Date:	December 11, 2007
For Agenda Of:	December 12, 2007
Agenda Item:	5
DESK ITEM	

REPORT TO:

The Planning Commission

FROM:

Director of Community Development

LOCATION:

16330 Englewood Ave.

Architecture and Site Application S-07-182

Appeal of the decision by the Development Review Committee approving the demolition of an existing residence and developing a new

residence on property zoned R-1:20. APN 532-05-025 PROPERTY OWNER/APPLICANT: C. Patrick Munnerlyn

APPELLANT: Gil Perez

DEEMED COMPLETE: September 26, 2007

FINAL DATE TO TAKE ACTION: final action was taken by the

Development Review Committee on October 9, 2007

**EXHIBITS:** 

A.-K Previously received

L. Letter from D. Kent Westerberg (one page), received December 10, 2007

M. Letter from Patrick Munnerlyn (two pages), received December 11, 2007

N. Email correspondence from Joe Wall (one page), received December 11, 2007

#### REMARKS:

Exhibit L is a letter from the appellant's attorney requesting a continuance to January 9, 2008. Mr. Perez is returning from a business trip the night of the meeting and is concerned that he may not arrive in time to participate in the hearing.

Exhibit M is a letter from the applicant. He is opposed to a continuance for the following reasons:

- Mr. Perez has known the date of the Planning Commission meeting since he filed the appeal, yet he waited until December 10th to request a continuance (53 days).
- Mrs. Perez (co-appellant) or the Perez's attorney could present the Perez's concerns if Mr. Perez is unable to attend the meeting.
- Other, more directly impacted neighbors including Steve Cassacia and Kelly Coffey have planned to attend the meeting.
- The appeals process is in place to serve not only the appellant but also the applicant in order to address matters that cannot be resolved during the DRC process. By delaying this matter for another month, it is only serving the interests of the appellant.

## The Planning Commission - Page 2 16330 Englewood Avenue/S-07-182 December 12, 2007

- The hearing of this matter has already been delayed once due to the November 24th Commission meeting agenda being full. By continuing the matter until the January 9th meeting, it will cause a delay of 82 days to the project.
- Per the Los Gatos Town Code, it is the Commission's responsibility to address this matter at the first meeting of the Planning Commission in which the business of the Planning Commission will permit.

Exhibit N is a letter from a neighbor across the street stating his support of the project.

Prepared by:

Suzanne Davis, Associate Planner

Approved by:

Bud N. Lortz, Director of Community Development

**BNL:SD** 

N:\DEV\REPORTS\2007\Englewood16330-dsk.doc

# ATWOOD, HAIMAN & WESTERBERG

#### ATTORNEYS AT LAW

18805 COX AVENUE, SUITE 200 SARATOGA, CALIFORNIA 95070 TELEPHONE (408) 370-5075 TELEPHONE (408) 370-5725 WEB SITE: www.atwoodlaw.com EMAIL: kent@atwoodlaw.com

December 10, 2007

## By U.S. Mail and Facsimile (408) 354-7593

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

Attn: Suzanne Davis, Planner and Bud Lortz, Director of Community Development

Re: 16330 Englewood Avenue, Los Gatos, CA

Architecture and Site Application S-07-182/Appeal of the Development Review Committee Approval of a Request to Demolish an Existing Single Family Residence and to Construct a New Residence on Property Zoned R:20

APN 532-05-025

Property Owner/Applicant: Patrick Munnerlyn

Appellant: Gil and Tamar Perez

Dear Ms. Davis and Mr. Lortz:

Last night I was retained by Ned Finkle and Gil Perez of Los Gatos, California concerning the above-referenced matter which is currently scheduled to be heard by the Town of Los Gatos Planning Commission on Wednesday, December 12, 2007 at 7:00 p.m. I tried to reach you by telephone this morning and left a voice mail message with Ms. Davis to contact me.

Mr. Perez had to leave for New York last night on business for meetings which have been scheduled for some time and, therefore, he is unable to attend the hearing on Wednesday, December 12, 2007. Consequently, since Mr. Perez is the Appellant, I am respectfully requesting a continuance of the hearing until the next Planning Commission meeting, which I understand is currently scheduled to occur on January 9, 2008. Since it is already December 10th, please let me know immediately if you will agree to the continuance. I look forward to hearing from you.

Yours truly,

D. KENT WESTERBERG

DKW:clm

# RECEIVED

228 Bella Vista Ave. Los Gatos, CA 95030 November 27, 2007

DEC 1 1 2007

TOWN OF LOS GATOS PLANNING DIVISION

Suzanne Davis 110 E. Main Street Los Gatos, CA 95030

Dear Ms. Davis,

Thank you for allowing me to respond to Gil Perez's request for continuance to the January 9<sup>th</sup> Planning Commission meeting related to his appeal.

Since October 19<sup>th</sup>, the date of Mr. Perez's appeal, I have been waiting nearly eight weeks for my project to work its way through the Town's appeal process so that I may finally reach a resolution concerning my project at 16330 Englewood Ave. During that time I have worked in good faith with both Mr. Perez and the Town to try and come to an agreeable solution. Unfortunately, we were unable to reach such an agreement, and understand the Planning Commission must now make a final judgment on this matter.

Two days prior to the December 12 scheduled Planning Commission meeting, I was informed that Mr. Perez had obtained an attorney to represent himself on this matter, and that Mr. Perez's attorney had sent a formal letter to the Town requesting a continuance of our matter to the January 9<sup>th</sup> Planning Commission meeting based upon the fact that Mr. Perez is currently out of town on business.

I respectfully request that the Planning Commission deny Mr. Perez's request for continuance based upon the following:

- Mr. Perez has known about the date of the Planning Commission meeting since he appealed the project on October 19<sup>th</sup>. Despite 53 days advance notice, he only just requested the continuance 2 days prior to the scheduled meeting. Mr. Perez is the CEO of a company that is based in Valhalla, New York. During my negotiations with Mr. Perez, he was regularly in New York, which made setting up meetings with him difficult. Mr. Perez being in New York on business is not a one-time occurrence as implied by his lawyer's request, but a regular part of his schedule.
- Mr. Perez's wife, Tamar, is included as an official appellant on the appeals form.
   However, there is no mention in Mr. Perez's lawyer's request as to why she is unable to attend the meeting and represent their concerns.
- The hearing of this matter has already been postponed once due to the November 24th Commission meeting agenda being full. By continuing the matter until the January 9th meeting, it will cause a delay of 82 days to my project.

- My neighbors, Steve Cassacia, Kelly Coffey, and Joe Wall (tentatively), have all scheduled to attend the meeting on December 12th.
- Finally, it is my opinion that per the Los Gatos Town Code Section 29.20.265(A), the Planning Commission is required to address this matter during the December 12<sup>th</sup> meeting as the code states:

Hearing of the appeal shall be set for the first regular meeting of the Planning Commission in which the business of the Planning Commission will permit, more than five (5) days after the date of filing the appeal. The Planning Commission may hear the matter anew and render a new decision in the matter.

Since the agenda for the first Planning Commission meeting after the appeal, on November 24, was full, the December 12<sup>th</sup> meeting is now the first regular meeting of the Planning Commission in which the business of the Planning Commission will permit.

As the Planning Commission will hopefully get a chance to hear at the December 12<sup>th</sup> meeting, I have made numerous attempts to satisfy Mr. Perez's request by providing various options, with the most recent option done so in conjunction with a joint meeting between myself, Mr. Perez, and the Town Planning staff. Throughout this process I have accommodated Mr. Perez' travel schedule in order to meet and discuss these options, which has contributed to the delays to my project. Mr. Perez' request for a continuance is yet another attempt by Mr. Perez to further delay an appeals process that he initiated.

The appeals process is in place to serve not only the appellant but also the applicant in order to address matters that cannot be resolved during the DRC process. Everybody involved in this process, from the Town Planning Staff, the Applicant, the concerned neighbors, and even the Planning Commissioners themselves are busy people who all have made an effort to clear off their schedules in order to attend the Planning Commission meeting on December 12<sup>th</sup>. By delaying this matter for another month, it is only serving the interests of the appellant. I believe Mr. Perez has had sufficient time to reschedule his business meetings and therefore respectfully request that Mr. Perez's request for a continuance be denied.

