MEETING DATE: 9/19/05
ITEM NO. 10

COUNCIL AGENDA REPORT

DATE: September 8, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING THE CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE WITH A DETACHED STRUCTURE OVER 450 SQUARE FEET IN AN AREA WITH A REDUCED SETBACK ON PROPERTY ZONED R-1:10. APN 532-13-069 ARCHITECTURE AND SITE APPLICATION S-05-072 PROPERTY LOCATION: **119 ISABELLE COURT** PROPERTY OWNER/APPLICANT: MR. KOUPAL & MS. ABRAMS APPELLANT: RAY DAVIS

RECOMMENDATION:

1. Open and hold the public hearing.
2. Close the public hearing.
3. Uphold the Planning Commission's decision to approve Architecture and Site Application S-05-072 and deny the appeal.
4. Refer to the Town Attorney for the preparation of the appropriate resolution.

If the Town Council determines that the Planning Commission's decision should be reversed or modified:

1. The Council needs to find one or more of the following:

   (1) where there was error or abuse of discretion on the part of the Planning Commission; or
   (2) the new information that was submitted to the Council during the appeal process that was not readily and reasonably available for submission to the Commission; or
   (3) an issue or policy over which the Commission did not have discretion to modify or address, but which is vested in the Council for modification or decision.

(Continued to Page 2)

PREPARED BY: BUD N. LORTZ
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: PSJ Assistant Town Manager OK Town Attorney ____Clerk____Finance
✓ Community Development Revised: 9/8/05 3:18 pm

Reformatted: 5/30/02

2. If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in Subsection (2) above, it is the Town's policy that the application be returned to the Commission for review in light of the new information unless the new information has a minimal effect on the application.

3. Refer to the Town Attorney for preparation of the appropriate resolution.

PROJECT SUMMARY:

The applicant is requesting approval to construct a 4,676 square foot two-story single family residence and basement with a 672 square foot detached two-car garage on a 28,314 square foot lot. As permitted by Town Code, the applicant is requesting to reduce the side yard setback of the detached garage from five feet to three feet. Given the average slope of the lot (17%), the allowable FAR for the house is .22 (4,734 square feet) and the proposed FAR is .21 (4,676 square feet). The allowable FAR for the garage is .06 (1,291 square feet) and the proposed FAR is .03 (672 square feet). The maximum height of the house will be 24 feet and the maximum height of the garage will be 13 feet.

The current owners of the property worked diligently with Town staff in designing plans to meet past concerns and comments from neighbors prior to submitting their application to the Town. The applicant continued to be proactive during the planning process to meet with their neighbors, obtain their input and respond to their concerns. According to the owner, minor issues were raised by some neighbors and the plans were revised to address these concerns. Subsequent to installing the story poles, the applicant walked the site with an adjacent neighbor to ensure there were no issues. Due to a potential concern from the neighbor, the applicant prepared an alternative garage and driveway plan immediately before the Planning Commission hearing on this matter.

PLANNING COMMISSION:

The Planning Commission considered this matter on August 10, 2005 and approved the application subject to conditions which included a condition that the applicant redesign the garage and driveway so that the garage doors face the southerly direction to meet a neighbor's concern.

APPEAL

An appeal of the Planning Commission's decision was received on August 22, 2005 (Attachment 1). The basis for the appeal is summarized as follows. A response from staff follows each comment made by the appellant.

- *The architecture is inconsistent and not in harmony with the Hillside Standards, Hillside Specific Plan and General Plan.* The subject site is located outside of the area regulated by the Hillside Development Standards and Guidelines and is therefore not subject to these regulations. The appellant did not identify how the project was inconsistent with the General Plan or Hillside Specific Plan.

- *The three story structure does not conform to the neighborhood.* As can be seen in the elevations (Sheets 5 and 6 of Exhibit H of Attachment 6), the house is three stories near the center of the house due to a basement, the rest of the house is two stories. The neighborhood is composed of an eclectic blend of house styles ranging from flat-top modern to a general ranch style. Most of the homes are two story with a story over a garage which is elevated substantially above the street level. There is one house to the southwest of the subject property on Pinta Court that has a three story elevation. Staff and the Town's Consulting Architect found that the proposed design is appropriate and compatible with the neighborhood. None of the neighbors expressed concern with the proposed architecture as they did with the previous developer.
- *The three story structure is unlawful on the "Los Gatos mountainside".* As stated above, the subject site is not subject to the Hillside Development Standards and Guidelines, nor is the site zoned Hillside Residential. The maximum height permitted is 30 feet and the proposed house has a maximum height of 24 feet. Three story structures are not prohibited in this neighborhood.

The appellant refused to pay for the verbatim transcript of the Planning Commission meeting as required by the adopted fee schedule. Consequently, action only meeting minutes have been provided to Council (Attachment 4). The appellant was informed in writing that if Town Council does not have the verbatim transcript, the evidence to make a finding to overturn the Planning Commission's decision will not be available and Council may deny the appeal on that basis (Attachment 5).

ENVIRONMENTAL ASSESSMENT:

As required by Section 15303 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.

FISCAL IMPACT: None

Attachments:
1. Appeal filed on August 22, 2005.
2. Required findings.
3. Conditions of approval.
4. Action minutes from the Planning Commission meeting of August 10, 2005.
5. Letter dated August 26, 2005 to Ray Davis from Bud Lortz, Community Development Director (including attachments).
6. Report to the Planning Commission from the Development Review Committee dated May 16, 2005 for the meeting of May 25, 2005.
7. Desk item report to the Planning Commission dated May 25, 2005 for the meeting of May 25, 2005 (Exhibit J deleted and incorporated as Attachment 2 of this report).

Distribution:
Cecil Koupal and Sharlene Abrams, 15730 Linda Avenue, Los Gatos, CA 95030
Ray Davis, PO Box 625, Los Gatos, CA 95031

BNL:SLB:mdc N:\DEV\CNCLRPTS\2005\119isabelle.wpd

$272.00 Residential
$1089.00 per Commercial, Multi-family or Tentative Map Appeal

AUG 22 2005
Receipt # 213011
TOWN OF LOS GATOS
CLERK DEPARTMENT

Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

AUG 22 2005
TOWN OF LOS GATOS
CLERK DEPARTMENT

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION: 8/10/05

PROJECT / APPLICATION NO:

ADDRESS LOCATION: 119 Isabelle L.G.

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Councilmembers. Therefore, please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because said project, with its phallistic, stiff & upright, style of architecture, is inconsistent & not in harmony with the Hillside Standards, Hillside Specific Plan, General Plan, etc. the proposed 3 story ; **OR**

2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is structure does not conform to the neighborhood & I do belive it is unlawful on the Los Gatos mountainside

(please attach the new information if possible): **OR**

3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council:

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. Appellant is responsible for fees for transcription of minutes.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing withing 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967)
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: J. Ray Davis
SIGNATURE: J. Ray Davis
DATE: 8/22/05
ADDRESS: P.O. Box 625
PHONE:
L.G. 95031(1)

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: 9/19/05 2
CONFIRMATION LETTER SENT: Date:
Pending Planning Department Confirmation
TO APPLICANT & APPELLANT BY:
DATE TO SEND PUBLICATION: 8/31/05
DATE OF PUBLICATION: 9/7/05

Attachment 1

REQUIRED FINDINGS AND CONSIDERATIONS FOR

119 Isabelle Court
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

FINDINGS

The project is Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town.

CONSIDERATIONS

- As required by Section 29.20.150 of the Town Code for Architecture and Site applications:

  The deciding body shall consider all relevant matter including, but not limited to, the following:

  (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.

  A. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:

  1. The ability of critical roadways and major intersections to accommodate existing traffic;
  2. Increased traffic estimated for approved developments not yet occupied; and

3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.

B. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:

1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available capacities.

Any project receiving Town determination subsection (1)b.1. may proceed. Any project receiving Town determination subsection (1)b.2. must be modified or denied if the deciding body determines that the impact is unacceptable. In determining the acceptability of a traffic impact, the deciding body shall consider if the project's benefits to the community override the traffic impacts as determined by specific sections from the general plan and any applicable specific plan.

(2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. Specialized lighting and sign systems may be used to distinguish special areas or neighborhoods such as the downtown area and Los Gatos Boulevard.

(3) *Considerations relating to landscaping.* The location, height, and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, parking lots or unsightly development; the planting of ground cover or other surfacing to prevent dust and erosion; and the unnecessary destruction of existing healthy trees. Emphasize the use of planter boxes with seasonal flowers to add color and atmosphere to the central business district. Trees and plants shall be approved by the Director of Parks, Forestry and Maintenance Services for the purpose of meeting special criteria, including climatic conditions, maintenance, year-round versus seasonal color change (blossom, summer foliage, autumn color), special branching effects and other considerations.

(4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of the buildings with adjacent development.

Buildings should strengthen the form and image of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

(5) *Considerations relating to drainage.* The effect of the site development plan on the adequacy of storm and surface water drainage.

(6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood
and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.

(7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.

(8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.

(9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.

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CONDITIONS OF APPROVAL

119 Isabelle Court
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:
(Planning Division)

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as Exhibit H, in the report to the Planning Commission and as revised pursuant to Condition # 11. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, Development Review Committee or the Planning Commission, depending on the scope of the change(s).
2. EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. COMPLIANCE MEMORANDUM. The applicant shall prepare and submit a memorandum with the building permit, detailing how each of these Conditions of Approval have or will be addressed.
4. GENERAL. All existing trees shown to remain on the plan and newly planted trees are specific subjects of approval of this plan and must remain on site. The nine inch Cedar (tree #7)and the row of Acacia's on the northwest side of the lot shown to remain on the plan (tree #'s 11 thru 13 (multi-trunk) 14, 15and 16(multi-trunk), may be removed.
5. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
6. NEW TREES. The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.
7. FINAL TREE PLANTING/LANDSCAPE PLAN. The developer shall submit a final tree planting/landscaping plan, to include the perimeter screening, which shall be reviewed by the Town's Consulting Arborist prior to issuance of a building permit. The existing trees shall be incorporated on the site plan of the building permit plans. The final plans shall incorporate comments 3, 8, 9 and 11 from the arborist report prepared by David Babby, dated July 5, 2005 and any additional comments raised during the review of the final plans. The final plan shall also note the minimum 15 foot distance from tree#30 to the house. The approved tree/landscape plan shall be included with the building permit plans.
8. PROTECTIVE FENCING. Prior to any construction or building permits being issued, the applicant shall install the required protective fencing.
9. WINDOWS. The windows shall be nonreflective.
10. ROOF MATERIAL. The applicant shall work with staff in considering an alternative roofing material that is compatible with the neighborhood.

11. GARAGE ORIENTATION. The applicant shall redesign the garage and driveway so that the garage doors face the southerly direction. The retaining wall and width of the driveway adjacent to the garage shall be minimized. The final design is subject to review and approval of the Director of Community Development.

(Building Division)

12. PERMITS REQUIRED: A building permit shall be required for the construction of the new single family residence and detached garage. Separate building permits are required for site retaining walls, water tanks, and swimming pools; separate electrical, mechanical, and plumbing permits shall be required as necessary.
13. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans.
14. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
15. SOILS REPORT: A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. ALTERNATE: Design the foundation for an allowable soils 1,000 psf design pressure. (Uniform Building Code Volume 2 - Section 1805)
16. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation
    c. Foundation corner locations
17. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
    a. Wooden backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers and bathtubs located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars.
    b. All passage doors shall be at least 32 inches wide on the accessible floor.
    c. Primary entrance shall have a 36-inch wide door including a 5' x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level with an 18-inch clearance.
    d. Door buzzer, bell or chime shall be hard wired at primary entrance.
18. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.
19. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.
20. HAZARDOUS FIRE ZONE: This project requires a Class A roofing assembly.
21. SPECIAL INSPECTIONS: When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town

Special Inspection form must be completely filled-out, signed by all requested parties and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov.

22. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at San Jose Blue Print.

23. APPROVALS REQUIRED: The project requires the following agencies approval before issuing a building permit:
    a. Community Development: Sandy Baily at 354-6873
    b. Engineering Department: Fletcher Parsons at 395-3460
    c. Parks & Public Works Department: (408) 399-5777
    d. Santa Clara County Fire Department: (408) 378-4010
    e. West Valley Sanitation District: (408) 378-2407
    f. Local School District: (Contact the Town Building Service Counter for the appropriate school district and to obtain the school form.)

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS: (Engineering Division)

24. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.

25. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
    a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

26. RETAINING WALLS. A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process. The height of the retaining wall at the east elevation shall be reduced to five feet or less.

27. SOILS REPORT. One copy of the soils and report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with

Section 6735 of the California Business and Professions Code.

28. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
29. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants soils engineer and submitted to the Town before final release of any occupancy permit is granted.
30. TRENCHING MORATORIUM. Trenching within a newly paved street will be allowed subject to the following requirements:
    a. The Town standard "T" trench detail shall be used.
    b. A Town approved colored controlled density backfill shall be used.
    c. The total asphalt thickness shall be a minimum of 3-inches or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of half inch medium asphalt. The initial lift(s) shall be of three quarter inch medium asphalt.
    d. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
    e. A slurry seal topping may be required by the construction inspector depending his assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend 5-feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations.
    f. A separate bond for trench saw cutting and paving may be provided at the time of building permit issuance. In the event such a bond is posted, the slurry seal provision above would be waived.
31. 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 request of Certificate of Occupancy is made. the fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for this project using the current fee schedule is $5,742. the final fee shall be calculated form the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy.
32. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
33. 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.

34. 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.

35. 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.

36. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order 01-024 of the amended Santa Clara County NPDES Permit.

37. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

38. 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).

39. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.

40. NONPOINT SOURCE POLLUTION PREVENTION. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
41. 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.
42. UTILITIES. The developer shall install all 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.
43. 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.
44. DRIVEWAY APPROACH. The developer shall install one (1) Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Details.
45. DRIVEWAY FENCE. Provide a 30-inch fence on the southwesterly side of the driveway.
46. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
47. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. 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.
48. 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.
49. 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.

50. 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.

51. HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or ff the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

TO THE SATISFACTION OF THE FIRE DEPARTMENT

52. TIMING OF DRIVEWAY INSTALLATIONS. Required driveway installations shall be constructed and accepted by the Fire Department, prior to the start of combustible construction. Building permit issuance may be withheld until installations are completed. Temporary driveways may be approved on a case by case basis.

53. PREMISES IDENTIFICATION. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street fronting the property. Numbers shall contrast with their background.

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TOWN OF LOS GATOS

PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, AUGUST 10, 2005 -- 7:15 P.M.

Please refer to compact disk # 08-10-05 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Michael Burke, Chair; D. Michael Kane, Thomas O'Donnell, Lee Quintana and Joanne Talesfore

Absent: Phil Micciche

Others: Assistant Community Development Director Randy Tsuda, Associate Planner Sandy Baily, Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Commented that the Planning Commission is being replaced by the Development Review Committee (DRC) in the final decision-making process which is made up of staff members; no staff reports for DRC projects and no discussion at the meetings of the individual projects on the agendas.

APPROVAL OF MINUTES

July 13, 2005 - Motion by Chair Burke and seconded by Commissioner O'Donnell to approve meeting minutes. Passed unanimously 5-0 with Commissioner Micciche absent.

