and rear elevations that are markedly different from the front elevation.

As illustrated in earlier below, it is clear that the rear of this design has no relation to the front. The front tries poorly to be a Victorian design, while the rear tries to be a Modern Contemporary house. There is no 360-degree design that supports architectural integrity.



FRONT ELEVATION @ LOMA ALTA AVE.

These facades and fenestration have no relation to each other – not a 360 degree design



#### 3.5 Roofs 3.5.1 Unify roof pitches 3.5.2 Avoid excessive roof form complexity



As the roof plan shows, the design includes 3 different roof pitched – Flat, 3/12, 12/12. Further, the mix of peaked roof, shed roof and pyramidal roof structures exist to create unnecessary roof form complexity.

3.7.2 Match window types and proportions to the architectural style and to the surrounding neighborhood

- Select window types to complement the style of the house. Each architectural style generally has one or two window types that are traditional to the style. <u>Double hung windows, for example, are common features of Victorian and Craftsman Styles</u>
- Limit the number of different window types and proportions to enhance the visual unity of the house design.

The project as designed has a mishmash of window styles, types and proportions. On the front elevation alone, there are 5 different window sizes and styles. As you take this to the rear and side of the house, there this just grows exponentially. There is no consistency in the design.

Further, the neighboring homes have primarily wooden double hung or casement windows – there are no large floor to ceiling plate glass windows in the area.



#### 3.7.3 Match window materials to the architectural style and to the surrounding neighborhood

• Wood windows are common in Los Gatos. Wood is still the desired choice for styles that traditionally used wood. However, today there are some window materials, such as vinyl clad wood windows that are not noticeably different from wood at a short distance. They may be used if their visual appearance matches wood.

The project is proposing to use window and door materials in conflict with the architectural style and the surrounding neighborhood. The applicant is proposing to use aluminum windows, laminate doors and plexiglass railings that are in conflict with the surrounding neighborhood which is predominately wood windows and doors and wooded railing details.



In summary, the project as design DOES NOT meet the Residential Design Guidelines.

#### 5. Errors by the Town Consulting Architect:

The Town's Consulting Architect reviewed proposals and revisions by the applicant on May 24, 2019 and February 25, 2020.

In the initial review on May 24, 2019, the Consulting Architect erred in his recommendations to staff and the applicant, setting this applicant down a wrong path to make a series of incremental changes to what was an inappropriate design for the neighborhood.

On page 5 of the review, in the recommendation section, the Consulting Architect writes:

2. As noted in the Issues and Concerns, the use of metal roofing and siding may be difficult to reconcile with a strict interpretation of the Town's Residential Design Guidelines which place a strong emphasis on neighborhood compatibility regarding building styles, forms, materials and details. There is one metal roof in the immediate neighborhood, but no metal used for siding.

Over recent months, we have been seeing a trend toward more Contemporary expressions of traditional home styles. Metal roofing is perhaps the most frequently seen proposal. These proposals have been addressed by staff on a caseby-case basis in the context of the specific neighborhood. <u>Because the forms and scale of the proposed house are very</u> <u>well related to other homes in the immediate neighborhood</u>, this seems like occasion where staff might have greater flexibility in the accommodation of alternative materials. <u>The Architect erred in his assessment that the forms and scale are well related to other homes in the</u> <u>neighborhood.</u> As has been detailed in an earlier section of this appeal, the home DOES NOT have compatible forms or scale to the neighborhood when compared to homes in the neighborhood below:



As detailed in the prior page, the neighborhood is predominately **Single-Story Low-Pitched** Roof forms. The proposal is a Two Story Steep Pitched Roof form (Victorian). The line of homes on the same side of Loma Alta immediately surrounding the project site are all single-story low-pitched roof bungalows – a bungalow enclave.

While a two-story home is allowed in a single-story neighborhood, the design should be compatible – a two story with a low-pitched roof, reducing the overall height and mass would be more appropriate. Additionally, lowering plate heights and placing the second story within the roof line would also reduce the bulk and mass.

As noted in the Architects review of May 24, 2019, on Page 3:

Tall walls and flat roof in this neighborhood may be hard to reconcile to with the Town's Residential Design Guidelines. Metal roof and siding may be hard to reconcile to with the Town's Residential Design Guidelines.

While the applicant has removed the metal wall panels, they have NOT reduced the overall height (tall walls) nor eliminated the metal roof. There has NOT been a reconciliation to the design guidelines through the design review process.

Overall, the Town Consulting Architect erred on not resolving these fundamental issues at the outset. Instead the architect continued with incremental recommendations to the design leading to the developer taking the attitude of **"Canon Design Group"** has approved our architectural style and design....This alone should be sufficient enough to not question the design."<sup>2</sup>

#### 6. Neighborhood Design Recommendations.

The neighborhood would like to see a modest two-story design that has a low-pitched roof or second story tucked under the roof structure to reduce the overall height of the house to ~24 feet. There are numerous examples of these styles in the 100's block (odd side) of Loma Alta that would tie this project into the existing bungalow enclave in the 10's block.

We have taken the liberty to create some concepts as a starting point for a design that is compatible to the neighborhood. We believe if the Planning Commission returns this project to Staff with specific directions, these concepts may be used for specific directions.

<sup>&</sup>lt;sup>2</sup> Bahar Masarati email September 7, 2020 responding to concerns of James Lyon



Concept One – Spanish style two story – taking design cues from the existing home

Features:

- 9' plate heights achieving the interior ceiling heights the developer desires
- Second story set back to reduce bulk and mass at the street
- Low pitched and parapet flat roof to reduce the overall building height to ~24'
- Detailing taken from the existing home to give a sense of neighborhood continuity
- Stucco siding finish matching developers desired finished
- Wood windows and doors to meet the design guidelines and neighborhood compatibility

#### <u>Concept Two – Greene and Greene inspired bungalow</u>



Features:

- 8' plate heights on the second floor with vaulted ceilings achieving the interior heights the developer desires
- Low pitched roof to reduce the overall building height to ~24'
- Upper story set back on left side to reduce bulk and mass at street
- Detailing taken from classic bungalow for neighborhood continuity
- Stucco siding finish on lower story (optional) matching developers desired finished combined with shingles on second story to capture classic craftsman detailing
- Wood windows and doors to meet the design guidelines and neighborhood compatibility

# New LOMA ALTA Residenc



# 15 LOMA ALTA AVE. LOS GATOS, CA

ROJECT DESCRIPTION	SHEET INDEX
W CONSTRUCTION	ARCHITECTURAL DRA
STORY HOUSE INCLUDING: 3 BEDROOMS 3 BATHROOMS 2 CAR GARAGE SEMENT: 1 EXERCISE ROOM 1 BATHROOM L EXISTING BUILD TO BE DEMOLISHED.	A0.1COVER SIA0.2GREEN PA1.1EXISTINGA1.2PROPOSEDA1.3SHADOWA2.1aPROPOSEA2.1bPROPOSEA2.2PROPOSEA2.3PROPOSEA3.1PROPOSEA3.2PROPOSEA3.4ELEVATION
ROJECT DATA	<u>CIVIL_DRAWINGS</u>
Address: 15 Loma Alta APN:APN: $532-29-073$ Lot Size:Lot Size: $0.126$ Acres (5500 ft²)Net Lot Size: $0.126$ Acres (5500 ft²)Zoning District:R 1:8Occupancy:Currently UnoccupiedConstruction Type:ResidentialSetbacksAllowedExistingFront:25'Side:8'8'8'Panighetti St:15'8'8'Rear:8'1'3'FARAllowedHouse:1,903 ft²1,903 ft²1,462 ft²First Floor:2,236 ft²Garage:542.3 ft²468 ft²483 ft²Total:2,995.3 ft²1,274 ft²First Floor1,274 ft²708 ft²	C-1.0 TITLE SHE C-1.1 OVERALL C-2.0 GRADING C-2.1 GRADING C-3.0 SPECIFICA C-4.0 DETAILS C-4.1 DETAILS ER-1 EROSION ER-2 EROSION SW-1 STORMWAY SURVEY DRAWING SU.1 TOPOGRAM
otal Proposed Living Area Including Basement: 2,578 ft <sup>2</sup> otal Proposed Floor Area Including Basement: 3,061 ft <sup>2</sup> otal Proposed Living Area Excluding Basement: 1,870 ft <sup>2</sup>	FIRE SPRINKI
btal Proposed Floor Area Excluding Basement: 1,903 ft²         btal Allowable Floor Area Excluding Basement: 1,903 ft²         btal Requested Extra Floor Area:       0.00 ft²         Proposed Floor Area:       0.00 ft²         First Floor:       Living Area:       1,269 ft²         Garage:       483 ft²         Total:       1,752 ft²         Second Floor:       Living Area:       601 ft²         Total First & Second Floor:       1,870 ft²         Basement:       708 ft²	FIRE SPRINKLERS REQUIR DWELLING UNIT. AN AU TWO-FAMILY DWELLING ONE- AND TWO -FAMIL MORE THAN 3,6 SQUA EXCEPTION: A ONE-TIM FEET OF BUILDING AREA NOTE: THE OWNER (S) , CONSULTING WITH THE UPGRADE OF THE EXISTI PROTECTION CONTRAC APPROPRIATE FEES TO T SEC. 313.2 AS ADOPTED
	DESIGN PROF
	ARCHITECT: UTAPIA DESIGN & C WWW.UTAPIADC.NET PHONE: (408) 71 (408) 329
	<u>CIVIL ENGINEER</u> LEA & BRAZE leabraze.com 2495 Industrial Pkv Hayward, CA 94545
	<u>GEOLOGIST</u> ACHIEVEMENT ENGIN 2455 Autumnvale D San Jose, CA 9513 (408) 217-9174

ence Sheet index		Utopia DESIGN & CONSTRUCTION License Number Imm3.593 www.utopiadc.net 408-717-2373 408-329-3296
ARCHITECTURAL DRAWINGSA0.1COVER SHEETA0.2GREEN POINT RATEDA1.1EXISTING AND DEMOLITION SITEA1.2PROPOSED SITE PLANA1.3SHADOW STUDYA2.1aPROPOSED FIRSTA2.1bPROPOSED BASEMENT FLOOR PLANA2.2PROPOSED SECOND FLOOR PLANA3.1PROPOSED ROOF PLANA3.2PROPOSED SECTIONSA3.4ELEVATION STUDYA4.1OUTDOOR LIGHTING PLANCIVIL DRAWINGSC-1.0TITLE SHEET	PLAN PLAN N	CONSULTANT:
C-1.1 OVERALL SITE PLAN C-2.0 GRADING & DRAINAGE PLAN C-2.1 GRADING & DRAINAGE PLAN C-3.0 SPECIFICATIONS C-4.0 DETAILS C-4.1 DETAILS ER-1 EROSION CONTROL ER-2 EROSION CONTROL SW-1 STORMWATER POLLUTION PREVE SURVEY DRAWING SU.1 TOPOGRAPHIC SURVEY PLAN	NTION PLAN	CLENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
FIRE SPRINKLERS REQUIRED TO BE INSTALLED IN BO DWELLING UNIT. AN AUTOMATIC RESIDENTIAL FIRE TWO-FAMILY DWELLINGS AS FOLLOWINGS: IN ALL ONE- AND TWO -FAMILY DWELLINGS WHEN ADDI MORE THAN 3,6 SQUARE FEET. EXCEPTION: A ONE-TIME ADDITION TO AN EXISTIN FEET OF BUILDING AREA. NOTE: THE OWNER (S) , OCCUPANT(S) AND ANY O CONSULTING WITH THE WATER PURVEYOR OF REC UPGRADE OF THE EXISTING WATER SERVICE IS REC PROTECTION CONTRACTOR SHALL SUBMIT PLANS APPROPRIATE FEES TO THIS DEPARTMENT FOR REV SEC. 313.2 AS ADOPTED AND AMENDED BY LGTC	OTH THE SINGLE FAMILY HOME AND THE SECONDARY E SPRINKLER SYSTEM SHALL BE INSTALLED IN ONE- AND L NEW ONE- AND TWO-FAMILY DWELLINGS AND IN EXISTING TIONS ARE MADE THAT INCREASE THE BUILDING AREA TO IG BUILDING THAT DOES NOT TOTAL MORE THAN 1,000 SQUARE CONTRACTOR(S) SUBCONTRACTOR(S) ARE RESPONSIBLE FOR CORD IN ORDER TO DETERMINE IF ANY MODIFICATION OR QUIRED. A STATE OF CALIFORNIA LICENSED (C-16) FIRE , CALCULATION, A COMPLETE PERMIT APPLICATION AND VIEW AND APPROVAL PRIOR TO BEGINNING THEIR WORK. CRC	DRAWING TITLE: COVER SHEET
DESIGN PROFESSIONALS <u>ARCHITECT:</u> UTAPIA DESIGN & CONSTRUCTION WWW.UTAPIADC.NET PHONE: (408) 717–2373 (408) 329–3296 <u>CIVIL ENGINEER</u> LEA & BRAZE leabraze.com 2495 Industrial Pkwy Hayward, CA 94545 <u>GEOLOGIST</u> ACHIEVEMENT ENGINEERING CORP. 2455 Autumnvale Drive, Unit E San Jose, CA 95131 (408) 217–9174 info@achieveng.com	TOPOGRAPHIC SURVEY ALVAREZ & ASSOCIATES, INC. 82 N Capitol Ave. San Jose, CA 95127 <u>GEOTECHINAL ENGINEER</u> American Soil Testing and Engineering, Inc. 735 E. Brokaw Road San Jose, CA 95112 (408) 559-6400	REV       DATE       DESCRIPTION         1       7/25/19       CITY COMMENTS         1       12/14/19       CITY COMMENTS         1       03/16/20       CITY COMMENTS         1       06/29/20       CITY COMMENTS         1       06/29/20       CITY COMMENTS         1       06/29/20       CITY COMMENTS         1       0       0         <



PANIGHETT	TI RESIDENCE	Points Targeted	Community	Energy	IAQ/Health	Resources
New Home Single Family	y v. 7.0.2		a second	P	Possible Points	
Yes	CALGreen Res (REQUIRED)	4	( )	1	1	1 1
B. FOUNDATION			-			
Yes	B5. Structural Pest Controls B5.2 Plant Trunks, Bases, or Stoms at Least 36 Inches from the Foundation	1		<del></del>		
C. LANDSCAPE	B5.2 Plant munks, bases, or Stems at Least 36 inches from the Foundation					L '
15.30%	Enter the landscape area percentage					
Yes	C1. Plants Grouped by Water Needs (Hydrozoning)	1				
res	C2. Three Inches of Mulch in Planting Beds C3. Resource Efficient Landscapes	1		<u> </u>		
Yes	C3.1 No Invasive Species Listed by Cal-IPC	1		T	T	1
Yes	C3.2 Plants Chosen and Located to Grow to Natural Size	1				1
Yes	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other	3				
	C4. Minimal Turf in Landscape			<u> </u>		<u> </u>
Yes	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in					
<10%	Areas Less Than Eight Feet Wide	2		<b> </b>		+
Yes	C4.2 Turi on a Small Percentage of Landscaped Area	2		<u> </u>		+
Yes	C13. Reduced Light Pollution	1	1			
Yes	C14. Large Stature Tree(s)	1	1			
D. STRUCTURAL FRAME	AND BUILDING ENVELOPE					
Voc	D3. Engineered Lumber	1		<del></del>	1	
Yes	D3.1 Engineered Beams and Headers D3.2 Wood I-Joists or Web Trusses for Floors	1		<u> </u>		$\frac{1}{1}$
E. EXTERIOR						· ·
Yes	E4. Durable and Non-Combustible Cladding Materials	1				1
Voc	E5. Durable Roofing Materials	1		<del></del>	T	
G. PLUMBING	E5.1 Durable and Fire Resistant Rooling Materials of Assembly	1		I		<u> </u>
	G1. Efficient Distribution of Domestic Hot Water					
Yes	G1.1 Insulated Hot Water Pipes	1		1		
H. HEATING, VENTILATIO	N, AND AIR CONDITIONING					
Yes	H1. Sealed Combustion Units	1		<del></del>	1	<del></del>
Yes	H1.2 Sealed Combustion Water Heater	2		<u> </u>	2	+
	H3. Effective Ductwork					
Yes	H3.1 Duct Mastic on Duct Joints and Seams	1		1		
Yes	H5. Advanced Practices for Cooling H5.1 ENERGY STAR Ceiling Fans in Living Areas and Bedrooms	1		1	T	Т
	H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality			<u> </u>		<u> </u>
Yes	H6.1 Meet ASHRAE 62.2-2010 Ventilation Residential Standards	Y	R	R	R	R
Yes	H8. High Efficiency HVAC Filter (MERV 13+)	1		<b> </b>	1	+
I. RENEWABLE ENERGY	HTU. NO FIREPIACE OF Sealed Gas Firepiace				1	
Yes	I2. Preparation for Future Photovoltaic Installation	1		1		
J. BUILDING PERFORMA	NCE AND TESTING					
Option 1. Compliance Ou	J5. Building Performance Exceeds Title 24 Part 6			<del></del>	1	<del></del>
Title 24	J5.1 Home Outperforms Title 24 Part 6	25.25		25+		
K. FINISHES						
Yes	K2. Zero-VOC Interior Wall and Ceiling Paints	2			2	
L. FLOORING ≥50%	1.2 Low-Emitting Electring Meets CDPH 2010 Standard Method—Residential	2			3	T
Yes	L3. Durable Flooring	1		<u> </u>	Ŭ	1
M. APPLIANCES AND LIG	HTING					
Yes	M1. ENERGY STAR® Dishwasher	1				
CEE Tier 2	M2. Efficient Clothes Washing and Drying	2		1		+
Yes	M2.1. CEL-Rated Clothes Washer M2.2 Energy Star Dryer	2		2		+
	M4. Permanent Centers for Waste Reduction Strategies			1		
Yes	M4.1 Built-In Recycling Center	1				1
	M4.2 Built-In Composting Center	1		I		1
	N1. Smart Development					
Yes	N1.1 Infill Site	2	1			1
	N3. Pedestrian and Bicycle Access	0	2	1		т —
0	Enter the number of Tier 1 services	0	۷	L		
0	Enter the number of Tier 2 services					
Yes	N3.2 Connection to Pedestrian Pathways	1	1			
Vec	N5. Social Interaction	1	1	T	1	т
Yes	N5.2 Entrances Visible from Street and/or Other Front Doors	1	1	<del> </del>		+
Yes	N5.3 Porches Oriented to Street and Public Space	1	1			
O. OTHER				_	_	_
Yes	01. GreenPoint Rated Checklist in Blueprints 02. Pre-Construction Kickoff Meeting with Rater and Subcontractors	Y 2	R	R 05	R	R 1
Yes	07. Green Appraisal Addendum	Y	R	R	R	
Summary			Community	Energy	IAO/Health	Resou
	Total Available Points in Specific Categories	301.5	29	75.5	60	87
	Minimum Points Required in Specific Categories	50	2	25	6	6
	Total Points Targeted	78.3	7.0	33.8	10.0	13.

