



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
JUNE 28, 2023
110 EAST MAIN STREET
LOS GATOS, CA**

*Jeffery Barnett, Chair
Steven Raspe, Vice Chair
Susan Burnett, Commissioner
Kylie Clark, Commissioner
Melanie Hanssen, Commissioner
Kathryn Janoff, Commissioner
Emily Thomas, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: 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.

Effective Proceedings: 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 day before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.
Live and Archived Planning Commission meetings can be viewed by going to:
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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]

**TOWN OF LOS GATOS
PLANNING COMMISSION MEETING AGENDA
JUNE 28, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM**

IMPORTANT NOTICE

This is a hybrid/in-person meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca-gov.zoom.us/j/81913517790?pwd=MIQ2U3krbEp1QmRyWVUrS0xSZXRvZz09>. Passcode: 533049. You can also type in 819 1351 7790 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - When the Mayor 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.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Vice Chair. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

When called to speak, you may be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. 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 wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to Planning@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
JUNE 28, 2023
7:00 PM**

MEETING CALL TO ORDER

ROLL CALL

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Planning Commission without first being recognized;
- Interrupting speakers, Planning Commissioners, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

PLEDGE OF ALLEGIANCE

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 *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Draft Minutes of the June 14, 2023 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.)*

2. Consider an Appeal of a Community Development Director Decision to Approve a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1D. **Located at 473 Wraight Avenue.** APN 529-06-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Minor Residential Development Application MR-22-013.

PROPERTY OWNER/APPLICANT: Vicky Le. APPELLANT: James Woods. PROJECT PLANNER: Ryan Safty.

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

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

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

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

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



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/28/2023

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
JUNE 14, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, June 14, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Jeffrey Barnett, Vice Chair Steve Raspe, Commissioner Susan Burnett, Commissioner Kylie Clark, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas

Absent: None.

Commissioner Clark indicated she was traveling and would attend the meeting via Zoom, and there were no adults in the room with her.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – May 24, 2023

MOTION: **Motion by Vice Chair Raspe** to approve adoption of the Consent Calendar. **Seconded by Commissioner Thomas.**

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

2. 380 Blackwell Drive

Fence Height Exception Application FHE-23-002

APN 424-12-027

Applicant: Ramin Zohoor

Appellant: Larry Cesnik

Property Owner: Larry Cesnik and Martha Johnson

Project Planner: Sean Mullin

Consider an Appeal of a Community Development Director Decision to deny a Fence Height Exception Request for construction of an automated vehicular gate exceeding the maximum height and with reduced setbacks on property zoned R-1:8. Categorically exempt pursuant to CEQA Guidelines Section 15303(e): New Construction or Conversion of Small Structures.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Larry Cesnik

- I am the resident at 380 Blackwell Drive. My major theme is safety, not only for our son, but also for the citizens of Los Gatos. We have a young adult son, Martin, who lives in the ADU on the property that directly faces the driveway, the street, and the electric tower area across the street. Our son is autistic and has very low safety awareness and needs to be watched when he is outside. He is also very physical and moves quickly and can swiftly reach the sidewalk, street, and the electric tower area, so that is why we built the gate, because we need it to prevent any unexpected bolting. The gate also keeps the citizens of Los Gatos safe, because if he were to get out to the street or sidewalk motorists, pedestrians, cyclists, and pets could be at risk of collision. When closed the gate would block entry to the sidewalk and street. Martin's primary care physician has written a letter stating Martin does have this condition, that he can impulsively bolt from a safe area, and that she supports installing a gate across the driveway to ensure Martin's safety. Martin is a client of the San Andreas Regional Center and has an individualized program plan where safety comes up frequently as an issue. We are setting safety goals for him to try to achieve, but it is a life-long process for him to get there.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to grant the appeal of a community Development Decision to deny a Fence Height Exception for construction of an automated vehicular gate exceeding the maximum height and with reduced setbacks on property zoned R-1: 8, with a request that the gate be moved back four feet, 10 inches to five feet. **Seconded by Commissioner Hanssen.**

Town Attorney Whelan requested the motion be amended to state that the gate shall be moved back five feet as a condition of approval rather than a request.

The maker of the motion accepted the amendment to the motion.

The seconder of the motion accepted the amendment to the motion.

Commissioner Thomas requested the motion be amended to State that the fence height shall exceed the three-foot maximum.

The maker of the motion accepted the amendment to the motion.

The seconder of the motion accepted the amendment to the motion.

Commissioners discussed the matter.

Town Attorney Whelan requested the motion be amended to state that approval of the appeal is conditioned on moving the fence back five feet, and a variance from the 25-foot requirement is approved.

Planning Manager Armer requested the motion be amended to state that a fence height exception for the fence within the front setback to be greater than the three-foot limitation is granted, and that includes additional connecting fencing because of the relocation of the fence with the gate.

The maker of the motion accepted the amendments to the motion.

The seconder of the motion accepted the amendments to the motion.

VOTE: **Motion passed 6-1 with Commissioner Thomas dissenting.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The next Housing Element Advisory Board meeting is scheduled for June 15, 2023, at 7:00 p.m. in the Council chambers to discuss the State's comment letter on the most recent draft of the Town's Housing Element.
- The next Planning Commission meeting is scheduled for June 28, 2023.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Conceptual Development Advisory Committee

Commissioner Hanssen

- CDAC met on June 14, 2023 to discuss developing 143-151 East Main Street to convert an existing building to a mixed-use development with below-grade parking, three stories of residential, and retail on the ground floor.

ADJOURNMENT

The meeting adjourned at 8:04 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 14, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/28/2023

ITEM NO: 2

DATE: June 23, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Approve a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1D. **Located at 473 Wraight Avenue.** APN 529-06-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Minor Residential Development Application MR-22-013. PROPERTY OWNER/APPLICANT: Vicky Le. APPELLANT: James Woods. PROJECT PLANNER: Ryan Safty.

RECOMMENDATION:

Deny an appeal of the Community Development Director decision to approve a second-story addition to an existing single-family residence on property zoned R-1D, located at 473 Wraight Avenue.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D, Single-Family Residential Downtown
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 5,502 square feet
Surrounding Area:

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

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Categorically Exempt, Section 15303: New Construction.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.

ACTION:

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

BACKGROUND:

The subject property is located on the west side of Wraight Avenue, approximately 250 feet north of Los Gatos-Saratoga Road (Exhibit 1). The site is developed with an approximately 777-square foot single-story residence and attached 305-square foot garage.

On July 25, 2022, the property owner submitted a Minor Residential Application for construction of a remodel, first-floor addition, and new second-story addition to the existing residence (Exhibit 11). On May 24, 2023, the Town deemed the plans complete and sent out Notice of Pending Approval letters to the immediate neighbors, stating that the Town would approve the application on June 2, 2023, with the appeal period ending on June 12, 2023 (Exhibit 12). On June 6, 2023, the immediate neighbor to the north, at 475 Wraight Avenue, appealed this approval to the Planning Commission (Exhibit 13).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of Wraight Avenue, approximately 250 feet north of Los Gatos-Saratoga Road (Exhibit 1). The property is developed with a single-story residence. The subject site and surrounding properties are comprised of single-family homes.

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant proposes construction of a remodel, first-floor addition, and new second-story addition to the existing single-story residence. The proposed residence would be 1,903 square feet with a 457-square foot attached garage. The project plans in Exhibit 11 show a future Junior Accessory Dwelling Unit, which is not a part of this Minor Residential Application because it cannot be reviewed through a discretionary application in accordance with State ADU law.

C. Zoning Compliance

A single-family residence and garage are permitted in the R-1D zone. The proposed residence is in compliance with all applicable zoning regulations including floor area, height, setbacks, and parking.

DISCUSSION:

A. Minor Residential Development Analysis

The applicant proposes to remodel the existing single-story residence, with an 89-square foot addition to the first floor, and a new 1,038-square foot second-story addition above. The total proposed home size would be 1,903 square feet, with an attached 457-square foot two-car garage (Exhibit 11). The applicant provided a Letter of Justification detailing the proposal, which is included as Exhibit 4.

Approximately 44 percent of the existing exterior framing of the existing 777-square foot single-story residence and 305-square foot attached garage is proposed to be removed as a part of the remodel and single-story addition. The existing residence is non-conforming to the required five-foot side yard setback with an existing left side setback of approximately four feet, six inches. As the proposed remodel work does not exceed 50 percent, the project is not considered a technical demolition by Town Code and therefore existing non-conformities can remain and be extended. The other setback requirements are being met for the proposed additions.

The existing garage area will be converted to a Junior Accessory Dwelling Unit, which is not being reviewed with this application per State law and does not count towards the maximum allowed floor area for the site. The new garage will be attached to the residence. The existing front-facing covered porch will remain, and a new covered porch will be added at the rear of the residence.

DISCUSSION (continued):

The new 1,038-square-foot second story addition will be located above and stepped back from the remodeled first floor area below on all four elevations:

- Front elevation: five-foot step-back;
- Right elevation: seven-foot, six-inch step-back;
- Left elevation: three-foot to six-foot step-back; and
- Rear elevation: zero to two-foot step-back.

B. Building Design

The applicant proposes an addition and remodel to the existing Traditional Style residence. The existing style would remain, with white horizontal wood siding and dark gray composition shingle roofing (Exhibit 5). Window and door frames would be wood-clad and painted black, and porch columns would be a stained wood color.

The Town's Consulting Architect reviewed the proposed remodel and addition on August 5, 2022 (Exhibit 6). In the report, the Consulting Architect noted that the site is located in an established neighborhood with a mix of one and two-story homes designed in a variety of traditional styles, and that the proposed project is modest in scale with height, bulk, and articulation similar to other homes in the immediate neighborhood. The addition complements the overall house design.

The Consulting Architect identified two minor concerns with the original design and made recommendations for modifications. First, the Consulting Architect recommended that the second-story shed roof form above the stairs be modified to a gable roof form to better integrate with the rest of the proposed roof forms. Second, the Consulting Architect recommended that the garage door be recessed, and a trellis should be added over the garage door to mitigate the prominence of the two-car garage door on the front elevation. The applicant incorporated both recommendations within their resubmittal.

C. Neighborhood Compatibility

The immediate neighborhood is made up of one and two-story single-family residences. Based on County records, the residences in the immediate neighborhood range in size from 791 square feet to 2,293 square feet. The floor area ratios (FAR) range from 0.151 to 0.346. The proposed residence would be 1,903 square feet (0.346 FAR) with a 457-square foot attached garage. Pursuant to Town Code Section 29.40.075, the maximum allowed FAR for the 5,502-square foot property is 0.350 (1,926 square feet) with a maximum allowed garage size of 545 square feet. The table on the following page reflects the current conditions of the homes in the immediate neighborhood.

DISCUSSION (continued):

Address	Zoning	House	Garage	Total FAR	Lot Size	FAR	No. of Stories
473 Wraight Ave (Ex.)	R-1D	777	305	1,082	5,502	0.141	1
473 Wraight Ave (Prop.)	R-1D	1,903	457	2,360	5,502	0.346	2
477 Wraight Ave	R-1D	1,900	450	2,350	5,500	0.345	2
475 Wraight Ave	R-1D	1,902	322	2,224	5,500	0.346	1
471 Wraight Ave	R-1D	1,903	229	2,132	5,500	0.346	2
469 Wraight Ave	R-1D	1,825	278	2,103	5,500	0.332	1
474 Wraight Ave	R-1D	791	240	1,031	5,234	0.151	1
478 Wraight Ave	R-1D	2,293	673	10,983	6,743	0.340	2
480 Wraight Ave	R-1D	1,076	200	1,276	5,500	0.196	1
482 Wraight Ave	R-1D	1,200	240	1,440	5,500	0.218	1
484 Wraight Ave	R-1D	1,647	280	1,927	5,500	0.299	1

The proposed residence would not be the largest home in the immediate neighborhood in terms of square footage, but would be tied with two other properties for the largest FAR. The proposed two-story residence would not be the first two-story in the neighborhood, and at a proposed height of 26 feet, it would not be the tallest as 478 Wraight Avenue across the street is approximately 30 feet tall.

D. Trees

The Town's Consulting Arborist prepared a report for the site and made recommendations for the project (Exhibit 7). The project site contains one protected tree: a large Coast Redwood in the front yard. The Consulting Arborist recommended tree protection around the tree for protection during construction. The applicant updated the project plans to show the required tree protection. No tree removals are proposed with this application. The applicant proposes to plant five new trees along the rear property line for neighbor screening, which is discussed further below.

E. Public Comment

During the Planning review process, three public comments were sent to the Town (Exhibit 15). The first two are from the appellant prior to the date that the appeal was received, which echo the points made in the appeal and are discussed in detail in the following section. The third comment was from a neighbor to the rear, requesting screening trees to be installed. The applicant has added five screening trees in the rear yard to the project plans to address this neighbor's privacy concern.

DISCUSSION (continued):

In addition, the applicant conducted neighborhood outreach at the beginning of the planning application process, which is summarized in Exhibit 10. The letter explains the different design changes that the applicant made to accommodate neighbor concerns. To accommodate privacy concerns of the neighbor to the south, second-story window sizes and locations were modified on the south elevation. The neighbor to the north (the appellant) expressed concerns with privacy and winter sun shadow impacts. In an attempt to remedy these concerns, the applicant provided the following: explanation that the second floor is set-back approximately 13 feet from the north property line, where five feet is the minimum; explanation that no major windows are proposed on the second floor of the north elevation; plan revisions making all the second-floor windows on the north elevation either obscured or clerestory; plan revisions to show a six-foot tall lattice screen on the north-side of the rear balcony; and plan revisions showing a proposed height increase to the shared side fence to further protect privacy.

F. Appeal

Based on the explanation provided above, Town staff supported the application and mailed out Notice of Pending Approval letters (Exhibit 12) to the immediate neighbors on May 24, 2023. The letter explained that the Town intended to approve the application on June 2, 2023, and that the appeal period would end on June 12, 2023.

On June 6, 2023, an appeal was received from the neighbor to the north at 475 Wraight Avenue (Exhibit 13). The appeal mentions two major concerns: winter sun; and privacy of the rear balcony. Details on each concern are summarized below:

- Winter Sun: *The new structure will shadow almost the entirety of the south side of our home; the worst impact will be in the winter (as evident in the shadow study provided on Sheet A1.1 of the project plans in Exhibit 11). Our southern windows are where we get a large portion of the sunlight throughout the year – especially in the winter. We are opposed to a structure which blocks a large portion of our sunlight throughout the year and stands so close to our home. We believe a large part of our concerns would be alleviated by a redesign, which includes relocating the garage to the back of the lot. It seems this single change would both allow for an increase in the light getting to our home and would also significantly reduce the impact on our view from our windows.*
- Rear Balcony: *The proposed balcony on the back of the new structure off of the master bedroom will look down on the two windows in our master bathroom. Their proposal to add a lattice screen does not solve the problem. Someone on the balcony would be able to see us through the lattice.*

DISCUSSION (continued):

The applicant has provided a response letter to the appeal, provided as Exhibit 14. The letter explains why a different house design, such as the suggestion by the appellant for a detached garage, would not work for the owner, and outlines the different design approaches used to accommodate the appellant's concerns. Specifically, the applicant explains that no ingress or egress windows were placed on the side elevations of the second-story; the second-story windows facing the appellant are either obscured or have a raised sill height; the ridgeline of the proposed first-floor roof will block the view of the balcony (Exhibit 8); a privacy screen was added to the rear balcony for further privacy protection; and increased side setbacks ranging from 13 feet, four inches to 17 feet, eight inches are proposed on that side of the second-story when Town Code requires five feet. The applicant also notes that the shadow study provided on Sheet A1.1 of Exhibit 11 are overstated as they were drawn as if the shadows are cast onto a vacant lot. For example, the applicant further studied the December 21st, noon shadow, which on Sheet A1.1 appears as if it would block the sun along the entire side elevation of the appellant's property, and determined that the project shadows would only climb up the neighbor's sidewall roughly 42 inches.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by April 25, 2023. Public comment received by 11:00 a.m. on Friday, June 23, 2023, are summarized above and included as Exhibit 15. The applicant has provided response to public comment within their Neighborhood Outreach Summary letter in Exhibit 10.

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.

CONCLUSION:

A. Summary

The appellant is requesting that the Planning Commission reconsider the Community Development Director's decision to approve a second-story addition to an existing single-family residence on property zoned R-1D, located at 473 Wraight Avenue, due to privacy and shadow concerns.

CONCLUSION (continued):

B. Recommendation

For the reasons stated in this report, staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the Community Development Director, and approve the Minor Residential Development application:

1. 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 (Exhibit 2);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Exhibit 2);
3. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
4. Approve Minor Residential Development application MR-22-013 with the conditions contained in Exhibit 3 and Development Plans in Exhibit 11.

C. Alternatives

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 Community Development Director with direction for revisions; or
4. Grant the appeal and deny the Minor Residential Development application.

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SUBJECT: 473 Wraight Avenue/MR-22-013

DATE: June 23, 2023

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Color and Material Board
6. Consulting Architect's Report
7. Consulting Arborist's Report
8. Balcony Sight Line Study
9. Neighborhood Pictures
10. Neighborhood Outreach Summary
11. Development Plans
12. Minor Residential Notice of Pending Approval Letter, May 24, 2023
13. Appeal Letter, June 6, 2023
14. Applicant's Response to Appeal, June 13, 2023
15. Public Comments Received by 11:00 a.m., Friday, June 23, 2023

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PLANNING COMMISSION – June 28, 2023
REQUIRED FINDINGS FOR:

473 Wraight Avenue

Minor Residential Development Application MR-22-013

Consider an Appeal of a Community Development Director Decision to Approve a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1D. APN 529-06-027.

PROPERTY OWNER/APPLICANT: Vicky Le

APPELLANT: James Woods

PROJECT PLANNER: Ryan Safty

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.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect who noted that the proposed project is modest in scale with height, bulk, and articulation similar to other homes in the immediate neighborhood. The Consultant recommended two minor design modifications, which the applicant incorporated into their plans.

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PLANNING COMMISSION – June 28, 2023
DRAFT CONDITIONS OF APPROVAL

473 Wraight Avenue

Minor Residential Development Application MR-22-013

Consider an Appeal of a Community Development Director Decision to Approve a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1D. APN 529-06-027.

PROPERTY OWNER/APPLICANT: Vicky Le

APPELLANT: James Woods

PROJECT PLANNER: Ryan Safty

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. 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.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report dated as received September 8, 2022 for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: A Tree Protection Plan will be required with the Building Permit submittal. Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.

EXHIBIT 3

10. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Minor Residential application.
11. DEMOLITION AFFIDAVIT: Prior to issuance of a building permit, a demolition affidavit must be submitted and signed by the property owner, project architect, project engineer and contractor.
12. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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.
13. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

14. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

6-9-22

Project Description / Justification Letter – 473 Wraight Avenue

The existing single-story residence at 473 Wraight Avenue is a small one-story home (777 sq.ft.) on a conforming parcel (5,502 sq.ft.) in the R-1-D zoning district.

