



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

ITEM NO: 3

PREPARED BY: Marni Moseley, AICP, Associate Planner
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. APNs 529-23-015 and 016.

DEEMED COMPLETE: March 24, 2016

FINAL DATE TO TAKE ACTION: September 24, 2016

RECOMMENDATION: Approval, subject to conditions.

PROJECT DATA: General Plan Designation: Low Density Residential
Zoning Designation: R-1:8
Applicable Plans & Standards: Hillside Development Standards and Guidelines, General Plan
Parcel Size: 10,155 square feet (when merged)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1:8 and RM:5-12
East	Residential	Medium Density Residential	R-1:8
South	Residential	Medium Density Residential	RM:5-12
West	Residential	Medium Density Residential	RM:5-12:PD

CEQA: It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration is recommended.

FINDINGS:

- That the project will not have a significant impact on the environment and a Mitigated Negative Declaration is recommended.
- That the project is consistent with the Hillside Development Standards and Guidelines.
- As required by Section 66474 of the Subdivision Map Act if the Planning Commission denies the subdivision application.

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

ACTION: Approve the applications, subject to the attached conditions.

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

Received with this 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)

BACKGROUND:

The proposed application was considered by the Planning Commission on April 13, 2016. The Commission heard from the applicant and took public testimony. The concerns raised by the Commission and the neighbors included geotechnical hazards and slope stability of the site, tree removals, the proposed cellar, and the bulk and mass of the home from the rear. The application was continued to May 25, 2016 to facilitate attendance by project professionals. Staff and the applicant have facilitated the attendance of the following professionals: Town's Consulting Arborist, Town's Consulting Geotechnical Engineer, Town's Environmental Consultant, applicant's Civil Engineer, and applicant's Geotechnical Engineer. The Commission also encouraged the neighbors to meet with the applicant and staff to discuss their concerns prior to the continued meeting date.

Staff provided a sign-up sheet in the Town Council Chambers Lobby after the public hearing and requested that the neighbors provide their contact information to assist staff in coordinating a meeting time and place that worked best for those willing to participate. The neighbors told staff that they would coordinate a group contact on their end and follow up with staff. Staff left the sign-up sheet in the lobby and encouraged the neighbors to provide at least names and addresses if they were interested in participating. The applicant discusses his additional neighborhood outreach since the April 13, 2016 meeting within his response letter (Letter and Attachment 9 of Exhibit 17).

Based on the comments by the neighbors at the April 13, 2016 meeting, the applicant has offered (Exhibit 18) the following modifications to the previously submitted plans:

- Reducing the living floor area by 172 square feet (from 1,278 to 1,106 square feet); and
- Reducing the height of the residence at the southwest corner from 21 feet, eight-inches to 15 feet; and
- Removing the rooftop deck and replacing it with landscaping.

Staff has also received additional comments from the neighbors which are included in Exhibit 16.

RECOMMENDATION:

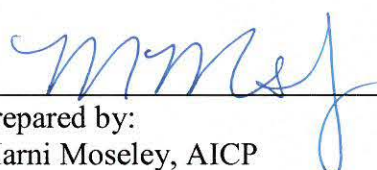
Staff recommends that the Planning Commission take the following actions to approve the Architecture and Site application and Subdivision application:

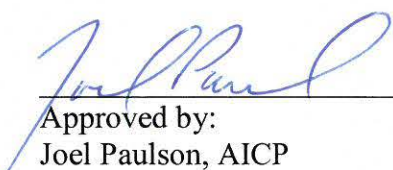
1. Make the Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (Exhibit 3); and
2. Determine that none of the findings required by Section 66474 of the Subdivision Map Act to deny the subdivision application can be made (Exhibit 5); and
3. Make the finding that the project complies with the Hillside Development Standards and Guidelines (Exhibit 5); and
4. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 5); and
5. Approve Architecture and Site Application S-12-103 and Subdivision Application M-12-008 with the conditions contained in Exhibit 6 and the development plans attached as Exhibit 14 with the modifications provided in Exhibit 17.

ALTERNATIVES:

Alternatively, the Commission can:

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


Prepared by:
Marni Moseley, AICP
Associate Planner


Approved by:
Joel Paulson, AICP
Community Development Director

JP:MM:cg

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

Marni Moseley

From: Richard Harris <4richardharris@gmail.com>
Sent: Wednesday, May 11, 2016 12:05 PM
To: Marni Moseley
Subject: 341 Bella Vista Ave.

110 East Main Street

Los Gatos, CA 95030

Attn: Marni Moseley

Concerning: 341 Bella Vista Avenue

We, Annie and Richard Harris, live at 316 Bella Vista Avenue, directly across the street from this bad idea. We can't help thinking about the TERMS of this proposed building.

If it looks like a duck, swims like a duck, you can call it a pig, but it's still a duck. If it looks like a three story building, has three flights of stairs, three floors of living space, you can call it a two story, but it is still a three story building with a garage on top.

A curved driveway at a 15 degree angle is useable? There is no visibility south towards Los Gatos High School because of a large oak tree, and no visibility to the north if anyone is parked on that side of the street. A car using this driveway to pull onto a designated bike path doesn't make the driveway useable.

The benefit of one person, to the disadvantage of an entire neighborhood, does not make sense to us.

Sincerely,

Annie and Richard Harris

EXHIBIT 1 6

Marni Moseley

From: Rebecca Wilson <reverendwilson@aol.com>
Sent: Wednesday, May 18, 2016 11:25 AM
To: Marni Moseley
Cc: Rebecca Wilson
Subject: 341 Bella Vista Avenue, Los Gatos, CA 95032

May 18, 2016

Dear Gentleperson:

One of our concerns is for the historical, scenic beauty, the flora and fauna, that enhances the nature and character of the Town of Los Gatos. We have already lost much of the natural beauty and atmosphere in the name of development.

Bella Vista Avenue is one of the main routes for our town marathons, joggers, walkers, and cyclists. It is enjoyed by a myriad of people who come from near and far to appreciate the distinct quality and historical character of Los Gatos.

Bella Vista is also the main thoroughfare for the students driving and walking to and from adjacent schools. It is already very busy with auto and foot traffic.

We can't ignore the danger this construction and additional parked cars on a blind curve, bring to this already highly-traveled area.

Each day as I cautiously back out of my driveway, I worry about the blind curve where runners, walkers, bicyclists, students walking and driving to and from school, and the possible danger it presents.

Is the Town of Los Gatos going to be responsible if they allow these deviations to the hillside rules, and the additional danger to pedestrians and autos on a blind curve? Will the Town of Los Gatos be responsible for the accidents resulting in injuries, or possible deaths?

This is a huge negative impact, not only for the nearby residents affected by the infringement of their view and privacy, but by the appearance of this massive house affecting the entire community who has chosen to live here in Los Gatos known for its small town charm and picturesque mountainsides.

The removing of these old oaks, natural vegetation, and endangering people, in order to construct a building which will mar the beauty of our hillsides and add further danger to an already busy location — should not be approved. This proposed over-sized house is NOT in conformance with the character of homes on Bella Vista, nor the quality of life the Town of Los Gatos offers to her residents/taxpayers.

Thank you for your time.

Respectfully submitted,

Rev. Rebecca Wilson
312 Bella Vista Avenue
Los Gatos, California 95032-5415
281 550-5683

16 May 16

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

RECEIVED

MAY 18 2016

TOWN OF LOS GATOS
PLANNING DIVISION

RE: 341 Bella Vista Ave Application

Dear Commissioners

Heritage Oak Trees are in Excellent Health with Lush, Thick, and Dark Green Leaves

I believe over the past years there's been a Planning reliance on the "Ellis" report that the Heritage Oak trees on the property are not healthy. I am submitting a new report that says the Oak trees are in "Excellent Health"

Over the past 15 years there have been several Arborist reports in your files for this property. The first is the "Ellis" report.... when she was the Town Arborist. In that submission she says the trees are healthy and shouldn't be cut down. Then "Ellis" gets hired by the Applicant and guess what the trees are "somewhat unhealthy."

Maybe three years ago.....I had two expert tree reports submitted to Planning. Both said the trees were not 100%, but would live another 100 years plus. Most likely.... I'm guessing.... stressed from the drought. Now that we got decent rainfall this past season.... the trees are in excellent health.

I've attended planning meetings and seen some of the ugliest trees in town be saved. Few plants figure more prominently in California history than oaks. How can we cut down several huge native examples. There is not a more beautiful and majestic tree than a native California Oak. The Coastal Live Oak has the ability to live centuries and commonly exceed 300 years of age.

Three Years Ago.....I submitted Two Reports

So,after reading the "Ellis" report, I went to a "Tree Expert" and asked the question....are these three (forgetting the other 20 or so other Oak examples on the property) huge and beautiful Oaks really dead or in bad shape. The report is attached from John Thompson Tree Expert.....suggesting the trees are in good shape and might need some trimming or feeding. His company has three crews, that trims, removes and maintains trees six days a week in Atherton, Woodside, and six major golf courses in the area. He says he's not an arborist. However, much like a nurse or doctor, he works daily with the care and maintenance of oaks. For a formal written arborist report, John gave me several names, but he said the best was Ralph Osterling.

