



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/12/2019

ITEM NO: 2

DATE: JUNE 7, 2019

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNED DEVELOPMENT APPLICATION PD-17-002 AND NEGATIVE DECLARATION ND-19-002. PROJECT LOCATION: 16212 LOS GATOS BOULEVARD. PROPERTY OWNER/APPLICANT: 16212 LOS GATOS BLVD. LLC.
 REQUESTING APPROVAL OF A PLANNED DEVELOPMENT TO RE-ZONE TWO PROPERTIES ZONED CH TO CH:PD TO ALLOW FOR CONSTRUCTION OF A NEW COMMERCIAL BUILDING. APN 523-06-010 AND -011.

RECOMMENDATION:

Forward a recommendation to Town Council to adopt the Negative Declaration and approve the Planned Development (PD) application, subject to the recommended performance standards.

PROJECT DATA:

General Plan Designation: Mixed Use Commercial
 Zoning Designation: Restricted Highway Commercial, CH
 Applicable Plans & Standards: General Plan; Los Gatos Boulevard Plan; Commercial Design Guidelines
 Parcel Size: 0.94 acres

Surrounding Area:

	Existing Land Use	General Plan Land Use Designation	Zoning
North	Mixed Use and Residential	Mixed Use Commercial and Low Density Residential	Office (O) and Single-Family Residential (R-1:8)

PREPARED BY: JOCELYN SHOOPMAN and RYAN SAFTY
 ASSOCIATE PLANNER ASSOCIATE PLANNER

Reviewed by: Planning Manager and Community Development Director

South	Commercial and Residential	Mixed Use Commercial and Low Density Residential	Neighborhood Commercial (C-1)
East	Residential	Low Density Residential	R-1:8
West	Commercial and Residential	Mixed Use Commercial	CH and CH:PD

CEQA:

It has been determined that the project will not have a significance impact on the environment and adoption of the Negative Declaration is recommended.

FINDINGS:

- That the project will not have a significant impact on the environment and adoption of the Negative Declaration is recommended.
- That the PD to rezone the property is consistent with the General Plan.
- That the project is consistent with the Los Gatos Boulevard Plan.
- That the project is consistent with the Commercial Design Guidelines.

ACTION:

- Forward a recommendation regarding Negative Declaration ND-19-002 to the Town Council.
- Forward a recommendation regarding PD application PD-17-002 to the Town Council.

BACKGROUND:

The 0.94-acre site (41,038 square feet) is comprised of two parcels and contains a 2,312-square foot commercial building currently occupied by Artisan Wine Depot. The subject site is a corner lot, fronting on both Los Gatos Boulevard and Shannon Road. The site was redeveloped in 1997 as the used car sales lot for the Honda Dealership previously located at 16213 Los Gatos Boulevard. The General Plan provides an option for projects on sites larger than 40,000 square feet to be processed as a PD.

On February 14, 2016 the Planning Commission reviewed a PD proposal at the subject site for demolition of the existing 2,312-square foot commercial building and construction of 11 single-family homes on individual lots (Exhibit 4). On April 19, 2016 the Town Council denied the application, stating that a future application at this site should be for commercial, not residential development.

BACKGROUND (continued):

On August 10, 2016, the Conceptual Development Advisory Committee (CDAC) reviewed a revised proposal at the subject site for commercial development with three different conceptual design options. The minutes from that meeting are included in Exhibit 5.

On February 24, 2017, the applicant submitted a development application for construction of a new, two-story commercial building. A Negative Declaration (ND) was prepared for the development application and circulated for a 20-day public review period from May 17, 2019 through June 6, 2019 and was previously provided to the Planning Commission on May 17, 2019.

Future required approvals would include an Architecture and Site application (including roadway and right-of-way improvements, and recordation of easements) for the construction of the new commercial building.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is requesting approval of a PD overlay which would include the following elements on the 0.94-acre site:

- Maintain the existing 2,312-square foot commercial building;
- Construction of a new two-story mixed-use commercial building with 7,047 square feet of commercial space on the ground floor and 4,270 square feet of office on the second floor;
- 58 parking stalls; and
- Landscaping, parking lot, and other right-of-way improvements.

The proposed project would include removal of 12 protected trees (seven on-site trees and five street trees). Four existing trees will be transplanted elsewhere on the site.

B. Planned Development Application

The application is a request to create a PD overlay. A PD application is being requested because the applicant is requesting a reduced front yard setback due to required frontage improvements that would be installed pursuant to the Safe Routes to School Plan. Pursuant to the General Plan, "The PD overlay zone is intended to ensure orderly planning and quality design that will be in harmony with the existing or potential development of the surrounding neighborhood."

PROJECT DESCRIPTION (continued):

The Planning Commission shall make a recommendation regarding the merits of the PD application to the Town Council, who will be the final deciding body. If adopted by the Town Council, the proposed PD Ordinance (Exhibit 12) would allow the Development Review Committee to approve a future Architecture and Site application.

C. Location and Surrounding Neighborhood

The project site is located at the northeast corner of Los Gatos Boulevard and Shannon Road. There are mixed-use (office below residential) and single-family residential uses to the north, commercial and single-family residential uses to the west and south, and single-family residential uses to the east.

D. Zoning Compliance

The CH zoning designation permits both retail and office activities.

DISCUSSION:

A. Conceptual Development Advisory Committee

The CDAC reviewed three conceptual plans for the site on August 5, 2016, each of which proposed some form of a new commercial building located along the Los Gatos Boulevard frontage. The CDAC preferred the smaller of the development options, expressed concern regarding medical and residential uses, and supported the idea of incorporating underground parking. Additional feedback is included in the meeting minutes (Exhibit 5).

B. Planned Development

The PD application is proposing to rezone the two properties from CH to CH:PD. The CH zoning would be compatible with the General Plan Designation of Mixed Use Commercial and the variety of zoning classifications found on adjacent properties, including O, R-1:8, C-1, CH, and CH:PD.

Approval of the PD application would establish regulations through an ordinance (which would include the development plans) under which the following actions would be allowed:

- Lot merger of the two separate parcels;
- Removal of protected trees and construction of associated site improvements; and
- Construction of a two-story commercial building through a future Architecture and Site application.

DISCUSSION (continued):

The proposed PD application complies with all provisions of the CH zone and Los Gatos Boulevard Plan, except for the item listed below, which is proposed to be allowed through the PD ordinance:

- Reduced front setback along Los Gatos Boulevard of five feet, when Town Code requires 25 feet based on the proposed building height of nearly 30 feet.

The applicant discusses the requested exception listed above in Exhibit 10.

The PD application is proposing to rezone the property which would provide specific guidance for the future commercial development. The PD Ordinance would define the maximum allowable development, including the maximum floor area and building height. An Architecture and Site application would be required to implement the proposed project if the PD is approved.

C. Commercial Design Guidelines

The proposed PD application complies with all applicable guidelines of the Commercial Design Guidelines, except for the items listed below:

- CDG Section 5.A.1 – Basic Design Principles:
 - “Projects will maintain a strong landscaped setback along street edges, and will seek to create visual contiguity along the street front,” when minimal landscaping is proposed within the reduced front yard area along Los Gatos Boulevard.
- CDG Section 5.A.2.1 – Los Gatos Boulevard setbacks should be substantially landscaped:
 - “A minimum landscaped setback of 15 feet shall be maintained from fronting sidewalks,” when only five feet of landscaping is proposed along Los Gatos Boulevard.

The applicant provides justification for deviating from the items listed above in Exhibit 10.

D. Site Layout and Building Size

1. Access

Access to the site is currently provided through two driveways: one approximately 25 feet from the northern property line on Los Gatos Boulevard, and the second approximately 20 feet from the eastern property line on Shannon Road. The applicant proposes to reconfigure each driveway to comply with Town standards, maintain the current driveway location along Los Gatos Boulevard, and shift the driveway location along Shannon Road roughly 20 feet to the east, further away from the intersection.

DISCUSSION (continued):

2. Coverage

The proposed project has a building coverage of 9,359 square feet (22.8 percent). The maximum permitted building coverage for the CH zone is 50 percent.

3. Height

The proposed two-story commercial building would be a maximum height of 29 feet, 11 inches. The existing commercial building is 29 feet. The maximum permitted height for the CH zone is 35 feet.

4. Setbacks

The CH zone specifies setback requirements for all properties within the zone, as well as increased setback requirements for property lines which abut or across the street from a lot in a residential zone. Additionally, proposals greater than 20 feet in height are required to be setback even further. The proposed building is adjacent to residentially zoned parcels to the east, and the proposed building would be nearly 30 feet tall. The applicant is proposing a reduced front setback from what is required in the CH zone. The following chart is provided for comparison and clarification:

Setback Requirements:				
Zones:	Front	Side	Street Side	Rear
CH	15'	0'	15'	0'
CH (required for proposal)	15'	0'	15'	30'
Proposed Commercial Building:	5'	51.5'	15'	156.5'
Existing Commercial Building:	100'	22'	87'	50'

E. Trees

The application was reviewed by the Town’s Consulting Arborist (Exhibit 7). There are 26 protected trees within the project area: 14 on-site, seven street trees within the public right-of-way, and five trees on neighboring properties to the north. The applicant is requesting to remove 12 of these trees: seven of which are on site and five within the public right-of-way. The applicant is also proposing to transplant four of the remaining seven on-site trees elsewhere on the property.

DISCUSSION (continued):

In accordance with the Town's Tree Protection Ordinance, the applicant would be required to plant 35, 24-inch box trees to off-set the 12 tree removals. As outlined in Sheet L1.1 of the development plans (Exhibit 12), the applicant is proposing to plant two, 15-gallon trees and 27, 24-inch box trees; six of the new 24-inch box trees would be within the public right-of-way. The applicant will be required to pay in-lieu fees for the eight, 24-inch box trees that are not proposed to be planted on-site.

F. Los Gatos Boulevard Plan

The project is subject to the Los Gatos Boulevard Plan. The applicant details in their letter of justification (Exhibit 6) how their proposal complies with the plan and the Town's vision for this portion of Los Gatos Boulevard.

G. Architectural Consultant Review

The Town's Architectural Consultant reviewed the plans for the proposed development on December 13, 2017 (Exhibit 8). The consultant identified several concerns with building design and location, as well as consistency with the Town's Commercial Design Guidelines. The consultant recommended two different design approaches to address his concerns.

The applicant has chosen "Approach B," which recommends pushing the proposed second story back at the corner of Shannon Road and Los Gatos Boulevard, extending the second story area to the north, increasing the glazing along the staircase on the rear elevation, eliminating the ground floor gable, adding awnings and large carriage lights along the ground floor elevation, and carrying the curved façade and awnings around the corner at Shannon Road and Los Gatos Boulevard. The applicant incorporated each of these recommendations in their resubmittal, except the recommendation to carry the curved façade and awning around the corner of the building. The applicant's response letter and justification for the design is included in Exhibit 9.

H. Parking

Town Code requires one parking space for each 235 square feet of office or retail floor area. The proposed project includes a total of 13,629 square feet of office and retail floor area, requiring 58 on-site parking spaces. The applicant is proposing 58 parking spaces. These spaces would be substantially screened from view along the street with the new two-story commercial building fronting on Los Gatos Boulevard and landscaping and trees proposed along Shannon Road.

DISCUSSION (continued):

The site also currently provides additional overflow parking for Yoga Source across Los Gatos Boulevard and Orangetheory Fitness across Shannon Road, and many Fisher Middle School parents use the site as a drop-off and pick-up location. While these are amenities that the property owner has previously permitted, the applicant is not required to provide this in any future development of the site.

I. Traffic

Pursuant to the Town's Traffic Impact Policy, a comprehensive traffic study is required to be prepared for projects that generate 20 or more trips in either the AM or PM peak hours. The proposed project is estimated to add 15 AM peak-hour trips and 34 PM peak-hour trips. Therefore, a comprehensive Transportation Impact Analysis was required.

The Transportation Impact Analysis (TIA) was prepared by Hexagon Transportation Consultants, Inc. The TIA is included in Appendix E of the ND, available online at <http://www.losgatosca.gov/16212LosGatosBoulevard>. The TIA was reviewed by the Town's traffic engineer, traffic consultant, and environmental consultant. The purpose of the TIA was to identify any potential traffic impacts from the additional commercial space proposed. The report found that the proposed project would not cause a significant impact in accordance with CEQA and the Town's Traffic Impact Policy. In addition to the calculation of trip generation and impacts to intersection level of service, the report provides recommendations on queuing issues, site access and on-site circulation, and impacts to pedestrian, bicycle, and transit circulation. The report provides recommendations on these topics, which the applicant has incorporated into the plans, including:

- Frontage improvements to enhance pedestrian and bicycle safety as part of a Safe Routes to School Plan, including:
 - Moving the curb out ten feet along Los Gatos Boulevard to widen the sidewalk to ten feet with a landscaped strip; and
 - Adding a protected bike lane with a painted buffer and ground mounted channelizers along the project frontage on Los Gatos Boulevard.
- Reducing the number of northbound traffic lanes on Los Gatos Boulevard from three to two;
- Construction of a ten-foot sidewalk along the Shannon Road frontage, which ties-in to the future proposed Class 1 bike path on Shannon Road per the Los Gatos Bicycle and Pedestrian Master Plan;
- Reducing the pedestrian crossing distance by eliminating the pork-chop island and right turn slip lane on Shannon Road;
- Enhancing bicycle safety by adding a bike box on Shannon Road; and
- Moving the crosswalk across Los Gatos Boulevard from north of Shannon Road to south of Roberts Road to improve the intersection's level of service.

DISCUSSION (continued):

The applicant has agreed to these recommended improvements, as mentioned in the Safe Routes to School Plan section of their Letter of Justification (Exhibit 6). Parks and Public Works staff have included requirements for the dedication of a public access easement along Shannon Road, public improvements along both street frontages, upgrades to traffic signals, traffic impact mitigation fees, and a Transportation Demand Management (TDM) plan to be prepared by the developer and approved by staff, which are included in the proposed PD performance standards (Exhibit 12).

J. General Plan

The subject property has a General Plan Land Use Designation of Mixed-Use Commercial. "The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use project, along with lodging, service, auto-related businesses, non-manufacturing industrial uses, recreational uses, and restaurants. Projects developed under this designation shall maintain the small-town, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties. This designation should never be interpreted to allow development of independent commercial facilities with principal frontage on the side streets."

The applicant addresses compliance with the General Plan in their Letter of Justification (Exhibit 6).

K. Story Poles and Neighborhood Notification

An exception to the Story Pole Policy was granted by the Town Council on January 16, 2018, allowing the poles to be erected ten days prior to the scheduled public hearing date due to public safety and the use of the site by the existing tenant. The story poles were installed before June 2, 2019 and may be removed following the June 12, 2019 Planning Commission hearing.

L. Environmental Review

A Negative Declaration (ND) was prepared for the project. As part of the environmental review process a number of technical reports were prepared, including an arborist report, architectural design review, geotechnical investigations, and traffic analyses. Reports that were prepared by outside consultants were peer reviewed by Town Consultants.

The Notice of Completion and Availability for the ND was distributed on May 17, 2019, with the 20-day public review period ending on June 6, 2019.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Neighborhood outreach completed by the applicant is included as Exhibit 10. Public comments received by 11:00 A.M. on Friday, June 7, 2019, are included as Exhibit 13.

CONCLUSION:

A. Summary

The project would allow the merger of two lots and construction of a new two-story mixed-use commercial building. This project includes a PD application to rezone the property from CH to CH:PD. Through the PD application the applicant is asking to allow the following exception to the provisions of the CH zone:

- Reduced front setback along Los Gatos Boulevard of five feet.

With the exception of the item listed above, the project complies with the General Plan, Town Code, and Los Gatos Boulevard Plan. The project also complies with a majority of the Commercial Design Guidelines, except items related to front yard landscaping and front setbacks. The applicant discusses the proposed exceptions and compliance with the General Plan, Town Code, Commercial Design Guidelines, and Los Gatos Boulevard Plan in Exhibits 6, 9, and 10. A draft PD Ordinance has been prepared with performance standards to require the project to adhere to the aforementioned requirements (Exhibit 12).

B. Recommendation

Based on the summary above, staff recommends the Commission take the following actions to forward the ND and PD applications to the Town Council with a recommendation for approval of the proposed project:

1. Make the required findings (Exhibit 3);
2. Recommend that the Town Council adopt the Negative Declaration (Exhibit 1); and
3. Recommend that the Town Council adopt the Planned Development Ordinance (Exhibit 12) and approve the proposed project.

CONCLUSION (continued):

C. Alternatives

Alternatively, if the Commission has concerns with the proposed project, it can:

1. Forward a recommendation for approval of the applications with modified performance standards to the Town Council; or
2. Forward a recommendation of denial of the applications to the Town Council; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

Previously received under separate cover:

1. May 2019 Draft Initial Study and Negative Declaration

Received with this Staff Report:

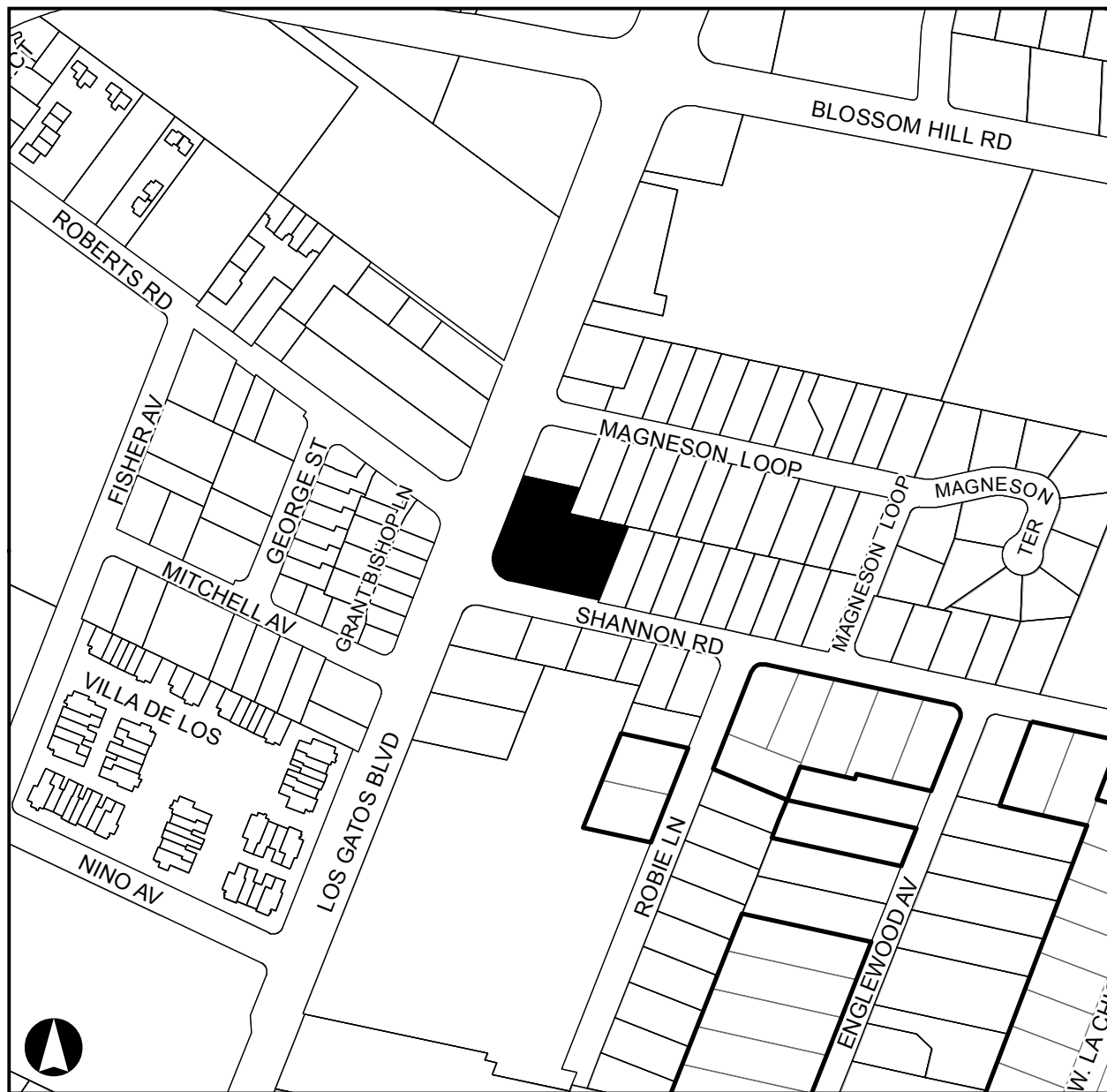
2. Location Map
3. Required Findings (one page)
4. February 24, 2016 Planning Commission Staff Report and minutes (22 pages)
5. August 10, 2016, Conceptual Development Advisory Committee meeting minutes (three pages)
6. Project Overview and Letter of Justification received April 13, 2018 (three pages)
7. Consulting Arborist's Report dated November 20, 2017 (37 pages)
8. Consulting Architect's Report dated December 13, 2017 (ten pages)
9. Applicant's response to Consulting Architect's Report received June 7, 2019 (two pages)
10. Justification for Exceptions and Response to Comments, received June 7, 2019 (four pages)
11. Color and materials board received May 30, 2019 (one sheet)
12. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans, received May 30, 2019 (37 sheets)
13. Public comments received by 11:00 a.m. on Friday June 7, 2019

Distribution:

Scott Plautz, 16212 Los Gatos Boulevard, LLC., 101 S. Santa Cruz Ave #1090, Los Gatos, CA 95030

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16212 Los Gatos Boulevard



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PLANNING COMMISSION – June 12, 2019
REQUIRED FINDINGS FOR:

16212 Los Gatos Boulevard
Planned Development Application PD-17-002
Negative Declaration ND-19-002

Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building.

