



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION STAFF REPORT**  
**Meeting Date: May 25, 2016**

**ITEM NO: 3**  
**ADDENDUM**

PREPARED BY: Marni Moseley, AICP, Associate Planner  
[MMoseley@losgatosca.gov](mailto:MMoseley@losgatosca.gov)

APPLICATION NO: Architecture and Site Application S-12-103  
Subdivision Application M-12-008  
Negative Declaration ND-16-001

LOCATION: **341 Bella Vista Avenue** (west side of Bella Vista Avenue, north of Charles Street)

APPLICANT/  
PROPERTY OWNER: Jake Peters and Dan Ross

CONTACT: Dan Ross

APPLICATION  
SUMMARY: Requesting approval to merge two lots and to construct a new single family residence and remove large protected trees on property zoned R-1:8. No significant environmental impacts have been identified and a Mitigated Negative Declaration is recommended. APN 529-23-015 and 016.

EXHIBITS: Previously received under separate cover March 4, 2016:

1. Initial Study and Mitigated Negative Declaration

Previously received with April 13, 2016 Staff Report:

2. Location map
3. Mitigation Monitoring and Reporting Program (six pages)
4. Response to comments on Mitigated Negative Declaration (48 pages)
5. Required findings (two pages)
6. Recommended Conditions of Approval (13 pages)
7. Project data sheet (two pages)
8. Consulting Architect's report (four pages), received November 13, 2013
9. Consulting Arborist report (35 pages), dated October 28, 2013
10. Consulting Arborist report (11 pages), dated September 24, 2014
11. Applicant's letter (seven pages), received March 25, 2016
12. Town Council Resolution 2012-057 (three pages)
13. Public Comments received by 11:00 a.m. on April 7, 2016 (158 pages)
14. Development Plans (26 sheets), received March 24, 2016

Previously received with April 13, 2016 Desk Item:

15. Comments received from 11:01 a.m. on April 7, 2016 to 11:00 a.m. on April 13, 2016

Previously received with May 25, 2016 Staff Report:

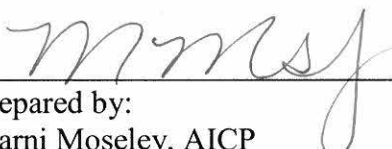
16. Comments received from 11:01 a.m. on Thursday, April 13, 2016 to 11:00 a.m. on Wednesday, May 19, 2016
17. Applicant's response letter and materials, received May 19, 2016 (25 pages)

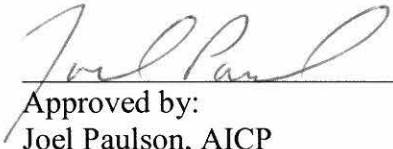
Received with this Addendum Report:

18. Comments received from 11:01 a.m. on Wednesday May 19, 2016 to 11:00 a.m. on Tuesday, May 24, 2016

REMARKS:

The attached public comments (Exhibit 18) were received after distribution of the staff report.

  
Prepared by:  
Marni Moseley, AICP  
Associate Planner

  
Approved by:  
Joel Paulson, AICP  
Community Development Director

JP:MM:sr

cc: Dan Ross, 188 Villa Avenue, Los Gatos, CA 95030  
Jake Peters, P.O. Box 3486, Ketchum, ID 83340

Eleanor Leishman  
332 Bella Vista Ave.  
Los Gatos, CA 95032-5415

RECEIVED

MAY 20 2016

TOWN OF LOS GATOS  
PLANNING DIVISION

May 19, 2016

**Lead agency:** Town of Los Gatos  
Planning Commission  
110 East Main Street  
Los Gatos, CA 95030

**Project Title and**

**Location:** 341 Bella Vista Avenue  
Architecture and Site Application S-12-103  
Subdivision Application M-12-008  
Negative Declaration ND-16-001

**Regarding:** Objections to proposed development at 341 Bella Vista Ave.

Dear Ms. Mosely and Planning Commissioners, Town of Los Gatos:

My husband and I live at 332 Bella Vista Ave, a few houses north and across the street from the proposed development at 341 Bella Vista Ave. I'm writing to express my and our concerns about, and objections to, the proposed development.