I called Ralph Osterling and had conversations with both Ralph and his staff arborist Walter Fugii. Their report is also attached. Their conclusion is the same. Two of the three oaks are in good health. At this time, tree three is in less than good health, so lets trim and feed the tree so it can be saved too.

Forrest Straight
146 Maggi Ct
Los GAtos, CA 95032
Also Almond Grove Homeowner too

John Thompson (11May16) Tree Report Attached

John Thompson Tree Expert, LLC

(A Nevada Entity)



Since 1969

San Jose Office
467 Saratoga Ave.
Suite #616
San Jose, Ca. 95129

State Cont. License #655117

Menlo Park Office
P.O. Box 473
Menlo Park, Ca.
94026

24 Hour Service

Pager 650-327-8090 Cell 650-400-0289

Fax 408-261-3175

Date: 5-11-16

Name: * Daw Ross New Const. Project

Address: 341 Bella Vista

City: Los Gatos, Calif Zip: _____

Estimate: _____ / Invoice: _____ Amount: \$ _____

*

Roberts of Woodside
Menlo Golf & Country
Half Moon Bay Golf
Black Berry Golf
Deep Cliff Golf
Interland Corp.
Crown Plaza Hotels
Hilton Hotels
Coherent
Mercado Shopping Center
City of Half Moon Bay
Town of Woodside
Town of Hillsborough
Menlo School District
Las Lomas Schools
Los Altos School District

Upcoming RE-Inspection from 3 Years Ago
I find the Two Mature Heritage Calif.
Live Oaks. Both Trees are Estimated
to be 150 to 200+ years old

I find Both Trees to be in Excellent
Health with Lush, Thick, Dark Green
Leaves. Both Trees can easily live
Another 100 Plus Years

Customer

John Thompson Tree, LLC

John Thompson Tree Expert, LLC
Tree Care Since 1969

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MAY 18 2016

TOWN OF LOS GATOS
PLANNING DIVISION

14 May 16

Planning Commission
Town of Los Gatos
110 E Main St
Los Gatos, CA

Re: 341 Bella Vista Ave

Dear Commissioners,

The "Cellar" is not 4' below the existing grade

After almost 15 years, the outcome and direction from the Town Planning and Council has been....build it smaller and no trees cut down. (745sf and no Oaks)

I wake up around 7am when filtered sunlight through the Oaks brighten my bedroom. This will all be gone if a 4000sf home is built (home, garage, and decks). The proposed structure is about 60' above me and 40' away. About 10' closer than the last proposal. (Think 745sf and no Oaks)

Cellar

At the last planning meeting, I am not sure I was able to get my point across that the cellar is really not a cellar.... and not 4' under ground.

1) There is a difference between percent grade and slope in degrees.

- 2) The slope and grade changes along both properties or the hillside. It might average 53% grade and/or 28 degrees.
- 3) But, where the proposed structure is located the slope and percent grade is steeper. Measured at 75% grade and 37 degrees.
- 4) It is easier to measure the degrees and convert to percent grade.
- 5) The architectural drawings show the slope at 28 degrees and the lower level below grade. However at 37 degrees the lower level is not entirely under 4'.....and not a cellar.
- 6) Additional Proof....If you extend the two lines (28 and 37 degrees) The 28 degree line has the hillside ending half way up my home. At 37 degrees the hillside ends up at the base of my home....as it is in real life.
- 7) Additionally....A cellar in Almond Grove is under ground and maybe a 12" window is exposed to daylight...not adding Bulk and Mass. This proposal has the "so called" cellar completely exposed and not really a cellar by definition. It also adds greatly to the Bulk and Mass.

Soils

The property is within the Santa Clara County hazard zones for:

Fault Rupture

Landslide

Liquifaction

If anywhere on this map there would be a concern.....it would be on a 37 degree 75% slope.

What causes failure:

Added weight

Instability

Ground Shaking

There are several Oaks that the structure needs to cut down. They are each 65' in diameter branch and leaves. That adds up to 10,000sf of tree canopy and 10,000sf of root structure making the hillside stable for 100's of years. For Oaks these roots are deep and wide.

So, what does that give us....

- 1) Dig a huge hole, add tons of concrete and a home. (Added Weight)
 - 2) Add rains to raise the water table and the resulting added hillside weight (Added Weight)
 - 3) Cut down trees, lose the root structure (Instability)
 - 4) Now add an earthquake.....and we've had them in Los Gatos
- All four of these together will cause the Failure

Then

We have a homeowner who most likely can't get insurance
A Geotech Company that changes it's name again for the 3rd
time in 4 years
A Town that has allowed the removal of Oaks and their stability
And...Maggi Ct residents (10-20) living in Motels

For someone who builds....on say four acre property and a steep hillside...who cares if the house slides and a better retaining wall needs to be built. I know there have been many Los Gatos hillside homes that have had failures like this. But, on a 75% grade, 60' above, and 40' away from me is unacceptable.

Forrest Straight
146 Maggi Ct
Los Gatos, CA 95032
650 400 0427
Almond Grove homeowner too

Greenbelt Consulting

Environmental Education, Assessment, and Management

[Home](#) [Services](#) [Articles](#) [Bio](#) [Contact](#)

Relationship between degrees, percent slope, and ratio to express slope gradient

By Elliott Menashe, Greenbelt Consulting

Slope gradient is a key factor in influencing the relative stability of a slope. It determines the degree to which gravity acts upon a soil mass. Slopes are often irregular and complex, with gradients varying greatly throughout a given shoreline profile. Each slope profile section should be treated as a separate management and restoration site unit. Slope gradient can be expressed in several ways. The table and slope determination formulas below illustrate three commonly used notations.

Slope Determination Formulas

Slope Ratio: $HD:VD$

Slope Percent: $\left(\frac{VD}{HD}\right) \times 100$

Slope Angle (degrees): $\text{Arctan}\left(\frac{VD}{HD}\right)$



Examples

Slope Ratio: $100:50 = 2:1$

Slope Percent: $\left(\frac{50}{100}\right) \times 100 = 50\%$

Slope Angle (degrees): $\text{Arctan}\left(\frac{50}{100}\right) = 26.6^\circ$

Degrees (°)	Percent (%)	Ratio (H:V)
2.5	5.0	
5.7	10.0	10:1
10.0	17.6	
14.0	25.0	4:1
18.0	33.5	3:1
19.3	35.0	
20.0	36.4	
24.2	45.0	
26.1	49.0	
26.6	50.0	2:1
30.0	57.7	
33.0	66.7	1.5:1
35.0	70.0	
38.6	80.0	
42.0	90.0	

"31 ELEV"

10'



24' ELEV

24' ELEV.

20'

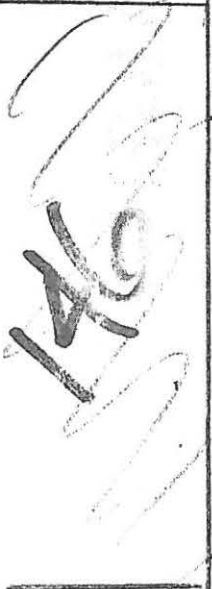
HILLSIDE SLOPE
USED ON TRIANGLE

MY HOME

28°

37°

CORRECT SLOPE
SHOWING LEVEL
NOT ON FOREGROUND



140

Marni Mosley
Los Gatos Planning Department
110E. Main Street
Los Gatos, CA 95030

RECEIVED

MAY 19 2016

TOWN OF LOS GATOS
PLANNING DIVISION

Subject: 339 & 341 Bella Vista Avenue Applications
Applicant: Dan Ross
Planning Commission Meeting May 25, 2016
Objections to proposed Construction Settlement

Dear Ms. Mosley:

I spoke at the last hearing and I agreed to meet with Dan Ross, but I changed my mind when his attorney was very clear in closing comments that they were not here to protect the neighborhood. However, I did meet with Mr. Ross immediately after the hearing in the lobby. It is from that conversation that convinced me that he has no intention of building a reasonable size home for that land given the slope and the trees. Dan Ross has heard us speak and read our letters. By now he should know what it would take to satisfy the neighbors. I appreciate the commissioners wanting us to meet to come to a compromise but we are too far apart.

I am very concerned about the Bulk and Mass of this home. This is a three story home (I don't consider the lower floor as a cellar) and it is very threatening to the neighbors below. It invades our privacy with a house so close and so high where people can look into our bedrooms and backyards. I am also very concerned about our safety during construction. The house looks like an industrial style home. One that belongs in the desert. That architectural style does not belong in the Bella Vista neighborhood or anywhere in Los Gatos.

I am requesting that the planning commission deny this petition.

Sincerely,

Mary Ann Lown
156 Maggi Ct
Los Gatos

Ken Lown
156 Maggi Ct.
Los Gatos, CA 95032

May 18, 2016

RECEIVED

MAY 19 2016

TOWN OF LOS GATOS
PLANNING DIVISION

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

RE: 339 & 341 Bella Vista Lane – Mitigated Negative Declaration ND-16-001

This is the 2nd letter I am writing to reiterate that my wife, Mary Ann, and I residing at 156 Maggi Ct., part of the Bella Vista Village community oppose the proposed project by Dan Ross at 339 & 341 Bella Vista Avenue. We request that the Planning Commission of Los Gatos reject Dan Ross' current proposal.

