



MEETING DATE: 6/2/08

ITEM NO:

19

COUNCIL AGENDA REPORT

DATE: May 28, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION DENYING A REQUEST TO DEMOLISH A SINGLE FAMILY RESIDENCE BUILT PRIOR TO 1941 AND A 3,250 SQUARE-FOOT OFFICE BUILDING, MERGE TWO EXISTING PARCELS AND CONSTRUCT A NEW 15,510 SQUARE-FOOT OFFICE BUILDING ON PROPERTY ZONED O. NO SIGNIFICANT ENVIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THIS PROJECT, AND A MITIGATED NEGATIVE DECLARATION HAS BEEN MADE. ARCHITECTURE AND SITE APPLICATIONS S-07-34, SUBDIVISION APPLICATION M-07-13 APN 424-27-011 AND 051 PROPERTY LOCATION: **15720 AND 15736 WINCHESTER BOULEVARD** PROPERTY OWNER: MARTIN DERMER APPLICANT: JOHN LIEN APPELLANT: MARTIN DERMER

RECOMMENDATION:

1. Open and hold the public hearing and receive public testimony.
2. Close the public hearing.
3. The Council may take any of the following actions on Architecture and Site Application S-07-34 and Subdivision Application M-07-13 (**motion required**):
 - a. Uphold the Planning Commission's decision to deny the A&S and Subdivision applications.
 - b. Grant the appeal and approve the A&S and Subdivision applications, subject to the required findings and conditions (Attachments 4 and 5) and including any additional conditions.
 - c. Grant the appeal and remand the A&S application to the Planning Commission with direction regarding redesign.
4. Refer to the Town Attorney for the preparation of the appropriate resolution if approved or denied (**no motion required**).

PREPARED BY:

Bud N. Lortz

Director of Community Development

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Reviewed by: AS Assistant Town Manager W Town Attorney _____ Clerk Administrator
____ Finance V Community Development

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

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.
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. If the appeal is approved, use the findings and consideration of the Architecture and Site application (Attachment 4), and modify the recommended conditions (Attachment 5) as appropriate.
4. Refer to the Town Attorney for preparation of the appropriate resolution(s).

BACKGROUND

Policy L.I.4.7 of the General Plan states that the Town should consider amending the General Plan's Land Use Element and the Zoning designation to preserve the existing residential uses along Winchester Blvd, between Shelburne Way and Pleasant View. This area was carefully studied during the General Plan Update and the Council concluded that the parcels from the project site to Shelburne Way, as shown on the Land Use Map, should be developed with office uses while retaining the residential designation for the five properties between Pleasant View Avenue and the project site. The General Plan Land Use Map reflects this land use pattern; however, the zoning designation for these five properties remains office and staff will recommend rezoning these properties to residential as part of the General Plan Update. One of the five homes is currently used as an office.

DISCUSSION:

Site and Architecture Review

The project site consists of two parcels located at 15720 and 15736 Winchester Blvd. The property at 15720 Winchester Blvd. is developed with a 3,250 square foot office building and 15736 Winchester Blvd is developed with a 1,066 square foot home, a 575 square foot garage and 630 square foot shed. The project site is located between a two-story office building and a single-story single-family home.

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The applicant is proposing to demolish the existing structures on both properties and construct a new 15,510 square foot office building. The proposed office will range from two to three stories and range in height from approximately 30 feet along Winchester Boulevard to 35 feet along the side and rear of the building. The building style is Mediterranean, with plaster walls that will be painted white with a tile roof. Parking is provided in the back portion of the site with 32 spaces located within the proposed parking garage and 34 spaces in the surface parking lot.

Arbor Resources completed an arboricultural survey for the proposed project. Based on the Site Demolition Plan, all 31 trees located on the subject site would be removed. The arborist's assessment indicates that the loss of all but three oak trees would conform to Section 29.10.0990 (Standards of Review) of the Town's Municipal Code. Three Coast Live Oaks that appear in good condition should be retained or relocated. The arborist also recommends new trees be installed to mitigate those being removed and that landscape screening be reestablished along the northern boundary.

The project includes demolition of a pre-1941 home. The Historic Preservation Committee considered the request to demolish the home at their meeting of June 20, 2007. The Committee voted unanimously to recommend approval of the request to demolish the home to the Planning Commission (Exhibit 11).

The Conceptual Development Advisory Committee (CDAC) reviewed the project at their meeting of January 20, 2007. The staff report and minutes of the meeting are attached (Exhibit 10). Committee members felt the three-story appearance of the proposed building was too large and out of context with the area and that the design should have more of a residential feel to respect the residential character of the area. It was also suggested that the applicant consider breaking the project into smaller components. Some members felt the project should be designed with multiple, smaller structures.

Architecturally, staff finds the building to be well designed, but is concerned about the scale and mass of the building in relation to the surrounding neighborhood. The proposed 15,510 square foot building will be significantly larger than existing buildings along this portion of Winchester Boulevard and will be taller than surrounding buildings. The next largest building along the east side of Winchester Boulevard between Shelburne Way and Pleasant View Avenue is approximately 6,000 square feet. From street level, on Winchester Boulevard, the proposed building would appear as a 30-foot high, two-story building. The rear of the building is three stories and 35 feet high. Due to the change in grade from Winchester Boulevard, the lower parking garage level, which is accessed from the east side of the building, would not be visible from Winchester Boulevard. There is a two-story office building immediately south of the site (approximately 24 feet high) and a one-story residence to the north (approximately 19 feet high).

The Town's Consulting Architect, Cannon Design Group (CDG), reviewed and commented on the plans for this project. Staff previously identified a concern with the scale and mass of the project so CDG was asked to focus on the building design. CDG did not have any concerns regarding building design. If concerns are raised regarding building visibility, CDG recommends

the addition of evergreen landscape trees to screen key views from the south, west, and north. The applicant has added evergreen screening as recommended by CDG.

The applicant chose not to provide story poles prior to the Planning Commission hearing. The applicant requested that the Community Development Director waive the requirement for story poles. The reason for the request is the existing office building is occupied and the applicant felt erecting story poles would be difficult and potentially dangerous to the occupants and visitors at the site. The applicant brought a model to the meeting in lieu of the story poles.

The Community Development Director did not waive the requirement for story poles. The request was forwarded to the Planning Commission. The applicant produced a model rather than story poles. The Commission felt story poles were needed, but because the applicant indicated they were unwilling to make any changes to the project, the Commission denied the requested applications. The applicant has indicated that story poles will be provided prior to the Council meeting.

Traffic

A detailed traffic impact study was completed by TJKM Transportation Consultants, the Town's traffic consultant. When project volumes are adjusted for existing on-site traffic, the proposed project will generate 125 net new average daily trips with 18 net new AM peak hour trips and 17 net new PM peak hour trips. TJKM evaluated the project's impact at the Winchester Boulevard/Daves Avenue intersection. The intersection will operate at LOS B during the AM and PM peak periods under all future scenarios, the project will have a less-than-significant impact on this intersection's operation.

Planning Commission

The Planning Commission reviewed the proposal at its meeting of March 26, 2008. Several residents of the area spoke in opposition to the applicant's proposal. Their concerns related primarily to the size of the structure being out of scale with the area. They also expressed concern that story poles had not been provided.

The Commission also felt the project was too large for the area and was concerned that story poles were not provided. The Commission asked if the applicant was amenable to revising the project to make it smaller. When the applicant stated they would not revise the project, the Commission voted 6-0 to deny the architect and site application and lot merger. Verbatim minutes of the meeting are attached (Exhibit 2).

The Commission also felt the applicant's offer for Community Benefit was not sufficient. The applicant cited their existing assistance to developmentally disabled individuals as Community Benefit.

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Community Meeting

The applicant held a community meeting on May 17, 2008. The project architect indicated to staff that eight or nine residents attended the meeting. The residents reiterated their concern that the building is too large and out of context with the area. The primary concern was the Winchester Boulevard frontage. Some residents suggested that modifying the entry element along Winchester Boulevard would make the project more compatible with the neighborhood.

CONCLUSION:

The Planning Commission determined that design modifications would be necessary to address the concerns regarding the compatibility of the project with the neighborhood. Aside from technical changes to the project and a modest reduction in the square footage of the building, the applicant has chosen not to modify the design of the project. Because the applicant was unwilling to modify the design, the Planning Commission denied the Architecture and Site and subdivision applications.

ENVIRONMENTAL REVIEW

It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared for this proposal.

FISCAL IMPACT: None.

Attachments:

1. Location Map (1 page).
2. Minutes from the March 26, 2008 Planning Commission meeting (27 pages).
3. Staff Report for the March 26, 2008 Planning Commission meeting (without attachments) (9 pages).
4. Findings and Considerations (4 pages).
5. Recommended Conditions of Approval for the Architecture and Site Application (13 pages).
6. Correspondence (5 pages).
7. Initial Study and Negative Declaration (30 pages).
8. Applicant's Letter of Justification (2 page).
9. Letter from Town's Consulting Architect, Cannon Design Group (3 pages) received May 3, 2007.
10. CDAC minutes and staff report for the meeting of January 10, 2007 (5 pages).
11. Excerpt from the Historic Preservation Committee Meeting of June 20, 2007 (1 page).
12. Development Plans (12 sheets), received January 14, 2008.

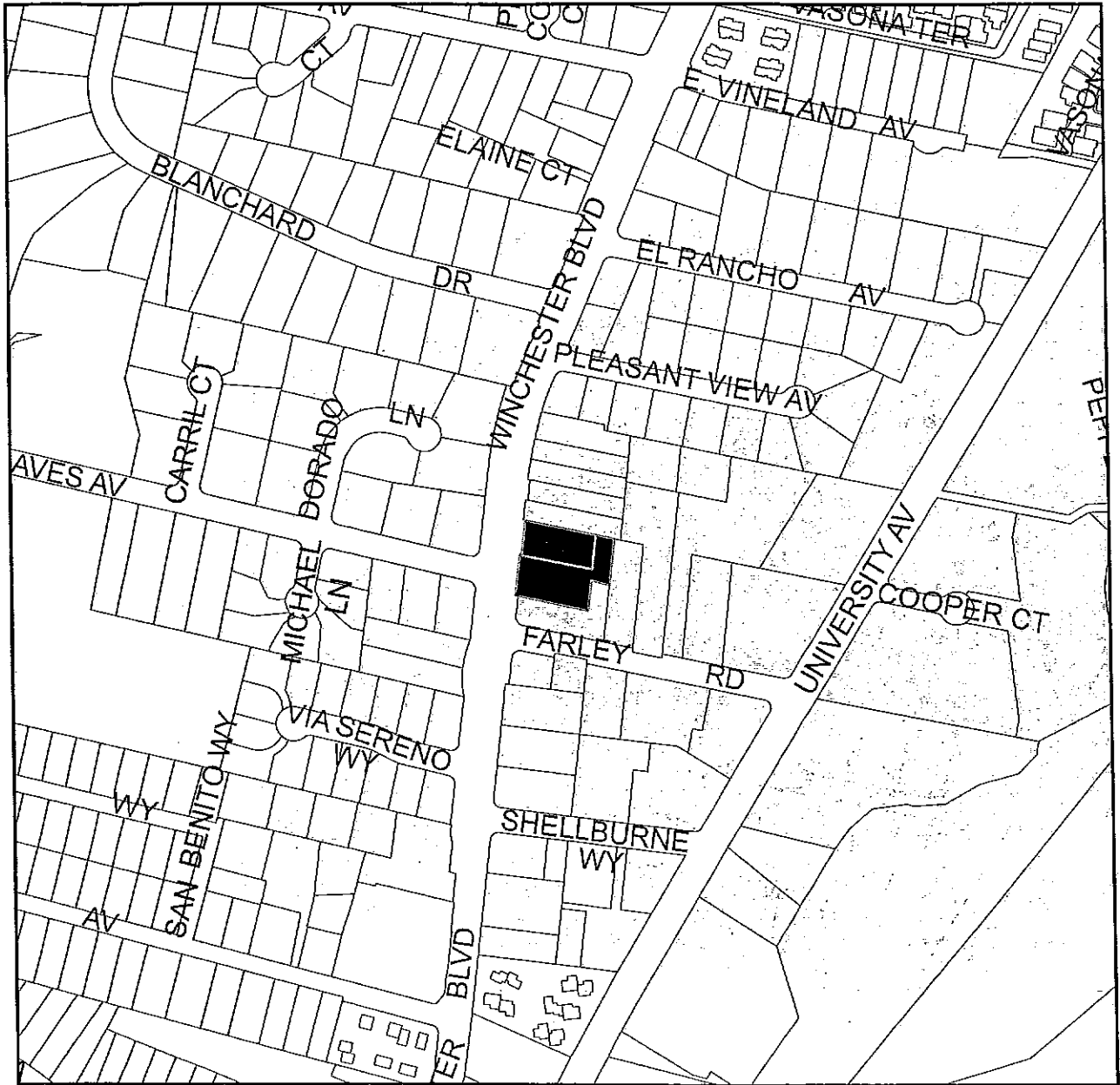
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cc: John Lien, 196 College Avenue, Los Gatos, CA 95030

Martin Dermer, 15720 Winchester Blvd, Los Gatos, CA 95030

15720 & 15736 Winchester Blvd



A P P E A R A N C E S:

Los Gatos Planning
Commissioners: Michael Kane, Chair
John Bourgeois
Phil Micciche
Tom O'Donnell
Steve Rice
Marico Sayoc

Assistant Director of
Community Development: Randy Tsuda

Town Attorney: Orry Korb

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P R O C E E D I N G S:

CHAIR KANE: Our new second public hearing is
15720 and 15736 Winchester Boulevard. This is Architecture
and Site Application S-07-34, Subdivision Application M-07-
13. They request approval to demolish a single-family
residence built prior to 1941, as well as to demolish a
3,250 square foot office building, merge the two existing
parcels, and construct a new 15,510 square foot office
building on property zoned O. This is APN 424-27-011 and
051. Do we have a Staff Report, Mr. Tsuda?

RANDY TSUDA: Yes, and Mr. Banks will provide the
Staff Report tonight.

CURTIS BANKS: Thank you, Chairman Kane, members
of the Commission. This project consists of two parcels
located at 15720 and 15736 Winchester Boulevard. The site is
currently developed with an office building and a single-
family home. The General Plan designation of both parcels is
Office Professional and the zoning designation is Office.

Tonight the Applicant is proposing to combine the
two parcels and demolish the structures on both sites in
order to construct a new 15,510 square foot office building.
The proposed building varies in height from 30' along

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1 Winchester Boulevard to 35' along the rear and side of the
2 site, which slopes downward. Parking is provided in the back
3 portion of the site with 32 parking spaces located in a
4 proposed parking garage, and 34 spaces in a surface parking
5 lot.

6 The project requires Architecture and Site
7 approval for a new building, and while the building does
8 meet the technical requirements contained in the Zoning
9 Code, Staff does have some concerns regarding the project,
10 and I'll discuss those momentarily.

11 As mentioned, the project does include the
12 demolition of a single-family home that was constructed
13 prior to 1941. This was reviewed by the Historic
14 Preservation Committee at its meeting of June 20, 2007. The
15 Committee did not feel the structure was architecturally
16 significant and voted unanimously to recommend allowing its
17 demolition to the Planning Commission, and the minutes of
18 that meeting are attached to the Staff Report.

19 As mentioned, the project does require
20 Architecture and Site approval. In Staff's opinion this
21 building would establish the character of the commercial
22 area south of Pleasant View Avenue and serve as a gateway to
23 the downtown area. Architecturally Staff finds the building
24 to be well designed, but is concerned about the scale and
25 mass in relation to the surrounding neighborhood.

1 Page four of your Staff Report contains a summary
2 of the buildings and lot sizes in the vicinity of the
3 project site. The square footage of the building would be
4 the largest in the immediate area, however this would also
5 be the largest lot in the area, but the floor area in
6 relation to the lot size is also higher than the adjacent
7 buildings.

8 The Conceptual Develop Advisory Committee reviewed
9 this project and expressed concern to the Applicant
10 regarding the scale and mass of the project in relation to
11 the neighborhood and suggested design changes, and the
12 minutes of those meetings were also included with the Staff
13 Report. Staff has recommended design modifications to the
14 Applicant and those recommendations were outlined in the
15 Staff Report.

16 The Applicant notes in their Letter of
17 Justification that the project meets the technical
18 requirements for the zoning district, and that's correct.
19 However, projects are also required to be compatible with
20 the area in which it's located. The Zoning Code states in
21 part that the purpose of the Architecture and Site approval
22 is to regulate the height, proportion, exterior
23 construction, and design of buildings to ensure that they're
24 architecturally compatible with their surroundings. In order
25 to approve a project the Commission is required to find that
the proposed building is compatible with the site and

1 character of the neighborhood, and based on the present
2 design Staff cannot recommend that the Commission make those
3 required findings.

4 Additionally this evening the Applicant is
5 requesting that the Planning Commission waive the
6 requirement for story poles. The Applicant requested the
7 Community Development Director waive the requirement. The
8 Applicant felt that because the existing office building is
9 occupied that erecting store poles would be difficult and
10 potentially dangerous to occupants and visitors of the site.
11 In lieu of story poles the Applicant is providing a model
12 for you to review. The Community Development Director did
13 not waive the requirement for the story poles. The request
14 is being forwarded to the Planning Commission. If the
15 Planning Commission does not feel the model is sufficient to
16 evaluate the scale and mass of the proposal, the Planning
17 Commission may continue the item and direct the Applicant to
18 install the story poles.

19 Because the project does generate more than five
20 peak hour trips, projects are asked to provide community
21 benefit. The Applicant will address that with you verbally
22 tonight and make their proposal.

23 As part of the environmental analysis conducted
24 for the project, there were several project-specific
25 studies. A detailed traffic study was completed and
concluded that when project volumes are adjusted for

1 existing onsite traffic that the proposed project would
2 generate 125 new daily trips with 18 new trips during the AM
3 peak hour, and 17 during the PM peak hour. The intersection
4 currently operates at level of service B and would continue
5 to operate at level of service B with the project.

6 The traffic study also evaluated potential impacts
7 to school-bound children that currently walk along
8 Winchester Boulevard and Daves Avenue during school peak
9 hours. They concluded that the impact on school related
10 pedestrian safety would be less than significant. Their
11 conclusion is based on the pedestrian counts taken during
12 school and traffic peak hours, the project's estimated peak
13 hour traffic volumes and the project's less than significant
14 impact on traffic, congestion, signal delay, and
15 intersection operations.

16 Tree analysis was also completed. The project
17 plans indicate that all the trees on the site would be
18 removed. The arborist's assessment indicates that the loss
19 of all but three oak trees would conform with the Town's
20 regulation regarding the removal of trees. The three oak
21 trees in question appear in good condition and it's
22 recommended that they be retained or relocated, and it's
23 also recommended that new trees be installed to mitigate
24 those being removed and that landscape screening be
25 reestablished along the northern boundary. Should the

1 Commission approve the project, these recommendations are
2 included in the recommended conditions of approval.

3 The environmental analysis conducted for the
4 project indicated that there would be no significant impacts
5 associated with the project with implementation of the
6 recommended mitigation measures and a Mitigated Negative
7 Declaration has been prepared for the project.

8 So in conclusion, Staff does not recommend
9 approval of the project as proposed. In Staff's opinion
10 significant design modifications would be necessary to
11 address the concerns regarding compatibility of the project
12 with the neighborhood.

13 Should the Commission have concerns with the
14 project and if the Applicant is willing to make changes to
15 the project, the Commission could continue the project with
16 direction for redesign. If the Applicant is not willing to
17 consider design changes, Staff recommends that the
18 Architecture and Site Application be denied. Should the
19 Commission though wish to approve the application,
20 recommended conditions of approval have been attached.

21 There is also a Desk Item that has been placed on
22 the dais. One is an email from a resident of the area, and
23 the second is the Community Benefit Policy.

24 That concludes the Staff Report and I could answer
25 any questions the Commission may have at this time.

1 CHAIR KANE: Thank you, Mr. Banks. Commissioners,
2 I repeat what he said about the Desk Item. I overlooked
3 that; I should have mentioned it sooner. We got community
4 benefit, and we have an email from a Mr. J. Friedman. Do we
5 have questions of Staff? Commissioner Sayoc.

6 COMMISSIONER SAYOC: Mr. Banks, thanks for your
7 presentation tonight. I do have some questions about the
8 story poles. Have there been projects that have come before
9 us without the store pole requirement, without story poles
10 being built?

11 CURTIS BANKS: I would defer to Mr. Tsuda to
12 answer that portion.

13 RANDY TSUDA: The one that immediately comes to
14 mind is the Sobrato project where they brought in faux
15 simulations, and in the past on residential projects that
16 have a number of different models, such as the Villa Felice
17 project, the applicant has been required to put up story
18 poles of each of the specific models, but not all 33 of the
19 homes.

20 COMMISSIONER SAYOC: Mr. Chair, if that's okay,
21 just to follow-up to that. I am concerned about the story
22 poles not be put up and the reason is to me the story poles
23 tell us a story, not only for those of us here tonight, but
24 also those in the public that are driving past the site that
25 aren't necessarily in the notification radius. Is the

1 notification radius for this project still 300', or did you
2 widen it because the story poles were not put up?

3 CURTIS BANKS: The notification was the standard
4 contained in the Zoning Code.

5 COMMISSIONER SAYOC: Well I can save my comments
6 for Commission matters, but I'll just be very up-front. This
7 is a strong concern of mine. We've seen a case most recently
8 on Englewood where someone not in a notification radius saw
9 the orange netting, inquired within the Town, and made their
10 comments. This is a very large building on a very prominent
11 site, so I think it would be a great disservice if we don't
12 have that orange netting up to tell the public that
13 something is going to be built here, you should come
14 downtown and figure out what it is and make your comments be
15 known, and I think it would be a disservice if we don't
16 provide a forum for those people to come to. So I'll just
17 throw that out there. I'd like to hear what my other
18 commissioners have to say.

19 CHAIR KANE: Thank you, Commissioner. Commissioner
20 Bourgeois, you have your hand up.

21 COMMISSIONER BOURGEOIS: I have a couple questions
22 for Mr. Banks on traffic. If I understand the plans
23 correctly, the only ingress and egress is going to be on
24 Winchester at the Daves Avenue light?

25 CURTIS BANKS: That's correct, and that light
would have to be relocated. It would be a matter of several

1 feet, but it would have to be relocated south due to the new
2 driveway.

3 COMMISSIONER BOURGEOIS: And the level of service
4 in the traffic report is only for that intersection? Do they
5 wrap around and take into account Farley coming in, because
6 that's how I got to the site? I didn't come down Winchester.
7 It seems like people turning off of Farley is going to be
8 impacted.

9 CURTIS BANKS: I'd have to double check the
10 traffic study, but I believe it was the one intersection.

11 COMMISSIONER BOURGEOIS: So when they say level of
12 service B to level of service B, it's for the Winchester-
13 Daves Avenue intersection?

14 CURTIS BANKS: Correct. Which would the most
15 impacted intersection.

16 CHAIR KANE: Commissioner O'Donnell.

17 COMMISSIONER O'DONNELL: Going back to the story
18 poles for just one moment. When the applicant gave the
19 reason why they did not want to use story poles, what did
20 the Staff say? In other words, I think it generally is our
21 policy that you would use story poles, but is there any
22 concession, or what did the Staff say? I want to make sure
23 that when we hear from the Applicant we know the full story
24 from your side too. What did Staff tell the Applicant, if at
25 all, on this story pole issue?

1 RANDY TSUDA: I believe what the Director
2 indicated is that the story pole requirement is a standard
3 requirement of the Town. There is a provision that allows
4 for waivers of the story pole requirement under certain
5 situations: difficulty of erecting the story poles and the
6 provision of alternate visualization means, such as a model.
7 Mr. Lortz wasn't comfortable approving it at the Director's
8 level, which is authorized under the Council's policy, and
9 informed the Applicant that this is something he could
10 approach the Commission on and raise that issue with the
11 Commission. He did tell the Applicant that the Commission
12 has the right to direct that the story poles be put up and
13 that's the Commission's prerogative.

14 CHAIR KANE: Commissioner Rice, you had your hand
15 up earlier.

16 COMMISSIONER RICE: I'm going to ask if I can get
17 a brief description. First of all, I'll echo what
18 Commissioner Sayoc said. I think story poles here are going
19 to be very important, before we get too deep into this.

20 But the question I have is over the last 14
21 months, from the time that I remember seeing this at the
22 Conceptual Development Advisory Committee, what has
23 transpired? If you can do a thumbnail 30-second briefing of
24 what has happened, other than we lost 1,000 square feet of
25 size to the building and a few more parking spaces, but
that's all I really see that's changed.

1 CURTIS BANKS: That's correct, that's basically
2 what has been changed. They made some technical
3 modifications to address some concerns, parking on the ramp
4 leading down, and made some slight modifications to the
5 building size, but basically this is the same proposal that
6 was reviewed by the Conceptual Development Advisory
7 Committee.

8 COMMISSIONER RICE: Thank you.

9 CHAIR KANE: Other questions? Commissioner
10 O'Donnell.

11 COMMISSIONER O'DONNELL: I just wanted to follow-
12 up on that question. I'm wondering whether the Staff Advised
13 the Applicant that since Staff did not waive the story pole
14 requirement, and it was pointed out that we might not
15 either, and since the public speaking to the issue is
16 triggered in many cases by the story poles, was there any
17 discussion had that this whole hearing this evening might
18 have to be continued if the story poles were held as being
19 necessary by the Planning Commission?

20 RANDY TSUDA: Mr. Lortz indicated that if the
21 Commission obviously directs that the poles be put up, then
22 the Commission would not be taking action tonight.

23 CHAIR KANE: Thank you. Other questions? I'm going
24 to open the public hearing beginning with the Applicant, Mr.
25 John Lien, who will have up to five minutes to speak. After
any other public members who wish to speak, the Applicant

1 may then have three minutes for rebuttal. If there are
2 members of the public who wish to speak on this matter after
3 the Applicant, please turn in a speaker card. You will each
4 have up to three minutes to speak. I now call Mr. Lien or
5 his representative.

6 JOHN LIEN: Thank you. John Lien, 196 College
7 Avenue. I'm the architect for the project. I have a Desk
8 Item for you, and I'd appreciate it if you would not start
9 the clock until I gave each of you a copy of this, because
10 it is the document that I will refer to in my opening
11 remarks.

12 CHAIR KANE: Mr. Parsons has turned off the clock.
13 You may do so.

14 (Pause while Mr. Lien distributes documents.)

15 CHAIR KANE: Mr. Parsons, is there a way to get
16 this on the overhead so the public can see it? Let's do
17 that.

18 JOHN LIEN: As described by Staff, all those
19 properties north of this application all the way to Lark
20 Avenue are now General Planned Low Density Residential.
21 Those to the south of the property, and including the
22 subject property, down to Shelburne Way, I believe, are
23 General Plan designated Office Professional.

24 I've prepared this document because I want to
25 focus on what I think is the most important consideration
before you in the apparent sense of sensitivity and Staff,

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1 and discussions I've had with Staff, and that is whether or
2 not this building provides a proper interface between those
3 residentially designated properties to the north, and this,
4 the first of the Office Professional uses to the south.

5 If you'll follow along with me, I have highlighted
6 the points that I'm going to discuss, and if we could just
7 start at the upper right-hand corner. I'm going to describe
8 to you those items which I think are evidence of the
9 sensitivity we have brought to this project in recognition
10 of the importance of its interface to the residential
11 properties, and also the importance of this location as
12 defined by the General Plan as establishing a landmark
13 gateway building as one enters the downtown.

14 So it needs to do those two things. It needs to be
15 sensitive to the interface with residential. It also needs
16 to bookend the beginning of the downtown as you enter and
17 act as a gateway building. They may seem to be at odds with
18 one another, but I'm going to describe to you how I think it
19 addresses those issues.

20 In the upper right-hand corner I show the three
21 different setbacks from our southerly property line. We're
22 required to have 25'; we have 27'. That 27' is to the one-
23 story open arcade element that stretches almost all the way
24 across the front of the building. So the required front
25 setback is 25', we are providing 27' to the one-story
portion, and then a 35' total to the second-story portion.

