




MEETING DATE: 10/20/08

ITEM NO: 11

COUNCIL AGENDA REPORT

DATE: October 9, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER 

SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING A REQUEST TO DEMOLISH A SINGLE FAMILY RESIDENCE AND TO CONSTRUCT A NEW RESIDENCE ON PROPERTY ZONED R-1:8. APN 409-15-021 ARCHITECTURE AND SITE APPLICATION S-07-188 PROPERTY LOCATION: **14329 MULBERRY DRIVE** PROPERTY OWNER/APPLICANT: HALLMARK COMMUNITY SERVICES APPELLANT: DENNIS CHAMBERS


RECOMMENDATION:

1. Hold the public hearing and receive public testimony.
2. Close the public hearing.
3. Uphold the decision of the Planning Commission and approve the Architecture and Site Application S-07-188 and deny the appeal. (**motion required**).
4. Refer to the Town Attorney for preparation of the appropriate resolution.




If the Town Council concurs that the Planning Commission's decision should be reversed or modified the Council needs to find one or more of the following (**motion required**):

- (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.

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.

PREPARED BY: BUD N. LORTZ 
DIRECTOR OF COMMUNITY DEVELOPMENT

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Reviewed by:  Assistant Town Manager  Town Attorney
____ Clerk Administrator ____ Finance  Community Development

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

BACKGROUND:

As permitted by State Law, the proposed house will be used as a state licensed small group home for developmental disabled adults. The applicant is working under a pilot program of Senate Bill 962, which is seeking housing throughout the area for individuals who currently reside at Agnews State Hospital and have health care needs. Pursuant to State Law, the Town has no jurisdiction regarding the small group home use. Therefore, Town Council is limited to discussing only the proposed Architecture and Site application for a new single family residence. The use is not subject to this hearing.

DISCUSSION:

1. Project Summary

The applicant is requesting approval of plans to demolish a single family residence and to construct a 2,784 square foot one story single family residence. The house will be barely visible from the street since it is located on a corridor lot. The neighborhood has a mix of house styles which are traditional in design and character. The house sizes in the neighborhood range from 500 to 3,850 square feet. The proposed house size for the subject lot is 2,784 square feet. The proposed and allowed FAR for the subject lot is .317 (includes house and shed). The corridor portion of the lot was not used in the FAR calculation. The FARs in the neighborhood for a residential structure only, range from .052 to .432.

As noted above, the site is a corridor lot which has access from Mulberry Drive. The subject lot does not have an access easement to use the adjacent property's driveway, which runs parallel with the subject driveway. Therefore, the driveway will be reconstructed entirely on the subject parcel.

Town Code requires two parking spaces for a single family residence. Two unenclosed parking spaces are proposed in front of the house outside of the front setback. The plans erroneously note the parking and backup areas as reversed. A condition has been included which clarifies the locations of these two areas. No garage is proposed. Due to the angle of the driveway to the front of the property, vehicle maneuverability is difficult. Therefore, a vehicle backup area is proposed within the front setback. This will allow vehicles to turnaround as opposed to backing out of the driveway.

2. Development Review Committee

The Development Review Committee (DRC) approved this application on June 17, 2008 subject to conditions (Exhibit 5 of Attachment 1). Conditions were included as part of the approval in an attempt to mitigate neighbor concerns. These conditions included the following:

- Eight foot high fencing.
- Preconstruction meeting with the neighbors.
- Fire lane signage.
- Drainage improvements.

An appeal of the decision by the DRC was filed on June 27, 2008 by an adjacent neighbor (Exhibit 2 of Attachment 1).

3. Planning Commission

The Planning Commission considered the appeal on August 27, 2008 and upheld the decision of the DRC and denied the appeal (Attachment 4). The conditions were revised to include the following (Attachment 3):

- Lower the fence height to seven feet, if both property owners accept a fence height over six feet.
- Step the southern property line fence down towards the driveway to increase vehicle sight distance, if both the property owners agree.
- Provide landscape screening along the southern property line.
- Minor architectural changes.

4. Appeal

An appeal of the Planning Commission's decision was received on September 8, 2008 (Attachment 1). The basis for the appeal is that the Commission erred or abused its discretion in that they did not adhere to the Residential Development Standards (Attachment 5, asterisks note the sections in question):

- *Neighborhood safety.* Staff Note: During the DRC process the neighbors raised concern regarding the safety of their children with the added traffic. The proposed vehicle backup area will increase the safety so that vehicles will not have to back out of the driveway. Pursuant to State law, the Town has no jurisdiction over the group home use which includes any traffic associated with this use.
- *Various site development, site planning and building design sections.* Staff Note: The plans were evaluated using the Residential Development Standards in effect at the time (Attachment 5), and with consideration of the design principles contained in the draft Residential Design Guidelines (RDG). Town staff and the Consulting Architect found that the application met the guidelines.
- *Privacy.* Staff Note: The appellant has a detached garage and driveway adjacent to the shared property line (Sheet 4 of Exhibit 13 of Attachment 1). The adjacent garage and driveway encompass half the length of the subject house. In addition, at the appellant's and another neighbor's request, an eight foot fence was required during the DRC process (six feet is the typical fence height). During the Planning Commission hearing,

the appellant requested a lower fence height. A seven foot high fence was approved, provided the adjacent property owner and the applicant both agreed to this height.

The appellant also raised the following question/comment in the appeal:

Why is the Magnolia tree being removed? Staff Note: The tree is being removed to accommodate a walkway and porch along the south side of the house. The Town's Consulting Arborist determined that the tree removal was acceptable. The required mitigation for the tree removal is three 24 inch box or two 36 inch box trees.

The FAR is not correct. Staff Note: No justification is provided to document why the FAR is not correct. The proposed and allowed FAR for the subject lot is .317 (includes house and shed). The corridor portion of the lot was not used in the FAR calculation. During the Planning Commission public hearing process the appellant was informed that the corridor was the narrow portion of the subject lot which accommodated the driveway. The appellant made a comment that the parking area was not considered as part of the corridor which is correct.

CONCLUSION

The proposed residence is within the FAR range for homes in the immediate neighborhood and is an appropriate architectural style for the area. The applicant worked closely with Town staff and the Town's Consulting Architect to design a house that was compatible with the neighborhood. The applicant also worked with the neighbors in an attempt to mitigate their concerns.

ENVIRONMENTAL ASSESSMENT:

It has been determined that this project is Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town

FISCAL IMPACT: None

Attachments:

Previously Submitted to Town Council:

1. Report to the Planning Commission for the meeting of August 27, 2008.
2. Appeal filed on September 8, 2008.
3. Draft Conditions of Approval as amended by the Planning Commission.

New Submittals

4. Excerpt of the Planning Commission meeting minutes of August 27, 2008.
5. Residential Development Standards, by Resolution 2001-139

PAGE 5
MAYOR AND TOWN COUNCIL
SUBJECT: APPEAL OF 14329 MULBERRY DRIVE
October 9, 2008

Distribution:

Hallmark Community Services, 1242 Market Street, 3rd Floor, San Francisco, CA 94102
Dennis Chambers, 14333 Mulberry Drive, Los Gatos, CA 95032

BNL:SLB:mdc



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: August 27, 2008

ITEM NO.: 4

PREPARED BY: Sandy L. Baily, AICP
Associate Planner

APPLICATION NO.: Architecture and Site Application S-07-188

LOCATION: **14329 Mulberry Drive** (Located between La Rinconada and Lora Drives)

APPLICANT: Hallmark Community Services

PROPERTY OWNER: Hallmark Community Services

CONTACT PERSON: Nesreen Kawar (415) 730-9501

APPELLANT: Dennis Chambers

**APPLICATION
SUMMARY:**

Appeal of the decision of the Development Review Committee to approve a request to demolish a single family residence and to construct a new residence on property zoned R-1:8. APN 409-15-021

DEEMED COMPLETE: June 6, 2008

FINAL DATE TO TAKE ACTION: Final action already taken

RECOMMENDATION: Uphold the decision of the Development Review Committee to approve the application with conditions.

PROJECT DATA:

General Plan Designation:	Low Density Residential
Zoning Designation:	R-1:8
Applicable Plans & Standards:	Residential Development Standards
Parcel Size:	10,875 sq ft

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Single Family	Low Density	R-1:8
East	Single Family	Low Density	R-1:8
South	Single Family	Low Density	R-1:8
West	Single Family	Low Density	R-1:8

August 27, 2008

CEQA: Categorically Exempt pursuant to Section 15303 of the State Environmental Guidelines as adopted by the Town because this application is for is a single family residence.

FINDINGS:

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

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

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

EXHIBITS:

1. Location map.
2. Notice of Appeal, filed June 27, 2008.
3. Project Data Sheet.
4. Required Findings.
5. Conditions of approval.
6. Minutes from the Development Review Committee meeting of June 17, 2008.
7. Letter of Justification (two pages), received August 16, 2007.
8. Consulting Architect report (six pages), received February 6, 2008.
9. Consulting Architect report (five pages), received November 16, 2007.
10. Consulting Arborist report (15 pages), received November 6, 2007.
11. Structural Report (one page) received August 16, 2007.
12. Action letter from the Historic Preservation Committee (one page), dated September 14, 2005.
13. Proposed Development Plans (five sheets), received April 3, 2008.

BACKGROUND:

On January 17, 2006, the Development Review Committee approved an Architecture and Site application to demolish the existing residence and to construct a 2,758 square foot two story single family residence at the subject site. The application was not vested and the application

expired. The property was subsequently sold and the current owner has filed a new application to construct a one story single family residence.

As permitted by State Law, the proposed house will be used as a small adult group home. The applicant is working under a pilot program of Senate Bill 962, which is seeking housing throughout the area for individuals who currently reside at Agnews State Hospital and have health care needs. Pursuant to State Law, the Town has no jurisdiction regarding the small group home use. Therefore, the Planning Commission is limited to only discussing the proposed Architecture and Site application for a new single family residence. The use is not subject to this hearing.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is a corridor lot and is located at 14329 Mulberry Drive. Adjacent properties are occupied by single family residences.

B. Architecture and Site Approval

Architecture and Site approval is required for construction of a new residence.

C. Zoning Compliance

The proposed residence, shed and garage are within the allowable floor area for the property and are compliant with setbacks, building coverage and height requirements. A single-family residence is a permitted use in the R-1:8 zone.

ANALYSIS:

A. Architecture & Site

The plans were evaluated using the current Residential Development Standards, and with consideration of the design principles contained in the draft Residential Design Guidelines (RDG). The RDG have not been adopted and will be reconsidered by Town Council in September. The Town's Consulting Architect reviewed two different plans (Exhibits 8 and 9). The final plans have been modified to meet the recommendations of Town staff and the Consulting Architect.

B. Demolition

The applicant is requesting approval to demolish a 944 square foot single family residence. As noted in the structural report, the structure is seriously degraded and substandard (Exhibit 11). The Town's Building Official has concurred with the findings of the report.

C. Neighborhood Compatibility

The house will barely be visible from the street since it is located on a corridor lot. The neighborhood has a mix of house styles which are traditional in design and character. The house sizes in the neighborhood range from 500 to 3,850 square feet. The proposed house size for the subject lot is 2,784 square feet. The proposed and allowed FAR for the subject lot is .317 (includes house and shed). The corridor portion of the lot was not used in the FAR calculation. The FARs in the neighborhood for a residential structure only, range from .052 to .432. Accessory structures are not included in the analysis and therefore, the FAR noted in the chart for the subject lot is different than the FAR noted above. Cellar data is not available for the neighborhood and therefore was not included in the square footage analysis.