CONSENT CALENDAR - NONE

CONTINUED PUBLIC HEARING - NONE

NEW PUBLIC HEARINGS

ITEM 1 **119 Isabelle Court**
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

ADJOURNMENT

Chair Burke adjourned the meeting at approximately 9:00 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
August 10, 2005

_____
Michael Burke, Chair

APPROVED AS TO FORM AND ATTEST:

_____
Randy Tsuda
Assistant Director of Community Development

_____
Bud N. Lortz
Director of Community Development

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TOWN OF LOS GATOS

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

CIVIC CENTER
110 E. MAIN STREET
P.O. BOX 949
LOS GATOS, CA 95031

August 26, 2005

Ray Davis
PO Box 625
Los Gatos, CA 95031

RE: **119 Isabelle Court**
Architecture and Site Application S-05-072

Appeal of the decision of the Planning Commission approving a request to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams
APPELLANT: Ray Davis

Dear Mr. Davis:

This letter is to reiterate a discussion you had with a member of my staff on August 25, 2005 regarding the appeal you filed for the above referenced project. The appellant is responsible for the cost of transcribing minutes (see copy of enclosed appeal form). Pursuant to the adopted fee schedule, a minimum deposit of $500.00 is required to transcribe minutes (see enclosed excerpt of fee schedule). Any unused portion of this deposit fee will be refunded.

In order for the minutes to be transcribed in time for the September 19, 2005 Town Council hearing, the minimum fee deposit must be received by this office no later than 5:00 p.m. Wednesday, August 31, 2005. If the deposit is not received by this date, the minutes will not be transcribed and Council will only receive the action minutes of the Planning Commission meeting. If Council does not have the transcribed minutes, the evidence to make a finding to overturn the Planning Commission's decision will not be available and Council may deny the appeal on that basis.

If you have any questions, please contact Sandy Baily of this department at (408) 354-6873.

Sincerely,

Bud N. Lortz, AICP
Director of Community Development

BNL:SLB
Enc (2)

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Attachment 5

$272.00 Residential
$1089.00 per Commercial, Multi-family or Tentative Map Appeal

AUG 22 2005
Receipt # 213011
TOWN OF LOS GATOS
CLERK DEPARTMENT

Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

AUG 22 2005

TOWN OF LOS GATOS
CLERK DEPARTMENT

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION: 8/10/05

PROJECT / APPLICATION NO:

ADDRESS LOCATION: 119 Isabelle L.G.

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Councilmembers. Therefore, please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because Said project, with its phallistic, stiff & upright, style of architecture, is inconsistent & not in harmony with the Hillside Standards, Hillside Specific Plan, General Plan, etc. the proposed 3 story ; **OR**

2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is structure does not conform to the neighborhood & I do believe it is unlawful on the Los Gatos mountainside.

(please attach the new information if possible): **OR**

3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council:

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. Appellant is responsible for fees for transcription of minutes.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing withing 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967)
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: J. Ray Davis
SIGNATURE: J. Ray Davis
DATE: 8/22/05
ADDRESS: P.O. Box 625
PHONE:
L.G. 95031(1)

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: 9/14/05 2
CONFIRMATION LETTER SENT: Date:
Pending Planning Department Confirmation
TO APPLICANT & APPELLANT BY:
DATE TO SEND PUBLICATION: 8/31/05
DATE OF PUBLICATION: 9/7/05

Town of Los Gatos
FY 2005/06
Comprehensive Fee Schedule

4.	Advanced Planning projects	10% of application
5.	North 40 Study Plan surcharge	Actual cost on proportionate bas

*** Not charged to the following applications: 1H, 1J, 1K, 3C, 3D and 3E

I.	Applications for Work Unlawfully Completed	Double current application fee
J.	Consultation	Actual cost on an hourly basis

K. Appeals

1.	Fee to appeal Planning Commission decision to Town Council	$272.00 per residential $1,089.00 per commercial, multi-family or tentative map
2.	Fee to remand applications from Town Council to Planning Commission where no error was made by Planning Commission	50% of original application fee(s)
3.	Fee to appeal Director of Community Development or Development Review Committee decision to Planning Commission	$136.00 per residential $545.00 per commercial
4.	Tree appeals	$55.00
5.	Appeal transcription fee of Planning Commission minutes (only applies to appeals from Planning Commission to Town Council)	Actual cost Minimum $500.00 deposit

L.	Research Services Minimum Charge	Actual Cost Minimum $100.00 deposit

M. Zoning Research

1.	Basic zoning letter	$156.00
2.	Legal non-conforming verification	$364.00
3.	Reconstruction of legal non-conforming structures (Burndown Letter)	$156.00

6. **Payment of Application Fees**

All application fees are to be paid at the time the applications are submitted to the Community Development Department. If the applicant withdraws an application, which requires a hearing by the Planning Commission, prior to processing the application for the hearing, 40% of the paid application fee shall be refunded to the applicant at the discretion of the Director of Community Development. All other fees are non-refundable.

Date: August 4, 2005
For Agenda Of: August 10,2005
Agenda Item: 1

REPORT TO: The Planning Commission

FROM: The Development Review Committee

LOCATION: 119 Isabelle Court
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

DEEMED COMPLETE: July 15, 2005
FINAL DATE TO TAKE ACTION: January 15, 2006

FINDINGS: As required by Section 15303 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.

CONSIDERATIONS: As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

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

EXHIBITS:

A. Resolution 2001-18.
B. Data Sheet.
C. Letter of Justification (two pages) received June 7, 2005.
D. Consulting Architect report (2 pages) received June 16, 2005.
E. Consulting Arborist Report, (three pages) dated July 5, 2005.
F. Required Findings and Considerations.
G. Recommended Conditions of Approval.
H. Development Plans (9 sheets) received July 15, 2005.
I. Revised Sheet #7 of Development plan, dated July 15, 2005.

A. BACKGROUND:

On February 20, 2001, Town Council adopted Resolution 2001-18 approving a three lot subdivision at 130 Nina Court (Exhibit A). The subdivision map was recorded for the three lots, public improvements were completed and accepted and the new street is called Isabelle Court. Due to neighborhood concerns, a condition of approval of the subdivision required that the Architecture and Site applications for the three lots be approved by the Planning Commission. The developer of the subdivision filed Architecture and Site applications for the three lots which the Commission considered in 2002. Due to neighborhood issues, the developer withdrew the

applications and the lots are being sold individually. Two of the lots have been sold and the corner lot has received Commission approval of a single family home which is currently under construction.

Based on past history, the current owners of the subject lot worked with Town staff in designing plans to meet past concerns, prior to submitting their application to the Town. The applicant continued to be proactive during the planning process to meet with their neighbors and obtain their input. According to the owner, minor issues were raised by some neighbors and the plans were revised to address these concerns.

B. REMARKS:

1. Architecture and Site

The applicant is requesting approval to construct a 4,676 square foot two-story single family residence and basement with a 672 square foot detached two-car garage on a 28,314 square foot lot. As permitted by Town Code, the applicant is requesting to reduce the side yard setback of the detached garage from five feet to three feet. This reduction allows the driveway to be designed with shorter retaining walls.

Subsequent to submitting the final plans and installing the story poles, the applicant decided to reduce the garage size which will increase the front setback. The applicant submitted a revised plan to eliminate 312 square feet from the detached garage (Exhibit I) resulting in a garage of 672 square feet. This revision has increased the front setback from 25 feet to approximately 30 feet. The shape of the garage has also been modified to a rectangular shape. A revised site plan was not submitted. Unless otherwise noted, the information provided in this report is based on the revised plan shown as Exhibit I. The story poles and the information provided in the originally submitted development plans, (Exhibit H), do not reflect the revised garage size and location.

Given the average slope of the lot (17%), the allowable FAR for the house is .22 and the proposed FAR is .21. The allowable FAR for the garage is .06 and the proposed FAR is .03. The maximum height of the house will be 24 feet and the maximum height of the garage will be 13 feet. Exterior materials will consist of horizontal siding with stone veneer, trim and a standing seam metal roof. Exterior colors will consist of maize siding with beige trim and a dark forest green roof. A material and color board will be displayed at the Planning Commission meeting.

The Town's Consulting Architect has reviewed the plans and found that the proposed design has good form and balance with a good mixture of exterior materials which break up the visual mass of the house (Exhibit D). The applicant was complimented for the proposed large roof overhangs which will provide substantial shadow lines on the walls. Staff and the consultant found that the proposed house meets all Town requirements and policies.

The subject lot slopes to the west. Staff initially questioned whether the proposed house should be shifted to the lower portion of the lot. However, after visiting the site and carefully considering the site plan, staff concluded that the proposed location is the best alternative to reduce the visual impact to the adjacent neighbors and prevent impacting existing trees. The existing trees also help screen the house in the proposed location. If the house was shifted to the lower portion of the lot, the house would have a significant visual impact to the adjacent residences on Pinta Court and to one house on Nina Court. The applicant met with the adjacent neighbors and located the house based on neighbors' concerns. The applicant has stated that they are working with a neighbor on Pinta Court to plant trees along the perimeter to provide additional screening.

A two to five foot high retaining wall is proposed along the west side of the house for the driveway. A five foot six inch high retaining wall is proposed along the east side of the house to provide access around the house. The applicant has stated that they can either step this wall or raise the walkway so that the height of the wall does not exceed five feet. A condition has been included to reduce the height of this retaining wall to five feet or less. A two foot six inch to three foot high retaining wall is proposed on the west side of the house for a patio area. The patio area will need some minor redesign to avoid tree impacts which will be determined prior to the issuance of a building permit as discussed below.

2. Grading

A geotechnical review was completed for the previous applications which can be applied to this project. No geotechnical issues were raised and standard conditions of approval were recommended. The earthwork quantities consist of 379 cubic yards of cut and 249 cubic yards of fill for a total of 628 cubic yards. These figures do not take into account the reduced garage size. The amount of cut will minimally be reduced with the garage reduction.

3. Trees

A preliminary arborist report was prepared for the site (Exhibit E). The report identifies issues which have been addressed in the final plans or are required as a condition of approval. One of the issues is that grading should be avoided underneath the canopy of existing trees. As stated above, the patio area will need to be modified to meet this requirement (comment #3 of condition #6). The applicant and the Consulting Arborist have concurred that all issues can be addressed. The Consulting Arborist will review the final plans prior to the issuance of a building permit to confirm that all required changes have been implemented.

A total of three trees will be removed which consist of two 12 inch Acacias and a 9 inch Oak tree. The Oak tree is in fair health but it is leaning and has an asymmetrical canopy. Therefore, it is not recommended that this tree be saved. The applicant is proposing to relocate a 9 inch Cedar tree. However, the Consulting Arborist has determined that this tree is in fair health and has a low suitability for preservation. Therefore, the tree could be

removed if the applicant desires. In addition, the Consulting Arborist has determined that three Acacia's located along the western property line are in poor condition, and could also be removed. At this time, the applicant wishes to retain these trees. All trees to be removed require mitigation in accordance with the Town Code and will be specified as part of the tree removal permit.

Please note that the tree numbers identified in the Arborist report do not reflect the revised tree numbers on the development plans. The conditions of approval reflect the revised numbers on the tree plan (Sheet 9 of Exhibit H). As stated above, the applicant is working with a neighbor to provide additional perimeter screening. A final tree planting/landscape plan will be required prior to issuance of a building permit.

4. Neighborhood Compatibility

The neighborhood is composed of an eclectic blend of house styles ranging from flat top modern to a general ranch style. Most are two story houses with a story over a garage, elevated substantially above the street level. As stated above, staff and the Town's Consulting Architect found that the proposed design is appropriate to the neighborhood. Although most houses in the neighborhood have attached garages, the terrain and lot configuration drive the need for a detached garage. A detached garage with reduced setbacks was approved for the adjacent lot within this subdivision for the same reason. Typically detached garages are not constructed in front of the house. The applicant, however, has designed the garage so that the garage doors are on the side of the garage and do not face the street. This configuration allows the narrow portion of the garage to face the street. From the street, the structure appears to be part of, and connected to, the rest of the house.

An area plan is provided as part of the development plans (Sheet 8 of Exhibit H) which shows the square footages and FAR's in the neighborhood. The FAR's range from .245 to .318 is based on nonsloping lot calculations. The proposed FAR for the subject lot is .21. The house sizes in the neighborhood range from 1,912 to 3,764 square feet. The proposed house size for the subject lot is 4,676 square feet. The size of the home is not readily apparent since the house is setback from the street approximately 80 feet and the garage is situated in front of the house. Due to the house setback and slope of the lot, the house will be visible from very few points. Although the house has the most square footage in the neighborhood, it has the lowest FAR in the neighborhood due to the size of the lot. The FAR's for several of the developed lots in the neighborhood are actually higher, since they are on sloping lots. The slope data for these developed lots is not available so it is not possible to determine the FAR's. The subject lot contains 28,314 square feet of area. The other lots in the neighborhood range in size from 9,000 to 18,150 square feet in area.

C. RECOMMENDATION:

The Development Review Committee considered this matter on July 19, 2005. The applicant worked closely with the staff and their neighbors to develop plans to meet previous concerns. It

is recommended that the Planning Commission make the required findings and considerations (Exhibit F) and approve the application subject to conditions (Exhibit G).

If the Commission has concerns with the proposal, they can:

1. Deny the application, or
2. Approve the application with additional or modified conditions of approval, or
3. Continue the matter to a date certain with specific directions.

Bud N. Lortz, Director of Community Development

Prepared by: Sandy L. Baily, Associate Planner

BNL:SLB:mdc

cc: Cecil Koupal and Sharlene Abrams, 15730 Linda Avenue, Los Gatos, CA 95030

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119 Isabelle Court

RESOLUTION 2001 -18

RESOLUTION OF THE TOWN OF LOS GATOS DENYING AN APPEAL OF A DECISION OF THE PLANNING COMMISSION APPROVING A REQUEST TO SUBDIVIDE A RESIDENTIAL PARCEL INTO THREE LOTS AND TO DEMOLISH A PRE-1941 SINGLE FAMILY RESIDENCE ON PROPERTY ZONED R-1:10.

SUBDIVISION APPLICATION: M-99-1
ARCHITECTURE AND SITE APPLICATION: S-99-40
PROPERTY LOCATION: 130 NINA COURT
PROPERTY OWNER: JERRELL WILSON, PAUL BOONE
APPLICANT: DIVIDEND HOMES, INC.
APPELLANT: McMANIS FAULKNER & MORGAN

WHEREAS:

A. This matter came before Council for public hearing on January 8, 2001 and continued to February 5, 2001, on an appeal by McManis Faulkner & Morgan from a decision of the Planning Commission and was regularly noticed in conformance with State and Town law.

B. Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report dated January 4, 2001, January 31, 2001 and February 2, 2001 along with subsequent reports and materials prepared concerning this application.

C. Applicant is requesting approval (Alternative 3) to subdivide a 1.5 gross acre parcel into three lots and to demolish a single family residence. The lots range in size from 12,540 square feet to 27,740 square feet. Access will be provided by a 20 foot wide road off Pinta Court. Private driveway access to lot 2 via Nina Court shall be considered in the Architecture and Site review process.

D. On April 12, 2000, the Planning Commission considered and denied an application at this

site for a four lot subdivision and to demolish the residence. The decision of the Planning Commission was appealed. Town Council considered the appeal on August 7, 2000 and continued the matter for further study. Council considered five alternatives on September 18, 2000 and returned the matter to the Planning Commission with specific direction that the Commission review Alternative 3, a standard three lot subdivision including a public road.

E. Appellant claims that the Planning Commission erred or abused its discretion and new information was provided that was not reasonable available at the time of the Planning Commission decision.

F. The Planning Commission decision was correct. The findings of the Commission are, by this reference, incorporated herein.

RESOLVED:

1. The appeal of the decision of the Planning Commission on Subdivision Application M-99-18 and Architecture and Site Application S-99-40 is denied. Revised Conditions of Approval, attached hereto as Exhibit A, are hereby applied to this approval.

2. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by State and Federal law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 20th day of February, 2001 by the following vote.

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Steve Glickman, Mayor Joe Pirzynski.

NAYS: Sandy Decker

ABSENT: None

ABSTAIN: None

SIGNED: /s/ Joe Pirzynski
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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CONDITIONS

130 Nina Court
a. Subdivision Application M-99-18
b. Architecture and Site Application S-99-40

Requesting approval to subdivide a residential parcel into three lots and to demolish a pre-1941 single family residence on property zoned R-1:10.
PROPERTY OWNER: Jerrell Wilson, Paul Boone
APPLICANT: Dividend Homes, Inc.