The owner would like to enlarge the home to meet her family's needs (she has 2 young children), while also including a JADU for future flexibility. The additions would make the home the same size as the adjacent home, which is also 2-stories.

The current residence has a substandard side setback of about 4'-6". The proposed addition would extend this existing setback along one wall. All other setbacks are conforming.

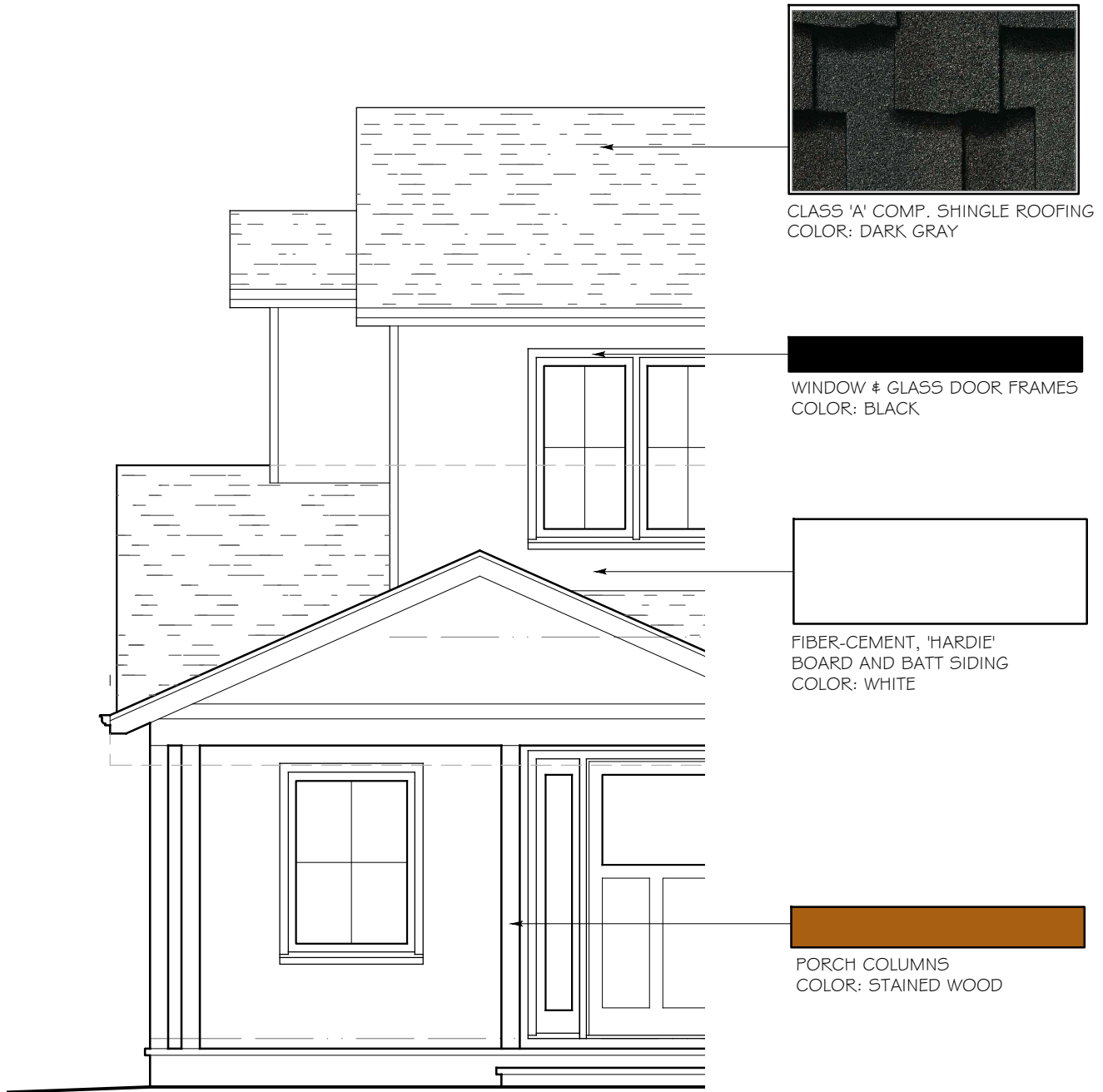
The proposed additions are placed to the side and rear, so as to not disturb the large redwood tree in the front yard.

The proposed 2nd floor addition is set back from the sides to reduce the impact on the neighbors. The 2nd floor setback is even greater on the right-side, as that neighbor is a one-story house. Further, there are only small, secondary windows on the sidewalls of the 2nd floor, so as to protect the neighbor's privacy.

The existing neighborhood is a mix of one & two-story homes, and the proposed residence will be compatible with the neighborhood – in size, mass, height and style.

EXHIBIT 4

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CLASS 'A' COMP. SHINGLE ROOFING
COLOR: DARK GRAY



WINDOW & GLASS DOOR FRAMES
COLOR: BLACK



FIBER-CEMENT, 'HARDIE'
BOARD AND BATT SIDING
COLOR: WHITE



PORCH COLUMNS
COLOR: STAINED WOOD

FROM THE OFFICE OF
CHRIS SPAULDING
ARCHITECT

Page 27

ELIA STREET, SUITE E
BERKELEY CA 94710

COLOR BOARD
473 WRAIGHT AVE
LOS GATOS □ CALIFORNIA

EXHIBIT 5

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August 5, 2022

Mr. Ryan Safty
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 473 Wraight Avenue

Dear Ryan:

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

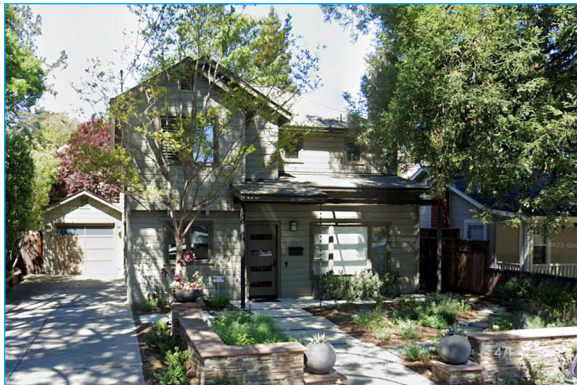
NEIGHBORHOOD CONTEXT

The site is located in an established neighborhood with a mix of one and two-story homes designed in a variety of traditional styles. Photographs of the site and surrounding context are shown on the following page.

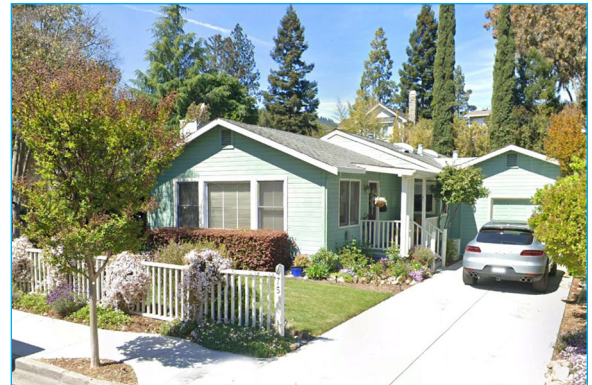




THE SITE



House to the immediate left



House to the immediate right



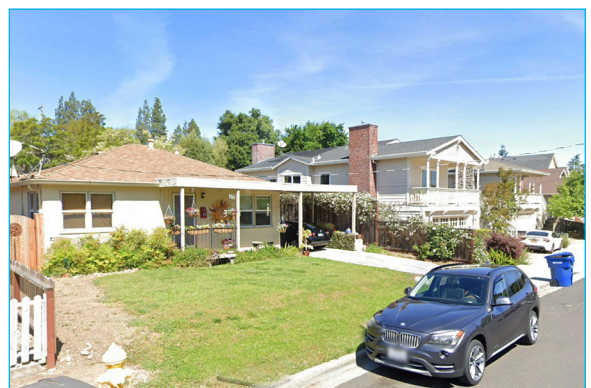
Nearby house to the left



Nearby new house to the right



Nearby house across Wraight Avenue



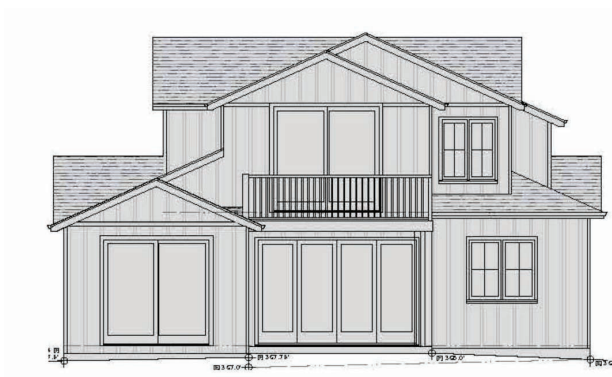
Nearby homes to the right

PROPOSED PROJECT

The proposed elevations are shown below.



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



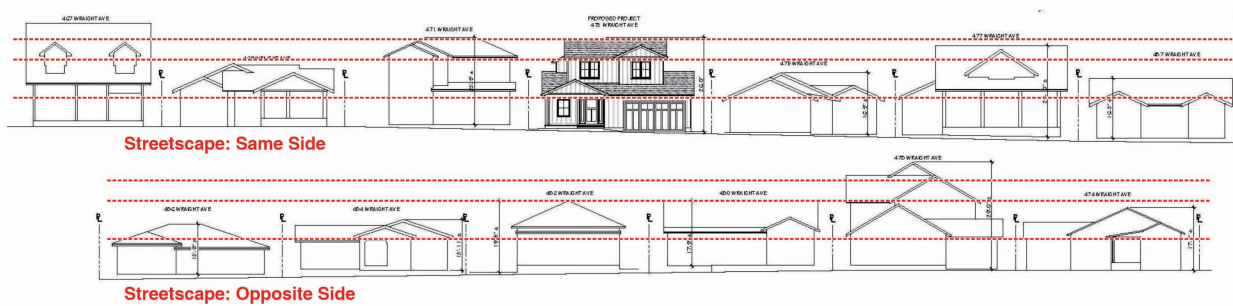
PROPOSED LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION

ISSUES AND RECOMMENDATIONS

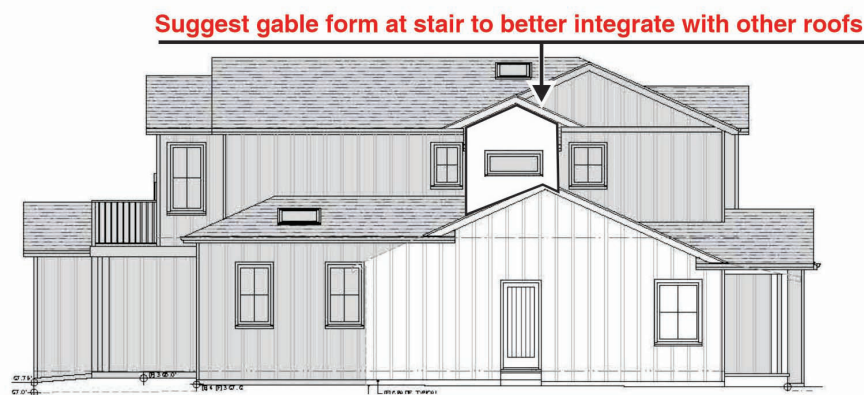
The proposed project is modest in scale with a height, bulk and articulation similar to other homes in the immediate neighborhood - see streetscape illustration below.



The addition complements the overall house design. I have only a couple of issues and recommendations.

1. The shed roof form on the stair seems inconsistent with the predominant roofs.

Recommendation: Utilize a gable roof form over the stair in lieu of the shed roof as a way to better integrate it with the major roof forms.



2. The two car garage is flush with the front facade while other homes in the immediate neighborhood have detached garages set well back from the front facade or have only a one car wide garage door which is not consistent with Residential Design Guidelines 2.4.1 and 3.4.1.

2.4.1 Locate garages to reinforce the predominant neighborhood pattern

- Along street fronts with narrow driveways and garages located at the rear of parcels, repeat that pattern.
- Where garages near the front face of the houses are common, a similar location is acceptable, but the garage front should generally be set back from the front facade

3.4.1 Limit the prominence of garages

- Avoid designs that allow the garage to dominate the street facade.
- Limit the garage width to a maximum of 50 percent of the total facade width.
- Set garages back from the front facade.
- Recess garage doors as much as possible from the garage facade.
- Consider adding trellises with landscaping over garage doors to soften their visual appearance.

Recommendation: Recess the garage door and add a trellis above the door - see Los Gatos examples below.

**Suggest gable form at stair to
better integrate with other roofs**



**Recess garage door and add trellis per
Residential Design Guideline 3.4.1**



Ryan, please let me know if there are any issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Handwritten signature of Larry L. Cannon in black ink.

Larry L. Cannon

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September 8, 2022

Ryan Safty
Associate Planner/Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031



Monarch Consulting Arborists

Richard Gessner
P.O. Box 1010 – Felton, CA 95018
1 831 331 8982
www.monarcharborists.com

Summary

The applicant has submitted a Minor Residential Application MR-22-013 and is requesting approval for construction of a new second story on property zoned R-1D. APN 529-06-027. The inventory contains one coast redwood (*Sequoia sempervirens*) located in front with a trunk diameter of 43 inches. The tree has normal foliar color, size and density and is in good condition. The proposed second story addition is not expected to affect the tree and construction impacts are low. Tree protection should be placed at the edge of exiting infrastructure adjacent to the house with enough room to access the structure, and along the existing concrete walkway to the porch enclosing the artificial turf area. The depreciated rounded value using the trunk formula technique is \$32,000.00.

Introduction

Assignment, Limits, Purpose and Use

- Provide an arborist's report including an assessment of the trees within the project area and on the adjacent sites. The assessment is to include the species, size (trunk diameter), and condition (health, structure, and form). Affix number tags on the trees for reference on site and on plans.
- Provide tree protection specifications, guidelines, and impact ratings for those affected by the project.
- Provide appraised values using the Trunk Formula Technique.
- The information in this report is limited to the condition of the trees during my inspection on August 9, 2022. No tree risk assessments were performed.
- Plans review for this assignment were as follows: Sheets A1 through A4 provided by Chris Spaulding Architect dated June 6, 2022.

The report is intended to identify all the trees within the plan area that could be affected by a project. The report is to be used by the Town of Los Gatos and the property owners as a reference for existing tree conditions to help satisfy planning requirements.



Observations

Tree Inventory

The inventory consists of trees protected by the Town of Los Gatos located on site and those in close proximity on neighboring properties. Sec. 29.10.0960. - Scope of protected trees. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required. (Appendix A and B). Los Gatos Town Ordinance 29.10.0970 Exceptions (1) states the following: "A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

There is only one large coast redwood located in front of the site with a trunk diameter of 43 inches and is approximately 75 feet tall (Image 1). The tree is considered "Protected" by the ordinance.

Plans

The applicant has submitted a Minor Residential Application MR-22-013 and is requesting approval for construction of a new second story on property zoned R-1D. APN 529-06-027



IMAGE 1: 43 INCH DIAMETER COAST REDWOOD



Analysis

Tree appraisal was performed according to the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal 10th Edition, 2019* (CLTA) along with Western Chapter International Society of Arboriculture *Species Classification and Group Assignment, 2004*. The trees were appraised using the “Cost Approach” and more specifically the “Trunk Formula Technique” (Appendix B).

“Trunk Formula Technique” is calculated as follows: Basic Tree Cost = (Unit tree cost x Appraised trunk area), Appraised Value = (Basic tree cost X functional Limitations (percentage) X Condition (percentage) X External Limitations (percentage)).

The coast redwood has been appraised for a depreciated rounded value of \$32,000.00.

Discussion

Condition Rating

A tree’s condition is a determination of its overall health, structure, and form. The assessment considered all three criteria for a combined condition rating.

The coast redwood is in good condition defined as follows: Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.

Expected Impact Level

Impact level defines how a tree may be affected by construction activity and proximity to the tree, and is described as low, moderate, or high.

The project is not expected to impact the tree, cause decline, or compromise its integrity. There is some indication of grading between the house and the tree but this will need to be eliminated (Image 2). The area between the existing structure will need to remain similar to the existing conditions.

