

MEETING DATE: 05/04/09 ITEM NO.

COUNCIL AGENDA REPORT

DATE:

April 27, 2009

TO:

MAYOR AND TOWN COUNCIL

FROM:

GREG LARSON, TOWN MANAGER 252

SUBJECT:

CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION DENYING THE CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE ON PROPERTY ZONED HR-2½. APN 527-56-010. ARCHITECTURE & SITE APPLICATION S-05-115: **520 SANTA ROSA DRIVE.** APPLICANT: IRAJ ETESSAM PROPERTY OWNERS: MAC SABIERI & JOHN JAHAN.

APPELLANT: JOHN JAHAN.

RECOMMENDATION:

- 1. Open and hold the public hearing and receive public testimony.
- 2. Close the public hearing.
- 3. Uphold the Planning Commission's decision to deny Architecture & Site application S-05-115 (motion required).
- 4. Refer to the Town Attorney for the preparation of the appropriate resolution if approved or denied (no motion required).

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

- 1. The Council needs to find one or more of the following:
 - (1) Where there was error or abuse of discretion on the part of the Planning Commission; or
 - (2) The new information that was submitted to the Council during the appeal process that was not readily and reasonably available for submission to the Commission; or

PREPARED BY: Wendie R. Rooney, Director of Community Development

Reviewed by: Assistant Town Manager Town Attorney Clerk Finance

Community Development Revised: 4/27/09 9:46 AM

Reformatted: 5/30/02

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- (3) An issue or policy over which the Commission did not have discretion to modify or address, but which is vested in the Council for modification or decision.
- 2. If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in Subsection (2) above, it is the Town's policy that the application be returned to the Commission for review in light of the new information unless the new information has a minimal effect on the application.
- 3. If the appeal is approved, use the findings and consideration of the Architecture and Site applications (Attachment 1), and modify the conditions in Attachment 3 as appropriate.
- 4. Refer to the Town Attorney for preparation of the appropriate resolution(s).

BACKGROUND:

The project site is located at 520 Santa Rosa Drive on the south side of the street, east of Colorado Court. Adjacent properties and those across the street are occupied by single family residences. The south (rear) property line abuts the Shannon Valley Ranch planned development. The homes on Shannon Oaks and Mountain Laurel are situated well below the building site and existing homes on Santa Rosa Drive. The rear of the proposed residence will be visible from these and other outlying locations, although it will not be seen from any viewing platforms.

The property is one of two remaining undeveloped lots in the Alta Vista subdivision. Most of the neighborhood was developed in the mid-1980s. The majority of the parcel is encompassed with slopes of 30% or greater, with an average slope of 32%. The top of the lot is less steep and development has been concentrated in this area.

On August 11, 2004, the Planning Commission considered a proposal for a new residence on the site and denied the application due to concerns about the home exceeding the allowable floor area and height, the overall bulk and mass, and development encroaching onto slopes greater than 30%.

On October 4, 2004, the Town Council considered an appeal of the Planning Commission's decision. Council determined that the Commission decision was correct and denied the appeal.

The property owners submitted a new application in June 2005. A significant redesign was done to achieve compliance with the Hillside Development Standards & Guidelines (HDS&G). The Planning Commission considered the new application on August 13, 2008. A number of neighbors participated and presented concerns about the project (see Exhibit 19). Following discussion, the Commission continued the matter to October 8, 2008, directing the applicant to redesign the proposed residence to address bulk and mass, height, view preservation and privacy.

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The application was continued three additional times (from October 8 to December 10, 2008, from December 10, 2008 to January 28, 2009, and from January 28 to February 25, 2009) at the applicant's request.

On February 25, 2009, the Planning Commission determined that the revised plans did not satisfy concerns about height, bulk and mass and visual impact, and denied the application. The applicant appealed the Commission's decision on March 9, 2009.

PROJECT SUMMARY:

The applicant is proposing to construct a 5,628 square foot two-story residence with an attached 736 square foot three-car garage and a 951 square foot cellar element. The cellar is exempt and is not included in the floor area total. The garage is accessed from the side and will not dominate the front elevation. The house has been sited and designed so it does not extend onto slopes steeper than 30%. Story poles have been placed on the site to aid in the review of the project. The story poles were modified to reflect the current proposal.

DISCUSSION:

Architecture & Site

The development plans were evaluated using the HDS&G. The Consulting Architect reviewed the proposal and his recommendations have been incorporated into the design. The architect suggested that the details of the arches for the entry porch be clarified. Condition #6 has been included requiring this to be done when construction plans are submitted for plan check.