Sincerely,

/s/ C. Patrick Munnerlyn

# Suzanne Davis - 16330 Englewood in Los Gatos

From:

"J. Joseph Wall, Jr. " < jwalljr@pacbell.net>

To:

<sdavis@losgatosca.gov> 12/11/2007 12:33 PM

Date:

Subject: 16330 Englewood in Los Gatos

Dear Ms. Davis-

My wife and I received notice of a Planning Commission meeting taking place tomorrow night (12/12/07) regarding the property located at 16330 Englewood in Los Gatos. Unfortunately, we cannot make the meeting. It is my understanding that the property is owned by Patrick Munnerlyn whom I met at a previous meeting with town officials. In that meeting my wife and I expressed some concerns we had regarding the project. Mr. Munnerlyn was responsive to those concerns and graciously provided a drawing of his proposed house.

We have no objections to the proposed construction as most recently presented by Mr. Munnerlyn. I apologize that neither my wife nor I can attend tomorrow night's meeting due to another engagement. However, if you have any questions, do not hesitate to contact me at (408) 494-0704.

Joe Wall 16317 Englewood Los Gatos, CA

Date: December 5, 2007 For Agenda Of: December 12, 2007 Agenda Item: 5

REPORT TO:

The Planning Commission

FROM:

Director of Community Development

LOCATION:

16330 Englewood Ave.

Architecture and Site Application S-07-182

Appeal of the decision by the Development Review Committee approving the demolition of an existing residence and developing a new

residence on property zoned R-1:20. APN 532-05-025 PROPERTY OWNER/APPLICANT: C. Patrick Munnerlyn

APPELLANT: Gil Perez

DEEMED COMPLETE: September 26, 2007

FINAL DATE TO TAKE ACTION: final action was taken by the

Development Review Committee on October 9, 2007

FINDINGS:

- As required by Section 15303 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence.
- As required for compliance with the Residential Development Standards.

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**:

- Location Map (one page) Α.
- Required Findings & Considerations (one page) B.
- Recommended Conditions of Approval (six pages) C.
- Applicant's letter (3 pages), received December 3, 2007 D.
- Excerpt from October 9, 2007 Development Review Committee E. Minutes (two pages)
- Appeal (two pages), received October 19, 2007 F.
- Consulting Architect's report (two pages), received September 20, G. 2007
- Consulting Arborist's report (12 pages), received September 21, Η. 2007
- I. Project Data Sheet (one page)

The Planning Commission - Page 2 16330 Englewood Avenue/S-07-182 December 12, 2007

- J. Photos of 16372 & 16358 Englewood (one page)
- K. Development Plans (13 pages), received September 26, 2007

#### A. BACKGROUND:

The subject property is located on the east side of Englewood Avenue, south of Shannon Road. Existing development on the site includes three separate structures, a main residence, guest cottage, and detached garage. These structures have no architectural or historical significance, are in poor condition, and were approved for demolition under the Architecture and Site application.

On October 2, 2007, the Development Review Committee (DRC) considered an application for demolition of the single family residence and to construct a new residence on the property. Based on a concern raised by neighbors in attendance, the DRC continued the application to determine if a requested shift of the house on the lot would mitigate the neighbors concern without impacting the abutting neighbors. At the October 9, 2007, DRC meeting the option of modifying the gable roof to a hip roof was discussed and accepted by all neighbors and the applicant. The DRC approved the proposed project with added conditions (see Exhibit C).

On October 19, 2007, the DRC decision was appealed by a neighbor on Shannon Road who was not present at the DRC meetings (see Exhibit F).

#### B. REMARKS:

### **Project Description**

The applicant is requesting approval to demolish an existing single family home and to construct a 4,652 square foot two story single family residence and an 898 square foot three-car garage. The allowable floor area is 4,677 square feet for the house and 1,114 square feet for the garage. General project information is provided on the project data sheet (see Exhibit I).

The maximum height of the proposed residence is just over 29 feet. Exterior materials will consist of hardie plank lap siding, battered masonry wainscot with brick soldier course cap, clad wood windows and doors, hardie shingle staggered edge siding and composition shingle roofing. A color and material board will be available at the meeting. Story poles have been in place since early September. The story poles do not reflect the roof line changes that were made through discussions with neighbors.

The Planning Commission - Page 3 16330 Englewood Avenue/S-07-182 December 12, 2007

#### Architecture & Site

Staff and the Town's Consulting Architect, Larry Cannon of Cannon Design Group, reviewed the plans and visited the site in addition to evaluating the project using the Town's draft Residential Development Standards. The Consulting Architect's report is attached as Exhibit G.

The house was found to be well designed with good overall forms and massing. The Consulting Architect had two recommendations for changes as follows:

• Revise the site layout to locate the garage to the rear of the house.

Staff agreed with this option in order to increase the house presence on the street that was largely dominated by the garage. One house in the immediate area has a three car side loaded garage, however most of the homes on Englewood Avenue (between Shannon Road and Topping Way) have two-car garages that are not predominant or are located behind the house. The applicant agreed to revise the plans and moved the garage behind the house as a detached structure.

• Re-examine the column and beam sizes at the entry to ensure that they are compatible with the traditional architectural style selected.

The applicant is in agreement and will incorporate this change into the construction plans.

### <u>Demolition of Existing Residence</u>

A structural report was submitted for the existing residence. The reviewing engineer listed the items that needed to be addressed and corrected in order to bring the current home in compliance with current codes. These deficiencies include the following:

- Replace the electrical panel and wiring with a grounded system
- Replace all dissimilar plumbing connections in the main residence
- Replace the entire plumbing system in the guest cottage
- Replace the gas supply line for the guest cottage
- Install a new garage wall to create a proper firewall between the house and garage
- Replace the sliding glass door and floor to ceiling windows with tempered safety glass
- Complete a full seismic analysis of the existing foundation and wall system and implement to bring the existing structure up to current seismic code

In addition to the above deficiencies, the applicant could not remodel the existing house and achieve the proposed design without resulting in a technical demolition. Findings for the demolition of the residence are included in Exhibit B.

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#### Tree Impacts

The Town's Consulting Arborist reviewed the plans, visited the site and prepared an arborist report for the project (see Exhibit H). There are 16 trees on site of which three trees will be removed (small birch, small pine and a juniper). Given the species and condition of the trees, the removal of these trees conforms to the Town's Tree Preservation Ordinance. Conditions of approval have been included to require implementing the recommendations of the Consulting Arborist throughout all phases of project construction. Replacement trees will be planted to mitigate the loss of the three trees.

#### C. DEVELOPMENT REVIEW COMMITTEE:

On October 2, 2007, the DRC considered the A&S application for demolition of the single family residence and construction of a new residence on the property. The DRC accepted public testimony from neighbors Joe and Suzie Wall who expressed concern that the house would block their view. The application was continued to the next DRC meeting to determine if the modification to the front setback would mitigate the Walls' concern while not impacting the adjacent neighbors. At the October 9, 2007 DRC, neighbors Steve Casaccia and Kelly Coffey stated they did not want the house shifted back on the lot. Joe and Suzi Wall reiterated their concerns from the previous meeting. The option of modifying the gable roof to a hip roof was discussed and was accepted by the neighbors and the applicant. The DRC approved the proposed project with additional conditions (see Exhibit C). Subsequent to the second DRC meeting and the approval of the A & S application, a neighbor on Shannon Road, Gil Perez, reviewed the plans and expressed a concern about the need for landscaping to screen the house and protect the privacy of neighbors. The applicant met with the neighbors to discuss landscape options but because agreement was not reached an appeal was filed by Gil & Tamar Perez (see Exhibit F).

#### D. APPEAL:

An appeal of the DRC action was filed on October 19, 2007 (see Exhibit E). The appellant's reasons why the appeal should be granted are summarized as follows:

- The home would significantly compromise the views from the neighbors house
- The home will compromise their privacy

The applicant has met with the neighbors and has made efforts to address their concerns. The following is a chronology of events that have occurred since the appeal was filed:

October 17, 2007 Applicant heard from neighbor, Gil Perez, regarding his concern about privacy and loss of view.

# The Planning Commission - Page 5 16330 Englewood Avenue/S-07-182

December 12, 2007

October 19, 2007	Applicant met with neighbors and offered to plant four 24-inch Redwood trees. Mr. & Mrs. Perez were not comfortable with the solution and filed an appeal of the DRC decision.	
October 22, 2007	Applicant met with Mr. Perez to discuss options and erected story poles in proposed tree locations.	
October 28, 2007	Applicant met with Mr. Perez and Mr. Finkle to view story poles and discuss options.	
November 9, 2007	Staff met with the applicant, Gil Perez and Ned Finkle to discuss screening and privacy options.	
November 10, 2007	Based on the November 9 discussion, the tree story poles were moved to new locations. Neighbors were not satisfied with the solution.	