At least two projects of which I am aware (I have heard there was a 3rd) have previously been rejected by the Los Gatos Planning Commission for essentially the same reasons: i) Mass and Scale; ii) creation of a dangerous traffic situation on Bella Vista Avenue; iii) destruction of protected trees, iv) severe negative impact on neighboring homes. Nothing of substance has changed between the previous rejected proposals and Dan Ross' current proposal.

Mass and Scale: The Hillside Development Standard and Guidelines have a number of sections that discuss mass and scale. There are two bullets in the Forward of this document that are pertinent (note ... this is just the forward with additional standards and guidelines in the body of the document).

- Not every site can be developed at the maximum density and intensity allowed by the zoning ordinance.
- Designs that are bulky and massive may be more difficult to get approved.

I submit that the challenges imposed by building on this site of roughly 90 ft depth with an average grade of 53% (Forrest Straight at the last Planning Commission meeting discussing this project indicate the grade at the location of the proposed home on the requested combined lots was significantly in excess of 53% grade) is an especially challenging location in nearly all respects of developing property and is therefore a site that should not be allowed anywhere near the maximum FAR of 1520 sq. ft. Dan, in his letter to the town dated 9/16/2013 describes a home with a 1453 sq. ft. 1st floor and a 1267 sq. ft. cellar (total 2,720 sq. ft). The Negative Mitigation dated Feb. 2016 indicates a 1278 sq. ft. 1st floor and a 1360 sq. ft. cellar with a 500 sq. ft. garage (3138 sq. ft). Yes, I know much of this is exempted from the FAR calculation but the fact is the home has grown in size (not reduced) by 418 sq. ft. from 2013 to now and the current proposal projects roughly 1500 sq. ft. of wall (that is the cellar and 1st floor) upon the residents of Maggi Ct. 40 ft., not from the property line, but building to building. Dan has combined the size of what was two homes from the previously rejected

proposal into a single home on the same land. This is not a significant reduction in size and mass as was the guidance of the Planning Commission from his last rejected proposal.

Meeting with Dan Ross: During the last Planning Commission discussing Dan's latest proposal at least one member of the Planning Commission asked of a few public speakers if they were willing to meet with Dan Ross. There was a large attendance (including myself and my wife) at a meeting with Dan Ross during the process of his previously rejected proposal. We were clear. I was clear. Nothing of the proposed mass and scale would be acceptable for all of the reasons articulated by various letters from numerous neighbors to the Planning Commission and verbal presentations at the Planning Commission meetings.. Minor proposed mitigations of frosted glass, a few screening plants, and even suggestion of minor reduction in floor area would not come close to the reduction in mass and scale that would be acceptable. Several individuals including myself literally met with Dan immediately after the last Planning Commission meeting and reiterate our position. There is simply nothing more to discuss until he (or some other potential owner in the future) has a proposal for a home that is of a reasonable mass and scale for this tremendously difficult lot.

Construction: There is no conceivable way that construction of Dan's proposed building will not be excessively intrusive to the neighbors and to the hillside itself. One of the Commissioners specifically requested that Dan provide the site construction plans including site access. I was very glad to hear that request and I do not understand how heavy equipment will safely access this site on an average 53% grade and, additionally, not be overly invasive to my home, my neighbors homes, and the hillside itself.

Until such time as a proposal is brought before the planning commission of reasonable mass and scale that preserves the hillside in an appropriate fashion, provides a plan for a safe construction, demonstrates a safe foundation that will support the home to be built and protects from erosion and slide the homes below I respectively implore the planning commission to reject construction on 339 and 341 Bella Vista Avenue

Sincere regards,

Ken Lown

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MAY 19 2016

TOWN OF LOS GATOS
PLANNING DIVISION

148 Maggi Court
Los Gatos
California 95032

May 19, 2016

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

Dear Commissioners,

Re. Application to Develop 341 Bella Vista Avenue

We have considered this project extensively and conclude it is too massive, too intimidating, too invasive of privacy, too unsafe in many respects and too damaging of the natural environment to be allowed and should therefore be denied. We will provide specific reasons for denial below.

Mr Ross claims many precedents to his proposed development however the applicable laws in the case of this plot of land are the Hillside Design Standards and Guidelines (HDSG) and the only relevant precedents are for R1 residential development subject to the HDSG and having the same constraints as 341 Bella Vista Avenue.

Specific reasons for denial:

1. The site is not physically suitable for the proposed density of development. It is unconscionable to consider a building designed to guidelines for a 30% slope when the average slope is 53% and the entire site has no LRDA.
2. This building exceeds the maximum FAR, but above or below maximum FAR is not really the point here: consistent with previous hearings this building is too bulky and too massive particularly when viewed from below.
3. Clearly and simply: The proposed building is prominently visible to surrounding properties and the HDSG say that buildings shall not be prominently visible to surrounding properties. This regulation is mandatory and non-discretionary and should provide a clear guide to what can be built on this site. Anyone reading this standard should be aware that any application for development on this site, with its extreme slope, limited lot depth, no LRDA and very close proximity to surrounding properties, should be for a very very small house and one which is essentially hidden within the existing vegetation.

4. The proposed 'cellar' contravenes the Cellar Policy which states that "a cellar shall not extend more than four feet beyond the adjacent grade at any point around the perimeter of the foundation" (which makes sense because the intent of the policy is to allow 'hidden' square footage in-lieu of visible mass). Also some of the so-called cellar extends beyond the footprint of the main building which is not allowed.
5. The building is a three story elevation and three story elevations are prohibited in the HDSG. Town Staff have confirmed in writing that this is a three story elevation; AMEC Environment and Infrastructure noted in their report this is a three story elevation; UPP Geotechnology, the geotechnical advisors employed by Mr Ross, noted this is a three story elevation; even Mr Ross has noted this is a three story elevation (in the HDSG compliance checklist he submitted to Town Staff and in his Letter of Justification to the Planning Commission). Even the appearance of a three story elevation should be significant and be reason for denial, if the Town wants to avoid this as a precedent. The problem is the lower level of the building. The Town Code might not require a garage however removal of the garage or replacement with a carport would not be compatible with the surrounding properties which all have garages, and this would not be compatible with the General Plan. A carport if it is covered may even be considered a story.
6. This development appears to contravene General Plan policies e.g. not compatible with the surrounding neighborhood, does not contribute to the surrounding neighborhood (think traffic issues), shall not detract from existing quality of life (think issues of privacy, noise and light pollution for surrounding properties, loss of rural environment and views), does not blend with the established character of the neighborhood, shall be designed in context with respect to the existing scale and character of surrounding structures, etc.
7. This project poses substantial risks to public safety both during and post development which do not appear to have been properly considered. For example the driveway. This has come up as an issue in previous hearings and still it is a concern. The driveway as currently proposed is steep possibly as steep as the HDSG will allow (15%) and yet in a previous hearing a town planner stated that "it would be impractical to have too steep a driveway for maneuverability".
8. There appears to be no learning process; the same issues are being repeated hearing to hearing.

Additional questions:

- a) We are still not clear how the temporary access road to the site is going to work and be used. The diagrams show a road circling the building site but this diagram seems to ignore the slope of the hill and some of the trees which Mr Ross says will definitely be retained (e.g. tree number 16, the olive, which is bang in the middle of the access road). Given the traffic and safety concerns (e.g. to the road users on Bella Vista, to pedestrians using the footpath at the bottom of the hill, or even to workers on the site if the edge of the road collapses) might it not be a good idea to see some sort of simulation of the site clearance, excavation and development process?
- b) The Owner of 341 Bella Vista has previously described the large oak in the middle of the lot as a 'heritage oak tree'. If this is indeed a heritage tree then there are specific procedures to

be followed before the tree can be approved for removal, which as far as I am aware have not been followed. Is this tree a heritage tree and are any of the other trees heritage trees?

- c) On any given hillside plot in Los Gatos what amount of trees and/or canopy does the Town believe is acceptable to be removed? On this site it could be anything up to 50% of the existing trees including the biggest, most mature and most healthy native trees all of which are protected and maybe as much as 70% of the canopy. Is this a reasonable guideline for other lot development?
- d) Does this project require an erosion control plan before construction begins, consistent with the requirements of the General Plan policy?
- e) Is there anything that can be done to stop the future owners of the house and land from extending patios and play structures away from the house and out onto the rest of the land? Given the size of the proposed home with more than 3,100 square feet it seems likely that it would be occupied by a family with children and that the family might not stay confined to the footprint of the home. A much smaller home on the other hand might only be occupied by one or two people and so might not have this same issue. That is to suggest a much smaller home, aside from the design of the home itself, might have much less potential to invade the privacy of surrounding properties than a larger one.

The hillsides and the HDSC are extremely important to this Town. Town Staff have tried to write this little hillside off as not being of any great concern but it qualifies as a hillside and has been designated a hillside since before Mr Ross bought his land and before we bought ours. It is clearly a hillside for its steep slope and hillside environment, and in addition it provides a contrast between different levels of the town. We believe this little hillside fulfills its role in the town very well.

So in closing we would urge the Planning Commission to apply very strictly the laws and deny this application. We greatly appreciate your careful thought and consideration of these points and look forward to discussing with you on May 25.