Neighborhood Compatibility

The proposed architectural style and exterior materials are consistent with other homes in the neighborhood. The house and garage sizes are within the range of those on properties in the immediate area, and the FAR is at the low end of the range. The following data was obtained from County and Town records.

Address	House sf	Garage sf	Lot Size sf	Stories	FAR
490 Santa Rosa Drive	5,265	665	42,689	two	.12
500 Santa Rosa Drive	4,704	869	72,745	two	.06
510 Santa Rosa Drive	4,502	737	108,464	one	.04
530 Santa Rosa Drive	4,644	880	60,113	two	.08
541 Santa Rosa Drive	6,441	1,428	92,347	two	.07
531 Santa Rosa Drive	4,390	984	59,242	two	.10
511 Santa Rosa Drive	4,328	788	49.223	one	.09
471 Santa Rosa Drive	10,406	807	46,174	two	.23
520 Santa Rosa Drive	5,628	736	131,133	two	.04

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- House sizes range from 4,328 to 10,406 square feet
- Garage sizes range from 665 to 1,428 square feet
- Lot sizes range from .98 to 2.49 acres
- FARs range from .04 to .23
- Six of eight neighboring homes are two-stories

Tree Impacts

No trees will be impacted by the proposed project. There is one large oak between the street and proposed home location that will be saved. The remainder of the trees on the site are located at the rear of the property, several hundred feet downslope of the construction zone.

Landscape Plan

Sheet A.7 of the development plans shows proposed landscaping. All but two proposed species are California natives. One non-native shrub is proposed more than 30 feet from the house and will be required to be changed to a native species. The final landscape plan will be reviewed for compliance with the HDS&G when the construction plans are submitted for building plan check. In addition, the tree locations will be reviewed by a certified arborist to ensure that there are located in appropriate locations relative to proposed drainage facilities (refer to conditions #9 and #12).

Geotechnical Review

The applicant submitted soils and foundation and geologic investigations. These reports and the project plans were reviewed by the Town's Geotechnical Consultant. No geologic constraints to site development were identified. Conditions of approval have been included requiring compliance with the geotechnical recommendations.

PLANNING COMMISSION ACTION:

The Planning Commission considered the proposed project on August 13, 2008 and February 25, 2009. Attachments 10 and 15 are verbatim transcripts from the two meetings. The Commission determined that the revisions made by the applicant were not sufficient to address concerns about bulk and mass, height and visual impact and voted unanimously to deny the application.

APPEAL:

The applicant believes that the Commission erred in its decision as the project is in compliance with the Hillside Development Standards & Guidelines, and filed an appeal on March 9, 2009. The applicant stated that the house was lowered four feet to address height and visual impact concerns, extensive landscaping will be installed to help soften and screen the new residence, and the windows on the right side were modified to mitigate privacy concerns from the adjacent neighbor at 510 Santa

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Rosa Drive. The applicant also asserts that the house will not be bulky and massive as the second floor has been set back from the first story on all sides and the house is well articulated (refer to Attachments 16 and 17).

ENVIRONMENTAL REVIEW:

As required by the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration have been prepared. The environmental review was completed by the Town's consultant, Geier & Geier Consulting. The public comment period ended on June 24, 2008.

Potentially significant impacts will be mitigated by the recommended mitigation measures. The mitigations are for tree protection and preservation, procedures that are to be taken in the even any cultural resources are discovered during construction, and final geotechnical review. All mitigation measures have been included as conditions of approval (Exhibit 18). In addition, a Mitigation Monitoring Program has been prepared to designate the responsible department or agency, and timing of each mitigation measure (see Exhibit 16).

CONCLUSION:

If the Council determines that the Planning Commission's decision should be upheld, the appeal should be denied.

If the Council decides to grant the appeal, Architecture and Site application S-05-115 may be approved as submitted through the following actions:

- 1. Make the Mitigated Negative Declaration (Attachment 4);
- 2. Adopt the Mitigation Monitoring Plan (Attachment 1);
- 3. Find that the project is consistent with the Hillside Development Standards & Guidelines and Hillside Specific Plan (Attachment 2);
- 4. Find that the project is consistent with the considerations for approval of Architecture and Site applications (Attachment 2); and
- 5. Approve Architecture and Site application S-05-115 subject the conditions in Attachment 3 and as shown in the development plans (Exhibit 22 of Attachment 14).