I've written two previous letters to you expressing concerns about the negative impacts that this development would have on the environment and on the neighborhood. I'm reiterating and expanding on my objections, concerns and questions with this letter. These include:

- \* Questions about the slope stability of the site during and after construction;
- \* The loss of three protected Oaks and the potential effects this loss will have on wildlife including Special-Status Birds (i.e., endangered) and Migratory Bird species. I remain unconvinced by assertions in the Town's Initial report that these impacts can and will be mitigated effectively. (See Initial Study, pages 3, and 33)

\* The loss of trees will have a negative impact on views from Bella Vista. The large Oak trees currently provide visual screening of the freeway, town homes and commercial developments downhill. If the development goes forward as proposed, that screening will be lost. New views will consist of the applicant's garage, the freeway, and downhill developments. It will take a hundred years for replacement 24" box trees to grow to the mature height and canopy of the heritage Oak trees slated to be removed from the site;

\* The proposed development will add to traffic and congestion issues on Bella Vista Ave., where significant traffic challenges already exist. (See Appendix A, Traffic). Yet in a response to my letter to the Town dated March 24, 2016, Ms. Mosely stated:

According to the Town's traffic determination, traffic generated by the proposed project would represent a minor impact on the circulation system and would not conflict with the Congestion Management Program. No additional traffic studies are required by the Town. However, the project would be subject to payment of a traffic mitigation fee in accordance with the Traffic Impact Policy. Potential impacts are considered less than significant.

\* The applicant's submittals to the Town include civil engineering drawings and graphic representation and visualizations by Kimley Horn, a design consulting firm. Who is the architect of record on this project and why were no architect's drawings submitted with this application?

\* With all the effort and expense invested in these graphic representations, a study of the driveway/street interface would not have been amiss. The driveway will require vehicles entering the property to back downhill to the garage, or else back uphill onto the street when exiting the property. Vehicles backing uphill will enter the flow of southbound traffic on a blind curve and will not have an adequate line of sight until they reach street level. (The Town's Driveway Ordinance states that "an adequate line of sight must be maintained at all times.")

My overarching objection to this development is that it needs to be much smaller—it is just too dense, too intense and too invasive for the site itself, and for the neighborhoods on Bella Vista Ave., and below on Maggi Court. This proposed construction would be three stories high including a cellar below and garage on top, two large decks, a green roof, and outdoor stairwells and balconies which add up to a very large overall footprint that exceeds the stated FAR of the house.

The applicant's assertion that this project conforms to all Town standards and

guidelines ignores the question of whether it fits with the overall intent of the Town's guidelines. It violates the letter and intent of the HDS&G because it has three stories and because of its bulk and mass. (See HDG&S, Chapter 5, Sections E, number 5: "Three-story elevations are prohibited" and Section F, number 1: "Buildings shall be designed to minimize bulk, mass and volume so as not to be prominently visible from a distance or from surrounding properties.")

In terms of Town planning, the decision to allow one type of development to be built (such as the planned town home development downhill from the site in question) may preclude or severely limit certain future development, such as the one proposed for 341 Bella Vista. All other houses on the hilly west edge of Bella Vista have little or no development immediately below them.

It's also important to be clear that there is very little development at all on the west side of Bella Vista Ave, compared to the development on the east side.

Were this application to be approved, it would set unfortunate precedents for further development on the west side of Bella Vista, despite the staff's April 13<sup>th</sup> statement to the effect that there are "probably" no other buildable lots therein. This would seem to be, on its face, contradictory.

This is obviously a challenging destroy/construct project given the extreme slope and proximity to the town home development directly below this site. The project would require a great deal of mechanical equipment and personnel (including worker's vehicles), which will overwhelm our narrow street and displace limited on-street resident parking. The recent home constructions at 222 and 224 Bella Vista Ave. regularly have been the site of nine and ten vehicles; those sites have unaffiliated parking across the street from them, as Mr. Ross's does not, and have impacted traffic for the majority of this time.

For all the above reasons, I respectfully urge you, the Planning Commissioners, to consider the risks and possible downsides of this project development as you come to your decision about whether or not to allow it to move forward.

Yours truly,

Eleanor Leishman

## Appendix A – Traffic on Bella Vista Ave.

Increased traffic caused by the Blue Bird Lane development, and the ever-increasing amount of “cut-through” traffic from Los Gatos Blvd. have contributed to ongoing traffic problems on Bella Vista Ave. High traffic volume is especially noticeable during the commutes to and from the High School, but recent housing construction on the street has also significantly contributed to it.

Traffic calming procedures implemented on Bella Vista several years ago (the installation of “speed humps”) has done little to slow down the speed of traffic. Pedestrians (many with children, strollers and dogs); joggers; and cyclists favor our street, and they all have to be careful about cars and trucks speeding along the street. There is little or no police enforcement of the posted speed limits. And there’s very little on street parking available for those who need to park on Bella Vista, especially during the day.

