

TOWN OF LOS GATOS PLANNING COMMISSION AGENDA JANUARY 22, 2025 110 EAST MAIN STREET TOWN COUNCIL CHAMBERS 7:00 PM

Emily Thomas, Chair Kendra Burch, Vice Chair Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Steven Raspe, Commissioner Rob Stump, Commissioner Vacant, Commissioner

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 <u>www.LosGatosCA.gov/TownYouTube</u>.

PARTICIPATION

The public is welcome to provide oral comments in real-time during the meeting in three ways: **Zoom webinar (Online)**: Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <u>https://losgatosca-</u>

gov.zoom.us/j/84581980917?pwd=HBC1JDVAnIv95RNwWbWOUU0PKq9490.1. Passcode:

943933. You can also type in 845 8198 0917 in the "Join a Meeting" page on the Zoom website at <u>https://zoom.us/join</u> and use passcode 943933.

When the Chair announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.

Telephone: Please dial (877) 402-9753 for US Toll-free or (636) 651-3141 for US Toll. (Conference code: 602463). If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

In-Person: Please complete a "speaker's card" located on the back of the Chamber benches and return it to the Vice Chair before the meeting or when the Chair announces the item for which you wish to speak.

NOTES: (1) Comments will be limited to three (3) minutes or less at the Chair's discretion. (2) If you are unable to participate in real-time, you may email planning@losgatosca.gov with the subject line "Public Comment Item #___" (insert the item number relevant to your comment).

(3) Deadlines to submit written public comments are:

11:00 a.m. the Friday before the Planning Commission meeting for inclusion in the agenda packet.

11:00 a.m. the Tuesday before the Planning Commission meeting for inclusion in an addendum.

11:00 a.m. on the day of the Planning Commission meeting for inclusion in a desk item. (4) Persons wishing to make an audio/visual presentation may do so only for items on the agenda and must submit the presentation electronically to planning@losgatosca.gov no later than 3:00 p.m. on the day of the Planning Commission meeting.

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS (Members of the public may address the Commission on matters not listed on the agenda and are within the subject matter jurisdiction of the Commission. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)

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

- Consider an Appeal of a Community Development Director Decision Determining that the Residence Remain a Contributor to the Historic District for Property Located in the Almond Grove Historic District Zoned O:LHP. APN 510-14-053. Located at 228 Bachman Avenue. Request for Review Application PHST-24-017. Exempt Pursuant to CEQA Section 15061 (b)(3). Property Owner/Applicant/Appellant: James Wood. Project Planner: Sean Mullin.
- 2. Consider a Request for Approval to Demolish an Existing Single-Family Residence, Construct a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Side Yard Setbacks, Construct an Accessory Structure with Reduced Side Yard Setbacks, and Site Improvements Requiring a Grading Permit on a Nonconforming Property Zoned R-1:8. Located at 176 Loma Alta Avenue. APN 532-28-031. Architecture and Site Application S-24-042. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures. Property Owner: The Thornberry 2021 Revocable Trust dated November 4, 2021, and The Donald S. Thornberry and Barbara J. Gardner Revocable Living Trust dated December 21, 2010. Applicant: Jay Plett. Project Planner: Maria Chavarin.
- 3. Consider an Appeal of a Development Review Committee Decision Approving a Subdivision of One Lot into Two Lots on Property Zoned R-1:10. Located at 220 Belgatos Road. APN 527-25-005. Subdivision Application M-24-011. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District. Applicant: Robson Homes, LLC. Appellant: Mary Cangemi. Project Planner: Jocelyn Shoopman.

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.*)

ADA NOTICE In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104].

NOTICE REGARDING SUPPLEMENTAL MATERIALS Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packets are available for public inspection at Town Hall, 110 E. Main Street, Los Gatos and on Town's website at www.losgatosca.gov. Planning Commission agendas and related materials can be viewed online at https://losgatos-ca.municodemeetings.com/.

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: <u>www.LosGatosCA.gov/TownYouTube</u> This Page Intentionally Left Blank



- DATE: January 17, 2025
 TO: Planning Commission
 FROM: Joel Paulson, Community Development Director
 SUBJECT: Consider an Appeal of a Community Development Director Decision Determining that the Residence Remain a Contributor to the Historic District for Property Located in the Almond Grove Historic District Zoned O:LHP. APN 510-14-053. Located at 228 Bachman Avenue. Request for Review
 - Application PHST-24-017. Exempt Pursuant to CEQA Section 15061 (b)(3). Property Owner/Applicant/Appellant: James Wood. Project Planner: Sean Mullin.

RECOMMENDATION:

Deny the appeal of the Community Development Director decision determining that the residence remain a contributor to the historic district for property located in the Almond Grove Historic District on property zoned O:LHP, located at 228 Bachman Avenue

PROJECT DATA:

General Plan Designation:	Medium Density Residential
Zoning Designation:	O:LHP; Office, Landmark and Historic Preservation Overlay
Applicable Plans & Standards:	General Plan, Town Code, Residential Design Guidelines
Parcel Size:	7,950 square feet
Surrounding Area:	

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

PREPARED BY:

Sean Mullin, AICP Planning Manager

Reviewed by: Community Development Director, and Town Attorney

<u>CEQA</u>:

The project is not subject to the California Environmental Quality Act (CEQA) pursuant to the adopted Guidelines for the Implementation of CEQA, Section 15061(b)(3): A project is exempt from CEQA when the activity is covered by the commonsense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA.

FINDINGS:

- As required for a determination of contributing status, the deciding body considers whether a primary structure has no historic significance or architectural merit through the following findings:
 - 1. The structure is not associated with events that have made a significant contribution to the Town;
 - 2. No Significant persons are associated with the site;
 - 3. There are no distinctive characteristics of type, period, or method of construction or representation of work of a master;
 - 4. The structure does not yield information to Town history; or
 - 5. The integrity has been compromised such that the structure no longer has the potential to convey significance.

ACTION:

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

BACKGROUND:

The subject property is located in the Almond Grove Historic District on the north side of Bachman Avenue, approximately 390 feet west of the intersection with N. Santa Cruz Avenue (Exhibit 1). The property is currently developed with a single-family residence. The County Assessor indicates that the residence was constructed in 1922, with an effective year built of 1932, which usually reflects significant alterations or additions occurred after the original construction date. The 1990 Bloomfield Survey estimates the construction date as the 1920s and rates the residence as historic with some alterations, but still a contributor to the district if there is one (Exhibit 3, Attachment 1). The residence is listed as a contributor to the Almond Grove Historic District in Appendix B of the Residential Design Guidelines. The Sanborn Fire Insurance Maps show that the property was undeveloped in 1908 (Exhibit 3, Attachment 2). By 1928, a dwelling with an attached accessory building were present along the rear property line. The 1944 map shows that this dwelling was demolished, and a new dwelling was constructed PAGE **3** OF **8** SUBJECT: 228 Bachman Avenue/Appeal of PHST-24-017 DATE: January 17, 2025

toward the front of the property. It is likely that this change is the reason the County Assessor provides an effective year built of 1932. The footprint of this dwelling remained consistent between 1944 and 1956.

A search of Town permit records provides the following:

- 1969 use permit to allow a professional office in a residence;
- 1957 Building Permit for construction of an addition (store room); and
- 1975 Planning Commission approval to establish an office in the residence.

On January 7, 2004, the Historic Preservation Committee (HPC) discussed the possibility of demolishing the subject residence (Exhibit 3, Attachment 3). The HPC noted that the structural report provided at the time did not justify a demolition; however, the Committee felt that the residence had unsympathetic additions and that it is likely that the siding is not original. The HPC stated that a demolition may be possible, adding a recommendation that a replacement structure not be Mediterranean and that the second story be recessed.

On September 6, 2024, a Request for Review application was received by the Town requesting a determination of the contributing status of the residence. On September 25, 2024, the HPC considered this request and forwarded a recommendation to the Community Development Director that the residence remain a contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity (Exhibits 3 and 4). The HPC also encouraged the property owner to seek their feedback on potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024 (Exhibit 5). The audio from this meeting is available on the Town's website at https://losgatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-4.

On October 7, 2024, the property owner appealed the decision of the Community Development Director to the Planning Commission (Exhibit 6).

The Town Code provides that decisions of the Community Development Director may be appealed to the Planning Commission by any interested party as defined by Section 29.10.020 within 10 days of the decision. For residential projects, an *interested person* is defined as 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. The appellant meets the requirements.

Pursuant to Town Code Section 29.20.265, the appeal shall be set for the first regular meeting of the Planning Commission in which the business of Planning Commission will permit, more than five days after the date of filing the appeal. The Planning Commission may hear the matter anew and render a new decision on the matter.

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On November 13, 2024, the Planning Commission continued consideration of the appeal to a date certain of January 8, 2025, to allow additional time for the appellant to prepare information supporting their appeal. On January 8, 2025, the Planning Commission continued the item to January 22, 2025, to allow additional time for the appellant to finalize their information supporting the appeal.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located in the Almond Grove Historic District on the north side of Bachman Avenue, approximately 390 feet west of the intersection with N. Santa Cruz Avenue (Exhibit 1). The property is currently developed with a single-family residence.

B. Project Summary

The property owner is appealing the Community Development Director's decision determining that the residence at 228 Bachman Avenue remain a contributor to the Almond Grove Historic District.

DISCUSSION:

A. HPC Authority and Applicability

Pursuant to Town Code Section 29.80.215, the purpose of the Town's Historic Preservation Ordinance states:

It is hereby found that structures, sites, and areas of special character or special historical, architectural, or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the public health, safety, and welfare require prevention of needless destruction and impairment, and promotion of the economic utilization and discouragement of the decay and desuetude of such structures, sites, and areas.

The purpose of historic preservation is to promote the health, safety, and general welfare of the public through:

1. The protection, enhancement, perpetuation, and use of structures, sites, and areas that are reminders of past eras, events, and persons important in local, State, or National history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the Town and its neighborhoods, or which provide for this

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and future generations examples of the physical surroundings in which past generations lived.

- 2. The development and maintenance of appropriate settings and environments for such structures.
- 3. The enhancement of property values, the stabilization of neighborhoods and areas of the Town, the increase of economic and financial benefits to the Town and its inhabitants, and the promotion of tourist trade and interest.
- 4. The enrichment of human life in its educational and cultural dimensions by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past.

Town Code Section 29.10.020 defines *historic structure* as any primary structure constructed prior to 1941, unless the deciding body has determined that the structure has no historic significance and should not be included in the Town Historic Resources Inventory (HRI). The Santa Clara County Assessor's Database lists a construction date for the residence of 1922, with an effective year built of 1932; therefore, the subject property is included on the HRI. Further, Appendix B of the Residential Design Guidelines classifies the residence as a contributor to the Almond Grove Historic District.

Structures within historic districts are individually classified as to their relative contribution to the historic character and quality of the district. Contributing structures have been determined to be historically, architecturally, or culturally significant. Noncontributing structures are those which are not historical in terms of their design or have been so modified over time as to no longer meet the criteria for contributing status.

When considering a request for a determination of contributing status, the HPC considers whether a primary structure has no historic significance or architectural merit through the following findings in their recommendation to the Community Development Director:

- 1. The structure is not associated with events that have made a significant contribution to the Town;
- 2. No Significant persons are associated with the site;
- 3. There are no distinctive characteristics of type, period, or method of construction or representation of work of a master;
- 4. The structure does not yield information to Town history; or
- 5. The integrity has been compromised such that the structure no longer has the potential to convey significance.

B. <u>Historic Preservation Committee</u>

On September 25, 2024, the HPC considered the request for determination and forwarded a recommendation to the Community Development Director that the residence remain a

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contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity (Exhibit 4). The HPC also encouraged the property owner to seek their feedback on potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024 (Exhibit 5). The audio from this meeting is available on the Town's website at https://losgatos-ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-4.

C. Appeal to Planning Commission

The decision of the Community Development Director was appealed on October 7, 2024, by the property owner, James Wood (Exhibit 6). The appellant's reasons for why the appeal should be granted that are provided on the appeal form are included below, followed by staff's response in *italics*.

1. This home has been abandoned for over a decade. It is an eyesore to the neighborhood and is in severe disrepair.

It is common for older homes with deferred maintenance to be in disrepair; however, the condition of a structure is not included in the findings required for determining a contributing status. Dilapidated structures that meet the criteria for listing as a contributor can be preserved through thoughtful restoration, rehabilitation, and reconstruction practices. The findings for determining contributing status should be the focus when considering a request for determination, rather than the physical condition of the structure.

2. If we do not re-build on this lot it will be returned to its previous owner by contract and likely remain abandoned and decaying.

Future ownership and/or the lack of any plans for future improvements are not the subject of this request for determination. Since the property is located in a historic district, all future exterior modifications are subject to review by the HPC.

3. The city should support the surrounding neighbors who support its demolition. HPC is denying just because it is old. It has no significance.

On September 25, 2024, the HPC recommended to the Community Development Director that the residence remain a contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity (Exhibit 4). The HPC also encouraged the property owner to seek their feedback on a potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024 (Exhibit 5). The audio from

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this meeting is available on the Town's website at <u>https://losgatos-</u> ca.municodemeetings.com/bc-hpc/page/historic-preservation-committee-4.

In addition to the three points provided on the appeal form, the appellant submitted a historic analysis of the residence prepared by MBA Architects (Exhibit 7). The report discusses the qualifications of the surveyors and the methodology used in their analysis. The report provides a description of the existing residence, evolution of development on the property, and past residents. An evaluation is provided using the regulatory framework of the Town, which closely aligns with that of the California Register of Historical Resources. The report concludes that the residence at 228 Bachman Avenue lacks significance under all criteria and is ineligible for inclusion in the California Register or as a Town of Los Gatos historic resource. The report opines that the residence lacks architectural distinction and has no relationship to significant events or people, therefore it is not a contributing structure to the Almond Grove Historic District.

The historic analysis report by MBA Architects was prepared in response to the Community Development Director's decision in preparation for the appeal to the Planning Commission. This report was not available to the HPC during their September 25, 2024, consideration of the request for determination.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Public comments received by 11:00 am, Friday, January 17, 2025, are included as Exhibit 8.

ENVIRONMENTAL REVIEW:

The project is not subject to the California Environmental Quality Act pursuant to the adopted Guidelines for the Implementation of CEQA, Section 15061(b)(3): A project is exempt from CEQA when the activity is covered by the commonsense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA.

CONCLUSION:

A. Summary

The property owner is appealing the Community Development Director's decision determining that the residence at 228 Bachman Avenue remain a contributor to the Almond Grove Historic District.

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B. <u>Recommendation</u>

For reasons stated in this report, it is recommended that the Planning Commission deny the appeal and uphold the decision of the Community Development Director determining that the residence at 228 Bachman Avenue remain as a contributor to the Almond Grove Historic District.

C. Alternatives

Alternatively, the Commission can:

- 1. Continue the matter to a date certain with specific direction; or
- 2. Grant the appeal and determine that the residence is a non-contribtor to the Almond Grove Historic District, making the findings provided in Exhibit 2; or
- 3. Remand the appeal to the HPC with specific direction.

EXHIBITS:

- 1. Location Map
- 2. Required Findings
- 3. Historic Preservation Committee Staff Report and Attachments, September 25, 2024
- 4. Historic Preservation Committee Meeting Minutes for September 25, 2024
- 5. Historic Preservation Committee Action Letter, September 26, 2024
- 6. Appeal of the Community Development Director, received October 7, 2024
- 7. Historic Analysis Report by MBA Architects
- 8. Public Comments received by 11:00 am, Friday, January 17, 2024

228 Bachman Avenue



This Page Intentionally Left Blank **PLANNING COMMISSION** – *January 22, 2025* **REQUIRED FINDINGS FOR:**

228 Bachman Avenue Request for Review PHST-24-017

Consider an Appeal of a Community Development Director Decision Determining that the Residence Remain a Contributor to the Historic District for Property Located in the Almond Grove Historic District Zoned O:LHP. APN 510-14-053. Exempt Pursuant to CEQA Section 15061(b)(3).

Property Owner/Applicant/Appellant: James Wood Project Planner: Sean Mullin.

FINDINGS

Required findings for determination of contributing status:

- As required for a determination of contributing status, the deciding body considers whether a primary structure has no historic significance or architectural merit through the following findings:
 - 1. The structure is not associated with events that have made a significant contribution to the Town;
 - 2. No Significant persons are associated with the site;
 - 3. There are no distinctive characteristics of type, period or method of construction or representation of work of a master;
 - 4. The structure does not yield information to Town history; or
 - 5. The integrity has been compromised such that the structure no longer has the potential to convey significance.

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DATE:	September 20, 2024
TO:	Historic Preservation Committee
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Requesting a Determination Regarding the Contributing Status of an Existing Contributing Single-Family Residence Located in the Almond Grove Historic District on Property Zoned O:LHP. Located at 228 Bachman Avenue . APN 510-14-053. Request for Review Application PHST-24-017. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities. Property Owner/Applicant: James B. Wood. Project Planner: Sean Mullin.

RECOMMENDATION:

Requesting a determination regarding the contributing status of an existing contributing singlefamily residence located in the Almond Grove Historic District on property zoned O:LHP located at 228 Bachman Avenue.

PROPERTY DETAILS:

- 1. Date primary structure was built: 1922 (effective year built 1932) per County Assessor's Database; 1920s per Anne Bloomfield Survey
- 2. Town of Los Gatos Historic Status Code: ✓, historic and some altered, but still contributor to district if there is one
- 3. Does property have an LHP Overlay? Yes
- 4. Is structure in a historic district? Almond Grove Historic District
- 5. If yes, is it a contributor? Yes
- 6. Findings required? Yes
- 7. Considerations required? No

BACKGROUND:

The County Assessor indicates that the residence located at 228 Bachman Avenue was constructed in 1922, with an effective year built of 1932, which usually reflects significant alterations or additions occurred after the original construction date. The 1990 Bloomfield Survey estimates the construction date as the 1920s and rates the residence as historic and some altered, but still contributor to district if there is one (Attachment 1). The residence is

PREPARED BY:

Sean Mullin, AICP Senior Planner

PAGE **2** OF **4** SUBJECT: 228 Bachman Avenue/PHST-24-017 DATE: September 20, 2024

BACKGROUND (continued):

listed as a contributor to the Almond Grove Historic District in Appendix B of the Residential Design Guidelines. The Sanborn Fire Insurance Maps show that the property was undeveloped in 1908 (Attachment 2). By 1928, a dwelling with an attached accessory building were present along the rear property line. The 1944 map shows that this dwelling was demolished, and a new dwelling was constructed toward the front of the property. It is likely that this change is the reason the County Assessor provides an effective year built of 1932. The footprint of this dwelling remained consistent between 1944 and 1956.

A search of Town Permit records provides the following:

- 1969 use permit to allow a professional office in a residence;
- 1957 Building Permit for construction of an addition (store room); and
- 1975 Planning Commission approval to establish an office in the residence.

On January 7, 2004, the Committee discussed the possibility of demolishing the subject residence (Attachment 3). The Committee noted that the structural report provided at the time did not justify a demolition; however, the Committee felt that the residence had unsympathetic additions and that it is likely that the siding is not original. The Committee stated that a demolition may be possible, adding a recommendation that a replacement structure not be Mediterranean and that the second story be recessed.

The applicant provided results of their research on the residence and a summary of the history of the residence (Attachment 4). The applicant notes that there have been several additions to the residence over time and that it includes multiple types of siding and windows.

DISCUSSION:

The applicant is requesting a determination of the historic or architectural significance of the contributing single-family residence located in the Almond Grove Historic District related to a future proposal for demolition of the residence and construction of a new single-family residence.

The 1990 Bloomfield Survey is included as Attachment 1 and provides a preliminary rating for the residence of " \checkmark " meaning: historic and some altered, but still contributor to district if there is one. The Sanborn Fire Insurance Maps indicate that the residence was constructed in the current location between 1928 and 1944 (Attachment 2).

Structures within historic districts are individually classified as to their relative contribution to the historic character and quality of the district. Contributing structures have been determined to be historically, architecturally, or culturally significant. Noncontributing structures are those

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DISCUSSION (continued):

which are not historic in terms of their design or have been so modified over time as to no longer meet the criteria for contributing status.

The Residential Design Guidelines state that the demolition of any contributing structure in historic districts is forbidden absent a cataclysmic event or upon determination by the Deciding Body that demolition is necessary for the proper restoration of the structure. Additions, alterations, and removal of non-historic additions may be approved as part of the reconstruction process, provided the contributing historic elements of the structure are maintained, and the changes and/or additions could have been approved if the structure had not been damaged.

CONCLUSION:

Should the Committee find that the structure no longer meets the criteria for contributing status, the structure would be removed from the list of contributors to the Almond Grove Historic District. The property would continue to be located within the historic district, and any proposed work, including demolition and construction of a new residence, would return to the Committee for review under a formal Planning application.

FINDINGS:

A. Findings - related to a request for a determination that a primary structure has no historic significance or architectural merit.

In evaluating a request for a determination of historic significance or architectural merit, the Historic Preservation Committee shall consider the following:

- 1. The structure is not associated with events that have made a significant contribution to the Town;
- 2. No Significant persons are associated with the site;
- 3. There are no distinctive characteristics of type, period or method of construction or representation of work of a master;
- 4. The structure does not yield information to Town history; or
- 5. The integrity has been compromised such that the structure no longer has the potential to convey significance.

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FINDINGS (continued):

- B. Findings
 - As required by Town Code Section 29.10.09030(c) *Demolition of historic structures*, a demolition permit for a historic structure may only be approved if:
 - 1. The structure poses an imminent safety hazard; or
 - 2. The structure is determined not to have any special historical, architectural or aesthetic interest or value.

Any request to demolish an historic structure shall be reviewed by the Historic Preservation Committee. Applications to demolish a non-contributing historic structure shall be accompanied by a detailed report describing all aspects of the structure's physical condition prepared by an architect, licensed design professional, or registered civil engineer at the applicant's expense.

ATTACHMENTS:

- 1. 1990 Bloomfield Survey
- 2. Sanborn Exhibit
- 3. Minutes Historic Preservation Committee, January 7, 2004
- 4. Research Results and Summary of Residence
- 5. Exterior Photos

1	ARCHITECTURAL HISTOR
G	Anne Bloomfield 219 2229 Webster Street San Francisco. ca 94115
	ARCHITECTURAL/CULTURAL SURVEY LOS GATOS RESEARCH
	File address 228 Bechman
	PARCEL MAP INFORMATION
	Parcel # 510-14-053 Lot size: 52 front ft. x ft. deep
	Lot shape: RectangleL Rectangle with small rear jog Other
	Location: N / S E W side of B St Ave Other
	distance to cross st: 212 ft. N_S_E/W_from Tait
	at NE NW SE SW corner of
	HISTORIC INFORMATION ON PARCEL MAP
	Old tract or subdivision name Massal Sub Old Block # 01d lot # 5
	FIELD SURVEY INFORMATION (bandwritten in red)
	Preliminary rating / Estimated age 19203 Style Bungalow/Medit. # stories
	Alterations added trellis
	Other For rent "
	COUNTY ASSESSORPROPERTY CHARACTERISTICS (paste on copy) EFFective date
	OWNERSHIP SHOWN ON MAPS
	Source Source Location of property, or Lot Owner
	Name Date Page Old tract/block/lot Size Name
	1891
	<u>Blk Book</u> 1908
	<u>Survey</u> 1944
	MISCELLANEOUS PHOTOS: Roll/frame #01/29 Date22-1/-89
	National Register listed date
	Town of Los Gatos: Designation Recognition
	District Name
	Previous Survey
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ATTACHMENT 1

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110 TOWN OF LOS GATOS 110 East Main Street, Los Gatos, CA 95032 (408) 354-6872

SUMMARY MINUTES OF A REGULAR MEETING OF THE **HISTORIC PRESERVATION COMMITTEE** OF THE TOWN OF LOS GATOS FOR JANUARY 7, 2004, HELD IN TOWN COUNCIL CHAMBERS, 110 E MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 5:40 P.M. by Chair Pacheco.

ATTENDANCE

Members Present:	Kelly Blough, Jeanne Drexel, Len Pacheco and Joanne Talesfore
Absent:	Susan Burnett
Staff Present:	Sandy Baily, Associate Planner

ITEM 1: <u>146 Tait Avenue</u>

The Committee considered revised plans to add onto the first floor of a residence and to modify an existing accessory structure in the Almond Grove Historic District. The applicant stated at this time, the owner did not want to proceed with the Minor Residential Development Application for the accessory structure and the plans were modified to improve the existing structure. Blough moved to approve the application with the revised plans and the following conditions:

- 1. Siding material shall be real wood, not a composite, laminated or fabricated wood product.
- 2. All windows and doors shall be wood. No snap in grids or grids inside the windows are permitted. Simulated wood grids are acceptable (ie: one glass pack with grids applied by manufacturer to inside, outside and between glass), to read as a true divided lite window. Vinyl and aluminum clad windows are not permitted.
- 3. All window trim, window finish detail, corner boards, soffits, eaves, millwork and any other detail shall match existing.

Talesfore seconded, motion passed unanimously. Appeal rights were recited.

ITEM 2: 59 CHESTER STREET

The Committee considered a request to remove the pre-1941 residence from the Historic Resources Inventory. Pacheco moved to have the house removed from the inventory for the following reasons:

- 1. There is nothing left of the original structure.
- 2. The house has no historic architectural style.

Drexel seconded, motion passed unanimously. Appeal rights were recited.

ITEM 3: OTHER BUSINESS

- a. 59 Chester Street Not heard since the Committee determined the house was not historic.
- b. 228 Bachman Ave The Committee discussed the possibility of demolishing this house which is located in the Almond Grove Historic District. Although the structural report did not justify a demolition, the Committee felt that the house had unsympathetic additions and that the siding most likely was not original. Therefore, the Committee stated that a demolition may be possible. The Committee recommended that the replacement structure not be Mediterranean and that the second story be recessed. Baily stated that the demolition would also need to be reviewed by the Community Development Department to determine whether or not a demolition was justified.
- c. 312 Bachman Ave The Committee considered preliminary ideas to make exterior changes to a residence located in the Almond Grove Historic District. The Committee felt that the front entry way changes were positive and that the changes to the side could be treated with a multi-pane room and that the house maintain it's colonial revival style.
- d. 15901 Blossom Hill Road The Committee discussed the possibility of demolishing the house or doing an addition. The Committee had mixed feelings about a demolition and it was questionable if a demolition would be supported. As for the addition, it was recommended that the house be relocated on the lot and that the front portion of the house be saved. Another alternative was to look at converting the house to an accessory structure or a secondary dwelling unit.
- e. Pre-1941 Design Guidelines No new information to report. Matter will be continued to each meeting to allow members to add to the list of what needs to looked at when the guidelines are revised.

ITEM 4: STATUS OF PREVIOUS APPLICATIONS

Baily informed the Committee on the status of previous applications.

ITEM 5: **APPROVAL OF MINUTES**

The minutes from the meeting of December 3, 2003 were passed unanimously.

ITEM 6: **ADJOURNMENT**

The meeting was adjourned at 7:30 P.M. to the next regular meeting on February 4, 2004.

Prepared by:

Approved by:

Sandy L. Baily, Associate Planner

Len Pacheco, Chair

Page 28 S

Application For Demolition of 228 Bachman Avenue



Requested Sept 2024 by new owners James and Paff Wood who propose to build and occupy a new single-family home with ADU on the property.

Summary

- HPC meeting minutes Jan 7, 2004 on 228 Bachman Ave:
 - "Committee stated that a demolition may be possible"
 - "Committee felt that the house had unsympathetic additions"
 - "...the siding most likely not original'
 - "Committee recommend that the replacement structure NOT be Mediterranean and the second story be recessed"
- Exact construction date unknown. Not shown on 1928 Sanborn. Estimated construction 1929-early 30s. First documentation was 1941 Tax Survey.
- Records prove building was expanded one (or more) times without permits both before and since 1941
 - Was 615 sf in 1941 Survey, now 775 sf. Three additions effecting the exterior identified by architects
- Re-zoned commercial O:LHP in
- Building and property unoccupied, not maintained for 10+ years. Occasional vagrant occupants.
- Both LG and SJ librarians confirm no historical inhabitants on record
- Broad neighborhood support for demolition. Feel the current structure out of character for the neighborhood.

Current Photos









Page 31

228 Bachman Avenue: Timeline





- Building has been expanded and modified without permits.
- Exterior includes 3-4 different surfaces. Mostly stucco today.
- Some doors and windows appear to be closed off and stucco-ed over
- Original garage torn down and turned into parking lot
- Multiple window types around the house. Oldest ones are rotted and need replaced.
- Front porch arch called out by LGHPC minutes* as "Mediterranean" and gave specific guidance NOT to rebuild using the arch.









^{228 Bachman:} Key Considerations (cont.)

- Exterior portion not in good repair
 - Roof beams exposed to the elements
- Per Shawnte Santos at LG Library:
 - "I looked through our Historic Property Research Collection, and past historic homes tours and didn't find anything on 228 Bachman."
 - "Doesn't look like any local celebrities or Town VIPs are listed, so I think you're good there."

110 TOWN OF LOS GATOS 110 East Main Street, Los Gatos, CA 95032 (408) 354-6872

SUMMARY MINUTES OF A REGULAR MEETING OF THE HISTORIC PRESERVATION COMMITTEE OF THE TOWN OF LOS GATOS FOR JANUARY 7, 2004, HELD IN TOWN COUNCIL CHAMBERS, 110 E MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 5:40 P.M. by Chair Pacheco.

ATTENDANCE

See NEXT pase

Members Present:Kelly Blough, Jeanne Drexel, Len Pacheco and Joanne TalesforeAbsent:Susan BurnettStaff Present:Sandy Baily, Associate Planner

ITEM 1: 146 Tait Avenue

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Prepared by:

Approved by:

Sandy L. Baily, Associate Planner

Len Pacheco, Chair
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TOWN OF LOS GATOS HISTORIC PRESERVATION COMMITTEE REPORT

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE SPECCIAL MEETING SEPTEMBER 25, 2024

The Historic Preservation Committee of the Town of Los Gatos conducted a regular meeting on September 25, 2024 at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:00 PM

ROLL CALL

Present: Chair Susan Burnett, Planning Commissioner Jeffrey Barnett, Committee Member Barry Cheskin and Committee Member Martha Queiroz.