If the Council decides that further revisions to the architectural design are needed, conditions can be added and staff will work with the applicant and Consulting Architect to achieve the desired plan changes. The matter may be referred back to the Planning Commission if significant redesign is required.

FISCAL IMPACT: None

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Attachments:

- 1. Mitigation Monitoring Program (four pages)
- 2. Required Findings & Considerations (three pages)
- 3. Recommended Conditions of Approval (10 pages)
- 17. Applicant's power point presentation (10 pages), received April 29, 2009

Previously received under separate cover:

- 4. Mitigated Negative Declaration
- 5. June 25, 2008 Planning Commission report (six pages) with Exhibits 1 -7
- 6. June 25, 2008 Planning Commission desk item (one page)
- 7. August 13, 2008 Planning Commission report with Exhibits 9-11
- 8. August 13, 2008 Planning Commission desk item with Exhibits 12-15
- 9. Photos submitted by Deepa & Sanjeev Chitre (510 Santa Rosa Drive) at August 13, 2008 Planning Commission meeting
- 10. August 13, 2008 Planning Commission Minutes (43 transcribed pages)
- 11. October 8, 2008 Planning Commission report (one page)
- 12. December 10, 2008 Planning Commission report (one page)
- 13. January 28, 2009 Planning Commission report (one page)
- 14. February 25, 2009 Planning Commission report (six pages) with Exhibits 16-22
- 15. February 25, 2009 Planning Commission Minutes (34 transcribed pages)
- 16. Project Architect's statement (one page with three attachments), received April 6, 2009

Distribution:

Iraj Etessam, Etessam Associates, 2845 Via Carmen, San Jose, CA 95124 Mac Sabieri, 1127 Grimley Lane, San Jose, CA 95120 John Jahan, 7190 Glenview Drive, San Jose, CA 95120

WRR:SD

N: DEV SUZANNE Council Reports Fwd. to TC appeals SantaRosa510-050409.doc

DATE: 5/4/09

SUBJECT: APPEAL FOR 520 SANTA ROSA DDRIVE; FILE #S-05-115

PLEASE NOTE:

ATTACHMENTS 4-16 (PREVISOUSLY RECEIVED UNDER SEPARATE COVER) ARE AVAILABLE FOR REVIEW IN:

- THE CLERK DEPARTMENT
- THE LIBRARY
- THE TOWN WEBSITE

MITIGATION MONITORING PLAN DATE: June 11, 2008,

PROJECT: 520 Santa Rosa Drive,/S-05-115, ND-07-03 <u>Mitigation</u>	Monitoring Action	Responsibility	Timing
BIOLOGICAL RESOURCES			
The Town Arborist shall review the proposed landscape plan to determine of the new trees are being placed in appropriate locations relative to drainage facilities.	Required as a condition of approval.	Director of Community Development	Building plan check
The following measures shall be implemented during the project's design phase: a. The Project or Consulting Arborist shall identify a Tree Protection Zone for this tree in which no soil disturbance is permitted. The trunk location and dripline	Required as a condition of approval.	Director of Community Development	Prior to issuance of building permit and during construction

b. Proposed plans shall include recommendations of the Town Arborist to ensure that improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans will not adversely affect the oak tree to be retained near the northern boundary as well as oaks located downslope (south) of the proposed home. No underground services including utilities, sub-drains, and water or sewer lines shall be placed in the Tree Protection Zone.

of the oak tree to be retained shall be plotted and Tree Preservation Notes shall be included on all plans. Due to the steepness of the slope below the proposed home, placement of a debris fence to protect the oak woodland on the southern portion of the site shall be considered to

protect the trees from construction materials.

PROJECT: 520 Santa Rosa Drive,/S-05-115, ND-07-03 <u>Mitigation</u>	Monitoring Action	Responsibility	Timing
c. Any herbicides placed under paving materials must be safe for use around trees and shall be labeled for that use			
The following measures shall be implemented during the pre-construction phase of the project:	Required as a condition of approval.	Directors of Parks & Public Works and Community Dev.	Prior to start of construction
a. Tree protection fencing shall be constructed around the oak tree prior to commencement of any grading or construction activities. Fencing shall be six-foot high chain link, or approved alternative, and shall remain in place through all phases of construction.			
b. The oak tree shall be pruned to clean the crown of dead, dying and diseased and otherwise structurally weak branches and provide clearance for construction. All pruning shall be done under the supervision of a certified arborist			
The following measures shall be implemented during construction:	Required as a condition of approval.	Director of Community	During construction
a. No grading, construction or other work shall occur within the Tree Protection Zone. Any grading, construction, or other work that is expected to encounter roots of the tree to be retained shall be monitored by the Project or Consulting Arborist.		Development	
b. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by the Project or Consulting Arborist.			