There have been a number of options and possible solutions offered by the applicant to address the neighbors concerns including planting trees on the appellant's property. The appellant has requested that 48 to 60-inch trees be planted along the north property line in a location that would screen the view of the proposed house. The area along the north property line along the length of the house has a limited planting area that cannot accommodate large trees. The adjacent neighbor to the north has a high hedge along part of the property line and the applicant is willing to plant to fill in the gap in the hedge. There is adequate space to plant trees along the backup area and elsewhere in the rear yard.

Typically, new trees are 24-inch box species. While using larger box trees may have more of an immediate impact, the smaller trees are easier to get established and usually have a better growth rate. Within a few years, 24-inch box trees will be about the same size as trees that were planted at a larger initial planting size. Staff does not believe it is necessary to require trees larger than 24-inch box size to be planted. The applicant's letter is attached as Exhibit D.

The Town does not have a view protection ordinance or any regulations on how much of a house can be seen from neighboring properties. Landscape screening is appropriate to soften and screen the new residence, but it is not standard practice to plant landscaping that is dense enough to completely hide new development. Two neighbors have stated that they do not want large trees that will quickly outgrow the planting area as that would block views of the mountains. The adjacent neighbors to the north would like to retain sunlight into their rear yard and prefer not to have large trees planted close to the common property line.

Staff has included a condition requiring the applicant to plant the same hedge material that is similar to the existing hedge along the north property line and to plant four 24-inch box trees in

The Planning Commission - Page 6 16330 Englewood Avenue/S-07-182 December 12, 2007

the rear yard to help screen the new residence. If the neighbors and applicant are unable to agree on tree locations, staff and the Consulting Arborist will determine the best locations to provide effective screening.

#### E. RECOMMENDATION:

Staff recommends that the appeal be denied for the following reasons:

- The proposed home is compatible with the neighborhood and the two other homes that were most recently approved in the immediate area.
- The home is well designed with good overall forms and massing.
- The applicant is willing to plant new trees and to fill in a gap in the hedge along the north property line to soften and screen the new residence.

If the Planning Commission is satisfied with the project as proposed, it should take the following actions:

- 1. Uphold the Development Review Committee's decision and deny the appeal;
- 2. Make the required findings in Exhibit B; and
- 3. Approve the Architecture and Site application subject to the conditions in Exhibit C and as shown in the development plans (Exhibit K).

The Commission may add or modify conditions of approval if further changes are desired.

Prepared by:

Bridgette Carroll, Planner

Approved by:

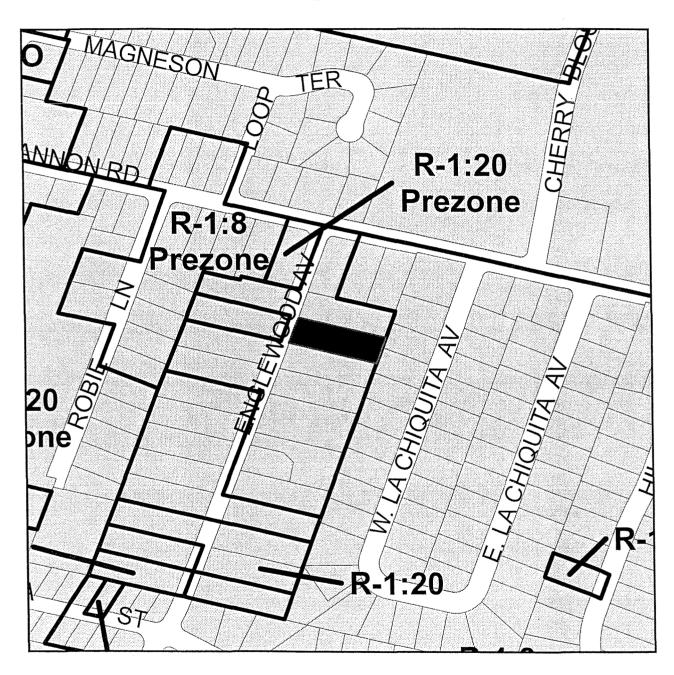
Bud N. Lortz, Director of Community Development

BNL:BC:SD:mdc

cc: C. Patrick Munnerlyn, 228 Bella Vista Ave., Los Gatos, CA 95030 Gregg Kawahara Architect, 5822 Dresslar Circle, Livermore, CA 94550 Gil & Tamar Perez, 16590 Shannon Road, Los Gatos, CA 95032 Ned Finkle, 16608 Shannon Road, Los Gatos, CA 95032

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# 16330 Englewood Avenue



## REQUIRED FINDINGS & CONSIDERATIONS FOR:

#### 16330 Englewood Avenue

Architecture and Site Application S-07-182

Requesting approval to demolish a single family residence and to construct a new residence on property zoned R-1:20. APN 532-05-025

PROPERTY OWNER: C. Patrick Munnerlyn

#### **FINDINGS:**

#### Required finding for CEQA:

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

#### Required finding for the demolition of a single family residence:

As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence:

- 1. The Town's housing stock will be maintained as the house will be replaced.
- 2. The existing structure has no architectural or historical significance, and is in poor condition.
- 3. The property owner does not desire to maintain the structure as it exists; and
- 4. The economic utility of the structure is such that it is not viable to remodel and expand the existing house.

#### Required Compliance with Residential Development Standards:

The project is in compliance with the Residential Development Standards for single-family homes not in hillside residential zones.

#### **CONSIDERATIONS:**

#### Required considerations in review of applications:

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

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# PLANNING COMMISSION – DECEMBER 12, 2007 CONDITIONS OF APPROVAL

16330 Englewood Ave

Architecture and Site Application S-07-182

Requesting approval to demolish a single family residence and to construct a new residence on property zoned R-1:20. APN 532-05-025

PROPERTY OWNER/APPLICANT: C. Patrick Munnerlyn

#### 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 on December 12, 2007 and noted as received by the Town on June 18, 2007. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission depending on the scope of the change(s).
- 2. EXPIRATION OF APPROVAL: The Architecture and Site application (S-07-182) will expire two years from the date of the approval pursuant to Section 29.20.335 of the Town Code, unless the approval is used prior to expiration.
- 3. ROOF MODIFICATION. The highest ridge of the house shall be modified from a gable to a hip roof. Revised plans shall be reviewed and approved prior to acceptance of plans for building plan check.
- 4. STORY POLES. The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
- 5. 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 Towns demolition inspection.
- 6. OUTDOOR LIGHTING. Exterior house and landscape lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless first approved by the Planning Division. The outdoor lighting plan can be reviewed during building plan check. Any changes to the lighting plan shall be approved by the Planning Division prior to installation.
- 7. GENERAL. All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan and must remain on the site.
- 8. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees to be removed, prior to the issuance of the demolition permit.
- 9. REPLACEMENT TREES. Replacement trees shall be planted for trees being removed. The number and size of new trees shall be determined using the canopy replacement table in the Town's Tree Protection Ordinance. Required trees shall be planted prior to final inspection.
- 10. TREE STAKING. All newly planted trees shall be double-staked using rubber tree ties.

- 11. TREE PRESERVATION. All recommendations of the Town's Consulting Arborist shall be followed throughout all phases of construction. Refer to the report prepared by Arbor Resources dated September 21, 2007 for details. Tree protection specifications shall be printed on the construction plans.
- 12. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
- 13. SCREENING. The applicant will plant the same hedge material that is similar to the existing hedge along the north property line and to plant four 24-inch box trees in the rear yard to help screen the new residence. If the neighbors and applicant are unable to agree on tree locations, staff and the Consulting Arborist will determine the best locations for effective screening.

#### Building Division

- 14. PERMITS REQUIRED: A building permit shall be required for the construction of the pool and cabana. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
- 15. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A compliance memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
- 16. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
- 17. DEMOLITION REQUIREMENTS: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed from to the Building Department Service Counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
- 18. 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).
- 19. SHORING. Shoring plans and calculations will be required for all excavations that exceed four (4) feet in depth or remove later support from any existing building, adjacent property or the public right-of-way. Shoring plans shall be prepared by a California licensed engineer and shall conform to Cal/OSHA regulations.
- 20. 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
- 21. RESIDENTIAL TOWN ACCESSIBILITY REQUIREMENTS. The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
  - a. Wooded 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 a 36-inch wide door including a 5'x5' 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.
- 22. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R, MF-1R, and WS-5R must be blue-lined on the plans.
- 23. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development Planning Division: Suzanne Davis at 354-6875
  - b. Engineering/Parks & Public Works Department: Fletcher Parsons at 395-3460
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to building permit issuance.
  - f. Bay Area Air Quality Management District: (415)771-6000

#### TO THE SATFISFATION OF THE DIRECTOR OF PARKS & PUBLIC WORKS

#### Engineering Division

- 28. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
- 29. DESIGN CHANGES. The Applicant's registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
- 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.
- DUST CONTROL. Blowing dust shall be reduced by timing construction activities so 33. 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.