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1 Directly below that you'll see we have a 59' side setback
2 between us and the existing office building; 10' is
3 required.

4 That in the yellow circle is a 90' dimension. That
5 is the length of the 8' deep covered arcade, done in a very
6 traditional style, provides obvious circulation to anyone to
7 anyone using the building and understanding how to use the
8 building, and casts deep shadows onto the wall behind and in
9 itself is also a one-story element.

10 Directly below that, and I think this might be the
11 most important consideration in terms of our interface with
12 the residential, there's a 21' dimension and the highlighted
13 box says one-story gabled roof element. It's an iconic
14 residential form and it is closest to our residential
15 interface.

16 And below that I'm pointing out once again the
17 required and the proposed setbacks of the building from the
18 street. We're required to have 25'; our one-story setback is
19 actually almost 38', 37'9", and that's because we're not
20 parallel to the front property line, which I think is a real
21 advantage to us in that as we move closer to the residential
22 interface, the front of the building that's farther from the
23 street, not only is it 37'9" from the front property line,
24 it's a total of 57' from the curb line in Winchester
25 Boulevard.

1 Without going through the other ones, at the very
2 bottom it says front setbacks existing almost 29', and
3 that's represented by the black rectangle, and you can see
4 that existing home actually is closer to the street than
5 this building, so as you come south on Winchester the
6 building will be not revealed immediately and not especially
7 prominent on the site.

8 Finally in the lower left-hand corner, again in
9 deference to our interface with residential, we have 66 cars
10 on the site. In the lower left-hand corner I'm pointing out
11 that five of those cars, only five of those cars, actually
12 abut the residential use to the north of us. And in the
13 upper left-hand corner I'm pointing it out because of the
14 topography of the property and the fact that half of these
15 cars are in an enclosed garage, because of that you will not
16 see any parking from Winchester Boulevard as you pass the
17 building, and I think that's a especially important to the
18 visual quality of the building.

19 Thank you very much. You know there's a model in
20 front of you and I hope in the question and answer period we
21 have an opportunity to discuss that in detail.

22 CHAIR KANE: Thank you, Mr. Lien. Do the
23 Commissioners have any questions of Mr. Lien? Commissioner
24 Bourgeois.

25 COMMISSIONER BOURGEOIS: Thank you for your
presentation, Mr. Lien. I'm just a little confused

1 reconciling this with the model, and when you say that
2 second-story setback is further than the front story, isn't
3 there a two-story element that comes out?

4 JOHN LIEN: You can see it there facing.

5 COMMISSIONER BOURGEOIS: Right.

6 JOHN LIEN: It's turned towards you, and that's
7 indicating the ceremonial entrance to this building, which
8 will actually be rarely used, but I think it's important
9 whether it's a single-family home and the story faces the
10 street and makes the entrance, it's also important in a use
11 like this to make it clear as a welcoming sign, this is
12 where you go in. The fact of the matter is there's no
13 parking except a few along the street, and as a result very
14 few people will actually enter at that location, but
15 visually it announces that this is where you would come into
16 the building.

17 COMMISSIONER BOURGEOIS: Architecturally I
18 understand the element. I just want to make sure that the
19 setback that you're showing here is actually the second-
20 story setback is to that recessed main wall and not to that
21 element.

22 JOHN LIEN: Which dimension are you referring to?
23 Can you point it out to me?

24 COMMISSIONER BOURGEOIS: Down at the bottom, when
25 you have proposed two-story setback and you draw the line,

1 you're coming all the way back? You're not coming out to
2 that entry element?

3 JOHN LIEN: That's right. That one portion would
4 be above and protruding slightly forward of the one-story
5 arcade that lines the front of the building.

6 COMMISSIONER BOURGEOIS: Thank you.

7 CHAIR KANE: Other questions for the Applicant?
8 Commissioner Sayoc.

9 COMMISSIONER SAYOC: Mr. Lien, have you had any
10 meetings with neighboring residents, and if so, can you just
11 describe to us some of the larger issues that were
12 discussed?

13 JOHN LIEN: My client has notified the immediate
14 neighbors to let them know that we have this project in the
15 works, if they'd like to discuss it with us we'd be willing
16 to do that. They were not. We had no response. And I'm just
17 speaking probably not 300', but the property owners
18 immediately adjacent to the project.

19 CHAIR KANE: Other questions from the Commission?
20 Mr. Lien, thank you. After the public has spoken you'll be
21 called back for a three minute rebuttal if you choose to
22 give us one.

23 JOHN LIEN: And as I say, I hope we have an
24 opportunity to discuss the model. Thanks very much.

25 CHAIR KANE: I have a number of speaker cards, so
what I'd like to do is try to call folks up three at a time.

1 If you'd sit in the first row and after the other speaker is
2 finished just come up to the mike and tell us who you are.
3 My first card is David Simon, followed by Richard Whitaker,
4 followed by Doug McNeil. Mr. Simon.

5 DAVID SIMON: Thank you for the opportunity to
6 speak. My wife and I purchased a home at 15680 Winchester
7 Boulevard probably about a year ago. We're first time
8 homeowners, so for us this is new. Quite frankly we don't
9 know what we don't know, and I'm hoping that the Commission
10 will protect us. But what I'd like to do is to express a
11 number of concerns that range from short-term inconveniences
12 to potential long-term financially devastating implications.
13 So let me just start out with the short-term and I'll
14 increase in severity.

15 Short-term considerations are we have concerns
16 about the noise of construction. We have two children under
17 the age of three-and-a-half, naps are involved, so to the
18 extent that there is ongoing construction with loud beeping
19 and digging of parking garages, we're concerned about the
20 impact on our lifestyle and on our ability to run our
21 household.

22 We're also concerned about parking across from our
23 home at 15680 Winchester during construction. There's a
24 strip on Winchester Boulevard that contractors seem to like
25 to use for the purpose of parking. Just sort of a minor
inconvenience in that it's an eyesore.

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1 As I get into I guess the longer-range potential
2 impacts of the project, I'm particularly concerned about the
3 excavation of land associated with the parking garage and
4 what that means in terms of rodent displacement. I think
5 that that goes beyond a minor inconvenience to the extent
6 that we have mice, snakes, et cetera, in our yard and
7 potentially entering our home. That is not practical.

8 What I'm really concerned about is the impact of a
9 project of this scale and mass on our property value. When
10 we decided to buy a home in Los Gatos we looked at towns
11 like Los Altos, Palo Alto, et cetera, and we chose Los Gatos
12 for a variety of reasons, but one of the major reasons was
13 because other than the school district, we thought that the
14 investment potential was strong. We felt pretty good that we
15 would receive a return on a material investment of our
16 liquid net worth, so as a recent homebuyer I'm sure you can
17 appreciate given the acceleration of home prices over the
18 past ten years, in order to buy a home in Los Gatos you're
talking about a material amount of money.

19 My concern would be I don't know what I don't
20 know, as I said earlier. I'm not sure what the impact of a
21 project of this mass and scale does to surrounding home
22 values, so I would just ask for your consideration.

23 CHAIR KANE: Thank you, Mr. Simon. Any questions
24 for the speaker? Commissioner Rice.
25

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1 COMMISSIONER RICE: Mr. Simon, thank you. Had you
2 seen this model before?

3 DAVID SIMON: I have not. In fact, the first that
4 I had heard of this project was a card that I'd received in
5 the mail about this big somewhere about two weeks ago.

6 COMMISSIONER RICE: Okay. Are you familiar with
7 story poles and how they work?

8 DAVID SIMON: Not at all. I've never heard of a
9 story pole until tonight.

10 COMMISSIONER RICE: Okay, thank you.

11 DAVID SIMON: Yup. Thank you.

12 CHAIR KANE: Commissioner Bourgeois.

13 COMMISSIONER BOURGEOIS: Thank you. I just want to
14 understand where exactly you live. Are you next door?

15 DAVID SIMON: Probably about four or five houses
16 north on the same side.

17 COMMISSIONER BOURGEOIS: Okay, thank you.

18 CHAIR KANE: Any other questions for the speaker?
19 Thank you. Mr. Whitaker.

20 RICHARD WHITAKER: Thank you. I appreciate all
21 you've done and your research. You answered a few questions
22 that I had concerns over earlier, so I won't have to review
23 those. But my credentials are, yes, I live in the affected
24 zone and I did get one of the postcards in the mail, and I
25 was shocked when I took the time to come down to Planning a
couple of days ago and Curtis Banks was nice enough to

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1 provide me with a stack of drawings and letters and so on on
2 the project.

3 One of the questions I had was regarding the noise
4 levels which will be generated. Thirty-two cars underneath
5 and 32 cars outside, 64 cars, and with all our clever nuts
6 in Electron Valley here, we've got the little key clickers
7 that make your horn go off every time you get in your car
8 and every time you get out of it, and usually it's done at
9 all hours, night, morning, it doesn't matter.

10 Also the alarms that go off that are vibration-
11 sensitive, and as the garbage trucks back up in your
12 neighborhood, my neighborhood, our neighborhood, these
13 alarms go off, and thanks to the regulations in Los Gatos
14 not being quite as strict as in Monte Sereno, your garbage
15 trucks are allowed to pick up in the industrial and
16 commercial zones between 2:00 in the morning and 6:00 or
17 8:00 or whatever time you want to do it, and it wakes us up
quite often and so on and so on.

18 I have two more letters here. Two of my immediate
19 neighbors on Pleasant View-which will also look down on the
20 site, or up to the site, we're not sure yet, there's a
21 height problem there-that are not present tonight but asked
22 me to turn in their information.

23 CHAIR KANE: (Inaudible).
24
25

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1 RICHARD WHITAKER: The first one is Mr. McNacken,
2 and he's two doors down from me on Pleasant View, same side.
3 The other is my immediate next-door neighbor, Terry Rainey.

4 One other item is you approved the storage lockers
5 after modifying those plans, and they still have not
6 complied. The storage lockers I'm talking about are the ones
7 behind. Where it says "Existing Storage Building," I'm not
8 sure that's the exact one, but there's another one in there
9 too, there are two storage facilities. We currently have an
10 unrestricted view of the top of the storage locker full of
11 galvanized ducting, air conditioner units, and so on, with
12 no replanting of oak trees that they said they would do and
13 so one.

14 So all I'm saying is the plans look great. It
15 looks way too large for the neighborhood.

16 CHAIR KANE: Thank you, Mr. Whitaker.

17 RICHARD WHITAKER: Thank you.

18 CHAIR KANE: Questions for the speaker?

19 COMMISSIONER MICCICHE: The Applicant indicated
20 that they attempted to get meetings with the neighbors. Were
21 you ever contacted?

22 RICHARD WHITAKER: No, all I got was this, and
23 when I took the time to come down here on Monday they gave
24 us three days to view the project. I never saw the model
25 before, I only saw a stack of plans, which I went through;
it took about two hours, and I spent considerable time. Then

1 I went around knocking on doors saying, "Hey, are you guys
2 aware of this?" and most of the people that are here
3 tonight, or several of them, were not aware of it or of the
4 scope of it, because there were no poles allowed.

5 And the comment about the cost of living that Dave
6 made a minute ago, my house in Los Gatos in 1957, which my
7 parents owned, I had to leave after I graduated from high
8 school here in 1957, and was not able to afford to come back
9 until about 14 years ago, so I know it's nice to have a home
10 instead of a giant office building.

11 CHAIR KANE: Other questions for the speaker?
12 Thank you, Mr. Whitaker. Mr. McNeil, who will be followed by
13 Bryan McKechuk, and Robert Karski, and Paul Lackovic. Mr.
14 McNeil.

15 DOUG MCNEIL: Good evening. Doug McNeil, 17413
16 Pleasant View Avenue. I didn't receive a card or was not
17 contacted by the Applicant regarding the development of this
18 property. I would like to compliment Curtis Banks for the
19 excellent report and the time he spent with me yesterday to
20 explain what the development was about and to understand the
impacts to our community.

21 Yesterday I carefully read the Applicant's
22 proposal along with comments from the Historic Preservation
23 Committee, the Development Advisory Committee, and Planning
24 Staff Report in detail. I also was pleased to read the
25 Cannon Design Group, the City's contract architect,

1 concurred with the concerns regarding the scope and scale of
2 the project. As a resident of Pleasant View Avenue I'd like
3 to go on record to concur with the Staff's recommendation to
4 deny the approval.

5 The Applicant's lack of willingness to install
6 story poles clearly indicates they understand the sensitive
7 nature of the size of this development. Other developments
8 of this scale adjacent to our neighborhood in the industrial
9 area tried this approach before and did not succeed in
10 getting approval and had to downsize after repeated meetings
11 and Commission sessions.

12 Without viewing renderings and/or models, one can
13 easily ascertain the scale and proportion of the project by
14 simply calculating the comparative scale to the adjacent
15 structure where there is appropriate land use. On average
16 the proposed square footage is seven times that of the eight
17 structures found along this corridor. If you added the
18 square footage of all structures of these eight properties
19 to the proposed structure, it would equal the combined
20 square footage for all the existing current properties
21 combined. If you compare the average roof elevations of all
22 the structures, the proposed structure is 1.9 times the
23 adjacent structures. If you compare the average ratio of
24 square footage to the height of the proposed structure, it
25 would be equal to 14 times the volumetric ratio of the
existing structures.

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1 So it's clear to me as a member of the community
2 and a resident on Pleasant View Avenue, we're required by a
3 City ordinance and the Town of Monte Sereno to put up story
4 poles. On this particular action I would understand that
5 this would be a continuance, a lack of willingness to follow
6 policy, and that this should be continued or basically
7 denied. So I'd like to go on record as a resident of
8 Pleasant View Avenue to concur with Staff's recommendation
9 to deny approval. Thank you.

10 CHAIR KANE: Thank you. Let me see if there are
11 any questions. Any questions for the speaker? Thank you very
12 much. Mr. McKeChuk.

13 BRYAN McKECHUK: Good evening. My name is Bryan
14 McKeChuk; I live at 17509 Via Sereno in Monte Sereno. I live
15 across the street on Winchester, so I'm on the corner lot.
16 I've lived there since 1997 with my wife and my two
17 children. I've got a nine-year-old boy in the Los Gatos
18 Little League, and my four-year-old daughter.

19 I was involved in the light that went into the
20 intersection of Daves and Winchester, and if you drive by
21 you'll see that it's Monte Sereno and Los Gatos. It's a real
22 community that we've got there. The gentleman that was
23 speaking on behalf of the Applicant, he spoke to Los Gatos.
24 But you know, on the west side of Winchester it's all Monte
25 Sereno, and I think that you don't want to ignore the folks

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1 in Monte Sereno. We feel part of Los Gatos and it's very
2 important to us.

3 This whole project has gone along in stealth mode.
4 I'm just absolutely surprised. I got the card in the mail.
5 Within hours I got an email from some folks that are in the
6 room here saying, "Do you know anything about this?" We
7 always understand what's going on in our community, and I'm
8 just shocked that there are no story poles going up. When
9 you mentioned the importance of story poles you're
10 absolutely dead on, because they signify not only the mass
11 of the structure, but something is going to happen. There's
12 a development going on; all of a sudden the people get
13 interested. If you're driving down Dave's Avenue eastbound
14 and you see story poles going up, there's going to be a lot
15 of people that go, "Wow, what's going on with that?" And
16 it's all in stealth mode. In any event, I think you
17 understand that.

18 I ask that you deny the application, because it is
19 completely out of scope for the neighborhood. Granted, you
20 may call it an entrance to Los Gatos, but you've got that on
21 the other side of 85 with the Netflix project.

22 I'm concerned with the trees. In Monte Sereno
23 we've actually had houses that have to have the foundation
24 conform so that the trees can be allowed to stay, and that's
25 right across the street.

1 The other thing that I think is very important is
2 in terms of the setbacks and all the dimensions, granted it
3 does fit that, but think of the mass that you're adding to
4 the building by combining the two lots. What you're doing
5 there is you're taking 20' of building and you're adding
6 that immediately. I almost wonder to myself why isn't this
7 in two components? First of all, this subdivision, or the
8 merger of the two lots, and then dealing with the building.
9 It's all in one, and that's okay, I just will put my faith
10 in the Planning Commission.

11 The other thing I would like to say is I read the
12 Staff Report and it was fabulous, so I compliment Curtis on
13 that.

14 CHAIR KANE: Thank you. Any questions for the
15 speaker? Thank you, sir. Mr. Karski.

16 ROBERT KARSKI: I am Bob Karski and I live with my
17 wife Barbara at 17576 Via Sereno. We've been in the area
18 just a little less than three years and when we moved into
19 the area part of the importance of our location was the
20 character of the site. Almost everywhere we would look from
21 our street was low-profile residential or low-profile office
22 buildings, and we felt that kind of character really
23 justified our buying into the area and kind of helped us
24 make that kind of decision, which will probably be our last
25 house, in the Monte Sereno area.

1 The first I had learned about this structure is
2 from Bryan who just spoke on this last weekend. I had no
3 idea it was being built, and I think part of the reason for
4 that was no story poles. I certainly would have been aware
5 much sooner if that had been the case.

6 My immediate reaction to it is the scope and the
7 size and the character of it being so out of step with the
8 rest of the area. It doesn't seem to fit either the
9 character of existing office buildings or existing
10 residences, and I think the size would completely change the
11 character of the neighborhood.

12 I did go through, trying to understand as much as
13 I could about the property and the issues from this report,
14 and I do appreciate all the work that really went into it,
15 and that gave me the impetus I think to really speak up here
16 and really recommend that this application be denied. Thanks
17 for your time.

18 CHAIR KANE: Thank you, sir. Any questions of this
19 speaker? Thank you.

20 PAUL LACKOVIC: Hi there. My name is Paul
21 Lackovic.

22 CHAIR KANE: Excuse me, Mr. Lackovic. I want to
23 just line up some more folks. Following Mr. Lackovic, Ms.
24 Marentes, and Ms. Lakovic, and John McLaren. Would you come
25 down and be ready? Thank you, sir.

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1 PAUL LACKOVIC: My name is Paul Lackovic; I live
2 at 17541 Daves Avenue. My house is not shown here, because
3 Dave's Avenue is not shown, but I'm right on the corner of
4 Dave's Avenue and Winchester, so directly if you look
5 straight up, that's my house. Turn right on Daves, turn
6 right into the driveway, that's my house.

7 I was born and raised in Los Gatos. Went to
8 Blossom Hill, went to Fisher, strayed off to Bellarmine, but
9 have moved back here and lived in Monte Sereno now for seven
10 years. I have a daughter that's going to be going to Dave's
11 Avenue Kindergarten next year.

12 I have read through everything that the Staff has
13 put together. I do compliment them; it is very
14 comprehensive. I don't want to cover common ground that's
15 already been covered now, but I do support Staff's
16 recommendation to deny the application based on what we've
17 seen so far.

18 My main concern for me is retaining the
19 residential character of the neighborhood. Putting in all of
20 the commercial on top of what's already there, while it
21 might be up to code, it's not necessarily up to the best
22 nature of the neighborhood.

23 Concern of course with the scale of the project.
24 It's huge, it's massive, and I don't need to cover that.

25 And then obviously if the application gets
continued, do need to see story poles so when you're coming

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1 down Dave's Avenue you can see what's going on. That is what
2 I have to say. Thank you.

3 CHAIR KANE: Thank you, sir. Questions for the
4 speaker? Thank you very much, Ms. Marentes.

5 MINERVA MARENTES: I am Minerva Marentes; I live
6 at 17574 Daves Avenue, and I disagree with the project they
7 have. I live forty years in my house on Daves Avenue. Thank
8 you.

9 CHAIR KANE: Thank you, ma'am. Any questions for
10 the speaker? Ms. Lackovic.

11 SIRI LAKOVIC: Good evening. Thank you for the
12 forum. First I'd like to say thank you very much to the City
13 for at least letting us have this voice. I apologize, I'm
14 kind of nervous.

15 I live at 1754 Daves Avenue, and that actually on
16 here is right here. So my property actually is on the corner
17 of Daves and Winchester. My front door will look at this
18 particular structure, which is for the first time seeing it
19 right now.

20 As far as being stealth on this project, we were
21 on vacation in Disneyland with my five-year-old last week,
22 get a message on our Trio: Did we know about this project?
23 Guaranteed you, it ruined the rest of our vacation when we
24 heard about it. We did not receive any invites to come speak
25 to the developer. We did not receive anything until we came

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1 home and saw that we did get a postcard postmarked by the
2 City, delivered late.

3 So just hearing about it from that particular
4 aspect, and hearing all of the different things up till now
5 about the story poles, about the size of the project, about
6 how it would impact that corner that we worked so hard with
7 about two years ago to calm the traffic down, because of the
8 school traffic, because children walking on that corner,
9 because of us walking from there to Vasona Park, and to find
10 out that after all that, it's a losing battle.

11 That neighborhood is a residential neighborhood.
12 Mind you, we moved there because it is a combination of
13 business and residential, and you have to have that if you
14 want to be in the proximity to downtown, so we don't have
15 anything about businesses going in, we don't have an issue
16 with that. We have an issue with the size of that structure.

17 I voice being young homeowners. We bought that
18 house seven years ago as is. That corner, we have worked
19 with our own hands to improve, and if you were to drive by
20 there now versus what it was before, you'd probably say that
21 we've improved that visually. And I know that the builder
22 did a beautiful job on the structure that already exists in
23 Los Gatos; I think it's wonderful. I just think that the
24 proportion of that structure, unless of course he plans to
25 keep it to that size (indicates model), is out of proportion
to our neighborhood.

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1 As far as being notified to speak to the
2 developer, we never received that letter, and I'm assuming
3 that we're closer than 300' to the building, so I'd like to
4 be a part of that.

5 In conclusion, I would just really, really like
6 the City to consider what is more important. That lot is
7 huge, and does it really need to be combined for just one
8 large structure? Could it not be half-residential, half-
9 building? Thank you.

10 CHAIR KANE: Thank you very much. Any questions
11 for the speaker? Thank you. Mr. McLaren. Mr. McLaren will be
12 followed by Kel Marchbank, Diane Lindecker, and Laura
13 Lindecker, if you'd come on down. Thank you, sir.

14 JOHN McLAREN: Thank you, Mr. Chair,
15 Commissioners. Just for the record, I may be responsible for
16 ruining that vacation. It could have been my email that
17 triggers those emotions, so I'll take full credit for that.

18 Anyway, my name is John McLaren; I live at 17560
19 Daves Avenue. I am across the street from the Lakovics, so I
20 would be on the south side of Daves and the second home from
21 the intersection of Winchester. It's a two-story home, it's
22 a home that's over a hundred years old, it's the original
23 Daves Avenue family home, which I say only because we bought
24 into that neighborhood because of the character of the home
25 itself and the character of the surrounding neighborhood,

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1 and that is the single most thing we would like to see
2 preserved going forward.

3 That said, I agree with everything that I've heard
4 tonight from folks from the community who have spoken as
5 well as Staff. I think you know where my interests lie in
6 terms of recommendations. I'd like to see the plan as
7 proposed not go forward as is. There are a couple of points
8 that I would like to reiterate so as not to rehash
9 everything we've heard tonight.

10 First is again size, scope, character of the
11 proposed building for my taste is simply too large. For
12 perspective, if you were to drive by the area and look at
13 the adjacent properties, commercial building to the south,
14 residential to the north, this proposed property is over 50%
15 higher than the property to the south, and perhaps two to
16 three times the height of the property to the north. Massive
17 in scale and size and I think, simply put, not befitting the
18 character of the neighborhood.

19 Secondly, I'd like to point out that four of my
20 rooms look directly out onto that lot and the viewshed
21 beyond, and my views would absolutely, unequivocally be
22 compromised by that size, stature, and posture of the
23 building in that location, so just for the record I'd like
24 to state that.

25 A couple other points to hit on. I have traffic
concerns, but I won't go into that because I know there's a

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1 report. I live with the traffic on Daves everyday, I see how
2 it backs up at peak hours near the school. I think there's
3 been implications with that that the Commissioners may be
4 aware of.

5 But beyond the traffic concern, the story poles, I
6 have a strong concern with that. Daves Avenue is a gateway
7 to an entire community. Everyone I have spoken to who knew
8 nothing about this project, when I described the size and
9 scope comparatively to the adjacent buildings, everyone that
10 lives up that street that I spoke with couldn't understand
11 why it wasn't on their radar screen, why they didn't have an
12 understanding of what was going on, and expressed the same
13 concern about the size, scope, and magnitude of such a
14 structure. It is the entrance to their community, where they
15 live, where they travel in and out everyday.

16 That said, I'd just like to comment on two points
17 that Mr. Lien made. The first is as I think was mentioned
18 before, we received no notification whatsoever from the
19 Applicant in terms of willingness to discuss this project
20 with us. This first hit my radar screen with the postcard.

21 Lastly, if I may, I would just like to point out
22 that while he described the setback parameters on the
23 overhead here, I think the point that has escaped us all is
24 the view from Daves Avenue as you're traveling up and down
25 that street, this proposed property is in direct sight.
Thank you.

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1 CHAIR KANE: Thank you. Any questions for the
2 speaker? Thank you, sir.

3 JOHN McLAREN: Thank you, all. I appreciate it.

4 CHAIR KANE: Kel Marchbank.

5 KEL MARCHBANK: Kel Marchbank here; 17530 Farley
6 Road West, so I'm on the south side of the large building
7 there. Just one thing, nice job over there. Thanks for the
8 story pole notification. I also received the postcard, but
9 nothing from the builder or the developers.

10 And I do see the building from my house, my front
11 rooms in my house, and the story poles would have been nice.
12 I think we're probably getting off to a bad start here. I
13 know something has got to be built there, because it's
14 pretty dilapidated, but they're being a little bit on the
15 sneaky side, I think, with no real postcards and story
16 poles. So that's all.

17 CHAIR KANE: Thank you. Any questions for the
18 speaker? Thank you very much. Diane Lindecker.

19 LAURA LINDECKER: My name is Laura Lindecker and
20 I'm speaking on behalf of Phil and Diane Lindecker. Diane
21 has a sore throat. I'm their daughter. I'm a Los Gatos
22 resident today and used to live in their house at 17640
23 Daves Avenue. They're the sixth house on the left as you're
24 coming up from Winchester. They can see the red light of the
25 stoplight from in front of their house.

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1 They deny the application. They were not given any
2 postcard. We just received word of this two nights ago from
3 one of our neighbors, and since we have spoken to other
4 neighbors as well. In fact, the neighbors right across from
5 Green Thumb on Winchester wanted us to relay their
6 disapproval as well.

7 This project would definitely be in sight as
8 you're driving from their house. Being real estate agents
9 with Coldwell Banker in Los Gatos, both myself and Diane
10 Lindecker, we know for a fact this will affect property
11 values on Daves Avenue and Winchester and the surrounding
12 areas. So I want that to be taken into consideration.

13 Further, all this effort was put into putting
14 these stoplights up to protect the children at Daves Avenue
15 Elementary. What consideration has been given now to this
16 new pattern of traffic congestion we're going to have,
17 especially with an entrance on Winchester? Perhaps there is
18 some other way that it can be entered off of Winchester. So
19 we're concerned about that.

20 And lastly, like everyone has said, we feel it's a
21 very poor fit for the community in terms of the size and the
22 look and the height of that building, and obviously as
23 everyone has said, without story poles, clearly the people
24 involved in this development knew there would be discontent
25 among the neighbors and tried to get as far as they've
gotten without doing story poles and letting people know

1 about it, and here we all are towards the last minute trying
2 to scramble to come up with a better compromise for our
3 communities. Thank you for your consideration.

4 CHAIR KANE: Any questions for the speaker? Thank
5 you very much. Will Diane be speaking?

6 DIANE LINDECKER: I'm totally in agreement with my
7 daughter. I am also a real estate agent with Coldwell Banker
8 in Los Gatos, and I do know that this will affect in a very
9 negative fashion the property value of our homes and it is
10 very disconcerting for my husband and myself.

11 Also, in going outside of my front door I will
12 able to see this tall structure, and it's just very
13 inappropriate for our neighborhood community to have such a
14 tall and large structure such as what they are proposing. So
15 that's about it.