# NEW HOME RATING SYSTEM, VERSION 7.0

# Bluep

print Scoresheet				7 9	
Resources	Water	Responsibl e Party	Blueprint Page No.		CONSTRUCTION CONSTRUCTION Der Inn3593 dc.net dc.net 3 408-329-329
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3.0	14.5				SHEETOF



Utopia DESIGN & CONSTRUCTION License Number 1003593 ivww.utopiadc.net 408-717-2373 408-329-3296
CONSULTANT:
CLIENT: CLIENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
RAWING TITLE: EXISTING SITE PLAN
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WILDLAND-URBAN INTERFACE:

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 PURVEYORS. SUCH REQUIREMENTS SHALL BE INCORPORATE TO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND / OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY 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 BE GRANTED BY THE 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). 2016 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.7.

CONSTRUCTION SITE FIRE AND SAFETY:







SHEET









# <u>NOTE:</u>

- PER TOWN RESIDENTIAL ACCESSIBILITY STANDARD (1994–61), NEW RESIDENTIAL SHALL BE DESIGNED WITH ADAPTABILITY FEATURES FOR SINGLE-FAMILY RESIDENCES:

   WOOD BACKING (2"x8" MIN.) SHALL BE PROVIDED IN ALL BATHROOM WALLS, AT WATER
  - CLOSETS, SHOWERS, AND BATHTUBS LOCATED 34" FROM THE FLOOR TO THE CENTER OF THE BACKING, SUITABLE FOR THE INSULATION OF GRAB BARS IF NEEDED IN THE FUTURE.
  - B. ALL PASSAGE DOORS SHALL BE AT LEAST 32" DOORS ON THE ACCESSIBLE FLOOR LEVEL.
    C. THE PRIMARY ENTRANCE DOOR SHALL BE 36"" WIDE DOOR INCLUDING A 5'x5' LEVEL LANDING, NO MORE THAN 1" OUT OF PLANE WITH THE IMMEDIATE INTERIOR FLOOR LEVEL AND WITH AN 18" CLEARANCE AT INTERIOR STRIKE EDGE.
- 2. A DOOR BUZZER, BELL OR CHIME SHALL BE HARD WIRED AT PRIMARY ENTRANCE 3. ADDRESS DEDICATION:

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. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBER SHALL BE PROVIDED IN ADDITIONAL APPROVE LOCATIONS OF FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE 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 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. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.

	Utopid DESIGN & CONSTRUCTION License Number 1003593 www.utopiadc.net 408-717-2373 408-329-3296
	CONSULTANT:
	CLIENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
	PROPOSED FIRST AND BASEMENT FLOOR PLAN
	□       EV     DATE     DESCRIPTION       □     7/25/19     CITY COMMENTS       □     12/14/19     CITY COMMENTS       □     03/16/20     CITY COMMENTS       □     06/29/20     CITY COMMENTS       □     06/29/20     CITY COMMENTS       □     09/19/20     CITY COMMENTS       ■     □     □       ■
JC S+	ив No.: – НЕЕТ No.: <b>A2.10</b> SHEETOF


# <u>NOTE:</u>

- PER TOWN RESIDENTIAL ACCESSIBILITY STANDARD (1994–61), NEW RESIDENTIAL SHALL BE DESIGNED WITH ADAPTABILITY FEATURES FOR SINGLE-FAMILY RESIDENCES:
  - A. WOOD BACKING (2"x8" MIN.) SHALL BE PROVIDED IN ALL BATHROOM WALLS, AT WATER CLOSETS, SHOWERS, AND BATHTUBS LOCATED 34" FROM THE FLOOR TO THE CENTER OF THE BACKING, SUITABLE FOR THE INSULATION OF GRAB BARS IF NEEDED IN THE FUTURE.
  - B. ALL PASSAGE DOORS SHALL BE AT LEAST 32" DOORS ON THE ACCESSIBLE FLOOR LEVEL. C. THE PRIMARY ENTRANCE DOOR SHALL BE 36"" WIDE DOOR INCLUDING A 5'x5' LEVEL LANDING, NO MORE THAN 1" OUT OF PLANE WITH THE IMMEDIATE INTERIOR FLOOR LEVEL AND WITH AN 18" CLEARANCE AT INTERIOR STRIKE EDGE.
- 2. A DOOR BUZZER, BELL OR CHIME SHALL BE HARD WIRED AT PRIMARY ENTRANCE 3. ADDRESS DEDICATION:
- 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. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBER SHALL BE PROVIDED IN ADDITIONAL APPROVE LOCATIONS OF FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE 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 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. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1 .

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CONSULTANT:
CLIENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
AWING TITLE: PROPOSED BASEMENT FLOOR PLAN
REV       DATE       DESCRIPTION         1       7/25/19       CITY COMMENTS         1       12/14/19       CITY COMMENTS         3       03/16/20       CITY COMMENTS         4       06/29/20       CITY COMMENTS         5       09/19/20       CITY COMMENTS         5       09/19/20       CITY COMMENTS         6       09/19/20       CITY COMMENTS         6       09/19/20       CITY COMMENTS         0       09/19/20       CITY COMMENTS
DATE: 3/30/19 SCALE: JOB No.: – SHEET No.: A2.1b







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CONSULTANT:
CLIENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
DRAWING TITLE: PLAN PLAN
REV       DATE       DESCRIPTION         1       7/25/19       CITY COMMENTS         1       12/14/19       CITY COMMENTS         3       03/16/20       CITY COMMENTS         3       03/16/20       CITY COMMENTS         4       06/29/20       CITY COMMENTS         5       09/19/20       CITY COMMENTS         5       09/19/20       CITY COMMENTS         1       1       1         DRAWN:       1       1         CHECKED:       3/30/19
SCALE: JOB No.: - SHEET No.: A2.3 SHEETOF

### <u>SYMBOL LEGEND</u>



FLAT BALCONY

METAL ROOFING



METAL AWNING

\_\_\_ METAL AWNING (TYP)















~ .	
and the	

SYMBOL LEGEND METAL ROOFING		
	METAL AWNING	
	CEMENT PLASTER	
	LAMINATE FINISH DOOR	
	PLEXIGLASS GUARDRAIL BY MANUFACTURE	
-	ALUMINUM FRAME WINDOW AND DOORS	

<sup>1</sup>/<sub>8</sub>"=1'-0"



<sup>1</sup>/<sub>8</sub>"=1'-0"

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	CONSULTANT:
	CLIENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
	DRAWING TITLE: BUILDING ELEVATIONS
F Z Z	□         REV       DATE       DESCRIPTION         ①       7/25/19       CITY COMMENTS         ②       12/14/19       CITY COMMENTS         ③       03/16/20       CITY COMMENTS         ④       06/29/20       CITY COMMENTS
	25 09/19/20 CITY COMMENTS

A3.<sup>7</sup>

SHEET \_











1/8"=1'-0"









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CONSULTANT:
CLIENT: LOMA ALTA Residence 15 LOMA ALTA LOS GATOS APN: 532-29-073
YOULDAD         HILDINARO         HILDINARO





# LEGEND

PROPOSED

### EXISTING

	RW RW
	SUB
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SD	SD
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# ABBREVIATIONS

AB	AGGREGATE BASE	LF
AC	ASPHALT CONCRETE	MAX
ACC	ACCESSIBLE	MH
AD	AREA DRAIN	MIN
BC	BEGINNING OF CURVE	MON.
R & D	BEARING & DISTANCE	MRO
RM	BENCHMARK	(NI)
BUB	BUBBI FR BOX	
BW/FC		NTS
DW/FG	CPADE	
		0.0.
		0/
	CORD AND GUITER	(PA)
<u> </u>		PED
CPP	CORRUGATED PLASTIC PIPE	PIV
	(SMOOTH INTERIOR)	PSS
CO	CLEANOUT	ዊ
COTG	CLEANOUT TO GRADE	PP
CONC	CONCRETE	PUE
CONST	CONSTRUCT or -TION	PVC
CONC COR	CONCRETE CORNER	R
CY	CUBIC YARD	RCP
D	DIAMETER	RIM
DI	DROP INLET	RW
DIP	DUCTILE IRON PIPE	R/W
EA	EACH	S
EC	END OF CURVE	S.A.D.
EG	EXISTING GRADE	SAN
EL	ELEVATIONS	SD
EP	EDGE OF PAVEMENT	SDMH
EQ	EQUIPMENT	SHT
EW	EACH WAY	S.L.D.
(E)	EXISTING	SPEC
FC	FACE OF CURB	SS
FF	FINISHED FLOOR	SSCO
FG	FINISHED GRADE	SSMH
FH	FIRE HYDRANT	ST
FI	FLOW LINE	STA
FS	FINISHED SURFACE	STD
G	GAS	STRUC
ĞA	GAGE OR GAUGE	T
GB	GRADE BREAK	to
HDPF	HIGH DENSITY CORRUGATED	TOW
	POLYETHYLENE PIPE	TEMD
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н <i>ъ</i> т		
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.IR	JUNCTION BOY	VCP
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.ID		W/
		W, WL
		WM
LINDG		WWF

### DESCRIPTION

BOUNDARY PROPERTY LINE **RETAINING WALL** LANDSCAPE RETAINING WALL RAINWATER TIGHTLINE SUBDRAIN LINE TIGHTLINE STORM DRAIN LINE SANITARY SEWER LINE WATER LINE GAS LINE PRESSURE LINE JOINT TRENCH SET BACK LINE CONCRETE VALLEY GUTTER EARTHEN SWALE CATCH BASIN JUNCTION BOX AREA DRAIN CURB INLET STORM DRAIN MANHOLE FIRE HYDRANT SANITARY SEWER MANHOLE STREET SIGN SPOT ELEVATION FLOW DIRECTION DEMOLISH/REMOVE BENCHMARK CONTOURS

TREE TO BE REMOVED

LINEAR FEET MAXIMUM MANHOLE MINIMUM MONUMENT METERED RELEASE OUTLET NEW NUMBER NOT TO SCALE ON CENTER OVER PLANTING AREA PEDESTRIAN POST INDICATOR VALVE PUBLIC SERVICES EASEMENT PROPERTY LINE POWER POLE PUBLIC UTILITY EASEMENT POLYVINYL CHLORIDE RADIUS **REINFORCED CONCRETE PIPE** RIM ELEVATION RAINWATER RIGHT OF WAY SLOPE SEE ARCHITECTURAL DRAWINGS SANITARY STORM DRAIN STORM DRAIN MANHOLE SHEET SEE LANDSCAPE DRAWNGS SPECIFICATION SANITARY SEWER SANITARY SEWER CLEANOUT SANITARY SEWER MANHOLE STREET STATION STANDARD STRUCTURAL TELEPHONE TOP OF CURB TOP OF WALL TEMPORARY TOP OF PAVEMENT TOP OF WALL/FINISH GRADE TYPICAL VERTICAL CURVE VITRIFIED CLAY PIPE VERTICAL WITH WATER LINE WATER METER WELDED WIRE FABRIC



BASIS OF BEARINGS THE BEARING N 39'05'00" W, OF THE CENTERLINE OF LOMA ALTA AVENUE AT PAGE 21, SANTA CLARA COUNTY RECORDS. WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTES (PROVIDED FROM TOPO BY ALVAREZ & ASSOCIATES, INC.)

- 1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
- 2. UNDERGROUND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE. 3. BUILDING FOOTPRINTS ARE SHOWN AT GROUND LEVEL.
- 4. FINISH FLOOR ELEVATION IS TAKEN AT DOOR THRESHOLD (EXTERIOR)
- 5. GROUND ELEVATIONS ARE BASED ON AN ASSUMED BENCHMARK OF 100.00'
- 6. R.O.S. 797 M 21

ESTIMATED	EARTH
	WITHIN BUILDII FOOTPRINT
сит _1 (	220
FILL	
EXPORT	
NOTE:	

ANY SWELLING OR SHRINKAGE FACTORS AND IS INTENDED TO REPRESENT IN-SITU CONDITIONS. QUANTITIES DO NOT INCLUDE OVER-EXCAVATION, TRENCHING, STRUCTURAL FOUNDATIONS OR PIERS, OR POOL EXCAVATION (IF ANY). NOTE ADDITIONAL EARTHWORKS, SUCH AS KEYWAYS OR BENCHING MAY BE REQUIRED BY THE GEOTECHNICAL ENGINEER IN THE FIELD AT TIME OF CONSTRUCTION. CONTRACTOR TO VERIFY QUANTITIES.

# LOMA RESIDENCE **15 LOMA ALTA AVENUE** LOS GATOS, CALIFORNIA



# KEY MAP 1" = 20'

# (PROVIDED FROM TOPO BY ALVAREZ & ASSOCIATES, INC.)

- AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 797 OF MAPS

#### (PROVIDED FROM TOPO BY <u>LEGEND</u> ALVAREZ & ASSOCIATES, INC.)

- \_\_\_\_ \_ \_ \_ \_ \_ \_ INDICATES DISTINCTIVE BORDER
- \_\_\_\_\_
  - - CENTER LINE FOUND STANDARD STREET MONUMENT
    - GAS METER
    - EM ELECTRICAL METER
    - WATER METER
    - --- POWER POLE
    - < GUY WIRE AND ANCHOR
    - JOINT POLE
    - SEWER CLEANOUT
    - S SEWER MANHOLE

# RETAINING WALL NOTES (GRADING INFORMATION)

- 1. TW/FG REPRESENTS FINISHED EARTHEN GRADE OR PAVEMENT ELEVATION AT TOP OF WALL, NOT ACTUAL TOP OF WALL MATERIAL. BW/FG REPRESENTS FINISH EARTHEN GRADE OR PAVEMENT ELEVATION AT BOTTOM OF WALL NOT INCLUDING FILL FOUNDATION. GRADES INDICATED ON THESE PLANS REFER TO THE FINISHED GRADES ADJACENT TO THE RETAINING WALL, NOT INCLUDING FOOTING, FREEBOARD, ETC.
- 2. DIMENSIONS SHOWN IN BRACKETS SHOWN AS [X.X'] DENOTE THE EFFECTIVE WALL HEIGHT ONLY. THE ACTUAL WALL HEIGHT AND DEPTH MAY DIFFER DUE TO CONSTRUCTION REQUIREMENTS.
- 3. REFER TO SPECIFIC WALL CONSTRUCTION DETAIL FOR STRUCTURAL ELEMENTS, FREEBOARD, AND EMBEDMENT (BY OTHERS).
- REFER TO ARCHITECTURAL, LANDSCAPE ARCHITECTURE, AND/OR STRUCTURAL PLANS FOR DETAILS, WALL ELEVATIONS, SUBDRAINAGE, WATERPROOFING, FINISHES, COLORS, STEEL REINFORCING, MATERIALS, ETC. PROVIDE CLIPS OR OTHER MEANS OF SECURING FINISH MATERIALS AS NECESSARY (WET SET INTO THE WALL).
- ALL RETAINING WALLS SHOULD HAVE A BACK-OF-WALL SUB-SURFACE 5. DRAINAGE SYSTEM INCLUDING WEEPHOLES TO PREVENT HYDROSTATIC PRESSURE.
- 6. SEE DETAIL SHEET FOR SPECIFIC INFORMATION.
- 7. PROVIDE GUARDRAIL (WHERE APPLICABLE AND DESIGNED BY OTHERS) AS REQUIRED FOR GRADE SEPARATION OF 30 INCHES OR MORE MEASURED 5' HORIZONTALLY FROM FACE OF WALL, PER CBC.

15 LOMA ALTA AVENUE LOS GATOS, CA DATED: 4-9-19

LOS GATOS. CA DATED: 3-30-19 UPDATED: 02-03-20

ACCORDING TO THEM.





WORK QUANTITIES OUTSIDE NG FOTAL CUBIC BUILDING YARDS FOOTPRINT  $\sim \sim \sim$ 225 25 200  $\overline{\phantom{a}}$ GRADING QUANTITIES REPRESENT BANK YARDAGE. IT DOES NOT INCLUDE





5. Engineer shall submit a set of cut sheets in a form approved by the District at least one working day prior to the start of construction. Approved plan revisions requiring changes in grade or alignment will require submittal of revised cut sheets before construction.

6. Underground contractor shall be appropriately licensed and comply with District's insurance coverage and performance bond requirements.

7. Prior to construction, underground contractor to obtain excavation permit from \_\_\_\_\_

8. Contractor shall obtain inquiry identification number from USA (800) 227-2600.

9. West Valley Sanitation District, Ordinance Code Sec. 6.060, requires the installation of a back-flow protective device in the building plumbing system when the lowest floor level is below the next upstream manhole or vertical riser rim.

10. It is the Contractor's responsibility to "pothole" any utility crossings or other underground obstructions before proceeding with construction. The Contractor should coordinate with the Design Engineer to verify the elevation and alignment of any underground appurtenances. Failure to verify locations in advance may result in construction delays pending design revisions and re-submittals for approval.

11. Contractor shall exercise proper safety procedures when working in confined space in accordance with the latest CAL/OSHA provisions.

12. All sanitary sewer lines, including 4-inch building sewers, will be TV-inspected by WVSD.

13. To accommodate the TV-inspection of sewer lines 6" or larger, the contractor will air test, ball, mandrel (for plastic pipe), and flush the system. It will be the responsibility of the contractor to insure access to the manhole. In the event the TV-inspection crew arrives to find they are unable to conduct the TV-inspections because of buried manholes, equipment or materials in the way, etc., then the developer or contractor will be charged for the time spent by WVSD.

Approved As To Design Only, Based On Information Submitted Hereon.

# TYPICAL SEWER NOTE

# WEST VALLEY SANITATION DISTRICT, SANTA CLARA COUNTY

1. All material and methods of construction for sanitary sewers must conform to the Standard Specifications of West Valley Sanitation District. Inspection of sanitary sewer work will be carried out by said District located at 100 E. Sunnyoaks Avenue, Campbell, California. Notify District office 48 hours before requiring inspection. Telephone

2. Unless otherwise indicated on the improvement plans, sewer pipe options are vitrified clay and PVC SDR 26 (or

3. 3/4" crushed aggregate (per Section 200-1.2) shall be used for pipe bedding as set forth in Section 306-1.2.1 of the 2006 Edition of the "Greenbook" (Standard Specifications for Public Works Construction).

4. A building sewer shall be constructed for each residence, minimum slope 2%. The underground contractor shall install a clean-out for each building sewer.



<u>NOTE:</u> FOR CONSTRUCTION STAKING SCHEDULING OR QUOTATIONS PLEASE CONTACT ALEX ABAYA AT LEA & BRAZE ENGINEERING (510)887-4086 EXT 116. aabaya@leabraze.com

\* BUILDING PAD NOTE: ADJUST PAD LEVEL AS REQUIRED. REFER TO STRUCTURAL PLANS FOR SLAB SECTION OR CRAWL SPACE DEPTH TO ESTABLISH PAD LEVEL.



