



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: August 22, 2012

ITEM NO: 4

PREPARED BY: Marni F. Moseley, AICP, Associate Planner
mmoseley@losgatosca.gov

APPLICATION NO.: Subdivision Application M-10-007
Environmental Impact Report EIR-12-002

LOCATION: 381 Pennsylvania Avenue (Southeast corner of Pennsylvania Avenue at Wissahickon Avenue)

APPLICANT: Gregory Howell

PROPERTY OWNER: 381 Pennsylvania Avenue, LLC

CONTACT PERSON: Gregory Howell

APPLICATION SUMMARY: Requesting approval of a two-lot subdivision on property zoned R-1:8. It has been determined that this matter may have a significant impact on the environment and an Environmental Impact Report (EIR) has been prepared as required by the California Environmental Quality Act (CEQA). APN 510-41-057

DEEMED COMPLETE: August 10, 2012
FINAL DATE TO TAKE ACTION: October 8, 2012

RECOMMENDATION: Approval

PROJECT DATA: General Plan Designation: Low Density Residential (0-5d.u./ac.)
Zoning Designation: R-1:8 - Single Family Residential
Applicable Plans & Standards: Los Gatos Redevelopment Plan
Parcel Size: 24,433 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Single Family	Low Density Residential	R-1:8
East	Single Family	Low Density Residential	R-1:10
South	Single Family	Low Density Residential	R-1:8
West	Multi family	Medium Density Residential	RM-5:12

CEQA: Final action on the EIR is required by CEQA Section 15108, within one year of the application being deemed complete.

- FINDINGS:
- The Planning Commission must make findings for the certification of the Environmental Impact Report
 - That the application is consistent with the General Plan.
 - That the required findings to deny a subdivision pursuant to the State Subdivision Map Act cannot be made in reviewing this application.
 - That the subdivision is consistent with the redevelopment plan for the Los Gatos Redevelopment Project Area.

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

- EXHIBITS:
1. Location Map (one page)
 2. Draft Environmental Impact Report – *previously received with the August 8, 2012, Planning Commission staff report*
 3. Final Environmental Impact Report Responses to Comments (FEIR)
 4. Findings (two pages)
 5. Recommended Conditions of Approval (five pages)
 6. Letter of Justification (four pages)
 7. Tentative Map , October 28, 2010 (one page)

BACKGROUND:

The property owner submitted an application for a Certificate of Compliance to legalize two lots and an application for a Lot Line Adjustment on July 22, 2010. Staff determined that a Certificate of Compliance could not be approved for the property and as a result the applicant revised their application and filed for a subdivision on August 16, 2010. The Development Review Committee (DRC) approved the application on November 16, 2010. The DRC's decision was appealed by Matthew Haberkorn on November 16, 2010. The Planning Commission (PC) considered the appeal on January 12, 2011, and denied the appeal, finding that none of the required findings for denial of the subdivision could be made. The PC's decision was appealed by Mr. Haberkorn, and scheduled for consideration by the Town Council. Prior to the Town Council public hearing, additional information was submitted to the Town by Mr. Haberkorn's attorney. Based on the new information, staff recommended that the Town Council remand the application to the Planning Commission upon completion of environmental review. The applicant agreed to complete environmental review; therefore, the Town Council remanded the application to PC for environmental review on March 7, 2011.

During the completion of the Initial Study a letter was submitted by an historical consultant on behalf of the appellant. Staff determined that this letter triggered the requirement for an Environmental Impact Report (EIR) to be completed in order to analyze the impact of the project on

historical resources. As a result, a focused EIR was completed to address the possible impacts to cultural and historical resources (Exhibit 5).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The surrounding properties to the north, south, and east are single-family uses on properties zoned R-1:8. The property to the west is a multi-family use on property zoned RM-5:12.

B. Subdivision Application

The application is for a two lot subdivision and certification of an EIR.

C. Compliance

1. Zoning

The R-1:8 zoning category requires lots to be a minimum of 8,000 sq. ft., and a minimum depth of 90 feet. The frontage requirement for a corner lot in the R-1:8 zone is 80 ft., while an interior lot is required to be a minimum of 60 ft. Both lots would meet the minimum size, depth, and frontage requirements of the R-1:8 zoning category. See the analysis section for specifics on the lot size and dimensions.

2. Setbacks and Height

The existing house and detached second unit will continue to comply with the required setbacks for the R-1:8 zone with the new lot line. The property currently contains a detached two-car garage that was built with permits in 1996 which has a legal non-conforming front setback. This is an existing condition that will not be modified with the proposed subdivision, and, therefore, is permitted to remain. Both parcels will continue to comply with maximum lot coverage, maximum accessory structure coverage, and maximum Floor Area (FAR).

ANALYSIS:

A. Neighborhood Compatibility

The subject parcel contains 24,433 sq. ft. and is the largest parcel in the surrounding R-1:8 zone with the exception of the vacant parcel to the rear. The parcels in the neighborhood range in size from 5,500 sq. ft. to 17,173 sq. ft. (excluding the subject site). The following table summarizes the surrounding lot sizes and dimensions. Please see the map provided

in Exhibit 10 for parcel locations. As shown, there is not a distinct lot pattern in the neighborhood. The proposed subdivision would be in keeping with the range of lot sizes and dimensions along Wissahickon Avenue, and would not change the streetscape on Pennsylvania Avenue. Please note that no additional lots within the immediate vicinity would meet the requirements for subdivision under the current R-1:8 zoning category and requirements. The average lot size in the area (excluding the subject site) is: 9,949 sq. ft. The average width and depth are: 72.5 ft. and 149 ft. respectively.

Location	Address	Dimensions*	lot size
	381 Pennsylvania (Existing parcel)	100' x 255'	24,433 sf
	381 Pennsylvania (Parcel 1)	100' x 132'	13,081 sf
	381 Pennsylvania (Parcel 2)	100' x 123'	11,352 sf
1	371 Pennsylvania	87' x 214'	17,173 sf
2	369 Pennsylvania	61' x 181'	10,472 sf
3	365 Pennsylvania	60' x 167'	10,440 sf
4	363 Pennsylvania	45' x 158'	7,290 sf
5	361 Pennsylvania	59' x 150'	9,204 sf
6	380 Pennsylvania	80' x 150'	12,000 sf
7	120 Wissahickon	80' x 200'	16,000 sf
8	33 Walnut	50' x 160'	8,000 sf
9	140 Wissahickon	55' x 100'	5,500 sf
10	119 Hernandez	60' x 105	7,080 sf
11	45 Walnut	105' x 105'	8,300 sf
12	41 Walnut	105' x 100'	10,500 sf
13	25 Walnut	80' x 94'	7,520 sf
14	15 Walnut	80' x 116'	8,556 sf
15	7 Walnut	80' x 140'	11,200 sf

* Dimensions for angled properties are the best representation for the lot.

B. General Plan Conformance

The proposed project is in conformance with the existing General Plan Designation of Low Density Residential (0-5 units per acre).

The proposed use meets the following goals and policies of the 2020 General Plan.

- **Policy LU-1.4** Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.

- **Goal LU-4** To provide for well-planned, careful growth that reflects the Town's existing character and infrastructure.
- **Policy LU-4.3** Only approve projects for which public costs can be justified by overall community benefit.
- **Goal LU-6** To preserve and enhance the existing character and sense of place in residential neighborhoods.
- **Policy LU-6.5** The type, density and intensity of new land use shall be consistent with that of the immediate neighborhood.
- **Goal LU-7** To use available land efficiently by encouraging appropriate infill development.

C. Subdivision Map Act

The Town of Los Gatos is subject to the State Subdivision Map Act when reviewing subdivision applications. The Map Act clearly states the required findings that must be made in order to deny a proposed subdivision. If those findings cannot be made, the application must be approved by the deciding body. The required findings are:

- **That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451**— *The proposed subdivision is consistent with the Town's Zoning Ordinance, and supported by the General Plan as discussed above. The subdivision is also consistent with the Redevelopment Plan for the Los Gatos Redevelopment Project Area (Section IV.B) in that the subject property is designated residential and, per the Redevelopment Plan, shall be used for residential uses set forth and described in the Town's General Plan.*
- **That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans**— *The proposed subdivision would create two lots that are well within the average lot size and dimensions for the neighborhood. The Conditions of Approval reflect any required improvements to comply with the General Plan and Zoning Ordinance in regards to public and private improvements*
- **That the site is not physically suitable for the type of development**— *While no additional development is being approved with the proposed subdivision, parcel 2 would provide a suitable building site for a house compatible with the neighborhood.*
- **That the site is not physically suitable for the proposed density of development.** *The proposed subdivision would maintain a similar density to other lots in the immediate neighborhood.*
- **That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** *The EIR reviewed and determined that the proposed subdivision will not cause substantial environmental damage, or substantially or avoidably injure fish, or wildlife or their habitat.*

- **That the design of the subdivision or type of improvements is likely to cause serious public health problems.** *The EIR reviewed and determined that the proposed subdivision will not impact or cause serious public health problems.*
- **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.** *The proposed subdivision would provide adequate access to both sites, and not impact or conflict with any existing private or public easements*

F. CEQA Determination

As required by the California Environmental Quality Act (CEQA) a Draft Environmental Impact Report (DEIR) was prepared for the subdivision and potential new residence by the Town's Environmental Consultant, Strelow Consulting. Three reports were prepared as part of this process (historical, archeological, and biological; Appendix A-C of the DEIR). A FEIR (Exhibit 3) has also been prepared addressing comments received on the DEIR.

There are no areas that require mitigation. The EIR recommended a condition of approval regarding archeological resources that has been incorporated into the recommended conditions of approval.

PUBLIC COMMENTS:

The Town has not received any written comments from the public regarding the subdivision application or the EIR since the application was remanded by the Town Council on March 7, 2011.