PROJECT: 520 Santa Rosa Drive,/S-05-115, ND-07-03

<u>Mitigation</u>	Monitoring Action	Responsibility	Timing
CULTURAL RESOURCES			
In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.	Required as a condition of approval	Director of Community Development	During construction
If human remains are discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans.	Required as a condition of approval	Director of Community Development	During construction
If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.	Required as a condition of approval	Director of Community Development	During construction

DATE: June 11, 2008,

PROJECT: 520 Santa Rosa Drive,/S-05-115, ND-07-03

PROJECT: 520 Santa Rosa Drive,/S-05-115, ND-07-03 <u>Mitigation</u>	Monitoring Action	Responsibility	Timing
A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.	Required as a condition of approval	Director of Community Development	During construction
GEOLOGIC HAZARDS			
The project design shall incorporate all recommendations of the American Soil Testing, Inc.'s soil and foundation investigation for the proposed.	Required as a condition of approval	Director of Parks & Public Works	Prior to issuance of building permit
Prior to issuance of the building permit(s), American Soil Testing, Inc. shall review the Geomatrix peer review letters and final construction plans, including the foundation and structural plans, for conformance of these plans with their geotechnical engineering recommendations. American Soil Testing, Inc. shall complete and submit a Plan Review letter to the Town.			
During construction, American Soil Testing, Inc. shall observe and document the geotechnical engineering aspects of construction, including grading and drainage improvements. Prior to project final, American Soil Testing, Inc. shall submit an "as-built" construction observation letter to the Town.			

TOWN COUNCIL – MAY 4, 2009 REQUIRED FINDINGS & CONSIDERATIONS FOR:

520 Santa Rosa Drive Architecture and Site Application S-05-115 Negative Declaration ND-07-03

Requesting approval to construct a new single family residence on property zoned HR-2½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 527-56-010.

PROPERTY OWNER: Mac Saberi and John Jahan

APPLICANT: Iraj Etessam

FINDINGS:

Required compliance with Hillside Development Standards & Guidelines:

That the project is in compliance with the Hillside Development Standards & Guidelines.

Required compliance with Hillside Specific Plan:

That the project is in compliance with the Hillside Specific Plan.

CONSIDERATIONS:

Section 29.20.150, Required considerations in review of Architecture & Site applications:

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

- Considerations relating to traffic safety and traffic congestion. The effect of the site (1)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.
 - Any project or development that will add traffic to roadways and critical intersections a. 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 non-accessible 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.

N: DEV FINDINGS 2009 FOSTER20105.DOC

TOWN COUNCIL – MAY 4, 2009 CONDITIONS OF APPROVAL

520 Santa Rosa Drive Architecture and Site Application S-05-115 Negative Declaration ND-07-03

Requesting approval to construct a new single family residence on property zoned HR-2½. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 527-56-010.

PROPERTY OWNER: Mac Saberi and John Jahan

APPLICANT: Iraj Etessam

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

- APPROVAL: This application shall be completed in accordance with all of the
 conditions of approval listed below and in substantial compliance with the plans
 approved on February 25, 2009 and noted as received by the Town on February 10, 2009.
 Any changes or modifications to the approved plans shall be approved by the Community
 Development Director or the Planning Commission depending on the scope of the
 change(s).
- 2. EXPIRATION OF APPROVAL: The Architecture and Site application will expire two years from the date of the approval pursuant to Section 29.20.335 of the Town Code, unless the approval is used prior to expiration.
- 3. 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.
- 4. EXTERIOR COLOR. The exterior color of the house shall not exceed a light reflectivity value of 30 and shall blend with the natural vegetation.
- DEED RESTRICTION. Prior to the issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that requires all exterior paint colors to be maintained in conformance with the Town's Hillside Development Standards.
- 6. ARCHITECTURE. The second story shall be reduced to maintain a view corridor to the hills behind the house, to the satisfaction of the Director of Community Development. The final detailing for the front entry arches shall be reviewed and approved by staff with input from the Consulting Architect, prior to issuance of a building permit.
- OUTDOOR LIGHTING. House exterior and landscape lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. The outdoor lighting plan can be reviewed during building plan check. Any changes to the lighting plan shall be approved by the Planning Division prior to installation.