Yours faithfully,

Nicholas and Laura Williamson

williamsonnick@aol.com

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Dan and Deborah Ross
188 Villa Ave
Los Gatos, CA 95030

May 17, 2016

Mr. D. Michael Kane, Vice Chair
Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: 339 and 341 Bella Vista Avenue
Planning Commission Meeting Follow Up Letter

Dear Vice Chair Kane and Commissioners:

Thank you for considering our Architecture & Site application on April 13, 2016. Below and attached is a follow up letter to address various questions and clarifications from the hearing. As offered at the hearing, we have also made multiple attempts to meet with our neighbors since the last meeting and, despite receiving no response, have developed an alternative design that further reduces height, bulk, mass and square footage and still meets our family needs and requirements for a livable home.

Background

As you know, there currently two legal and buildable lots on Bella Vista Avenue, 339 and 341 Bella Vista Avenue. Both lots have been deemed by the Town to be legal and buildable from a legal, technical, geotechnical, policy, zoning and architectural perspective.

In 2011, we applied for approval of two single family homes, one on each of the two lots. Sitting on 5,000 +/- sf lots each, the homes consisted of approximate 1838/1803 sf with 481/399 sf cellar and 441 sf garage, using the foundation area underneath the home and garage as living space, as permitted by Town Code. The total square footage of the previous proposed homes combined was 3641 sf plus 880 cellar = 4521 sf. total.

Although the previous application was recommended for approval by Town Planning Staff and Town Engineering based on similar homes in the neighborhood with zero lot lines, exceptions/variances to driveway length, setbacks, height, medium density, multifamily, those applications were ultimately denied due to exceeding the FAR, front and rear yard setback exceptions, driveway length and location.

Planning Commission, Town Council and neighbors stated one house would be more appropriate, the architectural style should be designed to the hill, there should not be a need for front and rear setback exceptions, and there should not be a need for a driveway variance.

Reductions in House Size, Height, Mass and Scale for One Home Vs. Two Home Proposals

In direct response to neighborhood, Planning Commission and Town Council direction from the previous two home proposal, we are proposing a lot merger to create one legal, conforming lot of 10,155 sf with one home vs. two homes, and complying with all Town Codes. The application includes a main level of 1278 sf and a lower countable level of 204 sf for a total of 1482 sf. The cellar of 1156 sf which is permitted and encouraged by Town Code and is not counted in the sf to calculate FAR. The upper, lower area and cellar = 2638 sf total.

The Planning Commission and Commissioner O'Donnell specifically, requested a significant reduction in sf. This plan is reduced by 1883 sf or 42%, compared to the previous two home application. The proposal also includes one compliant driveway and one garage, vs two driveways and two garages. The house also needs to stay at the current elevation to meet the 15% driveway slope requirement.

In response to a question from the Planning Commission at the April 13, 2016 hearing, we calculated the square footage reduction, reduction in lineal feet, and reduction in wall mass on the rear elevation from the two home vs. one home plan which resulted in a:

- **42% reduction in square footage of the home**
- **40% reduction in lineal feet of rear elevation**
- **50% reduction in rear elevation wall mass square**

See Exhibit 1 for west elevation massing comparisons between the two home plan and one home plan. As noted below, we have made further revisions to the plans to further reduce height, bulk, mass, and square footage of the home. This new elevation is included for reference and consideration

The house has been designed to and meets the Town of Los Gatos Zoning Code and Hillside Development Standards & Guidelines. The plan is compliant and meets:

- 1) Floor to Area Ratio/FAR. Stilts are NOT allowed.**
- 2) Height, front set back (per section 29.40.060), side set back and rear set back requirements.**
- 3) Tree requirements (per section 29.10.0990 (9) and 29.10.0955).**
- 4) The house is sited at an elevation that allows the driveway to meet the 15% slope requirement. The house could be raised to lessen driveway slope, but this would create a higher profile for the neighbors in back.**
- 5) The house sits below the existing tree canopy.**
- 6) With 10,155 sf lot, 14% FAR and 13.4% lot coverage, we do not require nor are we requesting ANY Variances. Townhome lots are 1307 sf +/- with 1650 sf +/- homes plus 600+ sf 2 or 3 car garages, 35' tall, 126% lot coverage.**

Topographical Survey

For the Planning Commission's background, TS Civil, the civil engineer for the project, has provided confirmation as to the topographical map and slope of the lot at the south property line. TS Civil confirmed that the average slope along the south property line is 50%. There are variations of 43% and 56%---which, when averaged, conform with 50% slope reflected in the topographical map.

As TS Civil noted, the contours are derived from the numerous spot elevations which were shot in the field for higher accuracy. The density of these shots is adequate for the level of design detail for grading on a slope such as this. National Map Accuracy Standards require that 95% of the spot elevation comply to plus or minus 0.5' (or 6"). The resultant contours are accurate to within one half of the contour interval or 12" (for the 2 foot contours shown). The minor deviation of the contours is standard practice for this type of hillside design.

The spot elevations on the topo are on a grid of 10' by 20', which is a higher order of accuracy than what is actually warranted at 20' x 20'. The topo map is accurate and the design of the grading was derived from the spot elevations and, as such, has been mapped within tolerances of 6" in elevation. This is not only acceptable but goes beyond the standard of care for the practice of hillside grading design. See Exhibit 2, Slope Section.

Please note if someone is reviewing this map relative to Town GIS contours, those contours are generated by satellite, are more general in nature and do not reflect true ground elevations due to tree cover and brush. The topographical survey prepared by TS Civil, as noted above, complies with industry standards of practice, was derived from spot elevations in the field which have a higher degree of accuracy than air or satellite flown mapping and exceed the grid pattern intervals warranted for the site. See Attachment 3 –TS Civil Letter.

Geotechnical

The site is buildable from a geotechnical perspective. The Town's Independent Geotechnical consultant and expert review of 12 previous geotechnical studies prepared for the property between 1997 and 2014 concluded — No significant geologic hazards were identified in those reports. The geotechnical report provides this summary of the overall seismic risk to the property:

"In summary, we conclude that, from a geologic and geotechnical engineering perspective, the site is suitable for the proposed residential development..." — Response to Comments from EMC- A-7.

UPP, our geotechnical expert and the Town's own third party independent geotechnical expert have both concluded, based on those studies, their own studies and their independent peer reviews, that the site is buildable and suitable for development. In addition, UPP provided the Planning Commission with additional clarification that the home construction will further stabilize the property. See Exhibit 4 - Letter from UPP.

Construction Management

The mandatory Town construction management plan will be implemented. We currently live on Villa Avenue, backing to Oak Hill. We watched the home at 52 Oak Hill get built, San Jose Water Company site, Sister of the Holy Names site, Blue Bird Lane, Town Library and many others within the last few years.

As evidenced by 52 Oak Hill (See Exhibit 5— Photos of 52 Oak Hill Way), which overlooks other homes, and Villa Avenue, projects like ours have been approved and built throughout town during the time frame we have been working on our project. That parcel is similar in size to ours, appears to be steeper

than our lot and the home was approved with rear facing covered patios, and a third level garage with an additional parking space to the side of the garage. Our proposed home is smaller than 52 Oak Hill Way, and we are not asking for the additional parking space. Oak Hill Road is sloped, and narrower than Bella Vista Avenue.

There are countless other examples of construction closer to downtown such as the corner of Nicholson and Glenridge (See Exhibit 6 – Photos of Construction) currently under construction and the corner of Villa and Jackson (See Exhibit 7 – Photo of Construction), currently under construction, where homes are regularly built on hillsides or in close proximity to other homes. In the case of Villa/Jackson, this home is immediately adjacent to my current home and 6 feet off the common property line. Those projects like any other in the Town of Los Gatos address construction management and logistics as required by the Town. This requirement has also been included as a condition of approval for our application.

With regard to equipment for excavation for piers for the driveway, we will be utilizing drill equipment which is commonly used in Los Gatos. There will be no pile driving. The drill is mounted on a truck or mini - excavator (See Exhibit 8 – Example of mini-excavator with drill). The pier excavation and placement of rebar for concrete is anticipated to take one day or less with concrete poured in approximately one day or less as well.

The Architecture & Site Application includes conditions of approval related to construction management and logistics. We will comply with the conditions of approval for the project and requirements regarding construction logistics.

Trees

All existing trees to the north will remain. The two trees in the building footprint require removal and are allowed to be removed in specific conformance to Town Code Section 29.10.0990 (9) and 29.10.0955 which allows removal of trees within the building envelope - "Significant impact on a property from a tree means an unreasonable interference with normal and intended use of the property." The legal, normal and intended use of the property is in accordance with the Town General Plan and Zoning of R1-8, single family residential.

While the Town consulting arborist has identified trees 10, 11, 16 and 21 to be removed, we seek to protect and work around these trees, with the intention of maintaining the wooded nature of the site and providing as much mature screening as possible relating to neighbors. The Town Arborist report states: "Most of the trees are not in good condition when evaluated individually because they have grown in crowded, shaded conditions for many years." We will work with Town Arborist and neighbors to plant additional trees, per landscape plan and Town Code, that provide the right amount of screening without too much shade.

Privacy

Locating the house to the south reduces interface with adjacent townhouses, and allows the use of existing mature trees to screen the one townhouse to the west. We were able to achieve greater than the required 20' rear setback, with rear setbacks of 23'4" at the north corner and 36'4" at the south corner. This also allows us to locate the driveway in a safer location, away from the curve on Bella Vista Avenue, and meet the 15% max driveway slope requirement. The path at bottom of the hill creates additional distance and buffer.