The following data was obtained from County and Town records:

Address	House sf	Lot Size sf	FAR
17431 Wedgewood Ave	1,400	8,712	.161
17471 Wedgewood Ave	2,366	9,583	.247
14330 Mulberry Dr	2,466	6,970	.354
14322 Mulberry Dr	2,072	4,792	.432
14316 Mulberry Dr	500	9,583	.052
14304 Mulberry Dr	1,140	10,152	.112
14292 Mulberry Dr	2,326	10,454	.222
14260 Mulberry Dr	1,768	10,454	.169
14284 Mulberry Dr	1,242	7,841	.159

14274 Mulberry Dr	1,248	7,841	.159
14264 Mulberry Dr	2,368	8,276	.286
14250 Mulberry Dr	912	11,761	.078
14251 Mulberry Dr	1,231	21,780	.057
14273 Mulberry Dr	954 851 1,070	21,344	.135
14285 Mulberry Dr	1,276	10,644**	.120
14287 Mulberry Dr	1,816	7,841	.232
14299 Mulberry Dr	3,850	19,602	.196
14325 Mulberry Dr	1,370	8,276	.166
14311 Mulberry Dr	900	11,326	.080
14307 Mulberry Dr	1,092	7,841	.139
14333 Mulberry Dr	1,608	8,003**	.200
14343 Mulberry Dr	2,366	9,583	.247
14329 Mulberry Dr	2,784	9,100**	.300

* Does not include cellars

** Includes removal of square footage for corridor

C. Tree Impacts

An arborist report was prepared for the site (Exhibit 10). One Magnolia tree will be impacted by this proposal. Mitigation will be required for the tree removal.

D. Geotechnical Review

A geotechnical review was not required. No grading is proposed.

E. Access and Parking

The site is a corridor lot which has access from Mulberry Drive. The subject lot does not have an access easement to use the adjacent property's driveway, which runs parallel with the subject driveway. Therefore, the driveway will be reconstructed entirely on the subject parcel.

Town Code requires two parking spaces for a single family residence. Two unenclosed parking spaces are proposed in front of the house outside of the front setback. The plans erroneously note the parking and backup areas as reversed. A condition has been included which clarifies the locations of these two areas. No garage is proposed. Due to the angle of the driveway to the front of the property, vehicle maneuverability is difficult. Therefore, a vehicle backup area is proposed within the front setback. This will allow vehicles to turnaround as opposed to backing out of the driveway.

TOWN COMMITTEE MEETINGS:

A. Historic Preservation Committee

The existing house was built prior to 1941 and therefore historic due to age. On September 7, 2005, the Historic Preservation Committee determined that the house had no historic significance (Exhibit 12).

B. Development Review Committee

The Development Review Committee approved this application on June 17, 2008 subject to conditions (Exhibit 5). Conditions were included as part of the approval in an attempt to mitigate neighbor concerns. These conditions include the following:

- Eight foot high fencing.
- Preconstruction meeting with the neighbors.
- Fire lane signage.
- Drainage improvements.

APPEAL

An appeal of the decision by the Development Review Committee (DRC) was filed on June 27, 2008 by an adjacent neighbor (Exhibit 2). It appears that nine other persons signed the appeal. The basis for the appeal is as follows:

Safety of children due to the amount of added traffic. Staff Note: The proposed vehicle backup area will increase the safety so that vehicles will not have to back out of the driveway. Pursuant

to State law, the Town has no jurisdiction over the group home use which would include any traffic associated to this use.

Parking in driveway and street. Staff Note: As with any typical house, parking can be accommodated in the driveway directly in front of the house. The portion of the driveway along the corridor is the access to the lot and parking cannot be accommodated in this area. To mitigate neighbor concerns, a condition was required that fire lane signage be provided on the access portion of the driveway in accordance with Santa Clara County Fire Department standards to prohibit parking. The public is permitted to park along Mulberry Lane which is a public street. Staff discussed with the neighbors the possibility of restricting on street parking which could impact the entire neighborhood.

The applicant does not meet the required square footage for landscape in the front yard. Staff Note: Town Code requires front yards to be landscaped except for areas used for automobile maneuvering. Due to the configuration of the lot, staff determined that it was in the best interest of the applicant and the appellant, to provide a backup area. This backup area could only be accommodated in the front setback. The area could be eliminated, but vehicles would then need to back out of the driveway, which staff does not recommend for safety reasons. Landscaping is provided in between the backup area and the house.

Privacy concerns. Approximately 80% of the windows face 14333 Mulberry Drive. Staff Note: The appellant has a detached garage and driveway adjacent to the shared property line (Sheet 4 of Exhibit 13). The adjacent garage and driveway encompass half the length of the subject house. In addition, at the appellant's request an eight foot fence is required. This fence should block most, if not the entire height of the windows.

Square footage of the house is large for the lot. Staff Note: The proposed house conforms with the allowable FAR and is compatible with the neighborhood.

This is a business. Staff Note: The application is for a single family residence. The group home use was not subject to the DRC hearing and pursuant to State law, the Town has no jurisdiction over the group home use.

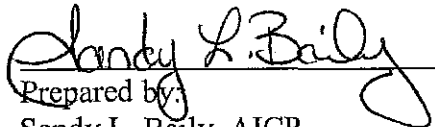
CONCLUSION AND RECOMMENDATION:

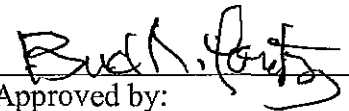
A. Conclusion

The proposed residence is within the FAR range for homes in the immediate neighborhood and is an appropriate architectural style for the area. The applicant worked closely with Town staff and the Town's Consulting Architect to design a house that was compatible with the neighborhood. The applicant also worked with the neighbors in an attempt to mitigate their concerns.

B. Recommendation

Staff recommends that the Planning Commission deny the appeal and uphold the decision of the Development Review Committee and approve the Architecture and Site application subject to revised conditions (Exhibit 5). The revised conditions consist of additional drainage mitigation measures, language modification for salvaging materials and the addition of the Town indemnity requirement.


Prepared by:
Sandy L. Baily, AICP
Associate Planner


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

BNL:SLB

cc: Hallmark Community Services, 1242 Market Street, 3rd Floor, San Francisco, CA 94102
Dennis Chambers, 14333 Mulberry Drive, Los Gatos, CA 95032

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14329 Mulberry Drive

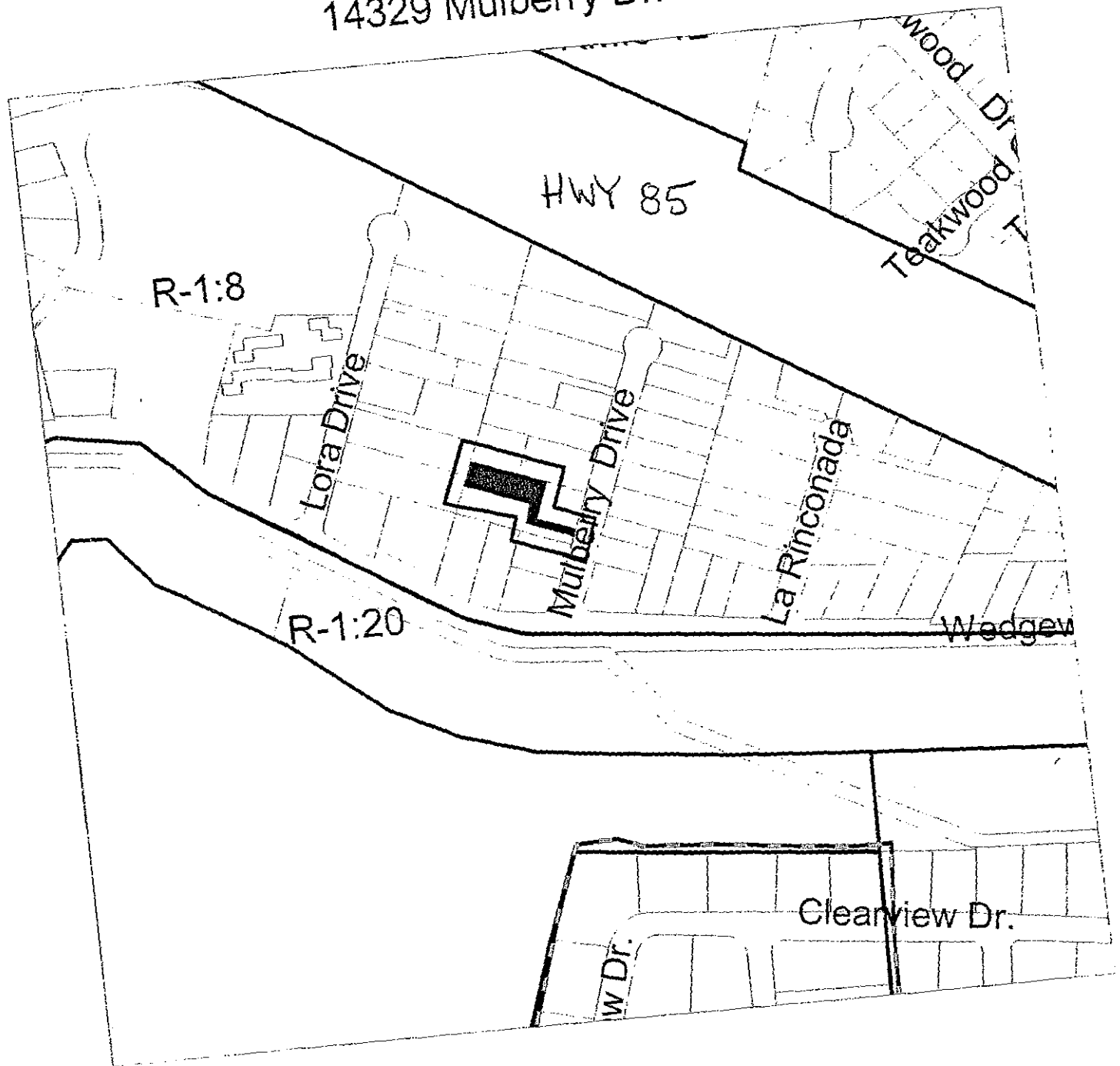
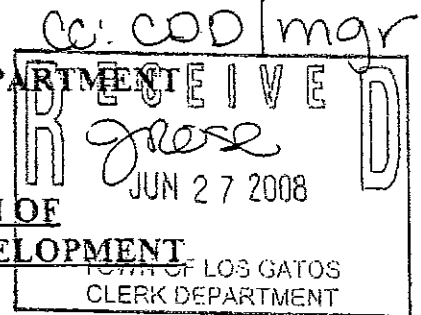


EXHIBIT 1





TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
118 E. Main Street
Los Gatos, CA 95030



**APPEAL OF THE DECISION OF
DIRECTOR OF COMMUNITY DEVELOPMENT
OR
DEVELOPMENT REVIEW COMMITTEE**

CK# 1704
\$14400

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the COMMUNITY DEVELOPMENT DEPARTMENT/DIRECTOR OF COMMUNITY DEVELOPMENT OR DEVELOPMENT REVIEW COMMITTEE as follows:

DATE OF DECISION:

JUNE 16, 2008

PROJECT/APPLICATION:

Hallmark Community Solutions

LOCATION:

14329 Mulberry Dr.
Los Gatos CA 95032

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

- ① Safety of children due to the amount of added Traffic
- ② Parking in Driveway & street.
- ③ Hallmark does not meet the required sq. footage for landscaping in the front yard.
- ④ Approximately 80% of the windows face 14333 Mulberry Dr. there is no privacy.
- ⑤ Square Footage of house is too large for lot.
- ⑥ This is a business

1. APPEAL MUST BE FILED WITHIN TEN (10) DAYS AFTER THE DATE OF MAILING OF WRITTEN NOTIFICATION OF THE DECISION.
2. THE APPEAL SHALL BE SET FOR THE FIRST REGULAR MEETING OF THE PLANNING COMMISSION WHICH THE BUSINESS OF THE PLANNING COMMISSION WILL PERMIT, MORE THAN FIVE (5) DAYS AFTER THE DATE OF THE FILING OF THE APPEAL. THE PLANNING COMMISSION MAY HEAR THE MATTER ANEW AND RENDER A NEW DECISION IN THE MATTER.
3. YOU WILL BE NOTIFIED, IN WRITING, OF THE APPEAL DATE.
4. CONTACT THE PROJECT PLANNER TO DETERMINE WHAT MATERIAL IS REQUIRED TO BE SUBMITTED FOR THE PUBLIC HEARING.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME Dennis Chambers

SIGNATURE Dennis Chambers

DATE 6-20-08

ADDRESS 14333 Mulberry Dr.