- 8. STORY POLES. The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
- FINAL LANDSCAPE PLAN. Any non-native species shall be located within 30 feet of the house. The final landscape plan shall be included with the construction plans and will be reviewed for compliance during the building plan check process.
- GENERAL. All existing trees being retained and replacement trees are specific subjects
 of approval of this plan and must remain on the site.
- 11. TREE FENCING. Protective tree fencing shall be placed at the drip line of the existing oak at the front of the property prior to issuance of demolition and building permits and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
- BIOLOGIC REOURCES MITIGATION MEASURE-1. The Town Arborist shall review
 the final landscape plan to determine of the new trees are being placed in appropriate
 locations relative to drainage facilities.
- 13. BIOLOGIC REOURCES MITIGATION MEASURE-2. The following measures shall be implemented during the project's design phase:
 - a. The Project or Consulting Arborist shall identify a Tree Protection Zone for this tree in which no soil disturbance is permitted. The trunk location and dripline of the oak tree to be retained shall be plotted and Tree Preservation Notes shall be included on all plans. Due to the steepness of the slope below the proposed home, placement of a debris fence to protect the oak woodland on the southern portion of the site shall be considered to protect the trees from construction materials.
 - b. Proposed plans shall include recommendations of the Town Arborist to ensure that improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans will not adversely affect the oak tree to be retained near the northern boundary as well as oaks located downslope (south) of the proposed home. No underground services including utilities, sub-drains, and water or sewer lines shall be placed in the Tree Protection Zone.
 - Any herbicides placed under paving materials must be safe for use around trees and shall be labeled for that use.
- 14. BIOLOGIC REOURCES MITIGATION MEASURE-3. The following measures shall be implemented during the pre-construction phase of the project:
 - a. Tree protection fencing shall be constructed around the oak tree prior to commencement of any grading or construction activities. Fencing shall be sixfoot high chain link, or approved alternative, and shall remain in place through all phases of construction.
 - b. The oak tree shall be pruned to clean the crown of dead, dying and diseased and otherwise structurally weak branches and provide clearance for construction. All pruning shall be done under the supervision of a certified arborist.
- 15. BIOLOGIC REOURCES MITIGATION MEASURE-4. The following measures shall be implemented during construction:
 - a. No grading, construction or other work shall occur within the Tree Protection Zone. Any grading, construction, or other work that is expected to encounter roots of the tree to be retained shall be monitored by the Project or Consulting Arborist.

- Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by the Project or Consulting Arborist.
- 16. CULTURAL RESOURCES MITIGATION MEASURE-1. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find shall be halted, the Community Development Director shall be notified, and an archaeologist shall be retained to examine the find and make appropriate recommendations.
- 17. CULTURAL RESOURCES MITIGATION MEASURE-2. If human remains are discovered, the Santa Clara County Coroner shall be notified. The Coroner shall determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native Americans
- 18. CULTURAL RESOURCES MITIGATION MEASURE-3. If the Community Development Director finds that the archaeological find is not a significant resource, work shall resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in CEQA Guidelines Section 15064.5(e). If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Public Resources Code Section 21083.2.
- 19. CULTURAL RESOURCES MITIGATION MEASURE-4. A final report shall be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report shall include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

Building Division

- 20. PERMITS REQUIRED: A building permit is required for the demolition of the existing single family residence and construction of the new single family residence and accessory structure. Separate permits are required for electrical, mechanical and plumbing work as necessary.
- 21. APPLICABLE CODES. The project shall 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.
- 22. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
- 23. 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.
- 24. 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 (California Building Chapter 18).

- 25. DEMOLITION REQUIREMENTS: Obtain a Building Department Demolition Application and a Bay Area Air Quality Management Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed from to the Building Department Service Counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
- 26. SHORING. Shoring plans and calculations will be required for all excavations that exceed four (4) feet in depth or that remove lateral support from any existing building, adjacent property or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to Cal/OSHA regulations.
- 27. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor may be required to 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
 - d. Retaining Walls
- 28. 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 at interior strike edge.
 - d. Door buzzer, bell or chime shall be hard wired at primary entrance
- 29. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CF-1R, MF-1R, and WS-5R must be blue-lined on the plans.
- 30. 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.
- 31. SPECIAL INSPECTIONS. When a special inspection is required by CBC 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 at www.losgatosca.gov/building.