Absent: Vice Chair Lee Quintana arrived at 4:03 p.m.

VERBAL COMMUNICATIONS

None.

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

None

PUBLIC HEARINGS

1. <u>200 Hernandez Avenue</u> Request for Review Application PHST-24-018.

Requesting Approval for Exterior Alterations to a Pre-1941 Single-Family Residence on Property Zoned R-1:12. Located at 200 Hernandez Avenue. APN 510-21-003. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities. Property Owner/Applicant: Vaishali Singh-Sood Project Planner: Sean Mullin

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Vaishali Singh-Sood, Owner/Applicant

PAGE **2** OF **8**

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

- They want to add a metal roof on their Mediterranean Spanish style house. The house was not built to hold the weight of a tile roof. It originally had a black shingle roof. It was updated in 2008 to a red shingle roof. It did not go through HPC at that time.
- Other similar style homes in the neighborhood have installed: metal roofing, combo, TPO with Spanish style trim, or a full metal roof with a metal edge.
- The benefits of metal are environmentally friendly, rust resistant, prevents corrosion and pollution, energy efficient, durable, withstands falling branches, and fire resistant.
- Metal roofing eliminates the chance of their insurance coverage being dropped due to roofing materials.

Committee members asked questions of the applicant.

Vaishali Singh-Sood, Owner/Applicant

- They have photos of TPO roofing but don't know the meaning of the term.
- The owner can look for lighter weight options of a metal roof that resemble tile.
- They can look for a metal roof that mimics the barrel style tile.
- They have already purchased a flat metal roof. And want to add a trim that looks like tile.
- They had people look at look at the roof to determine if it was strong enough to hold tile. But they did not consult a structural engineer.

Closed Public Comment.

Committee members discussed the matter.

- The previous owner had a roof that is consistent with the Mediterranean, revival façade of the home. The owner is advised to return with other options.
- Look for alternative materials.
- A standing seam metal roof looks attractive but is more contemporary. It is against the guidelines.
- The home is in a fire danger area. We want it to be as safe as possible.
- Historic homes in New Mexico, have standing seam metal roofs. But only if the roof is low sloped and less obvious. This house has a steeper slope.
- The color is the main obstacle. A red roof would be more consistent with the house's style.
- Good to have a roof design that enhances the style of the home.
- MOTION: Motion by Chair Burnett to continue this item to October 23, with the following directions: return with alternative roofing materials that are more in the style of the home; provide fireproof ratings of the roof types for comparison; and provide weight bearing structural information regarding the roof. Seconded by Commissioner Barnett.

VOTE: Motion passed unanimously.

PAGE **3** OF **8**

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

2. <u>14340 Browns Lane</u> Request for Review PHST-24-019

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:8. Located at 14340 Browns Lane. APN 409-14-010. Exempt Pursuant to CEQA Section 15061(b)(3). Property Owner: Cathleen Joyce Vadasz Applicant: Gordon K. Wong Project Planner: Erin Walters

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Applicant presented the project.

Gordon Wong, Architect, Cathleen Vadasz, Owner, and Lamar Nolan, General Contractor.

- They focused on how much renovation had occured since the original house was built. Significant remodels were done from 1970 to the 1980's.
- The current owner purchased the home in 1995. They made renovations in 1998 to the sheetrock, wiring, plumbing, and furnace.
- The previous owner made major changes. The original garage was converted to living space. The original front door entrance was moved from the right side of the house to the area located between the main house and the former converted detached garage.
- The slab on grade foundation is settling and should be replaced. The original subdivider didn't do a reasonable job with getting the permits and installing the utilities.
- The exterior is a hodge podge of materials and appears chopped up.
- They will try to keep as much of the original house as they can.

Committee members asked questions of the applicant.

Gordon Wong, Architect

- They are asking to be taken off the inventory in order to remove 50% instead of just 25% of the siding. The 50% includes materials that were added after 1941.
- They are not just repairing or replacing in-kind. They want to remodel the front of the house. There is only room to extend at the front of the property. The house is located towards the back of the property. The single- story house is under-sized.

Committee members made comments and asked questions of staff.

Staff: Erin Walters, Project Planner

PAGE **4** OF **8**

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

- The build date of the house is uncertain, but county records show a built date before 1941. A 1939 aerial photo shows an orchard with no house. The records clearly show a structure on the property in the 1950's.
- It is difficult to make a decision when there are no plans to look at or any assurance it was not built prior to 1941.
- When the property is removed from the inventory, the new structure will be built bigger and better.
- The whole area is remote from the center of Town so it wasn't on the Historic Bloomfield Survey. The Committee needs some framework to make consistent decisions. Have other homes in the area been taken off the inventory? If so, the Committee should make a determination for the entire area instead of piecemeal removal decisions for each property

Staff: Sean Mullin, Senior Planner.

- The focus should be on the merit of the structure itself not on the work that could take place in the future.
- Does the structure in its current state deserve staying on the Historic Inventory?
- The outlying areas were part of the County, and the Town does not have records.
- Taking the entire area off the inventory is an action that the Council would need to take.
- The Town don't have the data to determine what was altered.
- If 50 percent of the whole building is removed, it would be technically demolished and taken off the inventory.
- If built before 1941, it fits the criteria for removal. All five points of justification are met.

Closed Public Comment.

MOTION:Motion by Committee Member Barnett to recommend removal from the
Historic Resources Inventory. Seconded by Committee Member Queiroz.

VOTE: Motion passed. 4-0-1. Vice Chair Quintana abstained.

Appeal rights read.

3. <u>228 Bachman Avenue</u> Request for Review Application PHST-24-017.

Requesting a Determination Regarding the Contributing Status of an Existing Contributing Single-Family Residence Located in the Almond Grove Historic District on Property Zoned O:LHP. Located at 228 Bachman Avenue. APN 510-14-053. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities. Property Owner/Applicant: James B. Wood Project Planner: Sean Mullin

PAGE **5** OF **8** MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

Committee Member Martha Queiroz recused themselves from Item 3, 228 Bachman Avenue, as their property is located within 1,000 feet of the subject property.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

- J. B. Wood, Owner
- They currently live in a house next door at 238 Bachman. They bought the property at 228 Bachman in April to create a new residence to age-in place with an elevator and other ADA compliant features.
- The property was derelict for more than 10 years.
- It is a commercial property surrounded by residential structures.
- The original garage was demolished.
- The entire rear was paved for parking lot.
- House was remodeled many times and went from 612 sf to 775 sf.
- There are various types of sidings and windows.
- In 2004, the HPC said it could possibly be demolished.
- Library research shows no known historical significance.
- Before hiring an architect, they want it to be removed from the inventory so that demolition can be done.
- The house doesn't look like any other house in the neighborhood.

Committee members asked questions of the applicant and staff.

Staff: Sean Mullin, Project Planner

- The house is in a historic district and can be designated as contributing or non-contributing. Non-contributing status can result if additions and materials are not original. When an application is submitted, then it will come before the HPC for a formal recommendation. The property is brought before HPC to evaluate the contributing status of the structure.
- The Committee looks at the façade and street view. It has distinctive features. It is in a Historic district. Committee wants to maintain the look and feel of the Historic district.
- The house can still be improved, but it must follow the guidelines.

J. B. Wood, Owner

- The building was last used as a medical office.
- The Previous owner, Robert Granham, bought the property in 2004. Since then, nothing has changed. It has been untouched and unmaintained.
- Mr. Granham will buy back the property if the Woods are not able to get permission to demolish and build something new.
- They have called the Town many times to contact Mr. Granham to perform basic yard maintenance.
- The house that they currently live in, was built in 2012 and has the same roofline.

PAGE 6 OF 8 MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

Staff: Sean Mullin, Project Planner

- If zoned as office, the General Plan would have to be amended and rezoned.
- The 2004 HPC minutes were provided for reference, not to justify demolition.
- If an application is submitted the Town Code requires that a structural report be provided.

J. B. Wood, Owner

- We would like to demolish the existing building and build a new similar structure in the front of the property.

Eric Beckstrom, Neighbor

- Eric has lived on Bachman. That property seems to be a magnet for dumped garbage. That house has always been empty and looks bereft.

Paul Styka, Neighbor

Paul also walks past the house. It attracts garbage. It is difficult to get housing in this area.
 The applicant is spending their own money to take down a derelict property and provide more housing. Los Gatos doesn't need an empty house, but more homes filled with families.

Closed Public Comment

Committee members discussed the matter.

- The 1989 Bloomberg photo shows very little change to the front elevation.
- If the house is kept as a contributor, encourage the applicant to come back with a proposal. Try to see if we can work together. There are opportunities to remodel or improve without demolishing it.
- The findings for removal have been met.
- The motion should include that the applicant return with some preliminary design or concept that the Committee can comment on. Then we can work together. It is better for everyone that the property be developed.
- MOTION:Motion by Committee Member Cheskin to forward a recommendation
to the Community Development Director to keep the Contributing Status
of an Existing Contributing Single-Family Residence. The applicant is
encouraged to come back with preliminary concepts for early review.
Seconded by Vice Chair Quintana.

VOTE: Motion passed unanimously.

Appeal rights read.

PAGE **7** OF **8**

MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

4. 145 Tait Avenue

Minor Residential Development Application MR-24-010.

Requesting Reconsideration of a Request for Approval for Construction of a Second-Story Addition Exceeding 100 Square Feet and Exterior Alterations to an Existing Contributing Single-Family Residence Located in the Almond Grove Historic District on Property Zoned R-1D:LHP Pursuant to Town Council Policy 2-010. APN 510-18-029. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities. Property Owner: Jennifer McNellis Applicant: Eric Beckstrom Project Planner: Erin Walters

Committee Member Martha Queiroz recused themselves from Item 4, 145 Tait Avenue, as their property is located within 1,000 feet of the subject property.

Sean Mullin, Senior Planner, explained the request for reconsideration.

Gabrielle Whelan, Town Attorney

- The request for reconsideration is of any action. In this case, the action is the referral to Larry Cannon, Town Architect, for outside review to a date uncertain.

Opened public comment.

Paul Styka and Jenny McNellis, Owners

 They love the quiet streets and small-town feel. Next year they will be growing their family. The house is currently unsafe and unlivable. They are renting in Santa Clara until the home is rebuilt. They would rather put money into renovating the house instead of paying rent. They don't want to change the neighborhood. They are a young couple looking for a safe place to own.

Eric Beckstrom, Architect

- Last time, there was confusion on the front elevation. This time, they presented the house in a 3D modeling program on a laptop to the Committee. This showed the existing house. All the other houses have 6-to-8-foot fences. The depiction of other houses was added to show scale.
- The roof line has a gable to the side. Currently there is not enough headroom for a bedroom addition. They intend to balance the roof by running the gable all the way through. The second story stairs also need more headroom.
- The existing Anderson windows were installed in 1996.
- They intend to keep the bay and projection. The bay jogs out and stays where it is. The new addition is 3 inches back. The furnace near the bay was added in 1996.

PAGE **8** OF **8** MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF SEPTEMBER 25, 2024

Closed public comment.

Committee members discussed the matter.

- In support of it being reconsidered.
- Would still like to see the consulting architect's recommendations. This doesn't preclude incorporating any additional new information.
- After seeing the 3D rendering, we don't need to refer to the Town architect.
- The applicant will bring samples of the proposed Marvin windows to the next meeting.
- The Town Architect is normally not requested to review HPC projects.

MOTION:	Motion by Vice Chair Quintana to deny the reconsideration. Ask that the Town architect to review the plans. New information may be presented. Seconded by Chair Burnett .
VOTE:	Motion denied 2-2. No action. Commissioner Barnett and Committee Member Cheskin opposed.

OTHER BUSINESS (Up to three minutes may be allotted to each speaker on any of the following items.) None

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

- Sean Mullin has been promoted to Planning Manager, effective September 30, 2024.

COMMITTEE MATTERS

- Contact Sean for the appropriate method to get an item put on the Town Council agenda.

ADJOURNMENT

The meeting adjourned at 5:48 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 25, 2024 meeting as approved by the Historic Preservation Committee.

/s/ Sean Mullin, AICP, Senior Planner

TOWN OF LOS GATOS

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

CIVIC CENTER 110 E. MAIN STREET LOS GATOS, CA 95030

September 26, 2024

James B. Wood 238 Bachman Avenue Los Gatos, CA 95030 Via email

RE: <u>228 Bachman Avenue</u> Request for Review PHST-24-017

Requesting a Determination Regarding the Contributing Status of an Existing Contributing Single-Family Residence Located in the Almond Grove Historic District on Property Zoned O:LHP. APN 510-14-053. Exempt Pursuant to CEQA Guidelines, Section 15301: Existing Facilities.

Property Owner/Applicant: James B. Wood Project Planner: Sean Mullin

On September 25, 2024, the Los Gatos Historic Preservation Committee recommended to the Community Development Director that the residence at 228 Bachman Avenue remain as a contributor to the Almond Grove Historic District, noting that the front façade displays historic integrity. The Committee also encouraged the property owner to seek the Committee's feedback on a potential improvements to the residence through a preliminary review. The determination of the Committee was confirmed by the Community Development Director on September 26, 2024.

PLEASE NOTE: Pursuant to Sections 29.20.255 and 29.20.260 of the Town Code, this decision may be appealed to the Planning Commission by any interested person as defined by Town Code Section 29.10.020 within 10 days on forms available online with fees paid. Final deadline is 4:00 p.m. on that 10th day. Therefore, this action should not be considered final, and no permits by the Town will be issued until the appeal period has passed.

If you have any questions, I can be contacted by phone at (408) 354-6823 or by email at <u>smullin@losgatosca.gov</u>.

Best regards,

Sean Mullin, AICP Senior Planner

N:\DEV\HISTORIC PRESERVATION\HPC Action Letters\2023\Address Avenue 123 - 00-00-23_Action Letter Template - HPC - Rec to CDD.docx

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TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT

110 E. Main Street Los Gatos, CA 95030

APPEAL OF THE DECISION OF TOWN OF LOS GATOS 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	9/25/24	

Request removal of home from historic inventory PROJECT/APPLICATION:

LOCATION:

228 Bachman Ave

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:

This home has been abandoned for over a decade. It is an eyesore to the neighborhood and is in severe disrepair.

If we do not re-build on this lot it will be returned to its previous owner by contract and likely remain abandoned and decaying.

The city should support the surrounding neighbors who support its demolition. HPC is denying just because it is old. It has no significance.

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. If an appeal is filed on a Friday, they must be submitted by 1:00 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.
- 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: James and		SIGNATURE: James Wood						
DATE: _10/4/24				ADDRESS:	17			
PHONE:				EMAIL:				
****	*****	*****	******	****	*****	****	*****	
			OFFICE	USE ONLY				
DATE OF PLANNING COM	AISSION I	HEARING:						
COMMISSION ACTION:	1					ATE:		
	2					ATE:		
	3.				D	ATE:		
		PLAPPEAL	\$ 264.00	Residential				
		PLAPPEAL	\$ 1052.00	Commercial				
		PLAPPEAL	\$ 107.00	Free Appeals				
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HISTORIC ANALYSIS

of the single family house at

228 Bachman Avenue Los Gatos, CA

for

James B. Wood 236 Bachman Avenue Los Gatos, CA 95030

2 JAN 2025

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Town of Los Gatos Regulatory Framework California Register of Historic Resources

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INTRODUCTION and METHODOLOGY

The subject property is under a purchase contract by the next-door neighbor who wishes to replace the existing single-story building with a larger home more compatible with the neighborhood. The property is close to the eastern boundary of the ALMOND GROVE HISTORIC DIS-TRICT, the oldest such district in the Town. When the prospective new owner, who wishes to file for a demolition permit from the Town, came before the Historical Commission, they recommended that the historic importance of the property be researched to confirm that no historical significance is involved.

The property consists of a single parcel totaling 7,950 sf upon which is a single-story house (1 BR & 1 bath) of 775 sf. Records show the house dating back to 1935 in its approximate current size and form.

An on-site survey of the property was conducted on 26 November 2024 by the preservation consultant URBAN PROGRAMMERS, and a practicing historical architect, Marvin Bamburg of MBA ARCHITECTS. This combined team meets the requirements of the SECRETARY OF THE INTERIOR Professional Qualification Standards for Architectural History. The subject property was documented by digital photography.

Archival research was performed at a number of repositories in an attempt to gain historical information and property data. Locally, the Los Gatos Public Library was researched for historical records including old editions of the Los Gatos City Directory and Sanborn Maps. The Team visited the Los Gatos History Museum also and were referred to the Library's Local History Room records for City Directories, maps and surveys.

Online research was done through on-line repositories, the Town's website, the Library of Congress and genealogy sites.

Assessor's maps, aerial photographs and the Town's historical records were consulted to determine accurate addressing, Assessor's Parcel Numbering (APN), and the configuration of the lot and location of the building. Copies thereof are included in this report.

The following history and evaluation is submitted to provide information to the Town of Los Gatos, as required by the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

MBAARCHITECTS in association with URBAN PROGRAMMERS, historic preservation consultant, has provided research and architectural descriptions of the residence at 228 Bachman Avenue, Los Gatos, CA.

Research was conducted in the Los Gatos History Room of the New Library, the Los Gatos Library Local History section, the Library of Congress and genealogy sites and on-line repositories. A site visit and interview with the prospective new owner were also part of the research. A draft report was reviewed by Town staff with resulting suggestions incorporated.

After reviewing the Town's historic preservation ordinance and other local regulations, our conclusion is that the house at 228 Bachman Avenue cannot be considered a "contributing structure" to the District. It is not eligible for listing in the California Register of Historical Resources because it does not meet any of the criteria for association with an event or broad pattern of importance or associated with the lives of persons important in local, state or national heritage (CRHR criteria). The building is of a generic architecture with little relevance to others in the Almond Grove Historic District.

EXISTING SITUATION

Town of Los Gatos Historic District Map

Los Gatos Town Limits

All items

D

27

Dr

27

2

District

Daves / nue C Elementary lool DavesAve Vista Ave ublic Storage ruce Ave **Historic Districts** The Church of esus Christ of Latter. Monte Sereno Va C Fairview Plaza Historic District Oak Mead Park ffice of O Kaylor Los Gatos DMV 😐 Almond Grove Historic District Roberts Rd ampo di Bocce 🦷 e of Los Gatos Broadway Historic District The Whole Pet Vet Hospital and Chester St Los Gatos Cre University/Edelen Historic os Gatos Cafe PoicotLin Downtown Commercial Almond Grove Historic/D. Historic District t Home Pennsylvania Ave nanasia 17 Los Gato: Tele c Barcelona University/Edelen Histo. Helm Fiel Broadway Historic Distr... Gat Los Gatos High School pan Gree Los Gatos Library Villa Ave Ne Rd

Bailey Plumbing

A low white picket fence defines the front property line at the sidewalk. The simple stucco box house has a recessed and covered entry at the south corner of the street façade. The low-sloped gable roof has the central gable facing the street with simple barge rafters. Windows are wood double-hung style with plain wood trim and the siding is stucco. A rectangular attic vent is located in the gable peak. The roof over the corner entrance is a perpendicular gable with stucco arched openings on two sides. On an otherwise plain stucco box, those arches are the only stylistic elements that might be interpreted as Mediterranean. At the driveway side an electric box and meter are located. At the midpoint of the driveway side a shed dormer protrudes. Above the roof is evidence of a brick chimney. Toward the rear of the driveway side the architecture changes to horizontal wood siding below the window band and a shed roof sloping to the rear of the house. This corner of the house is an addition. The rear side of the house continues the wood siding and windows (probably enclosing a porch), with a very low-slope gable roof over the original eastern portion of that rear side. Stairs at the rear access the floor level which was less than a foot above the grade on the front of the building. The house floor area is currently listed as 775 sf and the property as 7,950 sf.¹ The garage no longer exists.

ARCHITECTS

¹ Request for Review Historic Preservation Committee filed by James B Wood on 8/30/24.

ALMOND GROVE HISTORICAL DISTRICT HD-80-1A

This historical district was designated and amended by the following Town of Los Gatos ordinances: 1463 [4/7/1980], 1643 [3/4/1985], 1919 [10/19/1992] and 2165 [10/20/2008]. It was the first and largest subdivision in the Town after incorporation and consisted of approximately 40 acres.² At that time the district was mostly in agricultural use, thus its name. It currently is primarily residential neighborhoods with minor commercial uses.

The predominant architectural styles in the District are Victorian and Craftsman bungalow, with elevated front porches covered with a gable roof and entry stairs. Materials used mostly are wood siding and some masonry accents. The District consists of a profusion of beautifully articulated dwellings representing high quality architectural development and robust community pride.

228 BACHMAN AVENUE DEVELOPMENT

The limited Sanborn Maps available in the Town's library indicated that in 1908 no structures existed on the site. The 1928 Sanborn map shows a small, 2-unit building on the rear property line and lists the address as 232 Bachman. The 1944 Sanborn map shows the existing house at the front of the property in its current configuration and a 440 sf garage at the rear in the north corner replacing the prior two-unit building.³ The 1941 Tax Record shows an original building of 612 sf and additions totaling 111sf.⁴ Building measurements were not taken for this analysis.

Over the years most of the homes in the District have been remodeled and upgraded from single-story to multi-stories and increased in floor area. The house at 228 Bachman Avenue has been added to very slightly leaving it significantly smaller than any other in the neighborhood and with a lack of architectural quality. Its floor elevation is only slightly higher than the existing exterior grade unlike most homes in the District with front porches two to four feet above the front yard. The main entrance is by a corner porch rather than a front-facing entry served by a stairway leading up to the front porch. There is no artistic décor on the simple flat stucco façade; the only architectural element used on this plain building is the unadorned arches on two sides of the side porch.

PAST RESIDENTS OF 228 BACHMAN AVENUE⁵

No residents were listed in any directory prior to 1935. No evidence was found that any of these residents were extraordinarily significant in the community.

- 1935 Adam Contardo (Albina), concrete contractor
- 1936 1939 K. M. Thysen (Kathryn); K.M. died in 1938, and Kathryn continued to live at 228
- 1940 Marian Hoyle
- 1941 James A. LeMieux (Agnes C.)
- 1942 Robert W. Cushman (Lorna), carpenter
- 1943 John P Escover (Maria), tractor operator
- 1944 1954 Albert L. Norman (Charlotte); painter; Albert died in 1954.

² Los Gatos Ordinance 2165 of 6 October 2008.

³ 1941 Tax Assessment document

⁴ Building Classification and Computation Record, Form 1(5) dated 3/24/41.

⁵ For this information, City Directories for the Town of Los Gatos were consulted ranging from 1927 to 1964. The directories used are from the private collection of Bonnie Bamburg and the public collection of the Los Gatos Library.

- 1955 1957 Charlotte Norman, widow
- 1958 1963 George E Martin and Martha, landscape architect⁶
- 1964 1967 G. E. Martin and Donald C. Edson, architect (Janice S.)
- 1968 1969 G. E. Martin
- 1970 1971 G. E. Martin and Oscar E. Sohns, architect (Jean F.)
- 1972 G. E. Martin and Robert D. Folendorf, landscape architect (Marjorie M.)

Aerial view of the immediate neighborhood. Subject house outlined in yellow. The existing residence is significantly smaller, out of scale, than any other in the vicinity.

⁶ It appears that during the period 1958 thur 1972 there were commercial uses at this site.

Photograph 1 – Street façade Looking northeast Google Maps

Photograph 2 – Street façade and driveway side view Looking east MBA photo 31 OCT 2024

Photograph 3 – Street façade and south corner Looking north. MBA photo 31 OCT 2024

Photograph 4 – Rear elevation Looking southwest Infill addition on the right. Owner's photo 2024

Photograph 5 – Street façade Owner's photo 2024with fence; Looking north

Photograph 6 – Northwest side detail; Looking southwest. North corner infill addition. Owner's photo 2024

ARCHITECTS

1928 SANBORN MAP shows only a small two-unit building at the rear of the sit.

1944 SANBORN MAP Shows the house and garage; house is without rear corner addition.

HISTORICAL SUMMARY

The area that became Los Gatos was inhabited by a group of the Ohlone, Coastal Native Americans. The abundance of animals and native plants provided for year-round habitation that was enhanced by the temperate climate. Described as hunters and gathers, the population remained relatively constant for hundreds of years prior to the European explorers and Mission settlements.

The Spanish Period

The Portola Expedition of 1769 was when Captain Juan Gaspar de Portolá led a contingent of Spaniards on an exploration of the San Francisco Peninsula seeking the seaward entrance to the Bay. By 1777 a city was established at San Jose de Guadalupe to provide provisions for the presidio at San Francisco. Mission Santa Clara, established that same year, brought Europeans and western customs to the area. Although not located in the Los Gatos area, the mission drew from the native population, exposing them to disease and deprivation of the native lifestyle. Within a few years the native population had expired.

The Mexican Era

In 1821, the governance of California changed from the Spanish to the Mexican authority. During this period (1821-1848) the bestowing of large acreages for service to the governors was popular, and California was extensively divided by these "Ranchos". In 1840, **El Rancho Rinconada de Los Gatos** was 6,631-acres granted by Governor Juan Alvarado to Jose Maria Hernandez and Sebastian Fabian Peralta. It appears that the only structure constructed thereon was an adobe house where Vasona Park is today. After California became a state in 1850, the land grant was patented to Sebastian Peralta and José Hernandez in 1860. The owners began selling portions of the land as settlers came to the area. An early entrepreneur was James Alexander Forbes (1805–1881), who purchased about 200 acres in 1853, whereupon he built Forbes Mill. The mill began operating in 1855, but Forbes went bankrupt in 1857. This misfortune was overshadowed by the many who found success in orchards or services for the growing Town of Los Gatos.

Early Settlement

Los Gatos was located along the corridors between San Jose (Santa Clara Valley) and Santa Cruz. Connecting railroads began as a service to logging and agriculture and grew to be important for travelers going between the cities of the Santa Clara Valley and both Santa Cruz and San Francisco.

Twentieth Century

The new century was one of dramatic change in Los Gatos. At the turn of the century when the population was 1,952, the economy was primarily agriculture, orchards and vineyards. Transportation remained essential as agriculture expanded and both new residents and visitors increased. The Southern Pacific train and interurban system of street cars and the private automobile were the primary modes. By mid-century the private automobile had replaced all but the Southern Pacific train. Los Gatos was changing from agriculture to a suburban residential community with small subdivisions accessed by hastily constructed roads. Access to the Town was from the State Route 17 and State Route 9 (Los Gatos-Saratoga Road). Both were improved in the early 1950s, and State Route 17 continued to be widened after connecting the East Bay with Santa Cruz and the coast. Infrastructure within the Town was narrow streets with little parking which provided an opportunity for growth adjacent to the core where land was available for parking. Commercial development extended along North Santa Cruz Street and extended Bascom Avenue south into Los Gatos. An entrance from State Route 17 proved a good location for motels to develop on each side of Los Gatos-Saratoga Road. They provided ample parking and rooms and were popular with travelers and local residents. At the end of the century, Los Gatos

was entering another phase, with a population of 28,593 3and technology changing the economy.

With improved access, the first subdivision in Los Gatos was created. It was the first and largest subdivision in the Town at that time and consisted of approximately 40 acres. At that time the district was mostly in agricultural use, thus its name. It currently is primarily residential neighborhoods with minor commercial uses.

PROPOSED DEVELOPMENT

The prospective owner wishes to replace the building with a new house compatible with the Historic District. His preliminary review proposal of August 2024 to the Historic Commission was reviewed and he was requested to provide further historic evaluation before a demolition permit could be recommended, thus this report. It should be noted that a prior Historic Commission on 7 January 2004 stated with regard to 228 Bachman Avenue:

"Bachman Ave -The Committee discussed the possibility of demolishing this house which is located in the Almond Grove Historic District. Although the structural report did not justify demolition, the Committee felt that the house had unsympathetic additions and that the siding most likely was not original. Therefore, the Committee stated that demolition may be possible. The Committee recommended that the replacement structure not be Mediterranean and that the second story be recessed. Baily stated that the demolition would also need to be reviewed by the Community Development Department to determine whether or not the demolition was justified."

HISTORIC EVALUATION

TOWN OF LOS GATOS

The Town has several ordinances and regulations that bear on the historic designation of properties as follows:⁷

- 1. Historic Preservation Ordinance sections 29.80.215 through 29.80.320 of the Town Code.
 - a. To find that a structure has or has not an historic significance, Town Code 29.80.215(1) requires the following considerations:⁸
 - The structure is not associated with events that have made a significant contribution to the Town;
 - No significant persons are associated with the site;
 - There are no distinctive characteristics of type, period or method of construction or representation of the work of a master;
 - The structure does not yield information to Town history;
 - The integrity has been compromised such that the structure no longer has the potential to convey significance.
 - b. These considerations are identical to those used by the State CRHR criteria used for the evaluation below.

⁸ ditto

MBA

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ARCHITECTS
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⁷ Email from Sean Mullen to Marvin Bamburg of 17 DEC 2024.

- 2. Almond Grove Historic District, Ordinance 1463, last amended by Ord. 2165 on 20 OCT 2008
 - a. Demolition of any "contributing structure" in the District is forbidden, thus in order to replace the subject house with one more in scale and architecturally compatible to its neighbors, the existing structure must be determined to be **non-contributing**.
- 3. Chapter 4, Historic Resources, of the Residential Design Guidelines ⁹
 - a. Structures within Historic Districts are considered significant if they are "contributing structures" to the historic character and quality of the district. To be considered a contributing structure, it must be determined to be historically, architecturally or culturally significant. Evaluation criteria for making such a determination is very similar to that used by the State's CRHR process described below.