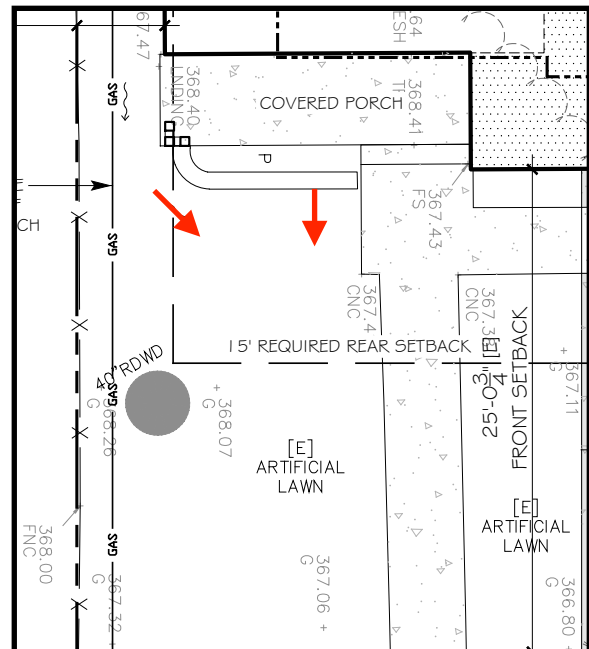


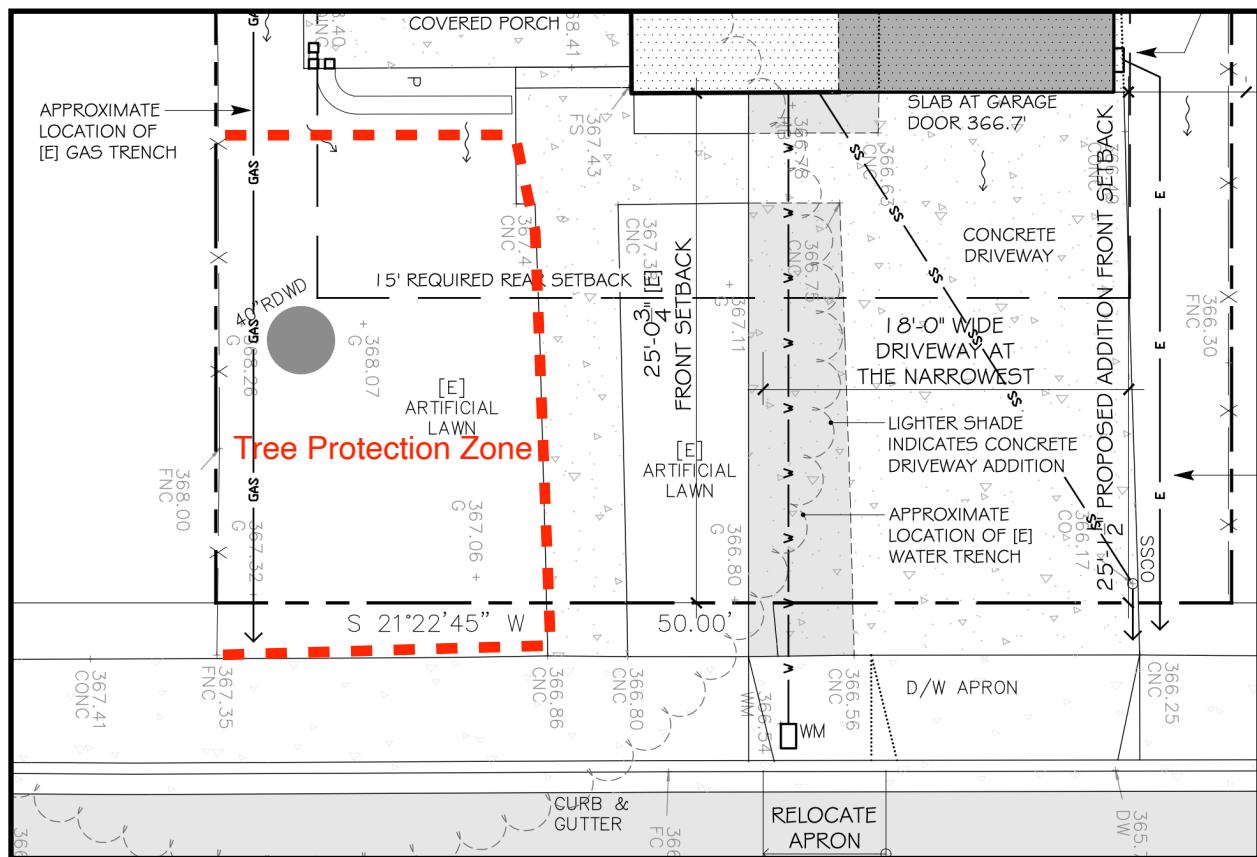
IMAGE 2: SNAPSHOT OF POTENTIAL GRADING TO BE ELIMINATED



Tree Protection

Typically there are three different tree protection schemes which are called Type I (Appendix D1), Type II and Type III (Appendix D2) trunk protection only. Tree protection focuses on avoiding damage to the roots, trunk, or scaffold branches (Appendix D). The most current accepted method for determining the TPZ is to use a formula based on species tolerance, tree age/vigor, and trunk diameter (Matheny, N. and Clark, J. 1998) (Fite, K, and Smiley, E. T., 2016). Preventing mechanical damage to the trunk from equipment or hand tools can be accomplished by wrapping the main stem with straw wattle or using vertical timbers

Due to the size of the tree and the existing constraints from the residence, walkway, and driveway it is not possible to obtain the ideal 30 foot radius around the tree (Image 3). Tree protection should be placed at the edge of exiting infrastructure adjacent to the house with enough room to access the structure and along the existing concrete walkway to the porch. The fence will essentially be at the edge of the artificial turf area. There is enough clearance from the proposed second story where pruning is unnecessary.



Conclusion

The applicant has submitted a Minor Residential Application MR-22-013 and is requesting approval for construction of a new second story on property zoned R-1D. APN 529-06-027. The inventory contains one large coast redwood located in front with a trunk diameter of 43 inches and is approximately 75 feet tall with a crown diameter of approximately 50 feet. The tree has normal foliar color, size and density and is in good condition. The proposed second story addition is not expected to affect the tree and construction impacts are low. Tree protection should be placed at the edge of existing infrastructure adjacent to the house with enough room to access the structure, and along the existing concrete walkway to the porch enclosing the artificial turf area. The depreciated rounded value using the trunk formula technique is \$32,000.00.

Recommendations

1. Place tree numbers on all the plans. Once civil drawings are available have them reviewed by the project arborist.
2. Place tree protection around coast redwood #807 at the edge of existing infrastructure. Install temporary irrigation or soaker hoses in all tree protection zones and provide supplemental watering during construction within all TPZ areas. Infrequent deeper watering is preferred. This may not be possible with the artificial turf.
3. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.
4. Refer to Appendix D for general tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within a trees drip line or designated TPZ/CRZ.
5. Place all the tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Create a separate plan sheet that includes all three protection measures labeled "T-1 Tree Protection Plan."
6. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.



7. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

Bibliography

- American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management : Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction)(Part 5). Londonderry, NH: Secretariat, Tree Care Industry Association, 2019. Print.
- Fite, Kelby, and Edgar Thomas. Smiley. *Managing trees during construction*, second edition. Champaign, IL: International Society of Arboriculture, 2016.
- ISA. *Guide For Plant Appraisal 9th Edition*. Savoy, IL: International Society of Arboriculture, 2000. Print.
- ISA. *Guide For Plant Appraisal 10th Edition*. Savoy, IL: International Society of Arboriculture, 2018. Print.
- ISA. Species Classification and Group Assignment, 2004 Western Chapter Regional Supplement. Western Chapter ISA
- Matheny, Nelda P., Clark, James R. Trees and development: A technical guide to preservation of trees during land development. Bedminster, PA: International Society of Arboriculture 1998.
- Smiley, E, Matheny, N, Lilly, S, ISA. *Best Management Practices: Tree Risk Assessment*: International Society of Arboriculture, 2017. Print



Glossary of Terms

Basic Tree Cost: The cost of replacement for a perfect specimen of a particular species and cross sectional area prior to location and condition depreciation.

Cost Approach: An indication of value by adding the land value to the depreciated value of improvements.

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Diameter at breast height (DBH): Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants. The outer extent of the tree crown.

Form: describes a plant's habit, shape or silhouette defined by its genetics, environment, or management.

Health: Assessment is based on the overall appearance of the tree, its leaf and twig growth, and the presence and severity of insects or disease.

Mechanical damage: Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

Scaffold branches: Permanent or structural branches that for the scaffold architecture or structure of a tree.

Straw wattle: also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials, and have an average weight of 35 pounds.

Structural evaluation: focused on the crown, trunk, trunk flare, above ground roots and the site conditions contributing to conditions and/or defects that may contribute to failure.

Tree Protection Zone (TPZ): Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.



Tree Risk Assessment: Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

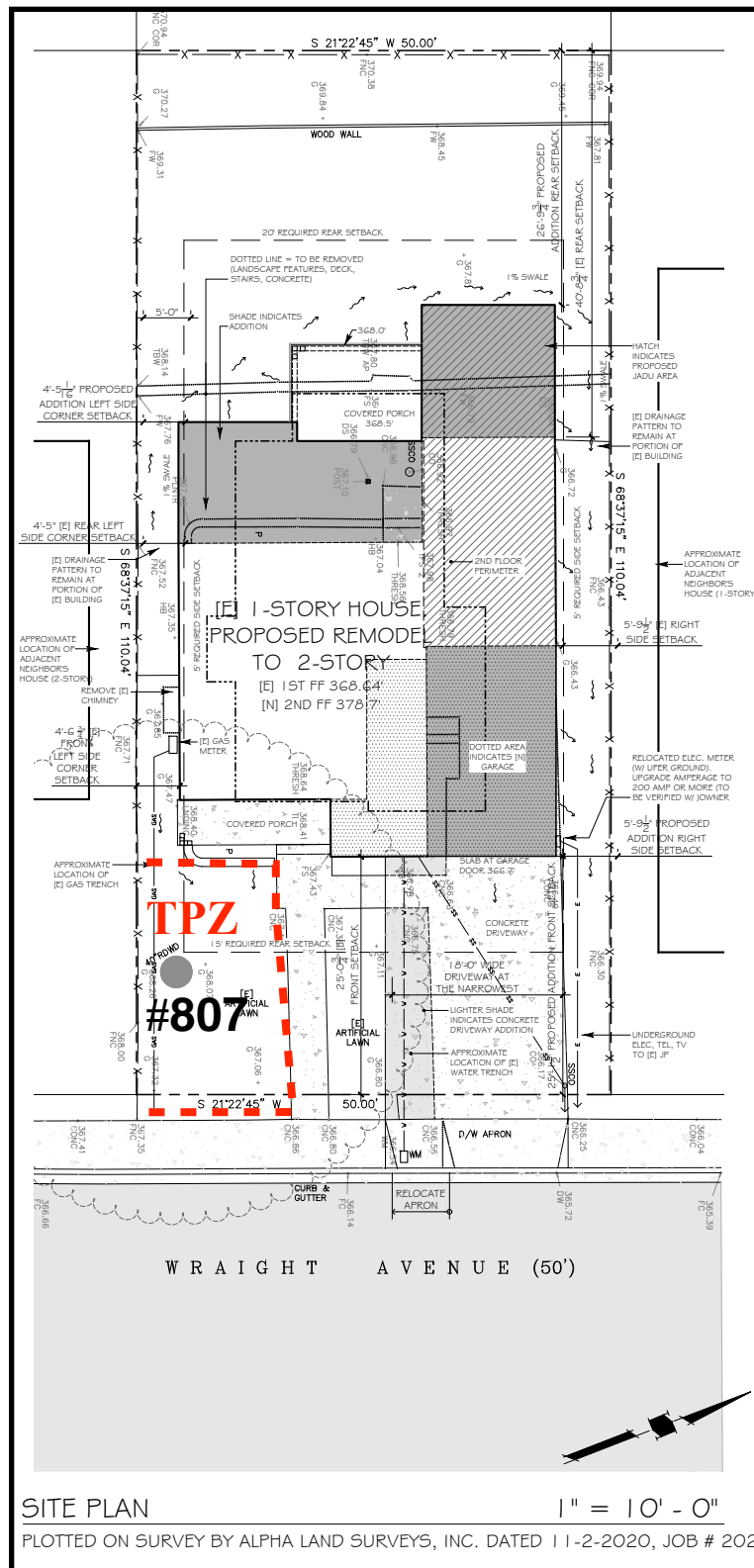
Trunk: Stem of a tree.

Trunk Formula Technique: Method to appraise the monetary value of trees considered too large to be replaced with nursery or field grown stock. Based on developing a representative unit cost for replacement with the same or comparable species of the same size and in the same place, subject to depreciation for various factors. Contrast with replacement cost method.

Volunteer: A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.



Appendix A: Tree Inventory and Site Plan



Appendix B: Tree Inventory and Assessment Table

Table 1: Inventory and Assessment Summary

Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition	Expected Impact	Rounded Value	Ideal Tree Protection Radii (ft.)
coast redwood (<i>Sequoia sempervirens</i>)	807	43	50	Good	Low	\$32,000.00	29

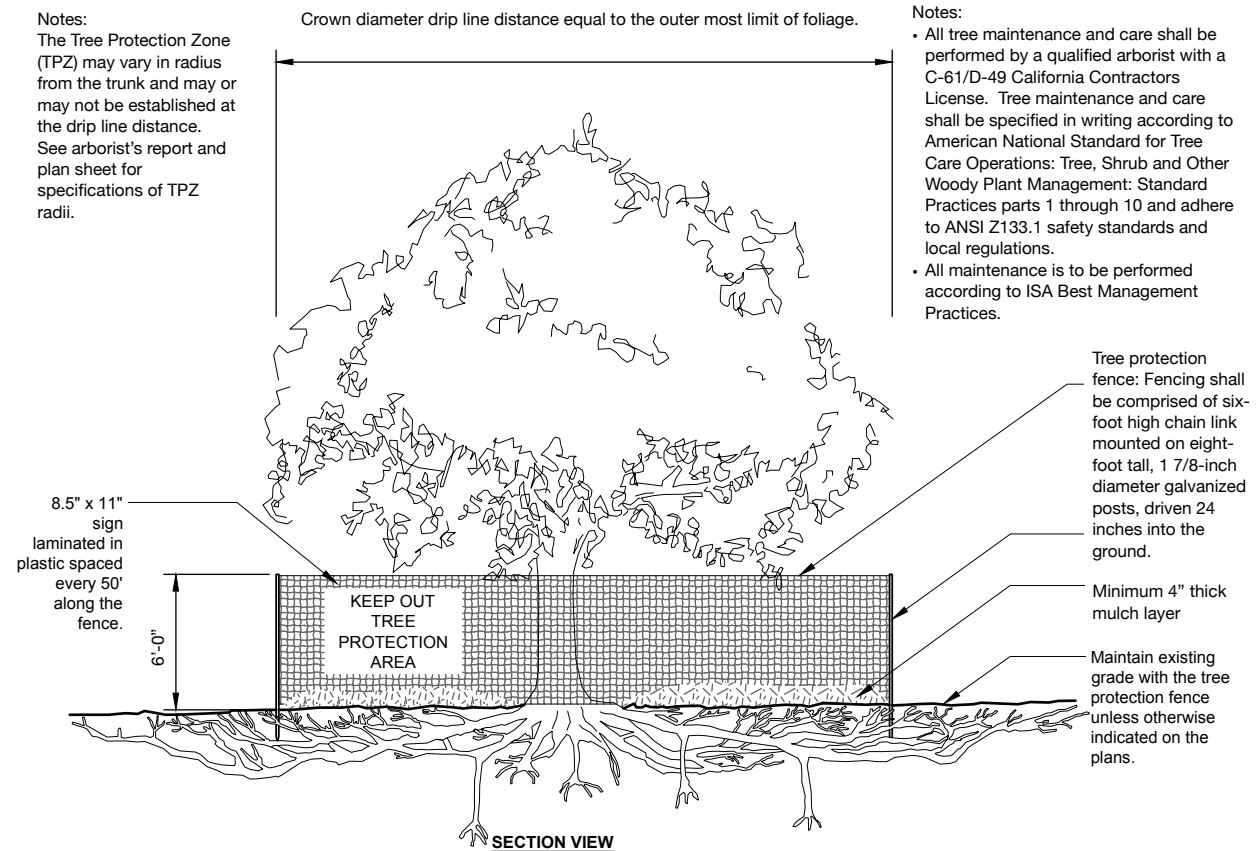


Appendix C: Photographs



Appendix D: Tree Protection Guidelines

D1: Plan Sheet Detail S-X (Type I)

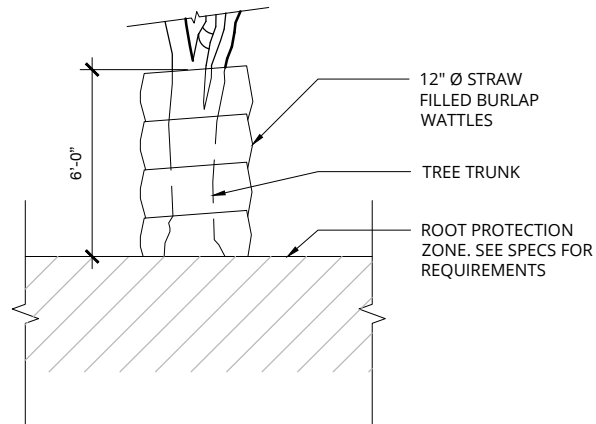


TREE PROTECTION

URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE
Modified by Monarch Consulting
Arborists LLC, 2019



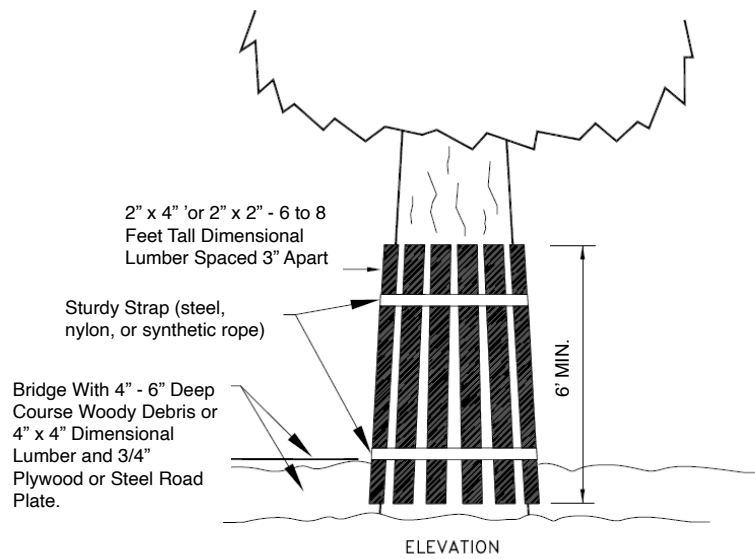
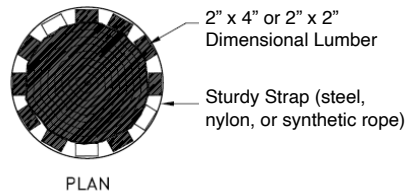
D2: Plan Sheet Detail S-Y (Type III)



SECTION VIEW

S-Y TRUNK PROTECTION WITH WATTLE

Note: See Local Ordinance Requirements and Arborist's Report for Additional Protection Specifications and Guidelines.



Trunk Protection Vertical Timber Detail



D3: Section 29.10.1005. - Protection of Trees During Construction

Tree Protection Zones and Fence Specifications

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 ten-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 two-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 eight and one-half-inch by eleven-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." Text on the signs should be in both English and Spanish (Appendix E).



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.
5. Design utility services and irrigation lines to be located outside of the dripline when feasible.
6. 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.

Prohibited Activities

The following are prohibited activities within the TPZ:

- Grade changes (e.g. soil cuts, fills);
- Trenches;
- Root cuts;
- Pedestrian and equipment traffic that could compact the soil or physically damage roots;
- Parking vehicles or equipment;
- Burning of brush and woody debris;
- Storing soil, construction materials, petroleum products, water, or building refuse; and,
- Disposing of wash water, fuel or other potentially damaging liquids.



Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

Root Pruning

Roots greater than two inches in diameter shall not be cut. When roots over two inches in diameter are encountered and are authorized to be cut or removed, they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Treatment, including pruning, shall be specified in writing according to the most recent ANSI A-300A Standards and Limitations and performed according to ISA Best Management Practices while adhering to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.



Appendix E: Tree Protection Signs

E1: English

Warning
Tree Protection Zone
This Fence Shall Not Be Removed
And Is Subject To Penalty According To
Town Code 29.10.1025



E2: Spanish

Cuidado Zona De Arbol Pretejido

Esta valla no podrán ser sacados
Y está sujeta a sanción en función de
Código Ciudad del 29.101025



Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

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

Unless otherwise expressed: a) this report covers only examined items and their condition 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 structural problems or deficiencies of plants or property may not arise in the future.



Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner



ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B



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VIEW TOWARDS SOUTH:

EXISTING SCREEN
PLANTING PROVIDES
PRIVACY TO THE SOUTH



VIEW TOWARDS SOUTHWEST:

HOUSES TO THE REAR ARE
AT A HIGHER LEVEL, AND
HAVE 1ST FLOOR DECKS
THAT ARE SIMILAR IN
ELEVATION TO THE
PROPOSED 2ND FLOOR
BALCONY

FROM THE OFFICE OF
CHRIS SPAULDING
ARCHITECT

AMELIA STREET, SUITE E
BERKELEY CA 94710

Page 55

BALCONY SIGHT LINES
473 WRAIGHT AVE

LOS GATOS □ CALIFORNIA

EXHIBIT 8



VIEW TOWARDS
NORTHWEST:

HOUSES TO THE REAR
ARE AT A HIGHER LEVEL,
AND HAVE 1ST FLOOR
DECKS THAT ARE SIMILAR
IN ELEVATION TO THE
PROPOSED 2ND FLOOR
BALCONY



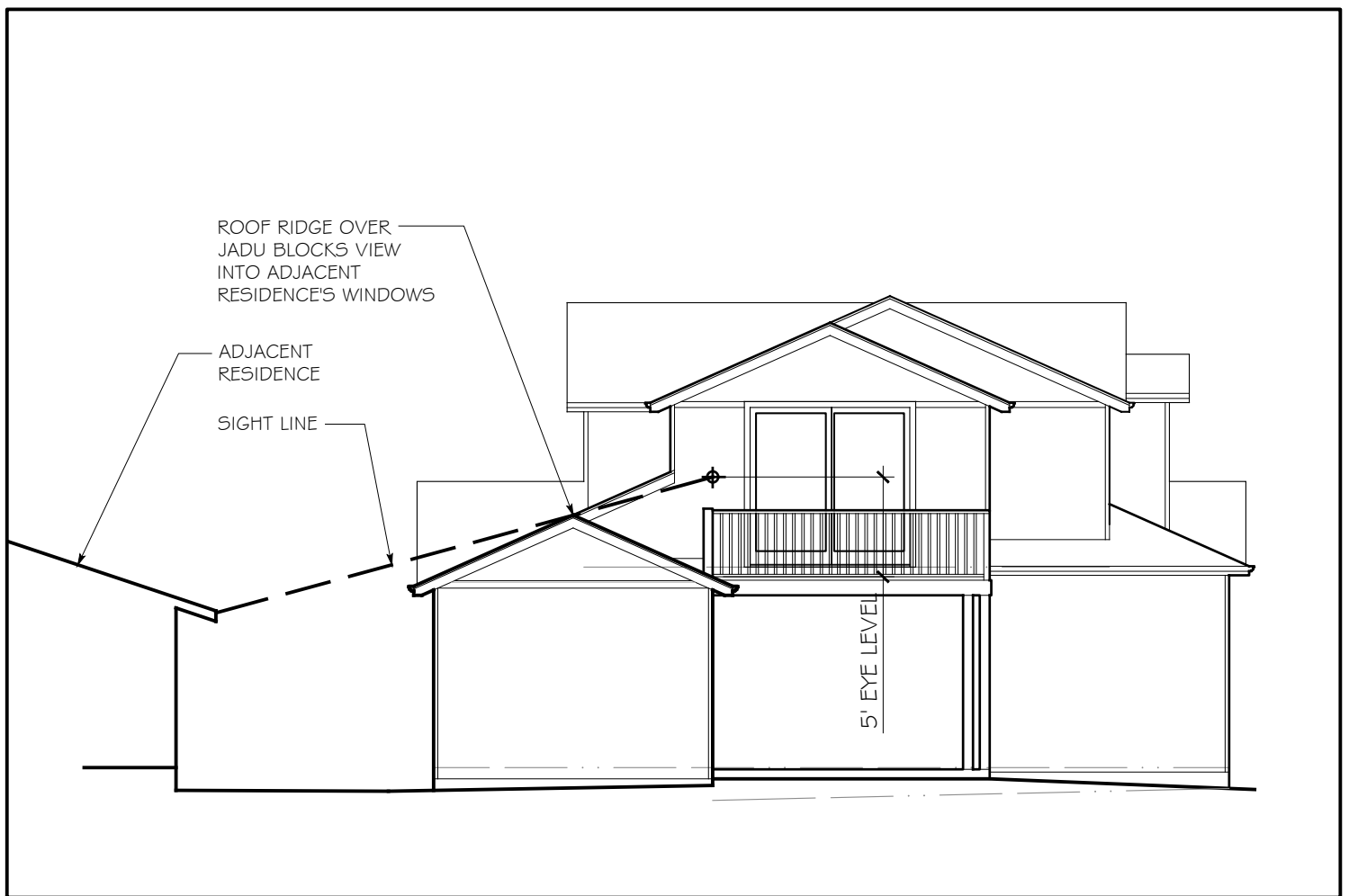
VIEW TOWARDS NORTH:

VIEW FROM NEW BALCONY
TO NEIGHBOR'S WINDOW IS
BLOCKED BY THE GABLE
RIDGELINE OF THE NEW JADU
- SEE GRAPHIC ON
FOLLOWING PAGE

FROM THE OFFICE OF
CHRIS SPAULDING
ARCHITECT
AMELIA STREET, SUITE E
BERKELEY CA 94710

Page 56

BALCONY SIGHT LINES
473 WRAIGHT AVE
LOS GATOS □ CALIFORNIA



FROM THE OFFICE OF
CHRIS SPAULDING
ARCHITECT
801 CAMELIA STREET, SUITE E
BERKELEY CA 94710

BALCONY SIGHT LINE
473 WRAIGHT AVE
LOS GATOS □ CALIFORNIA

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PROJECT SITE



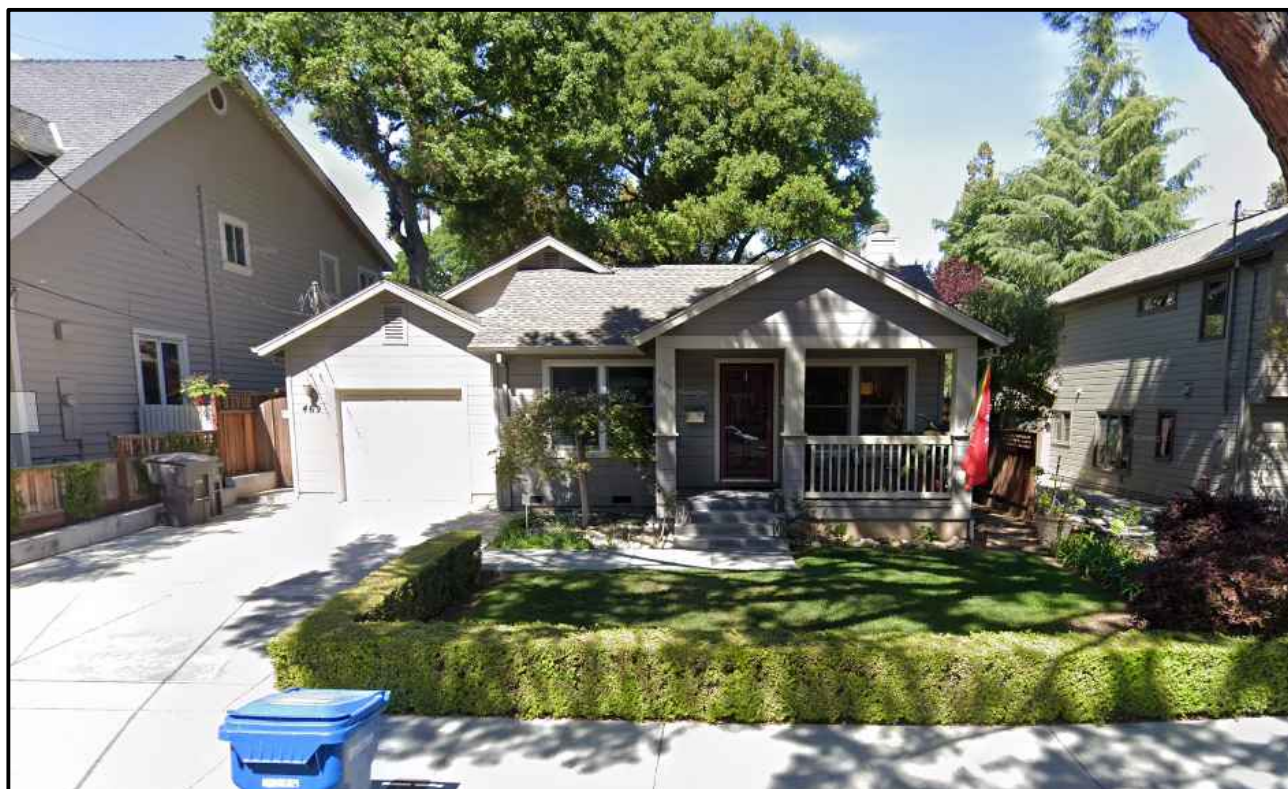
FIRST HOUSE TO RIGHT



HOUSE 2ND TO RIGHT



HOUSE TO LEFT



HOUSE 2ND TO LEFT



HOUSE ACROSS THE STREET

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June 5, 2023

Letter to Town of Los Gatos

Re: Neighborhood Outreach for 473 Wraight Ave, Los Gatos

When I received comments from the Town of Los Gatos on my preliminary plans, I decided to reach out to my neighbors and discuss my plans with them. I have door knocked all the homes surrounding my home at 473 Wraight Ave, Los Gatos; two homes to my left, two homes to my right, two home to the front and two homes to be the back. I have door knocked in mid-September early afternoon around 3pm and again a few days later around dinner time but to no avail. I decided to make another trip in October, only this time I came with a small goody bag. I have included a printed copy of my plan, a letter introducing myself and my kids and how excited we are to be a part of the neighborhood and to meet our neighbors, and my contact info should they have any questions or concerns with my plans. Since then, I have received two comments. My neighbor at [REDACTED], Renee and Adil, asked that I move the front bedroom side window towards the front of the house and shorten the height of the window above the master toilet. These requests were made to the updated plans to address Renee's and Adil's requests for privacy.

My neighbor at [REDACTED], Jim and Jenny, have concerned with privacy and winter sun. First, the house was designed to keep the 2nd floor far away from my northerly neighbor, Jim and Jenny, while still keeping a balanced front façade. The 2nd floor setback is 13'-3", where 5' is the minimum. Second, the house was designed such that there are no major windows looking out over the houses on either side. In addition, the windows overlooking my northerly neighbor, Jim and Jenny, have been made to obscure glasses, to increase their privacy further. Third, a screen wall (i.e. trellis) has been added to the 2nd floor balcony, to make sure no one can see into their windows. Finally, the fence on the northerly lot line will be a 6' solid fence with a 12" of lattice on top, 7' in height total, to better screen the home from one another. These changes addressed Public Comment #1 and #2. My back neighbor at 420 University Ave, asked if I could put up some trees, to protect the privacy of both homes, as they would be able to see into my upstairs and vice versa. My current plans addressed this by adding a screen planting across the back lot. This change addressed Public Comment #3.

I have not received any additional comments from other neighbors, but I have met and talked to a few of them briefly and they are very kind and friendly people. They have no comments on my plans and are excited to welcome us into the neighborhood.

Please give me a call or email if you have any questions.

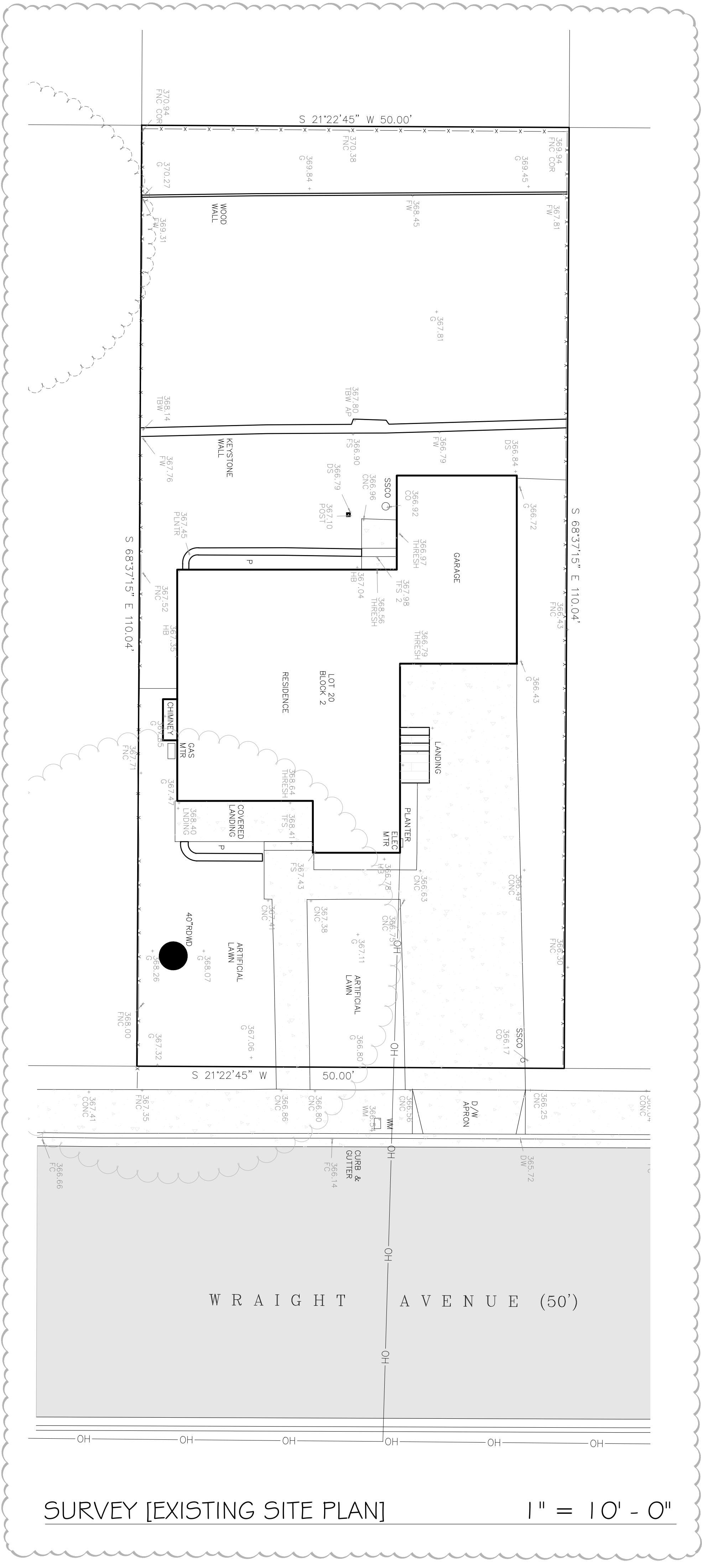
Sincerely,

Vicky Le

408-229-3666

vicky@provincebayarea.com

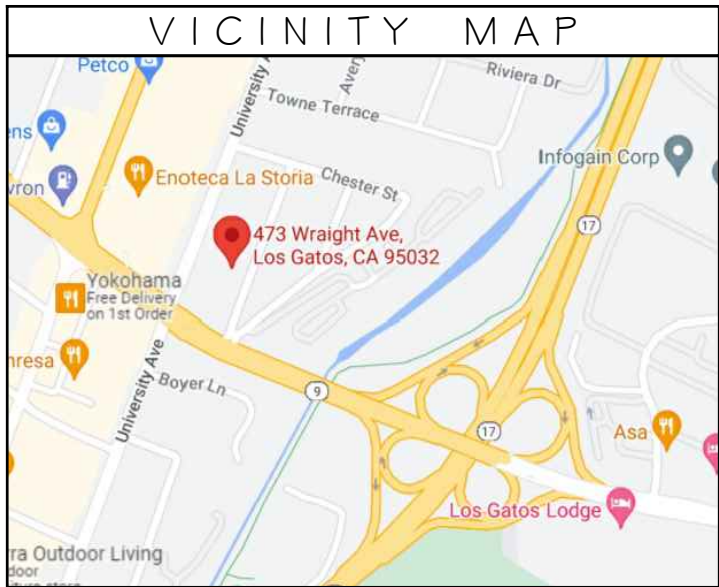
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SURVEY [EXISTING SITE PLAN] 1" = 10' - 0"

PROJECT DATA	
OWNER: VICKY LE	
ADDRESS: 473 WRAIGHT AVE	
PROJECT DESCRIPTION: - REMODEL & ADDITION TO [E] 1-STORY HOUSE - ADDITION ON THE 1ST FLOOR - ALL [N] 2ND FLOOR - ADD 499.3 SQ.FT. JADU - NO TREE WILL BE REMOVED	
APN: 529-06-027	
ZONING: R-1-D	
CONSTRUCTION TYPE: V - B	
OCCUPANCY GROUP: R3 / U	
GROSS # NET LOT SIZE: 5,502 SQ.FT.	
AVERAGE LOT SLOPE: LESS THAN 4% (FLAT)	
ALLOWABLE FAR [35 - ((5,502 - 5) / 25) x .2] x 5,502 = 1,903.6 SQ.FT.	
FLOOR AREA (ALL NUMBERS IN SQ. FT.)	
[E] 1ST FLOOR ADDITION	776.5
ALL [N] 2ND FLOOR	1,037.9
TOTAL	1,903.4
[E] GARAGE (TO BE COMPLETELY CONVERTED)	304.7
[N] GARAGE	457
[E] COVERED PORCHES ADDITION	114.1
TOTAL COVERED PORCHES	214.1
[N] J.A.D.U.	499.3
TOTAL [E] BUILDING COVERAGE	1,195.4
TOTAL PROPOSED BLDG COVERAGE	1,596.6
PARKING SPACES: 2 COVERED + 1 UNCOVERED	