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LEA & BRAZE ENGINEERING, INC. LEA & BRAZE ENGINEERING, INC. CIVIL ENGINEERS • LAND SURVEYORS BAY AREA REGION 2495 INDUSTRIAL PKWY WEST HAYWARD, CALIFORNIA 94545 (P) (510) 887–4086 (F) (510) 887–4086 (F) (510) 887–3019 (F) (510) 887–3019 (F) (510) 887–3019 (F) (510) 887–3019 (F) (916)966–1338 (F) (916)797–7363 (F) (916)797–7363		
LOMA RESIDENCE 15 LOMA ALTA AVENUE LOS GATOS, CALIFORNIA sana clara county april 532-29-073		
OVERALL SITE PLAN		
PLAN REV       TT         -       -         JOB NO:       2190761         DATE:       08-09-19         SCALE:       AS NOTED         DESIGN BY:       DY/AQ         DRAWN BY:       WA         SHEET NO:       -		



$\langle 1 \rangle$	FLATWORK FINISHED GRADES AT BUILDING PERIMETER SHALL BE SLOPED AT A MINIMUM OF 5% FOR THE FIRST 10' AWAY FROM THE BUILDING PER CBC 1804.4 OR TO AN APPROVED DRAINAGE SWALE OR STRUCTURE. GRADES SHALL CONTINUE TO SLOPE TOWARDS POSITIVE DRAINAGE AND A POSITIVE OUTFALL. MAINTAIN 8" CLEARANCE BETWEEN FINISH EARTHEN GRADE AND BOTTOM OF MUD SILL AT ALL TIMES PER CBC 2304.12.1.2 UNLESS STRUCTURAL DETAILING ALLOWS LESS. REFER TO STRUCTURAL PLANS FOR FOUNDATION DESIGN AND DETAILS.	No. C79655
$\langle 2 \rangle$ $\langle 3 \rangle$	SLOPE GARAGE SLAB 1% MINIMUM (1/8" PER FOOT) FROM BACK TO FRONT TO ALLOW FOR ADEQUATE DRAINAGE. MAINTAIN 1/2" TO 1" LIP BETWEEN GARAGE SLAB AND DRIVEWAY. SEE PLANS FOR SPECIFIC DROP PROVIDE 2% SLOPE ACROSS FLAT WORK AND/OR PAVING PER CBC 1804.4. SLOPE TOWARDS POSITIVE DRAINAGE AS SHOWN ON PLAN	ERING, INC. SURVEYORS O REGION AS BLVD, # 300 CA 95661 66-1338 7-7363
4 5 6	(N) CONCRETE DRIVEWAY. SEE DETAIL 2 ON SHEET C-4.0. (N) CONCRETE PATIOS/WALKWAYS. SEE DETAIL 1 ON SHEET C-4.0. (N) WOOD DECK. SEE ARCHITECTURAL PLANS. STORM DRAIN KEYNOTES $10$ to $18$	BRAZE ENGINEE IGINEERS • LAND 5 SACRAMENT WEST 3017 DOUGLA 94545 ROSEVILLE, (P) (916)96 (F) (916)79 LEABRAZE.COM
(10)	INSTALL (N) ON-SITE STORM DRAIN SYSTEM. USE MINIMUM 6" PVC (SDR 35) OR HDPE (ADS N-12 W/ SMOOTH INTERIOR WALLS). MAINTAIN 24" MINIMUM COVER AND SLOPED AT 1% MINIMUM AT ALL TIMES UNLESS OTHERWISE NOTED. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90" BENDS AND INSTEAD USE (2) 45" BENDS AND WYE CONNECTIONS. INSTALL (N) SUBDRAIN. USE PERFORATED 4" PVC (SDR-35) WITH HOLES	LEA & LEA & CIVIL EN BAY AREA REGION 2495 INDUSTRIAL PKWY HAYWARD, CALIFORNIA (P) (510) 887–4086 (F) (510) 887–4086 (F) (510) 887–3019 WWW.I
<b>(1)</b>	DOWN AND SLOPED AT 1% MINIMUM SURROUND WITH 3/4" DRAIN ROCK WRAPPED IN FILTER FABRIC (MIRAFI 140N). MIRADRAIN OR OTHER LEA & BRAZE PREAPPROVED DRAINAGE SYSTEM MAY ALSO BE USED. AVOID USING 90' BENDS AND INSTEAD USE (2) 45' BENDS AND WYE CONNECTIONS. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION AND AT 100' MAXIMUM INTERVALS. SUBDRAIN SHALL REMAIN A DEDICATED SEPARATE SYSTEM UNTIL IT CONNECTS TO STORM DRAIN SYSTEM OR OUTFALL AS SHOWN.	NUE NIA N: 532-29-073
(12) ^	CONSTRUCT (N) EARTHEN SWALE SLOPED AT 1% MINIMUM TOWARDS POSITIVE OUTFALL. SEE DETAIL 6 ON SHEET C-4.0. DIRECT DOWNSPOUTS TO 24" LONG PRECAST CONCRETE SPI ASHBLOCKS OR	VEN VEN FOR
(13)	OTHER HARD SURFACE. DIRECT AWAY FROM ANY STRUCTURE AND TOWARDS POSITIVE DRAINAGE. SEE DETAIL 3 ON SHEET C-4.0.	IDE A A ALI
	LANDSCAPE OR PLANTER AREAS (NDS PART 78 OR 90 FOR 6" DIAMETER HEAVY DUTY PLASTIC BLACK GRATE). SEE DETAIL 4 ON SHEET C-4.0.	RES ALT 3, C
<15> (16)	INSTALL (N) LIGHTWELL OVERFLOW DRAIN. SEE DETAIL 2 ON SHEET C-4.1. INSTALL (N) SUMP PUMP FOR SUBDRAIN SYSTEM. SEE DETAIL 1 ON SHEET C-4.1.	A H IA J TOS
<u>(</u> 17)	INSTALL (N) SUMP PUMP FOR LIGHTWELL DRAINAGE. SEE DETAIL 3 ON SHEET C-4.1.	OM GA GA
18	INSTALL (N) BUBBLER BOX. SEE DETAIL 5 ON SHEET C-4.0.	L S I S C C
31>	UTILITIES KEYNOTES 31 TO 34 INSTALL (N) SANITARY SEWER LATERALS. USE 4" PVC (SDR-26) SLOPED AT 2% MINIMUM. CONNECT TO (E) SEWER MAIN AS SHOWN. PROVIDE CLEANOUT TO GRADE AT BUILDING AND BEHIND PROPERTY LINE AND AT MAJOR CHANGES IN DIRECTION AS SHOWN. REUSE (E) LATERAL IF POSSIBLE. CONNECT PER DISTRICT STANDARDS.	15 LC SANTA CLAF
32>	INSTALL (N) ENVIRONMENTAL ONE SEWER EJECTOR SYSTEM. SEE DETAIL 4 ON SHEET C-4.1.	
33	CONNECT (N) WATER SERVICE PER WATER DISTRICT STANDARDS. UPGRADE (E) WATER METER PER WATER DISTRICT STANDARDS AS APPLICABLE. INSTALL (N) 2" MINIMUM SERVICE LINE TO (N) RESIDENCE OR AS DIRECTED BY FIRE SPRINKLER DESIGNER.	& LAN
34	INSTALL (N) JOINT TRENCH FOR SERVICES INCLUDING GAS, CATV, TELEPHONE & ELECTRIC FROM NEAREST POINT OF CONNECTION. DESIGN BY OTHERS.	D D
<35> <41>	INSTALL (N) SEWER CLEAN-OUT TO GRADE. SEE DETAIL 5 ON SHEET C-4.1 DEMOLITION KEYNOTES $41$ to $43$ DEMOLISH (E) IMPROVEMENTS AS NECESSARY TO ACCOMMODATE (N) CONSTRUCTION. NO DEMOLITION SHALL COMMENCE WITHOUT REQUIRED	RADIN
42>	REMOVE (E) TREE. CONTRACTOR SHALL OBTAIN THE PROPER TREE REMOVAL PERMITS AS REQUIRED.	G] RA
43	PROVIDE TREE PROTECTION AROUND TREES TO REMAIN. SEE DETAIL 6 ON SHEET ER-2.	D
	<b>** SEWER NOTE:</b> PROJECT SURVEY DID NOT LOCATE SEWER MAIN, SSMH, AND DEPTH. PROJECT ASSUMED DEPTH OF MAIN IS 6 FEET. CONTRACTOR TO POTHOLE AND VERIFY LOCATION AND DEPTH PRIOR TO	PLAN REV 02-05-20         TT           -         -           -         -
	CONSTRUCTION. OBTAIN PLANS FROM WVSD PRIOR TO WORK FOR SEWER CONNECTIVITY.	
	LJ	REVISIONS BY
		DATE: 08-09-19
NOTE:	TION STAKING * BUILDING PAD NOTE:	SCALE: AS NOTED DESIGN BY: DY/AQ
SCHEDULING O PLEASE CONTA AT LEA & BRAZ 510)887-4086 B abaya@leabra	ADJUST PAD LEVEL AS REQUIRED. REFER TO STRUCTURAL PLANS FOR SLAB SECTION OR CRAWL SPACE DEPTH TO ESTABLISH PAD LEVEL.	DRAWN BY: WA SHEET NO:
		03 OF 10 SHEETS







$\langle 1 \rangle$	FLATWORK FINISHED GRADES AT BUILDING PERIMETER SHALL BE SLOPED AT A MINIMUM OF 5% FOR THE FIRST 10' AWAY FROM THE BUILDING PER CBC 1804.4 OR TO AN APPROVED DRAINAGE SWALE OR STRUCTURE. GRADES SHALL CONTINUE TO SLOPE TOWARDS POSITIVE DRAINAGE AND A POSITIVE OUTFALL. MAINTAIN 8" CLEARANCE BETWEEN FINISH EARTHEN GRADE AND BOTTOM OF MUD SILL AT ALL TIMES PER CBC 2304.12.1.2 UNLESS STRUCTURAL DETAILING ALLOWS LESS. REFER TO STRUCTURAL PLANS FOR FOUNDATION DESIGN AND DETAILS.	ALTER CLARENT No. C79655 REALTER CLARENT No. C79655 REALTER CLAUTER
$\begin{pmatrix} 2 \\ \\ 3 \\ \\ 4 \\ \\ 5 \end{pmatrix}$	SLOPE GARAGE SLAB 1% MINIMUM (1/8" PER FOOT) FROM BACK TO FRONT TO ALLOW FOR ADEQUATE DRAINAGE. MAINTAIN 1/2" TO 1" LIP BETWEEN GARAGE SLAB AND DRIVEWAY. SEE PLANS FOR SPECIFIC DROP PROVIDE 2% SLOPE ACROSS FLAT WORK AND/OR PAVING PER CBC 1804.4. SLOPE TOWARDS POSITIVE DRAINAGE AS SHOWN ON PLAN. (N) CONCRETE DRIVEWAY. SEE DETAIL 2 ON SHEET C-4.0. (N) CONCRETE PATIOS/WALKWAYS. SEE DETAIL 1 ON SHEET C-4.0.	ENGINEERING, INC. • LAND SURVEYORS SACRAMENTO REGION 3017 DOUGLAS BLVD, # 300 ROSEVILLE, CA 95661 (P) (916)966-1338 (F) (916)7-7363 ZE.COM
<b>6</b> <b>10</b>	(N) WOOD DECK. SEE ARCHITECTURAL PLANS. STORM DRAIN KEYNOTES $10^{10}$ to $18^{10}$ INSTALL (N) ON-SITE STORM DRAIN SYSTEM. USE MINIMUM 6" PVC (SDR 35) OR HDPE (ADS N-12 W/ SMOOTH INTERIOR WALLS). MAINTAIN 24" MINIMUM COVER AND SLOPED AT 1% MINIMUM AT ALL TIMES UNLESS OTHERWISE NOTED. PROVIDE CLEANOUT TO GRADE AT MAJOR CHANGES IN DIRECTION. AVOID USING 90' BENDS AND INSTEAD USE (2) 45' BENDS AND WYE CONNECTIONS. INSTALL (N) SUBDRAIN. USE PERFORATED 4" PVC (SDR-35) WITH HOLES	LEA & BRAZE CIVIL ENGINEERS AY AREA REGION (495 INDUSTRIAL PKWY WEST AYWARD, CALIFORNIA 94545 P) (510) 887–4086 F) (510) 887–3019 WWW.LEABRA
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35	INSTALL (N) SEWER CLEAN-OUT TO GRADE. SEE DETAIL 5 ON SHEET C-4.1	GE
41	DEMOLITION KEYNOTES $\langle 4^{1} \rangle$ to $\langle 4^{3} \rangle$ Demolish (e) improvements as necessary to accommodate (n) construction. No demolition shall commence without required demolition permits.	RAD
42>	REMOVE (E) TREE. CONTRACTOR SHALL OBTAIN THE PROPER TREE REMOVAL PERMITS AS REQUIRED.	G JRA
43	PROVIDE TREE PROTECTION AROUND TREES TO REMAIN. SEE DETAIL 6 ON SHEET ER-2.	
		PLAN REV 02-05-20         TT           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           -         -           REVISIONS         BY

NOTE: FOR CONSTRUCTION STAKING SCHEDULING OR QUOTATIONS PLEASE CONTACT ALEX ABAYA AT LEA & BRAZE ENGINEERING (510)887-4086 EXT 116. aabaya@leabraze.com

\* BUILDING PAD NOTE: ADJUST PAD LEVEL AS REQUIRED. REFER TO STRUCTURAL PLANS FOR SLAB SECTION OR CRAWL SPACE DEPTH TO ESTABLISH PAD LEVEL.



2190761

08-09-19

AS NOTED

JOB NO:

DATE:

SCALE:

SHEET NO:

DESIGN BY: DY/AQ

C-2.1

04 OF 10 SHEETS

DRAWN BY: WA

### GENERAL NOTES

ALL GENERAL NOTES, SHEET NOTES, AND LEGEND NOTES FOUND IN THESE DOCUMENTS SHALL APPLY TYPICALLY THROUGHOUT. IF INCONSISTENCIES ARE FOUND IN THE VARIOUS NOTATIONS, NOTIFY THE ENGINEER IMMEDIATELY IN WRITING REQUESTING CLARIFICATION.

THESE DRAWINGS AND THEIR CONTENT ARE AND SHALL REMAIN THE PROPERTY OF LEA AND BRAZE ENGINEERING, INC. WHETHER THE PROJECT FOR WHICH THEY ARE PREPARED IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY ANY PERSONS ON OTHER PROJECTS OR EXTENSIONS OF THE PROJECT EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ENGINEER.

ALL WORK SHALL COMPLY WITH APPLICABLE CODES AND TRADE STANDARDS WHICH GOVERN EACH PHASE OF WORK INCLUDING, BUT NOT LIMITED TO, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA FIRE CODE, CALTRANS STANDARDS AND SPECIFICATIONS, AND ALL APPLICABLE STATE AND/OR LOCAL CODES AND/OR LEGISLATION.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND ALL SUBCONTRACTORS TO CHECK AND VERIFY ALL CONDITIONS, DIMENSIONS, LINES AND LEVELS INDICATED. PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY NOTIFY THE ENGINEER FOR CORRECTION OR ADJUSTMENT THE EVENT OF FAILURE TO DO SO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTION OF ANY ERROR.

ALL DIMENSIONS AND CONDITIONS SHALL BE CHECKED AND VERIFIED ON THE JOB BY EACH SUBCONTRACTOR BEFORE HE/SHE BEGINS HIS/HER WORK. ANY ERRORS, OMISSION, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER/CONTRACTOR BEFORE CONSTRUCTION BEGINS.

COMMENCEMENT OF WORK BY THE CONTRACTOR AND/OR ANY SUBCONTRACTOR SHALL INDICATE KNOWLEDGE AND ACCEPTANCE OF ALL CONDITIONS DESCRIBED IN THESE CONSTRUCTION DOCUMENTS, OR EXISTING ON SITE, WHICH COULD AFFECT THEIR WORK.

### WORK SEQUENCE

IN THE EVENT ANY SPECIAL SEQUENCING OF THE WORK IS REQUIRED BY THE OWNER OR THE CONTRACTOR, THE CONTRACTOR SHALL ARRANGE A CONFERENCE BEFORE ANY SUCH WORK IS BEGUN.

SITE EXAMINATION: THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL THOROUGHLY EXAMINE THE SITE AND FAMILIARIZE HIM /HERSELF WITH THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS/HER WORK AND SHALL BE RESPONSIBLE FOR THE CORRECTIONS OF THE SAME. NO EXTRA COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR EXPENSES DUE TO HIS/HER NEGLECT TO EXAMINE, OR FAILURE TO DISCOVER, CONDITIONS WHICH AFFECT HIS/HER WORK.

LEA AND BRAZE ENGINEERING, INC. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION AND CONSENT OF LEA AND BRAZE ENGINEERING, INC. IN THE EVENT OF UNAUTHORIZED REUSE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL HOLD HARMLESS LEA AND BRAZE ENGINEERING. INC.

CONSTRUCTION IS ALWAYS LESS THAN PERFECT SINCE PROJECTS REQUIRE THE COORDINATION AND INSTALLATION OF MANY INDIVIDUAL COMPONENTS BY VARIOUS CONSTRUCTION INDUSTRY TRADES. THESE DOCUMENTS CANNOT PORTRAY ALL COMPONENTS OR ASSEMBLIES EXACTLY. IT IS THE INTENTION OF THESE ENGINEERING DOCUMENTS THAT THEY REPRESENT A REASONABLE STANDARD OF CARE IN THEIR CONTENT. IT IS ALSO PRESUMED BY THESE DOCUMENTS THAT CONSTRUCTION REVIEW SERVICES WILL BE PROVIDED BY THE ENGINEER. SHOULD THE OWNER NOT RETAIN THE ENGINEER TO PROVIDE SUCH SERVICES, OR SHOULD HE/SHE RETAIN THE ENGINEER TO PROVIDE ONLY PARTIAL OR LIMITED SERVICES, THEN IT SHALL BE THE OWNER'S AND CONTRACTOR'S RESPONSIBILITY TO FULLY RECOGNIZE AND PROVIDE THAT STANDARD OF CARE.

IF THE OWNER OR CONTRACTOR OBSERVES OR OTHERWISE BECOMES AWARE OF ANY FAULT OR DEFECT IN THE PROJECT OR NONCONFORMANCE WITH THE CONTRACT DOCUMENTS. PROMPT WRITTEN NOTICE THEREOF SHALL BE GIVEN BY THE OWNER AND/OR CONTRACTOR TO THE ENGINEER.

THE ENGINEER SHALL NOT HAVE CONTROL OF OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS, OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

### SITE PROTECTION

PROTECT ALL LANDSCAPING THAT IS TO REMAIN. ANY DAMAGE OR LOSS RESULTING FROM EXCAVATION. GRADING, OR CONSTRUCTION WORK SHALL BE CORRECTED OR REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING SITE UTILITIES AND SHALL COORDINATE THEIR REMOVAL OR MODIFICATIONS (IF ANY) TO AVOID ANY INTERRUPTION OF SERVICE TO ADJACENT AREAS. THE GENERAL CONTRACTOR SHALL INFORM HIM/HERSELF OF MUNICIPAL REGULATIONS AND CARRY OUT HIS/HER WORK IN COMPLIANCE WITH ALL FEDERAL AND STATE REQUIREMENTS TO REDUCE FIRE HAZARDS AND INJURIES TO THE PUBLIC.