PHONE 378-6909

Frank Prieto

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION:

- | | |
|----------|-------------|
| 1. _____ | DATE: _____ |
| 2. _____ | DATE: _____ |
| 3. _____ | DATE: _____ |

PLANAPEL \$144.00 Residential
PLANAPEL \$575.00 Commercial
TREAPEAL \$ 58.00 Tree Appeals



SINGLE-FAMILY RESIDENTIAL PROJECT DATA			
	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
Zoning district	R-1:8	same	-
Land use	single family residence	same	-
General Plan Designation	low density residential	same	
Lot size (sq. ft.)	10,875 \pm	same	8,000 sq. ft. minimum
Exterior materials:			
• siding	wood	stucco/wood	-
• trim	wood	wood	-
• windows		vinyl	-
• roofing		Composition	-
Building floor area:			
• first floor	944 \pm	2,784 \pm	-
• second floor	NA	NA	-
• garage	NA	NA	-
• cellar	NA	NA	-
• basement	NA	NA	-
• accessory buildings	NA	110 \pm	-
Setbacks (ft.):			
• front	~ 47'	46' 6"	25 feet minimum
• rear	~ 78'	30'	20 feet minimum
• side	8'	8'	8 feet minimum
• side	~ 9'	8' 2"	8 feet minimum
Maximum height (ft.)	NA	14' 4"	30 feet maximum
Building coverage (%)	10%	32%	40% maximum
Floor Area Ratio (%)			
• house	.104	.317	2,885 sq. ft. maximum
• garage	NA	NA	sq. ft. maximum
Parking	2	2	two spaces minimum
Tree Removals		one	canopy replacement
Sewer or septic	sewer	same	-



REQUIRED FINDINGS AND CONSIDERATIONS FOR

14329 Mulberry Drive

Architecture and Site Application S-07-188

Appeal of the decision of the Development Review Committee to approve a request to demolish a single family residence and to construct a new residence on property zoned R-1:8. APN 409-15-021

PROPERTY OWNER/APPLICANT: Hallmark Community Services

APPELLANT: Dennis Chambers

FINDINGS

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

CONSIDERATIONS

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

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

- (1) Considerations relating to traffic safety and traffic congestion. The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.
 - A. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:
 1. The ability of critical roadways and major intersections to accommodate existing traffic;
 2. Increased traffic estimated for approved developments not yet occupied; and

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

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

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

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

- (2) Considerations relating to outdoor advertising. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. Specialized lighting and sign systems may be used to distinguish special areas or neighborhoods such as the downtown area and Los Gatos Boulevard.
- (3) Considerations relating to landscaping. The location, height, and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, parking lots or unsightly development; the planting of ground cover or other surfacing to prevent dust and erosion; and the unnecessary destruction of existing healthy trees. Emphasize the use of planter boxes with seasonal flowers to add color and atmosphere to the central business district. Trees and plants shall be approved by the Director of Parks, Forestry and Maintenance Services for the purpose of meeting special criteria, including climatic conditions, maintenance, year-round versus seasonal color change (blossom, summer foliage, autumn color), special branching effects and other considerations.
- (4) Considerations relating to site layout. The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of the buildings with adjacent development.

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

- (5) Considerations relating to drainage. The effect of the site development plan on the adequacy of storm and surface water drainage.
- (6) Considerations relating to the exterior architectural design of buildings and structures. The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.
- (7) Considerations relating to lighting and street furniture. Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.
- (8) Considerations relating to access for physically disabled persons. The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.
- (9) Considerations relating to the location of a hazardous waste management facility. A

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

- As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence:
 1. The Town's housing stock will be maintained in that the house will be replaced.
 2. The structure has no historic significance.
 3. The property owner has no desire to maintain the structure.
 4. The economic utility of the structure is in fair condition.

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CONDITIONS OF APPROVAL

Planning Commission meeting of August 27, 2008

14329 Mulberry Drive

Architecture and Site Application S-07-188

Requesting approval to demolish a single family residence and to construct a new residence on property zoned

R-1:8. APN 409-15-021

PROPERTY OWNER/APPLICANT: Hallmark Community Services

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

1. **APPROVAL.** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, Development Review Committee or the Planning Commission, depending on the scope of the change(s).
2. **EXPIRATION.** Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **SALVAGE OF BUILDING MATERIALS:** Prior to the issuance of a demolition permit, the developer shall provide the Director of Community Development with written notice of the company that will be recycling the building materials. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting the type and weight of materials, shall be submitted to the Town prior to the Town's demolition inspection.
4. **TREE REMOVAL PERMIT.** A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
5. **MITIGATION TREES.** The tree to be removed shall be mitigated and pursuant to Town Code and Arborist requirements, the mitigation shall be three 24 inch box trees or two 36 inch box trees. These trees and their sizes shall be shown on the building permit plans.
6. **ARBORIST REQUIREMENTS.** The developer shall implement, at their cost, all recommendations made by the Town's Consulting Arborist identified in the Arborist's report, dated November 5, 2007, on file in the Community Development Department. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the recommendations have or will be addressed. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
7. **GENERAL.** All existing trees shown to remain on the plan and newly planted trees are specific subjects of approval of this plan and must remain on site.

8. NEW TREES. The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.
9. PROTECTIVE FENCING. Prior to any construction or building permits being issued, the applicant shall meet with the Parks Superintendent concerning the need for protective fencing around the existing trees. Such fencing is to be installed prior to, and be maintained during, construction. The fencing shall be a four foot high chain link attached to steel poles driven two feet into the ground when at the dripline of the tree. If the fence has to be within eight feet of the trunk of the tree, a fence base may be used, as in a typical chain link fence that is rented.
10. PERIMETER FENCING. The fencing along the rear and side property lines shall be eight feet in height unless the property owner(s) who share the fence determine a lower height is acceptable. The fencing along the front property line may be eight feet in height if the property owner that shares this fence agrees to this height increase. The height of the fencing shall be resolved prior to the issuance of a building permit. A detail of the fencing shall be provided on the building permit plans. The fencing shall be installed prior to final occupancy.
11. PARKING. The parking spaces and backup area noted on the approved plans shall be reversed so that the spaces are outside of the front setback. This shall be noted on the building permit plans and the spaces shall be dimensioned to meet Town Code.
12. 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.

(Building Division)

13. PERMITS REQUIRED: A building permit shall be required for the demolition of the existing single family residence and the construction of the new single family residence. Separate permits are required for site retaining walls, water tanks, swimming pools, electrical, mechanical, and plumbing work as necessary.
14. CODE: Projects will be required to conform to the 2007 California Building, Fire, Mechanical, Electrical, and Plumbing Codes. The CC's are based on model codes; 2006 International Building Code and Fire Code and 2006 Uniform Plumbing and Mechanical Codes and the 2005 National Electrical Code.
15. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
16. SIZE OF PLANS: For sets of construction plans, maximum size 24" x 36."
17. DEMOLITION REQUIREMENTS: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management Application from the Building Department Service Counter. Once the demolition form has been

- completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed 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.
18. **SOILS REPORT:** A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. **ALTERNATE:** Design the foundation for an allowable soils 1,000 psf design pressure. (Uniform Building Code Volume 2 – Section 1805)
 19. **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
 20. **RESIDENTIAL TOWN ACCESSIBILITY STANDARDS:** The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
 - a. Wooded backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs located 34-inches from the floor to the center of the backing, suitable for the installation of grab bars.
 - b. All passage doors shall be at least 32-inches wide on the accessible floor.
 - c. Primary entrance shall a 36-inch wide door including a 5'x5' level landing, no more than 1-inch out of plane with the immediate interior floor level with an 18-inch clearance.
 - d. Door buzzer, bell or chime shall be hard wired at primary entrance.
 21. **TITLE 24 ENERGY COMPLIANCE:** California Title 24 Energy Compliance forms CF-1R, MF-1R, and WS-5R must be blue-lined on the plans.
 22. **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.
 23. **TOWN FIREPLACE STANDARDS:** New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.

24. **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
25. **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.
26. **PLANS:** The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
27. **APPROVALS REQUIRED:** The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development – Planning Division: Sandy Baily at 354-6873
 - 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 AND PUBLIC WORKS:
(Engineering Division)

28. **CONSTRUCTION MANAGEMENT PLAN.** The Applicant shall submit a construction management plan that shall incorporate, at a minimum, project schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse location.
29. **PRE-CONSTRUCTION MEETING.** The contractor shall hold a pre-construction meeting with the Mulberry Drive neighborhood to exchange contact information and discuss project issues such as work hours, parking, schedule, etc.
30. **SIDEWALK IN-LIEU FEE.** A curb and sidewalk in-lieu fee of \$810 shall be paid prior to issuance of a certificate of occupancy. This fee is based on 54-square feet of 4.5-foot wide sidewalk at \$15/SF in accordance with Town policy.
31. **FIRE LANE.** Fire lane signage shall be provided on the driveway in accordance with Santa Clara County Fire Department standards.
32. **DRIVEWAY.** The driveway must provide a minimum paved width of 12-feet if serving one residential unit, and 18-feet if serving two. The driveway shall be fully contained within property or evidence of easements shall be provided if the driveway is located on an adjacent property.

33. DRAINAGE. Stormwater detention shall be provided to limit post development flow to neighboring properties to predevelopment flowrates and flow volumes, including subsurface flow. Detained water shall be pumped to the street and not allowed to percolate into the soil. Site grading shall be designed to maintain existing drainage patterns. Stormwater detention calculations shall be approved prior to issuance of a building permit.
34. EASEMENTS. A current title report (within the past 3 months) shall be submitted with the building permit application. All plotable exceptions to title shall be shown on the plans.
35. 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.
36. 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.
37. 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.
38. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
39. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
40. NONPOINT SOURCE POLLUTION PREVENTION. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
41. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
42. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service.
43. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not

limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

44. 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.
45. DRIVEWAY APPROACH. The developer shall install one (1) Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Details.
46. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
47. 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.
48. 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.
49. 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.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT

50. FIRE APPARATUS ACCESS DRIVEWAY. The applicant shall provide an access driveway with a paved all weather surface, a minimum unobstructed width of 12 feet, vertical clearance of 13 feet six inches to the point approximately 120 feet inward from the public street. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1.
51. PREMISE IDENTIFICATION. Approved numbers or addresses shall be placed on all new buildings in such a position to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.



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

SUMMARY MINUTES OF A REGULAR MEETING OF THE **DEVELOPMENT REVIEW COMMITTEE** OF THE TOWN OF LOS GATOS FOR **JUNE 17, 2008**, HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 9:00 a.m. by Chair Baily.

ATTENDANCE

Members Present:

Sandy Baily, Associate Planner

Anthony Ghioffi, Building Official

Fletcher Parsons, Associate Engineer

Marni Moseley, Assistant Planner

Trang Tu-Nguyen, Assistant Civil Engineer

PUBLIC HEARINGS

ITEM 1: 461 University Avenue
 Subdivision Application M-08-006

Requesting approval of a Certificate of Compliance to legalize two properties zoned R-1D. APN 529-07-052.

PROPERTY OWNER: Gordon S. George & Stella K. George Trust

APPLICANT: Gordon S. George

1. *Chair Baily* opened the public hearing.
2. Staff gave report on proposed project.
3. Applicant was introduced.
4. Members of the public were not present.
5. Public hearing closed.
6. *Parsons* moved to approve the application subject to the conditions presented.
7. *Ghioffi* seconded, motion passed unanimously.
8. Appeal rights were cited.

ITEM 2: 14329 Mulberry Drive
 Architecture and Site Application S-07-188

Requesting approval to demolish a single family residence and to construct a new residence on property zoned R-1:8. APN 409-15-021

PROPERTY OWNER/APPLICANT: Hallmark Community Services

1. *Chair Baily* opened the public hearing.
2. Staff gave report on proposed project and explained the conditions that were added to the project if approved based on a previous discussion staff had with the concerned neighbors. The public was informed that pursuant to State Law, the Town has no jurisdiction regarding the group home use, and therefore, the use is not subject to this hearing and that the

application is required to be reviewed as a single family residence.

3. Applicant was introduced.
4. Members of the public were present:

Larry DaQuino, neighbor, wanted house pushed back to allow additional parking spaces and expressed concern that there was too much pavement for the driveway.

Dennis Chambers, neighbor, questioned if house was too big for the lot, use did not have adequate parking, expressed safety issues along driveway with the use of ambulances and fire trucks, expressed concern about property values, did not want the entry along the side of the property which faces his house, and felt that the State should have inspected the property.