- 34. 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).
- 35. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
- 36. NPDES. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
- 37. 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.
- 38. 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.
- 39. 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.
- 40. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
- 41. AS-BUILT PLANS. An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
- 42. 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.
- 43. 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.

- 44. GOOD HOUSEKEEPING. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division.
- 45. 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 off 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.
- 46. UTILITY SETBACKS. House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
- 47. UTILITY EASEMENTS. Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The Town will prepare the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs.
- 48. PERMIT ISSUANCE: Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
- 49. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
- 50. PUBLIC WORKS INSPECTOR. The applicant shall fund a full time public works inspector for the duration of the demolition and grading operations. The applicant will be charged on a time and materials basis. A deposit for the full amount, to be estimated by the Town based on the Contractor's approved schedule, shall be paid prior to issuance of the demolition permit.

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

- 51. REQUIRED FIRE FLOW. Required fire flow is 2,000 GPM at 20 psi residual pressure.
- 52. REQUIRED ACCESS TO WATER SUPPLY (HYDRANTS). Provide an onsite fire hydrant or an approved fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standard #13D and local ordinances. The fire sprinkler system supply valving shall be installed per Fire Department Standard Detail and Specifications W-1/SP-6.
- 53. PREMISE IDENTIFICATION. Approved addresses shall be placed on all new buildings so they are clearly visible and legible from Englewood Avenue. Numbers shall be a minimum of four inches high and shall contrast with their background.

DEC 0 3 2007

TOWN OF LOS GATOS PLANNING DIVISION

228 Bella Vista Ave. Los Gatos, CA 95030 November 27, 2007

Suzanne Davis 110 E. Main Street Los Gatos, CA 95030

Dear Suzanne,

Thank you for the opportunity to respond to Gil and Tamar Perez's appeal of the Development Review Committee's approval of my new residence at 16330 Englewood Avenue.

Throughout the process of the design for my new home I have worked closely with both the Town and my neighbors to develop a project that will fit within the character of the neighborhood and will also have the least amount of impact on my neighbors properties. During the initial design development, I instructed my Architect to design the home in a way that follows the Town's Residential Development Standards closely and one that would not require any variances or special considerations.

After my initial submittal for review by the Town's consulting Architect, I incorporated the recommendation that I received to relocate the garage to the rear of the house and move the front of the home closer to the street in order to be more in-line with the adjacent homes. This change required me to locate my driveway along my Northern property line in order to provide access to the garage, and thus reduced the area to provide any planting along this side of the home.

After this change, I erected the storey poles and my Development Review Committee meeting was scheduled. At my first DRC meeting on October 2<sup>nd</sup>, only one neighbor who lived across the street attended, Joe Wall. He requested that I move the house back on the property 10 feet in order to cut down on the two-story presence along the street and to possibly save his view to the hills beyond. I agreed to his request and the Planning Staff continued the matter until October 9<sup>th</sup> in order for me to notify my adjacent neighbors of the change.

At the October 9<sup>th</sup> DRC meeting my two adjacent neighbors, Steve Casaccia and Kelley Coffey, were in attendance, along with Joe Wall. During that meeting we had a very good working session where everyone expressed their concerns about the project and offered solutions to address those concerns. The outcome from that meeting was that a condition of approval to redesign the roofline of the house from a gable design to a hip design was added to the approval. This change reduced the vertical mass along my adjacent property lines from 29'-3" to approximately 20'-0". Everyone left the meeting that day knowing that their concerns had been addressed and a solution was achieved.

This is why Mr. Perez's appeal to the project came to such a surprise to me. After two DRC meetings and 28 days of the storey poles being erected, Mr. Perez contacted me with concerns about my new house. Over the course of the next four weeks I met with Tamar Perez once and Gil Perez three times to try and work out an agreeable solution.

The final meeting that I had with Mr. Perez was at the Town Hall with Planning Staff and his next-door neighbor, Ned Finkle, present. At the meeting I offered a planting solution that would achieve the screening that Mr. Perez requested while having only minor negative impacts on my property and the property of my next-door neighbors, the Casaccia's. Mr. Finkle and the Town Planning staff both agreed to the proposed solution, but Mr. Perez found it unacceptable. A few days after our meeting, Mr. Perez e-mailed me pictures of plant material that he would accept. Unfortunately, due to the configuration of my driveway, the sizes of the plant containers were larger than the allowable planting area. Also, the plant material that Mr. Perez was requesting was considerably larger than what was suggested by the Town's planning staff. At this point it became apparent that Mr. Perez and myself were not going to find an agreeable solution for all parties.

After my meeting with Mr. Perez I contacted my next-door neighbors, the Casaccia's, to let them know what was going on with the project and bring them up to date about the appeal. At this time they reiterated an offer that they had made earlier, to place the screening hedge on their North property line directly behind Mr. Perez's lot. Their concern is that having a tall screening hedge between our two side yards (where an existing hedge already exists) will block the light coming into their kitchen window which is only 15 feet away. Also, by installing the screening hedge between our two properties, it will basically negate the compromise that we came to at the second DRC meeting concerning reducing the vertical mass along the property. An even taller screening hedge would now replace the revised hipped roof that was designed to lower the building height along the property line.

Therefore, placing the screening hedge on the Casaccia's property makes sense for the following reasons:

- The screening hedge would only needs to be 13'-10" vs. 24'-5" if it was located on my property (see attached exhibit).
- The width of the hedge would need to be considerable less to screen the house, viewed from Mr. Perez's property.
- The hedge would be located in the Casaccia's backyard away from all structures verses located in a side yard only 15 feet away from homes.
- The time duration for the hedge to grow to provide the necessary screening would be considerably less.

Finally, I believe that that this case shows an inequality within the zoning of Los Gatos. Mr. Perez has the right to appeal my project and to go before the Planning Commission to voice his concerns, yet if the circumstances were reversed I would have no recourse. Since Mr. Perez's property is unincorporated, he falls within the County's more lenient standards, which would allow him to build a home with a higher FAR, with smaller setbacks, and with a taller overall height. More importantly, there would be no storey poles erected, no neighbor notification, no DRC meeting to attend, and no Planning Commission meeting to appeal too. In this case, Mr. Perez looks to be in an ideal situation where he has the ability and the forum to express his objections to his neighbor's development, yet his neighbors are unable to have any input to development on his lot.

In conclusion, Due to the fact that my project has met all of the requirements of the Town's Residential Development Standards and that my property is held to a more stringent set of guidelines than an unincorporated lot, I respectfully request that the Planning Commission deny Mr. Perez's appeal. If the commission does feels the need to take action and provide the screening that Mr. Perez is requesting, then I request that they consider the option that I outlaid above that would incorporate the screening on the Casaccia's property. I believe that this solution would provide the maximum amount of screening to Mr. Perez's property in the shortest period of time, while creating the least amount of impact on both the Casaccia's property and mine.

Sincerely,

C. Patrick Munnerlyn

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

SUMMARY MINUTES OF A REGULAR MEETING OF THE **DEVELOPMENT REVIEW COMMITTEE** OF THE TOWN OF LOS GATOS FOR **OCTOBER 9, 2007** HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 9:00 A.M. by Chair Baily.

#### **ATTENDANCE**

Members Present:
Sandy Baily, Associate Planner
Suzanne Davis, Associate Planner
Marni Moseley, Assistant Planner
Julie Linney, Fire Department
Anthony Ghiossi, Building Official
Fletcher Parsons, Associate Engineer

#### **PUBLIC HEARINGS**

ITEM 1: 16330 Englewood Avenue

(Continued)

Architecture and Site Application S-07-182

Requesting approval to demolish an existing single family residence and to construct a new residence on property zoned R-1:20. APN 532-05-025 PROPERTY OWNER/APPLICANT: C. Patrick Munnerlyn

- 1. Chair Baily opened the public hearing.
- 2. Staff gave report on proposed project.
- 3. Applicant was introduced.
- 4. Members of the public were present:
  - Steve Casaccia and Kelly Coffey, neighbors, stated they did not want the house relocated, which would help mitigate the other neighbors' concern.
  - Joe and Suzi Wall, neighbors, stated that their concerns from the previous meeting still stood.
- 5. Staff discussed the option of modifying the gable roof to a hip roof. This option was accepted by the applicant and the neighbors.
- 6. Public hearing closed.
- 7. Parsons moved to approve the application subject to the conditions presented and as modified to reflect the roof revision, with the following findings and considerations:
  - (a) The project is Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town.
  - (b) As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence:
    - 1. The Town's housing stock will be maintained, as the house will be replaced;
    - 2. The existing structure has no architectural or historical significance and is in poor condition;

DRC Minutes October 9, 2007 Page 2

- 3. The property owner does not desire to maintain the structure as it exists; and
- 4. The economic utility of the structure is such that it is not viable to remodel and expand the existing house.
- (c) The project is in compliance with the Residential Development Standards for single-family homes not in hillside residential zones.
- (d) As required by Section 29.20.150 of the Town Code, the considerations in review of an architecture and site application were all made in reviewing this project.
- 8. Linney seconded, motion passed unanimously.
- 9. Appeal rights were cited.