During the comment hearing for the DEIR before the Planning Commission on August 8, 2012, the Town received a comment from Larry Arzie. Mr. Arzie stated that he disagreed with the analysis within the DEIR in regards to the historic nature of the lot lines. The comment was included within the FEIR (Exhibit 3) along with the following response:

The comment is noted, but does not provide a comment on the analyses contained in the Draft EIR. The EIR analyses focused on review of the existing structure on the project site, and the potential significance as a historical structure under the definitions in CEQA and the State CEQA Guidelines. The discussion, which is included in Chapter 4 of the Draft EIR document, concludes that the existing structure is not a historic resource under the definitions in CEQA and the State CEQA Guidelines. The EIR analysis did not evaluate the surrounding neighborhood for historical significance, but reported that the neighborhood is not a designated historic district in Los Gatos. The EIR indicates that the proposed lot split is consistent with historic and current lot patterns in the neighborhood. The existing and proposed configurations differ from the original subdivision created in 1892. Furthermore, there are no proposed alterations to the existing home.

Exterior alterations to any structure built prior to 1941 requires review by the Town's Historic Preservation Committee unless the structure is determined to have no historic significance as determined by Town regulations. Future development of a home on the proposed second lot also would be subject to Architecture and Site approval by the Town.

CONCLUSION AND RECOMMENDATION:

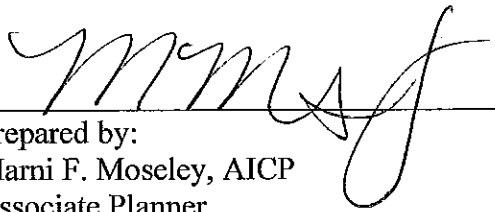
A. Conclusion

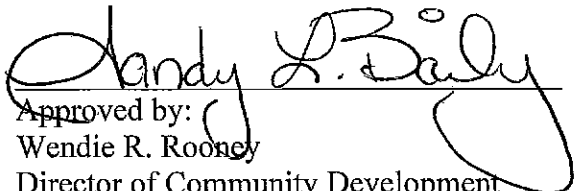
The proposed subdivision meets the requirements of the R-1:8 zoning designation. The proposed lots are consistent in size and dimension of those in the immediate neighborhood. Any new development on the site will be required to comply with Town ordinances and standards, and will be reviewed through the required process. As established in the EIR, no significant environmental impacts will be associated with the proposed application.

B. Recommendation:

Staff recommends the Planning Commission approve the two-lot subdivision and EIR and take the following actions:

1. Certify the FEIR (Exhibit 3); and
2. Find that required findings to deny a subdivision pursuant to the State Subdivision Map Act cannot be made in reviewing this application.


Prepared by:
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Associate Planner

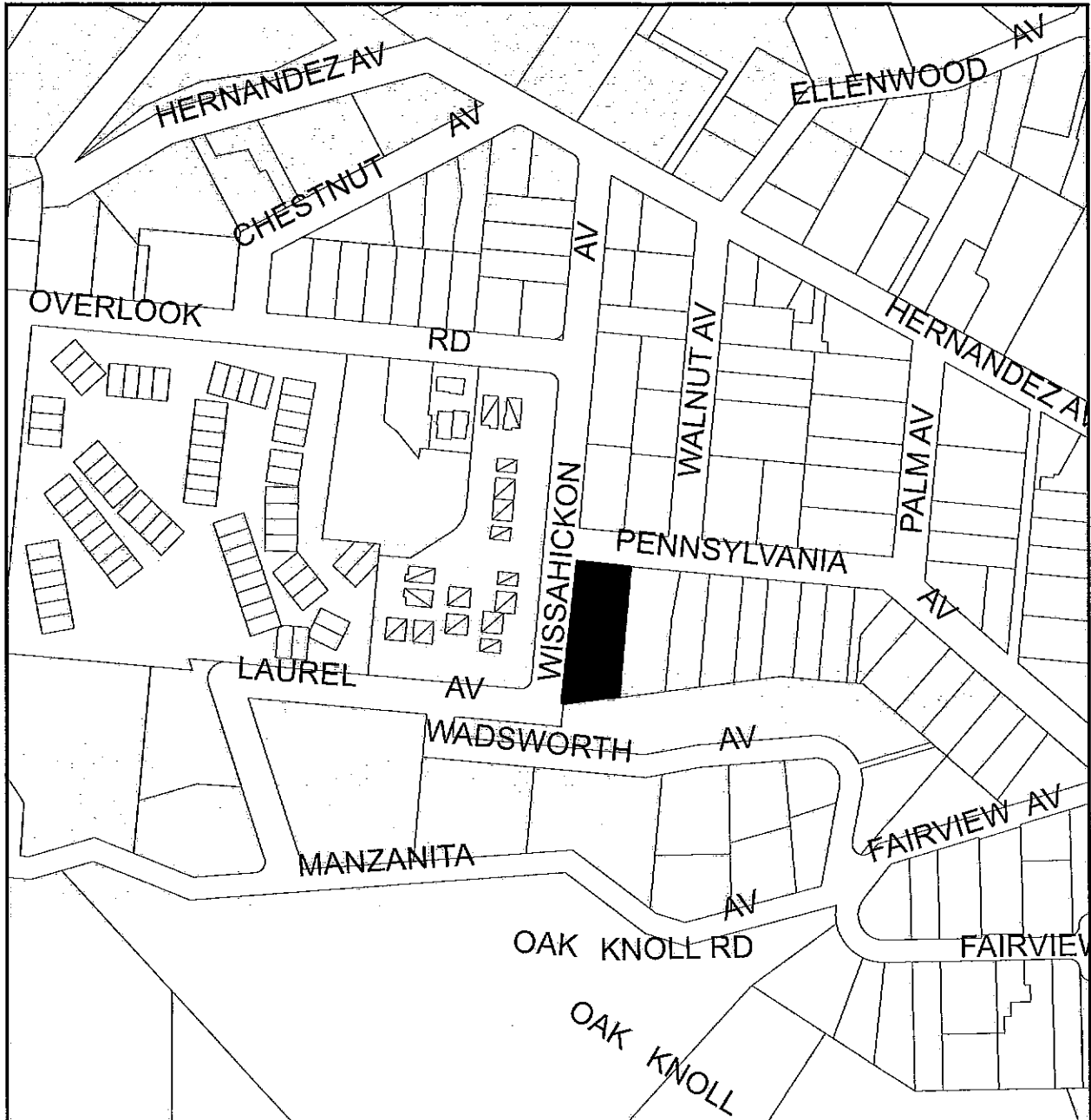

Approved by:
Wendie R. Rooney
Director of Community Development

WRR:MM:ct

cc: Greg Howell, 410 N. Santa Cruz Avenue, Los Gatos CA 95030

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AUG 14 2012

TOWN OF LOS GATOS
PLANNING DIVISION

**FINAL
ENVIRONMENTAL IMPACT REPORT**

381 Pennsylvania Avenue

MINOR LAND DIVISION

SCH# 2012032056

TOWN OF LOS GATOS

August 2012

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**FINAL
ENVIRONMENTAL IMPACT REPORT**

**381 PENNSYLVANIA AVENUE
MINOR LAND DIVISION**

STATE CLEARINGHOUSE #2012032056

**PREPARED FOR
TOWN OF LOS GATOS**

**PREPARED BY
STRELOW CONSULTING**

August 2012

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1.0 INTRODUCTION

IN THIS SECTION:

- 1.1 Purpose of EIR
- 1.2 EIR Issues
- 1.3 EIR Process
- 1.4 Report Organization

1.1 PURPOSE of EIR

This Environmental Impact Report (EIR) addresses the potential environmental effects of a proposed minor land division that would result in creation of one new residential lot. The existing lot size for the property is 24,422 square feet; the proposed lot sizes are 13,081 square feet (Parcel 1) and 11,352 square feet (Parcel 2). An existing single-family residence will be retained on Parcel 1. Proposed Parcel 2 is located to the rear of the existing house, and currently includes a swimming pool, pool house and barn structure, all of which likely would be removed to accommodate construction of a new single-family home in the future. No plans for a second home have been developed or submitted to the Town at this time.

This EIR has been prepared for the Community Development Department of the Town of Los Gatos (Town). The Town of Los Gatos is the lead agency for the project. The EIR has been prepared in accordance with the current California Environmental Quality Act (CEQA) and the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000. As stated in the CEQA Guidelines section 15002, the basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Pursuant to State CEQA Guidelines section 15121, an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.

While the information in the EIR does not control the ultimate decision on the project, the agency must consider the information in the EIR and respond to each significant effect identified in the EIR by making findings.

As indicated above, the focus of the environmental review process is upon significant environmental effects. As defined in the CEQA Guidelines, a "significant effect on the environment" is:

...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether a physical change is significant.

CEQA Guidelines section 15064(e) further indicates that economic and social changes resulting from a project shall not be treated as significant effects on the environment, although they may be used to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

1.2 EIR ISSUES

An Initial Study was prepared for the project and is included in Appendix A of the Draft EIR document, dated June 2012. The Initial Study identifies potentially significant impacts and discusses issues that were found to result in no impacts or less-than-significant impacts. Based on the analyses in the Initial Study and responses to the Notice of Preparation, this EIR focuses on evaluation of potentially significant impacts to cultural resources, including historical and archaeological resources.

1.3 EIR PROCESS

A Notice of Preparation (NOP) for this EIR was circulated on March 23, 2012 to the State Clearinghouse and to local, regional and federal agencies and organizations. In response to the NOP, one email was received from staff of the Regional Water Quality Control Board regarding the definition of streams and riparian vegetation, but the comment did not raise new issues of concern and as stated in the comment, does not affect conclusions related to project impacts. No other responses to the NOP were received by the Town.

The Draft EIR was published and circulated for review and comment by the public and other interested parties, agencies and organizations for a 45-day review period from June 26, 2012 through August 9, 2012. No written comments were received, except for a letter from the California Governor's Office of Planning & Research, State Clearinghouse and Planning Unit, which indicates that the Town has complied with requirements of CEQA for public review. One oral comment was received at a public hearing held before the Planning Commission on August 8, 2012.