Per HDS&G compliance checklist, page 4, section B: the outdoor activity areas have been moved away from neighbor quiet areas/bedrooms, second story windows have been minimized and oriented away from neighbors, the one small deck at back of home is less than 6' (per checklist) and intended to block downward views from inside the home, landscaping is used to screen views to neighbors, existing vegetation will remain. Section G1g states "screen noise sources: parking, outdoor activity." The garage will block sound and light from vehicles. The small 10 x 12 walkway/patio adjacent to the driveway provides egress to the lower level, and a small sitting area, buffered by planter boxes with no downward view. This minimizes the need for patios and decking to the north of the house, which would have greater impact on the townhome neighbors.

The patios to the south near highway 9 are oriented away from the neighbors. Page 4, section E: Three story elevations are prohibited. The house itself is not three stories. The garage is angled so one corner at the rear, at 4' 9", is visible. This minimizes the appearance of three story elevation. A garage is not required, we would prefer it for sound, light and appearance (storage of garage related items) benefits.

Additional Neighborhood Outreach

As explained at the Planning Commission hearing, we have notified neighbors of our plans in the past, and did so again and offered to meet with any neighbor to review our plans in advance of the last Planning Commission meeting. In past attempts, neighbors have not responded to my letters, have been unwilling to meet individually to address individual concerns, and group meetings have been hostile toward me and my family. At hearings and in group meetings I have been verbally attacked, badgered and threatened. Mr. Tillman submitted a letter to the Town, in the public file, dated July 1st, received July 7, 2011, calling me a "lying sack" and an "asshole." The letter is in the Town file. Despite the above, I have always been respectful to my neighbors and the Town. As we explained at the last meeting, we have made good faith efforts and attempts to meet with our neighbors on multiple occasions of the past several years.

At the last Planning Commission meeting we again offered to meet with our neighbors in a group or at Town Hall with staff or individually to review our plans and discuss any concerns. Mrs. Mosley met with neighbors in the lobby after the meeting and circulated a Sign in Sheet. A note was provided on the Sign in Sheet that someone would contact the town but no one has contacted the Town. In addition, I hand delivered letters to my neighbors on April 27, 2016 extending the same invitation and sent a follow up letter via US Mail to each of my neighbors on May 7, 2017 offering again to get together. One neighbor on Bella Vista called me to ask about the power lines and one neighbor on Maggi Court met with me to review the plans and the potential revisions to them (See Exhibit 9 – Neighborhood Meeting Sign Up Sheet, Hand Delivered Letter, and Mailed Letter).

Reduced Height, Mass, Bulk and Square Foot Alternative

Since the last Planning Commission Hearing, we reviewed the rear elevation and found a way to lower the north corner from 22'6" +/- to 15'6" from top of roof to grade. We also eliminated the 6' cantilevered overhang, reducing the main level square footage by 172 sf to 1106 sf from previous 1278 sf. This increases the rear setback at the north corner from 23' +/- to 29' +/-, and eliminates and additional 120' +/- of wall mass from the rear of the home. The north wall of the house (dining room area) is reduced from 20' +/- to 14' +/- . This reduces height, mass, scale and home square footage relating to the Maggi Court neighbors. The garage has been moved away from the edge of the back of

the house. We have also widened the driveway opening at the street, to allow more room for backing out of the driveway in the southbound direction. A mitigation measure is required as a condition of approval to require that sight lines be maintained. See Exhibit 10– Alternative Elevation and Perspective.

Neighborhood Compatibility

The neighborhood on Bella Vista Avenue is made up of one and two story single family detached homes, duplexes, houses with back yard cottages/apartments and condominiums on flag lots. The proposed lot is the largest lot on the west side of Bella Vista and one of the largest lots on the street.

The townhomes on Maggi Court immediately adjacent to the proposed home are medium density residential, 3 stories in height and 35' tall. They are attached to each other and/or 7' apart, with 1650 sf living area and 550 sf garages on 1307 sf lots. The FAR = 126%, not counting the garage. Each also has attached third story exterior patios/decks. Maggi Court townhomes have reduced setbacks and driveway variances. The Maggi Court project was built on land zoned R-1:8, single family homes on 8000 sf lots. The Maggi Court project received an exception or variance to be rezoned for medium density, 35' tall townhomes, along with 126% FAR. It appears that very few native trees were saved.

Compliance with General Plan & Zoning Code

Our proposed home complies with the Town's Zoning Code and requires no General Plan Amendment, no Zoning Code Amendment, no Planned Development Zoning and no Variances.

- a. The proposed home has only a 14.6% FAR. The home has been designed to have minimal lot coverage of only 13.4% on 10,155 sf lot.
 - b. The home meets the Town's height requirements and will sit below Bella Vista Avenue. The height at the rear north corner of the house is 22' 1" and 17' 6" at the south rear corner.
 - c. The application meets the Town's setback requirements. The rear setback is 23' 4" at the north corner and 36' 4" at the south corner. Side setback also comply with the Town's Zoning Code. The path/easement at north side of home creates more distance from townhomes.
 - d. The home is designed to minimize the need to use the rear yard and side yard to the north for decking and outside entertaining, to minimize the impact on the townhome neighbors.
 - e. It appears to be the largest lot, and the driveway appears to be the longest driveway on the west/down slope side of Bella Vista. The two on-street parking spaces on Bella Vista Avenue will remain, which will help with neighborhood parking.
- 2) The high quality, minimalist style minimizes impact on neighbors. This style is in response to Planning Commission request to design a home style that fits the hill.
 - 3) The Town's Consulting Architect supports the design and architecture.
 - 4) See Sheet A.1.1 for neighborhood compatibility data.

Compliance with Hillside Design Guidelines & Standards

- 1) House is not visible from Viewing Platforms.
- 2) House sits lower than existing tree heights, and won't block views of the Los Gatos hillsides or create new shade pattern.
- 3) Drainage plan to meet Town codes, per civil plan.
- 4) Natural wood exterior finish will blend with natural environment. Earth tone roof.
- 5) Existing mature trees will screen impact to adjacent townhome neighbor. Additional trees/shrubs to be added, as appropriate, per Town Code. The existing trees to the north and south of the home will remain. The olive tree between our home and Maggi Court home will remain. After meeting with neighbors on Bella Vista, we agree to plant trees that will screen power lines. The oak tree near the power pole will remain.
- 6) Original topography will be maintained.
- 7) Window type and location sensitive to privacy.
- 8) Overhang is modest, building is stepped with slope.
- 9) We are using below grade rooms.
- 10) We are using horizontal and vertical building components.
- 11) Minimalist style minimizes bulk, mass and volume of home.
- 12) No perimeter fencing proposed, unless needed for privacy.
- 13) House has been moved furthest from adjacent properties.
- 14) Natural features will be preserved on 86.6% of the lot. (13.4% lot coverage).
- 15) The home/submittal should "protect and preserve viewsheds and the ridgelines of the mountains." This home will be lower in height than the existing trees, follows the contour of the hill and is set down slope from the street. It is not on a ridgeline. As stated on Page 7 of the HDS&G: D. Applicability and Approval Process: The Hillside Development Standards and Guidelines apply to the areas shown on the Hillside Area Map. The map includes all areas with HR and RC zoning, and some lots with R-1 zoning. The R-1 lots are included because of the presence of a hillside environment and/or steep slopes. The subject parcel appears to be included in the HDS&G due to slope, not due to being in the hills of Los Gatos. See Hillside Area Map. This parcel is not in the mountains, not on a ridgeline. It is in an urban setting, in the middle of Town, immediately adjacent to Highway 9/Los Gatos Saratoga Road, a motel, medium density attached townhomes, as well as single and multi-family and condominium homes. You can see/hear Highway 17 and Highway 9/Los Gatos Saratoga Road from this setting. The proposed home will not be seen from Town designated Viewing Platforms or Valley Floor.

Summary

The previous application was denied based on the request for significant reduction in sf, the need for front and rear setback exceptions and a driveway length variance.

The square footage has been reduced 42% and meets Town FAR requirements. The plan meets the Town height, setback and driveway length requirements. The driveway has been oriented to the straightest part of the road, with the most visibility.

I've worked in Los Gatos since 1989, my wife and I started our family here in 2000. Our friends from the neighborhood, Van Meter School, Fisher Middle School, Los Gatos High School, Cornerstone, Adventure Guides, and many others can see what has been built around this site. We ask that Town leadership

review the facts, remove the emotions and approve this compliant home as proposed or the alternative if desired.

Despite the above, I have always been respectful to my neighbors and the Town and the proposed home takes into consideration the public comments made by neighbors, Town Planning Commission and Town Council. It is unfortunate that the original builder, previous homeowners and/or Realtors did not disclose that there are two legal buildable lots adjacent to some neighbors' homes. While some neighbors may want nothing to be built on these two lots, the lots are legal and buildable and we have presented a thoughtful plan that complies with Town Code, requires no Variances and directly responds to previous input.