Sally Danielson, neighbor, expressed concern about property values, wished for earlier notification and wants her fence and the existing chain link fence to remain with the new fence in front of the linked fence.

Bob Osborne, neighbor, requested that the van used for the site have a size limit and questioned if the applicant would be willing to pay to have the utilities of the neighboring property be undergrounded.

Valerie Guy, neighbor, questioned what the evacuation plan would be.

Jeannie DaQuino, neighbor, expressed concerns about parking and the marking of the fire lane for the access driveway.

5. Public hearing closed.
6. Staff explained the following:
 - (a) Parking required for the site is two parking spaces. Based on the driveway and turnaround configuration, six spaces could fit on the site.
 - (b) The house meets all Town Code requirements.
 - (c) The entry is at the front of the house, not the side.
 - (d) The access to the site is 12 feet wide, which is the minimum width required by the Fire Department. Landscaping cannot be provided along the driveway unless the adjacent neighbor agrees to provide an access for a shared driveway. Conditions have been included in the event both parties agree to share the driveway in the future,
7. *Parsons* moved to approve the application subject to the conditions presented with the following findings and considerations:
 - (a) The application is Categorically Exempt from CEQA, Section 15303.
 - (b) As required by Section 29.20.150 of the Town Code for Architecture and Site applications, the considerations were all made in reviewing this application.
 - (c) The project is in compliance with the Residential Development Standards for single-family homes not in hillside residential zones.
 - (d) As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence:
 - (1) The Town's housing stock will be maintained in that the house will be replaced.
 - (2) The structure has no historic significance.

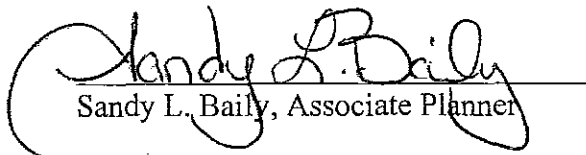
- (3) The property owner has no desire to maintain the structure.
- (4) The economic utility of the structure is in poor condition.
- 8. *Ghiossi* seconded, motion passed unanimously.
- 9. Appeal rights were cited. The neighbors were invited to remain after the meeting to discuss the use with Town staff and the applicant.

OTHER BUSINESS

NONE

ADJOURNMENT

Meeting adjourned at 10:30 a.m. The next regularly scheduled meeting of the Development Review Committee is the following Tuesday.



Sandy L. Bailly, Associate Planner





... 11/2007
AUG 16 2007

August 14, 2007

To: Town of Los Gatos Planning Department
Re: Letter of Justification for 14329 Mulberry Drive

Proposed Home for 14329 Mulberry Drive, Los Gatos

14329 Mulberry Drive is a proposed five-bedroom home serving individuals with developmental disabilities in the community, made possible by Senate Bill 962, as part of the Bay Area Housing Plan (BAHP). Developmental disabilities include mental retardation, epilepsy, cerebral palsy, autism, and other similar disabling conditions. SB 962 legislation creates a new licensed residential category called Adult Residential Facility for Persons with Special Health Care Needs. This bill provides for a pilot program to serve 120 individuals who currently live at Agnews with significant health care needs in small, home-like settings. Each home will serve no more than five people living together, each with their own bedrooms.

The existing dilapidated structure at 14329 Mulberry Drive will be replaced with an architect-designed, single-story home that will blend in with character of the surrounding community. The proposed home will turn a neighborhood blight into a neighborhood gem.

Bay Area Housing Plan

The Bay Area Housing Plan (BAHP) is established to provide high quality customized homes for people with developmental disabilities in the Bay Area communities. The beneficiaries of the BAHP will be the residents of Agnews Developmental Center in San Jose as these individuals transition into the community as part of the planned closure of this Developmental Center.

The BAHP is a breakthrough for individuals with developmental disabilities, enabling the Regional Centers (private non-profits dedicated to serve individuals with developmental disabilities), to support the development of a permanent inventory of homes for the sole use of people with developmental disabilities. Additionally, the plan facilitates stability in housing for people with developmental disabilities by separating housing ownership from service program delivery.

Throughout its development the BAHP was guided by the principles of creating customized homes based on the unique needs of the individual with the developmental disability. The plan was developed to meet the following objectives:

- o Create smaller family style living arrangements scattered throughout California communities to help foster a more person-centered style of living. These smaller living arrangements will serve individuals in five-bedroom combinations. Each individual will have their own bedroom and the home environment and services will be tailored to meet the residents' individual needs.
- o Acquire housing in safe community neighborhoods that provide access to recreational activities, health support facilities and in proximity to family and friends.
- o Pay for these homes once by utilizing high quality, long-lasting materials as well as a commitment to building "green." At the end of construction, the home should reflect the very best of the community in which it is located.

Assembly Bill 2100

Assembly Bill 2100 was passed by the California Legislature in the fall of 2005. AB 2100 allows the community system, for the first time, to acquire or develop housing that will be held and managed in perpetuity for the exclusive use of people with developmental disabilities. This is a significant departure from the current system in which the service provider owns or rents the home in which the individual with a developmental disability lives.

Other Home Types under AB2100

Family Teaching Homes: A living arrangement where up to three individuals with developmental disabilities live on one side of a duplex home, while receiving support and services from the fully-trained Teaching Family living on the other side of the duplex.

Special Residential Homes: Licensed by the Department of Community Licensing as a Community Care Facility, SRH homes serve three to four individuals with special needs. Some of these homes will support seniors (over the age of 60) with developmental disabilities.

Requirements to Disclose this Type of Housing Neighborhood

It is the requirement of the county licensing agency to notify, in writing, the planning agency of the city or county, of the proposed location of the facility to ensure that there is not an over concentration of residential care facilities in the neighborhood. This is the only requirement for disclosure of this type of housing that is legally required. There is a tremendous responsibility that all persons involved in supporting the relocation of this vulnerable population into the community must adhere to, such as the rights to privacy and protection from discrimination. As individuals have safely moved into their new homes, there will be a natural desire to begin meeting their new community through open houses and invitational potlucks, so that neighbors can learn more about the individuals living next door as well as the persons that will be responsible for providing care.

Zoning for Residential Facilities Serving 6 or Fewer Persons

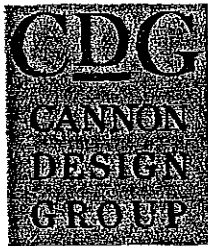
Section 1566.3 of the California Health and Safety Code establishes that "a residential facility which serves six or fewer persons shall be considered a "residential use of property" and the "residents and operators of such a facility shall be considered a family for purposes of any law or zoning ordinance which relates to the residential use of the property." Moreover, cities cannot impose building restrictions, conditional use permits, zoning variances, or clearances on group homes that are not "identical to those applied to other family dwellings" in that zone. Cal. Health and Safety Code §§ 1566.3, 1566.4

Section 12955 of the California Government Code also prohibits a city from discriminating against disabled persons through public land use practices, including "zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law." Lastly, the Federal Fair Housing Act (FFHA) also invalidates zoning ordinances that exclude group homes because, under the Act, such ordinances constitute illegal discrimination against disabled individuals.

Sincerely,



Mardie Oakes
Executive Director



ARCHITECTURE

PLANNING

URBAN DESIGN

February 4, 2008

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

RECEIVED

FEB 06 2008

TOWN OF LOS GATOS
PLANNING DIVISION

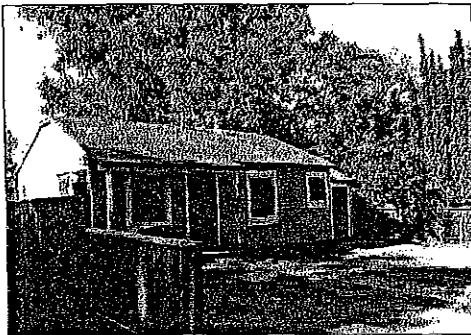
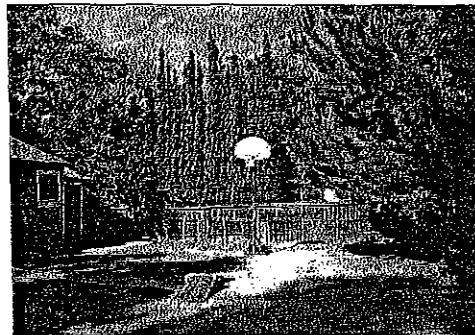
RE: 14329 Mulberry Drive

Dear Sandy:

I reviewed the drawings, and visited the site. My understanding is that this is not a normal residential one-family unit, but rather a group living facility for up to six individuals with some special needs. I have taken that into consideration with respect to the floor plan, but have treated this proposal as I would any other residence proposed in an existing single family neighborhood. My comments and recommendations are as follows:

Neighborhood Context

The site is a very small flag lot accessed by a driveway that serves one other adjacent lot. The architectural scale and character of the surrounding neighborhood is mixed, but traditional in design and character. Photographs of the area around this site are shown below.

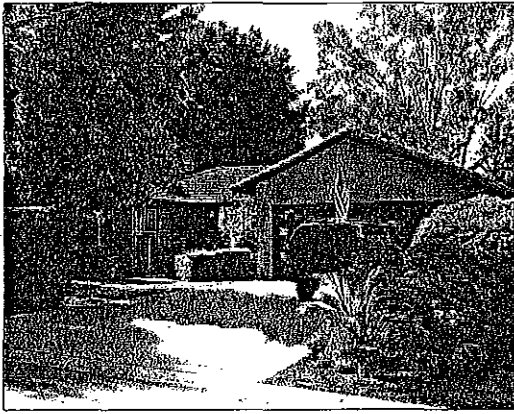
*Existing building on the site**Front yard**Adjacent house sharing the driveway**Driveway serving the site***EXHIBIT 8**

TEL: 415.331.3795

FAX: 415.331.3797

EMAIL: cdgplan@pacbell.net

180 HARBOR DRIVE . SUITE 219 . SAUSALITO . CA 94965

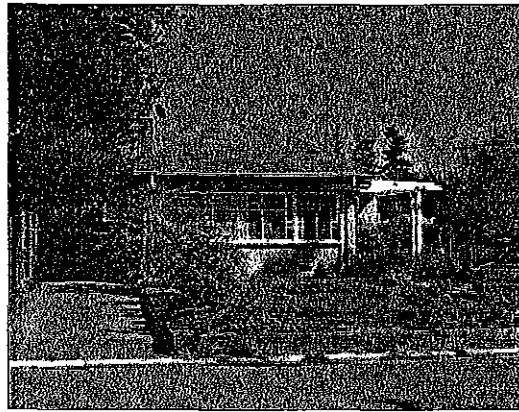


Mulberry Drive house adjacent to the driveway



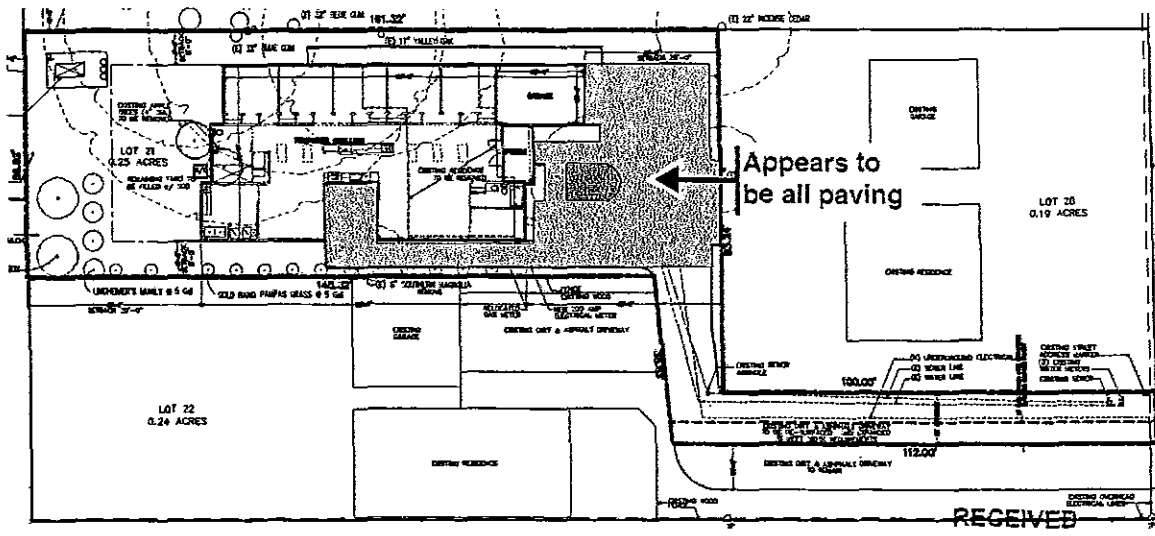
Mulberry Drive house across from the driveway