According to the State CEQA Guidelines section 15088(a-d), the lead agency shall review written comments received during the public review period and provide written responses to significant environmental issues raised in the comments. Written responses must be provided to a public agency on comments made by that agency at least 10 days prior to certifying an EIR (15088c). No written comments or comments from public agencies were received on the Draft EIR.

This Final EIR includes responses to comments. This document in conjunction with the Draft EIR, dated June 2012, constitutes the Final EIR for the project. The Final EIR will be presented to the Town of Los Gatos Planning Commission. The Planning Commission must ultimately certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the Town's independent judgment pursuant to the State CEQA Guidelines, section 15090.

Pursuant to sections 21002, 21002.1 and 21081 of CEQA and sections 15091 and 15093 of the state CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and should be, adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

1.4 REPORT ORGANIZATION

This document in conjunction with the Draft EIR (DEIR), dated June 2012, constitutes the Final EIR for the project. This document contains responses to comments received on the Draft EIR. No changes to the DEIR document are required based on review of the comments received. The Final EIR is organized with the following sections.

- INTRODUCTION
- SUMMARY OF ENVIRONMENTAL IMPACTS: This section provides a summary of all impacts, level of significance, and mitigation measures identified for the project, as well as a summary of alternatives. An overview of the project is provided, and issues of concern are summarized.
- PUBLIC COMMENTS AND RESPONSES: Responses to comments immediately follow each comment letter.

2.0 SUMMARY OF IMPACTS

IN THIS SECTION:

- 2.1 Project Summary
- 2.2 Areas of Concern
- 2.3 Summary of Alternatives
- 2.4 Summary of Impacts
& Mitigation Measures

This summary provides a brief description of the proposed project, known areas of concern, project alternatives, and all potentially significant impacts identified during the course of this environmental analysis. This summary is intended as an overview and should be used in conjunction with a thorough reading of the Draft and Final EIR documents. The text of the EIR, including figures, tables and appendices, serves as the basis for this summary.

2.1 PROJECT SUMMARY

The proposed project consists of a minor land division to create one additional lot. The existing lot size for the property is 24,422 square feet; the proposed lot sizes are 13,081 square feet (Parcel 1) and 11,352 square feet (Parcel 2). An existing single-family residence will be retained and will occupy proposed Parcel 1; an existing garage and "cottage" will also be retained on this parcel. Proposed Parcel 2 is located to the rear of the existing house, and currently includes a swimming pool, pool house and barn structure, all of which likely would be removed in the future to accommodate construction of a new single-family home. No plans for a second home have been developed or submitted to the Town at this time. An Architecture and Site approval is required for construction of a new home on Parcel 2. Any new development on the site will be required to comply with Town ordinances and standards, and will be reviewed through the required process. A full description of the project is presented in the PROJECT DESCRIPTION (CHAPTER 3.0) section of Draft EIR document, dated June 2012.

2.2 AREAS OF CONCERN

The Town of Los Gatos, as the Lead Agency, has identified areas of concern based on preparation of the Initial Study and Notice of Preparation (NOP), which are included in Appendix A. In response to the NOP, one email was received from staff of the Regional Water Quality Control Board regarding definition of streams and riparian vegetation, but did not raise issues of concern and as stated in the comment, does not affect conclusions related to project impacts. This EIR is focused on evaluation of historical resources pursuant to the Initial Study findings.

2.3 SUMMARY OF ALTERNATIVES

CEQA Guidelines require that an EIR describe and evaluate alternatives to the project that could eliminate significant adverse project impacts or reduce them to a less-than-significant level. The following alternatives are evaluated in the CEQA CONSIDERATIONS section of the Draft EIR document, dated June 2012:

- Alternative 1 – No Project Alternative
- Alternative 2 – Modified Lot Layout

2.4 SUMMARY OF IMPACTS & MITIGATION MEASURES

All impacts identified in the subsequent environmental analysis are summarized in this section. This summary groups impacts of similar ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated, followed by impacts not found to be significant.

SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts were identified as a result of the impact analyses.

SIGNIFICANT IMPACTS

No significant impacts that could be reduced to a less-than-significant level with mitigation were identified as a result of the impact analyses.

LESS-THAN-SIGNIFICANT UNAVOIDABLE IMPACTS

The following impacts were found to be less-than-significant. Mitigation measures are not required, but in some instances recommended Conditions of Project Approval are included to further reduce the level of impact.

DRAFT EIR

Cultural Resources

Impact 1-1: The proposed minor land division and future construction of a single-family home would not result in significant impacts to archaeological resources as none have been

identified, although there is a possibility that unknown resources may be encountered during future construction.

Mitigation Measures

No mitigation measures are required, but the following Condition of Approval is recommended.

RECOMMENDED CONDITION OF APPROVAL. In the event that archaeological resources or human remains are accidentally encountered during construction of onsite improvements or with future construction, halt all construction within a 50-meter (150 feet) radius of the find, notify the Community Development Director, and retain a qualified professional archaeologist to examine the find and make appropriate recommendations. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented, in conformance with the protocol set forth in Public Resources Code Section 21083.2. The County Coroner and shall be notified in accordance with provisions of Public Resources Code 5097.98-99 in the event human remains are found and the Native American Heritage Commission shall be notified in accordance with the provisions of Public Resources Code section 5097 if the remains are determined to be Native American.

INITIAL STUDY

The Initial Study (see Appendix A) includes analyses that found the following impacts to be less-than-significant.

Aesthetics

- Degradation of Visual Character of Surrounding Area. The proposed minor land division and potential future construction of one single-family home would not result in a substantial degradation to the visual character or quality of the surrounding area.
- New Source of Substantial Light and Glare. Future construction of one single-family home within an existing developed residential neighborhood would not result in creation of a new substantial source of light or glare.

Air Quality

- Emissions. The project would not result in a level of permanent emissions that would be considered significant or substantially contribute to an existing air quality violation or expose sensitive receptors to substantial pollutant concentrations.

Geology and Soils

- Seismic Shaking. Future development would be expected to be subject to strong groundshaking during its design life. However, adherence to existing regulations and

standards, including the California Building Code (CBC) and various policies and actions established in the 2020 *General Plan*, would minimize harm from adverse geologic events and conditions.

- Expansive Soils. Future development would be required to implement and/incorporate recommendations of a geotechnical investigation regarding exposure to expansive soils.
- Erosion. Given that the site is relatively flat and partially developed, future grading for a single-family home would not be expected to result in substantial erosion.

Greenhouse Gas Emissions

- Greenhouse Gas Emissions. Future construction of one home in the future would not result in substantial emissions.

Hazardous Materials

- Exposure to Wildland Fire Hazards. Future construction of one single-family home as a result of the proposed subdivision would not substantially increase exposure to wildland fire risks as the surrounding area is developed with residential structures. Future construction will be required to comply with all Fire Department conditions for fire safety.

Hydrology and Water Quality

- Drainage. Future development of one home would increase impervious surfacing on the site and runoff, but this would not be considered substantial or significant in relation to the surrounding area urbanized and developed neighborhood. There would be no substantial alteration of existing drainage patterns or stream courses.
- Water Quality. The potential future construction of one single-family home would result in a minor increase in runoff, which, in combination with potential limited erosion from grading could affect water quality in the ravine to the south, but would not be significant with planned retention swales and compliance with Town requirements.

Noise

- Permanent Noise Increases. The potential future construction of one single-family home would not result in creation of a substantial new noise source as the site is currently developed with a residential use within a developed residential neighborhood.
- Temporary Noise Increases. Construction-related noise increases could be significant periodically, especially to residences immediately adjacent to the project site, although it would be temporary and short-term in duration. Enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance will be required as a standard Project Condition of Approval of future development.

Public Services

- Public Service & Recreation Demand. Future construction of one additional single-family home would not significantly increase demand for public services since services are already provided to the site. This level of development would have no measurable effect on existing public services in that the increase will not require expansion or construction of new police, fire, or school facilities for provision of services to the new lot and future home. The project's contribution of school-aged children is expected to be minimal from one single-family home, and the minor increase in student enrollments would be offset by the required payment of a "developer fee" that goes to the School Districts to offset potential additional costs associated with school facilities. The minor population increase would not result in use that would result in a substantial deterioration of parks and recreational facilities.

Transportation & Traffic

- Public Service & Recreation Demand. Traffic generated by the proposed project would represent a minor increase in traffic and would not have a measurable or significant impact on traffic operations at vicinity intersections.

Utilities and Service Systems

- Utilities and Service Systems Capacity. Utility services are currently provided to the existing residential unit on the project site, and potential future construction in one single-family home could be served by existing wastewater treatment, water supply and solid waste disposal services without significant impacts according to analyses in the Town's 2020 General Plan EIR, which would account for one additional single-family home resulting from the proposed project as part of the analyzed buildout.

NO IMPACTS

The State CEQA Guidelines section 15128 require that an EIR contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Through the Initial Study, NOP scoping process, and EIR, the Town of Los Gatos determined that the proposed project would have no impact on the environmental issues outlined below. See the Initial Study in Appendix A for further discussion.

DRAFT EIR

Cultural Resources

Paleontological Resources: There are no paleontological resources (d) on the project site. As discussed in the Initial Study (see Appendix A), the site is developed and has undergone past

excavation and disturbance. Unless, future ground-disturbance activities were to reach significant depths, which is not anticipated future construction of a typical single-family home and foundation, there would be no expected impact to paleontological resources according to analyses presented in the Town's 2020 *General Plan* EIR.

Impact 1-2: The proposed minor land division and future construction of a single-family home would not result in significant impacts to a qualifying historical resource as defined under CEQA as none have been identified on the project site. Thus, there will be *no* impact to historical resources.