A G ARCHITECTURAL HISTORY
Anne Bloomfield 219 2228 WEBSTER STREET SAN FRANCISCO. CA 94115
ARCHITECTURAL/CULTURAL SURVEY
File address 228 Bechman
PARCEL MAP INFORMATION
Parcel # 510-14-052 Lot size: 52 front ft. x ft. deep
Lot shape: RectangleL Rectangle with small rear jog Other
Location: N_/S_ E_ W_ side of St Ave Other
distance to cross st: 212 ft. N S E/W from Tait
at NENWSESW corner of
HISTORIC INFORMATION ON PARCEL MAP
Old tract or subdivision name Massal Sub Old Block # _ Old lot # 5
FIELD SURVEY INFORMATION (handwritten in red)
Preliminary rating V Estimated age 19203 Style Burgalow/Medit # stories_
Alterations added trellis
Other for rent "
COUNTY ASSESSORPROPERTY CHARACTERISTICS (paste on copy) EFFective date
OWNERSHIP SHOWN ON MAPS
Source Source Location of property, or Lot Owner Name Date Page Old tract /block/lot Size Nume
1891
Blk Book 1908
Survey 1944
MISCELLANEOUS PHOTOS: Roll/frame #04/29 Date22-1-89
County Inventory 1979
District Name
Previous Survey
Gebhard: page # illustration page # 29
Anne Bloomfield's historic survey of NOV 1989

⁹ Residential Design Guidelines, Town of Los Gatos, Chapter 4
REGULATORY FRAMEWORK

Evaluation criteria

The Town of Los Gatos has traditionally accepted the California Register of Historical Resources criteria for determining historical significance. The Town's preservation ordinance¹⁰ has not adopted different criteria.

The CRHR and the National Register of Historic Places have similar criteria with the NRHP being more stringent, therefore properties that do not meet the CRHR would not qualify for the National Register.

To evaluate a property for historical significance, it is necessary to place it in context to define the period of significance and identify the important items for the property. The context for the Almond Grove Historic District was initially agricultural orchards which were subdivided into residential lots to form the residential neighborhood that exists today.

California Register of Historical Resources

The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: A Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and state significance. They are:

- 1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
- 2. It is associated with the lives of persons important to local, California, or national history; or
- 3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
- 4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Eligibility to the CRHR requires an establishment of historic significance before integrity is considered. California's integrity threshold is slightly lower than the federal level. As a result, some resources that are historically significant but do not meet NRHP integrity standards may be eligible for listing on the CRHR.

For the purposes of CEQA (Guidelines Section 15064.5), the term "historical resources" shall include the following:

- 1. A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (Public Resources Code §5024.1, Title 14 CCR, Section 4850 et seq.).
- 2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the pre-ponderance of evidence demonstrates that it is not historically or culturally significant.

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¹⁰ Code of the Town of Los Gatos California, 29.80.215 thru 29.80.320

- 3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in the CRHR (Public Resources Code Section 5024.1, Title 14 CCR, Section 4852) as follows:
 - A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - B. Is associated with the lives of persons important in our past;
 - C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - D. Has yielded, or may be likely to yield, information important in prehistory or history. (Guidelines for the California Environmental Quality Act) Un-der CEQA §15064.5, "generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings shall be considered as mitigated to a level of less than a significant impact on the historical resource."

Historic Evaluation

California Register of Historical Resources Criteria

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

> 228 Bachman is a single-family residence and is not associated with any event of significance in Los Gatos. The property is located within the boundaries of the Almond Grove Historic District, the first subdivision after the town incorporated. The house was constructed somewhat later than most in the District. This parcel does not exemplify the historic district and is not a contributing structure to the District. Criterion 1 is not met.

2. It is associated with the lives of persons important to local, California, or national history.

> 228 Bachman was constructed as a single-family, one bedroom house and served as an investment property for most of its history. Tenants changed frequently and were part of the workforce. None were identified through research to have contributed in a significant way to the history of Los Gatos. In the 1970s, the building had commercial tenants with small professional offices. Research did not identify any of these tenants as significant in the history of Los Gatos. The property does not meet Criterion 2.

3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master or possesses high artistic values.

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MBA

228 Bachman Avenue is a one-story, one-bedroom house that exhibits a vernacular version of the Mediterranean Revival Style with arched openings on the front corner entry as the only detail of the style. The stucco-covered house may have been moved to the site and/or constructed with wood siding initially - the records are inconclusive. The extant building is not a significant example of the Mediterranean Style, for which many fine examples exist in Los Gatos. The house is not artistic and was not designed by a master architect or designer. The house does not meet Criterion 3.

4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

228 Bachman Avenue is located in an area of suburban development where the native soils have been disturbed by agriculture and housing development. It is unlikely that important archaeological material would be present. However, an archaeological survey was not part of this evaluation. The existing building is of common construction methods using materials in common use today. The building would not provide significant information of either construction or cultural information from the past. The property does not appear to meet Criterion 4.

CONCLUSION

Due to a lack of significance, the property at 228 Bachman Avenue is ineligible for inclusion in the California Register or as a Town of Los Gatos Heritage Resource. Therefore, it is not a historical resource as defined by the Town of Los Gatos Code or the California Environmental Quality Act (CEQA). 228 Bachman lacks architectural distinction, has no relationship to significant events or people, therefore It is not a "contributing structure" to the Almond Grove Historic District in accordance with the Town Code.

SOURCES CONSULTED

Los Gatos Public Library was researched for historical records including old editions of the Los Gatos City Directory and Sanborn Maps.

The Team visited the Los Gatos History Museum also and were referred to the Library's Local History Room records for City Directories, maps and newspapers

Request for Review Historic Preservation Committee filed by James B Wood on 8/30/24.

Los Gatos Ordinance 2165 of 6 October 2008, the Almond Grove Historic District

City Directories for the Town of Los Gatos were consulted ranging from 1927 to 1964. The directories used are from the private collection of Bonnie Bamburg and the public collection of the Los Gatos Library.

Building Classification and Computation Record, Form 1(5) dated 3/24/41.

Town of Los Gatos Code for Historic Preservation; 29.80.215 thru 29.80.320

Email from Sean Mullen to Marvin Bamburg of 17 DEC 2024

Residential Design Guidelines, Town of Los Gatos, Chapter 4

ARCHITECTS

This Page Intentionally Left Blank From: Tom Belshe < > > Sent: Tuesday, January 14, 2025 7:43 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I am a Los Gatos resident and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. Thank you.

Sent from my iPhone

From: Stephen Bonelli < Sent: Tuesday, January 14, 2025 7:43 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I am a Los Gatos resident and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. Thank you.

>

From: paffw@yahoo.com < Sent: Tuesday, January 14, 2025 5:28 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I am a Los Gatos resident and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. Thank you.

>

Sent from my iPhone /errors and all

From: chad fentress < Sentence > Sent: Wednesday, January 15, 2025 11:02 AM To: Sean Mullin < SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I've been a resident of the Glenridge area for over 10 years and I've walked the streets hundreds of times with my dog. There is nothing of architectural significance in this dilapidated old building. Please let's try some common sense.

I am a Los Gatos resident and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. Thank you.

Regards,

Chad Fentress

Founder Novare Consulting LLC. Ethics & Compliance Solutions

From: Martin Dove < Sent: Wednesday, January 15, 2025 2:07 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I am a Los Gatos resident and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines.

Thank you.

Martin Dove

This email and any files transmitted with it are confidential and intended solely for the addressee. If you have received this email in error, please notify us at 858-674-5491 and do not send the email to anyone else. Please delete this email if we request that you do so. If you do not wish to receive emails from TSIA, review our <u>privacy policy</u> and confirm your option. If you no longer wish to receive all TSIA emails you may <u>unsubscribe</u> at any time.

From: Sophie Zimmer < Sent: Wednesday, January 15, 2025 2:31 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I am a Los Gatos resident (next to the 228 Bachman) and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. Thank you. Best regards. Sophie Riss

>

From: Jeff Black < Sector Sect

[EXTERNAL SENDER]

I am a Los Gatos resident living at **Constant and I** support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. The house clearly does not add any historic attributes to our neighborhood.

Thank you.

Jeffrey S Black



From: Constance Hogenhout < Sent: Thursday, January 16, 2025 3:24 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave

[EXTERNAL SENDER]

I am a Los Gatos resident and I support the removal of this house from the historic inventory, demolition of the structure and a new residence in keeping with city design guidelines. Thank you.

>

Thanks, Connie From: Chris Clark < > Sent: Thursday, January 16, 2025 7:08 PM To: Sean Mullin <SMullin@losgatosca.gov> Subject: 228 Bachman Ave, LG

[EXTERNAL SENDER]

To Whom it Concerns,

We have lived at and currently and currently for over 21 years combined. The entire time 228 Bachman Ave has been a disgrace to our neighborhood. I don't know the owners but support their request to remove this eye sore house and build a new home. It is certainly not historic. Its architecture is nondescript. Our neighborhood is tired of looking at this dumpy house. Please help us and allow this eye sore to be removed.

Sincerely, Chris & Hally Clark

Christopher J. Clark



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DATE: January 17, 2025

TO: Planning Commission

- FROM: Joel Paulson, Community Development Director
- SUBJECT: Consider a Request for Approval to Demolish an Existing Single-Family Residence, Construct a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Side Yard Setbacks, Construct an Accessory Structure with Reduced Side Yard Setbacks, and Site Improvements Requiring a Grading Permit on a Nonconforming Property Zoned R-1:8.
 Located at 176 Loma Alta Avenue. APN 532-28-031. Architecture and Site Application S-24-042. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures. Property Owner: The Thornberry 2021 Revocable Trust dated November 4, 2021, and The Donald S. Thornberry and Barbara J. Gardner Revocable Living Trust dated December 21, 2010. Applicant: Jay Plett. Project Planner: Maria Chavarin.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation:Low Density ResidentialZoning Designation:R-1:8Applicable Plans & Standards:General Plan; Residential Design GuidelinesParcel Size:7,435 square feet

PREPARED BY:

Maria Chavarin Assistant Planner

Reviewed by: Planning Manager and Community Development Director

PAGE **2** OF **12** SUBJECT: 176 Loma Alta Avenue/S-24-042 DATE: January 17, 2025

Surrounding Area:

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

<u>CEQA</u>:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.

FINDINGS:

- The Project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing residence.
- As required by Section 29.40.075 (c) of the Town Code for granting approval of an exception to the FAR standards.
- As required by Section 29.10.265 (3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of requests to exceed FAR standards, for reduced side yard setbacks for a single-family residence, and for reduced side yard setbacks for an accessory structure.
- The project complies with the Residential Design Guidelines for single-family residences not located in the hillside area.

CONSIDERATIONS:

 As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

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

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BACKGROUND:

The subject property is located on the south side of Loma Alta Avenue between Redhead Lane and Loma Alta Avenue (Exhibit 1). The property is 7,435 square feet and is nonconforming as to size, where 8,000 square feet is required for a parcel in the R-1:8 zone. In addition, the property is nonconforming as to lot width, where the lot width is 37 feet, nine inches, where 60 feet is required for a parcel in the R-1:8 zone.

The Architecture and Site application is being referred to the Planning Commission because the applicant is proposing to exceed the maximum allowed floor area ratio (FAR) by 964 square feet and is requesting reduced side yard setbacks for the main residence and a detached garage. The residence would also have the largest FAR and largest square footage in the immediate neighborhood based on Town and County records.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the south side of Loma Alta Avenue, approximately 315 feet south of the intersection with Redhead Lane (Exhibit 1). The property is approximately 7,435 square feet and is developed with an existing one-story residence with a detached garage. The subject site and surrounding properties are comprised of single-family homes.

B. Project Summary

The applicant proposes demolition of the existing 996-square foot single-family residence and 280-square foot detached garage, and construction of a new 2,897-square foot twostory single-family residence and a 539-square foot detached garage (Exhibit 15). The residence includes areas of below grade square footage, some of which would count toward FAR as it extends beyond the footprint of the building above. A Grading Permit is required for site work with earthwork quantities exceeding 50 cubic yards. The project requires exceptions to FAR standards and setbacks.

C. Zoning Compliance

The subject property is 7,435 square feet, and is nonconforming as to size, where 8,000 square feet is required for a parcel in the R-1:8 zone. In addition, the property is nonconforming as to lot width, having a width of 37 feet, nine inches, where 60 feet is required for a parcel in the R-1:8 zone. A single-family residential use is permitted in the R-1:8 zone. The project complies with the zoning regulations for parking, height, front and rear setbacks, and lot coverage. The applicant requests exceptions to the zoning standards for FAR, side setbacks for the residence, and side setbacks for the detached garage.

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DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing single-family residence and construction of a 2,897-square foot two-story single-family residence, with 1,505-square foot of below grade square footage, and a 529-square foot detached garage. A 521-square foot portion of the below grade square footage is countable toward FAR as it extends beyond the footprint of the building above. The applicant requests approval to exceed the maximum allowable FAR by 964 square feet, discussed in Section C below. A summary of the floor area for the existing and proposed residence is included in the following table.

Floor Area Summary					
	Existing SF	Proposed SF	Allowed SF	Notes	
Main Residence					
First Floor	996	1,684.5			
Second Floor		1,212.5			
Total	996	2,897			
Countable Below-Grade Area		521			
Total Countable		3,418	2,454 max.	Exceeds Max	
				Allowable FAR	
				by 954 s.f.	
Below-Grade Area*	0	984	Exempt		
Garage	280	529	691		

* Pursuant to Sec. 29.10.020, floor area means the entire enclosed area of all floors that are more than four feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline.

The maximum height of the proposed residence is 30 feet where a maximum height of 30 feet is allowed in the R-1:8 zone. The proposed residence would be the tallest in the immediate neighborhood based on the information provided by the applicant. The height of the proposed detached garage is 13 feet, where 15 feet is the maximum allowed height for an accessory structure. The immediate neighborhood is made up of one and two-story residences. The applicant provided a streetscape diagram on Sheet A.1-1 of Exhibit 15, illustrating the proposed height of the residence as seen from the sidewalk, in relation to the residences in the immediate neighborhood.

The proposed residence would have a front yard setback of 16.6 feet, where 25 feet is required, as discussed in Section E below. The proposed residence would have a right-side yard setback of three feet where eight feet is required and a left-side yard setback of four feet where eight feet is required.

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The applicant proposes a 529-square foot detached garage and requests an exception to setback requirements for a side yard setback of four feet where five feet is required.

The applicant provided a Letter of Justification discussing the project (Exhibit 4).

B. Building Design

The project consists of an Italianate Victorian style residence with earth toned colors and materials. Proposed exterior materials include: a composition shingle roof (dark gray); stone veneer accents; wood lap siding; iron railings including a decorative widow's walk; and aluminum-clad wood windows (Exhibit 5).

The Town's Consulting Architect reviewed the proposed residence on August 20, 2024 (Exhibit 6). The Consulting Architect made three recommendations to increase compatibly with the Residential Design Guidelines. In response, the applicant made modifications to the design of the residence addressing one of the three recommendations. In their written response, the applicant details the design changes and provides justification regarding the other recommendations (Exhibit 7). The Consulting Architect's concerns and recommendations are provided below, followed by the applicant's response in italics.

1. The gabled entry porch extension is much larger than is typical for this architectural style. Eliminate the projecting entry gable in favor of a simple flat front porch eave line as is typical for this architectural style.

The gable proposed at the entry is an appropriate Italianate feature we would like to retain. See attached photos of examples. However, consulting architect suggested the porch should be setback farther, which we have incorporated into our design. Refer to building elevations."

2. The rear porch beam span is quite long for this architectural style. Add columns on the rear porch.

Our design has incorporated the use of double columns at the rear veranda, in lieu of single columns as suggested. We believe the use of double columns provides appropriate support massing for the style.

3. The rear elevation metal roof is isolated and would not be consistent with the proposed architectural style. Eliminate the rear façade metal roofing in favor of using the same roofing as shown for the rest of the house.

No written response was provided from the applicant in Exhibit 7; however, recommended changes were made and are reflected on Sheet A-6 of Exhibit 15.

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The applicant responded through design changes to one of the three recommendations provided by the Consulting Architect. The applicant provided written justification in response to the recommendations regarding the projecting entry gable and the rear porch columns (Exhibit 7).

C. Neighborhood Compatibility

Pursuant to Section 29.40.075 of the Town Code, the maximum FAR for the subject property is 0.33 (2,454 square feet). The proposed residence would have an FAR of 0.46 (3,418 square feet), exceeding the maximum allowable floor area by 954 square feet. The table below reflects the current conditions of the homes in the immediate neighborhood:

Immediate Neighborhood Comparison								
Address	Zoning	House Floor Area	Garage Floor Area	Total Floor Area	Lot Size	House FAR	No. of Stories	Exceed FAR?
178 Loma Alta Ave	R-1:8	1,300	325	1,625	8,090	0.16	2	No
180 Loma Alta Ave	R-1:8	2,605	733	3,338	8,010	0.33	2	No
172 Loma Alta Ave	R-1:8	2,332	630	2,962	7,132	0.33	2	No
162 Loma Alta Ave	R-1:8	2,647	622	3,269	8,680	0.30	2	No
177 Loma Alta Ave	R-1:8	2,227	484	2,711	6,640	0.34	2	No
179 Loma Alta Ave	R-1:8	2,919	577	3,496	7,500	0.39	1	Yes by 444 sf
185 Loma Alta Ave	R-1:8	1,206	0	1,206	7,500	0.16	1	No
116 Alta Heights Ct	R-1:8	1,933	437	2,370	6,490	0.30	2	No
175 Loma Alta Ave	R-1:8	2,357	400	2,757	6,100	0.39	2	Yes by 283 sf
176 Loma Alta Ave (E)	R-1:8	996	280	1,276	7,435	0.13	1	No
176 Loma Alta Ave. (P)	R-1:8	3,418	529	3,947	7,435	0.46	2	Yes by 964 sf

Based on Town and County records, the residences in the immediate neighborhood range in size from 1,206 square feet to 2,919 square feet. The floor area ratios range from 0.16 to 0.39. The applicant proposes a 3,418-square foot residence (including 521 square feet of countable below-grade square footage) and a 529 square foot detached garage on a 7,435-square foot parcel. The proposed residence would be the largest in terms of square footage and FAR in the immediate neighborhood.

Exhibit 4 contains the applicant's Letter of Justification indicating that the proposed residence will not be the largest residence in terms of above grade floor area or FAR in the

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neighborhood. The applicant's justification includes that the proposed project has located 521 square feet of the below grade square footage outside of the building's footprint to accommodate the neighbors existing redwood trees. This square footage is countable per Town Code. The applicant has designed the below grade square footage, although being countable to the square footage and FAR, to be setback from the redwood trees, reducing excavation and grading because the below grade square footage is located downhill behind the house. The applicant's justification includes that the proposed below grade square footage does not contribute to the building's bulk and mass.

D. Exceeding the Maximum Allowable Residential FAR

As summarized in the following table, the maximum allowable residence size for the property is 2,454 square feet. The proposed residence exceeds the maximum allowed by 964 square feet. A 521-square foot portion of the below grade square footage is countable per Town Code as it extends beyond the footprint of the building above. The above grade square footage of the residence exceeds the maximum allowed by 443 square feet.

Proposed FAR						
	Proposed SF	Allowed SF	Notes			
Main Residence						
Total	2,897		Exceeds Max			
Countable Below-Grade Area	521		Allowable FAR			
Total Countable	3,418	2,454 max.	by 954 s.f.			
Exempt Below-Grade Area	984	Exempt				

Section 29.40.075(c) of the Town Code states that the deciding body may allow a FAR in excess of the maximum allowed FAR if the following findings can be made:

- 1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the landmark and historic preservation overlay zone and the adopted residential development standards; and
- 2. The lot coverage, setbacks, and FAR of the proposed project is compatible with the development on surrounding lots.

Neighborhood Compatibility - FAR

As provided in the Immediate Neighborhood Comparison table above, there are two examples of residences in the immediate neighborhood that exceed maximum allowable FAR. The residence at 179 Loma Alta exceeds the maximum allowable FAR by 444 square feet and the residence at 175 Loma Alta Avenue exceeds the maximum allowable FAR by 283 square feet.

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As discussed above the proposed project exceeds the maximum allowable residential FAR by 964 square feet, with 521 square feet of the below grade square footage countable per Town Code. The proposed above grade square footage of the residence exceeds the maximum allowable FAR by 443 square feet. One other house in the immediate neighborhood exceeds the maximum allowable FAR by 444 square feet.

E. <u>Setbacks</u>

Pursuant to Town Code, the R-1:8 zone requires a front setback of 25 feet, a rear yard setback of 20 feet, and side yard setbacks of eight feet. Section 29.10.265 (3) of the Town Code allows any rule of the zone, including setbacks, to be modified on a nonconforming lot when the deciding body finds that the building and its use will be compatible with the neighborhood. As noted, the subject property is nonconforming as to size and lot frontage. The proposed project meets the required rear setbacks.

Front Setback - Main Residence

Pursuant to Town Code Section 29.40.050, when a lot is situated between two lots, each having a residence that lawfully projects into the required front yard setback, the front yard setback requirement on such lot may be the average of the front yards of the existing buildings on the adjacent lots. This section of the Town Code was used to determine the required front yard setback for the subject property. Exhibit 8 includes a survey showing the locations and front setbacks of the residences on the adjacent properties. The average front yard setback of the two adjacent residences is 16 feet, 1.8 inches where the project proposes a front setback of 16 feet, six inches (Exhibit 15). Therefore, the proposed front setback meets the requirements of the Town Code.

Side Setback - Main Residence

The proposed residence includes a right side yard setback of five feet and a left side yard setback of four feet, where eight is required on either side (Exhibit 15, Sheet A-1). In their Letter of Justification, the applicant provides eight examples of residences in the immediate neighborhood that have reduced side yard setbacks between zero feet and five feet (Exhibit 4). The applicant has provided a Neighborhood Plan on Sheet A.1-1 of Exhibit 15 which illustrates the reduced side yard setbacks in the immediate neighborhood. The proposed reduced side yard setbacks are compatible with the immediate neighborhood's pattern of reduced setbacks.

Side Setback - Accessory Structure

The applicant is also requesting a reduced side setback of four feet where a minimum of five feet is required for an accessory structure (detached garage) pursuant to the Town Code, Section 29.40.015(B)(1). The applicant has provided a Neighborhood Plan on Sheet

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A.1-1 of Exhibit 15 which illustrates one example of a reduced accessory structure side yard setbacks of 2 feet, six inches in the immediate neighborhood, as shown in the diagram above. Detached accessory structures may request reduced side and rear yard setbacks up to three feet through a Minor Residential application.

Rear Setback- Accessory Structure

Town Code, Section 29.40.065 refers to rear yards that open into an alley, allowing one-half the width of the alley to be used in measurement of the rear yard setback. The required rear yard setback for an accessory structure is five feet. The rear property line is adjacent to a 19-foot wide alley. The proposed detached garage is located three feet from the property line. When considering one-half of the alley width into the rear yard setback for the detached garage, the garage meets the required rear yard setback.

F. Parking

Pursuant to Section 29.10.150 (c)(1) of the Town Code, a single-family residence requires two off-street parking spaces. The applicant proposes a detached one-car garage and an uncovered parking space accessed from the alley at the rear. The project complies with the minimum parking requirements for a single-family residence.

G. Tree Impacts

The applicant submitted an Arborist Report prepared by Bo Firestone Trees and Gardens providing details of the assessed trees located onsite, near the public street, and adjacent to the subject property (Exhibit 9). The Town's Consulting Arborist peer review this report and recommended adoption of the report and its recommendations for the project (Exhibit 10).

Staff received comments from neighbors regarding impacts to protected trees that are located adjacent to the subject property. One of the letters expressed concerns of life and safety in relation to development impacts to adjacent trees (Exhibit 11). The Arborist report by Bo Firestone Trees and Gardens indicates the necessary steps to mitigate impacts to trees (Exhibit 9, Pages 10 and 11). Subsequently, staff received a response from the property owner summarizing their discussion with their neighbor regarding impacts to protected trees in relation to the basement (Exhibit 12).

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H. Neighborhood Outreach

The property owners have been in communication with the surrounding neighbors regarding the proposed project. Several letters from neighbors are included in Exhibit 11. Based on the applicant's neighborhood outreach and the public comments received by staff the following issues have been raised:

- 1. Neighborhood Compatibility Massing, FAR and setbacks.
- 2. Tree Protection of Existing Trees Chinese Elm and Redwood.
- 3. Drainage.
- 4. Privacy Window and Balcony Placement.
- 5. Impacts to Views and Natural Light.

The property owner has provided responses summarizing their discussion with their neighbor regarding existing trees and impacts of the proposed development (Exhibit 12). In addition, the applicant provided a letter describing their neighborhood outreach (Exhibit 13). The project architect provided a letter responding to the neighbor's concerns (Exhibit 14).

I. CEQA Determination

The Project is Categorically Exempt Pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

A project sign was installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received prior to 11:00 a.m. on Friday, January 17, 2025, are included in Exhibit 11.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application to demolish an existing single-family residence, and construct a new two-story single-family residence. The property is nonconforming with regards to lot size and lot width for a R-1:8 zoned parcel. The project is in compliance with the Town Code, with the exception to the FAR standards for the residence and the reduced side yard setback requests for the main residence and detached garage. The proposed residence is the tallest in the immediate neighborhood. The proposed project exceeds the maximum allowable FAR by 964 square feet, results in the

PAGE **11** OF **12** SUBJECT: 176 Loma Alta Avenue/S-24-042 DATE: January 17, 2025

largest home in the immediate neighborhood in terms of floor area and FAR and proposes the tallest residence by height in the immediate neighborhood.

B. <u>Recommendation</u>

Based on the analysis above, staff recommends denial of the Architecture and Site application based on concerns related to FAR size, neighborhood compatibility, and consistency with the Residential Design Guidelines, as discussed in this report.

C. Alternatives

Alternatively, the Commission can:

- 1. Approve the application by taking the following actions:
 - Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures (Exhibit 2);
 - b. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of existing structures (Exhibit 2);
 - c. Make the findings as required by Section 29.40.075 (c) of the Town Code for granting approval of an exception to the FAR standards (Exhibit 2);
 - Make the findings as required by Section 29.10.265 (3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements (Exhibit 2);
 - e. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards, for reduced side yard setbacks for a single-family residence, and for reduced side and rear setbacks for an accessory structure (Exhibit 2);
 - f. Make the finding that the project complies with the Residential Design Guidelines (Exhibit 2);
 - g. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
 - h. Approve Architecture and Site application S-24-042 with the conditions contained in Exhibit 3 and the development plans in Exhibit 15.
- 2. Approve the application with additional and/or modified conditions; or
- 3. Continue the matter to a date certain with specific direction.

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EXHIBITS:

- 1. Location Map
- 2. Required Findings and Considerations
- 3. Recommended Conditions of Approval
- 4. Letter of Justification
- 5. Colors and Materials Board
- 6. Consulting Architect Report
- 7. Applicant's Response to Consulting Architect Report
- 8. Survey with Setbacks of Adjacent Residences
- 9. Arborist Report by Bo Firestone & Gardens
- 10. Peer Review Letter by Town's Consulting Arborist
- 11. Public Comments Received Prior to 1100 a.m., Friday, January 17, 2025
- 12. Property Owner's Response to Public Comment
- 13. Applicant's Neighborhood Outreach Summary
- 14. Applicant's Response to Public Comment
- 15. Development Plans

176 Loma Alta Avenue



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PLANNING COMMISSION – *January 22, 2025* **REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

<u>176 Loma Alta Avenue</u> Architecture and Site Application S-24-042

Consider a Request for Approval to Demolish of Existing Single-Family Residence, Construct a New Single-Family Residence to Exceed the Floor Area Ratio (FAR) Standards with Reduced Side Yard Setbacks, Construct an Accessory Structure with Reduced Side Yard Setbacks, and Site Improvements Requiring a Grading Permit on a Nonconforming Property Zoned R-1:8. APN 532-28-031. Architecture and Site Application S-24-042. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures. Property Owner: The Thornberry 2021 Revocable Trust dated November 4, 2021, and The Donald S. Thornberry and Barbara J. Gardner Revocable Living Trust dated December 21, 2010. Applicant: Jay Plett. Project Planner: Maria Chavarin.

FINDINGS

Required finding for CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15303(a): New Construction or Conversion of Small Structures.

Required finding for the demolition of existing structures:

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

Required finding to exceed floor area ratio (FAR) standards:

- As required by Section 29.40.075(c) of the Town Code for granting an approval of an exception to the FAR standards:
 - The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the Landmark and historic Preservation Overlay Zone and the adopted residential development standards;

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and

2. The lot coverage, setbacks, and FAR of the proposed project are compatible with the development on surrounding lots.

Required finding for a setback exception on a nonconforming property:

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

Required compliance with the Zoning Regulations:

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except the requests to exceed the FAR standards and reduce the required side yard setback for a single-family residence and an accessory structure.

Required compliance with the Residential Design Guidelines:

The project design complies with the Residential Design Guidelines for single-family residences not in the hillside areas. The Town's Consulting Architect has reviewed the proposal, and recommendations were provided to address consistency with the immediate neighborhood to which the applicant responded through design revisions and written justification. While the proposed home would be the largest in floor area and FAR compared to most others in the immediate neighborhood, the site is also nonconforming as to size and width.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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

PLANNING COMMISSION – January 22, 2025 CONDITIONS OF APPROVAL

<u>176 Loma Alta Avenue</u> Architecture and Site Application S-24-042

Consider a Request for Approval to Demolish an Existing Single-Family Residence, Construct a New Single-Family Residence to Exceed the Floor Area Ratio FAR Standards with Reduced Side Yard Setbacks, Construct an Accessory Structure with Reduced Side Yard Setbacks, and Site Improvements Requiring a Grading Permit on a Nonconforming Property Zoned R-1:8. APN 532-28-031. Architecture and Site Application S-24-042. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303(a): New Construction or Conversion of Small Structures. Property Owner: The Thornberry 2021 Revocable Trust dated November 4, 2021, and The Donald S. Thornberry and Barbara J. Gardner Revocable Living Trust dated December 21, 2010. Applicant: Jay Plett. Project Planner: Maria Chavarin.

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 July 18, 2024, prepared by Bo Firestone trees & Gardens 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: 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. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
- 10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
- 11. 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.
- 12. 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, 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.

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

Building Division

- 14. PERMITS REQUIRED:
 - a. A Demolition Permit is required for the demolition of the existing single-family residence.
 - b. A Building Permit is required for the construction of the new single-family residence and detached garage.