OTHER NEIGHBORHOOD HOUSES

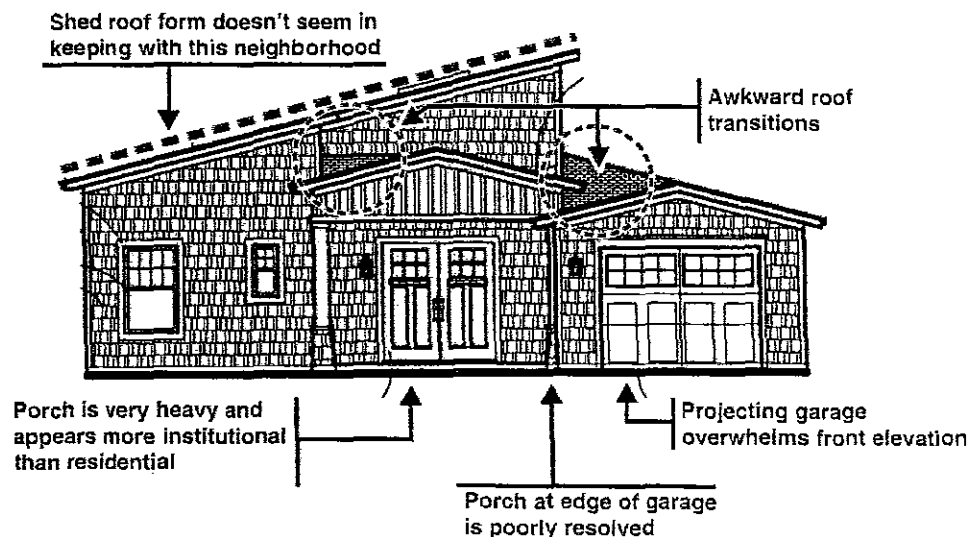


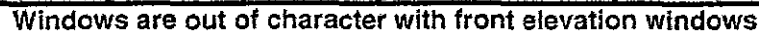
Issues and Concerns

1. The narrowness of the site makes this a difficult site to develop - especially as regards the accommodation of required parking in a manner that does not overwhelm the house. The proposed site plan and design do not seem to resolve that problem very well. Almost the entire front yard of the site is consumed by auto-oriented paving with very little landscaping to establish a pleasant residential entry or provide for resident, guest, or caretaker use. Paving also appears to be intended along the south side of the house to a paved external courtyard off of the Family Room and Dining Room.
2. Access from the unit to the exterior, apart from the front door, seems a bit confusing. There are exterior doors at the Family Room and Dining Room, which makes sense, but there is no real access for use of the rear yard. A large door is shown on the north elevation from one of the five bedrooms, but it is unclear to me why this would be a program requirement.



3. My understanding is that this project started out with the concept of using a manufactured housing product on the site, but has changed to a standard stick-built residence. Unfortunately, the design still retains the feel of a manufactured home with low roof pitches, blocky forms and minimal detail.
4. The use of shed roofs seems out of keeping with this traditional neighborhood. There are some awkward transitions between roofs. I understand from a discussion with the applicant that this form relates to a strong desire to provide a clerestory window so that bedridden residents can look out at the sky. Unfortunately, the clerestory windows are much too small to likely achieve that goal, as shown on the diagram on the following page.
5. The porch is a good idea, but has more of an institutional character than a residential character. Treatment of the column and other porch elements at the adjacent garage is very awkward.
6. The projecting garage tends to dominate the design of the house front in addition to requiring extensive paving as noted above. It is my understanding that since there will be no full time residents in the house other than those being cared for, the garage was provided to meet perceived Town requirements, and would be used for storage rather than for vehicle parking.
7. The plate height seems higher than normal for a small house.
8. The use of large sliding windows on the bedrooms seems awkward when double hung windows are used elsewhere.
9. The window elevations note 1 inch grids in the upper portion of the double hung windows, but don't specify whether they are divided lite windows or snap-in grids.



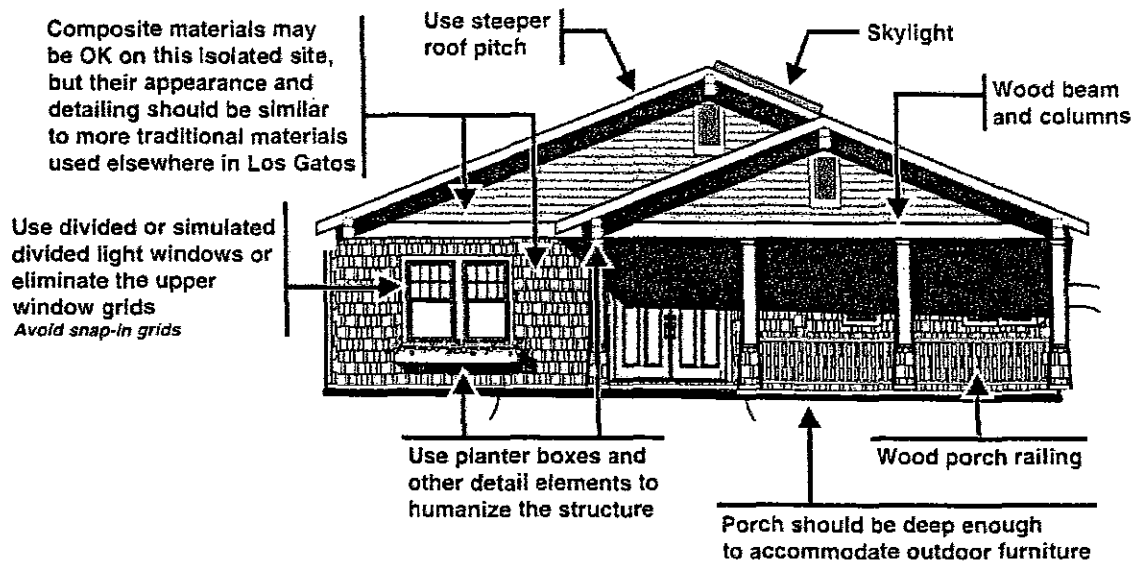


1. As noted above, this site is a difficult one. My recommendation is to concentrate on providing more landscaping to soften the appearance of the building and on providing more usable outdoor open space. I do believe that this is more important in this instance than providing a single garage. The site plan below shows two uncovered parking spaces located at the southeast corner of the site to minimize the amount of front yard paving and maximize the amount of front yard landscaping.
2. Provide a large, usable front porch. A simplification of the floor plan and building forms would be appropriate. Accommodation of a usable front porch seems more important than the articulation of the rear wall as currently proposed.
3. Provide better thought out access to the exterior - especially to allow better access to the rear yard.

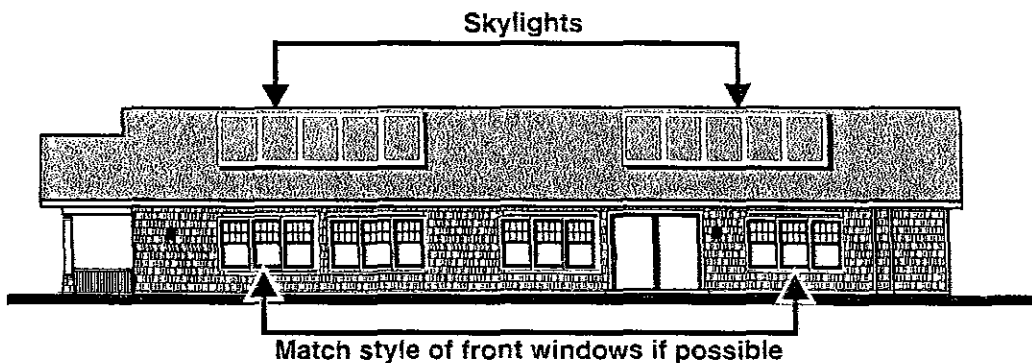


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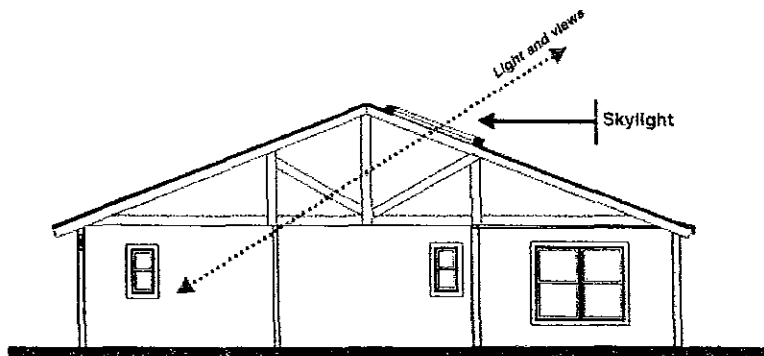
5. Increase the roof pitch. With respect to achieving the goal of allowing bedridden residents to look out at the sky, the preferred solution, in my judgement, would be to provide clear skylights along the north side of the roof. This would provide natural light to the interior and allow views out. It would also have the least impact on the residential scale and character of the house.



Recommended Front Elevation



Recommended Side Elevation



Recommended Section

6. Use materials that are in keeping with other homes in Los Gatos. If the intent is to use snap-in grids rather than true or simulated divided lite windows, it would be better to just eliminate the grids and leave the windows simple. Use double hung windows throughout unless there are some unique exiting requirements that dictate sliding windows. And, add planter boxes and/or other detail elements to add scale and interest to the residence.
7. I have assumed that a double front door is required for some specific access needs. If it is not, the entry should be limited to a single door, possibly with a sidelight, as would be common for a small house.
8. I am not sure of the ownership and obligations regarding the long access driveway. If possible, it would be desirable to provide a quality fence on the north side of the drive to match the one on the south side of the drive, and to provide some landscaping along the edges of the drive to improve its visual quality.

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

Sincerely,

CANNON DESIGN GROUP



Larry Cannon AICP
President



November 16, 2007

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

RECEIVED

NOV 16 2007

TOWN OF LOS GATOS
PLANNING DIVISION

RE: 14329 Mulberry Drive

Dear Sandy:

I reviewed the drawings, and visited the site. My understanding is that this is not a normal residential one-family unit, but rather a group living facility for up to six individuals with some special needs. I have taken that into consideration with respect to the floor plan, but have treated this proposal as I would any other residence proposed in an existing single family neighborhood. My comments and recommendations are as follows:

Neighborhood Context

The site is a very small flag lot accessed by a driveway that serves one other adjacent lot. The architectural scale and character of the surrounding neighborhood is mixed, but traditional in design and character. Photographs of the area around this site are shown below.