The street itself is narrow, with no sidewalks to speak of. There are two blind curves on Bella Vista between Caldwell and Charles, and in some places there is no space for two cars to pass each other if cars are parked on either side of the street. At night the street is poorly lit. All these factors contribute to traffic safety challenges on Bella Vista.

**7:30 am school traffic on Bella Vista at the north edge of the applicant’s property.**





## Marni Moseley

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**From:** Debra Chin <debrachin@aol.com>  
**Sent:** Saturday, May 21, 2016 8:29 PM  
**To:** Marni Moseley  
**Subject:** Remarks re: 341 Bella Vista Avenue

**Lead agency:** Town of Los Gatos  
Community Development Department  
110 East Main Street  
Los Gatos, CA 95031

**Application No:** Architecture and Site Application S-12-103  
Subdivision Application M-12-008  
Negative Declaration ND-16-001

**Project Location:** 341 Bella Vista Avenue

Dear Vice Chair Kane and Planning Commissioners:

I am writing to respectfully request that the Architecture and Site application and the Subdivision application for 341 Bella Vista Avenue be denied based on the lack of adherence with the Hillside Standards and Guidelines. Contrary to the finding in the Planning Commission Staff Report of May 25, 2016 stating that the project is consistent with the Hillside Standards and Guidelines, the proposal is not compliant for the following reasons:

**I. The Hillside Development Standards and Guidelines Prohibit Three-story Elevations**

On page 5 of his letter to the Planning Commission dated May 17, 2016, Mr. Ross acknowledges that three story elevations are prohibited, yet Mr. Ross continues to assert that his current plans are fully compliant as "the house itself is not three stories". As acknowledged by the Town in response to my letter of March 22, 2016, the proposed home is three stories. Three stories are three stories, no matter whether Mr. Ross chooses to use the main level as a garage or a living area.

**II. Exception for Rear Patio Retaining Wall**

The applicant is asking for an exception to the Hillside Standards and Guidelines for a rear patio retaining wall in order to provide egress to the patio from the bedrooms located in the cellar. If the bedrooms were designed to be on the main or upper level, like all of the other homes in the neighborhood, there would be no need for this exception.

**III. Buildings Should be Designed to Minimize Bulk, Mass and Volume**

The Hillside Standards stipulate that "buildings shall be designed to minimize bulk, mass, and volume as not to be visible from a distance or surrounding properties". The current plan for a three-story elevation house totaling 3,319 square feet built on lots with an average slope of 50 degrees (per TS Civil, the civil engineer for the project) maximizes visible bulk and mass to multiple neighbors.

Mr. Ross claims that he has created this new plan in direct response to the Planning Commission and specifically Commissioner O'Donnell's remarks to reduce the square footage of the homes. However, the prior plan was for two homes on two lots, one with 2,319 square feet and one with 2,202 square feet of living space. The current plan for a single home with 2,638 square feet is an increase of 14% and 20% respectively vs. each of the two prior homes planned.

**IV. Neighborhood Privacy and Compatibility**

Hillside Standards require that the site and design for a new home ensure privacy to surrounding neighbors. The proximity, mass and scale, and outdoor balconies that characterize the current design will result in extreme violation to the privacy of the adjacent Bella Vista town home owners.

As Mr. Ross points out in his letter to the Planning Commissioners dated May 17, 2016 the neighborhood on Bella Vista Avenue is made up of one and two story single family detached homes. There are NO comparable three story homes on Bella Vista Avenue. The comparison he makes to the townhomes on Maggi Court is irrelevant, as the site was not a designated as a Hillside.

**V. Neighborhood Outreach**

During the April 13<sup>th</sup> hearing, Commissioner Hanssen asked me if I would be willing to meet with the applicant. I responded that I would be willing to meet, *"given the applicant comes up with a design that mitigates the concerns raised"*. However, before the close of the hearing the applicant's attorney, Barton Hechtman, dismissed the concerns raised by myself and other neighbors when he stated *"the whole purpose of this process we're engaged in is not to protect the neighborhood"*.

Since the hearing, I acknowledge that I have received two letters from the applicant offering to review the current plans. One was deposited under my door mat (without Mr. Ross taking the opportunity to knock on my door and speak with me as invited during the hearing on April 13<sup>th</sup>) and another was sent via mail without a return name/address. Both letters state that the current application is in complete compliance and "requires no variances".