INITIAL STUDY

- **Aesthetics** – Scenic Views and Scenic Resources
- **Agricultural & Forest Resources**
- **Air Quality** – Odors
- **Biological Resources** – Special Status Species; Riparian, Wetland or Sensitive Habitat; Wildlife Breeding/Movement; Conflict with adopted HCP or Natural Community Conservation Plan
- **Geology and Soils** – Fault Rupture, Landslides; Unstable Geologic Unit; Soil Capability for Septic Systems
- **Greenhouse Gas Emissions** – Conflict or Obstruct Implementation of Adopted Plans to Reduce GHG Emissions
- **Hazards and Hazardous Materials** -- Routine Transport; Use, or Disposal of Hazardous Materials; Emit Hazardous Emissions within ¼ mile of a School; On a List of Hazardous Materials Sites; Located within an Airport Land Use Plan; Private Airstrip Hazards; Emergency Response Plan
- **Hydrology and Water Quality** – Violation of Waste Discharge Requirements; Groundwater; Exposure to flood, tsunami or dam failure hazards
- **Land Use and Planning** – Physically Divide an Established Community; Conflict with Adopted Policies, Habitat Conservation Plan or Natural Community Conservation Plan
- **Mineral Resources**
- **Noise** – Exposure to Excessive Noise or Vibration; Public Airports and Private Airstrip Noise
- **Population and Housing** – Growth Inducement; Displacement of Housing or People
- **Transportation/ Traffic** – Conflict with Congestion Management Plans; Air Traffic; Hazards; Emergency Access; Parking; Conflict with Alternative Transportation Policies

3.0 COMMENTS & RESPONSES

IN THIS SECTION:

- 3.1 Introduction
- 3.2 Response to Comments

3.1 INTRODUCTION

Each comment on the Draft EIR (DEIR) is included in this section. A response to each comment is provided immediately following each letter. Review of the comments have not resulted in changes to the DEIR text. As previously indicated, this document in conjunction with the Draft EIR, dated June 2012, constitutes the Final EIR for the project.

3.2 RESPONSE TO COMMENTS

The following sections provide the comment letters and responses submitted Draft EIR comments:

1. California Governor's Office of Planning & Research, State Clearinghouse
2. Larry Anzie, Oral Comment

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EDMUND G. BROWN JR.
EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
KEN ALEX
DIRECTOR

August 9, 2012

RECEIVED

AUG 13 2012

TOWN OF LOS GATOS
PLANNING DIVISION

Marni Moseley
City of Los Gatos, Community Development Department
110 E. Main Street
Los Gatos, CA 95031

Subject: 381 Pennsylvania Avenue
SCH#: 2012032056

Dear Marni Moseley:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 8, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base



SCH# 2012032056

STATE OF CALIFORNIA

Project Title 384 Pennsylvania Avenue

Agency Los Gatos, City of

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

Type EIR Draft EIR

Description

The proposed project consists of a minor land division. The existing lot size for the property is 24,122; the proposed lot sizes are 13,081 s.f. (Parcel 1) and 11,352 s.f. (Parcel 2). An existing single-family residence will be retained on Parcel 1. Proposed Parcel 2 is located to the rear of the existing house, and currently includes a swimming pool, pool house and barn structure, all of which likely would be removed to accommodate construction of a new single-family home in the future. No plans for a second home have been developed or submitted to the Town at this time.

KEN ALEX

Lead Agency Contact

Name Marni Moseley
Agency City of Los Gatos, Community Development Department
Phone 408 354 6802 Fax
email
Address 110 E. Main Street
City Los Gatos State CA Zip 95031

Project Location

County Santa Clara
City Los Gatos
Region
Lat / Long
Cross Streets Pennsylvania Avenue / Wissashickon Avenue
Parcel No. 510-41-057
Township Range Section Base

Proximity to:

Highways Hwy 17
Airports
Railways
Waterways
Schools
Land Use Single-family home / R-1:8 / Low Density Residential, 0-5 units per acre

Project Issues Archaeologic-Historic

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 06/25/2012 Start of Review 06/25/2012 End of Review 08/08/2012

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044

(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

3-3

Note: Blanks in data fields result from insufficient information provided by lead agency.

**LETTER 1 – CALIFORNIA GOVERNOR'S OFFICE OF PLANNING & RESEARCH,
STATE CLEARINGHOUSE**

The letter acknowledges that the Town of Los Gatos complied with the State Clearinghouse requirements for State review of draft environmental documents.

Los Gatos Planning Commission Hearing, August 8, 2012

Larry Arzie, 18000 Overlook Road – Oral Comment

I wasn't planning on speaking on this tonight. But off the top, I did read the EIR and I disagree that the subdivision is not historical – that when you subdivide in the 1890s and you have a consistency of lot lines for 150 years, that's historical. When you ask for a change you are upsetting the historical nature of the block on it.

Insofar as the comments about the buildings across street not making them a historical district, that's silly. It's like saying the old chart house building is not historical because it has a shopping center building across the street from it. It is nonsense and we all know that the payer gets influenced or listened to when he hires for an EIR.

COMMENT 2 – LARRY ARZIE

The comment is noted, but does not provide a comment on the analyses contained in the Draft EIR. The EIR analyses focused on review of the existing structure on the project site, and the potential significance as a historical structure under the definitions in CEQA and the State CEQA Guidelines. The discussion, which is included in Chapter 4 of the Draft EIR document, concludes that the existing structure is not a historic resource under the definitions in CEQA and the State CEQA Guidelines. The EIR analysis did not evaluate the surrounding neighborhood for historical significance, but reported that the neighborhood is not a designated historic district in Los Gatos. The EIR indicates that the proposed lot split is consistent with historic and current lot patterns in the neighborhood. The existing and proposed configurations differ from the original subdivision created in 1892. Furthermore, there are no proposed alterations to the existing home. Exterior alterations to any structure built prior to 1941 requires review by the Town's Historic Preservation Committee unless the structure is determined to have no historic significance as determined by Town regulations. Future development of a home on the proposed second lot also would be subject to Architecture and Site approval by the Town.

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REQUIRED FINDINGS FOR

381 Pennsylvania Avenue

Subdivision Application M-10-007

Environmental Impact Report EIR-12-002

Requesting approval of a two lot subdivision on property zoned R-1:8. The project could have a significant impact on the environment and an Environmental Impact Report will be prepared. APN 510-41-057.

PROPERTY OWNER: 381 Pennsylvania Avenue, LLC

APPLICANT: Greg Howell

FINDINGS

Required finding for CEQA:

- No significant impacts have been identified as a result of the project and a Final Environmental Impact Report has been prepared; there is no new information that would require further review (Public Resource Code Section 21166)

Required findings to deny a Subdivision:

- In order to deny the application, the Development Review Committee must make one of the following findings, as required by Section 66474 of the State Subdivision Map Act:
 - a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - c. That the site is not physically suitable for the type of development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

None of the findings for denial can be made; the tentative map is consistent with all adopted general and specific plans, and the proposed design is consistent with the immediate neighborhood. The proposed subdivision will not cause environmental damage to fish, wildlife or their habitat and will not cause serious public health problems. The subdivision will not hinder existing easements or access issues.

381 Pennsylvania Avenue/M-10-007, EIR 12-002
August 22, 2012

- The subdivision is consistent with the Redevelopment Plan for the Los Gatos Redevelopment Project Area (Section IV.B). The subject property is designated residential and, per the Redevelopment Plan, shall be used for residential uses set forth and described in the Town's General Plan. The proposed subdivision will retain the residential use.

N:\DEV\FINDINGS\2012\381 Pennsylvania.doc

CONDITIONS OF APPROVAL – August 22, 2012

381 Pennsylvania Avenue

Subdivision Application M-10-007

Environmental Impact Report EIR-12-002

Requesting approval of a two lot subdivision on property zoned R-1:8. The project could have a significant impact on the environment and an Environmental Impact Report will be prepared. APN 510-41-057.

PROPERTY OWNER: 381 Pennsylvania Avenue, LLC

APPLICANT: Greg Howell

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL EXPIRATION:** Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the application is vested.
2. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the approved plans. Any minor changes or modifications made to the approved plans shall be approved by the Director of Community Development other changes will be approved by the Planning Commission, depending on the scope of the change(s).
3. **POOL EQUIPMENT:** The existing pool equipment must be removed or relocated to comply with Section 29.10.09020 of the Town Code prior to recordation of the subdivision.
4. **PARKING:** A third separately accessible parking space must be installed as shown on the approved plans with materials approved by staff prior to recordation of the subdivision.
5. **ARCHAEOLOGICAL RESOURCES:** In the event that archaeological resources or human remains are accidentally encountered during construction of onsite improvements or with future construction, halt all construction within a 50-meter (150 feet) radius of the find, notify the Community Development Director, and retain a qualified professional archaeologist to examine the find and make appropriate recommendations. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented, in conformance with the protocol set forth in Public Resources Code Section 21083.2. The County Coroner shall be notified in accordance with provisions of Public Resources Code 5097.98-99 in the event human remains are found and the Native American Heritage Commission shall be notified in accordance with the provisions of Public Resources Code section 5097 if the remains are determined to be Native American.
6. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.