16 CHAIR KANE: Any questions for the speaker? Thank
17 you, ma'am. I next call Jeanne Rajabzadeh.

18 JEANNE RAJABZADEH: Thank you, and I live at 15701
19 Kavin Lane with my husband for the past ten years, and we
20 have two boys that went to Daves Avenue Fisher and Los
21 Gatos, and the reason why we had picked that neighborhood is
22 because of the beautiful mature trees, the neighborhood, and
23 having that close access to Daves Avenue school. When we
24 moved in there was the Green Thumb nursery, which I found
25 very charming, and a couple of other businesses right there,
which were kind of you don't really notice them, so I don't

1 feel an impact on the neighborhood, but I feel that this is
2 really a residential community and you take Daves Avenue to
3 get to the Monte Sereno-Twin Creeks area.

4 I'm also a real estate agent with Coldwell Banker
5 here in Los Gatos and I think it would definitely affect the
6 home values in the neighborhood. I do understand that the
7 owner of the property would build something there that is a
8 commercial venture, because you would not want to have a
9 house there, but I feel the structure that he proposes is
10 completely out of scale with the rest of the neighborhood
11 and would be out of character and bring down the home
12 values, and I ask that this be denied. Thank you.

13 CHAIR KANE: Any questions for the speaker? Thank
14 you very much. Commissioners, I'm going to pass down two
15 letters that were turned in earlier, one from a Terry Rainey
16 and one from a David McMackin, neither in support of the
17 project.

18 I have a speaker card for Joe Dermer, but Mr.
19 Dermer, you are the project owner, and I'm wondering if
20 you'd like to use the rebuttal time to speak to us?

21 RAY DAVIS: I wish to speak.

22 CHAIR KANE: Then hurry and do so.

23 RAY DAVIS: Chairman Kane, definite improvement
24 tonight, so hooray for you.
25

1 I want to say maybe it's a good thing the story
2 poles didn't go up; otherwise we'd have standing room only
3 tonight and a crowd. Wow.

4 You know, I speak as a community advocate, and I
5 look at this model that's supposed to take the place of
6 story poles. I can't believe it. The model sits by itself.
7 It has no relationship to the neighborhood. The story poles
8 go up and the neighborhood is there and everybody that goes
9 by can see the relationship of height, bulk, and mass to the
10 existing neighborhood architecture. That's it in a nutshell.
11 And to let one person out of the standard requirement sets
12 an outrageous, ugly precedent for the community, so I would
13 urge you not to do it. Not in the public interest.

14 Sorry Martin, I couldn't do any better. That's
15 somebody in audience on TV watching. That's it. Thank you.

16 Oh, excuse me. You know, for one I can't make up
17 my mind how bad it is until you do the story poles, and then
18 if you continue it I will be able to give you my personal
19 judgment. Thank you.

20 CHAIR KANE: Thank you, Mr. Davis. I have a card
21 for Mr. Dermer, who is the project owner. Mr. Lien, how do
22 you want to proceed? Is this part of the rebuttal?

23 JOE DERMER: This isn't a rebuttal; this is really
24 a clarification. Is it okay if I speak now?

25 CHAIR KANE: Yes.

1 JOE DERMER: Thank you for the opportunity to talk
2 from the building owner's side. My name is Joe Dermer and
3 I'm actually not the building owner. The building owner is
4 my father, Martin Dermer. As I was sitting here listening to
5 all of your concerns tonight..

6 CHAIR KANE: Mr. Dermer, I'm going to ask you one
7 favor, and if you would address your remarks to the Planning
8 Commission, please.

9 JOE DERMER: You mean you'd like me to look at the
10 Planning Commission?

11 CHAIR KANE: Yes.

12 JOE DERMER: Okay. The clarification I'd like to
13 make is first of all regarding the issue of story poles.
14 Like Mr. Simon, I believe, who spoke first, I didn't know
15 what a story pole was either before this and I think that if
16 we understood how important that was to the community, we
17 would have done so. A lot of times with government processes
18 and things, the community thinks there's something nefarious
19 or stealthy or sneaky going on. There really isn't an
20 attempt to bring this thing under the radar screen, and I
21 have to discuss that point with our architect, but I wanted
22 to say to the community that there wasn't an intent to
23 deceive the community, and we feel that we're still far
24 enough away in terms of starting any kind of project at that
25 location that the story poles would not be necessary prior
to this meeting.

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1 The other thing is the cards are not sent out.
2 point of clarification, by the project owner but by the
3 Town, and so if those were late getting out, I think the
4 Town ought to take responsibility for that aspect of it.

5 I'm a member of the community just like everyone
6 here in the audience. I went to Van Meter Elementary School,
7 Fisher Junior High School, and Los Gatos High School. It's
8 our desire to make something nice out of this location.
9 Anybody who drives down Daves Avenue toward Winchester
10 certainly will attest to the fact that they've been looking
11 at a blighted property for some time, and that's the single-
12 family dwelling at 15736 Winchester. Nobody wants to live
13 there. It's not a residence that's fit for anybody between
14 two office buildings. We'd like to make something nice out
15 of it that fits the neighborhood and enhances property
16 values, not detracts from property values. Like the gentle
17 who lives up on Pleasant View indicated, he looks down on a
18 storage locker of galvanized steel roofing. That's not what
19 we're proposing here. We want a very, very attractive
20 building, and if anyone has a change to look at another
21 building that Mr. Lien has designed and built on Los Gatos
22 Boulevard at Wraight Avenue, I would encourage them to do
23 that.

24 Lastly, a point of clarification. Mr. Lien
25 indicated we had contacted neighbors. We have not contacted

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1 any neighbors. We didn't think we were at that point in the
2 process yet where we would have contact anybody.

3 CHAIR KANE: Thank you, Mr. Dermer.

4 JOE DERMER: And we will discuss it with the
5 community and with the neighbors as soon as that time is
6 appropriate.

7 CHAIR KANE: Thank you. Any questions for the
8 speaker? Commissioner Bourgeois.

9 COMMISSIONER BOURGEOIS: Thank you. So I
10 understand you're not the owner. Are you authorized to speak
11 on his behalf?

12 JOE DERMER: I'm not a majority owner. I have a
13 very small partnership interest in the property. I'm
14 authorized to speak on behalf of the owner; he's my father.

15 COMMISSIONER BOURGEOIS: Great. Thank you. I take
16 it you've read the Staff Report?

17 JOE DERMER: Yes, I have.

18 COMMISSIONER BOURGEOIS: And the recommendations
19 of breaking the project into smaller structures to be more
20 neighborhood-friendly and to stuff the building into the
21 hillside, are you prepared to consider such a significant
22 redesign?

23 JOE DERMER: I don't think that answer can be yes
24 or no. First, the building that's next-door to the south is
25 virtually the same height as what we're proposing; that's
the Malla Building, the two-story redwood building. We're

1 proposing to go no higher than that, and the building higher
2 at the back end will not be visible from Winchester
3 Boulevard.

4 Now there is a problem in my view with making it
5 into smaller structures, and the main problem is that you're
6 going to lose quite a bit of efficiency. I mean I understand
7 the objections regarding the scale of the project, but the
8 worst thing you can have is a lot of cars running around
9 blowing exhaust all over the place; you're better off
10 putting everybody on a bus. We want to build a very green
11 building. We want put solar on the roof. If you have a lot
12 of individual structures all running separate heating,
13 ventilation, and air conditioning systems you're going to
14 lose that efficiency. And so we feel that from the front,
15 with all of the reliefs and so forth, that it creates a very
16 attractive building and one that will be efficient.

17 The overall footprint of the building is only
18 about I think 27% of the lot size, and so I think it's about
19 8,000-9,000 square feet on the bottom; the rest is all on
20 the upper floor. I hope I answered your question.

21 CHAIR KANE: Commissioner Bourgeois, you have a
22 follow-up?

23 COMMISSIONER BOURGEOIS: Well, I heard a no is
24 what I heard.
25

1 JOE DERMER: The answer is I don't think that a
2 redesign into a number of smaller structures is going to be
3 economically feasible.

4 COMMISSIONER BOURGEOIS: Thank you.

5 CHAIR KANE: Other questions for the speaker?
6 Thank you, sir. Mr. Lien, you have three minutes to offer us
7 a rebuttal.

8 JOHN LIEN: I'm not up to that. Let me just say
9 the property is General Planned Office Professional, has
10 been for a number of years. It's zoned Office Professional.
11 This didn't just happen overnight. People smarter than me
12 decided that was the proper thing to do.

13 The General Plan strongly encourages gateway
14 buildings as people enter our town so it's obvious you are
15 entering a special place. In my opinion this building will
16 be every bit as well loved as the one I did on Highway 9.

17 Finally I would say the Town's peer-review
18 architect says this is a very well designed building with
19 good overall form, arguably one of the better proposals he
20 has reviewed for Los Gatos, and that he would not venture to
21 suggest what changes might be made to make it better. I
22 appreciate your consideration.

23 CHAIR KANE: Mr. Lien, let me address that. The
24 Town Architect said he wouldn't do it because you were fully
25 talented and capable to do so yourself. Is that not true?

 JOHN LIEN: I'm sorry, could you repeat that?

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1 CHAIR KANE: Yeah, I was reading his letter that
2 you just quoted, and the Town Architect said that he
3 wouldn't suggest what changes you should make, "because the
4 architect is talented and fully capable of designing to that
5 direction." He was complimenting you, not really refusing
6 the assignment.

7 JOHN LIEN: Well you left out the word "venture."
8 In other words, I take that to mean he wouldn't know where
9 to start.

10 CHAIR KANE: All right, thank you.

11 JOHN LIEN: Oh, you're welcome.

12 CHAIR KANE: Commissioners, I have a suggestion.
13 Let me see if you find it acceptable. Oh, I'm so sorry.
14 Commissioners, do you have questions of Mr. Lien?
15 Commissioner Bourgeois.

16 COMMISSIONER BOURGEOIS: I have a couple of
17 questions. First of all, I'd like to address the same
18 question I gave the last speaker. The redesign suggestions
19 that Staff has made, I'm hearing that you're not willing or
20 interested in going in that direction?

21 JOHN LIEN: That's correct.

22 COMMISSIONER BOURGEOIS: Thank you. Community
23 benefit, we never got to that. We were told that there has
24 to be a community benefit on this project and that the
25 Applicant would come forward with something tonight, and I

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1 haven't heard anything yet, so maybe you could speak to
2 that.

3 JOHN LIEN: Their position is they have operated
4 this business at this location for 33 years, provided
5 professional services to this community. They would like to
6 continue to do this and this building would facilitate that.
7 And in addition, they provide services to a number of people
8 in our community who are pro bono services I should say,
9 that people who are developmentally disabled and they'd like
10 to be able to continue to do that.

11 CHAIR KANE: Thank you. Thank you, Commissioner.
12 Commissioner Micciche.

13 COMMISSIONER MICCICHE: One of the reasons given
14 for the lack of story poles was that it would be difficult
15 and potentially dangerous. Would you comment on the
16 potentially dangerous aspect of it?

17 JOHN LIEN: If you think about it, their existing
18 office building is set well back on the property and has a
19 parking lot between the building and the street. It's what's
20 called a double loaded parking lot, which is to say an aisle
21 down the middle and a 20' parking space to the right and
22 left of that aisle, and that results in about a 65' span
23 that the story pole would have to cover to cross that
24 parking lot. Difficult to do without supports and the
25 supports would certainly present a hazard in our opinion.

1 COMMISSIONER MICCICHE: Is there any alternative
2 to showing the bulk and mass? Could you put it on the
3 existing building?

4 JOHN LIEN: Onsite, I'm not saying it can't be
5 done, and I have a pretty distinct impression that it ought
6 to be done. As to how we do that, I don't have an answer.

7 COMMISSIONER MICCICHE: Okay, thank you.

8 CHAIR KANE: Any other questions for the speaker?
9 Thank you, Mr. Lien. I have no cards. I'm going to close the
10 public hearing and propose a suggestion of the Commissioners
11 and see if they find that acceptable.

12 In the Staff Report it says if the Commission does
13 not feel the model sufficient to evaluate the scale and mass
14 of the proposal, the item should be continued and the
15 applicant directed to install story poles, and I'm thinking
16 we've heard a lot about story poles tonight. I'm wondering
17 if we could get a consensus to do just that, to send the
18 project back for the story poles. Commissioner Micciche.

19 COMMISSIONER MICCICHE: I would have been inclined
20 to do so, but if I were to continue this I would want to
21 take some of the Staff's suggestions that I heard refused.
22 I'm saying why don't we not waste any time? My tendency
23 right now, because of that refusal, is to go right to a
24 denial.

25 CHAIR KANE: Thank you. Other discussion?
Commissioner Sayoc.

1 COMMISSIONER SAYOC: I would echo Commissioner
2 Micciche's concerns. The Applicant has clearly said that
3 they do not plan to redesign, and so I don't feel the need
4 to move this to a date certain if we know the outcome of
5 that meeting.

6 CHAIR KANE: All right, then I think I will not
7 succeed in getting a consensus on the story poles, in which
8 case I'll turn to you for discussion or a motion.

9 COMMISSIONER MICCICHE: I have a second question.
10 Can I ask it now?

11 CHAIR KANE: Yes.

12 COMMISSIONER MICCICHE: Are the two items to be
13 treated separately, the lot subdivision? I mean it appears
14 we're denying the architectural aspect of it. Does that
15 follow that we deny the lot division?

16 ORRY KORB: I think the two go hand in hand. I
17 don't necessarily think that the Applicant would want to
18 move forward with the merger if the application for the
19 larger project was not going to happen, so I think that it
20 would be best to treat them both the same.

21 COMMISSIONER MICCICHE: So both can be denied.

22 CURTIS BANKS: I would add one thing further to
23 that is because the merger would then necessitate the
24 demolition of the home that it's the Town's policy that we
25 have a project when there be demolition of the home. So if
the proposal for the office is denied, really it wouldn't be

1 appropriate to take an action on the lot merger at this
2 time.

3 CHAIR KANE: Thank you, Mr. Banks. Further
4 discussion or a motion? Commissioner Sayoc.

5 COMMISSIONER SAYOC: I'm ready to make a motion.
6 Based on the evidence presented both in the Staff Report and
7 the hearing tonight, and I'll cite a couple of elements that
8 that I've seen and I ask commissioners feel free to add on,
9 I'm going to cite Section 29.20.140D of the Zoning Code,
10 which states that the purpose of Architecture and Site
11 approval is to regulate height, width, shape, proportion,
12 sighting, exterior construction, and design of buildings to
13 ensure that they architecturally compatible with their
14 surroundings. I cannot make that finding. I also cite Land
15 use Element A, Goal LG21, LG22, LP21, L147, CDP17, basically
16 talking about land use being compatible with the surrounding
development and can also not make those findings.

17 So based on those I move to deny Application
18 Permit #424-27-011 requesting approval to demolish a single-
19 family residence built prior to 1941, a 3,250 square foot
20 office building, merge two existing parcels, and construct a
21 new 15,500 square foot office building on property zoned
22 zero.

23 COMMISSIONER MICCICHE: I'll second it.

24 CHAIR KANE: Thank you. I have a second from
25 Commissioner Micciche. Discussion? Commissioner O'Donnell.

1 COMMISSIONER O'DONNELL: I would just like to ask
2 the maker of the motion whether she would consider putting
3 in something about the refusal, I think, to give a community
4 benefit. I think the answer we got on community benefit is
5 the answer everybody could make at all times about their
6 business, and I don't think it justifies a finding of
7 community benefit, and I think it would be helpful if we
8 make that part of the motion, so I would request that.

9 COMMISSIONER SAYOC: Absolutely. Thank you for
10 reminding me of that.

11 CHAIR KANE: Acceptable to the motion maker. Does
12 the seconder? Did you get the text of that, Mr. Tsuda? All
13 right. Commissioner Rice.

14 COMMISSIONER RICE: I think also we should make
15 note that this was brought to the Conceptual Development
16 Advisory Committee some 14 months ago, and I believe the
17 Applicant at that time was given very specific direction
18 about the mass and scale of the proposal and it has been
19 virtually unchanged since that time. Plus that the Applicant
20 was very clear in their desire not to change the mass and
21 scale at this point in time. So rather than sending it back
22 to Staff for redesign, which they had essentially refused,
23 that's a further basis for denial.

24 CHAIR KANE: Thank you. Other discussion?
25 Commissioner Bourgeois.

1 COMMISSIONER BOURGEOIS: Thank you. Since I have a
2 feeling our decision is going to be appealed, I think we
3 should give Council all of our thoughts on all of these
4 issues, and I'd like to echo the sentiments that have been
5 stated about the story poles. The model when you look at it,
6 the architecture is beautiful, it's a beautiful building,
7 but the model provides zero context. You don't know what the
8 building is across, next to, anything. Looking at the model
9 on the table, it looks like a nice building. But it's all
10 about context. I would prefer story poles. Strongly prefer
11 story poles. But if it's going to be used, you need to see
12 the buildings up and down the street and across the street
13 as well. I think having that building in a model in a
14 vacuum, serves no purpose.

15 I'm glad Commissioner O'Donnell brought the
16 community benefit up. I think the answer left something to
17 be desired. I think the purpose of the community benefit
18 policy, for those of you out there, is to offset some impact
19 of this project, and I think perhaps traffic at that
20 intersection, school kids, a bike lane, something that is a
21 concern to all of us would be something for the Applicant to
22 consider in the way of community benefit, something along
23 those lines.

24 I think the Staff Report and their suggestions
25 were fantastic and I fully support all of those suggestions.
I think the arborist's concern about certain oak trees, that

1 their removal does not meet our Tree Removal Policy, if you
2 break the building up and have more of a neighborhood-like
3 context you could even save those trees.

4 So I'm going to be supporting the motion and those
5 are my additional comments.

6 CHAIR KANE: Other discussion? I'll simply add
7 mine, that I agree strongly with everything that's been
8 said, and if it's to come back to us again, I'd give a great
9 deal of credence to the Staff Report and the Staff
10 recommendations. Other discussion? Hearing none, let's call
11 the motion.

12 ORRY KORB: Mr. Chair, just before the motion is
13 called I just want to clarify for the record that the motion
14 and the second concerned a motion on both the Architecture
15 and Site Application and the Subdivision Application.

16 CHAIR KANE: That's correct.

17 ORRY KORB: Thank you.

18 CHAIR KANE: Thank you, Mr. Korb. Calling the
19 motion. All those in favor? All those opposed? Motion passes
20 to deny 6-0.

21 ORRY KORB: Appeal rights. Anyone dissatisfied
22 with the decision of the Planning Commission may appeal the
23 decision to the Town Council. The appeal must be filed
24 within ten days. It must be filed upstairs in the Clerk
25 Department. There are fees for filing an appeal.



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: March 26, 2008

ITEM NO: 2

PREPARED BY: Curtis Banks, AICP
Project Planner

APPLICATION NO.: Architecture and Site Applications S-07-34
Subdivision Application M-07-13

LOCATION: 15720 and 15736 Winchester Boulevard. The property is located on the east side of Winchester Boulevard between Pleasant View Avenue and West Farley Road.

APPLICANT: John Lien

PROPERTY OWNER: Martin Dermer

CONTACT PERSON: John Lien, (408) 395-3525

APPLICATION SUMMARY: Requesting approval to demolish a single family residence built prior to 1941, a 3,250 square-foot office building, merge two existing parcels and construct a new 15,510 square-foot office building on property zoned O. APN 424-27-011 and 051

DEEMED COMPLETE: January 14, 2008

FINAL DATE TO TAKE ACTION: July 14, 2008

RECOMMENDATION: Deny the architecture and site and subdivision applications

PROJECT DATA: General Plan Designation: Office Professional
Zoning Designation: Office
Applicable Plans & Standards: Commercial Design Guidelines
Parcel Size: .86 acres (both parcels)

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Single Family Home	Low Density Residential	Office
East	Storage Bldg	Service Commercial	Industrial
South	Office	Office	Office
West	Single Family Home	Monte Sereno	Monte Sereno

- CEQA: It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared for this proposal.
- FINDINGS:
 - As required by the Town's Traffic Policy for community benefit.
 - As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence.
- CONSIDERATIONS:
 - As required by Section 29.20.150 of the Town Code for Architecture and Site applications.
- ACTION:
 1. The decision of the Planning Commission for the Lot Line Adjustment and Architecture and Site Application is final unless appealed within ten days.
- EXHIBITS:
 1. Location Map.
 2. Findings and Considerations (four pages).
 3. Recommended Conditions of Approval for the Architecture and Site Application (12 pages).
 4. Initial Study and Negative Declaration (30 pages)
 5. Applicant's Letter of Justification.
 6. Letter from Town's Consulting Architect, Cannon Design Group (three pages) received May 3, 2007.
 7. CDAC minutes and staff report for the meeting of January 10, 2007 (5 pages).
 8. Excerpt from the Historic Preservation Committee Meeting of June 20, 2007 (one page).
 9. Development Plans (12 sheets), received January 14, 2008.

BACKGROUND

The project site consists of two parcels located at 15720 and 15736 Winchester Blvd. The property at 15720 Winchester Blvd. is developed with a 3,250 square foot office building and 15736 Winchester Blvd is developed with a 1,066 square foot home, a 575 square foot garage and 630 square foot shed. The project site is located between a two-story office building and a single-story single-family home.

PROJECT DESCRIPTION

A. Architectural and Site Approval:

Request to demolish an existing 3,250 square foot office building and a 1,066 square foot home and associated accessory structures and construct a new 15,510 square foot office building.

B. Lot Line Adjustment:

Merge the existing two lots into one lot.

C. Code Compliance:

The project site is zoned O (Office). As shown below, the proposed project meets all code requirements.

	Proposed	Required
Setbacks		
Front	37 feet*	25 feet
Rear	65 feet	20 feet
Left side	10 feet	10 feet
Right Side	59 feet	10 feet
Height	35 feet	35 feet
Floor Area	15,510	N/A
Lot Coverage	27%	40%

* After required dedication

D. Surrounding Neighborhood:

Winchester Boulevard, between Farley Road and Pleasant View Avenue, is comprised of a mixture of small office buildings and single family homes. One of the offices is a converted home. To the west are single family homes located in Monte Sereno. Two existing masonry buildings associated with Los Gatos Storage Services adjoin the eastern project boundary.

REMARKS

A. Architectural and Site Approval:

The proposed building contains 15,510 square feet and will range from two to three stories and range in height from approximately 30 feet along Winchester Boulevard to 35 feet along the side and rear of the building. The building design is Mediterranean, with plaster walls that will be painted white with a tile roof. Parking is provided in the back portion of the site with 32 spaces located within the proposed parking garage and 34 spaces in the surface parking lot.

Policy L.I.4.7 of the General Plan states that the Town should consider amending the General Plan's Land Use Element and the Zoning designation to preserve the existing residential uses along Winchester Boulevard, between Shelburne Way and Pleasant View Avenue. After a study of the area, the General Plan of the five properties north of the

project site was amended to Low Density Residential from Office. However, the zoning for these parcels remains Office.

The proposed office building will be the first commercial building constructed since this area was studied and the Council concluded that the parcels from the project site and Shelburne Way, as shown on the Land Use Map, should be developed with office uses while retaining the residential designation for the five properties between Pleasant View Avenue and the project site. Development of this property is consistent with the General Plan and the Zoning designation.

This building will establish the character of the commercial area south of Pleasant View Avenue and will serve as the gateway to the Downtown Area. Architecturally, staff finds the building to be well designed, but is concerned about the scale and mass of the building in relation to the surrounding neighborhood. The proposed building will be taller than surrounding buildings. From street level, on Winchester Boulevard, the proposed building would appear as a 30-foot high, two-story building. The rear of the building is three stories and 35 feet high. Due to the change in grade from Winchester Boulevard, the lower parking garage level, which is accessed from the east side of the building, would not be visible from Winchester Boulevard. There is a two-story office building immediately south of the site (approximately 24 feet high) and a one-story residence to the north (approximately 19 feet high).

Below is a summary of buildings and lots sizes along the east side of Winchester Boulevard between Shelburne Way and Pleasant View Avenue.

Address	Use	Lot Size	Building Size	FAR
15670 Winchester Blvd.	SFH	14,753	3,216	0.22
15680 Winchester Blvd.	SFH	11,829	856	0.07
15690 Winchester Blvd.	SFH	12,046	2,033	0.17
15700 Winchester Blvd.	Office (SFH)	11,717	1,299	0.11
15710 Winchester Blvd.	SFH	12,126	1,378	0.11
15720-36 Winchester Blvd.*	Office	36,808	15,510	0.42
15750 Winchester Blvd.	Office	17,312	5,160	0.30
17530 Farley Road	SFH	10,875	2,826	0.26
15796 Winchester Blvd.	Nursery	19,200	899	0.05
15814 Winchester Blvd.	Office	19,200	6,018	0.31
15830 Winchester Blvd.	SFH	19,144	2,746	0.14

* Project Site

As shown in the table, the proposed building will be significantly larger than existing buildings along this portion of Winchester Boulevard. Combining the two lots allows the building to be larger than the immediately adjacent buildings. The proposed building will

have a stronger presence on the streetscape, having less front setback landscaping than other nearby parcels with site frontage on Winchester Boulevard. The street slopes up toward the project site; therefore, the height of the proposed office will appear taller than the adjacent two-story office although they are similar in height along the Winchester Boulevard frontage.

To be more compatible with the character of the area, staff recommended to the applicant that the project be designed to have more of a residential character to respect the residential character of the area. To accomplish this goal, staff recommended the following:

- Consider breaking the project into smaller structures or smaller components to provide a more residential scale;
- Consider stepping the building to match the slope of the site, and
- Consider a mixed-use project.

The applicant made technical modifications to the project but chose to proceed with the proposed design. As justification for approval, the applicant has indicated they believe the project is compatible with the area and that the project as designed complies with the code requirements for the Office zoning district and will serve as a gateway.

Staff agrees that the project does comply with the technical requirements for the zoning district. However, projects must also be compatible with the area. Section 29.20.140 (d) of the Zoning Code states in part that the purpose of architecture and site approval is to regulate the height, width, shape, proportion, siting, exterior construction and design of buildings to insure that they are architecturally compatible with their surroundings.

The Commission is required to find that the orientation and location of buildings and open spaces is compatible with the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of adjacent buildings. Based on the present design, staff cannot recommend that the Commission make the required finding.

B. Pre-1941 Home:

The project includes demolition of a pre-1941 home. The Historic Preservation Committee considered the request to demolish the home at their meeting of June 20, 2007. The Committee voted unanimously to recommend approval of the request to demolish the home to the Planning Commission (Exhibit 8).

C. Story Poles:

The applicant requested that the Community Development Director waive the requirement for story poles. The reason for the request is the existing office building is occupied and the applicant felt erecting story poles would be difficult and potentially dangerous to the

occupants and visitors at the site. The applicant is proposing to bring a model to the meeting in lieu of the story poles.

The Community Development Director did not waive the requirement for story poles. This request has been forwarded to the Planning Commission. If the Commission does not feel the model is sufficient to evaluate the scale and mass of the proposal, the item should be continued and the applicant directed to install the story poles.

D. Traffic:

A detailed traffic impact study was completed by TJKM Transportation Consultants, the Town's traffic consultant. The proposed office building will generate 171 daily trips with 24 AM peak hour trips and 23 PM peak hour trips. However, the site currently generates traffic from the existing office building and residence. When project volumes are adjusted for existing on-site traffic, the proposed project will generate 125 net new average daily trips with 18 net new AM peak hour trips and 17 net new PM peak hour trips.

TJKM evaluated the project's impact at the Winchester Boulevard/Daves Avenue intersection. With the proposed project, average delays are estimated to increase by up to 1.5 seconds per vehicle at this intersection, with this intersection continuing to operate at LOS B. Since this intersection will operate at LOS B during the AM and PM peak periods under all future scenarios, the project will have a less-than-significant impact on this intersection's operation.

School-bound children currently walk along Winchester Boulevard and Daves Avenue during the school peak hours. It is expected that the project's impact on school-related pedestrian safety would be less than significant. This conclusion is based on pedestrian counts taken during school and traffic peak hours, the project's estimated peak hour volumes, and the project's less-than-significant impact on traffic congestion, signal delay, and intersection operations.