#### OTHER BUSINESS

NONE

#### ADJOURNMENT

Meeting adjourned at 9:30 A.M. The next regularly scheduled meeting of the Development Review Committee is the following Tuesday.

Sandy L. Baily, Associate Planner

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# TOWN OF LOS GATOS COMMUNITY DEVELOPMENT DEPARTMENT



110 E. Main Street Los Gatos, CA 95030

# APPEAL OF THE DECISION OF DIRECTOR OF COMMUNITY DEVELOPMENT OR

# DEVELOPMENT REVIEW COMMITTEE

DEVELOTMENT REVIEW COMMITTEE
PLEASE TYPE or PRINT NEATLY  I, the undersigned, do hereby appeal a decision of the COMMUNITY DEVELOPMENT  DEPARTMENT/DIRECTOR OF COMMUNITY DEVELOPMENT OR DEVELOPMENT REVIEW  COMMITTEE as follows:
DATE OF DECISION: October 9 +4 2007
PROJECT/APPLICATION: <u>New house-remodeled-extension</u>
LOCATION: 16330 Englewood Dr
Los Gatos
LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:  then We bought our respective homes in large due to the  beautiful view we are fortunate to enjoy everyday. After  this house will be completed, our views will be significantly  compromised. We would like to minimize this. In addition to
IMPORTANT:  1. APPEAL MUST BE FILED WITHIN TEN (10) DAYS AFTER THE DATE OF MAILING OF WRITTEN  NOTIFICATION OF THE DECISION.  2. THE APPEAL SHALL BE SET FOR THE FIRST REGULAR MEETING OF THE PLANNING COMMISSION WHICH  THE BUSINESS OF THE PLANNING COMMISSION WILL PERMIT, MORE THAN FIVE (5) DAYS AFTER THE  DATE OF THE FILING OF THE APPEAL. THE PLANNING COMMISSION MAY HEAR THE MATTER ANEW AND  RENDER A NEW DECISION IN THE MATTER.  3. YOU WILL BE NOTIFIED, IN WRITING, OF THE APPEAL DATE.  4. CONTACT THE PROJECT PLANNER TO DETERMINE WHAT MATERIAL IS REQUIRED TO BE SUBMITTED  FOR THE PUBLIC HEARING.
RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT
PRINT NAME GILS TOMON PEREZ SIGNATURE LO LO
DATE 10/18/07 ADDRESS 16590 Shannon Rd.
PHONE (408) 356-2632 LOS Gaitos CA 95032 ************************************
DATE OF PLANNING COMMISSION HEARING: December 12, 2007 PAID
COMMISSION ACTION:  1. DATE: DATE: DATE: TOWN OF LOS GATOS
PLANAPEL \$144.00 Residential PLANAPEL \$575.00 Commercial

TREAPEAL \$ 58.00 Tree Appeals

N:\DEV\FORMS\CDD-DRC Appeal.frm

EXHIBIT F

OCT 1 9 2007

impacting the skyline, this new house will also compromise our privacy, as it will be overlooking (direct line of sight) into our backyards and homes.



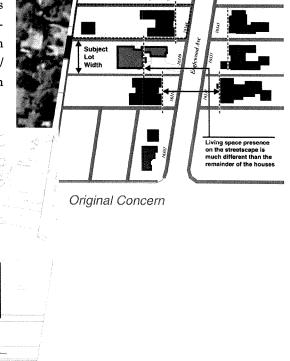
September 18, 2007

Ms. Bridgitte Carroll Community Development Department Town of Los Gatos 110 East Main Street Los Gatos, CA 95031

RE: 16330 Englewood Avenue

#### Dear Bridgitte:

I reviewed the revised site plan and elevation drawings. I believe that moving the garage to the rear of the property, similar to the adjacent home to the south, is a significant improvement. It satisfies the primary concern that I raised in my original review in July, as shown on the diagram below. The garage no longer dominates the design, and the house front is closer to the street, similar to other houses on Englewood Avenue. The house will now have a pedestrian sidewalk to the entry rather than a shared pedestrian/ auto driveway access, and the amount of paving within the front setback will be less.



Original and Revised Site Plan Comparison

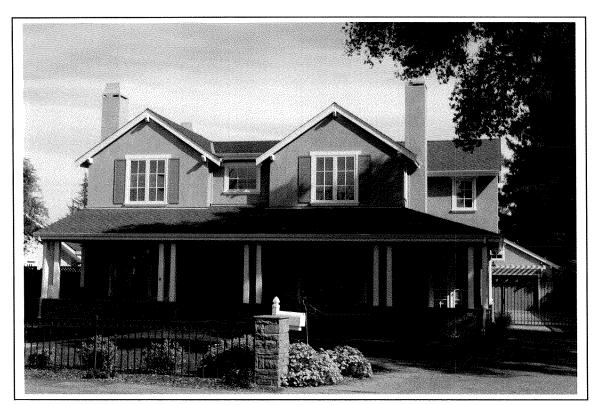
Garage

EXHIBIT G

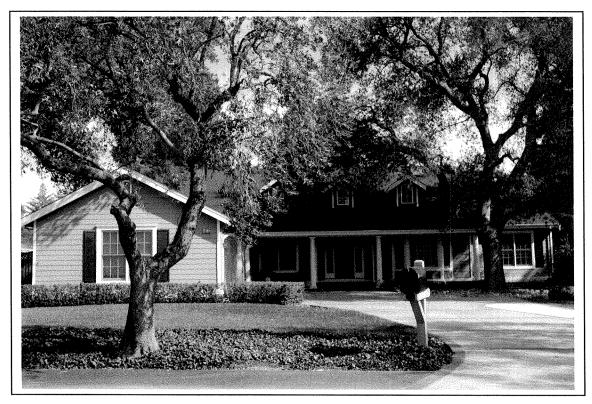
ORIGINAL SITE PLAN

REVISED SITE PLAN

16330 ENGLEWOOD AVENUE - PROJECT DATA					
	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED		
Zoning district	R-1:20	same	-		
Land use	single family residence	same	-		
Lot size:					
Square feet/acres	20,974 sq. ft.	same	20,000 sq. ft. min.		
Exterior materials:			i da artikulari ili belik ili parajah di kabalan da kabalan kabalan da kabalan da kabalan da kabalan da kabal Galam ili belik belik belik da kabalan da ka Mangrapan da kabalan d		
• siding	main house-plaster garage & guest house-wood siding	manufactured horizontal & shingle siding	-		
• trim	wood	wood	-		
• windows	aluminum	wood	-		
• roofing	asphalt composition shingle	asphalt composition shingle	-		
Building floor area:					
first floor	main house 1,599 s.f. guest house 474 s.f.	2,630 sq. ft	-		
second floor	-	2,022 sq. ft.	-		
• garage	678 sq. ft.	898 sq. ft.	-		
• cellar	-	-	-		
Setbacks (ft.):					
• front	36'-4''	35'-0''	35 feet minimum		
• rear	83'-2" to garage	106'-5"	25 feet minimum		
• side	main house 9'-9" guest house 13'-3"	main house 15'-0" detached garage 5'-0'	15 feet min. for house 5 feet min. det. garage		
Maximum height (ft.)	14'	29'-3''	30 feet maximum		
Floor Area Ratio (%)					
• house	2,073 sq. ft. (house & guest house)	4,652 sq. ft.	4,677 sq. ft. maximum		
• garage	678 sq. ft.	898 sq. ft.	1,114 sq. ft. maximum		
Parking	two	three	two spaces minimum		
Sewer or Septic	sewer	same	_		



16538 Englewood



16372 Englewood

# RECEIVED

FEB 2 2 2008

TOWN OF LOS GATOS PLANNING DIVISION

C. Patrick Munnerlyn 228 Bella Vista Ave. Los Gatos, CA 95030 February 22, 2008 Re: Appeal of 16330 Englewood Ave.

To the members of the Los Gatos Town Council,

In response to the appeal of my new home project at 16330 Englewood Ave., the Planning Commission should be commended with how they handled their decision at the January 9<sup>th</sup> meeting, not challenged because of it. The Appellants' claim states that the Commission was in error with its decision, but in fact the majority of the commissioners followed the direction given to them by Town Council Resolution 2002-25 (see attached) when they reached their decision to deny the initial appeal of my new house. The commissioners reviewed the project anew in a de novo hearing, listened to public testimony concerning a privacy matter and approved a set of conditions of approval that was developed collectively by all the affected parties and which was even referred to as the "optimal solution" by one of the Appellants.