### STORMWATER POLLUTION PREVENTION NOTES

- 1) STORE, HANDLE, AND DISPOSE OF CONSTRUCTION MATERIALS AND WASTES PROPERLY, SO AS TO PREVENT THEIR CONTACT WITH STORMWATER.
- 2) CONTROL AND PREVENT THE DISCHARGE OF ALL POTENTIAL POLLUTANTS, INCLUDING SOLID WASTES, PAINTS, CONCRETE, PETROLEUM PRODUCTS, CHEMICALS, WASH WATER OR SEDIMENT, AND NON-STORMWATER DISCHARGES TO STORM DRAINS AND WATER COURSES.
- 3) USE SEDIMENT CONTROL OR FILTRATION TO REMOVE SEDIMENT FROM DEWATERING EFFLUENT.
- 4) AVOID CLEANING, FUELING, OR MAINTAINING VEHICLES ON SITE, EXCEPT IN A DESIGNATED AREA IN WHICH RUNOFF IS CONTAINED AND TREATED.
- 5) DELINEATE CLEARING LIMITS, EASEMENTS, SETBACKS, SENSITIVE OR CRITICAL AREAS, BUFFER ZONES, TREES AND DISCHARGE COURSE WITH FIELD MARKERS.
- 6) PROTECT ADJACENT PROPERTIES AND UNDISTURBED AREAS FROM CONSTRUCTION IMPACTS USING VEGETATIVE BUFFER STRIPS, SEDIMENT BARRIERS OF FILTERS, DIKES, MULCHING, OR OTHER MEASURES AS APPROPRIATE.
- 7) PERFORM CLEARING AND EARTH MOVING ACTIVITIES DURING DRY WEATHER TO THE MAXIMUM EXTENT PRACTICAL.
- 8) LIMIT AND TIME APPLICATIONS OF PESTICIDES AND FERTILIZERS TO PREVENT POLLUTED RUNOFF.
- 9) LIMIT CONSTRUCTION ACCESS ROUTES AND STABILIZE DESIGNATED ACCESS POINTS.
- 10) AVOID TRACKING DIRT OR MATERIALS OFF-SITE; CLEAN OFF-SITE PAVED AREAS AND SIDEWALKS USING DRY SWEEPING METHODS TO THE MAXIMUM EXTENT PRACTICAL.

### SUPPLEMENTAL MEASURES

- A. THE PHRASE "NO DUMPING DRAINS TO BAY" OR EQUALLY EFFECTIVE PHRASE MUST BE LABELED ON STORM DRAIN INLETS (BY STENCILING, BRANDING, OR PLAQUES) TO ALERT THE PUBLIC TO THE DESTINATION OF STORM WATER AND TO PREVENT DIRECT DISCHARGE OF POLLUTANTS INTO THE STORM DRAIN.
- B. USING FILTRATION MATERIALS ON STORM DRAIN COVERS TO REMOVE SEDIMENT FROM DEWATERING EFFLUENT.
- C. STABILIZING ALL DENUDED AREAS AND MAINTAINING EROSION CONTROL MEASURES CONTINUOUSLY FROM OCTOBER 15 AND APRIL 15.
- D. REMOVING SPOILS PROMPTLY, AND AVOID STOCKPILING OF FILL MATERIALS, WHEN RAIN IS FORECAST. IF RAIN THREATENS, STOCKPILED SOILS AND OTHER MATERIALS SHALL BE COVERED WITH A TARP OR OTHER WATERPROOF MATERIAL.
- E. STORING. HANDLING. AND DISPOSING OF CONSTRUCTION MATERIALS AND WASTES SO AS TO AVOID THEIR ENTRY TO THE STORM DRAIN SYSTEMS OR WATER BODY.
- F. AVOIDING CLEANING, FUELING, OR MAINTAINING VEHICLES ON-SITE, EXCEPT IN AN AREA DESIGNATED TO CONTAIN AND TREAT RUNOFF.

### GRADING & DRAINAGE NOTES:

1. <u>SCOPE OF WORK</u>

THESE SPECIFICATIONS AND APPLICABLE PLANS PERTAIN TO AND INCLUDE ALL SITE GRADING AND EARTHWORK ASSOCIATED WITH THE PROJECT INCLUDING, BUT NOT LIMITED TO THE FURNISHING OF ALL LABOR, TOOLS AND EQUIPMENT NECESSARY FOR SITE CLEARING AND GRUBBING, SITE PREPARATION, DISPOSAL OF EXCESS OR UNSUITABLE MATERIAL, STRIPPING, KEYING, EXCAVATION, OVER EXCAVATION, RECOMPACTION PREPARATION FOR SOIL RECEIVING FILL, PAVEMENT, FOUNDATION OF SLABS, EXCAVATION, IMPORTATION OF ANY REQUIRED FILL MATERIAL, PROCESSING, PLACEMENT AND COMPACTION OF FILL AND SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING TO CONFORM TO THE LINES, GRADING AND SLOPE SHOWN ON THE PROJECT GRADING PLANS.

- 2. <u>GENERAL</u>
  - SPECIFICATIONS AND THE CITY OF LOS GATOS.

  - INCLUDING CLEARING.

#### CLEARING AND GRUBBING 3.

- CONTRACTOR AS DIRECTED BY THE LOCAL JURISDICTION WITH NO EXTRA COMPENSATION.
- DISPOSED OF OFF THE SITE BY THE CONTRACTOR.
- FOLLOWING METHODS WILL BE USED:
- (1) EXCAVATE AND TOTALLY REMOVE THE UTILITY LINE FROM THE TRENCH.
- (2) EXCAVATE AND CRUSH THE UTILITY LINE IN THE TRENCH.
- SITE PREPARATION AND STRIPPING
- COMPACTED FILL AND PAVEMENT AREAS.
- TUMMOCKS OR OTHER UNEVEN FEATURES WHICH MAY INHIBI REQUIREMENTS FOR COMPACTING FILL MATERIAL.
- EXCAVATION 5.
- B. EXCAVATED MATERIALS SUITABLE FOR COMPACTED FILL MATERIAL SHALL BE UTILIZED IN MAKING THE SHALL BE DISPOSED OF OFF THE SITE BY THE CONTRACTOR.

A. ALL SITE GRADING AND EARTHWORK SHALL CONFORM TO THE RECOMMENDATIONS OF THESE

B. ALL FILL MATERIALS SHALL BE DENSIFIED SO AS TO PRODUCE A DENSITY NOT LESS THAN 90% RELATIVE COMPACTION BASED UPON ASTM TEST DESIGNATION D1557. FIELD DENSITY TEST WILL BE PERFORMED IN ACCORDANCE WITH ASTM TEST DESIGNATION 2922 AND 3017. THE LOCATION AND FREQUENCY OF THE FIELD DENSITY TEST WILL BE AS DETERMINED BY THE SOIL ENGINEER. THE RESULTS OF THESE TEST AND COMPLIANCE WITH THE SPECIFICATIONS WILL BE THE BASIS UPON WHICH SATISFACTORY COMPLETION OF THE WORK WILL BE JUDGED BY THE SOIL ENGINEER. ALL CUT AND FILL SLOPES SHALL BE CONSTRUCTED AS SHOWN ON PLANS, BUT NO STEEPER THAN TWO (2) HORIZONTAL TO ONE (1) VERTICAL.

C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SATISFACTORY COMPLETION OF ALL THE EARTHWORK IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS. NO DEVIATION FROM THESE SPECIFICATIONS SHALL BE MADE EXCEPT UPON WRITTEN APPROVAL BY THE SOILS ENGINEER. BOTH CUT AND FILL AREAS SHALL BE SURFACE COMPLETED TO THE SATISFACTION OF THE SOILS ENGINEER AT THE CONCLUSION OF ALL GRADING OPERATIONS AND PRIOR TO FINAL ACCEPTANCE. THE CONTRACTOR SHALL NOTIFY THE SOILS ENGINEER AT LEAST TWO (2) WORKING DAYS PRIOR TO DOING ANY SITE GRADING AND EARTHWORK

A. THE CONTRACTOR SHALL ACCEPT THE SITE IN ITS PRESENT CONDITION. ALL EXISTING PUBLIC IMPROVEMENTS SHALL BE PROTECTED. ANY IMPROVEMENTS DAMAGED SHALL BE REPLACED BY THE

B. ALL ABANDONED BUILDINGS AND FOUNDATIONS, TREE (EXCEPT THOSE SPECIFIED TO REMAIN FOR LANDSCAPING PURPOSES), FENCES, VEGETATION AND ANY SURFACE DEBRIS SHALL BE REMOVED AND

C. ALL ABANDONED SEPTIC TANKS AND ANY OTHER SUBSURFACE STRUCTURES EXISTING IN PROPOSED DEVELOPMENT AREAS SHALL BE REMOVED PRIOR TO ANY GRADING OR FILL OPERATION. ALL APPURTENANT DRAIN FIELDS AND OTHER CONNECTING LINES MUST ALSO BE TOTALLY REMOVED.

D. ALL ABANDONED UNDERGROUND IRRIGATION OR UTILITY LINES SHALL BE REMOVED OR DEMOLISHED. THE APPROPRIATE FINAL DISPOSITION OF SUCH LINES DEPEND UPON THEIR DEPTH AND LOCATION AND THE METHOD OF REMOVAL OR DEMOLITION SHALL BE DETERMINED BY THE SOILS ENGINEER. ONE OF THE

(3) CAP THE ENDS OF THE UTILITY LINE WITH CONCRETE TO PREVENT THE ENTRANCE OF WATER. THE LOCATIONS AT WHICH THE UTILITY LINE WILL BE CAPPED WILL BE DETERMINED BY THE UTILITY DISTRICT ENGINEER. THE LENGTH OF THE CAP SHALL NOT BE LESS THAN FIVE FEET, AND THE CONCRETED MIX EMPLOYED SHALL HAVE MINIMUM SHRINKAGE.

A. ALL SURFACE ORGANICS SHALL BE STRIPPED AND REMOVED FROM BUILDING PADS, AREAS TO RECEIVE

B. UPON THE COMPLETION OF THE ORGANIC STRIPPING OPERATION, THE GROUND SURFACE (NATIVE SOIL SUBGRADE) OVER THE ENTIRE AREA OF ALL BUILDING PADS. STREET AND PAVEMENT AREAS AND ALL AREAS TO RECEIVE COMPACTED FILL SHALL BE PLOWED OR SCARIFIED UNTIL THE SURFACE IS FREE OF UNIFORM SOIL COMPACTION. I GROUND SURFACE SHALL THEN BE DISCED OR BLADED TO A DEPTH OF AT LEAST 6 INCHES. UPON ENGINEER'S SATISFACTION, THE NEW SURFACE SHALL BE WATER CONDITIONED AND RECOMPACTED PER

A. UPON COMPLETION OF THE CLEARING AND GRUBBING, SITE PREPARATION AND STRIPPING, THE CONTRACTOR SHALL MAKE EXCAVATIONS TO LINES AND GRADES NOTED ON THE PLAN. WHERE REQUIRED BY THE SOILS ENGINEER. UNACCEPTABLE NATIVE SOILS OR UNENGINEERED FILL SHALL BE OVER EXCAVATED BELOW THE DESIGN GRADE. SEE PROJECT SOILS REPORT FOR DISCUSSION OF OVER EXCAVATION OF THE UNACCEPTABLE MATERIAL. RESULTING GROUND LINE SHALL BE SCARIFIED, MOISTURE-CONDITIONED AND RECOMPACTED AS SPECIFIED IN SECTION 4 OF THESE SPECIFICATIONS. COMPACTED FILL MATERIAL SHALL BE PLACED TO BRING GROUND LEVEL BACK TO DESIGN GRADE.

REQUIRED COMPACTED FILLS. THOSE NATIVE MATERIALS CONSIDERED UNSUITABLE BY THE SOILS ENGINEER

PLACING. SPREADING AND COMPACTING FILL MATERIAL

A. FILL MATERIALS

THE MATERIALS PROPOSED FOR USE AS COMPACTED FILL SHALL BE APPROVED BY THE SOILS ENGINEER BEFORE COMMENCEMENT OF GRADING OPERATIONS. THE NATIVE MATERIAL IS CONSIDERED SUITABLE FOR FILL; HOWEVER, ANY NATIVE MATERIAL DESIGNATED UNSUITABLE BY THE SOILS ENGINEER SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR. ANY IMPORTED MATERIAL SHALL BE APPROVED FOR USE BY THE SOILS ENGINEER, IN WRITING, BEFORE BEING IMPORTED TO THE SITE AND SHALL POSSESS SUFFICIENT FINES TO PROVIDE A COMPETENT SOIL MATRIX AND SHALL BE FREE OF VEGETATIVE AND ORGANIC MATTER AND OTHER DELETERIOUS MATERIALS. ALL FILL VOIDS SHALL BE FILLED AND PROPERLY COMPACTED. NO ROCKS LARGER THAN THREE INCHES IN DIAMETER SHALL BE PERMITTED.

**B. FILL CONSTRUCTION** 

THE SOILS ENGINEER SHALL APPROVE THE NATIVE SOIL SUBGRADE BEFORE PLACEMENT OF ANY COMPACTED FILL MATERIAL. UNACCEPTABLE NATIVE SOIL SHALL BE REMOVED AS DIRECTED BY THE SOILS ENGINEER. THE RESULTING GROUND LINE SHALL BE SCARIFIED MOISTURE CONDITIONED AND RECOMPACTED AS SPECIFIED IN SECTION 4 OF THESE SPECIFICATIONS. COMPACTED FILL MATERIAL SHALL BE PLACED TO BRING GROUND LEVEL BACK TO DESIGN GRADE. GROUND PREPARATION SHALL BE FOLLOWED CLOSELY BY FILL PLACEMENT TO PREVENT DRYING OUT OF THE SUBSOIL BEFORE PLACEMENT of the fill.

THE APPROVED FILL MATERIALS SHALL BE PLACED IN UNIFORM HORIZONTAL LAYERS NO THICKER THAN 8" IN LOOSE THICKNESS, LAYERS SHALL BE SPREAD EVENLY AND SHALL BE THOROUGHLY BLADE MIXED DURING THE SPREADING TO ENSURE UNIFORMITY OF MATERIAL IN EACH LAYER. THE SCARIFIED SUBGRADE AND FILL MATERIAL SHALL BE MOISTURE CONDITIONED TO AT LEAST OPTIMUM MOISTURE. WHEN THE MOISTURE CONTENT OF THE FILL IS BELOW THAT SPECIFIED. WATER SHALL BE ADDED UNTIL THE MOISTURE DURING THE COMPACTION PROCESS. WHEN THE MOISTURE CONTENT OF THE FILL IS ABOVE THAT SPECIFIED, THE FILL MATERIAL SHALL BE AERATED BY BLADING OR OTHER SATISFACTORY METHODS UNTIL THE MOISTURE CONTENT IS AS SPECIFIED.

AFTER EACH LAYER HAS BEEN PLACED, MIXED, SPREAD EVENLY AND MOISTURE CONDITIONED, IT SHALL BE COMPACTED TO AT LEAST THE SPECIFIED DENSITY.

THE FILL OPERATION SHALL BE CONTINUED IN COMPACTED LAYERS AS SPECIFIED ABOVE UNTIL THE FILL HAS BEEN BROUGHT TO THE FINISHED SLOPES AND GRADES AS SHOWN ON THE PLANS. NO LAYER SHALL BE ALLOWED TO DRY OUT BEFORE SUBSEQUENT LAYERS ARE PLACED.

COMPACTION EQUIPMENT SHALL BE OF SUCH DESIGN THAT IT WILL BE ABLE TO COMPACT THE FILL TO THE SPECIFIED MINIMUM COMPACTION WITHIN THE SPECIFIED MOISTURE CONTENT RANGE. COMPACTION OF EACH LAYER SHALL BE CONTINUOUS OVER ITS ENTIRE AREA UNTIL THE REQUIRED MINIMUM DENSITY HAS BEEN OBTAINED.

CUT OR FILL SLOPES 7.

> ALL CONSTRUCTED SLOPES, BOTH CUT AND FILL, SHALL BE NO STEEPER THAN 2 TO 1 (HORIZONTAL TO VERTICAL). DURING THE GRADING OPERATION, COMPACTED FILL SLOPES SHALL BE OVERFILLED BY AT LEAST ONE FOOT HORIZONTALLY AT THE COMPLETION OF THE GRADING OPERATIONS, THE EXCESS FILL EXISTING ON THE SLOPES SHALL BE BLADED OFF TO CREATE THE FINISHED SLOPE EMBANKMENT. ALL CUT AND FILL SLOPES SHALL BE TRACK WALKED AFTER BEING BROUGHT TO FINISH GRADE AND THEN BE PLANTED WITH EROSION CONTROL SLOPE PLANTING. THE SOILS ENGINEER SHALL REVIEW ALL CUT SLOPES TO DETERMINE IF ANY ADVERSE GEOLOGIC CONDITIONS ARE EXPOSED. IF SUCH CONDITIONS DO OCCUR, THE SOILS ENGINEER SHALL RECOMMEND THE APPROPRIATE MITIGATION MEASURES AT THE TIME OF THEIR DETECTION.

### 8. <u>SEASONAL LIMITS AND DRAINAGE CONTROL</u>

FILL MATERIALS SHALL NOT BE PLACED, SPREAD OR COMPACTED WHILE IT IS AT AN UNSUITABLY HIGH MOISTURE CONTENT OR DURING OTHERWISE UNFAVORABLE CONDITIONS. WHEN THE WORK IS INTERRUPTED FOR ANY REASON THE FILL OPERATIONS SHALL NOT BE RESUMED UNTIL FIELD TEST PERFORMED BY THE SOILS ENGINEER INDICATE THAT THE MOISTURE CONDITIONS IN AREAS TO BE FILLED ARE AS PREVIOUSLY SPECIFIED. ALL EARTH MOVING AND WORKING OPERATIONS SHALL BE CONTROLLED TO PREVENT WATER FROM RUNNING INTO EXCAVATED AREAS. ALL EXCESS WATER SHALL BE PROMPTLY REMOVED AND THE SITE KEPT DRY.

#### DUST CONTROL 9.

THE CONTRACTOR SHALL TAKE ALL STEPS NECESSARY FOR THE ALLEVIATION OR PREVENTION OF ANY DUST NUISANCE ON OR ABOUT THE SITE CAUSED BY THE CONTRACTOR'S OPERATION EITHER DURING THE PERFORMANCE OF THE GRADING OR RESULTING FROM THE CONDITION IN WHICH THE CONTRACTOR LEAVES THE SITE, THE CONTRACTOR SHALL ASSUME ALL LIABILITY INCLUDING COURT COST OF CO-DEFENDANTS FOR ALL CLAIMS RELATED TO DUST OR WIND-BLOWN MATERIALS ATTRIBUTABLE TO HIS WORK. COST FOR THIS ITEM OF WORK IS TO BE INCLUDED IN THE EXCAVATION ITEM AND NO ADDITIONAL COMPENSATION SHALL BE ALLOWED.

### 10. INDEMNITY

THE CONTRACTOR WILL HOLD HARMLESS, INDEMNIFY AND DEFEND THE ENGINEER, THE OWNER AND HIS CONSULTANTS AND EACH OF THEIR OFFICERS AND EMPLOYEES AND AGENTS. FROM ANY AND ALL LIABILITY CLAIMS, LOSSES OR DAMAGE ARISING OR ALLEGED TO HEREIN, BUT NOT INCLUDING THE SOLE NEGLIGENCE OF THE OWNER, THE ARCHITECT, THE ENGINEER AND HIS CONSULTANTS AND EACH OF THEIR OFFICERS AND EMPLOYEES AND AGENTS.

### 11. <u>SAFETY</u>

IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE. INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

THE DUTY OF THE ENGINEERS TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES, IN, ON OR NEAR THE CONSTRUCTION SITE.