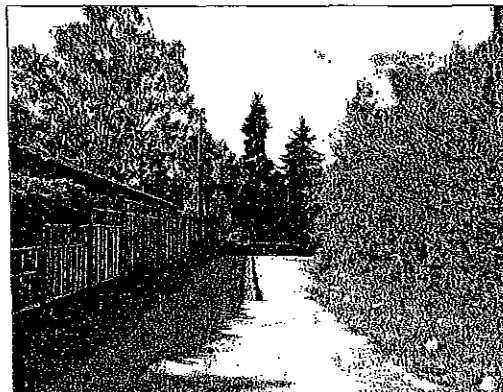
Existing building on the site



Front yard



Adjacent house sharing the driveway



Driveway serving the site

TEL: 415.331.3795

FAX: 415.331.3797

EMAIL: cdgplan@pacbell.net

180 HARBOR DRIVE, SUITE 219, SAUSALITO, CA 94965

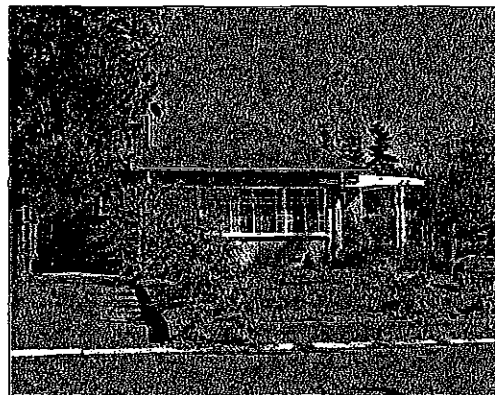


Mulberry Drive house adjacent to the driveway



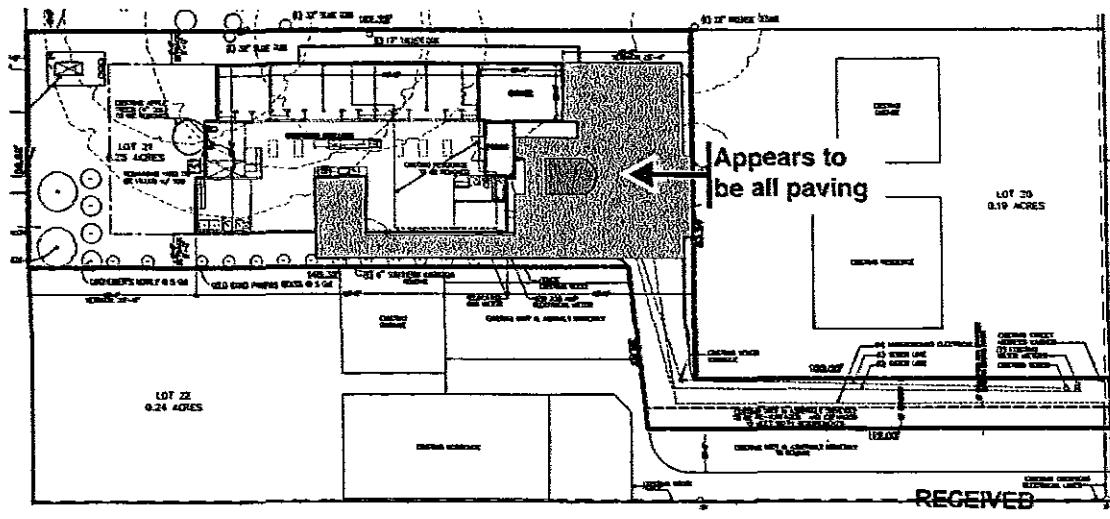
Mulberry Drive house across from the driveway

OTHER NEIGHBORHOOD HOUSES

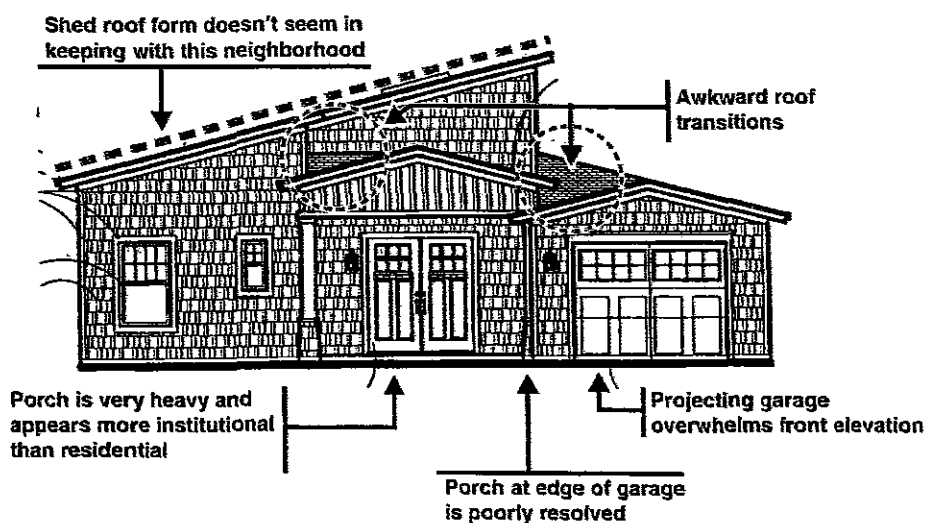


Issues and Concerns

1. The narrowness of the site makes this a difficult site to develop - especially as regards the accommodation of required parking in a manner that does not overwhelm the house. The proposed site plan and design do not seem to resolve that problem very well. Almost the entire front yard of the site is consumed by auto-oriented paving with very little landscaping to establish a pleasant residential entry or provide for resident use. Paving also appears to be intended along the south side of the house to a paved external courtyard off of the Family Room and Dining Room.
2. Access from the unit to the exterior, apart from the front door, seems a bit confusing. There are exterior doors at the Family Room and Dining Room, which makes sense, but there is no real access for use of the rear yard. A large door is shown on the north elevation from one of the five bedrooms, but it is unclear to me why this would be a program requirement.

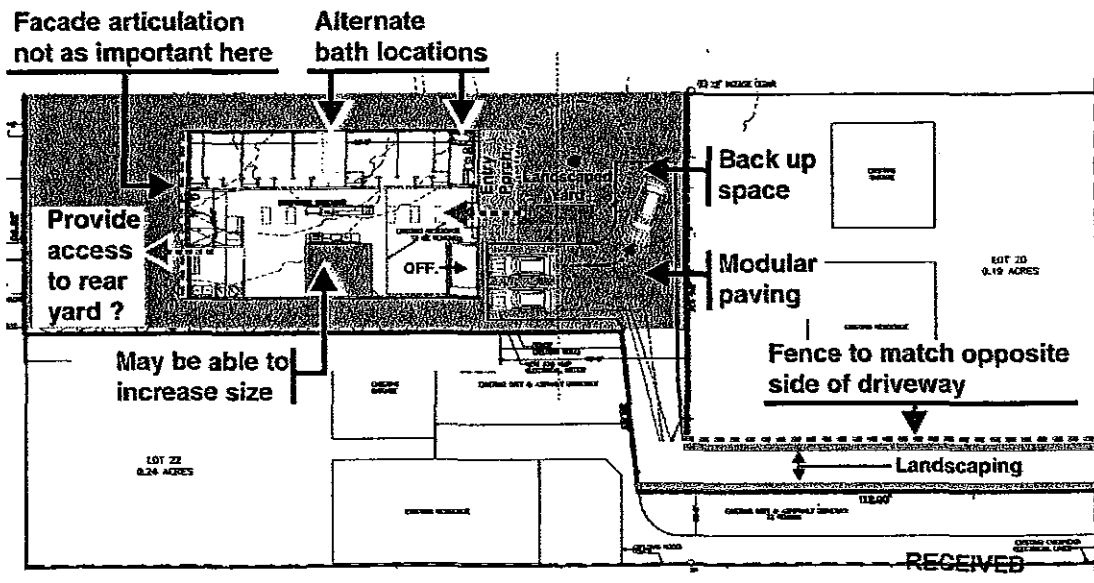


3. My understanding is that this project started out with the concept of using a manufactured housing product on the site, but has changed to a standard stick-built residence. Unfortunately, the design still retains the feel of a manufactured home with low roof pitches, blocky forms and minimal detail.
4. The use of shed roofs seems out of keeping with this traditional neighborhood. There are some awkward transitions between roofs.
5. The porch is a good idea, but has more of an institutional character than a residential character. Treatment of the column and other porch elements at the adjacent garage is very awkward.
6. The projecting garage tends to dominate the design of the house front in addition to requiring extensive paving as noted above.
7. The plate height seems higher than normal for a small house.
8. The use of large sliding windows on the bedrooms seems awkward when double hung windows are used elsewhere.
9. The window elevations note 1" grids in the upper portion of the double hung windows, but don't specify whether they are divided lite windows or snap-in grids.

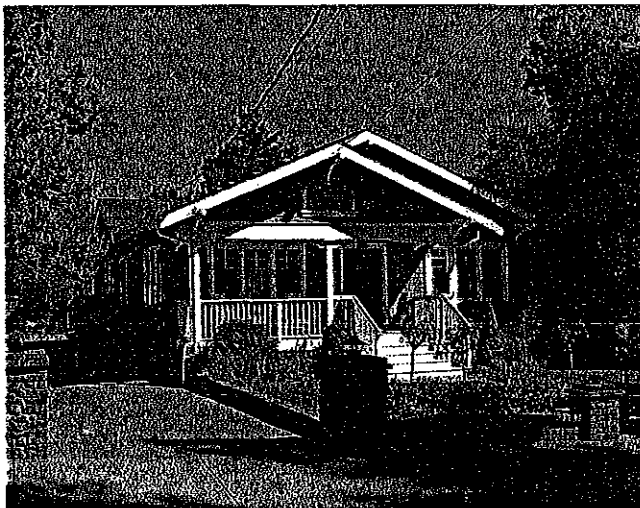


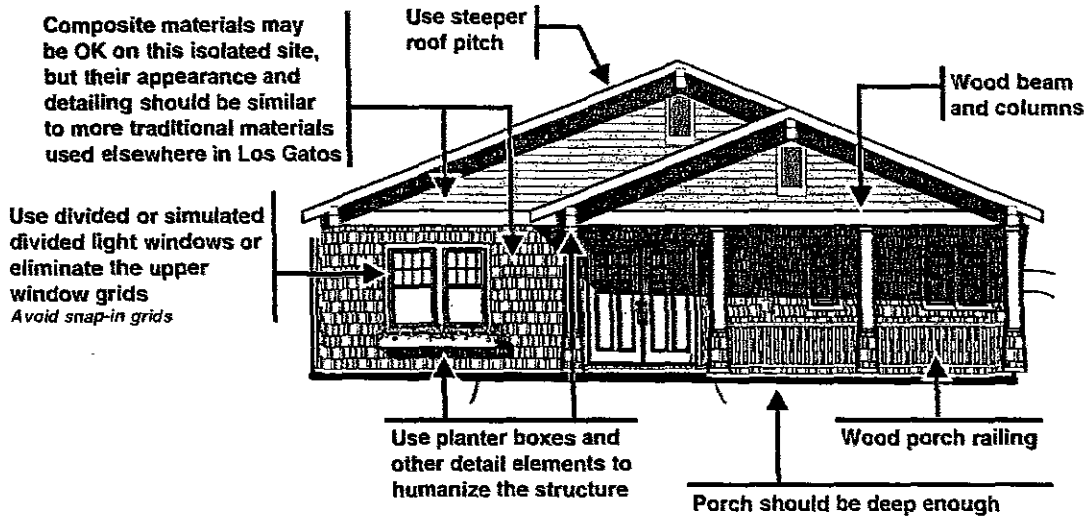
Recommendations

1. As noted above, this site is a difficult one. My recommendation is to concentrate on providing more landscaping to soften the appearance of the building and on providing more usable outdoor open space. I do believe that this is more important in this instance than providing a single garage. The site plan below shows two uncovered parking spaces located at the southeast corner of the site to minimize the amount of front yard paving and maximize the amount of front yard landscaping.
2. Provide a large, usable front porch. A simplification of the floor plan and building forms would be appropriate. Accommodation of a usable front porch seems more important than the articulation of the rear wall as currently proposed.
3. Provide better thought out access to the exterior - especially to allow better utilization of the rear yard.



4. Revise the design to conform more to a traditional small home in Los Gatos. There are a number of styles and approaches that could be used. The photograph below is one example of a typical small home in Los Gatos that could serve a model - perhaps without the elevated first floor if access issues are of concern with the anticipated residents.





5. Increase the roof pitch.
6. Use materials that are in keeping with other homes in Los Gatos. If the intent is to use snap-in grids rather than true or simulated divided lite windows, it would be better to just eliminate the grids and leave the windows simple. Use double hung windows throughout unless there are some unique existing requirements that dictate sliding windows. And, add planter boxes and/or other detail elements to add scale and interest to the residence.
7. I have assumed that a double front door is required for some specific access needs. If it is not, the entry should be limited to a single door, possibly with a sidelight, as would be common for a small house.
8. I am not sure of the ownership and obligations regarding the long access driveway. If possible, it would be desirable to provide a quality fence on the north side of the drive to match the one on the south side of the drive, and to provide some landscaping along the edges of the drive to improve its visual quality.