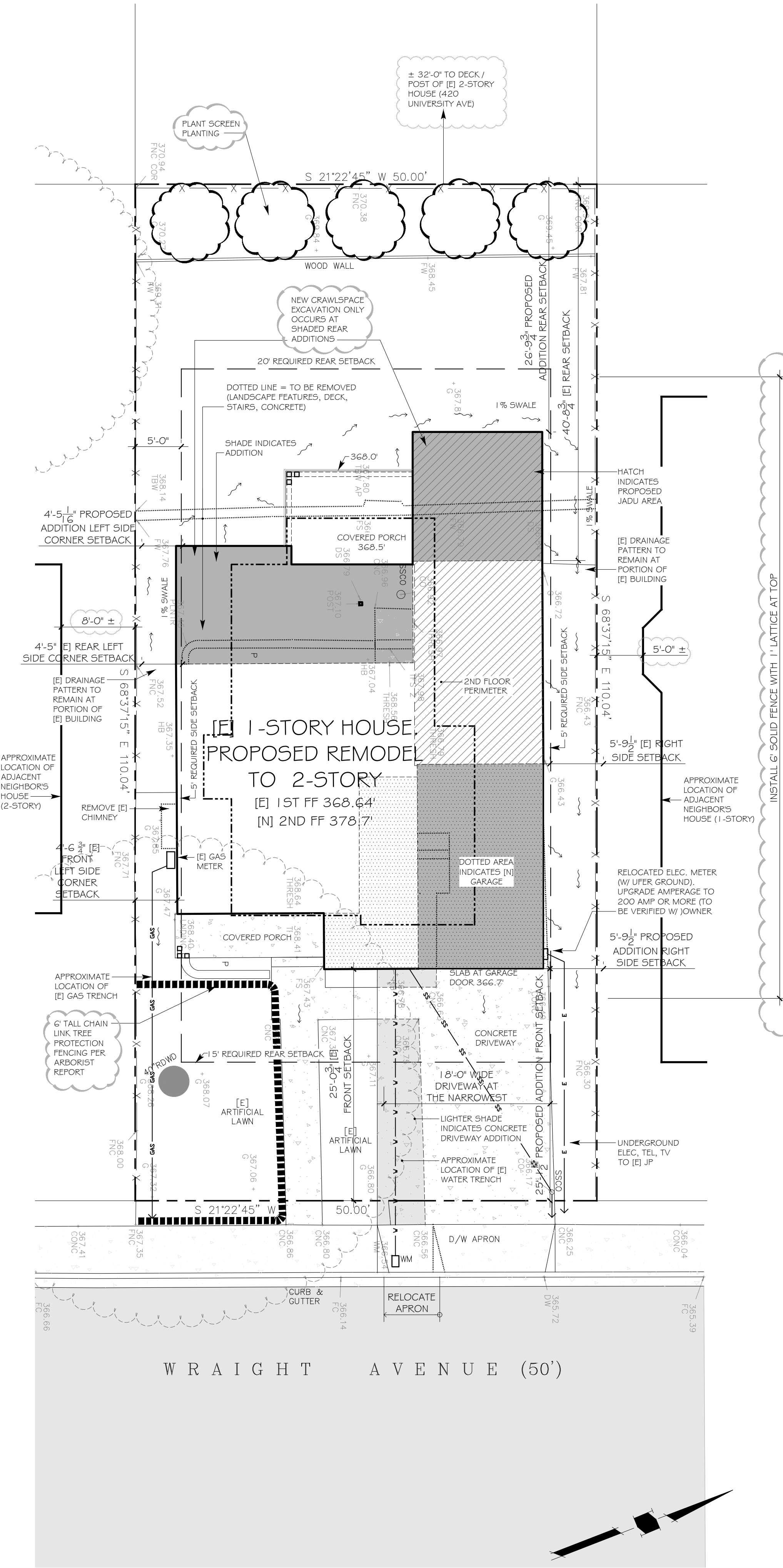
IMPERVIOUS COVERAGE		
	EXISTING	PROPOSED
HOUSE	1,081.3	1,382.5
J.A.D.U.	0	499.3
DRIVEWAY	616.4	472.9
PORCH	115.2	214.1
STEPS, LANDING, WALKWAY, CHIMNEY	176.8	136.9
TOTAL	1,989.7	2,705.7



JADU PERMIT NOTE
JADU IS UNDER A SEPARATE MINISTERIAL PERMIT

GRADING QUANTITIES (APPROX. IN. CU. YARDS)					
LOCATION	CUT	DEPTH	FILL	DEPTH	TOTAL
[N] ADDITION CRAWL SPACE	35 ±	1.5	0	0	35 ±
[N] SITE WORK	18 ±	1'	3 ±	0.5'	21 ±
TOTAL	53 ±		3 ±		56 ±

TOTAL DISTURBED AREA = 3500 SQ.FT. +/-



SITE PLAN 1" = 10' - 0"
PLOTTED ON SURVEY BY ALPHA LAND SURVEYS, INC. DATED 11-2-2020, JOB # 2020-168

DRAWINGS PREPARED BY

CHRIS SPAULDING
ARCHITECT

801 CAMELIA STREET SUITE E
BERKELEY CALIFORNIA 94710
(510) 527-5997 FAX (510) 527-5999

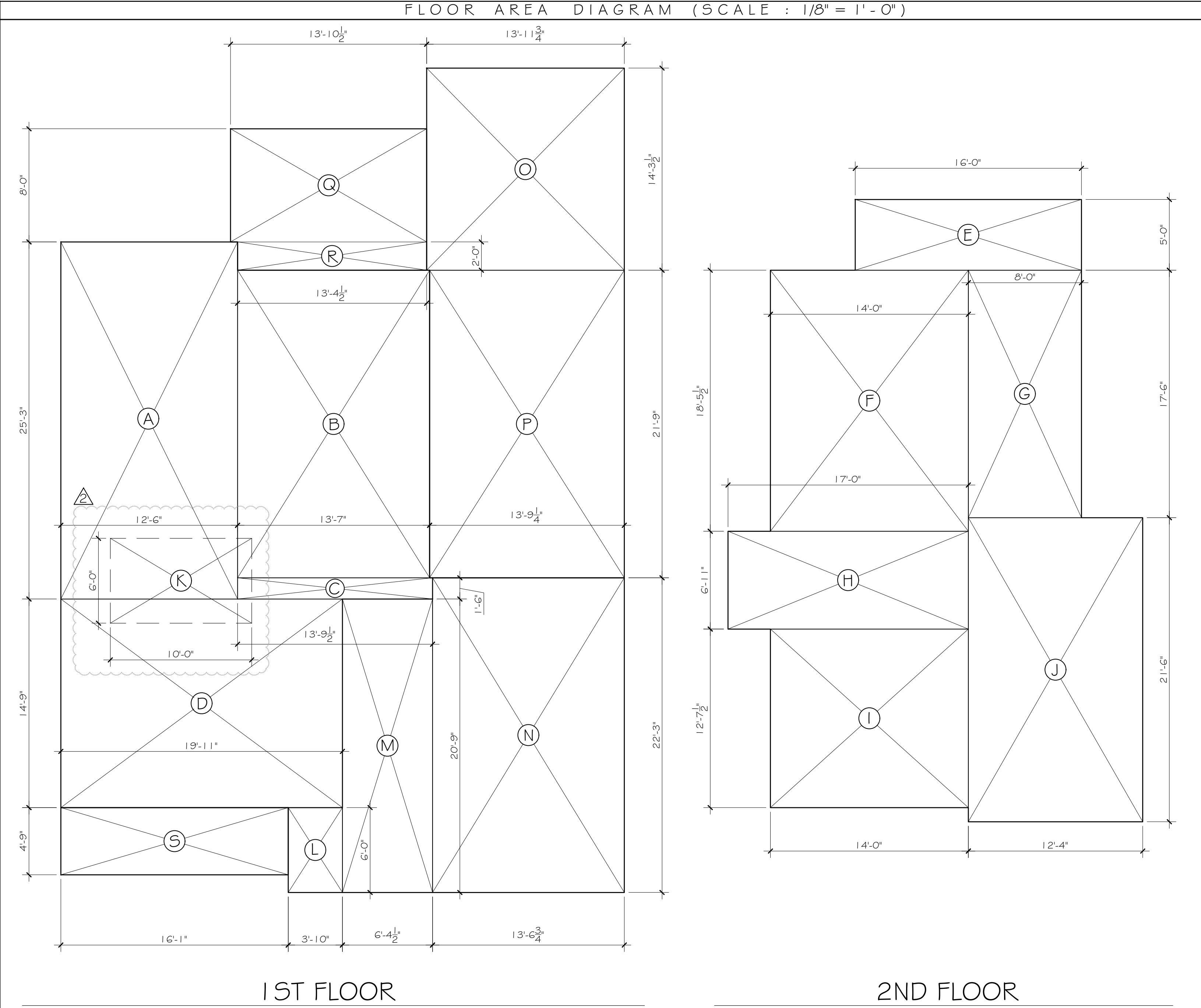
REVISIONS	BY
9-12-22	db
3-21-23	
4-3-23	
6-6-23 Add screen planting	

PRELIMINARY SET	
DESIGN REVIEW SET	
PLAN CHECK SET	
PERMIT SET	
CONSTRUCTION SET	

A PROPOSED REMODEL & ADDITION FOR
LE RESIDENCE
473 WRAIGHT AVE
LOS GATOS CALIFORNIA

DATE: 4-22-22
SCALE: AS NOTED
DRAWN: CS/DB
JOB: LE, VICKY
SHEET

A1
OF 6 SHEETS

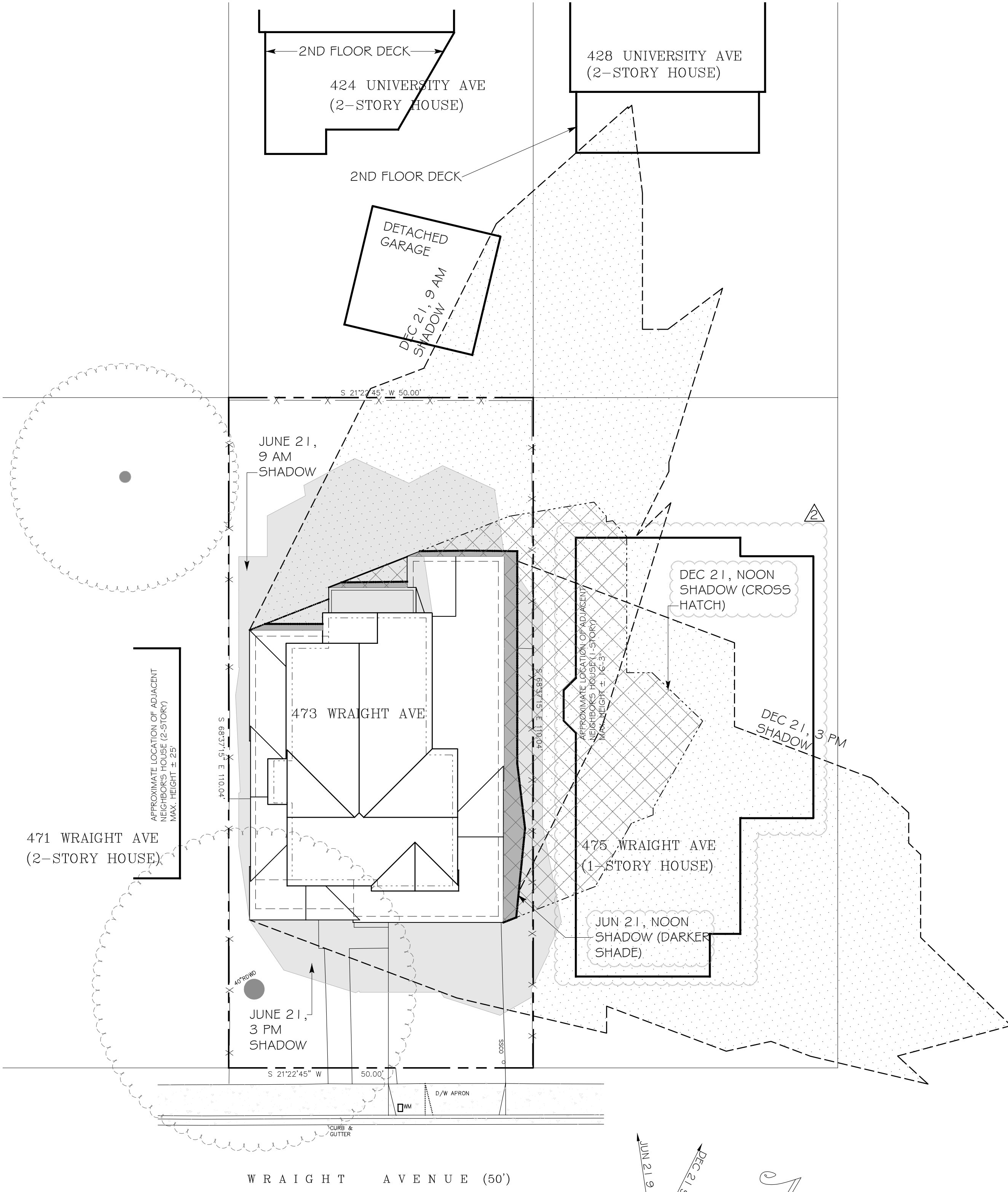


FIRST FLOOR					
LIVING AREA					
SYMBOL	FT	WIDTH	INCHES	HEIGHT	AREA
A	12	-	6	x 25	- 3 = 315.63
B	13	-	7	x 21	- 9 = 295.44
C	13	-	9.5	x 1	- 6 = 20.69
D	19	-	11	x 14	- 9 = 293.77
TOTAL					925.52 ≈ 925.5
GARAGE					
L	3	-	10	x 6	- 0 = 23.00
M	6	-	4.5	x 20	- 9 = 132.28
N	13	-	6.75	x 22	- 3 = 301.77
TOTAL					457.05 ≈ 457.0
STAIR DEDUCTION / EXEMPTION					
K	10	-	0	x 6	- 0 = 60.00
TOTAL					60.00 ≈ -60.0
TOTAL FIRST FLOOR					≈ 1,322.5

COVERED PORCHES					
Q	13	-	10.5	x 8	- 0 = 111.00
R	13	-	4.5	x 2	- 0 = 26.75
S	16	-	1	x 4	- 9 = 76.40
TOTAL					214.15 ≈ 214.1

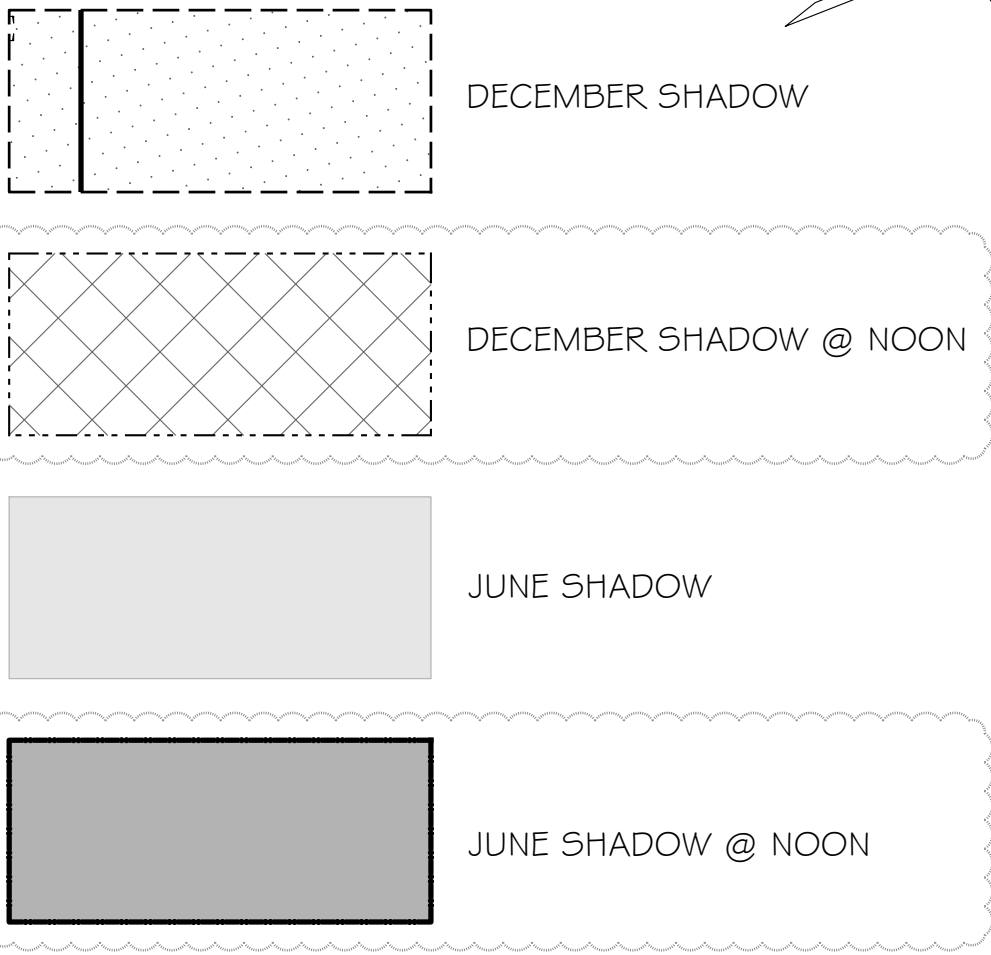
J . A . D . U .					
O	13	-	11.75	x 14	- 3.5 = 199.79
P	13	-	9.25	x 21	- 9 = 299.52
TOTAL					499.30 ≈ 499.3

SECOND FLOOR					
LIVING AREA					
SYMBOL	FT	WIDTH	INCHES	HEIGHT	AREA
E	16	-	0	x 5	- 0 = 80.00
F	14	-	0	x 18	- 5.5 = 258.42
G	8	-	0	x 17	- 6 = 140.00
H	17	-	0	x 6	- 11 = 117.58
I	14	-	0	x 12	- 7.5 = 176.75
J	12	-	4	x 21	- 6 = 265.17
TOTAL SECOND FLOOR					1,037.92 ≈ 1,037.9