12. GUARANTEE

THE CONTRACTOR SHALL REMEDY ANY DEFECTS IN WORK AND PAY FOR ANY DAMAGE TO OTHER WORK RESULTING THERE FROM WHICH SHALL APPEAR WITHIN A PERIOD OF ONE (1) CALENDAR YEAR FROM THE DATE OF FINAL ACCEPTANCE OF THE WORK.

TRENCH BACKFILL 13.

> either the on—site inorganic soil or approved imported soil may be used as trench BACKFILL. THE BACKFILL MATERIAL SHALL BE MOISTURE CONDITIONED PER THESE SPECIFICATIONS AND SHALL BE PLACED IN LIFTS OF NOT MORE THAN SIX INCHES IN HORIZONTAL UNCOMPACTED LAYERS AND BE COMPACTED BY MECHANICAL MEANS TO A MINIMUM OF 90% RELATIVE COMPACTION. IMPORTED SAND MAY BE USED FOR TRENCH BACKFILL MATERIAL PROVIDED IT IS COMPACTED TO AT LEAST 90% RELATIVE COMPACTION. WATER JETTING ASSOCIATED WITH COMPACTION USING VIBRATORY EQUIPMENT WILL BE PERMITTED ONLY WITH IMPORTED SAND BACKFILL WITH THE APPROVAL OF THE SOILS ENGINEER. ALL PIPES SHALL BE BEDDED WITH SAND EXTENDING FROM THE TRENCH BOTTOM TO TWELVE INCHES ABOVE THE PIPE. SAND BEDDING IS TO BE COMPACTED AS SPECIFIED ABOVE FOR SAND **BACKFILL.**

EROSION CONTROL 14.

A. ALL GRADING, EROSION AND SEDIMENT CONTROL AND RELATED WORK UNDERTAKEN ON THIS SITE IS SUBJECT TO ALL TERMS AND CONDITIONS OF THE COUNTY GRADING ORDINANCE AND MADE A PART HEREOF BY REFERENCE.

B. THE CONTRACTOR WILL BE LIABLE FOR ANY AND ALL DAMAGES TO ANY PUBLICLY OWNED AND MAINTAINED ROAD CAUSED BY THE AFORESAID CONTRACTOR'S GRADING ACTIVITIES, AND SHALL BE RESPONSIBLE FOR THE CLEANUP OF ANY MATERIAL SPILLED ON ANY PUBLIC ROAD ON THE HAUL ROUTE.

C. THE EROSION CONTROL MEASURES ARE TO BE OPERABLE DURING THE RAINY SEASON, GENERALLY FROM OCTOBER FIRST TO APRIL FIFTEENTH. EROSION CONTROL PLANTING IS TO BE COMPLETED BY OCTOBER FIRST. NO GRADING OR UTILITY TRENCHING SHALL OCCUR BETWEEN OCTOBER FIRST AND APRIL FIFTEENTH UNLESS AUTHORIZED BY THE LOCAL JURISDICTION.

D. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED AND CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF THE SOILS ENGINEER.

E. DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT-LADEN RUNOFF TO ANY STORM DRAINAGE SYSTEM.

F. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY DURING THE RAINY SEASON.

G. WHEN NO LONGER NECESSARY AND PRIOR TO FINAL ACCEPTANCE OF DEVELOPMENT, SEDIMENT BASINS SHALL BE REMOVED OR OTHERWISE DEACTIVATED AS REQUIRED BY THE LOCAL JURISDICTION.

H. A CONSTRUCTION ENTRANCE SHALL BE PROVIDED AT ANY POINT OF EGRESS FROM THE SITE TO ROADWAY. A CONSTRUCTION ENTRANCE SHOULD BE COMPOSED OF COARSE DRAIN ROCK (2" TO 3") MINIMUM DIAMETER) AT LEAST EIGHT INCHES THICK BY FIFTY (50) FEET LONG BY TWENTY (20) FEET WIDE UNLESS SHOWN OTHERWISE ON PLAN AND SHALL BE MAINTAINED UNTIL THE SITE IS PAVED.

PROPORTIONS:

SEED, 200 LBS/ACRE (SEE NOTE J, BELOW) FERTILIZER (11-8-4), 500 LBS/ACRE WATER, AS REQUIRED FOR APPLICATION

J. SEED MIX SHALL BE PER CALTRANS STANDARDS. K. WATER UTILIZED IN THE STABILIZATION MATERIAL SHALL BE OF SUCH QUALITY THAT IT WILL PROMOTE GERMINATION AND STIMULATE GROWTH OF PLANTS. IT SHALL BE FREE OF POLLUTANT MATERIALS AND WEED SEED.

L. HYDROSEEDING SHALL CONFORM TO THE PROVISIONS OF SECTION 20, EROSION CONTROL AND HIGHWAY PLANTING", OF THE STANDARD SPECIFICATIONS OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION. AS LAST REVISED.

M. A DISPERSING AGENT MAY BE ADDED TO THE HYDROSEEDING MATERIAL. PROVIDED THAT THE CONTRACTOR FURNISHES SUITABLE EVIDENCE THAT THE ADDITIVE WILL NOT ADVERSELY AFFECT THE PERFORMANCE OF THE SEEDING MIXTURE.

N. STABILIZATION MATERIALS SHALL BE APPLIED AS SOON AS PRACTICABLE AFTER COMPLETION OF GRADING OPERATIONS AND PRIOR TO THE ONSET OF WINTER RAINS, OR AT SUCH OTHER TIME AS DIRECTED BY THE COUNTY ENGINEER. THE MATERIAL SHALL BE APPLIED BEFORE INSTALLATION OF OTHER LANDSCAPING MATERIALS SUCH AS TREES, SHRUBS AND GROUND COVERS.

O. THE STABILIZATION MATERIAL SHALL BE APPLIED WITHIN 4-HOURS AFTER MIXING. MIXED MATERIAL NOT USED WITHIN 4-HOURS SHALL BE REMOVED FROM THE SITE.

P. THE CONTRACTOR SHALL MAINTAIN THE SOIL STABILIZATION MATERIAL AFTER PLACEMENT. THE COUNTY ENGINEER MAY REQUIRE SPRAY APPLICATION OF WATER OR OTHER MAINTENANCE ACTIVITIES TO ASSURE THE EFFECTIVENESS OF THE STABILIZATION PROCESS. APPLICATION OF WATER SHALL BE ACCOMPLISHED USING NOZZLES THAT PRODUCE A SPRAY THAT DOES NOT CONCENTRATE OR WASH AWAY THE STABILIZATION MATERIALS.

15. <u>CLEANUP</u>

BE ALLOWED.

NEITHER THE FINAL PAYMENT, NOR THE PROVISIONS IN THE CONTRACT, NOR PARTIAL, NOR ENTIRE USE OR OCCUPANCY OF THE PREMISES BY THE OWNER SHALL CONSTITUTE AN ACCEPTANCE OF THE WORK NOT DONE IN ACCORDANCE WITH THE CONTRACT OR RELIEVES THE CONTRACTOR OF LIABILITY IN RESPECT TO ANY EXPRESS WARRANTIES OR RESPONSIBILITY FOR FAULTY MATERIAL OR WORKMANSHIP.

I. ALL AREAS SPECIFIED FOR HYDROSEEDING SHALL BE NOZZLE PLANTED WITH STABILIZATION MATERIAL CONSISTING OF FIBER, SEED, FERTILIZER AND WATER, MIXED AND APPLIED IN THE FOLLOWING

FIBER, 2000 LBS/ACRE

THE CONTRACTOR MUST MAINTAIN THE SITE CLEAN, SAFE AND IN USABLE CONDITION. ANY SPILLS OF SOIL, ROCK OR CONSTRUCTION MATERIAL MUST BE REMOVED FROM THE SITE BY THE CONTRACTOR DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. COST FOR THIS ITEM OF WORK SHALL BE INCLUDED IN THE EXCAVATION AND COMPACTION ITEM AND NO ADDITIONAL COMPENSATION SHALL

> NOTE: THESE NOTES ARE INTENDED TO BE USED AS A GENERAL GUIDELINE. THE REFERENCED SOILS REPORT FOR THE PROJECT AND GOVERNING AGENCY GRADING ORDINANCE SHALL SUPERSEDE THESE NOTES. THE SOILS ENGINEER MAY MAKE ON-SITE RECOMMENDATIONS DURING GRADING OPERATIONS.

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BRAZE ENGINEERING, INC. SINEERS • LAND SURVEYORS SACRAMENTO REGION WEST 3017 DOUGLAS BLVD, # 300 4545 (P) (916)966-1338 (P) (916)966-1338 (F) (916)797-7363 EABRAZE.COM
LEA & E CIVIL ENC BAY AREA REGION 2495 INDUSTRIAL PKWY HAYWARD, CALIFORNIA 9 (P) (510) 887–4086 (F) (510) 887–4086 (F) (510) 887–3019 WWW.L
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06 OF 10 SHE	ETS



PROVIDE AN AUDIBLE HIGH WATER LEVEL \_ALARM (ZOELLER MODEL #10-0126 WITH NEMA 4x ENCLOSURE + DRY AUXILIARY CONTACT OR APPROVED EQUAL) IN A LOCATION TO ALERT OWNER OF PROBLEMS OR CONNECT TO BUILDING SECURITY SYSTEM AS APPLICABLE.

WATERPROOF G.F.C.I. JUNCTION BOX PER - APPLICABLE CODE (LOCAL AND NATIONAL CODES AS APPLICABLE). LOCATION PER CONTRACTOR / ELECTRICIAN.

1 1/2" PVC SCH 40 DISCHARGE LINE TO STORM DRAIN. PROVIDE ADEQUATE COVER (2' MIN.) OVER DISCHARGE LINES TO AVOID INCIDENTAL DAMAGE. FOR LINE WITH LESS THAN 2' COVER USE GALVANIZED STEEL PIPE OR PROVIDE PROTECTIVE SLEEVE

INSTALL BACKFLOW PREVENTION DEVICE AT DISCHARGE LINE - TYP.

1/3 H.P. SUBMERSIBLE SUMP PUMP "ZOELLER 151 NON-AUTO WITH PIGGYBACK FLOAT" OR APPROVED EQUAL. PROVIDE CHECK VALVE ON DISCHARGE LINE. PROVIDE BATTERY OR GENERATOR BACKUP IN CASE OF A POWER FAILURE.

(N) V-24 CHRISTY BOX SEALED ON ALL SIDES AND WITH CONCRETE BOTTOM

NOTES: DO NOT CONNECT ANY SUBSURFACE DRAINAGE (BEHIND RETAINING WALS) TO THIS SUMP PUMP.





2 \**C-4.1**/ NTS





DETAILS DET
DETAN SHEET NO:
STUDIESIGN BY: DY/AQ DRAWN BY: WA
PLAN REV       TT         -       -         JOB NO:       2190761
 REVISIONS BY JOB NO: 2190761 DATE: 08-09-19 SCALE: NTS DESIGN BY: DY/AQ DRAWN BY: WA SHEET NO:
REVISIONSBYJOB NO:2190761DATE:08-09-19SCALE:NTSDESIGN BY:DY/AQDRAWN BY:WASHEET NO:
DATE: 08-09-19 SCALE: NTS DESIGN BY: DY/AQ DRAWN BY: WA SHEET NO:
DESIGN BY: DY/AQ DRAWN BY: WA SHEET NO:
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### **PURPOSE:**

THE PURPOSE OF THIS PLAN IS TO STABILIZE THE SITE TO PREVENT EROSION OF GRADED AREAS AND TO PREVENT SEDIMENTATION FROM LEAVING THE CONSTRUCTION AREA AND AFFECTING NEIGHBORING SITES. NATURAL AREAS. PUBLIC FACILITIES OR ANY OTHER AREA THAT MIGHT BE AFFECTED BY SEDIMENTATION, ALL MEASURES SHOWN ON THIS PLAN SHOULD BE CONSIDERED THE MINIMUM REQUIREMENTS NECESSARY. SHOULD FIELD CONDITIONS DICTATE ADDITIONAL MEASURES, SUCH MEASURES SHALL BE PER CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL AND THE CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION. LEA & BRAZE ENGINEERING SHOULD BE NOTIFIED IMMEDIATELY SHOULD CONDITIONS CHANGE.

### EROSION CONTROL NOTES:

- 1. IT SHALL BE THE OWNER'S/CONTRACTOR'S RESPONSIBILITY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO KEEP THE ENTIRE SITE IN COMPLIANCE WITH THIS EROSION CONTROL PLAN.
- 2. THE INTENTION OF THIS PLAN IS FOR INTERIM EROSION AND SEDIMENT CONTROL ONLY. ALL EROSION CONTROL MEASURES SHALL CONFORM TO CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL, THE CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION, AND THE LOCAL GOVERNING AGENCY FOR THIS PROJECT.
- OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO, DURING, AND AFTER STORM EVENTS. PERSON IN CHARGE OF MAINTAINING EROSION CONTROL MEASURES SHOULD WATCH LOCAL WEATHER REPORTS AND ACT APPROPRIATELY TO MAKE SURE ALL NECESSARY MEASURES ARE IN PLACE.
- 4. SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
- 5. DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT-LADEN RUNOFF TO ANY STORM DRAINAGE SYSTEM, INCLUDING EXISTING DRAINAGE SWALES AND WATERCOURSES.
- CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION WILL BE MINIMIZED. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS CONCERNING POLLUTION SHALL BE MAINTAINED AT ALL TIMES.
- CONTRACTOR SHALL PROVIDE DUST CONTROL AS REQUIRED BY THE APPROPRIATE FEDERAL, STATE AND LOCAL AGENCY REQUIREMENTS.
- 8. ALL MATERIALS NECESSARY FOR THE APPROVED EROSION CONTROL MEASURES SHALL BE IN PLACE BY OCTOBER 1ST.
- 9. EROSION CONTROL SYSTEMS SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE RAINY SEASON, OR FROM OCTOBER 1ST THROUGH APRIL 30TH, WHICHEVER IS LONGER.
- 10. IN THE EVENT OF RAIN, ALL GRADING WORK IS TO CEASE IMMEDIATELY AND THE SITE IS TO BE SEALED IN ACCORDANCE WITH THE APPROVAL EROSION CONTROL MEASURES AND APPROVED EROSION CONTROL PLAN.
- 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND REPAIRING EROSION CONTROL SYSTEMS AFTER EACH STORM.
- 12. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY LOCAL JURISDICTION'S ENGINEERING DEPARTMENT OR BUILDING OFFICIALS.
- 13. MEASURES SHALL BE TAKEN TO COLLECT OR CLEAN ANY ACCUMULATION OR DEPOSIT OF DIRT. MUD. SAND. ROCKS. GRAVEL OR DEBRIS ON THE SURFACE OF ANY STREET. ALLEY OR PUBLIC PLACE OR IN ANY PUBLIC STORM DRAIN SYSTEMS. THE REMOVAL OF AFORESAID SHALL BE DONE BY STREET SWEEPING OR HAND SWEEPING. WATER SHALL NOT BE USED TO WASH SEDIMENTS INTO PUBLIC OR PRIVATE DRAINAGE FACILITIES.
- 14. EROSION CONTROL MEASURES SHALL BE ON-SITE FROM OCTOBER 1ST THRU APRIL 30TH.
- 15. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE RAINY SEASON OR FROM OCTOBER 1ST THROUGH APRIL 30TH, WHICHEVER IS GREATER.
- 16. PLANS SHALL BE DESIGNED TO MEET C3 REQUIREMENTS OF THE MUNICIPAL STORMWATER REGIONAL PERMIT("MRP") NPDES PERMIT CAS 612008.
- 17. THE CONTRACTOR TO NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) BEST MANAGEMENT PRACTICES (BMP) FOR SEDIMENTATION PREVENTION AND EROSION CONTROL TO PREVENT DELETERIOUS MATERIALS OR POLLUTANTS FROM ENTERING THE TOWN OR COUNTY STORM DRAIN SYSTEMS.
- 18. THE CONTRACTOR MUST INSTALL ALL EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO THE INCEPTION OF ANY WORK ONSITE AND MAINTAIN THE MEASURES UNTIL THE COMPLETION OF ALL LANDSCAPING.
- 19. THE CONTRACTOR SHALL MAINTAIN ADJACENT STREETS IN A NEAT, CLEAN DUST FREE AND SANITARY CONDITION AT ALL TIMES AND TO THE SATISFACTION OF THE TOWN INSPECTOR. THE ADJACENT STREET SHALL AT ALL TIMES BE KEPT CLEAN OF DEBRIS, WITH DUST AND OTHER NUISANCE BEING CONTROLLED AT ALL TIMES. THE CONTRACTOR BE RESPONSIBLE FOR ANY CLEAN UP ON ADJACENT STREETS AFFECTED BY THE BY THEIR CONSTRUCTION, METHOD OF STREET CLEANING SHALL BE BY DRY SWEEPING OF ALL PAVED AREAS. NO STOCKPILING OF BUILDING MATERIALS WITHIN THE TOWN RIGHT-OF-WAY.
- 20. SEDIMENTS AND OTHER MATERIALS SHALL NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONTRACTOR SHALL INSTALL A STABILIZED CONSTRUCTION ENTRANCE PRIOR TO THE INSPECTION OF ANY WORK ONSITE AND MAINTAIN IT FOR THE DURATION OF THE CONSTRUCTION PROCESS SO AS TO NOT INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC RIGHT-OF-WAY UNTIL THE COMPLETION OF ALL LANDSCAPING.
- 21. THE CONTRACTOR SHALL PROTECT DOWN SLOPE DRAINAGE COURSES, STREAMS AND STORM DRAINS WITH ROCK FILLED SAND BAGS, TEMPORARY SWALES, SILT FENCES, AND EARTH PERMS IN CONJUNCTION OF ALL LANDSCAPING.
- 22. STOCKPILED MATERIALS SHALL BE COVERED WITH VISQUEEN OR A TARPAULIN UNTIL THE MATERIAL IS REMOVED FROM THE SITE. ANY REMAINING BARE SOIL THAT EXISTS AFTER THE STOCKPILE HAS BEEN REMOVED SHALL BE COVERED UNTIL A NATURAL GROUND COVER IS ESTABLISHED OR IT IS SEEDED OR PLANTED TO PROVIDE GROUND COVER PRIOR TO THE FALL RAINY SEASON.
- 23. EXCESS OR WASTE CONCRETE MUST NOT BE WASHED INTO THE PUBLIC RIGHT-OF-WAYOR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
- 24. TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION AND DISPERSAL BY WIND

## EROSION CONTROL NOTES CONTINUED:

- 24. FUELS, OILS, SOLVENTS AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MUST NOT BE WASHED INTO THE DRAINAGE SYSTEM.
- 25. DUST CONTROL SHALL BE DONE BY WATERING AND AS OFTEN AS REQUIRED BY THE TOWN INSPECTOR.
- 26. SILT FENCE(S) AND/OR FIBER ROLL(S) SHALL BE INSTALLED PRIOR TO SEPTEMBER 15TH AND SHALL RÉMAIN IN PLACE UNTIL THE LANDSCAPING GROUND COVER IS INSTALLED. CONTRACTOR SHALL CONTINUOUSLY MONITOR THESE MEASURES, FOLLOWING AND DURING ALL RAIN EVENTS. TO PUBLIC OWNED FACILITIES.