- 32. TOWN FIREPLACE STANDARDS. New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs within 10 feet of chimneys shall be cut.
- 33. FIRE HAZARD ZONE. The project requires a Class A roof assembly.
- 34. WILDLAND URBAN INTERFACE. This project is in a Wildlife Urban Interface Fire Area and must comply with Chapter 7A of the 2007 California Building Code.
- 35. DEFENSIBLE SPACE. A Defensible Space/Fire Break Landscape plan prepared by a California licensed architect shall be provided. The plan shall be in conformance with the California Public Resources Code 4291 and California Government Code Section 51182.
- 36. LANDSCAPE CERTIFICATION. A letter from a California licensed architect certifying that landscaping and vegetation clearance requirements have been completed in compliance with California Public Resources Code 4291 and California Government Code Section 51182 shall be provided prior to final inspection.
- 37. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print.
- 38. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development Planning Division: Suzanne Davis at 354-6875
 - b. Engineering/Parks & Public Works Department: Fletcher Parsons at 395-3460
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
 - f. Bay Area Air Quality Management District: (415) 771-6000

TO THE SATFISFATION OF THE DIRECTOR OF PARKS & PUBLIC WORKS

Engineering Division

- 39. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
- 40. GEOLOGIC HAZARDS MITIGATION MEASURE-1. The project design shall incorporate all recommendations of the American Soil Testing, Inc.'s soil and foundation investigation for the proposed.

- 41. GEOLOGIC HAZARDS MITIGATION MEASURE-2. Prior to issuance of the building permit(s), American Soil Testing, Inc. shall review the Geomatrix peer review letters and final construction plans, including the foundation and structural plans, for conformance of these plans with their geotechnical engineering recommendations. American Soil Testing, Inc. shall complete and submit a Plan Review letter to the Town.
- 42. GEOLOGIC HAZARDS MITIGATION MEASURE-3. During construction, American Soil Testing, Inc. shall observe and document the geotechnical engineering aspects of construction, including grading and drainage improvements. Prior to project final, American Soil Testing, Inc. shall submit an "as-built" construction observation letter to the Town.
- 43. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.
- 44. STORM DRAIN. The storm drainage plan shall be coordinated with the landscape plan to insure that drainage outfalls are directed away from plantings that do not tolerate wet soil conditions. Both the landscape and drainage plans shall be reviewed and approved by the Town's arborist.
- 45. DEBRIS FENCE. A temporary debris fence shall be constructed roughly 10-feet outside the grading limits on the steep slope at the rear of the building. The fence is to prevent stray rocks dislodged by grading operations from damaging downhill trees and vegetation. The debris fence shall be removed upon completion of grading and foundation excavation activities.
- 46. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations
 - b. Toe and top of cut and fill slopes
- 47. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.
- 48. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
- 49. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
 - a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

- 50. RETAINING WALLS. A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
- 51. SOILS REPORT. One copy of the soils report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
- 52. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
- 53. 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
- 54. 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.
- 55. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit.
- 56. 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).

- DUST CONTROL. Blowing dust shall be reduced by timing construction activities so 57. that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.
- 58. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
- NPDES. On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
- 60. 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.
- 61. 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.
- 62. 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.
- 63. 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.
- 64. DRIVEWAY APPROACH. The applicant shall install a residential driveway approach per Town Standard Details.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

- 70. REQUIRED FIRE FLOW. Required fire flow is 2,250 GPM at 20 psi. residual pressure.
- 71. AUTOMATIC FIRE SPRINKLER SYSTEM REQUIRED. An approved automatic fire sprinkler system is required for the new residence and garage, hydraulically designed per National Fire Protection Association (NFPA) Standard #13D and local ordinances. The fire sprinkler system supply valving shall be installed per Fire Department Standard Detail & Specifications W-1/SP-6.
- 72. FIRE APPARATUS (ENGINE) ACCESS DRIVEWAY REQUIRED. An access driveway with a paved all weather surface, minimum unobstructed width of 12 feet, vertical clearance of 13 feet six inches. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1.
- 73. PREMISE IDENTIFICATION. Approved addresses shall be placed on all new buildings so they are clearly visible and legible from Santa Rosa Drive. Numbers shall be a minimum of four inches high and shall contrast with their background.