- c. An additional Building Permit is required for the construction of the detached garage.
- d. A separate Building Permit will be required for the PV System and must be finaled prior to the issuance of Certificate of Occupancy.
- 15. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
- 16. CONDITIONS OF APPROVAL: The Conditions of Approval must be included on plan sheets within the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
- 17. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
- 18. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
- 19. REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application for the removal of each existing structure. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, submit the completed form to the Building Department with the Air District's J# Certificate, PG&E verification, and site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
- 20. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
- 21. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
- 22. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
- 23. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
- 24. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:

- a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
- b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
- c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
- d. A door buzzer, bell or chime shall be hard wired at primary entrance.
- 25. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.40.020. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
- 26. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
- 27. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2022 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
 - a. Provide defensible space/fire break landscaping plan prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
 - b. Prior to final inspection, provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
- 28. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
- 29. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal. The specification sheet is available online at www.losgatosca.gov/building.
- 30. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407

e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

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

Engineering Division

- 31. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
- 32. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
- 33. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website
- 34. CHANGE OF OCCUPANCY: Prior to initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, the buyer or the new or existing occupant shall apply to the Community Development Department and obtain approval for use determination and building permit and obtain inspection approval for any necessary work to establish the use and/or occupancy consistent with that intended.
- 35. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
- 36. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
- 37. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better

than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

- 38. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
- 39. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
- 40. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
- 41. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
- 42. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
- 43. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: All grading work taking place with this application and related applications/projects within a two year time period are considered eligible for the grading permit process and will be counted toward the quantities used in determining grading permit requirements. In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
- 44. GRADING: Any grading work, cut/fill, earthwork or combination thereof (completed or proposed on submitted plans) on the parcel over the upcoming two-year period are combined with regards to grading permit thresholds. This also applies to adjacent parcels with identical owners, applicants and or developers.
- 45. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
- 46. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered. For sites greater than four (4) acres in area:
 - a. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - b. Limit traffic speeds on unpaved roads to fifteen (15) miles per hour.
 - c. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - d. Replant vegetation in disturbed areas as quickly as possible.
 - e. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- 47. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
- 48. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
- 49. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
- 50. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense
- 51. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
 - a. Protect sensitive areas and minimize changes to the natural topography.

- b. Minimize impervious surface areas.
- c. Direct roof downspouts to vegetated areas.
- d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
- e. Use landscaping to treat stormwater.
- 52. CONSTRUCTION HOURS: All improvements and construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 53. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the onise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
- 54. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
 - Along with the Owner, Applicant and/or Developer, setup a pre-construction meeting with Eric Christianson, Senior Public Works Inspector echristianson@losgatosca.gov (408) 354-6824 to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
- 55. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public rightof-way will only be allowed if it does not cause access or safety problems as determined by the Town.
- 56. FOR PLANTERS: The Owner, Applicant and/or Developer shall apply for an encroachment permit for the proposed planters within the public sidewalk and/or Town's right-of-way. The Owner, Applicant and/or Developer shall work with Parks and Public Works Department staff to arrive at a mutually agreeable solution that addresses safety and aesthetic issues. If no solution is reached, the vegetative screening requirement shall be waived. A Private Improvements in the Public Right-of-Way (formerly Indemnity) Agreement will be required if planters are proposed to be located within the Town's right-of-way. A copy of the recorded agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any grading or building permits.
- 57. SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on

works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

- 58. DRIVEWAY: The driveway conform to existing pavement shall be constructed in a manner such that the existing drainage patterns will not be obstructed. The Owner, Applicant and/or Developer shall install a Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
- 59. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary. Please contact Tammy Robnett-Illges, Engineering Administrative Assistant <u>trobnett-</u> <u>illges@losgatosca.gov</u> (408) 399-5771 for more information.
- 60. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
- 61. GEOTECHNICAL/GEOLOGICAL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner, Applicant and/or Developer.
- 62. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
- 63. TRENCHING MORATORIUM: Trenching within a newly paved street will be allowed subject to the following requirements:
 - a. The Town standard "T" trench detail shall be used.
 - b. A Town-approved colored controlled density backfill shall be used.
 - c. All necessary utility trenches and related pavement cuts shall be consolidated to minimize the impacted area of the roadway.
 - d. The total asphalt thickness shall be a minimum of three (3) inches, meet Town standards, or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of one-half (½) inch medium asphalt. The initial lift(s) shall be of three-quarter (¾) inch medium asphalt.

- e. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
- f. A slurry seal topping may be required by the construction inspector depending their assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend five (5) feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations. All pavement restorations shall be completed and approved by the Inspector before occupancy.
- 64. SIDEWALK REPAIR: The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 65. CURB AND GUTTER REPAIR: The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 66. VALLEY GUTTER REPAIR: The Owner/Applicant shall repair and replace to existing Town standards any valley gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New valley gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of valley gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 67. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a

Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.

- 68. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
- 69. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's <u>Construction Management Plan Guidelines</u> document for additional information.
- 70. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
- 71. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
- 72. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-

recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
- b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
- c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
- d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
- e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
- f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
- g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
- j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- 73. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

- 74. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
- 75. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "...adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. All comments below that result from PRC 4290 are identified by **. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08.
- 76. PRC 4290: This project deems compliance with the PRC 4290 requirements.
- 77. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A-1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. Sprinkler required for bath main house and garage.
- 78. REQUIRED FIRE FLOW: (Letter received) The minimum require fireflow for this project is 500 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3].
- 79. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
- 80. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is

plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

81. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.



PROJECT DESCRIPTION AND JUSTIFICATION

FROM THE PROJECTS INCEPTION, WE HAVE WORKED CLOSELY WITH STAFF, REVIEWING THE DESIGN CONCEPT AND WERE MET WITH POSITIVE INPUT.

EXISTING CONDITIONS

THE PARCEL IS NON-CONFORMING, ZONING IS R 1-8. FRONTAGE = 31'-9" (60'-0" IS REQUIRED) PARCEL AREA = 1,435 SF (8,000 SF IS REQUIRED)

THE PARCEL IS OF NARROW WIDTH AND GENTLY SLOPING DOWN FROM LOMA ALTA TO AN ALLEY AT ITS REAR.

THE EXISTING HOME IS NON-HISTORIC, OF A NON-DESCRIPT STYLE WITH NUMEROUS MODIFICATIONS THAT DO NOT MEET MODERN CODES -ESPECIALLY THOSE OF ENERGY CONSUMPTION - SINGLE GLAZED ALUMINUM FRAMED WINDOWS, NO INSULATION, ETC...THE OWNERS DO NOT WISH TO RETAIN THE STRUCTURE.

THERE ARE TWO LARGE NEIGHBOR REDWOOD TREES ADJACENT TO LEFT SIDE OF SUBJECT PARCEL THAT THE PROPOSED DESIGN SEEKS TO PRESERVE BY SETTING THE BASEMENT FURTHER DOWNHILL, AWAY FROM THE TREES, PER FIRESTONE'S ARBORIST REPORT.

PROPOSED DESIGN

THE NEW HOME IS OF A VICTORIAN STYLE, WHOLLY COMPATIBLE WITH THE IMMEDIATE NEIGHBORHOOD STYLES. SPECIFICALLY, THIS IS OF AN ITALIANATE VICTORIAN STYLE - ITALIANATES ARE ALMOST ALWAYS TWO STORIES WITH NARROW VERTICAL MASSING - WHICH SUITS THIS UNUSUALLY NARROW SITE PERFECTLY. CONSULTING ARCHITECT CONCURS.

GROUND FLOOR AREA TO UPPER FLOOR AREA RATIO: GROUND FLOOR AREA = 1,684.5 SF = 58% UPPER FLOOR AREA = 1,212.5 SF = 42%

THE WHOLE OF THE BASEMENT MEETS THE DEPTH REQUIREMENTS TO BE CONSIDERED BELOW GRADE SPACE.



THORNBERRY 176 LOMA ALTA AVENUE LOS GATOS, CA 95030

BELOW GRADE/BASEMENT EXCEPTION

WE ARE SEEKING AN EXCEPTION TO THE BASEMENT REQUIREMENT TO BE LOCATED SOLELY UNDER THE CONDITIONED LIVING AREA ABOVE IT. WE WOULD LIKE TO LOCATE THE BASEMENT UNDER A PORTION OF THE CONDITIONED MAIN FLOOR LIVING LEVEL AND THE REMAINING PORTION OF THE BASEMENT UNDER THE REAR ROOF COVERED VERANDA PORCH, TO BE IN BEST COMPLIANCE WITH FIRESTONE'S ARBORIST REPORT. THE TOWN PEER REVIEWED ARBORIST IS IN AGREEMENT.



LONGITUDINAL SECTION

DESIGNED TO BE SET AWAY FROM THE NEIGHBORING REDWOODS, IT SHOULD NOT HAVE ANY DETRIMENTAL EFFECTS ON THE TREES. WITH THE PROPOSED DESIGN, THERE WILL BE LESS EXCAVATION AND GRADING BECAUSE THE BASEMENT IS LOCATED DOWNHILL AS THE GRADE NATURALLY SLOPES DOWN. THIS RESULTS IN THE BASEMENT BEING SMALLER THAN IF UNDER THE ENTIRE MAIN FLOOR.

 THIS DESIGN DOES <u>NOT</u> CONTRIBUTE IN ANY WAY TO THE BUILDINGS MASSING AND BULK. THORNBERRY 116 LOMA ALTA AVENUE LOS GATOS, CA 95030

<u>SIDE YARD SETBACKS</u>

DUE TO THE SEVERE NON-CONFORMING NARROWNESS OF THE SITE, WE ARE ASKING FOR REDUCED SIDE YARD SETBACKS – SEE SITE AND FLOOR PLANS FOR DIMENSIONS. THIS IS TO KEEP CONSISTENT WINDOW WIDTH SIZES WHICH IS A CHARACTERISTIC OF VICTORIAN IT ALIANATES. THIS SETBACK REQUEST IS CONSISTENT WITH THE IMMEDIATE NEIGHBORS AND IN PARTICULAR WITH THE TWO HOMES ON EITHER SIDE – 112 HAS A 4'-9" SYSB 118 HAS A 5'-0" SYSB

IN ADDITION, MANY NEIGHBORING HOMES HAVE NON-CONFORMING SIDE YARD SETBACKS - AS LITTLE AS 3'-@": 185, 179, 116, 172, 178, 180 - REFERENCE THE NEIGHBORHOOD PLAN SHEET AI.1. THIS REQUEST IS CONSISTENT WITH NEIGHBORHOOD CONDITIONS.

FRONT YARD SETBACKS

THE PROPOSED DESIGN MEETS THE ALLOWED SETBACK REQUIREMENT WHEN AVERAGING THE NEIGHBORS ON EITHER SIDE. THE FRONT PORCH SETBACK HAS BEEN INCREASED 1'-6" PER CONSULTING ARCHITECT RECOMMENDATION.

FLOOR AREA REQUEST

THE HOME WILL HAVE NEITHER THE LARGEST ABOVE GRADE FLOOR AREA OR F.A.R.

* 179 LOMA ALTA	= 2,919 SF	F.A.R. = .39
* ITT LOMA ALTA	= 3,018 SF	F.A.R. = .45
* (PER COUNTY RECORDS)	-	

(P) ABOVE GRADE FLOOR AREA = 2,897 SF F.A.R. = .39 TOTAL FLOOR AREA W/ BELOW GRADE BSMT = 3,418 SF F.A.R. = .46



UPPER BEDROOM TERRACE

THIS TERRACE DOES NOT AFFECT NEIGHBOR PRIVACY AS IT IS PART OF A BEDROOM SUITE ONLY. THE HOME NEXT DOOR AT 116 HAS SIMILAR UPPER LEVEL AND MAIN LEVEL TERRACES. ALSO, 180 AND 188 POSSESS TERRACES - THEREFORE, THIS DESIGN IS CONSISTENT WITH THE NEIGHBORHOOD.

GARAGE

THE GARAGE WILL BE ACCESSIBLE FROM THE ALLEY AND BE OF A DETACHED DESIGN. IT'S AREA IS WITHIN THE ALLOWABLE AREA LIMITS. SETBACKS HAVE BEEN REDUCED DUE TO THE NON-CONFORMITY OF THE PARCELS WIDTH AND AREA AND IS CONSISTENT WITH NEIGHBORING GARAGE CONDITIONS.

LIGHTWELL

DUE TO THE NON-CONFORMING NARROWNESS OF THE SITE, THE LIGHTWELL ON THE HOMES EASTERLY HAS BEEN DESIGNED TO PROVIDE LIGHT, EGRESS AND PEDESTRIAN PASSAGE BETWEEN THE HOMES FRONT AND REAR YARDS. THIS SAME CONCEPT/DESIGN HAS BEEN PREVIOUSLY APPROVED BY THE PLANNING COMMISSION AT 509 BACHMAN AND 118 OLIVE -BOTH NON-CONFORMING PARCELS SUCH AS THIS.

NEIGHBOR SUPPORT

WE HAVE RECEIVED POSITIVE SUPPORT FROM THE FOLLOWING NEIGHBORS:

177 LOMA ALTA AVENUE 172 LOMA ALTA AVENUE 180 LOMA ALTA AVENUE 162 LOMA ALTA AVENUE 187 LOMA ALTA AVENUE 187 LOMA ALTA AVENUE 175 LOMA ALTA AVENUE 179 LOMA ALTA AVENUE 222 VISTA DEL MONTE 54 LOS GATOS BLVD 216 LOMA ALTA AVENUE

Page 121 LYNDON AVENUE #202, LOS GATOS, CA 95030 **EXHIBIT 5**

176 LOMA ALTA AVENUE

ARCHITECT: JAY PLETT

ACCENT STONE



BODY COLOR LAP SIDING - SIZE TBD

WINDOW SASH COLOR



ROOF COLOR





TRIM COLOR



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August 20, 2024

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

RE: 176 Loma Alta Avenue

Dear Maria:

I reviewed the drawings and evaluated the neighborhood context. My comments and recommendations on the design are as follows:

NEIGHBORHOOD CONTEXT

The site is located in an older established neighborhood of traditional style homes with a mix on one and to story structures. Photos of the site and existing home on the site are shown on the following page.



6729 FAIRFIELD DRIVE JANTA ROSA, CA 95409 TEL: (707) 843-5747 CDGPLAN@PACBELL.NET

15 Hollywood Avenue Design Review Comments May 30, 2024 Page 2



THE SITE



House to the immediate left



Nearby house to the left



Nearby house across Loma Alta Avenue



House immediately across Loma Alta Avenue



House to the immediate right



Nearby house to the right



Nearby house across Loma Alta Avenue

Page 124 CANNON DESIGN GROUP

6729 FAIRFIELD DRIVE SANTA ROSA, CA 95409

15 Hollywood Avenue Design Review Comments May 30, 2024 Page 3

PROPOSED PROJECT



Proposed Front Elevation



Proposed Rear Elevation



Proposed Right Side Elevation



Proposed Left Side Elevation
Page 125
CANNON DESIGN GROUP

15 Hollywood Avenue Design Review Comments May 30, 2024 Page 4

ISSUES AND CONCERNS

The proposed home is designed in an Italianate Victorian architectural style. While a bit unusual to see this style replicated today, it does not seem that it would be out of place in this neighborhood of eclectic architectural style homes. However, the two story front facade eave line is taller than the predominant building massing in its adjacent neighborhood, There are other second floor eaves of similar height nearby but they generally have gable ends facing the street rather than full width eaves. As mitigation the front facade would be broken by the proposed full width front porch.



If staff is comfortable with this front facade massing difference, I have only a couple of concerns with the proposed details.

1. The gabled entry porch extension is much larger than is typical for this architectural style.



- 2. The rear porch beam span is quite long for this architectural style.
- 3. The rear elevation metal roof is isolated and would not be consistent with the proposed architectural style.



RECOMMENDATIONS



- 1. Eliminate the projecting entry gable in favor of a simple flat front porch eave line as is typical for this architectural style.
- 2. Add columns on the rear porch.
- 3. Eliminate the rear facade metal roofing in favor of using the same roofing as shown for the rest of the house.



The streetscape comparison with the proposed change to the front facade is shown below.

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

Sincerely, CANNON DESIGN GROUP

ann

Larry L. Cannon



THORNBERRY 176 LOMA ALTA AVENUE LOS GATOS, CA 95030

CONSULTING ARCHITECT RESPONSE:

FRONT ENTRY GABLE

THE GABLE PROPOSED AT THE ENTRY IS AN APPROPRIATE ITALIANATE FEATURE WE WOULD LIKE TO RETAIN. SEE ATTACHED PHOTOS OF EXAMPLES.

HOWEVER, CONSULTING ARCHITECT SUGGESTED THE PORCH SHOULD BE SETBACK FARTHER, WHICH WE HAVE INCORPORATED INTO OUR DESIGN. REFER TO BUILDING ELEVATIONS.

<u>REAR POSTS</u>

OUR DESIGN HAS INCORPORATED THE USE OF DOUBLE COLUMNS AT THE REAR VERANDA, IN LIEU OF SINGLE COLUMNS AS SUGGESTED. WE BELIEVE THE USE OF DOUBLE COLUMNS PROVIDES APPROPRIATE SUPPORT MASSING FOR THE STYLE.









SHEET

1

OF ONE

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TREE PROTECTION - BUILDING PROJECT



JULY 18, 2024

PREPARED FOR: JESSICA AND BLAKE THORNBERRY

PROJECT ADDRESS: 176 LOMA ALTA AVE • LOS GATOS • 95030







#WE-14992A

ON STAFF

BO FIRESTONE TREES & GARDENS 2150 LACEY DR., MILPITAS, CA 95035 E: BUSARA@BOFIRESTONE.COM C: (408) 497-7158 WWW.BOFIRESTONE.COM



EXHIBIT 9

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Introduction

ARBORIST ASSIGNMENT

On April 30th, 2024, at the request of the architect, I agreed to write an Arborist Report for the building project at 176 Loma Alta Avenue. We were consulted during the planning phase of the project and required they meet a 6x DBH minimum proposed basement setback from the recovering neighboring redwood trees (*Sequoia sempervirens*) to retain them. The design has placed the basement in accordance with our recommendations as illustrated on sheet A1. After my visit to the site and review of the site plans, it was my understanding that the existing home was to be demolished. A new, two-story home with basement was to be built in its place. A detached garage was also planned behind the home. The assessments in this report were based off review of the following:

- Topographic Survey by Alpha Land Surveys, Inc. (dated 9/14/2023)
- Plan Set A-1 A-6 by Jay Plett Architect (received 07/12/2024)
 - Including Site Plan, Floor Plan, and Elevations
- Civil Plans C1.1 C4.1 by C2G / Civil Consultants Group (dated 06/18/2024)
 - o Including Site Plan, Demolition Plan, Erosion Control Plan, and Details

I identified 10 Protected trees for inclusion in this report. No trees were requested for removal as part of the project.

Observations and recommendations made in this report relate to the tree protection and preservation mandates outlined in the Town of Los Gatos *Tree Protection Requirements for Planning Applications* (published 7/1/17 by the Community Development Department). As required, I have included appraisals for all protected trees potentially affected by development activities.

Page 2 of 21

USES OF THIS REPORT

This report was written to serve as a resource for the property owner, designer, and builder. I have provided instructions for protecting trees before, during, and after construction. You will also find information on Town requirements as outlined in Town of Los Gatos *Tree Protection Requirements for Planning Applications* (published 7/1/17 by the Community Development Department).

Per the Town's Tree Regulations, the inventory, pruning specifications and tree protection zone details outlined in this report are to be copied onto a plan sheet to become part of the final plan set, then to serve as the project's Tree Preservation Plan, and titled as such.

LIMITATIONS

Trees assessed were limited to the scope of work identified in the assignment. I have estimated the trunk diameters of trees with barriers to access or visibility (such as those on neighboring parcels or behind debris). Although general structure and health were assessed, formal Tree Risk Assessments were not conducted unless specified. Disease diagnostic work was not conducted unless specified. All assessments were the result of ground-based, visual inspections. No excavation or aerial inspections were performed. Recommendations beyond those related to the proposed construction were not within the scope of work.

My tree impact and preservation assessments were based on information provided in the plans I have reviewed to date, and conversations with the involved parties. I assumed that the guidelines and setbacks recommended in this report would be followed. Assessments, conclusions, and opinions shared in this report are not a guarantee of any specific outcome. If additional information (such as engineering or landscape plans) is provided for my review, these assessments would be subject to change.

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Deposit, Replacement Requirements

ARBORIST DEPOSIT

An arborist deposit account must be set up with the Planning Department to fund the peer review of this report. Following completion of the project, any funds remaining in the account will be refunded.

REQUESTED TREE REMOVALS

No trees were requested for removal as part of the project.

REPLACEMENT TREES

Trees approved for removal as part of this project must be replaced prior to final inspection by the Building Division. The Town Planning Department will determine the number and size of required replacement trees. Any tree on site protected by Town Code would require replacement according to its appraised value if it is damaged beyond repair as a result of grading, excavation or construction activities

The Town of Los Gatos strongly encourages replacement with native species. Most fruit and nut trees, palm trees, or "nuisance" species (see section 29.10.0970(2) of the Town Code) are generally not considered suitable replacement trees. Replacement requirements in the Hillsides shall comply with the Hillside Development Standards and Guidelines Appendix A and section 29.10.0987 Special Provisions—Hillsides.

If a tree or trees cannot be reasonably replanted on the subject property, the Town of Los Gatos may approve a full or partial in-lieu fee payment. Where the payment of in-lieu fees is approved, permits will not be issued until all in-lieu fees are paid in full. In-lieu fees would be determined the Planning Director.

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Appraised values for all trees were calculated using the "Trunk Formula Method" as outlined in the Council of Tree and landscape Appraisers-Guide for Plant Appraisal, 10th Edition and supplemented with the Western Chapter ISA- Species Classification and Group Assignment Regional Supplement.

Impacts on Protected Trees

TREE INVENTORY

This tree preservation plan includes an attached inventory of all "protected trees" with canopies within 30 feet of the work area, which included the path of ingress and egress.

A protected tree in Los Gatos for zoning approvals included most species measuring four inches (4") or greater in diameter at breast height (DBH) as defined by Town Code, Division 2. Certain native trees, such as oaks over 24 inches in diameter qualify as "large protected" trees. All other species over 48 inches qualify as "large protected." Fruit are nut trees less than 18 inches are exempt from protection, as are certain nuisance species (refer to Town Code Sec. 29.10.0960).

The Tree Inventory table in this report includes each tree's number (as shown on the TPZ map and as tagged in the field), measurements, condition, level of impact (due to proximity to work), tolerance to construction, and overall suitability for retainment. The inventory also includes the appraised cost of each tree using the Trunk Formula Technique.

IMPACTS OF PROPOSED WORK

After review of the site plans, it was my understanding that the existing home was to be demolished. A new, two-story home with basement was to be built in its place. The foundation of the first floor of the house was to be piers with beams above grade. A detached garage was also planned behind the home. A storm drain was also planned around the perimeter of the

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property. Anticipated impacts of the trees around the building site ranged from "very low" to "moderate" depending on the resilience of the tree and its proximity to the work. Anticipated impacts to trees were as follows:

- Tree #74 (15.5" southern magnolia, Magnolia grandiflora Street tree): This Street tree
 would be anticipated to be "moderately" impacted by the proposed front walkway to
 the house. Please see "Special Tree Protection Measures" section of this report for
 guidelines on working within 6x DBH of this tree.
- Tree #75 (neighboring cherry laurel, Prunus laurocerasus), Tree #87 (neighboring olive, Olea euorpaea), Tree #88 (neighboring coast live oak, Quercus agrifolia), and Tree #89 (Chinese pistache, Pistacia chinensis Street tree): These neighboring and Street trees would be expected to incur "low" impacts from the proposed work (no more than 10% root loss).
- Tree #76 (20" neighboring Chinese elm, Ulmus parvifolia): This neighboring tree would be expected to incur a "moderate" impact from the proposed storm drain and house (10% - 25% root loss). Please see "Special Tree Protection Measures" section of this report for guidelines on working within 6x DBH of this tree.
- Trees #77 and #78 (neighboring redwoods): These trees would be expected to incur a "moderate" impact (10% - 25% root loss) from the pier foundation for the first floor and basement cut. Please see "Special Tree Protection Measures" section of this report for guidelines on working within 6x DBH of this tree.
- Tree #85 (26" neighboring redwood): This neighboring tree would be expected to sustain "moderate" impacts from the excavation for the proposed garage (10% - 25% root loss). Please see "Special Tree Protection Measures" section of this report for guidelines on working within 6x DBH of this tree.
- Trees #86 (4" purple-leaf plum, *Prunus cerasifera*): This tree would not be expected to be impacted by the project (0% 5% root loss). It would only need to be protected from materials storage and movement throughout the site.

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The anticipated impact of construction due to proximity to work was summarized using a rating system on the Tree Inventory (see Glossary for definitions of ratings). General species tolerance to construction, and condition of the trees (health, form, and structure), was also noted on the Inventory. These factors, as well as tree age, soil characteristics, and species desirability, all factored into an individual tree's suitability rating, as summarized on the Inventory. Suitability of trees to be retained was rated as "high," "moderate," or "low."

Tree Protection Recommendations

PRE-CONSTRUCTION

Prune Branches

I recommend that each tree that is designated to remain shall be pruned as necessary to provide clearance for development, while maintaining a natural appearance. All tree pruning (or removal) activities shall be performed prior to the beginning of any demolition or development.

Pruning should be specified in writing adhering to ANSI A300 Pruning Standards and performed according to Best Management Practices endorsed by the International Society of Arboriculture. Pruning must be performed by a licensed and insured tree contractor and supervised by an ISA-certified arborist or an ASCA-Registered Consulting Arborist.

Establish Tree Protection Zones (TPZ)

TPZ Locations:

Tree protection zones (TPZ) are areas of a temporary fenced tree enclosures that restrict activity during construction. They are established and inspected prior to the start of work. **No soil disturbance is permitted unless approved and supervised by the Project Arborist**. The

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recommended tree protection zones (TPZ) were shown on the attached map. See attachment titled "TPZ I" for a diagram of generic, best-practice TPZ fencing specifications. If TPZ fencing is not practical due to proximity to work, TPZ trunk wrap may be approved instead (see attached specification if applicable).

Please see attached "TPZ Map" for recommended fencing locations. Recommended protection for trees is as follows:

- **Tree #74 (15.5" southern magnolia Street tree):** Establish standard TPZ fencing radius to 15 feet or the greatest extent possible as limited by the planting strip. Place fence posts into the ground along the existing hardscape.
- Trees #75 and #76 (neighboring cherry laurel and elm): These neighboring trees may be protected as a group within the same perimeter. Establish standard TPZ fencing along the property line to 20 feet, or to the greatest extent possible as limited by the work.
- **Trees #77 and #78 (neighboring redwoods):** Establish standard TPZ fencing with a radius of 25 feet, or to the greatest extent possible as limited by the proposed work. TPZ fencing may need to be adjusted during the demolition of the driveway. Restore TPZ fencing to original location promptly upon completion.
- **Trees #85 and #87 (neighboring redwood and olive):** These neighboring trees would be protected adequately by the existing wooden fence at the property line. Due to the location of the work, an additional chain link fence at this location would not be practical.
- Tree #86 (4" purple-leaf plum, *Prunus cerasifera*): Establish standard TPZ fencing with a radius of 5 feet.
- **Tree #89 (8.5" Chinese pistache Street tree):** Establish standard TPZ fencing radius to 10 feet or the greatest extent possible as limited by the planting strip. Place fence posts into the ground along the existing hardscape.
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Los Gatos Tree Protection Fencing Requirements: Sec. 29.10.1005 - Protection of trees during construction.

- 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-halfinch 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.

All persons, shall comply with the following precautions:

 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.

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- 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.

Prevent Root Damage

Anywhere workers and vehicles will be traveling over bare ground within fifteen feet of a tree's dripline should have material applied over the ground to disperse the load. This may be done by applying a six to 12-inch layer of wood chip mulch to the area. As an alternative method that would not require mulch removal, the contractor could place plywood (>3/4-inch-thick) or road mats over a four-inch layer of mulch. Mulch should be spread manually so as not cause compaction or damage.

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DURING CONSTRUCTION

Special Tree Protection Measures - Trees #74, 76 - #78, and #85

- Demolition of existing hardscape (Trees #77 and #78) should be performed in a manner that avoids tearing roots: Using the smallest effective machinery, break up pieces of the concrete and lift pieces up and away from trees. Cut roots embedded in paving rather than tearing them (see instructions on root cuts).
- 2) Excavation guidelines for installation of drilled footings/piers (porch and foundation) Trees #77 and #78: When excavating or boring underneath the canopy, or within 18 feet of the trunk of Tree #77 and 12 feet of Tree #78, use hand tools within the top 36" of the soil leaving woody roots undamaged. Under the supervision of the Project Arborist or Town Arborist, roots encountered should be cut cleanly with a sharp, clean sawblade perpendicular to the direction of growth (a "square cut"). The cut should be made where the bark of the root is undamaged and intact. If roots of over two inches (2") are found, the Project Arborist may recommend moving the location of the footing.
- 3) Excavation guidelines for installation of underground drainage feature (Tree #76): Do not trench within 10 feet of Tree #76 if possible. Consider using boring (tunneling) machines set up outside the dripline of the tree. If trenching is necessary, use hand tools or vacuum soil extraction in the top 36 inches of soil. Leave woody roots of one inch or larger undamaged with bark intact. The pipes can then be pushed through the trench or tunnel, beneath the roots. Gravel may be filled around live roots. Most roots are found within the top 24 inches of soil.
- 4) Hardscaping (walkway) Tree #74: When excavating within eight feet (8') of this tree, use hand tools. Leave roots encountered undisturbed if possible. Excavation depth for installation of new landscape materials within 8 feet of tree should be no more than four inches (4") into existing soil grade. Do not compact native soil under paving materials. If roots must be cut, please see section titled "Root Pruning." No paving materials or any excavation or grading within three feet (3') of trunks.

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5) Excavation guidelines for installation of new foundation (Tree #85): <u>Use hand tools</u> <u>only</u> when excavating within 13 feet of the trunk of this tree within the top 36 inches of soil depth. If roots of one-inch diameter or larger must be cut, they should be cut cleanly with a sharp, clean sawblade perpendicular to the direction of growth (a "square cut"). The cut should be made where the bark of the root is undamaged and intact. Root pruning should be supervised by the Project Arborist.