E. Trees:

Arbor Resources completed an arboricultural survey for the proposed project. The Arbor Resources' survey identified a total of 44 trees that could be affected by the proposed project. The project plans indicate that trees on the site would not be retained. Based on the Site Demolition Plan, all 31 trees located on the subject site would be removed. The arborist's assessment indicates that the loss of all but three oak trees would conform to Section 29.10.0990 (Standards of Review) of the Town's Municipal Code. Three Coast Live Oaks that appear in good condition should be retained or relocated. These trees grow within an open area on the site and may be easily relocated. It is recommended that the proposed landscape design be revised to relocate the oak trees. It is also recommended that

new trees be installed to mitigate those being removed and that landscape screening be reestablished along the northern boundary. Should the Commission approve the project, these recommendations are included in the conditions of approval.

F. Architectural Review:

The Town's Consulting Architect, Cannon Design Group (CDG), reviewed and commented on the plans for this project. Staff previously identified a concern with the scale and mass of the project so CDG was asked to focus on the building design. CDG did not have any concerns regarding building design. If concerns are raised regarding building visibility, CDG recommends the addition of evergreen landscape trees to screen key views from the south, west, and north. The applicant has added evergreen screening as recommended by CDG.

G. Community Benefit:

Because the project generates additional traffic of five or more trips, a finding of community benefit will be required to mitigate the minor traffic impact and for an infill development. The applicant is considering what they believe is appropriate community benefit for the project, which will be presented as a desk item or verbally at the Planning Commission meeting.

H. CEQA Determination:

An Initial Study was prepared for this project (Exhibit 4). The areas of mitigation are as follows:

1. Biological Resources - The mitigation measures deal with the recommendations made by the Consulting Arborist to reduce tree impacts.
2. Cultural Resources - The mitigation measures deal with the possible discovery of archaeological resources during construction.
3. Hazards and Hazardous Materials - The mitigation measures deal with the removal of lead based paint.
4. Noise - The mitigation measures deal with construction noise impacts.
5. Traffic - The mitigation measure deals with access improvements and driveway relocation.

TOWN COMMITTEE MEETINGS

A. Conceptual Development Advisory Committee:

The Conceptual Development Advisory Committee (CDAC) reviewed the project at their meeting of January 20, 2007. The staff report and minutes of the meeting are attached (Exhibit 7). Committee members felt the three-story appearance of the proposed building was too large and out of context with the area and the predominately smaller residential

appearing structures. They also felt the design should have more of a residential feel to respect the residential character of the area and that the applicant should consider breaking the project into smaller structures. Some members suggested that the applicant consider stepping the building to match the slope of the site and to consider a mixed-use project. Some members of the Committee felt the General Plan policy to retain the residential character of the area does not mean the area must be rezoned to residential, but rather make sure residential is not overwhelmed by commercial. Other members preferred to maintain the residential uses in the area.

B. Historic Preservation Committee:

The Historic Preservation Committee considered the request to demolish the pre-1941 home on June 20, 2007. The Committee did not feel the structure was architecturally significant and voted unanimously to recommend approval of the demolition to the Planning Commission. Minutes of the meeting are attached (Exhibit 8).

CONCLUSION

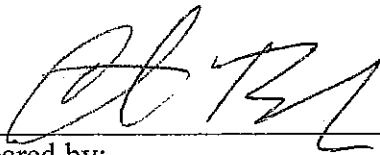
Staff has carefully considered the comments made by the applicant, Town Committees, Cannon Design Group and the general public. Based on the above information, staff does not recommend approval of the project as proposed. Significant design modifications would be necessary to address the concerns regarding the compatibility of the project with the neighborhood. Aside from technical changes to the project, which has slightly reduced the square footage of the building, the applicant has chosen not to modify the design of the project.

Should the Commission have concerns with the project, and if the applicant is willing to make significant changes to the project, the Commission could continue the project with direction for redesign. Because staff believes extensive design changes are necessary for the project to be consistent with the area and the applicant has not indicated a willingness to modify the design, staff recommends that the Architecture and Site application be denied.

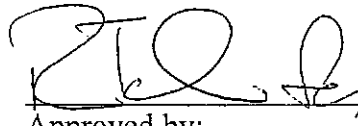
RECOMMENDATION

- A. If the Planning Commission concurs with staff's summary above, the Commission should continue the project, if the applicant is willing to redesign. The Commission should deny the Architecture and Site application if the applicant is unwilling to modify the project.
- B. If the Commission finds merit with the project as proposed, the following actions are required:
 - 1. Approve the Mitigated Negative Declaration (Exhibit 4).

2. Approve the lot line adjustment and the Architecture and Site application subject to conditions (Exhibit 6).



Prepared by:
Curtis Banks, Project Planner



Approved by:
Bud N. Lortz, Director of Community Development

cc: John Lien, 196 College Avenue, Los Gatos, CA 95030
Martin Dermer, 15720 Winchester Blvd, Los Gatos, CA 95030

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REQUIRED FINDINGS AND CONSIDERATIONS FOR

15720 and 15736 Winchester Boulevard

Architecture and Site Applications S-07-34

Subdivision Application M-07-13

Requesting approval to demolish a single family residence built prior to 1941, a 3,250 square-foot office building, merge two existing parcels and construct a new 15,510 square-foot office building on property zoned O. APN 424-27-011 and 051

PROPERTY OWNER: Martin Dermer

APPLICANT: John Lien

FINDINGS

1. As required by the Town's Traffic Policy for a community benefit.

Projects that generate additional traffic of five or more peak hour trips may only be recommended for approval if the project's benefits to the community override the traffic impacts as determined by specific sections of the General Plan and/or any Specific Plan. If a project generates additional traffic of five or more peak hour trips the burden is on the applicant to cite economic or housing benefits to the Town and/or specific sections of the General Plan and any applicable Specific Plan that demonstrate the project's benefit to the Community which outweighs the traffic impact. The deciding body must make specific findings which demonstrate that the benefit(s) of the project outweigh the impact in order to approve the project.

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

In architecture and site approval proceedings, the deciding body shall consider:

1. Maintaining the Town's housing stock.
 2. Preservation of historically or architecturally significant buildings or structures.
 3. Property owner's desire or capacity to maintain the structure.
 4. Economic utility of the building or structure.
3. It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared for this proposal pursuant to the State Environmental Guidelines as adopted by the Town.

CONSIDERATIONS IN REVIEW OF APPLICATIONS

4. 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.

CITY COUNCIL – JUNE 2, 2008
CONDITIONS OF APPROVAL

15720 and 15736 Winchester Boulevard
Architecture and Site Applications S-07-34
Subdivision Application M-07-13

Requesting approval to demolish a single family residence built prior to 1941, a 3,250 square-foot office building, merge two existing parcels and construct a new 15,510 square-foot office building on property zoned O. APN 424-27-011 and 051

PROPERTY OWNER: Martin Dermer
APPLICANT: John Lien

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 noted as received by the Town on January 14, 2008. 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). Substantive modifications to the plans may be approved by the Town Council when awarding the construction contract for the project.
2. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.
3. **EXPIRATION OF APPROVAL:** The Architecture and Site application (S-07-34) 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.
4. **COMMUNITY BENEFIT.** The applicant shall enter into an agreement with the Town for provision of the community benefits being offered with the project. The agreement shall include details on the timing and implementation of each item and shall be approved by the Town Attorney and the Directors of Community Development and Parks & Public Works prior to issuance of any building permits for the project.
5. **MEDICAL OFFICE USE.** A maximum of eleven medical professionals shall be allowed in the building (one per medical office suite) upon confirmation that the amount of off-street parking for all building uses complies with Section 29.10.150 of the Los Gatos Parking Code.
6. **DEED RESTRICTION:** Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that states the restrictions on medical office use.
7. **OUTDOOR LIGHTING.** Building exterior, parking lot and landscape lighting shall be down directed fixtures that will not reflect or encroach onto adjacent properties. The final lighting plan shall be reviewed during building plan check. Any changes to the approved lighting plan shall be approved prior to installation.

8. SIGNS. Signs shall be in compliance with the Town's Commercial Design Guidelines and shall be sympathetic to the building architecture, to the satisfaction of the Director of Community Development.
9. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees to be removed, prior to the issuance of the demolition permit.
10. OAK TREES NOS. 12, 30 AND 31. The Coast Live Oak Trees, identified as tree nos. 12, 30 and 31 as identified in the Arbor Resources report (June 18, 2007) shall be retained in their present location or be transplanted to a new location on the project site. Relocation of the trees shall be performed according to the recommendations contained in the Arbor Resources report.
11. TREE SECURITY GUARANTEE. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars (\$5,000.00) for each tree required to be preserved, or twenty-five thousand dollars (\$25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars (\$5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.
12. 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.
13. TREE STAKING. All newly planted trees shall be double-staked using rubber tree ties.
14. TREE PRESERVATION. All recommendations made by Arbor Resources (June 18, 2007) shall be implemented to eliminate or minimize the construction-related impacts on the trees to be retained. Recommendations are listed under Section 5.0, Recommendations, of the arborist's report. These include Design Guidelines, addressing tree location mapping, protective fencing, building setback, trenching, drainage facilities, and installation of new trees (including installation of three new trees of 24-inch box size). The report also provides Protection Measures before and during construction, encompassing fencing, removal of hardscape, demolition, work within tree canopies, etc.
15. 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.
16. 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.
17. CULTURAL RESOURCES MITIGATION MEASURE-1. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.
18. CULTURAL RESOURCES MITIGATION MEASURE-2. If human remains are

discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.

19. CULTURAL RESOURCES MITIGATION MEASURE-3. If the Community Development Director finds that the archaeological find is not a significant resource, work shall resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
20. CULTURAL RESOURCES MITIGATION MEASURE-4. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
21. HAZARDOUS MATERIALS MITIGATION MEASURE-1. A state certified lead-based paint professional shall be retained to perform a lead-based paint survey of the existing structures and the recommendations of the professional shall be followed for abatement of any identified lead-based paint prior to demolition of the structures.
22. HAZARDOUS MATERIALS MITIGATION MEASURE-2. As part of inspections for asbestos and lead-based paints on the project site, all structures and uses on the site shall also be inspected for the presence of hazardous materials. The identified hazardous materials being stored on the site shall be legally disposed of in accordance with local, county, and state regulations.
23. NOISE MITIGATION MEASURE-1. The northern façade of the proposed office building shall be enclosed as early in the construction process as possible to minimize impacts on the existing residence to the north. Proposed fencing along the northern property boundary shall be constructed prior to construction of the proposed building to minimize construction-related noise impacts.
24. NOISE MITIGATION MEASURE-2. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used on the northern parcel of the project site shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures such as drilling rather than impact equipment shall be used whenever feasible.
25. NOISE MITIGATION MEASURE-3. Stationary noise sources shall be located as far

from the existing adjacent residence to the north as possible. If such noise sources must be located near this residence, they shall be adequately muffled and enclosed within temporary sheds.

Building Division

26. PERMITS REQUIRED: A building permit shall be required for the demolition of the existing single family residence and office building and the construction of the new shell building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
27. 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.
28. SIZE OF PLANS: For sets of construction plans, maximum size 24" x 36."
29. 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 form 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.
30. STREET NUMBERS: Submit requests for new street numbers and suite numbers to the Building Division prior to submitting for the building permit application process.
31. 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)
32. SHORING: Shoring plans and calculations will be required for all excavations which exceed four (4) feet in depth or which remove lateral support from any existing building, adjacent property or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to Cal/OSHA regulations.
33. 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

34. 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 (WVSD) 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.
35. TITLE 24 – COMMERCIAL: The building shall be constructed to comply with the latest California Title 24 Accessibility Standards.
36. 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/building
37. NONPOINT SOURCE POLLUTION STANDARDS SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (or Clean Bay Sheet 24x36) 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 for a fee.
38. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
39. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: Curtis Banks at 354-6879
 - 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 permit issuance.**
 - f. Bay Area Air Quality Management District: (415) 771-6000

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS

40. TRAFFIC MITIGATION MEASURE. The southbound left-turn access into the project shall be improved by striping a southbound left-turn only lane for a minimum of 75 feet. In addition, all necessary signal head installations/modifications to provide a southbound left-turn protective phase, intersection improvements and relevant signal timing changes are required.
41. REIMBURSEMENT. The developer shall reimburse the Town for their share of the traffic signal constructed at Dave's Avenue in 2003 in accordance with Section 23.50.025 of the Town Code. The \$30,000 amount is based on the Town signaling the private driveway leg of the intersection and providing 185 linear feet of curb, and 825 square feet

- of sidewalk, and associated signal improvements. The reimbursement shall be paid prior to issuance of a building permit.
42. **DRIVEWAY SLOPE.** The first 25-feet of driveway measured from the back of sidewalk on Winchester Blvd., shall be constructed at a 4-percent maximum slope. The building and grading permit drawings shall reflect these criteria.
43. **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.
44. **TREE REMOVAL.** Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
45. **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
46. **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.
47. **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.
48. **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.

49. **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.
50. **SOILS REPORT.** One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, and 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.
51. **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.
52. **CERTIFICATE OF LOT MERGER.** A Certificate of Lot Merger shall be recorded. Two copies of the legal description for exterior boundary of the merged parcel and a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than 90 days old and the appropriate fee. The certificate shall be recorded before any permits may be issued.
53. **DEDICATIONS.** The following shall be dedicated on the final parcel map by separate instrument. The dedication shall be recorded before any permits are issued.
 - a. Winchester Blvd. A 47-foot half street width along the entire Winchester Blvd. frontage.
 - b. Public Service Easement (PSE). Ten (10) feet wide, next to the Winchester Blvd. right-of-way.
54. **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. Remove the existing driveway apron at 15720 Winchester and replace with Town standard curb, gutter and sidewalk. Modify the existing driveway apron as required to accommodate the new driveway. The centerline of the new driveway shall be aligned with the centerline of Dave's Avenue. The new driveway shall be a minimum of 25-feet wide.
 - b. Relocate the existing bus stop from 15796 Winchester Blvd. to the existing duckout on the project frontage. Provide signage and a bus pad in accordance with VTA standards and recommendations.
 - c. Replace the two existing speed feedback signs with new signs as selected by Town.
 - d. Modify the Dave's Avenue traffic signal as required by Town. The modification shall include, at a minimum, changing out the signal pole/arm to allow addition of a left-turn signal head (southbound direction), installing pedestrian signals to match the new

driveway location, moving 1-B signal pole out of the proposed driveway location, installing a new 1B pole to match the proposed driveway, modifying the controller cabinet as needed, removing two existing detection cameras, installing two new detection cameras at locations determined by staff, replacing the existing video detection processor, replacing existing batteries for the signal's battery backup system.

- e. Remove and replace safety lights with LED lights per Town direction. Modify the traffic signal electrical service cabinet as needed.
- f. Install and modify signs and pavement markings as directed by Town.

- 55. **TRAFFIC IMPACT MITIGATION FEE.** The developer shall pay a fee proportional to the project's share of transportation improvement needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit application is made. The fee shall be paid before the building permit is issued. The traffic impact mitigation fee for this project, using the current fee schedule and the preliminary plans is \$13,495. The final fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application, using a trip generation rate based on general office use. The fee listed is based upon demolition of 3,256 SF of general office and one single family residence, and construction of 15,510 square feet of office. The new use generates 125 new daily trips, 18 new AM peak hour trips, and 17 new PM peak hour trips.
- 56. **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.
- 57. **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.
- 58. **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.
- 59. **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 No. R2-2005-0035 of the amended Santa Clara County NPDES Permit.
60. **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.
61. **CONSTRUCTION MANAGEMENT PLAN.** The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
62. **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).
63. **SITE DRAINAGE.** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
64. **NPDES.** On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
65. **STORM WATER MANAGEMENT PLAN.** A storm water management shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3.d. of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit No. CAS029718. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning

- approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.
66. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner shall enter into an agreement with the Town for maintenance of the stormwater filtration devices required to be installed on this project by Town's Stormwater Discharge Permit No. CAS029718 and modified by Order No. R2-2005-0035. The agreement will specify that certain routine maintenance shall be performed by the property owner and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.
 67. STORMWATER DETENTION. Detention facilities and supporting calculations shall be provided to insure that post development runoff rates equal pre-development values for the 10-year storm.
 68. EMERGENCY BACKUP POWER. An emergency backup power generator shall be provided to supply power to storm drainage and sanitary sewer pump systems.
 69. 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.
 70. ABOVE GROUND UTILITIES. The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by Director of Community Development prior to issuance of any permit. The Director of CDD may require the transformer to be placed underground.
 71. WATER DESIGN. Water plans prepared by SJWC must be reviewed and approved prior to issuance of any permit.
 72. 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.
 73. 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.**

74. **SIDEWALK REPAIR.** The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. An inspection made at the time the planning application was filed showed a minimum of 68 square feet of sidewalk currently in need of repair. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
75. **CURB AND GUTTER.** The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
76. **DRIVEWAY APPROACH.** The developer shall install one commercial driveway approach. The new driveway approach shall be constructed per Town Standard Details.
77. **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.
78. **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.
79. **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.
80. **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.
81. **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.
82. **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.), and may be further restricted during periods when school is in session. **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.
83. **SITE SUPERVISION.** The General Contractor shall provide qualified supervision on the job site at all times during construction.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

84. **REQUIRED FIRE FLOW:** The fire flow for this project is 4,000 gpm at 20 psi residual pressure. As an automatic fire sprinkler will be installed, the fire flow has been reduced by 75% establishing a required adjusted fire flow of 1,500 gpm at 20 psi residual pressure. The adjusted fire flow is available from area water mains and fire hydrant(s) which are not spaced at the required spacing.
85. **REQUIRED PUBLIC FIRE HYDRANT:** Provide one public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and the San Jose Water Company. Maximum hydrant spacing shall be 250 feet, with a maximum single hydrant flow of 1500 GPM at 20 psi, residual. If area fire hydrants exist, reflect their location on civil drawings including with the building permit submittal. The new hydrant shall be located on the east side of Winchester Boulevard in front of the property.
86. **AUTOMATIC FIRE SPINKLER SYSTEM REQUIRED:** Buildings requiring a fire flow in excess of 2,000 GPM or all new Buildings located within the hazardous fire area, shall be protected throughout by an approved, automatic fire sprinkler system, hydraulically designed per National Fire Protection Association (NFPA) Standard #13. A State of California licensed fire protection contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work.

87. **PREMISES IDENTIFICATION:** Approved numbers or address shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.
88. **FIRE DEPARTMENT KEY BOX REQUIRED:** The building shall be equipped with a permanently installed emergency access key lock box (Knox), conforming to Fire Department Standard Detail and Specification sheet K-1. At the time of final inspection, access keys shall be provided to the fire department.

>>> "Jay Friedman" <Jay@Friedmn.com> 5/15/2008 12:50 PM >>>

A copy of the letter below has been mailed to Mr. Dermer.

May 15, 2008

Martin Dermer

15720 Winchester Boulevard

Suite 1

Los Gatos, CA 95030

RECEIVED

MAY 19 2008

TOWN OF LOS GATOS
PLANNING DIVISION

Dear Mr. Dermer,

Unfortunately, due to my previous commitments for Saturday morning, I cannot attend your presentation at the Neighborhood Center. I would have hoped that you'd have provided more notice to more residents and schedule a time that is more convenient to most families. I have a strong interest on how any project in this neighborhood proceeds as my family leaves in Monte Sereno off Daves Ave, my business is located in Los Gatos, and I'm the president of my religious congregation located in Los Gatos.

Please be advised that I am not in favor of your proposed development for the reasons given to you by the Los Gatos Conceptual Development Advisory Committee, the Los Gatos Community Development Staff, the Planning Commission, and as stated by the speakers during the public hearing on March 26.

While I support the development of 15736 Winchester, it should be done in a manner that is consistent with the surroundings.

Sincerely,

Jay Friedman

15650 Michael Lane

cc Town of Los Gatos
Architecture and Site Applications S-07-34
Subdivision Application M-07-13

RECEIVED

MAY 22 2008

MAYOR & TOWN COUNCIL

Christopher Cramer
19255 Beardsley Rd.
Los Gatos, CA 95033
(408) 395-2812

May 21, 2008

Mayor Barbara Spector
Los Gatos Town Hall
110 E. Main St.
Los Gatos, CA 95030

Dear Mayor Spector,

My name is Christopher Cramer. In January of 2007, I purchased a home in Los Gatos on Beardsley Rd.

My long time friend and advisor Martin Dermer designed a new office building to replace his current suite of offices at 15720 Winchester Blvd. It is my understanding that the Los Gatos Planning Commission refused to approve this project and that Mr. Dermer will be appealing the decision at the Los Gatos Town Council meeting on Monday June 2, 2008.

I will be unable to attend the meeting on June 2, 2008 because I am participating in the AIDS Life Cycle Fundraiser, a 7 day, 545 mile bicycle ride from San Francisco to Los Angeles. I urge the Council to reverse the decision of the Planning Commission for the following reasons.

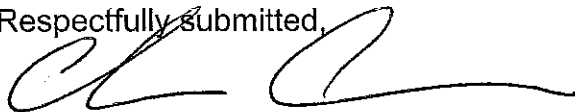
I have seen a model of the proposed office building and it is breathtaking. The Spanish style architecture is consistent with Los Gatos' history and the upscale, reserved and traditional buildings that should comprise our town area. The building sets the tone well for a visitor coming to Los Gatos.

This project represents an improvement. It will be more visually pleasing as seen from Winchester Blvd than the current building. This building would also benefit the Los Gatos residents who would work and transact business in the building.

Moreover, the increased size of the building represents opportunity for Los Gatos by increasing tax revenues, providing a venue for small business, and providing additional jobs.

I usually appreciate a conservative approach to construction projects. I feel that approving this project is consistent with that approach because we would be locking in a stately, high quality, beautiful building that is consistent with surrounding architecture and the tone of the town as well. If you don't approve this project you run the risk of the older buildings falling into disrepair or a less appropriate, less well funded, project in the future. I think it very wise to lock in the gold standard now. Please approve construction of this project. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher Cramer', with a long horizontal flourish extending to the right.

Christopher Cramer

Cc: Martin Dermer

March 25, 2008

To: City of Los Gatos

Re: New Office Complex on Winchester Ave @ Daves

I am sending this letter voicing my objection to the new proposed Office Complex. The Design is too huge for the area; it will cause traffic problems, not only for residents trying to exit our streets, but additionally for the Winchester/Daves intersection. There is also a possible view problem for nearby residents due to the height of the building. The construction will cause an unbearable nightmare of traffic, congestion and noise.

Terry G. Rainey
17450 Pleasant View Ave
Monte Sereno, CA 95030
395-3022

From: David McMackin
Sent: Wednesday, March 26, 2008 10:24 AM
To: 'ebanks@losgatosca.gov'
Cc: David McMackin
Subject: RE: Development at 15720 and 15736 Winchester Blvd, Los Gatos

Curtis,

RE: Development at 15720 and 15736 Winchester Blvd, Los Gatos

My family as well as 11 neighbors on my street that I have spoken with so far are very disturbed that the City of Los Gatos would condone such a monstrous sized development in our neighborhood. I am unable to attend the meeting scheduled for this evening but please acknowledge this email and count me in as protesting against the project as sized under the current planned development.

Best regards,



David McMackin

Home owner of record: 17438 Pleasant View Ave.

Project size: 35' high, 2 story office building with 15,510 feet and parking for 64 cars.



David McMackin / President

AmericaOne
930 Hamlin Court
Sunnyvale, CA 94089
Phone: 408.494.2401
Fax: 408.752.2508
E-mail: david@americaonems.com
URL: www.americaonems.com

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INITIAL STUDY

15720 AND 15736 WINCHESTER
BOULEVARD
LOS GATOS, CALIFORNIA

ARCHITECTURE AND SITE APPLICATION S-07-34
SUBDIVISION APPLICATION M-07-13

PREPARED FOR
TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
110 E. MAIN STREET
LOS GATOS, CA 95030

MARCH 2008

PREPARED BY
GEIER & GEIER CONSULTING, INC.
P.O. BOX 5054
BERKELEY, CA 94705-5054
510/644-2535

**TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT**

ENVIRONMENTAL CHECKLIST FORM

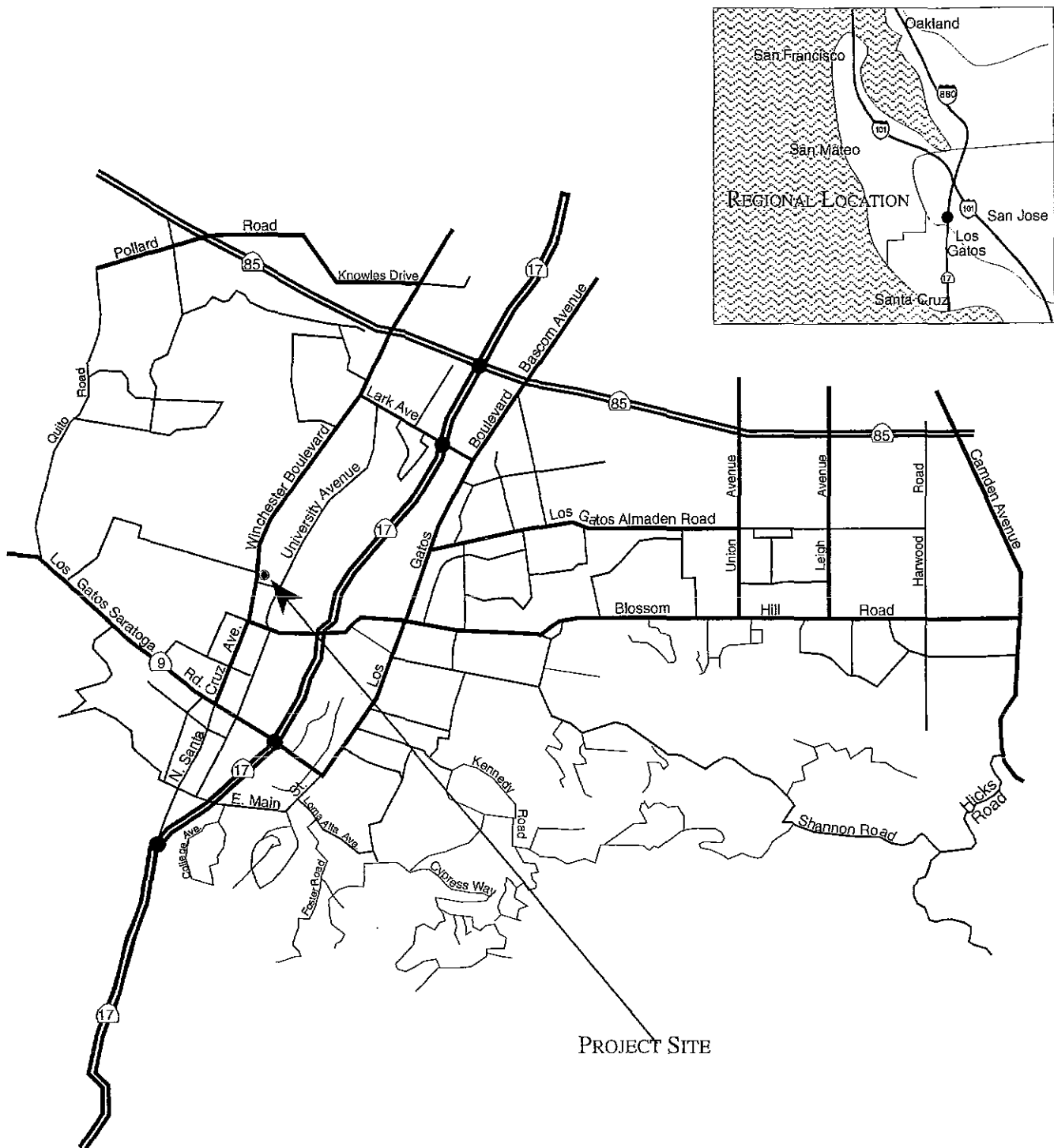
1. **Project Title:** 15720 and 15736 Winchester Boulevard
Architecture and Site Application S-07-34
Subdivision Application M-07-13
2. **Lead Agency Name and Address:** Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031
3. **Contact Person and Phone Number:** Curtis Banks, 408/354-6807
4. **Project Location:** 15720 and 15736 Winchester Boulevard (Figure 1)
5. **Property Owner:** Martin Dermer
15720 Winchester Boulevard
Los Gatos, CA 95030

Project Applicant's

Name and Address: John Lien, Architect
196 College Avenue
Los Gatos, CA 95030

6. **General Plan Designation:** Office Professional
7. **Zoning:** O, Office
8. **Description of Project:** The project applicant is requesting approval to demolish two structures (including a single-family residence built prior to 1941), merge two existing parcels, and construct a new office building. The project site consists of two parcels (APN 424-27-011 and 424-27-051) and is located on the east side of the Daves Avenue/Winchester Boulevard intersection. The project site is 1.043 gross acres or 0.84 net acre with dedications. These two parcels are currently developed with an existing office building, associated paved parking lot, single-family residence, detached garage, and greenhouse structure. The proposed project would demolish all existing structures on these parcels and construct a 15,510 square-foot, three-story office building and parking lot. The proposed building would have two floors of office space (8,140 square feet (s.f.) on the first floor, 7,370 s.f. on the second floor) above an 11,310 square-foot parking garage. The project would provide 32 parking spaces in the parking garage and 34 parking stalls in the surface parking lot.