- 65. AS-BUILT PLANS. An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
- 66. 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.
- 67. 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.
- 68. 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.
- 69. HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard

RESIDENCE FOR MR. & MRS. SABERI 520 SANTA ROSA DRIVE



The project is in compliance with the Hillside Development Standards & Guidelines

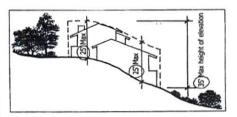
TOWN OF LOS GATOS HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

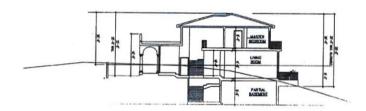


E. Building height. Standards:

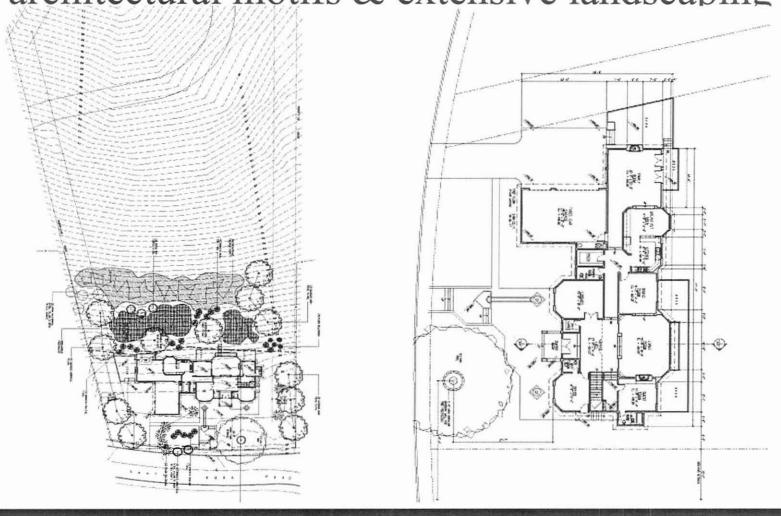


- The maximum allowed height for homes in hillside areas shall be 25 feet. Building height shall be measured in compliance with provisions of the Town's Zoning Ordinance.
- 2. The maximum height of a building's tallest elevation shall not exceed 35 feet measured from the lowest part of the building to the highest part, except buildings extending above a ridgeline or that are visible from a viewing platform where the maximum height from the lowest to highest points shall not exceed 28 feet.

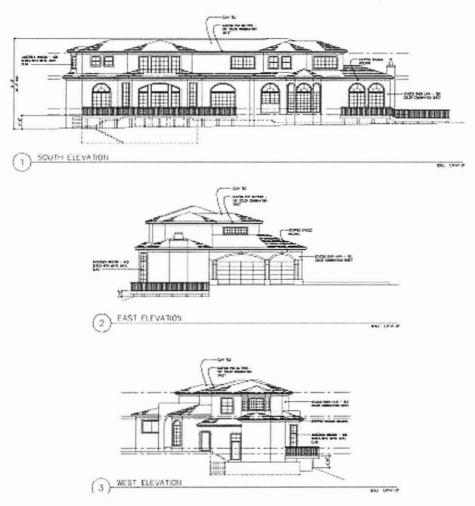




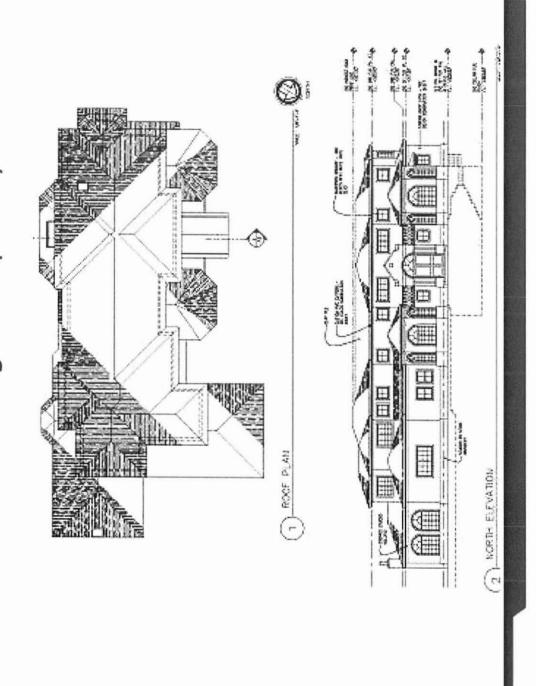
It is sensitive to the environment with elegant architectural motifs & extensive landscaping



The house was lowered four feet to address concerns about view preservation, visual impact and height