Unfortunately, two members of the commission, Chairwoman Talesfore and Vice Chairman Kane, chose to disregard the professional expertise of the Town's Consulting Architect and rather focused their attention upon design details of the project and perceived shortcomings in the Town's review process, respectively. Per Resolution 2002-25 these matters should not have been dealt with at the meeting but rather remanded back to staff to be addressed in future revisions of the design standards. Unfortunately, the Appellants have chosen to utilize the comments from these two commissioners as a new basis for their continued opposition of my new house.

Throughout this entire approval process I have done everything that has been asked of me to ensure that my project falls within the Town's Residential Development Guidelines and that it meets the neighborhood compatibility requirements. Also, I have not requested any variances, exceptions, or special considerations from the Town for my new home. I have accepted the following design changes to my project as requested by both the Town Planning Staff and my neighbors:

- 1. Relocated the garage from the front of the house to the backyard as requested by the Town's Consulting Architect (Larry Cannon).
- 2. Added additional detailing on the front porch columns as requested by the Town's Consulting Architect (Larry Canon).
- 3. Relocated the house on the site per request at the first DRC meeting from my neighbor located across the street (Joe Wall).
- 4. Moved the house back to its original location per request at the second DRC meeting from my adjacent neighbors (Steve Cassica and Kelley Coffey).

- 5. Modified the design of the roof from a gable design to a hipped design per request at the second DRC meeting from all neighbors in attendance (Steve Cassica, Kelly Coffey, and Joe Wall).
- 6. Accepted the conditions of approval voted on by the Planning Commission to address privacy and screening concerns of neighbors located on Shannon Road (Ned Finkle and Gil Perez) while maintaining views for my adjacent neighbor (Lisa Cassica).

As you can see from this list of changes that I have accepted, I have been more than willing to make compromises to the design of my new home to address neighborhood and Town concerns throughout the entire review process.

The Appellants have selected subjective criteria from the Development Guidelines that have been taken out of context to include in their written appeal to try and show that my new house does not conform. They have also included elements of the guidelines that do not apply to my new house to help bolster their complaint, in particular the sections about proposed additions and modification to a site's natural topography. Some of the information included in the appeal is outright incorrect. There is a claim that my house is 25 sq. feet shy of the maximum allowable on the site when in fact it is more than 240 sq. feet shy of the allowable maximum. The Appellants also claim that there is widespread objection to my project, and yet after four public hearings only Mr. Perez and Mr. Finkle have spoken in opposition. Mr. Coffey did attend the second DRC meeting where I made substantial modifications to the design of the house to accommodate his concerns. It was my belief that Mr. Coffey was satisfied with the revised design by his acceptance of the decision by the DRC and the lack of his presence at the following two Planning Commission Meetings. Mrs. Bonnet has been absent at all four of the previous public hearings and to my knowledge has never contacted Planning Staff to find out more about the project or to voice her concern about the design.

In the written appeal, there is a request for the Town Council members to refer to comments made by Chairwoman Talesfore and Vice Chairman Kane during the two Planning Commission meetings concerning my new house. I also respectfully request that the Council members refer to the following quotes by the other five members of the Planning Commission. It should be noted that all five of these commissioners voted at one time or another during the two Planning Commission meetings to deny the Appellant's initial appeal of my project.

Commissioner O'Donnell: "I don't think we're at a point now where this appeal ought

to be getting into the redesign of the house, and so I

personally would not go there."

Commissioner Sayoc: "But at the last meeting I felt that it was a landscaping

issue. I listened to the testimony and at the time the appellant was asking for more time and that if given more time a resolution could have been resolved, and I took that at face value and I felt that it was in my mind a better call

to have the parties involved to make that mutually agreeable decision rather than the six of us that were here last time."

Commissioner Rice:

"I'm not in favor of asking the applicant to redesign it. I do not believe from what I have seen that it is out of character with the neighborhood. My perception. I'm with Commissioner Sayoc that I think the reason we're still discussing this is because of a landscape issue."

Commissioner Micciche:

"And since I tend to put a lot more faith in him (Town's Consulting Architect) than I do in us non-architects, I have to agree with my two colleagues here that we ought to be looking at this landscape issue and not address the house anymore."

Commissioner Bourgeos:

"But at the same time I think that the applicant has done everything that's been asked of them. We have evidence that our consulting architect thinks it's okay.".................."So to me it comes down to this landscaping issue, and I think Commissioner Sayoc put it very well. I think she stated the position very well and I would support the motion for upholding the DRC's decision and denying the appeal."

At the second Planning Commission meeting, one of the Appellants, Mr. Perez, stated that a judgment call needed to be made on the subjective elements of the Development Guidelines. Commissioner Sayoc reiterated Mr. Perez's comment by saying, "...it's become very apparent as you watched us at our meeting last month that there's still some ambiguity with the process and there's a lot of judgment call, which is why we're up here". So, who is the most qualified to make the judgment call that a project does or does not meet the Town's Development Guidelines?

Is it the Town's Consulting Architect who is a professional in the field, who has reviewed every residential application since 2002, who is currently working with Staff to develop a revised set of guidelines, and who had the ability to compare my project to others that have previously been approved on Englewood Avenue?

Is it the six members of the Development Review Committee that consisted of representatives of the Town's Planning, Fire, Building, and Engineering Departments who regularly meet to approve or deny residential development applications?

Is it the members of the Planning Commission who were appointed by the Town Council and are charged with upholding the Town's land use regulations?

Or is it a few people in the neighborhood who have a limited understanding of the planning review process and an emotional investment tied to the outcome of the decision?

By upholding this appeal and ruling that the Planning Commission was in error when they made their decision at the January 9<sup>th</sup> meeting, the Town Council will also have to acknowledge that both the Development Review Committee and the Town's Architectural Consultant made the same error when they both came to the same conclusion. The Town of Los Gatos employs a very competent and thorough Planning Department that is capable of reviewing projects to insure that they meet the Development Guidelines. Please do not take the Town's planning decisions out of their capable and unbiased hands and allow the decisions of the Town to be over ruled by a few people in the neighborhood that are emotionally tied to the outcome.

Based on the fact that I have already made considerable modifications to the design of my house and that it has already been found to comply with the Town's Residential Development Guidelines after three levels of review within the Town's Planning Department, I respectfully request that the Town Council deny the appeal of my new house and uphold the decision that the Planning Commission rendered at its January 9<sup>th</sup> meeting.

福州 新作品 经营工证券

Sincerely

C. Patrick Munnerlyn

Attachment: Town Council Resolution 2002-25

#### **RESOLUTION 2002-25**

# RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS GOVERNING THE DESIGN REVIEW PROCESS AND CLARIFYING THE ROLES AND RESPONSIBILITIES OF THE TOWN PLANNING COMMISSION AND ARCHITECTURAL CONSULTANT

WHEREAS, the Town of Los Gatos Town Council has determined that there is a need to modify the Town's design review process; and

WHEREAS, a goal of the Town is to streamline the planning process; and

WHEREAS, the use of an architectural consultant will improve customer service while evolving projects to achieve architectural excellence; and

WHEREAS, Cannon Design Group (herein referred to as the "architectural consultant") has been hired to review the architecture for development proposals;

WHEREAS, the architectural consultant is highly qualified to review and critique architecture and will work with applicants to design projects that are compatible with their site and surroundings; and

**RESOLVED**, by the Town Council that the following policies shall govern the architectural review process:

- A. The architectural consultant will review plans and provide guidance to applicants to ensure plans are in compliance with applicable design standards and guidelines, specific plans and the General Plan. Reports on projects that are reviewed by the Planning Commission will include the recommendations of the architectural consultant and plans that have been revised to incorporate those recommendations.
- B. The Planning Commission must make one of the following findings to modify the consulting architect's recommendations:

- That the recommendations of the consulting architect were made based on erroneous information provided by the applicant.
- That the consulting architect made a mistake of fact.
- That there is compelling evidence, received through public testimony that
   there is a privacy or other neighborhood impact to warrant plan modification.
- C. The Planning Commission should give courteous regard and respect to the professional expertise of the consulting architect. Rather than focus on the design detail of proposed projects, the Planning Commission should look for trends in the design of proposed projects that reflect the need for changes to the design standards.