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

7. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
8. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
9. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
10. WEST VALLEY SANITATION DISTRICT. All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties, or immediately prior to the issuance of a sewer connection permit, whichever event occurs first – written confirmation of payment of these fees shall be provided prior to map recordation.
11. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
12. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
13. INGRESS & EGRESS EASEMENT. The ingress & egress easement (formerly Laurel Ave.) shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
14. PLAN CHECK FEES. Plan check fees shall be deposited with the Town prior to plan review at the Engineering Division of the Parks and Public Works Department.
15. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
16. PARCEL MAP. A parcel map shall be recorded. Two copies of the parcel map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before any permits are issued.
17. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by

contract, Faithful Performance Security and Labor & Materials Security before the recordation of a map. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

- a. Remove, widen pavement and install AC dike and/or AC swale at northwest corner of site to direct roadway drainage into existing catch basin.
 - b. The sanitary sewer line shall be extended along Wissahickon Ave and have a service lateral installed as required to serve the new parcel.
 - c. Install drainage structures along the east boundary of parcel 2 to collect surface drainage.
18. PRIVATE IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town. The improvements must be completed and accepted by the Town prior to the recordation of the map.
- a. Install drainage structures along the east boundary of parcel 2 to collect surface drainage.
19. FRONTAGE IMPROVEMENTS. Applicant shall be required to improve the project's public frontage to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approaches, curb ramps, traffic signal, street lighting (upgrade and/or repaint) etc.
20. DESIGN CHANGES. The Applicant's registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
21. TRAFFIC IMPACT MITIGATION FEE. The developer shall pay a proportional the project's share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The fee shall be paid before issuance of a building permit. The traffic impact mitigation fee for this project using the current fee schedule is \$5,742. The final fee shall be calculated from the final plans using the rate schedule in effect at the time the building permit is issued.
22. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
23. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language.
24. NPDES. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If dry wells are to be used they shall be placed 10' minimum from adjacent property line and/or right of way.

25. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
26. **UTILITIES.** The developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
27. **RESTORATION OF PUBLIC IMPROVEMENTS.** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
28. **SIDEWALK/CURB IN-LIEU FEE.** A curb and sidewalk in-lieu fee of \$45,795 shall be paid prior to recordation of the Parcel Map. This fee is based on a 355 LF of curb at \$57/LF and 1,597.50-square feet of 4.5-foot wide sidewalk at \$16/SF in accordance with Town policy.
29. **FENCING.** Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
30. **AS-BUILT PLANS.** An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
31. **SANITARY SEWER LATERAL.** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
32. **SANITARY SEWER BACKWATER VALVE.** Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative (Sec. 6.50.025). The Town shall not incur any liability or

responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve, as defined section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.

33. ARCHITECTURAL & SITE REVIEW. A Architectural and Site (A&S) application will be required for any proposed development. As part of the A&S application, additional requirements may apply, including, driveway approaches for the property and easement, or other improvements, etc. as deemed appropriate.
34. CONSTRUCTION NOISE. Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
35. GOOD HOUSEKEEPING. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.

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DEC 16 2010

TOWN OF LOS GATOS
PLANNING DIVISION

December 15th, 2010

Town of Los Gatos

Letter of Justification for Subdividing 381 Pennsylvania Avenue into 2 lots.


We have submitted plans for subdividing 381 Pennsylvania Avenue into 2 lots. Before we get into specifics, some history on the property will help with the justification. The property in question has historically been 2 legal lots of record dating back to the late 1800's. The Glen Ridge Park Subdivision map recorded in the late 1800's describes lots 16 and 17 for 381 Pennsylvania Avenue. Additionally, when this property was bought by the Manson's, July 3rd, 1962, the deposit receipt specifically describes the property as, 2 lots as evidenced by the attached deposit receipt dated July 3rd, 1962. This describes the property as "lots 16 and 17, block 1 as shown on the map of the Glen Ridge Park; being all that certain property know as 381 Pennsylvania Avenue, Los Gatos, California."

As further evidence that this property was always considered 2 lots, Mrs. Manson in the March 12th, 1971 Times Observer paper is quoted "the present house is actually on 2 lots". See attached article.

Even though we believe this property is 2 legal lots of record already, we have decided to pursue the subdivision of the property rather than the certificate of compliance to avoid any challenges in the courts by our neighbor. Our plans to subdivide the property into 2 lots, meet and or exceed all of Los Gatos' town codes, standards, requirements, etc..., and we will not be asking for any variances or exceptions to the town codes. The new lot that will be created will be accessed of Wissahickon Avenue and will be approximately 11, 500 square feet, where the minimum lot requirement is 8,000 square feet. The lot with the current house built on it will be approximately 13,000 square feet.

We look forward to giving the family that ultimately purchases this lot and builds a new home in this highly desirable area of Los Gatos, the opportunity to become a new addition to this great neighborhood and community.

Sincerely,


Gregory Howell
125 Glen Ridge Avenue
Los Gatos, CA 95030

RECEIVED

DEC 16 2010

TOWN OF LOS GATOS
PLANNING DIVISION

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Deposit Receipt

Los Gatos

California, July 3,

1962

Received from R. MORTON MANSON

Address 17,268 Zena Avenue, Los Gatos, California,

check for the sum of ONE THOUSAND and 00/100

the purchaser,
Dollars,

as a deposit on and part payment for the following described property, situated in the Town of Los Gatos,

Lots 16 & 17, Block I, as shown on map of Glen Ridge Park, County of Santa Clara, State of California, to-wit: property known as #381 Pennsylvania Avenue, Los Gatos, California; together with all improvements thereon; title vested in the name of Balch. And together with installed carpeting and drapes, TV antenna, and swimming pool maintenance equipment. It is understood and agreed that the property is being purchased 'as is'.

For the purchase price of

THIRTY-SIX THOUSAND and 00/100

the balance of said purchase price to be paid within ten days from date hereof, as follows,

to-wit: Cash at Western Title Guaranty Company, 70 N. Second Street, San Jose, California, subject to the ability of the purchaser to obtain a loan secured by first deed of trust on the above described property from Wells Fargo Bank in an amount of \$24,000.00; said note to be payable in equal monthly installments over a period of twenty years including interest on the deferred balances at the rate of six percent per annum.

AND IT IS HEREBY AGREED: First—That in the event said buyer shall fail to pay the balance of said purchase price or complete said purchase as herein provided, the amounts paid hereon shall, at the option of the seller, be retained as consideration for the execution of this agreement.

Second—That the deposit and all other payments called for herein, if made with other than lawful money of the United States of America, may be converted into cash immediately, unless otherwise provided for herein, and held subject to the terms of this Deposit Receipt.

Third—That the evidence of title is to be in the form of Title Insurance issued by Western Title Insurance Company and paid by the seller.

Fourth—That in the event the title to said property shall not prove marketable and said seller shall not perfect, or be able to perfect, the same within a reasonable time from this date, the purchaser shall have the option of demanding and receiving back said deposit and shall be released from all obligations hereunder.

Fifth—That in the event the improvements on said described premises shall be destroyed or materially damaged between the date hereof and consummation of this purchase, this contract shall at purchaser's election, immediately become null and void and said deposit shall be returned to said purchaser on demand.

Sixth—Agent is allowed twenty days to secure the approval of the seller.

Seventh—Possession of premises to be given upon recordation of deed or within thirty days from date of recordation of deed.

Eighth—That the taxes on said property for the current fiscal year ending June 30 following this date and the rents, interest on any assumed indebtedness and Fire Insurance are to be prorated as of date of transfer of title or (Insurance proration at option of purchaser.)

Ninth—The time for any act required to be done hereunder may be extended not longer than thirty days by the undersigned Real Estate Broker.

Tenth—The respective spouses of the purchaser and seller, if any, shall join in any conveyance, encumbrances or contract executed pursuant to this agreement. This agreement is binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Eleventh—That any existing assessments and/or improvement bonds are to be paid by seller

Twelfth—No representations, guaranties or warranties of any kind or character have been made by any party hereto, or their representatives which are not herein expressed.

Thirteenth—The agent shall not be held responsible for the failure to comply with the terms of this agreement, by either the seller or purchaser.

In cooperation with

Gatewood Realty

C. F. & W. R. HAMSHIER

Real Estate Broker

By

The undersigned hereby approves and agrees to the foregoing contract, and agrees to purchase the above described property on the terms and conditions herein stated and authorizes seller to make conveyance to R. MORTON MANSON and MARGARET L. MANSON, his wife.

Purchaser Hereby Acknowledges Receipt of a Copy Hereof

R. Morton Manson

Purchaser

Dated July 3, 1962

I agree to sell the above described property on the terms and conditions herein stated, and agree to pay the above broker as commission six percent of above purchase price, or one-half the deposit in case same is forfeited by purchaser, provided same shall not exceed the full amount of the commission, and I hereby authorize Western Title Guaranty Company Santa Clara County Division to pay said commission from escrow upon closing.

Seller Hereby Acknowledges Receipt of a Copy Hereof

WESTERN TITLE GUARANTY COMPANY

SANTA CLARA COUNTY DIVISION

Main Office

70 North Second Street, San Jose

Telephone CYpress 3-2430

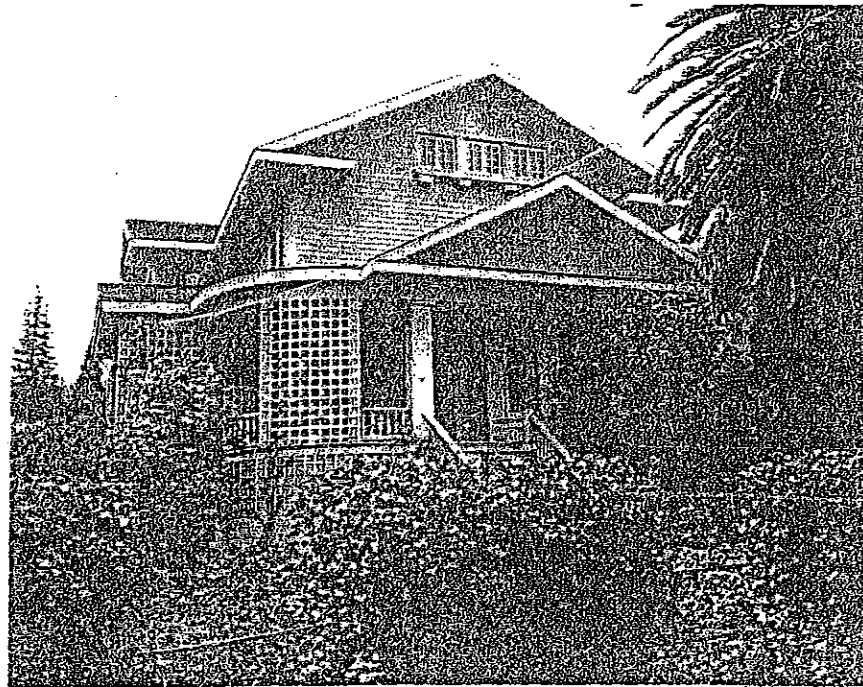
Seller

Seller

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Times Observer

VOLUME XXXV 15 Cents Per Copy LOS GATOS, CALIFORNIA 95030— FRIDAY, MARCH 12, 1971 Phone 354-3900 10 Number 114



Older homes must be listed by March 15

The deadline is nearing for older homes in Los Gatos to be entered in competition for a Historic Home Award Certificate.