### **EROSION CONTROL MEASURES:**

- 1. THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 15TH TO APRIL 15. EROSION CONTROL FACILITIES SHALL BE IN PLACE PRIOR TO OCTOBER 15TH OF ANY YEAR. GRADING OPERATIONS DURING THE RAINY SEASON WHICH LEAVE DENUDED SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES IMMEDIATELY FOLLOWING GRADING ON THE SLOPES.
- 2. SITE CONDITIONS AT TIME OF PLACEMENT OF EROSION CONTROL MEASURES WILL VARY. APPROPRIATE ACTION INCLUDING TEMPORARY SWALES, INLETS, HYDROSEEDING, STRAW BALES, ROCK SACKS, ETC. SHALL BE TAKEN TO PREVENT EROSION AND SEDIMENTATION FROM LEAVING SITE. EROSION CONTROL MEASURES SHALL BE ADJUSTED AS THE CONDITIONS CHANGE AND THE NEED OF CONSTRUCTION SHIFT.
- 3. CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCES. CONTRACTOR SHALL MAINTAIN STABILIZED ENTRANCE AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. ANY MUD OR DEBRIS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED DAILY AND AS REQUIRED BY THE GOVERNING AGENCY.
- 4. ALL EXPOSED SLOPES THAT ARE NOT VEGETATED SHALL BE HYDROSEEDED. IF HYDROSEEDING IS NOT USED OR IS NOT EFFECTIVE BY OCTOBER 15, THEN OTHER IMMEDIATE METHODS SHALL BE IMPLEMENTED, SUCH AS EROSION CONTROL BLANKETS, OR A THREE-STEP APPLICATION OF 1) SEED, MULCH, FERTILIZER 2) BLOWN STRAW 3) TACKIFIER AND MULCH. HYDROSEEDING SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20" EROSION CONTROL AND HIGHWAY PLANTING" OF THE STANDARD SPECIFICATION OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, AS LAST REVISED. REFER TO THE EROSION CONTROL SECTION OF THE GRADING SPECIFICATIONS THAT ARE A PART OF THIS PLAN SET FOR FURTHER INFORMATION.
- 5. INLET PROTECTION SHALL BE INSTALLED AT OPEN INLETS TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL ARE TO BE BLOCKED TO PREVENT ENTRY OF SEDIMENT. MINIMUM INLET PROTECTION SHALL CONSIST OF A ROCK SACKS OR AS SHOWN ON THIS PLAN
- 6. THIS EROSION AND SEDIMENT CONTROL PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN IN THE FIELD. A REPRESENTATIVE OF LEA & BRAZE ENGINEERING SHALL PERFORM A FIELD REVIEW AND MAKE RECOMMENDATIONS AS NEEDED. CONTRACTOR IS RESPONSIBLE TO NOTIFY LEA & BRAZE ENGINEERING AND THE GOVERNING AGENCY OF ANY CHANGES.
- 7. THE EROSION CONTROL MEASURES SHALL CONFORM TO THE LOCAL JURISDICTION'S STANDARDS AND THE APPROVAL OF THE LOCAL JURISDICTION'S ENGINEERING DEPARTMENT.
- 8. STRAW ROLLS SHALL BE PLACED AT THE TOE OF SLOPES AND ALONG THE DOWN SLOPE PERIMETER OF THE PROJECT. THEY SHALL BE PLACED AT 25 FOOT INTERVALS ON GRADED SLOPES. PLACEMENT SHALL RUN WITH THE CONTOURS AND ROLLS SHALL BE TIGHTLY END BUTTED. CONTRACTOR SHALL REFER TO MANUFACTURES SPECIFICATIONS FOR PLACEMENT AND INSTALLATION INSTRUCTIONS.

### **REFERENCES:**

- 1. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD'S FIELD MANUAL FOR EROSION AND SEDIMENTATION CONTROL
- 2. CALIFORNIA STORM WATER QUALITY ASSOCIATION BEST MANAGEMENT PRACTICES HANDBOOK FOR CONSTRUCTION

### PERIODIC MAINTENANCE:

- 1. MAINTENANCE IS TO BE PERFORMED AS FOLLOWS: A. DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION SHALL BE
- B. SWALES SHALL BE INSPECTED PERIODICALLY AND MAINTAINED AS NEEDED.
- C. SEDIMENT TRAPS, BERMS, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS MADE AS NEEDED.
- D. SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1' FOOT.
- E. SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
- F. RILLS AND GULLIES MUST BE REPAIRED.
- 3. STRAW ROLLS SHALL BE PERIODICALLY CHECKED TO ASSURE PROPER FUNCTION AND CLEANED OUT WHENEVER THE SEDIMENT DEPTH REACHED HALF THE HEIGHT OF THE ROLL.
- 4. SILT FENCE SHALL BE PERIODICALLY CHECKED TO ASSURE PROPER FUNCTION AND CLEANED OUT WHENEVER THE SEDIMENT DEPTH REACHES ONE FOOT IN HEIGHT.
- 5. CONSTRUCTION ENTRANCE SHALL BE REGRAVELED AS NECESSARY FOLLOWING SILT/SOIL BUILDUP.
- 6. ANY OTHER EROSION CONTROL MEASURES SHOULD BE CHECKED AT REGULAR INTERVALS TO ASSURE PROPER FUNCTION

REPAIRED AT THE END OF EACH WORKING DAY.

2. GRAVEL BAG INLET PROTECTION SHALL BE CLEANED OUT WHENEVER SEDIMENT DEPTH IS ONE HALF THE HEIGHT OF ONE GRAVEL BAG.





![](_page_195_Figure_2.jpeg)

![](_page_196_Picture_0.jpeg)

	ALVAREZ & ASSOCIATES, INC 82 N CAPITOL AVENUE SAN JOSE-CA 95127
EARINGS N 39'05'00" W, OF THE CENTERLINE OF LOMA ALTA AVENUE RECORD OF SURVEY RECORDED IN BOOK 797 OF MAPS SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE RINGS SHOWN UPON THIS MAP. TINFORMATION	
ARULL NUMBER: 532-29-0/3 ROJECT: 15 LOMA ALTA AVENUE LOS GATOS, CA ES: BAHAR MASARATI 5,500 SQ.FT ± CES AND DIMENSIONS ARE IN FEET AND DECIMALS. IND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE. DOTPRINTS ARE SHOWN AT GROUND LEVEL. DR ELEVATION IS TAKEN AT DOOR THRESHOLD (EXTERIOR) EVATIONS ARE BASED ON AN ASSUMED BENCHMARK OF 100.00' 7 M 21 INDICATES DISTINCTIVE BORDER INDICATES DISTINCTIVE BORDER INDICATES DISTINCTIVE BORDER INDICATES ORIGINAL LOT LINE PER MAP OF TRACT NO. 13 CENTER LINE FOUND STANDARD STREET MONUMENT GAS METER GAS METER GUY WIRE AND ANCHOR JOINT POLE SEWER CLEANOUT S SEWER MANHOLE	TOPOGRAPHIC SURVEY 15 LOMA ALTA AVENUE LOS GATOS, CA
532-29-071	DRAWN BY - TP
D SSMH RIM=101.84 INV=94.44	FIELD SURVEY BY : TP

# Pollution Prevention — It's Part of the Plan

![](_page_197_Picture_1.jpeg)

# Materials storage & spill cleanup

# Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed
- ✓ Sweep streets and other paved areas daily Do not wash down streets or work areas with water!
- Recycle all asphalt, concrete, and aggregate base material from demolition
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

# Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- Store hazardous materials and wastes in secondary containment and cover them during wet weather
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

# Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc. ) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

# Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

# Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently Use drip pans to catch leaks until repairs are made, repair leaks
- Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- 🗸 If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers. steam cleaning equipment, etc.

# Earthwork & contaminated soils

- off the site

![](_page_197_Picture_28.jpeg)

![](_page_197_Picture_31.jpeg)

Bay Area Stormwater Management Agencies Association (BASMAA) 1-888-BAYWISE

✓ Keep excavated soil on the site where it is least likely to collect in the street Transfer to dump trucks should take place on the site, not in the street.

✓ Use hay bales, silt fences, or other control measures to minimize the flow of silt

- $\checkmark$  Avoid scheduling earth moving activities during the rainy season if possible If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible
- If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fastgrowing grasses as soon as possible. Place hay bales down-slope until soil is secure.

✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call your local fire department for help in determining what testing should be done.

✓ Manage disposal of contaminated soil according to Fire Department instructions.

# Dewatering operations

- Reuse water for dust control, irrigation or another on-site purpose to the greatest. extent possible
- Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

# Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, hay bales, sand bags, or fine gravel dams to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!)
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

# Paving/asphalt work

![](_page_197_Picture_55.jpeg)

- $\checkmark$  Do not pave during wet weather or when rain is forecast.
- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- Place drip pans or absorbent material under paving equipment when not in use.
- Protect gutters, ditches, and drainage courses with hay bales, sand bags, or earthen berms

✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash

✓ Do not use water to wash down fresh asphalt concrete pavement.

# Storm drain polluters may be liable for fines of up to \$10,000 per day!

![](_page_197_Picture_63.jpeg)

![](_page_197_Picture_64.jpeg)

![](_page_197_Picture_65.jpeg)

# Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain
- Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash

![](_page_197_Picture_69.jpeg)

- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

# Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

R RESIDENCE ALIFO]  $C_{I}$ ALT LOMA GATO: LOM **1**0 **0** LAN STORMWATTER POLLUTION REVENTION PLA PO VE RE PLAN REV 02-05-20 REVISIONS ΒY 2190761 JOB NO: 08-09-1 DATE: SCALE: NO SCALE DESIGN BY: DY/AQ DRAWN BY: WA SHEET NO: **SW-1** 

10 OF 10 SHEETS

![](_page_198_Picture_0.jpeg)

DATE:	November 10, 2020
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence with Reduced Setbacks on Nonconforming Property Zoned R-1:8. Located at 15 Loma Alta Avenue. APN 532-29-073. Architecture and Site Application S-19-023. Property Owner: BAB Investment Group LLC. Applicant: Babak Homayouni. Appellants: Kelly Luoma and Rick Rutter. Project Planner: Jennifer Armer

### REMARKS:

Exhibit 16 includes an additional comment provided by the appellant.

### EXHIBITS:

Previously received with the November 11, 2020 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 First Report, dated May 24, 2019
- 6. Applicant's Response to the Consulting Architect's First Report
- 7. Consulting Architect's Second Report, dated February 25, 2020
- 8. Consulting Arborist's Report, dated September 2, 2019
- 9. Public Comments received prior to 10:00 a.m., Friday, September 4, 2020
- 10. September 8, 2020 Development Review Committee meeting minutes
- 11. Applicant's neighbor outreach efforts
- 12. Public Comments received prior to 10:00 a.m., Monday, September 21, 2020
- 13. September 22, 2020 Development Review Committee meeting minutes
- 14. Appeal of Development Review Committee received October 1, 2020

PREPARED BY: Jennifer Armer, AICP Senior Planner

Reviewed by: Planning Manager and Community Development Director

PAGE **2** OF **2** SUBJECT: 15 Loma Alta Avenue/S-19-023 DATE: November 10, 2020

### EXHIBITS (continued):

15. Development Plans, received September 21, 2020

Received with this Addendum Report:

16. Additional comment provided by the appellant

From: Kelly Luoma
Sent: Monday, November 9, 2020 8:02 PM
To: Jennifer Armer; Planning Comment
Subject: RE: Planning Commission Meeting Agenda of 11-11-2020

Jennifer and Planning Commission members.

I received this notice on Friday after the deadline to submit materials for inclusion of the planning packet. We wanted to share that this is more than just Rick Rutter and I, we have neighbors who have shared concerns with the DRC and will hopefully be able to join the meeting on Wednesday.

This is a group of neighbors who share our concerns about the scope of this project.

Kelly Luoma

### UNITED NEIGHBORS AGAINST THE CURRENT 15 LOMA ALTA DESIGN

We, the undersigned, Los Gatos residents and/or property owners in the immediate vicinity of this development, respectfully petition that the Town NOT approve the current proposal of 15 Loma Alta to construct a modern single-family home that is inconsistent with the Town's Residential Design Guidelines. We strongly believe the Town's Consulting Architect erred in his assessment of the neighborhood and guidance on this design. It is clearly not compatible with the Loma Alta neighborhood and will stick out like a sore thumb. If allowed to be built, it will always be considered the "house that doesn't belong", eroding the feel of this historic area.

We do not object to the development of the property. On the contrary, the current home is neglected, dilapidated and in need of replacement. However, we do expect a traditional design with traditional materials that fit with the bungalow enclave on lower Loma Alta Avenue, to have excellence in that design and to use traditional materials to enhance and not detract from the neighborhood. We do not object to a two-story home on the property but expect the design to minimize bulk and mass to fit in with the neighborhood. Therefore, we prefer a design in the style of the 10's block of Loma Alta that is a bungalow style with a low-pitched roof.

Name	Signature	Address	Email	
Rick Rutter	A 200	23 Loma Alta	rickrutter@gm	ail. com
Kelly Luoma	Kellhroma	45 Whitney Ave	Lvomakogmil.co	m
GEORGE Rose	Becky M Boou	51 WHITNEY AVE	GROSE 20030 VERIZ	ON. NET.
Meighan Mingrone	Muthin F. Migure	53 whitney Ave	megjefin@gneil.co.	n
ASQCI Rampy	angel vainvy	101 Statia St.	angel rampyou	Oachongel.
PAULA CITH RAN	Jamla Coche	SY WITHTINEY AVI	. paula jeochrai	egmail.
Ted EDIvia Haluner	Miria Chluren	116 Lis Gatis Blva	halynen averizon	met com
CONSTANCE CHRISTODULIS	Constance	100 Los Statos Blad	CONSTANCE- CY.	4400. Cen
Fring Wong	may	112 Los Gatos Blod US Giatus, C2 95030	Twongzzyase	Aacon
Kotherine Why	John wn	115 Panigheth Place	Ketwong988	gmail ca

Name	Signature	Address	Email
Robin Clayton	Tola Clayto	54 Los Gatos B	lud
		~	
	·		

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![](_page_206_Picture_0.jpeg)

DATE: November 6, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit (U-20-009) for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044. Property Owner: SRI Old Town LLC. Applicant: Amber DeMaglio.

#### **RECOMMENDATION:**

Consider a zoning consistency determination and approval of a Conditional Use Permit (U-20-009) for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD, located at 35 University Avenue.

### PROJECT DATA:

General Plan Designation:	Central Business District
Zoning Designation:	Central Business District with a Landmark and Historic
	Preservation Overlay, C-2:LHP
Applicable Plans & Standards:	General Plan and Commercial Design Guidelines
Parcel Size:	4.18 acres (182,080 square feet)
Surrounding Area:	

	Existing Land Use	General Plan	Zoning
North	Commercial	Central Business District	C-2:LHP
East	Commercial	Central Business District	C-2:LHP
South	Commercial	Central Business District	C-2:LHP
West	Parking Lot	Central Business District	C-2:LHP

PREPARED BY:

Sean Mullin, AICP Associate Planner

Reviewed by: Planning Manager and Community Development Director

### PAGE **2** OF **6** SUBJECT: 35 University Avenue/U-20-009 DATE: November 6, 2020

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

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

### FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.
- As required by Section 29.20.190 of the Town Code for granting approval of a Conditional Use Permit application.

### ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

### BACKGROUND:

Citing the evolving nature of the traditional banking industry, the applicant requests a zoning consistency determination from the Planning Commission for a bank (Charles Schwab Community Banking and Investment Services) and seeks approval of a CUP for the use.

### **PROJECT DESCRIPTION:**

### A. Location and Surrounding Neighborhood

The subject property is located on the west side of University Avenue (Exhibit 1) and is developed with the Old Town Shopping Center commercial buildings. The subject vacant 5,337-square foot tenant space is located on the ground floor of the northern building adjacent to the corner of University Avenue and Elm Street. The property abuts commercial properties to the north, south, and east, and a parking lot to the west.

### B. Project Summary

The applicant requests a zoning consistency determination from the Planning Commission for a bank (Charles Schwab Community Banking and Investment Services) and seeks approval of a CUP for the use. PAGE **3** OF **6** SUBJECT: 35 University Avenue/U-20-009 DATE: November 6, 2020

### PROJECT DESCRIPTION (continued):

When reviewing a CUP, the deciding body should consider the information in the applicant's submitted materials (Exhibits 4 through 7); however, the key consideration should be the proposed use since the CUP runs with the land and the operational details can change from owner to owner.

### C. Zoning Compliance

The intent of the C-2 or Central Business District zone is to encourage the continuance of a viable and predominantly pedestrian-oriented business district for the Town. The C-2 zone allows for a wide variety of retail, service, entertainment, and administrative activities, which are necessary to serve a large trading area. An office use is allowed in the C-2 zone, but may not be located on the ground floor. A bank use is allowed in the C-2 zone with the approval of a CUP and may be located on the ground floor.

If the Planning Commission determines that the proposed use is a bank, the use would be allowed on the ground floor of the C-2 zone with approval of the CUP.

### DISCUSSION:

### A. Zoning Consistency Determination

The applicant requests a zoning consistency determination from the Planning Commission for a bank (Charles Schwab Community Banking and Investment Services). Traditionally, businesses that provide investment services have been considered office uses and may not be located on the ground floor in the C-2 zone. The applicant has provided a Project Description (Exhibit 4), Letter of Justification (Exhibit 5), and a letter speaking to zoning consistency (Exhibit 6), all of which describe the proposed use as a bank and cite the evolving nature of traditional banking. The applicant requests that the Planning Commission determine that the proposed use is a bank and seeks approval of the CUP for the use to be located on the ground floor in the C-2 zone.

### B. Conditional Use Permit Application

As discussed above, if the Planning Commission determines that the proposed use is a bank, the applicant seeks approval of the CUP for the use. The applicant requests hours of operation of 8:00 a.m. to 6:00 p.m., Monday through Friday; 8:00 a.m. to 4:00 p.m., Saturday; and closed, Sunday. The applicant has provided a Project Description (Exhibit 4), Letter of Justification (Exhibit 5), and a letter speaking to zoning consistency (Exhibit 6), all of which describe the operational details of the proposed use.

### PAGE **4** OF **6** SUBJECT: 35 University Avenue/U-20-009 DATE: November 6, 2020

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

### C. Traffic and Parking

The site was previously a retail use with a parking requirement of one space for every 300 square feet of floor area, or 18 spaces. A bank requires one space for every 250 square feet of floor area, or 22 spaces. The site is part of the Old Town Shopping Center, which provides parking through 215 spaces onsite and 464 spaces in the Parking Assessment District (PAD). Based on an analysis of the existing uses in the Old Town Shopping Center, the additional four spaces required for the proposed use would be accommodated through the surplus spaces located onsite and in the PAD.

### D. Conditional Use Permit Findings

If the determination is made that the proposed use is a bank, the Planning Commission must make the following findings in order to grant approval of a CUP:

- 1. The proposed use of the property is essential or desirable to the public convenience or welfare; and
- 2. The proposed use would not impair the integrity and character of the zone; and
- 3. The proposed use would not be detrimental to public health, safety, or general welfare; and
- 4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

With regards to the first finding, the use will relocate an existing banking and financial service business to a new location in the Central Business District. With regards to the second finding, the use will not impair the integrity of the zone because limitations will be placed in the conditions of approval to preserve the character of the Central Business District zone. With regards to the third finding, the use will not be detrimental to public health, safety, or general welfare because the conditions of approval will address any potential impacts. With regards to the final finding, the proposed use meets the objectives of the General Plan and Town Code as discussed within this report.