APN 523-06-010 and -011.

APPLICANT/PROPERTY OWNER: 16212 Los Gatos Blvd., LLC

FINDINGS

Required finding for CEQA:

- A Negative Declaration (ND) was prepared for the proposed development. The Planning Commission recommends adoption of the ND.

Required consistency with the Town’s General Plan:

- That the proposed Zone Change is consistent with the General Plan and its Elements in that the Planned Development overlay allows commercial use consistent with the property’s zoning district.

Required compliance with Commercial Design Guidelines:

- The project is in compliance with the Commercial Design Guidelines with the exception of the following:
 - The location of the commercial building with minimal landscaping and setbacks along Los Gatos Boulevard, which has been determined to be acceptable as a widened sidewalk is proposed with street trees and bike and pedestrian amenities complying with the Town’s Safe Routes to School Program will be installed.

Compliance with Los Gatos Boulevard Plan:

- The project is in compliance with the Los Gatos Boulevard Plan in that the proposal is the development of the lot with a new commercial building with associated site elements to accompany an existing commercial building on the existing parcels. The proposal is consistent with the goals and policies included in the plan.

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TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: February 24, 2016

ITEM NO: 6

PREPARED BY: Marni Moseley, AICP, Associate Planner
moseley@logatosca.gov

APPLICATION NO: Planned Development Application PD-14-001
 Negative Declaration ND-14-002

LOCATION: **16212 Los Gatos Boulevard** (northeast corner of Los Gatos Boulevard and Shannon Road)

APPLICANT: Stem Development

CONTACT PERSON: Scott Plautz

PROPERTY OWNER: 16212 Los Gatos Blvd., LLC

APPLICATION SUMMARY: Requesting approval to change the zone from CH to CH:PD demolish an existing commercial building, and construct 11 single-family residences on property zoned CH. A Mitigated Negative Declaration has been prepared. APNs 523-06-010 and 523-06-011.

RECOMMENDATION: Forward a recommendation of denial to the Town Council

PROJECT DATA:

General Plan Designation: Mixed Use Commercial
 Zoning Designation: CH – Restricted Highway Commercial

Applicable Plans & Standards: General Plan; Los Gatos Boulevard Plan; Single-Family Residential Design Guidelines

Parcel Size: 0.94 acres
 Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Mixed Use and Residential	Mixed Use Commercial and Low Density Residential	O, R-1:8
East	Residential	Low Density Residential	R-1:8
South	Commercial and Residential	Mixed Use Commercial	C-1
West	Residential and Commercial	Mixed Use Commercial	CH:PD, CH

CEQA: It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared and is recommended.

FINDINGS:

- That the project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared and is recommended.
- Adopt the Mitigation Monitoring and Reporting Program.
- That the Zone Change (Planned Development) is consistent with the General Plan.
- That the project is consistent with the Los Gatos Boulevard Plan.
- That the project is consistent with the Residential Design Guidelines.

ACTION:

1. Forward a recommendation regarding Planned Development Application PD-14-001 to the Town Council.
2. Forward a recommendation regarding the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program to the Town Council.

EXHIBITS: Previously received under separate cover:

Initial Study and Mitigated Negative Declaration (*received January 22, 2016*)

Received with this Report:

1. Location Map
2. Response to Comments received regarding the Mitigated Negative Declaration
3. Mitigation Monitoring and Reporting Program (six pages)
4. Required Findings
5. August 10, 2011 and August 14, 2013 CDAC Minutes
6. Project Overview and Letter of Justification (seven pages), received February 3, 2016
7. Architectural Consultant Report (seven pages), received August 26, 2014
8. Consulting Arborist Report (32 pages), received July 30, 2014
9. Public Comments received by 1:00 p.m. February 18, 2016
10. Planned Development Ordinance (23 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans (41 pages)

BACKGROUND:

The 0.94 acre site is comprised of two parcels and contains a 2,300-square foot single-story commercial building currently occupied by Artisan Wine Depot. The site was redeveloped in 1997 as the used car sales lot for the Honda Dealership previously located at 16213 Los Gatos Boulevard. The General Plan and Town Code provide an option for projects on sites larger than 40,000 square feet to be processed as a Planned Development (PD). The Town is currently reviewing potential changes to the Planned Development Ordinance.

Similar projects for the subject site were considered by the Conceptual Development Advisory Committee (CDAC) on August 10, 2011 and August 14, 2013. The minutes from those meetings are included in Exhibit 5.

While the applicant's plans do not address the issues regarding the architecture of the proposed site discussed by the Consulting Architect or staff's concerns regarding compatibility of the development with the surrounding neighborhood; the applicant is pursuing the zone change with the intent of receiving additional feedback on the proposed project. The applicant is requesting approval of the application with direction that can be incorporated into the required Architecture and Site application and subdivision process.

Staff has forwarded the application to the Commission with a recommendation of denial. In order to obtain relevant feedback from the Town Council in addition to the Planning Commission, the applicant is requesting that the application be forwarded to the Town Council with the Commission's recommendation(s) rather than continued for additional re-design.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is requesting approval of a PD overlay which would include the following elements on the 0.94-acre site:

- Removal of existing site improvements;
- Construction of 10 market rate single-family detached residences;
- Construction of one low income BMP unit; and
- Landscaping, private street, parking, and other improvements.

All of the homes would include two-car garages and eight additional guest parking spots would be provided on-site. Access to the site would be provided from Shannon Road.

The proposed project would include demolition of the existing building and removal of up to 18 protected trees (15 on-site trees and three street trees).

B. Planned Development Application

The application is a request for a PD overlay. A PD application is being requested because the application requires a number of exceptions (see section B in the analysis section below for requested exceptions).

Town Code states that the purpose of a PD is to provide for alternative uses and developments that are more consistent with site characteristics, to create an optimum quantity and use of open space, and to encourage good design. If adopted by the Town Council, the proposed PD ordinance (Exhibit 10) would allow the Development Review Committee to approve the necessary subdivision and Architecture and Site applications for the new residences. The Planning Commission will make a recommendation for the PD application to the Town Council, who is the final deciding body.

C. Location and Surrounding Neighborhood

The project site is located at the northeast corner of Los Gatos Boulevard and Shannon Road. There are mixed-use (office below residential) and single-family residential uses to the north, commercial and single-family residential uses to the west and south, and single-family residential uses to the east.

D. Zoning Compliance

The CH zoning designation permits residential uses subject to approval of a Conditional Use Permit (CUP) or as allowed by a PD. Town Code allows a PD overlay on sites with a minimum lot size of 40,000 square feet.

ANALYSIS:

A. Conceptual Development Advisory Committee

The CDAC reviewed a similar proposal on August 10, 2011 by a different property owner and developer, which included 11 single family homes ranging in size from 1,600 square feet to 2,300 square feet.

The applicant presented the CDAC with a 12 unit proposal on August 14, 2013. The feedback from each proposal was similar in regards to their concerns on the density and compatibility of the project. Additional feedback is included in the minutes for each of the meetings (Exhibit 5).

B. Planned Development

The applicant is proposing to rezone the properties from CH to CH:PD. Through the PD application, the applicant is proposing to create 11 single-family homes on separate lots and one common lot for the required storm water improvements and open space. The applicant is requesting the following exceptions through the PD process:

- Reduced setbacks along Los Gatos Boulevard from 15 feet (required) to 7 feet, 4 inches for the residences and 2 feet, 1 inch for the porches (proposed);
- Reduced setbacks along Shannon Road from 25 feet (required) to 10 feet (proposed);
- Reduced rear setbacks for units C-1 thru C-3 from 30 feet (required) to 10 feet (proposed);
- Reduced side setback for unit C-3 from 24 feet (required) to 4 feet, 5 inches (proposed);
- Exception to the maximum permitted Floor Area Ratio (FAR), maximum FAR for each lot ranges from 827 square feet to 2,182 square feet (if the shared access is included in the lot area); proposed floor areas range from 1,744 to 3,299 (excluding cellar);
- Project signage proposed is not permitted by Town Code (Section 29.10.135).

While the units along Los Gatos Boulevard may appear as multi-family units, the residences have one foot of separation between them and would be considered single-family units pursuant to Town Code and the Uniform Building Code. If the units were to be attached, the attached units would be required to comply with the Americans with Disability Act (ADA) requirements in regards to access, parking, and interior improvements.

C. Site Layout and Improvements

1. Access

Access to the site is currently provided through two driveways: one being approximately 25 feet from the northern property line on Los Gatos Boulevard, and the second being approximately 20 feet from the eastern property line on Shannon Road. The proposed project would eliminate the Los Gatos Boulevard driveway and relocate the Shannon Road entrance to five feet from the eastern property line. Based on the applicant's pursuit of a single access point to the site, staff recommended the Shannon Road frontage based on concerns with the proximity to the Roberts Road intersection on Los Gatos Boulevard. The driveway along Shannon Road was relocated to the eastern edge of the site to provide:

- A lengthened right turn lane from Shannon Road to Los Gatos Boulevard (north bound)
- A lengthened left turn pocket from Shannon Road to Los Gatos Boulevard (south bound)
- A storage pocket for those turning left into the site heading east on Shannon Road

Additionally, the proposed design incorporates a shared access by way of an easement over the lots for units C1, C2, C3, D1 and D2. The setbacks for these lots are provided from the property lines at the centerline of the shared access. While this is permitted, the FAR and setbacks include lot area associated with the shared access for the property. As a comparison, the private street provided within Laurel Mews was not used to determine setbacks and was not included in lot area calculations.

2. Coverage

The proposed project has a building coverage of 16,127 square feet (39.5 percent). The maximum permitted building coverage for the CH zone is 50 percent.

3. Height

The proposed project includes structures of varying heights. The units proposed along Los Gatos Boulevard have a maximum height of 29 feet, 11 inches while the single-family residences range in height from 28 feet, 7 inches to 29 feet, 2 inches. The maximum permitted height for the CH zone is 35 feet.

4. Below Market Price Unit

The proposed development requires the applicant to provide one below market price (BMP) unit on-site. The applicant is proposing the northern most unit located along Los Gatos Boulevard as the BMP unit (Unit A1). As currently designed the unit would comply with the Town's BMP requirements. If approved, the unit will be required to be constructed and sold in compliance with the Town's BMP Guidelines.

5. Density

The density of the proposed development is calculated by dividing the number of units (minus the BMP unit) by the acreage of the site. The proposed application has a density of 10.6 units/acre. The Laurel Mews development across the street has a density of 11 units/acre.

6. Setbacks

The CH zone does not specify minimum required setbacks between structures on a project site. The applicant is proposing reduced setbacks from what is required in the CH zone and what would traditionally be required in single family residential zones. The following chart is provided for comparison:

Setback Requirements				
Zones:	Front	Side	Street Side	Rear
R-1:8	25'	8'	15'	20'
R-1D	15'	5'	10'	20'
CH	15'	0'	15'	0'
CH*	25'	15'	15'	20'
Proposed Project:				
Townhouse style	2' 1"	6" to 5'	10'	22' 3"
Traditional detached	10'	3' to 16'	N/A	10'

* additional setback requirements apply when adjacent to residentially zoned properties (Section 29.60.435).

7. Open Space

As discussed above, one of the main purposes of PD's is to create an optimum quantity and use of open space, and to encourage good design. The proposed project includes 11 single-family residences, as such the Town Code requirements for community and private open space do not apply. However, due to the nature of the design, staff has included the following comparison chart:

Open Space		
	Town Code Minimums	Proposed Project
Community Open Space	100 sq. ft./unit	855 sq. ft.
Private Open Space	200 sq. ft.	213-1,124 sq. ft.

D. Trees

The application was reviewed by the Town's Consulting Arborist (Exhibit 8). The site contains 15 protected trees; additionally there are six protected trees on adjacent properties, and six street trees of protected size within the adjacent Town right-of-way. The application would require the removal of all 15 on-site trees and at least one street tree (three are shown for removal at this time).

With the exception of five Deodar Cedars and one Coast Live Oak, the remaining trees are ornamental and their removal would conform to the Town Code for removal and replacement on-site. The proposed tree removals would require canopy replacement subject to Town Code requirements.

Please note that the location of the project driveway was relocated on the development plans after the arborist review in 2014 in order to address traffic concerns, discussed below. The relocation would require the removal of tree number 14 rather than tree number 12.

E. Traffic

A traffic study was prepared by the applicant even though the proposed project did not trigger a traffic study. As stated within the traffic study (Appendix E of the Initial Study), the proposed project would result in a decrease of 171 average daily trips (ADT) six fewer AM and 11 fewer PM peak hour trips as compared to the previous auto dealership use.

The traffic study concluded that the single point of ingress/egress from the site may make turning into the site difficult during peak hours due to the queuing length of the right-turn from Shannon Road onto Los Gatos Boulevard. The PD performance standards include a requirement to re-stripe Shannon Road within the project frontage to create a left turn pocket for those entering the project site. Additional improvements will be required in regards to the bike lane and the pedestrian cross walk at the southwest corner of the project.

F. Parking

Each single-family residence has a parking requirement of two spaces. The development will include two-car garages for each unit. Additionally, the development proposes eight on-site guest parking spaces.

The site also currently provides additional overflow parking for Yoga Source and many Fisher Middle School parents use the site as a drop-off and pick-up location. While these are amenities that the property owner has permitted, the applicant is not required to provide this in any future development of the site.

G. Architectural Consultant Review

The project was reviewed by the Town's Consulting Architect (Exhibit 7). The consultant found the proposal to be inconsistent with the Town's Residential Design Guidelines.

With the exception of relocating the proposed project signage, the applicant has chosen not to make any changes to the proposed architecture with the intent of receiving feedback on the type and scale of development before proceeding with detailed drawing changes.

H. Los Gatos Boulevard Plan

The project is subject to the Los Gatos Boulevard Plan. The goals and policies of the Los Gatos Boulevard Plan applicable to this project include, but are not limited to:

- Policy: Neighborhood commercial, multi-family residential and office uses shall be concentrated south of Los Gatos Almaden Road.
- Goal: To encourage pedestrian activity at and movement across Los Gatos Boulevard at key points along the Boulevard.
- Goal: To establish the perception of Los Gatos Boulevard as people friendly.
- Goal: To establish activity focal points on private and public property along Los Gatos Boulevard.
- Goal: To promote commercial activity that complements the whole Town.
- Policy: New development must be designed in order to minimize adverse impacts upon adjacent residential areas.
- Goal: To preserve and protect the Town's scenic beauty through careful planning
- Goal: To encourage site and building design that is particularly suited to the site and contributes to the Town's unique character, natural beauty and openness.
- Goal: To ensure new development will enhance the use, enjoyment and value of neighboring residential and commercial property.
- Policy: Proposals shall be designed to fit the natural conditions of a site and respect scenic corridors
- Policy: Proposals should be designed to enhance the Boulevard through excellence in architectural design.
- Policy: Building and site design shall reflect the historic, natural and architectural setting unique to Los Gatos.
- Policy: Pedestrian access to buildings and sites shall be encouraged.

I. General Plan

The goals and policies of the 2020 General Plan applicable to this project include, but are not limited to:

- CD-1 Preserve and enhance Los Gatos's character through exceptional community design.
- CD-1.4 Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.

- CD-4.3 Trees that are protected under the Town's Tree Preservation Ordinance, as well as existing native, heritage, and specimen trees should be preserved and protected as part of any development proposal.
- U-12.3 New landscaping, streetscape improvements and new development along Los Gatos Boulevard shall incorporate pedestrian amenities, scale, and design.
- LU-1.4 Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
- LU-6.5 The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.
- LU-6.7 Continue to encourage a variety of housing types and sizes that is balanced throughout the Town and within neighborhoods, and that is also compatible with the character of the surrounding neighborhood.
- LU-6.8 New construction shall be compatible and blend with the existing neighborhood.
- LU-7.3 Infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life.
- LU-7.4 Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
- LU-13 To promote appropriate and compatible development along Los Gatos Boulevard that complements the whole Town and serves residents and families.
- LU-13.3 New projects along Los Gatos Boulevard shall incorporate a family and resident orientation.
- TRA-2.6 Street improvements such as curb cuts, sidewalks, bus stop turnouts, bus shelters, light poles, traffic signals, benches, and trash containers shall be planned as an integral part of development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.
- TRA-3.11 Roadway improvements and dedications shall be required for any development proposal with an associated traffic impact.
- TRA-9.6 Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community.
- NOI-5.1 Protect residential areas from noise by requiring appropriate site and building design, sound walls, and landscaping and by the use of noise attenuating construction techniques and materials.

Additionally, the Commission may choose to discuss and provide direction to the applicant in regards to whether a General Plan (GP) Amendment should be applied for. The Town Code allows residential uses in the CH zone subject to approval of a Conditional Use Permit and similar applications within the CH zone have been processed without a GP Amendment. However, the Commission could direct the applicant to apply for a GP and Zoning Code amendment if it is determined that there is merit to the applicant's proposal.

J. CEQA Determination

An Initial Study and Mitigated Negative Declaration (MND) were prepared for the project by the Town's Environmental Consultant, EMC. The 20-day public review period began on January 22, 2016 and ended on February 11, 2016. Mitigation measures are required for Aesthetics, Air Quality, Biological, Cultural Resources, Geology and Soils, Hazardous Materials, Noise, and Traffic. The Mitigation Monitoring and Reporting Program is provided in Exhibit 4. Mitigation measures have been incorporated into the performance standards within the PD Ordinance (Exhibit 10).

K. Story Poles and Neighborhood Notification

On December 1, 2015, the Town Council approved an exception to the required story pole installation timeframe. Based on public safety concerns and impact on existing usage of the site, the story poles viewing period was limited to 10 days to occur during the February school break (February 15-19, 2016). The story poles were installed during the week before the break (February 8-12, 2016), and completed on Friday, February 12, 2016. The required on-site signage was installed on February 12, 2016 and will remain on-site after removal of the story poles, which is scheduled to start on February 23, 2016. Staff provided the following additional neighborhood and community notification in addition to the standard 300-foot notification:

- Newspaper advertisement providing specific viewing dates was published in the Los Gatos Weekly Times paper on February 5, 12, and 19, 2016.
- Story Pole and project information was posted on What's New on the Town website starting February 11, 2016.
- Story Pole and project information was posted on Next Door on February 11, 2016.

PUBLIC COMMENTS:

The Town has received public comments. All comments received by 1:00 p.m. on Thursday February 18, 2016 are included in Exhibit 9. Any additional comments received will be included in a Desk Item report.