**Conditions that apply only to the Architecture and Site.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:
(Planning Division)

1. EXPIRATION OF APPROVAL. The Architecture and Site approval and the Subdivision approval will expire two years from the date of approval unless the approval is used before expiration.
2. ARCHITECTURE AND SITE APPROVAL FOR PARCEL 2. During the Architecture and Site approval process for Parcel 2, consideration shall be given to provide primary access for Parcel 2 via Nina Court. On site guest parking may be provided with access from Pinta Court.
3. LANDSCAPE PLAN APPROVAL. Any proposed landscape plans must be reviewed and approved by the Parks and Forestry Department prior to issuance of any building permits.
4. **RECYCLING. All wood, metal, glass and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
5. NEW PARCELS. All new parcels created by the subdivision shall be subject to the Nuevo Mundo subdivision CC&R's pursuant to the terms of those CC&R's if they are applicable.
6. PERMITS. Each of the lots shall apply for a separate Architectural and Site approval and shall be reviewed by the Planning Commission.

(Building Division)

7. **DEMOLITION PERMIT REQUIREMENTS. Contact Bay Area air Quality Management District and complete their process as necessary before obtaining a building permit for the demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.

TO THE SATISFACTION OF THE PARKS AND PUBLIC WORKS DIRECTOR:
(Engineering Division)

8. STOP SIGN. A stop sign will be installed to the satisfaction of the Parks and Public Works Department at the new Cul-De-Sac.
9. ROADWAY. The roadway width for Nina Court shall have a maximum width of 20'. The placement of the roadway in the right of way indicated on Exhibit L of the Development Plans shall be moved a minimum of four feet to the east so that there is a minimum of 30 feet from the west property line to the centerline of the new roadway to achieve an objective of a corner sight stopping distance of 158 feet.
10. RIGHT OF WAY MAINTENANCE. The Town right of way that is not paved as indicated on the tentative map shall be maintained by the adjacent owner that is inclusive in Lot 1 and Lot 3.
11. ROADWAY. Pier and grade beam construction to be used for the design of the road foundation to the Satisfaction of the Director of Parks and Public Works.
12. REPAIRS. Developer shall repair all existing pavement in the right of way, storm drains, and sanitary sewer that is damaged or removed during construction.
13. ADVANCED WARNING SIGN. A CalTrans standard W10 advanced warning sign indicating that there is a side road ahead shall be installed to the satisfaction of the Parks and Public Works Department on Pinta Court.
14. GRADING PERMIT. A grading permit is required for grading and erosions control on the individual lots. A separate application for a grading permit (with grading plans) shall be made to the Engineering Division of the Public Works Department. The grading plans shall include final grading, drainage retaining wall location, driveway, utilities and interim erosion control. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will

be issued concurrently with the building permit.

15. SOILS REPORT. One copy of the soils and geologic report shall be submitted with the grading permit and public improvement applications The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.

16. PARCEL MAP. A parcel map shall be recorded. Two copies of the parcel map shall be submitted to the Engineering Division of the 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. DEDICATIONS. The following shall be dedicated on the parcel map. The dedication shall be recorded before any permits are issued.

    a. New Street. A 40-foot street right-of-way with a 20-foot radius at the intersection with Pinta Court and a 36-foot radius cul-de-sac.

    b. Public Service Easement (PSE). Five (5) feet wide, next to the easterly side New Street right-of-way and ten (10) feet wide adjacent to Pinta Court.

    c. Ingress-egress, storm drainage and sanitary sewer easements, as required.

18. 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 issuance of a building permit or 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. New Court. New street (20 feet wide from face of curb to face of curb), 32 foot radius cul-de-sac, vertical curb and gutter, street lights, landscaping, retaining wall, signing, striping, storm drainage and sanitary sewers, as required.

    b. Pinta Court. Tie-in paving, street light, landscaping, signing, striping, storm drainage and sanitary sewers, as required. The developer shall install a 15 mph traffic advisory sign for westbound traffic.

    c. Causey Lane. Pavement repairs, storm drainage and sanitary sewers, as required.

    d. Storm Drainage Improvements. The developer shall evaluate the existing storm drainage system from the manhole in Causey Lane serving Pinta Court to the 18 inch diameter storm drain line in Vista del Monte (Hydrology Node 401 to 403 in Storm Drain Master Plan). The developer is required to design and construct the storm drainage improvements upstream of where the Nina Court system connects to the Causey Lane system up to a maximum of $40,000. Town shall reimburse the developer for constructing the remaining improvements.

19. INSURANCE. One million dollars ($1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before recordation of the map.

20. LANDSCAPE MAINTENANCE AGREEMENT. A landscape maintenance agreement shall be entered into between the Town and the owners of the new lots, to maintain the landscaping and retaining wall in the rights-of-way. The agreement shall run in perpetuity.

21. STORM DRAINAGE FEES. The developer's storm drainage fees, based on acreage and collected as part of the subdivision improvements, and based on impervious area and collected with the building permit, shall be waived as part of the developer's cost of constructing the storm drainage improvements.

22. TRAFFIC IMPACT MITIGATION FEE (RESIDENTIAL). 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 request of Certificate of Occupancy is made. The fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for this project using the current fee schedule is $5,730 per detached single family house. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy. The credit for the existing house to be demolished shall be given to Parcel 3.

23. 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.

24. 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.

25. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an 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 ow work that went on without inspection.

26. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:

a. Retaining wall--top of wall elevations and locations
b. Toe and top of cut and fill slopes
c. Top of curb

27. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Development Division of the Public Works Department. Grading activities shall be limited to the period of least rainfall (April 15 to October 1). A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed to go on during the rainy season. In addition, straw bales and plastic sheeting shall be stored on-site for emergency control, if needed. Install filter berms, check dams, retention basins, silt fences and straw bale dikes as needed on the project site, to protect down stream water quality during winter months.
28. NONPOINT SOURCE POLLUTION PREVENTION. On-site drainage systems shall include a filtration device in the catch basins or a grease and oil separator shall be installed.
29. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code °27.50.015(b). Cable television capability shall be provided to all new lots.
30. 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.
31. DRIVEWAY APPROACH. The developer shall install four (3) Town standard residential driveway approaches. The new driveway approaches shall be constructed per Town Standard Detail.
32. AS-BUILT PLANS. After completion of the construction of all work in the public right-of-way or public easements, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Construction Inspector. A Mylar of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security is released.
33. SANITARY SEWER. Sanitary sewers are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. Install a sanitary sewer lateral clean-out at the property line of each lot.
34. TANK ABATEMENT. The existing underground storage tank shall be abandoned and any required remediation preformed to the satisfaction of the Santa Clara Valley Water District and/or the Central Fire Protection District of Santa Clara County. Abandonment shall be in conformance will all State and local requirements.

(Parks and Forestry Division)

35. GENERAL. All existing and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
36. TREE PROTECTION. Require tree protection fencing to be placed at the dripline of existing trees to be saved in the area of construction. Fencing shall be four feet high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree a fence base may be used, as in a typical chain link fence that is rented.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE PROTECTION DISTRICT:

37. Fire Apparatus (Engine) Access Roads Required. Provide access roadways with a paved all weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specification sheet A-1.
38. FIRE APPARATUS (ENGINE) ROADWAY TURN-AROUND REQUIRED. The developer/owner shall provide an approved fire department engine roadway turnaround with a minimum radius of 36 feet outside and 23 feet inside. Installations shall conform with Fire Department Standard Details and Specifications A-1. Cul-De-Sac Diameters shall be no less than 72 feet or as directed by the Town of Los Gatos.
39. TIMING OF REQUIRED ROADWAY INSTALLATIONS. Required access roads, up through first lift of asphalt, shall be inspected and accepted by the Fire Department prior to the start of construction. Bulk combustible materials shall not be delivered to the site until installations are completed as stated above. During construction, emergency access roads shall be maintained clear and unimpeded. Building permit issuance may be withheld until installations are completed.

40. APPROVED RESIDENTIAL FIRE SPRINKLERS. Developer please note: For buildings located off of the roadway in excess of 150' travel distances to the farthest portion of the house, mitigation in the form of approved residential fire sprinklers may be required. Assessment of that condition may be identified upon subsequent submittals.

41. PARKING ALONG ROADWAYS. The required width of fire access roadways shall not be obstructed in any manner. Parking shall not be allowed along roadways less than 28 feet in width. Parking will be allowed along one side of the street for roadways 28-35 feet in width. For roadways equal to or greater than 26 feet parking will be allowed on both sides of the roadway. Roadway widths shall be measured face to faces of curb. Parking spaces are based on an 8ft. wide space.

42. FIRE LANE MARKING REQUIRED. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6

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	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
Zoning district	R-1:10	same	-
Land use		single family residence	-
Lot size:			
• Square feet/acres		28,314 s.f. / .65 Ac	10,000 sq. ft. min.
Exterior materials:			
• siding		HARDIE PLANK LAP SIDING	-
• trim		WOOD	-
• windows		WOOD CASEMENT	-
• roofing		STANDING SEAM METAL ROOF	-
Building floor area:			
• first floor		2,059	-
• second floor		1,455	-
• garage		672	-
• cellar		1,162	-
Setbacks (ft.):			
• front		~30'	25 feet minimum
• rear		155'	20 feet minimum
• side		10' (house)	10 feet minimum
• side		3' (garage)	
Maximum height (ft.)		24'	30 feet maximum
Building coverage (%)		2,731 / 9%	40% maximum
Floor Area Ratio (%)			
• house		4,676 ✓	4,734 sq. ft. maximum
• garage		672 ✓	1,291 sq. ft. maximum
Parking		2 CAR	two spaces minimum
Tree Removals			varies

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RECEIVED

JUN 07 2005

TOWN OF LOS GATOS

Exhibit B

Revised by staff 8/2/05

Project 119 Isabelle Ct.

RECEIVED

JUN 0 7 2005

TOWN OF LOS GATOS
PLANNING DIVISION

June 6, 2005

110 E. Main St.
Los Gatos, CA 95030

RE: Letter of Justification

Dear Ms. Sandy Bailey,

Please accept this letter detailing the evolution of the plan and construction of a single family dwelling in the Dividend Tract - 119 Isabelle Ct., Parcel No. 53213069.

Dividend Homes, Inc. developed what was formerly a single-family parcel located just off Pinta Ct., Los Gatos between 1998 and 2004. They created a new street named Isabelle Court. Dividend subdivided the land on Isabelle Court into three parcels, which they offered for sale during 2004-2005. We refer to these lots as Lots 1, 2, and 3. Lot 1 was purchased on or about March of 2004.

Lot 3 was purchased on March 11, 2005 by Sharlene Abrams and Cecil Koupal, et al (the "property owners") to build a single-family home to use as our primary residence. The planned design is "Prairie Style" with deep eaves and a low pitch roof (3:12). The color scheme will be muted earth tones of green and browns. The front entrance will be well off of the street, not visible to the street or neighbors. Window placement and exterior light placement is such that it will not invade neighbor privacy, look down on, or shine in neighbor property or windows. The roof material will be raised seam steel, painted dark green non reflective epoxy. All town building codes will be strictly followed.

In April of 2005, the property owners discussed the preliminary details of Lot 3, and requirements to build a home with Sandy Bailey, Associate Planner, Community Development Dept., for the Town of Los Gatos at the Town Planning Office. Ms. Bailey supplied the homeowners with a package compiled by the Planning Dept. about Lot 3 which included minutes from prior planning meetings, an Area Plan, several misc. geotechnical and tract development documents.

Preliminary blueprint plans (dated April 15) were developed by Kate Jessel, Plan Maker, on behalf of the property owners. Ms. Jessel visited Ms. Bailey to discuss preliminary plans, and to discuss the steps needed to proceed in order to obtain Planning Dept Approval and then Town Building Permits.

Ms. Jessel applied the restrictions and compliance requirements to the preliminary blueprint plans (dated May 5). The plans included: Site, Isometric View, Floor, Elevations, Garage, Retaining walls.

On May 25, a preliminary planning meeting was held at Town Hall with the Development Review Committee. Those attending were: Sandy Bailey (AP), Julie Linney (FD), Fletcher Parsons (CE), the property owners, and Kate Jessel, Plan Maker. The meeting produced several action items. This letter is one of the items.

On June 2, a meeting was held on the subject property with Sandy Bailey, Fletcher Parsons, and another member of the Community Development Dept. The town employees reviewed plans, and the

Exhibit C

property with an eye toward potential impact to neighbor parcels. They recommended we speak with neighbors and bring plans to review with them.

The property owners used the May 5 plans to show the surrounding property owners. Those visited were (note that homeowner of 132 Nina Ct. is recently deceased) and property is for sale:

1. 131 Pinta Ct.- Homeowner said she was okay with the project, and was looking forward to having new neighbors. She did not feel her family would be significantly impacted by building on Lot 3.

2. 124 Nina Ct. - Homeowner looked at the plans and noted that his property was at the bottom of the slope on Lot 3 and believed that he would not be impacted regarding view, or structure.

3. 135 Pinta Ct. - Homeowner said he didn't feel he would be impacted by any structure on Lot 3 - (he is below the proposed structure). Additionally, 135 Pinta Ct. does not share boundary with Parcel 3.

4. 139 Pinta Ct. - Homeowners, Scott and Jan Radnich looked at the plans in detail. This property has greatest potential impact regarding shared boundary, and the level differential. They noted that a number of existing trees on the subject property made a screen for any second story portion of the project. They also acknowledged that a number of new trees or other landscape treatment would be welcomed and would likely provide the needed privacy screens. The fences also need to be completed with a full canvas screen, or other solid material to further obscure the view from Lot 3 into their yard. They liked the proposed plans as drawn on May 5. Scott and Jan asked that the large commercial sign that Dividend Homes had placed on the entrance to Isabelle Ct. be removed. This sign has now been removed.

5. 123 Pinta Ct. - Homeowner, Mrs. Nolan seemed pleased at the overture to discuss the project with her. She also impressed upon us the need to take care of the concerns of her neighbor, The Radnich's. (139 Pinta Ct – see 4. above). Her property does not adjoin Lot 3, however, does adjoin the "common area" which Lot 3 is required to maintain from a landscape point of view. She feels more shrubbery should be planted, possibly more oleander bushes (there are a number of infant stage oleanders in this area). We told her we will have more items planted in this area and will consult with her as the project progresses.

6. 128 Nina Ct. - Homeowners, Andy and Robin Lovit noted that when they purchased the house, they were aware a that new house would be built along side their property and they welcomed our visit to discuss the proposed project. They reviewed the plans in detail and said they were pleased with the design and placement of the house on the lot. Their primary concern is their view from their kitchen and deck toward the west foothills (toward the bottom slope of Lot 3). The plans dated May 5 indicate that this view will not be blocked by the new structure, as long as it is staged in the indicated area on the lot as of May 5 plans. In short, the house must NOT be built further down the slope of the hill, or an obstruction of their view will occur.

Based on meetings with neighbors, and with town officials, the project appears acceptable to all parties impacted. We will ensure that neighbor privacy concerns will be addressed and are confident that construction will proceed with minimal impact to the current neighborhood.