E. General Plan

A bank use is consistent with the Central Business District General Plan land use designation for the property with the approval of a CUP. A bank would support the mixture of community-oriented commercial goods, services, and lodging unique to the Central Business District and would maintain the small-town character of the downtown area.

The goals and policies of the 2020 General Plan applicable to this project include, but are not limited to:

### DISCUSSION (continued):

- Policy LU-1.8 Commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos.
- Policy LU-2.1 Minimize vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos.
- Policy LU-9.2 Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and to preserve the small-town atmosphere.

### F. <u>CEQA Determination</u>

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

### PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Public comments received before 11:00 a.m., Friday, November 6, 2020, are included as Exhibit 8.

### CONCLUSION:

### A. Summary

The applicant requests a zoning consistency determination from the Planning Commission for a bank (Charles Schwab Community Banking and Investment Services) and seeks approval of the CUP for the use to be located on the ground floor in the C-2 zone.

No additional square footage is proposed; therefore, there will be no increase in traffic impacts. The increased parking requirement will be accommodated with surplus spaces available onsite and in the PAD. A bank use would be in conformance with the Town Code and consistent with the General Plan.

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

Staff recommends that the Planning Commission review the application materials and determine whether the proposed use is a bank. If the Commissions determines that the use

### **CONCLUSION** (continued):

is a bank, based on the analysis above staff recommends approval of the CUP subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

- 1. Make the determination that the proposed use is consistent with a bank; and
- Make the finding that the proposed project is categorically exempt, pursuant to Section 15301 of the California Environmental Quality Act as adopted by the Town (Exhibit 2); and
- 3. Make the findings as required by Section 29.20.190 of the Town Code for granting approval of a CUP (Exhibit 2); and
- 4. Approve CUP application U-20-009 with the conditions of approval attached in Exhibit 3.

### C. Alternatives

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:

- 1. Location map
- 2. Required Findings for Conditional Use Permit
- 3. Recommended Conditions of Approval
- 4. Project Description
- 5. Letter of Justification
- 6. Zoning Consistency Determination Letter
- 7. Floor Plan
- 8. Photos
- 9. Public Comment received by 11:00 a.m., Friday, November 6, 2020

# **35 University Avenue**

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### <u>35 University Avenue</u> Conditional Use Permit Application U-20-009

Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044. PROPERTY OWNER: SRI Old Town LLC. APPLICANT: Amber DeMaglio

### FINDINGS

### **Required Finding for CEQA:**

 The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

### **Required findings for a Conditional Use Permit:**

• As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

- 1. The proposed use of the property is essential or desirable to the public convenience or welfare because it will relocate an existing banking and financial services business to a new location in the Central Business District; and
- 2. The proposed use would not impair the integrity and character of the zone because limitations will be placed in the conditions of approval to preserve the character of the residential zone; and
- 3. The proposed use would not be detrimental to public health, safety, or general welfare because the conditions of approval will address any potential impacts; and
- 4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

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#### **Planning Commission** –*November 11, 2020* **CONDITIONS OF APPROVAL**

#### **<u>35 University Avenue</u>** Conditional Use Permit Application U-20-008

Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044. PROPERTY OWNER: SRI Old Town LLC. APPLICANT: Amber DeMaglio

#### 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 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. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
- 4. USE: The approved use is a bank.
- 5. HOURS OF OPERATION: Maximum hours of operation are Monday through Friday, 8:00 a.m. to 6:00 p.m.; and Saturday, 8:00 a.m. to 4:00 p.m.
- 6. DELIVERIES: Deliveries shall occur between 9:00 a.m. and 4:00 p.m. Deliveries shall not be made from University Avenue or Elm Street.
- 7. TRASH AND RECYCLING DISPOSAL HOURS: Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m., to limit the noise impacts.
- 8. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
- 9. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.
- 10. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new or change of use.
- 11. 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.

12. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

#### **Project Description**

The Project would involve the introduction of a new Charles Schwab "branch of the future" which will function as a modern, service-oriented bank and financial services use in an existing retail space at 35 University Avenue in the Town ("Project Site"). The retail space is approximately 5,337 square feet in a one story building. From a land use and zoning standpoint, the Site has a General Plan designation of Central Business District, and is zoned C-2, Central Business District. The Project Site is in the Old Town Planned Development, however, this planned development follows the zoning standards for the broader C-2 zone.

The Project would involve tenant upgrades to create a modern "branch of the future" space. This modern space will include a welcome bar, coffee bar, hospitality area, and living room style conference and seminar room where clients or walk-in customers would have an opportunity to meet with Charles Schwab's bankers and advisors privately. The Project would also involve appropriate exterior upgrades to create an upscale, pedestrian-focused retail storefront that would complement surrounding retail uses and the pedestrian retail focus of the University Avenue area.

The Project is expected to have pedestrian and customer traffic similar to the retail use that previously occupied the site, meaning that no significant environmental impacts are anticipated.



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Michael E. Di Geronimo Direct Dial: 925 941 3247 michael.digeronimo@msrlegal.com

August 18, 2020

Town of Los Gatos Planning Commission 110 E. Main St. Los Gatos, CA 95030

#### Re: <u>Letter of Justification for Proposed Charles Schwab Use at 35 University</u> <u>Avenue</u>

Dear Honorable Commissioners:

This letter outlines the justification for efforts by Federal Realty Investment Trust ("Federal") and Charles Schwab ("Schwab") to locate an innovative community banking and financial services use at 35 University Avenue in the Town ("Project Site"). The Project would allow Schwab to provide a wide range of interactive banking and brokerage services to area residents and small businesses while bolstering the commercial and financial viability of the Town. The Project would also fill an impending vacancy of the Project Site by Gap Stores, the current tenant of the site.

Schwab has operated in the Town for more than twenty years. During that time, Schwab has provided vital financial and banking services to Town residents and small businesses at its existing 335 N. Santa Cruz location. While Schwab's existing location was adequate to meet the financial services needs of its clients twenty years ago, like its competitor banks and financial services institutions, Schwab's business model and the needs of its clients have evolved significantly in recent years. Whereas Schwab used to focus on offering office style financial advice to its clients, it now offers a full range of modern banking and financial services that require a more pedestrian and community focused space. This is at least partially due to the fact that with the advent of online banking and financial "apps" customers are seeking more in person interaction and advice from banks and financial advisors. The Project would meet these changing needs of Town residents and small businesses and help foster the Town's unique "small town" identity while also supporting its commercial viability and wellbeing.

As already outlined in Federal's zoning consistency letter submitted with this application, the Project is consistent with the Town's General Plan and will promote several of the Town's core goals for the Central Business District. These include General Plan goals and policies: (1) aimed at encouraging community-oriented

Town of Los Gatos Planning Commission August 18, 2020 Page 2

services that maintain the small-town character of the Town, (2) encouraging development and retention of small businesses and independent stores and shops, and (3) encouraging land use patterns that promote the "pedestrian scale and orientation of the Central Business District." (Town General Plan LU-14, 29; General Plan Goal 10.) The Project would do this by introducing a modern pedestrian and community-oriented space that will provide a range of modern financial and banking services to local residents and small businesses.

Moreover, as outlined in Federal's zoning consistency letter, the Project would introduce a modern use that is in all key aspects consistent with bank and savings and loan office uses that are conditionally permitted at the Project Site.

For all of the reasons outlined above we respectfully request that the Commission approve a Conditional Use Permit for the Project. Such an approval would allow the applicant to introduce a strong and vibrant business operator that will be vital to the continued success of the Town's Central Business District, particularly in these uncertain times.

Very truly yours,

MILLER STARR REGALIA

### Michael E. Di Geronimo

Michael E. Di Geronimo

cc: Amber Maglio (via email)



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August 18, 2020

#### VIA E-MAIL AND U.S. MAIL

Planning Staff Town of Los Gatos 110 E. Main Street Los Gatos, CA 95030

#### Re: Zoning Consistency Determination for Proposed Charles Schwab Community Bank and Brokerage Storefront at 35 University Avenue

Dear Staff:

This office represents SRI Old Town, LLC, a California limited liability company ("SRI"), an entity owned by Federal Realty Investment Trust. SRI is the fee owner of a one-story building at 35 University Avenue in the Town ("Project Site"). The existing tenant of the Project Site, Gap Stores, recently notified SRI that it will soon terminate its lease and vacate the Project Site. To fill this impending vacancy, SRI is working with Charles Schwab ("Schwab") to locate an innovative community financial services storefront at the Project Site that would provide a wide range of interactive banking and brokerage services to the Town and area residents (the "Project").

We are providing this letter in support of our client's application for a conditional use permit for a Schwab branch at the Project Site.

As outlined below, Schwab's proposed use has evolved significantly from the officetype use that Schwab initially introduced at its current location in the Town more than twenty years ago. Instead, consistent with modern banking needs (which includes a full range of financial services) and market changes, the use that Schwab now seeks to introduce is a financial services storefront with all the key features of a bank and with a heavy emphasis on walk-in customers and regular customer interaction. This is exactly the type of pedestrian-oriented and community-focused use that the Town General Plan and Zoning Code envision at the Project Site.

Because Schwab's proposed use will not necessarily look like a traditional bank, Town planning staff previously asked SRI's representatives to confirm that the proposed use is consistent with a banking or savings and loan office use, which are conditionally permitted at the Project Site. Although the Project may look somewhat different than the banks that existed when the Town adopted its zoning code several Los Gatos Planning Staff August 18, 2020 Page 2

decades ago, Schwab is proposing a use that in all key respects is a banking use and should be treated as such by the Town. Banks are conditionally permitted at the Project Site. Accordingly, we request that staff opine that the Project is conditionally permitted at the Project Site in its staff report for SRI's Conditional Use Permit application for the Project.

#### I. <u>The Project Would Promote the City's General Plan Goals for the</u> <u>Project Site and Is Conditionally Permitted</u>

The Project Site has a General Plan Designation of Central Business District, and is zoned C-2, Central Business District. The Project Site is within the Old Town Planned Development, however this planned development follows the zoning standards applicable to the C-2 zone.

# A. The Project Will Promote the Town General Plan's Goals for the Project Site.

The Project Site is within the General Plan's Central Business District which:

encourages a mixture of community-oriented commercial goods, services, and lodging unique in its accommodation of small-town style merchants and maintenance of small-town character.

(Town General Plan LU-14.)

Within the Central Business District, Land Use Goal 10 seeks to "preserve Downtown Los Gatos as the historic center of the Town" with goods and services available for local residents "while maintaining the existing Town identity, environment, and commercial viability." (TGP LU 29.) Relevant policies in support of this goal include:

- Policy LU-10.1: Encourage the development and retention of small businesses and independent stores and shops Downtown that are consistent with small-town character and scale.
- Policy LU-10.2: Recognize and encourage the different functions, land use patterns, and use mixes of the various commercial areas within the Downtown. These include: (a) The pedestrian scale and orientation of the Central Business District....

(TGP LU-29, Policy LU-10.1.)

As highlighted in the letter dated February 3, 2020 and attached as **Exhibit A**, Schwab's proposed use would introduce a modern, service-oriented bank that will serve long-standing and new walk-in customers by providing a range of financial services. Schwab will enhance the existing space with a number of retail-style Los Gatos Planning Staff August 18, 2020 Page 3

improvements inspired by retail coffee shops and the location of other retailers of high-end goods and services. Consistent with this, Schwab's community bank would feature a welcome bar, coffee bar, hospitality area, and living room style conference room. In this retail-style space, Schwab staff would offer customers its wide range of community banking and brokerage services in a comfortable, modern space. With respect to the above, it should be noted that almost all mainline banks, such as Wells Fargo, Chase, and Bank of America, also offer their customers brokerage services similar to those offered by Schwab.

For more than twenty years, Schwab has provided vital financial services to Town residents from its 335 N. Santa Cruz location less than half a mile from the Project Site.<sup>1</sup> At its new location, Schwab would continue to serve new and existing clients, including small businesses, but in a more pedestrian and community focused, retail type space that more accurately meets modern banking needs. Consistent with the General Plan, the Project will help support local residents and small businesses, thus maintaining the Town's unique "small town" identity, and support its continued commercial viability and wellbeing.

#### B. The Project Would Introduce a Bank Use, Which is Conditionally Permitted at the Project Site.

From a zoning standpoint, the C-2 zone is "intended to encourage the continuance of a viable and predominantly pedestrian-oriented central business district for the Town." (Town Municipal Code § 29.60.315.) Consistent with this intent, within the C-2 zone, retail businesses are permitted, whereas banks and savings and loan offices are conditionally permitted. (TMC §§ 29.20.180, 29.60.320.) "Office activities" are generally prohibited on the first floor of buildings within the C-2 zone.

As noted above, the Project will introduce a modern community banking and financial services use to the Project Site that will meet the banking and brokerage needs of Town and Area residents. Schwab's use will focuses on modern interactive banking and investment services. This reflects the reality that traditional banking attributes such as teller lines and ATMs are growing less utilized and more obsolete with the advent of banking apps, credit cards, and online banking.

Although the Project layout might seem like a Starbucks or Philz Coffee shop or Apple Store more than a traditional bank, Schwab's actual use would function exactly like a modern bank. As noted on the comparison chart attached as **Exhibit B**, the range of banking and financial services offered by Schwab would be identical to those offered by Schwab's traditional banking competitors like Wells Fargo, Bank of America, and Citi. For example, Schwab will offer a full range of banking and credit card services, including checking and savings accounts, credit cards, ATM cards, and cash withdrawals. Schwab will also provide a range of loan

<sup>&</sup>lt;sup>1</sup> We note that Schwab's existing location is also zoned C-2 and is on the first floor.

Los Gatos Planning Staff August 18, 2020 Page 4

and credit services. Like its competitor banks, Schwab will also provide a full range of investment and retirement services, as well as wealth management and planning services. Accordingly, the use proposed by Schwab fits squarely into the conditional bank use under the Town's zoning code. With respect thereto, it is worth noting that many mainline banks consider Schwab to be a competitor and will seek to exclude them from centers and other retail projects in which the mainline banks are located.

In all material respects, Schwab's proposed use is consistent with a bank or savings and loan office use, both of which are conditionally permitted at the Project Site.<sup>2</sup>

#### II. <u>Conclusion</u>

Consistent with the above, we request that staff support the Project application and confirm that Schwab's proposed use meets the definition of the use category of banking and savings and loan office use and allow SRI to move forward with the conditional use permit application they filed for the Project. We note that the Town has wide discretion in interpreting its own General Plan and Zoning Code, meaning it is well within the Town's power to make this entirely reasonable and in our view clear interpretation of its Zoning Code. (See Joshua Tree Downtown Business Alliance v. County of San Bernardino (2016) 1 Cal.App.5th 677, 696.)

Very truly yours,

MILLER STARR REGALIA

Míchael Dí Geronímo

Michael E. Di Geronimo

cc: Amber Maglio (via email)

<sup>&</sup>lt;sup>2</sup> Companies like Schwab who would like to open a store and operate in the Central Business District should be encouraged by the Town to do so. It seems like every day that there is a media story about retailers closing stores due to COVID-19 and the rise of internet shopping. Having financially strong and vibrant business operators like Schwab is vital to the continued success of the Town's business district.

### **EXHIBIT A**



February 3, 2020

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

Re: Charles Schwab, 35 University Avenue (Old Town Los Gatos) Use Description / Letter of Justification

To whom it may concern:

Charles Schwab and Federal Realty have agreed upon terms for Charles Schwab to occupy the existing (and soon to be former) Gap location in the Old Town Los Gatos project at 35 University Avenue in Los Gatos, CA. This location is part of the C-2 zone and Charles Schwab, as a retail securities brokerage and bank use, will apply for a conditional use permit to occupy the space.

#### <u>Site</u>

35 University Ave Cross Street: Elm Street Zoning District: C-2 See attached Exhibit A for aerial and site plan

#### **C-2 Zone Overview**

C-2 Zone: The Central Business District Commercial zone is intended to encourage a viable and predominantly pedestrian-oriented Central Business District. The C-2 zone is designed to facilitate a wide variety of retail, service, entertainment, and administrative uses which are vital to a large trading area.

Office uses shall not be located on the ground floor along streets, alley ways, or public parking lots. There are exception areas (Lyndon, Wood, Victory Lane, South side of Los Gatos-Saratoga), but University and N. Santa Cruz are not included.

Office uses on ground floors that are legal and allowed if the office use is not discontinued for 180 consecutive days. If the office use is discontinued for more than 180 days, then it shall not be resumed.

Examples of Proper C-2 uses: Apparel stores, launderettes/dry cleaning agencies, travel agencies, antique stores, telephone answering services, artist studios, sales offices (merchandise stored elsewhere), craft studios, auto parts sales and paint shops.

Personal service businesses may be allowed on the ground floor in the C-2 zone with a conditional use permit (CUP). The Community Development Department handles the CUP process and more information can be found in Town Code Sec. 29.20.185. Banks are permitted in the C-2 zone with a CUP.

#### <u>History</u>

Charles Schwab is currently located at 335 N. Santa Cruz in Los Gatos. We have been a fixture in the Town and have been in the C-2 district for more than 20 years. As the demand for our services in the Town have continued to grow along with the changes in the nature of banking and brokerage transactions that have evolved, the need has come up for more space, which has led us to the current Gap location. This location would allow us to serve our customers and community more effectively, and in an interactive space as the next generation of banking requires.

#### **Retail is Changing**

As highlighted with the C-2 zoning above, we feel that the current definition of retail may be outdated and not in line with today's retail landscape. As more consumers make purchases online, customers now seek an interactive experience as they walk into shops, banks or other service providers. Retail now needs to be about that experience for it to succeed long term. In addition, sales have been decreasing in traditional soft goods retail areas leading to significant retail vacancy: Union Square (SF) and downtown Los Gatos as examples. By replacing the vacant spaces with companies that provide both a person to person transaction and a customer experience, we maintain vibrant city centers.

#### **Banks are Changing**

- Teller Lines are no longer needed. As people move to online transactions and pay-byphone applications, the need to utilize a traditional teller line is no longer a part of the modern banking program.
- ATM usage is decreasing, and cash withdrawals have consistently decreased year over year. As noted above, the use of credit cards and the many mobile applications have lessened the need for cash.
- Banks are needed as a "presence" and are shifting the services that they provide onsite. By allowing customers to use the site as more of an interactive customer facing location, they can manage their finances in a more personal manner.
- As the new banking model evolves, classes, seminars, and interactive sessions have become a fixture of the Charles Schwab business model for each branch. This allows Charles Schwab to not only be a community bank and brokerage house, but also a community service.



Many banks are revising their business model in a similar model as Charles Schwab. Below are a few local examples:

Capital One



Chase private client



Morgan Stanley - In the retail location in the Los Gatos SC on Blossom Hill



#### **Charles Schwab Overview**

A search of "Charles Schwab" online provides the following description:

The Charles Schwab Corporation is a bank and stock brokerage firm based in San Francisco, California. It was founded in 1971 by Charles R. Schwab. It is ranked 13th on the list of largest banks in the United States and it is also one of the largest brokerage firms in the United States. Charles Schwab Bank – FDIC Insured, and Highest 2019 ranking by JD Power for Direct Retail Banking Customer Satisfaction. Offers High yield checking & savings, mortgage loans, and all other financial products that can be obtained in any other bank.