Homeowners must register at Los Gatos Museum by March 15th if their home is to be considered for an award.

Three categories have been set up by the Museum Association for consideration: Preservation Award Certificate: original construction maintained in optimum condition; Renovation Award Certificate: original concept retained while enlarging or remodeling; Restoration Award Certificate: original concept restored.

Ten award certificates will be made in each category. Selection will be made by a panel of judges including Dr. George Bruntz, and architects Arch Menard and Chester Root.

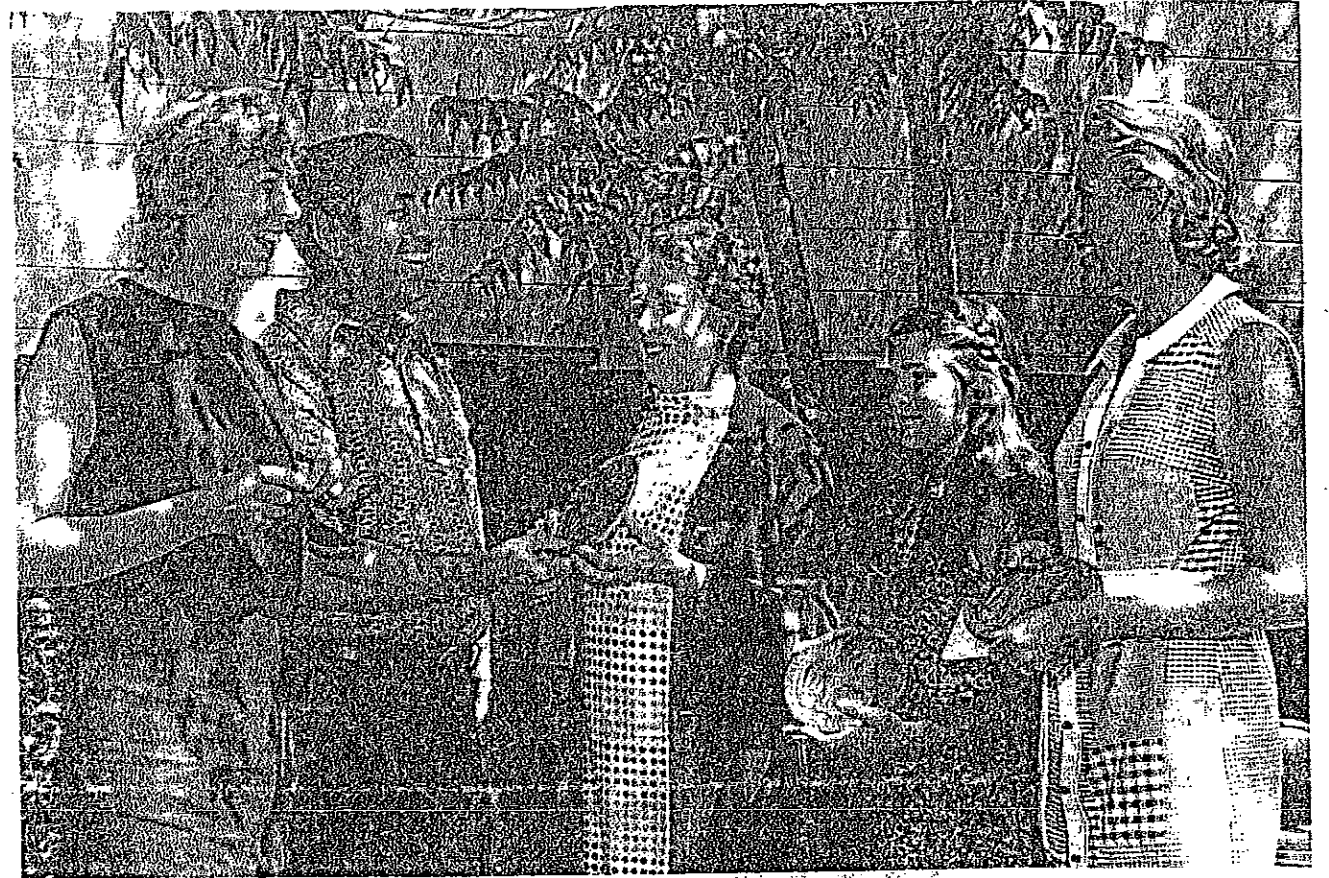
Certificates will be presented during the annual Los Gatos Clean Sweep Week day.

Homes under consideration must be within town limits and listed by the Historic Home Survey Committee.

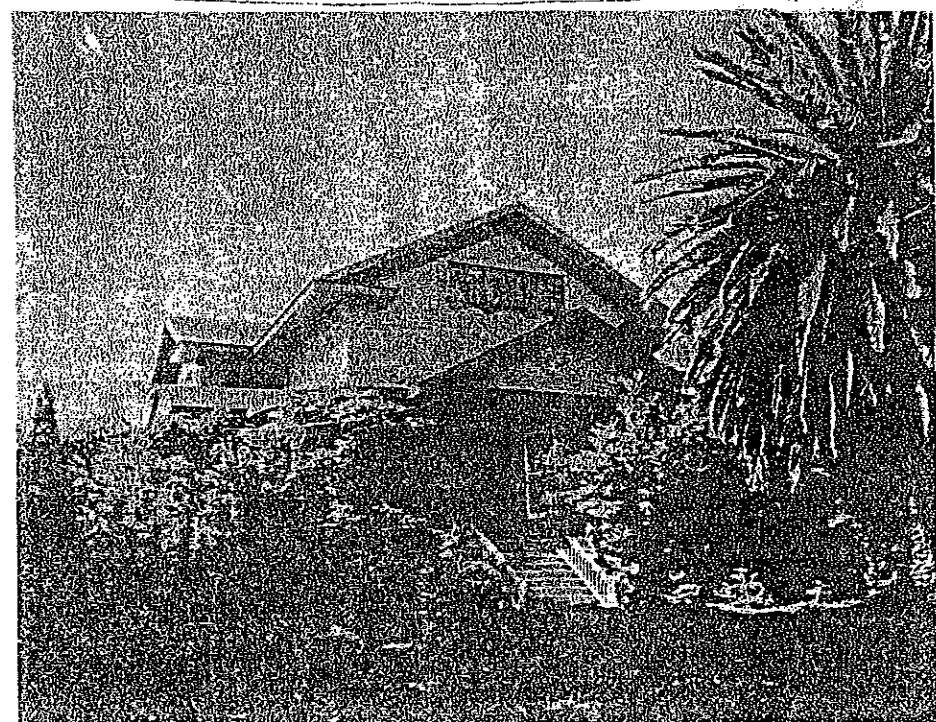
Anyone wishing his home listed should contact Mrs. Anthony Gualtiere at 354-1943 for a survey questionnaire.

LANDMARK HOME — The home of Dr. and Mrs. Morton Manson, on the corner of Pennsylvania Avenue and Wissachickon in Los Gatos, is one of the landmark older homes in the community identified by the Los Gatos Museum Assn. The home was constructed in 1880 of virgin redwood timber. It is a two story home and currently has three bedrooms although at one time it had as many as five smaller bedrooms. The Mansons purchased the home 10 years ago from its former owner Bill Balch. Mrs. Manson said that the house has been remodeled numerous times over the years. The grounds include a pine and fig tree dating back to the home's construction and also support a small orchard.

MANSON HOME - 381 Pennsylvania Avenue. Pre-1900 Homes Contest Award-winner. This lovely home has retained its original look and flavor throughout the years; being built in 1880.



HOME CONTEST WINNERS — Beth Gallagher, chairman of the 1973 Historic Homes Award Committee in Los Gatos, and Los Gatos Mayor Mark DiDuca, congratulate award winners: Mrs. J. A. Bocci, center; Susan Baronowski, second from right; and Mrs. Madeleine Manson, right. All three were recipients of a bronze-like plaque in the Historic Homes Contest sponsored by the museum association. The emblem will be worn by each pre-1900 home and will identify the building for a future "Victorian-stepping-stone" walking tour. The plaque was designed by local artists, Mr. and Mrs. Art James. Photo credit to Emerson Shaw.



Los Gatos landmark

Old and new characterize

By RITA BEAMISH

Once a secondary house as part of the large and affluent McCullagh estate, the residence of Dr. Morton and Margaret Manson at 381 Pennsylvania Ave. is beautiful and impressive in its own right.

Having undergone some remodelings both interior and exterior over the years, the house reflects a traditional flavor adapted to modern convenience.

The house was reported-

ly built in 1890 by Everett Pomeroy, a textile businessman from New England who came to Los Gatos to retire. Pomeroy, who was both affluent and active in town affairs, chose to build his Pennsylvania Avenue home in the Victorian mansion style that was popular in that period.

The house was eventually sold to a Mr. Steton who rented it out for resi-

dency. In 1904, S. Dean Balch came to town, and rented the place for a time, according to his son, Bill Balch who later purchased the house.