Root Pruning

Roots often extend farther beyond the tree than people realize. Even outside of the fencing protecting the critical root zone, there are roots that are important to the wellbeing of the tree. Builders may notice torn roots after digging or trenching. If this happens, exposed ends should be cut cleanly.

However, the best way to cut roots is to cut them cleanly *before* they are torn by excavating equipment. This way, roots may be exposed by gentle excavation methods and then cut selectively. Alternatively, a tool specifically designed to cut roots may be used to cut through the soil on the tree-side of the excavation line prior to digging so that roots are not torn. **Any root pruning must be supervised by the project arborist**.

Irrigation

Water moderately and highly impacted trees during the construction phase (in this case, all retained trees). As a rule of thumb, provide one to two inches per month. Water slowly so that it penetrates 18 inches into the soil, to the depth of tree roots. For native oaks (#7 and #8), do not water during the warm dry season (June – September) as this activates oak root fungus. Instead, make sure that the soil is sufficiently insulated with mulch (where possible). Remember that unsevered tree roots typically extend three to five times the distance of the canopy.

Arborist Supervision

According to Town Code 29.10.1025, "the Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment

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may be administered." The project arborist will also be needed 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."

POST-CONSTRUCTION

Ensure any mitigation measures to ensure long-term survival including but not limited to:

Continued Tree Care

Provide adequate and appropriate irrigation. As a rule of thumb, provide 1- 2 inches of water per month. Water slowly so that it penetrates 18 inches into the soil, to the depth of the tree roots. Native oaks usually should not be provided supplemental water during the warm, dry season (June – September) as this activates oak root fungus. Therefore, native oaks should only be watered October – May when rain has been scarce.

Mulch insulates the soil, reduces weeds, reduces compaction, and promotes myriad benefits to soil life and tree health. Apply four inches of wood chips (or other mulch) to the surface of the soil around trees, extending at least to the dripline when possible. Take care not to pile mulch against the trunk.

Do not fertilize unless a specific nutrient deficiency has been identified and a specific plan prescribed by the project arborist (or a consulting arborist).

Post-Construction Monitoring

Monitor trees for changes in condition. Check trees at least once per month for the first year post-construction. Expert monitoring should be done at least every 6 months or if trees show signs of stress. Signs of stress include unseasonably sparse canopy, leaf drop, early fall color, browning of needles, and shoot die-back. Stressed trees are also more vulnerable to certain disease and pest infestations. Call the Project Arborist, or a consulting arborist if these, or other concerning changes occur in tree health.

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Conclusion

The proposed home building project at 176 Loma Alta Ave. appeared to be a valuable upgrade to the property. If the recommendations and protection measures in this report are followed, all trees identified for preservation would be expected to survive.

If any of the property owners, project team, or City reviewers have questions on this report, or require Project Arborist supervision or technical support, please do not hesitate to contact me at (408) 497-7158 or <u>busara@bofirestone.com</u>.

Signed,

Bo Inestrane

Busara (Bo) Firestone | ISA Board Certified Master Arborist #WE-8525B | ASCA Registered Consulting Arborist RCA #758 | ISA Qualified Tree Risk Assessor | ASCA Tree and Plant Appraisal Qualification | Member – American Society of Consulting Arborists | Wildlife-trained Arborist

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Glossary

AGE: Relative to tree lifespan; "Young" <1/3; "Mature" 1/3 - 2/3; "Overmature" >2/3

APPRAISAL RESULT: Replacement cost of a tree calculated using Trunk Formula Technique as described in Guide of Plant Appraisal, 10th Edition, Second Printing published 2019 by International Society of Arboriculture.

BASIC REPRODUCTION COST: Cost of replacing the cross-sectional area of the original tree by purchasing new trees. Based on unit tree replacement costs as given in the in "Species Classification and Group Assignment" published by The Western Chapter of the International Society of Arboriculture, 2004. All replacements costs based on largest commonly available tree size as 24" box with an average cost of \$172.73.

CONDITION-Ground based visual assessment of structural and physiological well-being:

"Excellent" = 81 - 100%; Good health and structure with significant size, location, or quality.

"Good" = 61-80%; Normal vigor, full canopy, no observable significant structural defects, many years of service life remaining.

"Fair" = 41-60%; Reduced vigor, significant structural defect(s), and/or other significant signs of stress

"**Poor**" = 21- 40%; In potentially irreversible decline, structure and aesthetics severely compromised

"Very Poor" = 6-20%; Nearly dead, or high risk of failure, negative contribution to the landscape

"Dead/Unstable" = 0 - 5%; No live canopy/buds or failure imminent

DBH / DSH: Diameter at 4.5' above grade.

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Mathematic DBH/DSH: diameter of multitrunked tree, mathematically derived from the combined cross-sectional area of all trunks.

EXTERNAL LIMITATIONS: Subjective rating based on limitations to the growth and utility of the tree imposed by factors beyond the site that are out of the control of the property owner. (Example: laws or diseases prevalent in the area, climate change)

FUNCTIONAL LIMITATIONS: Subjective rating based on limitations to the growth and utility of the tree imposed by the site. (Example: small planting site, overhead utilities)

HEIGHT: Height of tree from ground to top of canopy.

IDEAL TPZ RADIUS: Minimum recommended tree protection radius to ensure healthy, sound trees. Based on species tolerance, age, and size (total combined stem area). Compromising the radius in a specific area may be acceptable as per arborist approval.

IMPACT: Anticipated impact to an individual tree including.....

SEVERE - In direct conflict, removal necessary if plans proceed (distance to root cuts/fill within 3X DBH or root loss of > 30% anticipated).

HIGH – Work planned within 6X DBH and/or anticipated root loss of 20% – 30%.
Redesign to reduce impact should be explored and may be required by municipal reviewer. Retainment may be possible with monitoring or alternative building methods.
Health and structure may worsen even if conditions for retainment are met.

MODERATE - Ideal TPZ encroached upon in limited areas. No work or very limited work within 6X TPZ. Anticipated root loss of 10% - 25%. Special building guidelines may be provided by Project Arborist. Although some symptoms of stress are possible, tree is not likely to decline due to construction related activities.

LOW - Anticipated root loss of less than 10%. Minor or no encroachment on ideal TPZ. Longevity uncompromised with standard protection.

VERY LOW - Ideal TPZ well exceeded. Potential impact only by ingress/egress. Anticipated root loss of 0% - 5%. Longevity uncompromised.

NONE - No anticipated impact to roots, soil environment, or above-ground parts

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SPREAD: Distance between farthest branch tips.

SUITABILITY ASSESSMENT: An individual tree's suitability for preservation considering impacts, condition, maturity, species tolerance, site characteristics, and species desirability. (HIGH, MODERATE, or LOW)

TOLERANCE: General species tolerance to construction (GOOD, MODERATE, or POOR) as given in Managing Trees During Construction, Second Edition, by International Society of Arboriculture

TREE STATUS: "Protected "- when related to zoning approvals, most species, when the DBH is four inches or more (includes dead trees and fallen trees). "Large protected trees" – any Oak, California Buckeye, or Pacific Madrone, when the trunk DBH is 24 inches or more. Any other species when the DBH is 48 inches or more. Fruit trees exempt unless over 18". I used the mathematically derived diameter of total cross-sectional area of multi-trunk trees to determine if they qualified.

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Sources

Fite, Kelby, and E. Thomas Smiley. *Managing trees during construction*, second edition.

Champaign, IL: International Society of Arboriculture, 2016. Print.

ISA. *Guide for Plant Appraisal,* tenth edition, second printing. Savoy, IL: International Society of Arboriculture, 2019. Print.

ISA. *Guide for Plant Appraisal,* tenth edition. Savoy, IL: International Society of Arboriculture, 2019. Print.

ISA. Species Classification and Group Assignment, 2004 Western Chapter Regional Supplement.

Western Chapter ISA.

Smiley, E. Thomas, Nelda Matheny, and Sharon Lilly. *Best Management Practices: Tree Risk* Assessment: International Society of Arboriculture, 2011. Print.

CERTIFICATE OF APPRAISAL

I, Busara Rea Firestone, CERTIFY to the best of my knowledge and belief:

- 1. That the statements of fact contained in this plant appraisal are true and correct.
- 2. That the appraisal analysis, opinions, and conclusion are limited only by the reported assumption and limiting conditions, and that they are my personal, unbiased professional analysis, opinions, and conclusions.
- 3. That I have no present or prospective interest in the plants that are the subject of this appraisal, and that I have no personal interest or bias with respect to the parties involved.
- 4. That my compensation is not contingent upon a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- 5. That my analysis, opinions, and conclusions are developed, and this appraisal has been prepared, in conformity with the *Guide for Plant Appraisal (10th edition, 2000)* authored by the Council of Tree and Landscape Appraisers.
- 6. That the methods found in this appraisal are based on a request to determine the value of the plants considering reasonable factors of plant appraisal.
- 7. That my appraisal is based on the information known to me at this time. If more information is disclosed, I may have further opinions.

Signed,

101to

Busara (Bo) Firestone ISA Board-Certified Master Arborist #WE-8525B 07/18/2024

ON STAFF



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#WE-14992A

BO FIRESTONE TREES & GARDENS 2150 LACEY DR., MILPITAS, CA 95035 E: BUSARA@BOFIRESTONE.COM C: (408) 497-7158 WWW.BOFIRESTONE.COM



TREE INVENTORY - 176 LOMA ALTA AVE., LOS GATOS

THORNBERRY PROPERTY 07/18/2024

									TREE	IMPACT AS	SESSME	NT				
Tag Number	Common Name	Botanical Name	DBH (inches)	math. DBH (inches)	Height (feet)	Spread (feet)	Tree Status	Condition	Age	Species Tolerance	TPZ X FCTR	Ideal TPZ Radius (ft)	Impact Level	Suitability Rating	Prescription	Appraised Value
74	Southern Magnolia	Magnolia grandiflora	15.5	15.5	20	20	Protected	FAIR	MATURE	MODERATE	12	16	MODERATE	MODERATE	PRESERVE	\$3,910
75	Cherry Laurel	Prunus laruocerasus	7, 6, 4.5	10	15	20	not protected	FAIR	MATURE	MODERATE	12	10	LOW	MODERATE	PRESERVE	\$2,760
76	Chinese Elm	Ulmus parvifolia	20	20	40	50	Protected	GOOD	MATURE	MODERATE	12	20	MODERATE	LOW	PRESERVE	\$16,600
77	Coast Redwood	Sequoia sempervirens	est. 36	36	85	30	Protected	POOR	MATURE	HIGH	8	24	MODERATE	LOW	PRESERVE	\$7,200
78	Coast Redwood	Sequoia sempervirens	est. 24	24	70	25	Protected	POOR	MATURE	HIGH	8	16	MODERATE	LOW	PRESERVE	\$3,210
85	Coast Redwood	Sequoia sempervirens	est. 26	26	55	25	Protected	GOOD	MATURE	HIGH	8	17	MODERATE	HIGH	PRESERVE	\$11,300
86	Purple-leaf Plum	Prunus cerasifera	4	4	20	10	not protected	GOOD	MATURE	MODERATE	12	4	VERY LOW	HIGH	PRESERVE	\$470
87	Olive	Olea europaea	est. 11, 7, (2) 5, 4, 3, 1	16	25	30	Protected	GOOD	MATURE	MODERATE	12	16	LOW	HIGH	PRESERVE	\$7,900
88	Coast Live Oak	Quercus agrifolia	est. 36	36	40	40	Large Protected	GOOD	MATURE	HIGH	8	24	LOW	HIGH	PRESERVE	\$36,200
89	Chinese Pistache	Pistacia chinensis	8.5	8.5	25	20	not protected	GOOD	MATURE	MODERATE	12	9	LOW	HIGH	PRESERVE	\$2,990
KEY:																
#	Neighboring or Town S	treet Tree												TOTAL APP	RAISED VALUE	\$92,540
														VALUE OF TREE	S TO REMOVE	\$0
														VALUE OF TREE	S TO REMAIN	\$92,540

APPRAISAL SUMMARY - 176 Loma Alta Ave., Los Gatos 95030

Thornberry Property 07/18/2024

							DEPREC	IATING FACTORS			
No.	Common Name	Botanical Name	DBH (inches)	Crossectioinal Area (sq. in.)	Basic Reproduction Cost	Condition Rating	Functional limitations	Notes	External Limitations	Notes2	Appraisal Result
74	Southern Magnolia	Magnolia grandiflora	15.5	189	\$12,414	50%	70%	near pavement and street	90%	Street tree	\$3,910
75	Cherry Laurel	Prunus laruocerasus	7, 6, 4.5	79	\$8,766	50%	70%	near pavement	90%	property line	\$2,760
76	Chinese Elm	Ulmus parvifolia	20	314	\$35,063	75%	70%	near house	90%	property line	\$16,600
77	Coast Redwood	Sequoia sempervirens	est. 36	1018	\$53,573	25%	60%	near driveway, drought-sensitive	90%	property line	\$7,200
78	Coast Redwood	Sequoia sempervirens	est. 24	452	\$23,810	25%	60%	near driveway and fence, drought- sensitive	90%	property line	\$3,210
85	Coast Redwood	Sequoia sempervirens	est. 26	531	\$27,944	75%	60%	near house, fence, pavement, drought- sensitive	90%	property line	\$11,300
86	Purple-leaf Plum	Prunus cerasifera	4	13	\$1,403	75%	50%	short-lived species	90%	property line	\$470
87	Olive	Olea europaea	est. 11, 7, (2) 5, 4, 3, 1	201	\$13,228	75%	80%	near fence	100%	none	\$7,900
88	Coast Live Oak	Quercus agrifolia	est. 36	1018	\$66,966	75%	80%	minor limitatons	90%	property line	\$36,200
89	Chinese Pistache	Pistacia chinensis	8.5	57	\$6,333	75%	70%	near pavement and street	90%	Street tree	\$2,990
									TOTAL		\$92,540

TERMS

DBH: Diameter of tree trunk(s) measured at 4.5' above grade on high side,

CROSSECTIONAL AREA: combined area of all trunks

BASIC REPRODUCTION COST: Cost of replacing the cross-sectional area of the original tree by purchasing new trees. Based on unit tree replacement costs as given in the "Species Classification and Group Assignment" published by The Western Chapter of the International Society of Arboriculture, 2004. Replacement costs based on the largest commonly available tree size as a 24-inch box with a wholesale cost of \$250.

FUNCTIONAL LIMITATIONS: Factors associated with the interaction of the tree with its planting site that will affect plant growth, condition, or utility within the foreseeable future. (Example: small planting site, crowding, species suitability)

EXTERNAL LIMITATIONS: Subjective rating based on limitations to the growth and utility of the tree imposed by factors beyond the site that are out of the control of the property owner. (Example: laws or diseases prevalent in the area, climate change)

APPRAISAL RESULT: Cost of tree calculated using Trunk Formula Technique as described in Guide of Plant Appraisal, 10th Edition, Second Printing published 2019 by International Society of Arboriculture. CONDITION-Ground based visual assessment of structural and physiological well-being: "Excellent" = 81 - 100%; Good health and structure with significant size, location or qulaity.

"Good" & 61-80%; Normal vigor, full canopy, no observable significant structural defects, many years of service life remaining.

"Fair" = 41-60%; Reduced vigor, significant structural defect(s), and/or other significant signs of stress "Poor"21-40% = In potentially irreversible decline, structure an aesthetics severely compromised "Very Poor" 6-20% = Nearly dead, or high risk of failure, negative contribution to the landscape "Dead/Unstable" 0 - 5% = No live canopy/buds of railure imminent



September 13, 2024

Maria Chavarin **Community Development Department** 110 E. Main Street Los Gatos, CA 95030



Monarch Consulting Arborists

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

I was asked to review the plans and the applicant's arborist report and provide findings and recommendations. I visited the site on September 9, 2024.

The report provides all the required information expected for this type of assessment and includes the T-1 sheet and protection instructions.

The arborist's report was provided by Bo Firestone Trees and Gardens dated July 18, 2024 contains the required information for the proposed project.

I recommend adopting the report and recommendations for the project and that the project arborist monitor excavations adjacent to the trees as described in the report.

Richard J. Gessner

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





This Page Intentionally Left Blank Dear Blake and Jessica,

Matt and I are writing to share our concerns with your building plans, which we believe need to be addressed before the process goes any further. It is unfortunate that we have to do so formally like this, but we would have liked for you to come to us sooner. Our limited text exchanges led me to believe the plans would be reasonable, and after reviewing your proposal I no longer feel that way. Nevertheless, we hope that we will be able to work through these issues together.

When we first met, you told us that you want your home to be in keeping with the neighborhood, but while the architectural style is beautiful, keeping with the neighborhood is about more than the design. It is also about the size and the impact your new home will have on your neighbors, and in this respect we have several serious concerns.

We were quite taken aback that you have planned the entire site around the placement of our redwood trees without ever discussing even these critical aspects of the plan with us. As we have told you, these trees' invasive roots and the consequent flooding caused our property massive damage, resulting in hundreds of thousands of dollars of repair costs and our being displaced from our home for five months. Considering the impact your plans may have on these extraordinarily large yet fragile trees, we would have appreciated a conversation about these trees well before you started your design plans. It seems short-sighted to plan around them when they will continue to be in a precarious location and of very fickle health depending on the climate and weather. Given the size and sensitivity of the trees, we view this concern as a life safety issue, and as such simply cannot support your plans without further analysis that ensures the safety of ourselves and our home (and frankly those of other neighbors as well). Following additional expert analysis of the risks, it may be that solutions other than those you have proposed will be deemed better for all of us.

Similarly, as I am sure you are aware, the water levels running both under and above ground through our neighborhood during rainy weather are quite high, and have resulted in flooding not only at our property, but that of others on our street as well. We are very concerned that the mass and bulk of your proposal, including the large basement, involves a significant risk of displacing water to our property and causing further flooding for us. Given the large and expensive investments we have made in the past to seek to protect our home from such further damage, we believe additional expert analysis and potential modifications to the plans accordingly need to be undertaken to ensure the safety of our home.

Beyond these critical safety concerns, we have enjoyed our historic home for more than than ten years and one of the best, most enjoyable features of our home is the partial view of the Santa Cruz Mountains on the East side of Los Gatos, along with the abundant sun we receive throughout the year into our kitchen windows and the glass door to the exterior stairs. While we had an expectation that your new structure would change some of that view, we are very surprised at the extent to which your proposed plans would obliterate any view along that side of the house, at least in part due to the exceptions you are seeking to the FAR and setback requirements that govern our area. Among the purposes of those requirements is to assure adequate light, air, and privacy to neighbors, and there is little question your new plans impinge on our property in those respects. Clearly you and your architect understand the importance of light, as you are requesting that particular feature for your basement. Perhaps an alternative solution to the problems posed by the trees could address some of these concerns as well.

We have no wish to be adversaries, nor do we think that you should not be able to build a beautiful home. However, we simply do not believe that your request to exceed the FAR and setback requirements is compatible with your surrounding properties, or with our right to continue to enjoy our property. The examples mentioned in your letter of justification are not

applicable to this situation, as they do not negatively impact their neighbors in the significant way this proposal would impact us, nor are they considered surrounding your property. In particular, the second se

We very much would prefer if we could address these concerns between us and find reasonable compromises, rather than engage in some protracted process involving the Town. Please let us know if you share this desire for compromise.

From:	
То:	Maria Chavarin
Subject:	Neighbor Concerns: 176 Loma Alta Ave. S-24-042
Date:	Wednesday, November 6, 2024 9:43:40 PM
Attachments:	On-Site Arborist Request Email.pdf

[EXTERNAL SENDER]

Dear Maria Chavarin,

I am writing in regards to the project (Architecture and Site Application S-24-042) of the new family residence at 176 Loma Alta Ave. My name is Kelly Garton, the owner of the neighboring residence at the second state of the family owned since the early 1980s).

Blake and Jessica Thornberry shared their initial architect plans with us (myself and partner - Tom) on October 5th. At that time, and during follow on conversations, we brought up a few elements of concern:

(1) Two trees (#76 - Chinese elm and #85 - Redwood) located on my property at the were mentioned in the arborist report as being moderately impacted by the planned excavation and building activities. After a conversation with the Thornberrys on October 21st and follow-up discussion on October 25th, there was alignment for there to be a *required* on-site arborist at the time of the planned activities near the 2 tree sites to limit the impact (health and stability) on the trees.

I drafted and shared the attached email with the Thornberrys addressed to the contracted arborist expressing my specific concerns.

(2) On October 5th it was shared there was a concern with the planned window on the southwest corner of the new residence that was angled to be facing a pre-existing high window on my home with a direct view to the master bathroom and bedroom. On October 25th the Thornberrys were invited to see the view from the perspective inside of the placement and they took pictures to document. My request is for thoughtful consideration of the placement and type of proposed window to preserve privacy in these private spaces. A related concern is the impact on privacy with the location of the proposed master bedroom balcony. Again the side of the balcony faces my master bathroom (including toliet area) and bedroom. This was also shared with the Thornberrys so that there is consideration with placement and potential addition of a privacy barrier on their balcony.

I share these topics of concern for documentation purposes as well as to reiterate the respectful request for thoughtful consideration of the pre-existing neighboring trees and structures to maintain the surrounding landscape and privacy.

Please confirm receipt - I appreciate your time and please let me know if there are any questions regarding the above concerns.

Best,

Kelly Garton Owner/Resident of



Draft Email to Bo

Kelly Garton To: "blake.thornberry@gmail.com" <blake.thornberry@gmail.com> Cc: Sun, Nov 3, 2024 at 4:18 PM

Hi Blake & Jessica,

Below is a draft of the email I plan to send to Bo documenting the request for an on-site arborist. Please let me know if you have any questions or additional thoughts.

Thank you,

Kelly

Dear Bo Firestone,

Thank you for your assessment and follow-up for the excavation and development of the new home at 176 Loma Alta Ave. My name is Kelly Garton, the owner of the neighboring residence - (family owned since the early 1980s). My partner, Tom Valencia, and I met with the Thornberry's on 21-Oct and again on 25-Oct to discuss concerns about the planned activities near tree **#76** (Chinese elm) and tree **#85** (redwood).

Although your report outlines certain precautions that may take place if feasible, after further discussion with the Thornberry's, we came to an agreement to request an on-site arborist as a requirement whenever there are activities that may impact the 2 trees. These activities include but are not limited to the French drain planned likely to be within 10 ft of tree **#76** and excavation for the new garage structure likely planned within 13 feet of tree **#85**. If there are additional barriers and precautions that in your professional opinion are in the best interest of the trees before or during these activities, I am requesting that these measures be discussed with myself. Tom and the Thornberry's for discussion and alignment. This request is out of precaution of the health of these mature trees and the long term effects on overall stability that may impact the safety of structures both at 176 and the natural landscape of the property providing not only aesthetics, but ground stability and an environment suitable for other surrounding established plants.

Please reach out with any questions and I appreciate your attention to this project and the impact on the pre-existing neighboring trees.

Including Blake on this email as well for awareness.

Best,

Kelly Garton Owner/Resident of

Page 164

November 11, 2024

Dear Town of Los Gatos Planning Committee,

I am writing in support of my neighbors, Blake and Jessica, regarding their proposed building plans for 176 Loma Alta Avenue. As a fellow resident, I am familiar with the design and intention behind their project and can attest to their efforts to ensure their home respects the neighborhood's character and integrity.

Blake and Jessica have been thoughtful and conscientious in their planning, prioritizing not only aesthetics but also the well-being of nearby properties. They have made a sincere effort to address concerns related to size, water management, and natural landscape, including measures to preserve the distinctive redwood trees that are a part of our community's charm. I believe their plans, which include mitigative efforts around drainage and flood risk, demonstrate their commitment to minimizing any potential impact on surrounding properties.

The new home they envision will undoubtedly enhance the neighborhood, adding to its appeal while maintaining harmony with existing structures. Their desire to accommodate neighborhood concerns and find a balanced solution shows their dedication to the community.

I hope you will consider my perspective as a immediate neighbor resident who believes that Blake and Jessica's building project aligns with the best interests of our neighborhood. I fully support their proposed plans and am confident in their commitment to a responsible and respectful development.

Thank you for your consideration. Please do not hesitate to contact me if there are any questions.

Sincerely,

Ayhan Mutlu



Dear Members of the Los Gatos Planning Commission,

My husband Matt and I, along with our two children, have lived in the historic home at for 11 years. While we support the opportunity for our neighbors to build a new home on their lot at 176 Loma Alta Avenue, as proposed the house would be inconsistent with the City's design standards and as a result have a significant negative impact on our home on the adjacent lot. We have attempted to work with the applicant and their architect, but they have been unwilling to make any modifications to their design. As a result, we are submitting the following comments to the Town of Los Gatos planning staff, with the hope that the City will require modifications to the project to bring it into conformance with the Town's development standards and reduce the negative impacts to adjacent properties.

Site Drainage

The proposed new home would significantly increase impervious area on the property resulting in water run-off that could impact our property. We have been working to find a civil engineer to evaluate the proposal, but have not been able to find anyone thus far. Nevertheless, given the significant history of water intrusion at our property (resulting in significant damage and dislocation to us in the past), we are extremely concerned about this issue.

Shade/Privacy Impact

As designed, the new house would significantly impact privacy and daylight for the next door property at . The second floor includes windows that look down into our kitchen, first floor bedroom and backyard so that we will not have privacy and adequate light in these areas. As designed, the project does not meet the Town's design guidelines. The reduced side yard setback makes this condition worse. The new house should be redesigned to meet the minimum setbacks, provide a second floor step back, and remove windows that provide a direct view into our home. This would make the project more consistent with the following Town single-family residential design guidelines:

3.11.1 Minimize shadow impacts on adjacent properties

 Locate structures to minimize blocking sun access to living spaces and actively used outdoor areas on adjacent homes.

3.11.2 Minimize privacy intrusions on adjacent residences

- Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes.
- When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.
- Where possible, second floor windows that might intrude on adjacent property privacy should have sill heights above eye level or have frosted or textured glass to reduce visual exposure.

Building size and bulk

As designed, the new house is excessively bulky both from the street in front and from the side yard. We agree with the recommendations from the Town's consulting architect, but think the Town should also consider the side elevation, which was not included in the consulting architect's letter. Per the consulting architect's recommendations, the project should reduce the scale of porch elements and change roof materials to be consistent with the proposed architectural style. Steps should also be taken

to reduce the bulk of the building when viewed from the side elevation, which as currently designed is not in keeping with the Italianate Victorian style.

Of particular concern is the size and bulk of the proposed 2nd story. Our adjacent residence includes 1story elements at the front façade with use of 1.5-story architectural form and step backs to minimize the bulk and visual impact of the second story. The side façade of this proposal, in terms of massing, is oversized and inconsistent with Italianate Victorian style.

As proposed, the project is not consistent with the following Town guidelines:

3.3.2 Height and bulk at front and side setbacks

- Avoid eave lines and roof ridge lines that are substantially taller than the adjacent houses.
- Give special attention to adapting to the height and massing of adjacent homes. Avoid tall, unbroken front facades when other nearby homes have more articulated front facades with horizontal wall plane changes.
- In neighborhoods with small homes, try to place more of the floor area on the first floor with less area on the second floor.
- The design of two story homes constructed adjacent to one story houses should include techniques to minimize their visual impact and provide transitions in scale. Some techniques include:
 - Step down to one story elements near the side setbacks
 - Provide substantial side setbacks for the entire house
 - $\circ \quad \text{Provide substantial second floor side setbacks}$
 - Use hip roofs at the sides rather than gables
- Design with architectural integrity on all sides of the structure

Exceptions and Neighborhood Incompatibility

The project is asking to utilize Section 29.10.265 (3) of the Los Gatos Town Code based on the condition of the property as a non-conforming lot as it is slightly below the minimum lot size normally required in the R-1 zone. This provision states:

Any rule of the zone including front, side and rear yard requirements may be modified by the terms of the architecture and site approval so that the building and its use will be compatible with the neighborhood.

In summary, the proposed project is not compatible with the neighborhood because it does not conform to the Town's Residential Design Guidelines, which are specifically adopted by the Town to determine compatibility. Further, the applicant is proposing a larger than average house and has not demonstrated that the requested exceptions from the Town's Zoning Code development standards are justified. Therefore, it is not appropriate to grant the project an exception from the side yard setback, exception to the above ground FAR or other zoning standards, and the project should be modified to improve compatibility with the neighborhood and, in particular, the immediately adjacent properties.

Respectfully, Matt and Allison Railo This Page Intentionally Left Blank

From:	Blake
То:	Maria Chavarin
Cc:	Jay Plett; Anita Camozzi Jay Plett; Jessica Thornberry
Subject:	Re: Letter of Concerned Neighbor: S-24-042 - 176 Loma Alta Ave.
Date:	Tuesday, November 5, 2024 11:23:42 AM

[EXTERNAL SENDER]

Hi Maria,

We met with Matt and Allison Railo of 178 Loma Alta on Sunday morning (11/3) via Facetime to listen to their concerns in reference to the letter they sent the Town.

Below is a summary of our meeting:

- The issue regarding adequate drainage has been addressed with the French drains surrounding our proposed structure. The soil report and proposed basement configuration further alleviates this issue.
- The proposed setbacks and FAR are not out of character with the existing structures of the neighborhood.
- The massing of the main and second levels are independent from and unaffected by the placement of the basement relative to the redwoods trees on their property.
- Our home will not cast shadows in their direction as clearly demonstrated in the shadow study in the plan set.

In general Jessica and I feel they will be unhappy with any proposed improvement. We don't know how to alleviate their concerns any further.

Best regards, Blake & Jessica Thornberry

On Fri, Nov 1, 2024 at 1:50 PM Maria Chavarin <<u>MChavarin@losgatosca.gov</u>> wrote:

Hello Jay:

I am following up per our phone conversation this morning regarding options for response to concerned neighbors. If the property owner will have a verbal communication with the neighbor regarding the project, please forward a letter summarizing the conversation, the concerns and how they were addressed. This letter will be in the project file and a part of the staff report.

Thank you,



Maria Chavarin • Assistant Planner

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6807 • mchavarin@LosGatosCA.gov

www.losgatosca.gov • https://www.facebook.com/losgatosca

COMMUNITY DEVELOPMENT HOURS:

Counter Hours: 8:00 AM - 1:00 PM, Monday - Friday

Phone Hours: 8:00 AM - 5:00 PM, Monday - Friday

All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the <u>Building</u> and <u>Planning</u> webpages.