Charles Schwab, like many other banks noted above, is evolving to meet the modern view of a service-oriented bank. Pictures below are of the "branch of the future" which has launched in Austin and will be on the cutting edge in Los Gatos, the heart of Silicon Valley, where innovation is everywhere. Our new branch model features a welcome bar, coffee bar, hospitality area, and living room style conference room and a seminar room as well as private space where clients or walk-in customers can have an opportunity to meet with our bankers and advisors privately. This new model allows for a hands on experience for the clients of Charles Schwab and a space for a interactive experience for residents of Los Gatos.







#### **Examples**

Charles Schwab operates in the same capacity as other retail banks, focusing on foot traffic, signage, parking, access, and overall convenient locations. They target retail locations throughout the country where zoning is retail, and their use is permitted.

- 211 Main Street, San Francisco, CA Ground floor retail zoning
- 100 Post, San Francisco, CA Retail zoning for the 1<sup>st</sup> and 2<sup>nd</sup> floors.
- The Village, Corte Madera, CA Retail shopping center
- Santa Monica, CA Retail building (former pet shop)
- Woodland Hills, CA Retail shopping center
- Raleigh, NC Stand-alone retail pad building
- Sandy Springs, GA Single tenant retail
- Cobb, GA Street front retail building.
- Paramus, NJ Retail zoning
- Clear Lake, TX Retail zoning
- Mount Kisko, KY Street front retail zoning
- Huntington, NY Retail zoning
- Fort Myers, FL Retail zoning
- Northbrook, IL Retail zoning

#### **Conclusion**

Charles Schwab has had a long history serving the Town of Los Gatos. We have been an integral part of the community and hope to serve our valued community for many years to come. To do this, we need to move and grow with the demand of our customer base and with the requirements of a changing market. This branch at 35 University Avenue, with its space for group classes, will provide a beneficial for the <u>entire</u> community, not just our existing customers. We will contribute towards creating synergy amongst the current and future tenants, provide a beautiful façade, the level of quality that the Town of Los Gatos demands, and be a positive driver within the community. Charles Schwab plans to have outreach seminars regarding financial planning to anyone in the Los Gatos community; our store will provide a gathering place for residents and visitors. Therefore, we are formally requesting approval to operate at 35 University Avenue with a conditional use permit as a bank use.





We thank you for your time and look forward to meeting in person to answer any additional questions.

Sincerely, *Joon H. Lee* 

Joon Lee Portfolio Director, Corporate Real Estate

Cc: Jeff Kreshek, Federal Realty

### **EXHIBIT B**

## BANKING COMPARISON -SERVICES OFFERED

MAY 21, 2020

SERVICES	WELLS FARGO	BANK OF AMERICA	citi	<i>charles</i> SCHWAB	<b>Fidelity</b> .
BANKING & CREDIT CARDS					
CHECKING ACCOUNTS	х	х	Х	Charles Schwab Bank	N/A
SAVINGS ACCOUNTS & CDS	х	х	х	Charles Schwab Bank	N/A
CREDIT CARDS	х	х	х	Charles Schwab Bank	N/A
ONLINE BANKING	х	X	X	Charles Schwab Bank	N/A
MOBILE BANKING	х	X	×	Charles Schwab Bank	N/A
ATM CARDS	x	Х	Х	Charles Schwab Bank	N/A
CASH WITHDRAWLS	х	Х	Х	Charles Schwab Bank	N/A
LOAND AND CREDIT	¥	¥	¥	Charles Schwah Bank	N/A
HOME EQUITY LINES	×	x	x	Charles Schwab Bank	N/A
PERSONAL LINES OF CREDIT	×	X	X	Charles Schwab Bank	N/A
SMALL BUSINESS LOANS	x	х	Х	Charles Schwab Bank	N/A
STUDENT LOANS	x	х	Х	Charles Schwab Bank	N/A
AUTO LOANS	X	X	х	Charles Schwab Bank	N/A
INVESTING AND RETIREMENT					
IRAS	х	х	Х	x	х
MUTUAL FUNDS	х	х	х	х	х
401K	х	X	×	X	Х
529C (EDUCATION ACCOUNT)	x	Х	Х	X	X
HEALTH SAVINGS ACCOUNT	x	Х	Х	X	×
BROKERAGE & TRADING ACCOUNTS	Wells Fargo Advisors	Merill Lynch	Х	X	×
INSURANCE SOLUTIONS; LIFE, DISABILITY, LONG TERM CARE	х	х	Х	Х	X
WEALTH MANAGEMENT					
WEALTH PLANNING / FINANCIAL PLANNING	x	Х	Х	X	X
TRUST & FIDUCIARY SERVICES	x	Х	Х	Х	X
INVESTMENT & ASSET MANAGEMENT	x	Х	Х	Х	Х
FINANCIAL LITERACY / SEMINARS	X	Х	Х	Х	Х
Page 235	https://www.wellsfargo.com/ https://www.wellsfargoadvisors.com/	https://www.bankofamerica.com https://www.merrilledge.com/	https://online.citi.com	https://www.schwab.com https://www.schwab.com/bank	https://www.fidelity.com/

*charles* SCHWAB

Notes: Charles Schwab Bank was founded in 2003. / We have the ability to have cash...but this is why we don't want to. / Compare the services offered by Schwab originally to what services they offer today. / TD Bank is not part of this acquisition.





LOS GATOS

SCALE: NTS



50 UNIVERSITY AVE LOS GATOS, CA

DATE:: 7\_9\_19 REVISION: 0 DRAWN BY: MM



### SHEET NOTES 1 EXISTING ACCESSIBLE PATH OF TRAVEL FROM PUBLIC SIDEWALK TO TENANT 2 EXISTING ACCESSIBLE PATH OF TRAVEL FROM EXISTING ACCESSIBLE PARKING TO 3 EXISTING ACCESSIBLE PARKING. SEE DETAIL 1/A0.5. REPAIR OR REPLACE DAMAGED OR MISSING ITEMS. СНІТ 4 EXISTING ACCESSIBLE TENANT ENTRANCE. 5 EXISTING ACCESSIBLE SIGNAGE AT ENTRANCE TO PARKING LOT. SEE DETAIL 10/A0.5. REPLACE IF DAMAGED OR MISSING. A R 6 EXISTING ACCESSIBLE SIGNAGE AT PEDESTRIAN ROUTE OF TRAVEL. SEE DETAIL 11/A0.5. REPLACE IF DAMAGED OR MISSING. 7 EXISTING ACCESSIBLE PATH STRIPING. SEE DETAIL 12/A0.5. REPAINT IF FADED 8 EXISTING ACCESSIBLE CURB RAMP AND DETECTABLE WARNING SURFACE. SEE DETAILS 2 & 8/A0.5. REPLACE IF DAMAGED OR MISSING. TOM WILSON ARCHITECT, INC. 920 First Street, Suite 202 Benicia, CA 94510 Tel: (707) 747-1231 www.tw-architects.com SITE ACCESSIBILITY TENANT SPLIT - SPACE E35 35 UNIVERSITY AVENUE LOS GATOS, CA 95032 THE DEVELOPED SITE INCLUDES ALL ACCESSIBILITY REQUIREMENTS FOR EACH BUILDING AND HAS BEEN APPROVED UNDER A SEPARATE BUILDING PERMIT. THE FOLLOWING ITEMS ARE EXISTING AND ARE NOT A PART OF THIS TEMANT IMPROVEMENT PERMIT: TOWN 1. EXISTING ACCESSIBLE PATH FROM PUBLIC SIDEWALK AND FROM BUS STOP TO EACH BUILDING AND TENANT ENTRANCE. 2. EXISTING SIGNAGE AT EACH DRIVEWAY ENTRANCE TO THE SITE INDICATING ACCESSIBILITY 3. EXISTING ACCESSIBLE PARKING STALLS CLOSE TO EACH BUILDING AND TENANT ENTRANCE. EXISTING ACCESSIBLE PATH FROM ACCESSIBLE PARKING STALLS TO EACH TENANT ENTRANCE. 5. SEE ACCESSIBILITY NOTES AND DETAILS ON SHEETS A0.3 - A0.5. OLD LEGEND DATE: 06-12-2020 REV. NO. REV. DATE SCOPE OF WORK - ALL OTHER ITEMS ARE EXISTING TO REMAIN EXISTING ACCESSIBLE PATH OF TRAVEL REFERENCE SITE PLAN

A1.1

JOB NO.: FRE36





	SHEET NOTES		
1	EXISTING EXTERIOR WALL TO REMAIN, TYPICAL PATCH AND REPAIR ANY DAMAGED AREAS. PROVIDE NEW 5/8" GYPSUM BOARD TO ROOF DECK ABOVE WHERE GYPSUM BOARD IS MISSING. PROVIDE LEVEL 4 FINISH. EXISTING STRUCTURAL COLUMN TO REMAIN, TYPICAL. EXISTING ENTRY DOORS TO REMAIN VERICY COMPLIANCE WITH ALL ACCESSIBILITY		ECT
4	STANDARDS. REPAIR OR REPLACE NON-COMPLIANT ITEMS. CLEAN ALL SURFACES. SEE DOOR SCHEDULE ON SHEET A8.1. EXISTING REAR EXIT DOOR(S) TO REMAIN. VERIFY COMPLIANCE WITH ALL EXISTING REAR EXIT DOOR(S) TO REMAIN. VERIFY COMPLIANCE WITH ALL		
5	ACCESSIBILITY STANDARDS. REPAR OR REPLACE NON-COMPLANT TIEMS. CLEAN ALL SURFACES. SEE DOOR SCHEDULE ON SHEET ASI. EXISTING INTERIOR DEMISING WALL TO REMAIN. PATCH AND REPAR ANY DAMAGED AFEAS. BEDUNG NEW S/AF TYPE: Y CORPINI REDARD TO POPE DECK		CF
6	ABOVE WHERE GYPSUM BOARD IS MISSING. PROVIDE LEVEL 4 FINISH. EXISTING INTERIOR FULL-HEIGHT WALL TO REMAIN. PATCH AND REPAIR ANY DAMAGED AREAS. PROVIDE NEW 5/8" TYPE X"G GYPSUM BOARD TO ROOF DECK ABOVE WHERE GYPSUM BOARD IS MISSING. PROVIDE LEVEL 4 FINISH. ALL ASPECTS OF THIS WALL MUST MATCH THE NEW DEMISING WALL PER DETAIL		AR
7	1/A9.1. REPLACE ITEMS IF REQUIRED. EXISTING CONCRETE FLOOR SLAB TO REMAIN. PATCH AND REPAIR ALL CRACKS AND HOLES. GRIND SMOOTH & LEVEL CONTRACTOR SHALL DETERMINE IF EXISTING CONCRETE FLOOR IS LEVEL WITH NO MORE THAN 1/8" VERTICAL CHANGE IN 10"-0" HORIZONTAL DISTANCE. IF LEVELLING COMPOUND IS REQUIRED, DISCUSS OPTIONS WITH OWNER PRIOR TO PROCEEDING.	TOM WILSC 920 First Str Benicia, CA	DN ARCHITECT, INC. eet, Suite 202 94510
8 9	EXISTING HVAC UNIT ON ROOF ABOVE. SEE MECHANICAL DRAWINGS. NEW DEMISING WALL, ALIGN NEW WALL WITH EXISTING FULL-HEIGHT WALL FOR	Tel: (707) 74 www.tw-	47-1231 architects.com
10	SMOOTH FLUSH TRANSITION, PROVIDE LEVEL 4 FINISH. SEE DETAIL 1/A9.1. NEW RESTROOM WALL. PROVIDE FOUR (4) STUDS BACK-TO-BACK AT TRANSFORMER SUPPORT. SEE REFLECTED CELING PLAN ON SHEET A3.1 FOR LOCATIONS OF TRANSFORMERS. SEE DETAIL 9/A9.2 FOR TRANSFORMER SUPPORT.		ED ARC
11 12 13 14 15 16	SEE DETAILS 5 & 7/A9.1. NEW RESTROOM. SEE 7/A9.2. NEW TACTILE EXIT SIGN. TEXT TO READ "EXIT". SEE DETAILS 4, 7, & 10/A0.4. NEW INTERNATIONAL SYMBOL OF ACCESSIBILITY DECAL VISIBLE FROM EXTERIOR. CENTER ON DOOR AT 5"-O" ABOVE FLOOR. SEE DETAIL 1/A0.4. LINE OF ACCESSIBLE LEVEL MANEUVERING CLEARANCE ON EACH SIDE OF DOOR. SEE DETAIL 2/A0.4. NEW FIRE EXTINGUISHER. SEE GENERAL NOTE 'B' BELOW. SEE DETAIL 6/A9.2. NEW OR RELOCATED ELECTRICAL PANEL. SEE ELECTRICAL DRAWINGS. NEW TELEPHONE BOARD, 4'-O" X 4'-O". SEE ELECTRICAL DRAWINGS.	X STR	0 C-2090 0 C-2090 0 C-2010 0 C-2010 0 0 0 C-2010 0 0 0 0 0 0 0 0 0 0 0 0 0
	GENERAL NOTES		2
	LL INTERIOR DIMENSIONS ARE TO FACE OF NEW STUD, UNLESS OTHERWISE INTERIOR DIMENSIONS ARE TO FACE OF NEW STUD, UNLESS OTHERWISE ROVIDE MINIMUM RATED 2A-10B:C FIRE EXTINGUISHERS SUCH THAT AN XTINGUISHER IS LOCATED MITHIN 75-FOOT TRAVEL DISTANCE FROM ANY POINT INTE 'TAN'S SUCCE, MONTON'S THE INTER, TYPE, AND LOCATION ARE TO BE ETERMINED BY THE LOCAL FIRE DEPARTMENT. EE SHEETS A0.3 AND A0.4 FOR ACCESSIBILITY NOTES AND DETAILS. EAL ALL CRACKS, CREVICES, AND HOLES. EE DETAIL 6, 9, & 12/A9.1 FOR FIRE RATED WALL REQUIREMENTS.	OLD TOWN	TENANT SPLIT - SPACE E35 35 UNIVERSITY AVENUE LOS GATOS, CA 95032
	LEGEND	DATE:	06-12-2020
_	EXISTING EXTERIOR WALL TO REMAIN	REV. NO	. REV. DATE
	EXISTING DEMISING WALL TO REMAIN		
Ē	NEW DEMISING WALL	$\square$	
	NEW INTERIOR RESTROOM WALL PROVIDE FOUR (4) STUDS BACK-TO-BACK AT TRANSFORMER SUPPORT SEE REFLECTED CRILING DIAL ON SUPERTAL 3. SEE DETTUD (4) STUDS		
	UEILING FLAN UN SMEET AS.T. SEE DETAIL 9/A9.2.	$\square$	
		NEW FLOO	R PLAN
		A2.1	
		JOB NO.:	FRE36







**Planning Commission** 

Re: U-20-009

**Dear Planners** 

The continued loss of prime retail space being converted to professional office and restaurant space has endangered the viability of down town Los Gatos.

The applicant has an existing presence downtown but it is in the outskirts of the central business district with little effect on it's neighbors. Allowing them to re-locate next to heart of retail shopping stores is not a wise decision. The conversion of of general retail to office and restaurant use can only lead to continued circulation and parking problems. As we increase the number of restaurant and professional uses, who can afford to pay higher rents, we will loose smaller specialty stores and the loss of ambiance we are so well known for. Tipping the scales to destination businesses has always been balanced in the past but things have changed. The applicant does not have the right to change address. Old town has already peaked out of intensive use on it's property. Lets not lose another curbside retailer. This is a vital visual active corner. It needs to remain general retail not a professional destination location not paying sales tax. Larry Justo Arzie



DATE: November 11, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting a Zoning Consistency Determination and Approval of a Conditional Use Permit (U-20-009) for a Bank (Charles Schwab Community Banking and Investment Services) on Property Zoned C-2:LHP:PD. Located at 35 University Avenue. APN 529-02-044. Property Owner: SRI Old Town LLC. Applicant: Amber DeMaglio.

#### **RECOMMENDATION:**

Exhibit 10 includes an additional public comment received between 11:01 a.m., Friday, November 6, 2020, and 11:00 a.m., Wednesday, November 11, 2020.

#### EXHIBITS:

Exhibits previously received with the November 11, 2020 Staff Report:

- 1. Location map
- 2. Required Findings for Conditional Use Permit
- 3. Recommended Conditions of Approval
- 4. Project Description
- 5. Letter of Justification
- 6. Zoning Consistency Determination Letter
- 7. Floor Plan
- 8. Photos
- 9. Public Comment received by 11:00 a.m., Friday, November 6, 2020

#### Received with this Desk Item Report:

10. Public Comment received between 11:01 a.m., Friday, November 6, 2020, and 11:00 a.m., Wednesday, November 11, 2020.

PREPARED BY: Sean Mullin, AICP Associate Planner

Reviewed by: Planning Manager and Community Development Director



Los Gatos Planning Commission 110 E Main St. Los Gatos, CA 95030

Cc: Town Council, Town Manager, Town Attorney, Town Director of Community Development

Dear Los Gatos Planning Commission,

I have reviewed the request for Federal Realty to attain an exemption via a "code interpretation" to locate a professional office/professional service use disguised as a "bank" on the ground floor in C-2. Looking closely at the plans, they are not proposing to open a bank. Professional offices and professional services have historically never been allowed on the ground floor on the main thoroughfares downtown in C-2, and there have been many requests for them through the years. Allowing this exemption, would represent not only a major departure from precedent, but also a major departure from the Downtown vision we have been tirelessly working on via the economic development streamlining processes.

Some folks were very worried that the moment the streamlining processes took effect, we would be flooded with many formula retail stores and low-end food uses. The streamlining processes have been in place now for +/- 18 months (depending on the policy) and we have only seen the advent of high quality food-uses that will add to the vibrant mix in Downtown, and we are at a net loss of Formula Retail uses. This streamlining is unfolding at a reasonable pace, we should not shake it up any further.

I understand the demand for visible ground floor office uses through the years, coming from a landlord and broker prospective, and this is the single change that would quickly devastate the Downtown use mix. You would quickly see the erosion of the retail presence as the dining/shopping attraction evaporates by allowing the professional uses on the ground floor. Further, Old Town has typically attracted larger formula retailers that are an important part of the Downtown mix. A lot of the reason behind relaxing the Formula Retail policy was because there are a lot of physical constraints on N Santa Cruz Ave and Main St that naturally regulate the ability for an abundance of Formula Retail from locating there. Hence, Old Town has been identified as an appropriate place for larger scale Formula Retail uses, why would we now eliminate one great location?

As some of you may know, I have been a major advocate through the years for making adjustments to the policies and Town Code to allow for more flexibility when it comes to uses in the Downtown/C-2 zone, however this is one change that I fear would be not only inconsistent with the Town vision, but cause irreparable damage to our Downtown as we are on the precipice of an economic resurgence given the streamlining policies that have already been put to the test. If ground floor professional services are something the Town wants to consider in the commercial core, it should be looked at carefully and studied, rather than taken on a case-by-case basis. Current analysis leads me to believe we want to encourage "banks" to relocate or reduce their footprint, not add new ones.

Jim Foley Principăl

Pennant Properties