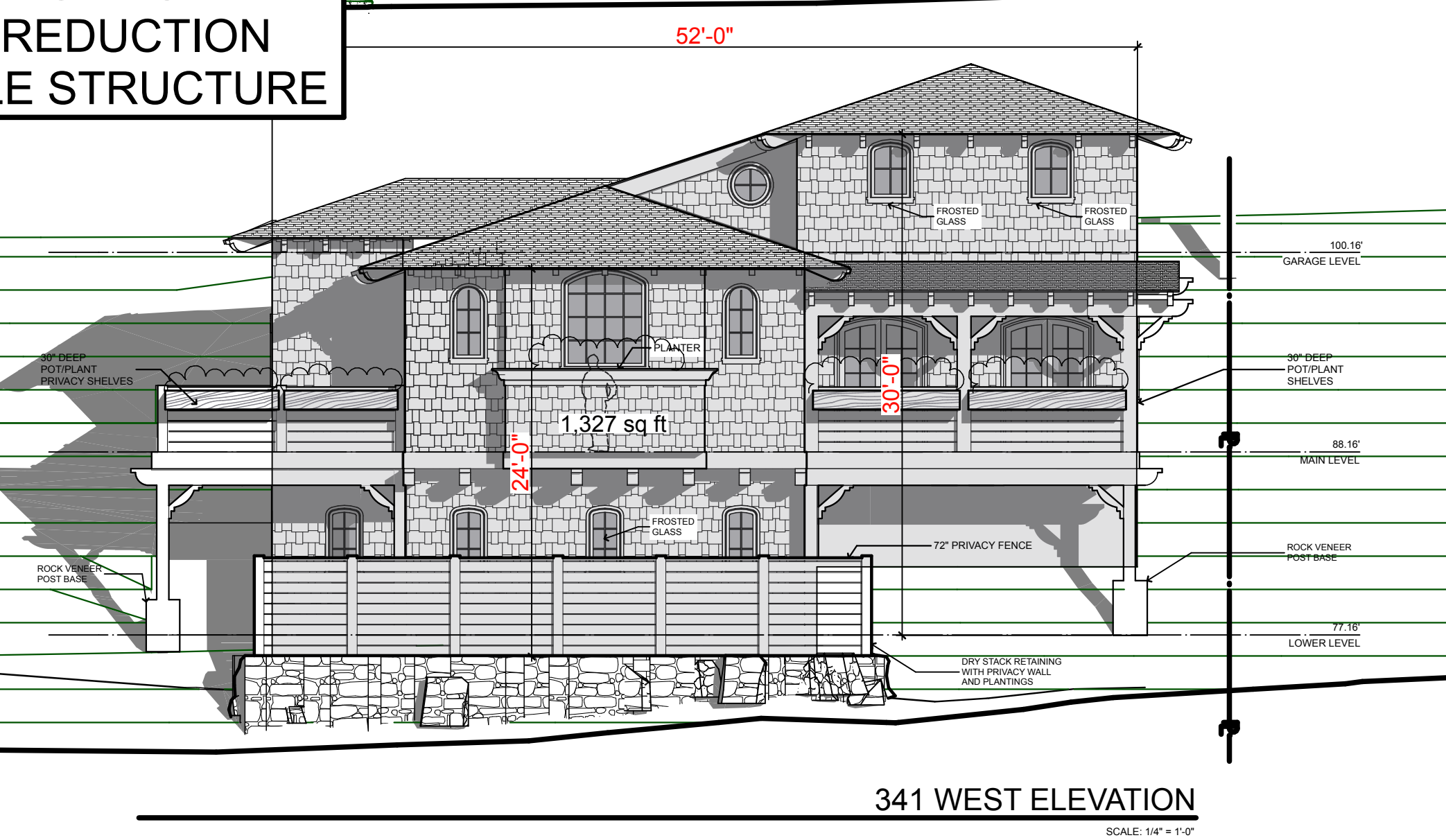
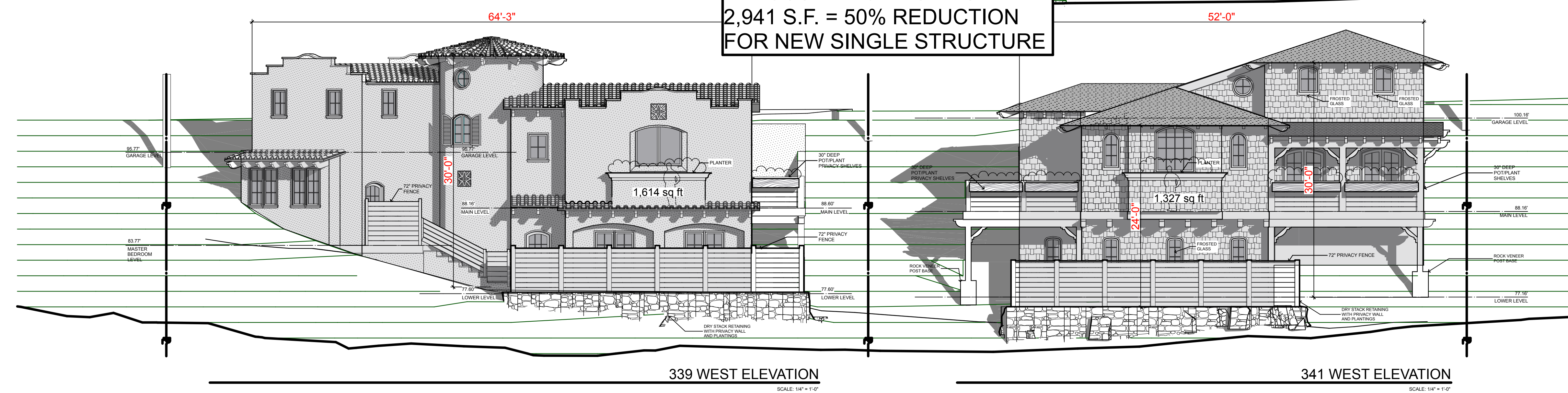
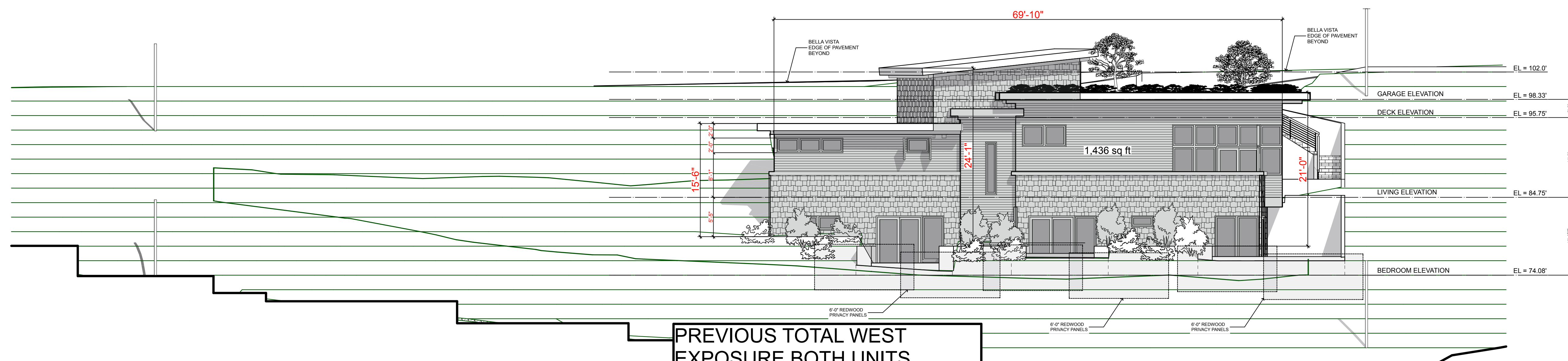
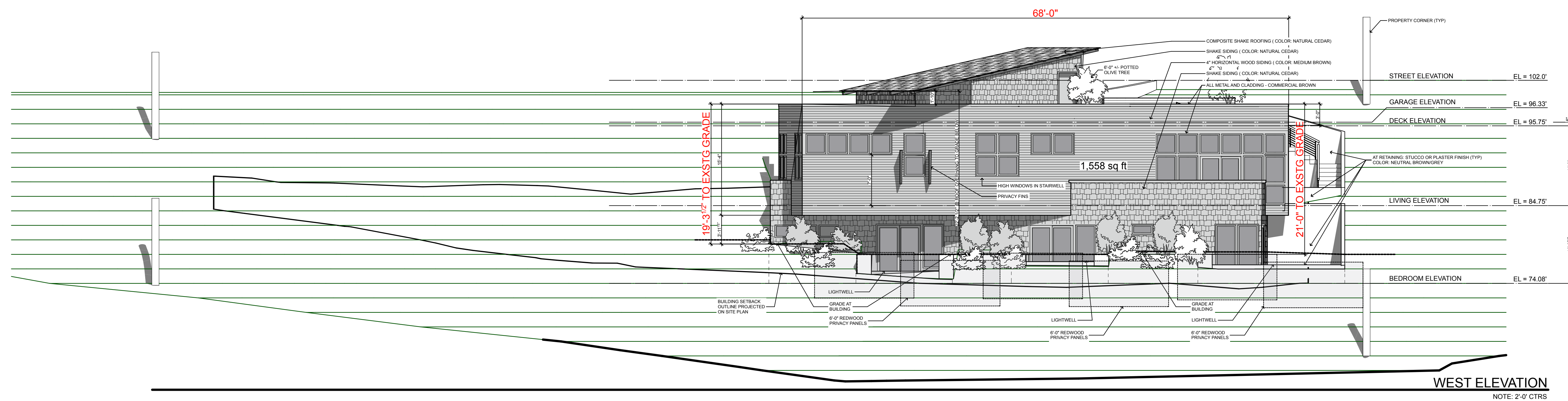
While there may be some new decision makers on the Planning Commission and Town Council, we want to be clear that this one lot, one home proposal is not the beginning of the process but the compromise solution. I have further compromised in the most recent reductions in height and square footage to respond to comments from the public and Planning Commission. While I am reserving the right and option to retain two lots for development if this proposal is not approved, the proposed design addresses specific issues raised previously and we request that the proposed home be approved as proposed or as further modified and outlined.