BANK PRESIDENT

The elder Balch first headed the Bank of Los Gatos which was located at the corner of N. Santa Cruz and Main Streets, and was later president of the First National Bank of Los

Manson house

Gatos. A prominent citizen, Balch also served a term as mayor of Los Gatos.

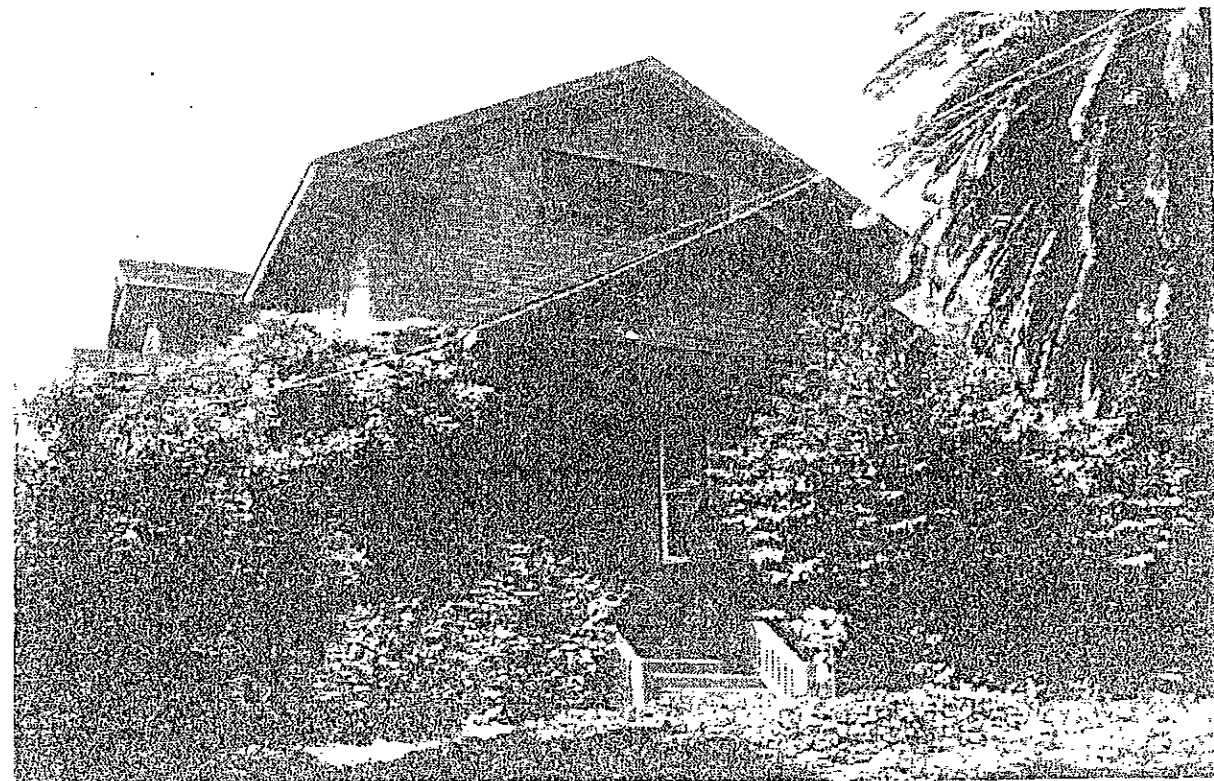
Balch eventually moved with his family to their new home on Massol Avenue, and the Pennsylvania Avenue house was purchased by the prominent Frank McCullagh, according to Dr. Horace Jones, the McCullagh family doctor.

McCullagh lived with his wife in the beautiful Mission Revival style mansion up the hill from the Pomeroy place and he purchased the second house as a residence for his sister, Mary, a frequent visitor from Philadelphia, Penn.

A "maiden lady," Miss McCullagh lived alone in the big house, employing a cook and a gardener to help her run the house, until her death in 1936.

Bill Balch remembers that Mary McCullagh was "kind of a recluse," and that she worked eight to 10 hours a day making braille

(CONT' ON PAGE 4)



OLD RESIDENCE — Built around 1890, the Manson residence has

been somewhat remodelled from its original Victorian style. In the early

1900's the house was part of the Frank McCullagh estate.

ding of two downstairs parlors into one living room, and enclosing a back porch for a family room.

Balch kept the house until 1962, when he sold it to the present owners, Dr. and Mrs. Morton Manson. The Mansons have added a spacious swimming pool in the backyard, as well as remodelled the kitchen and the two upstairs bedrooms.

Margaret Manson asserts that she now tries to decorate to highlight and preserve as much of the old look as possible. All of the redwood moldings and door hardware are the original, she says.

She points out the place at the corner of the front porch where a Victorian style turret once stood, but was later removed, probably by the McCullaghs.

VESTIBULE

Today the covered porch, topped by a pediment, goes half way across the front of the house with the front entrance opening from the porch into a large vestibule. On one side, a grand staircase leads upstairs, and a large double doorway on the other side of the vestibule leads to a front parlor, used by the Mansons for an office, with front bay windows.

The present house is actually on two lots, says Mrs. Manson as she shows the backyard, with the swimming area occupying most of the second lot.

Also in back what was once the old barn has been remodelled into a separate guest house.



REMODELLED — This interior view shows the living room enlarged by

the removal of two walls between what had been two parlors. At far right

is the door leading to the front porch; and the exit

at the left leads to the large entryway.

Manson house

(CONT' FROM PAGE 1)

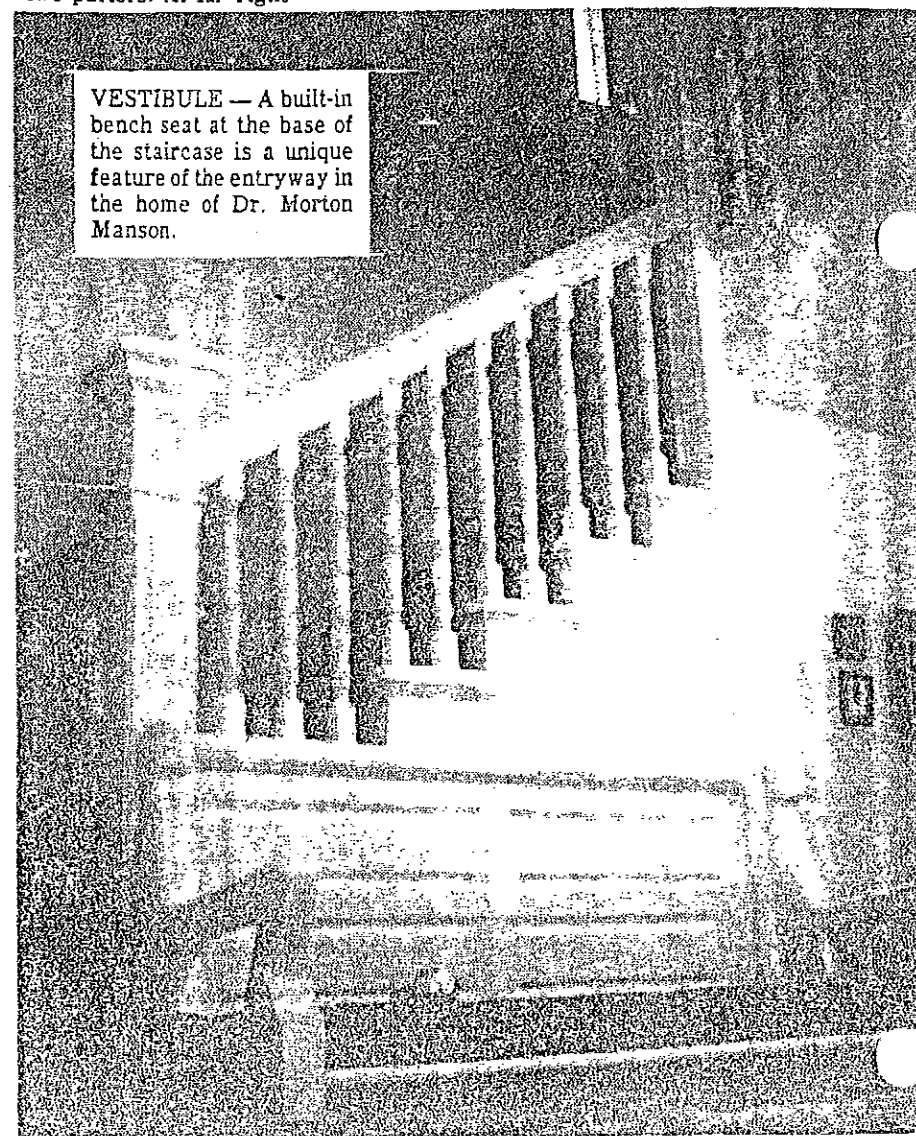
books for an organization for the blind. This work was particularly tedious since Miss McCullagh herself was victimized by arthritis.

After her death the house remained vacant until it was sold as part of the McCullagh estate in 1939.