  When changes to design standards are needed, the Planning Commission should request that staff initiate changes as appropriate and return to the Planning Commission with revised design standards that address the areas of concern.
- D. Whenever possible, the Planning Commission should develop conditions of approval to address issues that surface during a public hearing rather than continuing an application and requiring an applicant to return with revised plans.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 4th day

of March, 2002, by the following vote:

#### COUNCIL MEMBERS:

AYES:

Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski,

Mayor Randy Attaway.

NAYS:

None

ABSENT:

None

ABSTAIN:

None

SIGNED:

MAYOR OF THE TOWN OF LOS GA

LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS CATOS

LOS GATOS, CALIFORNIA

From:

"Heather Johnstone" < hjohnstone@apr.com>

To:

<sdavis@losgatosca.gov>

Date:

02/26/2008 3:09 PM

Subject:

Englewood

Hi Suzanne,

I am one of the homeowners at 16335 West La Chiquita, Los Gatos.

Today I met with the owner of the proposed structure located on Englewood behind my house. He dropped by because I had ealier signed a petition circulated by another neighbor objecting to the square footage of the new proposed structure. At the time I signed the petition the petitioner told me that the new home was not within the current Los Gatos planning guidelines for square footage and he urged me to sign the petition against the Englewood homeowner going outside these guidelines.

Now I have spoken with the actual owner of the Englewood property and he tells me that his proposed structure is within current guidelines.

Please delete my name/property off of the petition that I signed initially. It sounds like I may have been under false pretenses.

Also, I have two small children and a dog that runs out the door each time someone comes by and has me open the door. So, I urge the city of LG to discontinue the process of asking perspective new homeowners to have to go door to door for neighbor approval. I think its dangerous and disruptive.

Thank you,

Heather Johnstone

Heather Johnstone Alain Pinel Realtors hjohntone@apr.com (408) 348-1362 cell (408 357-7950 direct Date: 3/03/08

16330 Englewood Avenue

# <u>ATTACHEMENT 11</u> Development and Landscape Screening Plans

# ARE AVAILBLE FOR REVIEW IN THE CLERK DEPARMENT



September 18, 2007

Ms. Bridgitte Carroll Community Development Department Town of Los Gatos 110 East Main Street Los Gatos, CA 95031

RE: 16330 Englewood Avenue

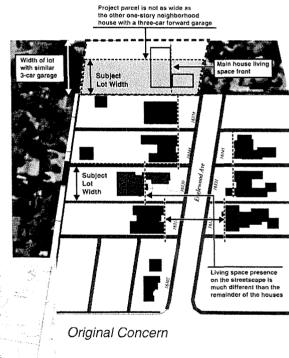
#### Dear Bridgitte:

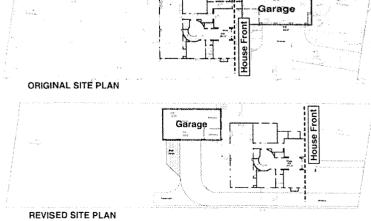
I reviewed the revised site plan and elevation drawings. I believe that moving the garage to the rear of the property, similar to the adjacent home to the south, is a significant improvement. It satisfies the primary concern that I raised in my original review in July, as shown on the diagram below. The garage no longer dominates the design, and the house front is closer to the street, similar to other houses on Englewood Avenue. The house will now have a pedestrian sidewalk to the entry rather than a shared pedestrian/ auto driveway access, and the amount of paving within the front setback will be less.

## RECEIVED

SEP 2 0 2007

TOWN OF LOS GATOS PLANNING DIVISION

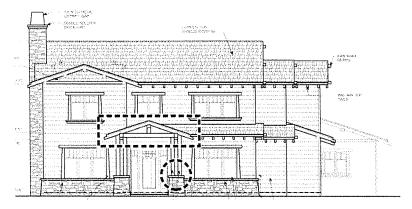


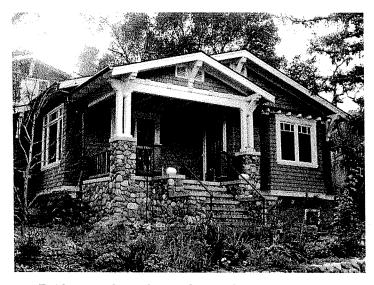


Original and Revised Site Plan Comparison

EXHIBIT G

The only remaining concern is the entry porch which I addressed in the initial review, but has not changed. The applicant has expressed a concern to retain the use of the double 8 x 8 columns. That is fine and within the framework of the traditional architectural style, but the overall proportions and detailing seems a bit too delicate for the style. My recommendation is to ask the applicant to look at some historical examples and improve the detailing. Specifically, the columns resting on the stone bases would benefit from a wood base element between the stone and the wood columns, and the detailing of the beam and wall under the entry gable could use some refinement. The photo below shows one other example of this style of entry porch in Los Gatos.





Bridgette, please let me know if you have any questions.

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon AICP

President

# A TREE INVENTORY AND REVIEW OF THE PROPOSED NEW RESIDENCE AT 16330 ENGLEWOOD AVENUE LOS GATOS, CALIFORNIA

# PROPERTY OWNER/APPLICANT: C. Patrick Munnerlyn ARCHITECTURE AND SITE APPLICATION S-07-182 APN 532-05-025

#### Submitted to:

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

#### Prepared by:

David L. Babby, RCA ASCA Registered Consulting Arborist #399 ISA Certified Arborist #WE-4001A

September 21, 2007

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

## TABLE OF CONTENTS

<u>SECTION</u>	<u>TITLE</u> <u>PAGE</u>
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3.0	SUITABILITY FOR PRESERVATION3
4.0	REVIEW OF POTENTIAL IMPACTS3
5.0	RECOMMENDATIONS 4
5.1	Design Guidelines4
5.2	Protection Measures Before and During Construction5

## **EXHIBITS**

EXHIBIT	TITLE						
A	TREE INVENTORY TABLE						
В	SITE MAP						

#### 1.0 INTRODUCTION

I have been retained by the Town of Los Gatos Community Development Department to review the tree-related impacts associated with the demolition of existing structure, and construction of a new residence at 16330 Englewood Avenue, Los Gatos. Tasks performed for this review are as follows:

- Identify "protected trees" located either on the subject site, within the public right-of-way, or overhanging the site from neighboring properties.
- Measure their trunk diameters at approximately 54 inches above grade or as appropriate to obtain the most representative sample of trunk size.
- Estimate canopy spread and ascertain the trees' health and structural integrity.
- Determine the trees' suitability for preservation (e.g. high, moderate or low).
- Review the following documents and evaluate the tree-related impacts: [1] Sheets A1, A4 and A5, dated 7/11/07, by Gregg Kawahara, Architect, and [2] Sheets C1 and L1, dated 7/11/07, by C. Patrick Munnerlyn.
- Assign numbers to each tree and plot these numbers on the map presented in Exhibit B (a copy of Sheet L1, Tree Plan).
- For trees being retained, show their approximate canopy sizes on the map in Exhibit B.
- Prepare a written report containing the aforementioned information, and provide measures to help avoid or mitigate anticipated impacts to trees that will be retained and removed.

<sup>&</sup>lt;sup>1</sup> Pursuant to Section 29.10.0960 of the Town's Municipal Code, a "protected tree" has a trunk diameter of four inches and greater measured at three feet above grade. Fruit- or nut-bearing trees with trunks less than 18 inches in diameter are exempt (Section 29.10.0970).

#### 2.0 TREE COUNT AND COMPOSITION

**Sixteen trees** of six various species were inventoried for this report. They are sequentially numbered 1 thru 9, and their names, numbers, amounts and percentages are presented in the table below. Specific data recorded for each tree can be viewed in Exhibit A (*Tree Inventory Table*).

NAME	TREE NUMBER(S)	COUNT	PERCENT OF TOTAL		
Hollywood Juniper	1, 2, 9	3	19%		
Glossy Privet	3, 7	9	56%		
White Birch	4	1	6%		
Almond	5	1	6%		
Monterey Pine	6	1	6%		
Mugo Pine	8	1	6%		

Total 16 100%

Tree #7 is assigned to a contiguous row of approximately eight (8) privets situated along the rear, northern property boundary. All are of similar size and condition.

Tree #6, a large 34-inch diameter Monterey pine, is situated on the eastern neighboring property at the northeast property corner and overhangs the subject site. As such, I have included it for my inventory. Note that its approximate location has been plotted by me on the map in Exhibit B, but should not be construed as being surveyed or necessarily accurate.