Please review plans and don't hesitate contact us with any questions. Our design and technical team is available as well.

Best regards,



Dan and Deborah Ross
408-314-5626



REVISIONS:

CONTRACTOR::

ENGINEERING::

CONTACT:

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HEET

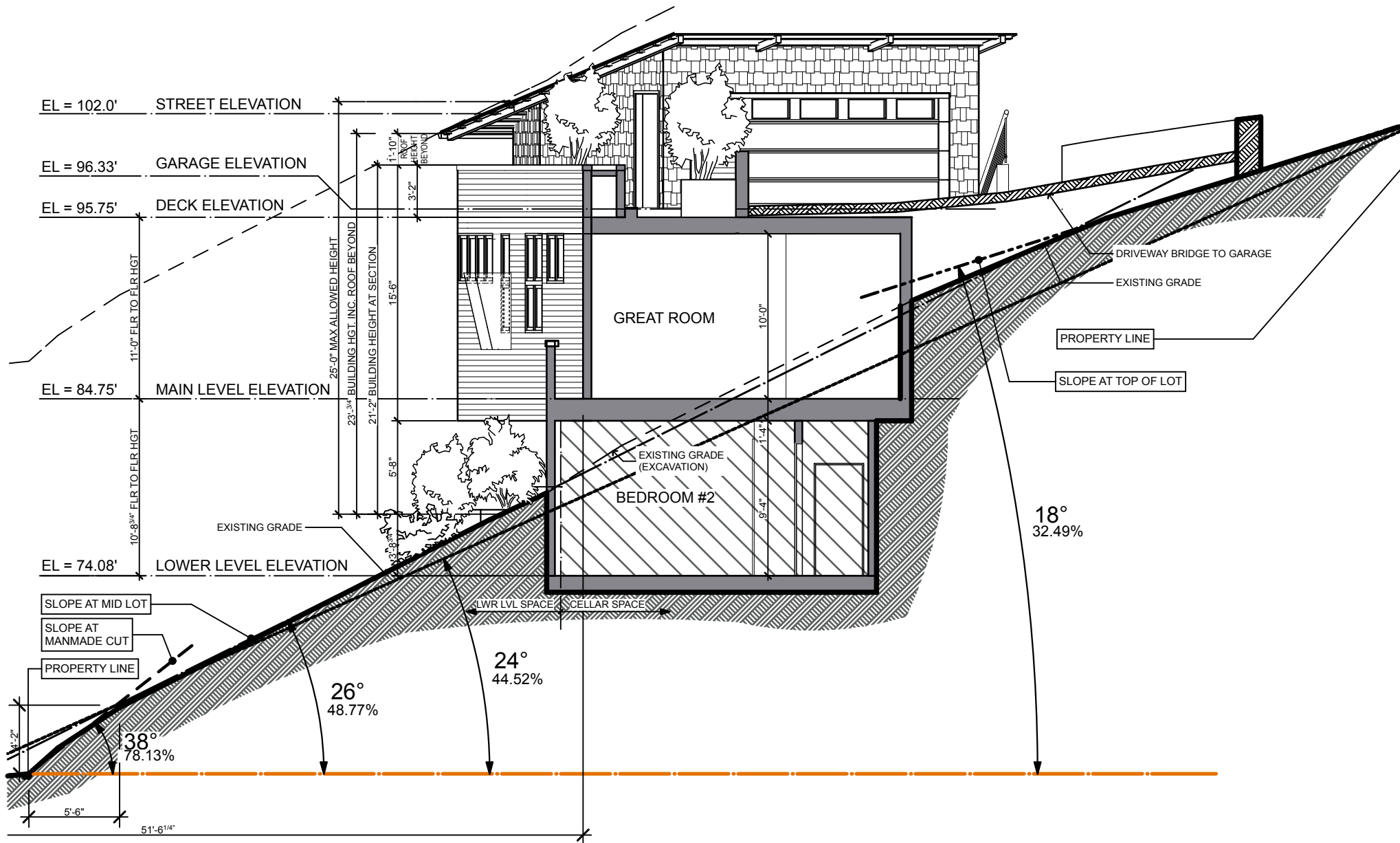
WEST AREA COMPARISONS

NOTES:

DRAWING DATE:

5/16/16

A-1.4



SECTION 2



May 10, 2016
Job No. 13-244

Subject: Architecture and Site Application S-12-103
 341 Bella Vista Avenue, Los Gatos, CA

Dear Dan:

I am following up on your request for information about the topographical map in response to a question at the Planning Commission meeting about the slope of the lot at the south property line. The average slope along the south property line is 50%. There are variations of 43% and 56%----which, when averaged, conform with 50% slope reflected in the topographical map.

The contours are derived from the numerous spot elevations which were shot in the field for higher accuracy. The density of these shots is adequate for the level of design detail for grading on a slope such as this. National Map Accuracy Standards require that 95% of the spot elevation comply to plus or minus 0.5' (or 6"). The resultant contours are accurate to within one half of the contour interval or 12" (for the 2 foot contours shown). The minor deviation of the contours is standard practice for this type of hillside design.

The spot elevations on the topo are on a grid of 10' by 20', which is a higher order of accuracy than what is actually warranted at 20' x 20'. The topo map is accurate and the design of the grading was derived from the spot elevations and, as such, has been mapped within tolerances of 6" in elevation. This is not only acceptable but goes beyond the standard of care for the practice of hillside grading design.

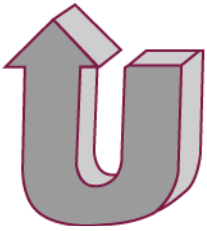
Please note if someone is reviewing this map relative to Town GIS contours, those contours are generated by satellite, are more general in nature and do not reflect true ground elevations due to tree cover and brush. The topographical survey prepared by our firm, as noted above, complies with industry standards of practice, was derived from spot elevations in the field which have a higher degree of accuracy than air or satellite flown mapping and exceed the grid pattern intervals warranted for the site.

Please don't hesitate to contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, reading 'Terence J. Szewczyk'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer



13 April 2016
Document Id. 15068C-01L1
Serial No. 17564

Mr. Dan Ross
233 West Main Street
Los Gatos, CA 95030

SUBJECT: SUPPLEMENTAL GEOTECHNICAL INFORMATION
SLOPE STABILITY
ROSS PROPERTY
339 AND 341 BELLA VISTA AVENUE
LOS GATOS, CALIFORNIA

Dear Mr. Ross:

As you requested, we are pleased to provide this summary regarding our professional opinions related to slope stability on your property at 339 and 341 Bella Vista Avenue in Los Gatos, California. We previously conducted an updated geologic and geotechnical study for the proposed residential development of your property, and presented the results of that study in our Updated Geologic and Geotechnical Study report dated 25 June 2015 (Document Id. 15068C-01R1).

As discussed in our report and based on the prior subsurface exploration by other consultants, the site is underlain at depth by supportive alluvium comprised of medium dense to very dense sandy and silty gravel. The alluvium is mantled by a layer of non-supportive colluvium comprised of loose to medium dense gravelly clayey sand to sandy clayey gravel that is up to about 3½ feet thick. Along the downslope edge of Bella Vista Avenue in the upper portion of the property, the alluvium and colluvium are mantled by undocumented fill presumably placed during the construction of the roadway.

Our study did not reveal evidence of current or historic slope instability at the site. We did note in our report that the colluvium and fill mantling the supportive alluvium can experience downhill creep under the force of gravity, and may experience localized shallow landsliding.

Our study included performing a qualitative slope stability screening evaluation to evaluate the severity of the potential for earthquake-induced landsliding to occur on the subject site. The screening evaluation was performed in accordance with guidelines presented in Special Publication 117A by the California Geological Survey (2008).

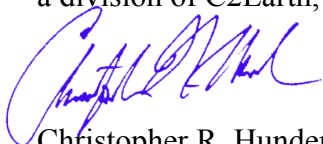
Based on the results of our evaluation, we judge the risk for deep-seated landsliding to occur at the site is negligible. Furthermore, it is our professional opinion that the proposed development concept will improve the slope stability of the site, providing the project is designed and constructed in accordance with the foundation, retaining wall, and drainage recommendations presented in our report.

The slope stability will be improved for the following reasons:

- A significant portion of the non-supportive colluvium on the slope will be removed to facilitate constructing the lower basement level, reducing the amount of material susceptible to landsliding;
- Basement and house retaining walls will support the remaining colluvium and undocumented fill on the slope uphill of the home; and
- Basement and site retaining wall backdrains will reduce the potential for water pressure to build up within the colluvium and fill around the house footprint.

We appreciate the opportunity to continue to assist you with this project.

Sincerely yours,
Upp Geotechnology
a division of C2Earth, Inc.