COORDINATION:

The preparation of this report was coordinated with the Engineering Division of Parks and Public Works Department, Community Development Department, and the Santa Clara County Fire Department.

SUMMARY AND RECOMMENDATION:

A. Summary

The applicant has investigated the potential to redevelop the site with a commercial and/or office use, but has concerns in regards to the limited size based on the required parking and the additional traffic associated with a commercial user. As a result, the applicant believes the proposed development is the highest and best use for the site.

The proposed project does not address the concerns regarding density and massing in relation to the adjacent neighborhoods as discussed by the CDAC. The applicant has worked with staff to address the technical concerns of the project in order to proceed to public hearing without making any changes to the architecture, massing, or density of the development. Staff's concerns pertain to: whether the site is better suited to residential development; if the proposed massing along Los Gatos Boulevard is appropriate; if the diversity of unit types and architecture is appropriate; and if the proposed intensity of development is appropriate for the site.

If the Commission determines that the proposed type of development is appropriate then any concerns relating to architecture and specific siting of the units can be addressed through the Subdivision and Architecture and Site application process. However, if the Commission shares staff's concerns regarding the above mentioned items, specific direction should be given to the applicant.

B. Recommendation

Based on the summary above, staff recommends the Commission forward a recommendation of denial to the Town Council with direction.

ALTERNATIVES:

Alternatively, if the Commission finds merit with the proposal it should take the following actions to forward the Mitigated Negative Declaration and PD application to the Town Council with a recommendation for approval:

1. Make the required findings (see Exhibit 4);
2. Recommend that the Town Council make the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (Exhibit 3); and,

3. Recommend that the Town Council adopt the Planned Development Ordinance (Exhibit 10) and approve the project as proposed.

Additionally, the Commission can:

1. Forward a recommendation for approval of the PD Application with modified performance standards to the Town Council; or
2. Continue the matter to a date certain with specific direction.

Prepared by:
Marni Moseley, AICP
Associate Planner

Approved by:
Joel Paulson, AICP
Community Development Director

JP:MM:cg

cc: Stem Development, Scott Plautz, 17066 Melody Lane, Los Gatos, CA 95033

**MINUTES OF THE PLANNING COMMISSION MEETING
FEBRUARY 24, 2016**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 24, 2016, at 7:00 pm.

MEETING CALLED TO ORDER

Chair Badame called the meeting to order at 7:00 pm.

ROLL CALL

Present: Chair Mary Badame, Vice Chair D. Michael Kane, Commissioner Kendra Burch, Commissioner Melanie Hanssen, Commissioner Matthew Hudes, and Commissioner Tom O'Donnell

Absent: Commissioner Charles Erikson

PLEDGE OF ALLEGIANCE

Commissioner O'Donnell led the Pledge of Allegiance. The audience was invited to participate.

WRITTEN COMMUNICATIONS

Desk Item for Item 6.

REQUESTED CONTINUANCES – ITEMS 2-5

MOTION: Motion by **Commissioner O'Donnell** to continue the public hearings for Items 2-5 to April 27, 2016.
Seconded by Vice Chair Kane.

VOTE: Motion passed 6-0.

SUBCOMMITTEE REPORTS

Historic Preservation Committee

Commissioner O'Donnell

- The 2/24/16 HPC meeting considered five matters:

- 213 Tait Avenue
- 529 Monterey Avenue
- 136 Tait Avenue
- 307 Main Street
- 50 University Avenue

VERBAL COMMUNICATIONS (AUDIENCE)

Sandy Moeckel

- Commented that the Town's large buildings that are close to the street and tightly together do not fit with the Town plan; the North 40 in particular is massive. She doesn't understand why the Town allows it.

Commission members asked questions of Ms. Moeckel.

Oliver Flach

- Commented that the North 40, one of numerous developments the Town has approved in the last few years, has caused terrible traffic on Los Gatos Boulevard, particularly during school drop-off and pick-up times. What happened to the slow growth belief the Town had when he moved there 30 years ago?

Angelia Doerner

- Commented that the Town Council has allocated \$12.2 million to repair the streets and sidewalks of the Almond Grove. The streets will not be narrowed, the mature trees will be protected, and they are saving sidewalks where possible to reduce costs.

CONSENT CALENDAR

1. Approval of Minutes – February 10, 2016

MOTION: Motion by Commissioner Burch to approve adoption of the Consent Calendar.
Seconded by Commissioner Hudes.

VOTE: Motion passed 6-0.

CONTINUED PUBLIC HEARINGS

2. 15371 Santella Court (Lot 8)
Architecture and Site Application S-15-001
APN 529-09-017
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Jocelyn Puga

Consider an appeal of a decision of the Development Review Committee to approve an Architecture and Site Application to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD.

3. 15343 Santella Court (Lot 7)
Architecture and Site Application S-14-072
APN 527-09-016
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Marni Moseley

Requesting approval to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD. Remanded to the Planning Commission by Town Council.

4. 15358 Santella Court (Lot 10)
Architecture and Site Application S-15-004
APN 527-09-019
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Jocelyn Puga

Requesting approval to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD.

5. 15415 Santella Drive (Lot 13)
Architecture and Site Application S-15-005
APN 527-09-022
Property Owner/Applicant: Davidon Homes
Appellant: David Weissman
Project Planner: Jocelyn Puga

Consider an appeal of a decision of the Development Review Committee to approve an Architecture and Site Application to construct a new single-family residence on property zoned HR-2½:PD.

NEW PUBLIC HEARINGS

- 6. 16212 Los Gatos Boulevard**
Planned Development Application PD-14-001
Mitigated Negative Declaration ND-14-002
APNs 523-06-010 and 523-06-011
Property Owner: 16212 Los Gatos Blvd., LLC
Applicant: Scott Plautz, Stem Development
Project Planner: Marni Moseley

Requesting approval of a Planned Development to rezone the property from CH to CH:PD, demolish an existing commercial building, and construct 11 single-family residences on property zoned CH. A Mitigated Negative Declaration will be prepared.

Chair Badame opened the public hearing.

Marni Moseley, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Scott Plautz

- Commented that they did not get enough feedback and direction from the CDAC process and are looking for feedback from the community and the Commission to help them understand the best land use for this property.

Eugene Sakai

- Commented that the implications of doubling the proposed setback from 7.5 feet to 15 feet would mean loss of open space, parallel parking would be required, and loss of one guest parking stall. The General Plan calls for mixed-use commercial, but they felt a residential project would be less impactful on the nearby residential neighbors.

Commission members asked questions of Mr. Plautz and Mr. Sakai.

Malcolm Gordon

- Commented that he is opposed to the project with three areas of opposition: density of the property is excessive for this small and difficult to develop area; tall, monolithic buildings on Los Gatos Boulevard with little space between them and the sidewalk; entry and exit onto Shannon Road will be even more difficult to navigate than it already is.

Maria Gerst

- Commented that she lives down the street from the proposed project and agrees with Mr. Gordon's comments.

Momoye Sasaki

- Commented that she couldn't believe how high the orange netting was. She loves the mountains and they will be obscured. The large number of students utilizing the intersection should be taken into consideration.

Robert Rice

- Commented that he agrees with the staff report's recommendation of denial due to extreme density, a 30-foot high wall up against Los Gatos Boulevard, the reduced setbacks, and the

increased FAR. He requested the Commission tell the applicant they must meet the requirements of the PD application.

Lily Chang

- Commented that she lives directly across from the project. She prefers residential use over commercial use, but not 11 houses, and not this type of arrangement. Traffic at that intersection is already terrible.

Kathleen Romero

- Commented that she also lives across from the subject site. She is concerned about the number of houses and their impact on already dangerous traffic at the intersection. She believes the Town is going dense because it will make money, and questioned whether there is really a housing shortage in Los Gatos.

Commission members asked questions of Ms. Romero.

Wayne Scott

- Commented that he is opposed to the project. The assertion that the project would generate 171 fewer daily trips is misleading, because it was not based on actual previous use. When Shannon Road backs up, people will make illegal right turns on Magneson Loop, a one-lane street.

Audrey Christianson

- Commented that the project is an obscene monstrosity with too much traffic and too many people, and she urges the Commission to deny the project.

Jeffrey Aristide

- Commented that he agreed with the other speakers and is against the project. The density is hugely over the top.

Heinz Schu

- Commented that he agreed with the other speakers and is against the project due to the increased density and traffic it would bring.

Woody Nedom

- Commented that a zone change should be denied because this is an ideal commercial spot. If changed to residential this property would have an impact on the already overcrowded schools. The request for a PD should also be denied.

Ken Arendt

- Commented that there are over 6,000 cars per day on Shannon Road. The intersections of Roberts Road, Blossom Hill Road, and Los Gatos Boulevard are a disaster already and it is not an acceptable place for children moving into the proposed development.

Melis Curtiss

- Commented that she is opposed to the project. Her main concern is the overcrowding of the schools. The applicants have not been accurate in their estimate of how many families would come into the Town and have historically given low estimates. If the schools become overcrowded, the value of their homes would decline.

Roy Moses

- Commented that he moved to Los Gatos in 1979 because it was beautiful, but it is starting to be ugly. It is too crowded, with ugly buildings being put in the wrong places. The Town does not have to be large, because there is not enough space to do that.

Amy Despars

- Commented that she is a teacher in the community and agrees about the schools being overcrowded. She noted the story poles went up during Ski Week. She asked the Commission to consider the traffic coming not just from this development, but from the North 40 as well.

Commission members asked questions of Despars.

Jim Fox

- Commented that he agreed with the previous speakers. He suggested before increasing the residential population the Town first fix the water problems due to the drought. More residents mean less water to go around. Also fix the energy and traffic congestion problems.

Barnaby James

- Commented that he lives opposite the development and the story poles block the view of the mountains. The setback advertised as 7.5 feet to the building is actually 2.5 feet to the patio. The 30-foot high buildings tower above everything else in the area and the separation between them is only 1 foot.

Commission members asked questions of Mr. James.

Ken Hoffman

- Commented that he opposes the project and believes the property should remain commercial. There is already a lack of parking due to the commercial uses in the area. Any new commercial use should have limited ingress and egress.

Susan Flach

- Commented that she agrees with those who spoke against the project and believes this property should remain commercial. Her main concern is the impact on the schools, the traffic and parking. She agreed that Los Gatos used to be a beautiful town, but today it has nearly lost its "Town" feel.

Eileen Werner

- Commented that the property should remain zoned commercial, because it will continue to provide community benefits, such as shops and eateries. The Town's industrial base should remain viable. The height of the building takes away the view of the Santa Cruz Mountains, which is Los Gatos's crown jewel.

Shawn Carroll

- Commented that the traffic situation on Shannon Road is unbearable. Los Gatos is one of only two towns left in the state, but it is losing the small town atmosphere his children grew up in.

Joe Carroll

- Commented that he does not support the project. This property is commercially zoned, and the message to potential developers should be that Los Gatos is a mature town that does not do PDs and is not looking to put any more residential in the Town until they have the ability to service it.

Melissa Rohde

- Commented that she agreed with the previous speakers in opposing the project. She asked the Commission to take into consideration the level of frustration felt by the citizens of Los Gatos who ask the Planning Commission to listen and think about approvals for different projects, not just this one, but future ones as well.

Bulent Kurdi

- Commented that he travels through that intersection several times a day and is concerned about the effect of the emissions coming from the cars on the children going to and from school. The beautiful renderings provided by the applicant cannot hide the fact that there are no more mountain views.

Kay Mauer

- Commented that she couldn't wait to move to Los Gatos 30 years ago, but in the last two years she has seen the increased density and traffic congestion on Los Gatos Boulevard, and she is against changing any commercial property to residential. Los Gatos has enough people and has not improved the quality of life for its citizens in the past five years.

Maria Ristow

- Commented that she represents Los Gatos Community Alliance. She urged the Commission to not bump the application to the Town Council as the applicant requests, as two of the five Council members have no land use experience. It is imperative that the Planning Commission provides the feedback and guidance for this project and focus on the appropriate land use for this site.

Commission members asked questions of Ms. Ristow.

Tricia Capri

- Commented that she loves Los Gatos, but it is losing its atmosphere. She is opposed to the project because it will overcrowd the schools and cause home values to decline. The Town needs to make it easier for businesses to do business. People are put through the ringer to go from retail to a restaurant, yet the Town would let someone build a huge and dense project.

Paul Dueweke

- Commented that there is an opportunity to fix the difficult intersection using less than half of the subject property by angling Shannon Road to intersect Los Gatos Boulevard directly across from Roberts Road, creating a normal intersection.

Jak Van Nada

- Commented this development should not qualify for high-density development. It is a property that is zoned commercial and sits between two commercial pieces of property. Commercial property brings in revenue; housing adds cost to the Town. Why add to the cost when the Town can't finance road repairs?

Jeff Eisenbaum

- Commented that he echoes the previous speakers who opposed the project. He grew up in Los Gatos and rode his bike to school when it was still safe, when there was more open space and smaller houses. It is troubling to see higher density with the resulting traffic congestion and lack of parking.

Jeff Loughridge

- Commented that the PD overlay zone is intended to ensure orderly planning and quality design in harmony with the existing or potential development of the surrounding neighborhood. Is this project consistent with the purpose and intent of a PD overlay? The most important question is what is the appropriate use of the site?

Hamid Khazael

- Commented that he agreed with the other speakers that this plan should be stopped. He said in the last few years in Los Gatos the standards have been lowered to now allow higher density communities. The proposed project does not fit Los Gatos and he doesn't understand how it has even gotten to this point.

Joe Prang

- Commented that he is a business owner on Los Gatos Boulevard and Scott Plautz is his landlord. He and Mr. Plautz have done a good job of trying to support the community by offering parking. Twice a day hundreds of parents use their lot for drop off and pick up.

Gary Black

- Commented that his company prepared a traffic study for the project. Most commercial uses would generate more traffic than a residential use. There would be no increase in traffic from the residential development, because the commercial uses would go away. The applicant has offered to do striping changes on Shannon Road to reduce the queuing, and to improve the crosswalk.

Commission members asked questions of Mr. Black.

Scott Plautz

- Commented that they wanted to get community feedback so they could understand what the Planning Commission and the community wants to see on this site, but they still think this is the best proposal and the least amount of impact.

Commission members asked questions of Mr. Plautz.

Chair Badame closed the public input portion of the hearing and returned to the Commission for deliberation.

Commission members discussed the matter.

Commission members asked questions of staff.

MOTION: **Motion by Commissioner O'Donnell to forward a recommendation of denial to the Town Council to not approve the Mitigated Negative Declaration and not approve the ordinance. Seconded by Vice Chair Kane.**

Commission members discussed the matter.

VOTE: **Motion passed 6-0**

NEW OTHER BUSINESS

7. Report from Community Development Director, Joel Paulson
 - Town Council met 2/16/16; approved a story pole exception for the North 40.
8. Commission Matters
 - Commission Burch thanked the audience for the amount of community outreach on Item 6; it will help the Commission greatly.
 - Chair Badame thanked the commissioners and staff for their hard work and time with respect to Item 6.

ADJOURNMENT

Meeting adjourned at 9:54 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, February 24, 2016

/s/ Mary Badame, Chair

APPROVED AS TO FORM AND ATTEST:

/s/ Joel Paulson
Community Development Director

TOWN OF LOS GATOS
110 East Main Street, Los Gatos, CA 95032 (408) 354-6874

SUMMARY OF DISCUSSION OF A REGULAR MEETING OF THE **CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE** OF THE TOWN OF LOS GATOS FOR **AUGUST 10, 2016** HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

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

ATTENDANCE

Members Present:

Barbara Spector
Marico Sayoc
Kendra Burch
Mary Badame

Absences:

Thomas O'Donnell

Staff Present: Laurel Prevetti, Town Manager
Joel Paulson, Community Development Director
Jennifer Armer, Associate Planner
Sylvie Roussel, Administrative Assistant

Applicants Present: Scott Plautz (Item 2)
Eugene Sakai (Item 2)
Gary Kohlsaas (Item 3)
David Fox (Item 3)
Amanda Wilson (Item 3)
Sandy Harris (Item 3)

ITEM 1: Approval of Minutes – February 10, 2016

Motion: **Mary Badame** moved to approve the February 10, 2016 minutes with additional information regarding the project including an elevator. **Seconded by Mayor Barbara Spector.**

Vote: **Motion passes 3-0-2, Tom O'Donnell and Kendra Burch not present.**

ITEM 2: 16212 Los Gatos Boulevard
Conceptual Development Advisory Committee CD-16-03

Requesting feedback on multiple conceptual development proposals for a property zoned CH. APNs 523-06-010 and -011.

PROPERTY OWNER/APPLICANT: 16212 Los Gatos Blvd., LLC

PROJECT PLANNER: Jennifer Armer

Kendra Burch arrived at 4:40 p.m.

Comments:

- The committee was not in favor of medical uses.
- The smallest option is most appropriate.
- Underground parking is a good idea.
- The applicant should take into the consideration the strong need for a sit down restaurant in that area.
- The intersection of Los Gatos Boulevard and Shannon Road is very dangerous and well used by bicyclists and pedestrians. Look for ways to make it safer for those that use it.
- Look for multiple tenants as it might be hard to find one tenant to occupy the retail space.
- The mixed-use retail and affordable housing option which could meet a need in the Town but will also increase the traffic.
- A bicycle parking area should be included.
- Make sure the proposed project complies with the Town's Parking Guidelines. Also, note that parking issues are scheduled to go to Council and changes may occur to the guidelines.
- The least appealing option is the large option.
- Articulation and architecture will be important.
- Residential may not be appropriate.

ITEM 3: 16100 Greenridge Terrace
Conceptual Development Advisory Committee CD-16-004

Requesting feedback on a project proposing a subdivision of one lot into eight lots and a rezoning of the lot from HR 2 ½ to HR 2 ½ PD on property zoned HR-2 ½. APN 527-12-002.

PROPERTY OWNER: Green Ridge Terrace Dev LLC and Emerald Lake LLC

APPLICANT: Kohlsaas and Associates, Inc

PROJECT PLANNER: Sally Zarnowitz

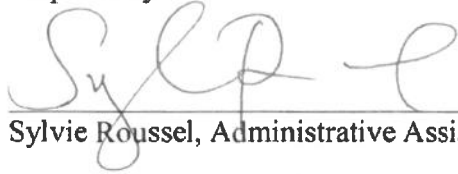
Comments:

- A lot of the previous concerns were addressed in the new proposal.
- Work with the neighbors throughout the planning process.
- The proposed project meets the LRDA.
- Loop trail is a good idea.
- Tree impacts will be a concern.
- Visibility from viewing platforms and other areas will need to be addressed.

Conceptual Development Advisory Committee
August 10, 2016
Page 3 of 3

ADJOURNMENT Meeting adjourned at 5:34 p.m. The next regular meeting of the
Conceptual Development Advisory Committee is Wednesday, September
14, 2016.

Prepared by:

A handwritten signature in cursive script, appearing to read 'Sylvie', is written over a horizontal line.

Sylvie Roussel, Administrative Assistant

cc: Planning Commission Chair

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JUN 05 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Town of Los Gatos Staff, Planning Commission and Town Council

16212 Los Gatos Boulevard Commercial Project Overview

Letter of Justification

May 31, 2019

Project Address: 16212 Los Gatos Blvd @ Shannon Rd

Property Owner: 16212 Los Gatos Blvd, LLC, A Commercial Development Project managed by STEM Development

Dear Town of Los Gatos Staff, Planning Commission and Town Council,

We appreciate the Town's effort to review our commercial proposal for 16212 Los Gatos Boulevard. The intent of this Letter of Justification is to provide a comprehensive overview of our proposed commercial project. Many of our design concepts in this commercial submittal are proposed based on guidance from the Town Council and feedback from the minutes of the Conceptual Development Advisory Committee (CDAC) and a Community Meeting regarding the commercial development. We have updated our project plans to address the issues and feedback received.

We are a local, high-end custom real estate development group headquartered out of Los Gatos and primarily focus on infill commercial and residential development projects in the Bay Area. We believe this project has many unique positive attributes which benefit our community, as well as several challenges specific to the site location. In order to produce the best possible development for our community, we closely analyze land use, community safety (Safe Routes to School Programs), sustainable development concepts, traffic impact and economic variables as well as many other measurable concepts in the development process.