The project site currently has two driveways on Winchester Boulevard. The northern driveway provides access to the existing office building. The southern driveway, located directly opposite Daves Avenue, accesses the single-family residence. The proposed project design has one driveway, located approximately where the existing southern driveway is located; the site's northern driveway on Winchester Boulevard would be eliminated.



9. **Surrounding Land Uses and Setting:** The project site is comprised of approximately 1.043 acres (45,447 s.f.) located on the east side of Winchester Boulevard at Daves Avenue. The site forms the east side of the Winchester Boulevard/Daves Avenue "T" intersection. The project parcel is currently developed with a one-story office building and associated parking lot on the northern parcel, and a one-story single-family residence, detached two-story garage structure, and shed/greenhouse structure on the southern parcel. The southern parcel also extends to the north behind and east of the office building on the northern parcel. The northeastern portion of the southern parcel is undeveloped and serves as an unused rear yard area for the northern parcel.

The project site is bounded on the west by Winchester Boulevard, on the south by a two-story office building and surface parking lot (Los Sereno Plaza, 15750 Winchester Boulevard), on the east by masonry buildings (one to two stories high) associated with the Los Gatos Storage Services (17471 Farley Road West), and on the north by a one-story, single-family residence. One-story, single-family residences are located across Winchester Boulevard to the west, and these homes are in Monte Sereno.

10. **Other agencies whose approval is required (e.g., permits, financing approval, or participation agreements):** None.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

	Aesthetics		Agriculture Resources		Air Quality
X	Biological Resources	X	Cultural Resources		Geology/Soils
X	Hazards & Hazardous Materials		Hydrology/Water Quality		Land Use/Planning
	Mineral Resources	X	Noise		Population/Housing
	Public Services		Recreation	X	Transportation/Traffic
	Utilities/Service Systems		Mandatory Findings of Significance		

Determination: (to be Completed by the Lead Agency)

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
--	--

Bud N. Lortz, Director of Community Development

Date

Evaluation of Environmental Impacts

Issues:

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics - Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

The project site is located on the east side of Winchester Boulevard, and the project property does not front onto any other public streets. Therefore, it is most visible from Winchester Boulevard, but views of the site from this street are limited to the western portions of the site due to the site's downslope grade from Winchester Boulevard. Elevations along the eastern project boundary are approximately 10 feet below the western site frontage on Winchester Boulevard. Two existing masonry buildings associated with Los Gatos Storage Services adjoin the eastern project boundary, while an existing office building is located along the southern boundary. These buildings and associated landscaping block or obscure views of the site from Farley Road West to the south.

The proposed three-story building would be taller than existing one-story buildings currently on the site as well as surrounding buildings. From street level on Winchester Boulevard, the western façade of the proposed building would appear as a 30-foot high, two-story building. Due to the change in grade from Winchester Boulevard, the lower parking garage level would be accessed from below on the east side of the building, and would not be visible from Winchester Boulevard. There is a two-story office building immediately south of the site (approximately 24 feet high) and a one-story residence to the north (approximately 19 feet high). From Winchester, the proposed building would appear approximately six feet taller than the two-story office building to the south and 11 feet higher than the one-story house to the north. The eastern façade of the proposed building would also be approximately 12 feet higher than the masonry buildings along the site's eastern boundary. The masonry buildings to the east have no windows facing west (toward the site) and therefore, views from these buildings would not be affected by the project. However, the proposed building would likely be visible from the parking lot associated with the

office building to the south. It should also be noted that views from the residence to the north would be substantially altered since the portion of the trees located on the site along the northern property boundary would be removed. It appears that one or more trunks of some of the trees along the northern boundary are situated on the property to the north. As a result, only the trunks on the project site would be removed as part of the project unless authorization from the neighboring property can be obtained. If all tree trunks are removed, potential view changes from this home would be increased.

The proposed building would have a strong presence on the streetscape, having less intense front setback landscaping than other nearby parcels with site frontage on Winchester Boulevard. However, Cannon Design Group (CDG) did not have any concerns regarding building design. If concerns are raised regarding building visibility, CDG recommends addition of evergreen landscape trees to screen key views from the south, west, and north.

Exterior lighting is already provided on-site for existing office and residential uses. The proposed building would increase exterior lighting on the project site, particularly in the surface parking lot. To reduce the potential for disturbance due to nighttime lighting, the project will need to satisfy Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary).

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture Resources - Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

The 1.043-acre project site is currently developed with office and residential uses. While there is a dilapidated greenhouse structure on the southern parcel, the site is not in agricultural use and has no agricultural potential due to its small size and urbanized location. Therefore, the project would not adversely affect any existing agricultural resources or operations. Since the properties surrounding the project site are developed with commercial and residential uses, the proposed project would not adversely affect other agricultural properties or result in the conversion of farmland to non-agricultural use.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality - Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

The project would be consistent with the Bay Area Air Quality Management District's (BAAQMD) most recently adopted regional air quality plan, the *Bay Area 2005 Ozone Strategy (BAOS)*. The consistency of the proposed project with the *BAOS* is determined by comparing the project's consistency with the Los Gatos General Plan. Since the *BAOS* is based on population projections of the Association of Bay Area Governments (ABAG) that are based on the Town's General Plan in effect at the time the *BAOS* was approved, consistency of the project with the General Plan would indicate consistency with the *BAOS*. The project would be consistent with the uses allowed on the project site by the Los Gatos General Plan, and therefore, the project would be consistent with the *BAOS*.

The San Francisco Bay Area Air Basin is classified by the BAAQMD as non-attainment for ozone and inhalable particulates (PM₁₀). According to the Town Planning Department, the proposed project would result in a net increase of 125 daily trips, with 18 AM peak hour trips and 17 PM peak hour trips. Air emissions increases associated with the proposed project would be considered less than significant since the size of the proposed project would not exceed the Bay Area Air Quality Management District's (BAAQMD) threshold levels for potential significance.¹ The BAAQMD threshold levels for potential significance are approximately 2,000 vehicle trips per day or approximately 110,000 s.f. of medical office or 280,000 s.f. of general office space. At or above this size, traffic generated by a project could produce air quality problems, and an air quality impact assessment would need to be prepared and submitted to the BAAQMD for review.

Adjacent residential uses are considered to be sensitive receptors. Proposed grading activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The project parcel is 1.043 acres, and project construction would result in surface disturbance of approximately one acre. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard dust control conditions require implementation of the BAAQMD's standard dust control measures (required on sites of three acres or less), which would reduce the project's construction-related air quality impacts to a less-than-significant level.

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.), which limits statewide greenhouse gas (GHG) emissions to 1990 levels and establishes a goal of achieving these emissions

reductions by 2020 (representing a 25 percent reduction in emissions). AB 32 requires the California Air Resources Board (CARB) to adopt a comprehensive blueprint for limiting greenhouse gas emissions by the end of 2008 and complete the necessary rulemaking to implement that plan by the end of 2011, including adoption of a list of discrete, Early Action Measures that can be implemented before January 1, 2010. At present, adopted early action measures include a low-carbon fuel standard, reduction of refrigerant losses from motor vehicle air conditioning system maintenance, and increased methane capture from landfills. Cumulatively, all 44 early actions could achieve a reduction of 42 million metric tons of CO₂-Equivalents by 2020. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. While most measures relate to transportation, fuels, agriculture, commercial uses, businesses, and local government, there is one measure that could be relevant to the project, if adopted: CARB 2-9, Energy Efficiency, which calls for provision of light-covered paving, cool roofs, and shade trees.

Since the CARB has not adopted a methodology or defined quantitative thresholds that can be applied to a specific development project to evaluate an individual project's contribution to GHG emissions, no significance determination for the proposed project can be made at this time. However, until such time that a methodology is adopted and mitigation can be applied, it is recommended that the Town review designs during the Architecture and Site review process to ensure that energy efficiency measures have been incorporated into projects to the maximum extent feasible (including light-covered paving, cool roofs, and shade trees). It is also recommended that solar access to the project building as well as existing adjacent structures be maintained to the maximum extent feasible. The project's shadow study (included in project plans dated November 15, 2006) indicates the project would shade the adjacent home to the north for most of the day during the winter. However, the shadow study does not appear to account for shading by existing trees located along the project's northern boundary. These trees appear to already shade this house during the winter, but the proposed building could increase shading of the adjacent house. Shading is a design issue that will be reviewed as part of the Architecture and Site review process.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Vegetation on the project site consists of landscape trees, shrubs, and groundcover on the northern parcel; grasses and weedy species predominate throughout the southern parcel. The 1.043-acre site supports a variety of landscape trees primarily on the perimeter of both parcels. The habitat value of site vegetation is limited to urban-adapted species.

Policy O.P.3.3 of the Open Space Element of the Los Gatos General Plan emphasizes preservation of public and private landscaping along Town streets. The Los Gatos Tree Protection Ordinance states that the preferred tree replacement is two or more trees of a species and size designated by the Director of the Parks and Public Works Department. Tree replacement requirements are based on canopy size, which is defined in Table 3-1 of the Ordinance, *Tree Canopy – Replacement Standard*. Tree canopy replacement requirements range from two to six 24-inch box size trees or two 36-inch and/or 48-inch box size trees, depending on the canopy size of the tree to be removed.

Arbor Resources completed an arboricultural survey for the proposed project in June 2007,² and a copy of this study is on file with the Los Gatos Community Development Department. The Arbor Resources' survey identified a total of 44 trees that could be affected by the proposed project. Of these 44 trees, 26 are not shown project plans but are subject to varying degrees of impacts during development and must be disclosed for conformance with Section 29.10.0995 of the Town's Ordinance. Also, the trunks of 17 trees are sufficiently close on properties adjoining the site as to be vulnerable to potential damage during development [Section 29.10.0995(B) of the Town's Municipal Code]. One tree listed in the inventory is located in the public right-of-way and is regarded as a street tree. The 44 trees inventoried for this project have been evaluated for their suitability for preservation:

Suitability for Preservation	Number of Trees	Inventory Number
High	5	1, 14, 30, 31, 42
Moderate	15	2, 3, 5, 7, 10 – 12, 15, 17, 18, 25 – 27, 36, 43
Low	24	4, 6, 8, 9, 13, 16, 19 – 24, 28, 29, 32 – 35, 37 – 41, 44
Total	44	

The project plans indicate that trees on the site would not be retained. Based upon the Site Demolition Plan, all 31 trees with trunks situated on the subject site would be removed; these include #4, 6, 7, 9, 11-31, 33, 34, and 37-40. Based upon species, condition, size and/or location, the arborist's assessment indicates that the loss of all but #12, 30, and 31 would conform to Section 29.10.0990 (Standards of

Review) of the Town's Municipal Code. Trees #12, 30, and 31 are coast live oaks that appear in vigorous condition and have relatively balanced canopies and stable structures. These oaks also grow within an open area on the site and may be easily located to an alternate location. The arborist's report recommends that these oaks be transplanted rather than removed; they could be reestablished at the three large planter areas proposed for the project, one tree per location.

Of the trees to be removed, #33, 34, 38, and 39 (all multi-trunk wattle) are situated along the northern boundary and have one or more trunks situated seemingly on the neighboring property. As a result, the removal of trunks entirely on the subject site can be expected. In the event authorization to remove trunks from the neighboring property owner can be approved, then the loss of the entire trees can occur. Also, the removal of the wattle trees along the northern boundary will increase site safety for both properties, but will reduce the existing screening element provided by these trees. Under these conditions, a carefully planned landscape design is essential to replace their loss and improve the screening over the long-term.

The 13 off-site trees anticipated for retention include: #1-3, 5, 8, 10, 32, 35, 36, and 41-44. Of these, #1-3, 5, 8, 10, 32, 35, 36 would be impacted at tolerable levels during implementation of the proposed plans under the following conditions:

- Excavation for the sections of the underground garage within a radial distance of 10 times their trunk diameters does not require overcut/overbuild beyond the future garage wall.
- No soil disturbance (trenching and grading) occurs beyond 24 inches from the future building footprint; soil nailing and shotcrete construction may be necessary.

Trees #41 through 44 would be potentially affected by trenching for utility line extensions. Minimal protection for these trees would require limitations on trenching or soil disturbance and maintenance of appropriate separation distances between tree trunks and utility trenches that are excavated as part of the project.

AR recommends the proposed landscape design be revised to address the following minimal considerations: the relocation oak trees #12, 30, and 31, as previously mentioned; installing new trees of an appropriate size and amount to mitigate those being removed; reestablishing a screening element along the northern boundary; the mature size of trees proposed for installation in small growing spaces; the overhead canopies and root zones of existing trees on neighboring properties; and trees that can perform for the long-term.

The Town will require implementation of the following measures to reduce impacts on trees to be retained and adequately replace trees to be removed:

1. *All recommendations made by Arbor Resources (June 18, 2007) will be implemented to eliminate or minimize the construction-related impacts on the trees to be retained. Recommendations are listed under Section 5.0, Recommendations, of the arborist's report. These include Design Guidelines, addressing tree location mapping, protective fencing, building setback, trenching, drainage facilities, and installation of new trees (including installation of three new trees of 24-inch box size). The report also provides Protection Measures before and during construction, encompassing fencing, removal of hardscape, demolition, work within tree canopies, etc. The report's recommendations are included as Attachment I.*

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Historical Resources. Project implementation would result in demolition of the existing structures and parking lot pavement on the project site. While the existing office building is recent construction, the existing single-family residence was constructed prior to 1941 and Town Code requires that all buildings of this age be evaluated for its historic value. The proposal to demolish this building was presented to the Los Gatos Historic Preservation Committee (HPC) on June 20, 2007. The HPC recommended approval of the demolition to the Planning Commission for the following reasons:

- The structure is not historically significant.
- The building is not associated with any events that have made a significant contribution to the Town.
- No significant persons are associated with the site.
- The structure is not architecturally significant and has no architectural character. There are no distinctive characteristics of type, period or method of construction or representation of work of a master.
- Based on the information in the structural report, the building is in a deteriorated condition.
- In terms of context, the residence is out of place since it is not located in a residential neighborhood.

For purposes of CEQA, an important historic resource is one that:

- Is associated with events that have made a significant contribution to the broad patterns California's history and cultural heritage;
- Is associated with the lives of persons important to our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value;
- Has yielded or may be likely to yield information important in prehistory or history.

Based on the HPC findings and these criteria, the existing residence would not be an important historic resource and therefore, proposed demolition would be less than significant.

Archaeological Resources. The project site is already developed and surface soils were disturbed during construction of existing development on the subject property. Although the site is located approximately 1,300 feet west of Los Gatos Creek, the potential for encountering cultural resources cannot be completely eliminated due to the site's proximity to the creek and relatively level topography. In addition, the project would involve excavation of 500 cubic yards to accommodate the parking garage. Therefore, the following mitigation measures will be required:

2. *In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.*
3. *If human remains are discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.*
4. *If the Community Development Director finds that the archaeological find is not a significant resource, work shall resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.*
5. *A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.*

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Geology and Soils - Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
b) Strong seismic ground shaking?			X	
c) Seismic-related ground failure, including liquefaction?			X	
d) Landslides?				X
e) Result in substantial soil erosion or the loss of topsoil?				X
f) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
g) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
h) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

A review of the Town's hazards maps³ indicates that the project site has a moderate to high shrink-swell potential, very low potential for liquefaction, low potential for fault rupture, and moderate potential for seismic shaking. Due to the site's relatively level topography, no slope stability or debris flow hazards were identified for the site. The Town's Fault Map indicates that there are no known faults traversing the site although lineation indicative of faulting is also identified on the project site.⁴ The Santa Clara County Geologic Hazard Zones Map indicates the project site is located outside identified Fault Rupture Zones.

The Town's hazards maps also indicate the site has a moderate potential for erosion hazard. Approximate grading quantities for the project are proposed to be 500 cubic yards of cut and 100 cubic yards of fill, resulting in a net export of 400 cubic yards of excavated material. Town requirements will include preparation and implementation of interim and final erosion control plans. With implementation of these plans, potential erosion hazards would be less than significant.

At a minimum, the proposed building would be expected to be subject to strong groundshaking during its design life, particularly given its proximity to an identified fault. However, it should be noted that most of the Bay Area as well as surrounding development are subject to groundshaking hazards. As a standard condition of Architecture and Site approval, the Town will require preparation of a soil engineering report; this report will address any soil engineering constraints and specify criteria and standards in accordance with the Uniform Building Code (UBC) for site grading, drainage, pavement design, retaining wall design, erosion control, and foundation design. UBC standards account for a development's vulnerability to seismic hazards based on its proximity to active faults and Los Gatos utilizes a different section of the UBC seismic table due its proximity to Class B faults. Therefore, compliance with applicable UBC requirements would be adequate to address regional seismic safety concerns such as groundshaking. Assuming all recommendations of the required report are incorporated into the project design, no significant impacts from soil engineering constraints would be anticipated.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Hazards and Hazardous Materials - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X		
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The project site is currently developed with an office building and single-family residence. There are remnants of a greenhouse along the eastern project boundary and a pile of debris in the center of the site. The project site is not included on any Hazardous Wastes and Substances Sites List.⁵ Although field surveys did not reveal any indication of past hazardous materials storage or releases on the property (garage interior and covered debris pile were inaccessible at the time of the field reconnaissance), the potential for past use of hazardous materials cannot be completely eliminated. Based on the site's past uses indicated by the presence of a greenhouse and debris, there would be a potential environmental concern due to the possible use of agricultural chemicals such as fertilizers and pesticides in the greenhouse. However, recent Phase I Environmental Site Assessments prepared for other projects in the Town where the sites were formerly in agricultural use indicate that these chemicals biodegrade over time. Since these chemicals have not been used on the property recently based on the greenhouse's current state of disrepair, the potential presence of these chemicals on the site would not appear to be a significant environmental concern.

The existing structures on the site are proposed for demolition as part of the project. If these buildings contain asbestos or lead-containing paint, demolition could result in airborne release of hazardous building materials, such as asbestos fibers or lead dust. The Daves Avenue Elementary School is located less than one-fourth mile west of the project site. Proposed demolition will be required to comply with state and federal regulations for inspection and removal of hazardous building materials, including asbestos-containing materials and lead-containing substances. If found to be present in building materials to be removed, asbestos and/or lead abatement practices such as containment and removal will be required prior to demolition. In addition, the project applicant will be required to obtain clearance for asbestos removal from the Bay Area Air Quality Management District prior to issuance of a demolition permit. Therefore, with implementation of existing regulations, the potential for public health hazards associated with the release of airborne asbestos fibers at the project site will be reduced to less than significant. In addition to implementing asbestos abatement requirements, the project applicant will be required to implement the following measures to mitigate other public health risks associated with lead-based paints and any other chemical currently stored within on-site structures to a less-than-significant level:

6. *A state certified lead-based paint professional shall be retained to perform a lead-based paint survey of the existing structures and the recommendations of the professional shall be followed for abatement of any identified lead-based paint prior to demolition of the structures.*
7. *As part of inspections for asbestos and lead-based paints on the project site, all structures and uses on the site shall also be inspected for the presence of hazardous materials. The identified hazardous materials being stored on the site shall be legally disposed of in accordance with local, county, and state regulations.*

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Hydrology and Water Quality - Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Storm Drainage. The project site slopes gently downhill from west to east, with storm flows generally infiltrating on the property. Presently, the 1.043-acre project site is developed with a commercial building, a parking lot, and one residence. Existing facilities and paving on the project site cover 15,682 s.f., approximately 35% of the site.

The project applicant has submitted an analysis of the hydrological and stormwater conditions on the site, which was prepared by Bowman & Williams, a consulting civil engineering firm.⁶ This report is on file at the Los Gatos Community Development Department. The study characterizes the project site as three separate drainage areas: (1) the northwest portion of the site which consists of the parking lot; (2) the northeast part of the parcel that contains the existing office building and its undeveloped rear yard; and (3) the southern portion of the site which supports a residence, garage, and green houses. The parking lot area primarily drains to the storm drain system in Winchester Boulevard. The drainage from the office building and its rear yard generally infiltrates on-site, with surface drainage flowing overland to the southeast toward the parking lot of the commercial building immediately south of the project site, and then draining to a catch basin from which flows are directed to Farley Road. Surface flows from the southern part of the site drain to the east, collect in a 4-inch drain line along the western boundary of the adjoining Los Gatos Storage Services property (coinciding with the site's eastern boundary), and also discharge to Farley Road.

The project plans indicate that the proposed development would increase impervious surfaces from existing levels to 28,038 s.f., resulting in total coverage of approximately 62 percent of the site. Based on the design plans, the proportion of impervious surfaces proposed for the northeast part of the project site would be equivalent to existing coverage; pre-development and post-development drainage flows from this part of the site would be equivalent and no mitigation measures are proposed.

Additional impervious surfaces would be constructed on the northwest and southern parts of the project site. Portions of the surface flows from these two areas would be directed into vegetated swales for filtration purposes. All of the drainage from these areas would eventually be collected and routed into proposed stormwater quality control facilities; subsequently, treated storm flows would be channeled into a detention system which has been sized and designed according to the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 Stormwater Handbook. Existing downstream storm drain facilities adequately accommodate current 10-year storm runoff flows from the project area, and the proposed project would not increase downstream peak surface flows (10-year storm flows) due to proposed detention facilities. Therefore, the proposed project would not significantly affect the existing downstream storm drainage system capacities (which are sized to accommodate the 10-year storm).

Flood Hazards. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the project area, the project site is not within the 100-year floodplain. The Santa Clara Valley Water District's maps of flood control facilities and limits of one percent flooding as well as the Town of Los Gatos Safety Element Flood Plain maps show the project site does not lie within a flood zone. Therefore, no significant flood hazard impacts would be expected.

Water Quality. More stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay, as evidenced by such observations as violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories. These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. 01-024 of the NPDES permit program.

The project site is located within the Los Gatos Creek watershed. Runoff from the site would discharge to the Town's storm drains in Winchester Boulevard and Farley Road, flowing into Los Gatos Creek and eventually into the Bay. Los Gatos Creek is on the Clean Water Act Section 303(d) List of Water Quality Limited Segments due to the presence of diazinon, a pesticide, and its primary source is identified as urban runoff and storm drains. Best Management Practices (BMPs) outlined by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for treatment control of pesticides include bioretention, infiltration, and media filter with adsorption/absorption as the removal process.

As a condition of project approval, the Town will require: (1) preparation and submittal of interim and final erosion control plans to the Engineering Division of the Parks and Public Works Department; and (2) implementation of non-point source pollution prevention measures to reduce pollutant levels in the water that will eventually discharge to Los Gatos Creek. Since the project would create or replace more than 10,000 s.f. of impervious surface area, the Town has determined that the proposed project is subject to the provisions of C.3. The project proposes to direct surface runoff into landscaped areas and vegetated swales as well as provide stormwater treatment facilities on the site. Runoff flows would be treated prior to entering the project's stormwater detention facilities. These requirements are consistent with current non-point source requirements and erosion control portions of the NPDES permit program.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Land Use and Planning - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The project parcel is currently developed with a one-story office building and associated parking lot on the northerly parcel, and a one-story single-family residence, detached two-story garage structure (living space above garage), and greenhouse on the southern parcel. The project parcel is currently designated by the existing General Plan as "Office Professional" and zoned "O, Office." The "Office Professional" General Plan designation allows for professional and general business offices, and is often in close proximity to neighborhood or community-oriented commercial facilities, serving as a buffer between commercial and residential uses. The Office zone allows all types of office activities (administrative, professional, medical, dental, optical laboratories associated with a professional use, real estate, insurance, stocks and bonds, etc.) and encourages buildings that are compatible with residential development. The Office zone serves as a buffer between commercial and residential development with a minimum of traffic generation, particularly at night.

While the proposed project is consistent with the General Plan and Zoning land use designations for this site, the Community Design Element of the General Plan, Implementation Strategy L.I.4.7 (Winchester Boulevard Rezoning) states that the Town should consider amending the General Plan's Land Use Element and the Zoning Code to preserve the existing residential uses along Winchester Boulevard between Shelburne Way and Pleasant View. The project site is located within this section of Winchester

Boulevard, but it should be noted that the Town has reviewed this area several times and has chosen not to amend the General Plan or Zoning code.

The project vicinity is comprised of a mix of office, commercial-industrial, and residential uses. Adjacent parcels to the south of the project site and south of Farley Road West (fronting on the east side of Winchester Boulevard) are also zoned for office use and designated as "Office Professional" by the General Plan. Parcels to the north of site (fronting on the east side of Winchester Boulevard) are zoned for office use but designated as "Low Density Residential" by the General Plan. Parcels to the east (fronting on Farley Road West) are currently zoned "LM, Commercial-Industrial." Land uses along Farley Road West include self-storage warehouses, a nursery, and the Los Gatos-Saratoga High School District office. Storage facilities adjoin the eastern project boundary. Single-family residences in Monte Sereno are located to the west across Winchester Boulevard. Since the project site is situated between commercial-industrial uses to the east, office uses to the south, and residential uses to the north and west, the proposed office use is consistent with the intent of the General Plan and Zoning Ordinance. The proposed office building would serve as a buffer between commercial-industrial and residential uses. The proposed office use also would be consistent with this mix of uses, particularly with the adjacent office building to the south.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Mineral Resources - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The Los Gatos General Plan does not identify any regionally or locally-important mineral resources on the project site or in its vicinity.

XI. Noise - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Project construction would result in temporary short-term noise increases due to the operation of heavy equipment. Construction noise sources range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA at 50 feet for certain types of earthmoving and impact equipment. If noise controls are installed on construction equipment, the noise levels could be reduced by 1 to 16 dBA, depending on the type of equipment. The potential for construction-related noise increases to adversely affect nearby residential receptors would depend on the location and proximity of construction activities to these receptors.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet. Adjacent uses include one single-family residence that adjoins the northern project boundary as well as an office building to the south. The residence is located approximately 15 feet from the northern project boundary. It is expected that most equipment operation would occur in the vicinity of the proposed building, which would be as close as approximately 20 feet from this residence. Operation of equipment in the parking lot could occur as close as approximately 15 feet from this residence. At 20 feet, the ordinance noise limit would result in maximum noise levels of 87 dBA at the closest home to the southeast. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 45 to 60 dBA.⁷ To maintain such interior noise levels, exterior noise levels at the closest residences (with windows closed) should not exceed 70 to 80 dBA and this exterior noise level is used as a significance threshold or criterion. It appears that construction noise levels would periodically exceed 80 dBA or less at the closest home when construction occurs immediately adjacent to the northern project boundary, primarily when the north side of the proposed building is under construction. Therefore, enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance would help maintain construction noise levels at acceptable levels most of the time, minimizing the potential for speech interference effects when heavy equipment is operated on the project site near the adjacent residence. However, given the proximity of the proposed building to the existing residence to the north, the following additional measure will be required to reduce potential construction-related noise impacts on this residence to a less-than-significant level:

8. *The northern façade of the proposed office building shall be enclosed as early in the construction process as possible to minimize impacts on the existing residence to the north. Proposed fencing along the northern property boundary shall be constructed prior to construction of the proposed building to minimize construction-related noise impacts.*
9. *Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used on the northern parcel of the project site shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures such as drilling rather than impact equipment shall be used whenever feasible.*

10. *Stationary noise sources shall be located as far from the existing adjacent residence to the north as possible. If such noise sources must be located near this residence, they shall be adequately muffled and enclosed within temporary sheds.*

With respect to long-term noise associated with operation of the proposed office building, no significant noise impacts would be expected. Since there is currently an office building and parking lot adjacent to the northern project boundary, the proposed project would continue to generate similar noise on the northern portion of the site. Since the project would relocate the parking lot to the rear of the site, noise from parking cars at the existing residence to the north would be reduced. Although mechanical equipment (heating and air conditioning units) would be relocated closer to this residence, this equipment would be located on the roof of the proposed building, which is higher than this residence. This proposed configuration would minimize potential noise impacts on the residence to the north. In addition, the Town Noise Ordinance will limit noise increases at the northern project boundary to 6 dBA above: 42 dBA between 10 p.m. and 6 a.m., 52 dBA between 6 a.m. to 1 p.m., and 56 dBA between 1 p.m. and 10 p.m. Such noise limits would maintain project-related noise levels within acceptable levels for residential uses (62 dBA [Leq] or less during the day and 48 dBA [Leq] or less during the night), particularly since ambient noise levels along this section of Winchester Boulevard are estimated at 65 Ldn at this residence, which is higher than the noise limits.⁸

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Population and Housing - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

The proposed project would not result in an increase in local population. The proposed project would replace an existing office building and single-family residence with a larger office building. Removal of one housing unit would not be considered a significant reduction in the existing housing supply in Los Gatos and would not displace a substantial number of people. In addition, the project site is zoned for office use and residential use is not a permitted use (i.e., certain types of residential use would require a conditional use permit).