Sincerely,

Sharlene Abrams
Cecil Koupal

CDG
CANNON
DESIGN
GROUP

June 14, 2005

RECEIVED
JUN 16 2005
TOWN OF LOS GATOS
PLANNING DIVISION

Ms. Sandy Baily
Community Development Department
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

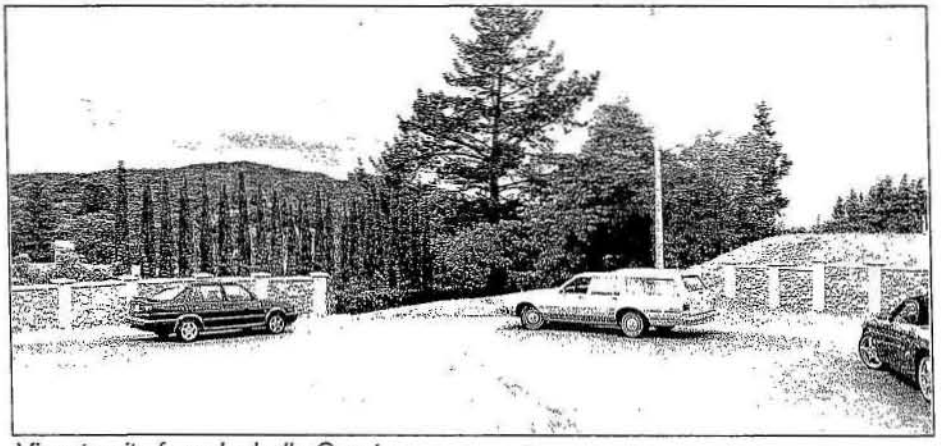
RE: 119 Isabelle Court

Dear Sandy:

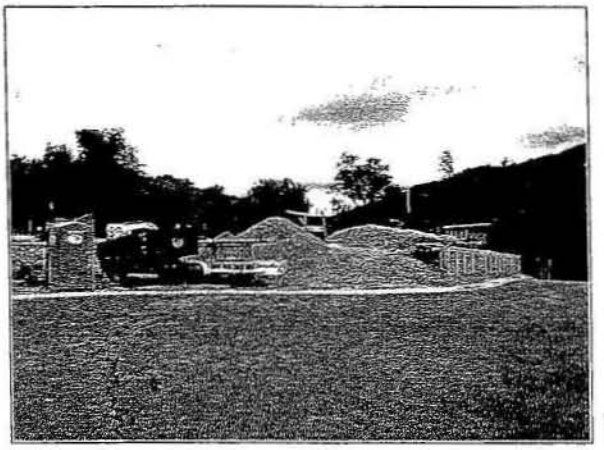
I reviewed the drawings and visited the site. My comments are as follows:

Neighborhood Context

The site is located at the end of a three lot cul-de-sac. One house on Lot 1 at the entry to the cul-de-sac has already been approved. This project is on Lot 3 which has a downhill slope from Isabelle Court. Lot 2 currently remains vacant. Photos of the site and context are shown below. Except for the houses to be constructed on Lots 1 and 2, the new house on this parcel will be visible from very few points, and those are all at some distance from the site.



View to site from Isabelle Court



View from site to Lot 1

TEL: 415.331.3795 FAX: 415.331.3797 180 HARBOR DRIVE. SUITE 219

Exhibit D

Issues and Concerns

I do not find any issues with the design of this project. The house is relatively simple, has good form and balance, and combines a good selection of materials. The stone base will anchor the structure to the site, and break up the visual mass of the house. One noticeable feature of the design is the large roof overhangs which will provide substantial shadow lines on the walls

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

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon AIA AICP
President

ARBOR RESOURCES

Professional Arboricultural Consulting & Tree Care

July 5, 2005

Sandy L. Baily, AICP
Community Development Department
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95031

RE: PRELIMINARY PLAN REVIEW of the Proposed Project at the Koupal and Abrams Property; **119 Isabelle Court**, Los Gatos; Application #: S-05-072

Dear Sandy:

As requested, I have reviewed the proposed set of plans, dated 6/5/05, by Prospect Studio regarding the future residence and detached garage at the above-referenced site. I visited the site on June 29, 2005 and my preliminary findings and recommendations are presented below. Please note a review of the revised plans and additional recommendations are necessary to achieve the protection of trees suitable for retention and mitigation of those approved for removal.

1. The project Site Plan (Sheet 2) identifies the species and trunk diameter of 12 trees on the property. My site visit, however, reveals there are an additional 30 plus trees that must also be shown per Section 29.10.0995 of the Town's Tree Ordinance. The trees to be added include those of Ordinance-size that are located either on the subject property or have canopies overhanging the property.

2. For conformance to Section 29.10.0995, the Site Plan and other future site related plans should identify the surveyed trunk location, species, diameter and canopy dimension of each tree. I also recommend the circles shown to identify the trunks reflect the approximate size of each trunk.

3. The proposed grading within 15 feet from the trunk of the tree noted as #8 on the Site Plan should be eliminated from the design. I also suggest grading is avoided beneath the canopies of trees to be added.

4. Unless otherwise approved, the project design should not require any soil cuts or fill within 15 feet south of the large Cedar's trunk (identified as tree #5 on the Site Plan). Additionally, grading or trenching should be avoided within 30 feet from the trunk in all other directions.

5. I find that the Oak noted as tree #1 on the Site Plan is in only fair health condition, contains an asymmetrical canopy, and grows with an exaggerated lean towards the southeast. Consequently, I do not suggest major design revisions are implemented to achieve its protection. Replacements per Section 29.10.0985 of the Town's are necessary to mitigate its loss.

P.O. Box 25295, San Mateo, California 94402 • Email: arborresources@comcast.net
Phone: 650.654.3351 • Fax: 650.240.0777 • Licensed Contractor #796763

Exhibit E

6. The smaller Incense Cedar (noted as tree #2 on the Site Plan) is proposed for relocation. My observations of this tree reveal it to only be in fair health condition and will be assigned a 'low' suitability for preservation. As such, its relocation does not appear to be the most prudent course of action to mitigate its conflict with the proposed garage. Rather, I suggest replacements are installed per the Town's Ordinance.

7. The row of five Silver Wattle (*Acacia dealbata*) situated along and within the west side of the area to be developed are suitable for removal due to their overall condition and weak structures. Replacements per the Town's Ordinance will be necessary to mitigate the loss of trees noted on the Site Plan as #3 and 4.

8. The drainage design should not require water being discharged beneath the canopies or towards the trees' trunks. In addition, the grading and drainage design should not alter the existing flow of surface runoff to areas near or beneath the trees' canopies.

9. The proposed new sewer line should be routed outside from beneath the trees' canopies (even if cleanouts are necessary along its path). I should be consulted in the event this is not entirely feasible.

10. The Site Plan should show whether the storm drain is existing or proposed.

11. The following guidelines should be incorporated into the future landscape design:
    a. The installation of plant material beneath the canopies of the Oaks should be avoided. If used, they should drought-tolerant and compatible for planting beneath Oaks; a list of compatible plant material can be obtained by contacting the California Oaks Foundation at (510) 763-0282 or *oakstaff@californiaoaks.org*. I further recommend that plant material comprises no more than 20-percent of the area beneath a tree's canopy.
    b. Irrigation should not spray beneath an Oak's canopy or within five feet from the trunks of all other trees. Any irrigation used to water plants beneath an Oak's canopy must be of a drip-type system.
    c. Any trenching for irrigation, lighting or drainage should be designed beyond the trees' canopies. If irrigation lines or electrical lines for lighting are designed inside this distance, the trenches should be in a radial direction to the trunks and established no closer than five times the diameter of the nearest trunk; if this not be possible, the lines can be placed on top of existing soil grade and covered with wood chips or other mulch.

d. Stones, mulch or other landscape features should be at least one-foot from the trunks of retained trees and not be in contact with the trunks of new trees.
e. Tilling or stripping of the topsoil beneath the trees' canopies must be avoided, including for weed control.
f. Bender board or other edging material proposed beneath the trees' canopies should be established on top of existing soil grade.

Sincerely,

David L. Babby, RCA
Consulting Arborist

P.O. Box 25295, San Mateo, California 94402 • Email: arborresources@comcast.net
Phone: 650.654.3351 • Fax: 650.240.0777 • Licensed Contractor #796763

REQUIRED FINDINGS AND CONSIDERATIONS FOR

119 Isabelle Court
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

FINDINGS

The project is Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town.

CONSIDERATIONS

The considerations required by Sec. 29.20.150 of the Town Code were all made in reviewing this application.

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Exhibit F

CONDITIONS OF APPROVAL

119 Isabelle Court
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:
(Planning Division)

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as Exhibit H and as revised in Exhibit I, in the report to the Planning Commission. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, Development Review Committee or the Planning Commission, depending on the scope of the change(s).
2. EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. COMPLIANCE MEMORANDUM. The applicant shall prepare and submit a memorandum with the building permit, detailing how each of these Conditions of Approval have or will be addressed.
4. GENERAL. All existing trees shown to remain on the plan and newly planted trees are specific subjects of approval of this plan and must remain on site. The nine inch Cedar (tree #7)and the row of Acacia's on the northwest side of the lot shown to remain on the plan (tree #'s 11 thru 13 (multi-trunk) 14, 15and 16(multi-trunk), may be removed.
5. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
6. NEW TREES. The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.
7. FINAL TREE PLANTING/LANDSCAPE PLAN. The developer shall submit a final tree planting/landscaping plan, to include the perimeter screening, which shall be reviewed by the Town's Consulting Arborist prior to issuance of a building permit. The existing trees shall be incorporated on the site plan of the building permit plans. The final plans shall incorporate comments 3, 8, 9 and 11 from the arborist report prepared by David Babby, dated July 5, 2005 and any additional comments raised during the review of the final plans. The final plan shall also note the minimum 15 foot distance from tree#30 to the house. The approved tree/landscape plan shall be included with the building permit plans.
8. PROTECTIVE FENCING. Prior to any construction or building permits being issued, the applicant shall install the required protective fencing.

(Building Division)

9. PERMITS REQUIRED: A building permit shall be required for the construction of the new single family residence and detached garage. Separate building permits are required for site

retaining walls, water tanks, and swimming pools; separate electrical, mechanical, and plumbing permits shall be required as necessary.

10. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans.
11. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
12. SOILS REPORT: A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. ALTERNATE: Design the foundation for an allowable soils 1,000 psf design pressure. (Uniform Building Code Volume 2 - Section 1805)
13. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
    a. Building pad elevation
    b. Finish floor elevation
    c. Foundation corner locations
14. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
    a. Wooden backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers and bathtubs located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars.
    b. All passage doors shall be at least 32 inches wide on the accessible floor.
    c. Primary entrance shall have a 36-inch wide door including a 5' x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level with an 18-inch clearance.
    d. Door buzzer, bell or chime shall be hard wired at primary entrance.
15. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.
16. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.
17. HAZARDOUS FIRE ZONE: This project requires a Class A roofing assembly.
18. SPECIAL INSPECTIONS: When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out, signed by all requested parties and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov.
19. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at San Jose Blue Print.
20. APPROVALS REQUIRED: The project requires the following agencies approval before issuing a building permit:

a. Community Development: Sandy Baily at 354-6873
b. Engineering Department: Fletcher Parsons at 395-3460
c. Parks & Public Works Department: (408) 399-5777
d. Santa Clara County Fire Department: (408) 378-4010
e. West Valley Sanitation District: (408) 378-2407
f. Local School District: (Contact the Town Building Service Counter for the appropriate school district and to obtain the school form.)

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS: (Engineering Division)

21. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
22. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
    a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
23. RETAINING WALLS. A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process. The height of the retaining wall at the east elevation shall be reduced to five feet or less.
24. SOILS REPORT. One copy of the soils and report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
25. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
26. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as

anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants soils engineer and submitted to the Town before final release of any occupancy permit is granted.

27. TRENCHING MORATORIUM. Trenching within a newly paved street will be allowed subject to the following requirements:
    a. The Town standard "T" trench detail shall be used.
    b. A Town approved colored controlled density backfill shall be used.
    c. The total asphalt thickness shall be a minimum of 3-inches or shall match the existing thickness, whichever is greater. The final lift shall be 1.5-inches of half inch medium asphalt. The initial lift(s) shall be of three quarter inch medium asphalt.
    d. The Contractor shall schedule a pre-paving meeting with the Town Engineering Construction Inspector the day the paving is to take place.
    e. A slurry seal topping may be required by the construction inspector depending his assessment of the quality of the trench paving. If required, the slurry seal shall extend the full width of the street and shall extend 5-feet beyond the longitudinal limits of trenching. Slurry seal materials shall be approved by the Town Engineering Construction Inspector prior to placement. Black sand may be required in the slurry mix. All existing striping and pavement markings shall be replaced upon completion of slurry seal operations.
    f. A separate bond for trench saw cutting and paving may be provided at the time of building permit issuance. In the event such a bond is posted, the slurry seal provision above would be waived.
28. 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 request of Certificate of Occupancy is made. the fee shall be paid before issuance of the Certificate of Occupancy. The traffic impact mitigation fee for this project using the current fee schedule is $5,742. the final fee shall be calculated form the final plans using the rate schedule in effect at the time of the request for a Certificate of Occupancy.
29. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
30. 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.
31. 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.
32. 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.

33. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order 01-024 of the amended Santa Clara County NPDES Permit.

34. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

35. 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).

36. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.

37. NONPOINT SOURCE POLLUTION PREVENTION. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.

38. 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.

39. UTILITIES. The developer shall install all 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.

40. 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.
41. DRIVEWAY APPROACH. The developer shall install one (1) Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Details.
42. DRIVEWAY FENCE. Provide a 30-inch fence on the southwesterly side of the driveway.
43. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
44. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. 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.
45. 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.
46. 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.
47. 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.

48. HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or ff the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

TO THE SATISFACTION OF THE FIRE DEPARTMENT

49. TIMING OF DRIVEWAY INSTALLATIONS. Required driveway installations shall be constructed and accepted by the Fire Department, prior to the start of combustible construction. Building permit issuance may be withheld until installations are completed. Temporary driveways may be approved on a case by case basis.

50. PREMISES IDENTIFICATION. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street fronting the property. Numbers shall contrast with their background.