I only provided suggestions for the front elevation. The general character and details selected should be applied consistently around all sides of the house.

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

Sincerely,

CANNON DESIGN GROUP

Larry Cannon AICP
President





ARBOR RESOURCES

Professional Arboricultural Consulting & Tree Care

**A TREE INVENTORY AND REVIEW OF THE
PROPOSED NEW RESIDENCE AT
14329 MULBERRY DRIVE
LOS GATOS, CALIFORNIA**

PROPERTY OWNER/APPLICANT: Hallmark Community Services
ARCHITECTURE AND SITE APPLICATION S-07-188
APN 409-15-021

Submitted to:

Sandy L. Baily, AICP
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

RECEIVED

NOV 06 2007

TOWN OF LOS GATOS
PLANNING DIVISION

November 5, 2007

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

TABLE OF CONTENTS

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2.0	TREE COUNT AND COMPOSITION	1
3.0	REVIEW OF POTENTIAL IMPACTS	2
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4.1	Design Guidelines	4
4.2	Protection Measures Before and During Construction	5

EXHIBITS

<u>EXHIBIT</u>	<u>TITLE</u>
A	TREE INVENTORY TABLE
B	SITE MAP
C	PHOTOGRAPHS (includes photo index)

1.0 INTRODUCTION

I have been retained by the Town of Los Gatos Community Development Department to review tree-related impacts associated with a proposal to demolish an existing residence and construct a new one at 14329 Mulberry Drive, Los Gatos. Tasks performed for this review are as follows:

- Identify “protected trees”¹ located in close proximity to the proposed development.
- Measure or estimate their trunk diameters at approximately 54 inches above grade or as appropriate to obtain the most representative sample of trunk size (numbers are rounded to the nearest half-inch). All measurements were obtained from my report, dated 9/20/05, prepared for a different proposed residence at the subject site.
- Estimate canopy spreads, and ascertain the trees’ health and structural integrity.
- Determine the trees’ suitability for preservation (e.g. high, moderate or low).
- Review Sheets 1 thru 4, dated August 2007, by Symmetry Design & Build, Inc.
- Plot the numbers, locations, and canopy dimensions of inventoried trees on the map presented in Exhibit B (a copy of Sheet 1, Plot Plan).
- Obtain photographs of each tree; these are presented in Exhibit C.
- Provide this report containing the above information, and recommend measures to help avoid or mitigate anticipated impacts to trees that will be retained or removed.

2.0 TREE COUNT AND COMPOSITION

Seven (7) trees were inventoried for this report. They are sequentially numbered as 1 thru 7, and include the following: one Incense Cedar (#1), one valley oak (#2), three eucalyptus trees (#3 thru 5), one southern magnolia (#6), and one Italian stone pine (#7). Each tree but #6 is located either entirely or partially on **neighboring properties**.

Specific information regarding each tree is presented within the Tree Inventory Table in Exhibit A. Their approximate locations are presented on the map in Exhibit B.

¹ Pursuant to Section 29.10.0960 of the Town’s Municipal Code, a “protected tree” has a trunk diameter of four inches and greater measured at three feet above grade. Fruit- and nut-bearing trees with trunks less than 18 inches in diameter are exempt (per Section 29.10.0970).

The tree locations shown on the Plot Plan strongly resemble locations identified on the map within my 9/20/05 report. Note that those locations were approximated and should not be construed as being surveyed or necessarily accurate.

3.0 REVIEW OF POTENTIAL IMPACTS

Tree #6, a six-inch diameter magnolia, is proposed for removal to accommodate a walkway and porch along the south side of the proposed residence. Pursuant to Table 3-1 of Section 29.10.0985 of the Town Code, either three trees of 24-inch box size or two trees of 36-inch box size would need to be installed as mitigation. In doing so, the two new trees proposed for installation must be increased in size to 36-inch box size.

All other trees are identified to be retained. To achieve their adequate protection, measures presented throughout the remainder of this report must be closely followed and incorporated into the project plans.

By implementation of the proposed design, **trees #2 thru 4** would be jeopardized and predisposed to premature decline and instability. To minimize the damage, the following recommendations should be employed where beyond the existing foundation and within 20 of the trees' trunks:

- [1] The section of home beyond must be established utilizing a pier and above-grade beam design, in which the beams are placed on top of existing soil grade with no excavation between the piers (i.e. a no-dig design except vertically for the piers); if a soil cut is necessary, it should not exceed four inches below existing soil grade.
- [2] For drainage of the foundation, soil fill can be placed along the foundation perimeter but should not exceed 24 inches from the foundation edge.
- [3] Trenching, such as for the proposed drain line or utilities, should be avoided; any utilities requiring excavation should either be attached to the structure or directionally bored by at least 3.5 feet below grade.
- [4] The ground beneath the beams or foundation should not be compacted and beams established as far from the trunks as possible.

To further minimize root damage of **trees #2 and 3**, I also recommend the proposed walkway along the north side of the home is omitted from the design. If this is not possible, the following measures should be implemented for the section of walk beneath the canopies:

- [1] The walk should fully pervious, including base materials; suggestions include decomposed granite, stepping stones, or pervious concrete.
- [2] The walk should be established on top of existing soil grade with no more than a four inch soil cut, including for forms, edging and base materials.
- [3] Direct compaction of the existing soil surface (i.e. subgrade) must be avoided.

Tree #7 is also exposed to potential significant impacts by installing a new driveway. To minimize root damage, plans should be redesigned to the driveway edge is at least four to five feet from the closest edge of its trunk.

To verify that the design can achieve the trees' protection, Sheet 2 (Preliminary Grading & Drainage Plan) should show existing site elevations, as well as the horizontal and vertical elevations of the base of the trunks of **trees #2 thru 5**.

Trees #3 thru 5 are very large eucalyptus trees that have not been maintained and present a danger to property and persons below. This particular species of eucalyptus, which are blue gum, are best suited as windbreaks bordering agricultural land. Their location over homes imposes a high to potentially severe risk of large limbs falling and causing significant damage and/or a catastrophe. This risk can could only be minimized through regular inspections and pruning, such as every year or two (given their location, I recommend every year). Please note given the homes below, I strongly encourage these trees are aerially inspected and properly pruned in the immediate future by a qualified arborist, such as an ISA (International Society of Arboriculture) certified arborist or tree worker.

4.0 RECOMMENDATIONS

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

4.1 Design Guidelines

1. Recommendations presented within Section 3.0 of this report must be followed.
2. The permanent and temporary drainage design, including downspouts, shall not require water being discharged beneath tree #2's canopy or towards the trunks of all other trees.
3. 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 site-related plans (such as Sheets 1 and 2).
4. All new utilities and services should be routed outside from beneath the trees' canopies. I should be consulted for alternative installation methods in the event this is not feasible.
5. New trees installed to mitigate the loss of tree #6 must be planted prior to final inspection. They shall be double-staked with rubber tree ties and all forms of irrigation shall be of an automatic drip or soaker hose system placed on the soil surface and not in a sleeve. Additionally, to achieve the greatest assurance of proper installation, they should be installed, including necessary irrigation, by an experienced state-licensed landscape contractor (or a professional tree company).
6. Upon availability, the planting and irrigation design should be reviewed for tree-related impacts.
7. The future landscape design should conform to the following guidelines:

- a. Turf shall not be installed beneath tree #2's canopy. As an alternative, I suggest a four-inch layer of coarse wood chips is spread on-grade.
- b. Plant material installed beneath tree #2's canopy must be highly drought-tolerant and limited in amount, such as no more than 15- to 20-percent of the area beneath the canopy. Plant materials should be installed at least five feet from all tree trunks.
- c. Irrigation can, overtime, adversely impact tree #2 and should be avoided. Irrigation for any new plant material beneath its canopy should be low-volume, applied irregularly (such as only once or twice per week) and temporary (such as no more than three years). Irrigation should not spray within three to five feet of the trunks of all other trees.
- d. In the event trenches for irrigation and/or lighting are required beneath a canopy, they should 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.
- e. Stones, new fencing and mulch should not be placed against the trees' trunks (I suggest a minimum two-foot setback).
- f. Tilling beneath canopies should be avoided, including for weed control.
- g. Bender board or other edging material proposed beneath the canopies should be established on top of existing soil grade (such as by using vertical stakes).

4.2 Protection Measures before and during Development

8. Due to the close proximity of activities among trees, an ISA certified arborist and/or an ASCA (American Society of Consulting Arborists) member - to be named the "project arborist" - shall be retained by the applicant or owner to assist in implementing and achieving compliance with all tree protection measures.
9. Prior to any demolition or site clearing work, a pre-construction meeting between the project arborist and contractor(s) should be held on-site to discuss work procedures, protection fencing locations, limits of grading, staging areas, routes of access, supplemental watering, mulching, locations for equipment washing pits, and any other applicable tree protection measures.

10. Tree protective fencing shall be installed for all trees and established prior to any demolition, surface scraping or heavy equipment arriving on site. I recommend its precise location and placement approved by the project arborist (in the form of a letter submitted to the Town) prior to the issuance of any demolition, grading or construction permit. It 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. Note, where beneath a canopy, fencing should be established no further than four feet from the proposed foundation, and twelve inches from the existing and proposed driveway.
11. Unless otherwise approved, all development activities must be conducted beyond the designated-fenced areas and off unpaved areas beneath the canopies of Ordinance-size trees inventoried and not inventoried for this report. These activities include, but are not limited to, the following: demolition, grading, stripping of topsoil, trenching, equipment cleaning, stockpiling/dumping of materials, and equipment/vehicle operation and parking.
12. Prior to demolition, I recommend a four-inch deep layer of coarse wood chips ($\frac{1}{4}$ - to $\frac{3}{4}$ - inch in size) is manually spread on existing, unpaved soil beneath the trees' canopies. The wood chips are intended for foot-traffic and wheelbarrow access only and should remain throughout construction (and possibly beyond). These wood chips can be obtained from a tree service company and/or by contacting www.reuserinc.com.
13. All existing, unused lines or pipes beneath a canopy should be abandoned and cut off just below existing soil grade.
14. Where beneath tree canopies, piers for the foundation and any post-holes for new fencing shall be manually dug with a post-hole digger for the first 2.5 to 3 feet below existing grade. In the event a root greater than two inches in diameter is encountered during this process, the hole should be resituated by 12 inches to either side. If no root is found, the remaining hole can be mechanically drilled using a manually-operated auger.

15. Any approved trenching beneath the trees' canopies must be manually performed using hand tools and wheelbarrows. In the event roots of two inches and greater are encountered during the process, the project arborist shall be consulted. Preferably, roots of this size should remain intact, not be damaged, and tunneled beneath.
16. The removal of existing hardscape beneath the trees' canopies should be carefully performed to avoid excavating soil during the process. Equipment and vehicles shall remain on the existing driveway at all times and off exposed soil and roots.
17. Each recommendation presented within Section 4.1 of this report and applicable to the actual development of the site shall be followed.
18. Throughout development, supplemental water should be supplied to the retained trees; the project arborist shall determine the specific trees, intervals, amounts and application methods.
19. The pruning of trees shall be performed in accordance with ANSI A300-2001 standards, and also by a California state-licensed tree service company that has an ISA Certified Arborist in a supervisory role.
20. All equipment shall be positioned to avoid the trunks and branches of trees. Where a conflict arises, the project arborist must be contacted to help address the situation.
21. The disposal of harmful products (such as chemicals, oil and gasoline) is prohibited beneath canopies or anywhere on site that allows drainage beneath canopies. Herbicides should not be used beneath the trees' canopies; where used on site, they should be labeled for safe use near trees.