The project would not be considered growth-inducing, since the project would involve redevelopment of an existing developed parcel and the project would not extend roads or infrastructure to any adjacent properties. The General Plan designates the project parcel for office use and the project would be consistent with the designated use.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. Public Services -				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?				X

Services are already provided to the project site as well as to adjacent office, commercial-industrial and residential uses. No significant increase in demand on public services are expected to be required for the proposed building since services are currently provided to the existing office building and residence on the site. The Santa Clara County Fire Department has reviewed proposed project plans for site access and water supply, and the project will be required to meet Department requirements for minimum fire flow, automatic fire sprinklers, hydrant spacing/location, building access requirements, etc.⁹ The project will be required to install an automatic fire sprinkler system, provide one public fire hydrant on the east side of Winchester Boulevard in front of the project site, and be equipped with a permanently installed fire department emergency access key lock box. The proposed plan will be subject to formal plan review by the Santa Clara County Fire Department to determine compliance with adopted model codes.

XIV. Recreation -				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

The proposed project would not add new population to the area, and therefore would not increase the demand for recreational services.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Transportation/Traffic - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

A detailed traffic impact study was completed by TJKM Transportation Consultants in July 2007¹⁰ and this report is available for review at the Town Community Development Department.

Trip Generation. The Town's Traffic Impact Policy (Resolution 1991-174) requires preparation of a detailed traffic study for any project with the potential to generate 20 or more additional AM or PM peak hour trips. While the proposed office building would generate 171 daily trips with 24 AM peak hour trips and 23 PM peak hour trips, the site currently generates traffic from the existing office building and residence. When project volumes are adjusted for existing on-site traffic, the proposed project would generate 125 net new average daily trips with 18 net new AM peak hour trips and 17 net new PM peak hour trips.

Traffic Impacts. TJKM evaluated the project's impact at one signalized intersection in the project vicinity: Winchester Boulevard/Daves Avenue. Under Existing Conditions, this intersection operates acceptably (LOS B) during the AM and PM peak hours. With approved projects in the project area (Background Conditions), increased average delay at this intersection will be negligible (0.1 to 0.2 second/vehicle of average delay), and this intersection is expected to continue to operate acceptably (LOS B) during the AM and PM peak hours. With the proposed project (Background Plus Project Conditions), average delays are estimated to increase by up to 1.5 seconds per vehicle at this intersection, with this intersection continuing to operate at LOS B. Since this intersection would operate acceptably during the AM and PM (at LOS B) under all future scenarios analyzed, the project would have a less-than-significant impact on this intersection's service level operation.

When pending projects are added (Background Plus Project Plus Pending Conditions), this intersection would operate acceptably at essentially the same LOS B as under Background Plus Project Conditions). Therefore, the project's traffic contribution would not be cumulatively considerable. There would be a decrease of 0.1 second of average delay during both the AM and PM peak hours. This slight decrease in delay is likely due to an increase in non-critical movements.

Safety. While the proposed project would not generate much pedestrian traffic, school-bound children currently walk along Winchester Boulevard and Daves Avenue during the school peak hours. Currently, there are sidewalks along both sides of Winchester Boulevard and Daves Avenue and pedestrians can cross the intersection by an actuated ped-push button (ADA standards) with a count down display. The pedestrian phase currently operates as a separate phase and is not concurrent with any vehicular phases for the safety of school bound pedestrians. At the study intersection, the eastbound right-turn traffic movement on Red (RTOR) is prohibited along with an electronic sign display.

Based on accident reports provided by the Town for the last three years (January 1, 2004 to December 31, 2006), there were no accidents at the intersection of Winchester Boulevard/Daves Avenue. Similarly, there were no accidents during the same period on Daves Avenue between Winchester Boulevard and Poppy Lane (closer to Daves Elementary School). The proposed project is expected to generate two inbound AM peak hour trips and two outbound PM peak hour trips along Daves Avenue. During the AM peak hour, the inbound and outbound project trips on Winchester Boulevard would be 19 and 3, respectively, and during the PM peak hour the project trips would be 4 and 19, respectively. Based on pedestrian counts taken during school and traffic peak hours, the project's estimated peak hour volumes, and the project's less-than-significant impact on traffic congestion, signal delay, and intersection operations, it is expected that the project's impact on school-related pedestrian safety would likewise be less than significant.

Site Access and Parking. Currently, the project site is served by two access driveways located on the east side of Winchester Boulevard, one at Daves Avenue and the other slightly to the north. With the proposed project, the northerly access driveway would be eliminated and the proposed driveway (approximately coinciding with the existing southerly driveway) would form the east leg of the Winchester Boulevard/Daves Avenue intersection. Currently, the southbound left-turn access to the project site is a permissive phase via two-way, left-turn lane at Winchester Boulevard/Daves Avenue intersection. To accommodate proposed access improvements and driveway relocation at this intersection, the following measure will be required:

- 11. The southbound left-turn access into the project should be improved by striping a southbound left-turn only lane for a minimum of 75 feet. In addition, all necessary signal head installations/modifications to provide a southbound left-turn protective phase, intersection improvements and relevant signal timing changes are also recommended.*

The proposed plan indicates that a total of 66 parking spaces would be provided on-site, with 32 spaces located within the proposed parking garage 34 spaces in the surface parking lot. The Los Gatos Parking Code requires one parking space for every 235 s.f. of gross floor area of business and professional office space. At this rate, the proposed building (15,510 s.f. of office space) would require 66 parking spaces and the project would meet this requirement. Therefore, proposed parking facilities would be adequate.

Currently, there are bike lanes along Winchester Boulevard in the vicinity of the project site. Based on field observations and Santa Clara Valley Transit Authority website, only Line 48 runs along Winchester Boulevard in the vicinity of the project site. Line 48 operates between the Winchester - Transit Center and the Los Gatos Civic Center via Winchester Boulevard. There is a bus stop with a pullover bay striped at the southwest quadrant of Winchester Boulevard/Daves Avenue intersection.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Utilities and Service Systems – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Utility facilities are currently provided to the project site. The proposed building will be required to connect to the existing water and sewer lines located at the western project boundary in Winchester Boulevard. Project development would also include construction of storm drainage facilities (see Section VIII, Hydrology and Water Quality). The Fire Department will also require provision of an approved, automatic fire sprinkler system in the proposed building. Other utilities (electrical, gas, telephone, cable TV facilities) will be upgraded as necessary.

XVII. Mandatory Findings of Significance -				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

INITIAL STUDY -15720 AND 15736 WINCHESTER BOULEVARD

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

LIST OF SUPPORTING INFORMATION SOURCES

(Indicated as endnotes under specific issues of Initial Study)

- ¹ Bay Area Air Quality Management District, 1999. *BAAQMD CEQA Guidelines*. December.
- ² Arbor Resources, 2007. *A Tree Inventory and Review of the Proposed Development at 15720 & 15736 Winchester Boulevard, Los Gatos, California*. June 18.
- ³ Nolan Associates, 1999. *Draft Erosion Potential Map, Shrink-Swell Potential of Soils, Slope Stability Hazard Map, Debris Flow Hazard Map, Liquefaction Hazard Zones Map, Seismic Shaking Hazards Map, Geologic Map, Fault Rupture Hazard Zones Map for the Town of Los Gatos General Plan Update*. January 17.
- ⁴ Nolan Associates, 1999. *Draft Fault, Lineament & Coseismic Deformation Map for the Town of Los Gatos General Plan Update*. January 17.
- ⁵ Town of Los Gatos Development Application Supplement, Hazardous Wastes and Substances Statement for 15720 and 15736 Winchester Boulevard, Los Gatos, November 21, 2006.
- ⁶ Bowman & Williams, 2007. *Preliminary Hydrology and Stormwater Detention Calculations*. September 5.
- ⁷ In indoor noise environments, the highest noise level that permits relaxed conversation with 100% intelligibility throughout the room is 45 dBA. Speech interference is considered to become intolerable when normal conversation is precluded at 3 feet, which occurs when background noise levels exceed 60 dBA (U.S. Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* (Condensed Version, 1974).
- ⁸ Source of noise level estimates for Winchester Boulevard: Robert Bein, William Frost & Associates, 2000. *Draft Environmental Impact Report: General Plan 2000, Los Gatos, California*. April 14.

Leq is the energy equivalent noise level, a steady-state energy level which represents the acoustical energy of a given measurement period that is equal to the actual time-varying sound level measured during the same period.

Ldn is a 24-hour noise descriptor. Because community receptors are more sensitive to unwanted noise intrusion at night, an artificial dB increment is added to quiet time noise levels for planning purposes. Ldn adds a 10-dB penalty to all noise levels between 10:00 p.m. and 7:00 a.m.
- ⁹ Santa Clara County Fire Department, 2007. *Development Review Comments, 15720 Winchester Boulevard*. October 23.
- ¹⁰ TJKM Transportation Consultants, 2007. *A Traffic Study for a General Office Building at 15720 – 15736 Winchester Boulevard in the Town of Los Gatos*. July 24.

ATTACHMENT 1

**TREE INVENTORY AND REVIEW RECOMMENDATIONS
FOR
PROPOSED DEVELOPMENT
AT
15720 & 15736 WINCHESTER BOULEVARD
LOS GATOS, CALIFORNIA**

JUNE 18, 2007

BY

ARBOR RESOURCES





ARBOR RESOURCES

Professional Arboricultural Consulting & Tree Care

**A TREE INVENTORY AND REVIEW OF THE
PROPOSED DEVELOPMENT AT
15720 & 15736 WINCHESTER BOULEVARD
LOS GATOS, CALIFORNIA**

PROPERTY OWNER: Martin Dermer

APPLICANT: John Lien

ARCHITECTURE AND SITE APPLICATION S-07-34

APN: 424-27-011 and 051

Submitted to:

Curtis Banks
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

June 18, 2007

The site contains numerous trees at risk of complete failure, either in part or whole, some of which are within striking distance of the existing home, office building, and/or parking lot. Specific trees where I observed immediate hazards **include #4, 24, and numerous wattle trees** throughout the site. As these trees could fail at anytime, I recommend their removal **occurs immediately** (or at least the parts within striking distance of a target) to avoid the risk of property damage and personal injury. Information regarding these trees can be viewed in Exhibit A.

5.0 RECOMMENDATIONS

Recommendations presented within this section are based on plans reviewed and serve as guidelines to mitigate impacts to trees being retained and removed. They should be carefully followed and incorporated into project plans. Please note that they are subject to revision upon reviewing any additional or revised plans.

5.1 Design Guidelines

1. Recommendations presented in Section 4.0 of this report should be incorporated into the project design.
2. Each inventoried tree and assigned number should be added to Sheets 1, 2, 3, 5 and 6. Additionally, the canopy dimensions of retained trees should also be shown; their approximate sizes can be viewed in Exhibit A (note that the canopy dimensions shown on Sheet 1 do not accurately reflect the trees' actual canopy sizes; refer to the table in Exhibit A for canopy spreads).
3. The permanent and temporary drainage design, including downspouts, should not require water being discharged beneath the canopies.
4. Replacement trees to mitigate the loss of trees removed, shall, pursuant to Section 29.10.0985 of the Town Code, be determined by the Parks and Public Works Department. All new trees shall be planted prior to final inspection, double-staked

with rubber tree ties, irrigated with an automatic drip or bubbler 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).

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 all site-related plans.
6. The proposed landscape design should conform to the following guidelines:
 - a. Installation of plant material within a beneath a tree's canopy should be limited and planted at least five feet from the trunks of existing trees. Plant material should be avoided beneath the canopies of oak trees.
 - b. Irrigation should not spray beneath an oak's canopy, or strike within a few feet from the trunks all other trees.
 - c. 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.
 - d. Stones, mulch and fencing should not be placed against the tree's trunk. Plastic ground cover, tilling and bender board should also be avoided beneath canopies.

5.2 Protection Measures before and during Development

7. Prior to site demolition and clearing, an on-site, pre-construction meeting should be held between the project arborist² and contractor. The intent is to review trees being removed, procedures for digging beneath or near canopies, protection fencing locations, staging areas, routes of access, cleanout pits, possible mulching, supplemental watering, demolition work, and any other required protection measures.

² The "project arborist" refers to an individual that is certified by the International Society of Arboriculture (ISA) and/or is a member of the American Society of Consulting Arborists (ASCA).

8. Tree protective fencing must be established prior to any demolition, grading, surface scraping, or heavy equipment arriving on site, and shall be comprised of six-foot high chain link mounted on eight-foot tall, two-inch diameter steel posts that are driven 24 inches into the ground and spaced no more than 10 feet apart. Once established, the fencing must remain undisturbed and be maintained throughout construction until final inspection; its location shall be approved by the project arborist. The fencing must be maintained throughout development and at no time should it be opened or relocated without direct authorization from the project arborist.
9. Unless otherwise approved, all construction activities must be conducted outside the designated-fenced areas (even after fencing is removed), to include, but not limited to, the following: demolition, stripping of topsoil, trenching, equipment cleaning, stockpiling/dumping of materials, and equipment/vehicle operation and parking. Additionally, signs, wires or other objects should not be attached to the trunks.
10. The following shall be displayed on 8.5- by 11-inch signs (minimum) and attached to the fencing every 50 feet on the side facing construction activities: "WARNING – TREE PROTECTIVE ZONE - this fence shall not be removed. Violators are subject to a penalty according to Town Code 29.10.1025." These signs should be posted congruently with the installation of fencing.
11. The project arborist should also be informed of and, if necessary, monitor development activities authorized beneath the canopies of retained trees. Unless otherwise specifically approved by the arborist, all work beneath a canopy shall be manually performed (e.g. shovels and wheelbarrows) without the use of heavy equipment or tractors.
12. Prior to grading or excavating soil for the foundation and parking garage, I recommend a one-foot wide trench is manually dug along the foundation/parking garage perimeter where within a distance of 10 times the trunk diameters. The trench should be dug to a 2.5-foot depth, and shall occur where excavation will occur closest to the trunk; note that overcut should not exceed a distance of 24 inches beyond the foundation/garage.


Any roots encountered during the process should be cleanly severed against the soil cut. Roots encountered with diameters of two inches and greater should be treated according to the project arborist.

13. Where within a distance of 10 times the trunk diameters of trees being retained, soil nailing and shotcrete will seemingly be necessary to avoid excavation and soil disturbance beyond 24 inches from the parking garage and foundation.
14. During trenching, roots encountered with diameters of two inches and greater should be retained, protected, and if necessary, tunneled beneath. Roots requiring removal with diameters smaller than this must be cleanly severed against the side of the soil cut or trench closest to the nearest trunk.
15. All existing, unused lines or pipes beneath the canopies of retained trees should be abandoned and cut off at existing soil grade (versus being dug up and causing subsequent root damage).
16. Great care must be taken by equipment operators to position their equipment to avoid the trunks and branches of trees. Where a conflict exists, pruning may be necessary to avoid tree damage.
17. The post locations of new fencing installed beneath a tree's canopy should be first reviewed by the project arborist prior to digging. A post-hole digger should be used for digging the first three feet below grade. In the event a root of two inches and greater in diameter is encountered during the process, the hole(s) shall be resituated. A manually-operated mechanical auger can be used to drill the remaining depth.
18. Recommendations that are presented within Section 5.1 of this report and pertain to implementing the project plans should also be followed.
19. The relocation of trees must be performed by a professional tree service company and under the supervision of an individual certified by the ISA. All measures

recommended by the company regarding pre- and post-transplant care shall be followed.

20. Throughout construction during the months of May thru October (or as deemed by the project arborist), supplemental water shall be supplied to the retained trees. The methodology, frequency and amounts shall be prescribed by the project arborist.
21. The pruning and removal of trees shall be performed per ISA standards and by a licensed tree service company that has an ISA Certified Arborist in a supervisory role.
22. Any stump being removed beneath a tree's canopy shall occur using a stump grinder rather than being pulled up with an excavator or backhoe. This work can typically be performed by the tree service performing the removals.
23. Great care must be taken by equipment operators to position their equipment to avoid the trunks and branches of trees. Where a conflict exists, the project arborist should be advised to provide a feasible solution.
24. The disposal of harmful products (such as chemicals, oil and gasoline) is prohibited beneath canopies or anywhere on site that allows drainage beneath or near canopies. Herbicides should not be used beneath the trees' canopies; where used on site, they should be labeled for safe use near trees.

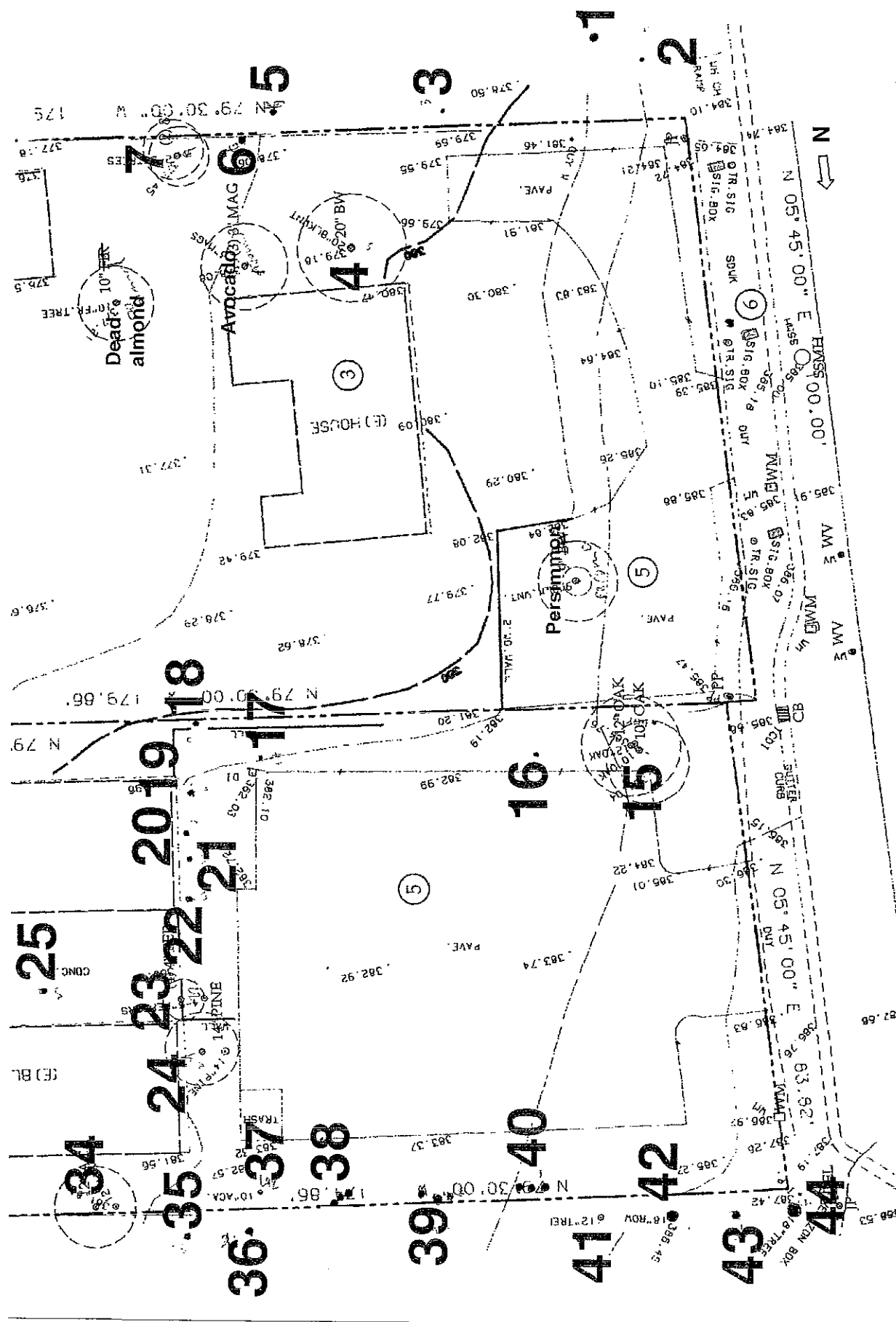
Prepared By:


David L. Babby, RCA

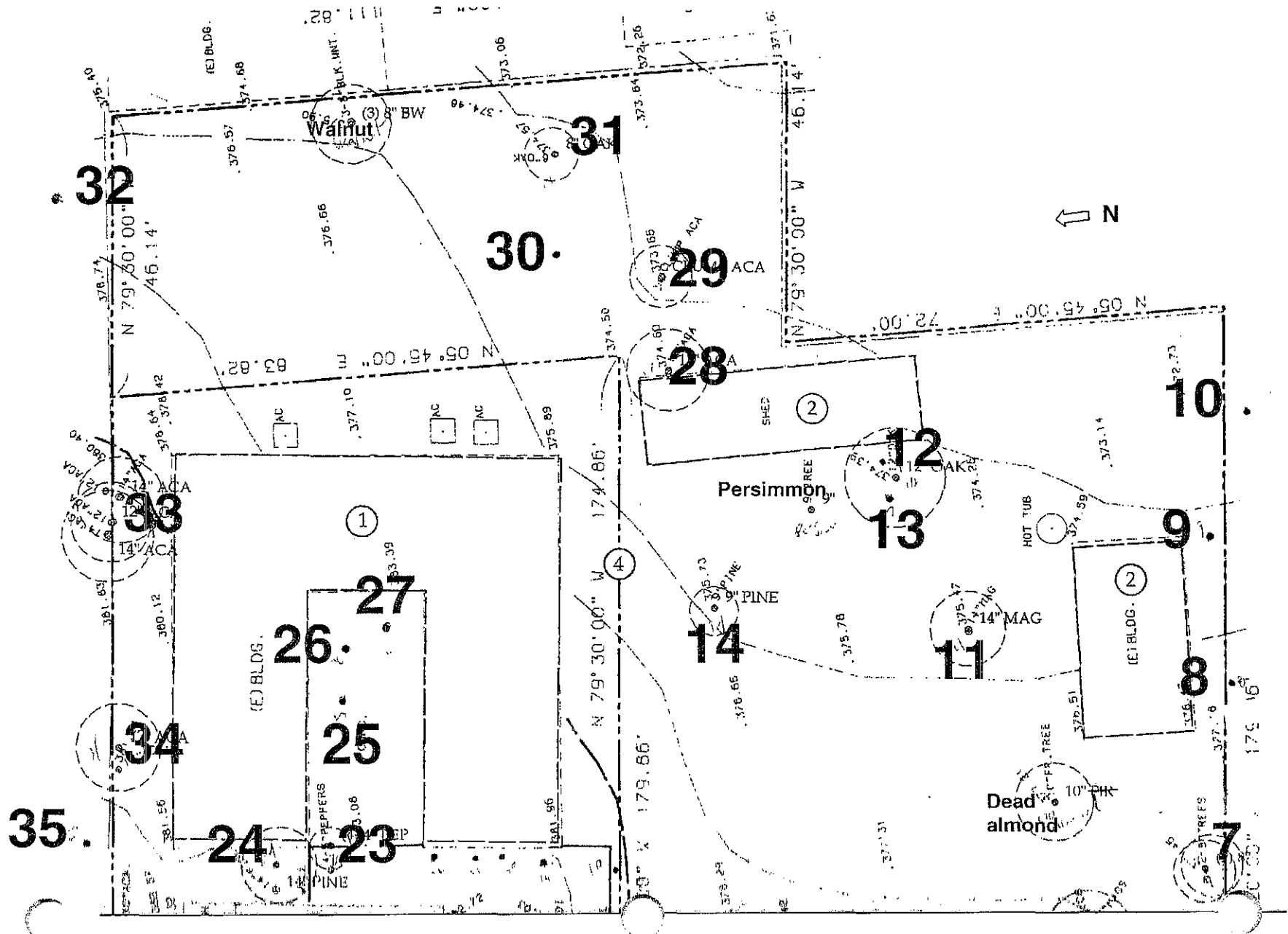
Date: June 18, 2007



(trees #1-7, 15-25 and 34-44)



15720 & 15736 WINCHESTER BOULEVARD, LOS GATOS
(trees #7-14 and 24-35)



NOTICE

TOWN OF LOS GATOS ENVIRONMENTAL IMPACT REVIEW

MITIGATED NEGATIVE DECLARATION

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

Project Title and Location: 15720 and 15736 Winchester Boulevard
Architecture and Site Application S-07-34
Subdivision Application M-07-13

Project Description: The project applicant is requesting approval to demolish two structures (including a single-family residence built prior to 1941), merge two existing parcels, and construct a new office building. The project site consists of two parcels (APN 424-27-011 and 424-27-051) and is located on the east side of the Daves Avenue/Winchester Boulevard intersection. The project site is 1.043 gross acres or 0.84 net acre with dedications. These two parcels are currently developed with an existing office building, associated paved parking lot, single-family residence, detached garage, and greenhouse structure. The proposed project would demolish all existing structures on these parcels and construct a 15,510 square-foot, three-story office building and parking lot. The proposed building would have two floors of office space (8,140 square feet [s.f.] on the first floor, 7,370 s.f. on the second floor) above an 11,310 square-foot parking garage. The project would provide 32 parking spaces in the parking garage and 34 parking stalls in the surface parking lot.

The project site currently has two driveways on Winchester Boulevard. The northern driveway provides access to the existing office building. The southern driveway, located directly opposite Daves Avenue, accesses the single-family residence. The proposed project design has one driveway, located approximately where the existing southern driveway is located; the site's northern driveway on Winchester Boulevard would be eliminated.

Determination: Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures listed below have been added to the project, mitigating potential impacts to a less-than-significant level. An Environmental Impact Report will not be required.

Statement of Reasons to Support Finding:

1. Aesthetics: The project site is located on the east side of Winchester Boulevard, and the project property does not front onto any other public streets. Therefore, it is most visible from Winchester Boulevard, but views of the site from this street are limited to the western portions of the site due to the site's downslope grade from Winchester Boulevard. Elevations along the eastern project boundary are approximately 10 feet below the western site frontage on Winchester Boulevard. Two existing masonry buildings associated with Los Gatos Storage Services adjoin the eastern project boundary, while an existing office building is located along the southern boundary. These buildings and associated landscaping block or obscure views of the site from Farley Road West to the south.