The proposed project site is .94 acre and is best known for being the previous location of the Used Honda Auto Dealership and is the current home of Artisan Wine Depot, who has the opportunity to continue residing on the site upon completion of the commercial development.

In our effort to better understand the development options and best use for the site, our team looked at the Safe Routes to School Plan, Los Gatos Boulevard Plan, the Zoning Map, and the 2020 General Plan, as well as guidance from Town Council, feedback from CDAC and our community meeting. The following information was helpful as we determined the best land use strategy for the community and the site location.

Safe Routes to School Plan: The Safe Routes to School Programs are intended to improve safety and promote walking and bicycling within a collaborative community framework. Our team has engaged with the Town of Los Gatos, local parents, schools, professionals in transportation and engineering in order to support a healthier & safer community. The intersection of Los Gatos Blvd, Shannon Road and Roberts Road has been identified as one of the most important intersections in the Town of Los Gatos regarding the Safe Routes to School Program. This major intersection provides access to students and families for R.J. Fisher Middle School, Louise Van Meter, Blossom Hill Elementary, Los Gatos High School and Hillbrook School. We have agreed to

conform to the proposed off-site improvements for Safe Routes to School for this intersection and Los Gatos Blvd frontage, per our plans. The Town of Los Gatos has estimated the cost for these improvements to be approximately \$750,000.00; we believe the actual costs will be higher. However, if the Town of Los Gatos approves our project we will complete the work identified in our plans for the off-site improvements pertaining to the Safe Routes to School Plan. This is a major commitment and cost for a project this small. To put this into perspective, the Town of Los Gatos total annually budget for Safe Routes to School, town wide, is approximately \$300,000.00 annually, we are accepting an improvement cost of at least 2.5 times the annual budget of the entire town of Los Gatos on this project alone. However, we believe these improvements add great value to our community, the safety of our children and families and we are willing to support the effort.

The Los Gatos Boulevard Plan: The plan was approved by both the Planning Commission and the Town Council. One of the purposes of the plan was to look at Los Gatos Blvd from Highway 85 as it moves south toward downtown, its land uses and attributes, and the understanding that some of the businesses along the boulevard had left town, particularly the Auto Dealerships, leaving vacant parcels of land. Some of the important details to consider for our project are the following:

1. Buildings: The plan asked for distinctive, pedestrian friendly, orientation of buildings
2. Transportation: Our property is on the VTA Community Bus Route and adjacent to a Community Bus Stop, which will be useful for our tenants, their employees and customers to access the site lowering traffic and parking impact.
3. Land Use in the Los Gatos Blvd @ Blossom Hill Area: The plan speaks primarily to the economic vision of retail, office and commercial along the boulevard.
4. Section D-Policies; #3 states that neighborhood commercial and office uses shall be concentrated south of Los Gatos-Almaden Rd.

The Zoning Map designates our property as CH-Restricted Commercial Highway.

The General Plan Map:

1. Surrounding properties fronting Los Gatos Boulevard are commercial to the south, mixed use commercial office with residential above to the north. Across Los Gatos Boulevard are commercial retail below and office above, as well as a residential development. Therefore, the proposed commercial project is compatible with the existing neighborhood.
2. In the General Plan, Land Use Section, Figure LU-3 denotes the property as Mixed Use Commercial, defined in the General Plan as "Up to 50% land coverage with a 35 foot height limit. The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use setting...". Since a previous proposal for residential was brought forward and declined, based upon Town Council direction at that meeting, CDAC feedback and a community meeting all requesting for commercial development, we have conformed with the commercial request.

The proposed Commercial Development has a unique offering for the town of Los Gatos and has proven to be in great demand. We have also retained the services of many local leading experts who have found great success in other recent developments in the community to address town issues. Our team has LEED and Sustainable Certified members who will be focusing on our Green requirements to include industry best

practices. Our team's award winning sustainable designs, knowledge of the local community and high quality attention to detail differentiates us from other local builders/developers.

We hope to receive support on this commercial project from Town Staff and Planning Commission as we are following Town Council direction with this proposal. We received overwhelming feedback from the large majority of neighbors and community members at the Planning Commission and Town Council meetings with over 200 written and verbal comments requesting a commercial development on this site. Through our extensive process, our team believes we have arrived at the best solution with a unique, high-end product to compliment the Town of Los Gatos while working to conform to the General Plan, Los Gatos Boulevard Plan, Zoning and land use issues while supporting Safe Routes to School to enhance the use of this site for community benefit as a commercial destination.

Thanks again for your time and we look forward to your approval on this commercial project.

Sincerely,

Scott Plautz

President

STEM Development

16212 Los Gatos Blvd, LLC, Partner

408-655-2326

Scottplautz@gmail.com

A Commercial Development Project managed by STEM Development

**Assessment of Twenty-Six (26) Protected-Size Trees
at
16212 Los Gatos Boulevard
Los Gatos, California**

Prepared for:
Ms. Jocelyn Shoopman, Associate Planner
Town of Los Gatos Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Field Visit:
Walter Levison, Contract Town Arborist (CTA)
11/15/2017

Report by CTA
11/20/2017

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1.0 Summary

a. Matrix style overview of protected-size trees (non-exempt species, 4-inches diameter at 4.5 feet above grade). Below, the CTA (Contract Town Arborist) has outlined expected impacts to each tree, along with suggestions for adjustments to the plan set (if applicable) that will optimize tree survival over the long term.

The CTA calculated the appraised value of each tree, which can be used as a tool for determining the proper security bond amount to have the applicant post with the Town as a hedge against site plan-related tree damages (if applicable). Appraised values can also be used to determine damage fees if trees are determined during or after construction to have been damaged such that mitigation is required.

Mitigation replacement rate and size is noted for each tree in the case that removal or damage to trees occurs.

Note: Only trees within relatively close proximity of proposed work are included in this initial tree study (e.g. tree trunks located between zero and 15 linear feet of current proposed new grading, trenching, excavation, haul routes, landscaping, etc.).

Table 1.0(a) (REFER TO THE CTA'S TREE MAP MARKUP WHEN REVIEWING THIS MATRIX)

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
1	1	Deodar cedar (Neighbor tree)	No	\$10,100.	Do not trench in any new irrigation pipes of any depth between the existing parking lot curb and the existing wood fence, during landscape installation phase. Use over-grade trenchless bubbler systems instead. Protect this soil area during construction using chain link panels. Remove the panels just prior to start of landscape phase.	4	24" box
2	2	Deodar cedar (Neighbor tree)	No	\$13,100.	Do not trench in any new irrigation pipes of any depth between the existing parking lot curb and the existing wood fence, during landscape installation phase. Use over-grade trenchless bubbler systems instead. Protect this soil area during construction using chain link panels. Remove the panels just prior to start of landscape phase.	4	24" box

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
3	3	Coast live oak	No	\$350.	(TO BE REMOVED)	2	24" box
4	4	Deodar cedar	No	\$4,980.	(TO BE REMOVED)	3	24" box
5	5	Coast live oak (Possible neighbor tree)	Yes	\$20,700.	(BEHIND CONCRETE WALL. ASSUME ROOT EXTENSION IMPEDED BY EXISTING WALL FOOTING).	4	24" box
6	6	Deodar cedar (Neighbor tree)	No	\$4,750.	(BEHIND CONCRETE WALL. ASSUME ROOT EXTENSION IMPEDED BY EXISTING WALL FOOTING).	3	24" box
7	7	Deodar cedar (Neighbor tree)	No	\$26,100.	(BEHIND CONCRETE WALL. ASSUME ROOT EXTENSION IMPEDED BY EXISTING WALL FOOTING).	4	24" box
8	8	Deodar cedar	No	\$3,370.	(IN AREA TO BE RETAINED AS-IS, NORTH OF EXISTING BUILDING TO BE RETAINED). Use chain link panels to prevent encroachments by construction team into the open soil root zone area.	3	24" box
9	9	Deodar cedar	No	\$1,730.	(IN AREA TO BE RETAINED AS-IS, NORTH OF EXISTING BUILDING TO BE RETAINED). Use chain link panels to prevent encroachments by construction team into the open soil root zone area.	3	24" box
10	10	Deodar cedar	No	\$3,270.	(TO BE REMOVED)	3	24" box

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
11	11	Deodar cedar	No	\$4,410.	(TO BE REMOVED)	4	24" box
12	12	Holly oak	No	\$690.	Use chain link panels to prevent encroachments into the open soil root zone by construction team.	3	24" box
13	13	Holly oak (Street tree)	No	\$1,450.	(TO BE REMOVED)	3	24" box
14	14	Holly oak (Street tree)	No	\$580.	(TO BE REMOVED)	3	24" box
15	15	Crape myrtle	No	\$780.	(TO BE TRANSPLANTED)	3	24" box
16	16	Holly oak (Street tree)	No	\$3,290.	Use chain link panels and orange plastic snow fence as trunk wrapping to protect the tree from damages during construction.	4	24" box
17	17	Crape myrtle	No	\$530.	(TO BE REMOVED)	3	24" box
18	18	Holly oak	No	\$2,410.	Use chain link panels and orange plastic snow fence as trunk wrapping to protect the tree from damages during construction.	4	24" box
19	19	Crape myrtle	No	\$900.	(TO BE TRANSPLANTED)	3	24" box
20	20	Crape myrtle	No	\$720.	(TO BE TRANSPLANTED)	3	24" box

Line Number	Tree Tag Number	Common Name	Large Protected Tree (LPT)?	Appraised Value	Site plan changes or restrictions required to reduce impacts to "less than significant"	Replacement Rate Per Canopy Lost	Replacement Size Tree
21	21	Crape myrtle	No	\$660.	(TO BE REMOVED)	3	24" box
22	22	Holly oak (Street tree)	No	\$1,940.	(TO BE REMOVED)	3	24" box
23	23	Crape myrtle	No	\$510.	(TO BE REMOVED)	3	24" box
24	24	Holly oak (Street tree)	No	\$100.	(TO BE REMOVED)	2	24" box
25	25	Crape myrtle	No	\$690.	(TO BE REMOVED)	3	24" box
26	26	Holly oak (Street tree)	No	\$2,670.	(TO BE REMOVED)	3	24" box

2017 Town of Los Gatos In-lieu fee equivalent = \$250 per each required 24" box mitigation tree planting not installed on the site.

1.0 (b) Summary of tree disposition and tree issues, based on the set of plans submitted to planning division in November, 2017:

1. TREES / NO IMPACTS EXPECTED:

Three (3) trees #8, 9, and #12 to be retained on site and off site in the sidewalk planting strip appear to be retainable with few or no impacts related to construction work, assuming that protection measures outlined by the CTA in this arborist report are implemented and adhered to throughout the entire site plan construction phase.

2. TREE REMOVALS vs. REQUIRED MITIGATION / APPLICANT:

The applicant is proposing to remove **thirteen (13) site trees and sidewalk planting strip trees #3, 4, 10, 11, 13, 14, 17, 21, 22, 23, 24, 25, and #26.**

The replacement requirement for removal of these 13 trees per the CTA's table 1.0(a) above is site installation of thirty-eight (38) 24" box size plantings. However, the transplanting of three crape myrtles as noted below is equivalent to credit of at least 3 or more of these plantings, which reduces the applicant's replacement requirement to roughly thirty-five (35) or less 24" box size plantings on site.

Per the current proposed landscape plan for this project, the applicant proposes to install 25 trees, all of which are 24" box size except for one 15-gallon tree.

The remaining replacement requirement of 35 minus 25 is equivalent to a deficit of 10 trees. As noted above, each required mitigation tree planting not actually installed on site is equivalent to \$250. Therefore, it is suggested that the applicant pay an in-lieu fee of (10 trees) X \$250 = **\$2,500** to make up the planting deficit.

3. TRANSPLANTS / APPLICANT:

The applicant proposes to transplant three (3) on-site crape myrtle tree specimens in good condition (trees #15, 19, 20). These trees will be moved to a location west of their current locations, and will thus continue to provide on-site values in the landscape.

4. LANDSCAPE AND IRRIGATION / APPLICANT:

The applicant proposes to install twenty-five (25) trees on site, most of which are 24" box size except for one 15-gallon tree. See below for a breakdown of these plantings.

- *Acer negundo* (box elder) 6 count. **
- Strawberry tree 1 count.
- Chinese pistache 6 count.
- Columbia plane tree 10 count.
- Coast live oak 1 count.
- Holly oak 1 count.

**The CTA suggests that the box elder plantings be switched out to another species that is more long lived and stronger wooded, such as 'Roberts' sycamore available from L.E. Cooke nursery in Visalia, California, or additional 'Columbia' plane tree specimens.

Irrigation specifications were not reviewed as of the date of writing, as a detail sheet was not provided by the applicant. However, the CTA does note that plantings proposed for the area just south of the property boundary fence south of **neighbor deodar cedars #1 and #2** may have a significant negative impact on the root systems of these two important trees if the irrigation were to be installed as a trenched-in solid pipe system. The CTA suggests that all irrigation within 15 feet of these two trees be installed as over-grade flex tubing with bubblers and/or emitters to avoid trenching within that area considered tree #1 and #2 "root zone".

5. TREES TO BE POTENTIALLY IMPACTED BY SITE WORK:

- a. **Trees #1 and #2** may be negatively impacted by irrigation pipe trenching as noted above. The applicant has not yet submitted detailed irrigation design for the planting areas south of these two trees. The CTA is suggesting use of trenchless over-grade flex tubing irrigation for areas within 15 feet of these important neighbor-owned specimens.
- b. **Neighbor oak #5, and neighbor deodar cedars #6 and #7**, are all located just east of an older concrete block retaining wall with unknown foundation footing design, depth, etc. For the purposes of this report, the CTA assumed that the root systems of these trees were 100% impeded by the wall footing, and therefore do not extend westward beyond the wall which was built roughly along the property boundary. However, it may be that the trees do actually extend lateral woody roots plunging downward below the wall footing, and then rise upward again to extend west of the wall into the subject site plan area (not verified). The CTA is including these three trees in the category of "potentially impacted" in order to put the project team on notice of the situation, even though it is entirely possible that the trees' root systems do not extend into the site plan work area at all.
- c. **Street trees #16 and #18** may be moderately to severely impacted by proposed new sidewalk renovation work, depending on whether woody roots are required to be severed prior to replacement of baserock, over-excavation of the subbase, etc. The CTA noted that the sidewalk adjacent to tree #16 was severely displaced with upward heave due to lateral root extension and expansion from this tree. However, this does not necessarily mean that a woody root is present under the slab. In many cases, root expansion occurs deep in the baserock or subbase, and the resulting pressure of that root expansion is "translated" upward into the slab, resulting in upward sidewalk slab displacement.¹

6. SECURITY BONDING:

The new 2015 iteration of the Town tree ordinance section 29.10.1000 (c)3 includes wordage that requires that all trees being retained on a development site need to be appraised for dollar value at the applicant's expense prior to building or grading permits being issued by the Town. Part 'f' of this same tree ordinance section states that the Town may condition a security bond prior to issuance of a permit, in the sum of \$5,000 per each tree being preserved, or \$25,000, whichever is less. It would be reasonable, based on the actual appraised values of trees being retained at this site, for the Town to condition the project approval upon posting of a security bond in the amount of **\$25,000**, which is far less than the total appraised value of the survey trees being retained in close proximity to proposed site work as currently proposed on sheets dated October, 2017. The total appraised value of ten (10) trees being retained on site and adjacent to the site is **\$86,240** as determined by the CTA.

¹ Professional experience, 1999 to 2017, Walter Levison, Consulting Arborist.

2.0 Assignment & Background

Walter Levison, Contract Town Arborist (CTA) was directed to tag and assess all Protected-Size (4 inch diameter and greater) trees in relatively close proximity to the proposed site plan project.

The trees were tagged with numeric tags affixed to the mainstem of each tree at roughly eye-level. These tag numbers are noted on the CTA's tree map markup attached to the end of this written report.

The CTA summarized the tree situation from a long-term site manager's perspective, both in table form and in written form above, in section 1.0.

Specific recommendations for tree maintenance and protection are outlined below in section 4.0.

Digital images of the trees archived by the CTA are included below in this report for reference of existing pre-project conditions.

The tree data table with detailed tree information based on the CTA's field assessment on 11/15/2017 makes up section 11.0 of this report. The CTA used a forester's D-tape to determine trunk diameter at 4.5 feet above grade, or at a narrow point below a mainstem fork if the fork occurs at 4.5 feet above grade. The D-tape converts actual trunk circumference into diameter in inches and tenths of inches. Tree heights were measured using a digital Nikon forestry pro 550 hypsometer. Tree canopy spread was visually estimated.

The attached tree map mark-up prepared by the CTA was created using the applicant's site plan sheet from October 2017, marked up with various highlight coloration² as discussed in section 12.0.

The CTA reviewed the applicant's plan set of sheets available from Dropbox in November, 2017. The individual sheet dates range from October through November, 2017.

3.0 Town of Los Gatos – What Trees are Protected?

Per the most recent (2015) iteration of the Town of Los Gatos tree ordinance (Town Code Chapter 29 – Zoning Regulations, Article 1), the following regulations apply to all trees within the Town's jurisdiction (wordage adjusted):

1. All trees with at least a single mainstem measuring four (4) inches diameter or greater at 4.5 feet above grade are considered "**Protected Trees**" when removal relates to any development review.
2. 12 inch diameter (18 inch multistem total) trees on developed residential property not currently subject to development review.
3. 8 inch diameter (8 inch multistem total) blue oak (*Quercus douglasii*), black oak (*Quercus kelloggii*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) on developed residential lots not currently subject to development review.

² Adobe Pro was used to mark up the tree map. In order to "lock" the mark-ups, the CTA printed a PDF of the marked-up PDF sheet, which resulted on some loss of color intensity.

4. 8 inch diameter (8 inch multistem total) trees on developed residential property not currently subject to development review, on lots in the designated **Hillside Area** per the official Town map.
5. All trees with a single mainstem or sum of multiple mainstems totaling 48 inches diameter or greater at 4.5 feet above grade are considered "**Large Protected Trees**" (LPT).
6. All oak species (*Quercus spp.*), California buckeye (*Aesculus californica*), and Pacific madrone (*Arbutus menziesii*) with one or more mainstems totaling 24 inches diameter or more at 4.5 feet above grade are considered "**Large Protected Trees**" (LPT).
7. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting 25% or more of any **Protected Tree** (including below ground root system).
8. Section 29.10.0965. Prohibitions: A **permit** is required to prune, trim, or cut any branch or root greater than four (4) inches in diameter of a **Large Protected Tree**.
9. Section 29.10.0965. Prohibitions: A permit is required to conduct severe pruning on any protected tree. Severe pruning is defined in section 29.10.0955 as "topping or removal of foliage or significant scaffold limbs or large diameter branches so as to cause permanent damage and/or disfigurement of a tree, and/or which does not meet specific pruning goals and objectives as set forth in the current version of the International Society of Arboriculture Best Management Practices-Tree Pruning and ANSI A300-Part 1 Tree, Shrub, and Other Woody Plant Management-Standard Practices, (Pruning)."
10. Exceptions:

Severe Pruning Exception in Town Code section 29.10.1010(3) ".....except for pollarding of fruitless mulberry (*Morus alba*) or other species approved by the Town Arborist....".

Protected Tree Exceptions:

- a. Edible fruit or nut bearing trees less than 18 inches diameter (multistem total or single stem)
- b. *Acacia melanoxylon* (blackwood acacia) less than 24 inches (multistem total or single stem)
- c. *Liriodendron tulipifera* (tulip tree) less than 24 inches (multistem total or single stem)
- d. *Ailanthus altissima* (tree of heaven) less than 24 inches (multistem total or single stem)
- e. *Eucalyptus globulus* (Tasmanian blue gum) less than 24 inches (multistem total or single stem)
- f. *Eucalyptus camaldulensis* (River red gum) less than 24 inches (multistem total or single stem)
- g. *Other eucalyptus species* (E. spp.) not noted above, less than 24 inches (multistem total or single stem)
- h. All palm species (except *Phoenix canariensis*) less than 24 inches (multistem total or single stem)
- i. *Ligustrum lucidum* (glossy privet) less than 24 inches (multistem total or single stem)

(REMOVAL O.K. ONLY AT HILLSIDE AREA LOCATIONS PER OFFICIAL TOWN MAP):
www.losgatosca.gov/documentcenter/view/176
Note that per the exception in part 'a' above, fruiting olive trees with stems totaling less than 18 inches are considered non-protected.