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This e-mail is intended only for the use of the individual(s) named in this e-mail. If you receive this e-mail and are not a named recipient, any use, dissemination, distribution or copying of the e-mail is strictly prohibited. If you have received this communication in error, please immediately notify us at the above e-mail address.

Think Green, please consider the environment before printing this e-mail.

176 Loma Alta Neighbor Review

I/We

residing at

have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections.

Garton and Tom Valencia 1/We Kell 10/5/24 residing at have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections. of chimney placement (2) making note to discuss exact placement of upper stairwell window for potential 1/We 10M + 4/46 MMAS bedroom 4t how residing at have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections. UCKFI gina I/We 10/6/24 residing at Onei have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections. I/We Ъ residing at

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EXHIBIT 13

176 Loma Alta Neighbor Review

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I/We ___

residing at ____

have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections.





AFTER REVIEWING THE LETTER SUBMITTED BY THE NEIGHBOR AT , I WOULD LIKE TO PROVIDE THE FOLLOWING RESPONSE.

AS THE PROJECT ARCHITECT, I HAVE NOT HAD THE OPPORTUNITY TO WORK WITH THE NEIGHBORS NOR HAVE I BEEN APPROACHED BY THEM TO DO SO.

SITE DRAINAGE

THE IS NOT AN APPLICABLE POINT. 176 IS DOWNHILL FROM 178.

THE EXISTING IMPERVIOUS COVERAGE OF 176 IS 3,959sf, PROPOSED IS 3,991sf - A MERE 32Ssf INCREASE.

THE PROPOSED SITE DRAINAGE HAS BEEN ENGINEERED TO RETAIN ALL WATER ON SITE PER TOWN REQUIREMENTS AND HAS BEEN REVIEWED AND APPROVED BY THE TOWN ENGINEERING DEPARTMENT. THERE IS NO ISSUE HERE.

SHADOWS

THE PROPOSED NEW HOME WILL CAST SHADOWS OPPOSITE FROM THE NEIGHBOR AT 178. THIS IS ILLUSTRATED CONCLUSIVELY ON SHEET SHW-1. NO SHADOWS WILL BE CAST TOWARDS AND DAYLIGHT WILL NOT BE BLOCKED IN ANY WAY TO _____ - THERE IS NO ISSUE HERE.

SETBACKS

THE LOT IS NON-CONFORMING IN TERMS OF WIDTH, AREA AND OF AN IRREGULAR TRAPEZOIDAL SHAPE. ITS FRONTAGE IS 31'-9" (60'-0" IS REQUIRED FOR ZONE). IT HAS 1,435% OF SITE AREA (8,000 % IS REQUIRED FOR ZONE). TOWN POLICY SPECIFICALLY ALLOWS SETBACK AND AREA EXCEPTIONS FOR SUCH NON-CONFORMING PARCELS.

THE PARCELS IN THE NEIGHBORHOOD ALL POSSESS NON-CONFORMING FRONTAGES/LOT WIDTHS AND ALL THE HOMES POSSESS NON-CONFORMING SIDEY ARD SETBACKS.





PAGE 2 OF 4



THORNBERRY

176 LOMA ALTA

THE PARCEL TO THE RIGHT OF 176 (172) IS THE ONLY CONFORMING WIDTH PARCEL AND EVEN THAT HOME ENJOYS A 4'-9" SIDEYARD SETBACK NEXT TO 176.

THE NEIGHBOR TO THE LEFT AT 118 HAS A WIDER LOT THAN 116 AND ENJOYS SIDEY ARD SETBACKS OF 4'-0" ON THE SOUTH SIDE AND 5'-0" ON THE NORTH SIDE - RIGHT NEXT TO 116.

NEXT TO 118, THE PROJECT HOUSE WILL HAVE AN AVERAGE FIRST FLOOR SIDEY ARD SETBACK OF 6'-6" AND AN AVERAGE UPPER FLOOR SIDEY ARD SETBACK OF 1'-0".

THE UPPER FLOOR SIDEYARD SETBACK NEXT TO 178 INCREASES FROM FRONT TO BACK - IT IS 6'-6" AT FRONT OF PROPERTY, THEN INCREASES TO 9'-6" TOWARDS THE OF REAR OF THE PROPERTY.

WINDOWS/PRIVACY

THERE ARE NO 'PUBLIC SPACE' SIDEY ARD UPPER LEVEL WINDOWS FACING 178. AS DESIGNED, A CHILDS BEDROOM, BATHROOM AND THE MASTER BATHROOM WINDOWS DO FACE TOWARDS 118, BUT THESE ARE PRIVATE SPACES AND THE THORNBERRY'S DESIRE PRIVACY TO THESE SPACES AS MUCH AS DOES.

THESE SPACES WILL EMPLOY THE USE OF WINDOW COVERINGS AS A COURSE OF NATURAL BEHAVIOR.



THORNBERRY 176 LOMA ALTA

PAGE 3 OF 4

RE: LETTER FROM NEIGHBORHOR AT

THIS IS A TYPICAL CONDITION OF 'IN TOWN LOS GATOS HOMES! NEIGHBORHOODS AND IS CONSISTENT/PERMISSIBLE WITHIN DESIGN GUIDELINES AND TOWN POLICY.

GROUND LEVEL SIDEY ARD WINDOWS OF BOTH 178 AND 176 🖬 FACE EACH OTHER – THIS CONDITION WILL NOT CHANGE, BUT WILL IMPROVE AS THE NEW KITCHEN WINDOW LOCATION OF 176 WILL BE OFFSET FROM 178'S KITCHEN WINDOW. CONSISTENT WITH DESIGN GUIDELINES.

BULK AND MASS

VERTICAL TWO STORY FACE TYPICAL OF THE NE HBORHOOD AND TYPICAL OF THE ITALIANATE AND VICTORIAN STYLES IN GENERAL.

LARRY CANNON'S REVIEW SPEAKS FOR ITSELF. HE FOUND THE HOME TO BLEND WELL, FIT WELL AND BE OF APPROPRIATE MASSING AND STYLE WITH THE NEIGHBORHOOD.

WE HAVE ALSO MODIFIED THE FRONT PORCH PER CANNONS DIRECTION. SHORTENING ITS PROJECTION AND INCREASING THE FRONTY ARD SETBACK.

PUSHING THE UPPER LEVEL BACK WOULD NOT BE CONSISTENT WITH ITALIANATE OR VICTORIAN STYLE, NOR WARRANTED AS THE FRONT PORCH CREATES AND PROVIDES AN OFFSET MASSING ARTICULATION CONSISTENT WITH OTHER NEIGHERRING HOMES SUCH AS:

162 LOMA ALTA 188 LOMA ALTA 195 LOMA ALTA

177 LOMA ALTA

179 LOMA ALTA









THORNBERRY 176 LOMA ALTA

RE: LETTER FROM NEIGHBORHOR

MANY MORE EXAMPLES LINE THE WHOLE OF LOMA ALTA FROM LOS GATOS BLVD UP TO CYPRESS WAY.

AT

LARRY CANNON'S REVIEW WAS THOROUGH - FRONT, SIDE AND BACK -WITH NO MENTION OF A NEED TO CHANGE THE MASSING IN ANY WAY. THE GROUND FLOOR AREA TO UPPER LEVEL AREA IS 58% LOWER LEVEL TO 42% UPPER LEVEL, BEING IN COMPLIANCE WITH TOWN GUIDELINES.

LIKE ALL FAMILIES, THE THORNBERRY'S DESIRE TO HAVE THEIR CHILDREN RESIDE ON THE SAME LEVEL AS THEY DO. THE UPPER LEVEL CONSISTS OF 3 MODEST BEDROOMS AND TWO BATHROOMS - ONE ROOM FOR THEIR TWO SONS (AGES ONE ROOM FOR THEIR DAUGHTER (AGE ONE BATHROOM TO BE SHARED BY ALL 3 CHILDREN AND A PRIMARY BEDROOM AND BATH. THE MAIN LAUNDRY ROOM HAS BEEN PLACED DOWN IN THE BASEMENT TO MINIMIZE UPPER LEVEL AREA BULK AND MASS - IN NO WAY SHOULD THIS BE CONSIDERED EXCESSIVE.

NEIGHBORHOOD COMPATIBILITY

THE HOME HAS BEEN METICULOUSLY DESIGNED TO FIT ITS SITE, FOUND COMPATIBLE IN TERMS OF MASSING AND STYLE BY CONSULTING ARCHITECT LARRY CANNON. MATERIALS CONSISTING OF WOOD SIDING, COMPOSITION ASPHALT SHINGLE ROOFING AND TRUE DOUBLE HUNG WOOD WINDOWS ARE CONSISTENT WITH MATERIALS OF NEIGHBORING HOMES.

NEIGHBOR OUTREACH WAS CONDUCTED WITH THE DLLOWING ATTACHED LIST HAVING REVIEWED THE PLANS AND PIPEVIDED SIGNATURE OF APPROVAL.

SUMMARY

THIS HOME HAS BEEN DESIGNED IN A MOST THOUGHTFUL WAY TO RESPECT THE NEIGHBORHOOD, PROVIDE FOR NEIGHBORING TREE PRESERVATION, AND TO BLEND HARMONIOUSLY WITHIN ITS GIVEN SITE CONSTRAINTS. IT MEETS APPROVAL WITH THE CONSULTING ARCHITECT AND ALL THE OTHER IMMEDIATE NEIGHBORS. THE EXCEPTIONS ASKED FOR ARE TYPICAL OF THE EXISTING NEIGHBORHEDD CONDITIONS.

THANK YOU FOR YOUR CONSIDERATION AND WE WOULD ASK THAT YOU APPROVE THE THORNBERRY'S HOME AS DESIGNED.

Page 176 JAY PLETT ARCHITECT 176 Loma Alta Neighbor Review

I/We DMA ALTA AVE residing at _ have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections. I've Kelly Garton and Tom Valencia 10/5/24 Lomd Alta Ave. residing at have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections. of chimney placement (2) making note to discuss exact placement of upper stairwell window for any placement



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176 Loma Alta Neighbor Review

24 0 I/We residing at have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections. Owe Linda Van Mouverik Loma alta ave, 16 95 residing at

have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections.

I/We

residing at _____

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I/We

residing at ____

have reviewed the plans for 176 Loma Alta dated 9.30.24 and have no objections.



See list of supports below and the original signature document attached. The bottom twos are verbal support we got.

- Ayhan <u>Mutlu(with supporting letter to town)</u>
 - LOMA ALTA AVE
 - o **10/3/24**
- Kelly Garton and Tom Valencia(some concerns over the tress and they sent a letter to town, we addressed that already)
 - o Lom Alta Ave.
 - o <u>10/5</u>/24
- Tom and Julie Thomas
 - Loma ALTA Ave
 - o <u>10/6</u>/24
- Gina Tuckfield
 - Loma Alta Ave, Los Gatos CA 1
 - o <u>10/6</u>/24
- Patricia(Trixie) Bentley
 - Loma Alta
 - o <u>10/7</u>/24
- Yu Chen
 - Johnson Ave
- Ron + Linda Eng
 - Loma Alta Ave
 - o <u>10/7</u>/2024
- Wei Yu
 - Loma Alta Ave
- Linda Van Mouwerik
 - o Loma Alta Cave, 16 95030
 - o <u>10/7</u>/24
- Shimin Zhu o
 - Vista del Monte
- Verbal support below:
 - Raymond and Robin
 - Los Gatos Blvd
 - Scott(Raymond and Robin told us about him)
 - Loma Alta Ave

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EN 24 3360

SANTA CLARA COUNTY FIRE DEPARTMENT 5 Dell Avenue, Campbell, CA 95008 | (408) 378-4010 | SCCFD.org

DEVELOPMENTAL REVIEW COMMENTS approved locations to facilitate emergency response. Address numbers shall be Arabic numbers i alphabetical letters. Numbers shall be a minimum of 6 inches high with a minimum stroke width of inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed fi the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

Carly PLANS SPECE New MILE AS DOCUMANCY CONST, YVE Applications DAYS IN THE APPLICATION OF A STATE AND A STATE AN 2=1ismt 4315 LOAD PROJECT DESCRIPTION Residential Developm Residential Development NEW SER 176 Loma Alta Avenue Los Gatos TABULAR FIRE FLOW



DEVELOPMENTAL REVIEW COMMENTS

The California Fire (CFC) & Building (CBC) Code, 2022 edition, as adopted by the Town of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

Proposed new 4,315 SF two-story single-family residence with basement and 529 SF detached garage.

Plan Review Conditions. Revise and resubmit drawings and provide a response letter addressing comments on this plan review. All comments having **BOLD** Font require correction prior to approval.

Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

2. NOTE: The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). Pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to — adopt regulations implementing minimum fire statey standards related to defensible space "applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA). Very High Fire Hazard Severity Zone All commers below that result from PRC 4290 requirements, the more stringent requirement shall apply. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter Code of Regulations.

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A Callfornia Fire Protection District serving Santa Clara County and the communities of Campbell, Capertino, Los Allos, Los Allos Hills, Los Datos, Monte Serenn' Saratoga and the surrounding unincorporated communities.

176 Loma Alta Avenue Los Gatos

Attainance for the synamical set and the state of the sta

3. This project deems compliance with the PRC 4290 requirements.

Plans and Scope of Review:

Plan Status:

Plan Review Comments:

2, Articles 1-5, § 1273.08.

NEW SER

TABULAR PIRE PLOW 1750

This project shall comply with the following:

The scope of this project includes the following:

ell'Avenue, Campbell, CA 95008 1 (408) 378-4010 1 SCCPD org

NEVIEW No. 24 3360

SANTA CLARA COUNTY FIRE DEPARTMENT Dell Avenue, Campboll, CA 95008 | (408) 375-4018 | SCCFD.org.

> DEVELOPMENTAL REVIEW COMMENTS 4. Fire Sprinklers Required: Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. Make a note on sheet A-1 that sprinklers will be installed for both main house and nearene. and garage.

> 5 Required Fire Flow: The minimum require fireflow for this project is 875 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3] Provide a fire flow letter from a local water purveyor confirming the required fire flow of 875 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure is required. Contact your local water purveyor (San Jose Water) for details on how to obtain the fire flow letter.

6. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

7 Address identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional. city while steps new mean As accurrency cover type Approximation of the register of the regis 2-bent 4315 Project Description Design Review

126 Lonia Afra Avenna Los Cates NEW SPR. TABULAR HITE FLOW перистон ногите ритикцета поситер иле посите за из ви тру Котору. 50% 825 ру Котору A California Fire Protection Costnet serving Sonta Clarg County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Galos, Monte Saceno, Satataga and the surrounding unincorporated communities



REVIEW No. 24 3360

FIRE SPRINKLERS REQUIRED PER SCC FIRE CONDITIONS OF APPROVAL FOR THE PROJECT

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SHW-1	SHADOW STUDY
C1.1	EXISTING SITE AND DEMO PL
C2.1	SITE IMPROVEMENTS PLAN
C2.3	SECTIONS AND PROFILES
C3.1	EROSION CONTROL PLAN
C3.2	EROSION CONTROL DETAILS
C4.1	CONSTRUCTION DETAILS



OWNERS BLAKE AND JESSICA THORNBERRY 176 LOMA ALTA AVENUE LOS GATOS 916-833-3234

PARTICULARS

ZONE RI-8 NON-CONFORMING AVG SLOPE 6.4% APN:532-28-031

7,435 SF

2,454 SF

1,684.5 SF/58%

1,212.5 SF/42%

2,897.0 SF/100%

521.0 SF

3,418.0 SF

AREA SUMMARY

SITE AREA	
FAR-HOUSE = .33	
ALLOWED FLOOR	AREA

* PROPOSED HOUSE

MAIN LEVEL FLOOR AREA UPPER LEVEL FLOOR AREA * ABOVE GRADE FLOOR AREA

BELOW GRADE FLOOR AREA -THIS WILL NOT CONTRIBUTE IN ANY WAY TO MASS OR BULK OF STRUCTURE * TOTAL FLOOR AREA

ABOVE GRADE FAR .39 ABOVE GRADE + BELOW GRADE FAR .46

GARAGE AREA

FAR GARAGE = .09	
ALLOWED GARAGEFAR	691.0 SF
ALLOWED GARAGENSA	528.5 SF
PROPOSED GARAGE	528.5 SF
BUILDING COVERAGE IMPERVIOUS COVERAGE	2,432.5/ 33% 2,768.5/ 37%

BUILDING DEPARTMENT REQUIREMENTS:

1. A SEPARATE BUILDING PERMIT WILL BE REQUIRED FOR THE PHOTOVOLTAIC SYSTEM. PLEASE ADD A NOTE TO THE COVER SHEET OF THE PLANS STATING TH FOLLOWING, "A SEPARATE BUILDING PER IS REQUIRED FOR THE PV SYSTEM THAT REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVI STANDARDS. THE SEPARATE PV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANC

2. ONE OF THE REQUIREMENTS OF THE TOWN'S ENERGY REACH CODE IS THAT ALL NEW HOMES USE ELECTRICITY AS THE ONLY SOURCE OF ENERGY FOR SPACE HEATING. WATER HEATING (INCLUDING POOLS AND SPAS), COOKING APPLIANCES, CLOTHES ON A-A DRYING APPLIANCES, AND OTHER FEATURES FOR BOTH INTERIOR AND EXTERIOR APPLICATIONS. PLEASE REMOVE 10 PLAN ALL REFERENCE TO GAS APPLIANCES AND ADD A NOTE TO THE COVER SHEET OF THE PLANS STATING THE FOLLOWING, "THIS RESIDENCE WILL COMPLY WITH THE TOWN'S ALL ELECTRIC APPLIANCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE".

> 3. EMERGENCY ESCAPE AND AREA WELLS MUST HAVE A HORIZONTAL PROJECTION AND WIDTH OF NOT LESS THAN 36", SHEET C2.1 AND C3.1.

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JAY	PLETT
ARCH	ITECT
408.354. jay@plett	4551 -arc.com
213 Bean	t-arc.com Avenue 5. CA 95030
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Scale :	
Date :	Sheet

EXHIBIT 15

SCALE: 1"=50'

NEIGHBORHOOD PLAN







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Page 182



	Address	Zoning	Bldg SF Town Records	Bldg SF County Records	S
Existing	178 Loma Alta Ave	R-1:8	1,300	2,660	8
Existing	180 Loma Alta Ave	R-1:8	2,605	2,605	8
Existing	172 Loma Alta Ave	R-1:8	2,332	2,588	7
Existing	162 Loma Alta Ave	R-1:8	2,647	2,599	8
Existing	177 Loma Alta Ave	R-1:8	2,227	3,018	6
Existing	179 Loma Alta Ave	R-1:8	2,919	2,919	7
Existing	185 Loma Alta Ave	R-1:8	1,206	1,206	7
Existing	116 Alta Heights Ct	R-1:8	1,933	1,993	6
Existing	187 Loma Alta Ave	R-1:8	1,866	1,814	7
Existing	176 Loma Alta Ave (E)	R-1:8	996	996	7
LXP (N	Proposed	R KI	8 1 92	2	
Proposed	176 Loma Alta Ave (P)	R-1:8	2,897	2,9	7
	Below Grade Bsmt Floo	r Area	521		Γ
	About Conde : Dalan C	1 4	2 110		T



















BASEMENT FLOOR PLAN 1/4" = 1-0"















JUNE 21 @ 9AM









JUNE 21 @ 12PM





DEC 21 @ 3PM

JUNE 21 @ 3PM

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IMPERVIOUS AREAS TO BE REMOVED			
DESCRIPTION	AREA (SF)		
BUILDING	1335		
CONCRETE	663		
PAVERS	1632		
DECK	307		
AC	22		
TOTAL (E) AREA TO BE REMOVED	3959		

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- 1. ALL EXISTING IRRIGATION LINES FOUND WITHIN AREAS OF IMPROVEMENT WILL NEED TO BE REMOVED AND
- 2. ALL UTILITY VAULTS (NOT NOTED OTHERWISE) FOUND WITHIN AREAS OF IMPROVEMENT WILL NEED TO BE ADJUSTED TO MATCH PROPOSED FINISH SURFACE ELEVATIONS.
- 3. TREES NOT SHOWN FOR DEMOLITION ON THIS SHEET SHALL BE PROTECTED IN ACCORDANCE WITH THE PROJECT

SAN JOSE WATER PACIFIC GAS & ELECTRIC WEST VALLEY SANITATION DISTRICT WEST VALLEY CLEAN WATER AUTHORITY FRONTIER COMMUNICATIONS

REVISIONS PLAN CHECK RESPONSE RK PLAN CHECK RESPONSE RI ▲ 10.31.24 AND PLAN EXISTING SITE DEMOLITION F S Ο ш C S LO LO ' RESIDI 'ENUE, I -38-03 \mathbf{M} $\succ >$ ERRY A AV 532 Ω **-** . . AL⁻AL 4 Ο H THOM 9 06.18.2024 Date: 1" = 10' Scale: DD/RK Drawn: 9060.01 Job: Sheet: Of **b** Sheets

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NORTH

SCALE: 1"=10'

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### NOTE:

1. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY.

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- 2. REMOVED SEDIMENT SHALL BE DEPOSITED AT AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.
- 3. SILT FENCE SHALL BE REPLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.







<u>ALL CONSTRUCTION SITES</u>

- DELINEATE CLEARING LIMITS, SENSITIVE OR CRITICAL AREAS, TREES, DRAINAGE COURSES, AND BUFFER ZONES TO PREVENT EXCESSIVE OR UNNECESSARY DISTURBANCE AND EXPOSURE OF SOIL. 1. IDENTIFY ALL STORM DRAINS, DRAINAGE SWALES AND CREEKS LOCATED NEAR THE CONSTRUCTION SITE AND MAKE SURE ALL SUBCONTRACTORS ARE AWARE OF THEIR LOCATIONS TO PREVENT POLLUTANTS FROM
- 2. PRESERVE EXISTING VEGETATION, WHERE REQUIRED AND WHEN FEASIBLE. TO THE MAXIMUM EXTENT
- PRACTICABI F 3. PHASE GRADING OPERATIONS, TO THE EXTENT POSSIBLE, TO LIMIT AREAS OF DISTURBANCE AND TIME OF
- 4. AVOID AND/OR MINIMIZE IMPACTS OF EXCAVATION AND GRADING DURING WET WEATHER AND IMMEDIATELY
- PRECEDING EXPECTED WET WEATHER. MINIMIZE CUTS AND FILLS. 6. IMPLEMENT MEASURES TO MINIMIZE EROSION, MANAGE STORM WATER RUNOFF, AND PREVENT POLLUTANTS
- FROM CONSTRUCTION ACTIVITIES FROM ENTERING STORM DRAINS. ALIGN TEMPORARY AND PERMANENT ROADS AND DRIVEWAYS ALONG SLOPE CONTOURS.
- 8. WASH VEHICLES AT AN APPROPRIATE OFF-SITE FACILITY. IF EQUIPMENT MUST BE WASHED ON-SITE, USE WASH DOWN AREAS DEVELOPED FOR SPECIFIC SITE REQUIREMENTS AND APPROVED BY THE CITY REPRESENTATIVE. DO NOT USE SOAPS, SOLVENTS, DEGREASERS, OR STEAM CLEANING EQUIPMENT, AND PREVENT WASH WATER FROM ENTERING STORM DRAINS.

MINIMIZE SOIL MOVEMENT STOCKPILED SOIL AND MATERIALS SHOULD BE COVERED AND STABILIZED WITH TARPS, GEOTEXTILE FABRIC,

- HYDROSEEDING AND/OR EROSION CONTROL BLANKETS. 2. CREATE A BERM AND/OR INSTALL SILT FENCING AROUND STOCKPILED MATERIALS TO PREVENT STORM
- WATER RUNOFF FROM TRANSPORTING SEDIMENT OFFSITE.
- 3. USE STANDARD EROSION CONTROL SEEDING, PLANTING, MULCHING, GEOTEXTILE FABRIC AND/OR EROSION CONTROL BLANKETS TO STABILIZE DISTURBED SOIL AND REDUCE THE POTENTIAL FOR EROSION.
- 4. USE OTHER SOIL STABILIZERS AS APPROVED BY THE CITY OF CAPITOLA.
- STRUCTURES TO CONTROL AND CONVEY RUNOFF
- CONVEY RUNOFF BY USE OF EARTH DIKES, DRAINAGE SWALES AND/OR DITCHES WHEN FEASIBLE. USE SLOPE DRAINS TO COLLECT AND CONVEY WATER FOR DISCHARGE BELOW SLOPES WHEN FEASIBLE.
- USE VELOCITY DISSIPATION DEVICES, FLARED CULVERT END SECTIONS AND/OR CHECK DAMS TO REDUCE RUNOFF VELOCITY AND MITIGATE EROSION WHEN FEASIBLE.

CAPTURE SEDIMENT

- 1. USE TERRACING, RIPRAP, SAND BAGS, ROCKS, APPROVED TEMPORARY VEGETATION AND/OR OTHER APPROVED BMP'S ON SLOPES TO REDUCE RUNOFF VELOCITY AND TRAP SEDIMENTS. DO NOT USE ASPHALT RUBBLE OR OTHER DEMOLITION DEBRIS FOR THIS PURPOSE. 2. PROTECT STORM DRAIN INLETS FROM SEDIMENT-LADEN RUNOFF. STORM DRAIN INLET PROTECTION DEVICES INCLUDE GRAVEL BAGS, FILTER FABRIC FENCES AND BLOCK AND GRAVEL FILTERS.
- OTHER RUNOFF CONTROLS
- TEMPORARY SEDIMENT BASIN SEDIMENT TRAP
- BRUSH OR ROCK FILTER
- . SILT FENCE 5. SAND OR GRAVEL BAG BARRIER

<u> FRACKING CONTROI</u>

IMPLEMENT MEASURES AS NECESSARY TO MINIMIZE TRACKING OF SOIL OFF SITE USE DRY SWEEPING METHODS WHEN CLEANING SEDIMENTS FROM STREETS, DRIVEWAYS AND PAVED AREAS BY HAND. WHEN USING MECHANICAL STREET SWEEPERS, USE FINE WATER SPRAY TO REDUCE DUST AND

IMPROVE SEDIMENT REMOVAL WHILE MINIMIZING RUNOFF.

- 1. DO NOT CLEAN PAINT BRUSHES OR RINSE PAINT CONTAINERS INTO A STREET, GUTTER, STORM DRAIN, OR CREEK. 2. FOR WATER-BASED PAINTS, PAINT OUT BRUSHES TO THE EXTENT POSSIBLE AND RINSE TO A DRAIN
- LEADING TO THE SANITARY SEWER (I.E., INDOOR PLUMBING). 3. FOR OIL-BASED PAINTS, PAINT OUT BRUSHES TO THE EXTENT POSSIBLE, AND FILTER AND REUSE THINNERS AND SOLVENTS. DISPOSE OF UNUSABLE THINNERS, OIL-BASED PAINT, SLUDGES AND RESIDUE
- AS HAZARDOUS WASTE. 4. NON-HAZARDOUS PAINT CHIPS AND DUST FROM DRY STRIPPING AND SAND BLASTING MAY BE SWEPT UP OR COLLECTED IN PLASTIC DROP CLOTHS AND DISPOSED OF AS TRASH. CHEMICAL PAINT STRIPPING RESIDUE AND CHIPS AND DUST FROM MARINE PAINTS OR PAINTS CONTAINING LEAD OR TRIBUTYL TIN
- MUST BE DISPOSED OF AS A HAZARDOUS WASTE. 5. WHEN STRIPPING OR CLEANING BUILDING EXTERIORS WITH HIGH-PRESSURE WATER, COVER OR BERM STORM DRAIN INLETS. COLLECT (MOP OR VACUUM) BUILDING CLEANING WATER FOR DISPOSAL IN A PRE-AUTHORIZED MANNER.
- RECYCLE, RETURN TO SUPPLIER OR DONATE UNWANTED WATER-BASED (LATEX) PAINT. 7. DRIED LATEX PAINT MAY BE DISPOSED OF IN THE TRASH.

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Scale: NTS

# ENTERING THEM.

THE HEIGHT OF A SILT FENCE SHALL NOT EXCEED 36 INCHES. STORAGE HEIGHT SHALL NEVER EXCEED 18". THE FENCE LINE SHALL FOLLOW THE CONTOUR AS CLOSELY AS POSSIBLE.

IF POSSIBLE, THE FILTER FABRIC SHALL BE CUT FROM A CONTINUOUS ROLL TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE NECESSARY, FILTER CLOTH SHALL BE SPLICED ONLY AT A SUPPORT POST, WITH A MINIMUM 6-INCH OVERLAP AND BOTH ENDS SECURELY FASTENED TO THE POST.

POSTS SHALL BE SPACED A MAXIMUM OF 10 FEET APART AND DRIVEN SECURELY INTO THE GROUND (MINIMUM OF 12 INCHES). WHEN EXTRA STRENGTH FABRIC IS USED WITHOUT THE WIRE SUPPORT FENCE, POST SPACING SHALL NOT EXCEED 6 FEET. TURN THE ENDS OF THE FENCE UPHILL.

A TRENCH SHALL BE EXCAVATED APPROXIMATELY 4 INCHES WIDE AND 6 INCHES DEEP ALONG THE LINE OF POSTS AND UPSLOPE FROM THE BARRIER.

WHEN STANDARD-STRENGTH FILTER FABRIC IS USED, A WIRE MESH SUPPORT FENCE SHALL BE FASTENED SECURELY TO THE UPSLOPE SIDE OF THE POSTS USING HEAVY DUTY WIRE STAPLES AT LEAST 1 INCH LONG, TIE WIRES OR HOG RINGS. THE WIRE SHALL EXTEND INTO THE TRENCH A MINIMUM OF 2 INCHES AND SHALL NOT EXTEND MORE THAN 36 INCHES ABOVE THE ORIGINAL GROUND SURFACE.