There are numerous additional trees shown on the plan; however, due to being fruit- or nut-bearing trees with trunk diameters less than 18 inches, I did not inventory them for this report.

#### 3.0 SUITABILITY FOR TREE PRESERVATION

Each tree has been assigned either a "high," "moderate" or "low" suitability for preservation rating as a means to cumulatively measure their physiological health, structural integrity, anticipated life span, location, size and specie type. These ratings and applicable tree numbers are presented below.

<u>High</u>: Applies to trees #6, 7 (eight trees) and 9. These trees appear in overall good health, seem structurally stable, and have a seemingly high potential of providing long-term contribution to the site.

<u>Moderate</u>: Applies to trees #1, 4 and 8. These trees require frequent care throughout their remaining life span and provide less significance than those assigned a high suitability.

<u>Low</u>: Applies to **trees #2, 3 and 5**. These trees are predisposed to irreparable health and/or structural problems expected to worsen regardless of measures employed.

#### 4.0 REVIEW OF POTENTIAL IMPACTS

The proposed design specifies the **removal** of four trees inventoried for this report; they include #4, 5, 8 and 9. Trees #4 (small birch) and 5 (dying almond) require removal accommodate construction of the future garage and driveway. Trees #8 (small pine) and 9 (large juniper) are indicated for removal due to their close proximity to the proposed home. Given their species or condition, their loss of these four trees would seemingly conform to Section 29.10.0990 of the Town's Municipal Code.

All other trees are anticipated for retention. Provided the recommendations presented in Section 5.0 of this report can be carefully followed and incorporated into the project plans, it is my opinion these trees can be adequately protected during demolition and construction.

#### 5.0 RECOMMENDATIONS

Recommendations presented within this section are based on plans reviewed and serve as guidelines to mitigate impacts to inventoried trees being retained or removed. Please note that they are subject to revision upon reviewing any additional or revised plans.

#### 5.1 Design Guidelines

- 1. For conformance with Section 29.10.0995 of the Ordinance, tree #6 must be disclosed and identified on the plans. Additionally, the plans should depict the canopy dimensions presented on the map in Exhibit B.
- 2. The tree numbers, names, sizes and conditions presented on Sheet L1 must be revised to reflect information presented in this report.
- 3. The underground utilities should not require trenching beneath the canopies of retained trees.
- 4. The permanent and temporary drainage design, including downspouts, should not require water being discharged at or near the trees' trunks.
- 5. Per Section 29.10.1000(C.1) of the Ordinance, a copy of this report must be incorporated into the final set of project plans, titled Sheet(s) T-1, T-2, etc. (Tree Protection Instructions), and referenced on Sheets A1, C1 and L1.
- 6. Section 29.10.095 of the Ordinance should be used as the framework for mitigating the removal of Ordinance-size trees. For replacement trees, their amount, species and size shall be determined by the Parks and Public Works Department, and planted prior to final inspection. They must be double-staked with rubber tree ties, and all forms of irrigation shall be of an automatic drip or soaker hose system placed on the soil surface and not in a sleeve. Additionally, to achieve the greatest assurance of proper installation, all new trees shall be installed, including necessary irrigation, by an experienced state-licensed landscape contractor (or a professional tree company).

- 7. The proposed landscape design should conform to the following guidelines:
  - a. Installation of plant material beneath a tree's canopy should be limited and planted at least three feet from the trunks of existing trees. Irrigation should not strike within two feet from the trunks.
  - b. In the event trenches for irrigation and/or lighting are required beneath a canopy, they shall be installed in a radial direction to the trees' trunks. If irrigation trenches cannot be routed as such, the work may need to be performed using a pneumatic air device, such as an Air-Spade®, to avoid unnecessary root damage.
  - c. Stones, mulch and fencing should not be placed against the trees' trunks. Plastic ground cover and tilling should also be avoided beneath canopies.

#### 5.2 Protection Measures before and during Development

- 8. Tree protective fencing shall be installed to restrict access to unpaved areas beneath tree #6's canopy. Given the tree's distance from the future home, I find that orange-plastic fencing will be adequate, and shall be established where shown on the map in Exhibit B. It must remain in place throughout construction, and installed prior to any demolition, surface scraping or heavy equipment arriving on site.
- 9. Unless otherwise approved, all development activities must be conducted beyond the unpaved areas beneath canopies of retained trees. These activities include, but are not limited to, the following: demolition, grading, stripping of topsoil, trenching, equipment cleaning, stockpiling/dumping of materials, and equipment/vehicle operation and parking.
- 10. Great care must be taken by equipment operators to avoid damaging the canopies of retained trees during demolition and construction.
- 11. All existing, unused lines or pipes beneath the canopies of retained trees should be abandoned and cut off just below existing soil grade.

- 12. Any approved trenching beneath the trees' canopies must be manually performed using hand tools and wheelbarrows. In the event roots of two inches and greater are encountered during the process, the root shall remain intact, not be damaged, and, if necessary, tunneled beneath.
- 13. If a new site fence is to be installed, the post-holes should be situated as far from the trunks or retained trees as possible. Where beneath the canopies, the post-holes should be dug using a post-hole digger for the first 2.5 to 3 feet below grade. In the event a root greater than two inches in diameter is encountered during this process, the hole should be resituated to either side. If no root is found, the remaining hole can be mechanically drilled using a manually-operated auger.
- 14. Each recommendation presented within Section 5.1 of this report and applicable to the actual development of the site shall be followed.
- 15. The pruning of trees shall be performed prior to construction, in accordance with ANSI A300-2001 standards, and by a California state-licensed tree service company that has an ISA (International Society of Arboriculture) Certified Arborist in a supervisory role.
- 16. The disposal of harmful products (such as chemicals, oil and gasoline) is prohibited beneath canopies or anywhere on site that allows drainage beneath canopies. Herbicides should not be used beneath the trees' canopies; where used on site, they should be labeled for safe use near trees.

Prepared By:

David L. Babby, RCA

Date: September 21, 2007



# **EXHIBIT A:**

### TREE INVENTORY TABLE

## TREE INVENTORY TABLE

TŘEÉ	TREE NAME	Trunk Diameter (in.) - per Guide for Plant Appraisal	Estimated Canopy Spread (ft.)	Health Condition (100%=Best, 0%=Worst)	Structural Integrity (100%=Best, 0%=Worst)	Overall Condition (Good/Fair/Poor/Dead)	Suitability for Preservation (High/Moderate/Low)	Proopsed for Removal	Intensity of Impacts. (1=Highest, 5=Lowest)	Not Shown on Plans	Located on Adjacent Property
1	Hollywood Juniper (Juniperus c . 'Torulosa')	7, 4	15	100%	50%	Good	Moderate		3	, , , , , , , , , , , , , , , , , , ,	
1	Comments:				3076	0000	Wioderate				<u> </u>
			,					·····	·		
2	Hollywood Juniper ( <i>Juniperus c</i> . 'Torulosa')	12.5	20	50%	25%	Poor	Low	_	3		
L	Comments:	L	<del></del>	·	l		LOW		]		L
									,		
3	Glossy Privet (Ligustrum lucidum)	7.5	15	25%	50%	Poor	Low		3		
	(Ligustrum tuctaum)  Comments:	<b></b>		2370	30%	FUUI	Low		1 3		1
	Comments.	1100 13 43	<u>.</u>								
	European White Birch		00	7.50/	750/	G 1		37			
4	(Betula pendula)  Comments:	7	20	75%	75%	Good	Moderate	X			
	Comments.										
	Almond						_				
5	(Prunus dulcis)	20	1 1 1	25%	0%	Poor	Low	X		L	<u> </u>
	Comments	r ree is ne	early dead.								
	Monterey Pine										
6	(Pinus radiata)	~34	50	50%	100%	Fair	High	-	4	X	X
	Comments	: Shows si	gns of dieb	ack.							
	8 Glossy Privets										
7	(Ligustrum lucidum )	4	10	75%	25%	Fair	High		4		
	Comments	amongst	smaller pri	vets and fo	orm a 15- to	20-foot tal	ze in a row alc l, solid row that nost side of rov	it should b	e retained	and incorp	
_	Mugo Pine										
8	(Pinus mugo)	8, 3.5	20	50%	75%	Fair	Moderate	X		<u> </u>	<u> </u>
	Comments	:									
	Hollywood Juniper	18.5, 9,									
9	(Juniperus c . 'Torulosa')	14, 9	30	100%	75%	Good	High	X	-		

Comments: Base of tree is six inches from existing foundation. Highly asymmetrical canopy.

**EXHIBIT B:** 

SITE MAP