The CTA notes that there are zero (0) large protected trees (LPT) on the site. However, neighbor-owned oak #5 appears to be an LPT based on the CTA's estimated trunk diameter of 26-inches. The tree is not accessible, and is located just east of the property boundary.

4.0 Recommendations

1. Project Arborist ("PA"):

Initial Signoff

It is suggested that a third party ASCA registered consulting arborist or ISA Certified Arborist with good experience with tree protection during construction be retained by the applicant, to provide pre-project verification that tree protection and maintenance measures outlined in this section of the arborist report are adhered to. Periodic (e.g. monthly) inspections and summary reporting, if required as a project condition of approval, are suggested in order to verify contractor compliance with tree protection throughout the site plan project. This person will be referred to as the project arborist ("PA"). The PA should monitor soil moisture within the root protection zones of trees being retained, using a Lincoln soil moisture probe/meter or equivalent. If required, inspection reports shall be sent to Ms. Jocelyn Shoopman, Associate Planner, at jshoopman@losgatosca.gov.

Sample wordage for a condition of approval regarding monitoring of tree protection and tree condition:

"The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in a monthly site activity report sent to the Town. A mandatory Monthly Tree Activity Report shall be sent at least once monthly to the Town planner associated with this project (jshoopman@losgatosca.gov) beginning with the initial tree protection verification approval letter".

The PA should work with the project team to directly monitor a portion of the following items such as, but not limited to:

- a. Walkway base and walkway edging excavation and trenching within 20 feet of trees.
- b. Wall foundation pier drilling and grade beam excavation (if any) within 20 feet of trees.
- c. Landscape irrigation pipe trenching (if any) within 20 feet of trees.
- d. Landscape plant pit digging within 20 feet of trees.
- e. Electrical conduit trenching within 20 feet of trees.
- f. Temporary irrigation (heavy) 2x/week, 50 gallons per tree per irrigation day (i.e. 400 gallons per tree per month), throughout the entire fenced off "root protection zone" (RPZ) chain link panel-protected areas.

2. Project Team Pre-Project Clarifications or Changes Requested:

i. Irrigation:

The CTA suggests that Staff verify with the applicant that all new irrigation piping within 15-feet of **trees #1 and #2** is over-grade trenchless **flex tubing** only, such that there will be no trenching in the area between the new curb and the property fence line south of these two trees (see sample image at right, showing surface emitter tube irrigation at Texas Instruments campus in Santa Clara, specified by Walter Levison in order to avoid all trenching).



ii. Sidewalk Base Prep:

Verify with the applicant the depth of cut proposed for all baserock renovation, subbase excavation, etc. near to street **trees #16 and #18** being retained.

If possible, avoid all cuts below the lowest elevation of older baserock base section within 15 feet of these two trees.

iii. Removal Mitigation Fees:

It is suggested that Staff collect **\$2,500** in mitigation fees to account for the mitigation planting deficit of ten (10) required 24" box size tree plantings at \$250/tree.

iv. Removal Mitigation Tree Planting Palette:

It is suggested that the project team consider replacing the proposed *Acer negundo* (box elder) plantings with another stronger, longer-lived species/cultivar, such as:

- Additional plantings of 'Columbia' plane tree, or
- Additional plantings of Chinese pistache, or
- 'Cathedral' live oak, available from Brightview nursery as a special order, or
- 'Roberts' sycamore, available from L.E. Cooke nursery of Visalia, CA, or
- Blue atlas cedar, or
- Deodar cedar, or
- *Tristaniopsis laurina* (swamp myrtle).

3. Security Bond:

It is suggested that Town Staff condition this project on receiving security bond monetary funds from Flanders Bay Company in the amount of \$25,000, as a hedge against potential decline or death of one or more of the survey trees to remain in close proximity to the proposed site plan project. Staff may choose to reduce this fee to a lesser amount. Actual total appraised value of the trees being retained in close proximity to work proposed at this site is **\$86,240**. See table 1.0(a) for individual tree appraised values.

4. Trunk Buffer Wrap Type III Protection:

Prior to demolition commencement, install a trunk buffer around the lowermost 8 to 10 feet of the mainstems of **trees #8, 9, 12, 16, and #18**.

Wrap approximately 10 to 15 wraps of orange plastic snow fencing around the trunk between grade and 8 feet above grade to create a padding at least 1 to 2 inches thickness.

Stand 2x4 wood boards upright, side by side, around the entire circumference of the trunk. Affix using duct tape (do not use wires or ropes). See spec image at right.



5. Chain Link Fencing Type I and/or Type II Root Protection Zone (RPZ):

Prior to commencing site demolition, erect chain link fencing panels set on moveable concrete block footings. Wire the fence panels to iron layout stakes pounded 24 inches into the ground at the ends of each fence panel to keep the fence route stabilized and in its correct position. Do not wire the fence panels to the trunks of the trees.

Pre-construction fence: Per the red dashed lines on the tree map mark-up in the CTA's arborist report (routes may be subject to change, depending on the finalized alignments of work items).

Protection shall be at the farthest possible offset distances from trees #1, 2, 8, 9, 12, 16, and #18.

This fencing must be erected prior to any heavy machinery traffic or construction material arrival on site.

The protective fencing must not be temporarily moved during construction. No materials, tools, excavated soil, liquids, substances, etc. are to be placed or dumped, even temporarily, inside the root protection zone or "RPZ".



No storage, staging, work, or other activities will be allowed inside the RPZ except with PA monitoring. Note however that some RPZ fencing areas may need to be removed or moved to allow for final landscape plant and irrigation system installation to occur.

6. Signage: The RPZ fencing shall have one sign affixed with UV-stabilized zip ties to the chain link at eye level for every 15 linear feet of fencing, minimum 8"X11" size each, plastic laminated, with wordage that includes the Town Code section that refers to tree fence protection requirements (wordage can be adjusted):

**TREE PROTECTION ZONE FENCE
ZONA DE PROTECCION PARA ARBOLES**

**-NO ENTRE SIN PERMISO-
-LLAME EL ARBOLISTA-**

**REMOVAL OF THIS FENCE IS
SUBJECT TO PENALTY ACCORDING TO
LOS GATOS TOWN CODE 29.10.1025**

PROJECT ARBORIST:

TELEFONO CELL:

EMAIL:

7. Water Spray:

Spray off foliage of all trees **within 20 feet of construction** activity using a very high power garden hose or a pressure washer system set on low pressure to wash both the upper and lower surfaces of foliage. This helps keep the gas portals (stomata) unclogged for better gas exchange which is crucial for normal tree function.

Spray should be applied approximately **once-monthly**, or when ambient airborne dust concentration is unusually high.



8. Neighbor Trees #5, 6, 7:

If possible, treat **neighbor trees #5, 6, and #7** as if their root systems extend under the existing block wall, and provide the trees with some root zone protection such as chain link fence panels over any open soil root zone square footage located west of the property boundary fence between the limit of new construction and the fence itself.

9. Temporary Irrigation During Construction:

Provide **trees #1, 2, 8, 9, and #12** being retained on site with temporary periodic heavy irrigation during the construction period.

The volume of water should be roughly 50 to 100 gallons per tree per irrigation event, 1x/weekly.

Water application can be made using one or more of the following methods (see sample images):

- Soaker hoses.
- Emitter lines.
- Garden hoses.
- Fire truck hoses.
- Water trucks.
- Tow-behind spray tank apparatus (see image at right).
- On-site water tank with gravity feed.
- Over-grade PVC piping with spray heads wired to rebar or other steel stakes (see image at right).



5.0 Tree Protection and Maintenance Directions per Town Code

The following is excerpted directly from the 2015 iteration of the Town of Los Gatos tree ordinance sections which provide specific tree protection directions and limitations on root pruning and above-ground pruning:

Sec. 29.10.1000. New property development.

(a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:

- (1) Location of all existing trees on the property as described in section 29.10.0995;
- (2) Identify all trees that could potentially be affected by the project (directly or indirectly- immediately or in long term), such as upslope grading or compaction outside of the dripline;
- (3) Notation of all trees classified as protected trees;
- (4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.

(b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;

(c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:

- (1) The final approved tree preservation report shall be included in the building permit set of development plans and printed on a sheet titled: Tree Preservation Instructions (Sheet T-1). Sheet T-1 shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur;
- (2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;

- (3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:
- a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.
 - b. The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980, for each tree to be removed to satisfy the purpose of this division.
 - (d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For protected trees, which were removed, the developer shall pay a penalty in the amount of the appraised value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.
 - (e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.
 - (f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars (\$5,000.00) for each tree required to be preserved, or twenty-five thousand dollars (\$25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars (\$5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.
 - (g) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.
 - (h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

(Ord. No. 2114, §§ I, II, 8-4-03)

Sec. 29.10.1005. Protection of trees during construction.

(a) Protective tree fencing shall specify the following:

- (1) Size and materials. Six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than 10-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
- (2) Area type to be fenced. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
- (3) Duration of Type I, II, III fencing. Fencing shall be erected before demolition, grading or construction permits are issued and remain in place until the work is completed. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
- (4) Warning sign. Each tree fence shall have prominently displayed an 8.5 x 11-inch sign stating: "Warning—Tree Protection Zone-this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025".

(b) All persons, shall comply with the following precautions:

- (1) Prior to the commencement of construction, install the fence at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials, equipment cleaning, or parking of vehicles within the TPZ. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
- (2) Prohibit all construction activities within the TPZ, including but not limited to: excavation, grading, drainage and leveling within the dripline of the tree unless approved by the Director.
- (3) Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in drainage channels, swales or areas that may lead to the dripline of a protected tree.
- (4) Prohibit the attachment of wires, signs or ropes to any protected tree.
- (5) Design utility services and irrigation lines to be located outside of the dripline when feasible.
- (6) Retain the services of a certified or consulting arborist who shall serve as the project arborist for periodic monitoring of the project site and the health of those trees to be preserved. The project arborist shall be present whenever activities occur which may pose a potential threat to the health of the trees to be preserved and shall document all site visits.
- (7) The Director and project arborist shall be notified of any damage that occurs to a protected tree during construction so that proper treatment may be administered.

(Ord. No. 2114, §§ I, II, 8-4-03)

Sec. 29.10.1010. Pruning and maintenance.

All pruning shall be in accordance with the current version of the International Society of Arboriculture Best Management Practices—Tree Pruning and ANSI A300-Part 1 Tree, Shrub and Other Woody Plant Management—Standard Practices, (Pruning) and any special conditions as determined by the Director. For developments, which require a tree preservation report, a certified or consulting arborist shall be in reasonable charge of all activities involving protected trees, including pruning, cabling and any other work if specified.

- (1) Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a protected tree shall obtain permission from the Director before performing any work, including pruning, which may cause injury to a protected tree. (e.g. cable TV/fiber optic trenching, gas, water, sewer trench, etc.).
- (2) Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part 1)- Pruning, Section 5.9 Utility Pruning. Using spikes or gaffs when pruning, except where no other alternative is available, is prohibited.
- (3) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any protected tree without first obtaining a permit pursuant to this division except for pollarding of fruitless mulberry trees (*Morus alba*) or other species approved by the Town Arborist. Applications for a pruning permit shall include photographs indicating where pruning is proposed.
- (4) No person shall remove any Heritage tree or large protected tree branch or root through pruning or other method greater than four (4) inches in diameter (12.5" in circumference) without first obtaining a permit pursuant to this division.

(Ord. No. 2114, §§ I, II, 8-4-03)

6.0 Tree Replacement Standards – Los Gatos Town Code

(Excerpted from Town Code 29.10.0985 and 29.10.0987)

- (1) Two (2) or more replacement trees, of a species and size designated by the Director, shall be planted on the subject private property. Table 3-1 The Tree Canopy—Replacement Standard shall be used as a basis for this requirement. The person requesting the permit shall pay the cost of purchasing and planting the replacement trees.
- (2) If a tree or trees cannot be reasonably planted on the subject property, an in-lieu payment in an amount set forth by the Town Council by resolution shall be paid to the Town Tree Replacement Fund to:
 - a. Add or replace trees on public property in the vicinity of the subject property; or
 - b. Add or replace trees or landscaping on other Town property; or
 - c. Support the Town's urban forestry management program. (Ord. No. 2114, §§ I, II, 8-4-03)

Table 3-1 - Tree Canopy - Replacement Standard

Canopy Size of Removed Tree ¹	(Staff is using 24" box size as the Replacement Standard for SFR Projects as of 2016) ^{2,4}	Single Family Residential Replacement ^{3,4}
10 feet or less	Two 24 inch box trees	Two 15 gallon trees
More than 10 feet to 25 feet	Three 24 inch box trees	Three 15 gallon trees
More than 25 feet to 40 feet	Four 24 inch box trees; or Two 36 inch box trees	Four 15 gallon trees
More than 40 feet to 55 feet	Six 24 inch box trees; or Three 36 inch box trees	Not Available
Greater than 55 feet	Ten 24 inch box trees; or Five 36 inch box trees	Not Available

Notes

¹To measure an asymmetrical canopy of a tree, the widest measurement shall be used to determine canopy size.

²Often, it is not possible to replace a single large, older tree with an equivalent tree(s). In this case, the tree may be replaced with a combination of both the Tree Canopy Replacement Standard and in-lieu payment in an amount set forth by Town Council resolution paid to the Town Tree Replacement Fund.

³Single Family Residential Replacement Option is available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15-gallon trees must be planted on-site. Any in-lieu fees for single family residential shall be based on 24" box tree rates as adopted by Town Council.

⁴Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. Replacement requirements in the Hillside shall comply with the Hillside Development Standards and Guidelines Appendix A and Section 29.10.0987 Special Provisions--Hillsides.

Sec. 29.10.0987. Special Provisions—Hillsides

The Town of Los Gatos recognizes its hillsides as an important natural resource and sensitive habitat which is also a key component of the Town's identity, character and charm. In order to maintain and encourage restoration of the hillside environment to its natural state, the Town has established the following special provisions for tree removal and replacement in the hillsides:

- (1) All protected trees located 30 or more feet from the primary residence that are removed shall be replaced with native trees listed in *Appendix A Recommended Native Trees for Hillside Areas of the Town of Los Gatos Hillside Development Standards and Guidelines* (HDS&G).
- (2) All protected trees located within 30 feet of the primary residence that are removed shall be replaced as follows:
 - (a) If the removed tree is a native tree listed in Appendix A of the HDS&G, it shall only be replaced with a native tree listed in Appendix A of the HDS&G.
 - (b) If the removed tree is not listed in Appendix A, it may be replaced with a tree listed in Appendix A, or replaced with another species of tree as approved by the Director.
 - (c) Replacement trees listed in Appendix A may be planted anywhere on the property.
 - (d) Replacement trees not listed in Appendix A may only be planted within 30 feet of the primary residence.
- (3) Replacement requirements shall comply with the requirements in Table 3-1 Tree Canopy Replacement Standard of this Code.
- (4) Property owners should be encouraged to retain dead or declining trees where they do not pose a safety or fire hazard, in order to foster wildlife habitat and the natural renewal of the hillside environment.

7.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.
- Contract Town Arborist, Town of Los Gatos, California
Community Development Department / Planning Division
2015-present
- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)
- Millbrae Community Preservation Commission (Tree Board)
2001-2006
- ASCA Registered Consulting Arborist #401
- ASCA Arboriculture Consulting Academy graduate, class of 2000

- Associate Consulting Arborist
Barrie D. Coate and Associates
4/99-8/99
- Contract City Arborist, City of Belmont, California
Planning and Community Development Department
5/99-present
- ISA Certified Arborist #WC-3172
- Peace Corps Soil and Water Conservation Extension Agent
Chiangmai Province, Thailand 1991-1993
- B.A. Environmental Studies/Soil and Water Resources
UC Santa Cruz, Santa Cruz, California 1990

UCSC Chancellor's Award, 1990

(My full curriculum vitae is available upon request)

8.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:

- a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
- b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement:

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Tree are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborist cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

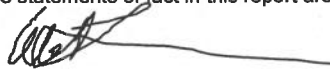
Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

9.0 Certification



I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.





Signature of Consultant







10.0 Digital Images



WLCA archived images of the survey trees on 11/15/2017:

Tag #	Image	Tag #	Image
L to R: 1 and 2		3	

Tag #	Image	Tag #	Image
4		5	
6		7	

Tag #	Image	Tag #	Image
7		8	

Tag #	Image	Tag #	Image
9		10	

Tag #	Image	Tag #	Image
11		12	

11.0 Tree Data Table

NOTE 1: Fruit and nut trees measuring less than 18” diameter (total of all mainstems) both on the site and on adjacent neighbor properties were excluded from this study as “exemption trees” per the Town tree ordinance.

NOTE 2: Tree preservation suitability ratings (TPS) are determined independently from and irrespective of current proposed site construction work.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R) Remove Tree	(S) Save Tree	(D) Disposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
1	<i>Cedrus deodara</i> NEIGHBOR TREE	Deodar cedar	21.4	-	-	21.4	60/35	90/80	85% Good		X		Good						7 feet south of the trunk, at the curb.	W, RPZ, and restrict cut depths for new storm drain, irrigation piping, etc.
2	<i>Cedrus deodara</i> NEIGHBOR TREE	Deodar cedar	24.0	-	-	24.0	65/40	90/85	88% Good		X		Good						8.5 feet south of trunk, at the curb.	W, RPZ, and restrict cut depths for new storm drain, irrigation piping, etc.
3	<i>Quercus agrifolia</i>	Coast live oak	4.6	-	-	4.6	14/8	85/55	70% Good	X			Mod						-----	-----
4	<i>Cedrus deodara</i>	Deodar cedar	15.5	-	-	15.5	70/20	90/90	90% Excellent	X			Good							

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(U)nclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
5	<i>Quercus agrifolia</i> NEIGHBOR TREE	Coast live oak	Est. 26	--	--	Est. 26	45/35	80/75	78% Good		X		Good					Tree's root system extension into the project property may or may not be impeded by the existing wall to be retained along the boundary line.	Zero to 5 feet offset from wall.	Limit irrigation pipe trench depths during landscape installation, in the chance that the tree extends lateral roots out under the existing wall.
6	<i>Cedrus deodara</i> NEIGHBOR TREE	Deodar cedar	Est. 16	-	-	Est. 16	65/25	85/85	85% Good		X		Very Good					Root crown not visible for inspection. Diameter estimated.	Zero to 5 feet offset from wall.	Limit irrigation pipe trench depths during landscape installation, in the chance that the tree extends lateral roots out under the existing wall.
7	<i>Cedrus deodara</i> NEIGHBOR TREE	Deodar cedar	Est. 35	-	-	Est. 35	55/40	85/70	77% Good		X		Good or Very Good					Root crown not visible for inspection. Diameter estimated. Canopy extends all the way to the existing building roof (about 25 feet from trunk).	Zero to 5 feet offset from wall.	Limit irrigation pipe trench depths during landscape installation, in the chance that the tree extends lateral roots out under the existing wall.