THE STANDARD-STRENGTH FILTER FABRIC SHALL BE STAPLED OR WIRED TO THE FENCE, AND 6 INCHES OF THE FABRIC SHALL EXTEND INTO THE TRENCH. THE FABRIC SHALL NOT EXTEND MORE THAN 36 INCHES ABOVE THE ORIGINAL GROUND SURFACE. FILTER FABRIC SHALL NOT BE STAPLED TO EXISTING TREES.

WHEN EXTRA-STRENGTH FILTER FABRIC AND CLOSER POST SPACING ARE USED, THE WIRE MESH SUPPORT FENCE MAY BE ELIMINATED. IN SUCH A CASE, THE FILTER FABRIC IS STAPLED OR WIRED DIRECTLY TO THE POSTS.

THE TRENCH SHALL BE BACKFILLED AND THE SOIL COMPACTED OVER THE TOE OF THE FILTER FABRIC.

SILT FENCES PLACED AT THE TOE OF A SLOPE SHALL BE SET AT LEAST 6 FEET FROM THE TOE IN ORDER TO INCREASE PONDING VOLUME.

SILT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UPSLOPE AREA HAS BEEN PERMANENTLY STABILIZED, AND ANY SEDIMENT STORED BEHIND THE SILT FENCE HAS BEEN REMOVED.

INSPECTION AND MAINTENANCE

SILT FENCES AND FILTER BARRIERS SHALL BE INSPECTED WEEKLY AND AFTER EACH SIGNIFICANT STORM (1" IN 24 HR.). ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY. SEDIMENT SHALL BE REMOVED WHEN IT REACHES 1/3 HEIGHT OF THE FENCE OR 9 INCHES MAXIMUM.

THE REMOVED SEDIMENT SHALL VEGETATE OR OTHERWISE STABILIZED.

Scale: NTS

CEMENT AND CONCRETE WORK

- AVOID MIXING EXCESS AMOUNTS OF FRESH CONCRETE OR CEMENT MORTAR ON-SITE. STORE DRY AND WET CONCRETE AND CEMENT UNDER COVER, PROTECTED FORM RAINFALL AND RUNOFF.
- WASH OUT CONCRETE TRANSIT MIXERS ONLY IN DESIGNATED WASH-OUT AREAS. WHENEVER POSSIBLE, RECYCLE WASHOUT BY PUMPING BACK INTO MIXERS FOR REUSE. DO NOT DISPOSE OF WASHOUT INTO THE STREET, STORM DRAINS, DRAINAGE DITCHES, OR CREEKS. DESIGNATED WASH-OUT AREAS MUST BE MAINTAINED TO PREVENT OVER FLOW. - MIXER BARREL TO THE OFF-SITE YARD FOR RECYCLING. WHENEVER POSSIBLE, RETURN CONTENTS DISPOSE OF SMALL AMOUNTS OF EXCESS CONCRETE, GROUT, AND MORTAR IN THE TRASH.

ROADWORK/PAVEMENT

- APPLY CONCRETE, ASPHALT, AND SEAL COAT DURING DRY WEATHER TO PREVENT CONTAMINANTS FROM CONTACTING STORMWATER RUNOFF.
- 6. COVER STORM DRAIN INLETS AND MANHOLES WHEN PAVING OR APPLYING SEAL COAT, SLURRY SEAL, FOG SEAL, AND SIMILAR MATERIALS. ALWAYS PARK PAVING MACHINES OVER DRIP PANS OR ABSORBENT MATERIALS, SINCE THEY TEND TO DRIP CONTINUOUSLY.
- 8. WHEN MAKING SAW-CUTS IN PAVEMENT, USE AS LITTLE WATER AS POSSIBLE. COVER POTENTIALLY AFFECTED STORM DRAIN INLETS COMPLETELY WITH FILTER FABRIC DURING THE SAWING OPERATION AND CONTAIN THE SLURRY BY WET-VACUUMING, OR BY PLACING STRAW BALES, SANDBAGS, OR GRAVEL DAMS AROUND THE CATCH BASINS. AFTER THE LIQUID DRAINS OR EVAPORATES, SHOVEL OR VACUUM THE SLURRY RESIDUE FROM THE PAVEMENT OR GUTTER AND REMOVE FROM SITE
- 9. WASH DOWN EXPOSED AGGREGATE CONCRETE ONLY WHEN THE WASH WATER CAN: (1) FLOW ONTO A DIRT AREA; (2) DRAIN ONTO A BERMED SURFACE FROM WHICH IT CAN BE PUMPED AND DISPOSED OF PROPERLY; OR (3) BE VACUUMED FROM THE AREA ALONG THE CURB WHERE SEDIMENT HAS ACCUMULATED BY BLOCKING A STORM DRAIN INLET.
- 10. ALLOW AGGREGATE RINSE TO SETTLE, AND PUMP THE WATER TO THE SANITARY SEWER IF ALLOWED BY YOUR LOCAL WASTEWATER AUTHORITY 11. DO NOT WASH SWEEPINGS FROM EXPOSED AGGREGATE CONCRETE INTO A STREET OR STORM DRAIN. COLLECT AND RETURN TO AGGREGATE BASE STOCKPILE, OR DISPOSE WITH TRASH. 12. RECYCLE BROKEN CONCRETE AND ASPHALT.
- HAZARDOUS MATERIAL SPILL PREVENTION, SPILL REPORTING AND RESPONSE ALL HAZARDOUS MATERIALS SHALL BE STORED SO THAT THEY ARE PROTECTED FROM INCLEMENT WEATHER AND VANDALISM.
- MOTOR VEHICLES SHALL NOT BE FUELED ON THE PROJECT SITE. SPILL CONTAINMENT MEASURES MUST BE MADE PRIOR TO FUELING WHEN FUELING EQUIPMENT OTHER THAN MOTOR VEHICLES.
- 4. VEHICLE MAINTENANCE, OTHER THAN EMERGENCY REPAIRS, SHALL NOT BE PERFORMED ON THE PROJECT
- 5. APPROPRIATE EMERGENCY SPILL CONTAINMENT SUPPLIES SHALL BE MAINTAINED ON SITE BY THE CONTRACTOR.
- 6. SPILLS GREATER THAN ONE QUART SHALL BE IMMEDIATELY REPORTED TO THE CITY'S REPRESENTATIVE AND COUNTY INSPECTOR. 7. SPILLS SHALL BE DIKED OR CONTAINED BY TRAINED PERSONNEL TO PREVENT THE SPILLED HAZARDOUS
- MATERIAL FROM ENTERING THE STORM WATER SYSTEM OR LEAVING THE PROJECT SITE. 8. SPILLS OF LESS THAN FIVE (5) GALLONS SHALL BE ABSORBED USING AN APPROPRIATE MATERIAL. ALL CONTAMINATED MATERIALS SHALL BE CONTAINERIZED, REMOVED FROM THE JOBSITE AND DISPOSED IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
- 9. SPILLS IN EXCESS OF FIVE (5) GALLONS SHALL BE ABSORBED USING AN APPROPRIATE MATERIAL AND PLACED IN CONTAINERS UNDER THE DIRECTION OF THE COUNTY OFFICE OF ENVIRONMENTAL HEALTH AND
- 10. ANY CONTAMINATED SOIL SHALL BE REMOVED BY THE CONTRACTOR AND REPLACED WITH ACCEPTABLE FRESH SOIL. 11. RESPONSE SHALL BE CARRIED OUT BY APPROPRIATELY TRAINED PERSONNEL UTILIZING SAFE PRACTICES.

GOOD HOUSEKEEPING PRACTICES

- DO NOT WASH DOWN PAVEMENT OR SURFACES WHERE SILT HAS BEEN DEPOSITED OR MATERIALS HAVE SPILLED. USE DRY CLEANUP METHODS. AVOID CONTAMINATING CLEAN RUNOFF FROM AREAS ADJACENT TO YOUR SITE BY USING BERMS AND/OR
- TEMPORARY OR PERMANENT DRAINAGE DITCHES TO DIVERT WATER FLOW AROUND THE SITE. COVER EXPOSED PILES OF SOIL, CONSTRUCTION MATERIALS AND WASTES WITH PLASTIC SHEETING OR TEMPORARY ROOFS. BEFORE IT RAINS, SWEEP AND REMOVE MATERIALS FROM SURFACES THAT DRAIN TO
- STORM DRAINS, CREEKS, OR CHANNELS. PLACE TRASH CANS AROUND THE SITE TO REDUCE POTENTIAL LITTER. DISPOSE OF NON-HAZARDOUS CONSTRUCTION WASTES IN COVERED DUMPSTERS OR RECYCLING RECEPTACLES. RECYCLE LEFTOVER
- MATERIALS WHENEVER POSSIBLI DISPOSE OF ALL WASTES PROPERLY. MATERIALS THAT CAN NOT BE REUSED OR RECYCLED MUST BE TAKEN TO AN APPROPRIATE LANDFILL OR DISPOSED OF AS HAZARDOUS WASTE, AS APPROPRIATE.
- 6. COVER OPEN DUMPSTERS WITH PLASTIC SHEETING OR A TARP DURING RAINY WEATHER. SECURE THE SHEETING OR TARP AROUND THE OUTSIDE OF THE DUMPSTER. IF THE DUMPSTER HAS A COVER, CLOSE
- 7. TRAIN YOUR EMPLOYEES AND INFORM CONTRACTORS AND SUBCONTRACTORS ABOUT STORM WATER MANAGEMENT REQUIREMENTS AND THEIR RESPONSIBILITIES FOR COMPLIANCE.



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DATE:	January 17, 2025
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Consider an Appeal of a Development Review Committee Decision Approving a Subdivision of One Lot into Two Lots on Property Zoned R-1:10. Located at 220 Belgatos Road. APN 527-25-005. Subdivision Application M-24-011. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District. Applicant: Robson Homes, LLC. Appellant: Mary Cangemi. Project Planner: Jocelyn Shoopman.

#### **RECOMMENDATION:**

Deny the appeal of a Development Review Committee decision approving a subdivision of one lot into two lots on property zoned R-1:10, located at 220 Belgatos Road, finding that none of the reasons for denying a proposed subdivision as set forth in Government Code Section 66474 are present.

#### PROJECT DATA:

General Plan Designation:	Public
Zoning Designation:	R-1:10
Applicable Plans & Standards:	General Plan
Existing Parcel Size:	9.10 acres

#### Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:10
South	Residential	Low Density Residential	R-1:10
East	Residential	Low Density Residential	R-1:10
West	Residential	Low Density Residential	R-1:10

PREPARED BY: Jocelyn Shoopman Senior Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

PAGE **2** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

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

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions. The project proposes to subdivide one lot into two lots. No development is proposed at this time.

#### FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions.
- As required by Section 66474 of the Subdivision Map Act.

#### ACTION:

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

#### BACKGROUND:

The subject parcel is 9.10 acres and located south of Blossom Hill Road, situated between Belgatos Road and Belvue Drive (Attachment 1). The property was previously occupied by Mirassou Elementary School which closed in 1989. Presently, the site is leased by the Union School District to the Stratford School and Bright Horizons Preschool.

The application proposes to subdivide the 9.10-acre property into two lots, resulting in an approximate 4.3-acre parcel (Parcel A) and an approximate 4.8-acre parcel (Parcel B). The existing school uses would remain on Parcel B. No development is proposed with this application.

On June 10, 2024, the applicant submitted a Subdivision application to subdivide one lot into two lots.

On October 23, 2024, the Planning Commission continued a request for a Subdivision of one lot into two lots and a General Plan Amendment to change the land use designation of Parcel A from Public to Low Density Residential to a date uncertain to allow for the environmental review to be completed. The applicant chose to pause processing of the General Plan Amendment application in order for the application to be processed concurrently with a future Architecture and Site application and to proceed only with the Subdivision application. At this time, an Architecture and Site application for the subject property has not been submitted to the Town. PAGE **3** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

Pursuant to Section 29.20.745(13) of the Town Code, the Development Review Committee (DRC) shall determine and issue zoning approval for minor subdivisions of land consisting of four lots or less.

On December 10, 2024, the DRC approved the Subdivision application (Exhibit 7).

On December 20, 2024, the decision of the DRC was appealed to the Planning Commission (Exhibit 8).

#### **PROJECT DESCRIPTION:**

#### A. Location and Surrounding Neighborhood

The subject parcel is located south of Blossom Hill Road, situated between Belgatos Road and Belvue Drive (Exhibit 1). The surrounding properties are low density single-family residences.

#### B. Project Summary

The applicant is proposing to subdivide one lot into two lots at the property located at 220 Belgatos Road.

#### C. Zoning Compliance

The proposed lot configurations would comply with the minimum lot size, lot depth, and setback requirements for the R-1:10 zone.

#### **DISCUSSION:**

#### A. Subdivision Analysis

The application is proposing to subdivide the 9.10-acre property into two lots, resulting in an approximate 4.3-acre parcel (Parcel A) and an approximate 4.8-acre parcel (Parcel B).

Parcel A and Parcel B as proposed by the Subdivision application are both in compliance with the minimum requirements as described in the table on the following page. No development is proposed at this time.

#### PAGE **4** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

	Lot Area	Lot Frontage	Lot Depth
R-1:10 Requirements	10,000 sf	80 feet	100 feet
Parcel A	186,242 sf	223.6 feet along Belgatos Road and 155 feet along Belvue Drive	774 feet
Parcel B	210,269 sf	375.6 feet along Belgatos Road and 351.5 feet along Belvue Drive	712 feet

#### B. Development Review Committee

On December 10, 2024, the DRC found that the Subdivision application was in compliance with the Town Code and Subdivision Map Act (SMA). Based on the findings, the DRC approved the proposed project, subject to the conditions of approval (Exhibit 3). Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property.

#### C. Appeal to Planning Commission

On December 20, 2024, the decision of the DRC to approve the Subdivision application was appealed to the Planning Commission by an interested person (Exhibit 8). On the appeal form, the appellant states the following reasons, listed below, why the appeal should be granted. Additional correspondence after the filing of the appeal was provided by the appellant and is included in Exhibit 9. A response to the appeal was provided by the applicant and is included as Exhibit 10, as well as a response to the additional correspondence provided by the appellant in Exhibit 11. A summary of the specific reasons listed in the appeal form are provided below as verbatim excerpts, followed by the applicant's verbatim response in italic, and staff's response.

1. Protect open space.

<u>Applicant's Response</u>: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."

<u>Staff Response</u>: The existing General Plan land use designation for the property is Public. The Public land use designation identifies public facilities in the Town such as the Civic Center, courthouse, schools, parks, libraries, hospitals, churches, and fire stations. The subject property does not have a land use designation of Open Space. PAGE **5** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

2. Town policies protect open space.

<u>Applicant's Response</u>: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."

<u>Staff Response</u>: The subject property has a General Plan land use designation of Public. The Public land use designation identifies public facilities in the Town such as the Civic Center, courthouse, schools, parks, libraries, hospitals, churches, and fire stations. The subject property does not have a land use designation of Open Space.

3. Potentially part of community center like Campbell.

<u>Applicant's Response</u>: There is an existing community center within the immediate neighborhood via the Belwood HOA's actively managed and well sized recreation facility called the Cabana Club. This facility includes indoor gathering/meeting rooms, picnic/BBQ pits, pool facilities, bocce courts, basketball court and regularly scheduled youth organized sporting events and club organized/holiday festivities. This community center is walking distance to the property.

<u>Staff Response</u>: Staff has not received direction from the Town Council regarding a community center on this site that would prevent the property owner from proceeding with a Planning application.

4. General Plan amendment required and Town Council approval should be required.

<u>Applicant's Response</u>: A General Plan Amendment is not required for this application, nor is Town Council approval. Approval of an application to change the land use for housing could require a General Plan Amendment. The subject property is-zoned Public/Quasi-Public in the Town's General Plan because of its historical use as a School District Facility location. The property is the former Mirassou School site, which closed in 1979 and was identified as Surplus Land in 1980. The field portion of the property has not been accessible to the public for many years, and it no longer serves a functional or financial purpose for the School District. General Plan Policy LU-7.1 allows for the "redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services." The surrounding uses of the property are residential.

<u>Staff Response</u>: The proposal for a Subdivision application to subdivide one lot into two lots does not require a General Plan amendment. Should an Architecture and Site application

PAGE **6** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

for development of the property be submitted in the future, a General Plan amendment would be required. No development is proposed at this time.

5. Kids need a place to play and adults to walk.

<u>Applicant's Response</u>: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."

<u>Staff Response</u>: The subject property is owned by the Union School District and has a General Plan land use designation of Public. The subject property does not have a land use designation of Open Space.

6. Obesity a national problem.

<u>Applicant's Response</u>: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."

<u>Staff Response</u>: The subject property is owned by the Union School District and has a General Plan land use designation of Public. The subject property does not have a land use designation of Open Space.

7. Mental health benefits.

<u>Applicant's Response</u>: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."

<u>Staff Response</u>: The subject property is owned by the Union School District and has a General Plan land use designation of Public. The subject property does not have a land use designation of Open Space.

#### PAGE **7** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

8. \$4.5 million homes fill not great need in Los Gatos.

<u>Applicant's Response</u>: There are no homes proposed in this application. A housing proposal will be subject to separate discretionary review by the Town, including application of the Town's Affordable Housing Policies.

<u>Staff Response</u>: The proposal is for a Subdivision application to subdivide one lot into two lots. No development is proposed at this time.

9. Land donated by developer.

<u>Applicant's Response</u>: The Union School District is the landowner.

<u>Staff Response</u>: The Union School District and Robson Homes entered into an agreement to have the District dedicate the subject property to Robson Homes in exchange for Robson Homes to dedicate a property to the District pursuant to Education Code Section 17536 et seq.

10. School district can get money from parcel tax.

Applicant's Response: Exchanging District property for other valuable assets through a Property Exchange Agreement (PEA) is a legally recognized and fiscally responsible way for a School District to monetize their property assets. A Parcel Tax is restricted money for very specific purposes, while income generated from an exchange process can be used to support all educational purposes. In this case, the District is exchanging an unutilized piece of property for an income producing property that will provide ongoing funding for schools, teachers and students. The statutory provisions that govern the PEA are codified in Education Code section 17536 et seq. Specifically, section 17536 of the Education Code authorizes the District's Governing Board ("Board") to exchange any of its real property interests for that of another person or private business firm upon such terms and conditions as the Parties may agree, and in accordance with the procedural requirements of Education Code section 17536 et seq. A property exchange under these provisions can be made without complying with any other provisions contained in the Education Code, so long as the school district's governing board approves the property exchange by a two-thirds vote in favor of a resolution declaring the intention to exchange real property. (See Ed. Code, §§ 17536, 17537.) In this case, the PEA was adopted by unanimous vote of the Board in accordance with the property exchange statutes.

<u>Staff Response</u>: The subject property is owned by the Union School District, who has entered into an exchange agreement with Robson Homes pursuant to Education Code Section 17536 et seq.

#### PAGE **8** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

#### D. Revised Conditions of Approval

Exhibit 4 contains revised recommended conditions of approval for the project, based on proposed modifications to condition #13 by the Engineering Division to add additional clarity to the required improvements to be installed by the applicant.

#### E. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions. The project proposes to subdivide one lot into two lots. No development is proposed at this time.

#### PUBLIC COMMENTS:

A summary of the applicant's neighborhood outreach is included as Exhibit 6. Written notice of the DRC public hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. Following the appeal, written notice of the Planning Commission hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. At the time of preparation of this report, no additional public comment has been received.

#### CONCLUSION:

#### A. Summary

The applicant is requesting approval of a Subdivision application to subdivide one lot into two lots on property located at 220 Belgatos Road. No development is proposed with this application. None of the findings from Section 66474 of the SMA could be made to deny the application (Exhibit 2).

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

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

- 1. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions (Exhibit 2);
- 2. Make the required findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2); and

#### PAGE **9** OF **9** SUBJECT: 220 Belgatos Road /M-24-011 DATE: January 17, 2025

- 3. Approve Subdivision application M-24-011 with the revised conditions contained in Exhibit 4 and the project plans in Exhibit 12.
- C. <u>Alternatives</u>

Alternatively, the Commission can:

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

#### EXHIBITS:

- 1. Location Map
- 2. Required Findings
- 3. Conditions of Approval
- 4. Revised Recommended Conditions of Approval
- 5. Project Description
- 6. Summary of Neighborhood Outreach
- 7. December 10, 2024, Development Review Committee Meeting Minutes
- 8. Appeal of the Development Review Committee
- 9. Supplemental Correspondence from the Appellant
- 10. Applicant's Response to Appeal
- 11. Applicant's Response to Supplemental Correspondence from the Appellant
- 12. Project Plans

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## **220 Belgatos Road**



This Page Intentionally Left Blank **PLANNING COMMISSION** – *January 22, 2025* **REQUIRED FINDINGS & CONSIDERATIONS FOR:** 

220 Belgatos Road Subdivision Application M-24-011

Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:10. APN: 527-25-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District Applicant: Robson Homes, LLC. Project Planner: Jocelyn Shoopman

#### FINDINGS

#### **Required findings for CEQA:**

That there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15315: Minor Land Divisions.

#### Required findings to deny a Subdivision application:

As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: None of the findings could be made to deny the application.

Instead, the Planning Commission makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan.
- b. That the design of the proposed subdivision is consistent with all elements of the General Plan.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision is not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision is not likely to cause serious public health problems.
- g. That the design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

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#### **PLANNING COMMISSION** – *January 22, 2025* **REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

#### 220 Belgatos Road: Subdivision Application M-24-011

Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:10. APN: 527-25-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District Applicant: Robson Homes, LLC. Project Planner: Jocelyn Shoopman

#### TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

#### Planning Division

- 1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans 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. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.
- 4. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
- 5. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

#### TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

#### **Engineering Division**

- 6. General: The Owner, Applicant and/or Developer shall comply with all Town, County, State and Federal laws and regulations applicable to this land division.
- 7. Per Town Code Chapter 22: Every building where persons reside, congregate or are employed, which abuts a street or alley in which there is an approved public sanitary sewer, or which is within two hundred (200) feet of an approved public sanitary sewer, provided a right-of-way can be obtained, and if possible grade is present, shall be

connected to the sewer, by the owner or agent of the premises, in the most direct manner possible, and with a separate connection for each home or building.

- 8. Grading: Any grading work, cut/fill, earthwork or combination thereof (completed or proposed on submitted plans) on the resultant parcels over the upcoming two-year period are combined with regards to grading permit thresholds.
- 9. Stormwater Management: The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.
- 10. Utility Providers: The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map.
- 11. Final Map: a final map shall be recorded prior to the issuance of any grading or building permits. The Applicant/Developer/Subdivider shall provide the Engineering Division with an electronic copy (in PDF format) of the signed recorded map along with a CAD drawing of the Parcel Map after it is recorded.
- 12. Title Report: The applicant shall provide a recent title report (within 90 days of parcel map submittal date). The pdf report must be complete with all recorded documents related to the parcel and/or active links to recorded documents. Please submit a letter from the County Auditor, and from the Town Auditor, each certifying that according to the records of such auditor's office there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments not yet payable, and as to the latter the subdivider shall submit a statement by each proper officer giving the estimate of the amount of taxes and assessments which are in lien, but which are not yet payable.
- 13. Required Improvements: The following improvements shall be installed by the Developer, with problem areas to be determined by the Town Engineer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permits or the Town approval and recordation of a map. These improvements shall include, but are not limited to:
  - a. Belgatos Road Belvue Drive (along school and project frontage)and.
    - i. Installation of curb, gutter and sidewalk. Applicant shall repair/install curb, gutter, and sidewalk, as needed.
    - ii. Remove and replace the existing pavement with a traffic-appropriate engineered structural pavement section or alternative pavement rehabilitation measure as approved by the Town Engineer. Full width 2" grind and overlay pavement restoration.
  - b. Belgatos Road (along school and project frontage).

i. Applicant shall repair/install curb, gutter, and sidewalk, as needed. iii.ii. Full width 2" grind and overlay pavement restoration.

Sec. 24.40.020 Agreement to Install: In lieu of completion prior to approval of final map.(a) If any subdivision improvement is not completed to the satisfaction of the TownEngineer before the final map is recorded or filed, the subdivider shall, prior to the

approval by the Town Council of the final map, enter as contractor into an agreement with the Town whereby, in consideration of the acceptance by the Town of some or all the dedications offered on the final map and the approval of the final map, the subdivider, as such contractor, agrees to furnish all necessary equipment and material and to complete such work within the time specified in such agreement. (b) Such agreement may provide for the improvements to be installed in units, for extensions of time under specified conditions or for the termination of the agreement upon a reversion of the subdivision or a part thereof to acreage.

15. Performance Bond or Cash Deposit Required: (a) The agreement referred to in section 24.40.020 shall be accompanied by a faithful performance bond guaranteeing the faithful performance of the agreement or contract, in a sum equal to one hundred (100) percent of the total estimated cost of the improvements (including design engineering and inspection costs), together with an additional bond securing payment to the contractor, subcontractors and to persons renting equipment to the contractor, subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements, also in a sum equal to one hundred (100) percent of the total estimated cost of the improvements. (b) In lieu of any faithful performance bond required by this section the subdivider may deposit with the Town Council a sum of money equal to the required amount of such bond as security for the faithful performance thereof. Please submit a letter from the County Auditor, and from the Town Auditor, each certifying that according to the records of such auditor's office there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments not yet payable, and as to the latter the subdivider shall submit a statement by each proper officer giving the estimate of the amount of taxes and assessments which are in lien, but which are not yet payable.

#### TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

- 16. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permit.
- 17. This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

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#### **PLANNING COMMISSION** – *January 22, 2025* **REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

#### 220 Belgatos Road: Subdivision Application M-24-011

Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:10. APN: 527-25-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District Applicant: Robson Homes, LLC. Project Planner: Jocelyn Shoopman

#### TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

#### Planning Division

- 1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans 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. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.
- 4. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
- 5. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

#### TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

#### Engineering Division

- 6. General: The Owner, Applicant and/or Developer shall comply with all Town, County, State and Federal laws and regulations applicable to this land division.
- 7. Per Town Code Chapter 22: Every building where persons reside, congregate or are employed, which abuts a street or alley in which there is an approved public sanitary sewer, or which is within two hundred (200) feet of an approved public sanitary sewer, provided a right-of-way can be obtained, and if possible grade is present, shall be

connected to the sewer, by the owner or agent of the premises, in the most direct manner possible, and with a separate connection for each home or building.

- 8. Grading: Any grading work, cut/fill, earthwork or combination thereof (completed or proposed on submitted plans) on the resultant parcels over the upcoming two-year period are combined with regards to grading permit thresholds.
- 9. Stormwater Management: The subdivision shall comply with the requirements of the Town's National Pollution Discharge Elimination System Permit as implemented by Chapter 22 of the Los Gatos Municipal Code, and as demonstrated by a grading and drainage plan prepared by a registered civil engineer.
- 10. Utility Providers: The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map.
- 11. Final Map: a final map shall be recorded prior to the issuance of any grading or building permits. The Applicant/Developer/Subdivider shall provide the Engineering Division with an electronic copy (in PDF format) of the signed recorded map along with a CAD drawing of the Parcel Map after it is recorded.
- 12. Title Report: The applicant shall provide a recent title report (within 90 days of parcel map submittal date). The pdf report must be complete with all recorded documents related to the parcel and/or active links to recorded documents. Please submit a letter from the County Auditor, and from the Town Auditor, each certifying that according to the records of such auditor's office there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments not yet payable, and as to the latter the subdivider shall submit a statement by each proper officer giving the estimate of the amount of taxes and assessments which are in lien, but which are not yet payable.
- 13. Required Improvements: The following improvements shall be installed by the Developer, with problem areas to be determined by the Town Engineer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of any grading or building permits or the Town approval and recordation of a map. These improvements shall include, but are not limited to:
  - a. Belvue Drive (along school and project frontage).
    - i. Applicant shall repair/install curb, gutter, and sidewalk, as needed.
    - ii. Full width 2" grind and overlay pavement restoration.
  - b. Belgatos Road (along school and project frontage).
    - i. Applicant shall repair/install curb, gutter, and sidewalk, as needed.
    - ii. Full width 2" grind and overlay pavement restoration.
- Sec. 24.40.020 Agreement to Install: In lieu of completion prior to approval of final map.
  (a) If any subdivision improvement is not completed to the satisfaction of the Town Engineer before the final map is recorded or filed, the subdivider shall, prior to the approval by the Town Council of the final map, enter as contractor into an agreement with the Town whereby, in consideration of the acceptance by the Town of some or all the dedications offered on the final map and the approval of the final map, the subdivider, as such contractor, agrees to furnish all necessary equipment and material
and to complete such work within the time specified in such agreement. (b) Such agreement may provide for the improvements to be installed in units, for extensions of time under specified conditions or for the termination of the agreement upon a reversion of the subdivision or a part thereof to acreage.

15. Performance Bond or Cash Deposit Required: (a) The agreement referred to in section 24.40.020 shall be accompanied by a faithful performance bond guaranteeing the faithful performance of the agreement or contract, in a sum equal to one hundred (100) percent of the total estimated cost of the improvements (including design engineering and inspection costs), together with an additional bond securing payment to the contractor, subcontractors and to persons renting equipment to the contractor, subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements, also in a sum equal to one hundred (100) percent of the total estimated cost of the improvements. (b) In lieu of any faithful performance bond required by this section the subdivider may deposit with the Town Council a sum of money equal to the required amount of such bond as security for the faithful performance thereof. Please submit a letter from the County Auditor, and from the Town Auditor, each certifying that according to the records of such auditor's office there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments not yet payable, and as to the latter the subdivider shall submit a statement by each proper officer giving the estimate of the amount of taxes and assessments which are in lien, but which are not yet payable.

### TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

- 16. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permit.
- 17. This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].

S:\PLANNING COMMISSION REPORTS\2025\01-22-2025\Item X - 220 Belgatos Rd\Exhibit 3 - Conditions of Approval.docx

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### ROBSON 🛞 HOMES

December 4, 2024

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

Re: Mirassou School - Union School District & Robson Homes Subdivision Application – Request to Subdivide One Lot into Two Lots

Dear Planning Department Staff,

This Letter of Justification is submitted in conjunction with the Subdivision Application for 220 Belgatos Road, owned by the Union School District (USD), in which Robson Homes is applying to subdivide an existing 9.1-acre parcel, commonly known as Assessor Parcel Number 527-25-005, into two (2) parcels, better defined as Parcel A and Parcel B. The proposed Parcel A would be a 4.3-acre parcel, which is a fenced-off, unused/closed field area of the former Mirassou School site, which ceased operations in 1989. The proposed Parcel B would be a 4.8-acre parcel, which encompasses the buildings, parking lot and play areas of the Stratford School and Bright Horizons Preschool, of which USD is the lessor. As justified below, this request is consistent with the goals of the Union School District, the State of California's policies regarding Minor Land Divisions, and the Town of Los Gatos.