SHADOW STUDY

SOLAR SHADOW TABLE			
DATE	TIME	ALTITUDE	AZIMUTH
DEC 21	9 AM	14	42
DEC 21	3 PM	14	42
JUN 21	9 AM	47	77
JUN 21	3 PM	47	77



DRAWINGS PREPARED BY

CHRIS SPAULDING
ARCHITECT

801 CAMELIA STREET SUITE E
BERKELEY CALIFORNIA 94710
(510) 527-5997 FAX (510) 527-5999

REVISIONS	BY
9-12-22	db
3-21-23	
4-3-23	
6-6-23 Add screen planting	

PRELIMINARY SET	
DESIGN REVIEW SET	
PLAN CHECK SET	
PERMIT SET	
CONSTRUCTION SET	

A PROPOSED REMODEL & ADDITION FOR

LE RESIDENCE

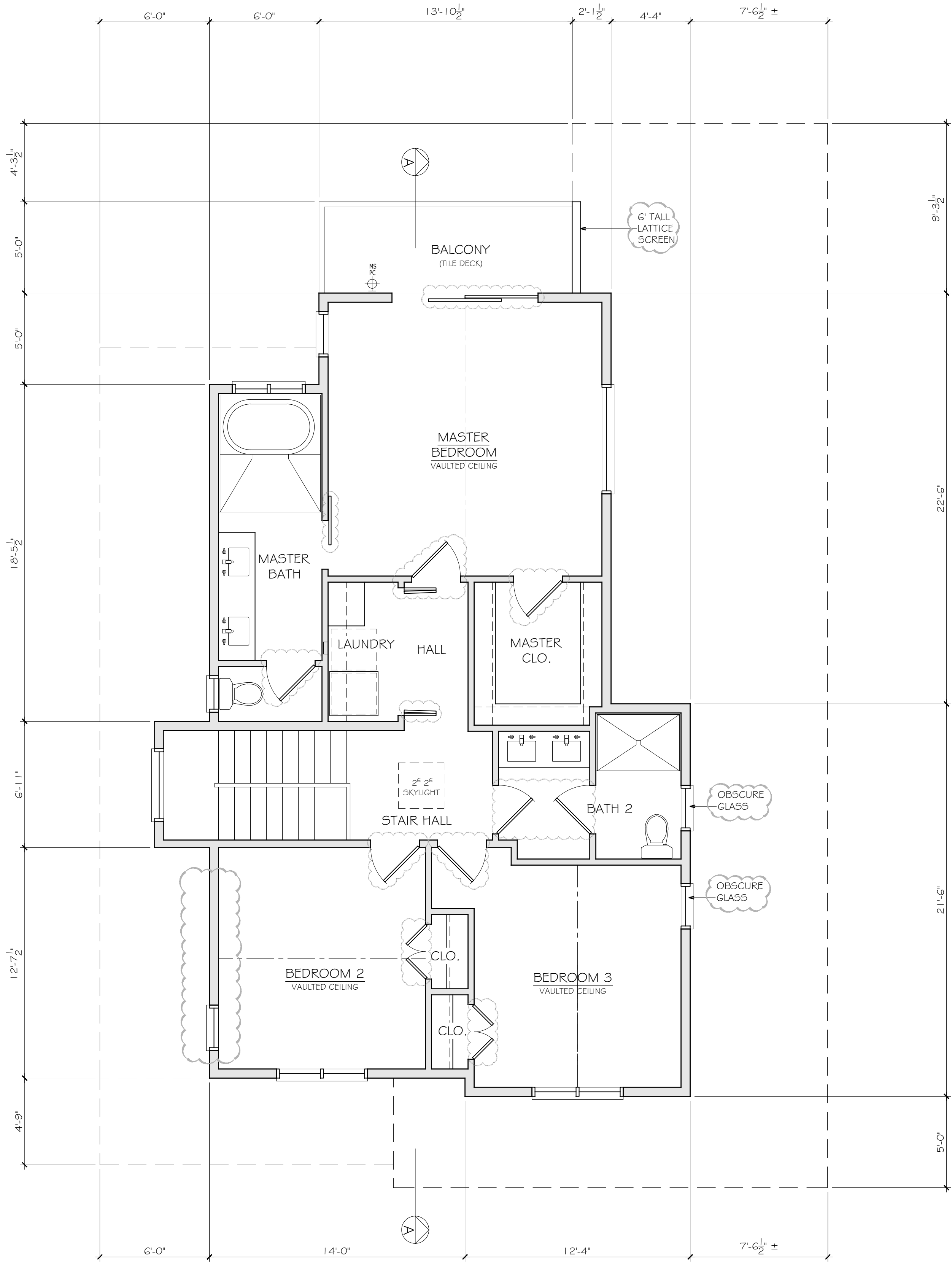
473 WRAIGHT AVE

LOS GATOS CALIFORNIA

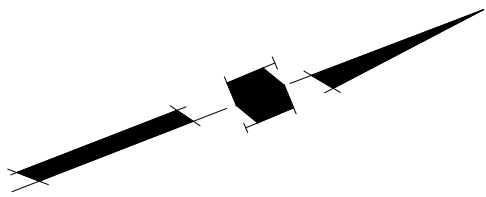
DATE:	4-22-22
SCALE:	AS NOTED
DRAWN:	CS/DB
JOB:	LE, VICKY
SHEET	

A1.1

OF 6 SHEETS

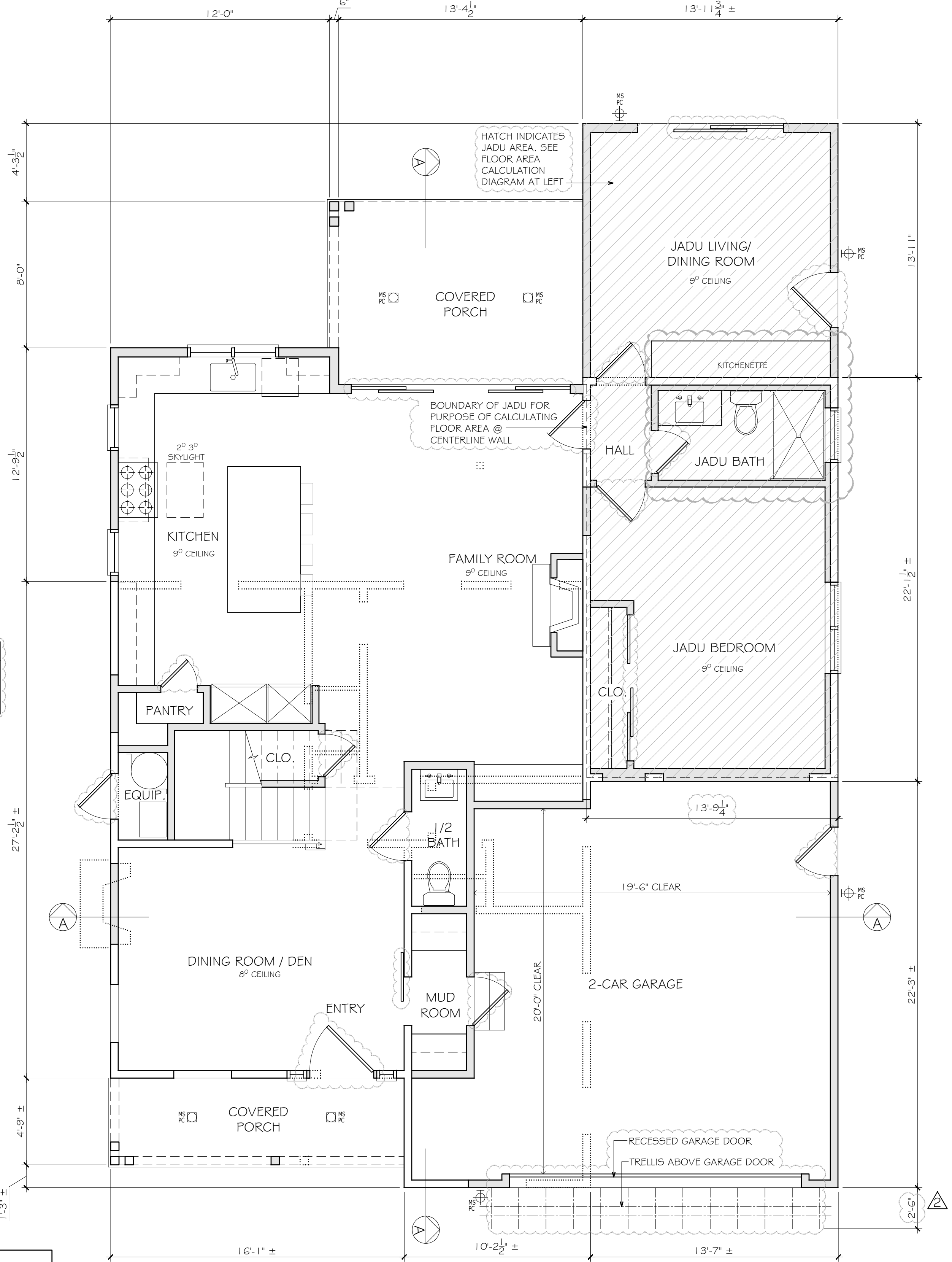


PROPOSED 2ND FLOOR PLAN (ALL NEW) 1/4" = 1'-0"

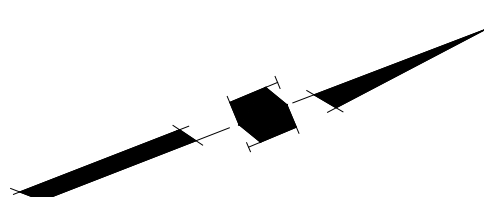


JADU PERMIT NOTE
JADU IS UNDER A SEPARATE MINISTERIAL PERMIT

LEGEND	
	INDICATES EXISTING WALL TO BE REMOVED
	INDICATES EXISTING WALL TO REMAIN
	INDICATES NEW CONSTRUCTION



PROPOSED REMODELED 1ST FLOOR PLAN 1/4" = 1'-0"



EXTERIOR LIGHTING LEGEND			
PLAN SYMBOL ID	FIXTURE NAME/MODEL	QUANTITY	WATTAGE
	WAC LIGHTING: 'SODOR' LED WALL LANTERN	5	12
	LED RECESSED LIGHTING WITH MOTION & PHOTOCELL SENSOR	4	12

NOTE: EXTERIOR LIGHTING SHALL BE DOWNWARD DIRECTED AND SHIELDED

DRAWINGS PREPARED BY

CHRIS SPAULDING
ARCHITECT

801 CAMELIA STREET SUITE E
BERKELEY CALIFORNIA 94710
(510) 527-5997 FAX (510) 527-5999

REVISIONS	BY
9-12-22	db
3-21-23	
4-3-23	
6-6-23 Add screen planting	

PRELIMINARY SET	
DESIGN REVIEW SET	
PLAN CHECK SET	
PERMIT SET	
CONSTRUCTION SET	

A PROPOSED REMODEL & ADDITION FOR

LE RESIDENCE

473 WRAIGHT AVE

LOS GATOS CALIFORNIA

DATE: 4-22-22

SCALE: AS NOTED

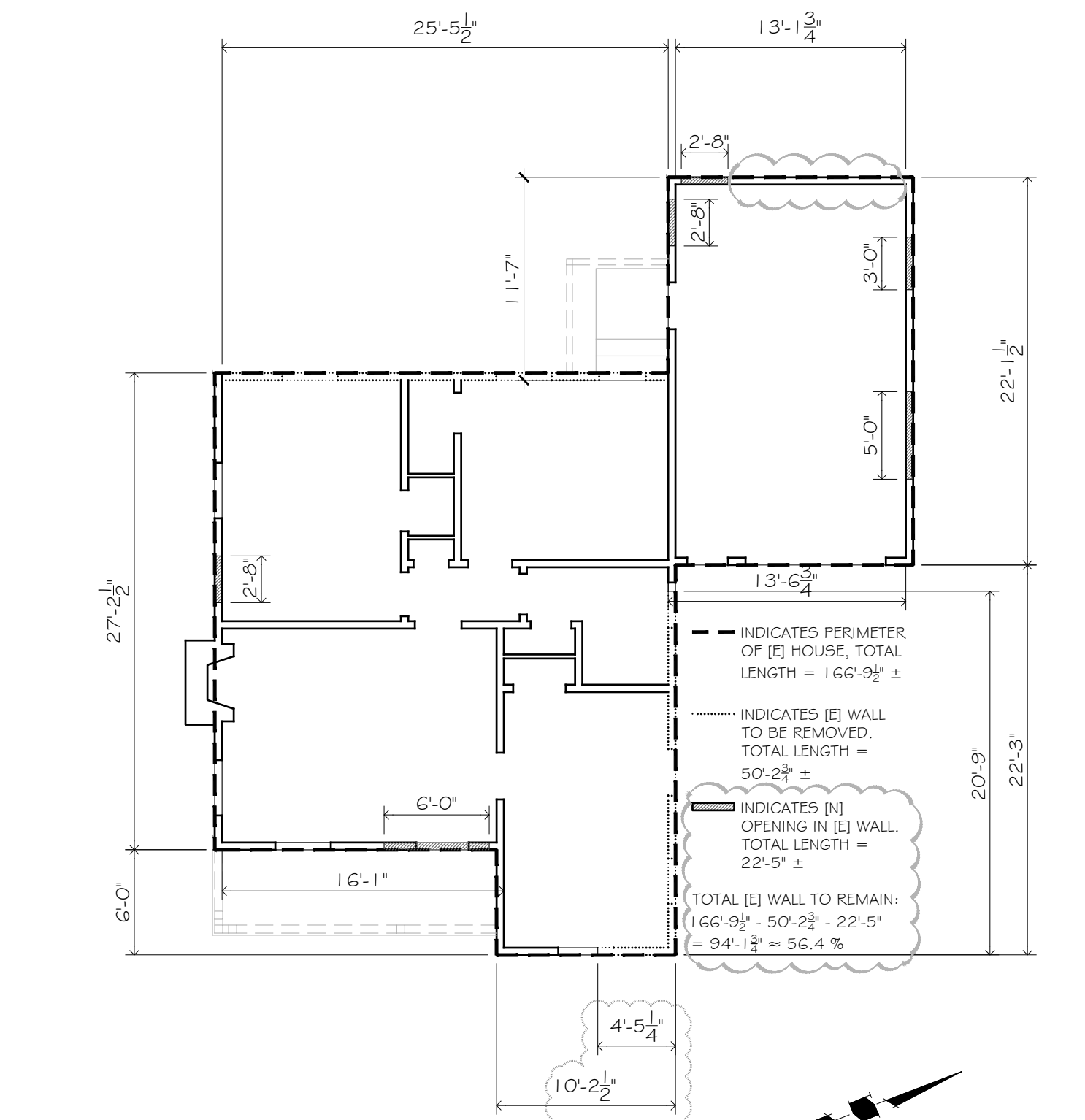
DRAWN: CS/DB

JOB: LE, VICKY

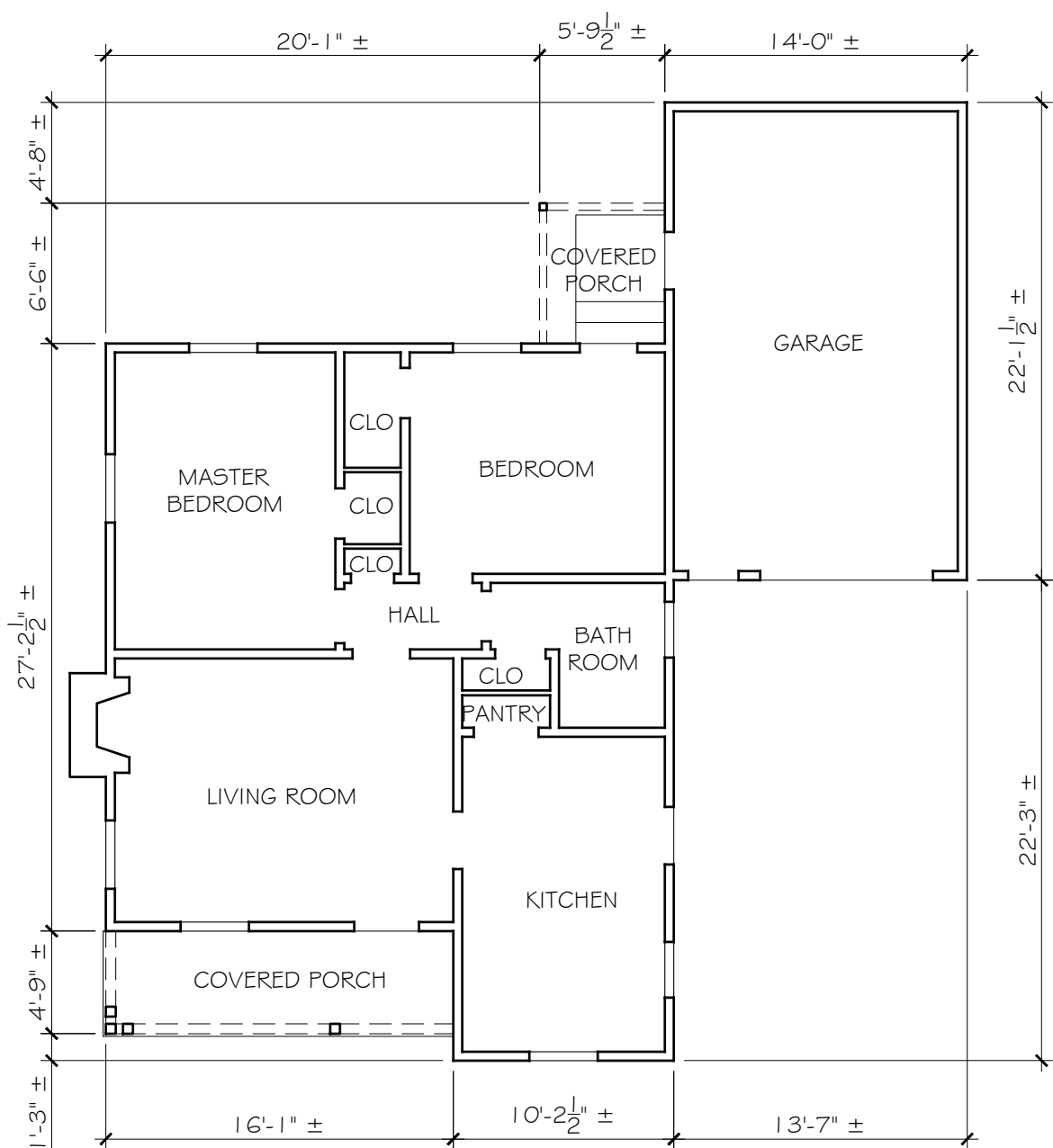
SHEET

A2

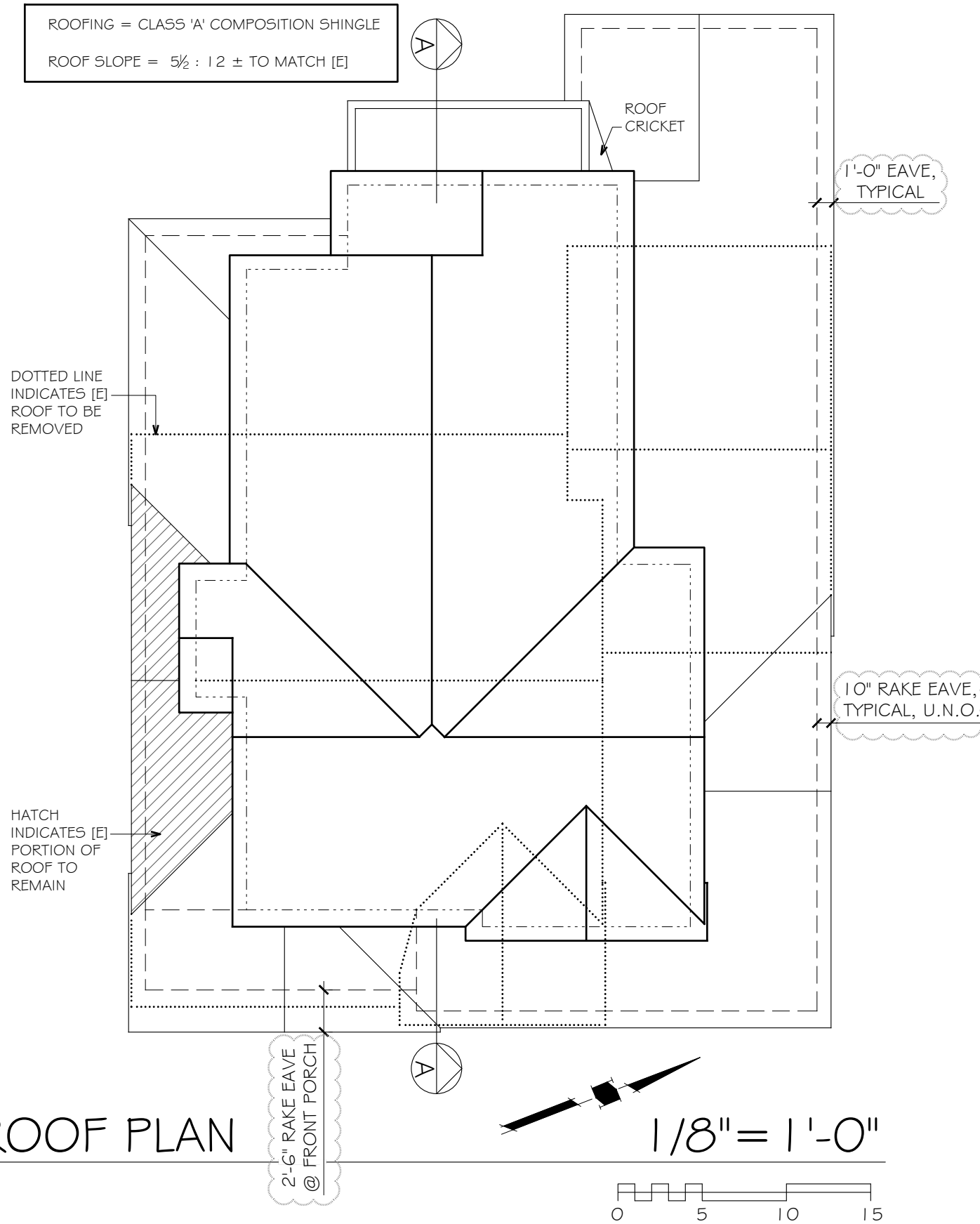
OF 6 SHEETS



FLOOR PLAN DEMO DIAGRAM 1/8" = 1'-0"