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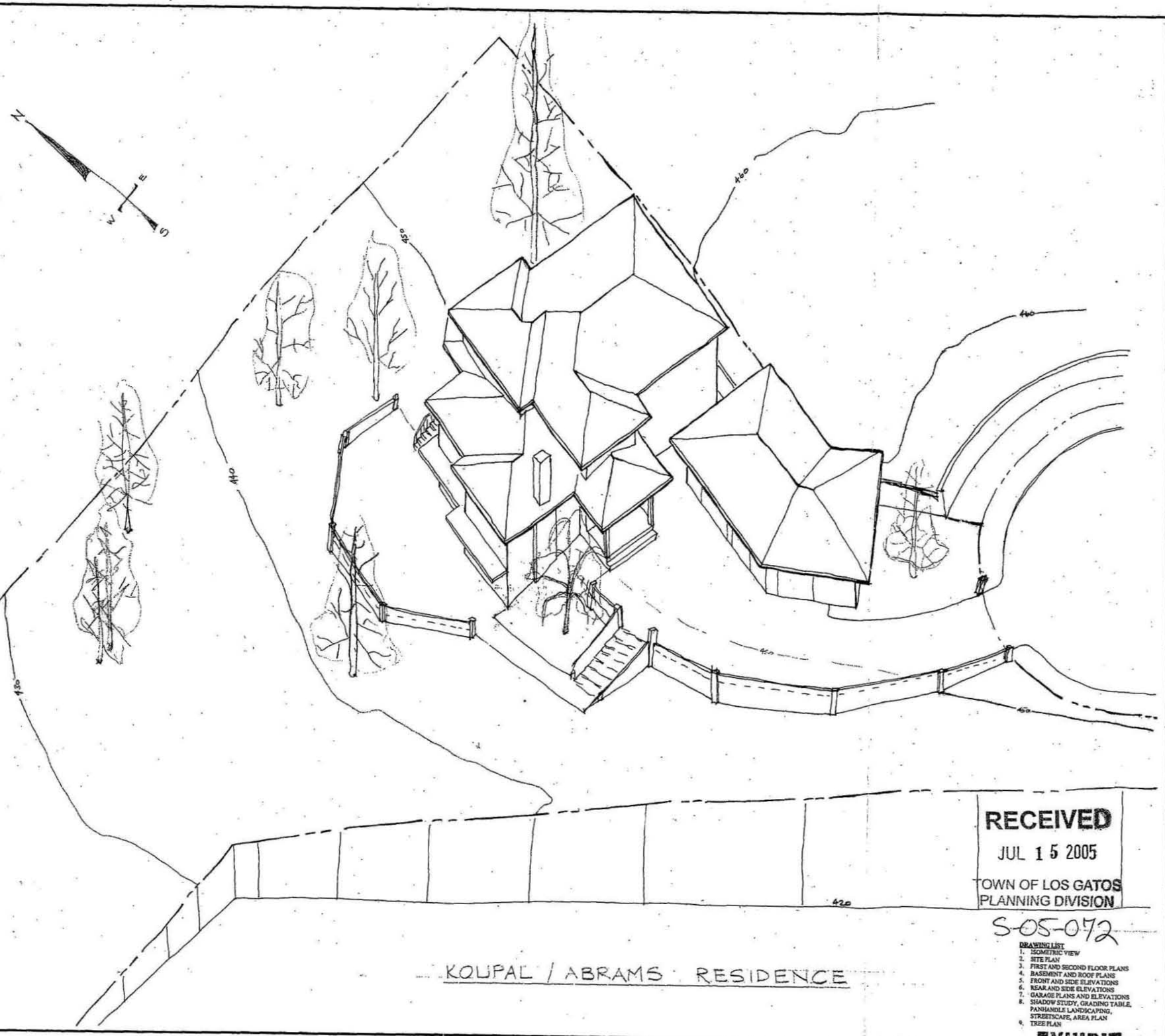


KOUPAL / ABRAMS RESIDENCE

RECEIVED
JUL 15 2005
TOWN OF LOS GATOS
PLANNING DIVISION
S-05-072

DRAWING LIST
1. ISOMETRIC VIEW
2. SITE PLAN
3. FIRST AND SECOND FLOOR PLANS
4. BASEMENT AND ROOF PLANS
5. FRONT AND SIDE ELEVATIONS
6. REAR AND SIDE ELEVATIONS
7. GARAGE PLANS AND ELEVATIONS
8. SHADOW STUDY, GRADING TABLE, PANHANDLE LANDSCAPING, STREETSCAPE, AREA PLAN
9. TREE PLAN

EXHIBIT 11

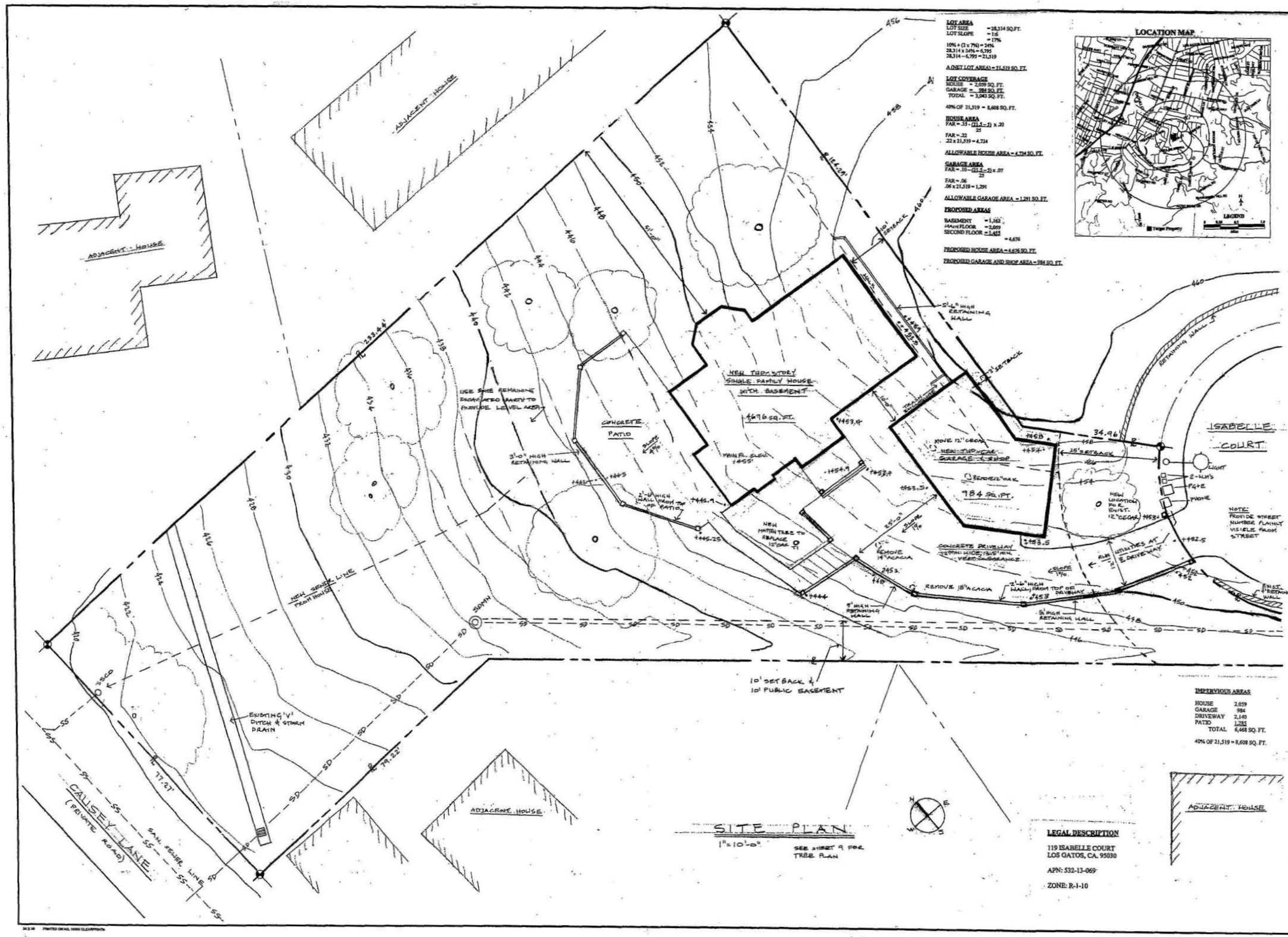
REVISIONS	BY

DRAWN BY:
PROSPECT STUDIO
KATE JESSELL
(408) 224-5421

ISOMETRIC VIEW

THE RESIDENCE OF:
MR. KOUPAL & MS ABRAMS
119 ISABELLE COURT
LOS GATOS, CA. 95030
(408) 761-6050

Date JULY. 5, 2005
Scale
Drawn FS
Job KOUPAL & ABRAMS
Sheet 1 Of 9 Sheets



LOT AREA
LOT SIZE = 28,314 SQ.FT.
LOT SLOPE = 1:6
= 17%
10% + (2 x 7%) = 24%
28,314 x 24% = 6,795
28,314 – 6,795 = 21,519

A (NET LOT AREA) = 21,519 SQ. FT.

LOT COVERAGE
HOUSE = 2,059 SQ. FT.
GARAGE = 984 SQ. FT.
TOTAL = 3,043 SQ. FT.

40% OF 21,519 = 8,608 SQ. FT.

HOUSE AREA
FAR = .35 – (21.5 – 5) / 25 x .20
FAR = .22
.22 x 21,519 = 4,734

ALLOWABLE HOUSE AREA = 4,734 SQ. FT.

GARAGE AREA
FAR = .10 – (21.5 – 5) / 25 x .07
FAR = .06
.06 x 21,519 = 1,291

ALLOWABLE GARAGE AREA = 1,291 SQ. FT.

PROPOSED AREAS
BASEMENT = 1,162
MAIN FLOOR = 2,059
SECOND FLOOR = 1,455
= 4,676

PROPOSED HOUSE AREA = 4,676 SQ. FT.

PROPOSED GARAGE AND SHOP AREA = 984 SQ. FT.

IMPERVIOUS AREAS

HOUSE	2,059
GARAGE	984
DRIVEWAY	2,140
PATIO	1,285
TOTAL	6,468 SQ. FT.

40% OF 21,519 = 8,608 SQ. FT.

SITE PLAN
1" = 10'-0"
SEE SHEET 9 FOR TREE PLAN

LEGAL DESCRIPTION
119 ISABELLE COURT
LOS GATOS, CA. 95030
APN: 532-13-069
ZONE: R-1-10

REVISIONS	BY

DRAWN BY: PROSPECT STUDIO
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SITE PLAN

THE RESIDENCE OF:
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Date JULY 5, 2005
Scale
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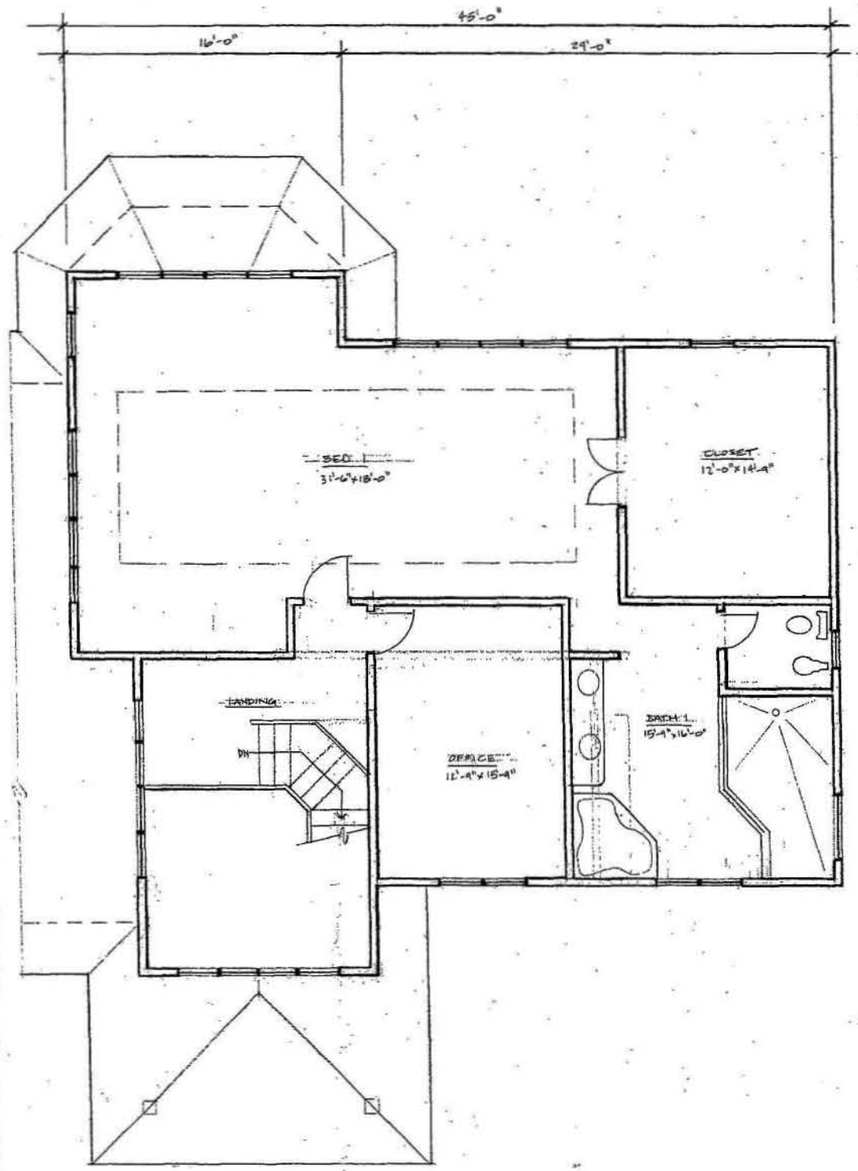
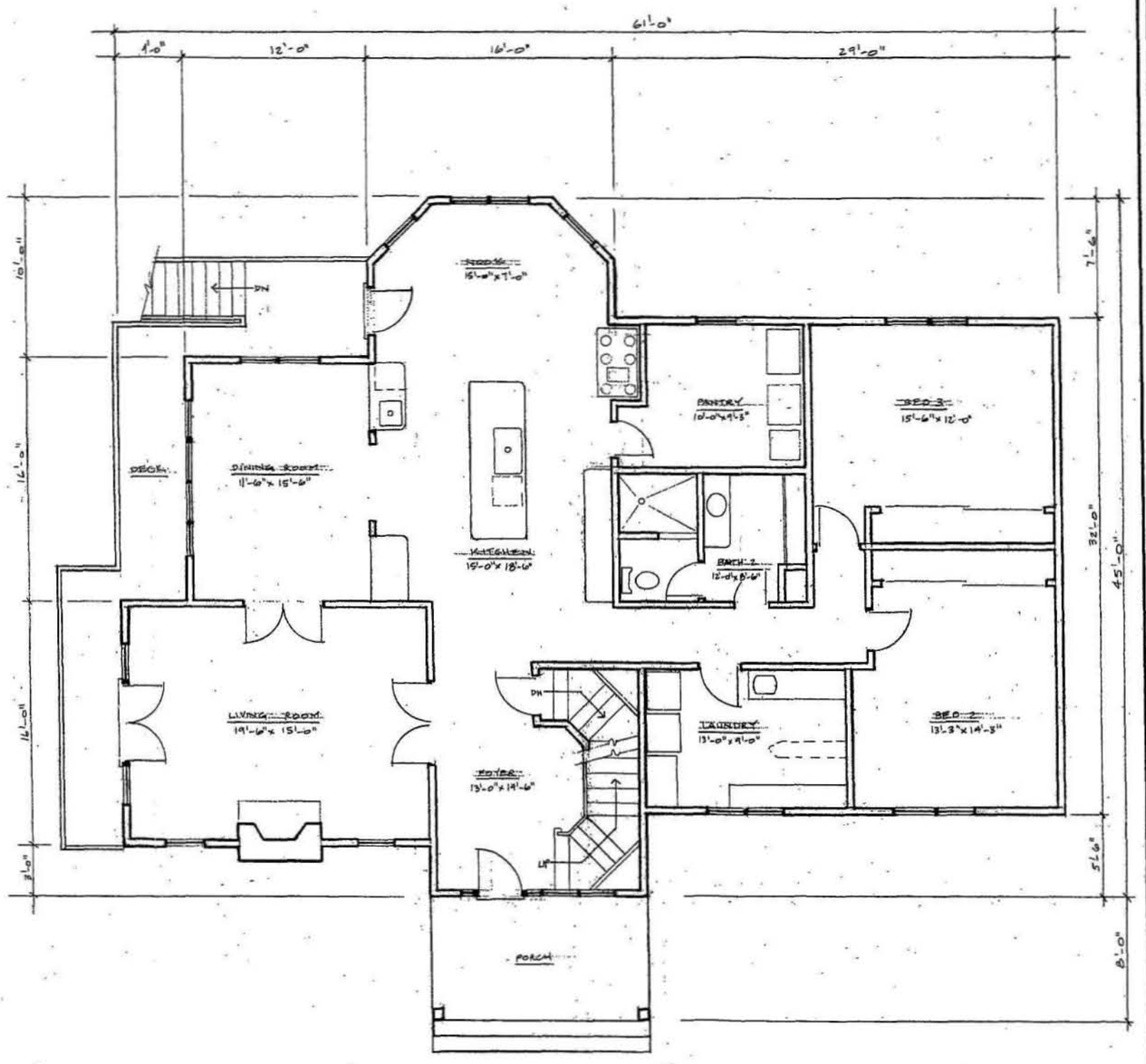
Job KOUPAL & ABRAMS
Sheet 2 Of 9 Sheets



SECOND FLOOR PLAN 1,455 SQ.FT.

1/4"=1'-0"



MAIN FLOOR PLAN 2059 SQ.FT.