To establish a new revenue stream, the Union School District (USD) entered into a Land Exchange Agreement with Robson Homes for the Parcel A land area. USD has stated that they are the most underfunded District in Santa Clara County and lack adequate means to operate and repair existing schools, and to continue providing a high-quality education to its students. In accordance with the procedural requirements of Education Section Code 17536 et seq., the District's Governing Board has authorized, and has entered, an Exchange Agreement with Robson Homes. To better assist USD in meeting its financial objectives and begin meeting the conditions of the Exchange Agreement, Robson Homes has submitted this application to delineate the retained USD Land Area (Parcel B), and the Exchange Property (Parcel A).

The existing subject property has an underlying zoning of R-1-10 and a General Plan Designation of Public. This subdivision application makes no proposal to change either the Zoning or General Plan Designation of the existing or proposed parcel(s). Per California State Code of the California Environmental Quality Act ("CEQA"), minor land divisions of four or fewer parcels that are consistent with the underlying Zoning and General Plan designation, are a Categorical Exemption from the environmental review process.

We have engaged with the Union School District on this property since the summer of 2023 and have spent over a year conducting due diligence and performing extensive neighborhood outreach, including neighborhood open house meetings, meetings with the Belwood HOA Board, Preserve Belwood Neighborhood Organization, and door knocking efforts to meet individual neighbors. Additionally, we met with Town Staff, and Town Councilmembers regarding the School District's plans for the property.

### ROBSON () HOMES

We are committed to neighborhood and public outreach and have attached evidence of these efforts as part of the application submittal package.

We ask for the Town's support for this subdivision application, which not only assists the Union School District in its funding objectives but is supported by members of the neighborhood.

Sincerely,

Mark Robson, President Robson Homes

220 B	elgatos Road,	Los Gatos, CA 95032	Applicant	t: Robson Homes, LLC
	Neighborho	od Outreach		
Name (First, Last)	Date	Neighbor's Home Address	Meeting Location	Purpose
Preserve Belwood Board	On-going	Various in the immediate neighborhood	Phone Call/Emails/Meetings	President of the Preserve Belwood Community Activist Group which was organized by the neighborhood for communication/information sharing/feedback related to the Project
HOA Board	On-going	250+ Members in immediate neighborhood	Belwood HOA Clubhouse	On-going communication with Board which is discussed at meetings
Chad Walsh	6/20/2024		Phone Call	Chad (landlord) currently rents out his home, wanted to discuss ingress/egress alignment with his property driveway/house
Debbie Gary	6/3/2024		Belwood HOA Clubhouse	Acting Belwood HOA Board President, shared latest site plan and collected feedback
Daniel Saban	6/3/2024		Belwood HOA Clubhouse	Belwood HOA Board Member, shared latest site plan and collected feedback
Ed Nolan	3/26/2024		Email	Traffic Light Consideration at Belgatos Road and Blossom Hill - Congested during peak traffic hours, dangerous intersection
Sue Kupka	3/18/2024			Discussed Building Heights, Views and other concerns related to site lines
Darell Kupka	3/18/2024			Discussed Building Heights, Views and other concerns related to site lines
Evan Barth	3/11/2024		Email	Member of Preserve Belwood Community Activist Group - Continued feedback on project to keep neighborhood involved
Richard "Rich" Dobner	3/11/2024		Zoom	President/Member of Preserve Belwood Community Activist Group - Continued feedback on project to keep neighborhood involved
Tom Sandoval	3/11/2024		Zoom	Member of Preserve Belwood Community Activist Group & HOA Board Member - Continued feedback on project to keep neighborhood involved
Erica Osman	3/11/2024		Zoom	Member of Preserve Belwood Community Activist Group - Continued feedback on project to keep neighborhood involved
Meeting Attendees	3/8/2024	See below 2/22/2024 attendees list	Email	Followed up with all meeting attendees (2/22 meeting) and provided email/phone contact information to discuss further concerns
Gary Jones	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Gail Bordi	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Christine Zafiropoulo	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Eleanor Pernovich	2/22/2024		Belwood HOA Clubhouse	Neighborrood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Debbie Gary	2/22/2024		Belwood HOA Clubhouse	HUA President - Neighbornood Wieting - Large Attendance, Provided information about project, collected reedback to conceptual site plan
Todd Pearson	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected reedback to conceptual site plan
Choile Billings	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected recodek to conceptual site plan
Sheha Bhinngs	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected redokack to conceptual site plan
Paul Euroston	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, ri onded information about project, collected feedback to conceptual site plan
Tom & Joyce Martin	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, r rouled information about project, collected reedback to conceptual site plan
lerry Smith	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, outcred recidence to concentual site plan
Tina Johnson	2/22/2024		Belwood HOA Clubbouse	Neighborhood Meeting - Large Attendance, Provided information about project, policited redepark to concentual site plan
Sri Vemulakonda	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance. Provided information about project, collected feedback to conceptual site plan
Gary Richman	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Karen Owczarczak	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Michelle Heap	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Christine Cipriano	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Ed Nolan	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Sue Kupka	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Shane Jackson	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Karen Logan	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Joey Cheng	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Cynthia Nicosia	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
David Parker	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Evan Barth	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Rich Dobner	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Steve Daniel	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
Erica Osman	2/22/2024		Belwood HOA Clubhouse	Neighborhood Meeting - Large Attendance, Provided information about project, collected feedback to conceptual site plan
				All Members of the Belwood HOA which surrounds property, exceeds a 400' radius around the property, where notified by HOA and invited to attend. the event was well attended and a sign-in sheet was provided. Participants are listed above. Some non-members who live well outside
Neighborhood Meeting	2/22/2024		Belwood HOA Clubhouse	project also attended and provided feedback. HOA is well organized with central meeting facilities, digital and print communication, as well as
				frequently updated HOA and Preserve Belwood websites.
Charles Horn	9/5/2023			Discussed project, interested in larger development footprint
Darrell and Susan Kupka	9/13/2023			Initial outreach related to project, lives adjacent to property, met at their home
Michelle & Frank Galligan	9/13/2023			Discussed Project, building heights, number of lots
Gail Bordi	9/13/2023			Discussed Project, number of lots, etc.
Santosh Talli	9/13/2023			Discussed Project and Trees
Various neighbors	8/30/2023			Initial outreach, discussing questions and comments post August 25th meeting
Deborah Gary	8/31/2023		Belwood HOA Clubhouse	Toured Club House facilities to better understand HOA participation, identify meeting locations that could accommodate a large group of people
Alba Levitas	8/29/2023			Initial outreach, discussing questions and comments post August 25th meeting
Cynthia Nicosia	8/29/2023			Initial outreach, discussing questions and comments post August 25th meeting
Various neighbors	8/29/2023	All along Belwood & Westhill (Door-Knocking)		Initial outreach, discussing questions and comments post August 25th meeting
Various neighbors	8/25/2023	Union School District Meeting		Presentation to the District of proposed plan with various neighbors present

Neighborhood Outreach - Not Met with or Did not Sign-in/identify themselves at Neighborhood Meeting

Outreach has been extensive, with both in-person meetings, meetings at homes, phone calls, door-to-door reach out, virtual zoom meetings and well attended neighborhood organized meetings located in the immediate neighborhood and meetings held at our office in San Jose. Neighbors that did not participate are assumed to have no comment to the project. We have provided personal email and phone numbers at all of these meetings for easy access to the development team, including Mark Robson, President of Robson Homes, and Jack Robson, Project Manager.

Page 221 neighbors

If not listed above

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TOWN OF LOS GATOS DEVELOPMENT REVIEW COMMITTEE REPORT

### MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING DECEMBER 10, 2024

The Development Review Committee of the Town of Los Gatos conducted a regular meeting on December 10, 2024, at 10:00 a.m.

### **ROLL CALL**

Present: Sean Mullin, CDD Planning; James Watson, PPW Engineering; and Kenny Ip, SCCFD.

Absent: Robert Gray, CDD Building

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

### **VERBAL COMMUNICATIONS**

None.

### **CONSENT ITEMS**

- 1. Approval of Minutes December 3, 2024
- MOTION: Motion by James Watson to approve the consent calendar. Seconded by Kenny Ip.
- VOTE: Motion passed unanimously.

### **PUBLIC HEARINGS**

2. <u>220 Belgatos Road</u> Subdivision Application M-24-011

Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:10. APN 527-25-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District Applicant: Robson Homes, LLC Project Planner: Jocelyn Shoopman

The project planner presented the staff report.

EXHIBIT 7

### PAGE **2** OF **2** DEVELOPMENT REVIEW COMMITTEE MINUTES OF DECEMBER 10, 2024

Opened Public Comment.

Jack Robson, Applicant

We are here today to request a subdivision of one lot into two of the former Mirassou Elementary School site. The school is currently leased to Stratford preschool. The public school ceased operations in 1999. The proposal to subdivide the existing lot into two lots would retain the existing school site on Parcel B and the vacant field on Parcel A.

Closed Public Comment.

- MOTION:Motion by James Watson to approve with required findings and<br/>recommended conditions of approval. Seconded by Kenny Ip.
- VOTE: Motion passed unanimously.

Appeal rights were recited.

### OTHER BUSINESS

None.

### ADJOURNMENT

The meeting adjourned 10:07 a.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the December 10, 2024 meeting as approved by the Development Review Committee.

Prepared by:

/S/ Sean Mullin, AICP, Planning Manager

DEC **2 0** 2024



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

CLERK DEPARTMENT

### APPEAL OF THE DECISION OF DEVELOPMENT REVIEW COMMITTEE

### PLEASE TYPE or PRINT NEATLY

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

#### DATE OF DECISION:

December 10, 2024

PROJECT/APPLICATION: Belgatos Road

LOCATION:

Belgatos Rd, Los Gatos

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 Development Review Committee.

Interested person means:

- 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.
- 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:

1. Protect pen space. 2. Town polices protect open space. 3. Potentially part of community center like Campbell 4. GP amendment required .

& TC approval should be required. 6. Kids need a place to play and adults to walk. 7 Obesity a national problem 8. Mental health benefits.

9. \$4.5M homes fill not great need in LG. 5. Land donated by developer. 6. School district can get money from parcel tax.

#### IMPORTANT:

- Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. 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, usually a Friday. Appeals are due by 4:00 P.M. *If an appeal is filed on a Friday, they must be submitted by 1:00 P.M.*
- The appeal shall be set for the first regular meeting of the Planning Commission which the business of the Planning Commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
- 3. You will be notified, in writing, of the appeal date.
- 4. Contact the project planner to determine what material is required to be submitted for the public hearing.

R	TURN APPEAL FORM TO CO	MMUNITY DEVELOPMENT D	E	
PRINT NAME: Mary Cang	emi		4 Cargan	
DATE: 12/10/24		ADDRESS:		
PHONE:		EMAIL:		
*****	*****	*****	*******	
	OF	FICE USE ONLY		
DATE OF PLANNING COM	VISSION HEARING:		-	
COMMISSION ACTION:	1.		DATE:	
	2.		DATE:	
	3		DATE:	
	PLAPPEAL \$26	54.00 Residential		
	PLAPPEAL \$ 1,05	52.00 Commercial		
	PLAPPEAL \$10	7.00 Tree Appeals		

N:\DEV\FORMS\Planning\2024-25 Forms (Effective July 1, 2024)\Appeals\Word Docs\Appeal - DRC.docx 06/2024

TOWN OF LOS GATOS RECVD BY: HMENICUCCI BPODO042088 PAYOR: 125 BELBLOSSOM TODAY'S DATE: 12/20/24 REGISTER DATE: 12/19/24 TIME: 12:02 DESCRIPTION AMOUNT CUST ID:125 BELBLOSSOM APPEALS \$264.00 TENDERED: \$264.00 CHANGE: \$.00 CHECK : \$264.00 REF NUM: 2996 law office john

and the second second

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# LA Now, Could be Los Gatos Soon...



# **Question presented:**

Should former Mirassou School parcel at 220 Belgatos Road be split in two to set the stage for removal of massive defensible space grass sports fields for 12 4 to 4.5M homes?

### • II. SUMMARY ARGUMENT

- Grass fields should not be split from school buildings:
- 1) Buffer zone to stop wildfire.
- 2) Staging ground for firefighters.
- 3) Split violates GP as first step to replace open space with homes.
- 4) SHS removed artificial turf & County considering this month.
- 5) Potential community center by purchasing land at 25% of FMV.

# • PROTECT AGAINST DEVASTATING WILDFIRES.

• TOP TOWN PRIORITY:

The Mercury News 1/12/25



From Oakland to Saratoga, Los Angeles infernos are a reminder of Bay Area's wildfire vulnerability



6,622 properties properties in Los Gatos that have some risk of being affected by wildfire over the next

30 years. This represents 58% of all properties in Los Gatos.

# From LG's GP



NOTE: All fire hazard areas noted are covered by the Wildland Urban Interface (WUI) for Santa Clara County

# From LG's GP 9.2 Urban and Wild Fire Hazards

# The Town must therefore strongly incorporate fire hazard mitigation into its land use decisions...

# LG's GP

9.2 Urban and Wildland Fire Hazards Santa Clara County, including Los Gatos, has a **high potential for** 

devastating wildland fires...Strong land use policies and mitigation measures are necessary to protect the health and safety of residents, minimize the loss of life, and minimize property damage and damage to infrastructure. (emphases added)



# • Defensible Space

• First first line of defense for your home against wildfire.

# •NO FUEL; NO FIRE

# •NO FUEL IN SPORTS FIELDS





# LOSS OF BUFFER ZONE & STAGING AREA

With the additional proposed areas:

- Neighborhood compatibility
  - Lot sizes 11,000 sf to 13,000 sf
- 12 total single family detached homes
  - One onsite below market rate homes

### SITE PLAN



Burned remains of Paradise Elementary school on Nov. 9, 2018, in Paradise.

SCHOOL

# TO FIGHT FIRE 5M GALLONS OF WATER AT BELGATOS ROAD WATER TANKS BUILT IN 2018.



2018 Built 2 2.5M gallon tensioned concrete reservoirs.

### **BELGATOS WATER TANKS**



# KEEP PROPERTY INTACT AS AN ICP

https://www.caloes.ca.gov/wpcontent/uploads/Preparedness/Documents/California-Emergency-Management_A-Guide-for-Districts-and-Sites___Final-05-11-23-2.pdf

# CALIFORNIA EMERGENCY MANAGEMENT FOR SCHOOLS: A Guide for Districts and Sites

An Incident Command Post (ICP) is in or near incident. For a school, ICP is in administrative office, conference room, or front of the school if working with first responders. ICP serves as the initial command post.

# •NAYLOR ACT: EDUCATION CODE 17485:

- Legislature concerned about loss of playing fields.
- Act allows gov agencies to acquire school property to keep playing fields & for recreational and open-space purposes.

- USD USED NAYLOR ACT EXCEPTION WITH A PROPERTY EXCHANGE.
- DENY SPLIT & REQUIRE USD TO OFFER LAND TO TOWN & COUNTY AT 25% OF FMV.
- COMMUNITY CENTER, COMMAND & CONTROL CENTER, KEEP PLAYING FIELDS & MASSIVE DEFENSIBLE SPACE.

# GRASS FIELDS BENEFIT KIDS

- <u>https://www.unicef.org/armenia/en/stories/necessity-urban-green-space-childrens-optimal-development</u>
- Green spaces benefit children's physical, mental and social development.
- <u>https://www.childhealthdata.org/docs/nsch-docs/california-pdf.pdf</u>
- 30.5% of California's children overweight or obese. Percentage increased since 2003.

https://trending-topics.keenan.com/outside-use-of-school-facilities

- California Education Code encourages school districts to make facilities available for community use.
- https://www.cde.ca.gov/ls/fa/sf/ccaregulations.asp#:~:text=T he%20Civic%20Center%20Act%20authorizes,civic%20center %2C%20for%20specified%20purposes.
- •Civic Center Act Effective January 1, 2025
- The Civic Center Act authorizes, and in some instances requires, school district to allow use of school facilities or grounds as a civic center.

# •USD failed to maintain fields for community benefit.

https://www.nbcbayarea.com/investigations/disposal-school-artificial-turf-field-environmental-concerns/3747744/

# INVESTIGATIVE UNIT

- •Disposal of school's artificial turf field highlights growing environmental concerns
- •Santa Clara County Supervisors considering artificial turf ban on county land.

- LOT SPLIT VIOLATES THE GP:
- 1) Increases risk of fire damage.
- 2) Loss of open space and sports fields.
- 3) Not affordable housing.
- 4) Development not better for the environment, sustainability or water shed.

# CONCLUSION •DENY LOT SPLIT. WRONG DEVELOPMENT, AT WRONG PLACE AT WRONG TIME.
January 9, 2025

Jocelyn Shoopman, Senior Planner Town of Los Gatos Community Development Department 110 E Main Street Los Gatos, CA 95030

Re: Response to December 20, 2024 Appeal of the Decision of Development Review Committee Project: Belgatos Road

Dear Mrs. Shoopman,

Robson Homes, LLC respectfully submits this correspondence in response to Mary Cangemi's December 20, 2024 Appeal to the Development Review Committee's December 10, 2024 approval of application M-24-011, more specifically the subdivision of one lot into two lots at 220 Belgatos Road. At the public hearing, there were no issues brought up by Ms. Cangemi, or any other party, in writing or public testimony regarding this application.

In addition to the Appeal, the Town received correspondence from John Shepardson on January 2, 2025. The correspondence suggests that Mr. Shepardson is assisting the appellant and reiterates comments made by Mary Cangemi in her Appeal. Mr. Shepardson also included additional comments that mirror previous remarks he has made related to the property and the applicability of the Surplus Lands Act and the Naylor Act. On October 29, 2024, The Union School District wrote a letter to the Town's Planning Commission which addresses these subjects in detail and has been attached to the back of this letter.

The purpose of this subdivision application is to only subdivide the property. Authorization to subdivide is not authorization to proceed with any specific project. As such, none of the arguments brought up in the appeal form apply, as there is no change to the existing use. For this, and the reasons below, the Appeal should be denied.

For reference, we have adopted the same numbering as used in Ms. Cangemi's written appeal.

A. <u>1. Protect Open Space / 2. Town policies to protect Open Space / 6. Kids need a place to play and</u> adults to walk / 7. Obesity is a national problem / 8. Mental health benefits

The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."

### 3. Potentially part of community center like Campbell

There is an existing community center within the immediate neighborhood via the Belwood HOA's actively managed and well sized recreation facility called the Cabana Club. This facility includes indoor gathering/meeting rooms, picnic/BBQ pits, pool facilities, bocce courts, basketball court and regularly scheduled youth organized sporting events and club organized/holiday festivities. This community center is walking distance to the property.



Left - The Cabana Club as shown looking Northeast.





2185 THE ALAMEDA, SUITE 150, SAN JOSE, CA 95126 | 408.345.1767 | ROBSONHOMES.COM



Photos of Belgatos Park taken from Los Gatos Parks & Rec. Website

Belgatos Park, shown above, is a readily accessible 17-acre park located less than 300' from the subject property. The park offers over 2 miles of trails for hiking/cycling, a playground, restrooms, picnic tables, expansive lawn area, ample parking, access to the greater Heinz and Santa Rosa Open Space Area/Preserves, which collectively offers spectacular scenery and views.



### B. <u>4. GP Amendment required & Town Council approval should be required</u>

A General Plan Amendment is not required for this application, nor is Town Council approval. Approval of an application to change the land use for housing could require a General Plan Amendment.

The subject property is zoned Public/Quasi-Public in the Town's General Plan because of its historical use as a School District Facility location. The property is the former Mirassou School site, which closed in 1979 and was identified as Surplus Land in 1980. The field portion of the property has not been accessible to the public for many years, and it no longer serves a functional or financial purpose for the School District. General Plan Policy LU-7.1 allows for the "redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services."

The surrounding uses of the property are residential.

C. <u>5. Land donated by developer</u>

The Union School District is the landowner.

### D. 9. \$4.5M homes fill not great need in LG

There are no homes proposed in this application. A housing proposal will be subject to separate discretionary review by the Town, including application of the Town's Affordable Housing Policies.

E. <u>6. School District can get money from Parcel Tax</u>

Exchanging District property for other valuable assets through a Property Exchange Agreement (PEA) is a legally recognized and fiscally responsible way for a School District to monetize their property assets. A Parcel Tax is restricted money for very specific purposes, while income generated from an exchange process can be used to support all educational purposes. In this case, the District is exchanging an unutilized piece of property for an income producing property that will provide ongoing funding for schools, teachers and students.

The statutory provisions that govern the PEA are codified in Education Code section 17536 et seq. Specifically, section 17536 of the Education Code authorizes the District's Governing Board ("Board") to exchange any of its real property interests for that of another person or private business firm upon such terms and conditions as the Parties may agree, and in accordance with the procedural requirements of Education Code section 17536 et seq. A property exchange under these provisions can be made without complying with any other provisions contained in the Education Code, so long as the school district's governing board approves the property exchange by a two-thirds vote in favor of a resolution declaring the intention to exchange real property. (See Ed. Code, §§ 17536, 17537.) In this case, the PEA was adopted by unanimous vote of the Board in accordance with the property exchange statutes.

Thank you for your consideration in this matter.

Sincerety,

Mark Robson President, Robson Homes



CLARISSA R. CANADY Attorney at Law ccanady@DWKesq.com

San Francisco

October 29, 2024

#### **VIA EMAIL**

Town of Los Gatos Planning Commission 110 E. Main Street Los Gatos, CA 9503

Re: 220 Beltatos Road, Los Gatos, California Our File No. 1765.1103

Dear Honorable Members of the Planning Commission:

Our client Union School District ("District") respectfully submits this correspondence in response to questions raised during the October 23, 2024 Planning Commission Meeting regarding Robson Homes, LLC's application for a General Plan Amendment for APN 527-25-005 ("GP24-002"). Robson Homes, LLC ("Robson") is the project applicant for GP24-002, and the District is the land owner. Robson and the District are parties to a Property Exchange Agreement entered into pursuant to Education Code section 17536 et seq. ("PEA"). As set forth of the PEA, Robson is responsible for securing necessary approvals, including GP-024-022.

As part of Robson's application process, GP24-002 was placed on the Planning Commission's most recent agenda. However, Town staff recommended the item be post-proponed. At the meeting, even though the item was not fully heard, there were at least a few comments noted by the Planning Commission regarding the applicability of the Surplus Lands Act and the Naylor Act. As explained below, the District has complied with all applicable requirements under the Education and Government Code with respect to the PEA. We hope that by addressing these items, the matter can be placed back on the Planning Commission's meeting schedule.

#### SAN FRANCISCO

200 California Street Suite 400 San Francisco, CA 94111 TEL 415.543.4111 FAX 415.543.4384

#### LONG BEACH

444 W. Ocean Blvd. Suite 1750 Long Beach, CA 90802 TEL 562.366.8500 FAX 562.366.8505

#### SAN DIEGO

750 B Street Suite 2600 San Diego, CA 92101 TEL 619.595.0202 FAX 619.702.6202

#### CHICO

2485 Notre Dame Bivd. Suite 370-A Chico, CA 95928 TEL 530.343.3334 FAX 530.924.4784

#### SACRAMENTO

555 Capitol Mall Suite 645 Sacramento, CA 95814 TEL 916.978.4040 FAX 916.978.4039

#### EAST BAY

2087 Addison Street 2nd Floor Berkeley, CA 94704 TEL 510.345.6000 FAX 510.345.6100

#### FRESNO

7170 N Financial Drive Suite 135 Fresno, CA 93720 TEL 559.388.5802 FAX 559.388.5803

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### A. The District's Project is Legally Compliant

#### 1. The Naylor Act

As noted above, the statutory provisions that govern the PEA are codified in Education Code section 17536 et seq. Specifically, section 17536 of the Education Code authorizes the District's Governing Board ("Board") to exchange any of its real property interests for that of another person or private business firm upon such terms and conditions as the Parties may agree, and in accordance with the procedural requirements of Education Code section 17536 et seq. A property exchange under these provisions can be made without complying with any other provisions contained in the Education Code, so long as the school district's governing board approves the property exchange by a two-thirds vote in favor of a resolution declaring the intention to exchange real property. (See Ed. Code, §§ 17536, 17537.)

Here, the Naylor Act, codified in the Education Code, is inapplicable to this transaction. The PEA was adopted by unanimous vote of the Board in accordance with the property exchange statutes. As explained above, those statutes expressly state that the District need not comply with any other provisions of the Education Code, including the Naylor Act. Thus, no public offerings under the Naylor Act were required.

#### 2. AB 1486 Surplus Land

The Surplus Land Act, codified in Government Code section 54220 et seq., generally applies to land owned by local agencies, <u>unless</u> the agency's land is deemed "exempt surplus land." (See Gov't Code §54222.3.) Government Code section 54221 subdivision (f) sets forth numerous types of "exempt surplus land." Specifically, subdivision (f)(1)i) establishes an exemption for "Land that is subject to Sections 17388, 17515, <u>17536</u>, 81192, 81397, 81399, 81420, and 81422 of the Education Code and Part 14 (commencing with Section 53570) of Division 31 of the Health and Safety Code, unless compliance with this article is expressly required."

If a local agency, such as the District, determines that its land is exempt from the Surplus Lands Act, it must either: (1) declare the exemption through a resolution, supported by findings, and submit the same to the California Department of Housing and Community Development ("HCS") for approval; or (2) declare the exemption pursuant to a new notice and publication process¹. (See HCD Surplus Land Act Guidelines.) As noted above, property that is deemed "exempt surplus land," it is not subject the Surplus Lands Act. (Code §54222.3.)

Here, the District adopted Resolution No. 23-24-07, attached, which declares the property exempt surplus land within the meaning of the Surplus Lands Act. The District submitted the Resolution to HCD and HCD approved the exemption. Accordingly, the project site is not subject to the provisions of the Surplus Lands Act, nor any of the notice, offering or other requirements thereunder.

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 $^{^1}$  The notice and publication option for declaring property exempt surplus land" was not in effect at the time the District entered into the PEA.

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The District trusts that this correspondence thoroughly addresses the comments and questions regarding this project, and anticipates that Planning Commission support for the District will be demonstrated by the approval of GP24-002.

If you have any questions, please do not hesitate to contact me.

Sincerely,

DANNIS WOLIVER KELLEY

Clarissa R. Canady

CRC:RKB

cc (via email only): Dr. Carrie Andrews, Superintendent, Union School District Kirsten Perez, Chief Business Official, Union School District Scott Shelton, Terra Realty Advisors

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January 16, 2025

Jocelyn Shoopman, Senior Planner Town of Los Gatos Community Development Department 110 E Main Street Los Gatos, CA 95030

Re: Response to additional information received January 13, 2025 regarding the December 20, 2024 appeal of the approval of M-24-011 (220 Belgatos Road)

Dear Mrs. Shoopman,

Robson Homes, LLC respectfully confirms receipt of the multi-page PDF package forwarded to us on January 13, 2025. It is our understanding that Mary Cangemi, the appellant for the December 20, 2024 appeal of the DRC's approval of application M-24-011, submitted this package as additional information for her appeal.

Application M-24-011 pertains solely to the subdivision of one lot into two lots at 220 Belgatos Road, whereas the comments in the PDF pertain to future development of the property. As noted in our January 9, 2025 response to the appeal, approval to subdivide the property is not approval to proceed with any specific development project.

A housing proposal for this property will be subject to a separate review by the Town. We will continue to work with staff and the community to address concerns as we move forward with that process.

Sincerely,

Mark Robson President, Robson Homes This Page Intentionally Left Blank



EXHIBIT 12

# **NOTES**

- 1. EXISTING FRONTAGE: BELGATOS ROAD: 599.18' BELVUE DRIVE: 711.27'
- 2. PROPOSED FRONTAGE PARCEL A: BELGATOS ROAD: 223.60'± BELVUE DRIVE: 155.00'±
- 3. PROPOSED FRONTAGE PARCEL B: BELGATOS ROAD: 375.60'± BELVUE DRIVE: 351.50'±
- 4. EXISTING PARCEL DEPTH: 862.24'± PROPOSED DEPTH PARCEL A: 774.31'± PROPOSED DEPTH PARCEL B: 712.30'±
- 5. EXISTING PARCEL AREA: 396,551 SF PROPOSED AREA PARCEL A: 186,242 SF PROPOSED AREA PARCEL B: 210,269 SF

8. PARCEL A AVERAGE SLOPE: 6.9% PARCEL B AVERAGE SLOPE: 5.4%

- 6. EXISTING PARCEL COVERAGE: 36,458± SF (9.2%) PROPOSED COVERAGE PARCEL A: 0 SF PROPOSED COVERAGE PARCEL B: 36,458± SF (17.3%)
- 7. EXISTING AND PROPOSED SETBACKS: R:1:10 ZONE FRONT YARD: 25 FEET SIDE YARD: 10 FEET REAR YARD: 20 FEET STREET SIDE: 15 FEET

**ABBREVIATIONS** 

APN	ASSESSORS PARCEL NUMBER
E	EAST
Ν	NORTH
PSE	PUBLIC SERVICE EASEMENT
S	SOUTH
WCE	WIRE CLEARANCE EASEMENT
W	WEST

### <u>LEGEND</u>

 BOUNDARY LINE
 - RIGHT-OF-WAY
 - LOT LINE
 - EXISTING LOT LINE
 - CENTER LINE
 - EXISTING EASEMENT LINE
 - LOT DEPTH DIMENSION LINE

LANDS LOT 79 4PN 5 05 79 227 255 004 64

> 0.00. Z

BELGATOS ROAD BELGATOS MAETI BELGATOS MAETI

Bis

5' WCE 6-7 165 M 6-7 5' PSE 6-7

LOT 76 LANDS OF MCCABE APN 527–25–001

BELVUE DRIVE PUBLIC STREET





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