Given Mr. Hechtman's stated intention to provide direct rebuttal to the issues raised by neighbors when the hearing is reconvened on May 25, 2016 and Mr. Ross' unwillingness or inability to produce a plan that acknowledges or addresses the concerns I have expressed, I feel that there are no grounds for a meeting or discussion at the present time.

I understand that the applicant has a right to build something on these lots, however the adjustments proposed to the plan in response to the comments from the public and the Planning Commission are immaterial. Please deny the application and continue to uphold the Hillside Standards and Guidelines which were enacted to preserve the character and beauty of the Town of Los Gatos.

Sincerely,

Debra Chin  
154 Maggi Court



**PATRICK K. TILLMAN**

*Attorney at Law*

May 22, 2016

**Sent via e-mail to: [MMoseley@losgatosca.gov](mailto:MMoseley@losgatosca.gov)  
and [planning@losgatosca.gov](mailto:planning@losgatosca.gov)**

Planning Commission  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95030

Re: 339 & 341 Bella Vista Avenue Applications  
Applicant: Dan Ross  
Planning Commission Meeting – **05-25-16**  
Supplement

Dear Commissioners:

At the 04-13-16 Planning Commission hearing, I was asked to address three (3) of the following, I added # 1 & 2:

- #1. Three (3) Stories.**
- #2. Exceeded height.**
- #3. Exceeded the FAR.**
- #4. Exceeded “Cut and fill.”**
- #5. Exceeded driveway 15% slope.**

**#1. Three (3) Stories.** 1<sup>st</sup>, look at it – it’s three (3) stories.

2<sup>nd</sup>, the definition of a “*Story*” is provided by the Town Code:

*Story* means that portion of a building including between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story. **Three story**

***building elevations are prohibited*** in Hillside Residential and Resource Conservation Zones.

(Emphasis added)  
(29.10.020)

“Cellar” is defined by the Town:

“Cellar means an enclosed area that does not extend more than four (4) feet above the existing or finished grade in any location ...”

(29.10.020)

This is not a cellar.

Three (3) story elevations are also prohibited by the HDS&G. (@ pg. 36)

**#2. Exceeded height – twice (2x).**

***1<sup>st</sup> one:*** overall height.

*“Height means the height of all structures ... [and] shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge ... No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane ...”* (29.10.020)

The height limitation for homes extending above a ridgeline is **28'**. (HDS&G, pg. 35) For ridgeline and visible homes, the height limitation is **18'**. (Ibid @ pg. 36) The “PROJECT DATA” sheet provided by Staff indicates the maximum height is **25'**.

This is a visible home ... even more so after Applicant cuts down all the trees.

The Staff Report indicates “*the overall maximum height of [this project is] **33 feet**.” (04-13-16 Staff Report, pg. 7) Applicant’s building diagram indicates approximately **33'**. (MND, Figure 9)*

**2<sup>nd</sup> one:** Main floor.

*“The height of the lowest finished floor(s) of a structure, excluding cellars, shall not be more than four feet above the existing grade to ensure that buildings follow slopes.”*

(HDS&G, pg. 36, ¶E(4))

Applicant diagramed the point in the lowest level where the natural slope cuts through at 4' above the lowest floor. The distance from the lowest level floor to the next level floor is 10', leaving 6' above the existing grade. Worse, he cantilevered the Main level out beyond the lowest floor, creating a gap substantially more than 6'.

**#3. Exceeded the FAR.** The Staff Report incorrectly calculated the FAR. The calculation should be:

10,155	sq. ft. lot
<u>x .4</u>	(60 % reduction)
4,062	sq. ft. applicable
<u>x .345</u>	FAR for under 11,000 s.f. lot (HDS&G 27-28)
<b><u>1,401</u></b>	<b>FAR allowable</b>

Staff also neglected to include the FAR total for the project. Not conceding the cellar reduction of 1,179 sq. ft. claim, but allowing it for argument sake, Staff's figures total **1,564** (1,278 Main floor + 185 Non-cellar + 101 oversized garage).

Staff's "Neighborhood Analysis Table" uses 7 of 8 FAR comparisons that are across the street on Bella Vista. Appropriate. These comps all have flat, useable lots, unlike this property.

**#4. Exceeded "Cut and fill."** The Staff Report omits grading information – specifics, and why the HDS&G should be disregarded.

The MND indicates +10' of vertical "cut" into the hillside that runs +60' horizontally, parallel to the road. (MND Figure 9) This evacuation is to accommodate the lowest floor, referred to as a "cellar;" *A "cellar" with its own patio.*

Again, "Cellar" is defined by the Town:

"Cellar means an enclosed area that does not extend more than four (4) feet above the existing or finished grade in any location ..."