1/4"=1'-0"

REVISIONS	BY

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FIRST FLOOR PLAN
SECOND FLOOR PLAN

THE RESIDENCE OF:
MR. KOUPAL & MS. ABRAMS
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LOS GATOS, CA 95032
(408) 761-8078

Date JULY 5, 2005
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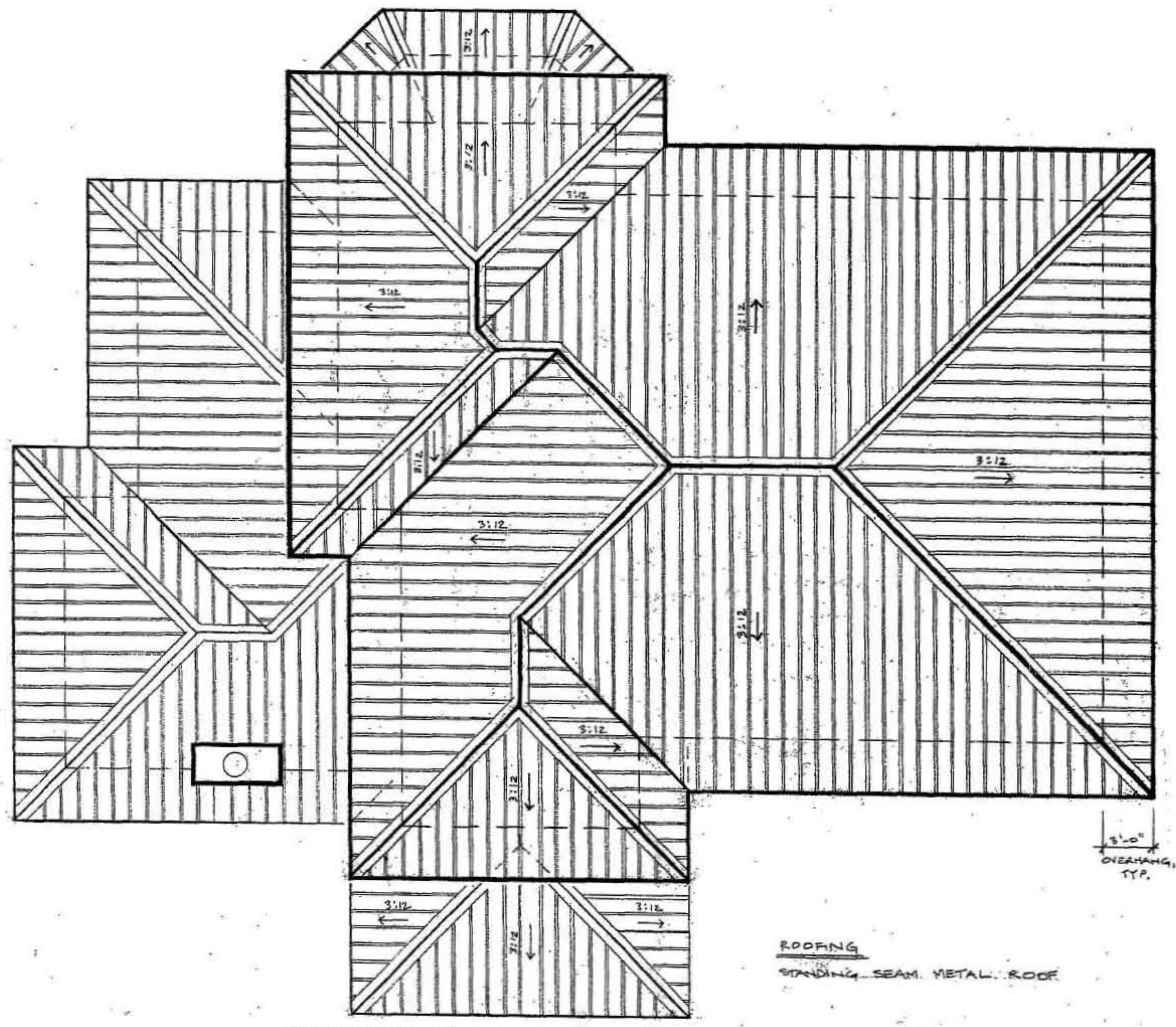
Job KOUPAL & ABRAMS
Sheet 3
Of 9 Sheets

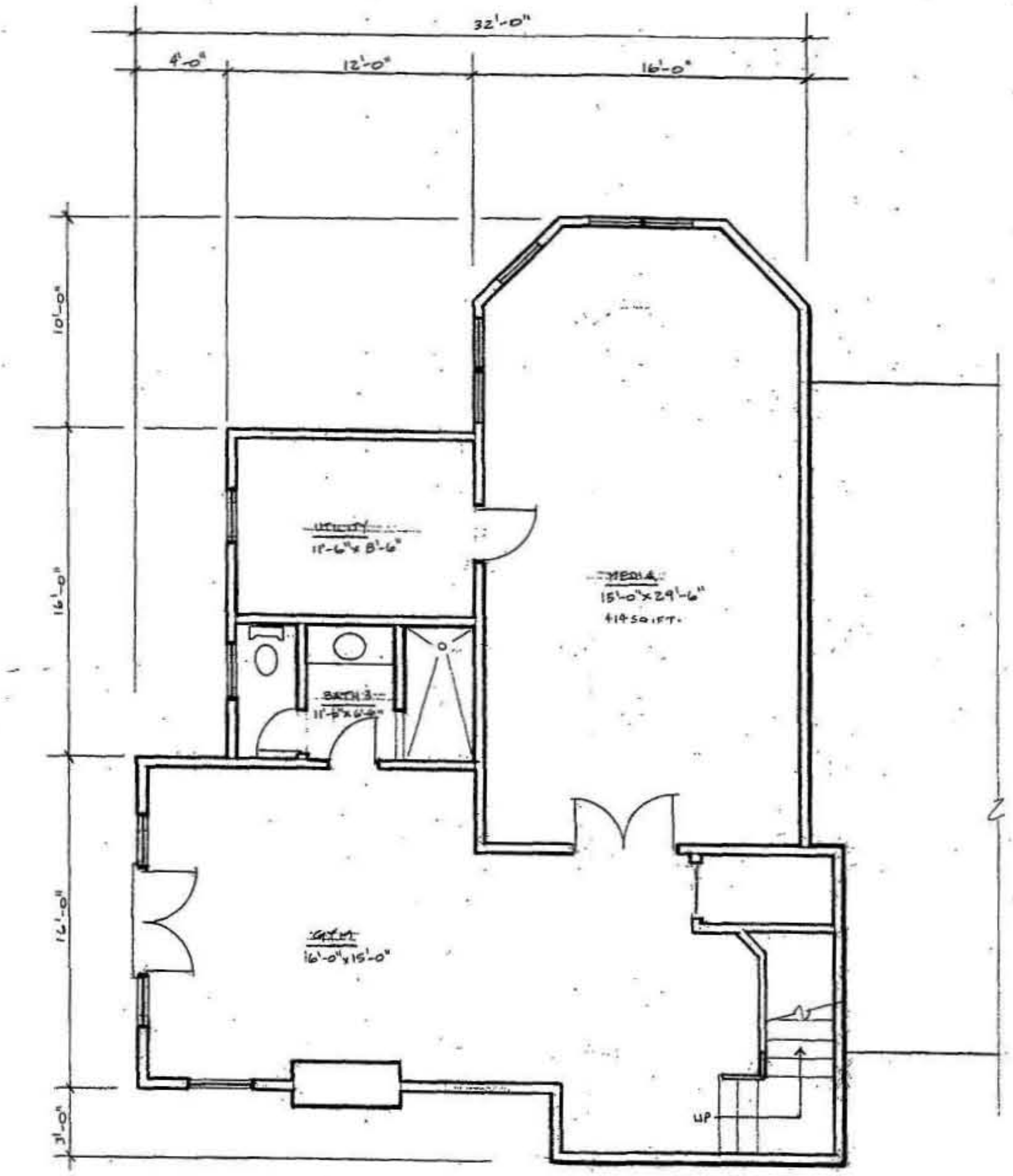


ROOFING

STANDING SEAM METAL ROOF

ROOF PLAN

1/4" = 1'-0"



BASEMENT PLAN 1,162 SQ.FT.

1/4" = 1'-0"

REVISIONS	BY

DRAWN BY:
PROSPECT STUDIO.
KATE NESSELL
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BASEMENT FLOOR PLAN
ROOF PLAN

THE RESIDENCE OF:
MR. KOUPAL & MS. ABRAMS
119 ISABELLE COURT
LOS GATOS, CA. 95030
(408) 761.6050

Date JULY 5, 2005

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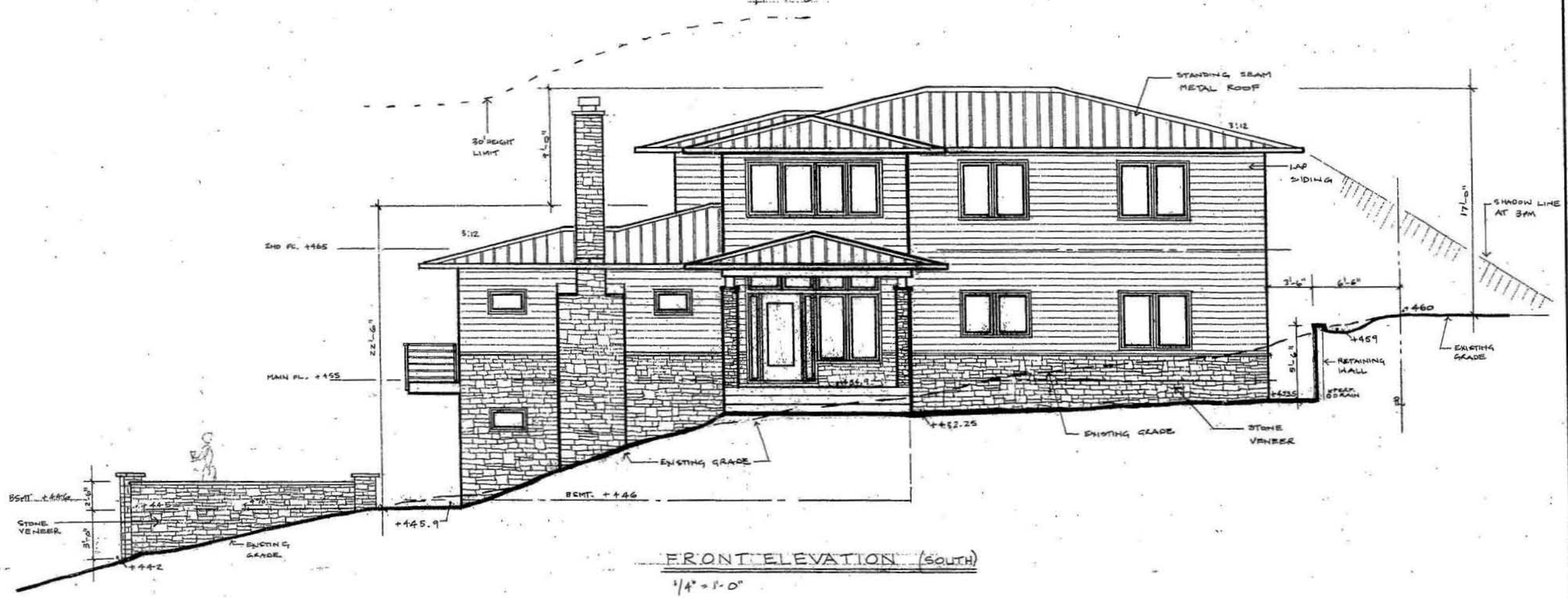
Job KOUPAL & ABRAMS

Sheet 4 Of 9 Sheets

LEFT SIDE ELEVATION (WEST)

1/4" = 1'-0"



FRONT ELEVATION (SOUTH)

1/4" = 1'-0"

REVISIONS	BY

DRAWN BY: PROSPECT STUDIO
KATE JESSELL
(408) 224 5921

FRONT ELEVATION
SIDE ELEVATION

THE RESIDENCE OF:
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(408) 761 6050

Date JULY 5, 2005
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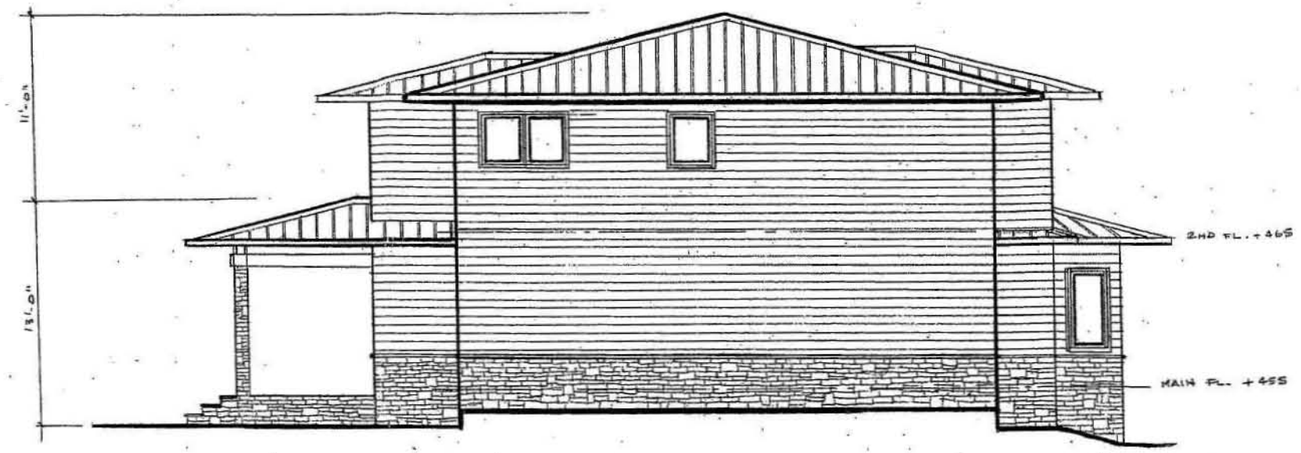

RIGHT SIDE ELEVATION (EAST)
1/4"=1'-0"

REAR ELEVATION (NORTH)
1/4" = 1'-0"

REVISIONS	BY

DRAWN BY:
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REAR ELEVATION
SIDE ELEVATION

THE RESIDENCE OF:
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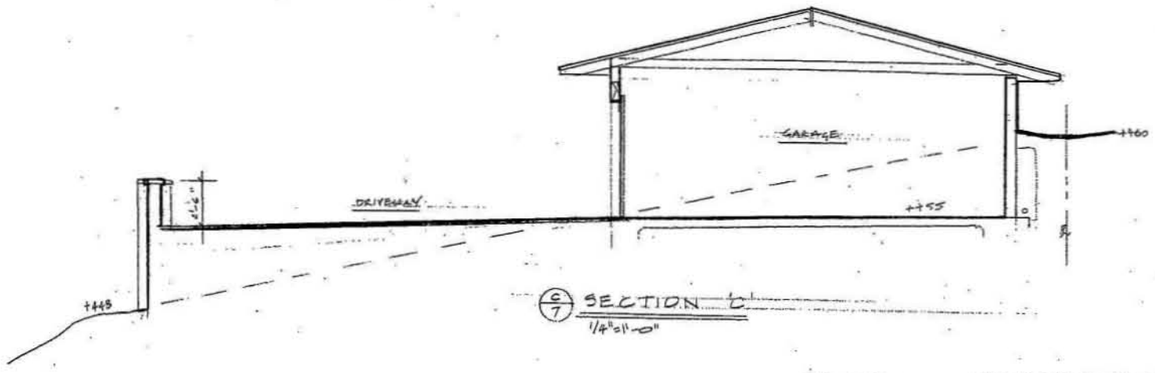
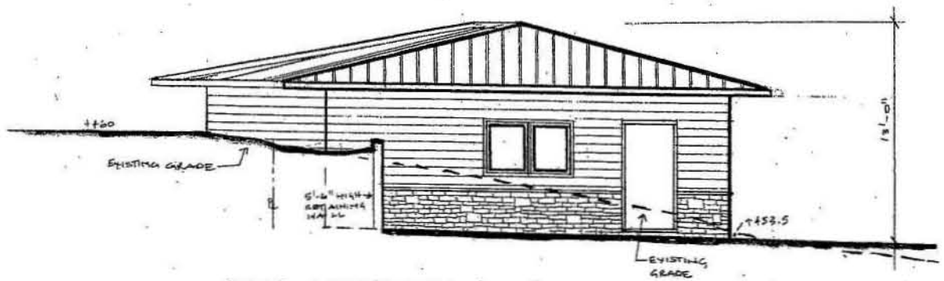
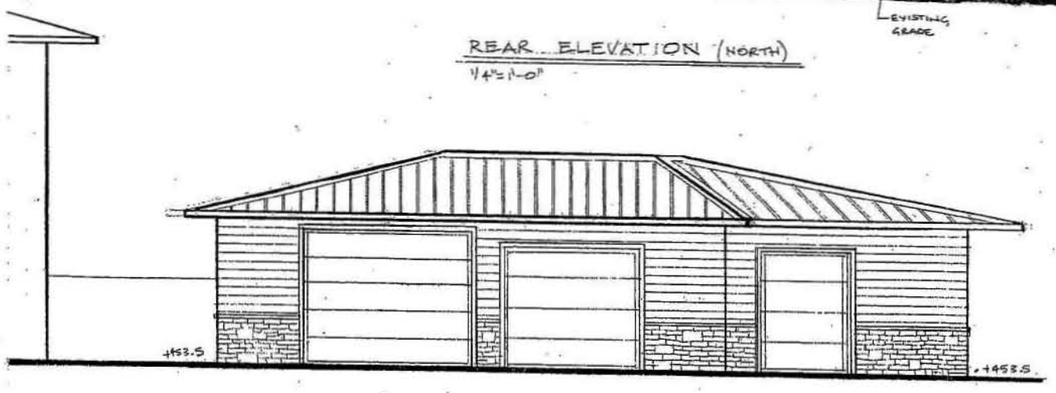