Prepared By:


David L. Babby
Registered Consulting Arborist #399
Certified Arborist #WE-4001A

Date: November 5, 2007



EXHIBIT B:
SITE MAP

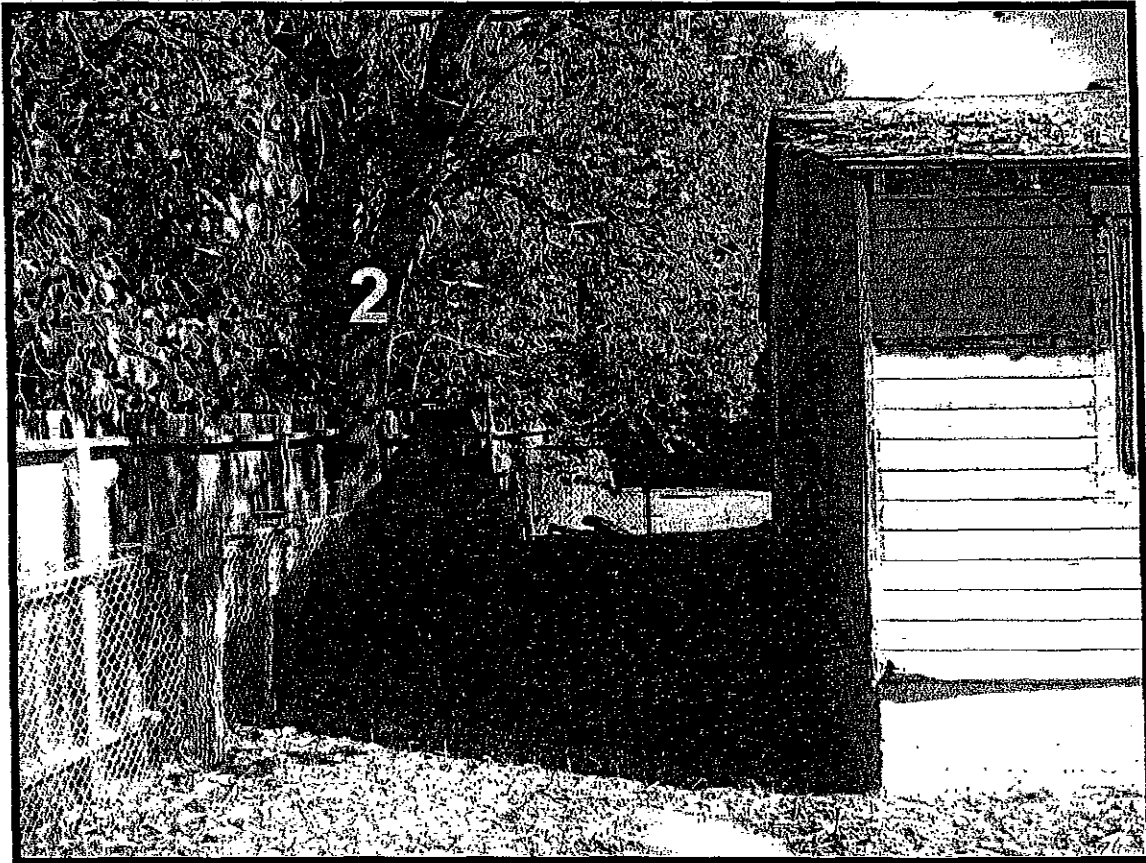
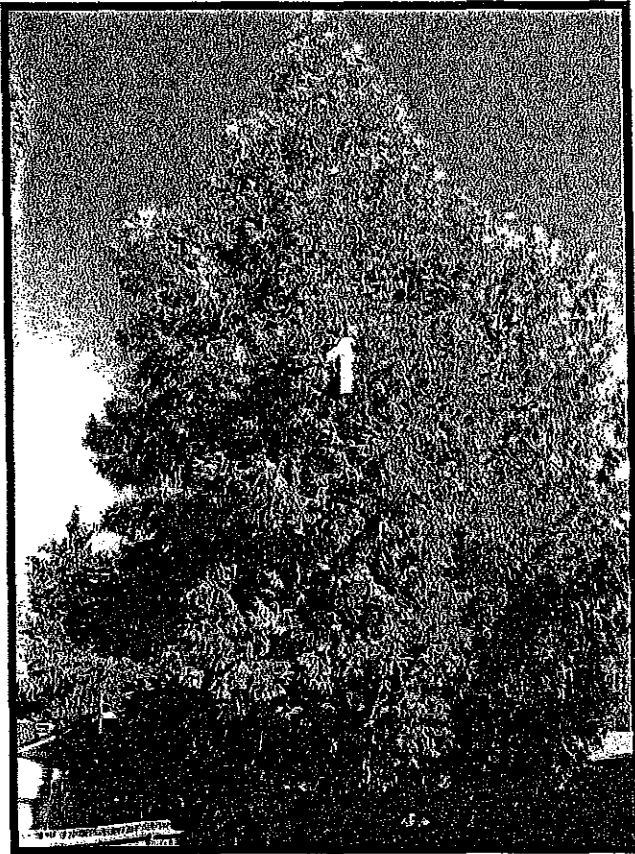
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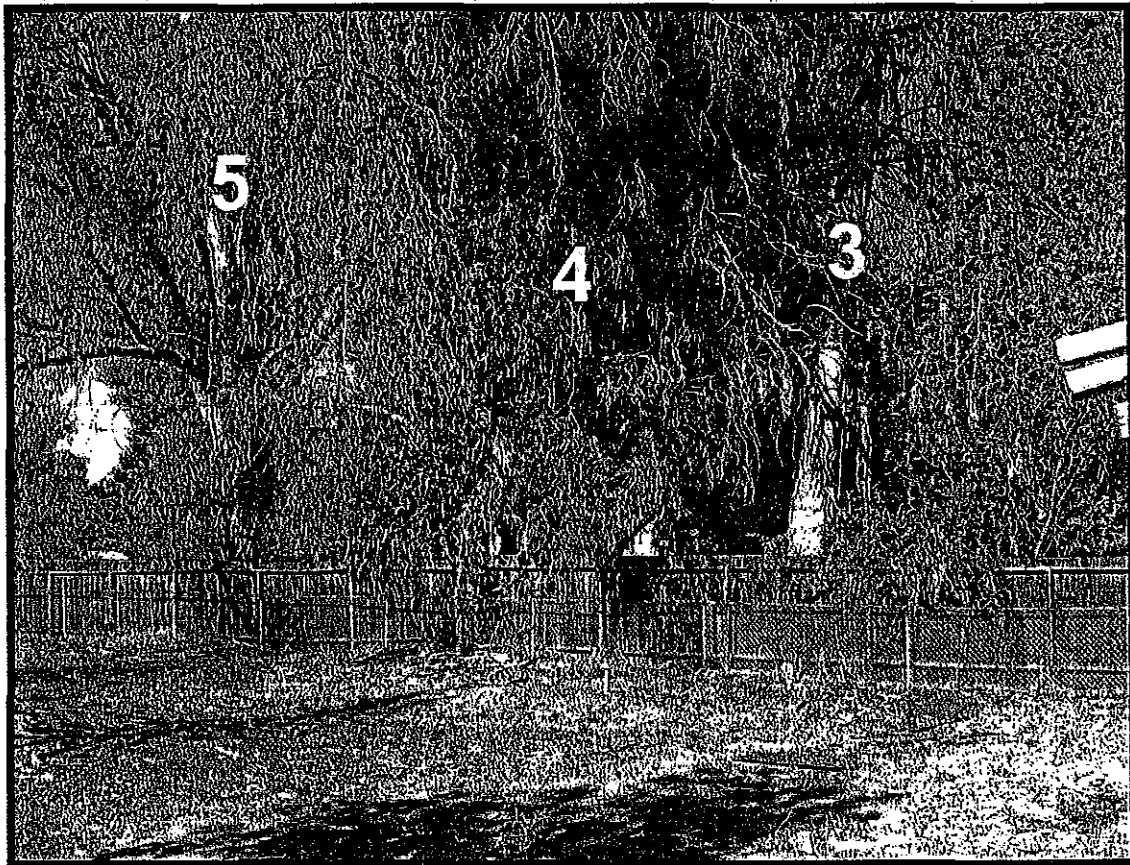
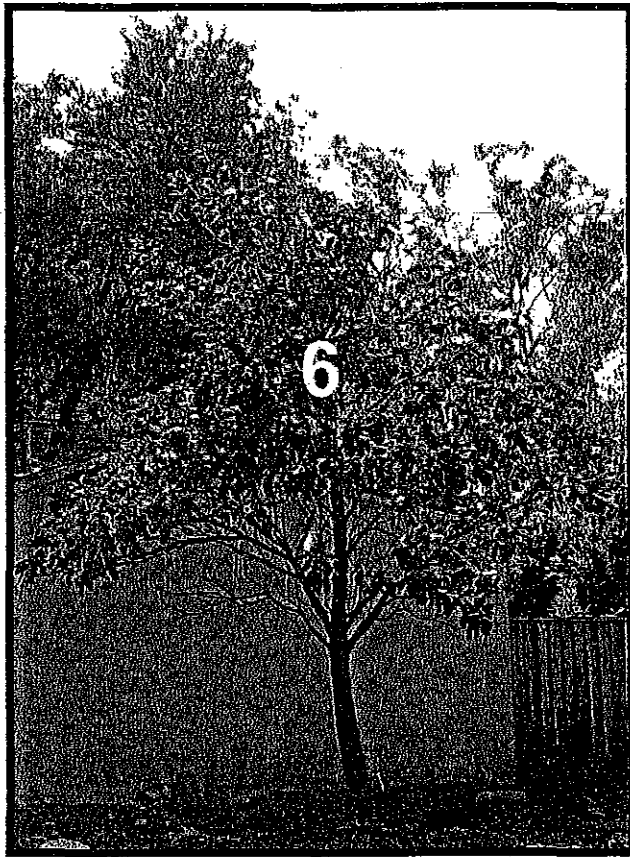
EXHIBIT C:
PHOTOGRAPHS

Photo Index

Page C-1: Trees #1 and 2

Page C-2: Trees #3 thru 7





**ALL STRUCTURAL
CONSULTING ENGINEERS, Inc**

April 29, 2005

388 MARTIN AVENUE
SANTA CLARA, CA 95050
PHONE: (408)559-0340
FAX: (408)559-2015
Job #3275

To Whom It May Concern:

SUBJECT: 14329 Mulberry Drive
Los Gatos, California

Dear Sir or Madam:

At the request of the owner I inspected the subject property to assess its structural condition.

Here are my findings:

- The building is a one-story wooden construction in an advanced degraded condition.
- The structure is not attached to the foundation.
- The first floor is uneven due to the substandard floor joists, girders and their supports. Also the supports seems to be differentially settled. There are soft spots on the floor.
- The interior wood walls of the building present cracks related to the floors condition. Some of the doors are difficult to operate
- The crawl space under the first floor is substandard not having the required clearances to the soil and the interior supports are damaged.
- The exterior footing present significant cracks.
- The windows are not waterproofed. There are no trims around them and the framing seems to be rotten. One of the windows is missing.
- Parts of the construction are built without permit and are substandard.
- The electrical system is substandard and presents fire hazard.
- Due to the differential settlements the plumbing and the sewer system may break anytime inducing flooding.
- There are signs of termite damages. Their extent is difficult to establish at this time but they seem to be quite extensive.

Based on these findings, I recommend the demolition of the existing wooden structure being unsafe.

Should you have any questions or require supplemental information, please call.

Sincerely,

ALL STRUCTURAL
CONSULTING ENGINEERS

George
George Dicu, PE, SE
Structural Engineer



RECEIVED

AUG 1 - 2007

CITY OF LOS GATOS





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

September 14, 2005

Stuart Alderman
2708 South Lamar Blvd
Austin Texas, 78704

RE: 14329 Mulberry Drive
Architecture and Site Application S-06-5

Requesting approval to demolish a pre-1941 single family residence on property zoned R-1:8. APN 409-15-021.
PROPERTY OWNER: Soyla Mainpour/Mohammed Khoshnoud
APPLICANT: Stuart Alderman

On September 7, 2005, the Los Gatos Historic Preservation Committee considered the above referenced application. The Committee recommended approval of the demolition to the Development Review Committee based on the following findings:

1. The structural report identified numerous deficiencies.
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. There are no distinctive characteristics of type, period or method of construction or representation of work of a master.
5. Does not yield information important to the Town's history.

This application is currently going through the development review process. If you have any questions in this matter, please contact your project planner, Vu Nguyen, at 354-6807.

Sincerely,

Bud N. Lortz, AICP
Director of Community Development

BNL:SLB

cc: Soyla Mainpour/Mohammed Khoshnoud, 1072 S. De Anza Blvd #432 San Jose, CA 95129
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