EXISTING FLOOR PLAN 1/8" = 1'-0"



ROOF PLAN 1/8" = 1'-0"

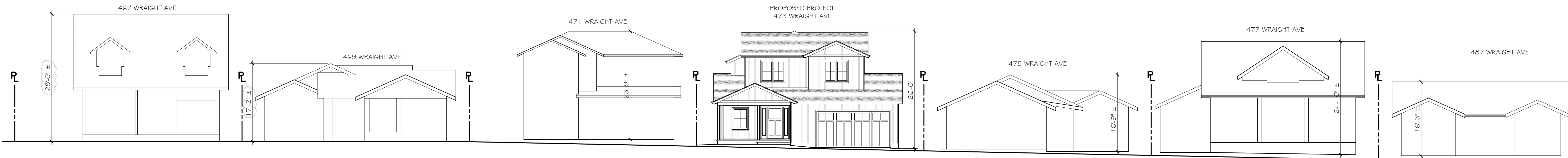
DRAWINGS PREPARED BY

CHRIS SPAULDING
ARCHITECT

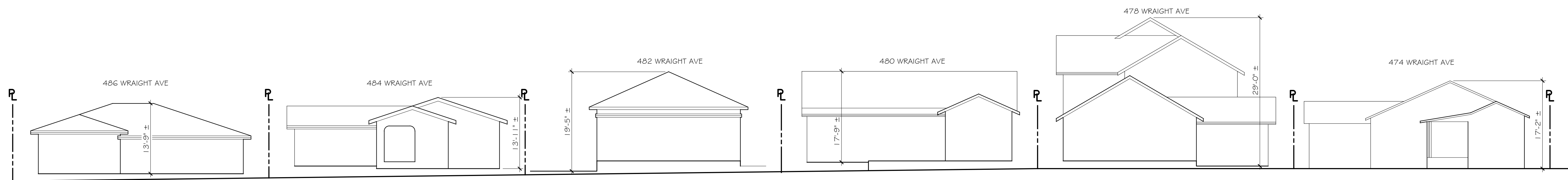
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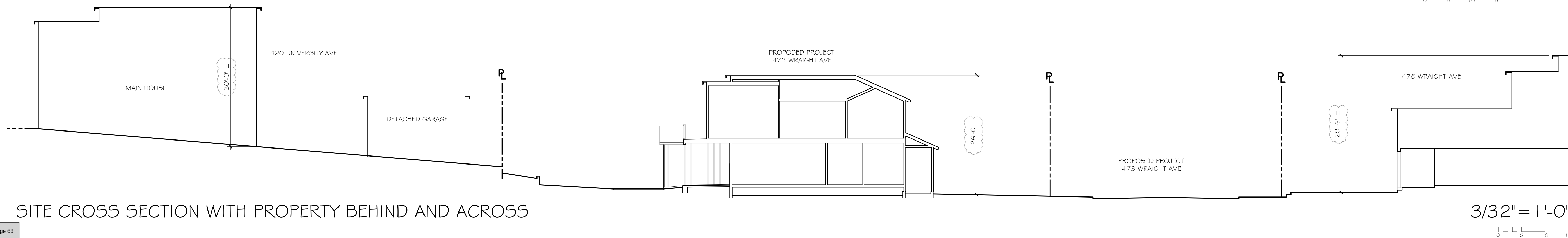
PRELIMINARY SET	
DESIGN REVIEW SET	
PLAN CHECK SET	
PERMIT SET	
CONSTRUCTION SET	



STREETSCAPE VIEW LOOKING TOWARDS PROPOSED PROJECT



STREETSCAPE VIEW ACROSS PROPOSED PROJECT SITE



SITE CROSS SECTION WITH PROPERTY BEHIND AND ACROSS

A PROPOSED REMODEL & ADDITION FOR

LE RESIDENCE
473 WRAIGHT AVE
LOS GATOS CALIFORNIA

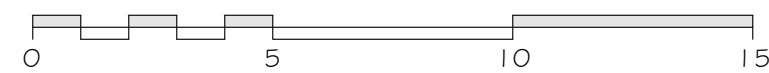
DATE:	4-22-22
SCALE:	A5 NOTED
DRAWN:	CS/DB
JOB:	LE, VICKY
SHEET	

A3
OF 6 SHEETS



LEFT SIDE (SOUTH) ELEVATION

1/4" = 1'-0"



LEGEND

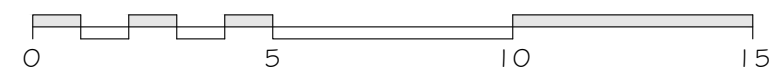
INDICATES EXISTING WALL TO REMAIN

INDICATES NEW CONSTRUCTION



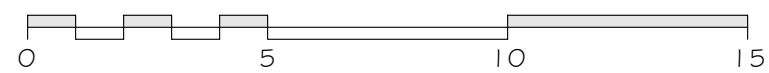
RIGHT SIDE (NORTH) ELEVATION

1/4" = 1'-0"



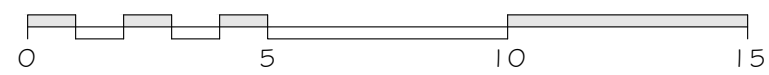
FRONT (EAST) ELEVATION

1/4" = 1'-0"



REAR (WEST) ELEVATION

1/4" = 1'-0"



DRAWINGS PREPARED BY

CHRIS SPAULDING

ARCHITECT

801 CAMELIA STREET SUITE E

BERKELEY CALIFORNIA 94710

(510) 527-5997 FAX (510) 527-5999

REVISIONS	BY
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A PROPOSED REMODEL & ADDITION FOR

LE RESIDENCE

473 WRAIGHT AVE

LOS GATOS • CALIFORNIA

DATE:	4-22-22
SCALE:	AS NOTED
DRAWN:	CS/DB
JOB:	LE, VICKY
SHEET	

A4

OF 6 SHEETS

DRAWINGS PREPARED BY

CHRIS SPAULDING

ARCHITECT

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BERKELEY CALIFORNIA 94710
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A PROPOSED REMODEL & ADDITION FOR

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473 WRAIGHT AVE

LOS GATOS CALIFORNIA

DATE: 4-22-22

SCALE: AS NOTED

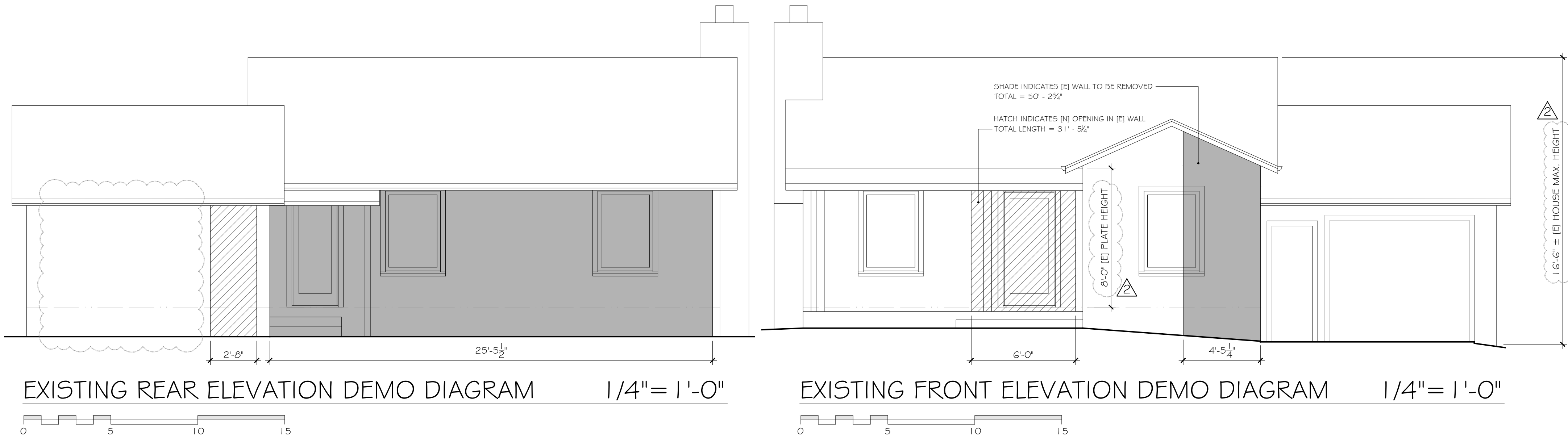
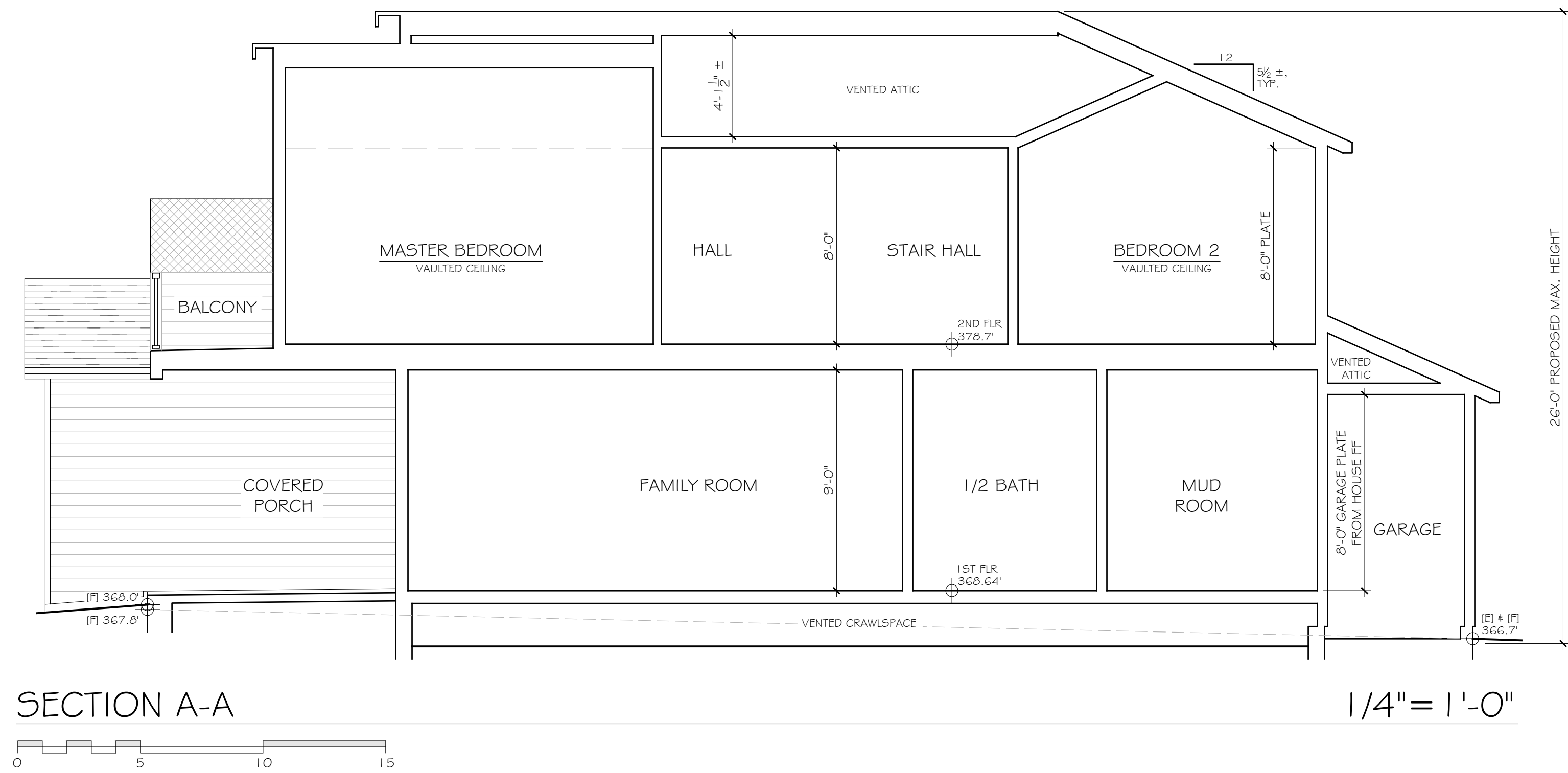
DRAWN: CS/DB

JOB: LE, VICKY

SHEET

A5

OF 6 SHEETS





TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT
(408) 354-6872 Fax (408) 354-7593

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

May 24, 2023

NOTICE OF PENDING APPROVAL

The Los Gatos Community Development Department has received an application from Vicky Le, requesting approval for construction of a new second-story to an existing single-family residence on property zoned R-1D at **473 Wraight Avenue (MR-22-013, Assessor Parcel Number 529-06-027)**. It is the intent of the Town to approve this proposal ten days from the date of this letter (June 2, 2023).

The plans are available for public review in the Town Planning Department from 8:00 a.m. to 1:00 p.m. Monday through Friday. Please note that Town Hall is closed on Monday, May 29th for Memorial Day.

The plans are also available on the Town's website:

<https://www.losgatosca.gov/DocumentCenter/View/31315/Project-Plans---473-Wraight-Ave>

Any interested person may appeal this decision to the Planning Commission. Appeals, with complete Appeal Form and fee payment, must be received by this office in writing within ten days from the date of approval, or by 4:00 p.m., June 12, 2023.

If you have any questions concerning this matter, please contact Ryan Safty at (408) 354-6802 or rsafty@losgatosca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Safty".

Ryan Safty
Associate Planner

Attached: DRAFT Conditions of Approval
cc: Neighborhood Notification List

N:\DEV\PLANNING PROJECT FILES\Wraight Avenue\473\MR-22-013\Noticing\473 Wraight Ave - NOPA.docx

DRAFT CONDITIONS OF APPROVAL – May 24, 2023

473 Wraight Avenue

Minor Residential Application MR-22-013

Requesting Approval for Construction of a New Second-Story to an Existing Single-Family Residence on Property Zoned R-1D.

APN 529-06-027.

PROPERTY OWNER/APPLICANT: Vicky Le

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **OUTDOOR LIGHTING:** Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. **TREE REMOVAL PERMIT:** A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. **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.
6. **ARBORIST REQUIREMENTS:** The developer shall implement, at their cost, all recommendations identified in the Arborist's report dated as received September 8, 2022 for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
7. **TREE FENCING:** A Tree Protection Plan will be required with the Building Permit submittal. Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. **TREE STAKING:** All newly planted trees shall be double-staked using rubber tree ties.
9. **FRONT YARD LANDSCAPE:** Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
10. **STORY POLES:** The story poles on the project site shall be removed within 30 days of approval of the Minor Residential application.
11. **DEMOLITION AFFIDAVIT:** Prior to issuance of a building permit, a demolition affidavit must be submitted and signed by the property owner, project architect, project engineer and contractor.

12. **WATER EFFICIENCY LANDSCAPE ORDINANCE:** The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. 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.
13. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

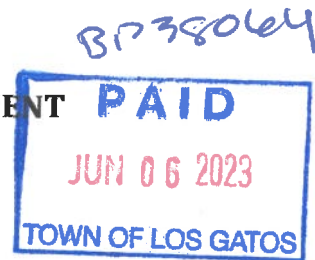
Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

14. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

APN	Owner	MailAddress	MailLine2
52906010	BANDAIAI JOHN S JR TRUSTEE		LOS GATOS, CA 95032
52906026	WOODS THOMAS J & JENNIFER K		LOS GATOS, CA 95032
52906028	MUNSHI ADIL D & RENEE L TRUSTEE		LOS GATOS, CA 95032
52906033	Emarlou Hamid & Shayegan Shadi Trustee		Los Gatos Ca 95032
52906034	GORE BRIAN & HOOEY BECKY		LOS GATOS, CA 95032-5465
52906035	CEMBELLIN LARRY P TRUSTEE		ELMIRA, OR 97437
52906035	Occupant		LOS GATOS, CA 95032
52906066	CANEPA TIMOTHY L		LOS GATOS, CA 95032
52906067	CARLTON ALAN GERALD AND PAULA ANN		LOS GATOS CA 95032



TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
 110 E. Main Street
 Los Gatos, CA 95030



APPEAL OF THE DECISION OF
DIRECTOR OF COMMUNITY DEVELOPMENT

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DIRECTOR OF COMMUNITY DEVELOPMENT as follows:

DATE OF DECISION: June 2, 2023

PROJECT/APPLICATION: MR-22-013, Assessor Parcel #529-06-027

LOCATION: 473 Wraight Avenue

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

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:

Please see attached document

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Director of Community Development. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day. Appeals are due by 4:00 P.M.
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 anew and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: T. James Woods

SIGNATURE: 

DATE: June 6, 2023

ADDRESS: 475 Wraight Avenue

PHONE: +1-408-420-1027

EMAIL: t.james.woods@gmail.com

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION:	1. _____	DATE: _____
	2. _____	DATE: _____
	3. _____	DATE: _____

PLAPPEAL \$ 234.00 Residential
 PLAPPEAL \$ 934.00 Commercial
 PLAPPEAL \$ 95.00 Tree Appeals

June 6, 2023

Appeal: 473 Wraight Avenue (MR-22-013, Assessor Parcel Number 529-06-027)

To: The Town of Los Gatos, Community Development Department

Pursuant to the Town of Los Gatos' process for the Appeal of a Decision of the Director of Community Development, we are appealing the pending approval of the project at 473 Wraight Avenue, which is next door to our home.