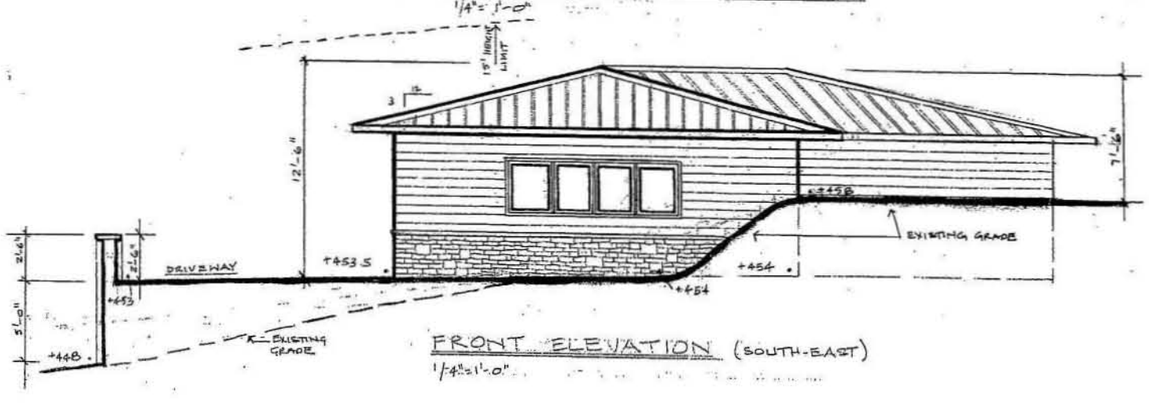
C/7 SECTION C
1/4"=1'-0"



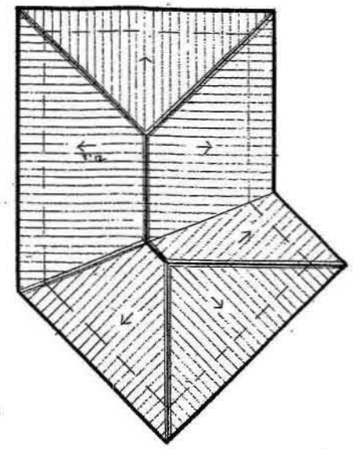
REAR ELEVATION (NORTH)
1/4"=1'-0"



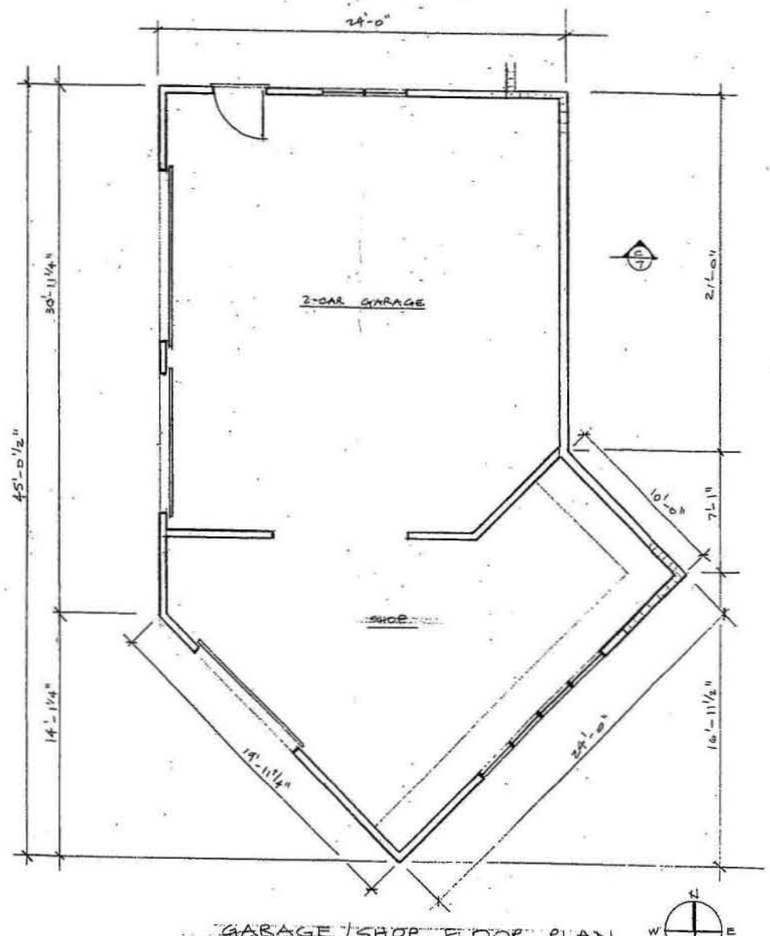
RIGHT SIDE ELEVATION (WEST)
1/4"=1'-0"



FRONT ELEVATION (SOUTH-EAST)
1/4"=1'-0"



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



GARAGE/SHOP FLOOR PLAN
1/4"=1'-0"

REVISIONS	BY

DRAWN BY: PROSPECT STUDIO
KATE JESSELL
(408) 224-3921

GARAGE PLANS
GARAGE ELEVATIONS
GARAGE SECTION

THE RESIDENCE OF:
MR. KOLIPAL & MS. ABRAMS
119 ISABELLE COURT
LOS GATOS, CA. 95030
(APN) 761-60-010

Date JULY 5, 2005
Scale
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Job KOLIPAL & ABRAMS
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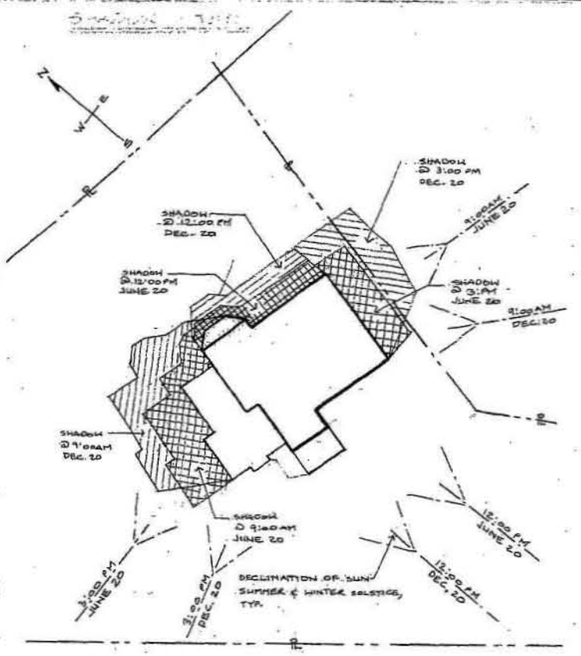
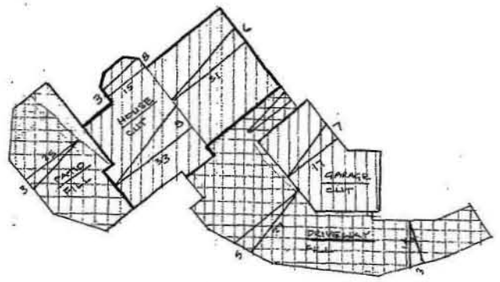


SHADOW STUDY



CUTS

HOUSE

8'x 33' (÷2) x 32 = 4224

15'x3 + 5'x15 (÷2) x8 = 660

21'x6 (÷2) x32 = 2976

= 291 cu YDS

GARAGE

7'x17 (÷2) x 40 = 2380

= 88 cu. YDS.

TOTAL CU. YDS. CUT = 379 cu. YDS.

FILL

DRIVEWAY

5'x27 (÷2) x 65 = 4387

3'x14' (÷2) x 40 = 840

= 193 cu. YDS.

PATIO

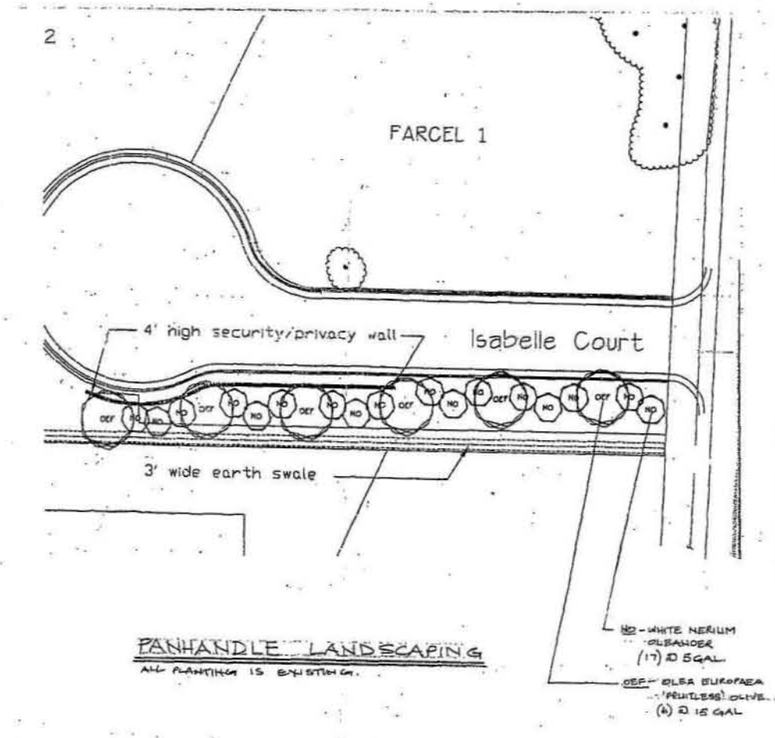
25'x3 (÷2) x 40 = 1500

= 56 cu. YDS.

TOTAL CU. YDS. FILL = 249 cu. YDS.

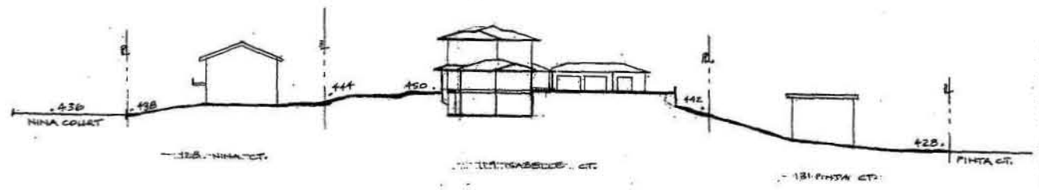
USE SOME EARTH FROM CUTS TO LEVEL AREA OF REAR YARD, AS SHOWN ON SITE PLAN. REMOVE ALL REMAINING EARTH FROM SITE.

GRADING TABLE



PANHANDLE LANDSCAPING

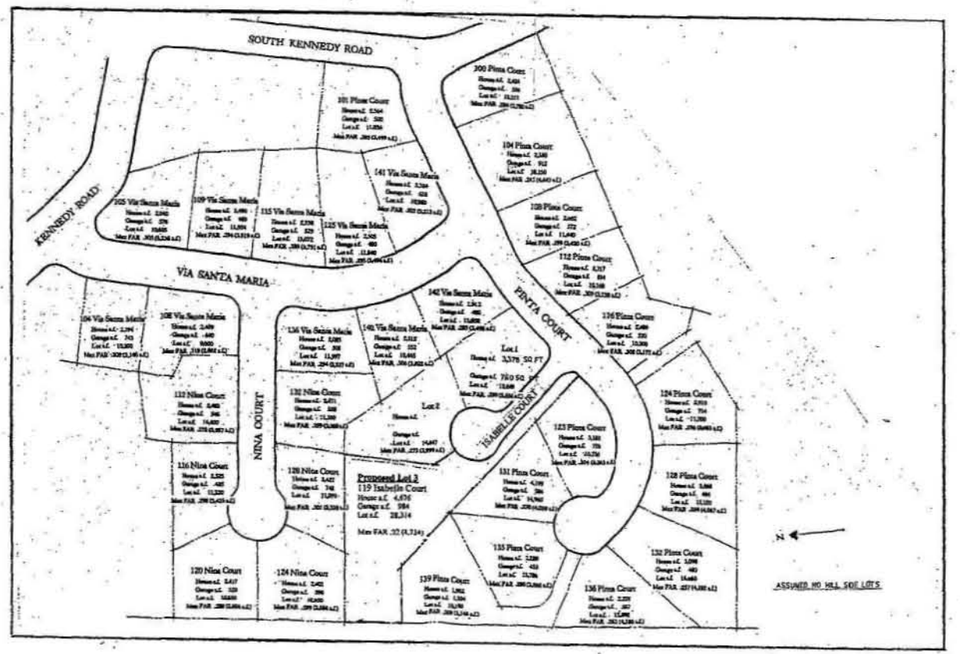
ALL PLANTING IS EXISTING.