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R)emove Tree	(S)ave Tree	(D)isposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (Ft.)	MAINTENANCE AND PROTECTION CODES
8	<i>Cedrus deodara</i>	Deodar cedar	12.8	-	-	12.8	60/20	80/80	80% Good		X		Good						10 feet offset radius.	W, TB, RPZ
9	<i>Cedrus deodara</i>	Deodar cedar	12.5	-	-	12.5	50/20	75/30	45% Poor		X		Poor to Mod		East	YES			10 feet offset radius.	W, TB, RPZ
10	<i>Cedrus deodara</i>	Deodar cedar	12.6	---	---	12.6	60/22	80/80	80% Good	X			Good						-----	-----
11	<i>Cedrus deodara</i>	Deodar cedar	14.7	---	---	14.7	70/27	90/80	86% Good	X			Good						-----	-----
12	<i>Quercus ilex</i>	Holly oak	10.3	---	---	10.3	16/16	80/15	30% Poor		X		Mod	South east	South east				12 feet offset radius	TB, RPZ
13	<i>Quercus ilex</i> STREET TREE	Holly oak	8.7	---	---	8.7	24/22	80/60	66% Fair	X			Mod		North east			18-inch long scar on street side of trunk 3.0 to 4.5 feet elevation.	-----	-----
14	<i>Quercus ilex</i> STREET TREE	Holly oak	6.3	---	---	6.3	20/14	70/40	49% Poor	X			Poor	West	West				-----	-----

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	(R) Remove Tree	(S) Save Tree	(D) Disposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (FL)	MAINTENANCE AND PROTECTION CODES
15	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	5.7	---	--	5.7	15/18	90/60	75% Good	T			Mod					To be transplanted.	-----	-----
16	<i>Quercus ilex</i> STREET TREE	Holly oak	12.2	---	--	12.2	30/27	80/60	70% Good		X		Mod	See notes at right.	North west			Tree was severely pruned to remove the southeast portion of the canopy, resulting in a northwest lopsidedness. Root expansion causing severe sidewalk heave of possibly 4 to 6 inches displacement.	6 feet offset radius	TB, RPZ, and sidewalk renovation to remediate heave.
17	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	4.8	---	---	4.8	15/16	80/60	70% Good	X			Mod					Roots damaged on grade from landscape maintenance workers.	-----	-----
18	<i>Quercus ilex</i> STREET TREE	Holly oak	10.3	---	---	10.3	25/30	85/65	77% Good		X		Mod							TB, RPZ
19	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	6.2	---	---	6.2	14/16	80/70	74% Good	T			Mod					To be transplanted.	-----	-----

Tree Tag Number	Genus & Species	Common Name	Trunk1 Diameter	Trunk2 Diameter	Trunk3 Diameter	Sum of All Trunk Diameters	Height & Canopy Spread (Ft.)	Health & Structural Rating (100% Each)	Overall Condition Rating (0 to 100%)	Remove Tree	Save Tree	Disposition Unclear	Tree Preservation Suitability Ratings (TPS)	Lopsided Canopy (note direction)	Trunk Lean (note direction)	Girdling Roots	Root Flares Buried in Fill Soil	Pests and Disease Presence, and Other Notes	SUGGESTED ROOT PROTECTION FENCE RADIUS (FT.)	MAINTENANCE AND PROTECTION CODES
20	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	5.5	--	--	5.5	14/15	80/70	74% Good	T			Mod					Tree to be transplanted.	-----	-----
21	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	5.1	--	--	5.1	15/16	80/70	78% Good	X			Mod						-----	-----
22	<i>Quercus ilex</i> STREET TREE	Holly oak	8.7	--	--	8.7	25/25	90/80	86% Good	X			Mod						-----	-----
23	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	4.5	--	--	4.5	14/14	75/75	75% Good	X			Mod						-----	-----
24	<i>Quercus ilex</i> STREET TREE	Holly oak	3.2	--	--	3.2	8/4	70/10	29% Very Poor	X			Very Poor					Tree included in this study due to its status as a street tree, even though diameter is less than 4.0 inches.	-----	-----
25	<i>Lagerstroemia indica</i>	Crape myrtle cultivar	5.2	--	--	5.2	15/16	80/75	79% Good	X			Mod						-----	-----
26	<i>Quercus ilex</i> STREET TREE	Holly oak	10.5	--	--	10.5	27/25	85/75	80% Good	X			Mod	North west	West			Root expansion causing approx. 1 inch of sidewalk slab displacement.	-----	-----

Tree Preservation Suitability (TPS) Ratings Based Solely on Each Tree's Merits: (Not Associated With Proposed Site Plan Construction-Related Work)

TPS Rating	Definition
VG Very Good	Exceptional current season's live twig density and twig extension ("TDE"). Tree provides multiple benefits to the property and users of site (e.g. shade, wildlife, patriarch tree, key landscape element or specimen in front yard, etc.). Trees with a minimum overall condition rating of 85% out of 100% points possible as determined by the City Arborist. Tree structure vertically-oriented with little or no lopsidedness or other architectural defects. Species with long life expectancy, and/or good resistance to most pests and diseases. Tree in a position that is correct for its sun/shade/drainage needs. Tree not damaged by incorrect pruning. Redesign of applicant's proposed site work is warranted at any cost to preserve the root system and the above-ground portion of the tree.
G Good	Good TDE, with a 70% or better overall condition rating as determined by the City Arborist. Tree may be lopsided or leaning, but provides good benefit(s) to the property and users of the property (e.g. shade, wildlife, sight-line screening, etc.). Species with long life expectancy and/or good resistance to most pests and diseases. Tree located in a position that is correct in terms of its sun/shade/drainage needs. Tree may or may not have been correctly pruned in the past. Applicant's project team should seriously consider site plan redesign to work around the tree's root system and above-ground canopy.
M Moderate	Moderate TDE. Tree may be significantly damaged by past pruning. Tree may exhibit pest and disease issues that are not curable through current known treatments. Tree may exhibit non-correctable structural issues. Species may be relatively short-lived or have a limited remaining useful life expectancy. Placement of tree may be incorrect in terms of high voltage power line conflicts, slow drainage, sun/shade requirements, etc. Consider allowing the applicant to remove the tree to achieve proposed site work goals.
P Poor	Tree has potentially serious structural and/or health issues that are not correctable through current known treatments (e.g. a very large diameter girdling root, a serious bark inclusion at a large diameter mainstem fork that is prone to catastrophic splitout, etc.). Tree may be growing vertically up into high voltage electric wires. Tree may be a species that is undesirable in terms of its low relative wood strength, short lifespan (e.g. a colonizing species such as white alder), etc. Tree may be at the end of its expected lifespan, and is in a spiral of decline. Tree root system may be in conflict with existing buildings, infrastructure, etc. Staff is encouraged to allow applicant to remove tree to achieve site plan work goals (though the tree may still be useful as a property boundary wildlife tree for raptors, songbirds, raccoons, foxes, etc.).
VP Very Poor	Roughly 0% to 20% overall condition rating. Tree in active declining stage with no possibility of recovery in terms of health (vigor) or structure. Tree may have a visible high risk of tree part failure and impact with life and/or property. Tree has little remaining useful lifespan. Removal of tree is encouraged as needed to achieve site plan work goals. Tree may still have some use as a sight-line screen and/or wildlife element if retained near the property boundary or far from residential structures and roadways.

Tree Maintenance and Protection Codes Used in Data Table:

RPZ: Root protection zone fence, chain link, with 2" diameter iron posts driven 24" into the ground, 6 to 8 feet on center max. spacing. Alternative material: chain link fence panels set over concrete block-type footings, with the fence panels wired to steel pins pounded 24 inches into the ground at both ends of each panel.

RB: Root buffer consisting of wood chip mulch laid over existing soil as a 12 inch thick layer, overlain with 1 inch or greater plywood strapped together with metal plates. This root buffer or soil buffer should be placed over the entire width of the construction corridor between tree trunks and construction.

RP: Root pruning. Prune woody roots measuring greater than or equal to 1 inch diameter by carefully back-digging into the soil around each root using small hand tools until an area is reached where the root is undamaged. Cleanly cut through the root at right angle to the root growth direction, using professional grade pruning equipment and/or a Sawzall with wood pruning blade. Backfill around the cut root immediately (same day), and thoroughly irrigate the area to saturate the uppermost 24 inches of the soil profile.

BDPR: Back-dig root pruning: Hand-dig around the broken root, digging horizontally into the open soil root zone until a clean, unbroken, unshattered section of the root is visible. Proceed as per 'root pruning'.

RCX: Root crown excavation. Retain an experienced ISA-Certified arborist to perform careful hand-digging using small trowels or other dull digging tools to uncover currently-buried buttress root flares. Digging shall occur between trunk edge and at least two (2) feet horizontal from trunk edge. The final soil elevation will be at a level such that the tree's buttress roots visibly flare out from the vertical trunk.

TB: Trunk buffer consists of 20-40 wraps of orange plastic snow fencing to create a 2 inch thick buffer over the lowest 8 feet of tree trunk (usually takes at least an entire roll of orange fencing per each tree). Lay 2X4 wood boards vertically, side by side, around the entire circumference of the trunk. Secure buffer using duct tape (not wires).

F: Fertilization with slow-release Greenbelt 22-14-14 tree formula, as a soil injection application using a fertilizer injection gun. This brand and formulation is commonly used by reputable tree care companies in the Bay Area. Apply at label rate and injection hole spacing.

M: 4-inch thick layer of chipper truck type natural wood chips (example source: Lyngso Garden Supply, self pick-up). Do not use bark chips or shredded redwood bark.

W: Irrigate using various methods to be determined through discussion with General Contractor. Irrigation frequency and duration to be determined through discussion and/or per directions in this report. Native oak species typically require 1x/month irrigation, while other tree species tend to prefer 2x/month or 4x/month moderate to heavy irrigation during construction.

P: Pruning per specifications noted elsewhere. All pruning must be performed only under direct site supervision of an ISA Certified Arborist, or performed directly by an ISA Certified Arborist, and shall conform to all current ANSI A300 standards.

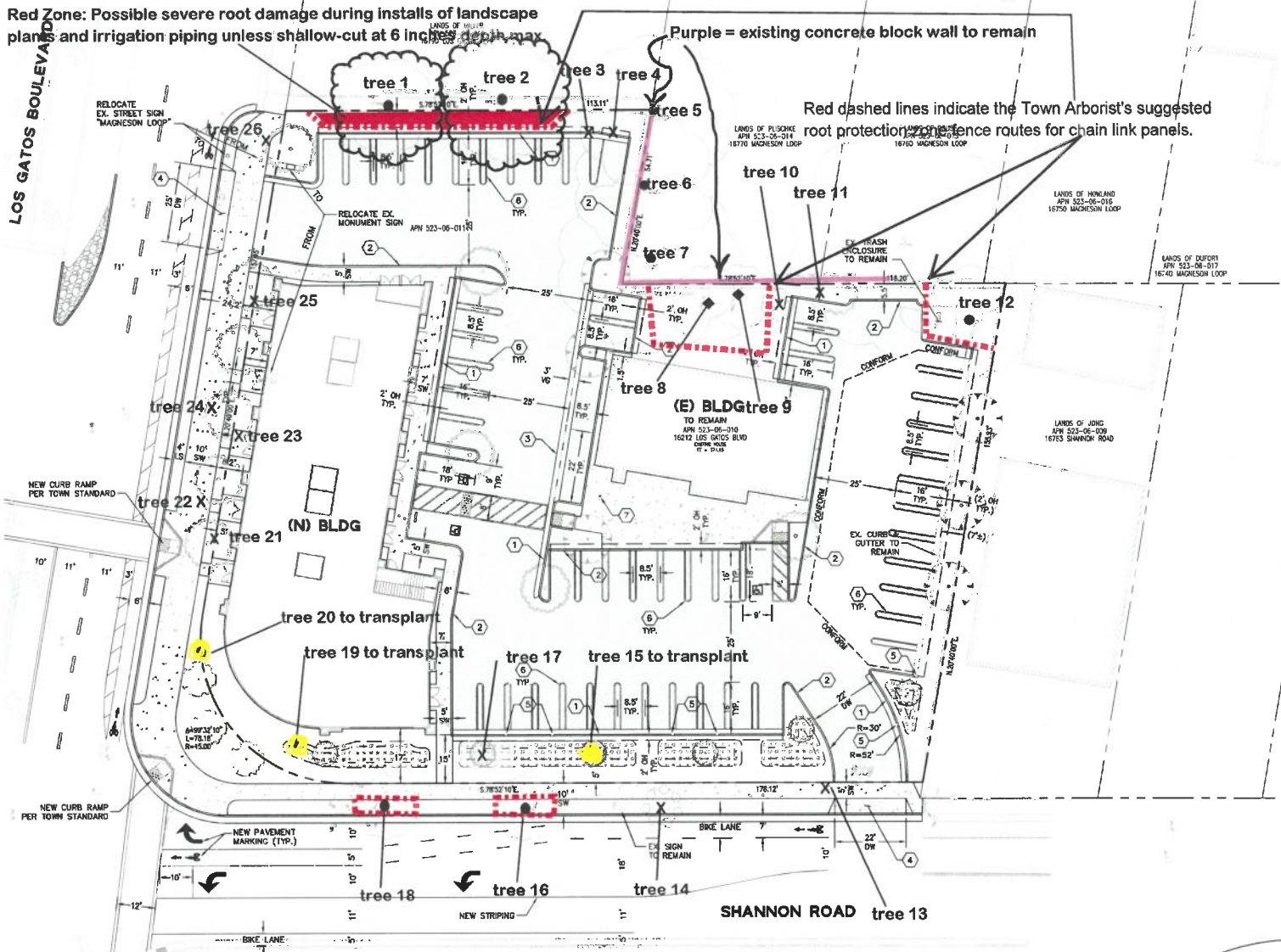
MON: A Project Arborist must be present to monitor specific work as noted for each tree.

12.0 Attached: Tree Location & Protection Fence Map Mark-up

The CTA marked up the applicant's sheet C-3 dated 10/27/2017 "site plan" by BKF Engineers of San Jose, California. The CTA added the following color-coded items to the sheet for reference purposes:

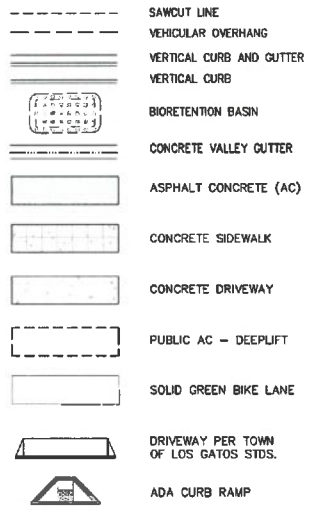
- a. The **red dashed lines** indicate the CTA's suggested chain link root protection fence alignment (initial rough), based on available open soil root zone areas that are protectable (assuming the scope of site plan work will occur as currently proposed).
- b. **Clouding in black lines** indicates the canopy driplines of large neighbor deodar cedar specimens #1 and #2 being retained, which overhang the proposed parking lot area.
- c. The **yellow circles** indicate current proposed trees to be transplanted, as per the applicant's plan set.

Red Zone: Possible severe root damage during installs of landscape plants and irrigation piping unless shallow-cut at 6 inches depth max



Purple = existing concrete block wall to remain

Red dashed lines indicate the Town Arborist's suggested root protection reference routes for chain link panels.

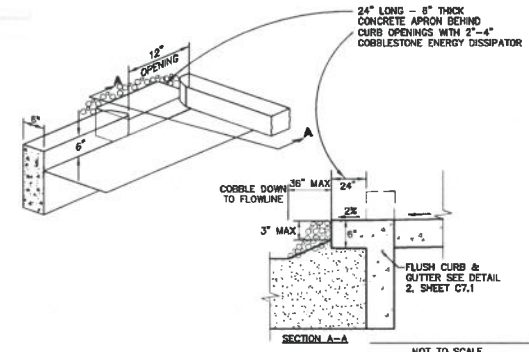


ABBREVIATIONS

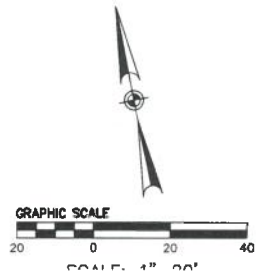
- EVA = EMERGENCY VEHICLE ACCESS EASEMENT
- PED = PEDESTRIAN
- PUE = PUBLIC UTILITY EASEMENT
- PRUE = PRIVATE UTILITY EASEMENT
- PIE = PRIVATE INGRESS/EGRESS EASEMENT
- R = RADIUS
- SW = SIDEWALK
- TYP = TYPICAL
- VG = VALLEY GUTTER

KEY NOTES

- ① VERTICAL CURB AND GUTTER
- ② VERTICAL CURB
- ③ CONCRETE VALLEY GUTTER
- ④ DRIVEWAY
- ⑤ 12" CURB OPENING, SEE DETAIL THIS SHEET
- ⑥ PARKING STRIPING PER CITY STANDARDS
- ⑦ BIKE RACK, SEE LANDSCAPE PLANS SHEET L1.2



12' CURB OPENING DETAIL



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December 13, 2017

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 16212 Los Gatos Boulevard

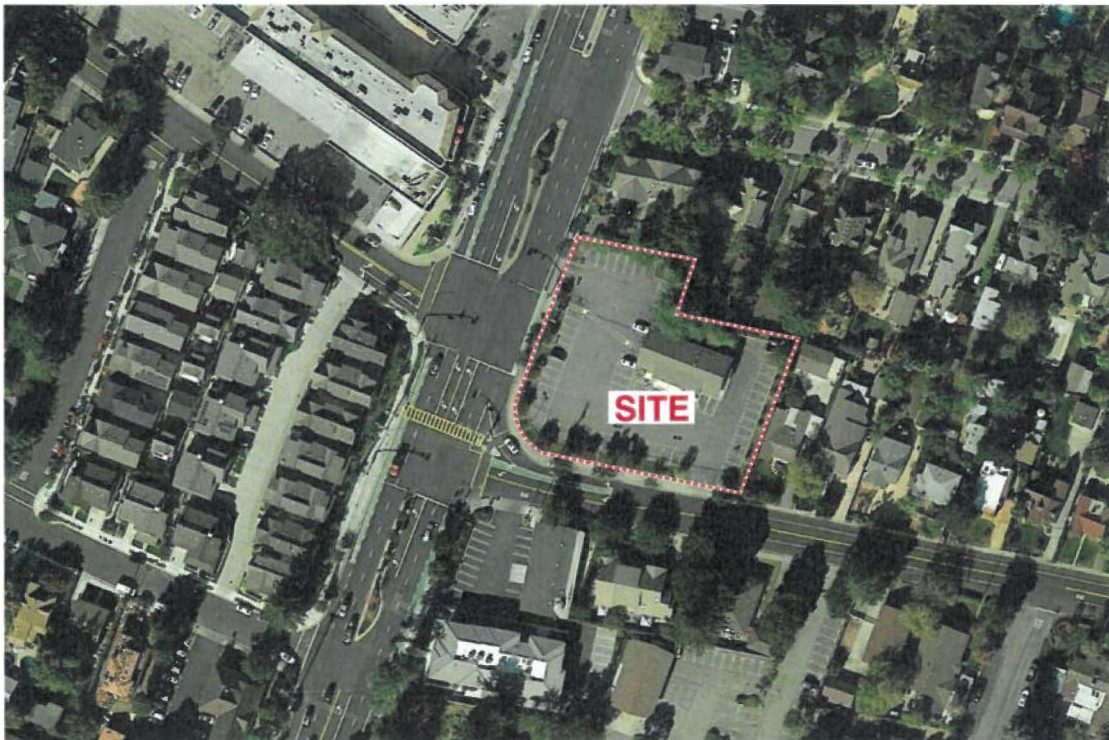
Dear Jocelyn:

I reviewed the drawings, visited the site and prepared a review three years ago for a residential development on this site. My comments and recommendations are as follows:

Neighborhood Context

The site is located in a transition area along Los Gatos Boulevard containing both residential and commercial structures. The area immediately to the east is largely comprised of single family homes of relatively modest size and traditional architectural styles.

Photographs of the neighborhood are shown on the following page.





The site



House to the immediate right on Shannon Road



Laurel Mews single family homes across Los Gatos Blvd.



Nearby house to the right on Shannon Road



Immediately adjacent office building on Los Gatos Blvd.



Nearby house to the right on Shannon Road



Commercial development across Los Gatos Blvd.



Commercial development south on Los Gatos Blvd.

ISSUES AND CONCERNS

There are a wide range of issues and concerns with this proposal. In its current form, it does not seem to be consistent with the Town's Commercial Design Guidelines, and there are a number of specific design concerns. In terms of the Commercial Design Guidelines, the site plan and building designs do not seem to be sympathetic to the following principles and guidelines:

5A.1 BASIC DESIGN PRINCIPLES

The following principles have been used as touchstones for the development of individual commercial design guidelines. In the event that the specific guidelines do not address a given condition clearly, these principles should be consulted for general direction. The Basic Design Principles will be used by the Town staff and Planning Commission/Town Council when evaluating projects on Los Gatos Boulevard, and when considering the acceptability of unique proposals that vary from the specific guidelines.