Christopher R. Hundemer, Principal
Certified Engineering Geologist 2314
Certified Hydrogeologist 882

THIS DOCUMENT HAS
BEEN DIGITALLY SIGNED



Craig N. Reid, Principal
Certified Engineering Geologist 2471
Registered Geotechnical Engineer 3060



Distribution: Addressee (via e-mail to Dan.Ross@wellsfargo.com)

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341 Bella Vista

Community Meeting

Name

Address

Email

Maeni Moseley,

We will contact
you with
a list.

Thank You.

Janet
Carmen

April 27, 2016

RE: 341 Bella Vista Ave

Dear Neighbor,

I am happy to meet to meet individually or as a group at the Town of Los Gatos to review the plans. Please contact me or Marni Moseley at the Town of Los Gatos to arrange a time that is convenient for you.

Best regards,

Dan Ross

408-314-5626

May 7, 2016

Re: 339-341 Bella Vista parcels.

Dear Neighbor,

We have an updated application in process with the Town, for one home on two legal buildable lots.

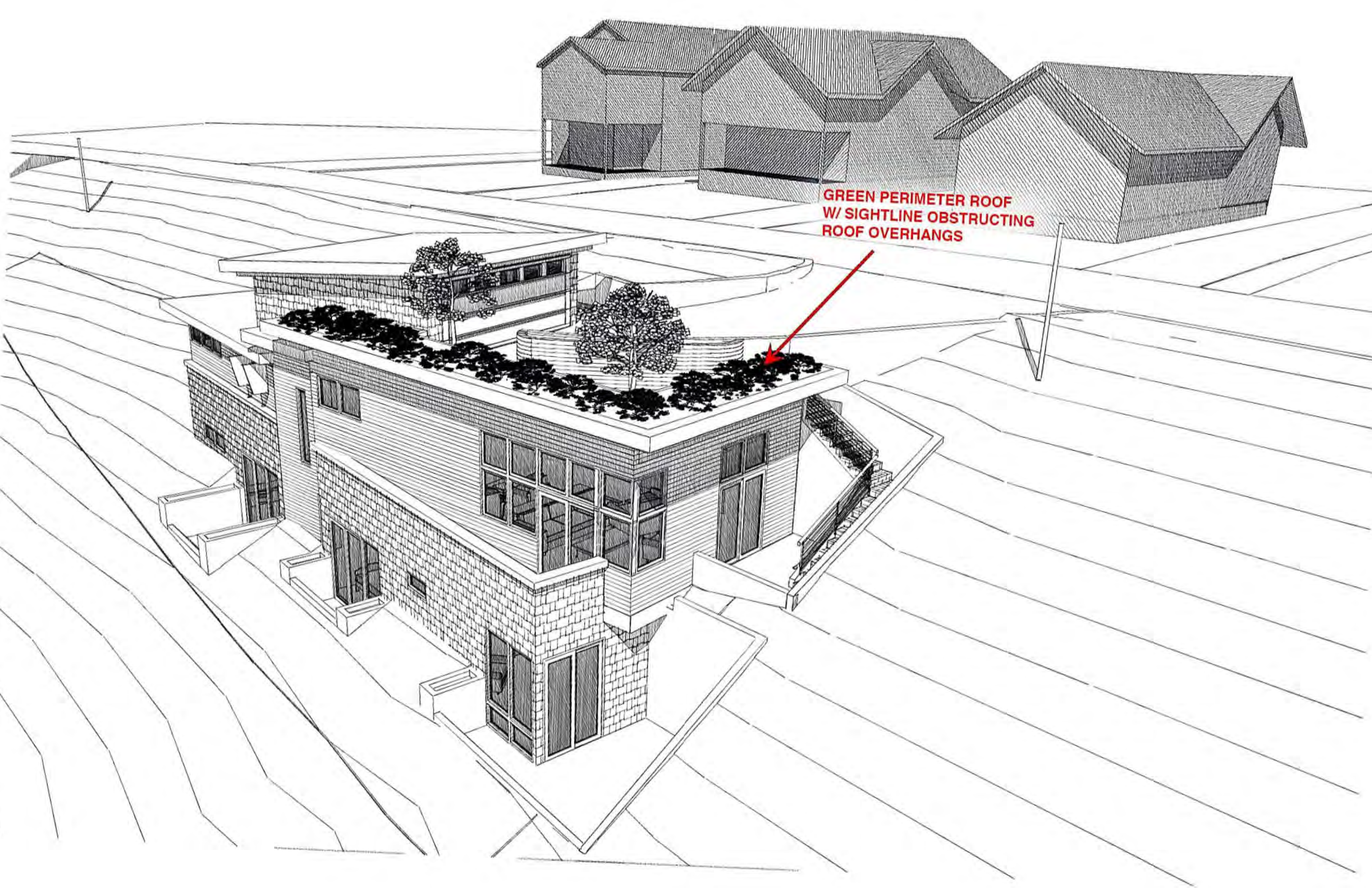
This plan complies with the Town of Los Gatos zoning code and meets all height, floor to area ratio, setback, and driveway length requirements. The plan has been reviewed by the Town's Planning Department, Engineering Department, as well as the Town's consulting Engineer, Arborist and Architect.

This plan requires no variances. I am happy to meet with you to review the plan.

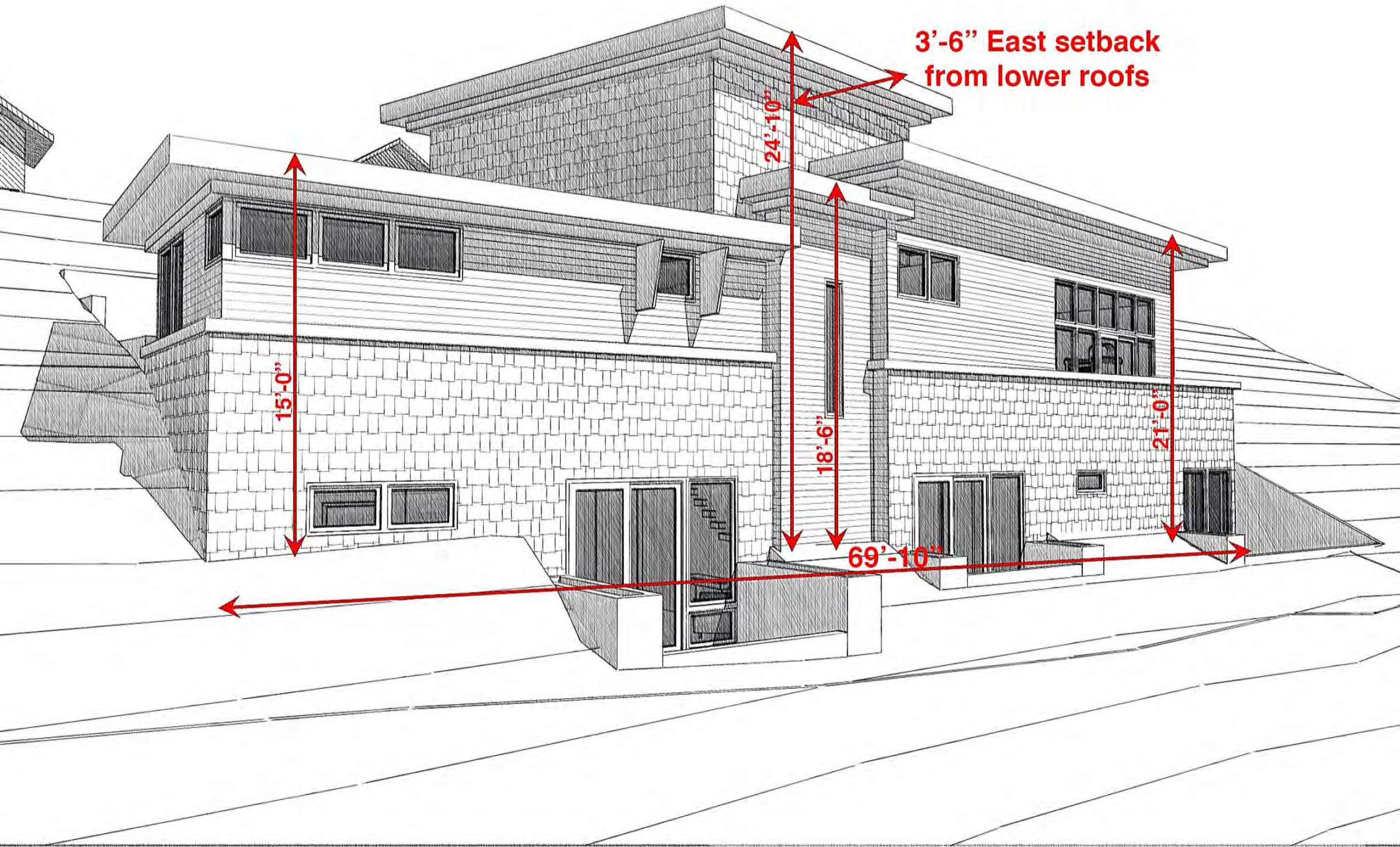
Best regards,

Dan Ross

408-314-5626



GREEN PERIMETER ROOF
W/ SIGHTLINE OBSTRUCTING
ROOF OVERHANGS



**3'-6" East setback
from lower roofs**

24'-10"

15'-0"

18'-6"

21'-0"

69'-10"