The proposed three-story building would be taller than existing one-story buildings currently on the site as well as surrounding buildings. From street level on Winchester Boulevard, the western façade of the proposed building would appear as a 30-foot high, two-story building. Due to the change in grade from Winchester Boulevard, the lower parking garage level would be accessed from below on the east side of the building, and would not be visible from Winchester Boulevard. There is a two-story office building immediately south of the site (approximately 24 feet high) and a one-story residence to the north (approximately 19 feet high). From Winchester, the proposed building would appear approximately six feet taller than the two-story office building to the south and 11 feet higher than the one-story house to the north. The eastern façade of the proposed building would also be approximately 12 feet higher than the masonry buildings along the site's eastern boundary. The masonry buildings to the east have no windows facing west (toward the site) and therefore, views from these buildings would not be affected by the project. However, the proposed building would likely be visible from the parking lot associated with the office building to the south. It should also be noted that views from the residence to the north would be substantially altered since the portion of the trees located on the site along the northern property boundary would be removed. It appears that one or more trunks of some of the trees along the northern boundary are situated on the property to the north. As a result, only the trunks on the project site would be removed as part of the project unless authorization from the neighboring property can be obtained. If all tree trunks are removed, potential view changes from this home would be increased.

The proposed building would have a strong presence on the streetscape, having less intense front setback landscaping than other nearby parcels with site frontage on Winchester Boulevard. However, Cannon Design Group (CDG) did not have any concerns regarding building design. If concerns are raised regarding building visibility, CDG recommends addition of evergreen landscape trees to screen key views from the south, west, and north.

Exterior lighting is already provided on-site for existing office and residential uses. The proposed building would increase exterior lighting on the project site, particularly in the surface parking lot. To reduce the potential for disturbance due to nighttime lighting, the project will need to satisfy Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary).

2. Agriculture Resources: The 1.043-acre project site is currently developed with office and residential uses. While there is a dilapidated greenhouse structure on the southern parcel, the site is not in agricultural use and has no agricultural potential due to its small size and urbanized location. Therefore, the project would not adversely affect any existing agricultural resources or operations. Since the properties surrounding the project site are developed with commercial and residential uses, the proposed project would not adversely affect other agricultural properties or result in the conversion of farmland to non-agricultural use.

3. Air Quality: The project would be consistent with the Bay Area Air Quality Management District's (BAAQMD) most recently adopted regional air quality plan, the *Bay Area 2005 Ozone Strategy (BAOS)*. The consistency of the proposed project with the *BAOS* is determined by comparing the project's consistency with the Los Gatos General Plan. Since the *BAOS* is based on population projections of the Association of Bay Area Governments (ABAG) that are based on the Town's General Plan in effect at the time the *BAOS* was approved, consistency of the project with the General Plan would indicate consistency with the *BAOS*. The project would be consistent with the uses allowed on the project site by the Los Gatos General Plan, and therefore, the project would be consistent with the *BAOS*.

The San Francisco Bay Area Air Basin is classified by the BAAQMD as non-attainment for ozone and inhalable particulates (PM₁₀). According to the Town Planning Department, the proposed project would result in a net increase of 125 daily trips, with 18 AM peak hour trips and 17 PM peak hour trips. Air

emissions increases associated with the proposed project would be considered less than significant since the size of the proposed project would not exceed the Bay Area Air Quality Management District's (BAAQMD) threshold levels for potential significance. The BAAQMD threshold levels for potential significance are approximately 2,000 vehicle trips per day or approximately 110,000 s.f. of medical office or 280,000 s.f. of general office space. At or above this size, traffic generated by a project could produce air quality problems, and an air quality impact assessment would need to be prepared and submitted to the BAAQMD for review.

Adjacent residential uses are considered to be sensitive receptors. Proposed grading activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The project parcel is 1.043 acres, and project construction would result in surface disturbance of approximately one acre. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard dust control conditions require implementation of the BAAQMD's standard dust control measures (required on sites of three acres or less), which would reduce the project's construction-related air quality impacts to a less-than-significant level.

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.), which limits statewide greenhouse gas (GHG) emissions to 1990 levels and establishes a goal of achieving these emissions reductions by 2020 (representing a 25 percent reduction in emissions). AB 32 requires the California Air Resources Board (CARB) to adopt a comprehensive blueprint for limiting greenhouse gas emissions by the end of 2008 and complete the necessary rulemaking to implement that plan by the end of 2011, including adoption of a list of discrete, Early Action Measures that can be implemented before January 1, 2010. At present, adopted early action measures include a low-carbon fuel standard, reduction of refrigerant losses from motor vehicle air conditioning system maintenance, and increased methane capture from landfills. Cumulatively, all 44 early actions could achieve a reduction of 42 million metric tons of CO₂-Equivalents by 2020. Some proposed measures will require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. While most measures relate to transportation, fuels, agriculture, commercial uses, businesses, and local government, there is one measure that could be relevant to the project, if adopted: CARB 2-9, Energy Efficiency, which calls for provision of light-covered paving, cool roofs, and shade trees.

Since the CARB has not adopted a methodology or defined quantitative thresholds that can be applied to a specific development project to evaluate an individual project's contribution to GHG emissions, no significance determination for the proposed project can be made at this time. However, until such time that a methodology is adopted and mitigation can be applied, it is recommended that the Town review designs during the Architecture and Site review process to ensure that energy efficiency measures have been incorporated into projects to the maximum extent feasible (including light-covered paving, cool roofs, and shade trees). It is also recommended that solar access to the project building as well as existing adjacent structures be maintained to the maximum extent feasible. The project's shadow study (included in project plans dated November 15, 2006) indicates the project would shade the adjacent home to the north for most of the day during the winter. However, the shadow study does not appear to account for shading by existing trees located along the project's northern boundary. These trees appear to already shade this house during the winter, but the proposed building could increase shading of the adjacent house. Shading is a design issue that will be reviewed as part of the Architecture and Site review process.

4. Biological Resources: Vegetation on the project site consists of landscape trees, shrubs, and groundcover on the northern parcel; grasses and weedy species predominate throughout the southern parcel. The 1.043-acre site supports a variety of landscape trees primarily on the perimeter of both parcels. The habitat value of site vegetation is limited to urban-adapted species.

Policy O.P.3.3 of the Open Space Element of the Los Gatos General Plan emphasizes preservation of public and private landscaping along Town streets. The Los Gatos Tree Protection Ordinance states that the preferred tree replacement is two or more trees of a species and size designated by the Director of the Parks and Public Works Department. Tree replacement requirements are based on canopy size, which is defined in Table 3-1 of the Ordinance, *Tree Canopy – Replacement Standard*. Tree canopy replacement requirements range from two to six 24-inch box size trees or two 36-inch and/or 48-inch box size trees, depending on the canopy size of the tree to be removed.

Arbor Resources completed an arboricultural survey for the proposed project in June 2007, and a copy of this study is on file with the Los Gatos Community Development Department. The Arbor Resources' survey identified a total of 44 trees that could be affected by the proposed project. Of these 44 trees, 26 are not shown project plans but are subject to varying degrees of impacts during development and must be disclosed for conformance with Section 29.10.0995 of the Town's Ordinance. Also, the trunks of 17 trees are sufficiently close on properties adjoining the site as to be vulnerable to potential damage during development [Section 29.10.0995(B) of the Town's Municipal Code]. One tree listed in the inventory is located in the public right-of-way and is regarded as a street tree. The 44 trees inventoried for this project have been evaluated for their suitability for preservation:

Suitability for Preservation	Number of Trees	Inventory Number
High	5	1, 14, 30, 31, 42
Moderate	15	2, 3, 5, 7, 10 – 12, 15, 17, 18, 25 – 27, 36, 43
Low	24	4, 6, 8, 9, 13, 16, 19 – 24, 28, 29, 32 – 35, 37 – 41, 44
Total	44	

The project plans indicate that trees on the site would not be retained. Based upon the Site Demolition Plan, all 31 trees with trunks situated on the subject site would be removed; these include #4, 6, 7, 9, 11-31, 33, 34, and 37-40. Based upon species, condition, size and/or location, the arborist's assessment indicates that the loss of all but #12, 30, and 31 would conform to Section 29.10.0990 (Standards of Review) of the Town's Municipal Code. Trees #12, 30, and 31 are coast live oaks that appear in vigorous condition and have relatively balanced canopies and stable structures. These oaks also grow within an open area on the site and may be easily located to an alternate location. The arborist's report recommends that these oaks be transplanted rather than removed; they could be reestablished at the three large planter areas proposed for the project, one tree per location.

Of the trees to be removed, #33, 34, 38, and 39 (all multi-trunk wattle) are situated along the northern boundary and have one or more trunks situated seemingly on the neighboring property. As a result, the removal of trunks entirely on the subject site can be expected. In the event authorization to remove trunks from the neighboring property owner can be approved, then the loss of the entire trees can occur. Also, the removal of the wattle trees along the northern boundary will increase site safety for both properties, but will reduce the existing screening element provided by these trees. Under these conditions, a carefully planned landscape design is essential to replace their loss and improve the screening over the long-term.

The 13 off-site trees anticipated for retention include: #1-3, 5, 8, 10, 32, 35, 36, and 41-44. Of these, #1-3, 5, 8, 10, 32, 35, 36 would be impacted at tolerable levels during implementation of the proposed plans under the following conditions:

- Excavation for the sections of the underground garage within a radial distance of 10 times their trunk diameters does not require overcut/overbuild beyond the future garage wall.
- No soil disturbance (trenching and grading) occurs beyond 24 inches from the future building footprint; soil nailing and shotcrete construction may be necessary.

Trees #41 through 44 would be potentially affected by trenching for utility line extensions. Minimal protection for these trees would require limitations on trenching or soil disturbance and maintenance of appropriate separation distances between tree trunks and utility trenches that are excavated as part of the project.

AR recommends the proposed landscape design be revised to address the following minimal considerations: the relocation oak trees #12, 30, and 31, as previously mentioned; installing new trees of an appropriate size and amount to mitigate those being removed; reestablishing a screening element along the northern boundary; the mature size of trees proposed for installation in small growing spaces; the overhead canopies and root zones of existing trees on neighboring properties; and trees that can perform for the long-term.

The Town will require implementation of the following measures to reduce impacts on trees to be retained and adequately replace trees to be removed:

MITIGATION: All recommendations made by Arbor Resources (June 18, 2007) shall be implemented to eliminate or minimize the construction-related impacts on the trees to be retained. Recommendations are listed under Section 5.0, Recommendations, of the arborist's report. These include Design Guidelines, addressing tree location mapping, protective fencing, building setback, trenching, drainage facilities, and installation of new trees (including installation of three new trees of 24-inch box size). The report also provides Protection Measures before and during construction, encompassing fencing, removal of hardscape, demolition, work within tree canopies, etc. The report's recommendations are included as Attachment 1 of the Initial Study.

MITIGATION MONITORING: The Planning Division of the Community Development Department will be responsible for ensuring that all recommendations made by the arborist are reflected in final project plans. The Parks Division of the Parks and Public Works Department will be responsible for ensuring that all tree protection measures are properly implemented during construction.

5. Cultural Resources: Project implementation would result in demolition of the existing structures and parking lot pavement on the project site. While the existing office building is recent construction, the existing single-family residence was constructed prior to 1941 and Town Code requires that all buildings of this age be evaluated for its historic value. The proposal to demolish this building was presented to the Los Gatos Historic Preservation Committee (HPC) on June 20, 2007. The HPC recommended approval of the demolition to the Planning Commission for the following reasons:

- The structure is not historically significant.
- The building is not associated with any events that have made a significant contribution to the Town.
- No significant persons are associated with the site.

MITIGATED NEGATIVE DECLARATION – 15720 AND 15736 WINCHESTER BOULEVARD

- The structure is not architecturally significant and has no architectural character. There are no distinctive characteristics of type, period or method of construction or representation of work of a master.
- Based on the information in the structural report, the building is in a deteriorated condition.
- In terms of context, the residence is out of place since it is not located in a residential neighborhood.

For purposes of CEQA, an important historic resource is one that:

- Is associated with events that have made a significant contribution to the broad patterns California's history and cultural heritage;
- Is associated with the lives of persons important to our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value;
- Has yielded or may be likely to yield information important in prehistory or history.

Based on the HPC findings and these criteria, the existing residence would not be an important historic resource and therefore, proposed demolition would be less than significant.

The project site is already developed and surface soils were disturbed during construction of existing development on the subject property. Although the site is located approximately 1,300 feet west of Los Gatos Creek, the potential for encountering cultural resources cannot be completely eliminated due to the site's proximity to the creek and relatively level topography. In addition, the project would involve excavation of 500 cubic yards to accommodate the parking garage. Therefore, the following mitigation measures will be required:

MITIGATION: In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.

MITIGATION: If human remains are discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans.

MITIGATION: If the Community Development Director finds that the archaeological find is not a significant resource, work shall resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.

MITIGATION: A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources,

the disposition and curation of these resources, any testing, other recovered information, and conclusions.

MITIGATION MONITORING: The Planning and Building Divisions of the Community Development Department will be responsible for ensuring that these measures are implemented appropriately during construction as the need arises.

6. Geology and Soils: A review of the Town's hazards maps indicates that the project site has a moderate to high shrink-swell potential, very low potential for liquefaction, low potential for fault rupture, and moderate potential for seismic shaking. Due to the site's relatively level topography, no slope stability or debris flow hazards were identified for the site. The Town's Fault Map indicates that there are no known faults traversing the site although lineation indicative of faulting is also identified on the project site. The Santa Clara County Geologic Hazard Zones Map indicates the project site is located outside identified Fault Rupture Zones.

The Town's hazards maps also indicate the site has a moderate potential for erosion hazard. Approximate grading quantities for the project are proposed to be 500 cubic yards of cut and 100 cubic yards of fill, resulting in a net export of 400 cubic yards of excavated material. Town requirements will include preparation and implementation of interim and final erosion control plans. With implementation of these plans, potential erosion hazards would be less than significant.

At a minimum, the proposed building would be expected to be subject to strong groundshaking during its design life, particularly given its proximity to an identified fault. However, it should be noted that most of the Bay Area as well as surrounding development are subject to groundshaking hazards. As a standard condition of Architecture and Site approval, the Town will require preparation of a soil engineering report; this report will address any soil engineering constraints and specify criteria and standards in accordance with the Uniform Building Code (UBC) for site grading, drainage, pavement design, retaining wall design, erosion control, and foundation design. UBC standards account for a development's vulnerability to seismic hazards based on its proximity to active faults and Los Gatos utilizes a different section of the UBC seismic table due its proximity to Class B faults. Therefore, compliance with applicable UBC requirements would be adequate to address regional seismic safety concerns such as groundshaking. Assuming all recommendations of the required report are incorporated into the project design, no significant impacts from soil engineering constraints would be anticipated.

7. Hazards and Hazardous Materials: The project site is currently developed with an office building and single-family residence. There are remnants of a greenhouse along the eastern project boundary and a pile of debris in the center of the site. The project site is not included on any Hazardous Wastes and Substances Sites List. Although field surveys did not reveal any indication of past hazardous materials storage or releases on the property (garage interior and covered debris pile were inaccessible at the time of the field reconnaissance), the potential for past use of hazardous materials cannot be completely eliminated. Based on the site's past uses indicated by the presence of a greenhouse and debris, there would be a potential environmental concern due to the possible use of agricultural chemicals such as fertilizers and pesticides in the greenhouse. However, recent Phase I Environmental Site Assessments prepared for other projects in the Town where the sites were formerly in agricultural use indicate that these chemicals biodegrade over time. Since these chemicals have not been used on the property recently based on the greenhouse's current state of disrepair, the potential presence of these chemicals on the site would not appear to be a significant environmental concern.

The existing structures on the site are proposed for demolition as part of the project. If these buildings contain asbestos or lead-containing paint, demolition could result in airborne release of hazardous building materials, such as asbestos fibers or lead dust. The Daves Avenue Elementary School is located

less than one-fourth mile west of the project site. Proposed demolition will be required to comply with state and federal regulations for inspection and removal of hazardous building materials, including asbestos-containing materials and lead-containing substances. If found to be present in building materials to be removed, asbestos and/or lead abatement practices such as containment and removal will be required prior to demolition. In addition, the project applicant will be required to obtain clearance for asbestos removal from the Bay Area Air Quality Management District prior to issuance of a demolition permit. Therefore, with implementation of existing regulations, the potential for public health hazards associated with the release of airborne asbestos fibers at the project site will be reduced to less than significant. In addition to implementing asbestos abatement requirements, the project applicant will be required to implement the following measures to mitigate other public health risks associated with lead-based paints and any other chemical currently stored within on-site structures to a less-than-significant level:

MITIGATION: A state certified lead-based paint professional shall be retained to perform a lead-based paint survey of the existing structures and the recommendations of the professional shall be followed for abatement of any identified lead-based paint prior to demolition of the structures.

MITIGATION: As part of inspections for asbestos and lead-based paints on the project site, all structures and uses on the site shall also be inspected for the presence of hazardous materials. The identified hazardous materials being stored on the site shall be legally disposed of in accordance with local, county, and state regulations.

MITIGATION MONITORING: The Building Division of the Community Development Department will be responsible for ensuring that these measures are implemented appropriately prior to and during construction.

8. Hydrology and Water Quality: The project site slopes gently downhill from west to east, with storm flows generally infiltrating on the property. Presently, the 1.043-acre project site is developed with a commercial building, a parking lot, and one residence. Existing facilities and paving on the project site cover 15,682 s.f., approximately 35% of the site.

The project applicant has submitted an analysis of the hydrological and stormwater conditions on the site, which was prepared by Bowman & Williams, a consulting civil engineering firm. This report is on file at the Los Gatos Community Development Department. The study characterizes the project site as three separate drainage areas: (1) the northwest portion of the site which consists of the parking lot; (2) the northeast part of the parcel that contains the existing office building and its undeveloped rear yard; and (3) the southern portion of the site which supports a residence, garage, and green houses. The parking lot area primarily drains to the storm drain system in Winchester Boulevard. The drainage from the office building and its rear yard generally infiltrates on-site, with surface drainage flowing overland to the southeast toward the parking lot of the commercial building immediately south of the project site, and then draining to a catch basin from which flows are directed to Farley Road. Surface flows from the southern part of the site drain to the east, collect in a 4-inch drain line along the western boundary of the adjoining Los Gatos Storage Services property (coinciding with the site's eastern boundary), and also discharge to Farley Road.

The project plans indicate that the proposed development would increase impervious surfaces from existing levels to 28,038 s.f., resulting in total coverage of approximately 62 percent of the site. Based on the design plans, the proportion of impervious surfaces proposed for the northeast part of the project site would be equivalent to existing coverage; pre-development and post-development drainage flows from this part of the site would be equivalent and no mitigation measures are proposed.

Additional impervious surfaces would be constructed on the northwest and southern parts of the project site. Portions of the surface flows from these two areas would be directed into vegetated swales for filtration purposes. All of the drainage from these areas would eventually be collected and routed into proposed stormwater quality control facilities; subsequently, treated storm flows would be channeled into a detention system which has been sized and designed according to the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 Stormwater Handbook. Existing downstream storm drain facilities adequately accommodate current 10-year storm runoff flows from the project area, and the proposed project would not increase downstream peak surface flows (10-year storm flows) due to proposed detention facilities. Therefore, the proposed project would not significantly affect the existing downstream storm drainage system capacities (which are sized to accommodate the 10-year storm).

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the project area, the project site is not within the 100-year floodplain. The Santa Clara Valley Water District's maps of flood control facilities and limits of one percent flooding as well as the Town of Los Gatos Safety Element Flood Plain maps show the project site does not lie within a flood zone. Therefore, no significant flood hazard impacts would be expected.

More stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay, as evidenced by such observations as violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories. These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. 01-024 of the NPDES permit program.

The project site is located within the Los Gatos Creek watershed. Runoff from the site would discharge to the Town's storm drains in Winchester Boulevard and Farley Road, flowing into Los Gatos Creek and eventually into the Bay. Los Gatos Creek is on the Clean Water Act Section 303(d) List of Water Quality Limited Segments due to the presence of diazinon, a pesticide, and its primary source is identified as urban runoff and storm drains. Best Management Practices (BMPs) outlined by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for treatment control of pesticides include bioretention, infiltration, and media filter with adsorption/absorption as the removal process.

As a condition of project approval, the Town will require: (1) preparation and submittal of interim and final erosion control plans to the Engineering Division of the Parks and Public Works Department; and (2) implementation of non-point source pollution prevention measures to reduce pollutant levels in the water that will eventually discharge to Los Gatos Creek. Since the project would create or replace more than 10,000 s.f. of impervious surface area, the Town has determined that the proposed project is subject to the provisions of C.3. The project proposes to direct surface runoff into landscaped areas and vegetated swales as well as provide stormwater treatment facilities on the site. Runoff flows would be treated prior to entering the project's stormwater detention facilities. These requirements are consistent with current non-point source requirements and erosion control portions of the NPDES permit program.

9. Land Use and Planning: The project parcel is currently developed with a one-story office building and associated parking lot on the northerly parcel, and a one-story single-family residence, detached two-story garage structure (living space above garage), and greenhouse on the southern parcel. The project parcel is currently designated by the existing General Plan as "Office Professional" and zoned "O, Office." The "Office Professional" General Plan designation allows for professional and general business offices, and is often in close proximity to neighborhood or community-oriented commercial facilities, serving as a buffer between commercial and residential uses. The Office zone allows all types of office activities (administrative, professional, medical, dental, optical laboratories associated with a professional

use, real estate, insurance, stocks and bonds, etc.) and encourages buildings that are compatible with residential development. The Office zone serves as a buffer between commercial and residential development with a minimum of traffic generation, particularly at night.

While the proposed project is consistent with the General Plan and Zoning land use designations for this site, the Community Design Element of the General Plan, Implementation Strategy L.I.4.7 (Winchester Boulevard Rezoning) states that the Town should consider amending the General Plan's Land Use Element and the Zoning Code to preserve the existing residential uses along Winchester Boulevard between Shelburne Way and Pleasant View. The project site is located within this section of Winchester Boulevard, but it should be noted that the Town has reviewed this area several times and has chosen not to amend the General Plan or Zoning code.

The project vicinity is comprised of a mix of office, commercial-industrial, and residential uses. Adjacent parcels to the south of the project site and south of Farley Road West (fronting on the east side of Winchester Boulevard) are also zoned for office use and designated as "Office Professional" by the General Plan. Parcels to the north of site (fronting on the east side of Winchester Boulevard) are zoned for office use but designated as "Low Density Residential" by the General Plan. Parcels to the east (fronting on Farley Road West) are currently zoned "LM, Commercial-Industrial." Land uses along Farley Road West include self-storage warehouses, a nursery, and the Los Gatos-Saratoga High School District office. Storage facilities adjoin the eastern project boundary. Single-family residences in Monte Sereno are located to the west across Winchester Boulevard. Since the project site is situated between commercial-industrial uses to the east, office uses to the south, and residential uses to the north and west, the proposed office use is consistent with the intent of the General Plan and Zoning Ordinance. The proposed office building would serve as a buffer between commercial-industrial and residential uses. The proposed office use also would be consistent with this mix of uses, particularly with the adjacent office building to the south.

10. Mineral Resources: The Los Gatos General Plan does not identify any regionally or locally-important mineral resources on the project site or in its vicinity.

11. Noise: Project construction would result in temporary short-term noise increases due to the operation of heavy equipment. Construction noise sources range from about 76 to 85 dBA at 50 feet for most types of construction equipment with slightly higher levels of about 88 to 91 dBA at 50 feet for certain types of earthmoving and impact equipment. If noise controls are installed on construction equipment, the noise levels could be reduced by 1 to 16 dBA, depending on the type of equipment. The potential for construction-related noise increases to adversely affect nearby residential receptors would depend on the location and proximity of construction activities to these receptors.

The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet. Adjacent uses include one single-family residence that adjoins the northern project boundary as well as an office building to the south. The residence is located approximately 15 feet from the northern project boundary. It is expected that most equipment operation would occur in the vicinity of the proposed building, which would be as close as approximately 20 feet from this residence. Operation of equipment in the parking lot could occur as close as approximately 15 feet from this residence. At 20 feet, the ordinance noise limit would result in maximum noise levels of 87 dBA at the closest home to the southeast. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 45 to 60 dBA. To maintain such interior noise levels, exterior noise levels at the closest residences (with windows closed) should not exceed 70 to 80 dBA and this exterior noise level is used as a significance threshold or criterion. It appears that construction noise levels would periodically exceed 80 dBA or less at the closest

home when construction occurs immediately adjacent to the northern project boundary, primarily when the north side of the proposed building is under construction. Therefore, enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance would help maintain construction noise levels at acceptable levels most of the time, minimizing the potential for speech interference effects when heavy equipment is operated on the project site near the adjacent residence. However, given the proximity of the proposed building to the existing residence to the north, the following additional measure will be required to reduce potential construction-related noise impacts on this residence to a less-than-significant level:

MITIGATION: The northern façade of the proposed office building shall be enclosed as early in the construction process as possible to minimize impacts on the existing residence to the north. Proposed fencing along the northern property boundary shall be constructed prior to construction of the proposed building to minimize construction-related noise impacts.

MITIGATION: Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used on the northern parcel of the project site shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures such as drilling rather than impact equipment shall be used whenever feasible.

MITIGATION: Stationary noise sources shall be located as far from the existing adjacent residence to the north as possible. If such noise sources must be located near this residence, they shall be adequately muffled and enclosed within temporary sheds.

MITIGATION MONITORING: The Building Division of the Community Development Department will be responsible for ensuring that these measures are implemented appropriately during construction.

With respect to long-term noise associated with operation of the proposed office building, no significant noise impacts would be expected. Since there is currently an office building and parking lot adjacent to the northern project boundary, the proposed project would continue to generate similar noise on the northern portion of the site. Since the project would relocate the parking lot to the rear of the site, noise from parking cars at the existing residence to the north would be reduced. Although mechanical equipment (heating and air conditioning units) would be relocated closer to this residence, this equipment would be located on the roof of the proposed building, which is higher than this residence. This proposed configuration would minimize potential noise impacts on the residence to the north. In addition, the Town Noise Ordinance will limit noise increases at the northern project boundary to 6 dBA above: 42 dBA between 10 p.m. and 6 a.m., 52 dBA between 6 a.m. to 1 p.m., and 56 dBA between 1 p.m. and 10 p.m. Such noise limits would maintain project-related noise levels within acceptable levels for residential uses (62 dBA [Leq] or less during the day and 48 dBA [Leq] or less during the night), particularly since ambient noise levels along this section of Winchester Boulevard are estimated at 65 Ldn at this residence, which is higher than the noise limits.

12. Population and Housing: The proposed project would not result in an increase in local population. The proposed project would replace an existing office building and single-family residence with a larger office building. Removal of one housing unit would not be considered a significant reduction in the existing housing supply in Los Gatos and would not displace a substantial number of people. In addition, the project site is zoned for office use and residential use is not a permitted use (i.e., certain types of residential use would require a conditional use permit).

The project would not be considered growth-inducing, since the project would involve redevelopment of an existing developed parcel and the project would not extend roads or infrastructure to any adjacent properties. The General Plan designates the project parcel for office use and the project would be consistent with the designated use.

13. Public Services: Services are already provided to the project site as well as to adjacent office, commercial-industrial and residential uses. No significant increase in demand on public services are expected to be required for the proposed building since services are currently provided to the existing office building and residence on the site. The Santa Clara County Fire Department has reviewed proposed project plans for site access and water supply, and the project will be required to meet Department requirements for minimum fire flow, automatic fire sprinklers, hydrant spacing/location, building access requirements, etc. The project will be required to install an automatic fire sprinkler system, provide one public fire hydrant on the east side of Winchester Boulevard in front of the project site, and be equipped with a permanently installed fire department emergency access key lock box. The proposed plan will be subject to formal plan review by the Santa Clara County Fire Department to determine compliance with adopted model codes.

14. Recreation: The proposed project would not add new population to the area, and therefore would not increase the demand for recreational services.

15. Transportation and Traffic: A detailed traffic impact study was completed by TJKM Transportation Consultants in July 2007 and this report is available for review at the Town Community Development Department.

The Town's Traffic Impact Policy (Resolution 1991-174) requires preparation of a detailed traffic study for any project with the potential to generate 20 or more additional AM or PM peak hour trips. While the proposed office building would generate 171 daily trips with 24 AM peak hour trips and 23 PM peak hour trips, the site currently generates traffic from the existing office building and residence. When project volumes are adjusted for existing on-site traffic, the proposed project would generate 125 net new average daily trips with 18 net new AM peak hour trips and 17 net new PM peak hour trips.