- *Projects will maintain a strong landscaped setback along street edges, and will seek to create visual continuity along the street front.*
- *Views to the surrounding hills should be maintained - especially at signalized intersections.*
- *Projects shall be designed to meet their functional needs, but will be expected to reflect Los Gatos' unique qualities of small scale, pedestrian friendliness, and attention to architectural detail.*
- *Substantial landscaping of parking areas and project entries will be expected.*

5.A.2.1 Los Gatos Boulevard setbacks should be substantially landscaped

a) A minimum landscaped setback of 15 feet shall be maintained from fronting sidewalks. (Note: Current zoning code requires only a 10 foot setback but larger setbacks along the Boulevard are common)

d) Front setback landscaping shall include large species trees.

e) Flowering plants are strongly encouraged.

5.A.2.2 Automobile entries to projects and individual buildings shall be given special treatment with paving and landscaping

a) Provide special textured and/or colored paving at pedestrian crossings of project entries.

b) Special accent landscaping should be provided at entries to include flowering plants.

5.A.2.5 Parking lots shall be heavily landscaped

a) Break up large parking lots with groupings of trees and shrubs.

b) Parking lot edges at adjacent streets should be defined positively with three foot walls and/or box hedges.

c) Parking lot edges at property or setback lines should include landscape islands with large species trees and low plants to visually break up long lines of parked vehicles.

5.A.2.6 Projects located on corner parcels at signalized intersections should incorporate major design features on the intersection corner

*a) Buildings located at these corner locations are strongly encouraged. **Buildings located on corners should generally be limited to one story in height**, and special care shall be taken to avoid obstructing views to the surrounding hills.*

A.3.1 Integrate the design of all buildings in larger projects

a) Large structures should be visually broken up into smaller components through changes in massing, form and texture.

5.A.3.2 Design buildings to relate to the unique qualities of Los Gatos

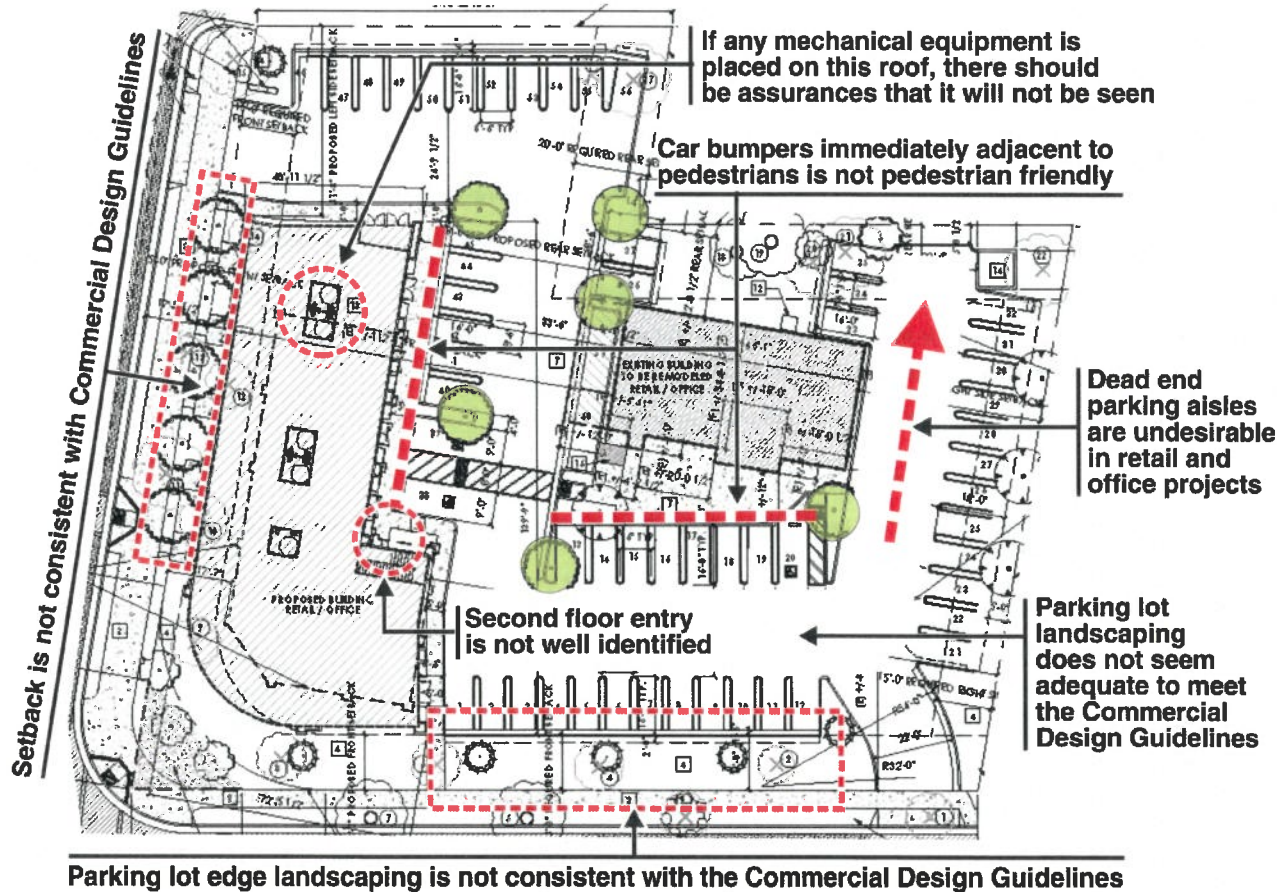
5.A.3.3 Provide well defined project and building entries

5.A.3.5 Design all projects with a strong commitment to human scale

a) Provide pedestrian arcades and/or other one story architectural elements to reduce the visual height of tall walls.

b) Integrate landscaping on trellises and lattices into the design of buildings.

Site Plan Concerns



1. The proposed setback along Los Gatos Blvd. does not meet the Commercial Design Guidelines.
2. The landscaping and screening of the parking lot frontage along Shannon Road is not consistent with the Commercial Design Guidelines.
3. The dead end parking aisle is very undesirable for a retail and office development.
4. Car bumpers immediately adjacent to pedestrians in not very pedestrian friendly.
5. The second floor entry is not well identified.
6. Mechanical equipment proposed on the roof of the first story might be visible unless the equipment is very small.

Building Design Concerns

1. The second floor at the south end of the building would block more of the views to distant hills than has been the case for other new developments on the east side of Los Gatos Blvd. - see comparisons below.



Projected view from the far west bike lane on south bound Los Gatos Blvd.



View looking southeast at Blossom Hill Road intersection



View looking southeast at Farley Road intersection

2. The corner treatment seems visually disconnected from the rest of the structure.
3. The single gable at the ground floor on Los Gatos Blvd. seems to imply an entry to one large ground floor tenant.
4. The building is lacking in the abundant detailing called for in the Commercial Design Guidelines.

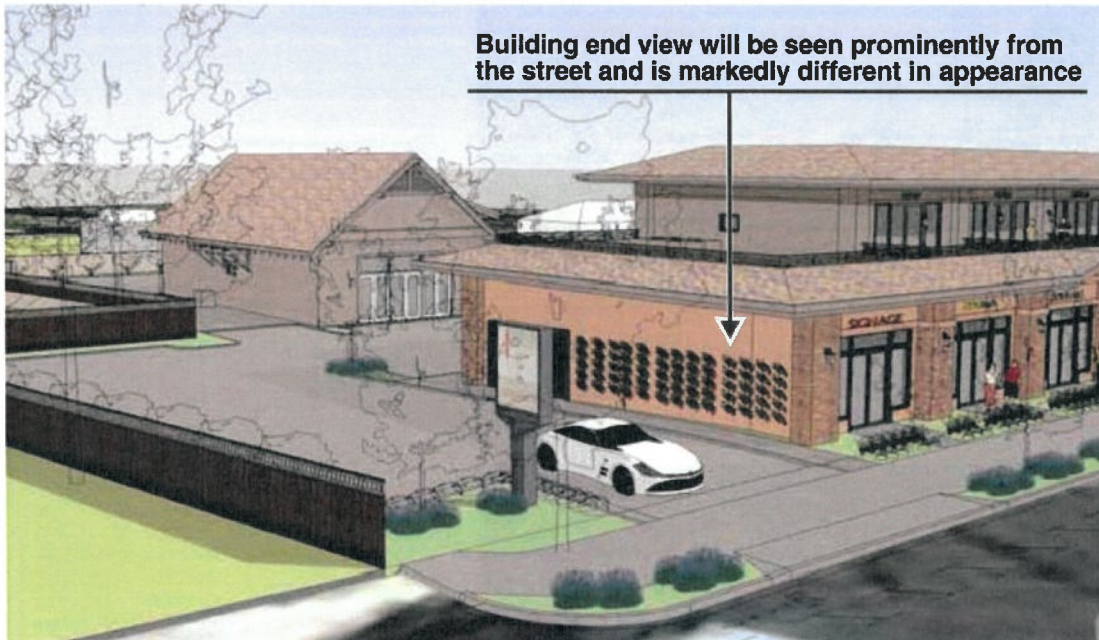
Second floor at the south end of the building appears to obstruct many views from Los Gatos Blvd. which would not be consistent with the Commercial Design Guidelines



Single gable entry seems to imply a single tenant while multiple entry doors suggest several individual tenants

Corner element seems visually disconnected from the rest of the structure

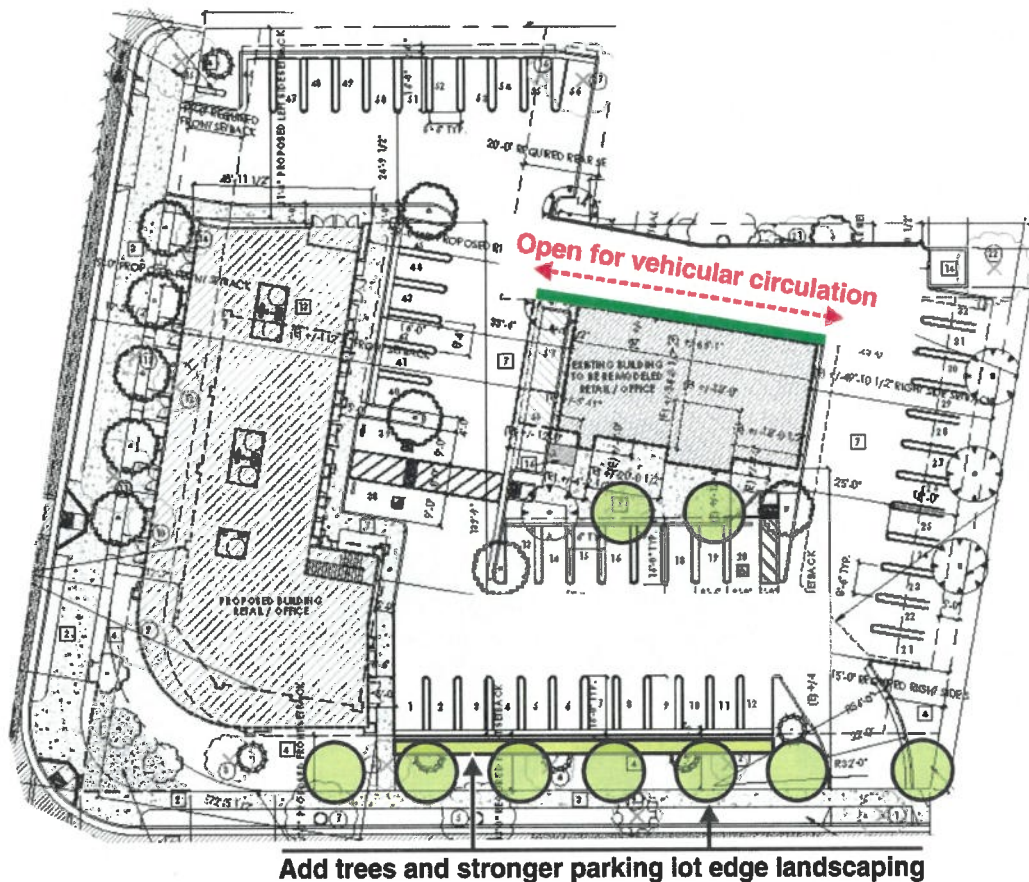
5. The north end of the building will be prominently seen from Los Gatos Blvd. and is markedly different in appearance.



Building end view will be seen prominently from the street and is markedly different in appearance

RECOMMENDATIONS

The site plan layout and building design have been created to maximize the development potential of the site which makes recommendations for improvement difficult. However, should staff and the Planning Commission feel that the fundamental approach is acceptable, I would suggest the options below to improve consistency with the Town of Los Gatos Commercial Design Guidelines.

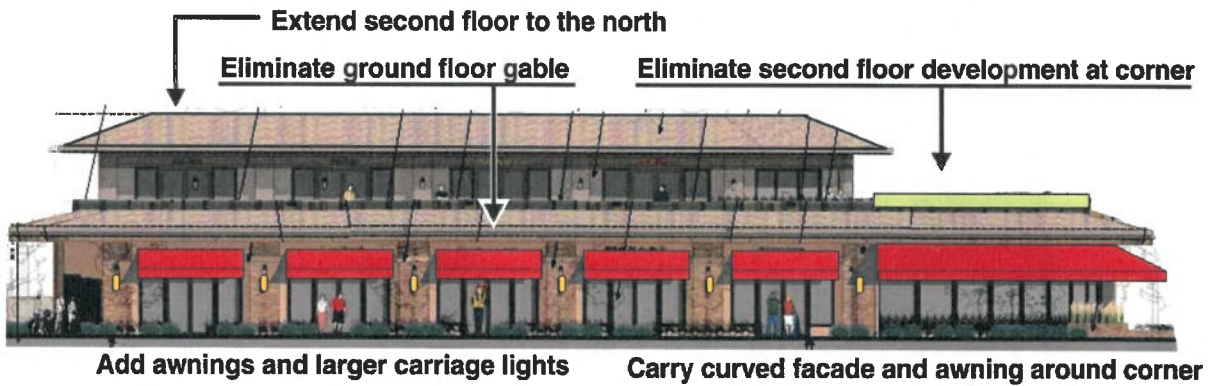


Site Plan

The site plan recommendations would apply to all approaches.

1. Eliminate the dead end parking aisle by providing a driveway behind the pad building.
2. Add trees and stronger parking lot edge landscaping.
3. Add additional landscaping in the parking lot wherever possible.

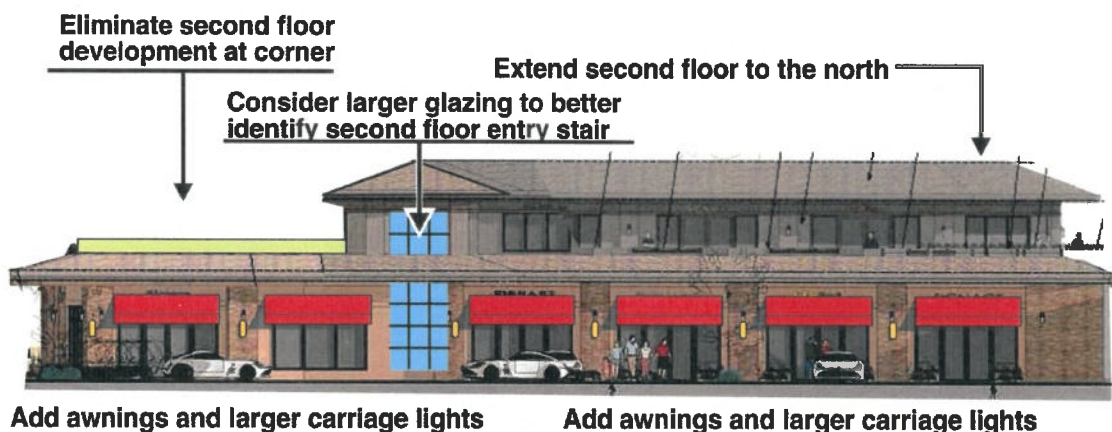
APPROACH A



1. Extend the second floor to the north and eliminate the second floor area at the south end of the building.
2. Treat the first floor as individual storefronts. Provide sloped awnings, larger light sconces and other architectural and landscape details. Two examples of pedestrian friendly retail developments are shown in the photos below.

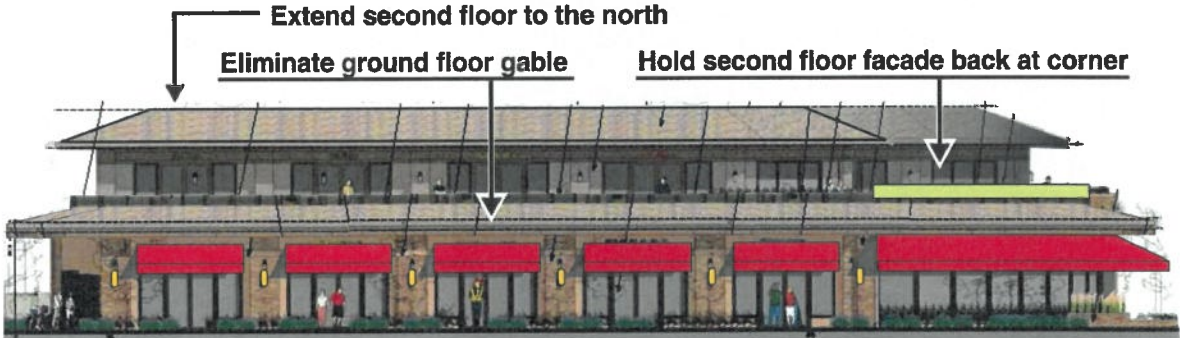
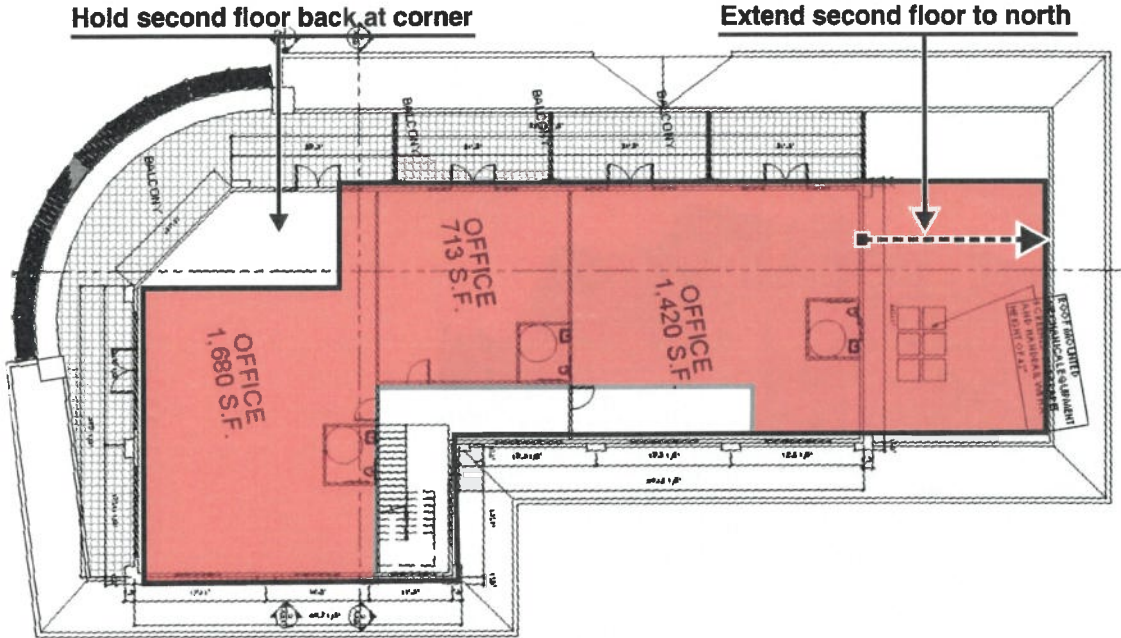


3. Carry the ground floor facade and awning treatment around the corner.
4. Treat the parking lot facade in a similar manner.
5. Consider larger glazing areas to better identify the second floor entry stair.
6. Revise the north facades at both the first and second floors to better reflect the east and west facades.