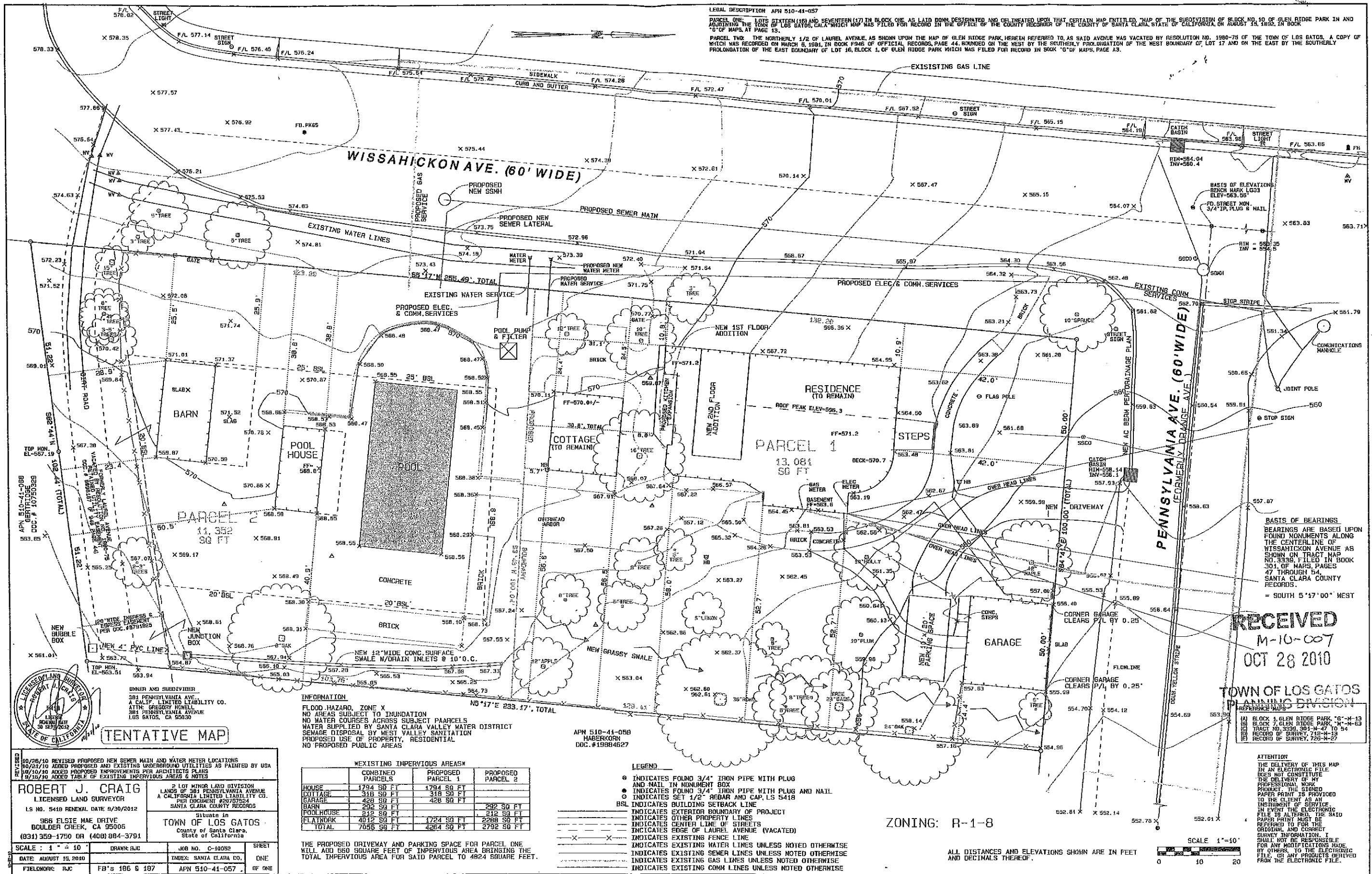
Bill Balch, who bought the house, remembers that it was in bad repair when he moved in in 1941. Faulty plumbing and exposed wiring were among the necessities that had to be repaired.

ORIENTAL

By this time, the house had undergone remodeling that altered its original Victorian look and reflected a somewhat Oriental influence. To make the house more convenient for his family, Balch himself installed some interior remodelings, including the com-



VESTIBULE — A built-in bench seat at the base of the staircase is a unique feature of the entryway in the home of Dr. Morton Manson.

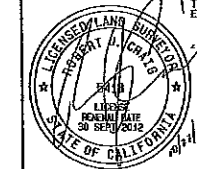


LEGAL DESCRIPTION APN 510-41-057
PARCEL ONE: LOTS SIXTEEN (16) AND SEVENTEEN (17) IN BLOCK ONE AS Laid Down Designated and delineated upon that certain map entitled, "MAP OF THE SUBDIVISION OF BLOCK NO. 10 OF GLEN RIDGE PARK IN AND ADJOINING THE TOWN OF LOS GATOS, CALIF. WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON AUGUST 19, 1992, IN BOOK "G" OF MAPS, AT PAGE 13.
PARCEL TWO: THE NORTHERLY 1/2 OF LAUREL AVENUE, AS SHOWN UPON THE MAP OF GLEN RIDGE PARK, HEREIN REFERRED TO, AS SAID AVENUE WAS VACATED BY RESOLUTION NO. 1980-75 OF THE TOWN OF LOS GATOS, A COPY OF WHICH WAS RECORDED ON MARCH 5, 1991, IN BOOK F946 OF OFFICIAL RECORDS, PAGE 44, BOUNDED ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WEST BOUNDARY OF LOT 17 AND ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST BOUNDARY OF LOT 16, BLOCK 1, OF GLEN RIDGE PARK WHICH WAS FILED FOR RECORD IN BOOK "G" OF MAPS, PAGE 13.

BASIS OF BEARINGS
BEARINGS ARE BASED UPON
FOUND MONUMENTS ALONG
THE CENTERLINE OF
WISSAHICKON AVENUE AS
SHOWN ON TRACT MAP
NO. 3359, FILED IN BOOK
301, OF MAPS, PAGES
47 THROUGH 54,
SANTA CLARA COUNTY
RECORDS.
= SOUTH 5°17'00" WEST

RECEIVED
M-10-007
OCT 28 2010
TOWN OF LOS GATOS
PLANNING DIVISION

ATTENTION
THE DELIVERY OF THIS MAP
IN AN ELECTRONIC FILE
DOES NOT CONSTITUTE
THE DELIVERY OF MY
PROFESSIONAL WORK
PRODUCT. THE SIGNED
PAPER PRINT IS PROVIDED
TO THE CLIENT AS AN
INSTRUMENT OF SERVICE.
IN EVENT THE ELECTRONIC
FILE IS ALTERED, THE SAID
PAPER PRINT MUST BE
REFERRED TO FOR THE
ORIGINAL AND CORRECT
SURVEY INFORMATION. I
SHALL NOT BE RESPONSIBLE
FOR ANY MODIFICATIONS MADE
BY OTHERS TO THE ELECTRONIC
FILE, OR ANY PRODUCTS DERIVED
FROM THE ELECTRONIC FILE.



TENTATIVE MAP

10/26/10 REVISED PROPOSED NEW SEWER MAIN AND WATER METER LOCATIONS
10/21/10 ADDED PROPOSED AND EXISTING UNDERGROUND UTILITIES AS PAINTED BY USA
10/10/10 ADDED PROPOSED IMPROVEMENTS PER ARCHITECT'S PLANS
10/10/10 ADDED TABLE OF EXISTING IMPERVIOUS AREAS & NOTES

ROBERT J. CRAIG
LICENSED LAND SURVEYOR
LS NO. 5418 RENEWAL DATE 9/30/2012
966 ELSIE MAE DRIVE
BOULDER CREEK, CA 95006
(931) 359-1750 OR (408) 984-3791

2 LOT KING LAND DIVISION
LANDS OF 381 PENNSYLVANIA AVENUE
A CALIFORNIA LIMITED LIABILITY CO.
PER DOCUMENT 20072724
SANTA CLARA COUNTY RECORDS

Situate in
County of Santa Clara,
State of California

SCALE: 1" = 10'
DATE: AUGUST 15, 2010
FIELDWORK: RJC

JOB NO. C-10052
INDEX: SANTA CLARA CO.
APN 510-41-057

SHEET
ONE
OF ONE

INFORMATION
FLOOD HAZARD, ZONE X
NO AREAS SUBJECT TO INUNDATION
NO WATER COURSES ACROSS SUBJECT PARCELS
WATER SUPPLIED BY SANTA CLARA VALLEY WATER DISTRICT
SEWAGE DISPOSAL BY WEST VALLEY SANITATION
PROPOSED USE OF PROPERTY, RESIDENTIAL
NO PROPOSED PUBLIC AREAS

EXISTING IMPERVIOUS AREAS		
COMBINED PARCELS	PROPOSED PARCEL 1	PROPOSED PARCEL 2
HOUSE	1794 SQ FT	1794 SQ FT
COTTAGE	316 SQ FT	316 SQ FT
GARAGE	420 SQ FT	420 SQ FT
BARN	292 SQ FT	292 SQ FT
POOL HOUSE	212 SQ FT	212 SQ FT
FLATROCK	4012 SQ FT	1724 SQ FT
TOTAL	7056 SQ FT	4264 SQ FT

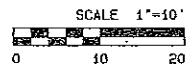
THE PROPOSED DRIVEWAY AND PARKING SPACE FOR PARCEL ONE
WILL ADD 550 SQUARE FEET OF IMPERVIOUS AREA BRINGING THE
TOTAL IMPERVIOUS AREA FOR SAID PARCEL TO 4824 SQUARE FEET.

APN 510-41-058
HABERKORN
DOC. #19984627

- LEGEND
- INDICATES FOUND 3/4" IRON PIPE WITH PLUG AND NAIL IN MONUMENT BOX
 - INDICATES FOUND 3/4" IRON PIPE WITH PLUG AND NAIL
 - INDICATES SET 1/2" REBAR AND CAP, LS 5418
 - BSL INDICATES BUILDING SETBACK LINE
 - INDICATES EXTERIOR BOUNDARY OF PROJECT
 - INDICATES OTHER PROPERTY LINES
 - INDICATES CENTER LINE OF STREETS
 - INDICATES EDGE OF LAUREL AVENUE (VACATED)
 - INDICATES EXISTING FENCE LINE
 - INDICATES EXISTING WATER LINES UNLESS NOTED OTHERWISE
 - INDICATES EXISTING SEWER LINES UNLESS NOTED OTHERWISE
 - INDICATES EXISTING GAS LINES UNLESS NOTED OTHERWISE
 - INDICATES EXISTING COMM LINES UNLESS NOTED OTHERWISE

ZONING: R-1-8

ALL DISTANCES AND ELEVATIONS SHOWN ARE IN FEET
AND DECIMALS THEREOF.



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