TJKM evaluated the project's impact at one signalized intersection in the project vicinity: Winchester Boulevard/Daves Avenue. Under Existing Conditions, this intersection operates acceptably (LOS B) during the AM and PM peak hours. With approved projects in the project area (Background Conditions), increased average delay at this intersection will be negligible (0.1 to 0.2 second/vehicle of average delay), and this intersection is expected to continue to operate acceptably (LOS B) during the AM and PM peak hours. With the proposed project (Background Plus Project Conditions), average delays are estimated to increase by up to 1.5 seconds per vehicle at this intersection, with this intersection continuing to operate at LOS B. Since this intersection would operate acceptably during the AM and PM (at LOS B) under all future scenarios analyzed, the project would have a less-than-significant impact on this intersection's service level operation.

When pending projects are added (Background Plus Project Plus Pending Conditions), this intersection would operate acceptably at essentially the same LOS B as under Background Plus Project Conditions). Therefore, the project's traffic contribution would not be cumulatively considerable. There would be a decrease of 0.1 second of average delay during both the AM and PM peak hours. This slight decrease in delay is likely due to an increase in non-critical movements.

While the proposed project would not generate much pedestrian traffic, school-bound children currently walk along Winchester Boulevard and Daves Avenue during the school peak hours. Currently, there are sidewalks along both sides of Winchester Boulevard and Daves Avenue and pedestrians can cross the

intersection by an actuated ped-push button (ADA standards) with a count down display. The pedestrian phase currently operates as a separate phase and is not concurrent with any vehicular phases for the safety of school bound pedestrians. At the study intersection, the eastbound right-turn traffic movement on Red (RTOR) is prohibited along with an electronic sign display.

Based on accident reports provided by the Town for the last three years (January 1, 2004 to December 31, 2006), there were no accidents at the intersection of Winchester Boulevard/Daves Avenue. Similarly, there were no accidents during the same period on Daves Avenue between Winchester Boulevard and Poppy Lane (closer to Daves Elementary School). The proposed project is expected to generate two inbound AM peak hour trips and two outbound PM peak hour trips along Daves Avenue. During the AM peak hour, the inbound and outbound project trips on Winchester Boulevard would be 19 and 3, respectively, and during the PM peak hour the project trips would be 4 and 19, respectively. Based on pedestrian counts taken during school and traffic peak hours, the project's estimated peak hour volumes, and the project's less-than-significant impact on traffic congestion, signal delay, and intersection operations, it is expected that the project's impact on school-related pedestrian safety would likewise be less than significant.

Currently, the project site is served by two access driveways located on the east side of Winchester Boulevard, one at Daves Avenue and the other slightly to the north. With the proposed project, the northerly access driveway would be eliminated and the proposed driveway (approximately coinciding with the existing southerly driveway) would form the east leg of the Winchester Boulevard/Daves Avenue intersection. Currently, the southbound left-turn access to the project site is a permissive phase via two-way, left-turn lane at Winchester Boulevard/Daves Avenue intersection. To accommodate proposed access improvements and driveway relocation at this intersection, the following measure will be required:

MITIGATION: The southbound left-turn access into the project shall be improved by striping a southbound left-turn only lane for a minimum of 75 feet. In addition, all necessary signal head installations/modifications to provide a southbound left-turn protective phase, intersection improvements and relevant signal timing changes are also recommended.

MITIGATION MONITORING: The Community Development and Engineering Division of the Parks and Public Works Departments will be responsible for ensuring these measures are implemented as necessary prior to project completion.

The proposed plan indicates that a total of 66 parking spaces would be provided on-site, with 32 spaces located within the proposed parking garage 34 spaces in the surface parking lot. The Los Gatos Parking Code requires one parking space for every 235 s.f. of gross floor area of business and professional office space. At this rate, the proposed building (15,510 s.f. of office space) would require 66 parking spaces and the project would meet this requirement. Therefore, proposed parking facilities would be adequate.

Currently, there are bike lanes along Winchester Boulevard in the vicinity of the project site. Based on field observations and Santa Clara Valley Transit Authority website, only Line 48 runs along Winchester Boulevard in the vicinity of the project site. Line 48 operates between the Winchester - Transit Center and the Los Gatos Civic Center via Winchester Boulevard. There is a bus stop with a pullover bay striped at the southwest quadrant of Winchester Boulevard/Daves Avenue intersection.

16. Utilities and Service Systems: Utility facilities are currently provided to the project site. The proposed building will be required to connect to the existing water and sewer lines located at the western project boundary in Winchester Boulevard. Project development would also include construction of storm drainage facilities (see Section 8, Hydrology and Water Quality). The Fire Department will also require

MITIGATED NEGATIVE DECLARATION – 15720 AND 15736 WINCHESTER BOULEVARD

provision of an approved, automatic fire sprinkler system in the proposed building. Other utilities (electrical, gas, telephone, cable TV facilities) will be upgraded as necessary.

Copies of the Initial Study used to make the above recommendation are on file and available for public inspection during regular business hours at the Town Community Development Department, 110 East Main Street, Los Gatos, California.

Date

Bud N. Lortz, Director of Community Development

JOHN LIEN
ARCHITECT

20 March 2008

Curtis Banks, Planner
Town of Los Gatos Planning Dept.
110 East Main Street
Los Gatos, California 95030

RE: Letter of Justification
15720 Winchester Boulevard/S-07-34, M-07-13

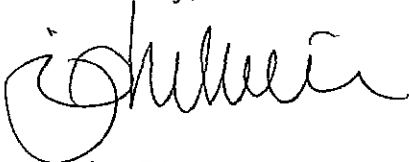
Dear Curtis:

Outlined below is what I believe are the circumstances justifying approval of this application:

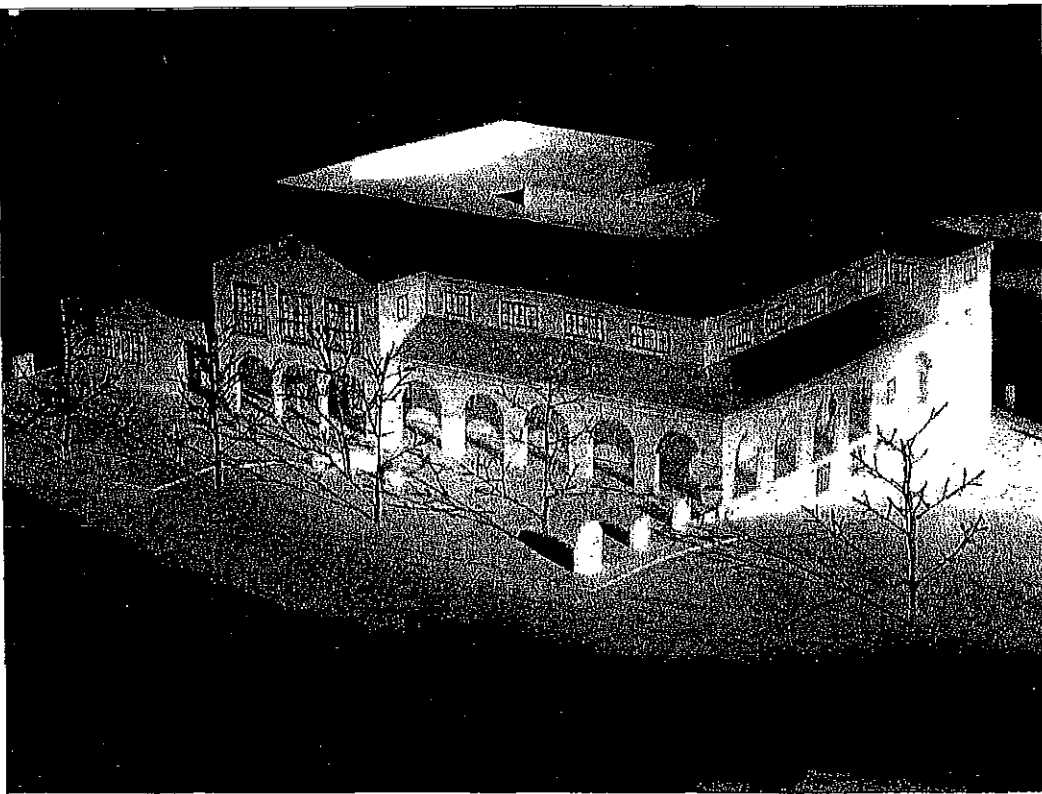
1. All of the properties along the east side of Winchester Boulevard from Lark Avenue to Blossom Hill Road are designated office use by the General Plan.
2. Of the -9- parcels in the block from Pleasant View Avenue to Farley Road, which includes this property, -8- are zoned office use.
3. The subject property abuts an existing office building immediately to the south.
4. These two parcels are under common ownership and will be merged. The southerly parcel contains a single family residence, the other the current offices of the applicant/owner. No isolated-use parcels will be created either to the north or the south by this application.
5. This building - as confirmed by staff, will serve as a gateway building as one enters town traveling south on Winchester Boulevard.
6. This applicant - a father/son law firm, has practiced in Los Gatos for 33 years and at this location for 32 years. It is their desire to continue to provide professional services to this community and at this location. Approval of this application will facilitate the needs of their continued law practice.
7. The proposed design meets all of the zoning requirements including height, size, parking and setbacks. It received a glowing report from the Town's peer review architect who stated "... it is very well designed with good overall form and scale, with substantial interesting detail consistent with the architectural style." He further states that it is "... arguably one of the better proposals from an architectural design standpoint that I have reviewed for Los Gatos."

I look forward to your favorable review as well.

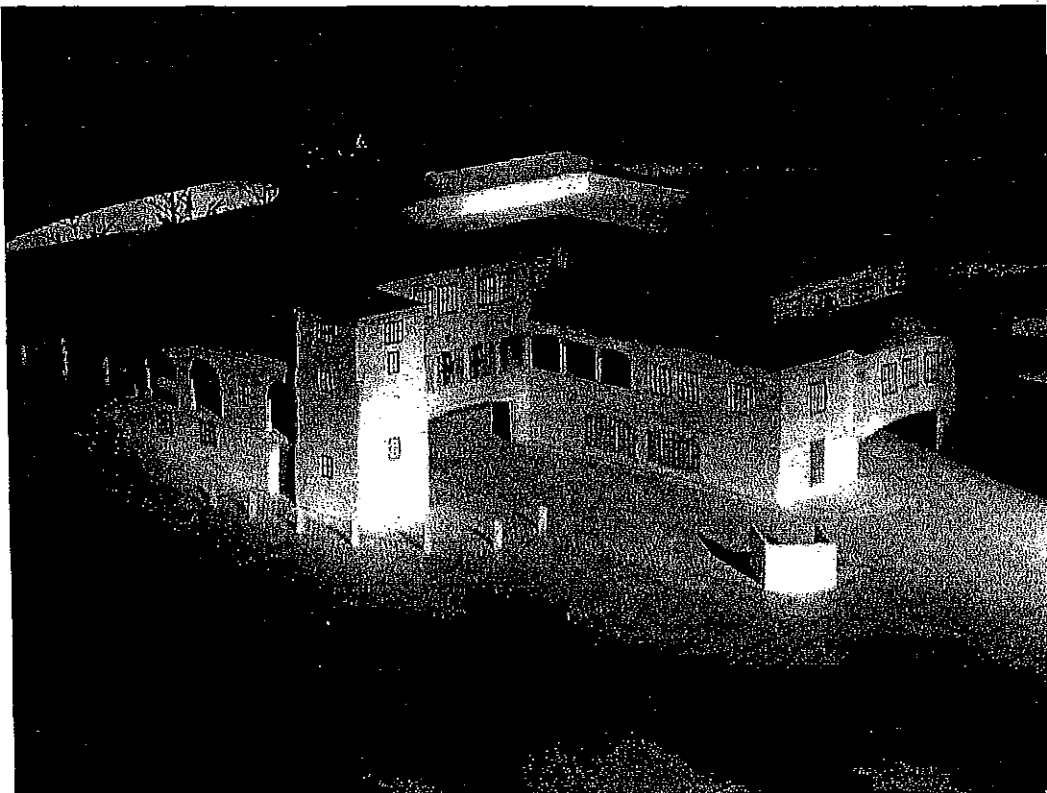
Sincerely,



John Lien



VIEW FROM WEST



VIEW FROM SOUTH

MODEL PHOTOS

**DERMER
OFFICE
BUILDING**
Los Gatos ■ California
February 2007

**JOHN LIEN
ARCHITECT**
196 COLLEGE AVENUE
LOS GATOS
CALIFORNIA
95030
408.395.3525



June 18, 2007

Mr. Curtis Banks
Community Development Department
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

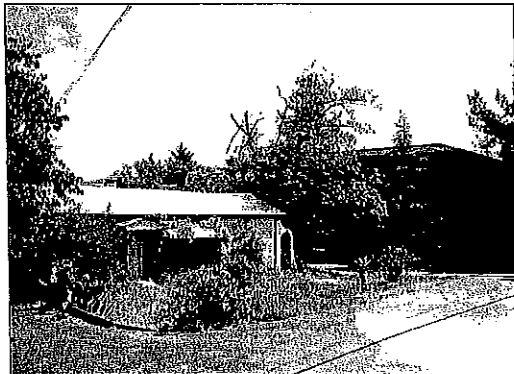
RE: 15720 Winchester Blvd.

Dear Curtis:

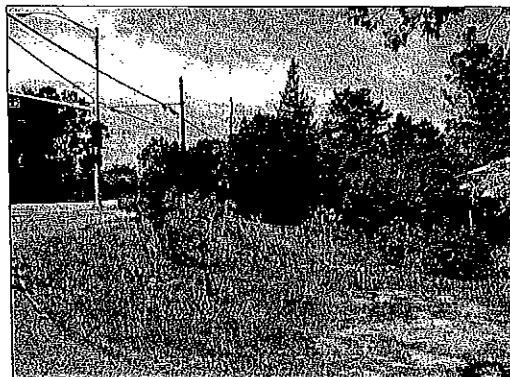
I reviewed the drawings, read the comments of the Conceptual Development Advisory Committee, and visited the site. My comments and recommendations are as follows:

Neighborhood Context

This section of Winchester Blvd. has a very mixed character with single family residences and older commercial buildings which have substantial landscape screening along Winchester Boulevard, limiting the physical presence of the structures on the street. Photographs of the site and surroundings are shown below.



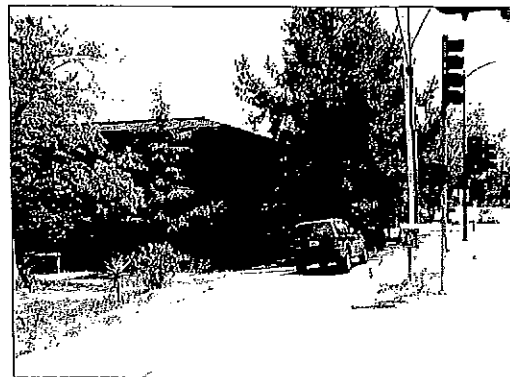
Existing building on the site



Grade slope at the front of the site



Building and parking lot on the north portion of the site



Building to the south

TEL:
EMAIL: cdgplan@pacbell.net
180 HARBOR DRIVE

415.331.3795
SUITE 219

FAX: 415.331.3797



View across Winchester Blvd.



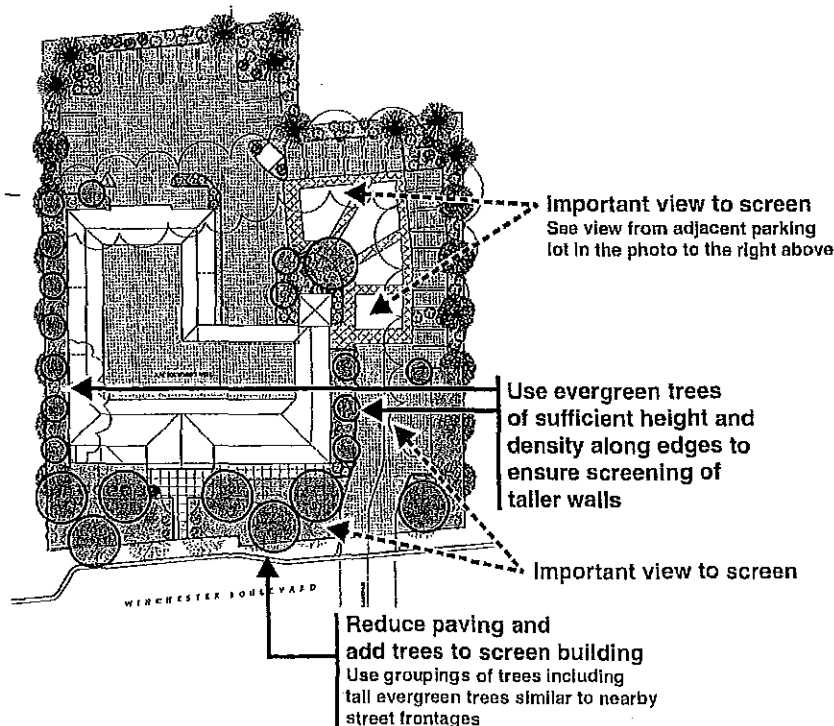
View to the back of the site from parking lot of the office building to the south of the site

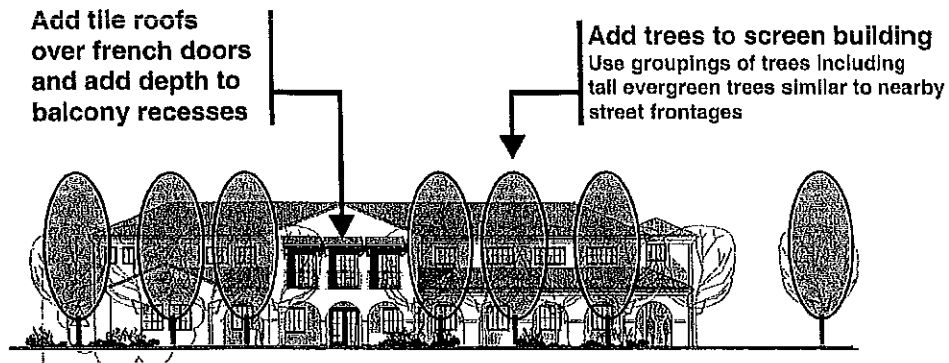
Issues and Recommendations

The Conceptual Development Advisory Committee expressed physical design concerns over the proposed structure's three story height, its size, and compatibility with the surrounding residential neighborhood. The new structure will have a strong presence on the streetscape, having less intense front setback landscaping than the other nearby parcels fronting on Winchester Blvd. However, the proposed building is very well designed with good overall form and scale, with substantial interesting detail consistent with the architectural style.

While I do not have concerns about the structure's size and scale to the extent that the Conceptual Development Advisory Committee does, I do appreciate the issues raised. If the Committee and staff feel strongly about the proposed height, scale and design are too large, it would be appropriate to direct the applicant to revise the design in accordance with the points raised in the Committee's January 10 meeting minutes. Since the design is arguably one of the better proposals from an architectural design standpoint that I have reviewed in Los Gatos, I would not venture to show what those substantial changes might entail - the architect is talented and fully capable of designing to that direction.

However, should the Committee and staff wish to mitigate the design concerns raised without a full redesign, the addition of evergreen landscaping and some minor adjustment to the front elevation could, I believe, substantially reduce the new structure's impact on the streetscape. The additions are shown in the diagrams below.





To assist the committee and staff in visualizing the height and scale of the proposed design, I have included a photograph below of an office structure in Cupertino that is closer to the street than the proposed building under consideration, but is of a similar scale and design as related to the street frontage.



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

Sincerely,
CANNON DESIGN GROUP

Larry Cannon AICP
President

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

SUMMARY OF DISCUSSION OF A REGULAR MEETING OF THE **CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE** OF THE TOWN OF LOS GATOS FOR **JANUARY 10, 2007** HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 4:30 P.M.

ATTENDANCE

Members Present: Absences: None

Joe Pirzynski
Barbara Spector
D. Michael Kane
Stephen M. Rice
Joanne Talesfore

Staff Present: Bud N. Lortz, Director of Community Development, Randy Tsuda, Assistant Community Development Director and Curtis Banks, Project Planner.

Public Present: John Lien and Martin Dermer.

ITEM 1: **15720 and 15736 Winchester Boulevard**
Architecture and Site Applications S-07-34
Subdivision Application M-07-13

Requesting approval to demolish a single family residence built prior to 1941 and an office building, merge two existing parcels and construct a new office building on property zoned O. APN 424-27-011 and 051.

PROPERTY OWNER: Martin Dermer

APPLICANT: John Lien

Comments:

1. The General Plan policy to retain residential should be pursued.
2. The policy does not mean the area must be rezoned to residential, but make sure residential is not overwhelmed by commercial.
3. Some members preferred to maintain the residential uses in the area.
4. Concern about traffic generated by the project and the safety of pedestrians crossing Daves Avenue. The Town has made efforts to slow traffic and make the area more livable.
5. Concern about the loss of housing.
6. Concern about the demolition of a pre-1941 home.
7. Not sure if the home is historic. The Historic Preservation Committee should review the demolition of the pre-1941 home to determine if it meets the criteria to be retained.
8. The burden is on the applicant to justify the demolition.

9. The three-story appearance of the proposed building is too large and out of context with the area and the predominately smaller residential appearing structures.
10. The design should have more of a residential feel to respect the residential character of the area. Consider breaking the project into smaller structures to provide a more human scale.
11. The building at University Avenue and Highway 9, which was designed by Mr. Lien, is a good example of a "Gateway" building that is not imposing and does not overwhelm the surrounding area.
12. Consider stepping the building to match the slope of the site.
13. Consider a mixed-use project.
14. Need to address the parking issue regarding the number of spaces and the slope of the driveway.

ADJOURNMENT Meeting adjourned at 5:30 p.m. The next regular meeting of the
Conceptual Development Advisory Committee is Wednesday, February
14, 2007

Prepared by:

Bud N. Lortz, Director of Community Development

cc: Planning Commission Chair

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MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: Conceptual Development Advisory Committee

From: Bud N. Lortz, Director of Community Development

A handwritten signature in black ink, appearing to read "Bud Lortz".

Subject: 15720 and 15736 Winchester Boulevard
CDAC Meeting of January 10, 2007

Date: January 4, 2007

Background

The project site consists of two parcels located at 15720 and 15736 Winchester Blvd. The property at 15720 Winchester Blvd. is developed with a 3,250 square foot office building and 15736 Winchester Blvd is developed with a 1,066 square foot home, a 575 square foot garage and 630 square foot shed. The project site is located between a two-story office building and a single-story single-family home.

Project Description

The applicant has submitted a proposal to redevelop 15720 and 15736 Winchester Blvd. The project contains the following components:

- Demolition of the existing structures on both parcels.
- Combination of the lots.
- Construction of a 16,250 square foot office building with 65 parking spaces.

The applicant has submitted a conceptual site plan, landscape plan and elevations for this proposal (Attachment 1).

General Plan and Zoning Designation

The General Plan Designation of the parcels is Office Professional. The Zoning Designation of the parcels is O (Office).

Existing Conditions/Use

1. The site contains .8 acres (37,672 square feet).
2. The site is located on the east side of Winchester Blvd., between West Farley Rd. and Pleasant View.
3. The site contains an office and single family home.

Potential Issues

The following is a brief list of issues and topics for consideration by the CDAC to help frame the discussion and to solicit input.

1. Land Use:

Policy L.I.4.7 of the General Plan states that the Town should consider amending the General Plan's Land Use Element and the Zoning designation to preserve the existing residential uses along Winchester Blvd, between Shelburne Way and Pleasant View. To date this has not been pursued. This area currently contains a mixture of residential and office uses.

- Should the General Plan and Zoning for this area be reviewed to preserve residential uses?

2. Building Design/Lot Layout:

Should an office project be appropriate, staff has identified several issues for consideration by the CDAC

- a. The proposed building, which totals 16,250 square feet, would range from two to three story stories and range in height from approximately 30 feet along Winchester Blvd. to 35 feet along the side and rear of the building. By comparison, the adjacent two-story office at the corner of Winchester Blvd. and Farley Rd., is approximately 5,160 square feet and 24 feet tall. The property to the north of the project site is a single-story single family home.

The building will be larger, in both square footage and height, than the immediately adjacent buildings. The street slopes up toward the project site; therefore, the height of the proposed office would appear significantly taller than the adjacent two-story office, although they are similar in height along the Winchester Blvd. frontage. The scale of the building also results in the shadowing impacts on the adjoining parcel to the north. Combining the two parcels, results in one parcel 183 feet in width, which is wide in comparison to the 50-foot width of the adjacent lots. If this project is approved, it is likely that other parcels will be combined in the future.

- Is the scale of the development consistent with the area?
- b. The existing house at 15736 Winchester Blvd. is a pre-1941 structure (it was built in 1940). The home will need to be reviewed by the Historic Preservation Committee and findings will need to be made to allow its demolition.
- c. An approximately 10-foot dedication in front of the property at 15736 may be required.

3. Traffic/Circulation/Parking:

- a. A traffic study will be required. Preliminary analysis indicates that there will be a net increase of approximately 133 Average Daily Trips (ADT) and 19 trips in the a.m. peak hour and 18 in the p.m. peak hour.
- b. Adequate parking must be provided on site. The required parking for a general office is one space per 235 square feet of gross floor area and the required parking would be 69 spaces. For medical office, the requirement is one space per 250 square feet, which requires 65 spaces, or six spaces per doctor, whichever is greater. The applicant is proposing 65 spaces, which may be sufficient for a medical use, but not a general office. More information is needed regarding the anticipated use of the building.
- c. The driveway to the covered parking has a 14 percent slope, which is too steep to accommodate the proposed parking on the ramp.

4. Potential Impacts:

- a. Intensity/density of development as noted above.
- b. Traffic as noted above.

5. General Plan Goals/Policies:

Land Use Element:

- a. Goal L.G.2.1 states that the intensity of new development shall be limited to a level consistent with the surrounding development and with the Town at large.
- b. Goal L.G.2.2 states reduce the visual impact that new construction and/or remodeling has on our town and its neighborhoods.
- c. L.P.2.1 states that all development applications shall be reviewed in light of the overall mass and scale of the development.
- d. L.I.4.7 states that the Town should consider amending the General Plan's Land Use Element and the Zoning code to preserve the existing residential uses along Winchester Blvd, between Shelburne Way and Pleasant View.
- e. CD.P.1.7 states that new structures, remodels, landscapes and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.

6. Community Benefit:

A community benefit(s) is required since more than five peak hour trips will be generated.

Attachments:

1. Project Plans

N:\DEV\CURTIS B\REPORTS\CDAC\2007\15736 WINCHESTERBLVD.CDAC.RPT1.DOC



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

June 20, 2007

Martin Dermer
15720 Winchester Blvd
Los Gatos, CA 95030

RE: 15736 Winchester Boulevard
Architecture and Site Applications S-07-34

Requesting approval to demolish a single family residence built prior to 1941 on property zoned O. APN 424-27-011

PROPERTY OWNER: Martin Dermer

APPLICANT: John Lien

On June 20, 2007, the Los Gatos Historic Preservation Committee considered the above referenced application. The Committee recommended approval of the application to the Planning Commission. The basis for the recommendation is as follows:

1. The structure is not historically significant.
2. The building is not associated with any events that have made a significant contribution to the Town.
3. No significant persons are associated with the site.
4. The structure is not architecturally significant and has no architectural character. There are no distinctive characteristics of type, period or method of construction or representation of work of a master.
5. Based on the information in the structural report, the building is in a deteriorated condition.
6. In terms of context, the residence is out of place since it is not located in a residential neighborhood.

This application is currently going through the planning review process. If you have any questions in this matter, please contact Project Manager Curtis Banks, at 354-6807.

Sincerely,

Bud N. Lortz, AICP
Director of Community Development

BNL:SLB:mdc

cc: John Lien, 196 College Avenue, Los Gatos, CA 95030

N:\DEV\SLB\2007\winchester15736.doc

ATTACHMENT 11

Meeting Date: June 2, 2008
Subject: 15720 and 15736 Winchester Boulevard

PLEASE NOTE:

ATTACHMENT 12
Development Plans

Are available for review in the Clerk Department