NORTH / SOUTH PROFILE

EAST / WEST PROFILE

STREETSCAPE SECTIONS



NEIGHBORHOOD AREA PLAN

REVISIONS	BY

DRAWN BY: KATE JESSEN (408) 224 5721

PROJECT: STUDIO

NEIGHBORHOOD AREA PLAN
GRADING TABLE
PANHANDLE LANDSCAPING
STREETSCAPE SECTIONS
SHADOW STUDY

THE RESIDENCE OF:
MR. KOUPAL & MS. ADAMS
119 ISABELLE COURT
LOS GATOS, CA. 95030
(408) 761 6050

Date JULY 5, 2005

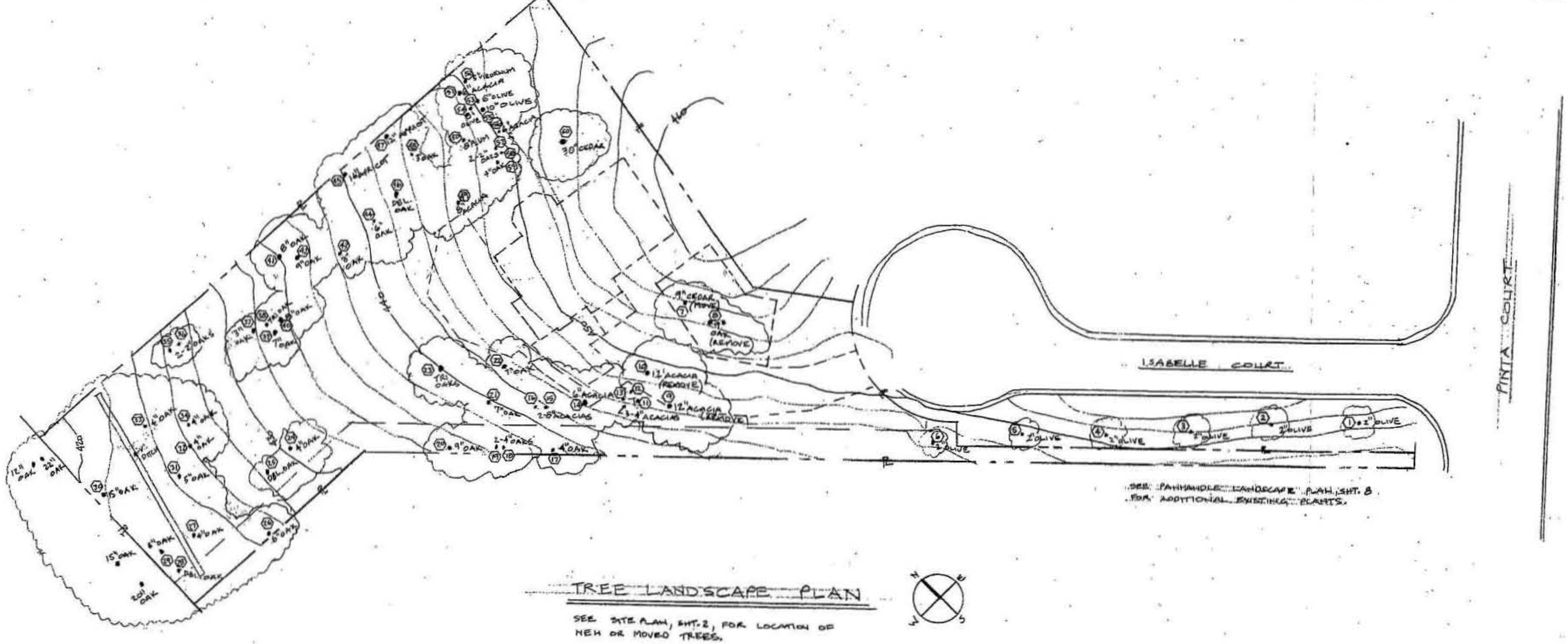
Scale

Drawn PS

Job KOUPAL & ADAMS

Sheet 8 of 9 Sheets

NO.	TRUNK Ø	TYPE	DRIP LINE Ø	COMMENTS
1	2"	OLIVE	2'	REMAIN
2.	2"	OLIVE	2'	REMAIN
3.	2"	OLIVE	2'	REMAIN
4.	2"	OLIVE	2'	REMAIN
5.	2"	OLIVE	2'	REMAIN
6.	2"	OLIVE	2'	REMAIN
7.	9"	CEDAR	14'	MOVE
8.	9"	OAK	12'	REMOVE
9.	12"	ACACIA	17'	REMOVE
10.	12"	ACACIA	15'	REMOVE
11.	4"	ACACIA	10'	REMAIN
12.	4"	ACACIA	11'	REMAIN
13.	4"	ACACIA	10'	REMAIN
14.	6"	ACACIA	12'	REMAIN
15.	8"	ACACIA	13'	REMAIN
16.	8"	ACACIA	12'	REMAIN
17.	4"	OAK	8'	REMAIN
18.	4"	OAK	7'	REMAIN
19.	4"	OAK	7'	REMAIN
20.	9"	OAK	11'	REMAIN
21.	7"	OAK	10'	REMAIN
22.	7"	OAK	9'	REMAIN
23.	14"	TRI OAKS	15'	REMAIN
24.	4"	OAK	8'	REMAIN
25.	12"	DOUBLE OAK	14'	REMAIN
26.	6"	OAK	9'	REMAIN
27.	4"	OAK	8'	REMAIN
28.	10"	DOUBLE OAK	10'	REMAIN
29.	6"	OAK	9'	REMAIN
30.	15"	OAK	20'	REMAIN
31.	5"	OAK	8'	REMAIN
32.	4"	OAK	7'	REMAIN
33.	4"	OAK	7'	REMAIN
34.	4"	OAK	6'	REMAIN
35.	2"	OAK	4'	REMAIN
36.	2"	OAK	4'	REMAIN
37.	3"	OAK	5'	REMAIN
38.	9"	TRI OAKS	11'	REMAIN
39.	7"	OAK	9'	REMAIN
40.	8"	OAK	9'	REMAIN
41.	8"	OAK	10'	REMAIN
42.	9"	OAK	11'	REMAIN
43.	10"	OAK	13"	REMAIN
44.	6"	OAK	9'	REMAIN
45.	16"	APRICOT	17'	REMAIN
46.	8"	DOUBLE OAK	8'	REMAIN
47.	12"	APRICOT	15'	REMAIN
48.	3"	OAK	7'	REMAIN
49.	8"	ACACIA	13'	REMAIN
50.	8"	PLUM	10'	REMAIN
51.	6"	ACACIA	11'	REMAIN
52.	5"	VIBURNUM	11'	REMAIN
53.	6"	OLIVE	8'	REMAIN
54.	8"	OLIVE	12'	REMAIN
55.	10"	OLIVE	11'	REMAIN
56.	6"	ACACIA	10'	REMAIN
57.	2"	OAK	7'	REMAIN
58.	3"	OAK	6'	REMAIN
59.	4"	OAK	8'	REMAIN
60.	30"	CEDAR	30'	REMAIN



SEE PANHANDLE LANDSCAPE PLAN, SHT. 8 FOR ADDITIONAL EXISTING PLANTS.

TREE LANDSCAPE PLAN

SEE SITE PLAN, SHT. 2, FOR LOCATION OF NEW OR MOVED TREES.

REVISIONS	BY

DRAWN BY:
PROSPECT STUDIO
KATE JESSELL
(408) 224 5921

TREE PLAN

THE RESIDENCE OF:
MR. KOUPAL & MS ABRAMS
119 ISABELLE COURT
LOS GATOS, CA. 95030
(408) 761 6050

Date JULY 5, 2005
Scale
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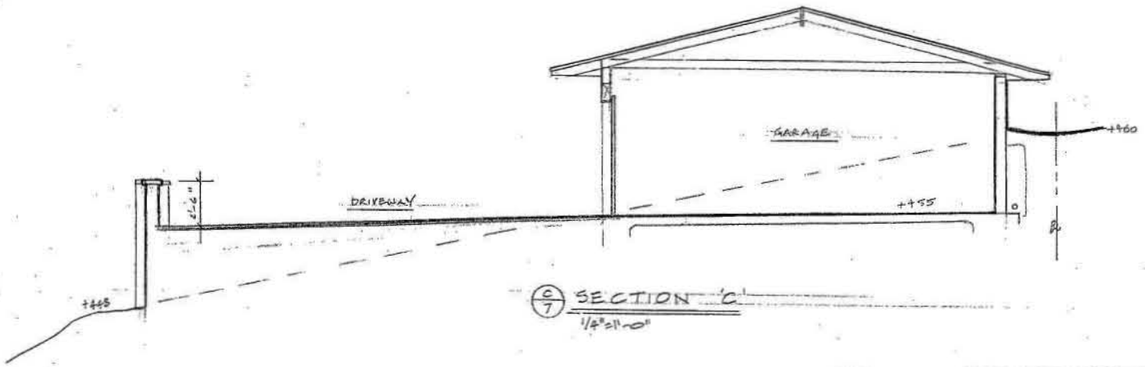
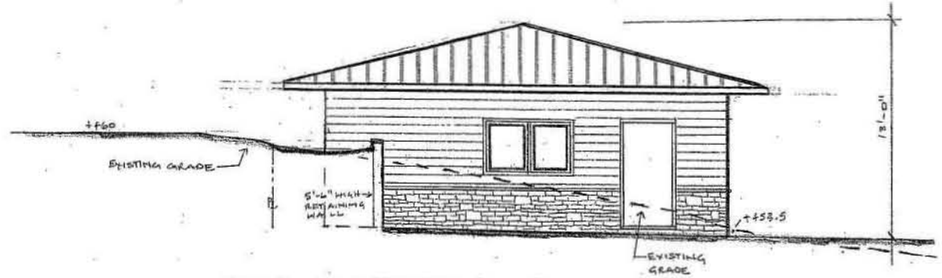
Job KOUPAL & ABRAMS
Sheet 9
Of 9 Sheets

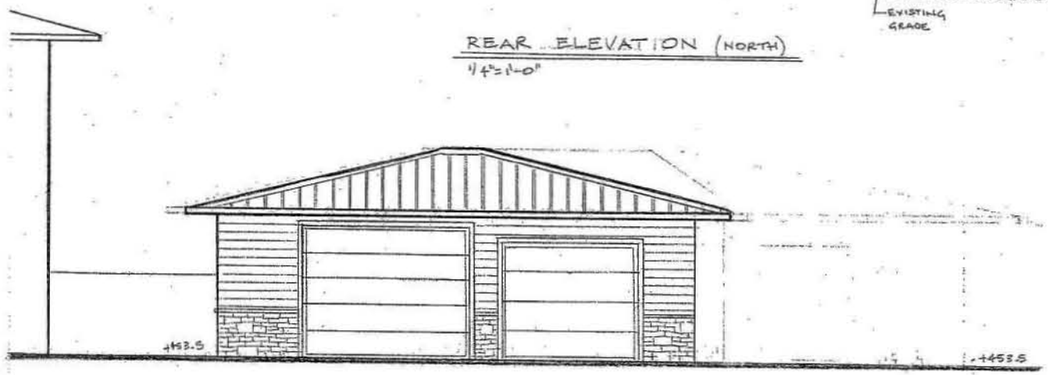
24 X 36 PRINTED ON NO. 1000H CLEARPRINT



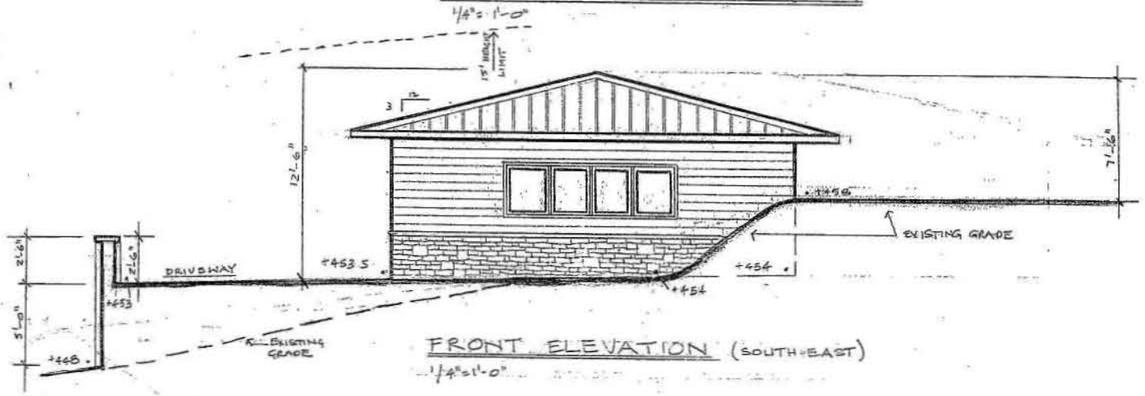
(C/7) SECTION 'C'
1/4"=1'-0"



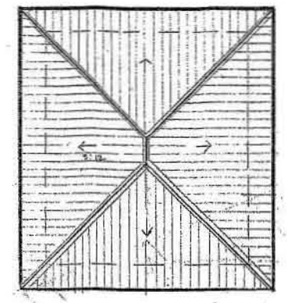
REAR ELEVATION (NORTH)
1/4"=1'-0"



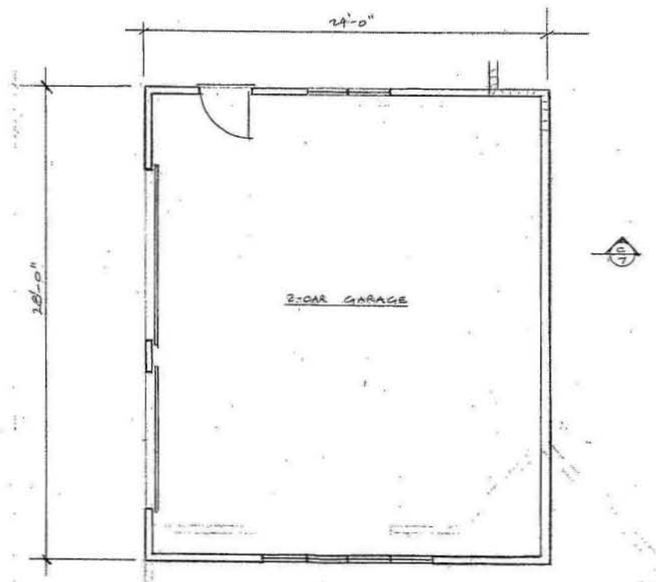
RIGHT SIDE ELEVATION (WEST)
1/4"=1'-0"



FRONT ELEVATION (SOUTH-EAST)
1/4"=1'-0"



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



GARAGE FLOOR PLAN
1/4"=1'-0"

EXHIBIT I

REVISIONS	BY

DRAWN BY:
PROSPECT STUDIO
KATE JESSELL
(408) 224 5121

GARAGE PLANS
GARAGE ELEVATIONS
GARAGE SECTION

THE RESIDENCE OF:
MR. KOUPAL & MS. ABRAMS
119 ISABELLE COURT
LOS GATOS, CA 95030
(408) 761 6050

Date JULY 5, 2005
Scale
Drawn PS
Job KOUPAL & ABRAMS
Sheet 7 of 9 Sheets

Date: August 10, 2005
For Agenda Of: August 10,2005
Agenda Item: 1
DESK ITEM

REPORT TO: The Planning Commission

FROM: The Director of Community Development

LOCATION: 119 Isabelle Court
Architecture and Site Application S-05-072

Requesting approval to construct a new single family residence with a detached structure over 450 square feet in area with a reduced setback on property zoned R-1:10. APN 532-13-069
PROPERTY OWNER/APPLICANT: Mr. Koupal & Ms. Abrams

DEEMED COMPLETE: July 15, 2005
FINAL DATE TO TAKE ACTION: January 15, 2006

EXHIBITS: A - I Previously Submitted.
J. Correct required findings and considerations

REMARKS:

Second alternate garage location - Subsequent to installing the story poles, the applicant walked the site with an adjacent neighbor. Due to a potential concern from the neighbor, the applicant will be presenting to the Planning Commission an alternative site plan. Based on a preliminary sketch that was faxed to the Town, this alternative will eliminate the driveway around the side of the property. In respect to the Town's concern of not having the garage doors be a major portion of the front elevation, the applicant proposes to angle the garage door openings towards the front side of the property; therefore, the doors will not directly face the street. With this configuration, it appears that a retaining wall of approximately 5 feet in height will be required on the front east side of the garage, which will quickly taper down to grade. A walkway with a retaining wall approximately 4.5 feet in height will still be required from the garage to the front entrance of the house. If the Commissions determines that this alternative or another alternative should be approved, it is recommended that a condition of approval be required for Town staff to work with the applicant in designing the final plans.

Sewer line - Commissioner Quintana expressed concern that the proposed sewer line would impact trees. The Town's Consulting Arborist report indicates that if the line is routed beneath a tree's canopy that he should be consulted. Based on conversations with the Arborist, there are alternative locations and construction methods available to reduce tree impacts. As conditioned for the project, the Town will work with the applicant and consulting arborist to meet these concerns.

Corrections - Under the Tree Section of the Staff Report the referenced condition number should be #7 not #6. Exhibit J includes the correct required findings and considerations.

Bud N. Lortz, Director of Community Development

Prepared by: Sandy L. Baily, Associate Planner

BNL:SLB:mdc

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