My wife and I have resided in our home and in Los Gatos for almost 23 years. We raised our family here (3 daughters) and are now approaching retirement, so we are and will be spending a great deal of time each day in our home.

As outlined in the applicant's filings, we saw the plans and became aware of the project in October '22 when the completed plans for the new house were dropped off on our front porch. We asked for a meeting with the owner and her architect to help us understand the plans and share some of our initial thoughts. The owner declined to bring her architect and said that she could fully explain the plans. During our meeting that turned out not to be the case so we offered to take some measurements of our property and compile our questions along with a more detailed explanation of our concerns. We shared that detail document with the applicant and her architect in January '23. We heard back quickly from the applicant, but the response did not answer our questions and essentially asked us to make suggestions which minimally impacted the design. One of the additional questions we asked, which we haven't received a response to, was to understand how the second floor north facing windows for the new second story aligned with our southern facing windows. We measured our home and provided the details on where our windows are placed so the architect could determine how they aligned. We have yet to receive that analysis.

Ultimately, we responded that we were not architects and believed the applicant and her architect should take our concerns into consideration and make changes to the design in order to reduce the negative impacts to our home. We didn't hear anything for some time, so checked in with the architect to see if there were any modifications for us to review. He informed us the applicant was trying to decide what she wanted to do. The next thing we knew the "story poles" were being erected.

As originally articulated, our concerns remain two fold:

- 1) The new structure will shadow almost the entirety of the south side of our home. This conclusion is based on the applicant's plans. When we pointed this out to the owner her response was that she didn't know what rooms in our home were on that side of our house. A meeting with us before the plans were drawn up would have made this clear. The worst impact will be in the winter, but there is a significant impact throughout the year. Due to the orientation of our living space the windows on the south side of our home cover our entire living space. They are the majority of our home's windows and are where we get a large portion of the sunlight throughout the year - especially in the

winter. We are not opposed to a two story structure. We are opposed to a structure which blocks a large portion of our sunlight throughout the year and stands so close to our home

Our neighbor on the other side of our home (477 Wraight Ave.) built a new home a few years ago. Their original plan included a garage attached to the main house and on the south side of their lot closest to our home. For several reasons, including our concerns, they relocated their garage to the back of their lot and worked with us on other concerns. Our conversations with them began before they had final plans.

We made the same suggestion regarding the garage location to the applicant for 473 Wraight Ave, but that idea was rejected out of hand. We believe a large part of our concerns would be alleviated by a redesign, which includes relocating the garage to the back of the lot. It seems this single change would both allow for both an increase in the light getting to our home and would also significantly reduce the impact on our view from our windows.

One concern the applicant did express with respect to relocating the garage to the rear of the lot was security. We would point out that the house on the other side had the same concern and erected a gate across the driveway, which protects their back yard from intruders. We believe this same solution would secure the backyard for 473 as well.

- 2) The proposed balcony on the back of the new structure off of the master bedroom on the second floor will look down on the two windows in our master bathroom. One of those windows is glass block, but the other is directly over the tub and in front of the sinks. We open that window regularly to let air and light into the back of our home. Their proposal to add a lattice screen does not solve the problem. Someone on the balcony would be able to see us through the lattice. Conversely, our view back to the balcony would be blocked because of the distance to the lattice.

We want to reaffirm, we are not opposed to a remodel or to a two story structure, but are very concerned about the impact the current design will have on our quality of life in our home. We believe modifications can be made to the design which reduce the negative impacts on us while still allowing for the vast majority of space and amenities in the current design. We welcome a visit from some or all of the town committee members who will be making the decision about this remodel. We have included some photos from our windows, but our concerns will be clearer if our situation is seen in person from all angles.

Therefore, we respectfully ask for a repeal of the decision to approve the existing plan and that the applicant be directed by the Town of Los Gatos to make modifications to the plans or to redesign the plans in a manner which addresses our concerns.

Respectfully,

Jim & Jenny Woods

Attachment: Views out of south side windows of 475 Wraight Ave. showing story poles

Attachment #1: Views out of south side windows of 475 Wraith Ave. showing story poles

Please note, these images represent all the windows on the south side of our home with the lone exception of the glass block window in the Master Bathroom shower.



Dining Room window



Kitchen window over sink (note: we installed this bumped-out window in our kitchen to capture more light)



Kitchen table window 1



Kitchen table window 2



Kitchen table window 3



Kitchen door to back yard



Master Bathroom window over tub

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Left Blank***

Christopher Spaulding, Architect

801 Camelia Street, Suite E

Berkeley, CA 94710

Voice 510-527-5997

chris@csarchitect.net

6-13-23

473 Wraight Avenue, Response to Appeal

My client, Vicky Le, and I have been keenly aware of that the additions to her home may have adverse effects upon the neighbors. The project was designed to minimize these effects, which I will outline later in this letter.

Firstly, this is a constrained site, in that there is a protected redwood tree that makes the front 10' of the building envelope unusable, save for the tree. Vicky also wanted to have 3 bedrooms upstairs for her family and a usable backyard for her 2 young sons.

When the Woods first notified us of their concerns, Vicky had me spend considerable time exploring whether she could fit all her needs into a one-story house, or a smaller 2-story with a detached garage. She concluded that the options all failed to meet her needs, so she elected to go forward with her original plan, with some privacy features added.

The project was designed to minimize the impact on the side neighbor's privacy (471 and 475 Wraight Avenue) by placing only secondary windows on the sides of the 2nd floor. These windows have been further altered for greater privacy:

- The front bedroom window on the 471 Wraight Avenue side has been shifted forward to not align with the windows of the existing house.
- The toilet room and stairway window sills have been raised to above 5' off the floor (and the stairway window is above the landing, so the sill is about 10' above the landing floor).
- The front bedroom and bathroom windows on the 475 Wraight side have been made obscure glass, and the primary bedroom window sill is 5'-4" above the floor.

- The rear balcony is shielded from looking down into 475 Wraight Avenue by the ridgeline of the adjacent first-floor roof, and a privacy screen has been added as additional screening.

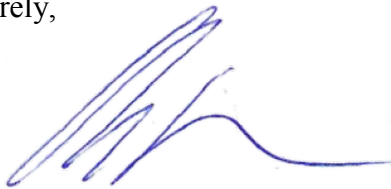
For light and air, the home most affected is the Woods home at 475 Wraight Avenue. To mitigate this effect, the design maintains a single-floor element along the entire depth of the house, with the 2nd floor having enlarged setbacks of 13'-4" for the front 21'-6" portion of the 2nd floor and 17'-8" setback for the rear 22'-6". These are much larger setbacks than is otherwise allowed.

I should also note that the shadow study on sheet A1.1 of our plans overstates the shadows, in that the shadows are shown as if cast onto a vacant lot. For instance, in the December 21 noon shadow, which looks like it would block all the sunlight from the Wood's home, the shadows cast by the rear portion of the 2nd floor would only climb up the vertical sidewall to about 42" above the floor level of the house.

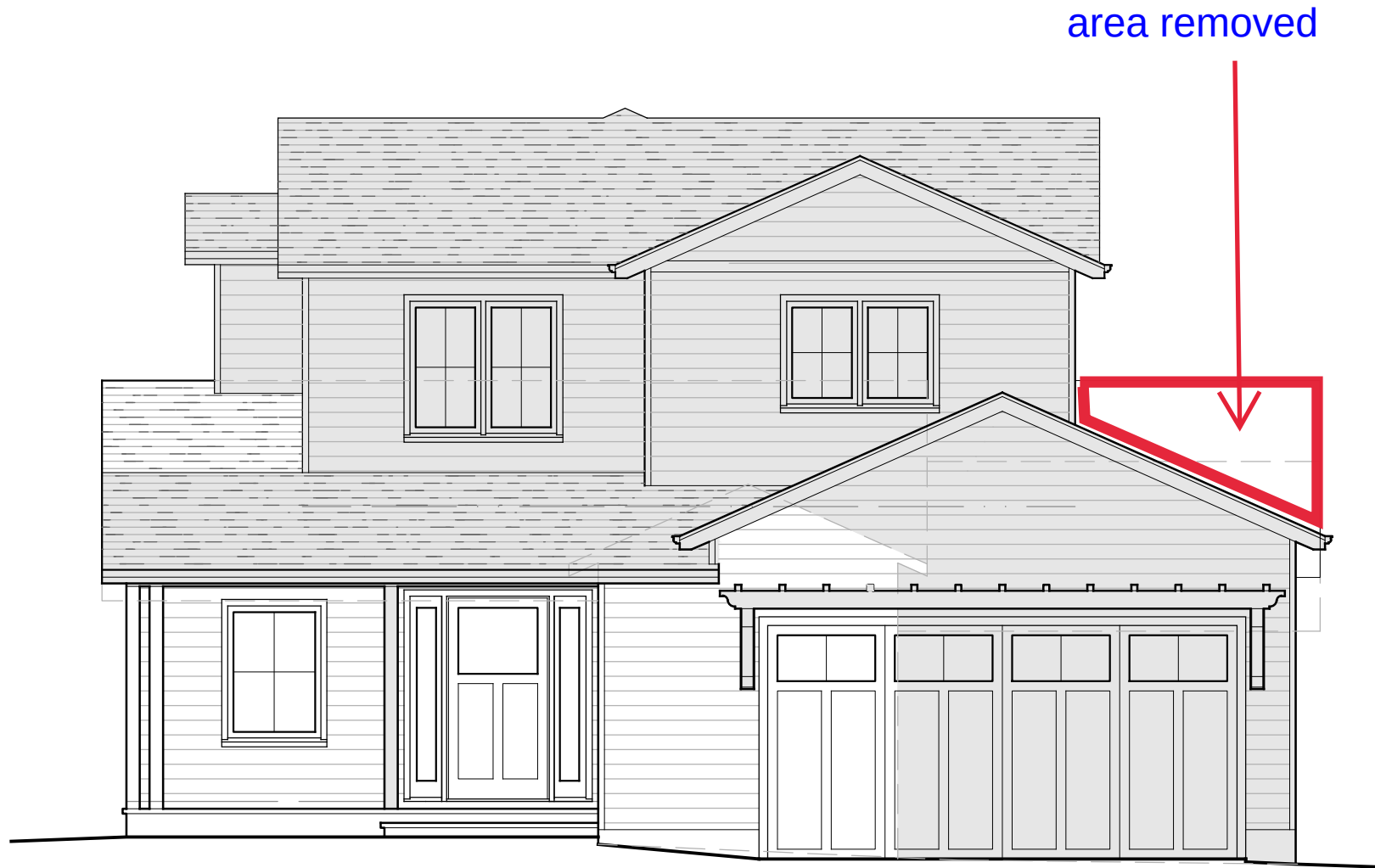
Finally, in looking at the photos of the story poles from the Wood's windows, it is apparent that it is the one-story portion of the Le's house that will create the greatest blockage of light, especially at the gable roof of the new garage. It may be possible to mitigate this problem by turning the garage gable roof to face forward instead of sideways.

Thank you for your consideration,

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a stylized, somewhat abstract shape.





From: [REDACTED]
Sent: Wednesday, January 4, 2023 2:38 PM
To: Town Manager
Cc: [REDACTED]
Subject: Question regarding: Submitting feedback for a "Pending Planning Projects" Project

EXTERNAL SENDER

Hello,

We are long term residents of Los Gatos and live at [REDACTED]

We have been discussing a planned project with the new owner of the house next door to ours (473 Wraight Avenue). We have also reviewed the documentation on file for this project within the "Pending Planning Projects" section of the town's website. We have also met with the new owner. Her plan is to essentially demolish the existing structure and rebuild a substantially larger one on the lot. We have several concerns, including that this structure will cast a significant shadow over the sunny side of our home.

We would like to add our correspondence to the record, since it contradicts some of what has been submitted to the town. Specifically this is in reference to the "Summary of Neighborhood Outreach" document. That document implies that the neighbors don't have any concerns. We do.

We are continuing to work directly with the new owner on resolving our concerns, but want to be sure this effort is documented and our concerns are on the record.

Is there a way to submit this correspondence for the record to the town?

Thank you for the assistance.

Regards,

[REDACTED]

Los Gatos, Ca 95032

Dear Vicky

We hope you had a wonderful holiday with your sons in Switzerland. Thank you for meeting with us to help us understand your blueprints for 473 Wraight Avenue and for listening to our concerns. As we discussed, without your architect present, it wasn't possible for us to understand how your plans will affect our property at [REDACTED]. Thank you for offering to forward our questions and concerns to your architect, as follows:

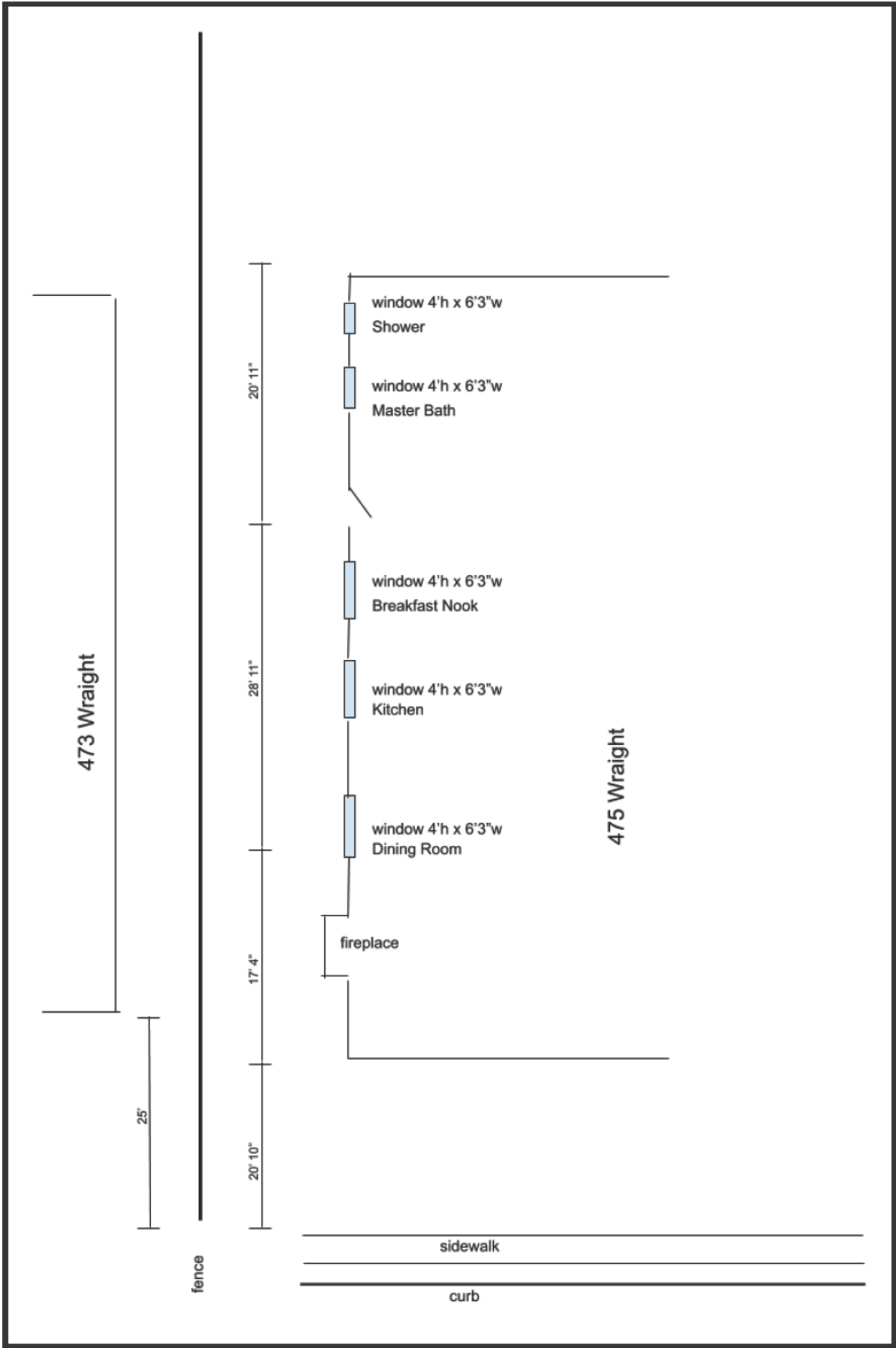
1. The new profile for the proposed new house will cast a shadow across our home's south side and block sun. As the attached drawing shows the new two story house will sit across from all of the windows on that side of our house. The sun traverses the southern sky (particularly so in the winter) so we will lose the light that comes into our main living spaces. We took measurements of our home and the windows on the south side of our property and are including a sketch. We also took a couple of photos, which show that side of our house, including all the windows. They are both at the bottom of this note.
2. The view from our dining room windows currently includes five feet from our windows to the shared fence, another five feet beyond the fence, and also the width of the current driveway at 473 Wraight Avenue. The proposed remodel removes the driveway entirely and adds a full story along all of the windows in our living space. This includes our dining room, kitchen, and breakfast nook. In addition to our living room, this is where we spend our waking hours.
3. We remain concerned that the rear second floor balcony will look down on our two bathroom windows toward the back of our house if someone is standing on the balcony. One of these windows is just above our bathtub.
4. There's also a new second story that is partially set back, but we are not able to discern from the plans exactly where the setback begins in relation to our home and windows. We also cannot tell if your second story windows will look down into our windows.
5. When our neighbors on our other side built their house they worked with us to minimize the impact. They moved their two-car garage to the back of the lot. This preserved the driveway space between our houses and kept their two stories farther away from ours. We have reviewed the Town of Los Gatos Pending Planning Projects comments for this project. The consulting architect mentions the prominence of the current garage design. Moving the garage to the back of your lot would alleviate this problem. Could this also solve our concern about blocking sunlight?
6. As you mentioned in our meeting, neither you nor your architect knew the floorplan of our home when your plans were drawn up. We would be happy to meet with him so that he can take our concerns into consideration.

Again, thank you for meeting with us. We look forward to working with you to resolve our concerns.

Sincerely,

Jim and Jenny Woods

A solid black rectangular box used to redact the signature of Jim and Jenny Woods.





From: 
To: [Ryan Safty](#)
Subject: 473 Wraight Av.
Date: Monday, May 29, 2023 5:12:32 PM

[EXTERNAL SENDER]

Hi Ryan

i received your notice - thanks.

No issues, looks like a good improvement.

I do have one request if possible. i'll be looking right into their upstairs from my place and vice versa. It would be great if they could put in some trees or something for privacy for both of us.

Is that someone you can pass on?

thanks
John