(29.10.020)

This is not a cellar.

Maximum grading cuts are not to exceed 8'. (HDS&G, pg. 17)

"Cuts and fills in excess of [8'] are considered excessive and contrary to the objectives of the Hillside Design Standards and Guidelines." (Ibid)

Applicant requires another 5' of vertical cutting to install a retaining wall that "*wraps around the below grade patio and the main living floor level to the south of the site.*" (Staff Report, pg. 6) Presumably, that retaining wall also runs for +60', plus an area for a patio; the patio area of the retaining wall having no more than another 5' of *exposure*. (Ibid)

We are talking about +15' of vertical "cut," running +60' horizontally, through a 53% slope, parallel to the road just above it; which is not 25' from the structure.

Another "retaining wall," referred to by Staff as simply "a wall," is poorly disclosed/described as being "... *along the rear and side range from approximately 3 feet at the western edge to 10 feet along the eastern edge of the patio.*" (Staff Report, pg. 6, ¶D) NOT POSSIBLE, and show it somewhere, e.g. diagram. "NOT POSSIBLE" because the 53% slope is east-to-west, headed downward. Consequently, any point west of another point requires a higher wall.

10' is higher/deeper than 8'.

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**#5. Exceeded driveway 15% slope.** The Staff Report generally references compliance in its Conclusion, under the sub-heading of “Pedestrian safety,” nothing more. (Staff Report, pg. 8)

The maximum grade for a driveway is 15%, with adequate line of sight. (29.10.06708; HDS&G pgs. 22-23)

Applicant’s diagrams are inconsistent and inaccurate. (MND, Figures 3 & 4; 05-17-16 Applicant Supplement (Exhibit 10); placement of Story Poles)

Applicant randomly picks a spot far left of the midpoint of the driveway entrance off Bella Vista, and draws a line directly to the midpoint of the garage, cutting across the actual slope of the driveway at an angle – assigning the distance as 44’. The garage floor is 6’ below the street level. Using only these two (2) points, the percentage drop appears to meet the standard ( $6 \div 44 = 11.1\%$ ), but it simply masks the slope of the primary area of ingress and egress, which is steeper.

Another problem with Applicant’s driveway presentation is: his 05-17-16 Supplement matches the Story Pole depiction, placing the garage door almost perpendicular to Bella Vista, with a flat area directly in front of the garage, thus shortening the distance for the calculation. As a consequence, the driveway actually has a more dramatic drop (West) immediately coming off Bella Vista and getting to the flat area and their garage. The slope, *as depicted by its supporting wall* (another retaining wall??; 05-17-16 Applicant Supplement, Exhibit 10), where the slope is the least, exceeds 30% for the 1<sup>st</sup> 15-25’.

No comment is made by Staff about visibility, e.g. at the south-easterly-most corner of the lot, right next to the street, is a 33” Coastal Oak. It’s not on Applicant’s property. Or a comment that across Applicant’s entire southerly property line are 20-25’ tall bush-trees, blocking an exiting driver’s view. These drivers will be backing out, onto Bella Vista, uphill, basically blind to Northbound traffic. The exiting driver’s view of Southbound traffic is blocked by quite a few trees that line the property close to Bella Vista, which tracks around these trees in a soft convex curve.

**CONCLUSION**

*The whole purpose of this process is to protect the neighborhood, not to assist [a spec-home] developer.*

Thank you.

Respectfully,

/s/

Patrick K. Tillman

cc: Mary Badame (*by e-mail*)



Vitaliy Stulski & Natallia Stulskaya  
152 Maggi Ct.  
Los Gatos, CA 95032

May 21, 2016

The Planning Commissioners  
Town of Los Gatos  
Community Development Department  
110 East Main Street  
Los Gatos, CA 95031

Dear Commissioners,

Re: 341 Bella Vista Ave. Los Gatos, CA Application

We are writing again to reinforce our extreme concern with the proposed residential development at 341 Bella Vista Avenue submitted by Mr. Dan Ross. We live at 152 Maggi Ct. Los Gatos, CA in "Bella Vista Village" and are the owners of this property.

Recently I had a chance to look at the revised plans that Mr. Dan Ross submitted for upcoming Planning Commission hearing. Also I read the Staff report that concluded that the project has to be approved, subject to conditions. I'd like to express my disagreement with this assessment.