APPROACH B

Should staff decide that the elimination of parking spaces to link the dead end parking aisle to the other parking is not needed, and that the blockage of views to the hills would be minor, some smaller modifications could be considered, as shown below:



Add awnings and larger carriage lights Carry curved facade and awning around corner



Add awnings and larger carriage lights Add awnings and larger carriage lights

ANOTHER APPROACH

The two approaches outlined above are restricted to working with the applicant's current design. Another possibility would be to consider a quite different approach of relating the structure more strongly to the nearby residential neighborhoods. The photo immediately below shows a mixed use development in Cupertino designed in this fashion. This would be consistent with the approach used for the office development immediately to the north of this site - see photo at the bottom of the page.



Office development immediately to the north of this site

Jocelyn, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,

CANNON DESIGN GROUP

A handwritten signature in black ink, appearing to read "Larry L. Cannon".

Larry L. Cannon



Studio S² Architecture, Inc.

1000 S Winchester Blvd.,

San Jose, CA-95128

ph: (408) 998-0983

fax: (408) 404--0144

esakai@studios2arch.com

June 7, 2019

Larry L. Cannon
Cannon Design Group
700 Larkspur Landing Circle,
Larkspur CA

Re: 16212 Los Gatos Blvd.
Studio S Squared job# 13011

Dear Mr. Larry Cannon:

Thank you for taking the time to review our drawings. Below is our written response to your comments dated December 13 2017.

-Floor mounted trellises have been provided on the north end of the building

-Awnings are provided on the first floor per Approach A as spelled out in your comment letter

-Glazing has been provided for the stair tower to better identify the second floor stair entry

-Mechanical equipment on the second floor will not be visible from the first floor and hence will not need any screening

The following paragraph is in response to Consulting architect's awning recommendation:

Our Architect intends to show two visuals at the Planning Commission, one of the CDG proposed awnings and a side-by-side of our proposed plans. We believe there is no example of new construction in Los Gatos that has a similar design. This concept does not conform with new architectural practices and we would like to allow the Planning Commission to provide guidance on the issue. We believe they will agree that our current design has a more consistent look and feel of Los Gatos. We will conform to this if it is required, however, we do not believe this issue should be a deciding factor for the entitlement of the project. We have conformed on every other issue CDG proposed.

RECEIVED

JUN 07 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Sincerely,

A handwritten signature in black ink, appearing to be 'EHS', with a small dot at the end of the final stroke.

Eugene H. Sakai, AIA, LEED AP
President, Studio S² Architecture, Inc.

cc: Scott Plautz, Stem Development
File



RECEIVED

JUN 07 2019

TOWN OF LOS GATOS
PLANNING DIVISION

16212 Los Gatos Boulevard Commercial Project

**Planning Comments: Responses and Justification
May 31, 2019**

Project Address: 16212 Los Gatos Blvd @ Shannon Rd

Property Owner: 16212 Los Gatos Blvd, LLC, A Commercial Development Project managed by STEM Development

Town of Los Gatos

Planning Department

Community Development Department

110 East Main Street

Los Gatos, CA 95031

Attn: Ryan Safty

Dear Ryan,

Thank you for taking time to review our drawings. Following you will find owner/developer written responses to Planning Comments regarding support for the project and its compliance with the intent of the Planned Development Ordinance and Commercial Design Guidelines.

REDUCED SETBACK ALONG LOS GATOS BOULEVARD:

- a. Response: The project has been greatly impacted along Los Gatos Boulevard due to the towns requirements to support Safe Routes to School (SR2S), which we have agreed to comply for the safety of our community. The SR2S plan developed by the town, in partnership with consultants and community members, has required us to move the curb approximately 10 feet into the northbound lane on Los Gatos Boulevard in order to create a more pedestrian friendly crosswalk and staging area for the children and community members. While complying with this request we have still maintained the required setback from the curb to the building. A similar new commercial building with comparable setback and intent was recently completed along Los Gatos Boulevard, 16268 Los Gatos Boulevard, this building was also built to front the street with parking in the back to create a more pedestrian friendly environment and to comply with the Los Gatos Boulevard Plan. We believe we have complied with the intent of the Planned Development Ordinance when you take into consideration our efforts to comply with the towns SR2S plan and achieving a greater setback than the minimum.

Commercial Design Guidelines - Section 5.A.1: Basic Design Principles, including: strong landscaped setback along street edges, preservation of views to surrounding hills, reflect Los Gatos' unique qualities, and landscaping of parking areas.

- b. The intent of the design for 16212 Los Gatos Boulevard is to repurpose an underutilized former auto sales building and lot while respecting the character and design guidelines of the Town of Los Gatos. The corner placement of the building provides an ideal opportunity to create a more pedestrian and bike-friendly atmosphere at the intersection formed by Los Gatos Boulevard, Shannon Road and Roberts Road. The reduced setback along Los Gatos Boulevard will enable the project to provide ample and fully conforming parking spaces for the proposed square footage. The deep planting beds along LG Boulevard, the

landscaping on Shannon Road, and the wall trellises on the north of the building will visually soften the presence of the building from the street. The building features a color palette inspired by nature, which relates very well with the context while also reducing its prominence. The use of natural materials such as stone and wood coupled with earth tones is ideal for a building with a backdrop of the mountains beyond. The change in color tone between the warm first and the neutral second floor is deliberate, and helps the second floor recede from view. The building recalls elements from its neighbors, such as hip roofs whose deep overhangs minimize the bulk of the building and create a horizontal emphasis. Other horizontal lines in the form of belly bands and railings with horizontal members will help reduce the scale of the building. Numerous fabric awnings were incorporated per the consulting architect's comments. These help to keep the design consistent with the rest of the buildings in town and will provide a soft splash of color contrasting with the neutral color background of the building. Instead of continuing the awnings at our curved corner feature wall, we have opted for an entry way to the corner unit allowing for an elegant, yet inviting, design with complementary landscape to maintain the classy, subtle look and feel of Los Gatos. the design of which will:

- break the continuity in the hip roof on the first floor
- be more long-lasting and durable under exposure to sun and pollution
- add visual interest to the corner
- keep the area open to sky
- lighten the corner physically and figuratively

Commercial Design Guidelines - Section 5.A.2.1: Los Gatos Boulevard setbacks should be substantially landscaped, including: minimum landscape of 15 feet from fronting sidewalks and large trees.

Our team has designed the building location based on conversations with planning staff and the requirements for setbacks, as required per the relevant design guidelines. We have conformed to the setbacks from curb and incorporated additional requirements imposed to accommodate the SR2S plan.

Commercial Design Guidelines - Section 5.A.2.4: Parking lots should be located behind or to the side of buildings facing Los Gatos Boulevard.

Commercial Design Guidelines - Section 5.A.2.6: Projects located on corner parcels at signalized intersections should incorporate major design features on the intersection corner, including: buildings located on corners should generally be limited to one story in height and avoid impacting views of hills.

Sections 5.A.2.4 & 5.A.2.6 – Our team addressed this issue throughout the entire design phase as the building has a relatively long street frontage on Los Gatos Boulevard so we designed a concept that would have a “stepped” approach moving the second-floor massing back from the corner and street to reduce the appearance of the structure. The towns Architectural Consultant, CDG, agreed with the concept and intent of the design and recommended an “L” shaped notch at the south end of the 2nd floor, closest to the intersection corner of the building, to open up the views to the hills and reduce the “2 story” effect at the corner. This augmented large second floor setbacks that we had already proposed to lessen the mass of the 2nd floor. We agreed and followed CDG recommendation and that is reflected in the current design. The existing building and new building are a similar height, consistent with the current zoning and below zoned height maximums by nearly 15% to protect the hillside views for the neighbors and community.

Other design improvements suggested by the Town which we incorporated were as follows:

- we reconfigured the stairwell and added a dramatic vertical window to create a focal point on the parking lot elevation
- we redesigned the entire landscape frontage, parking lot, and traffic striping plan to accommodate bike paths for Safe Routes to Schools
- we incorporated more trees into the landscape per town comments

RESPONSE TO CONSULTING ARCHITECT'S AWNING RECOMMENDATION:

- c. Our Architect intends to show two visuals at the Planning Commission, one of the CDG proposed awnings and a side-by-side of our proposed plans. We believe there is no example of new construction in Los Gatos that has a similar design. This concept does not conform with new architectural practices and we would like to allow the Planning Commission to provide guidance on the issue. We believe they will agree that our current design has a more consistent look and feel of Los Gatos. We will conform to this if it is required, however, we do not believe this issue should be a deciding factor for the entitlement of the project. We have conformed on every other issue CDG proposed.

NEIGHBORHOOD OUTREACH:

a, b & c: We conducted a Community Meeting on June 28, 2016 to gather feedback from the community and neighbors regarding the project. The town and our team notified neighbors via mailer and door-to-door flyers. We keep in contact with the neighbors who are willing to communicate about the project.

Since this meeting, I've met with all of the following:

Brenda Miller: 16190 Los Gatos Blvd: Neighbor to the North, owns the mixed-use building

Norm Plischke: 16770 Magneson Loop: Neighbor to North next to Brenda along our property line

Michael Forsman: 16760 Magneson Loop: Neighbor to the North next to Norm along our property line

Eugene Jong: 16763 Shannon Road: Neighbor to the East, shares entire property line to the east

All these neighbors have seen the latest plans and are in general supportive of the project as their property lines are not impacted with the new proposed structure. I was able to meet in person with everyone over the past few months since the final version of the plans was submitted, except for Eugene Jong, who has the final set of soft copy plans, however, we have not been able to connect in person. All these neighbors have property lines adjoining to 16212 Los Gatos Boulevard.

I also met with the Safe Routes to School program director, Karen Briones, and she likes the way we have incorporated the recommendations into our plans. She will be meeting with the SR2S team week of June 10th and will ask for support of our project regarding SR2S.

PROJECT JUSTIFICATION:

In Summary, our plans have integrated many changes per the CDG feedback and the design requirements. We kept the existing structure from a sustainability perspective and to have less mass on the boulevard, as well as the CDAC requested to have second floor setback which we have done to provide less massing and a better profile to the structure with less impact. We have incorporated the awnings per the design feedback and removed some of the articulation in the roofline in order to better relate to the unique qualities of Los Gatos. The Building entries and stairs to the second floor have been further enhanced per the feedback from CDG and CDAC.

Many of the comments received by CDAC had to do with massing, articulation, overall size, parking and use. We had six options originally used as case studies as this site has a broad zoning and can accommodate underground

parking and approximately 40,000 square feet of commercial space and underground parking. After review, the CDAC and community decided we should stay with a smaller building and surface level parking to reduce impact on the local community. The proposed plan is still under utilized for this size of lot and in comparison to other projects smaller in scale and fully parking compliant. The setback of the second floor is substantial so the massing does not feel like a large vertical wall and the roofline is more consistent with the existing structure on site which also moves the height of the building back from the street. The project has agreed to support the Safe Routes to Schools Plan which addresses most of the pedestrian, bicycle and safety concerns in the intersection.

Thanks again for your time, we look forward to staff approval and continued support on this commercial project.

Sincerely,

Scott Plautz

President

STEM Development

16212 Los Gatos Blvd, LLC, Partner

408-655-2326

Scott@stem-development.com

A Commercial Development Project managed by STEM Development



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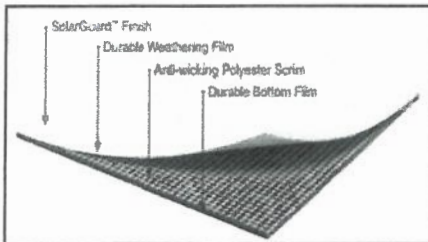
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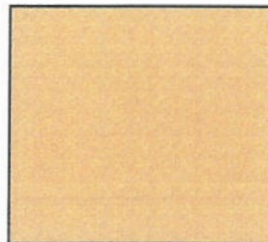
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MATERIAL BOARD
16212 LOS GATOS BLVD, LOS GATOS, CA
A COMMUNITY PROJECT BY STEM DEVELOPMENT

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Ryan Safty

From: Linda Fink <lgfink@hotmail.com>
Sent: Thursday, June 6, 2019 2:24 PM
To: Ryan Safty
Subject: Fwd: 16212 Los Gatos Blvd. construction

RECEIVED

JUN 06 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Sent from my iPad

Begin forwarded message:

From: lgfink@hotmail.com
Date: June 6, 2019 at 2:07:00 PM PDT
To: rafty@losgatosca.gov
Subject: 16212 Los Gatos Blvd. construction

My husband I live off Shannon Road. Our mother was responsible for getting the right of ways from owners of property on Shannon in the 40's. This resulted in the black topping of this road. Our family has lived on Shannon Road since the mid-twenties. We are concerned about the proposal of multiple unit facilities that will increase traffic flow in a already impacted intersection. There are school children crossing the intersection twice a day and the parking lot at Orange Theory is already over flowing into this parking lot. This is already a high traffic area with pedestrian, bikers and cars. We do not need a multi unit in this spot. Thank you consideration. Ron and Linda Fink

145 Happy Acres Road Los Gatos

Sent from my iPad

Ryan Safty

From: scottplautz <scottplautz@gmail.com>
Sent: Wednesday, June 5, 2019 10:22 PM
To: Nathan Jones; scott@stem-development.com; Ryan Safty
Subject: Re: 16212 Los Gatos BLvd

RECEIVED

JUN 06 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Hi Nathan,

Thanks for the support on our project, it's much appreciated!

We've worked diligently with the community and town to bring a commercial project that adds value to the community.

We also believe this project fits the site well and will have minimal traffic impact as well as substantial offsite development for Safe Routes to School, which will make the intersection much safer for our children and families. We've committed over \$750,000 to support the safety of our community on this development.

Please let your neighbors know that their support is appreciated as well and I'm available to answer any questions. You can also attend the meeting on Wednesday June 12th or send letter to Ryan.

I've copied Ryan Safty, our planner with the Town of Los Gatos so he can forward to the Planning Commission and Town Council, your support will help us complete this project.

Thank you again and let me know if I can answer any additional questions for you or your neighbors.

We will have both retail and office if you know anyone interested in leasing?

Thanks

Scott Plautz
408-655-2326

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Nathan Jones <nathanrjones@comcast.net>
Date: 6/1/19 9:26 AM (GMT-08:00)
To: scott@stem-development.com
Subject: 16212 Los Gatos BLvd

Hi Scott

Just walked by property on the corner of Los Gatos Blvd and Shannon and looked over the sign describing the proposed development. Wanted to let you know it looks great! Can't wait to see it completed. It looks like just the right development for this underutilized corner and I think it will fit right in with the surrounding buildings.

Ryan Safty

To: Ryan Safty
Subject: FW: (Shannon/LG Blvd.) Online Form Submittal: Customer Feedback Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, May 27, 2019 8:56 PM
To: Town Manager
Subject: Online Form Submittal: Customer Feedback Form

RECEIVED

MAY 27 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Customer Feedback Form

We'd like to hear from you! Please complete the online form to share your concerns, suggestions, or praise with us.

Contact Information

Name: Mary Patterson

Address: 119 Vista Del Campo

City: Los Gatos

State: CA

Zip: 95030

Home Phone Number: 4083569644

Daytime Phone Number: *Field not completed.*

Email Address: mmpmitzi@comcast.net

Please let us know how we are doing or what we can do for you! Proposed building at Shannon and Los Gatos Blvd. is too massive and too close to the sidewalk. This plot should be only one story tall and should be to the rear of the lot with parking in front, as it is now.

Ryan Safty

From: Joseph Gemignani <josephtheweatherman@gmail.com>
Sent: Wednesday, May 22, 2019 3:14 PM
To: Ryan Safty
Subject: 16212 LG blvd

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, I would like to see clay tile roofing on this project. I think it would look nicer than composition shingle.

Thanks

Joseph

RECEIVED
MAY 22 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Jocelyn Shoopman

From: Don Wimberly <dwimberly@aimscorp.com>
Sent: Friday, December 21, 2018 5:42 PM
To: Jocelyn Shoopman
Subject: Proposed Commercial Development - 16212 Los Gatos Blvd

Jocelyn

I just became aware of the proposed development. I do not see a date for Planning Commission or Town Council consideration, but want to go on record as supporting this proposal the use is, in my view, appropriate for this location. Also, the design appears to fit the site well and is consistent with other developments in the area.

My wife and I live in the area and drive LG Blvd and Shannon Road multiple times each day. We were strongly opposed to the previous residential proposal, and are pleased to see the owner change his proposal to this much more compatible use and design.

This is a challenging site for a variety of reasons, but for the most part the project seems to fit the lot and area well. The driveways are in the best possible location for this challenged intersection. Parking in this area is challenged by Orange Fitness and Yoga across the street., but they will need to figure that out. My one comment is that the sidewalk along Shannon should be made a bit wider due to the herds of students that use it weekdays along as well as other pedestrian traffic. The sidewalk should be wider than the 5' shown on Sheet C-3. The sidewalk should be at least 6' wide and the park strip reduced to 4'.

Thank you.

Donald C. Wimberly,
P.O. Box 800
Los Gatos, CA 95031
Cell: 408-930-4066

Jocelyn Shoopman

To: Planning
Subject: RE: 16212 Los Gatos Blvd: neighbor concerns

From: Ajanta De [mailto:ajantademd2001@yahoo.com]
Sent: Tuesday, January 16, 2018 5:42 PM
To: Planning <Planning@losgatosca.gov>
Cc: Mickael Forsman <mickaelforsman@gmail.com>; Ajanta De <ajantademd2001@yahoo.com>
Subject: 16212 Los Gatos Blvd: neighbor concerns

To whom it may concern,

My husband and I recently purchased the residence at 16760 Magneson Loop in June of 2017. We are in the process of home renovations thus have not yet moved in.

We are looking forward to further community development at 16212 Los Gatos Blvd but have some concerns that I would like to raise with you in this email. I am unable to personally appear for the Town Council but received notice that written correspondence prior to the meeting at 7 pm tonight will be taken into consideration.

I have attached some photos of the rear of the 16212 Los Gatos Blvd property. These photos were taken today January 16 2018 at 4pm. Behind the fence in these photos is our backyard at 16760 Magneson Loop. We are in the process of building a pool and outdoor dining area which we hope to use often. My concerns are as follows:

- 1) TRASH BINS: There are open trash bins at the back of the property of 16212. I have reviewed the architectural drawings of the potential commercial space for 16212 Los Gatos Blvd and see that the trash bins will remain in this corner. I have concerns about the amount of trash, the odor of the trash, the potential of rodent/ small animals as well as the noise that this trash will produce for such a large commercial space. I ask that the Town of Los Gatos make certain that trash be neatly placed in bins that are locked, and in a nice enclosure and not open to air as these pictures depict. Unlocked, haphazardly placed, open trash bins such as this encourage people to empty items like this sofa at will. I do not want a dumpster in my backyard.
- 2) SECURITY: In picture 3 and 4, you can see that the fence abutting our property is damaged. You can also see in the same vicinity that graffiti is on the back side of this stone trash enclosure. To whom does this fence belong and if it is the Town, I would ask that it be replaced. I also ask that security measures for these dark corners of the 16212 property be enhanced.
- 3) NOISE: I have noise concerns for this commercial/office space as it pertains to the close vicinity of the trash bins to our property as well as to cars and shoppers themselves. Employees of commercial space or office space should be discouraged from smoking tobacco or eating near the residential properties that surround 16212 (ours included). As this will be our primary residence, it will be of utmost importance for there to be some level of tranquility in an environment which is free of the odors of trash or cigarette (or other) smoke.
- 4) ODOR: Trash bins for commercial space are located too close to my our property
- 5) TRAFFIC/PARKING: Office space and commercial space users should not be allowed to park on residential streets such as Shannon and Magneson.

Thank you and please keep us updated as to the progress of this planned development.

Respectfully,
Ajanta De, MD
Mickael Forsman











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