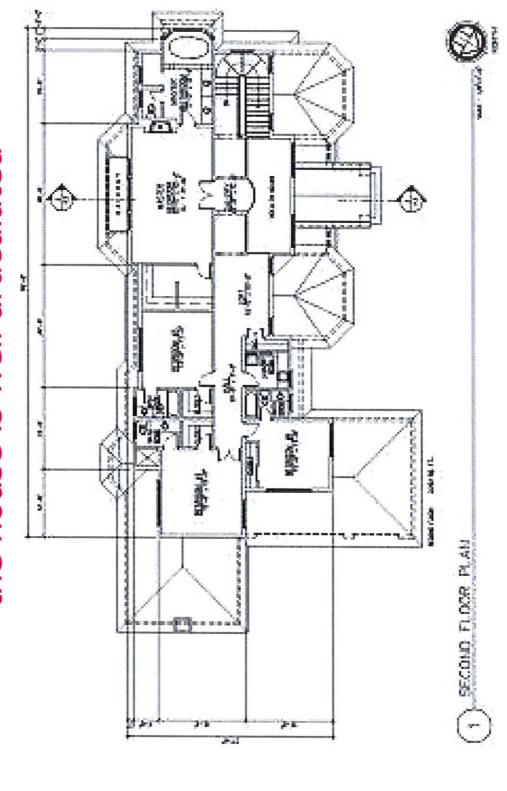


Windows on the right side of the house were modified to address the neighbors' privacy concern

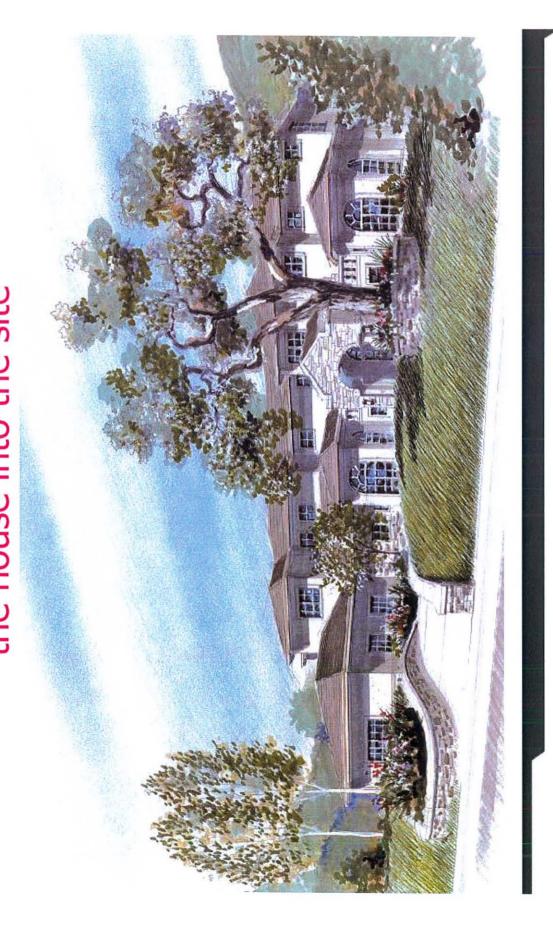


The second floor has been set back on all sides and

the house is well articulated

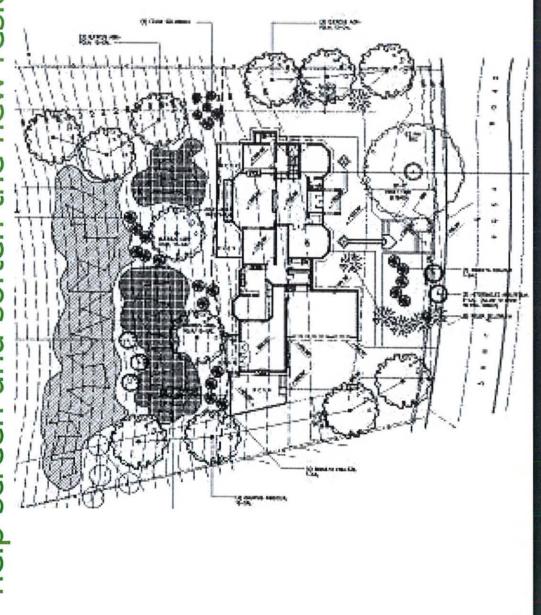


Proposed exterior materials and colors will help blend the house into the site



Extensive landscaping, particularly at the rear to

help screen and soften the new residence



View from Street