The new proposal still fails to address many concerns that I personally and our community expressed in many hearings and letters before.

1. **Significant privacy issues** including visibility into neighbouring properties;
2. **Bulk and mass**: Guidelines are interpreted in favor of the developer. Proposed structure plan suggests adding square footage every possible way. From downhill this structure will look exactly like what it is: 2800 sq. feet house, no matter that 1200 sq. feet is counted as a cellar.
3. **Financial loss to all the residencies around the project** and also in the close proximity to it;
4. **Environmental impact**: cutting trees and transforming a lively green steep hill into a huge houses that covers the most of the hillside and very visible from the properties down the hill;
5. **Huge safety problems** including cutting huge chunks of the slope in a seismic unstable zone, building enormous house right up the hill from the neighbour properties;
6. **Causing huge inconvenience to the neighbourhood** during construction and after it (traffic, parking, noise, light etc.)
7. **Painful process** of going from plan to plan for many years. Splitting lots and proposing two large houses, insignificantly decreasing their size, then merging lots, proposing even bigger house and comparing it to two houses before.

When we were buying our house we knew that the land behind it is zoned as buildable (previous owner informed us). We also knew that prior attempts to build on this land were shut down on the

grounds of not following the guidelines (FAR etc.). This fact gave us strong belief that the rules are enforced in Los Gatos and our investment will be well protected against possible attempts to violate them.

I would like to kindly ask the Planning Commission to deny this application.

Sincerely Yours,

Vitaliy Stulski and Natallia Stulskaya  
Owners of 152 Maggi Ct. Los Gatos, CA.

Timothy S. and Judith A. Coughlin  
320 Bella Vista Ave.  
Los Gatos, CA 95032  
(408) 356-8092  
LGVision@Comcast.Net

May 23, 2016

**Planning Commission**

Town of Los Gatos  
Community Development Department  
110 East Main Street  
Los Gatos, CA 95030  
mmoseley@losgatosca.gov

**RE:** 341 Bella Vista Avenue  
Architecture and Site Application S-12-103  
Mitigated Negative Declaration ND-16-001  
Subdivision Application M-12-008

Dear Commissioners:

We are writing in response to the above application. Many of the same issues we faced in 2011 when this project was last denied, have not changed substantially.

**Trees**

This current application includes plans to remove many trees including some of the biggest and healthiest on the property. The arborist's report states that the two biggest trees, the Coast Live Oaks that are directly across the street from our home, are slated for removal. They are among the healthiest on the property. A mitigated negative declaration has been filed.

- We disagree with the report's assessment that the removal of trees would be of minimal impact.
- When trees are removed for the construction of this development the building with all of its vents and chimneys will be plainly visible from viewing platforms.
- The view of all the power lines, now obscured by the tree-backdrop, will be stark and constitute a degradation of the "vista" from our street.
- The trees now shield us from the light pollution from nearby sources below. They also shield us from the noise coming from Highway 17. Their removal will substantially increase the freeway noise.
- The report states "no significant impact, with mitigation". What are the mitigations for cutting down two or more ancient oak trees? Are replacement trees to be planted?

- Where will these replacement trees be placed on the site? No amount of money or the planting of trees in some other location will mitigate the loss of these trees.
- These trees along the west side of Bella Vista Avenue constitute a significant green belt which birds use to migrate from south to north with relative protection from human activity. Removal of 10 or more trees on this site would disrupt this corridor.

### **Ingress and Egress/Safety**

- We are very concerned about the narrowness of the street and the ability of fire equipment to navigate it with the increased parking and the presence of a new driveway. Bella Vista Ave. is extremely narrow where it meets Simons Way and this is because there are houses on both sides and cars parked on the right-of-way. We do not want to see that happen here.
- Bella Vista Avenue is a bike route. Residents paid for surfacing the street with the help of federal dollars for the bike-route designation. The additional driveway, parking and ingress/egress would add to the danger of riding on the street.
- The proposed driveway configuration would necessitate that the driver back out uphill onto Bella Vista, a dangerous move, especially during high-school commute times. This is a significant hazard as the driveway is steep.
- How will increased traffic be mitigated? How will the safety for bicyclists be ensured? How will fire-engine access be assured?

Any construction on this site will seriously endanger these beautiful heritage oaks and should be denied. Perhaps a small-footprint home on the north corner of the lot should be considered if any building is to be done at all. Even then, the safety impacts and esthetics cannot be mitigated satisfactorily.

We urge you to deny this application.

Thank you.

Sincerely,

Tim and Judy Coughlin